

THE PROFESSOR OF CIVIL PROCEDURE
(in memory of Adolf Homberger)

When we were young and tired, who now at dawn
with industry of those engaged to fawn
hustle forth into the sulfurous airs
of home toward the County Courthouse where
Daddy forged our steel connections, give
the indispensable assistance of
the Good Old Boys from out the Good Old Ward,
the Professor made us feel the hard
condition of our ignorance and then
rejoice in it, promise-crammed, for when
there is much to learn, there is much
to come. The noblest problem's just a grudge
unless thought suit an action to the word,
returning work to love and love to work.
Down from the dais' scarred and riven height
he strode like Jove, his raised hands charged with light,
twin bolts to banish ancient darkness' reign
and quicken pathways of the untried brain:
the line of enquiry and call of roll!
By these two means, he played upon the hall
to sound us out. Our answers stood if true
by antiphon, responsively, in lieu
of lecture, as a witness' answers tell
the story if one chooses questions well.
Sometimes, he'd mount the rows with martial eye,
each step a beat in time to diatribe,
til awfully at rest beside the peccant,
poised like doom to drop, he left the fecund
subject of the faulty answer, seized
the hapless creature's notes and as he pleased,
crisply turning over leaves, began
upon the foolish musings of the man.
Yet there was no malice in this man
and no one was hurt. He construed his plan
not to disparage sourly but empower
with the endless value of an hour
(bright hole in time through which a sighted truth
marks for good the landscape of one's youth)
to the human mind and hand and way
in whose image all the gods were made.
His teaching did not suffer from a lack
of faith in us but was a pious act.
His Austrian fin de siecle pedagogy,

just by way of the redeemer's habit,
kept the best of the older world, the one
from which he fled, defenestrating from
the loo to undertake that pilgrimage
he came to venerate in middle age
from his exclusive suburb, ducking Gerry
aft his own expensive topiary.
Our final term, he called us "Sir," heedless
of our genders. Now he gazed in needless
awe at tattered pupils. His the eye
that inward turning sees what bye and bye
will come to be within the fraying case:
the more the wear, the surer wings to race.
He was blind to this blind town and blessed
the ground as if the place that held this guest,
imagine, saved him. His escape, another
law degree, a home much like the other
were his doing, not the sad, bad town's
for having him. It just let him go on
until it ceased to do so. He left to take
a Chair in the great far city. For the sake
of stubborn loyalty, he would come back
for services of home, for care, to Yak
and revel in his colleagues' troubled caution,
"A place to come from, not a destination."
But he had his doctors here, believed
in their good will. He died about to leave
the clinic after minor surgery
and no one knew a thing about it. He
became the evidence in his own case,
admitted by the rule that fate keeps pace
with states of mind that bare intent and faze
the living with a wishful dead man's gaze
bent on setting fatal course to seek:
"I think that I shall go to Crooked Creek."¹
His folly was respectable and killed him.
More, this end was likely; the past had willed him
to deny that other Adolf, simple,
focused, murderous, a man of the people
but hardly for them, driven by one wish,
for the small pond that makes such men big fish.
But his the civil need for the spirit's home
that leads to blind, unbidden faith in some

¹ See, *passim*, *Mutual Life Insurance v Hillmon* (145 US 285 [declaration of state of mind tending to show plan or intent to perform an act admissible as evidence that the act was performed]).

ill-suited place constrained to serve belief
in Greater Good or some such grand conceit,
inform with meaning one's existence, offer
rank due pride because in worthy Order.
His, too, the civil need to quaff the mead
of gratitude in lusty gulps, to heed
the world as he required it be in health,
in order to continue as himself,
to die as live by faith that doctors heal,
lawyers help, and a people's commonweal
concerns itself with credo like his own:
the soul unique, however poor, alone
or hated for good reason on death row,
perhaps with form and comeliness in woe
for none but pacifists, that alpha and
omega of vocation, solid land
without which we are lost in vacant space,
the moral landscape without feature paced
by Everyman, that literal witness blessed
with fundamental answers strained from texts,
to whom the Law of Averages applies,
thumping the Bible prior to telling lies.
So for relief of Anyman, bright Key,
the faithful said his prayers in equity,
"Before the lord our king where he might be
in Promised Land."² In the wide and searching beam
of reason, right procedure equally
provided was all people's guarantee.
Surely, matters of life and death, like laws,
are always recognizable, because
the enemy arrives in uniform
and breaks the door down. Careless of the norm,
he mistook his place, imputing goodness
to a world not as he thought or was,
where law is policy and science gain
and the professions all corrupt or vain.
The unpleasant truth is, better people
don't endure in jungles, snatching keep
where the end justifies the means
to grasp entitlements due fortune's deans.
The fittest to survive, some killing bore,
is usually fit for little more.
An insect trod upon a man and crushed him.
Still, he blessed the young with vision, touched them.

² Coram domino rege ubicumque tunc fuerit Angliae.

We see we are our argument and not
our fame, our song, expired on Yak town's hot,
unwholesome breeze and not the hall's weak tears,
shed for fun. We are a dance of years,
beaten out on plains of lead and death,
not the gold cast, as we wane to rest,
at our flying feet. So our teacher lends
such gracious means to justify our ends.