

# Suffolk Journal of Trial and Appellate Advocacy

---

Volume 4

Article 1

---

1-1-1999

## Front Matter

JTAA Editors

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



Part of the [Litigation Commons](#)

---

### Recommended Citation

4 Suffolk J. Trial & App. Advoc. i (1999)

This Front Matter is brought to you for free and open access by Digital Collections @ Suffolk. It has been accepted for inclusion in Suffolk Journal of Trial and Appellate Advocacy by an authorized editor of Digital Collections @ Suffolk. For more information, please contact [dct@suffolk.edu](mailto:dct@suffolk.edu).

---

MOOT COURT BOARD

---

SUFFOLK UNIVERSITY  
JOURNAL OF  
TRIAL & APPELLATE  
ADVOCACY

Volume IV  
1999



SUFFOLK UNIVERSITY LAW SCHOOL  
© Copyright Suffolk University 1999

---

---

***SUFFOLK UNIVERSITY JOURNAL OF TRIAL & APPELLATE ADVOCACY*** is published annually by *the Moot Court Board of Suffolk University Law School*, 41 Temple Street, Boston, Massachusetts 02114.

© Copyright Suffolk University 1999

Except as otherwise provided, articles in this issue may be copied for classroom use if (1) copies are distributed at or below cost; (2) author and publication are clearly identified; (3) each copy contains proper notice of copyrights; and (4) the *Suffolk University Journal of Trial & Appellate Advocacy* is notified of such use.

# SUFFOLK UNIVERSITY LAW SCHOOL

## UNIVERSITY ADMINISTRATION

David J. Sargent, JD, LLD (hon.), *President*  
Francis X. Flannery, BSBA, MBA, CPA, *Vice President and Treasurer*  
Marguerite J. Dennis, BA, MA, *Vice President for Development and Enrollment*

## LAW SCHOOL ADMINISTRATION

John E. Fenton, Jr., AB, JD, LL.M., *Dean*  
William T. Corbett, AB, MBA, JD, LL.M., *Associate Dean*  
John C. Deliso, BS, JD, *Associate Dean*  
Bernard M. Ortwein, BA, JD, LL.M., *Associate Dean*  
Elizabeth-Ann S. Foley, BA, JD, *Dean of Students*  
Lorraine D. Cove, *Law Registrar, Assistant to the Dean*  
Gail G. Brickley, *Associate Registrar*  
Gail N. Ellis, BA, JD, *Director of Admissions*  
Kristina Grano, BA, MA, *Admissions Officer*  
James P. Whitters, III, BA, JD, *Director of Career Services*  
Mary Karen Rogers, BS, MS, *Associate Director of Career Services*  
Maureen Ricciuti, BA, MA, *Assistant Director of Career Services*  
Mary Catherine McGurrian, BS, JD, *Career Counselor*  
Michelle Dobbins, BS, MBA, *Recruitment/Marketing Manager Career Services*  
Cheryl L. Conner, BA, MA, JD, *Assistant Director of Internship Program/Public Interest Advisor*  
Katherine A. Gay, BA, MBA, *Director of Financial Aid*  
Lynnda Cedar, *Manager of Loan Processing & Systems*  
Helen Logan, *Financial Aid Counselor*  
Marilyn L. Morehouse, BSBA, MEd, *Director, Administration and Support Services*  
Carole Wagan, BA, JD, *Director, Advanced Legal Studies*  
Gina Gaffney, BSBA, *Director, Computer Resource Center*  
Bernadette Twomey Feeley, BS, JD, *Acting Director, Legal Practice Skills Program*  
Elizabeth M. McKenzie, BA, MSLS, JD, *Law Librarian and Associate Professor*  
Martha Siegel, BA, MAT, JD, *Director, Writing Assistance and Academic Support Program*

## DEVELOPMENT ALUMNI RELATIONS

Jane Chittick, CFRE, BA, MA, *Senior Executive Director of Development*  
Deborah MacFail, BA, *Director of Development*  
Larry F. Wheatley, BS, JD, *Director, Law School Alumni Relations*  
Jean Neenan, *Associate Director, Law School Alumni Relations*

## RESIDENT FACULTY

Marie Ashe, BA, Clark University; MA, Tufts University; JD, University of Nebraska; *Professor of Law*  
Jeffery Atik, AB, University of California-Berkeley; PhD, Universidad Autonoma de Madrid; JD, Yale University;  
*Professor of Law*  
R. Lisle Baker, AB, Williams College; LLB, Harvard University; *Professor of Law*  
Carter G. Bishop, BS, Ball State University; MBA, JD, Drake University; LL.M., New York University; *Professor of Law*  
Karen Blum, BA, Wells College; JD, Suffolk University; LL.M., Harvard University;  
*Professor of Law*  
Eric D. Blumenson, BA, Wesleyan University; JD, Harvard University; *Professor of Law*  
Barry Brown, AB, MEd, JD, Harvard University; *Professor of Law*  
Stephen J. Callahan, AB, Middlebury College; JD, Suffolk University; *Professor of Law, Coordinator of Clinical Programs*  
Rosanna Cavallaro, AB, JD, Harvard University; *Associate Professor of Law*  
Gerard J. Clark, BA, Seton Hall University; JD, Columbia University; *Professor of Law,*  
*Director of Internship Program*  
William T. Corbett, AB, Providence College; MBA, Boston College; JD, Suffolk University; LL.M., Boston University; *Associate Dean and Professor of Law*  
Joseph D. Cronin, AB, MA, Boston College; JD, Boston University; *Professor of Law*  
Kate Nace Day, BA, Manhattanville College; JD, University of California, Berkeley; *Professor of Law*

Victoria J. Dodd, BA, Radcliffe College; JD, University of Southern California; *Professor of Law*

Malcolm M. Donahue, AB, Harvard University; JD, Boston University; LLD (hon.), Roger Williams College; *Professor of Law*

Steven M. Eisenstat, BA, MEd, State University of New York-Buffalo; JD, Northeastern University; *Professor of Law*

Clifford E. Elias, BA, Yale University; JD, Boston University; *Professor of Law*

Valerie C. Epps, BA, University of Birmingham, England; JD, Boston University; LLM, Harvard University; *Professor of Law*

John E. Fenton, Jr., AB, College of the Holy Cross; JD, Boston College; LLM, Harvard University; *Dean and Professor of Law*

Steven Ferrey, BA, Pomona College; MA, JD, University of California-Berkeley; *Professor of Law*

Thomas Finn, BA, Brown University; JD, Georgetown University; *Professor of Law*

Joseph Franco, BA, University of Notre Dame; MA, JD, Yale Law School, *Associate Professor of Law*

Joseph Glannon, BA, MAT, JD, Harvard University; *Professor of Law*

Dwight Gojann, BA, Amherst College; JD, Harvard University; *Professor of Law*

Marc D. Greenbaum, BA, Rutgers University; JD, Boston College; *Professor of Law*

Stephen C. Hicks, MA, LLB, Downing College, Cambridge England; LLM, University of Virginia; *Professor of Law*

Cecil J. Hunt, II, AB, Harvard University; JD, Boston College Law School; *Visiting Associate Professor of Law*

Catherine T. Judge, BBA, Boston University; JD, LLM, Suffolk University; *Professor of Law*

Benjamin Kaplan, AB, City College of New York; LLB, Columbia University; LLD (hon.) Harvard University; *Distinguished Professor of Law*

Bernard V. Keenan, BA, College of the Holy Cross; JD, Georgetown University; LLM, Columbia University; *Professor of Law*

Charles P. Kindregan, Jr., BA, MA, LaSalle University; JD, Chicago-Kent College of Law of the Illinois Institute of Technology; LLM, Northwestern University; *Professor of Law*

Thomas F. Lambert, Jr., AB, LLB, University of California-Los Angeles; BA, BCL, MA, Oxford University; *Distinguished Professor of Law*

Herbert Lemelman, AB, Northeastern University; JD, Boston University; LLM, New York University; *Professor of Law*

Joseph P. McEtrick, AB, JD, Boston College; MPA, Harvard University; *Professor of Law*

Stephen Michael McJohn, BA, JD, Northwestern University; *Associate Professor of Law*

Elizabeth M. McKenzie, BA, Transylvania University; JD, MSLS, University of Kentucky; *Director of Law Library and Associate Professor of Law*

Janice Mueller, BS, Virginia Polytechnic Institute; JD, William Mitchell College of Law; *Assistant Professor of Law*

Russell G. Murphy, BA, University of Massachusetts; JD, Suffolk University; *Professor of Law*

John J. Nolan, BS, College of the Holy Cross; JD, Suffolk University; LLM, Harvard University; *Professor of Law*

Bernard M. Ortwein, BA, University of Richmond; JD, Suffolk University; LLM, Harvard University; *Associate Dean and Professor of Law*

Marc G. Perlin, BA, Boston University; JD, Northeastern University; *Professor of Law*

Richard M. Perlmutter, AB, Tufts University; LLB, Harvard University; *Professor of Law*

Richard G. Pizzano, AB, JD, Suffolk University; *Professor of Law*

Anthony P. Polito, SB, Massachusetts Institute of Technology; JD, Harvard University; LLM, New York University; *Assistant Professor of Law*

Donald L. Polk, BS, MSW, Fordham University; JD, Suffolk University; *Visiting Associate Professor of Law*

Elbert L. Robertson, BA, Brown University; MA, University of Pennsylvania, Wharton School of Business; JD, Columbia University School of Law; *Assistant Professor of Law*

Charles E. Rounds, Jr., BA, Columbia University; JD, Suffolk University; *Professor of Law*

Michael Rustad, BA, University of North Dakota; MA, University of Maryland; PhD, Boston College; JD, Suffolk University; LLM, Harvard University; *Professor of Law*

Anthony B. Sandoe, AB, Williams College; JD, Boston College, *Professor of Law*

David J. Sargent, JD, LLD (hon.), Suffolk University; *President and Professor of Law*

John R. Sherman, BS, Georgetown University; JD, Harvard University; LLM, Boston University; *Professor of Law*

Linda Sandstrom Simard, BS, University of Delaware; JD, Boston College; *Associate Professor of Law*

Tommy F. Thompson, BS, University of Notre Dame; JD, Indiana University; *Professor of Law*

Richard Vacco, AB, Colby College; JD, Suffolk University; *Professor of Law*

Robert P. Wasson, Jr., AB, JD, Harvard University; *Professor of Law, (Visiting Professor Cleveland Marshall College of Law 1997-1998)*

Timothy Wilton, AB, JD, LLM, Harvard University; *Professor of Law*

Jeffrey D. Wittenberg, BA, San Francisco State University; JD, University of California-Hastings; *Professor of Law*

David C. Yamada, BA, Valparaiso University, Indiana; JD, New York University; *Associate Professor of Law*

## UNIVERSITY PROFESSOR

Hon. Joseph R. Nolan, BS, LLB, Boston College

## ADJUNCT FACULTY

Aaron A. Afilalo, AB, LLM, Harvard University; JD, Boston University

Peter Ambrosini, AB, College of the Holy Cross; JD, Boston College

Anthony J. Antonellis, BA, Wesleyan University; JD, Suffolk University

John A. Armstrong, BS, Bentley College; MBA, Pace University; PhD, Boston University

Diane Bissonette, BA, University of Massachusetts; MA, University of Maryland; JD, Suffolk University

Henry E. Bock, Jr., BA, St. Andrews Presbyterian College; MSW, University of Tennessee; JD, Suffolk University

Virginia Bonesteel, BA, Wellesley College; JD, Suffolk University

Max Borten, BS, Colegio Nacional Mariano Moreno; MD, Universidad De Medicina De Buenos Aires; JD, Suffolk University

Hon. Raymond J. Brassard, AB, JD, Boston College

David E. Brook, BS, University of Rhode Island; MS, Northeastern University; JD, Georgetown University

Michael R. Brown, BA, Bowdoin College; JD, Columbia University

Brian P. Burke, BA, Boston College; JD, Georgetown University

Michelle Carron, BS, University of New Hampshire; JD, Suffolk University; LLM, Boston University  
 Dragan M. Cetkovic, JD, Suffolk University; LLB, Zagreb University; LLM, Boston University  
 Stacey L. Channing, AB, Brown University; JD, Boston University  
 Thomas J. Chappell, BA, MA, State University of NY at Stonybrook; JD, Boston College  
 Kerry Choi, AB, JD, Boston University  
 Stephen Y. Chow, AB, MS, Harvard University; JD, Columbia University  
 Henry Clay, AB, Dartmouth College; JD, Boston University  
 John B. Cochran, BA, Hobart College; MA, Rutgers University; JD, Suffolk University  
 Cheryl L. Conner, BA, Mount Holyoke College; MA, University of Michigan; JD, Harvard University  
 Lynda M. Connolly, AB, College of William & Mary; JD, Boston College  
 Brian Cook, BA, College of the Holy Cross; JD, Boston College  
 T. Richard Cuffe, AB, Providence College, JD, Suffolk University  
 Mary Dacey White, AB, College of the Holy Cross; JD, Suffolk University; LLM, Boston University  
 Cyrus Daftary, BA, Indiana University; JD, University of Dayton; LLM, Temple University  
 Carl M. DeFranco, Jr., BS, Merrimack College; JD, Vermont Law School  
 Thomas Dickinson, AB, College of the Holy Cross; JD, Suffolk University  
 Marguerite Dom, BS, JD, Boston College  
 Terrence B. Downes, AB, Harvard University; JD, Suffolk University  
 Maria Dwyer, BA, College of the Holy Cross; JD, Suffolk University; LLM, Boston University  
 Thomas M. Finneran, BS, Northeastern University; JD, Boston College  
 Robert Fitzpatrick Jr., BS, MS, University of San Francisco; JD, Suffolk University  
 Brian P. Flanagan, BA, Tufts University; JD, Catholic University  
 Jacob Frank, BS, Rensselaer Polytechnic Institute; LLB, American University  
 Hon. Francis Frasier, AB, MA, University of New Hampshire; JD, Boston College  
 Sally Gagliini, BA, Brandeis University; JD, Suffolk University  
 Serge Georges, BA, Boston College; JD, Suffolk University  
 Hon. Linda Giles, BS, McGill University; JD, New England School of Law  
 Hon. Edward M. Ginsburg, AB, JD, Harvard University  
 Susan Glovsky, BS, University of Vermont; JD, Boston University  
 Frederick T. Golder, BA, University of Massachusetts; LLB, Suffolk University; LLM, New York University  
 Hon. Joseph Grasso, AB, Dartmouth College; JD, Harvard University  
 Stanley Griffith, AB, Brown University; JD DePaul University  
 Thomas Holland, BA, MA, Ph.D, University of Nebraska; JD, Harvard University  
 Stephen Houlihan, BBA, University of Law Notre Dame; JD, Boston College; LLM, Boston University; CPA  
 Brian Hurley, AB, College of the Holy Cross; JD, Suffolk University  
 Hon. John J. Irwin, Jr., AB, JD, Boston College  
 Cheryl A. Jacques, BS, Boston College; JD, Suffolk University  
 James A. Janda, BS, LaSalle College; JD, Dickinson School of Law  
 Eddie Jenkins Jr., BA, College of the Holy Cross; JD, Suffolk University  
 Francis E. Johnson, BA, St. Thomas Aquinas College; JD, Suffolk University  
 Brian Kelly, BS, University of Notre Dame; JD, Suffolk University  
 Paul Kelly, AB, College of the Holy Cross; JD, Suffolk University  
 William F. Kennedy, Jr., BA, College of the Holy Cross; JD, Suffolk University  
 Hon. Carol J. Kenner, BA, Syracuse University; JD, New England School of Law  
 Cameron Kerry, BA, Harvard University; JD, Boston College  
 Anil Khosla, AB, JD, Harvard University  
 Eric Kramer, BA, Williams College; PhD, University of Pennsylvania; JD, Harvard University  
 James Krasnoo, AB, Harvard University; MA, Northeastern University; JD, University of Chicago  
 Dennis LaCroix, AB, JD, Boston College  
 Mary E. Landerger, BA, Wellesley College; MA, University College, Dublin, Ireland; JD, Columbia University  
 Hon. Paul K. Leary, BA, JD, Suffolk University  
 Celia H. Leber, BS, Boston University; JD, Suffolk University  
 Leonard L. Lewin, BA, JD, Suffolk University  
 David A. Lowy, BA, University of Massachusetts; JD, Boston University  
 James M. Lynch, BA, Providence College; JD, George Mason University  
 Hon. Bonnie MacLeod, BA, Regis College; JD, Suffolk University  
 Donald Mahoney, BS, Merrimack College; MS, Northeastern University; JD, New York Law School  
 Juan M. Marcelino, AB, Brandeis University; JD, Catholic University; LLM, Georgetown University  
 Hon. John G. Martin, AB, Harvard University; MBA, Babson College; JD, Suffolk University  
 Timothy E. McAllister, BA, Williams College; JD, University of Pennsylvania  
 Milene McCutcheon, BS, JD, Northeastern University  
 Walter H. McLaughlin, Jr., AB, JD, Harvard University  
 Stephen R. McNaught, BSBA, Boston College; MBA, JD, Suffolk University  
 Sheila H. Mondschein, BA, Barnard College; JD, Boston University  
 Alex L. Moschella, BA, Villanova University; JD, Suffolk University  
 E. Melvin Nash, BA, Brandeis University; JD, Boston College  
 Alfred J. O'Donovan, AB, Holy Cross College; JD, Suffolk University; LLM, New York University  
 A. John Pappalardo, BA, Bowdoin College; JD, Suffolk University  
 Robert L. Quinan, BS, Boston College; LLB, Suffolk University  
 Louis Rizoli, BA, College of the Holy Cross; JD, Suffolk University  
 Lawrence R. Robins, BA, Emory University; MBA, Northwestern University; JD, Loyola University  
 Mitchell S. Ross, BS, Cornell University; JD, Harvard University  
 Hon. Robert C. Rufo, BS, Boston College; JD, Suffolk University  
 Ethan Schaff, BS, University of Connecticut; JD, Georgetown University  
 Hon. Karyn Scheier, BA, Simmons College; JD, New England School of Law

Ivy V. Schram, BS, University of Miami; MS, University of Houston; JD, Suffolk University  
 Jeanne M. Schuster, BS, Bentley College; JD, New England School of Law; LL.M., Boston University  
 Terry Philip Segal, BA, Amherst College; LL.B., Yale University  
 Gregory V. Sullivan, BA, Boston College; JD, Suffolk University  
 Christopher J. Supple, BA, College of the Holy Cross; JD, Duke University  
 Joel B. Swets, BA, Colby College; JD, Suffolk University; LL.M., Boston University  
 Hon. W. Stephen Thayer, III, BA, Belmont Abbey College; JD, John Marshall  
 Philip C. Swain, BS, Tufts University; JD, Northwestern University  
 Kenneth Trevett, BA, Colgate University; JD, Suffolk University  
 Thomas Turano, BS, MS, University of Rhode Island; ScM, Brown University; MS, Worcester Polytechnic Institute; JD, Suffolk University  
 William J. Wedge, BA, Dartmouth; JD, Suffolk University; LL.M., Boston University  
 Steven Weiner, AB, Harvard College; LL.B., Yale University  
 James Whitters, III, BA, Trinity College, JD, Boston College  
 Richard L. Zisson, BS, Boston University; JD, Suffolk University

## CLINICAL FACULTY

Nelson M. Azocar, BA, University of Massachusetts; JD, Northeastern University  
 Christine Butler, BA, Salem State College; JD, Suffolk University  
 Ellen M. Caulo, BA, JD, Boston College; Director, Prosecutor Program  
 Cheryl Conner, BA, Mount Holyoke; MA, University of Michigan; JD, Harvard University  
 Karen Hurvitz, BA, University of Pennsylvania; JD, Georgetown University; Director of Defender's Program  
 Maureen Monks, BA, University of Connecticut; JD, Boston University  
 John David Schatz, BA, University of Massachusetts; JD, Suffolk University  
 Douglas Smith, BA, University of Massachusetts, Amherst; JD, University of Texas

## SPECIAL FACULTY FOR THE CLINICAL AND INTERNSHIP PROGRAMS

Janet Abrams, BS, Northeastern University; JD, New England School of Law  
 Kerry Ahem, BA, University of Lowell; JD., New England School of Law  
 Colleen Carroll, BA, Assumption College; JD, Suffolk University  
 John Courtney, BA, University of Notre Dame; JD, Suffolk University  
 Francis Doucette, BA, University of Massachusetts, Boston; MA, PhD, Harvard University; JD, Northeastern University  
 Karen Hurvitz, BA, University of Pennsylvania; JD, LL.M., Georgetown University  
 John Julian, BA, UMass Amherst; JD, New England School of Law  
 Ruth Kechejian, BA, Boston College; JD, New England School of Law  
 Sherry Leibowitz, BA, Brandeis University; JD, Boston University  
 John Swomley, BA, Havenford College; JD, Boston University  
 Carla Tacelli, BA, Tufts University; JD, Suffolk University

## WRITING ASSISTANCE AND ACADEMIC SUPPORT PROGRAM

Martha Siegel, BA, University of Wisconsin; MAT, EdD, JD, Harvard University; *Director*  
 Yvette Mendez, BA, Amherst College; JD, Fordham University; *Skills Specialist*  
 Susan Ridker, BA, Wellesley College; MA, Yale University; JD, Boston University; *Skills Specialist*  
 Doris Tennant, BA, MA Emory University; CAGS, Harvard University; JD, Boston College; *Skills Specialist*

## PROFESSORS EMERITI

Edward J. Bander, AB, LL.B., Boston University; MLS, Simmons College  
 Charles M. Burnim, BS, University of Massachusetts; JD, Boston University  
 Brian T. Callahan, AB, LL.B., Boston College  
 Alfred I. Maleson, BS, Johns Hopkins University; JD, University of Maryland; LL.M., Harvard University  
 Thomas J. McMahon, AB, College of the Holy Cross; JD, Georgetown University  
 Patricia Brown, BA, MBA, JD, Suffolk University; MTS, Gordon-Conwell Theological Seminary; *Law Librarian Emeritus*

SUFFOLK UNIVERSITY  
JOURNAL OF  
TRIAL & APPELLATE  
ADVOCACY

---

Volume IV

1999

---

BOARD OF EDITORS

*Editor-in-Chief*  
Sean M. O'Brien

*Technical Editor*  
Gregory Brown

*Production Editor*  
Nicole M. Nigrelli

*Lead Articles Editors*  
Lorri E. Badolato  
Alisia St. Florian

*Managing Editor*  
David C. Fietze

*Articles Editor*  
Amy B. Spagnole

*Administrative Assistant*  
Luis Brum

*Faculty Advisor*  
Richard G. Pizzano



