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“From the Front Lines of the Legal Battle for Transgender Equality”

by Tara Morrison, 2L & Eric Harrell, 2L

Jennifer Levi is not only a beloved professor, but also a nationally recognized expert on transgender legal issues. Last year, the American Bar Association Commission on Sexual Orientation and Gender Identity recognized her many achievements and awarded her with the prestigious Stonewall Award for her advancement of LGBTQ individuals in the legal profession. She is currently the Project Director of the Transgender Rights Project at GLBTQ Legal Advocates and Defenders (GLAD). GLAD is a New England-based organization, founded in 1978, with the mission of creating a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation.

Throughout Professor Levi's career, she has achieved many victories towards LGBTQ equality and towards the goal of eradicating gender and orientation-based discrimination. These achievements include winning the right to same-sex marriage in both Massachusetts and Connecticut, successfully challenging a federal prison policy that excluded medical care for transgender inmates who came into the system without a transition-related medical plan, and ensuring that transgender students in Maine have full and equal access to school restrooms and be integrated into their schools according to their gender identity.

A very recent victory was the court-ordered transfer of a transgender woman in Massachusetts from the male prison, where she had previously been incarcerated, to a female prison. This ground-

breaking lawsuit marked the first prison transfer of this kind in the country. Professor Levi is also one of two attorneys currently leading the fight challenging the transgender military ban, which was declared by President Trump in the summer of 2017. She was kind enough to take the time to have a conversation about her work and share some of her thoughts.

Q. What was your trajectory out of law school, and how did you first get involved in civil rights work?

I started in corporate and large-scale litigation and developed some professional skills there, and then went into civil



rights work. In that context I focused on family law, among other issues. I always wanted to do civil rights work, and I always wanted to do work for the LGBTQ community, so much of my early professional goals were getting the skills and experience I needed to do that work.

When I was working at Skadden, a large international law firm, I did pro bono work that included some family law. I also started to do advocacy for transgender people because there really wasn't much available anywhere. So I started doing that work as a volunteer, and then eventually moved to the professional path.

Q. How has GLAD changed over the years as an organization?

I have been connected with GLAD for about twenty years now, and it has certainly grown. It has gotten larger, and the issues that we work on have become more supported by a broader segment of the population. There are more organizations that are doing the work and more advocacy organizations in general than there were previously. This work has become more specialized in terms of the topic areas, which means there is more expertise.

Q. What have been some of the biggest strides for transgender equality?

First of all, there have been some really important and expansive court interpretations of existing non-

discrimination laws, clarifying the scope of protection to transgender people in the areas of employment, housing, and education. There have also been expansions in state non-discrimination laws, with many more states having express protections for transgender people. When I first started doing this work there was literally one state that had express protections for transgender people, Minnesota. The second state was Rhode Island, and since then there have been many more states that have implemented express protections.

There have also been many more young people who have come out, many with the support of their families. That has had a significant impact because parents are such important advocates. There are increasingly more protective family law outcomes, but there are certainly still challenges, especially for transgender parents trying to maintain relationships with their children.

The Affordable Care Act was a very important step forward, including the non-discrimination provisions that have been interpreted to ensure coverage under the current regulations. But under the current administration it is hard to know what the future will bring.

Q. Do you think these challenges are more legal or social?

Definitely both. People continue to face serious legal challenges. There have been advances both socially and cultur-

ally, but there is still much more progress that needs to be made. I think it is still very difficult for many people to come out, and it is still very difficult for many people to access health care, maintain jobs, and transition in the work place. There are still lots and lots of challenges. But there is also more representation and cultural visibility, and I think that is changing attitudes.

Q. What is one change in legislation or policy that you would most like to see?

I am very actively involved at the moment in challenging the transgender military ban that President Trump announced in the summer of 2017. I would like to see the ban go away. Transgender people have been making tremendous contributions to the military for decades, and those who can meet the very strict requirements for enrollment ought to be able to serve. The whole country really deserves their service as well.

Q. What is the impact of the recent Supreme Court decision to lift injunctions that were preventing the transgender military ban from going into effect?

The ban has not yet gone into effect because there are still two remaining preliminary injunctions. My hope is that these injunctions will remain in place for an additional period of time as the cases move forward on the merits.

Meanwhile, the reality is that transgender people who are currently serving are made vulnerable by the fact that the Supreme Court gave what looks like a greenlight to the military to implement the ban. It means that there will be people who face discharge from service in the military. People who want to enlist won't be able to

enlist, and currently serving active members won't be eligible for promotions that they have worked really hard for. So the decision is very consequential.

Q. How do you approach working on impact litigation?

There is a lot of advanced work and thinking that goes into bringing impact litigation. It entails assessing the path forward through the courts of appeals, and looking at what the practical outcomes would be of wins and losses. Wins obviously make dramatic change for people, but losses can dramatically fuel advocacy and public engagement around issues. You also have to look at the specific jurisprudence within any court of appeals and think strategically about what the different courts have said about a particular issue.

Impact litigation also entails looking at the congressional climate. Certainly the transgender military ban is a problem that Congress could fix too. Just as Congress eventually lifted the ban on gay people serving in the military, it could also pass a law that authorizes transgender people to openly serve, and that would solve the problem that President Trump created. I am currently actively engaged in pursuing a judicial avenue, but I am also in strong communication with folks who are working in D.C. at congressional solutions as well.

Q. The theme of our issue is women in law, what is your perspective on gender equality within the legal practice?

I think that women continue to face tremendous barriers within the profession. When you look at the numbers of women partners within the major law firms, there are firms that are boasting numbers that

reflect 25% of partnership positions being filled by women. That is really a reflection of how difficult it is for women to get ahead in the profession. And those numbers are just reflecting the data—the practical experience is also very challenging.

The reality is that if you don't have female role models and women who are involved in numbers that are reflective of the general population, it means that a problem is going to persist and continue. When the professional environment is predominated by men, it just makes it more difficult for anyone who isn't in that majoritarian position to be included. That can happen both intentionally and unintentionally.

Q. What are some major roadblocks for achieving equal protection under the law for the LGBTQ community?

For starters, there is not clarity from the federal courts about the application of strict scrutiny to laws that classify on the basis of sexual orientation. That is a basic challenge, legally speaking. There are also not express protections from sexual orientation-based discrimination in federal laws that are focused on employment, housing, and public accommodations. Without those laws it means that there isn't express protection when it matters, but it also means that there isn't a public statement on the importance of full inclusion of LGBTQ people. Laws are both a tool for making change, but also a vehicle for conveying the nondiscrimination commitments of a community and of a society.

Q. For students who are interested LGBTQ rights work, what are some career decisions you would recommend?

I would say to anyone who is interested to start doing the work, whether in a professional capacity or a volunteer capacity. Like

many things, it is about building up a base of knowledge, relationships, and ideas. Doing pro bono work is one way to get involved. There are many opportunities to do legislative advocacy, as every state has issues moving forward that are of concern to the LGBTQ community. Oftentimes it can be challenging to get a first position doing this kind of work full time, but there are a lot of opportunities for students to build knowledge and experience.

Q. Are there any classes that you would recommend?

Absolutely. There is Sexual Orientation, Gender Identity and the Law, Gender in the Law, Employment Law, and additionally a number of the family law offerings are focused on LGBTQ families. Administrative law is also a really important course for doing work in this area. The truth is that probably almost every area of the law has a facet that relates to LGBTQ people's lives, and thinking about how to connect the doctrine to issues of concern for the community is one step towards building expertise and knowledge.

Q. How do you think your role as a legal educator has translated into your role as an advocate?

I think it has been very helpful for me to think about how future lawyers will approach advocacy for LGBTQ people. The connection that I have to students, both through my teaching and through students teaching me about different ways of thinking, very much informs my advocacy. But more than that, I think what my students end up doing in the future will certainly change and define the field much more so even than what I am doing right now. I have had a number of students who have moved from being students to being lawyers and advocates in this area, and they

stay in touch with me, and have become very much colleagues and collaborators in the work.

Q. You were recently interviewed on the Rachel Maddow Show, and have previously been interviewed many times in relation to your work. Can you speak to what that is like?

It is invigorating. I think that one of the things that I can bring as a lawyer is information that is really technical but important to understanding the issues. So I see my role both as a teacher and as an advocate being one of explaining, in understandable terms, complex legal issues.

Q. Would you say you consider yourself a leader of a movement?

I do. I have been doing this work professionally for twenty years, but if I include the advocacy work I did before as part of my work at the law firm, I have been doing this work for three decades. So I do feel like I bring a lot in terms of perspective, and commitment to the greater vision and message.

Q. And finally, how do you find your fabulous sweaters?

Ha! I really do love sweaters, it's true. I also love to travel, and whenever I travel I try to pick up a sweater from where I've been. It is a way of capturing memories for me. Not all of my sweaters come from my travels, but many of them do. Some people get knickknacks, which is cool, but sweaters are practical.

In Conclusion:

A deep thank you to Professor Levi for taking the time to share her expertise, perspective, and ability to break down complicated issues. Her deep commitment to the advancement of equal rights for the LGBTQ community is remarkable, and has yielded a career of groundbreaking results and passionate advocacy. If you are interested in learning more about the work that GLAD does, as well as the cases that professor Levi is currently litigating, more information can be found on GLAD's website: www.glad.org.

Legal Barriers for Women:

Family law as a Bastion

by Eric Harrell, 2L

I am an intern for the Department of Children and Families (“DCF”), one of the biggest State agencies in Massachusetts. DCF employs thousands of workers and is highly influential in the field of Family Law. And I work in an office of predominately women.

We are a long way from the 1872 decision of Bradwell v. State, where the Supreme Court held that Myra Bradwell of Illinois had no right to practice law.¹ We are far-removed from the concurring opinion of Justice Bradley, who espoused the archaic construction of “proper timidity and delicacy which belongs to the female sex” and who prejudicially opined that women were too “incompetent . . . to perform the duties and trusts that belong to the office of an attorney and counselor.”² When Justice Bradley wrote that, it was very clear that he was threatened, as is common for any class in power to feel threatened, by the knowledge that they could lose their status. Ms. Bradwell's story is a motivational one in which she overcame the Supreme Court's decision. She continued to work for women's suffrage until the Illinois court made her a member of the Bar in 1890.³ Her conquest

illustrates the theme of this editorial — that women have fought through insurmountable barriers to get where they are now.

“Women in family law are a part of the history of women emerging as political beings in the United States.”⁴ However, the comingling of female strides in law and women's suffrage is a dearth in civic textbooks. The history of women gaining the right to practice law is a compelling topic but too expansive for the scope of this article. Suffice to say that women have faced many barriers to practice law in addition to the legal bar we know today. The gender barrier was reinforced by additional impediments such as the racial barrier for women like *Charlotte E. Ray*,⁵ state law for women like *Arabella Mansfield*,⁶ and Supreme Court decisions such as the aforementioned Bradwell. Even today, not all of these barriers have been eradicated; there are cases that still arise over that infamous barricade, the 'glass ceiling.'⁷ In the midst of all these obstacles, family law has been a bastion for female attorneys.

The progression of women into other areas of law has been a battle, there

¹Louise B. Raggio, *Women Lawyers in Family Law*, 3 FAM. L. QUARTERLY 33, 501 (1999).

²Bradwell v. People of State of Illinois, 83 U.S.130, 141-42 (1872).

³Louise B. Raggio, *Women Lawyers in Family Law*, 3 FAM. L. QUARTERLY 33, 501 (1999).

⁴Id. at 503.

⁵Id. at 506.

is no other word that accurately describes this process because every success has been wrought from a hard-fought pursuit. Here, I must describe what I mean by ‘bastion.’ The Oxford English dictionary defines bastion as a “[r]ampart, fortifica-

professions have led to sweeping changes in family law. A fairer, less punitive, and more constitutional area of law is owed to the success and progress of women. In the last fifty years, there were great changes that took place in three areas of family law:



tion, defence” as well as the physical “projecting part of a fortification.”⁸ Therefore, a bastion is a defensive framework from which one can derive safety in an ongoing battle. It is the foremost part of the defense and withstands the blows that will come. Family law has been that bastion for female attorneys. Family law has been the centralization of success for many female attorneys and it is the well of social power from whence women raised their reputations and issued forth into other areas of law. Female attorneys and women of other

divorce, child support, and domestic violence.⁹

For many years, family law has been led by female attorneys in great capacity. The family law section of the American Bar Association (“ABA”) is chaired by *Roberta S. Batley* and has five women on the board; the majority of the ABA’s officers and council members are composed of women.¹⁰ In the mid-1900s, family law was the “least esteemed of the types of law practice and so was more easily open to women . . . it took many years

⁷ *Hishon v. King & Spalding*, 467 U.S. 69 (1984); *See also Ezold v. Block, Schorr & Solis-Cohen*, 983 F.2d 509 (3rd Cir. 1992); Daniel Wiessner, *Former Jones Day Partner Says “Fraternity Culture” Led to Pay Bias* (June 19, 2018), <https://www.reuters.com/article/employment-jonesday/former-jones-day-partner-says-fraternity-culture-led-to-pay-bias-idUSL1N1TM01T>.

⁸ Oxford English Dictionary Online, (Oxford English University Press, 2018), <http://www.oed.com/view/Entry/16085?redirectedFrom=bastion> (last visited Feb. 14, 2019).

before women lawyers broke into the once male-identified 'important' areas of practice like litigation, securities, and real estate."¹¹

In the past, it was widely believed that the domain of the family matters was attributed to women. This belief is even observable from Justice Bradley's opinion in *Bradwell*, where he says, the "constitution of the family organization. . . indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood."¹² If it isn't obvious, Justice Bradley's statement was reflective of the prejudice of the time and clearly erroneous. Female attorneys have not been relegated to just family law and family law too has its fair share of men.

From my own observations working with a State agency called the Department of Children and Families, I've seen the prominence of women in the Family Law field. The field of family law surrounding juveniles can be described as a four-part system: there are attorneys for the children, there are attorneys for the children's parents, there are attorneys for the Department, and of course there are judges. Most of the Judges in the surrounding area juvenile courts, from Springfield to Holyoke, are women. Many of the attorney's for children and parents that I meet are female attorneys. Finally, a majority of the attorneys for the Department are women as well.

The Department of Children and Families is responsible for the well-being of children. It's a massive network of Divi-

sions composed of social workers and legal teams. The Department of Children and Families has a Commissioner, *Linda S. Spears*, who has spearheaded change and accountability within the Massachusetts. In my Springfield office, two of the three senior attorneys are female attorneys and many of the paralegals I have met are women. There are several male attorneys in the office, but they are in the minority.

The offices I have visited are not ones of competition, instead they are law offices of co-existence and comradery. There is no fraternity culture. There is no sorority culture. There are just adults living their lives and being the best advocates for the best interests of children in the State of Massachusetts. Afterall, the Department of Children and Families' objective is to work "in partnership with families and communities to keep children safe from abuse and neglect."¹³ The Department does this by providing essential services and support structures to families to better support those families who would benefit from them.

It is only in the gravest of circumstances, a minority of decisions, that the Department must remove the children for their safety and find new placements for the children. It is from these latter actions that the Department has earned a stigmatized identity. From the lips of one parent to the annals of even some of our classes, the Department is sometimes vilified — but that is a discussion for another paper. What people fail to recognize are the hard-working attorneys, mostly parents or

⁹Katherine T. Bartlett, *Feminism and Family Law*, 3 FAM. L. QUARTERLY 33 (1999), https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1828&context=faculty_scholarship.

¹⁰Leadership Directory, AMERICAN BAR ASSOCIATION, https://www.americanbar.org/groups/family_law/.

¹¹Women Lawyers in Family Law by Louise B. Raggio. Pg. 503.

grandparents themselves, who tirelessly work towards protecting children and helping families in that objective; the majority of whom are female attorneys.

Feminism within family law has been to the benefit of the law, applying scrutiny to the “subordination of family members.” If you look at the progression of family law regarding child custody, the law has shifted as a direct result. In the early 19th Century, the law took a patriarchal approach under the assumption that the father was the best caregiver. The law then shifted to an approach called the “tender years doctrine” under the assumption that mothers were more fit to raise a child. However, this doctrine was found to be too prescriptive and even unconstitutional under the 14th amendment because the presumption did not serve a compelling state interest. “The simple fact of being a mother does not, by itself, indicate a capacity or willingness to render a quality of care different from that which the father can provide.” Child custody is now determined by the child’s best interest in nearly every court. Feminism has espoused the “importance of sex neutrality in formulating solutions to women’s subordination.”

I end this editorial with my experience. I have honestly loved every second of interning for the Department of Children and Families. The attorneys there, whether female or male, care about the communities and they care about the children. I can genuinely say that I am happy that my office and most of the attorneys in the area are predominantly women. I understand

the history surrounding Family Law and its tie to the progress of women into the practice of law. I accept being in the minority of race and gender. From the ram-parts of Family law, I will add my support and make my mark on the law, aware of the barriers for women, and doing everything to empower the attorneys around me as an ally.

¹³<https://www.mass.gov/orgs/massachusetts-department-of-children-families>.

More Than My Mask? by Lennin La Cruz, 2L

Day begins. Sun is shining. Birds are chirping. All is good in the world.

Are you set for the day? Looks like it but wait, you forgot one last thing.

Your mask. You'll need it. You always need it. It's a part of you.

With hesitation, you stop and think, "no, not today. It ends today."

But...the mask is what everyone else sees. They like you with the mask.

"Well, that's a shame but I am more than a mask. I'm my own person."

You know, the mask will always be here. It's meant to protect you.

"From who? Everyone else?" No, from you. You're afraid. Of them. Of yourself.

"I...things will be different." You're doubting yourself. Here, just put on the mask.

"But what about the real me?" Look, your hope is admirable. But you're just not ready.

You're afraid of what they'll say about you. It's always been like that, right? Right, so here.

See, there you go. Now go on and be happy. Well, at least you look like it.

Hey, wait! Listen, if you're really determined to not wear the mask, then take it off.

"No, I think you're right. I'll just—" No, no, no you listen here. You have to take a leap of faith.

Maybe today's the day you'll be free. Maybe not. But listen to that inner hope. Now, take it off.

"...Thanks." No need to thank me. Now, go out there, friend, with hope in

Survival Guide by Lennin La Cruz, 2L

your heart.

In this field (or life in general), it's common to see anxiety, despair, and stress.

Well, that's why I'm writing this, to help you deal with the pain and not be a mess.

Step 1: Remember that there's more to life than just this. Enjoy it while you can!

Step 2: Let the existential dread creep in. I mean, it's already there so be a good host.

Step 3: Take breaks. Breaks are crucial in maintaining your sanity. That and slacking is the best.

Step 4: Envision the endgame and think of how relieved you'll be. Now, snap back to reality.



Women in the Law: A Discussion with Dean Sudha Setty

by John Magistro IV, 3L

During her career, Dean Setty has worn several hats in the legal profession: practitioner, advocate, professor, and now, dean of the law school. In my time at Western New England, it has become abundantly clear that Dean Setty has earned the respect and admiration of the students, faculty, and staff here. That is why I consider myself lucky to have been able to sit down with her recently and talk about how her career in the legal profession began and evolved.

Sitting in her office in the Dean's Suite, the first question was naturally the most obvious: what made you want to become a lawyer? She began thinking about becoming a lawyer in the latter part of middle school and beginning of high school, noting that lawyers are problem-solvers. "Lawyers have a certain amount of power that they can wield to help and support those in the community without power or influence."

She entered law school with the idea that she would begin her career in a public interest field. Her considerable student debt and the desire for high-level training in being an effective litigator led her to a corporate law firm for several years. Her practice focused on antitrust and securities regulation matters. She served as defense counsel in civil, regulatory, and criminal matters involving national security issues, including terrorism financing investigations and lawsuits, and a pro bono matter challenging sentencing guidelines for those convicted of terrorist acts. Her considerable pro bono practice while at the firm included litigating fed-

eral civil rights cases for prisoners, working with non-profit organizations on state constitutional challenges to immigration-related ballot initiatives, and mentoring New York City high school students.

Dean Setty also told me that her experience as a woman in the legal profession has been "generally positive," though not without some problems. One such problem included "gendered" expectations for networking, with golf being a good example. For example, if we were asked to close our eyes and picture a handful of professionals playing golf, I think it would be fair to say most of us would imagine doctors and lawyers, most of whom are men.

Aside from networking and socializing, another problem Dean Setty mentioned was gaining legitimacy in responsibilities and workload. Although the number of women practicing law has increased dramatically in recent decades, the percentage of women who make partner at firms, become general counsel of



their companies, become judges, or take on leadership roles in government jobs remains disproportionately low. Although the reasons for this are complex and defy easy categorization, one contributing factor is implicit bias that results in male lawyers often being given more responsibility on a case or a deal than women lawyers with similar levels of experience. Those responsibilities, in turn, give those male lawyers an opportunity to be promoted and take on leadership roles earlier in their careers.

Of course, another problem involved being given general respect and equality. This is something that was an issue in the 80s and, despite making incredible positive strides, continues to be an issue for many in today's professional atmosphere. This ties in nicely with some advice Dean Setty offered for women who are either considering or just beginning their journey into the legal profession: develop resiliency. Even though the legal profession, and society at large, have taken steps towards respecting everyone equally, there are still those that may question your abilities or legitimacy. Being resilient will help you persevere through times of adversity and come out on top.

To that end, Dean Setty also encourages women considering or just beginning their legal careers to envision themselves in all aspects of the profession, including positions without apparent or prominent female role-models. It is no doubt easy to be encouraged and empowered by someone like Ruth Bader Ginsburg, but not every aspect of the legal profession has a role-model like her. Therefore, envision yourself as that role-model; fill the void you see before you.

This will likely be difficult, even in today's social climate. I asked Dean Setty if she had encountered any negative treatment since starting her new position last summer, and (perhaps) not surprisingly she has. She recounted to me that there have been times since becoming dean

where the fact that she represents a significant change in what the leadership of the law school looks like has been challenging for some people.

However, despite these interactions, she has also received praise, gratitude, and support from many corners, including alumni, some of whom she has never met, who were happy that the new dean of the law school was someone they could more readily and comfortably identify with and relate to. I believe this perfectly underscores the importance of envisioning oneself in a position without apparent or prominent female role-models.

After talking with Dean Setty, it is clear that there is still a hill to climb before women are truly respected and treated as equals across all aspects of the legal profession. However, that hill is becoming less and less steep, and the rewards more worthwhile. I chose to interview Dean Setty for this piece not only because I respect her, but because I believe she is an excellent role-model for anyone entering the legal profession, especially women. Indeed, if this interview were to be summed up in two words, it would be her answer to the question of what roles were appropriate for women to play in the legal profession: "Every role."

Spotlight Series: Dean Pat Newcombe



What is your current position/title? What does this entail exactly?

My name is Pat Newcombe. I am the Associate Dean for Library and Information Resources, and a Professor of Law here at Western New England University School of Law. I have overall responsibility for the library, and direct planning and implementation of programs and services. I also provide faculty research services, prepare research guides, and manage collection development. I guest lecture in classes regarding legal research. As a Professor of Law, I teach classes such

as Lawyering Skills and Advanced Lawyering Skills.

What made you decide to go to law school?

Prior to working at WNE University, I worked at large law firms in the field of law librarianship and records management. I provided research and reference services to attorneys. While I had a library degree, I realized that at some point I would like to enhance my knowledge by studying for a law degree. The perfect opportunity arose when I moved to this area and started working at WNE. I learned about the tuition benefits, and within one year I

enrolled in the part-time evening program. I can most definitely say that my time as a law student has enhanced my ability to serve as a library director at a law school.

Did you have a plan for after graduation?

My plan was to remain a law librarian, but to be able to move into administration after I had my law degree if the opportunity arose. Without a law degree it is difficult to move up the ranks at a law school. This is not true if you are a librarian at a law firm; a Master's in Library and Information Science is sufficient at most law firms.

What, in your opinion, has been your greatest achievement in your career?

In fall 2018, I received tenure and full professor status. I am happy to have reached this goal. Without a law degree this would not have been possible. I am also proud of the fact that Beth Cohen, Associate Dean for Academic Affairs, and I instituted a program for the community called Mini-Law School. The program's goal is to demystify the law, and serves those individuals interested in becoming better informed and engaging in stimulating dialogue. The program of-

fers non-lawyers an understanding of laws that impact their everyday lives. Each class is taught by School of Law faculty and moderated by the Hon. Kenneth Neiman, retired magistrate judge, U.S. District Court, District of Massachusetts. Blending theory and practice, the classes focus on different areas of law in each class. The program is offered annually in the fall. Helping our community members become more knowledgeable citizens is very rewarding.

Lastly, do you have any advice for the legal community reading this interview?

Studying for a law degree provides you with such an interesting education. I loved being a law student. Whether you want to practice or not, there are so many opportunities to advance your career with a law degree. Law librarianship is a wonderful career for me. It lets me get involved in so many areas: teaching, management, scholarship, and committee work for professional organization, among many others. If you are curious about law, join us at a Mini-Law School program!

Phi Alpha Delta The Middleton Chapter



The Middleton Chapter of Phi Alpha Delta, International (“PAD”) inducted new members from Western New England School of Law this past November. PAD offers students a legal community that facilitates networking and student associations.

Students of any year (1L, 2L, 3L or 4L) are welcome to join by reaching out to the Middleton Chapter Justice or to the Student Bar Association.



Let Me Be Brief by Eric Harrell, 2L

How Truly Wide is the Divide,
BETWEEN *FLIPPING BURGERS*

V.

SERVING THE COURT,
CAN'T THEY BOTH BE ABOUT A MOTION?

Let me be Brief:

It's ~~unsettling~~ to be above the red,

[**Facts**] a disconnect

between client and advocate.

[**Issue**] one views the other as inadequate;

[**Holding**] folks accountable until "they" acquit.

Law-student educated in sable manors soon forgets,

table manners when talking to their own relatives.

[**Decision**] so *formal* as if scared of normal dialect.

Meet'chor Loyyas,
We prefer oral languish over floral language.

QUICK, GET THE JD!

Springfield cats preferring their green eggs and space jams,

Leaving crease **lines** streaking 'cross District Court;

Gee, 'em Casinos 'cross the street got more than a couple **grams**

Dad died intestate, only left his rings for me

I moved interstate, coldly Law school took three

It's Stark.

"I don't feel so good" . . . my head haunted,

still I work for them jewels **To Change the World**,

like some Infinity Gauntlet.

And I fail to see the reason for this belief . . .

it's confusing when Legal sees,

poor as indigent,

And damages as relief . . .

Let me be **Brief**:

F: act your part, found by jury or bench.

I: sue whether for vengeance or recompense.

R: easoning up that statistical stress.

H: olding NO; there's no statutory limit for Justice.

The judgment appealed should be reversed, without costs;

Else, this student enter the legal world and find themselves lost.

An Agent of Change

by Alexander Cerbo, 1L

“I can’t isolate my experience as simply being a woman. My experience has been a black woman.” As she sat effortlessly in her executive desk chair, Professor Bridgette Baldwin caught my attention with this insightful self-description of her lived experience in the law.

Her students know her as Doctor Baldwin, due to her impressive academic credentials which include a Juris Doctor degree, as well as, a Ph.D. A graduate of Marquette University School of Law,

Baldwin worked as a Staff Attorney for the Criminal Defense Division of the Legal Aid Society in New York City. Later on, she became a public defender for the Bronx Defenders in New York City. During her time as a public defender, Baldwin represented an astonishing twenty-thousand clients, which included approximately twenty trials. She only lost one case.

In an effort to diversify her legal pallet, Baldwin then worked for the firm



of James P. Nunemaker & Associates, where she was in-house counsel for a major insurance company.

Baldwin began her career in academia in 2001, working as a Visiting Assistant Professor in the College of Criminal Justice at Northeastern University. During this time, she worked towards getting her Ph.D. from Northeastern University's Law, Policy, and Society Program, which she finally attained in 2010.

Subsequent to her time in Boston, Dr. Baldwin has served as a Professor here at Western New England, where she has become a staple in the education of criminal law students, teaching such classes as criminal law, criminal procedure, critical race theory, and many others. Although not written in the syllabi for her classes explicitly, Baldwin preaches the same lesson to each and every student: be an agent of change.

In her promotion of this task, Baldwin calls upon *all* students. In particular, she finds women especially can have a unique impact. When asked whether women belong in the law, Baldwin prominently claimed, "of course they do!" She further explained, "The diverse perspective of a woman definitely belongs in the law... to not have the perspective of a woman would be incredible."

Baldwin feels that women's impact

on the law is limitless, extending far beyond traditionally female subsets of legal practice, like family law or defense work. She says, "Whatever area that the law deals with, a woman can have an impact." She further contends that women have "lived experiences" which are necessary in order for the legal profession to fully understand such issues as pro-choice and pro-life. "A man can never go through what a woman has gone through with regards to pro-choice and pro-life." Ultimately, Baldwin sees diversity in the law as not only important but essential in making the law complete, not only doctrinally, but as an occupation. "It's important to have different lived experiences, points of view, opinions." And most of all, she does not see one's gender as having any less of an impact on the lives of others; "I don't think gender drives the ability or capability to be a forceful advocate for the law."

Unfortunately, these lived experiences do not come without their challenges. Once told she was not smart enough to pass the New York State Bar Exam, Baldwin has had to overcome many obstacles of her own to be in the position she is in today. Through it all, she never lost her sense of purpose. "I was driven by the notion that people who looked like me needed to see me in a position that impacted their lives." Touching upon her experience as a highly accomplished criminal

defense lawyer, Baldwin explained, “I thought criminal defendants needed to see black people as lawyers...perhaps they would have a better trust in the system.” Baldwin feels women are in need of this source of inspiration as well. “Women... girls, we need to see representation of people who look like us, of people who care about us, of people who share our concerns.”

While she is aware of the challenges that women face entering such a male-dominated profession, especially for women of color, Baldwin focuses not on those “perceived handicaps”, but on the individuals she hopes to have a positive impact on. In fact, she claims being a lawyer is *the* profession to advocate for those who need a voice. “There is no better profession that I could have picked, in terms of advocating for change.” And through it all, Dr. Baldwin has never looked back. “Despite those handicaps and despite those issues I might have faced, I wouldn’t have picked another profession. And I wouldn’t have done it any other way.”

As she continues her life as a criminal lawyer, legal scholar, agent of change, and loving mother and wife, Baldwin encourages all her students, who each semester, work as attorneys for her beloved town of Baldwinville, to remember why they chose this profession and that their goals,

like hers, are certainly within reach. “This is attainable,” she says of earning one’s law degree. “You are here because you deserve to be here.”

On a personal note, the author of this article thanks Professor Baldwin for instilling the same sense of purpose which drives you, in to your students, for challenging us all to reach our academic potential, and for overcoming the obstacles you have, so that young women, especially women of color, can draw upon you as a source of inspiration.



3 Things You Need to Know about Your ABA Membership

By. Tinuke Fadairo, ABA Representative

Whether you're an enthusiastic 1L or a soon-to-be sleepless graduate preparing for the Bar Exam, the American Bar Association is an excellent resource for law students. Start preparing now for a successful law career by using your ABA membership for freebies, legal resources, student-only discounts and networking tools. Here are three things you need to know about ABA student membership:

1. You're already a member! Your law school cares about your future and already signed you up so take advantage! If you want to make a small investment to get more benefits from our partnerships with Kaplan, Quimbee, and Themis, you can upgrade to Premium membership for **\$25 a year**.

2. Save money on things you already use. Premium members save over \$500 and get benefits such as a free trial Quimbee Gold-level subscription plan, free Themis practice sets and deals on West Academic study guides and casebooks. These benefits provide a hub of the best resources for Premium student members.

3. Find your niche. Choose from more than 30 ABA Practice Specialty Groups. Learn what it takes to be a successful lawyer from experienced professionals and begin building your legal network. Each group centers on a specific area of law or career stage, facilitating more in-depth examination of issues, regulations, and trends.

Visit abaforlawstudents.com/gopremium for more information!

An Interview with Professor Mary Hiser



Please introduce yourself to our readers.

My name is Mary Hiser. I am an attorney and I teach at both Western New England University Undergraduate School and the School of Law.

Prior to teaching at Western New England University, I was a prosecutor in Hampden County and before that I worked for Legal Services as an AmeriCorps Attorney.

What is your current position/title? What does this entail exactly?

I am an Adjunct Professor at the law school where I teach Criminal Procedure Survey.

At the Undergraduate School, I am a Professional Educator of Criminal

Justice. Courses I teach at the undergraduate school include: Criminal Law, Criminal Procedure, Judicial Process, Current Issues in Criminal Justice, Women in Criminal Justice, and Ethical Decision Making in Criminal Justice.

Additionally, I supervise criminal justice students as they complete their internships.

What made you decide to go to law school?

I always wanted to go to law school. I enjoy advocating for individuals and I like to make sure people's Constitutional rights are protected. I always wanted to work as a prosecutor and serve justice.

Did you have a plan for after graduation?

My ultimate goal was to be a prosecutor but I knew that may not happen immediately upon graduation so I looked for jobs that involved public interest law.

Is there a particular type of case that you especially enjoy working on? Why?

I enjoy working on victim cases whether it is sexual assault cases, domestic abuse cases, or murder cases. I

enjoy cases where there are victims because I like to help people. These cases often are complicated and I like a good challenge.

Tell us about a case that you are particularly proud of:

Two cases come to mind when I think about being proud of a case. One case involved a domestic abuse case where the husband abused the wife and the daughter was often present during the abuse but could not do anything to help her mom. The defendant took the case to trial. The trial lasted two days. The jury came back with a guilty verdict and the judge sentenced the defendant to two years in jail. I remember two years later I was at a salon in the area and the victim worked there. She immediately recognized me and thanked me for helping her and her daughter escape from the abuse of her ex-husband.

The second case I remember and am proud of involved another domestic abuse situation. In this case the victim was the wife. I was handed the case the week of trial and had not met the witnesses prior to that week. I remember one witness- the victim's son would not really talk to me. Finally, he spoke to me and told me he was afraid to testify because he would not be able to say everything the way it happened. I asked him why and he told me because he could not repeat the things the de-

fendant said to him because they were not nice words (they were swear words) and he would not be allowed to say them. I remember talking to the judge about the child's concern and the judge addressed the child and the mother giving the child permission to speak the truth and say the words without worry that he would get in trouble for the words he used as they were the words of the defendant. The child testified to the swear words the defendant used towards him and his mother and the child testified to the horrible things the defendant did to him and his mother. Several of the jurors cried as he testified. He was such a good witness. The jury convicted the defendant and he was sentenced to 2 1/2 years incarceration. The mom and son thanked me for getting the son to open up and talk about what happened and assure him that he did nothing wrong.

Lastly, do you have any advice for the legal community reading this interview?

Be truthful and seek justice.

Remember we are all human and make mistakes.

Learn from mistakes and admit when you are wrong.

Credibility is very important in lawyers.

An Interview with Dean Cohen

Please introduce yourself to our readers.

Hi, I am Beth Cohen.

What is your current position/title?

What does this entail exactly?

I am currently the Associate Dean for Academic Affairs, the Director of the Legal Research and Writing Program, and Professor of Law. I am the first woman to serve as associate dean for academic affairs at this law school and I have been serving in this role for ten years. As the associate dean for academic affairs, I am responsible for all academic issues including helping to develop and manage the curriculum, administering the academic standards, and helping students with career and academic counseling. My favorite aspect of my current position is that in addition to teaching, which I love, I also get to work with a wide variety of people on a broad range of topics. No day is the same, which makes it very interesting work.



Our Associate Dean of Academic Affairs wears many hats:

She is also director of legal research and writing program and a Law Professor of several classes including Lawyer Skills I & 2; the Externship Seminar classes and Mindfulness in Law

What made you decide to go to law school?

I have always been interested in politics. I was active in politics even before I could vote. The politicians I admired were lawyers and I saw the law as a vehicle to make positive changes and help people. I actually went to college with the desire to attend law school. I was the first person in my family to graduate from college and I am grateful that I had the opportunity to attend law school. In fact, my entering law school class was the first class that was 50% women.

Did you have a plan for after graduation?

I was open to the possibilities after law school. I applied for jobs all over the country, mostly in legal services offices because I worked at Greater Boston Legal Services during law school and I was interested in continuing in that field. However, I was accepted into the University of the Pacific McGeorge School of Law's International Law Program. The program involved study abroad and an internship. I did the study abroad in Salzburg, Austria and

then interned at a law firm in Copenhagen, Denmark. It was a phenomenal experience and, while walking along the Salzach River, I decided that I really did not want to practice international business and taxation. I traveled around after the internship and learned that I passed the Massachusetts bar exam when I was in Italy! I returned to Massachusetts and worked at a firm in Boston doing civil litigation. I also began teaching legal practice skills at Suffolk Law School. After I taught for two years, I got a judicial clerkship with Judge Ponsor in the Federal District Court in Western Massachusetts. So, I really had no “plan” after graduation, and my path was not linear, but it led to exciting opportunities.

Is there a particular type of case that you especially enjoy working on? Why?

I like working on name change cases because I find the historical, social, and political implications to be interesting, particularly for women. I also serve as a member of the Supreme Judicial Court’s Committee on Professionalism. The Committee is responsible for implementing and overseeing the Practicing with Professionalism course required of all newly admitted lawyers in Massachusetts. It has been a great opportunity to help craft a

course that stresses the importance of professionalism in developing, managing, and maintaining positive relationships in the practice of law, the importance of professionalism in every aspect of problem-solving, and the importance of lawyers’ role in society.

Tell us about a case that you are particularly proud of:

I worked as co-counsel for the plaintiff in *Reep v. Comm. of Dept. of Employment and Training*, a case transferred to the Supreme Judicial Court on its own motion. In *Reep*, the SJC extended unemployment benefits to an unmarried couple. The Civil Liberties Union of Massachusetts, Massachusetts Law Reform Institute, and the Gay & Lesbian Advocates & Defenders, filed an amicus brief in the case because of the potential impact on same-sex couples. The *Reep* case was eventually cited in some of the *Goodridge v. Dept. of Public Health* litigation, the case that legalized same-sex marriage, as an example of the Massachusetts courts’ willingness to apply various statutory and common-law benefits to nontraditional families.

What, in your opinion, has been your greatest achievement in your career?

Well, so far, I very much enjoy the opportunity to work with students and help people navigate law school and entry into the legal profession. I also feel fortunate to be able to start programs like the Mini-Law School Program with Associate Dean Pat Newcombe and the 1L Mentor Program, because programs like these help bridge the gap between law school and the community and help bring people together in a positive way. On a personal note, it also meant a lot to me to have something published in the New York Times (*Room for Debate*) and the Boston Globe (*Three Generations*, a letter to the editor written with my mother and my daughter).

Lastly, do you have any advice for the legal community reading this interview?

Well, I guess my advice would be to be kind. Be kind to yourself and be kind to others. Remember that people are complicated and lawyering and life can be stressful. Lawyers have a special place in society and an enormous impact on peoples' lives. Lawyers are problem-solvers and compassionate problem-solving can be rewarding, but it can also be challenging and stressful. It is important to have the essen-

tial lawyering skills but it is also important to have the essential tools to help navigate and manage the stresses as well. I would suggest that integrating mindfulness practices can really benefit law students and lawyers. The benefits are well recognized. Drawing on some basic principles of mindfulness – learning to respond, rather than react; being present; nonjudgmental; and patient – can help each of us to become more empathetic, more effective, more resilient, and happier in our work and in our lives.

Thank you for all of your work and including me in this issue.

Conversation with the Student Bar Association President

By **Joevonne Brace, 4L**



***Miss Shannon H. Tarleton,
3L Juris Doctor Candidate, 2019
Student Bar Association President,
2018-2019***

Candid, supportive, and fair are a few terms to describe Miss Shannon Tarleton. She assumes the leadership role professionally and humbly. At age 24, Shannon is the youngest sitting President in the history of the position at Western New England University School of Law. I had the honor of learning about our S.B.A President through conversations, along with a Q&A session. The beauty of her candor made her human and relatable; with a love for order and the rules.

She deems her presidency as a call to service the student organizations and a support to the student body. During final exams, Dean Suhda Setty initiated the idea to “Leave a Positive Note for Your Fellow Classmates,” and President Tarleton spearheaded the campaign. The positive notes campaign is an initiative that allowed the student body to hang post it notes around the law school with words of encouragement and positive thinking. “What the mind believes one can achieve.”

Miss Tarleton, also known as Madam President, or simply as Shannon has an amazing ability to keenly balance logic and passion when dealing with the conflicts and challenges of her presidency. She shared her triumphs, her mistakes,

her talent and short comings. More importantly, President Tarleton is a stickler for adhering to the policies, and the by-laws of the Student Bar Association. The fall semester reared some obstacles as representatives challenged her duties to make authoritative decisions. Her empathetic responses showed a genuine concern for the parties involved yet, she followed through



with the procedures professionally and proper.

Shannon Fun Fact: Before law school, our Student Bar Association President made the 2006 U.S.A. Junior National Figure Skating Team.

The Law School Experience:

What made you attend law school?

I still do not know exactly what made me attend law school, but it was the best and most fitting decision I ever made. I was a Communication major with a specialization in Rhetorical Communication. My Junior year of Undergrad I took a Media Law course and fell in love with the idea of law and law school. Soon after that class concluded, I found myself applying to Law School.

What area of law do you want to practice in?

I'm interested in practicing Higher Education Law. Through courses that I have taken at WNEU Law, I also have found a love for Civil Litigation.

What state are you going to practice in?

I am going to take the Massachusetts Bar Exam and may eventually transfer my score to Connecticut as well.

What are your long term goals?

Some of my long term goals are to practice law as long as my life style will let me, but I also hope to be a Professor at some point later in life. Whether that be an adjunct professor or teaching a class or two, my professors have had such a positive influence and impact on my life that I would like to help students, as they helped me.

What are your thoughts on WNE Law?

Ironically, WNE Law was not at the top of my list when I visited law schools that I had been accepted to. However, it has become my home. I have made best friends here, changed as a person, and become a professional. The small class nature and relationships that are formed with professors is something that I would not have gained at another school the way that I have at WNE Law. The discussions that take place within the classroom have broadened my horizons and expanded the

way that I think and look at the world.

The Student Bar Association Election

You won the election by an 7-8 count margin, but what is your position on the students who didn't vote for you?

I was and still am truly honored to have been part of such a close election. I think it shows that the student body believes in their classmates to guide them forward. Many concerns and issues that students had came forward as a result of the discussions and debates among candidates. I hope that anyone that may have been disappointed with the result of the election knows that the Student Bar Association maintains an open-door policy for any and all students.

Challenges of the Presidency

You have had some opposition during your administration. Has that changed your ideas or how you handle a process?

I welcome opposition because I do not believe that anyone can gain experience or get better without being challenged. The opposition I have received has caused me to look at issues through the eyes of others. This has been an experience that I believe helps when dealing with oppositions and throughout life.

President Tarleton's Personal Vicissitudes?

Some of my biggest challenges are constantly trying to control things that I cannot and being too hard on myself for

my mistakes. The summer before law school I began being treated for depression. This alone has made many little things bigger challenges. Throughout law school, I have found many coping mechanisms that have helped to change my viewpoint on mistakes and control. Mistakes happen in life and taking a break is necessary. These are two of the biggest lessons that I have learned over the past three years in law school and they transfer into every aspect of life more so than I ever expected them too. I believe that there is a plan for everyone out there and trusting the process is so important.

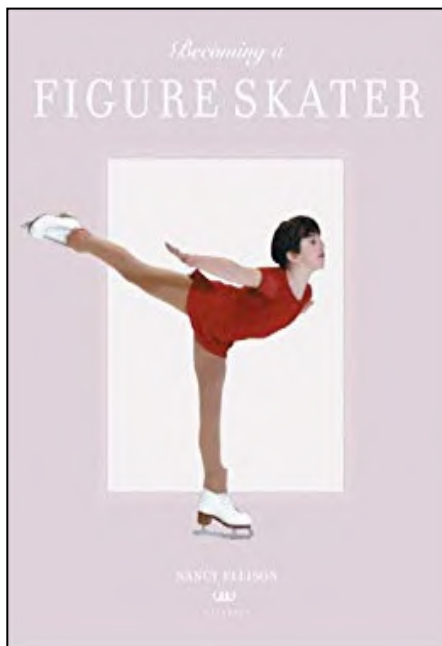
How do you deal with conflict?

I think that facing conflict up front is the best way to deal with it for me personally. I like talking it out, whether it involves myself or multiple parties.

Greatest Personal Achievements

One of my greatest achievements was making the 2006 U.S.A. Junior National Figure Skating Team. I have figure skated since I was four years old and this was the first year that I was of a high enough level to reach the National level and I did. It was a riveting experience that led to my parents homeschooling me for the following three years due to an intensive training schedule ensuing. This is my greatest achievement. However, my most embarrassing achievement was having the book, "Becoming a Figure Skater," written about me a few years earlier. I had a horrible hair cut and

in desperate need of braces.



When is your birthday?

September 29, 1994, and she is such a Libra!

What do you enjoy doing?

I enjoy spending time with my family and friends. Generally, I love any athletic activity, but figure skating has my whole heart. Any chance I get I love spending time on the frozen surface and will bring anyone with me that I can get to join.

Music, Art, Sports team and her favorite color is purple.

I am a fan of all New York Sports Teams. I am a major football fan and bleed blue for the NY Giants. I took AP Art History in high school and that is about the extent of my art interests, however I enjoy old architecture.

What are your political views?

My political views are forever changing. The more I learn the more my opinions develop on political topics. However, I was raised a Republican but today I would consider myself an Independent. My views fall on both sides of the spectrum depending on the issue.

If you can re-do anything throughout your law school process what would it be?

I would not have bought my books from the bookstore, without price checking them my very first semester. But, if I could go back I would have liked to make more of an effort towards destigmatizing mental illness. We learn about Lawyers Concerned for Lawyers the very first week of school, but I would be surprised to hear if more than a handful of people have utilized the service. We are in a profession that demands a lot of an individual and applies pressure to be the best. For me, asking for help was the best thing I have ever done and has made me a stronger person for it. I wish I had started a support group within our student body for anyone who just needs to talk.

Final Quote: *“Any given team can be beaten on any given day”*

- Best, Shannon Tarleton.

The Whistleblower

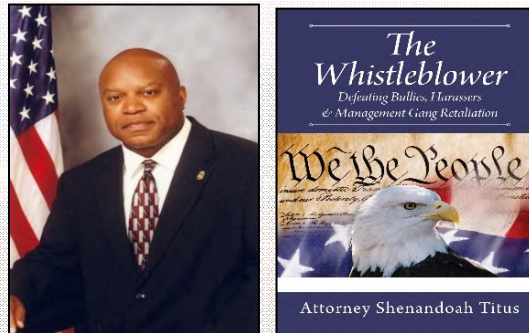
Defeating Bullies, Harassers & Management Gang Retaliation

(available on Amazon)

Book by Attorney Shenandoah Titus

Founder & CEO, *WARN* (Whistleblower, Anti-Bullying Resource Network)

www.warn-honor.com



There comes a time when silence is betrayal. Our lives begin to end the day we become silent about things that matter.

– Dr. Martin Luther King, Jr.

If you or a family member, friend or colleague have ever been bullied, harassed, or retaliated against at work or school, then [this book](#) is written for you. The more enlightened you are about *workplace abuse*, the better prepared you will be to defend yourself and render help when called upon.

This is one of the rare books written BY a whistleblower. Attorney Titus shares his experience as the first-ever Anti-Harassment Program Manager for the United States Department of Homeland Security (DHS), from which he resigned on April 13, 2018 prior to settling his whistleblower retaliation action against DHS on July 27, 2018. This book is about *truth and transparency*.

This book is also about offering a few pearls of wisdom – *and hope* – to whistleblowers and survivors of workplace bullying and harassment across the country – and indeed the world.

We want YOU!

By. Tinuke Fadairo, 2L

Lex Brevis Editor-in-Chief

Lex Brevis is always looking for new talent!

Submissions are welcome from day and night students, professors, administrators, alumni, the dean of the law school, you get the idea!

If you are interested in becoming a staff writer, have a great idea for the newspaper, or have captured awesome pictures of your law school community, email us at **LexBrevis@gmail.com**

TO THE CLASS OF 2019:

**CONGRATULATIONS
ON YOUR
GRADUATION!**

**GOOD LUCK ON THE
BAR AND COME BACK
TO VISIT!**

-LEX BREVIS