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Submissions are welcome and encouraged. Please send an electronic version of your submission to holly@mslaw.edu or rudnick@mslaw.edu.
Dear MSLaw Students, Faculty, Administration, and Alumni,

MSLaw’s Student Bar Association is excited to welcome both incoming and former students to the 2015-2016 academic year; which we are sure will be a productive one. In addition to myself as President, the other 2015-2016 officers are: Vice President Lauren Fiore and Secretary David DelPapa. We have an opening for Treasurer (contact me for details).

The Student Bar Association (“SBA”) was created to represent the student body in different facets of life at MSLaw. We are the student government with our own Constitution and Board of Governors (made up of SBA officers and executors who are representatives from first-, second-, and third-year classes). The SBA is the students’ voice with the administration when there are issues to discuss with the faculty and staff.

As many of MSLaw’s students lead busy lives inside and outside of school, free time is usually scarce. This year it is our goal to analyze student interests and come up with some innovative ideas to increase attendance and involvement in SBA social and service-related activities. We will have our meeting and event dates posted on our bulletin board on the second floor and also on our Facebook page (MSL SBA).

We encourage students to attend our meetings and participate. All students are SBA members and are welcome to attend meetings. Please consider becoming a class representative, which allows one to vote on SBA matters. (To become a class representative, obtain a form from any officer or on the SBA bulletin board. Complete it and obtain 30 signatures from your peers.) It is a great way to meet your fellow peers and get involved. Encourage other peers to join as well; there is no limit to the number of class representatives allowed. All full-term students (fall and spring) are also eligible to run for any of the officer positions. Terms run from the date of the Law Day Gala in May to the following Law Day.

This year the SBA will be busy organizing social events for both students and faculty to enjoy. The big events during every school year are the Welcome back BBQ, the midnight breakfast during study week of each semester, the Saint Ann’s Christmas charity drive, and the Law Day Gala dinner dance.

We encourage you to stop by the SBA office, which is located in the library just before the quiet section. We will try to have at least one officer present two hours a day to answer any questions or concerns. The office hours will be posted on the bulletin board on the second floor and also on the SBA Facebook page. You may also contact us by email (mslsba@gmail.com). We look forward to hearing from you. Good luck this year!

Sincerely,

Shawn R. Crapo
MSL SBA President 2015-2016
Greetings MSLaw Family:

The National Black Law Student Association (NBLSA) is one that believes in “Fortifying the Road to Excellence,” and your chapter here strives daily to keep this vision alive. We believe that the first step in achieving a goal is believing that it can be done. It is our mission to make sure that this chapter and its members are performing to the best of their abilities at all times, both in the community and in the classroom. We will present a strong and intellectual presence wherever we are. We push to excel beyond expectations in all aspects of our daily human endeavors. BLSA presents great opportunities to network and work with your fellow classmates not only at MSLaw, but also around the country. It also presents the opportunity to meet past and present attorneys who were a part of their school’s BLSA chapter.

The 2014-2015 academic year was one of success and excitement for the BLSA community. During the first semester, BLSA continued its work helping out at the local Lawrence YMCA and holding its annual food and clothing drive to support local families in need. MSLaw’s BLSA chapter has a strong tradition in helping the community, and we will continue to keep this tradition rich and healthy.

In February, the BLSA trial team coached by Dean Coyne, Professor Harayada, Professor Dimitriadis, and MSLaw alum Kimberly Gillespie, won the Northeast Regional Championship and advanced to the national championships for the fourth straight year. (See the article on page 10 for details on our impressive victory.) BLSA also celebrated Black History Month by bringing in Associate Justice Geraldine Hines, the first African-American woman to serve on the Massachusetts Supreme Judicial Court. The dialogue between her and the students was both entertaining and educational. She gave a brief speech on the difficulties she encountered because of her race, as she went from being an attorney to becoming a judge, and during her rise through the judicial ranks to ultimately serve on the Commonwealth’s highest court. The session seemed to be an eye opener to all who was in attendance. The BLSA chapter also had its annual Valentine Day bake sale, which provided the campus with a lot of sweet treats.

BLSA’s goals this year are to continue the rich traditions of excellence that we have both in the community and in the classroom. We plan to stay involved with the local YMCAs and continue our annual food and clothing drive for those in need. We also plan to do some events with St. Jude this year around Christmas time for the kids who are admitted into care. If you would like to expand your networking community while being an asset to your school and community, then BLSA is for you—come check us out! If you would like to join BLSA or have any questions, contact me at BLSAPres@mslaw.edu or our faculty advisor Professor Rudnick at rudnick@mslaw.edu. We look forward to having you on our team in continuance to “Fortifying the Road to Excellence.”

Sincerely,
Jullian Jones, President

The new board members for the 2015-2016 school year are:
President: Jullian Jones  
Vice President: Devin Brown  
Attorney General: Phillip Pamphile  
Secretary: Natalie Quinn  
Treasurer: Christopher Brenes  
Community Service Director: Cassaundra Troiano
Before Sheri Cottreau ('01) became a lawyer, she was in the “trade show/event” business. So it was not a huge leap to her present job as Corporate Counsel for International Data Group (IDG), an international publishing, event, and research company based in Framingham. IDG owns Macworld and PC World, which, among other things, offers online resources for consumers. IDG also publishes on-line magazines for executives and leaders in the IT world under the Computerworld, Network World, InfoWorld, and CIO brands. The event arm of IDG orchestrates and manages trade shows and conferences such as Macworld/iWorld and E3 Expo.

Sheri’s primary responsibility is managing IDG’s trademarks worldwide. IDG has a global trademark portfolio of over 5,000 trademarks. She manages IDG’s direct trademarks. She advises her business colleagues (who are her business clients) on the need and desirability of having a trademark and helps them through the process of perfecting the mark. She and outside companies constantly monitor the business and commercial landscape to make sure none of the trademarks belonging to IDG are infringed upon, or have their values diluted, by challenging applications for protection of similar marks. She often works with outside counsel in these areas. “In addition to trademarks, I handle any copyright infringement issues, sweepstakes and contests, and any and everything event related,” she explained. “The event-related items may include advising the event teams on issues that arise at an event, review of a vendor or venue contracts, or I just provide feedback on ideas they may have for the event, industry standard, and/or best practices.”

Her background as a trade show manager led her first to IDG’s business unit where she was the first lawyer-member of IDG’s World Expo business team. World Expo is responsible for conducting events such as Macworld/iWorld and other IT-related events. She joined that team in 2002, and stayed until 2009, when the economic downturn cost her her job. Because she had been trained with IDG’s legal department as part of her World Expo job, when the general counsel needed someone to fill in for a paralegal on medical leave, Sheri jumped in and, in 2011, became full-time corporate counsel in the trademark department.

The most rewarding part of Sheri’s work is “working with our business clients on their trademarks, sweepstakes/contests, and events. Because of my extensive marketing and event background, I am able to speak their language and explain the legal ramifications of things in their terms. It is not unusual for me to ask a business client, while working on a sweepstakes or contest, what its marketing goals are for the sweepstakes or contests in order for me to make the legal requirements of the sweepstakes/contest match its marketing objectives. I also work with our business clients on reducing costs for events based on my event knowledge, whether it be negotiating free or reduced items, limiting minimums, or reducing cancellation fees. Sometimes I feel like I am teaching lay persons the law, and when they understand why I recommend or require something in particular, I feel a sense of gratification.”

Although Sheri’s educational track was long and arduous, she let nothing stand in the way of her achieving her goals. Sheri wanted to be a lawyer since she was exposed to legal secretarial work in high school, but it took her until age continued on next page
29 to actually enter law school. After high school, she wanted to go to Northeastern, but circumstances precluded full-time enrollment, so she attended the university’s night program while working full time as a secretary. It took eight years to get her associate’s and bachelor’s degrees. She started working for marketing companies during this period.

Following completion of her undergraduate degree, she wanted to pursue a joint business/law degree at Northeastern, but, again, things did not appear to be working in her favor, until she learned about MSLaw. She says she chose MSLaw for practical reasons: “I had to keep working while going to law school, and MSLaw’s low cost and location outside of Boston were very attractive to me. After I started at MSLaw, I learned it was going to have a joint MBA/JD program with Nichols, and I was finally able to realize my dream of getting both degrees. I think the fact that I have both an MBA and a JD (along with a license to practice) helped a lot in my career path.

“My MSLaw education certainly lived up to my expectation and more,” Sheri added. “I talk about MSLaw a lot to people and even persuaded my colleague to go to MSLaw. (He just finished first year.) The big thing MSLaw provided to me that other schools lack is the practical experience. I came out of law school knowing how to draft a contract, which is what I needed for my first position after law school. Because of the practical experience I received, I felt more prepared to practice law. I also had practical writing samples to show to future employers rather than just a Supreme Court brief. I love my job.”

Sheri is very happy in her position as corporate counsel, and does not see herself changing jobs any time soon. “Having an extensive business and legal work experience and educational background, it’s the perfect match for me,” she noted. Her office is in the process of reevaluating workloads for her and her paralegal, and she predicts she will be doing more contract work in the future. “I look forward to expanding my areas of responsibility beyond trademarks and event-related issues. I love learning new areas of the law, and I think I will be doing more of that.”

Sheri lives in Billerica with her eight-year-old black cat named Morton. In her spare time she golfs, playing in IDG’s corporate league. She also plays the saxophone with a local community concert band, is a volunteer reader with the Read to a Child program, is the President of her condo board, and enjoys traveling and seeing new places.

Ruth Deras, Esq.

When seven-year-old Ruth Deras (’09) arrived in New York from Honduras in 1981, along with her aunt and cousin, she probably could not have imagined that 34 years later she would have a thriving law practice, be the President-elect of the Massachusetts Association of Hispanic Attorneys, be engaged to a wonderful man, and have a daughter who graduated from Bryn Mawr College. But that is Ruth’s story. She freely admits that they fled Honduras at the urging of her grandmother to escape a life of violence at the hands of her father. The three first settled in the Bronx. Her siblings came about a year later, and her mom after another two. Shortly after Ruth’s mother arrived, they all moved to Chelsea, where her Mom and cousin still live.

Though they might have escaped the violence of their lives in Honduras, Ruth’s life in the United States did not go easily. When she was 16, and a student at Chelsea High School, she got pregnant. She was not allowed to return to the regular high school population. “The administrators must have thought pregnancy was conta-
“Working with low-income and immigrant clients is both rewarding and difficult,” explained Ruth. They may be facing desperate and difficult situations in their lives often caused by individuals in positions of power over them. And they may mistrust the legal system, even though they are embroiled in it and cannot get out.”

Asked why she decided to go to law school, Ruth replied, “I always knew I needed to be in a profession that helped people in need of assistance. In my 20s, I discovered the law was a good vehicle to bring about social change.

“I thought MSLaw would be a good fit for me, and I was not disappointed,” she said. “I think the professors are very talented and dedicated individuals who go above and beyond to prepare their students. I genuinely believe that the education I received at MSLaw not only prepared me to be an effective and successful attorney, but it also gave me the skills to run a law office.”

Although Ruth is happy in her current job, and is looking forward to a June 2016 wedding to fellow MSLaw alum Ben Adeyinka (‘11), she would like at some point to work for the government, federal or state, where she can effect positive change to the lives of more people through adoption of public policies that help the most vulnerable populations.

Ruth and Ben live in Lynn. Her daughter just moved out and is running a literacy program at Girls Inc. in Lynn (the acorn doesn’t fall far from the tree), leaving her Maine Coon cat Star behind. Ruth says that her work life is very draining, so when she has down time she does very little, but she does like gardening and dancing. And, oh yes. We cannot forget that in January 2016, Ruth will become President of Massachusetts Association of Hispanic Attorneys.

Of her involvement with this organization, Ruth says, “I got involved with MAHA in 2011 at the suggestion of the current Chief Justice of the Probate and Family Court, Angela Ordoñez. At the time, I had no idea the organization existed. Judge Ordoñez told me that the organization was a worthwhile investment and a good way to ‘pay it forward.’ I decided to look into it. At my first meeting, I met some wonderful Latina attorneys. We all became co-chairs of MAHA’s Annual Event. The Annual Event is the organization’s annual fundraiser which had been in hiatus for some time. It was very important to the life and health of the organization to reinstitute it, and the event was a huge success!” Ruth subsequently took some time off from the organization, but in 2013, some of the then leaders reached out to her and asked her to become actively engaged again. She did and served as co-clerk last year, doing such a good job that she was asked to consider running for president. “Although I knew that such a position would require a commitment of my time and energy, I agreed because I see the importance of volunteering for an organization that aims to showcase the Latino talent within the Commonwealth’s

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Jessica MacAdie (’08) is now a partner in the domestic relations firm of Foley and MacAdie, with offices in Concord and Acton. Cindy Bodendorf (’05) is a lawyer in New Hampshire, doing family law, personal injury, and wills. Tiffany Roy (’10) started her own forensic consultant and testing company in Boynton Beach FL, where she is serving both public and private clients. Sue Pope (’04) has been an Assistant DA in Bangor, ME since 2007. Her office handles cases that run the gamut from loose dogs to manslaughter. She also handles the appeals from her office to the Maine Supreme Court. Joe Coluntino (’13) works in the Office of Matthew Desrochers (’99), where they handle bankruptcy and foreclosure defense cases. For Kate Considine (’13), an RN and a JD are simply not enough. She will enter Oceania University Medical School in August in search of an MD degree. The first two years are on line, the last two in clinical rotations which she can do either in the US or Samoa, where the school is located. Maria (Trovato) Bonanno (’08) is a partner in the Methuen firm of Manzi Bonanno and Bowers. She concentrates in commercial and residential real estate law. Richard Rodriguez (’01) was a guest speaker at his alma mater, John Jay College in New York. Richard has an office in Lawrence and serves on the Lawrence Commission on Disability. Susan Holden Martin (’12) is a lecturer in the Management Division of New England College in Henniker, NH. Deanna Deveney (’14) reports “I'm working at the Middlesex District Attorney's Office as their community partnerships coordinator. I'm working on legislative matters, community outreach, and public policy issues. I love it!” Tina Reynolds (’14) has moved to Rockland, ME, and has taken a job in a personal injury/medical malpractice firm. She will take the Maine Bar in February 2016. Kat Zavadskaya (’14) opened “KZ” law in Brookline, where she practices mostly immigration law and some real estate matters. Jessica Edwards (’14) works for the Tarsh Law Office in Lawrence. She says “It is a small firm, just the owner/partner attorney and myself with a wonderful staff of a paralegal, interpreter, and intern (an amazing MSLaw student). My case load consists of cases in civil litigation, family law, worker's compensation, and criminal law specializing in personal injury and criminal cases. I have recently been accepted on to the Suffolk County Dorchester Bar Advocate Panel and will soon be taking court appointed cases in Dorchester.” Andy Bucklin (’12) has found his niche doing wills, trusts and estate work from his home-office in Lynn. Sam Chipman (’10) is working for noted Boston attorney Howard Kahalis. He is concentrating on personal injury cases. Tyler LeBlanc (’13) left the Salem City Solicitor’s Office and is now a civilian contract specialist for the Air Force. He said he could tell us more about his job but none of us have security clearance! Sam Gould (’13) works in Londonderry, NH for the firm of Gould & Gould, doing real estate, estate planning, probate and bankruptcy. He also does some insurance defense work. Fred Hoystadt (’13) is practicing in New Hampshire, handling criminal, collections, and divorce cases. Jim Hester (’13), is with CPCS in Plymouth County. He represents clients in both the Plymouth and Brockton District Courts. Jay Herron (’14) is an Assistant DA in Plymouth County. Alanna Spero (’14) reports she will be transitioning into a position as contracts attorney for the Department of Developmental Services. She also works as a private attorney for her mom, Denise A. Spero (’05). Alanna is certified through CAFL as a member of the family law and mental health panels and will be taking this cases. Elina Mushin (’13) opened an office in Lynn and is handling a wide variety of cases from evictions to long term disability. Jaclyn Martin (’15) turned her internship into a full time position when she joined the Chelmsford firm of Qua, Hall, Harvey and Walsh. She will be focusing on elder, housing and family law. MSLaw Trustee and Alum Laurie Hogan (’01) is also with the firm. Kelly Maguire (’14) has opened an office in Methuen, in the same space as a number of MSLaw alums and professors (adjunct and full time), and is hoping to focus on domestic relations cases, although right now she is doing “a bit of everything.” Meg Breaker (’14) is opening an office in his hometown of Stoneham and will have a general practice. Meg Breaker (’14) is working for her father in his Ipswich office, spending a lot of time in Salem (MA) Probate and Family Court. Once her

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youngest is in school she hopes to transition from a part-time to full-time schedule... Mike Healey ('14) is concentrating on probate and estate matters in Bedford, MA... Annalisa Saldi ('14) has her own office doing mostly tax and estate planning in Lynnfield... Paul Stewart ('11) and Laurie LeMieux ('11) do criminal appeals as private counsel for CPCS. They were married on June 1, 2014 in Newburyport. Alexandre Sforza ('11) became a minister just for them and performed the ceremony. Their daughter, Margaret Ann (Maggie), was born on September 21, 2014... Since 2013, Mary Kay Elloian ('97) has been hosting and producing a television show, now available nationwide on cable stations, and on line (YouTube), called The Legal Edition. She focuses on legal and policy issues related to health and the environment and interviews experts on those subjects. You can find the shows and more on her website TheLegalEdition.com... Dan MacDonald ('01) was elected to the Board of Selectmen of Groveland. He is an accountant/attorney in Lynnfield... Ray Arvand ('14) has opened an office in New York City where he exclusively practices immigration law... Nancy Matza ('06) is with the firm of Dropkin & Matza, where she is handling some very interesting and complicated immigration cases... Iris Taymore Schnitzer ('96) was elected to the Board of Trustees of the Massachusetts Bar Foundation (MBF). As a recipient of funds from Interest on Lawyers’ Trust Accounts (IOLTA), the MBF awards approximately 100 grants of $5,000-$135,000 each year to organizations which improve the administration of justice or provide civil legal services to low-income individuals. Iris, who practices in Boston in the areas of estate planning and wealth management, has been a Fellow of the MBF since 1996... Karen Petri ('14) is handling Care and Protection cases in the Fitchburg Juvenile Court, continues to do GAL work in Middlesex County, and is looking to expand her special education practice, which she started before and continued during law school while working as a GAL... Stefan Rozembersky ('12) practices with Michelle (Evans) Brennan ('05) in Boston. They have a significant Superior Court criminal practice and do some divorces as well. Stefan reports they have become involved in a number of high profile criminal cases in Suffolk County which keeps them very busy... Joshua Devine ('12) joined the Connecticut law firm of Updike, Kelly and Spellacy. He practices in the areas of real estate, commercial litigation, professional liability, and bankruptcy and creditors’ rights... Dan Hurley ('13) was re-elected President of the Utility Workers Union of America (UWUA) Local 369 for a second three-year term.... Carmenelisa Perez-Kudzma ('96), a bankruptcy lawyer in Weston was named the director of the new Paralegal and Legal Studies Program at Regis College, in addition to being an assistant professor there... Jeremiah McIntosh ('14), a member of both the Massachusetts and Maine bars, is working as an accountant at the Defense Finance and Accounting Service near his home in Northern Maine. He will also be doing some private legal work if he can find time away from his growing family! ■

Alum Pens Immigration Mystery
New York immigration attorney Lewis Hu ('04) used his experience in that field to write Before the Indictment – Stories of Immigration Fraud, which was published in July by Outskirts Press. It focuses on the life of immigration lawyer Ray Zheng, who starts his career treading the straight and narrow, but falls victim to his own power and ability and falls into an ethical abyss. Lewis, a native of China, left his job as a college professor to come to the US in 1991. His main office is in Danbury, Connecticut, where he concentrates on criminal defense cases. His immigration practice is in New York City, but he has also appeared in immigration courts in Massachusetts, Georgia, and Pennsylvania. The book is available at www.outskirtspress.com.

In Memoriam
Bob Mabardy ('14) died in November 2014. He was the President/NE of Middlesex Corporation, a nationally known engineering and construction company.

Katrina Willis ('14) died in June 2105. She had been a safety supervisor for many large construction projects, and at her death, was in risk management for Meadowbrook Insurance Company.

David McGovern ('04) died in November 2014. He had his office in Winchester. His sister is Kathleen (Kat) McGovern ('02).

Jerry Donaldson ('09) passed away in March 2014. He practiced law in Medford.
As immigration reform continues to be a blistering topic in the embers of national politics, in April 2015, Massachusetts joined a majority of states to hold a conviction is not irreparably tainted by the participation of a non-citizen juror in rendering a verdict. The outcome of Commonwealth v. Jackson1 seems contrary to the general consensus that citizenship is the hallmark of jury service. Even efforts by the California legislature to legalize jury service for some aliens was vetoed by Governor Jerry Brown in 2013, at the same time as he signed into law several other bills that expanded the rights of non-citizens.2 However, those courts that have had occasion to consider the issue of whether relief is warranted when it turns out a member of the jury is not an American citizen have determined that it is not.

Commonwealth v. Jackson

Michael Jackson was indicted for and convicted of the murder of Jose Lane in the Dorchester section of Boston.3 Although the SJC did not relate the details of the facts concerning the non-citizen juror, a summary of the pertinent facts culled from the defendant’s brief is as follows:

Christian Echeverria (Echeverria) was seated in seat #14 in the jury box early in the seating process. [1/132]. Because he replaced a challenged juror, Echeverria did not come to side bar during juror voir dire to respond to questions posed to other prospective jurors. [1/34-126]. Both sides had challenges remaining at the time. He was one of the fourteen jurors seated throughout the trial, and remained after the panel was reduced to twelve. [IV/164]. The jury returned verdicts on March 6, 2006, and after the clerk read the verdicts and the jury verified them, the court went to the jury room to say goodbye and to answer questions. [VI/5-9].

On the following day, the trial judge called counsel for both sides into court. He told them that, while he was in the jury room after the jury was discharged, Echeverria made comments that left the judge with the impression he "wasn’t a U.S. citizen." [VII/3-5]. The judge apparently discovered that Echeverria had not sent back his "Juror Confirmation Card," where the first criterion for claiming disqualification for jury service is, "not a U.S. citizen—write alien card identification number, et cetera." [VII/5-6]. The judge also informed counsel that he had learned that Echeverria called the "jury office" and "was then told to show up." [VII/6]. After further discussion with counsel, the court decided to have Echeverria come into court, on the already scheduled sentencing day, March 14, to be questioned on his citizenship. [VII/6-14].

On March 14, Echeverria said in court that he had asked the judge (on March 6, in the jurors’ room after the verdicts) "if I was able to participate if I was not an American citizen." [VIII/10]. Echeverria then told the court that: he is not a U.S. citizen; he does not have an alien identification number; he received the package of information [from the Jury Commissioner], but then he "lost it;" he called in [presumably to the jury commissioner] and was asked to report for jury duty regardless; he does not have an alien card; he does not know his visa status; he came to the U.S. when he was 11 years old and he does not have a green card. [VIII/10-13]. The judge acknowledged that there was no way that

3 471 Mass. at 263-4.
counsel or he could have known, before the verdict, that Echeverria was not a U.S. citizen.

While acknowledging that Massachusetts law clearly restricts jury service to “citizens of the United States,” the SJC grounded its decision on the language of c. 234A sec. 74, which states:

[The fact that a juror shall be found not to be qualified under [G.L. c. 234A, sec. 4] … shall not be sufficient to cause a mistrial or to set aside a verdict unless objection to such irregularity or defect has been made as soon as possible after its discovery or after it should have been discovered and unless the objecting party has been specially injured or prejudiced thereby.]

The SJC summarily disposed of the issue by finding the defendant had not proven particular prejudice or harm.

**Basis for the Limiting Jury Service to Citizens**

Both the United States Constitution (Constitution) and the Massachusetts Declaration of Rights (M.D.R.) contain various provisions which govern jury trials and the makeup of both petit and grand juries. The Constitution expressly provides for a quick and speedy public trial “by an impartial jury of the State and district where the crime shall have been committed.” Article 12 of the M.D.R., *inter alia*, protects an accused against deprivation of liberty except by a judgment of his peers. Article 15 of the M.D.R. provides the right to trial by jury “shall be held sacred.” Cases from Massachusetts and federal courts have linked the right to an impartial trial by jury to the overarching right of the accused to a “fair trial” and due process.

Over the years, the right to trial by an impartial jury has manifested itself in cases that both address the rights of a person to serve as a juror and the right of litigants to be tried by such a jury. Although laws excluding black males from jury service were struck down by the Supreme Court in 1879, it simultaneously acknowledged that states could treat women differently from men. States adopted laws that provided women could (i) be excluded entirely from service (ii) required to opt-in to such service, or (iii) be automatically excused upon request. It was not until 1975 that the Supreme Court held the Sixth Amendment demands a jury be comprised of “a fair cross-section of the community,” and invalidated laws that treated women differently from men with respect to jury service. The Supreme Court has also invalidated system-
atic use of challenges to exclude jurors on the bases of race or gender.\textsuperscript{13}

However, courts have never held that exclusion of non-citizens from jury service violates the federal or any state constitution. Although not all cases turn on the principle that the right to a citizens-only jury is not constitutionally based, that is likely a motivating factor underlying the decisions.\textsuperscript{14} In \textit{Commonwealth v. Acen},\textsuperscript{15} the SJC addressed the question of whether excluding persons who are not citizens or who cannot read and speak English from jury service was unconstitutional. Writing for the Court, Justice Lynch went into detail in determining from where the American right to trial by jury was derived and confirmed that the ancient British rule that a jury should be comprised of both aliens and countrymen\textsuperscript{16} was not contemplated by the Sixth Amendment.\textsuperscript{17} Even if it were incorporated into Article 12, which was drawn from the Magna Charta, and therefore could arguably comprehend the British practice, in the end, the Court said the legislature was free to change it by statute.\textsuperscript{18} The Court held that both limitations withstood strict (and therefore minimum, which the Court said applied) scrutiny under equal protection.

That rationale is at once compelling and obvious: jury service demands loyalty to this country and its laws as well as knowledge of and familiarity with its customs. Resident aliens often have allegiance to this Commonwealth and the country, and could be competent to sit on juries. Yet it is undeniable that some aliens do not possess these requisite attributes and jury service is too critical to the just operation of the court system to place it in the hands of those who are not able to carry out the duties of such service. The naturalization process requires citizens to demonstrate loyalty and competence for the duties of citizenship generally, and any other test of loyalty and competence would either be ineffective or would “undercut the efficiency and significance of existing procedures.”[Cites Omitted].\textsuperscript{19}

Generally state statutes that discriminate on the basis of alienage are subjected to strict scrutiny when challenged as a violation of equal protection. However, some courts considering the issue of whether the Constitution is violated when this class of persons is excluded have held that jury service falls into the category of “democratic political institutions” that go to the “heart of representative government” which are judged by a lesser standard of review.\textsuperscript{20}

\begin{itemize}
  \item\textsuperscript{13} Known as jury \textit{de medietate linguae}, or “of the half tongue.” \textit{Acen} at 474, n. 3. These “mixed juries” were required in trials of individuals who were not British citizens until the reign of Queen Victoria. See Ramirez, supra at n. 14, pp. 786.
  \item\textsuperscript{15} \textit{Reassessing Jury Service Citizenship Requirements}, 59 Case W. Res. L. Rev. 725, 727-729 (Spring, 2009) (arguing the prohibition on non-citizen service should be reconsidered). See also \textit{Motomura, id.} at 1517 and Ramirez, 789-793 (mixed jury survived ratification of the United States Constitution).
  \item\textsuperscript{16} \textit{Acen} at 474-477. For a detailed recitation of the history of “citizens only” jury laws, see Lombardi, \textit{Reassessing Jury Service Citizenship Requirements}, 59 Case W. Res. L. Rev. 725, 727-729 (Spring, 2009) (arguing the prohibition on non-citizen service should be reconsidered). See also \textit{Motomura, id.} at 1517 and Ramirez, 789-793 (mixed jury survived ratification of the United States Constitution).
  \item\textsuperscript{17} \textit{Kafatia v. Adams}, 2013 WL 489831 (C.D. Cal. 2013).
\end{itemize}
Contests to such exclusionary statutes based on the Sixth Amendment “fair cross section” requirement are subjected to a three-part prima facie inquiry established in *Duren v. Missouri*:

1. The excluded group is “distinctive” in the community;
2. It is underrepresented on the jury compared to the general population; and
3. Underrepresentation results from systematic exclusion during jury selection.

Such challenges have been unsuccessful.

Challenges to the “citizens only” requirement for federal jury service have similarly been unsuccessful. In *United States v. Gordon-Nikkar*, the Court of Appeals, relying extensively on *Perkins v. Smith*, rejected a constitutional challenge:

> In maintaining the jury system as “the very palladium of free government” the states logically can anticipate that native-born citizens would be conversant with the social and political institutions of our society, the customs of the locality, the nuances of local tradition and language. Likewise naturalized citizens, who have passed through the citizenship classes sponsored by the Immigration and Naturalization Service, have demonstrated a basic understanding of our form of government, history and traditions. There is no corresponding basis for assuming that resident aliens, who owe allegiance not to any state or to the federal government, but are subjects of a foreign power, have so assimilated our societal and political mores that an equal reliance could be placed on their performing as well as citizens the duties of jurors in our judicial system.

Resident aliens by definition have not yet been admitted to citizenship. Until they become citizens, they remain in most cases legally bound to the country of their origin. Nothing is to prevent their return to that country, or a move to yet a third nation. It is true that many, if not most, aliens do intend to become citizens, and that their loyalty could probably be counted upon. However, it is the process of filing for citizenship that establishes that loyalty; any attempt at prior screening would undercut the efficiency and significance of existing procedures. Therefore, although the presumption that all aliens owe no allegiance to the United States is not valid in every case, no alternative to taking citizenship for testing allegiance can be devised, so that we conclude that the classification is compelled by circumstances, and that it is justifiable.

**Consequence of A Non-Citizen on the Jury**

Given the strong judicial support for the long-lived citizens-only requirement, it would seem to follow that verdicts rendered by juries on which a non-citizen has been seated would be suspect at best. Such is not the case. From as far back as 1895, courts have rejected challenges to verdicts rendered by juries not comprised entirely of citizens. In *Owens v. State*, a Nigerian citizen was
inadvertently seated on the jury. The Court of Special Appeals held that excluding non-citizens from jury service was statutory rather than constitutional (state or federal) in origin, and the non-citizen’s participation on the jury that returned the verdict did not prejudice the defendant. The Court did stress that the defendant had ample opportunity during voir dire to confirm that the members of the venire were US citizens, by requesting that the trial judge make such an inquiry. The defendant did not avail himself of this opportunity. Although the litigant could rely on prescreening through the jury questionnaire, the Court noted “mistakes do occur,” and the system should be checked through voir dire. Thus, Owens waived his right to assert this defect as grounds for reversal or a new trial.

Likewise, in Moton v. State, the state Court of Appeals refused to order a new trial where a non-citizen was seated as a juror because of the lack of prejudice the unauthorized participant caused. Clearly the SJC was swayed by the language of c. 234A which held deliberate falsehoods are grounds for reversal or a new trial. Relying on the waiver theory, the Court noted that the defendant did not request questions concerning citizenship during voir dire, and there was no evidence that the juror falsely answered any relevant questions.

When a court finds an intentional act rather than an inadvertent mistake led to a disqualifiable juror’s participation in a verdict, reversible error is more likely to exist. In State v. Harris, a potential juror in a shoplifting trial intentionally failed to disclose that she had a prior felony conviction as well as a conviction for shoplifting. Because this information could not have, through diligence, been discovered prior to trial, the appellate court ordered a new trial.

As the SJC did in Jackson, other courts refuse relief where a non-citizen has been erroneously seated as a juror because of the lack of prejudice the unauthorized participant caused. Clearly the SJC was swayed by the language of c. 234A sec. 74, requiring demonstration of prejudice to challenge a juror’s suitability for service after he or she has been found to be qualified. However, one has to wonder whether the legislature intended the savings clause to apply to qualifica-
tions as “insignificant” as age\(^3\) or prior jury service\(^3\) and as significant as lack of loyalty to the government of the United States. Either requiring jurors to be citizens is important to our judicial system or it is not. And, the statute does not distinguish between aliens lawfully residing in this country and those who are not.

**Conclusion**

Although the fact that the presence of a non-citizen on a jury does not invalidate a verdict may be counterintuitive, the weight of authority supports this conclusion. Aside from lobbying one’s representatives to change the statutory law, what is a lawyer to do? Certainly attorneys should ask the court, or under the new attorney-conducted voir dire themselves ask questions concerning a juror’s citizenship, and move to challenge any one not satisfactorily proving he or she is a United States citizen.

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\(^3\) G.L. c. 234A, sec. 4(8).

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bar and bench,” she explained. “I hope to contribute to the organization by building and fostering relationships that help promote the many talented Latino attorneys in the Commonwealth and to achieve a more diversified bar and bench.

I also hope to be able to leave a legacy of partnerships, volunteerism and most important, promoting the importance and inherent value in public service.”
Preventing School Bullying Through the Use of Empathy: Let’s Stop Bullying Without Focusing on Offender Discipline and Treatment

By Paula Kaldis, Esq. and Larissa Abramiuk

Introduction

School bullying can be prevented though teaching empathy rather than focusing on punishing and treating the “offender.” Seeking to address student behavior that harms, physically or emotionally, other students, schools have traditionally focused on the “offender,” the “bully.” That child gets punished, disciplined, prosecuted, counseled and, hopefully, rehabilitated. All of this is in reaction to the behavior, and not in anticipation of the behavior.

Most anti-bullying plans, while addressing misconduct through cultural and social services, do so in a way that emphasizes the misdeeds of the “offender,” which tends to perpetuate the “offender/victim” philosophy. No matter how therapeutic the intent of these plans is, a child’s misconduct often results in a labeling of that child and treating him or her as an offender. Bullying is a criminalized form of juvenile “misconduct” that is often handled in a punitive fashion. Thus anti-bullying plans, like the criminal justice system, do not actually prevent bullying and are punishment-based. Rather, they are based on changing children’s ideas and behaviors after the fact. Though well intentioned, this practice does not stop the cycle and serves to brand children with labels that follow them throughout their school careers and beyond.

Instead of focusing on the bully by branding the child as an offender, many school systems are now employing restorative justice principles, aimed at getting to the heart of the behavior instead. Educators realize that children are quick to become judgmental of others that they perceive are different. Usually children are targeted and bullied by other children because they are perceived as different by virtue of their color, ethnicity, sexual orientation, or physical build, for example.

Many school systems and communities, while following mandated anti-bullying plans, have developed different ways of addressing and preventing bullying. These approaches largely are outgrowths of the Restorative Justice movement—which seeks to make the victim of a criminal act whole through cooperative processes that involve all stakeholders, particularly the offender and the perpetrator. For example, some schools are using Circle time, either to react to a particular problem, or as part of the curriculum. Circle time uses the geometric configuration to bring together several individuals on equal footing to share experiences or work out difficulties. Some use Mindfulness to teach children how to focus, manage their emotions, handle their stress, and resolve conflicts. Others are integrating Social and Emotional Learning (SEL) into the curriculum. SEL recognizes that social and emotional factors affect academic achievement. Proponents of SEL agree that academics and SEL are not separate but connected and urge that we need learning standards that treat SEL as part of the curriculum. Other programs involve cooperative learning, active listening techniques, and working collaboratively.

As the restorative justice movement gains momentum, the schools that are the most successful in preventing violence, bullying, and other negative student behaviors are the schools that have instituted programs, policies, and traditions that give children a voice, a way to be respected and heard, and have them respect and hear others as well.

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There is another point to be made besides the theory that schools that teach empathy may be successful in eradicating bullying. This point has to do with the duty of all educators. The state, as parens patriae, must look out for the best interest of children, and can and must intervene when child welfare is in jeopardy. Empathy, if integrated into the curriculum as the case studies below describe, will not only achieve the state’s goal of making children good citizens, but will have the added effect of preventing physical and emotional violence in schools.

**Demographics and commitment of community is key**

Efforts to implement restorative justice (RJ) must be examined objectively through the lens of a school’s community. One form of RJ in a predominantly white upper-middle-class community may not be as effective in a community that is more ethnically diverse or a community that is economically challenged.

There is no one standardized program that would fit all schools, and as a result “not all efforts to implement restorative justice in schools have been successful.” This is because a school is inextricably linked to its community (and that particular community’s policy makers, committees and organizers). Professor Thalia Gonzales of Occidental College has done extensive research on the subject. Through her research, she has observed that “successful outcomes of RJ in schools, are also related to linking it to broader school reform: a larger strategic vision that extends beyond one isolated program model. Findings from Denver Public Schools suggest that the use of a full-time RJ coordinator who is an employee of the district, not an outside consultant or project contractor, promotes increased commitment from the school community.”

In order to establish a restorative culture that is community wide and guarantees success, whole community adoption is key. Efforts to implement restorative justice should be connected district wide. Implementation and whole school adoption, involves the entire community: training programs, workshops and other efforts to implement RJ in order to establish a restorative culture that is community wide and guarantees success.

**Pre-history of zero tolerance/zero tolerance statistics and efficacy**

In the United States, beginning in the late ‘80s, school administrations developed more stringent disciplinary policies and depended on more punitive measures that were more widely used. These punitive measures were fueled in by the rising rates of juvenile arrests for violent crimes. Later, the Columbine shootings supported these punitive measures. “[Y]oung people were increasingly seen as dangerous.” Feeling pressure to do something, Congress applied the rhetoric and intention of tough-on-crime laws to the school environment and passed the Gun-Free Schools Act in 1994. The statute was ultimately held unconstitutional as beyond Congress’ power in United States v. Lopez, 514 US 549 (1995).

Although the juvenile crime rate peaked in 1994 and has declined steadily over the next decade, “the idea that young people should be feared stuck. In 1996, political scientist John Dilulio predicted a coming wave of young ‘super-predators’.”Disciplining students in schools seemed to model the shifts taking place in the juvenile justice system where the bridge between it and the adult system narrowed.

After the Columbine, Colorado tragedy, communities across the United States began to worry whether the same devastation could occur in their own schools. Zero tolerance policies continued to develop as a large net was cast over a broad range of misbehaviors much less harmful than bringing a weapon to school. By the 1996–97-school year, many schools (up to 79%) had applied zero tolerance policies beyond federal mandates. The federal government and states began to increase funding to create a mini-police state environment within a number of school districts by supplying them with metal detectors, security guards, and law enforcement: “Between the 1996–97 and 2007–08 school years, the number of public high schools with full-time law enforcement and security guards tripled.”

Instead of school personnel dealing with misconduct on a more personal/individual level and considering the circumstances surrounding the incident more carefully, many school districts began to operate in a more generalized fashion. Law enforcement became involved and started to require the removal of students from school for a wide range of behavior. Zero tolerance came to mean suspension or expulsion for the first
offense. As a result, school children fell behind academically as a result of their exile. Catching up with class work and reintegrating with the school after the discipline was terminated became an overwhelming burden for these students. Sometimes they found the support they needed to catch-up with his/her class, but sometimes they simply gave up, the latter resulting in truancy or dropping out altogether.

Police were present in schools originally to deal with criminal behavior such as weapon and drug possession and use, but over the years their presence was to deal with behaviors such as cigarette smoking or fighting. These practices mostly connect with a system of prosecution and punishment. They do little to stop the cycle, and brand children with labels that follow them throughout their school careers and beyond.9

Employing restorative justice principles as a way of preventing school violence

Restorative Justice ("RJ") is a “philosophy of social justice that is focused on repairing the harm caused by crime. It looks at crime as an act that damages relationships between persons and within communities rather than as an affront to the state.”9 RJ seeks to repair relationships, heal the harm, and restore the affected parties and their community to pre-crime conditions if possible. However, a zero-tolerance policy after the Columbine shootings in 1999 became the norm in schools. Zero tolerance supports uniform punishment for offenses such as bullying, truancy, smoking, or possession of a weapon. Violators lose classroom time via suspension or expulsion. Some cases may even result in a criminal record. According to Attorney General Eric Holder (2009-2015): “The problem with a zero-tolerance philosophy, is that it often stems from well-intentioned zero-tolerance policies that too often, injected the criminal justice system into the resolution of problems.”23

Although the Obama Administration supported schools in providing training for school personnel so that they may be competent in managing classrooms and resolving conflicts by de-escalating classroom disruptions, restorative justice approaches have not been as overtly recommended as they should. [24]. Statistics from one study illustrates the effectiveness of restorative justice and recidivism: “In the first year, the restorative justice offenders had a recidivism rate of 15 percent compared to 38 percent for the probation group. In the second year the respective rates were 28 percent and 54 percent. By the third year, the rates were 35 percent and 66 percent.”10

The following section includes some successful RJ programs as well as a report by Community Matters,34 regarding thoughts on the current status of bullying/violence at schools.

Successful restorative justice programs

Many school systems and experts in the area have developed programs designed to prevent as opposed to punish school bullying/violence. This list is by no means exhaustive, and a global search would reveal far more in the United States and internationally.

1. Montbello High School

Montbello High School in Longmont, Colorado reduced suspension and expulsion rates by 30% using RJ. Efrem Martin and Chris Warren are the RJ Coordinators for Montbello and act as mediators and counselors for the students when confrontations arise. Martin and Warren facilitate communication between students. After a mediated session with the RJ coordinators, the students reported feeling a sense of empowerment because their participation contributed to the ultimate resolution. A high level of trust has been established between the RJ coordinators and students: the students know where to turn when they run into trouble. There has been a shift in the manner of dealing with conflict in general at the school. The 300+ students Martin and Warren have serviced, normally would have been expelled or suspended. Martin was a former state probation/juvenile parole officer for a number of years and has witnessed a dangerous pattern (expulsion = no graduation = criminal justice system) that he is determined to break via RJ mediations sessions.25

2. Bethlehem, Mississippi (work of Susan Mateer, Perrie McMillen)

A small group of Mississippi junior high students planned another school shooting which was to be orchestrated on the day of the Columbine tragedy (which had occurred just two years prior). Mateer and McMillan noted in their paper that: “The word Columbine (Colorado’s continued on next page
state flower) had experienced a semantic change. It now had a new millennium meaning: “To do a Columbine” (Kenneth Trump, 2008)26. The study conducted by Mateer and McMillen examined the responses within the community regarding the students’ machinations in their version of a “Columbine.” The authors observe the harm experienced, considering the weightiness of the crime, and how responses were restorative in nature and produced positive results.26

Although the planned school shooting by the students was discovered months before it was to take place, the effects of the attempt traumatized the community. The case became public and received local and national media attention. The research conducted by Mateer and McMillen indicates that restorative principles could be used to repair the harm caused by incidents of planned school violence. “The subjects interviewed were consistent in their recollections of the event (planned school violence: Columbine copycats). Those interviewed all had backgrounds, knowledge and experience in one of the following areas; restorative justice, mediation, or the discovery process.”26 The report focuses on the restorative justice practices that were applied to aid a traumatized school community: the emotional healing that took place was “transformative” for the school community.26 The restorative justice practices instituted by this school community repaired the harm (the loss of trust and fear regarding school safety) and not only held the offenders accountable, but welcomed them back so that they could move on. In fact, this school went beyond restorative justice and developed a new vision of what the school should grow to be.

3. Sonoma County, California, Community Matters

A non-profit organization headquartered in Sonoma County, California, Community Matters (CM) is committed to improving the social-emotional climate of schools and communities throughout the nation. CM was founded in 1996 and focused on the prevention of bullying among youths. CM now provides training, consulting and programs for youth organizations and governmental agencies nationally as well as internationally.

Over the past two decades, the status of bullying/school violence was observed by the organization and the progress (or lack thereof) and is summarized as follows: “Bullying has not abated, it has ‘mutated.’ It is younger, meaner, harder to see, and more relational than physical. It is frightfully more acceptable by too many young people who too often are passive bystanders who watch the suffering of others, or they are “voyeurs” using their smart phones to take pictures and videos for a YouTube moment.”

The zero tolerance policies that many schools carry—punitive measures such as suspension and expulsion—have limited success. An approach which focuses on relationships between students, staff, parents, and the community to open channels of communication is critical. Community Matters proposes a program that includes:

- Increase Student Voice—empowering all young people by involving them in real problem solving, decision-making and opportunities that allow them to be contributors and peacemakers.

- Restorative Practices—move away from "catch and punish" to "connect and correct," utilizing proven practices such as community circles, restorative circles, peer courts, and community service as mechanisms to help young people learn from their mistakes, make amends to those they’ve wronged, and improve future behavior.

- Social Norms Change—improving behavior not through punitive rules and policies, but rather through changing attitudes and beliefs that are influenced and largely established by students.”27

4. Bunche High School, Oakland California

Ralph J. Bunche High School in Oakland, California, has initiated a program increasingly offered in schools as an alternative to “zero tolerance” policies like suspension and expulsion.30 Just as circle practices that have been a way of life for indigenous cultures, this school seeks to foster collaboration through the use of that technique. Students can speak without interruption to show mutual respect. The goal is to help defuse “grenades of conflict”—especially for the end of the line students with a history of getting into trouble. Seeking alternatives to “zero tolerance” policies like suspension and expulsion and
offering restorative justice options, therefore, are paramount. Bunche reported that the number of suspensions was cut in half following institution of the circle approach. The approach has been expanded to 21 Oakland schools, and also in Chicago, Denver and Portland, Oregon. The idea is to “nip problems and violence in the bud by forging closer, franker relationships among students, teachers, and administrators. It encourages young people to come up with meaningful reparations for their wrongdoing while challenging them to develop empathy for one another through ‘talking circles’ led by facilitators.”

5. Brooklyn, New York, Kids Court: Lyons Community School

An eighth grader named Destiny threw a teacher’s jacket outside a classroom window. She was not suspended or arrested, or even sent to detention. Instead, she appeared before a “justice panel” of four teenage peers. They listened to Destiny’s side of the story (she didn’t know the jacket belonged to the teacher, she said) and determined her punishment: a face-to-face apology to the teacher, two days of community service cleaning up her classroom during lunch, and a follow-up conference with the peer panel to discuss what she had learned from the incident.

Lyons is part of a growing education movement of offering an alternative to zero tolerance, which culminated after the 1999 shootings at Columbine High School in Colorado and continues today, mostly at the expense of urban students of color. Some school districts have been applying one set of rules to middle-class white children, while black children who commit similar misdeeds are more likely to be treated harshly such as suspension after just one incident. Lyons has afforded children like Destiny, through the kids’ court process, treatment earlier afforded only to the more affluent white kids.

Teaching children mindfulness

In order to stop the cycle of behaviors resulting from these punitive measures, some schools are beginning to integrate methods in the classroom that incorporate a sense of empathy through mindfulness. These methods are instituted in order to prevent adverse juvenile behaviors in the first place. Mindfulness is being used as a “simple but powerful technique to focus attention, manage emotions, handle stress, and resolve conflicts.” What is mindfulness?

“Mindfulness is a particular way of paying attention. It is the mental faculty of purposefully bringing awareness to one’s experience. Mindfulness can be applied to sensory experience, thoughts, and emotions by using sustained attention and noticing our experience without reacting.”

The idea for a mindfulness program as a way to address juvenile crime and misbehavior proactively came to the forefront in order to address student chaos in Oakland, California at Park Day School in 2007. The success at Park Day School prompted Laurie Grossman, Park’s Outreach Coordinator, and Richard Shankman, a long-time mindfulness teacher, to bring mindfulness training to the children and their teachers on a permanent basis. Soon other schools implemented the program. The Partnership for Mindfulness in Education (now Mindful Schools) is a major project of Park’s outreach program. The Institute’s mission is to bring mindfulness as a seamless tradition into schools and “…lead the integration of mindfulness into education. All children can benefit from the vital skill of mindfulness, which helps them succeed at school and in life.”

In order to make techniques for mindfulness accessible to all, The Mindfulness Institute has offered online training courses for adults to learn mindfulness and use it with youth. “Mindful Schools teach children (rather than simply telling them) through experience. The goal at school is to teach children to make wiser decisions in the heat of the moment, rather than only in retrospect and develop an “inner compass” — a true lifetime skill that is highly preventive. Understanding one’s own thoughts and feelings can save massive future expenditures to address juvenile delinquency, poor academic performance, stress, mental disorders, and bullying. Being focused and empathetic allows children to increase their scholastic aptitude, particularly if they experience a high degree of stress outside of school where mindfulness becomes a ‘life skill’ as well as a ‘school skill’.”

Teaching social and emotional learning

Integrating Social Emotional Learning (SEL) into the curriculum at schools is another method that is slowly replacing punitive measures at schools. SEL is “the process through which children and
adults acquire and effectively apply the knowledge, attitudes and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions. SEL programming is based on the understanding that the best learning emerges in the context of supportive relationships that make learning challenging, engaging and meaningful."12

The SEL skills and values taught and emphasized are not only important to student academic success, but also prevent help to prevent violence, bullying, drug use, and dropping out. "This is best done through effective classroom instruction; student engagement in positive activities in and out of the classroom; and broad parent and community involvement in program planning, implementation and evaluation."12

One example school is South Side Chicago high school, which has committed to SEL. This school “has transformed the environment from a nightmare of urban violence to a place where students dream of college.”12 South Side, like many other schools, has joined the tide in recognizing that “social and emotional factors markedly affect academic engagement, achievement, and educational attainment in the adolescent years.”12 SEL, like restorative justice, instead of imposing punitive measures, seeks to restore and heal rather than punish and harm. Proponents of SEL urge that it not be separate from academics; rather, the two are connected, and there is a need for educational and learning standards that treat SEL as part of the curriculum. SEL should also apply to all students, not mainly for at-risk students in urban schools. To be effective, all educators should receive training in the core competencies necessary to SEL.12

Conclusion

Attempting to address and prevent bullying and school violence by employing punitive measures in the schools and court systems, and categorizing children as “bullies” and “victims” in order to prevent mistreatment of students by students has proven to be ineffective. These measures do not take into account demographics (community and family) and applies a one size fits all philosophy to children. Furthermore, the day of “zero tolerance” is fading into oblivion, and restorative justice as an alternative solution has come to the forefront because children are treated as individuals and issues unique to each child—which led to the misconduct—are more closely examined. Furthermore, the labeling of children as offenders, while stopping particular negative and violent behavior after it has been done, does not prevent the actual cycle of school violence.

Teaching empathy, mindfulness and RJ techniques in schools may well be the answer to preventing school violence and bullying behaviors. School systems are recognizing that children enjoy benefits such as increased self-esteem and social functioning from RJ practices such as circles and conferencing. In addition, schools, and therefore societies as well, can become better and safer places for children. By promoting empathy through some kind of dialogue that is appropriate for that school system, rather than retributive discipline, children who are “offenders” take responsibility, and “victims” are given a voice. Somewhere during the course of that process, the offender/victim label will cease, and true education can begin.

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This article is adapted from a chapter written by Dean Kaldis for Offenders No More: An Interdisciplinary Restorative Justice Dialogue, Nova Science Publisher, Dr. Theo Gavrielides, Editor. Dean Kaldis has been a proponent of the “Restorative Justice” movement, particularly in dealing with juvenile crime and bullying for some time. She has written extensively in the field. For more information on this issue, contact her at pota@mslaw.edu.
It was an evening to celebrate accomplishments, hard work, dedication, and future aspirations. But it was also a night to acknowledge overcoming obstacles, as keynote speaker Jeffrey Bauman spoke to MSLaw’s 26th graduating class about overcoming adversity and fighting hard to achieve one’s goals.

The humble and non-assuming Bauman appeared to be in awe of the graduates as he commended them for their success (“I couldn’t do that,” he joked) and listed many prominent lawyers with whom they now share a common experience. In a short and direct address to the large crowd assembled at the Collins Center in Andover, he encouraged them to continue to work hard and follow their passions.

Sullivan Scholars Laura Fiorella Lowry and Michael Coyne then delivered their speeches, which were followed by the conferring of more than 100 Juris Doctor degrees.

Following Professor Copani’s closing remarks, graduates and their families and guests joined MSLaw faculty and staff at the school for a special reception sponsored by the Student Bar Association.
Trial Teams Take Top Honors

MSLaw’s new dean toasts Dean Velvel

Massachusetts School of Law’s Trial Advocacy Team captured the Northeast Championship of the Thurgood Marshall Trial Advocacy Competition sponsored by the National Black Law Students Association. MSLaw defeated Brooklyn Law School to capture the Northeast Championship for the third time in five years. Syracuse University Law School came in third in the Trial Advocacy Competition. The team advanced to the National Finals in Oregon for the fifth year in a row, where it finished fifth overall. MSLaw has now sent 10 teams to the National Finals in the last seven years.

At this year’s regional competition at Groton, Connecticut, MSLaw defeated all other law schools to become the top-ranked team after the conclusion of the preliminary rounds of the trials. MSLaw remained the top-ranked team in the semifinals and finals in winning the Championship. Everald Henry and Charles Lucia won Best Advocates of the competition.

MSLaw’s team won more awards this year than any other law school in the Trial Advocacy competition. Columbia Law School swept the Appellate Moot Court competition held at the same convention. MSLaw’s Advocacy Program is nationally recognized for its effectiveness at training new lawyers and in its success in winning various regional and national awards. In the last five years, MSLaw teams have been national finalists in various advocacy competitions and won numerous awards including New England Trial Advocacy Champions, Northeast Region Trial Advocacy Champions, National Criminal Defense Trial Advocacy semi-finalist, and Northeast Region Trial Advocacy 1st Runner Up. On multiple occasions, MSLaw student advocates have won the Best Advocate Award of the competition they competed in, including Nicole Dion in 2007 and 2008, Allen Woodward in 2009, Paul Stewart in 2010, Allison Britton in 2014 and now Henry and Lucia.

In the American Association for Justice Trial Advocacy competition, MSLaw once again displayed its strengths, defeating Yale University Law School and all the other competitors, Massachusetts School of Law’s Trial Advocacy in winning the championship for the New England Region to advance to the finals in Pittsburgh. This is the second time in six years that MSLaw has won that championship.

In the early rounds, MSLaw got a tough draw and faced stiff competition, especially from Yale and Suffolk University Law School, to advance to the Final Four. MSLaw then had to defeat Suffolk two more times in the semifinals and finals to win the region.

MSLaw displayed a mastery of the law, the art of advocacy, and the rules of evidence in a negligence trial involving distracted driving. The
team demonstrated outstanding advocacy skills in presenting both the plaintiff’s and defendant’s case. In praising the team’s performance, Dean Coyne said, “The school is very proud of our Trial Advocacy Team’s efforts and the success year in and year out of our Trial Advocacy Program. It is a pleasure to see our students achieve so much, as I know how hard they worked for their success. Their tireless work that started last August allowed them to demonstrate to all that MSLaw students can compete with anyone anywhere. The entire faculty and administration are pleased in knowing that no matter where our students go to participate against other law schools, be it Oregon, Pittsburgh, or Washington, that our students will continue to excel and demonstrate their skills and the strengths of MSLaw’s educational program. We are enormously proud of them.”

The Thurgood Marshall team members are Henry, Lucia, Jennifer Orelus, Allison Britton, Julian Jones, Natalie Quinn, Devin Brown, Joseph Dejesus, Heidi Blanchet, Christopher Brenes, Brenda Beckford, and Andy Dejean.

AAJ team members are James Hetu, Britton, Beckford, Lucia, Quinn, Taylor Lovely, Michael Eastman, and Christopher Basso. MSLaw Dean Michael L. Coyne, Essex County Assistant District Attorney Kimberly Gillespie, and Professors Amy Dimitriades, Caryl Garcia, and Daniel Harayda are the coaches for MSLaw’s teams.
Law Day Honors Founding Dean

At this year’s annual Law Day Dinner Dance, 450 MSLaw trustees, students, alumni, faculty, staff, and the dean’s family (who flew in from various parts of the country) gathered at the Wyndham Hotel to celebrate the distinguished career of our founding dean, Larry Velvel. Dean Velvel was toasted and roasted with words and photos by his Michigan Law School friends and long-time trustees Michael Flyer, Esq., Herbert Kohn, Esq., Stefan Tucker, Esq., Alan Rothenberg, Esq., and Paul Victor, Esq.

MSLaw alumni and trustees Arthur Broadhurst, Esq., Laurie Hogan, Esq., Steve Hyde, Esq., and Doug Martin, Esq. were also present. As the guests enjoyed cocktails and hors d’oeuvres, Juliette Willoughby (‘05) sang, accompanied by her band. Amy Mousseau, out-going SBA President, and SBA President-elect Shawn Crapo presented the Bell Award to Dean-elect Michael Coyne and the Community Service Award to Barbara Kelly.

Professor Tom Martin, on behalf of the MSLaw faculty, presented Dean Velvel with the Oxford History of the United States, currently comprised of eight volumes with more in the works. This should keep even the most voracious of readers, such as Dean Velvel, busy for the near future. Professor Tony Copani again regaled the audience with his humorous remarks before Dean-elect Coyne presented the Dean’s Awards to Richard Carroll (‘15) and Thato (Brenda) Beckford (‘15) in absentia.

Throughout the meal, videos of MSLaw alumni, trustees, and present and former employees paying tribute to Dean Velvel and his contributions to MSLaw and legal education were visible on two giant screens on either side of the stage. The evening ended with entertainment by Lisa Driscoll (‘09) as DJ playing dance music.

Dean Velvel officially retired as of August 1 and has assumed the position of Dean Emeritus and will remain a member of the full-time faculty.
Long-time MSLaw trustee Herbert Kohn with the guest of honor

MSLaw’s new dean toasts Dean Velvel

Proud alumni reunite

Xinthian Liu with guest and Joanne Dodge (second row)
You can count on two certainties at MSLaw: 1) the faculty is better at softball than the students are, and 2) animal rights day will take place the day before Easter.

This year’s event lived up to all those that preceded it, as the late-arriving crowd was one of the largest ever. Children enjoyed free face painting, animal crafts, and an Easter egg hunt, as adults listened intently to presentations on cruelty-free cosmetics, adopting senior dogs, and saying goodbye to your beloved pet. Authors of best sellers and children’s books alike read from their newest works, and attendees enjoyed a delicious breakfast, lunch, and of course Deb Newman’s adorable and scrumptious animal-themed confections.

The Humane-itarian Award was given to the Puppy Doe Vigil Group, for its success in getting legislation passed that doubles the fine and increases jail time for animal cruelty offenses. Each year, the award goes to an individual or group that exemplifies selfless acts on behalf of animals.

Thanks to generous alumni, students, and vendors who donated wonderful items for sale, the event raised $3,000 for The Shadow Fund.

Interested in helping animals? MSLaw has its own student-run group, MSL 4 Paws. Created by 3L Christine Hawes, the group raises awareness about and encourages adoption of foster dogs. Check out the Facebook page for more information at facebook.com/animalrightsmslaw.
Alumni enjoyed a very active 2014-15 school year:

**Night at the Red Sox:** Close to 50 MSLaw alumni and students watched the Red Sox beat the Orioles on April 17th at the first of what will be an annual MSLaw Night at the Red Sox. Alumni and students enjoyed group seating, allowing for some great networking. Look for an e-mail early next year about the 2016 MSLaw Night, which will take place in April—tickets sold fast, so reserve yours early!

**Bar Association Events and CLE:** MSLaw and the Massachusetts Bar Association worked together on a well-attended panel titled “Starting and Managing a Small or Solo Practice,” which was held at MSLaw in April. Alumni served on the panel and provided advice to students and recent graduates about practice management, marketing, business development, and much more.

If you involved in your local bar association, we would love to hear from you! MSLaw is working with a number of bar associations to bring onto campus CLE and networking events to benefit our alumni and students.

**Alumni Panels:** The first Minority Alumni Roundtable took place in February and was co-sponsored by MSLaw BLSA and the office of Career Services. Students and recent graduates listened to some fabulous alumni speakers working in various practice areas and places of employment, including banking, the courts, and immigration law.

Students and new alumni also attended three Alumni Practice Area Panels during the school year and learned valuable information from successful alumni working in various practice areas, including civil litigation, criminal law, family law, and estate planning and elder law.

We are putting together the line-up for the upcoming year, and Alumni Practice Area Panels will focus on business/corporate law, personal injury/medical malpractice, and real estate law. If you practice in these areas and have some great insights to share, please consider participating in our panel. Contact ursula@mslaw.edu.

**Looking for a job or internship? Interested in networking opportunities? Want to be the first to know about upcoming alumni events?** Follow the new Facebook page entitled Career and Alumni Services at Massachusetts School of Law at https://www.facebook.com/pages/Career-and-Alumni-Services-at-Massachusetts-School-of-Law/756897181039816. If you are not on Facebook, you may follow updates and career listings on the MSLaw website at http://www.mslaw.edu/career-listings.

**Are you seeking an intern or a new associate?** E-mail us a short description of the position, and we will post it on our web site, social media pages, and campus bulletin boards. Also, contact us about attending the next MSLaw Career Fair,

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to be held in the spring, and setting up a table for your firm or place of employment.

Upcoming Events:

Alumni Practice Area Panel – Labor and Employment Law
Wednesday, October 21, 2015 at 5:30pm. FREE for students and alumni; email Ursula@mslaw.edu.

MSLaw Night Out at ScreemFest at Canobie Lake Park
Friday evening, October 30, 2015; email Ursula@mslaw.edu to purchase tickets.

MCLE – Cutting Edge Issues in Northern Massachusetts Estate Planning
Wednesday, November 18, 2015 at 9am; visit www.mcle.org to register.

Join the MSLaw Alumni Association!
Membership is FREE and has many benefits and privileges:

• Networking opportunities with other alumni
• Social events
• Continuing legal education
• Periodic opportunities to showcase great work you do
• Opportunities to be involved in volunteer and charitable events
• Lifetime assistance with career planning and transitions

The following are some ways you can get involved:

• Speaking on an alumni panel
• Adding your contact information to the alumni directory
• Answering career questions submitted by students and recent graduates
• Mentoring a student or recent graduate
• Taking on a student intern
• Posting employment opportunities at your firm on the MSLaw Career Services sites/boards
• Attending social and networking events
• Attending continuing legal education events
• Serving on an Alumni Association committee

Anthony Low, Krista Wilshusen, Ursula Furi-Perry, Sara Hammond, and Tom Jaffarian (the first meeting will take place this fall)

For more information about any alumni services, contact Ursula@MSLAW.edu.
Question: what two ingredients comprise the perfect MSLaw candidate? Answer: A strong desire to improve the world by helping those less fortunate (both human and non-human creatures) and an affinity for bucking the trend, or fighting the establishment known as the ABA. Add to that an extraordinary work ethic, a competitive spirit, and high intelligence, and you have 2L student Beth Laliberty.

With attorneys in her bloodline, Beth has “a huge respect for the law and what attorneys do to protect people’s rights,” she noted. When she was in her 20s, Beth would accompany her lawyer-father on client visits as he performed pro bono work for the prison population in Staten Island, New York. As a board member of the Rockville Centre Housing Authority, Beth’s father used to receive threats and other hate messages because of his work on behalf of urban renewal in the 1960s. “My father instilled in us the value that ‘to whom much is given, much is expected.’ I saw what he was able to do working with the prisoners and black community to obtain affordable housing at a time when people were resistant to it. Law is a tool to make social change,” stated Beth, when asked why she decided to attend law school. “I feel very strongly that law is a way to impact the world around me. Additionally, in retirement, I will have a skill to support myself.”

Why MSLaw? “Because I’ve always been a bit of a rebel,” Beth explained. “Around 15 years ago, I was considering going back to school, and I read about MSLaw’s fight against the ABA, one I wholeheartedly agreed with. Law shouldn’t be an exclusive profession. If you do the work and pass the bar exam, you should be able to be an attorney.” In MSLaw, Beth saw the perfect fit and opportunity. “I don’t need a Harvard degree; I know what I can do. MSLaw provides the pathway for those who have the desire but maybe not the pedigree. And yes, it’s affordable, but I really like the rebel spirit.”

This is actually Beth’s second go-round with law school, and she is making the most of it. After graduating from Bucknell University with a psychology degree, she decided to enter the sales field and worked for Xerox for four years, a job that was largely unfulfilling (although she was the first woman in the New England division to return to sales after having a baby). So she attended law school at night for two years, but she became pregnant and decided to postpone law school until after her children were out of school. Thirty years later, inspired by her own mother who, after making sure her five children all graduated college, obtained her B.A. at age 60, Beth is making good on her personal promise, and she has not regretted one minute of her decision. She finds the whole experience stimulating and inspiring, crediting her classmates for the latter. “Everyone has a story, especially the evening students. Marriages, divorces, cancer, job changes—no matter what students have been through, they all remain committed. It’s amazingly inspirational.” Beth also lauds the quality of the faculty. “Every professor is absolutely dedicated to what he or she does and to making the students successful,” she said. “Every professor is passionate about the law, and all are prepared every class, despite all their other priorities. That impressed me a lot when I started, and I knew I had better be prepared too.” And if all goes according to plan, Beth will graduate at age 59, just one year younger than her mother was when she got her B.A.

During the day, Beth works as an continued on next page
Engagement Manager in the PPS division of Hewlett Packard, in the managed print services group. In short, she is a problem solver: “I look at companies’ output and input devices and assess their current spends and provide recommendations to improve their business process workflows. I then develop a statement of work and contract, and I close the deal. I’m very competitive, so I really love the win of closing the deal,” she explained. That competitive nature emanates from her participation on the swim team in college, which she captained her senior year.

In addition to her job and school, Beth is also passionate about her volunteer activities, which include helping animal and veterans’ groups. Beth became involved with Beagles of New England States five years ago, when she was looking to adopt a beagle. The group works with people wishing to surrender their dogs by encouraging them to give them to it rather than to a shelter. The group then places the animals in new homes. Beth does home visits, interviews, fundraising, and transportation for the group. Beth has also been involved with the Beagle Freedom Project, which is an endeavor to pass legislation that would mandate home placement for laboratory dogs (almost all of which are beagles). She also is actively involved in an online network of animal rescue groups in the community and the MSLaw animal law group.

When she graduates, Beth would like to practice military law and work to address the needs of military families and veterans. She has already been in contact with a military law attorney in New Jersey, who is helping to connect Beth to attorneys doing the same in the Boston area.

To incoming and 1L students, Beth advises: “1. Have an open mind, and 2. Clear your calendar. Your biggest challenge will be time management. You will have to prioritize and say no to things you like to do.” But Beth admits that that is not all bad: “I have more energy now because of law school. I look forward to class because I love the exchange of ideas. I have more energy coming out of class.”

When she does have that rare moment of free time, Beth loves to travel, attend concerts and plays, and cook (apparently she makes a “killer” Bailey’s Irish Cream chocolate chip cheesecake). She lives with her husband Bill, who, as the deputy fire chief in charge of fire prevention in Haverhill, engages Beth in spirited discussions about the private vs. public sectors, and their dogs Charlie and Molly and cats Jinx and Inky. Her son Mike is in the Navy and daughter Katie is a project manager for Winmar Construction in Washington, D.C.

Romanus Maduabuchi

Romanus Maduabuchi was born in the eastern region of Nigeria and migrated to the United States as a young adult in 2003 through a scholarship award from the Order of St. Augustine, Villanova Province. He states that moving to America alone presented both challenges and opportunities: cultural differences, nostalgia for the old country, excellent educational facilities and a functional society. “All things considered,” he says, “I adjusted fairly well in my new home—officially becoming an American on 9/2/15.”

Growing up in Nigeria among five siblings and numerous first cousins living within a walking distance, he learned to “compete, negotiate,
express myself, and play well with others.” He also learned to understand and appreciate differences, some of the things that he says he cherishes about being at MSLaw—“diversity, community, and staff that care about students’ well being.” Raised by a “workaholic auto engineer father” and a “Mother-Theresa-like commercial farmer mother,” Romanus and his siblings learned the value of hard work, creative problem solving, proper utilization of time, and genuine care for others.

Education, community, and religion shaped his outlook in life. “Education provides resources and prepares one for different opportunities,” he explained. Romanus believes in the power of education to transform one’s life and has dedicated his professional life to this goal by being an educator. He holds a B.A. in Philosophy from St. Thomas Aquinas Collegiate Seminary, Makurdi, Nigeria (an affiliate of Urbaniana Pontifical University Rome, Italy) and a Master of Divinity/M.A. in Theology with concentration in social ethics from Catholic Theological Union in Chicago. He worked at Central Catholic High School as a religion teacher and coordinator of community service programs. Currently, he teaches Introduction to Philosophy, Christian Lifestyle, and Faith in Media at Lowell Catholic High School. In his lessons, he says, “my students learn that in life, you play the hand you are dealt.”

The bigger lesson, he says, for his students is that education has to be combined with common sense in order to serve its true purpose or be an effective tool in one’s development. As one is educated, one is a problem-solver. It is this same reason that led him to pursue a legal education at MSLaw. “Education not only can change the life of its possessor but can also make a difference in the lives of those who are in the company of the educated,” he added.

Another reason he came to MSLaw was because it best suited his needs and a good fit for his “life situation.” As he is married, has two young children, and works full time as a high school teacher, he has a flexible schedule at MSLaw that allows him to work and still attend classes on a full-time basis. And, “MSLaw is cost effective making my journey to the school an easy choice. At MSLaw I have given myself to developing writing skills and analytical ability. Despite personal learning challenges, I refused to be deterred: I am playing the hand that I am dealt and thus playing to my strengths,” he stated.

His post-graduation plans include legal education and private practice in the areas of bankruptcy law, tax advising, and business law. Interning with Professor Jeffrey Kitaeff in his firm, he states he appreciates how bankruptcy law interfaces with different aspects of law: family, real estate, taxes, and business law, and is amazed at what bankruptcy proceedings can do for people and their families. He also plans to teach in any of the local colleges and/or MSLaw as adjunct professor.

For new and incoming students, he advises them to be disciplined and methodic in their studies. To compete, you must “stay in the game.” Learning and mastering laws and rules and their applications are manageable when they are broken down to their basic parts. Personally, “constant repetition,” according to Romanus, is the key to success at MSLaw. “You cannot put things off and wait for examination time: you will be out of the game.”

He enjoys spending time with family and friends. As a highly “domesticated” man, he enjoys cooking and doing housework. He also spends a few hours every weekend watching soccer. For his “sanity,” he works out regularly and rewards himself with “good food and quality beverage”; his wife repeatedly accuses him of having the “most expensive palate” of anyone she knows. His response: “guilty as charged!”
On October 1, 2015, popular adjunct professor Judge Timothy Sullivan will become the Chief Justice of the Massachusetts Housing Court. Judge Sullivan, who has been serving as First Justice of the Northeast Division of the Housing Court Department since January 2014, was appointed Chief by Trial Court Chief Justice Paula M. Carey on September 9. In the release announcing the appointment, Chief Justice Carey said, “Judge Sullivan has earned a reputation with his colleagues for being accessible, approachable and receptive to addressing diverse concerns. His philosophy of open communication, collaboration and team building will ensure his ability to address the future challenges facing the department. He is firmly committed to Housing Court expansion and will capably continue the great work of [retiring] Chief Justice Pierce.”

Judge Sullivan, who teaches Landlord Tenant Law and Landlord Tenant Trial Practice at MSLaw, and has been an adjunct since 2004, was named to the Housing Court in that year. Prior to then, he had a general practice in Newburyport, where he concentrated on landlord-tenant, real estate conveyancing, estate administration, and land use cases. He is a member of the Trial Court Standing Committee on Court Security and served on its ADR Committee until 2012.

“Among the most important issues facing the Housing Court in the immediate future is expansion of its jurisdiction,” Judge Sullivan commented. “The Housing Court currently serves about 70% of the Commonwealth. The pending legislation would expand Housing Court availability to every community in the state, a measure I fully support. I am grateful for the example of leadership set by Chief Justice Pierce over the last ten years, and I will miss interacting with him on a daily basis. I am committed to providing the same steady direction during my tenure as Chief Justice. This department is well-known for its collegial and cooperative approach within the ranks of the judges and clerks. It is such a joy to go to work every day with people who make it a point to maintain a professional and friendly work environment.”

Judge Sullivan will be ably assisted by MSLaw Alum Ben Adeyinka ('11), who is an administrative attorney in the Housing Court’s administrative offices. “When I heard Judge Timothy Sullivan would be the next CJ, I was very excited to work with him,” Adeyinka stated. “I was not surprised by [Trial Court] Chief Justice Carey's decision to appoint Sullivan to that position. I first met Judge Sullivan when I decided to take a landlord tenant class at MSLaw. He taught me how to try a summary process eviction case and gave me a practical understanding of some of the pitfalls to avoid in housing court cases. He gave all his students the tools to succeed in the landlord tenant arena.”

Ben admits that in the beginning he was a bit intimidated by Judge Sullivan, who is exceptionally tall. “But when you talk to him, he is a down-to-earth, fair, and practical guy who cares deeply for his family. I am confident that under Sullivan's leadership and ability, the Housing Court will thrive and continue to provide ‘dignity and justice with speed.’ I have enjoyed working with Chief Justice Pierce, and I know that positive relationship will continue under Chief Justice Sullivan.”

Judge Sullivan is married (Julie), with three children, Frank, 16, and Julia and Anna, 14. He lives in Topsfield.
The first Friday in June marks the MSLaw rite of passage known as graduation. But the festivities start the night before, when graduates, students, alumni, faculty, and staff gather in the annual pre-graduation “Party on the Patio.”