

January 02, 2011

Advocate worked tirelessly for law school MarDee Xifaras: SouthCoast Woman of the Year

By: Jack Spillane

A bogus study pretending to be an independent report. Last-minute telephone calls from an incumbent governor twisting arms.

The smearing of a small law school's reputation by people on the boards of competing larger schools.

And ultimately, the slurring of an entire region of the state as not having enough of a talent pool to merit a public law school.

Margaret "MarDee" Xifaras dealt with every conceivable insult and underhanded political tactic when it came to the unsuccessful 2004-2005 fight to merge the Southern New England School of Law with the University of Massachusetts Dartmouth. But she did not get down into the gutter with her opponents.

Instead, Xifaras, the then-chairman of the SNESE board of trustees, went back to work running the small, private Dartmouth law school in the same determined way that it had operated for more than two decades.

She also went to work leading the effort to meticulously document the legal and financial case that would make a 2009-2010 effort to absorb the school into UMass Dartmouth unassailable.

MarDee Xifaras' leadership achieved what very few SouthCoast political or public officials of any kind have done over the last half century. She went up against the state's Boston-centric power establishment and won.

And she won hands down.

For her efforts coordinating the campaign to establish a state law school in Massachusetts, a school that has now been located in Southeastern Massachusetts, Margaret D. Xifaras is the 2010 Standard-Times SouthCoast Woman of the Year.

Nominations for the award came from the community and members of the newspaper staff. Recipients were selected by a newsroom committee.

LEARNING LESSONS

"Out of the '04, '05 negativity and bad experience, came some lessons," Xifaras remembered of that first law school fight.

The impulse of some might have been to sue the private law schools — Suffolk University and New England School of Law — that coordinated the effort to prevent UMass from competing with them.

Instead, Xifaras waited for an opportune time when the numbers worked for the establishment of a state law school. And then she coordinated with SNESE Dean Robert Ward and UMass Dartmouth Chancellor Jean

MacCormack to devise a new financing plan under which the state law school would be a self-sustaining arm of the university, needing no assistance from the government.

Both savvy and practical, Xifaras hired O'Neil & Associates, the state's best-wired P.R. firm to help her navigate the state's notoriously provincial political waters. She also kept an eye on her own governing board, re-documenting for them once again the case as to why SNESE donating \$23.5 million worth of its own assets to the state made sense for the school's development in the long run.

Xifaras' skill in coalition-building ultimately helped UMass and SNESE build an iron-clad case that convinced Secretary of Education Paul Reville, Commissioner of Higher Education Richard Freeland, and finally Gov. Deval Patrick himself that a UMass law school was the right thing to do.

In effect, they convinced the powers-that-be to give access to legal education to middle- and working-class students previously disenfranchised in Massachusetts. And they convinced them that the most cost-effective way to do it was by accepting SNESE's existing Dartmouth campus as a donation.

"If there's anything we were over the years, it was determined," said Xifaras.

THE STUDENT FACTOR

Xifaras and the UMass and SNESE boards had one more huge asset: the SNESE students themselves — the primarily working- and middle-class students who had risen up 25-odd years ago, and with the help of interested area lawyers, created a fledgling law school out of little more than their own imaginations and desire.

After being victimized by the 2005 stealth political campaign, the SNESE Student Bar Association hired one of the school's most successful graduates, Lee Blais, and sued Suffolk University, along with a onetime official of the Romney administration.

They sued for nothing less than public corruption.

They charged that Suffolk and a former Romney official turned lobbyist, Charles Chieppo, had colluded to try to keep the proposed UMass law school from competing with a lower-priced public school.

And though the case was never settled, the Board of Higher Education as much as admitted wrongdoing in the merger application process. It agreed to write a "letter of understanding" pledging the state to a fair, rigorous and documentable process when, and if, SNESE and UMass ever tried to unite again.

"They succeeded because of the basic unfairness, and violation of due process that occurred," Xifaras said.

And because of the tenacity of the students and their lawyer.

"We didn't allow ourselves to get out-litigated," Xifaras said.

"Lee Blais, at every turn was doing depositions, fighting back motions to dismiss, fighting back motions for dismissal for lack of standing."

Blais may have been taking the depositions, but it was Xifaras, according to Blais, who was the general planning the battle.

"She's someone who can plot out a strategy and implement a strategy," he said. "She's one of the most effective leaders I've ever met."

Blais also credited Xifaras with having the necessary political skills and vision.

She understood the politics of the state of Massachusetts — who could help and who couldn't, what would work and what wouldn't, he said.

Further, she understood the great rationale for a public law school itself in Massachusetts — a school that could focus on the need for lawyers to devote some segment of their careers to public service.

"Her skills, not only in the area of politics, but in the area of public policy, are just incredible," Blais said.

THE POLITICAL MAVEN

Robert Ward, the longtime dean of SNESSL, said Xifaras recommended a key change in approach for the second application.

It would be all about UMass and the need for a public law school, and not about addressing SNESSL's need for American Bar Association accreditation (a process that usually demands the resources of a larger school.) "That subtle twist is the kind of thing that really good lawyers do," said Ward. "You look into the dominant narrative and, you sort of find a way to tell your story in a way that resonates."

At the time of the second merger application, the nation was consumed by a large debate over health insurance, Xifaras noted, and whether there should be "a public option" for health insurance. In the same way, she decided, UMass would argue for a public option for an affordable legal education.

Xifaras said the SNESSL board had been inspired by the establishment of the state medical school in Worcester 40 years ago, also for students of limited means. And in 2009, the time was ripe for making an argument that Massachusetts needed an affordable, public law school, a school that, like UMass Medical, would train lawyers to dedicate at least part of their careers to public service.

Already, the new public law school has awarded 35 scholarships for that purpose.

"It was up to MarDee to rethink the rationale of going forward," Ward said.

"There has to be someone to find the right note. And that, again — because of her political savvy —that's what happened," he said.

UMass Dartmouth Chancellor Jean MacCormack said that while it was clear that SNESSL's \$23.5 million campus and experienced law-school faculty offered an opportunity to the university, the university brought to SNESSL the size and the resources necessary to win accreditation.

But Xifaras' charisma and political skills, MacCormack said, allowed the vision to happen. "She's incredibly optimistic in the face of huge obstacles," she said.

And the dividends of the state law school being located in Southeastern Massachusetts will be even more apparent in the future, MacCormack predicted.

"This is going to be a legacy activity," she said. "You're going to see more people coming to the SouthCoast. Already, of these students, 50 percent of them come from out of state."

A PERSONAL BATTLE

Winning the battle to establish a state law school was impressive under any circumstances, but few knew that Xifaras won it while beating back a flare-up of the breast cancer she first defeated some 14 years ago.

Xifaras, 65, is amazingly matter-of-fact about her life-or-death battles.

Although she admits to some personal, private moments of emotion, in the end, she said she simply didn't want to waste time or energy feeling sorry for herself.

She just did what needed to be done with the cancer — on the first round she had chemotherapy, radiation therapy and a stem-cell transplant — and last year, she had two more nodes removed.

Xifaras maintains a busy work schedule that's complemented not just by her effort to establish the law school, but by her longtime work as a sought-after political operative for the Democratic Party.

She has played key campaign management roles in the presidential efforts of everyone from Ted Kennedy to John Kerry to Barack Obama, not to mention local political efforts like the congressional campaigns of Paul and Nikki Tsongas.

On top of all that, Xifaras works in a busy law practice (she's one of Mayor Scott Lang's law partners), and fills in as grandma for her daughter Amy, a law school student with a four-month old.

By the way, that's a throwback to Xifaras' own career when back in the mid-1970s she used to put in 10-plus hour days traveling back and forth to Boston University law school, while she had two children still in diapers and one who was in pre-school.

"I think back on it — if this alternative (a local law school) had been available to me at that time, clearly I would have gone," she said.

Xifaras said she didn't need to attend a big-name school for the public-service career she had in mind. She needed a school like UMass Law.

"My orientation was always more of a community-based orientation. Doing regular work for regular folks in a terrific, down-to-earth setting," she said.

BELOVED BY HER PEOPLE

If you ask the people who've worked closely with MarDee Xifaras how she pulled off leading the charge for the state law school, or any of her other impressive life accomplishments, they'll tell you she just has this remarkable ability to "connect" with people.

By the way, Xifaras has also been a Peace Corps volunteer in Africa; a fellow at the Fletcher School of Diplomacy at Tufts; an MBA from UMass Dartmouth; a grassroots political organizer and one of the moving forces behind Gerry Studds' first anti-war campaign for Congress.

Xifaras is startlingly, and charmingly, straightforward. She seems to understand that human beings are not perfect entities, and she has the ability to meet them where they live and inspire them to be better.

"It is the privilege of a lifetime to work with her," Ward said. "The quality of my life improved dramatically when I met her."

Jay Lynch, Xifaras' vice chairman on the SNESSL board, said that often it was only Xifaras' personal connections that kept the public law school dream alive.

"She never gave up on it," he said.

Xifaras succeeds, Lynch said, because she reaches people. She never badmouths folks, even opponents — either in public or in private — he noted.

"I think it was her unique ability to connect with everyone involved," he said.

Perhaps the most impressive endorsement comes from Michelle Keith, a 2009 graduate of SNESSL, and one of the mid-life law students for whom Xifaras seems to have fashioned the public law school.

Keith met Xifaras at a Women's Bar Association event, one of the many ongoing community events that Xifaras has made sure take place at SNESSL over the years.

Keith, a homemaker who had home-schooled her two children, said she went to SNESSL because she loves both Greater New Bedford and the school's public service ethic.

She passed the bar on her first try.

She compares MarDee Xifaras to George Bailey in the Christmas film classic "It's a Wonderful Life." And she calls SNESSL the "Savings and Loan" bank that, in the classic movie, granted mortgages to low-income and middle-class people.

Xifaras, Keith said, really looks out for the school's students and advocates with them for public service to the community.

"There's a lot of successful people out there, but they go about it without any sense of honor," she said.

MarDee "has an inherent sense of honor and that's rare."