EBRIDGE

NEW ENGLAND LAW | BOSTON ALUMNI MAGAZINE



NEW ENGLAND LAW BOSTON



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BRIDGE

Welcome to The Bridge

New England Law's alumni magazine has a new look and a new name. We are calling the magazine The Bridge for a few reasons. One important goal is to serve as a bridge connecting alumni. We also hope that the publication will spur dialogue among graduates, faculty, students, and administrators.

If the magazine is doing its job, you will see an item or two in each issue that prompts you to email a fellow graduate, share a class note, contact a favorite professor, join a school event, or write a letter to the editor to share your viewpoint.

The magazine's new name is also directly linked with the bridge in the law school's logo. The bridge celebrates our Boston home as well as the school's innovators, recalling the spirit of graduate Lenny Zakim '78, the civil rights leader for whom the Zakim Bridge is named.

THE BRIDGE

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A Message from Dean John F. O'Brien '77

STATE OF THE SCHOOL



It is almost impossible to read or listen to the news these days without finding stories about companies and academic institutions that are experiencing layoffs and belt-tightening. This has included articles about a number of law schools—most recently cuts at Harvard University included the law school. It's understandable if these reports also prompt worry among members of our community.

I am writing to provide some information and good news about the state of New England Law's finances. Fortunately, the actions of our board and finance professionals have spared the school from the budget woes that many other institutions are facing. Even with that positive news, alumni giving continues to be a critical factor in funding programs at the school, including academic centers, externships, scholarships, and infrastructure improvements (for example, upgrading technology in the library and classrooms).

Assessment of the endowment

Our Trustee Endowment Committee had the foresight to move all of our investments out of equities before the economic downturn. As a result—and since our enrollments are stronger than ever—we do not need to consider layoffs; we find no reason to freeze salaries or halt hiring at this point; and there are no plans to cut academic programs based on costs and resources.

The school has no debt and owns its main building at 154 Stuart Street as well as the administration building at 46 Church Street. We are fortunate to be affiliated with an institution with a history of fiscal restraint and to be guided by knowledgeable trustees and highly qualified financial administrators who have made wise decisions that have ensured our economic health.

The employment picture

While the school remains in good economic shape, it's a tough economic climate for job seekers in the legal field. Some large law firms are not hiring summer associates. Others have asked new associates to take leaves at lower pay, have rescinded job offers, or have delayed start dates. Many government agencies are not hiring or are requiring employees to take unpaid furloughs, though stimulus package money will likely spur an increase in some government hiring.

Our Trustee Endowment Committee had the foresight to move all of our investments out of equities before the economic downturn.

Thankfully, New England Law graduates have a strong network of alumni in law firms and businesses of all sizes—and in offices across the government sector. As I mentioned in a letter to all alumni earlier in the fall, you can make a huge difference for graduates facing a tough economy. Here are a few ways you can provide crucial support:

- Hire a New England Law student or graduate whenever possible.
- Hire students or graduates for short-term projects.
- Involve a student in a pro bono project.
- Sign up for our mentor program.

If you have a job opening, I encourage you to post the job with our Career Services Office (CSO). You can do so online through the CSO webpage; by email to cso@nesl.edu; or by calling 617-422-7229. If you're looking for a position yourself, the CSO has hired Rebecca Donahue '05, to provide career advice specifically for alumni and graduating students. She can be reached at 617-422-7419.

Continuing improvements

We are continuing to increase the quality of our incoming classes through a large program of merit aid to attract the most capable students. It will take a few years to assess the overall outcome of the aid program, but we will report results when they are available.

Another important yardstick for measuring improvement is the bar pass rate. The school's pass rate for first-time takers of the July 2008 Massachusetts bar exam was 90.3 percent, an increase of 5.5 percentage points over the previous year and an increase of more than 9 points over the past two years.

In the last few years, the school has been steadily strengthening its academic support program to ensure that students have a very strong foundation in legal analysis. In 2007, we hired Professor Louis Schulze to focus on academic support as the director of the Academic Excellence Program (AEP). In 2008, we hired Professor Elizabeth Bloom as the associate director of the AEP, greatly increasing the number of AEP sections available to our students. We now offer programs for first-, second-, and third-year students. Finally, in 2009 the school brought Professor Robert Coulthard on board as a visiting faculty member; he is staying on and will continue to lead and energize the comprehensive bar preparation program.

Celebrating with the Supreme Court

The Centennial's importance was recognized by U.S. Supreme Court Justices John G. Roberts, Jr., Ruth Bader Ginsburg, Sandra Day O'Connor (retired), and Antonin Scalia; from summer 2008 through summer 2009, the four justices either taught our students or interacted with students, faculty, and others in our community.

The Centennial also occasioned the gathering of four female state Supreme Court chief justices—Christine M. Durham (Utah), Margaret H. Marshall (Massachusetts), Ruth V. McGregor (Arizona) and Leah Ward Sears (Georgia)—for a panel discussion on the changing role of women in the judiciary.

The law school was featured on C-SPAN three times in four weeks during the Centennial, with coverage of the following events:

- Justice Ginsburg's Law Day speech
- The Law Review symposium on Justice Ginsburg's jurisprudence
- The four female state Supreme Court chief justices panel

Justice Ginsburg's question-and-answer session with our students also received widespread national media attention.

We hear through the grapevine from time to time how much our distinguished visitors love the school. It's a boost for our reputation when top legal minds visit and feel a sense of connection with the institution.

At the podium

The "Podium" section of the magazine includes stories about the new book by Professors Victor Hansen and Lawrence Friedman, A Case for Congress, as well as Professor Charles Sorenson's recent article on the judge/law clerk confidentiality privilege. Professors Hansen and Friedman argue that legislators made a serious error in taking a hands-off approach to President Bush's prosecution of the War on Terror. Professor Sorenson takes a stand in favor of a rock-solid confidentiality privilege.

Both the book and the article take on complex and important legal issues with clarity and insight, and serve as examples of the high level of scholarship being undertaken at the school.

A listing of other scholarly projects appears on page 58.



Chief Justice Roberts Teaches in Galway Program

New England Law | Boston was honored to present a course this summer taught by Chief Justice of the United States John G. Roberts, Jr. "The United States Supreme Court in Historical Perspective" was conducted at the National University of Ireland in Galway, and examined changes in the Supreme Court since the nation's founding.

"We are honored that Chief Justice Roberts participated in our Galway program," said **Dean John F. O'Brien '777**, "and proud to have offered our students this extraordinary opportunity. This followed Justice Antonin Scalia's very popular class in Galway in 2008, and completed the cycle of

our Centennial year, which was distinguished by the visits of four justices of the U.S. Supreme Court."

Students enthusiastically embraced learning from the nation's top jurist. Lilli Angelique Baculi '11 said, "Having the Chief Justice teach a class is such a rarity that I just had to sign up."

Kyle Guy '11 viewed the course as a "once in a lifetime" event. "We learned how a sitting Chief Justice views the role of the Court in American society, and how he views the historical evolution of the Court."

The course was co-taught by Richard Lazarus, a professor at the Georgetown University Law Center. Lazarus, a nationally known litigator, has represented government groups, nonprofits, and individuals in 40 cases before the U.S. Supreme Court. He presented oral arguments in 13 of those.

The Galway summer program is offered in conjunction with the Irish Centre for Human Rights at the National University of Ireland and the Consortium for Innovative Legal Education, Inc.

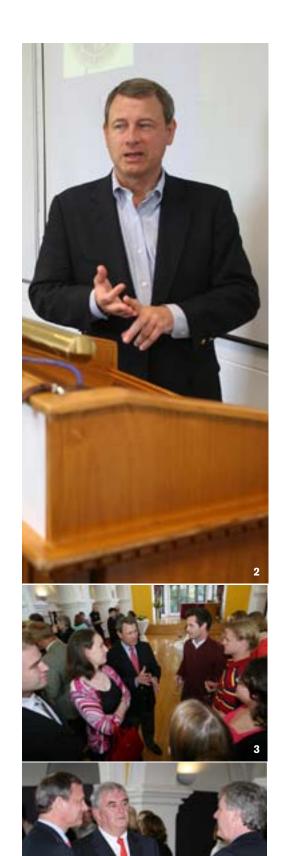
You can learn more about students' experiences in Galway by reading their blog diary entries at www.nesl.edu/students/galway_notes.cfm.

Chief Justice John G. Roberts, Jr., (center) and other participants in this summer's program at the National University of Ireland in Galway

Chief Justice John G. Roberts, Jr., taught this year in the law school's Galway, Ireland, summer program.

Students had a chance to converse with the Chief Justice in a reception on the National University of Ireland campus.

Dean John O'Brien '77 (on right) shares his thoughts with Chief Justice Roberts and Chief Justice of Ireland John L. Murray.







Hon. John R. Simpson '64 Elected President

The Corporation of New England Law | Boston has elected Hon. John R. Simpson '64 as its president, replacing outgoing president, Hon. Darrell L. Outlaw '61. Simpson had previously served as an Incorporator and remains a member of the Board of Trustees. Judge Outlaw will resume his former responsibilities as the Corporation's treasurer.

Simpson was director of the United States Secret Service for 11 years under Presidents Ronald Reagan and George H. W. Bush. He also served as a commissioner of the United States Parole Commission and as the first American president of INTERPOL.

Martin C. Foster '80, chairman of the law school's board of trustees, reflected on the new president's

long history as a top government official. "He served in one of the most important and sensitive government positions in our country," said Foster. "We're thrilled that John Simpson is taking on this important role. It's tremendous for the school to have someone with his skills assuming a key leadership position."

Dean John F. O'Brien '77 praised Judge Outlaw's contributions to the law school. "Judge Outlaw will continue to bring tireless devotion to bettering New England Law. He stepped down to allow his good friend and childhood Roxbury neighbor to have a chance to serve," he said. Judge Outlaw, a retired associate justice of the Dorchester District Court, will continue as a trustee, a position he has held for 26 years.

- President John R. Simpson '64
- Hon, Darrell L. Outlaw, treasurer
- President John R. Simpson '64 and Hon. Darrell Outlaw '61, treasurer



Chairman Martin C. Foster '80 Honored by *Medical Law Report*



Chairman of the Board of Trustees Martin C. Foster '80 was honored as a "Hero from the Field" in the Massachusetts Medical Law Report. The quarterly publication recognizes outstanding leaders in risk management and patient safety as part of its annual "Rx for Excellence" awards. The Law

Report describes the honorees as "unsung heroes of their profession...individuals who lead by example, demonstrating the highest quality of work in their field."

Previously, Foster received the Massachusetts Bar Association's Community Service and Public Service Awards, and has repeatedly been named a "Super Lawyer" by Boston Magazine. In 2008, he was ranked among Massachusetts' "Top 100 Lawyers." He also served on the board of directors of Cambridge Community Services (a United Way planning agency).

Foster is founding partner of Foster & Eldridge, LLP, one of the largest medical malpractice defense firms in New England. He lectures frequently on a wide range of topics that assist physicians in improving their practice standards and reducing liability claims. He also addresses the topic of risk management for physicians, hospitals, and provider networks. Foster was lead author on a 2009 article, "Don't Get Stuck: Massachusetts and New Hampshire Require 'Actual Exposure' to Maintain a Cause of Action for HIV/AIDS-Phobia." in the Massachusetts Bar Institute's Section Review (health law).

Boston Business Journal Profiles Dean O'Brien '77



Boston Business Journal

Dean John F. O'Brien's 21 years at the helm of the law school and the institution's simultaneous progress are profiled in the *Boston Business Journal* in "New England Law dean takes new moniker to new heights" (July 3, 2009).

The article, which appeared in the publication's regular "Executive Profile" column, reviewed O'Brien's tenure, mentioning the visits of several U.S. Supreme Court justices to the law school and informing readers of the school's healthy revenues and endowment, debt-free status, and ownership of its primary facility on Stuart Street. (The school also owns its administrative building at 46 Church Street.)

The article noted that, "improvements range from earning membership in the well-regarded Association of American Law Schools to, late last year, changing the name of the 100-year-old institution to New England Law | Boston, to emphasize [the school's] prime location in the heart of Boston." It also addressed O'Brien's successful efforts in expanding the applicant pool beyond its traditional Massachusetts base: approximately 70 percent of the most recent entering full-time class were from states other than Massachusetts.

Trustee Cary Sucoff, CEO and owner of Equity Source Partners LLC in New York, was also

interviewed. "We lived in relative obscurity at the school for many years," Sucoff said. "He has raised the prestige and profile of the law school."

O'Brien said of the school's outreach to the Supreme Court, "It's all part of the plan. We want people to know us—to know who we are and our reputation."



Law Review Advances in **Rankings** 40%

The New England Law Review has moved up into the top 40 percent of 220 general law journals surveyed in Washington and Lee University School of Law's annual rankings. The Law Review's trend of improving scores has now extended into a fourth year.

Washington and Lee's rankings are based on citations to current scholarship, counting citations to law journal volumes published in the preceding eight years. New England Law Professor Lawrence Friedman, advisor to the New England Law Review, commented, "This is indicative of the impact we are making on the world of legal scholarship. The articles written for the New England Law Review are increasingly held in high esteem by law professors and by judges, as evidenced by this growth in citations to the Law Review's published works."

The New England Law Review jumped nine positions this year and is currently ranked #88 in the survey, which includes both American and international law journals.

NEWS

Two Professors Who Helped Shape the School

Two central figures on the law school faculty retired recently—**Professor Daniel A. Ticcioni**, who began teaching in 1971, and **Professor Barbara Plumeri '82**, who began her teaching career at New England Law | Boston in 1982.

To get a sense of what these professors meant to the institution, we spoke to a few of their faculty colleagues. **Professor Curtis W. Nyquist** worked closely with Ticcioni for many years. "There's a popular image of lawyers, reinforced through television, that lawyers have a big personality—that they're high-intensity people," says Nyquist. "Dan has always maintained a gentle, compassionate nature, and

to a certain segment of students, he represented an alternate definition of what a lawyer can be. I've had many students and graduates tell me, 'Professor Ticcioni really saved my career.' They were grateful to him for showing that the spectrum of personalities in the profession is wide."

Professor Philip K. Hamilton

notes Plumeri's important role in shaping the make-up of the faculty during her many years of service as chair of the hiring committee. "Barbara somehow had the ability to determine which prospective faculty would turn out to be great teachers. She asked questions in a way that got to the core of the applicant's skills. She was much quicker at accurately sizing up a candidate than I ever was."

Nyquist also notes Plumeri's impact on the character and teaching skill of the current faculty. "All but seven of today's faculty were hired with Barbara's substantial input. She made a huge imprint on the quality of the school and its teaching. That impact will be felt for decades to come," he says.

Research & Writing program,
Plumeri was succeeded by
Professor Davalene Cooper.
"She's been a role-model for me and for so many students," says
Cooper. "One student on the moot court team said 'My goal is to be her.' Students responded to her incredible dedication. She's a consummate professional."

After years leading the Legal





Professor Charles Sorenson

has known both of the professors since he arrived at the law schol in 1991. "I will miss Dan and Barbara very much," he says. "Their wit, warm collegiality, and dedication to providing our students with an excellent legal education have made New England Law a special place."

Sorenson worked closely with Ticcioni on the faculty's Judicial Clerkships Committee and in the teaching of Civil Procedure. "Dan has been incredibly helpful and supportive, and, as I believe most people would agree, he has to be one of the nicest human beings on the planet."

Plumeri taught Health Care Law, Modern Remedies, Products Liability, and Torts. Ticcioni taught Civil Procedure, Clinical Evidence, Conflict of Laws, and Modern Remedies.

School Welcomes New Faculty Member

Gary M. Bishop was named associate professor of law and the director of legal research and writing. Prior to joining New England Law, Professor Bishop was a staff attorney for Boston Municipal Court where he worked for 11 justices, conducting research, drafting memoranda, opinions, and orders. He also wrote amicus briefs for filing with the Supreme Judicial Court and coauthored a paper on Miranda v. Arizona and police interrogations for Massachusetts Continuing Legal Education (MCLE) presentations. Bishop was an associate at Bingham McCutchen LLP and at Ropes & Gray LLP. He also served as a law clerk for Hon. Francis P. O'Connor of the Supreme Judicial Court of Massachusetts.





EVENTS

2009 Commencement

Sending forth a tiny ripple of hope





In the 1960s, Hon. Margaret H. Marshall, Chief Justice of the Massachusetts Supreme Judicial Court, served as the leader of an antiapartheid student group in her native South Africa. Speaking at the 98th Commencement on May 22, 2009. Chief Justice Marshall recalled her own initial exhaustion and dejection as part of the anti-apartheid movement. South Africa's ruling white minority controlled all levers of power, and opponents like Nelson Mandela and thousands of others - black and white - were cowed into submission, imprisoned, or otherwise silenced.

In 1966, she recounted, Senator Robert F. Kennedy accepted an invitation from the student group to speak, and that visit changed her life. He told the students, "Each time a [person] stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

And so it was to be, explained the chief justice. "Countless women and men chose to make a

difference in South Africa - in large, heroic ways, and in small ones. Those ripples tore down the mighty wall of apartheid."

Protection of the rule of law

Chief Justice Marshall credited her opportunities for advancement to visionaries such as the founders of Portia Law School. A female justice became a possibility, she explained, "All because the founders of Portia Law School...saw something in the abstract principle of equal justice under law that their contemporaries simply could not imagine. Collectively, bit by bit, these men and women chipped away at the granite face of prejudice, revealing another dimension of the human spirit."

She exhorted graduates to make a contribution to improving their world, emphasizing that even small acts are meaningful. She illustrated her point by recounting the efforts of modern-day Pakistani students who, wanting to combat widespread hopelessness, set out with shovels to pick up trash. "You want to do something?" said one young Pakistani organizer. "Pick up a shovel." The chief justice added, "I could not say it more eloquently."

Hon. Margaret H. Marshall, Chief Justice of the Massachusetts

Judicial Court

Supreme

Murdock

Chief Justice Marshall and honorary degree recipient Catherine

The future is in their hands

Chief Justice Marshall conferred upon the graduates the responsibility of ensuring continued justice. "We place in your hands the welfare of your communities," she said. "We place in your hands the future of the rule of law. We trust that you will pick up your shovels. We trust that you will go beyond the limits of the possible. As heirs to the pioneering legacy of New England School of Law, you have abundantly earned that trust."

Honorary degree recipients

The program's highlights included the awarding of the following honorary degrees:

JudyAnn Bigby, M.D.

Secretary, Massachusetts Executive Office of Health and Human Services (doctor of humanities)

Catherine Murdock Dewey '30

The law school's oldest known living graduate at 100 years old (doctor of laws)

Angela Menino

Boston's First Lady and a founding member of both the Boston Women's Commission and the Massachusetts Commission on the Status of Women (doctor of humanities)

Aaron D. Spencer

Founder, director, and chairman emeritus of UNO Chicago Grill (doctor of humanities)

James E. Vallee '91

Massachusetts state representative and House majority leader (doctor of laws)

A Centennial graduation

Opening the program, Chairman of the Board of Trustees Martin C. Foster '80 congratulated the graduates for their hard-won achievement and thanked the law school faculty for its dedication and excellence.

Dean John F. O'Brien '77 made note of the Centennial year in his remarks, stating, "I hope that you, the graduates of 2009, feel a special pride that the culmination of your own experience at New England Law is also the capstone of such a significant year for the law school community. That can only enhance the satisfaction that you and your families feel today." The dean had special reason to celebrate this year as his daughter, Kara, was among the 313 graduates.

Hon. Darrell L. Outlaw '61, president of the law school, urged the graduates to stay involved with the school, as he has done—to become "part of a supportive, active, and committed group of people who all believe in the power of education and the distinctive opportunities New England Law provides."

Student awards

Michael J. Ticcioni and Keith A. Garland delivered valedictory addresses on behalf of the day division and evening division students, respectively. As the summa cum laude graduates of their divisions, they both received the Dean Arthur W. MacLean Award for Academic Excellence.

The following student awards were also presented:

Trustee Bradbury Gilbert Award for Excellence in Achievement

Trace W. Rakestraw Celicia Ugarte

Service Award

Alaina L. Ramsey Abigail C. Ross Amanda E. Tarzwell Antonio L. Trubiano

Outstanding Scholastic Achievement Award

Jessica S. Babine Megan A. Kremer Brittany R. Vanderhoof Michael Y. Zhang

President Anna E. Hirsch Award

Adonia R. Simpson Lauren E. Vitale

Dean Timothy J. Cronin, Jr., Memorial Award Marlee S. Furman

Dean's Award

Tara N. Cho

EVENTS 2009 Commencement

Photos









William M. Casey, Trustee (left) congratulates honorary degree recipient Angela Menino. Associate Dean Judith G. Greenberg and Chairman Martin C. Foster '80 look on.

Natashia M. Tidwell '03, trustee; honorary degree recipient Aaron D. Spencer, founder, director, chairman emeritus of UNO Chicago Grill; Chairman Martin C. Foster



Catherine Murdock Dewey '30, honorary degree recipient; Kathleen Pfeifer Spurling, trustee

State Rep. (MA) James E. Vallee '91, honorary degree recipient; Hon. Peter L. Brown, trustee

Award winners (front): Alaina Ramsey, Marlee Furman, Amanda Tarzwell, Antonio Trubiano, Michael Zhang

(middle) Megan Kremer, Britanny Vanderhoof, Jessica Babine, Cecilia Ugarte, Keith Garland, Michael Ticcioni

(back) Tara Cho, Adonia Simpson, Abigail Ross, Trace Rakestraw

Chief Justice Margaret H. Marshall (seated); Judy Ann Bigby, M.D., honorary degree recipient; Honorable Darrell L. Outlaw, treasurer; Chairman Martin C. Foster

Mayor of Boston, Thomas M. Menino; honorary degree recipients Angela Menino and Catherine Murdock Dewey '30.







EVENTS

2009 Alumni Career Forum

Bringing Students and Alumni Together



Julia Fahey '02 is legislative counsel with the National Association of Government Employees, SEIU Local 5000. This was her second time participating in the Alumni Career Forum, and she was pleased to see greater numbers of alumni and students than she had previously. "I talked to more students [this year], and I was impressed with the types of questions that were asked," Fahey said. "They were quite educated about my very specialized area of law - labor and employment law. Students asked specific questions about contract negotiations and arbitration, rather than general questions that weren't on point."

Taking pride in New England Law

Fahey, an Alumni Association board member, is an enthusiastic school booster and proudly shared news of this year's Centennial celebration events with her law colleagues. She reported: "They've been impressed, especially with the visits that we've had from former Justice O'Connor and Justice Ginsburg, and the good press that the law school has earned." Brian Link '98 also takes pride in New England Law and similarly took time from his busy schedule to attend the forum. He recognizes its importance: "I found it beneficial when I was a student and used the information that I received in my own career search."

Link is vice president and managing counsel for State Street, working in the fund administration group. "We manage regulatory filings and corporate governance requirements for our clients. These include mutual fund companies and other types of investment firms."

Financial law courses spur interest

The opportunities presented in financial law undoubtedly steered some students toward Brian Link's table this year. He has returned for four Alumni Career Forums, and, like Fahey, was pleased by the rising attendance. His table was busy, and he suspects that his field may be growing in popularity among job seekers.

New England Law's enhanced course offerings could also be playing a role. Link pointed out, "The law school now has a broader curriculum around financial services. For example, 'Pooled Funds' is a new course."

For more information about Career Services Office programs, or to volunteer as a mentor, please contact Director of Career Services Mandie Araujo at 617-422-7229, maraujo@nesl.edu.

- (L-R) Bhashini Weerasinghe '09 and Jenny (Anglin) Wilder '01 (SmartBooks)
- (L-R) Richard Bardi '83 (Law Office of Richard C. Bardi), Lauren Cutler '09, and Kristen Scanlon '09
- (L-R) Cassandra Mariani '09 and Brian Link '98 (State Street)
- Matthew Forlizzi '07 (The Law Office of Stephen M. Forlizzi) and Meghan Thorp '07 (Mayer, Antonellis, Jachowicz & Galvani, LLP)







"Students asked specific questions about contract negotiations... rather than general questions that weren't on point."

- Julia Fahey '02



"From the minute we left the gate, I wasn't a lawyer. I was truck commander. You, had to know how to compartmentalize yourself."

"Our mission was the law, but we were military first," says Timothy Keeton '95, describing his role in the construction of a provincial court in one of the world's most dangerous war zones.

As a U.S. Navy Lieutenant Commander attached to a U.S. Army Civil Affairs Unit, Keeton carried out that mission while enduring sweltering 125-degree heat, navigating roads where military and civilians were routinely killed by improvised explosive devices (IEDs) placed by insurgents and managing a construction project with no background in that field.

From December 2006 through March 2008, Keeton served as part of a Provincial Reconstruction Team (PRT). He and his colleagues were responsible for overseeing the building of a branch court in Kirkuk, Iraq, that would take some of the cases previously handled by the Central Criminal Court of Iraq (CCCI) in Baghdad, 150 miles away.

Keeton and the PRT were charged with directing the conversion of former Army barracks into the new Kirkuk courthouse. An adjacent office building had to be furnished with beds and furniture, to be made into living space for judges who would travel from Baghdad.

"That's where lawyers, unfamiliar with building and engineering matters, had to become instant construction project managers. We would only half joke that 'good enough' was a construction standard," says Keeton.

"The roads we traveled on were frequently bombed by insurgents," he says, describing the journey from the Coalition Forward Operating Base, where he was stationed, to the site of the branch court. "From the minute we left the gate, I wasn't a lawyer. I was truck commander. You had to know how to compartmentalize yourself."





U.S. Navy Lieutenant Commander Timothy Keeton '95 at the top of a staircase in ancient ruins in Kirkuk, Iraq.



Assistant U.S.Attorney (AUSA) Marlon Cobar and Keeton '95 pose with three little girls (the youngest in traditional Kurdish garb, center) at the opening ceremony for a new district courthouse in Dibis, Kirkuk.

AUSA Marlon Cobar, Army Brigade Judge Advocate General Major Gary Johnson, and Keeton '95, in Kirkuk





"We didn't want to set a pattern for insurgents to be able to follow us. We were a convoy with a bubble around us—so no other vehicles could enter."

Why a branch court?

Before the branch court was in operation, many of Kirkuk's detainees scheduled for trial in Baghdad never made it to the court, Keeton says, "for a variety of reasons, from the bribing of corrupt [police] escorts to outright escape," and there was a three-year backlog of cases waiting to be heard. Now, criminals convicted in Kirkuk are swiftly transported to prison to serve sentences or await execution, Keeton reports. The backlog of court cases has been alleviated, he adds, increasing public confidence in the criminal justice system. Two days after the court's construction was completed, he recalls, "Local media broadcast that, for the first time since the liberation of Iraq, everyone who had committed a crime against the people of Kirkuk was facing justice in Kirkuk."

Coming under fire

Located at an Iraqi Army base called K1, the new court is situated at the second most secure location in the province. Still, the hazards traveling to and from the base were formidable. "Two or three times a week, we would go to K1 to monitor progress," Keeton says. "This involved first donning heavy protective gear and loading [our] individual weapons."

Moving as a four-vehicle military convoy, he and his team took roads where military and civilians were routinely killed by insurgent attacks. Vehicle-borne improvised explosive devices were a threat, so each time Keeton and his fellow officers exited the base, they left from a different gate. "We didn't want to set a pattern for insurgents to be able to track us. We were a convoy with a bubble around us-so no other vehicles could enter."

An investigative system

The Iraqi legal system is a relatively modern one, with some established guidelines, and others still in development, a by-product of a newly created constitution. The right to legal counsel during

pre-trial, for example, is a modification to the system after Saddam Hussein was removed from power. Similarly, court-appointed attorneys are now available for defendants who do not hire their own. The country has had a secular, modern, criminal justice system in place for 40 years. The penal code, established in 1969, predates Saddam Hussein's sovereignty.

One of the key differences between the Iraqi judicial system and that of the U.S., Keeton says, is in the phases of investigation prior to an actual trial. The first phase of investigating a crime is conducted by the police Major Crimes Unit (MCU), and the next phase is conducted by an investigative judge, whose team of lawyers thoroughly examines charges, evidence, and witnesses.

"By the time a case gets to the Central Criminal Court," Keeton points out, "guilt or innocence has pretty much been established."

Diplomacy required

In addition to his role as military officer and project manager, Keeton sometimes had to play the part of diplomat. The city of Kirkuk, Keeton points out, is an ethnically mixed city of Arab, Kurd, Turkomen and Assyrian Christians. Sulaimaniya province, however, just north of Kirkuk, falls into the Kurdish Regional Government in the semi-autonomous Kurdistan; the Kurdish secret police, the Asayish, had arrested many Arabs arbitrarily, imprisoning them with little or no due process, Keeton says.

"We used our influence with Kurdish officials in Sulaimaniya to agree to have Arab detainee cases reviewed by an ethnically-mixed panel of Iraqi judges, and to abide by their findings. We really had to convince various civilian officials-the provincial governor, judges, police chiefs, prison wardens-that what we wanted to do was in their best interest."



See related story page 24: Petty Second Class Officer Eric C. Graham '10, an Evening Division student, returned recently from a one-year tour of duty in Afghanistan.

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A jury ordered Microsoft to pay Uniloc \$388 million—the fifth largest jury verdict in patent law history.





In the early 1990s, Richardson helped found Uniloc, a small software technology company based out of Irvine, CA. The company's signature product was a groundbreaking anti-piracy software algorithm, which links a program's registration codethe long series of letters and numbers you type in when you use new software -with various components of one specific computer. Hayes likens the algorithm to a finger-printing system.

Richardson brought the software to Microsoft in the early 1990s, says Hayes, but the software giant has since claimed that the idea was useless to them. "Microsoft argued that their algorithm was developed independently of Ric's-and that there was no infringement on Ric's patent. The jury clearly didn't buy it." The invention ultimately saved Microsoft billions of dollars in theft loss, Hayes contends.

A federal jury in Rhode Island appeared to agree with that assessment. In spring 2009, the jury ordered Microsoft to pay Uniloc \$388 million-the fifth largest jury verdict in patent law history. Hayes will earn a contingency fee, unless the verdict is successfully appealed-not a likely scenario, he says.

Big oil vs. a dozen scientists

In 2000, Hayes' won his second largest jury verdict-for \$55 million. In that case, he represented GTA Inc., a small research and development facility in Virginia, in its suit against Conoco, one of the largest oil companies in the world. The scientists at GTA invented a drag-reducing agent added to oil before it is transported through oil pipelines. "The simplest way to explain it is that they made the oil more slippery. The polymer GTA invented allowed Conoco to push through twice as much oil in the same amount of time."

"The arrogance of Microsoft and Conoco is incredible," says Hayes. "We found a document in the Conoco case from the time period when they were developing their additive program. It had a list of patents and next to each one it said, 'Does not apply,' and then when they got down to GTA's patent it said: 'Barrier'. You know what that spells? Willful infringement."

"They'll do anything for the company"

We asked Hayes, one of the most successful patent litigators in the country, if he had any suggestions for success in court. Four such suggestions immediately came to mind:

1) "When you're cross-examining a witness, it's like putting on a play where the actors don't want to say the lines." In the case of a witness who works as a corporate employee, "the trick is to immediately have the jury

perceive the individual as a dedicated employee who will say and do anything for the company.... It goes something like this, Hayes says, acting out the exchange: "How long have you worked at Acme Financial? 12 years. Do you love working for Acme? Yes."

- 2) "With third-party experts, they're paid such a fortune it's easy to exploit how much they're being paid. You're portraying them really as a mouthpiece. After you've done that, the jury won't believe a word that comes out of their mouths."
- 3) A former Marine and platoon commander in Vietnam, Hayes recommends being practical and direct. "I want the jury to understand that I'm not flashy. I tell them: 'I have eight blue suits and they're all identical-all I do is change the tie."
- 4) You need to have a sense of what you're trying to get out of the deposition; it's not just fact-finding. The purpose is to get admissions that favor what you're trying to do. You want to construct your cross-examination based on the questions you've asked in deposition.



Tracy Brown '86

New England Law alumna Tracy Brown '86 is Liaison and Public Information Officer for the New York office of the International Atomic Energy Agency (IAEA). Brown covers UN issues concerning nuclear non-proliferation and disarmament, safety and security, and energy and the environment on behalf of the Vienna-based organization.

What is your chief responsibility at the International Atomic Energy Agency?

I represent IAEA at UN meetings and report on actions taken and issues and proceedings of relevance to IAEA headquarters. I also manage public relations for the office, which includes conducting briefings to the public, promoting special events, and responding to media inquiries.

The most exciting meetings I attend are those of the UN Security Council when the IAEA's verification work in Iran, Iraq and North Korea are on the agenda. They are fascinating because they sometimes reveal subtle nuances in approach. For example, the Chinese representatives frequently use proverbs to make a point, while the representatives from the United Kingdom bring their sharp wit and command of the English language.

Name your career highlight to date.

Before accepting the IAEA post, I was employed with the U.S. Department of State, and during my tenure there I was recommended for a one year special assignment as senior watch officer, or shift manager, in the department's 24-hour watch and crisis management center under former Secretary Warren Christopher. In that position, I orally alerted and briefed the Secretary and senior officials on fast-breaking events and information.

Once, when a U.S. pilot went down in North Korea, it was my job to provide technical assistance in opening a line of communication, via China, to assist in the negotiation of the pilot's release.

What was it like to work with Secretary of State Christopher?

Although we rarely saw him, he was great to work with. His demeanor was that of a gentleman, "old school," not loud or dramatic. He always showed restraint – I suppose it was part of his character.

What other profession could you see yourself in?

In my alternate life I am an artist/musician/jazz vocalist. Music is the ultimate international language, and I'm forever moved by it.

Linda Cristello '90

You're a sole practitioner. What is your specialty?

I've been in private practice for 19 years, specializing in immigration law, in particular, criminal removal and deportation cases. I have three offices, in Boston and Lawrence, MA, and Warwick, RI. My Boston and Lawrence offices work on a wide array of immigration-related cases, from criminal removal to citizenship matters. In Warwick, I work with immigrant professionals—doctors, engineers, professors, and other foreign nationals with higher education—who are pursuing work in the U.S.

Is there a particular region or country that most of your clients come from?

Most of my clients are from the Dominican Republic and Latin America. Because of my language skills, my clients tend to be Hispanic.

Do you speak Spanish fluently? Do you speak any other languages?

Yes, I am fluent in Spanish and conversant in Portuguese and Italian. My undergraduate degree was in Spanish linguistics and foreign languages.

What is the most gratifying part of what you do?

Keeping longtime foreign nationals in the U.S. so they can be with their families. Many foreign nationals have resided here since childhood. Mistakes they have made in the past and continue to make in the present can jeopardize their right to remain in this country.

What kinds of mistakes?

Many of my clients obtain their Lawful Permanent Resident status, however, never go on to become U.S. citizens. In some cases, they commit crimes, such as drug offenses, making them removable from the United States, because they lack the same rights as U.S. citizens.

How does your work now compare to the work you did previously for the Executive Office for Immigration Review (EOIR)?

While working for EOIR, I learned the inner workings of the court system and became very familiar with the Department of Justice staff. I was able to apply the experience, particularly the knowledge of immigration procedures and defense of foreign nationals, to private practice.

What other profession could you see yourself in?

Other than pursuing a judgeship, I dream of being a pet sitter and owning a pet daycare.



"Under Constant Threat" in Afghanistan

Eric C. Graham '10

"There's never a moment when there isn't something exploding," says Petty Second Class Officer Eric C. Graham '11, an Evening Division student who returned from a one-year tour of duty in Afghanistan at the end of April. "Ninety-nine percent of the time, it's not aimed at you," Graham adds, "but there's a constant threat."

Graham is talking about his deployment as a Regional Police Advisory Command-Central (RPAC-C) Intelligence Officer for the U.S. Navy in Darulaman, located in southwestern Kabul, Afghanistan. During eight months in the field, Graham was attached to a U.S. Army unit and was responsible for training the Afghan National Police (ANP) and disseminating ground intelligence to military officials about emerging threats throughout 10 provinces, or about 600 square miles, of known Taliban-contested territory.

Under rocket fire

Graham was stationed at Camp Dubs in Darulaman when the base came under insurgent rocket fire. "We heard a loud blast," Graham recalls, "and the whole building shook."

There were no casualties, but damage to buildings on base and evidence of an unexploded rocket underscored the constant threat of attack.

The fear of death remained with him throughout his deployment, Graham says, particularly after the attack on Camp Dubs, and after witnessing a strike on a British convoy that killed one soldier. Although no one was hurt in Graham's convoy, he remembers seeing the attack on the British, and confronting the reality of constant danger.

The entire experience in Afghanistan, Graham admits, has made him hyper-vigilant of his surroundings, even in the civilian world. "Every pop, every loud noise, I react to," Graham adds. "I'll jump [at sounds] for the rest of my life."



Awarded Bronze Star

Graham's assignment, to what he calls the "immature theater" in Afghanistan, required a leave from his full-time roles in financial services and as a law student. Graham says the opportunity to hone his leadership skills was invaluable, and he hopes to apply the experience to pursuing a career in the Navy JAG Corps after law school.

He was awarded the Bronze Star for "meritorious service" and for demonstrating exceptional leadership in a combat zone.

Eric C. Graham '10 did a tour in Afghanistan as part of a special operation on active duty for the US Army. He mentored the Afghan National Army and engaged in humanitarian efforts as well as military combat operations.



Eric Graham '10 on duty in Afghanistan in Wardak province

Eric Graham with the Shamshad Police in Kapisa province in northeast Afghanistan

ACC Law Students Ethics Awards

Lauren Vitale '09

At the Association of Corporate Counsel (Northeast Chapter) fifth annual Law Student Ethics Awards, Lauren Vitale '09 was one of 11 law student recipients recognized for demonstrated potential and commitment to legal ethics.

Vitale worked in the Family Unit of Greater Boston Legal Services (GBLS) as part of her participation in the Family Law Clinic at New England Law | Boston. Prior to working for the clinic, Vitale demonstrated an enduring commitment to advocacy and the law when she volunteered for more than 225 hours at Suffolk County Probate and Family Court in Boston.

At GBLS, Vitale worked on a number of family legal issues, primarily domestic violence cases. Hon. Sandra L. Lynch, Chief Justice of the U.S. Court of Appeals for the First Circuit, spoke at the April 16 awards ceremony in Boston.



Student Wins ABA Award to Assist Homeless, Needy

Ligia Rodriguez '11



Sarah Roxburgh '08, Laura Maistrosky '11, Ligia Rodriguez '11, Caitlin Delphin '11, Lisa LaFera '02

Ligia Rodriguez '11

Ligia Rodriguez '11 spent the summer cataloguing personal stories of family turmoil, addiction, and financial collapse. Others might have staggered under the heartrending disclosures, but Rodriguez, an unaffected evening student with an encouraging demeanor, remained undaunted - even inspired - by her internship with Shelter Legal Services of Newton, MA. "I like public service and this has been a great experience," she says. "I am helping people, and that's what I want to do with my legal training."

Rodriguez's work was supported by a scholarship from the ABA John J. Curtin Justice Fund Legal Internship Program, which is open to students from all 200 ABA-approved law schools. Rodriguez volunteered as a first-year student at Shelter Legal Services, which was among the factors that enabled her to win one of only four Justice Fund awards granted nationwide.

In the summer internship, Rodriguez handled intake assessments and worked with some of the hundreds of clients who are assisted annually by Shelter

Legal Service's four clinics, which include Rosie's Place, a sanctuary for poor and homeless women in Boston's South End; the Multi-Service Center for the Homeless in Cambridge; and two clinics for homeless veterans.

Rodriguez received a bachelor's degree in law and political science in her native Panama. She credits growing up in her homeland's rural mountains for her natural bent for helping others.

Approximately one-third of the Shelter Legal Service's clients are immigrants, and Rodriguez's Spanish fluency was helpful.

The cases are often complicated. In one instance, a public housing resident filed a restraining order against her former partner, to prevent the man, a drug abuser with diagnosed mental illness, from visiting their child (the child had witnessed the domestic violence that broke up her parents' relationship). Rodriguez and Caitlin Delphin '11, another summer intern, assisted the woman



together and ensured that her rights and those of her child were protected.

In public service law, the hours are long and the workload is daunting, says Lisa LaFera '02, Shelter Legal Service's executive director—but the benefits are immeasurable, both for clients in desperate need and for those who believe the law should improve people's lives. New England Law's commitment to public service law is fully evident at Shelter Legal Services, whose staff also includes Rodriguez's supervisor, attorney Sarah Roxburgh '08. Roxburgh's predecessor was Katie Menard '06, who also began as a summer intern.

The summer internship fits clearly into Rodriguez's career plans. "I like how Shelter works and how I've been involved with clients here," she said. "This is the kind of work that I want to be involved in for the rest of my life, helping people like we do here."

Students helping Bingham McCutchen LLP



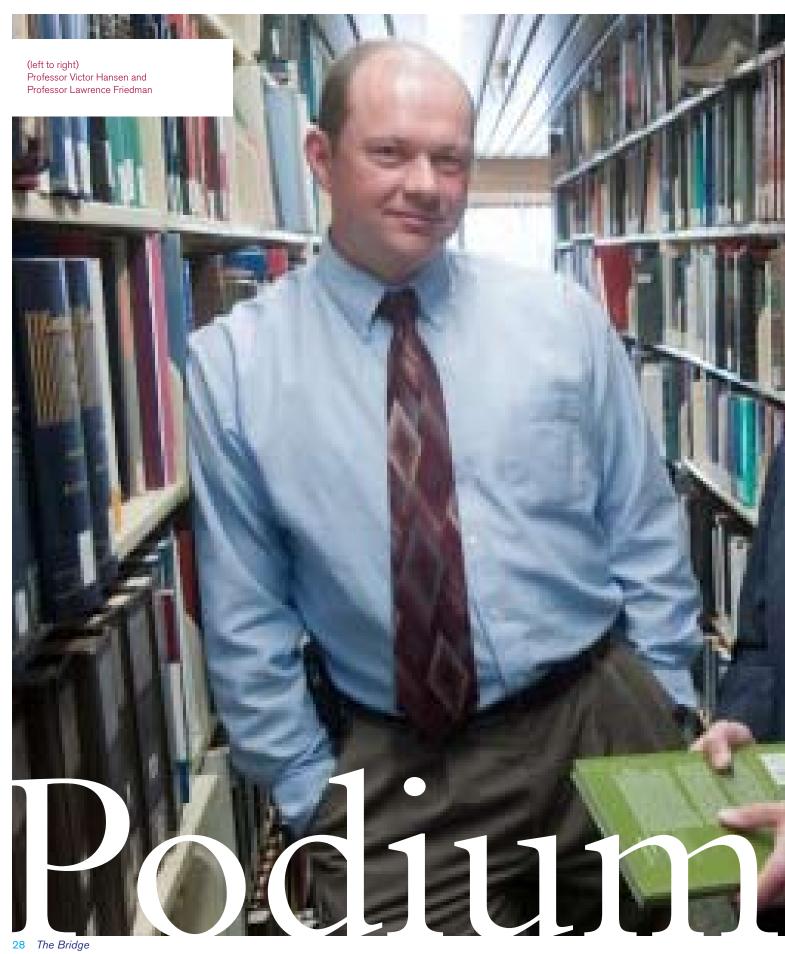
Students participating in the law school's Immigration Law Project, created and run by Professor Dina Francesca Haynes, are providing assistance to Bingham McCutchen attorneys, including Allyson Kurker and Jennifer Bonetti Fay '07. Olya Chervatyuk '11, Mary Chicorelli '10, Mark Scialdone '09, and Victoria Turner '10 are assisting with an asylum case, working closely with the Bingham attorneys and providing valuable legal and factual research.

"Being able to work with experienced law professors and interested law students is a win-win situation," explained Bingham partner Neal Rosen. "The students gain valuable professional experience, and the Bingham attorneys are able to take advantage of helpful legal and factual research support." The Immigration Law Project is part of the school's Center for Law and Social Responsibility.



(L-R) Immigration Law Project Director Dina Francesca Haynes, Mark Scialdone '09, and Mary Chicorelli '10 have assisted Bingham McCutchen LLP with an asylum case.

Bingham McCutchen's Jennifer Bonetti Fay '07





The terrorist attacks of September 11, 2001, shattered U.S. domestic tranquility and the nation's sense of military invulnerability, leading to the popular notion that 9/11 "changed everything." In response, George W. Bush and his administration claimed authority to respond boldly to keep pace with what the president described as a new kind of enemy.

Professors Lawrence Friedman and Victor Hansen argue in a new book that the Bush administration's response consciously ignored established norms for the separation of powers and prisoners' rights; tarnished the country's reputation as a champion of the rule of law; and ultimately made us no more secure. In The Case for Congress, Separation of Powers and the War on Terror, Friedman, a constitutional scholar, and Hansen, a former Judge Advocate General's (JAG) Corps officer and criminal law expert, contend that Congress's hands-off approach was a serious failure.

Podium

The gutting of privacy rights through domestic surveillance without congressional and judicial oversight, Abu Ghraib abuses, Guantánamo waterboarding, and the denial of essential rights for detainees may well have been mitigated had Congress taken the active role envisioned for it by the framers, the professors contend.

Who's responsible for Abu Ghraib?

The authors provide many examples where the post-9/11 Congress might have played a more active role. High on a list of recommendations for Congress is codification of the doctrine of command responsibility, which, the authors argue, would have aided the nation when it wrestled with the Abu Ghraib scandal.

One of the doctrine's key tenets is that criminal liability can be assigned to a commander when a substantial link exists between his actions and the crimes of subordinates, even if a direct order is not given. Greater congressional involvement would have likely introduced this critical idea during debate of the scandal, and, more importantly, could have resulted in more muscular attempts by commanders to preempt degradation of detainees.

The U.S. played a major role in developing the doctrine of command responsibility through conduct of post-World War II military tribunals, and though it has not been codified into U.S. law it is an accepted feature of international law that appears in treaties, statutes, and conventions. The authors assert that Congress should incorporate the doctrine into the Uniform Code of Military Justice.

The command responsibility section of the book stems from a 2007 Gonzaga Law Review essay by Professor Hansen that was honored as the best military article of the year by the National Institute of Military Justice.

When will terrorism cease to be a threat?

Influential conservatives including Judge Richard Posner, Berkeley Law Professor John Yoo (one of the primary architects of the Bush administration's legal posture), and Chapman School of Law Professor John Eastman (who advised the House Judiciary Committee) argued that the War on Terror was not a set of discrete terrorist acts, but rather met the threshold to be called a war; as such, they contended, the president had the right to expanded wartime powers.

Posner, Yoo, and Eastman did not initially address how long the president's enhanced wartime powers should last; this is a major concern since, as the authors note, "there is no hint as to when terrorism will cease to be a threat to national security." Under these circumstances the president could conceivably be the sole arbiter of the extent and duration of his expanded authority.

Professors Friedman and Hansen emphasize that, while presidential clout does grow during wartime, Congress must provide guidance and boundaries. The book pointedly features Justice Sandra Day O'Connor's Hamdi v. Rumsfeld conclusion: "A state of war is not a blank check for the President when it comes to the rights of the Nation's citizens."

Shielding extraordinary renditions

Codification of the executive's state secrets privilege is another of the authors' major proposals. The privilege has been used by the executive branch to resist information requests by Congress and the press and to avoid acknowledgement of highly contentious undertakings such as the Bush administration's extraordinary rendition program, during which suspects were forcibly transported to third-party nations for questioning.

These incidents strained relationships with allies Canada and Germany, whose nationals alleged that they were tortured when taken against their wills to Syria and Afghanistan, respectively. The men could not contact their governments, families, or attorneys until it was determined that they were innocent.

The authors state that the privilege remains "undefined" and that "This fluidity gives Congress and the courts the ability and responsibility to push back when each determines that the executive has pushed too far." If Congress took the important step of codifying the privilege as a formal rule of evidence, it would provide the courts with a more defined structure to apply when reviewing future cases.

Professor Friedman noted, "Adoption of these and other legislative changes will rein in presidents who believe they have unchecked authority in these areas."

The people must lead

The book recalls that during the George H. W. Bush administration in the 1990s, Vice President Cheney and his chief legal counsel, David Addington, made a strong effort to reduce the power of military lawyers. As Professor Hansen recounted, "That was an area that got Congress's attention, and it pushed back on the executive's attempt to reduce the authority of military lawyers. We included that as an example to say, 'It can be done.' Congress can check a president if it wants to."

The authors hope the book spurs further action. "We want readers to gain recognition that our Constitution envisions a very robust structure for all branches of government and in particular between the two political branches," said Hansen. "Congress is an equal player and has certain responsibilities" he continued, "and we, the electorate, have a responsibility to hold Congress accountable."

The Case for Congress: Separation of Powers and the War on Terror by Victor M. Hansen and Lawrence Friedman 144 pages, Ashgate Publishing [The book can be ordered from the publisher and from Amazon.com.]



Avoiding Legal "Fishing Expeditions"

Professor builds case for Judicial Privilege

Maybe you're among the majority of lawyers who quickly agree that a limited confidentiality privilege applies to the communication between judges and the law clerks with whom they work-at least when that communication involves legal deliberations. But the recent Massachusetts Bar Counsel v. Curry case (see sidebar on page 32 for background) shows that not all lawyers would agree—and the debate grows contentious when additional specifics enter the discussion.

Does the limited privilege still hold when a lawyer involved in ex parte communication with key players in

In a recent article in Valparaiso Law Review (Volume 43), Professor Charles W. Sorenson lays out a detailed argument in favor of rock-solid judge/clerk confidentiality privileges. He contends that existing constitutional law, case law, common law, and the Rules of Professional Conduct all lead to the conclusion that judge/clerk confidentiality privileges may only be breached in rare and narrowly defined circumstances (bribe-taking for example).

Critics of Sorenson's approach to judge/clerk confidentiality contend that the public's right to know about the deliberations of judges may outweigh the benefits of confidentiality. Several Supreme Court clerks during the Bush-Gore vote recount case subscribed to the latter view, Sorenson says, going on the record in the October 2004 Vanity Fair with details of the behind-the-scenes judicial deliberations and allegations

fishbowl, where the threat of public dissemination of their deliberations is a matter of course, they'll be less comfortable exploring legal positions that are unpopular. That discomfort will alter the quality and depth of decisions they make.

"In the Valparaiso article I mentioned a blatant breach of confidentiality: A former Illinois appellate court staff for whom he had formerly served. The staff attorney publicly aired the judge's doubts and misgivings about a judge's honesty and candor in deliberations to paint the judge as an incompetent."

In Sorenson's view, even a straightforward, forthright attempt by attorneys to communicate directly with a clerk about a judge's predisposition or deliberative process is a violation of the code of ethics. So, how then, does a lawyer deal with ethical violations or judicial bias?

"Rather than lawyers doing the investigation on their investigative committee or chief justice," Sorenson argues. "In this case the lawyer has to have a strong prima facie showing of wrongdoing to get an investigation started, and we avoid the kinds of legal fishing expeditions that disrupt the judicial process."

The Curry, Crossen and **Donahue Case**

Bar Counsel v. Curry, Crossen, Donahue was decided by the SJC in 2008. In December 2006, Donahue accepted a three-year suspension. In his law review article "Are Law Clerks Fair Game? Invading Judicial Confidentiality," Professor Charles Sorenson sums up the case as follows: "Lawyers representing the losing side in a very contentious, lengthy, and expensive dispute over control of a supermarket empire pursued a scheme by which they hoped to get a new trial. Convinced that the trial judge who presided over the case was prejudiced against them, they hit upon what they believed was a way to expose the judge, through the former law clerk who worked on the case. The lawyers set up a false job interview for a 'dream job.' Curry and Crossen were disbarred. Donahue was suspended for three years. Read more about the case at www.mass. gov/obcbbo/ccd2.pdf



CONVERSATIONS

Disbarments, Deceit and Trickery

A conversation with Nancy E. Kaufman



NANCY E. KAUFMAN

Lawyers representing the losing side in highstakes litigation over a supermarket and real estate empire were convinced that the trial judge who ruled against their clients had prejudged the case. An elaborate scheme entangled a lawyer who had served as the judge's law clerk. The former clerk was lured to fake job interviews in Nova Scotia and New York jurisdictions where taping a conversation without consent is legal. The lawyers hoped to obtain confidential information about the judge's deliberations and ammunition to use against the clerk if he decided not to cooperate with them.



CHARLES SORENSON

CONVERSATIONS

Sound like material from a legal thriller? Sit down with Adjunct Professor Nancy E. Kaufman, one of the lead attorneys from the Office of the Bar Counsel in Boston, and you find yourself drawn into discussion of actual ethical lapses-like Bar Counsel v. Curry, Crossen, Donahue described above.

Kaufman handles a range of ethical offenses, from spy-movie intricacies to "Dumb and Dumber" blunders. She met with Professors Charles Soreneson and Davalene Cooper, two of the law school's legal ethics experts, for a discussion of her work. Among other topics, conversation touched on the Crossen and Balliro cases (see sidebar for background); the hardest thing about teaching ethics; and what we'll call "general skullduggery." Kaufman teaches Law and the Ethics of Lawyering.

Sorenson: Looking at the results of the Crossen case, what do you think the clear message should be for the legal community?

Kaufman: Using deceit and trickery to get information, especially when you're invading the privacy of others, is not going to be accepted. People do use undercover techniques to get information - housing testers, trademark infringement. But, there are cases that say that's all right, under a very clear set of guidelines.

These lawyers set up a trap to get the information that they were looking for. They maneuvered the conversation to get the law clerk to say a certain thing, and when he wouldn't cooperate, they threatened him. What they did went so far beyond the guidelines and just made a mockery of them. It's not an acceptable way to gather information.

A CULTURE OF QUESTIONING CLERKS?

Sorenson: My understanding is that at the Court of Appeals, they're concerned about lawyers trying to make ex parte contact with the law clerks. In some cases, I'm told that they've asked all of the clerks to sit in the box during arguments to take notes, so that the attorneys in the courtroom don't know which clerk is working on the case. A statement made by Donahue during the course of the trial—that he asked courtroom law clerks for information all the time-indicates a pervasive culture out there.

Kaufman: The SJC had every law clerk attending at the oral arguments in the Crossen case. I think they wanted the clerks to understand that they could be the victims of this kind of a trick and how important it is to maintain confidentiality. It was disappointing for me that the court did not end up recognizing that limited [judge/ clerk] privilege; there probably was some disagreement on the bench as to how far the privilege would go, and the case was already so complicated—they may have felt that it didn't make sense to focus on the confidentiality aspect.

Still, that would have been helpful. You want to encourage judges to be able to confide in their clerks and not have people try to invade that relationship.







AN ASSISTANT DA LIES UNDER OATH

Sorenson: What makes for the most difficult cases for you? What are some of the factors?

Kaufman: Determining what the mitigating or aggravating factors are is always challenging. Everyone would agree that a lawyer has an obligation to tell the truth, especially when the lawyer is testifying under oath in a civil or criminal proceeding. What could be more fundamental than that obligation? But how do you weigh that against the human element? In the Balliro case, involving a lawyer who was assaulted by her boyfriend, and others involving battering or abuse, what are legitimate mitigating factors? And what are the appropriate sanctions when the court has laid down a wide range of sanctions in previous cases? Trying to be consistent is really the hardest part of the job. Figuring out what the sanction should be and making it consistent with other similar cases.

Cooper: Massachusetts Lawyers Weekly ran an opinion piece arguing that your office had been remiss in the Balliro case—that you did not recognize the impact of physical abuse and emotional trauma. What's your response to that argument?

Kaufman: Obviously, we disagree. We took it very much into account because a lawyer who lies under oath typically gets a much more serious sanction than what we recommended. Typically, the minimal sanction is two years, and it can be disbarment. [Editor's note: Bar Counsel recommended a suspension of a year and one day. The SJC imposed a 6-month suspension].

Yes, Balliro had been the victim of violence, but she was not suffering from any kind of abused-woman syndrome. She didn't live with this man. This was the only time he had ever assaulted her, and she wasn't living with him at the time she testified. So I don't think that it was quite accurate to say that we didn't take that into account. In fact, I think the sanction she got was a fairly lenient sanction under all the circumstances.

Cooper: I'm really bothered by this [Balliro] case. She's a prosecutor. It's bad enough for a lawyer, but how do you prosecute after you've lied under oath yourself?

Kaufman: That's right. How do you talk to women who are the victims of domestic violence? How do you explain the importance of coming in and testifying? And there's the whole debate about the insistence on proceeding—whether or not the victim wants to testify. Is that a good thing or a bad thing?

There are statistics showing that jurisdictions that always prosecute, regardless of whether the victim wants to cooperate, have a lower incidence of deaths from domestic violence. On the other hand, there's the guestion of whether the abuse victim should have the autonomy to decide whether to go forward. Other victims don't have that autonomy. And there is a certain amount of paternalism involved too.

The Fawn Balliro Case

At a time when she was serving as an assistant district attorney, Fawn Balliro was the victim of domestic violence, perjuring herself at trial in a Court of General Sessions in Nashville, TN. Balliro stated that the injuries (actually sustained as a result of an assault by her boyfriend while she was visiting from Boston) were the result of an accidental fall. In January 2009 the SJC decided Balliro's disciplinary case, suspending her from legal practice for six months for lying under oath. A more detailed description of the case is available at www.mass. gov/obcbbo/10217.htm.

CONVERSATIONS



WHO'S LEFT HOLDING THE BAG?

Cooper: What's the hardest thing about teaching ethics?

Kaufman: I think a lot of students come in feeling that the course is like a catechism or a religious instruction; they have to go through it—but it's not really law. They're thinking "I'm not going to be lying and cheating and stealing, so I'm all set." It's not that simple; there is a lot of law in the course. I'm always surprised when students find the course dry, because this is how you're going to have to actually live your life. We're talking about the real world out there. It's one of the few courses that affects every single student in the school, no matter what they end up doing.

I often tell students about a case involving an older, experienced male attorney and a young female attorney who had just entered the law firm, and was working under the man's supervision. She went into court and lied and was suspended for a year. He got a public reprimand.

The message is: You can be the one holding the bag. Just because you're being instructed to lie by someone at a higher level, you're not absolved of responsibility.

A FABRICATED CODICIL

Sorenson: When your office gets complaints about attorneys who are essentially neglecting their clients, not providing information—do you tend to uncover other things?

Kaufman: I know a lawyer who got disbarred because he didn't pay a \$35.00 fee in an estate case. The bond insurer finally complained to us after making many requests for the money. The complaint came in regarding a very old estate, so I thought, "Why is this estate still open? This is strange." When we got the file from the court, it turned out the lawyer had fabricated a codicil.

The result was a petition for discipline ending in disbarment. Not only was he disbarred, but because he had to close all of his trust accounts, everyone discovered that he had been stealing money; he was subsequently prosecuted as a common thief, and he had to go to jail. We would never have uncovered that if he'd just paid the insurer the \$35 fee.

Lawyers can also go to extreme lengths in hiding neglect, which increases the sanction. We've had lawyers take their clients down to court for pretend hearings, leaving the client in the hallway while they pretend to consult with the "judge." It would have been less work to handle the case properly, and it would have been better if the lawyer had simply admitted neglecting the case to the client.

Big is good.



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Alumni Reception

Providence, Rhode Island Providence Biltmore Hotel June 23, 2009











Dana Horton '98, David DeStefano '81, Michael Brady '96, Christopher Gontarz '84, John Levanti '77

2

Back Row: Marian McGrath '02, Ralph Liguori '93, Michael Konstan, Carolyn Barone '80, Maureen Conroy '90, William McGrath '09

Front Row: Dean John O'Brien '77, Eleanora Burke '35, Richard Merola '93, Carolyn Craig

John Levanti '77, Dean John F. O'Brien '77

4

Marian McGrath '02, William J. McGrath '09

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Mary Ann Lubic Moran '92, Nancy Davis '98, Dean John F. O'Brien '77, Norman Campbell '68, Mary Campbell



Alumni Reunion Brunch

New England Law | Boston Cherry Room June 13, 2009









Peter Beckerman '74, Joan Beckerman, Sharon Randall '99, Antigone Simmons '99, Ed Principe, Sandy Lamar '84, New England Law Librarian

Jose Macedo '89, Barbara Young '94, Jessica Hughes '11

Lawrence Geller '89, Suzanne Gross '89, Jeffrey Gross, Carl Lundquist '89

Cynthia Burstein '39 is surprised with a cake in honor of her 70th Reunion.

Vincent Dimaiolo '89, Stacey (Davidson) Blecher '89, Jamie Blecher, Alan Collins '89, Tammy Collins

Cynthia Burstein '39 and Ed Hart '99

Richard Harris '64 and Marilyn Harris explore the library's Centennial kiosk.

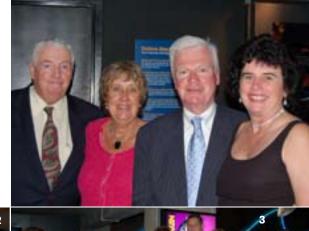






Alumni Reunion Reception

The New England Aquarium Boston, MA June 12, 2009











David D. Donovan '64, Judy Donovan, Hon. Robert John Kelly '64 (retired), Kathleen Kelly

2

James Long '79, Tacey Luongo, Dean John F. O'Brien '77

3

Paula Sollami-Covello '89, Stacey Blecher '89, Terri Klug Cafazzo '89, Andrew Zeiberg '89, Thomas Driscoll '89, Vincent Dimaiola '89, State Rep. (MA) Peter Koutoujian '89, Pamela Casey O'Brien '89, Florence Carey-Goggin '89, Lawrence Geller '89

4

Patrick Dugoni, Lisa McDonald Dugoni '79, David Buczkowski '79, Stephen Kiley '79, Janel Paquin, Mary Kelly '79, Elaine Benkoski '79

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Keith Moore '84, Lauren Motola-Davis '84, Corey Cutler '84, Chairman Martin c. Foster '80

6

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7

David Prashker '79, Christine M. Prasker, Mitchell Garabedian '79

Q

Dean John F. O'Brien '77, William Clary '64, Linda Fagan

9

Ruth Angel Finn, Dean John F. O'Brien '77, Richard Finn '59

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Joseph Sano '84; John Amodeo '84, Hon. Robert Ronquillo, Jr. '84, Geoffrey German '84, Amin Visram '84, Peter Bellotti '84

11

Thomas Flaws '04, Christopher Conroy '04, Peter Smith '04, Flavia da Silva-Benson '04, Erin (Rivers) Charron '04, Melissa Robbins '04, Patricia Powers '04,

Front row: Katherine (Melcher) Flaws '04, Faye Weiner-Jackson '04

12

Thomas Driscoll '89, Tara Cassidy-Driscoll, Jamie Blecher, Stacey Blecher '89, Alan Collins '89, Tammy Collins















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As you will see in reading this issue of the magazine, we have a lot to be proud of: engaged faculty, students who take their legal education and put it to practical use, and successful alumni

The 2009-2010 fiscal year is now underway. Donations can be made online by clicking envelope is also enclosed with this issue.

John F. O'Brien '77

Dean and Professor of Law

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Daniel J. Wood * **CLASS OF 1996**

Thomas L. Wesner *

James A. Burns ** Christopher J. Cunio * Karla J. D'Alleva * Marc S. Gentile Michael J. Goulding * Glen Hannington * Stephen J. Lowrie *** Scott M. Murray * Martha A. Rush O'Mara * Gregory J. Pano Martin G. Schaefer * David P. Trainor * Stephen R. Ucci * Tracy A. Vitols * Stephen G. Whiteside *

CLASS OF 1997

Shelly S. Cabangon Scott C. Cashman Douglas S. Denny-Brown * Joseph M. Fabbricotti * Joseph M. Griffin, Jr. Frank J. Jackson * Donald H. Libbey § Wayne M. Maglione * Pierre G. Robert *

CLASS OF 1998

Marc B. Bailkin Carl Chan * Jonathan Kasen * Dawne C. King * Robert T. MacNamee * Kimberly A. Morin * Christine A. Pulgini ** Donald Ripley * Mary R. Spitz * Jerome F. Williams *

CLASS OF 1999

Claire J. Constantine * Ephraim J. Fink * Thomas B. Ford * Robert J. Galey, Jr. Edward T. Hart * James P. Huang Charles G. White *

CLASS OF 2000

Elizabeth H. Cleary Bonnie R. Clendenning * Jennifer A. Hannon * Scott D. Owens *** James W. Woodard *

CLASS OF 2001

Mark W. Dubois * Gary S. Harding * Erin Richmond *

Maureen A. Appleyard Stephanie Biggs * Michael A. Calise Lisa A. Coscia Diana Cowhey * Jackie A. Cowin * Sara G. Curley § Julia E. Fahey * Hugh F. Ferguson * Marc E. Fitzgerald Amy E. Gifford * Susan A. Godun Holly Ann Harney * Tracy T. Hatcher * Carl W. Johnson Kimberly L. Johnson Michael P. Judge * Dora Lynn Kripapuri * Edward W. Krippendorf Jennifer F. Liddell * Steve H. Mankodi * Marlin D. Maxwell Robert K. McAndrews Alison L. McCarthy * Paul E. Murphy Carolyn M. Murray * Kristen M. Ploetz * Maj. Dennis J. Ratliff, Sr. * William Roa * Alaba A. Rufai Jill S. Soule * Margaret R. Sweeney Jessica Wainwright * Jennifer M. Wetmore Lopa P. Zielinski *

CLASS OF 2003

Leonard E. Clark * Sean T. Cunningham Joseph P. Keegan * Philip Mancuso * Alyssa Preston Kristie C. Randall * Brenda D. Seaver Lawrence T. Stanley *** Douglas S. Tepe * Natashia M. Tidwell * Marie L. Vogel *

CLASS OF 2004

Luz A. Carrion Daniel J. Fox Monette M. Galello ** Jennifer S. Karlin * Seth A. Mailhot Jennifer A. Malloy * Kathleen A. Malone

CLASS OF 2005

Carla I. Barrett Shayna W. Borakove Steven A. Ciulla * Jocelyn J. Coletti * Matthew P. Coletti * Sara R. David * Rebecca J. Donahue Jeremy B. Eisemann Stephanie A. Fierro * Adam M. Hamel * Christine G. Jennings Elizabeth P. McAfee * Ryan D. Nofsinger * Per C. Vaage *

CLASS OF 2006

Christopher G. Beck * Andrew G. Christensen * Molly Ferrara Tania L. Gad Christina D. Hatzidakis Chad C. Holloway * Marbree D. Sullivan * Jason S. Taylor

CLASS OF 2007

Moshie S. Berman Daniel B. Brunk * Patrick J. Cashman * Bethany W. Emkey Amy J. Fashano Matthew S. Forlizzi Joshua D. Hadiaris Christopher D. Harrison * Jason J. Johnson Edward P. Lansdale * Christopher C. Ligatti Lauren A. Pond Nancy A. Salerno * Inesse M. Semeah * Valentina L. Weis

CLASS OF 2008

Kris C. Foster * Michael R. Godlewski Jonathan T. Hoffman *

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CLASS NOTES

1968

George Eliades received the Boy Scouts of America's 2009 Distinguished Citizen Award for his service and contribution to the city of Lowell, MA. Eliades has served on the city's Charter Commission, Historic Board, the Lowell Regional Transit Authority, the City Development Authority, and the Lowell Housing Authority. He has a private law practice in Lowell.

(continued)



1975

Hon. Netti C. Vogel was awarded the 2009 Florence K. Murray Award by the Rhode Island Bar Association in June. The Florence K. Murray Award is presented to people who have, by example or otherwise, influenced women to pursue legal careers. Judge Vogel sits on the Rhode Island Superior Court bench, after practicing law in the private sector for 19 years.

Rusciano is the firm's longest serving board member, with 17 years of service, including eight years as board chairman. He is a senior member of the firm's Commercial Litigation Practice Group and its Healthcare Industry Group. His practice focuses on commercial litigation, labor and employment discrimination, and healthcare law. He joined the firm in 1980 and has been a shareholder since 1985.

Anthony J. Rusciano was reelected chairman of the board at Plunkett Cooney in Bloomfield Hills, MI.

1977

Peter E. Flynn was featured in a January 26, 2009 article in Massachusetts Lawyers Weekly on Flynn won the largest eminent domain/land damage verdict in Massachusetts during 2008. This widely reported case (Salvaggi v. MBTA) resulted in a jury award of \$1,950,000 for the plaintiff landowners.

1980

Annmarie Roark was reelected to a third term on the Chelmsford Board of Health. Roark is an attorney with the Trusts and Estates Planning Group at Devine Millimet in Andover.

1983

Elliot M. Portman was appointed chair of the Suffolk County (NY) Bar Association's Creditors' Rights Law Committee for 2009-2010.

Denise Squillante was elected president of the Massachusetts Bar Association for 2009 – 2010. She is a general private practitioner specializing in family law, corporate law, injury, and estates.

Richard J. Pober joined Pullman & Comley LLC as partner in its Bridgeport, CT, office. Pober's practice will focus on litigation and corporate transactions. Before joining Pullman & Comley, Pober practiced law in Westport, CT, for 30 years, specializing in corporate transactions and litigation, divorce and family law, and residential and commercial real estate.

1984



Robert N. Diotalevi has co-authored The Florida Paralegal (Cengage Learning, 2009) (with William P. Statsky and Pamela McCoy Linquist), for paralegal students and practicing paralegals in Florida. This guide to paralegal practice in the Sunshine State includes citation rules, a legal dictionary, and essential online resources.

Keith L. Moore joined Martin, Blanck & Associates as a Senior Partner. His specialty area is corporate partnering for private and public sector clients.

1978

Joel E. Horowitz was named managing partner of McCarter & English's Philadelphia office. Horowitz's practice concentrates on employee benefits and executive compensation. Horowitz will now also oversee the day-to-day operations and coordinate business and practice development efforts. Additionally, Horowitz has been an adjunct professor of Tax Law at Villanova University School of Law for more than 25 years.

1985

Francis C. Corso was awarded the Robert Morris Sr. Award for Courageous Advocacy by the Massachusetts chapter of the American Board of Trial Advocates (ABOTA). The award recognizes outstanding trial advocacy and was given to Corso for his work defending Ulysses Charles, who was wrongfully convicted of raping three women in Brighton, MA, in 1984.



Brian O'Leary '85 Appointed Chief **Immigration Judge**

chief immigration judge of the Executive Office oversees policy, procedure, and priorities for more than 200 immigration judges in more than conducts administrative court proceedings to determine whether foreign-born individuals who are charged by the Department of Homeland Security with violating immigration law should be ordered removed from the United States or

Immigration Court, from May 2007 to June 2009. to May 2007 and as a deputy chief immigration judge in the Office of the Chief Immigration Judge from March 2003 to May 2006.

1986

Stephen G. Rhoads has joined the law firm of Gawthrop Greenwood in West Chester, PA, as a partner, concentrating his practice in professional liability defense and commercial litigation.

1990

Maria Luise was honored at the Malden, MA, YMCA's 18th Annual "Tribute to Women" in June. Ms. Luise, along with five other female Malden residents, was recognized for contributions to the Malden community. Ms. Luise's community participation has included her work as clerk of the Malden Board of Appeals, as past president and current member of the Massachusetts Association of Women Lawyers (MAWL), and as co-chair of the MAWL Scholarship Foundation.

1992

Kevin G. Diamond has been named to the 2009 Massachusetts Bar Association (MBA) House of Delegates. He also sits on the MBA's Tax and Finance Committees. Diamond has published several articles on IRS Section 165 (c) regarding tax issues related to the indictment of Bernard Madoff, Diamond is the managing partner at Shea & Diamond, LLP, in Holliston, MA, and focuses his practice on securities arbitration and wills, estates, and trusts.

Guy Singer joined the Washington, D.C., office of Fulbright & Jaworski L.L.P. Singer's practice areas include white collar crime, corporate compliance, and antitrust investigations and prosecutions. Before joining Fulbright as senior counsel, he served with the U.S. Department of Justice's Criminal Division, Fraud Section, where he worked on white-collar crime and public corruption, including charges of bribery, bank fraud, money-laundering, securities fraud, obstruction of justice, mail and wire fraud, and violations of the Foreign Corrupt Practices Act and Internal Revenue Code.

CLASS NOTES

1994

Marianne Rousseau-Alsberg has opened a law firm, Trombley, Feeney and Rousseau, P.A., in Barrington and Concord, NH. Ms. Rousseau-Alsberg's practice focuses primarily on family law, matrimonial law, and mediation, In addition to these areas, the full-service firm covers worker's compensation, business litigation, and general liability.

1995

Lt. Cmdr. Timothy Keeton earned two U.S. Army Bronze Stars for leadership and two Combat Action Badges for superior performance in a combat zone during his tour of duty in Kirkuk, Iraq. Keeton completed an 18-month tour of duty as lieutenant commander for the Kirkuk Provincial Reconstruction Team (PRT). (see story page 16)

Lisa K. Tager joined the staff of Community Health Center of Cape Cod. Ms. Tager is a clinical social worker and was previously director of social work at Rutland Regional Medical Center in Vermont.

1996



John F. Cohan joined Pepe & Hazard LLP as a partner in the finance and corporate finance practice areas. In addition to extensive experience navigating transactions, acquisitions, corporate finance, and compliance, Cohan is actively involved in Boston's high-tech community, where he has worked as both a design engineer and a sales and marketing professional.



Gregory A. Petroff joined the Princeton, NJ, office of law and consulting firm Stevens & Lee, as a shareholder. Petroff focuses on corporate and securities law, with an emphasis on technology law and venture finance.

(continued)

Ilene McBride continues her two-and-a-half-year battle with Hodgkin's lymphoma; a third recurrence was diagnosed in June. McBride lives with her husband, Thomas McBride '96 in Raynham, MA, with their two sons, TJ and Ethan. To read more about Ms. McBride's journey, go to www.carepages.com; keyword: ilenemcbride.

Daniel S. O'Connor has been named a partner at the law firm of Shaevel & Krems, LLP. O'Connor is the chair of the firm's Labor, Employment and Discrimination practice. He represents clients on compliance matters, employment contracts, severance agreements, employment litigation, and alternative dispute resolution. In addition to these practice areas, O'Connor has a niche practice representing management companies in fair housing litigation.

Caroline Cahill Shepherd Appointed Circuit Court Judge For Palm Beach County, FL

judge of the 15th Judicial Circuit Court had served as an assistant state

Before serving in Palm Beach County, Judge Columbia from 2000 to 2002. From 1997 to 2000, she served as an assistant state attorney for the 11th Judicial Circuit, in Atlanta, GA.

1997

Michele Vakili joined Rubin & Rudman in Boston as a partner in the firm's labor and employment practice.

1998

Kimberly Morin married Matthew O'Brien in Turners Falls, MA, in September 2008. Ms. Morin is government affairs director for Monsanto Company. She and her husband live in Turners Falls.

REMINDER TO ALL ALUMNI:

Be sure to send us your news and announcements! Log onto the New England Law Online Community at alumni.nesl. edu or send your class notes to mfisch@nesl.edu.

2001



Linda McCarty was named one of the "40 Leaders Under 40" by the Business Journal of the Greater Triad Area. Ms. McCarty is an attorney with Wall Esleeck Babcock LLP in Winston-Salem, NC. A native of Sweden, Ms. McCarty has been working with the Swedish government and the North Carolina Department of Commerce to foster business and trade opportunities between the two parties. She also collaborates with the Swedish embassy and the Swedish Honorary Consul in North Carolina, as well as the Swedish-American Chamber of Commerce, to promote business opportunities. In 2008, Ms. McCarty spearheaded a visit to Winston-Salem by the Swedish ambassador to the U.S.

2002

Laura J. Noble opened Noble Law Group P.A., in Boca Raton, FL, specializing in estate planning and administration and elder law. Noble Law Group assists families with customized elder care and financial and estate planning. Ms. Noble also volunteers with the Red Cross and the Elder Law Project of the Palm Beach County Legal Aid Society.

Jennie Hirst has joined the Pawtucket Credit Union in Pawtucket, RI. She works on loan loss mitigation and real estate transactions.

2005

Stephen Dunne has opened a practice, Dunne Law Offices, P.C., with six offices in Pennsylvania, including Philadelphia, Radnor, and Exton. Dunne focuses on bankruptcy law and debt relief.



Robert E. Griffin was promoted to chief intelligence specialist (chief petty officer) in the U.S. Navy Reserve. He is grateful for all of the support he received from the New England Law community when he was mobilized to Iraq.

2006

Melissa Gill co-authored What Not to Write: Real Essays, Real Scores, Real Feedback (Aspen Publishers, 2009), an instructional text designed to prepare law students for the bar exam. What Not to Write is the first in a series of legal instructional guides from Aspen Publishers.

Aaron Wiles married Valarie Francois on May 30, 2009, at St. Mary Catholic Church, in Byron, IL. Wiles is employed as an assistant state attorney in Ogle County, IL.

2008

Erin N. Balsiger joined the Huesmann Law Office, S.C., in Holmen, WI, as an associate. Her practice areas include business law, civil litigation, personal injury, family law, bankruptcy, real estate law, and estate planning.

Ashley M. Bessant joined the law firm of KormanTheiss, LLC, in Boston, as an associate. She concentrates her practice in the areas of criminal defense and family law.

Allison F. Tilton opened her own office, Tilton Law LLC, in Waltham, MA. Ms. Tilton's practice focuses on estate planning, estate administration, and taxation. Tilton Law provides legal services in Massachusetts and New Jersey.

2009



Zoe Paolantonio First Equal Justice Works Fellow at the Northeastern University Domestic Violence Institute. She is a full-time legal advocate for domestic violence victims in the emergency room of the Boston Medical Center, and eventually will be for the entire hospital.

FACULTY NOTES

Micah Berman

"Smoking Out the Impact of Tobacco-Related Decisions on Public Health Law," 75 BROOK. L. REV. (forthcoming in 2009)

Elizabeth Bloom

Co-author, "Legal Issues in Fertility Preservation in the Male," chapter for Infertility in the Male (Cambridge University Press, 4th ed. 2009) (with Susan L. Crockin)

John Cerone

Delegate for the U.S. Mission to the UN Human Rights Council, Geneva (July 2009)

Appointee, Peace and Conflict Resolution Peer Review Committee (for the Fulbright Specialists Program) for the Council for International Exchange of Scholars (CIES) 2009 - 2010

Speaker, "Contemporary Challenges in the Implementation of International Humanitarian Law," Harvard Law School, Core Professional Training on Humanitarian Law & Policy (June 2009)

Introductory Note to UN General Assembly Resolution requesting Advisory Opinion on Kosovo, International Legal Materials, vol. 48, no. 1 (2009)

Speaker, "The Evolution of International Criminal Justice," Boston University School of Law (April 2009)

Speaker, "The Admissibility of Communications under the Optional Protocol to the Women's Convention," University of Toronto Summer Program in International Women's Rights (May 2009)

Speaker, "Ethics and the War on Terror," studentorganized panel at New England Law | Boston (February 2009)

Ron Chester

"Embryonic Stem Cell Therapeutics: Balancing Scientific Progress and Bioethics," 20 HEALTH MATRIX: JOURNAL OF LAW AND MEDICINE, Case Western Reserve University (forthcoming in 2010) (with Robert Sackstein)

George Dargo

"Jefferson's Louisiana: Politics and the Clash of Legal Traditions" (Harvard University Press, 1975) to be re-published by Lawbook Exchange (forthcoming in 2009)

Presenter, "The Louisiana Digest of 1808: Historical Perspectives" for the Bicentennial Colloquium, Tulane University Law School (November 2008) and in Tul. Eur & Civ. L. Forum (forthcoming in 2009)

Lawrence Friedman

Cited in "A voice that echoes," op-ed on same sex marriages, by Professor Linda K. Kerber, Boston Globe, May 23, 2009

Response, "The Fourth Amendment in the Digital Age," 79 MISS. L.J. MISSING SOURCES (forthcoming in 2009)

"Constitutions of the States," in ENCYCLOPEDIA OF THE AMERICAN ENLIGHTENMENT (Mark Spencer, ed. forthcoming in 2009)

"New 'Diversity' Needed for Supreme Court Nominees," JURIST (original publication June 25, 2009), at http://jurist.law.pitt.edu/forumy/2009/ 06/new-diversity-needed-for-supreme-court.php> (with Renée M. Landers)

Panelist, "Thinking About Billy Budd," Association for the Study of Law, Culture and Humanities Annual Conference, Boston (April 2009)

Presenter, "Liberty and Privacy Interests Through the Political Question Lens," Oklahoma City University School of Law Faculty Workshop (February 2009)

Lawrence Friedman and Victor M. Hansen

"National Security and the War on Terror in President Obama's First One Hundred Days," MASS DISSENT (June 2009) at 5

"The 'Torture Memos': Learning That Ends Do Not Justify Means," JURIST (original publication April 28, 2009), at http://jurist.law.pitt.edu/ forumy/2009/04/torture-memos-learning-thatends-do-not.php>

"Closing Time: Presidential Power and Emergencies," JURIST (original publication Jan. 28, 2009)

"After Bush: Taking Meaningful Steps Toward Accountability," JURIST (original publication Jan. 14, 2009), at http://jurist.law.pitt.edu/ forumy/2009/01/after-bush-taking-meaningfulsteps.php>

"Limit Emergency Power, Winter v. NRDC," The National Law Journal (December 2008)

"The End of History: The Vice President and the Presidential Records Act," JURIST (September 2008)

Victor M. Hansen

"Can We be Less Secure and Less Free? Answers to Ten Questions in National Security," WILLIAM MITCHELL L. REV. (June 2009)

"The Usefulness of a Negative Example: What We Can Learn About Evidence Rules from the Government's Most Recent Efforts to Construct a Military Commissions Process," 35 WILLIAM MITCHELL L. REV. 1480 (2009)

The War on Terror and the Laws of War: A Military Perspective (Oxford University Press, forthcoming in 2009) (with Geoffrey Corn, Eric Jensen, Richard Jackson, Michael Lewis, and James Schoettler)

"The Ghailani Terrorism Case: Military Lawyers in Federal Court?" JURIST (June 22, 2009) at http://jurist.law.pitt.edu/forumy/2009/06/ghailaniterrorism-case-military.php

Speaker, "The 54th Military Judges Course, Expert Testimony and Expert Witness Requests," The Judge Advocate General's Legal Center and School Charlottesville, VA (May 2009)

Panelist, International Law Weekend-West, "Empirical Research into the Law of War," Willamette College of Law (March 2009)

Speaker, "The Role of the Military Lawyer in the Global War on Terror," Air Force Keystone Conference, Washington D.C. (November 2008)

Moderator and co-sponsor, "Law, Ethics, and the Global War on Terror," South Texas College of Law Houston, TX (September 2008)

"No Secret Rules on Torture, The Washington Post, Dec. 15, 2005 p. A33. http://www.washingtonpost.com/wp-dyn/content/article/2005/12/14/ AR2005121402193.html

"Military Jurisdiction Over Civilians: Opening a Can of Worms?" JURIST (April 9, 2008) at: http://jurist.law. pitt.edu/forumy/2008/04/military-jurisdiction-overcivilians.php.

"Pulling Rank: Reinforcing an Independent JAG Corps," JURIST (February 24, 2008) at: http://jurist.law.pitt.edu/forumy/2008/02/pullingrank-reinforcing-independent.php.

Dina Francesca Haynes

Dina F. Haynes, International Rescue Committee, in 3 Encyclopedia of Human Rights 178 (David P. Forsythe ed., 2009)

Eileen M. Herlihy

"Appellate Review of Patent Claim Construction: Should the Federal Circuit Be Its Own Lexicographer in Matters Related to the Seventh Amendment?" 15 MICH. TELECOMM. TECH. L. REV. 469 (2009)

Kent Schenkel

"Trust Law and the Title Split: A Beneficial Perspective," 78 UNIV. OF MISSOURI, KC, L. REV. (forthcoming in Fall 2009)

ADJUNCT NOTES

Willis Riccio, who teaches Securities Regulation and is of counsel in the Litigation Practice Group at Looney & Grossman LLP, in Boston, conducted an in-depth interview with the U.S. Securities and Exchange Commission, of which he is the former New England Regional Administrator. The interview has been added to the Virtual Museum and Archive of the Securities & Exchange Commission Historical Society (www.sechistorical.org) and features Riccio's discussion of his investigations of fraud and Ponzi schemes and his work at the SEC from 1958 to 1985.

A primary mission of the SEC Historical Society is to preserve and share the history of the SEC and the securities industry. The Society is independent of, and separate from, the U.S. Securities and Exchange Commission and receives no government funding. This year marks the SEC's 75th anniversary and the 10th anniversary of the SEC Historical Society.

ADMINISTRATIVE NOTES

Sarah Coffey has been elected president of the Northeast Law School Consortium. The Northeast Law School Consortium consists of career services staff from nine New England schools including New England Law | Boston, Northeastern University Law School, Quinnipiac University School of Law, Suffolk University Law School, and the University of Maine Law School. The group gathers twice a year to share ideas, challenges, and best practices in law school career services. The Consortium also participates in job fairs and career programs that are mutually beneficial to all of the schools' students. Coffey previously served as secretary for the Consortium.

Katherine Kwolek has joined the Registrar's Office as Administrative Assistant. Prior to joining New England Law | Boston, Katherine worked for PanAgora Asset Management, Inc. She graduated in 2008 from the Merrimack College Girard School of Business and International Commerce. Her email address is kkwolek@nesl.edu and her phone extension is 7215.

Peter Lee Miller joined the law school this spring as web content manager, a new position in the Office of External Relations. Mr. Miller is responsible for writing/oversight of all web content including news and features, and web-related audio, video, and photography. He was previously director of communications at New Hampton School, a private secondary school in New Hampshire, and before that served as Vermont Law School's director of media relations for nine years. Mr. Miller received a B.A. in economics and history from the University of Vermont, and a Master of Studies in Environmental Law from Vermont Law School.

NEW ADJUNCT FACULTY

Hon. Frank J. Bailey of the U.S. Bankruptcy Court for Massachusetts will teach Bankruptcy Law and Creditors' Rights. Prior to his appointment to the bench, Judge Bailey worked for more than 20 years at Sherin and Lodgen LLP, where he was a partner and chair of the litigation department. Before that, he served as judicial law clerk to Hon. Herbert P. Wilkins of the Massachusetts Supreme Judicial Court. Judge Bailey received his B.A. from the Georgetown University School of Foreign Service and his J.D. from Suffolk University School of Law.

Lisa English will teach Family Law. English is an associate at Goodwin Proctor LLP, and case handler and supervisor for the Boston College School of Law's Legal Assistance Bureau. English received a B.A. in music from the State University of New York (SUNY), Potsdam, an M.A. from Brandeis University, and a J.D. from Boston College.

Marc Jones, assistant attorney general for the U.S. Attorney General's Office in Boston, will teach White Collar Crimes. Jones has worked in the Attorney General's Office for the past four years, prosecuting complex corporate and criminal enterprise cases. Jones received an A.B. magna cum laude from Harvard University, a master's in public policy from Harvard's Kennedy School of Government, and a J.D. from Columbia University.

Lisa M. LaPerle '04 will teach Military Justice. LaPerle is an active duty judge advocate and assistant legal officer for the U.S. Coast Guard. She received a B.A. magna cum laude from Clark University and a J.D. from New England Law | Boston.

Frank Morrisey will teach UCC: Secured Transactions. Morrissey is an attorney with Edwards Angell Palmer & Dodge LLP in Boston, specializing in corporate reorganization and liquidation. Morrissey received a B.A. from the University of Massachusetts, Amherst, and a J.D. from Boston University School of Law.

Samantha Morton will teach Healthcare Law. Morton is currently the executive director for the Medical-Legal Partnership at Boston Medical Center, where she leads strategy and operations for the Center's integration of legal aid lawyers into healthcare teams serving low-income patients. She was previously an adjunct professor at the Boston University School of Public Health and is currently a pediatrics instructor at Boston University's School of Medicine. Morton received a B.A. from Cornell University and a J.D. from the University of Michigan School of Law.

David S. Smith '96 will teach Admiralty Law. Smith is a partner with Ouellette & Smith, P.A., in Gloucester, MA, which specializes in all aspects of maritime law. Smith received a B.S. from Massachusetts Maritime Academy and a J.D. from New England Law | Boston.

Cary W. Sucoff '77 will teach Perspectives in Law: Lawyers as Entrepreneurs and Representatives of Entrepreneurs. Sucoff owns and operates Equity Source Partners, LLC, a boutique firm providing investment banking and consulting services to public and private companies and institutional investors. Sucoff has been a member of the New England Law | Boston Board of Trustees for more than 20 years and currently chairs the Board's Endowment Committee. Sucoff received a B.A. from State University of New York (SUNYO), Binghamton, and a J.D. from New England Law.

Ragan L. Willis will teach UCC: Negotiable Instruments. Willis is an associate at Pepe & Hazard, LLP, where her practice focuses on mergers and acquisitions, compliance, and corporate governance. Willis received a B.A. from the University of Washington, Seattle, and a J.D. from William and Mary School of Law.

Beth Anne Wolfson will teach Labor Law. Wolfson provides mediation services specializing in labor and employment law and was previously an attorney for the National Labor Relations Board, where she investigated unfair labor practice charges, presented cases, and recommended actions to the Board's Agenda Committee. She received her B.A. magna cum laude from Brandeis University and her J.D. cum laude from Syracuse University College of Law.

IN MEMORIAM

Margaret Bowles (Kelley) Doyle '32, of Cambridge, MA, at 99. Doyle participated in the law school's Convocation last fall, and attended the Centennial Law Day Banquet. She was interviewed for the Centennial History Project's oral histories, in which she shared her memories of the law school during its early years. In the interview, Doyle recalled being the only woman in the room when she sat for the bar exam in 1932.

A former president of the Massachusetts Association of Women Lawyers, Doyle practiced until she was 89. Her long career was rooted in the "camaraderie" of Portia. She remembered calling members of her sorority for guidance on cases long after graduation. This collegiality, she recalled, stood in stark contrast to the discrimination she experienced from men who found the concept of a woman lawyer "ridiculous."

Doyle also remembered Portia Professor Bessie Page as her "inspiration" and the reason she chose to practice law. "I would always bring people to her class, because after you sat through a class with her, you knew there was nothing else you wanted to do."

On the day of the bar exam, Doyle recalled, her father said: "If you think I could love you any more as a lawyer, you're mistaken. I can't love you any more than I do now," and she said that gave her the reassurance to sit confidently for the bar.

After passing the bar, she was told by the Bar Association Board, "You're taking some man's place as a lawyer," Doyle recalled. "[It was] something they had never heard of - a woman as a lawyer. They thought it was ridiculous."

When she was president of the Massachusetts Association of Women Lawyers, Doyle said, female lawyers facing professional obstacles knew that other "women lawyers [were] there, protecting and protesting."

To view the "Voices" interview with Doyle, go to: http://www.nesl.edu/HistoryProject/voices/doyle.html

Hon. Martha Ware '41, of Abington, MA, at 91. After passing the Massachusetts bar in 1942, Ware became Abington's first female selectman, a position in which she helped enlarge the local police department and implement criminal justice education for its officers. Ware then sought a seat in the House of Representatives in the Massachusetts State Legislature, campaigning by telephone from a hospital bed when she was suddenly stricken with polio. She was elected in 1950 and served three terms (1950-1956), one of just two women in the legislature at the time.

In 1956, Ware was appointed as the first female judge in Plymouth County, where she served until her retirement in 1979. She was particularly proud of her service to children in the state's juvenile courts and often said she was drawn to the law due to her interest in fair play and equity for all people. "I felt that I had found my niche," she told a local newspaper reporter in 1990 of her judicial appointment. "I'm a people lover. Of course, I think the life of a judge is not what you'd call a happy life. You see so much sadness."

Following her retirement, Ware was committed to philanthropic and charitable interests, serving as president of Plymouth County's Society for the Prevention of Cruelty to Children and as chairman of two New England chapters of the March of Dimes. Additionally, she had served as a trustee for Stonehill College and Colby-Sawyer College. Judge Ware received an honorary degree from New England Law in 1988.

IN MEMORIAM

Charlotte (Carlin) Sokoloff '34, of Brookline, MA, at 95. Sokoloff was interviewed for the Centennial History Project's oral histories, in which she recalled working part time as a salesperson in a linen store while studying for her law degree.

"It was a well-rounded education," Sokoloff said. "It was a challenge to go to law school. We were not afforded the opportunity as much as the men were." Going straight from high school to law school, Sokoloff received help from her mother in paying for her legal education, despite her father's objections.

Sokoloff fondly recalled the exposure that the law school gave her. "It took me into a different world," she said. "There was such a diversity of women, it was an education in itself. It exposed you to people of different backgrounds, different age groups. The education was great, and the contacts were great.

"Portia really was a pioneer. They paved the way for a lot of good women to establish themselves and ...work equally."

To view the "Voices" interview with Sokoloff. go to: http://www.nesl.edu/HistoryProject/voices/ sokoloff.html

Lillian Silverman '40, of Worcester, MA, at 89. Silverman was a member of Beth Israel Synagogue, as well as past president and life member of its Sisterhood. Silverman was a member of the board of directors of the Ladies Auxiliary of the Jewish Healthcare Center in Worcester. She was also an avid traveler, golfer, antiques collector, and bridge player.

Nicholas Altomare '57, of Worcester, MA, at 81. A long-time advocate of educational opportunities for the developmentally disabled, Altomare was a native of Worcester and a life-long resident of the city. He began his career as an associate at Fusaro & Fusaro in Worcester. The firm later became Fusaro, Altomare and Ermilio. He was president of the Fusaro Charitable Foundation, director of the International Charitable Foundation, and he was involved in many local charities.

Lawrence F. McGuire '64, of Bourne, MA, at 74. Lawrence graduated with high honors and was a lieutenant in the U.S. Marine Corps. He worked at several law firms and insurance companies before becoming a sole practitioner. At the time of his retirement in 1989, he was clerk of courts for the Plymouth County Superior Court.

George H.W. Hayes II '67, of East Burke, VT, at 70. Hayes practiced in his family's law practice until retiring in 1987 and was a dedicated member of the East Burke community.

Thomas L. Francis '68, of Brockton, MA, at 72. Francis lived in Brockton for more than 20 years, where he practiced law.



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