

Suffolk University

Digital Collections @ Suffolk

Suffolk Law School Alumni Magazine

Suffolk University Publications

2015

Suffolk University Law School Alumni Magazine, Spring 2015

Suffolk University Law School

Follow this and additional works at: <https://dc.suffolk.edu/slam>



Part of the [Law Commons](#)

Recommended Citation

Suffolk University Law School, "Suffolk University Law School Alumni Magazine, Spring 2015" (2015).
Suffolk Law School Alumni Magazine. 24.
<https://dc.suffolk.edu/slam/24>

This Magazine is brought to you for free and open access by the Suffolk University Publications at Digital Collections @ Suffolk. It has been accepted for inclusion in Suffolk Law School Alumni Magazine by an authorized administrator of Digital Collections @ Suffolk. For more information, please contact dct@suffolk.edu.

SUFFOLK
UNIVERSITY
LAW SCHOOL
ALUMNI
MAGAZINE

SuffolkLAW

SPRING 2015

All Revved Up!

**Inside the
Accelerator
Launch**



▼9/10 MEET THE NEW LEADERS



MARGARET MCKENNA starts her new role as president of the University, and ANDREW PERLMAN becomes dean of the Law School.

▼11 HAVANA NIGHTS

Gritty. Charming. Surreal. These are just a few of the words students used to describe their experience at the University of Havana Law School.



▼16 ALL REVVED UP!

Students launch a high-tech law practice



▼22 JUMPING THE SHARK

When singer Katy Perry claimed rights over a shark figurine, for some at Suffolk Law it raised larger issues about IP law.



▼28 ZEALOUS ADVOCATES

With the military's handling of sexual assault cases in the news and before Congress, two military women were called on to help change the system.



2 Quick Questions *Dean Camille A. Nelson*

Dean Nelson is wrapping up her five-year term this summer.

One of the critical elements of outgoing Dean Camille A. Nelson's tenure has been her focus on technology. She spearheaded the Law School's Top 10-ranked law tech program, which includes our first-in-the-nation Legal Technology and Innovation concentration, established the Institute on Law Practice Technology & Innovation and helped bring the Accelerator program into being (see article page 18). We spoke with her recently about the value of legal technology training.



Q The *ABA Journal* published an opinion piece you wrote in their *Legal Rebels* section about the need for law schools to embrace new legal technologies rather than run away from them. There may be a fear out there that students trained in new technologies will lack the necessary background in legal doctrine. Is that fear reasonable?

A A well-rounded high school or college education today would be impossible without knowledge of word processing and how to use the web. A few decades ago those skills were considered esoteric, and many people argued that tech skills took the focus off reading, writing and arithmetic. But we've seen how, over time, computers and the internet have become as necessary in our professional lives as pens and paper were a generation before.

I think there's a similar dynamic at play when it comes to legal education. As an attorney you can reinvent the wheel with each contract you write, or you can use software that allows you to expedite the process—and then spend more time on the work only a trained lawyer can do, the analytical brainwork of good lawyering. You can use

an old-fashioned process to manage your casework, or you can use a project management tool to make the process simpler. It's a natural and predictable evolution.

The students in our Accelerator program and in the Legal Tech and Innovation concentration are learning how to harness technology in the service of the law; they'll be able to practice and/or run their businesses smarter, more efficiently and effectively. Eventually, the types of legal technology solutions they are becoming fluent in will be the professional norm. They'll be among the leaders and change agents who evolve the profession. And they won't be sacrificing their knowledge of legal doctrine to gain that edge in the job market; learning how to use or create software doesn't mean you won't learn Con Law or contracts. Instead, they will be on the vanguard, as they will be able to combine their technological and legal prowess.

Q It may seem counterintuitive to some readers, but you argue that the legal tech revolution could help begin to address the fact that so many low- and moderate-income people cannot afford an attorney in civil cases.

A The supply-and-demand curves for legal services are misaligned given that there is a persistent demand for—yet a limited supply of—affordable legal services. It is my hope and expectation that the ongoing technological revolution will help to bridge this justice gap.

The basic idea is that the expert use of technology by attorneys allows them to spend more time on the most significant areas and dynamics of legal matters, and less on aspects that can be handled or expedited with technology. Similarly, if lawyers can devise technologies that make the delivery of legal services more accessible and faster, ultimately moderate-income clients will have better legal outcomes.

For instance, new software tools for intake of potential new clients present access opportunities. These tools can help attorneys to quickly figure out whether the potential client has a case that's worth pursuing—that fits the firm's skill set or practice expertise. That kind of efficiency can drive down the cost of taking on a case. More efficiency means you can process cases faster and charge less per hour—and still be a profitable concern.



About Dean Camille A. Nelson / 5 Years, 10 Facts

[2013-14]

Success by the Numbers

97% increase in total dollars raised in outright gifts and pledges to the Law School | 300% increase in major gifts (gifts of \$25,000+) | 46% increase in annual fund

4 National Rankings

Elevated the Law School's national reputation by maintaining four *U.S. News* specialty rankings in both the 2015 and 2016 rankings guides.

NEARLY \$2 million

Facilitated effort that brought in \$1.9 million in HUD grants for our housing discrimination testing program.

Making It Personal

Created Dean's Public Citizenship Scholarship, which has awarded over 25 scholarships to deserving students/alumni.

MARSHALLING Marshall Brennan

Reenergized the Marshall Brennan Program. Our students teach Constitutional Law classes to a diverse group of teens in the Boston, Chelsea and Cambridge public schools. The program culminates with high school students participating in local and national moot court competitions.

SOUTHERN Partners

The Law School gained many new partners through the dean's Caribbean/Central American Initiative. Projects included: a student intersession course at University of Havana Law School; internships with the Office of the Children's Advocate in Jamaica; symposia in collaboration with the Central American University; and a course at University of Puerto Rico's School of Law.

DIVERSITY Pipeline

Guided effort that brought in \$300,000 LSAC 3-year grant; each summer the school offered 20 fully funded spots to freshman/sophomore college students of diverse backgrounds who took classes at the Law School. Markedly increased diversity of student body, faculty, and administration.

Leading the Leaders

Named co-president of the American Association of Law Schools' section for Law School Deans (2014). Serving as a member of the AALS National Steering Committee for Law School Deans.

1st IN THE NATION

Spearheaded nation's first Legal Technology and Innovation concentration. Launched Top 10-ranked law tech program.

Indigenous Peoples Rights Clinic

In 2011, launched the only such clinic on the East Coast. In one project, students collaborated with the Mashpee Wampanoag Tribal Judiciary to write the tribe's new Rules of Civil Procedure.



Saying No to the “Happy Prostitute” Thoughts on the *Pretty Woman* anniversary

THE FACTS IN THE REAL WORLD of sex-for-pay don’t line up with the imaginary world of happy, empowered prostitutes, argue Sergeant Detective Donna Gavin JD’oo and Suffolk Law Professor Emerita Kate Nace Day. National media celebrations of the 25th anniversary of Richard Gere and Julia Roberts’ movie *Pretty Woman*, one of the most successful romantic comedies of all time, gave Sgt. Gavin the impetus to write a March 23 editorial for the *Boston Globe* offering a reality check.

Nace Day’s documentary *A Civil Remedy* gives first-person testimony from a teenager, an American sex-trafficking victim, here in Boston. The documentary was honored with the 2014 Exceptional Merit in Media (EMMA) Award by the National Women’s Political Caucus and was an Official Selection of the 2014 United Nations Association Film Festival and, in 2015, of the Sarasota and United Nations’ Women’s film festivals.

PRETTY WOMAN “CREATES AN ILLUSION”

The statistics on prostitution aren’t as breezy as the film suggests, argues Gavin. Three-quarters of prostituted women have

been or are homeless, she writes, and 73 percent of women in prostitution experience physical assault. “*Pretty Woman* normalizes something that destroys lives. It glamorizes prostitution and creates an illusion that prostitution is a voluntary, desirable occupation. The film suggests that prostituted people are knowledgeable and have other options they might have chosen. The reality is that prostitution and sex trafficking make up a harmful, pervasive, illegal and violent criminal industry involving pimps and traffickers who are tied to gangs, drugs and street violence.”

She describes Jaclyn, a 20-year-old woman from a town north of Boston who was sold for sex by a violent pimp—a common situation in the sex trade. Gavin and her team helped build a case that resulted in the arrest of Jaclyn’s pimp and a co-conspirator. “As a result, several [sex] buyers were identified, subpoenaed and compelled to testify before a grand jury. Ultimately, we were able to piece together a case that interrupted many layers of violence and other related crimes. Better yet, Jaclyn was able to get away from a life of violence and exploitation. With ongoing support from our

non-law enforcement partners, she is now in college studying to become a teacher.”

THE FATE OF THOUSANDS OF AMERICAN GIRLS

Asked about what spurred her documentary, Nace Day says, “Many people don’t know the facts about domestic sex trafficking—how young the girls are when they are first enslaved, the violence used to keep them enslaved. I hope that hearing directly from an American girl who was trafficked for sex in Boston will help people understand the fate of thousands of American girls and that more people will understand that these victims are the girls next door. Ultimately, I’m hoping to inspire changes in our culture, our politics and our civil and criminal laws.”

The Massachusetts Academy of Trial Attorneys (MATA) awarded Nace Day’s production company, Film and Law Productions, with its 2014 Media Award in recognition of their shared goal of using the civil system to bring justice for trafficking survivors. Nace Day runs the company with her husband, Suffolk Law Research Professor Russell Murphy.

Show Up With Child, Then Shown the Door? Powerful clinic's \$1.1 million HUD grant and the AG's settlement

AS A RESULT OF WORK done by our Housing Discrimination Testing Program students, fellows and faculty, Coldwell Banker Residential Brokerage came to an agreement with the Massachusetts Attorney General's Office to resolve allegations that it discriminated against families with children in housing rentals. The company agreed to implement fair-housing training and adopt new anti-discrimination policies and will also pay up to \$17,500, including \$5,000 to the Childhood Lead Poisoning Prevention Program.

Since its launch in 2012, the Suffolk Law program has provided students with real-world experience in

housing discrimination cases and trained more than 150 fair-housing testers, who pose as potential renters.

A recent \$1.1 million HUD grant will allow the school to expand its fight against housing discrimination, in part through the creation of online courses for housing providers and students and also through a supervisor to work with students on fair-housing cases in the school's Accelerator program. The additional grant funding brings total HUD support to \$1.9 million.

"The program has demonstrated in significant numbers that testers with a visible disability, those who introduced themselves as having young

children or who mentioned their public assistance housing voucher are less likely to be shown available rental properties," says Clinical Professor William Berman, director of the program.

A fair-housing test usually involves a pair of testers — as similar as possible in all ways except the actual or

representation of membership in a protected class (a family with children, for example). The testers contact a housing provider and gather evidence as to how they are treated during the rental process. Testers are required to follow proper procedures to remain objective and impartial.



"This exploding debt is crushing our young people," Senator Elizabeth Warren said in her speech to attendees of a two-day student loan symposium at the Law School.

"These students didn't go to the mall and run up a bunch of charges on credit cards. They worked hard to learn new skills that will benefit this country. ... They deserve our support, not an extra tax for trying to get an education."





Unpaid internship gets a makeover? Professor Yamada's National Stand

AS SOME LARGE MEDIA COMPANIES, including Condé Nast, the publisher of the *New Yorker*, *Vogue* and *Glamour*, make what the *New York Times* calls a “semantic shift” from internships to low-paying fellowships for entry-level workers, the *Times* sought out labor and employment expert Professor David Yamada for his views.

Yamada also spoke with *Boston Magazine* telling that publication that he's come to see unpaid internships as both a legal and a moral issue. “I think in the for-profit sphere, most of these unpaid internships are not only against the law but are exploitative,” he told the magazine. “We now have this intermediate stage between classroom education and entry-level full-time employment. We're adding another level of training and education that involves real work, slapping this label of ‘intern’ on it, and assuming one has to donate their time instead of being paid.”

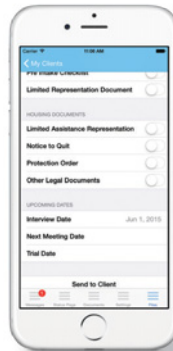
Yamada has become a national voice on the unpaid internship legal cases, doing interviews with the *Wall Street Journal*, *Fortune*, and NPR, among others. You can find many of his recent interviews and read more about his views at his *Minding the Workplace* blog.

Law Schools 3.0 Who Are the Pioneers?

THE AMERICAN BAR Association's *Student Lawyer* magazine profiled a handful of schools that are law technology pioneers in its article “Law Schools 3.0” (Vol. 43 No. 4). The article included a section on Suffolk Law's Legal Technology and Innovation concentration.

Suffolk Law was also highlighted in the ABA's *Law Practice* magazine (Vol. 40, No. 4), in “Teaching the Technology of Practice: The 10 Top Schools.” Suffolk Law was listed among the Top 10.

The *Student Lawyer* article quoted Suffolk Law Adjunct



Professor Marc Lauritsen, who teaches Decision Making and Choice Management, which focuses on using technology to inform decision

making, and Lawyering in an Age of Smart Machines, aimed at giving students a chance to write their own software. As an example of the type of work being done in the latter course, one Suffolk Law student, Vedika Mehera JD '15, designed an app that allows Massachusetts consumers to generate a formal complaint, called a 93A, regarding a defective product.

In earlier role, prosecuted Karadžić Kim West '95 Heads AG's Criminal Bureau

IN FEBRUARY, Kim West JD '95 was named bureau chief of the criminal bureau in the Massachusetts Attorney General's Office.

West joins the Attorney General's Office from the U.S. Attorney's Office, where she served as the assistant U.S. attorney in the Health Care Fraud Unit. She previously served as assistant U.S. attorney for the Anti-Terrorism and National Security Unit and has tried more than a dozen cases to jury verdict.

Between her stints at the

U.S. Attorney's Office, West served for five years in The Hague as trial attorney at the International Criminal Tribunal for the Former Yugoslavia. There, she prosecuted Radovan Karadžić, who was accused of directing the execution of more than 7,000 Bosnian Muslims in the worst massacre on European soil since the Holocaust.

West has also served as an assistant district attorney in Plymouth County and as an assistant attorney general in the Massachusetts office's criminal bureau.

Bespoke Suit Not Required Notes from the future

IN A LEGAL INDUSTRY that tends to cling tightly to old ways, the College of Law Practice Management's Futures Conference brings together legal innovators to ask where the practice of law might go next and how.

The eclectic crew gathered at Suffolk Law this winter, and included a who's who in the industry of legal practice innovation. Suffolk Law was not only the host, but it also had a visible presence throughout the conference.

DOES THIS CONTRACT NEED TO BE HAND-CRAFTED?

Incoming Dean Andrew Perlman, then-director of the school's Institute on Law Practice Technology & Innovation, argued that law schools tend to train law students to think of their work as "bespoke," building each contract individually, like a tailor making an expensive suit, when increasingly that model is outdated and inefficient. He then spoke about courses at Suffolk Law designed to move away from the bespoke model, using legal document

assembly software and legal project management tools.

WHEN GOING OLD SCHOOL DIDN'T WORK

Courtney Burgess '15, who took Suffolk Law's Lawyering in the Age of Smart Machines course, said that as a paralegal in her day job, she found herself using the same documents over and over again but making errors as she cut and pasted.

Making the most of her training from the class, Burgess used the automated document software HotDocs to create an automated form for a standard motor vehicle complaint. The form, she said, has made document creation far more efficient, less prone to error and easier to share among attorneys. Software is like a power tool, and given the small cost to use it, more firms ought to get on board, she said.

When Burgess indicated that her new skills had helped her land an associate position at the firm where she was a paralegal, the crowd applauded; her landing the job seemed to make sense given



her skill in leading the firm toward automated pleadings and other documents.

CREATING A LIVE LEGAL DOCUMENT—ON YOUR PHONE

Bill Palin '12, an adjunct professor at Suffolk Law, walked the audience through his PaperHealth app, available at the iPhone app store. PaperHealth allows users to create and sign

legally binding health-care proxies and nonbinding living wills. The crowd burst into applause after Palin signed the signature box in the app on his phone and displayed the completed PDF file, announcing that he'd created "a live legal document." The Suffolk Law/ABA Journal "Hackcess to Justice" event crowned the app with its top award in 2014.



CONGRATULATIONS GRADUATES!
Suffolk Law is named on *National Law Journal's* shortlist of law schools enjoying the greatest increase in graduate employment in 2014.

Uber vs. Taxi Making sense of the battle

THEY'RE THORNY QUESTIONS: How should mobile ride-sharing services be regulated and should regulations match those of taxi-drivers? Suffolk Law Professor Janice Griffith, a local government law expert, has been interviewed on these questions by Bloomberg News, the *Houston Chronicle* and the *Boston Herald*. She provided a Q&A at suffolk.edu/UberQA to help our readers assess the controversy. We spoke with her recently about the state of "Uber versus Taxi."

"For me the heart of the matter," she says, "is that you have a disruptive technology, the ride-sharing service, which makes getting picked up a lot

easier. Because you can follow along on GPS, you can choose a driver that's very nearby, so the wait is often minimized, and you can wait inside for the driver."

"Many taxi cab companies are arguing that companies like Uber and Lyft should face the same regulations as taxis and that pricing regulations ought to apply to the upstart companies.

"On the pricing issue, I think taxis are going to have a difficult time arguing that the availability of ride-sharing services constitutes the taking of their property. That said, the national spotlight on Uber drivers who break the law and

put passengers at risk is a PR disaster and is going to force the company to increase safety regulations for drivers.

"In the big picture, I don't see ride-sharing being undone in the courts. What seems more likely is that the mobile

services will be forced to adopt safety regulations and face some, but lesser, permitting restrictions; you may have special regulations on their services at airports. Taxis will get more technologically savvy to compete."



The Tsarnaev Verdict Professors in the media spotlight



SUFFOLK LAW PROFESSORS Rosanna Cavallaro, Chris Dearborn and Stephanie Roberts Hartung have been in the national media spotlight assessing the strategy for the trial of Dzhokhar Tsarnaev, who was on trial for bombing the Boston Marathon in 2013. Cavallaro was interviewed by the *New York Times*, NPR, *USA Today* and the *Metro*. Dearborn talked to the Associated Press, the

Huffington Post and the *Christian Science Monitor*, and Hartung was interviewed by Bloomberg Radio.

Among other questions, Bloomberg asked Hartung whether Tsarnaev's flat affect inside the courtroom would make it that much harder for the defense to humanize him for the jury.

Read and listen to the coverage on trial strategy at suffolk.edu/TsarnaevVerdict.

U.S. News Rankings 4 specialties honored

U.S. NEWS HONORED Suffolk Law with four specialty-area rankings, placing it among just 22 schools with four or more rankings.

#9 Legal Writing maintained its place in the Top 10 for the 4th year in a row

#17 Dispute Resolution, as it did last year, placed in the Top 20 (4th year in a row in the rankings)

#27 Clinics (8th year in a row in the rankings)

#32 IP (2nd year in a row in the rankings)

New York Times Coverage



“You don’t want to sound like you’re going after a witness. You’re trying to strike a balance between being sympathetic and a zealous advocate for your side...”

Ashley Durkin '15 and Lauren Hatch '15 (on right) won the National Trial Competition Regional Championship.

IN ELIZABETH OLSON’S March 18 article in the *New York Times*, the reporter looks at schools that are not among the typical elite law school list yet have large numbers of law firm partners; Suffolk Law, with 167 partners, is Olson’s first example.

What factors into the success rate of graduates at the highest levels of law firms is a complex question. While proximity to large firms plays a role, according to the *Times*, we think that students’ real-world preparation through our clinics (nationally ranked by *U.S. News* for eight years in a row) and trial teams are just a few of the other factors worthy of consideration.

Speaking of trial teams, our national team has won regional championships 26 of the last 30 years, and this year, as usual, took the regional crown. We also owned the No. 2 spot in the nationals

in the prestigious Craven Constitutional Law Competition in Chapel Hill. Credit this impressive record to talented students who work nights and weekends on preparation, and to devoted faculty and alumni who offer expert strategic litigation training. Congratulations to both the National Trial Team coach Professor Timothy Wilton and Con Law Competition Team coach Professor Richard Pizzano.

Asked what she learned about her lawyering style in competition, regional champion Ashley Durkin JD '15 says, “You don’t want to sound like you’re going after a witness. You’re trying to strike a balance between being sympathetic and a zealous advocate for your side. I also learned that I don’t have a poker face. You know what I’m thinking by my face—I’m rolling my eyes, scoffing. I’m getting better at that.”

Where partners come from The Lion’s Share

Which school has produced the lion’s share of Massachusetts’ patent law partners? Suffolk Law tops the list with 93 partners in the state’s top patent law firms—50 percent more than our closest competitor. Individuals with advanced hard-science backgrounds are attracted to our exhaustive menu of IP course offerings; real-world, IP-skills approach; and world-class IP faculty.



From West Wing to Walmart, Margaret McKenna Focuses on the Common Good

Margaret McKenna brings a commitment to public service and social justice and a background as a civil rights lawyer to the presidency of Suffolk University. She also brings to Suffolk a network of relationships in business, government, and academia, and has run the nation's largest corporate philanthropic foundation.

McKenna was selected as Suffolk's 10th president on May 12, the first woman to lead the University. She says Suffolk Law has not only a responsibility but "an incredible opportunity" to offer awareness of public policy issues to new generations of lawyers, judges, lawmakers, and others who will influence policy for decades to come.

As president of Lesley University in Cambridge from 1985 to 2007, McKenna was the architect of that school's rise from a small regional college to a university with 10,000 students and one of the leading teacher-training programs in the country. She is widely credited with putting Lesley on solid financial ground and growing the school's endowment to over \$180 million from just \$1 million at the beginning of her tenure.

McKenna, who earned her law degree from Southern Methodist University in Texas, started her career as a civil rights lawyer for the U.S. Department of Justice in the early 1970s, when she sued the city of Memphis for race discrimination. In 1968, sanitation workers in the city had been on strike, and the Rev. Martin Luther King, Jr., visited with the strikers the day before his April 4 assassination. While the city later settled with the workers, little had changed in Memphis when McKenna prosecuted the civil rights case. "The white workers were driving the trucks and the black workers

were hauling the garbage, at poverty pay rates. When we went into court, our witnesses were hesitant to move from the back benches. The law had changed but the culture had not," she says.

In the late '70s, at age 31, McKenna was deputy counsel to President Jimmy Carter, the first woman in the role, with an office in the West Wing. The job addressed a range of issues from treaties with the People's Republic of China to nominations to the federal bench.

As the point person for the nomination process for federal judges, McKenna wrote the executive order to create judicial nominating panels and played a pivotal role in the battle for equal opportunity on the bench. "The Carter administration was the first to nominate women and minority candidates in large numbers," she says, "and we also selected other candidates who were not the norm at the time: sole practitioners, public policy lawyers and advocates. We had some long and difficult negotiations with the bar association of that time."

McKenna went on to serve as deputy undersecretary of the U.S. Department of Education, and in 1992 she led the education transition team for President Bill Clinton.

McKenna says her 2007 to 2011 stint as president of the philanthropic Walmart Foundation taught her the impact a corporate

attorney can have on the common good. As a younger attorney, she had assumed that change would be brought about by public service lawyers, but at Walmart she "saw the other side of the coin."

"I watched Walmart's new general counsel settling cases that the company had been engaged in for over a decade," McKenna says. "The settling of those lawsuits put a number of difficult issues behind it and had a profound impact on the whole company."

Walmart's subsequent efforts to improve its environmental footprint had a ripple effect across the world, she says.

"My Walmart experience taught me that partnerships and collaboration with the business community are essential. We should learn from the business community what its needs are, and we should be able to adjust to those needs to serve our students better," she says.

McKenna describes Suffolk Law as a place that "doesn't just talk about making a difference; it backs that up with a huge impact on public policy and the judiciary—with about 30 percent of the active judges in the state from Suffolk, almost half of the DAs—leaders in every sphere of government. That's what attracted me to Suffolk. So many graduates who care about public service. There's a sense of responsibility to be involved in civic life."



New Dean With a “Vision for the Future”

Whether it's serving as one of the key leaders on the ABA Commission on the Future of Legal Services, developing a new curriculum to prepare law students for the 21st-century marketplace, or partnering on a legal technology audit for attorneys, Andrew Perlman, the new dean, has his eye on the future—one where Suffolk Law graduates are remaking the field. The national media is taking notice, with coverage in the *Washington Post*, *National Law Journal*, and *ABA Journal*, among others.

Professor Perlman will become the next dean of Suffolk University Law School on August 1, 2015. Perlman, a Suffolk Law faculty member and founding director of its Institute on Law Practice Technology and Innovation and the related Legal Technology and Innovation Concentration, is a nationally recognized voice on the future of legal education and law practice.

Both in his academic role and in his service to the profession, he has focused on the use of technology to increase access to legal services and to help students adapt to a changing legal market [see story “Bespoke Suit Not Required,” page 6]. That effort has drawn the attention of media outlets across the country [see story “Law Schools 3.0,” page 5], including a top-10 ranking for the school's law technology program in the American Bar Association's *Law Practice Today* magazine.

He was recently appointed by ABA President William Hubbard to serve as the vice chair of the new ABA Commission on the Future of Legal Services, which is examining how to improve the public's access to legal services.

“Andy Perlman brings top-level leadership to the Suffolk deanship,” said Hubbard. “He is both creative and practical. He has a vision for the future of legal services; he executes with clarity and precision; and he will lead Suffolk Law in a way that prepares its graduates to be innovative and highly successful and valued counselors to their clients.”

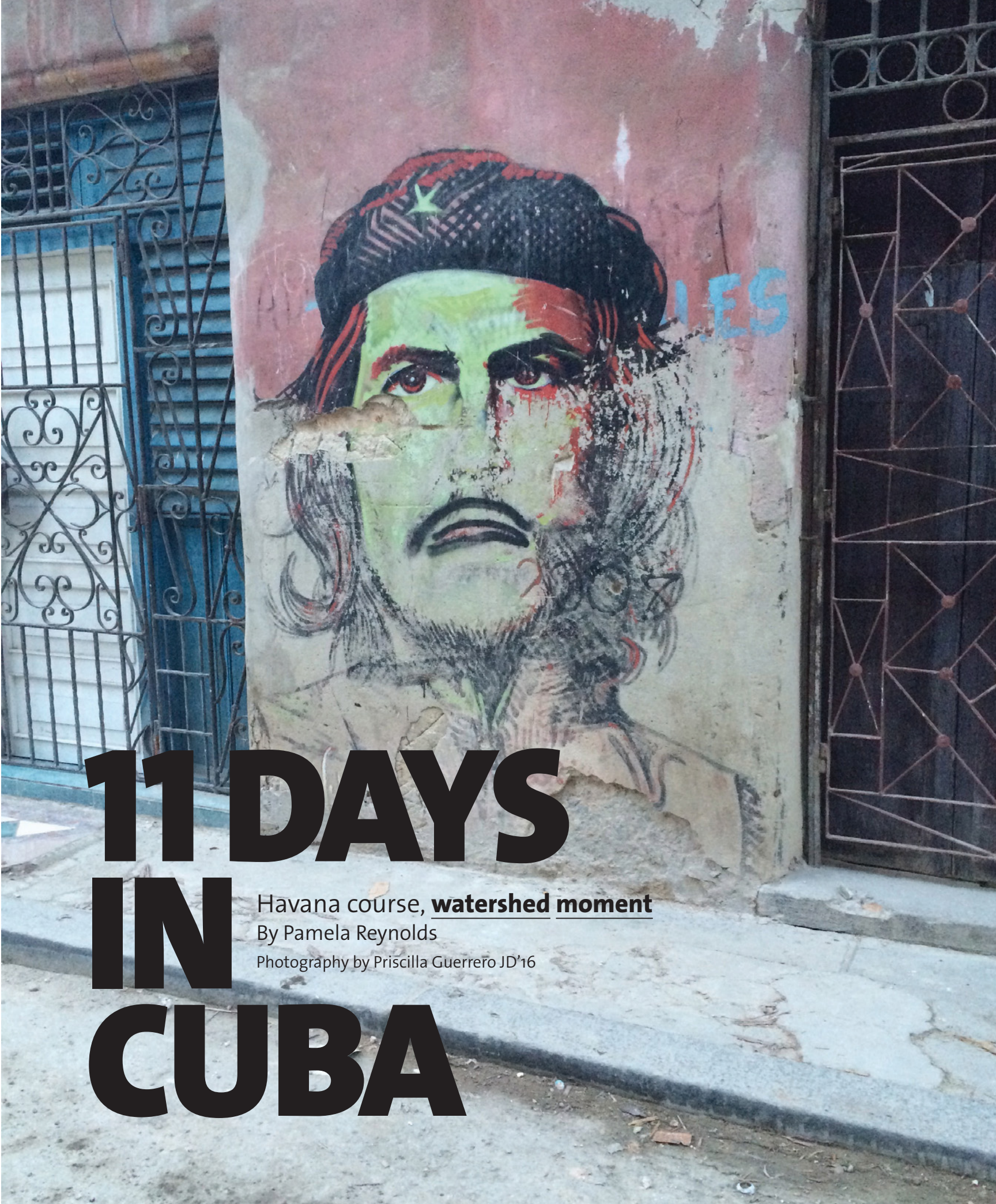


As the chief reporter of the ABA's Commission on Ethics 20/20, Perlman played a key role in drafting amendments to the ABA Model Rules of Professional Conduct—rules that respond to changes in technology and increased globalization.

Perlman is an honors graduate of Yale College, received his J.D. from Harvard Law School, and an LL.M. from Columbia Law School. He has taught at Boston University School of Law, Columbia Law School and Harvard College. His scholarship has appeared in some of the nation's leading law reviews, and he is the co-author of a civil procedure casebook that has been adopted at more than 70 law schools.

His other professional activities have included serving as the 2014 chair of the 800-member Professional Responsibility Section of the Association of American Law Schools. He also serves on the Massachusetts Supreme Judicial Court's Standing Advisory Committee on the Rules of Professional Conduct and recently argued on the committee's behalf before the Supreme Judicial Court.

**ANDREW PERLMAN OFFERS
THOUGHTS ON THE STATE
OF SUFFOLK LAW IN OUR
“FINAL DELIBERATIONS”
SECTION, PAGE 40.**



11 DAYS IN CUBA

Havana course, watershed moment

By Pamela Reynolds

Photography by Priscilla Guerrero JD'16

FOR JACOB MATHEWS JD '15, it was the fact that when it rains in Cuba, all normal activity comes to a grinding halt. No taxis. No buses. “Everyone just sits and waits for the rain to end,” he says.

For Priscilla Guerrero JD '16, it was the 1950s-era car that arrived to pick her up at the airport. That’s when she had what she calls her I-don’t-think-we’re-in-Kansas-any-more moment.

For Sara Frank JD '15, it was squeezing into an *almendron*—a usually battered old car that serves multiple customers. For less than the equivalent of 40 cents, “you ride with as many people as [the driver] can squish into the car,” says Frank. “And you better close the door gently or you will get yelled at in Spanish—and the door might fall off!”

Utterly Cuban moments like these—at times charming, a bit gritty, occasionally surreal—remain with the 24 Suffolk Law students who journeyed to Cuba in January to participate in a first-of-its-kind intersession course on negotiation and mediation held at the University of Havana Law School. Organized by Suffolk Law Visiting Professor Isaac Borenstein, himself Cuban-born, the trip was devised as both a cultural and legal exchange to give Suffolk students the rare opportunity to experience firsthand a country that most know only through the dubious filter of media or political debate.

Cuban life, up close

Planning for the trip began last year, when Borenstein and Suffolk Law Dean Camille A. Nelson and Associate Dean Ilene Seidman participated in a two-day academic exchange at the University of Havana Law School. None of the trip organizers could anticipate just how significant the trip would become, falling as it did shortly after the historic announcement of U.S. and Cuban presidents Barack Obama and Raul Castro that diplomatic relations would be restored between the two countries after a 55-year embargo.

Other factors also made the trip groundbreaking. For one, Suffolk Law students were able to glimpse Cuban life up close in a way that few Americans ever do. The students stayed with



Cuban families in homes scattered around the barrios of Havana. They traveled around town in rusted *almendrones* and attended classes each day on the well-groomed campus of the University of Havana, alongside Cuban law students—another first for such courses, which are usually held in hotel conference rooms. The classes were taught jointly by Suffolk and University of Havana law professors and mediators and teachers from The Mediation Group in Brookline.

When the school day was over, the Suffolk students would spend evenings eating ropa vieja or quaffing mojitos with their Cuban classmates in nightspots too hip for tourist guidebooks. In other words, this was not a view of Cuba glimpsed from behind a tourist bus window.

“We were learning right along with Cuban law students,” recalls Frank. “That meant that when a topic arose, a Cuban law student would lean over to a Suffolk student to ask ‘How do you handle this?’ or vice versa. Because our course was in mediation and negotiation, a topic that transcends different areas of law, we had the opportunity to get a crash course in topics like Cuban international law and family law.”

Una lección in better lawyering

Borenstein says that students visiting Cuba often have a picture of the country formed long before they ever set foot on the island. They expect to see only crumbling buildings and are surprised, he says, when they are greeted by a thriving metropolis of wide avenues and stately colonial buildings. They are prepared for nothing to work and yet discover that Cubans are extremely inventive.

Guerrero says one of her enduring memories is of seeing an old car outfitted with a cellphone flashlight in place of a headlight. The populace is highly educated. And, Borenstein says, when it comes to the law, the system is well codified and functional.

“So kids come back going, ‘Wow, we don’t get this view of Havana in the United States,’” says Borenstein, a former Superior Court judge.



“That’s a great lesson in what lawyers need to do—be open-minded. That’s my view of how people can lawyer better, can become better mediators and negotiators.”

Borenstein says that many have asked him what going to Cuba has to do with the law.

“Well, it has to do with understanding that the problems of the world, legal and otherwise, have multiple perspectives. A good mediator goes in to resolve a problem without being closed-minded and without an attitude of dominance.”

Going phone-free

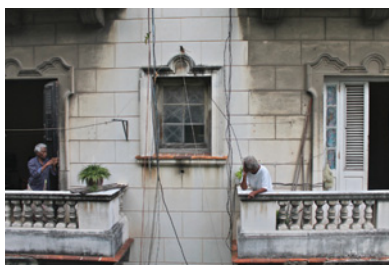
The students were able to see many aspects of Cuba that remain unfamiliar to Americans. Frank says she was impressed by how the Cuban system has managed to provide basics—health care, education and housing—to its citizens that many Americans lack. “Indeed, the average Cuban’s standard of living is not the same as the average American’s, but the country’s provision of basic human needs for all citizens is something for which Cubans can be—and are—proud,” she says.

Guerrero says that oddly enough, a dearth of communication technology results in better communication in Cuba. “We ate dinner and talked to each other without the need to check our phones every few minutes,” she says. “I vividly remember coming back to Boston and thinking about this part of the trip and realizing how much I actually ‘listened’ to people rather than just ‘hearing’ what they were saying.”

Mathews says he was struck by the philosophical approach that many Cubans take to life. “They are much more accepting of what will be will be, and we just need to accept that and go with it, and it will all work out.”

A collision of contradictions

The students learned that life isn’t easy for Cubans. Professionals, doctors and lawyers, might expect to make only about \$40 a month, and



most Cubans earn about half that. Since housing, health care and education are provided by the government, a salary so small might just barely cover the basics, but it doesn’t allow for any extras—and certainly not for maintaining old homes or buying the luxuries that might be considered necessities in wealthier settings. For that reason, many Cubans, including the gastroenterologist that hosted Mathews and the physician who hosted Frank, have turned their large elegant homes into bed-and-breakfasts for visiting tourists.

What was quickly apparent to the Suffolk students is that Cuba hangs suspended between the past and present in a way that is unique and intriguing.

“Some say that visiting Cuba is a throwback in time, but it is not entirely,” says Frank. “You may be riding around in a 1950 Studebaker, but could be listening to a top-of-the-line car stereo that the driver received from a family member in the States.”

It was this very collision of so many eras, contradictions and cultural differences that resulted in what the students call a “transformative” experience. Trips such as these, they say, will improve not only their life skills but their skills as practicing lawyers.

“Both the law and the mix of various cultures within this field are constantly changing,” says Guerrero. “Cultural influences are oftentimes at the root of a case, and while they shouldn’t serve to excuse or exonerate, they should at least be understood. Efforts to do so begin with experiences such as this one.”

Mathews says he and the other students are grateful to Borenstein, Dean Nelson and Associate Dean Seidman for orchestrating the trip. “We’ve been harping on Suffolk to make sure the program doesn’t end,” he says. “I hope more students get the opportunity to experience what we have, because we’re definitely going to be better lawyers because of what we experienced.”



Built for speed

Students launch high-tech
law practice

By Michael Fisch







For people in their 40s or above, other than the occasional hardcore computer wonk or a legal tech professor, listening to students in Suffolk Law's Accelerator Practice sounds like science fiction meets the law — from intake apps to Six Sigma process engineering.

Accelerator Practice student Michael Eidlin '15 can see it in my eyes when his descriptions have gotten a bit too technical, so he simplifies with an example: "We've found that each time we're doing intake for potential clients for the Accelerator Practice, we have to sit down and generate an outline of questions that we need to ask to assess whether we want to take on that client.

"Instead of rewriting the intake questions each time, we're building an intake app for different types of complaints, housing conditions or consumer protection cases, for example. Since intake doesn't always translate into billable work, the goal is to make it efficient and cut down on the need to re-interview a client due to missing information. The process ought to be as easy as an app on your iPhone."

The basic idea animating the Accelerator is that law students across the country generally leave law school without the business skills needed to choose clients, market their firm, set fees and billing structures, and manage cases and the documents that go with them.

The three-year program combines coursework in the above-mentioned business elements of running a practice, including cutting-edge courses in legal practice technologies. It culminates with a year of work in the Law School's embedded Accelerator Practice, where Eidlin and five other students have been working with supervision from seasoned attorneys.

Gerald Glover III '15, one of Eidlin's Accelerator colleagues, argues that lawyers need to be open to the

idea that not all of the processes they undertake require a hand-crafted, custom-tailored approach. In wills and trusts, eviction and divorce cases, and consumer protection and insurance matters, among many others, an automated, standardized, tech-driven process makes the rote work a lot faster, allowing attorneys to take on more cases, he says.

One might wonder why the Accelerator students are so focused on organization and efficiency. Part of it, they say, is that the writing is on the wall: law firms of all sizes are being forced to adapt to the technological age, whether they like it or not. Another part is the structure of the Accelerator Practice, which will increasingly focus on fee-shifting cases.

In fee-shifting cases, Suffolk Law's Associate Dean for Academic Affairs and Clinical Professor of Law Ilene Seidman explains, the winning lawyer's fees are paid by the losing side. In addition to donations from alumni and others, those collected fees will help run the Accelerator Program.

The new niche market

The Accelerator Practice takes as a given that there is a large group of moderate-income individuals who can't afford an expensive firm, but whose cases are strong enough to merit the attention of a small practice whose attorneys can make a decent living handling mostly fee-shifting cases.



The Accelerator Practice students



Clinical Professor William Berman is the managing attorney of the Accelerator Practice.

Michael Eidlin JD '15 and Gerald Glover III JD '15 appear in the photo at the top of the next page. In that image, Eidlin is on the left.

The ready availability of such cases makes sense. The American Bar Association and the Legal Services Corporation estimate that 85 percent of people in civil cases lack legal representation. It's a nationally recognized problem called the "justice gap," and the Accelerator helps address it.

"The statistics show the work is there," says Eidlin, "but a firm taking on fee-shifting cases needs to be efficient and smart about how it chooses cases and in the systems by which those cases are managed. If we're efficient, we can take more cases and it becomes a numbers game. The result is that you process enough cases to make a career by tapping into a large and mostly ignored market. And for me, I'm in the sweet spot if I can build a career that's based around helping others."

Choose the right client

Accelerator students conduct initial client interviews and explain to their supervisors the strengths and weaknesses of a case and its financial viability. "For us it's an added responsibility that you wouldn't have in a traditional clinic," says Glover, "but it's an added benefit. We're able to see the results of that work: how you get a client, how you keep a client, how to connect and communicate with a client, and those are important aspects. If there's a question about the case, our supervisors ask us, because we know the cases inside and out."

Since last September, Glover and Accelerator colleague Camila Valenzuela Araya '15 have been working on behalf of a family forced from their apartment after they had a baby. Their rental had lead paint, and they claim that the landlord evicted them rather than comply with a law requiring removal of the paint in units with children under 6 years old. After six weeks researching the case, collecting evidence and preparing a settlement proposal, Glover and Araya presented their case before the Massachusetts Commission Against Discrimination.

"It was really satisfying because after I presented and gave the opening statement, the hearing officer told us we were the most prepared attorneys she had ever seen. I said, 'Can you

repeat that so my supervisor can hear you?' That was definitely a highlight of the year. That showed that we belonged."

William Berman, a clinical professor of law and managing attorney for the Accelerator Practice, notes that more than 40 percent of Suffolk students go to small firms or open a solo practice. "Given that high percentage, we wanted a program where students learn the nitty-gritty of law practice management and the relevant technology." The program, he explains, was established with a \$250,000 donation from Suffolk's Board of Trustees Chair Andrew C. Meyer Jr. JD '74, HLLD '99 and his wife, Kathleen Sullivan Meyer. The Meyer's donation includes funding for a graduate law fellow who manages cases and helps supervise the students in the Accelerator Practice.

What do they want?

Gerald Slater, Suffolk Law's assistant dean of professional and career development, has made a point of asking legal employers what they want in a recent graduate. "The answer is that they want students with business acumen and training, technological savvy, and practical lawyering skills—how to market a law firm, navigate a balance sheet, how you value legal services and create a billing and fee structure," he says.

Slater, Seidman and Jeffrey Pokorak, vice provost for faculty and curriculum, brainstormed the Accelerator in 2014, with an eye toward creating a new kind of student who had a practical edge in the job market. Dean Camille A. Nelson helped them shepherd the program into existence.

Last year, Michael Haroz, a director at Boston law firm Goulston & Storrs, was selected by the Massachusetts Access to Justice Commission for one of its Access to Justice fellowships, through which experienced attorneys provide pro bono assistance to various populations.

Haroz says he chose to work at the Accelerator Practice—teaching business skills like billing—because he admires Suffolk's commitment to train students who leave school with the wherewithal to join firms, or start new ones, focusing

on moderate-income clients—people who, today, mostly go unrepresented at critical moments in their lives.

Haroz adds that the Accelerator presentations he’s seen on document assembly and client management systems have been eye-opening. Technological solutions that increase a law practice’s efficiency need to become part of the legal landscape, he says, especially for small firms that have never had IT departments to help them adapt.

Suffolk Law is one of the pioneers in teaching the types of adaptation that Haroz mentions; its legal technology programs have been ranked in the top 10 in the ABA’s *Law Practice* magazine. In addition to the Accelerator, the Law School’s tech programs include the Legal Technology and Innovation concentration, from which students can take core classes and electives, and the Institute on Law Practice Technology & Innovation.

The legal industry, though, has been slow to change, says William Palin JD ’12, a Suffolk Law adjunct professor who teaches the course *Lawyering in the Age of Smart Machines* and is also a legal tech app developer. His app, PaperWork, is designed for Massachusetts’ Family and Probate Court and allows users to fill in, edit, save, share and sign important documents from a smartphone or tablet.

Technology “democratizes access to information,” says Slater and, according to Palin, that may explain why the law industry has been slow to embrace it. Some law firms are reluctant to “lose the cash flow from billing multiple hours on a simple document that, with technology, can be generated in minutes,”

“The creation of a simple document shouldn’t be the critical and time-consuming element of the interaction. Instead it should be the attorney’s analysis and counsel”

—Adjunct Professor William Palin JD ’12

he contends. “The creation of a simple document shouldn’t be the critical and time-consuming element of the interaction. Instead it should be the attorney’s analysis and counsel.”

Not too long ago, legal futurist Professor Richard Susskind told Slater, “You know, you’re training students for 2065—they’ll be practicing for decades.” “We have no idea what 2065 will look like,” says Slater, “but you can’t train them for 1985, or 2000.”

Seidman notes that many law schools are developing incubator-type programs that students start after graduation to teach them how to practice law. “We thought it was important to do that while they were actually in law school.”



Students in the Accelerator Practice office on the first floor of the Law School

Don't CEASE.

Jumping
the Shark
and Rethinking
IP Law

By **Dave Denison**

Don't DESIST.

AFTER POP STAR KATY PERRY'S PERFORMANCE in this year's Super Bowl halftime show, a new celebrity was born: the Left Shark. And

as video of the famously off-kilter dancer in a shark costume became an Internet sensation in early February, a designer named Fernando Sosa saw a marketing opportunity. Using a 3-D printer, he made figurines of the Left Shark and began selling them online on a site called Shapeways.

Within days, Shapeways received a letter from Greenberg Traurig, a law firm representing Perry, claiming that the image of the Left Shark was the copyrighted intellectual property of Perry. The letter demanded that Shapeways "immediately cease and desist" from selling Sosa's creation. "Your infringing conduct," the letter continued, "entitles our client to significant legal relief against you." Shapeways promptly removed the Left Shark products from its site.

The contretemps illustrates a number of problems in intellectual property law that have intensified in the internet era, says Andrew Beckerman-Rodau, professor of law at Suffolk University. As the activities of even the smallest



Kailey-Lyn Theriault
JD '15 says her IP
Clinic cases have been
eye-opening



entrepreneurs are more easily discovered with online search tools, the owners of copyrights, patents, and trademarks are quicker than ever to deploy lawyers to send out those cease-and-desist letters—usually written in an intentionally intimidating style.

Often the claims of infringement are not as cut-and-dried as the letters make it seem—as was the case with the Left Shark. Katy Perry likely doesn't own a copyright on a Left Shark costume, Beckerman-Rodau says. In fact, as the lawyer who came to Sosa's aid pointed out in an answering letter to Perry's law firm, "costumes are generally not copyrightable." (Sosa found another site to sell his figurines, and Perry's firm has appeared to back off the copyright claim, though it has moved to trademark the words "left shark" and "right shark.")

Over-protective?

Yet even when claims are legally supportable, aggressive protection of intellectual property rights can go too far, says Jessica Silbey, professor of law at Suffolk University. She points to a problem that the makers of the movie *Selma* encountered last year. The movie depicted Martin Luther King Jr.'s leadership as the civil rights movement pushed for the Voting Rights Act of 1965. But the King

estate was unwilling to grant permission to the movie producers to use the actual words from King's speeches, causing the writers to depend on artful paraphrasing. "The movie had to be distorted. That doesn't make a lot of sense to a lot of people," Silbey says.

Should Martin Luther King Jr.'s speeches be in the public domain? Silbey and Beckerman-Rodau don't object to copyright law on principle, but raise concerns about the way Congress has extended the length of protection—putting many works under the control of heirs. Originally, Congress set protection for 14 years, with a chance to renew copyright for another 14 years. The durations have steadily grown since then, so that now authors enjoy copyright protection for the length of their life plus 70 years. And the intellectual property of corporations is protected for 95 years.

The broader question Silbey raises is about how laws governing intellectual property have failed to adapt to the modern age. In the digital era, powerful interests aggressively assert their property rights, small companies are often bullied into giving up brand names and logos, and the very purpose of IP protection—to foster creativity and innovation—seems to be out of alignment with the way the laws are actually used. Too much of the law is focused on monetary gains and

incentives, she argues, when in actual practice artists and innovators aren't primarily motivated by concern for exclusive long-term rights. The restrictiveness of current law can end up stifling rather than encouraging free and collaborative creation.

Trademark bullying

The cease-and-desist letter, like the one that asserted claims to the Left Shark, has become a primary feature of how intellectual law is practiced. Though no one has been able to calculate how many such letters are generated per year, some practitioners say there is a troubling imbalance when large companies and firms target small businesses and individuals with limited resources.

That's where lawyers like Eve Brown enter the picture. Brown served as a practitioner in the Intellectual Property & Entrepreneurship Clinic (IPEC) at Suffolk Law, providing pro bono assistance to small companies with copyright and trademark challenges—and also giving law students hands-on experience in intellectual property disputes.

The IPEC practitioner takes a group of students each year to work under her direction, functioning almost as a small law firm.

The cases that come to IPEC give a flavor of how common "trademark bullying" has become in the business world. Brown tells of a small brewery in Vermont that was challenged by the California-based energy drink company called Monster. The complaint? The Rock Art Brewery had a brand called Vermonster. Monster also went after a small website for fish and aquarium keepers because it used the URL MonsterFishkeepers.com.

IPEC also came to the defense of a small company based in New York called Batch Organics, which was accused of trademark infringement by California-based Bach Flower Remedies. Another client, Terracotta New York, a small fashion company, was challenged by Guerlain, a large cosmetics company that has a blush and bronzer line called Terracotta. In such disputes, a driving concern is whether there is actual infringement or whether consumers might be confused by the same name for similar products. Brown and her team argued that a clothing company called Terracotta poses no potential confusion in the marketplace for cosmetics.

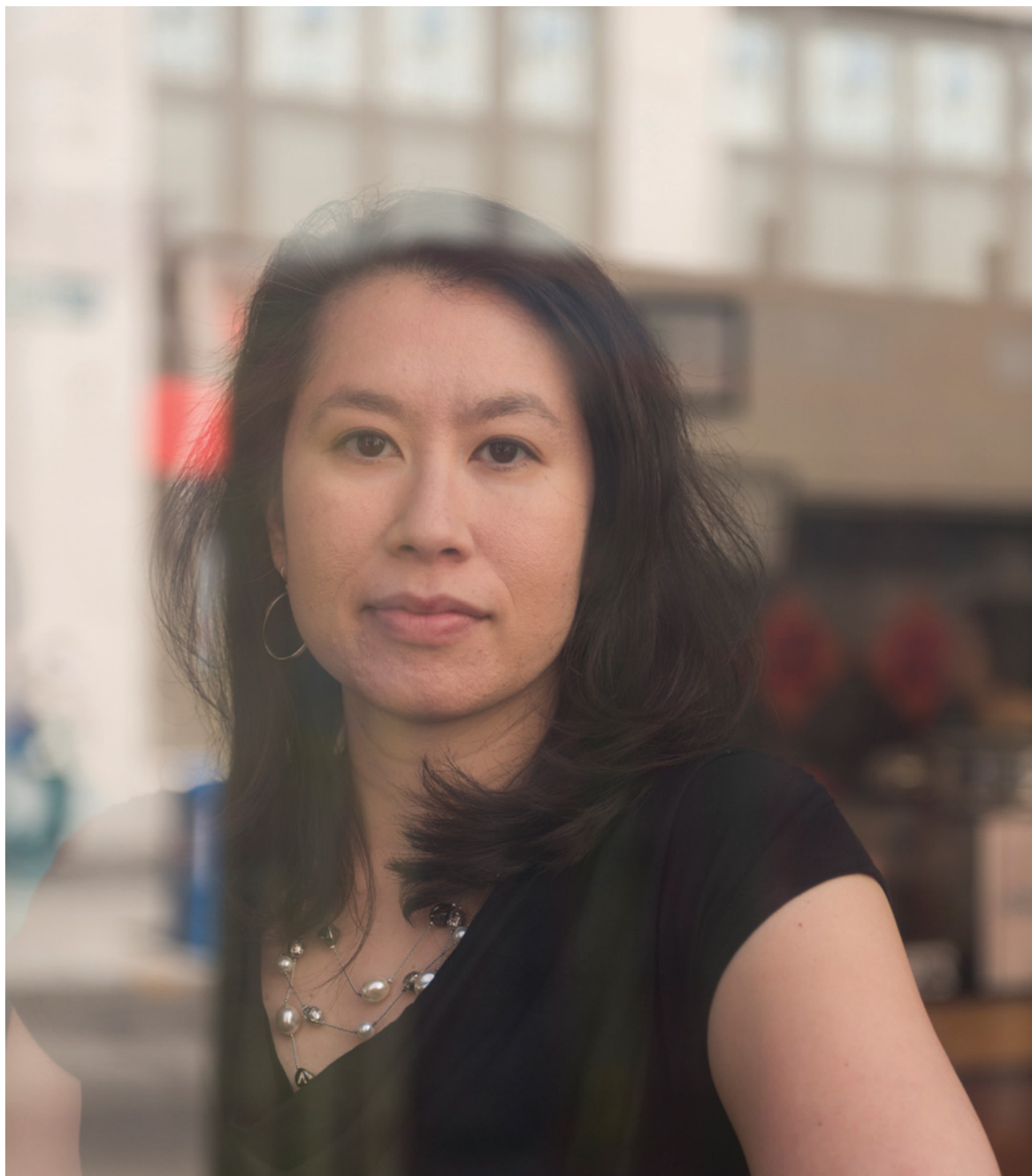
"Both of these cases had hundreds of attorney hours," Brown said. She said a typical dispute might cost \$100,000 to fight—a sum few small businesses are willing to risk. But because IPEC was able to defend Batch Organics and Terracotta New York, the claims were eventually dropped.

Kailey-Lynn Theriault '15, a third-year law student at Suffolk, worked extensively on the Terracotta dispute. "We did begin by looking carefully at the company's claim," she said, referring to Guerlain's objection. But it became clear that Terracotta had a strong case because the products in question were "not the same class of goods." When it became clear that Brown and Theriault were ready to travel to New York to take depositions from Guerlain's owners, the company backed off. "When they saw we were really willing to fight to the end for our client, that's when they decided it wasn't worth it," she says.

Theriault says such cases have been eye-opening. "Before the clinic I had no idea so many large corporations were going after the little



Associate Professor Leah Chan Grinvald calls for better policing of the cease-and-desist letter.



guys,” she says. She now hopes to pursue a career in intellectual property law, building on what she’s learned at IPEC.

Brown says the nature of the problem is that too many companies use trademark law as an anti-competitive tool to push emerging companies out of the market. At the same time, IPEC recognizes the need to protect trademarks from actual infringement. Brown and her students invested many labor hours in defending a small Washington state business called Nautigirl, which makes women’s clothing, from the giant concern

Nautica, which has a reputation for aggressively pursuing any use of similar nautical-themed names. At one point, however, Brown became aware of a business in Australia that had obviously copied the Nautigirl logo. “That is a case where we sent out a cease-and-desist letter,” she says.

Avenues for reform

a lot rides on how lawyers use the cease-and-desist letter, according to Leah Chan Grinvald, associate professor of law at Suffolk. In a recent paper, “Policing the

PHOTO: BEN GEBBO

Cease-and-Desist Letter,” Grinvald claims that it’s become standard practice for law firms to ramp up the threats, fill letters with legalese, and give recipients unreasonable deadlines to comply with their demands. Even companies that have a legitimate claim of trademark or copyright infringement can take too harsh a tone, she says, in which case “it can still be considered abusive.”

And while patent law and copyright law are mostly controlled by federal statutes, trademark law is “an odd mix of federal and common laws,” she says. Legislatures could step in and make changes to address the “shoot-first-and-ask-questions-later” problem. As of now, she says, “There’s no consequence whatsoever to sending out abusive cease-and-desist letters. Nothing.”

The threats

Grinvald says the use of abusive letters creates “a coercive settlement process.” It’s more common for companies with deep pockets to use threats against upstarts. “They’re perfectly aware the other side is small and won’t put up a fight,” she says. “The underlying problem in all this is the inability to access low-cost or free legal help, combined with the ridiculous expense associated with litigation.” She adds: “That’s where the IP clinics that are sprouting up across the nation have come in handy.”

Suffolk Law’s IPEC, Brown reports, is now working with clinics at the Colorado School of Law and American University to propose reform ideas. One possibility, she says, is creating sanctioning authority at the Trademark Trial and Appeal Board (TTAB), similar to the way courts can sanction firms that bring frivolous lawsuits. “There’s not a lot of incentive for people to not

bring a case, even if it is frivolous, because they can’t get in trouble for it,” Brown says. Another idea is to create an initial review process at the TTAB to decide whether a claim is serious enough to go forward, rather than expecting every claim to be part of a “long attorney-driven process.”

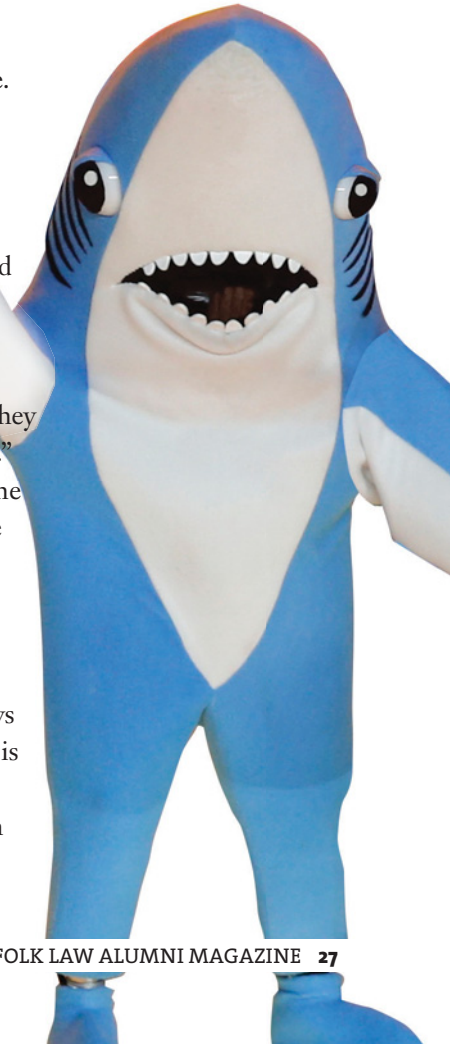
Silbey believes that the “fair use” exception in copyright is applied too narrowly, citing *Selma* as an example. “I think reproducing a speech of Martin Luther King Jr. in a movie about [him] that tells a new story or new perspective on the issue should be fair use,” she says. Related to that, “we could shorten copyright duration,” she says. But “of all the possible reforms, I think that’s the least likely. We like property and we like inheritance in the United States.”

Not all solutions, of course, need be legislative. Grinvald believes bar associations could promote new ethics rules that discourage abusive cease-and-desist letters. And, she says, sometimes a small company can win through smart use of publicity, noting the way consumers rallied around the Vermonster brand, creating public relations problems for Monster. “I call it public shaming,” Grinvald says. “It doesn’t work for everybody, because some big companies are unshameable—they don’t care if they get a reputation of being a bully.”

Beckerman-Rodau and Brown both make the point that copyright laws need a better balance between protection of ownership rights and freedom to use material to make new works. The current term of life plus 70 years favors the author’s right too much over the public’s right to use works, says Beckerman-Rodau. Says Brown, “The goal of intellectual property law is to encourage creativity and innovation—and it really involves that balance between protection and access.”

“The underlying problem in all this is the inability to access low-cost or free legal help, combined with the ridiculous expense associated with litigation.”

—Associate Professor
Leah Chan Grinvald



ZEALOUS ADVOCATE

Two military women on remaking sexual assault prosecution

By Tom Mashberg

COL. CAROL K. JOYCE JD '89 has handled a lot of explosive cases during her 25 years as a prosecutor and defense lawyer with the Marine Corps, including the trials of Guantanamo Bay detainees and American servicemen accused of murder in Iraq.

So when she was asked to organize the Corps' first legal unit dedicated to victims of sexual assault in the military, she was ready for heavy scrutiny. A decade of public scandals had exposed lax prosecutions of service members, lenient sentences for offenders, and judicial maltreatment of female accusers. Congress was suddenly mandating "zealous advocacy" on behalf of victims, and the Chairman of the Joint Chiefs of Staff called the situation a "crisis." Joyce, whose title is judge advocate, anticipated skepticism from civilians and servicewomen, and resistance from hidebound military justice officials.

But for a Marine who spent a year in Afghanistan advising commanders in combat zones, no mission was too daunting. Now, along with Capt. Sloan A. Tyler JD '90, a top lawyer with the U.S. Coast Guard Academy, Joyce is one of two Suffolk Law School alumnae helping reform the way assault victims are treated in the armed forces.

"It wasn't until I really got into this job that I realized how incredibly necessary it was," says Joyce, who set up the Victims' Legal Counsel Organization for the Marines in 2013. "People understand offenses like theft in the barracks, or drugs and unauthorized absences, but when it comes to sexual assault, they just don't seem to want to believe it happens."

Tyler, who has spent 23 years as a legal officer at bases in Honolulu, New Orleans, Ottawa and New London, Conn. (where she is now assigned), was tasked last year with developing the policies and procedures for the Coast Guard's Special Victims' Counsel Program, and for training and managing the 18 lawyers assigned to represent plaintiffs.

"This work is crucial to their recovery," says Tyler, who ran the inaugural unit for nine months and continues to support it while on reserve duty caring for her three children. "The program gives victims a voice and a choice in the military criminal justice process. It's vital that they don't come away feeling revictimized."

The two lawyers did not know each other at Suffolk but hit it off when they appeared last year before a congressionally directed panel assessing the program's progress. Since then, they compare notes often and are delighted to share Law School bonds. "We speak among ourselves because we can appreciate what our counsel are going through in the trenches," Joyce says.



For women in the military, with its intimidating and hierarchical legal system that gives commanding officers broad leeway in choosing whether to prosecute cases, justice for sexual

S



Col. Carol K. Joyce JD '89

assault has long run the gamut from elusive to nonexistent. In 2012, a Pentagon survey found 26,000 members of the U.S. Armed Forces experienced some form of sexual abuse, yet only 3,374 cases were reported and fewer than 500 went to trial.

Politicians and the public, shocked by revelations of light punishment for rapists and by accounts of trauma and scorn heaped on victims, began demanding real change. Army Gen. Martin E. Dempsey, the Joint Chiefs chairman, said: "We're losing the confidence of the women who serve that we can solve this problem. That's a crisis."

In 2013, the Army's chief of staff, Gen. Raymond T. Odierno, went further, declaring that "combating sexual assault and sexual harassment in the ranks is our No. 1 priority" because "these crimes cut to the heart of the Army's readiness for war."

Such a groundbreaking and high-profile effort meant seasoned attorneys would have to fill the breach, and Tyler and Joyce credit their time at Suffolk with giving them the educational training needed to handle the complexities of military law. "It's the kind of school that makes you think about practicing law on many different levels," says Joyce, who was a nine-year veteran of the Marines before she sought her Suffolk degree.

Today, her accomplishments in the Corps are striking. She

has been a senior trial counsel; lead prosecutor in a 1998 case in which a military aircraft hit an Italian gondola in Cavalese, Italy, killing 20 people; deputy chief prosecutor for the Office of Military Commissions, which prosecuted detainees at Guantanamo Bay, Cuba; and chief defense counsel of the Marine Corps, overseeing the representation of the Marines prosecuted for war crimes in Haditha, Iraq.

An East Boston native, Joyce has also served as an appellate court judge for the Navy-Marine Corps Court of Criminal Appeals, reviewing cases involving a range of offenses, including sex-related crimes. "The legal piece of the system was broke and it needed to be fixed," she says of her current assignment. "The victims were just being left out there on their own."

Tyler's demanding portfolio includes enforcing fishing treaties, maritime safety regulation and border security—and occasionally suing hoaxers to recover the costs incurred when the Coast Guard responds to false distress calls. She has won several awards for her legal duties, taught criminal justice at the Coast Guard Academy, represented the agency during homeland security negotiations with Canada and worked on a multinational accord to control pollock fishing in the Bering Sea. With such an extensive background, she was the Guard's first choice to run its program.



Capt. Sloan A. Tyler JD '90

Early signs are encouraging. Capt. Tyler speaks of victims who felt empowered to file charges after learning they would have personal representation.

Tyler was “a young attorney fresh from law school” when she took part in talks that bound the United States, Russia, China, Japan and South Korea to a major fishing conservation agreement in international waters. “How cool is that?” she says. A native of Topsfield, Mass., Tyler studied admiralty law at Suffolk under Brian T. Flanagan, an adjunct professor, and credits him with influencing her career. In turn, she says, “I’d like to mentor any Suffolk grad interested in the Coast Guard. The legal community here is just fabulous, very tight-knit and hard-working, and the cases are varied and interesting.”

Servicewomen may be prepared for war, but they are rarely ready for the painful realities of a sexual-assault prosecution: telling their stories multiple times, confronting doubters and detractors, and dealing with the impact of the case on their rapport with fellow service members and on their military careers. “It’s critical that the victim understands the legal process,” Tyler says. “We want them to be as comfortable as possible.”

As with any effort involving military bureaucracy and the legal system, the new judicial measures are complex, time consuming and open to legalistic courtroom challenges. But the Pentagon has sent a loud message that lawyers for “special victims” have wide latitude to “represent the best interests of their clients—even when their clients’ interests do not align with those of the government of the United States.”

At its essence, the program introduces a third party into sexual-assault cases—a lawyer dedicated to the victim. In the past, prosecutors and defense counsel tended to focus on the evidence and the accused. Without an attorney by their side, victims felt ostracized and were apt to surrender privacy rights as advocates dug into their medical histories, examined their cellphone and

computer traffic, interviewed them repeatedly with no lawyer present, challenged their characters and asked improper questions about their sex lives in and out of court.

The new organizations consist of lawyers who represent the plaintiffs from the start of the investigation through the outcome of the trial. “We’re adding a third party in the courtroom,” says Joyce. “We’re there to explain what is happening and to ensure their rights are protected.”

Early signs are encouraging. Tyler speaks of victims who felt empowered to file charges after learning they would have personal representation. Joyce says the judge advocates she encounters in the courtroom are respectful when she or her colleagues object to rulings or procedures that infringe on victims’ rights.

“We had one victim who, before we stood up our program, was asked everything about her sex life at a preliminary proceeding—it was a free-for-all,” Joyce says. “But after she was assigned a victims’ counsel, she was able to stay the course because she had her own attorney who kept her sex life out, and the perpetrator was sentenced to 7 to 10 years.”

The victims’ attorneys also help their clients with requests for expedited transfers to new units and advise them on issues like reprisals and appeals.

Joyce says the majority of lawyers assigned to her unit are male, but they have “become deeply committed” to their role and are well received by the victims.

“This has been a major paradigm shift for the military,” she says. “It’s evolving.”

When asked to commit to the program, Tyler says her response to her superiors was a simple “aye aye.” She says the experience has been personally rewarding, too.

“I was very blessed and lucky to be selected to do this work,” she says. “It’s so important that these women understand that they have been hurt and are believed.”

Hilary Allen wrote “What Is ‘Financial Stability’? The Need for Some Common Language in International Financial Regulation,” 45 *Georgetown Journal of International Law* 929 (2014).

Marie Ashe wrote “Realities of Religio-Legalism: Religious Courts and Women’s Rights in Canada, the United Kingdom, and the United States,” in 20 *University of California Davis Journal of International Law & Policy* 139 (2014) (with Anissa Helie).

William Berman received several grants from HUD for the Housing Discrimination Testing Program. He and **Jamie Langowski** received an award from the University for bringing in the largest grant award in 2013.

[1] **Karen Blum** was appointed trustee of Wells College, Aurora, NY. She received the Alumni Service Award, Suffolk Law (2014). She wrote *Police Misconduct, Law and Litigation*, 3d ed. (Clark Boardman Callaghan, 2014) (with Michael Avery and David Rudovsky); “Local Government Liability Under Section 1983,” Volumes 1 and 2, Chapter 3 in *31st Annual Section 1983 Civil Rights Litigation* (Practising Law Institute, 2014); and “Section 1983: Qualified Immunity,” Volumes 2, 3, and 4, Chapter 4 in *31st Annual Section 1983 Civil Rights Litigation* (Practising Law Institute, 2014).

Eric Blumenson wrote a book chapter, “Two Moral Mistakes in the American Criminal Justice System,” in *Freedom and Its Enemies: The Tragedy of Liberty* (Eleven International Publishing, 2015) (Renata Uitz and Andrea Sajo, eds.).

Frank Rudy Cooper wrote a book chapter, “Obama’s ‘Unisex’ Campaign: Masculinities, Race, and Law,” in *Race and the Obama Phenomenon: The Vision of a More Perfect Multiracial Union* (University Press of Mississippi, 2014) (G. Reginald Daniel & Hettie V. Williams, eds.).

Kathleen Engel was named a Fulbright Specialist.

Valerie Epps wrote *International Law*, 5th ed. (Carolina Academic Press, 2014); and *Examples and Explanations: International Law* (Wolters/Kluwer 2015) (with **Lorie Graham**).

[2] **Steven Ferrey** wrote *The Law of Independent Power*, 34th and 35th eds. (Reuters/Thomson/West, 2014); “The Fifth Dimension: Legal Infrastructure, Cracks, and Governance,” 15 *Minnesota Journal of Law Science & Technology* 469 (2014); “The Carbon Suite in the Hotel California: ‘We Are All Prisoners Here, of Our Own Device,’” 23 *Southern California Interdisciplinary Law Journal* 451 (2014); “Carbon Outlasts the Law: States Walk the Constitutional Line,” 41 *Boston College Environmental Affairs Law Review* 309 (2014); and “Solving the



1

Multimillion Dollar Constitutional Puzzle Surrounding State ‘Sustainable’ Energy Policy,” 49 *Wake Forest Law Review* 121 (2014).

Christopher Gibson wrote and edited *War Reparations and the UN Compensation Commission* (Oxford University Press, 2015) (with Timothy Feighery and Trevor Rajah, eds.).

[3] **Joseph Glannon** wrote *Civil Procedure: A Coursebook*, 2nd ed. (Aspen, 2014) (with **Andrew Perlman** and Peter Raven-Hansen); “Massachusetts Statutes of Limitation: A User’s Guide,” 19 *Suffolk Journal of Trial & Appellate Advocacy* 1 (2014); and *The Law of Torts: Examples & Explanations*, 5th ed. (Wolters Kluwer Law & Business, 2015).

Dwight Golann was elected budget officer of the ABA’s Section of Dispute Resolution in 2014, a post that places him in the succession to become chair of the 17,000-member ABA section in 2017. He wrote the overview on *Chapter 93A Rights and Remedies* (Massachusetts Continuing Legal Education, 2014).

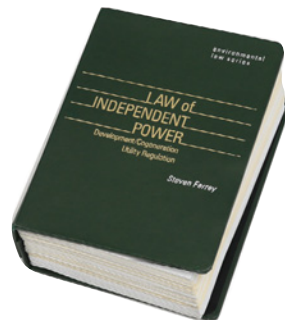
Lorie Graham was appointed to the Advisory Board of Inter Gentes-McGill Journal of International Law & Legal Pluralism (2014), the International Law Association, Committee on the Implementation of the Rights of Indigenous Peoples (2014), and the Leadership Council for the Harvard University Native American Program (2014). She wrote “Human Rights to Culture, Family, and Self-Determination: The Case of Adoptive Couple v. Baby Girl,” in *Indigenous Rights in International Law* (Lapland University Press, 2014) (Stefan Kirchner and Joan PolICASTRI, eds.); and a book chapter, “Education Rights and the UN Declaration,” in *The UN Declaration on the Rights of Indigenous Peoples: A Commentary* (Oxford University Press, 2014) (Marc Weller and Jessie Hohmann, eds.).

Marc Greenbaum updated two chapters in his book *Labor and Employment Arbitration* (Lexis Mathew Bender, 2014) (with Tim Bornstein and Ann Gosline).

Stephanie Hartung was appointed as a member of the board of trustees of the New England Innocence Project (2014).

John Infranca wrote “Housing Changing Households” in 25 *Stanford Law & Policy Review* 53 (2014) (Symposium: Urban Law and Policy). He was reelected to the Executive Committee of the American Association of Law Schools Section on Property Law.

[4] **Charles Kindregan** wrote *Domestic Relations Rules and Statutes Annotated, with Relevant Federal Statutes Annotated* (Thomson/West 2014).



2



3

Renée M. Landers serves as vice president of the Section of Administrative Law and Regulatory Practice of the American Bar Association. She served as a member of the Social Security Appeals Board's 2014 Disability Policy Panel. She wrote a book chapter, "The Experience of African-American Lawyers," in *Reflections on Diversity in the Massachusetts Legal Profession* (Massachusetts Continuing Legal Education, 2014) (Rudolph Kass, ed.).

Jeffrey M. Lipshaw wrote "Retire and Teach Six Years On," in 41 *Northern Kentucky Law Review* 67 (2014); "Dissecting the Two-Handed Lawyer: Thinking Versus Action in Business Lawyering," 10 *Berkeley Business Law Journal* 231 (2014); and "Trust v. 'Law in a Box': Do Organizational Forms Make a Difference?," *University of Illinois Law Review* 1795. He was elected 2014 Chair of the AALS Section on Agency, Partnership, LLCs, and Unincorporated Associations.

Stephen McJohn wrote "Top Tens of 2013: Patent, Trademark, Copyright, and Trade Secret Cases," 12 *Northwestern Journal of Technology and Intellectual Property* 177 (2014).

Samantha Moppett was elected secretary of the Legal Writing Institute and to the editorial board of the Legal Writing Institute Monograph Series.

Sharmila Murthy wrote "Can International Water Law Be a Tool for 'Water Diplomacy'?", 27 *Journal of International Law of Peace & Armed Conflict* 17 (2014). She was selected as a finalist for the United Nations Special Rapporteur on the human right to safe drinking water and sanitation.

Dyane O'Leary wrote "Let Me Do It Myself: The Value of Self-Critique Training in Academic Support," *The Learning Curve* 7 (2014).

Andrew Perlman was elected 2014 Chair of the AALS Section on Professional Responsibility and as a Fellow of the College of Law Practice Management. He was appointed by the president of the American Bar Association to serve as vice chair of the ABA Commission on the Future of Legal Services. He wrote *Regulation of Lawyers: Statutes and Standards* (Aspen 2015) (with Stephen Gillers and Roy D. Simon); and *Civil Procedure: Rules, Statutes, and Other Materials* (Aspen, 2014) (with **Joseph Glannon** and Peter Raven-Hansen).

Jessica Silbey wrote *The Eureka Myth: Creators, Innovators, and Everyday Intellectual Property* (Stanford Law Books, 2015) and a chapter, "Promoting Progress: A Qualitative Analysis of Creative and Innovative Production," in the *SAGE Handbook of Intellectual Property* (Sage, 2014) (Debora Halbert and Matthew David, eds).

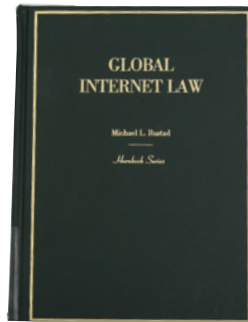


4

Linda Simard was appointed to the Civil Justice Initiative sponsored by the Conference of Chief Justices and was appointed to the planning committee for the Fourth Civil Justice Reform Summit.

Anthony Polito wrote "Helvering v. Gregory: All of the Perspectives From Which Learned Hand Was Wrong," 29 *Akron Tax Journal* 65 (2014); and "Section 1202 Qualified Small Business Stock: How Much Tax Really Has to Be Paid?," 29 *Tax Management Real Estate Journal* 251.

Marc A. Rodwin wrote "Independent Drug Testing to Ensure Drug Safety and Efficacy," 18 *Journal of Health Care Law & Policy* 45 (2015); and "Compensating Pharmaceutical Injuries in the Absence of Fault," 69 *Food & Drug Law Journal* 447 (2014). His book was published in French with the title *Les Conflits d'intérêts en Médecine: Quel Avenir Pour la Santé? France, Etats-Unis, Japon* (Ecole des Hautes Etudes en Santé Publique Press, 2014).



5

[5] **Michael L. Rustad** wrote *Global Internet Law* (West Academic, 2014); "Fundamentally Unfair: An Empirical Analysis of Social Media Arbitration Clauses," 65 *Case Western Law Review* 341 (2014, with Thomas Koenig); and "Wolves of the World Wide Web: Reforming Social Networks' Contracting Practices," 49 *Wake Forest Law Review* 1431 (2014, with Thomas H. Koenig).

Patrick S. Shin wrote a book chapter, "Is There a Unitary Concept of Discrimination?," in *Philosophical Foundations of Discrimination Law* (Oxford University Press, 2014) (Deborah Hellman and Sophia Moreau, eds.).

Ron Wheeler received the American Association of Law Libraries Presidential Certificate of Appreciation (2014) and wrote "Let's Talk About Race," 106 *Law Library Journal* 267 (2014). He was appointed to the Suffolk University Center for Teaching and Scholarly Excellence Advisory Board (2014).

Retirements

Four professors retired from Suffolk Law in 2015. We honor them for their service and commitment to our students and to the Suffolk Law community.

- Professor Kate Nace Day
- Professor Valerie C. Epps
- Professor Russell G. Murphy
- Professor Thomas Finn

ALUMNI NEWS

Alumni Weekend 2014

Alumni Dinner and Awards Ceremony

Saturday, October 25, 2014

John Joseph Moakley United States Courthouse,
One Courthouse Way, Boston, MA

[1] Outstanding Gold Alumni Award for Graduates of the Last Decade, Jonathan P. Trotta JD '07, Outstanding Alumni Service Award Karen M. Blum JD '74, Summa Award, Howard M. Kahalas JD '72, Outstanding Alumni Achievement Award, The Hon. Paul A. Suttell JD '76 and Dean and Professor of Law Camille Nelson

[2] *New York Times* best-selling author James Bamford BA '72, JD '75 gave the keynote address.

[3] Jessie Yip JD '15, Jah-Asia Nuru JD '15, Lucas Oliver JD '15, and Sahara Defensor JD '15

[4] Ernst Guerrier BS '91, JD '94, Marie Flore Guerrier, Gary Prado JD '16

[5] Caroline Humphrey JD '14, Hon. Amy Nechtem JD '85 and Associate Dean and Clinical Professor of Law Kim McLaurin

[6] Dean and Professor of Law Camille Nelson, Susan Cappiello JD '82, Michael Cappiello JD '49, Doreen Powell, and Michael Couture JD '08



Alumni Weekend 2014

Law Alumni Weekend 2014 Gold Cocktail Reception

Thursday, October 23, 2014, Carrie Nation, 11 Beacon Street, Boston, MA



Women's Leadership Academy Luncheon and Panel Discussion

Friday, October 24, 2014, Suffolk Law



Women's Leadership Academy panelists Catherine Bailey JD '05, Kathryn Bender JD '84, Professor of Law Renée Landers, Associate Clinical Professor of Law Sarah Boonin and Assistant Professor of Law Sharmila Murthy discuss current issues facing women globally

[1] Suffolk Law alumni enjoy an evening out at Carrie Nation

[2] Justin Davidson JD '11, Alex Early JD '14, Erin Thurston JD '14, Nick Doherty JD '15 and Kaitlyn Sprague JD '14

[3] Kristen Elwell JD '11 and Jonathan Schwartz JD '11

[4] Sarah Wegman JD '11, Darcy Smith JD '11 and Judy Song Losey JD '11

SAVE THE DATE!

*Suffolk Law
Alumni Weekend*

Thursday-Saturday, Oct. 1-3

Stay tuned for more details

Black Law Student Association Annual Alumni Banquet

Monday, April 13, 2015, Omni Parker House Hotel, 60 School Street, Boston, MA



[1] Adam Foss JD '08, Elizabeth Melcher JD '15, Eddie Jenkins JD '78, Tanya Gravel JD '15 and Priscilla Guerrero JD '16

[2] Black Law Student Association President Nailah Freeman JD '15 welcomes alumni and guests

[3] Robin Vaughan, Andrea Cabral JD '86, Dean and Professor of Law Camille Nelson, Dyana Boxley JD '14, and Hon. Serge Georges JD '96

[4] 2014-15 Black Law Student Association e-board with the incoming e-board members

[5] Keynote speaker Carolyn Hebsgaard, executive director of Boston Lawyers Group, Dean and Professor of Law Camille Nelson, and Chief Diversity & Inclusion Officer Nicole Price

1974

Neil A. Hourihan was nominated as an associate justice of the Cambridge District Court.

1975

Robert W. Gardner Jr. was appointed first justice of the Clinton (Mass.) District Court.

1976

Victoria Almeida, a shareholder at Adler Pollock & Sheehan in Providence, was appointed to the board of directors of Rhode Island Legal Services.

William Stokes was named a justice of the Maine Superior Court.

1978

Richard Few, an attorney for Smith Moore Leatherwood in Greenville, S.C., was named a 2014 Legal Elite by *Greenville Business Magazine*.

1979

▼ **Kevin F. Berry** has joined White and Williams LLP in Philadelphia as a member of the commercial litigation department.



1980

Martha Gorham Gaythwaite, an attorney in the Portland, ME, office of Verrill Dana LLP, was named a 2015 Local Litigation Star in Maine by Benchmark

Litigation, which also recognized her as one of the “Top 250 Women in Litigation.”

Andrew O’Donnell, a partner at Mirick O’Connell, was named a 2014 Massachusetts Super Lawyer by *Super Lawyers* magazine.

1982

Lisa A. Grant was appointed associate justice in the Boston Municipal Court, South Boston division.

▼ **Marsha V. Kazarosian** was elected president of the Massachusetts Bar Association for 2014-15.



1983

Debra A. DelVecchio was appointed associate justice in the Boston Municipal Court, East Boston division.

1984

Brian L. Gaudet, a partner in Posternak Blankstein & Lund LLP in Boston, was included in *Chambers USA 2014* as a leading lawyer in taxation.

1986

Mary Gibbons Stevens opened Gibbons Stevens Law Office in Kittery, ME, focusing on estate planning, elder law and probate matters, guardian ad litem, parent coordination and special education advocacy.

Marian Walsh, former Massachusetts state senator, published a book titled

RUN: Your Personal Guide to Winning Public Office.

1987

Michael J. Donlan, a partner in the Portland, ME, office of Verrill Dana LLP, was named a Katahdin Counsel by the Maine Supreme Judicial Court in recognition of his pro bono work.

1988

Lynn Coffin Brendemuehl was sworn in as an associate justice of the Framingham (Mass.) District Court in fall 2014.

Nancy Kaplan, general counsel for the Massachusetts Department of Environmental Protection, received the In-House Leaders in the Law award from the *Massachusetts Lawyers Weekly* and the *Rhode Island Lawyers Weekly* newspapers.

Holly Polglase, a products liability attorney and shareholder at Hermes, Netburn, O’Connor & Spearing in Boston, was named the 2014 Defense Lawyer of the Year by the Massachusetts Defense Lawyers Association.

Carol Starkey was named vice president of the Boston Bar Association for 2014-15.

1989

Donna Ferullo, director of the University Copyright Office and associate professor at Purdue University, published a book titled *Managing Copyright in Higher Education.*

1990

Patricia Davidson, a partner at Mirick O’Connell, was named a 2014 Massachusetts Super Lawyer by *Super Lawyers* magazine.

1991

Gustavo A. Gelpi LLD ’06, who serves as an adjunct professor at Suffolk Law, was president of the Federal Bar Association during the 2013-14 term; Judge Gelpi is the first Article III federal judge in the nation to hold that office. He joined the Federal Bar Association in 1992 and is a life fellow of its foundation.

Sandra Magliozzi, clinical professor at Santa Clara University School of Law, was appointed the school’s first associate dean for experiential learning.

1992

Julie Quigley Moore, president and founder of Employment Practice Group in Wellesley, Mass., was inducted into the College of Labor and Employment Lawyers as a fellow.

▼ **John Pankauski** has published a book titled *Pankauski’s Trustee’s Guide: 10 Steps to Family Trustee Excellence.*



Bryan Santarelli joined Lane Powell PC in Seattle, Wash., as counsel in the intellectual property and technology practice group.

Gregory Sephton has joined Kramer Levin Naftalis & Frankel LLP in New York.

1993

Elizabeth Levy, counsel in the Office of General Counsel at the Massachusetts Institute of Technology, was featured in the *Ms. JD* blog post “Attorneys Across America” (June 2, 2014).

Eileen McAnneny was named president of the Massachusetts Taxpayers Foundation.

1994

Paul Carey, a partner at Mirick O’Connell, was named a 2014 Massachusetts Super Lawyer by *Super Lawyers* magazine.

Christine Devine, a partner at Mirick O’Connell, was named a 2014 Massachusetts Super Lawyer by *Super Lawyers* magazine.

Veronica Himmel, vice president and counsel, legal division, State Street Bank and Trust, was a speaker at the ALPFA Boston 2014 Healthcare Summit.

Sue LaGree BS ’90 has joined the Merrimack Valley Credit Union in Derry, N.H., as branch manager/business development officer.

Connie S. Wong was named deputy commissioner for labor relations, human resources and legal affairs for the Boston Fire Department.

1995

Robert Gibbons, a partner at Mirick O’Connell, was named a 2014 Massachusetts Super Lawyer by *Super Lawyers* magazine.

Tannaz Nourafchan Saponaro was elected a partner at Verrill Dana LLP in the Boston office.

CLASS NOTES

William Sturman joined Coving & Burling LLP as a partner in the New York office.

1996

Leila Dal Pos has joined Day Pitneys's Boston office as a partner in the trusts and estates practice.

1997

Paula Clifford was appointed a judge in Hingham (Mass.) District Court.

David Lucas is principal of Lucas Law Group LLC in Melrose, Mass.

1998

▼ **John N. Lambros**, a partner in Brinkley Morgan in south Florida, was named a member of the National Advocates' Top 100 Lawyers.



Deborah A. Ryan was reappointed to the access board for the U.S. Office of Architectural and Transportation Barriers Compliance. She is the director of Deborah A. Ryan & Associates in Boston, a consulting firm specializing in ensuring compliance with state and federal accessibility requirements.

1999

John Felice, a shareholder at Hermes, Netburn, O'Connor & Spearing PC, was named vice president of the Claims and Litigation Management Alliance, Massachusetts chapter.

Jowita Wysocka Kravitz has joined the Kravitz Law Group PA in St. Petersburg, Fla., as a partner concentrating in personal injury litigation.

Michael A. Patten was sworn in as an associate justice of the Lowell (Mass.) District Court in fall 2014.

2000

Stanley A. Bunner Jr. has joined Goede, Adamczyk & DeBoest in Naples, Fla., as a partner in the areas of business, construction, probate and other civil litigation.

Mark J. Maier, a partner with McGuire Woods LLP in Tysons Corner, Va., was promoted to colonel in the U.S. Army Reserves. He is the U.S. Army North's emergency preparedness officer for Maryland.

2001

Abigail Albee was named clerk of Belknap/Carroll Superior Court in New Hampshire.

Joseph E. Fournier was appointed chief human resources officer for the University of Michigan Health System.

2002

Martha Chicoski is the 2015 president of the State Bar of New Mexico.

John Okray won the Securities and Exchange Commission Historical Society 2014 Writing Competition for his paper "Mutual Funds on Governance—Do as I Say Not as I Do."

Seth Robbins was elected a partner at Todd & Weld LLP in Boston.

2003

Michael Alden [a.k.a. Sciucco], president and CEO of Blue Vase Marketing, Beverly, Mass., published a book titled *Ask More, Get More*. He also was named a 2014 "40 Under 40" by the *Boston Business Journal*.

▼ **Renee C. Bauer** of Bauer Law Group in Hamden, Conn., published a book titled *Divorce in Connecticut*. She also is a contributing author to *A Practical Guide to Divorce in Connecticut*.



Patrick Lavoie joined the Boston office of CBIZ Tofias as a director and member of the high net worth individuals and family groups practice.

Lisa Pigeon was named a partner at Ahmuty, Demers & McManus in New York City.

Jennifer Rivett Schick was elected a shareholder at the New Hampshire firm Devine Millimet in the trusts and estates practice group.

Ryan J. Swartz was elected a director and shareholder of the McLane Law Firm in Woburn, Mass., practicing in the trusts and estates department.

2005

Elizabeth Crowley was elected a partner at Burns & Levinson LLP in Boston.

David Fine, an associate at Mirick O'Connell, was named a 2014 Massachusetts Rising Star by *Super Lawyers magazine*.

Obituary | Judge John E. Fenton Jr.



Judge John E. Fenton Jr. died in 2014. Judge Fenton served Suffolk Law as a member of the faculty for over 50 years before becoming dean in 1994, a position in which he served until 1998.

Judge Fenton was a highly respected favorite among Suffolk Law students throughout his career. His evidence course filled quickly each fall, as word passed from one class to the next about his teaching excellence and wonderful sense of humor. Generations of students count his lectures among the highlights of their legal education. He also led the planning and fundraising efforts for the new Law School building.

He was appointed associate justice of the Massachusetts Land Court in 1974 and served as chief justice of that court until 1992. He then served as chief justice for administration and management of the Trial Court until 1994.

Judge Fenton's generosity continues to support the Suffolk Law community through a fellowship for service-minded Suffolk Law graduates.

Suffolk Law Alumni Board of Directors 2014-2015

Michael Caljouw
Government and
Regulatory Affairs
Blue Cross Blue Shield
of Massachusetts
Boston, MA
JD '91

Kelly B. Castriotta
Arch Insurance Group
Chicago, IL
JD '07

Richard R. DeLanders
Smarter Travel,
(a TripAdvisor Company)
Boston, MA
JD '11

President
Margaret L. Fulton
Clean Harbors
Environmental Services
Norwell, MA
BA '93, JD '99

Kenneth Gear
Leading Builders
of America, Inc.
Washington, D.C.
BSBA '89, JD '95

Jason Green
Committee for Public
Counsel Services
Quincy, MA
JD '10

Stephani Hildebrandt
Sutherland Asbill and
Brennan LLP
Washington, D.C.
JD '00

Clerk
Matthew T. Howard
JPMorgan Chase & Co.
Jersey City, NJ
JD '10

Vice President
Robert Howley
Cox Communications, Inc.
West Warwick, R.I.
JD '92

Anna Lucey Neely
House Committee on
Ways and Means
Boston, MA
JD '06

Eric Parker
Parker Scheer LLP
Charlestown, MA
JD '86

Cory Schauer
Detusche Bank
Boston, MA
JD '94

Jonathan Schwartz
Veolia North America
Boston, MA
JD '11

Andrea Spears Jackson
Cambridge License
Commission
Cambridge, MA
BA '88, JD '93

F. Andrew Turley
Joint IED Defeat
Organization
Department of Defense
Washington, D.C.
JD '84

*Alumni Trustee
Representative*
Jessica A. Massey
Wal-Mart Stores, Inc.
Bentonville, AK
JD '03

2005

Shannon McCarthy was elected a partner in the Seattle, Wash., office of Miller Nash Graham & Dunn LLP.

Jessica Murphy, an associate at Mirick O'Connell, was named a 2014 Massachusetts Rising Star by *Super Lawyers* magazine.

2006

William J. Bernat was elected a partner at the Boston-based law firm Nutter McClennen & Fish LLP. He is a member of the business department.

Fangli Chen, a partner in the intellectual property group at Choate Hall & Stewart LLP in Boston, was named one of the Top 250 Women in IP by *Managing Intellectual Property* magazine.

Jason Cole, a shareholder and a member of the tax, nonprofit, and merger and acquisitions practice groups at the New Hampshire firm Devine Millimet, was named to the board of directors of the Granite United Way.

Jeffrey Kuntz was promoted to shareholder at GrayRobinson PA in the firm's Fort Lauderdale and Boca Raton, Fla., offices.

Amy Lonergan has joined Day Pitney's Boston office as counsel in the individual clients department.

2007

Eva Hampf was named the director of investment, trade and financial services for the U.S. Council for

International Business in Washington, D.C.

Brooke Cleary McDermott was named a partner at Ambrecht & Associates in Montecito, Calif., specializing in complex estate and trust planning, estate and trust administration matters, and estate and gift tax controversy matters.

Sarah Smith joined Quarles & Brady LLP in the firm's Milwaukee, Wis., office as an associate.

Aaron Welch was appointed assistant county attorney for Kandiyohi County, Minn.

2008

Joseph M. Cacace joined Todd & Weld in Boston as an associate.

Jennifer Davidson joined Liberty Mutual Insurance in Boston as counsel in the office of corporate compliance.

Matthew Fisher, an associate at Mirick O'Connell, was named a 2014 Massachusetts Super Lawyer by *Super Lawyers* magazine.

Maria Frenn Kallmeyer was named a 2014 Illinois Rising Star by *Super Lawyers* magazine.

Jason Port, an associate at Mirick O'Connell, was named a 2014 Massachusetts Rising Star by *Super Lawyers* magazine.

2009

Lisandro Allende has opened Allende & Ferrante in Buenos Aires, Argentina.

Elizabeth O'Flaherty joined the family law practice group at Looney & Grossman LLP in Boston.

Kathleen O'Donnell Wyatt, an associate in the Boston

office of Verrill Dana LLP, was named a 2014 Rising Star by *Super Lawyers* magazine.

2010

Riikka Morrill, an associate in the Portland, ME, office of Verrill Dana LLP, was named a 2014 Rising Star by *Super Lawyers* magazine.

2011

Tristan P. Colangelo joined Todd & Weld in Boston as an associate.

Dena Xifaras, vice president of asset management at Preservation of Affordable Housing, was named a Young Leader of 2014 by *Affordable Housing Finance* magazine.

2012

Nina T. Dow joined the McLane Law Firm as an associate in the firm's Manchester, N.H., office.

Robert McGovern joined the Law Offices of John P. Connell PC in Boston.

Christopher Miller joined the Boston-based firm Hamel Marcin Dunn Reardon & Shea PC as an associate in the general liability, construction, products liability and real estate practice groups.

Christopher P. Ng appeared in *New York Law Journal* as a result of his successful legal effort before Acting Sullivan County (N.Y.) Supreme Court Judge Frank LaBuda.

Derek A. Rodman joined the Boston office of Murtha Cullina LLP as an associate in the business and finance department.

Obituaries

Judge Charlotte Perretta JD '67, HLLD '80 died in 2015. She was the first female associate justice on the Massachusetts Appeals Court. Judge Perretta was appointed to the position in 1978 by Governor Michael S. Dukakis and stepped down from the court in October 2009. She began her career with the Massachusetts Defenders Committee and was in private practice for many years. She was a trailblazer for women, serving at a time when female judges held less than one-tenth of the seats in the state judiciary.

Mark Fischer, an adjunct professor at Suffolk Law in advanced copyright law, died in 2015. He began teaching at Suffolk in 2000. A partner in the Duane Morris LLP Boston office, he had previously practiced law as a principal at Fish & Richardson, as a partner with Palmer & Dodge LLP and with Wolf Greenfield & Sacks PC.

Mr. Fischer helped to found, and provided legal support for, the BioBricks Foundation, which seeks to make public the intellectual property rights in cutting-edge biological methods and devices. He attended a White House reception in June 2013 at which the BioBricks organizers were honored.

John David Schatz JD '73 passed away in 2014. He directed Suffolk Law's Family Law Legal Assistance Bureau until he retired in the 1990s. In that clinic, he and his students served low-income clients in divorce and child custody cases. As a Suffolk Law student, he co-founded Beverly Legal Aid, providing legal assistance to low-income families.

In Memoriam

Dana C. Argeris JD '75	Brian Lyman-Askew JD '81	Victoria Scoville Price JD '86
Warren R. Bolton JD '51	Stephen C. MacLeod JD '92	Leslie N. Reizes JD '75
Robert J. Carnes JD '79	Gerald F. Madaus JD '87	Margaret M. Ross JD '99
Alfred J. Carolan Jr. JD '72	Susan D. McCarten JD '77	George A. Ruffo JD '70
Vincent J. Celeste JD '54	Ronald McIntyre JD '69	Ashelen P. Senopoulos JD '40
Paul A. Colbert JD '58	James J. Mellen JD '79	William E. Shanahan JD '83
Col. Robert J. Cotell JD '88	William P. Monahan JD '71	Christopher R. Sullivan JD '82
C. Wesley Crowell JD '80	Frederick C. Morse JD '68	Michael F. Sullivan JD '74
Richard R. Downey JD '79	Lewin G. Nelson Jr. JD '52	Paul J. Sullivan JD '73
Harold Fleitman JD '52	Jorge L. Neves JD '93	John J. Sweeney BA '58, JD '63
Robert W. Foster JD '69	Timothy F. Nevils JD '70	Erica Thompson JD '02
Kenneth P. Glidden JD '76	Carolyn L. Nock JD '87	David Nelson Wood JD '01
James F. Horan III JD '77	Michael E. O'Brien BA '68, JD '70	Ronald A. Wysocki JD '72
Daniel L. Joyce JD '64	John F. O'Connor JD '56	Drew Zabriskie JD '78
Holly Ladd JD '79	Mary P. O'Donnell JD '94	
Stephen J. Leahy JD '88	Robert T. Orner JD '68	
	Henry M. Paro JD '59	

The New Dean on the State of Suffolk Law

I am deeply honored to serve as the next dean of Suffolk University Law School. It is a privilege to lead a school that has such a longstanding tradition of educating outstanding lawyers. This commitment is reflected in Suffolk's five highly ranked programs (see pages 5, 7 for details), our other nationally recognized curricular offerings and the remarkable and diverse accomplishments of our more than 23,000 alumni.

Our successes are notable, but we can't stand still. The legal industry is rapidly evolving, creating many new challenges and opportunities. We need to ensure that a Suffolk education continues to prepare students for success in a modern economy.

Outgoing dean Camille Nelson has shown foresight and leadership in this regard. One example is her establishment of the Institute on Law Practice Technology & Innovation. As the Institute's director, I have helped realize Dean Nelson's vision through a new concentration that teaches students a new range of skills, including automated legal document assembly, legal project management, and process improvement.

Our recent curricular updates are significant and garnering national attention, but



we can and should do more. For example, I plan to establish a closer relationship with Suffolk's Sawyer Business School so that our students graduate with more business and financial literacy. All clients—from individuals with trust and estate issues to the largest companies in the world—need lawyers with business acumen. Moreover, in an increasingly global economy, where even seemingly routine legal matters can have international dimensions (e.g., a divorce where a spouse is a citizen of or has property in another country), our graduates need an understanding of the global context in which they will practice. Our students also need the cultural competence necessary to interact comfortably and successfully with people

from diverse backgrounds. And we need to instill better collaboration skills as well as a deeper understanding of the current legal marketplace. In sum, we need a curriculum for the 21st century.

These kinds of efforts will position us well for a future that is already looking brighter. The class of 2014 had significantly better employment outcomes than the class of 2013. We have more applicants for this fall's entering class than last year's, and their academic credentials are stronger, too. At the same time, we also plan to enroll a much smaller first-year class this fall, which will allow us to be more selective and help us on many other fronts.

These changes are exciting and necessary, but they

are not without cost. As a tuition-driven school, enrollment reductions require the Law School to be leaner and more nimble. In the last 5 years, we have taken a number of cost-cutting measures that do not compromise our core strengths. We are positioned well for the future, and I'm extraordinarily optimistic about our direction.

The particulars of a Suffolk Law education may evolve over time in response to new trends, but our core mission remains unchanged: providing a first-class, practically oriented, and accessible legal education that prepares our students for professional success. I am excited to continue this important mission and look forward to working with the entire Law School community—faculty, administrators, staff, students and alumni—to translate it for the realities of the 21st century. I have been delighted to hear from so many of you in the weeks since I was appointed, and I look forward to connecting with more of you soon. By working together, I am confident that we can make an already great law school even stronger in the years ahead.

Contact Dean Perlman at aperlman@suffolk.edu or connect with him on LinkedIn at tinyurl.com/sulsdean.

Havana
images by
Priscilla
Guerrero
JD '16



Suffolk**LAW**

Editor-in-Chief
MICHAEL FISCH

Dean
CAMILLE A. NELSON

Art Director
NAN OSHIN

Contributing Writers
DAVE DENISON
TOM MASHBERG
PAMELA REYNOLDS

Contributing Photographers
MIKE CLARKE
BEN GEBO
PRISCILLA GUERRERO JD '16
LOLITA PARKER, JR

Copy Editor
JANET PARKINSON

Suffolk Law Alumni Magazine is published once a year by Suffolk University Law School. The magazine is printed by Lane Press in Burlington, VT. We welcome readers' comments. Contact us at 617-573-5751, mfisch@suffolk.edu, or at Editor, Suffolk Law Alumni Magazine, 120 Tremont St., Ste. 660, Boston, MA 02108-4977
© 2015 by Suffolk University. All publication rights reserved.



SUFFOLK
UNIVERSITY
BOSTON
LAW SCHOOL

120 TREMONT STREET
BOSTON, MA 02108-4977

NON-PROFIT
US POSTAGE
PAID
SUFFOLK
UNIVERSITY