

# The Review



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**WELL WISHES FOR RETIRING  
ASSOCIATE JUSTICE  
E. Sydney Hanlon**



*-Authored by Staff Attorney Amy Dorsey*

It is a bittersweet moment in which we celebrate the retirement of Associate Justice Evelyn Sydney Hanlon on June 30, 2020, after an illustrious career on the bench, and as both a State and Federal prosecutor. Although Justice Hanlon has been recalled temporarily as an Associate Justice of the Appeals Court to assist the court and her colleagues during these most unusual times, her eventual departure will surely leave a void.

Before her 2009 appointment to the Appeals Court, Justice Hanlon served for nearly twenty years as a Justice of the Dorchester Division of the Boston Municipal Court (formerly, the Dorchester District Court), presiding as the First Justice of that court for fifteen of those years. While in Dorchester, in addition to her stellar work on the bench, Justice Hanlon collaboratively spearheaded, through a grant from the United States Department of Justice's Office on Violence Against Women, the establishment of a courtroom session devoted entirely to the issue of domestic violence. Throughout her judicial career, Justice Hanlon has traveled internationally promoting women's rights and spreading awareness of issues of domestic violence. As both a State and Federal prosecutor, Justice Hanlon devoted her career to making certain that those without a voice were always heard. Equally important, as a judge both here and in the trial court she has never forgotten what it is like to be on the other side of the bench.

While at the Appeals Court, Justice Hanlon continued her role as a trailblazer, involving herself in groundbreaking policy work especially in the areas of criminal and domestic violence law. She has been instrumental in insuring that the law in the area of domestic violence became fully developed in order to protect the victims of such violence, as well as the rights of those accused of perpetrating it. She also has helped in organizing domestic violence training for the justices of this court, as well as all court personnel. In addition, she has taught about domestic violence for many years as an adjunct professor at the New England School of Law. For a majority of her time at the Appeals Court, Justice Hanlon has been the exclusive single justice for child welfare cases entered in this court. Her rulings in these matters have provided consistency and uniformity to families in crisis. She has worked closely with the defense bar and the Department of Children and Families in establishing appellate protocol providing fairness to all parties.

Although Justice Hanlon leaves an impressive judicial legacy, she will be most missed for her ability to make us laugh -- a welcome release from the serious issues this court deals with on a daily basis. Her passion for the law, and her ability to share that passion with honesty and compassion, certainly will leave a void. Justice Hanlon's

willingness to mentor new judges joining the bench, law clerks navigating the legal profession, and court personnel seeking guidance, is unmatched. Never one to tell a short story, Justice Hanlon's lively conversations sparked by her intellect and good humor will be a great loss to the court.

Please join us in wishing Justice Hanlon a fond farewell while celebrating her eminent career on the bench. She will be missed by all members of the Appeals Court family.



## **VIRTUAL HEARINGS RECEIVE HIGH MARKS AT THE APPEALS COURT**

The Appeals Court emailed surveys to almost 300 attorneys and litigants who participated in Zoom oral arguments during May and June to assess their experience using this new virtual platform. There were almost 200 respondents. The survey results are as follows:

**100%** of survey participants responded that the Appeals Court's Guide to Zoom Oral Arguments adequately described the Zoom sessions and how to participate.

**92%** found that the Zoom argument was an adequate substitute during the pandemic for a courtroom argument.

**87%** responded that they were able to communicate with the Justices during the Zoom session to the same or a similar degree as in the courtroom.

**79%** supported continuing the use of Zoom for oral arguments in the Fall of 2020.

**84%** watched live or recorded arguments on the Court's YouTube channel.

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## APPEALS COURT WELCOMES NEW FIRST ASSISTANT CLERK

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From 2007 – 2020, Terrence Pricher worked at the Massachusetts Office of the Bar Counsel as an Assistant Bar Counsel. His practice focused on the forensic audits of trust accounts (IOLTA accounts) and R.E. escrow accounts, litigating cases, public speaking, consulting, and teaching classes.

While at the Office of the Bar Counsel, Terry oversaw the audit of approximately 2,000 trust accounts and, when appropriate, prosecuted cases of attorney misconduct. He has appeared at the Massachusetts Supreme Judicial Court over thirty times, filed full-court briefs, and argued in front of the full court. Terry has also done extensive outreach, developing and teaching programs at bar associations, MCLE, law schools, and title insurance companies. In this role, he developed a national reputation as an IOLTA account expert. He participated in approximately 150 CLE programs throughout New England and at the American Land Title Association (ALTA) internal auditors national conference.

In law school and immediately following graduation, Terry worked as a law clerk and a litigation consultant at the U.S. Attorney's Office. His first job as a lawyer was as an Assistant District Attorney. In 2004 he moved from the DA's office and started his career in civil litigation.

Before practicing law, Terry was the compliance manager at Sun Life Financial. In this position, he collaborated on projects to implement policies that balanced adherence to regulatory requirements against the company's business interests. His department tracked information and generated tax forms for the retirement products division. At this time, he was awarded a full scholarship to attend law school, which he attended in the evening.

Terry supports Big Brothers/Big Sisters, the Rodman Ride for Kids, and manages the Frank LaBianca scholarship fund at William Floyd High School. He is also a board member of the Marblehead Track Association and Wind Ward Track Club.

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## DISCOVERING JUSTICE:

### Appeals Court Judges and Staff Making a Difference in our Communities



Discovering Justice, a civics education non-profit based out of the Moakley Courthouse, has been working to develop new virtual mock trial mini units for the elementary classroom to be implemented in schools across Massachusetts this fall. The units incorporate videos with legal experts, such as state judges Gabrielle Wolohojian and Diana Maldonado to enhance students' real world connections to the units of study, as well as give elementary school students exposure to possible career paths.

These interviews, which also include discussions with Linda Walsh (Official Court Reporter at the U.S. Moakley Courthouse), **Jean Shirley** (Records and Argument Specialist at the Appeals Court), and **Ronald Spaddy** (Appeals Court Officer) will deepen students' understanding of the workings of the judicial system and the many roles within it.

In this clip, Judge Wolohojian explains to students what happens when there are disagreements and the importance of having discussions with each other. See [video clip of Judge Wolohojian](#).

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## JUSTICE EDWARD J. McDONOUGH, JR. REJOINS THE SUPERIOR COURT

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*-Authored by Associated Justice Ariane Vuono*

On June 10, 2020, Governor Charles Baker nominated Justice Edward McDonough to a position on the Superior Court. He was sworn in on August 7, 2020 on the steps of the Roderick J. Ireland Courthouse where he served as a judge of the Superior Court for four years prior to his appointment to the Appeals Court in September 2017. In a farewell email to his Appeals Court colleagues, Judge McDonough wrote:

"I have loved every minute serving with each of you. It has been, quite simply, the experience of a lifetime. I now look forward to rejoining the Superior Court because, after deep

reflection, I have concluded that I can best serve the Commonwealth as a trial judge." I attended Judge McDonough's swearing in ceremony. Despite the restrictions due to Covid-19, the plaza was full of masked well-wishers standing six feet apart. What we all knew about Judge McDonough was confirmed: he was sorely missed by his Superior Court colleagues, court staff and the Bar of Hampden County. To a person, they were thrilled to welcome him home. The pandemic precluded a celebratory party, but everyone lingered just the same, telling stories and expressing gratitude for Judge McDonough's return. There is no doubt that our loss is their gain.

Judge McDonough was raised in Springfield. He graduated from the University of Massachusetts at Amherst in 1977 with a Bachelor of the Arts in History. He then earned his Juris Doctor from Western New England College School of Law in 1981. Upon graduation, he began a distinguished career as a trial lawyer at the Springfield law firm of Egan, Flanagan & Cohen, P.C. He became a partner in the firm in 1987. Governor Deval Patrick appointed Judge McDonough as an Associate Justice of the Massachusetts Superior Court in 2013. In addition to presiding as a trial judge over serious criminal felony and major civil actions, Judge McDonough was appointed Regional Administrative Justice for Western Massachusetts (Hampden, Hampshire, Franklin and Berkshire Counties), and to Superior Court Committees on Implicit Racial Bias, Public Outreach, Civil Rules, Technology and the Attorney Conducted Panel Voir Dire Pilot Project. Additionally, Judge McDonough has been active in his community serving as a board member of Interfaith Homes of Longmeadow providing senior housing, as chair and member of his parish council, and as a youth baseball, football and basketball coach. Given his unwavering commitment to the Superior Court and Western Massachusetts, it is no surprise that Judge McDonough found his way back "home."

Although Judge McDonough served on the Appeals Court for just under three years, he left an indelible mark. Quick to laugh, or regale us with stories of his family, he has six children, he contributed much in that time. He published ---- decisions and authored---- unpublished decisions. He was sorely missed by the Superior Court when he departed in 2017. He also is sorely missed by all of us.

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# APPEALS COURT VISITS UMASS LAW SCHOOL "VIRTUALLY"

On September 17 over thirty UMass Law students tuned into the Appeals Court's oral arguments streaming live on YouTube. After the oral arguments concluded, the panel, consisting of Chief Justice Mark V. Green, and Associate Justices James Milkey and Dalila Wendlandt provided a private Q&A session with the students via Zoom to answer questions about the appellate process, their careers, and about how the pandemic has impacted the courts.

The Appeals Court has another "Virtual Sitting" and Q&A with UMass Amherst scheduled for October 8th.



## ABOUT ORAL ARGUMENTS

- At oral argument, the attorneys for each side of a case argue the legal issues before a panel consisting of three justices.

- Each side of the case has 15 minutes to argue. During the 15 minutes, the justices may pose questions to the attorneys.

- During a typical oral argument session, the panel of justices hears six cases, usually three criminal and three civil.

Founded in 1827, the Appeals Court is the intermediate appellate court in the Massachusetts judicial system. The Appeals Court is composed of twenty-five justices who decide over 1,000 cases each year. Three justices preside as a "panel" hearing oral arguments presented by attorneys and justices in criminal and civil appeals involving a range of legal questions. Learn more about the Appeals Court here.

Typically, cases are argued before the Appeals Court at the John Adams Courthouse in Boston and are open to the public. However, due to the COVID-19 pandemic, all Appeals Court oral arguments are currently being conducted through videoconference and broadcast live to the Massachusetts Appeals Court Oral Arguments YouTube Channel.

## Massachusetts Appeals Court to "Virtually" Visit UMass Law

It was the Appeals Court's intention to visit UMass Law "in person" on September 17th for our annual off-site sitting. Unfortunately, the current pandemic prevents such an event. Instead, the Appeals Court is pleased to invite you to join us for oral arguments as they are broadcasted live on September 17th and then for an interactive Q&A with the Justices thereafter. This Q&A will be held exclusively for UMass Law students, faculty, and staff. Registration is required.

### ATTENTION LAW STUDENTS



Register to Join the Oral Argument Zoom and Post Argument Q & A Session with the Appeals Court Justices by emailing [jgum@umassd.edu](mailto:jgum@umassd.edu)

Thursday, September 17, 2020  
Oral Arguments @ 9:30 a.m.  
Q & A to follow @ approx. 1:00 p.m.



## REMOTE OPERATIONS TO CONTINUE THROUGH DECEMBER

Oral Arguments scheduled for October, November, and December will continue to be conducted on the Zoom video conference platform with a live stream to the Appeals Court's YouTube channel. The Clerk's Office has prepared a Guide to Zoom Oral Arguments for attorneys and self-represented litigants that may be [read online](#) or [downloaded](#) as a PDF. The Appeals Court has also posted a [schedule](#) of practice sessions it is hosting for persons interested in familiarizing themselves with Zoom in advance of oral argument.

We will continue to monitor the pandemic and assess when in-court hearings may resume. Information about when in-court hearings will resume will be posted on our website and emailed via our listserve.

We thank all those who have made it possible for the Appeals Court to operate remotely during these challenging times, particularly our Clerk Joseph Stanton and his staff, as well as Interim Chief Information Officer Jeff Travers.



## MASSACHUSETTS APPEALS COURT

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