

CURRICULUM VITAE

SEAN J. KEALY

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BOSTON UNIVERSITY SCHOOL OF LAW
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EDUCATION

TEMPLE UNIVERSITY SCHOOL OF LAW, J.D. <i>cum laude</i>	1994
UNIVERSITY OF PENNSYLVANIA, FELS INSTITUTE OF GOVERNMENT, M.G.A.	1994
HAMILTON COLLEGE, A.B	1991

RESEARCH INTERESTS

Legislation and how legislative systems address policy issues; evidence-based legislation; the operation and legislative output of African Parliaments; criminal law and procedure; the criminal justice system; federal and state constitutional law.

PUBLICATIONS AND PRESENTATIONS

Books & Chapters:

AMERICAN LEGISLATIVE PRACTICE TEACHER'S MANUAL (forthcoming 2023)

AMERICAN LEGISLATIVE PRACTICE (West, 2021)

Technology & Legislative Drafting In The United States, INNOVATION OF LEGISLATIVE PROCESS: PROCEEDINGS OF THE 11TH CONGRESS OF THE INTERNATIONAL ASSOCIATION OF LEGISLATION (IAL) IN SEOUL, 69 (Ik Hyeon Rhee & Wim Voermans, eds., 2018)

AFRICAN PARLIAMENTARY KNOWLEDGE NETWORK LEGISLATIVE HANDBOOK: USING EVIDENCE TO DESIGN AND ASSESS LEGISLATION (2013).

Articles:

Technology and Congress, (forthcoming 2023)

Marijuana Legalization and the Role of the Massachusetts Legislature, 101 BOSTON UNIVERSITY L. REV. 1173 (2021)

Legislative Scrutiny in the United States: Dynamic, Whole-Stream Scrutiny, 9 JOURNAL OF THE THEORY AND PRACTICE OF LEGISLATION 227 (2021)

The Reliability of Evidence in Evidence Based Legislation, EUROPEAN JOURNAL OF LAW REFORM 40 (2018, vol 1)(co-authored with Alex Forney)

Gathering and Using Massachusetts Legislative History, 97 MASSACHUSETTS L. REV. 46 (February, 2016)

The Second Amendment as Interpreted By Congress and the Court, 3 NORTHEASTERN U. L. REV. 325 (2011)

Reexamining the Posse Comitatus Act: Toward a Right to Civil Law Enforcement, 21 YALE L. & POL'Y REV. 383 (2003).

Hunting the Dragon: Reforming the Massachusetts Murder Statute, 10 B. U. PUB. INT. L.J. 203 (2001).

A Proposal for a New Massachusetts Notoriety For Profit Law: The Grandson of Sam, 22 W. NEW ENG. L. REV. 1 (2000).

Appellate Briefs:

Trump v. Mazars USA, United States Supreme Court (Nos. 19-715, 19-760, 2020), “Brief of Boston University School of Law Professors Sean J. Kealy and James J. Wheaton as *Amicus Curiae* in support of Respondents.” Brief argued that the Court should sweep away some of the more unworkable requirements on congressional subpoenas in favor of a new four-part test. Brief also argued that the corporate entities created by the Trump Organization possessed and controlled most of the documents sought, and therefore Mr. Trump could not object to those entities complying with the subpoenas.

Opinion of the Justices, 436 Mass. 1201 (2002), “Brief of Senator Cynthia Stone Creem, Senator Cheryl A. Jacques, Representative Peter J. Koutoujian.” Brief defended the Constitutionality of Senate No. 1939 “An Act Relative to Profits From Crime,” which sought to create restrictions on criminal offenders from profiting on their crimes.

McGuire, et al. v. Reilly, et al., 260 F.3d 36 (1st Cir. 2001)), “*Amicus Curiae* Brief for Senator Cynthia Stone Creem Supporting Reversal of the District Court.” Brief defended the Constitutionality of Massachusetts G.L. c.266 § 120E ½, which created “buffer zones” to regulate speech around the entrances of certain clinics where abortions were performed.

Opinion of the Justices, 430 Mass. 1205 (2000), “Brief of Senator Cynthia Stone Creem, Chair, Joint Committee on Criminal Justice.” Brief defended the Constitutionality of Senate No. 148 “An Act Relative to Health Care Facilities,” which sought to regulate speech around the entrances of certain clinics where abortions were performed.

Blog Entries:

“Book Review: *Fighting Political Gridlock*” DOME, Boston University School of Law, December 23, 2021, (<https://sites.bu.edu/dome/2021/12/23/book-review-fighting-political-gridlock/>)

“Chaos” DOME, Boston University School of Law, November 11, 2021 (<https://sites.bu.edu/dome/2021/11/02/chaos/>)

“A Visit to the Arizona Legislature” DOME, Boston University School of Law, November 11, 2021 (<https://sites.bu.edu/dome/2021/07/06/a-visit-to-the-arizona-legislature/>)

“Trump v. Mazars (Decision July 9, 2020)” SUBSCRIPT LAW, July 10, 2020 (<https://subscriptlaw.com/trump-v-mazars/>)

“Militarization of Policing Risks Turning U.S. Cities Into Battlespaces” BU TODAY, JUNE 19, 2020.

“Who Will Save the Africa Parliamentary Knowledge Network?” DOME, Boston University School of Law, December 13, 2018 (<http://sites.bu.edu/dome/2018/12/13/who-will-save-the-africa-parliamentary-knowledge-network-by-elizabeth-bakibinga-gaswaga/>)

“Some Unsolicited Advice To Nancy Pelosi (And Those Who Would Replace Her)” DOME, Boston University School of Law, November 1, 2018 (<http://sites.bu.edu/dome/2018/11/01/some-unsolicited-advice-to-nancy-pelosi-and-those-who-would-replace-her/>)

“Dome Legislator of the Year: Sen. John McCain” DOME, Boston University School of Law, December 30, 2017 (<http://sites.bu.edu/dome/2017/12/30/legislator-of-the-year-senator-john-mccain/>)

“Dome Legislators of the Year: Rep. Elijah Cummings & Speaker Paul Ryan” DOME, Boston University School of Law, December 22, 2015 (<http://sites.bu.edu/dome/2015/12/22/legislators-of-the-year-2015-2/>)

“Technology and Legislative Drafting in the United States” DOME, Boston University School of Law, March 1, 2015 (<http://sites.bu.edu/dome/2015/03/01/technology-legislative-drafting-in-the-united-states/>)

“Over Regulation of Parthenotes Stifles Valuable Science” REGBLOG, University of Pennsylvania, December 15, 2011 (<http://www.law.upenn.edu/blogs/regblog/2011/12/over-regulation-of-parthenotes-stifles-valuable-scientific-research.html>)

Presentations:

“Legislative Drafting for Social Change” Boston, MA, May 5, 2021. Presentation to members of the BU Center for Antiracist Research.

“How Academics Can Influence Legislation and Public Policy” Boston, MA, January 20, 2021. Presentation to the BU Public Impact Scholars organized by Boston University Initiative on Cities.

“Exploring and Teaching New Concepts of Legislative Constitutionalism” Washington DC, November 14, 2019. Member of panel discussion Prof. Maggie (McKinley) Blackhawk (UPenn) and Louis Rulli (UPenn), at the Sixth International Conference on Legislation and Law Reform.

“Teaching Legislative Drafting in the United States” Livingstone, Zambia, April 1, 2019. Presentation made to the Commonwealth Association of Legislative Counsel Biennial Conference.

“Learning Legislative Drafting in a Law School Clinic” Washington DC, April 12, 2018. Member of panel discussion at the Fifth International Conference on Legislation and Law Reform.

“Who will save the Africa Parliamentary Knowledge Network?” Washington DC, April 11, 2018. Speech to the annual meeting of US House and Senate Legislative Counsel.

“Drafting Legislation for Executive Agencies” Zurich Switzerland, November 20, 2017. Speech to legislation students at the University of Zurich Law School.

“The Useful Sunset Clause” Zurich Switzerland, November 30, 2017. Panel discussion for law students and faculty of University of Zurich Law School and members of the Swiss government.

Presented draft article *The Reliability of Evidence in Evidence Based Legislation*, San Francisco, CA, January 4, 2017. Part of the “New Voices in Legislation Program” at the American Association of Law Schools (AALS) Annual Conference.

“Teaching Legislative Drafting” Washington DC, November 17, 2016. Member of panel discussion at the Fourth International Conference on Legislation and Law Reform

“Roles of Legislative Counsels” Ottawa Canada, September 13, 2016. Member of panel discussion at the Canadian Institute for the Administration of Justice conference “The New Legislative Counsel: At the Intersection of Law, Policy and Politics.”

“Organization & Management of Local Drafting Process” New York, NY, July 15, 2016. Member of panel discussion at the New York City Council Local Legislative Drafting Summit.

“Drafting for Delegated Legislation” Washington DC, July 1, 2015. Presentation for the International Conference on Legislative Drafting and Law Reform.

“Technology and the Changing Legislature” Seoul Korea, September 17, 2014. Keynote Address to the International Association of Legislation’s Biannual Conference.

“Teaching Legislative Drafting” Washington DC, May 20, 2014. Presentation at the International Conference on Legislative Drafting and Law Reform.

“Teaching an International Clinic” San Juan PR, April 29, 2013. Presentation at the AALS Clinical Conference.

“The Legal Complex and African Parliaments” Boston, MA, May 31, 2013. Participant in a roundtable discussion at the Law & Society Association Annual Conference.

“Law Clinics and Legislation” Washington DC, March 9, 2013. Presentation for the International Conference on Legislative Drafting and Law Reform.

“Using Evidence to Design and Assess Legislation” Cape Town, South Africa, July 4, 2012. Presentation to legislative drafters and counsel from throughout Africa at a conference sponsored by the Parliament of South Africa, The Africa Parliamentary Knowledge Network (APKN) and the Commonwealth Association of Legislative Counsel (CALC-Africa Region).

“Teaching Evidence-Based Legislation” Midrand, South Africa, October 19, 2010. Presentation to the African Parliamentary Knowledge Network Plenary Session held at the Pan African Parliament.

“Creating Implementing Agencies Through Legislative Drafting” and “Assessing Legislation” Kampala, Uganda, February 1-6, 2010. African Parliamentary Knowledge Network Conference for members of the East African Legislative Assembly and parliamentarians from around Africa.

“The *Heller* Decision and the Second Amendment;” Northeastern University School of Law, March 19, 2010. Moderator of a panel discussion on the implications of *District of Columbia v. Heller*, 554 U.S. 570 (2008), a landmark case on the Constitutional right to bear arms.

“Evidence-Based Legislation;” Presentation before a United Nations sponsored conference entitled “Development of an Equitable Information Society: The Role of Parliaments,” Kigali, Rwanda, March 4, 2009

“Understanding the Budget and Legislative Process;” Presentation before the Massachusetts Victim-Witness Advocate Conference, June 5, 2003.

“Symposium on Offender Sentencing and Reentry;” New England School of Law’s Journal on Criminal and Civil Confinement, February 27, 2003. Participated in a panel discussion on criminal justice policy during a fiscal crisis.

“Taping Police Stops: Public Protection or Invasion of Privacy;” Suffolk Law School, October 11, 2001. Moderator of a panel discussion on the legal and policy issues arising from the secret audio

recording of police officers discussed in *Commonwealth v. Hyde*, 434 Mass. 594, 750 N.E. 2d 963 (2001).

“Recent Developments on Fraud and Financial Crime Legislation;” Presentation before the New England Association of Insurance Fraud Investigators, April 13, 2001.

Media Appearances:

Garrett Adamstev, “Trump Accepts Subpoena by Jan. 6 Committee,” BOSTON UNIVERSITY NEWS SERVICE, October 30, 2022 (<https://bunewsservice.com/listen-trump-accepts-subpoena-by-jan-6-committee/>).

Kalyn Belsha, “States and cities are banning hair discrimination. Here’s how that’s affecting schools,” CHALKBEAT, January 16, 2020 (<https://www.chalkbeat.org/2020/1/16/21121830/states-and-cities-are-banning-hair-discrimination-here-s-how-that-s-affecting-schools>).

Melissa Ellin, “Associate dean of LAW to testify at hearing for hair discrimination bill,” THE DAILY FREE PRESS, January 26, 2020 (<https://dailyfreepress.com/2020/01/26/associate-dean-of-law-to-testify-at-hearing-for-hair-discrimination-bill/>).

Dean Angela Onwuachi-Willig & Sean J. Kealy, “Make schools play fair on hair: Stop allowing religious schools to discriminate against cornrows and locs,” NEW YORK DAILY NEWS, December 16, 2019 (<https://www.nydailynews.com/opinion/ny-oped-of-hair-and-fairness-20191216-jcufv6bc6bgejldgo-hwx7ggbay-story.html>).

Colin A. Young, “Citizen panel to explore marijuana legalization with help from experts,” STATE HOUSE NEWS SERVICE, August 18, 2016 (https://www.newburyportnews.com/news/local_news/citizen-panel-to-explore-marijuana-legalization-with-help-from-experts/article_2085d6df-5d6a-5620-9417-54e0dd3b9205.html).

“Brockton holds the cards after power plant rulings,” THE PATRIOT LEDGER, AUGUST 1, 2014 (<https://www.patriotledger.com/story/news/politics/state/2014/08/01/brockton-holds-cards-after-power/36753460007/>).

Rich Barlow, “Adding Muscle to Africa’s Parliaments” BU TODAY, 2010 (<https://www.bu.edu/articles/2010/adding-muscle-to-africa%E2%80%99s-parliaments/>).

Professional Newsletter:

M. Fabbri, & S. Kealy CRIMINAL LAW UPDATE. 1998—2013
Bi-monthly electronic publication identifying recent changes to the Massachusetts General Laws,

court rules and case law relevant to the state criminal justice system. The *Update* is distributed statewide to prosecutors, legislators, law enforcement officials and academics.

SCHOLARLY ACTIVITIES

BRIDGE BUILDERS FACULTY FELLOWS PROGRAM <i>Fellow</i>	2022—PRESENT
Program by the BU Initiative on Cities' MetroBridge Program ad the Center for Teaching & Learning to focus on advancing experiential learning at Boston University.	
MASSACHUSETTS LAW UPDATE (https://sites.bu.edu/masslaw/) <i>Editor</i>	2022-PRESENT
A collection of legislative histories for recently passed Massachusetts laws.	
DOMES: LAW, LEGISLATION & PUBLIC POLICY (sites.bu.edu/dome) <i>Editor</i>	2015—PRESENT
INTERNATIONAL CONFERENCE ON LEGISLATIVE DRAFTING AND LAW REFORM <i>Organizer</i>	2013—PRESENT
AALS SECTION ON LEGISLATION & LAW OF THE POLITICAL PROCESS <i>Commentator on Emerging Scholar Paper</i>	2023
THE THEORY AND PRACTICE OF LEGISLATION <i>Article Referee</i>	2022
YALE LAW JOURNAL <i>Article Referee</i>	2021
INTERNATIONAL JOURNAL OF LEGISLATIVE DRAFTING AND LAW REFORM <i>Associate editor</i>	2012—2018
EUROPEAN JOURNAL OF LAW REFORM Guest editor for a memorial edition in honor of Professor Robert Seidman	2018

TEACHING EXPERIENCE

BOSTON UNIVERSITY SCHOOL OF LAW, Clinical Associate Professor of Law

Law 607, *Lawyering Lab*; 1L students participate in an intensive one week program to learn the key professional skills of client counseling, collaboration and negotiation through the completion of a transactional problem.

Law 672, *Congress and Public Policy*; Developed and co-taught with Hon. Michael Capuano a seminar on how Congress works and develops public policy. Course was open to JD, LLM and undergraduate students.

Law 700, *Introduction to American Law*; taught the basics of American law and the legal process to 80 foreign lawyers studying for the LLM.

Law 736, *Judicial Externship Program*; students extern with federal and state judges while taking a seminar that focuses on the ethical issues that confront courts and judicial personnel. Redesigned course in 2016 to qualify as a New York Bar certified professional responsibility course.

Law 746, *Semester in Practice, Washington Program*; students extern full-time with a Congressional, executive agency or non-profit office. The students engage in a directed study with the faculty member.

Law 765, *Africa i-Parliaments Clinic*; a partnership between BU Law and the African Parliamentary Knowledge Network to support the Network's efforts to promote evidence-based legislation and to increase the capacity of African Parliaments to draft effective legislation.

Law 786, *Legislative Policy & Drafting Clinic*; trains law students on legislative process and drafting by working on legislative projects assigned by state legislators and legislative committees.

Law 938, *Legislative Externship Program*; trains law students on legislative process and drafting by placing externs in the Massachusetts Legislature.

SUFFOLK UNIVERSITY, Senior Lecturer

Sociology 234, *Criminal Justice Systems*

Taught core course that provides an overview of the criminal justice system including the basics of criminal law, criminal procedure and Constitutional law.

Sociology 433, *Seminar in Criminology and Law*

Developed and taught seminar on public policy, politics and the criminal justice system.

SERVICE TO THE LAW SCHOOL & BOSTON UNIVERSITY

DEAN'S DESIGNATE

September 2019— Present

CONTINUATION PROMOTION AND TENURE COMMITTEE

September 2022—Present

CLINICAL PROMOTION STANDARDS COMMITTEE	September 2022—Present
FACULTY COUNCIL CREDENTIALS AND BY-LAWS COMMITTEE	January 2021—Present
FACULTY COUNCIL REPRESENTATIVE	September 2008—July 2021
UNIVERSITY COUNCIL REPRESENTATIVE	September 2008—July 2021
SEMESTER IN PRACTICE COMMITTEE	January 2008—June 2020
PUBLIC INTEREST COMMITTEE	August 2017—June 2020
EXPERIENTIAL EDUCATION FELLOWSHIP COMMITTEE	January 2020—June 2020
EXPERIENTIAL EDUCATION DIVERSITY COMMITTEE	August 2018—August 2019
OUTCOMES COMMITTEE	August 2015— August 2017
REVENUE GENERATION COMMITTEE	October 2015—August 2017
LAWYERING LAB COMMITTEE	August 2016—August 2017
1L LAWYERING PROGRAM COMMITTEE	November 2016—August 2017
JD COMMITTEE	August 2014—August 2015
LAW SCHOOL’S OUTSIDE OF THE BOX TASK FORCE	October 2013—May 2015
LAW SCHOOL’S EXPERIENTIAL LEARNING TASK FORCE	October 2013—May 2015
PARDEE SCHOOL DEAN SEARCH COMMITTEE	January— April 2014
LAW SCHOOL’S RETREAT PLANNING COMMITTEE	May 2013—October 2013

LEGAL EXPERIENCE

MASSACHUSETTS GENERAL COURT

Counsel, Joint Committee on Revenue (formerly Taxation Committee) 2003—2007

Responsible for: reviewing of legislation filed with the Committee; advising the Committee Chair, Senator Cynthia S. Creem, and other committee members on taxation policy; the drafting of revenue legislation; and the general administration of the Committee. Responsible for legal and policy analysis on legislation including: stem cell research, economic development, and same-sex marriage.

Counsel, Joint Committee on Criminal Justice 1999—2003

Selected legislation drafted:

An Act Providing Protections Against Terrorism (Mass. Acts of 2002, Chapter 313);

An Act Relative To The Crime Of Assault And Battery (Mass. Acts of 2002, Chapter 35);

An Act Relative To First Amendment Rights at Reproductive Health Care Facilities (Mass. Acts of 2000, Chapter 217).

An Act Improving The Sex Offender Registry (Mass. Acts of 1999, Chapter 74).

MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

Assistant Attorney General, Insurance Fraud Division 1996—1999

Prosecuted economic crimes including: insurance fraud, workers' compensation fraud, premium fraud, fraudulent claims against the U.S. Social Security Administration, larceny, forgery, and conspiracy in the Superior and District Courts. Made grand jury presentations.

Assistant Attorney General, Victim Compensation Division 1995—1996

Evaluated claims for damages made against the Commonwealth by victims of violent crime, and reported the findings of the Attorney General to the District Court.

TEMPLE LAW SCHOOL FEDERAL JUDICIAL CLERKSHIP CLINICAL 1993—1994

Internship with Judge Edmund V. Ludwig in the Eastern District of Pennsylvania.

PROFESSIONAL AFFILIATIONS

MASSACHUSETTS BAR 1994—Present

UNITED STATES 1ST CIRCUIT COURT OF APPEALS BAR 2001—Present

UNITED STATES SUPREME COURT BAR 2019—Present

COMMONWEALTH ASSOCIATION OF LEGISLATIVE COUNSEL 2010—Present

FEDERAL BAR ASSOCIATION, Capitol Hill Chapter 2013—Present

INTERNATIONAL ASSOCIATION OF LEGISLATION 2016—Present

COMMUNITY ACTIVITIES

BEDFORD STEM CELL RESEARCH FOUNDATION 2007—Present

Member, Board of Directors. The Foundation is a biomedical institute which exists to conduct stem cell and related research for diseases and conditions which currently have no effective methods of treatment or cure.

TOWN OF HANSON MODERATOR 2012—Present

Popularly elected to run the town's open town meetings.

TOWN OF HANSON FINANCE COMMITTEE 2004—2010

Member & Past Chairman