

Suffolk University

## Digital Collections @ Suffolk

---

The Advocate

Suffolk University Publications

---

1986

### The Advocate, Vol. 17, No. 2, 1986

Suffolk University Law School

Follow this and additional works at: <https://dc.suffolk.edu/ad-mag>

---

#### Recommended Citation

Suffolk University Law School, "The Advocate, Vol. 17, No. 2, 1986" (1986). *The Advocate*. 54.  
<https://dc.suffolk.edu/ad-mag/54>

This Magazine is brought to you for free and open access by the Suffolk University Publications at Digital Collections @ Suffolk. It has been accepted for inclusion in The Advocate by an authorized administrator of Digital Collections @ Suffolk. For more information, please contact [dct@suffolk.edu](mailto:dct@suffolk.edu).



# the Advocate

---

The Suffolk University Law School Journal  
Volume 17 No. 2 Spring 1986



The ADVOCATE is a publication of Suffolk University Law School. Our current circulation is 12,000 throughout the United States. The ADVOCATE is published three times a year: orientation, fall and spring issues. The orientation issue is distributed to law students only. The objectives of the ADVOCATE are to publicize the activities and outstanding achievements of the Law

School and to present articles by students, faculty and guest writers on timely subjects pertaining to the law.

All articles and editorials reflect the personal views of the authors and are not necessarily the views of the administration or faculty of Suffolk University Law School.

Guest editorials by students and faculty

are welcomed by The ADVOCATE, which recognizes its obligation to publish opposing points of view. Persons desiring to submit manuscripts, to be put on the mailing list or to communicate with the staff please address all letters to The ADVOCATE, Box 122, Suffolk University Law School, 41 Temple Street, Boston, MA 02114.  
*All Rights Reserved.*

# theAdvocate

Spring 1986

The Suffolk University Law School Journal

**Editors-in-Chief**

Brian Finnerty  
Betsy Harling

**Executive Editor**

Michelle Lowney MacDonald

**Business Editor**

Karen L. Hartfield

**Photo Editor**

Heidi Webb

**Associate Editor**

Allison Bowlan

**Assistant Photo Editor**

Jay White

**Assistant Business Editor**

Paul Nugent

**Staff**

Ken Butterworth  
Len Morley  
Edward McCarthy  
Tony Stankiewicz  
Joan Feeney

**Faculty Advisor**

Charles P. Kindregan

**Photo Credit**

P. Richard Jones  
Andrew M. Singer

## Table of Contents

	Page
Judge Cornelius J. Moynihan: In Memoriam .....	2
Careers in the Law: Advocate Interviews .....	6
Turning Cart Horses into Trotters: Suffolk Evening Law School As A Counter-Hegemonic Movement In Legal Education by Michael Rustad .....	18
Book Reviews .....	32
Faculty Publication Summaries .....	33
Faculty Publications .....	35
Notes .....	37
In Memoriam .....	43



Back Row: Karen L. Hartfield, Paul Nugent, Michelle MacDonald, Jay White, Heidi Webb, Betsy Harling, Charles Kindregan Front Row: Brian Finnerty, Allison Bowlan

---

# IN MEMORIAM

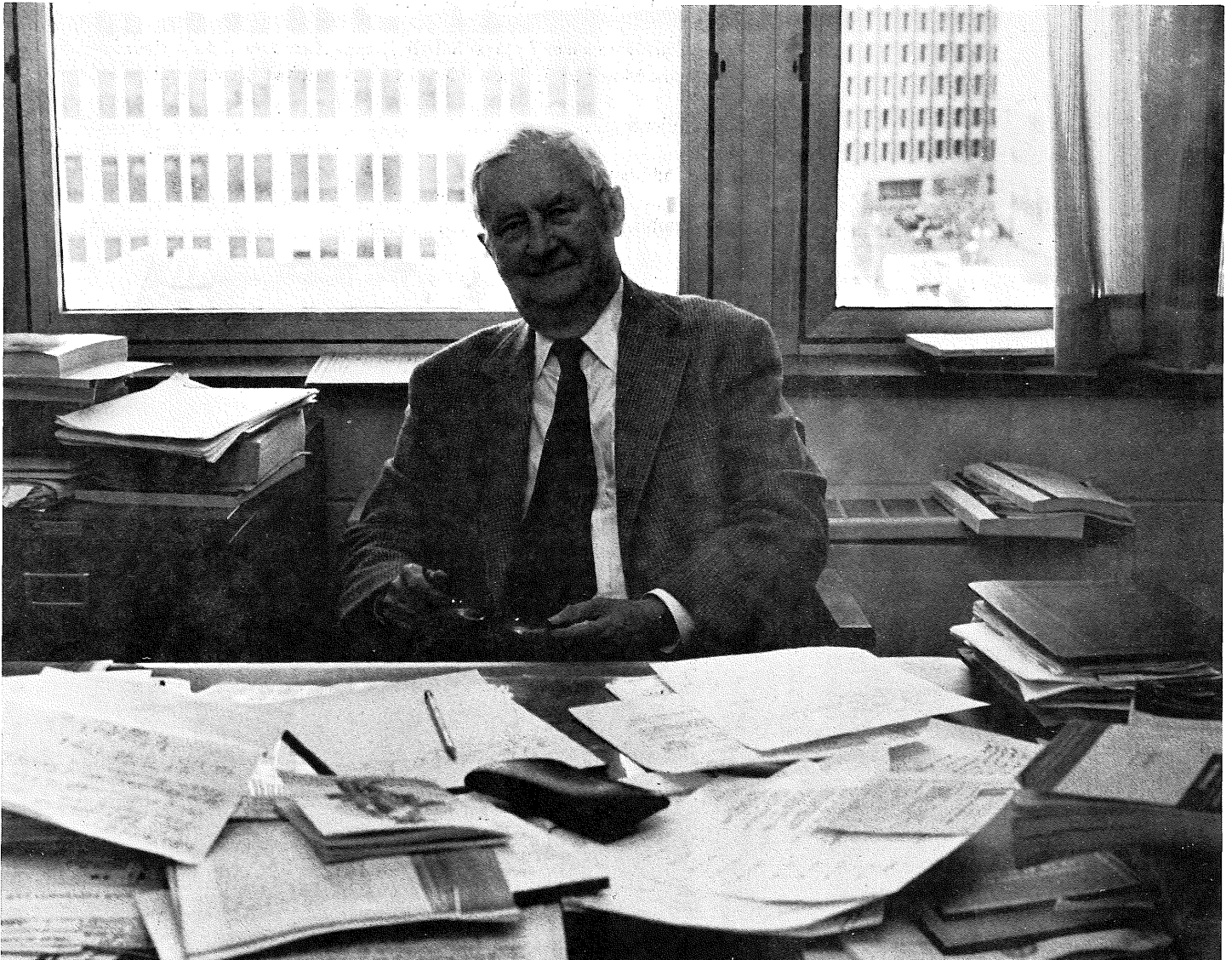
## JUDGE CORNELIUS J. MOYNIHAN (1905-1986)

The recent death of Judge Cornelius J. Moynihan, 80, has been sadly felt throughout the Greater Boston legal community.

Judge Moynihan is especially missed by students, faculty and friends at the Suffolk University Law School, where he served as an esteemed member of the faculty from 1976 until his death in March 1986.

Judge Moynihan had a full and rewarding career which spanned five decades and touched the lives of many. He was one of the founding professors at Boston College Law School, where he taught for over 28 years. As an attorney for the Federal Office of Price Administration during World War II, he led several crackdowns on black market activities.

Judge Moynihan also served 12 years as a justice on the Massachusetts Superior Court, retiring from the bench in late 1975. One of his most celebrated cases was the conviction of the late Albert DeSalvo, who was known as the Boston Strangler.



# MEMORIES OF JUDGE MOYNIHAN

**Dean David J. Sargent**

March 14, 1986

"It might be said that Neil Moynihan spent his golden years at Suffolk University Law School, but it would be more accurate to describe them as his vintage years, for there was never any twilight to his career.

He came to us after already establishing himself as a legend in legal education and following a distinguished career on the bench. He could have easily rested upon his reputation, but he did not come to Suffolk to retire. He came at age 70 to make a new beginning. He came to start a new career. He came to excite the imagination and broaden the horizons for a whole new generation of law students and instill in them his great passion for the law. He came not to glory in the past, but rather to make the future brighter. He came not to reflect upon what he had already accomplished, but rather to engage in new scholarly publications, including a new edition of his classic book on property. And, his new career was a wonderful success. Law students aren't overly impressed with reputation, but those who had Neil as a professor knew instinctively and instantly that they were privileged to be in his class. Students soon established a Distinguished Faculty Award in Neil's name and gave him the first award. Many succeeding classes showed the same uncanny good judgment by also awarding the Cornelius J. Moynihan Award to Cornelius J. Moynihan.

But I would be greatly remiss if I were to suggest that the students were the greatest beneficiaries of his presence at Suffolk Law School, for he had an equally profound effect upon all of us who were his colleagues on the faculty. In a quiet, unassuming, ever-helpful way, he epitomized all that a legal educator should be. He brought to the faculty a great wealth of experience, knowledge, patience and sound advice. He was often our anchor to the wind, and the faculty were as one in the great respect, admiration and affection that they felt for him.

I have thought often of Neil . . . I remember vividly the last time I saw him . . . . He was obviously in great pain and had literally struggled to come to the school to give the last lecture of the first semester. Following that lecture, we had a meeting in which we played a little charade with one another. There was no discussion of his not returning to the law school, only that he would not teach for a few weeks so that he could regain his strength. We were both misty-eyed, but we played our roles well until the end when he smiled and said, "I'm glad my last class was such a good one." [In] my last communication with him, he called to say that he was feeling somewhat better and hoped to come to the school soon to work on the last chapter of his new book.

As I sadly reflected on these thoughts, I had a strange feeling of history re-visited and as I came to realize why, I developed a keener appreciation of the miraculous ways in which the lives of people and institutions are entwined.

When Suffolk Law School gave its alumnus, Dennis Dooley, to become the first dean of Boston College Law School, who could have foreseen that Boston College would repay us so handsomely by giving us such jewels as Neil Moynihan and Frederick McDermott, the great former dean of Suffolk Law School. And I reflect on the amazing similarities of those two legal giants, each of whom had such a dramatic impact upon the law schools of both Boston College and Suffolk.

They were life-long friends. Both were classmates at Boston College. Both were classmates at the Harvard Law School.

Both began their professional careers as young members of the faculty at the Boston College Law School and both prospered there and achieved preeminence in their field.

Both subsequently joined the faculty of Suffolk Law School and both died while active members of the Suffolk Law School faculty.

Both died in the month of March.

Both had only three real interests in life — their families, their church, and the law.

Both were best man at the wedding of the other.

We mourned for Fred long ago and still do, and now we mourn for Neil. He will be greatly missed for he was a delightful and wonderfully decent person.

When we hear the terms 'justice,' 'equity,' 'fairness,' 'honesty,' 'integrity' and 'loyalty' we know that these were not simply words that he used in the classroom or the courtroom: these were his intimate friends, his constant companions, the guideposts of his life.

We are greatly saddened by his death, but we rejoice that he chose to share a part of his life with us and we at Suffolk Law School shall forever be the richer for it.

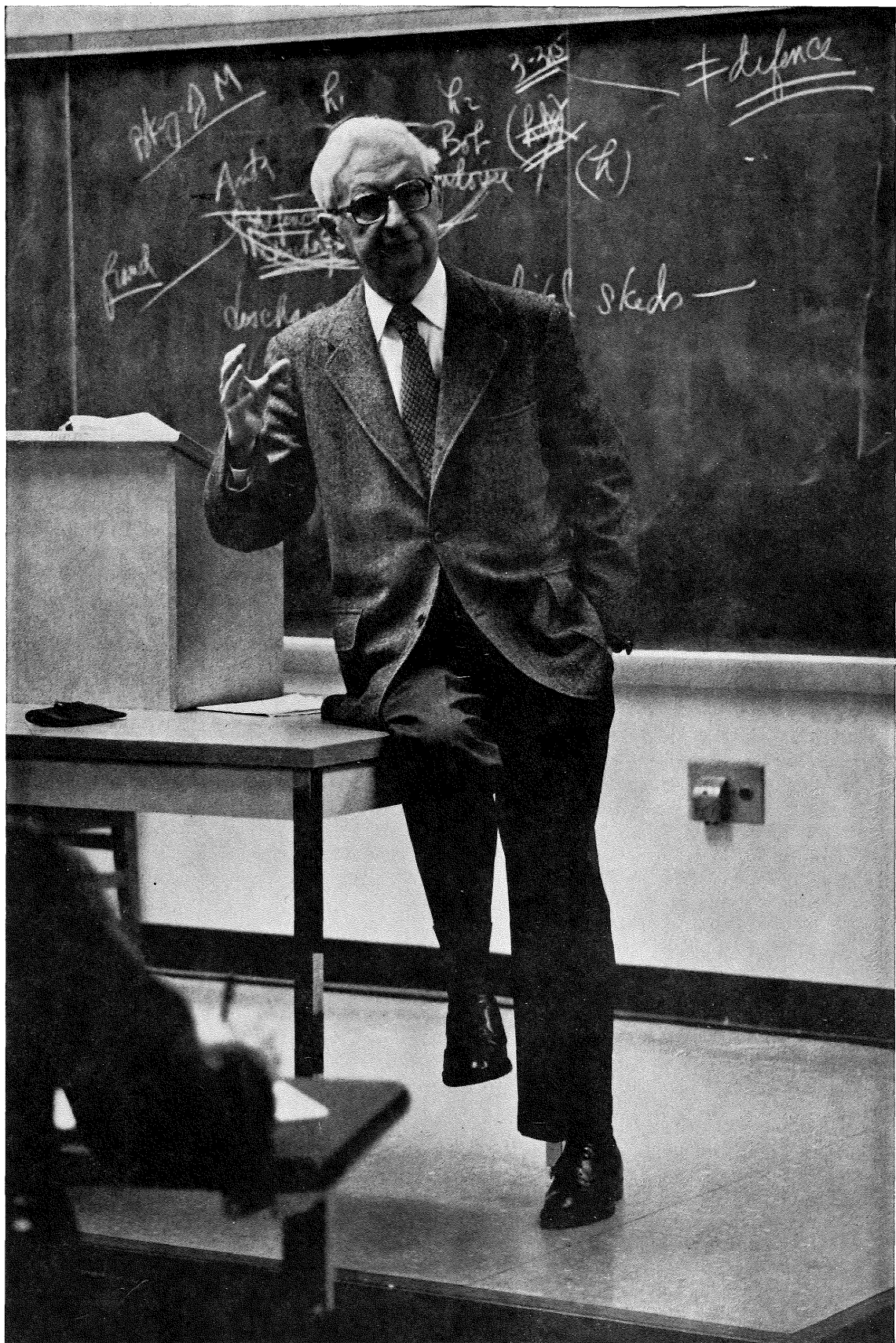
May God be merciful unto him."

## **Professor Milton Katz**

His friend and colleague, Professor Milton Katz, remembers him as a man with a rich personality. "He was deeply thoughtful and at the same time he was a very outgoing human being."

Judge Moynihan and Katz became good friends when Professor Katz joined the faculty in 1978. They made a point to lunch together daily in the school cafeteria. "It became a daily ritual for us, Katz said. We talked about almost everything . . . family, the law, law schools. We talked about students and teaching. We would swap funny stories," Katz said. "He had a rich, deep sense of laughter - a lot of things tickled him. He saw the funny side of almost everything. It was a very full and rich conversation that we both enjoyed very much. I really miss him terribly now."

"Judge Moynihan's personality revealed itself best in his relationship to his students; he was a man who loved his students. He felt bound to hold them to high standards of performance and integrity. He expected people to behave properly. As a teacher, he felt that was what they needed, so that was what he had to give them."





I remember discussions of a landlord tenant case which occurred in Cambridge. He called on a student and asked the student if he knew the location of the street which was mentioned in the case. The law student admitted that he had never heard of the street. Then Professor Moynihan responded that he knew the street since his Harvard days when he used to date a "cliffy" named Hiawatha Malone, who lived in a building on the street.

**-Maria Galvagna '86**

The first week of classes, my first year, I was called on for a case about mackerel (*Young v. Hitchens*). I was prepared but he stunned me by asking, "Do mackerel swim close to the surface or are they deep swimming fish?" When I said I didn't know, he asked "So how did YOU get into law school?"

**-Tony Lepore '86**

I remember his explanation of adverse possession and what constituted "open and notorious." He used the example of his grandchildren, Trever and Tyler, placing a sign on their bedroom door which stated "KEEP OUT AND THIS MEANS YOU!" I also remember how the entire class would "boo" when he told us about one of his cases which had been reversed. The class would cheer when he told us that the S.J.C. had affirmed one of his decisions.

**-Paula Lynch Hardiman '86**

I remember one day when he told us that his grandson spent all day digging a hole in the garden. At the end of the day he said, "Grandpa don't fill in this hole." Judge Moynihan replied, "Oh no, I won't!" The next time the grandson visited he went to look for the hole and to his despair found that the hole had been filled in. He declared, "Grandpa why did you fill in the hole?" Judge Moynihan answered "I'm sorry, I must have forgotten". To that his grandson replied "Well next time Grandpa, write it down!"

**-Betsy Harling '86**

I remember his grandchildren stories and his New Jersey jokes, but most of all that he was a good professor.

**-Diane Margolin '86**

I remember "Little Nemo".

**-John Lovely '86**

I remember in first year property when he asked Dan Goldberg ('86) to define a gift. Dan answered that "a gift is when you give," and Moynihan answered "You mean like Emily Dickenson - a rose is a rose!?"

**-Mark Flaherty '86**

One day seven year old Irene Lowney visited property class with her sister Michelle Lowney. Professor Moynihan introduced her to the class as "Little Nemo" and exclaimed "Law students are sure getting younger these days!"

**-Walter Korzeniowski '86**

I remember a story about how he met a former student at a cocktail party who was angry at him for wasting his time studying the Rule of Perpetuities. This student said that he'd been practicing law for many years and *never* came across the rule. Professor Moynihan answered him saying "My boy, you came across it - but you didn't recognize it!"

**-Michelle Lowney-MacDonald '86**

Anyone from the class of 1980 who had him for a professor will remember his saying - several times - "So you wanna practice in 'Dorchesta' ". He said this every time someone got an answer wrong and the class would go bezerk. We'd all wait for it.

**-Joseph Swartz '80**

I remember how he used to tell us about the "little green book" and say "If you haven't bought it yet, you will!"

**-Bob Feeney '86**

I remember reading my father's 1934 edition of *Introduction to Real Property* by Judge Moynihan which was referred to back then as "The Little Red Monster".

**-Steve Kenney '86**

We all thought he was an outstanding professor. He was a grandfather figure and we miss him very much.

**-Sue McCarthy '86**

He told us stories about when he was in law school. One day he said we were lucky not to be in Professor "Bull" Warren's class at Harvard because students would have to crawl in on their hands and knees and if they got caught they would really be in trouble.

**-Richard King '86**

I remember when Judge Moynihan asked "Who are the heirs of a living person?" One student foolishly replied and Judge Moynihan exclaimed "A living person has no heirs, his heirs are "Little Nemo" (*Nemo est haeres viventis*). I also recall his discussion of a case where the plaintiffs were suing their landlord under warranty of habitability because their apartment had holes in the floor. Judge Moynihan theorized that the "landlord put the holes in the floor to make their children more agile".

**-Larry Hoch '86**





---

# CAREERS IN THE LAW

## Advocate Interviews

# KAREN BLUM

Professor Blum teaches Civil Procedure, Civil Rights and Complex Litigation at Suffolk University Law School. She has been on the faculty at Suffolk since 1976. Ms. Blum earned a B.A. at Wells College, a J.D. at Suffolk and an LL.M. at Harvard. While a student at Suffolk, Ms. Blum was Note Editor of the Law Review and was the recipient of the Outstanding Senior Student Award. She has written law review articles on the criteria for standing in exclusionary zoning litigation (Suffolk L. Rev.), municipal liability under section 1983 (Temple L. Q.) and the impact of *Parratt v. Taylor* on section 1983 litigation (Urban Lawyer). Professor Blum's Temple L. Q. article has recently been cited by the United States Supreme Court. In 1980, Ms. Blum received the Cornelius J. Moynihan Award for Teaching Excellence.



**Q. Did you always want to be a law professor?**

A. I think I always knew that I wanted to teach. Maybe I didn't know I was going to be a professor of law, but I had taught after I graduated from college. I was a philosophy major. I had no marketable skills at all. I taught elementary school for children with learning disabilities for three years in New Haven public schools in Connecticut and three years in Stoneham, Massachusetts, while my husband and I were going to law school here at Suffolk at night. I loved teaching and it was during that period that I first knew I wanted to teach. When I went to law school I knew that I did not want to pursue the general practice of law. But the teaching has turned out to be the thing that I love the best.

**Q. When did you first decide you wanted to be a law professor?**

A. I guess I knew it towards the end of law school when I was on the Law Review and was heavily involved in the research and writing aspects of the law. I knew that I enjoyed it very much and I thought about teaching. I knew that I was a good teacher in the elementary school system and that those teaching skills would be transferable.

**Q. Once you decided on a career goal, how did you go about achieving it?**

A. First of all, I think that being on the law review was very helpful in that respect. After I graduated I taught in the LPS program here to see whether indeed I did like the teaching of law. At the same time I did my LL.M. at Harvard. That program was geared primarily for people who wanted to go into the teaching of law. Teaching in the LPS program and taking the LL.M. at Harvard were both very helpful in getting on the right track - a teaching profession.

**Q. Did you want to teach at Suffolk in particular?**

A. Teaching LPS at Suffolk was great for me. I liked the school. My husband and I both had a very positive experience here. We live on Beacon Hill, so in terms of logistics it was a good place to be. And, I felt comfortable here. Actually, teaching at Suffolk was the ideal.

**Q. What were the most difficult obstacles you had to face in achieving your career goals, and how did you overcome them?**

A. I suppose one decision I had to make early on was whether to do some practicing first before going right into teaching or to take the teaching position that had been offered to me here. I decided to take it at the time because it was being offered and it was what I wanted to do. I think that there are some aspects of the material that I teach that I could teach better had I practiced for any length of time. But what I would like to do at some point when my children are a little older is take a sabbatical and do something of a more practical nature for a year, just to get a taste of some of the more practical aspects of the areas that I am teaching. Making that decision was difficult. Then there is always the decision for a woman as to when is the appropriate time to have a family and how to work the family into your career. Those are difficult but certainly not insurmountable types of obstacles.

**Q. What was the most difficult period in your career and why?**

A. I think that there are different stages that are difficult the first year that you teach. A substantive course is very difficult because there is, at least on my part, a compulsion to want to know it all and be truly in command of the subject. You just can't do it in the first year.

I remember never having a free moment - just reading, reading, reading constantly and still not being fully in control or feeling that I had as good a grasp on the ma-

terial as I would like. But that comes in the third year or so of teaching a subject. You feel more comfortable with it by then and find more time for the niceties such as law review articles and extra research.

There are also difficult periods when you are struggling with the family and the research and writing in order to publish. That puts on a certain additional amount of pressure, but I cannot think of anything that has been so terrible that it was overwhelming.

**Q. What one person or persons has had the most influence on you in pursuit of your career, and why?**

A. Clearly my mother has been a strong influence in my life and was a role model in the sense that she worked when we were young and before there was any concept of women's liberation. I just took it for granted that all mothers worked and juggled the logistics of family and working. So I always assumed that I would do something for a living. She emphasized the importance of education. My father was an eighth grade drop-out and had to work to support his family during the Depression. My mother was not a college graduate and yet instilled in us the importance of getting an education and doing something fulfilling.

**Q. What is the most important piece of advice you could give to young people interested in a law career in general?**

A. I think that any profession requires a certain amount of commitment, determination and discipline. If I had to give one general criticism of law students today it is that they don't come with enough academic discipline. I was always self-motivated and self-disciplined. I didn't have to be told that I had to be prepared for class. I find that students are not well disciplined. They tend to be sloppy in their approach to studying. Their study habits are loose. I find it amazing that students will so readily miss a class. I can honestly say that from grade one through law school I never missed a class. I just find this casual approach to the study of law somewhat disturbing. And it always surprises me that the motivation, and desire to strive for some kind of perfection do not come from within, but have to be imposed by some-one standing in front of the classroom.

**Q. What is your philosophy of success?**

A. You have to be disciplined to get up early, do work, be at a certain place, and be on time if you have an assignment. It would never dawn on me to ask for an extension for anything. If you have something assigned and due on a certain date, you get

it done. To me that sort of discipline, control, and commitment to what you are doing is very important.

**Q. If you were not a law professor, what would you be?**

A. If I were not a law professor I'd probably be some other kind of teacher. I find teaching very satisfying and fulfilling. While I was going to college I taught ballroom dancing and tutored children in various skills. I have always enjoyed teaching and I am sure I would be doing something in the teaching field.

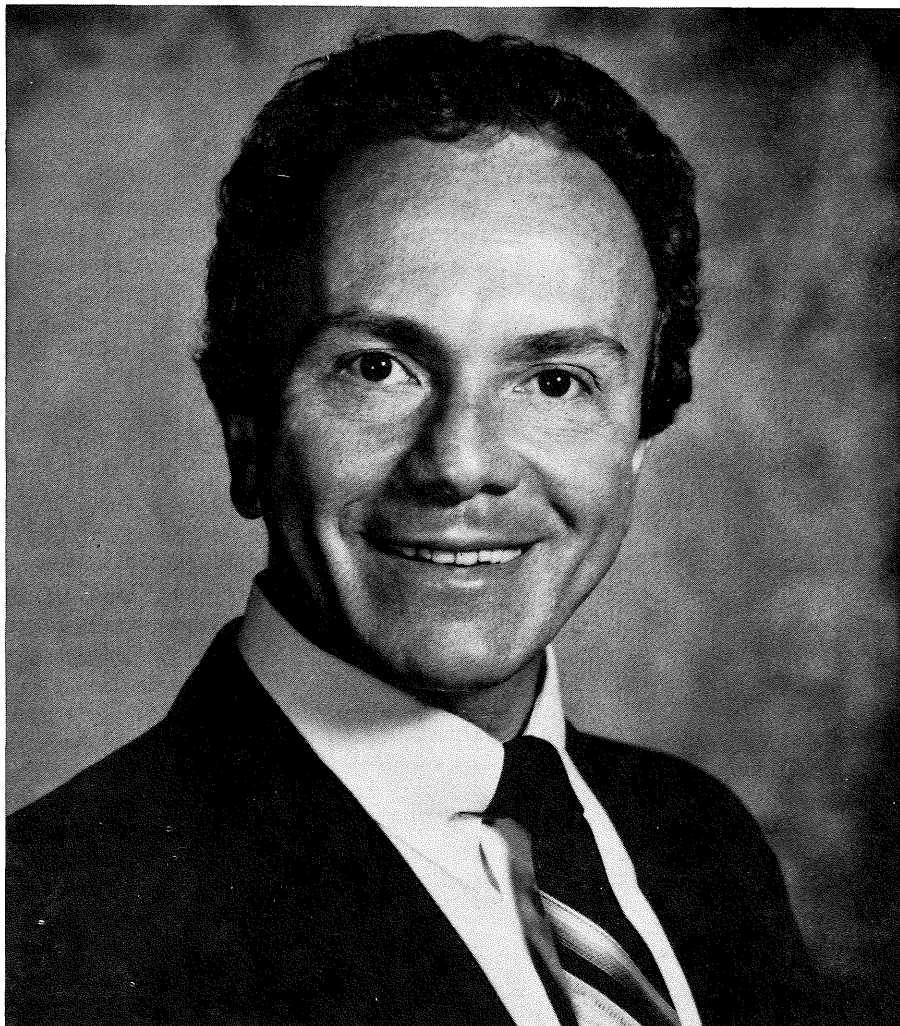
**Q. How did your Suffolk University Law School education prepare you for your current career?**

A. The education I got at Suffolk was good. I had come from a small liberal arts women's college and had been out of school for a few years before I came to Suffolk. Frankly, I hadn't heard of Suffolk before my husband and I came here. It was in 1970 and I had never even been to Boston. We came up to Boston from Connecticut and began school. I was very impressed by the quality of teaching here and especially the commitment to the evening program. This was important to people like us who had to work to get through law school. Suffolk fulfilled my expectations as to what I demanded of myself. I thought that the quality of teaching and the material that was presented was all of very high caliber. Frankly I was very pleased with what we got at Suffolk.

**Q. How do you feel about the image of lawyers in the minds of the public and what can lawyers do to improve it?**

A. It's difficult for me as a pure academic to sit back and criticize the practitioners out in the field. But it does seem to me that some of the criticism that is directed towards lawyers stems from the lack of perception of the law as a true noble profession. Lawyers have to make money too. Lawyers have to feed their families. It has become a big business like any other big business. The law is no longer the controlling and important principle and there is not an idealistic commitment to justice and the legal system. There's a concern for billing hours and bringing in clients and getting cases that pay well. But as I say I can't really sit back and criticize that because I haven't been in the position of having to do it. Certainly the greed factor—the money factor—is there. I think that chasing after victims in Bhopal and various other incidents, as well as high malpractice recoveries whether justified or not, all slant the public's view of the legal system.

# ALEXANDER BOVE



Alexander A. Bove, Jr., is senior partner of the Boston law firm of Bove & Char-moy which concentrates its practice in the areas of estate and business planning and tax law. He has authored numerous articles on trusts, wills, probate, family financial planning and estate planning, as well as two books on estate taxes; and his well-known "Family Money" column has appeared weekly in *The Boston Globe* since 1973.

Other books he has written include *Joint Property*, which was published in 1982 by Simon & Schuster, New York; and *Nearly Free Tuition* (tax planning for educational costs), published in 1985 by Viking Press, New York. He is regularly quoted in such

publications as *Business Week*, *Money Magazine*, the *Washington Post* and the *New York Times*, and has appeared on major TV and radio stations across the country.

Mr. Bove has lectured extensively to public as well as professional groups throughout the country and currently teaches tax law at the Graduate Tax Program at Boston University Law School. After obtaining his Juris Doctor degree, Mr. Bove earned the advanced degree of Master of Laws in Taxation. In addition to his many years in the practice of law, his background and experience encompass the fields of investment management, insurance and financial planning.

**Q. Did you recall always wanting to be an attorney?**

A. No, not at all. I was really a perpetual student. First as an engineer, then in business and then in law. I worked in business and as a stockbroker before ever going to law school. I went to night school for thirteen years.

**Q. So you really evolved into being a lawyer. What would you say now is the most enjoyable part of being a lawyer for you?**

A. Well, I really enjoy interviewing clients. In fact, most of what I personally do here in the office is interview clients, and . . . the feeling is that I don't do any work. I interview the clients and the other lawyers do all the work. But, I enjoy that quite alot. I enjoy even more however, my writing. It's relaxing for me.

**Q. Writing for the newspaper or for the court?**

A. Writing my books, writing for the newspapers, and articles for other periodicals and magazines. I enjoy writing quite a lot.

**Q. Could you briefly describe your books?**

A. I wrote a book entitled "Joint Property" by Simon and Schuster in 1982. Before that, I wrote a book called "Estate Taxation in Massachusetts" which is a practice book for lawyers, published by Callahan and Company in 1980. In 1984, I wrote a book called "Nearly Free Tuition" which is tax and planning oriented dealing with educational costs and that was published by Viking Press. I'm working on another book now called "The Family Money".

**Q. How did your weekly column for the *Globe* come to be? Is there a story behind it?**

A. Well, there is. Around the same time that the light went on and I decided I should be a tax lawyer it also became apparent to me that there wasn't anyone writing in any of the major newspapers, particularly here in Boston, who had the background to write a good financial/legal/tax type-column. After having done all these things — studied investments and was a stockbroker, studied law and was then pursuing my Masters in Tax, I felt I would be just the right person to write this column. Unfortunately, it was the unanimous decision of one. So I had to convince some newspaper that this should be done and I decided that I might as well go to the best newspaper in town which was the Globe. So, I embarked upon a plan to sell the Globe this idea that someone with a legal, and an investment and a tax background should write the column. Quite a long period of intense persistence on my part, and never taking no for an answer convinced the then financial editor to try one of my columns and since that time I've been writing. That was in 1973.

**Q. How do you gather your thoughts for the weekly column?**

A. I use a combination of new cases, new revenue rulings, and questions that readers write in. Sometimes, I use client situations but of course I won't use exactly the same ones to protect the privacy of the client. There never seems to be a scarcity of things to write about. But, I must admit that sometimes when I sit down to write the column, it's difficult to come up with a new and interesting idea. I'm happy to say I have a good readership and there would be repercussions if I didn't show up.

**Q. What would you say is your least favorite part of practice?**

A. Honest answer: Dealing with clients who are unhappy with their bills. One of the biggest problems I think a new lawyer has is deciding how much to charge for his or her time, and the next biggest problem is dealing with a client who doesn't think their time is worth it.

**Q. What would you say was the most gratifying period in your career?**

A. I don't really know. It's hard for me to answer that. I think I'm still looking for an especially gratifying period. I feel very fortunate in that not all lawyers have the privilege of doing the number of things that I do. I write about my profession. I teach a professionally related topic and I practice my profession. And I lecture about it not only to professional groups, but to the public. I find all of that very gratifying and I don't think there's a particular period

I could point to. I also feel now that I'm especially fortunate because I get a lot of exposure and it's gratifying when I meet another lawyer or someone like yourself who says "I've read your columns and I think you're doing a good job". You never really hear enough of that. I think any professional who really enjoys practicing his or her profession, strives for the approval of his professional contemporaries. That is really gratifying and I'm fortunate sometimes to hear it.

**Q. Did you have a strategy to integrate the various parts of yourself in the things that you do?**

A. In a sense it was strategic in that it takes a sort of marketing. You have to make yourself available to lecture and to write and you have to put the time in. I have a full-time law practice and at the same time, I have a column and I've written books and I teach. You can add that all up and say there aren't enough hours in the day or the week and it's true. You do have to sacrifice things. There has to be an overall strategy, an objective that these are the things that I want to accomplish and this is how I'm going to have to do it.

**Q. Is there anything you think you've sacrificed that you wish you hadn't sacrificed?**

A. No, because I have made it a point to spend as much time as possible with my family and my children. Although certainly some time has been sacrificed because I often do writing on weekends. I try to make a balance.

**Q. Is there a period you can call most difficult in your practice?**

A. I don't know. In every business, you have your ups and downs and disappointments and gratifications. I guess I can't pick out a particular period. Starting out was definitely very difficult because I had a family, and a mortgage and a couple of young children. There's a lot of pressure when you have your own practice and you don't know what is coming in and quite often nothing would come in. There were times we couldn't even afford to go to a movie and I remember that. So, financially that was the most trying time. But I can't think professionally, except for isolated instances along the way, when there was anything exceptionally disappointing. I will say that writing a column puts you in a vulnerable and highly exposed position and fortunately it hasn't happened often, but if I make a mistake in my column, I really hear about it. It's not like a lawyer in his private practice making a mistake. If I make a mistake, everybody knows about it.

**Q. Thinking back to your time at Suffolk, can you think of anyone who particularly helped prepare you for your career as a lawyer?**

A. Well, my worst course was Wills and Trusts which now, of course, is my specialty. I really felt overall that Suffolk offered an excellent education. There might have been one or two professors that didn't seem quite as stimulating as the others, but overall I was very pleased with the exposure and education I had at Suffolk. I thought it was a remarkable education.

**Q. Can you think of any one person or perhaps persons who influenced you in your decision to become a lawyer?**

A. I didn't intend to become a lawyer until after finishing Suffolk and returning as a stockbroker, I encountered the advice of a lawyer to a client of mine and the advice was just totally wrong.

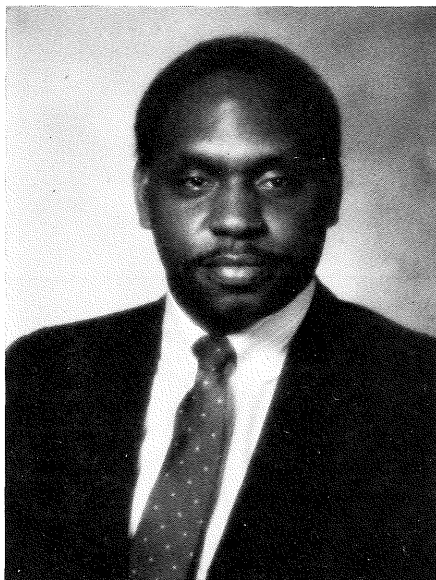
**Q. So it was a negative influence that really positively influenced your decision?**

A. Right. I just couldn't believe that this could happen. I was aware of the tax problems involved in this particular question and the investment laws, and this prospective client of mine said "I'll ask my lawyer" and what I had advised her to do was so clearly indicated and in her best interests. She called her lawyer and he said "No, don't do it. This guy's just trying to make a commission." The woman lost considerable income and it jogged me into thinking that what the public needs are more lawyers who can make more knowledgeable and considered decisions about investments and tax law. Certainly, there are hundreds of thousands of very competent tax lawyers. It just so happened that those circumstances happened in my little circle of experience and so that did jog me into thinking seriously about practicing law.

**Q. This is a strange question to ask you because you've done so many things, but if you weren't an attorney, what do you think you'd do? Is there something you haven't done that you'd like to do?**

A. I really can't answer that. I don't know. I'm very happy at what I'm doing and as I've said I feel fortunate that I'm able to have so many different areas of interest within my profession. It's a real expansion of practicing the profession. I really don't think I would do it any differently. I have thought about it too, because I used to have a history of getting bored with a career. I changed careers four or five times. I find this a continual challenge and stimulation and that's why I don't think I'd rather be doing anything else.

# PROFESSOR ROBERT WARD



Professor Ward teaches evidence, criminal law and prisoners' rights at New England School of Law. He graduated from Northeastern University in 1974 and received his J.D. from Suffolk University Law School in 1978. From 1978-1980, he instructed Legal Practice Skills at Suffolk and, in 1981, he was an adjunct faculty member. Thereafter, he worked for three years as an Assistant District Attorney for Suffolk County. Professor Ward has been at New England School of Law since 1982.

He has received awards from the Massachusetts Black Lawyer's Association in 1983 for contributions to legal education, and from the Massachusetts Afro-American Police Officer's Association in 1985 for participating in lectures before the Sargents exam. Furthermore, he is currently Director of the Boston Juvenile Advocacy Institute.

**Q. Did you always want to be a law professor?**

A. No. I was talked into it. My Professor, Russ Murphy approached me during my last year of law school and asked me about teaching in the LPS program. Up until that point I had not considered teaching in the law at all. As a matter of fact, all I wanted to do was get as far away from law school as possible. At that particular time I had offers from the Suffolk County District Attorney's Office and I had a position at the Charles Street Jail in the bail project waiting for me, so teaching law was the furthest thing from my mind.

**Q. When did you first decide you wanted to be a law professor?**

A. As I said, Professor Murphy approached me and talked with me about joining the LPS staff. At that time there were not going to be any minority faculty members at Suffolk, and Russ and I both felt that it was important that some sort of minority presence remain with the faculty. Even though an LPS position wasn't recognized as a regular faculty slot it still would be perceived by the students as minority representation.

**Q. Once you decided on a career goal, how did you go about achieving it?**

A. I was doing some recruiting of minority students in New York for Suffolk at a student career day. It was there that I met a person who is currently on the faculty here at New England School of Law, and she was talking to me about New England School of Law and said that she was happy there. She asked me if I'd like to join the staff after a year of consideration. An offer was made and the rest is history. I've been here ever since.

**Q. What were the most difficult obstacles you had to face in achieving your career goals, and how did you overcome them?**

A. Well, I was a good student at Suffolk, but I was not the law review type. After my first year I was one of those folks who was close but was not invited to write on law review. And my priorities

were elsewhere. So that was a drawback in trying to become a law school teacher; the lack of law review; the lack of those sorts of academic credentials. However, at that point I probably had one of the strongest academic records of a minority person coming through the law school, and to some extent I guess that is how I got noticed. People were surprised that I managed to do as well in my first year as I did.

That was part of it. The other part of it is that there are very few people of color making decisions in the legal profession in general as well as in legal education. For whatever reason, the people here at New England were ready to hire someone of color - ready to give someone a shot. Nothing is guaranteed. All I wanted was a shot. I thought that I had the ability. I had a great deal of success in the legal methods program at Suffolk. During the 2 years that I taught at Suffolk, I had more students who were later involved in law review and moot court than anybody else teaching in the program. And while obviously the students have to take credit for that because they were hard-working and bright, I think I deserve some credit as well.

**Q. What was the most difficult period in your career and why?**

A. The period when I was teaching part-time and practicing full-time in the D.A.'s office was professionally the most difficult. I was comfortable during the time I spent as a full-time teacher at Suffolk and I have been very comfortable since coming to New England. People have been very open. It was the running around and having the responsibilities of an assistant district attorney that was difficult. Because I had spent some time doing courtroom litigation before joining the D.A.'s office, I was thrown right into the job. I ended up with emotionally draining cases very early. Prior to the King Arthur's case I was one of the few people to come into the district attorneys office in Boston and successfully prosecute a police officer. So I was put under that sort of pressure really early.

**Q. What one person or persons has had the most influence on you in pursuit of your career, and why?**

A. There are four people. I met the first two people at the same time. My LPS instructor was Professor Karen Blum. She took care of me during law school and made sure I didn't do anything that was too crazy. She showed an interest, recognized that I had an ability and became an advocate for me in almost everything I needed to do at Suffolk. We were very close then and we still are. Professor Blum was a wonderful writing teacher, and to the extent that there were deficiencies in my ability to write and my ability to think, she helped to mold me. The other person was Professor Charles Kindregan. He served as a wonderful role model in the classroom. He had a marvelous way of conducting a classroom, of treating everyone with respect, of keeping the law in some sort of proper perspective, and of making law fun. He is my model. When people ask me who I teach like, I say that I like to model myself after Charlie Kindregan. My wife is very important. We were together through college and law school. She has been supportive and has given me the space to follow my career. Finally, Elizabeth Spahn who brought me here. She opened the doors and made sure that people gave me space.

**Q. What is the most important piece of advice you could give to young people interested in a law career in general?**

A. I think that people need to understand that there are two ways that one can become a law school professor, and that academics, while important, will not keep you out of the business. One way is to go the traditional route with law review and advanced degrees. The other way is to go into practice and be the best practitioner you can. Write while you are in practice. Make a contribution there. And if you really are good at what you do, and if you really do a lot of teaching in the marketplace, I think there's a possibility for you. But this is a very competitive business. I think that almost everyone who is an attorney had delusions of teaching. So you also have to have a thick skin. I think there will be an opportunity for almost everyone at one point or another, but there is also a lot of rejection, and you have to be able to deal with that.

**Q. What is your philosophy of success?**

A. For me, the other thing that is important is that I get along with people. I believe that everyone is entitled to be treated with dignity, and that includes clients,

friends, students and colleagues. I work on that. I work on trying to build bridges as opposed to burning them. For me that has been a useful tool. You've also got to be willing to go the extra yard and not be afraid to go out on limbs occasionally. God knows I've been out on enough of them. You try to use good judgment, but if something is right you've got to do it and you've got to be willing to face the consequences and pay the price.

**Q. If you were not a law professor, what would you be?**

A. I think that the longer I stay in teaching the more I realize that being a prosecutor of some sort suits my personality. One of the reasons I was willing to enter the district attorneys office was that I didn't believe that right-wing crazies, fascists and insensitive people ought to populate district attorneys offices just because of their right-wingness or fascism. I thought the district attorneys' offices needed people who were bright and compassionate. I still feel that way. So I would probably be doing some sort of trial work. I still do trial work now and I enjoy it.

**Q. How did your Suffolk University Law School education prepare you for your current career?**

A. In terms of educational experience, the period I spent at Suffolk was the most enjoyable I had had anywhere. Other than grammar school it was the only time I felt like a person and felt that people knew who I was and cared. That was important. As a result of that I left Suffolk feeling that I had gotten everything I could out of the educational process, that they had in fact prepared me to face the real world. While I don't know everybody who graduated with me, those that I have run across since graduation have been helpful. We all help each other and I've got this wonderful network out there. Suffolk helped that way.

**Q. How do you feel about the medical malpractice situation? Do you think that there's an insurance crisis?**

A. I am not very sympathetic to the insurance companies. Nor am I very sympathetic to physicians. Maybe it's easy to pick on insurance companies. But I think that they have a responsibility. There are physicians who are forced to settle cases simply because the insurance company doesn't want to expose itself to liability, and that creates a climate where all doctors think that all lawyers want to do is go after them. And that's not true. I wonder what percentage of successful malpractice suits there would be if there was real litigation at the time as opposed to insurance com-

panies encouraging doctors to settle. The other thing is that there are some doctors who ought not to be practicing; doctors who have forgotten that their responsibility is to heal, and doctors who have forgotten that whoever their patient is, he/she deserves the best treatment he/she can get. And I don't believe that the medical profession would have policed itself had we not had malpractice cases.

**Q. How do you feel about the proposed ceiling on malpractice verdicts?**

A. In terms of limits on liability, there is no way to know what a case is worth. I represent a young lady who was brutally assaulted in a Boston public school. Because of the immunity statute involved, there's a limit on what she can recover from the city of Boston. That limited recovery will not cover the damage to that young person, who at 8 years old was sexually assaulted in public by other students. What is \$100,000 going to do for that person over a lifetime, assuming you get the \$100,000? I think we have to be careful. If the legislature is going to set a limit, the limit ought to be one that covers the worst possible scenario. Maybe we don't need 3 or 6 million dollar recoveries, but I don't think we should be talking about limits that are less than \$600,000 or \$500,000.

**Q. How do you feel about the image of lawyers in the minds of the public and what can lawyers do to improve it?**

A. To some extent we deserve it. One of the things that has stayed with me in legal education is that I believe I can make a difference by making sure that attorneys are competent in the law and in dealing with people. There is a tendency for lawyers to forget that this is a people business. There's a tendency for lawyers to forget that the law is a foreign language to two-thirds of the population and that we are translators. We need to do a better job of translating so that they can feel comfortable. I wonder how many lawyers take their client into a courtroom, before they are actually put on the witness stand, so that they can get acclimated and feel comfortable and do a good job. One of the reasons we had this movement towards victim-witness input into the criminal justice process was because prosecutors were doing a bad job of handling the problems of victims and witnesses. That problem exists throughout the profession. So I think that some of the criticism is deserved. Some of it is not. But to the extent that we can police our profession better we have a responsibility to do so, and then I think our image will improve.

# JUDGE PERRETTA



Judge Perretta graduated from Suffolk University Law School. She served as Note Editor of the Suffolk University Law Review. Following her graduation in 1967, she served as a public defender before joining the law firm of Crane, Inker & Oteri, as an associate. She later became the first woman partner in that firm. In 1975, Judge Perretta opened her own law office, Keating, Perretta & Pierce. The first woman appointed to the Appeals Court for the Commonwealth of Massachusetts, she has been an associate justice of that court since 1978.

**Q. What do you feel are the differences between trial and appellate work?**

A. Appellate work is more concentrated, in that it is primarily research and writing. Argument is usually structured on the basis that the issue also has importance for people other than the immediate litigants. I think appellate work also provides a training ground for those who wish to specialize in litigation. A lot can be learned from reading transcripts of trials involving experienced litigators. Litigation, in my view, is very different. You are required to make important, instant decisions, the pressure can be relentless, you must per-

suade twelve total strangers of the facts, not a panel of known judges of the law. Each area is very different and very demanding.

**Q. Did you encounter a difficult period in your career?**

A. Not really . . . I was very lucky. I always knew what I wanted to do; so there was nothing to sidetrack or divert me. In many ways I didn't have the obstacles that many people do. I think the greatest obstacle you can have is indecision, because then you can't measure the degree of your commitment. I just never had any doubts. Resolving issues has always fascinated me, so I never got into a hassle in my own mind or any personal conflict over the degree of my commitment to appellate work. That has been one of the greatest benefits I've had.

**Q. Why did you want to become a lawyer?**

A. I wanted to go into politics but be able to earn a living, so that's why I wanted to go to law school. However, I don't think I was in law school more than two months before I knew I didn't want the law as a fall-back position, that this was what I wanted to do.

**Q. When did you decide that you wanted to be a judge?**

A. It was in my first year of law school, during appellate moot court. I just loved it. The whole notion of two litigants, or many times more than two, making arguments on the different sides of an issue, and then the rendering of a logical and fair decision just fascinated me. I also enjoyed the research and writing.

**Q. Did you make any decisions differently because you knew you wanted to be a judge?**

A. Yes, I made specific decisions based upon the fact that I wanted to do appellate work and I wanted to be an appellate judge. I wanted to have a role in resolving, not just presenting, the dispute.

**Q. What one person or persons has had the most influence on your pursuit of your career, and why?**

A. Someone I greatly respect as a role model is Justice Ruth I. Abrams, the first woman appointed to the Supreme Judicial

Court. I used to read her cases and think, now there is a woman who is engaged in the practice of law, specializing in the criminal area, and she's terrific! She's a very admirable person. When I decided that I wanted to apply for a position on the Appeals Court, she was very helpful and supportive.

**Q. Do you have any advice for young lawyers?**

To be a good lawyer you have to have a sense that it is more than just a job. I think you have to view yourself as a member of a service profession, and you have to have a commitment to all the ideals that the profession embodies . . . I don't think that students can look at the practice of law from a "9 to 5" perspective.

**Q. Is there still room for a family?**

A. Oh, yes, it is amazing how much some people can juggle. Certainly it can be done, but a person has to know that they can do it. . . . It is a very personal decision based upon individual abilities and choices.

**Q. Do you have a specific philosophy of success?**

A. To begin with, success is defined as many ways as there are people, so I need to know what kind of success we're talking about. To the extent that I have achieved what I wanted to, yes, I view myself as successful. But others may not share my view. If you define success as establishing a goal and achieving it, then I am successful.

**Q. What mottos do you follow in your legal career?**

A. Paraphrasing a biblical quotation, "She who perseveres to the end, she shall be saved," I believe in perseverance. The other "motto" which I like to quote is "Look who won the race." In fable, it was not the rabbit, it was the turtle. . . again, having in mind perseverance.

**Q. If you weren't a judge or an attorney, what would you be?**

A. Probably a journalist or a reporter because I love to write, and again because of involvement in things that are current.

**Q. Looking back upon it all would you do it again?**

A. Oh yes, absolutely.

# JAMES MORRIS



Attorney James Morris was born and raised in Lawrence, Massachusetts. A University of Massachusetts-Amherst and Suffolk University Law School graduate, Attorney Morris is now in private practice with the firm of Quinn & Morris and partners with former Massachusetts Attorney General Robert Quinn. Attorney Morris is married and the proud father of two children.

**Q. When did you first decide you wanted to be a lawyer?**

A. In high school I first became interested in becoming a lawyer. Growing up in a housing project in Lawrence, it was a dream of my parents that their children would become professionals, and this dream, along with my interest in politics, led me to become interested in the legal profession.

**Q. Once you decided on a career goal, how did you go about achieving it?**

A. I was fortunate. Once I decided to go to law school, everything seemed to fall into place. Working in the Attorney General's office during law school led to my future positions. I started as a part time researcher, and later became an Assistant Attorney General. My government experience provided me with a number of career opportunities to pursue.

**Q. What were the most difficult obstacles you had to face in achieving your career goals, and how did you overcome them?**

A. I don't perceive that I had a lot of obstacles in achieving my career goals. Things seemed to work out naturally. Although, the financial sacrifices one faces while attending college and law school cause one to think at times that law school or college is not really necessary.

**Q. What was the most difficult period in your career and why?**

A. The most difficult period for me was after I left state government in 1974 and started a private practice. It seemed insurmountable, but like most things, hard work and concentration helped to make things eventually work out. In the beginning, it was very hard work, mostly unglamorous, and not very high paying. The glamour is not there. The struggle is.

**Q. What one person or persons has had the most influence on you in pursuit of your career, and why?**

A. To begin with, my parents. They did not have the benefit of advanced education, but nonetheless appreciated education, and it was their dream that their children

attend college. Their influence kept us going. Once on the road to my career, the major influence was Robert Quinn the former Attorney General for the State of Massachusetts. He gave me a start in the business, and was a factor in my career choices. It was the integrity and brightness of Robert Quinn that made me strive to achieve that level.

**Q. What is the most important piece of advice you could give to young people interested in a law career in general?**

A. If you are determined enough, stay with it! In the beginning, it can be a frustrating business. You should strive to do the best you can, each day.

**Q. What is your philosophy of success?**

A. It depends on how you define success. Actually, you should try to do the best you can in every circumstance. This does not mean you have to win every case, but you should give an honest effort, have compassion, and have your clients' best interests at heart. The true measure of success occurs when your clients feel you have done the best you possibly could. It's rewarding when you receive a complimentary letter from a client, or a client recommends you to others.

**Q. If you were not a lawyer, what would you be?**

A. I've given a lot of thought to this question over my fifteen years of practicing law. To me, my right to practice law is my most precious possession outside of my family. My definition of what a lawyer does, is that a lawyer helps people.

**Q. How did your Suffolk University Law School education prepare you for your current career?**

A. If not for Suffolk, I'm not sure I would have even been able to attend law school; it provided the opportunity. The faculty at Suffolk are considered outstanding. I was particularly spellbound by Dean Sargent. I had the Dean for three courses in law school. The education I received at Suffolk Law School was quite practical. And the proximity of the State House and State government was quite beneficial in reaching my career goals.



# ANTHONY F. PENNACCHIA



Anthony F. Pennacchia has been practicing sports law for the past twelve years. Attorney Pennacchia, a Suffolk University Law School graduate of 1970, is a native of Providence, Rhode Island and attended LaSalle Academy and graduated from Villanova University with a Bachelor of Science in Social Studies. One of the most respected negotiators in major league baseball, he has negotiated contracts for athletes including Jim Rice, Cecil Cooper, Ben Oglive, Wade Boggs, Marty Barrett, Kirby Pucket, Mike Smithson, Mark Portugal, Stanley Morgan, Tony McGee, and Bill Gormally, who walked the perimeter of the United States. Attorney Pennacchia is a member of the American Bar Association's Forum Committee for Sports Law, the Board of Directors of the Aurora Civic Association, and the Board of Trustees of Rhode Island's chapter of the Special Olympics.

## **Q. How did you get into the field of sports law?**

A. I entered into this unique field when Jim Rice asked me to negotiate his professional sports contract after his spectacular rookie year in 1975. Rice and I had been introduced through a mutual friend and we became close friends through numerous outings on the golf course. After spending four years in a successful general practice, I decided to give the field of athletic representation a chance. I went out and learned everything I could about negotiating a sports contract: I familiarized myself with the history of baseball and read a lot of material on labor negotiations and arbitration. I took a course at Harvard Law School in negotiations and was privileged to be taught by one of the foremost negotiators in the country at Harvard, Professor Roger Fisher. Rice then introduced me to his roommate Cecil Cooper

and my career in sports law just took off the ground.

## **Q. How did Suffolk University Law School prepare you in your profession?**

A. Suffolk gave me a solid foundation in the skills and techniques used in the legal profession. I was very fortunate to have been taught by dedicated professors such as Dean Sargent, Dean Lemelman, Judge Fenton, and Charlie Kindregan. I'm very proud that Suffolk gave me the opportunity to become an attorney, for I feel there is a big difference in being a sports agent and representing an athlete in the capacity as a sports lawyer. My feeling is that anyone can become a sports agent overnight, but not everyone can become an attorney. I don't know what kind of background and training sports agents possess, but I do know that when you negotiate a sports contract, it is profound: it transcends a lot more than just negotiating a contract.

## **Q. What type of services do you offer to your clients?**

A. I try to give all my clients a full menu of services and attempt to coordinate all the activities that are involved in the representation of professional athletes. I believe that it is imperative to know your client because if you are not aware of the whole gamut of what is going on in your client's life, you really can't do an efficient job in one particular area. If you are going to negotiate a professional sports contract, you can't negotiate it unless you are fully aware of the wants, needs, and goals of your client. These wants and needs are individual to each athlete and determine what kind of contract that I will negotiate. I also coordinate my clients' insurance, investment and tax planning needs, as well as procuring endorsements and personal appearances.

## **Q. In your opinion, how should an athlete budget one's finances?**

A. I believe an athlete should have a handle on their own finances. I feel my clients should be advised properly, but not

pampered. Professional athletes' careers are short lived and after their career ends, they will have to get on with living in the real world. Tony Pennacchia will not be there forever, so I try to educate my clients in all phases of handling their finances, but ultimately the responsibility rests on them.

**Q. How do you prepare to negotiate a sports contract?**

A. Negotiation is very complex; there is no formula for a typical negotiation. As I stated before, you must know your client in order to service him effectively. The key to a successful negotiation is preparation. You must come to a negotiating session with a specific strategy in your mind, but also know your opponent and be able to anticipate what position he will take on certain issues. Over the years, I have become familiar with my adversaries and that has helped. One can improve negotiating skills through experience; it's a kind of trial and error process that is unique to each individual.

**Q. Do you see a need for regulation among sports agents?**

A. I perceive an absolute need for regulation of sports agents. I have seen young athletes taken advantage of; it is a harrowing experience for some of these athletes who are being taken for a ride. We have to come to a point where there is some kind of regulation in this field, perhaps educating athletes in college as to the dangers of incompetent agents or a licensing requirement in which an agent would have to attain a certain level of knowledge in the many areas of sports representation. Today there is not really an extensive regulatory system within the various professional players' associations and I feel there has to be more of a testing period for agents because some are just not doing an effective job. Most athletes have a very short period of time to earn an income in professional sports and if an incompetent agent misguides them, it might ruin one's entire career.

**Q. Do you feel there is a problem with drug abuse in the sports world today?**

A. I do not only feel that there is a problem with drug abuse in professional sports, but it is a growing concern that could touch the lives of many people in society. The drug problem in sports is emphasized because the entire sports industry is a high profile field, therefore it gets a lot of attention from the media. The Major League Baseball Players' Association may not agree with me, but I firmly believe that some system of drug testing should be implemented throughout the sports industry,

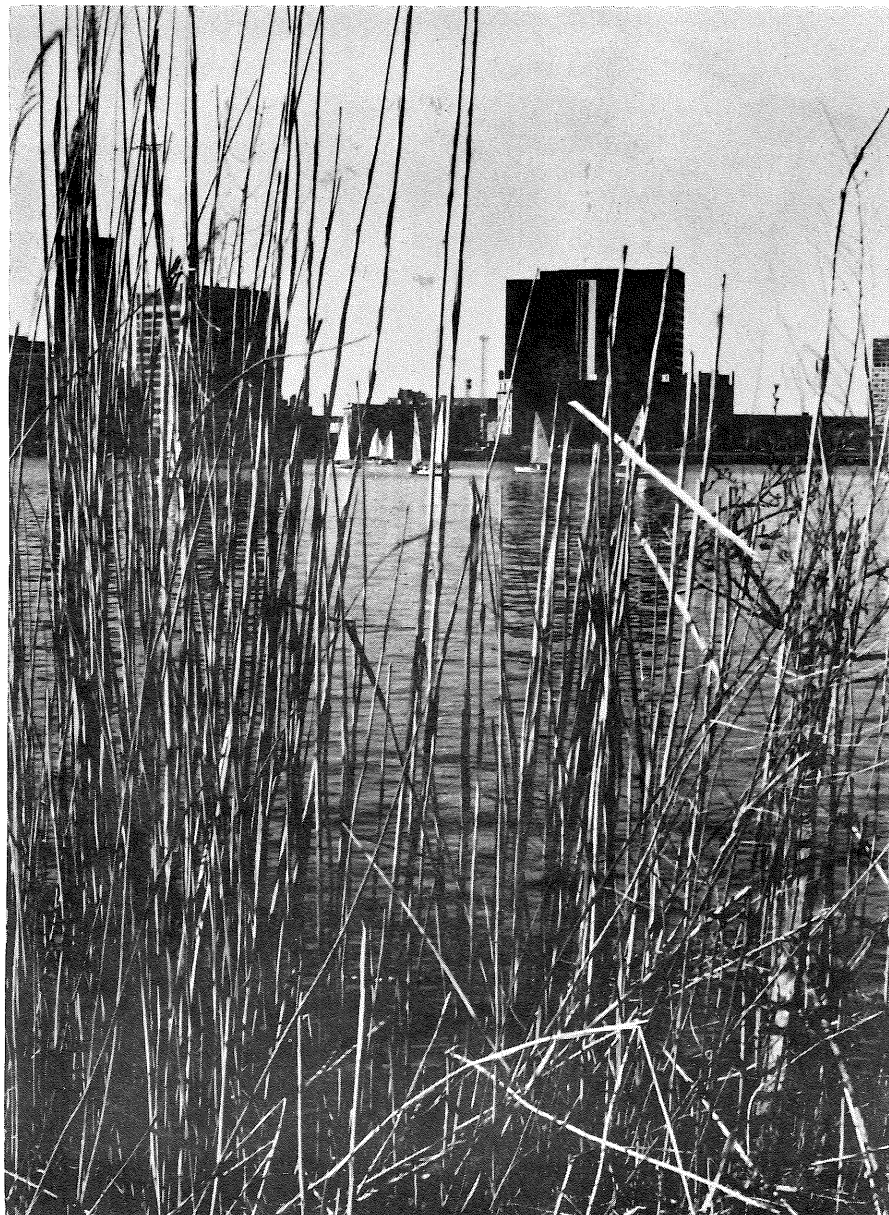
most importantly to attempt to help athletes deal with a very serious problem that not only affects the sports world, but society as well.

**Q. Why did you want to become a lawyer and who has had the most influence on your pursuit of your career?**

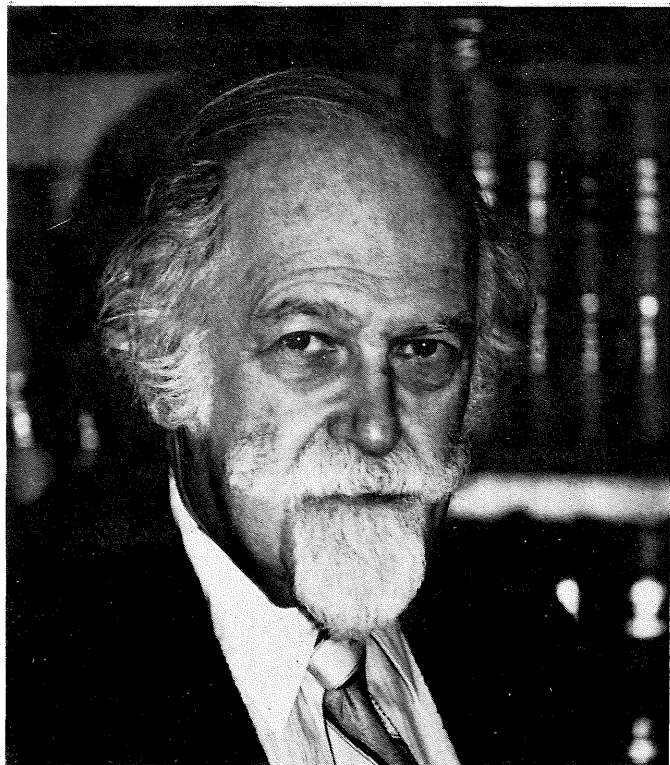
A. I always wanted to be a lawyer; to be involved in a career that is exciting and of service to the public. I have been involved in sports all my life, both as an athlete and as a fan. To become a sports lawyer is truly a dream come true! My dad, who is a semi-retired institutional wholesale grocer, has had a great influence on my life. I have learned from him the work ethic and what it means to take pride in your professional career.

**Q. How does one get into the field of sports law?**

A. The field of sports law is somewhat a closed shop because of its nature. In almost any other field of law there will always be plenty of cases and clients that need legal services, but there are only about 600 professional athletes in the United States. It is a glamorous, exciting, and interesting area of the law and I wish that I could recommend it to anyone, but it is not for everyone and unfortunately there are not enough clients in this field. It's very simple to get started in sports law, all you have to do is get a Jim Rice and a Cecil Cooper as your first couple of clients and you've got it made!



# J. CHESTER WEBB



J. Chester Webb is senior partner of the Waltham law firm of Webb, Webb, and Martin, a general practice firm. He is a member of the Boston Latin School class of 1931 and a graduate of Suffolk University Law School, class of 1941. From 1951 to 1955, he participated in the Harvard Program for Practicing Lawyers.

Mr. Webb is a member of the National Association of Trial Lawyers, the American Bar Association and the Massachusetts Bar Association. Formerly, he served as Associate Editor of the Journal of the National Association of Claimants' and Compensation Attorneys. Mr. Webb has also served on the MBA's Ethics Committee and Arbitration Panel. He was President of the General Alumnae of Suffolk University.

Mr. Webb is married to Dr. Gertrude M. Webb. They have six children and nineteen grandchildren.

**Q. Do you recall always wanting to be an attorney?**

A. Yes. I'm sure I did. My father was a lawyer and I always thought of it as being THE profession and I never thought of anything else that would interest me. I rather looked forward to it. My father had become ill when he was a very young man and I was still in grade school at the time. My mother, I think had a great deal of influence on it because she wanted me to carry on the tradition of my father being a lawyer. She was very proud of his being a lawyer and highly esteemed among friends and family and I just sort of grew into it.

**Q. How did you go about becoming a lawyer and achieving all that you've achieved?**

A. I didn't go directly to law school right out of college, or high school for that matter.

**Q. When you say high school what do you mean by that?**

A. Well, in those days one didn't have to have a pre-law degree to go to law school. All he had to have was high school

diploma. That was back in the 1930's. As my father had to retire because of sickness, I had to get out to work to help support the family and put off college until sometime in the future. I graduated from high school in 1932 and didn't start law school until 1938.

**Q. How do you think Suffolk Law School helped in preparing you to practice law?**

A. Without the formal education I could never have qualified to take the bar exam. I think the faculty that I had were very dedicated people. They were all practicing lawyers with one, maybe two exceptions that I recall. They were very practical men. There were no women teachers there at the time. There was only one woman in the class. We didn't do much in the way of case study. Our education was mostly by lecture of the faculty and in addition, we had books of practically just all black letter law which Dean Archer had written himself. They gave you the meat of the decisions. But it was really text and quite simplified. Exams were given monthly so that one could have an opportunity to see how he was doing and the faculty used to grade them and make marginal notes on points that were missed. They were very helpful. I think it was quite different from the way it's done today. Now, it's an all or nothing thing where you either pass the exam or you don't and you've had no opportunity to see how you're doing or where you're missing important points along the way during the course.

I enjoyed the experience very much. I was working full time days, and in the evenings I used to go over to the library in Brookline where a judge allowed a group of us who were friends of his nephew to use the court library. We used to get the key at the police station and go up there to study and read the case law.

**Q. What do you consider the most enjoyable part of your practice?**

A. Probably the people with whom I've come in contact with throughout the years, the friends I've made, the clients who've become friends. I've enjoyed the work of

case preparation, and the challenge of the occasional case I've tried. But, primarily I've enjoyed the social aspects — the interaction with other people. It's rather flattering being asked what my opinion may be on a particular matter. Being a lawyer, people seem to assume you must have an opinion on just about everything. I suppose it's a form of subtle flattery when people come back again to have more work done.

**Q. Is there a particular period that stands out as the most gratifying part of your career?**

A. On a most personal level, I look forward to my youngest daughter joining me in the practice of law.

**Q. Is there a period that stands out as the most difficult time?**

A. Well, the few times that I've been short on help and long on work. But generally, that hasn't been a problem and I've been fortunate in having had a partner who thought vacations were a waste of time. So, I managed to travel with my family for almost six weeks every summer.

**Q. Can you identify one person or perhaps more than one who had a particular influence on you in your choice of a career?**

A. I've already mentioned my father. At the swearing in ceremony, there was a Justice of the Supreme Court, Justice Qua, who spoke on the attitude that a lawyer ought to have as he saw it. At the time, it didn't seem to have much to do with being a lawyer, but I've come to realize that there definitely is an attitude of curiosity, of being willing to wait until the last speaker has spoken before making up my mind — that curiosity about what is going on, what peoples' real motivations may be, perhaps even unrecognized by themselves; I think this is something I learned from him.

**Q. What is the most important piece of advice you could give to someone going into the practice of law?**

A. Develop a curious mind — that is being a curious person. Develop an interest in other people and their problems. Recognize that there are no perfect people, there are no perfect solutions, work toward trying to help people live with their problems. Recognize that others have rights and that there's a middle ground somewhere between people of differing opinions.

**Q. If you were not an attorney in private practice, what do you think you'd be professionally?**

A. I don't know. At one time, I thought about teaching law or perhaps going into some other social science; perhaps psychology or philosophy. I've read a lot in these areas and suppose at best I'm an amateur in them.

**Q. Is there anything else you'd like to add?**

A. Yes. I enjoyed being able to have a rather close association with the faculty and administration at Suffolk during my tenure as President of the Alumnae Association about ten or twelve years ago. I met many of the younger generation of Suffolk and since then I've enjoyed seeing recognition come to one I looked to as a friend and personal advisor — Dean Archer, Gleason Archer that is, who was in his prime when I was at the school. I found him to be a very understanding man and very helpful to me on a personal basis. When I didn't happen to have the five dollars that it cost each week to buy tickets for class admissions, he'd give me an o.k. to go into classes and allow me to make it up anytime within the next couple of weeks.





*Suffolk University Law School was housed in a building located on the corner of Temple and Derne. Mid-1960's.*

# Turning Carthorses Into Trotters:

## Suffolk Evening Law School As A Counter-Hegemonic Movement In Legal Education

by Michael L. Rustad

Michael Rustad graduated from Suffolk University Law School's Evening Division in 1984. He received an award for the most outstanding evening law student at graduation. From 1984 to 1985 he served as law clerk to the Honorable William E. Doyle, Circuit Judge of the U.S. Court of Appeals, 10th Circuit. Mr. Rustad also received an LL.M. from Harvard University Law School, and a Ph.D. from Boston College. He has accepted a position with the firm of Foley, Hoag and Eliot in Boston. His most recent book is *Social Problems: The Contemporary Debates*, published in 1985 by Little-Brown Company.<sup>1</sup>

### Introduction

I expected the judge's chambers to be distinguished. Located on the fifth floor of the imposing federal court building on Denver's Stout Street, with a magnificent view of the Rockies, the chambers fit the bill. I was prepared to answer any number of questions on the law of federal courts. However, as I had also expected, I only needed to answer the one, inevitable query of law students in my program: "Why did you choose night law school?" For that question usually means the interview is about to turn for the worse, as the evening law student candidate begins the unenviable tasks of (1) defending the quality of their school, per se, and (2) giving imaginative reasons why it was an advantage to work all day in one field, and study

another at night. Happily for me, the judge was satisfied with my frank answer that I attended evening law school out of necessity, rather than choice. Nevertheless, my case is not atypical. The general distaste for evening law school registers in nearly every interview with that same question, the effect of which is to put the evening law school job candidate on the defensive, thereby giving the potential employer an excuse not to hire that person: "He's got a chip on his shoulder," or "She needs more polish."

Suffolk University Law School's night program has long since shed its traditional image as an alternative program offering upward mobility for ambitious poor people. (Robbins 1981, 1982) (Clark 1981). It has been nearly a century since Suffolk's "black letter law" method was displaced by the Harvard case method. As a first-year evening student, I turned the same pages in the same books to the same canards, the "eggshell skull," the "dead hand" that ruled from the grave, and the fertile octogenarian. I read the same cases that kept Harvard law students up at night: the "hairy hand" of the boy in *Hawkins v. McGee*, the snarling dogs who were separated by a stick in *Brown v. Kendall*, the exploding package of fireworks in *Palsgraf*, and Rose II of Aberlone, that sterile bovine who unexpectedly calved spawning the mutual mistake doctrine of *Sherwood v. Walker*. (Allen 1982:82) The cases studied by law students are much the same no matter where they go to law school, because there

is an unexamined consensus about the content of the first-year curriculum.

Despite the pedagogical symmetry, the "ranking" of Suffolk and the other night law schools by many in the profession is anything but similar to Harvard and the other elite schools. Duncan Kennedy argues that the hierarchy of law schools involves at least three subpractices:

First, law teachers create an ordering of schools according to material resources and faculty qualifications (the richest schools tend as a general matter to have the most academically qualified faculty rather than the least qualified). Second, law teachers arrange law school applicants in an ordering according to "corrected" college grades and LSAT scores. Third, law teachers allocate students to schools so that the "better" students go to the "better" schools. (Kennedy 1983:51).

The rating of law school applicants is often arbitrary and inefficient. High LSAT scores sometimes parachute dull, unimaginative students into Harvard. Students with high LSAT scores which might have qualified them for Harvard sometimes choose to attend Suffolk. In my law school class at Suffolk, there were psychiatrists, bankers, engineers, accountants, state legislators, and executives, accomplished persons from nearly every profession. Yet, many of these students found employers more interested in obtaining the stamp of the Ivy League imprint for their law directory caption, than examining the particular



*Suffolk University  
Tennis Team  
1938-1939  
(all law students)*

lawyer in Massachusetts, contrasted as sharply as day from night. On the Cambridge side of the Charles River stood Harvard Law School, the high citadel of American law schools, the training ground for the lawyers of State Street and Wall Street. Across the Charles in Boston stood Suffolk Evening Law School, the largest night law school in the world, the training ground for the best and brightest of the popular classes.

Suffolk Evening Law School was “opportunity’s open door” for males who had to work for a living, lacked educational credentials, or who could not afford the higher tuition of the day schools. Located adjacent to the rear wing of the State House, Suffolk had evening classes which could be attended for as little as \$60 a year. Suffolk’s Dean and founder showed first-run motion pictures to the public in the law school auditorium by day to keep the tuition low. Suffolk’s sister institution, Portia (now New England School of Law), produced more female lawyers than any other school in America throughout the twenties. The reminiscences of George Fingold, former Attorney General of Massachusetts, capture the ethos of the night law school:

At the end of day’s work, I’d hop on one of the trains and ride to North Station. I’d run to Beacon Hill in my overalls with greasy hands. I’d change clothes in the men’s locker room in the basement of the Archer Building. I’d wash and change into clean clothes and then run to class. For me, Suffolk Law School was my last hope to make something of myself. (Fingold 1956:1).

qualifications of the individual. Rarely were my Suffolk classmates given the honor and respect that automatically follows a Harvard degree. On the other hand, there was often an irrefutable presumption that the Harvard graduate was of high caliber, irrespective of class standing and personal qualities. As unfair as this might seem, the legal profession is much less class-segmented today due to the night law school movement in Boston at the turn of the century.

My thesis is that today’s night law school student is a product of a rearguard social movement that struggled with the elite day law schools to transform the character of legal education during the years from 1912 to 1930. This may explain why despite all of the ways that Suffolk has “Harvardized,” Suffolk students can not fully discard their association with the night school, that counter-hegemonic enclave in legal education.

To understand the lingering stigma upon the night law student, it is necessary to learn why the legal establishment—from the beginning, found the evening law school an anathema. The first section of this essay surveys three emblematic moments in the night law school movement in Boston from 1912 to 1930: (1) The rise of Suffolk Evening Law School and its battle with the Crimson Octopus over the power to grant degrees; (2) The war between Suffolk and Harvard over the control of the Massachusetts bar examination; and (3) the Harvard led movement against Suffolk and the night law schools in the national arena of the American Bar Association (ABA) and the American Association of Law Schools (AALS). The second section explores whether Suffolk’s war of

position with Harvard was counter-hegemonic in the sense envisioned by Antonio Gramsci. (Gramsci 1936). I argue that the night law school movement was significant as an alternative to the sponsored mobility regime and as a revolutionary pedagogy. The third section speculates about the continuing significance of the night law school movement in today’s law school hierarchy.

## I. THE WAR OF POSITION BETWEEN SUFFOLK AND HARVARD

### A. THE RISE OF SUFFOLK AND ITS BATTLE WITH THE CRIMSON OCTOPUS OVER THE RIGHT TO CONFER DEGREES

By the first decades of this century, there were two competing routes to becoming a



*Dean Frederick McDermott (1956-1964)*



*Dean Gleason Archer*

**GLEASON ARCHER**, first Dean of Suffolk University Law School, was a pioneer in evening division legal education who battled the legal establishment to open a door to the profession for minorities and working class people.

Across the Charles at Harvard, the professors and overseers paid little attention to the aspirations of men like George Fingold. Harvard men had long monopolized the Massachusetts bench and bar to the exclusion of other groups. Ninety percent of the new lawyers admitted to practice in Boston from 1780 to 1817 were Harvard College graduates. (Warren 1913:194-95). Before the Revolutionary War, the patrician sons of Harvard trained at the Inns of Court in London: "Young American barristers listened to the eloquence of Pitt (Lord Chatham), and the oratory of Pratt (Lord Camden). They studied side by side with the future Chancellors and the Chief Justices of the King's Bench." (Warren 1913:194-95). After the Revolution and before the rise of formal law instruction at Harvard, graduates of that institution apprenticed themselves to local barristers. The Suffolk County Bar provided "that no

gentleman could take on an apprentice for a yearly sum of less than one hundred pounds sterling." (Warren 1913:200)

In the last decades of the nineteenth century, hegemony in legal education passed from the law office to the law school. Law instruction was first offered at Harvard in 1817, but it wasn't until the final decades of the last century that Dean Christopher Columbus Langdell developed the modern law school centered on the "case method." (Chase 1979, 1981). The case method was a radical departure from the older apprenticeship system which served earlier generations of Harvard men. The new paradigm emphasized the scientific process through which students deduced legal principles from judicial opinions written by distinguished judges. Students read books full of cases and prepared briefs which were condensations of the rules of law and reasoning. Students learned to think like lawyers through "Socratic dialogues" with their law teachers, full-time teachers in contrast to the practitioners who taught under the lecture system. Gradually, the case method displaced the older pedagogy and was employed by all of the leading law schools in America with the help of Dean Langdell's students, men like "Wigmore who took the gospel to Northwestern, Wambaugh to Iowa, and Keener to Columbia." (Friedman 1973: 534).

At first, Suffolk Evening Law School was much too insignificant to be noticed by Harvard Law School and Boston's legal establishment. In 1906, Gleason Archer opened his evening law school in his Roxbury apartment, becoming interested in such an enterprise as a law student at Boston University: "I seemed fitted for the work... Even as a student, I had some ideas about a system of teaching which I considered would be better than the one used at Boston University." (Archer 1961).

Only a few years before opening his law school, Archer had been forced to quit high school to work in his family's lumber camp in the backwoods of Maine:

I was an undersized lad of fourteen at the time—a little runt weighing 76 pounds and consequently was appointed a cook for my father's crew of lumber jacks... But an ambition for education possessed me and during those five years in the lumber camps, without a teacher, I learned to study, to analyze, and to master the printed page. English grammar, arithmetic, history, algebra, and even Latin were subjects that I labored over at odd moments in the lumber camp. (Archer, 1956).

A few years later, Archer arrived in Boston with \$5 in his pocket and hopes of enrolling in law school. Alone and friendless, he washed dishes in Floyd's restaurant near Boston's South Station to earn a living while he attended Boston University. (Archer 1956). After his first year of law school, Archer found a summer job working in a resort hotel on Cape Cod. One night towards the end of the summer, he severely injured his knee in a fall and was loaded on a coach for Boston. While on the train to Boston, he struck up a conversation with George Frost, a financier and corset manufacturer from West Newton. After learning of Archer's life story and current predicament, Frost took out his check book and covered Archer's medical expenses. Later, he wrote checks each fall for Archer's law school tuition refusing all reimbursement, but wishing, "if you ever have a chance to pass this favor along to other boys, do it for me."<sup>2</sup> Archer's evening law school was a way to repay his benefactor, to help make other boys like Horatio Alger's "Tattered Dick" into Esquires, men of learning.

Archer's Evening Law School soon outgrew his Roxbury parlor. In 1907 he renamed his school as "Suffolk Evening Law School" and relocated it near the political and financial center of the city



*Dean Frank Simpson (1942-1952)*



and the state. When Suffolk's enrollment reached 150 in 1912, Archer and his trustees applied to the Massachusetts State Legislature for a charter to grant degrees. It was at this point that Harvard Law School first took notice of Suffolk.

In his autobiography entitled *The Educational Octopus*, Archer attributed the defeat of the Suffolk bill to the long reach of the "crimson tentacles." The charter bill was again crushed in 1913 by the governor's veto characterized by Archer as again the work of the "crimson tentacles reaching from committee-room to committee-room, reaching from the halls of legislation to the Governor's Office." (Archer 1915:1).

Archer called attention to the fact that he saw Harvard's President Lowell emerge from the Governor's Office shortly before the 1913 veto. He also pointed to Harvard's control of the Massachusetts State Board of Education whose spokesman testified against his Institution: "Frederick P. Fish, the President of the Board, before the matter even came before the legislature made the statement in the presence of Dr. Sned-

den that he was opposed to the measure." (Boston Advertiser, 1913:1).

To counter Harvard's influence on Massachusetts Republicans, Archer carried his cause to Democrats: "Irish almost to a man, they were no strangers to the fight against exclusiveness and privilege. . . Their mediation brought Martin Lomasney and Mayor James Michael Curley into the fight." (Robbins 1981:10). The *Boston Morning Globe* of February 26, 1913 reported of lobbying by Archer's students: "One of the most persistent was Frank B. Sullivan of Charlestown and Dorchester. . . Sullivan, who is putting in his spare time studying law while still employed in the Schuman establishment, is gifted with an ability to talk. . . he is making good use of his talents in urging the passage of the bill." (*Boston Morning Globe* 1913:3)

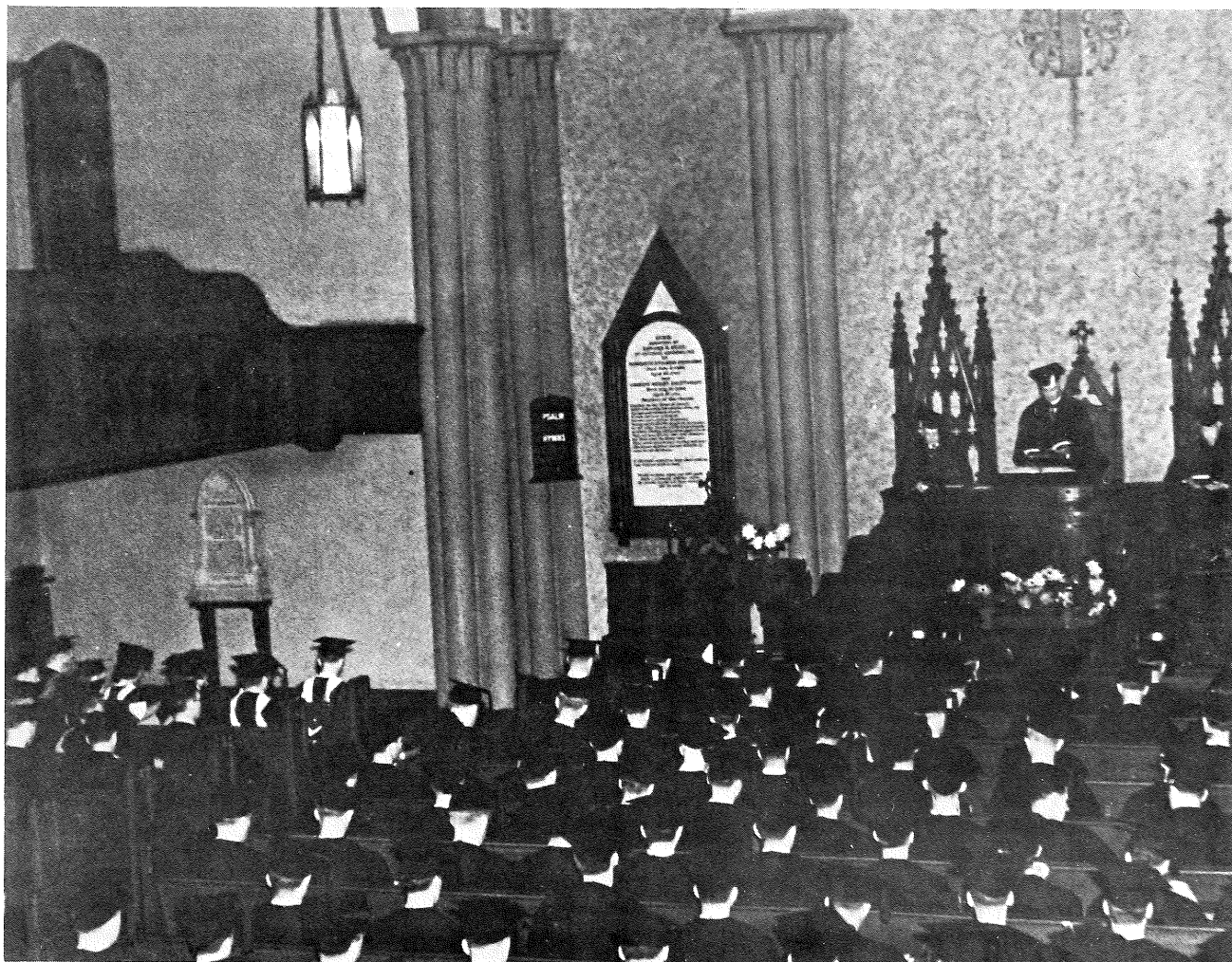
Archer mounted a relentless attack against the legal elites drawing the legislator's attention to Harvard Law School's role in the 1913 veto: "Do you as a member of the legislature approve such conduct? . . . Why should the will of one

man be allowed to set aside the carefully considered verdict of the 200 representatives of the people of Massachusetts." (*Boston Record*: 1913). After an acrimonious debate, Suffolk won the first round against the Crimson Octopus when the Suffolk bill passed and was signed into law by the newly elected Governor Walsh in 1914.

Drawing upon its constituency of immigrants in the West End and other sections of the city and state, the school grew to a student body of 761 by 1920 and relocated this time to a new building on Derne Street in the very shadow of the State House.

#### B. THE WAR BETWEEN SUFFOLK AND HARVARD OVER THE MASSACHUSETTS BAR EXAMINATION

One of the underlying reasons why Harvard opposed Suffolk's charter was that it was the sponsor of a competing night law school, the YMCA Law School (now Northeastern). YMCA law students were



Graduation ceremony mid 1930's in the Methodist "Grace" church which was located on the site of the Donahue Building.

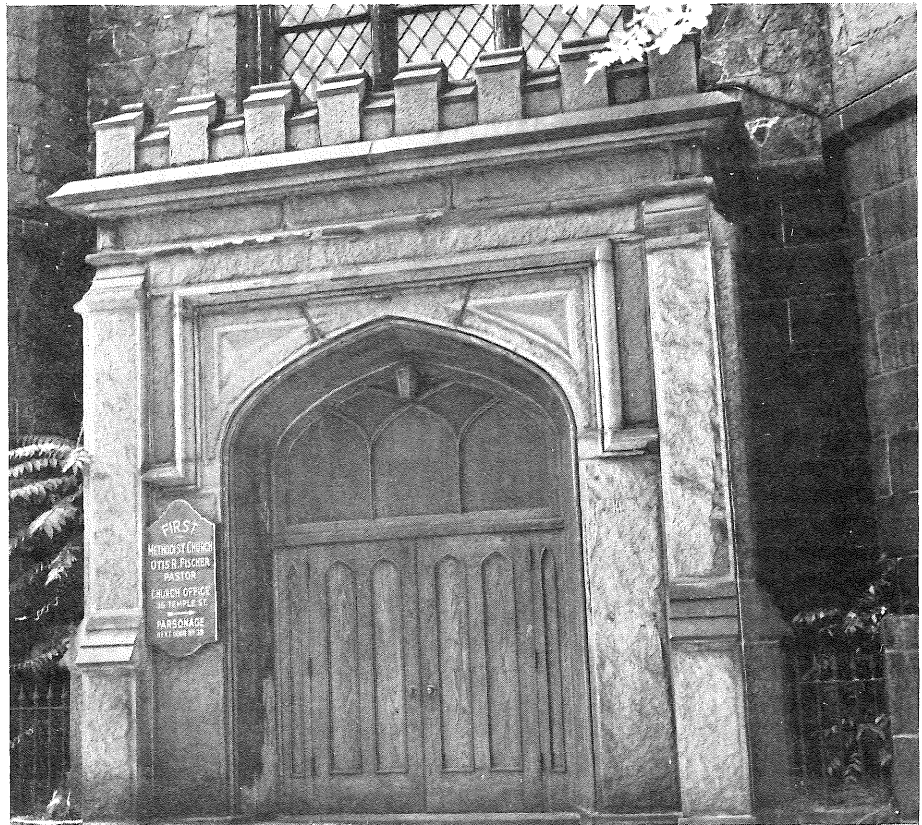
men with good preliminary education from such respectable institutions as Brown, M.I.T., and Amherst College. (Marston 1961:17-18). The Dean of Harvard Law School, James Barr Ames served on the YMCA advisory board, while Professor Louis Brandeis taught classes in the evening using the same case method that he utilized at Harvard by day. Robert Stevens contrasts Harvard's sponsorship of the YMCA Law School with its opposition to Suffolk:

Gleason Archer's Suffolk Law School in Boston had to compete with Northeastern's more elite faculty without any help from the profession, which saw his school as an encouragement to the "unworthy" poor. Archer, who wrote his first autobiography at age thirty-five in 1915, saw two dangers in society: the "reds" (Communists) and the "crimsons" (Harvard). Opening law schools to the poor was his attempt to establish bulwarks against the encroachment of both of these sinister forces. (Stevens 1983:80).

Perhaps the most unforgivable aspect of Suffolk Evening Law School (from the viewpoint of the legal elite) was the amazing success of its graduates in passing the Bar examination. Suffolk students often outperformed their YMCA counterparts on the test despite their inferior educational backgrounds and the fact that they studied the law after working 8 to 10 hour days.

In 1926, when 99% of the Suffolk graduates passed the Bar examination (compared to 62% of the Harvard law graduates), they were accused of cheating and all 833 previously successful candidates were forced to retake the test. Eight hundred and ten applicants passed the exam a second time, demonstrating, contrary to the belief of Harvard, that Suffolk's record was not based on fraud. (Archer: 1926).

The Crimson Octopus attacked Suffolk on another front through the Boston Bar Association, a club that "blackballed" Suffolk grads. The Boston Bar Association sponsored House Bill 366, the so-called "Fitness Bill" in 1929. This piece of legislation would stiffen the requirements of pre-legal education thereby cutting into Suffolk's social base. Professor Elihu Root of Harvard viewed the Fitness battle as one between law teachers of the "principal law schools" and "judges on the Massachusetts bench" in one camp and state legislators on the other." In 1915, Root had seen the work of legislators as the product of an "agitation carried on in support of the principle: "Let



The Donahue building stands on the site of the First Methodist Church and its parsonage. Photo of door from original structure which was built in 1836.

every man have his chance." (Root quoted in Corbin 1921:733).

The night law schools used their political influence at the Massachusetts state house to stave off all attempts to increase educational requirements for the bar examination. A decade earlier, Representative Martin Lomasney, the West End political boss, responded to elite requests to increase educational requirements by filing a bill to lower the requirements which passed in 1915. Like the earlier bills, the Fitness Bills of 1925 and 1926 were soundly defeated by the state legislature. (*Boston Evening Globe*: 1926).

Suffolk graduates in state government viewed "fitness" as a code for a plan to make the law the exclusive province of Harvard men: "Now by this one word, fitness, they are trying to change what the Legislature ordered, to gain by subterfuge what they cannot gain in the open." (*Boston Advertiser*: 1913). Later in 1932, those fears were realized when a Suffolk man passed the academic portion on his bar exam, but was denied admission to the bar on the grounds of general fitness because it was discovered on the oral exam that he was a plumber. (Chester 1983:526). However, throughout the late twenties, ap-

proximately twenty-five Suffolk law alumni in the Massachusetts State Legislature thwarted all attempts of the elites to root out the law schools which mushroomed by night. On still another front, Harvard and the bar associations accused Suffolk and the night law schools of producing ambulance chasers and crooks. This charge was met successfully by Archer when his student's study of Boston proceedings revealed that only 6 of the 105 lawyers disbarred between 1900 and the middle twenties were night law school grads. (James Brennan quoted in *Buffalo News*: 1927:1).

### C. SUFFOLK VERSUS HARVARD IN THE A.B.A. & A.A.L.S. OFFENSIVES

In the fall of 1929, the battle lines were drawn for yet another major confrontation between Harvard and Suffolk. Six months before the American Bar Association convention, Archer distributed a paper entitled "Fact and Implications of College Monopoly in Legal Education", to be read on the opening day of the convention. Archer accused the Association of American Law Schools of conspiring against the evening schools. He thundered: "My recommenda-

tion to you gentlemen is this, that we should clean house in this Section (on Legal Education of the A.B.A.); that we should throw out the officials of the Association of Law Schools that have been running this Section ever since they captured it." (*Boston Traveler*, 1929).

The war for position on the floor of the A.B.A. was over the elite day law schools' efforts to upgrade educational requirements, a campaign inspired by the victory of the medical establishment's campaign for "fewer and better" doctors. Margali Larson documented that between 1900 and 1920 one-half of all medical schools in the United States were driven out of business because they could not meet increasingly stringent, licensing standards. (Larson 1977:19-39). Like the proprietary medical schools, night schools such as Suffolk were vulnerable to efforts which would raise educational requirements.

Archer led the nation's evening law schools against the legal establishment's efforts to upgrade legal education by forming a counter organization, the National Association of Day and Evening Schools. This organization included such schools as John Marshall Law School, Chicago's largest law school and Atlanta University, an all-black law school. Archer mobilized members of the A.B.A., judges, and legislators, many of whom were not college-educated themselves. Tireless in his campaign to democratize legal education, Archer delivered scores of talks on radio station WBZ-WBZA of Boston on the educational cartel led by the elite day schools. Eventually, Suffolk failed to undo the alliance between the A.B.A. and the A.A.L.S. "In an earlier paper, Koenig and I attribute the decline of the night law school movement to the Depression and to succeeding generations of more affluent ethnics, who fired Archer in favor of a program of Harvardizing." (Koenig and Rustad, 1985: 200-12). A question unanswered in our earlier work is whether Suffolk Law School was part of a counter-hegemonic movement in legal education and whether it has a continuing significance in today's hierarchy of legal education. (Koenig and Rustad:209, f.n. 5). It is to that unanswered question that I turn next.

## II. WAS SUFFOLK AND THE NIGHT LAW SCHOOL MOVEMENT COUNTER-HEGEMONIC?

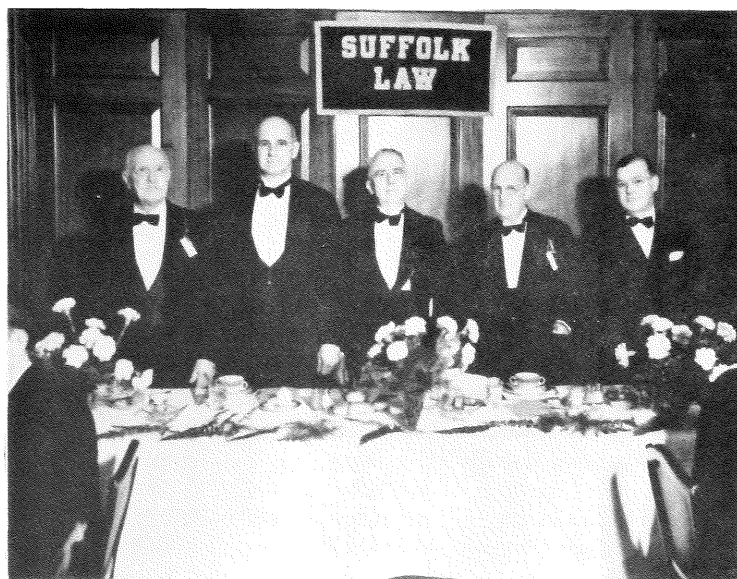
By 1920 across the Charles from Harvard, professors and trustees could make out an electric sign which proclaimed,

"Suffolk Law School." Gleason Archer placed the sign proudly at the top of his half million dollar building that he erected adjacent to the rear wing of the Statehouse, the site of many struggles with Harvard and the Boston Bar Association.

If Harvard so dominated the New England bench and bar, why did it give a damn about Suffolk's neon sign? Why did it bother to oppose Suffolk's move to grant degrees and train students for the bar? The 1928 Alumni Directory of Suffolk reveals that not a single graduate was hired in either State Street or Wall Street, Harvard's province. (Suffolk Law Alumni Directory: 1982). Suffolk's sign irritated Harvard because it was an emblem of a rival model of legal education. To understand Harvard's underlying reasons for opposing Suffolk, it is necessary to turn to the work of Antonio Gramsci (1891-1937), the Italian Marxist theoretician and political activist. Gramsci had no knowledge of the struggles between Harvard and Suffolk but could have appreciated them. Arrested and imprisoned by Mussolini for his work with the Italian Communist Party (PCI), Gramsci wrote his principal work, *Prison Notebooks*, while isolated in a prison near Bari, in Southern Italy. (Gramsci 1936). Gramsci's concept of hegemony has considerable 'spin' in explaining the continuing significance of the night law school movement.

The concept of hegemony first appeared in Gramsci's essay published in 1926, *Notes on the Southern Question*. Gramsci's purpose was to explain why the working class was so slow to develop awareness of

the 'true' character of capitalism. Marx had envisioned that the working class, given a scientific explanation of capitalism, would willingly and fairly quickly discard the distorted ideologies of the bourgeois. He thought considerable progress had been made during his life-time. (Berki 1975:67). By the time that Gramsci was writing, it was obvious that Marx and the Second International were mistaken about the automatic and inexorable collapse of capitalism. Gramsci learned from organizing workers' councils in Turin and other cities just how reticent laborers were in making the transition from 'false' to 'true' consciousness. His concept of hegemony was devised to explain the failure of the October revolutions to materialize in Italy and other countries of Western Europe. By hegemony, Gramsci meant the ways in which the Southern Italian peasants were shaped and manipulated by the dominant classes. (Gramsci 1936), (Boggs 1976). Gramsci argued that in Italy, revolutionary fervor was stymied most by the unseen power of the classroom, the courtroom, the chapel, and the rest of the cultural institutions. It was the ensemble of moral, political, and intellectual forces which explained the endurance of capitalism, not the policeman's baton. Gramsci contended that it was in the institutions which Hegel called "Civil Society," the family, religion, law, where the consciousness of the laborer was captured. (Bobbio 1979:30-1). Gramsci stated that it was the partnership of Civil Society with the State that constituted hegemony: "These two levels correspond



*Faculty Club Dinner honoring Dean Archer in 1937.*



*Main law library located at 45 Mount Vernon Street.*

on the one hand to the functions of 'hegemony' which the dominant group exercises throughout society and on the other hand to that of 'direct domination' or command exercised through the State and juridical government." (Gramsci 1936:12).

The significance of Gramsci in understanding the night law school movement stems from his definition of intellectuals which he viewed as having an essential role to play in every social group. He divided intellectuals into two camps depending on whether they were linked to one of the previous modes of production (traditional intellectuals) or to one of the emerging classes (organic intellectuals). Traditional intellectuals performed essential functions for the dominant classes by forming the ideas of the age in religion, philosophy, science, morality, and justice. (Gramsci 1936:7). Gramsci believed that the working class, "like the bourgeois before it, is capable of developing from its own ranks its own organic intellectuals, and the function of the political party, whether mass or vanguard, is that of channelling

the activity of these organic intellectuals and providing a link between the class and certain sections of the traditional intelligentsia." (Gramsci 1936:4).

Without question, Harvard law school was the traditional intelligentsia in American legal education. Harvard graduates performed the essential function of creating with the other day schools, an awareness of its own function not only in legal education but also in the social and political fields. Harvard graduates spread the case method invented by Langdell to the other established law schools. These were men, much like Gramsci's vision of "deputies, who could be entrusted with the activity of organizing the general system of relationships external to the business itself." (Gramsci 1936:6).

It is equally uncontested that Harvard graduates were organizers of a legal system which orchestrated the financial affairs of the great families of Boston—the Lowells, the Saltonstalls, the Lodges, and the entire Brahmin class who relied upon Harvard trained lawyers to draft their wills,

preserve their trusts, and incorporate their business. (French 1962), (Horwitz 1977).

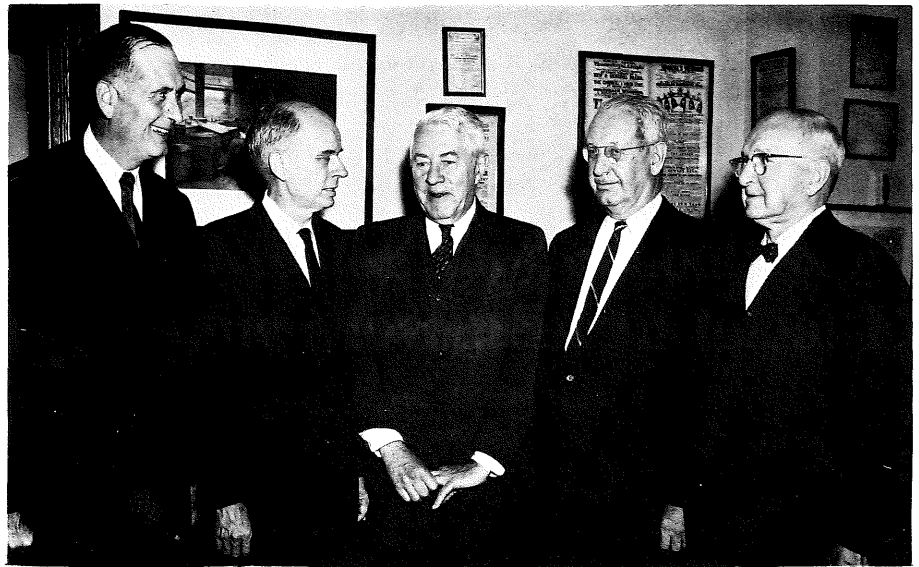
Harvard lawyers put themselves forward as autonomous and independent of the dominant elites, yet it was not without consequence that Harvard, itself was deeply imbricated in America's infrastructure. Upton Sinclair wrote that Harvard marched to the "goose-step" of interlocking directorates having substantial holdings in the munitions industry, the railroads, the utilities, and United Fruit of Central America. (Sinclair 1923:67-91). A decade earlier Veblen had chided Harvard's President Lowell and others of his ilk for acting like "captains of education"—pawns of industry who transferred their operations to the university cartels. (Veblen 1918:155).

Clearly, Harvard performed an essential function in the world of economic production, elaborating higher levels of legal doctrine, organically bound to the dominant elites. (Horwitz 1977). The interesting question is whether Suffolk and the night law school movement were a new category of intellectuals, who critically elaborated

intellectual activity for the working class. A strong case could be made that Suffolk and the night law school movement did not perform such a role. Gleason Archer denounced left wing lawyers and communists as vehemently as he excoriated the *Crimson*. (Stevens 1983:80). He saw the New Deal as a product of "The Law School Racket in Federal Appointments." (Archer 1944:82). Archer applauded the execution of Sacco and Vanzetti, condemning Felix Frankfurter of Harvard for championing their cause: "Professor Felix Frankfurter of Harvard University has for many years been a leader of the radical movement in America"...The significant fact to Archer was that Frankfurter was active in the law school movement. "...[He] has had continuous influence with the New Deal Administration and has injected into the national government the chief left wing policy-makers in the vast army of bureaucrats that now afflict the nation." (Archer 1944:76).

It is also arguable that the night law school movement co-opted the immigrant classes by "cooling out" their leadership, finding them a place in the hierarchy. Men who studied by candle-light had no energy left to consider and embrace socialist alternatives, a point not lost by Suffolk trustee Thomas Boynton, later a Massachusetts Attorney General:

Did you ever stop to think that the ignorant leader is a grave menace to this



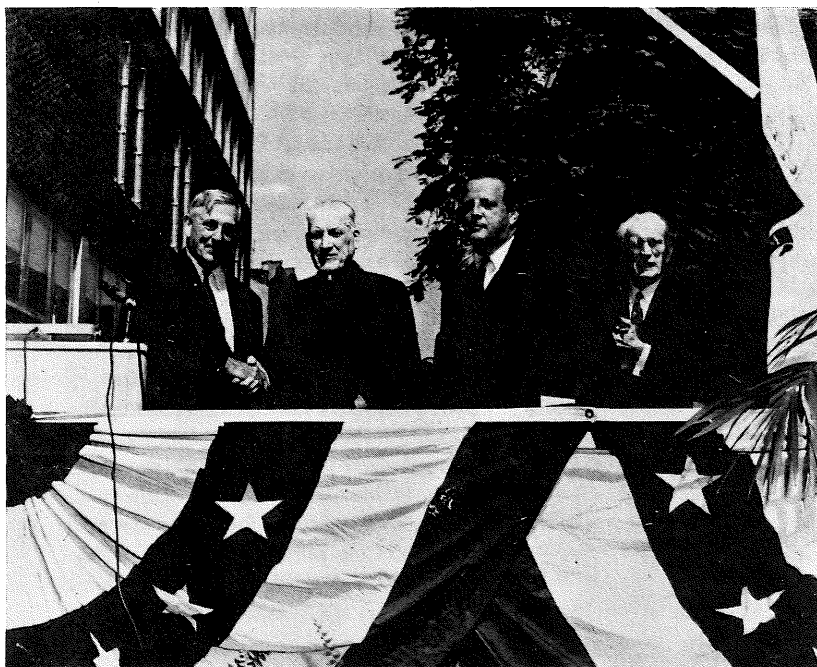
Frank J. Donahue (far right) senior associate justice of the Massachusetts Superior Court, trustee-treasurer of Suffolk University Law School Alumni Association, chats with Paul C. Reardon (far left) chief justice, Massachusetts Superior Court, John C. Satterfield (second from left) president-elect, American Bar Association, Raymond S. Wilkins (third from left) chief justice, Supreme Judicial Court of Massachusetts and Walter I. Badger, Jr. (fourth from left) president, Boston Bar Association at the annual dinner of the Suffolk Law School Alumni Association at the Parker House in Boston in Fall 1960.

and to every other community? Did you ever think that to endow schools for the favored few and utterly to neglect the multitude is to prevent the masses from having sound leaders, therefore, delivering them over to designing agitators? (Boynton 1919:1-2).

One should note, however, that the significant role of Archer and his trustees was their role in creating "a new stratum of intellectuals." (Gramsci 1936:9). The self-assessment of Archer and his trustees is not without consequences, but as Gramsci put it: "intellectuals think of themselves as 'independent,' autonomous, endowed with a character of their own." (Gramsci 1936:7-8). Today it is easy to forget that Suffolk and the night law school movement was a historical form of a new intellectualism which corresponded to the latent aspirations of classes traditionally excluded from legal education. The night law school movement was an enormous development of activity and organization in the broadest sense, in leading a popular alliance against the dominant educational elite. It was counter-hegemonic as an attempt to deepen and to broaden the "intellectuality" of the popular classes. Through its regime of "contest mobility" and its pedagogy for the working class, it was an active participant in moving the feelings and passions of men considered to be lazy or stupid by the "high culture" in law.

#### A. SUFFOLK'S REGIME OF CONTEST MOBILITY

The Suffolk regime was based on what Ralph Turner described as "contest mobility", a legitimating ideology in today's legal hierarchy. (Kennedy: 1983). Under the con-



Dedication of Donahue Building on September 13, 1966 (President John E. Fenton, Cardinal Cushing, George Seyboltt, John W. McCormack)

test system, "elite status is a prize in an open contest by some rules of fair play, the contestant having wide latitude in the strategies they may employ." (Turner (1960) quoted by Haller, Konig, Krause and Kurz 1985:580). The contest mobility regime at Suffolk made it possible for manual workers to choose professional education with a degree of autonomy not possible under the older system of legal education.

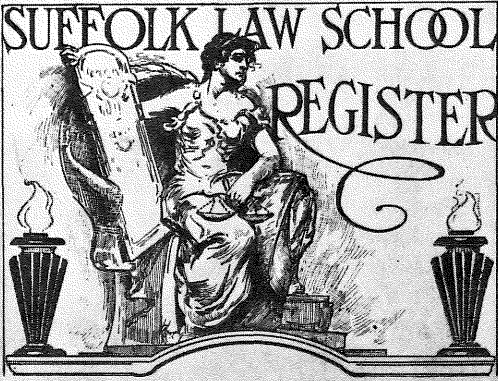
The more open night law school was run like a contest in contrast to the day school which was based on "sponsored mobility" in which "status is given on the basis of some criterion of supposed merit and cannot be taken by any amount of effort or strategy." (Turner (1960) quoted by Haller, et al, 1985:956). At the turn of the century, Harvard's President Eliot had envisioned a legal establishment composed of men of average ability, but good preliminary education. The Suffolk system was distinguished from the older system by streaming students at a considerably later age. Archer's method was to help only the worthwhile men in his contest type of educational system: "Don't be a quitter," Archer said, "Give yourself a chance. If

you then fail, it is proper and even necessary to withdraw from the school." (Archer 1923:1).

## B. THE SUFFOLK METHOD AS A REVOLUTIONARY PEDAGOGY

The impact of the contest system was that it opened the legal profession to skilled manual workers, sales workers, craftsmen, and worthy entrants from the immigrant groups. The class of 1926 had baseball players, boxers, policemen, clerks, and newsboys. One Harvard professor upbraided Archer for viewing law school as a contest, for trying to turn 'cart-horses into trotters.' As Archer saw it, "Harvard was alarmed for two reasons, we didn't use the case system and we were doing the revolutionary thing of educating boys who worked for a living in the day and studied at night." (Archer 1956). Suffolk was not only employing a system of contest mobility, but it was also counter-hegemonic that Archer employed a practical method of teaching geared toward the aspirations of his students. Archer's method brings to mind Gramsci's description of how it was

necessary for the working-class to develop the appropriate attitudes—involving self-discipline and self-control: "The pupil, has in effect, to undergo a psychophysical training. . . It is the process of adaptation, a habit acquired with effort, tedium, and even suffering." (Gramsci 1936:42). Archer devised a system at Suffolk based on continuous review work, "at the hands of a vigilant correcting department: It gives every man a fair chance to make good. But it does proceed upon the theory that the only genuine kindness to our students is to hold them to strict accountability." (Archer 1925:1). In contrast to Harvard's case method, Archer revolutionized the study of law by writing textbooks in a simple and direct way. He developed practical guides to over twenty law subjects including court procedure, contracts, agency, and torts. The rules of law were illustrated with many examples drawn from actual practice, in contrast to Harvard's method of employing many hypothetical examples. (Archer, 1910, 1911, 1915, 1916). Like the Baltimore Catechism of the Catholic Church, Archer's method emphasized drill and repetition, modifying its relationship with the



**SUFFOLK LAW SCHOOL REGISTER**

Volume 1 BOSTON, MASS., 1915 Number 1

Read "Lawyers and Social Service" on page 11 of this issue

First Installment of Dean Archer's Interesting History of the School

"Developing the Judicial Mind," An Able, Timely Dissertation, By Prof. A. Chesley York, page 10

**OCTOBER**



**The Suffolk Law Student**

Vol. 1 MARCH, 1911 No. 3

**THE PROSPECTS OF THE EVENING TRAINED LAWYER**

GLEASON I. ARCHER, LL. B., Dean of the Suffolk School of Law.

In comparing the prospects of the evening trained lawyer with the lawyer who has obtained his legal education in the day law schools one must first consider how a legal practice is acquired.

Many young men fancy that clients are attracted by a lawyer's sign. To their minds it is a question of sitting in one's office and waiting the streamers seeking legal assistance to wander in. In a small community there is doubtless a possibility of one's practice being increased in this way, but in a large city the percentage of stray clients is exceedingly small.

Practically every prospective client who seeks out the lawyer with his thousand of law offices, seeking legal advice has some particular lawyer in mind. Perhaps a friend has advised him the name of a lawyer who can be trusted for laymen have such an innate suspicion of lawyers in general that they are apt to employ one that is not recommended by some friend or acquaintance.

The first requisite in establishing a law practice in a community is to possess friends or acquaintances in the community. The second requisite is to conduct oneself that these friends or acquaintances may not regret for one's integrity as a lawyer either become clients themselves or send others who are in need of legal services. The third requisite is to serve one's clients so faithfully and well that they in turn will send others and thus render the circle of clients numbers an ever-increasing one.

Turning now to the question of the relative prospects of the day trained and the evening trained lawyers. The typical day-trained lawyer is a mere youth at the beginning of his legal career. He has been in schools all his life and his business acquaintance is practically nil. He must therefore face an extended period of "lead

days" as a lawyer until business people learn of his existence. The typical evening-trained lawyer is a man well along toward thirty who has been brushing elbows with the world for ten years or so. If he is a salesman, for instance, he has an extensive business acquaintance. Or he may have previously worked in a store, factory, shop or office. Wherever he has labored it has been with fellow laborers and each one of these may be a potential client or a client's sender.

The average evening-trained lawyer has, therefore, a great advantage over the average day-trained lawyer at the very beginning of practice. How they will compare in later years depends of course upon the individual.

**A Day Law School**

The students will no doubt be pleased to learn that plans are now well under way for the formation of a day law school as an integral part of the Suffolk School of Law. It will doubtless be started next Fall.

The methods of instruction in the day school will differ somewhat from the methods of the evening school, but the additional time for study possessed by day students. No pains will be spared to make the day school an unqualified success. The school already possesses the facilities for an accommodating a day school. Offices, library and lecture rooms, used judiciously, will then be properly utilized. The two departments will no longer be one another that tuition can remain permanently at a very moderate figure in each department. The institution will retain its present name.

The Suffolk School of Law will consist of two departments—a day law school with a three-year course of instruction, and an evening law school of instruction. Each department will have its own faculty, but the two departments will be united under the supervision of Dean Archer and a Board of Trustees.

**ADVANTAGES OF TODAY**

MICHAEL RUANE, 18.

Formerly workmen were debarred from the pursuit of legal knowledge, not through any incapacity, but by force of circumstances. Necessity taught some that they could not afford time to study law, while others who had time lacked the opportunity. Hence professional life, with its remuneration, was monopolized by men who devoted their peculiar advantages to legal professional training, and the result was so much the product of these advantages as the mental element supplied by the students in their progressive and intelligent application.

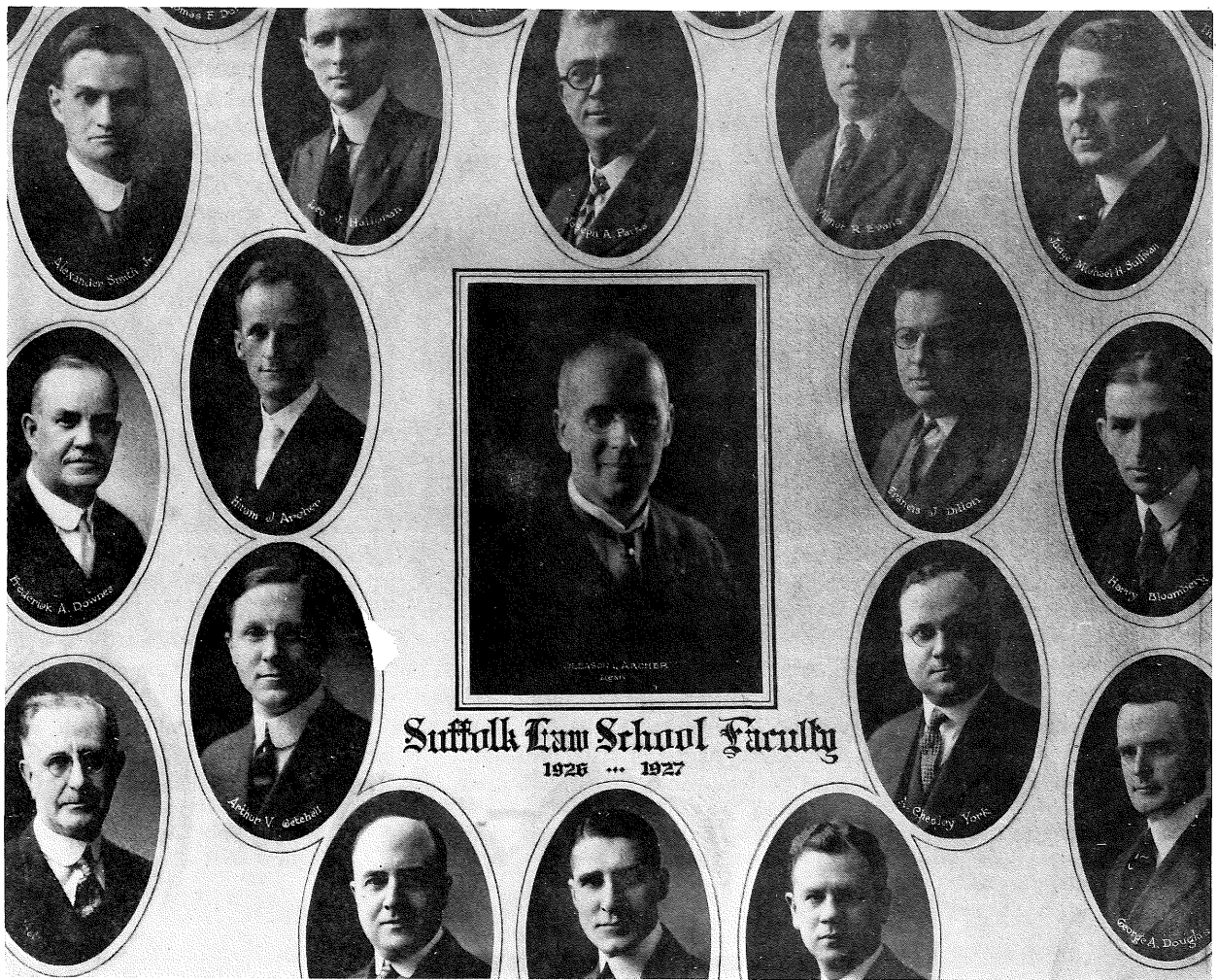
The stress energy of the worker was confined to the field of physical endeavor, his surplus brain power was devoted to concentration of labor, and while the superior exercise of his mental powers was somewhat compensated, inventions and applied mechanics was their limitation. But with the use of steam and electricity, the advancement of improved machinery, there resulted a curtailment of the hours of labor, and a displacement of the mind for other useful purposes.

Conditions were changing, men had more time for recreation, and finally a long felt want became apparent; that is, a place where they could develop and exercise their mental faculties.

This want to some extent has been supplied by evening law schools, and other institutions, but with the former we are most concerned.

Apart from any personal benefit to the individual, a situation of broad scope of the general principles of the law cannot be over-estimated. The independence of the nation, for instance, had its inception in the legal concept. While it is true that the color of one's skin would not submit to taxation without representation and cling tenaciously to a representative form of government, it remained for the legal mind.

(Continued on Page 2)



**Suffolk Law School Faculty**  
1926 ... 1927

*Suffolk Law School Faculty  
1926-1927*

muscular-nervous-effort to attain a new and integral conception of law, the basis of the new type of intellectual envisioned by Gramsci. (Gramsci 1936:9).

### III. THE NIGHT LAW SCHOOL MOVEMENT AND THE CONTEMPORARY LAW SCHOOL HIERARCHY

Today it may seem that Suffolk and the night law school movement no longer has any significance. Archer's former students on Suffolk's Board of Trustees fired him in 1948, banned his texts from the classroom, and draped his portrait in black. (Koenig and Rustad 1985). This class struggle so evident in the first decades of this century has been replaced by a hierarchy of law schools, centered on a legitimating ideology of contest mobility. Yet, there are many tensions within today's law schools. Night law students, many of whom are deserving on professional grounds, are still

sometimes excluded from top firms with top clients. A student's chances of ending up at a top law school is proportional to his status at birth, as Duncan Kennedy puts it. (Kennedy 1983:38).

The hierarchy is not always efficient in terms on allocating students to the law schools on "natural differences in capacities, social utility, and fairness." (Kennedy 1983:38). An Assistant Dean at Harvard Law School reported that Harvard doesn't always choose its students on intellectual distinctions alone: "Less than half of those admitted to Harvard Law School each year are obvious admissions in the sense that their qualifications are demonstrably and clearly 'better' than those presented by all other candidates." (Simpson cited by Klitgaard 1985:5). "About half the members of each entering class would not have been admitted but for one or more letters of recommendation," wrote the Harvard Assistant Dean. (Simpson cited by Klitgaard 1985:38).

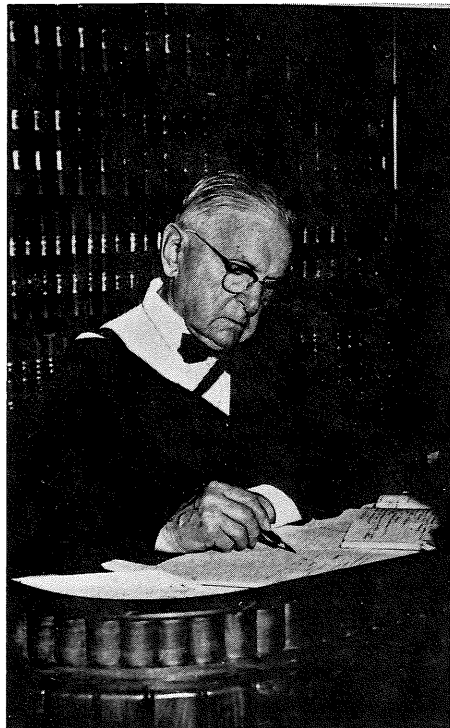
The upshot of all this is that many Harvard law students do not have qualifications that are demonstrably superior than their night law school counterparts, many of whom lack the desired "diversity" characteristics and lyrical letters of recommendation. At a time when lower ranked students find employment opportunities difficult, the tensions between ranking students on ascribed statuses as well as "natural" differences in capacities, seems to make the ideology of contest mobility vulnerable.

The hierarchy in legal education may not be stable much longer. The Reagan administration has significantly cut back on student financial aid, cutting into the base of the night schools. The crisis in law school enrollments presents another tension. If the current decline of eight to ten percent in law school applicants continues throughout the eighties, will the low-status schools survive or will they begin accepting non-traditional students, creating further con-

flicts with those trying to maintain the status and privileges of the legal profession? Will students objectively deserving to be at Harvard become increasingly angry about being excluded from top jobs? Will the night school once again become a counter-hegemonic enclave? It is too early to tell. As Hegel reminds us, the Owl of Minerva takes its interpretative flight at twilight. The significance of the night law school movement can not be assessed mid-stream: "When philosophy paints its grey in grey, then has a shape of life grown old." (Hegel, 1923).

## NOTES

1. Special thanks to Professors Steven Hicks and Alexander Cella. Early versions of this paper were germinated in Stephen Hicks' course in Legal Philosophy and Alexander Cella's course on Legal History. Thanks also to Professor Duncan Kennedy of Harvard Law School and David Tyack of the Stanford University School of Education for their comments on earlier drafts. This research was funded in part by a Spencer Fellowship awarded by *The National Academy of Education*. An earlier version of this paper appeared in the 1986 *Spencer Fellows Essays* published by *The National Academy of Education* (Harvard Graduate School of Education).

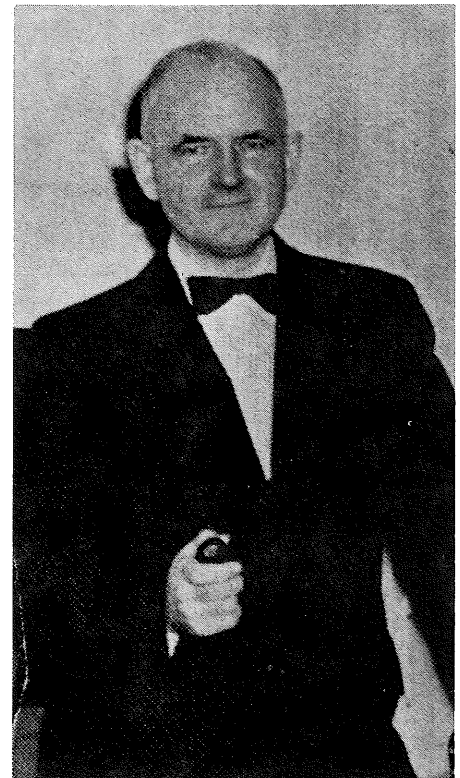


Judge Frank Donahue Third Chairman of the Board of Trustees 1946-48.

2. My account is drawn from Archer (1915, 1956, and 1961); Jones (1977); and Robbins (1981, 1982). I also had the benefit of access to Archer's diaries and journals compiled from 1906 to 1940.

## REFERENCES

- Advocate (The)  
1981 *The Law School: 1906:1981*, Boston: Suffolk University.
- Allen, Frederick  
1985 "Five Classic Cases." *American Heritage*, December: 82-88.
- Archer, Gleason, L.  
1910 *Law Office and Court Procedure*, Boston: Little, Brown & Company.  
1911 *The Law of Contracts*, Chicago: T.H. Flood.  
1915 *The Educational Octopus*, Boston: Suffolk Law Press.  
1916 *The Law of Torts*, Boston: Suffolk Law Press.  
1925 *Suffolk Law School Bulletin*, Vol. I. (September).  
1926 *The Impossible Task: A Story of Present Day Boston, and How Through Faith, Courage, and Sacrifice Came Victory at Last*, Boston: Suffolk Law Press.  
1929 *What is Wrong with the Section on Legal Education?*, (Open brief submitted to the American Bar Association).  
1930 "Equality of Opportunity," WBZ-WBZA Radio Broadcast, September 29, 1930.  
1944 *On the Cuff*, Boston: Suffolk University Press.  
1956 *Fifty Years of Suffolk University*, Boston: Published by the Author. Address given to the Suffolk Law School Alumni, April 5, 1956.  
1961 "Gleason L. Archer Reminisces," Taped interview with Ted Duncan. File I, Drawer I, Suffolk University Archives.
- Archer, Hiram  
1930 "Memo on Grading," Boston: Suffolk Law Press.
- Auerbach, Jerold  
1976 *Unequal Justice: Lawyers and Social Change in Modern America*, New York: Oxford.
- Berki, R.N.  
1975 *Socialism*, New York: St. Martin's Press.
- Bobbio, Norbert  
1979 *Gramsci and the Conception of Civil Society*, pp. 21-47 in Chantal Mouffe (ed.), *Gramsci and Marxist Theory*, London: Routledge & Kegan Paul.
- Boggs, Carl  
1976 *Gramsci's Marxism*, London: Pluto.

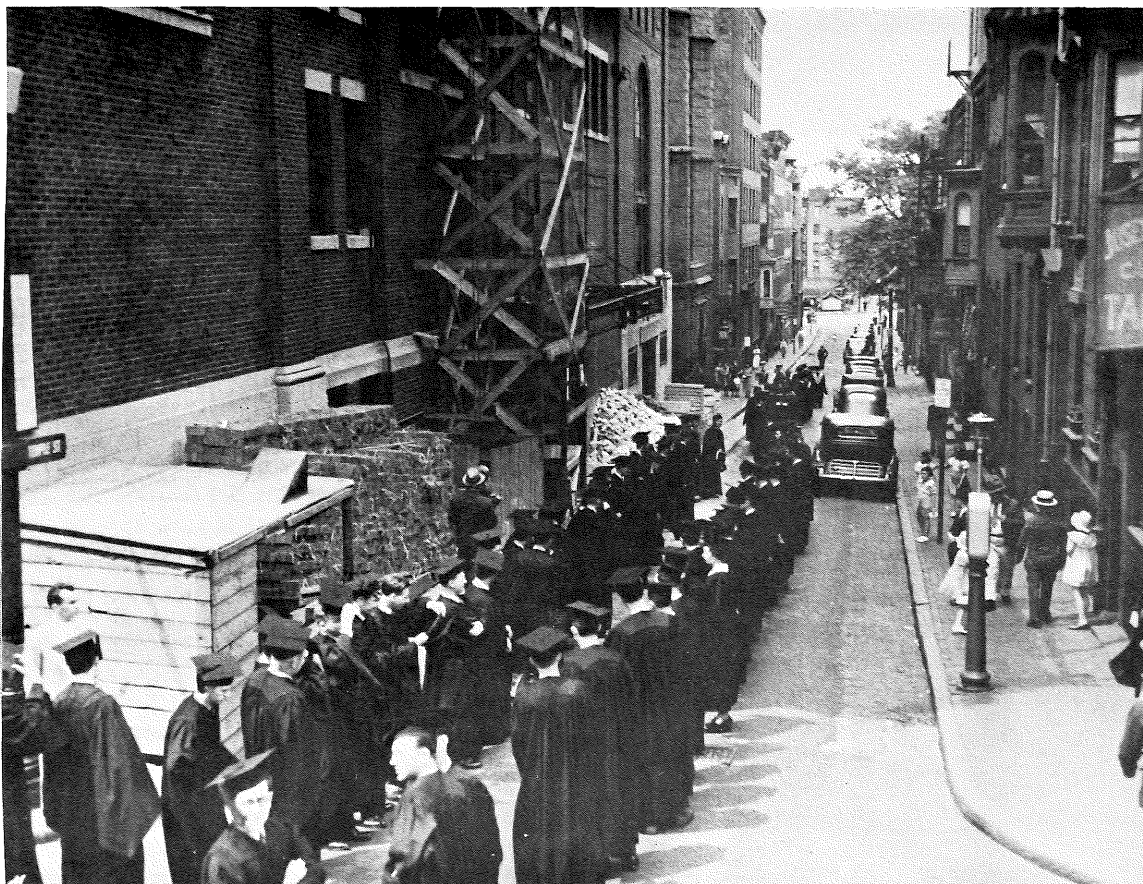


Dean John O'Brien  
(1952-1956)

- Boston Advertiser  
1913 "Suffolk Law School Bill," February 26, p. 1.
- Boston Evening Globe  
1926 "Fitness' Bill is Killed in House: Refuses Third Reading to Act Affecting Bar Admission," March 28, p. 1.  
1929 "Denounces Mushroom Law Study: Bushnell Says Bar Admission Standards Too Low," January 17, p.1.  
1929 "Archer Replies to Mansfield: Says Plan to Change Bar Admission Standards Based on Hypocrisy, Hits College Men for Disgrace," March 4, p. 1.
- Boston Morning Globe  
1913 "Suffolk Law Bill," February 26, p. 1.
- Boston Record  
1913 "Archer Scores Gov. Goss," February 26, p. 1.
- Boston Traveler  
1929 "Dean Archer Will Lead Fight at U.S. Bar Meeting," October 13, p. 1.
- Boynton, Thomas J.  
1919 "An Important Message, Suffolk Evening Law School Fund Raising Campaign," Suffolk University Archives.
- Buffalo News  
1927 "Brennan Causes Fight: Boston Delegate is Ruled Off Floor in Heated Debate Over Postponement of Strawn Report," September 1, p. 1.



- Chase, Anthony  
1979 *The Birth of the Modern Law School*, American Journal of Legal Education. 23:329-49.  
1981 *Origins of Modern Professional Education: The Harvard Case Method Conceived as Legal Instruction in Law*, 5 Nova L.J. 1.
- Chester, Ronald  
1983 *Women Lawyers in the Urban Bar: An Oral History*, 18 New Eng. L.R. 526.
- Clark, Gerald  
1981 *The Harvardization of Suffolk*, The Advocate, *The Law School: 1906-1981*, p. 35-40 Boston: Suffolk University.
- Corbin, Arthur L.  
1921 *Democracy and Education for the Bar*, 4 The American Law School Review 725.
- Fingold, George  
1956 "Speech Presented at the Suffolk Law School Alumni Banquet," Related by Richard Jones, Suffolk University Archivist.
- French, Peter  
1962 *The Long Reach: A Report on Harvard Today*, New York, Ives & Washburn.
- Friedman, Lawrence M.  
1977 *A History of American Law*, New York: Touch.
- Gramsci, Antonio  
1936 *Selections From the Prison Notebooks of Antonio Gramsci*, (Quintin Hoare and Geoffrey Nowell Smith, eds. and trans.) New York International. (1971 ed).
- Haller, Max, Wolfgang Konig, Peter Krause, and Karin Kurz.  
1985 *Patterns of Career Mobility and Structural Positions in Advanced Capitalist Societies: A Comparison of Men in Austria, France and the United States*, American Sociological Rev., 50:579-603.
- Hegel, George  
1823 *Philosophy of Right*, (T.M. Knox, tr.) New York: Oxford: 1952 (1967 ed).
- Horwitz, Morton  
1977 *The Transformation of American Law: 1780-1860*, Cambridge: Harvard University Press.
- Jones, Richard P.  
1977 *Gleason L. Archer: Founder and First President of Suffolk University*, (Unpublished Manuscript available in the Suffolk University Archives).
- Kennedy, Duncan  
1983 *Legal Education and the Reproduction of Hierarchy: A Polemic Against the System*, Cambridge: AFAR.
- Klitgaard, Robert  
1985 *Choosing Elites*, New York: Basic Books, Inc.
- Koenig, Thomas and Michael Rustad  
1985 *The Challenge of Hierarchy in Legal Education: Suffolk and the Night Law School Movement*, in Steven Spitzer and Andrew Scull's *Research in Law, 7 Deviance, and Social Control 189-212* JAI Press, Inc.
- Larson, Magali Sarfatti  
1977 *The Rise of Professionalism: A*

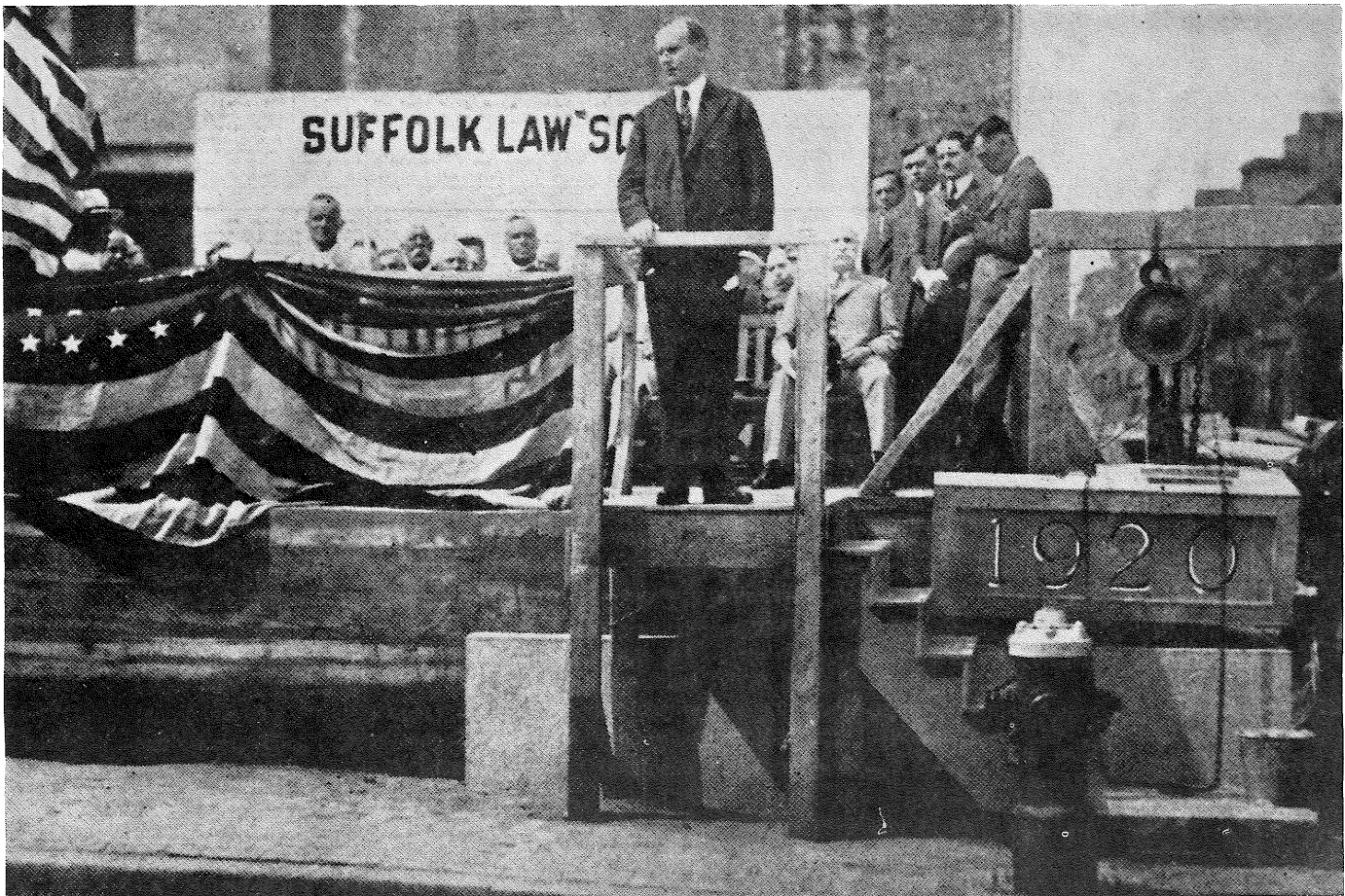


Graduation ceremony at Suffolk University Law School on June 13, 1937.

*Sociological Analysis*, Berkeley: University of California Press.  
 Marston, Everett C.  
 1961 *Origin and Development of Northeastern University: 1898-1960*, Boston: Northeastern University Press.  
 Norris, Frank  
 1901 *The Octopus: A Story of California*, Glencoe: Free Press.  
 Robbins, David  
 1981 *Opportunity's Haven: The Ambiguous Heritage of Suffolk University Law School*, *The Advocate*, *The Law*

*School: 1906-1981*, p. 7-30 Boston: Suffolk University.  
 Sinclair, Upton  
 1923 *The Goose-Step: Study of American Education*, Padadena: Published by the Author.  
 Stevens, Robert  
 1983 *Law School: Legal Education in America from the 1850's to the 1980's*, Chapel Hill: University of North Carolina Press.  
 Suffolk University  
 1928 *Suffolk Law Alumni Directory*

1906-1928, Boston: Suffolk Law Alumni Association.  
 Turner, Ralph  
 1960 *Sponsored and Contest Mobility and the School System*, 25 *American Sociological Review* 855-67.  
 Veblen, Thorstein  
 1918 *The Higher Learning in American: A Memorandum on the Conduct of Universities by Businessmen*, New York: Huebsch.  
 Warren, Charles  
 1913 *A History of the American Bar*, Boston: Little, Brown & Company.



LAYING OF THE CORNERSTONE, AUGUST 4, 1920  
 Hon. Calvin Coolidge in his first public address after being notified of his nomination for the office of Vice-President.

# BOOK REVIEW

by Professor Charles P. Kindregan  
Suffolk University Law School

ADMINISTRATIVE LAW AND PRACTICE, by Professor Alexander J. Cella. Published by West Publishing Company, St. Paul, Minnesota (1986). Index, Table of Cases, Statutes, Court Rules, Adjudicatory Proceeding Rules, Executive Orders.

This is a remarkable contribution to legal scholarship in a field of law which has been too long neglected. While there have been some studies of the general principles of administrative law, and some analysis of federal administrative law has been published, in-depth reviews of administrative law practice and procedure at the state level has been lacking. Given the importance of state administrative practice to lawyers, clients and the day-to-day functioning of government this lack of attention to the field among serious scholars is troublesome. Now Professor Cella has filled that void. His focus is on Massachusetts practice, but this reviewer predicts that Professor Cella's treatise has established a model which will be emulated in other states.

Alexander J. Cella has taught at Suffolk University Law School for 15 years, and previously received his law degree from the same school. He also holds degrees in

public administration from Harvard, and also served on the faculty at the Harvard-Kennedy School of Government. This ideal background in the theory of law and government serves Professor Cella well in this work. He is also well served by his boundless energy in pursuing every major issue and practice problem in the field. Working in a field where there are few secondary resources, Professor Cella again and again demonstrates a vast command of the reported case law and statutes. In his previous writings, the author demonstrated a historian's perception of the development of law, and this aspect of his scholarship is obvious in this three volume treatise. Professor Cella is also a practical lawyer and student of government. Having served as an elected member of the state legislature, and having worked on important administrative proceedings as an attorney, Professor Cella's writing reflects a practical and useful understanding of how government actually works. Practicing lawyers will find nuggets of helpful information and insight on almost every page of *Administrative Law and Practice*.

The contents of this treatise include an overview of principles, practice and proce-

dures, the conduct of administrative agency proceedings, public offices, employees and instrumentalities in the exercise of state power, popular constraints on the exercise of power by administrative agencies, and judicial review. Among the numerous practical problems analyzed in detail are agency subpoenas, inspections, due process issues, various evidentiary matters, hearing officers, adjudicatory proceedings, discovery, intervention, post-action hearings, rule-making, licensing, public offices and employees, public records, Freedom of Information Act issues, privacy and confidentiality of records, criminal records, the Open Meeting Law, conflict of interest, the scope of judicial review, equity practice, declaratory judgments, extraordinary writs, class actions and the State Tort Claims Act.

This three volume set should be in every major law library, and should also be in the library of every lawyer who does administrative law work. In sum, it is a practical treatise, bound together with deep scholarship and profound understanding of how our system of government and law works.

**Alexander J. Cella** has been a Professor at Suffolk University Law School since 1970. He teaches courses in Administrative Law and Legislation. He is a graduate of Harvard University, having received an undergraduate degree in Government and a masters degree in Public Administration. He received his law degree from Suffolk University Law School.

Professor Cella was a Teaching Fellow and Tutor in the Department of Government, Harvard University (1953-1956). He was a member of the Massachusetts House of Representatives from 1957-1960. From 1960-1968 he was Legislative Assistant and Legal Counsel to the Speaker of the Massachusetts House of Representatives and served in this same capacity to the President of the Senate from 1968-1970, after which he joined the Suffolk University Law School faculty.



---

# FACULTY PUBLICATION SUMMARIES

## *Cold Power: Energy and Public Housing*

23 Harvard Journal on Legislation 34 (1986)  
by Professor Steven Ferrey,  
Suffolk University Law School

The nation's stock of federally subsidized public housing constitutes 20% of all low income rental housing and 40% of all low-income multifamily rental housing in the nation. It houses over 3 million low-income tenants, 40% of whom are elderly or handicapped. Not surprisingly, public housing is one of the single largest sources of energy consumption among the residential housing stock.

Professor Ferrey analyses the historic and evolving federal statutory and regulatory treatment of housing construction standards, appliance procurement pro-

cedures, utility metering, energy conservation, and tenant billing and management prerogatives in the provision of energy service to public housing. He develops and tests several economic models to evaluate the energy performance of federal housing against efficiency options. He concludes, by examining the federal jurisprudence regarding public housing, that the federal Department of Housing and Urban Development committed numerous and ongoing violations of federal law in its provision of energy services in public housing. In addition, the legal tension between federal,

state and local jurisdiction over energy supply for public housing is thoroughly explored.

Finally, Professor Ferrey synthesizes an innovative legal and regulatory strategy to assist local communities operating public housing to dramatically improve the efficiency of their public housing at no cost to themselves or their tenants. This strategy takes advantage of gaps in the girdle of administrative law encompassing public housing and energy. Eight tabular displays and a thorough examination of the applicable case law accompany this strategy.

## *A Citizen's Guide to Electric Utilities*

A book published by League of Women Voters Education Fund 1985

by Professor Steven Ferrey (coauthor),  
Suffolk University Law School

This book explains the complex world of electric utility regulation in words and examples designed to open the subject to a non-technical legal audience. Designed for attorneys with an energy or environmental law practice, as well as for nonlawyers interested in the subject, the book establishes a foundation in the economics of the electric utility industry and in the legal framework of utility regulation.

From this foundation, Professor Ferrey's book applies these principles to the controversial subjects confronting the industry during the rest of the this century: demand forecasting, supply planning, construction work in progress accounting, alternative energy technologies, ratemaking and "rate shock," acid rain and the environmental consequences of the electric energy future. The book analyzes the spectrum of debate

on each of these issues and the likely legal and policy repercussions of various outcomes. An explanation of technical terminology and the law of utility regulation is provided. The book provides an introduction to the law and regulation of the most capital intensive business sector in the American economy.

# *HUD Utility Allowance Program Spawns More Disputes with Public Housing Tenants*

19 National Clearinghouse Review 73  
(November 1985)

by **Professor Steven Ferrey** (coauthor),  
Suffolk University Law School

This article examines the legal evolution of the "utility allowance" as the determinant of federal subsidies for energy costs in public housing. Analyzing the application of the utility allowance as an exercise

of administrative rulemaking procedure, Professor Ferrey reviews the large volume of jurisprudence which bears on this issue. The article focuses on federal court review of the economic bases for determining util-

ity allowances. From this analysis, he draws conclusions about administrative/agency discretion in economic regulation of residential energy supply.



## **Civil Rights Symposium**

Serving as the faculty for the second bi-annual symposium sponsored by Suffolk University Law School were, (left to right, front) **Professor Joseph Glannon**, **Professor Karen M. Blum**, **Attorney Howard Friedman**, **Attorney Michael Avery**, **Professor Charles Kindregan**, (rear) **Attorney Hal R. Lieberman** and **Attorney Steven Perlmutter**. One hundred eighty attorneys participated in the symposium.

# Faculty Publications

November 1985 to April 1986

Please send information on your new publications to the

Faculty Publications Committee,

c/o Professor Charles P. Kindregan,

56 Temple Street, Boston, MA 02114

## Books:

ADMINISTRATIVE LAW AND PRACTICE (3 volumes) by **Professor Alexander J. Cella** (West Publishing Co., 1986).  
A CITIZEN'S GUIDE TO ELECTRIC UTILITIES by **Professor Steven Ferrey** (co-author) [ISBN 0-89959-362-3] (1985).  
EDUCATION MANUAL FOR CHILD CARE PROVIDERS by **Professor Thomas R. Finn** (co-author) (State of Rhode Island, 1985).

## Book Chapters:

*Common Law Rights*, by **Professor Marc Greenbaum**, in LABOR AND EMPLOYMENT LAW: COMPLIANCE AND LITIGATION (Callaghan, 1986).  
*The Role of the Legal System in Technological Innovation and Economic Growth*, by **Professor Milton Katz**, in THE POSITIVE SUM STRATEGY (National Academy Press, 1986).  
*Financing Energy*, by **Professor Steven Ferrey**, in SOLAR ENERGY (M.I.T. Press, 1986).  
*U.S. Foreign Policy, International Law and Organization and the Use of Force*, by **Professor Milton Katz**, in WORLD PEACE FOUNDATION 75th ANNIVERSARY REPORT at p. 7. (1985)

## Pamphlets:

CHILDREN VOLUNTARILY PLACED IN THE CUSTODY OF THE DEPARTMENT FOR CHILDREN AND THEIR FAMILIES, by **Professor Thomas Finn**. (R.I. Public Document 85-110) (1985)  
FACULTY HANDBOOK FOR CONTINUING LEGAL EDUCATION INSTRUCTORS, by **Professor Charles P. Kindregan**. (44 pages) (1986)

## Articles:

*Guilty But Mentally Ill: The Real Verdict is Guilty*, by **Professor Linda C. Fentiman**, XXVI Boston College Law Review 601 (1985).  
*Cold Power: Energy and Public Housing*, by **Professor Steven Ferrey**, Harvard Journal on Legislation (Winter, 1986).  
*H.U.D. Utility Allowance Program Spawns More Disputes with Public Housing*, by **Professor Steven Ferrey** (co-author), 19 National Clearinghouse Review (Nov. 1985).  
*The Non-Contractual Nature of the Student-University Contractual Relationship*, **Professor Victoria J. Dodd**, 33 U. Kansas L. Rev. 701 (1985).  
*Massachusetts Administrative Law Thirty Years After the Administrative Procedure Act*, by **Professor Alexander J. Cella**, 70 Massachusetts L. Rev. 134 (1985).  
*Alzheimer's Disease - The Legal Issues*, by **Professor Anthony B. Sandoe**, The American Journal of Alzheimer's Care (April, 1986).

## Acceptances:

**Professor Nancy Dowd's** article on *Maternity Leave: Taking Sex Differences Into Account*, has been accepted for publication in Vol. 54 of the Fordham Law Rev. (1986).  
**Professor Victoria Dodd's** article on law study techniques has been accepted for publication in Syllabus, the quarterly publication of the A.B.A. Section on Legal Education.  
**Professor Thomas R. Finn's** book review of THE INTEREST OF CHILDREN has been accepted for publication by the Suffolk Univ. Law Review.

## Citations:

**United States Supreme Court:**  
Pembaur v. City of Cincinnati, 38 Crim. L. Rptr. 3207, at 3212, citing **Professor Karen Blum's** article, 51 Temp.L.Q. 409, in footnote 4 of concurring opinion of Stevens, J.).  
**E.D. Pennsylvania**  
Sola v. Lafayette, \_\_\_\_\_ F. Supp. \_\_\_\_\_ (E.D.Pa. 1985) [docket no. 84-4405] citing **Professor Marc Greenbaum's** article, 58 Temp.L.Q. 65.  
**Supreme Judicial Court of Massachusetts:**  
Commonwealth v. Marley, 396 Mass. 433, 438-439 (1985) citing **Professor Russell Murphy's** article, 4 N.Ill.L.Rev. 203, in footnotes 3 and 6.  
**Professor Thomas R. Finn's** article in the Suffolk Law Review has been cited in the following law reviews:  
48 Law and Contemporary Problems(2)23  
42 MD.L.Rev. 469  
61 Neb.L.Rev. 590  
12 Cap.L.Rev. 212  
**Professor Alvan Brody's** brief in *Paul Smith v Western Electric* was cited in THE SMOKE-FREE WORKPLACE by W. Weis, at p. 74.  
**Professor Victoria Dodd's** article, *The Non-Contractual Nature of the Student-University Contractual Relationship*, 33 U. Kan. L. Rev 701 (1985), was cited in the *Worth Reading: list*; at 8 National Law Journal (No. 23)(1986).

## Reviews:

Books on *Medical Jurisprudence*, reviewed by **Professor Charles P. Kindregan**, XII Law Books in Review." 45 (1985).

## Supplements:

*Massachusetts Family Law Actions, 1986 supplement*, by **Professor Charles P. Kindregan** (Jan., 1986)

## C.L.E.

**Professor Thomas F. Lambert**, *Recent Developments in Torts*, (Dec. 1985).

**Professor Charles P. Kindregan**, *Recent Developments in Family Law*, (Dec. 1985).

**Professor Joseph P. McEttrick**, *Recent Developments in Consumer Protection*, (Dec. 1985).

**Professor John R. Sherman**, *Recent Developments in Tax Law*, (Dec. 1985).

**Professor Joseph D. Cronin**, *Recent Developments in Criminal Law and Procedure*, (Dec. 1985).

**Professor Barry Brown**, *Recent Developments in Real Estate and Land Finance*, (Dec. 1985).

**Professor Thomas F. Lambert**, *Proof of Injury*, (Dec. 1985).

**Professor Marc Greenbaum**, *The Scope of Mandatory Bargaining*, (Feb. 1986).

**Professor Nancy Dowd**, *The Problems of Comparable Worth in the Public Sector*, (Feb. 1986).

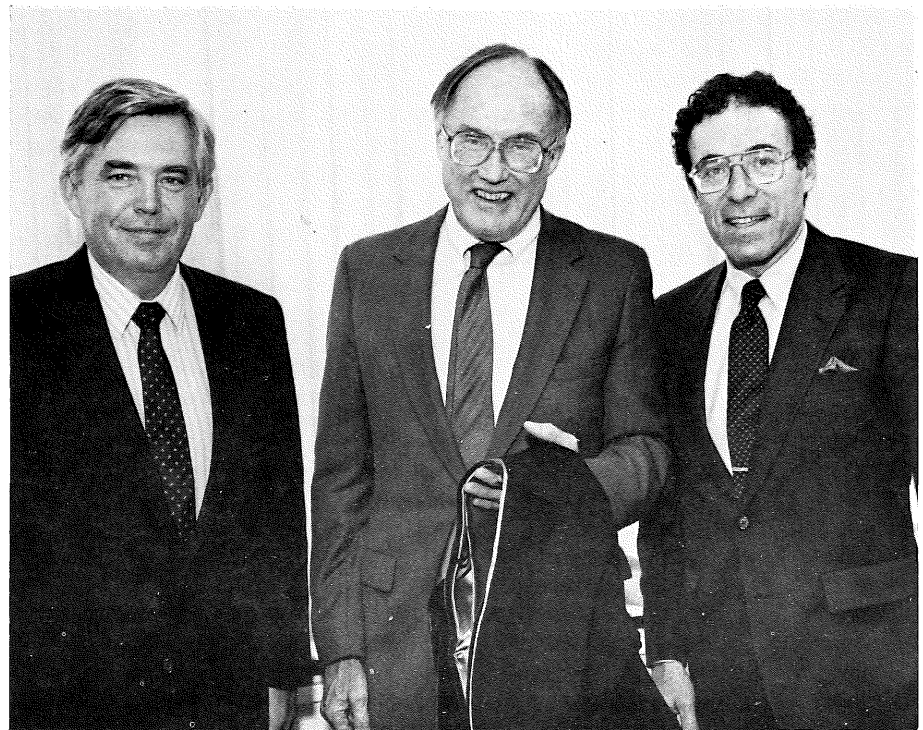


*Award winners at the annual Suffolk University Law School alumni dinner at the Park Plaza were, from left, L. Kirk O'Donnell, JD '75, top aide to house speaker Thomas P. "TIP" O'NEIL; Bob Woolf noted sports attorney and guest speaker who was recognized for his success in the field; and Thomas E. Dwyer, JD '70, of the Boston law firm of Dwyer & Murray. O'Donnell received the outstanding achievement award while Dwyer won outstanding alumni service award. At right is David J. Sargent, Dean of the Law School. More than 800 alumni and guests attended the dinner.*

*Dean Sargent, Justice William Rehnquist, President Perlman*

U.S. Supreme Court Justice William H. Rehnquist was awarded an honorary degree from Suffolk University Law School at a special luncheon in the Mugar Library April 10 prior to his 4 p.m. address at the Gardner Auditorium.

Rehnquist, who spoke here as part of the Donahue Lecture Series, was awarded the honorary degree of doctor of laws by President Daniel H. Perlman.



# Notes

## Grants

Suffolk University Law School received a \$100,000 grant from the Amelia Peabody Charitable Fund. The donation, presented by **Richard Leahy**, a 1955 graduate of Suffolk University Law School, will be used to establish the **Amelia Peabody Scholarship** at the law school for support of a deserving day division law student. Leahy, of Norwell, and **Harry F. Rice Jr.**, of Boston, are co-trustees of the Amelia Peabody Charitable Fund. The Scholarship

award will be made to an academically qualified student with need. The Amelia Peabody Charitable Fund was formed to assist charitable and education organizations in Massachusetts with emphasis on secondary education, hospitals, youth agencies, cultural programs and conservation.

**Thomas R. Walsh**, President and Chief Executive Officer of C. Walsh, Inc., a Boston moving firm, has pledged \$250,000 to Suffolk University for renovation of the

University's 600-seat theater in the Archer Building. The theater will be named for Walsh's late parents, Cecil and Anne Walsh. Walsh, a member of the Suffolk University Board of Trustees since July, 1983, announced the pledge at his annual black tie Christmas dinner at the Sheraton Boston, Dec. 21, 1985. The theater is used by the Law School for some continuing legal education programs, law school orientation, talks and special events.

## Tenured Faculty

**Professor Finn**, who received his B.A. from Brown University, graduated from Georgetown University Law Center in 1975. After two years as Law Clerk to Judge Edward W. Day, United States District Court, District of Rhode Island, Professor Finn came to Suffolk University Law School in 1977. He is the advisor of the Constitutional Law Moot Court Team, which in 1985 was the National Champion, Craven Competition. He was the 1985 recipient of the McDermott Award for outstanding contribution and devotion to Suffolk University Law School. Formerly an instructor of the Federal Courts course, Professor Finn now teaches Juvenile Law, Constitutional Law, Civil Procedure and Criminal Law. He is a member of the Rhode Island and Massachusetts Bars, and the Special Legislative Commission on Maternal and Child Health Card, Rhode Island General Assembly. Professor Finn is also a recent father.

**Professor Dodd** graduated cum laude from Harvard University (Radcliffe College) in 1970. She received her J.D. in 1978 from the University of Southern California, where she was a member of the Order of the Coif. After a year as an associate with Johnson, Manfredi & Thorpe of Los Angeles, Professor Dodd was an Instructor of Law at Loyola Law School. From 1980 to 1981, she was Visiting Professor at Pepperdine University Law School, and has been teaching here at Suffolk University Law School since 1981. She is a member of the California and Massachusetts Bars, and is a member of the Executive Committee on the American Association of Law Schools Section on Law and Education. Her most recent publication is featured in 33 *Kansas Law Review* 701, *The Non-Contractual Nature of the Student-University Contractual Relationship*. Professor Dodd teaches Civil Procedure, Constitutional Law, and Criminal Law.

**Professor Wilton** received his A.B. from Harvard University, Cambridge, Massachusetts in 1968. After a year at the University of Michigan Law School, where he maintained better than an "A" average, Professor Wilton graduated cum laude from Harvard Law School in 1971. He earned his LL.M. from Harvard in 1977. He has been Director of the Harvard Voluntary Defenders Committee, Inc., and Director of the Law Reform Litigation Department of the Prisoners Rights Project. From 1974 to 1977, Professor Wilton was a Clinical Associate and a Law Teaching Fellow at Harvard University Law School. As an Associate Professor of Law at Wayne State University Law School in Detroit, where he taught from 1977 to 1984, he was elected "Professor of the Year" for the 1982-83 school year. He teaches Constitutional Law, Trial Evidence and Advocacy, and Public Interest Litigation.

## Appointments

**Professor Marc Perlin** is a member of the Massachusetts Commission on Child Support, appointed by Governor Dukakis. The 32 member commission must examine the operation of child support collection and enforcement in the state and make recommendations.

**Professor Victoria Dodd** has been appointed to the Massachusetts Bar Association's Committee on Local Rules and has been nominated as a section officer of the American Association of Law Schools Section of Legal Education. Her law article, *The Non-Contractual Nature of the*

*Student-University Contractual Relationship*, has been published in the December 1985, issue of the *Kansas Law Review*.



## New Faculty

An outstanding group of new faculty members has been appointed to the Resident Faculty at Suffolk University Law School. They bring a wide range of practice and legal education backgrounds to Suffolk. Beginning in September, 1986, the following will join the faculty:

**Judith Droz Keyes**, presently partner in the firm of Corbett and Kane, San Francisco, California. Professor Keyes is an experienced litigator, who has also written several book chapters and articles.

**Steven Ferrey**, currently a visiting professor at Suffolk, will join the resident faculty in September, 1986. The author of four books, he has written numerous articles.

**Tommy F. Thompson**, is currently Associate Professor of Law at Rutgers-Camden, where he teaches tax law. Previously he was Senior Trial Attorney for the Internal Revenue Service Chicago office and attorney in the Office of the Chief Counsel of the I.R.S. in Washington, D.C. He has written several articles on tax law.

**Jeffrey P. Wittenberg** is Professor of Law at the University of Mississippi, and previously taught at the University of Pittsburgh. After clerking in the Supreme Court of Minnesota, he practiced law in Chicago. Co-author of a casebook, he has also written five law review articles.

**Dwight Golann** is currently the Chief of the Consumer Protection Division of the office of the Attorney General of Massachusetts. He clerked in the Massachusetts Appeals Court and later practiced law in the firm of Snyder, Tepper and Berlin in Boston. He has authored a number of articles.

**Robert G. Spector**, presently Professor of Law at the University of Oklahoma. He previously taught at Loyola University of Chicago. He has won the Calvert Award for excellence in legal teaching three times, and coached the national champion moot court team in 1986. Professor Spector has authored three books and 30 articles.



*As part of its experimental "hands-on" approach to continuing legal education Suffolk University Law School sponsored a demonstration of how to negotiate the damage aspects of a tort case. The faculty for this demonstration included (left to right, seated): plaintiff's attorney Jan Richard Schlichtmann, economic expert James Gordon, structured settlement expert Ron Sullivan, defendant's attorney Robert W. Carlson, (standing): attorney James P. McCarthy, Professor Charles P. Kindregan and attorney Joseph A. Swartz. Also participating were attorney Philip F. Mulvey, Jr. and Professor Thomas F. Lambert, Jr.*

## Awards

**Professor Milton Katz** received the Cornelius J. Moynihan Award for teaching excellence.

**Professor Marc Greenbaum** received the Fredrick A. McDermott Award for the individual who has contributed the most to the Suffolk University Law School community over the past year.

## Moot Court

### NATIONAL MOOT COURT

The National Moot Court Competition began with 200 teams representing 157 law schools from across the country. Suffolk's team, comprised of **Daniel Goldberg**, **Gordon Jones**, and **Kimberlee Worth**, won the Northeast Regional Competition. In addition, Gordon Jones was named Best

Oral Advocate at the Northeast regionals.

The team then advanced to the National Finals held in New York city during January. Suffolk was among 28 other teams selected to participate in the National Finals. Suffolk's team prevailed in both preliminary arguments defeating George-

town and Cleveland Marshall Law Schools. At that point the field was cut back to 16 teams and Suffolk was defeated in the following round. After the competition the judges announced that Suffolk's brief was ranked number five in the nation. The team's adviser was **Professor Marc Greenbaum**.



### 1986 NATIONAL ANTITRUST MOOT COURT COMPETITION

The Suffolk University Law School National Antitrust Moot Court Competition team defended its 1985 National Championship at the New York County Lawyers' Association in Manhattan on February 26 and 27, 1986. The Team, made up of third year students **Gordon Graham**, (Derry, NH) and **Thomas Harrison**, (Hanover, MA) won its way to the Final Argument of the Competition where it was narrowly defeated by Albany Law School. A truly distinguished panel of judges heard the two

finalist teams argue the antitrust implications of the National Cooperative Research Act of 1984.

Suffolk National Antitrust Moot Court Competition team prior to Final Argument of 1986 Competition (team holds trophy won in the 1985 Competition). Photo includes the following:

[L-R]: President Daniel C. Draper; Hon. Thomas J. Meskill, U.S. Court of Appeals, 2nd Circuit; Hon. Edward Weinfeld, U.S. District Court, SDNY; Hon. Joseph M. McLaughlin, U.S. District Court, EDNY; Hon. Constance Baker Motley, Chief

Judge, U.S. District Court, SDNY; Hon. Charles Tenney, U.S. District Court, EDNY; **Thomas Harrison**, Suffolk Law School; Hon. Edward Korman, U.S. District Court, EDNY; Robert S. Getman, Chair, Committee on Trade Regulation; **Gordon Graham**, Suffolk Law School; Hon. Kevin T. Duffy, U.S. District Court, SDNY; Hon. Mark Leddy, Deputy Ass't Attorney General, U.S. Dept. of Justice, Antitrust Division; Hon. Walter R. Mansfield, U.S. Court of Appeals, 2nd Circuit.

## INTRAMURAL TRIAL COMPETITION

Interest in Suffolk's own intramural trial competition and the two national trial competitions increased dramatically this year. In the intramural competition, the winning team of **Paul Haley** and **John Gallant** and the runner up team of **David Maglio** and **Thomas Elcock** emerged from a greatly expanded field.

These four talented advocates represented Suffolk in the New England regional rounds of the National Trial Competition sponsored by the National College of Trial Lawyers and the Texas Young Lawyers Association. Suffolk was the only school to place both its teams in the semi-finals, where Haley and Gallant were finally eliminated by a split decision.

Maglio and Elcock won the New England Regional Championship, unanimously defeating every team they faced. Accompanied by their coaches, **Professors Charles Burnim** and **Timothy Wilton**, Maglio and Elcock journeyed to San Antonio for the National Championships. Suffolk was finally eliminated after three rounds in the Nationals, but the team performed extremely well against the highest quality competition. This was the first time Suffolk's trial teams went to the National finals.

Suffolk also entered the Association of Trial Lawyers of America Trial Competition for the first time. Advocates **James Ronan** and **John Stoberski**, with their witness, **Michael Satti**, semifinalists in the intramural competition, went to New York with **Professor Wilton** for the Northeast Regional. Stoberski and Ronan advanced to the semifinals, where they were defeated by one point by the eventual regional champion.

In view of Suffolk's successes, the Moot Court Board expects next year's intramural competition to be even bigger and better, and plans to add a second intramural competition for second year students.

## MOOT COURT EXECUTIVE BOARD 1986-1987

President: **Michael Murray**, Vice President: **Robert Kirby**, Clark Directors: **Kathleen Mandile**, **Elissa Gordet**, **Brad Spooner**, Trial Directors: **Maxine Sushelsky**, **Lauren Potter**, **Robert Falk**, First Year Directors: **Lauren Baker**, **Thomas Franco**, Casebook Editor: **James Eccleston**

## MC LAUGHLIN

Winners: **Aurelie McCarthy** (Day Student), **Wendy Coleman** (Evening Student)

## INTERNATIONAL LAW MOOT COURT TEAM

The Jessup International Law Moot Court Team, comprised of **Paula Becker**, **Jacqueline Holmes**, **James Levy** and **Robert Norton** placed third in the Northeastern Regional Competition. Jacqueline Holmes was also awarded the third best oral advocate of the whole competition. **Professor Stephen Hicks** served as team advisor.

## FIRST YEAR BEST BRIEF AND BEST ORAL ADVOCATES

### *Best Briefs*

Janet Bolger  
Lynn Coffin  
Paul Collis  
Leslie Schank  
Kara Thronton  
Mafalda DeSimone  
Merrily Gerrish  
Duncan MacKay  
Kathy Isakson  
Dan Casey  
William Bloomer  
Geraldine Corrado  
Ken Butterworth  
Joe Leverone  
Paul Leonard  
Robert Sullivan  
Dan Tarlow  
MaryEllen Welch  
Mia Olfe  
Michael Rainboth  
Elizabeth Murphy  
Mary Ellen Hopkins  
Leonard Morley  
Marianne Hanley

## CLARK

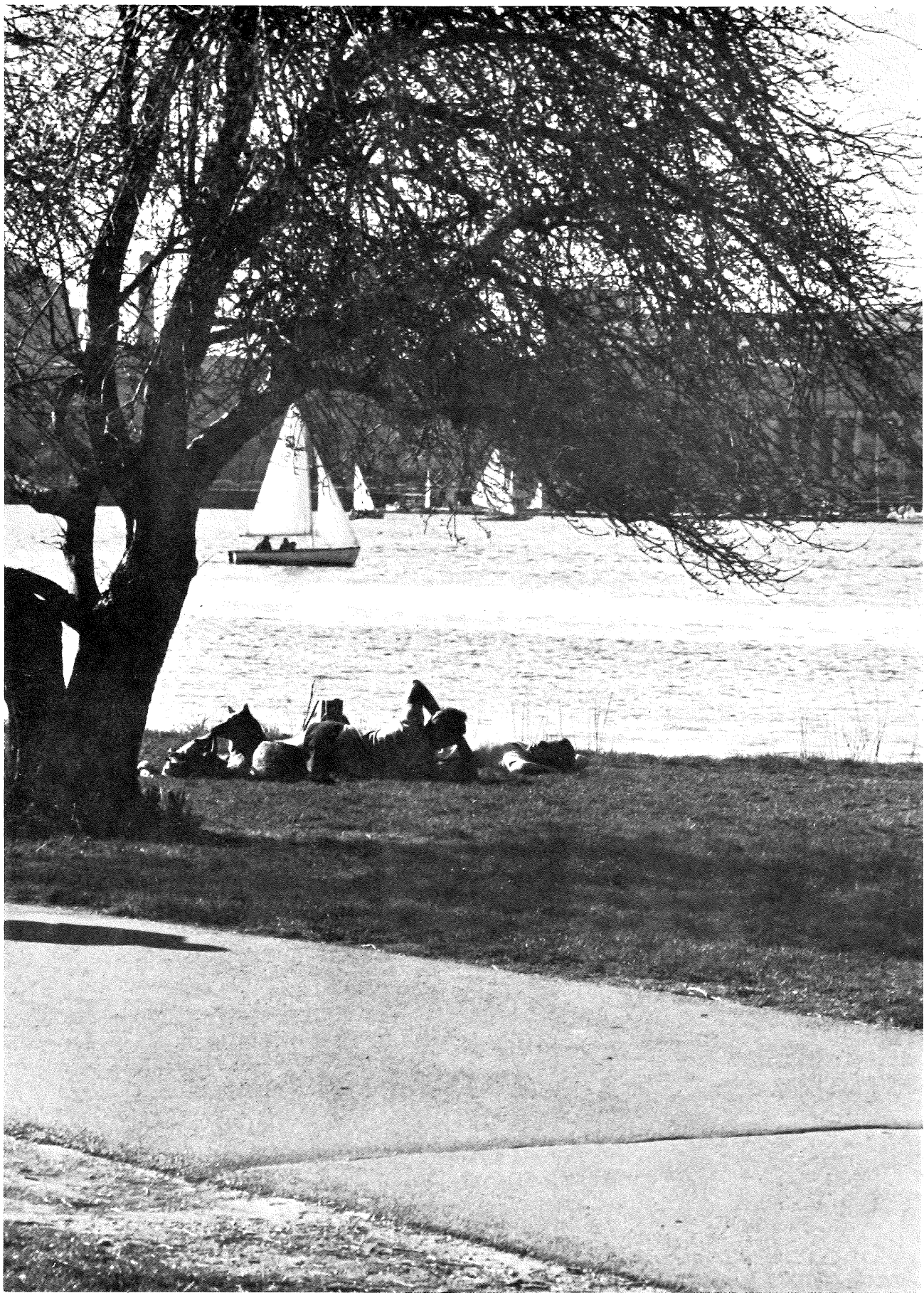
Winners: **Cheryl Jacques**, **Andrea Griffin**  
Best Oral Advocate: **Andrea Griffin**  
Best Brief: **Gardner Palmer**, **Frank Baglione**

## CLIENT COUNSELING COMPETITION

**Matthew Colleran**, a second year day student and **Mark Zuckerman**, of the third year evening division, represented Suffolk in the Client Counseling Competition. The team placed extremely high in the regional competition which was held at the Franklin Pierce Law Center in Concord, New Hampshire on March 1st and 2nd. **Professor Richard G. Pizzano** was the team's advisor.

### *Best Oral Advocates*

Daniel Tarlow (Day)  
Brian Seery  
Deidre Brennan  
Denise Jean-Claude  
Kathy Gaughan  
Katia Richards  
Dough Birkenfeld  
Carol Ann Starkey  
Aurelie McCarthy  
Didier Matel  
Andrew Daniels  
Lisa Wilson  
James Murray  
Amy Erika Meyerson  
Sean Fallon  
Luch Longstreth  
  
Judith Chanoux (Evening)  
Bruce Stanford  
John Noyes  
Wendy Coleman  
Chris Lloyd  
Mark Sullivan  
Paul Collis  
Alex Foustoukas  
Shirley Foley



## Alumni

**Paul Wynn** ('69) and **Thomas Wynn** ('68) have relocated their law office, Wynn & Wynn, P.C., to 90 New York Highway, Raynham, Massachusetts.

**Thomas Dwyer** ('70) partner in the Boston firm of Dwyer and Murray and **L. Kirk O'Donnell**, ('75), a top aide to House Speaker O'Neil were honored at the annual Suffolk University Law School Alumni Dinner held on December 5, 1985. Mr. Dwyer received the Outstanding Alumni Service Award, while Mr. O'Donnell was cited with the Outstanding Achievement Award.

**Joseph Ippolito** ('79), former Editor-in-Chief of the Advocate, has been named Assistant Attorney General of Rhode Island.

**Dennis Kearney** ('81) announced his retirement from the office of sheriff of Suffolk County (Boston). He will not seek re-election to the position of sheriff, which he has held for nine years. During his tenure as sheriff Mr. Kearney professionalized personnel and budget procedure, and led a campaign to build a new jail in Boston, a matter which brought involvement in both federal and state courts. Mr. Kearney will return to private practice.

**Kathleen Gallagher** ('73) has been named Chairman of the 1985 MIT Enterprise Forum, which is held in Baltimore, Maryland. She is with the firm of Wickwire, Gavin and Gibbs, in Vienna, Virginia.

**Mary McCauley Manzi** ('74) was nominated by Governor Dukakis as associate Justice of Essex Probate Court.

**A. Edward Doudera** ('75) the Executive Director of the American Society of Law and Medicine, has co-authored a book titled *Institutional Ethics and Health Care Decision Making*, published by the Health Administration Press of the University of Michigan School of Public Health.

**Joel Uher** ('78) has been hired by Hyatt Legal Services and named Managing Attorney for its law office in Sacramento, California.

**Benjamin Fierro, III** ('79) has been named General Counsel of the Massachusetts Bar Association, succeeding **Edward Smith** ('74). Mr. Fierro was formerly Associate Counsel for the Home Builder's Association of Massachusetts. Mr. Smith will continue to service the MBA as Special Counsel.

**Marcia Ippolito** ('79) is the Chief Legal Officer of the Rhode Island Division of Taxation.

**Stella Zarlenga** ('84) has joined the law firm of Zarlenga and Associates in Providence, Rhode Island.

**Paula Stanley** ('84) has become associated with the firm of Sherdan, Garahan and Lander in Framingham, Massachusetts.

**David Culliton** ('85) and **Diane Flowers** ('85) have teamed up to practice law in the firm of Culliton and Flowers, in Chestnut Hill, Massachusetts.

**Sharon Offenber** ('85) has joined the law firm of Swartz and Swartz, Boston, where she practices personal injury law. Ms. Offenber was voted the Outstanding Oral Advocate in the National Constitutional Law Moot Court Competition last year, and was a member of Suffolk's National Championship team in that competition.

**Mary F. Singleton** ('84) who was formerly Director of the Boston Bar Association Lawyer Referral Service, has resumed the private practice of law.

## ALUMNI NOTES INFORMATION

Please submit Alumni Notes to:

Executive Editor  
the ADVOCATE—The Suffolk University Law School Journal  
Donahue Building, Room 207  
41 Temple Street  
Boston, MA 02114

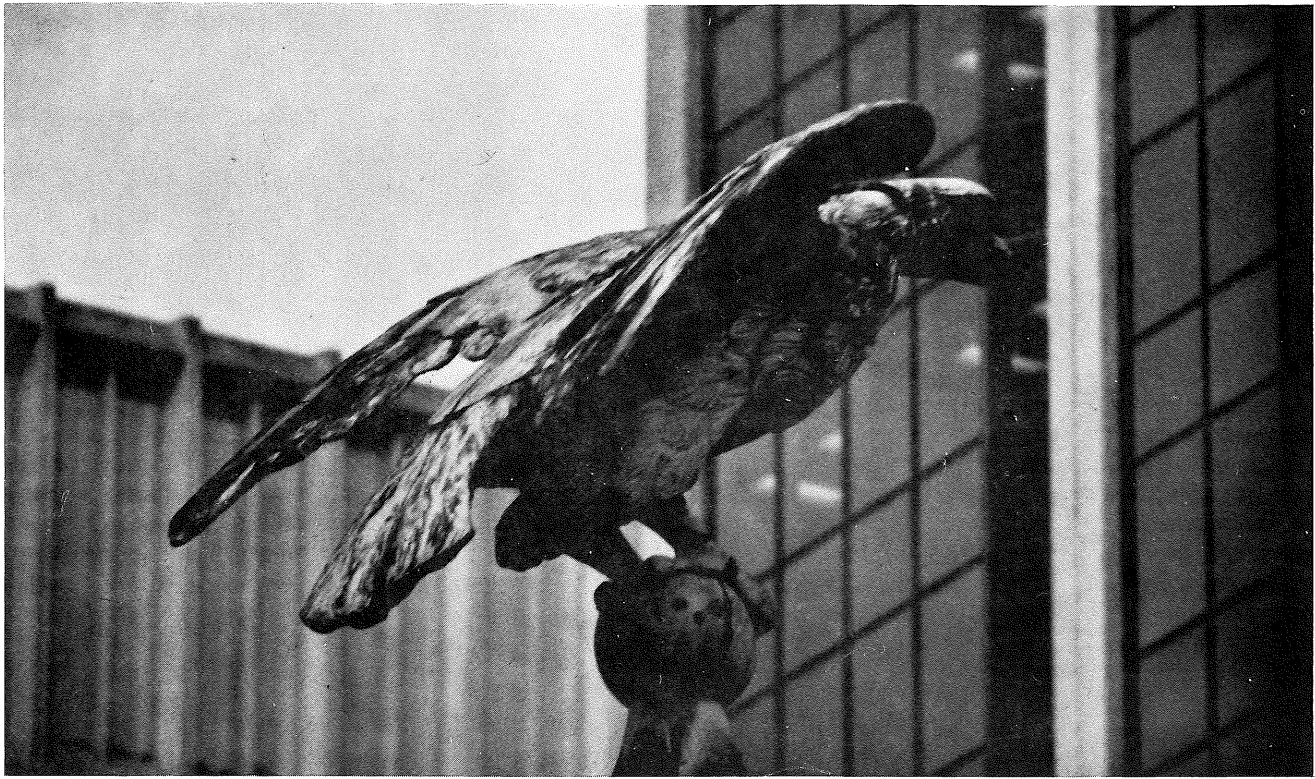
Name: \_\_\_\_\_ Year of Graduation: \_\_\_\_\_

Address: \_\_\_\_\_ Current Employment: \_\_\_\_\_

NOTE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## In Memoriam

**Ernest C. Cirace** (42) died recently at the age of 67 after a year-long struggle with a rare lung disease. A life-long Boston resident, Mr. Cirace was the President of V. Cirace and Sons, Inc., an eighty year old wine importing firm. During World War II, he was a Captain in the contracting office of the Air Force. Mr. Cirace was a member of many social, charitable and religious organizations. Mr. Cirace's son, E. Richard Cirace, also graduated from Suffolk University Law School.

**Francis Masuret** (59) died on December 29, 1985 at the age of 56. He was an associate executive secretary to the Chief Justice of the Massachusetts Superior Court.



"For those of us whose lives he touched, the memory of his goodness and his spirit will always stay with us."

**Michael Ventresca** (73) died in an automobile accident on December 29, 1985. Mr. Ventresca was an advisor to Senator Edward Kennedy and previously served as legal counsel to Lt. Governor Thomas P. O'Neil III.

**William Brophy** (31) of Medford died this past January at the age of 97. He was a retired lawyer, businessman and former State Democratic Committee head. After graduating from Suffolk University Law School, he operated a law firm on Tremont Street in Boston until his retirement in the early 1970's.

**J. Henry Johnson** (31) died on February 12, 1986 at the age of 78. He was an attorney for the Boston Edison Company for 50 years. He retired from Edison in 1972.

---

1986-1987

# **Continuing Legal Education Program For Lawyers**

**Sponsored by Suffolk University Law School Center  
for Continuing Professional Development**

October 24, 25, 1986 - National Course on Advocacy: Trying Cases to Win, Honorable H. Stern, (U.S. District Court, N.J.).  
Co-sponsored with the National Institute of C.L.E.

November 8, 1986 - Practical Techniques in Defending the Drunk Driving and Other District Court Criminal Cases

December 11, 1986 - Recent Developments In The Law

February 7, 1987 - Advocacy for Children: Issues, Problems and Solutions in Representing the Child  
Co-sponsored by the Boston Bar Association Young Lawyer's Section

March 7, 1987 - Litigation Techniques for Family Law Practitioners: Practical Techniques in Litigating Divorce Cases

April 25, 1987 - Massachusetts State Agency Practice: Practical Techniques of Practice Before State Agencies

May 1, 2, 1987 - Handling the Employment Discrimination Case

For further information call Carol A. Dunn at the Law School: (617) 723-4700 Ext. 627





Suffolk University Law School  
41 Temple Place  
Boston, Massachusetts 02114

Non-Profit Organization  
U.S. Postage  
PAID  
Permit No. 56861  
Boston, MA

