



## Judicial Profile

by Jennifer L. Ioli

# Hon. Judith G. Dein U.S. Magistrate Judge, District of Massachusetts

**H**on. Judith G. Dein has, in her words, “the best job in the world.” Serving as a U.S. Magistrate Judge has allowed her to assume several distinct roles that complement each other: trial judge; mediator; and mentor. Her joy coming to work every day is palpable, as is her belief in the justice system. Although Judge Dein did not start out her career planning to eventually become a judge, her background, career experiences, and willingness to take risks and keep her professional options open have led her to a satisfying and rewarding position on the bench.

### History

Judge Dein graduated *summa cum laude* from Union College in 1976, majoring in American Studies. In 2012, she was elected as a member of the Union College Board of Trustees. She has a great affinity for her *alma mater* and remains active and connected with Union, where she met her husband and made lifelong friends. Judge Dein has two sisters, both of whom work in the public sector, including one whom she followed into a legal career. After college, Judge Dein moved from New York to Boston, where she enrolled at Boston College Law School. She graduated *cum laude* from Boston College Law School in 1979 and was editor-in-chief of the *Boston College Environmental Affairs Law Review*.

After law school, Judge Dein served as a law clerk to the justices of the Massachusetts Superior Court for one year, and then clerked for Associate Justice Robert Braucher of the Massachusetts Supreme Judicial Court for one year. In 1981, she joined the litigation department of Hale and Dorr, LLP, as an associate, and later became a junior partner. She recalls her first courtroom appearance as an attorney, at a motion session at Suffolk County Superior Court, where she appeared before one of the judges for whom she had



clerked, and who called that fact to the attention of a packed courtroom.

In 1989, she became a partner at Warner and Stackpole, LLP (which later merged with Kirkpatrick & Lockhart, LLP), where she remained until her appointment to the bench. During her years in private practice, Judge Dein focused on civil litigation, especially commercial litigation and employment law.

During a time of transition, when her firm was undergoing merger discussions, she took some time to reflect on her career. Her practice had been largely in state court civil

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actions. Nevertheless, when she learned about the opportunity to apply for the position of U.S. Magistrate Judge, she decided to pursue it. Her application was successful, and she was appointed Magistrate Judge of the U.S. District Court for the District of Massachusetts on July 31, 2000. A framed copy of her first courtroom appearance on the bench hangs on the wall in her chambers, among several photographs of her family and friends. Judge Dein later served as the Chief Magistrate Judge from February 2009 until February 2012.

### On the Bench

In the District of Massachusetts, Magistrate Judges draw their own dockets, just as District Judges do. If the parties consent, Magistrate Judges may try civil cases, both bench and jury trials. In addition to the drawn dockets, District Judges refer specific pre-trial matters to Magistrate Judges. Judge Dein marvels at her active civil docket. She has tried a range of cases, including a multiweek securities fraud case, a tort action that was tried in one day, and a civil rights case that became a bench trial at the last minute. “Every day is exciting,” she said with an open smile. Since her appointment to the bench, Judge Dein’s docket has included several cases that have drawn media attention. Most recently, she tried a well-publicized civil asset forfeiture case involving a local motel property.

Additionally, Judge Dein’s criminal docket adds a different perspective to her judicial role. She described issuing warrants as well as the criminal proceedings over which she presides, including arraignments and detention hearings. She takes all matters before her very seriously, especially when she presides over pretrial detention hearings, which involve whether to detain a defendant before he or she has been convicted. Among the most well-known defendants to appear before her was Richard Reid, the shoe bomber.

### Mediating Disputes

Magistrate Judges in Massachusetts also serve as mediators in cases to which they are not otherwise assigned. Judge Dein values “wearing two hats,” as a trial judge and as a mediator. (She wrote a *Boston Bar Journal* article in December 2012 on this subject.) She conducts her mediation sessions off the bench and relishes her two very different, yet complementary, roles. She believes that mediation makes a difference and loves resolving disputes through alternative dispute resolution. She reiterates that being a trial judge helps her be an effective mediator, and serving as a mediator helps her be an effective trial judge.

She is very proud of the *pro bono* mediation program created by the FBA’s Massachusetts Chapter with the court’s support and input. Judge Dein helped create this program, which allows attorneys to volunteer to represent *pro se* litigants and assist them with mediation of their cases. Procedurally, the volunteer attorney files a notice of limited appearance for purposes of mediation only, and, after the mediation concludes, the *pro bono* attorney files a notice of withdrawal. This system is similar to the “unbundling” limited assistance representation programs in state courts across the nation, and Judge Dein finds

it is very effective in ensuring that justice is achieved. In 2011, she received a Community Peacemaker Award from the Community Dispute Settlement Center of Cambridge, Mass., in recognition of her contribution to this program.

### Mentoring

Judge Dein also enjoys the aspect of her job that allows her opportunities to mentor students and younger professionals. Two fellowship programs are very important to Judge Dein.

First, the Nelson Fellowship is a summer program of six to eight weeks, to which high school students from Boston and Worcester, Mass., are invited to apply each year. The program accepts approximately 12 Nelson Fellows each summer, and it allows them the valuable opportunity to shadow federal judges in chambers, take a public speaking course, and learn about civil rights laws and literature. Judge Dein co-chairs this program, and each summer she receives Nelson Fellows who are eager to learn about the federal courts.

Second, the Lindsay Fellowship Program is an intensive summer program for six selected college students who wish to attend law school in the future. The Lindsay Fellowship gives these students exposure to chambers and the courtroom and offers them a four-week class in legal research and writing. After the classroom portion, students spend four weeks interning at either the U.S. Attorney’s Office or the Federal Defender’s Office. The conclusion of the program is a mock trial that the students prepare for and deliver before a federal judge. Judge Dein helped develop this fellowship program and co-chairs it as well. Judge Dein also accepts Lindsay Fellows every summer, and relishes the opportunity to mentor them along with the Nelson Fellows. It has been rewarding for her to see certain alumni of the Nelson Fellowship appear a few years later as Lindsay Fellows, and for Lindsay Fellows to return as law students.

Judge Dein is very pleased with both fellowship programs, and she is delighted to have these talented aspiring attorneys shadow her each summer. The opportunity to mentor young students is yet another hat Judge Dein wears proudly. In an official statement, she remarked: “Having the Nelson and Lindsay Fellows here has always been a highlight of the summer. These students bring with them a diversity of experiences and thirst for knowledge that energizes all of us. You know that these Fellows are going to go on to accomplish a lot in their lives.”

The courthouse is also home to Discovering Justice, an organization dedicated to teaching elementary and middle school students about democracy and the legal system. Judge Dein frequently meets with the students and their teachers, and presides over mock trials and moot court arguments. In addition to these programs, Judge Dein has

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served as a faculty member at numerous Massachusetts CLE and Boston Bar Association programs over the years and also has taught in the Harvard Law School Trial Advocacy Program. She is a fellow of the Massachusetts Bar Foundation and the Massachusetts Bar Association, the Boston Bar Association, the Women's Bar Association, the Massachusetts Association of Women Lawyers, and the American Bar Association. Judge Dein finds all of these activities to be rewarding, and they give her the opportunity to meet interesting and inspirational people of all ages and backgrounds.

### **Career Experiences**

In the debate over the issue of whether young attorneys should specialize in a given practice area or remain more general, Judge Dein shared her experience in having traveled the more general path. Before her application for and appointment to the bench, she had never intentionally planned to become a judge and does not pinpoint any moment in her legal career in which she seriously thought about serving on the bench. Her career path appears conventional and predictable, with law school leading to clerkships, which led to private civil litigation practice. Throughout it all, she maintained diverse interests and did not specialize in anything particular besides general litigation. She emphasized that the evolution of her career happened in a way that left the perfect open path toward serving on the bench, although she had not specifically mapped out that goal. Judge Dein is a true believer in

keeping an open mind with respect to one's career and advised that being willing to take some risks is important. If an interesting position becomes available, she recommends applying for it to keep one's options open.

With respect to the omnipresent topic of work-life balance, she has no magic answers to share but notes that things generally work themselves out. It helps to have a family and support system that understand the demands on attorneys, and Judge Dein is grateful to her husband and family for their support throughout her career. Although private civil litigation practice required demanding hours, so does her role on the bench. "I still work at night from home," she remarked. At the time she was appointed to the bench, Judge Dein's son was eight years old. Although her hours as a judge are more regular and predictable than they were at her firm, she had to adapt to having less flexibility during the day. She stressed that attorneys should do what they love to do and not bow to any unwanted societal pressure to specialize in a chosen field, especially when just beginning their careers.

### **Conclusion**

Judge Dein's role as a U.S. Magistrate Judge allows her the opportunity to serve as a trial judge, a mediator, and a mentor every day. Her happiness with her position could not be more genuine. She remains steadfastly committed to the judicial system and its integrity, no matter what hat she happens to be wearing at the time. ☺