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Mass. Bar Association and CPCS Warn Removal of Judge Would Threaten Judicial Independence

BOSTON, Mass. —Massachusetts Bar Association President Christopher P. Sullivan and Committee for Public Counsel Services Chief Counsel Anthony J. Benedetti release the following statement in opposition to calls for the removal of Superior Court Judge Timothy Q. Feeley:

The recent uproar related to Judge Timothy Q. Feeley's lawful sentencing of convicted drug dealer Manuel Soto-Vittini illustrates the absolute importance of preserving an independent judiciary. As the public outcry increases, facts get distorted, and misinformation travels faster than it can be corrected.

Judicial decisions often become fodder for passionate public debate when they involve controversial matters of local or national importance, such as immigration and the heroin/opioid epidemic. Criticism of unpopular judicial decisions is welcome in our free society and citizens should raise their voices when they question the wisdom of a decision. However, the calls for Judge Feeley's impeachment by some legislators and the filing of a bill of address to remove Judge Feeley for his lawful sentencing decision are dangerous steps in the wrong direction and are constitutionally inappropriate.

An independent judiciary does not mean an unaccountable judiciary. Litigants who feel wronged by a judge's decision have the right to appeal. The Legislature created the Commission on Judicial Conduct to police instances of judicial misconduct and unethical behavior. And, yes, the Legislature does have the authority to file a bill of address or seek impeachment as part of our tripartite government's system of checks and balances. But these extreme remedies are reserved for only the most heinous cases of misconduct or criminality — not for the lawful exercise of a judge's discretion.

Our judicial system will always be susceptible to criticism by virtue of its adversarial nature; inevitably, one or more sides will be disappointed with a judge or jury's decision.

Thankfully, our constitutions protect the rights of the minority against the naked will of the majority, and they ensure we have the right to be heard by an impartial judge guided by the rule of law and free from the influence of even the loudest public outcry.

No public official should be impeached just because many people disagree with the decision that was made in an honest and non-corrupt manner. Removing Judge Feeley for lawfully exercising his discretion sets a dangerous precedent of bowing to an uninformed mob.

Incorporated in 1911, the Massachusetts Bar Association is a non-profit organization that serves the legal profession and the public by promoting the administration of justice, legal education, professional excellence and respect for the law. The MBA represents a diverse group of attorneys, judges and legal professionals across the commonwealth.

The Committee for Public Counsel Services is the statewide agency that oversees representation to indigent persons in criminal and civil cases, and administrative proceedings in which, pursuant to Chapter 211D of the Massachusetts General Laws, there is a right to counsel.