New public safety secretary draws on criminal justice background

BY MIKE VIGNOLE

Daniel J. Bennett is used to looking at things from different angles. During an impressive legal career as both a prosecutor and defense attorney, he’s often been on opposite sides of the same issues. Now he has an opportunity to analyze issues from a leadership standpoint and help craft policies that keep the commonwealth a safer place.

Bennett, the senior first assistant for the Worcester County District Attorney’s Office for the last four years, was appointed by Gov. Charlie Baker to serve as secretary of the Executive Office of Public Safety and Security in early February. This role includes oversight of 13 state public safety agencies including the State Police, Department of Correction, Parole Board, Massachusetts Emergency Management Agency and the State Police Crime Laboratory.

The broad scope of the position also includes management of agencies such as the Massachusetts National Guard, the Sex Offender Registry Board and the state’s 911 Department. Bennett has four undersecretaries that report to him and cover specific areas.

Named a Prosecutor of the Year in 2013 by the Massachusetts District Attorneys Association, Bennett acknowledges that his experience on both sides of the legal profession has given him a unique ability to appreciate many viewpoints, including those that differ from his own.

“Some of the best relationships I ever built were with defense attorneys when I was a prosecutor and with prosecutors when I was a defense attorney,” said Bennett.

Secretory of Public Safety Daniel J. Bennett.

Justice unfunded is no justice at all

The Judicial branch of government is supposed to be on equal footing with the Executive and Legislative branches, but for some reason, that never seems to be the case when it comes to the budget. For too long it seems our courts have suffered disproportionately when purse strings need to be tightened.

While there has been more stability in the courts’ funding in recent years, there is no question that the Massachusetts judicial system has consistently been forced to do more with less. The fact that they have been able to keep the judiciary running and even make some modest gains through improved technology and training is a credit to our court leadership, judges and staff. But this time, Gov. Charlie Baker’s budget recommendations may be asking too much.

If those recommendations, released last month as House 1, were to become a reality, they would decimate the gains made in the Judicial branch and most certainly turn back the clock. The governor’s Trial Court budget proposal of $603.3 million is nearly $40 million less than the Trial Court’s budget proposal of $642.7 million. As Supreme Judicial Court Chief Justice Ralph D. Gants said

2015 Annual Dinner sponsorships available

The Massachusetts Bar Association will hold its 2015 Annual Dinner on Thursday, May 7, at the Wentworth Boston Waterfront, 425 Summer St., Boston.

The dinner will feature keynote speaker and internationally acclaimed trial lawyer Mark J. Geragos, principal of Geragos & Geragos, APC, in Los Angeles.

The Annual Dinner will also include the presentation of the Massachusetts Bar Association’s President’s Award to House Speaker Robert A. DeLeo, the Chief Justice Edward F. Hennessey Award to Massachusetts Superior Court Associate Justice Dennis J. Curran and a scholarship award to a third-year law student, in addition to honoring the 2015 Access to Justice Award recipients.

Consider attending this annual event as a sponsor. Sponsorship opportunities include:

- Platinum Sponsor ($5,000)
  - Table for 10, full-page ad in dinner program, firm logo projected at the dinner, sponsorship level recognition in Lawyers Journal and displayed on the MBA’s website.
- Silver Sponsor ($2,500)
  - Table for 10, quarter-page ad in dinner program, firm logo projected at the dinner.
- Gold Sponsor ($3,500)
  - Table for 10, half-page ad in dinner program, firm logo projected at the dinner, sponsorship level recognition in Lawyers Journal and displayed on the MBA’s website.

MBA to honor Holtz, Cramer for ‘excellence’

BY KELSEY SADOFF

The Massachusetts Bar Association will honor the Hon. Nancy Holtz (ret.) and Boston Globe crime and legal reporter Maria Cramer at the May 14 Excellence in the Law event, co-presented by Massachusetts Lawyers Weekly. Holtz has been selected to receive the Daniel F. Toomey Excellence in the Judiciary Award and Cramer will be presented with the MBA’s Excellence in Legal Journalism Award.

The annual Excellence in the Law event, which will be held at the Marriott Long Wharf Hotel, will also feature award presentations in the following areas: Up & Coming Lawyers, Excellence in Pro Bono, Paralegal, Marketing and Firm Administration.

Holtz, a former Superior Court judge with more than 30 years of legal experience, is now a “go-to” mediator and arbitrator for high-stakes and complex matters for JAMS. Holtz began her career as a trial attorney, as assistant

SEE PAGE 2 FOR A COMPLETE LISTING OF THIS ISSUE’S CONTENTS.
Snapshots from around the MBA

Voir Dire Training panels included (bottom row from left): Suffolk Superior Court Judge Maynard Kirpalani, Annette Gonthier-Kiely, Suffolk Superior Court Judge Ronnie McLoud-Mansara, and Program Chair and MBA President Mario V. Kaczenski. Additional panels were (top row from left): Carolyn McGowan, MBA Past President Douglas K. Sheff, and Suffolk Superior Court Judge Peter Lauriat.

MBA hosts Voir Dire Training

Now that Massachusetts attorneys are allowed to question prospective jurors in civil and criminal trials throughout the Superior Court, the Massachusetts Bar Association hosted a Voir Dire Training on March 16. Attendees had the opportunity to learn how to conduct voir dire from experts who have used it successfully.
Dugan appointed to Commission on Judicial Conduct

Trial Court Chief Justice Paula M. Carey recently announced the appointment of John Dugan as an alternate member to the Commission on Judicial Conduct, effective March 9. The term will expire on March 8, 2021.

The Commission on Judicial Conduct, established in 1978, investigates allegations of misconduct by state judges. Pursuant to G.L. c.211 §1, three judges are appointed by the Chief Justice of the Supreme Judicial Court, three attorneys are appointed by the Chief Justice of the Trial Court and three lay persons are appointed by the governor to six-year terms.

Dugan is a principal at the law firm of Doherty, Ciechanowski, Dugan & Cannon in Franklin. His practice includes a concentration in estate planning, fiduciary administration and probate/fiduciary litigation and he is a frequent lecturer on these topics. He is a past MBA vice president and past chair of the MBA’s Probate Law Section Council. He is also past president of the Norfolk Bar Association, the Western Norfolk Bar Association and former town moderator and vice chair of the Millis Charter Commission. Attorney Dugan is a graduate of Holy Cross and Suffolk University Law School.

Quinn appointed deputy court administrator for the Superior Court

Superior Court Chief Justice Judith Fabricant and Trial Court Administrator Harry Spence recently announced the appointment of Elaina Martina Quinn as deputy court administrator for the Superior Court department of the Massachusetts Trial Court.

Quinn has served for the past 14 years as an assistant clerk in the office of Suffolk County Clerk of Courts, Michael Joseph Donovan. In that capacity, she has served on the Superior Court MassCourts Implementation Committee and the MassCourts Governance Committee, contributing her substantial knowledge of Superior Court civil operations, as well as her commitment to improvement of court processes. In 2013, she received the Excellence in Court Administration Award from the Massachusetts Academy of Trial Attorneys.

Prior to her service in the clerk’s office, Quinn served as an assistant district attorney in Middlesex and Norfolk counties, prosecuting cases in both the district court and the Superior Court and mentoring district court prosecutors. Quinn earned a bachelor’s degree from the University of Massachusetts in Amherst, and her law degree from Suffolk University Law School.

CORRECTION: In last month’s story about the retirement of Bankruptcy Judge William Hillman, the print edition mistakenly featured a photo of the U.S. District Court Judge Timothy S. Hillman. The error has been corrected in the online edition.

Baker makes FY16 budget recommendations

Gov. Charlie Baker has released his budget recommendations for FY16.

The legal community was largely disappointed by those recommendations. The Trial Court was allocated $603 million, which is approximately a $10 million decrease from FY15 funding and nearly $40 million below the maintenance request submitted by the court. If Baker’s recommendations were to come to fruition, the Trial Court estimates that they would have to eliminate 550 employees. The Trial Court has already had a 17 percent reduction in staffing between July 2007 and July 2014.

Additionally, the Massachusetts Legal Assistance Corporation (MLAC) was allocated $14,683,589, which is level funding from current FY15 after the midyear cuts in January. MLAC was originally allocated $15 million in FY15 and had requested a $10 million increase to $25 million to address the growing need for civil legal aid.

The House of Representatives is set to take up its version of the budget in April. The MBA will remain proactive in working with the leadership of our affiliated bars and court leaders to advocate for a budget that provides appropriate access to justice for all.

PAYMENT PROCESSING, EXCLUSIVELY FOR ATTORNEYS.

1.95% per transaction  |  No swipe required  |  No equipment needed

Helping law firms get paid.
It is critical for attorneys to handle credit card transactions correctly. ICITA guidelines and the ABA Rules of Professional Conduct require attorneys to ethically accept credit cards. LawPay guarantees complete separation of earned and unearned fees, giving you the confidence and piece of mind that your transactions are always handled the right way.

www.lawpay.com/massbar  |  866.376.0950

Affiliates is a registered ISO/SEP of BMO Harris Bank, N.A., Chicago, IL.

LAWPAY
CREDIT CARD PROCESSING
Supreme Judicial Court Chief Justice Ralph D. Gants called for an end to mandatory minimum sentences in drug cases at MassINC’s Second Annual Massachusetts Criminal Justice Reform Coalition Summit on March 16 at UMass Boston. Co-sponsored by the Massachusetts Bar Association and Community Resources for Justice, this year’s conference highlighted the state’s judicial branch with a focus on state and federal sentencing practices and reforms.

In his keynote address, Gants noted that mandatory minimum sentences for drug offenses are unfair to minority groups, fail to address the drug epidemic and are a poor investment of public funds.

“I am convinced that mandatory minimum sentencing in drug cases will be abolished. The only question is when,” said Gants.

“Why am I so sure? Because doing so makes fiscal sense, justice sense, policy sense and common sense — and ultimately good sense will prevail.”

The program also included a presentation of new research from Bruce Westerg, Gugenheim Professor of Criminal Justice Policy at Harvard University, and two panel discussions: “High-Performing Sentencing Commissions” and “Justice for Special Populations.” The summit wrapped up with closing remarks from Attorney General Maura Healey.

**LEGAL NEWS**

**Gants calls for an end to mandatory minimums at MassINC Criminal Justice Reform Summit**

Reducing recidivism

Although it is early on in the Baker administration, there are several ongoing public safety initiatives that will be looked at as priorities in Bennett’s area.

Before coming to Worcester, Bennett spent four years as senior trial counsel in the Middlesex District Attorney’s Office. He also worked 11 years as criminal defense counsel in private practice and served as an assistant district attorney in the Suffolk County District Attorney’s Office. A Bay State native, Bennett is a graduate of Harvard University and Suffolk University Law School.

**BENNETT**

Continued from page 1

Many of those who were on opposite sides of the courtroom from Bennett during his career were some of the first to call and congratulate him on his appointment.

Before coming to Worcester, Bennett was at a 2016 at UMass Boston. Bennett’s appointment was some of the most celebrated after the apprehension of Boston Marathon bombing suspect Dzhokhar Tsarnaev in April 2013.

“Drug courts make a lot of sense when you talk about recidivism. We need to get people off of that revolving cycle where they commit an offense, we place them into incarceration and they come out and commit another offense,” said Bennett.

“Drug courts can make a lot of sense where you talk about recidivism. We need to get people off of that revolving cycle where they commit an offense, we place them into incarceration and they come out and commit another offense,” said Bennett.

“The way my experience as a prosecutor has helped me with is the ability to take a problem or an issue that comes to you. He was someone I would turn to for advice on cases all the time.”

Gerry Leone, a partner at Nixon Peabody LLP and former Middlesex County District Attorney, has known Bennett since high school and was his college roommate at Harvard where they played football together. “Dan embodies a special combination of intelligence and mental toughness, personal drive and passion for things he cares about, and dedication to successfully accomplishing whatever goal and objective that he is focused on achieving,” said Leone.

During his time in Worcester County, Bennett prosecuted multiple murder cases and often dealt with people in high-stress situations. To succeed in that kind of situation, Bennett learned not to get caught up in the emotions surrounding those cases.

“You have to be the calming influence without getting to their level of stress. You can be an advocate for a position without taking it personally,” said Bennett.

Bennett particularly enjoyed his four years working in Worcester where he oversaw all aspects of office administration, including personnel, finance and victim witness services.

“Dan was a great fit for our office,” said Worcester County District Attorney Joseph D. Early Jr. “I loved having him around and hated to see him go. The young attorneys in the office learned a lot from him and the victims’ families benefited from his hard work. His work on our unresolved cases in particular was exemplary. Dan is going to be a success wherever he goes.”

Throughout his career as both a prosecutor and defense attorney, Bennett has helped people on a case-by-case basis. In his new position, he looks forward to helping make Massachusetts safer for everyone.

“As a DA you can make real differences, changing lives and making things better for individual people,” he said. “Here, you can make changes in policies that can improve lives for a lot of people. That’s something to really aspire to.”

**A proven problem solver**

Two of Bennett’s most valuable qualities gleaned from his experience as a prosecutor are his problem-solving skills and ability to deal with people in stressful situations.

“When Bennett addresses a problem he doesn’t panic and he often looks past the seemingly obvious answer. He analyzes all the information and tries to find a different type of answer to solve the problem.”

“One thing my experience as a prosecutor has helped me with is the ability to take a problem or an issue that comes up on a daily basis and look for an inventive solution to attack that problem,” said Bennett.

“When Bennett addresses a problem he doesn’t panic and he often looks past the seemingly obvious answer. He analyzes all the information and tries to find a different type of answer to solve the problem.”

“One thing my experience as a prosecutor has helped me with is the ability to take a problem or an issue that comes up on a daily basis and look for an inventive solution to attack that problem,” said Bennett.

“Dan will always educate himself on an issue before he makes a decision. Some people jump to conclusions, but he doesn’t,” said MBA President-elect Robert W. Hamra, who worked with Bennett in private practice in Quincy. “When you have a conversation with him, you know he’s really listening to you. He was someone I would turn to for advice on cases all the time.”

**Perception of police**

Public safety, specifically as it relates to police, has recently been part of the national conversation after the shooting and death of teenager Michael Brown in Ferguson, Missouri, last August. Some protests of police activity in other parts of the country resulted in violence, but the protests in Boston were handled by police without incident.

While a tumultuous relationship between the public and the police has developed in some areas since last summer, that typically has not been the case in Massachusetts, a state where police were celebrated after the apprehension of Boston Marathon bombing suspect Dzhokhar Tsarnaev in April 2013.

**Some of the best relationships I ever built were with defense attorneys when I was a prosecutor and with prosecutors when I was a defense attorney.**

“In Massachusetts I think people have a good perception of the police and I think the important thing is to work with the police to make sure that continues,” said Bennett. “Police officers are individuals, and you have to look at every situation as an individual situation.”

**Criminal justice attorney compensation**

A May 2014 report of the MBA’s Blue Ribbon Commission on Criminal Justice Attorney Compensation found that salaries of attorneys who work in the state’s criminal justice system are inadequate. The report also found that salaries of entry-level assistant district attorneys rank well below those in neighboring states such as New Hampshire and Connecticut.

“In his role as senior first assistant DA in Worcester, Bennett oversaw assistant district attorneys and witnessed firsthand the challenges that mid-level ADAs face in terms of salary. Many stayed for a few years to gain experience and then go on to better paying positions. Losing that mid-level ADA definitely presents a challenge for a DA’s office, according to Bennett.”

“You’re in a cycle where, unless there is an unusual circumstance, you’re always going to lose the people that you’ve trained,” he said.

“The program also included...”

**“Some of the best relationships I ever built were with defense attorneys when I was a prosecutor and with prosecutors when I was a defense attorney.”**

**“In Massachusetts I think people have a good perception of the police and I think the important thing is to work with the police to make sure that continues,” said Bennett. “Police officers are individuals, and you have to look at every situation as an individual situation.”**

**“In Massachusetts I think people have a good perception of the police and I think the important thing is to work with the police to make sure that continues,” said Bennett. “Police officers are individuals, and you have to look at every situation as an individual situation.”**
PARTICIPATE IN EXCLUSIVE GIVEAWAYS AND RAFFLES

To thank you for your commitment to the Massachusetts Bar Association, we invite you to participate in exclusive events, giveaways and raffles. Winners will be contacted each morning and their names will be posted on our website.

Enter at www.MassBar.org/MemberAppreciation.

**MONDAY, APRIL 6:** Win one free pass to the MBA’s Annual Dinner on May 7 at the Westin Boston Waterfront

Plan to attend the MBA’s 2015 Annual Dinner, featuring keynote speaker and internationally acclaimed trial lawyer Mark J. Geragos, principal of Geragos & Geragos APC, in Los Angeles. The evening will also include award presentations to House Speaker Robert A. DeLeo and Superior Court Judge Dennis J. Curran, as well as the 2015 Access to Justice Awards.

**TUESDAY, APRIL 7:** Win one free conference of your choice

Valid through August 2016.

**WEDNESDAY, APRIL 8:** Win four Red Sox tickets

Your choice of one of the following: Sox vs. Texas Rangers, May 21; Sox vs. Chicago White Sox, July 30; or Sox vs. Cleveland Indians, Aug. 19.

**THURSDAY, APRIL 9:** Win a $250 Amex gift card

Also, join us from 5:30 to 7:30 p.m. for speed networking with a twist. Bring your business cards and join us for an evening of networking and fun at the MBA. Be prepared to introduce yourself, and then share a successful practice tip that you have implemented in your practice this year. As a special treat to show our appreciation at the speed networking event, “spin to win” great prizes.

R.S.V.P. at www.MassBar.org/Speed

**FRIDAY, APRIL 10:** Win a FREE 2015-16 MBA membership (includes LRS membership)

Join the MBA at the 2015 Summer Networking Series.

Mingle with colleagues and meet our MBA community and leaders.

Don’t miss out on any of these unique networking opportunities.

Complimentary appetizers, wine and beer.

**FREE ONLINE ADVERTISING**

MBA online classifieds provide members with the opportunity to post and view employment/internship opportunities, office share/rental options, as well as lawyer-to-lawyer services and other specialized categories for free.

[LEARN MORE AT WWW.MASSBAR.ORG/CLASSIFIEDS]
Join Us

MASSBAR
ASSOCIATION
THE PREEMINENT VOICE OF THE LEGAL PROFESSION

2015 Annual Dinner
THURSDAY, MAY 7
THE WESTIN BOSTON WATERFRONT
425 SUMMER ST, BOSTON
Reception: 5:30 p.m. • Dinner: 7 p.m.

PRESIDENT’S AWARD
MBA CHIEF JUSTICE EDWARD F. HENNESSY AWARD

HON. DENNIS J. CURRAN
Associate Justice Massachusetts Superior Court

Signage Sponsor
MBA INSURANCE AGENCY

BAR NEWS
Nominate a company for an MBA Pinnacle Award

The Massachusetts Bar Association’s Consumer Advocacy Task Force is seeking nominations for companies, large or small, that should be considered for the 2015 MBA Pinnacle Awards honoring good corporate citizenship. The task force seeks to recognize one or more companies, which:

• Are in good standing
• Proactively benefit consumers in Massachusetts

The task force is particularly interested in hearing about companies that have taken the initiative on their own accord to improve products or services in order to benefit consumers, as opposed to those which have made changes in response to litigation.

If any MBA member has a suggestion or nomination of a company that should be considered for a Pinnacle award, visit www.massbar.org/pinnacleawards to fill out a nomination form and send it to Elizabeth O’Neil at econell@massbar.org by May 29.

LEGAL NEWS
EXCELLENCE
(Continued from page 1)

"We are proud to honor Judge Holtz with the Toomey award for Judicial Excellence," said MBA President Marsha V. Kazarian. “From her impressive career on the Superior Court bench to her work today as a sought-after ADR professional and chair of the MBA’s Alternative Dispute Resolution Committee, Judge Holtz has established an impeccable reputation in the legal community for her intellect, fairness and ability to handle even the most complex high stakes cases.”

Cramer, the recipient of the Excellence in Journalism Award, began her career in New Jersey covering municipal government at the Trenton Times. In December 2003, she was hired to work for Globe South, the suburban zones section of the Boston Globe, and was quickly promoted to metro staff as a general assignment reporter in 2005. Cramer was assigned to cover Boston Police, a beat that sparked her love for trial coverage and broke news on some of the biggest stories in the city.

Cramer has led the news pack on cases like Philip Markoff, otherwise known as the Craigslist Killer, Clark Rockefeller, and the Woolson Street murders, the killings of three adults and a two-year-old boy on a Massachusetts street. The Globe has sent her to Guatemala, Costa Rica, London and Germany to cover not only crime stories but political news. One example is the successful search for undocumented workers hired by Mitt Romney at the same time he was condemning illegal immigration during his presidential run.

In 2013, she was part of the team that won the Pulitzer for coverage of the Boston Marathon bombings and in 2014, she was assigned to cover the state’s court system full-time and has broken stories on the Aaron Hernandez case and the Parole Board.

“Maria Cramer is a diligent crime and legal reporter whose thoughtful, yet unbiased articles continue to speak loudly from the pages of the Boston Globe, whether she is covering high-profile trials or uncovering behind-the-scenes developments,” said MBA Chief Legal Counsel and Chief Operating Officer Martin W. Healy. “Her recent breaking news story about alleged improper lawyer searches in state prisons is just one example of how her thorough reporting has brought much-needed transparency to our criminal justice system.”

To purchase tickets to the May 14 Excellence in the Law event or to find out more on all the events’ honorees, visit masslawyersweekly.com/excellence-in-the-law.

The Massachusetts Bar Association’s Consumer Advocacy Task Force is seeking nominations for companies, large or small, that should be considered for the 2015 MBA Pinnacle Awards honoring good corporate citizenship. The task force seeks to recognize one or more companies, which:

• Are in good standing
• Proactively benefit consumers in Massachusetts

The task force is particularly interested in hearing about companies that have taken the initiative on their own accord to improve products or services in order to benefit consumers, as opposed to those which have made changes in response to litigation.

If any MBA member has a suggestion or nomination of a company that should be considered for a Pinnacle award, visit www.massbar.org/pinnacleawards to fill out a nomination form and send it to Elizabeth O’Neil at econell@massbar.org by May 29.
Snapshots from around the MBA

Patrick’s legacy in print
Former Gov. Deval L. Patrick (center, left) and former Lt. Gov. Timothy P. Murray (center, right) with the majority of the Patrick Administration’s judicial appoint-
ments during its eight years in office. Massachusetts Supreme Judicial Court appointees are seated, followed by Appeals Court and judges from the seven Trial Court
departments. Members of the legal community who participated in the judicial selection process are pictured right, including Executive Secretary of the Joint Bar Com-
mittee Martin W. Healy, chief legal counsel at the Massachusetts Bar Association, and Lisa C. Goodheart and E. Macey Russell, former chairs of the Massachusetts
Judicial Nominating Commission. Pictured left are members of the Judicial Nominating Commission, including Patrick’s Chief Legal Counsel Kate Cook and JNC
Executive Director Marilyn Lyng O’Connell.

Designed by lawyers for lawyers.
Unequalled insurance, ensuring Massachusetts Bar Association members are protected with comprehensive coverage in today’s marketplace.
Underwritten by the nation’s largest provider of malpractice insurance, MBA Insurance provides expert, customer-focused staff.

To find out how the MBA Insurance Agency can help you with your malpractice and other coverage needs, contact us:
Boston (617) 338-0581 • Springfield (413) 788-7878
Email: Insurance@MassBar.org

MASSACHUSETTS LAWYERS JOURNAL | APRIL 2015

WE’VE MOVED
MBA Insurance Agency
1441 Main Street, Suite 925
Springfield, MA 01103-1450
BAR NEWS
Letters of intent for Executive Management Board due May 22

The House of Delegates is seeking letters of intent from its delegates to become a member of the Executive Management Board for the 2015-2016 association year. Letters must be filed with the MBA secretary on or before 3 p.m. on Friday, May 22, 2015. Submit letters of intent to: Massachusetts Bar Association Attn: Christopher P. Sullivan, MBA secretary 20 West St., Boston, MA 02111

Snapshots from around the MBA

YLD teams with Mass. Medical Society for medical malpractice seminar

The Massachusetts Bar Association’s Young Lawyers Division, in collaboration with the Massachusetts Medical Society, hosted a substantive discussion on medical malpractice claims on March 5. Attorneys, hospital administrators and physicians discussed the ins-and-outs of medical malpractice, including the claims process, risk management and the legal process, dealing with injured plaintiffs and representing physicians.

TRAUMATIC BRAIN INJURY
Our Team is Committed to Superior Results

SHEFF LAW
Ten Tremont Street
Boston, MA 02108
617-227-7000
www.shefflaw.com
A Sixty Year Tradition of Excellence. Generous Referral Fees

$9,800,000
$7,000,000
$6,000,000
$4,000,000
$3,500,000
$1,000,000

EXPERTS & RESOURCES
CONTINUED FROM PAGE 8

WEATHER
Do you “have a case”? Let’s find out!

BOB COPELAND
Consulting Meteorologist
- 36 years Boston TV Meteorologist
- Over 20 Years in Forensic Weather
- Doppler RADAR expertise
- MIT Meteorology - MIT
- BS Electrical Eng. - Northeastern
603-444-6266
NotchWeather@gmail.com

BRAIN INJURY
Would You Know A HEAD INJURY If You Saw One?
Most People Wouldn’t.

LAWYER ASSISTANCE
Law Office Management Assistance Program
Assisting Massachusetts attorneys in establishing professional office practices and procedures to increase their ability to deliver high quality legal services, strengthen client relationships, and enhance their quality of life.

Call for a Free and Confidential Consultation IN PERSON, BY PHONE, OR BY WEB
MASSLOMAP.ORG (857) 383 3250
Funded by Lawyers Concerned for Lawyers, Inc.

LAWYER ASSISTANCE
NEVER AGAIN WILL A LAWYER HAVE TO SAY THERE WAS NOWHERE TO TURN.
617-482-9600 | WWW.LCLMA.ORG

CONTINUED ON PAGE 10
CONTINUED FROM PAGE 9

MEDIATION

BAMs
BOSTON AREA MEDIATION SERVICES

Mediation and Arbitration of all Domestic Relations and Probate Matters

Judge Leonard W. Reit
Judge Leonard W. Reit
Judge Judith A. Peck
508-588-5800
jill@bostonareamediation.com
www.bostonareamediation.com

Mediation

Bette J. Roth, Esq.

• Mediator
• Arbitrator
• Facilitator
• Fact Finder
• 20+ years experience
• New England ADR Superlawyer
• Former Trial Lawyer

“It can be settled with hard work and an open mind.”
Bette.roth@gmail.com
(617) 795-2425
www.RothADR.com

MEDIATION

Francis A. Ford, Esq.
Former Worcester County Clerk of Courts
Experienced Mediation & Trial Experience

FORD MEDIATION
www.FordMediation.com
Contact Fran Directly at
508-791-7776 or
franford@charter.net
35 Harvard Street,
Worcester, MA 01609
(free parking at the door)

ADR

MON. BEVERLY W. BOOKSTEIN (Ret.)
HUMANE RESOLUTION

Can we talk?
I will sit down with clients and attorneys
in a private, easily accessible location.
I bring 45 years as a practicing attorney
and judge to the table.
Case evaluations, mediations, arbitrations
and master's hearings.
“Let’s Reason Together”
TFL (617) 666-8744
www.beverlybookstein.com

FEDERAL EMPLOYMENT LAW

Federal Employment Law & Security Clearance Law

Attorney Peter Noone and the firm’s
attorneys have earned Avery, Dooley & Noone an
outstanding reputation for its representation of thousands of
Federal Employees in a variety of workplace matters;
complaints, discrimination claims, and
both Federal Employees
and Government Contractors in
security clearance matters.

Avery, Dooley & Noone also handles
insurance defense, discrimination
cases, and disability retirement.

Avery, Dooley & Noone, LLP
1000 Atlantic Avenue, 20th Floor
Boston, MA 02210
(617) 487-0300
www.avemydooley.com

CONTINUED ON PAGE 11

Snapshots from around the MBA

MBA Chief Legal Counsel and Chief Operating Officer Martin W. Healy with his wife, Celeste, and his son
Brian, at the 2014 Massachusetts Lawyers Weekly Lawyer of the Year event in March.

Bench-Bar meetings travel to Salem

The Massachusetts Trial Court’s District Court Department, in partnership with
the Massachusetts Bar Association and local county bar associations, is holding a
series of bench-bar gatherings across the commonwealth to facilitate increased dia-
logue between judges, clerk magistrates, chief probation officers, local practitioners
and other court personnel. The meetings include remarks from Chief Justice of the
Trial Court Paula M. Carey and Chief Justice of the District Court Paul C. Dawley.
MBA President-elect Robert W. Hans; MBA Executive Management Board member Anthony J. Benedetti;
MBA President Marsha V. Kazarosian; MBA Chief Legal Counsel and COO Martin W. Healy, a recipient of
the 2014 Massachusetts Lawyers Weekly Lawyer of the Year award; Brian and Celeste Healy; and
MBA Director of Policy and Operations Lee Ann Constantine.

■ PHOTOS BY JASON SCALLY

MBA President-elect Robert W. Hans; MBA Executive Management Board member Anthony J. Benedetti;
MBA President Marsha V. Kazarosian; MBA Chief Legal Counsel and COO Martin W. Healy, a recipient of
the 2014 Massachusetts Lawyers Weekly Lawyer of the Year award; Brian and Celeste Healy; and
MBA Director of Policy and Operations Lee Ann Constantine.

■ PHOTOS BY JASON SCALLY
Bar News

Member Spotlight
Firm draws the ‘Inn’ crowd

Four members of Kenney & Sams PC have served as president of the Boston Inn of Court. (From left) MBA Vice President Christopher A. Kenney, Francis J. Sally, Michael P. Sams and David R. Kerrigan.

Attorney David R. Kerrigan, a partner at the Boston boutique litigation firm of Kenney & Sams PC, is co-president, along with Superior Court Judge Kathie Tuttman, of the Boston Inn of Court — one of only a handful of American Inns in Massachusetts modeled after the English Inns of Court.

Kerrigan explained that American Inns took root in the United States in the late 1970s to early 1980s under then-U.S. Supreme Court Chief Justice Warren E. Burger, who saw the Inns as a way to improve civility and ethics in the legal profession. The Boston Inn of Court was awarded the 100th charter in 1990. Today there are more than 30,000 active members in nearly 400 chartered Inns of Court in the United States, according to the American Inn of Court Foundation.

“The Inns are made up of groups of lawyers, law students and judges, who meet regularly and present programs that try to foster professionalism and ethics in the legal profession,” Kerrigan said.

In leading the Boston Inn of Court, Kerrigan is in some respects carrying on a firm tradition. He is the fourth attorney at Kenney & Sams PC to serve as co-president, joining firm co-founders Christopher A. Kenney (2001) and Michael P. Sams (2010), and former Sally & Fitch leader Francis J. Sally (2003), who is now of counsel to Kenney & Sams.

Kenney, who is vice president of the Massachusetts Bar Association, actually co-founded the Boston Inn of Court while at Boston University School of Law in 1989. He said that the Inn’s commitment to excellence, civility, professionalism and ethics “are probably the common denominators that united us and brought us together at the firm.”

As MBA members, both Kenney and Kerrigan see the Inn as a complement to their bar association activities.

Kenney explained that the Inn’s pupillage-team model, which pairs seasoned “masters” with attorneys from other levels and law students, provides an “immersive experience” and a “fraternal, traditional component that promotes fellowship and mentoring.” He said that fostering a sense of accountability and leadership as attorneys move through the ranks of the Inn is also one of the byproducts.

With modern technology making it possible for a lawyer to do almost anything from a computer, Kerrigan added that the Boston Inn of Court also helps counter the increasingly insular nature of the legal profession through its regular meetings and collaborative programs.

“In the practice of law today “you can stay in the office all day and not talk to anyone,” Kerrigan said. “With the Inn, it’s like the old days when you would actually swap stories and you could build a sense of community.”

Member Spotlight
The Winsor School wins MBA Mock Trial Championship

The Winsor School of Boston is the State Champion of the MBA’s 2015 High School Mock Trial Program — the school’s third consecutive championship and fourth state title since 2010. Learn more about the 2015 Mock Trial State Championship in the May Lawyers Journal.

Continued from Page 10

Surety Bonds
A.A. DORITY

Since 1899

Office: 617-523-2935
Fax: 617-523-1707
www.aadority.com

A.A. DORITY COMPANY, INC.
262 Washington St., Suite 99
Boston, MA 02108

Dispute Resolution

Simply Resolving Complex Disputes.
617.241.4299
FITGERALDRESOLUTION.COM
Resilience and your personal brand

BY SUSAN LETTERMAN WHITE

Resilience — the ability to anticipate and bounce back from setbacks quickly — is among the most valuable competencies. Like the ability to easily learn new skills, it catalyzes a person’s ability to respond intentionally, intelligently and with an effective strategy to any surprising and significant change that the person faces.

Resilience is what helps a person adapt to adversity, manage stress and even find hidden resources to meet goals that at first glance appear difficult to attain. It is never more important than when you are trying to discern and adjust your personal brand.

You have a personal brand. Everyone does. It is the image you project and is a consequence of every single identity you express whenever you are communicating, i.e., whenever you are in the same physical or virtual space as another person.

You can’t really identify your brand with accuracy without information from other people about how they perceive you. You may have a few ideas, and your ideas may even be correct. However, personal brand is what other people notice about you.

It’s a particularly difficult challenge to discover that your personal brand isn’t what you thought it was and perhaps not aligned with your goals. This twinge to one’s self image is what has been called an “identity abrasion.”

It’s easy for someone who is accustomed to excelling academically to have a self-image as a high performer, and interpret the information about his or her brand that doesn’t match the person’s self-images as a fatal mistake or failure. In truth, it is nothing more than data to evaluate and an opportunity to learn something about other people, who have experienced you in a particular context, perceive you.

An identity abrasion to someone with low resilience can cause shock and a sense of loss. When this happens, it takes time to psychologically process the feelings associated with shock and loss. Some people are so fearful of an identity abrasion that they will protect themselves by refusing to collect data about their brand from other people. Unfortunately all this strategy achieves is to keep those vulnerable and low resilient people blind to the most valuable gift — feedback about what others believe is true.

People with higher levels of resilience approach challenges with optimism that they will succeed. They have more confidence, are more motivated to tenaciously glow through difficulties, and view themselves as problem-solvers, rather than victims of unfortunate circumstances. Having this attitude, which can be cultivated with training, coaching, and practice, is what directs them to want data on their brand and make sense of it through an analytical lens crafted by curiosity. For this reason alone, developing your brand with the help of a coach is invaluable.

Tips for developing resilience
Identify competencies associated with emotional intelligence and develop them. Learning to manage your strong emotions, such as the anxiety associated with an identity abrasion, is one element of emotional intelligence. Another aspect of emotional intelligence, the ability to affect the emotions of others, will help you develop a brand that will help you expand your network. After all, people like helping people that they like, and people like who people affect their feelings in a positive manner.

Learn to reduce your anxiety with controlled breathing, relaxing your tensed muscles, and using positive imagery.

Learn more about your anxiety through close attention to the circumstances surrounding your anxiety and reflecting on the experience afterwards.

PBN: Pause. Take three deep Breaths. Notice what is happening around you according to your five senses, and to you — physiologically, emotionally and what you are thinking and saying to yourself.

Tips for identifying and developing your personal brand.
First ask yourself about yourself: What matters most to you? Who are you? What do you do? How do you do it? How are you different from everyone else? What do you want people to remember about you after you leave?

Second, ask your colleagues, friends, clients, supervisors and anyone else that knows you, what they notice and remember most about you. Not everyone will perceive you in the same way. Your personal brand may vary from one person and context to the next.

Third, given your vision for success, goals and the people with decision-making power that matter to you, how, if at all, do you want to change your brand?

Fourth, what will you do first to change your brand from what it is today to what you want it to be?

The overlap between brand and resilience is the last step for developing your personal brand. That step is when you identity the action steps you will take to notice and manage any identity twinge that might arise.

Susan Letterman White, JD, MS, is a principal in Letterman White Consulting, a consulting practice devoted to improving organization and team performance and training people to think like business leaders. She works with organizations to change their structures and processes to improve business performance. She also runs Lawyers Leaders & Teams, a company devoted to marketing and leadership development training for lawyers.

**Elder law**

With elder law, the area of practice really helps people understand all their options. It puts people at ease because people are really worried about things.

*MBA MEMBER PAULA ALMGREN*  
*BERKSHIRE EAGLE, MARCH 29*

In the article, “The Business of Our Aging: Elder law helps seniors plan for the future,” MBA members Paula Almgren of Lenox and Janice Cook of North Adams discussed elder law services. The MBA, which just published its 2015 Elder Law Program Guide (Taking Control of Your Future: A Legal Checkup), was also cited as a source.

**‘Solve It 7’: ticket trouble**

This is a third party that sold her tickets. They spent money on tickets, they got their money back, she should be getting her money back. And if she’s not, I'd be filing a claim against them right away.

*MBA PRESIDENT-ELECT ROBERT W. HARNAIS*  
*TELEGRAM & GAZETTE, MARCH 2*

In this segment of “Solve It 7” Harnais provided legal analysis on the case of a consumer who sought a refund for theater tickets she bought from a third party vendor after a show was cancelled due to weather. After nearly two years, the consumer recently received a refund with the help of “Solve It 7.”

**New plea bargain rules**

I would concede that, if a prosecutor agrees to a lesser charge based on an agreement, the prosecutor should not have the rug pulled out from underneath him.

*MBA CRIMINAL JUSTICE SECTION VICE CHAIR PETER ELIKANN*  
*MASSACHUSETTS LAWYERS WEEKLY, FEBRUARY 12*

Elikann was quoted in a Massachusetts Lawyers Weekly story about recent changes made by the Supreme Judicial Court to rules governing pleas and plea bargains.

**Court funding**

They can’t absorb [550 layoffs]. You’ve got the courts at their breaking point.

*MBA CHIEF LEGAL COUNSEL AND CHIEF OPERATING OFFICER MARTIN W. HEALY*  
*BOSTON BUSINESS JOURNAL, MARCH 5*

Healy was quoted in a Boston Business Journal story about possible cuts to court funding under Gov. Charlie Baker’s recently released budget proposal. The trial courts estimate that they could be forced to lay off hundreds of employees under the current proposal.

**Prison searches of female lawyers**

It’s repugnant behavior that’s directed at members of our profession that are female. It seems to be on the face of it an attempt to frustrate an attorney’s access to their client.

*MBA CHIEF LEGAL COUNSEL AND CHIEF OPERATING OFFICER MARTIN W. HEALY, BOSTON GLOBE, FEBRUARY 28*

Healy was quoted in a Globe story about complaints made by female attorneys concerning improper security searches at MCI-Norfolk. The MBA is calling for an investigation by the Executive Office of Public Safety.
Secretary Bennett addresses prison searches at March HOD meeting

The Massachusetts Bar Association’s House of Delegates (HOD) held its latest meeting in Marlborough on March 26, at the Courtyard Boston Marlborough hotel, where members welcomed Massachusetts Secretary of the Executive Office of Public Safety and Security Daniel Bennett as guest speaker.

Bennett, appointed in January by Gov. Charlie Baker, addressed the issue of attorney searches at state correctional facilities in Massachusetts, following a Boston Globe story that detailed invasive searches of female attorneys during client visits at MCI-Norfolk. While Bennett explained the need to balance the safety of the workers and inmates with the rights of those entering, he said clearly that the procedures at Norfolk were “unacceptable” and improper searches “never should happen.”

Bennett, who met previously with MBA President-elect Robert W. Harnais and MBA Chief Legal Counsel and Chief Operating Officer Martin W. Healy after the Globe report first surfaced, responded to questions from HOD members, several of whom described inconsistent practices from prison to prison. Bennett said one of his goals was to make the Department of Corrections more consistent, and he pledged to meet with anyone who wanted to discuss this issue further.

Led by Harnais, the HOD also heard regular updates from MBA leaders, including Treasurer Jeffrey N. Catalano, who announced that the Scholarship Committee had chosen the first recipient of the MBA’s Oliver Wendell Holmes Jr. Scholarship after receiving applications from every law school in the state. The MBA will present the scholarship to the winner on May 7 at the MBA’s Annual Dinner.

In addition to the officers’ reports, Healy spoke about the success of the recent MBA-District Court Bench-Bar Meetings in Salem and Brockton, and announced the next two would be held on April 17 in Barnstable and May 13 in Worcester. In his legislative update, Healy talked about the court’s fiscal year 2016 budget, calling it a “fluid situation.” He also gave an update on the Joint Bar Committee, which the MBA administers, saying that it is “an exciting time for the bar in terms of appointments.”

Among the new business items, the HOD voted to support, in principle, legislation that would increase compensation amounts related to scarring and disfigurement in workers’ compensation cases. The HOD also approved the nominees for the 2015 Access to Justice Awards. HOD members also heard a proposal from Hampden County Bar Association President Christina M. Turgeon, who asked the MBA to support a return to a regionally based Judicial Nominating Commission. After discussion and several questions, the issue was referred to the MBA’s Executive Management Board.

The next HOD meeting is scheduled for May 28 at the MBA’s Boston office.
Massachusetts Bar Foundation honors Jerry Cohen

At the Massachusetts Bar Foundation’s recent annual meeting attorney Jerry Cohen, of Burns & Levinson LLP, was honored with the Great Friend of Justice Award. Over 130 MBF Fellows, grantees and friends attended the event, held on March 3, at the Social Law Library in the John Adams Courthouse in Boston.

The Massachusetts Bar Foundation is the commonwealth’s premier legal charity. Founded in 1964, the MBF is the philanthropic partner of the Massachusetts Bar Association. Through its grantmaking and charitable activities, the MBF works to increase access to justice for all Massachusetts citizens. There is a role for every lawyer and judge at the MBF to help safeguard the values of our justice system — to ensure that equality under the law is a reality, not just an ideal. Visit our website to learn more about our work and to get involved.

www.MassBarFoundation.org
Westlaw® Form Builder provides quick, easy-to-use document assembly that lets you reuse saved client data on additional forms. All forms are from trusted sources, and you’ll always have the most current version – plus you have free links to WestlawNext® from any cited authority. Form Builder helps you finish your forms faster, so you can move on to other work.

Discover more at legalsolutions.com/formbuilder