



## CITY OF CAMBRIDGE

Office of the City Solicitor

City Hall

795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Tel. (617) 349-4121

Fax. (617) 349-4134

Russell B. Higley  
City Solicitor

Donald A. Drisdell  
Deputy City Solicitor

Michael C. Costello  
Assistant City Solicitor

Birge Albright  
Legal Counsel

Gail S. Gabriel  
Legal Counsel

Diane Wynshaw-Boris  
Legal Counsel

Laura H. Yager  
Legal Counsel

Linda A. Stamper  
Legal Counsel

Arthur J. Goldberg  
Legal Counsel

May 2, 1994

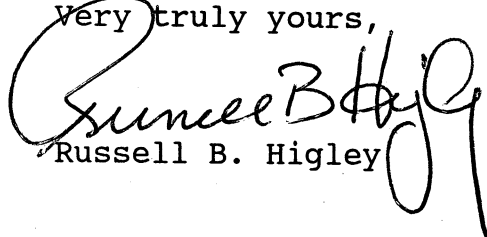
Robert W. Healy  
City Manager  
City Hall  
Cambridge, MA 02139

Re: Council Order #37 dated 4/25/94;  
Continued public service by a person convicted of a  
felony

Dear Mr. Healy:

In response to the above-referenced Council Order (copy attached), I have attached a copy of the opinion previously rendered to you on this subject.

Very truly yours,

  
Russell B. Higley



## CITY OF CAMBRIDGE

Office of the City Solicitor  
City Hall

795 Massachusetts Avenue  
Cambridge, Massachusetts 02139

Tel. (617) 349-4121  
Fax. (617) 349-~~4134~~4134

Russell B. Higley  
City Solicitor

Donald A. Drisdell  
Deputy City Solicitor

Michael C. Costello  
Assistant City Solicitor

Birge Albright  
Legal Counsel

Gail S. Gabriel  
Legal Counsel

Diane Wynshaw-Boris  
Legal Counsel

Laura H. Yager  
Legal Counsel

Linda A. Stamper  
Legal Counsel

Arthur J. Goldberg  
Legal Counsel

March 29, 1994

Robert W. Healy  
City Manager  
City Hall  
Cambridge, MA 02139

Re: Effect of Felony Conviction and Sentencing on Elective  
Seat

Dear Mr. Healy:

This is a response to questions that have been raised about how City Councillor William Walsh's conviction yesterday on federal felony charges affects his legal capacity to continue to hold his Council seat. Please be advised that the conviction itself does not result in an automatic forfeiture of his Council seat. However, if the Councillor is sentenced to imprisonment, the seat will be vacated by operation of law at that time. General Laws, chapter 279, section 30, speaks directly to this issue:

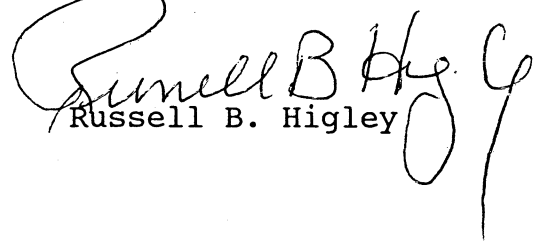
If a convict sentenced by a court...of the United States to imprisonment in...a federal penitentiary for a felony holds an office under the constitution or laws of the commonwealth at the time of sentence, it shall be vacated from the time of sentence. If the judgment against him is reversed upon writ of error, he shall be restored to his office with all its rights and emoluments; but, if pardoned, he shall not by reason thereof be restored, unless it is so expressly ordered by the terms of the pardon.

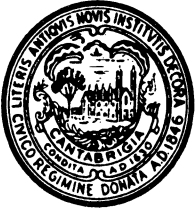
An appeal by the person convicted does not postpone the forfeiture

of the office. Bell v. Treasurer of Cambridge, 310 Mass. 484, 490 (1941). G.L.c.279, s.30 applies to municipal officials.

Robin Hall, Esq. of the Elections Division in the Office of Secretary of State has reviewed this opinion and concurs with it.

Very truly yours,

  
Russell B. Higley



## CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139

TEL 349-4300

FAX 349-4307

EXECUTIVE DEPARTMENT

ROBERT W. HEALY

City Manager

RICHARD C. ROSSI

Deputy City Manager

May 9, 1994

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 36, which requested a legal opinion on continued public service by a person convicted of a felony, received from City Solicitor Russell B. Higley.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", is written over a horizontal line.

Robert W. Healy  
City Manager

RWH/mev  
attachment

S-214

Consent Agenda #2

Transmitting communication from R.W. Healy  
relative to Awaiting Report Item No. 36 which  
requested a legal opinion on continued public  
service by a person convicted of a felony.

for original see  
Order #37 of 4/25/94

In City Council May 9, 1994

Placed on file