

Rhode Island Bar Journal

Rhode Island Bar Association Volume 64. Number 1. July/August 2015

**Rhode Island Bar
Association
Officers 2015-2016**

**Annual Report and Bar
Committee Reports**

Annual Meeting and Awards

**How to Practice Law
Successfully**



Article

- 9 How to Practice Law Successfully**
Simple advice from a fellow practitioner
Jeremy W. Howe, Esq.

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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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Facing Up To Change



Melissa E. Darigan, Esq.
President
Rhode Island Bar Association

The needs of the profession and the public for lawyers to work better, smarter, faster and cheaper are not going away. To be successful, happy and productive in our practices, we have to find a way to do just that.

I really don't like change. My 23-year career has been with one law firm which is within five miles of where I was born and raised. I still prefer reading something on paper versus online. I have dated only two men in my life and married them both. My dislike for change is no wonder. Born in October, I am a Libra and Libras crave balance, harmony and stability – all of which are the antithesis of change. So it is rather unexpected that I am a messenger for change, but as much as I want to resist it, I feel an urgent need for change in our profession.

Some of you have read the works of Richard Susskind who prophesies the profound changes threatening the practice of law: "Tomorrow's legal world... [will bear] little resemblance to the past. Legal institutions, and lawyers, are at a crossroads... and are poised to change more radically over the next two decades than they have over the last two centuries." *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford University Press, 2013). The three drivers of change according to Susskind are: the impact of clients demanding more for less; competition with traditional lawyering, as new providers of legal services enter the market; and the new ways of delivering legal services created by technology.

Spend just a little time reading about the future of the profession, going to industry conferences or talking to colleagues, and Susskind's warnings (and those of other commentators raising the same alarm) ring true. From in-house counsel at large companies to owners of small businesses to individual citizens, clients cannot afford – or are simply refusing to pay for – legal services when delivered the traditional way. Experts agree that client demand for value, quality and results at the lowest possible cost may be the greatest driver of change in our profession and which lawyers are most reluctant and ill-equipped to address.

This challenge is compounded by increased competition. It is almost old-fashioned to point to clients out-sourcing legal services overseas. A bigger threat may come from non-lawyers, such as accountants, financial planners, banks and insurance companies. These industries have long faced the market demands now frustrating

lawyers and have already made needed mindset, organizational and technological changes. They are nimble and entrepreneurial enough to meet clients' more-for-less challenge and are already nibbling at the edges. In the United Kingdom, alternative business structures (ABS) are now permitted. ABS entities may be owned by non-lawyers, seek private equity or venture capital investors and have non-lawyers as partners. A fairly recent phenomenon overseas, commentators predict a ripple effect when it is realized these types of legal businesses are better able to meet clients' growing demands. Indeed, in the last year, Washington became the first state to authorize Limited License Legal Technicians (LLLT). Designed to offer reasonably-priced legal support to those who can't afford traditional lawyers, LLLTs will assist in divorces, child custody cases and other family law matters outside the courtroom. Other states and innovations in other law disciplines will not be far behind.

Even lawyers who are resistant to the call to change pricing practices or dismiss the threat of new competition cannot legitimately dispute information technology is fundamentally changing how legal services are provided. This has far greater reach than just electronic legal research platforms or research by Google. Do-it-yourself websites, such as Legal Zoom, compete with us on an unprecedented scale and have expanded their services from simply providing forms to connecting the public with lawyers who join their program. Advanced technologies could someday make much of our work obsolete. Predictive coding in discovery is making headway and developments with artificial intelligence like IBM's "Watson" mean machines may soon become problem-solvers not just data sources. At a recent ABA conference, President William Hubbard noted that, in 2012, venture capitalists invested \$66 million in technology companies that support the legal services market. In 2013, it was \$456 million. Investment in these technologies topped \$1 billion in 2014. These investors view change as a positive and they embrace innovation, disruption and the opportunity some say lawyers are handing to them on a platter.

You may be thinking that talk about change is clichéd or just hype. I suspect more than a few dispute the premise – clients still call, the

judicial system runs as it always has, new technologies are being incorporated into even the smallest of firms. Plus, this is Rhode Island, and doesn't everything come later to Rhode Island? Lawyers as a whole are notorious for being skeptics and slow to react. We rely on precedent and are trained to be methodical, poke holes in ideas, shoot down arguments, and mitigate risk. We are also procrastinators, and even if these concerns exist, they are all in the future aren't they? I don't think so. "The future is here, it just isn't evenly distributed yet." (William Gibson, author.) Our first challenge is facing up to the need for change.

My message is that it is time to act. The needs of the profession and the public for

lawyers to work better, smarter, faster and cheaper are not going away. To be successful, happy and productive in our practices, we have to find a way to do just that. If we do not act, others – as has happened in England and Washington – will act for us.

To be candid, the Bar Association has little to gain (in the short run anyway) in pushing the need for change – there might be disagreement or discord, lawyers may push back, the message will be ignored. But, as an Association and a profession – lawyers, courts, law schools alike – we have an awful lot to lose if we do nothing. Are we going to sit on the sidelines, or will we do something about it? ❖

Are you looking for answers to practice-related questions?

Try the Bar's dynamic List Serve!

Since its inception under the sponsorship of Past Bar President Michael McElroy, our Bar's List Serve has grown exponentially in participating members and in a wide range of answered questions. From nuances of the Rhode Island Courts e-filing system to requests for local and out-of-state referrals, List Serve members are providing each other with timely answers. List Serve topics encompass a wide range of practice areas including consultants, traffic violations, medical marijuana, landlord/tenant, divorce, *pro hac vice*, immigration and more!

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Free and available for all actively practicing Rhode Island attorney members, the Bar's List Serve gives you immediate, 24/7, open-door access to the knowledge and experience of hundreds of Rhode Island lawyers. If you have a question about matters relating to your practice of law, you post the question on the List Serve, and it is emailed to all list serve members. Any attorney who wishes to provide advice or guidance will quickly respond.

Here is what one List Serve member, Russell M. Bergevine, Esq., recently noted: *"I am relocating to Southern California in the next few weeks, and I want to thank the entire ListServe membership for helping me while I practiced in RI. Many of you have personally answered my questions, and several of you have even become off-list sources of mutual support. I also learned much from the experience and wisdom of this group simply by lurking and reading the daily threads. In all, this group has been wonderfully supportive, genuine, and caring to me and to each other. A truly wonderful resource. I wish all of you continued professional success, and positive and enriching lives."*

If you have not yet joined the List Serve, please consider doing so today. To access to this free member benefit go to the Bar's website: ribar.com, click on the **MEMBERS ONLY** link, login using your Bar identification number and password, click on the **List Serve** link, read the terms and conditions, and email the contact at the bottom of the rules. It's that easy!

RHODE ISLAND BAR JOURNAL

Editorial Statement

The *Rhode Island Bar Journal* is the Rhode Island Bar Association's official magazine for Rhode Island attorneys, judges and others interested in Rhode Island law. The *Bar Journal* is a paid, subscription magazine published bi-monthly, six times annually and sent to, among others, all practicing attorneys and sitting judges, in Rhode Island. This constitutes an audience of over 6,000 individuals. Covering issues of relevance and providing updates on events, programs and meetings, the *Rhode Island Bar Journal* is a magazine that is read on arrival and, most often, kept for future reference. The *Bar Journal* publishes scholarly discourses, commentary on the law and Bar activities, and articles on the administration of justice. While the *Journal* is a serious magazine, our articles are not dull or somber. We strive to publish a topical, thought-provoking magazine that addresses issues of interest to significant segments of the Bar. We aim to publish a magazine that is read, quoted and retained. The *Bar Journal* encourages the free expression of ideas by Rhode Island Bar members. The *Bar Journal* assumes no responsibility for opinions, statements and facts in signed articles, except to the extent that, by publication, the subject matter merits attention. The opinions expressed in editorials 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:
Rhode Island Bar Journal Editor Frederick D. Massie
 email: fmassie@ribar.com
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New Rhode Island Bar Association President and 2015-2016 Executive Officers

New Rhode Island Bar Association President

Past Rhode Island Bar Association President Bruce W. McIntyre [l] passed the Bar's gavel to new Bar President Melissa E. Darigan [r] who thanked Bruce for his excellent leadership and pledged to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2015-2016 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2015 Annual Meeting. [l to r] Melissa E. Darigan, Esq., President, partner, Partridge Snow & Hahn LLP; Linda Rekas Sloan, Esq. Treasurer, principal, Linda Rekas Sloan & Associates, LLC; Carolyn R. Barone, Esq., Secretary, partner, Kirshenbaum Law Associates; and Armando E. Batastini, Esq., President-Elect, partner, Nixon Peabody LLP.



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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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Rhode Island Bar Association 2015-2016 Officers' Profiles



Melissa E. Darigan, Esq.
President



Armando E. Batastini, Esq.
President-Elect



Linda Rekas Sloan, Esq.
Treasurer



Carolyn R. Barone, Esq.
Secretary

Melissa E. Darigan, Esq. is President of the Rhode Island Bar Association. She is a partner in the business law and litigation firm, Partridge Snow & Hahn LLP, and co-chair of the firm's Litigation Practice Group, where she specializes 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 to help 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 President-Elect 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, *Pro Bono* Program for the Elderly, and the Armed Forces Legal Services Project. He is the 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 Treasurer of the Rhode Island Bar Association. She is the Assistant Vice President of Business Development in the Rhode Island office of the Fidelity National Title Group which includes Chicago Title, Commonwealth Land Title and Fidelity National Title. She is also a principal at the firm of Linda Rekas Sloan, LLC, concentrating her practice in the areas of receivership 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



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School of Law. She is a member of the Rhode Island Bar Association Executive Committee and House of Delegates, chaired the Bar's 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 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. She is also serving an elected office as a West Greenwich Town Council member.

Carolyn R. Barone, Esq. is Secretary of the Rhode Island Bar Association. She has been associated with Kirshenbaum Law Associates throughout her legal career. A partner of the firm since 1987, her law practice is concentrated in all aspects of family law. She was honored through peer recognition as a Super Lawyer by Thomson Reuters and designated a Top Attorney in the state of Rhode Island. She has been on the faculty of many seminars devoted to family law and lectured on domestic relations practice for the Rhode Island Bar Association and the National Business Institute. She is a contributing author to *A Practical Guide to Divorce in Rhode Island*, First Ed., published by MCLE, Inc., 2009, on the topic of Business Valuations. She graduated *magna cum laude* from Bryant University and cum laude from New England Law/Boston. She is authorized to practice law in the State of Rhode Island, including the Federal District Court, and is admitted to practice before the United States Supreme Court. She is on the Bar Association's Executive Committee, a member of the Association's House of Delegates and sits on the Public Service Committee. Attorney Barone is a long-standing participant in the Rhode Island Bar Association's Volunteer Lawyer Program and has received both the *Pro Bono Publico* Award and the Continuing Service Award. ♦

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THE DALAI LAMA

I may be a dinosaur. My business goals are modest and my methods conservative. In this age of high-tech processes with demands for immediate delivery of services, we can get caught up in the rush of it all. We have become strangers to many of our more numerous brothers and sisters of the bar. I think the best way to cope with the new normal is to build a small but stable entity. I read long ago that the optimum number of lawyers for a small law firm is four to five attorneys from both a financial and a satisfaction viewpoint. I still believe this is accurate. My suggestions speak initially to lawyers who want to build a small law firm while enhancing their life in the process. Some apply to all lawyers. I've had more than forty years of lessons (successes and failures). The list is basic stuff about how to practice law in a manner that grows your business over time and promotes your happiness.

The Law is a jealous mistress/master:

My rule is: Self first, then family and then law. If you are not centered or if your family wants or needs your attention, what will come from immersing yourself in your legal responsibilities?

It might work in the short run, but unhappy lawyers or burdened lawyers tend to burn out. My rule also applies to partners, associate attorneys and staff. If any person in the office needs to focus on their health or on their family, then they must do so, and every person in the office must pick up the slack. Some of the best lawyers I know put law first. It's a choice. Like most of us, when I began, I worked long hours to get my career underway. Rhetorically I ask: "Over the long haul, can one work 60 or 70 hours a week and feel satisfied about their health and about the health of their family?" I can't, so I don't.

Pay your employees well: Long ago I read that employees are your most important business investment. Since then, I have compensated my employees as well as I could. As to my associate compensation, I have been told for years I may be making a mistake. The point is: If I bring in

new lawyers and train them, eventually they will leave my office and compete against me. My counter is: A lawyer who is worth keeping around is worth compensating. Compensation comes in many forms, not the least of which is job satisfaction. If your office model promotes job satisfaction, they will stay and you will benefit.

Income is not everything: My accountant is my trusted advisor and friend. He tells me I am compensating my associate attorneys at a higher rate than normal according to established trade practices based on billed hours and income. I respond that, in the long run, it will be worth the extra investment in my associates. His response is that I am cheating myself. "It's *all* Monopoly!" I retort and smile, "Don't let the income tail wag the dog." I willingly accept less income than I *could* retain because I want my associates to remain and eventually carry the office load. I assume the future success of my office lies in them. My father taught me early on that "Everything we do is selfish!" and, in that sense, I am padding my future coffers by my present actions. It's all based upon trust and a view that if you make a wise person a fair offer they will accept it.

Be yourself: Work is a charged word. It is either positive or negative depending upon your point of view. If you are happy with yourself and are yourself at the office are you at work? I do not differentiate my home self from my work self. When I am at the office, I am me, doing what I do. I have chosen to practice the types of law which fit my makeup and my way of being. I like to be at work. I like vacations, too, but that's a different topic.

Remain impersonal: Early on, I joined two experienced attorneys in a Superior Court chambers conference with Judge Bulman. After listening to their vigorous complaints against each other and against their opposing parties, Judge Bulman admonished both attorneys: "Don't climb inside your cases!" It stuck. I

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spend much of my work life in the trenches of the Family Court and in the midst of personal family squabbles. I have found I am more useful to my clients and to the Court if I can remain generally dispassionate about my role. If we fight with opposing counsel and attack our client's adversaries, we waste time and energy and lose sight of the issues. If we substitute passion with compassion (for all the players), we are more likely to achieve a better result. One can be a zealous advocate without engaging in personal attacks. It is possible to walk softly but carry the big sticks of preparation, diligence, research and credibility.

Turn your cases over: A lawyer can be more successful if his or her caseload turns over, as the infamous Izzy Kirshenbaum often cajoled opposing counsel. Of course, some cases must be litigated when all else fails. Yet, we are ethically bound by the Supreme Court Rules of Professional Conduct to explore non-adversarial ways of resolving disputes (See Preamble, A. Lawyer's Obligations to Clients, Sections 7 & 8). While two, well-intentioned attorneys and an able judge can work through some very difficult cases short of trial, such a result often occurs very late in the game. I submit that an experienced and well-trained mediator or, in other cases, an arbitrator, can often assist parties or groups to reach a better result, often at less cost and in substantially less time. In my view, the court systems as presently constituted are not able to handle the volume of cases, and most of the public can't afford the financial and emotional costs of protracted litigation. So follow Izzy's advice and get your clients through it, one way or another. Litigation should be the last resort.

Reinvent yourself: Law can be repetitive, which can promote boredom or non-interest over time. Twenty-five years into my career I discovered mediation was an established and effective profession elsewhere in the country. Once I paid the price to learn the tools of the trade, I found it was an excellent fit for me. I have been mediating regularly ever since, and it is an excellent foil to litigation. My job satisfaction is higher because my day has become more diverse, and I have more control over the method of resolving disputes during my day.



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Alternate Dispute Resolution

Find a niche then pass it on: It all flowed from a portion of a seminar from the Rhode Island Family Court Bench-Bar Committee which attorney (now Judge) Howard Lipsey assigned to me scores of years ago. "You will give the seminar piece on "Hot Tips For Military Divorces!" directed Judge Lipsey, who is a first-class delegator! After that experience, I realized that Family Court Qualified Domestic Relations Orders (QDROs) were a malpractice suit waiting to happen for many practitioners. Busy trial attorneys did not have the time to learn the nuances of the various pension plans involved. I began drafting Military Orders. That led to more work drafting other QDROs. Lawyers assumed if I could do a good job on military QDROs, I could do a good job on all QDROs. So I read the literature and attended the seminars. Now, more than thirty years after, my office has a solid sideline drafting QDROs which helps to carry the overhead. I taught my associate Kristy Garside everything I knew about the specialty, and now she is one of the few go-to QDRO drafters in the state. Our reputation in this family law niche leads people to think we are competent in family law in general. A legal reputation builds slowly, one accepted QDRO after another.

Don't let problems fester: Interpersonal problems are part of life, especially for lawyers who live in the eye of the storm. Your problem might be with a law partner, a supervisor, a client, an associate, an employee, or another attorney. It might be with a spouse or other family member, or any other person in your life. Problems usually don't get better if you ignore them. My mantra is to address such problems: "Immediately, directly, honestly, without judgment, and with compassion." Easier said than done, but to the extent that I have followed these dictates, they have worked for me. ❖

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SOLACE, an acronym for Support of Lawyers, All Concern Encouraged, is a new Rhode Island Bar Association program allowing Bar members to reach out, in a meaningful and compassionate way, to their colleagues. SOLACE communications are through voluntary participation in an email-based network through which Bar members may ask for help, or volunteer to assist others, with medical or other matters.

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.

Do you or your family need help with any personal challenges? We provide free, confidential assistance to Bar members and their families.

Confidential and free help, information, assessment and referral for personal challenges are available **now** for Rhode Island Bar Association members and their families. This no-cost assistance is available through the Bar's contract with **Coastline Employee Assistance Program (EAP)** and through the members of the Bar Association's Lawyers Helping Lawyers (LHL) Committee. To discuss your concerns, or those you may have about a colleague, you may contact a LHL member, or go directly to professionals at Coastline EAP who provide confidential consultation for a wide range of personal concerns including but not limited to: balancing work and family, depression, anxiety, domestic violence, childcare, eldercare, grief, career satisfaction, alcohol and substance abuse, and problem gambling.

When contacting Coastline EAP, please identify yourself as a Rhode Island Bar Association member or family member. A Coastline EAP Consultant will briefly discuss your concerns to determine if your situation needs immediate attention. If not, initial appointments are made within 24 to 48 hours at a location convenient to you. Or, visit our website at www.coastlineeap.com (company name login is "RIBAR"). Please contact Coastline EAP by telephone: 401-732-9444 or toll-free: 1-800-445-1195.

Lawyers Helping Lawyers Committee members choose this volunteer assignment because they understand the issues and want to help you find answers and appropriate courses of action. Committee members listen to your concerns, share their experiences, offer advice and support, and keep all information completely confidential.

Please contact us for strictly confidential, free, peer and professional assistance with any personal challenges.

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Neville J. Bedford, Esq.	348-6723
David M. Campanella, Esq.	273-0200
John P. Capaldi, Esq.	222-6147
Susan Leach DeBlasio	274-7200
Sonja L. Deyoe, Esq.	864-3244
Christy B. Durant, Esq.	272-5300
Brian D. Fogarty, Esq.	821-9945
Nicholas Trott Long, Esq. (Chairperson)	351-5070
Genevieve M. Martin, Esq.	274-4400
Joseph R. Miller, Esq.	454-5000
Henry S. Monti, Esq.	467-2300
Roger C. Ross, Esq.	723-1122
Adrienne G. Southgate, Esq.	301-7823
Judith G. Hoffman, LICSW, CEAP, Coastline EAP	732-9444 or 800-445-1195

Lawyers Helping Lawyers Committee Members Protect Your Privacy

Volunteers Serving Rhode Islanders' Legal Needs

The Rhode Island Bar Association applauds the following attorneys for their outstanding *pro bono* service through the Bar's Volunteer Lawyer Program (VLP), Elderly *Pro Bono* Program, the US Armed Forces Legal Services Project, and the Ask A Lawyer events during April and May 2015.

APRIL 2015

Volunteer Lawyer Program

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Law Offices of Brian G. Goldstein
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Sandra Terry Dobson, Esq., *North Kingstown*
Jack D. Pitts, Esq., *Pitts & Burns*
Samuel D. Zurier, Esq., *Providence*
Matthew R. Reilly, Esq.,
Law Office of George Bauerle
Joseph E. Marran III, Esq., *Pawtucket*
Michael J. Gardiner, Esq., *Providence*
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Recupero, Cascione, Scungio & McAllister
Felicia A. Manni-Paquette, Esq.,
Azzinaro, Manni-Paquette
John F. Cotter, Esq., *Cranston*
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Barbara A. Fontaine, Esq., *Wakefield*
Peter Sangiovanni Jr., Esq., *Warwick*
Deborah S. Gonzalez, Esq.,
Gonzalez Law Offices, Inc.
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Arthur G. Capaldi, Esq., *Capaldi & Boulanger*
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Timothy M.F. Sweet, Esq.,
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Frank J. Manni, Esq., *Johnston*
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Richard E. Kyte Jr., Esq., *Mapleville*
Richard A. DeMerchant, Esq.,
Heitke Law Office, LLC
Phillip C. Koutsogiane, Esq.,
Law Offices of Phillip Koutsogiane
Neville J. Bedford, Esq., *Providence*
Rui P. Alves, Esq., *Barton Gilman, LLP*
Robert A. Arabian, Esq., *Arabian Law Offices*
John Cappello, Esq., *Lincoln*

Elderly Pro Bono Program

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David N. Bazar, Esq., *Bazar & Grasso, P.C.*
Jane F. Howlett, Esq., *Bristol*

Christopher M. Lefebvre, Esq.,
Pawtucket Legal Clinic
David B. Hathaway, Esq., *Warwick*
Richard P. Keleghan, Esq., *Cranston*
Judy Davis, Esq., *Rumford*
Richard E. Fleury, Esq.,
Law Office of Richard E. Fleury
Paul F. Waldman, Esq.,
Ciccone, Coughlin & Waldman
Frank J. Manni, Esq., *Johnston*
Vincent J. Montecalvo, Esq.,
Law Offices of Vincent J. Montecalvo
Arthur D. Parise, Esq., *Warwick*
Peter P. D'Amico, Esq.,
Peter P. D'Amico & Associates
Charles Greenwood, Esq.,
Law Offices of Greenwood & Fink
Eric P. W. Hall, Esq., *Providence*
Casey J. Lee, Esq., *Providence*
Armando E. Batastini, Esq.,
Nixon Peabody, LLP
Christine J. Engustian, Esq.,
Law Offices of Christine J. Engustian, Esq.
Michael J. Furtado, Esq., *Cranston*
Chad E. Nelson, Esq.,
The Law Offices of Jeremy W. Howe
Richard K. Foster, Esq., *Lincoln*
Gregory B. Blasbalg, Esq.,
Law Office of Gregory B. Blasbalg, LLC
James Wilcox Whitney, Esq., *Bristol*
Joanne C. D'Ambra, Esq., *Cranston*
Stephen G. Linder, Esq.,
Law Office of Stephen G. Linder
Timothy M.F. Sweet, Esq.,
The Law Office of Timothy M. Sweet, LLC
David F. Reilly, Esq.,
Law Office of David Reilly

US Armed Forces Legal Services Project

Joseph P. Casale, Esq.,
The Aquidneck Legal Center
Gregory P. Piccirilli, Esq., *Sciacca & Piccirilli*
Richard Howell James, Esq., *Riverside*
Angelo A. Mosca III, Esq.,
Law Office of Angelo Mosca III
Paul J. Panichas, Esq., *Pawtucket*
Allison C. Belknap, Esq., *Abilheira Law, LLC*

Participated in an Ask A Lawyer event

David J. Strachman, Esq., *McIntyre Tate LLP*

MAY 2015

Volunteer Lawyer Program

Kenneth Kando, Esq., *Pawtucket*
Jeffrey C. Spring, Esq., *Harmony*
David J. Strachman, Esq., *McIntyre Tate LLP*
John S. Simonian, Esq., *Cranston*
David B. Hathaway, Esq., *Warwick*
Jack F. Cotter, Esq., *Cranston*
Armando E. Batastini, Esq.,
Nixon Peabody, LLP
Richard Howell James, Esq., *Riverside*
Peter C. Tashjian, Esq., *Tiverton*
Craig S. Sampson, Esq., *Nicholson & Sampson*
Colleen P. Murphy, Esq.,
Roger Williams University School of Law
Michael J. Furtado, Esq., *Cranston*
James P. Creighton, Esq., *Johnston*
Elisha Morris, Esq., *Providence*
Lois Iannone, Esq., *Cranston*
Barry L. Dolinger, Esq.,
Law Office of Barry Dolinger, Esq. LLC
Keith G. Langer, Esq., *Wrentham, MA*
William J. Conley, Jr., Esq.,
Law Office of William J. Conley, Jr.
H. Reed Cospers, Esq., *Providence*

Elderly Pro Bono Program

Joshua R. Caswell, Esq.,
Howland Evangelista Kohlenberg LLP
Anthony J. Nardone, Esq.,
Anthony Nardone Law Office
Peter C. Tashjian, Esq., *Tiverton*
John Cappello, Esq., *Lincoln*
Sonja L. Deyoe, Esq.,
Law Offices of Sonja L. Deyoe
Steven J. Boyajian, Esq.,
Robinson & Cole, LLP
Samuel C. Bazar, Esq., *Bazar & Grasso, P.C.*
Richard E. Fleury, Esq.,
Law Office of Richard E. Fleury
Michael A. Devane, Esq.,
Devane & Devane Law Offices
James P. Creighton, Esq., *Johnston*
Brian G. Goldstein, Esq.,
Law Offices of Brian G. Goldstein
MaryJo Carr, Esq., *Harvey, Carr & Hadfield*
David F. Reilly, Esq., Esq.,
Law Office of David Reilly

continued on next page



Rhode Island Bar Foundation

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

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

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Questions? Please contact Virginia Caldwell at 421-6541
or gcaldwell@ribar.com

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Votta & Votta Law Offices, Ltd.
- Richard K. Foster, Esq., *Lincoln*
- Christopher M. Lefebvre, Esq.,
Pawtucket Legal Clinic
- Matthew C. Reeber, Esq.,
Pannone, Lopes, Devereaux & West, LLC
- Sheila M. Cooley, Esq.,
Law Office of Sheila M. Cooley
- Aaron A. Greenlee, Esq., *Cranston*
- Thomas M. Dickinson, Esq.,
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- James P. Creighton, Esq., *Johnston*
- Richard E. Fleury, Esq.,
Law Office of Richard E. Fleury
- Christine J. Engustian, Esq.,
Law Offices of Christine J. Engustian, Esq.

US Armed Forces Legal Services Project

- Joseph P. Casale, Esq.,
The Aquidneck Legal Center

Participated in an Ask A Lawyer event

- David F. Reilly, Esq.,
Law Office of David Reilly
- Michael A. Devane, Esq.,
Devane & Devane Law Offices
- Brian D. Fogarty, Esq.,
Law Office of Devane, Fogarty & Ribezzo
- Thomas M. Petronio, Esq.,
Law Offices of Thomas M. Petronio, Esq.
- MaryJo Carr, Esq., *Harvey, Carr & Hadfield*
- Sarah B. Oster, Esq., *Oster Law Offices*
- David Kreutter, Esq.,
Law Office of David B. Kreutter, Esq.
- Brian G. Goldstein, Esq.,
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- Sheila M. Cooley, Esq.,
Law Office of Sheila M. Cooley
- Aaron A. Greenlee, Esq., *Cranston*

For information, and to join the Volunteer Lawyer Program (VLP) or any of the Bar's related *pro bono* programs, please contact the Bar's Public Services Director Susan Fontaine at: sfontaine@ribar.com or 401-421-7758. For your convenience, VLP membership applications may be accessed on the Bar's website at ribar.com and completed online.

2015 Chief Justice Joseph R. Weisberger Judicial Excellence Award



Named in honor of its first recipient, retired Chief Justice Joseph R. Weisberger, this Award is given to a Rhode Island jurist for exemplifying and encouraging the highest level of competence, integrity, judicial temperament, ethical conduct and professionalism.

Hon. Donald F. Shea, retired Associate Justice of the Supreme Court of Rhode Island is honored with the 2015 Chief Justice Joseph R. Weisberger Judicial Excellence Award. Justice Shea's professional career spanned 50 years, including 33 years as an associate justice at the Superior Court and Supreme Courts. He was born in Pawtucket, earned a bachelor's degree in political science from Providence College and served in the US Navy in the Pacific Theatre during World War II. He received his law degree from Georgetown University School of Law. He began the practice of law in 1955, remaining in private practice in Providence until 1968. During that time, he served in the RI House of Representatives from 1960-1968 and as deputy majority leader in 1967-1968. He was appointed executive assistant to then-RI Governor Frank Licht in 1968 and named Associate Justice of the Superior Court of Rhode Island four years later. He became an Associate Justice of the Supreme Court of Rhode Island in 1982. Retiring in 1995, he remained active on the bench for the next 10 years. He authored more than 500 opinions during his Supreme Court tenure, ranging from issues involving private citizens, industry, and criminal law to the media and municipal government. His distinguished record includes serving as: a judicial member of the State Council on Substance Abuse; chair of a committee of judges that drafted a new Code of Judicial Conduct for Rhode Island; a member of the Providence College President's Council; and a co-founder and first president of the St. Thomas More Society of Rhode Island.

According To Attorney J. Robert Weisberger: *I know of no jurist whose career better exemplifies that of my father's in competence, integrity, judicial temperament, ethical conduct, professionalism, and humility. His distinguished career involves volunteer and charitable work helping provide food, clothing and shelter for the needy, sitting on community-oriented committees and council, and engaging in professional volunteerism including drafting the revised Code of Judicial Conduct for the State of Rhode Island. I cannot think of anyone my father would be more pleased to see receive the award in his name than his long-time close friend and colleague, Donald F. Shea.*

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2015 Joseph T. Houlihan Lifetime Mentor Award



Named for the late Joseph T. Houlihan who was known for his generosity of spirit and legal expertise in and out of the courtroom, the Joseph T. Houlihan Lifetime Mentor Award honors individuals who, during their careers, have consistently demonstrated an extraordinary commitment to successfully mentoring in the Rhode Island legal community. The Award recognizes an attorney who serves as a role model to other lawyers in Rhode Island and who has significantly contributed to the profession and/or the community, and those who, with their excellent counsel, have excelled as mentors and contributed to the ideals of ethics, civility, professionalism and legal skills.

Randall White, Esq., retired Rhode Island Assistant Attorney General, is honored with the Rhode Island Bar Association 2015 Joseph T. Houlihan

Lifetime Mentor Award. After two years as an associate in a commercial law practice, Randy became a prosecutor for the Department of the Attorney General in 1982, working within the Juvenile Prosecution Unit, later prosecuting criminal jury trials while managing the Department's Providence County Grand Jury Unit. Throughout the 90s, Randy directed and guided the Department's criminal division operations in Kent, Washington and Newport Counties. From 1999 through 2014, as Deputy Chief of the Criminal Division, Randy supervised the day-to-day operations of the Criminal Court's pre-trial, trial and gun court calendar, including assigning prosecutors' cases, while maintaining his own caseload. His distinguished career, work ethic and

commitment to serving the public interest are lauded by members of the Bar and the Bench. He is known and respected for his integrity, dedication to justice, professionalism, and his extraordinarily generous spirit in mentoring and offering assistance to hundreds of new and experienced lawyers.

According to Rhode Island Attorney General Peter F. Kilmartin: *Randy spent each day brainstorming with the prosecutors he supervised. Every Department prosecutor looked to Randy White when seeking wisdom on trial tactics and the legal issues arising before and during trials. Randy took the time to thoroughly discuss, analyze and resolve issues in the most professional and ethical manner. Randy is an icon. For two decades, he daily contributed to shaping the professional lives of young attorneys by instilling confidence and integrity to ensure justice was served.*

According to Attorney Mark Dana: *Randy mentored young lawyers by balancing their enthusiasm with compassion and understanding. Many of those lawyers left the Department, but kept the tools Randy gave them and, through his work with them, he has made ours a quality Bar.*

According to Attorney James W. Ryan: *Randy is a model of integrity and professionalism, always willing to share his knowledge and vast experience with young attorneys. I know his quiet leadership and dedication has a profound impact on these litigators.*

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2015 Dorothy Lohmann Community Service Award



The Rhode Island Bar Association's Dorothy Lohmann Community Service Award is named in memory of Rhode Island attorney Dorothy Lohmann who devoted her entire professional life to helping the poor. The Dorothy Lohmann Community Service Award honors lawyers who make noteworthy contributions in time and effort to a Rhode Island non-profit organization on a strictly voluntary, non-paid basis.

Robert I. Stolzman, Esq., of Adler Pollock & Sheehan, P.C., in Providence, is recognized for his outstanding work on behalf of the Jewish

Orphanage of Rhode Island, also known as Camp JORI. Camp JORI is a non-profit, 501(c)(3) overnight camp. Established in 1937 to accommodate Jewish orphans for summer recreational activity, today, with 60 staffers, it serves over 200 campers through two, four-week sessions. Camp JORI's mission is to provide quality overnight camping experiences to all families in a safe and supporting setting. A core value is that no child will be denied an opportunity to attend due to an inability to pay.

Attorney Stolzman joined the Camp JORI Board of Directors in 1988 and continues to serve today. During his service, Rob has and continues to provide pro bono legal counsel and services and managed other attorneys providing services in many areas of the law including: real estate; land use and development; contracts; financing; employment; family and domestic relations; government affairs; and environmental law.

According to camp JORI President Deborah Salinger: *Over the course of his 25 years of pro bono service to Camp JORI, Mr. Stolzman's almost single-handed management of legal issues resulted in a non-profit camp facility in compliance with state environmental laws and municipal zoning, and which serves more than 400 children while providing 75 employment opportunities. He also helped ensure the preservation of several hundred acres of environmentally critical land by Camp JORI and the Nature Conservancy. Mr. Stolzman's pro bono legal contributions have saved hundreds of thousands of dollars in potential legal fees, allowing the organization to provide additional scholarship assistance to deserving children who otherwise would not have experienced their meaningful summer experience in a safe, supportive and nurturing environment.*



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2015 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.

Thomas R. Bender, Esq., practicing from the Office of the General Counsel, Brown University, received the 2015 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for his article, *State Medical Marijuana Laws, the Federal*

Controlled Substances Act and Criminal Prosecutions, published in the *Rhode Island Bar Journal*: Volume 63, Number 3, November/December, 2014.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Thomas Bender, 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 Bender'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. Tom Bender's 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.

NEW BAR MEMBERS:

Penning Chapters in Rhode Island Legal History

OUR NEWEST BAR MEMBERS REPRESENT THE FUTURE OF OUR PROUD PROFESSION, and we celebrate the beginning of their careers at every new Bar member admission ceremony held at the Supreme Court of Rhode Island. At these ceremonies, the Rhode Island Bar Association President, or his or her designee, presents each new member with a quill pen. This gift is given with the reminder to new Bar members of their obligation to use as much care in their pleadings and writings as did those lawyers who carefully and elegantly penned the Declaration of Independence.



We welcome our newest members this May and invite them to learn more about the Bar Association and our many membership benefits. We encourage all our members to join one of our many professional committees and to join our Lawyer Referral Service. For more information about Bar membership benefits, please visit the Bar website: ribar.com or telephone the Bar: 401-421-5740.

TITLE CLEARING

QUIETING TITLE ACTIONS

Roger C. Ross

Blais Cunningham & Crowe Chester, LLP

150 Main Street
Pawtucket RI 02860

TELEPHONE: (401) 723-1122

FAX: (401) 726-6140

EMAIL: rross@blaislaw.com

2015 Rhode Island Bar Association Honorary Members

At the 2015 Annual Awards Luncheon, the Rhode Island Bar Association recognized and honored the distinguished 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 eminent group.

*Honoring our colleagues
achieving fifty years of
legal service*

Arnold L. Blasbalg, Esq.
Gerald M. Brenner, Esq.
William J. Burke, Jr., Esq.
Richard A. Cappalli, Esq.
Hon. Frank Caprio
Nathan W. Chace, Esq.
Rae B. Condon, Esq.
Ronald W. Del Sesto, Esq.
Joseph A. Florio, Esq.
G. John Gazerro, Jr., Esq.
David L. Golden, Esq.
Michael A. Ialongo, Jr., Esq.
Vincent F. Kane, Esq.
Luc R. LaBrosse, Esq.
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Matthew L. Lewiss, Esq.
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Richard S. Mittleman, Esq.
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Lawyers on the Move

R.J. Connelly, III, Esq., of Connelly Law Offices, Ltd., located in Pawtucket, RI, and Mystic, CT, was appointed to a three-year term to the Board of Directors of Scandinavian Home, in Cranston, RI.

Robert Clark Corrente, Esq. is now a Partner at Whelan, Corrente, Kinder & Siket LLP, 100 Westminster Street, Suite 710, Providence, RI 02903.
401-270-4500
rcorrente@wckslaw.com

Daniel J. Holmänder, Esq., George N. Chaclos, Esq. and Cheryl A. Clarkin, Esq. joined the new Patent, Trademark and Copyright Services Group at Adler Pollock & Sheehan, One Citizens Plaza, #8, Providence, RI 02903.
401-274-7200 apslaw.com

Michael R. Lombardi, Esq. opened the law office of Michael Lombardi & Associates, 1011 Smith Street, Providence, RI 02908.
401-751-6100 mrlaw1@yahoo.com

Paul P. Pederzani, III, Esq. opened the Pederzani Law Offices, PC, 875 Centerville Road, Bldg 2 (4C), Warwick, RI 02886.
401-736-8500
ppederzani@pederzanilaw.com

Robert V. Russo, Esq. moved the Law Office of Robert V. Russo to 1011 Smith Street, Providence, RI 02908.
401-751-6100 rvrlaw@aol.com

Linda M. Tessman, Esq. is now Title Counsel, Chicago Title Insurance Company, Commonwealth Land Title Corporation, Fidelity National Title Insurance Company, One State Street, Suite 600, Providence, RI 02908.
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linda.tessman@fnf.com
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2015 Volunteer Lawyer Program 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 a Rhode Island Bar Association *Pro Bono* Program during the past two years. Selection for this award is based on the number of cases accepted, case type and difficulty, the number of *pro bono* hours, and total length of service through the programs. Additionally, qualities considered include the attorney's professionalism, compassion and commitment to public service.



This year's *Pro Bono* Award recipients, Robert Arabian and James Creighton, made exceptional contributions through the Volunteer Lawyer Program, as well as the *Pro Bono* Program for the Elderly. These two attorneys are outstanding representatives of the contributions and support given by sole practitioners throughout the state.

Robert A. Arabian, Esq. graduated from Rhode Island College and received his law degree from Nova University. Robert is a sole practitioner at Arabian Law Offices in Warwick

and is also admitted to practice in Florida. He joined the Volunteer Lawyer Program in 2008, soon after becoming a member of the Rhode Island Bar Association. He is a longstanding member of the Title Standards and Practice Committee and actively participates in the Lawyer Referral Service and *Pro Bono* Program for the Elderly. In the past eighteen months, Robert accepted 10 VLP cases, the majority bankruptcies, and contributed over 100 *pro bono* hours. There is an ongoing demand for volunteer attorneys to handle bankruptcy matters, and Robert is always willing to have one or two cases in process for *pro bono* clients. Over the past seven years, since joining the VLP, Robert has dedicated his volunteer efforts to providing legal assistance and peace of mind to those less fortunate and donated hundreds of hours without hesitation.

In a recent communication to the Bar, one of his VLP clients stated: *Please know that Mr. Arabian was professional, courteous and explained my case to me with much patience in a very trying situation.*



James P. Creighton, Esq. graduated from Providence College and received his law degree from New England School of Law. He is a sole general practitioner in Johnston and actively

participates in and contributes his *pro bono* efforts through the Volunteer Lawyer Program. Over his thirteen years of VLP membership, and with no expectation of recognition, Jim consistently accepts numerous *pro bono* cases. He is also a longstanding member of the Lawyer Referral Service and *Pro Bono* Program for the Elderly, and, in 2011, he joined the Bar's new US Armed Forces Legal Services Project. Jim always has one or two volunteer cases going at the same time, and, in the past eighteen months, handled 12 cases, mostly concerning tenant eviction, contributing close to 80 hours of *pro bono* service which does not include his most recent acceptance of a divorce for a senior citizen. During the past few years, with an increased need for volunteer attorneys to accept eviction matters for clients facing extreme economic hardship, Jim accepted these matters in the midst of very difficult, extenuating circumstances. His constant compassion especially for those faced with losing housing, is always evident. A former client wrote the following to the Bar Association: *I was so relieved after my consultation. Attorney Creighton put my mind at ease and I appreciated his time so much.*

Requesting Bar Member Responses to Proposed Intellectual Property Committee

In light of a request for the creation of a new Rhode Island Bar Association committee focusing on intellectual property law, the Bar is requesting responses from interested Bar members. The charge for the proposed Intellectual Property Committee is as follows:

It shall be the duty of this committee to advise and assist Bar members on intellectual property law developments on both state and federal levels, advising members on how these developments may impact their practices and their business and individual client counseling on a variety of legal and litigation related issues. It shall also be the duty of this committee to recommend Continuing Legal Education programs dealing with intellectual property and administrative alternatives to litigation.

Bar members interested in participating in the proposed committee are asked to respond, stating their interest and/or forwarding their comments, no later than August 15, 2015, to the Bar's Executive Director Helen McDonald by email: hmcdonald@ribar.com.

Engaging and Enlightening Students Through Lessons in the Law

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 volunteer teams of judges and lawyers who delivered law related education programs to 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, students and the news media. Participating lawyers and judges solicited student opinions, surfaced the legal issues relating to the topic, and reviewed the role of judges and lawyers in addressing the following issues: 1) *Children/Minors' Rights in School*; 2) *Graffiti – Freedom of Expression or Vandalism*; and 3) *Bullying – Students' Rights and Responsibilities*. 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 Bruce W. McIntyre and RI Traffic Tribunal Judge Alan R. Goulart conducted a lively exchange regarding children's rights in school with Western Hills Middle School teacher and Bar member Edward Inman's students.



Rhode Island Family Court Judge Armando O. Monaco II and Attorney Karen Davidson engaged teacher Linda Muriel's students in a dialogue about graffiti and the roles of judges and lawyers in dealing with related legal issues at Pleasant View Elementary in Providence.



RI Workers' Compensation Court Judge Janette A. Bertness and Past Bar President Victoria M. Almeida reviewed the legal questions associated with graffiti and the differences between freedom of expression and vandalism with the students of the Blessed Sacrament School in Providence.



Thomas R. Bender, Esq. and RI District Court Associate Judge William C. Clifton helped Park View Middle School students understand their legal rights and responsibilities relating to bullying. Attorney Bender and Judge Clifton graciously accepted and conducted two, back-to-back presentations to two separate classes at Park View.

2015 Rhode Island Law Day 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.

Rhode Island Bar Association

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Barbara A. Barrow, Esq.
Thomas R. Bender, Esq.
Andrew H. Berg, Esq.
Jeffrey M. Biolchini, Esq.
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Wheeler School Student Wins 2015 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



Celebrating Benjamin's achievement during the award presentation were l-r: Bar Association President Bruce W. McIntyre; RI Traffic Tribunal Magistrate Alan R. Goulart; essay contest winner and Wheeler School student Benjamin Esposito; RI Superior Court Associate Justice Sarah Taft-Carter; RI Workers' Compensation Court Judge Hugo L. Ricci, Jr.; and RI Supreme Court Associate Justice and 2015 RILD Committee Chairman Gilbert V. Indeglia.

The Rhode Island Law Day (RILD) Committee, with particular help from the Rhode Island Bar Association, the Rhode Island Judiciary, Roger Williams University School of Law, and the Rhode Island Police Chiefs' Association, sponsored the 2015 *Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest*.

Benjamin Esposito, a 10th grade student at The Wheeler School, in Providence, and resident of Little Compton, Rhode Island, was the winning author for his essay, *Students' Rights in School*, for which he drew on the Fourteenth and First Amendment of the United States Constitution and on past United States Supreme Court cases. Open to all Rhode Island 10th and 11th grade students, the *Hon. Francis J. Darigan, Jr. 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 Chiefs' 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 Attorneys Offer Free Legal Guidance through Rhode Island Bar/NBC10 Ask a Lawyer Partnership

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 on Thursday, May 21st, from 5 p.m. to 7:30 p.m. The Rhode Island Bar Association attorneys answered viewer telephone questions related to Elder Law.

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

Bar member volunteer panelists fielded over 140 caller requests for Elder Law-related advice on legal topics including: wills-14; power of attorney-2; health care power of attorney-17; trusts-19; guardianships-21; Medicare/Medicaid-27; and other matters-42.



Elder Law Panelists l-r: Brian G. Goldstein, Esq., Warwick; MaryJo Carr, Esq., Newport; David B. Kreutter, Esq., Providence; and Sarah B. Oster, Esq., Lincoln.



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Sign Up For Your 2015-2016 Bar Committee Today!

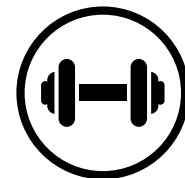
If you have not done so already, please consider becoming a member of at least one Bar committee this year. To take full advantage of your active Bar committee participation, please join no more than three committees. The 2015-2016 Bar committee registration deadline is extended to August 15, 2015.

Members who wish to serve on a Bar committee must **register each year** – either online or via a printed registration form, because committee membership does not automatically carry over from one Bar year to the next. You can use the quick and simple online option for committee sign-up.

Committee **membership supports and strengthens** our professional lives and connects us to our colleagues, providing valuable, direct networking within distinct areas of the law. Bar committee participation is a great way for new lawyers to grow and advance professionally while benefiting from the experience and wisdom of our more seasoned Bar members. Additionally, Bar committees often provide opportunities to meet members of the Judiciary and discuss matters of importance. It is also the prime pathway to Bar leadership.

Please note that even Bar members currently serving on Bar committees must reaffirm their interest by completing a committee registration form either online or by mail. Members interested in serving on a Bar committee are advised to do so only if they intend to **be active members**, attend monthly meetings and lend a hand.

Here's how: Bar members may sign-up for 2015-2016 committees via the **MEMBERS ONLY** area of the Rhode Island Bar Association website at ribar.com. Go to the **BAR COMMITTEES** page, scroll down to **COMMITTEE SIGNUP**, and enter your Bar identification number and password. An alternative is to download the Committee Application form appearing above the button and mail or fax it to the Bar Association. Please only use one method to register to avoid duplication.



BAR COMMITTEE REGISTRATION DEADLINE IS AUGUST 15, 2015.

Rhode Island
Bar Association
2014-2015

ANNUAL REPORT

Report of the Executive Director on 2014-2015

The mission of the Rhode Island Bar Association is to represent the members of the legal profession of the state, serve the public and the 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 2014-2015. 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 public.

Through our continued partnership with the Rhode Island Bar Foundation, we now have a brand new Rhode Island Law Center! Our stand-alone, signature building furthers our shared goal of making members' lives better by combining the best member and public services with the best value. By moving to our newly renovated building at 41 Sharpe Drive in Cranston, we have significantly lowered our long-term financial liabilities and secured many excellent features. We have reduced the pressure on Association dues allowing enhanced long-term planning; advanced technology; expanded parking; and greater meeting and event flexibility. We look forward to hosting an open house for members in early fall. We are grateful to all the Bar member volunteers who made this move a reality in particular Michael A. St. Pierre, Susan Leach DeBlasio, Peter V. Lacouture and Roger A. Peters.

We have exceptionally strong standing and special Committees, now numbering 27. Over sixteen 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.

The Rhode Island Bar Association's 2015 Annual Meeting was presented on Thursday and Friday, June 18th and 19th, at the Rhode Island Convention Center. 41 seminars were offered in family, probate, criminal, trial and commercial law, a variety of ethics-related topics, the popular State and Federal Court

updates and more. The opening plenary speaker was Michael H. Rubin, Esq., of McGlinchey Stafford, in Baton Rouge, Louisiana who reviewed the ethical issues lawyers and judges face when dealing with social media. Our Friday afternoon final plenary speaker was Humorist-at-Law, Sean Carter, Esq., who is known to many as always enlightening, engaging and really funny. His topic was "Nice Lawyers Finish First."

Thursday, following the meeting was an open Awards Reception for the presentation of our awards for *pro bono* service and professionalism. On Friday, at our luncheon, we recognized our honorary (50 year) members and presented the Chief Justice Joseph R. Weisberger Judicial Excellence Award to the Honorable Donald F. Shea. Chief Justice Suttell presented the annual State of the Rhode Island Judiciary. And our new President Melissa E. Darigan took the oath of office and began her term as 2015-2016 Bar Association President.

This year, President Bruce W. McIntyre 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 fall calendar planned. Programs will include the sixth annual Commercial Law Update and Recent Developments 2015. Other programs focus on fiduciary litigation, the new CFPB mortgage disclosures, crowd funding, accident reconstruction and processing electronically-stored information. Also included on the schedule are two sessions in the New Lawyers series focusing on criminal law. More programming for new lawyers in other areas of practice will be offered next year as well. In addition, the CLE Department is working with the Volunteer Lawyer Program to develop programs on family law topics.

We expanded our online simulcasting of live CLE pro-

grams, offering Food For Thought and longer seminars, as both in-person or live webcast options, on a regular basis. 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.

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. As of last spring, all Casemaker premium services became free to Bar members, a value of \$450 per year. 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 Shepard's and KeyCite to notify you instantly of negative treatment, identifying whether your case law citations are still good law. 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 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.

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, particularly as the new statewide e-filing system was implemented. During the last few months, the majority of Bar Association list serve posts have centered on electronic filing issues, procedures, and clarifications. It has proven a great

resource to those with questions and concerns.

The *Aon Attorneys' Advantage Program* offers professional liability insurance coverage sponsored by the Bar Association. The program is able to provide broad coverage and outstanding local service and risk management service. Aon offers one of our most widely utilized member benefits: the 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 topic is "Ethics Acceleration: The Challenge of Keeping Pace with Professional Ethics in Times of Rapid Change" and this year's presentation features Jack Marshall. More than 1,400 attorneys registered for the five sessions last year.

The Rhode Island Bar Association has an online *Career Center* on our website. 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 worked closely with the Association in the purchase and renovation of our new Rhode Island Law Center! By moving from our current location in Providence, to our new, 10,000 square foot building on a 1.3-acre site in Cranston, we provide many excellent features directly benefiting members including well-designed interior spaces with advanced technology facilitating improved member use and networking; expanded exterior space providing immedi-

Report of the Executive Director on 2014-2015

ately adjacent parking and greater meeting flexibility and handy highway proximity outside the congested city. 41 Sharpe Drive is located in a vibrant professional business park with the Rhode Island Certified Public Accountants Association headquarters across the street and Swarovski America's administrative offices and WJAR Channel 10's broadcast studios nearby. The new building also offers modern facilities, better handicapped access, and close proximity to the Kent County Courthouse, State Offices, Garden City, Chapel Hill and the Warwick-area malls.

The Foundation continues 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 all low income citizens**, 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 **29 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 representa-

tion 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.

For the past fifteen 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 over 140 viewer inquiries regarding elder law. We sponsor over 35 legal clinics and Ask A Lawyer programs, statewide, each year. During the month of May alone, in celebration of "Older Americans Month," ten community outreach legal programs were provided to our senior citizens from Providence County to Washington County.

The Bar Association expanded and strengthened private bar resources for foreclosure and foreclosure-related legal issues and provided 228 free legal consultations to the public upon request through direct referrals or community outreach events. Both homeowners and tenants received legal assistance, full representation with foreclosures, as well as related issues such as bankruptcy, cash for keys, probate, and evictions for a total of 122 *pro bono* cases.

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 Roger Williams alumni volunteer attorneys. 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, ***Special Issues in Family Law*** is being presented by the Public Services Involvement Committee in conjunction with the Volunteer Lawyer Program. Attorneys may attend one or all three sessions in exchange for accepting a *pro bono* family law case. The sessions, to be held on September 30th, October 16th, and November 4th, 2015, cover equitable distribution in no asset cases/bankruptcy, representing physically and mentally challenged clients, and ethical considerations. Family law continues as an area of critical need for our low-income and disabled clients.

Law Related Education: The Rhode Island Bar Associa-

tion 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. The Bar offers LRE classroom programs featuring volunteer lawyers to Rhode Island middle and upper school teachers and students throughout the year. Every year, in May, the Rhode Island Bar Association serves as the lead partner in developing programming, educational materials and organizing Rhode Island Law Day. Rhode Island Law Day programming includes working with the Rhode Island Law Day Committee, this year chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia. For the 2015 Rhode Island Law Day, organized over 50 volunteer teams of judges and lawyers who delivered law related education programs to 36 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. Topics for 2015 were: Children/Minor's Rights in School; Graffiti/Freedom of Expression or Vandalism?; Bullying: Students' Rights and Responsibilities. 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 2015 Law Day classroom topics, and the winner was Benjamin Esposito, a student the Wheeler School in Providence.

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 Bar members were assisted

by EAP in the past calendar year. Issues included depression, eldercare, alcohol, anxiety, divorce and addiction. The Committee has undertaken new initiatives to encourage members to utilize the resources available for lawyers and their family members who are in need. Members of the Committee are reaching out to all specialty and local bar associations for an opportunity to speak and provide information about the LHL program. We have added a library of articles on quality of life issues for lawyers and linked our LHL page to the other New England program. Regular notices in the *Bar Journal* encourage members in need to seek free, confidential assistance for themselves and their families for help with personal challenges. These notices include contacts for Coastline EAP, our clinical arm, as well as the names and telephone numbers of all the LHL members who volunteer to provide peer advice.

My thanks to President Bruce W. McIntyre, the Executive Committee, House of Delegates and our Committee Chairpersons for their support and guidance throughout this busy 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, whose hard work and dedication are remarkable. 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, CLE Assistant Director Tanya Nieves, Assistant Communications Director Kathleen Bridge, Lawyer Referral Service Coordinators Elisa King and 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 Rhode Island Bar Association provides relevant and valuable programs and services to our members, increased availability of legal services to our citizens, 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 Melissa E. Darigan**, 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

Report of the Executive Director on 2014-2015

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.

OUR GOALS

- 1 To provide members with valuable, relevant services that promote professional competence.
- 2 To be indispensable to new lawyers.
- 3 To be a positive public voice on behalf of lawyers and the judicial system.
- 4 To facilitate access to justice.
- 5 To foster the relationship between the bench and the bar to our mutual benefit.
- 6 To maintain an infrastructure that supports us in fulfilling our vision.

Rhode Island Bar Association Legislative Positions and Amicus Briefs Official Notice 2015

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 administrative of justice. In 2014-15 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 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 would be to protect corporate fiduciaries which have custody of trust assets but where the investment decisions are made by another. The Executive Committee has approved similar bills in the past several years. The bills were not adopted by the General Assembly, but no specific objection was raised. I believe that the available time simply did not permit General Assembly Committee consideration.

With regard to legislation, the Executive Committee voted to support the unanimous recommendations of the **Committee on Title Standards** to introduce the following legislation:

1. § 34-4-29. Conveyance to or by nominee trust

Nominee trusts have had a negative impact on real estate conveyancing in Rhode island. A typical nominee trust does not give any discretion to the trustee to deed, mortgage or otherwise engage in transactions involving real estate with the direction and consent of the beneficiaries of the trust. This causes issues to arise as to whether such a trust had actual consent and direction as required. R.I.G.L. § 34-4-27 does not allow for the recognition of nominee trusts nor provide a method for assuring that transactions are properly authorized. The result is that beneficiaries are exposed and required to execute deeds or documents of consent in order to confirm authority. The statute would provide an acceptable method for recognizing transactions involving nominee trusts.

2. § 34-11-42. Effect of special warranty deed

The explosion of the secondary mortgage market and the now-familiar increase in mortgage foreclosures has often resulted in a distant lender holding title. More often than not when that lender conveys to a third party the deed of choice is a “Special Warranty Deed.” Rhode Island has no statutory definition for this kind of deed nor any statutory meaning attributed to it. By reviewing the laws of the originating State it appears that the intention is to provide the Rhode Island equivalent of a quitclaim deed. However without a definition or meaning attributed to “Special Warranty Deed” it becomes a deed wholly without covenants. That provides the Rhode Island buyer with little recourse if there should be a title issue. The above statutes would provide a definition and meaning consistent with custom and practice and adequate to protect buyers.

3. § 34-11-44 Validation of conveyancing defects.

The purpose of the proposed statute is to eliminate issues with respect to title where certain issues are otherwise capable of resolution by investigation, preparation and execution of corrective instruments and recording thereof.

4. § 34-26-7 Certain ancient mortgages becoming void unless continued.

The changes clarify and reduce the time after which a recorded mortgage would be unenforceable against the real estate securing the mortgage. The current 50 years is beyond the 40-year Marketable Record Title Act period. The proposed 35-year period would be more consistent with provisions in Massachusetts (35 years, M.G.L. Ch. 260 § 33) and Connecticut (40 years, Conn. Gen. Stat. § 49-13(a)).

With regard to legislation, the Executive Committee voted again 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.

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 2015-16 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.

2015-2016 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 15/16
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	1,240,000
Royalties & Miscellaneous	6,500
Health Insurance Royalties	17,000
	<u>\$ 1,416,000</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	25,000
Lawyer Assistance Program	10,000
Legislative Counsel	27,000
Lobby Tax	9,500
LRE Expenses	10,000
Maintenance & Repair	25,000
Medical Benefits	85,000
Miscellaneous Expense	2,500
Office Supply & Expense	35,000
Pamphlets & Advertising	1,000
Payroll Tax Expense	36,300
Printing & Postage	25,000
Professional Fees	22,000
Property Tax	7,500
Public Relations	10,000
Records Management	2,500
Regular Meetings	15,000
Rent & Electricity	175,000
Retirement Plan	54,000
Salaries	489,000
Telephone	15,000
Travel	32,000
Website	7,500
	<u>\$ 1,388,300</u>
Net Income:	<u>\$ 27,700</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 15/16
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:	<u>\$ (35,050)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 15/16
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	7,500
Payroll Tax Expense	12,210
Postage	4,000
Professional Fees	7,000
Publications	3,000
Rent	15,000
Retirement Plan	16,500
Salaries	155,000
Seminar Expense	175,000
Travel	1,000
Website	2,000
	<u>\$ 683,660</u>
Net Income:	<u>\$ 41,590</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,416,000	\$ 56,050	\$ 725,250	\$ 2,197,300
Expense	1,388,300	91,100	683,660	2,163,060
	<u>\$ 27,700</u>	<u>\$ (35,050)</u>	<u>\$ \$41,590</u>	<u>\$ 34,240</u>

Grants and Restricted Funds

ProBono	\$ 163,594	2015-2016	Total Revenue	\$ 2,540,658
Elderly	54,764		Total Expense	\$ 2,506,418
CRF	125,000			<u>\$ 34,240</u>
Total:	<u>\$ 343,358</u>			

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2014 and 2013

Assets	2014	2013
Cash and cash equivalents	\$ 953,636	\$ 541,363
U.S. treasury bills	4,124,618	4,198,752
Accounts receivable	67,069	50,627
Other assets	15,028	15,265
Furniture and equipment (net of accumulated depreciation of \$184,176 in 2014 and \$176,418 in 2013)	27,012	30,529
Total Assets	\$ 5,187,363	\$ 4,836,536
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 67,258	\$ 71,212
Accrued expenses	99,345	83,167
Deferred revenues	—	50,000
Total Liabilities	166,603	204,379
Net Assets		
Unrestricted	2,745,621	2,488,956
Temporarily restricted	2,275,139	2,143,201
Total Net Assets	5,020,760	4,632,157
Total Liabilities and Net Assets	\$ 5,187,363	\$ 4,836,536

*The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2014 and 2013 is the official name of the Balance Sheet for a non-profit organizations.

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Bar Association Committee Reports



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 2015 session. The Committee is in the process of reviewing the Model Nonprofit Corporation Act and working through its provisions to create a revision to the Rhode Island Nonprofit Corporation Act.



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 continues to confirm the overwhelming majority of Rhode Island lawyers are honest, caring, diligent, ethical and deserving of their clients' trust. The Fund reimburses the losses sustained by clients who are 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 when and as necessary to review and act upon claims and propose rules and procedures. The Committee administers the Fund, which is funded 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 all 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 have been involved. Rather, these reimbursement awards are financed solely by payments from lawyers. There are presently four claims 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 2014-2015 Continuing Legal Education (CLE) year began with our annual, free, ethics seminar. The seminar was presented at five different times and three separate locations making the program easily accessible to our members.

This year's program focused on spotting ethical dilemmas ahead of time. The seminar received great reviews. We thank Affinity Insurance Services, Inc. (Aon) for underwriting the cost of this program allowing its presentation, free of charge. Throughout the year, the CLE Committee again provided full and varied programming despite the storm cancellations and rescheduling problems of this winter. Programs focusing on nursing homes, an afternoon with the Superior Court, digitizing office files, and new science and technology in DUI cases were among some of the popular topics. We were also able to, once again, present two, nationally-recognized experts on commercial law. This program for Rhode Island attorneys is usually available only at the annual ABA conference. During late Spring, two programs focusing on ethics, which members could attend in person or via webcast, proved very popular in helping members meet year-end CLE reporting requirements. They were followed by a special program with Stuart Teicher, one of our former risk management speakers, focusing on how good lawyers can sometimes get into bad ethical trouble. Webcasts have continued to be popular this year with the number of attorneys electing to participate via the web increasing by 8% over the same time period last year. It is an easy way for attorneys to attend a seminar without leaving their office. The Committee is already hard at work planning our next CLE year. I thank all Committee members for their dedication and participation in planning these programs. The Committee would like to especially thank the many lawyers and judges who volunteer their time and talent as presenters. We wouldn't have a CLE program without these generous volunteers. I invite all Bar Association members to submit programming suggestions at any time and particularly encourage you to join our Committee.



Creditors' and Debtors' Rights

Richard L. Gemma, Chair

This past year, many members of the Committee on Creditors' and Debtors' Rights met with and welcomed Associate Justice Richard Licht of the Providence Superior Court to the Rhode Island Bench. The meet and greet session was spearheaded by attorney Dana Horton on behalf of the Superior Court Bench/Bar Committee. In addition, in connection with the Superior Court Bench Bar, our Committee members provided input regarding outstanding issues with the Superior Court clerk's office concerning collection matters. The Committee began looking at a draft of the Uniform Commercial Real Estate Receivership Act (Act), a discussion which is being quarterbacked by Attorney Thomas Hemmendinger. The Committee expects to further examine and consider the Act in the fall 2015 after the Act is finalized and approved by the Uniform Laws Committee. The Committee sponsored a receivership seminar, *A Primer on Receiverships*, at the Bar Association's 2015 Annual Meeting. Special thanks to attorneys Richard Land, Stephen Del Sesto and Lisa Kresge for presenting the seminar. Many members of the Committee have agreed to and continue to participate in an email communication system through which members of the Committee are updated on insolvency issues in state and federal courts.



Criminal Law Bench/Bar

Matthew S. Dawson, Chair

The Criminal Law Bench Bar Committee began this past year by congratulating and thanking Christopher Gontarz for his four years of service as Chairman. Chris brought a wealth of experience and enthusiasm to the Committee, providing its members with a strong voice in dealing with a host of issues affecting the practice of Criminal Law and fostering an active role in the relationships between the Criminal Bench and the Bar. The Committee boasted active members from the RI Office of Public Defender, RI Department of Attorney General, the United States Attorneys Office, and a veritable who's who of the private criminal defense bar. The Committee continued its practice of monthly meetings, which usually included lively debates on a variety of topics related to Criminal Law. The meetings included the following guest speakers: Rhode Island Superior Court Associate Justice Daniel Procaccini; Superior Court Magistrate John Flynn; First Assistant US Attorney for Rhode Island Stephen Dambruch; and Rhode

Island State Senator Stephen Archambault. In the upcoming year, the Committee hopes to assist in the Court's anticipated move to electronic filing in criminal matters and assist the Court in reviewing how the Criminal Bar can utilize technology in the courtroom.



District Court Bench/Bar

Gregory S. Dias, Chair

With the introduction of e-filing for civil cases in November, this was a challenging year for both the District Court Bench and the Committee. Chief Judge Lafazia and the District Court staff met with numerous members of the Committee prior to the implementation of e-filing to assuage concerns of the members. Many questions and scenarios were discussed, and the staff tried to answer as many inquiries as possible prior to implementation. The Court invited a small group of Committee members to represent the full Committee at a meeting with the company representatives implementing the new system and Court staff to try to anticipate system issues that could affect civil bar members practicing in the District Court. After the program was initiated, the Committee again met on several occasions with the Chief Judge and other members of the bench and District Court clerks, and all parties worked to make adjustments to address system issues affecting both the Bench and Bar. The Court staff was always available to answer questions on the telephone and through the email help desk. The Bench and Bar also reviewed and commented on new rules drafted by the Supreme Court to accommodate e-filing.

Chief Judge Lafazia, Committee members, and the District Court clerks and staff did a herculean job preparing to implement, implementing and adjusting to the issues arising with e-filing. They are all commended for their tireless effort working with the members of the Bar to bring the court system into the electronic age.



Environmental and Energy Law

Jennifer R. Cervenka, Chair

In its sixth year, the Environmental and Energy Law Committee continued to increase its membership, offering a full program of trending and relevant issues to environmental and energy law practitioners. The Committee meets on the third Friday of the month, from September through May, from 12:30 to 2:00 pm, and, in May, hosts a three-credit committee

Bar Association Committee Reports

CLE. Regular meetings consist of general committee activity announcements, member discussions on current events and changes in the law and regulations, and, when applicable, voting on official committee actions. Most meetings also include an issue-oriented guest speaker, coordinated by the planning subcommittee. This year's guest speakers included: Jan Reistma, at the time, Special Advisor for Policy and Legislative Affairs in the Office of Governor Lincoln Chafee, who presented on climate resilience and implementation of the recommendations of the Executive Climate Change Council; Curt Spalding, Administrator for the Environmental Protection Agency's Region I, who discussed the agency's initiatives and work in Rhode Island; Rhode Island Senator William J. Conley, Jr. (D-Dist. 18, East Providence, Pawtucket), who spoke about the Senate Committee on Environment and Agriculture, legislative accomplishments in 2014, including the climate change legislation he co-sponsored, and legislative priorities for 2015; and Carol Grant, Senior VP of External Affairs, First Wind, who presented on the current status of renewable energy development and her work on Governor Raimondo's transition team. Other meetings included member presentations on citizen participation, the Administrative Procedures Act, the pros and cons of hydraulic fracking, and present day Chernobyl. The last Committee meeting of the year was held in May at the Matunuck Oyster Bar, featuring a free, three credit committee CLE program on agriculture and aquaculture law, presented by state agency regulators, faculty from academia, practitioners, and the owner of Matunuck Oyster Bar. The Committee hosted a workshop for the Bar's Annual Meeting, providing an update on the jurisdiction of the RI Coastal Resources Management Council, recent regulatory changes at the RI Department of Environmental Management, and environmental and land use case law developments and new legislation. Lastly, of sad note, on March 18, 2015, Committee member Ira Lukens passed away. Ira's valuable contributions to the Bar and his thought provoking ruminations on all topics are already missed.



Ethics and Professionalism

Wayne M. Kezirian, Chair

The Ethics and Professionalism Committee met four times this year. The Committee's membership includes small and large firm attorneys, newer and experienced attorneys and attorneys whose practices encompass many areas of the law. The diversity of membership continues to foster challenging and interesting discussions related to the state of our profession. This year, the Committee's first two meetings concentrated on a review of the provisional rules governing e-filing

and the underlying user agreements for the platforms being used to support the e-filing system. In December, the Committee wrote to President McIntyre and communicated its consensus that the implementation of an effective e-filing system in the Rhode Island court system will make court records more readily accessible to both practicing attorneys and the public and will advance the profession. The Committee will continue to be interested in the success of the e-filing program and its impact on the bar. On behalf of the Ethics and Professionalism 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. Of note this year, is the increasing impact of self-represented parties and online services on the profession. As the practice of law continues to encounter rapidly developing technologies and changing societal values, the Ethics and Professionalism Committee provides a forum in which issues related to ethics and professionalism can be identified, discussed and disseminated. Members of the bar are invited to submit topics to the Committee for consideration.



Family Court Bench/Bar

Jane F. Howlett, Chair

The Family Court Bench Bar Committee continues to meet on the second Tuesday of each month in Courtroom 5J on the fifth floor of the Garrahy Complex. Our Committee continues to be dynamic and involved in the various Family Court issues. This year's biggest challenge was the implementation of the e-filing system in the Domestic Clerk's office. In October, four members of the Committee were selected to participate in a training program administered by Tyler Technologies. Attorney William Balkun and Attorney Paul Silva were two of the selected Committee members who appeared at the October Bench Bar meeting and fielded questions from the Committee about e-filing. As a member of the Committee to amend the Domestic Rules of Procedure, I discussed some of the changes to the Rules that were necessary to allow e-filing and fielded questions about the changes to the Rules of Procedure. Thank you to Bill Balkun and Paul Silva for their participation. Our November meeting also involved the Domestic Rules and e-filing, and Attorney Susan Famiglietti, Special Projects Coordinator for the Family Court, spoke about the changes to the Domestic Rules as they relate to e-filing in the Family Court. Attorney Famiglietti was a member of the Committee to amend the Rules of Procedure. This meeting took place just two weeks

after e-filing was instituted in the Domestic Clerk's office and, just as with the October meeting, attendance was tremendous. Susan tackled tough questions from Committee members and all in attendance walked away with a better understanding of the e-filing process. Thank you to Susan Famiglietti, William Balkun and Paul Silva for their assistance.

After we lived with and utilized the e-filing process for a few months, members of the Domestic Clerk's Office joined the January meeting to answer questions and provide insight on the e-filing process. Cheryl Witt, Supervising Deputy Clerk, Ron Pirolli of the Domestic Clerk's office and Richard Scarpellino, the Principal Planning and Program Specialist provided us with some of the common problems and pitfalls with e-filing. Topics such as avoiding the dreaded "rejected" filing notice and how to include attachments to pleadings were discussed. Thank you to Cheryl Witt, Ron Pirolli and Richard Scarpellino for your time and assistance.

E-filing was not the only matter addressed by the Committee this year. Attorney Elizabeth Segovis presented her annual continuing Legal Education course entitled *Basic Tax Considerations in Separation and Divorce*. As usual, this CLE was well attended and appreciated by members of the Committee. Timing is everything and Attorney Segovis' presentation contained up to date and pertinent material during the very important tax filing season. Deductions, refunds, innocent spouse exceptions and important updates to IRS regulations were discussed. Thank you again Attorney Segovis, for your annual contribution to our Committee.

At another meeting, Attorney Veronica Assalone and Attorney Thomas Petronio addressed the Committee regarding recently decided Supreme Court cases. In the matter of **Patricia Pacheco v. Nestor Marulanda**, 2013-318, Appeal Veronica Assalone represented the Plaintiff and in the matter of **Carol A. Maccarone v. Raymond J. Maccarone, Jr.** 2013-369 and 2013-370, Thomas Petronio represented the Defendant. Both Attorneys Assalone and Petronio shared their insight, thoughts and theories in these two appellate matters and accepted questions from members of the Committee. Thank you again to Attorney Assalone and Attorney Petronio for your time and ongoing dedication to the Committee.

Anyone wishing to join the Family Court Bench Bar Committee may do so online at the Bar Association website or by contacting Katy Bridge at kbridge@ribar.com. Once signed up you will receive email notifications of upcoming Committee events and other pertinent information concerning the Rhode Island Family Court.



Federal Court Bench/Bar

Patricia K. Rocha, *Chair*

Throughout this year, the Federal Court Bench/Bar Committee worked closely with the Court, including Chief Judge William E. Smith, as well as David DiMarzio and his staff, to update members of the Bar on various projects addressing the efficiency and responsiveness of the Court to the needs of litigants and attorneys. At our fall meeting, Chief Judge Smith and J. Scott Kilpatrick, President of the Rhode Island Chapter of the Federal Bar Association (FBA), gave a recap of the 2014 FBA Annual Meeting held in September, which was a success by all accounts. The CLE meetings were well attended and the Waterfire event was praised by all. Magistrate Judge Patricia Sullivan received the Elaine R. "Boots" Fisher Award at the Awards Luncheon. Chief Judge Smith and Brooks Magratten discussed the inaugural Deposition Skills Training Program, which occurred on November 13-15, 2014 and was presented jointly by the Court, the Roger Williams University School of Law and the FBA. The program was well received by all, including the participants and faculty. The training session was reasonably priced and included a cross-section of participants from big firms and small firms, as well as the public sector. A second session was held in May 2015 and included faculty from our state court. Additional training programs are anticipated for the fall and spring of 2016, focusing on other trial aspects, including opening/closing, direct/cross-examination of witnesses and the like. At the February 2015 meeting, Magistrate Judge Patricia Sullivan and Steve Dambruch discussed the H.O.P.E. Court, a re-entry court program, which helps offenders prepare for re-entry for certain individuals on federal post-conviction supervision. Magistrate Judge Sullivan reported that the program is going well and meets every other Thursday. Applicants must agree to participate and must be accepted into the program. The program lasts at least one year and successful completion results in a one-year reduction of the term of supervision, with the approval of the sentencing judge. Professor Niki Kuckes and Matt Parker reported on the Social Media Subcommittee's work to develop overriding principles regarding social media. At the June meeting, Matt Parker reviewed the findings of the subcommittee, including endorsement of using GovDelivery.com to help the Court manage its communications and social media publications to increase its social media presence in a manner that is affordable and consistent with its interest in maintaining control over its message. Frank Perry presented an operations update, confirming that, as of December 5, 2014, electronic filing is mandatory for civil complaints and notices of removal. Mr. Perry also reported that, beginning January 15, 2015, the Court will permit the Social Security

Bar Association Committee Reports

Administration to submit the certified administrative record in Social Security benefits actions electronically using the CM/ECF system. Likewise, in actions removed from Rhode Island state court, the clerk of the state court will electronically submit the certified record after receiving a copy of the required written notice by the defendants or adverse parties in accordance with 28 U.S.C. § 1446(d). At the June 2015 meeting, Chief Judge Smith announced that in honor of the Court's 225th Anniversary, the Court was sponsoring a panel discussion on June 23, 2015 including Professor Gordon Wood, Judge Bruce M. Selya and Chief Judge Patti B. Saris. Judge John J. McConnell, Jr. will moderate the panel and there will be opportunity for questions and answers. After the panel discussion, there will be a reception in the Courthouse. Chief Judge Smith also announced that there will be a 2016 District Court Conference with details to follow. The 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 2014-15, fifteen petitions for fee arbitration were filed with the Rhode Island Bar Association. Two matters were settled prior to a formal arbitration hearing. Seven matters were dismissed because the respondent was unwilling to proceed with the arbitration. Four matters were arbitrated with the Committee's assistance. Three matters are still pending. The amount of fees in dispute ranged from \$1,500 to \$123,242. Several disputes were between lawyers involved in the same case. We continue to arbitrate controversies that could have been avoided by well-written fee agreements, 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.



Government Lawyers

Amy H. Goins, *Chair*

The Government Lawyers Committee (GLC) provides a unique forum and networking opportunity for current and aspiring government lawyers, as well as for those whose practice involves frequent interaction with government lawyers. We kicked off the year in October with a Committee CLE on Rhode Island's constitutional amendment process. Attended by nearly 40 attorneys, this seminar was timed to educate attorneys in advance of Election Day, when voters were asked whether a constitutional convention should be held. Anthony DeSisto, Esq., who served as a delegate to the 1986 Constitutional Convention, and John Marion, the Executive Director of Common Cause Rhode Island, provided an overview of the mechanics and dynamics of a constitutional convention. For our second Committee CLE, held in January, William J. Connell, Esq., a member of the General Assembly's Legislative Council, and Richard D. Raspallo, Esq., Chief Legal Counsel to the Speaker of the House, gave members practical advice for legislative drafting. In March, we welcomed Daniel C. Murray, Esq., and Lisa Larson Read, both of RI's Office of Regulatory Reform, who provided insight on recent efforts to review existing regulations and improve the rulemaking process. The GLC also organized two panel discussions for this year's Annual Meeting, one aimed at government attorneys and one geared to attorneys in private practice. The former, *Ethics for Government Attorneys*, featured David D. Curtin, Esq. (RI Disciplinary Counsel), Jason M. Gramitt, Esq. (RI Ethics Commission), and Neil F.X. Kelly, Esq. (RI Dept. of Attorney General). Special thanks to Megan Maciasz DiSanto, Esq. (RI Supreme Court, Office of General Counsel), who moderated the panel, and to Anthony F. Cottone, Esq. (RI Dept. of Education), who greatly assisted in developing the written materials for the seminar. The latter, *Representing Clients Before Government Agencies*, featured Elizabeth Kelleher Dwyer, Esq. (RI Department of Business Regulation), Sean M. Fontes, Esq. (RI Dept. of Labor and Training), and Catherine R. Warren, Esq. (RI Dept. of Administration). Additionally, the GLC discussed a number of pertinent topics throughout the year, including the new electronic filing system, the pros and cons of a centralized administrative hearing agency, and Governor Raimondo's Lean Government Initiative. Many thanks to all 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 Association Annual Meeting and CLE department by offering programs on insurance issues. A program was presented at the recent annual meeting moderated by myself and Holly R. Rao on Alzheimer's Disease. *Memory and Aging: What Lawyers Need to Know*, featured Dr. Stephen Salloway, Director of Neurology and the Memory and Aging Program at Butler Hospital in Providence, RI. In addition, Committee members Holly R. Rao and David Grossbaum presented a Food for Thought CLE on what to do (and not to do) when faced with a legal malpractice claim or disciplinary complaint including insurance coverage implications. The staff met with USI Affinity to review the Bar Association's health and dental programs. The Association has utilized the services of USI to administer and assist members with their health insurance needs and to serve as the Rhode Island Bar Association's relationship administrator with Blue Cross Blue Shield and Delta Dental for purposes of billing and claims issues. USI sponsored an onsite session at the Bar Association in January to help members with health insurance enrollment. USI was available for consultations along with staff from Blue Cross/Blue Shield, Delta Dental, and Healthsource RI. USI along with Delta Dental and Blue Cross sponsored an exhibit at the annual meeting, including free health screenings and a chair massage. The Committee met with representatives of Aon to review the Association's sponsored lawyer's professional liability program. Aon continues to support loss prevention by underwriting the very well attended loss prevention CLE series offered five times and providing members with three, free CLE credits. *Ethics Acceleration: The Challenge of Keeping Pace with Professional Ethics in Times of Rapid Change* is the title of this year's presentation which features Jack Marshall. More than 1,400 attorneys registered for the five sessions last year. Current insurance programs include the following which may be accessed through the Membership Benefits section on the Bar's website at ribar.com.

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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/Delta Dental and Bar members as an alternative to direct Bar member contact with Blue Cross/Delta Dental. A member may contact Blue Cross/Delta Dental directly without going through USI New England, and the premium will be exactly the same. USI New England is contracted to provide Rhode Island Bar members enrollment, billing service, insurance advice and to assist Rhode Island Bar members with other health/dental and 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, outstanding local service and risk management service.

Business Owners Property & Casualty Insurance

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

Personal Lines Insurance

Liberty Mutual offers Rhode Island Bar Association members special savings and personalized coverage. Bar 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.

Term Life Insurance

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



Labor and Employment Law

Chip Muller, Chair

This year, the Labor and Employment Committee continued to host luncheon meetings at which speakers conducted informative presentations of interest to members in our four key constituencies: management; labor; individual employees; and government. Ray Pepin from the R.I. Department of Labor and Training gave a very helpful presentation on the rel-

Bar Association Committee Reports

atively new Temporary Caregiver's Insurance program in this state. Committee members Jessica Jewell and Neil McNamara from Nixon Peabody, peppered Mr. Pepin with questions regarding enforcement and execution from the employer perspective. Our very own Committee member Michael Drywa of Sims & Sims LLP, in Brockton, Massachusetts, gave an excellent presentation on Duty of Fair Representation claims, its origins, its use by union members, and risks and duties facing unions. Cynthia Hiatt and Michael Evora of the Rhode Island Commission for Human Rights gave a very thoughtful and thorough presentation about persisting unconscious and still pervasive bias against minorities in employment (what has been termed the "New Jim Crow"), as well as recent developments in pregnancy discrimination and religious discrimination. The Committee encourages all Bar members to participate in, and benefit from, the Committee during the coming year. 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. Please indicate your selection of membership in our committee for the next fiscal year.



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. I represented the Association at the ABA Commission on Lawyer Assistance Programs' fall conference and had the opportunity to network with a number of other program representatives including the directors of

the Massachusetts Lawyers Concerned for Lawyers and the Connecticut program, both of whom offered to share information and resources on our website. We have added links and an article bank to our own page, <http://tinyurl.com/RIBARLHL>. For more than a year, the Committee has been concerned about certain questions appearing on the Rhode Island application for bar admission that ask about an applicant's mental health, including any history of substance abuse. The questions are nearly identical to those formerly used in Louisiana, which recently entered into a settlement with the U.S. Department of Justice calling for elimination of the questions and a \$200,000 payment. The Committee several times expressed its concern to the Executive Committee, which, in turn, has raised the issue with the Character and Fitness Committee and the Supreme Court. The Committee focuses attention on education. The Committee makes presentations at the *Bridging the Gap* programs for newly-admitted attorneys and circulates relevant articles from other jurisdictions' journals dealing with lawyers' mental health. 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. A tip for healthier living, "Manage Your Condition and Your Emotions," was provided by the Committee and CoastlineEAP, appearing in the November/December 2014 *Bar Journal*. The Committee also published a short article about the "ABA's Mental Health Screenings and Substance Abuse Toolkit for Law Students and Those Who Care About Them" in the May/June 2015 edition. Committee members regularly write short articles and book reviews for the Bar Journal related to the Committee's focus. A program was presented at the last annual meeting moderated by Renn Olen and Holly Rao titled, *Alzheimer's Disease, Memory and Aging: What Lawyers Need to Know*. It featured Dr. Stephen Salloway, Director of Neurology and the Memory and Aging Program at Butler Hospital in Providence, RI. The Committee looks forward to providing additional outreach and educational programming in the coming year. We have reached out to all the presidents of the specialty and local bar associations and offered to make presentations on issues of quality of life for lawyers. The best way to assist lawyers with the help they need is to get the message out to them that confidential help is available. The Lawyers Helping Lawyers brochure was recently revised and widely circulated at the Bar's Annual Meeting. We are appealing to the Courts to have the brochures displayed and made conveniently available to members in the various courthouses. The Committee has discussed sponsoring a program featuring Scott Rogers at an upcoming annual meeting. Mr. Rogers is founder and director of the Institute for Mindfulness Studies and of the University of Miami School of Law's Mindfulness in Law Program.



Lesbian Gay Bisexual & Transgender

Christopher J. Gerlica, Chair

I would like to thank the Committee members and allies for a successful committee year, and my first as its Chair. The Lesbian Gay Bisexual & Transgender (LGBT) Committee had two goals for

2014-2015: 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 Committee is proud of the presentation it sponsored at the Annual Meeting. In furtherance of the Committee's first goal, the Committee advised a planning committee for a symposium to be held at Roger Williams University School of Law this upcoming fall. The Committee has been researching and determining where the current state of Rhode Island law is not meeting the needs of the LGBT Community. Next year, we hope to work with other committees to bring these issues to light with our fellow Bar members. Like last year, many Committee members participated in a mentoring program sponsored by the Roger Williams University School of Law LGBT Alliance. The law students had the opportunity to explore areas of the law and gain guidance from their mentors. The Committee is now looking forward to the 2015-2016 Bar Association year as an opportunity to grow its educational offerings to both its members and the Bar as a whole.



New Lawyers Committee

Cristen L. Raucci, Chair

The primary objective of the New Lawyers Committee is to assist new members of the Rhode Island Bar Association in finding ways to access all of the benefits the Bar Association has to offer.

The New Lawyers Committee has accomplished this goal in several respects this year. The Committee hosted several guest speakers throughout the year who provided members with valuable insight as to their expertise. In November, the Publisher/Editor-in-Chief, Vice President, and Web Editor of *Rhode Island Lawyers Weekly* led a discussion on how young lawyers can use the media to effectively market themselves. The panel also gave attendees helpful pointers on discussing litigation with the media. In February, the Committee enjoyed a presentation by Attorney Deborah Gonzalez of Gonzalez Law Offices, Inc. on immigration law, what it means to be an undocumented immigrant, and the effect of this designation on daily life in Rhode Island. The Commit-

tee's third speaker was Attorney Thomas Bender, who discussed the issues surrounding the growth and cultivation efforts of medical marijuana patients and their approved primary caregivers. Representatives from the New Lawyers Committee continued the Committee's participation in the *Bridge the Gap* program new Bar members are required to attend as part of their Bar admission, and in the presentation of the third and fourth installments of the Bar's four-part CLE series, *Civil Practice in Rhode Island - The Basics*. The Committee wrapped up the year with the presentation of a free, one-hour, Committee CLE seminar in June, *A View From the Bench: Superior Court Motion Calendar*. The seminar gave attendees an opportunity to gain a practical understanding of the civil Motion Calendar directly from Associate Justice Richard A. Licht. 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 they relate to the probate, trust and estate tax areas. The Committee was active during the current year, meeting six times during 2014-2015.

The Committee consists of over one hundred members, many of whom were regular attendees and active participants at Committee meetings. Several probate judges were members of the Committee, providing a useful perspective on Committee discussions. The Committee reviewed and revised legislation that would permit so-called "directed trusts" (permitting a settlor to designate someone other than a trustee as responsible for trust investments). It is expected the legislation will be introduced in the 2015-2016 session. The Committee also reviewed proposed legislation in the following areas: 1) Rhode Island estate tax; 2) fiduciary access to digital assets; and 3) adult guardianship. While several estate tax bills were introduced, passage is uncertain at this time. The Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act was introduced, but, again, passage is uncertain at this time. It is expected a bill dealing with fiduciary access to digital assets will be introduced in the 2015-2016 legislative session. The Chair was given invaluable assistance by a number of Committee members who made themselves available to review proposed legislation in the probate and trust area.

Bar Association Committee Reports



Public Services Involvement Christine J. Engustian, *Chair*

In fulfilling its formal charge, the Public Services Involvement (PSI) Committee seeks to increase attorney participation in the public service programs of the Rhode Island Bar Association and increase public access to legal representation through these public service programs. Clearly, the public's access to the programs is largely dependent on the volume of attorneys who participate in the programs and are willing to provide their services in a *pro bono* or reduced fee manner. To encourage attorney participation in the Bar's public service programs, the PSI Committee endeavors to develop and provide training to attorneys through CLE seminars in areas of the law most needed by those seeking legal representation through these programs. For instance, this past fall, the Committee was involved with the Bar Association in presenting a three-part series on guardianships. The Committee expresses its appreciation to Committee members who organized, participated and lectured at the three seminars. The Committee thanks the Bar staff and lawyers who participated in or otherwise supported the guardianship seminars. In addition, due to the critical need to recruit more family law attorneys for the Bar Association's *pro bono* programs, the Committee formed a subcommittee to plan and develop a three-part seminar series scheduled for the fall of 2015. The series, *Special Issues in Family Law*, will address the legal and ethical issues that arise in family law including equitable distribution in no asset cases, the representation of physically and mentally challenged clients in Family Court and corresponding ethical considerations. The PSI Committee initially proposed a seminar, *Family Court vs. Probate Court - Guardianships and Guardians Ad Litem*, which was presented at the Association's June 2015 Annual Meeting. A PSI subcommittee selected the Association's 2015 *Pro Bono* Volunteer Lawyer Program Award recipients, Robert A. Arabian, Esq. and James P. Creighton, Esq., who are sole practitioners and have made exceptional contributions through the Bar Association's Volunteer Lawyer Program and *Pro Bono* Program for the Elderly. If you are an attorney who is interested in promoting greater access to legal counsel for needy Rhode Island residents through the Bar Association's public service programs, please join us in our Committee's rewarding work. The Committee extends its abiding gratitude to the Bar Association's Public Service Programs Director, Susan Fontaine, and staff who provide invaluable insight, guidance, assistance and support to the Committee throughout the year.



Superior Court Bench/Bar Dana M. Horton, *Chair*

This year, the Superior Court Bench/Bar Committee met regularly and tackled a number of issues of importance. First and foremost, the Committee finalized and submitted proposed E-Discovery rule changes to the Superior Court. This project was time-consuming and a few years in the making. The proposed rule changes are currently under review by a Superior Court Judicial Subcommittee and, once finalized, will, hopefully, be enacted and implemented. Having a workable set of rules specifically relating to E-Discovery should assist the bar immensely, as E-Discovery now presents itself in nearly every type of case, across every discipline. The Committee had a lively discussion and presentation by Justice Licht, regarding issues relating to the Providence County Motion Calendar, and the procedures and preferences of the Court on various topics, including seeking extensions of time, special assignments, dispositive motions and oral argument. The Committee also embraced the implementation of e-filing in the Superior Court, and served as a discussion center for practitioners who wanted to share their e-filing experiences and ask questions. We also welcomed Ryan Carnes, Supervising Deputy Clerk for the Superior Court, who addressed our Committee on issues relating to the new e-filing system. The presentation included a review of procedures from the Court's perspective and an open discussion allowing attendees to raise issues and concerns for consideration by the Court. We worked closely with Justice Gibney to develop a strategy for dealing with late decisions (post-trial or evidentiary hearing) in a professional manner. The recommendation was circulated to all Bar Association members and published on the Bar's website. The Committee also considered and voted to support anticipated legislation with regard to adoption of the Uniform Deposition and Discovery Act (which, essentially, avoids the need for letters rogatory) and Uniform Foreign Sworn Declarations Act (which, essentially, avoids the need for a notary if overseas). The Committee will continue its review and consideration of these proposed Uniform Acts into the new term. We considered recommending the Court adopt standard written discovery for personal injury and premises liability cases, as some other states have done, but decided against such a recommendation to preserve counsel's ability to autonomously conduct discovery in their own way. We continued to monitor and consider the presentment of administrative orders on line. Our Judicial Survey, which sought to capture every Justice's preferences with regard to communication, has been re-circulated to the Court, and we hope to complete and publish this information next term. Finally, we created a subcommittee which will meet with the head clerks of the four

county clerks' offices and engage in an open discussion of issues of importance to the Bench/Bar and clerks, so we can work in concert to make the practice of law in the Superior Court a smooth process for all. Thank you to all members who participated in the Committee this year. We look forward to your continued participation and welcome new members for the 2015-2016 term.



Title Standards and Practices

Michael B. Mellion, *Chair*

The Title Standards and Practices Committee met nine times this year. Attendance continued strong with an average of 28 members attending each meeting. 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. Thanks are due to the following Committee members who presented cases at meetings this year: Christine L. Baglioni, John S. Brunero, Jr., Sue Cody, John A. Comery, Mark F. Comstock, Paula M. Cuculo, David M. Dolbashian, Joseph M. Dolben, William A. Dorry, IV, Ronald C. Markoff, Francis J. Nolan, Alexander J. Raheb, Justin T. Shay and Linda Rekas Sloan. Thanks are due also to Nancy M. Davis for acting as the Committee's Recording Secretary and preparing comprehensive minutes of each meeting, and to Richard B. Abilheira, who kept the Committee current on legislative developments by preparing and presenting legislative reports to the Committee. At the request of the Committee, the Bar Association's lobbyist introduced bills in the legislature to: a) Define the meaning of so-called "Special Warranty Deeds" and "Special Warranty Covenants"; b) Amend the "ancient mortgage" statute to reduce the period from 50 years to 35 years; c) Validate common conveyance defects; and d) Confirm the effectiveness of conveyances by Trustees of nominee trusts. At this writing, the bills are in various stages of consideration by the legislature. 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 Healey 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, the Chair informs the Committee members of any updates in forms and procedure utilized in the workers' compensation practice. In addition, he opens the floor to discuss any issue or concern that may arise in representing clients, whether the employee or employer, before the Workers' Compensation Court. This year saw the Bench and Bar coordinating on several joint projects, including several timely seminars designed to provide ongoing educational benefits to all members, including a joint seminar with the Bench and Bar of the Commonwealth of Massachusetts Department of Industrial Accidents, which saw many practitioners pairing with Judiciary to make comprehensive presentations delineating the differences between the law and practices between the two jurisdictions. The Conference was so well received we are expanding it to include New Hampshire for Fall, 2015! 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 it is a hugely successful annual 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 Kirkbrae 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.

Rhode Island Foundation 2015 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 18, 2015 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. President St. Pierre expressed gratitude to the members of the Board and the hard-working Foundation Committees including the Finance, Grants, Scholarship, and Real Estate. He particularly thanked the Real Estate subcommittee for their tremendous volunteer efforts in the purchase of a new Rhode Island Law Center in Cranston which will house the Rhode Island Bar Foundation and the Rhode Island Bar Association. Susan Leach DeBlasio, James Jackson, Peter Lacouture and Roger Peters gave countless hours to this joint effort with the Bar Association.

During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2015 Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$400,000 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 2015 Thomas F. Black, Jr., Memorial Scholarship.



2015-2016 Rhode Island Bar Foundation Officers

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

Lisa Dinerman
William C. Dimitri
Michael P. Jolin
Lynda L. Laing

Roger A. Peters, II
Stephen M. Prignano
Richard G. Small
Louis A. Sousa

Andrew C. Spacone
David J. Tracy

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.

**Special Thank You
to Scholarship Program
Contributors**

The Horace A. Kimball and S. Ella
Kimball Foundation
The Champlin Foundations
The Nicholas J. Caldarone
Foundation



Christopher Wildenhain, Esq., 2008 Thomas F. Black, Jr. Memorial Scholar, addressed the Bar Foundation Fellows and guests.



Bar staff greeted Bar Foundation Luncheon distinguished guests.



Bar Foundation fellows, guests and scholarship recipients enjoyed mixing during the lunch.



Rhode Island Bar Foundation 2015 Thomas F. Black, Jr. Memorial Scholarship Recipients, Amanda Blau and Fabiola Olvera Benitez.



Bar Foundation President Michael A. St. Pierre and Past Foundation President Susan Leach DeBlasio.



Richard A. Kaplan, Principal, Yarlas Kaplan Santilli Moran, Ltd. received a certificate of appreciation for his long and valuable service as the Bar Foundation's financial advisor.



Lauren E. Jones, Chairperson, Nominating Committee.



Allan M. Shine (center) of the Foundation's Scholarship Committee enjoys a light moment with luncheon guests.

2015 ANNUAL MEETING

This year's Annual Meeting Committee, chaired by Bar Executive Committee member Richard P. D'Addario, Esq. produced a diverse and enriching program providing attendees with an outstanding opportunity to learn, to improve their practice, socialize with colleagues, and fulfill annual CLE requirements. The Meeting included a diverse range of seminars scheduled over the two days, including family, probate, criminal, trial and commercial law, a variety of ethics-related topics, State and Federal Court updates, and many more practice areas. The seminars were enhanced by the participation of many distinguished and accomplished presenters including many Bar members.



Rhode Island Bar President Bruce W. McIntyre welcomed attendees to the Bar's 2015 Annual Meeting and highlighted one of the benefits of participating in the Bar's *pro bono* Public Service programs.



Chief Justice of the Supreme Court of Rhode Island Paul A. Suttell presided over the swearing in of new Rhode Island Bar Association President Melissa E. Darigan.



Ouch! The Ethical Thicket of Social Media for Lawyers led off the 2015 Annual Meeting. In an entertaining and informative presentation, Louisiana attorney, professor, legal author and novelist Michael H. Rubin, Esq., reviewed the ethical issues lawyers face when dealing with social media.



The Future is Not What is Used to Be – E-Discovery: Tips and Traps highlighting the traps for the unwary in electronically-stored information (ESI), panelists (l-r) Paul M. Kessimian, Esq., Hon. Brian P. Stern, Thomas S. Hemmendinger, Esq., and Dana M. Horton, Esq. also provided practical guidelines for managing and dealing with ESI retention and e-discovery.



The Consumer Financial Protection Bureau's New Integrated Mortgage Disclosures presenters (l-r) Tim Boucher, Esq. and Linda Rekas Sloan, Esq. guided attendees through the process of completing Closing Disclosure forms.



Nice Lawyers Finish First offered as a plenary session drew a large crowd of attendees to hear Harvard Law graduate and Humorist at Law Sean Carter, Esq. deliver his amusing and thought-provoking presentation concerning the definition of zealous representation.



What In-House Counsel Looks for in Selecting and Retaining Outside Counsel. The panel (l-r) Suzanne Kelly, Esq., Robert Hochstein, Esq., Felise Feingold, Esq., Julie G. Duffy, Esq., and Andrew C. Spacone, Esq., focused on general corporate and litigation disciplines.

Civil Case Law Update provided an informative and insightful review of recent, noteworthy civil case-related decisions by the United States and Rhode Island Supreme Courts. The seminar panelists also provided a review of criminal case-related decisions in a separate seminar. The presenters included (l-r) Hon. Netti C. Vogel, Hon. Sandra A. Lanni, Thomas M. Dickinson, Esq., Hon. Francis J. Darigan, Jr., Jared A. Goldstein, Lauren E. Jones, Esq. and Hon. Francis X. Flaherty.



Domestic Violence Issues in Family and District Court panelists provided hot tips, insights and special nuances for Family and District Court practitioners representing domestic violence victims. (l-r) Lise M. Iwon, Esq. served as moderator and the speakers included Deborah Debare, Janet Gilligan, Esq. and Judy Beatrice.



Refusal Cases: Beyond The Basics workshop panelists (l-r) Robert H. Humphrey, Esq., Lauren V. Iannelli, Esq. and Hon. William Guglietta reviewed recent Rhode Island Traffic Tribunal cases significantly impacting the prosecution and defense of refusals to submit to chemical tests.



Family Court vs. Probate Court – Guardianships and Guardians *Ad Litem* workshop examined jurisdiction, procedure and practice. (l-r) Presenters Maureen P. Conroy, Esq., Jane F. Howlett, Esq., Susan M. Fink, Esq. and Hon. Marvin H. Homonoff also reviewed the roles of guardians *ad litem* in both courts.



Corporate Shareholder/Founder Agreements – Key Provisions and Pitfalls presenters (l-r) Thomas M. Madden, Esq., John M. Harpootian, Esq. and James H. Hahn discussed effective shareholders' and founders' agreements including a range of provisions restrictions and other considerations.



Alzheimer's Disease, Memory and Aging: What Lawyers Need to Know featured guest speaker Director of Neurology and the Memory and Aging Program at Butler Hospital and Brown University Professor Dr. Stephen Salloway (center) who, with (l) J. Renn Olenn, Esq. and (r) Holly R. Rao, Esq., who, in a wide ranging discussion, reviewed the ethical considerations and suggestions for intervening while preserving the dignity of a lawyer or client exhibiting cognitive impairment.



Ethics for Government Attorneys, using a case study format and offering an overview of key ethical issues for government attorneys, covered a range of topics. The seminar was presented by Megan Maciasz DiSanto, Esq., Jason M. Gramitt, Esq., David D. Curtin, Esq. and Neil F.X. Kelly, Esq.

US Bankruptcy Court Jurisdiction: Abstention, Removal, and Core/Non-Core Proceedings panelists discussed recent developments, including US Supreme Court cases and pending decisions, providing perspectives on how to improve practice when handling bankruptcy matters. Presenters included (l-r) Marcia McGair Ippolito, Esq., Hon. Diane Finkle, Christopher J. Somma, Esq. and Lynda L. Laing, Esq.





Recent Developments in Environmental and Land Use Law, providing updates on state and federal case law, regulatory and legislative changes, was presented by (l-r) Marisa A. Desautel, Esq., Christopher A. D'Ovidio, Esq., Brian A. Goldman, Esq. and Jennifer R. Cervenka.



Golden Nuggets: Perspectives on the Practice of Law in RI after Fifty Years, moderated by David D. Curtin, Esq. (upper left) featured the wit and wisdom of seasoned practitioners (seated l-r) Matthew L. Lewis, Esq., Dennis J. Roberts, II, Esq. and (upper right) Nathan W. Chace, Esq.



One Tweet Away From Boardroom to Courtroom: The Evolving Intersection of Law and Technology panelists Niki Kuckes, Victoria M. Almeida, Esq., David D. Curtin, Esq., John A. Tarantino, Esq., and Hon. John J. McConnell, Jr. discussed the social media policy scheduled for Federal Court implementation this year.



Social Media in Litigation and Lawyering: Trends, Traps and Tricks presenters discussed a wide range of legal issues relating to social media and provided practical tips, guidance and reviews of ethics opinions relating to this area of the law. (l-r) Brian J. Lamoureux, Esq., Hon. Brian P. Stern and Steven M. Richard, Esq.



Executive Session: A Play in One Act in which a public body properly conducts an executive session without violating the Open Meetings Act as presented by John H. McCann, Esq., Malena Lopez-Mora, Esq., Lisa A. Pinsonneault, Esq., Matthew R. Shechtman, Esq., Vicki J. Bejma, Esq. and Alison Bologna.



Retired Associate Justice of the Supreme Court of Rhode Island Donald F. Shea was welcomed by Bar President Bruce W. McIntyre who presented Justice Shea with the Bar Chief Justice Joseph R. Weisberger Judicial Excellence Award.



Chief Justice of the Supreme Court of Rhode Island Paul A. Suttell congratulated the 2015 Bar award winners and the 50-year member honorees and addressed the state of the Judiciary at the Friday Awards Luncheon.



A Bar member took in the view of Providence while connecting with a client between seminars.



RI Superior Court Associate Justice Walter R. Stone and retired RI Family Court Judge Howard I. Lipsey exchanging pleasantries with Bar members.



Joe Guerrero of Aon Attorney's Advantage Program, a Bar-sponsored professional liability insurance provider, offered an animated explanation of Aon's features and benefits.



Partners in life and the law RI District Court Magistrate Joseph P. Ippolito, Jr. and Past Bar President Marcia McGair Ippolito, Esq.



Bar members connected with their colleagues and the ice cream bar during an afternoon break.



Rhode Island Legal Services' Janet Gilligan, Esq. discussed her agency's programs with Attorney William R. Landry.



Lawyer and *ABA Journal Ambrogi on Tech* columnist Robert Ambrogi surveyed recent legal technology programs, devices and applications in the *30 Tools in 60 Minutes: The Newest and Coolest in Legal Tech* seminar moderated by Jerry Cohen, Esq.

Do You Need DRO or QDRO Help?



Kristy J. Garside, Esq.
and Jeremy W. Howe, Esq.

We prepare Domestic Relations Orders...

- Civil Service (COAP)
- U.S. Military (DRO)
- State/Local Governments & Teachers (DRO)
- ERISA (QDRO)
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In Memoriam

John P. Garan, Esq.

John P. Garan, 67, passed away on May 25, 2015. He was the beloved husband for 35 years of Virginia Garan. Born in Providence, he was the son of the late Paul and Zartig Krikorian Goshgarian. John was an immigration attorney with offices in Pawtucket and was a former Providence Municipal Court Judge and Providence City Councilman. He was a graduate of Classical High School, attended Brown University and is a graduate of University of Pennsylvania and Suffolk Law School. Besides his wife Virginia, John leaves his brother Paul A. Goshgarian.

Jay S. Goodman, Esq.

Jay S. Goodman, PhD, J.D., 75, of Providence, RI, passed away on May 2, 2015. Mr. Goodman was born on January 16, 1940 in Saint Louis, Missouri, to Harold and Minnie Goodman. Mr. Goodman graduated from University City High School and Beloit College in Wisconsin. After Beloit, he received a Woodrow Wilson Foundation Fellowship and attended Stanford for his MA in political science. Mr. Goodman received his PhD at Brown University, and, at the age of 25, he was hired at Wheaton College in Norton, MA where he taught political science and became the youngest tenured professor in the college's history. While serving as the pre-law advisor at Wheaton in 1975, his students persuaded him to attend law school. He enrolled in the evening program at Suffolk Law School, and received his J.D. in 1978. He was admitted to the Rhode Island and Massachusetts Bar Associations and served as a federal clerk to United States District Court Chief Judge Francis J. Boyle. He became a founding partner in a Rhode Island law firm, later establishing his own small law and lobbying practice. Mr. Goodman was also accomplished in two other fields: as a Democratic political strategist and as a volunteer leader in civic service. Mr. Goodman's campaign service included Robert F. Kennedy's 1968 presidential campaign; Ed Muskie's 1972 presidential campaign; the successful Rhode Island

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campaigns of Gov. Frank Licht, Lt. Gov. Richard Licht, Gov. J. Joseph Garrahy, Providence Mayor Joseph R. Paolino, and US Sen. Sheldon Whitehouse. Under Gov. Garrahy, he served as the volunteer head of the Rhode Island Emergency Management Agency during the Blizzard of 1978. He was appointed by Providence Mayor Paolino to serve as Chairman of the Providence Civic Center Authority, a post he held from 1984 to 1992. In 1992, he was appointed by Providence Mayor Cianci to the Capital Center Commission that oversaw the building of the Providence Place Mall and Waterplace Park. He is the author of 9 monographs and books on politics, including the textbook *The Dynamics Of Urban Government and Politics*. He was a prolific and favorite contributor to the *Rhode Island Bar Journal* and served on the Journal's Editorial Board. Goodman is survived by his wife, Gail Berson, his son Bob Goodman and wife Naama, and siblings Fay Cohen and Suzanne Liss.

Vernon L. Gorton, Jr., Esq.

Vernon L. Gorton, Jr., age 59, of Portsmouth, passed away on May 17, 2015. He was the loving husband of Beverly Correia Gorton for the last 24 years. Born on November 15, 1955, in Fall River, MA, he was the son of Anna E. Sullivan Gorton of Portsmouth, RI and the late Vernon L. Gorton, Sr. Vern was a graduate of Portsmouth High School, Providence College and Western New England School of Law (*Cum Laude*). He practiced law in Portsmouth for 34 years. He was a longtime member and past president of the Portsmouth Democrat Town Committee. He was Portsmouth Town Solicitor for many years. He also served as Middletown solicitor. He served on the Board of the Portsmouth Public Library. Vern coached girls softball, assistant coach for boys Little League, and he was a lifetime member of the Portuguese American Citizens Club. He was a lifetime member of the Seaconnet Sportsman's club, past associate member of the Democrat state committee, and a member of the Newport Bar Association. Besides his wife and mother, he is

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survived by his two children, Samuel and Maggie Gorton of Portsmouth, his three sisters, Jo-Anne Gorton and Nancy Harrington of Portsmouth, RI, and Patricia Khokasian of Tiverton, RI.

John F. McBurney, Esq.

John F. McBurney, 90, passed away on June 8, 2015. He was the loving husband of Ann P. Rivello McBurney. Born in Hebronville, Massachusetts, he was the son of the late John F. McBurney and Mary McKenna McBurney. Besides his wife Ann, he is survived by his five children; RI Superior Court Magistrate John F. McBurney, III, and his wife Cheryl; Michael J. McBurney and his wife Kathleen; Cristine L. McBurney, Esq.; Dr. Cathleen M. McBurney-Saros and her husband Nicholas; and Mark J. McBurney, Esq. Mr. McBurney also leaves his sister Alice Smith of Massachusetts. He graduated from Attleboro High School, Providence College, and Boston College Law School. He played AA baseball for the Pittsburgh Pirates and New York Giants. Mr. McBurney set an Interstate League record for home runs in one game (3), and was voted first team AAU All-American center fielder for Providence College. He was an infantry scout with the 103d Infantry Division in WWII, and saw combat in France and Bavaria. He received the Legion of Honor (France's highest award) and the Bronze Star for valor. John helped liberate the Landsberg extermination camp near Munich and was briefly a prisoner of war before escaping German forces. He finished his service as military governor of Fulpmes, Austria. Before shipping overseas, he was the 411th Battalion's Welterweight boxing champion. John entered the Rhode Island Senate in 1958 and represented the 38 district in Pawtucket for 16 years. He chaired the Judiciary and Health, Education and Welfare Committees, and introduced RI's Fair Housing Act in 1964. He was a delegate to the 1960 and 1964 Democratic National Conventions. He was a practicing trial attorney since 1953 and founded McBurney Law Services in Pawtucket. He taught school in Pawtucket, served as Pawtucket Assistant

City Solicitor, served 14 years as a Commissioner with the RI Board of Elections, and maintained his electrical contractor's license.

Peter J. Rubin, Esq.

Peter J. Rubin passed away on May 8, 2015. A Maine native, he grew up in Bath, the son of Harold and Dorothy Rubin. He was a graduate of Hebron Academy, Duke University and Harvard Law School where he was elected to the Harvard Law Review. He served as a clerk for Hon. Edward T. Gignoux, US District Court, Maine and went on to join the Portland law firm of Bernstein, Shur, Sawyer and Nelson where he spent his entire career, rising to become its president and its litigation group's senior member. He was a Fellow of the American College of Trial Lawyers, the American Academy of Appellate Lawyers, and the Maine Bar Foundation. He was an Advocate of the American Board of Trial Advocates and a member of the Maine State and Cumberland County Bar Associations. He is survived by his loving wife of 45 years, Donna Petlock Rubin of Scarborough, ME, his daughter Kara Anne Rubin and her husband Michael Zigman of New York City, NY, and his son Joel Alan Rubin and his wife Tara Peris of Los Angeles, CA.

James J. Skeffington, Sr., Esq.

James J. Skeffington, Sr., 73, of Barrington, RI, passed away on May 17, 2015. He was born in Providence, RI, a son of the late John M. and Evelyn Walsh Skeffington. He was a graduate of St. Augustine School and LaSalle Academy. Jim was a *Cum Laude* graduate of Boston College. After graduating from Georgetown University Law Center, he served as the first law clerk to the late Justice Thomas F. Kelleher of the Rhode Island Supreme Court. At the time of his passing, Jim was a leading partner of the law firm Locke Lord LLP. He served in leadership roles in the following Rhode Island agencies: The Port Authority and Economic Development Corporation; Housing and Mortgage Finance Corporation; Health and Educational Building

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In Memoriam (cont.)

Corporation; Student Loan Authority; Industrial Facilities Corporation; Industrial-Recreational Building Authority; Solid Waste Management Corporation; Public Building Authority; Convention Center; and Providence Public Parking Authority. Most recently, Jim led a group of investors in the purchase of the Pawtucket Red Sox, and served as a principal owner and President of the team. He was a founding member of the Coalition for Community Development; the creator of the Ocean State Charity Trust; Chairman Emeritus of the John E. Fogarty Foundation for the Mentally Retarded; a former member of the Board of Visitors of Georgetown University Law Center; a trustee of the Massachusetts Business Roundtable; and a trustee of the Massachusetts Taxpayers Foundation. Jim's charitable efforts included his support of the American Heart Association; LaSalle Academy, Boston College and Georgetown University, as well as the Department of Pediatric Cardiology at Boston Children's Hospital and Rhode Island Catholic Charities. He served on the Board of Directors for the Greater Providence Chamber of Commerce and the American College of Bond Counsel and as a Trustee of Bryant University, Providence College, and the Providence Performing Arts Center. He was a former Trustee of both Women and Infants Hospital and Butler Hospital. Jim lived most of his life in Barrington, RI and Narragansett, RI. He was a member of Rhode Island Country Club, Point Judith Country Club, Dunes Club, University Club, and St. Luke's Parish in Barrington. Jim is survived by his wife Barbara J. Skeffington and their two children; son, James J. Skeffington Jr. of Boston, MA and Erinn E. Murray of Westfield, NJ and their spouses Renee H. Skeffington and Brendan R. Murray, respectively; brother, John M. Skeffington, Jr. of Providence, RI; and sister, Jane A. Skeffington of Providence, RI.



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Bentley Tobin, Esq.

Bentley Tobin, 91, husband of Beverly Mucciarone Tobin, and longtime member of the American Bar Association, passed

away on June 1, 2015, at his home in Lincoln. Born in Brooklyn, NY, the son of Nathan and Mildred Aronoff Tobin, he is survived by a son Mitchell and his wife Susan of Chicago, IL, a daughter, Patricia, of Brooklyn, NY, a sister, Shirley Greenfield and her husband Leonard, of Nashville, TN. Mr. Tobin attended City College at the City University of New York, served in the Army Air Force during WWII and graduated from Harvard University Law School in 1948. After practicing law in New York and Boston, Mr. Tobin joined the firm of Higgins & Silverstein in Woonsocket, RI, becoming senior partner in the 1970's. In 1983 the then firm of Tobin and Silverstein became partners with the firm of Hinckley, Allen & Snyder LLP in Providence. Mr. Tobin remained of counsel with that firm until his death. Mr. Tobin served a number of years on the Board of Directors of the Congregation B'nai Israel in Woonsocket. He was the chair of the Board of Trustees of Woonsocket (now Landmark) Hospital for 15 years, and served on the Planning Board of the City of Woonsocket and on the Rhode Island Commission of Judicial Tenure & Discipline in the 1980's. Mr. Tobin was a member of the Kirkbrae Country Club in Lincoln for many years.

John Thomas Walsh, Jr. Esq.

John Thomas Walsh, Jr., 73, of North Kingstown, RI passed away on May 17th, 2015. He grew up and made life-long friends in Providence, RI where he attended St. Augustine School, LaSalle Academy and Providence College, graduating in 1964. In 1967, he graduated from Suffolk University Law School, second in his class, and an editor of the Suffolk Law Review. He earned admittance to the Massachusetts and Rhode Island Bars before serving the United States in the Rhode Island Air National Guard. Following a clerkship for Justice Thomas F. Kelleher on the Rhode Island Supreme Court, he practiced law in Providence, RI for 48 years, predominantly at Higgins, Cavanagh and Cooney. He was a mentor to students at San Miguel School in Providence and a former member of the board of Butler Hospital. He

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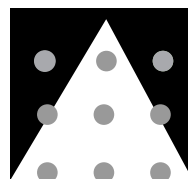
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served as the President of the Plum Beach Club in Saunderstown, RI, and was a member of Point Judith Country Club and The Dunes Club in Narragansett. He was the husband of Patricia Hauck Walsh for 42 years, whom he met during childhood summers at Plum Beach and loved wholeheartedly. He was the son of the late John T. Walsh and Alice Monahan Walsh of Providence, brother of Marie Casey, Libba Choquette and Edward J. Walsh, and brother-in-law of their spouses the late Paul F. Casey, Paul J. Choquette, Jr., and the late Rosemary Flynn Walsh. He was the devoted father of John T. Walsh, III, Kathleen Walsh Dwyer, and Elizabeth Walsh Frissora, and father-in-law to their spouses, Meghan D. H. Walsh, Jeffrey S. Dwyer and Michael T. Frissora.

Memoriam 2014 – 2015

Anthony J. Bucci, Esq.
Michael H. Feldhuhn, Esq.
John J. Finan III, Esq.
John P. Garan, Esq.
Jay S. Goodman, Esq.
Vernon L. Gorton, Jr., Esq.
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