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VOL. XV · NO. 4  
MAY 2014

# Dicta

THE SUFFOLK LAW PAPER

## CONGRATULATIONS CLASS OF 2014



### Commencement Speech

By Allie Deangellis

Change is inevitable. That's easy to understand. Inertia mandates that life as we conceive it today will be different tomorrow, ten days from now, ten years from now. What is not so easy to understand is how we've come to collectively acknowledge the passage of time as a vehicle for our transformation. Things don't simply change; they are imbued with a sense of betterment, a sense of purpose. And we pay homage to this ideal, unknowingly perhaps, every time we tell someone to 'give it time'; that 'things will get better'; and 'good things come to those who wait'. Like the gi-

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## Write-On Competition Approaches

By: Alex Maur

It's May 14th, and you've just walked out of your Torts final – you're done 1L! The last thing you'll want to do is think about anything school or law related, and you shouldn't! Instead, you should probably do a lot of relaxing, sleeping and binge Netflix watching for a couple of days. You'll want to do a lot of resting up, because on May 19th at 9:00am all the important materials for the Write-On Competition will become available on Campus Cruiser.

The way I would describe 1L year is like some kind of extreme marathon, so I know that it's hard to imagine sitting down and committing two more weeks to learning a new style of writing and submitting a complete piece of writing. But it's worth it! Joining a journal provides students with the opportunity to develop great editing and writing skills that employers always appreciate. You'll definitely be surprised how well you know that pesky Bluebook by the end next year. And being on a journal isn't only about the work; it's also a great chance to meet

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# Don't Forget About the Write On!

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2Ls from other sections and 3Ls that are on each of the editorial boards. It's definitely another way to branch out and meet some new people during your second year.

My biggest piece of advice for the competition would be to take it one day at a time. Although it seems daunting to tackle an unknown piece of legal writing, the

information packets you will receive on the first day will be full of details and they will make clear what is expected for your submission. Everyone is in the same boat, so there's no point worrying too much about the fact that you've never written anything like this before.

While everyone has different approaches, I took the first week to concentrate on getting familiar with the topic, research the relevant case law and outline my piece. Then I slowly started the actual writing process. Keep in mind that you will likely get frustrated and want to just give up on the whole thing. I remember finding it hard to stay motivated for a few reasons, including the fact that this isn't a graded exercise and since it is completely optional. Just remember that it will only be more frustrating if you end up submitting nothing at all.

Good luck on all your finals! The finish line is definitely in sight. So make sure to conserve some of that 1L energy for the post-finals Write-On - you won't regret it!

## Important Dates:

**Tuesday, April 27:** Open House hosted by all the journals on 4th Floor from 11am-1pm and 5pm-7pm. Come by ask any questions you might have about the Write-On Competition.

**Wednesday, May 14:**  
Last day of finals.

**Monday, May 19:**  
Competition Writing Packets will be available on Campus Cruiser at 9:00am.

**Sunday, June 1:**  
All submissions are due on Campus Cruiser by 5:00pm.

**Sunday, July 13:**  
Honor Boards will make calls notifying all selected students (keep those phones on ring).

# Dicta

THE SUFFOLK LAW PAPER

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Dicta is the official student newspaper of the Suffolk Law School community, existing solely to help foster a sense of community through communication. The goal of Dicta is to educate, inform, enlighten, and entertain the student body through outstanding reporting and editorials on news, events, trends, sports, arts, food, and popular culture.

The opinions and views expressed in Dicta are not necessarily those of the Dicta staff and are not the opinions of Suffolk University Law School or the student body. Suffolk Law School students control and conduct all facets of this paper. Dicta does not discriminate against any persons and complies with the university policies concerning equality.

Dicta encourages students, alumni, faculty, and administrators to submit letters to the editor and articles for publication. Submissions should include the author's name, class and/or position at the university or in the community. Dicta reserves the right to edit and publish all submissions. Anonymous submissions will not be published.

# Commencement 2014

Continued from Page 1

gantic flag aloft in Sargent Hall, this is a notion uniquely American. Every time we utter one of these phrases we espouse a National belief that ties our sense of self-worth directly to our ability to improve ourselves: “Pull yourself up by your Bootstraps” they say.

The decision to attend law school is a decision many of us made with the prospect of our own future prosperity in mind. Much like the Great Generation who so admired self-reliance, many people become lawyers so they can make their own luck. Despite ourselves and this oft-romanticized bootstrap mentality, I think what we all have learned is not simply how to make ourselves better, but how to enrich the world around us.

Making ourselves better, making things better, it doesn’t end at graduation. Rather it beings today in this beautiful space. The Wang Theater opened its doors in 1925 under a different moniker. Initially named the Metropolitan Theater, this place was the unofficial Boston landmark of the roaring twenties and remains the largest theater in New England today. Since its restoration,

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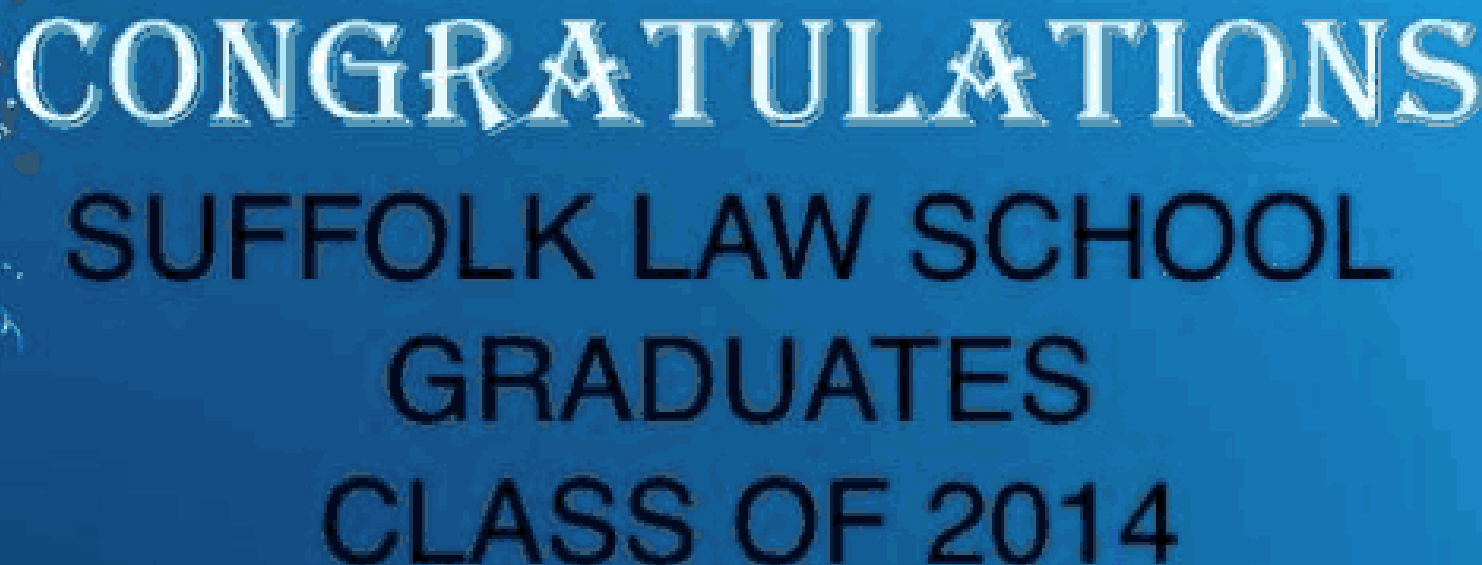
we can experience the theater now as it stood in all its original splendor.

Look around you. This theater is not a temple unto itself but a testament to the great American works that have been performed here. It is not

admired because it is beautiful—it is admired because it stands to serve the people who come to enjoy it. Our law school education may be compared to this theater: elaborate like these gilded walls and forged by the same decades of history. The three or four long years of training stand as unwavering as these Ionic columns while our tedium over legal minutiae is the paint chipping at the walls. The groundwork you’ve laid is as dense and precise as the smooth marble footing by which we shall make our descent out of this place. We went to law school for ourselves, but I believe we’ve left with a greater sense of purpose for this education.

Commencement is a day for reconciling how to begin with what we’ve just finished. Change is inevitable, but what remains constant is the value we’ve invested in ourselves, and the wealth we create when we use that value in the service of others. I want to say we all have the courage to be optimistic; and as the Chairman of the Board would remind us, the best is yet to come.

Thank you Mom and Dad and Congratulations Class of 2014.



CONGRATULATIONS  
SUFFOLK LAW SCHOOL  
GRADUATES  
CLASS OF 2014



# 26.2 Miles is Wicked Far

## The 2014 Boston Marathon

By **Melanie Klibanoff (Editor-In-Chief)**

In the devastating aftermath of the 2013 Boston Marathon, several in the Suffolk Law community qualified and registered for the 2014 Boston Marathon. On April 21st, along with about 36,000 runners, Mark Dolan (3L), Greg Galizo (2L), Meghan McIver (2L), David Chorney, and Melanie North (library staff) ran the 26.2-mile stretch. In addition to the training and

physical pain, many of our Suffolk Law members raised funds for their respective charities.

As law students, most of us live in between the 5th and 7th floors of the Moakley Law Library. Melanie North, the circulation reserve supervisor for the past 14 years, is part of the heart and backbone of that library many Suffolk law students call our second home. When asked about why she ran and what it meant to finish, Mel said, "I ran the marathon this year due to the tragic events that happened last year,

I was stopped at mile 25 and was unable to finish. I have survived cancer twice, surgeries, treatments and the

sudden loss of my father in 2012, which is why I decided to run last year to prove to everyone that struggles with adversities that you can overcome anything to achieve your dream. Strength, passion, determination, and pure heart led me to the finish this year. Crossing that finish line was a dream come true for me, so many emotions; tears of joy, and pride were present as soon as I crossed! It was a day that I will never forget, a day of pure joy and accomplishment." North ran for Team Mass Eye & Ear and embodies the resilience and determination the Suffolk Law community represents.

A fellow section mate, Meghan McIver (2A), ran the marathon for family, friends, survivors, first responders, and the Lenny Zakim Foundation. "This years Boston Marathon was unbelievable! I was so honored and proud to be running for this great city!" Meghan raised over \$2,100 on behalf of the Lenny Zakim Fund. Another section mate, Greg Galizio (2A), ran

**Continues on Page 5**



**Greg Galizo stops to work out the cramps**



**High fives for Mark Dolan**



# MARATHON MONDAY

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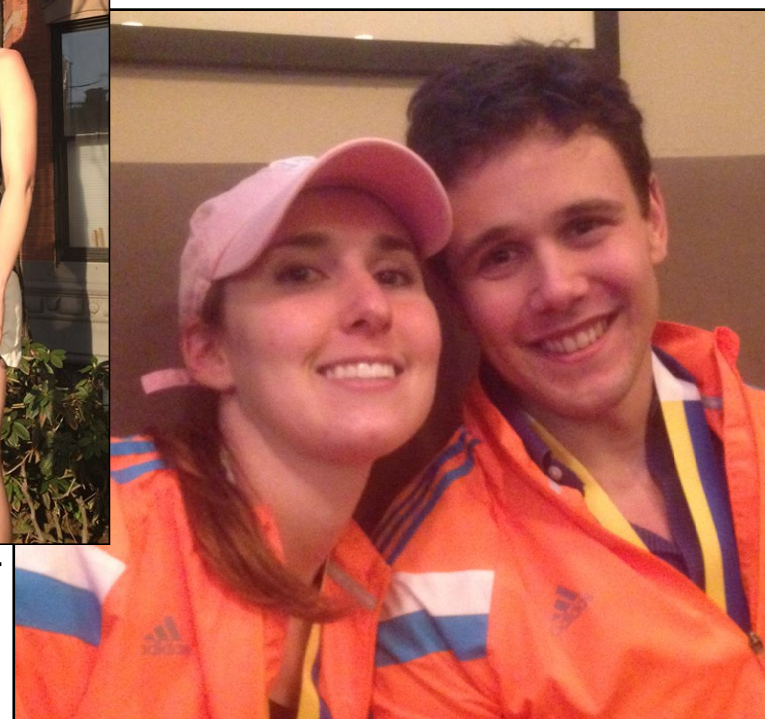
solo this year after running on the MA State Police team last year. “Growing up in Massachusetts, I always wanted to run the Boston Marathon. During my 1L year in 2013 I trained for the marathon for months but became one of the 5,000 plus runners who were stopped inside mile 25 when the finish line was shutdown. There was no shortage of motivation to run the Boston Marathon this year and be a small part of what was an extraordinary day for this city. Turning onto Boylston Street, seeing the scores of people lining the course well into the afternoon as I finally finished this race on Monday was something I will never forget.”

On behalf of Dicta, congratulations to all that ran! It is a major accomplishment and a lifetime experience. We are Boston Strong, but even more we are #SuffolkStrong! Thank you all for proudly representing the Suffolk Law community.



Meghan McIver

Melanie North





# An Open Letter to the Women of Suffolk Law

By Allie Deangelis

If I have to sit through another class where the girl in front of me is online shopping I am going to scream. I'm serious. I stand behind this not because it is distracting to those around you, which it is, and not because it is a waste of what is often borrowed money, which it is. It's because of Katy Perry.

It all started back in 2012 when Katy Perry, in her acceptance speech for Woman of the Year Award, proclaimed that she was not a feminist. And expectedly, the twitter sphere raged on. When everyone had just about moved on with their lives and their editorial pieces, Miss Katy was asked earlier this month whether or not she considered herself a feminist. And with an utterly quizzical tone, she proclaimed that she was. Redemption? Almost.

Why do we care about Katy Perry. We aren't sure she knows what the term 'feminist' means, not to mention the fact that we, as a group of decently-educated Americans, should publicly announce once and for all we no longer need people like Seth Rogan or Katy Perry to make politically charged statements about topics they have zero education or relevant experience concerning. If you don't resent the fact that celebrities, Canadians no less, can speak before a Congressional hearing and you can't, then you might as well become a felon, move to Alabama, and disenfranchise yourself. We care about Katy Perry (not to mention Beyoncé's new "\*\*\*Flawless") because finally a famous female artist is striking the right chord.

The internet is the most ubiquitous near essential coming of the next wave of something we haven't even thought of yet; or maybe it's something we cannot imagine. Besides instantaneous communication, it's most dramatic effect to date bears on the collection and organization of data. Availability of vast amounts of information, recalled effortlessly, is changing our quest

for knowledge in a way that will hopefully change the world. And you, you are using it to buy shoes.

When I see a woman shopping during class, I see her fulfilling a stereotype. When I see a woman shopping during class, I see her endless pursuit of stuff. I see her perpetuating some endless cycle of consumption. When I see a woman shopping during class, I see her imagining how to adorn herself like an ornament and how to hold herself like the pictures on the screen. When I see a woman shopping during class, I see her wasting her time.

'Feminist' isn't an easy word to throw around in conversation. In fact, it's downright alienating. Some people don't like to hear the word feminist because they are tired of hearing about an imaginary war between the sexes fought by bra-burners and lesbians, and then there are some that think men and women have met parity and there's no need to bring it up in the first place. That Hilary seems to be doing pretty well for herself. While Hilary is doing pretty well for herself, there's no reason to stop there. Just because we have a black president doesn't mean racism is no longer a problem.

Katy Perry proclaimed herself a feminist because she is a strong, professional, successful woman, and she stands behind that assessment. It's not about competing with men, it's not about replacing men, it's about sustaining meaningful opportunities for women in a world where over half of college graduates are female but comprise less than one-fifth of the executives in businesses of the Fortune 500 and less than 20% of the seats in Congress. Perry's proclamation is important because she is reinforcing the notion of female-empowerment amidst this unequal statistical backdrop, and we should take note of the message regardless of the fact it comes from a woman who shoots whip cream from her bikini top.

Feminism isn't dead, but it does need smart, professional women like yourself to keep its manifesto alive. Would you call yourself a feminist? In public? To a stranger? To Taylor Swift? If you've never even thought about it, maybe it's time to figure that out. Feminism is a good thing and the more we openly stand behind women who publicly support it, the more mainstream it will become.

## It's Not Goodbye, It's See You Later

A Farewell to Faillace

By Melanie Klibanoff

There comes a time when the torch gets passed down. People graduate and move on to what we have all worked for at least three years for, the chance to practice as an attorney. Jennifer Faillace, Dicta's Editor-In-Chief for the past few years, is graduating and taking the MA and VT bar exams.

From the entire Dicta team of staff writers, layout, editors, and eboard members – we wish you well Jenny as you depart us and embark on your incredibly bright future as an attorney. I have enjoyed working with you and honored to call you a friend. You better come back for "Fries and Pies" next year!



Jennifer Faillace (R) & Melanie Klibanoff

# Justice John Marshall: The Preservation of Power

By Daniel Benevento

Thomas Jefferson had just defeated John Adams in the fourth race for the presidency. Adams was a Federalist while Jefferson was of the opposing Anti-Federalist worldview. Political parties were new labels for old ideologies and both of these men had deep convictions concerning the future of their new country. Adams foresaw his soon-to-be successor's plans, which were bent on abolishing Federalism. So, within the final week of Adams' presidency, Adams appointed forty-two Federalist justices of the peace in order to maintain power for his party.

One of the men whom Adams appointed was named William Marbury. However, Marbury's commission by Adams, which had been signed and sealed, had failed to be delivered by James Madison—Jefferson's secretary of state—before Jefferson had taken his oath of office. As far as Marbury, Adams, and the Federalists were concerned, Marbury's position had been legally secured. On the other hand, as far as Madison, Jefferson, and the Anti-Federalists were concerned, Marbury's position—along with numerous other hopeful justices of the peace—had missed the deadline.

The Federalists sought a “writ of mandamus,” from the Latin meaning literally “we command.” Under the Judiciary Act of 1789, this writ was an order that could have forced the Anti-Federalists to recognize Marbury's commission via the Supreme Court. Then entered Chief Justice John Marshall. Here was a man who had fought alongside Washington at Valley Forge, was appointed as one of the “XYZ” commissioners sent to deal with the French in 1798, and had served briefly as John Adam's secretary of state. Furthermore, Marshall was the justice who read Jefferson his oath of office. William H. Rehnquist, *The Supreme Court* 24 (2001). This swearing-in would prove to be a historical scene not unlike when Pope Leo III crowned Charlemagne, where it took a minister to make a king. In spite of all of Marshall's achievements, it would be his opinion in Mar-

bury v. Madison that would unexpectedly shape the future of the United States and ultimately be his biggest contribution to American sovereignty.

Marbury's only hope for becoming justice of the peace would be for the Supreme Court to uphold this writ. Marshall declared, “It is therefore decidedly the opinion of the court, that when a commission has been signed by the president, the appointment is made; and that the commission is complete when the seal of the United States has been affixed to it by the secretary of state.” Erwin Chemerinsky, *Constitutional Law* 3 (2013). In other words, the Court saw the delivery as irrelevant because the signature of the president was the final step of the commission.

**Rather than fight against the grain, Marshall simply permitted the presidential cabinet to have what they wanted.**

If Marshall's opinion had ended there, the Federalists would have had a victory. However, Marshall then commented on the nature of the Act itself. “The authority, therefore, given to the supreme court, by the act establishing the judicial courts of the United States, to issue writs of mandamus to public officers, appears not to be warranted by the constitution.” *Id.* at 6. In other words, Marshall believed that the Constitution restricted the Supreme Court to certain perimeters. When Congress passed the Judicial Act, they had extended those perimeters beyond the implicit borders of the Constitution. That is to say, if Congress were permitted to create powers that broadened the scope of any given branch of government, it would reduce the Constitution—the supreme law of

the land as delegated in Article VI—to a mere guideline. Here, Marshall foresaw a slippery slope, which is why the Supreme Court ruled that the Judiciary Act was unconstitutional. In short, the Court rejected Congress' granting of extended power. It was a wise ruling that stalled Congress from treating the Constitution like a Russian doll that would eventually be engulfed by larger dolls. In sum, the Court declared that although Adam's signature was sufficient for Marbury to become a justice, and although the Judiciary Act did give the Court the power to literally push this envelope, Marshall's opinion was that Congress had given the Court too much power. Without the writ, the Court had no jurisdiction to hear the case. In the end, Marbury never got the job.

Those are the facts of Marbury v. Madison, but the fun begins upon speculation. Imagine Jefferson's state of mind when this case was going to the Court. On the one hand, should the Supreme Court have ruled that the writ should be denied, Jefferson would have obviously won. On the other hand, should the Court have ruled that the writ should be upheld, as the executive with no precedents having been set, Jefferson probably would have just ignored the Court's ruling. This is a situation known as “damning the dilemma.” Either way, Jefferson and the anti-Federalists had no chance of failure. However, I am sure that Jefferson was not expecting what Marshall actually did. Marshall did not simply say that Jefferson won, but that the Act gave the Supreme Court too much power. The irony is that by denying this power, the Court found itself as the most powerful of the Three Branches. Yes, the Federalists “won” when the Court declared that it had no jurisdiction to hear the case, but Jefferson must have realized that he had only won because the Supreme Court permitted Jefferson's victory. Perhaps Marshall was just making the decision that he deemed to be the wisest. Nevertheless, he found himself in a position where if he had accepted more power, it would have ultimately reduced his power the moment when Congress

# COMMENTARY

# 1L is the Loneliest Number

by Allie Deangelis

I've been thinking about what I want to do when I graduate. Really evaluating the decision to practice, to become a courtroom attorney. I've got it spun like this: when you ask someone to picture a lawyer, about 90% of the population will describe someone in a suit standing up in a courtroom. And I think just about every law student has at least once imagined himself or herself in a suit, standing up in court. The attorney archetype seems to be one who stands in court in front of a judge and beside an opponent in order to mete out a resolution to a conflict. The standing, the arguing, the presentation—it's about advocacy. You are there to do someone else's bidding. We don't stand for ourselves.

Which brings me to another point I've been thinking about lately: going to law school is an incredibly alienating task. Think about your life as a student for a moment; let's begin as a 1L. The

strangest phenomenon is the Socratic method. You are singled out from about 100 other people for no other reason but to reinforce the fact that potentially, one day, you may have to stand up in court and speak out loud yourself. (If you're in the 'it gets students to do their reading' camp, I'm sorry to inform you that you're wrong. Do you think a system that evaluates competency entirely on one grade generated from the sole examination offered in that course reflects the desire to determine how a student is keeping a particular pace in learning that material?) When you study, you read. When you read, you read by yourself. You sit in the library by yourself. And since I see others doing it so often, I can say you take all the breaks in between by yourself. You take the bar by yourself. And then when you pass, you hang the iconic shingle by yourself. Compared to the end game, this advocacy business, it all seems a little ironic. In order to represent others you must first completely alienate yourself from them.

What can we distill from all this? I'm not sure. I think the best way to fight the loneliness is to turn the machine in the other direction. In the late 1960s, Rutgers Law School did a 180. The dean invited Arthur Kinoy, lead lawyer in the southern civil rights movement, to join the faculty. Following a racially charged police riot in 1967 that killed 26 people and saw 10 million dollars in destroyed

property, the school opened its doors as headquarters for the local civil rights movement. The student body began to transform, attracting social activists, women, and minorities. By their demand, the curriculum did a 180, providing for politically relevant courses while Rutgers pioneered a clinical education system now embraced by mainstream legal institutions across the county. Infamously dubbed 'The People's Electric Law School', Rutgers was transformed by an electrified student body that was in turn transformed by a legal education of their own making.

I'm not sure what became of those electric Rutgers graduates so much as I'm not sure my 'Ban Fracking Now' sticker does much good brandished from my cubicle wall. It's a start. We can all do our own part to move the machine. Open your eyes: this is the sleepest three to four years of your life and you'll be tempted to hit the snooze with a post-grad gig less creative than a P.F. Changs after it's all over. We've spent hours of solitude learning what the professors tell us to, but at the end of the day they're not using this stuff to do any real advocating. Demand to learn what you need in order to represent the interests of people you actually care about. Because that way, you won't be using all the lonely hours just to do something for someone else, you'll be doing it for yourself, too.

# Marshall

Continued from Page 7

passed an act granting itself more power. Rather than fight against the grain and form an opinion that would have been challenged and maybe even made the Court to appear silly upon being ignored, Marshall simply permitted the presidential cabinet to have what they wanted. Moreover, Marshall's clever maneuver permitted him to maintain respect from the Federalists, the Anti-Federalists, and each of the Justices, as he was a man who had a talent for unifying opposing ideologues. That is the beauty behind *Marbury v. Madison*.

Throughout the years, similar Court decisions have been made. In *William J. Clinton, President of the United States v. City of New York* 524 U.S. 417 (1998), the Court declared that Congress' Line Item Veto

Act was unconstitutional because it permitted the president to carve Congress' budgetary bills without having to have them reviewed by Congress before signing them. *Id.* at 333. Although this act was made in an effort to save money, Justice Stevens followed in the basic tradition of John Marshall, recognizing the potential problems of permitting the president to pass certain

budgetary bills in any from he should desire. *Id.* at 334. In *Immigration & Naturalization Service v. Jagdish Rai Chadha* 462 U.S. 919 (1983), the Immigration and Nationality Act authorized one House of Congress to invalidate the decision of the Executive Branch, pursuant to authority delegated by Congress to the Attorney General of the United States, allowing a particular deportable alien named Chadha to remain in the United States. *Id.* at 345. Here, 180 years after Marshall delivered his opinion in *Marbury*, his concern had been realized most directly because it was an example of Congress granting itself power beyond the Constitution. So, it was Chief Justice Burger's turn to uphold the traditions of the *Marbury* trilogy. *Id.* at 350. Like *Marbury* and *Clinton*, Chadha found himself at a loss because of the wise, selfless, powerful tradition that John Marshall had begun in 1803. Predictably, this act was declared unconstitutional as well.

*Marbury v. Madison* was a definitive moment for the country because it marked the beginning of the preservation of the Constitution. Without John Marshall's wisdom, the slippery slope that he foresaw would certainly have become the destruction of a great country. In the words of Justice Robert H. Jackson and his opinion of the power of the Supreme Court, "[W]e are not final because we are infallible, but we are infallible only because we are final."



# ANNUAL SUFFOLK LAW SKI TRIP

On February 28th, forty-eight Suffolk Law students headed north to Jay Peak resort in Northern Vermont, close to Canada and Burlington. Featuring a year-round indoor water-park, ice arena, championship golf course, and the best skiing and snowboarding in the East, Jay Peak is far from your ordinary mountain getaway. With law school being such a high-stress environment, I encourage all Suffolk Law members to take part in the best trip Suffolk Law has to offer. The Suffolk Law Ski Trip is a chance to unwind, make some new friends, and crush as much powder as you're up for.

