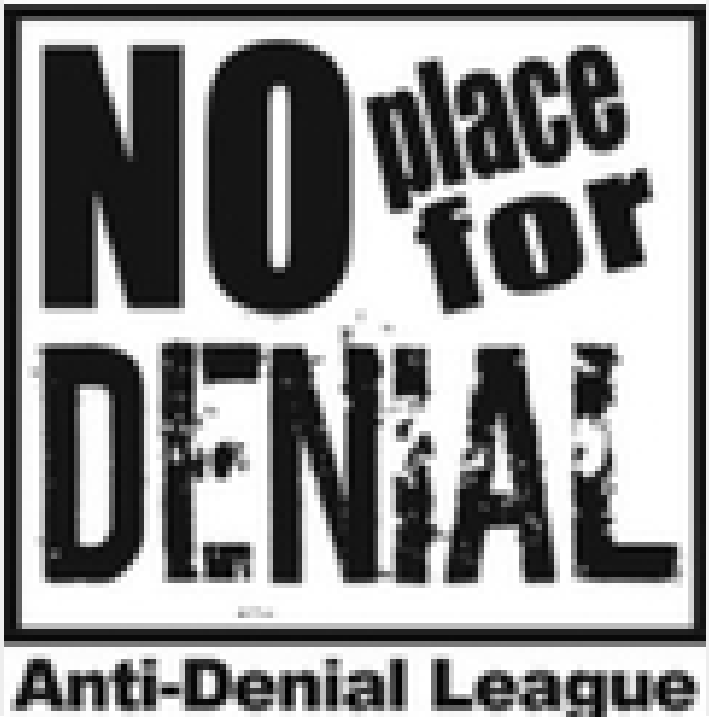
JOSEPH BERMAN UNQUALIFIED FOR SUPERIOR COURT

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Category: Opinions

Joseph Dagdigian, Harvard, MA, 28 February 2014

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As suburban Boston constituencies look on, Governor Deval Patrick is still insisting that the eight elected Governor's Councilors accept his nominee, attorney Joseph Berman, to be a Superior Court judge..

After Mr. Berman's first hearing on Nov 13, 2013, a majority of Councilors indicated that they would not vote in favor of Patrick's desired candidate.

Many of their reasons stem from issues of character. They included Mr. Berman's not being honest during sworn testimony when asked about his having elected officials lobby the Councilors on his behalf; his hefty campaign contributions to Democratic candidates since being turned down for a judgeship in 2004; his sarcastic attitude when questioned by Councilors; his lack of criminal trial experience; his lack of knowledge about and/or dismissive demeanor when asked about drug addiction issues; and his controversial decision to not resign from the Anti-Defamation League – an organization which hypocritically works against Congressional recognition of the Armenian Genocide.

Once it was known that Mr. Berman was not supported by the majority, Governor Patrick postponed a vote and, instead, intensely politicked to urge Councilors to reverse their position. This culminated in Gov. Patrick's withdrawing the Berman nomination, only to resubmit it, and call for a second hearing for Mr. Berman, which was just held on Feb. 26, 2014.

As an attendee at that hearing, it appeared to me that Councilors were bending to political pressure. I conclude this because when their formerly stated reasons for opposing his nomination were inadequately readdressed on the floor, some Councilors surprisingly indicated that they now found acceptable what they at first did not. Now, Mr. Berman indicated he did not fully understand the questions previously asked about his lobbying efforts. Now, campaign contributions suddenly appeared reasonable, given that he, too, was a Democrat supporting his chosen political party members. Now, he was simply misunderstood when he had offered curt replies to questions. Now, since the first hearing, he's qualified since he read a book about drug addiction and gone to a drug court. Now, some Councilors felt that Mr. Berman should not be penalized for his shameful failure, as a National Commissioner of the Anti-Defamation League (ADL), to take a moral stance against the

ADL's siding with Turkey and lobbying to squash Armenian Genocide recognition resolutions in Congress. Genocide is an international crime, and the US is a signatory to the Convention on the Prevention and Punishment of the Crime of Genocide.

To what do we owe this sudden tolerance and acceptance? How is it that some Councilors now seem willing to overlook Mr. Berman's character and professional deficits?

During the hearing's recess, Mr. Berman was seen outside the meeting hall "high-fiving" some of his colleagues, signaling his perception of an imminent victory. Is this the sort of sober comportment we want in a judge?

It appears as if Governor Patrick is helping Mr. Berman pursue a position for which he is ill-qualified to hold. Massachusetts citizens deserve a mature, reasoned and unbiased judge on the bench. **Mr. Berman does not merit that distinction.**