

# MICHELLE MENKEN

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## CONTACT

Work: The Law Office of Michelle Menken  
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## PROFILE

- Solo appellate practitioner handling criminal post-conviction matters in both state and federal courts
  - Available to other attorneys for research, writing, consultation on issue-preservation at the trial level
  - Admitted to practice before the U.S. Court of Appeals for the First Circuit, the U.S. District Court for the District of Massachusetts, and all courts in the State of Massachusetts
  - Member of the Board, U.S. District Court Criminal Justice Act (CJA) Panel
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## EDUCATION

**Juris Doctor** May 1999  
Northeastern University School of Law, Boston

**Bachelor of Arts** May 1992  
Smith College, Northampton

**High School** June 1988  
Beaver Country Day School, Chestnut Hill

**Spanish Language Training** August 1999  
Baden-Powell Institute, Morelia, Mexico

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## PRIOR EXPERIENCE

**Rankin & Sultan**, Boston, [www.rankin-sultan.com](http://www.rankin-sultan.com)  
➤ A seven-lawyer boutique specializing in criminal defense in Massachusetts federal and state courts

2008 - 2015

### Partner

- Litigation in Massachusetts District and Superior Courts
- Appellate practice in the First Circuit and Massachusetts Courts
- Disciplinary proceedings at area universities
- Representation before administrative agencies

1999-2008

### Associate

- Assisting name partners with defense of major crimes and high-profile cases at both the trial and appellate levels
- Representing indigent defendants in Boston Municipal Court, Central Division, through Suffolk Lawyers for Justice

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**NUSL COOPERATIVE EDUCATION PLACEMENTS**

- Spring 1999      **Lawyers Committee for Civil Rights Under Law**, Boston
- Research and writing for local discrimination claims and national class-action suits
- Fall 1998      **Stern, Shapiro, Weissberg & Garin**, Boston
- Working closely with Max Stern and Patricia Garin on criminal defense in state and federal courts
- Spring 1998      **Youth Advocacy Project of the  
Committee for Public Counsel Services**, Boston
- Representing juveniles in delinquency proceedings in the Dorchester, Roxbury, and West Roxbury Juvenile Courts
- Fall 1997      **Hon. Maria I. Lopez of the  
Massachusetts Superior Court**, Boston & Cambridge
- Judicial internship
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**ADDITIONAL EXPERIENCE**

- 1995-1996      **Boston Juvenile Court CASA Program**, Boston
- Volunteer Court Appointed Special Advocate for abused or neglected children awaiting permanent placement
- 1994-1995      **Crittendon Hastings House**, Boston
- Case Manager & Housing Search Worker for young homeless mothers
- 1993-1994      **Concord Assabet Adolescent Services**, Watertown
- Supervisor of girls' residential treatment milieu
- 1992      **Teach for America – Houston Independent School District**, Texas
- Seventh-grade English teacher
- Summer 1988      **City Year**, Boston
- Member of the pilot corps
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- AFFILIATIONS**
- **Court of Appeals for the First Circuit, CJA Appellate Panel**
  - **Committee for Public Counsel Services (CPCS) Appellate/Post-Conviction Panel**
  - **Women's Bar Association**, Lifetime Member
  - **Massachusetts Association of Criminal Defense Lawyers (MACDL)**

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**SELECTED RECENT RESULTS**

- **Commonwealth v. Garcia**, 476 Mass. 822 (2017) (rape conviction reversed because the admission of prejudicial evidence regarding the defendant's purported confession created a substantial risk of a miscarriage of justice)
- **Commonwealth v. Smith**, 90 Mass. App. Ct. 261 (2016) (reversing denial of motion for a new trial in an armed home invasion case and remanding for an evidentiary hearing on several substantial issues)
- **Commonwealth v. LaBrie**, 473 Mass. 754, 755 (2016) (reversing convictions including attempted murder in a case where the offense was a mother's failure to give her son his prescribed chemotherapy medications)
- **Commonwealth v. Robertson**, 467 Mass. 371 (2014) (reversing denial of Robertson's pretrial motion to dismiss because "electronic surveillance" statute did not reach alleged "upskirting")
- **DeLong v. Dickhaut**, 715 F.3d 382 (1st Cir. 2013) (with Charles Rankin) (reversing dismissal of DeLong's habeas corpus petition because judge may not have considered less severe action, as required)
- **United States v. Francois**, 715 F.3d 21 (1st Cir. 2013) (vacating Francois' 164-month sentence because judge erroneously imposed 140 months' imprisonment for offense carrying a maximum of one year)
- **United States v. Turner**, 684 F.3d 244, 265 (1st Cir. 2012) (with Charles Rankin) (addressing complex Hobbs Act issues on review of extortion conviction of former Boston City Councilor)
- **Commonwealth v. Samuels**, 456 Mass. 1025 (2010) (rejecting Commonwealth's petition for extraordinary relief from sentence reductions to which it had agreed)
- **Gonzalez v. Vlasak**, 76 Mass. App. Ct. 1130 (2010) (unpublished) (vacating civil abuse prevention order because it was issued in violation of Vlasak's due process rights)

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**FORMATIVE TRAVEL**

- Born in Stockholm, Sweden, as a United States Citizen
  - Service project in Kakamega, Kenya, East Africa, Summer, 1988
  - Fourth World Conference on Women, Beijing, China, September 1995
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