

Institute for Legislative and Governmental Affairs

Spring Term 2004

BY THE END OF THE 2003-2004 ACADEMIC YEAR, the Legislative Institute had completed its fourth year of designing and hosting legislative and other events. Among its activities during the spring term, 2004, the Institute hosted very important hearings of the Joint Committee on Health Care of the Massachusetts legislature, cosponsored several very successful continuing legal education programs, and supervised two Siena College students during a summer internship program. The Institute also hosted the first Collaborative Law seminar in Western Massachusetts through the extraordinary efforts of Professors Beth Cohen and Lauren Carasik, together with Attorney Eileen Sorrentino '86.

One of the goals of the Legislative Institute is to bring committees of the Massachusetts Legislature (the "General Court") here to the Law School. Holding legislative hearings in Springfield gives our college community and the residents of Western Massachusetts the opportunity to observe the workings of our Legislature and to participate as witnesses in the hearings. The presence of the Committee also gives area voters and residents, together with our students, staff, and faculty, the chance to meet and speak with members of the Legislature.



Professor Art Wolf assists Pre-Law students with research

Pre-Law Summer Program

The Institute again hosted two students from Siena College, which sponsors a unique summer program at four American law schools for its best students interested in a career in law. Amanda Chafee and Katie Donahue, officers in the Siena Pre-Law Society, graced our campus this past summer. They worked on a legislative project involving vehicular homicide, momentum to the families of victims, prosecutors, organizations such as MADD, and the general public. Their project was suggested to the Institute by Representative Gale D. Candaras '82, (D. Wilbraham); the Institute solicits project ideas throughout the year from legislative members. At the conclusion of their internship, Amanda and Katie submitted an extensive memorandum with recommendations to Rep. Candaras for legislative action at the next session of the General Court.



The Joint Committee on Health Care of the Massachusetts Legislature

The Joint Committee on Health Care of the Massachusetts Legislature held a very important hearing last April presided over by House Chairman Peter Koutoujian, (D. Newton), the House Chair of the Joint Committee. It heard testimony on the topic of disparities in health care treatment and resources available to Hispanic Americans. The Committee is conducting a series of oversight hearings across the state.

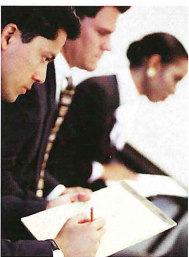
State Representative Gale D. Candaras '82, (D. Wilbraham), a health care advocate, co-sponsored the event with the Legislative Institute. She stated: "Cuts to health care have been severe and certain groups have suffered more than others. We have to find ways to equalize accessibility to finite health care resources and try to find ways to minimize the impact uninsured populations are having on our hospitals." The Health Care Committee held hearings at the Law School in the spring of 1999 on the nursing crisis in Massachusetts' hospitals.



Collaborative Law Training Session

The Legislative Institute and the Massachusetts Collaborative Law Council co-sponsored a two-day collaborative law practice training last April, the first such training session held in Western Massachusetts. Collaborative Law is an innovative approach to law practice, in which attorneys for both parties resolve conflicts using cooperative strategies rather than adversarial techniques and litigation. The process combines both traditional and new approaches to problem solving. The Collaborative Law process uses the best features of mediation with the added security of zealous, yet rational, advocacy by an attorney. It has been applied to a wide spectrum of law such as business, employment, and family law, where it began. The training generated great enthusiasm in western Massachusetts to expand the number of collaborative lawyers in the practice.

Continuing Legal Education Programs



The first CLE of the spring term centered on probating an estate, one of the basic building blocks of a trusts and estates practice. The Legislative Institute and the Massachusetts Bar Association co-sponsored, "How to Probate an Estate," a two-part program held on consecutive Tuesdays in February. These seminars were designed to help attorneys build an estate practice on a solid foundation. The panelists focused on the nuts and bolts of estate administration and estate taxation.

Our distinguished faculty for both sessions included the program chair Michele Feinstein, Esq., Shatz, Schwartz and Fentin, Springfield; the Honorable David M. Fuller, Hampden County Probate and Family Court; Professor Fred D. Royal, Western New England College School of Law, Springfield; and Ann I. Weber, Esq., Shatz, Schwartz and Fentin, Springfield. The topics discussed in Session I included: (a) collecting the information needed for estate administration; (b) guiding clients through the process; (c) processing the estate in court; (d) taking inventory and preparing an accounting; and (e) finalizing the estate settlement. Session II topics included: (a) collecting the information needed to decide whether the estate is taxable; (b) valuing the estate; (c) preparing the estate tax return; and (d) the recent changes to the federal estate tax laws.



The Institute also co-hosted a CLE program on family law, "Recent Developments in Family Law." The New Lawyers and Family Law Sections of the MBA and of the Berkshire, Franklin, Hampden, and Hampshire County Bar Associations co-sponsored the seminar. Our distinguished speakers reviewed important recent cases and legislation as well as addressed some of the challenging issues facing family law practitioners today. Key issues included: (a) child support; (b) division of assets; (c) custody and visitation; (d) alimony; (e) standing; (f) unmarried couples; (g) same-sex marriages; (h) Chapter 209A cases (spousal abuse); (i) new Notary Rules; and (j) jurisdiction, including PKPA, UIFSA and UCCJA/MCCJA.

Our excellent speakers included Richard D. Packenham, Esq., program co-chair, Packenham, Schmidt & Federico, Boston; Mary Socha, Esq., program co-chair, Bozenhard, Socha & Ely, West Springfield; and Honorable David G. Sacks, Hampden Probate and Family Court, Springfield. ♦