

December 2016

# Lex | Brevis

WESTERN NEW ENGLAND UNIVERSITY SCHOOL OF LAW



ACCESS TO JUSTICE



**AMARA RIDLEY**  
LEX BREVIS Editor-in-Chief

**“We educated, privileged lawyers have a professional and moral duty to represent the underrepresented in our society, to ensure that justice exists for all, both legal and economic justice.”**

—Supreme Court Justice Sonia Sotomayor

# Access to Justice

This month's theme is Access to Justice. We look at what it means for different groups and what our role is in administering it. First, Dean Gouvin provides some insight on how we, as members of the legal profession, balance our personal experiences and beliefs with our duty to remain civil and respectful of differing opinions. After this election season with its heated rhetoric, our law school community was faced with how to deal with offensive behavior and ideas that attack one of the best things about this nation—our diversity.

Our community quickly came together to address this in a student administered forum followed by the law school forum led by the University administration. Both were well attended and acted as safe spaces to discuss not only what was going on in society but also how that is affecting the student body and our role in this profession. After listening to other students and faculty and digesting where this society has taken itself and where it should go, I see much has changed in society but in a lot of ways much has stayed the same. There is much more work to be done.

The fact that this country has such a strong belief in freedom of speech is powerful, equally powerful is the freedom to peaceably protest and advocate for a fairer society. I truly believe lawyers are in a unique position to not only advance ideas to better society but also to understand the problems society is faced with and their underlying causes. Then come up with a solution or series of solutions to make sure the path society is on is one that is fair and just, regardless of whether these solutions are appreciated today or generations to come.

With Warm Regards,

**Amara Ridley**  
Editor-in-Chief



# Lex|Brevis

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We, at Lex Brevis, are always looking for ways to improve. We would love feedback to better serve our law school community. Enjoy the issue. Email us at [LexBrevis@gmail.com](mailto:LexBrevis@gmail.com)

# Building Civility in Discourse



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by **Dean Eric J. Gouvin**  
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I hope everyone had a peaceful and restorative Thanksgiving holiday. I know I was thankful for the break. After the presidential election, emotions were running very high around the law school. It was a stressful couple of weeks. The break was most welcome.

In those stressful days our community, like many across the country, found it difficult to communicate with each other. I am proud that we had some useful public meetings to help people understand each other a bit better and to clear the air. Those were good first steps, but let's be honest with ourselves – if we want a strong, respectful, law school community, we should recognize that we need to build on those first steps. We should also acknowledge that the road forward will be long and hard.

The stresses that the election laid bare have been building for a long time. For a number of years people have become less and less likely to engage in honest intellectual exchange with people who do not hold similar political views. We've allowed ourselves to become trapped in intellectual echo chambers where we are only talking to others who share and reinforce our views, thereby leading us to conclude that "everyone" sees things our way and therefore our way must be the one true and unassailably correct way and people who do not agree with us are wrong (or worse). This is happening across the political spectrum and it is unhealthy for the body politic.

If we want to change things we need to start talking to each other and especially to people who hold views with which we do not agree. Those conversations are hard, but can be growth opportunities. We have to remember that the medium affects the message. It is impossible, in my opinion, to have a meaningful discussion about sensitive topics in social media. It simply cannot be done. So don't try to do it. If you are really interested in dialog, pull up a seat and have a face-to-face conversation with someone who does not see the world the way you do.

For those conversations to be productive they must be respectful. The tenor of the presidential primary season and campaign set new lows for the coarseness of the language used and the stereotyping of supporters for the two major candidates. We have to stop demonizing and dehumanizing the other side. In the wake of the unpleasant campaign, many are calling for Americans to restore civility to our public discourse. I am one of those people.

It is incumbent on us as lawyers and officers of the court to encourage civil discourse. Civility is not merely being “nice” or “polite” – although politeness and appropriate word choice is a good place to start. Civility is the skill of being able to make one’s case in a compelling way without disparaging the needs and beliefs of a counterparty in the process.

Civility is a hallmark of legal professionalism. The best of us in our profession are able to disagree with our opponents without disrespecting them. We seek out the common ground in order to use that as a touchstone in a discussion about our differing points of view. Good lawyers can disagree vigorously, but in the end not make it personal. In your professional life, if you are a true professional, there will be a day when you meet opposing counsel in court and vigorously represent your clients, contesting every point with great fervor. Then, when court adjourns, you and opposing counsel will leave the courthouse, cross the street, and have a drink together while you talk about your kids.

But civility is not enough. We should commit ourselves to engaging in self-reflection to identify our own preconceptions and prejudices. We should be aware that we all have “blind spots” where we are not good at seeing things that are apparent to others.

**“Civility is a hallmark of legal professionalism. The best of us in our profession are able to disagree with our opponents without disrespecting them. We seek out the common ground in order to use that as a touchstone in a discussion about our differing points of view.”**

Beyond civility, we must aspire to figure out where the other side is coming from and try to really understand them. Too often what passes for public discourse is just an insulting exchange of caricatures – stereotyping whole groups of people and attributing to that group behaviors or beliefs that are not universally shared. One thing I know is that every individual person has a story and it is impossible to know that story just by looking at the person.

Only through honest and respectful dialog can we hope to understand each other. That dialog also requires us to listen to what the other side is saying. Listening is hard and lawyers are terrible at it. But it is a skill that can be learned and must be if you have any hope of making progress.

We must also be careful not to imagine some nostalgic “good old days” when it is easy to believe a myth that everything was better than what we’ve got now. I’ve been a student of history my whole life and I can say with confidence that the “good old days” were never that good. I came of age in the 1970s and the economy was terrible. I graduated from college in 1983 and the economy was terrible. I started law practice in 1986 and soon thereafter the economy was terrible, etc. History can be understood through many lenses and what you see depends on what lens you are looking through. Looking at history through the lens of workers’ rights is not the same thing as looking at it through the lens of capital. The lens of race relations paints one picture of the past, the lens of gender equality another, the lens of religious sentiment yet another. We all look at things through our own lens – appreciate that fact. Your lens is fine, but others also use perfectly good lenses that give a different picture. One is not right and the other wrong. As long as they are both based on facts and grounded in reality, they should be respected and, if possible, reconciled.

Finally, appreciate that every American has an equal claim to this country – no-one can “take America back” because we all own it – no one took it away and no one has a claim superior to others to take it back. We’re all in this together and we should embrace the challenge of finding a way forward together.

# Homeowner Liability: What Kind Of Guests Do You Have?



by **ULYSSES WHITEHEAD**  
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Once again the holiday season has arrived. These next few weeks will be filled with joyous gatherings of family and friends. Work colleagues along with social groups of all types will attend cheerful gatherings to celebrate the holidays and to toast to a “Happy New Year.” College students will complete the fall semester and journey back home to relax, recoup and rejoice with their family and friends. Indeed, for many, this is a truly wonderful time of year. Nonetheless, we must remain cognizant of our responsibilities to ourselves and others as we host and attend these delightful and jubilant events throughout this holiday season. This is especially true in circumstances in which we invite people into our homes.

When hosting a social event, property owners may be surprised to know just how important it is to ensure that

their guests are safe and secure while on their property. The following is a broad view of the law regarding some aspects of property liability and the laws will differ from state to state. To speak generally, property

owners must act reasonably to shield others from injury in order to avoid liability for injuries that occur on their property.

As to those individuals who enter onto a homeowner’s property, the homeowner’s duty to act to prevent an injury is based upon the homeowner’s relationship to that individual. For example, if the individual who enters onto the property is



unwelcome then the homeowner owes a very limited duty, if any, to the trespasser. If the individual is invited into the home or the entrant is a contractor or someone similarly situated as such, then the homeowner has a duty to exercise ordinary care to keep the property reasonably safe and secure. However, in most cases, if the individual is a social guest, family member or friend,

then the homeowner has a magnified duty to inspect the property in order to ensure that the property is safe. This inspection must be thorough enough to uncover any risk that a reasonable inspection would uncover. If defects are revealed through inspection or otherwise, the homeowner then has a duty to warn the guest of any danger uncovered that may present a risk of injury to the guest.

Remember one must reasonably anticipate what guests, including children, will do when they are located on the homeowner's property. It is imperative to check that all sidewalks, driveways and walkways leading up to and into your home are safe for walking. Additionally, lighting should be abundant wherever guests will be walking outside and inside the home. If your home has stairs, it will be necessary to inspect those stairs for the safety of the railings as well as the staircase itself. If a property owner anticipates that guests will be moving freely throughout the home, then every room, including the basement, attic, patio areas, balcony, etc. should be free of debris which could cause injury. In the case where children will be present, the homeowner should remove all choking hazards and dangerous objects within reach of children. Medicine cabinets and hazardous chemicals should be locked away. Electrical outlets should be checked for safety and smoke detectors and carbon monoxide detectors should be checked and in good working order.

If alcoholic beverages are to be served, the host can share responsibility for damages sought if a guest injures herself, others or property due to intoxication. In the case of alcohol related

injuries, a homeowner's liability may be transferred to injuries incurred by the guest or others that occurred after the guest has left the homeowner's property. Please remember to take preventive measures when serving alcohol at your home. When serving alcohol, remember to always serve responsibly and never serve alcohol to minors. Remember to always provide other sources of transportation such as a cab service or designated drivers. Never let an intoxicated person leave your home. If possible,

provide a cash bar operated by a professional, certified bartender.

This could help to decrease liability but may not preclude the homeowner from litigation if an injury does occur. Also, a "BYOD" defense does not prohibit a homeowner from liability in the negligent service of alcohol especially when it could be reasonably ascertained

that an individual was intoxicated. If people are

drinking at a home, the homeowner may be responsible for

damages committed by their guest regardless of whether or not they actively served alcohol to the guest.

Remember that when inviting guests into your home, one has a heightened duty to ensure the safety and security of those invitees gathered at the home. Although there will never be a way to foresee every possible scenario in which an accident can occur in a home, the homeowner must still reasonably do enough to ensure the safety of their guests to avoid liability if an accident does occur. This is such a wonderful time of year. Let's all commit to hosting and enjoying responsibly for 'tis the season of invitees.

**"Remember that when inviting guests into your home, one has a heightened duty to ensure the safety and security of those invitees gathered at the home."**



# Professor Art Wolf



by **Marketia Wright**  
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Professor Wolf, who clerked for New Jersey Superior Court Judge Theodore I. Botter, served as a Trial and Appellate Attorney in the Civil Rights Division of the United States Department of Justice. A former national staff member for the McGovern presidential campaign and Study Supervisor at the Vera Institute of Justice, he also spent five years as Special Counsel to Representative Robert F. Drinan, United States Congress, and as a consultant to the National Committee Against Discrimination in Housing, Inc. Professor Wolf began teaching here in 1978. Among his writings are a three-volume treatise, Court-Awarded Attorney Fees (published in 1983 with current updates), which he coauthored, and articles on supplemental jurisdiction in the federal courts. Professor Wolf has a special interest in international human rights. He serves as Director of the Law School's Institute for Legislative and Governmental Affairs.

## Law School Bio

### ***What's your favorite thing about the law? Least favorite?***

**Favorite:** Its ever changing nature to meet the needs of contemporary society. I especially favor change through the legislative process.

**Least favorite:** The inability of the Supreme Court to form five-member majorities in critical constitutional cases. Since all the justices read the same materials and listen to the same presentations in Court, the differences really come down to personal ideology and jurisprudential approaches. Splintered decisions do not advance the Court's guidance function or the stability of the law in constitutional cases.

### ***Did you always want to go to law school? If not, what made you want to go to law school?***

Yes, once I reached university education. For a while I toyed with the idea of becoming a "Tony Lewis," the former reporter for The New York Times who covered the Supreme Court.

### ***What did you enjoy most about law school? Least?***

**Enjoyed most:** The exchanges in class between the professor and the students, especially in subjects like Constitutional Law and Federal Courts and Jurisdiction.

**Enjoyed least:** Being called on involuntarily in class. Therefore, my practice was to decide in advance to participate in class discussion on a particular day, and then prepare specially for that class.





***If you had to do it all again, would you?***

Absolutely. Without a law degree, I would not have had the opportunity to serve as a judicial clerk in the New Jersey Superior Court for a wonderful judge, to work in the Civil Rights Division of the U.S. Department of Justice, to serve as Special Counsel to a member of the Judiciary Committee in the U.S. House of Representatives, to work for a public interest organization specializing in fair housing, or, most important, to teach law at Western New England.

***As a law professor, you are now where your professors used to be, what is one thing that is done in law schools now, that you wish was done when you were in law school?***

My law professors were largely detached from the students, making personal meetings and affiliations difficult. Our “open door” policy here is so much different from my law school. Also, the friendly, but rigorous atmosphere in class here is so much better than the hostile environment that dominated law teaching when I was a student.

***What made you transition from practicing to teaching?***

I have always liked teaching from my earliest days in public school, where I would regularly sit with fellow students who were struggling with subjects I enjoyed. I also had the opportunity to teach adult education classes in New York City when I was in high school. My best friend’s father taught mathematics there and he invited me to teach his class on occasion.

***What do you like most about teaching? Least?***

Most: The interchange with students both inside and outside of class.

Least: Grading papers with strict time deadlines.

***What was your first legal job?***

I clerked for a judge in the Superior Court of New Jersey for one year following graduation from law school.

***Tell us about your first experience in court.***

My first formal appearance occurred in the Seventh Circuit Court of Appeals when I was an attorney in the Civil Rights Division of the U.S. Department of Justice. It was a relatively straightforward legal

question we had lost in the District Court. We were certain of our legal position which was important for other civil rights cases in the Division. The three-judge panel was very polite and their questions direct and to the point. They also made a few amusing remarks during the argument, which sometimes happens when no jury is present.

***Do you find yourself critiquing “legal” shows about their “realness” factor?***

I do not watch that many “legal” shows, but when I do, I follow your Mother’s practice. My favorite is when an attorney loses a case and promises to take it to the U.S. Supreme Court. Considering that the Court accepts for review less than one percent of the cases coming to it, the attorney’s promise is a bit extravagant.

***Tell us something we would never be able to guess about you? What is your guilty pleasure?***

Although not much of an actor myself, I really enjoy the performing arts, such as ballet, opera, classical music, and stage plays. I wish I could attend performances more often than I do.

***When you’re not helping to shape legal minds of the future, what do you enjoy doing in your spare time?***

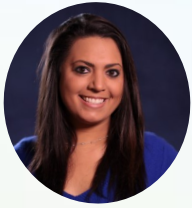
Working in the yard in good weather and fixing things around the house. I used to like climbing ladders when necessary, such as to clean the leaves from the gutters. My wife, though, has restricted my ladder-climbing in recent years.

***Tell us about your favorite vacation?***

A few years ago, we took a Viking river boat trip through Hungary, Austria, and Germany, with a side motor coach trip to Prague. Since my ancestry traces back to Hungary and Germany (mostly Hungarian), the trip had special significance. To consider that my maternal grandparents had lived in Hungary and then emigrated to the United States reminded me again that we are indeed a country of immigrants. May it always be so: The Statue of Liberty is not kidding.

***What is one food that you would eat everyday if you could?***

Salmon on the healthy side; cookies on the other. I do consider both as part of the seven basic foods.



by **BROOKE LAMOTHE**  
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Y	E	X	E	C	U	T	I	V	E	M	S	A	W	W	F	C	G	H	I
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O	X	W	P	W	C	I	T	I	Z	E	N	S	H	I	P	N	C	L	Q

- AMENDMENT
- APPORTIONMENT
- ATTAINDER
- BILL OF RIGHTS
- CHECKS AND BALANCES
- CITIZENSHIP
- COMMERCE CLAUSE
- CONGRESS
- DUE PROCESS
- EMINENT DOMAIN
- EQUAL PROTECTION
- EXECUTIVE
- EX POST FACTO
- INTERSTATE
- JUDICIARY
- LEGISLATURE
- PREEMPTION
- SUPREMACY CLAUSE
- TAXATION
- WELFARE CLAUSE

## TORTS WORD SCRAMBLE

1.	LATASSU	_____
2.	RTATYEB	_____
3.	EGGLECIENN	_____
4.	SRE SPIA OUQRILTO	_____
5.	SUAACINOT	_____
6.	RESOTAFRTE	_____
7.	ISTTCR LYTBIALI	_____
8.	TLSA LCARE EHACNC	_____
9.	IITETNONN	_____
10.	XRETIPAMO AUSEC	_____
11.	TUIMSNAOSP FO SRKI	_____
12.	YUDT	_____

# Feeling Stressed Yet?!!



by **TIFFANY MARROW**  
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**L**aw school is no walk in the park. From balancing heavy course loads, to trying to make time to complete that memorandum, to exams and final papers, stress in law school is REAL and can consume your life.

Trust me, you are not the only person experiencing it. Here are some things you can do to alleviate school related stress:

## Step Away From the Casebooks!

Law school can, and often times does, consume us. However, staring at your casebooks for 12 or more hours per day is not only excessive, but can take a major toll on your body. Allot a specific time (e.g. 8:00 p.m.) for you to step away from your casebooks and go home.

## Work It Out!

I'm sure that most people know that working out can be a major stress reliever. But how many of us actually maintain our exercise schedules? Just 30 minutes of exercise can make a big difference in the stress that you may be experiencing. It'll get the blood flowing and help to take your mind away from the likes of Blackacre, Iqbal, and Twombly.

## Take a "Personal Day!"

When you feel yourself getting overwhelmed, listen to your body and take the day off. Go see a movie, enjoy half off appetizers at a happy hour, take a drive, or just kick your feet up and enjoy some TV or Netflix! If it makes you feel good, this is your time to do it!

## Call Your Family and Friends!

When you're feeling a little down, stressed, or overwhelmed, talk to you family and friends. This may seem like a "no-brainer" but something that we often ignore. Hearing the voices of your loved ones may be the remedy that you need to get you through an emotional slump. It is important to know yourself and know when you need a break. You should always listen to the signs that your body gives. Remember, recurring stress can lead to physical health concerns and may even lead to a more severe mental illness.\* Never be afraid to seek professional help if you feel that you need it. Western New England University has a great network of professionals that are willing to help students experiencing a wide range of mental illnesses.

\*This information has been provided by the National Institute of Mental Health. For more information, see <https://www.nimh.nih.gov/health/publications/stress/index.shtml>.



# Continuing Legal Education

## Sports Management

by **IMAN FARIMANI**

LEX BREVIS Guest Writer

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When I made the decision to go to law school, I knew that there would be many challenges in front of me. With that being said, I wasn't going to shy away from those obstacles. I would make this a worthwhile experience.

Throughout my entire life, sports has always played a huge role in my upbringing. Sports has allowed me to meet people all over the country and world, creating friendships that will last a life-time.

When I first started law school here, I knew that Western New England had numerous clubs and organizations that spread across a variety of interests and areas of law. I knew I wanted to take advantage of these opportunities but, I didn't know which one would be best suited for me. That is when Kedar Ismail introduced himself to me and began telling me about a new organization that he was starting called the Sports and Entertainment Law Society. I was told that the club was for law students who had a passion for athletics and the entertainment industry that truly wanted to pursue these areas in their careers.

The Continuing Legal Education opportunity with Attorney David-Ross Williamson was first presented to me by a fellow club member, Marketia Wright, who thought this would be a great event for the club to attend. After reading more about what the event would entail, I knew this would be an informative experience for the club to attend.

When four other club members (Brian Kelly, Shannon Tarleton, Alex Mazzella, and Jeremy Forgue) and I first arrived at the Massachusetts Bar Association, we were immediately greeted and welcomed by Attorney Williamson. He proceeded to ask where we were all from, what areas of sports

were we most interested in, and what specific aspects of sports law we all wanted to get into. Attorney Williamson wanted to know what his audience was truly interested in to curve his discussion to better suit our interests to give us more information and better insight to what we needed to do to achieve our goals. After he introduced himself to each member of the audience individually, he was introduced and given the floor.

He began telling us the story about how he started off as a local police officer to eventually starting his own law firm and starting Williamson & Melendez Sports Management. I found it very intriguing to find out that one of the most successful up and coming soccer agents in the United States started off in local law enforcement. I also found very intriguing that Attorney Williamson signed his first client to a one year contract and was only paid \$1 USD a month. Attorney Williamson proceeded to discuss what he believed were the most important things to know to get into this industry. This included how to win over the family members and coaches, how to ethically negotiate with teams and companies, and how you need to set your niche to set yourself apart. Attorney Williamson also discussed how much the Major League Soccer has developed since its inception in 1996 in respect to the value of the contracts and its popularity.

Overall, my experience at the CLE with Attorney David-Ross Williamson was eye opening. It not only gave me insight to the life of a sports agent but in addition, the other emerging fields such as general counsel for universities, teams, merchandising athletic companies. I'm very pleased that I attended this CLE Sports Management: The Attorney as a Professional Agent.

# Disparate Impact

## Poverty, Single Mothers and Incarceration



by **JOEVONNE BRACE-TILLERY**

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One of the assignments from my Lawyering Skills II class, directed the class to observe a court proceeding and write a one page description of our findings. I learned and discovered much more than a criminal procedural process. Later, through a mutual acquaintance, I had the opportunity to talk with and have an impromptu telephone interview with the defendant. There were major points of our discussion which lead me to combine past research and course work regarding crime and women. Crime and women were factors that allowed me to identify them as a specified, silent minority sub-group. They are the poor single-parent households run by women. This article seeks to provide insight into the multiple atrocities that exist within this population.

The defendant in the case is 39 years old, a single mother of four and grandmother of three. For anonymity purposes, she will be referred to as Ms. O. In February of 2016, Ms. O was charged, convicted and sentenced to five



years for criminal possession of a controlled substance in the 3rd degree. This is Ms. O's second felony offense. Her previous convictions were welfare fraud in the 4th degree and criminal sale of a controlled substance in the 5th degree. Being her second criminal offense, Ms. O faced up to 20 years with a minimum of 10 years. The presiding judge sentenced her to five years, based on her circumstances and an outpouring of community support.

There are various contributory factors that can be linked to the circumstances that may have

preceded her first and subsequent legal violation. Prior to her conviction, Ms. O was unemployed. Her previous work history included per-diem and seasonal work as a hospital aide. The facts of her case were, the police were investigating her son. Her apartment was raided and police uncovered a few ounces short of a kilogram of powder cocaine. The drugs were not in the personal possession or in reasonable proximity of anyone specific in the house. The son did not explicitly claim ownership of the drugs. Ms. O never denied nor stated the drugs were hers initially. Once

the procedural process ensued, she stated claim to the drugs during a recorded interview with law enforcement. During her trial, she argued that the interview was under duress and her answers to the questions were “misquoted and coerced.”

The background of Ms. O’s case carries socio-economic and cognitive behavior undertones. She faced the challenge of meeting daily living needs that are unimaginable to many of us. The primary challenge for single-women parent households, like Ms. O’s, is the inaccessibility to employment that pays livable wages, which can subsequently lead to financial instability and poverty. Unfortunately, many single-parent women are trapped in an unmanageable, impoverished position that can result in deviant behavior.

While ignorance is not an excuse for criminal behavior, deprivation of the basic living necessities was taken into consideration as a realistic factor in her first conviction of welfare-fraud. The lack of, or non-existence of, basic human needs like food, shelter, clothing, medicine and personals are generally the result of unemployment, lack of employment, under-employment or unattainable employment. The continuity of impoverished conditions includes: unaffordable housing that

would be safe and habitable, in contrast to housing that is affordable but below decent standard. Based on the rigorous process for some public assistance based housing, these women are often denied due to credit issues; law violations or some ad-hoc requirement such as the applicant must receive H.E.A.P (Home Energy Assistance Program) for consideration of subsidized housing. Keep in mind it is a continuous cycle of inaccessibility to basic

functioning needs that can make poverty violent. It can force single mothers to make mistakes out of anxiety, depression and fear.

There are also many single women with children who make attempts to become independent and care for their families. Hourly rate jobs that pay between \$9.00 and \$17.00 per hour are not enough to fund the basic living necessities: rent, food, childcare, utilities, medicine, transportation, clothing, personal items, etc. Many of these families have a legitimate need for assistance, yet are denied help based on outdated federal income poverty standard regulations. Hence, without any security or support, they fall between the cracks of the economic system.

Credit worthiness for most working families can be considered and used as additional assistance or an extra contribution toward an individual’s quality of life. Credit worthiness can be the “golden ticket” to a car, to home ownership or an apartment that is spacious, modern, safe, and with a clean living environment. For single mother families, the use of credit for assistance is virtually nonexistent and is unattainable. For example, if an unpaid medical bill or missed payments on her utility bill is reported to the credit agencies, it creates a negative impact on her credit score. Now, she may not qualify for a line of credit to assist with living needs from a financial institution. When these women are forced to choose between rent and a medical bill, they will likely choose the former. The idea of from a 401K retirement savings is not an option. The level of employment they do obtain does not offer a benefit. If it does, it is a cost that these women cannot afford. The entire situation is synonymous to a hamster on a wheel.

Ms. O’s case represents so much more than economics. It also demonstrates the emotional burdens that can be linked to single-parent disadvantaged families. The parents often assume a level of guilt based on the inability to provide a decent quality of life for their children. This guilt can morph into extreme attachments between the parent and child, such as: overprotection, overcompensation and rigid emotional bonds, to make up for the inadequacies.

Ultimately, Ms. O claimed possession to protect her son from incarceration. One of her statements

“A Nation should not be judged by how it treats its highest citizens, but it's lowest ones.”

-Nelson Mandela



during her opportunity to address the court during sentencing was “I ask my family to please don’t treat my son any different.” Which bolsters the “overprotection, and rigid emotional bond” idea.

The effects of poverty can form psychological issues. These socio-economic circumstances such as Ms. O’s create a cognitive dissonance. The mental detachment can impact their cost-to-benefit analysis when making choices. In some cases, they transform into survival mode and the benefits of their choices become paramount to the penalties they could potentially face. In survival mode, these women may turn to negative coping mechanisms as a form of escape. Some may find refuge in sex, crime, drugs and many other acts of deviant behavior. There are some who do not possess the epistemic tools to obtain a better quality of life, to make a significant improvement. Their lack of knowledge is also a factor in those major barriers that consistently interfere with their ability to access needs to begin to survive.

Those coping mechanisms normally lead to behavior resulting in consequences that are life altering. For example, some general common scenarios are when one turns to hyper sexual activity, it is likely a child will be conceived or perhaps a sexually transmitted disease, and unhealthy relationships that form emotional issues; when one resorts to crime, it is a high likelihood of criminal charges, incarceration, unsafe environments, socially unacceptable behaviors, bad actions or/and poor choices; when one abuses drugs, addiction, increase in poverty, crime, resorting to trading anything of value including their own bodies and all the negative components attached to drug abuse are probable.

The unfair insulting question was asked “why have children, if they’re unable to provide for them?” It is a woman’s right to bear children, but many single women families were created based on a variety of different circumstances. The labels placed on these families are misnomers and generalizations. During my interview, I learned that the majority of single women living in poverty with children are genuinely in an unfortunate position not by choice. Ms. O expressed that she was promised committed relationships from her ex-partners, along with her religious beliefs against— and her fear of abortions — that became the deciding factor in having children.

So, the public and society at large are grossly misinformed and uninformed about single parent households plight with poverty. This can be detrimental to the future because children are affected by their home environment. There are possible growth and developmental challenges, along with emotional and cognitive issues, because poverty is abusive. The devastation of her consequences left her children and grandchildren without their mother and their grandmother. Ms. O grew from struggle to poverty, to cognitive dissonance, to survival mode, to deviant behavior and now incarceration.

In ending, there are repeated expressions of moral outrage against rich nations and their lack of compassion for their poor citizens. There may not be a remedy overnight but if the public is correctly informed then there is hope for relief and improvement. Nelson Mandela stated “A Nation should not be judged by how it treats its highest citizens, but it's lowest ones.”

## LEX RELAX Answer Key

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

1.	LATASSU	ASSAULT
2.	RTATYEB	BATTERY
3.	EGGLECIENN	NEGLIGENCE
4.	SRE SPIA OUQRILTO	RES IPSA LOQUITOR
5.	SUAACINOT	CAUSATION
6.	RESOTAFRTE	TORTFEASER
7.	ISTTCR LYTBIAILI	STRICT LIABILITY
8.	TLSA LCARE EHACNC	LAST CLEAR CHANCE
9.	IITETNONN	INTENTION
10.	XRETIPAMO AUSEC	PROXIMATE CAUSE
11.	TUIMSNAOSP FO SRKI	ASSUMPTION OF RISK
12.	YUDT	DUTY

# ADVOCATING

*for*

ACCESS  
TO  
JUSTICE



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### *Personal Quote*

“I WILL NOT  
LET ANYONE  
WALK  
THROUGH MY  
MIND WITH  
THEIR DIRTY  
FEET.”

-Mahatma Ghandi

#### ***Where did you go to school?***

I graduated from the College of William and Mary where I majored in English Literature. I had plans to attend graduate school for journalism but a family friend suggested I volunteer in the court system. I interned for a few months before I was hired as a Victim Witness Advocate. I was employed as an Advocate for a year before attending Western New England University School of Law full-time. When I finished law school I entered private practice working in the areas of real estate, personal injury and divorce.

#### ***What did you do after that?***

I was an Assistant District Attorney in Hampden County for a little over three and a half years before I went to New York to work at a small law practice focusing primarily in the area of entertainment. While in New York I discovered that I loved to write. Along with another attorney I wrote a comic book and developed a superhero based story called The Mighty Magical Majestics. My writing partner and I worked on it for a few years and even went to ComiCon. However, after my father became ill I returned to Massachusetts. I took some time off from practicing law before joining a law firm in Northampton where I worked for two and a half years.

#### ***What areas of law did you focus on in Northampton?***

Real estate, housing, wills and trusts and some litigation—both civil and criminal. When I was in private practice I realized I missed public service. I always knew I wanted to be an Assistant Clerk Magistrate.

#### ***So you began your legal career working as a Victims Witness Advocate. What was that like?***

It was very rewarding. You have the privilege of helping people navigate a system that they may not understand.

#### ***What was the transition from Victims Witness Advocate to Assistant District Attorney like?***

When I came back I was nervous. I wanted to do a good job and I truly wanted to make a good impression on the people with whom I worked. Working in District Court requires teamwork. We all rely on and respect each other. We understand each of our jobs are necessary to accomplish the mission of the judicial system.

Assistant District Attorneys are often overworked and underpaid but, in my opinion, it is one of the best jobs in terms of training about the day-to-day practice of law. I had colleagues to bounce ideas off of. I got invaluable motion and trial experience and I learned a great deal about time management.



I averaged a load of approximately 140 cases at various stages (mostly pre-trials or trials). The framework required me to learn how to think on my feet, to properly manage my time and to be versatile. All the while I was building skills that I believe have benefited my legal career.

***What was your most memorable experience as an Assistant District Attorney?***

Winning my first trial.

***What was it like?***

It is a great feeling when the elements and the evidence line up.

***What are some of the best skills you took with you after being an Assistant District Attorney?***

I think being an Assistant District Attorney helped me develop my ability to adapt. Law is a practice—you will not know everything but you will get confident that you can learn.

***What was the transition to private practice like?***

It was very different, but the skills I learned as a prosecutor definitely assisted me in making the transition.

***So you found a way to explore a passion of yours?***

My partner was about the same age as me and came from a similar background. Our mothers were childhood friends in Trinidad. We both came to understand that writing was an aspect of our personalities we wanted to enjoy.

***Did you take time off of work to do the comic book?***

Yes. I was at the office and anytime we had downtime we talked about it and were writing. When I came back to Massachusetts, we were still writing whenever we had the time.

***What was it like publishing work that was not law related?***

Really exciting and well-received. At the time we started, people were excited to see diverse characters.

***What was the transition like back to legal work?***

I worked at a great firm and I enjoyed the work. However, I did really miss being part of the public sector. I felt like I made more of a difference in public service. I also like the pace—it's quick. There is always something that surprises you.

**“Law is a practice—  
you will not know  
everything but  
you will get  
confident that you  
can learn.”**

**“It is important to take it in stages. It is learning to think in a different way. You have to bring your whole self. Do not immediately panic if you don't immediately have the answers, just go step by step.”**

***What do you mean?***

People making different arguments, laws change, etc. You are dealing with people. That is an element of the profession, in general, that you cannot control. Your client does not always accept your advice and yet they are looking to you to reassure them because you are their advocate.

***What did you do after leaving private practice?***

I got a job at the Attorney General's office as an Assistant Attorney General in the Administrative Law Division. I was there for three months before getting my current job as an Assistant Clerk Magistrate.

***What do you do as an Assistant Clerk Magistrate?***

We keep the official docket of the court; all files are held by our office and we are responsible for making entries that reflect what happened in a court proceeding on any given day. We also have other magisterial duties which include setting bail in absence of a judge, presiding over small claims, traffic proceedings, clerks' hearings (show-cause hearings to determine probable cause), reviewing applications for police and public for arrest warrants and search warrants, etc.

***What skills were you able to bring from your previous legal experience?***

What I liked as a Victims Witness Advocate was the ability to facilitate access for the public to court proceedings. As an Assistant Clerk Magistrate, you are an intricate part of that process too. I also enjoy the comradery of public service. It is a challenge every day because you never know what is going to happen—I like the surprise of that. Organization and routine—having a systematic approach to running the courtroom regardless of which one I am in on any given day. You just don't know what is going to happen so you have to have a well-organized system in place you can adopt that allows you to successfully and competently process a high volume of work. We are not allowed to advocate for the defendant or the plaintiff; we are perpetual advocates for justice, ensuring that people are heard.

***What do you see as a hurdle in this line of work?***

I work in the busiest Courtroom in the Commonwealth, and everything seems to be multiplying! In terms of opioids we are seeing more and more civil commitments. It is already a busy court system but those have really increased. That is something that really surprised me. Each day we receive applications from concerned family members desperate to help their loved ones overcome addiction. You don't get a lot of downtime. We are trying to do the job well and be efficient.

***“We are not allowed to advocate for the defendant or the plaintiff, we are perpetual advocates for justice, ensuring that people are heard.”***

***You have been in the court system for a number of years in different roles. What changes have you seen in the court system?***

It is nice when people come in and see more people working at the courthouse who are representative of the community. It can give people a sense that they will be heard. There is more diversity among people and the positions they hold.

***Thinking back to law school, is there any experience that is particularly memorable?***

I remember the terror of that first year. I also remember having classes where it finally clicked and that was a really great feeling.

***What kind of practical experience did you get in law school?***

I was a Law Clerk at Doherty, Wallace, Pillsbury and Murphy PC and then a Congressional Intern for State Representative Richard E. Neal. That was one of the best experiences.

***Why?***

I think everyone should visit their your own Congress people and watch them in action on the floor. It is great to be a part of the political system in that way.

***What concepts from law school do you find yourself using in your current position?***

Constitutional Law was fascinating and the arguments people would make back then. I think the whole debate about the Supreme Court of The United States, as a lawyer, you are in a unique position to see what the argument is really about without being too political. That class is so important. I routinely think about that.

***What do you hope to see for the next generation of lawyers?***

I already know you are smart. I hope you bring a new excitement to the profession. However, I also see new attorneys in the courtroom and I hope they sit and watch more seasoned attorneys in their practice. There is nothing that requires a new attorney to do things the way others do them, but I do believe that there is a lot that can be learned regarding the traditions and formalities of court proceedings from more seasoned practitioners of the law.

***What has kept you in the profession during these various changes in roles?***

I like the creativity of the legal profession. There are always new arguments to be made or we wouldn't have new case law. And it's nice to learn something new. Those are the things I really enjoy about the profession. It is important that you be intellectually curious.

***Any last bits of advice for someone seeking to enter the profession?***

It is important to take it in stages. It is learning to think in a different way. You have to bring your whole self. Do not immediately panic if you don't immediately have the answers, just go step by step. You know what to do.

**There is nothing that requires a new attorney to do things the way others do them, but I do believe that there is a lot that can be learned...from more seasoned practitioners of the law."**



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Class of 1993



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### ***What kind of work do you do?***

As Chief Compliance Officer for a multi-national corporation, I provide legal guidance and interpretive services to the senior leadership from among a wide range of business disciplines. Mitsubishi Heavy Industries is the parent company of MSSA and, due to the broad range of company products in North and South America, my scope of support includes the aerospace, automotive, defense, energy, and general manufacturing business lines. While compliance is a broad regulatory topic, the role at MSSA focuses in large part on anti-corruption, antitrust, export/import, and business practices (ethics). A considerable amount of time is spent staying current on regulatory changes that have the potential to impact one of the business groups, providing business and compliance risk assessments across all business units, and a lot of time talking with clients about

their businesses and particular concerns those leaders have about managing risk. The job also requires a significant commitment to development of corporate communications and trainings, and involvement in higher profile investigations.

### ***What was most challenging about law school? How did you overcome the challenge?***

Stress. The continual state of stress you feel as a student. There are time management concerns, an underlying sense of competition, and the understanding you were leaving at the end of three years with a significant amount of debt to pay off. Now, all these are not directly tied to class work and the understanding of the nuances of a particular law school subject area, but collectively they could be distracting. How distracting is individual to the student, but I recall all those concerns, at various times, nudging their way into my subconscious thinking. I saw it take a toll on classmates.

For me, stress management meant making a few critical commitments to myself that were not tied to my studies:

- (i) have a solid support system at school, a study group that you can feel you can be open with about stressful issues, or a professor who will commit some time to you when you need to talk;
- (ii) something away from law school and study groups; and
- (iii) a commitment to some “you” time. I used to take hikes and play soccer on the weekends, and reserved a Friday night every other week for dinner out with friends.

Despite your nagging fears, it really won't change your grades, may make you a better student, and it certainly will make you a better person to be around.

***What was your favorite class in law school?***

Hands down, Professor Jay Mootz's first year Contracts course. I never thought I would enjoy studying about contracts, and all its bits and pieces, but Professor Mootz was a first time teacher and came in with an engaging manner and interesting approach to the subject matter. The thing I remember most clearly about his class was that he began day one with a story about contract law. He told us about his young family and his daughter's love for Disney movies, which at the time included The Little Mermaid.

He spent the better part of the first class explaining how The Little Mermaid was a case study in contract law. He went through every element of contract law and tied it back to the movie in a way that stays with me to this day. He topped that off by concluding the year with a summary of contract law that made the same comparison. I still have never seen the movie, but that was not important to the lesson the class got that year, and I am sure many went out at some point and got a hold of the movie, even if they had to volunteer to babysit a niece or nephew to get access.

***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 am not certain that I did a good job of networking while I was attending school. Looking back, I see missed opportunities and a lack of appreciation for what those relationships might have done for me. In part, those mistakes were a product of a misplaced

belief that people in senior positions in business would not have an interest in me or my career. Having the benefit of time away and being in that senior position now, I have a different perspective. I would encourage students to reach out to alumni, or legal professionals in their discipline of interest and talk to them about their jobs, how those individuals got to the position that they are now in, and what thoughts would those attorneys share about their journey with someone starting out. The bottom line is that you never know where those paths will lead you.

***What advice would you give to a current law student?***

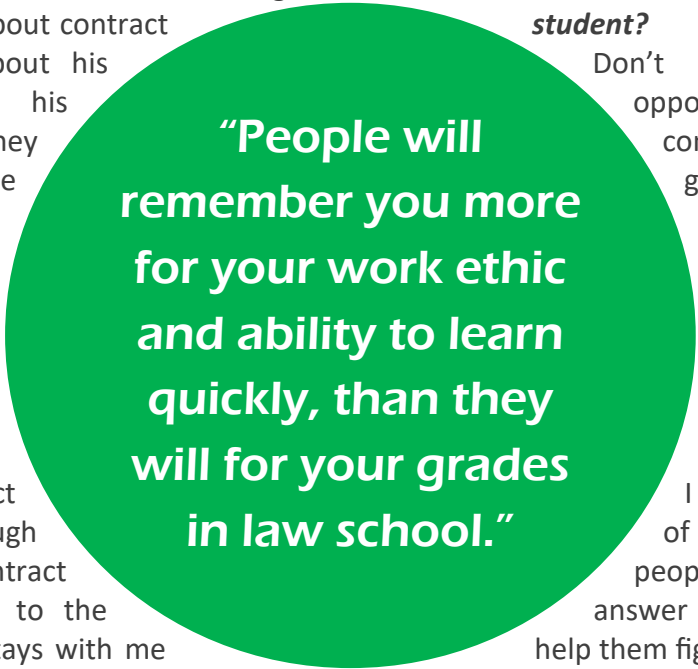
Don't say no to a professional opportunity. And, once you make the commitment to that opportunity, give it one hundred percent. People will remember you more for your work ethic and ability to learn quickly, than they will for your grades in law school.

***What have you enjoyed most in being an attorney?***

I have always enjoyed the aspects of the work that involve helping people. It is satisfying to be able to answer client questions and concerns, help them figure out a problem, or digging into a complex or intricate legal issue to develop a business strategy. And, at this stage, I particularly enjoy working with attorneys or other newer professionals who are looking for mentoring or career guidance.

***What has been the most rewarding experience in your career?***

I have had a series of rewarding professional experiences. This is, in part, based on my willingness to take on projects and roles that were considered unwanted or orphaned by the business groups that I supported. There is something liberating and exciting about a role that the business has given up on. You can create something completely your own, take business risks with little professional risks, and the rewards can be significant when you commit yourself completely.



**“People will remember you more for your work ethic and ability to learn quickly, than they will for your grades in law school.”**



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