

# Suffolk Journal of Trial and Appellate Advocacy

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## Editor's Note

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## EDITOR'S NOTE

Dear Reader:

On behalf of the Suffolk University Law School Moot Court Honor Board, I am honored to present the first issue in Volume XXVII of the *Suffolk Journal of Trial & Appellate Advocacy*. This issue contains seven student-written pieces from Moot Court Honor Board's third-year staff. Each piece is designed to provide insight and be of practical use to lawyers and judges at both the trial and appellate levels.

The lead article, *How Do Lawyer Disciplinary Agencies Enforce Rules Against Litigation Misconduct? Or Do They? Results of a Case Study and a National Survey of Disciplinary Counsel* was written by Jona Goldschmidt. Jona Goldschmidt is a Professor Emeritus at Loyola University, where he taught all law courses in the Department of Criminal Justice and Criminology. He earned his J.D. at DePaul University College of Law and his Ph.D. in the Interdisciplinary Program in Justice Studies at Arizona State University, where his area of concentration was Dispute Resolution. He has written numerous articles on pro se litigation, and recently authored a book entitled *Self-Representation: Law, Ethics, and Policy*. We are honored to publish his article analyzing how state lawyer disciplinary agencies address allegations of litigation misconduct, specifically in cases where courts have imposed sanctions, or declined to impose sanctions, for the same misconduct.

The student-written pieces discuss the following legal topics and cases:

- An analysis of the federal sentence modification process, the failure of the Bureau of Prisons to perform its prescribed role in the process, and potential statutory solutions that promote both equity and judicial efficiency (Katherine Chenail);
- An exploration of inhumane conditions of confinement during COVID-19, the Eighth Amendment's purported avenues for relief, and a proposed reworking of the subjective element of the deliberate indifference test (Mary Levine);
- An examination of the Third Circuit's holding that placing an inmate in administrative segregation for obtaining a new criminal charge does not constitute an "arrest" within the meaning of the Sixth Amendment's right to a speedy trial (Madison Carvello);
- An examination of whether the United States Olympic and Paralympic Committee may be constitutionally barred from requiring American athletes to sign away their right to protest (Leon Rotenstein);
- A review of the state-created danger doctrine and whether violations of the doctrine are dismissed under qualified immunity (Bianca Tomassini);
- An intersectional review of a Massachusetts Supreme Judicial Court decision assessing the application of the ministerial exemption to an employment discrimination claim involving a Christian liberal arts college (Margaret R. Austen); and
- A critique of the Fifth Circuit's use of a contemporaneous review when determining student eligibility under the IDEA (Sydney Doneen)

I sincerely appreciate the hard work of our twenty-two staff members of the Moot Court Honor Board, who worked diligently to edit and cite-check these pieces throughout the semester. A special thanks to our Executive Editor, Alexandra Held, whose dedication was vital throughout the editing process; our Managing Editor, Bianca Tomassini, who provided exceptional support for our staffers and editors; and our Associate Managing Editor, Katherine Chenail, who provided essential editing assistance and diligently formatted this issue. I would also like to thank our President, James Lockett, for his continued support in the editing and publication process; Conner Lang, for his assistance during executive editing; our Associate Executive Editors, Margaret Austen, Madison Carvello, Mary Levine, and Mark Shettle, for providing quality editorial feedback and encouraging staff members throughout the editing process; and our Lead Article Editors, Sam Fowler and Matthew Milward, for their work in editing our lead article. Finally, I extend my utmost gratitude to our Board's advisor, Professor Richard G. Pizzano, the Board's Staff Assistant, Janice Quinlan, and the Deans and Faculty of Suffolk University Law School for their continued support of the *Suffolk Journal of Trial & Appellate Advocacy*.

I sincerely thank you for reading our first issue in Volume XXVII of the *Suffolk Journal of Trial & Appellate Advocacy*. I am confident that judges, practitioners, professors, and students will benefit from our scholarship. I hope that you will find this Issue through-provoking, relevant, and useful.

Sincerely,

A handwritten signature in blue ink that reads "Kori Dean". The signature is written in a cursive, flowing style.

Kori Dean

Editor-in-Chief