

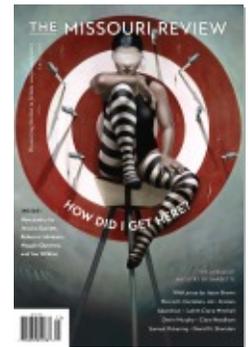


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Of Sound Mind and Memory: On Wills and Language and Lawyers
and Love

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This is the last Will and Testament of me

Alexander Horburgh Turnbull of the City of Wellington Merchant
I revoke all Wills codicils and testamentary dispositions heretofore
at any time made by me.

1. I appoint the Public Trustee of the Colony of New Zealand (in this my
Will referred to as "my Trustee") to be the executor and Trustee of this my Will.

2. I bequeath to the Victoria University College at Wellington all my printed
books and papers including sketches maps photographs
plans and pictures. I desire (without imposing any trust) that the
University College shall not permit the same
to be lent out it being my desire that the articles comprised in this bequest
should be kept together as one collection. I authorise my Trustee to permit
my Mother and Sisters to select such mementos within one year from my death
in New Zealand Australasia or the South Seas so
long as such selection does not in the opinion of my Trustee have the effect of
breaking a set or series and such book or books if so selected is or are excepted
from the bequest to the said Victoria University College.

**of sound mind
and memory**

**On Wills and Language
and Lawyers and Love**

by Judith Claire Mitchell

(b) I bequeath to the Colonial Museum at Wellington all my collection of
Maori Australasian and South Sea weapons implements garments carvings
greenstone curiosities and curios of every description and I declare that the
decision and determination of my Trustee as to what is included in this
bequest shall be final.

(c) I declare that the receipt of the Chairman or other official of the Victoria
University College Council and the receipt of the Curator or other official of the
Colonial Museum respectively shall be a sufficient discharge to my Trustee for
the bequests in paragraphs (a) and (b) of this clause.

3. I give devise and bequeath all the rest and residue of my real and personal
property whatsoever and wheresoever situate of or to which I shall die possessed or
entitled not hereinbefore otherwise disposed of unto my Trustee according to the
nature and tenure thereof to be held by my Trustee upon the trusts with the
powers authorities and discretions and for the purposes in this my Will or
any codicil declared of and concerning the same.

4. I declare that the whole of the bequests given by this my Will or any
codicil hereto shall be free of legacy duties and that all deceased persons
estates duties payable in respect of my estate shall be paid out of my
residuary trust funds.

5. Notwithstanding anything expressed or implied in any of the foregoing

*Witness my hand and seal of office this 19th day of July 1918 Before me:
a Solicitor of the Supreme Court
of New Zealand.*

Preamble

I, _____, being of sound and disposing mind and memory, hereby declare this to be my Last Will and Testament. . . .

Before I became a writer of novels, I was a writer of wills at the oldest law firm in Rhode Island. The firm was founded by two attorneys in 1818, but by the time I was hired as an estate planning paralegal, 160 years had passed and there were now fifty-some lawyers, almost all male, a like number of staff, almost all female, and a roster of prominent clients, almost all inanimate. The clients were banks and hospitals, manufacturers and developers, municipalities and Brown University.

But one of the few services the firm performed for actual individuals was the work I did in the Trusts and Estates department. If you needed a will, especially in those days when there were no downloadable legal forms because there wasn't any Internet, you could call us. One of the lawyers would meet with you, have you fill out a questionnaire—your family members, your assets, your wishes. Then he'd give the questionnaire to me, and I'd determine and prepare the kind of will and other estate-planning instruments you needed.

I was twenty-six when I arrived and meant to stay for only a short while, only until I figured out who I was supposed to be. But I was slow—"I've heard of late bloomers," my second husband would one day say to me, "but, honey, you're kale"—and I wound up staying nearly twenty years. Even then, when I left to get an MFA at a two-year program in the Midwest, I thought I was taking a leave of absence, that I'd get my degree and return to Providence and my job, where I'd write wills by day, novels by night. Had I not stumbled into a university teaching position, that's almost certainly what I'd have done. Would maybe be doing right now.

But I got this tenure-track gig in Wisconsin, and I never returned. So I guess it was good that, even though the understanding was that I'd be back, the firm went ahead and threw me a going-away party. Toward the end of it, workday blurring into evening, one of the attorneys came up to me. He was drinking white wine from a mug with the firm's name stenciled on it. "Just what the world needs," he said. "Another poet."

I told him not to worry, that I was leaving to write fiction, not poetry. "But, of course," I said, "I've been writing poetry all along."

He rolled his eyes, held the mug out as if in a toast, but it was just sarcasm. "Only you," he said, "could look at a will and see poetry."

Article First: Payment of Expenses

*I direct my executor to pay my just debts and funeral expenses,
the expenses of my last illness, and the expenses of administering
my estate. . . .*

So maybe the poetry doesn't exactly jump out at you. If wills really were poems, wouldn't there be more concision? Less obfuscation? When contemplating the just debts of the dying, wouldn't a poet suggest that these debts might include the unremittable: love unexpressed, moral obligations unfulfilled? When writing of last illnesses and funerals, wouldn't

poets fume or fret or express regret? Wouldn't there be at least a little raging, raging against the "dying of the light"?

And yet, when you think about it, the will is essentially the story of a person called, in good old allegorical fashion, Testator, and Testator is on a journey. At every stop along the way, something that once mattered is cast away. Sell my home, Testator says. Give away the bed I slept in and the wedding ring I wore. Divide my wealth among those I leave behind. Burn my body and let others care for my children.

Only then, divested of everything—physical shelter, worldly goods, offspring, corporeal form—does the story end with falling action and a sense of resigned acceptance. By signing the will before witnesses, Testator faces mortality and says, yes, death is coming.

This is an epic poem. Homer could have written it. Because how is it not heroic and epic to live every moment with the knowledge that death awaits you? Making and signing a will, it turns out, is an act of both faith and defiance. Never mind séances or the intercession of God. Testator accepts death because he's found a means of exercising power from beyond the grave. The will is the only way for the dead to speak to the living, and if it isn't written in the usual language of poetry (although repetition, complication, and evasiveness are often used in poems), yet the will is the stuff of which poetry is made.

Anyway, that's how I saw it.

Article Second: Definition of Terms

When used herein the following terms shall have the following meanings: (a) "survive" shall mean survive by ninety (90) days; (b) "adopted" shall mean adopted in one's minority; (c) "issue" shall mean . . .

It was a good job. If the only certainties in this world are death and taxes, then death and taxes are a pretty secure career choice. But it was a good job, too, because I liked to write, and not only the kind of writing I do now—stories, narrative—but all kinds of writing. I liked keeping journals. I liked taking notes. I liked making lists. I liked random words, their meanings and histories and sounds. I loved the freaking alphabet.

When I was a kid, I kept lists of words that appealed to me. The softness of *nuance*, both in sound and meaning. The relationship of *becalming* to *becoming*. The synesthesia brought on by *azure*, though I

eventually realized that azure is a starter word, like *gambol* or *dulcet*, so overly precious that it ultimately can't be used anywhere except in travel brochures. Still, we need those starter words, don't we? We need our first embarrassing crushes, sometimes even our first failed marriages.

The law firm hired me because of a word. The initial interview, over lunch in a restaurant that served nothing but soup, was conducted by an elderly partner so gaunt and stooped that his tie hung down like a plumb bob. There was an air of a nineteenth-century preacher about him, the kind who was loving to his parishioners, fierce when it came to the devil. Later, he would leave assignments on my desk, pencil scratchings on the backs of interoffice memos he'd fished from the trash and repurposed out of concern for the environment. These assignments always began, "Dear One, We hope you are managing to find some happiness in this Vale of Tears. Would you do us the honor of preparing a Last Will for the following client?"

I'd punch two holes in the top of the crumpled memo and clasp it into one of the colored folders inside the client's accordion file. In a closet in my house now, here in Wisconsin, is one of those files, swiped from the law firm and filled with memorabilia, mostly love letters and funny notes from men I dated after my first marriage ended and before I met my second husband, all these reminders of the hectic romantic life I can barely believe was once mine. I don't regret any of those men. What I regret is that I never thought to include at least one of the notes from the warmhearted old lawyer among my other love letters. They're somewhere in a cold-storage facility now, those scribbled blessings, him to me. Or, perhaps more likely, they've been shredded.

But I've run ahead of myself. I haven't been offered the job yet. I'm still in this soup restaurant, my hand shaking a little each time I bring the spoon to my mouth. I was nervous, didn't think the interview was going well. So far, we'd spoken only of his stepdaughter, whom I happened to know, and of Providence, which I didn't know at all. A very good repertory theater, the senior partner said, and if I had an interest in the antinuke movement, he could make introductions. I kept trying to change the subject to estate planning. I wanted to impress him with my one year of experience at a firm in New York. I was trying to find an opportunity to interject some of my thoughts about pecuniary marital deduction formulae or generation-skipping transfer taxes, but I couldn't figure out how to do that gracefully, and meanwhile he'd wandered off to the completely unexpected subject of ziggurats. He'd just read an ar-

title in *National Geographic* about them, he said. It was fascinating. He loved the ancient world.

He stopped then and interrupted himself. Did I know, he asked, what a ziggurat was? Did I know what he was talking about?

Monumental structures in ancient Mesopotamia with stepped sides. I'd learned about them in an art history class. When you love the sounds of words and someone says *ziggurat*, you're not going to forget it. "It's likely," my professor had said before clicking to the next slide, "that the Tower of Babel was a ziggurat."

That place where languages began.

At the soup restaurant, I drew a ziggurat in the air with my fingers, and in that moment, I saw that man's fatherly heart, and the job, become mine.

Article Third: Family Members

All references herein to my spouse are to _____.

All references herein to my issue are to _____.

When I began at the firm, there were four of us in Trusts and Estates. Then one of the attorneys left, and for a good long time—for a long good time—there were three. There was David, a junior partner who'd be running the place by the time I left. There was Daphne, the estate administration paralegal who, when someone died, handled their probate and taxes and the distribution of property, then closed them out. And there was me.

I had moved to Providence because my first husband got a job there, but I moved out almost immediately after we arrived. About three months into the separation, I had a bit of a breakdown. It wasn't the failure of the marriage, though that was part of it. It was more the shock of loneliness, living by myself in taciturn, wintry New England, knowing no one outside the office, where my interactions with others were coolly professional. Only once during those months did I try to make it better. Overcoming my natural timidity, I approached a secretary on a Friday evening. Kate was my age and divorced. Pointedly, hopefully, I said to her, "So, what do people do here on the weekends?"

"We go home and watch TV," she said, buttoning her coat, turning her back, disappearing into an elevator, poof, gone.

It was the subsequent Friday night, when I thought I'd break into shards if I had to spend one more weekend by myself, that I knocked on

David's door, sat myself down, and said, as pleasantly as I could, that I seemed physically unable to leave the building, go home, be alone. Un-professional, but I did it, and this changed everything. He took me home with him. His wife made us fish sticks for dinner. We all went to the mall, bought a velour pullover for her brother's birthday. The next afternoon, a Saturday, Kate called and suggested a movie. It was an assignment, I learned when she paid for my ticket. David had conferred with a few partners that morning, and they'd assigned her to befriend me. Expense it, they said, and we expensed not only the movie but dinner at Capriccio's, a restaurant we'd otherwise never have been able to afford, then drinks at a hotel bar until closing, then breakfast at an I-Hop until sunrise. After that we were never invited to expense anything again but paid for our outings and ski trips and Cape Cod vacations and predawn pancakes ourselves, and we invited more secretaries to join us. Soon we were a girl gang, and after that I was all right.

At about the same time, it was also decided that Daphne and I should share an office, and so we became close friends, too, though we had nothing in common but work. She was thirty years older than I, had long been happily married, and voted Republican. But what did any of that matter when we were halves of a whole? I was Estate Planning, and she was Estate Administration. I was Life and she was Death. I was Going, Going and she was Gone. I was Here Today; she was Gone Tomorrow. Our motto was *Your Dying Is How We Make Our Living*.

We did love our clients, though. We never joked about them. Daphne loved hers especially. She became particularly close to the new widows. She drove to their homes, sipped tea from their heirloom china, listened as they reminisced. From date of death through federal audit, it takes at least two years to settle an estate, and Daphne worked closely with the widows during those years: wealthy women who, it often turned out, had never paid a bill, never driven a car, and now found themselves in charge of a substantial estate. I'd hear her on the phone, walking a new widow through the act of writing a check. "Now the amount spelled out . . . and now your signature . . . and now I'll wait while you record it."

When her husband died suddenly one morning as he was dressing for work, one shoe on, the other still in his hand, I was the first person she called. The switchboard wasn't open yet. There was no voice mail then, not even many answering machines. People said, "Oh, I'd feel silly talking to a machine." Daphne was calm. She wanted me to tell David that she wouldn't be coming in. She had an early-morning appoint-

ment with a client, and she was worried about it. She wanted to be certain someone called to cancel and was kind to her, gentle. “She’s a new widow,” she said.

Article Fourth: Devise of Real Estate

I give and devise any real property that I own at the time of my death to _____ if he/she shall survive me.

Another thing I liked about the language of wills was that the words often had specific meaning shaped by years of case law. *Devise*, for instance, referred exclusively to the disposition of real property. You did not bequeath a house. You devised it.

The law firm devised its own real estate—its individual offices—on a purely status-driven basis, a combination of seniority and how much money you brought in. David was in a corner office, no small thing. Like Rome, Providence had been built on seven hills, and through David’s windows you could see two of them. To the north was the base of Smith Hill, with the Stanford White–designed state house. To the east, College Hill, where homes from the eighteenth century stood shoulder to shoulder and there was a perfect white steepled church. Between these two hills, the fetid Providence River oozed along railroad tracks until it disappeared under a large parking lot in the middle of Main Street.

Down the corridor from David’s office, Daphne and I shared a much smaller space, our desks separated with a mustard-yellow room divider. I sat on the far side of the divider, the side with the window, which couldn’t be seen from the doorway. It was a relatively private space, and sometimes I’d return from lunch and find a junior partner, one of the three women attorneys in the firm, nursing her baby in my chair. She was on maternity leave, and someone senior to her had colonized her office, so when she came in to work, which, despite her leave she did almost daily, she took over mine. She never asked permission—Why would she? She was a lawyer, a partner—but timed her arrival for my lunch break and remained where she was when I came back. I’d retrieve my work, take it to the law library or the break room or, if David didn’t have clients with him, to his office, where I’d sit across the desk from him, the two of us, heads bent, silent, writing in pencil on yellow legal pads.

And yet, even as I wandered the halls, looking for a place to be, I was feeling more at home. A funny expression when referring to work, but I

think it's right. The people I worked with were beginning to feel familial. They saw me and, in their way, invited me in. "Why don't you go to law school nights?" the youngest woman lawyer asked. Another lawyer secretly filled out an application for the LSATs in my name and paid the fee. A letter telling me where to report showed up in my inbox.

I didn't report there. I don't know why I was so opposed. "You're smart enough," yet another lawyer said, and it felt condescending rather than encouraging. I didn't doubt that I was sufficiently intelligent to do the same job, and that made me realize that I wasn't operating out of insecurity. My disinterest wasn't for fear of embarrassing myself, which was how I typically navigated the world. At the time, I thought my reluctance reflected a different character flaw, my lack of ambition and drive. Now I know it was something else. I was waiting for someone and something. I was biding my time.

Article Fifth: Bequest of Tangible Personal Property

I give and bequeath all items of tangible personal property that I may own at the time of my death, including furnishings and personal effects, as follows: . . .

The language in the firm's estate planning documents was gentler than the language in the litigation area's briefs, less aloof than the language in the corporate contracts, far less stultifying than the language in the commercial real estate quitclaim deeds. Unless we were cutting out some ne'er-do-well child, which was rare, our wills and the trusts that went with them contained no threats, asked for no quid pro quo. Our documents gave. Our documents bequeathed. Our documents provided for the health, education, and welfare of children. Sometimes our documents left cash to specific loved ones or charities. Sometimes they delivered a family Bible to an eldest child or an heirloom watch to a son. Sometimes a client brought in a piece of jewelry wrapped in tissue paper or inside a leather box so I could examine it, find the words to describe it.

My task in these cases was to avoid the elevated jargon I so enjoyed elsewhere. Now I wrote simply, clearly, precisely. The client wanted to be able to understand these bequests, make sure I'd gotten them right. This part of will writing was better training for writing fiction, where we tend to rely on a vocabulary that's less flabbily academic, more muscular and

visceral, where we choose shorter, punchier, clearer words with Anglo-Saxon roots. In the other parts of the will, the word choice skewed ridiculously Latinate. For instance, we routinely used the silly, sibilant euphemism *predecease*. Nobody predeceases in fiction. In fiction, as in life, you die.

When I left my husband, I had virtually no tangible personal property to speak of. I took only the cat and my clothes to my new apartment, which was at the foot of Smith Hill and in walking distance of the firm. The only new things I bought, both from Goodwill, were curtains and a single mattress. The mattress fit exactly in the window seat in the narrow bedroom, and from it I could see David's office window, sometimes lit up in the night while cleaning staff went through it.

Shortly after that weekend when David took me home for fish sticks and Kate took me out on the town, I accepted the reality of what I'd done, and I went shopping at a discount department store called Ann & Hope. The store had been named for its original location at the corners of Ann Street and Hope Street. The latter ran almost the entire length of the colonial part of the city, and I'm sure it was named for some Mr. Hope, some Puritan acquaintance of Roger Williams, but when you live in a city called Providence and everyone lives on or near or adjacent to Hope, it's hard not to feel that, like Testator, you are also on an allegorical journey, though one with a more promising destination.

And so my own journey story, at least on that one afternoon. No army, no wooden horses, no sirens sunning on rocks. Just me, jeans and T-shirt, walking up and down laden aisles, filling multiple shopping carts with tangible personal property: linens and towels, dishes and silverware, pots and a Corningware casserole set I still use today. A throw rug far bolder than I was. A couple of ginger-jar lamps. Not in the carts but also purchased that day: a couch that, it turned out, didn't work because it was essentially two corduroy-covered slabs of foam rubber corralled by a meager aluminum frame, one slab simply plunked atop the other, so when you sat on it, the top slab moved when you moved until, eventually, it slid off the bottom slab and deposited you onto the floor. But it was light, that couch. I could move it all by myself, and for that reason—because I needed no help with it, had to ask no man to carry it up and down stairs or from apartment to apartment—I kept it for years.

When I entered the store, I was tearful. I'd been the one to end the marriage, but that didn't mean I was at peace. I was ragged and exhausted with uncertainty and shame. My husband hadn't wanted me to

go. My mother and mother-in-law called me frequently, each begging me to explain what had gone wrong, and because I wouldn't talk to them about it, they assumed I'd just decided one day that I didn't want to be married, that I'd made a decision not against my husband but against the institution, that I'd violated my solemn oath on a quasi-feminist whim. Grounds for divorce: the bride's whim. Oh, that whimsical bride. The truth is, I felt the opposite of whimsical. I felt burdened with grief, always on the verge of weeping.

On the long line to the cash registers, struggling with three carts and all these emotions, I was approached by another shopper, middle-aged, beaming. "I know what's going on here," she sang. "You're getting married."

It was a reasonable assumption, and she was excited for me. To shake my head, to tell her the truth, would embarrass her, make her regret an effort to share in a stranger's happiness, which is, really, such a generous impulse. But it seemed to me, too, that if I played along it would in some way cost me, and so, perhaps selfishly, I shook my head, said no. The way women hold up their hands to show their wedding rings? I did that, raised my hand, splayed my fingers, showed this woman the band of paled skin where my ring used to be.

"Close," I said apologetically. "I'm getting divorced."

Her face fell. Divorced. That demoralizing, freeing word.

Article Sixth: Contemplation of Divorce

I make this will in contemplation of my forthcoming divorce from _____ and direct that it shall not be revoked thereby.

Sometimes you could read between the lines of all those Latinate clauses and detect the affairs, the secret children, the demanding exes, the unresolved rivalries and petty bickering, the attempts at payback for all eternity. Then the wills seemed less epic poems, more potboilers or silly limericks.

This is what I was told when finally I was ready to go to family court: though no-fault divorce had recently become state law, the judges in our Catholic state didn't honor it. I'd still need grounds, and I could choose between two. I could say that my husband hit me. Or I could say he wouldn't let me visit my family. It didn't matter which one I picked, said my lawyer. The judges knew it was all baloney. Even as I write this, it

seems unbelievable, a glitch of memory: What of the cases where being hit wasn't baloney? But I remember so clearly the choices laid out, and I remember friends also having to choose between these two options.

I didn't hire any of the lawyers I worked with to represent me. They were too expensive. Instead I found my attorney in a storefront law firm. After my court appearance, he tried to kiss me, and I had to push him off, then write him his check. But he'd otherwise been fine. The grounds we went for were the ones about not being allowed to visit my family. I didn't consider the other. I had a friend who'd gone with "He hit me." She and the husband she was amicably divorcing thought it was funny. The absurdity of it, the idea of him hitting her, the idiocy of a judicial system that made you say this. It did not amuse me, that joke of theirs, and it backfired when her judge surprised her by doing what we'd all been assured the judges never did: he pressed for details. "Open palm or closed fist?" he asked, and she had no choice but to answer. Years later, as her ex-husband was about to be appointed to a prominent state position, a reporter dug up the divorce records and asked, Well, which was it: had he been an abuser or she a perjurer?

My judge, however, was utterly disinterested in my reason for severing the marriage. He granted the divorce without asking any questions. The only question he had came when, reviewing my petition, he noticed my job title and salary, reportable because I'd waived my right to alimony. He announced how much I earned to the courtroom. "They pay that much to a paralegal?" he asked. He was outraged. Maybe his own paralegal was there, listening, getting ideas. "That's much too much," he said. He was almost yelling. "That's ridiculous." I had no doubt that he was considering whether he had the power to rule that my annual salary—\$14,500, and I'd fought for that extra \$500—be slashed.

"Don't talk too much," my first husband used to remind me when we were on our way to parties. "You say stupid things. You're embarrassing," and I agreed with him. I always regretted it when I spoke up. I spent nights awake, replaying everything I'd said. I was shy, awkward, unsophisticated. He was animated, sharp, extroverted. I'd gotten my first paralegal job, the one in New York, because he'd gone to Yale. "What does your husband do?" I was asked, and I said, "He's finishing up at Yale." Glances were exchanged, and someone said, well, they guessed they could take a chance on a Yale man's wife.

Still, something had happened during my first year at the Rhode Island law firm. Maybe it happened over fish sticks or on walks on the

Cape with Daphne, both of us unattached now, both figuring out what would come next. Or maybe it was in the last aisle of Ann & Hope, where I bought a bound journal, remembering that I had once liked to write things other than legal documents. Now, in a courtroom, a judge carrying on about my modest salary, I heard myself say, “It isn’t ridiculous.” I wasn’t yelling back at him. I was smiling, trying to be charming, winning, girlish. If I’d changed, I hadn’t changed all that much, not yet.

My lawyer cringed the way my husband had when I’d ventured opinions at parties. “It’s actually not nearly enough,” I said, joking and not joking, “when you’re as good at your job as I am.”

Article Seventh: Disposition of Residue

I give, devise, and bequeath the rest, residue, and remainder of my property, real and personal, wheresoever located, to my husband/wife if he/she shall survive me, but if he/she shall not survive me, then to my issue who shall survive me, such issue to take per stirpes and not per capita.

This clause. If you’ve just skipped or skimmed it, maybe go back? Maybe try it again? Read it out loud. The iambic tetrameter of *I give, devise, bequeath the rest*, the same poetic foot Emily Dickinson favored, the same poetic foot found in many hymns. The alliteration of *rest, residue, and remainder*. The unwitting but undeniable puns, downright Shakespearean. We give away what remains of our earthly possessions because we soon will be nothing but remains. We give away the rest so we can rest. We give away the residue knowing we ourselves will become residue, ashes to ashes, dust to dust. “Only you,” the lawyer said, “could read a will and see poetry.” Only I and anyone who’s read *Hamlet*: “*the rest is silence.*”

Article Eighth: Appointment of the Executor

I hereby nominate and appoint _____ to be the executor of my estate, to act in accordance with the following powers and duties: . . .

And this clause. Pages and pages of single-spaced boilerplate, because it’s never all poetry and potboilers and limericks. It isn’t all iambs and dactyls and psalms.

I've left lots of the other clauses out. The Appointment of Guardian clause, which so unnerved parents. The one we jokingly called the Atomic Bomb Clause because it asked where you wanted your stuff to go should everyone you love—spouse, children, grandchildren, parents, siblings, cousins, the dog—predecease you. Sometimes young associates argued that the legalese in our forms ought to be converted to plain English, and though I had no vote in the matter, I was happy that they never prevailed. The Latinate voice of the will not only brought gravitas to the project but, in its dispassionate, distancing vocabulary, provided a kind of linguistic inoculation against our clients' vividly envisioning what it was we were actually talking about. Orphaned children. Unnatural orders of death. Worldwide devastation. When they thought about the Atomic Bomb Clause (do lawyers and their paralegals call it the Pandemic Clause now?), we didn't want clients to sink to their knees and cry, "Did you say all? O hell-kite! All?" though that might have been the appropriate reaction of sentient humans. Latinate language helped mask the message. *Predeceased* instead of *died first*. *Issue* instead of *children*.

Other things I've left out: funeral instructions, because, though some people include them, what if it's a week before your will is found and you're already buried, and only then do they learn you wanted cremation? What are the heirs supposed to do then?

Also, the word "beloved." No will I've written or seen has referred to "my beloved husband" or "my beloved children." Wills, like the best fiction, are reticent when it comes to sentimentality and adjectives.

Although, there *was* one. A client who, having read the mirror wills I'd prepared for her husband and her, phoned to ask where the "beloveds" were. I told her we didn't do beloveds, that nobody did. She was shocked, saddened, and I said that of course, if she dearly wanted beloveds, she could have them, I'd happily insert them, but I'd have to charge her. My hourly rate was less than a lawyer's but still substantial, and we recorded our time in six-minute intervals. It wouldn't take much more than six minutes to insert the beloveds, proofread the beloveds, make sure my secretary didn't mistype the beloveds—my secretary was overworked, and somehow it was the simplest things that caused the most errors—and then run the beloveds past David because the hierarchy demanded that even the simplest things I did had to be reviewed by an attorney. Which meant David would bill for that review time. Another six minutes. Not much time, but still, in the end those beloveds would cost her.

She didn't care. She wanted it done. "And don't forget to make the same changes to my husband's," she said. I could hear her voice thicken, and I understood that what she really wanted was to see in his will the words *my beloved wife*. My beloved wife, sworn to before witnesses, forever in the public record.

Article Ninth: Governing Law

The terms of this will shall be interpreted in accordance with the laws of the State of Rhode Island.

I left Rhode Island in 1996, giving the world what it needed: one less poet. There was a recession, and the firm was faltering, partners leaving to set up smaller, sleeker firms. There were weekly layoffs. Death and taxes remained certainties, but the firm less so.

One evening, working late, I came across a form abandoned on a printer. It was about twenty pages long. The title was *Contract for In Vitro Fertilization with Unknown Donor Semen*. Obviously, something for one of our hospital clients.

I took it back to my desk and, sun setting, sky darkening, read it from start to finish. It wasn't poetry about the end of life. It was a short story about this Vale of Tears. It was about a woman named Recipient who agrees to let a man named Unknown Donor help her have a child. For this to happen, however, she must promise never to seek his identity. It was a sad romance, a classic fairy tale, and I went home and wrote it the way it ought to have been written, by translating the ornate Latinate to the simpler Germanic; by adding the emotion, the pain, and the heart-ache; by giving Recipient a real name and a bittersweet ending. Not long after, the story became the writing sample in my applications to grad school. Not long after that, it became one of my first published stories.

In the Midwest, immersed in grad school and, immediately after, a new career, I didn't keep up with what was going on with the firm, though occasionally I heard about some of it. Mergers with other firms. Years of downsizing. One by one, the people I knew there left, though David, with his customary loyalty, turned down other job offers and stayed on. But in 2008, ten years shy of its bicentennial, ten years after I received my MFA, two years after my university awarded me tenure, and the same year that the kind man who loved ziggurats died, Kate,

now employed elsewhere, called to tell me the firm had dissolved. What was there to say or do? No sympathy cards, no flowers, no funerals for law firms.

Kate had also called me several years earlier to tell me that Daphne had died. That time there was a funeral, but I was far away and in the middle of a semester.

For years I've had this recurring dream: I'm back working at the firm, but I don't know anyone there anymore except David, who is in with a client, unavailable to me. I go to my office, papers stacked on the desk and the floor and the chair, and realize I've been neglecting my work and can't go home until it's all finished. I'm frantic, don't know where to begin, and then Daphne comes by. She wears an outfit that I associate with her, a blazer with a blue feathered brooch in the lapel and a mauve silk blouse with a bow at the neck. She once told me that her husband had bought it for her—the jacket, the blouse, the brooch, all of it. “He buys all my clothes,” she said. He picked them out, brought them home, let her try them on and decide which she'd keep and which he'd return. And I, separated but not yet divorced and still many years away from meeting the person I'm married to now, the one who would affectionately compare me to kale—I thought, oh, the lovely, idiosyncratic conventions of happy marriages.

In my dream, Daphne laughs while we talk, and I do, too, but I also wonder how she can be here with me given that she's dead. I'm afraid if I ask, she'll realize she's breaking the rules of mortality and disappear. So I prattle on to keep her with me until I remember that, wait, I'm a creative writing professor now, and I have a class to teach in a few minutes. I need to leave Providence at once. But I have all this work to do still. I don't know which responsibility to attend to, the wills or my class. I don't know whom to be with. Do I stay with Daphne, knowing that if I leave, I'll never see her again? Do I wait for David to notice that I'm back? Or do I go home to my husband, who came into my life and gave me the courage to quit a good job to see about this life-as-a-real-writer thing?

This is when the dream ends, always, with me torn, as I would not be in real life. In real life, I would never give up my teaching and writing to go back to the law firm. But in my dream, I struggle to choose, even as the law firm fades and images from a new dream, rife with anxiety and longing, take its place.

Attestation

*IN WITNESS WHEREOF, I hereby sign my name and set my seal on
this ____ day of _____, 197__.*

Or sometimes, rather than drifting into another dream, I wake up and remember that I'm not a professor anymore, either. I've grown up and old, I'm retired, and it would be a good time, the ideal time, for my husband and me to update our wills, still governed by Rhode Island law and now in a drawer, now a quarter of a century old. I wouldn't hire a lawyer. I wouldn't download the forms. I'd do it myself with our old wills, the old forms, as models. I'd preserve that thicket of language, retype the ancient words, obfuscating and long-winded and fusty, but I'd also insert the beloveds. Why not? It would be free, after all. My free will in free verse. Not thy will, but my will, and it would begin with the preamble. There once was a girl from Rhode Island. . . .

JUDITH CLAIRE MITCHELL



Although it's been twenty-five years since I've drafted legal documents, I've remained fascinated by the complex language they traditionally use. I've written stories and poems inspired by this language, but when I recently began playing around with essays, I found the frankness and personal exposure of memoir an even better way to look at the emotionally evasive prose with which lawyers address profound human ex-

periences such as marriage, divorce, infirmity, and death.

I've also found aging useful in thinking about the role my law firm years played in my life. E. L. Doctorow famously said that "writing a novel is like driving a car at night. You never see further than your headlights, but you can make the whole trip that way." The metaphor can also apply to living a life in which, even when you're certain you know where you're headed, you often end up somewhere else. Of course, if you're not happy with how your novel is going, you can return to the beginning and start anew. With life, there's no revision process. You're stuck with every detour, ditch, and dead end.

In my case, I sometimes look back and regret spending so many years driving down the Paralegal Highway. Still, I somehow wound up where I always hoped I would—teaching writing, editing writing, talking about writing, reading other people's writing, and doing my own writing. No one would have ever suggested this route—"Make a U-turn now!" my GPS would have implored continuously—but, amazingly, miraculously, it all worked out.

Judith Claire Mitchell is the author of the novels *The Last Day of the War* and *A Reunion of Ghosts*, the latter the recipient of the Edna Ferber Fiction Prize and finalist for the Jewish National Book Award. A graduate of the Iowa Writers Workshop, she is currently a professor emerita of English and creative writing at the University of Wisconsin–Madison.