



Rhode Island **Bar Journal**

Rhode Island Bar Association Volume 65. Number 1. July/August 2016

Rhode Island Bar Association Officers
Bar Annual and Committee Reports
Bar Awards and Annual Meeting
Identity Theft Protection



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Summer Hours

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RHODE ISLAND BAR ASSOCIATION LAWYER'S PLEDGE

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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Our Bar Benefits Our Community and Our Members



Armando E. Batastini, Esq.
President
Rhode Island Bar Association

In the U.S. Navy, a new commanding officer often prepares a letter entitled “Report of Relief as Commanding Officer” upon assuming a new command. The purpose of this letter is to detail issues related to the material conditions at the command.

Drafting this letter requires a fine balance. Too harsh an assessment will likely alienate the new commanding officer from the officer that he or she is relieving. In the small world that is the officer corps of the Navy, an overly critical report, consequently, could have future repercussions, as those officers will probably meet again, with the prior commander at a higher rank. Additionally, an overly critical letter forms a lengthy “to do” list for the new commander. Too glowing an assessment sets the new commanding officer up for a fall, as his or her replacement may not be as complimentary, implying that any degradation in condition occurred during the commanding officer’s watch.

At the risk of ignoring this wisdom and setting myself up for failure, the material condition of the Bar Association is excellent.

I highlight the Bar Association’s *pro bono* and public service programs. The Bar Association remains the single largest source of volunteer *pro bono* legal services in the state. Last year, our participating attorneys reported 3,024 hours of *pro bono* legal services through the Volunteer Lawyer Program, Elderly *Pro Bono* Program, and US Armed Forces Legal Services Project. These hours do not include those yet to be reported for ongoing cases. This year, the Association also initiated the

Foreclosure Prevention Project. Our volunteer attorneys have immediately responded to the critical need to stop foreclosures or prevent related issues for citizens having trouble paying their mortgage. Those Foreclosure Prevention Project hours are in the process of being reported. The majority of volunteer lawyers are solo or small firm practitioners, so that the time spent on *pro bono* representation comes directly off their bottom line. And, this work is often difficult, primarily involving direct representa-

tion of persons of limited means who oftentimes carry the baggage that their economic circumstances imply.

These *pro bono* and public service efforts have received national recognition. Our Armed Forces Legal Services Project was recognized for its “first of a kind” program with a grant from the American College of Fellows. The Bar Association was also recently announced as the winner of the 2016 Lexis Nexis Community & Educational Outreach Award for our Partners Overcoming Domestic Violence Program. Executive Director Helen McDonald, Public Services Director Susan Fontaine, and the Bar Association staff are the driving forces behind these successes.

Challenges to providing these services are extant and growing. The Bar Association fields well over 1,000 calls per month seeking *pro bono* representation, with that demand having increased over the past few years. The Bar Association, consequently, has a staff of five assigned exclusively to take and place these matters. However, we are not able to place a fair number of these cases. The greatest need is in family law and bankruptcy. I therefore encourage all members to participate in the Bar Association *pro bono* programs and take a *pro bono* case.

Funding is also an on-going challenge. The primary source of funding for *pro bono* and public services programming comes from interest earned on our members’ IOLTA accounts. Virtually non-existent current interest rates have badly impacted this funding. The Bar Association *pro bono* funding has also been impacted by increasing competition for public service funds. We consequently make up short falls in funding by reprioritizing within our budgets and by aggressively seeking grant money where available, so that we can maintain (and hopefully expand) these necessary programs.

Over the coming year, you will hear more from me regarding what the Bar Association is doing to benefit our community and our members. In the interim, I welcome and invite your input. Please contact me directly with any of your thoughts, questions or concerns, and I will respond. In closing, I wish all of you fair winds and following seas. ♦

Last year, our participating volunteer lawyers donated 3,024 hours of *pro bono* legal services through our Bar’s Volunteer Lawyer Program, Elderly *Pro Bono* Program, and U.S. Armed Forces Legal Services Project.

Are you looking for answers to practice-related questions? Try the Bar's dynamic List Serve!

According to Rhode Island Bar Member and Johnston-based Attorney Angelo A. Mosca III:
In my opinion, the Bar's List Serve is one of the best things to come to the Bar in recent years.

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!

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.

If you have not yet joined the List Serve, please consider doing so today. To access 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!

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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:
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New Rhode Island Bar Association President and 2016-2017 Executive Officers

New Rhode Island Bar Association President

Past Rhode Island Bar Association President Melissa E. Darigan passed the Bar's gavel to new Bar President Armando E. Batastini who thanked Melissa for her inspiring leadership and pledged to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2016-2017 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2016 Annual Meeting [l to r] Linda Rekas Sloan, Esq., President-Elect, principal, Linda Rekas Sloan & Associates, LLC; David N. Bazar, Esq., Secretary, senior partner of Bazar & Associates; Carolyn R. Barone, Esq., Treasurer, partner, Kirshenbaum Law Associates; and Armando E. Batastini, Esq., President, partner, Nixon Peabody LLP.



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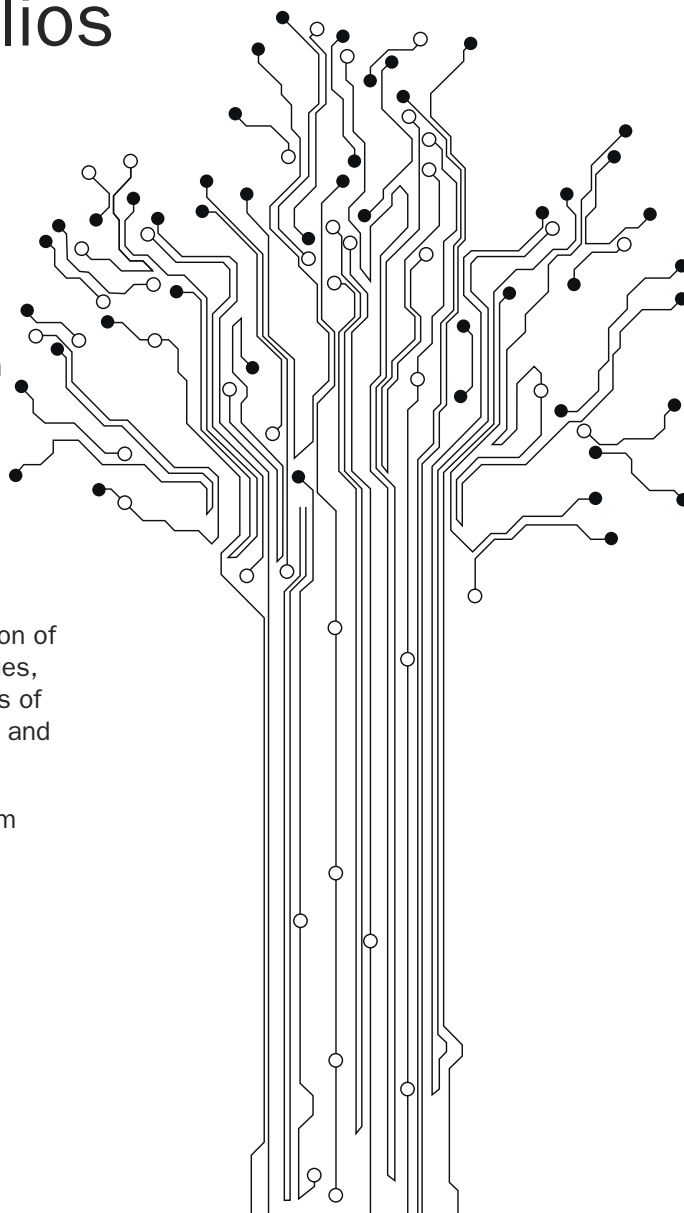
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Rhode Island Bar Association 2016-2017 Officers' Profiles



Armando E. Batastini, Esq.
President



Linda Rekas Sloan, Esq.
President-Elect



Carolyn R. Barone, Esq.
Treasurer



David N. Bazar, Esq.
Secretary

Armando E. Batastini, Esq. is President 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 a Fellow of the Rhode Island Bar Foundation. He has served on several standing Bar committees, and actively participates in the Volunteer Lawyer Program, Lawyers for the Elderly, and the Armed Forces Legal Services Project. He is the 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 President-Elect of the Rhode Island Bar Association. She is the Assistant Vice President of Business Development and Counsel in the Rhode Island office of the Fidelity National Title Group which includes Chicago Title, Commonwealth Land Title and Fidelity National Title Insurance Company. She is also a principal at the firm of Linda Rekas Sloan, LLC, concentrating her practice in the area of receiverships and serving on the panel of state court-appointed receivers. She graduated from Providence College, *magna cum laude*, and earned her law degree from Boston University

School of Law. She is a member of the Rhode Island Bar Association Executive Committee and House of Delegates, chaired the 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 other non-profit organizations. She is also currently serving an elected office as a West Greenwich Town Council member.

Carolyn R. Barone, Esq. is Treasurer 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 has been 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*

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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 Involvement 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.

David N. Bazar, Esq. is Secretary of the Rhode Island Bar Association. He is the senior partner of Bazar & Associates in East Providence. He is a graduate of the Providence Country Day School and Trinity College. He is a member of the Rhode Island Bar Association Executive Committee and the House of Delegates, and he is a Fellow of the Rhode Island Bar Foundation. He served as Editor In Chief of the *Rhode Island Bar Journal* and on several standing Bar committees. He actively participates in the Bar's Volunteer Lawyer Program, Lawyers for the Elderly, and the US Armed Forces Legal Services Project. He is the recipient of the Rhode Island Bar Association's 1987 *Pro Bono Publico* Award and the Bar's 1998 Continuing Service Award. David and his wife Susan reside in East Greenwich, Rhode Island. ❖

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Rhode Island Identity Theft Protection Act of 2015



Robert H. Humphrey, Esq.
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Many law firms are easy targets for cyber-criminals' attacks due to weak or outdated data protection, and they are sources of valuable client and employee personal information.

On July 2, 2016, the Rhode Island Identity Theft Protection Act of 2015 (Act) will take effect.¹ The Act requires any “municipal agency, state agency, or person...that stores, collects, processes, maintains, acquires, uses, owns or licenses personal information about a Rhode Island resident [to] implement and maintain a risk-based information security program.”² Of great significance to Rhode Island law firms is the Act’s definition of a person as “any individual, sole proprietorship, partnership, association, corporation, joint venture, business, legal entity, trust, estate, cooperative or other commercial entity.”³

Forefront of Identity Theft Protection

In response to the growing threat of data breaches, most states enacted data breach and identity theft protection laws between 2005 and 2009. The Rhode Island Identity Theft Protection Act of 2005 (2005 Act) was enacted to address the “growing concern regarding the possible theft of individuals’ identity and a resulting need for measures to protect the privacy of personal information.”⁴ Rhode Island is among a growing number of states that have adopted second-

generation identity theft and breach notification laws. The risk-based information security program mandated by the most recent Act requires all municipal agencies, state agencies, persons and businesses to develop or update “reasonable security procedures and practices appropriate to the size and scope of the organization.”⁵ The purpose of the risk-

based information security program is to prevent the “unauthorized access, use, modification, destruction, or disclosure [of personal information] and to preserve the confidentiality, integrity, and availability of such information.”⁶ To this end, “a municipal agency, state agency or person shall not retain personal information for a period longer than is reasonably required to provide the services requested; to meet the purpose for which it was collected; or in accordance with a written retention policy or as may be required by law.”⁷ With regards to the destruction of all personal information, said destruction must be

“in a secure manner, including, but not limited to, shredding, pulverization, incineration or erasure.”⁸

Personal Information Defined

The Act expands the definition of “personal information” to include “an individual’s first name or first initial and last name in combination with any one or more of the following data elements, when the name and the data elements are not encrypted or are in hard copy, paper format:

- (i) Social security numbers;
- (ii) Driver’s license number, Rhode Island identification card number or tribal identification number;
- (iii) Account number, credit or debit card number, in combination with any required security code, access code, password or personal identification number, that would permit access to an individual’s financial accounts;
- (iv) Medical or health insurance information; or
- (v) E-mail address with any required security code, access code or password that would permit access to an individual’s personal, medical, insurance or financial account.”⁹

Beware of Nonaffiliated Third Parties

Regarding personal information that is disclosed to a nonaffiliated third party, the municipal agency, state agency or person “shall require by written contract that the third party implement and maintain reasonable security procedures and practices appropriate to the size and scope of the organization.”¹⁰ This portion of the Act, which addresses nonaffiliated third parties, was not specifically addressed in the 2005 Act. The importance of requiring a nonaffiliated third party to establish and maintain a risk-based information security program is illustrated by Target’s data breach of 2013 which resulted in approximately 100 million Target shoppers’ “personal information” being compromised.¹¹ During the investigation of the security breach, it was learned the source of the breach was a heating, ventilating and air conditioning com-

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pany (HVAC) called Fazio Mechanical Services, a nonaffiliated third party vendor. It is widely believed that the hackers using “a phishing email duped at least one Fazio employee, allowing Citadel, a variant of the Zeus banking trojan, to be installed on Fazio computers. With Citadel in place, the attackers waited until the malware offered what they were looking for – Fazio Mechanical’s login credentials.”¹² The hackers then used the stolen network credentials of Fazio Mechanical to breach Target’s network. “It’s not immediately clear why Target would have given an HVAC company external network access, or why that access would not be cordoned off from Target’s payment system network.”¹³

Forefront of Breach Notification

One of the most significant improvements from the 2005 Act to the new Act involves the notification of a security breach. Rhode Island has become the eighth state to require notification of a security breach of an individual’s personal information by a municipal agency, state agency or person. The entities are required to provide notice of “any disclosure of personal information, or any breach of the security of the system, that poses a significant risk of identity theft to any resident of Rhode Island whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person or entity.”¹⁴ The “notification shall be in the most expedient time possible, but no later than forty-five (45) calendar days after confirmation of the breach.”¹⁵ Rhode Island is one of the first states to implement a mandatory day requirement for notification to its residents of a security breach. This is a significant change from the 2005 Act which only required that individuals be notified in the “most expedient time possible and without unreasonable delay.”¹⁶

Notification Requirements

The notification to individuals must include the following six elements:

- 1) A general and brief description of the incident, including how the security breach occurred and the number of affected individuals;
- 2) The type of information that was subject to the breach;
- 3) Date of breach, estimated date of breach, or the date range within which the breach occurred;



Anthony Leone

Past President of the Rhode Island Association for Justice

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4) Date that the breach was discovered;
5) A clear and concise description of any remediation services offered to affected individuals including toll free numbers and websites to contact: i) the credit reporting agencies; (ii) remediation service providers; and (iii) the Attorney General.

6) A clear and concise description of the customers' ability to file and obtain a police report; how a consumer requests a security freeze and the necessary information to be provided when requesting the security freeze; and that fees may be required to be paid to the consumer reporting agencies.¹⁷

The notification of individuals "may be delayed if a federal, state, or local law enforcement agency determines that the notification will impede a criminal investigation."¹⁸ In addition, if "more than five hundred (500) Rhode Island residents are to be notified, [the entity] shall notify the attorney general and the major credit reporting agencies as to the timing, content, and distribution of the notices and the approximate number of affected individuals. Notification to the attorney general and the major credit reporting agencies shall be made without delaying notice to affected Rhode Island residents."¹⁹

Penalties for Violations

The penalties for a violation of the Act are civil in nature and require "not more than one hundred dollars (\$100) per record be adjudged against a defendant" for each reckless violation of the Act.²⁰ For "each knowing and willful violation" of the Act the penalty for this civil violation is "not more than two hundred dollars (\$200) per record."²¹

The penalty of \$100 or \$200 per record may seem insignificant, but multiply that fine by the thousands of records, including clients' personal information, which a law firm may maintain. Although the emphasis may be on computerized data, the need to also protect clients' personal information in paper format cannot be ignored.

A significant change from the 2005 Act is that the \$25,000 limit on civil penalties is not included in the new Act, so the civil penalties may exceed \$25,000. Also, if the Attorney General believes it would be in the public's interest, an action may be brought "in the name of the State against the business or person in violation."²²

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What Should Law Firms Do?

Going forward, all lawyers and staff of law firms who obtain and store personal information must be aware of the newly mandated security precautions in the Act. Many law firms are easy targets for cyber-criminals to penetrate due to weak or outdated data protection, and they are sources of valuable client and employee personal information. As larger businesses develop more sophisticated data breach protection, smaller businesses, such as law firms, become more attractive to cyber-criminals. It cannot be overstated that the weakest link in any law firm's information security program are the employees. It is extremely easy for lawyers and staff to inadvertently open their firm's network to intrusion by viruses, malware or ransomware. Also, with the ever-increasing mobility of the practice of law, smartphones, tablets, laptops and other mobile devices are routinely lost or stolen. If these devices are not encrypted, sensitive information is at risk. In addition, these devices may allow for access to the firm's network by cyber-criminals. Law firms should establish "reasonable

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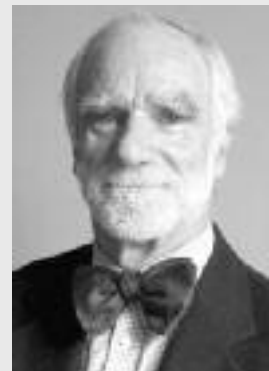
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security procedures and practices appropriate to the size and scope of the organization.”²³ These written procedures should include a retention and destruction policy detailing how and when records of clients’ personal information should be kept and destroyed. Law firms should consider purchasing data breach protection insurance. All servers, laptops and mobile devices should have the appropriate encryption technology. Both lawyers and staff should be educated about the firm’s personal information security policy and trained to look for vulnerabilities. Finally, law firms should have a comprehensive plan of action if the firm suffers a data breach. Hopefully, this article will serve as a reminder to take the necessary steps for your firm to be in compliance with the Act.²⁴

ENDNOTES

- 1 R.I. GEN. LAWS § 11-49.3-1.
- 2 R.I. GEN. LAWS § 11-49.3-2.
- 3 R.I. GEN. LAWS § 11-49.3-3(7).
- 4 R.I. GEN. LAWS § 11-49.2-2.
- 5 R.I. GEN. LAWS § 11-49.3-2(a).
- 6 *Id.*
- 7 *Id.*
- 8 *Id.*
- 9 R.I. GEN. LAWS § 11-49.3-3(a)(8).
- 10 R.I. GEN. LAWS § 11-49.3-2(b).
- 11 <http://www.zdnet.com/article/anatomy-of-the-target-data-breach-mis-opportunities-and-lessons-learned/> (last visited May 5, 2016).
- 12 *Id.*
- 13 <http://krebsonsecurity.com/2014/02/Target-hackers-broke-in-via-HVAC-company/> (last visited May 5, 2016).
- 14 R.I. GEN. LAWS § 11-49.3-4(a)(1).
- 15 R.I. GEN. LAWS § 11-49.3-4(a)(2).
- 16 R.I. GEN. LAWS § 11-49.2-3(a).
- 17 R.I. GEN. LAWS § 11-49.3-4(d)(1) – (6).
- 18 R.I. GEN. LAWS § 11-49.3-4(b).
- 19 R.I. GEN. LAWS § 11-49.3-(4)(a)(2).
- 20 R.I. GEN. LAWS § 11-49.3-5(a).
- 21 R.I. GEN. LAWS § 11-49.3-5(b).
- 22 R.I. GEN. LAWS § 11-49.3-5(c).
- 23 R.I. GEN. LAWS § 11-49.3-2(a).
- 24 *The author expresses his deep appreciation for the assistance of Kimberly A. Petta, Esq., and Gianna Gualtieri in the preparation of this article.*



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



Peter A. DiBiase Esq., practicing from the law office of Peter DiBiase Inc. in Providence, received the Rhode Island Bar Association's 2016 Ralph P. Semonoff Award for Professionalism. Peter's over forty-three-year legal career began at the Rhode Island Public Defender's Office as a summer clerk under Assistant Public Defender Eugene F. Toro. After his graduation from law school the following year, he was hired as an Assistant Public Defender, serving

in that position from 1973 through 1977. From 1974 through 1978 Peter also served as the Rhode Island Mental Health Advocate. He served with distinction in both positions, clearly demonstrating his commitment to public service. Upon leaving the Public Defender's Office, Peter went into private practice with Eugene Toro until 1999 when he opened his current practice. He served as a member of the Supreme Court Disciplinary Board, the Supreme Court's Committee on Character and Fitness, and he is currently a member of the Judicial Tenure Commission.

Rhode Island Superior Court Associate Justice Netti Vogel notes, *No other member of the legal community has a higher reputation and dedication to the profession than Peter. He champions the law as a higher calling and helps guide other lawyers, promoting excellence in the law by example.*

According to Attorney Craig Montecalvo, *Peter provides help to folks, from every imaginable background and circumstance, in their time of greatest need. And, through generous contributions of time, resources and insight, he has served as a mentor to many Bar members.*

Attorney Mark Mandell writes, *Peter is always thoroughly prepared. He pays exquisite attention to detail, taking great pride in the quality of his work. As hard as he fights for his clients, he is always respectful, collegial and polite.*

Rhode Island Deputy Public Defender Matthew Toro notes, *Peter has the unique ability to view cases from multiple perspectives and appreciate opposing views, all the while maintaining the highest ethical standards and zealously advocating for his clients.*

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



Hon. Maureen McKenna Goldberg, Associate Justice, Supreme Court of Rhode Island, was honored with the Rhode Island Bar Association's 2016 Florence K. Murray Award. Justice Maureen McKenna Goldberg has devoted her career to public service in the State of Rhode Island. Justice Goldberg was appointed to the Rhode Island Superior Court on July 9, 1990 and the Rhode Island Supreme Court on May 30, 1997. An honors graduate

in the first class of women at Providence College in 1973, Justice Goldberg graduated with honors from Suffolk University School of law in 1978 and received an honorary doctorate of law in 1999. Justice Goldberg began her professional career as a prosecutor in the Rhode Island Department of Attorney General, rising to the rank of Administrator of the Criminal Division.

In 1984, she entered private practice of law at Goldberg Law Offices, but remained active in public service until her appointment to the bench. As a justice of the Superior and Supreme Courts, Justice Goldberg worked toward the improvement of the law and the legal profession. She is the recipient of: the Rhode Island Women's Bar Association's Ada Sawyer Award of Excellence; the Rhode Island Trial Lawyers Association's Citizen of the Year; the Big Sisters of Rhode Island Women We Admire award; and the Junior League of Rhode Island's The Rhode Island 85. Justice Goldberg is a former Director of the Rhode Island Foundation, and serves on the Board of Directors for Phoenix Houses of New England. She is a past-member and past-chair of the Board of Trustees for St. Mary Academy-Bay View, her alma mater, and she holds three honorary degrees.

According to Attorney Nicole Verdi, *From the first day I met Justice Goldberg until the last day I spent as a clerk, she has always emphasized the importance of breaking through barriers and then turn-*

ing around and welcoming other women through those barriers. It is an honor and privilege to learn from her.

Attorney Mariana Ormonde states, *Justice Goldberg takes a personal interest in and is an invaluable role model for advancing the legal aspirations of countless female attorneys, as well as all those women who have the good fortune to meet her. Her efforts to advance women's opportunities in the legal profession are so long-practiced and ingrained, she does this almost unconsciously.*

According to Attorney Katherine Connolly Sadeck, *Justice Goldberg's achievements are, in themselves, a motivation and inspiration to women attorneys. She is a champion of women attorneys, encouraging and motivating women to pursue excellence in the law and a strong advocate for women working toward leadership roles in the courts and the legal practice.*



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2016 Victoria M. Almeida Servant Leader Award

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Hon. George E. Healy Jr., Chief Judge of the Rhode Island Workers' Compensation Court (ret.), received the Rhode Island Bar Association's 2016 Victoria M. Almeida Servant Leader Award. Chief Judge Healy is a graduate of Northeastern University and Suffolk University Law School. Prior to his appointment to the Bench, he was an active civil litigator and workers' compensation practitioner. He was a member of the task force

which created the Workers' Compensation Court in 1990 and ultimately reengineered the system in 1992. He was appointed to the Workers' Compensation Court in 1991 and sworn in as Chief Judge in 2004. He is a member of the Workers' Compensation Advisory Council. He served as a member of the editorial board for the American Medical Association's *Guides to the Evaluation of Permanent Impairment, 5th Edition* and lectured and published numerous articles regarding workers' compensa-

tion law and practice. He is on the Board of Directors of the Institute for Labor Studies and Research and serves on the Roger Williams University *Pro Bono* Collaborative, and as an adjunct faculty member of Roger Williams University School of Law. He received the Juanita Sanchez Award from the Center for Hispanic Policy and Advocacy. He was honored as Citizen of the Year by the Rhode Island Association for Justice, and he received the 2011 Chief Justice Joseph R. Weisberger Award for Judicial Excellence from the Rhode Island Bar Association.

According to Attorney Steven Minicucci, *Judge Healy viewed his appointment as Chief Judge not as a final crowning achievement to a distinguished legal career, but, rather, as a beginning, a call to arms, an opportunity and a position of privilege and duty from which to serve the Bar, the litigants, and the people of Rhode Island. Judge Healy, an invigorating and motivational leader, created a perpetual program of teams of lawyers, judges and safety professionals bringing messages of workplace safety and knowing one's legal rights directly to Rhode Island high school students. His Youth Employment Safety Program is a tremendous success story.*

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George Nee, President of the Rhode Island AFL-CIO notes, *Judge Healy welcomed members of our immigrant community, regardless of their status to his Court and the Workers' Compensation Advisory Council. He participated in many community forums, on hot summer weekends, for many hours, emphasizing to workers who live in the shadows of our community that they have a right to benefits and encouraged and welcomed them to pursue those rights. He truly served those workers by bringing his Court to them in a most personal, humane and professional manner.*

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According to George Mason, of the Rhode Island Senate Policy Office, *Judge Healy personifies servant leadership, as his management style and life emphasize collaboration, trust, empathy, and the ethical use of power. He was and is a servant first, making a conscious decision to lead to better serve others in and out of the courtroom.*

2016 *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.

Mark B. Heffner, Esq., practicing from the law offices of Heffner & Associates, in Warwick, received the 2016 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for his article, *The Evolution of Rhode Island Guardianship Law*, published in the *Rhode Island Bar Journal*: Volume 64, Number 6, May/June, 2016.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Mark Heffner 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 Heffner's article, and the full contents of *Rhode Island 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. Mark Heffner'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.

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2016 Volunteer Lawyer and *Pro Bono* Program For The Elderly Award Recipients

PRO BONO PUBLICO AWARD

Established in 1987, this award recognizes the outstanding efforts of attorneys who have provided equal access to justice to the needy through the Volunteer Lawyer Program and *Pro Bono* Program for the Elderly during the past year. Award criteria includes: case type and difficulty, the number of hours served, and the total number of cases. Length of service through the program and attorney's professionalism, compassion and commitment to public service are considered.



Volunteer Lawyer Program *Pro Bono Publico* Award

Richard Howell James, Esq. graduated from Rhode Island College and received his law degree from Suffolk University Law School. Throughout his career, he chaired and served as a board member on several government administrative councils and was appointed by Governor Bruce Sundlun to be his Director of Legislative Affairs. His extensive public service resume

includes service as the Chair of the Rhode Island Democratic State Committee and as a member of the Democratic National Committee. Currently, Richard is actively volunteering for a second term through the Americorp/VetCorps program. He has also volunteered with the Rhode Island Society for Prevention of Cruelty to Animals. Today, Attorney James practices in Cranston where he is a partner in the firm of James Law and of Counsel to Law Offices of Attorney Joseph Lamy. He is a member of the National Association of Criminal Defense Attorneys and Rhode Island Association of Defense Attorneys. His unconditional public service commitment extends to the Bar's Volunteer Lawyer Program and also the Bar's US Armed Forces Legal Services Project. Richard's Volunteer Lawyer Program membership began in 1988. Over the past few years, he has accepted 12 VLP cases and contributed 130 plus hours. Half of these cases were contested family law matters involving domestic violence. His deep concern for his clients and holistic approach to family law cases

is evident in his representation of *pro bono* clients, including stopping an eviction while handling a restraining order for a survivor of domestic violence.

Elderly Program *Pro Bono Publico* Award

Karen L. Davidson, Esq. received her undergraduate degree from Connecticut College, a certificate of studies from Oxford University, and her law degree from Cornell Law School. She is a sole practitioner in Providence and is an active and long-standing member of the Bar Association's House of Delegates. She served on the Fee Dispute Committee, was a former co-chair of the Arbitration Mediation Committee and a former chair of the Women's Bar Association. For years, she contributed her time and expertise to the ACLU of Rhode Island as a board member, and she is currently serving as the Chair. Karen has supported the Bar Association's public service programs since 1997, and, through the years, she has accepted a variety of *pro bono* divorce cases. Many of which, especially for elderly clients, have been atypical. Her understanding and patience with clients who may not always follow through as expected is outstanding. Karen has accepted matters involving securing guardianships for the frail elderly. In one such guardianship case, Karen was not only instrumental in finalizing the guardianship, but also assisted the guardian in dealing with



the parties needed to procure medication changes for the ward. As a result, the elderly person's quality of life was so immensely improved by having a guardian, she began to once again interact with others and resume her life. Over the past few years Karen has accepted nine cases in the areas of divorce and probate matters, contributing close to 100 hours of *pro bono* service for our neediest citizens.

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CONTINUING SERVICE AWARD

Established in 1991, this award recognizes those distinguished attorneys who are past *Pro Bono Publico* Award recipients who have made a steadfast commitment to the administration of justice to the poor through a Rhode Island Bar Association *pro bono* program. Those honored for this award have continued for five or more years to provide critically needed *pro bono* legal assistance to those less fortunate and have contributed hundreds of *pro bono* hours. Other considerations include the attorney's professionalism, compassion and commitment to public service.



Volunteer Lawyer Program Continuing Service Award

William J. Balkun, Esq. is a sole practitioner in Cranston. He is a graduate of Northeastern University, earned his JD from Brooklyn Law School, and received a LL.M from Boston University School of Law in Banking Law Studies. Attorney Balkun has served on the Bar Association's House of Delegates since 2014. Bill joined the

Volunteer Lawyer Program in 1988 and, ever since, has contributed his time and expertise to *pro bono* clients in need of representation in the Family Court. For his outstanding service to the poor, he received the *Pro Bono Publico* Award in 1990. His perspective on volunteering is: "If you appear in Family Court on a regular basis, accepting family law matters does the most good and makes the most sense. It seems so fitting when you practice in Family Court that you volunteer there, too. We have a responsibility to assist. The need is obvious." Over the past several years, Bill accepted 12 custody/visitation matters and divorces ranging in complexity. His patience, concern and willingness to work with the social service network for clients with extreme hardships is evident throughout his representation. Bill has donated between 6 and 65 hours on volunteer cases, and, in the past 5 years, his *pro bono* hours have exceeded 200 with more to come.



Jack D. Pitts, Esq. graduated from Boston University and received his J.D. from the Bridgeport School of Law. He is a member of the Massachusetts and Florida Bar and a partner in the Johnston law firm of Pitts & Burns. The Bar Association has administered the Volunteer Lawyer Program for 30 years, and Attorney Pitts has actively participated from the very beginning. He received the *Pro Bono Publico*

Award in 1989 for his exceptional legal assistance to the poor. He wholeheartedly endorses the VLP program for new and seasoned members of the Bar, stating, "The Bar provides a competent and well-tuned vehicle for new attorneys developing their legal skills and for all members of the Bar who desire to give a tremendous gift back to the community." Since joining the Volunteer Lawyer Program, Jack has accepted *pro bono* cases in many areas of law from domestic to probate. However, in the last five years, with so many Rhode Islanders behind on mort-

gage payments and on the brink of losing their homes, Jack accepted fifteen foreclosure prevention cases and donated 140 plus hours to this effort. Jack's deep caring for those in the midst of a financial crisis is reflected by his understanding and immediate action for those facing the loss of their home. He notes that focusing his volunteer legal assistance in this area for families has been his most rewarding *pro bono* work. Jack stated, "Although not every home could be saved because of unforeseen tragedies affecting affordability, the overwhelming response from clients was the opinion that the legal community was there when all else failed, thanks to the VLP." Jack has volunteered within the community by assisting with the Barrington Little League. He also served as Trustee and Treasurer for East Bay Center, Inc. formerly East Bay Mental Health.

Elderly Pro Bono Program Continuing Service Award

Elizabeth P. Santilli, Esq. received her undergraduate degree from the University of Rhode Island and her JD from Suffolk University Law School. She is an associate at the Providence law firm of Asquith and Mahoney, P.C. Attorney Santilli's volunteer activities include serving as a Mock Trial Judge for the RI Legal



Educational Partnership and her active participation in the Bar's Volunteer Lawyer Program. Since 2002, Beth has directed her *pro bono* efforts through the Bar's *Pro Bono* Program for the Elderly. In 2010, she received the Bar Association's *Pro Bono Publico* Award for her outstanding efforts for our elderly. Over the past fourteen years, Beth has consistently provided legal assistance to extremely needy seniors facing a myriad of wide ranging legal issues, from a grandparent needing to attain guardianship of their disabled grandchild to elders with diminished capacity requiring an advocate "so they won't fall through a crack or get lost in the long-term care system," notes Beth. Those working in human services frequently contact the *pro bono* program when frail elders in their care face dire situations requiring legal remedies. Beth has accepted these cases without hesitation, even contested guardianship/family issues. She has devoted over 275 *pro bono* hours since 2010 to representing the interests of seniors. In addition to championing the legal rights of our senior citizens, Attorney Santilli volunteers within the faith-based community. She serves on the Board of Governors for The Catholic Foundation and is also a Eucharistic Minister and lector at Sacred Heart Church.

2016 Rhode Island Bar Association Honorary Members

At the 2016 Annual Meeting Luncheon, the Rhode Island Bar Association recognized and honored the distinguished attorneys who achieved a noteworthy 50 years of service to the legal profession. 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

Brian G. Bardorf, Esq.
John D. Biafore, Esq.
Stephen A. Cardi, Esq.
Stephen J. Carlotti, Esq.
Robert S. Cronin Jr., Esq.
Louise Durfee, Esq.
C. Vincent Fay, Esq.
R. Raymond Greco, Esq.
Michael F. Horan, Esq.
Hon. Gilbert V. Indeglia
Robert E. Liguori, Esq.
Stephen G. Linder, Esq.
Joseph Lobianco, Esq.
Kenneth J. Macksoud, Esq.
Albert J. Mainelli, Esq.
Mary Ellen McCabe, Esq.
John E. Migliaccio, Esq.
Vincent J. Naccarato, Esq.
George A. Pliakas, Esq.
Howard S. Portney, Esq.
Dennis J. Roberts II, Esq.
Hon. Joseph F. Rodgers, Jr.
Robert M. Silva, Esq.
John F. Smollins Jr., Esq.
Charles S. Sokoloff, Esq.
Alfred G. Thibodeau, Esq.
Bruce G. Tucker, Esq.
Joseph T. Turo, Esq.
Joseph W. Walsh, Esq.
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2016 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



The Rhode Island Law Day (RILD) Committee, with particular help from Rhode Island Bar Association, the Rhode Island Judiciary, Roger Williams University School of Law, and the Rhode Island Police Chief's Association, sponsored the 2016 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest. Open to all Rhode Island 10th and 11th grade students, the 2016 Rhode Island Law Day Essay Contest focused on *Miranda: More than Words*, the same topic offered through this year's RILD Classroom Programs.

Matthew Sawoski, a student at Wheeler School, and a resident of Little Compton, won first place in this year's contest. Matthew received a \$1,000 scholastic award made possible through the combined generosity of the Rhode Island Bar Association and the Rhode Island Police Chief's Association. He also received a personalized engraved trophy cup, and his school received the *Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest* trophy cup for a one-year display, and a permanent plaque commemorating Matthew's achievement. And, this year, thanks to the generosity of the Edward P. Gallogly Family Law Inn of Court, a second place winner, Geoffrey Grumbach, a Moses Brown School student, and East Greenwich resident, was awarded a \$250 scholastic award and a personalized engraved trophy cup.

Celebrating Matthew's and Geoffrey's awards during a ceremony at the Rhode Island Supreme Court were (l-r): President of the Edward P. Gallogly Inn of Court Richard A. Merola; First Place Winner Matthew Sawoski; Second Place Winner Geoffrey Grumbach; RI Supreme Court Chief Justice Paul A. Suttell; RI Supreme Court Associate Justice and 2016 RILD Committee Chairman Gilbert V. Indeglia; RI Bar Association President Melissa E. Darigan; and Rhode Island Superior Court Associate Justice (ret) and initiator and namesake of the Rhode Island Law Day Essay Contest Award Francis J. Darigan, Jr.

FLORIDA LEGAL ASSISTANCE



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Estate Planning
 Probate Administration
 Probate Litigation
 Elder Law
 Corporate Law
 Real Estate Closings

Miranda: More Than Words

Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indegli, the Rhode Island Judiciary and the Rhode Island Bar Association organized volunteer teams of judges and lawyers who delivered law related education programs to over 55 upper and middle school classrooms throughout the state. This year, through the involvement of the Rhode Island Police Chief's Association, a number of police officers also took part in the classroom presentations. Lesson plans, including background information, and recommended questions for student consideration, were drawn from the American Bar Association's 2016 National Law Day program topic, *Miranda: More Than Words* 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, lawyers and police officers. This year's topic helped stimulate active student participation, helping students understand how laws directly affect them and the roles lawyers, judges and police officers play in administering justice.



Rhode Island Supreme Court Chief Justice Paul A. Suttell, Providence Police Department Major David A. Lapatin (also a Bar member), and Rhode Island Bar Association President Melissa E. Darigan engaged in a lively dialogue with the students in teacher Arthur Rustigian's Classical High School classroom in Providence.



Rhode Island Family Court Judge Angela M. Paulhus, Cranston Police Department Patrolman Jonathan Nelson, and Attorney Neville J. Bedford and the Park View Middle School students in teacher Lloyd Bochner's class discussed the interrelationships between judges, lawyers and police officers.



2016 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

Denise Acevedo Perez Esq.
Fausto C. Anguilla, Esq.
David N. Bazar, Esq.
Neville J. Bedford, Esq.
Thomas R. Bender, Esq.
Andrew H. Berg, Esq.
William L. Bernstein, Esq.
Patrick Bristol, Esq.
Joseph P. Casale, Esq.
William J. Connell, Esq.
Robert C. Corrente, Esq.
Maria Corvese, Esq.

David A. Coughlin, Esq.
David M. D'Agostino, Esq.
Jules J. D'Alessandro, Esq.
Melissa E. Darigan, Esq.
Vincent A. DiMonte, Esq.
Lisa Dinerman, Esq.
Amy Dodge Murray, Esq.
Christopher S. Gontarz, Esq.
Lisa S. Holley, Esq.
Robert H. Humphrey, Esq.
Andrea Iannazzi, Esq.
John R. Izzo, Esq.

Marissa Janton, Esq.
Casey J. Lee, Esq.
Valerie Leon, Esq.
Donna S. Madden, Esq.
Maria J. Marley, Esq.
Ernest G. Mayo, Esq.
Mary Welsh McBurney, Esq.
Robert A. Mitson, Esq.
Jerilyn Fahey Muccio, Esq.
John F. Neary, Esq.
Sarah B. Oster, Esq.
Edward M. Pepe, Esq.

Thomas M. Petronio, Esq.
Kimberly A. Petta, Esq.
Patrick J. Quinlan, Esq.
Alexander J. Raheb, Esq.
Richard D. Raspallo, Esq.
Dean G. Robinson, Esq.
Richard A. Sinapi, Esq.
Stephen A. Smith, Esq.
Gerard B. Sullivan, Esq.
Nicholas Trott Long, Esq.
Antonio L. Trubiano, Esq.
Jonathan F. Whaley, Esq.



Rhode Island Superior Court Associate Justice Stephen P. Nugent, Attorney Dean Robinson; and Barrington Police Department School Resource Officer Joshua Melo and Detective Benjamin Ferreira, reviewed legal rights issues associated with the Miranda decision with teacher John West's Barrington High School students.



Rhode Island Traffic Tribunal Judge Alan R. Goulart and Attorney Thomas R. Bender, utilized a PowerPoint presentation to help teacher Ann Marie Torres' Park View Middle School students better appreciate the 2016 topic *Miranda: More Than Words*. Attorney Bender and Judge Goulart graciously accepted and conducted two, back-to-back presentations for two separate classes at Park View.



Attorney and Town of Warren Municipal Court Judge Ernest Mayo wore two hats for his Rhode Island Law Day presentation to the Highlander Charter School students of teacher Soljane Martinez in Warren.

Rhode Island Judiciary

Hon. Joseph A. Abbate
 Hon. Anthony F. Amalfitano
 Hon. Karen Lynch Bernard
 Hon. Elaine T. Bucci
 Hon. Patrick T. Burke
 Hon. Frank Caprio
 Hon. William E. Carnes, Jr.
 Hon. Raymond P. Cooney
 Hon. Brian Van Couyghen
 Hon. Robert M. Ferrieri
 Hon. John J. Flynn
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Hon. Feidlim E. Gill
 Hon. Alan R. Goulart
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 Hon. Michael T. Napolitano
 Hon. Edward H. Newman
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 Hon. Angela M. Paulhus
 Hon. Howard S. Portney
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Hon. Kristin E. Rodgers
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 Hon. Jeanne L. Shepard
 Hon. Michael A. Silverstein
 Hon. Edward P. Sowa, Jr.
 Hon. Brian P. Stern
 Hon. Walter R. Stone
 Hon. Paul A. Suttell
 Hon. Sarah Taft-Carter

Volunteer Bar Lawyers 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 26th, from 5:00 p.m. to 7:30 p.m. The Rhode Island Bar Association attorneys answered viewer telephone questions related to Family Law.

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

Family Law Panelists l-r: Timothy M. Sweet, Esq.; Allison C. Abilheira, Esq.; Susan D. Vani, Esq.; and Denise Acevedo Perez, Esq. fielded over 86 caller requests for family law-related guidance.

TITLE CLEARING

QUIETING TITLE ACTIONS

Roger C. Ross

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Lawyers on the Move

Sean M. Bouchard, Esq. is now an associate attorney at **Silva, Thomas, Martland & Offenberg, Ltd.**, 1100 Aquidneck Avenue, Middletown, RI 02842. 401-849-6200 sbouchard@silvalawgroup.com www.silvalawgroup.com

Robert P. Brooks, Esq., of the Providence law firm of **Adler Pollock & Sheehan P.C.**, was honored by the Boys & Girls Clubs of Providence which established *The Robert P. Brooks Scholarship Endowment* for the support of Club memberships for Providence youth in need regardless of age, gender and Providence Club location.

Robert V. Chisholm, Esq., of the Providence law firm of **Chisholm, Chisholm & Kilpatrick, LTD**, was recently honored with the *Hart T. Mankin Distinguished Service Award* from the United States Court of Appeals for Veterans Claims.

Joseph A. Kuzneski, Jr., Esq. is now a partner at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI, 02903. 401-274-2000 jkuzneski@hinckleyallen.com www.hinckleyallen.com

William F. Warren Esq. is now practicing from 1011 Smith Street, Providence, RI 02908 at the Law Offices of Michael R. Lombardi and Robert B. Russo. 401-751-6100 billwarrenattorneyatlaw.com

Rhode Island
Bar Association
2015-2016

ANNUAL REPORT

Report of the Executive Director on 2015-2016

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 2015-2016. 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 are celebrating one year in our new Rhode Island Law Center! We have reduced the pressure on Association dues, allowing: enhanced long-term planning; advanced technology; expanded parking; and greater meeting and event flexibility. Our open house in the fall was well attended, and the Chiefs of all the state courts visited our new facility at a luncheon in April.

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. For example, the bench bar committees and the Executive Committee have been following up on an issue related to the use of electronic devices in the courtrooms. A policy drafted by the Technology in the Practice Committee and approved by the Executive Committee was forwarded to State Supreme Court requesting that the Court consider establishing a consistent policy that permits attorneys to use such smart phones and laptop computers in courtrooms. Particularly with the increased use of technology with e-filing and calendaring, and with the provision of Wi-Fi in courthouses, most attorneys operate paperless and need to access records through electronic devices. We are awaiting action from the Court.

In an effort to improve and streamline communications by and between the Justices of the Superior Court and members of the bar, the Superior Court Bench Bar Committee surveyed

the preferences of the individual justices with regard to email communication and other contact from the bar. This information is posted in the "Members Only" section of the Bar's website. Our hope is to take the same initiative to the other courts.

Limited Scope Representation

The Bar Association filed a formal statement and recommendations respecting limited scope representation with the Supreme Court. Our Committee on Limited Scope Representation drafted the recommendations. That Committee is the successor to the Task Force on the Unbundling of Legal Services, which included representation from all the courts and areas of practice. The Committee focused on proposing amendments to the Rules of Professional Conduct and prepared "safe harbor" forms for retainer letters and court papers. The Committee noted that additional rule changes would be needed across all courts to implement limited scope representation, for example, Rules of Practice. The Committee believed that core rule changes in Rule 1.2(c) would provide the formula for additional rules amendments at the trial court level; however, the Committee did not believe Rule 11 would be impacted by the limited scope representation proposals. All proposed rule amendments and proposed form documents addressed four major areas: entry and withdrawal without a hearing; communications between attorney and client, among parties and with the courts; protecting *pro bono* programs and legal clinics; and model/sample forms that could be used by members to provide guidance, but would not be mandatory. We await further action by the Court.

This year's **Annual Meeting** was held on June 16 & 17. There were 43 workshops and seminars offering guidance and updates in multiple areas of law, including family, corporate, probate, criminal, trial practice techniques and commercial law. This year's seminars included a variety of ethics-related topics, the popular state and federal court updates and a plethora of other topics. As a new tradition this year, all newly sworn-in RI Bar members were invited as guests to this year's Annual Meeting at no cost. Our hope is to show new members the value of our Annual Meeting by inviting them to attend the educational workshops and take advantage of the networking breaks and lunches with seasoned colleagues.

Our Thursday morning Keynote speaker was Joshua M. Greene, author, historian, filmmaker and Adjunct Professor of Religious Studies (ret.) at Hofstra University. Mr. Greene discussed the Trials at Dachau. He also presented a breakout session, entitled *Hitler's Court: Betrayal of the Rule of Law in Nazi Germany*. On 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 Florence K. Murray Award to the Honorable Maureen McKenna Goldberg. Chief Justice Suttell presented the annual State of the Rhode Island Judiciary. And our new president, Armando E. Batastini, took the oath of office and began his term as 2016-2017 Bar Association President. Our Friday afternoon plenary speaker, Larry J. Cohen, Esq., a certified specialist in injury and wrongful death litigation, provided an entertaining finale to our 2016 Annual Meeting. Mr. Cohen incorporated media clips in his discussion about legal ethics, professionalism and how the image of lawyers in popular media affects legal practice today.

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. The 10,000 square foot building on a 1.3-acre site in Cranston, has afforded us many excellent features directly benefiting members and the public. 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. Since our move one year ago, we continue to receive positive feedback regarding the new facilities, its location, and the ample parking.

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 of becoming 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. To date, 58 scholarships have been awarded to promising law students from Rhode Island.

The Bar Foundation was recently honored with a generous

donation from Hon. Thomas J. Caldarone Jr. which will be utilized to establish an endowment for summer fellowships. Law students will receive a stipend for an internship in a Rhode Island nonprofit organization engaged in providing legal services to persons of limited means. The Rhode Island Bar Foundation recognizes that frequently there are no funds to compensate law students for their important efforts in the public interest and, given today's costs of a legal education, many are forced to turn away from the beneficial experience afforded by such service. As Caldarone Fellows, law school students will have the opportunity to assist in providing crucial legal services to the public and in so doing may encourage those students to pursue public service careers.

Professional Development

During the 2015-2016 year, the CLE Department, in collaboration with the CLE Committee, produced a total of 41 seminars amounting to 75.5 credit hours, including 17.0 ethics credits. Seminar attendees welcomed the wide range of topics offered during the year. The plethora of seminars focused on areas which affect Bar members' daily practice and clients, such as mortgage disclosures, accident reconstruction technology, eDiscovery, Lady Bird Deeds, custody and relocation issues, crowdfunding, hardship and interlock devices, records retention, employment law, security and data breaches, wrongful death act, and Medicaid/Medicare. The CLE schedule also included popular annual seminars including *Commercial Law - A Comprehensive Update on Recent Developments* with national speakers Steven O. Weise, Esq. from California and Edwin Smith from Massachusetts; and *Recent Developments in the Law*, a comprehensive, full-day program reviewing the updates in the areas of domestic law, real estate, courts and civil procedure, criminal law, probate and trusts, bankruptcy law, and torts and evidentiary issues.

Out of the 41 seminars, the CLE Committee created three, two-part seminars geared towards newer members of the Bar. They included criminal law - practicalities & criminal procedure, civil law practice - opening a case file and discovery & bankruptcy - things to know before you file and issues after filing. 185 Bar members took advantage of the low tuition rates and the opportunity to hear experiences of Rhode Island attorneys who shared their best practice tips. The Committee framed the seminar so that the speakers included a mix of seasoned professionals; those with 5-10 years of experience, and those with 1-4 years of experience. Attendees found this beneficial; especially hearing those with various levels of experience discuss how rapid changes in technology have affected their practice.

Report of the Executive Director on 2015-2016

The Bar Association has partnered with Mesa CLE (formerly known as MCLE Plus) to offer live webcast seminars to Bar members. This is a successful endeavor, as over 130 attorneys have registered for these webcasts so far this year. This partnership allows for Bar members to hear from national speakers on various ethics topics without having to travel outside of the state and for a lower cost than hearing them in person.

The Public Services Department uses CLE seminars as a recruitment tool for many of their programs. This year, 120 attorneys opted to take a *pro bono* case through one of its programs, in exchange for free CLE credit. The department offered four seminars worth a total of nine credits; of which, 2.5 were devoted to ethics. Topics for these seminars included equitable distribution in a no asset case, using bankruptcy as a tool to delay foreclosure, ethical considerations in family law issues and representing mentally and physically challenged clients.

Joining a Bar committee is an excellent way for members to network, seek guidance in a particular area of the law, and keep up with new trends and current changes. The Association recognizes that its committees have a unique opportunity to address issues in specialized areas of practice that might not otherwise be addressed in general CLE programs. The CLE Director works with Bar committees to approve committee-sponsored CLE programs. Committees may present a maximum of three CLE credit hours, and programs are open to all members of the Bar free of charge. This year, six committees offered a total of ten free credits, of which one credit was devoted to ethics, and over 245 members attended a committee-sponsored CLE program.

A survey was recently sent out and completed by our Bar members, and the compiled results were shared with the CLE Committee at its May 4th meeting. The survey solicited Bar members' thoughts regarding the CLE program, including most convenient time and place for seminars, topics for future seminars, and their overall impressions and feedback about the CLE program. In response to the survey, members indicated that they appreciate that the CLE department is able to offer low-cost, quality seminars to our members.

The CLE Committee and Office are busy planning for the 2016-2017 year. Aon Attorneys' Advantage program-sponsored, free ethics seminar for this year will provide 2.0 free ethics credits, offered on five different dates and locations. The featured speaker will be James Blackburn from North Carolina, who will speak about ethical landmines attorneys face, the high stress environment, and mental health and substance abuse issues. The dates for this year's series are: August 4 (RWU), August 5 (URI), and September 13-15 (Rhodes on the Pawtuxet). Seminars

scheduled for the next year include practical considerations in litigation, *Commercial Law Update*, guardian ad litem in probate court, *Recent Developments in the Law*, and *Residential Real Estate Closings in Rhode Island*. The Committee also plans on offering seminars in the areas of business law, trial practice, law office management, and elder law. Webcasts continued to grow in popularity this year.

Membership Benefits

The Rhode Island Bar Association continues to provide great value to its members. **Casemaker**, is a Web-based legal research system to its members for free (\$450 value). It offers features such as: Casecheck+ similar to Shephard's and KeyCite. It notifies you instantly of negative treatment, identifying whether your case law citations are still good law. Starting this November, members have access to over six million pleadings as part of Casemaker's partnership with Mozato's CaseEdge product. All members receive access to up to five free pleadings a month. Any pleadings past the first five will be available for \$1.99 per pleading. Members are always able to review the first page of any pleading in the database at no charge. Casemaker is teaming up with CosmoLex practice management to make it much easier for lawyers to accurately bill clients for the time spent on legal research at an affordable rate. This integration will be complete by the end of 2016. It will allow Casemaker users to automatically track research time by client matter and assign it to client invoices, at a fraction of the cost of a free standing law office management system and will eliminate the "leakage" and billing compliance issues typically associated with legal research.

Our website provides other great services. You can access our many discount programs, easily register for CLE seminars, sign up for Bar committees 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.

Our email List Serve continues to be a well utilized service for Rhode Island Bar Association members to use for online, law-related discussions. The List Serve is a welcome form of networking for our members, particularly for exchanging referrals for various legal services and contacts. During the last few months, the majority of Bar Association List Serve posts have centered on in and out-of-state referrals, legal forms, court procedures, and clarifications. There are currently 675 Bar members enrolled in the List Serve. Members are able to offer advice and direction to new attorneys who have a question regarding court procedure, sample documents/agreements, or other legal

questions related to the practice of law.

Online Attorney Resource (OAR) volunteer attorneys provide informed answers to new attorneys' legal questions concerning particular practice areas based on their professional knowledge and experience. Questions handled by OAR volunteers may range from specific court procedures and expectations, to current and future opportunities within the OAR practice areas.

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. Many of the members' efforts to provide legal assistance are facilitated through membership in the Bar Association's public service.

- *Volunteer Lawyer Program* is designed to help low income citizens obtain legal help when they need it. Administered by the Bar Association for over 29 years, the Volunteer Lawyer Program (VLP) continues to impact low income clients' lives in a significant and purposeful way through the dedicated efforts of its members. The VLP provides legal assistance to those who cannot obtain legal representation either on their own or through other existing agencies. The greatest demand for help is in the area of family law, bankruptcy, collections, guardianship and housing. Other case types include employment, license registry, probate and taxation. Eligibility is based on the federal poverty guideline. The VLP does not accept criminal or fee generating matters. There is continual collaboration within the legal and social service network including, RI Legal Services, Dorcas International Institute of RI, Coalition for the Homeless, Coalition Against Domestic Violence, Disability Law Center, Roger Williams University School of Law, nursing homes and local hospitals.

Last fall, the CLE series, *Special Issues in Family Law*, was presented by the Bar's Public Services Involvement Committee in conjunction with the Volunteer Lawyer Program. Attorneys attended one or all three sessions in exchange for accepting a *pro bono* family law case. The sessions were held in September, October, and November, 2015. VLP is celebrating its 30th anniversary in October. You will hear more about this.

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 80 plus viewer inquiries regarding family law.

- *Partners Overcoming Domestic Violence Project* is a new and unique collaboration between the Bar Association, Rhode Island Legal Services, Coalition Against Domestic Violence and Roger Williams University School of Law to provide direct representation to survivors of domestic violence. New and seasoned attorneys form legal assistance teams, after comprehensive training and work with advocates, to provide clients critically needed legal assistance in related domestic matters. Newer attorneys have the benefit of a mentor throughout the case. All eligible clients are formally screened and placed with the teams of volunteer attorneys through the Volunteer Lawyer Program. The VLP staff prioritizes and dedicates their efforts to placing domestic violence cases and collaborates with the Rhode Island Legal Services attorneys handling these cases regularly. These cases are presented as critical in all direct calls to volunteer attorneys, as well as in promotional and case placement materials distributed to the private bar to promote participation and case placement.

- *Foreclosure Prevention Project* provides legal assistance for citizens who are in jeopardy of losing their homes. The project is designed to assist those who are having trouble paying their mortgage due to loss of employment, divorce, death of a family member, illness, benefits issues, etc. 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. Clients contacting the VLP program have many times experienced a loss of income due to loss of employment, salary decrease, divorce, separation, death of a family member, illness, loss of child support/alimony or benefits that have been denied, cut or pending. Tenants affected by foreclosure are also assisted through the project. Community outreach is ongoing through contact with community organizations and leaders. Volunteer attorneys have been offered free CLE courses in areas pertaining to foreclosure prevention as an incentive to join the program and or take cases. During April alone, 10 cases were placed as a result of one Bankruptcy CLE, *A Consumer Bankruptcy Bootcamp with the Experts*. Two free CLE programs will

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be offered in the fall of 2016 to recruit new volunteers and place cases. The seminars are in the areas of reverse mortgage and judicial foreclosure with speakers from the Volunteer Lawyer Program, Rhode Island Legal Services, and Connecticut Fair Housing Foreclosure Prevention Project collaborating on these programs.

- *US Armed Forces Legal Services Project* accepts direct requests for legal assistance from military personnel. Additionally, the program assists military staff legal service providers with volunteer attorneys serving as mentors or counsel for direct representation for civil matters. Many of the referrals to the Bar Association's public service area are coordinated with the military Attorney-Advisor through the Judge Advocate General's office. Active military personnel and veterans from all branches of military service receive assistance upon request. The program collaborates with a variety of organizations serving the military including the Bristol Veterans Home and Veterans Administration.
- *Lawyer Referral Service and Lawyer Referral Service Reduced Fee Program* provide legal assistance in almost every area of law. 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.
- *Legal Information & Referral Service for the Elderly* provides referrals to senior citizens 60 years of age and older. The *Pro Bono* Program for the Elderly, administered through the Bar Association's Lawyer Referral Service, celebrates over 35 years of operation. The volunteer attorney members focus on the legal needs that most impact our senior citizens. Legal assistance initiatives for seniors are a continuing priority and include a variety of community outreach legal clinics, as well as Ask a Lawyer Programs, statewide. Direct representation is provided to the elderly on a reduced fee and *pro bono* basis according to income eligibility. Ask A Lawyer and Legal Clinic programs are made available through our community outreach efforts to senior organizations on a statewide basis. 35-40 requests for outreach programs are fulfilled on an annual basis. This past year, we were present at various informational fairs for seniors and sponsored Collection Clinics at the Bar Association Headquarters. This fall, we are offering Ask A Lawyers in the area of Reverse Mortgages to help increase seniors' awareness of the possible pitfalls associated with these loans.
- *Lawyers for the Arts* is designed to meet the legal needs of artists and arts organizations. Reduced fee and *pro bono* assistance is also available.

Hundreds of additional callers to the Public Service area are provided with helpful information in regard to other available community resources.

Lawyers Helping Lawyers

The Lawyers Helping Lawyers Committee serves as a confidential resource to Bar members and their families, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is to lend an ear and assist in making an appropriate referral to professional resources. The communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself. The Association contracts with the Coastline Employee Assistance Program (EAP), which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. Working with the cooperation of the Rhode Island Judiciary, Bar Association staff placed countertop displays containing the newly-revised Lawyers Helping Lawyers brochures in courthouses around the state. The brochures detail how the Bar offers free confidential assistance to Bar members and their families suffering from personal concerns through the partnership with Coastline EAP. On behalf of the LHL Committee, the Bar posted a synopsis of a study conducted by the Hazelden-Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs, regarding substantial and widespread levels of problem drinking, depression, anxiety and unhealthy stress in the U.S. legal profession on the Bar's website and in an article in the May/June 2016 issue of the *Rhode Island Bar Journal*. The Committee also contributed a number of other short articles to the *Bar Journal* on similar topics. The Aon-sponsored free CLE malpractice series for this year, which will provide 2.0 free ethics credits and will be offered on five different dates and locations, features speaker James Blackburn from North Carolina. He will speak on ethical landmines attorneys face and how to avoid them, the high stress environment, mental health and substance abuse issues lawyers face.

Law Related Education

The Rhode Island Bar Association is dedicated to helping Rhode Island teachers interested in law related education (LRE) by providing volunteer lawyers for classroom presentations and as educational resources. The 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. For the 2016 Rhode Island Law Day, the Rhode Island Bar Association and the Rhode Island Judiciary organized volunteer teams of judges and lawyers who delivered law related education programs to 55 upper and middle school classrooms throughout the state. This year, through the involvement of the Rhode Island Police Chief's Association, a number of police officers also took part in the classroom presentations. The 2016 topic was: *Miranda: More Than Words*. 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 2016 Law Day classroom topic. The first place winner was Matthew Sawoski, a student the Wheeler School in Providence, and the second place winner was Geoffrey Grumbach, a student at the Moses Brown School in Providence.

My thanks to a great **President Melissa E. Darigan**, the hard working Executive Committee, our committed House of Delegates and our diligent 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. Our Director of Continuing Legal Education Nancy Healey and Director of Finance Karen Thompson recently left the Association for well-deserved retirements after many years of service. They will be missed.

Our staff is remarkable: Director of Public Services Susan Fontaine, Director of Continuing Legal Education Tanya Nieves, Director of Communications Frederick Massie, Director of Finance Renée Bourbonnière, Rhode Island Bar Foundation Program Director Virginia Caldwell, our Lawyer Referral Service Coordinators Elisa King and Lisa Calcagni, CLE Program Assistant Karen Lomax, Assistant Communications Director Kathleen Bridge, Volunteer Lawyer Program Coordinator John Ellis, VLP Program Assistant Debra Saraiva, Gatekeeper and Program Assistant Allison Jean, and Office Manager Susan Cavalloro.

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. Please feel free to contact any of the officers or staff at the Bar Association with your concerns, questions or suggestions. We will keep you informed and invite you to become involved as we work to fulfill our mission.

Rhode Island Bar Association Legislative Positions and Amicus Briefs Official Notice 2016

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 2015-16, the Rhode Island Bar Association filed a formal statement and recommendations respecting limited scope representation with the Supreme Court. Our Committee on Limited Scope Representation drafted the recommendations. That Committee is the successor to the Task Force on the Unbundling of Legal Services. While the Task Force's work was underway, the Bar Association was invited by the Supreme Court to file an amicus brief in cases then pending before the Court relative to whether ghostwriting is permitted under Rule of Professional Conduct 1.2(c) and the propriety of the imposition of sanctions pursuant to Superior Court Rule 11. The Bar Association filed its amicus brief on May 14, 2014. In June 2015, the Court issued an opinion on ghostwriting as a form of limited scope representation and issued an order inviting comment on the practice of limited scope representation.

With the input of the Bar Association's general committees, the Committee focused on proposing amendments to the Rules of Professional Conduct and prepared "safe harbor" forms for retainer letters and court papers. The Committee noted that additional rule changes would be needed across all courts to implement limited scope representation, for examples, Rule of Practice. The Committee believed that core rule changes in Rule 1.2(c) would provide the formula for additional rules amendments at the trial court level; however, the Committee did not believe Rule 11 would be impacted by the limited scope representation proposals. All proposed rule amendments and proposed form documents addressed four major areas: entry and

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withdrawal without a hearing; communications between attorney and client, among parties and with the courts; protecting *pro bono* programs and legal clinics; and model/sample forms that could be used by members to provide guidance, but would not be mandatory. We await further action by the Court.

With regard to legislation, the Executive Committee voted to support the unanimous recommendations of the Bar's **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. As of June 1, 2016, the House version of the legislation had passed the House and was referred to the Senate Committee on Judiciary.

2. An Act Relating to Taxation

The proposed act relating to taxation would adopt the concept of "portability" for Rhode Island estate tax purposes. The Internal Revenue Code adopted the portability concept for federal estate tax purposes several years ago. For a husband and wife, the unused Rhode Island estate tax credit (currently \$1,500,000) of the first spouse to die could be used by the surviving spouse in the estate of the surviving spouse. In this manner a couple could shelter up to \$3,000,000 from Rhode Island estate tax. For married couples, the Rhode Island estate tax would as a result be more favorable than all New England states except New Hampshire and Maine. The House version of the legislation was heard before the Committee on Finance and was held for further study.

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

Relating to Property – Conveyance to or by Nominee Trust:

To approve the introduction of the legislation related to conveyance to or by nominee trust. Nominee trusts have had a negative impact on real estate conveyancing in Rhode Island. 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 proposal would provide an acceptable method for recognizing transactions involving nominee trusts. The legislation was transmitted to the Governor.

Relating to Property – Form and Effect of Conveyances:

To approve the introduction of the legislation relating to property - form and effect of conveyances. 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 proposal would provide a definition and meaning consistent with Rhode Island custom and practice and adequate to protect buyers. The legislation has passed both the House and Senate Committee and full passage by both chambers is expected.

Relating to Property:

To approve the introduction of the legislation amending Section 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. No further legislative action is expected this session.

General Recording Fees

RIGL 34-13-7 & 44-7 Flat Fee Recording Charges:

To approve the introduction of legislation amended Title 34. Property. The purpose of the proposed statute is to increase the amount of recording fees to cover increased costs of processing documents, and to create a system of fixed recording fees to simplify computation and reporting under the CFPB's new TRID requirements. No further legislative action is expected this session.

The Executive Committee also voted to approved the recommendation of the Creditors & Debtors Committee to propose changes to the Uniform Commercial Real Estate Receivership Act ("Act") but later withdrew the proposal.

RHODE ISLAND BAR ASSOCIATION

2015-2016 LEGISLATIVE REPORT

William A. Farrell, Esq.

Rhode Island Bar Association Legislative Agent

The 2016 legislative session recessed on Saturday, June 18, 2016. During the session, over 2300 legislative proposals were introduced and reviewed by RIBA's legislative counsel; 119 of those bills were deemed to impact the practice of law and were forwarded to the relevant RIBA committees.

In addition to the monitoring of legislative introductions, the RIBA adopted a very aggressive legislative agenda comprised of six legislative initiatives which are more fully described in the 2016 Amicus Notice, a copy of which accompanies this report. During the course of the session, the Executive Committee, at the request of the RIBA's Criminal Bar Committee, endorsed support of legislation involving an amendment to the deferred sentencing statute.

Ultimately, two of the RIBA initiatives (special warranty deed and nominee trusts), together with the deferred sentencing proposal, were passed by the General Assembly. The special warranty deed legislation was transmitted to the Governor on 6/14/16; the nominee trusts legislation was enacted into law on 6/8/16; and the deferred sentencing proposal is expected to be transmitted to the Governor.

Senator Michael McCaffrey, Chairman of the Senate Judiciary Committee, and Representative Cale Keable, Chairman of the House Judiciary Committee, due to the complexity of the RIBA agenda, required supportive memoranda detailing the issues involved in each of the RIBA legislative proposals and scheduled 12 legislative hearings on the legislation. Representatives from both the RIBA Committees on Title Standards and Probate and Trusts, along with RIBA's legislative counsel, testified in support of the proposals and responded to questions from the respective Committees.

A special word of thanks to those RIBA member legislators who introduced the legislation on behalf of the RIBA and who managed the legislative package through

the committees and on the floor of the Senate and House; namely, Senator Frank Lombardi/Representative Robert Craven - Nominee Trusts; and Senator Paul Jabour/Representative Robert Craven - Special Warranty Deed.

Throughout the 2016 session, the response of the House leadership team led by Speaker Nicholas Mattiello and Majority Leader John DeSimone, together with the Senate leadership team of Senate President Teresa Paiva Weed and Majority Leader Dominick Ruggerio, was truly appreciated and their support of the RIBA agenda was instrumental in the accomplishments achieved.

The specific detail of any of the RIBA-sponsored proposals or of any other proposal relating to the practice of law can be available upon request to the RIBA.

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.

2016-2017 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.

GENERAL FUND

(Administrative and Member Services)

Income	Budget 16/17
Bar Journal Ads & Subscriptions	\$ 55,000
Contract Service Income	57,000
Interest Income	1,500
LRE Grant Income	7,500
Mailing List Income	1,000
Malpractice Prevention	28,000
Member Dues & Fees	1,250,000
Royalties & Miscellaneous	6,500
Health Insurance Royalties	17,000
	<u>\$ 1,423,500</u>
Expenses	
Awards	\$ 1,500
Bar Journal	115,000
Casemaker	85,000
Clerical Assistant	2,500
Computer	35,000
Consultants	2,500
Copier	11,500
Depreciation Expense	12,000
Dues & Subscriptions	5,000
Insurance	25,000
Lawyer Assistance Program	10,000
Legislative Counsel	22,500
Lobby Tax	9,500
LRE Expenses	10,000
Maintenance & Repair	30,000
Medical Benefits	90,000
Miscellaneous Expense	2,500
Office Supply & Expense	40,000
Pamphlets & Advertising	1,000
Payroll Tax Expense	36,300
Printing & Postage	25,000
Professional Fees	22,000
Property Tax	7,500
Public Relations	7,500
Records Management	2,500
Regular Meetings	15,000
Rent & Electricity	150,000
Retirement Plan	54,000
Salaries	489,000
Telephone	12,000
Travel	36,000
Website	7,500
	<u>\$ 1,374,800</u>
Net Income:	<u>\$ 48,700</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 16/17
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 16/17
Annual Meeting	\$ 480,000
Publications	4,000
Seminars	190,000
Miscellaneous Income	250
On-Line Income	40,000
	<u>\$ 714,250</u>
Expenses	
Annual Meeting	\$ 240,000
Clerical	750
Computer	14,000
Copier	1,300
Depreciation	3,500
Dues & Subscriptions	1,500
Medical Benefits	29,500
Miscellaneous Expense	500
Office Supplies	7,500
Payroll Tax Expense	12,210
Postage	3,000
Professional Fees	11,000
Publications	1,500
Rent	15,000
Retirement Plan	16,500
Salaries	155,000
Seminar Expense	165,000
Travel	1,500
Website	2,000
	<u>\$ 681,260</u>
Net Income:	<u>\$ 32,990</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,423,500	\$ 56,050	\$ 714,250	\$ 2,193,800
Expense	1,374,800	91,100	681,260	2,147,160
	<u>\$ 48,700</u>	<u>\$ (35,050)</u>	<u>\$ 32,990</u>	<u>\$ 46,640</u>

Grants and Restricted Funds

ProBono	\$ 205,411
Elderly	52,613
CRF	125,000
Total:	<u>\$ 383,024</u>

2016-2017

Total Revenue	\$ 2,576,824
Total Expense	\$ 2,530,184
	<u>\$ 46,640</u>

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2015 and 2014

Assets	2015	2014
Cash and cash equivalents	\$ 812,132	\$ 953,636
U.S. treasury bills	4,473,663	4,124,618
Accounts receivable	72,782	67,069
Other assets	20,264	15,028
 Furniture and equipment (net of accumulated depreciation of \$56,656 in 2015 and \$184,176 in 2014)	 130,427	 27,012
Total Assets	\$ 5,509,268	\$ 5,187,363
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 141,737	\$ 67,258
Accrued expenses	104,677	99,345
Total Liabilities	\$ 246,414	\$ 166,603
Net Assets		
Unrestricted	\$ 2,860,672	\$ 2,745,621
Temporarily restricted	2,402,182	2,275,139
Total Net Assets	5,262,854	5,020,760
Total Liabilities and Net Assets	\$ 5,509,268	\$ 5,187,363

*The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2015 and 2014 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 2016 session. The Committee continues its review of the Model Nonprofit Corporation Act with an eye to proposing a revision to the Rhode Island Nonprofit Corporation Act. If you have interest in matters affecting business organizations, we hope you will join the Committee next year.



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 to propose rules and procedures with respect to the Fund. The Committee administers the Fund, which is funded by an annual assessment of \$25 per Bar 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 are or have been involved. Rather, these reimbursement awards are financed solely by payments from lawyers. In 2015, one claim

was received and paid in the amount of \$25,000. There are presently three 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 grateful for your support.



Continuing Legal Education

Miriam A. Ross, *Chair*

The CLE year kicked off with the annual AON Attorneys' Advantage program sponsored free ethics seminar. This seminar is repeated five times to accommodate Bar members in various locations and times throughout the state.

This year's seminar was *Ethics Acceleration: The Challenge of Keeping Pace with Professional Ethics in Times of Rapid Change*, with Jack Marshall as the speaker. A total of 1,390 members attended these five free sessions. The CLE Office, in collaboration with the CLE Committee, produced a total of 41 seminars amounting to 75.5 credit hours, including 17.0 ethics credits. There were 1,543 Bar members in attendance at our CLE seminars this year. Seminar attendees welcomed the wide range of topics. The seminars focused on areas which affect Bar members' daily practice and clients, such as mortgage disclosures, accident reconstruction technology, eDiscovery, Lady Bird Deeds, custody and relocation issues, crowdfunding, hardship and interlock devices, records retention, employment law, security and data breaches, wrongful death act, and Medicaid/Medicare. The CLE schedule also included popular, annual seminars including *Commercial Law - A Comprehensive Update on Recent Developments* with national speakers Steven O. Weise, Esq. from California and Edwin Smith from Massachusetts; and *Recent Developments in the Law*, a comprehensive, full-day program. Out of the 41 seminars, the CLE Committee created three, two-part seminars geared towards newer members of the Bar. They included criminal law - practicalities & criminal procedure, civil law practice - opening a case file and discovery & bankruptcy - things to know before you file and issues after filing. 185 Bar members took advantage of the low tuition rates and the opportunity to hear experiences of Rhode Island attorneys who shared their best practice tips. The seminars were framed so that the speakers included a mix of seasoned professionals; those with 5-10 years of experience, and those with 1-4 years of experience. Attendees found this beneficial; especially hearing those with various levels of experience discuss how rapid changes in technology have affected their practice. The CLE Office, in conjunction with the AON Attorneys' Advantage program, the Public Services Department and Bar committees, offered 12 CLE seminars, with a total

of 22 credits of which 7 were in ethics provided for free. The Public Services Department uses CLE seminars as a recruitment tool for many of their programs. This year, 120 attorneys opted to take a *pro bono* case through one of its programs, in exchange for free CLE credit. Committees may present a maximum of three CLE credit hours, and programs are open to all members of the Bar free of charge. This year, six committees offered a total of ten free credits, of which one credit was devoted to ethics, and over 245 members attended a committee-sponsored CLE program. Starting in December 2015, the CLE Office partnered with Mesa CLE (formerly known as MCLE Plus), a low cost and convenient medium to earn CLE credits. Through Mesa CLE, 148 attorneys watched speaker Sean Carter, a national ethics speaker, via live webcasts. Members are appreciative the Bar is able to offer the opportunities like this through this low cost and convenient medium to earn CLE credits. A survey was sent out and completed by our Bar members. The survey solicited Bar members' thoughts regarding CLE programming, including convenient times and places for seminars, topics for future seminars, and members' overall impressions and feedback about CLE programs. In response, members indicated that they appreciate that the CLE department is able to offer low-cost, quality seminars to our members. The survey revealed that 62% of members still prefer to attend a CLE program as a live, in-person program, versus 38% who opt for a live webcast. In response to "What areas of the law would you like to see more CLE programming focused on," nearly 40% prefer programming on litigation and trial preparation, just over 30% would like to see more seminars on estates/trusts/probate/elder law, 27% would like a focus on ethics and professionalism, and 25.8% favor programming on business/corporate law, and many Bar members have requested more programming with the Rhode Island Judiciary. Bar members were pleased the CLE Office and Committee are staying on top of issues that affect them, and offered suggestions for topics and speakers for the next CLE year.



Creditors' and Debtors' Rights

Richard L. Gemma, Chair

Members of the Committee on Creditors' and Debtors' Rights met with Judge Michael Silverstein, Judge Brian Stern and Judge Richard Licht of the Providence Superior Court to discuss the operation of the business calendar

along with accompanying receivership issues. It was a valuable opportunity for practitioners to have three sitting Superior Court judges with substantial business and receivership experience offer their collective wisdom and guidance to practition-

ers on handling business and insolvency issues before the Superior Court. All committee members who attended the session certainly benefited from the insight offered by the judiciary. The Committee examined the Uniform Commercial Real Estate Receivership Act (Act) and issued a recommendation to the Executive Committee with respect to the Act. If enacted, the Act may fill a void in the existing statutory framework for receiverships as it relates to, *inter alia*, the appointment of a receiver for commercial real estate owned by individuals. Further, the Committee presented a seminar, *Chapter 11 Business Bankruptcy Boot Camp*, at the Bar Association's 2016 Annual Meeting. Special thanks to the United States Bankruptcy Judge for the District of Rhode Island, Hon. Diane Finkle, Gary Donahue, assistant U.S. Trustee, and attorneys Richard Land and Peter Furness for their efforts in preparing the seminar. Their participation is much appreciated. Many members of the Committee agreed to and continue to participate in an email communication system in which members of the Committee are updated on insolvency issues in state and federal courts.



Criminal Law Bench/Bar

Matthew S. Dawson, Chair

As usual, the 2016 the Criminal Law Bench Bar Committee boasted active members from the RI Office of Public Defender, RI Department of Attorney General, the United States Attorneys Office, and some of the top legal minds

of the private criminal defense bar. The highlight of 2016 was the Committee's sponsorship, along with the Rhode Island Superior Court, of the *View From the Bench* CLE, which was attended by over 140 members of the Bar. Special thanks to participating Justices Krause, Rodgers, Stern, Procaccini, and Vogel and to Judge Susan McGuirl who participated and helped organize the event. The Committee continued its practice of monthly meetings. We were joined by Justice Kristin Rodgers, who discussed a number of significant innovative changes to the criminal pre-trial and trial calendars welcomed by the membership. In addition, the Committee took a very active role, with the Bar Association, in offering recommendations on a number of topics, including use of technology in the Courtroom and legislative initiatives, including the Superior Court's proposed changes in its sentencing benchmarks. To that end, the Committee wishes to express its thanks to member Michael DiLauro whose tireless efforts in studying, educating and advocating on legislation that effects the practice of criminal law in this State has been a tremendous resource for the Committee and the Bar membership as a whole. The Committee also wishes to extend its collective appreciation to Bar Association President Melissa

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Darigan who displayed an uncommon willingness to involve herself in a number of matters that have profound impact on those Bar members involved in the practice of criminal law on both sides. Her involvement with the Committee and willingness to advocate on a number of topics to the Bar Association and the Court was significant and very much appreciated. We congratulate her on an outstanding term as President.



District Court Bench/Bar

Gregory S. Dias, Chair

The 2015-2016 term saw the continuation of the District Court Bench/Bar acclamation and adjustment to the e-filing system. Chief Judge LaFazia met with the Committee at almost every meeting, as did head Clerk Lorraine Alfonso regarding updates/upgrades to the Court's e-filing computer system since its initial implementation. At our first meeting of the new year, Ms. Alfonso discussed the various reasons filings may be rejected and how best to resolve the issues. Other issues concerning new e-filing system include: case filing and obtaining specific dates for the cases; cases assigned when attorneys are court excused; and misidentified motions and issues of old cases not being scanned into the system. The Chief and Clerk spent considerable time addressing all the Bar members' questions. The District Court's Criminal Calendar e-filing implementation is scheduled for the fall of 2016. The Committee met with Judge Mary McCaffrey, who handles all civil matters in the Sixth Division. Judge McCaffrey discussed the numerous cases filed in the District Court, over 10,000 in 2014 and over 13,500 in 2015. The judge discussed her procedure for handling the civil calendar including: calling of the calendar and eviction cases; stipulations in eviction cases; oral proofs of claim in certain civil matters; restraining order procedures; and procedures for motions to assign for trial. In addition to detailing her courtroom procedure, Judge McCaffrey also explained her reasoning for the procedure and answered all the Committee members' questions. Although there have been issues with the e-filing system, it certainly is an enormous benefit to the Bench and Bar. Despite the improvement to the system, there is still a need for additional staffing in the clerk's office. The District Court is two justices short, and the Bench and Bar are desperately awaiting the appointment and confirmation of these two judges. Hopefully, the legislature will also consider reinstating a lost magistrate position into the budget to help alleviate scheduling issues which negatively impact the Bar and the general public. If not for the dedication of the Chief Judge, her staff, and the members of the Bench with the assistance of retired justices, there would be more issues for the Committee to address.



Environmental and Energy Law

Richard M. Fil, Chair

The Bar's Environmental and Energy Law Committee (EELC) is in its seventh year, and continues to offer a range of programs on emerging and relevant issues for environmental and energy law practitioners. EELC holds its regular meetings on the third Friday of the month, from September through May, from 12:30 to 2:00 p.m. Regular meetings include activity announcements, member discussions on current events, case law, changes in the law and regulations, and voting on official Committee actions. Most regular meetings include a guest speaker on an issue-oriented topic coordinated by the Planning Subcommittee, co-chaired by members Elliot Taubman and Nancy Davis. This year's guest speakers included: Betsy Stubblefield Loucks, Green & Healthy Homes Initiative, who discussed healthy and energy efficient housing; Karl Touet and Scott Houldin, Twin Elms Environmental Insurance Agency, who provided an overview of environmental insurance issues and products; Rhode Island House Representative Aaron Regunberg (District 4, Providence), who gave an overview of energy and environmental priorities, and the diversification of Rhode Island's electricity supply; Cynthia Wilson-Frias, Deputy Chief of Legal Services for the Public Utilities Commission, who spoke about recent proceedings and initiatives at the PUC; and members of the Rhode Island Society of Environmental Professionals, who gave technical presentations on risk assessments, bioremediation, and decentralized wastewater treatment systems. The last meeting of the year was held in May, and included a tour of the municipal recycling and wastewater treatment facilities at the Central Landfill and a CLE program on solid waste issues. EELC 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.



Ethics and Professionalism

Wayne M. Kezirian, Chair

The Ethics and Professionalism Committee is charged with examining the practice of law in Rhode Island and recommending actions the Association can take to foster high standards of ethics and professionalism. The Committee's membership includes attorneys with diverse backgrounds and

areas of practice. Several members have been practicing law for less than ten years and bring fresh perspectives to the Committee's discussions. This year, the Committee's first two meetings concentrated on the consideration of issues related to limited scope representation and, through its chairman, the Committee presented its recommendations, which it believed to be representative of the views of the membership of the Rhode Island Bar, to the Association's Committee on Limited Scope Representation for consideration and discussion. In January of this year, President Melissa Darigan, Esq. on behalf of the Association, presented several recommendations related to limited scope representation to Paul A. Suttell, Chief Justice of the Rhode Island Supreme Court for consideration, and those recommendations were influenced, in part, by the recommendations of the Ethics and Professionalism Committee. On behalf of the Committee, I express my gratitude to David Curtin, Chief Disciplinary Counsel of the Rhode Island Supreme Court. Mr. Curtin once again met with the Committee 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. The Committee prepared and presented a session at the Annual Meeting which considered emerging trends expected to impact the practice of law in the future. 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. There were many changes in the Family Court this year, with the retirement of Chief Judge Bedrosian in January and the appointment of Chief Judge Forte in May. On behalf of the Committee, I thank former Chief Judge Bedrosian for her support of the Committee throughout her tenure as Chief Judge of the Family Court. Moreover, the Committee looks forward to working with Chief Judge Forte and continuing the ongoing dialogue between members of the Committee and members of the Bench, as well as keeping members of the Committee apprised of up-to-the-minute updates on Administrative Orders and Legislative Alerts. There are two such administrative and legislative changes which occurred this year. The first was Administrative Order 2016-1 which

requires a CSS-1 form to be filed with every child support order established in Rhode Island. This is effective July 1, 2016. The CSS-1 must be filed regardless of whether the State is involved or whether the child support is being paid through the Family Court. A CSS-1 form must accompany ALL child support orders and must contain a certification by the attorney or self-represented litigant that the form has been filed. Sanctions may be assessed for failure to comply with this Administrative Order.

Another major change this year included the companion bills which expand the time during which a Final Judgment can be entered after the applicable post Decision Pending Entry (DPE) waiting period expires. For all divorces presently pending, and for those filed in the future, the Final Judgment can be entered, *ex parte*, by the prevailing party, at any time within 180 days after the expiration of the waiting period after entry of the DPE. If the Final Judgment is still not entered within 180 days after the expiration of the waiting period, it may be entered at any time by stipulation of the parties or their attorneys. Committee members express their overwhelming approval of this legislation, as it will save time and facilitate the filing of Final Judgments. Our October meeting consisted of a presentation by the Chairperson, Jane F. Howlett, on the process and procedure of garnishing social security benefits to satisfy an alimony award. While the process can be tedious and protracted, social security benefits may, in fact, be garnished to satisfy an award of alimony. Our Committee again sponsored several continuing legal education seminars this year. Our February meeting was a CLE entitled *Basic Tax Considerations in Divorce and Separation*. This was a well-attended and informative seminar presented by Attorney Elizabeth Segovis from Rhode Island Legal Services. Thank you to Attorney Segovis for keeping members of the Committee apprised of the ever-changing tax laws and mandates which affect Family Court practitioners.

At our April meeting, Attorney Frank Dibiase from the RI Department of Human Services discussed income considerations for child support calculations. For example, are adoption subsidies considered income for child support calculation purposes? Other issues included food stamp income and SSDI, as well as child support received by the non-custodial parent for a child who is not the subject of the child support Order. Thank you to Attorney Dibiase for another useful, well researched and instructive presentation. 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.

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Federal Court Bench/Bar
Patricia K. Rocha, *Chair*

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 Court projects. Highlights include

the Litigation Academy presented jointly by the Court, the Roger Williams University School of Law and the Rhode Island Chapter of the Federal Bar Association. The Academy hosted two sessions, one on direct and cross-examination techniques and one on openings and closings. Faculty members include judges from the federal and state courts as well as practicing attorneys. Co-directors of the program are Brooks Magratten and Professor Niki Kuckes of Roger Williams University School of Law. Magistrate Judge Sullivan updated the Committee on the status and success of the Hope Court, which celebrated its one year anniversary in November. The goal of the program is to reduce the number of revocation proceedings before District Judges, assist participants with conditions of supervision, facilitate rehabilitation and decrease recidivism. In addition, Judges Smith and McConnell updated the Committee on the success of the Deferred Sentencing Program and Judge Assisted Mediation. The Deferred Sentencing Program, with input from U.S. Probation, the U.S. Attorney and Federal Public Defender Offices, allows eligible defendants to avoid incarceration if they agree to a period of heightened supervision by the Court and probation staff. In the area of mediation, Judges Smith and McConnell have been referring their respective cases to each other for mediation. The Local Rules Committee and the ESI Subcommittee continue their work and recommendations regarding procedure and e-discovery issues. The Court History Project, found on the Court's website, provides an understanding of the history of the court and the role of the judiciary, both past and present. The project includes collecting, preserving and exhibiting historical information including note-worthy case information, documents, videos and photos of events as well as educational materials and programs. Judge Ronald R. Lagueux is fully retired, and it is anticipated any remaining matters will be concluded by the fall. Judge Mary M. Lisi has taken senior status and is no longer receiving criminal cases. The next District Court Conference will be held in 2017. Thanks to all Committee members for their efforts on the various projects throughout the year.



Fee Arbitration
Henry V. Boezi, III, *Chair*

During fiscal year 2014-15, thirteen petitions for fee arbitration were filed with the Rhode Island Bar Association. Two matters were settled prior to a formal arbitration hearing. Five matters were dismissed because the respondent was

unwilling to proceed with the arbitration. Two matters were arbitrated with the Committee's assistance. Four matters are still pending. The amount of fees in dispute ranged from \$927 to \$36,000. 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 official charge of the Government Lawyers Committee (GLC) is to develop programs for government and public sector lawyers and to promote an understanding of government and public sector lawyers on the part of the Bar

Association. We began the year in September with a tour of the State House. In October, the GLC sponsored a timely and informative CLE on medical marijuana, which featured Special Assistant Attorney General Joe Lindbeck, Esq., and Mike Simoli from the Department of Health. In December, the GLC returned to the State House for a CLE on Rhode Island's legislative process. William J. Connell, Esq., a member of the General Assembly's Legislative Council, and Richard D. Raspallo, Esq., chief legal counsel to Speaker Nicholas Mattiello, provided insight into the legislature's rules and process for lawmaking. The GLC kicked off 2016 with a CLE hosted at the Providence City Solicitor's Office in January. Deputy City Solicitor Adrienne Southgate, Esq., and Gavin Black, Esq., counsel for Moran Shipping, recounted details from their recent trip to Cuba and gave attendees an overview of Cuba's legal system. In March, GLC members met with Shawn Selleck of the Office of Digital Excellence and discussed current initiatives to improve government services through technology. The following month,

State Law Librarian Colleen Hanna highlighted the research tools and resources available through the State Law Library. In June, the GLC sponsored two Annual Meeting seminars. Kenneth P. Procacaccini, Esq., of the Rhode Island Department of Labor and Training moderated a workshop on temporary disability insurance and temporary caregiver insurance. Jessica Schachter Jewell, Esq., Richard A. Sinapi, Esq., and Valentino D. Lombardi, Esq., served as panelists. Returning to the topic of medical marijuana, Joe Lindbeck, Esq., of the Rhode Island Department of Attorney General and Andrew M. Teitz, Esq., of Ursillo, Teitz & Ritch, Ltd., discussed the nuances of Rhode Island's medical marijuana law and reviewed how municipalities have begun to address medical marijuana through zoning ordinance amendments. I am grateful to all those who supported the GLC this year, including members, special guests, and Bar Association staff. Looking ahead to next year, we hope to collaborate with other Bar committees and continue to offer CLE programs that are relevant to attorneys in private practice as well as government attorneys. It is an honor to serve as Chair of the GLC, and I look forward to continuing in this role.



Insurance Programs

Holly R. Rao, Chair

The Insurance Programs Committee met bimonthly since the beginning of the year. The first meeting was to review the Association's health insurance programs. Representatives from USI New England were present to discuss the health benefits program for Association members. USI New England is contracted to provide Bar members with enrollment, billing service, insurance advice and to assist Bar members with other health/dental and benefits insurance alternatives. The meeting discussion focused on 2016 and the changes affecting members due to the Affordable Care Act, particularly individuals. To give members advance notice, USI hosted an educational meeting for all members at the Bar Association headquarters in November including a general presentation and one-on-one consultations, regarding medical and dental insurance coverage. The Committee sponsored a June 2016 Annual Meeting CLE presentation *Don't Weave a Tangled Web: Using Internet Marketing Effectively and Ethically*. Speakers Holly Rao, David Grossbaum and Tom Lyons highlighted internet marketing tools and discussed ethical considerations and best risk management practices. At the Committee's second meeting, group reviewed the Axis professional liability program with representatives of Aon Affinity Services. Aon reports they are focusing on providing stability, securing greater flexibility in setting rates and credits, and in simplifying the application process. Aon continues to sponsor the annual

loss prevention series of CLE programs in the summer where, traditionally, over 1,500 Rhode Island Bar members attend at no charge. This year's summer program will provide 2.0 free ethics credits and will be offered on five different dates and locations. Speaker James Blackburn from North Carolina will speak on ethical landmines attorneys face and how to avoid them, the high stress environment, and mental health and substance abuse issues lawyers face. These topics have been the focus of many bar associations nationwide, as well as the American Bar Association trainings and articles. The dates for this year's series are: August 4 (RWU), August 5 (URI), and September 13-15 (Rhodes). Information about the Bar Association sponsored insurance programs is available on the Bar's website at ribar.com.



Labor Law and Employment

Chip Muller, Chair

The Labor Law and Employment Committee met several times this year. Some meetings were traditional, some unusual. In the fall, the Committee held "Tom Brady's New Play for Labor and Employment Attorneys," a panel discussion led by Committee members Elizabeth Wiens and Mark Gagliardi. The two football fans discussed possible changes to the arbitration playbook following the federal court decision throwing out the arbitration decision penalizing New England Patriots quarterback Tom Brady, the latest chapter in the so-called "Deflategate" saga. At the meeting, the Committee discussed real-world implications for labor and employment attorneys across the country, regardless of whether or not the decision was upheld on appeal. In the labor arena, Jonathan Kreisberg made one of his last public appearances as Regional Director, Region One, of the National Labor Relations Board (NLRB) before retiring. He provided us with an update on the first six months of experience under the NLRB's new election rules. He also discussed the most significant NLRB decisions over the past year. In the discrimination field, Cynthia Hiatt and Michael Evora made a fantastic presentation including a test on the contents of our key Fair Employment Practices Act. Ms. Hiatt used hypotheticals to teach us new developments in federal employment case law. We already have strong presentations planned for the fall. Come join us.

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Lawyers Helping Lawyers Nicholas Trott Long, *Chair*

The Lawyers Helping Lawyers Committee serves as a confidential resource to Bar members and their families, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is to lend an ear and assist in making an appropriate referral to professional resources. The communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself. Lawyer-Committee member contacts are noted only for statistical purposes and no names are ever mentioned. The Association contracts with the Coastline Employee Assistance Program (EAP), which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. Coastline is headed by Judith G. Hoffman, LICSW, CEAP who has provided the Committee with invaluable service for more than two decades. During the past year Coastline EAP assisted more than 22 members and their families dealing with depression, substance use disorders, both alcohol and other drugs, and anxiety. The Chair attended the Commission on Lawyer Assistance Program conference sponsored by the American Bar Association (ABA). Conference subjects included dealing with aging attorneys and the inevitable cognitive decline (a possible CLE topic), suicide awareness and prevention, and mechanisms for assisting attorneys with law office management. Also presented at the conference was a report on a comprehensive nationwide study measuring the extraordinarily high levels of substance use disorders, depression, stress, and anxiety. The study of more than 12,000 lawyers conducted jointly by the Betty Ford Center, the Hazelden Foundation, and the ABA found that 21 percent of lawyers were problem drinkers, 28 percent suffered some level of depression and 19 percent had a clinical level of anxiety. A summary of this report was shared with all members of the Bar via an all-member email, as well as in the *Rhode Island Bar Journal*. The Committee also contributed a number of other short articles to the *Bar Journal* on similar topics. Members of the Committee viewed an informative and educational webinar on suicide prevention, *I've Got Your Back; You've Got My Ear: Suicide Prevention in the Legal Profession*, sponsored by the ABA, intended to educate attorneys, judges, and law students on how to recognize the warning signs of suicide, and effective ways to help colleagues who may be at risk for suicide. Discussion also focused on the ethical responsibilities when, as a result of a mental health or an addiction problem, the performance of a colleague falls below the standards set by applicable state rules. With the cooperation of the Rhode Island Judiciary,

Bar Association staff placed countertop displays containing the newly-revised Lawyers Helping Lawyers brochures in court houses around the state. The brochures detail how the Bar offers free confidential assistance to Bar members and their families suffering from personal concerns through the partnership with Coastline EAP. Aon continues to sponsor the annual loss prevention series of CLE programs in the summer where over 1,500 Rhode Island Bar members attend at no charge. The program this year will provide 2.0 free ethics credits and will be offered on five different dates and locations. Speaker James Blackburn from North Carolina will speak on ethical landmines attorneys face and how to avoid them given the high stress environment, mental health, including substance use disorders lawyers face. All issues of the *Rhode Island Bar Journal* and the Bar Association's website contain information about the Lawyers Helping Lawyers Program as well as the SOLACE program both aimed at helping Bar members and their families in need.



Lesbian Gay Bisexual & Transgender Christopher J. Gerlica, *Chair*

I would like to thank the Committee members and allies for a successful committee year! The Lesbian Gay Bisexual & Transgender (LGBT) Committee's main goal this past cycle was to further the educational opportunities for the Bar to learn about issues that affect their LGBT clients. The Committee had the pleasure to sponsor two presentations at the 2016 Annual Meeting. The two presentations covered important topics in this post-*Obergefell* era. The first one dealt with LGBT Elder issues. This is a very important topic, as, many times, LGBT seniors lack the support system their heterosexual peers may have, which creates specific problems for this group. The second presentation dealt with same-sex divorce. While securing marriage rights has created a sense of stability to many LGBT families, divorce still happens. Unlike in a heterosexual divorce, there may be couples who have been together for well over a decade prior to their relationship being recognized by the state. This easily creates problems when trying to determine how assets should be divided upon dissolution of the marriage. The Committee was excited to raise these issues at event geared toward the entire Bar. I would also like to specifically thank Patrick Smock, a very hard-working member of this Committee. Without his help in crafting these presentations and finding presenters, none of this would have been possible. During most of 2014 and all of 2015, the Committee helped advise Roger Williams University School of Law in their desire to craft an LGBT law symposium. This hard work

cumulated in a half-day symposium entitled *Beyond Marriage Equality*. The symposium had four sessions, two dealt specifically with transgender legal rights. The laws surrounding transgender people are a constantly evolving and, for some, controversial area of law. The two sessions at the symposium worked in tandem, the first answered many of the definitional questions practitioners may have if they encounter a transgender client for the first time and want to be as respectful as possible. The second part explored what legal rights are afforded transgender people in Rhode Island, as well as federally. One of the other sessions focused on issues concerning the family, such as adoption and same-sex domestic violence. The final session and keynote saw Congressman David Cicilline give the participants an update on federal LGBT law. The Committee is now looking forward to the 2016-2017 Bar Association committee cycle 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 New Lawyers Committee assists new members of the Rhode Island Bar Association in finding ways to access all of the benefits that 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. At our first meeting in October, our guest speaker was Lisa Guillette, Executive Director of Foster Forward, a local non-profit organization providing support to young adults who have aged out of the state's foster care system. Lisa was seeking volunteer attorneys to provide legal counseling to young adults in preparation for and after they leave foster care. At our December meeting, our guest speakers discussed the Partners Overcoming Domestic Violence project, a unique collaboration between the Rhode Island Bar Association's Volunteer Lawyer Program, Rhode Island Legal Services, Roger Williams University School of Law and Rhode Island Coalition Against Domestic Violence. The Project is designed to provide outstanding long-term solutions to victims of domestic violence through the efforts of a volunteer legal team comprised of seasoned mentor attorneys paired with new attorneys and domestic violence advocates. The Committee also hosted a presentation by Daniel Gamm, a financial advisor with Ameriprise Financial, Inc. and David Dolbashian, Esq., of the Law Offices of David M. Dolbashian, Esq. on the basics and importance of financial planning for new lawyers. In March, representatives from the Committee met with the President of the American Bar Association,

Paulette Brown, at the Fox Point Boys and Girls Club in Providence as part of President Brown's Main Street ABA Initiative. New Lawyers Committee members were also able to continue the Committee's participation in the *Bridge the Gap* program new bar members are required to attend as part of their admission to the Bar. 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 the changes relate to the probate, trust and estate tax areas. The Committee was active during the current year, meeting six times during the 2015-2016. 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, and the judges provided a useful perspective for Committee discussions. The Committee reviewed, revised and submitted (after approval by the Bar Executive Committee) legislation permitting so-called "directed trusts" (which permit a settlor to designate a person other than a trustee as responsible for trust investments). This legislation was introduced and passed the Rhode Island House of Representatives in March; similar legislation was introduced in the Senate. The Committee also reviewed proposed legislation in the following areas: 1) Rhode Island estate tax; 2) portability of the Rhode Island estate tax exemption from a deceased spouse to a surviving spouse (the Committee proposed and submitted to the House and Senate bills on this subject, with Executive Committee approval); and 3) probate court appeals. All bills are pending at this time, and passage is uncertain. It is expected a revised bill dealing with fiduciary access to digital assets, which had been considered in the 2014-2015 session, will be introduced in the 2016-2017 legislative session. The Chair received invaluable assistance from a number of Committee members who reviewed proposed legislation in the probate and trust area.

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Public Services Involvement Christine J. Engustian, *Chair*

The Public Service Involvement (PSI) Committee is instrumental in developing and completing many projects throughout the year in support of the Bar Association's public service programs. This past year, the Committee proposed a three-part family law series, *Special Issues in Family Law*, to stimulate the interest of volunteer lawyers in the area of family law and increase the placement of cases through the Bar's *pro bono* programs. Through the devoted and capable work of sub-committee members, formed to develop and assist the presentation of the family law topics for this series, 40 *pro bono* family law cases were placed with volunteer lawyers in the fall of 2015. In addition to serving the public, these seminars assisted volunteer lawyers by providing them both an education on these special issues in family law and free CLE credits. The PSI Committee also produced two, 2016 Annual Meeting seminars, *Civil Legal Issues Affecting Refugees* and *Identity Theft Issues for Taxpayers and Consumers*. Both seminar panels included members of the Committee as either presenters or moderators. The PSI's *pro bono* awards sub-committee reviewed and selected volunteer attorneys to receive the *Pro Bono Publico* and Continuing Service Awards presented at the Annual Meeting. In selecting the recipients, the sub-committee reviewed case totals, type and difficulty, number of hours served, length of service, as well as professionalism, compassion and commitment to public service. William J. Balkun, Jack D. Pitts, and Elizabeth P. Santilli received the Continuing Service Award and Karen L. Davidson and Richard Howell James received the *Pro Bono Publico* Award. The PSI Committee is commemorating the 2016 30th anniversary of the Bar Association's Volunteer Lawyer Program. A subcommittee was formed last November to suggest ideas and events for the commemoration. The full Committee approved and implemented the subcommittee's recommendations which included highlighting Volunteer Lawyer Program members and past award recipients in recent *Bar Journal* articles and a Volunteer Lawyer Program celebratory event slated for October 2016. As always, the Committee encourages every Bar member to join the Bar's *pro bono* programs and experience the abiding joy and satisfaction of helping and uplifting the poor and needy of our communities. If you have not done so already, please consider making that special commitment to others during this milestone year of the VLP, and join us for the anniversary celebration! We need and look forward to your support. The Committee extends its deep appreciation to Susan Fontaine, Public Service Director and liaison to the Committee, as well as the entire staff of the Public Service Programs, for their assistance, information and guidance provided. Undoubt-

edly, they are integral to the Committee's work and fulfillment of its mission.



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

Being mindful of the Superior Court Bench Bar Committee's primary mission, which is to improve practices and procedures with respect to the Court's administration of justice, the Committee met regularly throughout the year and continued to identify issues of importance to the Bench and Bar, and to develop solutions and strategies to promote success for all. With the hard work and dedication of our Committee members, we were able to complete a number of different tasks this term. With the assistance of the Court, we memorialized individual preferences of the Justices with regard to communication from counsel. The results of our Judicial Survey have been posted to the Member's Only section of the Rhode Island Bar Association's website. Feedback on the data collected is overwhelmingly positive, and we have shared our template with other committees who have expressed interest in tailoring our survey to other Courts. We were lucky to have representatives from the Superior Court (Gail Valuk and Ryan Carnes) address the Committee last fall, as we approached the one year anniversary of e-filing. We discussed the status of the program, the implemented changes and had an opportunity to ask questions and brainstorm best practices. We continued our dialogue with the Court regarding the handling of citations and executions in the Superior Court and were happy to see that the Superior Court has unveiled a Dual Citation/Execution form similar to that used by the District Court. We raised the possibility with the Court of holding a dormancy calendar, which was scheduled for, and held in, April of this year with great success. In the spirit of continuing to educate our Committee members, we were pleased to have Zach Mandell provide a Committee CLE presentation entitled, *Anatomy of a Multi-Million Dollar Verdict*. We also worked with the Bar's CLE Committee to schedule a presentation by Linn Freedman on issues of cybersecurity, *Cybersecurity 101 - What Lawyers Need to Know for Their Firms and Clients*. We have discussed additional topics on which our members would like to see CLE presentations, and we are working on lining up speakers for the upcoming term. We are also thankful to those members who presented and/or submitted ideas for this year's Annual Meeting. We were honored to have Justice Licht attend several of our meetings this year. We welcomed the opportunity to discuss issues and troubleshoot solutions during our meetings, including the issue of *in camera* review of documents and how to streamline the process for

counsel and the Court. Our Committee has continued to monitor the proposed e-discovery rules and rule changes, which are undergoing judicial review. We have established a subcommittee to study and consider two Uniform Acts – foreign sworn declarations and interstate depositions and discovery – and to analyze whether and how to recommend the adoption of these Acts in Rhode Island. We remain open to new ideas and welcome any and all members to join the Committee. Thank you to all members who participated in the Committee this year, whether you were able to attend meetings or helped behind the scenes. We look forward to your continued participation!



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 35 members attending each meeting, an increase of 20% over last year's average. The members benefited from in-

formative presentations by Committee members regarding new developments in the law and transactional practice, 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 year: Robert A. Arabian, Susan Cody, John A. Comery, Rebecca C. Cox, Martha Day, David M. Dolbashian, Michael Hagopian, John P. McCoy, Francis J. Nolan, Alexander J. Raheb, Walter F. Richardson, III, Charles S. Sokoloff and Linda M. Tessman. Non-members Frank A. Lombardi and Mary-Joy A. Howes also deserve thanks for their presentation of the recent Rhode Island Supreme Court case, *Twenty Eleven, LLC v. Botelho*, in which they represented the Plaintiff. Sincere thanks are due to Nancy M. Davis for again acting as the Committee's Recording Secretary, and preparing comprehensive minutes of our meetings. I also want to thank John A. Comery for chairing the May 18, 2016 meeting of the Committee in my absence and taking the minutes of the September 15, 2015 meeting. 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) Validate common conveyance defects; c) Confirm the effectiveness of conveyances by Trustees of nominee trusts; and d) Create fixed-price recording fees for documents. At this writing, the bills are in various stages of consideration by the legislature. Our Forms Subcommittee prepared a new practice form entitled "Affidavit of Invalid Foreclosure/Void Foreclosure Deed" advertised for public comment in the May/June 2016 *Rhode Island Bar Journal*. We expect that this new form will be

adopted by the Executive Committee of the Rhode Island Bar Association at a future meeting. The Committee continues to be concerned with issues regarding 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, Acting Chief Judge Debra Ollson, and the Court's associate judges were regularly present at all meetings, giving all Committee members opportunities 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. The Bench and Bar paid respect to Judge Edward P. Sowa, and Chief Judge George E. Healy, who retired this past year, with a reception for each. Both will be sorely missed. 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, as well as New Hampshire, which saw many practitioners pairing with Judiciary to make comprehensive presentations delineating the differences between the law and practices between the three jurisdictions. The Conference was so well received we are expanding it to include Vermont and Maine for Fall, 2016! The Committee's popular, early December annual holiday gathering at McCormick & Schmick's in Providence was well attended, with many judges and attorneys participating. 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 Potowomut 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 Bar Foundation 2016 Annual Meeting

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 16, 2016 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. It has been one year since our move to Cranston, and we continue to receive positive feedback regarding the new facilities, its location, and the ample parking.



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

During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2016 Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$398,000 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 2016 Thomas F. Black, Jr., Memorial Scholarship.

2016-2017 Rhode Island Bar Foundation Officers

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

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

The Bar Foundation Welcomed Seven 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.

New Fellows:

Carolyn R. Barone
Hon. Thomas J. Caldarone, Jr.
Elizabeth A. Del Padre
Lisa Fries
Brian Goldman
Evan M. Kirshenbaum
Alan M. Shoer



The Honorable Thomas J. Caldarone, Jr. is welcomed as an Honorary Fellow of the Rhode Island Bar Foundation. The Rhode Island Bar Foundation expresses its deepest appreciation and thanks to Justice Caldarone, whose entire career has been dedicated to public service.

The Honorable Thomas J. Caldarone, Jr. Fellowship Program

The Rhode Island Bar Foundation was recently honored with a generous donation from the Hon. Thomas J. Caldarone, Jr. which will be utilized to establish an endowment for summer fellowships. Students entering their second year at Roger Williams University School of Law will receive a stipend for an internship in a Rhode Island nonprofit organization engaged in providing legal services to persons of limited means. The Bar Foundation recognizes that, frequently, there are no funds to compensate law students for their important efforts in the public interest and, given today's costs of a legal education, many are forced to turn away from the beneficial experience afforded by such service. As Caldarone Fellows, second year law school students will have the opportunity to assist in providing crucial legal services to the public and in so doing may encourage those students to pursue public service careers.



Elisha L. Morris, Esq., 2001 Thomas F. Black, Jr. Memorial Scholar, addressed the Bar Foundation Fellows and guests.



Rhode Island Bar Foundation 2016 Thomas F. Black, Jr. Memorial Scholarship Recipients, Westley A. Resendes and Siobhan T. McNulty. Siobhan is attending Boston College Law School and Westley is attending Yale Law School.



Thomas W. Lyons III, Esq., Scholarship Committee



Deborah M. Tate, Esq., Chairperson, Nomination Committee



Norman Baker, Trustee of the Horace A. Kimball and S. Ella Kimball Foundation, gets acquainted with the 2016 Thomas F. Black, Jr., Memorial Scholarship recipients.

2016 ANNUAL MEETING

This year's hard-working Annual Meeting Committee, ably chaired by Bar Executive Committee member J. Richard Ratcliffe, produced a diverse and enriching program. Supporting this effort, many Bar members and the Bar staff worked with the Committee to ensure a seamless presentation of workshops and social events. As a result, the Annual Meeting provided over 1,500 attendees with a diverse range of interesting and informative seminars over the two days. The Meeting offered Bar members outstanding opportunities to learn, to improve their practice, recognize and honor Bar award winners, socialize with colleagues, and fulfill annual CLE requirements.



The Evolving Use of Social Media in the Practice of Law and the Need for an Ethical Mandate for Competence speakers (l-r) John A. Tarantino, Esq., Professor Niki Kuckes, Hon. John J. McConnell, Victoria M. Almeida, Esq., and David D. Curtin, Esq. explored the need for developing a core professional competence in the area of social media.



TDI/TCI: The Basics moderator Kenneth P. Procaccini, Esq., and speakers Richard A. Sinapi, Esq., Jessica Schachter Jewell, Esq., and Valentino D. Lombardi, Esq. reviewed Rhode Island law on temporary disability insurance (TDI) and the new temporary caregiver insurance (TCI) program, providing perspectives from employers, employees and the state agency charged with implementing these programs.



Outgoing Bar President Melissa E. Darigan, Esq. thanked the members of the Bar for their support during her Presidency and pledged her support to incoming President Armando E. Batastini, Esq. at the Annual Meeting Luncheon.



Estate, Guardianship & Trust Current Developments recent cases and pending legislation in the areas of decedents' estates, guardianships and protective proceedings, and trusts were reviewed by (l-r) Mark A. Sjoberg, Esq., and Hon. Cristine L. McBurney.





Before a full ballroom of enthralled Bar members, Thursday Keynote Speaker Joshua M. Greene, author, historian, documentary filmmaker, and retired professor, in **Justice at Dachau: The Trials of an American Prosecutor**, discussed the largest, yet least known, series of criminal trials in history, which brought more than 2,000 Nazi guards and other administrators of Hitler's camps to justice.



The Real Estate Practitioner's Guide to Rhode Island Foreclosures, presented by (l-r) Susan W. Cody, Esq., Linda Rekas Sloan, Esq., and Michael A. Mellion, Esq., reviewed the necessary steps to conduct a property power-of-sale foreclosure, and provided guidance on reviewing a foreclosure to ensure buyers obtain marketable title from the foreclosing entity or REO seller.



Civil Legal Issues Affecting Refugees workshop panelists (l-r) Sarah Antaya, Deborah S. Gonzalez, Esq., Sheila M. Cooley, Esq., and John W. Dineen, Esq. discussed challenges facing attorneys representing refugees in guardianship cases, family law matters and landlord tenant matters.

Identity Theft & Issues for Taxpayers and Consumers

seminar leaders (l-r) Christine J. Engustian, Esq., Barbara L. Margolis, Esq., Timothy J. McLaughlin, and Christopher M. Lefebvre, Esq. analyzed how identity theft impacts taxpayers and consumers and how practitioners can best assist clients who are victims.

Creative Solutions to Complex Family Law Issues

presenters (l-r) Jane F. Howlett, Esq., Vincent A. DiMonte, Esq., and Steven M. Prignano, Esq. discussed attaching or garnishing social security income, how to get cooperation from social security with the legal process, and other family law concerns.





After delivering a heartfelt and moving acceptance speech, 2016 Victoria Almeida Servant Leader Award Winner Hon. George E. Healy, Jr. shared a moment with the Award's namesake Victoria M. Almeida, Esq. during the Bar's Annual Awards Reception held this year in the Convention Center's scenic Rotunda immediately adjacent to the seminars and exhibitor space.



Rhode Island Supreme Court Chief Justice Paul A. Suttell presided at the swearing-in ceremony for new 2016-2017 Rhode Island Bar Association President Armando Batastini.



Sheila M. Cooley, Esq., Deborah S. Gonzalez, Esq., and Sarah Antaya enjoyed socializing at the Annual Awards Reception.



Chapter 11 Business Bankruptcy Boot Camp panelists (l-r) Richard L. Gemma, Esq., Hon. Diane Finkle, Gary Donahue, Peter J. Furness, Esq., and Richard J. Land, Esq. discussed the procedures and strategy of a Chapter 11 bankruptcy proceeding.



Answer the Question, Claire! How to Make and Handle Deposition Objections (l-r) moderator Kelly A. Kincaid, Esq., and speakers Melody A. Alger, Esq., Mark B. Morse, Esq., and Hon. Daniel A. Procaccini, introduced forms of objections commonly interposed at depositions in civil cases and provided the perspectives of those taking and defending depositions regarding proper and improper objections, resolving objections without court intervention, ethical obligations, and possible outcomes when courts resolve deposition disputes.

Peter A. DiBiase, Esq., winner of the 2016 Ralph P. Semonoff Award for Professionalism, thanked the attorneys in his past who helped him appreciate and practice with integrity, commitment and dedication.



Preparing to Depose an Opposing Party or Key Witness workshop leaders (back l-r) J. Richard Ratcliffe, Esq., Hon. Patricia A. Sullivan (front l-r) Matthew H. Parker, Esq., and Brooks R. Magratten, Esq., provided an overview and a range of perspectives of the funnel method of planning and conducting an interrogation.



Medical Marijuana 101 presenters (l-r) Andrew M. Teitz, Esq., Amy H. Goins, Esq., and Joe M. Lindbeck, Esq., provided an overview of the law and regulations regarding medical marijuana in Rhode Island, as well as recent amendments to the Medical Marijuana Act and how some municipalities have responded through zoning ordinance amendments.



Criminal Case Law Update distinguished panelists (back l-r) Hon. Sandra A. Lanni, Hon. Francis J. Darigan, Hon. Sarah Taft-Carter, (front l-r) Lara E. Montecalvo, Esq., Professor Jared Goldstein, Thomas M. Dickinson, Esq., and moderator Hon. Francis X. Flaherty provided an informative and insightful overview of recent noteworthy criminal case-related decisions issued by the United States Supreme Court and the Rhode Island Supreme Court.



Unleashing the Power of Casemaker drew a packed room of enthusiastic Bar members to hear speaker James Corbett describe the features and benefits of the Rhode Island Bar Association's free-to-members, comprehensive, online, legal research tool Casemaker. Topics covered include research techniques, resources, saving research results and annotating and organizing research results for incorporation into memoranda or briefs. This online demonstration of Casemaker's latest features assists lawyers in using the library most effectively, whether they are new to Casemaker or have used it in the past.





Don't Weave a Tangled Web: Using the Internet Marketing Effectively and Ethically presenters (l-r) Thomas W. Lyons, III, Esq., Holly R. Rao, Esq., and David A. Grossbaum, Esq., highlighted available internet marketing tools and law firms' e-presence counterbalanced by a discussion of ethical considerations and best risk management practices.



New Bar President Armando E. Batastini thanked outgoing Bar President Melissa E. Darigan, Esq. for her outstanding service, highlighted his involvement in the Bar Association and noted his initiatives for the coming year.



Rhode Island Supreme Court Chief Justice Paul A. Suttell commended the Bar's award winners, addressed the current and future state of the Rhode Island Judiciary, and presided over the swearing in of new Bar President Armando E. Batastini.



Case Resolution Through Mediation, Binding Arbitration and Litigation seminar leaders (l-r) Hon. Frank J. Williams, Girard R. Visconti, Esq., and Bruce I. Kogan, Esq., discussed the different, applicable standards when submitting matters to mediation, arbitration and litigation, and the consequences of those choices.



Complete Trial Preparation Using a Computer speaker David G. Morowitz, Esq., delivered an interactive presentation demonstrating the mechanics and implementation of an electronic storage and utilization system for settlement and trial information and documents including an explanation of the logic and reasoning behind its various components.





Rhode Island Supreme Court Associate Justice Maureen McKenna Goldberg was joined by those who served as her law clerks, honoring her for winning the Bar's 2016 Florence K. Murray Award.



Recent Developments in Environmental & Land Use Law presenters (l-r) Jennifer R. Cervenka, Esq., Christopher A. D'Ovidio, Esq., Marisa Desautel, Esq., and Brian A. Goldman, Esq., provided an update on federal and Rhode Island case law developments, regulatory changes and Rhode Island legislative changes.



Ethical Day at the Movies was the Friday Plenary session and using film clips, news footage, and excerpts from television and the media, the nationally acclaimed speaker, Larry J. Cohen, Esq. demonstrated lawyers at their ethical best and their worst, and considered what can be learned from their successes and mistakes.

What Does a Post-TRID World Look Like? panelists (l-r) Peter L. Lewis, Esq., Linda Rekas Sloan, Esq., Lisa Lugauskas, Esq., and S. Jacob Parris, Esq., reviewed changes in real estate conveyance practice since the implementation of the consumer financial Protection Bureau's TILA-RESPA Integrated Disclosure (TRID) regulations.

Dissolution of the Marriage of Same-Sex Couples panelists (l-r) Patrick Smock, Esq., Lise Iwon, Esq., and Gabriella Esposito discussed marriage equality for same-sex couples and equitable distribution of the marital assets in divorces.



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In Memoriam

Sean F. Farley, Esq.

Sean Francis Farley, 49, of Palm Gardens, Florida, passed away March 28, 2016. Born in Westerly, the son of Fonal Farley and Patricia Panciera, he was a graduate of Westerly High School, the University of Vermont, and Whittier Law School in California where he earned a position on the Whittier Law Review. He passed the Florida Bar and worked for the Fort Pierce Florida Public Defender's Office. After that, he worked for a time in the Rhode Island Public Defender's Office before he returned to Florida with his then-wife Christine, and raised his children. He was a devoted father, son, brother, and friend. He is survived by his daughter Abigail; his son, Benjamin; and their mother Christine Farley of Jupiter, FL; his mother Patricia Panciera of Westerly; his father Donald Farley of New York City, NY; his sister Kristen Sweeney of Elliott, ME; and his twin brother Scott Farley, of Bel Air, MD.

Neil L. LeRoy, Esq.

Neil L. LeRoy, 84, passed away on April 24, 2016. He was the husband of Marie Mercurio LeRoy for 60 years. Born in Boston, he was a son of the late Robert and Shirley Symonds LeRoy. He lived in Hilton Head, SC for 30 years, returning to Providence recently. Prior to moving to Hilton Head Island in retirement, he was a long time Cumberland resident. He was a member of the former firm Tobin, LeRoy and Silverstein until starting his own practice in 1978 and retiring in 1992. Before coming to RI, he was a member of the firm Willkie, Farr and Gallagher in New York City. He was a member of the American Bar Association and the Boston Bar Association. He graduated first in his class from Lafayette College in Easton, PA and went on to Harvard Law School where he graduated at the top of his class. He was an avid bridge player and enjoyed the theatre and symphony. He also loved to play golf and tennis. Besides his wife he leaves his five children: Gregory LeRoy of Houston, TX, Marlene LeRoy of Providence, Geoffrey LeRoy of Pawcatuck, CT, Jacqueline Butler of Parker, CO and

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Scott LeRoy of Hilton Head Island, SC, and a sister: Patricia Geltz of West Palm Beach, FL.

Ferdinand J. Molak Jr., Esq.

Ferdinand J. Molak Jr., 65, passed away on April 23, 2016, at his home in Pawtucket. Born in Pawtucket, he was a son of the late Dr. Ferdinand J. and Sophie A. Mitera Molak Sr. Most recently, he was a self-employed tax and estate planning attorney in Pawtucket. Prior to that, he was employed by the law firms of: Touche Ross & Co., Boston, MA; Di Buono and Molak, Manchester, NH; and Kfoury and Elliott Professional Association, Manchester, NH. He received his BA in Philosophy from St. Louis University, MO; his law degree, cum laude, from Suffolk University Law School, MA; a Masters of Law degree from Boston University School of Law, MA; and an MBA from Suffolk University School of Business Administration, MA. Fred was a member of the Massachusetts, and New Hampshire Bar Associations and a member of the Manchester, NH Rotary Club. He served on the Board of Directors for the New Hampshire chapter of the American Lung Association. An avid boater and saltwater fisherman, Fred also enjoyed reading, listening to music, and golfing. He is survived by his loving family: Sophia C. Mone and her husband Charles K. of Belmont, MA; Mary Ann Molak of Cambridge, MA; Dr. Andrew J. Molak and his wife Ann M. of Barrington, RI; and Christopher J. Molak and his wife Marilyn J. of Coventry, RI.

C. Daniel Schrock, Esq.

C. Daniel Schrock passed away on June 9, 2016. He was born in Waverly, Iowa on March 3, 1951, the son of Christian Elmer Schrock and Dorothy O'Hearn Schrock. He was a graduate of the Shattuck School and Washington University and received his J.D. from Gonzaga University. He served as Special Attorney General and in private practice in Rhode Island, worked at the Ford Motor Company manufacturing facility in Chung Li, Taiwan, returning to Rhode Island to resume his law practice until his

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In Memoriam (cont.)

retirement in 2014. Dan also worked as a Mall pianist for the Warwick Mall Merchants' Association. His professional associations include: the Iowa Bar Association; admission to practice before the Rhode Island Supreme Court and United States District Court for RI; RI Association of Criminal Defense Lawyers; Phi Alpha Delta Law Fraternity; Silver Lake Lions Club, Providence Federation of Musicians Local 198-457; Providence Parent Teachers Association; and the Shattuck School Crack Squad. Dan is survived by his wife Chun Liu Mishell Schrock, his daughter Dorothy A. Schrock of Austin TX, and four siblings, Christian G. Schrock of Minneapolis, MN, Sara Dallman of Denver, CO, Kathryn Olin of Golden, Valley, MN, and Margie Nelson of West Des Moines, IA.

George M. Vetter, Esq.

George M. Vetter, 90, of Barrington, RI, passed away on December 24, 2015. He is survived by his wife of 51 years, Peggy Vetter, his three children, Chip, Lisa Searl and Keith. Born and raised in Detroit, MI, George graduated from the University of Michigan, including a break to serve in the US Army. He graduated from the Harvard Law School. George moved to New York City where he practiced litigation and also served as an Assistant US Attorney, Southern District of New York. In 1960, he joined Hinckley, Allen in Providence RI as a litigation partner. In 1981, George and Terry White founded the law firm of Vetter and White. He was a Fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, the American Board of Trial Advocates, and the International Society of Barristers.

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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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I am never too busy to promptly return all phone calls from clients and attorneys.

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