

d currency transaction  
its, prosecutors said.

## IC rule proved

ial Court announced it  
ts to Rules 3 and 8C of  
al Courts Rules for Ap-  
al.  
s July 1.

ellate Division Appeal  
l actions, mental health  
summary process cases.  
l versions of Rules 3 and  
y, can be found at mas-

ie notice of appeal to the  
To bring Rule 3(c) into  
ent practice, the amend-  
requirement in Rule 3(c)  
who is appealing from a  
l who is already required  
g in the notice of appeal  
also to attach to the no-  
of the motion or request  
ing.

use of For the Record  
rial proceedings in Dis-  
lunicipal courts, further  
e both the appellant's op-  
c(5) to request in its no-  
he trial court clerk's duty  
uce upon such request, a  
disc recording of the tri-

s the method of appeal to  
on in which an appellant  
t. Similar to Rule 3 men-  
amendments to Rule 8C  
f For the Record systems  
edings in District Court  
amendments to Rule 8C  
s. R. App. P. 8 for request-  
a transcript of an electron-  
ceding and, similarly, di-  
w procedures set by the  
Trial Court in an admin-

amendments were post-  
ew from Dec. 15, 2020,  
2021, and one comment  
r the comment was re-  
ges were made to the pro-  
s.

## casinos a ckjack case

won at blackjack at Mas-  
were entitled to a payout of  
vagered, rather than a "3:2"  
ne Judicial Court has held.  
rs played at tables requir-  
nd paying out a winning  
every \$5 bet (6:5), rather  
\$2 bet (3:2) as at the more  
they claimed to be entitled  
youts, because the Massa-

Commission's blackjack  
rule 7(d), do not clearly au-  
6:5.

, however, that the Gam-  
interpreted rule 7(d) to au-  
it to blackjack. The court  
the relevant considerations  
of deferring to the commis-  
ion.

ion's official interpretation  
the text, is 'reasonable,' and  
'an absurd result.' Justice  
rote for the court.

ation is also the commis-  
sion, implicates its sub-  
; and reflects its fair and

considered judgment," Kafker added.

The 31-page decision is *DeCosmo v. Blue  
Tarp Redevelopment, LLC; Schuster, et al. v.  
Wynn Resorts Holdings, LLC, et al.*, Lawyers  
Weekly No. 10-080-21. The full text of the  
ruling can be found at [masslawyersweekly.com](http://masslawyersweekly.com).

## Statements suppressed after Miranda waiver

The Supreme Judicial Court has upheld a  
judge's decision to suppress statements that  
a murder suspect made to the police after a  
waiver of his Miranda rights that followed  
an earlier request for an attorney.

Police interviewed defendant Edward  
Gonzalez in an interrogation room at the  
Springfield Police Department shortly after  
he was arrested. Although the defendant ini-  
tially agreed to waive his Miranda rights and  
speak with police, approximately 20 min-  
utes after the interview began, he requested  
to speak with an attorney and the interview  
was terminated.

Following a period of 45 minutes during  
which the defendant remained in the inter-  
rogation room with one of the officers who  
had been conducting the interview, the de-  
fendant again waived his Miranda rights  
and agreed to speak with police; he was in-  
terviewed again for approximately one hour.

Superior Court Judge John S. Ferrara al-  
lowed the defendant's motion to suppress af-  
ter concluding that the commonwealth had  
not established beyond a reasonable doubt  
that the defendant reinitiated the interview  
and knowingly, voluntarily and intelligently  
waived his right to counsel.

The SJC affirmed, discerning no clear er-  
ror in the judge's findings and rulings.

"Consistent with the judge's ultimate de-  
termination are the undisputed facts that Gon-  
zalez was kept in a small interrogation room  
for an extended period of time with an officer  
who had been openly hostile toward him, but  
who was the only Spanish-speaking detective  
available, and that the 'general' conversation,  
regardless of intent, did have the effect of re-  
versing the defendant's prior decision to ob-  
tain legal assistance," Justice Frank M. Gazia-  
no wrote for the unanimous court.

"In sum, we discern no error in the judge's  
determination that the Commonwealth has  
not proved beyond a reasonable doubt that  
the events following the defendant's initial  
invocation of his right to counsel indicate a  
subsequent voluntary, knowing, and intel-  
ligent waiver of his constitutional right to  
counsel under the Fifth Amendment," the  
SJC concluded.

The 23-page decision is *Commonwealth  
v. Gonzalez*, Lawyers Weekly No. 10-078-  
21. The full text of the ruling can be found at  
[masslawyersweekly.com](http://masslawyersweekly.com).

## Superior Court rule changes are okayed

The Supreme Judicial Court has approved  
the adoption of new Superior Court Rule 74,  
amendments to Rules 9C and 30B, and the  
repeal of Rules 76 and 77.

The repeal of Rules 76 and 77 took effect  
on June 14. The amendments to Rules 9C  
and 30B and new Rule 74 go into effect on  
Sept. 1.

The amendment to Rule 9C, Additional  
Requirements for Dispositive and Discov-  
ery Motions, changes the first sentence of  
9C(a), expanding the rule to require coun-  
sel to confer in advance of filing any motion  
except for those governed by Rule 9A(d) and  
Standing Order 1-96.

The amendment to Rule 30B, Expert

# Protecting your time with time management practices

By Christopher F. Earley



"It is not enough to  
be busy... The ques-  
tion is: What are we  
busy about?"

— Henry David  
Thoreau

As attorneys, our  
time is our stock in  
trade. Effective time management is  
therefore the name of the game. Maxi-  
mizing our time is essential to our per-  
sonal productivity. More importantly,  
time management allows us to main-  
tain our sanity.

Here are some time management  
practices I have found to be very useful  
in my own practice:

**The telephone.** There is nothing  
worse than being bombarded with  
phone calls when you are trying to fo-  
cus deeply on an upcoming depositions,  
trial strategy, etc. The brain needs  
time to go deep into a focused state  
and does not respond well to con-  
stant interruptions.

As my practice started to grow, I re-  
alized that it was really hard and frus-  
trating to constantly answer random,  
unplanned phone calls. The phone was  
draining not only my ability to focus,  
but also my time.

Now, I don't take unscheduled phone  
calls. I explain this protocol in my ini-  
tial welcome letter to new clients so  
they know about this policy from the  
start (always send a letter to new cli-  
ents warmly welcoming them, and in  
that letter name the person who will be  
handling their file).

This phone policy applies not only  
to clients, but attorneys, insurance ad-  
justers and whoever else calls. If the call  
is not on my calendar, a team mem-  
ber will schedule me to call the per-  
son back the following day at a specific  
time. This helps save so much time and  
avoids unending phone tag.

**Email.** I am a recovering email ad-  
dict. I used to check email constantly. I  
used to erroneously think by constant-  
ly checking and responding to email  
that I was working and being produc-  
tive, when in reality all I was doing was  
checking email and wasting time.

That is classic busy work, as op-  
posed to productive work. I decided to

*Christopher F. Earley is a Boston  
attorney and author who concen-  
trates his practice on the represen-  
tation of the seriously injured and  
their families.*

Disclosures, adds a new last sentence to  
30B(a), making explicit that the require-  
ment of including expert disclosures in the  
pretrial conference memorandum does not  
excuse parties from answering expert in-  
terrogatories, as required by Mass. R. Civ. P.  
26(b)(4) and 33.

New Rule 74, Civil Asset Forfeiture, pri-  
marily seeks to ensure that those with an in-  
terest in property subject to forfeiture receive  
actual notice of the forfeiture proceeding.

Repeal of Rule 76, Divorce Proceedings,  
and Rule 77, Trial Lists of Divorce Cases

**EARLEY ON**  
practice management

end this toxic habit. Now, I check  
email each weekday only at 10:45  
a.m. and 4 p.m., and only one time on  
the weekend.

If I have to check email for some-  
thing urgent and truly important, I  
jump into my inbox and jump out as  
fast as possible. I also unsubscribed  
to unnecessary email subscriptions to  
further tame the email beast. I have  
discovered that by extinguishing this  
addiction, my personal productivity  
has skyrocketed.

**Open door policy.** I found that as  
my practice started to grow and more  
team members were added, I was get-  
ting interrupted more and more by  
team members coming into my office  
for "just a quick question." This was im-  
pacting my productivity because it was

**Maximizing our time  
is essential to our  
personal productivity.  
More importantly, time  
management allows us to  
maintain our sanity.**

eliminating my ability to really, deep-  
ly focus on a particular case, business  
strategy, etc.

Now, I have "office hours" each day  
from 11 a.m. to noon. This forces team  
members to solve problems on their  
own, reducing their dependency on  
me. They now only come to me when  
they truly can't solve something on  
their own.

After all, the whole point of hav-  
ing staff is to empower them to be  
problem solvers so that you can fo-  
cus on high-level decision making  
and execution.

Protecting your time requires inten-  
tionality, self-discipline and commit-  
ment. Guard it like a hawk. If you have  
other time management tips that you  
find helpful, please email me at [earley@chrisearley.com](mailto:earley@chrisearley.com) because I would  
love to hear them. **EW**

in Suffolk, was recommended because the  
Superior Court no longer has jurisdiction  
over such proceedings. See G.L.c. 215, §3,  
as amended by St. 1986 c. 462, §15 ("Probate  
courts have exclusive original jurisdiction of  
actions for divorce or for affirming or annul-  
ling marriage").

The full text of the changes can be found  
at [masslawyersweekly.com](http://masslawyersweekly.com).

*Material from The Associated Press and  
State House News Service was used to com-  
pile News Briefs.*