

Hearsay

hampagne@lawyersweekly.com

Doing it by the book

Lots of lawyers toy with the idea of writing a book one day. Few, though, turn those musings into reality.

Peabody District Court Judge **James D. Barretto** recently accomplished his lifelong ambition of becoming an author, and in doing so made sure to pay tribute to the sacrifice of a good friend and colleague.

The book, "Mystic Wind," is a legal thriller that has its roots in Barretto's time as a prosecutor in the Middlesex County District Attorney's Office.

Set in 1980's Boston, the protagonist in the story is Jack Marino, once a rising star in the local DA's Office whose life is now on the rocks following a brutal attack in his home by gang members. While trying to come back from physical injuries and trauma, Marino loses his job in a politics-driven move by the district



BARRETTO

attorney, who has lost faith in his former star prosecutor. Married to an ambitious lawyer, Marino lands a job at his father-in-law's Boston law firm

but finds himself adrift, getting no personal satisfaction litigating business matters. With his marriage also foundering, Marino is given a chance to redeem himself and return to trying criminal cases when he is assigned to defend a young man accused of committing an unsolved murder that occurred in the industrial wasteland along the Mystic River in 1980.

Marino's new case pits him against the DA's Office that fired him. And the DA, with his eye on the governor's mansion, has selected his client's case for prosecution under a new death penalty law passed by the Legislature.

In order to save his client's life at trial, Marino finds himself pitted against corrupt political and merciless criminal powers operating from the shadows.

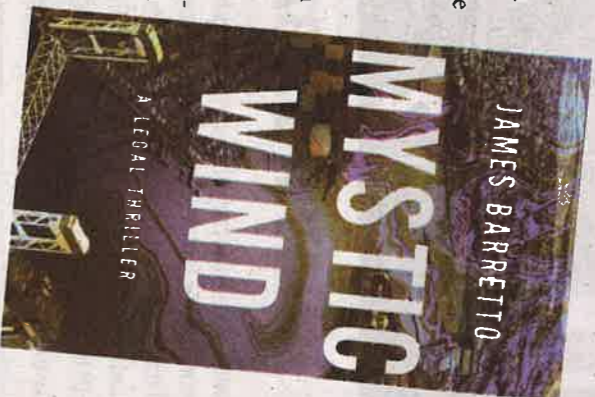
Barretto dedicates his book to **Paul R. McLaughlin**, who was gunned down by a gang leader in West Roxbury in 1995. A longtime prosecutor at the time of his murder, McLaughlin was an assistant attorney general working with the gang unit of the Suffolk County District Attorney's Office.

Barretto and McLaughlin had become close friends while working as staffers in the Legislature and as classmates at Suffolk University Law School.

"Paul actually greeted me at the Middlesex District Attorney's Office on my first day as a prosecutor in 1983," Barretto says, calling McLaughlin's death "a

devastating loss to everyone who knew him."

"Mystic Wind" has been in the works for a long time. First appointed to the bench in 2010 by Gov. **Deval L. Patrick**, Barretto says he wrote early drafts in the 1990s.



"It was a long and winding road," Barretto recalls. "I tell people I started the book in another century. Everybody laughs, but the truth is I did."

Barretto would write, then put aside the manuscript when his work as an attorney required it.

"Then, for reasons I can't fully explain, I would pick it back up and get at it again. That pattern would repeat itself for many, many years," he says.

Describing himself as an "intuitive" writer, Barretto says one of the keys to setting his work on a course for publication was the writing group he joined.

"I had absolutely no experience in commercial fiction other than a dream," he says. "The writing group did a couple of things: One, it kept me accountable because I kept putting the manuscript down. The other thing is that it was really good to be with writers who knew what they were doing."

One of the writing group members was the late **Jeremiah F. Healy**, an award-winning mystery writer and New England School of Law professor.

Barretto also credits the guidance of retired Supreme Judicial Court Justice **Margot G. Botsoford**. Botsoford was his department chief when he worked in the Middlesex DA's Appellate Bureau in the early 1980s.

"She put up with all my mistakes and made me a good legal writer," he says.

He subsequently transferred to the Trial Division where he found his true calling.

"It was addictive; it was very exciting," Barretto says. "Once I got a taste of the Trial Division, I was off and running and really never looked back."

Meanwhile, Barretto says he discovered that getting a book published is no easy feat.

"It's a tough road," he says. "You've got to get used to rejection, and that's not easy for any

of us."

Displaying the never-give-up attitude of the long-distance runner he was in his younger days, Barretto finally connected with a publisher at a writer's conference in New York City in 2019.

Barretto says it's hard to describe the gamut of emotions he felt when he first held a hard copy of "Mystic Wind" in his hands.

"I'd received extraordinary support from people who mean everything to me," Barretto says. "That first time I held the book, it was such an emotional moment."

— PAT MURPHY

Getting resourceful

The Municipal Police Training Committee was supposed to give attorneys with expertise in juvenile and education law a seat at the table when it was developing the curriculum for future school resource officer candidates, the Legislature explicitly directed.

That did not happen, **Marlies Spanjaard**, director of education advocacy for the EdLaw Project, told members of the Massachusetts Peace Officer Standards and Training Commission during a virtual hearing on Dec. 6.



SPANJAARD

The EdLaw Project, an initiative between the Youth Advocacy Foundation and the Committee for Public Counsel Services' Children & Family and Youth Advocacy divisions that works to combat the school-to-prison pipeline, "would have been an obvious choice" to consult, Spanjaard said.

Moreover, Spanjaard said she was not aware of any colleagues in the juvenile justice and child welfare realm who were asked for input, either.

Now, POST needs to use the draft regulations it had called the public hearing to discuss to ensure that the promise of this aspect of the well-intentioned reforms instituted after the murder of George Floyd are realized, attorneys urged.

Technically, the Dec. 6 hearing was called for POST to receive feedback on two sets of draft regulations. But most speakers addressed the preliminary version of 555 CMR 10.00, "Specialized Certification for School Resource Officers," rather than 555 CMR 8.00, "Databases and Dissemination of Information."

Several speakers referenced a model memorandum of understanding that the state now requires public school districts or charter schools to enter with the police departments in their communities before resource officers can be placed in school buildings.

But there is a disconnect between the laudable guidelines that the MOU sets forth and the curriculum of the Municipal Police Training

Committee, several speakers noted.

"When POST certifies school resource officers, it is telling parents, students and school administrators that officers have met the legal standards for selection, completed training provided by the Municipal Police Training Committee, and understand their obligations pursuant to the state's memorandum of understanding between law enforcement agencies and schools, which delineates school resource officers' roles," said attorney **Lisa Thurau**, executive director of Strategies for Youth in Cambridge.

Until POST can ensure the Municipal Police Training Committee has met its legal obligations, she said, it should not be certifying officers as ready to work in the state's schools.

Thurau and others noted the "disproportionately harmful effects of some [school resource officers] on youth of color and students with disabilities," which the



THURAU

signed to address.

"In short, this MOU is a public agreement and commitment to parents and students about how both schools and law enforcement will behave," Thurau said.

She added that "while its existence may appear to have no relation to whether an officer is qualified and should be certified, a school district's adoption of an MOU is a necessary predicate for the placement of an officer."

Spanjaard said that, in 2020, Black youth comprised 10 percent of the state's student population but were



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the subject of 30 percent of the arrests in schools. For Hispanic students, the numbers were similar: 18 percent of the population, 30 percent of the arrests.

Meanwhile, students with disabilities are three times more likely to be arrested than other students, she added.

Matthew Cregor, a staff attorney with the Mental Health Legal Advocates Committee, noted that he was speaking not only as a lawyer but as a Boston public school parent and a former schoolteacher in the Bronx. "We all want children to feel safe in schools," Cregor said.

But he was quick to add the degree to which police have been turned to as the solution alarmed him, given data on the long-lasting ramifications of negative interactions between students and officers.

It is all too easy for school administrators to defer what might otherwise be a routine disciplinary matter to a resource officer, Cregor explained.

"The danger there is that a situation that could very quickly be handled with a call home instead leads to



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a call to police," Cregor said, noting that statistics show that once a juvenile makes his first court appearance, he is four times as likely to drop

out of school. The value of the MOU is that it gives very specific guidance over what sort of situations a school resource officer should be involved in, Cregor said.

But if those officers do not receive the proper training, that guidance may fall by the wayside in the heat of the moment, as a principal or teacher is urging them to intervene, he offered.

Cregor also recommended that school superintendents and police chiefs lead an annual review of the MOU and adjust it as necessary.

"If we're going to place officers into the combustible situation that is the educational environment, they have to know how to comport themselves," Cregor said.

POST could also help by clarifying the characteristics chiefs should look for when recruiting school resource officers, Thurau said.

"For too long, being an SRO was either considered a plum position available only through seniority for those who wanted a certain schedule, or it was considered a dumping ground for officers," she said.

Retired Judge **Jay D. Blitzman**, who served for 24 years on the juvenile Court bench, much of it as the first justice in Lowell, scrapped his prepared remarks, which he said would have echoed the hearing's earlier speakers.

"The mantra of 'counselors, not cops' is more than just a mantra," Blitzman said, pointing to a July 2020 study, which found that increasing the presence of school resource officers only serves to criminalize school discipline, not improve school safety.

"It's a sad reality that millions of children are in schools with armed police that do not even have guidance counselors," he said.

CPCS appellate attorney **Rebecca Jacobstein** was one of the few speakers who instead addressed the regulations on



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lic confidence is through transparency and accountability," she said. "Unfortunately, the regulations as they are currently written will undermine this goal."

She addressed four "overarching concerns," including that the regulations "codify unreasonable prolonged delays in disclosure" and "contradict and undermine the public records law."

— Kris Olson