



# TO THE BAG

## ENTERTAINMENT-AT-LAW

To the *Bag*:

In the Spring 2009 issue of this Journal my brother-in-law Allan B. Ecker illuminated the lawyerlike aspects of the career of Elmer Rice (1892-1967) who was one of the most highly successful Broadway playwrights of his era (*Playwright of the Law*, 13 GREEN BAG 2D 281). Elmer Rice worked as the managing clerk of a well-known New York City law firm; while doing so he attended at night and graduated from New York Law School and was admitted to the New York Bar. He then decided that writing and producing plays should be his full-time occupation; success smiled on him, including his notable authorship of *Counsellor-at-Law*.

Elmer Rice's story is a reminder of some other individuals who have moved on from the law to greatness in the West End and on Broadway. Perhaps the most visible at the beginning of our modern times is none other than William S. Gilbert (1836-1911). Gilbert, who spent a lifetime enjoying being caustic and cantankerous, as a young man chose to become a barrister in chambers; his efforts were described as "ineffective" and certainly left him rather impecunious. These circumstances may have helped propel him into, first, a journalistic-type literary career for pay and then into the authorship of various plays produced in London, and finally into the strange alliance with Sir Arthur Sullivan that began with *Trial by Jury* and led to such widespread acclaim on both sides of the Atlantic (Christopher Hibbert, *Gilbert & Sullivan and Their Victorian World*).

Another member of the clan, though much more incidentally, was Cole Porter (1891-1964), whose lively time at Yale College

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was saturated with musical and dramatic accomplishments. But nevertheless in the fall of 1913 he enrolled at the Harvard Law School, where he roomed with Dean Acheson. “For a month or so he applied himself to his legal studies and even submitted a brief to the Williston Law Club . . . . Nevertheless music remained his chief interest . . . . The following year, at the suggestion of the Harvard Law Dean, who heard him perform at a smoker, Cole switched from Law to the School of Music” (Robert Kimball, ed., *Cole*, p. 23). Subsequent history showed the switch was not only inevitable but wise. Cole Porter, incidentally, was a fulsome admirer of Gilbert & Sullivan.

And next is the recently-departed John Mortimer (1923-2009), known best on this side of the Atlantic for his creation of that undeniably attractive barrister Horace Rumpole. Mortimer throughout his long life pursued a distinguished career as a writer, as a successful playwright, and as the author of numerous scripts for radio and television. But unlike Elmer Rice he did not forgo the practice of law. He became and remained an eminently successful and indeed fearless barrister; he wore well the description of being “the only playwright QC” (Valerie Grove, *A Voyage Round John Mortimer*).

Undoubtedly there are others. As Dr. Johnson might have said but probably didn’t, and as the title of this Journal subtly proclaims, there is no lack of opportunity for the law and the entertainment to usefully intertwine.

Bennett Boskey  
Washington, DC

## FROM PULASKIVILLE TO DELAWARE

To the Bag:

Readers of *The Supreme Court and the Westward Movement* (11 GREEN BAG 2D 341 (2008)) may wish to know how the replacement of Justice Souter with Justice Sotomayor affects the tribunal’s geographic center. In two words, not much.

As is well known, the new Justice was born and raised in New York, New York (lat 40° 47' N, long 73° 58' W, disregarding fine-