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The Actes and Monuments by John William Corrington; The Southern Reporter by John William Corrington

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BOOK REVIEW


Practicing lawyers are typically short on time for leisure reading to stimulate introspection about the nature of law and its practitioners. Time demands make it difficult to concentrate on lengthy, probing fictional works about lawyers. Penetrating collections of short stories about lawyers are relatively scarce. The works of Louis Auchincloss,1 which delve into the internal politics of elite Wall Street firms and their wealthy clients, are a joy to read. Nevertheless, they provide little useful insight for the multitude of lawyers not involved in that type of practice, specifically the vast number of lawyers working as solo practitioners or primarily representing smaller or individual clients.

In six short stories about the latter group of lawyers, John William Corrington goes far to fill that void. His two collections, The Actes and Monuments and The Southern Reporter, each contain three stories about lawyers. Corrington writes beautifully in a lyrical, southern prose; the rhythm of his words is almost poetic. His stories are probing and insightful. The lawyers of whom he writes are introspective, willing to ponder the nature of law practice and its impact on their lives. Throughout, the stories address the client-lawyer relationship, what it is we do for our clients, how years of practice affect our perceptions of the world, conflicts between our professional and personal values, and the importance of connections between past and present, both on the abstract and personal levels.

John Corrington brings a unique sensitivity to his writing about lawyers because he is both a lawyer and an experienced writer of fiction. After earning a Ph.D. in literature from Sussex, England, he taught English at Loyola University, New Orleans, for several years. Then, in 1972 he entered Tulane Law School. Upon graduation he practiced in New Orleans while also writing prize-winning short stories about the law.2 Currently he and his wife, Dr. Joyce Corrington, write television and movie scripts.

Another former English professor turned lawyer, William Domnarski, has


635
already reviewed these books from a literary and philosophical perspective.\(^3\) I will not repeat the effort but merely develop it further, with selective quotations of some of the legal profession themes he has aptly identified. The lawyers of whom Corrington writes are engaged in garden variety practices including a diverse range of individual legal matters; there is little of the courtroom drama evident in other fictional works about lawyers. Sometimes what the lawyers do seems so commonplace that it approaches banality. Consistent themes are the tension between the discrete individual and the whole, and the importance of connections between the living and dead, “where the law becomes the living imprint of the past on the present.”\(^4\) Each of the stories is based on a deeply religious interpretation of life, emphasizing truth, time, and the essential connection of law to history.\(^5\)

Throughout the stories, Corrington creates a composite picture of law practice devoted to individual representations, much of which is generally applicable to the profession. Our clients come to us in times of trouble. “[M]ost people who come for law are in one way or another distressed: the distress of loss or fear, of humiliation or sudden realization. Or the more terrible distress of greed, appetite gone wild. . . .”\(^6\) In their distress, they show the lawyer a certain deference, coming “to the law on tiptoe, watching, wishing they could know which words, what expressions and turns of phrase are the ones which bear their fate.”\(^7\) The legal profession has long fostered such deference, establishing “the mandarin tradition of the law, that circle of mysteries that swallows up laymen and all they possess like a vast desert or a hidden sea.”\(^8\) From it, the practitioner derives the capacity to manipulate information and to determine what shall be done on a client’s behalf.\(^9\)

Although our claim to deference is based on the mysteries of law, much of the work we do is nonlegal, not requiring a lawyer’s services. We develop the ability “to see into things...to take on as many roles as there are....”\(^10\) Thus, one of Corrington’s lawyers acts as a private detective in search of an elusive legatee, another acts as a social worker facilitating a client’s reconciliation with his painful past, and another acts as a historian seeking vindication of past injustices. For special clients, the lawyer may be merely an agent performing nonlegal tasks too unpleasant for the client to undertake.

Whether we act in a legal or a nonlegal capacity, goal achievement and language are our fortes. As goal-directed professionals, we seek acceptable

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3. Id.
4. Id. at 1707.
5. Id. at 1707, 1710.
6. The Actes und Monuments, at 47.
7. Id. at 60-61.
9. The Southern Reporter, at 47.
resolutions to tangible problems. "The very essence of life...[is] to have something set before you, something that had to be done. And to achieve it, to do what needed to be done." Language, not physical conduct, is typically the vehicle for our accomplishments. "Acts in law are almost always merely words...[we] live in a storm of words: words substituting for actions, words to evade actions, words hinting at actions, words pretending actions." In substituting words for physical actions, we achieve a certain detachment from what we do. We strive also for moral and emotional detachment, separating our professional and personal lives, our personal values of right and wrong from legal definitions of permissible and impermissible conduct. To some extent, this detachment is necessary to enable reasoned, professional judgments. Mr. Caswell, prosecuting a rape case in which he predicted an acquittal, explained to court personnel how he survived emotionally in a system that often yielded seemingly unjust results:

—You got to take the law and grab hold of it, and say: Law, be thou my good....Nonlaw, be thou my evil. Now you got to do that....You ain't got any choice. Because if you don't, it'll kill you. It'll break your heart.13

An elderly gentleman lawyer, Mr. Landry, described to his young associate the callousness resulting from years of practice.

One of the results of aging in the law is that you are not easily gotten to. By the time you have been at it thirty or forty years, you have done so many things no one should have to do that something has drained out of you, to be replaced with the law, like a creature trapped in mud which is hard pressed for a long, long time, leaching away the soft parts, making everything over. In stone.14

Notwithstanding our efforts at personal detachment, sometimes we lose that distancing ability and confuse our personal feelings or values with our professional judgment. For example, in "Pleadings," a young lawyer began to question his marriage at the same time he was captivated by the wife in a tragic domestic matter. "I was very tight about this thing now, no distance at all." In "Every Act Whatever of Man," the lawyer who was appointed curator for a dying priest could not resist imposing his values on the sanctity of life when the client could not state his own desires.

11. Id. at 89-90.
13. THE SOUTHERN REPORTER, at 167-68 (emphasis in original).
14. Id. at 69.
15. THE ACTES AND MONUMENTS, at 78.
Such conflicts between our personal and professional selves are inevitable, and they challenge thoughtful self-examination. How do we resolve difficult ethical problems in the event of conflict between our responsibilities to clients, to the legal system, and to our "own interest in remaining an upright person while earning a satisfactory living"? For Corrington, connections are an important checking mechanism. Connections with professional colleagues-become-friends provide solace and gentle nudges when we begin to lose necessary perspective. Historical connections, both abstract and personal, are critical. "[T]he lies of the past affect the present by coming between reality and grace. Only one measure of time matters—God’s seamless embrace of the past and present that is contingent on the truth."

Conflict Between Life and the Ultimate Privilege

"Every Act of Whatever Man" in The Actes and Monuments most poignantly develops the personal and professional conflict. Father Cornelius O’Malley, a small town’s beloved parish priest for forty years, suffered a massive stroke destroying all his brain functions. Death seemed imminent. Nevertheless, young doctors maintained his physical life with sophisticated machinery. The local judge needed to appoint a curator for the disabled client. Ordinarily young lawyers were given such pro forma appointments so they could get court experience and the small fee. But appointment of a curator for the old priest took on a ceremonial value, so Judge Mike Soniak named Walter Journe, a trusted friend of both he and Father O’Malley.

Shortly, the representation ceased being pro forma. Father O’Malley miraculously began to speak—not ordinary words, but ancient secrets of the confessional. Assuming the younger voices of himself and the penitent, he repeated verbatim confessional dialogues. The revelations traumatized the small community. A devoted parishioner, Miss Casey Lacour, overheard him recite her confession of twenty years before, regarding a love affair and consequent abortion.

—You can...tell me...it’s all right, Father...tell me that...
...It was her own voice...down to the tremulous undertone, the inaudible gasp, holding back those hysterical tears....Then it was Father O’Malley’s voice again.
—It isn’t all right, girl. Not in this world or the next. It is forgiven, has been since I pronounced the words of absolution over you thirteen years ago...but...all right? My God, how can a thing

17. Domnarski, supra note 2, at 1708.
that happened in the world, a thing done, ever be erased, made not to have occurred...?\textsuperscript{18}

The next day in the church she killed herself to be reunited with her lover and unborn child.

Other recited confessions unearthed comparable truths that pained penitents and their unsuspecting families. Soon a John Doe petition, alleging irreparable harm if a confession was revealed, was filed for an injunction to end heroic measures so the priest could have "death with dignity." The archdiocese supported the petition; "the priest's affliction was causing him to break his most sacred vows and, by doing so, to injure his people, his priesthood, and the church itself."\textsuperscript{19}

Walter Journe could not maintain professional distance when the sanctity of life, particularly that of his old friend, was involved. Unlike the lawyers for Karen Ann Quinlan, he had no family to suggest what the client would want if able to speak for himself. Journe's professional judgment was heavily influenced by his personal values. He began with some detachment; upon learning of the life-supporting machinery, he questioned whether the doctors might not have exercised their judgment not to prolong life unnecessarily. From their friendship, Journe understood the meaning of the secret confessional to Father O'Malley. Years before, while on a fishing trip and after many drinks, the priest shared with him the horror of his war experiences. Although the two remained good friends, they never again fished or drank together. Journe came to understand that the seal of the confessional meant "[t]he ultimate privilege of the ultimate advocate with his ultimate client."\textsuperscript{20} Despite this understanding, he vigorously opposed the petition, wondering about "the value of a confession when one was prepared to end a life rather than have his sins revealed."\textsuperscript{21}

The writ issued. While awaiting a prearranged, immediate appeal by telephone, Journe pondered a civil code section: "Every act whatever of man that causes injury to another obliges him by whose fault it occurs to repair it."\textsuperscript{22} Every act? Father O'Malley was not a madman; nothing could absolve him of his tort, "to bring to light the shame and pain and evil of a whole community....If he names the sins put on his head, we simply pull him off the machine."\textsuperscript{23} After the priest's death, the community was left to reconcile the truth of its past with the pain of its present.

Busy lawyers who care deeply about the law have little time to reflect on

\textsuperscript{18} The Actes and Monuments, at 113-14 (emphasis in original).
\textsuperscript{19} Id. at 136.
\textsuperscript{20} Id. at 117.
\textsuperscript{21} Id. at 134.
\textsuperscript{22} Id. at 140 (emphasis in original).
\textsuperscript{23} Id.
its significance. John Corrington’s short stories give us a rare opportunity to ponder the nature of law practice and its impact on us and the clients we serve.

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Editor’s note: John William Corrington and Judith Koffler, associate professor at Pace Law School, addressed “Law and Literature” on January 31, 1985, as part of the College of Law Enrichment Program.