

JUDICIAL NOMINATION DATA QUESTIONNAIRE

1. Please state all business interests and investment holdings in your possession at the time of your nomination, but not personal net worth.

Massachusetts Employee State Retirement System.

2. Please list any and all law firms you have been associated with during the five years preceding your nomination as well as the names of any members of the bar practicing within the Commonwealth with whom you have been actively associated in the practice of law during the five years immediately preceding your nomination.

Not applicable.

3. Please state any and all political contributions made by you, your spouse, or any of your children living at home, to any and all candidates for municipal, state or national office or to any political committees under Chapter 55 of the General Laws during the preceding three years.

None.

I. BIOGRAPHICAL INFORMATION

1. Full name (include any former names used).

Kenneth Victor Desmond, Jr.

2. Addresses: Residential address is discretionary.

Boston Municipal Court
Dorchester Division
510 Washington Street, Dorchester, MA 02148

3. Date and place of birth.

September 18, 1963; Boston, Massachusetts

4. Citizenship.

American

5. Education: List each college and law school you attended, including dates of attendance, degree received, and the date granted.

Boston College Law School, 1987 – 1990, J.D. granted June 14, 1990
Tufts University, 1981 – 1985, B.A. granted May 21, 1985

6. Employment record: List all jobs held since college including the title or description of job, name of employer, location of work, and dates of inclusive employment (include any advisory, consultative, honorary, or other part-time service or positions).

Dorchester Drug Court, Presiding Justice, 2007 – Present
Boston Municipal Court, Associate Justice, 2005 – Present
Middlesex County Sheriff's Department, Deputy Chief Legal Counsel, 1997 – 2005
Suffolk County District Attorney's Office, Assistant District Attorney, 1990 – 1997
Hale & Dorr, Fall Legal Intern, 1989
Channel Entertainment, Security, 1987 – 1990
NYNEX, Manager, 1985 – 1987

7. Military service: Have you had any military service? If so, give particulars, including dates, branch of service, rank or rate, serial number and present status.

No.

8. Honors and awards: List all scholarships, fellowships, honorary degrees, honorary society memberships, and any other special recognition for outstanding service or achievements.

North Shore Black Women's Association Community Involvement Award, 2012, 1996
Middlesex Sheriff's Office Service Award Recipient, 2005

9. Professional association:

- (a) List all professional societies of which you are or have been a member and give the titles and dates of any offices which you have held in such groups.

Flaschner Judicial Institute, Trustee, 2010 – Present
Massachusetts Black Judges Conference, 2005 – Present; Vice President, 2011 – 2012
Massachusetts Judges Conference, 2005 – Present
Massachusetts Bar Association, Member, 2005 – Present
American Bar Association, Member, 2003 – 2004
Board of Bar Overseers, Hearing Member, 1999 – 2005
Boston College Law School Black Alumni Network, Member, 1990 – Present;
President, 2002 – 2004
Massachusetts Black Lawyers Association, Board Member, 1990 – 2005

- (b) List also chairmanships of any committees in professional societies, and memberships on any committees which you believe to be of particular significance.

Supreme Judicial Court, Advisory Board on Probation, Vice-Chair, May 2012 to Present

- (c) Describe also your participation, if any, on judicial committees or judicial conferences.

Supreme Judicial Court, Committee to Study the Code of Judicial Conduct, September 2012
Trial Court and Supreme Judicial Court, "Regional Conference on Judicial Ethics for Trial and Appellate Court Judges," Co-Facilitator, June 2012
Supreme Judicial Court, Advisory Board on Probation, Vice-Chair, May 2012
Massachusetts Trial Court, Cross-Departmental Working Group on Race &

Ethnicity Reporting, 2012
Flaschner Judicial Institute, "Judicial Synergy," March 2011
Flaschner Judicial Institute, "Pursuing Excellence: Judicial Demeanor
and Creating the Right Courtroom and Courthouse Environment,"
January 2011
Peace Conference, Massachusetts School of Professional Psychology,
September 2008

10. Other memberships: List all organizations other than professional associations or professional societies of which you are or have been a member, including civic, charitable, religious, educational, social, and fraternal organizations.

Tufts Medical Center Board of Governors, Trustee
Center for Peace, Democracy and Development (CPDD) of the McCormack
Graduate School of Policy and Global Studies at the University of
Massachusetts

11. Court admission: List all courts in which you have been admitted to practice, with dates of admission. Give the same information for administrative bodies which require special admission to practice.

United States Supreme Court, April 2003
United States Court of Appeals for the First Circuit, February 2011
United States District Court for Massachusetts, November 1992
Massachusetts Supreme Judicial Court, 1990

12. Published writings: List the titles, publishers, and date of books, articles, reports, or other published material you have written, if any.

Not applicable.

13. Health: What is the present state of your health?

Excellent.

14. Legal Career:

(a) Describe chronologically your law practice and experience after your graduation from law school and until the present including:

- (1) Whether you served as clerk to a judge, and if so, the name of the judge, the court, and the dates of the period you were a clerk;

Not applicable.

- (2) Whether you practiced alone, and if so, the address and dates;

Not applicable.

- (3) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each;

Boston Municipal Court Department, 2005 – Present
Associate Justice
Edward W. Brooke Courthouse
24 New Chardon Street, Boston, MA 02114
(617) 788-8705

Middlesex County Sheriff Office, 1997 – 2005
Deputy Chief Legal Counsel
400 Mystic Avenue
Medford, MA 02155
(781) 960-2800

Suffolk County District Attorney's Office, 1990 – 1997
Assistant District Attorney
One Bulfinch Place, Boston, MA 02114
(617) 619-4000

- (4) Any other relevant particulars.

Not applicable.

(b)

- (1) What has been the general character of your law practice, dividing it into periods with dates if its character has changed over the years?

Shortly after taking the Massachusetts Bar Examination in July of 1990, I was appointed as an Assistant District Attorney for Suffolk County. I began in the Appellate Division and, shortly thereafter, started prosecuting cases in

both the Roxbury and Dorchester District Courts for two years. I was subsequently assigned to the Jury Session of the Boston Municipal Court in 1992 where I remained for one year before I was promoted to the Suffolk Superior Court Felony Team. From 1993 to 1997, I prosecuted major felony cases that occurred in Roxbury, Dorchester and South Boston.

In March 1997, I left the District Attorney's Office and was appointed Deputy Chief Legal Counsel for the Middlesex Sheriff's Office. I was responsible for all litigation involving the Middlesex Sheriff which focused primarily on civil actions, administrative hearings and labor and employment issues. In addition to my responsibilities as Deputy Counsel, I was appointed as Interim Director of the Middlesex Sheriff's Civil Process Division for the calendar year of 1998. While Acting Director, I managed three district offices responsible for the service of civil process throughout the 54 cities and towns of Middlesex County.

In 2005, I was privileged with an appointment as Associate Justice of the Boston Municipal Court where I presently serve.

- (2) Describe your typical former clients, and mention the areas, if any, in which you have specialized.

For the five years preceding my judicial appointment, my employer and client was the Middlesex Sheriff's Office. While representing the Middlesex Sheriff, civil litigation was the general and primary nature of my practice.

The complaints filed against the Sheriff by inmates and their estates during my tenure were varied and extensive, including complaints for lost property; excessive force; failure to protect; failure to provide medical care; violation of civil rights; and, wrongful death to name but a few. The defense of these matters took me to the Superior Courts of Essex, Middlesex and Suffolk Counties, the Massachusetts Supreme Judicial Court and the United States District Court for Massachusetts.

With over 700 employees and three labor unions, the litigation generated by the employees was equally as varied

and diverse. The very nature of the work performed by the Sheriff's staff invariably lent itself to both injury and stress, and brought me before a wide array of administrative tribunals.

I appeared before the Industrial Accident Board for conciliations, conferences and full hearings on a monthly basis. As for my labor relations practice, the interpretation of three different labor contracts frequently initiated the grievance-arbitration process requiring appearances before the American Arbitration Association as well as the Massachusetts Labor Relations Board. It was a rare month when I was not engaged in an arbitration hearing.

Additionally, I was required to appear before the Massachusetts Commission Against Discrimination to defend allegations of workplace discrimination lodged with the Equal Employment Opportunity Commission. In the extreme, suits for wrongful termination were defended in the Superior Courts with sister claims for unemployment benefits defended at the Division of Employment and Training.

As with any large state agency, disputes with vendors and contractors are inevitable. Any actions against the Sheriff in contract were defended in-house as were actions in tort, generally resulting from automobile accidents involving fleet vehicles. In contrast to most state agencies in which such matters are typically referred to either the Attorney General's Office or to the Office of Employee Relations for defense and representation, my office handled 95% of the work generated.

(c)

- (1) Did you appear in court regularly, occasionally, or not all? If the frequency of your appearance in court varied, describe each such variance, giving dates.

Regularly. As an Assistant District Attorney from 1990 to 1997, I appeared in court on a daily basis. As Counsel for the Middlesex Sheriff from 1997 to 2005, my appearances in court were less frequent. For that period, I appeared in court on average twice a month.

- (2) What percentage of these appearances was in:

- (a) Federal Courts: 10%
- (b) State Courts of Record: 90%
- (c) Other Courts:

- (3) Approximately what percentage of your litigation was:
 - (a) Civil: 100%
 - (b) Criminal:
 - (c) Probate:
 - (d) Other:

15. Judicial office (if applicable):

- (a) State the judicial office you now hold, and the judicial offices you have previously held, giving dates and the details, including the courts involved, whether elected or appointed, and periods of service.

In 2005, I was privileged with an appointment as Associate Justice of the Boston Municipal Court where I presently serve.

- (b) Describe two of the most significant decisions you have written or attach copies of them to your answers, and give the citations if the opinions were reported, as well as citations to any appellate review of such opinions.

1. *Commonwealth v. Troy Cordwell*, Docket No. 0707CR3023,
Motion for New Trial
2. *Commonwealth v. Robert Matthews*, Docket No. 0907CR006623,
Motion to Suppress

16. Other public office:

- (a) Have you ever held public office or been a candidate for public office? If so, give the details, including the offices involved, whether elected or appointed and the length of your service, giving dates.

No.

17. Business or other occupation:

- (a) Have you ever been engaged in any business or profession other than the practice of law or holding of judicial or other public office? If so, give details, including dates.

Nynex, Manager, 1985 – 1987

Kenneth V. Desmond, Jr.
December 4, 2012

- (b) Are you now an officer or director or otherwise engaged in the management of any business enterprise? If so, give details, including the name of the enterprise, the nature of the business, the title or other description of your position, and the nature of your duties and the term of your service.

No.

II. GENERAL INFORMATION

1. Dissolution of law firm (if applicable).

Please describe the arrangements you have made to dissolve your financial interest in your law firm. What time period is involved? What arrangements have you made to be compensated for your work on pending litigation?

Not applicable.

2. Are all your taxes, federal, state, and municipal, current as of the date of this statement?

Yes.

3. While generally guided by statute, judges do have considerable discretion in the area of criminal justice sentencing. Depending upon their philosophies, judges may exercise this discretion to promote criminal rehabilitations, the protection of society, and deterrence of other criminals.
 - (a) Could you characterize your own views on how this discretion ought to be exercised?

It is my view that judicial discretion, in regards to criminal justice sentencing, must be exercised responsibly. In other words, a sentencing judge should consider the goals of protection of society, deterrence, rehabilitation, punishment and prosecution of accused citizens in conjunction with the specific set of circumstances surrounding the criminal offense(s). Having weighed each factor, he or she should then impose a fair, well-reasoned and appropriate sentence. In assessing each case, one or two factors will inevitably rise above the others but still the process must remain the same in order to preserve the integrity of the system. Judicial discretion is arguably the cornerstone of justice. The power of a judge to tailor a sentence designed specifically for a particular offender/offense may be the most important tool he or she possesses. For often times it is the sentence imposed on which the public perception of fairness rests. Ideally, a judge, prior to taking the bench, would have a demonstrated record of fairness, objectivity and compassion, and it is these attributes that he or she should rely on in exercising his or her discretion in imposing every criminal sentence.

- (b) Do you favor further limits on such discretion through legislation?

No.

Kenneth V. Desmond, Jr.
December 4, 2012

4. Do you feel that the present compensation levels for judges in the Commonwealth of Massachusetts are adequate?

No.

5. Do you plan to hold any positions in order to supplement your judicial salary? If so please give details.

No.

6. Please advise the Council of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

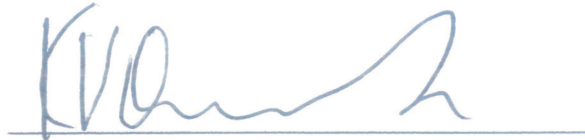
None.

Kenneth V. Desmond, Jr.
December 4, 2012

AFFIDAVIT

I, Kenneth V. Desmond Jr., do swear that the information
provided in this statement is, to the best of my knowledge, true and accurate.

Dated: 12/4/12



COMMONWEALTH OF MASSACHUSETTS

SS.

Then personally appeared the above named and acknowledged the foregoing
instrument to be a free act and deed before me.


Notary Public
My commission expires: EVELYN E. LYNCH
Notary Public, Massachusetts
My Commission Expires December 12, 2014

Kenneth V. Desmond, Jr.
December 4, 2012

To Whom It May Concern:

I hereby waive my rights to confidentiality regarding my tax records, court records, and matters at the Board of Bar Overseers and release said information/documents to the councillors and/or their investigators.

I release all of the foregoing from any and all claims and liability for damages of whatever kind arising out of any attempt to comply with this authorization.

Date: 12/4/12

Name: KV Desmond

Address: _____

(Discretionary)
Date of Birth: 9-18-63

Spouse's signature:

NOT APPLICABLE