



PROGRESSIVE MASSACHUSETTS
2024 Governor's Council
ENDORSEMENT QUESTIONNAIRE

Candidate: David Reservitz

Office Sought: Governor's Council, District 2

Party: Democrat

Website: <https://www.votefordave.net/>

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Email questions to elections@progressivemass.com.

Questions about Your Candidacy & Platform

1. **Why are you running for Governor's Council? What has drawn you to this office in particular?**

The Governor's Council is a body that I have a deep admiration for, and this moment in the United States and Massachusetts demands better from the council. With Abortion access, LGBTQ+ rights, and the rights of labor under attack nationwide we need judges who are committed to defending these rights at home. My commitment to these issues paired with my decades of experience as a litigator and deep familiarity with the inner workings of the Governor's Council demands me to contribute my voice to this fight.

2. **What prepares you to serve in this capacity?**

My decades of experience as a litigator and intimate familiarity with the inner workings of the governor's council uniquely prepares me for the role. I have been a litigator for over 27 years, with a general practice that has included civil, criminal, municipal, family and housing law. My relationship with the law extends outside the courtroom. I was appointed to the Judicial Nominating Committee (JNC) in 2012, by Governor Deval Patrick. The JNC vets and recommends judges for the Governor, prior to them putting their nominee up for a vote before the Governor's Council. I am the only candidate in the race with experience in judicial nominations and would be ready to do the job on day one. I also served as President of the Plymouth County Bar Association in 2007 and 2008. In addition, I also served as a past President and Chairman of the Pilgrim Bar Advocates, an association dedicated to providing service to indigent people.

3. **What factors do/will you consider when determining whether an individual should be confirmed as a judge, a member of the Parole Board, or a member of any of the other boards and positions considered by the Council? How much weight/importance do you give to each of the factors you consider? Do you have any litmus tests?**

I intend to weigh relevant judicial experience with the candidates cultural, religious, socioeconomic, gender-identity, and sexuality when vetting candidates for judicial nomination. Experience matters, but this must almost be weighed with lived experience. Additionally, I will only vote to confirm judges that unequivocally support a woman's right to choose and a worker's right to organize and strike.

4. **What issues do you intend to prioritize during questioning in confirmation hearings?**

I intend to prioritize the rights of minors to access abortion and healthcare and the right for public sector workers to strike.

5. What role can the Governor's Council play in helping to end mass incarceration in Massachusetts?

The Governor has made serious strides in pardoning offenders with simple marijuana convictions, but it's up to the Governor's Council to approve those pardons and demand more. As a Governor's Councilor I will approve all pardons put before me by the governor regarding simple marijuana possession and work to lobby the governor to issue pardons for offenders with nonviolent drug offenses.

6. Governor Maura Healey released a [new set of guidelines](#) for the use of the Governor's clemency power late last year. What are your thoughts on the new guidelines, and how do you approach the work of pardons and commutations?

Maura Healey's pledge to increase the number of pardons and commutation is promising, but more needs to be done. I would encourage governor Healey to increase the number of pardons and commutations.

7. As a (current or future) member of the Governor's Council, what do you perceive your role to be in considering a judicial nominee's potential to reduce or eliminate rights of civil litigants?

A Governor's Councilor's role here is to inquire as to the judicial applicant's tolerance of a civil litigant's right to due process. To ensure that the candidate has the proper trial experience and judicial temperament to allow and protect civil litigants, whether represented by counsel or pro se, to the full extent of the procedural process. This should include full access to discovery, considering dispositive motions in the light most favorable to the non-moving party, through the right to trial.

8. The Massachusetts constitution clearly establishes a "right to a clean environment." What does that right mean to you?

The Environment has always been a priority to me since I was young and it is imperative for our judiciary to recognize this issue. In my municipal practice, I have been involved in writing local by-laws promoting benefits to towns for transferring fuel vehicle fleets to EV vehicles, as well as protecting citizens in claims for PFAS remediation.

9. To what extent do you intend to participate in the *recruitment of demographically and professionally diverse candidates to apply for positions on the various boards under the Governor's Council's purview?*

While the Governor's Council does not specifically recruit candidates, I hope to send a message through my voting record that encourages a diverse

applicant pool. When serving on the Judicial Nominating Committee, we advanced more minority and LGBTQ candidates for Judgeships in Massachusetts than ever before.

10. Many people are unaware of the existence of the Governor's Council. How will you seek to increase transparency and civic engagement if elected?

Win, lose, or draw, I want everyone in the second district to know what the Governor's Council is and the role it plays in their lives. I love the Governor's Council, and want to spread the word about the work it does. I also plan to stay in close contact with local elected officials to keep them informed of the Council's activities and advocate for local issues to the Lieutenant Governor and Governor.

11. (If a challenger or a candidate for an open seat) How would you describe yourself as similar to or different from the current officeholder?

I am a candidate for an open seat that has been vacant since December, 2022. My 27 years fighting for families and working people in court sets me apart. I have the most experience in court and in judicial nominations among all candidates for this position. I am a proud Democrat, and I plan to use my knowledge of the law alongside my lived experiences to ensure our judges support a woman's right to choose, LGBTQ+ rights, and the rights of organized labor.

B. Yes/No Questions

1. **Reproductive Justice - I.** Young people under sixteen seeking an abortion must obtain parental consent or judicial authorization. While most young people involve their parents, many cannot, causing delays to timely medical care and counseling. Scared teens may also turn to dangerous measures: going out of state or risking their lives and health with illegal or self-induced abortion. Would you support repealing this restriction on young people's access to abortion? (Y/N) **YES.**
2. **Reproductive Justice -- II.** With the overturning of Roe v. Wade, states are more important than ever as bulwarks of reproductive rights. Would you commit to voting against any judicial nominees with anti-abortion records? (Y/N) **YES.**
3. **Police Accountability.** The 2020 police accountability legislation passed by the Massachusetts Legislature contained a number of steps forward, but important measures were left out. Would you support legislation to do the following?
 - a. Eliminating qualified immunity for state and local police and correctional officers so that individuals whose constitutional rights are violated can have their fair day in court? (Y/N) **YES.**
 - b. Enacting the recommendations from the special legislative commission on facial recognition, to implement privacy, civil rights, and due process protections to govern police use of the technology? (Y/N) **YES.**
4. **Sentencing Reform.** The 2018 criminal justice reform bill was an important first step in

reducing mass incarceration. However, in our “liberal” state, incarceration rates remain much higher than they are in other countries, and sentencing laws can be even more punitive than those in states viewed as conservative. Do you support the following reforms?

- a. Eliminating mandatory minimums for all drug offenses? (Y/N) **YES.**
 - b. Raising the age of criminal majority from 18 to 21, in line with research that shows that young offenders served by a juvenile system are much less likely to reoffend and more likely to successfully transition to adulthood? (Y/N) **YES.**
 - c. Decriminalizing consensual sexual activity between adolescents, by creating an exception to the statutory rape law for youth [close in age](#)? (Y/N) **YES.**
 - d. Eliminating the sentence of life without parole, which is costly and has been shown to be racist in its application? (Y/N) **YES.**
5. **Clean Slate.** The Massachusetts court system maintains a database of name-based court arraignment records, referred to as Massachusetts Criminal Offender Record Information (CORI). Many people are trapped in poverty and shut out of jobs and housing because of the difficult process to expunge their records, even for cases that did not end in a conviction or occurred when they were teenagers. Would you support...
- a. Requiring the Commissioner of Probation to automatically seal criminal and juvenile records after the applicable waiting periods without requiring individuals to file a petition to do so? (Y/N) **YES.**
 - b. Requiring the immediate sealing of a criminal offense if the charge did not end in a conviction? (Y/N) **YES.**
6. **Solitary Confinement.** Although the 2018 Criminal Justice Reform Act contained provisions to reduce the excessive and harmful use of solitary confinement, the Department of Corrections has established policies and practices to [evade implementation of the spirit of these reforms](#), by essentially turning Souza-Baranowski into de facto solitary confinement by limiting out of cell time to three hours per day, which exceeds the definition established in the 2018 Act by one hour. Would you support legislation to address this discrepancy by establishing universal conditions of confinement standards applicable to all people in Massachusetts state prisons, county jails and houses of correction, regardless of housing or security status? (Y/N) **YES.**
7. **Prison Moratorium.** Would you support a moratorium on the construction of new prisons and jails in the Commonwealth? (Y/N) **YES.**
8. **Prison Accountability.** Governor’s Councilors have the statutory right to make unannounced visits to correctional facilities run by the state. Would you commit to exercising this right in order to improve accountability for the Department of Corrections? (Y/N) **YES.**

C. Please fill out the following three questions if you have professional experience as an attorney

- 1. As a practicing attorney, have you moved to exclude evidence in a trial? If so, please give an example of what types of evidence you have moved to exclude in a civil trial.**

Yes, I have filed Motions to exclude evidence in trials on many occasions and I continue to do so. As a criminal defense attorney and former contract Public Defender, as well as in my Civil cases, I have filed countless "Motions in Limine" asking the court to limit or exclude potentially harmful and/or irrelevant or prejudicial material. When I served on Gov. Deval Patrick's Judicial Nominating Committee, I asked this question frequently to Judicial Applicants, as this skill is essential for an attorney to have.

- 2. In civil practice, what percentage of your litigation involves plaintiffs, and what percent involves defendants?**

Approximately 90% of my Civil practice is Plaintiff based but I do also represent Tenants facing eviction who are often named as Defendants.

- 3. Have you ever filed a motion to reduce a verdict, or to set aside a verdict as excessive? Please explain.**

Yes. In my Civil practice, I have filed several Motions for Remitter or JNOV (Judgments Notwithstanding the Verdict) in situations where justice was not properly served. I have also filed similar Motions in my Criminal practice including Post Judgement Motions for Reconsideration etc.