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Judge Ulwick Out As First Justice At Essex Probate Court, Two Associate Justices Reassigned

By Kimberley Keyes | July 1, 2022

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In the latest judicial roundup, we look at a major shakeup at the Essex Probate Court and other changes in the Probate & Family judicial landscape.

On June 15, 2022, the Chief Justice of the Probate & Family Court [announced](#) a major shakeup at the Essex Probate and Family Court. Hon. Jennifer M. Ulwick resigned as First Justice, and two associate justices – Hon. Theresa A. Bisenius and Hon. Abbe L. Ross – are being transferred to other counties. Judge Bisenius is being moved to Middlesex County, while Judge Ross is heading for Suffolk County. It is unclear whether the announcement, which represents the most significant reshuffling of a single Probate & Family Court’s roster in recent memory, was connected to several recent incidents involved Essex County judges.

The first rumblings of trouble seemed to emerge in March of 2021. That is when [Massachusetts Lawyers Weekly reported on](#) a “behind the scenes stir” involving Judge Ulwick and the Essex Register of Probate, Pamela Casey O’Brien. The incident occurred toward the end of a virtual bench-bar conference when, according to Lawyers Weekly, an exchange between Ulwick and O’Brien “became tense and heated, with the back and forth ending abruptly when Ulwick terminated the Zoom meeting.”

A month later, the Essex Probate Court again found itself in the news. Lawyer’s Weekly reported on a “[bill of address](#)” filed on Beacon Hill that sought the removal of Judge Ross from the bench following Ulwick’s removal of Ross from a controversial case. A [media firestorm soon followed](#) that included numerous public complaints made against Ross by disgruntled litigants.



Ulwick and Bisenius were nominated to the bench by former Gov. Deval Patrick in 2012, while Ross was appointed by Patrick in 2014. Hon. Frances M. Giordano, who was also appointed by Patrick in 2014, will take over for Ulwick as First Justice in Essex Probate on July 6, 2022. Ulwick will continue to serve as an associate justice at the Salem court, and Hon. Michael Anderson will move from Middlesex to Essex.

Mandatory Retirements Trigger Questions in Plymouth Probate & Family Court

The judicial lineup at the Plymouth Probate & Family Court has been extraordinarily stable and consistent in recent years. This stability is set to change soon, however, when longtime Associate Justice Lisa A. Roberts retires in October, while First Justice Hon. Edward G. Boyle, III, also moves towards mandatory retirement at age 70 next summer. The departures of Roberts and Boyle will leave a major mark in South Shore legal circles, each having served for more than a decade in Plymouth and Brockton.

There is no word yet on who may replace either judge following their respective retirements.

Scandal-Plagued Judge Sushchyk Resigns

Last year, we [wrote about](#) the plight of Probate & Family Court Judge Paul Sushchyk, after a female court employee reported feeling “a hand grabbing her left buttock and squeezing it for several seconds” as Sushchyk passed behind her high-top table in a restaurant’s bar area one evening during an April 2019 conference. In March of 2023, the Massachusetts Supreme Judicial Court suspended Sushchyk without pay for the incident.

Just five days after the suspension, on March 28, 2022, Sushchyk submitted a letter of resignation to Governor Charlie Baker, that stated in its entirety, “Please be advised that, effective March 28, 2022, I hereby resign my office as an Associate Justice of the Probate and Family Court.”

As noted in our previous coverage, Sushchyk’s investigation and suspension represented a rare example of real-world accountability for judicial misconduct in Massachusetts.

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Few Appointments to Probate & Family Court in Last Year

One of the main drivers of our long-running judicial roundup feature is the appointment of new judges to the Probate & Family Court. Since our last roundup blog in July of 2021, however, the pickings have been slim when it comes to the announcement of new Probate Court judges. Based on our review of press releases and media reports, we found the following new appointments by Governor Charlie Baker:

- In March of 2022, Governor Charlie Baker [nominated](#) Burlington attorney Nan Sauer to the Probate & Family Courts.
- In December 2021, Baker [nominated](#) Northborough lawyer Christine Anthony to the Probate & Family Court.
- In September 2021, Baker [nominated](#) Berkshire county attorney Nicholas Parsenios to the bench.

Massachusetts governors have long struggled to find appointees willing to accept the grueling workload and comparatively modest pay afforded to Probate & Family Court judges, whose courtrooms are often extraordinarily busy, understaffed and filled with self-represented parties. It doesn't help that after adjustment for inflation, Massachusetts [ranks 40th out of 51 US jurisdictions](#) in judicial pay.

About the Author: [Kimberley Keyes](#) is a Massachusetts divorce lawyer and Massachusetts family law attorney for Lynch & Owens, located in [Hingham](#), Massachusetts and [East Sandwich](#), Massachusetts. She is also a mediator for [South Shore Divorce Mediation](#).

Schedule a consultation with [Kimberley Keyes](#) today at (781) 253-2049 or send [her an email](#).

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