

Meet Carol Starkey

Preserving the Humanity of Law

BBA President Carol Starkey is “breaking down silos” and keeping the profession strong

If you take a look behind some of the most complex finance and corruption cases in Boston’s history – the theft of more than nine million dollars from state treasury accounts, a trusted and high-placed pediatric cardiologist’s embezzlement of hospital funds, and an insurance fraud ring stretching from the Commonwealth to Nigeria – you’ll find the same attorney successfully seeking justice: Carol Starkey.

Her work has earned her recognition as “Fraud Fighter of the Year” from the Association of Certified Fraud Examiners, “Outstanding and Invaluable Prosecutor” by the Insurance Fraud Bureau of Massachusetts, and repeat inclusions in “Best Lawyers in America.” It’s also earned her the respect and admiration of some of the brightest people in Boston’s legal community.

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“People recognize and respect the fact that Carol is the real deal,” said Hon. Frances McIntyre (ret.), former Judge of the Superior Court. “She is a trial lawyer who has been on both sides, prosecuting *and* defending. She’s worked the hard cases, and she knows her business. When you have that kind of credibility with lawyers, they trust you and will work with you.”

This concept of collaboration is a reoccurring theme when talking to (or about) the current BBA President. Starkey is known for working seamlessly throughout her career with numerous state and federal agencies, such as the Board of Bar Overseers, the United States Attorney’s Office, the Securities Exchange Commission, the State Department of Revenue, and the Board of Registration in Medicine.

So how does someone in a profession often associated with *competition* get a reputation for *collaboration*? For Starkey, it was a deep, inextricable link between public service and justice.

“I’ve always wanted my career to include elements of public service. I was very active in issues surrounding battered women when I was in college, and I worked as a victims witness advocate at the local DA’s office in Boulder,” said Starkey, now a defense lawyer and partner at Conn Kavanaugh. “I also participated in the campaign for Chicago’s first African American mayor, Harold Washington. It was a very shaping experience, because I saw a group of extraordinarily committed social activists who were coming together from within the system with a vision to make government work for disenfranchised people. It was a long journey that combined a lot of different interests, but at the core it was a very natural thing for me to go into law. To me, law was not only the best career for a person to participate in a democracy, but also it was a very personal way for me to pursue some of those interests on a public service level.”

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While earning her degree at Suffolk Law School, Starkey gained practical legal skills in the family law unit of Greater Boston Legal Services, which she calls “the greatest experience” of her law school years. Working in legal services – and seeing the positive impact she could have for people with limited income – motivated her to find a way to have a broader impact. She saw her opportunity at the Bristol County District Attorney’s office.

“I accepted a job as a prosecutor because I really felt like that was where the resources could be to do the community work I wanted to do,” explained Starkey. “So many people see the prosecutor’s office as just an enforcement tool. But what it is even more so, is a criminal prevention and community outreach tool, where you can put all the powers and the resources of the government behind you.”

Starkey used her time in Bristol County – and the resources that came with her position – to address an unmet legal need that was impacting some of the most vulnerable people in Massachusetts: fraud practices that targeted the elderly.

“I saw some really heart rendering cases of people who were being abused, neglected and defrauded, not only by family members but by people out there who were preying on them,” said Starkey. “I became pretty enraged by that, so I went to the DA at the time, Paul Walsh, and I told him that we should have an elder abuse unit to focus strictly on this, and he agreed. He assigned me a police officer and a victim/witness advocate and we were off and running.”

Starkey acknowledges that, while the elder abuse and fraud cases were some of the most difficult cases in her early career, there was tremendous meaning and satisfaction in her successes on behalf of the victims. And it wasn’t long before her work in elder abuse caught the attention of the Commonwealth’s then-Attorney General Scott Harshbarger, who brought Starkey from Bristol County to Boston. It was at the Attorney General’s office that she took on – and won – several high profile cases, including that of Children’s Hospital pediatric cardiologist Bernardo Nadal-Ginard, who was accused of stealing close to six million dollars from hospital coffers, and resulted in a conviction after a nearly month long trial of the case brought by Starkey.

“The course of preparing that case – becoming involved with the medical community here and prosecuting someone who was thought of as a shining star – was fraught with a lot of difficulty,” said Starkey. “But at the end of the day it put out the message that people who hold these extraordinary positions of power, and use that power to hurt or exploit people, were going to be held accountable.”

BBA President-Elect Mark Smith of Laredo & Smith, who headed the Attorney General’s Public Integrity Division at the time, credits Starkey’s collaborative nature as well as her sharp legal intellect with bringing these wins to the Commonwealth.

“Carol has great interpersonal skills. She worked on some of the biggest cases ever brought by the AG’s office, including one prosecuting state treasury officials for the theft of millions in public funds. She worked right alongside many different divisions in state government; she was never afraid to roll up her sleeves and do the hard work with everybody.”

Following her three-year involvement in the state treasury case, Starkey found herself at a crossroads in her career.

“During the course of that time I think I ate, slept and breathed that case. It was really difficult. It made me realize that I had come to that juncture in my career where I was either going to continue to do that type of work, or I was going to expand and see what the other side of this world did. So I made the decision to go into private practice. I had the benefit of knowing some of the finest lawyers in the city, and I had decided that if I were going to make this leap into the civil foray and criminal defense, I wanted to do it with people I respected tremendously.”

For Starkey, those people were the attorneys of Conn Kavanaugh. And according to firm founder Jim Kavanaugh, the feeling was very much mutual.

“When we first met Carol, my colleagues and I were extremely impressed with her both as a person and a lawyer. It was a great move on our part to bring her on board,” he said. “She brought this extra experience that few of us had, so she was someone we all looked to with issues that extended beyond pure civil litigation. I had several cases where there were criminal overtones to the accusations, and Carol was always a resource. The experience and perspectives she brought to bear were essential.”

As a defense lawyer for the past fourteen years, Carol has been involved in some of the highest profile white collar criminal cases in the Commonwealth, putting her skill to work on behalf of individuals and companies spanning multiple industries. While transitioning from prosecution to defense might be a challenge for some, in Starkey’s view, it is a vital part of being a lawyer and keeping an eye on the larger picture.

“I think that sometimes – not often, but I’ve seen it – when lawyers simply do one side or the other, they default into a world view that doesn’t capture the complexities of humanity,” she said. “They can lose compassion on both sides: lose compassion for what it means to be part of effective government and protect people, and lose compassion for what it means to be a disenfranchised individual against the enormous power of the government. If we had more people who had experience on both sides, perhaps we’d have a broader vision.”

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It was the need for this broader vision that motivated Justice McIntyre, who was then co-chair of the BBA’s Criminal Law Section, to bring Starkey to 16 Beacon Street. McIntyre saw the need for more government lawyers at the table. Starkey, she knew, would bring talent and credibility to the fold.

“I saw how well Carol worked with a lot of the major agencies in the criminal law arena; so many big players in the Boston legal scene respected her,” said McIntyre. “She was already networked in and she had mastered how to be a highly professional lawyer. It was the right time for her to make a contribution to the legal community the way she had made in the courtroom.”

For Starkey, involvement in the BBA was a perfect outlet for her penchant for both collaboration and deepening connections. And it wasn’t long before then-President Joseph Kociubes appointed Starkey to take on the role as Criminal Law Section co-chair.

“I love the BBA, truly love it. It has been a professional lifeline, guide and mentor throughout my entire career,” she said. “Going to the BBA to listen to other prosecutors and defense lawyers, and better understand the issues that everyone was grappling with, was just tremendously enriching for me. The icing on the cake came when I realized I could extend some of my own personal interests through the BBA’s Diversity and Inclusion Section. People who have done this for as long as I have – particularly women, minorities and LGBTQ lawyers – will at some point in their career experience a sense of difficulty or isolation. So when I had the opportunity with the BBA to implement a real mentoring program that connected those people with others who had experienced that isolation and had overcome it and become successful, that was a dream.”

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Starkey plans to take a similar approach – bringing people together to take on shared issues and concerns – during her tenure as BBA president. And it’s something that Kavanaugh feels she is uniquely suited to do.

“Lawyers can be negative; our job is to pick holes in things, particularly litigators,” he said. “Carol is not that way at all. She’s upbeat and positive while being realistic and objective.”

“I think we can do so much as an industry,” said Starkey. “Lawyers become more profitable, more satisfied, and more nimble, both professionally and personally, when they collaborate with one another. The legal profession is changing so much; the ground is shifting under our own feet as practicing lawyers. And if we are stuck in these silos with blinders on, only looking at what we need to do to make our own little practice work, and not looking out at the horizon and seeing what’s happening to us collectively across the board, then we lose the opportunity to harness all that talent and power and keep the profession strong.”

Starkey is looking to bring that talent and brain power together in a series of conferences during her 2016-2017 that will take a deep dive into the intersection between law and topics like life sciences, diversity and health care, to name a few.

“We have tremendous challenges ahead. To a certain extent, the globalization of law and the advancement of technology have left some lawyers and smaller firms behind. At the heart of law there is still the lawyer who sees the world not from a high-rise, but from a city street or a suburban neighborhood. And that has to continue in order to maintain the heart and the soul of what we do as an industry. If we lose that, and we become a series of big conglomerates, then we lose the *humanity* in the practice of law. That’s what drew me to this field, the humanity of law; the ability to participate in our unique American democracy in very important ways. Our industry must allow lawyers to create and express their own individualism. As a Bar Association, we can empower lawyers from all walks of life not to use a cookie cutter approach to the law, but to be who they are to remain relevant by doing things that are innovative and significant to their own practice. And the only way we can continue to do that now is if we are together. Together we must break down our own individual silos of practice and grapple with some of these real challenges that the profession is coming up against. And that’s what I want to do. I couldn’t do it any other way; it’s just who I am.”