A Warm Welcome From Dean Gaudio

Let me welcome all of you to the new and renovated School of Law building! To those of you who are returning, welcome back and to those of you who are just matriculating, welcome to the School.

There have been a lot of changes in the Law School building over the last 15 months, some of which returning students will already have seen, but many of which you have not. What I’d like to do in this issue of Lex Brevis is give you just a brief “walkabout,” observing some of those changes. In future issues, I’ll give more detail on some of the more significant ones.

You’ve undoubtedly noticed that the old entrance of the Law School building facing Bradley Road is now gone – replaced by a new main entrance through the new Law School Lobby. As you enter, off of the Lobby on the left are the Admissions Office and the Administrative Offices.

As you continue to walk from the Lobby into the main part of the building, you’ll see immediately in front of you one of the new locker areas and to the left of that is the new rear exit of the building. To your right, and through the stairwell landing, you’ll see the new entrance of the Law Library (that’s right, it’s been moved from the second floor to the main floor). On the first floor of the Library is a Lounge area, the Library Lobby, the Circulation Desk, the Reference Desk, and the Copy/Printer Room. You’ll also find there the Massachusetts Collection. As in the past, the Library continues on the second and third floors. By the way, the Library is now as large as the entire Law School building. Of course, with the “tattletale” devices at the exits of the building, you won’t be able to take books out of the Library without first checking them out at the Circulation Desk.

Returning to, and walking past, the locker area, you’ll see on your right the most populated room in the building, the Court Café. Across from it is the Moot Court Room, containing some significant new technology and recording equipment. Continuing farther into the first floor “Rotunda,” you’ll see on the right the new offices of the Law and Business Center for Advancing Entrepreneurship. On the left you’ll see the Jury Room. In front of you and into the stairwell landing, you’ll see Classroom 1, 2, 3 and 4. By the way, the old rear exits (continued on page 4)

Dedication Ceremonies
September 16, 2008
1:15-1:45 - Dedication of the addition & renovations to the building. Outside new front door; inside if rain. Some food/refreshments.
5:45-6:15 - Dedication of the Pellegirini Moot Court Room; inside the court room; reception before and after (5:00-7:00). Food/refreshments served.

(continued on page 4)
Meet Your 2008 - 2009 SBA Executive Board Members

STUDENT BAR ASSOCIATION SPECIAL ELECTIONS

The SBA will be holding a special election in September for the position of SBA Treasurer. The Treasurer oversees the banking aspects of the SBA and student organizations, reviewing and approving fund requests throughout the year. If interested in running, please contact John Bandeian at jbandeian@gmail.com, and watch for notices announcing the special election. The SBA would like to thank Jon Longobardi for his service during his tenure as SBA Treasurer.

John Bandeian
President, 3L

Dear Fellow Classmates,

Welcome to Western New England College School of Law! Or for you 2L and 3L’s welcome back. As your President of the Student Bar Association, I would like to congratulate the new 1Ls on your acceptance to law school and your excellent decision to attend our school. I believe that this school offers a great combination of academic excellence and a great environment to further your legal education as well as a wide variety of extracurricular activities.

I appreciate this opportunity to write to you. Within the Student Bar Association itself, there are several opportunities for first year students to participate, such as the student government and different student committees. The SBA is the governing student group and the elected representative positions are very important; they are the voice of the student body. In September, the SBA will be making many decisions that I hope you will take part in. Among the items on the SBA agenda are the election of SBA Council Members, the ratification of the budget, and many other exciting enterprises.

Our incoming 1L students will elect seven members to the SBA Council. These members will be responsible for representing the 1L class. Elections will be held early in September.

The law school also has numerous other extracurricular activities, including different clubs, intramurals, and professional associations which allow for a large amount of student participation. Each year, the SBA hosts a Club Day which gives you time to learn about all of the different organizations and the opportunity to visit with club members. The Women’s Law Association, the International Law Society, the Multi-Cultural Law Student’s Association, Lex Brevis, the Federalist Society, and OUTLaw are only just a few of the many organizations that are active at our law school. The organizations in the law school community continue to grow and offer more outstanding opportunities within the legal field and the community.

If you have any ideas, please feel free to discuss it with any SBA member. Part of what makes this school so great is that all the students work together as a team and take such pride in the school. I encourage your participation and look forward to working with you this year. Please let me know if you ever have any questions or concerns about anything. My email is jbandeian@gmail.com.

Bernardo Cuadra
Day Vice-President, 2L

Hi fellow students. My name is Bernardo Cuadra and I am your SBA Day Vice-President. My main priorities are to assist the student-run clubs and organizations in meeting their goals, as well as to serve as an advisor, facilitator, and general resource for all law students, especially incoming first-years. When working with the student organizations, I’ll be helping them brainstorm ideas and organize events, which often will translate into helping clubs solve some financial, administrative, or other problem. Similarly, if any student or professor has a question, concern, or idea that needs special attention, my job is to assist them in getting an answer or having his or her voice heard. That said, I want to emphasize that the entire SBA council is here to serve the students of WNEC School of Law, and we all look forward to working together this school year. Feel free to ask any of us for assistance!

(continued on page 3)
Spencer Naake
Evening Vice-President, 3L

I will be entering my second term as Evening Vice-President. Last year was a progressive year for evening students and with the establishment of the Evening Student Events Committee last spring by the Public Defender’s office in Manhattan. After nearly six years, she went to Ireland, serving as a visiting American lecturer at the University College Cork Law School in Cork, Ireland.

While serving in this capacity, her son Christopher, who was back in the states, was diagnosed with cancer. So, she dropped everything and returned home, where she would spend a year nursing her son back to health.

After helping her son regain his health and strength (Christopher has fully recovered), Sykes found herself having to start her life all over again. A new beginning...

“I had no employment and, frankly, had run out of money,” she confides.

Eventually, she did find employment back “home” right here at WNEC, as Director of Alumni Relations, a position she attributes to staying in touch with friends and business associates.

One of her duties as Director was to interview for positions such as the Assistant Dean for Law Student Affairs. While conducting such interviews, her good friend and colleague Professor Arthur Leavens, who was then an Associate Dean, approached her and asked, “Nancy, why are you just interviewing... why not apply?” Realizing he was right, she applied and the rest, as they say, is history.

“Dean Sykes was an invaluable member of the School of Law’s community for the past eleven years,” shares Arthur Gaudio, Professor and Dean of the Law School. “As Assistant Dean for Student Affairs, she worked with and counseled countless students. And she has been a tremendous support for me, her biggest student!”

“Nancy is one of the wisest people I know,” says Eric Gouvin, Associate Dean for Academic Affairs and Professor of Law. “I have frequently sought her wise counsel and her sound judgment has saved me from making poor choices many, many times.”

“One of her special gifts is the ability to help you see things that you can’t see on your own,” he

(continued on page 8)
Welcome From Dean Gaudio, Cont’d...
(continued from page 1) at the base of the stairs are now only emergency exits; the new rear exit is next to the locker area mentioned earlier.

Climb the stairs and at the top you’ll see more new lockers. When you enter the second floor “Rotunda,” you’ll see Classrooms A, B, C and D. Off to the right and the left you’ll see two new Seminar Rooms that will be used for seminars and small classes of up to 20 or so students. Continuing on down the hallway toward the Library, you’ll see another Lounge area to the left. You’ll also see an overflow locker area to the right.

As you pass through the second floor entrance to the Law Library you’ll notice another Lounge area and beyond that the second floor stacks. If you walk back to the landing and climb the stairs to the third floor, you’ll see the third floor entrance to the Law Library with yet another Lounge area. On the left of that Lounge area is the Law Review Room.

If you walk through the third floor stacks to the rear of the Library, you’ll find something else new. There are six new rooms around the perimeter of the third floor. Five of them are group study/small seminar/conference rooms with seating for 9 to 17 people each. If these rooms are not being used for classroom purposes, you can reserve them for group study purposes at the Circulation Desk. The sixth room is a computer classroom that will be used primarily for classes involving a high amount of technology.

Finally, if you’re looking for one of your law professors, you may find that she or he isn’t where he or she was last year. We have added eight new faculty offices and many of the faculty members have moved their offices over the summer.

Well, that’s the tour. In each of the next several issues of Lex Brevis, I’ll try to pick one of the more significant changes in the Law School building and give you a little more background and detail about it. However, I promise those articles will be shorter than this one.

Appeals Court Rules Against CT Student

Daniel R. Labrecque, 2L

The Second U.S. Circuit Court of Appeals ruled that school officials did not violate the free speech rights of a Connecticut student who was disciplined after using her internet journal to encourage students to complain about the rescheduling of a concert.

In April 2007, Avery Doninger, a student of Lewis Mills High School in Burlington, CT, posted on her blog that school officials were “douchebags” for rescheduling a school concert known as Jamfest. Doninger suggested that students write or call the district superintendent to “piss her off more” so the concert would be held as originally scheduled.

When the principal and superintendent discovered Doninger’s blog posts, they banned her from running for student council. Doninger subsequently filed suit against the school officials seeking an injunction to let her participate in the election, claiming her free speech rights were violated. After the U.S. District Court for the District of Connecticut denied her motion, Doninger appealed to the Second Circuit.

The Court of Appeals affirmed the District Court’s ruling, holding that the blog post created a foreseeable risk of substantial disruption to the school, even though the speech did not occur on school-grounds or at a school sponsored event. Acknowledging that the U.S. Supreme Court has not ruled on whether school officials may regulate off-campus speech, the Second Circuit based its ruling on one of its previous decisions, Wisniewski v. Bd. of Educ. Applying Wisniewski, the three-judge panel held that it was “reasonably foreseeable that Avery’s posting would reach school property.”

“I agree with the decision,” said Hirak Shah, a WNEC law student. “I think a school needs to treat every threat seriously in order to avoid massacres like Columbine and Virginia Tech. That being said I don’t agree with the punishment. I think she should have been allowed to perform her class officer duties.”

Shah along with other first-year students discussed the District Court’s decision in the Doninger case last semester in their Legal Research and Writing class for an assignment on student speech rights.

“The Second Circuit used Wisniewski appropriately,” said Sara E. Fawk, 2L. “However, it does leave me wondering if all potential disruptions can now be regulated, in turn silencing students too much. Will students now be afraid to take any actions for what they believe in?”

According to the Hartford Courant, Doninger’s principal, Karissa Niehoff, was suspended for two days for disclosing private information in Doninger’s school file. Niehoff shared the information with a Wisconsin man who had e-mailed her to protest Avery’s punishment.
I remember reading *One L* by Scott Turow the summer preceding my entry into law school. Scariest book I ever read. No blood, no deaths, no axe murders. But that book scared the bjeezus out of me.

How the heck was I going to make it through this horrible battle called law school? I mean, there is no way I could make it through all the stuff Turow described. I now believe it should be illegal for any potential law student to read that book or watch “The Paper Chase.” Talk about blowing something out of proportion.

I am far enough removed now to realize that my fears were unfounded. I survived law school. I survived all the papers and exams. I survived the bar exam. I made it. They have given me lots of pieces of paper to prove it!

Now that I am a practicing attorney, I have the pleasure of seeing law students running around working as law clerks, interns, etc. They always have a lot of questions concerning any tips I can provide to help them through their studies and stresses. Here are my words of wisdom:

1) CALM DOWN! Yes, law school is a lot different than undergrad. Yes, there is a lot of reading and work involved. But CALM DOWN! Getting too stressed out isn’t helpful.

2) Find your rhythm. What you need to do is find your “rhythm.” Thousands of people have made it through law school, and they had to do the same work. What we all had to do was find our “rhythm.” Is a study group good for you? Do that. Studying alone in the library good for you? Do that. You need flash cards? Do that. Recording yourself reading the casebook and listening to it as you sleep? Do that. But you have to find what it is that works best for you.

3) Ignore everyone else. Just because someone else seems to stressing out over something, or seems to be taking it lightly, doesn’t mean you will have the same reaction. Just because someone is studying all night doesn’t mean that is what you should be doing. You have to do what works best for you.

4) If I can make it, you can too. Sounds cliché, but it is so true. If you made it all the way to law school, you can make it all the way. If you do the first three things I suggest… soon you will be objecting to me in court.

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### First Annual 1L Oral Advocacy Competition

**Bernardo Cuadra, 2L**

During the last week of Spring 2008 classes, the Legal Research and Writing (LRW) program held the first-ever Best Oral Advocate Competition for first-year students. Following in the tradition of the Best Brief Competition, the LRW faculty nominated students from each of the nine sections to compete against each other for the Best Plaintiff and Best Defendant Oral Advocate Awards. Four finalists advanced from the preliminary field of 18 and presented their 10-15 minute arguments in front of a panel of three mock-judges, with an audience of student and faculty supporters looking on. Jonathan Goldman and Matthew Fleischner took home the awards for Best Plaintiff and Best Defendant Oral Advocate, respectively.

This year, students were given a First Amendment challenge: either oppose or defend a high school’s censorship of a student’s controversial political song, played at school-related functions and laced with sexual innuendo. First-years represented the school board or the student, and argued for or against the Defendant school board’s motion for summary judgment. Aside from a comprehensive exposure to the topic of student speech in public schools, the assignment- and the competition- gave students valuable experience in appellate advocacy.

“I already had an interest in appellate advocacy, and so the competition served to reinforce this interest,” said Goldman, via email. The competition took place near the end of the semester, and some were worried that it could interfere with final exams, but that didn’t faze Goldman. “I really enjoyed the competition. It was a great experience to argue a brief that you worked on all semester… [I] would recommend they continue it in the future.”

Professor Kaiser, one of the LRW faculty members, also expressed the view that the experience was positive for all. “First, the LRW faculty was incredibly impressed by the arguments we saw in the run-off and final rounds… the students participating served as great role-models for their fellow students on how to prepare for and deliver an argument,” Kaiser said via email.

(continued on page 6)
Christopher Bourbeau, 2L

The Hall of Justice in Springfield, Massachusetts is one of the busiest in the state. Dockets are crowded. Judicial resources are scarce. A casual observer might wonder: What's bringing so many people into court? You'd be surprised. For alongside the tort claims, criminal matters, and alimony hearings that are commonplace in the American judicial system, some of our society's most bizarre disputes find their way into court, with an insatiable appetite for precious time and resources.

One such dispute which would wind its way through the already overcrowded docket was a case involving police officers, supposed harassment, and narcotics-sniffing monkeys. Yes, narcotics-sniffing monkeys. A police sergeant, hereinafter the plaintiff, suggested to his fellow officers that instead of the effective drug sniffing canine dogs which are commonplace in police departments, their department ought to use monkeys in their narcotics detection efforts. This suggestion was met with some skepticism, and episodes of teasing began shortly thereafter in 2004. Most of the teasing, which formed the basis for the plaintiff's harassment suit, was the common stuff of the high school locker room. For example, a picture of the plaintiff's head on a bikini-clad female's body with the caption "Go ahead- unwrap your present ." Such was the basis for his discrimination suit. Named in the suit was the city of the plaintiff's employ, and three respected police supervisors- two captains, and a sergeant.

The case carved its way through the judicial system in a period from January of 2007 to its resolution by jury trial in March of 2008. At the conclusion of a lengthy jury trial, the jury returned its verdict. Despite the fact that the plaintiff had named three supervisors as defendants, and even claimed to have seen one of them, the sergeant, holding scissors, newspaper, and a cutout of the plaintiff's head, the jury returned a finding in favor of each of these defendants and further found that the city was not responsible for any retaliatory conduct once the plaintiff had complained about his "harassment," that no lost wages were to be awarded, and that no money damages would be awarded. Despite all of this, the jury found the city responsible for the plaintiff's harassment. For this, the jury awarded the plaintiff punitive damages in the amount of $400,000.

Such an award is absurd given the factual basis for the case. The conduct alleged amounts to the type of crude teasing found in high schools and workplaces every day. We must ask ourselves that as a society, do we really want childish disputes such as these to be the subject of litigation in our already overcrowded court systems?

I cannot help but think there are more pressing matters to be heard than a policeman's reaction to a few crude pictures which most of his fellow officers would have taken in stride. The massive award of $400,000 in punitive damages is equally troubling. While the jury did not find a basis for a finding against the individual defendants named, nor did they find credible the plaintiff's claims of retaliation on the part of the city, they were nonetheless compelled to return some award, and finding no vehicle in lost wages or money damages, turned to punitive damages against the faceless city. While it is rather crude, and somewhat abrasive, the conduct charged does not rise to the level of conduct where punitive damages are appropriate. Nor is this a situation where the city is likely to be able to discourage future conduct.

As a society, if we wish for our legal system to be a means of accomplishing speedy resolution to palatable claims, we must constantly evaluate the cases which are heard. Our court system must be a forum to litigate only the types of disputes which our society has determined to be important and of significant social value. Locker room shenanigans and schoolyard pranks need not apply. Only by instituting these more astute standards can we expect to begin relieving some of the present congestion which plagues our courts.

Oral Advocacy Competition, Cont’d...

(continued from page 5) There were unforeseen advantages as well.

“A number of participating students had their classmates help them practice, which I think was a benefit not just to the competitors but the students who helped them prepare,” said Kaiser. “It really seemed to help them see how to deconstruct an argument.”

The finals took place on a sunny Friday in April, which understandably led to a smaller audience than the LRW faculty had hoped for. That being the only negative this year, Kaiser remained optimistic for 2009. “Next year, we’ll root for rain.”
True Life: I’m in Law School

Rachel Sposato, 2L

Every year, a select 10-20% of applicants are admitted to law schools across the country. With the excitement of getting in and beginning the next chapter of one’s academic career comes the impending fear. 1Ls are paralyzed with such questions as “Where will I live?”, “How will I pay for this?”, “and “Where do people hang out on the weekends?” In this edition of True Life, we are going to ease the stress a little and supply you, the incoming 1Ls, with the best places in and around Springfield to satisfy any person’s love for the nightlife. So sit back, grab your beverage of choice, and welcome to True Life: I’m in Law School.

#1) PADDY’S. I give you the new local hangout for WNEC Law students. Located next door to Hot Table, Sophia’s offers just that. Located across the street from WNEC in the same complex with Dunkin Donuts, hauled as the “go-to” spot after a rough class, students normally flock to Paddy’s on any given night either before or after class (don’t judge) as a way to unwind and catch-up on the week’s events. Simple and sleek, Paddy’s is littered with flat screen TVs boasting multiple sports games, and a simple collection of tables and chairs for those who choose to sit. Paddy’s also offers beer pong (or beruit – however you prefer to call it) for those feeling a bit nostalgic - simply inform the bartender, and beer spills give the floors personality. A DJ spins top 40 hits on the dance floor while smokers rejoice in the enclosed outdoor patio. The second floor is enclosed with a balcony that allows patrons to overlook the crowd below while reclining in deep red chaises and loveseats. Understand that you will not find your next boyfriend/girlfriend there, but maybe your love for the night.

#2) ALUMNI CLUB. Quite possibly the best kept secret, Alumni is the older, more chic version of Fat Cats. Just like Fat Cats, Alumni offers three bars, two floors, two enclosed outdoor patios, two dance floors, and multiple sitting areas on both floors. The first floor will greet you with two bars, dancing or karaoke (depending on the night), and a back sitting area complete with a fireplace. Do not be surprised if you should happen to run into a group of law students there on a Saturday night. Be polite, say hello, but keep in mind they probably came there for some quiet fun.

#3) FAT CATS. Four bars, two floors, a separated dance floor, upstairs lounge area, outdoor patio, and no cover charge - what more could one want? Located on Worthington Street in downtown Springfield, Fat Cats is the prototypical nightclub for college/grad students. Drinks and shots are served in plastic cups, and beer spills give the floors personality. A DJ spins top 40 hits on the dance floor while smokers rejoice in the enclosed outdoor patio. The second floor is enclosed with a balcony that allows patrons to overlook the crowd below while reclining in deep red chaises and loveseats. Understand that you will not find your next boyfriend/girlfriend there, but maybe your love for the night.

#4) SOPHIA’S. One can always find comfort in the familiar, and Sophia’s offers just that. Located across the street from WNEC and next door to Hot Table, Sophia’s used to be the local favorite of WNEC Law students. Sophia’s keeps it simple with a “T” shaped bar and a few accompanying tables on the side. They offer four beers on tap, and many more in the bottle. Older students return for the nostalgia and incoming newbies come to see what all the fuss is about. 1Ls take note: do not come with high expectations. This is the place to go when you just need a drink after a hard class and do not feel like being chatty. Sweatpants are welcome.

#5) SMITH’S. All hail the official WNEC Law hangout. Located in downtown Springfield on Worthington Street, Smith’s offers cold beers, strong drinks, endless shots, and a slew of pool tables. It is a great environment to meet new students and form stronger bonds with new acquaintances. 1Ls take note: what happens at Smith’s does not stay at Smith’s. It is the bar “where everyone knows your name” - not just that night but also on Monday morning.

Lex Brevis Staff
Editor-In-Chief: Jessica Gordon
Copy Editor: Bernardo Cuadra
News Editor: Theresa Hobbs
Contributing Writers: John Bandeian, Christopher Bourbeau, Bernardo Cuadra, Daniel R. Labrecque, Jon Longobardi, Spencer Naake, Zunaira Salim, Rachel Sposato

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Unsigned editorials represent the views of the newspaper. Signed editorials, columns, reviews, cartoons, and letters represent the personal opinions of the authors. Contributions from the WNEC School of Law community, the Bar, and the legal community are welcome.

Please send submissions to Jessica Gordon at: jgordon@gmail.com
Farewell, But Not Goodbye, Cont’d…

(continued from page 3) continues. In talking with her I find she’ll ask an innocent question here or there that will re-frame the whole situation in a new light. She can guide you back to solid ground without being judgmental or self-righteous.”

During my interview with Dean Sykes, it became obvious to me that she genuinely loves WNEC. So, I wondered, what new opportunity could be so compelling to make her want to leave these great halls and start all over again.

“I have accepted a position to teach at King’s Academy in Madaba, Jordan,” says Sykes with unmistakable excitement in her voice.

For some, this would be a frightening proposition. Leaving what most would consider a comfortable life full of predictability to enter a world full of unknowns.

“I have never agreed to do something that I know so little about,” shares Sykes. “I’ve been to Israel before but never to Jordan. I know only two people and I don’t know what my schedule will be… but what I do know is that I have a contract, a two-bedroom apartment, and, most importantly, I know that it is the right thing for me to do.”

She describes this new adventure as a leap of faith, “because there are many, many aspects of this that I do not know anything about. Even if that flies in the face of all of the practical questions that people ask me, to which I have no answer, I know this is the right thing to do.”

So, how did this former public school teacher, minister, and law school grad, end up with such a fascinating, once-in-a-lifetime opportunity?

Being in the right place, at the right time seems to be a recurrent theme in Nancy Sykes’ life.

Dean Sykes’ son, Christopher, attended Deerfield Academy, a private coeducational boarding school in Deerfield, Massachusetts, where Jordan’s current King, Abdullah II Ibn Al Hussein, also attended (though not at the same time). Sykes’ husband at the time, John Reese, served as head of Deerfield’s Drama Department.

During her son’s time at Deerfield, Dean Sykes had the opportunity to get to know many members of the school’s staff, including then headmaster, Dr. Eric Widmer.

“As the story was told to me, King Abdullah arrived at Deerfield with his body guards,” she recalled with a smile in her voice.

After completing his studies at Deerfield, King Abdullah returned to Jordan. Yet the experiences he had while a student there and the people he came to know and respect had left their indelible mark.

“He felt that the experiences he had at Deerfield changed his life,” shares Sykes. “He graduated and went on to become King but never forgot the ties he had to Deerfield and the fact that it made him a much better leader. His goal remained to have such a school in the Middle East,” she adds.

In 2006, inspired by his experiences at Deerfield Academy, King Abdullah followed through on his dream. He donated the necessary land within Jordan, established its founding Board, and solicited Dr. Eric Widmer, headmaster of Deerfield Academy, as King Academy’s founding headmaster.

Opening its doors in August 2007, King’s Academy, a coeducational, private, college preparatory boarding and day school, represents the only one of its kind in the Middle East. The overarching goal of the school is to educate young people of the Middle East to be peaceful leaders of the future.

After visiting the Academy’s web site (http://www.kingsacademy.edu.jo/) and reading its mission and vision statements, I soon understood why Dean Sykes was willing to make this huge “leap of faith.”

“I received an email in March of this year from Dr. Eric Widmer, the headmaster at King’s Academy, with an offer and, I said to myself, ‘I just can’t resist,’” shared Sykes. “Will I live to see the goal of this school achieved?” she ponders, “I doubt that, but at least I will be a small part of it.”

While Dean Sykes officially exited WNEC’s doors on July 18, an “Always Welcome” sign remains lit in the hearts and minds of the WNEC community she leaves behind.

“Everyone here will miss her tremendously, but we all wish her success on her new and exciting endeavor at King’s Academy,” says Gaudio.

“Nancy is an outstanding colleague – warm, funny, strong, smart and highly competent. I’ve relied on her for four years and will miss her keenly,” adds Gouvin.

Dean Sykes, on behalf of the students here at WNEC, we wish you the very best and God’s speed as you boldly accept your "new beginning!"