

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

NO. 01-SPRING-2022

LEGALISE
LEGALESE LITERARY MAGAZINE,

APPELLANT

v.

COMMONWEALTH OF MASSACHUSETTS,

APPELLEE

On Appeal from the Massachusetts Appeals Court

BRIEF FOR APPELLEE

Letter from the Editor

Hi everyone,

You have now in your hands (or on your screen) the first issue of *Legalese Literary Magazine*! We hope that this magazine comes to be a fixture of campus life at Boston University School of Law, and indeed beyond BU Law, for a long time.

In this issue, you'll find all sorts of excellent work: columns, poems, stories, comics, paintings, drawings, photographs—all made by members of the Boston law school community! We hope that you'll enjoy the magazine and enjoy the summer months ahead. Look for us next fall—and send in your own work, if you like! With your help, we hope to continue to show off the creativity, talent, and vision of the campus community—faculty, students, and staff.

Sincerely,

Tom Fischer
Editor-in-Chief

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Law School Legacy

by Celene Chen (BU Law '22)

Some of my best memories at the dinner table are when my dad, mom, or sister recount a “family story,” those ones we’ve heard so many times, they could be written in the history books.

My mom has three recurring stories: There’s the one where she recounts how she used to be so slow that, when she and her mom took the Star Ferry from Kowloon and bought ice cream on the pier, she still wouldn’t be done with the mostly-melted dessert when they reached Hong Kong.

And there’s the one where she says, “You were with me when I graduated from BU’s School of Management and got my MBA.”

There’s the one about how she got her first pair of glasses. My mom’s always been good at math, but one year she began doing poorly. The moment she told her yelling father that it was because her seat was in the back of the class, and she couldn’t see the board, he began saving money to buy her glasses.

And there’s the one where she says, “You were with me when I graduated from BU’s School of Management and got my MBA.” In her basement

office, behind boxes of stuffed animals, wrapping paper, and reusable Christmas bags, is a framed photo of her receiving her diploma from the Dean. And if you look closely, you can see there I am, as she likes to say, “in my belly.”

For most of my life, law school was the furthest profession from my mind. I came out in middle school, and I never found the law to represent me, a lesbian Chinese kid, or my interests. I took notes on which states banned gay marriage. I studied the Chinese Exclusion Act.

I had never met a lawyer before, but their children,

who I went to school with, weren’t my friends. I wasn’t one of them.

But I figured, if I got into law school, that would mean I could make it. In my essay to BU Law, I added the anecdote about being “in my mom’s belly at her graduation” and hoping to continue what she started. My mom is the first in our family to go to college and get an MBA, and I’ll be damned if I don’t take advantage of the same legacy status my high school classmates could.

Acceptances flew in from Cornell and Georgetown, but I wanted to stay close to home.

At BU Law, my classes were





filled with students who knew for years they wanted to be here. Mock trial in high school. Internships at the State House. Years as a paralegal in a Big Law firm.

I'd call my mom every day to tell her what I'd learned. She liked to hear about my Contracts class because it reminded her of her MBA days.

Then, she asked if I knew that she had taken a Business Law class in undergrad.

The professor was notoriously

difficult, his 100 multiple choice exam in the middle of the semester his crowning achievement. On the day he handed back the exam, he asked for "Mr. Chen," to stand up.

He said, flabbergasted, "Ms. Chen has scored the highest anyone ever has on my exam."

My mom stood up. He said, flabbergasted, "Ms. Chen has scored the highest anyone

ever has on my exam." At the end of the semester, he told her that she should apply for law school.

"Did you? Why didn't you tell me this before?" I couldn't help asking.

Here I was, the first of the family in law school, not even knowing it could have been my mom.

"Oh, that was nothing," she brushed off. "There's no way I could've been a lawyer. How could I do all that

reading, when reading English takes me so long? And they'd laugh at my accent."

I didn't argue with her that she deserved better, that this memory is bittersweet. I tell her that, on the nights I stay at the Law Tower until midnight, I think about how this could have been her. When I graduate, I'll point to my photo and say, "See, you're with me."

Tortious Conduct



Hortious Conduct



by Madeline Linder (BU Law '24)

Griswold in Haiku

*by Christopher Robertson
Professor at BU Law*

these penumbral rights
of privacy and repose
cases bear witness

Sonnet IV
by Tom Fischer (BU Law '24)

I see flowers old, I see flowers new
Wafting osmanthus, saffron red, poppy
The days are many and the years are few
And yet! Here I sit, sipping stale coffee

Standing by the banks of the River foul
Upon the banks of the River vile
I turn and I sing! I yawp and I howl!
The cars rush past, but I'll stay a while

Well, what was that was, and what is that is
Shifting clouds—fat, tall, thin—gather and part
Like piles of paper, paper, a quiz!
O, what time is there for color, for art?

And yet, the fine sounds of song fill the air
The winding River lolls without a care



Library Ron's Corner Community

by Ronald E. Wheeler, Jr.
Director of Fineman & Pappas Law Libraries



It is difficult, even for me, to overstate the excitement I am feeling at being allowed to pen this brief column in the inaugural issue of *Legalese*. When approached about the idea for a literary or artistic publication, the requisite permissions, costs, publishing platforms, and more, I had only two responses. The first was “yes, yes, yes!” The second was my question, “Might I be allowed to write something?” The latter, my question, comes as no surprise to those who know me. I am known as “a talker” even in media such as email. Brevity is not my forte. I like to think that when I write, I knowingly sacrifice brevity in the name of beauty, perfection, l’art! Now that last sentence, as shameless as it might be, is also typical of me. Let’s embark on this journey together, and as we go, continue getting to know each

other better. Shall we? Thus, we now begins this edition of **Library Ron’s Corner**.

I am cemented in my resolve to pen a column for this first issue that is upbeat, inspiring, and perhaps even comical despite my lack of anything remotely comparable to a sense of humor. At the very least I hope to stay away from Debbie-Downer-type, heavy-handed, preachy topics and to avoid sounding like a lecturer or worse yet someone’s grandfather.

I become more and more certain that it could very well have happened at any law school anywhere.

Now, as I reread this piece, I question whether I have met any of those goals with this essay? Yet, for the time being, please, just stay

with me. Keep reading for a few more paragraphs. Okay? I promise you will like the ending.

Now this part is independently verifiable as an absolutely true story. Recently this thing happened—one might say it was an issue or an occurrence or even a kerfuffle—and it happened at a small, obscure, and little-known law school in New England. Imagine that? I could name it for you right here and right now, but I am certain you would not recognize the name if I did.

Again, why should you know such places and their names. What is there, after all, in a name anyway? But . . . what’s that? Now, as I was saying . . . pardon me? Well, alright already! If you insist on knowing, then I will just say it.

This thing happened, this incident, happened at Yale Law School. Yet as I write that name, I

become more and more certain that it could very well have happened at any law school anywhere. It is likely that you may have heard about this incident which occurred on March 10, 2022. However, for the more studious among you readers, those of you not locked into bad habits like obsessively reading trash blogs like Above the Law, I will briefly retell the facts as I understand them to have occurred.

A laudable and noteworthy purpose for such an event and especially now in our current fractured and often divisive political and social climate.

This retold, very much hearsay, version I will tell right here and now, is a version that I have no firsthand knowledge of. I was not there when the incident occurred. However, I have friends that were in attendance there at Yale Law School that day. They witnessed the entire incident, and my version does incorporate their firsthand experiences.

On the day of March 10, an event was held which featured speakers from two very different organizations. The event was hosted by the Federalist

Society, and the American Humanist Association, a progressive organization, was represented by a panelist.

So, too, was the Alliance Defending Freedom, which is a conservative nonprofit that promotes religious liberty. What is odd yet very true, is that “both groups had taken the same side in a 2021 U.S. Supreme Court case involving legal remedies for First Amendment violations.” Thus, the intended “purpose of the panel . . . was to illustrate that a liberal atheist and a conservative Christian could find common ground on free speech issues.” A laudable and noteworthy purpose for such an event and especially now in our current fractured and often divisive political and social climate.

So, as things got underway, over 100 protesters crowded into the classroom in which the event was being held. They held signs, shouted slogans, and even shouted insults at members of the Federalist Society who were themselves Yale Law Students. The moderator, a faculty member of the law school, attempted to reason with the crowd by appealing to the First Amendment and the values of free speech and free expression that the Yale Law School very much adheres

2023 *Finest Law Schools* *Legalese News & World Report* by the Legalese Staff

With our inaugural rankings of the finest law schools in the United States, we are proud to provide the most authoritative and objective rankings of America’s top law schools. In calculating these rankings, we considered such factors as the cost-to-debt ratio (“CDR”) for students at each school, the height of the law school building, rodents-per-capita (“RPC”), the excellence of the school mascot, density of references to critical race theory per lecture (“CRT-density”), proximity to the Charles River Esplanade, Niche rankings of the campus location, the climate of the region, and proximity to a major highway (bonus points for Interstate Defense Highways and proximity to multiple highways).

Without any further ado, here are the Fine Nineteen (F19)* law schools, with #1 being the most prestigious and excellent according to our calculations!

1. Boston University School of Law
2. Boston College Law School
3. Northeastern University School of Law
4. Georgetown University Law Center
5. University of California, Los Angeles School of Law
6. Suffolk Law School
7. University of Michigan Law School
8. New York University School of Law
9. Harvard Law School
10. University of Chicago Law School
11. University of Virginia School of Law
12. Columbia Law School
13. University of Florida—Levin College of Law
14. New England School of Law
15. University of Pennsylvania—Carey School of Law
16. Stanford Law School
17. University of California, Berkeley School of Law
18. Northwestern University—Pritzker School of Law
19. Duke University School of Law

Honorable mentions: University of Connecticut School of Law, University of Oregon School of Law

to in spirit. Yet, she was shouted down and heckled. Ultimately, the protesters gathered outside the classroom and were still quite boisterous and disruptive. From out in the hallway, they persisted in loudly banging on the doors and walls as well as shouting slogans and insults. The event continued albeit less than successfully, and a good time was had by no one. One of my friends who attended the event reported that he felt tense and afraid that there would be violence, and in that atmosphere, very little learning or listening could occur.

Upon hearing this true tale, and then following up and reading about it, two things occurred to me immediately. One thought was, “Thank goodness that could never happen here at Boston University School of Law.” I now wonder, is that statement true? The only rightful people who can answer that question are you student readers. I ask you all to ponder that question. My second thought, or feeling, was shame. I felt

ashamed for those students who so poorly comported themselves that day and whose poor behavior has now been broadcast far and wide. Indeed, there continues to be fallout from this unfortunate event. The Washington Post reported that “D.C. Circuit Senior Judge Laurence H. Silberman sent an email to all federal judges nationwide asking them to think twice about hiring any of the more than 100 Yale University law students who attempted to shout down a speaker in a panel discussion on free speech as clerks.” This lapse in judgement may be costly to these students’ careers.

My point is that I have not yet ever seen or heard of any such lapse in

judgment or poor behavior on the part of our amazing law students here at Boston University.

We have a very special and close-knit, albeit imperfect, community here at Boston University School of Law.

I attribute it in part to the fact that students admitted to and attending BUSOL have something quite special, and it is evident to all, even if unnameable. The other part is that we have a very special and close-knit, albeit imperfect, community here at Boston University School of Law. I marvel at it, and I appreciate it each and

every day. These facets take work, and whether you know it or not, you are doing that work. I am beyond proud to be a member of this community, and in light of the times in which we live and the events of March 10 at Yale, I implore us all to take stock and to take steps to continue and to preserve and protect this Valhalla of a place called BU.

Sorry I Missed Your Text *by Kaylyn Ling* *(BU Law '24)*

My sister-in-law’s preferred method of communication is clickbait. She sends articles when she discovers a new corner of the internet. The first time it happened, I was presenting on the Ramirez account. My phone sat face-up on the conference table next to Amir.

Ding. Do you remember our conversation after the wedding?

Ding. I saw these articles and thought it might help.

Ding. 21 must-buy products for adult bed-wetters.

Ding. ‘You’re not alone’: Paul Rudd speaks out on incontinence. *Ding.* Here’s why you NEVER make it to the toilet at night!!!

Nowadays, I keep my phone on Do Not Disturb.



This was our boat, a 44-foot long catamaran named Allegro. This photo was taken in Maine, with Mt. Desert Island visible on the opposite side of the bay.

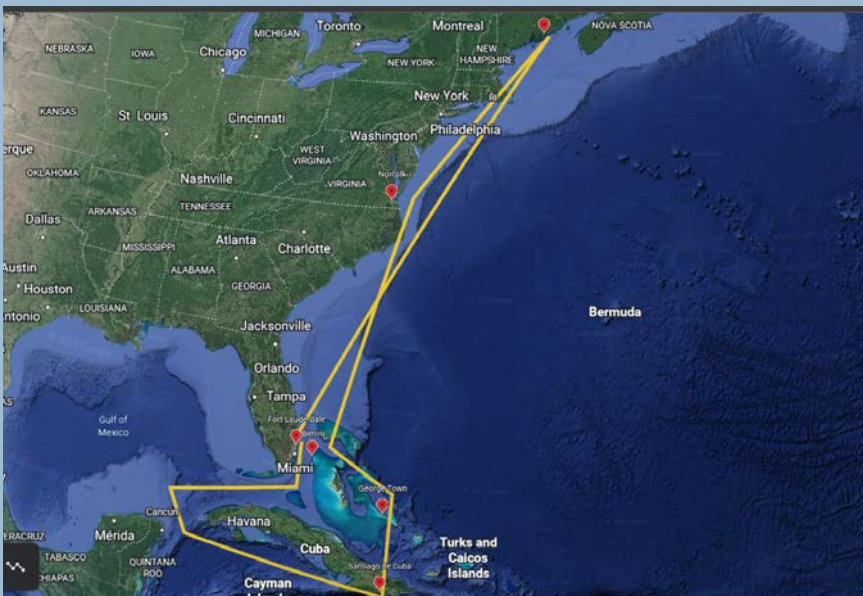
The Watery Part of the World

*by Philip Reilly
(BU Law '24)*

Between August 2016 and July 2017, I lived on a sailboat with my family. We sailed the entire U.S. East Coast from Florida to Maine and back again, and spent several months hopping from island to island in the Bahamas, with a short detour to Cuba. While in the Bahamas, I went diving nearly every day, both to take photos and catch fish to feed the family. Here I've collected a series of photos that give a sense of some of the highlights of the trip.



The family dog, Reagan, around 14 years old at the time, came with us. We were initially concerned with how well he would adapt to the new environment, especially at his age. Fortunately, he loved the boat, and spending every day exploring new places kept him healthier and more active than he had been in years. While on board, he loved to poke his head through the various hatches to keep an eye on everyone.



O, Brave Captain Reilly! from the Editors

Reilly departed from Fort Lauderdale on the coast of Florida, sailing without respite until reaching distant Bar Harbor among the woods of Maine. Reilly thereupon reversed course for the brackish waters of Norfolk along the Hampton Roads, stopping here enroute to the fair isles of the Bahamas. From there, he sailed to the Bahamas and to Santiago de Cuba before making a triumphant return to Florida.



Anytime we were underway, there was a good chance that a pod of bottlenose dolphins would join us to swim alongside the bow. They are fantastically fast swimmers, and even at Allegro's top speed, they would effortlessly swim in circles around us.

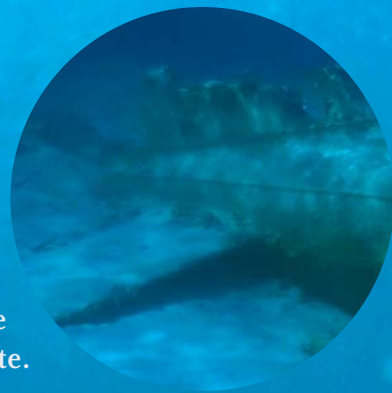
This is a green sea turtle, photographed somewhere in the Abacos Islands of the Bahamas. I frequently saw turtles like this one wedged underneath coral and rocks, where they sleep without fresh air for hours at a time.





This is a school of Atlantic blue tang, photographed near the Abacos. Small, colorful fish like these graze on the algae that grow on coral, and are abundant around healthy reefs.

Norman's Cay in the Exuma Islands of the Bahamas was once the center of the Medellín Cartel's drug-smuggling operation. In the late 1970s and early 1980s, planes would fly in and out of this island regularly, delivering large shipments of cocaine to the United States. One of these planes crashed in shallow water a short distance from the runway, and now serves as a popular dive site.



This is a small Nassau Grouper, a kind of predatory reef fish. As they grow larger, they can be seen hovering over the reef and swallowing smaller fish whole. Nassau Grouper are a vital species for Bahamian fishermen, but their easily exploitable stocks have been collapsing in recent years.



This spotted eagle ray was big—similar in length and wingspan to an adult human—but they can get much larger. They are docile animals, and this one seemed fairly comfortable swimming next to me for several minutes.



On Veganism

*by Kaylyn Ling
(BU Law '24)*

My girlfriend likes me because she believes I'm a vegan. She assumed I was just like my older sisters, who took the high road by being cross-country stars who don't eat chicken salad or wear leather jackets. Truth is, I don't mind the tempeh, oat milk, or avocado ice cream, but I can't live off of CAVA bowls and cheeseless pizza for the rest of my life. I love meat. I love sushi, eggs, and honey. So I have cheat days. It's not often. And sure, I feel bad, but I'll tell her when I'm ready.

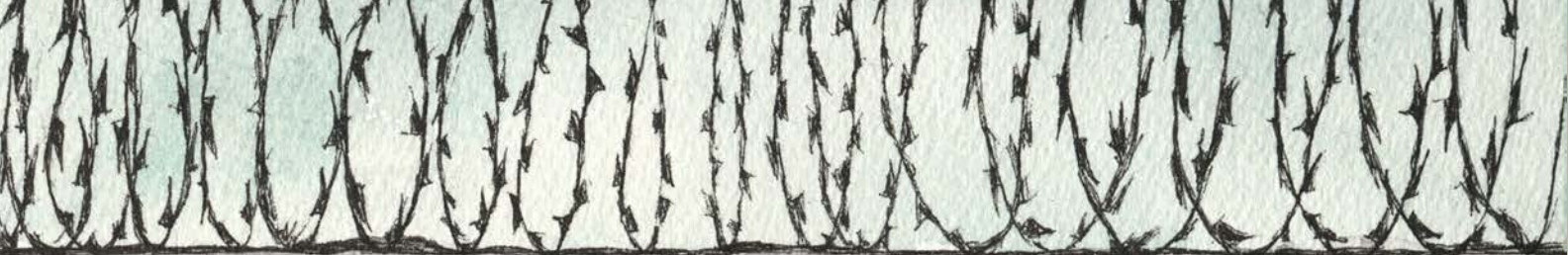
The Shoreline

*Photos by Tina Watson
(BU Law '24)*



On Adultery *by Kaylyn Ling*

There comes a time in every relationship when a girl believes she is going crazy. For me, it was the moving passenger seat. Every week after Will picked me up from cross-country, I noticed my seat scooting closer and closer to the glove department. I played dumb at first. But once my knees knocked against the dashboard, I couldn't take it anymore. I moved the seat back, and dozens, even hundreds, of empty Chick-Fil-A bags and wrappers spilled across the floor. "I'm sorry," he said dolefully. "I never wanted to hurt your feelings."



Sacred

*by Peter Dickson
(BU Law '24)*

Special

by Deborah Williams
(BU Law '24)

There is no cure.

No fix, no treatment really.

Abionic yet possessing superpowers: supervision

into the upsidedown of mirrors and magic, touching dream-state

buildings, clouds splashing in street puddles; superstrength lifting sorrow's

10-ton weight off of your mother's shoulders reminding her and the sparrow—

good is not promised to us, we only discover it in glimpses of rainbow's end, purified gold

brought by God in the form of love. They cannot understand them, with brains hardened,

put into a box of special, they have needs not abilities—what story do you tell 'normal' children

to make them Quasimodos? you have no idea how to smell symphonies ripened to

perfection, or how to see a bee's lifespan in the blink of an eye, an imagination

spongy enough to recall a past World Order of screaming beans and crying

fire. We sit them in cold boxes with meaningless phrases on the walls, no

learning occurs for teachers don't guide them, robots do. Robots could

care, but these ones don't. Retreating into the one place they rarely

have control yet all warm bodies have one, this place where

oddities are not peculiar until they rest in the lap of a

white coat, cold unseeing unblinking holes for eyes

and needles for fingers, where do feelings go when

numbers and penicillin replace where heart

should be— you can't know before, only

when it's already in your womb,

painful, swift, done.

They are the cure.

Excerpt from the Diary of a Woman in Lion's Clothing

by Deborah Williams (BU Law '24)

Walking into the classroom at 5 years old, unfaltering
regarding the children full of ignorant bliss,
Seeing my name inscribed above my kindergarten teacher's head,
My war paint.

My body filling into armor of confidence
bestowed upon me by my mother,
and her mother,
and her mother.

Pouring life into me since I've left her womb: *you're a leader not a follower,*
you're above and not beneath.

Black is beautiful, black is strong just like my father who

Broke

his body

two hundred and

fifty-four

times

to feed the eight of us.

Teaching us one of life's toughest lessons: *we're all we got.*

Known only as Beasts of a Nation, despicable slurs
sparking, igniting the fire of self-loathing and fear
wading in water of our own generational wounds,
no boat stopping long enough to offer rescue
or salvation.

Drowning countless times but never dying.

Dispelling the myth of the
Angry Black Woman.

Now I sip my black tea, waiting patiently for the day
my dark wings come out of hiding, the hurricanes behind my eyes still
long enough to look into the depths of this abysmal land and say,

Enough is enough is enough.



Woman
by Drew Richardson
(BU Law '24)



Flowers II
by Lyric Menges
(BU Law '24)

***They Say Ninety Percent
of Communication is Non-Verbal***
by Matthew Liber (BC Law '23)

After your song came on, the father of the bride
gripped the microphone and it shook – he shook – with
diction as dappled as the Golden Hour out the window
and it shook – we all shook – as
he gazed upon his little girl all grown up;
I'd never felt like that for a man I hadn't met
when he lowered the mic and let out a sigh
a long, hard sigh
it said it all:
He gave her away.

The Tale of the Iron General, Yu Mo

by Tom Fischer (BU Law '24)

YU MO, a man of Kang, was known throughout the land for cruelty and persistence. Not once did he fall in battle, so willing was he to sink the ships and grind his men to flour. Nie, Duke of Kang, so favored Yu Mo that he bestowed upon him the title of the “Iron General.”

Yu was supreme among the great commanders and was reviled throughout the four seas. The people of Luo spoke only in whispers of the Iron General, such fear was there of his charioteers and long spears. The people of Ze, a kingdom of gardens and rivers to the south, so feared the Iron General of Kang that Kesu, King of Ze, paid great tribute to Kang each year.

It was the yearly payment of treasure to Ha, the seat of Nie, that so aroused the anger and indignation of Kang’s neighbors during the tenth year of the Reign of Eternal Rectitude.

“The rightful order of things is upset; shall We be expected to pay next?”

“Ze continues to pay tribute to Kang, a king paying homage to a mere duke! The rightful order of things is upset; shall We be expected to pay next?” asked Kuo, King of You, a great land spanning the marches of Ze and Kang.

His court quaked in their robes, unable to answer.

“Shall We be similarly brought to Our knees by this mere duchy, Our proud kingdom humiliated like that of Ze?” asked Kuo, King of You.

The ministers continued to quake, offering no wisdom to their liege. A courtesan by the name of Ping spoke.

“O great King of the open sky, of the rolling hills! What fear do you have, that you might meet the fate of lowly Ze? There is a simple solution to the threat of this duchy—persuade the Emperor of the Duke’s worthiness under Heaven and seek for him the title of King, so that King Nie of Kang is indebted to the great King of You,” spoke Ping.

Kuo, King of You, thought the courtesan’s words fine and summoned Jiang Di, a local worthy. Jiang entered the hall and performed obeisance.

“O great King of the open sky, of the rolling hills! Your Esteemed Courtesan has offered advice most peculiar! If Your Excellency seeks this honor for the Duke of Kang, will not the Duke of Ma be most incensed?”

“The Duke of Ma may be, but it is not Ma that brought Ze into submission, nor is it the treasure train of Ma that passes through Our towns en route from Ze, nor is it Ma that expands into Our eastern marches. Wherefore must We consider the fickle mood of the Duke of Ma?”

“I have offered what little wisdom I possess, Your Excellency. Know

only that honoring Kang will surely incense Ma.”

Kuo, King of You, dismissed Jiang Di and consulted with his court. Kuo, King of You, sent an emissary to the Emperor’s Seat to propose the elevation of Duke Nie of Kang.

Some time later, the emissary returned from his thousand-li journey on the Great Southern Road. The people of You shouted and shrieked, so alarmed were they by his urgency. The emissary reached the palace of Kuo, King of You, and entered the court with minimal propriety.

“O great King of the open sky, of the rolling hills! A decree from the Imperial Seat of Hua: the Most Excellent and Celestial Sovereign, He that Knows Righteousness in the Dark, He that Treasures Justice and Detests Petty Schemes, His Imperial Majesty so decrees that Duke Nie of Kang, son of Dan and descendant of Great Hou, is now King Nie of Kang, owed all titles and honors thereof! It is so decreed!” cried the emissary.

Kuo, King of You, summoned Courtesan Ping and elevated her to Third Wife Ping.

The elevation of the Duke to a King and the Duchy to a Kingdom was cause for great fanfare within the walls of Ha. King Nie of Kang opened the gates to exhibit the many treasures of the palace and summoned emissaries from throughout the realm to mark the elevation. Emissaries came as far as distant E to celebrate the



by Wyatt Pless (BU Law '24)

elevation and make their friendship or submission known.

Lin Xu rafted downriver and made his way to the Palace of Kang with loyalty in his heart and glory in his eyes.

Chali, Duke of Ma, did not send an emissary to the great city of Ha. Chali, Duke of Ma, instead sent a man of Ma named Lin Xu along the western trail to the River Kang.

Lin Xu rafted downriver and made his way to the Palace of Kang with loyalty in his heart and glory in his eyes. At a time when the emissaries of the great lords of the Many States were

present in Ha to celebrate the elevation, Lin Xu slipped into the palace undetected and made his way to the central hall.

Nie, King of Kang, was holding a final audience with the Emissary of E and his retainers when Lin Xu burst in, dagger drawn.

“Tyrant Nie of Kang, I have been sent by Chali, Duke of Ma, to slay you and, in so doing, to restore balance to the Many States! Face your death!” shouted Lin Xu.

Nie, King of Kang, laughed and hid behind his guards, who had assembled in the hall.

“Your loyalty to the Duke of Ma is venerable, and your bravery commendable, O assailant, but there is no way home for you.”

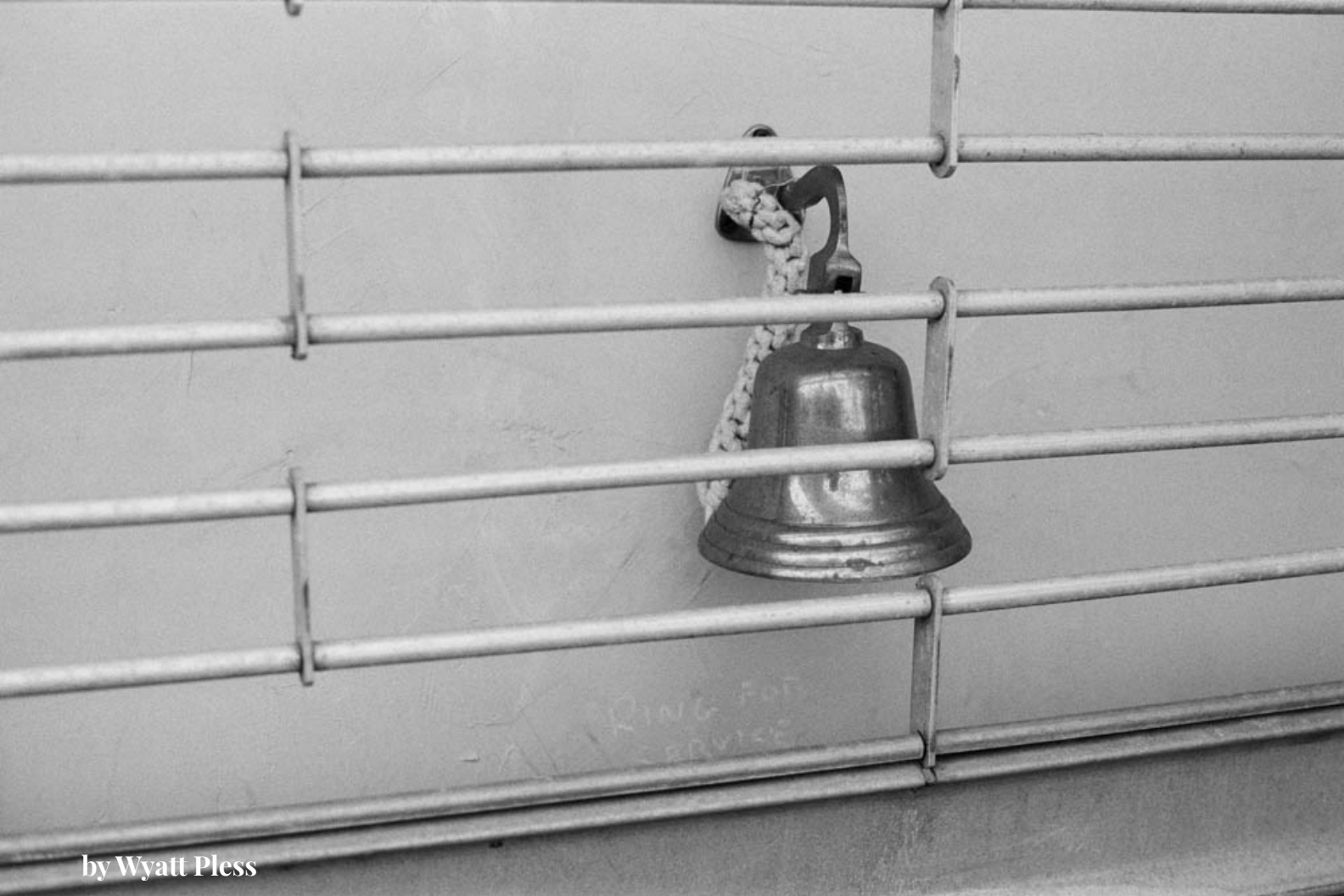
King Nie of Kang thus ordered his guards to strike, and Lin Xu was slain before the Emissary of E. News spread of the failed assassination and only added to the glory of Ma and Kang.

In response, King Nie of Kang summoned Yu Mo and commanded him to raise his army and commence on the warpath to Dun, the great city of Ma.

Some months later, Yu Mo's army was prepared. His chariots numbered ten-thousand, his spears beyond measure, with great trains of oxen in tow. His army proceeded northeast through the countryside, receiving from the peasants gifts of meat and grain as they proceeded through the lands of Kang.

By the middle of springtime, Yu Mo's army had reached the lands of Ma. Here Yu Mo's soldiers stole from the peasants their grain and livestock and pillaged their towns. Scouts told of a great column of Ma men between them and the market-town of Wo. Yu Mo ordered the men to make camp and secure the southern end of the valley.

The men of Ma, commanded by Ma Jun, attacked some days later. The battle was swift and the men of Ma were routed by the men of Kang. Yu Mo was pleased, for he had captured Ma Jun, brother of the Duke of Ma. Yu Mo impressed the able-bodied prisoners into service as laborers and put the wounded to



by Wyatt Pless

the sword.

“To take the city is necessary, otherwise we will have no road back to Kang. Have the prisoners tunnel beneath the high walls and create an opening,” said Po Ke, man of Gela town upon the River.

“To take the city is to cast our troops into the fire; it is better to make an island of Wō and to pillage the countryside surrounding, so starving Wo into submission,” said Yan Zheng, man of Tuoli town upon the western hills.

“To take the city is fanciful, and to lay siege is folly, for the men of Ma are many when massed. Let us leave Wo, send for an army in the rear, and proceed around on the road to Dun,” said Ru Qi, man of Lun town upon the sea.

Yu Mo sent away his advisors and brooded in his tent upon the hill. He consulted his maps and gazed down upon the camp, then gazed in the direction of Wo, the walls just visible above the fields.

He left his tent and sat beneath the buds of a fine apple tree. He heard the tune of a zither on the wind, and made to follow the sounds.

Yu Mo trekked through the hills, leaving camp further and further behind. He came upon a great crumbling mountain, a cave full of music hidden beneath the sprawling branches of the budding forest. He climbed the mountain and found the cave. A woman in plain and homely dress played a zither within.

“You have come far in your armor, and yet you leave

your camp behind. Wherefore?” asked the woman.

“I have come to listen,” answered Yu Mo.

“Then listen,” said the woman.

Yu Mo sat on a rock and listened to the zither strings wail.

“The sound of loss,” said Yu Mo.

The zither strings sang.

“The sound of longing,” said Yu Mo.

The zither strings moaned.

“The sound of love,” said Yu Mo.

The woman played with great power, the zither sounding through the hills and on the wind. A great force filled the land, and then vanished without a trace, leaving little but burnt fields and broken towns in its wake.

“The sound of war,” said Yu Mo.

“So it is, Zhong Ziqi. March on, and a land will lay in ruin, with all glory to the conqueror.”

Yu Mo took heart and threw silver at the woman’s feet, and thus made his way back to camp. The army of Kang sent a messenger to Ha to bring forth a rearguard and Yu Mo’s men set off for Dun, razing the villages they encountered along the way.

Yu Mo’s army marched onwards to Dun without obstacles until reaching the town of Ming, some fifty li west of Dun. There Yu Mo’s men engaged the men of Ma and routed them once again, pillaging Ming and laying the land to waste. The men of Kang were in high spirits and had glory in their eyes as they marched on

to Dun.

On the outskirts of Dun, the men of Kang encountered a great force. The men of Ma had been massed here, on the outskirts of Dun, to meet the men of Kang and defeat them in battle, to drive them out of Ma and back whence they came. They stood tall with long spears and had many chariots, with men from the many cities, towns, and villages of the Duchy of Ma.

Yu Mo looked upon the many fires of the Ma camp and questioned his plan. He had a prisoner sacrificed for the purpose of divination.

"Great brightness, great darkness—the winds of winter yield to the blazing summer sun," spoke the diviner.

Yu Mo sent a messenger to demand the Duke of Ma surrender, threatening the life of Ma Jun, the vanquished general and brother of the Duke, should the men of Ma not yield. The messenger returned soon thereafter.

"Iron General, thus spoke the Duke of Ma: 'The Ma family is of the highest virtue and loyalty, and it is a great honor to die in the preservation of Our Ancestral Birthright! You and the men of your uppity duchy shall not prevail, nor shall you escape so easily. Wo yet holds, and your road home is blocked. Surrender now or face death on the morrow.'"

Yu Mo and his advisors conferred. It was agreed that the Duke of Ma was exaggerating his capabilities and that the rearguard, which had recently sent couriers to Yu Mo's army, continued to protect the road back to Kang. Clear it was that the Duke would not surrender, and so Yu Mo ordered Ma Jun be brought within sight of the men of Ma and trampled by horses at the break of dawn

Dawn broke, and Ma Jun was executed as planned. His screams reached the ears of the men of Ma, terrible and wretched, and inspired great fear and loathing among them.

"These men of Kang are as wild dogs, without any honor or decency! The Iron General is indeed as cruel as they say! Shall we befall the same fate as the Duke's brother, or shall our fates be crueler yet?" asked the

men of Ma. Many men deserted before battle, leaving the army of Ma diminished and in low spirits.

The morning sun was bright and the heat of summer thick as the battle commenced. Though those that remained fought valiantly, exhausting their loyalty as loyal knights of the realm cannot help but do, the army of Ma fell before the Iron General and his wild dogs of Kang. Yu Mo's men routed the rest and laid siege to the walls of Dun, using prisoners to tunnel beneath them and undermine them. The men of Kang thus broke through the walls and sacked the city, taking its many riches as their own. The famed Temple of Great Sagacity was set ablaze, its many scrolls and relics taken as booty. To crown Yu Mo's achievement, the Duke of Ma himself was brought before Yu Mo and taken as a captive on the road to Kang, as was his courtly retinue.

Yu Mo's army marched along the road back to Ha, encountering few as it passed along the overgrown fields and scummy ponds. The men of Kang marched for many days along the road



before finding the results of a terrible battle by the market-town of Wo. Bodies stank in the fields and the town was in ruins, but the rearguard was not to be seen. The men of Yu Mo's army sniveled and wept as they found familiar banners among the dead.

"You will see that Kang has sown a bitter harvest and shall reap its fruits," spoke the Duke of Ma. Yu

Mo had the Duke's tongue cut out for impudence.

"You will see that the great King of these lands shall have little mercy for impudent dukes," said Yu Mo. "It is only by the King's will that I do not have you slain, so that His Excellency Himself may choose how to dispose of you."

To demonstrate this, Yu Mo had the retinue of the Duke of Ma buried alive in the tunnels beneath the walls of Wo, leaving only the Duke and his courtesan Cui alive.

Yu Mo's army returned to Kang expecting great fanfare, for the campaign against Ma had been a glorious success. The great city of Dun had been sacked, the Duke of Ma captured, the town of Wo and the many villages of the northeastern road ruined, the glory of Kang brought as a sword against those that mocked the Kingdom. However, the villages were empty, the grain fields unkempt, the orchards foul with the smells of plums, peaches, and mulberries rotting in fetid piles below the trees. The men of Kang were in low spirits as they passed through the empty lanes of familiar towns, availing themselves of any grain and wine to be found within the stone walls.

Yu Mo's army reached Gela town on the banks of the River Kang and there sought the ferry to Ha, but found Gela too abandoned. Yu Mo commandeered the town and sent a scouting party to ford the river, fearing the worst.

Some days went by before the scouting party returned, during which time the men of Kang scouted the area around Gela town. Po Ke, of Gela town, found his kinsmen hiding in a cave east of the fertile fields.

"Alas! Here come the champions of Kang, too late to deliver us from this sorry state! You set forth to punish the impudent and played right into the hands of schemers more crafty than you."

Po Ke wept upon such reproach and offered his rations to his kinsmen. They partook of his grain and fish gladly, weeping, "O cousin! How has it come to this?"

Po Ke returned to Gela town and found Yu Mo, quartered in a fine

house on a hill overlooking the river-fields.

"O General, how sad! I have found my kinsmen hiding in a cave beyond the eastern fields; they speak of great suffering here in the lands of Kang."

Yu Mo heard these words and did not speak.

"O General, have you no words? Your country may be lost."

Yu Mo heard these words and did not speak.

Po Ke quit the house and made his way to the troops' quarters among the cramped and narrow alleys.

"Men of Kang! Our people have been driven from their towns; they sit hungry in caves like frightened animals. It is clear that war has come here in our absence; shall we not avenge our honor?"

With this, Po Ke roused a band of warriors and set off to cross the river. Yu Mo heard of this and seized them.

"You shall not cross the river; I, the Iron General of Kang, thus command you," spoke Yu Mo.

"O General, you have lost your touch. You are ready to plunder the enemy's stores, but are you ready to avenge the plundering of your own? We think not," replied Po Ke.

Yu Mo's loyal men seized Po Ke and his mutineers, imprisoning them in a storehouse below the earth.

The scouting party returned two days after this. They brought news of ruin.

"O General, the great city of Ha is lost and Our King is no more, slain by His Excellency by the treacherous blades of You. The men of You embark upon the river towards the sea on the morrow, with great ships three among them."

Yu Mo heard this report and sent his men to the docks of Gela town, finding there galleys and riverboats yet afloat. These he ordered filled with oil and straw and such tinder as could be found. Yu Mo then prepared the fireships at the docks of Gela town, chained the mutineers to them, and sentenced the mutineers to avenge their sullen honor with a redeeming act of virtue. Yu Mo then had his scouts set a chain upon the river by

the narrows of Mider, so that ships might not escape in the night. The men of Kang prepared, archers assembled and fireships ready on the waters, the galley manned by the disgraced and besmirched, yearning for redemption.

"Many men of Kang will burn, but what you offer is no solution."

As reported, three great ships of You appeared around the river bend on the morrow, just before the break of dawn. Barges so large were seldom seen on the waters of the River Kang—they moved like palaces afloat, drawn forward by one-thousand oars and asses on the shore. But who was so unfortunate as to serve the galleys, to work among the asses on the shore and pull the barge as a beast of burden? As reported, these were the once-proud men of Kang, now prisoners of You. The advisors urged Yu Mo to reconsider his plan.

"We shall burn more of our own than the men of You," said Ru Qi, man of Lun town upon the sea. "Let us instead stop the ships with our chain and board them."

"Many men of Kang will burn," said Yan Zheng, "but what you offer is no solution. Our forces are unskilled in such maneuvers, our ships unfit to even attempt boarding a barge so large as these."

Yu Mo spoke thus: "Indeed, the men of Kang shall burn, and by the hands of their countrymen. But it is necessary to avenge the honor of Kang to see that the men of You do not simply sail away as we watch from atop the riverbank."

Yu Mo waited till the barges were in sight and ordered the fireships to set forth. The fireships shot forth, for although they rowed upriver against the current, the current this day was lazy, the fireships light, and the disgraced mutineers eager for redemption. The drums of Kang beat from the riverbank and the horns of You wailed as the barges came nearer and nearer to the docks of Gela town. Yu Mo's archers drew their bows as the fireships neared the barges, but there was no need, for the mutineers themselves lit the tinder with their oily torches and

howled as they rushed upriver to their noble deaths. The horns of You wailed in disarray as the fireships crashed into the great barges of You, with the fire spreading quick as ship after flaming ship crashed into their mighty bows. The howls of the burning men filled the air and the men of Kang wept as they saw the fireships crash against the great burning barges, brilliant against the early light of dawn.

Yu Mo summoned the Duke of Ma and the courtesan Cui to observe his triumph.

"Though you are surely speechless, you were quite astute before. Kang is fallen and You has undone the many efforts of our people in but a year. However, see now that the ships of You burn so brilliantly upon the waters of once-great Kang!" spoke Yu Mo.

The courtesan Cui spoke with little propriety.

"It is no great feat to destroy, but much harder to preserve. You have accomplished nothing greater than what the barbarians gloat about in their savage prose."

Yu Mo turned to the courtesan Cui and spoke thus: "How is it that you speak with such impudence? Foul wench! You are the child of a fallen land and have no dignity to preserve."

"Be that as it may, you are no different. Your lands are fallen and the King of You is sure to send men to search for you. You will not even be able to remain here in the skeleton of Gela town, for it will be too easy for the men of You to find you, and your forces are tattered and tired. They will disband and seek what remains of their clans among the hills and caves of Kang," spoke the courtesan Cui.

Yu Mo turned from the courtesan Cui and did not speak. The first of the three barges collapsed, flaming wreckage spewing into the foul waters of the River Kang.

The men of Kang shot their arrows and lunged with their spears at any man to emerge from the oily waters, leaving the riverbank strewn with the dead and dying. Men of Kang and You filled the air with horrid cries and noises as the morning sun rose high and higher yet, trees buzzing with heavy sounds of summer air.



by Wyatt Pless

“I should think that Gela town will not be fit for living for many years to come,” spoke the courtesan Cui.

“Indeed, Gela town is little more than rot and wreckage now. I will not stay here long,” spoke Yu Mo.

“And what is to become of us?” asked the courtesan Cui. “We are of no use to you, for you cannot present us to your pretender king. Shall you add our bones to those on the shore? Shall we burn among them? Or shall you keep us and make use of what skills we have? The Duke, though mute, is knowledgeable in the affairs of state; I am knowledgeable in the affairs of men. We are of use to you alive.”

Yu Mo did not speak.

The second barge collapsed and the third ran ashore by the docks of Gela, with the fire spreading to the docks and the houses surrounding. Yu Mo ordered his men to retreat to the village of Taile, separated from the docks by open fields. Many men deserted in the chaos as fire engulfed the once-fine waterfront of Gela town. The Duke of Ma and the courtesan Cui disappeared amid the smoky din.

The fire burnt throughout the day and smoldered into the night. Yu Mo tallied his men in the camp at Taile. Of his once-grand army, there remained only dozens. Where there had been chariots, there were now asses; where there had been gleaming armor and silk banners, there were now rough garments and tattered cloth.

Yu Mo, the Iron General of Kang, spoke thus to the men assembled: “We have won the battle and lost

the war, for our glorious conquest of Ma led to the disgraceful conquest of Kang by You. We are too few, we are too weak to hold the towns of the River Kang, for men of You remain near Ha and Gela town is no more. Our fine achievement today was to avenge the honor of our fallen land, and that we have done. Our honor is cleaned, but not completed, for the treacherous King of You, that foul dog who offers honors and delivers disgrace, yet lives. We now retreat to the lands east of the River Kang and west of Luo, where we shall recoup our strength and plan for another day.”

With this, the men of Kang set off to the east, marching for days through the wooded hills and swamps north of Lun town. Yu Mo’s men established camp at the village of Nawei upon the River Tan. It was thus that the Iron General of Kang, Yu Mo, became the Warlord of Eastern Kang. •



Have the
courage
of your
convictions.

Courage by Melissa Pereira

***Soil
Sisters***
by *Melissa Pereira*
(BU Law '23)



Thanks for reading Legalese Literary Magazine!

We hope to see plenty of submissions for our Fall '22 issue. Maybe it's an essay considering your experience working for a public defender's office, maybe it's a painting of a cloud, maybe it's a short script about a daring bank robbery: whatever you do this summer, we want to see it.

As always, feel free to reach out to any member of the editorial team with questions about the magazine or if you want to get involved!

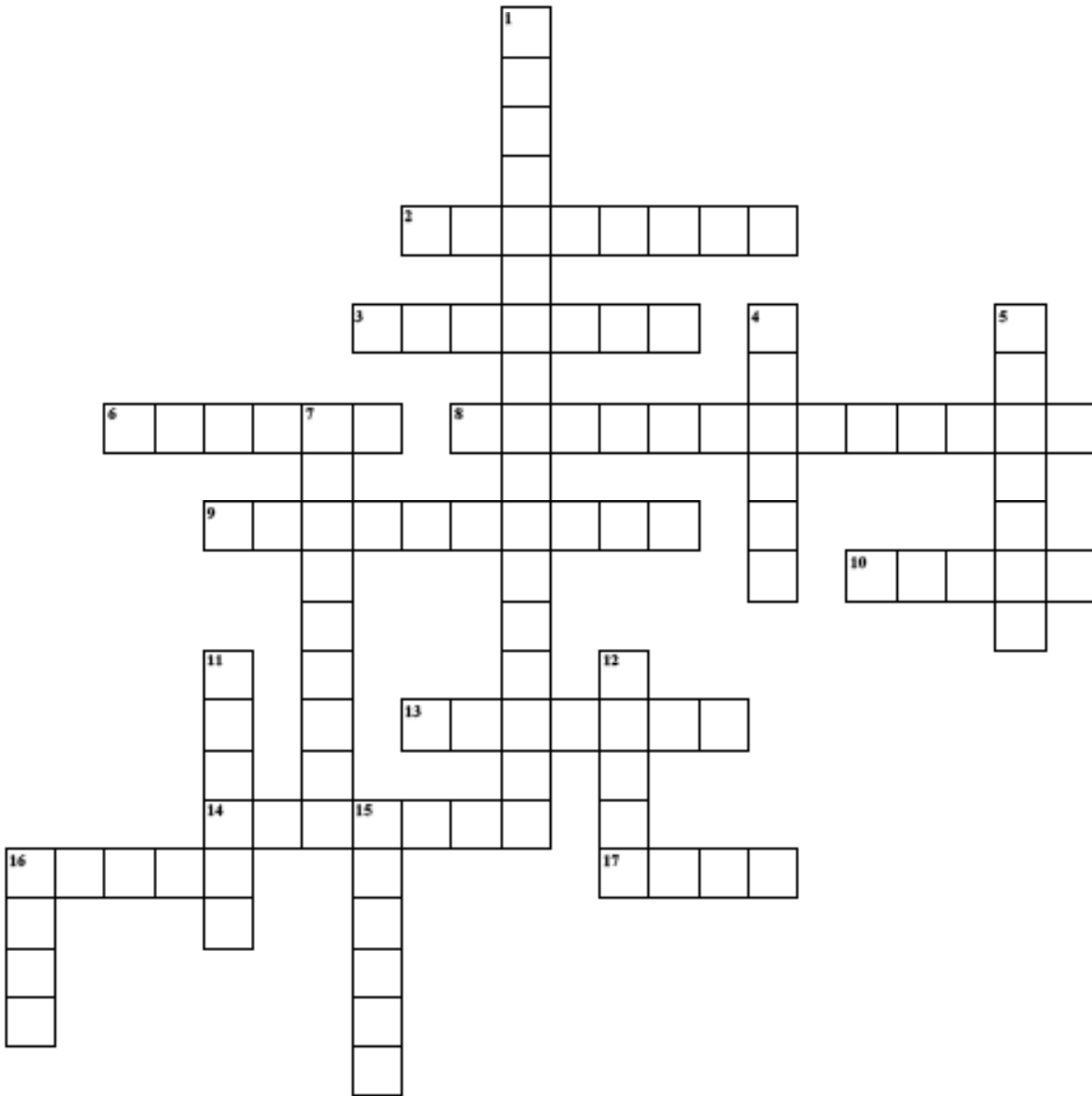


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Legalese Crossword



Across

- [2] Conduct likely to result in civil harms to others
- [3] The swift ship of one Philip Reilly
- [6] What outlasts us
- [8] Some say it's mostly non-verbal
- [9] Largest neighborhood in Boston
- [10] Lawyers go here
- [13] An elusive right
- [14] v. Post (the foxiest case in Property)
- [16] Properly addressed as "Your Honor"
- [17] What we supposedly learn at law school

Down

- [1] The doctrine by which one may claim a piece of land without permission
- [4] Lawyers conduct these (sometimes)
- [5] They grow and bloom
- [7] An area so intimately tied to domestic life as to be treated as part of the home
- [11] A dense food made of soy
- [12] A judge's oaken hammer
- [15] The Queen Herself
- [16] The finders of fact

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. SPRING-22-01

COMMONWEALTH OF MASSACHUSETTS,
Plaintiff,
v.
LEGALESE LITERARY MAGAZINE,
Defendant.

DEFENDANT'S MOTION TO DISMISS

NOW COMES the Defendant, LEGALESE LITERARY MAGAZINE, Pursuant to Rule 12(b)(6) of the Massachusetts Rules of Civil Procedure, and respectfully requests that this Honorable Court dismiss the present action against it. As set forth in Defendant's supporting Memorandum, the Court should dismiss Plaintiff's case with prejudice because:

- 1. Plaintiff has no legal standing to sue such a fine magazine of high culture, and
 - 2. Plaintiff's facts as outlined in the complaint do not plausibly suggest entitlement to relief against the Defendant.
- In further support of this Motion, please see Defendant's supporting Memorandum, incorporated by reference herein.

WHEREFORE, for the foregoing reasons as well as those set forth in the accompanying Memorandum and those that may be advanced at the hearing on this matter, Defendant respectfully requests that this Honorable Court dismiss this Complaint dated April 28, 2022, with prejudice, and grant all other relief deemed equitable and just, including a reasonable award of counsel fees incurred in having to prepare and present this motion.

Drafted on behalf of Defendant, LEGALESE LITERARY MAGAZINE, by its attorneys,

____Tom Fischer_____
____Kaylyn Ling_____
____Trisha Mukherjee_____

Dated: April 27, 2022