
Remarks by James R. Elkins for the Law and Poetry Conference (University of Illinois)(February 15, 2007)

I deeply regret that the winter storm keeps me in West Virginia when where I most want to be in there in Urbana with the lawyers and poets whose poetry I've come to admire and from whom I've learned so much in recent years and

I want to thank most heartedly, the Dean and faculty at the law school, who have helped make the conference possible. And, I extend my personal thanks to Carl Reisman, who is not only a lawyer, but a fine poet, and a good colleague. Carl, thank you, for taking the initiative that resulted in the conference, and for all your efforts in seeing it happen. If Carl had had his way, and a Lear Jet, I'd be present with you this afternoon instead of sending these notes!

If there is any good fortune associated with my being stranded in West Virginia, it comes in your being spared a lecture. Indeed, in preparing for travels I've not been able to undertake, I gave up the lecture myself! I decided somewhere along the way that telling you the glorious (and sometimes not so glorious) history of lawyer/poets in America, beginning with the arrival of the colonist, Thomas Morton, in 1624, would put a small room of hardy winter souls to sleep. It's true that Thomas Morton was as much in trouble with legal authorities as he was ever able to practice law in his adopted "new land"; even so, I'm not sure Morton's exploits as a colonist renegade would have kept more than a few of you awake.

Truthfully, I had fully abandoned the idea of a lecture before the winter storm arrived. What I had in mind doing was to tell you a story—a teacher's tale. I can't promise that my "teacher's tale" would have been sufficient to have you brave the storm to be present, but I would have given it my utmost.

I was going to confess, somewhere along the way, in my *teacher's tale* that I had undertaken a most improbable venture. In what I now think of as the millennium summer of 2000, I set out to write about a lawyer/novelist/poet/screenwriter/philosopher/bass fisherman named John William Corrington—a writer that no one here in Illinois is likely to know, or have reason to know. It was in trying to write about Corrington, that I found myself coming around—again and again—to the fact that Corrington was a lawyer and a poet. The notion began to rattle around in my head — a notion anchored only by the usual stereotypes—stereotypes of the sort we imagine will carry us where we have to be, without our ever getting anywhere.

You know the stereotypes of POET and of LAWYER. We all do. And so, it was an effort to address, and to confront these stereotypes in my own thinking, that had me taking stock of the lawyer poets I knew. I knew two: WALLACE STEVENS and ARCHIBALD MACLEISH. Conversation with a lawyer/writer friend in Chicago produced the names of two others: EDGAR LEE MASTERS and CHARLES REZNIKOFF. I could, and perhaps should, have let it go at four. (*I had four good ones!*) For reasons I still find a bit mystifying, I didn't stop with the four I knew. If there is anything to be said for “irresistible impulses,” anything to the notion that sometimes we are called to do things for which we have no ready explanations and no how-to-do-it manuals, my search for the lawyer poets ranks among the unexplained. Without good reason, justification, or explanation, I started looking for lawyer/poets. I found them by Google (Google itself is something of a digital obsession) and in old poetry anthologies; I began to find them everywhere I looked. And so, I kept looking, and looking, and looking. No one, so far as I could determine, had ever tried to identify America's lawyer/poets. No one, I take it, had ever had reason to do so. And, I—I had no reason do what others had not done.

I say I had no reason to take up with lawyer poets, indeed, I had less reason than a good many of you present at this conference. I am not a poet, and so I wasn't searching for lawyer poets as a way to be among my own kind. Indeed, as I began to identify the lawyer poets, I had no intention of becoming a reader of poetry. Doing historical research is one thing; reading poetry is another! I thought I knew my limits!

Somewhere along the way, in the weeks and months of that summer when I gave all my time to my lawyer/poets obsession, I began to see it as my fate: to name and identify, to remember and to honor, the many hundreds of lawyers who have danced with the Muse. In a period of about three months, working day and night, I identified something like 400 lawyer/poets and created a website, *Strangers to Us All* where I can present to the world what I was discovering. The website now presents a webpage for 1,093 historical figures, each of them associated, in some way, with law and with poetry.

With the creation of the website, I could have gone about my teaching and other writing projects, but another interesting turn developed. In doing the historical research for the website, I began to see the names of contemporary lawyers who had taken on what I came to think of as "dual citizenship"—working in the land of lawyers and in the land of poetry. I grew curious about these people, a curiosity that set me off—without a thought as to what I might find—to read their poetry. To my surprise, and great pleasure, I found that some respectable part of the poetry I was reading turned out to be quite good. The irony of teaching criminal law during the day and reading poetry at night did not escape me.

I was so taken by the poetry I read, that I decided I might publish some of it. I edit a journal—the *Legal Studies Forum*—and since I have no one to tell me otherwise, I couldn't see that a little poetry would hurt. But then, I found that publishing poetry—a little poetry—was

simple another way to fuel my obsession. The more poetry I read, the more good poetry I found, and couldn't find a good reason not to publish all of it! So, in 2004, I compiled a wonderful collections of poetry by lawyers which—after spirited debate among the poets—we decided to title, *Off the Record: An Anthology of Poetry by Lawyers*. I was hooked. Having survived (with neither shame nor fame) the publication of the anthology, I've now collected and published large volumes of poetry in 2005 and 2006, with a fourth collection on its way next month. Since, 2003, the *Legal Studies Forum* has published the work of 135 lawyer poets, and over 2,000 pages of poetry. With these figures in mind, perhaps you can see why I might more accurately call this story a *tale of obsession* rather than a “teacher's tale.”

In the effort to name America's lawyer poets, and in more recent years, to publish them, I feel at times as if I've fallen through the legal profession's crusty overlay of rules and court decisions and the stolid (if not stuffy) scholar writings we association with “law and literature” into a vast underground cavern of treasures—the forgotten library that contains the work of the lawyer poets. Lawyers have, from our earliest history, been a part of the literary culture of this country; in my work with the lawyer/poets, I've found myself a small place in that culture. Some of you don't need a reason to read poetry, I did. Finding the lawyer poets left me curious about what they might be writing. And, to my surprise, I found poetry I liked. I found poems like that of bankruptcy lawyer, Joseph Caldwell, in Charleston, West Virginia, a poet whose poems do not require an English professor standing by your elbow as a guide. Here is a Joseph Caldwell poem titled, “Firewatch Kate's Mountain”:

Firewatch—Kate's Mountain

Ridges unfold, stepping away
into plateaus
wrinkled by ancient streams.
Tin barn roofs
shine like broken mirrors
scattered across the valley.
Then winds advance,
clouds compress
into surging waves
breaking over the crest.
Listening to steady rain,
I make plans.

Joseph Caldwell, and the work of some hundred and sixty more wonderful lawyer poets I've published in the *Legal Studies Forum* leaves me convinced: I've found something of great worth in my daily practice of reading poetry, something that settles the mind, rouses the heart, and describes with vibrant particularity those parts of the world hidden in and beneath and beyond the world that makes up my everyday life.

I hope you find the work and the world of the lawyer poets as interesting and as intriguing as I do.

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