

Rhode Island Bar Journal

Rhode Island Bar Association Volume 63, Number 1 July/August 2014



**Rhode Island Bar Association
Officers 2014-2015**

Annual Report and Bar Committee Reports

Annual Meeting and Awards

Purchasing a Legal Malpractice Policy



Article

9 Important Decisions to Make When Purchasing a Legal Malpractice Policy

David A. Grossbaum, Esq.

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Editor's Note: The sailboat on the cover of the *Rhode Island Bar Journal's*, May/June 2014 issue was incorrectly identified as an America's Cup 12-Meter. The yacht in the cover photograph is *Bolero*, a 73-foot yawl designed by Sparkman & Stephens, built for Rhode Islander John Nicholas Brown by Henry B. Nevins at his yard in City Island, New York in 1949. *Bolero* finished first in the Newport-Bermuda Races of 1950, 1954 and 1956, setting a course record that lasted 18 years. After extensive renovations, beautiful *Bolero* once again rolls o'er the billows of the Atlantic.



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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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The Island of Jamestown as seen from inside Fort Adams, Newport, Rhode Island.

Built in 1857, Fort Adams was the 3rd largest project undertaken by the US Government in the 19th century. Today, it is a museum and the site for private and public events.



Beginnings



Bruce W. McIntyre, Esq.
President
Rhode Island Bar Association

*The masters of
our profession
listen and learn
as though it is
their first day
on the job.*

A great deal of what we learn in our professional lives comes from the wisdom of successful practitioners who seem to have an ease even in stressful situations. One of my takeaways is that many of these lawyers view each case through the eyes of a beginner. They are masters of their profession by reputation, but they listen and learn as though it is their first day on the job.

The temporary privilege of being your Bar president is guided by the fact that I really am a beginner in this position. And, I find, one of the best places to listen and learn is by getting involved in Bar Association committees. Whether you are a master in your practice area, or you have been practicing for less than five years, Bar committees offer a remarkable way to give and receive critical information.

My first Bar committee was the Confidential Assistance Committee, now known as Lawyers Helping Lawyers, where I learned and practiced a professional commitment to assist fellow practitioners in personal and professional crisis. Meaningful assistance to another human being is part of why many of us became attorneys in the first place. This committee ensures you can make a huge difference in someone's life.

There are many more committees I urge you to join. Our profession needs your insights and wisdom to sustain itself for your career and for those who will follow you. Please consider one or more of the following Bar committees. More information appears on the Bar's website, and joining is easy through the website's Members Only portal.

The Bar's website is also a source of excellent information for professional and personal assistance including: the online Attorney Directory; the *Rhode Island Bar Journal* article archive; free-to-members, Casemaker's 24/7 online law library; the members-only Online Attorney Resources (OAR), providing volunteer assistance in a wide range of practice areas; SOLACE helping Bar members and their families in need; the Committee Chair Directory; a regularly updated Latest News section on the Home page, providing timely information; the Lawyers Helping Lawyers quick link with its connection to related Coastline Employee Assistance Program for free confidential assistance for Bar members and their families; and more.

Additionally, the Bar's Continuing Legal Education (CLE) program offers a wealth of excellent seminars, through both in-person and via web casts, that help build your professional knowledge. And, the Bar's Public Service offerings, like the Volunteer Lawyer Program, provide great opportunities to provide *pro bono* assistance to those in the greatest need, as well as an avenue to build your practice through the Lawyer Referral Service.

These are just a few of the many benefits of Bar membership, and, as helpful as they are to me, I hope you will take the time to discover how your Bar membership helps you. I look forward to serving you in the coming year! ❖

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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 represent the views of at least two-thirds of the Editorial Board, and they 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.

Direct inquiries and send articles and author's photographs for publication consideration to:
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New Rhode Island Bar Association President and 2014-2015 Executive Officers

New Rhode Island Bar Association President

Past Rhode Island Bar Association President J. Robert Weisberger, Jr. [l] passed the Bar's gavel to new Bar President Bruce W. McIntyre [r] who thanked Bob for his excellent leadership and pledged to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2014-2015 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2014 Annual Meeting [l to r] Armando E. Batastini, Esq., Treasurer, partner, Nixon Peabody LLP; Linda Rekas Sloan, Esq., Secretary, principal, Linda Rekas Sloan & Associates, LLC; Bruce W. McIntyre, Esq., President, Director of the Office Program Integrity for the Rhode Island Executive Office of Health and Human Services; and Melissa E. Darigan, Esq., President-Elect, partner, Partridge Snow & Hahn LLP.



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Rhode Island Bar Association 2014-2015 Officers' Profiles



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Melissa E. Darigan, Esq.
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Armando E. Batastini, Esq.
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Linda Rekas Sloan, Esq.
Secretary

Bruce W. McIntyre, Esq. is President of the Rhode Island Bar Association. He is the Director of the Office Program Integrity for the Rhode Island Executive Office of Health and Human Services. He was legal counsel to the Rhode Island Department of Health from 1991 to 2012 and Acting Chief Administrative Officer for the Board of Medical Licensure and Discipline. He is a graduate of Suffolk University and New England Law School. His legal expertise is in the areas of medical regulation of hospitals, physicians, physician assistants, chiropractic physicians, and acupuncture and oriental medicine. He is past Director at the Federation of State Medical Boards of the US, Inc. (FSMB), Dallas, Texas and Administrators in Medicine (AIM). He previously served as a member of the Jamestown, Rhode Island Town Council.

Melissa E. Darigan, Esq. is President-Elect of the Rhode Island Bar Association. She is a partner in the Providence law firm of Partridge Snow & Hahn LLP and chair of the firm's Litigation Practice Group, specializing in complex commercial, business and regulatory litigation for insurance companies and financial institutions and estate and trust litigation in the Probate and Superior Courts, including will contests and fiduciary liability matters. Melissa is a mentor in the firm's mentoring program and co-founded and co-chairs the firm's Women Advocates for Enterprise (WAVE) initiative for helping women in business advance professionally. She is a graduate of George Washington University and earned her law degree from Catholic University

of America. For several years, Melissa chaired the Bar's Superior Court Bench/Bar Committee. She was also the chair of the 2012 Annual Meeting Committee, a member of the Bar's Strategic Planning Committee and served on the New England Bar Association Board. Melissa is a member of the House of Delegates and, since 2007, served on the Executive Committee. She is a Rhode Island Bar Foundation Fellow. Melissa is admitted to practice in the Rhode Island and Massachusetts State and Federal courts, the U.S. District Court of Appeals, 1st Circuit and the U.S. Supreme Court.

Armando E. Batastini, Esq. is Treasurer of the Rhode Island Bar Association. He is a partner in the Providence office of Nixon Peabody LLP and a commercial and real estate litigator. A graduate of the United States Naval Academy, he served as an officer in the United States Navy, and is an Operation Desert Storm veteran. He received his law degree from Roger Williams University School of Law, magna cum laude, and served as judicial law clerk for Rhode Island Supreme Court Chief Justice Joseph R. Weisberger. He is a member of the Rhode Island Bar Association Executive Committee and House of Delegates and the New England Bar Association Board of Directors, co-chair of the 2014 Annual Meeting Committee, and a Fellow of the Rhode Island Bar Foundation. He has served on several standing Bar committees, and actively participates in the Volunteer Lawyer Program, Lawyers for the Elderly, and the Armed Forces Legal Services Project. He is the

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recipient of the Bar Association 2008 Pro Bono Publico Award. He and his wife Kara reside in Harmony, Rhode Island with their son Lucien.

Linda Rekas Sloan, Esq. is Secretary of the Rhode Island Bar Association. She is a principal at the firm of Linda Rekas Sloan & Associates, LLC, concentrating her practice in the areas of receivership and insolvency law and litigation, corporate/business law and litigation, commercial transactions and real estate transactional work. She currently serves on the panel of state court appointed receivers. She graduated from Providence College, magna cum laude, and earned her law degree from Boston University School of Law. She is a member of the Rhode Island Bar Association Executive Committee and House of Delegates, chaired the 2010 Annual Meeting Committee, and chaired and served on several of the Bar's standing committees. She was a member of the Bar's Strategic Planning Committee which developed a five-year plan to guide the Association. She is a Rhode Island Bar Foundation Fellow and a New England Bar Association Board member. She is admitted to practice in Rhode Island, Massachusetts and before the United States District Courts for the Districts of Rhode Island, Massachusetts and Connecticut. She was an adjunct professor at Roger Williams University School of Law and currently teaches as an adjunct professor at Providence College. She has been a member of the Pawtuxet Valley Rotary Club since 1999 and served as a board member on many non-profit organizations. ♦

Important Decisions to Make When Purchasing a Legal Malpractice Policy



David A. Grossbaum, Esq.
Partner, Hinshaw &
Culbertson LLP,
Providence and Boston

When considering the legal malpractice policy limits you wish to purchase, think about the types of cases you handle and the worst case scenario that could occur if you made a mistake in one of them.

When you buy a legal malpractice policy, many terms are not negotiable. However, you do have a number of important options affecting the price and the scope of the coverage. These include: the limits of liability; the amount of the deductible; whether the deductible will be applied to payments of judgments and settlements only or will include the defense costs; whether the defense costs will reduce the limits of liability; and whether to buy coverage for acts committed all the way back to the beginning of your legal career or only cover you for work you do at your present firm.

The Limits of Liability

The limits of liability are the amounts available to pay any judgment or settlement and defense costs for claims made against you in a legal malpractice case. Under the standard policy, these limits are reduced by the amount of money the insurer pays for the defense costs. The defense costs include the legal fees incurred by your defense lawyer and any costs, such as deposition transcripts, expert witnesses, copies, and private investigators. When the carrier pays an amount equal to the limits, it has the right to cease providing any further defense and is not obligated to pay any more toward judgments or settlements.

Policies have two liability limits – single and aggregate. The single limit is the amount available for each claim. Once the insurer pays out the single limit for an individual claim, its obligations are satisfied. The aggregate limit is the maximum the carrier will pay for all claims made against you and reported during a single policy period. For example, under a policy with a one million dollar (\$1MM) single limit and a two million dollar (\$2MM) aggregate limit, the company will pay up to \$1MM to deal with each single claim, but will not pay more than \$2MM with respect to all the claims brought against you. If the carrier incurs \$500,000 for a single claim, you have \$1.5MM left to deal with other claims under your policy, but not more than \$1MM for any single claim.

In most policies, all related claims and acts are treated as a single claim, subject to a single

liability limit. This means only the single limit of liability will apply to the related claims. Whether claims are related, or, instead, are separate claims subject to separate single liability limits, is often decided by court cases interpreting that language.

When considering the limits you wish to purchase, think about the types of cases you handle and the worst case scenario that could occur if you made a mistake in one of them. If you work on small cases, where the risk of harm to a client is less than \$250,000, you will be able to buy a smaller policy than someone who typically handles cases where malpractice will cause the client a loss of \$1MM or more. The size of the settlements or judgments involved in your cases is a good place to start when thinking about how much insurance you need. Make sure the single limit is enough to cover the loss of one of these cases. Most lawyers cannot afford to pay a judgment in excess of their liability limits.

You also need to consider these limits of liability will usually be reduced by the amount of defense fees and costs the insurance company pays to defend you. Defense fees and costs can mount quickly if a case is hotly contested, is complex, or where experts are heavily involved in the defense. Thus, when determining what limits you need, it is important to add in the likely amount of defense costs for the claims.

Most carriers will, however, offer the option of paying a higher premium for a policy where the defense costs do not reduce the liability limits. Under these policies, the entire policy limit is available to pay any judgment or settlement and the defense costs are borne entirely by the insurance company (subject to your payment of the deductible). These policies are particularly appropriate where the size of the likely judgment or settlement is ascertainable, but the likely cost of defense is not. A policy with defense costs outside the limits may be more cost effective than purchasing a larger liability limit including a cushion for defense costs.

If you serve institutional clients, they may demand you purchase certain minimum limits. If you refer cases to other law firms, keep in mind you may be found liable for mistakes

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made by those other firms, especially if they do not have adequate insurance. If those other firms do not have adequate insurance to cover liability arising from your referral cases, you are advised to purchase such limits.

Deductibles

As with any other type of insurance, there is a deductible you have to pay before the insurer pays a judgment, settlement or defense expenses. You have some deductible choices including: the amount of the deductible; whether to have an aggregate deductible; and whether the deductible will apply only to judgments or settlements, or will apply to the payment of defense fees as well. Regardless of the merits of the malpractice case against you, it is necessary for the carrier to hire an attorney, and this will likely use up your deductible defending even the smallest claim.

The smaller the deductible, the higher the premium. When deciding on the size of the deductible, think about the frequency with which you are likely to be sued for malpractice. If you expect a large number of small claims, claims which will be quickly resolved, and you do not want to pay the bulk of the costs associated with these, you will want to have a smaller deductible, say \$1,000 or \$2,500. If you are not likely to be sued often, and your firm can handle the risk of paying a larger deductible in the rare event of a claim, then a higher deductible will save you money. Depending on your claims history, the carrier may offer you limited deductible choices.

Most deductibles apply to both defense costs and to judgments and settlements. Many carriers offer the option of a deductible applying only to judgments and settlements, but not defense costs (referred to as a loss only deductible). The price for a loss only deductible is higher because the insurance company is absorbing all the defense costs. If you expect there will be many claims, but they will be resolved in your favor and your biggest worry is paying the deductible every time such a claim is brought, you should get a loss only deductible.

Related claims are treated as a single claim for deductible purposes, subject to only one deductible. On the other hand, if the claims are not related to one another, but there are a large number of them (for example, in a class action matter involving numerous unrelated claims), the firm may

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be subject to a large number of deductibles resulting in a very significant payment of the firm's own money toward claim resolution. An aggregate deductible places a cap on the number of deductibles the firm must pay. In such circumstances, an aggregate deductible will likely benefit the firm.

Tail Policies And Prior Acts Endorsement Dates

A carrier may give you a choice between full prior acts coverage and coverage only for acts occurring after a certain date (a retroactive date). Full prior acts coverage means you are covered for any acts of malpractice committed by you at any point in your legal career, as long as the claim is first made against you and reported to the insurer during the policy issued by that insurer. If, on the other hand, you purchase coverage with a retroactive date, then you are only covered if the claim was first made and reported to the insurer during the policy period and the act or omission on your part occurred after the retroactive date. Coverage with a retroactive date is less expensive because the carrier has less exposure.

When a lawyer changes firms, the new firm's carrier may decide it does not wish to provide coverage for any acts of malpractice occurring at the prior firm. Thus, it may offer a policy with a retroactive date that is the same date the lawyer signs on with the new firm. As long as the prior firm continues in existence, the new lawyer will usually be covered under the prior firm's policy for acts committed while at that firm. But how can one be sure the prior firm will remain in existence and will maintain malpractice coverage? If the prior firm goes out of business, or goes through a transformation, it may no longer provide coverage to its former lawyers.

The very important question is whether you should spend the extra money for full prior acts coverage. The answer is almost always yes. It is advisable to have coverage for your entire career, as statutes of limitation can be tolled for very long periods of time.

If you switch insurers, and the new insurer is not offering full prior acts coverage, it is sometimes possible to purchase tail coverage under your expiring policy. Tail coverage extends the period for you to report claims first made against you after the policy expired, but the tail only

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covers acts you committed before the policy expired. It only extends the time for giving notice.

Although a firm can usually purchase a tail policy, not all carriers offer tail coverage to departing lawyers if the firm continues in existence and continues to buy a policy. Some insurers only offer tail coverage when the firm disbands or when a partner retires from the practice of law. The risk for the departing lawyer is that if the firm dissolves or does not purchase coverage at some point, the departing lawyer then has no coverage for acts committed at that firm. While you may be inclined not to purchase tail coverage due to its cost, keep in mind this may be the only way to ensure you have coverage for acts committed at your prior firm.

Conclusion

Although many of the terms of your insurance policy will not be negotiable, you do have options allowing you to dictate the scope of the coverage and the price of the coverage. When deciding which options to purchase, do not be short-sighted and look simply for the lowest premium. Insurance is all about mitigating risk, and that sometimes costs more. ❖

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2014 Ralph P. Semonoff Award for Professionalism

The Ralph P. Semonoff Award for Professionalism honors a member the Rhode Island Bar who has demonstrated the highest degree of professionalism with distinction in their career. The award is named for Ralph P. Semonoff who left a legacy of the law as a high calling, of justice as a defensible right, and of public service as the beacon of a life's work.



William L. Bernstein, Esq., a sole practitioner in Greenville, Rhode Island, received the Rhode Island Bar Association's 2014 Ralph P. Semonoff Award for Professionalism. He is a graduate of Classical High School, the University of Arizona and the Western New England College School of Law. He previously practiced with Schreiber Law Associates in Providence and served as a law clerk to the late Rhode Island Supreme Court Associate Justice

Florence K. Murray. He is currently: Glocester's Town Solicitor; Burrillville's Assistant Solicitor and Police Prosecutor; Pascoag Utility District's General Counsel; and Echo Lake Water District's General Counsel. He is a co-founder and Executive Officer of

the Rhode Island District Court Prosecutors Association, and a member of the Rhode Island Association of Justice, the Rhode Island Association of Criminal Defense Lawyers, and the Bar Association's District Court Bench/Bar Committee. He is a member of the Bar's Volunteer Lawyer Program, presented at Bar Continuing Legal Education seminars, and volunteered for the Bar's law related, public education programs.

According to Attorney Lise J. Gescheidt, *Bill is a very talented lawyer, and he is one of the finest men I know. He approaches his role as prosecutor seriously, but he is a person of tremendous compassion. He treats everyone with dignity and is scrupulously fair. He is always well-prepared, courteous and responsible. He is a consummate gentleman, and I have never heard anything but admiration from fellow members of the Rhode Island Bar about his character, his kindness and his professionalism.*



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2014 Florence K. Murray Award

The Florence K. Murray Award is presented to a person who, by example or otherwise, has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession. The award is named in honor of the first recipient, Honorable Florence K. Murray, who, in a distinguished 56 years at the bar, pioneered the causes of women in the law as the first woman attorney elected to the Rhode Island Senate, the first woman Justice on the Superior Court, the first woman Presiding Justice of the Superior Court, and the first woman on the Rhode Island Supreme Court.



Stacey Pires Veroni, Esq., Assistant Attorney General with the Rhode Island Department of the Attorney General, was honored with the Rhode Island Bar Association's 2014 Florence K. Murray Award. A graduate of Boston College and Suffolk Law School, Stacey served as member of the Supreme Court Clerk Pool before joining the Department of the Attorney General. She worked as a front-line prosecutor in the District Court,

Grand Jury and Superior Court and was appointed Chief of the Domestic Violence and Sexual Assault Unit. Stacey served as the Chief of the Washington County Office and the Narcotics and Organized Crime Unit, before being appointed first as a Deputy Chief of the Attorney General's Criminal Division, and then as the first woman named as Chief of the Attorney General's Crim-

inal Division. She has coordinated and taught continuing legal education programs and trainings on the prosecution of domestic violence cases. Based on her expertise in domestic violence, she has instructed medical personnel and recruits at the Rhode Island State Police Academy and the Rhode Island Municipal Academy. She organized and lectured at a five-day seminar at the Conference of Western Attorneys General/Alliance Partnership focused on training Mexican prosecutors, many of whom were women, in trial advocacy. She has taught many young college men and women at Salve Regina University, where she is an adjunct professor, as well as Providence College and the Community College of Rhode Island and lectured about violence against women at Brown University and Johnson & Wales University. Stacey received the Rhode Island Women's Bar Association's Ada Sawyer Award of Excellence and the *Providence Business News*' Business Woman Achievement Award.

Glowingly enthusiastic letters of support for Stacey's nomination came from a wide range of individuals, from successful attorneys, to her colleagues at the Department of Attorney General. Recommendations, and from members of the Rhode Island Judiciary, the Executive Directors of the Rhode Island Coalition Against Domestic Violence and Day One, and from an intern she worked with. A touching letter came from the mother of the victim in a murder case that Staci successfully prosecuted. She wrote: *It breaks my heart daily that I no longer have my daughter in my life, but I can't think of a better gift left behind from her tragedy than having been introduced to Stacey Veroni, my friend, my strength and my hero. I love and respect this woman whole heartedly.*

According to Rhode Island Superior Court Associate Justice Robert T. Krause, *I had the privilege of knowing Justice Murray personally and professionally during much of her lifetime. When juxtaposed to her high standards for all Rhode Island attorneys, regardless of gender, Stacey passes with flying colors. By her own record of excellence and performance, without pretensions, Stacey has become a template for new and current members of the Bar.*



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Rhode Island Bar Journal Lauren E. Jones Writing Award

Established in 1986, *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award authors are selected on the basis of: 1) presentation clarity; grammar; organization and need for editorial revisions; 2) article interest and information presentation; 3) information usefulness for the practice of law, presentation of an important legal issue and timeliness; and 4) accuracy and depth of research and information provided.



Peter F. Skwirz, Esq., practicing out of East Providence, received the 2014 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for his article, *Not to be Countenanced: Pre-Bail Revocation Hearing Detention in Rhode Island District Court*, published in the *Rhode Island Bar Journal*: Volume 62, Number 6, May/June, 2014.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Peter F. Skwirz, the 2014 Rhode Island Bar Journal Lauren E. Jones Writing Award

recipient, and strongly encourage all Rhode Island Bar Association members to read the Article Selection Criteria included in every issue of the *Rhode Island Bar Journal*. Based on those guidelines, please submit articles for consideration to: *Rhode Island Bar Journal* Editor Frederick D. Massie via email: fmassie@ribar.com. For information, telephone 401-421-5740.

As a reminder, Attorney Skwirz's article, and the full contents of *Bar Journals* from the July/August 2009 issue forward, are available and may be viewed online and downloaded, by clicking on the *Bar Journal* icon on the Bar's website Home page. His and other past *Bar Journal* articles, may also be accessed through Casemaker, the free-to-Bar-members, 24/7, online law library on the Bar's web site.

2014 Rhode Island Bar Association Honorary Members

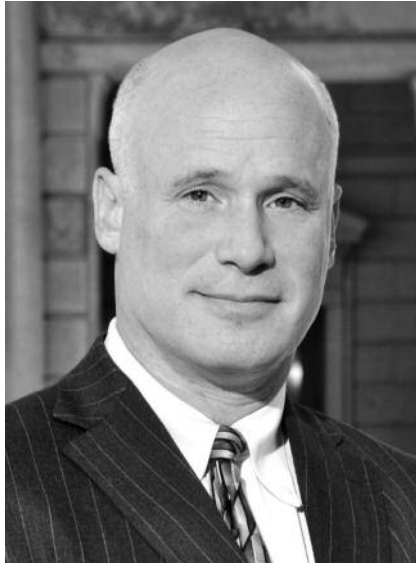


At the 2014 Annual Awards Luncheon, the Rhode Island Bar Association recognized and honored the distinguished Rhode Island attorneys who achieved a noteworthy 50 years of service. While not all the Honorary Members were able to attend the Luncheon, those who did ably represented this august group.

Honoring our colleagues achieving fifty years of legal service

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My 12 years of working in 3 different prosecutors' offices (Manhattan 1982-84; Miami 1984-88, R.I.A.G. 1988-94) has led to my enduring commitment to seek justice.

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2014 Volunteer Lawyer & US Armed Forces Legal Services Project Award Recipients

PRO BONO PUBLICO AWARD

Established in 1987, this award recognizes the outstanding efforts of attorneys who have provided equal access to justice to the needy through the Volunteer Lawyer Program and US Armed Forces Legal Services Project during the past year. Award criteria includes: case type and difficulty, the number of hours served, and the total number of cases for the past year. Length of service through the program and total number of cases taken since joining is also considered.



US Armed Forces Legal Services Project

Dianne L. Izzo graduated from the University of Texas at Austin School of Communications and received her law degree from Roger Williams University School of Law in 1996. She joined the Volunteer Lawyer Program in 1998 and received the 2005 Rhode Island Bar Association's *Pro Bono Publico* Award for her outstanding

contributions in family law through the VLP. In 2006, Dianne relocated to Texas where she served as General Counsel for the Texas State Board of Examiners of Psychologists. In 2007, she received the Houston Psychological Association Speaker's Award. She returned to Rhode Island in 2011, and she is now a partner in the North Scituate firm of Gorham & Gorham. Dianne is a member of the *Rhode Island Bar Journal* Editorial Board and the Bar's Continuing Legal Education Committee. She has participated in seminars as a speaker and moderator, the latest, *Equitable Distribution in Divorce*. Dianne also served as past President of VSA Arts of Texas and as a board member of VSA Arts of Rhode Island and ACLU Rhode Island. Soon after Dianne returned, she resumed her participation in the VLP and joined the US Armed Forces Legal Services Project, accepting divorce and custody *pro bono* cases for our military and their families. In just two years, she accepted five cases and contributed over 200 *pro bono* hours. One of her clients, a military Mom with four children, sent the Bar a two page letter of gratitude for the legal assistance and support Dianne gave her and her family noting: *Trying to hold myself together, I could have never have done it if I did not have Dianne to help and guide me. I can honestly say I could never find a more selfless person. I have been blessed to know her.*



Volunteer Lawyer Program

Lauren E. Jones, Esq. graduated from the University of Michigan and received his law degree from Duke University School of Law. He is a partner in the Providence law firm of Jones Associates. Throughout Lauren's career, his practice has concentrated on appellate law, research and writing. So, when the staff at the Volunteer

Lawyer Program received a request from an unemployed, low-income, prospective client involved in an appeal of an original family court order for alimony, Lauren was contacted. Lauren graciously agreed to consider the case and interviewed the client. After researching the matter, Lauren decided to join the VLP and agreed to handle the case. Close to 100 hours of *pro bono* service were donated, and a complete resolution of the matter, the termination of alimony, was achieved for the client. Lauren's dedicated contributions to the Rhode Island Bar Association include his service as a past Bar President. He is a long-term member of the *Rhode Island Bar Journal* Editorial Board and served two terms as the *Journal's* Editor-in-Chief. He was the recipient of the Second Annual *Rhode Island Bar Journal* Writing Award, that, in his honor, was renamed the Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award. In 2010, Lauren received the Bar's prestigious Ralph P. Semonoff Award for Professionalism.



Volunteer Lawyer Program

Phillip C. Koutsogiane, Esq. graduated from Brown University and received his law degree from Boston University School of Law. He is a sole general practitioner in Woonsocket, and his community service includes serving as Chairperson of the North Cumberland Fire District Board of Trustees. Phillip is an active member of the Volunteer Lawyer Program,

serving clients for the past ten years. He consistently accepts many *pro bono* cases and contributes hundreds of hours to the program. Phillip always has one or two volunteer cases going at the same time, and, since late 2012, he has handled eight cases, primarily in bankruptcy, contributing close to 90 hours of *pro bono* service, not including his time donated on two, recently-accepted volunteer cases. During the past few years, with an increasing need for volunteer attorneys to handle bankruptcy matters for economically hard-pressed clients, Phillip has willingly accepted cases, often under very difficult circumstances. Phillip's patience, understanding and compassion are always evident and benefit those he serves. No matter what the situation, Phillip's dedication to the *pro bono* effort and helping those in need comes first.

Rhode Island Law Day 2014



Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, the Rhode Island Judiciary and the Rhode Island Bar Association organized over 40 volunteer teams of judges and lawyers who delivered law related education programs to over 50 upper and middle school classrooms throughout the state. Lesson plans, including background information, and related news media stories, as well as recommended questions for student consideration, were developed and produced by the Rhode Island Bar Association and reviewed and approved by the Rhode Island Law Day Committee. All were posted on the Bar's website for open access by lawyers, judges, teachers and students. The 2014 theme, *Your Rights Under the United States Constitution* presented information aimed at soliciting student opinions, surfacing the legal issues relating to the topic, and reviewing the role of judges and lawyers in addressing the teacher's choice of the following issues: 1) First Amendment: Children/Minor's Rights in School; 2) Fourth Amendment: Police Questioning/Right to Arrest; and 3) Fifth Amendment: Miranda Rights. These issues stimulated active student participation, helping them understand how laws directly affect them and the roles lawyers and judges play in administering justice.

Rhode Island Bar Association President J. Robert Weisberger, Jr. and RI Superior Court Associate Justice Luis M. Matos led a spirited review on the Fourth Amendment and police questioning and arrest with teacher Michael Silva's students at East Providence High School.



RI Superior Court Associate Justice Jeffrey A. Lanphear and Attorney Richard A. Sinapi discussed the roles of lawyers and judges in administering justice regarding children's and minors' rights under the First Amendment in teacher Scott Maynard's classroom at Cranston High School East.



Rhode Island Law Day 2014 Volunteer Acknowledgement

These attorneys and judges, drawing on their knowledge and experience, presented classroom lessons on the law throughout Rhode Island, helping thousands of students and teachers better understand the administration of justice.



At the Juanita Sanchez Educational Complex in Providence, Attorney Cristen L. Ciresi and RI Superior Court Associate Justice Walter R. Stone engaged in a lively give and take about the Fourth Amendment's relationship to police questioning and arrest with teacher Shannon Gormley's students.



Attorney Barbara A. Barrow, far left, and RI Superior Court Associate Justice Brian Van Couyghen discussed the childrens' and minors' rights in school under the First Amendment to students in the classes of teachers Vanessa Miller and Ryan Kanaczet at Narragansett Pier School.

Attorney William J. Connell, Rhode Island Superior Court Magistrate Patrick T. Burke and Attorney Richard D. Raspallo used a Powerpoint presentation to enhance their dialogue focusing on the Fourth Amendment and police questioning and arrest with students in teacher Natalie O'Brien's class at North Smithfield High School.

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Chariho Regional High School Student Wins 2014 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



Celebrating Benjamin's award during a ceremony at the Rhode Island Supreme Court were (l-r): Ben's parents, Nancy and Joe Nadeau; Richmond Police Chief Elwood Johnson; Past Bar President J. Robert Weisberger, Jr.; Benjamin Nadeau; RI Supreme Court Associate Justice and 2014 RILD Committee Chairman Gilbert V. Indeglia; Bar President-Elect Melissa E. Darigan; and RI Supreme Court Chief Justice Paul A. Suttell.

The Rhode Island Law Day (RILD) Committee, with particular help from Rhode Island Bar Association, the Rhode Island Judiciary, Roger Williams University School of Law, and the Rhode Island Police Chief's Association, sponsored the 2014 Rhode Island Law Day Essay Contest.

Benjamin Nadeau, a student at Chariho Regional High School, was the winning author for his essay, *The Fourth Amendment in American Schools*, in which he drew on both the Constitution, the Fourth Amendment and related experiences at his school. Open to all Rhode Island 10th and 11th grade students, the 2014 Rhode Island Law Day Essay Contest encouraged applicants to draw on the topics and background materials offered for this year's RILD Classroom Programs.

Benjamin received a \$1,000 Scholastic Award made possible through the combined generosity of the Rhode Island Bar Association and the Rhode Island Police Chief's Association. He also received a personalized engraved trophy cup, and his school received the, Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest, trophy cup for a one-year display, and a permanent plaque commemorating Benjamin's achievement.



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Volunteer Bar Lawyers Offer Free Legal Guidance through Rhode Island Bar/NBC10 Ask a Lawyer Partnership

On Wednesday, May 7th, at the NBC Channel 10 studios, a volunteer lawyer panel, staffed by members of the Rhode Island Bar Association Lawyer Referral Service (LRS) and Volunteer Lawyer Program (VLP), appeared on the station's news broadcasts from 5:00 p.m. to 7:30 p.m. The Rhode Island Bar Association attorneys answered viewer telephone questions related to Foreclosures.

Rhode Island Bar/NBC10 Ask a Lawyer Volunteers Answer the Call

Foreclosure panelists fielded callers' questions regarding homeowners (36), tenants (4); foreclosure-related bankruptcy (10), and other related matters (6).



Foreclosure Panelists l-r: Christopher Lefebvre, Esq.; Peter C. Tashjian, Esq.; David B. Kreutter, Esq.; Dawn M. Thurston, Esq.

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Aspiring authors and previous contributors are encouraged to contact the *Rhode Island Bar Journal's* Editor Frederick Massie by telephone: (401) 421-5740 or email: fmassie@ribar.com.

Rhode Island
Bar Association

Annual

2013-2014

Report

The mission of the Rhode Island Bar Association is to represent the members of the legal profession of the state, serve the public and profession, and promote justice, professional excellence and respect for the law.



Helen D. McDonald
Executive Director

It is my pleasure to submit my Annual Report for 2013-14, a year of steady progress, new endeavors, and positive change for the Association. The Association's membership, leadership and staff worked consistently to meet the goals embodied in our mission to represent the legal profession, serve the public and promote justice, professional excellence and respect for the law. We continue to place the highest priority on educating our membership and the public about our positions, activities and services. We built upon already exceptional relationships with the judiciary, legal service providers and the communities of Rhode Island.

We have exceptionally strong standing and special Committees now numbering 27. Over fifteen hundred Bar Association members serve on **Bar Committees**. All the work our members contribute through our Committees forms the backbone of the Rhode Island Bar Association. This issue of the *Rhode Island Bar Journal* contains summaries of the Committees' activities, and I encourage you read them. Committees help bring members together in collegial and educational forums and serve to improve and develop the ongoing relationship between the Bar and the Courts. It is a particularly excellent means for new lawyers to grow and advance professionally, while benefiting from the experience and wisdom of their more seasoned colleagues.

This year, President J. Robert Weisberger chaired a Task Force on the Unbundling of Legal Services. After several months of meeting and reviewing limited scope representation rules around the county, the Rhode Island Supreme Court invited the Bar Association to submit an amicus brief relative to two issues raised in an appeal, specifically: 1) whether ghostwriting is permitted under Rule 1.2(c) of the Rules of Professional Conduct; and 2) the propriety of the imposition of sanctions pursuant to Rule 11. The Association takes the position that Rhode Island already permits ghostwriting as a form of limited scope representation under Rule of Professional Conduct 1.2(c). In light of the fact that Rule 1.2(c) provides insufficient guidance or rules of practice to guide attorneys and does not provide the mechanics for limited scope representation, no sanctions pursuant to Rule 11 of the Superior Court Rules of Procedures should be imposed on the appellants.

This year, President J. Robert Weisberger and the other

Bar Officers continued the tradition of representing the Rhode Island Bar Association at the admission ceremonies for our newest members. Each new member was presented with a quill pen to remind our new colleagues of their obligation to use as much care in their pleadings and writings as did those lawyers who preceded us and carefully and elegantly penned the Declaration of Independence.

Professional Development

The Association's Continuing Legal Education (CLE) department continued to explore ways to provide quality CLE programming and make this as affordable as possible for our members. Webcasts continued to grow in popularity this year. About a third of the registrations for recent programs were for webcast versions of the seminars, providing a convenient way for attorneys to attend a seminar without leaving their office. Two programs focusing on ethics were offered during late spring, proving very popular for those completing their requirements.

The CLE Committee has the 2014 Late Summer and Fall Calendars planned. Programs will include the annual Commercial Law Update, Recent Developments 2014, and a seminar on nursing homes. The annual, free risk management seminars are scheduled for August and September. Two sessions in the New Lawyers series focusing on mediation and depositions are planned and more programming for new lawyers in other areas of practice will be offered in the coming year. Addressing a growing public service need, the CLE Department is working with the Bar's Volunteer Lawyer Program (VLP) to develop foreclosure and guardianship programs. Food For Thought programs will focus on estate planning for same sex marriages, identity theft, mediation, and digitizing files. The schedule will include simulcasts of several programs. We also continue to offer the Supreme Court mandated program for recent admittees, Bridge the Gap.

We expanded our online simulcasting of live CLE programs, offering Food For Thought and longer seminars, as both in-person or live webcast options, on a regular basis, for members. Including our Annual Meeting, we presented 120 seminars over the course of the last year. Additionally, there were more than 1,000 attorneys who registered for either a live webcast or an on-demand seminar replay by mid-June.

The Bar Association's 2014 Annual Meeting offered a wide range of programming on June 19th and 20th. Forty-two workshops were presented. Attorney Stephen Olesky was our keynote speaker. With the firm of Hiscock & Barclay, he successfully argued before the U.S. Supreme Court

that detainees at Guantanamo had *habeas corpus* rights. The last program on Friday was a plenary session on ethics by Roger Williams University School of Law Professor Niki Kuckes focusing on cyber security risks. Throughout the meeting, the Judiciary presented two seminar sessions and offered hands-on training on the new electronic filing system in the Rhode Island Courts. Members had many of their questions about the new system answered by court personnel.

There are a number of CLE publications listed on our website. Your Rhode Island Bar Association membership entitles you to a 15% discount off the list price of any of the American Bar Association's (ABA) more than 300 titles, whether or not you're a member of the ABA. In addition, we have a partnership with Massachusetts Continuing Legal Education on a series of Rhode Island practice books.

Membership Benefits

The Rhode Island Bar Association continues to provide great value to its members. *Casemaker* remains a highly-valued and often-used membership benefit. Effective April 1st, all Casemaker's premium services became free to Bar members, a value of \$450 per year. Now, Bar members have access to Casemaker's broad and comprehensive libraries, covering all 50 states and federal level materials, as well as to a suite of tools that make research faster and easier. Casecheck+ works like Shephard's and KeyCite to notify you instantly of negative treatment, identifying whether your case law citations are still good law. Casecheck+ returns both positive and negative treatments instantly as you research and links to negative treatments so you can quickly review the citation history for both state and federal cases. Members also have access to CiteCheck, which analyzes every citation in your brief, or your opponent's, and provides you with a report of good law, negative treatments and potential citation format errors. In just moments, you have this critical information. CasemakerDigest allows members to receive daily summaries of the latest state and federal appellate decisions – within 12 to 24 hours of publication – classified by practice area.

Our website provides other great services. You can easily register for CLE seminars, sign up for Bar committees, connect with the Online Attorney Resource (OAR) center offering member-to-member legal guidance, and utilize the calendars and the great member directory which give you instant information on every member including their email address and photo when provided.

Health Care Reform The Association and its health insurance broker USI New England held a series of three meetings at the Bar Association to help our members prepare for the numerous changes affecting members, their families and their firms as a result of Health Care Reform. USI, along with staff from Blue Cross/Blue Shield, Delta Dental, and HealthSource RI, provided great assistance to members, helping them compare competitive quotes from Blue Cross, Tufts, United Healthcare and HealthSource RI (SHOP) also referred to as the Exchange. Members are encouraged to contact USI for assistance on their health care choices.

Past President Michael McElroy created a general list serve for Rhode Island Bar Association members to use for online, law-related discussions. The list serve was well utilized this past year and has been a welcome form of networking for our members.

The *Aon Attorneys' Advantage Program* offers professional liability insurance coverage sponsored by the RI Bar Association. The program is able to provide broad coverage, competitive rates outstanding local service and risk management service. Aon offers one of our most widely utilized member benefits: the free, risk management program. This year's free, 3-credit program sponsored by Aon Affinity will be held five times during August and September at various locations around the state. The title of this year's presentation is *Ethics Chess*. This challenging and interactive CLE seminar provides real tools and strategies to help the practicing attorney see ethics problems in the offing, avoid them if possible, and deal with them effectively if they cannot be avoided. More than 1,700 attorneys registered for the five sessions last year.

The Rhode Island Bar Association has an online *Career Center* operated by Job Target. At no charge, Bar members may search and apply for relevant jobs; set up Job Alerts for immediate notification any time a job is posted matching skills and interests; create an anonymous job seeker profile or upload your anonymous resume allowing employers to find you; and access job-searching tools and tips. The Career Center may be accessed through the Membership Benefits section on the Bar's website.

The *Rhode Island Bar Journal* is published six times annually with articles concerning relevant legal issues, opinion pieces, member profiles, updates on members' achievements, book reviews, Bar news events, programs and meetings, as well as advertisements for products and services of interest to Bar members. Downloadable copies of recent and back issues and articles are also available on the Bar's website.

The *ABA Members Retirement Program* is providing retirement plans – 401(k), profit sharing, and defined benefit plans to law firms and lawyers in RI. The ABA Program can provide an effective plan for your firm. Insurance services and discounts are also available through the *Robert J. Gallagher Company*. Other benefit programs include the *Law Firm Merchant Account*, credit card processing for attorneys, designed by Affiniscape Merchant Solutions (AMS).

Rhode Island Bar Foundation

President Michael A. St. Pierre and the Board of Directors of the Rhode Island Bar Foundation continue their hard work to maximize Interest on Lawyers Trust Account (IOLTA) income and assess legal needs to maximize foundation support for legal services in Rhode Island.

The Rhode Island Bar Foundation also administers the Thomas F. Black, Jr. Memorial Scholarship Fund, established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise they will become outstanding lawyers and who need financial assistance to study law. The Scholarship is named in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. Two scholarships of \$20,000 each were awarded this spring for Rhode Island students entering their first year of law school.

Public Service

One of the most noble of our goals is facilitating the availability of legal services. We support *pro bono publico* services for the elderly and those of modest means. This year alone, nearly 2,000 cases were processed through the Volunteer Lawyer Program, Pro Bono Program for the Elderly, the Foreclosure Prevention Project and the US Armed Forces Legal Services Project. Financially eligible clients were represented by volunteer attorneys in matters including bankruptcy, collections, foreclosure, consumer, education, family law, guardianships and employment. Administered by the Bar Association for 28 years, the Volunteer Lawyer Program continues to impact low income clients' lives in a significant and purposeful way through the dedicated efforts of its members. The Pro Bono Program for the Elderly, administered through the Bar Association's Lawyer Referral Service, celebrates over 35 years of operation, and the volunteer attorney members focus on the legal needs that most impact our senior citizens. Legal assistance initiatives for seniors are

a continuing priority and include a variety of community outreach legal clinics, as well as Ask A Lawyer Programs, statewide. Direct representation is provided to the elderly on a reduced fee and *pro bono* basis according to income eligibility. Additionally, over 9,000 referrals were requested and made to members of the public through the Lawyer Referral Service and the Reduced Fee Program. These public service programs offer free, half hour consultations. If further services are required, fee arrangements are decided between the client and attorney. Hundreds of additional callers to the Public Service area are provided with helpful information in regard to other available community resources.

Our Foreclosure Prevention Project, in collaboration with Rhode Island Legal Services, Inc., will be sponsoring a third foreclosure related seminar in October to recruit additional volunteer attorneys, and plans are already underway for *Special Issues in Foreclosure*. Our goals are to inform the public of the various steps available to avoid foreclosure, as well as to handle foreclosure cases for citizens in great need who no longer have options available to address saving their home. We also provide assistance in preventative case areas related to foreclosure and offer statewide legal clinics.

For the past fourteen years, Channel 10 has successfully partnered with the Rhode Island Bar Association on Spring, Ask A Lawyer programming. This year, the partnership featured one studio telephone panel staffed by volunteer lawyers handling viewer inquiries regarding foreclosure law on Wednesday, May 7th during the evening news hours from 5:00 to 7:30 pm. We partnered with the Housing Action Coalition/Coalition for the Homeless, providing legal assistance to homeowners and tenants in the Washington Park neighborhood relative to foreclosure issues. Attorney Dawn Thurston addressed the group on homeowners'/tenants' rights and answered questions. Other agencies represented included the Public Utilities Commission in relation to utility shut-offs. We are sponsoring another Ask A Lawyer on these issues in the near future at another community center in the west end of Providence.

Our Volunteer Lawyer Program continues to sponsor Family Law Mediation Clinics in conjunction with the Roger Williams University School of Law, providing an opportunity for low income families to participate in the mediation process with law students and Volunteer Lawyer Program members. This clinic is held twice a year at the Bar Headquarters and the majority of clients served reach peaceful and successful outcomes in family law matters.

This fall, the CLE series, *Guardianships: A Practical*

Approach, is being presented by the Public Services Involvement Committee in conjunction with the Pro Bono Program for the Elderly and the Volunteer Lawyer Program. Attorneys may attend one or all three sessions in exchange for accepting a *pro bono* guardianship case. The sessions will be held on October 7th, November 7th, and December 2nd, 2014, covering an introduction to guardianship, practicalities and procedures and minors, special needs trusts and unique issues. Guardianship continues as an area of great need for our frail, elderly and low income citizens.

Law Related Education: The Rhode Island Bar Association is dedicated to helping Rhode Island teachers interested in law related education (LRE) by providing volunteer lawyers for classroom presentations and as educational resources. The Bar supports these presentations by developing student interest-focused, law-related classroom lesson plans and educational background material. The Association's goal is to increase public understanding of and respect for the law and the role of lawyers and judges in the legal system. Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, the Rhode Island Bar Association and the Rhode Island Judiciary organized over 40 volunteer teams of judges and lawyers who delivered law related education programs to over 50 upper and middle school classrooms throughout the state. Lesson plans, including background information, and related news media stories, as well as recommended questions for student consideration, were developed and produced by the Rhode Island Bar Association and reviewed and approved by the Rhode Island Law Day Committee. All were posted on the Bar's website for open access by lawyers, judges, teachers and students. The 2014 theme, *Your Rights Under the United States Constitution*, presented information aimed at soliciting student opinions, surfacing the legal issues relating to the topic, and reviewing the role of judges and lawyers in addressing the teacher's choice of the following issues: 1) First Amendment: Children/Minor's Rights in School; 2) Fourth Amendment: Police Questioning/Right to Arrest; and 3) Fifth Amendment: Miranda Rights. These issues stimulated active student participation, helping them understand how laws directly affect them and the roles lawyers and judges play in administering justice. Evaluations from participating lawyers and teachers were received, reflecting successful presentations. Plans for the 2015 Rhode Island Law Day include revising the classroom program to include student role playing to encourage improved direct student participation. The Bar organized and managed the annual

Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest for 10th and 11th grade Rhode Island students. Entries were based on the 2014 Law Day classroom topics, and the winner was a student from Chariho Regional High School. Additionally, the Bar worked with Generation Citizen, identifying and connecting volunteer Bar members with Generation Citizen's law related education, school-based programs.

Work-Life Balance: The Rhode Island Bar Association continues to support our members' quality of life through our Lawyers Helping Lawyers (LHL) Program. Any member experiencing a personal or professional crisis may obtain immediate assistance from licensed, caring professionals as well as peer support if they so choose. The Committee serves as a resource for Bar Association members, providing support and encouragement when needed. The LHL Committee volunteers give generously of their time to help their colleagues. Their primary role is not to serve as counselor, doctor or therapist, but, rather, to lend an ear, provide support, encouragement and referral to appropriate resources. The Committee works with Judith G. Hoffman, LICSW, CEAP, Executive Director, Coastline Employee Assistance Program (EAP). Several members of the bar were assisted by EAP in the past calendar year. Issues included depression, eldercare, alcohol, anxiety, divorce and addiction.

My thanks to President J. Robert Weisberger, the Executive Committee, House of Delegates and Committee Chairpersons for their support and guidance throughout the year. Each member brings great perspective and leadership for the members.

Finally, I want to acknowledge and thank the staff of the Rhode Island Bar Association. We are fortunate to have these very committed individuals contributing their talent to the delivery of quality services and benefits to our members. Their hard work and dedication are remarkable: Director of Public Services Susan Fontaine, Director of Continuing Legal Education Nancy Healey, Director of Communications Frederick Massie, Director of Finance Karen Thompson, Rhode Island Bar Foundation Program Director Virginia Caldwell, our Lawyer Referral Service Coordinators Elisa King and Laura Bridge, CLE Program Coordinator Tanya Nieves, Communications Coordinator William Kelley, Volunteer Lawyer Program Coordinator John Ellis, VLP Program Assistant Debra Saraiva, Receptionist Karen Lomax, Office Manager Susan Cavalloro, and Law Related Education Coordinator Allison B. Baker.

The programs and services of the Rhode Island Bar Association contribute to relevant and valuable programs

and services to our members, increased availability of legal services, a more effective and independent judicial system, and increased public understanding about the law. The Rhode Island Bar Association Strategic Plan outlines goals and objectives to ensure we are doing the best we can to meet or exceed member expectations. In the coming year, under the leadership of our **President Bruce W. McIntyre**, we will remain mindful of meeting those goals and objectives adopted by the House of Delegates on your behalf and continue to work toward our vision. Please feel free to contact any of the officers or staff at the Bar Association with your concerns, questions or suggestions. We will keep you informed and invite you to become involved as we work to fulfill our mission.

Building on our deep traditions of professionalism, advocacy and service, the Rhode Island Bar Association is the preeminent leader on behalf of the profession. By being innovative and foresighted in serving the needs of practitioners, the community, and the administration of justice, our members are proud to be Rhode Island lawyers.

Goal 1 To provide members with valuable, relevant services that promote professional competence.

Goal 2 To be indispensable to new lawyers.

Goal 3 To be a positive public voice on behalf of lawyers and the judicial system.

Goal 4 To facilitate access to justice.

Goal 5 To foster the relationship between the bench and the bar to our mutual benefit.

Goal 6 To maintain an infrastructure that supports us in fulfilling our vision.

**Rhode Island Bar Association
Legislative Positions and Amicus Briefs
Official Notice 2014**

The Rhode Island Bar Association takes positions as a party or amicus in litigation matters related to the practice of law or administration of justice. The Rhode Island Bar Association restricts action on legislation either as a proponent or opponent to that related to the practice of law or administration of justice. In 2013-2014, at the invitation of the Rhode Island Supreme Court, we submitted an amicus brief relative to two issues raised in consolidated appeals. Specifically, the Court requested an amicus brief on whether “ghostwriting” is permitted under Rule 1.2(c) of the Rules of Professional Conduct, and the propriety of the imposition of sanctions pursuant to Rule 11 for ghostwriting. Our President, J. Robert Weisberger and the firm of Edwards Wildman, handled the drafting and filing of the amicus brief on a *pro bono* basis. Our position is that limited scope representation is allowed in the area of litigation in all civil cases in all courts of Rhode Island, where reasonable under the circumstances, and the client gives informed consent; that there be a program, created under the auspices of the RI Supreme Court, with the help and assistance of the RI Bar Association, to provide general training for all attorneys; that Rhode Island already permits ghostwriting as a form of limited scope representation under Rule 1.2(c); and, that in light of the fact that Rule 1.2(c) provides insufficient guidance or rules of practice to guide attorneys and does not provide the mechanics for limited scope representation, no sanctions pursuant to Rule 11 of the Superior Court Rules of Civil Procedure should be imposed on the appellants, attorneys who ghostwrote superior court papers for clients who were *pro se* in the superior court. Oral argument is anticipated in the fall. In 2012-13, the Rhode Island Bar Association (RIBA) did not file as *amicus curiae* in any matters.

With regard to legislation, the Executive Committee voted to support the unanimous recommendations of the **Committee on Probate and Trust:**

1. An Act Relating to Health and Human Services – Medical Assistance. The proposed act is intended to conform the provisions of R.I.G.L. § 40-8-15 with the notice requirements of R.I.G.L. § 33-11-5.1. With the proposed change, it would be clear that the notice of the pendency of probate for a person aged 55 or older must be given to the executive office of Rhode Island HHS within a reasonable time after the appointment of an executor or administrator.

Some probate courts had been requiring evidence of the notice at the time of the probate hearing.

2. An Act Relating to the Reservation of a Life Estate with Enhanced Powers. The proposed act would authorize the use of enhanced life estate deeds (also referred to as “ladybird” deeds). By such deeds, a grantor may convey title to real estate, reserve a life estate and reserve a power to dispose of the real estate without consent of the remainder persons. Such deeds are useful in the estate planning context, particularly where the grantor may potentially apply for medical assistance.

3. An Act Relating to Fiduciaries. The proposed act relating to fiduciaries is intended to adopt a Rhode Island statute that would permit a so-called “directed trust.” Similar laws have been adopted in Delaware and Florida, among other states. The idea is to protect corporate fiduciaries which have custody of trust assets, but where the investment decisions are made by another.

4. An Act Relating to Taxation – Estate and Transfer Taxes (Revised Version). A similar bill was introduced in 2010, 2011, 2012 and 2013. It was intended to address the fact that the Rhode Island estate tax creates a “cliff tax,” which creates a substantial tax for estates that just exceed the exemption threshold of \$910,725. For example, an estate of \$1,000,000, under the current tax, creates a tax of \$33,200, which is 37% of the excess of the estate over \$910,725 (the current exemption, which is indexed). The Committee believes that a fairer result would be produced by substituting a tax credit for the exemption. In addition, the Committee this year believes that the credit should be increased to an equivalent of \$2,000,000, which would be a credit of \$99,600. This would have the effect of benefiting all taxable estates. The Rhode Island estate tax would be better than Massachusetts (a \$1,000,000 exemption) and Maine (\$1,000,000, but increasing to \$2,000,000 in 2013), and the same as Connecticut. Vermont currently has a \$2,750,000 exemption, and New Hampshire does not have an estate tax.

5. An Act Relating to Taxation – Estate and Transfer Taxes (Maine Version) This proposed bill also eliminates the Rhode Island estate tax for estates less than \$2,000,000, but it also greatly simplifies the calculation of the estate tax, based on the system currently in effect in Maine. The bill would establish three rates: 8% for estates greater than \$2,000,000 but less than \$5,000,000; 10% for estates greater than \$5,000,000 but less than \$8,000,000; and 12% for estates greater than \$8,000,000.

With regard to legislation, the Executive Committee voted to support proposed legislation of the **Business Organizations Committee** of the RI Bar Association:

1. The first bill is an amendment to the Rhode Island Business Corporations Act (“Corporations Act”) to clarify the legal status of a corporation once it is dissolved. These amendments are based on principles found in the Delaware corporation law and the Revised Model Business Corporation Act prepared by the Committee on Corporate Laws of the Section of Business Law of the American Bar Association.

2. The second bill is an amendment to the Rhode Island Limited Liability Company Act (“LLC Act”). This bill makes several substantive additions to the LLC Act. First, in response to a request by Justice Silverstein, they have proposed adding to the LLC Act provisions dealing with receiverships and buy-outs of certain classes of disgruntled members that mirror the comparable provisions of the Corporations Act. Second, they have compared the provisions of the LLC Act with the comparable provisions of the Revised Uniform Limited Liability Company Act and proposed certain changes to bring the LLC Act into line with more current thinking. They chose not to adopt the Revised Uniform Limited Liability Company Act as a whole, but, rather, used it to clarify certain provisions of the LLC Act. The LLC Act is a hybrid statute and was not based on the original Model Uniform Limited Liability Act. As such, it has a significantly different structure from that found in the Revised Uniform Limited Liability Company Act. Finally, they are proposing to revise the LLC Act in a manner similar to the amendment proposed for the Corporations Act, as discussed above, to clarify the legal status of a dissolved limited liability company.

With regard to the **State of Rhode Island Employment Security Board of Review proposed amendment to UI and TDI Rule 17 – Filing of Claims for Unemployment Insurance Benefits and the amendment UI and TDI Rule 32 – Counsel Fees**, the Executive Committee sent a letter opposing the proposed rule on the basis that it will limit access to legal representation and the administration of justice to those most in need.

The statute that allowed payment of attorney’s fees by the Board was to encourage a claimant’s access to legal representation. The individual appealing the decision to terminate or disallow unemployment benefits generally could not otherwise afford legal representation. Current statutory (see Sec. 28-44-57) law provides that counsel fees are payable based on 10% (formerly 15%) of the “maximum benefits at

issue in that proceeding.” While it appears from the Public Notice of Rule Making that the Department is concerned with the “... significant economic impact on small businesses...” there does not appear to be any concern for the potential negative impact on unemployed workers and how reducing legal fees reduces the pool of experienced lawyers willing to represent those workers. The proposed Rule 32 is designed to reduce counsel fees to successful claimant attorneys, thereby further reducing the income of attorneys who represent claimants and further discouraging these attorneys from representing claimants. Particularly low income claimants whose benefits, if in dispute within the first six weeks, would produce a meager counsel fee that would make it uneconomical to represent such claimants.

With regard to legislation, the Executive Committee voted to support the unanimous recommendations of the **Criminal Law Bench/Bar Committee** to support H7307. This act would clarify that the provisions of § 12-19-19, permitting the expungement of records upon the successful completion of a deferred sentence, are to be applied both retroactively and prospectively. The act would also require that the court hold a hearing, before granting expungement, to determine whether the person has complied with all of the terms and conditions of the deferral agreement. This act would take effect upon passage, the provisions would be given retroactive and prospective effect, and it would apply to all matters pending upon the effective date of this act, including anyone who, after a hearing, is determined by the court to have complied with all of the 8 terms and conditions of their deferred agreement.

The Executive Committee polled **Committee Chairpersons** regarding H7133-022 which deals with **electronic posting of legal notices**.

The Rhode Island Bar Association did not take a formal position for or against this proposed legislation. However, a letter summarizing the concerns raised by our Committees was forwarded to the legislative leadership for consideration. The following is a summary of the issues raised by our members.

Primary Issue – Confusion Regarding Perceived Duplication – The majority of those who commented read the legislation to require what would essentially be duplicative notices in both the newspaper and on the new authorized website. This is probably a misreading of the proposed legislation because it would defeat its purpose. A more logical

reading of the legislation is that any person or entity who wishes to use the authorized website for publication must publish notification of that fact in the newspaper, and, once the newspaper publications are made, all future legal notices and advertisements can be published by that person or entity by posting them on the authorized website, without any further newspaper publication. Nevertheless, because so many attorneys have read the legislation as requiring dual publication for each notice (in both the newspaper as well as on the authorized website), it seems that the first, and most important, revision to the proposed legislation would be to clarify that this is not meant to be duplicative. Instead, the initial newspaper publications would simply be made in order to alert people that the authorized website will be used for future publications by that person or entity.

Applicability to Debtor/Creditor Process – The proposed legislation, “fails to express the importance of noticing requirements in civil debtor/creditor processes,” according to one commenter who practices in this area.

Availability of Internet Access – We received comments that the requirements were “unduly convoluted and confusing” and that “those who are in financial distress (and elderly persons) probably are not searching the internet and certainly not subscribing to ‘authorized’ noticing websites. Computers and internet access are expensive, and even though one could argue that newspapers also cost money, persons of less sophisticated ilk are more easily able to buy one, flip through its pages, and view legal notices ...”

Another comment said that because “over 20 percent of people do not use the internet in their home ... that segment of the population would suffer from not requiring legal notices to be posted in a major newspaper.” While there may be some truth to these comments, as stated in the legislative findings of this law, there are computers in over 72% of the households in Rhode Island, yet newspaper readership has declined to 31%. Newspaper use is on a steady decline, whereas internet use is clearly on a steady increase. Internet use has outstripped newspapers significantly. While it is true that there is no guarantee that a person who either has access to the internet or has access to a newspaper will actually use the internet and/or the newspaper to check for legal notices, statistically it seems that it is more likely that a person will become aware of a notice through the internet simply because the internet is currently used more widely than newspapers.

The bill also provides that rules and regulations will be established and these rules must include a mechanism by which a person can subscribe by email to the authorized

website in order to obtain alerts. The website must be searchable by statutory citation, keyword, date, etc., and the authorized website must be set up so that it can also be accessed by mobile electronic devices. In other words, it would appear that any person who is concerned about any particular item, say, for example, a potential foreclosure of their home, could simply sign up for an email alert with the website that has that person's address in it. That person would then receive an electronic notification any time a legal publication was made on the website that referenced that person's address. This seems more likely to provide information to a person than having to hunt through a newspaper.

Application to Receivership Process – Another comment was “as a Receiver, I support anything that saves estates money, for more distribution to creditors,” but this same person questioned “how do I comply with this bill” if appointed as a Receiver and “who pays for this initial announcement that I’m going to post my notices online?”

Application Outside of Governmental Agencies – Another comment was that “it is not clear from the statute if this only governs governmental agencies and departments.”

Application to Private Contracts and Rules and Regulations – One commenter stated that his major concern relates to “how it coordinates with notices required to be published by private contract.” He correctly states that: “As written, Section 42-114.3(a) addresses notice ‘required to be published by any law of this state.’” He then states that he believes that: “To be effective as a notice portal, the ‘authorized website’ should serve as a substitute for any notice that is required to be published in a newspaper, whether pursuant to state law, local ordinance, or any contract, agreement, or instrument. Essentially, the law should state that publication at the ‘authorized website’ has the legal effect of publication in the newspaper for all purposes in this state.” We also think the bill should consider addressing notices that are required to be published by any rule or regulation of any governmental body.

Permissive, Not Mandatory – Another comment was, “Conceptually, I think the bill makes a lot of sense. Most people use the internet to track down this type of information anyway.” However, he also stated that he believes, “The statute should also make clear that it is permissive, and that a person may always publish notices in the newspaper, notwithstanding having announced that it intends to also publish on the website.”

Frequency – How often will the notice of intent need to be published?

Contents – What is the notice expected to contain?

Foreclosures – Will this apply to foreclosure notices?

Who publishes the Notices? – Do lawyers file a notice as attorney for all of the lawyers’ clients or must each client file a separate notice?

Who pays the costs?

A member may, within sixty days of the date of the mailing of the *Journal*, allege that the lobbying activity for a specific bill or an amicus brief filing in a specific case was impermissible or a “non-core” activity on the part of the Rhode Island Bar Association, by notice, in writing, to the Executive Director of the Rhode Island Bar Association.

Rhode Island Bar Association 2014-15 Annual Budget

The Bar Association funds derived from members’ dues are employed for the furtherance of the Bar’s mission which is to represent the members of the legal profession of the state, serve the public and profession, and promote justice, professional excellence and respect for the law. A detailed budget appears on the following page.

Rhode Island Bar Association 2014-2015 Annual Budget

The Rhode Island Bar Association funds derived from members' dues are employed for the furtherance of the Bar's mandate which includes the administration of justice.

GENERAL FUND

(Administrative and Member Services)

Income	Budget 14/15
Bar Journal Ads & Subscriptions	\$ 55,000
Contract Service Income	57,000
Interest Income	1,500
LRE Grant Income	7,500
Mailing List Income	1,500
Malpractice Prevention	30,000
Member Dues & Fees	1,220,000
Royalties & Miscellaneous	6,500
Health Insurance Royalties	22,000
	<u>\$ 1,401,000</u>

Expenses

Awards	\$ 1,500
Bar Journal	110,000
Casemaker	85,000
Clerical Assistant	2,500
Computer	35,000
Consultants	5,000
Copier	11,500
Depreciation Expense	12,000
Dues & Subscriptions	5,000
Insurance	22,000
Lawyer Assistance Program	10,000
Legislative Counsel	27,000
Lobby Tax	9,500
LRE Grant	7,500
Maintenance & Repair	25,000
Medical Benefits	85,000
Miscellaneous Expense	2,500
Office Supply & Expense	30,000
Pamphlets & Advertising	1,000
Payroll Tax Expense	36,300
Printing & Postage	25,000
Professional Fees	28,000
Property Tax	5,000
Public Relations & LRE	5,000
Records Management	2,500
Regular Meetings	15,000
Rent & Electricity	175,000
Retirement Plan	51,000
Salaries	466,000
Telephone	15,000
Travel	28,000
Website	7,500
	<u>\$1,346,300</u>

Net Income: \$ 54,700

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 14/15
Interest	\$ 50
Dues	26,000
Fees	30,000
	<u>\$ 56,050</u>

Expenses

Medical Benefits	\$ 35,000
Office Supplies	1,000
Payroll Tax Expense	3,300
Printing & Postage	4,000
Retirement Plan	4,800
Salaries	43,000
	<u>\$ 91,100</u>

Net Income: \$ (35,050)

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 14/15
Annual Meeting	\$ 480,000
Publications	5,000
Seminars	200,000
Miscellaneous Income	250
On-Line Income	40,000
	<u>\$ 725,250</u>

Expenses

Annual Meeting	\$ 240,000
Clerical	750
Computer	12,000
Copier	1,200
Depreciation	1,000
Dues & Subscriptions	500
Medical Benefits	29,500
Miscellaneous Expense	500
Office Supplies	10,000
Payroll Tax Expense	12,210
Postage	4,000
Professional Fees	7,000
Publications	3,000
Rent	15,000
Retirement Plan	16,500
Salaries	152,620
Seminar Expense	170,000
Travel	1,000
Website	1,500
	<u>\$ 678,280</u>

Net Income: \$ 46,970

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,401,000	\$ 56,050	\$ 725,250	\$ 2,182,300
Expense	1,346,300	91,100	678,280	2,115,680
	<u>\$ 54,700</u>	<u>\$ (35,050)</u>	<u>\$ 46,970</u>	<u>\$ 66,620</u>

Grants and Restricted Funds

Pro Bono	\$ 163,594
Elderly	54,764
Foreclosure	100,000
CRF	125,000
Total:	<u>\$ 443,358</u>

2014-2015

Total Revenue	\$2,625,658
Total Expense	<u>\$2,559,038</u>
	<u>\$ 66,620</u>

**Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2013 and 2012**

Assets	2013	2012
Cash and cash equivalents	\$ 541,363	\$ 502,027
U.S. treasury bills	4,198,752	3,773,577
Accounts receivable	50,627	85,489
Other assets	15,265	25,883
Furniture and equipment (net of accumulated depreciation of \$176,418 in 2013 and \$163,345 in 2012)	30,529	40,779
Total Assets	\$ 4,836,536	\$ 4,427,755
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 71,212	\$ 34,432
Accrued expenses	83,167	81,939
Deferred revenues	50,000	5,000
Total Liabilities	204,379	121,371
Net Assets		
Unrestricted	2,488,956	2,294,006
Temporarily restricted	2,143,201	2,012,378
Total Net Assets	4,632,157	4,306,384
Total Liabilities and Net Assets	\$ 4,836,536	\$ 4,427,755

**The Statement of Financial Position on page 3 of the Audited Financial Statement for the years ended June 30, 2013 and 2012 is the official name of the Balance Sheet for non-profit organizations.*

Luis M. Lourenco, CPA, CCFP
Principal
YKSM, LTD
27 Dryden Lane
Providence, RI 02904
401-654-5025

Business Organizations

James H. Hahn, *Chair*



The Business Organizations Committee met monthly throughout the past year. Committee members reviewed issues of interest and legislation introduced during the General Assembly’s 2014 session. The Committee has completed and is working for the passage of proposed legislation that began drafting in 2012. These proposals would amend the Rhode Island Limited Liability Company Act, by adding provisions similar to those in the Business Corporation Act, expressly permitting the appointment of receivers for LLCs, and the Business Corporation Act, to address issues related to dissolution and the effect of the issuance of a certificate of revocation by the Secretary of State. The Committee also reviewed the Model Nonprofit Corporation Act and decided that it presents an appropriate template for an overhaul of the Rhode Island Nonprofit Corporation Act. The Committee will begin working on a draft revision to the Rhode Island Nonprofit Corporation Act in the fall of 2014.

Client Reimbursement Fund

John A. Tarantino, *Chair*



The Rhode Island Bar Association’s Client Reimbursement Fund was established as a public service to promote confidence in the administration of justice and the integrity of the legal profession. Our experience confirms the overwhelming majority of Rhode Island lawyers are honest, caring and deserving of their clients’ trust. The Fund reimburses the losses sustained by clients victimized by the few Rhode Island lawyers who violate the profession’s ethical standards and misappropriate funds entrusted to them. Losses reimbursed by the Fund include the theft of estate and trust assets, conversion of settlement proceeds in real estate and personal injury cases, money embezzled in investment transactions within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise, but then do not provide, legal services. The Fund Committee meets regularly to review and act upon claims and propose rules and proce-

dures. The Committee administers the Fund, which is financed by an annual assessment of \$25 per Rhode Island Bar Association member, together with interest on the invested funds and any money collected as a result of subrogation rights against the defalcating lawyers. As a fund of grace, all claimants are required to exhaust alternate sources of recovery before the Committee will consider claims. The Committee pursues subrogation rights after claims are paid. In several cases, attorneys convicted of client fund thefts have also been subject to court restitution orders. Since its inception in 1981, Rhode Island lawyers have reimbursed more than \$2 million to the victims of the few dishonest lawyers in this state. No public funds were involved. Rather, these reimbursement awards are financed solely by payments from lawyers. In fiscal year 2013-2014 three new claims were received involving three lawyers. One claim was paid for \$2,809, one is pending further substantiation, and one was denied as not reimbursable under our rules. Three claims are still awaiting action pending receipt of further information and the exhaustion of other remedies. I will continue to keep you informed as the Fund serves the public. I am thankful for your support.

Continuing Legal Education

Lynn E. Riley, *Chair*



The Continuing Legal Education (CLE) Committee offered over 40 programs this year. The CLE year began with our annual, free, ethics seminar, which was repeated five times in different locations in August and September, and all received great reviews. The fourth annual *Commercial Law Update* was held in the Fall, and the second annual *A Sidebar with the Superior Court* was held in the Spring. Both programs were great successes. Select *Food for Thought* seminars, our popular, one-hour lunch time series, and other longer programs, are regularly offered as live webcasts as well as in-person programs. This past year, there were 11 live webcast seminars. Many of our CLE programs, as well as all webcasts are featured in the on-demand catalog of online CLE seminars for future viewing by Bar members. On behalf of the CLE Committee, I thank all of our speakers for volunteering their time to support the CLE program. I especially thank the CLE Committee members for their dedication and work in coordinating these programs. I encourage all Bar members to

submit programming suggestions and proposals for the 2014-2015 CLE year.

Creditors' and Debtors' Rights

Richard L. Gemma, *Chair*



This year, the Committee on Creditors' and Debtors' Rights members pursued two primary tasks. First, the Committee has drafted, and is in the process of finalizing, proposed legislation with respect to Superior Court authorized sales of real property and/or personal property. The proposed legislation looks to afford certain pro-

tections to those who acquire such property from a Superior Court authorized sale in good faith, similar to those protections afforded to a purchaser at a sale authorized by a United States Bankruptcy Court under Section 363(m) of the U.S. Bankruptcy Code. Special thanks to Attorneys Hemmendinger, McGowan and Simmons with respect to drafting the proposed legislation. The Committee also drafted proposed changes to the usual and customary form of Court Order Appointing a Permanent Receiver in receivership cases. In doing so, the Committee is recommending streamlining the public auction receivership sales process in smaller receivership estates (i.e. those estates with an auction value of less than \$100,000). The Committee hopes the proposed changes will assist in minimizing the costs of administering smaller insolvency estates. Committee members presented a 2014 Annual Meeting seminar, "Recent Developments in Receivership & Insolvency Law." Special thanks to Attorneys McGowan and Wieck with respect to the seminar. Many Committee members agreed to and continue to participate in an email communication system through which all Committee members receive updates on insolvency issues in state and federal courts.

Criminal Law Bench/Bar

Christopher S. Gontarz, *Chair*



The Criminal Law Bench Bar Committee had a full agenda this past year. Monthly meetings included the following guest speakers: Rhode Island Superior Court Associate Justice Jeffrey Lanphear; Rhode Island Superior Court Magistrate John McBurney; Chief Legal Counsel, Rhode Island Department of Corrections

Kathleen Kelly; Rhode Island District Court Chief Judge Jeanne LaFazia; U.S. Attorney for Rhode Island Peter Neronah; Office of the Rhode Island Court Administrator J. Joseph Baxter and Gail Valuk; Rhode Island Family Court Associate Justice Kathleen Voccola; Special Assistant Attorney General, Rhode Island Department of Attorney General John Moreira; and Rhode Island Public Defender Mary McElroy. The Committee also met with Superior Court Presiding Justice Alice Gibney to review and update the criterion for appointment to Court appointed panels for criminal cases. The Committee reviewed legislation on deferred sentences and made a recommendation to the Rhode Island Bar Association Executive Committee urging Bar Association support of the bill, which the Executive Committee approved.

District Court Bench/Bar

Gregory S. Dias, *Chair*



As I finish my third year as Chair, I thank the Committee members and members of the Bench for their assistance. Our year began by hosting a meeting with Rhode Island District Court Associate Justice Raphael Ovalles who presides over the civil calendar in Kent County. District Court Chief Judge LaFazia and Judge

McCaffrey were in attendance and joined the discussion regarding various issues of reassigning cases, stipulations, continuing cases, and other everyday issues affecting the District Court. Judge Ovalles discussed his preference regarding these issues and handling civil trials from scheduling to the day of trial. The Committee met with Judge Isherwood who handled the civil calendar in Providence. Judge Isherwood explained his preferences regarding the calendar call, mo-

tions, scheduling trials, continuances and stipulations by *pro se* defendants, and he answered committee member questions. Magistrate Ippolito presented information relative to the Appellant Jurisdiction of the District Court, most notably appeals from the Department of Labor and Training Board of Revenue, Rhode Island Traffic Tribunal and the Division of Motor Vehicles Operator Control. He also provided attending Committee members with *A Survey of RI Employment Security Cases* Fourth Edition, a valuable tool for those who handle employment security cases. In the coming year, the Committee expects to hold joint meetings with the Criminal Law Bench/Bar Committee, focusing on criminal law issues affecting the District Court. The Committee also plans to bring in speakers to offer CLE credits. The Chair invites all interested Bar members, both those who practice criminal and civil law, to join the District Court Bench/Bar Committee.

Environmental and Energy Law

Jennifer R. Cervenka, *Chair*



In its fifth year, the Environmental and Energy Law Committee continued to expand its membership, offering a full program of guest speaker meetings. The Committee meets on the third Friday of the month, from September through May, from 12:30 to 2:00 pm, and, in December, hosts a social holiday gathering. Regular

meetings consist of general committee activity announcements, member discussions on current events and changes in the law and regulations, and voting on official committee actions. Most meetings also include an issue-oriented speaker, coordinated by the planning subcommittee. The subcommittee meets, year round, on the first Wednesday of every month by telephone to: identify topics/speakers for committee meetings; discuss updates on current events in the law; review potential legislative and regulatory advocacy issues for Committee consideration; and plan for Continuing Legal Education seminar presentations. This year's meeting speakers included: Carol Wasserman, Principal of Regulatory and Environmental Affairs at New England Hydropower Company, LLC, who presented on federal and state hydropower development initiatives; Chris Kearns, Chief of Program Development at the Rhode Island Office of Energy Resources, who discussed the status of the PACE program and the state Energy Plan; Arthur Handy, Chairperson of the House Com-

mittee on Environment and Natural Resources, who presented on environmental and energy legislation passed last year and the status of proposed legislation for the 2014 session; Robert Nero, Chairman of the Pawtuxet River Authority, who provided an overview of the PRA's legislative authority, history, mission and its past and present environmental and energy related projects on the Pawtuxet River and its watershed; William Penn and Richard Pace of the Rhode Island Farm and Food Fund, who provided an overview on a new program that will fund fallow or abandoned farm land, and support farmers to create new local food; and Richard Hittinger, President of Alliance Environmental Group, who discussed his work on the 28 member Rhode Island Climate Change Commission and the work being done currently by the new Executive Climate Change Council. The last Committee meeting of the year was held in May at the Ocean Mist in Matunuck, featuring a free, 3-credit CLE program on climate change impacts in Rhode Island, state standards for construction and reconstruction in high risk areas, adaptation strategies, and flood insurance changes. The Committee hosted a workshop for the Bar's Annual Meeting, providing an update on environmental and land use enforcement, case law developments, and new legislation. All interested Bar members are invited to join our active committee, and take part in the coming year's events.

Ethics and Professionalism

Wayne M. Kezirian, *Chair*



The Ethics and Professionalism Committee met regularly from September through May. Rapidly changing technologies influencing the practice of law and their impact on our profession gave rise to significant discussions during Committee meetings. From these, the Committee prepared and presented an Annual Meeting

seminar titled, *Is the ethical paradigm shifting?* The program featured an opportunity for real-time, anonymous, electronic audience participation, and information elicited will support and enhance future Committee discussions. I thank the Committee members for their work and support in preparing and presenting the Annual Meeting program. On behalf of the Committee, I thank David Curtin, Esq., the Chief Disciplinary Counsel of the Rhode Island Supreme Court. Mr. Curtin once again met with us and shared his observations concerning the issues most commonly reported to his

office, as well as major business and societal trends currently impacting the profession. Several attorneys relatively new to the practice of law in Rhode Island joined the Committee this year, and their perspectives enlivened and broadened the scope of our ongoing discussions. Our Committee is honored by the continuing presence of Melvin Zurier, Esq., a Bar member since 1957, and a longtime Committee member and contributor. Mr. Zurier recently noted that discussions concerning “the business of the practice of law” would not have occurred when he was first admitted to the Bar, as the practice of law was then viewed strictly as a profession, not as a business. That comment, which illustrates the changes in perception concerning the evolution of the practice of law in recent decades, validates the continuing need for a forum in which issues related to ethics and professionalism can be identified, discussed and disseminated. The Ethics and Professionalism Committee strives to fill that need.

Family Court Bench/Bar

Jane F. Howlett, *Chair*



The Family Court Bench/Bar Committee meets on the second Tuesday of each month, in Courtroom 5H, on the 5th floor of the Garrahy Complex. This year, our Committee was dynamic and continuing its involvement in the various Family Court topics and issues. As Chairperson, I presented at the annual Family

Court Judicial Conference at the Christian Brothers in Narragansett. An invitation was extended to all members of the Committee by Chief Judge Bedrosian, and many members attended and enjoyed the reception following the Conference. Chief Judge Bedrosian spoke to the Committee in October, updating members on pertinent issues in the Family Court and answering Committee member questions. I thank Chief Judge Bedrosian for her ongoing and continued support of the Committee. The Family Court Mediation Unit's Cheryl Martone spoke at our November meeting, focusing on the mediation process and how the Family Court practitioner can assist in the process and, conversely, how the mediation process may assist the Family Court practitioner. All Miscellaneous Petitions filed in Family Court must be referred to the Mediation Unit, and many divorce matters are also referred as well. As a result, Family Court practitioners need to know and understand the mediation process as it now exists in the Family Court. I thank Ms. Martone for

her expertise and for donating her time to the Committee. Attorney Elizabeth Segovis presented her annual, Continuing Legal Education course, Basic Tax Considerations in Separation and Divorce. This one-credit CLE was well-attended and always appreciated by the Committee members. Timing is everything, and Attorney Segovis' presentation contains up to date and pertinent material during the ever important tax filing season. Issues such as deductions, tax refunds, filing issues and innocent spouse exceptions constantly evolve and change from year to year, and Attorney Segovis provides members with the important updates needed during tax season. I thank Attorney Segovis for her time and for volunteering in advance for next year's seminar. Members of the Department of Human Services, Office of Staff Development provided a one-credit CLE course on the Affordable Care Act. This informative and enlightening presentation focused on the effect the ACA will have on RIticare and RIteshare, as well as what affect the ACA will have on continued health-care benefits for litigants. Presenters discussed the different levels of coverage offered by HealthSourceRI, including premium costs and government subsidies, available tax credits, and health reform exclusions, as well as the effect on naturalized citizens, legal immigrants, undocumented immigrants and the children of undocumented immigrants. This is clearly a constantly developing and changing area, and I hope to have a follow up presentation in the future. I thank Elizabeth Sheriden, Meg Shanley and Jerry Cloutier for their time and expertise. It is greatly appreciated. The Family Court is prepared to convert to e-filing in late 2014. A subcommittee is established to review the Rules of Procedure for Domestic Relations and the Rules of Practice to insure conformance to the new electronic filing system and to revise or modify the rules as needed. Information on e-filing may be obtained on the Rhode Island Judiciary website. Bar members interested in joining the Family Court Bench/Bar Committee may do so, online, at the Bar's website or by contacting Kathleen Bridge at kbridge@ribar.com to sign up and receive email notifications of Committee events.

Federal Court Bench/Bar

Patricia K. Rocha, *Chair*



Throughout this year, the Federal Court Bench/Bar Committee worked closely with the Court, including former U.S. District Court Chief Judge Mary Lisi and Chief Judge William Smith, as well as U.S. District Court Clerk David DiMarzio and his staff, updating Bar members on projects addressing the Court’s efficiency and responsiveness to the litigant and attorney needs. At our Fall meeting, Steve Richard reported the 2013 District Conference was a success, enjoyed by lawyers and judges alike, noting Supreme Court Justice Sandra Day O’Connor’s presentation was well-attended and included an interesting fireside chat between her and Judge Selya. Mike Levin reported on the Jury Instruction Project, now fully operational on the Court’s website for both Civil and Criminal Jury Instructions. It is a user-friendly tool to research the Court’s Jury Instructions for civil and criminal trials. Scott Kilpatrick reported that Rhode Island is hosting the Federal Bar Association (FBA) Annual Meeting on September 2nd and 4th, 2014, with an anticipated attendance of 400 people, and including a partial Waterfire. This is a terrific opportunity for the FBA to showcase Rhode Island and our courts. At the January 2014 meeting, Steve Richard updated the Committee on the status of the Local Rules Committee and suggestions regarding amendments to the Local Rules, and Mike Simoncelli demonstrated the Civil Jury Instruction Project. Chief Judge Smith and David DiMarzio reported on the Court budget, noting the judiciary fared fairly well, and the Court is no longer facing the prior pressures of sequestration and does not anticipate a significant adverse impact resulting from budget issues. Chief Judge Smith announced he is allowing credentialed journalists to use electronic devices during court proceedings in which the presiding judge or magistrate judge has approved a standing exemption to Local Rules 111(b) and 112. Chief Judge Smith referenced the January 31, 2014 General Order regarding the use of electronic devices by members of the media. Presently, Chief Judge Smith, Judge McConnell and Magistrate Judge Sullivan allow credentialed media to use electronic devices, while Judge Lisi, Judge Lagueux and Magistrate Judge Almond have not approved the exemption. Chief Judge Smith noted his desire to have a Court Twitter account, as well as a Court blog. The Court Twitter account became operational on April 24th. Noting that, due to the trend of fewer trials, younger attorneys are not getting the opportunity to observe

and/or participate in court trials and hearings, Chief Judge Smith has established an *ad hoc* committee to research the establishment of a litigation academy to provide skills training to attorneys. Brooks Magratten reported the National Institute of Trial Advocacy is willing to serve as a resource for a Rhode Island litigation academy, as well as the Federal Bar Association, in terms of training materials and trainers for the faculty. The *ad hoc* committee will continue its work toward establishing a formal litigation academy available to Federal Court practitioners. Chief Judge Smith established a *pro bono* committee, chaired by Magistrate Judge Sullivan, to create a *pro bono* program in the Court to handle eligible *pro se* cases. The Committee is working on a policy it hopes will be implemented in the near future. Committee meetings were particularly well attended. I thank all the Committee members for their efforts on the various projects throughout the year.

Fee Arbitration

Henry V. Boezi, III, *Chair*



During fiscal year 2013-14, thirty-two petitions for fee arbitration were filed with the Rhode Island Bar Association. Five matters were settled prior to a formal arbitration hearing. Sixteen matters were dismissed because the respondent was unwilling to proceed with the arbitration. Nine matters were arbitrated with the Committee’s assistance. Eleven matters are still pending. The amount of fees in dispute ranged from amounts of \$846 to \$360,000. Several disputes were between lawyers involved in the same case. In one, a settlement agreement was reached but later rescinded. We continue to arbitrate controversies that could have been avoided by a well-written fee agreement, sound billing practices, and/or better lawyer and client communications. The proceedings are primarily informal, serving as an alternative to litigation. Members of the Committee serve voluntarily without compensation. They are commended for their service to the Bar and the public. This program increases public confidence in the legal profession and accelerates fee dispute resolution. However, it remains underutilized, as there are many volunteers offering to serve as arbitrators.

Government Lawyers

Julie P. Hamil, *Chair*



The Government Lawyers' Committee (GLC) enjoyed another productive year starting with a joint meeting with the New Lawyers Committee. The panel discussion addressed roles for lawyers in government and was presented by GLC members Jason Grammitt (Ethics Commission), Elizabeth Kelleher

Dwyer (Department of Business Regulation, Insurance Division), Lisa Holley (Department of Public Safety) and Julie Hamil (Supreme Court). The discussion addressed the roles of the government lawyers in their respective agencies, their career paths and opportunities for new lawyers in government. During this discussion, there was a presentation regarding the Federal Public Service Loan Forgiveness Program by Amy Goins of the City of Providence Law Department. The GLC hosted two continuing legal education seminars this year, the first of which was *Agency Level Implementation of the Patient Protection & Affordable Care Act (ACA) in Rhode Island*. The presenters were Jacqueline Kelly, Executive Counsel with the Executive Office of Health and Human Services and Lindsey McAllister, Chief Legal Counsel to the RI Exchange. The informative seminar provided an overview of the ACA, its individual and employer mandates, the modernized eligibility system known as the Exchange and how it works, and also addressed the cross-governmental roles of various state agencies in implementing the ACA. David Curtin joined the GLC for its second CLE seminar in which he spoke about *Common Ethical Questions for Government Lawyers*. The well-attended seminar covered diverse topics from conflict of interest issues commonly confronted by government lawyers, to the use of social media and legal blogs by government lawyers. The Committee extends a special thanks to member Herb Olsson for his work organizing a panel discussion for this year's Annual Meeting, *Health Insurance Complaints: How to Advise Your Client in Disputes with a Health Insurance Company*. Herb assembled a distinguished panel of speakers who provided insights and practical information on this unique area of law, including how to file a complaint with a health insurance company, where to go for additional consumer assistance and when to refer unresolved issues to state and federal agencies. Many thanks to the GLC members and speakers who participated in the Committee's events this year; your time and efforts are greatly appreciated.

Insurance Programs

J. Renn Olenn, *Chair*



The Insurance Programs Committee met regularly to review and recommend programs of professional liability, health, and other insurance offered as membership benefits through the Rhode Island Bar Association. The Committee continues to educate new Bar members about the insurable risks in the practice of law.

The Committee frequently participates in the Bar's Annual Meeting and CLE department, offering programs on insurance issues. An article, *Important Decisions to Make When Purchasing a Legal Malpractice Policy*, by Committee member David Grossbaum appears in this issue of the Rhode Island Bar Journal. The Committee met with USI Affinity to review the Bar Association's health and dental programs. The traditional group health program with Blue Cross for Associations was eliminated by legislation some years ago. Since then, the Association has utilized the services of USI to administer and assist members with their health insurance needs and serve as the Bar's relationship administrator with Blue Cross/Blue Shield and Delta Dental for purposes of billing and claims issues. USI organized a three-part series held at the Bar to help members prepare for the numerous changes affecting members, their families, and their firms as a result of Health Care Reform. USI, Blue Cross/Blue Shield, Delta Dental, and HealthSource RI staff were present for consultations. The meetings were well attended and provided great assistance to members, helping them compare competitive quotes. USI will continue to act as an advocate for Bar members, providing added value as an advisor on medical insurance issues that are difficult to navigate, including health savings account plans and the special Medicare options open to members over the age of 65. USI, with Blue Cross/Blue Shield, included free wellness screenings at their Bar Annual Meeting exhibit space, and Delta Dental was also present as an exhibitor. The Committee also reviewed the Bar-sponsored lawyer's professional liability program, with AON Attorney's Advantage representatives. AON continues to support loss prevention by underwriting the popular and informative loss prevention CLE series offered five times annually and providing members with three free CLE credits. The speaker for the 2014 program is Jack Marshall who is always well received. Current insurance programs include the following which may be accessed through the Membership Benefits section on the Bar's website at www.ribar.com.

Health & Dental

USI New England is the Rhode Island Bar Association’s relationship administrator with Blue Cross/Blue Shield and Delta Dental. As a convenience for Bar Association members, USI New England will act as a liaison between Blue Cross/Blue Shield and Delta Dental and Bar members as an alternative to direct Bar member contact with those providers. A member may also contact the providers directly without going through USI, and the premium is exactly the same. USI New England is contracted to provide Bar members with enrollment, billing service, insurance advice and to assist members with other health and dental benefits insurance alternatives.

Professional Liability Insurance

AON Attorneys’ Advantage program offers professional liability insurance coverage sponsored by the Bar Association. Through a combination of Affinity Insurance Services, Inc. offices and a network of Independent Territorial Administrators, AON Attorneys’ Advantage program provides broad coverage, competitive rates, and outstanding local and risk management services.

Business Owners Property & Casualty Insurance

AON Attorneys’ Advantage now provides expanded coverage through the AON Property and Casualty program. The Bar-sponsored program offers Bar members property, liability, workers’ compensation, and other miscellaneous coverage. AON’s access to major property casualty companies specializing in this market enables them to place coverage with an insurance carrier providing Bar members with the best and most comprehensive coverage at the most competitive prices.

Personal Lines Insurance

Liberty Mutual offers Bar members special savings and personalized coverage. Members may access service and information at a local Liberty Mutual office, by telephone, online or via a mobile device. Discounts and savings are available where state laws and regulations allow, and may vary by state. Certain discounts apply to specific coverage only.

Disability and Long Term Care Insurance

Massachusetts Mutual Life Insurance Company (Mass Mutual) is a Bar-sponsored provider of Disability Income Insurance and Long Term Care Insurance for Bar members. Members receive discounts on these products from MassMutual. The discounts on Long Term Care Insurance also extend to members’ parents, grandparents, children and in-laws.

Term Life Insurance

Robert J. Gallagher & Associates’ representatives are happy to review Bar members’ life insurance needs. Their Affinity plan is underwritten by ReliaStar.

For more information on, and to contact representatives of, any of the insurance-related services noted in this report, please go to the Membership Benefits section on the Bar’s website at www.ribar.com.

Labor and Employment Law

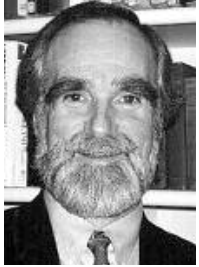
Carly Beauvais lafrate, *Chair*



This year, the Labor and Employment Committee continued to host luncheon meetings at which speakers conducted informative presentations on areas of member interest. David Abbott, Esq., the current Deputy Commissioner and General Counsel of the R.I. Department of Education, discussed the ongoing tension between state-level policy making and local collective bargaining. Ms. Robyn Golden, Administrator of the R.I. State Labor Relations Board, spoke on topics relative to practice before the Labor Board, with a special focus on the unique case involving the organization of day care workers. We had our annual presentation by Cynthia Hiatt, Esq., of the Rhode Island Commission for Human Rights who discussed important recent developments in the employment discrimination arena and answered practitioners’ questions regarding issues arising when representing individuals and employers at the Commission. Since the Rhode Island Supreme Court issued a number of decisions in discrimination cases this year, Ms. Hiatt’s presentation was particularly timely. The Committee encourages any Bar members to participate in, and benefit from, the Committee during the coming year. Toward that end, if any current or new members have topics or issues for the Committee to discuss or speakers they would like to address the Committee, please contact the Chair.

Lawyers Helping Lawyers

Nicholas Trott Long, *Chair*



The Lawyers Helping Lawyers (LHL) Committee meets bi-monthly. The Committee serves as a confidential resource to members, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is not to serve as counselor, doctor or therapist, but, rather, to lend an ear, provide support, encouragement and referral to appropriate resources. Even within the Committee, the identity of lawyers seeking assistance is kept completely confidential. The Association contracts with the Coastline Employee Assistance Program (EAP), and it provides the professional clinical services including assessment and referral to Bar Association members and their families who are covered as well. Hence, when a Committee member links an attorney seeking help with Coastline, that attorney's identity is known only by the attorney making the referral and Coastline counselors. The Committee commends and thanks Judith G. Hoffman, LICSW, CEAP, Coastline EAP's Executive Director, for her valuable contribution. Several members of the Bar were assisted by Coastline EAP in the past calendar year. Issues included depression, eldercare, alcohol, anxiety, divorce and addiction. The Committee focuses attention on education. The Committee sponsored a presentation at the June Annual Meeting, *Depression: Supporting You, Supporting Your Practice*, with Coastline's Judy Hoffman and Henry S. Monti, Esq., Gemma Law Associates, Inc. The workshop discussed depression from a psychological perspective, as well as from a law practice perspective. Topics included how to minimize the effect on a law practice, including malpractice, disciplinary and the Americans with Disabilities Act (ADA) aspects. In addition, the Committee makes presentations at the *Bridging the Gap* programs for newly-admitted attorneys. All issues of the *Rhode Island Bar Journal* and the Bar's website contain information about the Lawyers Helping Lawyers Program and the SOLACE program aimed at helping Bar members and their families in need. In addition, the Committee writes short articles for the *Bar Journal* related to the Committee's focus. Two recent ones were *Are You an Aggressive Driver?* and *Dealing with a Colleagues' Grief*. The Committee recently reviewed and discussed certain questions appearing on the Rhode Island application for bar admission that ask about an applicants' mental health, including any history of substance abuse and other mental illnesses. The questions are nearly identical to

those used in Louisiana, which the U.S. Department of Justice found violate the ADA. The Character and Fitness Committee is currently considering the matter. The Committee looks forward to providing additional outreach and educational programming in the coming year. The best way to assist lawyers with the help they need is to get the message out to them that help is available and confidential.

Lesbian Gay Bisexual & Transgender

Patrick J. Smock, II, *Chair*



I thank the Committee members and allies for a successful committee year. The Lesbian Gay Bisexual & Transgender (LGBT) Committee had two goals for the 2013-2014: 1) providing updated and accurate legal information to the Bar Association members; and 2) continuing to advocate for those issues unique to the Rhode Island LGBT Community.

The year started with a two-hour CLE seminar, *Same Gender Marriage and the Demise of DOMA*. Over seventy attorneys participated in the presentation by Janson Wu, Esq., of Gay and Lesbian Advocates and Defenders (GLAD), Peri Aptaker, Esq. CPA/PFS, CFP. CBA and Director of Wealth Management at Kahn, Litwin, Renza and Co., and Laura Pisaturo, Esq. of Laura Pisaturo Law Office. Many Committee members participated in a mentoring program sponsored by the Roger Williams University School of Law Alliance Program. The student attorneys had the opportunity to explore areas of the law and gain guidance from the participating Members. The Committee is looking forward to the 2014-2015 Bar Association year as an opportunity to continue with the goals it has already established, as well as new goals to be determined by the Committee.

New Lawyers Committee

Cristen Ciresi, *Chair*



The primary objective of the New Lawyers Committee is assisting new Rhode Island Bar Association members gain access to all of the benefits the Bar Association offers. The Committee met this objective, providing a range of informative professional speaker sessions, and seminars, hosting guest speakers who offered their insights and expertise in the practice of law. In November, the Committee teamed up with the Bar’s Government Lawyers Committee for a panel presentation on the various opportunities for lawyers in the government, including a discussion on the federal Public Service Loan Forgiveness Program. This joint meeting of the two committees was well-attended and received positively by all attendees. In December, the Committee hosted Veronica D. Paricio, the Assistant Dean for Career Development at Roger Williams University School of Law. Through her insightful presentation, Dean Paricio addressed a range of issues related to job searches in the legal field, including tips on how to conduct a stealth job search where individual inquiries remain confidential, and the use and effectiveness of job headhunters. During another Committee meeting, Rhode Island Superior Court Associate Justice Brian P. Stern, informatively and humorously shared his experiences as a lawyer and judge, reviewed his preferences for lawyers’ courtroom presentations, and described the role of technology inside and outside his courtroom. The Committee also offered two free, one-hour, CLE seminars this year. The first seminar, *The ABCs of Arbitration* was part of the Committee’s new *Breakfast Basics* series. This series features periodic, one-hour discussions specifically geared toward newer lawyers. Each of the series’ presentations focuses on a specific legal topic or fundamental, presented by seasoned practitioners. The second seminar, *View From the Bench: The Superior Court Motion Calendar*, gave attendees an opportunity to gain a practical understanding of the civil Motion Calendar and gain knowledge directly from Rhode Island Superior Court Associate Justice Joseph A. Montalbano. Representatives from the New Lawyers Committee also continued the Committee’s participation in the *Bridge the Gap* program new bar members are required to attend as part of their admission. Although the Committee’s programming is primarily aimed at those who have been practicing for ten years or less, all are welcome, and both new and more seasoned Bar members are invited to join the Committee and participate in activity planning for the coming year.

Probate and Trust

David T. Riedel, *Chair*



The Committee on Probate and Trust considers proposed changes in the legal system as it relates to the probate, trust and estate tax areas. The Committee was active during the current year, meeting generally once each month, exclusive of the summer months, consisting of over one hundred members, many of whom were regular attendees and active participants at Committee meetings. Several probate judges are Committee members, providing a useful perspective on Committee discussions. The Committee was involved in the preparation of proposed legislation during the current session that would: 1) change the manner in which the Rhode Island estate tax is calculated from an exemption (currently \$921,655 with an inflation adjustment) to either: a) to the equivalent in an estate tax credit of \$99,600, exempting estates with assets of \$2,000,000 or less from estate tax and providing all estates (not just those less than the exemption equivalent) the benefit of the credit; or b) a simplified system based on that currently in place in Maine, exempting estates with assets less than \$2,000,000; 2) authorize “enhanced life estate deeds”; and 3) permit so-called “directed trusts.”

The Committee also reviewed proposed legislation submitted during the current session that would, *inter alia*: 1) permit electronic filing of court documents; 2) eliminate certain probate notice requirements; and 3) revise certain provisions relating to descent and improve the rights of a surviving spouse to elect against a will. It is uncertain whether these or any of the remaining proposed bills referenced above will be enacted, since the Legislature remains in session at the time of this report. The Chair was given invaluable assistance by a number of Committee members, including probate judges, who made themselves available to review proposed legislation in the probate and trust area.

Public Services Involvement

Christine J. Engustian, *Chair*



The Public Service Involvement (PSI) Committee members worked cohesively, and with determination and focus, to fulfill its formal charge “to make recommendations and review policies and procedures relating to the equal access to legal counsel for all citizens through the public service programs of the Rhode Island Bar Association.” The Committee reviewed the client financial eligibility guidelines for the Bar’s U.S. Armed Forces Legal Services Project and made a recommendation to the Executive Committee regarding the modification of the Project’s *pro bono* eligibility requirements reflecting guidelines not to exceed 250% of the federal poverty guidelines. The Executive Committee approved the PSI Committee’s recommendation, and the new financial eligibility guidelines are now in effect. The Committee, in support of the American Bar Association’s *pro bono* legal services celebration, was instrumental in the Bar Association’s special, October 2013, recruitment efforts of *pro bono* attorneys.

Based, in part, on input from the Bar’s Public Services staff, the Committee chose to direct its efforts towards increasing the number of volunteer attorneys willing to accept *pro bono* guardianship cases. Consequently, the Committee plans a series of seminars, beginning in late 2014, providing attorneys with basic and essential knowledge to effectively handle guardianship cases. A subcommittee has met is currently preparing seminar topics and material. The Committee tracked the work of the Bar’s Unbundling Legal Services Task Force through PSI Committee member, Susan Famiglietti, who sat on the Task Force and kindly reported monthly to our committee the Task Force’s work and ultimate recommendation to the House of Delegates. The PSI Committee welcomed new members this past year and encourages all attorneys interested in promoting greater access to legal counsel for Rhode Island residents through the Bar Association’s public service programs to join us. The Committee extends its gratitude to the Bar Association’s Public Service Programs staff who provide able assistance, guidance and support to the Committee and its work throughout the year.

Superior Court Bench/Bar

Karen Pelczarski, *Chair*



This year, the Superior Court Bench/Bar Committee worked on a variety of projects in furtherance of its mission to improve practices and procedures in the Court’s administration of justice. 1) The Committee held a series of meetings with Superior Court judges in their courtrooms and engaged in open discussions to search for ways in which processes may be improved, with particular regard to ways in which delay times for hearings and decisions may be reduced or eliminated. The judges who participated included Presiding Justice Gibney, and Judges Vogel, Taft-Carter, Silverstein, Stern, Montalbano, and Matos. The Committee thanks them for their time and efforts. It will submit a report to Presiding Justice Gibney with its recommendations for proposed changes. Among the most important recommendations is a procedure by which attorneys for parties who are waiting for written or bench decisions for more than 90 days may contact the Presiding Justice directly regarding the delay. 2) A subcommittee was formed to improve efficiencies regarding entry of default judgments, assignments of dispositive motions, and an array of additional matters that are handled by Superior Court clerks. Presiding Justice Gibney agreed to arrange for a meeting between members of this subcommittee, clerks, and other administrative personnel to explore these issues and effectuate changes. 3) To improve the ease of communications between judges and members of the bar regarding ongoing cases, the Committee prepared and disseminated a survey to all Superior Court judges gathering input regarding their communication preferences. For example, judges were asked whether: a) they or their clerks accept email communications from attorneys; b) requests for continuances may be made by email; and c) they have adopted any standing orders governing motion practice or other procedures. The results of this survey will be published on the Rhode Island Judiciary Superior Court website. 4) The Committee provided input regarding proposed legislation entitled “Modernization of Legal Notices and Advertisements.” 5) The Committee submitted a series of proposed changes to the Superior Court Rules of Civil Procedure to address issues relating to discovery of emails, text messages, and other electronically stored information. Presiding Justice Gibney has formed a Superior Court judges committee who are working with the Bench/Bar Committee to consider these proposed rule changes and pursue their enactment.

Technology in the Practice

Thomas B. Lyons, III, *Chair*



The Technology in the Practice Committee’s major activities this year focused on upcoming and possible technology changes in our State courts. The Committee Chair and Bar leaders met with representatives of the Rhode Island Judiciary and the Judiciary’s technology partner, Tyler Technologies, to discuss the new case management system (CMS) and electronic filing (e-filing) system planned for phased implementation in the State courts. The information gleaned from these meetings was then shared with the Committee members and with the Bar membership through Bar President Bob Weisberger’s Message and accompanying implementation timeline appearing in the November/December 2013 *Rhode Island Bar Journal*, as well as through Bar committee updates, an all-member email, and news postings on the Bar’s website, Facebook page and Twitter account. Based on research of other states and judicial district procedures, the Committee drafted a proposed administrative order for the State courts that would permit lawyers to use electronic devices like laptop computers, iPads and smart phones in courtrooms. The Bar’s Executive Committee made a few revisions to the proposed order and forwarded this recommendation to Chief Justice Suttell. There were two Annual Meeting presentations by members of the Committee. Jason Knight and Joel Votolato did a presentation on technology for the virtual office and preparing for electronic filing. Michael Goldberg and Mr. Knight did a presentation on the fully-digitized law office.

Title Standards and Practices

Michael B. Mellion, *Chair*



The Title Standards and Practices Committee met nine times this year. Attendance continued strong with, on average, 32 members attending each meeting. The members benefited from informative presentations by Committee members regarding new developments in the law and transactional practice, new regulations promulgated by state agencies, new statutes and recent cases of interest to real estate practitioners decided in Rhode

Island, Massachusetts and Federal courts. The Committee proposed a new title standard, Title Standard 3.12, *Effect of Unrecorded Declaration of Trust, or Defective or Unrecorded Memorandum of Trust, on Validity of Conveyance by Trustee*, published in the January/February 2014 edition of the *Rhode Island Bar Journal*. This new title standard was approved by the Bar’s Executive Committee at its meeting on April 21, 2014. The Committee celebrated its 250th meeting on March 20, 2014. As part of the celebration, Bar President J. Robert Weisberger, Jr. presented framed certificates of appreciation to four past and present Committee members recognizing their early and ongoing contributions to the Bar and the Committee. The honorees are David W. Dumas, Archibald B. Kenyon, Jr., Anthony J. Montalbano, Linda M. Tessman, and Adele Vandenburg. The Committee continues to address issues concerning recording and abstracting practices, as well as transactional matters. The Committee always welcomes suggestions for improving transactional practice in Rhode Island, and continues to improve and modernize its Title Standards, Practice Standards and Forms.

Workers’ Compensation Bench/Bar

Jack R. DeGiovanni, Jr., *Chair*

The Workers’ Compensation Bench/Bar Committee met at the Garrahy Judicial Courthouse on the third Thursday of each month. Chief Judge George Healy and the Court’s associate judges were regularly present at all meetings, giving all Committee members opportunities to discuss any issues in a candid and productive manner. At every meeting, Chair Jack R. DeGiovanni, Jr. informed the Committee members of any updates in forms and procedure utilized in the workers’ compensation practice. In addition, he opened the floor to discuss any issue or concern that may arise in representing clients, whether the employee or employer, before the Workers’ Compensation Court. A critical topic this year was the movement over to a paperless system at the Workers’ Compensation Court. The Workers’ Compensation Court is the first Court to utilize the new Odyssey system, with all other courts in the State following in a staggered roll out over the coming months and years. New procedures and policies, as well as Court Rules, have been developed to deal with this complex change in the practice before the Court. The Bench and Bar continue to work together to make this as seamless an implementation as possible, and both are making enormous strides in utilizing this effective system. The Committee’s popular, early December annual holiday gathering at

McCormick & Schmick's in Providence was well attended again, with many judges and attorneys in attendance. It is one of several Committee-sponsored social events fostering civility in practice before the Court and amongst practitioners. The annual Fall Bench/Bar golf outing was held in October at Triggs Memorial Golf Course and is becoming a tradition. Judge Morin and Judge Ferrieri were instrumental in setting up this well-attended event. The course and the festivities afterward were exceptional. A golf outing at Segregansett Country Club was held in May. Overall, it was another successful year for the Workers' Compensation Bench/Bar Committee thanks to the active participation of the Bench and the practitioners! The Committee looks forward to a brief respite over the summer before recommencing in the Fall.

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Rhode Island Foundation 2014 Annual Meeting



Michael A. St. Pierre, Esq.
Rhode Island Bar Foundation
President

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 19, 2014 at the Rhode Island Convention Center in Providence. Foundation President Michael A. St. Pierre and the Board of Directors welcomed and thanked the Foundation Fellows who, through their professional, public and private careers, have demonstrated outstanding dedication to the welfare of the community and objectives of the Foundation. During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2014 Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$395,500 was granted for the provision of Rhode Island legal services and the administration of justice. Attorney participation in the IOLTA program accounts for the most significant source of grant revenue. The Foundation also recognized and honored the recipients of the 2014 Thomas F. Black, Jr., Memorial Scholarship.



2014-2015 Rhode Island Bar Foundation Officers

President Michael A. St. Pierre, Esq.; Treasurer James A. Jackson, Esq.; Secretary Lauren E. Jones, Esq.; and Vice President Deborah M. Tate, Esq.

The Bar Foundation Welcomed 10 New Fellows at the Annual Meeting

The Bar Foundation receives support by annual contributions through our Fellows program. Membership in the Foundation as a Fellow is a professional honor. Fellows are selected from Rhode Island Bar Association members whose professional, public and private careers demonstrate their outstanding dedication to the welfare of the community and maintenance of the Rhode Island Bar Foundation's objectives.

Hon. Patricia K. Asquith
John J. Bevilacqua
Pamela E. Chin
Christine J. Engustian
William A. Farrell

Christopher D. Graham
James H. Hahn
Julie P. Hamil
Carly Beauvais Iafate
Michael D. Lynch

Special Thank You to Scholarship Program Contributors

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Kimball Foundation
The Champlin Foundations
The Nicholas J. Caldarone Foundation

Thomas F. Black, Jr. Memorial Scholarship Program

The Rhode Island Bar Foundation's Thomas F. Black, Jr. Memorial Scholarship Fund was established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise that they will become outstanding lawyers and who need financial assistance to study law. The Scholarship is in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. This year the Foundation granted two \$20,000 scholarships to first year law students.



2014 Thomas F. Black, Jr. Memorial Scholarship Recipient, Carlin O'Donnell (center) with his parents, Kimberly and William O'Donnell.



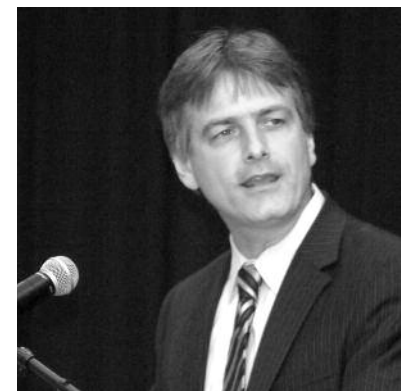
2014 Thomas F. Black, Jr. Memorial Scholarship Recipient, Jessica Hunter with her fiancé Nathan Rubery.



Rhode Island Bar Foundation 2014 Thomas F. Black, Jr. Memorial Scholarship Recipients, Carlin O'Donnell and Jessica Hunter.



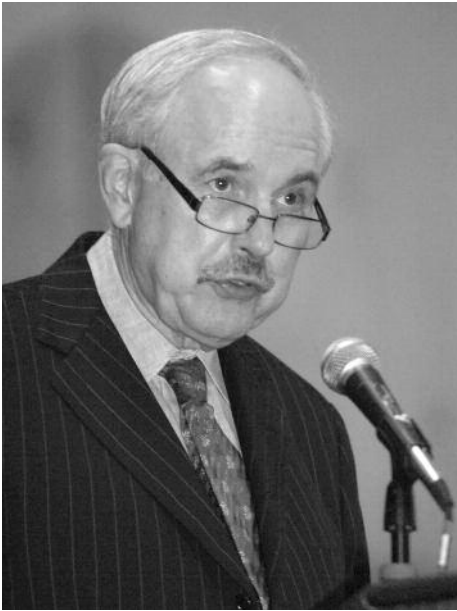
Michael A. St. Pierre, Bar Foundation President.



Paul F. Galamaga, Esq., 1994 Thomas F. Black, Jr. Memorial Scholar, addressed the Bar Foundation Fellows and guests.

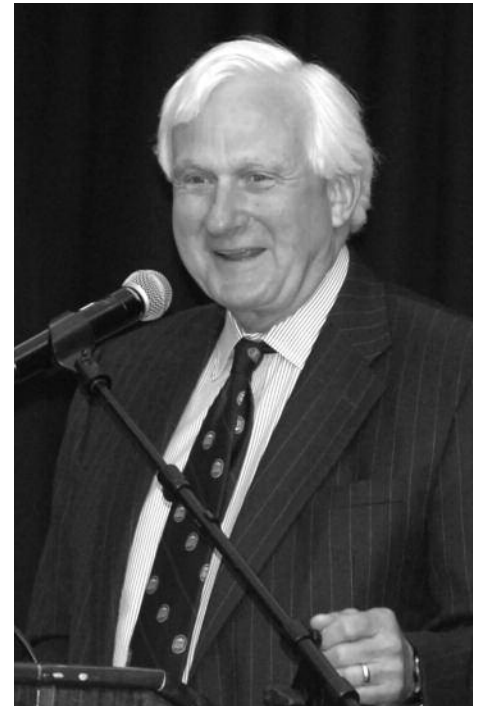


(f-c) Jessica Hunter, 2014 Scholarship recipient, with her fiancé Nathan Rubery; (l-r) Allan M. Shine, Scholarship Committee; Thomas F. Black, III, Trustee of the Kimball Foundation; Norman D. Baker, Jr., Trustee of the Kimball Foundation; Edward Marth, Trustee of the Kimball Foundation; R. Kelly Sheridan, Chairperson of the Scholarship Committee; Carlin O'Donnell, 2014 Scholarship recipient with his parents, Kimberly and William O'Donnell.



This year's Annual Meeting Committee, chaired by Bar Executive Committee members David N. Bazar and Armando E. Batastini, produced an exceptionally well-received, two-day program, attended by well over 1,400 Bar members. Supported by the Bar staff, the Meeting provided an excellent menu of 42 workshops and practice-related product and services from over 30 exhibitors. Continuing Legal Education seminars were offered on a wide range of topics providing guidance in family, probate, criminal, trial and commercial law, a variety of ethics-related topics, the always popular State and Federal Court updates and more. All the offerings were enhanced by the enthusiastic participation of many distinguished and accomplished presenters from the Bar, the Judiciary and other professions.

The Annual Meeting's Thursday Morning Plenary speaker was Stephen H. Oleskey, Esq., of counsel to the Boston law firm of Hiscock & Barclay, who, in the case of **Boudmediene v. Bush**, successfully argued before the U.S. Supreme Court that Guantanamo detainees had *habeas corpus* rights. Attorney Oleskey shared his experiences and reviewed ethics issues in the practice of law.



(l-r) Marisa A. Desautel, Esq., Christopher A. D'Ovidio, Esq., Brian A. Goldman, Esq., and Jennifer R. Cervenka, Esq., provided an update on Rhode Island case law developments, regulatory changes and new statutory law in the environmental/land use area.

RI Supreme Court Chief Justice Paul A. Suttell presided over the swearing in of new Bar President Bruce W. McIntyre at the Thursday Awards Dinner and delivered his State of the Judiciary Address at the Friday Awards Luncheon.





(l-r) RI Family Court Associate Justice Sandra A. Lanni, Thomas M. Dickinson, Esq., Lauren E. Jones, Esq., Jared A. Goldstein, Esq., RI Supreme Court Associate Justice Francis X. Flaherty, and RI Superior Court Associate Justice Netti C. Vogel, and offered two separate seminars offering informative and insightful overviews of recent, noteworthy civil and criminal case-related decisions issued by the United States Supreme Court and the Rhode Island Supreme Court.



Jason P. Knight, Esq., and Joel J. Votalato, Esq., provided valuable tips and tricks for organizing attorney digital files to prepare for the RI courts statewide electronic filing process.



Henry S. Monti, Esq., and Coastline EAP Executive Director Judy Hoffman, LICSW, CEAP, representing the Bar's Lawyers Helping Lawyers Committee, presented a workshop reviewing depression from a psychological and law practice perspective.



(l-r) Richard E. Updegrove, Esq., Angelina H. Landi, Esq., RI Family Court Associate Justice Karen Lynch-Bernard, Timothy J. Conlon, Esq., and Daniel E. Chaika, Esq. covered the use of trial and presentation technology for small firm practitioners with minimal technical skills.

(l-r) Julie P. Hamil, Esq., Deputy State Court Administrator Gail M. Valuk, Esq., RI Judiciary Technology Director Peter J. Panciocco, Workers' Compensation Court Executive Director Maureen H. Aveno, and Tyler Technologies representative Patrick Slaughter, introduced the electronic filing system (EFS) which will be implemented in each RI court, in phases, through the year 2016, providing an EFS demonstration and an overview of what practitioners can expect when the electronic filing system is implemented in each court. In addition to the workshop, the Judiciary had a Convention Center room with laptop terminals where attorneys learned more about the EFS.



(l-r) Patrick Smock, Esq., Jennifer Levi, Esq., and Jayeson Watts, MSW, provided an overview of the current state of both Federal and Rhode Island litigation and legislative actions affecting the civil rights of the transgender community.



The Friday Plenary Session, presented by Roger Williams University Law School Professor Niki Kuckes, focused on the risks and ethical issues for lawyers in the face of growing threats to the security of digital data.



(l-r) Retired RI Supreme Court Chief Justice Frank J. Williams, Nicole Dulude Benjamin, Esq., Lauren E. Jones, Esq., Christopher R. Bush, Esq., and Kara J. Maguire, Esq. covered a range of topics relating to the time between a jury verdict or judge's decision and the docketing of an appeal.



Katy A. Hynes, Esq., and Elizabeth Stein, Esq., offered a revealing discussion about nonhuman rights, and how those rights affect a wide and diverse range of legal practice areas.



Incoming President-Elect Melissa E. Darigan delivered the Treasurer's Report.



(l-r) Victoria M. Almeida, Esq., and Christopher S. Gontarz, Esq., RI Superior Court Associate Justice Bennett R. Gallo, and Parole Board Member Jorge C. Arnesto, Ph.D., Ed.M (Gallo and Arnesto not pictured) discussed competent and ethical representation of clients before the RI Parole Board.



(l-r) J. Patrick Youngs, III, Esq., John D. Lynch, Jr., Esq. David D. Curtin, Esq., Molly Kapstein Cote, Esq., and Michael A. DiLauro, Esq., discussed practical resolutions to issues arising from lawyers' legal and ethical obligations when communicating with witnesses.



(l-r) Deborah S. Gonzalez, Esq., RI Family Court Magistrate Paul T. Jones, and Hon. Robin E. Feder of the US Immigration Court (attending in a personal capacity), discussed the process of obtaining Special Immigrant Juvenile Status for undocumented and unaccompanied foreign national children and the steps and processes taken in Probate Court, Family Court and Immigration Court.



Past Bar President Michael R. McElroy discussed health coverage at the USI New England booth. USI is the Bar's relationship administrator with Blue Cross Blue Shield and Delta Dental.



Lynette J. Labinger and Past Bar President Lise M. Iwon were among the many well-known practitioners at the Meeting.



Attorney Robert Stoltzman makes a point to a colleague between seminars.



Breaks between seminars provided great opportunities for Bar members to connect with their colleagues.

Casemaker representative Jim Corbett provided Meeting attendees with helpful, hands-on tours of the many features of that free, 24/7, law library membership benefit.



Attorney Thomas Coffey got an update from an Aon Attorneys Advantage representative about that company's Rhode Island Bar Association-sponsored professional liability insurance coverage.



A quiet time at what was otherwise heavy Thursday morning traffic at the Meeting's walk-in registration area.



RI Family Court Associate Justice John E. McCann, III at the Friday Bar Luncheon where Chief Justice Suttell delivered his State of the Judiciary Address.

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Lawyers on the Move

Allison C. Belknap, Esq. and **L. Gregory Abilheira, Esq.** opened a new law firm, **Abilheira Law, LLC**, 957 Main Street, Warren, RI 02885.
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Leon C. Boghossian III, Esq., of **Hinckley, Allen & Snyder, LLP**, received the Rhode Island Foundation's Harold B. Soloveitzik Professional Leadership Award.

W. Keith Burlingame, Esq. is now Executive Director & Legal Counsel of the Rhode Island Fire Safety Code Board of Appeal & Review, 2 Regan Court – Mathias # 56, Cranston, RI 02920.
401-222-3473 Keith.Burlingame@doa.ri.gov

The Law Office of William J. Conley, Jr. relocated to 123 Dyer Street, 2nd Floor, Providence, RI 02903.
401-415-9835 www.WilliamConleyLaw.com

Nicole B. DiLibero, Esq. is now OHHS Senior Legal Counsel with the Department of Children, Youth and Families, 101 Friendship Street, 4th Floor, Providence, RI 02903.
401-528-3562 nicole.dilibero@dcyf.ri.gov

William M. Dolan, III, Esq., is now Partner at **Donoghue Barrett & Singal**, Ten Weybosset Street, Providence, RI 02903.
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Paul F. Green, Esq. is now with the **Law Offices of Kevin B. Murphy and Associates**, 2 Altieri Way, Warwick, RI 02886.
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Marc B. Gursky, Esq. and **Elizabeth A. Wiens, Esq.**, of Gursky Law Associates, are pleased to announce the formation of **Gursky/Wiens Attorneys at Law**, 420 Scrabbletown Road, Suite C, North Kingstown, RI 02852.
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Nicole J. Martucci, Esq. is a new associate with **Kelly & Mancini, PC**, 128 Dorrance Street, Suite 300, Providence, RI 02903.
401-490-7334 nmartucci@kellymancini.com
www.kellymancini.com

Christopher J. McNally, Esq. is a new associate with **Sayer Regan & Thayer, LLP**, 130 Bellevue Avenue, Newport, RI 02840.
401-849-3040 cmcnally@srt-law.com www.srt-law.com

Kevin B. Murphy, Esq. announces, in addition to his 244 Weybosset Street, Providence, RI, office, the opening of the **Law Offices of Kevin B. Murphy and Associates**, 2 Altieri Way, Warwick, RI 02886.
401-432-7000 kmurphy@kbmlawoffices.com
www.kbmlawoffices.com

Elizabeth Ortiz, Esq. moved **The Law Office of Elizabeth Ortiz** to 212 Greenwich Avenue, Warwick, RI 02886.
401-739-3260 eortiz@elizabethortizlaw.com

Sarah B. Oster, Esq. is now an associate attorney at **Oster Law Offices**, PO Box 22003, Lincoln, RI 02865.
401-724-2400 osterlawoffices@gmail.com

Monique M. Paquin, Esq. is now an associate attorney at **Kristine S. Trocki, Attorney & Counsellor at Law, LLC**, 38 Narragansett Ave, Suite D, Jamestown, RI 02835.
401-423-3390 mmp@trockilaw.com www.trockilaw.com

Michael S. Pezzullo, Esq. moved his law office to 303 Jefferson Boulevard, Warwick, RI 02888.
401-921-4800 msplaw5489@gmail.com

Allyson M. Quay, Esq. is a new associate with **Kelly & Mancini, PC**, 128 Dorrance Street, Suite 300, Providence, RI 02903.
401-490-7334 aquay@kellymancini.com
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Michael Schein, Esq. is now Partner at **Blais Cunningham & Crowe Chester, LLP**, 150 Main Street, Pawtucket, RI 02860.
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We are pleased to announce



Melissa M. Horne

Melissa M. Horne
has joined our firm
as Of Counsel. Her
practice concentrates
in business law,
government contracting,
and creditors' rights.

In addition, we welcome **Justin D. Correa** and
Adam D. Riser who have become Associates.



Justin D. Correa



Adam D. Riser

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In Memoriam

Hon. Clifford J. Cawley, Jr.

Clifford J. Cawley, Jr., 85, of Pawtucket Avenue, East Providence, a retired Associate Justice of the Rhode Island Superior Court, passed away on April 19, 2014. He was the beloved husband of Margaret A. Begley Cawley. A lifelong resident of East Providence, he was the son of the late Clifford J. and Alice McVay Cawley. He was a graduate of LaSalle Academy Class, Providence College, Boston College Law School, and Georgetown University Law School where he received his Master's degree in Labor Law. He was an Attorney for the Federal Mediation & Conciliation Services and for the National Labor Relations Board. He was a former Director of the Rhode Island Labor Department and an East Providence City Solicitor. He opened up his law firm and was elected to the Rhode Island House of Representatives in District 85, a seat which he held for 10 years, after which, he was appointed as a Rhode Island Superior Court Associate Justice. He was a communicant of St. Martha's Church, and a member of the East Providence Knights of Columbus Council #1528. He enjoyed golfing. Besides his wife of 56 years, he is survived by two daughters, Kathleen M. Cawley of Cumberland and Eileen A. Azar and her husband Brian of Lincoln.

Barbara Joan DiCola, Esq.

Barbara Joan DiCola, 58, of Boston, formerly of North Providence, passed away on April 20, 2014. She was the beloved daughter of the late John S. and Viola G. Angelone Di Cola; sister of Delia G. Donaldson, Judith M. Perreault and her husband Prof. David A. Perreault, and Dr. Vincent C. Di Cola; and loving and lifelong companion of Kenneth Stein. Joan graduated valedictorian of her class from Classical High School. She received her A.B. magna cum laude from Brown University in both English and American Literature and was elected to Phi Beta Kappa. She received both her J.D. and LL.M. in Taxation from Boston University School of Law, where she was awarded a prize for excellence in estate planning. Since her graduation from law school in 1981, she lived in the North End of Boston, which spoke to her cherished Italian heritage. She served on many Boston

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In Memoriam *(continued)*

Bar Association and Massachusetts Bar Association committees, acting as co-chair of the Boston Bar's Estate Planning Committee. Joan was a frequent contributor to, and participant in lectures, seminars and panel discussions for both Bar Associations and the Massachusetts Continuing Legal Education Inc., an entity dedicated to serving the educational needs of practicing lawyers. She was elected to membership in the Boston Probate Forum, and served on the Massachusetts Bar Associations Taxation Section Counsel. She loved travel, music and the arts. She was a member of the Boston Museum of Fine Arts and a devotee of the Boston Symphony Orchestra. Her favorite pastime, however, was reading on the beaches of Narragansett.

Susan D. Hayes, Esq.

Susan D. Hayes, 60, of Narragansett, passed away on March 18, 2014. She is survived by her husband Dennis J. McCarten and her children: Timothy H. McCarten of Alexandria, Virginia; Elizabeth M. McCarten of Narragansett; and Katharine R. Hall of Greene, Rhode Island. Susan graduated from Cumberland High School, Wellesley College and Suffolk University Law School. She was admitted to the Rhode Island and Massachusetts Bars in 1977. She was employed as an associate in the Providence firm of Lovett & Linder and worked in the Supreme Court Appellate Screening Unit, but Susan spent the bulk of her career as legal counsel and banking supervisor within the Rhode Island Department of Business regulation.

Morris J. Levin, Esq.

Morris J. Levin, 83, of Narragansett, passed away on March 28, 2014. He was the beloved husband of Roberta Abedon Levin, to whom he had been married for 57 years. Born in Providence, he was the devoted son of the late Benjamin and Rose Wolk Levin. Loving father of Carl Levin and his wife, Brenda, of Narragansett; Bari Levin and her husband, Massi, of Costa Rica; and Sean Levin and his wife, Susan, of Chestnut Ridge, New York. Morris was a graduate of the University of Rhode Island, received his law degree from The Boston University School of Law, and his Masters of Law from

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In Memoriam *(continued)*

Harvard University Law School. Morris served in the Counter Intelligence Corps of the United States Army, and was awarded the National Defense Service and Good Conduct medals. Morris was counsel for the United States Department of Justice and the United States Postal Service. He also served as staff counsel for the late Senator John O. Pastore and was counsel for the United States Senate Committee on Commerce during the hearings on the Civil Rights Act of 1964. He was a lobbyist before the United States Congress and an author of the Newspaper Preservation Act of 1970. Morris was also a speechwriter for Vice President Hubert H. Humphrey. In addition to his work as a lobbyist, Morris was a trial and appellate attorney.

Thomas W. Pearlman, Esq.

Thomas W. Pearlman, 86, passed away on April 29, 2014. He was the husband of the late Miriam Vogel Pearlman. A son of Israel and Ida Mines Pearlman, he was a lifelong resident of Providence. He is survived by his children Rebecca Pearlman Sy and Roger Pearlman. He was a member and staunch supporter of Providence Hebrew Day School and Jewish Education.

Richard Burdick Sheffield, Esq.

Richard Burdick Sheffield, 90, of Middletown, passed away on January 13, 2014. Born in Newport, he was the son of the late William Paine Sheffield III and Agatha Spink Sheffield. He is survived by his wife Gay Glover Sheffield, his daughters: Eulah Wooley Sheffield of Collinsville, CT; Gay Glover Sheffield of Nome, AK; and Marie Burdick Sheffield of Bath, ME, and his brother Edwin S. Sheffield of Philadelphia, PA. He was a graduate of Phillips Andover Academy, Yale University and Harvard Law School. He was a fourth generation partner in the family law firm of Sheffield & Harvey. He served in World War II aboard the USS *Callaghan* until she was sunk by a kamikaze off Okinawa, later serving on the USS *Glennon*. He served as a Rhode Island State Senator, founding member of the Naval War College Foundation, Redwood Library board member, Chairman of the Board of Newport Hospital, President of the Newport Public Library, New-

In Memoriam *(continued)*

port Harbor Corp. director, Rhode Island Chapter of the Boy Scouts of America director, Chairman of the Board of the Newport Electric Corp., and The Society of Cincinnati RI Chapter President.

Andrew Sinclair Richardson, Esq.

Andrew Sinclair Richardson, 61, passed away on April 4, 2014. Born in Providence, Andy was the 4th son of Dr. Ralph D. and Helen S. Richardson. Andy is survived by his wife of 30 years, Kate, his daughter, Rachael, and his brothers John D. and Donald S. Richardson. He was a partner at Boyajian, Harrington, Richardson and Furness where he practiced the art of law for 30 years. His counsel was widely sought and deeply respected, provided with intelligence, honesty and integrity apparent to all he served. He successfully argued cases in front of the Rhode Island Supreme Court, United States District Court and the First Circuit Court of Appeals and was qualified to argue in front of the United States Supreme Court. He was the current Treasurer of the Rhode Island Chapter of the Federal Bar Association and a Fellow of the Rhode Island Bar Foundation. Andy, as he was known to friends, family, and colleagues, was a graduate of Moses Brown School, Brown University and Suffolk Law School. He started his legal career at Rhode Island Legal Services. He became a court appointed trustee, presiding in 14,920 cases, and, as an attorney, in 695 cases. He was the designated trustee of several of the State's most prominent bankruptcies including The Newport Creamery and Rocky Point. Known as a talented, smart and aggressive athlete at Moses Brown, Andy played on both the Varsity hockey and soccer teams. He loved to play golf with friends and colleagues, to hone his skills and embrace the camaraderie at his core. He was an irrepresible fan of the Patriots, Team USA, The Revolution and the Red Sox. His other passions were cooking, photography, 6-wicket croquet and a robust humor shared with loved ones. His loyalty and dedication to family and friends were legendary and reciprocated. He will be deeply missed by family, friends and colleagues.



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In Memoriam *(continued)*

Anthony Vacca, Esq.

Anthony Vacca, 88, of Greenville, passed away on March 30, 2014. He was the beloved husband of the late Rose C. Vacca whom he adored. Born in Graniteville, he was a son of the late Charles and Jennie Imondi Vacca. In 1943, during his second year at Providence College he entered the military. He was a coxswain in the Navy, attached to the 4th Marine Division during the invasion of Tinian Island in the Marianas which later became the launching point for the atomic bomb, receiving a campaign medal for his participation. Upon his return to Rhode Island after the war, he graduated from Providence College and Northeastern University School of Law in Boston. Anthony was a daily communicant of St. Philip Church and was a devout Catholic. He is survived by his daughters, Frances J. Alvino and her husband Michael of Westchester, NY, Carolyn M. Pelzman and her husband Jon of Greenville.

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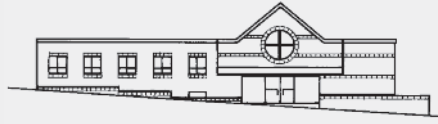
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Today, more than ever, the Foundation faces great challenges in funding its good works, particularly those that help low-income and disadvantaged people achieve justice. Given this, the Foundation needs your support and invites you to complete and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

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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 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 www.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.

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