

The Review



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APPEALS COURT JUSTICE DALILA WENDLANDT ELEVATED TO THE SUPREME JUDICIAL COURT



Appeals Court Associate Justice Dalila Arguez Wendlandt was elevated to the Massachusetts Supreme Judicial Court in December, 2020, after her nomination by Governor Charlie Baker and unanimous confirmation by the Governor's Council. Justice Wendlandt is the first Latinx to serve on the state's highest court.

In her three years at the Appeals Court, Justice Wendlandt authored 30 published decisions and served on numerous committees. She was a member of the appellate courts IT Steering Committee, serving as co-chair this past year. She also served on our case management committee, the judicial conference committee and served as the Court's liaison to the Probate and Family Court. But on a more personal note, Justice Wendlandt was known to laugh easily, making her a great audience for all at the court. She also was a superstar on her Appeals Court trivia

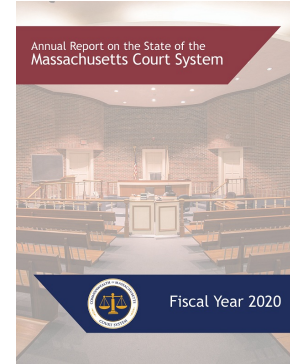
team! Her presence will be missed both personally and professionally.

Though the Appeals Court is sorry to see her go, we are very proud of her and happy that the Commonwealth will have the benefit of her intellect, judgment, and compassion on our highest court.

FY20 ANNUAL REPORT ISSUED ON COURT:

Court leaders published the Annual Report for the Massachusetts Court System for Fiscal Year 2020. The Annual Report on the State of the Court System highlights accomplishments and statistics for the appellate and trial courts, including how the courts have responded to the pandemic.

Please click on the cover image to the right to access the report.



MARGUERITE GRANT SWORN IN AS APPEALS COURT ASSOCIATE JUSTICE



In October 2020, Marguerite Grant was sworn in as an Associate Justice of the Massachusetts Appeals Court. Justice Grant graduated from Wellesley College with a Bachelor of Arts in History and Latin. She then earned her J.D. from Stanford Law School where she was managing editor of the Law Review. She was born in Boston and grew up in Dedham. After her graduation from law school, Justice Grant began her career with the law firm of Hill & Barlow in Boston, where her practice focused on civil litigation. In 1991, Justice Grant joined the Middlesex County District Attorney's Office, where she served as an assistant district attorney for 20 years, principally handling appeals. In 2011, she joined the Norfolk County District Attorney's Office as an assistant district attorney, before her promotion in 2014 to her

most recent role as general counsel and director of training. In that role, Justice Grant advised the District Attorney on legal and ethical issues, trained prosecutors on legal and ethical obligations, and argued primarily homicide and sexual assault cases in state appellate courts.

In addition to her work as an ADA, Justice Grant also served as a lecturer in legal writing for Harvard Extension School from 1992 until 1997, and as an adjunct professor in Appellate Advocacy for Northeastern University School of Law from 2002 until 2005. She also served as an adjunct professor in Professional Responsibility at Suffolk University Law School.

Justice Grant has been a member of the board of trustees of the Massachusetts Bar Foundation since 2007, and was previously a member of the Board of Bar Overseers, serving as its Chair from 2007 until 2008. She has also served on the board of editors of Massachusetts Lawyers Weekly since 2016. Justice Grant has been a member of the Supreme Judicial Court's Standing Advisory Committee on Massachusetts Rules of Criminal Procedure since 2019 and was named one of the "Top Women of Law" by Massachusetts Lawyers Weekly in 2019.

We are pleased to welcome Justice Grant to the Appeals Court.

ASSOCIATE JUSTICE AMY BLAKE SPEAKS ON CRIMINAL APPEALS PANEL

On September 30, 2020, Associate Justice of the Appeals Court Amy L. Blake was a panelist on a continuing legal education seminar entitled "Criminal Appellate Law for Criminal Trial Lawyers," and sponsored by the Social Law Library.



The distinguished panel of experts constituted a cross-section of the criminal appellate community and provided appellate perspectives on trial advocacy, error preservation, and judges' views from the bench. The seminar offered guidance to practitioners on everything from the start to the finish of proceedings, i.e., from how to create the best appellate record through pretrial motions, all the way through verdict and posttrial efforts. Judge Blake said that the program featured tips "at a very granular level" for trial lawyers (both prosecutors and defense counsel) on how to stay informed about new issues already on appeal in other cases, techniques to use in the trial court to preserve error, and ways to foster strong relationships between trial and appellate attorneys. Meanwhile, appellate attorneys on both sides benefitted from hearing a plethora of ideas about what to look for in assessing and preparing their appeals.

The program also discussed issues that may be brought to the attention of the Board of Bar Overseers, as well as suggestions on how attorneys should practice so as to avoid such complaints. According to Judge Blake, the program "went really well, it was very well received." The only criticism received was that the attendees would have liked more time! - Authored by Deputy Chief Staff Attorney Lynn Muster

APPEALS COURT LAW CLERKS SWORN IN TO MASSACHUSETTS BAR



Twelve Appeals Court law clerks were sworn in as members of the Massachusetts Bar on January 19, 2021. Chief Justice Green presided over the proceeding, receiving each motion for admission by either the judge for whom the law clerk is assigned, a lawyer family member, or a professional colleague. Chief Justice Green later stated, "We at the Appeals Court were pleased to be able to welcome these new attorneys to the profession in a smaller and more personal and intimate fashion, as is our tradition, despite the challenges posed by the global pandemic."

The event was organized by Maggi Farrell, the Law Clerk Manager, in coordination with the office of the Supreme Judicial Court Clerk for Suffolk County, Maura Doyle. Chief Court Officer, Dana Smith, also was in attendance and provided a visual security presence, just as he would have if the ceremony had taken place in the courthouse. After the motions for admission were allowed by Chief Justice Green, Clerk Doyle administered the statutory and attorney's oaths, and then called the law clerks to sign the "Roll of Attorneys." For this latter requirement, the law clerks tilted their computer screens down so that the signing could be witnessed. The ceremony was recorded and is available for all Appeals Court employees and judges to view.

Although this momentous occasion differed from past years, Farrell stated that the reviews were enthusiastic and that, "Given the circumstances, . . . it went well. It was just as special." These law clerks, after all, already have learned to be adaptable to pandemic conditions. Their last semester of law school and their law school graduation also were disrupted and moved almost entirely on-line. Then the Massachusetts bar examination was postponed, resulting in bar preparation classes being delayed as well. Thus, this group needed to do their last month of exam preparation, and then take the exam itself, while already working in their Appeals Court clerkships.

The new members of the Massachusetts Bar are the following law clerks: Jake Butts, Victoria Carbone, Pete Conte, Eric Davey, Brian Edmonds, Emma Hornsby, Paul Lyons, Jeanette Martinez Figueroa, Max Meglio, Flannery Rogers, Kileigh Stranahan, and Hunter Wildrick. The Appeals Court welcomes them to the profession! - *Authored by Deputy Chief Staff Attorney Lynn S. Muster*

SUFFOLK LAW SCHOOL DEBUTS FREE LEGAL TOOL, IN USE AT THE APPEALS COURT

The Legal Innovation & Technology (LIT) Lab at Suffolk Law School debuted a free legal tool recently, as reported by NBC10 - Boston. The mission of the LIT Lab is for students to develop legal technology and data science solutions for organizations, helping those organizations improve efficiency and efficacy. The tool, entitled "Court Forms Online," allows court users to maneuver the court system in an online fashion -- a necessity as the pandemic continues and court access is restricted. Users are able to access court forms as well as self-help materials in areas of urgent legal need. Users also may be able to get questions answered with the tool's guided processes. NBC10 - Boston likened the new tool to TurboTax -- an on-line service that assists people in preparing their Federal and State tax filings. Court Forms Online offers services in different languages and it is billed as not requiring more than a fourth grade education to understand. Ultimately, it has the ability to help a large amount of people in a short period of time.

One example of its use is in evictions, an urgent matter since the eviction moratorium ended. For example, the tool can assist a residential tenant who has received an eviction notice by asking the tenant a series of questions relevant to the Centers for Disease Control and Prevention order that provided a temporary halt in residential evictions to prevent the spread of COVID-19. If the tenant's answers to the questions show that they qualify to stop the eviction, the tool will deliver that notice directly to the landlord.

Court personnel, including those in the Appeals Court Clerk's Office, have referred users of the court system to Court Forms Online. Effective November 20, 2020, the Appeals Court issued an order authorizing filers to use the online forms provided by the LIT Lab. Currently, the website has three filing templates -- a motion to stay eviction, a petition to the single justice for interlocutory review, and a motion for

enlargement of time -- but more are on the way, including the civil docketing statement. Many people in the Clerk's Office have worked on this project, headed up by First Assistant Clerk Terry Pricher and Assistant Clerk Paul Tuttle, and, together with the LIT Lab, jointly produced the templates to assist users in creating documents for filing. At this time, users are able to e-mail the pdfs to the court through a separate e-dress, but the goal is to coordinate with Tyler Technologies and have these documents filed in the Appeals Court directly from the LIT Lab website. Pricher speaks very highly of the tool, also indicating, "We are very conscious of our budget, so this is an additional resource that we do not have to pay for. We just commit the time." Since mid-October, about ten eviction cases have been filed, three of them through the Lit Lab tool. As the eviction crisis continues, it may reach the court's doorstep in a larger way. Says Pricher, "We are preparing for it and we think we are ready. This is one of the tools that is going to help us." - Authored by Deputy Chief Staff Attorney Lynn Muster



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.

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 listserv.



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