

Institute for Legislative and Governmental Affairs Spring Term 2003



The Institute for Legislative and Governmental Affairs offered a wide range of events for students, faculty, graduates, judges, and attorneys during the spring semester, 2003. We sponsored a seminar, together with the International Law Society, on the use of military force to remove Saddam Hussein from power in Iraq; hosted on-campus hearings of the Massachusetts Legislature, cosponsored with the Women's Bar Association the Second Annual Women in Politics conference (see separate story on Page 3); and, with the Massachusetts Bar Association, organized five continuing legal education programs. Finally, for the third consecutive year, the director of the Institute served as the faculty advisor for our summer legal interns from Siena College.



Iraq Seminar

On April 9, 2003, Professors Kalodner, Miller, and Wolf presented differing views on the legality of the United States-led use of military force to remove Saddam Hussein and his Ba'athist Party from power in

Iraq. Professor Wolf justified the action based on the authority to enforce international human rights and United Nations Security Council resolutions. Professor Kalodner objected to the unilateral enforcement of UN resolutions on the ground that only the Security Council, under the U.N. Charter could authorize the use of military force. Professor Miller criticized the intervention on a variety of legal and policy grounds.

Legislative Hearings

As it has done for the past several years, the Institute also hosted public hearings of Committees of the Massachusetts Legislature (formally known as the "Great and General Court"). The Institute is the official host for the Joint Committee hearings on campus. Representative Gale D. Candaras (12th Hampden; '82) assists with the coordination of Committee hearings at the Law School, which are held at least twice each year.

On April 10, the Joint Committee on Education, Arts and Humanities, cochaired by Representative Marie St. Fleur and Senator Robert Antonioni, heard testimony on a wide variety of bills pending before the Committee. Included in the package were bills

(Above) Siena College students Michele Poole and Mary-Elizabeth Dupelle discuss their research with Attorney Norma Shapiro, legislative director of the Massachusetts Civil Liberties Union, and Representative Gale Candaras '82 at the State House in Boston

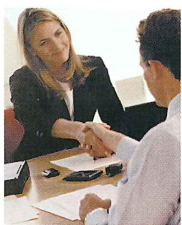
relating to teachers' professional status, contractual relations for teachers and administrators, evaluation of student performance, teacher certification requirements, and related matters.

The Institute also invited the Joint Committee on Commerce and Labor to conduct its hearings on Thursday, July 10. The Committee, cochaired by Representative Michael Rodrigues and Senator John Hart, was scheduled to hear testimony regarding electronics pricing and other bills relating to consumers that are pending before the Committee. However, on July 9, the Committee postponed the hearings because the Legislature was still in formal session, addressing the Governor's vetoes of a variety of budgetary line items.

Siena College Summer Interns

For the past several summers, Siena College has chosen us as one of four law schools in the country to host its summer legal internship program. Designed to expose college seniors to the law school experience, Dr. Leonard Cutler at Siena created this unique program several years ago. With the experienced aid and guidance of Representative Candaras, the interns selected a legislative project that required extensive legal and field research, as well as trips to the State House in Boston where they interviewed members and staff of the Legislature. Focusing on the controversial issue of same gender marriage, the interns wrote a lengthy research paper and recommended the enactment of legislation to address this important public policy and legal question. During their summer at the School of Law, the Siena interns also explored the intricacies of legal research and writing, the many facets of our Law Library, School of Law, and law program, and attended law school classes.

Continuing Legal Education Programs



On February 4, 2003, the Legislative Institute, the Mass Bar (together with the four local bars), and the Law Alumni Office sponsored "Handling Depositions with Confidence." Chaired by Joseph M. Pacella from Egan, Flanagan & Cohen, the seminar proved invaluable to attorneys who had little or no experience taking depositions (and to those who needed to brush up on their deposition technique). As in the past, we offered this and other CLE sessions at discounted rates for our graduates and students.

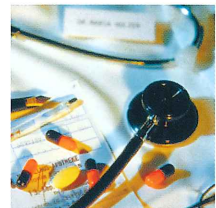
On March 18, the Institute and the four county bar associations, in cooperation with the Massachusetts Bar Association, hosted, "How to Handle a Will Contest." Our distinguished panel of experts included: Hy Darling '76, the chair of the program and an attorney with Bacon & Wilson in Springfield; the Honorable David Sacks, justice in the Hampden County Probate and Family Court; and Attorney Gary Shannon, a member of Doherty, Wallace, Pillsbury & Murphy, also in Springfield. The panelists addressed the major issues in a will contest from the perspectives of plaintiff and defendant, including standing, venue, discovery, pre-trial motions, the role of the GAL, attorney fees, and other critical matters, and answered questions during the program and at the reception afterwards.

On April 30, the MBA and the Legislative Institute hosted the very popular, "New Lawyers Mentoring and Networking Session." The program offered a great opportunity for new attorneys to meet and mix with colleagues while learning more about a variety of practice areas in small group discussions led by MBA mentors.



"Selected Topics in HIPAA Privacy Implementation" was the fourth program cosponsored by the MBA and the Institute on Tuesday, May 6. Effective in mid-April, federal health privacy regulations contained in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) imposed substantial new burdens on healthcare providers, health plans, and some employers. Entities have experienced significant issues in implementing and complying with these new rules. This seminar helped attorneys understand who is affected by these rules and provided practical guidance on how to counsel their clients on the most difficult implementation strategies.

The final CLE program for the semester occurred on June 3, "Healthcare Coverage After Divorce: What You Need to Know." Designed to address the critical question of health insurance after dissolution of the marriage, the seminar covered a wide array of legal issues arising under both federal and state law, which has created a confusing patchwork. The program was structured for both new attorneys and seasoned family lawyers.



The distinguished panelists brought a vast array of knowledge and experience to the seminar; they included the Honorable David M. Fuller, Hampden County Probate and Family Court; Attorney Clare D. McCorrigan (Health Law Advocates), program chair; Attorney Marilyn Ray Smith, deputy commissioner, Massachusetts Department of Revenue; and Attorney Mary A. Socha, Bozenhard, Socha & Ely. ♦

Continuing Legal Education 2003-2004

- Sept. 23, 2003 "How to Handle a Residential Real Estate Closing"
- Nov. 4, 2003 "Second Annual Bankruptcy Forum"
3:00-6:00 p.m.
- Nov. 18, 2003 "How to try a Chapter 93a and 176d Case"
(tentative topic) 4-7:00 Rm A
- Dec. 2, 2003 "Elder Law Basics"
- Feb. 3, 2004 "How to Probate an Estate" part 1
- Feb. 10, 2004 "How to Probate an Estate" part 2
- March 9, 2004 "Employment Law Basics" (tentative topic)
- April 6, 2004 "Recent Developments in Family Law"
(tentative topic)
- May 27, 2004 "How to Start and Run your Practice" (full day)

(topic dates may be changed depending on availability of speakers)

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