

LEX | BREVIS

WESTERN NEW ENGLAND UNIVERSITY SCHOOL OF LAW

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If you want to go fast, go alone. If you want to go far, go with others.

—African Proverb

PRACTICAL EXPERIENCE



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Hampden County Superior Court

Alumni Profile

Name: Daniel R. Smalls, Esquire

Graduation Year: 2014

was learning in the trial prep courses that I was taking in school and then apply them to real life situations.

Where do you work:

Schenectady County Conflict Defenders Office (part-time) and full time private practice.

What kind of work do you do:

I practice criminal and family law with the Conflict's office and general law in my private practice.

1. What is the most fulfilling part of your work?

One of the main reasons I became an attorney was to help individuals with important matters in their lives. There's not a day that goes by that I am not in court doing exactly that. NOW, I'm not saying that every client is pleasant to work with (lol), but I can say that going to work never feels like a burden and is enjoyable!

2. During Law School, what kind of work did you do that helped enhance your skills?

I took a lot of trial prep courses because I knew that I wanted to be a trial attorney. After my 1L year I interned at the Saratoga County Public Defender's Office and was able to go on the record under a Student Practice Order (New York rules are a little different than Massachusetts). It's imperative to get an intern/externship in order to obtain as much practical experience as possible. My 2L and 3L years I also did an externship with the Schenectady County Conflict Defenders Office. I was able to apply the skills that I



Daniel R. Smalls

3. What was the most difficult aspect of school and how did you overcome that obstacle/experience?

I didn't have your traditional law school experience that another younger law student may have had. I had two young children and commuted to WNEU from Albany NY. It was challenging balancing between family, work and law school, but I managed to pull it off!

4. Are there any specific programs, committees, clubs that you suggest current students to join?

As I stated before, I STRONGLY encourage getting involved in the intern/externship programs. You learn so much more and make so many connections.

5. How did you network or if you didn't how do you wish you had? How can students benefit from meeting other attorneys and others within the legal profession?

I would attend a lot of functions that my externship had. At those functions, I would have conversations with attorneys and get simple advice on things ranging from how to study for the bar exam to possible job leads. After my externship was over, my supervisor offered me a paid internship for the remainder of the year. I was very fortunate to have done a jury trial while in law school. I was ultimately offered a job upon graduation! Not only did that alleviate the madness of job hunting but it also allowed me to focus on only studying for the bar exam!

6. What is something you did or advice you were given that has helped you now?

Every attorney has their own style. Just be confident but humble enough to ask for help when needed (which is going to be often)!

7. Was there a class or area of law you studied that has proven particularly helpful now?

My trial prep courses were very helpful but I can't stress enough the importance of doing some sort of internship.

8. What class(es) if you recall, helped you the most on the Bar? Which Bar did you sit for? And do you have any advice for those about to take the Bar?

All first year courses have helped with the bar exam. I swear I have negligence and contract formation engraved into my brain. Aside from that, Trusts and Estates should be a required course in law school. There were many questions on the bar exam about wills and trusts. I sat for the New York State bar examination. Many law students will hear this a million times but it is imperative that you make studying for the bar exam a full-time job. However, you don't want to burn yourself out before the actual exam. You have to just keep telling yourself that this is only two months of pain and that it will be over in due time.

9. What was your favorite part of WNEU Law?

My favorite part about attending WNEU was how friendly and supportive the staff and faculty were. I also enjoyed the annual basketball tournament that the Law School hosted. As a former collegiate athlete, the annual tournament was a great way to take a break from all the studying.

10. Overall, how well did the skills that you learned in Law School transition to the legal profession?

The skills that I learned in Law School were helpful. However, there is much more that you learn just from

being in court every day. I can remember graduating from school and thinking how there was so much stuff that I didn't know (which is still true). With that being said, I utilize what I learned from my legal writing and trial prep courses every day.

11. What surprised you most about practicing law?

Oddly, the most surprising thing about practicing is how much of an impact attorneys really have on their client's life. Clients usually come to attorneys when difficult events occur. Attorneys have the pleasure (in some cases, displeasure) of assisting clients in problematic situations. I'm not sure if I'm surprised by this because I'm still so new to being an attorney, but, I was very surprised how much I enjoy my job.



12. What is your favorite part of being an attorney?

You mean besides making money? My favorite part about being an attorney is helping others. There is nothing more satisfying than seeing a family dismantled at the beginning of a neglect proceeding and then ultimately seeing the family becoming unified with proper resources and more stability.

13. If there was anything that you could tell current students, what would that be?

Have fun and enjoy being a student. Get involved with the intern/externship program and network as much as you can. There is nothing better than studying for the bar exam knowing that there is a job waiting for you as soon as you fill in the last MBE bubble. Also, enjoy graduation and the week to follow because you are about to embrace the worst two months to come!

MA Death Penalty Abolishment Retracted

Connecticut Closely Catching Up

By Rabia Hamid

Massachusetts and Connecticut share a border, but have historically had very different viewpoints on capital punishment. While Massachusetts abolished the death penalty in 1984, Connecticut did not follow suit until this past summer, in July 2015. The last death penalty execution in Massachusetts was in 1947, after which governors refused to sign death warrants as they felt the penalty offered no more safety for the community than life in prison. In 1975, the Massachusetts Supreme Judicial Court abolished capital punishment, reasoning that a mandatory death sentence for rape-murder was cruel and unusual punishment in violation of the state constitution.

... there have been 345 executions in Massachusetts history, 26 of which were for witchcraft.

In Massachusetts, capital punishment was reinstated for a brief two-year period between 1982 and 1984, by a voter amendment, but in 1984, it was again ruled unconstitutional. According to the Death Penalty Information Center, a Washington-based anti-capital punishment organization, there have been 345 executions in Massachusetts history, 26 of which were for witchcraft. In the 1990s, there was a push by Republican governors to bring the death penalty back in Massachusetts. Momentum for the death penalty in Massachusetts increased due to a 1997 abduction and murder of a ten-year-old boy, according to Steve LeBlanc of Associated Press. The Death Penalty Bill, filed as a result of the boy's murder, lost by just one vote when a lawmaker switched his vote on reconsideration. In 2005, Massachusetts' governor Mitt Romney sought to bring back the death penalty to the state in order to punish people convicted of multiple murders, killing law enforcement officers, and having involvement in terrorism. This bill failed on a 53 to 100 vote. In 2013, after the Boston Marathon bombing, lawmakers debated to reinstate the death penalty but the proposal was abandoned.

On the other hand, Connecticut just recently abolished the death penalty more recently by means of a statute, in 2012, establishing the law as unconstitutional. However, abolishment of the death penalty was not put into effect until the summer of 2015, when the lives of eleven inmates on Death Row were spared in a 4 to 3 vote, according to the New York Times. Connecticut Supreme Court judges declared that in these modern times, the death penalty met the definition of cruel and unusual punishment. Why was Connecticut so slow to abolish the

death penalty?

Though Connecticut did not abolish the death penalty in 2012, only one inmate has been executed in the

last fifty years. Many states have kept the death penalty intact as good law, but have not used it.

The American Civil Liberties Union (ACLU) asserts that among opponents of the death penalty there is a shifting trend in the nation regarding the death penalty. They believe that death penalty law will be contested in states where the death penalty remains due to the increasingly widespread belief that the death penalty has no place in modern times. With Wisconsin as the first to establish the death penalty in 1853, there are still 31 states with the death penalty and 14 states that have abolished the death penalty.

In hearing the recent uproar about reinstating the death penalty due to the Boston Marathon bombing in 2013 or the 2007 Connecticut home invasion, one might ask whether it is more beneficial to give murderers a life sentence, in fear of recidivism, and hope for a murderer's reformation? Or, in light of these modern times, would one feel more comfortable if these criminals were given the death sentence?

THE FLU

Government Mandate Or Personal Liberty?

By Evena Miscarlien

This fall and winter season, a significant number of North Americans will experience side effects from a respiratory illness often referred to as the flu. The flu, distinct from the common cold, includes various iterations such as avian, swine, variant, and seasonal.¹ Personal liberty and public health measures are sometimes at odds. When does the process of containing flu pandemics validly trump liberty? Often, it is when it becomes deadly and prevalent throughout an entire country and then around the whole world.

The flu is a respiratory illness that is easily transferred from person to person when tiny droplets from a cough or sneeze of one person are inhaled or breathed by another. Unfortunately, the bacteria within these droplets can live up to 2 hours after leaving the human body on hard surfaces.² There are different types of strands within a flu virus; the most common strands are influenza A virus H1N1, H3N2, and influenza B viruses.³ Some types of the flu can be quite deadly to individuals who do not have immunity towards the strand within its virus.⁴ As of 2014 the national death toll for influenza was 3,697.⁵ And the worldwide death toll for the flu as well as related deaths is estimated to be between 250,000 and 500,000 for the same year.⁶

The CDC believes that the best way to prevent and contain the flu virus is through vaccination.⁷ (CDC, Influenza (Flu), 2015). They think vaccination in general is the best way to combat preventable diseases from spreading, keep communities from suffering from serious health

problems, and minimize the death rate for curable diseases (CDC.gov, Adult vaccination 2014).⁸ With this in mind, does the government have the right to mandate people to get flu vaccinations if that will prevent or minimize a national or worldwide flu outbreak?

The pandemic flu of 1918 killed approximately 50 million people globally and around 675,000 people within the United States .

Worldwide flu pandemics— 1918 Spanish flu and the 2009 swine flu— powerfully support government man-

dated flu vaccination. The pandemic flu of 1918 killed approximately 50 million people globally and around 675,000 people within the United States.⁹ The 2009 H1N1 virus strand has been estimated to have killed between 151,700 and 575,400 people globally and roughly between 8,720 and 18,050 people nationally.¹⁰ While the beginnings and ends of both strains are unknown, they are speculated to have originated from a mixture of animal hosts. There is also speculation that they are mutated within virus strands for seasonal flus that are not as deadly when compared to the virus strands of the mentioned pandemics.^{11 12}

Although the medical field has become far more technologically advanced since 1918, it should be noted that flu strands are constantly mutating and increasingly resistant towards anti-viral medication. After all that has been published by the Emerging Infectious Disease Journal the virus strand of 1918 was likely to be an ancestor virus for the H1N1 strand.¹³ Of course we should be mindful that we could possibly get another strand of virus for the flu that is highly contagious and deadly for which we are not immediately prepared.

On the other hand, flu pandemics rarely occur. Flu pandemics have happened only a handful of times during the 20th century; in 1918, 1957, 1968, and in 2009.¹⁴

Furthermore, the CDC has programs directed towards prevention of the flu through the process and preparation of vaccines. A great example of this is their International Flu program which focuses on global surveillance and conducting research on flu strands and mutation and flu transmission, among other studies geared towards the effectiveness and control methods of prevention.¹⁵

Personal liberties draw the notion of mandatory vaccines into question. There is a major dispute as to whether the government should be telling people what they can and cannot do to their bodies. On the contrary, the government has a right to impede personal liberties for the sake of the greater community, especially where the health and safety of the community is concerned. For instance administrative or executive orders exist within individual States' executive orders similar to Massachusetts Executive Order NO. 13375, authorizing the state to quarantine members of the public as it relates to certain influenza viruses and communicable diseases.¹⁶

In conclusion, although the respiratory illness that we often refer to as the flu rarely causes worldwide pandemics it is still a topic that requires exploration in terms of where public health meets with law. The question regarding where the line should be drawn for personal liberty during the process of containing flu pandemics has no clear answer. What we have learned from past pandemics is that the CDCs methods— continued vigilance, through understanding research, creating vaccinations to attack different strands, and doing studies for the flu on an international level— is a good start. For people who are not

keen on the idea of vaccination there are other non-medicinal ways to minimize catching the flu virus. These include: 1) avoiding close contact to people who have the flu; 2) staying home if one has contracted the flu; 3) sneezing or coughing into one's sleeves to avoid getting germs on hands and surrounding surfaces; and 4) washing one's hands frequently to limit germ exposure.¹⁷

The CDC's methods— continued vigilance through understanding research, to creating vaccinations to attack different strands, and doing studies for the flu on an international level— is a good start.

¹ CDC. Influenza, (2015) <http://www.cdc.gov/flu/weekly/>

² Centers for Disease Control and Prevention (CDC). *Traveler's Health*, (2011) <http://wwwnc.cdc.gov/travel/page/infectious-diseases>

³ CDC, selecting the virus of seasonal influenza, (2015) <http://www.cdc.gov/flu/professionals/vaccination/virusqa.htm>

⁴ Flu.gov. *About Pandemic*, (2015). <http://www.flu.gov/pandemic/about/>

www.flu.gov/pandemic/about/

⁵ CDC.gov. Fast stats. 2014) <http://www.cdc.gov/nchs/fastats/flu.htm>

⁶ World Health Organization (W.H.O) Seasonal influenza, (2014) <http://www.who.int/mediacentre/factsheets/fs211/en/>

⁷ CDC. *Influenza (Flu)*, (2015). <http://www.cdc.gov/flu/pandemic-resources/>

⁸ CDC. Adult vaccination 2014 <http://www.cdc.gov/vaccines/adults/index.html>

⁹ Flu.gov. *Pandemic Flu History*, (2015). <http://www.flu.gov/pandemic/history/>

¹⁰ cdc.gov. *first global estimate of 2009 h1n1 pandemic mortality released by cdc-led collaboration*, (2012) <http://www.cdc.gov/flu/spotlights/pandemic-global-estimates.htm>

¹¹ CDC.gov. H1N1 Flu, (2010) <http://www.cdc.gov/h1n1flu/cdcresponse.htm>

¹² Flu.gov. The Great Pandemic 1918-1919 (no year). http://www.flu.gov/pandemic/history/1918/the_pandemic/index.html

¹³ Emerging Infectious Disease journal vol. 12, no. 1, Jan 2006)

¹⁴ Department of Health, Pandemic Influenza frequently asked questions, 2011) <https://www.health.ny.gov/diseases/communicable/influenza/pandemic/faq.htm>.)

¹⁵ MA. Exec. Order No. 13375 (April 1, 2005), *available at* 2003 MA EO 13295 (WestlawNext).

¹⁶ CDC. *How to Stop the Germs at Home, Work, & School*, (2015). <http://www.cdc.gov/flu/protect/stopgerms.htm>

Phi Alpha Delta Law Fraternity, International

(PAD): Middleton Chapter



E-board: Amy Russo, 3L (Justice); Melissa McGavin, 3L (Vice Justice); Jaime Kruse, 2L (Clerk); Alex Mazzella, 2L (Marshall); Sara McMahon, 2L (Treasurer); Sarah Murphy, 2L (Fundraising Coordinator)

This past October, Phi Alpha Delta Law Fraternity (PAD) raised \$204 for the Junior Diabetes Research Foundation (JDRF) through the generous donations of PAD members, their families, and the Law School community. Proceeds benefit the JDRF One Walk, an event that brings the community together to raise money for research in the hope of changing Type One to Type None.

PAD is dedicated to promoting integrity, compassion, and courage through service to the law student, the school, the profession, and the community. It also seeks to develop and advance professional ideals. One way PAD serves this goal is by holding its 1L Workshop: Study and Exam Strategies.

... Continued on Page 9

The workshop provides first-year law students the opportunity to get tips and advice from second and third-year law students who have survived their first year.

The upperclassmen share valuable insight as to taking exams, outlining, note-taking, and other concerns first-year students may have.

PAD plans to hold more charitable events and networking opportunities in the spring semester.

The fraternity holds an informal initiation every spring, and any law student who shares in its core values is welcome to join.

By: Brittany Hinojosa, 3L

Junior Diabetes Research Foundation (JDRF) One Walk



Women's Law Association (WLA)



Top: Andrea Geyer, Mary Grasta, Barbara Curatolo, Emily Dubuc, Nadia Viscusi, & Brittany Hinojosa at the Rays of Hope Walk.

Below: On October 21, 2015, students, faculty, & staff wore pink to bring awareness and show their support as part of "On Wednesdays We Wear Pink" for Breast Cancer Awareness.



Women's Law Association (WLA) proudly participated in the Rays of Hope Walk & Run Toward the Cure of Breast Cancer on October 25, 2015. WLA, along with the Intellectual Property Law Association and Health Law Association, successfully raised over \$250 for Rays of Hope.

This event supports breast cancer research, treatment programs and services through the Baystate Health Breast Network, outreach and education, and awards grants to support complementary therapies throughout western Massachusetts.

WLA promotes recognition and understanding of gender issues facing women in law and society. It also seeks to inspire and empower women in the law and in the community. WLA has organized a YWCA clinic where law students provide women sheltered at the YWCA with basic legal information regarding family law issues. WLA also volunteered at the Y Run for Women and Girls on November 14, 2015. This event raises awareness of the successes and strengths of the women and girls in the community. It also benefits programs and services to domestic violence survivors.

During the spring semester, WLA will continue its YWCA clinic and hold more charitable events, such as raising heart disease awareness in February. All WNEU law students, faculty, and staff members All are welcome and encour-

E-Board: Nadia Viscusi, 3L (President); Emily Dubuc, 3L (Vice President); Katy Trogdon, 3L (Secretary); Carolyn Pereira, 3L (Treasurer); Brittany Hinojosa, 3L (3L Student Representative); Lucy Turner, 2L (2L Student Representative); Mary Grasta, 1L (1L Student Representative)

aged to join.

SORRY GOVERNOR BAKER Refugees ARE Welcome Here

By Chelsea Donaldson

Immediately following the Parisian terror attacks committed by terrorist militant group Daesh¹ on November 13, 2015, over half of the United States governors moved to block Syrian refugees from coming across their borders. Many of them cited security concerns, stating that they could not allow Syrian refugees into their borders without risking a terror attack state-side. (Incidentally, many of these same governors are currently running for president. Chris Christie, the governor of New Jersey, has openly condemned refugee resettlement within his state.) While some of the governors who have come out against refugee resettlement have been avid opponents against immigration of all shapes and sizes, some governors have been something of a surprise. Indeed, our own Governor Baker stated that he would “need to know more” about the federal vetting program before allowing refugees into the Commonwealth of Massachusetts.

In times of fear and uncertainty, it is easy to point fingers — and even easier to assign blame. 129 citizens were murdered in Paris, the large majority of them citizens that were enjoying a Friday night in the City of Light. No one would dispute that it was a terrible tragedy — one of several that had occurred that week, committed by the same terrorist group. The gut reaction for most human beings would be, “We have to find out who did this and stop them immediately.” I’m one of those people. However, for me, I would think blaming

the terrorist group that took credit for the attacks (here, Daesh) would be of paramount importance. Instead, nearly half of the governors that are in charge of the United States have taken a xenophobic approach, ‘If you are from Syria, you cannot live here.’

But is it really up to them?

In times of fear and uncertainty, it is easy to point fingers — and even easier to assign blame.

The civil war in Syria is the worst refugee crisis the global community has seen since World War II.²

Over 200,000 people have been killed in the war alone — and that does not count the casualties among the millions of refugees who have fled Syria in an attempt to find safety and shelter. Greece has been inundated with hundreds of thousands of individuals fleeing toward the country’s shores in tiny rubber rafts.³ The rest of Europe has been trying to figure out what to do. Overall, the international response has been bleak. Many European countries have closed their borders to Syria (and their refugees) and while international response has improved over the last six months, there are still millions of displaced people spread throughout the Middle East and Europe. As refugees, there are laws in place to protect them, both international and domestic.

¹ “Daesh” is the Arabic acronym for the terrorist group more commonly known as ‘ISIS’ in the Western world.

² Witte, Griff. “New U.N. report says world’s refugee crisis is worse than anyone expected.” The Washington Post. June 18, 2015.

³ Smith, Helena. “Race against winter increases pressure on desperate Syrians to reach Greece.” The Guardian. October 24, 2015.

CLOSING ARGUMENTS

Governor Baker (and the other governors who have elected to bar refugees from their states) are in violation of the Refugee Act of 1980⁴, which lays out strict definitions and guidelines for welcoming refugees into the United States. In layman's terms, the Refugee Act of 1980 states that refugees may come to the United States and be protected underneath our Constitution in times of great distress and turmoil – such as the Syrian civil war. This power to accept and deny refugees lies directly within the federal government's power, which means only the federal government can accept and deny refugees. Further, states do not have the power to block people from interstate travel, nor do they have the power to override the federal government's ability to place refugees within their borders.⁵

That being said, Governor Baker's biggest concern is a lack of information concerning the vetting process for refugees. Allowing immigrants into the United States has been a hot button topic as of late, particularly for the GOP Presidential candidates. Blocking potential terrorist activity (and Daesh, being one of the largest terrorist organizations in the world right now, is certainly worth blocking) has always been an automatic answer for U.S. politicians since 9/11 for denying immigrants. It's an attractive answer, for sure. Overriding federal power seems pretty impossible, but stating that there is a lack of information available with the current vetting process is a safe bet. After all, why would you want to allow refugees within your borders without the proper information first?

There is, however, a problem with that train of thought. All refugees must register with several organizations in

order to be considered for relocation. One agency is the United Nations High Commission for Refugees – of which the United States is a member. The UNHCR refers refugees to different countries depending on certain

criteria, like whether or not the refugees have family in said country or whether or not they will relocate most comfortably there. If the United States is selected, the refugees are then vetted

by the National Counterterrorism Center, the F.B.I.'s Terrorist Screening Center, the Department of State, the Department of Defense, and the Department of Homeland Security. Additionally, each refugee is individually interviewed by U.S. officials in order to ascertain whether or not they are legitimate refugees. All of this occurs before the refugees are allowed to set foot in the United States – even the individual interviews. U.S. officials state that it takes between 18-24 months for the refugee vetting process to be completed.⁶ Additionally,

the vetting process seems to work. The United States has accepted nearly 785,000 refugees since September 11th, 2001. According to the State Department, only a dozen have been arrested on terrorist charges — and

none of the refugees had actually done anything state-side, but rather had allegedly aided terrorist organizations overseas.⁷

the Refugee Act of 1980 states that refugees may come to the United States and be protected underneath our Constitution in times of great distress and turmoil

The United States has accepted nearly 785,000 refugees since September 11th, 2001. According to the State Department, only a dozen have been arrested on terrorist charges

⁴ 8 U.S.C. § 1522 (1980).

⁵ *Hines v. Davidowitz*, 312 U.S. 52 (1941).

⁶ Pope, Amy. "The Screening Process for Refugee Entry into the United States." The White House. November 20, 2015.

⁷ Yee Hee Lee, Michelle. "The viral claim that 'not one' refugee resettled since 9/11 has been 'arrested on domestic terrorism charges'." The Washington Post. November 19, 2015.

CLOSING ARGUMENTS

All in all, the vetting process is fairly rigorous – and long. Only the world’s most incompetent terrorist would sneak into the United States utilizing the refugee system, considering the several extensive background checks and wait time to get into the country. As for the supposed lack of information, the entire vetting process is online. A simple Google search produces criteria by both the United Nations and the United States government concerning what needs to be done in order to be considered a legitimate refugee. While Governor Baker apparently did not Google the refugee vetting process,

or ask his team of lawyers employed by the Commonwealth of Massachusetts to research it for him, Secretary of State John Kerry was kind enough to submit the vetting process to Governor Baker upon hearing word of the need for more information. There has been no change on Governor

Baker’s stance concerning Syrian refugees since Secretary Kerry explained the process to him.

Finally, over half of the United States’ governors seem to have forgotten one key detail concerning our country: we are a nation of immigrants. Unless you are a member of an indigenous population, you can probably trace your family history back to a country that is not now known as the United States. We are a nation of immigrants, and while our history is bloody and riddled with slavery and genocide, our greatest strength is our diversity. So why, of all countries, is the United States electing to turn away Syrian refugees? It isn’t illegal to accept refugees, nor is it a high security threat. So what is the problem, save for blatant xenophobia and fear?

When my family came to this country (as undocumented workers fleeing the potato famine in Ireland and the uprisings in Scotland, probably), some of them

passed by the Statue of Liberty in order to disembark on Ellis Island. The Statue of Liberty (a gift from France, the very country the United States is in an uproar to defend) is a symbol known throughout the world as the mother of our shores. Upon the Statue of Liberty is an inscription, which reads: “Give me your tired, your poor, your huddled masses, yearning to breathe free. The wretched refuse of your teeming shore, send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door.”

We are a nation of immigrants, and while our history is bloody and riddled with slavery and genocide, our greatest strength is our diversity. So why, of all countries, is the United States electing to turn away Syrian refugees?

If Governor Baker is so willing to ignore the law when it comes to refugees, perhaps he can reclaim a bit of humanity. The poem inscribed upon the Statue of Liberty is a beacon of hope to all those who come to the United States, in the pursuit of freedom,

property, and opportunity. It is not enough to cite our fear when denying Syrian refugees the opportunity for safety and refuge within the United States. We, as a country and as citizens, must be better. Governor Baker should be ashamed that we, the Commonwealth of Massachusetts, stand on the wrong side of history. As the United States continues to waffle over what to do with the Syrian refugee crisis, it is only getting worse. The United States has collectively declared that Daesh must not win. Refusing to assist the individuals that Daesh has affected most can only undermine that goal.

SUDOKU

Complete each 3x3 so that each row, column and box includes the numbers 1-9, without any repeats!

EASY

	9	5		8	3	6	1	
4	3		6		5	2	7	
	7			4			3	
	2	9			6			1
1			9	2		3		7
	6	3		1	4	8		9
		6	8		7		9	2
	1			3			8	6
9	8	2	4		1	7		

HARD

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	2		9		8		3	
				4	1			7
		5			7			6
	7	9			6	4		1
				9				

EVIDENTIARY WORD SCRAMBLE

Don't rely on hearsay, try to unscramble these words yourself!

1. MBSAISELDI
2. EAHYSRA
3. OOTCBJEIN
4. NAASRTMTCLICIU
5. TBVAORIPe
6. RHTT FO EHT TAMERT
7. HRATCERAC NIDECEEV
8. CMMEIATNEHP
9. CO-ANCRIRTOOPS
10. GLIERPIVE










CHARITY
 CONSIDERATION
 REVOCATION
 OPTION CONTRACT
 MISTAKE
 SETTY
 STATUTE OF FRAUDS
 MAILBOX RULE
 FIRM OFFER RULE
 IMPLIED
 PERFORMANCE
 OFFER
 COUNTEROFFER
 INCAPACITY
 LEVI
 PROMISE
 ACCEPTANCE
 REJECTION
 MISREPRESENTATION
 FRAUD AND DURESS

Contractual Word Search

B	U	C	V	U	C	S	K	A	V	E	Z	T	M	J	O	B	E	B	B
N	I	D	V	T	S	E	N	C	C	T	H	A	F	K	Y	H	C	J	D
O	I	C	X	E	C	A	O	C	Q	B	M	P	J	Z	O	M	N	Y	K
I	Z	F	T	T	N	A	I	E	E	K	A	T	S	I	M	D	A	P	Y
T	W	T	T	C	V	G	T	P	S	X	I	V	C	M	I	P	M	V	I
A	Y	S	R	A	R	L	A	T	S	I	L	X	E	V	G	D	R	F	E
R	F	D	Z	R	H	S	T	A	E	F	B	Q	C	M	F	N	O	I	U
E	N	U	W	T	Y	F	N	N	R	D	O	T	P	M	J	O	F	R	Z
D	F	A	J	N	P	Z	E	C	U	U	X	V	K	V	T	I	R	M	C
I	D	R	O	O	R	S	S	E	D	R	R	O	Y	P	K	T	E	O	O
S	Z	F	T	C	O	R	E	S	D	R	U	H	T	W	Z	A	P	F	U
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B	D	T	R	W	N	N	K	M	I	M	P	L	I	E	D	T	H	C	E
E	I	S	T	L	M	J	N	O	W	Z	Y	O	F	F	E	R	Z	B	R

Professor Emoticon

Guess the Western New England University professor based on the hints below:

1.  _____
2.    _____
3.   _____
4.   _____
5.  _____

5 Habits of Truly Amazing Communicators



By *Lea McLeod MA* an article from **TheMuse.com**

When it comes to job coaching, almost every conversation I have with a client involves the topic of communication. The motives can vary widely: Some people want to be more assertive, others need help with conflict management, and still others find it hard to speak their minds in a group setting. It's really the basics about workplace communication that seem to trip most people up. So, since we could all use a good reminder, here are the top five things I help my clients with when it comes to communication

1. Stop Saying “But” and Start Saying “And”

Do you ever catch yourself saying things like, “I love that idea, but we need to do it differently?” As soon as you say the word “but,” the other person immediately forgets the part about you loving the idea. Because you completely invalidated it with the “but” and everything that came after it. Instead, use “and:” “I love that idea, and I think a slightly different approach would be most

effective.” Hear the difference? In her book *Bossypants*, Tina Fey breaks down the rules of improv. One of those rules is to always say “yes, and....” This shows respect for what your partner has to say (even if you don’t agree), helps you keep an open mind about the act, and invites you to contribute to the conversation by building on the other person’s idea or adding your own ideas. Same goes for communicating at work.

2. Stick With the Facts

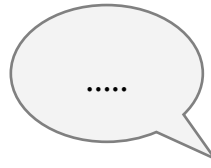
Communicating effectively is difficult enough; don’t add to it by making up stories that aren’t based in reality. Good communicators stay rooted in facts. Remember that the facts of any issue could be quite different from your perception of it. Maybe the way you see a situation has to do with your unique work style, or simply that your boss is totally stressed out and taking it out on you. No matter what, unless you have the facts, it’s best to refrain from color commentary and focus on getting to the root of the issue.

3. Avoid “Position Defending”

When people cite communication issues in the workplace, it's often less about communication and more about defending their position. Great communicators, on the other hand, ask questions and strive to understand all sides of the issue—instead of constantly repeating their side of the story.

For example, Jason might say, “What parts of the project are overwhelming to you?” or, “Tell me more about what you're seeing as the bottlenecks.” And Megan might say, “It sounds like we have completely different views on the project. I'm wondering if additional hours will really solve the problems I see,” or “Should we re-view the scope of the project and make sure the additional hours are realistic for the resources we have?”

Do you see how simply exploring others' ideas can help you rise above your frustration and get you to higher ground? In the iconic tome *The 7 Habits of Highly Effective People*, Stephen Covey espoused, “Seek first to understand, then to be understood.” We should all be willing to understand the other as much as we want our own point of view to be understood.



4. Use Silence as Strategically as You Use Words

Many conversations become unproductive because the participants are too busy worrying about what to say next to really listen to each other. To remedy this, **strive to take advantage of moments of silence.** While you may think that silence is negative or uncomfortable, it serves conversation by allowing listeners time to process what's been said and giving speakers time to organize their thoughts before responding—without feeling rushed.

5. Actively Engage the Other Point of View

For people to really hear you—and you to hear them—you need to understand that everyone carries filters, beliefs, assumptions, experiences, and cultural influences that shape their point of view. The most difficult part? You can't physically see any of these things. In short, just because you say something, it doesn't mean that others hear you. Great communicators take time to understand where others are coming from, whether it's influenced by cultural, professional, or personal factors. Once you understand those differences, you can communicate in a way that enhances your ability to be heard.

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PRACTICAL EXPERIENCE

BUILDING A LEGAL CAREER ONE BRICK AT A TIME

Name: Judge Mary-Lou Rup

Graduation Year: 1978

Work: Hampden County Superior Court



While in Law School what is something you wish you had known?

I wish there had been more opportunity for practical experience. There wasn't much available in terms of clinic work. One of the great improvements in legal education, in law schools, has been providing more opportunities for students to get practical experience; in government, courts, law firms, etc. When I was in law school, students for the most part had to find or create their own internships.

What kind of legal experience did you get while in law school?

I had a summer internship at Western Mass Legal Services at the end of 1L, doing research and writing. I had another summer internship at the Northwestern District Attorney's Office and was able to represent the Commonwealth

on some simple cases. During my last semester, I worked at Bowditch & Dewey, a Worcester law firm.

What was your first year in practice like?

I spent a little over one year at the Northwestern District Attorney's Office, prosecuting cases in the Franklin and Hampshire County District Courts. Next, I worked for ten years with the Massachusetts Defenders Committee, which is now called CPCS (Committee for Public Counsel Services) in Berkshire County and later Hampden County, where I was attorney-in-charge for three years.

What was that like?

Both were really challenging. We learned by doing. At the District Attorney's Office, I would handle dozens of cases each day — from

One of the great improvements in legal education, in law schools, has been providing more opportunities for students to get practical experience.

arraignments to trials. CPCS had an excellent two week training program, after which I began handling a case-

load of my own clients, which could number up to 100 at a time. In Hampden County, our office handled only felony cases — some in the District Court, but most in the Superior Court.

What was the hardest part of being a young female attorney at that time?

During the mid- to late-1970's, young women began attending law schools in pretty substantial numbers.

During the mid- to late-1970's, young women began attending law schools in pretty substantial numbers. So, when we graduated, suddenly and for the first time there were a lot of women lawyers. My recollection is that new women attorneys were viewed with some curiosity because until then men populated law offices and courtrooms, and women mainly had clerical or secretarial positions. People in law offices and courthouses had to adjust to the influx of women and we had to prove that we were capable of doing professional work that men had traditionally done. I was very fortunate to receive a lot of encouragement and support from both women and men with whom I worked. But it was nothing peculiar to the legal profession; it was happening across the board that young women were getting into professions.

What was that like?

It was fairly historic. In law school we could feel the history of it, the pride. For many years, women had been attending law school and practicing law, but they were few in number. Only a very few women lawyers did litigation, most tended to do non-litigation. I wouldn't say we were pioneers; we were more like the first wave. It was challenging. There had been a sense that women weren't properly suited for law – it was considered too demanding and it was believed that women did not have forceful personalities. We had to prove we could handle the work. At job interviews, especially at law firms, it was not unusual to be asked: "How do I know you're not going to get married and quit your job?" When applying for a job involving criminal litigation, you might be asked: "What are you going to do if you are asked to deal with someone charged with rape?" The perception was that women might be too sensitive or would have emotional difficulty handling the cases. I think that it became obvious pretty quickly that women could succeed or not, just like anybody else. It had nothing to do with gender.

How long have you been on the bench?

Twenty-three years this year.

What is the difference between presiding now versus then in terms of kinds of crimes?

There have been some changes in civil and criminal laws that effect how courts handle certain cases. With criminal law, there seem to be more drug and gun prosecutions; but there still are a wide variety of cases in our courts.

In law school we could feel the history of it, the pride... I wouldn't say we were pioneers; we were more like the first wave.

What are the biggest challenges you have seen in the legal profession?

A positive is increased diversity: increasing numbers of women lawyers, LGBT lawyers, lawyers of color and from different ethnic backgrounds, etc. On the negative side is what seems to be an increasing lack of civility.

What do you mean?

Lawyers being more disrespectful toward one another. Not all the time, but it is certainly noticeable in court proceedings. Through the grapevine, we also hear a lot about a lack of civility among lawyers as they deal with one another. People who have been in the legal profession for a fairly long time are especially aware of this change.

How did law school impact your friends and family?

I felt like I put my life on hold for the four years of law school, juggling school and work. Of course, many other students were doing the same – some just managed better than others. I graduated from college three years before I began law school. I was a night student most of the time.

I was really lucky with my study group – it was an interesting mix of people, several of whom were older than typical students. One was studying for her doctorate in education while in law school. Another was working on a Master's in Business while in law school and ultimately became a CPA. Another was a full time professor at the University of Hartford. Another had high school aged children and had started an alternative energy business with her husband. I worked for a small publisher of science and psychology textbooks. Every one of us was really busy during the day. It wasn't easy for any of us.

What advice would you give law students?

Two things come to mind: practical experience and networking. If possible, get some practical experience. It can be an internship, a law school clinic, or even just sitting in a courtroom or sitting down with an attorney to get an idea of what area you would really like to practice. It helps give you an idea whether you would be suited for work in litigation or not, in a small practice, working as corporate counsel, etc. Maybe you would prefer to do appellate work. Obviously you can't test out each one, but try different areas for a little while or follow around lawyers who are in different practices. I hear from a lot of students who are in or about to be in law school that they want to be prosecutors. I suspect that TV shows glamorize their work – as fast-moving, winning cases. In fact, prosecutors – and criminal defense lawyers – work very hard and for

low wages. This is another area in which students should test the waters with an internship, shadowing an attorney or even just watching courtroom proceedings.

As a law student, you are receive the requisite knowledge of law and

legal procedures, but that's very different from actually advising clients, preparing a case or practicing in a courtroom. Every law student has classes in Civil Procedure, but it's quite different when you actually have to prepare and argue a Motion for Summary Judgment. When you study Evidence you learn the rules; on the other hand, it's quite another thing when you're first in a courtroom and, on the spot, have to object and explain why something another attorney is offering is inadmissible. It is a skill you have to develop; far better that you have some practice [as a student] when the stakes are not so high. It's pretty frightening to realize that you're responsible for a real person's lawsuit, etc. It's pretty daunting.

Obviously you can't test out each one, but try different areas for a little while or follow around lawyers who are in different practices.

Even if a formal internship or clinic is not available, if you get a chance at a seminar or a class, talk with a judge or attorney to see if they would be willing to allow you to shadow or intern.

Unfortunately, many law students don't have the opportunity for internship experiences because of family obligations or full time jobs. But getting some sort of experience is important, if for no other reason than to make sure it is something you are suited for and also for networking purposes, which always help you professionally. Even if a formal internship or clinic is not availa-

ble, if you get a chance at a seminar or a class, talk with a judge or attorney to see if they would be willing to allow you to shadow or intern.

After law school, I was lucky enough to get jobs in which I had more experienced lawyers serving as mentors to me. As a young lawyer, you can get a lot of experience just observing more experienced lawyers and, if you're lucky, being able to participate in a case even in what seem like small ways. I have a lot of respect for new lawyers who begin in a solo private practice right out of law school because they have no one from whom they can get immediate answers or guidance. Which is why joining a Bar Association and becoming acquainted with more experienced attorneys is so important. It's not that you can't do it [alone], it's just tougher.

Get to know staff at a courthouse – they can give valuable advice that can help when you're filing a complaint or motion.

they can give valuable advice that can help when you're filing a complaint or motions.

What advice would you give to a person who thinks they may want to be a judge?

To be a judge you need litigation experience. A few judges (usually appellate judges) have not had it, but that is very unusual.

Even if you have no interest in a judgeship, your professional reputation is critical so you need to be respectful of people, opponents, witnesses, judges, courtroom personnel, etc. When an application for a judgeship is being vetted, the first questions asked of others are: what is this person's demeanor like? Is this person patient? Does this person consider both sides? Does this person listen? Professionalism is very important. You have to portray yourself professionally in the way you write, speak, etc., - something that you may have done or said in the past can easily come back and really affect your chances.

Networking is really important – including outside of the law school community. If you intern or work with an attorney, that is one person in your network. Networking is important especially in this job market. When I started practicing law, there was a big infusion of new lawyers and not a good market - although not as bad as now. There weren't lawyers in my family or in my world, so networking was critical. I was fortunate that a fellow student's husband was an attorney who agreed to take me on as an intern one summer – that working relationship lead to my first job and, later, to a position in his law firm.

It is a skill you have to develop; far better that you have some practice [as a student] when the stakes are not so high.

But probably most important. There are only a few judicial positions, so the fact that somebody does or does not get ap-

pointed is NOT a reflection of their professionalism or worthiness. I always recommend to lawyers who ask about applying: yes, do it, but because there is a lot of competition for a limited number of positions, don't feel that it is a negative reflection if you are not appointed. And besides, it's not so bad if you get to keep a job that you already love.

Joining and being active in a bar association is another excellent way to meet other lawyers. Many bar associations have student members. Non-lawyers can help you, even though they may not be able to offer you a job. As an example, get to know staff at a courthouse –

Professor Emoticon

1. Professor Wolf (Hint: Wolf)
2. Professor Noah (Hint: Wife of German-American)
3. Professor RRG (Hint: German- American)
4. Professor Goldstein (Hint: Gold + Beer Stein)
5. Professor Levi (Hint: Levi Jeans)

EASY

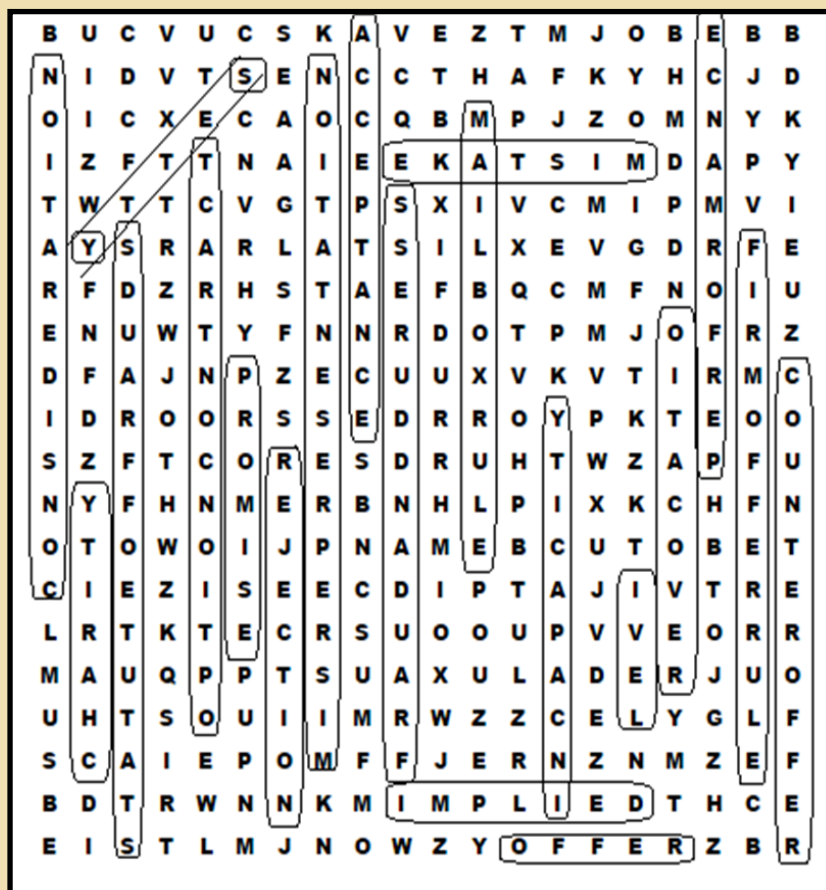
2	9	5	7	8	3	6	1	4
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6	7	8	1	4	2	9	3	5
8	2	9	3	7	6	5	4	1
1	5	4	9	2	8	3	6	7
7	6	3	5	1	4	8	2	9
3	4	6	8	5	7	1	9	2
5	1	7	2	3	9	4	8	6
9	8	2	4	6	1	7	5	3

HARD

7	8	2	6	3	9	5	1	4
5	1	3	7	2	4	9	6	8
4	9	6	8	1	5	2	7	3
1	5	7	3	6	2	8	4	9
6	2	4	9	7	8	1	3	5
9	3	8	5	4	1	6	2	7
2	4	5	1	8	7	3	9	6
3	7	9	2	5	6	4	8	1
8	6	1	4	9	3	7	5	2

WORD SCRAMBLE:

1. ADMISSIBLE
2. HEARSAY
3. OBJECTION
4. CIRCUMSTANTIAL
5. PROBATIVE
6. TRUTH OF THE MATTER
7. CHARACTER EVIDENCE
8. IMPEACHMENT
9. CO-CONSPIRATOR
10. PRIVILEGE



DECEMBER EVENTS CALENDAR

Tue	Dec. 1	Stress Management for Lawyers (2:00p.m. - 4:00p.m. in Moot Court Room)
Wed	Dec. 2	Dean's Dessert Reception (4:00p.m.-6:00p.m. in Law Common)
Fri	Dec. 4	Last Day to Withdraw/Last Day Of Classes
	Dec. 4-15	Free Coffee/Tea Service (Evenings starting 6:00p.m. 2nd Floor Library Lounge)
	Dec. 4	Meditation led by Lore Detenber (2:00p.m. -2:24p.m. Library Conference Room 108)
Sat	Dec. 5-8	Study Period for Final Exams
Wed	Dec. 9-18	Final Exams; Good Luck to All Students

LEX | BREVIS

WESTERN NEW ENGLAND UNIVERSITY SCHOOL OF LAW

STAFF

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