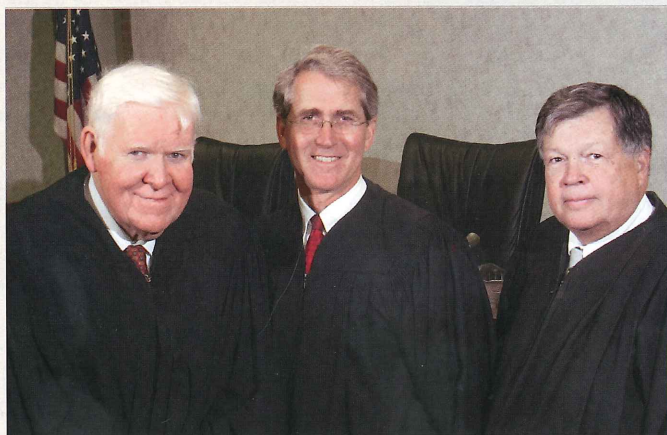


Institute for Legislative and Governmental Affairs

Fall Term 2004

THE INSTITUTE FOR LEGISLATIVE AND GOVERNMENTAL AFFAIRS had a very successful fall semester. It sponsored the Ninth Annual Supreme Court Review Conference and a program on the 50th anniversary of the decision in *Brown v. Board of Education* (1954) (see story on Page 32). We also cosponsored four Continuing Legal Education Programs with state and local bar associations. In addition, the Massachusetts Appeals Court held its semi-annual visit to the Law School in October; we were pleased to join the judges for lunch after the arguments. Some Institute programs may be viewed online at the Law School's website (www.law.wnec.edu/public).



(L to R) Justice Kent B. Smith, Associate Justice Mark V. Green, and Associate Justice Andre A. Gelinas at the Appeals Court Sitting

Continuing Legal Education Programs

Together with the bar associations, the Institute cosponsored four very successful CLE programs, including the very popular annual "Western Massachusetts Recent Developments in Bankruptcy" and "How to Handle a Residential Real Estate Closing." Through the efforts of Federal Bankruptcy Judge Henry Boroff and Attorney Jonathan R. Goldsmith, our distinguished panel included Federal Judge William C. Hillman; Springfield attorneys Henry E. Geberth Jr., Paul Salvage, and Kerry David Strayer; and Northampton Attorney Denise M. Shear. Led by our own Dennis P. Powers, Esq. '82, together with Stephen Leacock, Esq., of the First American Title Insurance Company, the real estate program covered a variety of subjects related to closings.

Graduates may wish to watch their email for announcements of future CLE programs. They are excellent seminars with leading experts in the field, written materials, and discounted admission for Western New England College School of Law alums.

Supreme Court Review Conference

The Ninth Annual Supreme Court Review Conference featured Professors Leora Harpaz, Arthur Leavens, Bruce Miller, Eric Miller, and Sam Stonefield with Professor Wolf serving as the moderator. Professor Harpaz addressed the First Amendment cases, including the Court's affirmance of a preliminary injunction enjoining the Child Online Protection Act and the dismissal of a challenge to the "under God" language in the Pledge of Allegiance.

Professors Arthur Leavens and Eric Miller explored the unusually large number of criminal law decisions of the October 2003 term. In addition to the search and seizures cases, the Court had several matters dealing with the Miranda warning. In addition, the professors discussed some of the *habeas corpus* and death penalty opinions that seem to be occupying more of the Court's docket these days. Finally, the Court issued an important ruling regarding the sentencing of criminal defendants, holding that judges could not, under sentencing guidelines, enhance a prison term beyond the statutory maximum without the aid of the jury.

Professor Stonefield examined the large number of cases in the employment field, mostly discrimination decisions. Wearing his "evidence law" hat, he also discussed an important Confrontation Clause decision. Professor Bruce Miller concluded the seminar with a discussion of the decisions challenging the Government's detention of terrorism suspects, citizens and aliens, imprisoned in the United States and at Guantanamo Bay, Cuba. In addition to allowing detainees to seek judicial review through federal *habeas corpus*, the Court also suggested that unlawfully imprisoned foreign nationals may have a civil action for damages against federal officials under the Alien Tort Statute. ♦