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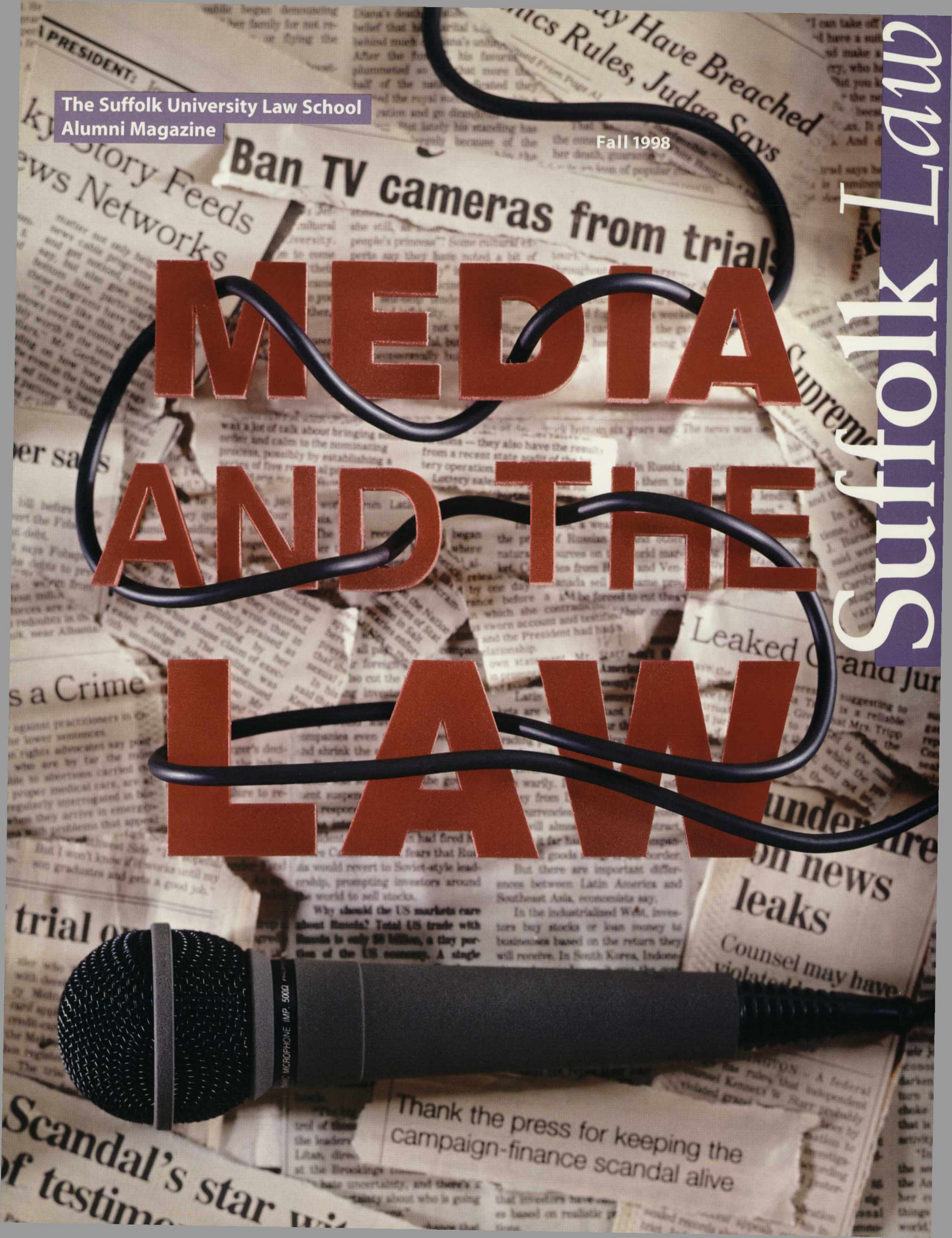
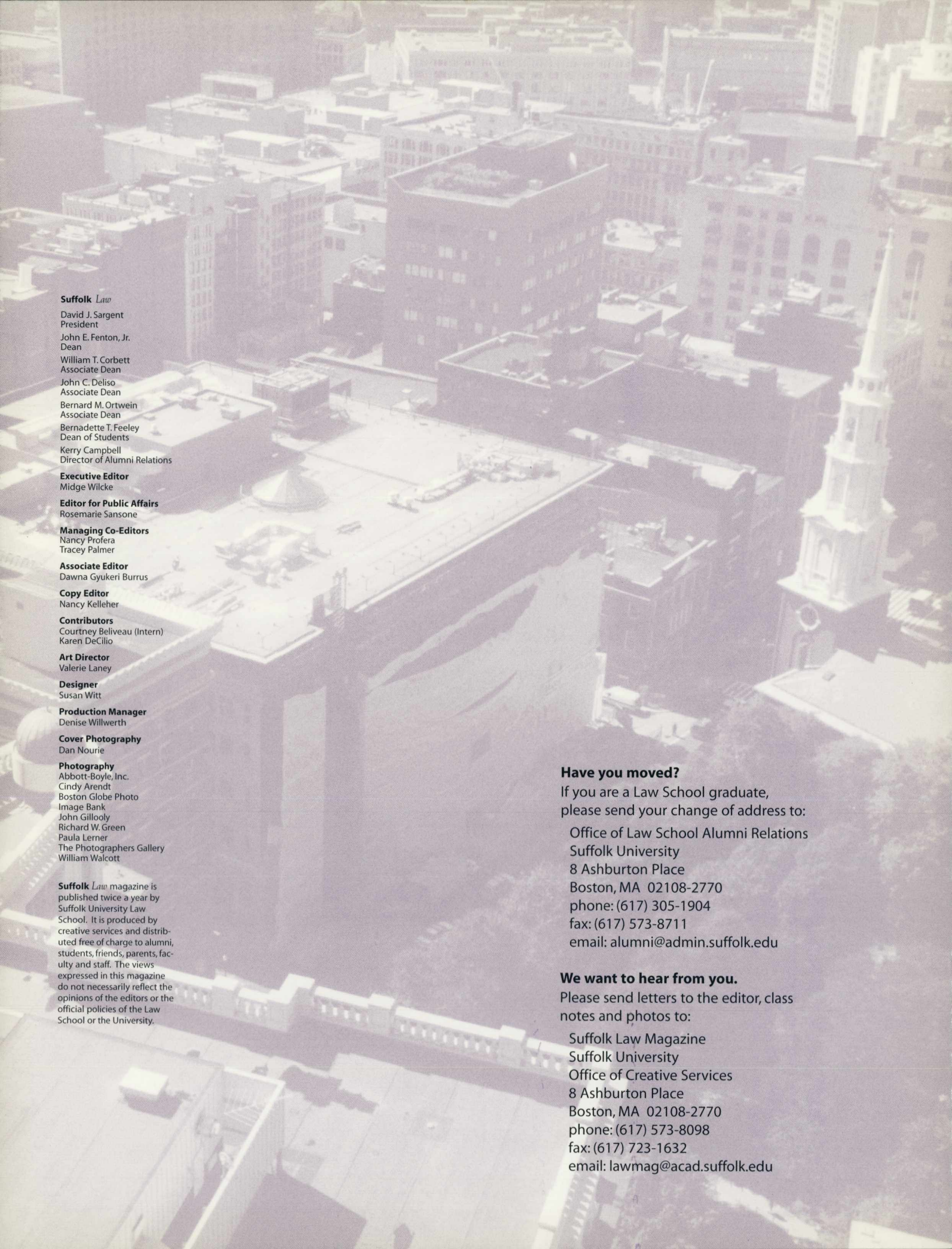
The Suffolk University Law School Alumni Magazine

Fall 1998

Suffolk Law

MEDIA AND THE LAW





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Have you moved?
If you are a Law School graduate, please send your change of address to:

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JUSTICE FOR ALL

Fall 1998

The Suffolk University Law School
Alumni Magazine

Suffolk Law

FEATURE

8 **Media and the Law**
In the age of media blitzes, are people able to get fair trials?

VIEWPOINT

16 **Truth and Reconciliation in South Africa**
Brenda Elias, JD '95, brings home her experience and perception of the Truth and Reconciliation hearings in South Africa.

SECTIONS

2 **From the Dean**

3 **Law School Briefs**

13 **Development News**

18 **Career Connection**

19 **Faculty News**

21 **Calendar of Events**

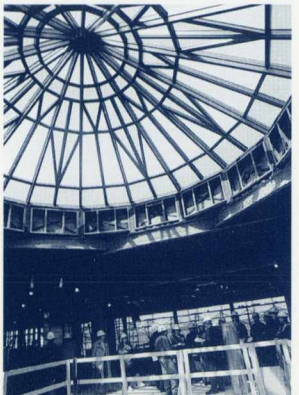
22 **Alumni News**

28 **Class Notes**

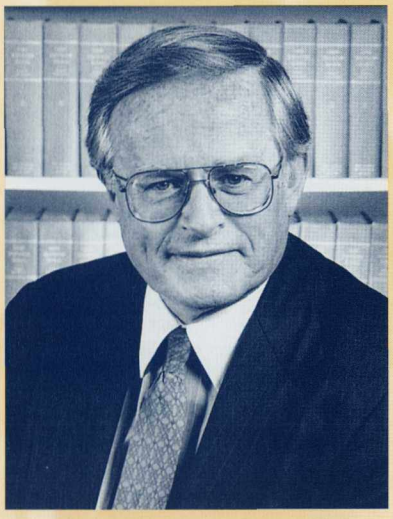
33 **Profiles in Giving**

p. 14

p. 22



From the *Dean*



This is a magazine full of stories related to current events. It again proves to me that the rich experiences of our alumni, faculty and students touch the lives of people throughout our world. I am pleased that they bring their interesting and timely stories home to share with us.

Our feature story explores the topic of media and the law. It reviews pretrial publicity, cameras in the courtroom, and the importance and difficulties faced in simultaneously protecting First and Sixth Amendment rights in our country. Alumni who have been involved in high-profile cases tell us firsthand of their experiences.

The student profile takes us across the Atlantic Ocean and reviews the establishment of the International Criminal Court this summer in Rome. Andrew Amigo, a third-year student, was directly involved in setting up this new court system, which addresses acts of war, crimes against humanity and genocide.

The viewpoint piece, written by Brenda Elias, JD '95, takes us to yet another country–South Africa. She reports on her attendance at the Truth and Reconciliation hearings.

The alumni profiles feature attorneys practicing in varied forms and fields–from trusts and wills to equine law. It seems there is no area of law untouched by our alumni.

Won't you share your views on the topics in this issue? We appreciate your thoughts on the articles within and invite you to voice your opinions in a letter to the editor.

Best wishes,

John E. Fenton, Jr.

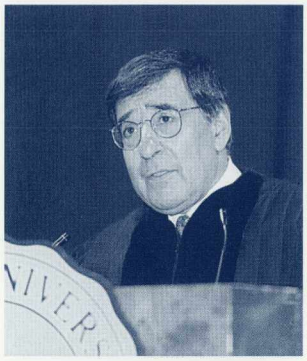
John E. Fenton, Jr.
Dean and Professor of Law

The 1998 Law School class eagerly awaiting the ceremony.

Panetta Addresses Class of 1998

Law School Dean John E. Fenton, Jr., conferred 463 Juris Doctor degrees on students representing 26 states and four foreign countries at the May 24, 1998, commencement exercises.

The Honorable Leon E. Panetta, former chief of staff to President Clinton and former US Congressman from California, delivered the opening address to the graduates at the FleetCenter. Panetta was awarded an honorary Doctor of Public Administration degree.



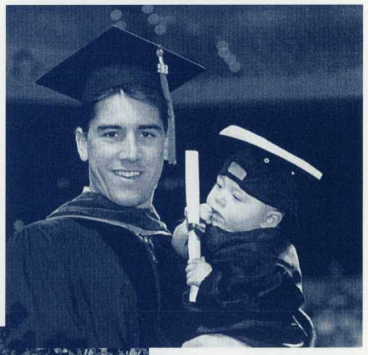
The Honorable Leon E. Panetta, former chief of staff to President Clinton and former US Congressman from California

In his address, Panetta outlined qualities he believes one must have to truly succeed as a lawyer-citizen. He included: Doing what is right and maintaining integrity; continuous learning and listening; remembering that life will be your greatest teacher; and not losing touch with humanity. "There's nothing wrong with hard work, but never let it isolate you from family and friends," he said.

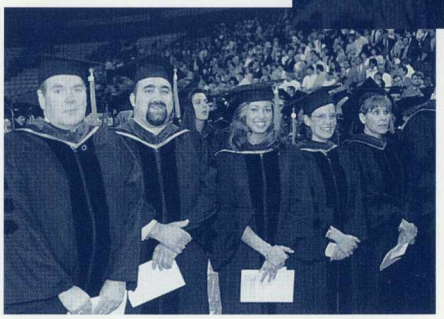
Of the graduating class, 52 percent were women. The youngest graduate was 23 and the oldest, 53. Summa cum laude degrees were awarded to two students–Catherine Kara of Cambridge, MA and Daniel Kajunski of Milton, MA.

Also receiving honorary degrees from the Law School were Lillian R. BeVier, professor of law, University of Virginia Law School; the Honorable Roderick L. Ireland, associate justice, Supreme Judicial Court of Massachusetts; Victoria Reggie Kennedy, attorney at law; and the Honorable John P. Murtha, US Repre-sentative for the 12th District of Pennsylvania.

Victoria Wright happily receives her diploma from Dean Fenton.



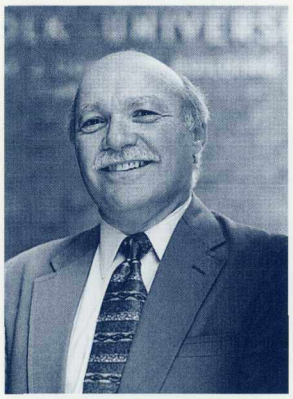
Christopher Edward Heberg and his son



Alumnus Chosen to Lead Center for Juvenile Justice

Anthony (Tony) DeMarco, JD '69, who has dedicated his career to legal representation of children and their families, has been appointed the first director of the Center for Juvenile Justice at Suffolk University Law School.

In 1977, DeMarco founded the Children's Law Center of Massachusetts, a nationally recognized model for the comprehensive representation of children. He was chosen to direct a legal clinic that will put student lawyers to work providing both criminal and civil counsel on a wide range of issues affecting children.



Tony DeMarco

Given ample evidence from the American Bar Association and elsewhere that children's legal needs are not being met, DeMarco's goal as director of the center is to shape ardent, informed advocates for children.

"The center, through its work, will educate legal practitioners and have them influence the profession, increase children's access to lawyers and improve the current quality of representation," he said. He sees Suffolk Law School in time becoming a regional center for juvenile justice.

After graduating from Suffolk Law School, DeMarco spent time working in the Army, and was offered three jobs, the most interesting of which was from the Massachusetts Department of Youth Services. There his commitment to serving children was born as he oversaw the deinstitutionalization of youth corrections.

The ABA Young Lawyer's Division honored DeMarco in 1995 with the prestigious Child Advocacy Award. In 1997, the Massachusetts Committee for Public Counsel Services awarded DeMarco and the Children's Law Center the Jay D. Blitzman Award for extraordinary commitment to protecting the rights of juveniles.

Suffolk's Center for Juvenile Justice was established through a $1.3 million grant from the US Department of Justice. US Representative J. Joseph Moakley, JD '56, DPA '77 (Hon.), was instrumental in securing the congressional appropriation.

Building Careers for City Youth

The construction of the new Law School building on Tremont Street is not quite finished, but this site is already being used for educational purposes. The University has embarked on what has been dubbed "Building Careers," an innovative project with the aim of exposing city youths to career opportunities available in the construction industry.

"The hub of these programs is the mentoring or role model function. These are truly positive role models for the youth," said Joseph Kennedy, director of facilities planning for Suffolk University, adding, "If we can make the difference in just one youth, it is well worth the effort."

Through the project, Boston youth are brought to the site, where they learn firsthand about the building trades from the construction workers. Participants of Jobs for Youth and Youth Build have been taking part in tours, workshops and job-site orientations. They learn from carpenters, electricians, bricklayers, finishers, and other trades people. The majority of those participating in the project are minorities and women, groups generally underrepresented in the building trades.

While the construction workers seem to enjoy showcasing their individual trades, they stress the importance of completing high school.

We Want Your Papers

The *Suffolk Transnational Law Review*, established in 1976, continues to serve as a forum for stimulating the discussion of contemporary legal issues of international concern. Published twice annually, the journal consists of articles written by noted legal scholars, as well as articles written by student and staff members. *Transnational* is subscribed to by practicing attorneys, universities and libraries around the world.

The journal is accepting submissions from alumni for lead articles on suitable topics to be published in forthcoming issues. Topics featured in recent issues include: the new Ethiopian Constitution and its impact on human rights; dispute resolution mechanisms in free-trade agreements; and the extraterritorial application of Title VII of the Civil Rights Act.

Quality submissions on other international topics of note will be considered carefully for publication.

If you are interested, please send submissions to:

Darren M. Baird
Lead Articles Editor
Suffolk Transnational Law Review
41 Temple Street
Boston, MA
02114-4280 USA

email: bai02576@acad.suffolk.edu
or visit our Web page at:
www.suffolk.edu/law/student_orgs/transnat/welcome.htm

If you would like more information on the *Suffolk Transnational Law Review*, contact Darren Baird at (617) 573-8610.

Elder Law Clinic

Suffolk's Elder Law Society is bringing together students interested in the growing specialty of elder law, and its focus has been establishing an elder law clinic that brings free information and services to Boston's Fenway neighborhood.

"The fastest growing segment of the population is over 85, and the legal and social services systems have not kept up with their needs," said Roscoe Sandlin, fourth-year student and co-president with Tom Ahern of the Elder Law Society. Sandlin likened elder law to holistic medicine because it deals with a whole range of issues, such as Medicare, estate planning, Social Security and health care proxies.

The basic concept of the elder law clinic is bringing services to the people, rather than expecting elderly clients to make their way to a storefront. The Fenway neighborhood was chosen by Suffolk Law students because it has a needy elderly population, fits the community criteria the society was seeking, and because the Fenway Community Development Corporation was supportive of the group's efforts.

"The fastest growing segment of the population is over 85, and the legal and social services systems have not kept up with their needs,"

—Roscoe Sandlin

Unfortunately, the search for funding proved futile, but creative thinking got the project off the ground without funds. Adjunct faculty member Alexander Moschella, who recently was elected to the board of directors of the National Academy of Elder Law Attorneys, helped pull together a coalition of interested parties. The Law School added an elder law clinical course to its schedule, and Greater Boston Legal Services stepped in to provide supervision for students working at the clinic.

"It's a credit to all the people involved that they could see the vision and respond in ways within their means. Nobody had any funds," said Sandlin. The clinic gives educational forums at each of the Fenway's five housing facilities for the elderly on topics such as health care proxies and various types of guardianship. Follow-up legal assistance is given on several levels, including referrals, advice and guidance, and intake for Greater Boston Legal Services.

The Elder Law Society offers services year-round so that elderly clients don't have to put their needs on hold over the summer break, said Sandlin, who will graduate this spring and pursue elder law. "It's a somewhat different model from the standard clinic, but it's a model that continues to evolve as the relationships with supporting organizations are refined," he said.

Mark Your Calendar!

All Alumni are Welcome

DEDICATION OF THE NEW LAW SCHOOL BUILDING

Wednesday-Friday
September 8-10, 1999

110-120 Tremont Street, Boston

Watch your mail for upcoming details.

(see related story on p.22)

on the INTERNATIONAL FRONT

Andrew Amigo, JD '00

It is tough enough being a law school student. So imagine pursuing a summer position working non-stop, 12-to 16-hour days, six days a week, setting up a foreign court system that will deal with crimes against humanity, genocide and war crimes?

Andrew Amigo, a third-year student, was one of three American law school students chosen to do just that last summer, meeting foreign diplomats throughout the world, and helping to establish an International Criminal Court.

Amigo is a member of the International Human Rights and Humanitarian Law Project at Suffolk, headed up by Adjunct Professor Marguerite Dorn. Through his networking in this group, he was led to last summer's position.

He has a history of helping those who have traditionally been unprotected by their government. As an undergraduate, he learned of the Lakota Sioux, a Native American group, and their ongoing hardships in South Dakota. He helped organize direct relief by sending residents a truckload of food and clothing. During the summer after his first year in law school, Amigo worked in the constitutional court in Slovenia as a clerk. He helped introduce the blue book system and worked to create a comprehensive system of citation in that country. He worked on the translation of case law from Slovene to English to facilitate Slovenia's entry into the European Union.

Amigo is proof that it's not unreasonable to pursue these kinds of experiences if you have interest, drive and determination. When Amigo went to Rome to help establish the International Criminal Court, there was a tremendous amount of work to do in a mere five weeks. "I don't think I ever saw the outside of the UN building," he said. He explained that had the participants not formally established a court, they were afraid that it never would happen, and the project would run out of steam. "It was both exhausting and exhilarating. Here I was, working with heads of state and foreign ministers from all over the world, trying to get a very important court established," he said.

Under the umbrella of the United Nations, delegation members debated a myriad of issues, and eventually 116 countries signed and ratified a statute. The United States was one of seven countries that refused to sign–an extremely unpopular move with the conference members. "It was quite frustrating and difficult, but at no time was I ever not proud to be an American," Amigo said.

The delegates wanted the US stamp of approval, but even without it, this court has been established, much to the relief of participants. Amigo believes this is the last great international humanitarian treaty of the century. He notes, however, that the media didn't pick up this story as front page news, which troubles him. "This is big news; it is basically the extension of the Nuremberg principles," he explained.

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While attending to the day-to-day activities of getting the court established, Amigo was also writing perspective articles, two of which were published in the conferences daily newsletter, *Terraviva*. Amigo had written a piece titled "Trigger Mechanisms" with the help of Adjunct Professor Dorn before he went to the conference. The purpose of the paper was to find a compromise in negotiations over how a case would come before the newly formed court. Amigo couldn't keep enough copies of it or another paper he had co-authored, "Proposal for an Independent Office of the Defense," around at the conference. "I was thrilled that people were so interested in them," he said.

Amigo explains his philosophy thus: "Life isn't a spectator sport, I have a need to get out there and be a part of what's going on in the world. There is no better training than doing." Amigo's next challenge is the joint JD/MSIE degree program at Suffolk. He hopes to work on the international front when he graduates. "I'd love to work in international law with a firm that is willing to undertake these tough kinds of issues that I've been exploring on humanitarian rights," he said.

New Dean of Students Appointed

Bernadette T. Feeley, BS '78, JD '81, now has another Suffolk experience to add to her resume–she has assumed the position of dean of students for the Law School.

Feeley was director/acting director of the Legal Practice Skills (LPS) Program at the Law School since July 1997. She has also been instructing in legal practice skills since 1992.

"She's a very bright, competent woman and I'm looking forward to working with her," said Associate Dean Ortwein. Dean Fenton said that Feeley was a natural choice for the dean of students position because of her scholastic and managerial skills and her success in the LPS Program.

Encouraging students to see her with questions regarding academics, courses, specialty concentrations, or simply advice and guidance, Feeley said she practices an open door policy at the Law School. "I'm here to welcome students and I encourage them to come and see me," she said.

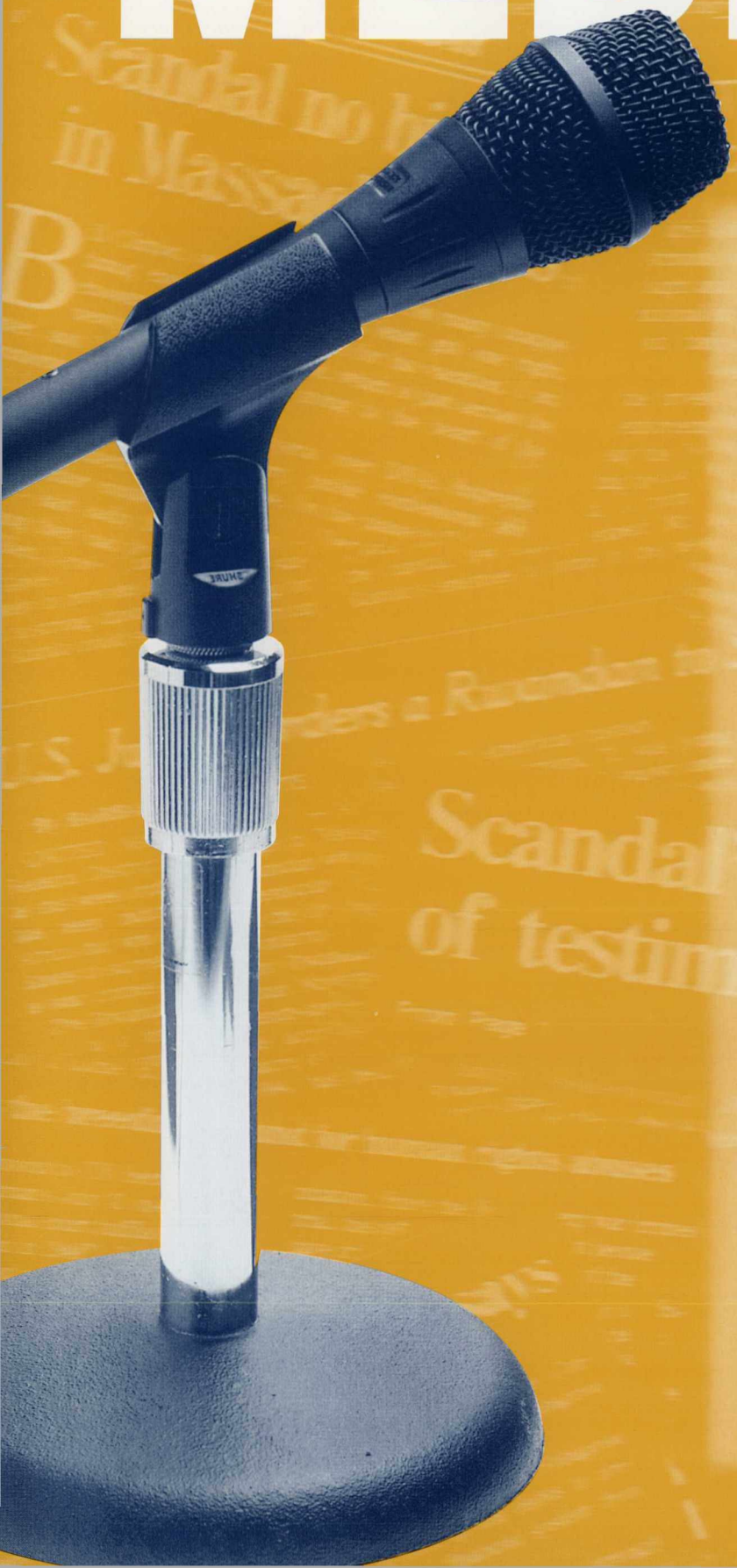
Feeley replaces former dean of students, Elizabeth-Ann Foley, JD '90, who resigned from the position over the summer to assume new responsibilities in the legal profession.

A Look at the 1998 Incoming Class

Student Profile/First-Year Class

50% female/50% male students
15% multiethnic students
30 states are represented
15 foreign countries are represented
186 colleges are represented

MEDIA *and*



THE DAY'S HEADLINES

Many high-profile legal cases are consistently making front-page headlines nationwide, and it seems they make the hottest topics on talk radio and television news shows. Is the vast amount of information on these stories in direct response to public demands, or, are we being inundated with news that we are not really interested in? Research shows we've always been voracious readers and followers of scandalous news stories. So why does this overload of information seem unacceptable to so many today?

These widely publicized news stories lead to many questions regarding the ongoing challenge of balancing First Amendment and Sixth Amendment rights. Our society places a high value on free speech and freedom of the press. Scholars point out that vital social interests are served by this free dissemination of information, including individual autonomy, diversity, self-government and checks on abuses of power. At the same time, our country's laws were partially founded on a strong belief in the right to an open and fair trial.

Questions have arisen about whether too much pre-trial publicity affects the outcome of certain cases. Some wonder if the Sixth Amendment rights of those on trial, let alone those who haven't even been indicted, are being jeopardized by the news coverage of their cases.

FREE PRESS VS. FAIR TRIAL

This article explores many questions involving the media and the law today including questions related to televised court proceedings. What role do live broadcasts and snippets of cases play in the public perception of trials today? Many legal scholars have voiced fears about cameras in the courtroom, including: physical disruption, psychological impact on participants, potential for exploitation of the justice system for commercial purposes, invasion of privacy of witnesses and the possibility of prejudicing trials. Are broadcast trials an entertainment rather than educational form of news and, if so, is this making a mockery of the judicial system?

the LAW

Gerard Leone, JD '89, knows firsthand what it is like to be involved in a news generating case. Although he said he did not pay attention to the press coverage during the proceedings, he was the lead prosecutor in a trial that made front-page headlines and topped newscasts worldwide–the Louise Woodward trial.

After the trial had ended, Leone did look back and examine some of the press coverage. He does not believe that the press was wholly accurate in its portrayal of the case. He said that the Woodward case is a perfect example of the problems that can arise when high-profile trials become entertainment.

Of the cameras allowed in the courtroom during the trial, Leone said, "the most disturbing thing to me about the coverage was that it was not always shown gavel to gavel, which caused misconceptions among the public who saw only portions of the coverage or the sound bites that the media chose to use. It was not respected in the press that the 12 jurors who sat there day in and day out, hearing all of the evidence, came back with a verdict of guilty." Leone understands that the public is not interested in watching every detail of what goes on in the courtroom, but he warns that limited coverage often misrepresents what is truly occurring there.

THE TRIAL OF THE CENTURY

John Q. Kelly, JD '80, was the lead attorney in the civil case representing the estate of Nicole Brown Simpson. The unprecedented amount of news coverage during the criminal case against O.J. Simpson might have prepared Kelly for the high level of interest in the civil case, but he explained that even with what he thought was an amount of readiness, he experienced quite a culture shock when he first took on the case. "You blew your nose and it was front-page news." Kelly added that any building he went into to conduct case business had at least 100 reporters in it and that he saw the second "camp O.J." when the civil trial began. "There was a square block of trailers, and all of the networks and cable news stations had people set up on vigils."

Kelly, practicing in the firm of Kelly & Campo in Manhattan, "went from the pot into the fire," as he explained. Prior to taking on the civil case, he had been covering the Simpson trial as a legal commentator for FOX-TV. "It felt weird to all of a sudden be on the other side–to be sitting in the courtroom with all of these people watching every move I made. I quickly realized that it was best not to say anything at all when unnecessary and not to draw attention to myself," he said.

As to whether Kelly was concerned about pretrial publicity affecting the jury, he said there is no doubt in his mind that those impaneled must have known something about the criminal case. "I was aware that they had to have some kind of a slant."

Kelly believes that the judges, more so than the attorneys, were sensitive to the media in their decision making during the trials. "Judge Ito knew that everyone in the world was watching, and I believe that's why he was so wishy-washy. He was too media sensitive."

During this civil case, O.J. Simpson was deposed for ten days. Interestingly, Kelly explained that Simpson said "plenty of incriminating things and made many implausible statements."

When the jury came back and awarded $250 compensatory damages and $12.5 million punitive damages, Kelly was escorted to the courthouse by four police cars, and he remembers helicopters circling overhead. Asked if he's had any second thoughts about getting involved in the case, Kelly said absolutely not. "It's been great for our practice and was a once-in-a-lifetime opportunity. I would have never gotten involved in the case if I hadn't thought we'd win."

IS THE PRESS DIGGING TOO DEEP?

Another disturbing aspect of the Woodward trial coverage, in Leone's opinion, was that people who were not experts on anything relevant to the case were "proffering opinions" about the lawyers and their performances. Lawyers not involved with the case were

—continued next page

"people wanted to weigh in on the case as if it were a soap opera instead of a real trial, involving many people, which affected numerous lives." **–Gerard Leone, JD '89**

commenting on the performance of the lawyers and on the suit itself and, in his opinion, they clearly hadn't even been watching the trial. "I am not an actor, entertainer or celebrity. I am a public servant. When I saw other lawyers making uninformed statements about our performance, I was quite disturbed," he said. Leone explained that people wanted to "weigh in on the case as if it were a soap opera instead of a real trial, involving many people, which affected numerous lives."

Leone said that he fully believes in the rights protected by the First Amendment and that journalists should be allowed to report on the facts they find, but that people need to realize that what they read in the newspaper and see on television is not the complete picture. "I am afraid that people begin to form opinions based on inaccurate or incomplete information," he said.

As a trial lawyer, Leone said he would rather not have cameras in the courtroom. He said that he is concerned by how differently clients, witnesses and jurors may act when there is a camera present. "They are different people in front of a camera. I am not as affected by it, because I keep my mind on the job I am doing, but you would be amazed at how some people respond. Even their testimony seems different in front of the camera."

Although Leone's opinion is that the public has a right to know and see what transpires in court, and he can understand why cameras are allowed in the courtroom, he believes that there was more dignity in the courtroom before cameras were allowed. "It brings a dynamic to a case that I would rather not have when I'm prosecuting. I can shut it off, pretend it's not there, but I see that others cannot," he said.

THE CAMERA DEBATE

Presently, US federal courts generally ban cameras in the courtroom, contrary to most state courts, which allow televised trials. In Leone's opinion, it makes sense to televise state and federal appellate court hearings because it would serve an educational purpose rather than an entertainment purpose now served by shows such as Court TV. "This would be the greatest legal minds assessing the lawyers who are debating and arguing law," he said. Leone was quick to recognize that, to many people, this would be somewhat boring, and that is why, even if it were legal, these hearings probably wouldn't make it on television, where ratings are what counts.

Suffolk Law Professor Gerard Clark believes that judges have to be very careful when deciding on whether or not a camera will be allowed in the courtroom. "They can't shut the door to cameras, but they also must make sure that they will not prejudice the jury," he said. Clark said that in light of the O.J. Simpson and Woodward cases, "there is no denying that the cameras in the courtroom affected these cases." He said he believes judges will be looking closely at the outcome of these cases and what role the camera played as they make decisions about televising trials in the future.

Leone said not surprisingly, that people want what's sexy in trial proceedings. "One of the problems is that this [news reporting] is a highly competitive business. Newscasters feel like they've got to provide the public with a quick, new story everyday. They are providing the public with instant gratification when there may not be any particularly newsworthy information that day," he said. Leone was referring to the fact that many of the news stories in the Woodward trial would cover direct questions and then not report on what happened in the cross-examination. He said this therefore leads to inaccurate reporting and misinformation about the proceedings.

Cameras were allowed in the courtroom during the O.J. Simpson criminal case but were banned from the civil case because it was thought that the trial would take twice as long if they were admitted. At the start of

the trial, Kelly was adamantly opposed to television cameras in the courtroom, because, he said, "I did not want to be on display 24 hours a day, and I did not believe it was in the best interest of my client." The client was Nicole Brown Simpson's father, Lou, who was the executor of her estate.

A DUAL PERSPECTIVE

Henry Eaton, JD '94, has worked both sides of the media and law coin. He was a broadcast journalist for 16 years at Channels 4, 5 and 56 in the Boston area, and Channel 12 in Providence, Rhode Island. He also worked as a freelance writer for WBZ-TV in Boston. As a reporter with an avid interest in law who covered news in the courts, Eaton eventually decided to change careers by going to law school. He now works as a prosecutor in the attorney general's office in Boston.

Eaton explained that there are highly sophisticated means of finding out what people want for news today. The news we are getting may not cover everything going on in the world, but it's what market research indicates people are interested in reading about and viewing. What concerns him, though, is that "there is a dangerous concentration of power in the media industry. The options for consumers have diminished and the control is tighter than ever. This corporate control can be dangerous and is primarily driven by advertising and marketing," he said.

Explaining that we do pay some prices with the freedom our press and other media have in the United States, Eaton nevertheless believes that journalists have the right to be–and should be–aggressive in their news gathering. Some would say a few bad apples have had a souring effect on the media in general. Eaton said, "The paparazzi ride on the coattails of good journalists and give a black eye to journalism at large. There has to be a balance between the public's right to know and the feeding frenzy that seems to come with these sensationalized stories."

—continued next page

US District Court/ Massachusetts Local Rules

(Excerpt from Rule 83.2A Release of Information by Attorneys)

No lawyer or law firm shall release or authorize the release of information or opinion which a reasonable person would expect to be disseminated by means of public communication in connection with pending imminent criminal litigation with which he or the firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

(Excerpt from Rule 83.2B Special Orders in Widely Publicized or Sensational Cases)

In a widely publicized or sensational criminal or civil case, the court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused or the litigants to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the court may deem appropriate for inclusion in such an order.

Massachusetts Rules of Professional Conduct

Rule 3.6 Trial Publicity *(Comment)*

It is difficult to strike a balance between protecting the right to a fair trail and safeguarding the right of free expression. Preserving the right to a fair trial necessarily entails some curtailment of the information that may be disseminated about a party prior to trial, particularly where trial by jury is involved. If there were no such limits, the result would be the practical nullification of the protective effect of the rules of forensic decorum and the exclusionary rules of evidence. On the other hand, there are vital social interests served by the free dissemination of information about events having legal consequences and about legal proceedings themselves. The public has a right to know about threats to its safety and measures aimed at assuring its security. It also has a legitimate interest in the conduct of judicial proceedings, particularly in matters of general public concern. Furthermore, the subject matter of legal proceedings is often of direct significance in debate and deliberation over questions of public policy.

AS A LAWYER, HOW DO YOU DEAL WITH THE PRESS?

Maria Durant, BA '88, JD '91, is an associate at Dwyer & Collora in Boston where she specializes in white-collar criminal defense cases. Because many of the firm's clients are well-known figures in Boston, Durant explained that reporters frequently call for comment on criminal cases that are in litigation as well as those that are in the investigation stage.

In determining how, if at all, to respond to a reporter's inquiry, Durant said that defense counsel must consider a host of factors including the stage of litigation, how much information is already in the public forum and, most importantly, the desires and interests of the client. "Some clients simply do not want to remain silent while their good name and reputation is disparaged in the local press," she said.

There are several schools of thought on how lawyers should deal with the press. Some want to begin litigation in the public forum, some refuse to comment to the press under any circumstances and some, like Durant, employ a more "middle of the road" approach. "Defense counsel should be comfortable emphasizing his/her client's innocence to the press. Beyond that, however, counsel should exercise extreme caution. It is rarely advisable–and often unsuccessful–for counsel to comment on the specific facts and details of a case," she explained.

Durant cautions that all practitioners–defense counsel and prosecutors alike–are subject to state and federal local rules concerning trial publicity and the release of information to the public. "As a general principle, defense counsel should disseminate only as much information as is necessary to protect his or her client from any undue prejudice which may result from prior press coverage. While the media's treatment may be an important part of a defensive strategy, the greatest service any attorney can provide to his or her client is to concentrate on the case in the courtroom," she said.

THE CHALLENGE

Exploration of these issues shows a strong connection between the media and the law. As Paul Thaler wrote in *The Spectacle: Media and the Making of the O.J. Simpson Story*, "...the media themselves may have been the single most decisive factor contributing to the legal strategies and decisions coming from the presiding judge and trial attorneys." It is clear that in many cases, both the press and those working in the legal system must scrutinize each other and try to come to some balance and fairness in their respective ideals.

It serves public interest to ensure that we are able to read about and see events having legal consequences and therefore better understand the legal proceedings. On the other hand, material that could have a prejudicial effect on a jury or criminal matter must also be weighed.

"Some clients simply do not want to remain silent while their good name and reputation is disparaged in the local press"

–Maria Durant, BA '88, JD '91

Professor Clark explained, "Jurors like you and I are chosen every day and asked to do our best. If you are chosen in a case like the Woodward trial and are sequestered, you quickly realize the public importance and abnormal amount of media attention surrounding the case." He explained that many jurors in high-profile cases then feel that they will have to explain their decision to the world. "My self-image then becomes part of the decision-making process and this is an inappropriate injection of personal conflict of interest," Clark said.

How we ensure fairness to all parties involved, including the press, the public and those on trial, seems to be an ongoing question. The First and Sixth Amendments seem to clash in some respects. Is it possible for the press to have the freedom to report on all the lurid details of a case, and are we simultaneously able to protect the accused's right to a fair trial?

As we move into the twenty-first century, we are faced with increasing technological advances and more competition among news-gathering businesses, and it seems these issues will become more and more prominent in our minds. As the late Associate Justice Hugo Black wrote "...free speech and fair trials are two of the most cherished policies of our civilization, and it would be a trying task to choose between them."

Nicholas Macaronis Makes Major Donation to the Law School

President David J. Sargent and Nicholas Macaronis

Prominent Lowell, Massachusetts, attorney Nicholas Macaronis, JD '54, who turned to a career in the law after an injury cut short his promising future as a baseball player, has bestowed a very special gift upon the Law School. President David J. Sargent announced in August that Macaronis made a seven-figure donation toward the capital campaign for the new Law School building.

"Suffolk University is extremely grateful to Nicholas Macaronis for this most generous gift," said Sargent. "Through this donation, which is the lead gift to this point in our capital campaign, Nick Macaronis is making a major commitment to future generations of Suffolk University Law School students. In addition, his magnanimous gesture has special meaning for me, because Nick and I were classmates at the Law School."

Said Macaronis, "It is with great pleasure that I give this gift to Suffolk University Law School. My pleasure is enhanced by the fact that my former classmate, David Sargent, is now president of the University, and my former high school baseball rival, John E. Fenton, Jr., is dean of the Law School. Suffolk gave me the opportunity to do something with my life. This gift is part of a greater appreciation of Suffolk University Law School that is instilled in me to this day."

"This gift is part of a greater appreciation of Suffolk University Law School that is instilled in me to this day."

—Nicholas Macaronis

The son of immigrants, Macaronis was born at the height of the Great Depression, the youngest of seven children. Working many jobs to assist his family, he went to Lowell High School, where he excelled in sports. His skills as a baseball pitcher led to his signing in 1947 by the Brooklyn Dodgers. He pitched for the Dodger's team before an injury forced him to retire.

He then applied to the Law School, working part-time jobs to earn his then $500 tuition annually. Taking to law, as Macaronis puts it, "like a sponge to water," he graduated fourth in his class in 1954. After serving in the Army and working as a trial lawyer for a Boston law firm, Macaronis opened his own law office in Lowell in 1957.

Macaronis also has been active in civic and community affairs. Among his activities, he has served as president of the Board of Directors of the Greater Boston Youth Symphony Orchestra and has been active with the Greek Diocese of Boston and St. Demetrios Church of Weston, Massachusetts. A resident of Weston, married to Elissa Macaronis, he is the father of the late adjunct professor of law, accomplished pianist, composer and scholar, Melanie A. Brown.

Law School Building Named for Sargent

Suffolk's Board of Trustees has honored President David J. Sargent by naming the new Law School building in his honor.

"To recognize a sitting president in this fashion is extremely rare within the academic community in the United States," said Board Chairman William J. O'Neill, Jr., "However, David J. Sargent is an extremely rare individual. Over the past five decades–as student, teacher, dean and president–he has come to embody the very essence of Suffolk University Law School and Suffolk University. This is a wonderful and fitting tribute to a man who has given so much to Suffolk through the years and who has been the driving force behind the effort that will culminate with the opening of this majestic temple of learning."

Said Sargent: "Almost beyond words, I am gratified and humbled by this honor. To have my name be associated with the new Suffolk University Law School, which will be a model for law schools around the world, is a wonderful gesture by an institution that can look forward to a great future. I owe Suffolk University a debt of gratitude that I can never repay."

Sargent began his long association with Suffolk as a student. He graduated magna cum laude in 1954 from the Law School, was ranked number one and president of his class. His grades were among the highest ever achieved in the Law School.

In 1956, he joined the faculty as an adjunct professor, and was named full-time professor a year later. He specialized in wills and trusts and torts and became one of Suffolk's most popular teachers, actively teaching for 76 consecutive semesters.

His reputation as a scholar in torts brought him and the Law School national recognition during the great debates on tort reform in the 1960s and 1970s, as he traveled across the country lecturing on the subject. His outstanding reputation among the bar and bench in Massachusetts was evidenced by his three terms as chairman of the Committee on Trial Practice of the Massachusetts Bar Association and his selection to serve as chairman of the Massachusetts Chief Justice Commission on Court Reform.

Serving as dean of the Law School for 17 years, from 1972 to 1989, Sargent's tenure saw many developments at the Law School. In 1989, Sargent was named president of the University. Suffolk Law School is now the third-largest in the country, and for the past three years has been named by *Massachusetts Lawyers Weekly* as the best law school in the state.

Boston Mayor Thomas M. Menino congratulates President David J. Sargent on the naming of the new Law School building.

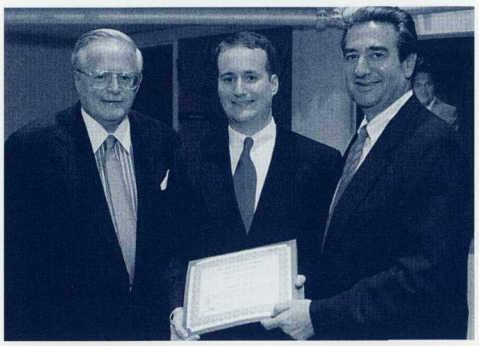
Suffolk Wins $75,000 Challenge Grant

The Suffolk Law School community has demonstrated that it loves a good challenge.

In February of last year, Suffolk was offered a $75,000 challenge grant from the George I. Alden Trust to support construction of the new Law School building. To earn the award, Suffolk had to match the grant three-to-one by raising $225,000 in donations by August 1, 1998.

The challenge proved inspirational for the Suffolk Law community. Alumni, faculty, staff, friends, corporations and foundations stepped up to help the cause. But they didn't just meet the challenge, they far exceeded the goal months early. Their enthusiasm and support enabled Suffolk to raise nearly $900,000 by the end of June!

Needless to say, Suffolk received a $75,000 check from the Alden Trust.



(L-R) Dean Fenton, Fellowship Scholar Daniel P. Barry and Richard D. Glovsky, chair of the Drinan Fellowship Committee

Rewarding Academic Excellence

During the past year, a number of deserving law students proudly accepted scholarships and fellowships named in honor of alumni who have passed away. Classmates, families and friends established the awards as lasting memorials. The awards, presented at receptions throughout the school year, assist current students as they pursue academic excellence at the Law School.

This year, Daniel P. Barry of Pittsfield, Massachusetts, was the recipient of the Thomas J. Drinan Memorial Fellowship, established in memory of Thomas J. Drinan, JD '76. The fellowship funded Barry's summer employment in the field of public interest criminal justice.

The Hon. Lawrence L. and Barbara G. Cameron Scholarship was presented to second-year student Ellen Marie Curran of Wilmington, Massachusetts. The scholarship honors careers in public service and commitment to the University in honor of retired Judge Lawrence L. Cameron, JD '51.

During their final year at Suffolk Law, Andrew J. Hickey, JD '98, of Brookline, Massachusetts, and Kristen M. Kraeger, JD '98, of Brighton, Massachusetts, were the recipients of the Harold B. Goodwin Legal Scholarship. They were the 1997-98 winners of the Best Trial Advocates Awards. Established in memory of Harold B. Goodwin, JD '80, the scholarship honors students who participate and advance to the final round of the second-year competition in the trial advocacy program.

Funds from the McLaughlin Memorial Fellowship, established in memory of Paul R. McLaughlin, JD '81, provided funding for an internship in the field of criminal law to student Alan E. McKenna of Hingham, Massachusetts. The fund was established through proceeds from the annual Paul R. McLaughlin Golf Tournament.

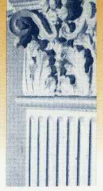
DiMaiti Scholarship Awarded

Jackson Quan of Natick, Massachusetts, has been awarded the 1998-1999 Carol DiMaiti Scholarship. There were 15 applicants for the award, five were chosen for interviews, and Quan was chosen as the recipient.

Quan's family moved to the United States in 1975 following the fall of Saigon in Vietnam. In his application for the scholarship, Quan explained the struggles his family faced in trying to find work and fit into the culture of the United States.

In an excerpt from his application, Quan explained why he is pursuing the study of law: "In my short lifetime, I have seen too many Vietnamese immigrants, including my father, lose out to their ignorance, whether it is knowing their general rights or knowing the actions they could take to prevent the injustice committed upon them. As a result, I realized I wanted to become a lawyer to help them out in whatever way I can."

The scholarship was established in memory of Carol DiMaiti Stuart who was a 1985 graduate of Suffolk Law School. It is a merit-based academic scholarship that is awarded annually to a first-year Suffolk Law student who best exemplifies exceptional personal and professional qualities.



Truth and Reconciliation in South Africa

Brenda Elias, JD '95

Brenda Elias, JD '95, went to South Africa in April 1998, as part of a Truth and Reconciliation Commission monitoring project organized by an attorney in New Mexico. Here, she shares her observations and experience.

Esikhaweni is a district comprised of several townships on the East Coast of South Africa, in KwaZulu-Natal Province. In the late 1980s and 1990s, Esikhaweni and surrounding communities were the scene of a bitter struggle for power between two parties seeking to represent the voice of black South Africans.

Thousands of people were killed or injured, some literally caught in the crossfire of a bloody campaign by the Inkatha Freedom Party (IFP) to wrest power from the African National Congress (ANC).

Oppressed people fought and killed each other in the struggle to put an end to their oppression.

In April of this year, South Africa's Truth and Reconciliation Commission (TRC) held hearings in Richards Bay, an industrial town near Esikhaweni, to determine whether seven people, some former police officers, should receive amnesty and win release from jail. They were jailed for conducting a systematic campaign to kill members of the ANC and terrorize and intimidate residents of the townships to coerce them into supporting the IFP. All of the applicants for amnesty were black.

Of all the evil faces of apartheid, the unrest in Esikhaweni typifies perhaps the very worst: Oppressed people fought and killed each other in the struggle to put an end to their oppression. Even more insidious is the fact that the National Party-led government sponsored the unrest by supplying weapons, money and tactical support to the IFP.

Before going to South Africa to attend the TRC hearings, I assumed that the majority of applicants for amnesty would be whites who had committed crimes against blacks. After all, the whites were the oppressors and the blacks the oppressed. But the majority of the nearly 5,000 applicants for amnesty were black or "coloured," the accepted term in South Africa for people of mixed race.

The racial disparity of those applying for amnesty likely does not accurately reflect the true racial demographics of the people directly involved in the apartheid conflict. Rather, it illustrates how apartheid, while officially abolished, is still present and continues to influence and plague South Africa. There are few white applicants for amnesty for the simple reason that, during apartheid, few white people were arrested, tried and convicted for crimes committed against black people. Since the most significant effect of amnesty is the commutation of any punishment imposed for crimes, including prison sentences, whites have very little incentive to seek amnesty.

The purpose of the TRC is to heal. By revealing the truth of what happened between 1960, when apartheid became law, and 1994, when the shift of power began, the hope is that the country will face the past, resolve and reconcile the injustices and move on. It is a tall order when one considers all of the atrocities that happened during that time–murder, torture, forced segregation, economic and cultural oppression, and social upheaval.

The TRC's Amnesty Committee was authorized to grant amnesty to people who, for a political objective, committed an act associated with the apartheid conflict and who make full disclosure of all the relevant facts to the TRC. Another TRC function, lesser known to people outside South Africa, is to provide reparations to victims of gross human rights violations. Reparations can be in the form of money, education, training or community supports.

Opinions varied greatly among South Africans regarding whether the TRC was accomplishing its mandate. Some thought the hearings served no useful purpose and only uncovered, unnecessarily they said, a painful past that is better left alone. "What's done is done," the thinking goes. I only heard white South Africans express that sentiment.

Others were troubled that through the amnesty process, killers would be set free; that people essentially would get away with murder. And finally, others were less concerned about the TRC and more concerned with South Africa's struggling economy.

Many South Africans, however, supported the hearings and felt that confronting the past in an effort to settle conflicts was the only way to create a harmony among all of the different factions. That sentiment was evident at the Richards Bay hearings.

During one of the breaks at the Richards Bay amnesty hearings, I met a young man who was injured in the violence in Esikhaweni. He shook my hand weakly, and I noticed that the skin between his thumb and first finger on his right hand was severely scarred. He was shot one night in 1992 by IFP members, he said, and lay in the street for six hours before he could safely seek cover without being shot again.

He showed through his clothing a disfigured hip–a divot-like indentation, three to four inches wide, where his skin and muscle had been torn out. It extends from the top of his right hip down to his lower thigh. Because of his injuries, he has worked only intermittently and receives government benefits. He has had 25 operations and told me he needs more.

"This is an important process because there are so many unknowns about what happened, who killed who," he said. The process could also shed new light on who was responsible and also reveal where bodies are buried, he said.

The man testifying that day was named Romeo Mbambo. He was an officer with the KwaZulu police force and member of the IFP. After several successful years on the police force, he was recruited to be a member of the IFP's "Hit Squad," a secretive arm of the party that carried out the reign of terror on Esikhaweni and surrounding townships. He was convicted of several counts of murder and was sentenced to 75 years in prison. In seeking amnesty, Mbambo spent more than two days testifying before a four-member TRC panel.

One morning, in just three hours of testimony, Mbambo described at least eight separate incidents of terror he took part in, including murder, kidnapping and the fire-bombing of a house in which a young girl was killed.

Mbambo's testimony confirmed what many suspected–that the police were closely aligned with the IFP. "The IFP and KwaZulu government as well as the police were all interwoven," Mbambo said. "We were all one and the same with the objective to destroy the ANC."

Moreover, the IFP received support from the South African Police (SAP). "Our communication and collaboration with SAP was confined to a special branch of SAP," Mbambo said. "Only a special branch of the SAP would go to [a high-ranking IFP official] and discuss operations."

Some of the most dramatic moments came when Mbambo was confronted by his victims.

One man asked for details about the efforts made to apprehend and kill him. "I lost everything," he said. "My house was burned down, my car was also burned. My life was just shattered. I would like them to explain to the community what exactly they did to try to kill me."

Mbambo described several failed attempts at killing this man, lying in wait for him to leave a building. "We waited until sunrise of the following day and then left," Mbambo said. "We tried to find you but could not locate you. That is why the IFP plotted your arrest."

The Richards Bay hearings are an example of successful reconciliation. The hearings attracted upwards of 400 people, most of whom were residents of the previously embattled area. Family members of those killed attended as did victims of the violence, including a woman in a wheelchair who was injured by indiscriminate shooting by the "Hit Squad." They attended the hearings to learn exactly what happened in their communities.

The mood of the audience toward Mbambo initially was tense and cold. But by the end of his two days of testimony, the audience appeared to have moved toward reconciliation. This was no doubt due to Mbambo's sincere apology.

"I am sorry to every community member here and those directly affected by my operations," Mbambo said. "It is not easy to come before this committee. I know this will put myself and my family in danger but I am not afraid to die. It is better to die than to live with the conscience that I have–full of blood."

Many South Africans, however, supported the hearings and felt that confronting the past in an effort to settle conflicts was the only way to create a harmony among all of the different factions.

The audience broke into sustained applause in support of Mbambo.

At the end of the second week of testimony in Richards Bay, the community members attending the hearings met among themselves and then with the amnesty applicants. In a moving and dramatic announcement, a community leader told the TRC panel that the community had decided to forgive the applicants. They were invited back into the community should the applicants be released from prison. The audience then spontaneously began singing the South African National Anthem.

At the time of this writing, the TRC had not yet posted its decision regarding Mbambo's amnesty application.

Advice *from the experts on working with the* PRESS

"The press has a great deal of power. If you do not tell the truth, you could gain an enemy that you don't want to have."

John Q. Kelly, JD '80–Lead attorney in civil case for the estate of Nicole Brown Simpson

Don't seek out attention. The media knows if you're looking for it, and the last thing they'll do is give it to you in a good way. You will get burned working this way–it is just the nature of the beast. The media is not about to be used.

It is a cat-and-mouse game. You need to cultivate relationships with representatives of the media and make sure you give your story to the people you trust.

Gerard Leone, JD '89–Lead prosecutor in the Louise Woodward trial

If you are well prepared, don't alter your case because of press coverage. You should stick to the game plan. The only time you should change your course is if something happens in the courtroom that makes you feel it's time to make changes in your strategy.

Don't pay attention to what is going on in the press–it will distract you from your job. Remember that people outside of the courtroom don't know what's actually going on, it doesn't matter what they say. What matters is what the jury thinks.

Remember what your job is–especially if you are a public servant. We are not entertainers, celebrities or actors, but advocates for victims, protecting and serving the public. I don't equate the art of persuasion with performing for a camera, it is the jury that needs be persuaded, not the entertainment media.

Maria Durant, BA '88, JD '91–Associate, Dwyer & Collora

Attorneys are bound to rules of professional conduct. A lawyer should not make an out-of-court statement if she/he knows it is likely to prejudice the proceedings and/or taint the jury pool.

The press has a great deal of power. If you choose to discuss a case with a reporter, be prepared to answer all questions truthfully and completely. An attorney's failure to be up-front with a reporter will result in a loss of trust and can harm all clients of that attorney in the future.

Henry Eaton, JD '94–Assistant Attorney General and former broadcast journalist

You should handle each case on a case-by-case basis. Ethical rules dictate what lawyers should and should not say; be sure you are not in violation.

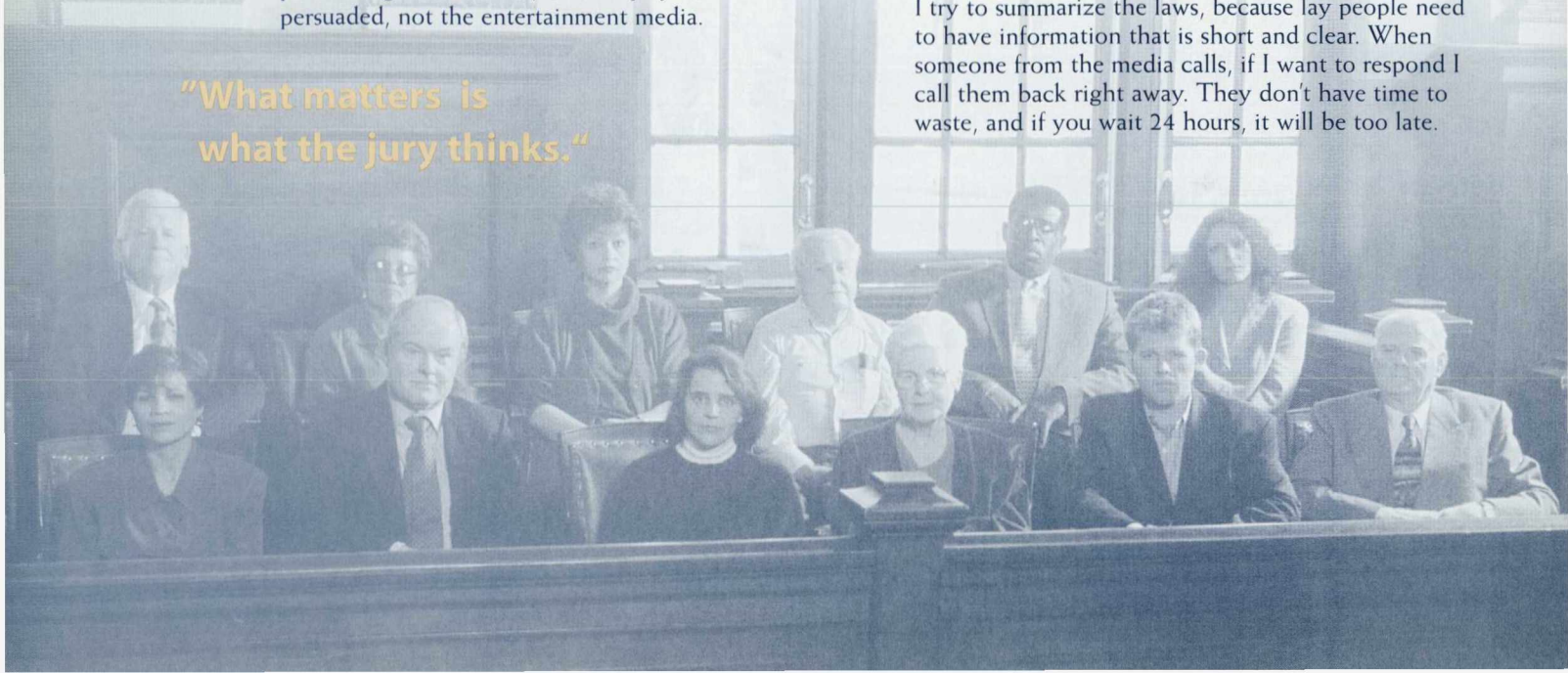
You have to make sure you are fully protecting the rights of your client. Make sure that whatever you are stating is truthful. Always proceed with caution when dealing with the press.

Be aware that some attorneys are good at manipulating a jury pool before the trial.

Suffolk Law Professor **Marc Perlin**–Frequently speaks to the press and on news radio shows

I try to summarize the laws, because lay people need to have information that is short and clear. When someone from the media calls, if I want to respond I call them back right away. They don't have time to waste, and if you wait 24 hours, it will be too late.

"What matters is what the jury thinks."



Nelson Azocar received the Attorney of the Year award from the Massachusetts Association of Hispanic Attorneys in recognition of his commitment to his culture and community as well as to Suffolk Law School and its students.

Rosanna Cavallaro has been named to the Supreme Judicial Court's Committee on Ethics for Government Lawyers. Members will study Massachusetts' Code of Judical Conduct.

Dean John E. Fenton, Jr., was the speaker at the Merrimack Valley High Twelve Club's Master Mason's meeting. He spoke about the judicial system of Massachusetts and about security in the courts, automation and jury service.

Dwight Golann was the guest speaker at the annual Framingham Court Mediation Services meeting last spring. His topic was the uses and misuses of "Facilitative and Evaluative Mediation Models."

Robert J. Hallisey has become of counsel to the firm of Sally & Fitch in Boston. In addition, he has been appointed chairman of the State Ballot Law Commission and Boston Harbor Pilot Commissioner.

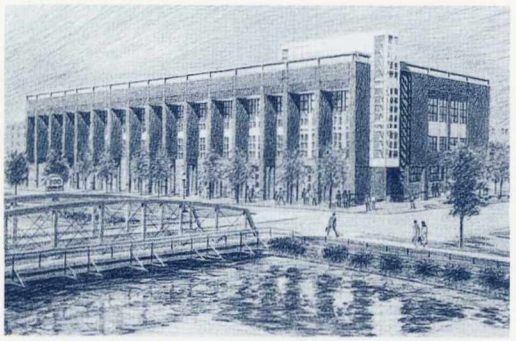
Elizabeth M. McKenzie co-authored with Kathleen Casey an article titled "Using Adaptive Technology to Provide Access to Blind, Low-vision and Dyslexic Patrons" in *90 Law Library Journal*, Summer 1998.

Michael Rustad received the Moynihan Award for excellence in teaching from the Student Bar Association. He recently served as a panelist at a discussion on "Legal Issues in Electronic Commerce," sponsored by the Massachusetts Electronic Commerce Associates.

Kathleen Elliott Vinson and **David S. Romantz** presented a seminar on "Finding Publishers for Legal Writing Manuscripts" at The Legal Writing Institute's conference in Ann Arbor, Michigan.

Carole Wagan was elected to the office of secretary at the 34th annual meeting of the Association for Continuing Legal Education. The association is an international group of continuing legal education professionals.

David Yamada was part of an advocacy team that organized a May 12 press conference in front of a major supermarket chain's corporate headquarters on behalf of "Jane Doe," who was raped and beaten in 1990 by a supervisor at a store now owned by the company. The press conference was held to urge the company to drop its appeal of a workers' compensation award to Doe. The event attracted coverage by all local television stations and many local newspapers. Yamada developed materials for dissemination to the media and moderated the press conference.



An artist's rendering of the Fenton Judicial Center, Lawrence, MA

Fenton Justice Center Opened

The new $35 million Fenton Judicial Center in Lawrence, Massachusetts, opened during the summer of 1998. The building's name honors Suffolk Law School Dean John E. Fenton, Jr., and his father, the late Judge John E. Fenton. Both attorneys were born and raised in Lawrence and, although he now lives in Andover, Massachusetts, Dean Fenton remains an active participant in the Lawrence community.

The new complex is exceptional in Massachusetts in the number of courts it houses under one roof. It is home to the region's district court, housing court, probate and family court and juvenile court. It also houses a law library and day care center for court users.

The state-of-the-art building houses technologically advanced audio systems, sky-lit courtrooms, and PC's on the bench enabling judges access to up-to-the-minute information on the cases they are hearing.

1998 Faculty Publications

Are you wondering where you can find recent and upcoming printed research and writings by Suffolk Law faculty members? Well, the following listing is a good place to start.

Jeffery Atik, "Identifying Anti-democratic Outcomes: Authenticity, Self-Sacrifice and International Trade," 19 U.Pa.J.Int'l.Econ.L. (forthcoming 1998).

R.Lisle Baker, "Ethical Limits on Attorney Conduct with Represented and Unrepresented Officials: The Example of Municipal Zoning Boards Making Site-Specific Land Use Decisions," Suffolk L.Rev. (forthcoming 1998).

Karen Blum, "Municipal Liability: Derivative or Direct? Distinguishing the Canton Case," 48 DePaul L.Rev. (forthcoming 1998).

Eric Blumenson and Eva Nilson, "Contesting the Government's Conflict of Interest in Drug Cases," Criminal Justice (forthcoming Dec.1998).

Rosanna Cavallaro, "Police & Thieves," review of H. Richard Uviller, Virtual Justice: The Flawed Prosecution of Crime in America, 96 Mich.L.Rev. (forthcoming 1998).

Kate Nace Day, "Claire's Story: Explicit Conditions of Confinement and Empty Gestures of Freedom," Amer.Legal Studies Forum (forthcoming 1998).

Victoria J. Dodd, "Public Education and Change: Not an Oxymoron," St.Louis U.Pub.L.Rev. (forthcoming 1998).

Valerie Epps, "Self-Determination in the Taiwan/China Context," 32 New Eng. L. Rev. 685 (1998).

Steven Ferrey, The Law of Independent Power (11th ed. 1998).

Dwight Golann, "If You're Willing to Experiment,'Principle' Cases Can Be Mediated," 16 Alternatives to the High Cost of Litigation 40 (1998).

Charles P. Kindregan, Jr., Ethical Issues in Office Practice, American Bar Ass'n. Family Law Section, Program Materials(April-May 1998).

Stephen M. McJohn, "Fair Use and Privatization," San Diego L. Rev. (forthcoming 1998).

Elizabeth M. McKenzie, "Monopolies in the Law," chapter in Proceedings of the Central States Law School Association (forthcoming 1998).

Janice M. Mueller, "Sidebar: Understanding Section 102," in Donald S. Chisum, et al., Principles of Patent Law (forthcoming 1998).

Marc G. Perlin, Massachusetts Collection Law: Debtor/Creditor Practice, Procedure, Remedies (Supp. 1998).

Richard Perlmutter, reviser, Martindale-Hubbell Massachusetts Law Digest (1997); and a reviser, Martindale-Hubbell National and International Law Digest (1998).

Anthony P. Polito, "Useful Fictions: Debt and Equity Classification in Corporate Tax Law," 31 Ariz.St.L.J. (forthcoming).

Charles E. Rounds, Jr., Loring: A Trustee's Handbook (Centennial Edition 1998).

Michael L. Rustad, "The Assault on Workplace Safety," 31 Suffolk L.Rev. (forthcoming 1998).

Linda S. Simard, "Hybrid Personal Jurisdiction: It's Not General Jurisdiction or Specific Jurisdiction, But Is It Constitutional?," Case W.Res.L.Rev. (forthcoming 1998).

Kathleen E. Vinson and **David S. Romantz**, chapter in Drafting Effective Litigation Documents (Boston, MA:MCLE 1998).

Alumni Events Calendar 1999

Donahue Lecture Series 1999

Pallot Law Library
4pm

Thursday, February 18, 1999
Chief Judge Magistrate Joyce London Alexander
United States District Court for the District of Massachusetts

Thursday, April 1, 1999
Professor Erwin Chemerinsky
Sydney M. Irmas Professor of Law and Political Science
University of Southern California

Alumni Events

New Hampshire Bar Association Mid-Winter Meeting
Friday, January 22, 1999
12pm, Alumni Luncheon
Sheraton Tara-Wayfarer, Bedford, NH
Call Kerry Campbell, director of alumni relations, (617) 305-1904 for more information.

Annual Law School Alumni Dinner
Wednesday, March 31, 1999
5:30pm
Boston Park Plaza Hotel
Call Kerry Campbell, director of alumni relations, (617) 305-1904 for more information.

Summa Dinner
Saturday, May 22, 1999
6pm reception, 7pm dinner
Copley Plaza Hotel, Boston
Call the Office of Public Affairs, (617) 573-8447 for more information.

Dedication of the New Law School Building
Wednesday-Friday, September 8-10, 1999
110-120 Tremont Street, Boston
(see related story next page)

*Advanced Legal Studies

Sophisticated Family Law Practice Issues
Thursday, February 25, 1999
March 11 & 25, 1999
6-8:30pm
Location TBA

Mastering Licensing Technology 3rd Annual High Technology Law Conference
Friday, March 5, 1999
9am-5pm
The Conference Center, One Financial Center, Boston
Cosponsored by the Boston Patent Law Association

Elder Law Institute V Representing the Incompetent Client–From Whom Do You Take Direction?
Friday, March 19, 1999
9am-5pm
Bentley College, Waltham
Cosponsored by the Massachusetts Chapter of NAELA

Navigating the Frontiers of Work-Related Immigration Law
Friday, April 9, 1999
9:30am-4pm
The Conference Center, One Financial Center, Boston

Expanding Issues in Managed Care
Thursday, April 15, 1999
Time and location TBA

17th Annual Comparative Law Summer School
August 7-21, 1999
St. Edmund Hall, Oxford, England

*Advanced Legal Studies Juvenile Justice Center

Adolescent Development, Competency and Criminal Responsibility
Thursday, January 21, 1999
5-7:30pm
The Conference Center, One Financial Center, Boston

Dispositional Advocacy
Thursday, February 18, 1999
5-7:30pm
Lowell, location TBA
Tuesday, March 23, 1999
5-7:30pm
The Conference Center, One Financial Center, Boston

The Role of Counsel, Bail and Detention Advocacy
Thursday, April 29, 1999
5-7:30pm
College of the Holy Cross, Worcester
Thursday, June 24, 1999
5-7:30pm
Lowell, location TBA

Children on Trial–Understanding the Juvenile Justice System
Friday, May 21, 1999
9am-5pm
The Conference Center, One Financial Center, Boston

*Advanced Legal Studies information is tentative and subject to change. Please call the office directly to confirm dates, times and locations before event at (617) 573-8627, or visit the Web site at *www.suffolk.edu/law/als*

Justice Breyer to Speak at New Building Dedication

Mark your calendars!

A reenactment of Rex vs. Wemms, one of the Boston Massacre trials, a gala reception and a convocation address from US Supreme Court Justice Stephen Breyer are among the highlights of the three-day dedication celebration for the new Law School building, September 8-10, 1999.

Professor Clifford E. Elias, chairman of the Twenty-First Century Dedication Committee, hopes Law School alumni will play the roles of the lawyers in the mock Boston Massacre trial. The reenactment on Wednesday, September 8, 1999, will be presented in collaboration with the Bostonian Society, and Judge Hiller Zobel, who has written a book about the trial, will participate in the event. "We are hoping to have many alumni participate in the event and are in need of trial lawyers, judges and court officers," said Professor Joe McEttrick. He invited any graduate who is interested in taking part in the event to write a letter of interest or call him at the Law School.

On Wednesday afternoon, there will be tours of the building and demonstrations of its high-tech capabilities. That evening, a gala reception will fill the building with festivity. Invitations will be sent to all Law School alumni.

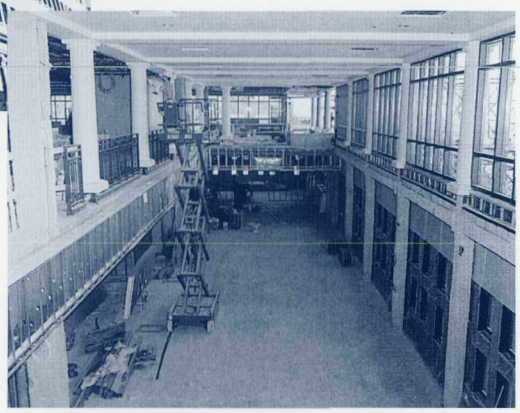
Events scheduled for Thursday include a panel discussion of "Careers in the Twenty-First Century," a Donahue Lecture, more tours and high-tech demonstrations, and a celebratory dinner.

Friday morning, weather permitting, the deans, faculty, trustees and representatives of other law schools will gather at the old Law School building (Donahue), for a procession to the new building for an academic convocation. Justice Breyer will be the keynote speaker.

"We want faculty, students and alumni to leave the dedication ceremonies feeling inspired about Suffolk Law School and its new building and programs which will nurture faculty and students for years to come," said Elias.

The library skylight with stained glass

A row of columns ready to be assembled.



One of the library reading rooms

New Alumni Director Joins Law School

There is a new face in the Law School community. Kerry Campbell has been appointed director of alumni relations. Campbell's experience includes working in the alumni offices of Northeastern University School of Law, the New England College of Optometry and Boston University.

Campbell wants to get more alumni reconnected with the Law School. "I look forward to alumni working with us in admissions functions, in mentoring, career services and with reunions–these are all great ways to get involved," she said. Having started the job this summer, Campbell is planning many events and programs and hopes that alumni will attend in great numbers.

She said that with the new Law School building on the horizon, there will be a great place for alumni to work, study or read in the special areas reserved for alumni, and get involved with the school. She is interested in further developing the alumni network regionally and wants to establish chapters and clubs throughout the United States. If you are interested in helping to set up a chapter in your area, please contact Campbell at (617) 305-1904.

1998-1999 Alumni Association Election Results

The 1998-1999 Law School Alumni Association (LSAA) election broke all records for applications submitted and number of alumni voting. The records include an increase in candidates of 134 percent over last year; the participation of Law School graduates from 1968 to 1998; and the representation of members voting from California to New Hampshire.

And vote you did; with 136 percent more ballots returned this year over last.

Elected to serve three-year terms on the Law School Alumni Association were Debra Carr, JD '81, of Burbank, California; Hon. Paul L. Gaughen, JD '77, of Spokane, Washington; Camille F. Sarrouf, Jr., JD '92, of North Andover, Massachusetts; and Larry F. Wheatley, JD '78, of Cape Cod, Massachusetts.

At the June meeting of the LSAA, the Board of Directors elected Dino M. Colucci, JD '88, president. Robert W. Gardner, Jr., JD '75, was re-elected vice president and Lisa M. (Rosales) Moura, JD '89, was voted in as clerk.

Subscribe to DICTA

DICTA, the Law School's student newspaper, welcomes your subscription. Starting this year, the newspaper will be dedicating a section to highlighting alumni. If you are interested in either subscribing or advertising in DICTA, please call (617) 573-8796, or email: dicta@acad.suffolk.edu. DICTA is also now online at: http://www.suffolk.edu/law/dicta.

Alumni Visit Oxford, England

This summer, Suffolk Law School alumni, faculty and staff members took part in a continuing legal education program sponsored by The Center for Advanced Legal Studies at Suffolk University and the University of Missouri-Kansas City School of Law. Participants were part of the 16th Annual Oxford Summer School in Comparative Law at Oxford University, England, held August 8-22.

The program took place at St. Edmund Hall, one of 30 residential colleges that together make up Oxford University. "We ate, slept and attended lectures in the hall. The historic buildings and beautiful courtyard added much to our stay," said Professor David Yamada, who took part in the trip.

Instruction included lectures on the English legal system and European Community law and was delivered by British and American practitioners, judges and law professors. Topics ranged from the evolution of Britain's unwritten constitution to practical advice for American lawyers doing business in Europe to the education of English barristers and solicitors.

Another highlight of the program included a visit to the English Crown Courts, where participants observed ongoing criminal trials. The program offered a compelling introduction to the English legal system and the growing significance of the European Community.

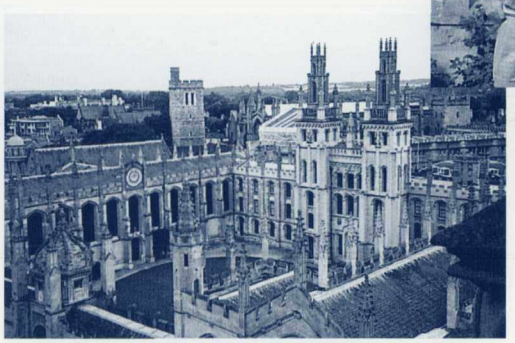
Because of the success of the 1998 trip, The Center for Advanced Legal Studies is considering scheduling a trip for August 1999. If you would like to participate or want more information about the trip, please call Kate Landry at (617) 573-8627, or email: klandry@admin.suffolk.edu. The Oxford program meets credit-hour requirements mandatory in CLE states.

Sightseeing at St. Mary's Church

(L-R) Front Row: Honey Hastings; Kate Landry, advanced legal studies; and Ellen McLaughlin, JD '83. Back Row: Douglas Pettis, JD '78; Julie Pettis; Professor David Yamada; Miriam McCaig; John McCaig, JD '72; and Joel Swets, JD '81

Travelers stop for a photo in front of St. Edmund Hall.

The garden area at Blenheim Palace



One of 30 college's that comprise Oxford University (view from St. Mary's Church).

Alumnus Recounts Visit of Supreme Court Justice

The following is an excerpt from a letter submitted to Suffolk Law *by Evan Frost Gellar, JD '65.*

I, as president of the Student Bar Association, along with classmates Frank Harney; John Sheehan and then Professor David Sargent, attended the American Bar Association Convention at the Waldorf Astoria in NYC in the summer of 1964. The main speaker was President Lyndon Johnson, who that summer was considered a usurper. Justice Tom C. Clark was in attendance and when I approached him and invited him to visit Suffolk as a guest of the association, he answered that both he and the Chief Justice (Earl Warren) would be in Boston on October 29 for the dedication of the new BU School of Law. He suggested that I drop him a line, which I did, never thinking he would accept.

I later received a small, handwritten envelope with no return address, post marked 10/08/64, Washington, DC, complete with five cent postage. When I opened it, I saw the raised engraving Supreme Court of The United States on the card. The Justice stated that he would be delighted to come to Suffolk and he suggested an early morning visit.

I immediately brought his reply to then-Professor Fenton. His first response was "Wow–this is great," and he handed it back to me and then said "let me look at that again," and in a further excited utterance he said, "you can't bring him here!" meaning the old law school building on Derne Street. Looking back, it was rather shabby, but yet, there are those who loved it. It was only then that I realized the tremendous interest the visit would engender. John Sheehan quickly reserved the Parker House Roof for the event.

Invitations were sent to the three Judges for the US Court of Appeals for the First Circuit, the entire Massachusetts Federal District Court Judiciary; all seven Justices of the Supreme Judicial Court and the Chief of the District Courts, all of whom promptly responding that they would be pleased to attend.

As myself along with classmates Kevin Keating, John Sheehan and Professor Sargent waited for Justice Clark's arrival on the Eastern Shuttle, Professor Sargent thought out loud, "what if he doesn't show?" and I started to worry that maybe I should have confirmed his acceptance and arrival the day before. No sooner had we thought about this when we noticed a tall, very distinguished looking man wearing a ten-gallon hat walking down the ramp and we all knew that it was going to be a great morning. After greeting us and before he got into the limousine, I remember Justice Clark took the time to personally greet the police escorts and uniformed driver.

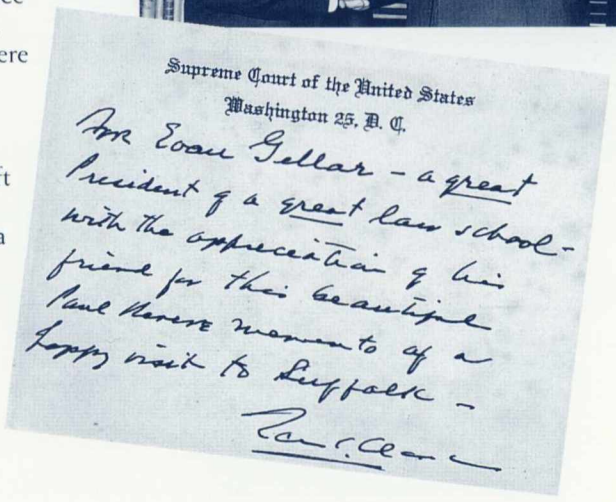
Speaking to over 300 jurists, lawyers, law professors and law students, Justice Clark frankly discussed the methods of deliberation used by the members of the Supreme Court in making its important decisions. Justice Clark reminded us that the first duty of lawyers was to protect the rights of people, regardless of financial reward, and he exhorted us in the audience to give serious consideration to the practice of criminal and public law, for in such areas he felt there was a growing need for young talent.

I then presented Justice Clark with a traditional gift of Boston, a Paul Revere Bowl, on which appeared a Daniel Webster quotation "The Law–it has honored us–may we honor it."

As we exited the School Street entrance of the hotel just after the breakfast, the Harley Davidson police escorts from the Middlesex sheriff's office were revving up and myself, Kevin Keating, John Sheehan and Professor Sargent got into the limousine to escort Justice Clark up to the Copley Plaza where he would meet Chief Justice Earl Warren. It was Kevin Keating who worked for Middlesex Sheriff Howard O. Fitzpatrick who had made the arrangements for the Sheriff's limousine and motorcycle escort.

We had inadvertently scooped Justice Clark for the early breakfast and the story of his visit appeared in the late edition of the *Daily Record* on the day of the visit. It wasn't until the day after that the BU ceremonies appeared in the *Boston Globe*, but by then it was old hat. Talk about spin.

Evan Frost Gellar presents Justice Clark with a Paul Revere bowl (1964).


Supreme Court of the United States
Washington 25, D. C.

For Evan Gellar – a great President of a great law school – with the appreciation & best friend for this beautiful Paul Revere memento of a happy visit to Suffolk –

Tom C. Clark

LEARNING TO TRUST

ELIZABETH L. MATHIEU, JD '77

As president and CEO of Neuberger & Berman Trust Co., Mathieu, advises clients about charitable gifts, setting up wills and trusts and managing money—especially if they have a lot of it. "Most of our clients are wealthy. They want to know about investment performance, tax laws, planning and how to put it all together," she said.

Mathieu's experience spans schooling at Vassar, Suffolk Law and Columbia University; work in corporate, finance and tax planning in 22 different countries; and credentials that have brought her national recognition as an authority on tax laws, estate planning and strategic planned giving. With diverse interests, she also collects American contemporary glass and Chinese furniture, and is filled with funny jokes and stories in conversation.

Remembering an early interest in both law and economic development in foreign countries, Mathieu had goals of living and working in far-away places. One of her first foreign stints came while she was working for Citibank. She was sent to Kenya to help develop corporate business. "I was fascinated with looking at how to write laws and actually motivate people to adhere to them. I wanted to find out how to go about influencing attitudes through laws in a society," said Mathieu.

In 1991, Mathieu realized that she "didn't know anything about the US" and decided she wanted to come home and learn about national economics and business. She took a position working for a private bank and helped develop businesses. "This is what I've really done, been involved on the ground floor of helping to identify problems and develop solutions for a number of businesses," she explained.

Mathieu has practical advice for women on how she broke through the infamous glass ceiling. She strongly believes in getting connected with other women early on—in college ideally. She also advises taking advantage of women's networks. "Dig your well before you're thirsty," she explained, adding that sometimes you need to be almost fearless. "If you show confidence and can back it up with competence, others will have confidence in you." She herself takes part in many women's groups, including WDL (Women Who Do Lunch). "We get together and talk about issues we face as women in the workplace and networking," she explained.

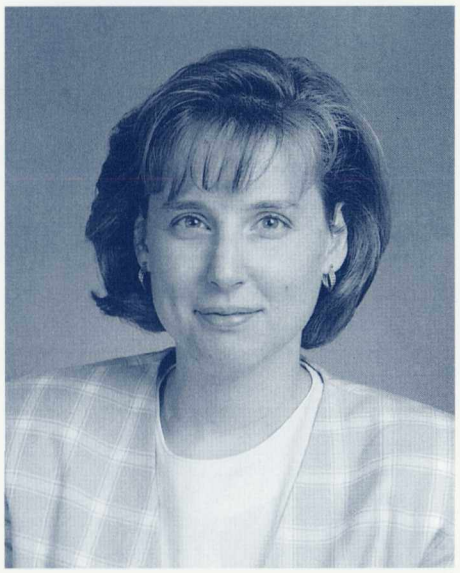
Of course, Mathieu does have solid advice on planning and investing, which varies widely depending on your age and money status. For the young 30-somethings, it's fine to start saving for retirement, but more so, she recommends saving for a disaster. "At 30, you should have enough money put away for six months of living expenses in case of an emergency." At the same time she said, "don't go bananas with saving though, enjoy life."

For those who have wills or trusts, she suggests making sure you cover all bases to meet your goals. "You can have the best written will or trust in the world, but if your assets are not properly managed, it won't get you or your family anywhere. Conversely, you have to do your legal planning too," she explained.

Lastly, Mathieu urges looking into the options that may be available to you by setting up your will or trust in a different state. "Remember that your lawyer is probably an expert on the state he/she lives in. You need to ask about which is the best state for you to set up your trust. The laws of your state may not be what are in your best interests, and basically, we are talking about getting the most out of your money," she said.

A Rare Breed

Heather Merrill, JD '94



Not many of Boston's elite attorneys are found in the middle of the day traipsing through hay and horse manure. But if you're Hill & Barlow associate Heather Merrill, you're there often—and glad to be there. Merrill is one a of a rare breed of lawyers who specialize in equine law.

There are only about 250 to 300 equine attorneys across North America. Yet horses are big business, generating billions of dollars and more than a million jobs annually. According to Merrill, one of the biggest challenges she and her colleagues have to hurdle is the fact that their potential clients don't know they exist.

When she tells people, even other attorneys, what she specializes in, the response Merrill often gets is, "What's that?" Of course, there are also the alleged phone messages from Mr. Ed, but if you think Merrill doesn't take her work seriously, you are mistaken. Not only is she a competitive equestrienne and horse enthusiast, Merrill has made herself an expert on how the law applies to horse and stable businesses.

"It has taken a lot of work. I have spent hundreds of unbillable hours learning about this field," said Merrill. "The thing I love about horses is the same thing I love about the law–I'm always learning something and there are always new challenges."

Merrill's passion for horses began as a little girl in England, but she didn't actually learn to ride until she was in college. Today, Merrill regularly attends and competes in horse shows, keeping in contact with people in the business and spreading the word about equine law.

How did Merrill get into equine law? She was practicing real estate law at a small suburban firm, when a friend who was working on a legal case involving a horse kept calling her with questions. He knew she was a "horse person" and thought she could help. As she got involved, Merrill saw the "non-horse" attorney struggling to understand the issues facing the frustrated client. She knew she could do a better job of helping people.

Merrill riding Volare, a 17.1-hand Oldenberg/ Thoroughbred cross-breed

In joining Hill & Barlow last year, Merrill has taken her practice to a new level, representing some of the most sophisticated businesses and investors. Her work involves writing contracts for boarding and training and helping people manage their horse operations. She tries to educate clients about their risk and potential liability. She often gives lectures and classes on equine law to stable owners and equine organizations. "A lot of people think I'm a litigator," said Merrill. "But what I try to do is keep people out of the courts."

Merrill considers herself very fortunate to be able to combine her passion with her work. Equine law was never the career she had in mind. "As a law student, I never thought I'd be doing what I'm doing now," she explained. "If you had said to me, 'five years from now you'll be working in a big downtown firm doing real estate and equine law,' I'd have said you were out of your mind."

Merrill is well aware that her field of expertise is unconventional, but then, so is Merrill. While some attorneys are trapped in their posh downtown offices, she is free to pull on her boots and britches and ride off into the sunset on horseback.

Cities and towns listed are in Massachusetts unless otherwise noted.

Send news and photos to the editor or the class representative(s) listed with your year or email:

lawmag@acad.suffolk.edu

51

Raymond J. Salmon, JD, has retired from his 22-year job as clerk-magistrate for the Clinton District Court.

64

Armand Fernandes, Jr., LLB, has been appointed associate justice of the Bristol County Probate and Family Court. He is the first Portuguese-American to be appointed to the Probate Court bench. Fernandes is a former adviser to the New Bedford Police Department and served as city solicitor for New Bedford from 1986 to 1992.

65

Charles W. Trombly, Jr., JD, is celebrating his 40th year at the Massachusetts Land Court and was named by the Massachusetts Conveyancers Association as this year's recipient of the Richard B. Johnson Award. The award recognizes significant lifelong contributions to the conveyancing bar and is the association's highest honor.

▼

66

The Hon. **Nancy M. Gould**, JD, was named associate judge of the Suffolk County Probate and Family Court, where she previously served as circuit judge.

67

The Hon. **Andrew J. Dooley**, JD, has retired after serving 15 years as judge of Taunton District Court. Dooley's broad career included positions in education, business and politics and a private law practice.

68

Gerald S. Garnick, JD, senior partner at Garnick & Scudder, PC, in Hyannis, received the 1998 Community Service Award from the Massachusetts Bar Association.

The Hon. **Michael T. Stella**, Jr., JD, was awarded the Ralph B. Wilkinson Award for good citizenship by the Merrimack Valley Chamber of Commerce. Stella is first justice of the Lawrence District Court.

71

Richard Courchesne, JD, of Holyoke, was named 1997 Citizen of the Year by the United Veterans of Holyoke. Courchesne has been president of Olde Holyoke Development Corporation and Riverside Development for 25 years. He served in the United States Coast Guard Reserves.

The Hon. **Francis J. Darigan**, JD, has been assigned to the corruption case against former Rhode Island Governor Edward DiPrete and his son, Dennis.

The Hon. **James H. McGuinness, Jr.**, JD, was appointed acting presiding judge of the Milford District Court in November 1997.

The Hon. **Warren A. Powers**, BSBA '65, JD, has been appointed the First Justice of Milford District Court. He had been serving as an associate justice of the Quincy District Court.

Stephen B. Yarlas, JD, chairman of the Rhode Island Israel Bonds campaign, was honored with the Builders of Freedom Award for his devotion to Israel and leadership for Israel Bonds. He is managing partner at Jarcho, Schwartz, Yarlas & Santilli, certified public accountants.

72

Joseph Gaughan, JD, first assistant district attorney for Plymouth County, received the annual William C. O'Malley Prosecutor of the Year Award, the highest honor bestowed by the Massachusetts District Attorneys Association.

73

The Hon. **Vito Virzi**, JD, was appointed First Justice of the Dudley District Court in December 1997.

W. Paul White, JD, has been appointed to the Committee for Public Counsel Services. He is associate vice president of state and community affairs at Boston College.

74

Alex L. Moschella, JD, was selected to serve on the Board of Directors of the National Academy of Elder Law Attorneys. He is co-founder of Metro Elder and Disability Law Associates and an adjunct faculty member at Suffolk Law.

Ralph F. Sbrogna, JD, has joined the Worcester law firm of Fletcher, Tilton & Whipple.

75

Bruce Assad, JD, was sworn in as a special sheriff of Bristol County.

Donald L. Graham, JD, has been elected to the Board of Directors of Holyoke Hospital.

NEWSMAKERS

Daniel J. Blessington, Jr., JD '75, has received an LLM in international and comparative law from Georgetown University Law Center. His article, "From Dayton to Sarajevo: Enforcing Election Law in Post War Bosnia and Herzegovina," was published in the *American University International Law Review* (Vol. 13, No. 3). From June through December 1996, Blessington served as chief prosecutor of the Election Appeals Sub-Commission of the Organization for Security and Cooperation in Europe's mission to Bosnia and Herzegovina. Blessington is presently in Tirana, Albania, where he directs a program for the International Foundation for Election Systems.

NEWSMAKERS

The Hon. **Marianne B. Bowler**, JD '75, LLD '94 (Hon.), was the first woman judge ever to be invited to Kuwait to speak with the judiciary and legal educators as well as a number of civic groups this past spring. While there, she was presented with several Arabic legal texts at the Kuwait Institute of Judicial and Legal Studies. Bowler has donated the books to the Law School library.

Judith A. Pickett, JD, was elected president of the City Solicitors and Town Counsel Association for 1998-1999.

76

Dorothy Gibson, BA '72, JD, was appointed a circuit judge of the Suffolk Probate Court.

Judge **Joseph Trainor**, JD, has been appointed to a five-year term as First Justice of Middlesex County Division of the Juvenile Court Department of the Trial Court.

77

Class Representative
Bob Turner
Avery, Dooley, Post & Avery
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Belmont, MA 02178
phone: (617) 729-0557
email: FDXH3B@PRODIGY.COM

Ernest V. Begin, JD, is teaching in the French department of Pawtucket High School.

Peter J. Carrozza, JD, is president of the Justinian Law Society in Lawrence. Carrozza has an office in North Andover.

Caroline J. Chang, JD, received the Distinguished Service to the Community alumni award from Boston University. She is co-founder and president of the Asian Community Development Corporation and has served as regional manager of the Boston civil rights office of the US Department of Health and Human Services since 1982.

Alexander G. Gray, JD, was named first chief operating officer of Concord-Assabet Family and Adolescent Services.

R. Nelson Griebel, JD, president of BankBoston–Connecticut, has been elected chairman of the Greater Hartford Chamber of Commerce.

78

Robert Harbour, JD, has been appointed assistant clerk magistrate in Attleboro District Court. He has practiced law in Attleboro for 13 years.

79

Class Representative
Marcia McGair Ippolito, JD
42 Knowles Drive
Warwick, RI 02886
phone: (401) 463-7468

James P. Berezin, JD, has joined the Needham law firm Becher, Wyner & Simons, as a partner.

Harry J. Jekanowski, Jr., JD, clerk of the courts for Hampshire County Superior Court, has married Margaret J. Dunphy. They are living in Hadley.

John D. McElhiney, BA '77, JD, received the Paul Harris Fellow Award from the Woburn Rotary Club.

Oliver C. Mitchell, Jr., JD, is a trial lawyer with the Ford Motor Co. in Michigan.

Kevin Wall, JD, has become an associate of the firm Conn, Kavanaugh, Rosenthal, Peisch & Ford, LLP.

80

Class Representative
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fax: (617) 720-2445

81

David E. Cherny, JD, was named president-elect of the Massachusetts chapter of the American Academy of Matrimonial Lawyers.

82

Brian J. Buckley, JD, has been elected a director of the Worcester law firm Fletcher, Tilton & Whipple, PC.

Gary J. Marchese, JD, was elected to the Waltham City Council.

83

Rita Tirocchi Afonso, JD, was appointed team leader for Fleet Private Clients Group.

Craig Arnold, JD, a special agent with the FBI, was awarded the Medal of Valor this summer, becoming only the 29th person in the 90-year history of the FBI to receive the medal. Arnold was recognized for his bravery during a shoot-out at a Kansas City, Missouri, motel during a drug bust.

John G. Bagley, JD, has been elected president of the Hampden County Bar Association. He is a partner in the law firm of Egan, Flanagan and Cohen, PC.

Michael J. Mazzone, JD, reports that he and his firm won the IOLTA (Interest on Lawyers' Trust Accounts) case before the Supreme Court.

Roland J. Regan, Jr., JD, is an executive with North American Group Worldwide and its subsidiary North American Sports & Entertain-ment Promotion Group in Boston. The firm provides management for corporate, municipal and individual sports clients. Regan is teaching sports marketing at the Sawyer School of Management at Suffolk this fall.

84

Nicholas P. Alexander, JD, is chairman of Morrison, Mahoney & Miller's Emerging Businesses Practice Group, representing small high-growth companies in their encounters with complex legal issues.

Mario J. Marcaccio, JD, was promoted to vice president at Camp Dresser & McKee. Previously he served as assistant general counsel.

85

Lucille B. Brennan, JD, was elected president of the Worcester law firm Fletcher, Tilton & Whipple, making her

the first woman to hold the post in the firm's 175-year history. Brennan, a former paralegal, has been a lawyer with the firm for 13 years. "It's a great honor and a great responsibility," said Brennan. "The firm has a long tradition of ethics and legal expertise. To carry that on is a great obligation." She is also the second Massachusetts woman to head a major urban law firm.

86

Thomas C. Carrigan, JD, has been named clerk-magistrate of Milford District Court.

Judith A. Egan, JD, was appointed to the Committee for Public Counsel Services.

Francis C. O'Brien, JD, has been named regional manager and counsel for the New England region for the Alliance of American Insurers.

Bernice Stone, JD, has joined the East Providence, RI, firm of Audette, Bazar & Gonzalez as an associate.

87

Class Representative

Michael F. Walsh, JD
Wynn & Wynn
6 Beacon Street, Suite 915
Boston, MA 02108
phone: (617) 742-7146
fax: (617) 742-6712

Richard Jocelyn, JD, was named a partner of the law firm Hinkley, Allen & Snyder.

David B. Perry, JD, has joined the firm Levy Winer, PC, in Greenfield as an associate.

Anthony K. Stankiewicz, JD, has been named corporate secretary of The Boston Stock Exchange, Inc., where he is vice president of listings, member services and government relations.

Mark S. Zuckerman, JD, is chief of the Criminal Bureau of the New Hampshire Department of Justice.

88

Class Representative

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phone: (401) 739-8500
fax: (401) 738-0649

Peter M. Casey, JD, was named a partner in the Boston law firm Foley, Hoag & Eliot.

Hugh J. Gorman III, JD, has been named a partner in the litigation practice group of Hinckley, Allen & Snyder.

Gary R. Khachian, JD, was appointed of counsel to the law firm Goldman Gruder Woods & Miller LLC in Norwalk, CT.

Suzanne King, JD, has become a director of the Boston firm Goulston & Storrs.

89

Class Representative

Meaghan E. Barrett, JD
Butters, Brazilian & Small
One Beacon Street, 13th Floor
Boston, MA 02108
phone: (617) 367-2600
fax: (617) 367-1363

Kristin M. Burke, JD, has become a member of the firm Clifton Budd & DeMaria, LLP, with offices in New York City and Fort Lee, NJ.

Lawrence A. Dvorin, JD, has joined the law firm Updike, Kelly, and Spellacy. He is living in Avon, CT, with his wife, Rhonda, and two children.

John Kenney, JD, has joined the Boston office of Hinckley, Allen & Snyder as an associate in the employment and labor law practice group.

Diane J. Modica, JD, announces the opening of her law office at 101 Tremont Street, Boston. She served as Boston city councilor from 1994 to 1998 and chaired the council's Committee on Economic Development and Transportation and the Committee on Arts and Humanities. Modica is also of counsel to the firm Barnicle, McNelley and Nugent, PA.

90

Robert D. Ahearn, JD, is hosting a television show broadcast on Monday and Wednesday nights from 7-7:30pm on channel 3, Milton Community Television, called Murphy's Law. The show was recently voted best regional show and features a guest who is either an attorney or other local professional. Ahearn is a personal injury attorney with the Braintree law firm Murphy, Lamere & Murphy, PC.

Mark A. Charleson, JD, an attorney with Charleson & Charleson in Providence, RI, has married Darcy A. Medhurst. They are living in Cranston, RI.

Patricia L. Davidson, JD, has joined the Worcester firm Mirick, O'Connell, DeMallie & Lougee as an associate in the business litigation department.

Andrew C. Liazos, JD, was named a partner at McDermott, Will & Emery's Boston office.

Dr. Eileen Ouellette, JD, has been elected District I chairperson of the American Academy of Pediatrics, representing New England, Quebec, Maritime Provinces and Uniformed Services East.

Jon Sparkman, JD, has been elected to the firm Devine, Millimet & Branch, PA, in Pelham, NH.

91

Class Representative

Gary Merken, JD
Ernst & Young, LLP
1111 Summer Street
Stamford, CT 06905
phone: (203) 964-5627
fax: (203) 326-8341
email: Gary.Merken@ey.com

Lisa Madeleine Cukier, JD, was elected co-chair of the Massachusetts Lesbian and Gay Bar Association.

Gloria Mastrocola-Gavris, JD, has opened a law office in Everett. She has also been appointed president of the Board of Directors of the Make a Wish Foundation of Greater Boston where she has been a volunteer since 1991. She lives in Chestnut Hill with her husband, Lee, and her son, Michael.

Gary J. Merken, JD, a tax manager with Ernst & Young LLP since 1996, has joined the firm's national tax department as a compensation and benefits responder in the Eye on Network. Merken lives in Greenwich, CT, with his wife, Laurie Rogers, and his son, Christopher.

Virginia Miller, JD, a pension law specialist and Fleet Financial Group vice president, participated in a national summit on retirement savings held at the White House. She was one of 100 Americans invited by President Clinton to attend the event.

Joanne Remy, JD, was appointed to the Massachusetts Attorney General's Task Force on Estate Transfer. The task force is composed of 33 individuals who represent the areas of law, banking and financial planning. Their purpose is to investigate ways to stop fraud and abuse when property is passed from one generation to another.

92

Class Representative

Jeff M. Padwa, JD
Mandell, Schwartz & Boisclair
One Park Row
Providence, RI 02903
phone: (401) 273-8330
fax: (401) 751-7830
email: Jpadwa@aol.com

Margaret Reilly, JD, has been appointed president of the Greater Lowell Bar Association. She also recently opened a solo law practice in Lowell, with a specialty in family law.

93

Class Representative

Eileen P. McAnneny, JD
416 Belgrade Ave #42
West Roxbury, MA 02132
phone: (617) 722-1280
fax: (617) 722-1069
email: emcannen@senate.state.ma.us

Diane Levin Hicks, JD, has started a mediation practice in Marblehead. She will be focusing primarily on parent/child mediation and will take on neighborhood and employer/employee disputes. She also will be available to offer conflict resolution training to civic and professional organizations.

Gerard J. Horgan, JD, was named deputy superintendent for support services for the Suffolk County Sheriff's department.

Patricia A. Martino, JD, an attorney with the firm Atwood and Cherny in Boston, has married John W. Davis. They are living in Everett.

Matthew P. McCue, JD, was named an associate in the litigation department of the Worcester law firm Mirick, O'Connell, DeMallie & Lougee.

Tom Sullivan, JD, has been appointed regulatory policy counsel for the National Federation of Independent Business in Washington, DC.

94

Class Representative

Judy C. Crowley, JD
Nutter, McClennen & Fish, LLP
One International Place
Boston, MA 02110-2699
phone: (617) 439-2767
fax: (617) 973-9748
email: JCC@nutter.com

Jason Godin, JD, an attorney with Brandon and Associates in Boston, has married Kelly Casey. They are living in Boston.

Matthew Kraunelis, JD, was elected to the Board of Directors at the Andover law firm McCabe and Delyani.

David O'Neil, JD, was elected to the Board of Directors of the Everett Chamber of Commerce.

Cory B. Schauer, JD, has married Rachel I. Leventhal. They are living in Charlestown.

Todd D. White, JD, has joined the law firm of Adler Pollock & Sheehan, PC, in Providence, RI. He is an attorney in the litigation group, where he will focus on product liability, toxic torts and complex commercial litigation.

95

Class Representative

Gary D. Murad, JD
75 Cambridge Pkway #E1108
Cambridge, MA 02138
phone: (617) 621-0119

Michelle Consalvo, JD, director of legislative services at Associated Industries of Massachusetts in Boston, has married Andrew O'Brien. They are living in Hyde Park.

Joan Greenwell, JD, was promoted to director of small group sales at United HealthCare of New England. She has been with the company for 10 years.

Alicia K. Lapointe, JD, has married Matthew C. Emsley. They are living in Haverhill.

Jennifer A. Lemire, JD, has joined the law firm of Watson, Lyons & Bosen.

Joseph P. Sullivan, JD, has joined the law firm of Attorney Nancy Von Kittlitz in Amesbury.

96

Class Representatives

Jennifer S. Hoopis, JD
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fax: (401) 823-6265
email: JenHoopis@aol.com

Michael J. Lartigue, JD
32B Whites Ave. #8806
Watertown, MA 02172
phone: (617) 926-6824
email: AIGYG@aol.com

Sarah Hunt Francis, JD, an associate with Campbell, Campbell & Edwards in Boston, has married Roger W. Holmes. They are living in Brookline.

Ray Lyons, JD, has opened a law office in Westford. He would enjoy hearing from fellow classmates, and can be reached at (978) 692-7000. His practice is focused on real estate, development, business and conservation issues.

J. Michael Pierce, JD, has joined Peter C. Van Alstine Insurance & Financial Services in Camden, ME, as an insurance and financial services producer.

97

Class Representatives

Dylan M. Carson, JD
15 Valley View Road
Williamsburg, MA 01096
phone: (413) 268-3654

Stephanie J. Lyons, JD
28 Claymoss Street #3
Brighton, MA 02135
phone: (617) 782-9142

Kristine M. Canepa, JD, has become an associate in the litigation department of Mirick, O'Connell in Worcester.

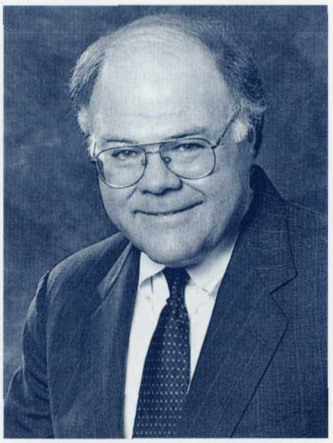
Elizabeth Fadrowska, JD, has married Dr. Walter W. Kizy. They are living in Boston.

Jessica A. Graf, JD, has joined the Boston office of Peabody & Brown as an associate in the real estate department.

Stacey L. O'Connor, JD, has joined the Worcester law firm of Shannon & Peters as an associate.

IN MEMORIAM

Kirk O'Donnell, JD '75



This past Labor Day weekend, Kirk O'Donnell passed away. He was 52. Known as an honorable politician in Boston and in Washington, DC, O'Donnell was highly respected by many people. Following his death, both Boston daily newspapers, the *Boston Globe* and the *Boston Herald*; and the *Wall Street Journal* ran editorial pieces on his outstanding character and the sadness of his death at such a young age.

O'Donnell grew up in Dorchester, Massachussetts, later graduated from Brown University and then Suffolk Law School. He was known as the type of person whose deeds matched his words. Success did not change him, and he had a knack for working well with both people in government and local citizens.

First introduced to politics while working for Mayor Kevin White in Boston in the mid-1970s, O'Donnell assumed many effective roles in his job during an extremely turbulent time in the city. Later, he spent seven years working for House Speaker Tip O'Neill. He founded the influential Center for National Policy (his successor was Madeleine Albright) and then became a partner in the law firm of Vernon Jordan and Bob Strauss. More recently, he was a partner in Akin, Gump, Strauss, et al in Washington, DC.

Many successful skills of O'Donnell's were described in the editorials including maturity, judgment, toughness and an intimate knowledge of the way Washington works. He was known as a great strategist because he did not let his emotions get in the way of decision-making. Thomas Oliphant of the *Boston Globe* wrote, "he was arguably the best mayor Boston never had."

O'Donnell leaves his wife, Kathy, and their children, Holly and Brendan.

Francis "Frank" Toto, JD '82, of Milton, died May 18 at St. Elizabeth's Medical Center in Brighton of complications from a heart attack he suffered three weeks earlier at his home. He was 41.

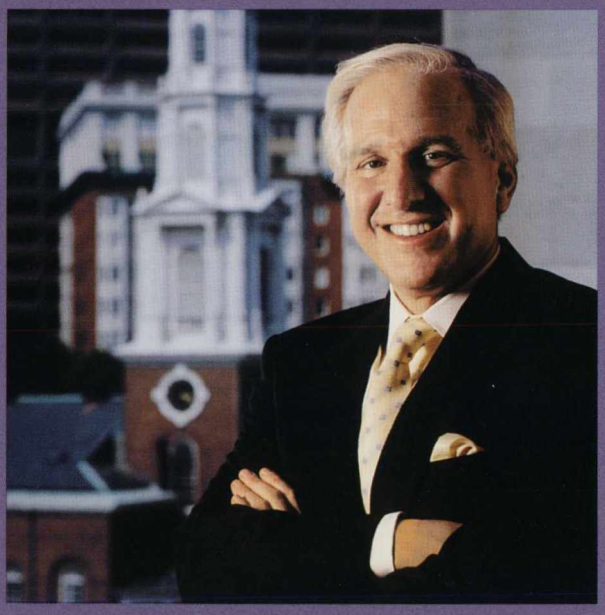
As a student at the Law School, he was editor-in-chief of the *Law Review*. Toto began his career as a law clerk for Joseph R. Weinberger, chief justice of the Supreme Court of Rhode Island. He then worked for several law firms in Boston and Portland, Maine, before becoming a partner in the firm of Niarchos and Toto. Toto was involved with Milton Youth Soccer, baseball, lacrosse and hockey programs. He is survived by his wife, Pamela; son, Andrew G.; two daughters, Emily and Caroline; his mother, Yolanda; and sister, Lisa Matys.

IN MEMORIAM

Robert Schaye, JD '37
John F. Moriarty, JD '38
James L. Foster, JD '40
Harry R. Gunnarson, Sr., JD '40
Albert M. Mitchell, JD '41
Richard H. Chase, JD '42
Howard J. Melker, JD '48
James D. McLaughlin, JD '49
Nicholas Vergados, JD '49
Joseph Bosco, JD '50, LLM '59
Ellsworth T. Johnson, JD '55
Antonio R. Luongo, JD '58
Mitchell B. Corbett, JD '63
Edward W. Sheehan, JD '70
Douglas A. Martin, JD '72
Grady McMillon, JD '72
Robert F. McMahon, JD '75
Stephen W. Murphy, JD '78, BA '76
Virginia (Nahill) Noonan, JD '78
Susan C. (Carl) Donnelly, JD '79
Barbara Robinson, JD '81

Doing the Right Thing

Andrew C. Meyer, Jr., JD '74



Andrew Meyer won the largest personal injury award in Massachusetts history. He's at the pinnacle of his profession. But as a young applicant to law school, he wasn't so confident. As a matter of fact, he was unsure he would even be accepted into law school. "I waited for the letter on pins and needles," he said. "I knew the law was where I wanted to be."

Years later, his firm, Lubin & Meyer, is credited with winning a medical malpractice judgment of more than $30 million–the largest award of its kind in state history. Meyer has been recognized by *Boston Magazine* as one of Boston's top lawyers. *Massachusetts Lawyer's Weekly* named him one of most influential attorneys in the state and Martindale-Hubbell's national directory awarded him its highest rating for legal ability and ethical standards. There is no question about his success, but there is more to Andrew Meyer than his exceptional legal skills. He is a ferocious defender of doing what's right for his clients.

"We provide justice to the clients we represent–what's right comes first," he said. Meyer has handled thousands of malpractice cases over more than 20 years. He is dedicated to ensuring full access to the legal system, which he feels is denied to many citizens. "It is our responsibility to see that our clients and society as a whole are served," he said. Meyer's goal is to shape laws and change concepts so we can all live in a more just world.

As his reward, Meyer says he enjoys the satisfaction of helping make a difference in people's lives. "These are significant and important cases; every one of them has great interest and meaning," he said. Meyer's clients are extremely grateful and many stay in touch. Every holiday season he receives family greeting cards, often with photos of the children he has helped.

With all this success, Meyer has not forgotten his roots. He considers himself fortunate to have had the opportunity to go to law school, especially Suffolk Law. "We were not the privileged few," he said. "Suffolk opened a door for me that would not have existed otherwise."

As a first-year day student Meyer studied Torts with then-Professor David J. Sargent, who he said was a major influence on his life. "He is one of the finest law professors one could have. He turned a light on in me," said Meyer.

True to his alma mater, Meyer has filled Lubin & Meyer with Suffolk graduates. One of his partners is Elizabeth N. Mulvey, JD ' 83; and four of his five associates are Wendy Beth Kahn, JD '89; Robert M. Higgins, JD '94; Krysia J. Syska, JD '96; and Suzanne C.M. McDonough, JD '96. "We believe in the Suffolk student," he said. "We owe a good deal of who we are, who we've become and whom we've helped to Suffolk Law School."

Meyer has paid his debt of gratitude to Suffolk in many ways; the least of which was a significant contribution from Lubin & Meyer, for which a moot court room in the new building is being named. "I'm very impressed—and it's not often I say I'm excited about stone and mortar—but I'm excited about the building. It's a building and an institution you can be proud of," he said.

Million-dollar settlements aside, there is a part of Andrew Meyer that has witnessed the devastating effects of tragic family catastrophes. Throughout his career he has focused on doing the right thing. Whether it's in the courtroom or in the community, Meyer derives a great sense of satisfaction from helping others and giving back.

Mark Your Calendars!

Dedication of the new Law School building

September 8-10, 1999

Suffolk University Law School
41 Temple Street
Boston, MA 02114

http://www.suffolk.edu/law

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Robert Allison
History