

6-26-2012

MASTHEAD, LAW SCHOOL FACULTY & ADMINISTRATORS, PUBLICATION INFORMATION, TABLE OF CONTENTS

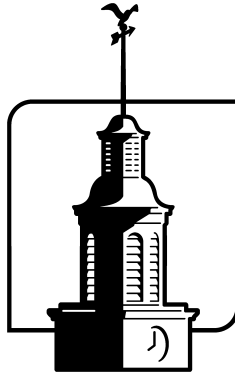
Western New England Law Review

Follow this and additional works at: <http://digitalcommons.law.wne.edu/lawreview>

Recommended Citation

Western New England Law Review, *MASTHEAD, LAW SCHOOL FACULTY & ADMINISTRATORS, PUBLICATION INFORMATION, TABLE OF CONTENTS*, 34 W. New Eng. L. Rev. (2012), <http://digitalcommons.law.wne.edu/lawreview/vol34/iss1/1>

This Prefatory Material is brought to you for free and open access by the Law Review & Student Publications at Digital Commons @ Western New England University School of Law. It has been accepted for inclusion in Western New England Law Review by an authorized administrator of Digital Commons @ Western New England University School of Law. For more information, please contact pnewcombe@law.wne.edu.



WESTERN NEW ENGLAND
LAW REVIEW

Volume 34
Number 1
2012

Western New England University School of Law
Springfield, Massachusetts

WESTERN NEW ENGLAND UNIVERSITY

SCHOOL OF LAW



Western New England University, in Springfield, Massachusetts, has its origins in the Springfield division of Northeastern University founded in 1919.

The University, which became independent in 1951, is composed of Schools of Law, Business, Engineering, and Arts & Sciences. The School of Law inaugurated a full-time program in 1973. Five years later, the School of Law was fully approved by the American Bar Association, and shortly thereafter, moved to new quarters in the S. Prestley Blake Law Center. In 1981, the School of Law was elected to membership in the Association of American Law Schools.

The only law school in the Commonwealth outside of the Boston area, the School of Law offers a three-year course of study and four-year course of study leading to the JD degree. The School of Law also offers part-time and full-time courses of study leading to an LLM in Estate Planning and Elder Law and a part-time course of study leading to an LLM in Closely Held Businesses.

A dedicated faculty is committed to teaching not only the literature of the law, but also the practice of law. The Western New England University School of Law Library, the only academic law library in Western Massachusetts, has a collection of approximately 375,000 volumes.

Information concerning admission to Western New England University School of Law can be obtained by contacting the Director of Admissions, School of Law, Western New England University, Springfield, Massachusetts 01119, (413) 782-1406.

BOARD OF EDITORS

Editor-in-Chief

KATHRYN S. CROUSS

Managing Editor

CASEY D. O'CONNELL

Senior Note Editor

MARA SHULMAN RYAN

Symposium Editor

MELISSA LUSSIER

Senior Articles Editor

ANGELINA M. PARGOFF

Production Editors

KELLY J. CORRIGAN
LAUREN MASOTTA
MEGAN TESONIERO
MARIA J. VALENTINO
VITALIY N. YUSENKO

Note Editors

RAQUEL E. BABEU
CATHERINE N. CHEVALIER
CONNOR FALLON
GEOFFREY R. FARRINGTON
TSVETELINA GEROVA-WILSON
JENNIFER A. STEARNS

Research Editors

MICHAEL C. GILLINGHAM
PETER J. ZARELLA

Publishing Editors

AMANDA ANDRESS
THOMAS P. BOYLE
MICHAEL A. FENTON
RESHONA C. GEORGE
PHILIP H. LIETAER

Articles Editor

LAURA N. BRADRICK

Business Manager

CHRISTOPHER E. McDONALD

STAFF

NOEL I. BISHOP	RORY M. FARRELL	CHRISTOPHER W. RUSCIO
JONATHAN A. BRETON	PETER FERONY	SARAH R. SAUNDERS
KRISTEN E. BRIERLEY	JOHN E. FRIES	MARC I. SCHMELKIN
DENNIS M. CARNELLI	LINDSAY D. GEORGE	ROGER T. SCULLY
MICHELLE DAME	LAN T. KANTANY	KATHLEEN D. TETREAUULT
EAMON DONOVAN	HEIDI M. OHRT	ASHLEY N. WILBURN
	ANDREW P. O'SHEA	

FACULTY COMMITTEE

BRUCE K. MILLER JEANNE M. KAISER JENNIFER L. LEVI

Administrative Assistant

MARCELLA HAYNES

WESTERN NEW ENGLAND UNIVERSITY
SCHOOL OF LAW 2011-2012

ADMINISTRATIVE OFFICERS OF THE COLLEGE

Anthony S. Caprio, A.B., M.A., Ph.D., *President*
Jerry A. Hirsch, A.B., Ph.D., *Provost/Vice President for Academic Affairs*
William Kelleher, B.S. B.A., *Vice President for Finance and Administration*

FACULTY & ADMINISTRATION

Peter Adomeit, B.A., J.D., *Professor of Law*
William G. Baker, B.S., J.D., *Professor of Law*
Bridgette Baldwin, B.A., J.D., Ph.D., *Professor of Law*
Erin Buzuvis, B.S., J.D., *Professor of Law*
Tina W. Cafaro, B.A., J.D., *Clinical Professor of Law*
Lauren J. Carasik, B.A., J.D., *Clinical Professor of Law*
Matthew H. Charity, A.B., J.D., *Associate Professor of Law*
Samuel Charron, B.A., J.D., *Assistant Director of Career Services and Public Interest Coordinator*
Terese Chenier, B.S., *Law School Registrar*
William G. Childs, B.A., J.D., *Associate Dean of External Affairs and Professor of Law*
Amy B. Cohen, B.A., J.D., *Professor of Law*
Beth D. Cohen, B.A., J.D., *Associate Dean of Academic Affairs; Associate Professor of Law and Director of Legal Research and Writing Program*
Jocelyn M. Cuffee, B.A., J.D., *Assistant Professor, Legal Research & Writing*
Marie K. Fletcher, B.S., *Legal Clinic Coordinator*
Taylor Flynn, B.A., J.D., J.S.M., *Professor of Law*
Harris Freeman, B.A., J.D., *Associate Professor, Legal Research & Writing*
Arthur R. Gaudio, B.A., J.D., *Dean and Professor of Law*
Anne B. Goldstein, B.A., J.D., *Professor of Law*
James W. Gordon, B.A., J.D., Ph.D., *Professor of Law*
Eric J. Gouvin, B.A., J.D., LL.M., *Professor of Law and Director, Law and Business Center for Advancing Entrepreneurship*
Leora Harpaz, B.A., J.D., LL.M., *Professor of Law*
Michael Johnson, B.A., J.D., *Assistant Dean for Law Student Affairs*
Jeanne M. Kaiser, B.A., M.S., J.D., *Associate Professor, Legal Research & Writing*
Howard I. Kalodner, A.B., LL.M., *Dean and Professor Emeritus of Law*
Arthur B. Leavens, A.B., J.D., *Professor of Law*
Jennifer L. Levi, A.B., J.D., *Professor of Law*
Robert A. Lusardi, A.B., J.D., *Professor of Law*
Carol A. Lynch, A.S., B.A., *Assistant to the Dean*
William D. Metzger, B.S., J.D., LL.M., *Professor of Law*
Bruce K. Miller, A.B., J.D., *Professor of Law*
Patricia K. Newcombe, B.A., M.A., M.S.L.I.S., J.D., *Associate Dean for Library and Information Resources*
Barbara Noah, B.A., J.D., *Professor of Law*
Myra G. Orlen, B.A., M.Ed., J.D., *Associate Professor, Legal Research & Writing and Interim Director of Academic Support*
René Reich-Graefe, LL.B., LL.M., *Associate Professor of Law*
Karen M. Romano, B.A., J.D., *Assistant Dean and Director of Admissions*
Frederick D. Royal, B.A., J.D., LL.M., *Professor of Law and Director of the LL.M. Program in Estate Planning and Elder Law*
Sudha Setty, B.A., J.D., *Professor of Law*
Giovanna Shay, B.A., M.Phil., J.D., *Associate Professor of Law*
Robert Statchen, B.A., M.B.A., J.D., LL.M., *Assistant Clinical Professor of Law*
Julie E. Steiner, B.A., J.D., *Assistant Professor of Law*
Samuel Stonefield, A.B., J.D., *Professor of Law*
Carol A. Thompson, B.A., *Law School Alumni Coordinator*
Arthur D. Wolf, A.B., LL.B., *Professor of Law*
Paula Zimmer, B.A., M.A., *Assistant Dean and Director of Career Services*

ADJUNCT FACULTY

Michael J. Agen, B.S.B.A., J.D.
Louis Aloise, A.B., J.D.
Honorable Charles S. Belsky, B.A., J.D.
Michael D. Blanchard, B.A., M.A., J.D.
Honorable Henry J. Boroff, B.A., J.D.
Scott Chapman, B.A., M.Ed., J.D.
Malcolm J. Chisholm, Jr., B.S., J.D.
Philmore H. Colburn II, B.S.E.E., M.B.A.,
J.D.
Steven M. Coyle, B.A., J.D.
Justin H. Dion, B.S., M.A., J.D.
Charles E. Dolan, B.S., J.D.
James F. Donnelly, B.A., M.A., J.D.
Michael E. Donnelly, B.A., J.D.
Timothy M. Farris, A.B., M.B.A., J.D.,
LL.M.
Honorable Dina E. Fein, B.A., J.D.
Honorable Robert G. Fields, B.A., J.D.
Alex J. Grant, B.A., J.D.
Charles W. Groce III, B.A., J.D.

Timothy Jones, B.A., J.D., M.P.P.A.
Judy Zeprun Kalman, A.B., J.D.
Craig W. Kaylor, B.A., J.D.
Leah R. Kunkel, A.B., J.D.
Elizabeth L. Lovejoy, B.A., J.D., LL.M.
Andrew E. Markowski, B.A., J.D.
Honorable Mark D. Mason, B.A., J.D.
Honorable Kenneth P. Neiman, B.A., J.D.
Kevin O'Regan, B.A., J.D.
George A. Pelletier, Jr., B.A., J.D.
Honorable Paul E. Perachi, B.S., M.Ed.,
J.D.
Jeanette C. Robertson, B.A., J.D.
Verna Sanchez, B.A., J.D.
Carmino J. Santaniello, B.S., M.B.A., J.D.,
LL.M.
Eileen Z. Sorrentino, B.A., M.A., J.D.
John Stewart, B.A., J.D.
Geoffrey White, B.A., J.D.
Richard J. Wirth, B.A., J.D., LL.M.

LLM FACULTY

William G. Baker, B.A., J.D.
Jennifer L. Levi, A.B., J.D.

Frederick D. Royal, B.A., J.D., LL.M.

LLM ADJUNCT FACULTY

Hyman Darling, B.A., J.D.
Brenda Doherty, B.A., J.D.
Michele Feinstein, B.S., J.D., LL.M.
Danielle Ferrucci, B.A., J.D., M.P.A.
Christopher Hug, A.B., J.D.
Paula Jones, B.S., J.D.
Vincent Liberti, Jr., B.S., J.D., LL.M.

Leslie Madge, B.A., J.D., LL.M.
Richard Martin, B.S., M.B.A., J.D., LL.M.
Ian Oppenheim, B.S., J.D.
Crystal Ochrymowicz, B.A., J.D., LL.M.
Margot Parrot, B.A., J.D., LL.M.
Richard J. Wirth, B.A., J.D., LL.M.
Mark W. Worthington, B.S., E.E., J.D.

LAW LIBRARY

Nicole Belbin, B.A., M.S.L.I.S., *Head of Access Services*
Stephen Bobowicz, B.A., M.L.S., *Catalog Librarian*
L. Elliott Hibbler, B.A., M.S.L.I.S., J.D., *Research/Faculty Services Librarian*
Patricia K. Newcombe, B.A., M.A., M.S.L.I.S., J.D., *Associate Dean for Library and
Information Resources*
Renee Rastorfer, *Head of Research Services*

PUBLICATION INFORMATION

The *Western New England Law Review* (ISSN 0190-6593) is published at the Western New England University School of Law, located at 1215 Wilbraham Road, Springfield, Massachusetts 01119.

SUBSCRIPTION INFORMATION

The subscription price is \$25.00 per year, plus an additional \$5.00 for foreign mailing. A single issue costs \$12.00, plus shipping. Subscriptions are accepted only on per volume basis, starting with the first issue. Subscriptions are automatically renewed unless a request for discontinuance is received 30 days prior to mailing. Back issues may be ordered directly from William S. Hein & Co., Inc., 1285 Main Street, Buffalo, New York 14209. Back issues can also be found in electronic format at HeinOnline <http://www.heinonline.org>. The *Western New England Law Review* is printed by Joe Christensen, Inc., 1540 Adams Street, Lincoln, Nebraska 68521. For further information contact the *Western New England Law Review* at Western New England University School of Law, 1215 Wilbraham Road, Springfield, Massachusetts 01119. Inquiries are also accepted by telephone at (413) 782-1463 and by fax at (413) 782-1788.

PERMISSION

Copyright 2012 Western New England Law Review Association, Inc. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost, (2) the author and the *Western New England Law Review* are identified, (3) proper notice of copyright is affixed to each copy, and (4) the *Western New England Law Review* is notified of the use.

CITATION INFORMATION

Cite as 34 W. NEW ENG. L. REV. — (2012).

CONTENTS

ARTICLES

- UNDOING TIME: A PROPOSAL FOR COMPENSATION FOR
WRONGFUL IMPRISONMENT OF INNOCENT INDIVIDUALS
*Muhammad U. Faridi, Hillel Hoffman,
& Paul A. Montuori* 1
- ALL GOOD THINGS MIGHT COME TO AN END:
POSTNUPTIAL AGREEMENTS IN CONNECTICUT
Bernardo G. Cuadra 57
- RISK OF JURY CONFUSION AS THE GROUND FOR
DISCRETIONARY DISMISSALS OF SUPPLEMENTAL CLAIMS
John D. Egnal 85
- WHAT'S PUZZLING YOU . . . IS THE NATURE OF VARIABLE
ANNUITY PROSPECTUSES
Richard J. Wirth 127

NOTES

- RIGHT TO COUNSEL/CRIMINAL LAW—WISHING FOR
RIGHTS: INTERPRETING THE ARTICLE 12 RIGHT TO
COUNSEL IN MASSACHUSETTS IN THE AFTERMATH OF
MONTEJO v. LOUISIANA
Raquel E. Babeu 163
- EMPLOYMENT LAW—WELCOME TO *THE JUNGLE*:
SALESPEOPLE AND THE ADMINISTRATIVE EXEMPTION TO
THE FAIR LABOR STANDARDS ACT
Kathryn S. Crouss 205
- ESTATE PLANNING—A RACE TO THE POORHOUSE:
SHOULD GUARDIANS HAVE A DUTY TO IMPOVERISH
THEIR WARDS FOR ASSET PROTECTION PURPOSES
THEREBY PRESERVING ASSETS FOR HEIRS?
Angelina M. Pargoff 251

CRIMINAL LAW—INVISIBLE IN THE COURTROOM TOO:
MODIFYING THE LAW OF SELECTIVE ENFORCEMENT TO
ACCOUNT FOR WHITE PRIVILEGE

Mara Shulman Ryan 301