



Suffolk University Law School's Very Own Awarded as National Jurist's Law Student of the Year



It's one thing to generate a list of highly sought after internships and clerkships to help build up a resume and skill set. Cherina Clark's CV is full of those, including her stints as an intern for Justice Hines of the Supreme Judicial Court of Massachusetts, for the U.S. Bankruptcy Court (MA), and for the U.S. House Committee on the Judiciary in Washington, D.C.

It's another thing to take on those clerkships and internships, a dual degree (JD/MBA), and still make time to: meet with first-generation law students on-on-one, week after week; train urban high school students; and help craft legislation to help people in a city 700 miles away.

Throughout law school, Clark has been doing trainings on "Street Law" with Boston Public School students, ages 13 to 17 — Miranda rights, Fourth Amendment/search and seizure, and how to interact with police. The idea is that a knowledgeable teenager is much more likely to react calmly and have a clearer idea when a police officer has wrongly crossed a legal boundary.

Clark, president of Suffolk Law's Black Law Students Association (BLSA) since 2015, says that the trainings, in addition to clarifying the high schoolers' legal rights, provide students with role models. The teens have a chance to interact with successful BLSA members, often from similar backgrounds as themselves, and that relationship leads some to think to themselves, 'Hey if they can do it, maybe I can too.'

Clark also spearheads the BLSA Peer Mentor Tree Program. The idea is that if a first-generation student has several mentors — a 2L, a 3L and a few alums, multiple branches of support — someone in that group is going to click with the student. Together, one or more of those mentors stick with the student throughout their academic and legal career. "A lot of first generation students — and I am one myself — don't understand what law school is all about. I meet with my mentees every two weeks, and also am texting to see how they're doing, making sure they have outlines, supplement books and contacts for resources, because I know someone did it for me."

As a student teacher in the Marshall Brennan program, Clark taught inner-city teens Constitutional Law including legal arguments surrounding search and seizure, acts of protest (silent, artistic, and otherwise). At the Supreme Judicial Court, her role was to look at 50 cases to offer her opinion as to which of the cases seemed to warrant appellate review.

Clark worked with the national office of the Black Law Students Association on draft legislation submitted to the State of

Michigan to address the Flint water crisis. This effort was important to Clark and other members of BLSA because it affected the greater minority community.

"There is nothing like being able to use the tools I have learned while in law school to effectuate change and advocate for those who cannot or do not know how to do so. BLSA's contribution to the Flint water Crisis was certainly one of those moments where I was able to be a voice for my community," Clark said.

In 2014, Clark received the Governor's Citation Award from then-Massachusetts' Governor, Deval Patrick, for her work with the NAACP on amicus briefs for civil rights cases before the U.S. Supreme Court.

Dean of Students Laura Ferrari credits Clark with rebuilding the law school's diverse student orientation program. "The school is indebted to her for her systematic, humane, and practical approach for encouraging success in law school. Being a true supporter is hard — it takes time and energy, often when time is scarce and other obligations call. That's Cherina. Tireless."

Clark is one of 25 future lawyers honored in the National Jurist's 2017 "Law Student of the Year" feature.

Article can be found at <http://www.nationaljurist.com/content/law-students-year-cherina-clark-suffolk-university>

A Lot of Smoke for There to Not Be a Fire: Director Comey's Congressional Hearing

Elizabeth Green, *Opinion Columnist*

"Can this country afford to have a president under investigation by the FBI?" Senator Marco Rubio asked, days before the presidential election back in November.¹ At the time, this comment was directed at Hillary Clinton, who was indeed under investigation



concerning her infamous private email server. I'm sure, to Senator Rubio's surprise and dismay, his words gained new meaning on Monday, March 20th, 2017. That was the day FBI Director James Comey confirmed in a Congressional hearing, in the opening statement no less, that's "HUUUUGE" (as the POTUS would say) that the bureau does indeed have an ongoing investigation into Russian involvement in the 2016 presidential election—including any links or coordination between members of Donald Trump's campaign and Moscow. According to Director Comey, the investigation has been ongoing since July 2016. Therefore, while crowds of Trump supporters were chanting "lock her up!," their very own nominee was also under investigation. Perhaps the very definition of irony.

So what does this mean? Well first of all, it's rather curious that Director Comey thought it was necessary for the American voters to know about an investigation into Clinton's emails, but they didn't need to know about possible collusion between Trump's associates and Russia. Especially considering his testimony revealed that the FBI was investigating this three months before the election. Granted, it's only fair to point out that it was not Director Comey who leaked that the FBI was investigating Clinton's email to the press. That move would lay on the shoulders of Representative Jason Chaffetz. Chaffetz chose to tweet classified information provided in a letter to Congress from Comey.² During the hearing, Representative Adam

Schiff noted in his opening statement that it is not a crime to have ties to Russia, but he did say "if the Trump campaign or anyone associated with it aided or abetted the Russians, it would not only be a serious crime, it would also represent one of the most shocking betrayals of democracy in history."³ Even bigger than Watergate, you ask? Yes, even bigger than Watergate. Representative Schiff went on to list known conversations that have taken place between various Trump associates and Russian officials and individuals. Representative Schiff concluded by stating that it's true that none of this information proves outright conspiracy, but there just seems to be an awful lot of smoke for there to not be a fire.⁴ When it comes to Representative Schiff, it's safe to say that this isn't his first rodeo—as assistant U.S. Attorney he prosecuted a case against a former FBI agent convicted of "passing secret documents to the Soviet Union in exchange for a promised \$65,000 in gold and cash."⁵

While the Democrats on the panel were focused on drawing connections between the President, his campaign, and Russian interference in the election, their Republican counterparts were more so focused on leaks of classified information to the press, specifically concerning those related to Michael Flynn's dealings with Russia. During Representative Trey Gowdy's questioning, he asked if there was "an exception in the law for reporters who want to break a story," suggesting

that those who write stories based on leaked, classified information are criminally liable.⁶ Director Comey responded that he is unaware of such an exception in the statute concerning dissemination of classified information and that he doesn't think "a reporter's been prosecuted certainly in my lifetime..."⁷

It's hard to determine what's going to come of this, but personally I doubt the FBI would announce an investigation into the sitting President's administration unless they are fairly confident that they have a strong case. However, only time will tell. I believe Garry Kasarpove, Chairman of the Human Rights Foundation, said it best in a tweet: "the house is on fire, Trump is running around with a box of matches, and the GOP demands to know who called the fire department."

1. <http://www.tampabay.com/blogs/the-buzz-florida-politics/rubio-once-asked-can-this-country-afford-to-have-a-president-under/2317246>

2. <http://www.politicususa.com/2016/10/31/ethics-complaint-filed-rep-jason-chaffetz-releasing-comey-clinton-email-letter.html>

3. <http://www.npr.org/sections/twotwo-way/2017/03/20/520765159/watch-live-house-hearing-on-russian-attempts-to-interfere-in-u-s-election>

4. https://en.wikipedia.org/wiki/Adam_Schiff

5. <http://www.businessinsider.com/james-comey-hearing-trump-russia-leaks-2017-3>

7 <http://www.businessinsider.com/james-comey-hearing-trump-russia-leaks-2017-3>

Beware the Rumor Mill: Taking Your Academic Success Under Advisement



The Office of Academic Services is committed to providing accurate and timely services to Suffolk University Law School students, faculty, alumni and staff. The key responsibilities include: *Registration, Exam Administration, Course Evaluations, Grades, Bar Certification, and Degree Requirements*. Registering for classes, meeting requisites in a timely manner, preparing for bar exam, and means of seeking academic guidance is often complex. Even so, as a future member of the legal community, proactively owning your path to success doesn't need to become a rat-race. The "The Rumor-Mill for academic success is alive, well, and thriving," says Assistant Dean **Lorraine**

D. Cove, who spearheads ongoing initiatives at the Office of Academic Services. Following April registration for Fall 2017 courses, *Dicta* staff sat down with Dean Cove for a Q & A session.

Registration Assistance / Degree Requirements

Q: Dean Cove, how important is it for law students to be prepared for registration?

A: I can't stress enough how important preparation during the registration process is to insure that students meet degree requirements, take courses to prepare for the bar examination, other programs, and to meet professional goals. The Office of Academic Services prepares multiple materials to assist students in navigating this process. The online Registration Guide is crafted to provide students with the tools and info needed for a successful registration including registration rules, web courses, registration process, waitlists, bar prep courses, limitations on clinical and externship credits, semester credit requirements, overload petitions, etc. We also provide lists of courses that students were enrolled in by class year. Students having reviewed the Registration Guide are armed with basic information and are then only a few clicks away from registration.

Q: If I were "the ideal" law student, what three basic steps would I take to prepare?

A: I know registration can be a daunting process especially for students entering the first semester of the second year and it takes students time to get used to. First year students have a prescribed mandatory program and have not had the opportunity to choose electives until now.

Number one, all law students need to review the elective list, not only for the upcoming semester, but for the entire year. By taking this initial step, course planning becomes more efficient, because students know what classes are currently available, and what classes will be available the following semester. Secondly, students should think about future semesters to insure that courses necessary to meet pre requisites are taken. The fall semester of the second year should be considered an exploratory semester and students should take at least one or two course that are not required for the degree or the bar. Many of the subject requirements for the bar are not required and students should be aware of those areas. Thirdly, I cannot stress enough how important it is to review the semester exam schedule which is available at the time of registration. The examination schedule should not drive registration, however, it needs to be considered when registering. Mental fatigue can be a real problem and students should be aware that it is possible to have 2 examinations

scheduled on the same day. Students may reschedule an examination only when the student has 3 examinations within a 53 hour period. Finally, students should complete the on line planning process, and always have alternative selections available. Courses with limited enrollment can fill up quickly and students should have a plan B.

Q: Some students don't enter law school with a specific legal field in mind. Along with the guide, what other options do student seeking direction have?

A: The online interactive Registration guide can eliminate issues that may arise later. One of our goals is to provide as many resources available online to students at any time of the day or night. The Registration Guide is in a Flipping Book format which means that the guide is searchable and available in multiple formats. The Guide provides all of the program opportunities within one location and since the guide is searchable, students can check the requirements, not only for the JD, but to consider the possibility of a JD/LLM Tax program, dual degree program with the university, enrolling in a concentration, clinics, externships, or summer programs. The office recommends that students reach out to as many resources as possible prior to registration from their assigned academic faculty advisors, the PCD office, upper-class students, alumni or anyone else to receive as much information as possible to achieve academic goals. I am always available to meet with students. Every student has access to a degree audit which can also be a helpful tool in planning schedules each semester.

Q: For rising 2L students, who now can pick and choose their classes, would your office recommend both a PCD appointment, and advisement with an Academic Advisor?

A: Students are assigned faculty advisors based on the interests students included on their application. We are not always able to assign faculty who teach in the interested areas to all students. Students are encouraged to seek advice as noted above. First year faculty advisors will reach out to their advisees for preliminary advising sessions. In addition, each year the Office of Academic Services and the SBA Student Affairs partner to offer a Round Table event which was held a few weeks ago. The format of the program provided an opportunity for first year law students to ask professors about recommended courses for their interested field(s) of study and to become more familiar with professors outside of their first year courses. It also provided a forum for professors to interact with interested first year law students and to provide guidance to students in the elective selection process. Twenty four faculty attended offering advice from Bankruptcy to Trademarks. Approximately 100 students attended this event. We also provide a Guide Book for these students to pre plan schedules. Students should start earning their pre-requisites immediately, while taking full advantage of the diverse courses

within the base menu and experiential learning requirements.

Q: After 1L, notwithstanding a plethora of emails, the PCD office seems to reboot for the next incoming class. Why does the PCD office seem to “disconnect” from 2L's?

A: I really can't respond to this question about the PCD office, however, I do know that the PCD office is as committed to student success as my office and all other law school offices. I meet with students all the time to discuss educational planning, course selection strategies, and making sure students know remaining degree requirements. I work with students regarding their academics, but I strongly recommend that students take the initiative to continue to see their PCD advisors beyond the 1L year for their professional development.



Course Evaluations:

Q: Will course evaluations be going digital?

A: As of right now, no, however, we may be piloting an online version of the course evaluation for one course. All course evaluations are still completed on paper. A number of schools still use paper, while other have gone the digital route. However, those that have gone the digital route don't have the same student participation as the paper evaluation forms, and need to use other means to encourage students to complete evaluations – like preventing registration for the next semester or delaying the receipt of the grades. Paper forms are totally anonymous. Paper forms cannot be traced to any individual student. Students completing forms on line may have the perception that the responses/comments may not be anonymous. Secondly, we do want students to be honest in their evaluation of courses. The goal of the evaluation isn't solely about evaluating the Professor, we want students to have the opportunity to truthfully and honestly assess the course.

Summaries of course evaluations are posted on line and available to all students and also act as a resource to students when selecting courses. We encourage all students to participate in this process.

Students have been receiving an emails from the Law School Student Survey of Engagement (LSSSE). This is also an opportunity for students to respond to questions about their academic and other learning experiences, interactions with other students, faculty and administrators, quality of life at the law school, and engagement at the law school. It is very important that students respond. As an incentive, the Office of Academic Services will randomly select students to award bookstore gift cards to five students. We only know those who have participated, but not the specific responses of any student. This survey provides Suffolk the opportunity to compare ourselves to other institutions to continually improve the services and learning environment we offer our students.

Q: How much real emphasis is put on the evaluations towards the Professor?

A: The Law school takes evaluations very seriously. Course evaluations are important, and that's why we want students' honest assessments of their courses and professors. If a student has concerns about a course and does not want to meet with a dean about this issue, the course evaluation may be the vehicle for that student and to remain anonymous. Faculty are not provided with the course evaluations until all grades have been submitted and posted.

Grades/ Bar Exam Certification:

Q: What is the method behind 1L vs. 2L grading?

A: All grading for first year students and upper-class students enrolled in required core courses are based on a mandatory curve, with a median grade of B. Faculty members are required to grade based on this grade distribution requirement and makes the assessment of grades based on students perform.. For elective courses with classes of 40 more students, the grade is anchored at a B+. At Suffolk, the 1st year GPA is the better indicator of bar passage success.

Q: Is it a law school death-sentence for 1L's find themselves on academic warning or academic probation?

A: No. First year students who are not required to appear before the Academic Standing Committee, but who receive a GPA of 2.50 but below 2.67 will be placed on Academic Warning and subject to the Academic Warning Curriculum; first year students who receive a first year GPA of 2.67 – 2.99, are subject to the “guided curriculum” as noted in I. Degree Requirements, 5,. These additional curriculum requirements provides students with a structured pathway to successfully passing the Bar.

Students who appear before the Academic Standing Committee and are placed on academic probation must complete the terms of probation as provided. Depending on the terms of the probation, the student may need to enroll in a subsequent semester to meet degree/credit requirements.

Q: What implications does the adoption of the Uniform Bar Exam have on rising 3L students.

A: Suffolk Law School's 2018 graduating class will be first class to take the Uniform Bar Exam. The function of the Bar Exam is to determine whether a J.D. candidate is competent to practice law in a State and the Uniform Bar Exam does essentially the same thing. The Bar Exam in Massachusetts is administered twice each year in February and July and on two (2) consecutive days. Day one of the exam is the Multi-State Bar Examination (MBE) and day two (2) is the Massachusetts essay portion of the exam. The MBE and the essay sections are taken concurrently. The Uniform Bar Examination is composed of the Multistate Essay Examination (MEE), two Multistate Performance Test (MPT) tasks, and the Multistate Bar Examination (MBE). One benefit J.D. candidates will have, is that twenty-seven states accept the UBE, which gives an opportunity for professional mobility.

SUFFOLK JUVENILE COURT PROVIDES

VALUABLE CLERK INTERNSHIPS

by Anne Stevenson

Serving as a Judicial Clerk Intern in the Suffolk Juvenile Court was of the most valuable experiences I had while studying at Suffolk Law. This experience provided me with valuable insight as to how judges make decisions, as well as hands on legal writing and research experience in a court setting.

Suffolk Juvenile Court is located on New Chardon Street in downtown Boston. The interns are overseen by Judge Stephen Limon, and come from law schools all over the Boston area, such as Northeastern, Harvard, and New England Law.

As a Judicial Clerk Intern, most of my time was spent either in court observing cases, conducting legal research, or drafting documents. The types of cases we observed included delinquency, harassment, criminal, care and protection, children in need of assistance, and dependency cases.

One of the most valuable aspects of this internship was that every day, Judge Limon would eat lunch with the interns. During this

time, we were able to discuss with Judge Limon our observations in court, as well as emerging legal and policy issues in the field. Occasionally, other judges would join us as well. This time was important to me because it showed me how judges decide cases, as well as several effective methods that good lawyers use to successfully present their cases to the court.

Lastly, I enjoyed this internship because it gave me real hands on experience in an underserved area of law. The most vulnerable families in Massachusetts come through these courtrooms. I observed cases which involved severe child abuse and neglect, child exploitation and trafficking. Most of these kids were poor, not white, and have disabilities or addiction issues that are not fully addressed in their school setting. We also saw happy cases where families were reunited, as well as attended Adoption Day, which is a time to celebrate placing formerly abused and neglected children in healthy permanent homes.

What I heard in those courtrooms were amazing stories of resilience, survival and hope, and I recognized that as a lawyer, I could make a positive impact on these children's lives. It was rewarding to work with good people who cared about the same social justice issues I do, but my supervisors in the Boston Juvenile Court served as valuable references for the bar and employers after graduation. During my last summer of law school, I was also able to take my experience in the Suffolk Juvenile Court to work with the child welfare system in Ireland through Suffolk Law's partnership with the National University of Ireland-Galway.

As you plan your legal training, consider clerking in the Juvenile Court. Internships are available in the Spring, Summer and Fall semesters for 2-5 credits (depending on hours worked). Interested applicants should contact:

Selling Your Soul in Today's Digital Environment

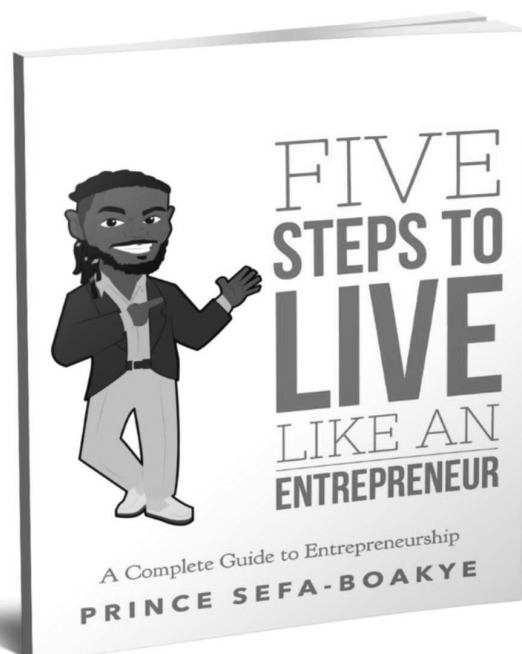
Kierra MacDougall, *Staff Writer*

Crude oil, gold, and wheat. These are just a few examples of commodities that "make the world go round." While the business of trade has transformed over the years, there will always be a demand of valuable raw materials. History has shown us how far more powerful people are willing to go to acquire these precious tangible resources, but what about a resource that is intangible? Welcome to the age of information.

We are living in a time where information has become a commodity that can be easily dispersed in seconds with the help of technology. Whether it's business, science, or politics, technology has

Five Steps to Live Like An Entrepreneur, is a step-by-step approach on how to be an entrepreneur. This book provides real-life examples and simple language that can help anyone in the world find their product, business, and niche in the world marketplace.

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Sharine Jones-Weaver
Entrepreneur and Founder of Restoring a Woman's Reverence
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in some way transformed our lives by making our world an interconnected global economy. Now more than ever it is easier to collect, store, analyze, and communicate information. Big data has allowed companies to tailor products and services to better fit our needs. Consumers love personalization in their purchasing experience and companies love making money off of them. Who wouldn't want a product/service that satisfies everything you have ever hoped for? However, consumer data does not magically appear. A company cannot just read your mind and know when you are ready to buy that new pair of boots you have had your eye on, or can they?

While consumers claim they are advocates of privacy, that doesn't stop them from being easily influenced in giving up their personal information in exchange for a "good" product or service. Data marketing has become a \$300 billion industry and they are using your personal information, some of which you have willingly gave up, to make a profit. Sure you may not care because you are applying the "no harm, no foul" ideology, but the long-term effects of this privacy intrusion go beyond that perfect pair of boots.



In 2007, The Office of Management and Budget (OMB) described Personally Identifiable Information (PII) as "information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc." Through the Privacy Act, along with others, the government attempts to protect the privacy of the American consumer. However, Federal agencies differ in how strict they are in their privacy regulations. For example, data collecting companies, like Google and Facebook, fall under the supervision of the Federal Trade Commission (FTC) while Internet providers, like Verizon and Comcast, are supervised by the Federal Communications Commission (FCC).

Due to a gap in consumer protection law, the FCC adopted broadband privacy rules last October to improve the cyber security and privacy of consumers. While consumers' would not have

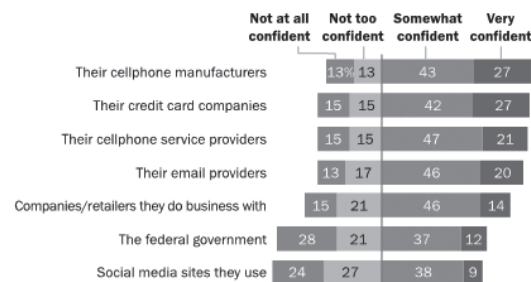
felt the direct impact of such rules, these privacy regulations would have prevented Internet providers from selling consumers' data without their explicit consent. This was a huge win for privacy advocates because they have been tirelessly pushing for privacy laws and regulations that would better protect the consumer. As FCC Chairmen Tom Wheeler stated, "It's the consumers' information, how it is used should be the consumers' choice. Not the choice of some corporate algorithm."

Recently, in a 50-48 vote, the U.S. Senate repealed the FCC's adoption of these rules. This means Internet providers will be able to collect data from places like your Internet history, mobile location, email/messages, finances, health, and app usage. Internet providers want to be on the same level playing field as Google and Facebook, arguing that customer's behavioral data is a key source of revenue that can be used to analyze and sell targeted advertising. This means that even without your consent, these companies will be able to know everything about you – where you go, what you like, who you talk to, etc. – all to make a profit. While you may not care about nonconsensual use of personal information as a profit-making machine, it may concern you that the data collected from monitoring your personal activity could get into the hands others, not just corporate America.

As recent news has shown, companies are not immune to cyber security attacks. In a letter to Congress in 2015, General Counsel from companies across various industries such as Microsoft Corp., Aetna Inc., Bank of America, and more, advocated for stronger cybersecurity laws. They wanted Congress to facilitate the sharing of real-time identification, detection, and mitigation of emerging cyber threats. They believe that the government and businesses need to work together to improve the nation's cybersecurity protections.

Roughly half of Americans do not trust the federal government or social media sites to protect their data

% of U.S. adults/tech users (see note below) who are ___ in the ability of the following institutions to protect their data

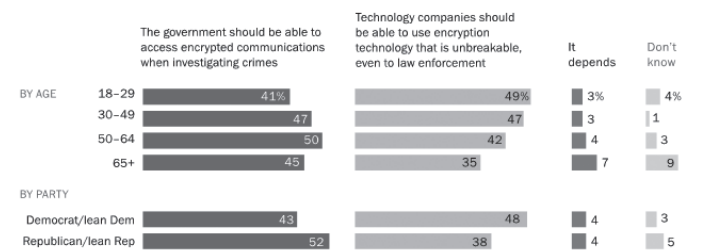


Note: Data on cellphone manufacturers and service providers based on cellphone owners; data on email providers based on internet users; data on social media sites based on social media users. Data for credit card companies recalculated to exclude "does not apply" responses. Otherwise, refusals and "does not apply" responses not included in this chart. Source: Survey conducted March 30-May 3, 2016. "Americans and Cybersecurity"

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Younger Americans express elevated support for unbreakable encryption standards

% of U.S. adults who agree with each statement



Source: Survey conducted March 30-May 3 2016. "Americans and Cybersecurity"

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steps for Federal agencies. In Trump's budget request, he proposes allocating \$1.5 billion for the Department of Homeland Security (DHS) to safeguard cyberspace. As stated in the OMB's blueprint report, this money will go towards improving responses to cybersecurity attacks that are directed at Federal networks and critical infrastructure. The government aims to do so by having DHS share more cybersecurity incident information with other Federal agencies and the private sector.

Data security experts are concerned over the proposal of having a centralized management of cybersecurity under one executive branch: the Office of Management and Budget. Former officials have spoken out bringing up the issue of how qualified the Office of Management and Budget is to set forth these cybersecurity standards. A pressing issue is whether a centralized cybersecurity management branch will cut down costs and increase efficiency. Also, it is important for us to know the gatekeepers, the individuals, in charge of this sensitive information. A centralized management of information may only prove to be effective if other agencies are willing to take responsibility for the identification and reporting of their own cyber attack incidents.

Regardless of where you stand on the issue consent or how our government is handling cybersecurity, it is crucial for every individual to be cognizant of the control one has over one's personal information. In a survey conducted by the Pew Research Center last year in 2016, 64% of U.S. adults personally experienced a major data breach. Of this percentage, data theft included fraudulent charges on their credit card, theft of sensitive information (ex. account number, social security number), outside control of email and social media accounts, impersonation of fraudulent tax returns, and more.¹ The American public became more aware of data surveillance when the FBI, without Apple's help, cracked into the phone of a terrorist shooter involved in the San Bernardino attack. Recently, Uber's grey balling technique has raised concerns over the access and use of app user's information. Additionally, there are devices that can intercept your phone's meta data without the knowledge of the phone operator. What is scary is that the average person can purchase these phone monitoring devices. Aside from whatever you put on your social media accounts, technology allows us all to spy on each other.

As advanced technology continues to play an integral role in our lives, we lose sight of the imbalance between personal privacy and security in a digital world. It has become almost

The OMB's 2016 annual report to Congress stated that in 2016 alone, Federal agencies were exploited to over 30,899 cyber incidents – with sixteen meeting the threshold to trigger a series of mandatory

impossible for any of us to go “black” (off the grid) unless we are willing to set up camp in some remote part of Alaska (which even then who really knows). As individuals, we must take responsibility for controlling our personal information. Our challenge is determining how much information we are willing to give up in exchange for some reward (product, service, loyalty program, Facebook post like etc.). Technology provides an ease of convenience that poses challenges to our private world. Taking steps to protect our privacy such as using secured websites, creating phrase-like passwords, and not sharing every bit of yourself online are just some of the ways to control your privacy. We can push innovators and policy makers to create a secured, trusted privacy-rights infrastructure but we can only go so far. Depending on your level of paranoia and commitment, you might even consider getting rid of your microwave...

For further information on the survey results of America's digital environment and a list of recommended resources regarding security breaches, please visit... <<http://www.pewinternet.org/2017/01/26/americans-and-cybersecurity/>> For further ways to protect yourself, please visit <https://www.consumer.ftc.gov/features/feature-0038-onguardonline> <http://www.pewinternet.org/2017/01/26/americans-and-cybersecurity/>

What's so Bad about Originalism?

by Chris Gavrielidis

There's a lot going on in America, from the election of President Donald Trump to the nomination of Judge Neil Gorsuch to replace the late Justice Antonin Scalia on the Supreme Court. Pure applesauce ensues in Washington as we speak.

The election saw two completely flawed candidates with a list of reasons *not* to vote

for either of them. For many, it wasn't so much “I'm *with* her” as it was “I'm *against* him,” and vice versa. But for countless other voters, the candidates themselves were largely irrelevant. Once it became clear that President Obama's Supreme Court nominee, Judge Merrick Garland, would not get a hearing, people saw the Court as the number one issue on election day.

And understandably so. For better or worse, the Supreme Court justices—those notorious nine unelected lawyers—have become the most powerful people in the United States. For all the Court's influence on an endless list of high-stakes issues from abortion to gay marriage and “electioneering,” voters saw Scalia's seat as an opportunity to tip the balance of power on the Court. They knew that the next jurist (or jurists?) would shape the legal narrative in America on an array of issues for decades to come.

Most people assume they have Judge Gorsuch pinned down on these issues. They assume he will affirm *Citizens United*, vote to overturn *Roe v. Wade* and *Obergefell v. Hodges*, kneel at the altar of RFRA, and do everything else that they feared someone like Judge Pryor would have done—just with smoother overtones in his writing. But not so fast. Let's not forget Gorsuch's perfect response to a question posed by Senator Lindsey Graham (R-SC) during the confirmation hearings. When asked what he would do if, when interviewed by Trump, he had been asked to overturn *Roe*, he said “I would have walked out the door,” because “that's not what judges do.”

So instead of making assumptions on the contentious issues, let's talk about what we know. Gorsuch will uphold the Constitution and laws of the United States. In doing so, he will not die on the hill of *stare decisis*. (*Brown v. Board*, anyone? *Lawrence v.*

Texas? Can I get an amen from Justice Thomas fans?) He will vote to end or at least significantly limit *Chevron* and *Auer* deference. He would, if given the opportunity, draw back the dormant commerce clause and restore power to the states. He would strike a balance between free exercise and establishment—as the Court unanimously did in *Reed v. Gilbert* in 2015. And when given the choice, he would rest on the Tenth Amendment's mandate to defer to the states or to the people about that which the Constitution remains silent.

Too often, however, litigants jump ahead to the due process clause of the Fourteenth Amendment, which has become a “catch-all” for constitutional claims. The result is a powerful substantive due process doctrine that swallows the *vox populi* enshrined in the Tenth Amendment. But the Supreme Court, while a rightful bastion of the “counter-majoritarian difficulty,” should not be used as a vehicle to frustrate the will of the people where it does not conflict with the four corners of the Constitution. Judge Gorsuch understands this. He believes that it is the sole role of the judiciary to say what the law *is*, not what it *ought* to be.

Yes, he is an originalist. But an originalist understands that the Fourteenth Amendment, the First Amendment, the commerce clause, and other constitutional provisions were not intended to enlarge the federal government or the Court's influence on contentious matters of public debate. If the judiciary is truly “the least dangerous” branch of government as Alexander Hamilton argued in Federalist No. 78, then the Court's job is simply to uphold the Constitution and laws of the United States as the Framers intended and lay down the supremacy clause *Marbury v. Madison* style.

And what's so bad about that? For any of its flaws, the people have a mandate to “alter or abolish” the law. The writers of the Declaration understood that, and they launched the most successful experiment of democracy in human history. For larger grievances, the people can and should resort to Article V—as they have twenty-seven times in the past. But as long as we have a thriving culture of debate in America, it is for the people, and not the judiciary, to identify and fix endemic flaws in our society.



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From Left to Right: Dan Jackson, Christopher Bavitz, (SULS Representative), Karen Copenhaver, and Chris Gibson

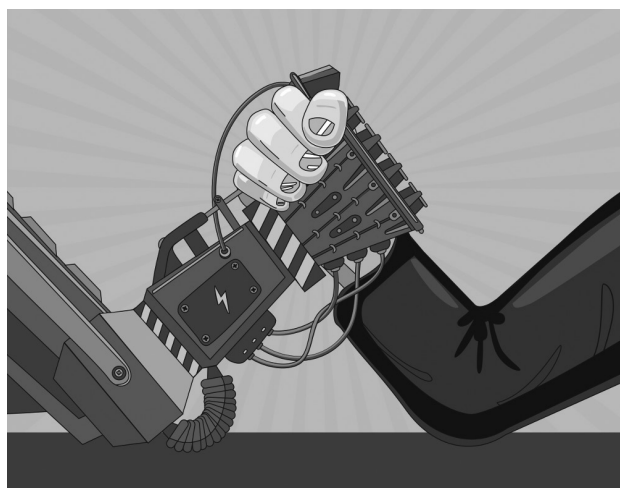
Chris Gavrielidis is graduating in 2017 and serves as President of the Federalist Society of Suffolk Law. He believes in limited government and an originalist interpretation of the Constitution, and he has a passion for First Amendment law.

A Philosopher's Reflection of Legal-Technology

by Alex Sneirson, *Dicta Contributor*

During the course of this year, I've made the time to attend multiple panel discussions. I've gone because they are a break from law school, a glimpse of our profession in the the real world, and a way to get free food.

I've recently attended a lot of legal-technology discussions. They tend to all start with the premise that technology has influenced every major profession, and has now begun to substantially impact our own. Every speaker always has a different take on the value of its impact. It varies from anything as small as, "email has changed in-house and attorney-client relationships", to anything as big as, "lines of code are making services too cheap for people to need me!" But one factor they all seem to agree upon is that legal-technology is "the shiny new toy that no one quite yet understands".



Our understanding of technology's impact is limited by time. From what we understand so far, technology has changed the way we think and act. Video games allow us to stay inside at home. The internet allows us create communities we're never physically a part of. In other words, technology has overlooked the simplicities of life, and created a way that ironically makes us less social. It has changed our relationships to each other and the greater world alike.

Our connection to different communities has changed. We keep in touch with friends that, in

another world, we may have never seen again. In business, we have access to a market of people that, in another world, we would have never been able to reach. Whether its friends, or professional relationships, we don't necessarily communicate in person anymore. The way we treat people that we have no natural connection to has changed as well.

These legal-technology discussions all talk about specific ways in which our profession has changed and continues to change. I urge you to keep up with these discussions because what you assume will become a long-term position may, instead, become a short-term one. Most businesses, both small and big, don't have the time to understand the impact of technology. Quite frankly, they care about the bottom line. However, don't be alarmed: these discussions almost always end with an uplifting message.

On the surface things may change, but the core of our profession will forever remain the same. As long as people have problems, people will need solutions. The important part of a human-oriented economy is that technology can't replace the human needs. We may convince ourselves that it can, but our primal instincts of survival will always overrule. Whether it's in a courtroom or in an office, having a strong sense of advocacy is crucial to our individual success. This means developing skills that technology cannot replace. Social media may distract us from our surroundings. Legal technology may change the way people access our services. But people are people. Our profession, like many others, will never be replaced by the priceless, subtle, and fundamental value of making a difference in someone's life.

Work / Life Balance as a Young Attorney

by Brittany Peck, *Associate Editor*

By the time a student starts law school, they have likely been already exposed to the traditional notions of lawyering as a whole- sleepless nights, endless deadlines, elongated client calls, and more. They see perhaps a family member, someone on their Facebook timeline, or someone impatiently waiting for a triple-shot cappuccino at Starbucks express their dissatisfaction with their life as an attorney.

The expectation of dissatisfaction with one's career choice is not a positive outlook for law students. However, as the times are changing in society, the changes in the legal world are not keeping up with regard to work-life balance.

According to an ABA article titled "The Young Attorney Balancing Act: How to have



a Career- and a Life," by Victoria Santoro, she sets out the argument that "before [one] begin advocating for yourself in attempts to achieve the ideal, but elusive, work/life balance, you need to know why this is something you want. Using some available statistics on employee engagement and productivity, it becomes very clear why balance is something you should be seeking out. No young lawyer wants to sound like they are searching out the ability to "slack," so I suggest advocating for the three H's: happy; healthy; and hopeful. These can serve as your guideposts as you search out flex time, telecommuting, and the other things necessary to achieving work/life balance."

The three H's of happy, healthy, and hopeful could be achieved in many different ways, just as each young attorney's life is unique.

The topic of advocating for one's own self as an attorney is not one discussed in law school curriculum. Law students are taught that one must be a zealous advocate on behalf of your clients, but not for one's self. However, as this article states, achieving "the shouldn't be elusive work-life balance," starts at the very beginning of one's law career.

The Atlantic's article by Leigh McMullan Abramson, titled "How Can Lawyers Balance Work and Leisure?" discusses the topic of the "arms race" of big law firm burnout, personal sacrifice, and the market failure of billable hours.

The fact that attorneys want better work-life balance is not paramount to one class of attorneys, but an overarching theme. If The Atlantic's hypothesis is correct, that all attorneys want to achieve better work-life balance, and that law firms must adapt to accommodate that balance; leads to the very question of why law firms haven't adapted. According to Law Practice Today's article "How to Pull off the Great Balancing Act," interests such as community service, spending time with family, that lay outside an office building are essential to maintaining a successful career.

So what do YOU think? Is a particular emphasis on work-life balance important to you? What benefits do you think the law field as a whole will achieve with this goal of new attorneys?

Let the editor know at bpeck@suffolk.edu.

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Words of Advice from an Alum

William Noel, SALS 2015

Exams are fast approaching, Summer is just around the corner. When I was in law school this was always a stressful time; your primary focus is studying and locking down plans for internships (or the bar exam).

As you look forward to next semester, it is important to remember that there are a multitude of equally important things you can do to help land your first job after graduation.

During my three years at Suffolk University Law School, I had a hard time narrowing down my goals for a career. Having a Juris Doctorate unlocks a plethora of career paths. According to the ABA over half of all law students will use their J.D. outside of the court room.

Alternative Legal Careers are plentiful if you know what kind of job you want. In 2015, I found my first, lucrative career only two months after graduating. I was able to focus my search because I participated in a wide variety of competitions and networking opportunities.

How do you determine what kind of job is best for you? Participate in everything you can.

Polish Practical Skills & Explore your Strengths

There is a misperception that law school is primarily mock trials and writing contests. These two kinds of competitions are valuable, but there are many other ways to explore fields that you might have overlooked.

For example, Fordham Law School hosts an annual NBA negotiation competition. Tulane holds an MLB arbitration competition, and the ABA hosts events ranging from Client Counseling to Appellate Advocacy competitions. There are enough competitions that anyone can find something to build their practical skills.

Polishing these practical skills is the perfect way to see what aspects of legal work you want to pursue. The Fordham competition played a role in helping me narrow my job opportunities by allowing me to discover my love of negotiation in a business setting. The ABA Client Counseling competition helped me realize my ability to adapt and organize to unexpected issues as they arise.

Network and Learn with your bar memberships

Law school is more than just lectures, reading, and exams. You have been given amazing resources for your education. The most important of which is your ABA Membership. Sign up for as many legal divisions as possible. These will give you ample opportunity to network with established attorneys. The Boston Bar association has similar events around the city.

You can volunteer for community service with groups like the Young Lawyers Division, or attend the local meetings focusing on issues from Employment and Labor Law to Science and

Technology. Additionally, there are plenty of seminars and networking opportunities at this year's Annual Conference in New York City, August 8-15.

All of these events, meetings, and networking opportunities can expose you to new paths to follow, or reinforce your dedication to a certain field of law. Make sure you take advantage of every opportunity while you can.

Once you know what you enjoy doing and how it aligns with your strengths, finding a position that fits is easier. Instead of looking at every job, you will have a targeted search that will pinpoint the positions that you want after graduation.

Good Luck.



Understanding the [Ongoing] Health Care Debate

Rachel Seed, Staff Writer

Long before assuming position in the oval office, President Donald Trump promised to “repeal and replace” Obamacare or the Affordable Care Act, (“ACA”). Approximately 64 days into his term, Trump and his constituents brought an alternative to the table, the American Health Care Act (“AHCA”). After a tense period of waiting and predicting the outcome, the bill was ultimately pulled on Friday March 24th to the relief of some and frustrated resentment of others. Understanding what was on the table, and what failed, will help to shed light on what the future of health care reform under the Trump Administration might mean.

Distinguishing the American Health Care Act from ACA

The AHCA was not too different from the ACA in some respects. For instance, it prohibited insurance companies from denying customers with pre-existing conditions and it offered tax credit subsidies to low-income customers. However, the differences are truly what created the divide in support. There are three major differences between the AHCA and the ACA.

First, unlike the ACA, the AHCA did not require Americans to be insured. However, insurance companies would be allowed to charge those over 30 years old more on their premiums for one year if their coverage lapses, creating essentially, a penalty.

Second, under the ACA low-income customers only pay a certain percentage of their income (anywhere between 3-9.5 percent) and when premiums increase so do subsidies. However, under AHCA customers would receive a fixed tax credit based on your age and would max out at \$4,000. If premiums were to go above what you receive, then likely you would no longer be able to afford coverage.

Third, the current Medicaid expansion would be phased out and instead, the federal government would only pay states a set amount per person or receive Medical dollars as a block grant, regardless of the number of Medicaid recipients at a given time.

<http://www.nasdaq.com/article/conservatives-rebel-against-trumpbacked-republican-healthcare-plan-20170307-01456>

What would have resulted?

The biggest change, and ultimately one of the main reasons the bill failed, was in respect to Medicaid. The bill would have substantially eroded the expansion of Medicaid under the ACA, by cutting a projected spending of \$839 billion and reducing the number of Medicaid recipients by approximately \$14 million in the coming decade. Right now, the federal government pays a significant share of states' Medicaid costs, no matter how much enrollment or spending rises. The AHCA however, would have given the states a choice between a fixed annual sum per recipient or a block grant, both of which would have likely led to major cuts in coverage over time and more burden placed on the state. Medicaid is an important facet of health care reform in this country as the program provides medical care to “4 out of 10 American children; covers the costs of nearly half of all births in the United States; pays for the care for two-thirds of people in nursing homes; and it provides for 10 million children and adults with physical or mental disabilities.” Unfortunately, health care is not as readily accessible for low-income Americans on the whole, as it is in Massachusetts. Despite [some] Republican opposition to Medicaid as “socialized medicine,” Massachusetts, under Republican governor Mitt Romney, paved the way for “near universal health insurance” in 2008 and has been used as a template for health care reform and policy ever since.

In addition to significant changes to a foundational aspect of American health policy, the health care market itself would shift. Under the AHCA insurers could charge older customers higher premiums, 5 times higher than young adults to be exact. Thus, the premiums of younger Americans would decrease, and as a result, the mix of people on the individual insurance market would change. “Older, sicker people would be pushed out of the insurance market, which would then be comprised of a higher percentage of younger people, leading to lower average premiums for individually purchased policies.”

Second, under the ACA low-income customers only pay a certain percentage of their income (anywhere between 3-9.5 percent) and when premiums increase so do

subsidies. However,

<http://liberalvaluesblog.com/2017/03/09/the-republican-health-care-plan-screws-many-to-help-very-few/>

Why did it ultimately fail?

Long story short, some of the most conservative members of the House didn't think that the AHCA would be comprehensive enough to replace Obamacare, and moderates were concerned that the bill would hurt too many of their state's poorer citizens. For many moderates, cuts to Medicaid really put the bill on the chopping block. Furthermore, concessions between the House Freedom Caucus, a group of 30 hardline members and moderate republican members caused too much of a lack of agreement. The Republican party in general has been fairly split on how to approach health care reform. Some more conservative representatives in the party believe the government should with Obamacare for the foreseeable future," Mr. Ryan told reporters on Friday.



refrain from promising health care benefits to its citizens, while more moderate representative fear that not offering health insurance and subsidies to at the least their low-income citizens will put their state and political position in jeopardy.

Apparently lack of consensus on the bill went beyond just the representatives of the House, as Republican Jim Jordan from Ohio, stated that he had no regrets about killing the bill--"The lesson here is don't try to pass a bill that only 17 percent of the country approves of — that's a problem."

<http://inthesetimes.com/article/20002/trumpcare-single-payer-medicare-obamacare-bernie-sanders-democrats>

What now?

While plans for a next step do not seem particularly certain, House Republican, Steve Scalise of Louisiana, said Democrat celebration of keeping the ACA is premature—he went on to say that "we are closer to repealing Obamacare than we ever have been before." As of March 28th, House Republican leaders and the White House, have restarted negotiations on legislation to repeal the ACA, however, Paul Ryan declined to specify what might be in the next version of the bill or provide any time frame for action. But he said "Congress needed to act because insurers were developing the premiums and benefit packages for health plans they would offer in 2018, with review by federal and state officials beginning soon."

Trump however, seems to be taking a step back and waiting to make the next move on the Health Care debate, moving onto other issues before his first 100 days are up. He recently tweeted, "I've been saying for years that the best thing is to let Obamacare explode and then go make a

deal with the Democrats and have one unified deal," Trump said. "And they will come to us, we won't have to come to them." However, one unified deal is not an idea that is fully supported. Some conservative members of the party, including Senator Rand Paul of Kentucky and Representative Sean P. Duffy of Wisconsin said they would "redouble their efforts to undo the Affordable Care Act;" and Representative Steve King of Iowa said [referring to the ACA] "Rip it all out by the roots!" Friday in a Twitter post. Yet, other members of the party contend that Democrats should be involved in efforts to rewrite the bill and might be the only way to reach a consensus. Regardless, if the party cannot procure some result to maintain their promise to address the ACA and health care concerns, the Republican party could be in trouble come mid-term elections. Former Representative Thomas M Davis III, expressed that "If the [republican party] fall on their sword on this, they're going to get slaughtered. "Where parties get hurt in midterms is when their base collapses." Particularly as Trump and the republican party has promised voters health care reform for the past 7 years. In the meantime, "we're going to be living

Evolution of U.S. Health Care Reform; Pain Physician Journal. 2017. Pg. 2

The Mirage of Reform—Republican's Struggle to Dismantle Obamacare; The New England Journal of Medicine. Marche 22, 2017

How the Health Care Vote Fell Apart Step By Step; NY Times. March 24, 2017

Paul Ryan: House Republicans Will Continue their Push For Health Care Reform This Year; Washington Post. March 27, 2017

Affordable Care Act Repeal is Back On the Agenda Republicans Say; NY Times. March 28, 2017.

Paul Ryan: House Republicans Will Continue their Push for Health Care Reform This Year; Washington Post. March 27, 2017

Some Lawmakers Now Look to Bipartisanship on Health Care; NY Times. March 26, 2017.

Thoughts that Flounder

By Nicholas Williams, Editor in Chief

I have some things I'd like to share,
but I'm not entirely certain you'd care.

You might read a line or two,
And decide you've read enough.
I bet you will—won't you?
I'll forgive you, though.

My panic grows manic,
With deadlines coming hard and fast,
I don't mean to sound dramatic,
But there is clearly much work to be had.

Registering for classes,
Ensuring all the right ones are taken--
Gotta cover all my bases
Or else I'll be forsaken!

Friends and family, ever so proud.
Compliments and joys abound.

Graduation quickly approaching,
Though I'm sure everybody knows.
Nightmares come encroaching
Of all worst-case scenarios.

The faster graduation approaches,



the sicker that I feel.
Maybe we should all get study coaches,

but life is about to get very real.

Saying good bye to graduating friends
I sure hope they come back.

Not that I expect to never see them again,
To say hi and interact.

To say the least, this has been quite a year—
We are so thankful summer is almost here!

So be well, dear readers.

Be of good cheer,

Don't fret from the bleachers—
For we've reached the end of this academic
year!

Enjoy your summer and this last edition.
Dicta will be back in the fall.

We await your submissions
To tap into that unknown potential within
you all!

To my graduating friends,
We congratulate you on your achievement,
For we know to that end
This was no easy commitment.

Blessings and love from the *Dicta* Board!

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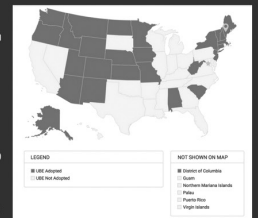
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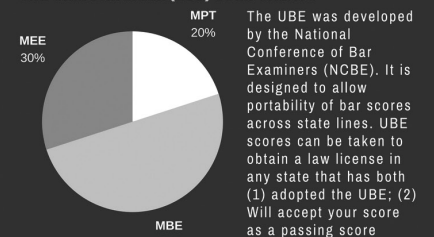
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UNIFORM BAR EXAM (UBE) COMPONENTS



MULTISTATE BAR EXAMINATION (MBE)

Purpose: Analyze given fact patterns
Breakdown: 200 Multiple-choice questions
Areas of Law: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, Torts

MULTISTATE ESSAY EXAMINATION (MEE)

Purpose: Test examinee's ability to communicate effectively
Breakdown: Six (6) 30-minute questions
Areas of Law: Business Associations (Agency & Partnership; Corporations & Limited Liability Companies), Civil Procedure, Conflict of Laws, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Family Law, Real Property, Secured Transactions, Torts, Trusts & Estates

MULTISTATE PERFORMANCE TEST (MPT)

Purpose: Simulate real-life tasks future attorneys may face
Breakdown: Two (2) 90-minute MPT items per jurisdiction
Areas of Law: Variety of lawyering tasks (ex. memorandum to a supervising attorney, letter to client, will, etc.)

FOR MORE INFORMATION PLEASE VISIT
NCBE: <http://www.ncbe.org/exams/ube>
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A Word From the President

The most surprising thing about the end of law school is how none of it really feels like an end at all. The bar, naturally, plays a part in that. Pending student loans, just as naturally, also play a part in that. But I don't mean that it doesn't feel like there is no break between academics and career goals; what I mean is that there is no concrete conclusion. There is no sense of having arrived at point B after traveling all that distance from point A. There will just be a morning where you wake up and it's over.

I don't think that that's a bad thing.

Law school—for better or worse—demands just about as much from a student as a student is capable of giving. From the first day of 1L to graduation, law school expects a student to commit and rejects those who don't.

Of course there are classes. We remember the events that play out: our memos. Making it to the end of a ten o'clock lecture twice a week. Navigating the T's nebulous schedule to get to our responsibilities on time. There are, inside this larger arc of law school, particular struggles that have a beginning, a middle, and an end but these pieces are not the whole. Deadlines. Assignments. Events. There are things that did come and go but law school, despite being made up of these things, does not feel like that.

Even when the distance to the end is something you can count in days rather than months or in years, law school gives the impression of stretching forward endlessly and again, I don't mean to say that that is a bad thing. Between all those events. Inside all the conflicts that keep us up at night and aspirations that get us up in the morning, there is something that is fixed. The student. After days become weeks and weeks become months and months become years the wash of commitments, academic and otherwise, begin to shape the person beneath it. That is not to say we do not struggle, I'll be honest there were days this semester that I myself felt like maybe law school was a mistake, it is that we do struggle and despite that we keep waking up, we keep getting out of bed, and we keep adding days to those we have already made it through. We keep pushing past the beginning, and the middle, and the end of those little struggles until three years have, themselves, begun to look like just another thing that we have completed.

The time here ends but the effect of that time doesn't. You don't commit yourself entirely to something and then just walk away. Law school demands as much from a student as a student is willing to give and when a student has proven he or she is capable of giving that, it entirely redefines what we think we are capable of. Law school proves that there is no cap on us and so it seems entirely natural that finding the cap on law school becomes likewise difficult.

So yes, I am graduating. It is likely that there are good friends who I will never see again. It is likely that years from now, even after all that I have poured of myself into the things that mattered to me here—the clinic,

Thank you,

Daniel Hahn

SBA President (2016-2017)



the SBA—that it'll be largely forgotten. But that was not the point. It wasn't how we struggled to satisfy all these little demands we face from day to day. It was what never quitting on that struggle proved about us.

Law school does not end because it does not, like a statement, conclude anything but rather, like a question asks us who have endured it—who have experienced it—what is it that we are capable of becoming? And there is no cap on that. Indeed, that is a question that we will spend the rest of our lives working to answer.

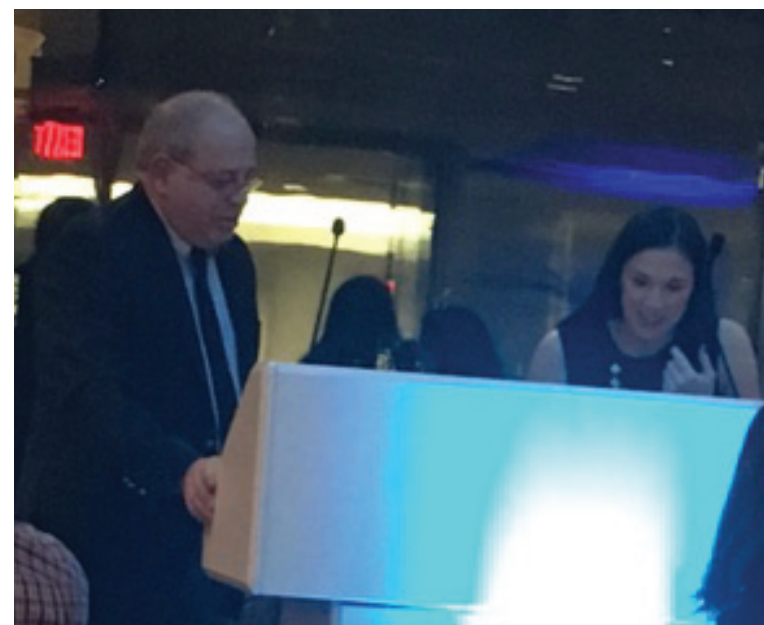
It has been a tremendous honor and privilege to work this year as your student body president. It has been a tremendous honor and privilege to be a part of a community that has fostered inspirational organizations like this one and I hope that no matter how the leadership might change over the years ahead that we, the students of Suffolk University Law School, never stop believing that we are capable of being everything we resolve ourselves to be.

SULS Annual Diversity Dinner: "Around the World Buffet"



Guest Speaker, Judge Isaac Borenstein.

Judge Isaac Borenstein currently teaches Evidence and Criminal Procedure and a Cuba Seminar Course at Suffolk Law School. Although a retired Judge, he does civil law and criminal defense.



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