



Rhode Island **Bar Journal**

Rhode Island Bar Association Volume 66. Number 1. July/August 2017

Rhode Island Bar Association Officers

Bar Annual and Committee Reports

Bar Awards and Annual Meeting

**The Return of Taxation Without
Representation**



Article

9 The Return of Taxation Without Representation

Seth H. Handy, Esq.

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Monday, **June 19**, 2017 through Friday, **September 1**, 2017
Monday – Friday 9:00 a.m. to 4:30 p.m.

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

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What Has the Rhode Island Bar Association Done for Me Lately?



Linda Rekas Sloan, Esq.
President
Rhode Island Bar Association

I am asking for your stewardship by your active participation and engagement in RIBA which will in turn solidify and strengthen the bonds of our legal community. Those bonds are tested by increased legal specialization, social change, economic pressure, political polarization and the impersonality of modern technology.

Dear Colleagues and Friends,

It is my honor to serve this great organization and our members. The concept of service is ingrained in our profession. We serve our clients daily. We serve the indigent and vulnerable through pro bono work. We serve the legal system by maintaining high standards of professionalism. We serve each other through collegiality and mentorship, and through active involvement in the Rhode Island Bar Association (RIBA).

The mission of RIBA is to serve its members. We live in a time of rapid, and sometimes unsettling, legal, economic and technological change. Our profession is changing and RIBA is changing alongside it to support our members and the Rhode Island legal community. This reality motivated RIBA to update its strategic plan, so

a workgroup was formed and is in the process of creating the new strategic plan as I am writing this message. However, projects like developing a long term strategic plan sometimes sound like unicorns and rainbows. Sure, the Bar Association should “facilitate access to justice,” but what does that mean to most lawyers in their daily lives?

One of my goals for my term as your president is to make RIBA a relevant and exciting organization that serves as the hub of our legal community. I want you to feel connected to your Bar Association. Instead of it just being another check you must

write because we are a mandatory bar, instead of people on the Listserv complaining, “What has the Bar Association done for me lately?” I would like to preemptively start doing things that will help lawyers in their daily lives. Here are some things I am planning on doing:

- We are looking for vendors to provide training on how to use Windows 10, Microsoft Office 365, Word, Excel and social media.
- We formed a task force to gather all concerns about e-filing so that the information

can be organized and presented to the appropriate representatives of the Court.

- We will begin taking your individual photos to update your profiles on the RIBA website.
- We will have a new section in the *Bar Journal* focusing on health and wellness.
- We will add programming to enrich your lives, like how to write a fiction novel. I know some of you have a John Grisham-like novel in you!

Another prominent theme for my year that I will write about in future messages is the philosophy of “paying it forward.” We learned how to be professionals by example and by association with leaders of our bar and our legal community. Now it is our responsibility to give back and ensure that current and future generations of young lawyers, women lawyers and minority lawyers have a strong and vibrant Bar Association to provide those same opportunities, practice tips and sage advice. I have had some wonderful mentors who have shaped my career and I am forever indebted to them for the lessons learned. I want to appeal to your hearts by reminding you that someone once took the time to teach you when you were a new attorney and I am asking you to pay it forward by taking the time to offer advice or even train a new lawyer. Go out of your way to encourage a woman lawyer. It just may shape the path of their career and..., it’s the right thing to do in our learned profession.

Finally, I want to talk about our health. Being a lawyer is a high-stress job. Our focus is always on the client’s problems and the “to do” list is ever growing. However, in addition to serving our clients, we must also pay attention to our own mental, emotional, and physical health. We as a profession are failing at this. My dear brothers and sisters, our time on this earth is short. I want you to enjoy your life and be happy.

But I need your help. The success of this organization lies with each of us – its members. What is your role? Two words: Stewardship and Community. So, I am asking for your steward-

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ship by your active participation and engagement in RIBA which will in turn solidify and strengthen the bonds of our legal community. Those bonds are tested by increased legal specialization, social change, economic pressure, political polarization and the impersonality of modern technology. All of this leads to a lack of connection and cohesion, which causes stress and dissatisfaction in our professional lives. We don't get together enough. We don't talk to one another enough. As a result, we lose touch of what we have in common – that fundamental commitment to service. Let's do more – together.

I am excited by what lies ahead. I commit to making RIBA not only a valuable resource, but a home, for each of our members and to leave this fine organization better and stronger than we found it. ❖

RHODE ISLAND BAR JOURNAL

Editorial Statement

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

Article Selection Criteria

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

Direct inquiries and send articles and author's photographs for publication consideration to:
Rhode Island Bar Journal Editor Kathleen M. Bridge
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Letter to the Editor

Mr. Morse:

I write in response to a letter to the editor published in the May/June 2017 issue about my recent *Bar Journal* article, *The Right to Bear Arms in Rhode Island*. I certainly welcome discussion of the underlying legal issues but the letter contains several inaccuracies:

First, it states that I “explicitly represent[ed] that there is a constitutional right in Rhode Island to carry a concealed weapon. In fact, the law is exactly the opposite.” However our Supreme Court ruled in 1) *Mosby*, “because the Firearms Act provides for both discretionary and mandatory licensing to qualified applicants [of licenses to carry concealed weapons], the constitutional guarantee to keep and bear arms is fulfilled,” and 2) in *Gadomski*, “that any rights flowing from article 1, section 22 of the Rhode Island Constitution [regarding carry licenses] would be ‘illusory, of course, if [they] could be abrogated entirely on the basis of an unreviewable unrestricted licensing scheme.’”

Second, the writer states that I relied on and “cite[] the dissent” in *Mosby*. However my article does not contain any reference to the *Mosby* dissent.

Sincerely,

David J. Strachman

New Rhode Island Bar Association President and 2017-2018 Executive Officers

New Rhode Island Bar Association President

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



Rhode Island Bar Association 2017-2018 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2017 Annual Meeting [l to r] Linda Rekas Sloan, Esq., President, Principal, Linda Rekas Sloan & Associates, LLC; Richard P. D'Addario, Esq., Secretary, Principal, The Law Offices of Richard P. D'Addario; Carolyn R. Barone, Esq., President-Elect, partner, Kirshenbaum Law Associates; and David N. Bazar, Esq., Treasurer, senior partner of Bazar & Associates.



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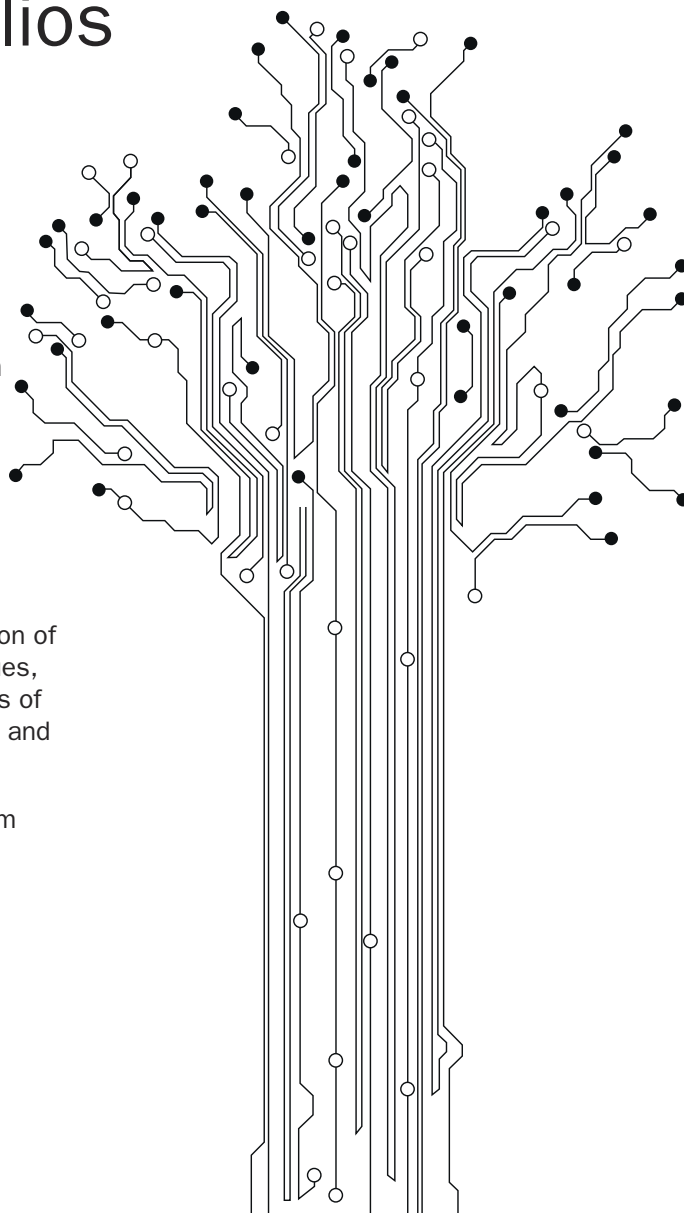
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Rhode Island Bar Association 2017-2018 Officers' Profiles



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Secretary

Linda Rekas Sloan, Esq. is President 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 President-Elect of the Rhode Island Bar Association. She was admitted to practice law in the state courts of Rhode Island in 1980. She is authorized to practice law in the Federal District Court and the United States Supreme Court. 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 as a Top Attorney in the state of Rhode Island. She has been on the faculty of many seminars devoted to family law and has lectured on domestic relations practice for the Rhode Island Bar Association and the National Business Institute. She is a contributing author to *A Practical Guide to Divorce in Rhode Island*, First Ed., published by MCLE, Inc., 2009, on the topic of Business Valuations. She graduated *magna cum laude* from Bryant University and *cum laude* from New England Law/Boston. In addition to being an officer of RIBA, she serves on the House of Delegates and 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* and the Continuing Service Awards. She is former president of the Edward P. Gallogly Family Law Inn of Court.

David N. Bazar, Esq. is Treasurer 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



Rhode Island Bar Foundation

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

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

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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 U.S. 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.

Richard P. D'Addario, Esq. is Secretary of the Rhode Island Bar Association. He is a solo practitioner with an office at One Courthouse Square in Newport, presently concentrating in real estate, probate and related litigation. After graduating from Boston College and New York University Law School, he came to Rhode Island as a Vista Volunteer at Rhode Island Legal Services where he worked for five years before going into private practice. He is admitted in both Rhode Island and New York, the United States District Court of Rhode Island and the U.S. Supreme Court. He has been a long-standing member of the House of Delegates and the Executive Committee and he chaired the Annual Meeting in 2015. He has been the Probate Judge in the Town of Tiverton since 1993 and in Little Compton since 2014. He is also serving as the Municipal Court Judge in Portsmouth which was founded in 2014. He is a member of the Supreme Court Unauthorized Practice of Law Committee, which he chaired for over ten years. He has served on the boards of numerous non-profit organizations and he is a Fellow of the Rhode Island Bar Foundation. He has been a participant in the Bar Association's Volunteer Lawyer Panel for many years. ❖

The Return of Taxation Without Representation



Seth H. Handy, Esq.
Handy Law, LLC
Providence, RI

National Grid proposed to file one to four PLR requests and if the responses “provide a reasonable basis to conclude that the tax exemption applies to projects interconnected with the electric distribution facilities, the Company will recommend that it no longer pay taxes on projects meeting the IRS criteria and, thus, no longer collect the tax from eligible projects.”

George Santanaya once said, “Those who cannot remember the past are condemned to repeat it.” We have a taste of that here in Rhode Island. Our principal electric distribution company, National Grid – a British company – has passed on a tax to Rhode Island customers that is not owed to the IRS. The customers are renewable energy generators. When two finally appealed the tax to the Public Utilities Commission on the basis of a federal exemption, they were informed that any question of tax liability was between the utility and the IRS. Two and a half years later the IRS confirmed the exemption but National Grid still assesses the tax.

When a customer funds an upgrade to the distribution system to receive electrical service, the value of that system improvement is treated as a contribution to the utility and taxed at its value. The Tax Reform Act of 1986 amended section 118(b) of the IRC to require taxation of “contributions in aid of construction” (CIACs) because: “The Congress believed that all payments that are made to a utility either to encourage, or as a prerequisite for, the provision of services should be treated as income of the utility and not as a contribution to the capital of the utility.” That rule makes sense – if a utility received a benefit without paying for it, that benefit should be considered income for taxation purposes. On the other hand, if the system is designed to facilitate the generation of electricity to the distribution grid IRS Notice 88-129 kicks in. Notice 88-129 provides that section 118(b) is not intended to apply to the transfer of “interconnection equipment constructed for the purpose of allowing the flow of electricity from a generator to the utility; rather, it is intended to apply where the purpose is to allow the flow of electricity from the utility to the generator...”¹ This rule also makes sense – if the purpose of the improvement is not to generate revenue for the utility, but is instead to help the generator that paid for the improvement generate electricity to the distribution grid, then

there is no “contribution” or taxable income. As long as the generator meets certain specifications, including proof that less than five percent (5%) of the electricity passing through the lines will go to the generating facility for “station service,” it can claim the “safe-harbor” provided by IRS Notice 88-129.

National Grid has passed the tax on CIACs through to its generating customers since the IRS issued Notice 88-129, in December 1988.² In January of 2014, two Rhode Island renewable energy developers, ACP Land, LLC (ACP) and Wind Energy Development, LLC, sought to change that. They hired consultants to demonstrate that their projects met the criteria for the application of the IRS safe-harbor and wrote National Grid requesting refunds. National Grid answered that the safe-harbor established in Notice 88-129 only applied to transmission interconnections and not to interconnections to the company’s distribution system. WED and ACP filed a petition with the Commission that raised three issues of interest: 1) the extent of the Commission’s jurisdiction over charges based on federal tax liability; 2) the utility’s burden to justify its charges; and 3) the generators’ right to pursue their remedy on this pass-through tax (i.e., who is the taxpayer?).³

National Grid challenged the Commission’s jurisdiction over federal tax law. On this starting matter, the mediator concluded that even if the Commission did not have jurisdiction to answer whether the tax is owed to the IRS, it must address whether the tax is a “reasonable charge” to generating customers.⁴ Under Rhode Island General Law § 39-3-12, the burden of proof is on the Company to establish that any proposed charge is necessary and nondiscriminatory.⁵ The mediator concluded that the pass through tax could not be a reasonable charge if the utility does not owe it to the IRS.⁶

The next question was whether and how the Commission would hold the utility to its burden. Petitioners asked to deny the utility’s capacity to pass the tax through to generators until the tax was justified and asked for an order that National Grid pursue a refund of any paid taxes.⁷ They argued that National Grid could

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not support its position that the safe-harbor did not apply to distribution interconnections given the language of Notice 88-129 that defines “intertie” as follows:

PURPA and its implementing rules and regulations require that a utility interconnect with a Qualifying Facility for the purposes of allowing the sale of power produced by the Qualifying Facility. A Qualifying Facility must bear the cost of the purchase and installation of any equipment required for the interconnection. This equipment, referred to herein as an “intertie,” may include new connecting and transmission facilities, or modifications, upgrades or relocations of a utility’s existing transmission network.

Moreover, IRS private letter rulings (PLRs) had confirmed the application to distribution system interconnections.⁸ In PLR 200403084 (a ruling requested by National Grid’s affiliate, the Massachusetts Electric Company), the IRS had applied the safe-harbor where the generator had signed an interconnection agreement with the taxpaying utility that provided for the interconnection of a project with the utility’s distribution grid. Again, in PLR 201122005, the IRS resolved that the safe-harbor applied to a generator’s request to interconnect their facility to the distribution system. National Grid contended that private letter rulings were fact specific and could not to be relied on as precedent.⁹ Petitioners countered that PLRs evidence proper interpretation of tax law and that the IRS would not have applied the safe-harbor to distribution systems in those cases if it only applied to transmission interconnections.¹⁰ The mediator concluded that the charged tax was not presently “unreasonable” based on National Grid’s representation that it had researched the issue and consulted with two large accounting firms to confirm its analysis.¹¹ However, the burden of establishing future certainty would remain with the utility, and since the Commission would not rule on the question of federal tax liability, the utility was directed to pursue final resolution with the IRS.¹²

National Grid proposed to file one to four PLR requests and if the responses “provide a reasonable basis to conclude that the tax exemption applies to projects interconnected with the electric distribution facilities, the Company will recommend that it no longer pay taxes on

projects meeting the IRS criteria and, thus, no longer collect the tax from eligible projects.”¹³ The Company had changed its position regarding reliance on PLRs. It proposed to bill its customers for the filing at a cost of \$25,000 per PLR. National Grid asked the Commission to allow for rate recovery if the IRS ever decided that the utility improperly relied on the PLRs. Meanwhile, all taxed projects would escrow any assessed tax pending final resolution by the IRS.¹⁴

On December 22, 2014, the utility informed the Commission that on December 11 it had sought a similar PLR on behalf of a customer in Massachusetts.¹⁵ The Company proposed to wait until the Massachusetts PLR issued before filing a Rhode Island request. Petitioners objected to awaiting a PLR about which they had no information or input as a new basis for reliance.¹⁶ If the Commission could rely on a PLR to resolve Rhode Island policy, then the existing PLRs resolved the question. Petitioners maintained their right to comment on and influence the content of the PLR for Rhode Island since they ultimately paid the tax in question. WED had been issued an interconnection study for ten wind turbines planned for Coventry, Rhode Island, quoting an interconnection tax of \$819,000. Time was of the essence in resolving this question.

The Commission remained wary. At its Open Meeting on December 24, 2014, it accepted National Grid’s settlement proposal, but only ordered the filing of one PLR for one of Petitioner’s projects by June 2015. It asked National Grid to provide more information about the Massachusetts PLR request, including the specific facts of that request. National Grid replied that it was not authorized to provide specific information about the Massachusetts PLR, but still asked to await it and rely on it rather than proceeding in Rhode Island.¹⁷

The ordered filing of another private letter ruling request raised the third issue of consequence – who had the rights of the taxpayer, the utility or the developers who pay the pass-through tax? The Commission understood Petitioners’ interest and refused to rely on the Massachusetts PLR, ordering the utility to use petitioners’ project so that petitioners would have transparency and some input on the form of the request. However, it was still unclear who would ultimately control the contents of the PLR request.

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In May 2015, National Grid sent Petitioners its first draft. After some negotiation, National Grid filed with the Commission.¹⁸ The Company's draft request stated that "IRS Notices confirm that section 118(b) does not apply to a generator's contribution in aid of construction, paid to a utility as reimbursement for the cost of interconnection equipment used exclusively for the purpose of allowing the flow of electricity from the generator to the utility."¹⁹ It acknowledged that "the Service has already confirmed in two private letter rulings that the contribution of an intertie by a generator to a utility that allows electricity to be delivered to the electric grid was a fully non-taxable contribution to capital where the intertie was part of both the 'Taxpayer's transmission *and distribution* system.'"²⁰ The Company's filing with the Commission summarized the disagreements with Petitioners. National Grid refused to include Petitioners' proposed language regarding the history of the Commission proceeding, evidently preferring to present the request as its own independent pursuit of clarity rather than one mandated by the Commission. In response to this and other specific objections, the Commission ruled that National Grid was technically the taxpayer and must have discretion over the contents of the final PLR request. On August 13, 2015, National Grid filed its request for a PLR.

On November 9, 2015, the IRS returned National Grid's PLR request and fee. The Service had resolved to issue public guidance related to the issue raised in the PLR, so the guidance would resolve the PLR.²¹ In response, the Commission ordered National Grid to report regularly on those who had paid the interconnection tax since December 23, 2014, and provide a recommendation to the Commission regarding what to do with those payments after the IRS guidance issues and from that point forward.²²

On June 20, 2016, the IRS issued its guidance.²³ After discussing the long history of IRS Notices on this subject, and explaining the changes to the industry and our electric grid, the IRS replaced the existing notices with one making it clear that "a generator (such as a solar or wind farm) may contribute an intertie to a utility that qualifies under the new safe harbor even if the generator is interconnected with a distribution system."²⁴ The

issue was definitively decided for Rhode Island and the country. In response to the new IRS notice, National Grid's Director of US Tax Research & Planning wrote to the IRS that it would be "incorrect" to read that notice to limit the new safe harbor to transmission interconnections.²⁵ The Edison Electric Institute, the trade association for the nation's electric distribution utilities, also agreed, writing to the IRS that EEI's experts "assume your intent was to provide the same treatment for all transfers of an intertie to a distribution utility as is provided for transfers of intertie property to transmission utilities."²⁶

However, at the Commission, National Grid still claimed ambiguity on whether the new guidance safe-harbored taxes paid on distribution system interconnections. It hired a tax consultant for an opinion that the guidance was not sufficiently clear and, on that basis, refused to honor the IRS safe-harbor.²⁷ More than three years after filing their petition, the petitioners and renewable energy developers throughout the State (and beyond) awaited further clarification from the IRS and/or action from the Commission. On May 25, 2017, two of three Commissioners deferred to National Grid's experts, concluding that the interconnection tax remains a reasonable charge despite the IRS guidance.²⁸ Questioning their own credentials on matters of tax law and revisiting concerns about the Commission's jurisdiction, the majority required developers to continue paying the utility's assessed interconnection tax.²⁹ Thus, for now, this tax is still assessed as an unwarranted charge on interconnecting generation that Rhode Island customers and ratepayers cannot afford. A British monopoly imposing an unjustified tax on private investments that promise to reduce the cost of managing an energy system³⁰ that monopoly charges to Rhode Island ratepayers; if that does not remind us of our past, George Santanaya would have us brush up on our history.

ENDNOTES

1 Transfers of Property to Regulated Public Utilities by "Qualifying Facilities," *IRS Notice 88-129*, December 27, 1988.

2 *The reader might ask why a utility would want to pass a tax through to its customers for more than 25 years after an exemption is established. That is a good question that would warrant closer examination of their incentives than can be addressed here.*

3 *Petition of Wind Energy Development, LLC and ACP Land, LLC Related to Interconnection, PUC*



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Docket #4483, January 16, 2014 ("Petition") http://www.ripuc.org/eventsactions/docket/4483-WindEnergy-ACP-Petition_1-16-14.pdf.

4 Mediation/Non-Binding Arbitration Summary and Recommendations, April 30, 2014, ("Mediator Recommendations"), pp. 5-6. http://www.ripuc.org/eventsactions/docket/4483-Arbitrator-Recommendations_4-30-14.pdf.

5 *United States v. Public Utilities Commission*, 120 R.I. 959, 393 A.2d 1092 (1978).

6 Mediator Recommendations pp. 5-6.

7 Petitioners' Response to Mediator/Arbitrator's Summary and Recommendations, May 14, 2014, p. 2. [http://www.ripuc.org/eventsactions/docket/4483-WED-Response\(5-14-14\).pdf](http://www.ripuc.org/eventsactions/docket/4483-WED-Response(5-14-14).pdf).

8 *Petition*, p. 13; citing PLR 201122005 (June 3, 2011), PLR 200403084 ((Oct. 6, 2003)(prior ruling issued to NECo's affiliate, Massachusetts Electric Company ("MECo") – "Generator signed an interconnection agreement with Taxpayer that provides for the interconnection of Project with Taxpayer's grid").

9 National Grid letter to the Public Utilities Commission, February 14, 2014, citing IRC Section 6110(k)(3).

10 *Estate of Reddert v. United States*, 925 E.Supp. 261, 267-68 (D.N.J. 1996); *Woods Investment Co. v. Commissioner*, 85 T.C. 274, 284 n. 15, 1985 WL 15380 (1985); *Rowan Cos. v. United States*, 452 U.S. 247, 261-62 n. 16, 101 S.Ct. 2288, 2296-97 n. 16, 68 L.Ed.2d 814 (1981)(private letter rulings evidence Commissioner's interpretation of tax law).

11 Mediator Recommendations at pp. 6-7.

12 *Id.* The mediator did not make a recommendation regarding who should pay for the IRS process.

13 *Id.*

14 *Id.* The Company ultimately did not abide by this commitment to escrow tax payments.

15 December 22, 2014 Letter from Raquel Webster, National Grid Counsel, to the Public Utilities Commission, http://www.ripuc.org/eventsactions/docket/4483-NGrid-Letter-PLR_12-22-14.pdf.

16 March 9, 2015 letter from Petitioners to Commission, [http://www.ripuc.org/eventsactions/docket/4483-WED-Reply-NGrid-PLR\(3-9-15\).pdf](http://www.ripuc.org/eventsactions/docket/4483-WED-Reply-NGrid-PLR(3-9-15).pdf).

17 February 27, 2015 Letter from Raquel Webster, National Grid Counsel, to the Public Utilities Commission, [http://www.ripuc.org/eventsactions/docket/4483-NGrid-Compliance-StatusPLRs\(2-27-15\).pdf](http://www.ripuc.org/eventsactions/docket/4483-NGrid-Compliance-StatusPLRs(2-27-15).pdf).

18 June 8, 2015, letter from Raquel Webster to Commission, [http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLR%20Compliance\(6-8-15\).pdf](http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLR%20Compliance(6-8-15).pdf).

19 National Grid's Draft Private Letter Ruling Request (June 8, 2015) – [http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLR-Compliance\(6-22-15\).pdf](http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLR-Compliance(6-22-15).pdf).

20 *Id.* at p. 13 (citing PLR 201122005 (June 3, 2011); PLR 940012 (Feb. 15, 1984); PLR 200403084 (Oct. 6, 2003)(prior ruling issued to NECo's affiliate, Massachusetts Electric Company ("MECo"))).

21 November 20, 2015 Letter from Raquel Webster, National Grid Counsel, to the Public Utilities Commission, http://www.ripuc.org/eventsactions/docket/4483-NGrid-PLR-ResponseIRS_11-20-15.pdf.

22 PUC Minutes of Open Meeting, January 29, 2016, <http://www.ripuc.org/eventsactions/minutes/012916.pdf>. National Grid has yet to file any such reports or recommendations with the Commission.

23 Transfers of Property to Regulated Public

Utilities by Electricity Generators Notice 2016-36, <https://www.irs.gov/pub/irs-drop/n-16-36.pdf>.

24 *Id.* at pp. 10-11.

25 June 28, 2016 email from Robert Ermanski to David Selig, "Consequently, the continued use of the restrictive term 'transmission' in Section IIIB and IIIC of Notice 2016-36 may cause taxpayers to conclude **incorrectly** that the new safe harbor is only permitted when electricity which passes through a 'distribution' system *intertie* is ultimately delivered to the utility's 'transmission' system." See [http://www.ripuc.org/eventsactions/docket/4483-NGrid-Reply-TaxIssueUpdate-WED\(8-26-16\).pdf](http://www.ripuc.org/eventsactions/docket/4483-NGrid-Reply-TaxIssueUpdate-WED(8-26-16).pdf).

26 September 13, 2016 letter from Alexander Zakupowsky, Jr. to David Selig (IRS). See [http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLRCompliance\(10-13-16\).pdf](http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLRCompliance(10-13-16).pdf).

27 October 16, 2016 letter from Raquel Webster National Grid Counsel, to the Public Utilities Commission, [http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLRCompliance\(10-13-16\).pdf](http://www.ripuc.org/eventsactions/docket/4483-NGrid-Update-PLRCompliance(10-13-16).pdf).

28 RI Public Utilities Commission Open Meeting May 25, 2017.

29 *Id.*

30 See Seth Handy, Esq. and Karl R. Rábago, Valuing Home Grown Electricity, *RI BAR JOURNAL*, p. 21 (May/June 2016) – https://www.ribar.com/UserFiles/File/May-June_2016_Jrnl.pdf. ❖



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The Bar also thanks the following volunteers for taking cases for the Foreclosure Prevention Project and for participating in Ask A Lawyer and Legal Clinic events during April and May. Attorneys also participated in an Ask A Lawyer event at Channel 10.

Foreclosure Prevention Project

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Michael J. Furtado, Esq., *Cranston*
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Brian D. Fogarty, Esq.,
Law Office of Devane, Fogarty & Ribezzo
Kermin Liu, Esq., *Law Office of Kermin Liu*

Channel 10 Ask A Lawyer

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For information and to join a Bar pro bono program, please contact the Bar's Public Services Director Susan Fontaine at: sfontaine@ribar.com or 401-421-7758.

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

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New Lawyers Build Their Practices with the Bar's Lawyer Referral Service!



Attorney Jack D. Pitts, a Lawyer Referral Service member, enthusiastically supports LRS. *Rhode Island's Lawyer Referral Program has provided me, and countless other attorneys, with the opportunity to represent individuals, families and businesses in our areas of concentration and expertise. In an incredulous time,*

I take pride in participating in an organization where the soliciting general public look to, and find, our Association and its membership, as a competent and trustworthy resource.

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

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

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2017 Chief Justice Joseph R. Weisberger Judicial Excellence Award

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



Hon. Daniel A. Procaccini, Associate Justice of the RI Superior Court, is honored with the 2017 *Chief Justice Joseph R. Weisberger Judicial Excellence Award*. Justice Procaccini was appointed an Associate Justice of the Superior Court by Governor Lincoln Almond on July 23, 2001. A graduate of LaSalle Academy, the University of Rhode Island, and Suffolk University Law School, Justice Procaccini started his professional career as a law clerk of the Rhode Island

Superior Court from 1977 to 1978. A trial lawyer for 24 years, he was also a town solicitor for several municipalities, and legal counsel for the Rhode Island Senate Finance Committee from 1992 until 2000. He was President of the Rhode Island Trial Lawyers Association from 2000 to 2001. In 2006, Justice Procaccini was inducted into the LaSalle Academy Hall of Fame.

In 2007, he received the Lifetime Achievement Award from the Rhode Island Legal/Educational Partnership for outstanding contributions to law related education. In 2009, Justice Procaccini received the Justinian Law Society and Distinguished Service Achievement Award and a Distinguished Achievement Award from the University of Rhode Island. He is presently an adjunct faculty member at Roger Williams University School of Law teaching trial advocacy, where he was recognized as Adjunct Professor of the Year in 2010 and 2011. Justice Procaccini received the Man of the Year Award from the Italo-American Club of Rhode Island in 2016. He is a frequent speaker to various groups including the American Association for Justice, the Rhode Island Bar Association, the Rhode Island Association for Justice, the Justinian Law Society and the U.S. District Court Litigation Academy. In 2015, Justice Procaccini was the featured speaker at the New England Consortium of Legal Writing Conference. Since his appointment to the bench, Justice Procaccini has mentored over 90 high school, college and law students. He

is known by his colleagues to be everything a judge should be: even-tempered, fair, learned, well-researched, articulate, and compassionate.

According to RI Superior Court Associate Justice Joseph A. Montalbano, *Justice Procaccini does not ration justice. He is even-handed and fair, a student of the law and a teacher of the law with great admiration for the justice system, who treats the individuals with whom he interacts with courtesy and respect. In this past year, Justice Procaccini exhibited extraordinary courage, energy and tenacity in his handling of a high profile, controversial, and difficult post-conviction relief matter. This was no surprise to the members of the Bar who have appeared before him, because he exhibits these traits as a jurist on a daily basis. He has earned the respect of his fellow judges, as well as the many Superior Court clerks and support staff with whom he has worked.*

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2017 Joseph T. Houlihan Lifetime Mentor Award

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



Christopher S. Gontarz, Esq., of Lynch & Pine, LLC in Newport, is honored with the Rhode Island Bar Association 2017 Joseph T. Houlihan Lifetime Mentor Award. After five years as an officer with the Portsmouth Police Department, Chris received his law degree from the New England School of Law in 1984. He became a prosecutor for the Department of the Attorney General in 1985, working in the Criminal Division, and years later

a trial lawyer for thousands of cases in Superior and District Court. He serves on the RI Supreme Court Ethics Advisory Panel and the RI Supreme Court Commission on Judicial Tenure and Discipline. Other memberships include, but are not limited to, the RI Bar Association House of Delegates and Executive Committee, the RI Association of Criminal Defense Lawyers, The Federalist Society, the St. Thomas More Society of RI, and the Roger Williams University School of Justice Advisory Board. He has taught a variety of criminal law courses at numerous institutions in the state, and served as chairperson of the RI Bar Association Criminal Law Bench Bar Committee for several years. He was the 2008 recipient of the Dorothy Lohmann Community Service Award, and Rhode Island Lawyers Weekly's 2011 Lawyer of the Year. Chris regularly volunteers for law related education assignments. He is held in high regard by his colleagues for his incredibly generous disposition, repeatedly making himself available for assistance and offering support to new attorneys, promoting civility and professionalism by example.

According to Rhode Island Attorney General Peter Calo, Jr.: *Chris was invaluable to me when I first started out, and in fact still is. He provides valuable critiques and insights that I could not get anywhere else. He has taught me how to treat clients and how to handle difficult cases. He has taught me the importance of integrity when handling every aspect of a case. He is encouraging and supportive and I could not think of a better person to mentor me. It is clear that Chris is committed to helping new attorneys, and bettering not only the attorneys but Rhode Island's legal system as well.*

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2017 Dorothy Lohmann Community Service Award

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



Erica Laros, Esq., of Laros Law, LLC, in Providence, is recognized for her outstanding work on behalf of the Childhood Lead Action Project. Since 1992, the Childhood Lead Action Project has worked to eliminate childhood lead poisoning through education, parent support and advocacy. The Project is the only organization in Rhode Island devoted exclusively to this critical issue.

Attorney Laros was first introduced to the Project while working on lead poisoning compliance issues for the RI Department of Health. While working there, she went beyond the call of duty in meeting with the organization frequently with updates on her work, and providing technical assistance on legislative matters. After leaving her position at the Department of Health in 2011, Erica became the Project's go-to volunteer attorney. She devoted hours to providing the organization with legal research on state and municipal housing laws;

actively participated in multiple legislative campaigns to advocate for state funding for childhood lead poisoning programs; provided training to their staff on legal issues; and became a member of their board of directors in 2014, giving freely of her time and expertise. With an impressive demonstration of personal and organizational skills, the following year she was elected co-chair of their board of directors. Erica is known for her commitment to working with the underserved and her tremendous passions for social justice.

According to the Childhood Lead Action Project's Founding Executive Director Roberta Hazen Aaronson: *In our work together, Erica distinguishes herself by working quickly to identify and conquer problems that others couldn't or weren't willing to tackle. She is extremely sharp, motivated and reliable, but also remains accessible, compassionate and highly skilled at working with others. Erica's ability to communicate about legal concepts to non-lawyers with clarity and respect is particularly valuable. She also practices law in a very real and practical context, recognizing that solving problems often requires collaboration across professional disciplines.*

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.



Nicole J. Benjamin, Esq., practicing from Adler Pollock & Sheehan P.C., in Providence, received the 2017 Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award for her article, *Five Things the Rhode Island Supreme Court Wants You to Know About Civil Trial and Appellate Practice*, published in the Rhode Island Bar Journal: Volume 65, Number 6, May/June, 2017.

The Editors and Editorial Board of the Rhode Island Bar Journal congratulate Attorney Benjamin and strongly encourage all Rhode Island Bar Association mem-

bers 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 Kathleen Bridge via email: kbridge@ribar.com. For information, telephone (401) 421-5740.

As a reminder, Attorney Benjamin'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. Attorney Benjamin'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.

2017 Volunteer Lawyer Program Pro Bono Publico Award Recipients

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 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.



Michael A. Castner, Esq., received his BS from San Jose State University and is a graduate of the Raytheon Integrated Defense Systems, Program Management College. He earned his law degree from Roger Williams University School of Law. In addition to Rhode Island, he is admitted to the Bars of Massachusetts, New York and the District of Columbia. After a 20 year engineering career with Raytheon, Attorney Castner did not retire. Instead, his professional focus

became representing those in greatest need, strictly on a pro bono basis. In 2014, he began volunteering with South Coastal Counties Legal Services in Massachusetts, and joined the RI Bar's Volunteer Lawyer Program and Public Service Involvement Committee in 2015. Through the Bar Association's VLP and Elderly Pro Bono Program, he has accepted 60 cases and devoted 300 plus hours for the indigent and homeless in numerous areas of law including family, housing, consumer and probate. When feasible, Michael firmly believes in employing collaborative problem solving to remove obstacles for settlement. "My business/technical experience in negotiation has been an asset in facilitating creative, equitable resolutions for my clients," stated Michael.

On a personal note, a favorite story of Michael's is *A Christmas Carol* by Charles Dickens. He has drawn inspiration to volunteer from the following excerpt: *Mankind was my business. The common welfare was my business; charity, mercy, forbearance, benevolence, were all my business. The dealings of my trade were but a drop of water in the comprehensive ocean of my business!*

Some of the highlights of Michael's outstanding pro bono efforts include securing the return of two children to their mother after they were abducted by the father, negotiating a housing settlement that allowed a quadriplegic survivor of violence to keep his section 8 voucher, halting an eviction of a couple from a mobile home park that was their home for 25 years, settling a 6 year contested divorce/custody matter that involved 2 disabled children, and procuring dismissals of creditor claims against elderly and disabled fixed income individuals. Attorney Castner also donates his time and expertise as a Volunteer Counselor at the Care Center at Christ Church in East Greenwich, where he provides advice and social service agency referrals.

We thank Michael for his remarkable dedication to serve those in need through the community and Volunteer Lawyer Program.



Colleen P. Murphy, Esq. earned her undergraduate degree from the University of Virginia with High Distinction. She was selected for Phi Beta Kappa and for the Harry S. Truman Scholar from Virginia. She received her law degree from Yale Law School where she was the Editor of the Yale Law Review and Director of the Yale Moot Court of Appeals. Colleen has been a Professor of Law at Roger Williams University School of Law

since 2000 and was recently selected 2017 Professor of the Year by the graduating class. Her distinguished career includes being the author of numerous scholarly articles published in the nation's leading law reviews on issues pertaining to civil procedure, remedies and the right to jury trial. Her many and varied public service endeavors most recently include being a member of the Policy Council of East Bay Head Start, the Planning Committee for the 2016 District Court Conference for the US District Court for the District of Rhode Island, and membership in the Bar Association's Volunteer Lawyer Program (VLP).

Beginning in early 2015, Professor Murphy accepted a VLP client for a divorce matter. Subsequently, DCYF proceedings were brought against the client months later as well as a related probate matter. Although she could have returned the case to the VLP because of the unexpected complications, she chose to continue to assist the client with these critical issues and reached out for mentors. She devoted a phenomenal 278 hours of pro bono service that resulted in a positive outcome for a family in tremendous need who would not have had the means to achieve justice without her outstanding dedication to these cases. Professor Murphy nicely summarized her VLP experience:

After 25 years as a law professor without an active legal practice, I was daunted by the prospect of stepping back into court, especially with respect to legal proceedings I had never handled before. But I received exceptionally helpful mentorship from members of the Rhode Island Bar: Neville Bedford with respect to the divorce proceedings, Frances Munro with respect to the DCYF proceedings, and Mark Heffner with respect to the probate court proceedings. It was enormously gratifying to assist a wonderful client and to be so well supported by other members of the Rhode Island Bar.

We thank Professor Murphy for her resolute concern for those less fortunate and diligent pursuit of every avenue of legal remedy for those in need.

2017 Rhode Island Bar Association Honorary Members

At the 2017 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 well represented this outstanding group.



Honoring our colleagues achieving fifty years of legal service

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2017 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



Celebrating Benjamin's and Sam's awards during a ceremony at the Rhode Island Supreme Court were (l-r): Rhode Island Superior Court Associate Justice (ret) and initiator and namesake of the Rhode Island Law Day Essay Contest Award Francis J. Darigan, Jr., RI Workers' Compensation Court Associate Judge

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 2017 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest. Open to all Rhode Island 10th and 11th grade students, the 2017 Rhode Island Law Day Essay Contest focused on *The 14th Amendment: Transforming American Democracy*, the same topic offered through this year's RILD Classroom Programs.

Benjamin Farman, a student at Narragansett High School, won first place in this year's contest. Benjamin received a \$1,000 scholastic award made possible through the combined generosity of the Rhode Island Bar Association and the Rhode Island Police Chief's Association. He also received a personalized engraved trophy cup, and his school received the Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest trophy cup for a one-year display, and a permanent plaque commemorating Benjamin's achievement. And, thanks to the generosity of the Edward P. Gallogly Family Law Inns of Court, a second place winner, Sam Day, another Narragansett High School student, was awarded a \$250 scholastic award and a personalized engraved trophy cup.

Hugo L. Ricci, Jr., Narragansett High School Social Studies teacher Mathew Joubert, first place essay contest winner Benjamin Farman, Rhode Island Bar Association Past President Melissa E. Darigan, Esq., second place essay contest winner Sam Day, RI Superior Court Associate Justice Sarah Taft-Carter, RI Traffic Tribunal Magistrate Alan R. Goulart, Edward P. Gallogly Family Law Inns of Court Vice President Timothy J. Conlon, Esq., Chief of RI Police Chiefs Association Dean Hoxsie, and RI Supreme Court Associate Justice Gilbert V. Indeglia.

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The 14th Amendment: Transforming American Democracy

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. Lesson plans, including background information, and recommended questions for student consideration, were drawn from the American Bar Association's 2017 National Law Day program topic, *The 14th Amendment: Transforming American Democracy* and 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 and judges play in administering justice.



Rhode Island Supreme Court Chief Justice Paul A. Suttell, and Rhode Island Bar Association President Armando E. Batastini, Esq., kept students engaged in teacher Arthur Rustigian's Classical High School classroom in Providence.

2017 Rhode Island Law Day Volunteer Acknowledgement

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



Rhode Island Bar Association

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Rhode Island Family Court Associate Justice Rossie L. Harris and Attorney Stacey P. Nakasian, helped teacher Brian Bordieri's The Met School students understand how the 14th Amendment has been interpreted by the courts.



Rhode Island Family Court Associate Justice Karen Lynch Bernard and RI Child Advocate Jennifer Griffith, Esq. reviewed civil rights issues associated with the 14th Amendment with teacher Patrick Hanley's Lincoln High School students.

RI Superior Court Associate Justice (ret.) Judith Colenback Savage and RI Public Defender Mary S. McElroy, Esq. led a special Law Day program at Smithfield High School discussing the book *Just Mercy* by Bryan Stephenson, and how its themes of proximity, understanding, and justice relate to the 14th Amendment.



Rhode Island Workers' Compensation Court Associate Judge Hugo M. Ricci, Jr., Attorney James J. Bagley and Attorney Aimee E. Audette and the East Providence High School students in teacher Michael Silva's class discussed how the 14th Amendment advanced the rights of all Americans.



Rhode Island Judiciary

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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 Wednesday, May 27th, from 5:00 p.m. to 7:30 p.m. The Rhode Island Bar Association attorneys answered viewer telephone questions related to foreclosure.

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

Family Law Panelists l-r: Jack D. Pitts, Esq.; Felicia A. Manni-Paquette, Esq.; John Cappello, Esq.; and Mark Sales, Esq. fielded over 30 caller requests for foreclosure-related guidance.

Lawyers on the Move

Victoria M. Almeida, Esq. has received the Victim Service Award on behalf of Rhode Island Attorney General Peter F. Kilmartin, the U.S. Department of Justice, Family Service of Rhode Island and the Rhode Island Crime Victim Service Provider Steering Committee, recognizing individuals and organizations that have gone above and beyond in their service to either directly support, advocate for, and/or honor the rights and dignity of Rhode Island victims of crime.

Brett Arkuss, Esq. is now an associate at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903. 401-274-2000 barkuss@hinckleyallen.com hinckleyallen.com

Kate N. Kishfy, Esq. is now an associate at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903. 401-274-2000 kkishfy@hinckleyallen.com hinckleyallen.com

Amy Moses, Esq. is now Vice President and RI Director at the **Conservation Law Foundation**, 55 Dorrance Street, Providence, RI 02903. 401-228-1903 amoses@clf.org clf.org

Thomas J. Pagliarini, Esq. is now an associate at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903. 401-274-2000 tpagliarini@hinckleyallen.com hinckleyallen.com

Maryann Patalano, Esq. has moved her office, **Maryann Patalano, PC**, to 1243 Mineral Spring Ave, Suite 201, North Providence, RI 02904. 401-353-0600

Sara L. Wilkinson, Esq. is now senior counsel at **Duffy & Sweeney**, 1800 Financial Plaza, Providence, RI 02903. 401-455-0700 swilkinson@duffysweeney.com duffysweeney.com

Rhode Island
Bar Association
2016-2017

ANNUAL REPORT

Report of the Executive Director on 2016-2017

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 2016-2017. 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 two years in our 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.

We have exceptionally strong standing and special **Committees**, now numbering 26. 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 to 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.

Limited Scope Representation

In June of 2015, the Court invited members of the Rhode Island Bar and other interested persons to submit written comments on the subject of limited scope representation in Rhode Island, recognizing that the practice may raise potential ethical and procedural concerns. In response, a Bar Association Com-

mittee on Limited Scope Representation was formed to develop proposed guidelines for the conduct of limited scope representation and to present a proposal for rules, regulations, guidelines and training on behalf of the RI Bar Association to the Supreme Court. Draft rules and forms, compiled by the Committee and approved by the Bar's Executive Committee and House of Delegates, were submitted to the Court in January of 2016.

The Rhode Island Supreme Court recently released provisional amendments to the Rules of Professional Conduct. Those amendments expressly recognize limited scope representation, along with providing the procedures whereby attorneys may now offer such representation. The amendments incorporated many of the Bar Association's recommendations which continue to be open for review and comment throughout the next year. The Bar Association is in the process of planning seminars to discuss these amendments and their effect on the practice of law in Rhode Island, and also will follow up with more information and guidance for members as it becomes available.

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, including: well-designed interior spaces with advanced technology facilitating improved member use and networking; expanded exterior space providing immediately adjacent parking; greater meeting and event flexibility; and handy highway proximity outside the congested city. 41 Sharpe Drive is located in a vibrant professional business park with the Rhode Island Certified Public Accountants Association headquarters across the street and Swarovski America's administrative offices and WJAR Channel 10's broadcast studios nearby. Since our move two years 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, 60 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 was used to establish an endowment for summer fellowships. 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 be encouraged to pursue public service careers. The first fellowship was awarded to Roger Williams University law student Samantha Armstrong and she is currently serving her summer fellowship at Rhode Island Legal Services.

Professional Development

The CLE year started with the yearly AON sponsored free malpractice seminar. This free malpractice series was held in August and September and provided all Bar members the opportunity to earn two (2) free ethics credits. Our speaker was James Blackburn from North Carolina. He spoke on ethical landmines attorneys face and how to avoid them, the high stress environment, mental health & substance abuse issues lawyers face. 1,456 attended one of five sessions held—one of the largest attendances ever on record for this free series.

The Bar also offered seminars on topics such as (just to name a few):

- data encryption;
- expert witnesses;
- probate practice;
- depositions;
- ethics of effectively marketing your practice;
- commercial law update;
- and, a persuasive legal writing program for the busy trial practitioner.

We have offered four (4) seminars geared specifically towards newer members of the Bar - a two-part introductory series on motion practice and depositions and two full-day Practical Skills Series seminars on Residential Real Estate Closings and Domestic Law Practice in Rhode Island.

The Bar Association has continued its partnership with Mesa CLE to offer live webcast seminars our members. Over 100 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.

This year's **Annual Meeting** was held on June 15 & 16 at the Rhode Island Convention Center. Our plenary speaker was Donald Verrilli, Jr., former Solicitor General of the Obama Administration who discussed litigating before the Supreme Court in a time of transition and what the current political climate means for our nation's legal evolution. The Friday Afternoon Plenary speaker, Stuart B. Teicher, Esq., Adjunct Professor at Georgetown University Law Center, offered an entertaining session by revealing how the music, attitude, and lifestyle of legendary trumpeter Miles Davis allow us to learn about fundamental ethics concepts. Other Annual Meeting workshops included jury instructions, e-filing, personal exposure in business dealings, updates in environmental & land use law and in estates & trusts, dealing with Pro Se litigants, and arbitration.

Our work with AON Affinity, the Bar's sponsored professional liability insurance agency, opportunities offered by our Public Services Department and Bar committees, we have been able to offer a total of 18 free credits to our members this past year. Those who attended a Public Services Department seminar agreed to accept a pro bono case in order to attend a seminar for free.

This upcoming year's free **AON ethics program** will be on cyber security and social engineering computer hacks. This is a subject that is affecting attorneys across the United States, and this year's series will provide helpful tips on how to keep client files safe. The CLE Committee is busy planning seminars for the 2018 reporting year. Seminars already planned include ethics of serving on a nonprofit board, a Practical Skills seminar on Superior Court practice, how to handle a motor vehicle accident, Social Security Disability, Medicaid planning and asset protection, and how lawyers can spot warning signs and assist their clients and colleagues experiencing a mental health crisis or substance abuse issues.

Membership Benefits

The Rhode Island Bar Association continues to provide great value to its members. **Casemaker** is a Web-based legal research system offered to our members for free (\$950 value). It offers features such as: Casecheck+ which is similar to Shepard'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

Report of the Executive Director on 2016-2017

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. 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 public service programs, utilize the calendars and the great member directory. The directory gives 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 725 Bar members enrolled in the List Serve. Bar 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.

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 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.

The Technology Committee formed an E-Filing Working Group consisting of the Committee members and representatives from the Bar Association’s bench/bar committees. The Working Group met with representatives of the Rhode Island Judiciary to discuss the new case management system and electronic filing system and various issues that have arisen during its implementation. A request for comments and concerns with the system was sent out to members of the Bar Association, and the results were compiled and presented to the Judiciary’s representatives, who agreed to work with the Working Group to address these issues.

New Members Outreach

One of the issues discussed at a recent Strategic Planning Committee meeting is the Bar’s assistance with its newest members’ transition to practice. As a means of evaluating what is most important and beneficial for our new members, a survey was distributed by email, and the Bar will evaluate and consider the results. One of our first steps will be adding a New Members page to the website with information pertinent to these members. 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, over 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 programs. The Limited Scope guidelines newly adopted by the Rhode Island Supreme Court may well offer additional pro bono opportunities in the near future for partnership projects and the recruitment of additional volunteer attorneys for these projects.

A highly successful signature partnership program since 2015 with the VLP is the Partners Overcoming Domestic Violence. This program was developed through the cooperative efforts of Rhode Island Legal Services, Rhode Island Bar Association, Roger Williams University School of Law, and the Coalition Against Domestic Violence. Utilizing new and seasoned attorneys, the Project integrates legal, advocacy, and social services to provide long term solutions for survivors of domestic violence.

We have sponsored many community outreach programs. 18 legal clinics/Ask A Lawyer programs were scheduled with senior organizations during the first quarter of 2017 alone. Volunteer attorneys presented elder law topics to groups of the elderly at statewide locations. May is designated as “Older Americans Month” and 6 legal clinics and an Ask A Lawyer “Medicaid Planning for Caregivers Groups” were presented by volunteer attor-

neys from our Pro Bono Program for the Elderly during the month of May.

The Association was recognized with the National Association of Bar Executives LexisNexis Community & Educational Outreach Award for our Partners Overcoming Domestic Violence Project. In addition Rhode Island Legal Services presented President Armando E. Batastini with the Justice Partner Award in Celebration of the 30th Anniversary of our Volunteer Lawyer Program. VLP also received a Note of Appreciation from the FBI Victim Specialist for the Bar's help on behalf of a federal crime victim who was not familiar with the US laws or legal system. Recently, the Rhode Island Coalition for the Homeless presented us with the Homeless Legal Clinic Award for the longtime partnership between the Bar Association and RICH to provide attorney representation to the homeless through their legal clinic program.

On May 4, "Bankruptcy Best Practices: Chapter 7 & 13" was sponsored by the Foreclosure Prevention Project and the Bankruptcy Court. Thirty attorneys attended this free CLE and agreed to accept pro bono bankruptcy cases. As a result, all of the requests for pro bono bankruptcies were placed. The speakers included the trustees for Chapter 7 & 13. The moderator was the Clerk of the Court. They have expressed their willingness to plan a follow up seminar for late 2017 or early 2018.

Given the success of the initial recruitment of newer attorneys through the "Partners Overcoming Domestic Violence" project in 2016, there are tentative plans with Rhode Island Legal Services to repeat the 12 hour Domestic Violence/Family Law training program in 2017/2018. The 17 attorneys recruited through this initial collaborative project are now members of the Volunteer Lawyer Program.

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.

The Committee reviewed the newly approved ABA Model Rule for CLE which would require attorneys to have at least one

credit every three years specifically dealing with mental health, including substance use disorders, issues. The rules would have a similar requirement for required programming on inclusion and diversity. The Committee voted to recommend to the House of Delegates that the Bar Association recommend to the Supreme Court that Rule 1.3.2 (a) be amended by adding after the term "Appendix A," the words: "and at least one of the legal ethics hours shall be in the area of mental health, including substance use disorders."

With the cooperation of the Rhode Island Judiciary, Bar Association staff continued to place countertop displays containing the newly-revised Lawyers Helping Lawyers brochures in court houses around the state. In addition the brochures were sent to all members in a general mailing. 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. Modifications were made to the website to focus greater attention on the LHL support information.

The AON-sponsored free CLE malpractice series for last fall featured James Blackburn from North Carolina who spoke on ethical landmines attorneys face and how to avoid them, the high stress environment, mental health and substance abuse issues lawyers face. Members of the LHL Committee or an officer of the Association was present for each of the five introductions and promoted the LHL program to attendees.

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 2017 Rhode Island Law Day on Friday, April 28 there were 58 classroom presentations at 42 participating schools. Volunteer attorneys participated in all the presentations paired with members of the Rhode Island Judiciary. Evaluations sent by the Bar to participating attorneys and teachers reflected a consistently high level of satisfaction with this year's program topic, format and participants.

The Rhode Island Law Day (RILD) Committee, with particular help from the Rhode Island Bar Association, the Rhode

Report of the Executive Director on 2016-2017

Island Judiciary, Roger Williams University School of Law, and the Rhode Island Police Chief's Association, sponsored the 2017 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest. Open to all Rhode Island 10th and 11th grade students, the 2017 Rhode Island Law Day Essay Contest focused on *The 14th Amendment: Transforming American Democracy*, the same topic offered through this year's RILD Classroom Programs. Benjamin Farman, a student at Narragansett High School, won first place in this year's contest. Benjamin received a \$1,000 scholastic award made possible through the combined generosity of the Rhode Island Bar Association and the Rhode Island Police Chief's Association. He also received a personalized engraved trophy cup, and his school received the Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest, trophy cup for a one-year display, and a permanent plaque commemorating Benjamin's achievement. And, thanks to the generosity of the Edward P. Gallogly Family Law Inns of Court, a second place winner, Sam Day, another Narragansett High School student, was awarded a \$250 scholastic award and a personalized engraved trophy cup.

My thanks to a great **President Armando E. Batastini**, 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 new Director of Continuing Legal Education Tanya Nieves, Director of Finance Renee Bourbonniere and Director of Communications Kathleen Bridge have taken the reins with outstanding results.

The hard work and dedication of the entire staff is remarkable: Director of Public Services Susan Fontaine, Director of Continuing Legal Education Tanya Nieves, Director of Communications Kathleen Bridge, Director of Finance Renee Bourbonniere, Rhode Island Bar Foundation Program Director Virginia Caldwell, our Lawyer Referral Service Coordinators Elisa King and Angelly Pimentel, CLE Program Assistant Karen Lomax, Member Services Coordinator Erin R. Bracken, Volunteer Lawyer Program Coordinator John Ellis, VLP Program Assistant Debra Saraiva, Gatekeeper and Program Assistant Heather Chea, 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 2017

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 2016-2017 the Rhode Island Bar Association (RIBA) did not file as amicus curiae in any matters.

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

I. 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.

II. An Act Relating to Probate Practice and Procedure

The proposed act relating to probate practice and procedure would clarify the elective share provisions of R.I.G.L. section 33-28-1. Some probate practitioners have expressed a concern that the current statute, adopted in the 2014 session, would permit a surviving spouse to claim an elective share against other than the assets subject to probate. The proposed act would clarify that the act applies only to assets subject to probate and only to real estate owned by the decedent in his or her own name.

III. An Act Relating to Fiduciaries

The proposed act relating to fiduciaries is intended to adopt a Rhode Island statute that would permit a so-called "directed trust." Similar laws have been adopted in Delaware and Florida, among other states. The idea would be to protect corporate fiduciaries which have custody of trust assets but where the investment decisions are made by another. The Executive Committee has approved similar bills in the past several years. The bills were not adopted by the General Assembly, but no specific objection

was raised. I believe that the available time simply did not permit General Assembly Committee consideration.

IV. An Act Relating to Taxation

The proposed act relating to taxation would increase the credit against estate taxes from \$64,400 to \$99,600, which would be the equivalent of increasing the estate tax exemption from \$1,500,000 to \$2,000,000. Our understanding is that the speaker of the House intends to introduce similar legislation. If adopted, the legislation would place Rhode Island in the same position as Connecticut and Vermont with respect to exempt estates and less favorable only to New Hampshire and Maine.

V. An Act Relating to Probate Practice and Procedure

The proposed act would increase the maximum fee for guardians ad litem in probate proceedings set forth in R.I.G.L. section 33-15-7(h) from \$400 to \$800. In the current statute as well as the proposed act, the probate court has the discretion to award fees in excess of the cap if the circumstances warrant.

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

§34-11-45 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.

Subsection (g) would quiet the title to foreclosed properties by mandating that any challenge to the validity of the foreclosure be raised in Superior Court either (a) within two years of the date of recording of the foreclosure deed, or (b) if the foreclosure deed is already on record at the time this statute becomes effective, two years from its effective date.

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 17/18
Bar Journal Ads & Subscriptions	\$ 55,000
Contract Service Income	57,000
Interest Income	2,500
Mailing List Income	500
Member Dues & Fees	1,250,000
Royalties & Miscellaneous	7,500
Health Insurance Royalties	17,000
	<u>\$ 1,417,500</u>
Expenses	
Awards	\$ 1,500
Bar Journal	120,000
Casemaker	85,000
Clerical Assistant	2,500
Computer	35,000
Consultants	2,500
Copier	11,500
Depreciation Expense	20,000
Dues & Subscriptions	5,000
Insurance	25,000
Lawyer Assistance Program	12,000
Legislative Counsel	27,500
Lobby Tax	9,500
Maintenance & Repair	40,000
Medical Benefits	75,000
Miscellaneous Expense	2,500
Office Supply & Expense	40,000
Pamphlets & Advertising	1,000
Payroll Tax Expense	35,000
Printing & Postage	30,000
Professional Fees	24,000
Property Tax	10,000
Public Relations	7,000
Records Management	2,500
Regular Meetings	20,000
Rent & Electricity	150,000
Retirement Plan	56,000
Salaries	440,000
Telephone	15,000
Travel	40,000
Website	7,500
	<u>\$ 1,352,500</u>
Net Income:	<u>\$ 65,000</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 17/18
Interest	\$ 50
Dues	26,000
Fees	320,000
	<u>\$ 46,050</u>
Expenses	
Medical Benefits	\$ 30,000
Office Supplies	1,000
Payroll Tax Expense	3,300
Printing & Postage	4,000
Retirement Plan	4,800
Salaries	48,000
	<u>\$ 91,100</u>
Net Income:	<u>\$ (45,050)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 17/18
Annual Meeting	\$ 500,000
Publications	4,000
Seminars	180,000
Miscellaneous Income	250
On-Line Income	50,000
	<u>\$ 734,250</u>
Expenses	
Annual Meeting	\$ 250,000
Clerical	750
Computer	14,000
Copier	1,300
Depreciation	3,500
Dues & Subscriptions	1,000
Medical Benefits	27,500
Miscellaneous Expense	500
Office Supplies	12,000
Payroll Tax Expense	12,210
Postage	5,000
Professional Fees	9,000
Publications	3,500
Rent	15,000
Retirement Plan	16,500
Salaries	140,000
Seminar Expense	165,000
Travel	1,500
Website	2,000
	<u>\$ 680,260</u>
Net Income:	<u>\$ 53,990</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,417,500	\$ 46,050	\$ 734,250	\$ 2,197,800
Expense	1,352,500	91,100	680,260	2,123,860
	<u>\$ 65,000</u>	<u>\$ (45,050)</u>	<u>\$ 53,990</u>	<u>\$ 73,940</u>

Grants and Restricted Funds

ProBono	\$ 315,204
Elderly	52,613
CRF	125,000
Total:	<u>\$ 492,817</u>

2016-2017

Total Revenue	\$ 2,690,617
Total Expense	\$ 2,616,677
	<u>\$ 73,940</u>

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2016 and 2015

Assets	2016	2015
Cash and cash equivalents	\$ 995,802	\$ 812,132
U.S. treasury bills	4,470,942	4,473,663
Accounts receivable	79,795	72,782
Other assets	26,204	20,264
 Furniture and equipment (net of accumulated depreciation of \$78,954 in 2016 and \$56,656 in 2015)	 157,902	 130,427
Total Assets	\$ 5,730,645	\$ 5,509,268
 Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 35,606	\$ 141,737
Accrued expenses	101,808	104,677
Total Liabilities	\$ 137,414	\$ 246,414
 Net Assets		
Unrestricted	\$ 3,081,376	\$ 2,860,672
Temporarily restricted	2,511,675	2,402,182
Total Net Assets	5,593,051	5,262,854
Total Liabilities and Net Assets	\$ 5,730,465	\$ 5,509,268

*The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2016 and 2015 is the official name of the Balance Sheet for a non-profit organizations.

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Bar Association Committee Reports



Business Organizations

Elizabeth Manchester, Chair

The Business Organizations Committee met on a monthly basis throughout most of the past year. Committee members reviewed legislation introduced during the General Assembly's 2017 session.

The Committee continues its review of the Model Nonprofit Corporation Act with a goal of completion in 2018. The Committee also continues to draft revisions of the Limited Liability Company Act and reviewed the Model General and Limited Partnership Acts with the liaisons to the Uniform Law Commission.

If you have interest in matters affecting business or non-profit 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 over-

whelming 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 2016-2017, nine claims have been received involving two former lawyers. Those claims and three prior claims are presently 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 began with the AON Attorneys' Advantage program sponsored free ethics seminar, providing all Bar members the opportunity to earn two (2) free ethics credits. This annual event was held in August and September and repeated

five times in various locations and times throughout the state to accommodate members of the Bar. The speaker was former attorney James Blackburn from North Carolina. He spoke on ethical landmines attorneys face due to the high stress environment. He related his own story of mental health and substance abuse issues and how to recognize the signs in yourself and not destroy your legal career. A total of 1,456 attended this compelling seminar—one of the largest attendances ever on record for this free series.

During the 2016-2017 year, the CLE Office, in collaboration with the CLE Committee, produced a total of thirty-four (34) seminars and educated over 1,700 Bar members. Seminar attendees welcomed a wide range of topics offered during the year, including seminars on trial practice skills, Guardians Ad Litem, data encryption, employment law, a three-part expert witness series, probate practice, a legal writing program, real estate, and domestic law practice. The CLE schedule also included the always popular seminar *Recent Developments in the Law*, which had the highest number of attendees in over five years, and a comprehensive, full-day program and also included "Commercial Law – A Comprehensive Update on Recent Developments" with national speakers Steven O. Weise, Esq. from California and Edwin Smith, Esq. from Massachusetts. There were also four (4) seminars dedicated to newer practitioners. A two-part series on motion practice and depositions proved to be exceptionally helpful to newer lawyers, and we also brought back two Practical Skills series seminars, *Domestic Law Practice in Rhode Island* and *Residential Real Estate Closings*. Based on feedback, the CLE Committee will offer more Practical Skills Series seminars in the future on a rotating basis.

The CLE Office, in conjunction with the AON Attorneys' Advantage program, the Public Services Department and Bar

committees, were able to offer eighteen (18) CLE seminars for free. The Public Services Department uses CLE seminars as a recruitment tool for many of their programs.

A survey was sent out and completed by Bar members at the end of May. The survey solicited information regarding primary practice areas, attendance at continuing education seminars generally, topics and speakers for future seminars, and their overall impressions and feedback about the CLE program as a whole. The survey was also provided to all attendees at the annual meeting for submission. The CLE Committee uses the information from the survey to design programs and seminars for the coming year, and to be responsive to the continuing legal education needs of the Bar.



Creditors' and Debtors' Rights

Richard L. Gemma, Co-Chair

Richard J. Land, Co-Chair



Members of the Committee on Creditors' and Debtors' Rights met with Judge Brian Stern of the Providence Superior Court and representatives of the United States Small Business Administration ("SBA") to discuss the Rhode Island receivership process and how that receivership process may be a model for and/or compatible with the federal protocol governing the use of receivership proceeding. Assisted by Judge Stern, committee members drafted recommendations to the SBA to rework the federal protocol to accommodate the Rhode Island receivership process.

Also, the Committee examined both the Uniform Commercial Real Estate Receivership Act ("UCRA") and the Uniform Voidable Transaction Act ("UVTA"). The Committee is still considering the nuances of the UCRA, but has finished its consideration of UVTA and issued a recommendation to the Executive Committee with respect to the UVTA.

Further, the Committee planned a seminar entitled *Personal Exposure in Business Dealings* for the R.I. Bar Association's 2017 Annual Meeting. Special thanks to Attorneys Matthew McGowan, Preston Halperin and Robert Wieck for their preparation of materials and/or participation in the seminar. Their support is much appreciated.

Finally, many members of the Committee have 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

The Criminal Law Bench Bar Committee's year was spent having our customary regular meetings where we endeavored to explore a host of issues affecting the practice of criminal law and fostered an active role in the relationships between the Criminal Bench and the Bar. The Committee continued to have active members representing the RI Office of Public Defender, RI Department of Attorney General, the United States Attorneys Office, and many outstanding attorneys from the private criminal defense bar. Clearly, the main topic this past year was the switch to paperless filing in criminal matters. To that end, members of the Superior Court Clerk's office and the Supreme Court's administrative staff joined us as we gained education on the issues and were able to voice our concerns about the changes. A special thanks to Ryan Carnes, Paul Jones and Deputy Court Administrator Gail Valuk for agreeing to meet with us and providing a wealth of information that was forwarded to attorneys practicing criminal law. Our meetings included appearances by Parole Board Chairperson Laura Pisaturo, who made a presentation on the best practices when appearing before the RI Parole Board, Rhode Island Superior Court Associate Justice Luis Matos, who discussed the inner-workings of the Courtroom 9 Daily Calendar, and Associate Justice Daniel Procaccini, who discussed a host of issues relating to trial practice in the Superior Court. In the upcoming year, the Committee hopes to become involved with assisting with the Court's further steps towards complete electronic filing in criminal matters and assist the Court in reviewing the manner in which the Criminal Bar can utilize technology in the courtroom.



District Court Bench/Bar

Gregory S. Dias, Chair

The 2016-2017 term for the District Court Bench Bar began with the initiation of two newly appointed judges who took over the reins of the civil calendars in Providence and Kent County. The Bench Bar held meetings with both Judge Brian Goldman in Providence County and Judge James Caruolo in Kent County. Both judges are extremely experienced although not necessarily with the recent changes to the district court civil calendar.

Judge Goldman met with the Committee at a very well attended meeting in November and then again in March to discuss his handling of the busy Providence County civil calendar. At the

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initial meeting, Judge Goldman discussed how he planned to handle the civil calendar including the call of the calendar, the number of cases on the calendars and how he would address any issues from members of the Bar. Judge Goldman was very receptive to the opinions and recommendations of the Bar.

Specifically, Judge Goldman discussed attorney questions regarding attorney fees, consent judgments, eviction and the trial calendar call and how he expected the calendar to proceed. At his second meeting with the Bar, Judge Goldman discussed his first months on the calendar and some adjustments he has made taking into consideration the recommendation of the bar, including added items to the calendar to allow for consent judgments on trial matters and the trial calendar calls.

In November, Judge Caruolo provided the District Court Bench Bar with a handout regarding certain specific issues he wished to discuss with the committee, including trials and trial scheduling, motions for summary judgment, jurat clauses, notice to opposing counsel (ready subjects at the calendar call) and courtroom decorum. The Committee and Judge Caruolo discussed all these issues and the judge followed up with the committee after the meeting to address these discussions which were included as an addition to the meeting minutes for all bar members to review. Both judges have done an incredible job adjusting to their new positions and the intricacies of the civil calendar, especially with the continuing issues of electronic filings.

The District Court Bench and Bar are fortunate to have the addition of these two competent and committed judges.



Environmental and Energy Law Richard M. Fil, *Chair*

The Bar's Environmental and Energy Law Committee (EELC) is in its eighth 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, updates on legal developments, and member discussions on current events and trends. Most regular meetings include a guest speaker paired with an EELC member on an issue-oriented topic coordinated by member Linda George. This year's guest speakers included: Chris Kearns, Chief Program Development, Rhode Island Office of Energy Resources (overview of the State Energy Plan, and updates on energy legislation from the 2016 General Assembly Session); Grover Fugate, Executive Director of the Coastal Resources Management Council (efforts to evaluate and improve the resiliency of Rhode Island coastal communities and related planning efforts); Sue Kiernan,

Deputy Chief, Surface Water Protection, Rhode Island Department of Environmental Management (update and overview of the Water Quality Management Plan for the protection and restoration of the state's water resources); Leah Bamberger, the Director of the Office of Sustainability for the City of Providence (overview of the City's climate and energy goals); and Macky McCleary, Administrator for the Rhode Island Division of Public Utilities and Carriers (priorities of the Division regarding the execution of all laws, regulations and PUC orders relating to public utilities and carriers). EELC also held its annual social gathering in December. Members of EELC hosted a workshop for the Bar's Annual Meeting to provide environmental, land use and real estate practitioners with an update on federal and Rhode Island case law developments, regulatory changes, and Rhode Island legislative changes.



Ethics and Professionalism

Wayne M. Kezirian, *Co-Chair*
Christy B. Durant, *Co-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. The Committee met three times this year and its discussions were primarily related to the changing nature of the practice of law, the impact of emerging technologies and diversity.

The issue of diversity does not fall squarely within the Committee's charge, however, that issue is of continuing interest to members of the Committee and was discussed in depth at the Committee's first meeting in October. Committee members were concerned that it was unclear how the Association intended to evaluate and address the issue of diversity within its ranks. We are pleased to report that we have learned through discussions with President Batastini that the Bar Association has an active interest in the issue of diversity and that meaningful discussions are ongoing. We look forward to having an opportunity to be part of those continuing discussions.

In its January meeting the Committee reviewed, discussed and, through its co-chairs, presented written comments to President Batastini concerning the terms and conditions imposed on attorneys in order to access the e-filing system. President Batastini responded promptly acknowledging those comments and described the efforts the Bar Association was tak-

ing to communicate its related concerns to the Supreme Court. The Bar Association has formed an E-Filing Working Group and it is our expectation that the comments of the Ethics and Professionalism Committee will be considered by that group.

We once again express our gratitude to David Curtin, Esq., the Chief Disciplinary Counsel of the Rhode Island Supreme Court, who continued what has become an annual tradition when he met with the Committee in April 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 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. Our first meeting was held on October 11, 2016 at which time Chief Judge Forte addressed members of the Committee regarding recent changes implemented in the Family Court. Chief Judge Forte also fielded questions from members of the Committee and, as always, a spirited and lively meeting ensued. Thank you Chief Judge Forte for your continued support of the Committee.

The Committee sponsored a number of continuing legal education seminars throughout the year. In January 2017, Attorney Sharon Santilli, Child Support director for the Office of Child Support Services for the State of Rhode Island, and members of her staff provided a comprehensive and detailed look at what is commonly known as the “Kids Card” which is issued to recipients of child support by the State of Rhode Island. Attorney Santilli and her staff set forth the funding procedure for a “Kids Card,” the proper use of that card as well as the practical operation of the “Kids Card.” This seminar provided attendees with information regarding the practical aspect of the Card which affects many recipients of child support in the State of Rhode Island. This seminar was well-attended and provided useful and practical information to all in attendance.

We again had the annual *Basic Tax Considerations in Separation and Divorce* which was presented by Attorney Elizabeth Segovis of Rhode Island Legal Services and which was moderated by Attorney Vincent DiMonte. This well-attended seminar

once again exceeded expectations and provided attendees with up to date information regarding deductions, tax filing status and relevant tax considerations for separating and divorcing couples, together with all relevant IRS forms. Thank you again to Attorneys Segovis and DiMonte for your participation in this annual seminar.

Members of the Committee were involved with a four-part seminar presented by the Volunteer Lawyer Program entitled *Custody Litigation and Related Issues*. This four-part seminar was free to those practitioners who agreed to accept a pro bono Family Court matter within the year. It was a well-thought-out and well-presented look at the many issues involved in custody litigation and provided attendees with a thorough and comprehensive look at custody litigation including ethical considerations.

The quadrennial review of the child support guidelines began in January, 2017 at the request of Chief Judge Forte. As Chairperson of the Committee, I was appointed by Chief Judge Forte to the 2016 Child Support Guidelines Task Force which was co-chaired by Judge John McCann and Magistrate George DiMuro. This Committee is charged with the task of reviewing the child support guidelines consistent with the current cost of living as well as the federal poverty level. It is mandated by Federal law that the guidelines be examined every four years to ensure that the child support guidelines are fair and equitable. The Committee considered economic data on the cost of raising children, labor market data, hours worked and earnings generated and the impact of guideline policies on custodial and non-custodial parents.

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



Federal Court Bench/Bar

Patricia K. Rocha, Chair

The Federal Court Bench/Bar Committee once again worked closely with the Court including Chief Judge William E. Smith, as well as David DiMarzio and his staff, to update the members of the Bar on various court projects. First, we want to thank David DiMarzio on his tremendous service as Clerk of the Court and wish him all the best on his retirement after 36 years of federal service, including 20 years of service as the Clerk of the Court. We also want to welcome Hanorah Tyer-Witek, the Court’s new Clerk of the Court as of May 30, 2017. Ms. Tyer-Witek

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is the Court's 17th Clerk of Court. She is the second female Clerk of Court, and the first in 90 years. The Committee looks forward to working with Ms. Tyer-Witek in her new position.

Highlights of this past year include the 2017 District Conference entitled *The e-Lawyer Era in the Court - Challenges for the Future* held on March 23, 2017, featuring Theodore B. ("Ted") Olson as the luncheon speaker, and interesting and well attended sessions regarding the future of civil and criminal litigation in the federal courts. Thanks to Nicole Benjamin and Tim Bliss who co-chaired the District Conference Committee, which ensured a tremendous success. 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 and under the guidance of Co-Directors Brooks Magratten and Professor Niki Kuckes of Roger Williams University School of Law, continued to provide instructive sessions including a Deposition Skills Program in October 2016 and a Mediation Skills Program in May 2017. Faculty members continued to include judges in the federal and state courts, as well as practicing attorneys. Judges Smith and McConnell continued to update the Committee on the success of the Deferred Sentencing Program and District Judge Assisted Mediation. Judge Mary M. Lisi has retired effective July 1, 2017 with a portrait ceremony held on June 12, 2017. The Committee thanks Judge Lisi for her service over the years and wishes her all the best in retirement. Any remaining civil cases that Judge Lisi had were distributed to Judges Smith and McConnell. There has been no nomination for the vacant judgeship and we are hopeful that a nomination will be made in the near future. Finally, on June 20, 2017, the Rhode Island Chapter of the Federal Bar Association presented a complimentary lunch and a panel discussion with our federal judges for all summer associates and legal interns.

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 2016-17, twelve petitions for fee arbitration were filed with the Rhode Island Bar Association. Four 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. Two matters are still pending. The amount of fees in dispute ranged from \$910 to \$33,000. 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 Government Lawyers Committee (GLC) had another productive year. In October, the GLC took a field trip to the State Archives, where State Archivist R. Gwenn Stearn and Reference Archivist Kenneth Carlson gave us a behind-the-scenes look at their office and displayed several treasures from Rhode Island's early history. In November, Nicole J. Benjamin, Esq., educated us on issues relating to electronic discovery. In December, our committee hosted John Marion, Executive Director of Common Cause Rhode Island, for an informal discussion on various topics, including the review of existing regulations triggered by recent amendments to the Administrative Procedures Act. In the spring, our focus shifted to education. William J. Connell, Esq., provided us with an overview of recently-enacted legislation affecting education, and additionally offered his perspective as a former chairperson of the North Smithfield School Committee. Cassandra Feeney, Esq., and Brian Fielding, Esq., presented a seminar on special education law, drawing on their work as members of Roger Williams University School of Law's Pro Bono Collaborative. In May, the GLC hosted Steven Brown, executive director of the American Civil Liberties Union of Rhode Island, for a discussion of the ACLU's efforts on immigration and civil rights in the Trump era as well as local topics of interests such as municipal efforts to regulate the growth of medical marijuana. Finally, the GLC sponsored an Annual Meeting workshop on *Suing the Government*, in which Marc DeSisto, Esq., Lynette Labinger, Esq., and Rebecca Tedford Partington, Esq., offered their valuable advice on litigation against state and municipal entities. On behalf of the GLC, thank you to everyone who attended our meetings and assisted with our programming this year. Special thanks are due to the staff of the Bar Association for facilitating our meetings. Going forward, the GLC intends to continue its tradition of offering programs that cater to both government attorneys and those in private practice. New members of the Bar Association who aspire to careers in public service are particularly encouraged to attend.



Insurance Programs

Holly R. Rao, *Chair*

The Insurance Programs Committee 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.

The Committee sponsored two educational forums for members to review health insurance programs. Representatives from USI New England were present. Our health insurance broker, USI, included a general presentation and one-on-one consultations, regarding medical and dental insurance coverage and changes anticipated for the current year. In addition, a new vision option was offered for 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 Committee sponsored a June 2017 Annual Meeting CLE presentation *Lawyers Are Under Cyber Attack: Understanding the Threat and the Counter-Attack*. Speakers Holly Rao, David Grossbaum and Scott R. Schaffer and Thomas W. Wilson Jr., focused on the use of technology and how lawyers are targets from hackers and cyber criminals. The speakers discussed the most frequent types of attacks and the risk management practices lawyers can employ to best prevent the liability that arises from these attacks.

A proposal for a long term care brokerage affinity program was reviewed but it was determined it did not meeting the criteria for a Bar Association sponsored program. 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 and Employment Committee just finished an active year with several robust presentations.

In the Fall of 2016, we hosted a three-part series on litigating employment cases. In the first installment, attorneys Kevin McHugh and John Martin, opposing trial counsel in the federal court trial **Franchina v. City of Providence**, told of their experiences at trial.

Lori Franchina was a Providence firefighter who successfully sued the city for sexual harassment. The jury awarded Franchina a total of \$806,000, plus attorneys' fees and court costs. Mr. McHugh and Mr. Martin shared their perspectives on the case, the trial experience, and the jury's verdict, and answered questions.

In the second part of the series, attorneys Mark Gagliardi and Marc DeSisto presented on similar topics from their perspective trying the **Texeira v. Town of Coventry** case in federal court. The jury returned a defense verdict in that case.

Both the **Franchina** and **Texeira** cases were tried before federal court Judge John McConnell. In the third part of our series, Judge McConnell shared his candid thoughts on employment law trials from the perspective of the bench.

In January, the Committee shifted gears to the union context and heard from one of the deans of the Rhode Island labor bar, Girard Visconti. Girard spoke about Project Labor Agreements.

In April, fellow committee member Charles Kirwan gave an encyclopedic update on state and federal wage statutes and case law.

The Committee finished its year with a presentation by the attorneys at the Rhode Island Commissions for Human Rights. The Committee honored RICHR attorney Cynthia Hiatt who recently retired after decades of service to the RI employment bar. Nevertheless, Ms. Hiatt led her signature deep dive into the Rhode Island Fair Employment Practices Act and interpretive case law, with particular attention to the recent **Mancini v. City of Providence** case finding no cause of action against individual supervisors under FEPA in certain circumstances.



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), coastlineeap.com, which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their families. Coastline is headed by Judith G. Hoffman, LICSW, CEAP who has provided the Com-

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mittee with invaluable service for more than two decades. During the past year, Coastline EAP assisted a number of members and their families dealing with depression, substance use disorders, both alcohol and other drugs, and anxiety, including six new matters since January. Members of the Committee viewed informative and educational webinars sponsored by the ABA including a session on resilience training.

The Committee reviewed the newly approved ABA Model Rule for CLE which would require attorneys to have at least one credit every three years specifically dealing with mental health, including substance use disorders, issues. The rules would have a similar requirement for required programming on inclusion and diversity. After a discussion, the Committee decided to recommend to the Executive Committee and/or the House of Delegates that the Bar Association recommend to the Supreme Court that Rule 1.3.2 (a) be amended by adding after the term "Appendix A," the words: "and at least one of the legal ethics hours shall be in the area of mental health, including substance use disorders." The recommendation will be presented to the Executive Committee and the House of Delegates. In addition, the chairs of both the Continuing Legal Education Committee and the Annual Meeting Committee were advised that the Committee supports the general concept of mental health education.

With the cooperation of the Rhode Island Judiciary, Bar Association staff continued to place countertop displays containing the newly-revised Lawyers Helping Lawyers brochures in court houses around the state. In addition, the brochures were sent to all members in a general mailing. 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. Modifications were made to the website to focus greater attention on the LHL support information.

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 2016 fall program featured a speaker who focused on stress, quality of life and other topics of importance to the Committee. Over 1600 members of the bar attended those sessions and members of the LHL Committee or an officer of the Association was present for each of the five introductions and promoted the LHL program to attendees.

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. A book review of Michael Burke's, *Never Enough: One Lawyer's True Story of How He Gambled His Career Away*, is planned for an upcoming issue of the Bar Journal. The Association has also received permission to reprint in the *Bar Journal* the article *Lawyers Are at Risk for Secondary Traumatic Stress* that appeared recently in the New Mexico Bar Bulletin. The new lawyer *Bridge the Gap* program has been scheduled for

November 17 and the chairperson and Christy Durant will participate and make a presentation on behalf of the LHL program.



Lesbian Gay Bisexual & Transgender Legal Issues

Kimberly Ahern, Co-Chair

Thomas G. Shaffer, Co-Chair



We would like to thank the Committee members and allies for a successful committee year. We appreciate everyone's efforts in attending meetings and contributing to the Committee. During our committee meetings, members discussed state statutes that omit sexual orientation and gender identity as a protected class. This issue will be revisited early next fall with a plan of action. Members of the Committee also partnered with Roger Williams University

School of Law to provide a mentorship program with LGBT law students. The Committee has had discussions with Roger Williams University School of Law in their desire to craft an LGBT law symposium or speaker series for Fall 2017.



New Lawyers

Matthew B. DiMario, Chair

The New Lawyers Committee works to aid attorneys admitted to practice in the State of Rhode Island within the last 10 years by bringing awareness to the issues important to recently admitted attorneys and promoting access to all of the benefits

that the Rhode Island Bar Association has to offer. The New Lawyers Committee has accomplished this goal in several respects this year and is proud to report an increase in Committee membership, up from 40 members last fall to a new current membership total of 58. In addition, the Committee was actively involved in working with the Bar Association Annual Meeting Planning Committee and provided insight and information to help develop Annual Meeting seminars aimed at appealing to recently admitted members of the Bar. In conjunction with this effort, the New Lawyers Committee was proud to sponsor a seminar at the Rhode Island Bar Association Annual Meeting on Court-Annexed Arbitration where Committee members Samantha M. Clarke, Esq. and Patrick J. McBurney, Esq. were joined by Attorney James D'Ambra to present on issues often arising in arbitrations, arbitration procedure and best practices

when serving as an advocate in court-annexed arbitration. The Committee also continued to work on new initiatives to increase involvement and engagement in Bar Association activities and committees among recently admitted lawyers, including working with the Roger Williams University Law School to share information about the opportunities, support and benefits that come with Bar Association membership and the many benefits that flow from participation in Bar committees. Going forward, the New Lawyers Committee members will be 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, and is looking into new ways to increase the sharing of information and opportunities with the Rhode Island Federal Bar Association Young Lawyers Committee. 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, meeting six times during the 2016-2017 year. 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 that would permit so-called "directed trusts" (which would permit a settlor to designate a person other than a trustee as responsible for trust investments). The Committee also prepared and introduced, with the approval of the Bar Executive Committee, proposed legislation in the following areas: (1) rights of surviving spouses to elect against decedents' estates, (2) Rhode Island estate tax - increase in credit against estate taxes, (3) portability of the Rhode Island estate tax exemption from a deceased spouse to a surviving spouse, and (4) fees of guardians *ad litem* in probate courts. All bills are being held for further study by the appropriate Committees of the House or Senate at this time, and passage is uncertain. The Committee also reviewed a revised bill dealing with fiduciary access to digital assets, which had been introduced at the request of the local representatives of the Commissioners on Uniform Laws.

The Chair was given invaluable assistance by a number of

Committee members who made themselves available to review proposed legislation in the probate and trust area.



Public Services Involvement
Christine J. Engustian, Chair

The Public Service Involvement (PSI) Committee is comprised of fellow members of the Bar who are devoted both to the Committee's mission to create more opportunities for the poor and needy of our communities to have access to equal justice, and to support our volunteer attorneys through programs and educational seminars on topics that are relevant to the most common areas of the legal representation. Beginning last fall, a PSI subcommittee organized another three-part family law series entitled *Custody Litigation and Related Issues*, which took place this past spring and covered trial preparation, trial tactics and case presentation in contested custody matters, as well as post-trial issues. The panelists included Rhode Island Family Court Judges Karen Lynch Bernard and John E. McCann III, General Magistrate Feidlim E. Gill, Magistrate Paul T. Jones, PSI Committee members and other members of the Bar. Each attendee accepted at least one pro bono custody case from the Bar Association's Public Service Programs and approximately 30 cases were placed. The Committee greatly thanks its subcommittee members who donated substantial time in developing these seminars and the presenters who similarly shared their time, experience and knowledge to make it a highly successful CLE series.

Last October, the PSI Committee commemorated the 30th anniversary of the Bar Association's Volunteer Lawyer Program (VLP), a milestone that deserved recognition and celebration, and held a well-attended reception at the Law Center for members of the Bar, the judiciary and the public. The guest speakers, who included the Rhode Island Supreme Court Chief Justice Paul A. Suttell and Bar President Armando E. Batastini, shared their thoughts about pro bono service and the immeasurable value of the VLP for not only the recipients of those services but also for the attorneys who provide those services. It was an enjoyable event that drew new members to the Bar Association's Public Service Programs.

The PSI's pro bono awards sub-committee reviewed and selected two volunteer attorneys, Michael A. Castner and Colleen P. Murphy, to receive the this year's Pro Bono Publico 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.

The PSI Committee also produced a 2017 Annual Meeting

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seminar, *How to Incorporate Pro Bono Into Your Law Practice*. The seminar panel included attorneys from large, small and solo law practices to provide different perspectives on the value of pro bono representation and the unique ways in which pro bono hours can be incorporated into their respective practices. The panel also addressed the vital topic of limited scope representation, as a means to equal access to justice, which was particularly timely in that the Rhode Island Supreme Court issued a May 23, 2017 Order adopting provisional rules for limited scope representation in Rhode Island.

The Committee extends its deep appreciation to the Director, Susan Fontaine, and the entire staff of the Public Service Programs of the Bar Association who work daily in support of the Committee's mission, attend the Committee meetings, and annually assist the Committee in setting agendas and goals. A special thanks is given to Bar President Armando E. Batastini who made the theme of his tenure one of public service to Rhode Island residents and, by his own example, encouraged all of us attorneys to incorporate pro bono hours into our professional careers.



Superior Court Bench/Bar Dana Horton, *Chair*

The Superior Court Bench/Bar Committee met regularly throughout the 2016-2017 term, identifying, discussing and addressing issues of importance to the Committee. Of note, the Judicial Communications Survey, which was finalized

last year, was updated to reflect current information for all participating Justices, and is now available online. The feedback our Committee has received from this collection of data has been overwhelmingly positive and we are thankful to the Rhode Island Bar Association for assisting our Committee with keeping the information up to date. The proposed changes to the Rules of Civil Procedure reflecting e-discovery were recently approved by the Superior Court Judicial Subcommittee and have been presented to the Supreme Court for review. Most recently, and in the wake of the **Cashman Equipment Corp., Inc. v. Cardi Corp., Inc., et al.** decision, the Committee has drafted a proposed rule change to Rule 26(b)(4), which will be presented to the Executive Committee of the RI Bar Association for review and consideration. Heading into the next term, the Committee may commence a review and analysis of all Superior Court civil discovery rules with an eye towards whether any updates are warranted, as it has been a considerable amount of time since the discovery rules have been updated. We welcome any assistance from any member of the Committee or the RIBA who has an interest in volunteering with this rule review process.

The Committee was fortunate enough to also host a number of speakers this term, starting with the Honorable Justice Susan McGuirl, who spoke about the Trial Calendar process in Providence County. The Honorable Justice Maureen Keough addressed the Committee in January with regard to her experience and handling of the Providence Civil Motion Calendar. Most recently, the Honorable Justice Jeffrey Lanphear addressed our group in Kent County to discuss matters pertaining to civil practice in Kent Superior Court generally. In addition, Jean Lehman, CPA, CFF, CFE, a partner at the New England Office of Hagen, Streiff, Newton & Oshiro Accountants, P.C., addressed the group in October 2016 on the intersection of forensic accounting and employee dishonesty. Ms. Lehman's presentation was eligible for CLE credit.

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!



Technology in the Practice Thomas Lyons, *Co-Chair* Michael Goldberg, *Co-Chair*



The Technology in the Practice Committee's major activities this year focused on issues respecting electronic filing in the state courts. The Committee formed an E-Filing Working Group consisting of the Committee members and representatives from the Bar Associations bench/bar committees. The Working Group met with representatives of the Rhode Island Judiciary to discuss the new case management system (CMS) and electronic filing (e-filing) system and resolution of various issues that have arisen during

its implementation. The Judiciary's representatives have agreed to work with the Working Group to address these issues. We have provided reports of our progress to the Bar Association's President Armando Batastini who has passed along the information to the membership through President's Messages in the *Rhode Island Bar Journal*, as well as through Bar committee updates, an all-member email, and news postings on the Bar's website, Facebook page and Twitter account. The Working Group and the Judiciary's representatives will jointly present on the status and future of e-filing during the Bar Association's Annual Meeting. There will also be a Committee-sponsored presentation on artificial intelligence and the practice of law. Finally, the Committee was pleased that the Supreme Court adopted its

proposed administrative order for the State courts that permits lawyers to use electronic devices like laptop computers, iPads and smart phones in courtrooms. The Bar's Executive Committee had made a few revisions to the proposed order and forwarded this recommendation to Chief Justice Suttell.



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 32 members attending each meeting, a 31% attendance rate. The members benefited from informative presentations by

Committee members regarding new developments in the law and transactional practice, as well as 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 during the 2016-2017 year: Daniel J. Archetto, John A. Beretta, Susan W. Cody, Rebecca C. Cox, Christine A. Murphy, Francis J. Nolan, Justin T. Shay (along with Leah L. Miraldi) and Linda Rekas Sloan.

The Chair is ever grateful for the efforts of Nancy M. Davis, the Committee's Recording Secretary, whose comprehensive minutes of our meetings are legendary.

I also want to thank Joseph M. Dolben, Chair of the Legislative Subcommittee, for preparing detailed reports on new legislation of interest to our members.

At the request of the Committee, the Bar Association's lobbyist arranged for the introduction of companion bills in the House and Senate Judiciary Committees to validate common conveyance defects. As of the date of this report, both bills have had Committee hearings.

Our Standards and Practices Subcommittee prepared a proposed new Title Standard, No. 7.16, entitled *Mortgage Discharge Not Recorded in All Cities or Towns Where Mortgaged Property is Located*, that was approved by the Executive Committee of the Rhode Island Bar Association at its April 24, 2017 meeting.

The Committee continues to be concerned with issues pertaining to recording and abstracting practices as well as transactional matters. The Committee always welcomes suggestions for improving transactional practice in Rhode Island, and continues to review 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 Robert Ferrieri, and the Court's associate judges were regularly present at all meetings, giving all Committee members

opportunities to discuss any issues in a candid and productive manner. At every meeting, the Chair informs the Committee members of any updates in forms and procedure utilized in the workers' compensation practice. In addition, he opens the floor to discuss any issue or concern that may arise in representing clients, whether the employee or employer, before the Workers' Compensation Court. This year saw the continuation of cooperation between 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, Vermont, and Maine, which saw many practitioners pairing with Judiciary to make comprehensive presentations delineating the differences between the law and practices between these diverse jurisdictions. The conference was so well-received we are once again presenting this opportunity for all practitioners to meet again in Fall, 2017! 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 Chief Judge Ferrieri were instrumental in setting up this well-attended event. The course and the festivities afterward were exceptional. A golf outing at Valley Country Club was held in May, and was one of our most attended outings to date! 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 2017 Annual Meeting

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 15, 2017 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.

During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2017 Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$385,609 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 2017 Thomas F. Black, Jr., Memorial Scholarship and the recipient of the new Honorable Thomas J. Caldarone, Jr., law student summer Fellowship Program.



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

The Bar Foundation Welcomed 6 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.

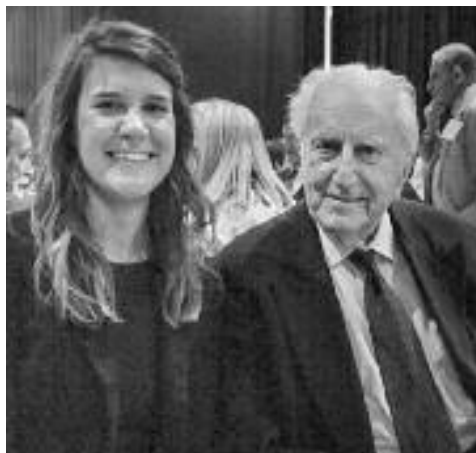
Robert M. Barge
Matthew S. Dawson
Hon. Robert M. Ferrieri
Dana M. Horton
Michael B. Mellion
Cristen L. Raucci

2017-2018 Rhode Island Bar Foundation Officers

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

The Honorable Thomas J. Caldarone, Jr. Fellowship Program

The RI Bar Foundation was recently honored with a generous donation from Hon. Thomas J. Caldarone, Jr., which has been used to establish an endowment for summer fellowships. Annually, a student 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. As Caldarone Fellows, second year law school students 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. The Rhode Island Bar Foundation is proud to recognize the first summer fellowship recipient, Samantha Armstrong, who is interning at Rhode Island Legal Services.



Rhode Island Bar Foundation 2017 Hon. Thomas J. Caldarone, Jr. Summer Fellowship Recipient Samantha Armstrong, and the Honorable Thomas J. Caldarone, Jr.



Bar Foundation President Michael A. St. Pierre, and 2017 Hon. Thomas J. Caldarone, Jr. Summer Fellowship Recipient Samantha Armstrong.

Thomas F. Black, Jr., Memorial Scholarship Program

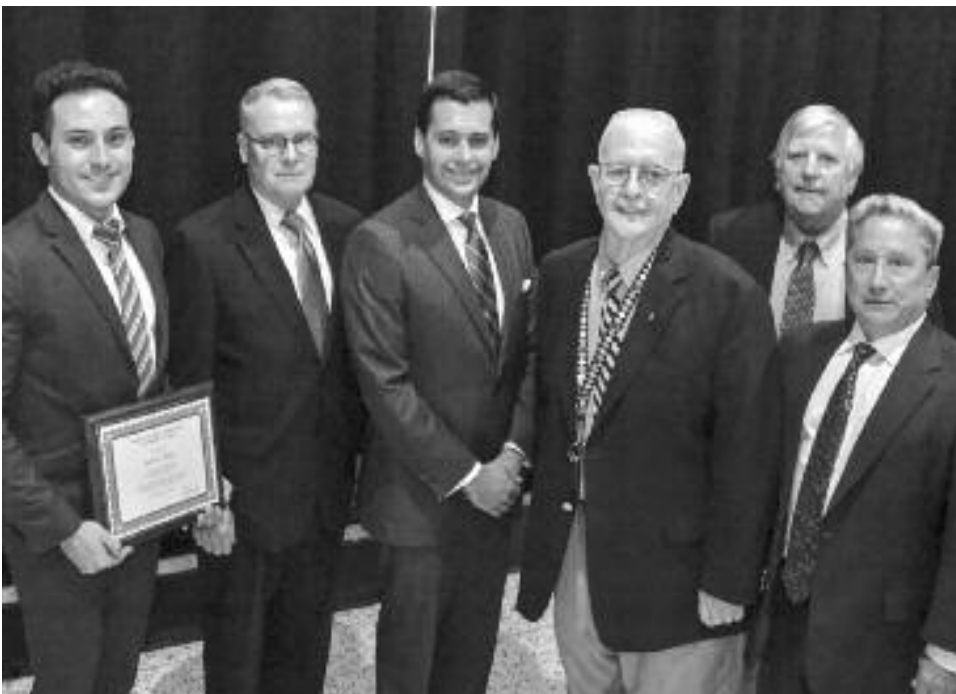
The Rhode Island Bar Foundation’s Thomas F. Black, Jr. Memorial Scholarship Fund was established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise that they will become outstanding lawyers and who need financial assistance to study law. The 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.



Rhode Island Bar Foundation 2017 Thomas F. Black, Jr. Memorial Scholarship Recipient Justin A. Pires, and R. Kelly Sheridan, Chairperson, Scholarship Committee. Justin is attending Northeastern University Law School. Scholarship Recipient Genesis G. Sanchez (not pictured) was unable to attend the meeting. Genesis is attending Columbia Law School.



Nicholas A. Denice, Esq., 2011 Thomas F. Black, Jr. Memorial Scholar, addressed the Bar Foundation Fellows and guests.



2017 Thomas F. Black, Jr., Scholarship Recipient Justin A. Pires; R. Kelly Sheridan, Chairperson, Scholarship Committee; 2011 Thomas F. Black, Jr., Scholarship Recipient Nicholas A. Denice, Esq.; Thomas F. Black III, President, the Horace A. Kimball and S. Ella Kimball Foundation; Edward Marth, Trustee of the Horace A. Kimball and S. Ella Kimball Foundation; and Michael A. St. Pierre, Bar Foundation President.

Special Thank You to Scholarship Program Contributors

The Horace A. Kimball and S. Ella Kimball Foundation

The Champlin Foundation

The Nicholas J. Caldarone Foundation

2017 ANNUAL MEETING

This year's hard-working Annual Meeting Committee, chaired by Bar Executive Committee member Lynda L. Laing, 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 1,300 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.

New 2017-2018 Rhode Island Bar Association President Linda Rekas Sloan was sworn in by Rhode Island Supreme Court Chief Justice Paul A. Suttell.



Before a full ballroom of enthralled Bar members, Thursday Keynote Speaker Donald B. Verrilli, Solicitor General of the United States from June 2011 to June 2016 under the Obama Administration, discussed what litigating before the Supreme Court in a time of transition means for our nation.



The distinguished panelists (l-r) Lauren E. Jones, Esq., Professor Jared Goldstein, Lara E. Montecalvo, Esq., Thomas M. Dickinson, Esq., Hon. Sandra A. Lanni, Hon. Sarah Taft-Carter, Hon. Francis J. Darigan, Jr. (ret.), and Hon. Francis X. Flaherty gave attendees updates on both civil and criminal case law.



Outgoing President Armando E. Batastini, Esq. thanked the members of the Bar for their support during his presidency as he passed the gavel to incoming president Linda Rekas Sloan, Esq.



Lawyers Are Under Cyber Attack: Understanding the Threat and the Counter-Attack panelists (l-r) Scott R. Schaffer, Esq., David A. Grossbaum, Esq., and Holly R. Rao, Esq., discussed the ways lawyers leave themselves open to attacks and the most frequent types.



ESI for Plaintiffs, Solo Practitioners, & Small Firms: How to Catch Up Electronically with the Big Guys presenters (l-r) Hon. Patricia A. Sullivan, George E. Lieberman, Esq., Nicole J. Benjamin, Esq., Andrew S. Tugan, Esq., and Dana Conneally, JD, focused on a realistic, efficient and affordable approach to litigation in a world where there is a new reality—everything is electronic.



Effective Use of Civil Jury Instructions speakers (l-r) Hon. Daniel A. Procaccini, Mark B. Morse, Esq., Kelly A. Kincaid, Esq., and Kara G. Thorvaldsen, Esq. gave perspectives on strategies for drafting meaningful jury instructions, the proper procedure for submitting them, and conferencing with the court.



The Value of Incorporating Pro Bono Representation into Your Law Practice panelists (l-r) Barbara L. Margolis, Esq., David F. Reilly, Esq., Victoria M. Almeida, Esq., and David N. Bazar, Esq., discussed the challenges of pro bono representation, including limited scope and managing your caseload.



A large crowd gathered to hear remarks from outgoing president Armando E. Batastini, Esq., RI Supreme Court Chief Justice Paul A. Suttell, incoming president Linda Rekas Sloan, and Chief Justice Joseph R. Weisberger Judicial Excellence Award recipient Superior Court Associate Justice Daniel A. Procaccini.



The Mechanics of Business Investigations and the Challenge of Serving as an Independent Investigator panelists (l-r) Neil Austin, Esq., Daniel J. Procaccini, Esq., and Matthew Miller, Esq. examined the building blocks necessary for conducting a successful internal investigation.



This year's **Golden Nuggets** speakers (l-r seated) Joseph M. Hall, Esq., John N. Calvino, Esq., (l-r standing) David D. Curtin, Esq., and Matthew F. Callaghan, Jr., Esq. shared their experiences, challenges, and war stories from their many years in practice.



RI Superior Court Associate Justice Daniel A. Procaccini accepted the Chief Justice Joseph R. Weisberger Judicial Excellence Award from outgoing president Armando E. Batastini, Esq.



Friday plenary speaker Stuart Teicher closed out the Annual Meeting with an entertaining look at how the music, attitude, and lifestyle of legendary trumpeter Miles David allow us to learn about fundamental concepts in attorney ethics.



Led by moderator Vincent A. DiMonte, Esq. panelists Martha Krollman, Esq. and James F. Queenan, Esq. examined the implications for both the juvenile defendant and their families in **Juvenile Criminal Law: Issues for the Defense and for the Families in Family Court.**



Attendees took a break between sessions to recharge, catch up with their practice, and chat with colleagues.



Workshop panelists (l-r) Hon. Francis J. Darigan, Jr., Bruce D. Todesco, Esq., Brian J. Lamoureux, Esq., and Meghan C. Barry, Esq. discussed the many challenges facing attorneys opposing pro se parties in state and federal courts in **Compassionately and Effectively Dealing with Pro Se Litigants.**



Will Your Next Partner Be a Robot? Artificial Intelligence, Automation and the Practice of Law panelists (l-r) Frederic S. Ury, Esq., Thomas W. Lyons III, Esq., and Andrew M. Perلمان, Esq. reviewed the increasing influence of artificial intelligence and automation on the practice of law.



The Regulation of Insurance and the Enforcement Process presenters (l-r) Ellen R. Balasco, Esq., Stephen D. Zubiago, Esq., Elizabeth A. Kelleher Dwyer, Esq., Maura C. Travers, Esq., and Melissa E. Darigan, Esq. discussed legal issues facing insurance companies and state regulators of the insurance industry.



State Court E-Filing: Where Are We and Where Are We Going presenters (l-r standing) Peter Panciocco, Thomas W. Lyons III, Esq., Michael M. Goldberg, Esq., (l-r seated) Lauren E. Jones, Esq., Rhiannon S. Huffman, Esq., and Gail M. Valuk, Esq. discussed the status of the electronic filing system and future developments.



The Nuts and Bolts of a Business Divorce presenters (l-r) Hon. Brian P. Stern, Jack Cacchiotti, CPA, and Vincent A. Indeglia, Esq. provided attendees with a primer on business divorce, including what it involves, and how to counsel clients.



Residential Landlord and Tenant Law panelists (l-r) Tiffinay Antoch, Esq., Michael D. Crane, Esq., Murray Gereboff, Esq., and Hon. Mary E. McCaffrey offered the perspective of an attorney representing plaintiffs, attorneys representing defendants, and a judge hearing the case.



Dorothy Lohmann Community Service Award winner Erica Laros, Esq. socialized with friends and colleagues at the Annual Awards Reception.



Joseph T. Houlihan Lifetime Mentor Award recipient Christopher S. Gontarz, Esq. was joined by his family for the presentation of his award.



Bar members and award recipients and their guests mingled and enjoyed complimentary hors d'oeuvres before the presentation of Bar awards at the Annual Awards reception.

Sign Up For Your 2017-2018 Bar Committee Membership Today!

If you have not yet signed up as a member of a 2017-2018 Rhode Island Bar Association Committee, please do so today. Bar Committee membership runs from July 1st to June 30th.

Even Bar members who served on Bar Committees this year must reaffirm their interest for the coming year, as Committee membership does not automatically carry over from one Bar year to the next. Bar members may complete a Committee registration form online or download and return a form to the Bar. Please join no more than three committees.

To sign up for a 2017-2018 Bar Committee, go to the Bar's website at ribar.com and go to the MEMBERS LOGIN. After LOGIN, click on the BAR COMMITTEE SIGN-UP link.

As an alternative, you may download the Bar Committee Application form appearing above the button and mail or fax it to the Bar Association. Please only use one method to register to avoid duplication. If you have any questions concerning membership or the sign-up process, please contact the Bar's Member Services Coordinator Erin Bracken at 401-421-5740.

Updating Your Attorney Directory Photo Is a Snap!

The next time you are visiting the Rhode Island Law Center for a Continuing Legal Education program or committee meeting, be sure to ask how easy it is to update your online attorney directory photograph.

All you need to do is step into the lawyers' lounge, located at the Law Center, and a staff member will snap your photo, upload it to the directory, and, if you'd like, email you a copy for your own personal use. The directory is available for the convenience of Bar members, clients, and potential clients, so be sure to keep your listing up to date! Attorney Directory contact information may include the Bar member's name, photograph, law office name, postal address, email address, telephone number, and facsimile number. If you would rather send us your own photo, you may do so by emailing it to Erin Bracken at ebracken@ribar.com. Photographs must be provided in a jpg format of at least 300 dpi.



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RHODE ISLAND BAR ASSOCIATION'S Online Attorney Resources (OAR)

Exclusively designed to help Bar members receive and offer timely and direct assistance with practice-related questions.

OAR provides new and more seasoned Bar members with the names, contact information and Bar admission date of volunteer attorneys who answer 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 following **OAR** practice areas:

Administrative Law
Business Law
Civil Law
Creditors and Debtors
Criminal Law
Domestic/Family Law
Federal Court
Probate and Estates
Real Estate
Workers' Compensation

TO CHOOSE YOUR OAR OPTION:

- Bar members with questions about a particular area of the law.
- Bar members willing to volunteer as information resources.

Go to the Bar's website at ribar.com, login to the **MEMBERS ONLY**, and click on the **OAR** link.



Denise Aiken, Esq., RI Legal Services Responsible Parent Project Intern John Souza, and Robert D. Oster, Esq. chatted during one of the breaks between workshops.



A Practitioner's Guide to Best Practices: Practice Management, Client Communications, and Professionalism speaker Susan Leach DeBlasio, Esq. provided new and experienced practitioners with some of the best practices an attorney can adopt to manage his or her practice, communicate with clients, and maintain a professional posture in today's fast-paced, stress-inducing legal environment.



Recent Developments in Environmental & Land Use

Law panelists (l-r) Anthony DeSisto, Esq., Christina A. Hoefsmid, Esq., Christopher A. D'Ovidio, Esq., and Jennifer R. Cervenka, Esq., provided environmental, land use, and real estate practitioners with an update on federal and Rhode Island case law developments, regulatory changes, and legislative changes.

The Wrongful Death Act: The Good, The Bad and The Probate

panelists (l-r) Steven A. Minicucci, Esq., Patrick C. Barry, Esq., and John S. Foley, Esq. discussed the provisions of the Rhode Island Wrongful Death Act, including specific statutory provisions and cases interpreting the statutes.



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

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

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

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

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

Brian Adae, Esq.	831-3150
Neville J. Bedford, Esq.	348-6723
Susan Leach DeBlasio, Esq.	274-7200
Sonja L. Deyoe, Esq.	256-8857
Christy B. Durant, Esq.	272-5300
Brian D. Fogarty, Esq.	821-9945
Mariam A. Lavoie, Esq.	274-7400
Stephen P. Levesque, Esq.	490-4900
Nicholas Trott Long, Esq. (Chairperson)	351-5070
Genevieve M. Martin, Esq.	274-4400
Joseph R. Miller, Esq.	454-5000
Henry S. Monti, Esq.	467-2300
Susan Antonio Pacheco, Esq.	435-9111
Janne Reisch, Esq.	601-5272
Roger C. Ross, Esq.	723-1122
Adrienne G. Southgate, Esq.	301-7823
Judith G. Hoffman, LICSW, CEAP, Coastline EAP	732-9444 or 800-445-1195

Lawyers Helping Lawyers Committee Members Protect Your Privacy

SOLACE

Helping Bar Members in Times of Need

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

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

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

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

To sign-up for SOLACE, please go to the Bar's website at www.ribar.com, login to

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

In Memoriam

Stephen A. Fanning, Jr., Esq.

Stephen A. Fanning, Jr., predeceased by his wife of 59 years, Margaret Eldredge Fanning, is survived by his five children: Margaret E. Carney (and Kevin); Stephen A. Fanning, III (and Susan); Michaela A. Fanning; James M. Fanning (and Ellen); and Robert J. Fanning (and Debra); 11 grandchildren; 1 great-grandson; and his brothers, Daniel and Charles Fanning. He was a graduate of Cumberland High School, Providence College (President of his class and active in the PC Alumni Association for many years) and Boston College Law School. He was a member of the 103rd Field Artillery Battalion during the Korean War and served in the Army National Guard for 30 years. He spent his legal career as a partner at Edwards & Angell; and served as the former President of the Rhode Island Bar Association and the Rhode Island Bar Foundation.

Mary Eugenia Gooden, Esq.

Mary Eugenia Gooden, 77, died on October 9, 2016 at her home in Columbia, SC. Mary was born on July 5, 1939 in Atlantic City, NJ, the oldest daughter of Dr. Herbert B. Gooden and Martha Reid Gooden, and grew up in Pennington, NJ. She is survived by her younger sister, Jeanne Gooden Burkhardt and husband Ross Burkhardt of Las Cruces, NM, a niece, Brita Howard, also of Las Cruces, a nephew, Eric Howard of Boulder, CO, and three first cousins and their families: Susan Gooden Galbraith of Sandwich, MA; Eugene Gooden Martin of E. Brunswick, NJ; and Robert Reid of Lusby, MD. Mary's career began in 1960 working for IBM in Philadelphia in the then emerging computer field. In 1964-1965, she and her former husband, Richard A. Laudati, founded Applied Systems Development Company (ASDC) of Rhode Island and became industry pioneers in the development of automated car insurance. Then she decided to pursue her dream of becoming a lawyer, and she entered law school at

age 50. After graduation, Mary worked briefly for a law firm in Providence but eventually opened her own general law practice. However, the Y2K millennial computer crisis was looming and since she was one of highly sought after "1960s gurus," she closed up shop and went back into the IT business. Mary was an intellectual in the true sense of the word, taking on huge challenges, climbing to great heights, and achieving much success. She was a highly ethical and moral person who held high standards, but she didn't take herself too seriously. She, and her omnipresent dry sense of humor, will be missed by family and friends.

Donald M. Gregory, Esq.

Donald M. Gregory II, 74, of North Kingstown, died March 27, 2017. He was the adored husband of Karen A. (Morton) Gregory. Born in Providence, he was the son of the late Donald M. Gregory and Florence M. (Lane) Gregory. He was a graduate of Boston University and Suffolk University Law School and a member of the Rhode Island Bar Association. He practiced law in North Kingstown for over 40 years and was active in his community. He was a member of the Providence Art Club, Wickford Art Association, and served on the board of directors at the Gilbert Stuart Museum. But above and beyond his role as an attorney, Don was also a true renaissance man – a passionate photographer, a writer, musician, painter, and lover of literature, art, and cooking. In addition to his wife, he leaves his two loving children: Andrew C. Gregory and his wife Mandy of Seattle, WA, and his daughter, Sarah K. George and her husband Leeson of London, England. He was the cherished grandfather of Hazel Skya Gregory and the brother of Faith M. Goepfert of Providence. He was the proud uncle of several nieces and nephews, and the cat dad to his much loved Reggae.

James R. McGuirk, Esq.

James Richard McGuirk passed away Saturday, May 6th, 2017, at the age of 71. James, known as Jim or Jake, was predeceased by his father James Arthur "Babe"

McGuirk, and mother Gertrude Monahan McGuirk. He is survived by his sister Marcia Mozzochi and her husband Donald; brother John and his wife Cathy Ripkey McGuirk; beloved wife, Jane Larson McGuirk; son Brian and his wife Kristin Wedel McGuirk; daughter Amy; and dog Brady. Jim was a lifelong resident of Providence's Elmhurst neighborhood, and member of St. Pius V Parish. He attended Providence College and spent a memorable and formative year abroad in Fribourg, Switzerland. He graduated with Honors in 1967. That year, he was accepted to the United States Navy's Officers Candidate School in Newport. Following his Naval service, he was accepted to Boston College Law School. Upon graduation, he worked in the Public Defender's Office in Providence, and then accepted a position as an associate at Edwards & Angell, LLP, in Providence. He spent the next 37 years there. At Edwards & Angell, Jim met the love of his life, the "best person I ever met," his wife Jane. Sharing and generosity were dominant themes of Jim's life, including the sharing of stories and jokes. He revelled in living out the Irish storytelling tradition and loved nothing better than to make a room full of people laugh. His family is blessed to have so many great jokes from him, and stories to tell about him.

Amedeo C. Merolla, Esq.

Amedeo "Armie" C. Merolla (Brigadier General, Ret.) 88, of Warwick passed away peacefully on April 28, 2017. General Merolla was the beloved husband of Norma H. "Kitty" (Barclay) Merolla for sixty-four years. Born in the Federal Hill section of Providence, he was the son of the late John and Olympia (Narducci) Merolla and a graduate of Mount Pleasant High School (1947), Brown University (1951), Harvard Law School (1954), the U.S. Army Command and General Staff College, and the U.S. Army War College. Over the course of his distinguished military career, he served in

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James E. Purcell
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In Memoriam (Continued)

the Military Police, JAG, Field Artillery, and Military Intelligence branches, including serving as State Inspector General of the RIARNG and as State Staff Judge Advocate of the RIARNG. In 1984, the United States Senate confirmed his appointment as a Brigadier General, making him the first Italian-American appointed as a General Officer in the history of the RIARNG. In 1985, he was appointed to the post of Assistant Adjutant General and Deputy Commanding General-Army of the RIARNG, in which he served until his retirement from the Army National Guard in 1987. Upon his retirement, he was appointed Commander of the Rhode Island State Defense Force and served in that capacity until 1997. In 2005, the Commander of the RIARNG appointed him to the honorary rank of Major General in the Rhode Island Militia. Among General Merolla's numerous military awards and decorations are the Legion of Merit, Meritorious Service Medal, and the Rhode Island Cross for Valor. General Merolla was a member of the Rhode Island and Massachusetts Bar Associations for over sixty years and, at the time of his death, was the senior managing partner of Merolla, Accetturo & Lough where he practiced with his daughter Katherine and son Steven. During his legal career, he served as Judge Advocate General and Assistant Providence City Solicitor as well as legal counsel to the Rhode Island Secretary of State, the Rhode Island Public Buildings Authority, the Director of the Rhode Island Department of Administration, and Congressman James Langevin. In addition, he was appointed by the Rhode Island Supreme Court to the Alternate Dispute Resolution Task Force, the Rules of Evidence Committee, the Committee for Admission to Bar, and the Committee on Clerkships. He was a former President of the Rhode Island Trial Lawyers Association, a past Member of the Board of Governors of the Association of Trial Lawyers of America, past President of the Board of Governors of the Rhode Island Association for Justice, and a past President of the Harvard Law School Association of Rhode Island. He formerly served as Chairman of the Warwick School Committee, Chairman

of the Warwick Bicentennial Committee, President of the Boys & Girls Clubs of Warwick (recipient of the National Man of The Year Award from the Boys Club of America), Co-Founder and President of the Warwick Figure Skaters, Trustee of St. Gregory the Great Church, President and Member of the Executive Committee of the Brown University Class of '51, Commodore and Perpetual Member of the East Greenwich Yacht Club, Grand Knight of the Dillon Council of the Knights of Columbus, Area Chairman of the United Way, Area Chairman of the Catholic Charities Fund, and the Rhode Island Publicity Chairman for then-Senator John F. Kennedy's presidential campaign. He is survived by his wife Norma and his four children: Katherine Merolla, Esq., and her husband Dr. George Kay; Julie Merolla and her husband Thomas Rolin; Major Sandra Merolla and her husband Major Daniel Hogan; and Warwick City Councilman and attorney Steven Merolla and his wife Michelle (Gardiner) Accetturo-Merolla. Amedeo was the beloved Papa to nine grandchildren: Jeremy, Nicholas, Matthew, Katie, Robert, Jennifer, Brianna, Madison, and Bella. He is also survived by his brother John and his wife Elaine, four nieces, one nephew, and seven grandnieces and grandnephews.

Vincent D. Morgera, Esq.

Vincent D. Morgera passed away in his Providence home. Vincent was born and raised in the Federal Hill neighborhood of Providence, RI. After high school, he enlisted in the U.S. Air Force and was stationed in Europe. He was honorably discharged after three years and returned home to Rhode Island. He graduated from the University of Rhode Island and St. John's University School of Law in New York City. Shortly after law school, Vincent went into private practice with a classmate in Harlem, NY defending the poor. Vincent also pioneered New York City's first legal aid clinic in Harlem. From there he went on to become a partner at a prestigious law firm where he specialized in admiralty, maritime and personal injury cases. After making his contributions in New York City, Vincent returned to

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In Memoriam (Continued)

Providence, RI. Vincent was a well-known member of the bar as a maverick and was known as a renaissance man who advocated fearlessly for his clients. He specialized in complex personal injury cases and medical malpractice cases. Some of his professional accomplishments in these cases received national notoriety including bringing the Rhode Island legal system into the national spotlight during a televised debate with Harvard law professor Alan Dershowitz. Vincent ultimately coined the name and reputation of Law Doctor after he formed a partnership with the late Barry Lang, M.D., J.D. Throughout his career Vincent helped countless individuals and families who sought his assistance. He also mentored many other lawyers throughout his practice and served as President of the Rhode Island Trial Lawyers Association, Chairman of the Superior Court Bench Bar Committee and on the Board of Governors of the American Association of Justice. He was one of the few who served as Proctor in Admiralty and Maritime law in Rhode Island. Vincent's significant other of 15 years was Lucia Maciel who passed in January 2016. Vincent was one of five siblings and is survived by his two sons and a grandson, his "favorite cousin," Dr. Richard Vincent Morgera and best friends, Donald Poissant and John Calcagni, Esq.

Francis J. Pickett, Jr., Esq.

Francis J. Pickett, 82, passed away on April 27, 2017. He was the husband of the late Virginia (McDonough) Pickett. Born in Providence, he was the son of the late Francis J. and Amelia (Jackvony) Pickett. A member of the RI Bar Association, he was appointed Counsel for the Department of Natural Resources, worked as a Special Assistant Attorney General and was a Probate Judge for the City of East Providence. He was employed as Special Counsel for the RI. D.O.T. before embarking on his most rewarding professional accomplishment as staff attorney in the Court Appointed Special Advocate (CASA) Program where he retired as Director in 2008. He proudly served in the Air National Guard. He is survived by his loving children, Francis J. Pickett III, and Kristin Abbruzzi, his adoring granddaugh-

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ter Virginia Grace Abbruzzi who he affectionately called "His Dumpling." He was the brother of Robert T. Pickett, and Eloise P. Pickett.

Jerome B. Spunt, Esq.

Jerome B. Spunt passed away on Sunday, April 30, 2017. He was a resident of RI, and a navy veteran.

Hon. Arthur N. Votolato

Retired Bankruptcy Judge Arthur N. Votolato, 86, passed away on Sunday, May 28, 2017. Earlier in the month, he celebrated the wonderful honor of being inducted into the Rhode Island Heritage Hall of Fame. Born in Providence, he was the son of the late Arthur N. ("Pop Pop") Votolato and Mary ("Honey") Tavani. He had a passion for flying and was always gracious in inviting any willing passengers to accompany him on quests for the best lunches at local airports. He is a graduate of the University of Rhode Island and Boston University School of Law. He was sworn into the Rhode Island Bar in 1956 and joined his father in the practice of law. He ran for Rhode Island Attorney General in 1962, and after losing to the incumbent, he became the Freeway Property Acquisition Coordinator at the Rhode Island Department of Transportation. He was Chief Counsel in charge of eminent domain and condemnation litigation. In 1968, Arthur was appointed as the first United States Bankruptcy Judge for the District of Rhode Island. He served continuously for 44 years, retiring in 2012. When he retired, he was the longest sitting bankruptcy judge with continuous service in the country. Anyone who came before Judge Votolato instantly knew he was different. He entered the courtroom without a robe, and instead of hearing the usual mantra "All Rise," all participants were asked to remain seated. He was the people's judge. He dispensed with formalities to demonstrate he was no different than those who appeared before him. Members of the bar often remarked that win or lose, you always felt as though you had your day in court before Judge Votolato because he was attentive, polite and respectful. He oversaw the bankruptcy of some notable Rhode Island Institutions,

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In Memoriam (Cont.)

including, Almac's, Rocky Point Amusement Park, Narragansett Clothing, Newport Creamery, American Shipyard, Bess Eaton Donut, and Twin River to name a few. Judge Votolato leaves the two loves of his life—his daughters: Dacia and Hera Votolato. He is also survived by his brother Gregory of the United Kingdom, his sister Dolores (“Bubbles”) Barchi of CT and several nieces and nephews.

Memoriam 2016 – 2017

George Babcock, Esq.	James R. McGuirk, Esq.
Joseph F. Baffoni, Esq.	Amedeo C. Merolla, Esq.
Paul J. Bordieri, Esq.	Benjamin A. Mesiti, Esq.
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Archibald B. Kenyon, Jr., Esq.	
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Raymond Alan LaFazia, Esq.	
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