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July 16, 2020

Dear Membership,

Although the COVID-19 pandemic has dramatically changed how the BBA operates, it has not changed our commitment to our members and to [our mission](#): to advance the highest standards of excellence for the legal profession, facilitate access to justice, foster a diverse and inclusive professional community, and serve the community at large.

In the area of public policy, we have necessarily accelerated our work over the past few months. Following the brutal killing of George Floyd by police, on the heels of so many similar tragic incidents, the BBA released [a statement](#) condemning not only the actions that led to his death, but the system that all too often deprives African Americans of equal rights under the law. We also pledged to advocate for concrete steps toward eradicating racial discrimination in law enforcement. Finally, we expressed our commitment to listening to the voices of those in the African American community who have suffered for far too long as a result of systemic racism in policing and reiterated our support for the many peaceful protesters who are tirelessly advancing this important cause.

The BBA has also been actively advocating on behalf of incarcerated individuals, who face special health risks from COVID-19, not unlike residents of long-term care facilities and group homes. We submitted an [amicus letter](#) to the Supreme Judicial Court in March, recommending that the Court establish a system-wide mechanism for considering the release of broad categories of pre-trial detainees and also suspend rules that limit the time period during which judges can revise or revoke a sentence. In April, after the Court partially fulfilled that request in [CPCS v. Chief Justice of the Trial Court](#), we turned to the Legislature, offering [testimony](#) to the Judiciary Committee in support of legislation that would expand the Parole Board's authority to grant release to qualified applicants and would also ensure access to counsel for incarcerated individuals. And in May, we sent [a letter](#) to the Governor, urging universal COVID-19 testing within state prisons and county Houses of Correction, the easing of furlough restrictions and the temporary expansion of the Parole Board. In addition, we advocated for transparent reporting on the status of COVID-19 infiltration into facilities where individuals are civilly committed for alcohol/substance abuse disorder.

Since the release of our [Immigration Principles](#) in 2018, we have kept our eye on policies affecting immigrant communities during the pandemic, with those principles continuing to inform our advocacy. We [reached out](#) in April to the federal Department of Homeland Security to ask that they enlist the help of non-citizen healthcare workers in fighting the COVID-19 pandemic, expedite the review of petitions and applications involving healthcare workers, and clarify that they will refrain from penalizing applicants for permanent residency who have been treated for COVID-19 for accepting public benefits. At the state level, we endorsed [legislation](#) to eliminate the unjust disparity in the federal CARES Act's treatment of

taxpayers who use an Individual Taxpayer Identification Number (ITIN), leaving them ineligible for stimulus payments of up to \$1,200 per person, despite paying the same share of taxes as those taxpayers with a Social Security Number. And, in *Ryan v. ICE*, we filed an [amicus brief](#) jointly with several other bar associations in support of the federal court's preliminary injunction barring immigration enforcement in and around courthouses in Massachusetts, arguing that such action poses a serious threat to access to justice by discouraging victims, witnesses, and others from attending and participating in court proceedings.

Housing has been very much on our minds as well. You may recall that, at our Annual Meeting last fall, our keynote speaker was [Richard Rothstein](#), whose work explores the various insidious ways that housing policies have discriminated against African Americans for decades and how the effects of these systemic inequities continue to persist in the current landscape of our neighborhoods. Those issues have taken on even greater urgency during the COVID-19 pandemic, when far too many renters and homeowners are unable to make their monthly payments to landlords or mortgagees. In response, we [endorsed legislation](#), which has since been enacted, to impose a temporary moratorium on most foreclosures and evictions, so as not to aggravate the current public-health crisis by forcing potentially tens of thousands of residents out of their homes because of their inability to pay. We were also pleased in June to release [a report](#), prepared on our behalf by Analysis Group, in support of previously-endorsed legislation to create a right to counsel in eviction cases for low-income landlords and tenants. The report persuasively [demonstrates](#) that for every \$1.00 spent on funding for legal representation, the Commonwealth can save \$2.40 in emergency shelter, healthcare, and foster care costs.

Finally, responding to concerns of practitioners who found themselves unable to have legal documents executed in person due to the pandemic, we [joined a coalition](#) that successfully pushed for legislation that now offers a framework for remote notarization.

We thank you for your steadfast support and engagement, which have made these efforts possible, and look forward to continuing to work with you to help meet the new public policy challenges that will inevitably arise as we navigate the waters ahead.

Sincerely,



Christine M. Netski
President