



Rhode Island Bar Journal

Rhode Island Bar Association Volume 66. Number 6. May/June 2018

Artificial Intelligence in the Legal Profession – What You Might Want to Know

Black-hearted Trespassers: The Sequel

Book Reviews:

***Never Enough* by Michael J. Burke**
***The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption* by Brian Cuban**



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THE RHODE ISLAND STATE LIBRARY, PROVIDENCE, RI

The Rhode Island State Library, located within the Rhode Island State House, has a collection of primarily legislation-related material, with its earliest holdings dating back to 1750. While the State Library is a non-lending library, these collections are accessible to researchers who visit the Library during normal business hours.

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As a member of the Rhode Island Bar Association, I pledge to conduct myself in a manner that will reflect honor upon the legal profession. I will treat all participants in the legal process with civility. In every aspect of my practice, I will be honest, courteous and fair.

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USPS (464-680)ISSN 1079-9230

Rhode Island Bar Journal is published bimonthly by the Rhode Island Bar Association, 41 Sharpe Drive, Cranston, RI 02920.

PERIODICALS POSTAGE PAID AT PROVIDENCE, RI

Subscription: \$30 per year

Postmaster

Send Address Correction to:
Rhode Island Bar Journal
41 Sharpe Drive
Cranston, RI 02920

ribar.com



So, what does the Rhode Island Bar Association President do, anyway?



Linda Rekas Sloan, Esq.
President
Rhode Island Bar Association

We continue to provide resources for attorneys focusing on preventative care to instill greater well-being in the profession...I wanted attorneys to know that the Rhode Island Bar Association cares not only about the legal profession but also about them individually.

That is the question I got asked the most when I said I was busy with my Bar Association responsibilities. Despite my inner critic voice that said, “Yeah, Linda, what the heck did you accomplish? You didn’t achieve anything!” I was reminded by my Executive Director of all the things that came to pass during my year:

I welcomed first-year law students at their orientation at Roger Williams University School of Law. I was overwhelmed at the progress of our state’s only law school in increasing the percentage of diversity in their incoming class. I offered them support and encouraged the students to consider staying in Rhode Island after graduation.

I advised newly admitted bar members at their swearing-in ceremonies about opportunities to develop clients and practice areas through the Bar Association and about the New Attorneys page on our website.

I attended over 100 meetings which included at least one meeting of most Bar Association Committees so that the chairpersons and members knew that I was available to them and interested in their accomplishments. We have exceptionally strong committees, now numbering 27. Over one thousand six hundred Bar members serve on these Committees and their work and contributions form the backbone of the Association. I attended almost every meeting of the Annual Meeting Committee, the New Lawyers Committee and the Lawyers Helping Lawyers Committee. And a new Animal Law Committee was just formed after soliciting interest from members.

For the roughly 12,000 people who called the Bar Association looking for legal help, we referred them to an attorney, sometimes for a reduced fee and sometimes at no charge. These people were in crisis and needed someone to help. We got them that help. This reminds me of one of my favorite quotes about lawyers:

True, we [lawyers] build no bridges. We raise no towers. We construct no engines. We paint no pictures – unless as amateurs for our own amusement. There is little that we do that the eye of man can see. But we smooth out difficulties; we relieve stress;

we correct mistakes; we take up other men’s burdens and by our efforts we make possible the peaceful lives of men in a peaceful state.

– JOHN W. DAVIS, (ADDRESS), NEW YORK, MARCH 16, 1946, IN 1 RECORD OF THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK 101, 102 (1946)

I recruited attorneys to sign up for the Partners Overcoming Domestic Violence Project which is a pro bono partnership between the Rhode Island Bar Association, Rhode Island Legal Services, Rhode Island Coalition Against Domestic Violence and Roger Williams University School of Law to provide practical training for attorneys new to the practice areas of divorce, custody and visitation. This project teams seasoned practitioners with two new practitioners and a domestic violence advocate to collaboratively represent domestic violence survivors. The new practitioners leave the program with the tools necessary to continue a family law practice if they wish.

I drafted a Statement of Interest following a request from a law firm to file an *amicus* brief on an issue related to attorneys’ fees and SSI. The government’s position in the litigation is contrary to many well-established and important legal principles and the *amici curiae* outlined issues which are of paramount importance not only to attorneys but to the public’s access to justice when seeking social security benefits.

For those who are chronically stressed and burnt out, I brought awareness to the issue of wellness with regular health-related content in the *Bar Journal* and on social media. We featured articles in the *Bar Journal* from a personal trainer and from a Bar member about wellness. In addition, we created a special Lawyers Living Well page on our website full of great content. We continue to provide resources for attorneys focusing on preventative care to instill greater well-being in the profession. I received calls from attorneys thanking me for shedding a light on this issue and recognizing their own need for help. As I attended those 100 plus meetings, I wanted attorneys to know that the Rhode Island Bar Association cares not only about the legal profession but also about them individually.

I increased RIBA’s presence on social media

and circulated information to lawyers via multiple platforms so that whatever format lawyers wanted to receive information, it was available.

I received regular calls about issues with electronic filing and facilitated conveying the concerns to our liaison to the Court.

The most challenging issue I faced was creating diversity and inclusion in our profession, simply because it takes longer than a year to see the results of the initiatives that were implemented. I made diversity a priority and requested that every committee chair select a co-chair that was either a young lawyer, woman or attorney of color. I made the same request for the CLE panelists as well as the annual meeting speakers. I received calls from attorneys who noticed this and said thank you for the inclusive efforts because every little bit helps.

We arranged for the Defamation Experience, a CLE program based on Todd Logan's nationally acclaimed play DEFAMATION, presented free of charge to RI Bar members. The program explores the highly charged issues of race, religion, gender, class, and the law with a twist: the audience is the jury. The play was a unique interactive program. Through deliberations and post-show discussions, the audience engaged in civil discourse that challenges preconceived notions and implicit bias.

I moderated a discussion on diversity at the Roger Williams University School of Law Diversity Symposium which offers Rhode Island high school and college students an opportunity to learn about the legal profession and to interact with diverse judges, lawyers and law students. The goal is to support, encourage and get multi-cultural individuals from high school, to college, law school and ultimately to the practice of law in Rhode Island.

I attended every chicken dinner I was invited to, where I would tell everyone who would listen about all the public service projects that RIBA does and asked them to help. I wanted to see and speak with RIBA members at meetings, seminars, and networking events. Whenever there was an event, I made a concerted effort to be there to hear our members' concerns and to better understand the issues affecting them.

We promoted several free CLE programs, some including ethics credits, for those struggling to afford to pay for CLEs. Through our work with our standing committees, AON Affinity (the Bar's sponsored professional liability insurance agency), and opportunities offered by our Public Services Department, we have been able to offer 24 hours of free CLE credits including 4.5 free ethics credits. We also offered four free, non-credit workshops.

I received calls from attorneys who left the practice of law feeling jaded and tried to convince them that being a lawyer is an honored profession and that they might find some sense of fulfillment doing volunteer pro bono work.

We provided enrichment programming for members that was relevant regardless of practice area. Two programs were offered in the fall: "What Writing Can do for Your Career" for aspiring authors and "Basic Building Blocks of Law Firm Marketing for Small Firm and Solo Practitioners." Additional programs on resume writing, interview skills and financial planning were offered in the spring.

Perhaps the most prominent theme for my year was the philosophy of "paying it forward." My wish is that I instilled in some of you our obligation in this learned profession to give back to future generations of young lawyers, women lawyers and multicultural lawyers.

My first President's message was entitled, "What has the Rhode Island Bar Association done for me lately?" My hope is that at least one thing that I have done during my tenure made your professional or personal life a little better, made you feel connected to the Bar Association, prompted you to take on a pro bono matter or simply struck a chord with you.

Thank you for your stewardship and for strengthening the RIBA community. ❖

RHODE ISLAND BAR JOURNAL

Editorial Statement

The Rhode Island Bar Journal is the Rhode Island Bar Association's official magazine for Rhode Island attorneys, judges and others interested in Rhode Island law. The *Bar Journal* is a paid, subscription magazine published bi-monthly, six times annually and sent to, among others, all practicing attorneys and sitting judges, in Rhode Island. This constitutes an audience of over 6,000 individuals. Covering issues of relevance and providing updates on events, programs and meetings, the *Rhode Island Bar Journal* is a magazine that is read on arrival and, most often, kept for future reference. The *Bar Journal* publishes scholarly discourses, commentary on the law and Bar activities, and articles on the administration of justice. While the *Journal* is a serious magazine, our articles are not dull or somber. We strive to publish a topical, thought-provoking magazine that addresses issues of interest to significant segments of the Bar. We aim to publish a magazine that is read, quoted and retained. The *Bar Journal* encourages the free expression of ideas by Rhode Island Bar members. The *Bar Journal* assumes no responsibility for opinions, statements and facts in signed articles, except to the extent that, by publication, the subject matter merits attention. The opinions expressed in editorials are not the official view of the Rhode Island Bar Association. Letters to the Editors are welcome.

Article Selection Criteria

- The *Rhode Island Bar Journal* gives primary preference to original articles, written expressly for first publication in the *Bar Journal*, by members of the Rhode Island Bar Association. The *Bar Journal* does not accept unsolicited articles from individuals who are not members of the Rhode Island Bar Association. Articles previously appearing in other publications are not accepted.
- All submitted articles are subject to the *Journal's* editors' approval, and they reserve the right to edit or reject any articles and article titles submitted for publication.
- Selection for publication is based on the article's relevance to our readers, determined by content and timeliness. Articles appealing to the widest range of interests are particularly appreciated. However, commentaries dealing with more specific areas of law are given equally serious consideration.
- Preferred format includes: a clearly presented statement of purpose and/or thesis in the introduction; supporting evidence or arguments in the body; and a summary conclusion.
- Citations conform to the Uniform System of Citation
- Maximum article size is approximately 3,500 words. However, shorter articles are preferred.
- While authors may be asked to edit articles themselves, the editors reserve the right to edit pieces for legal size, presentation and grammar.
- Articles are accepted for review on a rolling basis. Meeting the criteria noted above does not guarantee publication. Articles are selected and published at the discretion of the editors.
- Submissions are preferred in a Microsoft Word format emailed as an attachment or on disc. Hard copy is acceptable, but not recommended.
- Authors are asked to include an identification of their current legal position and a photograph, (headshot) preferably in a jpg file of, at least, 350 d.p.i., with their article submission.

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Artificial Intelligence in the Legal Profession – What You Might Want to Know



William J. Connell, Esq. M.Ed.
Attorney at Law
Forestdale

It is probably not practical for an attorney to become proficient in every new technology, just as it has become increasingly difficult for an attorney to be proficient in all disciplines of law as a general practitioner. One can, however, identify an area of artificial intelligence that one wants to become familiar with, and work on gaining proficiency therein.

During a recent webinar sponsored by LexisNexis, entitled “Artificial Intelligence & the Legal Profession,” Dennis Garcia, Assistant General Counsel for Microsoft Corporation, suggested that legal professionals should not fear artificial intelligence.¹ According to Garcia, artificial intelligence is not a foe to attorneys, but a tool for all lawyers. He cites several sources to support his argument, including a recent *New York Times* article by Steve Lohr (somewhat cryptically) entitled “A.I. is Doing Legal Work. But it Won’t Replace Lawyers, Yet.”² Garcia’s assertions that artificial intelligence is an asset to lawyers and will not supplant or replace attorneys seems both convincing and sound – if you are legal counsel at Microsoft Corporation. But if you are not, then perhaps we as members of the legal profession need to really assess how this new technology will impact and change the practice of law, and what the role of the attorney will be.

Artificial Intelligence, or “A.I.” as it is often referred to, has been in the news as of late. Indeed, it is hard to avoid it. A search of the term using the Google search engine will produce an initial return of approximately 62,700,000 results (that’s taking all of 0.76 seconds to respond – give or take a hundredth of a second). But what is it, and more importantly to the *Bar Journal’s* readers, how is it going to impact the legal profession?

First, just what IS artificial intelligence? One can find multiple definitions. John McCarthy, often cited as the father of A.I. (or at least the person who first recognized it)³ wrote in a 2007 unpublished paper that artificial intelligence “is the science and engineering of making intelligent machines, especially intelligent computer programs. It is related to the similar task of using computers to understand human intelligence, but A.I. does not have to confine itself to methods that are biologically observable.”⁴ More recently, one scholarly article written

by several researchers wrote:

AI is a sub-field of computer science. It can be broadly characterized as intelligence by machines and software. Intelligence refers to many types of abilities, yet is often constrained to the definition of human intelligence. It involves mechanisms, some that are fully discovered and understood by scientists and engineers, *and some that are not* (emphasis added).⁵

We can extrapolate an understanding of what artificial intelligence is from those quotes. In short, it is computers that think. Okay, maybe the computer is not “thinking” in the same vein as a living organism does, but the computer can sift through data and make computations on a much quicker basis than the human mind. It can produce results that mimic thinking. In other words, we can spend hours debating the philosophical issue of whether intelligence is something limited to living creatures, or something that can be embedded or produced in a man-made device. But regardless of how we come out on that discussion, here is the bottom line: artificial intelligence can do many of the tasks lawyers do, and in some cases, do them more quickly, more efficiently, and even – YIKES – more effectively.

So let’s get to the issue of how A.I. is affecting the legal profession. First is the impact on document review. According to Lohr, researchers at the *Massachusetts Institute of Technology* and the *University Of North Carolina School Of Law* estimated that at large law firms only four percent (4%) of the lawyers’ time is used for document review. The rest is outsourced or done by artificial intelligence.⁶ Even smaller law firms and solo operations can use basic word searches, or so-called “search and find” type tasks, to review documents and find items that might have taken hours and days of research in the past. This can be applicable to electronic discovery and contract review, among other things. A.I. is also used to complete research and complete forms. This certainly frees up time of lawyers to do so-called “higher rung” functions. Yet how many attorneys today in mid-career or later got their start in the legal profession by

It's Okay to Play!



Christine M. Curley, Esq.

These days we hear so much about wellness and balance, and I am sure many of us attorneys either scoff at the very idea, or lament when our efforts continually fall short. I was part of both cohorts for a good part of my legal career. The stresses of deadlines, workload, and client demands, as well as balancing family life are ever-present.

My path to better wellness has been one of fits and starts. In truth, I could list many changes I have made over the last several years to support my health and well-being – better nutrition, less caffeine, less alcohol, practicing mindfulness, yoga, meditation and maintaining an attitude of gratitude, to name a few. But you likely already know these.

However, I can offer two distinct pieces of advice for younger attorneys – and perhaps more seasoned ones as well – that I have practiced throughout my entire career.

First: Take vacations! From your work – not just moving your office to a hotel room. You are not as indispensable as you may think you are. Really.

I remember back in the day that announcing that “I haven’t taken a vacation in ___ years” was seen as some kind of badge of honor. I flaunted that philosophy on a regular basis. Clients and staff in the offices with whom I worked would remark to me, “where are you off to now?” and I would smile and laugh knowing that I would be getting recharged by getting away for a day or two or more and experiencing life’s adventures to boot.

Enjoy the thrill of planning and the anticipation of the getaway, as it enhances the value of the getaway itself. Being able to recall the memories of your getaway fortify you to take on the inevitable rough days.

Second: Find an activity you love to do that you cannot back out of or reschedule. For me, it has been tennis. My husband bought me a tennis racquet for my 28th birthday and I have been an avid player ever since. The key was that I couldn’t back out of commitments to court time or lessons or other players who agreed to play. Very different from stating how much you “need” to get to the gym and then being too exhausted or busy to go. As most of you already know, moving and exercise reduces stress and improves wellness; finding an activity that you love makes this critical part of wellness easier.

Playing is good for the body and soul. After all, we want our children to go out and play more; we should take our own advice.

The bottom line: It’s okay to play – even for attorneys!

(If you are interested, I can provide research studies correlating vacations and play time with better health outcomes, as I am presently pursuing a Master’s Degree in Health Psychology.)

doing many of the functions being replicated by A.I.? Much of the work performed by a new associate in many firms, large or small, was composed of these types of activity now being performed by artificial intelligence. Lohr also reported one study by the *McKinsey Global Institute* estimating that twenty-three percent (23%) of legal work currently being performed by lawyers can be automated with present technology or technology that is being developed?

Are clients happy? What do you think? The costs of A.I. can be much cheaper than hiring and training an associate. Perhaps not in the initial investment, but over time. Computers do not seek higher wages, take paid time off, or require health insurance (though they do get viruses). At some point, A.I. will be able to perform services at a cheaper cost than associates. These cost savings can be passed on to clients. How many of you reading this article (thanks for doing so by the way) have been involved in or at least heard of a situation where a client complained about the number of hours an attorney spent on a billed for task, and argued that the item was not true LEGAL work? Or that line for four hours of legal research shouldn’t have taken more than one hour. The idea that clients, be they in the private or public sector, do not want to pay high rates for lawyers to perform “routine” legal work seems logical. But this begs the question, what exactly is a routine service? Search and find type tasks? That seems a reasonable interpretation with today’s technology. But not brief writing, right? Hold on. Programs such as *ROSS Intelligence* tout the program’s ability to search through many legal databases and come up with an answer to any legal question, or as their website says. “Supercharge lawyers with artificial intelligence.”⁸ Can *ROSS* do a better job than a human attorney? That’s clearly a subjective question. Yet one is reminded of HAL, the all-knowing computer from Stanley Kubrick’s sci-fi classic *2001, A Space Odyssey*.⁹ During an interview with a BBC interviewer HAL¹⁰ who is a super computer operating the spaceship “Discovery” on a trip to Jupiter, says “I am putting myself to the fullest possible use, which is all I think that any conscious entity can ever hope to do.”¹¹ Though highly desirable, that’s a pretty high standard for most of us mortal lawyers to meet. Ouch!

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Suppose artificial intelligence technology can exceed what an attorney can do. Rohr reports of one attorney who tested Ross by spending ten (10) hours searching online databases for facts similar to a case he was working on. Rohr writes that “Ross found the case almost instantly.”¹² Ouch again.

ROSS *Intelligence* is not alone. ROSS’s “parent,” IBM’s *Watson*, now has a feature to create arguments. When asked a question, *Watson* will scan its databases and propose not only research, but arguments to be advanced in a debate.¹³ IBM touts on its website that “IBM Debating Technologies are ushering in a new era of Cognitive Computing.”¹⁴ *Lex Machina*, from LexisNexis, uses technology to help lawyers prosecute and win patent and other intellectual property cases.¹⁵ *Modria* from Tyler Technologies purports to provide online dispute resolution to many common cases.¹⁶ *BEAGLE* purports to review legal documents and reduce manual reviewing error rates, reducing the average time for legal review to less than 20 minutes, and increasing legal review accuracy by twenty percent (20%) (*BEAGLE*’s website caption says “We sniff out the fine print so you don’t have to.”)¹⁷ But wait, there’s more. Many of these services purport not just to review documents and do word searches, but to give advice or something that is tantamount to advice. *Legal Robot* purports to help people “understand complex legal language and spot problems before you sign, without the time and cost of hiring an attorney.”¹⁸ *Legal Robot* also states on its website that it uses legal algorithms to provide fairness and risk analysis.^{19,20} *Ravel Law* purports on its website to provide information on how judges have ruled on motions in the past and provides analytics on law firms, as well as providing “Exclusive intel to compare forums, predict outcomes, and craft winning arguments.”²¹ This list is far from exhaustive.

Maybe it is just this author’s opinion, but some of these features are starting to sound like more than lower rung legal services. Does this mean we all hang up our law licenses? That seems a bit rash (although the authors of a recent paper published in the *Richmond Journal of Law and Technology* wrote “Lawyers may also become a dying breed...”²²). But we would be foolish to not consider what A.I. may bring to the profession. First, and some may not like to hear this,

Don’t Be a Zoo Human!

Although our genes haven’t changed in thousands of years, our lifestyles and environment certainly have. Not to say that modern conveniences aren’t great, or that modern medicine isn’t vital, but we are essentially living in a human zoo and our primal bodies are not happy about it. Or, as Robert M. Sapolsky of “Why Zebras Don’t Get Ulcers” puts it: we’re living long enough to slowly fall apart.

Luckily our bodies are resilient, and with a few healthy tweaks we can bounce back from years of unnatural habits. So, don’t give up! Meet these (minimum) weekly goals and you’ll thrive like a caveman/woman at the top of a food chain beyond their wildest dreams!

(Note: please consult your doctor before participating in any kind of physical activity and don’t blame me if you get hurt.)

Here Are My Top 10 Weekly Primal Goals:

- 1. Walk 2-3 hours.** No power-walking necessary. Swing those arms, rotate those hips, keep your head on a swivel, and breathe.
- 2. Lift something heavy.** This doesn’t necessarily mean deadlift 400lbs (though that would count). Generally something is considered heavy if you can only lift/push/pull it 5 times or less consecutively. Aim for compound movements that demand lots of muscle activity (eg. deadlifts, squats, pushups, pullups, etc.).
- 3. Get that heart pumping hard.** If your doctor says that you can sprint, then sprint. All we’re looking for is 3-5 “all out” efforts for a maximum of 10 seconds. Efforts should be very brief and very intense. Take as much time to rest between sprints (or crushing it on the spin bike/elliptical/rower/etc.) as you need to match the intensity and power output. Side note: unless you’re an Olympian, you probably can’t spirit 1/2 mile or do 20 sprints without significant drop-off, so don’t get too ambitious.
- 4. Eat food that grows naturally for 80% of your caloric intake.** If a team of scientists was required to create a food product, then seek an alternative.
- 5. Sleep 49-56 hours.** I recommend looking at the weekly total since it can be very challenging to do 8 every night. Recharging on the weekends is healthy in my opinion, and naps are totally primal!
- 6. Get an hour of direct sunlight.** Be responsible, but your body will produce the most vitamin D by exposing untanned skin without sunscreen.
- 7. Play!** Do this as much as possible! Kids and pets are great resources for this.
- 8. Go outside barefoot,** preferably on grass or sand. Google “earthing” for more information.
- 9. Indulge sensibly.** We must live right? Therefore, enjoy that glass (notice singular form) of wine/beer/whisky, that serving of dark chocolate, or that piece of artisan cheese. You can enjoy that 12-pack, that sleeve of cookies, or that pint of ice cream too, but it won’t provide the health benefits of the former.
- 10. Trust your intuition.** Although we’re not tuned in like our primal ancestors were, our brains are still sending us messages to optimize our health/chance of survival. If your body is telling you to rest, then honor that. On the flip side, if it really feels like moving, then go with it! Side note: this doesn’t apply to the mouth-watering effect of sugary foods, that is a trick and an article for another time.

In closing, I feel that there is a general lack of faith in our bodies. People often tell me that they can’t run/lift/move/etc. because they’re too old, they don’t have time, or their body doesn’t “work” that way. Although you may not be able to eat or move like you did when you were a teenager, our bodies are built to last and will adapt to the demands we impose on them. So, instead of demanding that we get good at sitting/being static, let’s order our bodies to perform as it has for a long, long time. You will definitely be rewarded!



Ryan McGowan is a former engineer who left the construction industry to help people become healthier and more adventurous. His company, Laid-back Fitness, is located in Warwick and is a combination of a fitness center and playground. He recently won the Projo Readers’ Choice Award for Best Personal Trainer, and is the co-founder of the Frozen Clam Obstacle Course, a charity obstacle course + cold water plunge on New Year’s Day.



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the legal profession will experience what many other professions have, and that is technology taking over the “lower rung” functions attorneys often undertook to get their start. This could lead to fewer positions in the legal field being made available in traditional firms and in general. Complaining about the progress of technology eliminating legal jobs today seems akin to griping about horseless carriages a century ago, so we won't do that. We should recognize, however, that those who do not adapt will not flourish. The reality is that A.I. is here, it will be here, and it will become an increasing part of the practice of law. Second, does one need to master all these technologies to survive? Probably not. Let's look through the other side of the looking glass – how do we as a profession survive and further, turn this to our advantage? If one focuses on one of these technologies, there are both pitfalls and possibilities. Let's look at a few.

Law Schools. If there is one thing that seems very clear, it is that law schools will need to incorporate the use of artificial intelligence into their curriculum. Many schools are already doing this, but it will need to be ratcheted up. Law schools in general are institutions, rich in history and steeped in tradition. These can be good things, but they also contribute to maintaining teaching models that are rigid and slow to change. Want a concrete example? How many of you reading this were taught using the so-called Socratic Method, that bedrock of legal teaching, a technique invented by someone who lived over 2400 years ago? This isn't a backhanded swipe at law school education, but it is a warning that legal education must be careful not to become held back. Also, there is a real issue in that many of the introductory entry-level functions (and in some cases mid-level functions) once performed by attorneys are now being performed, at the rudimentary level or higher, by artificial intelligence. On the positive side, law schools can educate students in how to be proficient with the current technologies in a way that will make them attractive to law offices. On the negative side, there may be a decrease in the number of entry level jobs available into an increasingly competitive profession. What seems clear is that the traditional legal education model needs to change to stay relevant.

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continued on page 41

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Black-hearted Trespassers: The Sequel



Peter J. Comerford, Esq.
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The Supreme Court ruled that subjective knowledge is irrelevant, but that “claim of right” is measured by objective manifestations of acting as though it is your property.

To the best of my recollection, I did not spend any part of my first year of law school scheming to steal someone else’s property, but of course Jimmy Carter was president then. Perhaps today’s law students have adapted to changing mores. (In fact, I recall having spent most of the first semester of property class parsing *Pierson v. Post* and learning, *inter alia*, how to acquire title to *ferae naturae*,¹ but I digress.) I am moved to such recollection not merely by nostalgia, but in reaction to Professor Hashway’s recent article on adverse possession,² which begins by suggesting that larcenous musings regarding adverse possession are now well-nigh universal among first-year law students. While she acknowledges that the vast majority of adverse possession cases yield the victor “a few feet at the edge of his own property,”³ she spends the bulk of her article on a recent Superior Court decision in

Carroll v. Rodrigues,⁴ which she considers provides a protocol for such predatory ponderings, and which she predicts the Supreme Court will approve. She finally concludes that that result argues for the legislature repealing the statute authorizing adverse possession.⁵

Carroll features a protagonist with the unique hobby of poring over the Little Compton Assessors Map looking for parcels that were not being taxed.

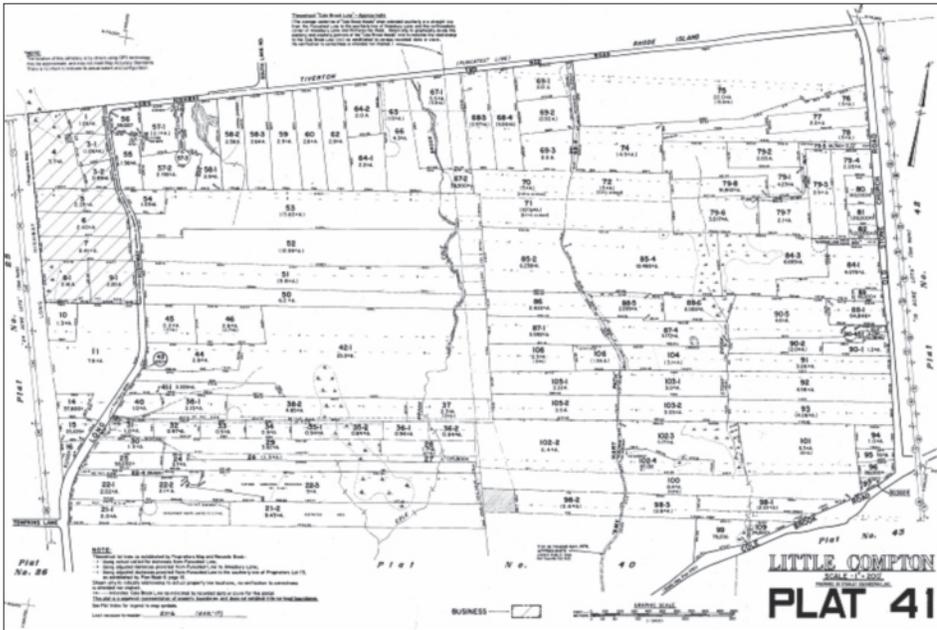
He then made some efforts, not described in the opinion, to identify the owners of these parcels. If those efforts yielded no results, then the fun began. He had an attorney draw a deed purporting to convey the property from himself to himself and his wife as tenants by the entirety. He then recorded the deed in the land evidence records, which would prompt the municipality to add the parcel to the tax map, and he would pay taxes on it. The drafting and recording of the deeds were evidently done before Carroll had done anything on or to the property that would support a claim of adverse possession, and nothing in the decision suggests any basis Carroll would have had for thinking he had any property interest that would entitle him to grant a deed to this property. Based on the factual recitation in the decision, it is hard to see how

these filings are not problematic at best.⁶

Years went by, and he “acquired” an indeterminate number of such parcels by this means.⁷ After he passed away, his widow continued to develop the property, getting the lots subdivided and otherwise improved. Evidently, in the course of time the true owners of the parcels learned what was being done with their property, but how this came about is not clear from the opinion. Mrs. Carroll then filed an action to quiet title and have herself declared the owner of the parcels for which the owners came forward, as a result of adverse possession. Following a jury-waived trial, the court issued a decision declaring her to be the owner. That decision is presently on appeal.

The lots in question were historically held as woodlots, which the *Carroll* court defined as “a privately maintained tract of land used as a source of fuel, posts, and lumber.”⁸ There are many such lots in Little Compton, and they are clustered in the eastern, or inland, part of town. Many of them are in the area of the subject parcels, which are in Assessor’s Plat 41. They are readily distinguishable by their long, narrow shape, and many of them do not have frontage on improved roads. Their sole function was as a place to grow trees. That function was jealously guarded, as witnessed by the provisions of R.I. Gen. Laws § 34-20-1 providing double and treble damages for cutting down someone else’s trees or wood. Little Compton is also unique in the extent to which property stays in the same family for many generations.⁹ Thus, some of these woodlots could be in shared ownership of the tenth generation of heirs, so it is not surprising if some are forgotten.

In finding adverse possession, the court’s analysis focused on two cases, the provisions of which are in conflict: *Tavares v. Beck*,¹⁰ and *Cahill v. Morrow*.¹¹ In *Tavares*, the plaintiff bought several parcels of property in Tiverton in 1991 and 1993, from James Amarantes, near the border with Little Compton. Amarantes had bought the property from the Almy family. The opinion does not state how large the entire property was, though it appears that some or all of it was undeveloped. It also appears that Almy



Little Compton Tax Assessor's map by Peter J. Comerford)

had had record title to some, but not all, of the land in question.

Amarantes bought the property in 1977, and a year or so later had it surveyed. The survey revealed that he was not the record owner of the entire property, but he built a twelve-foot-high stone wall around it and otherwise altered the terrain and improved and maintained the property. In 1991, Amarantes deeded the parcels he had been improving to himself. Thereafter, he sold the entire property to Tavares. At some point thereafter, the record title owner, Horace P. Beck, must have learned what was going on, and Tavares filed an action to quiet title, based upon adverse possession. Tavares had not held the property long enough to establish his own right, so he attempted to tack-on the time during which Amarantes held the property.

The trial court ruled that Amarantes had “unclean hands” as a result of his action in deeding the property to himself, and that that problem was imputed to Tavares in light of Tavares’s need to tack-on Amarantes’s time on the property. Since quieting title is a form of equitable relief, the court denied Tavares’s claim based on his predecessor’s unclean hands, and Tavares appealed. The Court articulated the well-known standard for a finding of adverse possession:

This Court has long held that to establish adverse possession, a claimant’s possession must be “actual, open, notorious, hostile, under claim of right, continuous, and exclusive” for

at least ten years.¹² The party claiming adverse possession must establish each of these elements by “strict proof, that is, proof by clear and convincing evidence.”^{13,14}

The aspect of the case that most vexed the court was that the possession be “under claim of right.” The trial court found this element lacking, in light of Amarantes’ actual knowledge that he did not own the disputed parcel, coupled with the “self-deeding” to try to cure this problem. The Supreme Court ruled that subjective knowledge is irrelevant, but that “claim of right” is measured by objective manifestations of acting as though it is your property. To couch this dichotomy between subjective knowledge and objective actions in the strongest possible terms, the Court said this:

Accordingly, *even when claimants know that they are nothing more than black-hearted trespassers*, they can still adversely possess the property in question under a claim of right to do so if they use it openly, notoriously, and in a manner that is adverse to the true owner’s rights for the requisite ten-year period.¹⁵

In *Cahill*, *supra*, the Court revisited these words. In recalling them, the *Cahill* court referred to them as a “legally correct” statement that there is no requirement that adverse possession flow from a good faith error as to one’s actual boundaries. The court went on to walk back the implications of its earlier formulation, saying that “to the extent that Tavares’s

reference to “black-hearted trespassers” suggests that this Court endorses an invade-and-conquer mentality in modern property law, we dutifully excise that sentiment from our jurisprudence.”¹⁶ The issue in *Carroll* became whether this excision was a substantive overruling of that portion of *Tavares* or merely a semantic nicety akin to renaming “torture” as “enhanced interrogation.” The trial court addressed this head-on, albeit in a footnote:

13. This Court notes, however, that the Supreme Court in *Cahill*, while not endorsing the invade-and-conquer mentality, did not forbid it. In other words, in a civilized society that ascribes to the rule of law, the Court cannot, and will not, endorse the taking of another’s property; however, the Court will, and does, enforce the law as the legislature drafts it—so long as the law is not facially unconstitutional. That being said, as presently drafted, § 34-7-1 does not prevent someone from intentionally adversely possessing another’s property. The onus to modify this standard lies with the legislature if it sees fit.

Given the ambiguity in the Supreme Court’s “excision” it may well be that a trial court was bound to reach this result. Clearly, the trial court was troubled by the result, much as the Supreme Court itself was in *Cahill*, where it referred to “the ancient roots and arcane rationale of adverse possession that we apply the doctrine to this modern property dispute,”¹⁷ leading the dissent to wonder whether in the modern world the doctrine is merely “an anachronism.”¹⁸ Perhaps if we examine this doctrine to find a rationale that would strengthen the notion of “claim of right” we might find that this doctrine still has a role to play in twenty-first century Rhode Island.¹⁹

I have handled many adverse possession cases, have a number of them pending now, and tried one in the Superior Court within the last two years. The cases where this doctrine operates are, by and large, those to which Professor Hashway alludes, i.e., involving a few feet at the end of one’s own property. Inevitably, it is where you put your fire pit, or the swing set for your kids, or planted a tree for the birth of each of your children. The legislature has determined that if such uses persist for long enough, they ought not be disturbed.

Most residential home purchases in Rhode Island do not include a survey being performed, so houses are sold without a definitive idea of where the boundaries lie.²⁰ The issue usually crops up years later, where someone needs zoning relief or otherwise causes a survey to be done, and then the encroachment is discovered. If the parties have lived with the encroachment for ten years or more, then the driveway corner does not have to be ripped up, the shed torn down, the pool removed. This is the valid reason for the endurance of this doctrine. That insight was expressed more trenchantly a century ago, in an essay²¹ in the Harvard Law Review:

The statute has not for its object to reward the diligent trespasser for his wrong nor yet to penalize the negligent and dormant owner for sleeping upon his rights; the great purpose is automatically to quiet all titles which are openly and consistently asserted, to provide proof of meritorious titles, and correct errors in conveyancing.

In discussing the related doctrine of boundary by acquiescence, the Supreme Court in *Locke v. O'Brien*,²² alluded approvingly to this same policy:

The common law doctrine of acquiescence was first recognized by this court in *O'Donnell v. Penney*,²³ wherein we held that owners of adjoining estates are precluded from denying a boundary line recognized by both owners for a length of time equal to that prescribed by the statute of limitations barring a right of reentry. This doctrine, in addition to being invoked when determining whether boundaries marked by physical objects will be given preference over boundary lines described in recorded title, also serves “the purpose of quieting titles, and preventing the uncertainty and confusion, and consequent litigation which would be likely to result from the disturbance of boundary lines so long established.”²⁴

To say that there is no requirement of a good faith mistake seems a long way from saying there can be outright thievery, especially in light of the fact that this is an equitable remedy. If the Supreme Court truly cancelled the field day for black-hearted trespassers, then the *Carroll* case would be the ideal time for the Court to make that clear. Mr. Amarantes, whatever his faults or mistakes, actually

paid valuable consideration to the Almys for his property. At the trial in that case, *Tavares* proffered affidavits from the Almys saying that they had used the disputed parcels dating back to 1925 (though these were excluded on evidentiary grounds). It was only Amarantes “self-deeding” that raised the red flag, though unlike *Carroll*, Amarantes had adverse possession by that point, and thus some valid claim of title. To eliminate a valuable protection because of what appears to be a clear case of abuse

of that protection seems imprudent.

Adverse possession is in some ways just a specialized form of a statute of limitations or statute of repose. Such statutes by definition prevent the enforcement of otherwise valid rights. Despite that, we accept that such statutes serve valid societal purposes in allowing people to move on with their lives. Repealing that statute may be logically appealing but does not accord with the lived experience of this area of the law. As Justice Holmes taught us so long ago, the life of the law

Your Bar's 2018 Annual Meeting Highlights

Thursday, June 21, Plenary Session

Beyond Guilt or Innocence in One Case: Larger Questions that Making A Murderer Invites Us to Consider

Lawyers, judges, and others in the justice system often think of poverty too narrowly, as simply a financial issue. Attorney Dean Strang suggests that we think more broadly about poverty and the forms of it we see in courthouses daily. Poverty has many vectors, and most of the defendants, victims, and citizens we encounter in court share forms of impoverishment well beyond financial. Considering poverty more broadly may help us redefine our approaches to it, and to the people afflicted by it. The ways in which the



justice system unwittingly exacerbates varied forms of poverty are not new. Attorney Strang will reflect on cases during the World War I era and some of his past cases—including the Steven Avery case at the heart of the Netflix series *Making a Murderer* that brought Mr. Strang wide public familiarity.

Our speaker, **Dean Strang**, practices in Madison, Wisconsin, as a shareholder in StrangBradley, LLC. He was Wisconsin's first Federal Defender and has argued in the United States Supreme Court, five federal circuits, and the Wisconsin Supreme Court. Mr. Strang is a lecturer on the adjunct faculty at the University of Virginia School of Law and has been an adjunct professor at both the University of Wisconsin Law School and Marquette University Law School. He also is a lecturer in legal history for the University of Wisconsin, Division of Continuing Studies. He has written two books, *Worse than the Devil: Anarchists, Clarence Darrow, and Justice in a Time of Terror* (U. Wisconsin Press 2013; rev. ed. 2016), and *Wobbly: America's Biggest Mass Trial, the Rise of the Justice Department, and the Fall of the IWW*, which will be published in 2018. He is perhaps best known nationwide for his role in the famed Netflix documentary, *Making a Murderer*.

Please see your **2018 Rhode Island Bar Association Annual Meeting Brochure** for more information about the Meeting's 39 CLE-credited seminars, social events, and other interesting and informative activities. If you haven't received your brochure in the mail yet, you can access your registration form and brochure PDF on the Bar's website, **ribar.com**. Please note, to save \$25, you must register before June 15, 2018.

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has not been logic, it has been experience.²⁵

ENDNOTES

- 1 For those interested in this fascinating case, I strongly recommend David R. Ernst's "Pierson v. Post: The New Learning" The Green Bag, vol. 13, no. 1, p. 31-42, Autumn 2009.
- 2 Hashway, Jenna Wims "How to Win Land and Influence Policy: A Practical Guide to Adverse Possession in Rhode Island" Rhode Island Bar Journal vol. 66, no. 5, p 7-34.
- 3 *Id.* at 7.
- 4 *Carroll v. Rodrigues*, No. NC-2009-0142, 2017 WL 4330489 at *10 (R.I. Super. Sept. 22, 2017).
- 5 Hashway, *op. cit.* at 34.
- 6 See, e.g., *In the Matter of DiLuglio*, 839 A.2d 514 (R.I. 2003).
- 7 As of March 7, 2017, the on-line records of the Little Compton Tax Assessor show eight parcels owned by Mrs. Carroll: the four in this litigation, and four more that abut each other on the northern end of Plat 41. The latter four collectively amount to over ten acres.
- 8 Footnote 4.
- 9 Johnson, Katharine M., "That Charm of Remoteness": A Study of Landscape Stability in Little Compton, Rhode Island" (2009). Graduate Masters Theses, Paper 156.
- 10 814 A.2d 346 (R.I. 2003).
- 11 11 A.3d 82 (R.I. 2011).
- 12 *Sherman v. Goloskie*, 95 R.I. 457, 465, 188 A.2d 79, 83 (1963); see also *Norton v. Courtemanche*, 798 A.2d 925, 931 (R.I.2002) (*per curiam*); *Carnevale v. Dupee*, 783 A.2d 404, 409 (R.I. 2001); *Taffinder v. Thomas*, 119 R.I. 545, 551, 381 A.2d 519, 522 (1977).
- 13 *Carnevale*, 783 A.2d at 409 (quoting *Anthony v. Searle*, 681 A.2d 892, 897 (R.I.1996)).
- 14 *Id.* at 350, *emphasis added*
- 15 *Id.* at 351, *emphasis added*.
- 16 *Id.* at 91.
- 17 *Id.* at 88.
- 18 *Id.* at 95.
- 19 Another potential issue lurking beneath the surface is whether Carroll occupied by "claim of right" or "color of title," which are distinct concepts. *Carnevale v. Dupee*, 783 A.2d 404 (R.I. 2001). Carroll's first assertion of ownership was the recording of the deed. If his ownership flows from that, and that deed is problematic, that could undermine his entire claim if it is based on "color of title."
- 20 See, e.g., *Winston v. Coleman*, 712 A.2d 360 (R.I. 1998).
- 21 Ballantine, Henry W. "Title by Adverse Possession." Harvard Law Review 32, no. 2 (1918): 135-159.
- 22 610 A.2d 552, 556 (R.I. 1992).
- 23 17 R.I. 164, 20 A. 305 (1890).
- 24 *Id.* at 167, 20 A. at 306.
- 25 *Holmes, Jr., Oliver Wendell*, The Common Law, 1881, p. 5. ❖

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Rain City Recap

American Bar Association Delegate Report – Midyear Meeting 2018



Robert D. Oster, Esq.
ABA Delegate and
Past Rhode Island Bar
Association President

As I write this column our area is experiencing its third nor'easter in two weeks. By the time you are reading this column it will be spring. I can assure you that the weather in Vancouver at the Midyear Meeting in early February at the ABA House of Delegates was not much more pleasant, albeit more rain than snow due to the temperate climate of the Pacific Ocean.

Several important resolutions passed the House. Without elaborating now on each, I will list them as follows: Dreamers/DACA; sexual harassment; in the legal profession, a rather personal debate over, of all things, unclaimed property; the elimination of the tax deduction for student loan interest debt; street youth; long-term careers of women in the profession; qualifications of federal judges; and attacks on Special Prosecutor Mueller's investigations.

We also heard from the Honorable Maureen O'Connor, Chair of the Chief Justice's Conference, where she decried the "criminalization of poverty" by imposing bail and/or other conditions defendants cannot possibly comply with, the impact of the opioid epidemic on the courts, and ICE's policy relative to in-courthouse apprehensions. We passed resolutions urging the elimination of gender or sexual orientation as a grounds for exclusion from juries per **Batson v. Kentucky**, 476 U.S. 79 (1986) and/or in the military.

I am an active member and past president of the National Caucus of State Bar Associations which met and discussed grassroots opinions on pending resolutions. The Caucus has been an important resource and voice for Main Street lawyers such as myself. My involvement in the Gun Violence Committee has been extremely rewarding especially to see many of our resolutions have been at the crest of the wave in terms of presage reforms in gun laws. I have been able to meet periodically with national experts in the field and am proud to say that the ABA has already taken positions limiting the possession and sale of assault rifles and for emergency orders relative to high risk individuals. Balancing Second Amendment rights and the right of due process and privacy are clearly part of the debate.

I attended the Women's Caucus briefly and

was astonished to hear, according to McKinsey and Co. authored study, that women still have very low numbers in our profession, and that it is true especially at the top of large law firms.

As always, it is an honor and privilege to serve the Bar in representing what is best in our state. I welcome suggestions and comments relative to policy and proposed resolutions. I would encourage RI Bar members to become involved in the ABA, as it is a rewarding professional pursuit. Its sections, divisions, and committees, in all professional areas, greatly enhance your legal perspective. Newer lawyers are welcome to try membership for free for a year. ❖

Lawyers on the Move

Robert H. Humphrey, Esq., of the Law Offices of Robert H. Humphrey, 8 Neck Road, Tiverton, RI 02878, has been sworn-in as the Municipal Court Judge for the Town of Tiverton.

The Law Offices of Scott & Handwerger, LLP, have moved to 392 Wampanoag Trail, Riverside, RI 02915.
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Matthew E. Waters, Esq. is now an associate at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903.
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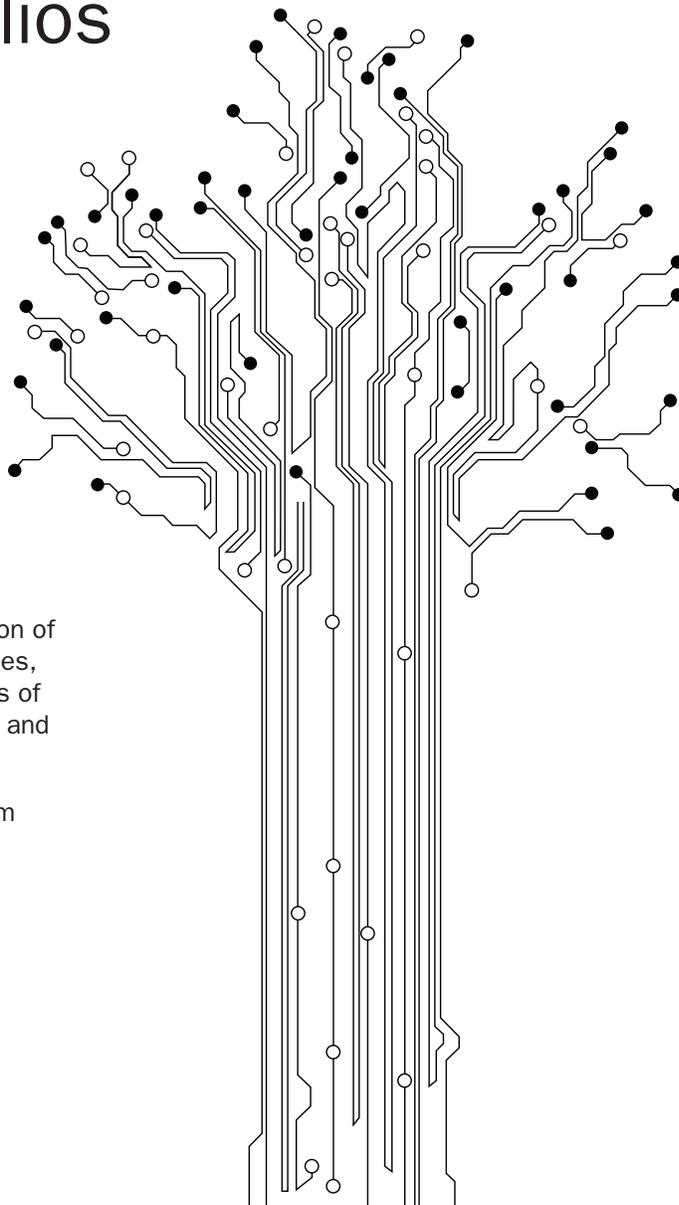
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Partners Overcoming Domestic Violence Project En Route to Continued Success



The Partners Overcoming Domestic Violence Project (PODV), established in 2016, is devoted to increasing pro bono legal assistance. This program is an ongoing collaborative project between the Rhode Island Bar Association, Rhode Island Legal Services, Rhode Island Coalition Against Domestic Violence and Roger Williams University School of Law and is administered through the Bar Association's Volunteer Lawyer Program (VLP).

In 2018, the second group of attorney teams and mentors were recruited to be PODV volunteers. Once again this group was offered comprehensive instruction in addressing the serious need for long-term legal solutions and safety nets for survivors of domestic violence. This year's attorney/mentor teams are earning 13.5 CLE credits upon completion of three training sessions. All have received the corresponding comprehensive training manual containing many up-to-date family law resources such as court forms; child support guidelines; sample documents; and statutes, including the recent criminal offenses/weapons amendments.



If you are a member of the Volunteer Lawyer Program and accept a family law case, the 2018 "Partners Overcoming Domestic Violence" training manual resource will be available to you free upon request. If you are not a member of the VLP, find out today how easy it is to join and receive information on many of the free CLE programs that are offered to members throughout the year. Contact Volunteer Lawyer Program Coordinator John Ellis at 401-421-7758 or jellis@ribar.com for further information on accepting a case and receiving these materials.

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Lunch with Legends: Trailblazers, Trendsetters and Treasures of the Rhode Island Bar



Stephen Adams, Esq.
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Jenna Pingitore, Esq.

John Harnett grew up in the Bronx, working as an usher at Yankee Stadium for the Giants football games and as a toll collector on the Whitestone Bridge. He graduated from Fordham University in 1975 and went over the bridge to St. John's in Queens for law school. After law school, John worked briefly doing real estate litigation, but when his best friend from law school showed him a picture of his cousin, a woman who lived in Rhode Island, he was immediately intrigued. He drove straight to Rhode Island, met his future wife, and has been here ever since. John sat for the bar in Rhode Island and went to work for Raul Lovett, which started a fast-paced career of trying cases, mostly personal injury and workers' compensation. We had the opportunity to speak with this veteran trial lawyer. Excerpts from our conversation follow.

What made you decide to become a lawyer?

My father finished high school. But my mother didn't finish high school. I went to St. Barnabas Grammar School because the public schools in New York City in the Bronx were tough places. At St. Barnabas you wore a maroon blazer with the emblem on it, maroon tie, a white collar shirt, gray pants, black shoes. And, I had a briefcase. I'm, like, second grade. And my mother would say every day, "There goes my little lawyer." So by the time I got out of college it had been kind of drilled into me.

Please describe a really memorable experience that you had as a lawyer.

So a long time ago – Raul Lovett had a TV and radio show called *Lovett Talks Law*. And from the radio show, the active calling audience always wanted advice on inheritance tax. So I got a lot of calls on wills. And one day this elderly guy said he needed a will. He had a special needs son, a quadriplegic. And this happened because the son had an epileptic seizure while driving a van for the ACI. So he was receiving workers' compensation. But what the father didn't know, he was entitled to loss of use and disfigurement. So I filed a petition for that. And at the pretrial I got a hundred percent for all four extremities. And back then they used to mail us the checks and the clients come and we give them the checks. And he said, "What do I owe you?" And I said, "Nothing." So he started to cry; so did I.



John M. Harnett, Esq.

To what do you attribute your success as a lawyer?

Well, if I find something I like, like a sport or a hobby, I go all in. And, I don't talk about it much, but I started taking karate in 1971, and I only stopped a couple years ago because it started to affect my back. If I find something that I like, I just go all in, and it turns out I liked the practice of law.

What's the best advice you ever got?

When I was a kid, my father was part of snow removal for New York City. So he's gone for about a week in a snowstorm. My mother said, "Get out and shovel that sidewalk because our sidewalk is the only sidewalk on the whole block that hasn't been shoveled." By then it had been so trampled on it was frozen and it wasn't coming up. So I just threw out rock salt. So my father came home. He knew that rock salt stops working under 19 degrees. So, I'm watching TV and he said to me, "you put the rock salt out?" "Yeah." "You didn't read the bag, did ya?" "No." He said, "It's okay. Stay in school, get a good education." And I did.

What advice would you give to somebody who is just getting out of law school?

First of all, I would suggest that they seek advice from older established lawyers that they trust, because those people have already made their mistakes and they have learned from them. And the other thing is return every phone call.

Would you do this all over again?

Oh, yeah. Knowing what I know now, it would be a lot easier. Plus, you know, making a living by helping people who can't afford it, it's rewarding. So I would stick with the same thing if I could push the reset button. Those ten years I had with Raul Lovett were the best. Hardest I worked, but it was the most fun. He was a great guy.

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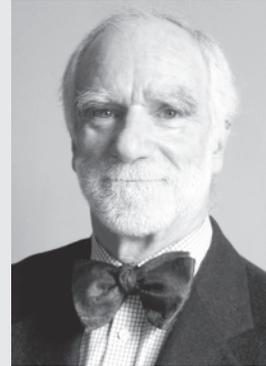


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BOOK REVIEWS

The Faces of Addiction

Never Enough by Michael J. Burke

The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption by Brian Cuban



Genevieve M. Martin, Esq.

Attorney at Law
Providence & Johnston
Lawyers Helping Lawyers
Committee Member

Michael brings to focus a most important aspect of the impact of the effects of addiction; namely, that it impacts not only the addict, but also the family of the addict.

There are many faces of addiction. Do you think you would know an addict by sight? Most of us think we would because we think of addicts as the people we see on the streets with dirty hair and clothes, begging for money, or the people who are found in alleys and abandoned buildings dead from overdoses. Perhaps they are the faces of the people we see in the obituary columns that have died at home in their teens or twenties, with a reference to a sudden death or with no explanation. But would you recognize one of our colleagues suffering from an addiction to drugs, alcohol, or perhaps gambling? Would you recognize it in yourself before it was too late?

This book review discusses two books, both of which discuss addicted attorneys, as well as law students. The first of these two books is *Never Enough*, by Michael J. Burke. Michael begins his book at the point in his life where he finally had to acknowledge he couldn't continue the way he had been living any longer, which started with a lifestyle of drinking as he grew up, but eventually resulted in extremely serious consequences for him as well as his family.

Unlike some people, Michael discovered that he "had been born with an exceptionally high tolerance, which meant [he] could drink large quantities of alcohol and not appear intoxicated."¹ This particular talent became an invaluable one to a young man who came from a family of distinguished attorneys and, after spending most of his time in college drinking his way through, he married his college sweetheart, whose father also happened to be an attorney. Michael soon found himself taking the LSAT examinations and thereafter in law school.²

Like most of us, Michael discovered that law school is no easy ride and, because he needed to focus, he stopped drinking the first year of law school. Unfortunately, he resumed the following year. Despite the drinking, Michael managed to graduate and started his own general practice. Michael faced the same stresses all of us face as practitioners, which no doubt, contributed to his problem. He realized he had a problem and,

to help himself stop, he told his family and promised he would stop.³ Unfortunately, like many who are addicted, all this did was turn him into a "closet drinker." He then tells the reader about what happened when he realized that he couldn't practice without a drink, ending up in Las Vegas, not knowing how he got there with no money, and no way back home. Fortunately, his wife took him back with a condition he obtain rehabilitative help. At the end of his rehabilitation, his counselor warned him: "[i]f you can smoke it, inject it, snort it, swallow it, or roll it [dice in gambling], you are the people who can become addicted to it."⁴ For Michael, truer words were never spoken.

He quickly turned from drinking to gambling. It took only one trip to a casino for him to become enraptured by the glitter, ringing bells of the slot machines signaling winners and the bright lights. He purchased books on how to play blackjack and soon began to win. He felt that he had been "touched by the hand of God."⁵ Michael continued to play whenever he had a chance, even taking extra money with him so that, in case he lost he could tell his wife he had won. He soon had a reputation with the casinos as a "high roller," which came with free rooms at the casinos for him and his wife and made it even easier for him to gamble.

Michael's life follows the path of all who are addicted gamblers: they are never satisfied, and they usually tell their families and friends that they have been winners when, in fact, they are losing money.⁶ His casino trips continued to result in the need for even greater amounts of money, eventually drawing him into further ethical downward spirals. Michael found himself in so deep that he needed to borrow money from a client.⁷ Interestingly enough, this first loan came with a promissory note to pay the money back. Then the chase began to pay back this loan and all the others that followed. Eventually, Michael found himself in the place every attorney knows is the darkest pit where no one ever goes...the client's trust fund account. Yes, that's the next place where he went to find needed money to pay back the first loan or be turned in to disciplinary counsel.⁸ Like other gamblers, Michael's



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life continued to spiral out of control as he continued to seek other sources of money to chase the elusive one hand that would help him repay all debts and dig him out of the financial hole he had dug for himself over the years.⁹ Realizing there was no where else to turn, he finally turned himself in to the state bar and then to the attorney general's office.¹⁰

Michael had been living a double life, as most gamblers and other addicts do, and now he was faced with the worst part of it all, having to tell his wife of 30 years and his children what he had done.¹¹ The year before, he had already contemplated suicide and had even sat at his desk with a cocked and loaded revolver held to his head. Looking at the picture of his family and thinking of how his suicide would affect them was the only thing that stopped him.¹² Now he had to look at his family, but this time to their face, and tell them what he had done and what was about to happen, not just to him, but also to his family.¹³

Michael brings to focus a most important aspect of the impact of the effects of addiction; namely, that it impacts not only the addict, but also the family of the addict. Michael was going to prison for his actions, but his family also had to face the shame in the community among their friends, as well as Michael's colleagues and clients from whom Michael had stolen their funds. He had also broken trust with his family and everyone who respected him.¹⁴

Michael describes his life in prison, including what it was like to have his own possessions taken from him by other prisoners and being helpless to recover any of the items. Guards knew who he was as well as other prisoners. He recalls receiving his notice of disbarment, his hopes of maybe being able to regain his license if he repaid what he had taken and the general feelings of not being in control of what would happen to him while he was in prison. He also describes the terrible pain of having to watch his family members being searched every time they came to visit him.¹⁵

Although Michael's journey through the cycle of addiction as a professional is important to read and understand to see how easy addiction, any addiction, can possess an individual, even more compelling are the portions of his book where his daughters tell how they felt and discuss their experiences, both before and

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after they learned what their father had done.¹⁶ What we do to ourselves is harmful and painful enough by itself; what we do to those we love lasts forever.

The second book is *The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption* by Brian Cuban,¹⁷ which offers a similar, but different, viewpoint about addiction and attorneys. Brian also begins his story years down his own life path so that the reader can meet the lawyer and the person he has become as a result of his numerous substance addictions – to cocaine, alcohol and other drugs. He has success in his hands, yet he cannot hold onto it because his addictions are stronger than his fears of being caught, at that moment.¹⁸

However, as with many people who have addiction issues, we all have reasons why we drink, gamble or abuse other substances. In Brian's book, he talks about his personal, and always hidden, feelings of never feeling as if he were good enough. His college grades weren't good enough to get him into the law school he would have preferred; in fact, he never was sure he even wanted to be a lawyer in the first place!¹⁹ He didn't believe enough in himself to put in the time to study to pass the bar and it showed in his inability to pass the bar exam for five years after graduation from law school.²⁰ By this time he was addicted, and his addiction only served to lower his expectations in himself further.

Brian went from one job to another, even hanging around a chiropractor's office with prepared contingent fee agreements, equivalent to ambulance chasing. Brian referred to himself as the chiropractor's office "Frank Galvin."²¹ It's only when Brian is hit by a car walking across his parking lot in a drunken stupor, that he realizes "...the act of taking that first drink and doing those first lines were choices, even those choices may have been strongly influenced by underlying psychological issues and a strong need for acceptance dating back to childhood."²² Brian remembers the psychological abuse of his childhood, the fat shaming and being called stupid by his parents. Brian thinks, his parents were just repeating their own cycle of abuse.²³ Brian doesn't use his childhood as an excuse; rather, he knows he made his own choices, but he was also of a generation where people handled their depression and sadness alone. They just "got over it."²⁴

Unfortunately for Brian, he never did.

He didn't have friends or date, but the alcohol became an admission ticket to the party with the crowd. By the time he got to college, Brian decided to do something about his weight. He stared developing eating disorders, but they, too, even-

tually were putting a strain on his body.²⁵ Not knowing what he would do with his undergraduate degree, Brian decided to go to law school. He thought he could hide there from himself a few more years. He even mixed in an effort to join the Marines, but he couldn't even survive

Your Bar's 2018 Annual Meeting Highlights

Friday, June 22, Plenary Session

Don't Let the Jokers Drive You Batty

Anyone who has been embroiled with a particularly difficult attorney, colleague, client, or judge who "just gets under their skin" knows that such encounters can be absolutely maddening. Unfortunately, when such interactions cannot be avoided, they may also render an attorney more susceptible to compromising his or her own ethical values in the process. Using clips from *Batman Begins* and *The Dark Knight*, this seminar explores the impact of these exceptionally challenging professional relationships with such folks, whom we liken to Batman's arch-nemesis, "The Joker." Participants are equipped to



CHRIS OSBORN, ESQ.



MICHAEL KAHN, ESQ.

identify the "Jokers" they have encountered, appreciate the risks of engaging with them, and implement practical strategies to minimize the negative impact on their quality of practice and life. The presenters also provide a primer on the resources provided by local and state bars for reporting particular instances or patterns of unethical and/or grossly unprofessional behavior.

ReelTime CLE is a nationwide provider of dynamic, interactive workshops, conferences, law firm retreats, and professional development training programs, committed to using the most proven and effective methods of adult learning to help professionals work (and interact with one another) more productively and sustainably. Chris Osborn and Michael Kahn began providing their innovative CLE workshops on ethics, professional responsibility, diversity and inclusion and mental health/substance abuse awareness in 2007. In addition to his ongoing work with ReelTime CLE, Chris Osborn is the founding principal of Osborn Conflict Resolution Services, which provides Superior Court mediation, pre-litigation conflict coaching and dispute resolution, and Christian conflict conciliation services throughout North Carolina. Michael Kahn holds a J.D. from the Dickinson School of Law, and currently resides in Vancouver, BC, where he facilitates grief groups for lawyers. He continues to present training seminars and workshops on ethics, grief, wellness, diversity and inclusion, and other topics for lawyers and mental health professionals throughout the U.S. and abroad, including for the U.S. military in Germany and Japan.

Please see your **2018 Rhode Island Bar Association Annual Meeting Brochure** for more information about the Meeting's 39 CLE-credited seminars, social events, and other interesting and informative activities. If you haven't received your brochure in the mail yet, you can access your registration form and brochure PDF on the Bar's website, **ribar.com**. Please note, to save \$25, you must register before June 15, 2018.

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boot camp. He cried and needed to go home and ended up back in law school again.²⁶ The very thought of being in law school would show those people who thought he would never amount to anything that he was worthy of acceptance.²⁷

Having lived a life of never feeling accepted or being worthy of acceptance, anything that brought that feeling of confidence and relief from feelings of failure seemed impossible for Brian to avoid. Those first lines of cocaine “had the power to make all my anxieties seem trivial and the formerly impossible possible.”²⁸ Between drugs and alcohol, Brian found a way to survive, and generally get through the days and nights. He thought he knew how to balance his alcohol and cocaine use to pull himself out of the resulting further depression he felt.²⁹ Brian talks about his journey through failed relationships and jobs, which generally occur when he can no longer conceal his depression and his addictions. Brian realizes he’s still trying to overcome his own terrible memories of his early teenage years, while his friends are fighting their own demons and personal problems, all of which bring them back to the substances that bring only transitory relief.³⁰

Importantly, Brian also mixes in stories about others who have had similar experiences with various types of addictions, who are also dealing with underlying issues. Some of them relate to home life, while others are related to sexual orientation and family acceptance issues. Some stories concern fears of failure when facing law school and passing the bar exam. Throughout the book, Brian also importantly offers advice on how one might respond to questions from others who might approach one of us with their own insecurities, depression and fears of failure.

Brian’s book differs from Michael’s in another area as well; namely, it discusses various statistics of the number of attorneys suffering from depression, stress, substance and alcohol abuse and the impact of these factors on their lives, their families and our clients. Both books are important in that they both offer hope and a reminder to us all that, overcoming our own personal shame to seek help before we end up in terrible trouble in our lives is essential, despite the stigma that still exists for these illnesses. Brian and Michael are reminders to us all that, whether we suffer from depression,

stress or any other form of mental illness, professional help is there for those who seek it and no one needs to suffer alone. Additionally, our Bar Association, and many others, also have a Lawyers Helping Lawyers Committee comprised of our peers who stand ready to provide a hand to our brother and sister attorneys.

As I read these books, I also spoke briefly with our Disciplinary Counsel, David Curtin, to try to get a sense of how our Bar handles situations involving impaired attorneys. Some attorneys will reach out to him on their own when they realize they have a problem. Sometimes, he might learn about an attorney who has been arrested for driving while impaired, otherwise referred to as a DUI. The level of intoxication of an individual provides some indication of the extent of a person's problem. There are some individuals who can be impaired with one drink, while others are able to function with a great deal more alcohol or other drugs in their system.

The next time you look into the mirror, if the face staring back at you is one of addiction, would you, or could you, recognize it? If you can, if you will, reach out to one of us on the Lawyers Helping Lawyers Committee or someone else you trust and seek the help you need.

ENDNOTES

1 Never Enough, Michael J. Burke, ©2008 American Bar Association, p. 2.

2 *Id.* p. 3.

3 *Id.* p. 4.

4 *Id.* p. 7.

5 *Id.* p. 13.

6 *Id.* p. 16.

7 *Id.* pp. 19-20.

8 *Id.* p. 21.

9 *Id.* pp. 23-29.

10 *Id.* pp. 29.

11 *Id.* pp. 30.

12 *Id.* pp. 28.

13 *Id.* pp. 29-31.

14 *Id.* pp. 29-48.

15 *Id.*

16 *Id.* pp. 69-80.

17 © 2017 Brian Cuban.

18 *Id.* pp. xii-xvi.

19 *Id.* pp. 3, 12.

20 *Id.* p. 7.

21 *Id.* p. 11 [reference to alcoholic lawyer in the movie *The Verdict*].

22 *Id.* p. 15.

23 *Id.* pp. 16-17.

24 *Id.* p. 21.

25 *Id.* pp. 29-30.

26 *Id.* p. 96.

27 *Id.* p. 31.

28 *Id.* p. 36.

29 *Id.* p. 37.

30 *Id.* p. 46. ♦

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Researching Early Women Lawyers in Rhode Island: We Need your Help!

Inspired by a speech given by Judge Netti C. Vogel at the 2017 Women in Robes event, researchers at Roger Williams University School of Law have begun compiling a list of the first sixty years (1920-1979) of female attorneys in Rhode Island. Because of the difficulties inherent in historical research, we are asking readers of the *Rhode Island Bar Journal* to let us know if our list is incomplete or inaccurate. In anticipation of events celebrating these remarkable women, the RWU Law community is asking you to email us with any missing names, corrections, or misspellings. Also, please contact us if you have any additional information on the earliest female attorneys that might help our research, specifically items that could be displayed in an exhibit. Please email Nicole Dyszlewski at ndyszlewski@rwu.edu with questions, comments, or information.

1920

Ada L. Sawyer

1922

Helen I. Binning

1928

Mary C. Hogan

1942

Norma M. Trifari

1946

Florence K. Murray

1951

Dorothy A. Carr
Beverly G. Long

1953

Corinne P. Grande
Helen M. MacGregor
Emma M. Cummings

1957

Constance L. Messoré

1960

Erato Haseotes

1965

Rae B. Condon
Judith E. Hodge

1966

Louise Durfee
Mary Ellen McCabe

1967

Helen M. Nash
Nancy S. Schectman Nemon

1968

Marjorie Yashar

1969

Mildred White Tracey

1970

Marion J. Dillon
Pamela M. Macktaz
Allegra E. Munson

1971

Haiganush R. Bedrosian
Kathleen Managhan
Sheila Cabral Sousa
Marcia McCabe Wilbur

1972

Ann T. Frank
Alice B. Gibney
Joan M. Montalbano

1973

Diana Littleton Daunis
Angelica B. Gosz
Betty R. Greenberg
Betsy E. Grossman
Doris J. Licht
Mary E. Masulla
Linda L. Standridge

1974

Laurie N. Davison
Virginia Giroux
Nancy Hall McMillan
Jean A. Musiker
Carol E. Najarian
Anne L. Northrup
Nancy Palmisciano
Patricia Ryan Recuperó
Merrill W. Sherman
Arlene M. Violet
Judith P. Wegner
Stacy E. Wolfe

1975

Denise M. Auger
Deborah D. Benik
Lynette J. Labinger
Anne Maxwell Livingston
Marifrances McGinn
Sophia Douglass Pfeiffer
Carol I. Siravo
Elizabeth C. Suvari
Amy R. Tabor
Rosemary D. VanAntwerp
Netti C. Vogel
Jill S. Votta
Cynthia G. Gifford

1976

Barabara Hurst
Victoria Almeida
Kathleen Gooden DiMuro
Margaret D. Farrell
Mary Louise Kennedy
Joanne E. Mattiace
Cathleen S. Miller
Kathleen Sullivan Murray

Fredrika H. Quinn

Nancy Marks Rahmes
Gayle F. Tarzwell
Ojetta Rogeriee Thompson

1977

Myrth York
Lillian M. Almeida
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Volunteers Serving Rhode Islanders' Legal Needs

The Rhode Island Bar Association applauds the following attorneys for their outstanding pro bono service through the Bar's Volunteer Lawyer Program, Elderly Pro Bono Program, US Armed Forces Legal Services Project, Foreclosure Prevention Project, and Legal Clinics during February 2018 and March 2018.

FEBRUARY 2018

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MARCH 2018

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US Armed Forces Legal Services Project

Cristina A. Azzinaro Esq., *Azzinaro Manni-Paquette*
Dianne L. Izzo Esq., *Dianne L. Izzo, Attorney at Law*

The Bar also thanks the following volunteers for taking cases for the Foreclosure Prevention Project and for participating in Legal Clinic events during December and January.

Continued on next page



Rhode Island Bar Foundation

Founded in 1958, the Rhode Island Bar Foundation is the non-profit philanthropic arm of the state's legal profession. Its mission is to foster and maintain the honor and integrity of the legal profession and to study, improve and facilitate the administration of justice. The Foundation receives support from members of the Bar, other foundations, and from honorary and memorial contributions.

Today, more than ever, the Foundation faces great challenges in funding its good works, particularly those that help low-income and disadvantaged people achieve justice. Given this, the Foundation needs your support and invites you to complete and mail this form, with your contribution to the Rhode Island Bar Foundation.

Help Our Bar Foundation Help Others

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My enclosed gift in the amount of \$ _____

Please accept this gift in my name

or

In Memory of _____

or

In Honor of _____

Your Name(s) _____

Address _____

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Phone (in case of questions) _____

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Please mail this form and your contribution to:

Rhode Island Bar Foundation

41 Sharpe Drive

Cranston, RI 02920

Questions? Please contact Virginia Caldwell at 421-6541

or gcaldwell@ribar.com

Foreclosure Prevention Project

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Azzinaro Manni-Paquette

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Law Office of John A. Beretta

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For information and to
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Public Services Director Susan Fontaine

at: sfontaine@ribar.com

or 401-421-7758.

For your convenience,
Public Services program
applications may be accessed
on the Bar's website at
ribar.com and completed online.

Thanks to Our CLE Speakers



The success of the Rhode Island Bar Association's Continuing Legal Education (CLE) programming relies on dedicated Bar members who volunteer hundreds of hours to prepare and present seminars every year. Their generous efforts and willingness to share their experience and expertise helps to make CLE programming relevant and practical for our Bar members. We recognize the professionalism and dedication of all CLE speakers and thank them for their contributions.

Below is a list of the Bar members who have participated in CLE seminars during the months of March and April.

Jeffrey C. Ankrom, Esq.
Locke Lord, LLP

Michael J. Colucci, Esq.
Oleyn & Penza, LLP

Richard P. D'Addario, Esq.
Law Offices of Richard P. D'Addario

Michael A. DiLauro, Esq.
Office of the Public Defender

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Jill S. Votta, Esq.
Greenville, Rhode Island

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Good Business for Good Lawyers

Expand Your Client Base with the Bar's **Lawyer Referral Service!**



Attorneys Harry and Jennifer Hoopis, a father-daughter attorney team, and both members of the Lawyer Referral Service, enthusiastically support the program. *For over twenty years, we have both participated in the Rhode Island Bar Association Lawyer Referral Service. It has been a pleasure to connect with clients through the assistance of the LRS staff. The reward of participation has been two-fold.*



First, our client base has expanded and positively impacted our presence in the community. Second, we feel great being part of the LRS which helps people find attorneys when they don't know who to turn to for legal advice and representation.

Membership in the Rhode Island Bar Association's Lawyer Referral Service (LRS) is an excellent and inexpensive way to increase your client base and visibility within the community while expanding public access to legal representation. Optional special LRS projects include: **Ask A Lawyer** providing live, television studio lawyer panels in partnership with Channel 10; **Senior Citizen Center Clinics** throughout the year and the state; **Reduced Fee Program** offered to qualifying clients; and the **Arts Panel** for local artists' legal needs all offer unique opportunities for increasing your business while you provide an important public service to your community.

Applications and more detailed program information and qualifications may be found on our website ribar.com in the Members Only section. You may also request information by contacting Public Services Director Susan Fontaine at 401-421-7799 or email sfontaine@ribar.com.

CLE Publications Order Form

NAME _____

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41 Sharpe Drive
Cranston, RI 02920

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Title	Book #	Price	Choose		Qty.	Total
			Book	USB		
Business						
Commercial Law 2017: Update	CL-17	\$40				
Family Law						
QDRO Practice in RI from A-Z	09-13	\$40				
Law Practice Management						
NEW! Preventing & Avoiding Wiring Funds to a Hacker	18-02	\$50				
Billing Clients	13-02	\$25				
Practical Skills						
NEW! Workers' Comp. Practice in RI	18-01	\$70				
NEW! Civil Law Practice in RI Superior Court (available after 5/9/18)	18-04	\$60				
Criminal Law Practice in RI	17-03	\$70				
Residential Real Estate Closings in RI	17-02	\$70				
Domestic Relations Practice	16-07	\$70				
Basic Commercial & Real Estate Loan Documentation	12-02	\$55				
Civil Practice in District Court	12-01	\$40				
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Portability	13-05	\$35				
Real Estate						
Landlord/Tenant Handbook	16-04	\$15				
RI Real Estate Liens: A Field Guide	14-02	\$25				
RI Title Standards Handbook	TS-18	\$45				
Trial Practice						
Recent Developments in the Law 2017	RD-17	\$55				
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How to Try a DUI/Refusal Case	16-05	\$45				
Civil Law Practice: The Basics	14-06	\$35				
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Books \$ _____

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Up to \$45	\$6
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\$100.01+	\$15

Please allow 2-3 weeks for delivery. All books are sent by FedEx Ground.

Detach Here

RI Bar Association Continuing Legal Education Seminars

Register online at the Bar's website ribar.com and click on CONTINUING LEGAL EDUCATION on the left side menu or telephone 401-421-5740. All dates and times are subject to change.

- May 3**
Thursday
The Ethics of It All: Billing Clients, Attorney Fees and Collections
RI Law Center, Cranston
12:45 p.m. – 1:45 p.m., 1.0 ethics
Also available as a LIVE WEBCAST!
- May 9**
Wednesday
Civil Law Practice in Rhode Island Superior Court – A Practical Skills Series Seminar
RI Law Center, Cranston
9:00 a.m – 3:00 p.m., 4.0 credits + 1.0 ethics
- May 15**
Tuesday
Changes to CMS Enforcement of the Medicare Secondary Payer Act: How Those Changes Will Impact Your Liability or No Fault Settlement
RI Law Center, Cranston
4:00 p.m – 7:00 p.m., 2.5 credits + 0.5 ethics
Also available as a LIVE WEBCAST!
- May 16**
Wednesday
How to Help Your Business Clients Avoid Employment Law Liability
RI Law Center, Cranston
12:00 p.m. – 2:00 p.m., 2.0 credits
- May 17**
Thursday
Social Host Liability in Rhode Island
RI Law Center, Cranston
12:45 p.m. – 1:45 p.m., 1.0 credit
Also available as a LIVE WEBCAST!
- May 22**
Tuesday
The Trust Planning Playbook: Understanding and Using Trusts in Estate Planning
RI Law Center, Cranston
4:00 p.m. – 7:00 p.m., 2.5 credits + .5 ethics
Also available as a LIVE WEBCAST!
- May 24**
Thursday
Creating a Better Law Office: Best Practices for a New Practice
RI Law Center, Cranston
4:00 p.m. – 7:00 p.m., 3.0 credits
- May 31**
Thursday
The Attorney/Sports Agent
RI Law Center, Cranston
3:00 p.m. – 5:00 p.m., 1.5 credits + .5 ethics
Also available as a LIVE WEBCAST!

- June 7**
Thursday
Legal Ethics of Abusing Social Media and Responding to Online Critics
RI Law Center, Cranston
12:45 p.m. – 1:45 p.m. 1.0 ethics
Also available as a LIVE WEBCAST!

— SAVE THE DATE —

2018 Annual Meeting

June 21 & 22, 2018

RI Convention Center, Providence

Times and dates subject to change.
For updated information go to ribar.com

NOTE: You must register online for live webcasts.

RHODE ISLAND LAW CENTER LOCATION

The Rhode Island Law Center is located at 41 Sharpe Drive in Cranston, Rhode Island.
Continuing Legal Education Telephone: 401-421-5740.

Reminder: Bar members may complete CLE credits through participation in online CLE seminars. To register for an online seminar, go to the Bar's website: ribar.com and click on CONTINUING LEGAL EDUCATION on the left side menu.

Proposed Practice Form 14

Open for Bar Member Review and Comment

The Rhode Island Bar Association's Title Standards and Practices Committee, chaired by Michael B. Mellion, Esq., at their meeting on February 15, 2018 voted unanimously to submit the following Proposed Practice Form 14 to the Rhode Island Bar Association's Executive Committee for its consideration. Bar members are invited to comment on these proposed changes, no later than June 1, 2018, by contacting Rhode Island Bar Association Executive Director Helen Desmond McDonald by postal mail: 41 Sharpe Drive, Cranston, RI 02920 or email: hmcdonald@ribar.com.

PROPOSED FORM 14 COMPLAINT TO FORECLOSE MORTGAGE

STATE OF RHODE ISLAND SUPERIOR COURT
PROVIDENCE, Sc.

Plaintiff

v.

C.A. No.: _____

Defendant

COMPLAINT TO FORECLOSE MORTGAGE

Plaintiff, _____ (the "Plaintiff"), is the holder of a mortgage encumbering real property located at _____, Rhode Island (the "Property"). Plaintiff brings this action seeking to judicially foreclose its mortgage on the Property pursuant to R.I.G.L. § 34-27-1, which provides as follows: "Any person entitled to foreclose the equity of redemption in any mortgaged estate, whether real or personal, may prefer a complaint to foreclose it, which complaint may be heard, tried and determined according to the usages in chancery and the principles of equity."

JURISDICTION

1. This action is being brought pursuant to the provisions of R.I.G.L. § 34-27-1 and Rule 57 of the Superior Court Rules of Civil Procedure.
2. Pursuant to R.I.G.L. § 8-2-13, the Superior Court has exclusive original jurisdiction over suits and proceedings brought in equity.
3. Under R.I.G.L. § 9-30-1 et seq., the Superior Court is empowered to grant declaratory judgment.
4. Therefore, this Honorable Court has jurisdiction over this matter and has the power and authority to order foreclosure of the mortgage on the Property.

PARTIES

5. Plaintiff is a _____ with a principal place of business at _____.
6. Defendant _____ is, upon information and belief, a Rhode Island resident with a last known address of _____, Rhode Island.

[If others:]

Defendant _____ is, upon information and belief, a _____ with a last known address of _____, Rhode Island, and is the holder of a [describe instrument and position in chain of title] as reflected in the Report on Title noted below.

FACTS

7. On _____ the Defendant acquired title to the Property via a _____ Deed ("the Deed"). The Deed was recorded on _____ in the land evidence records for the City/Town of _____ in Book _____, Page _____. A true and accurate copy of the Deed is attached as **Exhibit A**.
8. On _____, the Defendant executed a \$ _____ promissory note (the "Note") in favor of _____ (the "Mortgagee"). A true and accurate copy of the Note is attached as **Exhibit B**.
9. As security for the Note, the Defendant granted a mortgage (the "Mortgage") on the Property to the Mortgagee. The Mortgage was recorded in the land

evidence records for the City/Town of _____ in Book _____, Page _____. A true and accurate copy of the Mortgage is attached as **Exhibit C**.

10. On _____, the Mortgagee assigned the Mortgage and the Note to the Plaintiff. The assignment of the Mortgage was recorded on _____ in the land evidence records for the City/Town of _____ in Book _____, Page _____. (the "Assignment"). A true and accurate copy of the Assignment is attached as Exhibit D.
11. On _____ the Defendant was notified that he/she failed to make timely payments due under the terms of the Note and/or the Mortgage. A true and accurate copy of the notice is attached as **Exhibit E**. [If evidence of receipt is available, attach with Exhibit E and include the following language: "which was received by the Defendant as evidenced by the return receipt attached to Exhibit E."]
12. On _____ notice of acceleration was provided to the Defendant. A true and accurate copy of the notice is attached as **Exhibit F**. [If evidence of receipt is available, attach with Exhibit F and include the following language: "which was received by Defendant as evidenced by the return receipt attached to Exhibit F."]
13. At present, the mortgage loan evidenced by the Note and secured by the Mortgage remains delinquent and in default.
14. All conditions precedent to the acceleration of the Mortgage and the Note and to foreclosure under the Mortgage have been fulfilled or have occurred.
15. The status of the title to the Property is reflected in the Report on Title attached hereto as **Exhibit G**.

[FOR OWNER OCCUPIED ONE TO FOUR FAMILY RESIDENTIAL PROPERTY, ADD THIS PARAGRAPH]

16. Attached hereto is a NOTICE OF AVAILABILITY OF LOSS MITIGATION AND MEDIATION PROGRAMS which evidences the Plaintiff's willingness to consider the Defendant's eligibility for foreclosure alternatives, including modification of the mortgage loan, and/or to participate in mediation.

COUNT I

17. Plaintiff restates allegations 1 through 15 [or 1-16 if paragraph 16 is used] as if fully set forth herein.
18. Plaintiff seeks to exercise its right under R.I.G.L. § 34-27-1 to judicially foreclose the Mortgage through the entry of a judicial decree authorizing the Plaintiff to notice and conduct a foreclosure sale in accordance with the statutory power of sale as set forth in R.I.G.L. § 34-27-4 and R.I.G.L. § 34-11-22, and with any other requirements that this Court deems appropriate and equitable.

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Issue an Order declaring that Plaintiff is the owner and holder of the Mortgage.

[If the Mortgage is a first lien on the Property]

2. Issue an Order declaring the Mortgage constitutes a valid, binding and enforceable first lien against the Property, prior and superior to all other liens held by any other person or entity whatsoever, all as reflected in the Report on Title attached as **Exhibit G**.

[If the Mortgage is not a first lien on the Property]

2. Issue an Order declaring the Mortgage constitutes a valid, binding and enforceable _____ lien against the Property, subject only to those liens held by the persons or entities reflected in the Report on Title attached as **Exhibit G**.
3. Issue an Order allowing the Plaintiff, its successors and/or assigns, to foreclose the Mortgage on the Property by following the procedure for statutory power of sale as set forth in R.I.G.L. § 34-27-4 and R.I.G.L. § 34-11-22, and with any other requirements that this Court deems appropriate and equitable.
4. Issue an Order setting forth the specific terms by which the Defendant may redeem the Property prior to the foreclosure sale.
5. Issue an Order requiring the Plaintiff, its successors and/or assigns, to file a report of sale for confirmation by the Court.
6. Issue an Order allowing the proceeds of the foreclosure sale to be applied first to satisfy the indebtedness of the Defendant to the Plaintiff.
7. Issue an Order requiring surplus proceeds, if any, over and above the indebtedness to the Plaintiff and expenses of the sale received by reason of the foreclosure sale, be deposited into the registry of this Honorable Court.
8. Issue an Order or Judgment declaring that the Plaintiff conducted the foreclosure of the Mortgage in all respects in compliance with the Order of this Honorable Court, that the foreclosure sale extinguished the Defendant's equity of redemption, and that the title to the Property is forever quieted in the name of the purchaser at the foreclosure sale.
9. Grant the Plaintiff such additional legal and equitable relief that the Court deems just and appropriate.

Plaintiff
 By Its Attorney
 /s/ _____

Dated: _____, Esq. # _____

**FOR OWNER OCCUPIED ONE TO FOUR FAMILY
 RESIDENTIAL PROPERTY**

STATE OF RHODE ISLAND
 PROVIDENCE, Sc.

SUPERIOR COURT

Plaintiff

v.

Defendant

C.A. No.: _____

Plaintiff
 By Its Attorney
 /s/ _____

Dated _____, Esq. # _____

**NOTICE OF AVAILABILITY
 OF LOSS MITIGATION AND MEDIATION PROGRAMS**

Consistent with the equitable nature of this judicial foreclosure proceeding brought by _____ (the "Plaintiff") pursuant to R.I. Gen. Laws § 34-27-1, Plaintiff hereby gives notice to the Court and to _____ (the "Defendant") of the Plaintiff's preparedness to consider the Defendant's eligibility for foreclosure alternatives, including modification of the mortgage loan, and/or to participate in mediation.

To allow Defendant an opportunity to respond, Plaintiff shall forbear from proceeding with a motion for entry of default judgment and order to conduct a foreclosure sale for a period of sixty (60) days from the date the Complaint, with this Notice attached, is served upon Defendant. Further forbearance to allow the parties sufficient time to explore the Defendant's eligibility for loss mitigation options or to engage in mediation will be considered if the Defendant appears in this action at any time prior to the entry of an order authorizing foreclosure of the mortgage on the Property. If the Defendant is prepared to participate in either loss mitigation or mediation, Plaintiff requests that the Defendant notify the Court in writing as soon as possible, but no later than sixty (60) days from the date the Complaint with this Notice attached is served upon Defendant.

LOSS MITIGATION

Government-sponsored and/or private loss mitigation services are available to allow Defendant to either retain the Property or avoid foreclosure. Some loss mitigation outcomes result in the borrower's retention of the Property, such as when lender and borrower enter into a loan modification. Other outcomes, such as deed-in-lieu of foreclosure or short sales, while resulting in the Defendant's loss of the Property, may avoid the negative consequences a completed foreclosure may have on the borrower.

The Defendant is urged to consult a tax professional before agreeing to either of these non-retention options. To determine eligibility, the Defendant must submit a complete application for loss mitigation to Plaintiff's undersigned counsel. A completed application includes, without limitation, copies of the required number of pay stubs, bank statements, government award letters, income tax returns, and other documents to substantiate the income and expenses disclosed in the application. The submittal of a completed application is no guarantee of eligibility.

MEDIATION

Mediation offers a mechanism for resolving the parties' issues in a manner that is less formal and more expedient than the court process. If the parties do not reach a mutually acceptable resolution of the case in mediation, they can resume the court process and litigate. Typically, the parties attempt to agree on the selection of a mediator or to ask the Court to assist in the selection of a mediator. Mediators are typically paid on an hourly basis with each side splitting the cumulative fees and expenses of the mediator. Discussions had before the mediator and outside the presence of the Court are confidential and may not be used against the other party should formal litigation resume.

PLEASE NOTE THAT NOTHING IN THIS NOTICE IS MEANT TO INFER OR SHOULD BE DEEMED TO CREATE ANY OBLIGATION WHATSOEVER IN THE DEFENDANT TO PARTICIPATE IN LOSS MITIGATION OR MEDIATION. RATHER, THIS NOTICE IS MEANT TO INFORM THE COURT AND THE DEFENDANT OF THE PLAINTIFF'S WILLINGNESS TO ENGAGE IN EITHER PROCESS, SHOULD THE DEFENDANT APPEAR IN THE ACTION AT PRIOR TO THE ENTRY OF AN ORDER AUTHORIZING FORECLOSURE OF THE MORTGAGE ON THE PROPERTY IN THIS ACTION OR AS MAY OTHERWISE BE REQUIRED BY LAW.

CERTIFICATION OF SERVICE

I hereby certify that on _____ I filed this document through the electronic filing system. The document electronically filed is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System. Additionally, on said date, I mailed the foregoing document to the opposing party at the following address by both certified and regular first class mail, postage prepaid.

/s/ _____
 _____, Esq. # _____

History: This Form was approved by the Title Standards and Practices Committee on February 15, 2018 and by the Executive Committee of the Rhode Island Bar Association on _____. Use of Approved Forms is suggested, but substantively equivalent forms are acceptable.

2017 Kent County Bar Association Award Winners Honored

At the Kent County Bar Association's year-end gathering for the year 2017, the following awards were announced: Court Employee of the Year, Paul Nadeau; Lawyer of the Year Award, Kathleen Wyllie, Esq.; and John D. Lynch Lawyer Lifetime Achievement Award, Hon. Philip W. Noel.



l-r: John Lynch, Esq., KCBA Board Member; Patrick Sullivan, Esq., KCBA Board Member; Hon. Philip Noel; Kathleen Wyllie, Esq.; Timothy Morgan, Esq., KCBA Board Member; Krista Schmidt, Esq., KCBA Board Member; John Sullivan, Kent County Sheriffs; GERALYN Cook, Esq., KCBA Vice President; Gregory S. Inman, Esq., KCBA President.

In Memoriam

Ferdinand A. Bruno, Esq.

Ferdinand "Fred" Bruno, 88, passed away January 21, 2018. Fred graduated from Colt Memorial High, Providence College, and completed a Georgetown law degree in two years. He entered the Army the day after being sworn in as a lawyer. At 27, Fred was elected probate judge in Bristol, one of the youngest ever in the state. Eventually he stepped down to practice civil law in Providence and Bristol. Later in his career he specialized in wills and estates, working well into his eighties. Fred was one of the original trustees at Roger Williams University School of Law, where he also taught. He was a devoted member and past president of the Bristol Rotary Club—and their longest-running member. Through Rotary, he became an advocate for organ donation. He is survived by his wife of 34 years, Joan Bruno, his daughters, Marie MacLellan, Judith Bruno, Ellen Bruno, and Kristen McClusky, three sons-in-law, six grandchildren, and stepsons, William and Christopher Newton.

Hon. William C. Clifton

Associate Judge of the Rhode Island District Court William C. Clifton, Sr., 75, passed away on March 25, 2018. Born in San Antonio, TX, he graduated from California State University at Los Angeles and UCLA Law school. Judge Clifton worked as a staff attorney for Clark County Nevada (Las Vegas) Legal Services before moving to RI to become its first African American Special Assistant RI Attorney General. He went on to serve as Legal Counsel to the RI Commissioner of Education before co-establishing the law firm of Stone, Clifton & Clifton, and later, William Clifton and Associates. He also served as legal counsel for the Public Utilities Commission, Hearing Officer for the State Department of Environmental Management, and Asst. City Solicitor for Cranston, RI. Judge Clifton was the consummate jurist, admired for his intellectual acumen and judicial temperament, and respected by colleagues, court personnel, lawyers, and litigants. He served on numerous boards and committees including RI Employers' Committee for the Support of the Guard and Reserves, Providence

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Branch NAACP presidency, RI Committee for the Humanities, Beacon Mutual Insurance Company, Trinity Repertory Company Public Trustee, RI Supreme Court Committee on Character and Fitness, Paul Cuffee School, and Institute for the Study and Practice of Nonviolence. Judge Thompson is survived by his wife of 38 years, Ojetta Rogeriee Thompson, Judge on the US First Circuit Court of Appeals; his loving children, Reza, William Jr., and Sarah; his older brother, Jay Clifton, retired US Foreign Service Officer, and his wife Michele; his younger brother, Edward Clifton, retired RI Superior Court Judge, and his wife, Audrey; his sister, Mary Kathryn Johnson, retired educator; and his sister-in-law, M. LaVonne Thompson, retired Assistant Attorney General, USVI. He was predeceased by his parents, Junior C. Clifton and Willie C. Clifton. He also leaves behind numerous nieces, nephews, cousins, and friends.

Richard N. Morneau, Esq.

Richard N. Morneau, 68, passed away on February 10, 2018. Born in Springfield, MA, Richard was a graduate of Babson College (1970) and Suffolk Law School (1973). He served in the Marine Corps Reserve from 1969-1975. In his lifetime, he was a member of the Rhode Island, Massachusetts, Pawtucket and American Bar Associations. He was a member of the American Sons of Italy, Renaissance – Alliance Lodge 1966 and Trout Unlimited. Dick’s practice of law began at the Providence law firm of DeSano & Thibodeau in 1973. Together with John A. Murphy and John B. Murphy, he commenced the partnership of Morneau & Murphy in 1992 with offices in both Providence and Jamestown. He was a founder and director of the Rhode Island Conveyancers Association, a member of the Rhode Island Bar Association Committee on Banks and Trusts, and the ABA Committee on Credit Unions. He frequently presented CLE seminars and contributed articles on real estate issues. Dick was a mentor to numerous young attorneys and was always available for helping with real estate and business issues. He is survived by his loving wife Janice A. Morneau

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In Memoriam (cont.)

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 from Pawtucket, his son Geoffrey R. Morneau and daughter-in-law Kim A. Morneau of Providence, his daughter Lindsay K. Sauvageau and son-in-law Kevin Sauvageau. He is also survived by his grandson, and best friend, Wesley J. Morneau of Providence, as well as his sister Margaret Ravanese of Duxbury, MA and her family, and his brother Charles Morneau from Lincoln, MA and his family.

Stephen J. Reid, Jr. Esq.

Stephen J. Reid, Jr., 66, passed away on January 23, 2018 in Hilton Head Island, SC. He was born in Cambridge, MA on January 3, 1952 to Eleanor L. Reid and the late Stephen J. Reid, Sr. An outstanding athlete at Billerica Memorial High School in Billerica, MA, he accepted a basketball scholarship from Boston College where he continued to excel as a student and played center for the Eagles. Upon graduating from Boston College summa cum laude, Steve went on to attend law school at Temple University where he earned his J.D. degree. Steve was admitted to practice in Rhode Island, Massachusetts, US District Court, US Court of Appeals, and the US Supreme Court. He began his law practice in Boston with Riemer & Braunstein. Steve then went on to practice in Rhode Island with Powers and McAndrew. In 1989 Steve joined Blish and Cavanaugh LLP where he was a partner in the firm until his retirement in 2015. He was a member of the Potowomut Golf Club, where he had served as President of the Board. He was also a member of the Haig Point Club and the Golf Club at Indigo Run in Hilton Head Island, South Carolina. He is survived by two sons, Jonathan and his wife Maria and Jeffrey and his partner Erin. Steve was the beloved husband of US District Court Judge (ret.) Mary Lisi. He also leaves his mother and sister Linda Reid.

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Issues addressed through SOLACE may range from a need for information about, and assistance with, major medical problems, to recovery from an office fire and from the need for temporary professional space, to help for an out-of-state family member.

The program is quite simple, but the effects are significant. Bar members notify the Bar Association when they need help, or learn of another Bar member with a need, or if they have something to share or donate. Requests for, or offers of, help are screened and then directed through the SOLACE volunteer email

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network where members may then respond. On a related note, members using SOLACE may request, and be assured of, anonymity for any requests for, or offers of, help.

To sign-up for SOLACE, please go to the Bar's website at ribar.com, login to the **Members Only** section, scroll down the menu, click on the **SOLACE Program Sign-Up**, and follow the prompts. Signing up includes your name and email address on the Bar's SOLACE network. As our network grows, there will be increased opportunities to help and be helped by your colleagues. And, the SOLACE email list also keeps you informed of what Rhode Island Bar Association members are doing for each other in times of need. These communications provide a reminder that if you have a need, help is only an email away. If you need help, or know another Bar member who does, please contact Executive Director Helen McDonald at hmcdonald@ribar.com or 401.421.5740.

Artificial Intelligence

continued from page 9

The concept of work. The concept of what it means to be a lawyer could be radically changed. A.I. will put pressure on lawyer billing as clients will expect less time to be spent on research and contract review. That is not to say that these items will not be a part of a lawyer's billable practice, but clients will be seeking out attorneys who use A.I. in a cost-effective manner. The costs of these programs may be expensive, so this may result in even more pressure being placed upon smaller firms or the solo practitioner who may not have the resources to purchase these programs. Lawyers who do not have access to these services will be competing with those who do. In the short run, it may be possible for attorneys who do not have access to as much A.I. as larger firms to be able to compete by charging less. Steve Lohr in his *New York Time* article gives an example of a California lawyer, James Yoon, who purportedly uses *Lex Machina* and *Ravel Law* in intellectual property cases. According to Lohr, Yoon's billing rate was reported to be \$400 an hour in 1999 (not all that bad), while in 2017 his billing rate is \$1,100 per hour (that's about 175% better). The article does not report on how much time Yoon saves using A.I. technologies. Arguably someone using more old-school legal research tactics could charge less per hour, but would there be a significant increase in the amount of hours using those tactics? It seems quite probable. On the plus side, the general rule with technology seems to be that costs decline as technology is perfected, but the latest A.I. programs with all the bells and whistles will be priced at a premium level. The bottom line is that all A.I. will continue to become more and more integrated into the practice of law. Will lawyers become more akin to managers, letting the technology do much of the traditional work, while using skill and experience to put the final touches on the case?

Time. One of the most highly touted advantages by proponents of A.I. are that the new technologies save time and are comprehensive. If so, this can reduce the number of billable hours a lawyer may spend on a case. Will that create even greater competition among firms since,



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with work being done quicker, there will be a greater demand to obtain more clients to generate more billable hours? On the flip side, maybe the concept of billable hours will change to more project-based fee structures.

Traditional work week. The whole idea of the traditional work week may change. Artificial Intelligence may change the efficiency of attorneys in terms of research and case preparation that the traditional ideas of a certain number of hours in a week is “full-time work” and a total of hours underneath that certain number of “part-time” may be changing. The idea of the availability of benefits and other rewards of a job being based upon the number of hours a person is in a building is becoming archaic. Telecommuting among government employees at U.S. Federal departments and agencies is encouraged and promoted. The concept that a person’s eligibility for health insurance should be dependent upon how many hours the person sits at a desk in an office, a long-entrenched idea in our culture (at least post World War II era) could be an anachronism. This is another concept that is not limited to the legal profession, but it does seem that the change will be felt very soon in the legal profession.

The concept of the practice of law. As A.I. becomes more integrated into the legal profession, we must reconsider what is the practice of law. If computer programs are writing briefs, or at least creating preliminary drafts, is that the practice of law? Will programs that incorporate artificial intelligence need to be licensed by the Bar Association and the Supreme Court? Are we overthinking it? The state of technology is probably not yet at the level where we need to talk about licensing. But with technologies that purport to provide online mediation and write memoranda, how far away are we from that level where we need to consider licensing of A.I.? Attorney Garcia in his online seminar opined that laws and regulations have not been able to keep up with the technology because of its rapid change. We, as members of the Rhode Island Bar Association, will need to address this issue.

As lawyers in a profession, we should not fear the progress represented by “A.I.” Artificial Intelligence is not beating

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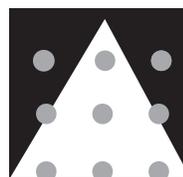
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humans when it comes to many legal skills and tasks. Lohr cites “strategy, creativity, judgment and empathy” as four things that A.I. does not do – yet.²³ Microsoft Assistant General Counsel Dennis Garcia argues artificial intelligence does not equate with emotional intelligence. A.I. is a tool, and as lawyers we need to embrace the digital transformation of law and change the way we are working.²⁴ Perhaps A.I. is a tool that is augmenting, not replacing lawyers. But maybe we should give artificial intelligence a good look over, with just a bit of wariness. After all, some A.I. will actually debate with you! We can't ignore A.I., but we need to know how to utilize it. We don't want to be reliant on A.I. to the point where we are actually losing arguments with our technology. This recalls another line from the aforementioned supercomputer HAL in *2001*. HAL is having a discussion with astronaut Dave Bowman, after HAL has just locked Bowman in a small space pod outside of the spaceship Discovery. Bowman is in a small space vehicle, running out of air, and desperately trying to get HAL to open the Pod Bay Doors to the larger spaceship. After having a brief discussion, HAL abruptly ends his dialogue by saying “This conversation can serve no purpose anymore. Goodbye.”²⁵ Let's hope as lawyers we are not having that conversation with our computers in the near future – or at least, not on the losing end of that argument!

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ENDNOTES

- 1 (*Lexisnexis.com*, 2017)
- 2 (*Lohr*, 2017)
- 3 (*Daniel Ben-Ari*, 2017)
- 4 (*McCarthy*, 2007)
- 5 (*Daniel Ben-Ari*, 2017)
- 6 (*Lohr*, 2017)
- 7 (*Lohr*, 2017)
- 8 (*Ross Intelligence*, 2017)
- 9 (*Kubrick*, 1968)
- 10 *Technically he is the H.A.L. 9000 computer, but he is HAL to most fans of science fiction cinema.*
- 11 (*Kubrick*, 1968)
- 12 (*Lohr*, 2017)
- 13 *For a video demonstration of Watson constructing a debate by accessing data from Wikipedia no less, watch this video found at: <https://www.youtube.com/watch?v=7g59PjxbGbY>, accessed on January 2, 2018. After watching this, we can certainly question the judgment of taking the top ten articles from Wikipedia to construct your legal arguments, but the ability of the technology to access so much data in so short a time is impressive.*
- 14 (*IBM Research*, 2018)
- 15 (*Lex Machina, a LexisNexis Company*, 2018)
- 16 (*Tyler Technologies*, 2017)
- 17 (*BEAGLE*, 2017)
- 18 (*Legal Robot*, 2017)

19 (Legal Robot, 2017)

20 While each website cited herein was accessed separately, the items cited above were grouped together and referenced by (Daniel Ben-Ari, 2017).

21 (Ravel Law, 2017)

22 (Daniel Ben-Ari, 2017)

23 (Lohr, 2017)

24 (Lexisnexis.com, 2017)

25 (Kubrick, 1968) In the film, astronaut Bowman is able to resourcefully find a way to eject himself from his space pod into the Discovery, after which he proceeds to dismantle HAL's memory. Rather than seeming to be a triumph of man over machine, however, these scenes leave the viewer with a sense of loss.

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Rhode Island Probate Court Listing and Judicial Communications Survey on Bar's Website

The Rhode Island Bar Association regularly updates the Rhode Island Probate Court Listing to ensure posted information is correct. The Probate Court Listing is available on the Bar's website at ribar.com by clicking on **FOR ATTORNEYS** on the home page menu and then clicking on **PROBATE COURT INFORMATION** on the dropdown menu. The Listing is provided in a downloadable PDF format. Bar members may also increase the type size of the words on the Listing by using the percentage feature at the top of the page. The Bar Association also posts a chart summarizing the preferences of Superior Court justices relating to direct communications from attorneys, and between attorneys and the justices' clerks which is updated yearly. The chart is available by clicking **MEMBERS ONLY** on the home page menu and then clicking **JUDICIAL COMMUNICATIONS**.

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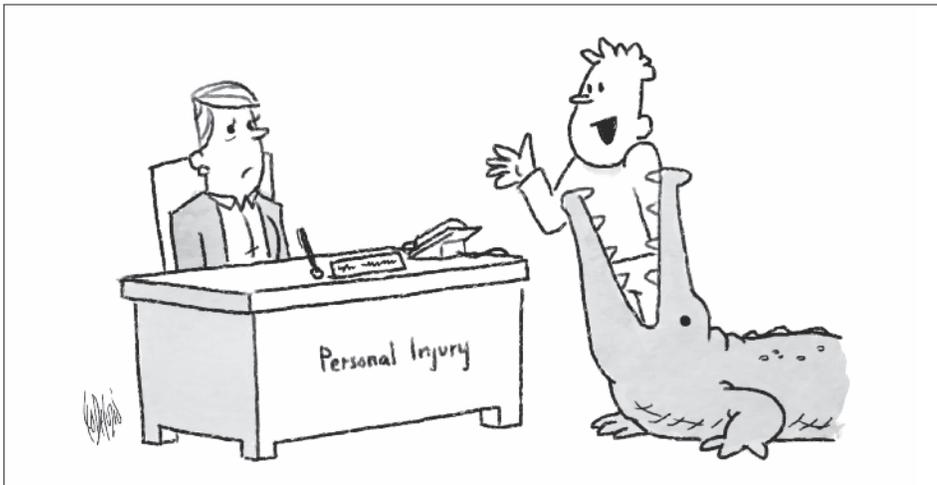
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Caption This! Contest



We will post a cartoon in each issue of the *Rhode Island Bar Journal*, and you, the reader, can create the punchline.

How It Works: Readers are asked to consider what's happening in the cartoon and submit clever, original captions. Editorial Board staff will review entries, and will post their top choices in the following issue of the *Journal*, along with a new cartoon to be captioned.

How to Enter: Submit the caption you think best fits the scene depicted in the cartoon above by sending an email to kbridge@ribar.com with "Caption Contest for May/June" in the subject line.

Deadline for entry: Contest entries must be submitted by June 1st, 2018.

By submitting a caption for consideration in the contest, the author grants the Rhode Island Bar Association the non-exclusive and perpetual right to license the caption to others and to publish the caption in its Journal, whether print or digital.

Winning caption for March/April issue cartoon



"Yes I admit the Captain offered me a cracker in exchange for favorable testimony."

ROBERT H. FRIEL, ESQ.

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Spring is Here! Get your New Year's Resolutions Back on Track!

Bounce Back

Spring is the season of new beginnings. Don't consider your resolution a loss if you've had a few setbacks. Take this time to refocus and determine your next steps to get back on track towards your goals.

Celebrate your Victories

When working towards your resolutions, always remember it's about progress not perfection. Take time to celebrate the mini victories along the way. Doing so will help motivate you to accomplish the next step, and you will make each resolution a reality before you know it!

Check Back In

Was the goal too big or was it unrealistic? If so, try to focus on what your goals are for each day. By having a clear idea of what you're working toward and the steps needed to get there, you can track your progress as you strive to achieve your ultimate goal.

Forget the Guilt

No one is perfect, so don't beat yourself up if you have a bad day once in a while. Negative emotions and built up stress can bring you down and prevent you from reaching your goals. Remember that each day is a fresh start—just like spring.

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