

The Review



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CITY OF MALDEN HONORS JUSTICE KENNETH V. DESMOND JR. DURING BLACK HISTORY MONTH

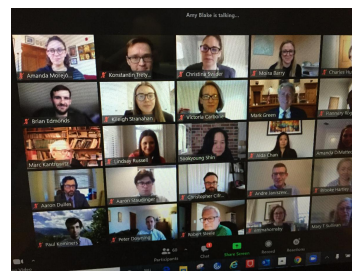
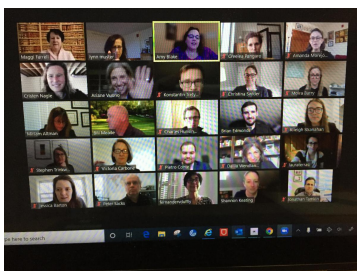


Justice Kenneth V. Desmond Jr., a lifelong Malden resident, graduated from Tufts University in 1985 and from Boston College Law School in 1990. Upon graduation he served as a Suffolk County Assistant District Attorney until 1997 when he became Deputy Chief Legal Counsel to the Middlesex County Sheriff's Department. He was appointed by former Governor W. Mitt Romney as an Associate Justice of the Boston Municipal Court in 2005 and subsequently became the Presiding Justice of Dorchester Drug Court. In 2012, former Governor Deval Patrick appointed him as an Associate Justice of the Superior Court and in 2016 Governor Charles Baker appointed him to the Massachusetts Appeals Court.

Justice Desmond has been active on a number of professional committees, in bar associations and in legal education. He has been the Vice-Chair of the Supreme Judicial Court Advisory Board on Probation and a member of both the Supreme Judicial Court

Committees on Judicial Performance and Studying Judicial Conduct. He also served on the Massachusetts Trial Court Cross-Departmental Working Group on Race and Ethnicity Reporting. Justice Desmond, along with Justice Gregory Massing, currently serves as co-Chair of the newly-established Appeals Court Standing Committee on Diversity, Equity and Inclusion. He has been a trustee of the Flaschner Judicial Institute, Vice-President of the Massachusetts Black Judges Conference, a board member of the Massachusetts Black Lawyers Association, and a hearing member of the Massachusetts Board of Bar Overseers. He has also been active in legal education, lending his expertise in diverse areas of criminal, labor, business, personal injury, and ethics law in varied settings such as the Flaschner Judicial Institute, the National Business Institute Judicial Forum, and Massachusetts Continuing Legal Education. Additionally, he joined judicial delegations which traveled to China to teach and promote the rule of law.

APPEALS COURT LAW CLERK SOCIETY HOLDS VIRTUAL SPRING SOCIAL



Although the pandemic prevented the Appeals Court Law Clerk Society from holding an in-person spring social this year, more than seventy former and current law clerks and judges met on April 7, 2021, virtually, via the Zoom platform. Organized by the 2019-2021 Law Clerk Society Board -- former law clerks Jessica Barton-Davis, Amanda Morejon, and Kevin Powers -- the fifth annual event (except for 2020) began with opening remarks from Chief Justice Mark V. Green. Chief Justice Green noted, "Although this community of law clerks has always been in place for peer mentoring and networking, this society provides more structure for that."

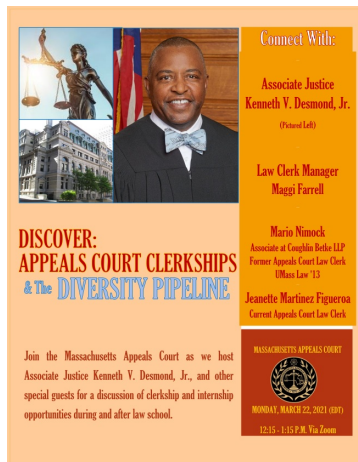
During the remainder of the first hour of the event, there was a panel discussion with five current and former Appeals Court justices: Associate Justices Amy L. Blake (moderator), Ariane Vuono, and Sookyong Shin, as well as former Appeals Court Justices Fernande R. V. Duffly (ret.) and R. Marc Kantrowitz (ret.).

Justice Blake asked former Appeals Court (and Supreme Judicial Court) Justice Duffly (ret.) about all the barriers she broke for women, and for women of color. Justice Duffly (ret.) remembered as far back as law school, noting all of the "white guys" and wondering to herself, "Where is everybody else?" Justice Kantrowitz (ret.) had wise words for the crowd: "Try to do that which you want to do" and "Find joy in what you're doing." Justice Vuono recounted her transition from advocate to the bench: "If you are doing your job correctly," i.e., looking out for justice, it is not difficult to transition "from being an advocate to being a neutral." Justice Shin mentioned her adjustment to the law by thinking of it as "a puzzle," and her vast science background helped her in that way. All of the justices promoted looking for a mentor by keeping an informal network of friends, i.e., finding someone who can assist in whatever way needed and keeping in touch with that person. Justice Blake closed out the discussion by stressing the importance of ethics in lawyering: "No case, no client is worth your reputation. Your word is your bond."

The crowd then broke into randomized small groups of seven or so attorneys, for two consecutive fifteen-minute breakout sessions. The board also announced that, as

Barton-Davis and Morejon cycle off the board, several former and current law clerks will join the board of the Law Clerk Society, effective immediately. Everyone in attendance was grateful for the opportunity to connect, and left the 2021 spring social feeling hopeful that the crowd would convene in person in 2022. - Contributed by Lynn S. Muster

APPEALS COURT ESTABLISHES PIPELINE PROJECT



Established in 2020, the goal of the Appeals Court Pipeline Project is to create a sustained and sustainable pipeline of racially and ethnically diverse attorneys and law school students serving as law clerks and interns in the Massachusetts Appeals Court. The Pipeline Project Committee is currently comprised of Justice Mary Thomas Sullivan (Chair); current Justices Gregory Massing, C. Jeffrey Kinder, and Kenneth V. Desmond, Jr.; retired Justices Geraldine Hines (ret.) and Diana Maldonado (ret.); Court Administrator Gina DeRossi; and Law Clerk Manager Maggi Farrell. Farrell says, "As law school students and new lawyers contemplate their careers, the Appeals Court wants to promote opportunities for diverse individuals to serve as interns

and law clerks."

The project's ultimate aim is to increase the number of racially and ethnically diverse attorneys in the Massachusetts bar and in the judicial branch. As Farrell states, "It is critically important for members of the legal profession to reflect the backgrounds and perspectives of the populations they serve." In addition, Farrell continues, "Greater diversity at the Appeals Court enriches and strengthens the workplace for everyone by increasing awareness of the challenges faced by historically underrepresented groups, and by fostering a sense of inclusiveness and shared mission."

The project actively recruits law students and practicing attorneys who seek a clerkship or internship experience by (1) designating judges and staff to participate in outreach to the affinity bar associations and student groups at law schools; (2) committing to hiring increased numbers of interns and law clerks from previously underrepresented groups; and (3) providing ongoing support and mentorship to all interns and law clerks, with a particular emphasis on racially and ethnically diverse interns and law clerks, and other previously underrepresented groups.

About a half dozen events already have occurred to date, involving New England Law/Boston, Suffolk University Law School, UMASS Dartmouth School of Law, Western New England School of Law, and Boston University School of Law. The events also engaged such organizations as the LGBTQ Bar Association, the Massachusetts Black Lawyers Association, and the South Asian Bar Association of Greater Boston. Upcoming events will incorporate Northeastern University School of Law, Howard University School of Law, Boston College Law School, and Harvard Law School.

At each event, a Justice and Farrell make welcoming remarks and give background about the Appeals Court and the kinds of cases heard at the Appeals Court. Farrell discusses why being a law clerk is such a wonderful job, why students should think about applying, and what skills they will learn that are valuable to future employers. She also provides a brief overview of internships. Another Justice then discusses the interviewing and the hiring processes from a judge's perspective, and may

also comment on the benefits of a clerkship from a future employer's standpoint. Then a former law clerk (or two) discusses the clerkship experience from their perspective -- why they decided to apply for a clerkship, what they learned from the experience, and what they enjoyed about clerking at the Appeals Court. The events have been well attended, and, as Farrell says, "Going forward, we hope that our Pipeline Project will support a more widespread effort to increase diversity among practitioners and judges." - *Contributed by Lynn S. Muster*

BALANCING THE SCALES -- JUSTICE AMY L. BLAKE PARTICIPATES ON PANEL DISCUSSION



Justice Amy L. Blake participated in a panel discussion sponsored by Social Law Library on March 23, 2021. The program was moderated by Atlanta attorney and filmmaker, Sharon Rowen (director, producer, and attorney), and examined her documentary film entitled "Balancing the Scales."

As it was advertised by Social Law Library, *Balancing the Scales* is an insightful look at the story of women lawyers in America. Based on interviews conducted over twenty years, the interviewees included a broad array of lawyers and judges across five generations, e.g., the late United States Supreme Court Justice Ruth Bader Ginsburg, civil rights attorney Gloria Allred, *Roe v. Wade* attorney Margie Pitts Hames, State Supreme Court and Appellate Court justices, women equity partners, minority women lawyers, associates, and law students. The film explores how discrimination has shifted from overt to subtle, and why women are leaving the profession in droves, i.e., the so-called "leaky pipeline." The film highlights the deep cultural biases and the ingrained presumptions about both the "work" and the "life" parts of the work-life balance, as well as the fact that although women have made some progress, there still is a long way to go to reach equity.

In the panel discussion, Justice Blake talked about the qualities that women lawyers may have -- qualities that would be celebrated in a man -- that are not appreciated, or even are denigrated when a woman has them. She also mentioned the mentoring process: women need to take a role in mentoring women as far back as law school, talking with them about the "paths that they can forge" to form alliances along the way; she said, "Women don't want a hand out, [they] want a hand up." Other panelists commented, in response to an audience question, that women themselves also need to be attentive to their own biases, that they also sometimes see women as "too" aggressive when such actions or traits would be accepted from a man. Judge Blake captured the mood of the room when she stated that women "need to be better about supporting each other." The panel's advice to the women in the audience: understand the playbook, even though it was not written by people "who looked like us." - *Contributed by Lynn S. Muster*

APPEALS COURT PLOWS THROUGH WORK DURING SNOW DELAY

On Tuesday, February 2, 2021, the courts across the Commonwealth delayed opening by sixty to ninety



minutes due to snow and ice conditions. The wheels of justice, however, continued to turn in a timely manner at the Appeals Court! Two virtual panel hearings were conducted by the Chief Justice and five Associate Justices on the Zoom platform. The court has been conducting oral argument on Zoom almost exclusively since May of 2020. But holding these hearings on-time

and as scheduled, even when courthouses opened late, opens the possibility that the court would consider holding hearings on Zoom post-pandemic, to avoid the disruption historically caused by snow or other weather-related and/or emergency delays and cancellations in the future.



APPEALS COURT REMOTE OPERATIONS TO CONTINUE THROUGH JUNE

Oral Arguments will continue to be conducted on the Zoom video conference platform with a live stream to the Appeals Court's YouTube channel through June. 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.

The Court 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 The Appeals Court website and emailed via our listserve.



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