

Mass Dissent

Massachusetts Chapter

National Lawyers Guild

14 Beacon St., Boston, MA 02108

February 2013

www.nlgmass.org

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BOARD MEETING

February 19, 6:00 pm

14 Beacon St., 1st Fl.
Boston

Criminal Defense

In this issue of *Mass Dissent* we focus on criminal defense. Our Mass Defense Committee is working to prepare for the Occupy Boston trials; it's also working to protect the right to dissent by fighting an attempt by the town of Westborough to get restitution from a groups of activists who conducted a non-violent sit-it in opposition to the XL pipeline. We have continued to conduct trainings for various communities through our Street Law Clinics, including Know Your Rights.

This issue starts out with an article by **Brian Terrell** about pro se representation. From a prison cell, he explains his own transformation of deciding to extend his acts of resistance to the courtroom as his own advocate, often in collaboration with NLG attorneys.

Community social worker **Morrigan Phillips** offers a call to action for defense lawyers. Here, he explains why and how lawyers can conspire with social service advocated to get better outcomes for clients.

Harold Brown writes from a Massachusetts prison

law library. In his own struggle to stay current with case-law and legislative developments, he offers a reminder of the importance of staying up to date as practitioners -both behind bars and on the outside.

Finally, **Josh Raisler Cohn** reiterates the importance of getting clients out of jail pre-trial. He looks at some of the trends of release, and the deep costs—both social and economic—that occur when defendants are held in captivity throughout their pretrial time.

Marc Lamont Hill and Mumia Abu-Jamal discuss the way that the deep violence of the criminal legal system is masked by euphemisms in their book *The Classroom and the Cell*. They encourage us all to start replacing the euphemisms with the truth—no longer saying “my client is in custody” but saying “my client is in captivity” or “my client has been caged for...”. Their call reminds us of how much we are fighting against. See you in the streets, and maybe in court afterwards....

- Josh Raisler Cohn -

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Join a Guild Committee

Street Law Clinic Project: The Street Law Clinic project provides workshops for Massachusetts organizations that address legal needs of various communities. Legal education workshops on 4th Amendment Rights (Stop & Search), Landlord/Tenant Disputes, Workers' Rights, Civil Disobedience Defense, Bankruptcy Law, Foreclosure Prevention Law, and Immigration Law are held at community organizations, youth centers, labor unions, shelters, and pre-release centers. If you are a Guild attorney, law student, or legal worker interested in leading a workshop, please contact the project at 617-723-4330 or nlgmass-slc@igc.org.

Lawyer Referral Service Panel (LRS): Members of the panel provide legal services at reasonable rates. Referral Service Administrative/Oversight Committee members: Neil Berman, Neil Burns, Joshua Goldstein, Jeremy Robin, and Azizah Yasin. For more information, contact the Referral Service Coordinator at 617-227-7008 or nlgmass@igc.org.

Foreclosure Prevention Task Force: Created in June 2008, the Task Force's goal is threefold: (1) advocate for policies that address issues that homeowners and tenants of foreclosed houses face, (2) to provide legal assistance to these homeowners and tenants, *and* (3) to conduct legal clinics for them. If you are interested in working with the Task Force, please call the office at 617-227-7335.

Mass Defense Committee: Consists of two sub-committees: (1) "Legal Observers" (students, lawyers, activists) who are trained to serve as legal observers at political demonstrations *and* (2) "Mass Defense Team" (criminal defense attorneys) who represent activists arrested for political activism. To get involved, please contact the office at 617-227-7335.

Litigation Committee: Established in 2010, the Committee brings civil lawsuits against large institutions (such as government agencies, law enforcement, banks, financial institutions, and/or large corporations) that engage in repressive or predatory actions that affect large numbers of people and that serve to perpetuate social, racial and/or economic injustice or inequality. To get involved, please contact the Guild office.

NLG National Immigration Project: Works to defend and extend the human and civil rights of all immigrants, both documented and undocumented. The Committee works in coalitions with community groups to organize support for immigrant rights in the face of right-wing political attacks. For more information contact the NLG National Immigration Project at 617-227-9727.

NLG Military Law Task Force: Provides legal advice and assistance to those in the military and to others, especially members of the GIRights Hotline, who are counseling military personnel on their rights. It also provides legal support and helps to find local legal referrals when needed. For advice and information, GI's can call 877-447-4487. To get involved, please contact Neil Berman (njberman2@juno.com) or Marguerite Helen (mugsm@mindspring.com).

GUILD NEWS

WAR IN GAZA

On **Friday, February 1**, two NLG student chapters will host **James Marc Leas**, an NLG member from Vermont, who will report on a recent NLG delegation to Gaza. At **noon**, James will talk at **Harvard Law School (Wasserstein Hall, Rm 3018)**, and at **3:00pm** he will present at **New England School of Law (Trustees Room, Library)**.

FOR NLG MASS DEFENSE

The NLG Mass Defense Committee is preparing for the first of five political trials of Occupy Boston activists, arrested in October and December of 2011. Please help us raise money for the Committee to enable it to provide proper representation and come to a **Fundraising event for NLG Mass Defense Fund on Friday, February 8, 6:00pm**, at Jillian's (145 Ipswich St., Boston.)

Street Law Clinic Report

The following clinics and trainings were conducted for members of Boston area community organizations and agencies:

January 1: *Legal Observing* at Idle No More, organized by United Indians of New England, by **Stefanie Grindle, Dave Nathanson, and Katie Sheldon**.

January 6: *Civil Disobedience* training for Students Against Keystone XL Pipeline, by **Neil Berman and Jeff Feuer**.

January 7: *Legal Observing* at sit-in in the Trans Canada offices in Westborough, organized by Students Against Keystone XL Pipeline, by **Neil Berman, Jeff Feuer, and Benjie Hiller**.

January 17: • *Stop & Search* training for law students at Northeastern School of Law, by **Makis Antzoulatos**. • *Legal Observing* at End Police Brutality rally in Providence, RI, organized by Youth Student Movement, by **Lipou Laliemthavisay and Phil Starkweater**.

January 24: *Tenant Rights* clinic at St. Ambrose in Dorchester, by **Neil Berman and Jeremiah Meyer-O'Day**.

January 26: *Civil Disobedience* and *Legal Observing* trainings for anti-war activists in Hingham, by **Melinda Drew, Jeff Feuer and Lee Goldstein**.

Mentorship Happy Hour

KEEP YOUR HEAD LOW IN A HIGH PROFILE CASE

an evening with

Hayne Barnwell

Wednesday, February 13, 2013

6:00 - 8:00 pm

Red Hat Cafe (9 Bowdoin St., Boston)

Hayne Barnwell is a former associate of Carney & Bassil where she helped defend Tarek Mehanna, later convicted of material support to terrorism, and James "Whitey" Bulger.

Come share drinks and tales with us!

THANK YOU TO LISA GORDON!!!

Lisa Gordon, a long-time NLG supporter and friend, donated two Apple computers to the NLG office, and saved us! We appreciate her donation tremendously! Thank you!!!

Office Space for Rent

Kehoe & Playter – Law Office of Stephen Kehoe: Located at 152 Lynnway, Suite 2C (Seaport Landing): One large office (approx. 12'x19') with built in bookshelves, large storage closet, and some furniture; copier/fax use negotiable; poss. receipt/secty. \$400/month starting March 1. Call Cary Playter: 781-598-0800.

ARTICLES FOR MASS DISSENT

The March issue of *Mass Dissent* will focus on women rights.

If you are interested in submitting an article, essay, analysis, or art work (cartoons, pictures) related to the topic, please e-mail your work to nlgmass-director@igc.org.

The deadline for articles is February 15.

“NLG Presents...” Happy Hour

Guild members, labor activists, and fellow Northeastern Law class of '76 grads gathered at the Red Hat Café on January 9th to hear long-time Guild member **Robert Schwartz** talk about his latest workers' guide to labor law: “Just Cause: A Union Guide to Winning Discipline Cases.” The book sets out an updated list of tests to be used in arguing union discipline cases and like Bob's other books will certainly become a go-to guide for union reps. He has sold over 1.2 million copies of his various handbooks to date. A lively discussion followed on the possibility of passage of a state law requiring just cause for firing.

This month, please join us for an NLG Mentorship HH with Hayne Barnwell (*see page 3.*)



(Top) Robert Schwartz (c.) lead a conversation on “Just Cause.”
(Above) Attendees engaged in a lively discussion.
(Left) And the discussion continues well after the presentation.
(Photos by Ariel Oshinsky & Urszula Masny-Latos)

NLG Holiday Party in Pictures



(Top) Party guests admire an impressive food spread and enjoy each other's company.

(Top right) Makis Antzoulatos (c.) is thrilled to be a raffle winner and receive from Daniel Werner (l.) a gift certificate. Well, his daughter Devlin was a raffle drawer and her lucky hand worked well for her dad (and many others).

(Right, l.-r.) New NLG member Christine Bustany welcomed to the Guild and the holiday party by our long time members and friends Marty Rosenthal, Patty Garin, and Barb Dougan.

(Photos by Ariel Oshinsky & Stephanie Grindle)



Pro Se Defense in the Catholic Worker Tradition

by *Brian Terrell*

It was the work of hospitality to the homeless that impelled me to drop out of college to join the Catholic Worker community in New York 35 years ago. It was not long though, before it came clear that “doing good” is only part of the Catholic Worker vocation. We are also required to “resist evil” and in opposing the evils of the arms race, military intervention and economic violence by acts of nonviolent civil resistance I have been arrested well over 100 times, usually in the good company of good friends including other Catholic Workers. Most of these have occasioned at least brief court appearances for which it is my habit to represent myself, appearing pro se, to use the language of the court, without the mediation of a lawyer.

For the first years of my career as a resister, I took a strictly minimalist approach to the courts. I was “not interested in justifying myself before a system whose definition of justice I am unable to relate to and which is more dependent upon the bargaining of attorneys than upon any real moral values,” I wrote in an article published in the June 1978 issue of *The Catholic Worker*, while in jail for blocking rail shipments of plutonium into the nuclear weapons factory at Rocky Flats, Colorado. I sometimes refused even to enter a plea on my behalf, always sat in jail rather than post bail. I was jailed several times, too, for refusing to cooperate with the courts’ terms of probation or for contempt of court after refusing to pay fines. I still hold the beliefs of my youth that inspired my earlier disinterest in what happens in court.

Experience over the years has only confirmed my conviction that the judicial system in this country is a blunt and brutal instrument of violence in the hands of a rapacious oligarchy to grind the poor and suppress dissent rather than the impartial arbiter of justice that it pretends to be. Over time, though, my hard line on this and perhaps every other point upon which as a young man I brooked no concession, has softened. After much practice with elder resisters and with the advice of some good movement lawyers, I have greatly expanded my role as a pro se defendant, arguing my position before judges and juries, cross examining witnesses, filing motions, writing briefs, the whole bit. I have even on a few occasions been found not guilty!

My increased engagement with the judicial system is perhaps mostly due to the fact that I find myself more comfortable in the courtroom. In some cases, as an individual or as part of a discerning community, I will choose to keep the time and effort given to the legalities to a minimum. Other times the decision is made to go all out with a most elaborate defense – this decision is sometimes tactical, sometimes intuitive. I have no illusions that much good really can be accomplished there. I am very aware that a protester being found not guilty does not bring an end to war a whit closer. More important than achieving any desired decision from the court, I hope that our courtroom strategies and arguments have been consistent with and have added to the message of our actions on the street, bringing the issues raised to a wider venue.

It is an uphill battle, speaking truth to power in the venue of the

courtroom. The scene is stacked against any reality being witnessed to. Half-truths, lies, excuses and evasions are promoted, truth ruthlessly suppressed. It is a system that depends upon its victims cutting their losses, pleading out for a lesser sentence regardless of guilt or innocence. The ordinary work of the court is as mundane, humdrum and boring as it is destructive of the human beings that trip into its machinery – judges, lawyers, prosecutors as well as defendants. Years of human beings’ lives and potentials are disposed of with strokes of a pen by functionaries who often as not do not even look up from their files between cases.

This monotonous drone of fractured Latinisms and legal gibberish is shattered when defendants speak simply and clearly, by women and men taking responsibility for their actions of conscience without apology or alibi, who risk putting the system itself on trial. Good things can be told in court but only when its dominant paradigm is broken. For many judges, being asked to think and to actually make informed decisions is an intolerable effrontery. A few others, on the other hand, might be relieved by such a break in the tedium of their day; some rejoice to hear for the first time in years on the bench the constitutional questions that they studied in law school! In any case, it wakes them up.

If few judges “get it,” then it must be said that even fewer lawyers do. We do have a few precious friends in the bar who can adequately defend or advise a defendant whose aim is not to get off the hook but to “speak truth to power,” but not one in a

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Open Letter to Defense Attorneys

Dear Attorneys:

They come by my office every day: clients requesting a letter of reference and support to take to a judge or a probation officer or some form of a court-ordered program. I am a social worker at a community resources center in downtown Boston. We help those struggling with addiction, those in recovery, the homeless and precariously housed, the mentally ill and the traumatized. If you also work in the Boston area then it's probably true that many of the people I work with are the same people that you work with from time to time.

I always write these letters my clients request and encourage people to come ask me for them anytime. I write about a person's reliability, commitment to learning in recovery, a client's problem-solving and

stress management skills, and their role in the community. To the extent I can, I try to convey that the person I am writing a letter for has challenges that he or she is working to address through hard work. I also write letters of support to housing authorities, potential employers and DCF. We all know that once out of jail or the courts no one gets to just leave their criminal record behind.

I think, given our work, we can all see the patterns and the cycles of circumstance that send our clients in and out of the criminal system. It is usually something small that starts it... a fight with a girlfriend or a family member, losing housing or getting robbed at a shelter. Sometimes it's running out of places to stay or an old buddy from the neighborhood getting back in touch with someone.

Somehow a lot of the people we work with end up back in trouble. But quite often they also put a lot of effort into keeping up the good work of making amends with themselves and others before that happens. These are the meetings, support groups,

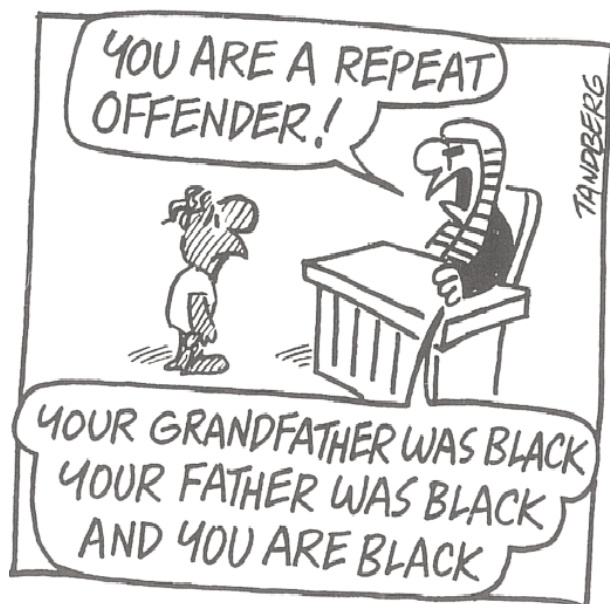
programs, therapy sessions, community organizing campaigns and other engagement that happens in the in-between. As a community-based social worker I get to see a lot of these types of things and support people in their hard work righting upended lives

A lot of the time these letters are solicited by clients without the prompting of their lawyers. This is really a shame, and I am often left wondering if the lawyers see the value in their clients collecting such things. As a social worker concerned with the injustice of the criminal punishment system I would like to think the work I do and the support work I offer can be a part of criminal defense work.

Additionally, let us all be real: our clients have complex trauma histories that have forced them to develop adaptations and coping mechanisms that may get them in trouble with the law. Social workers see this too and can speak to the power of history in a person's life. I see this power in a broader understanding of each others' work and how communication can improve outcomes for clients and build networks of support. So if your client has some social workers in her or his life, please be in touch.

Yours,

Morrigan Phillips
Community Social Worker



Staying Current in the Law

by Howard Brown

Criminal attorney's have a difficult job. Statutes change, rules change, and case-law changes. This requires a continual study of the law. Another change may come when new notions arrive. Take for example the widespread changes because of the use of DNA evidence. Innocent prisoners, people convicted for crimes they were later proven not to have committed, went home. Here is something else that could free a prisoner, or bring changes in laws. I believe circa fall/winter 2008 I listened to the 6 a.m. Sunday morning talk show on then oldies 103FM hosted by June Knight. Her guest was a Doctor who wrote a controversial book about Bipolar. He talked about a mother coming to him about her teenage son suddenly having violent behavior. The

teen was labeled Bipolar. The Doctor examined the teen. He found a cyst on the teen's brain. Once operated on to remove the cyst the violence went away. The Doctor is finding case after case of Bipolar patients with cysts on the brain. Once removed, the violence goes away. There are many prisoners who suffer from a diagnosis of bipolar. Does criminal justice require a check for a cyst? Is a defendant responsible for violent behavior if they have a cyst causing the violence? With today's electronic information I am sure a clever attorney can track down the doctor and book.

A fundamental right for meaningful access to the courts is the ability of a defendant to communicate with an attorney. To help in that matter, I would like to see every defendant have a copy of the "Georgetown Law Journal Annual Review of Criminal

Procedure". It reports on Supreme Court and the 15 Federal Appellate Courts case-law. It is \$25.00 for prisoners. Georgetown Law 600 New Jersey Avenue NW Washington, DC 20001-2075, criminalprocedure@law.georgetown.edu The defendant would have a good law book to study in his cell. Federal case law is vital if a 28 USC 2254 writ of Habeas Corpus is sought. Prisons have been changing from law books to Inmate Law Computers, but the books will help those not keen on computers. As sweeping law changes come every year, it is critical that lawyers and prisoners both stay up to date, and keep studying the changing and developing law.

Howard Brown is an inmate at SBCC Shirley, in Massachusetts.

Pro Se Defense in the Catholic Worker Tradition

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thousand of those practicing law can be helpful to the nonviolent resister. I advise new resisters that there is far more to lose by having bad counsel than none at all. Well-meaning but politically and spiritually unaware lawyers can be generous in their offers of help, but they can easily obscure or even destroy their defendants' message. Heartbreak, distress, damaged relationships, even weightier legal consequences are more likely to come in the wake of "expert" legal representation than by even the most inexperienced novice stumbling alone through a maze of legal obscurities. Post trial regret among nonviolent resisters is more likely to be expressed as "Why did I ever listen to that lawyer?" than "Why did I go it alone?"

The best trial scenes happen when defendants go to trial with a community of support. Lawyers can be a great help as advisors or representing some defendants, effectively making them "co-counsel" with those who go pro se. The best movement lawyers do not presume to make decisions for their "clients" but act as collaborators, acting in a sense as tour guides and interpreters to travelers to a strange, exotic and confusing landscape. One advantage to this approach is that judges often will order the parameters of testimony so narrow (barring mention of the words "God," "nuclear weapons," "international law," "war," for examples) as to make the proceedings meaningless. While an attorney risks losing her livelihood by speaking the truth in such circumstances, a pro se

defendant can speak up risking only a reprimand or at worst a day or two in lock up for contempt.

Going to court with the expectation of going to jail is liberating, too, giving one the freedom to speak one's conscience without regard to consequences. Courtrooms are deliberately designed and decorated to awe and intimidate, but it is all, in the end, smoke and mirrors.

(Excerpted from a longer piece originally written for the *Nuclear Resister*, www.nukeresister.org.)

Brian Terrell is serving a 6-month sentence for an anti-drone protest at Whitman Air Force Base. He can get letters at Brian Terrell, 06125-026 FPC Yankton, POB 700, Yankton, SD 57078.

Fighting Pretrial Detention

by Josh Raisler Cohn

In the last several years, there has been renewed interest in evaluating the costs of pretrial detention. The results are consistent: pretrial detention disproportionately impacts poor people and people of color; the people who are held in captivity pretrial are overwhelmingly not a risk to society; the costs of such detention are expansive; and people held pretrial have worse case outcomes. Here is a renewed reminder that getting clients out of captivity pretrial can make the biggest difference in their cases.

About one third of all detainees around the world are being held in captivity pretrial. Globally, about 3 million people are in pretrial detention at any time, and over the course of a year, 10 million people are held pretrial.

The UN Working Group on Arbitrary Detention has noted that empirical research shows those in pretrial detention have a lower likelihood of obtaining an acquittal than those who remain at liberty before their trial; this “deepens further the disadvantages that the poor and marginalized face in the enjoyment of the right to a fair trial on an equal footing.” A recent report by the Open Society Institute cites that in South Africa, people held in custody were six times more likely to be sentenced to jail than those who had been released pretrial.

Closer to home, of those detained in jails in the United States, three-quarters face nonviolent charges, for drug, property, or petty offenses, according to Shima Baradaran, who chairs the American Bar Association's Pretrial Release Task Force. She

and Rutgers Business School economist Frank McIntyre reviewed 15 years of felony data from the largest counties in the US. They found that only one to two percent of felons are rearrested for a violent crime before trial.

They concluded that there would be no increase in crime if courts released 25 percent more people without one bit of additional supervision, noting that an even larger number could be released under expanded pretrial program. But a lack of risk to society is not the only reason to push for increased pretrial release.

The conditions people are subjected to in pretrial detention are often significantly worse than post-trial captivity. Pretrial conditions are not designed to be long term (though of course they often are), so states and counties often refuse to provide educational, recreational and vocational opportunities. The ever increasing numbers of pretrial detainees have also led to overcrowding, which increases the risks of violence, contracting diseases, and worse access to food and the outdoors, all in addition to the worse case outcomes.

The negative effects of detention also contribute to the socioeconomic impact of pretrial detention, albeit in ways that are difficult to measure. What are the costs to society when the innocent languish behind bars? How do we measure the lost potential when captivity destroys a victim's body and spirit, leaving them unable to work after release? What price does a community pay when one of its members returns from pretrial detention carrying tuberculosis? While it is difficult to put a price tag on these negative outcomes, it is clear who

pays: the poor and marginalized.

The connection between race and pretrial detention has been a long-standing topic for people involved in the criminal legal system. Studies have clearly shown that pretrial detention procedures disadvantage people of color, and that Blacks and Latinos are more likely to be detained at the pretrial stage. Unfettered prosecutorial discretion is often left out of the critique of powerful tools that are leveraged against defendants with the effect of racial discrimination. The decision of what charges to issue and what bail to ask for (if any) are decisions solely in the hands of the prosecution, and their intentional and unintentional race biases and stereotypes can be implemented without review. A renewed commitment to the presumption of release, encoded in the Massachusetts General Laws, would be one way to start to undermine that unfettered prosecutorial discretion.

Rates of pretrial release have dramatically decreased at the same time that rates of overall imprisonment have skyrocketed. In 1990 cash bails were set in 53 percent of felony cases. By 2006 that figure had swollen to 70 percent. In addition to an increase in the number of people charged, that increase also reflects that the proportion of defendants held in captivity pretrial rose over that time, often because the cash cost of release was too high. Since the recidivism rates for people on pretrial release are low, particularly for serious crimes, the courts must be pushed to consider other options besides captivity.

The *Christian Science Monitor* recently addressed this issue, noting that “the state of

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Emily Novick Remembered!

It is hard to believe that she is gone. Emily Novick passed away on November 18, 2012, of malignant cancer first diagnosed in August 2012. She began her career as part of a building take-over supporting women's issues. Her career as a lawyer began soon thereafter. Her greatest joy was representing small unions such as the House Officers at Boston Hospitals and injured workers in workers compensation cases. Recently she became a judge for the Industrial Accident Board (IAB). She was devoted to fairness and justice for workers, and was marked by loyalty and compassion for her staff, her colleagues, her friends and family. At a time when struggle to change society involved organizing in the streets, in the unions, in relationships and in the profession, Emily was both an honor to know and a pleasure to know, a combination which is more rare that we would have hoped. To many of us she was also a mentor.

In the late 70s, the labor movement, the legal profession, the worker's compensation bar and almost all the judges were about 96% male. Emily entered, and became a leader in all those worlds.

Emily's great gifts were connection and affection. She brought people together. With her graceful, boundless energy, she was drawn to anything to change working conditions and to improve the lives of others, with the small Dorchester office of Doyle, Playter, Novick and Reitmayer, representing protestors in occupations and sit-ins and working with the National Lawyers Guild Street

Law Clinics, the Mass. Coalition for Occupational Safety and Health, the Women's Institute for Leadership and Development - to name just a few organizations to which she was dedicated and committed.

She was a founding partner of Kehoe, Doyle, Playter and Novick, a firm that fought for justice and equality for 20 years. Emily gravitated to worker's comp, representing people suffering injury or death by industrial accident, and to labor law in hospital settings, where she helped residents organize into unions, and then encouraged the doctors to help improve conditions for orderlies, techs and nurses. Usually, she brought in more money than any of us. The pay scale depended on one's length of time as a lawyer.



Emily Novick (first left, first row) in 1997 with Kehoe Doyle Playter & Novick law office posing for a picture as the NLG 1997 Testimonial Dinner Honorees.

At Kehoe Doyle, Emily was able to be political and also to generate sustenance, balancing that difficult task of generating revenue through the fallow periods until we would get a victory in employment discrimination, medical malpractice or toxic tort cases. Drawing from the strength of her mother, an advocate in the schools for

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Emily Novick Remembered!

underperformers, and her father, a textile manager, she knew that hard times could knock on any door, and that we had to be flexible, and resourceful and innovative in managing our careers. In 1998, when Kehoe Doyle broke up, Emily balanced family needs of her husband and sons with a practice representing doctors, doing arbitrations and labor briefs. Her ready smile and supportive hug was the thing missed by the rest of us the most.

Governor Deval Patrick appointed Emily to the IAB, after Republican judges had passed on her. She continued to write decisions into November, not wanting the parties before the Board to have to retry cases. In her tenure on the bench, she was never reversed. She was fair, and listened to all sides, and protected the rights of deserving workers to benefits, and made the hard calls when the evidence warranted it.

Even as she got weaker, Emily was always thinking of others. One day in September, after particularly helpful service on her first appointment at Dana Farber, Emily asked me to find the boss of several parking valets to thank them. She was in a wheel chair later that day. It didn't surprise me one bit to discover that her actions had led to the parking valets getting a bonus.

We, in the MassDissent community, having

lost Emily Novick know how quickly someone can be gone without warning. Secretary of Labor Joanne Goldstein, a friend of Emily's told a story how decades ago, she was lamenting that her son was stranded in Spain with no family for a holiday. Emily called her sister in law in Paris, discovered the train and plane schedules and secured him a Parisian home for the holidays. She told Joanne, all you have to do is write the check.

For all the workers for whom Emily advocated, or wrote a decision, identifying the path and the route for compensation, for all the residents who have become better doctors and all the countless other plaintiffs whose cases were supported by the force of her advocacy. Thank you Emily, for making people write checks to right the wrongs, or fill the gaps. You have left a huge one behind.

These words are obviously inadequate to express the feelings of those who knew you. We will never forget you.

- Liz Rodgers -

long time law partner and friend

with a little help from - Rob Doyle -

another long time law partner and friend

Fighting Pre-Trial Detention

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Kentucky established statewide pretrial services in 1976 and is one of only four states without commercial bail. Today, Kentucky counties release an average of 76 percent of defendants on nonfinancial bonds, a rate that has risen recently because of a 2011 state law that requires judges to consider pretrial services' risk assessment when making release decisions."

This procedural shift recognizes the reality that is is cheaper for states to not have defendants—who in reality pose little risk to society—behind bars.

The NLG is a unique group, with members working as lawyers representing people, members who are legal workers building support committees for activists on trial, and members who are prisoners litigating prose. In these roles, we need to keep fighting, both on an individ-

ual level to keep defendants out of captivity and collectively to push back against the state and court practices that have forgotten about or are working to undo the presumption of pretrial release.

Josh Raisler Cohn is a public defender at CPCS in Roxbury. He also serves on the NLG Board of Directors.

NLG Massachusetts Chapter Sustainers

In the spring of 2003, the Massachusetts Chapter of the NLG initiated the Chapter Sustainer Program. Since its inception, the Program has been very successful and has been enthusiastically joined by the following Guild members:

2 Anonymous • Michael Avery • Howard Cooper • Barb Dougan • Robert Doyle • Melinda Drew & Jeff Feuer • Carolyn Federoff • Roger Geller & Marjorie Suisman • Lisa Gordon • Lee Goldstein & Shelley Kroll • Benjie Hiller • Andrei Joseph & Sharryn Ross • Myong Joun • Martin Kantrovitz • Nancy Kelly & John Willshire-Carrera • David Kelston • Eleanor Newhoff & Mark Stern • Jonathan Messinger • Petrucelly, Nadler & Norris • Hank Phillippi Ryan & Jonathan Shapiro • Allan Rodgers • Martin Rosenthal • Anne Sills & Howard Silverman • Judy Somberg • Stern, Shapiro, Weissberg & Garin

The Sustainer Program is one of the most important Chapter initiatives to secure its future existence. Please consider joining the Program.

YES, INCLUDE MY NAME AMONG NLG MASSACHUSETTS CHAPTER SUSTAINERS!

I, _____, am making a commitment to support the Massachusetts Chapter of the Guild with an annual contribution of:
_____ \$500 (not including my membership dues)
\$ _____ (other above \$500)

As a sustainer I will receive:

- special listing in the Dinner Program;
- 1/8 page ad in the Dinner Program;
- acknowledgement in every issue of *Mass Dissent*;
- two (2) free raffle tickets for a Holiday Party raffle;
- invitation to special events.

Three ways to become a sustainer:

- contribute \$500 or more a year (in addition to dues)
- pair up with another person and pay \$250 each, or
- join the "Guild Circle" and pay \$50/month minimum.

Please mail to: NLG, Massachusetts Chapter
14 Beacon St., Suite 407, Boston, MA 02108

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17. I certify that all information furnished on this form is true and complete.

Urszula Masny-Latos, *Executive Director*

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The National Lawyers Guild is...



" ... an association dedicated to the need for basic change in the structure of our political and economic system. We seek to unite the lawyers, law students, legal workers and jailhouse lawyers of America in an organization which shall function as an effective political and social force in the service of people, to the end that human rights shall be regarded as more sacred than property interests."

Preamble to the Constitution of the National Lawyers Guild

Donate to Support the Guild!

The Massachusetts Chapter of the National Lawyers Guild's **Mass Defense Committee** provides legal representation and assistance to the **Occupy Boston** movement.

We need your support.

Please help by donating to the Mass Chapter by mailing this form and a check to **14 Beacon St., Suite 407, Boston, MA 02108** or visiting **www.nlgmass.org/donate**.

I, _____ (name), am donating \$ _____ to the NLG Mass Chapter to help support the Mass Defense Committee and their work,

Fill out and send to:

National Lawyers Guild, Massachusetts Chapter
14 Beacon St., Suite 407, Boston, MA 02108

NAME: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: (w) _____ (h) _____

E-MAIL: _____

FAX: _____

Circle one:

☐ Lawyer ☐ Legal Worker ☐ Law Student ☐ Jailhouse Lawyer

Alumna/Alumnus of _____ Year _____

Dues (from schedule): _____

I am interested in working on the following projects:

- ☐ Lawyer Referral Service
- ☐ Street Law Clinic
- ☐ Mass Defense Committee
- ☐ Litigation Committee
- ☐ *Mass Dissent* (monthly publication)
- ☐ National Immigration Project

Please Join Us!

Dues are calculated on a calendar year basis (Jan.1-Dec.31) according to your income*:

Jailhouse Lawyers	Free
Law Students	\$25
up to \$15,000	\$40
over \$15,000 to \$20,000	\$50
over \$20,000 to \$25,000	\$75
over \$25,000 to \$30,000	\$100
over \$30,000 to \$40,000	\$150
over \$40,000 to \$50,000	\$200
over \$50,000 to \$60,000	\$250
over \$60,000 to \$70,000	\$300
over \$70,000 to \$80,000	\$350
over \$80,000 to \$90,000	\$400
over \$100,000	\$500

* Any **new** member who joins after September 1 will be carried over to the following year. Dues may be paid in full or in quarterly installments. Dues of \$80 cover the basic membership costs, which include publication and mailing of *Mass Dissent* (the Chapter's monthly newsletter), national and regional dues, and the office and staff.