



Rhode Island Bar Journal

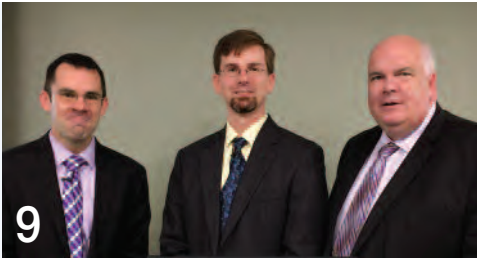
Rhode Island Bar Association Volume 65, Number 5, March/April 2017

**Recent Changes to the
Administrative Procedures Act**

**The Right to Bear Arms in Rhode
Island**

**Serving Legal Notice in the Absence
of Block Island Street Addresses**

BOOK REVIEW: *My Own Words*



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EAST BAY BIKE PATH, BRISTOL HARBOR, RI

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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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Using Technology to Our Benefit



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

It bears repeating that once fully-functional, the e-filing system will be a dramatic improvement. While the bugs are being worked out, I encourage patience.

To cop a phrase from Bill Reynolds, two minicolumns for the price of one:

A. E-Filing

By now, most members are aware that the state judiciary is in the process of transitioning from paper files to an e-filing system. Yes, there have been some complications with the transition. Those issues are discussed below. However, I respectfully suggest that a broader, historic perspective is beneficial.

The “old” system of paper filing carried with it substantial limitations. That system was inefficient and expensive. All of us who litigate can tell stories of files gone missing, delayed or undelivered pleadings and discovery, and the necessity to maintain and transport paper files, sometimes of substantial bulk. Any larger filing in a multi-party or multi-attorney case required the copying of multiple sets of voluminous pages, sometimes in the hundreds, all at great expense. And, online access of pleadings was non-existent. The new e-filing system eliminates the great majority of these problems.

The implementation of e-filing has had its difficulties — any new system generally does. I am acutely aware of these issues, as I have fielded many communications from members on this topic, and spent a good deal of time addressing these concerns.

Here’s what the Bar Association is doing to assist during the transition. The Technology Committee, and more particularly its Chairs, Tom Lyons and Michael Goldberg, have formed an ad hoc Committee regarding e-filing. That Committee extended invitations to all the bench-bar committees for representatives. The Committee’s purpose is to identify and prioritize issues, as they arise, and communicate with the judiciary about these issues and potential fixes.

I can report that the judiciary has been very responsive to the Committee’s input, and is working diligently towards a fully operational system.

I add, candidly, that not all of the input that the Bar has received regarding e-filing relate to

system problems. Some users are not adequately familiarizing themselves with the way with which the system operates. Additionally, some complaints are borne out of disaffection to change and the creep of technology, rather than issues with system functionality.

It bears repeating that once fully-functional, the e-filing system will be a dramatic improvement. While the bugs are being worked out, I encourage patience. If, in the interim, you have concerns that you want to address to the Bar Association, please contact the Technology Committee or, as always, me.

B. Bar Technology

One of the focuses for this year has been to improve the Bar’s use of technology to benefit members. This effort has taken two tangible forms. We are actively exploring ways to attract more persons using the internet for legal research and resources to the Lawyer Referral Service. The aspirational end-product is a limited self-help center that links to the Referral Service. We have investigated available options, and some states have initial products online that perform some, but not all of the functions we would like. These products also have some unresolved questions, such as the criteria for the selection process for recommended lawyers. We have also looked into development of a stand-alone product, but costs are prohibitive. We will continue looking until we identify an affordable product that is robust enough to deliver value for the Bar.

We are also in the process of tracking practice management programs that the Bar can provide as a member benefit. There is a specific product that has had a limited roll-out to certain states that appears promising, but is not quite ready yet. We will keep you informed on these efforts. ♦

Good Business for Good Lawyers

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



Attorney Denise Acevedo Perez, a new Lawyer Referral Service member, enthusiastically supports LRS. As a newer attorney and a solo practitioner, the Bar's Lawyer Referral Service is an invaluable resource. It has helped me build and broaden my caseload while also engaging in public service.

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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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
email: kbridge@ribar.com
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Recent Changes to the Administrative Procedures Act



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Introduction

Rhode Island's Administrative Procedures Act (APA) is codified at Title 42, Chapter 35 of the Rhode Island General Laws. The APA was originally adopted in 1962. In the 2016 legislative session, the General Assembly enacted a comprehensive overhaul of the APA! This article will highlight several significant aspects of the new law, which took effect on June 29, 2016.

Public Access and Transparency

Several aspects of the amendments focus on public access and transparency. Section 42-35-2 imposes various publication and recordkeeping requirements on agencies. Notably, agencies are now required to "publish and make available for public inspection a description of the process for application for a license, available benefits, or other matters for which an application is appropriate on its agency website, unless the process is prescribed by [other law]."² Additionally, agencies must "maintain and publish a separate, current, and dated index and compilation of all final rules filed with the Secretary of State, make the index and compilation available for public inspection and, for a reasonable charge, copying at the principal office of the agency; update the index and compilation at least monthly; and file the index and the compilation and all changes to both with the Secretary of State."³ The various documents that each agency is now required to produce and maintain must be posted on agency websites by December 31, 2018.⁴

In addition to improving the process by which citizens can access regulatory information from state agencies, the APA encourages state agencies to solicit input from members of the public, even before a formal rulemaking process begins. Section 42-35-2.5 allows agencies to "gather

information relevant to the subject matter of a potential rulemaking processing and... solicit comments and recommendations from the public." An agency may do so by "publishing an advance notice of proposed rulemaking in the state register and on its agency website, and indicating where, when, and how persons may comment before the rulemaking process begins."⁵ This procedure is discretionary rather than mandatory, and it remains to be seen whether advance notice of proposed rulemaking will become standard practice.

New Code of State Regulations

The previous version of the APA designated the Secretary of State as the codifier of rules of state agencies. Section 42-35-5(a) of the amended law now requires the Department of State to "publish on its website, in a searchable format, the full text of all rules promulgated by agencies." Furthermore, § 42-35-5(b) directs the Secretary of State to "oversee the publication of an updated code of state regulations." A crucial provision of the law is also included in this subsection: by December 31, 2018, agencies must resubmit all existing regulations to the Secretary of State, written in plain language, for publication into the new code of regulations. Any rules that are not resubmitted by this deadline and are not published in the code become unenforceable unless and until they are resubmitted in accordance with the law.⁶ Evidently, the Legislature did not want the regulatory overhaul process to stretch on for years, so it enacted a hard deadline with a significant consequence for agencies that fail to comply with this timeframe.

Cost/Benefit Analysis

Section 42-35-2.9 is new to the APA and requires agencies to perform a regulatory analysis as part of the rulemaking process. As it did before the 2016 amendments, the APA provides that agencies must "demonstrate that there is no alternative approach among the alternatives considered during the rulemaking proceeding which would be as effective and less burdensome to affected private persons as another regulation."⁷ Further, "an agency proposing to adopt any new regulation must identify any other state regula-

The definition of guidance documents explicitly excludes internal agency documents that do not affect public rights or procedures, advisory opinions of the Rhode Island Attorney General and Rhode Island Ethics Commission, and agency enforcement criteria or guidelines where disclosure to the public would allow circumvention of the law.

tion which is overlapped or duplicated by the proposed regulation and justify any overlap or duplication.”⁸ Now, in addition to this analysis, agencies are also required to perform a cost-benefit analysis “of a reasonable range of regulatory alternatives reflecting the scope of discretion provided by the statute authorizing the proposed rule.”⁹ The regulatory analysis must set forth the agency’s conclusion on whether the benefits of the proposed rule outweigh its cost.¹⁰ This provision of the law raises some interesting questions. For example, how can the Department of Environmental Management quantify the public benefits of rules protecting natural resources such as groundwater? How can the Department of Health compare the cost to restaurants of implementing food safety measures against the lives that could potentially be saved by such measures?

Direct Final Rulemaking

The APA now allows “direct final rulemaking,” which is a truncated procedure for rulemaking if an agency deems that the proposed rule is “expected to be non-controversial.”¹¹ For such rules, agencies

must still provide a concise explanatory statement at the time the rule is filed and must provide advanced notice of proposed rulemaking, as required by §§ 42-35-2.6 and 42-35-2.7.¹² A public comment period is not required. Rather, the agency must publish in the state register and on the agency’s website a statement that the agency does not expect the proposed rule to be controversial and that the proposed rule will take effect thirty (30) days after publication if no objection is received.¹³ If no objection is received within that time period, then the rule becomes final without any further action of the agency.¹⁴ If an objection is received, then the rule does not become final and the agency must proceed with the ordinary course of notice and comment rulemaking procedure.¹⁵

Guidance Documents

The APA now includes a new definition for “guidance documents.” A guidance document is defined as “a record of general applicability developed by an agency which lacks the force of law but states the agency’s current approach to, or interpretation of, law or describes how

and when the agency will exercise discretionary functions.”¹⁶ The definition of guidance documents explicitly excludes internal agency documents that do not affect public rights or procedures, advisory opinions of the Rhode Island Attorney General and Rhode Island Ethics Commission, and agency enforcement criteria or guidelines where disclosure to the public would allow circumvention of the law.¹⁷

A state agency may create guidance documents without following the ordinary notice and comment rulemaking procedures, i.e., without public input.¹⁸ A guidance document may include binding instruction to agency staff and an agency may rely on guidance documents in deciding a particular case, even if it is to the detriment of an individual involved in an administrative proceeding.¹⁹ However, if the agency relies on the guidance document in such a manner, any person affected by the agency proceeding must, at some stage in the proceeding, be afforded a reasonable opportunity to contest the legality or the policy wisdom of the position taken in the guidance document.²⁰

In a contested administrative adjudicatory proceeding, the decision-maker may

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rely on, but is not bound by, the position stated in a guidance document.²¹ However, whenever the agency varies from the position stated in a guidance document in a contested matter, the agency must provide a reasonable explanation for the variance.²² If a party relied upon the position of the agency stated in the guidance document, and variance from that position will cause detriment to the relying party, the agency must provide a reasonable explanation for why the need to vary from the guidance document in a particular case outweighs the affected party's detrimental reliance.²³

Each agency must maintain an index of all its guidance documents, which must be filed annually with the Secretary of State.²⁴ Each guidance document, and the index, must be made publically available and must be posted on the agency's website.²⁵ An agency may not rely upon a guidance document to the detriment of any party or cite the guidance document in a contested proceeding until it has posted the guidance document on its website.²⁶ Any person or entity may petition an agency to either promulgate a rule in place of a guidance document,

or may petition an agency to repeal or replace a guidance document.²⁷ Within sixty days of a petition, the agency may revise or repeal the guidance document, initiate proceedings to consider whether to revise or repeal the guidance document, or deny the petition, stating the reasons for denial.²⁸

It is simpler for an agency to create a guidance document rather than a formally promulgated rule, as a guidance document may be created without public participation and a rule requires a specified process for public input. Also, an agency may vary from the terms of a guidance document in a particular case. However, a formally promulgated rule carries "the force of law," while a guidance document does not.²⁹ Accordingly, a reviewing court will give considerable deference to a promulgated rule. When a formally promulgated rule provides a reasonable interpretation on an ambiguous question of law, courts are required to give deference to the agency's interpretation as stated in a properly promulgated rule.³⁰ However, "[i]nterpretations such as those in opinion letters—like interpretations contained in policy statements, agency manuals,

and enforcement guidelines, all of which lack the force of law," are not entitled to heightened deference.³¹ Instead, "[t]hey are 'entitled to respect,' but only to the extent that they are persuasive."³² Therefore, a reviewing court would provide deference to a formally promulgated rule, but would only rely on a guidance document to the extent that the court finds it to be persuasive.

The American Civil Liberties Union of Rhode Island (ACLU) has expressed opposition to the new guidance documents provisions added to the APA.³³ In a memorandum authored during the 2016 legislative session, the ACLU took the position that the guidance documents provisions were unnecessary because the APA's definition of a "rule" excludes internal management statements, memoranda, directives and communication that do not affect public rights.³⁴ Unlike these other internal documents, a guidance document is a "record of general applicability" that affects the rights of third parties.³⁵ Further, the ACLU expressed concern that guidance documents would allow agencies to create *de facto* regulations without public participation, while

Invitation to Exhibit

Rhode Island Bar Association Annual Meeting

June 15 & 16, 2017

Where can you get a two-day exhibitor space at an event attended by over 1,300 attorneys and judges for only **\$900**? At the **Rhode Island Bar Association Annual Meeting** on Thursday and Friday, **June 15th and 16th, 2017** at the Rhode Island Convention Center in Providence, that's where. And, since requests have traditionally exceeded the supply of available exhibit spaces, immediate applications are encouraged.

Exhibitor space is available in the comfortable and high-visibility location immediately in front of, and surrounding, the entrances to all Annual Meeting seminar rooms. Serving as the site for all meeting food and beverage breaks, these are excellent locations for attracting attendee attention. Each space costs \$900. This fee includes a draped six-foot table, two chairs and two tickets for all meals, including: Thursday Luncheon Buffet; Thursday Awards Reception; and Friday Annual Meeting Luncheon.

Exhibit space is limited, and previous exhibitors receive location preference, but there are still some spaces available. Please note that sending in an application does not guarantee a space as exhibit spaces are assigned based on availability and product and service mix. **Completed Exhibit Space Application Contracts are due no later than March 17, 2017.** Exhibit space assignment and confirmation occurs by March 31, 2017. Exhibit payment is due on or before space confirmation.

To receive 2017 Annual Meeting Exhibitor Application Forms, please contact the Bar's Director of Communications Kathleen Bridge by telephone: 401-421-5740 or email: kbridge@ribar.com.

at the same time being able to vary its position from those *de facto* regulations. The ACLU called it the “best of both worlds” for the agency: “avoidance of advanced public input and the ability to follow or not follow its policy as it sees fit.”³⁶

While the ACLU is correct that the new legislation could allow for agency overreliance on guidance documents, an agency would run a real risk by doing so. First, in attempting to vary from a guidance document, an agency may run into obstacles if third parties relied on the guidance document to their detriment. Estoppel is available against a state agency “where the agency or officers thereof, acting within their authority, made representations to cause the party seeking to invoke the doctrine either to act or refrain from acting in a particular manner to his detriment.”³⁷ If a party relies on a guidance document and the agency varies from the document to the party’s detriment, the agency may very well be subject to an estoppel claim.

Second, because a guidance document lacks the force of law, a reviewing court would not provide the guidance document with any heightened deference.³⁸

Therefore, a party seeking to invalidate a guidance document, or an action of an agency taken pursuant thereto, would have an easier time doing so than challenging a formal rule. Overreliance on guidance documents could be considered the worst of both worlds for an agency when a party challenges it in court: the guidance document is subject to an estoppel claim by third parties that wish to uphold it, but is not entitled to heightened deference when others seek to overturn it.

Rhode Island state agencies have been creating guidance documents even before the term was added to the APA in 2016. For example, in June of 2015, the Rhode Island Department of Environmental Management (DEM) created a document entitled Leaking Underground Storage Tank Program Guidance Document.³⁹ This guidance document, concerning the DEM’s regulation of underground storage tanks, was created before the new definition of “guidance documents” was introduced into the APA. Whether the new provisions in the APA regarding guidance documents will be an effective regulation of an existing practice, or, as argued by the ACLU, will lead to an overuse or

abuse of guidance documents, remains to be seen.

ENDNOTES

- 1 P.L. 2016, ch 203; P.L. 2016, ch. 206.
- 2 R.I. GEN. LAWS § 42-35-2(a)(3).
- 3 R.I. GEN. LAWS § 42-35-2(a)(6).
- 4 R.I. GEN. LAWS § 42-35-2(b).
- 5 R.I. GEN. LAWS § 42-35-2.5(a).
- 6 R.I. GEN. LAWS § 42-35-5(b).
- 7 R.I. GEN. LAWS § 42-35-2.9(b)(2).
- 8 *Id.*
- 10 R.I. GEN. LAWS § 42-35-2.9(b)(3)(i).
- 11 R.I. GEN. LAWS § 42-35-2.11.
- 12 *Id.*
- 13 *Id.*
- 14 *Id.*
- 15 *Id.*
- 16 R.I. GEN. LAWS § 42-35-1(9).
- 17 *Id.*
- 18 R.I. GEN. LAWS § 42-35-2.12(a).
- 19 R.I. GEN. LAWS § 42-35-2.12(b).
- 20 *Id.*
- 21 R.I. GEN. LAWS § 42-35-2.12(f).
- 22 R.I. GEN. LAWS § 42-35-2.12(d).
- 23 *Id.*
- 24 R.I. GEN. LAWS § 42-35-2.12(e).
- 25 *Id.*
- 26 *Id.*
- 27 R.I. GEN. LAWS § 42-35-2.12(g); R.I. GEN. LAWS § 42-35-2.12(b).
- 28 R.I. GEN. LAWS § 42-35-2.12(h).
- 29 R.I. GEN. LAWS § 42-35-1(19); R.I. GEN. LAWS § 42-35-1(9).
- 30 See generally *Chevron U.S.A. Inc. v. NRDC*, 467 U.S. 837 (1984).
- 31 See *Christensen v. Harris County*, 529 U.S. 576, 587 (2000) (emphasis added).
- 32 *Id.*
- 33 Memo on “Guidance Documents” and the Administrative Procedures Act, American Civil Liberties Union of Rhode Island (May 23, 2016) (on file with the authors).
- 34 R.I. GEN. LAWS § 45-35-1(19).
- 35 R.I. GEN. LAWS § 42-35-1(9).
- 36 Memo on “Guidance Documents” and the Administrative Procedures Act, American Civil Liberties Union of Rhode Island (May 23, 2016) (on file with the authors).
- 37 See *Ferrelli v. Department of Employment Security*, 261 A.2d 906, 910 (R.I. 1970).
- 38 *Christensen*, 529 U.S. at 587.
- 39 <http://www.dem.ri.gov/programs/benviron/waste/pdf/lustguid.pdf>. ❖

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Rhode Island Bar Association Volunteer Lawyer Program 30 Years of Pro Bono Service 1986-2016 2016 Highlights and Accomplishments

PROGRAM SUMMARY

In keeping with its mission, The Rhode Island Bar Association's Volunteer Lawyer Program (VLP) continued to provide legal assistance to those who cannot obtain legal representation either on their own or through other legal resources. Administered by the Bar Association for thirty years, the Volunteer Lawyer Program continues to offer many interesting opportunities for the private bar practitioner to handle pro bono cases. VLP membership provides a satisfying variety of experiences that cannot be duplicated elsewhere while opening the door to justice for low income citizens. Volunteer Lawyer Program attorneys impact their clients' lives in a significant and purposeful way. The contributions of volunteer attorneys are essential to the system of justice. The ethical commitment of the Bar Association to the delivery of pro bono assistance is reflected in the ongoing dedicated public service activities of its VLP members.

Education – A Member Benefit

Focusing on recruitment of VLP members is essential to respond to the needs of the community for pro bono assistance. The most effective method of member recruitment and retention is through sponsoring and providing free continuing legal education in cooperation with the Bar's Continuing Legal Education (CLE) department.

In 2016, the Volunteer Lawyer Program/Foreclosure Prevention Project sponsored two, free, three-credit seminars, *Rever\$e Mortgage: Ri\$k or Reward* and *Judicial Foreclosures: The Next Wave??*. Both seminars were offered free to all volunteer attorneys. These two outstanding seminars were held in August and October, respec-

tively. Volunteer attorneys who attended these sessions agreed to accept a pro bono foreclosure-related case or participate in a community outreach program.

Through the excellent efforts of the Public Service Involvement Committee, a subcommittee spearheaded by Attorney Barbara Margolis, designed a three-part family law series for 2017. *Custody Litigation & Related Issues*, is scheduled for March 28, April 7, and April 26, 2017. The topics include trial preparation, trial tactics/case preparation, and post-trial and special issues.

In addition to the free seminars that are sponsored by the VLP, Volunteer Lawyer Program members who contribute and report thirty plus hours of pro bono service annually are eligible to receive CLE coupons, to be used in the following calendar year, to attend one, *free*, three-credit seminar or three Food for Thought seminars of their choice. Instituted in 2009, this policy reflects the Bar's long standing support of pro bono legal assistance and public service.

Volunteer Recognition/Events

The Pro Bono Awards presentation was held at the Bar Association's Annual Awards Reception on June 16, 2016. Bar President Armando Batastini presented Attorneys Karen Davidson and Richard James with the Pro Bono Publico Award for their outstanding pro bono contributions through the Pro Bono Program for the Elderly and the Volunteer Lawyer Program.



Rever\$e Mortgage: Ri\$k or Reward (left-right) Sheila M. Cooley, Esq., Christopher M. Lefebvre, Esq. and Jeffrey C. Ankrom, Esq.



Judicial Foreclosures: The Next Wave?? (left-right) Jeff Gentes, Esq., Jeffrey C. Ankrom, Esq., and Christopher M. Lefebvre, Esq.



Elizabeth P. Santilli, Esq.
Continuing Service



Jack D. Pitts, Esq.
Continuing Service



William J. Balkun, Esq.
Continuing Service



Karen L. Davidson, Esq.
Pro Bono Publico



Richard H. James, Esq.
Pro Bono Publico

Attorneys William Balkun, Jack Pitts and Elizabeth Santilli were awarded the Continuing Service Award for their long-standing dedication and participation in the pro bono programs including the VLP, Foreclosure Prevention Project and Pro Bono Program for the Elderly. The amazing pro bono contributions of these five award recipients exceeded 800 hours!

30th Anniversary Celebration Highlights National Pro Bono Week

In honor of the American Bar Association's National Pro Bono Week in October, 2016, three community outreach events were held including a Collections Clinic for low-income citizens being constantly pursued by debt collectors. Two other general legal clinics were presented in the community. On October 28, a free seminar focusing on judicial foreclosures was offered to attorneys through the Foreclosure Prevention Project to recruit additional volunteers and increase case placement.

On October 27, a reception for volunteer attorneys was held at the Rhode Island Law Center to celebrate the 30th

Anniversary of the Volunteer Lawyer Program, 1986-2016. Chief Justice Paul Suttell offered his remarks and special recognition to the group for their dedication to the pro bono effort. All of the distinguished speakers saluted the tireless commitment of those who support and participate in the program. Robert Barge, Executive Director of Rhode Island Legal Services, Inc., presented President Batastini with an award for the 30-year anniversary of the Bar's administration of the VLP and reflected upon the successful, longstanding relationship between the Bar Association and Rhode Island Legal Services.

Placement Strategies

VLP staff attended numerous 2016 Continuing Legal Education seminars at the Rhode Island Law Center, as well as at off-site locations, where they recruited new attorney members and placed cases. Pro bono case summaries were prepared and distributed to attendees to emphasize the need for pro bono legal assistance and encourage participation. This was

one of several effective methods of case placement, in addition to the traditional direct calls to panel members and blast emailing. Direct mail was also used to promote free CLE offerings.

The majority of potential clients contacted the VLP by

telephone to request pro bono service. The public is continually referred to this program by the human service network, Rhode Island Legal Services and other legal assistance agencies, Internet/Rhode Island Bar Association website, law offices, the courts, and other sources.

In 2016, requests for assistance were accepted for bankruptcy, collections, consumer, education, employment, foreclosures, guardianships, landlord/tenant, license registry, non-profit, probate, tort defense, and family law issues.

Foreclosure Prevention Project

We continue to receive requests from clients in desperate need of assistance with foreclosure prevention and foreclosure relief matters. We look forward to expanding and strengthening private bar resources for assistance for our clients, especially in the area of prevention, in 2017. In 2016, the program received 82 requests for legal assistance in the area of foreclosure. Currently, there is an extreme need for attorneys to accept Chapter 13 as well as Chapter 7 bankruptcies. Recruitment of volunteer attorneys for bankruptcy is a priority.

Partners Overcoming Domestic Violence (PODV)

The PODV's development was finalized and the project initiated through the cooperative efforts of the Bar Association, Rhode Island Legal Services, Inc., Rhode Island Coalition Against Domestic Violence and Roger Williams University School of Law. With the dedicated volunteer efforts of new and seasoned attorneys, the project integrates legal, advocacy and social services to "facilitate access to high quality, free legal services to empower survivors of domestic violence and advo-



RI Supreme Court Chief Justice Paul A. Suttell; RI Bar Foundation President Michael A. St. Pierre, Esq.; RI Legal Services Executive Director Robert M. Barge, Esq.; Public Service Involvement Committee Chair Christine J. Engustian, Esq.; RI Bar President Armando E. Batastini, Esq.

cate for their safety.”

During February and March of 2016, new attorneys attended a comprehensive family law/domestic violence training program. Working in pairs with an experienced mentor, they were assigned a Volunteer Lawyer Program case involving domestic violence. These new attorneys have agreed to remain on the VLP program once their cases are finished. The following evaluation of the PODV is from Attorney Amy Veri whose initial case is complete.

“The PODV program is excellent. I learned a lot of practical information/ skills that I use almost daily. I enjoyed working with my attorney partner as our styles and skills meshed well. Together we were able to produce a favorable outcome for our client.”

Today Attorney Veri continues to be an active member of the Volunteer Lawyer Program.

Notes of Appreciation

Evaluations of the legal assistance received in 2016 reflect the amazing dedication of the volunteer attorneys and the sincere appreciation of the clients and referral agencies. These evaluations

emphasize the critical need for expanded and continued private bar involvement to protect the rights of our poorest citizens.

The following quote reflects the extent of the value of representation for those in dire need and mirrors so many comments received from our clients throughout the year.

I hope you are doing well. I wanted to write to express our sincere gratitude to you (and your organization) for the service you provide through the Volunteer Lawyer Program. It's been almost a year since I reached out to request help for someone who desperately needed legal counsel and advocacy for her domestic matter. The attorney's generosity of his time helped the client close one horrible chapter of her life and move on with new opportunities to support herself and her goals. Having the resources of your organization and the VLP was instrumental in the successful outcome of this case. It is truly appreciated and makes a difference to those who need help.

How Do I Get Involved?

We truly need your help and joining is easy! For information about the Volunteer Lawyer Program, please contact Susan Fontaine at: sfontaine@ribar.com or 401-421-7758. For your convenience, VLP membership applications may be accessed on the Bar's website at ribar.com and completed online. Once we receive your application, we will contact you.

The Rhode Island Bar Association's Volunteer Lawyer Program is funded by Rhode Island Legal Services, Inc. and the Rhode Island Bar Foundation. ❖



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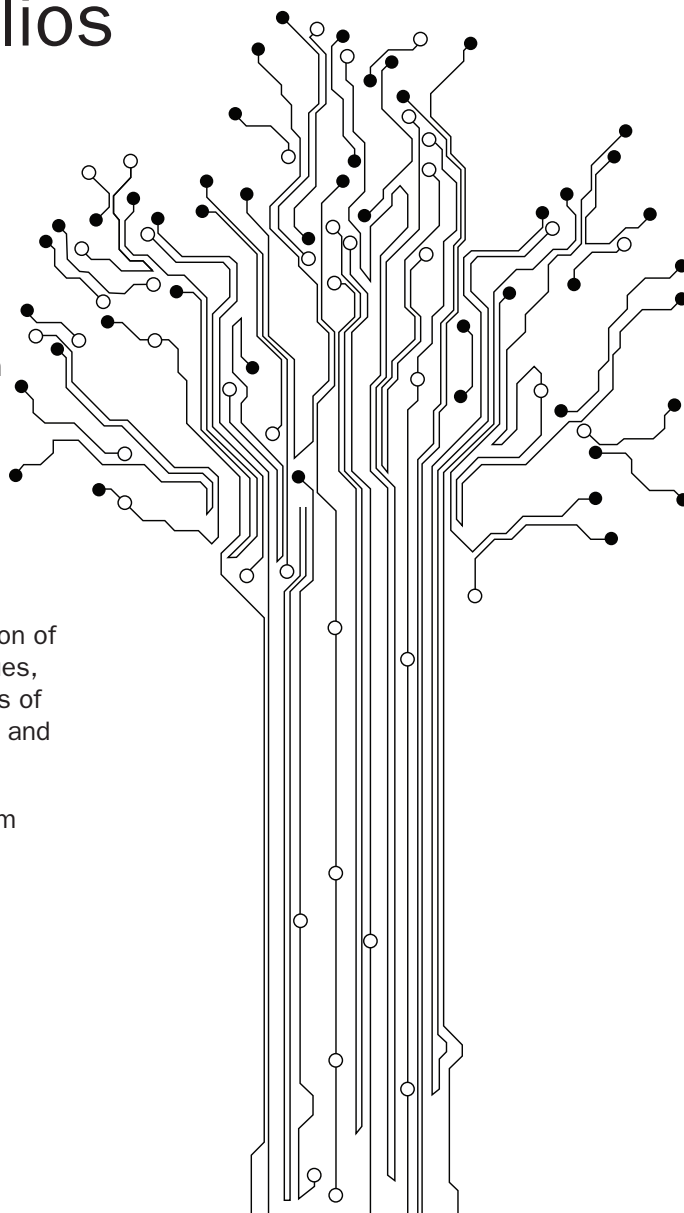
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The Right to Bear Arms in Rhode Island



David J. Strachman, Esq.
McIntyre Tate LLP

The requirements for reviewing concealed weapons applications exceed the general obligations of licensing authorities in more pedestrian matters because the license derives from, and is protected by, its constitutional origin.

Introduction

While the right to keep and bear arms has been the subject of heated political debate throughout the country, Rhode Island, too, has seen its share of litigation recently over the right to carry a concealed weapon. This follows the national trend whereby citizens are aggressively seeking to enforce and vindicate their civil rights under the Second Amendment and parallel state constitutional provisions.

Until fairly recently, this area of the law has been a disused backwater. For instance, virtually all of the leading constitutional law treatises failed to even mention the Second Amendment until 10 years ago. Largely, this orphaned civil right was neglected over the last several decades, and it took 69 years for the Supreme Court to revisit the Second Amendment after 1939's *seminal Miller* ruling.¹

Similarly, in Rhode Island, our Constitution has protected the right to keep and bear arms since 1842,² yet, until a decade ago, there were no Rhode Island rulings interpreting this fundamental right. In fact, it was not until 160 years later that our Supreme Court first had "the occasion to interpret the nature of the right provided by art. 1, sec. 22" of our Constitution.³

Beginning in 2002, a series of local rulings and decisions have begun to create a body of law addressing the civil rights of Rhode Islanders with respect to the right to keep and bear arms. These cases have built significant precedents, attracted national attention, and follow the trend of Second Amendment civil rights litigation throughout the country.

Not surprisingly, most of the litigation revolves around the licensing of citizens to carry concealed weapons. These cases uniformly show that Rhode Islanders' civil rights have been repeatedly trampled on and disregarded. Applicants are routinely denied even the most basic due process when seeking to exercise their constitutional rights in this area. For instance, one recurring problem is that although municipalities are obligated to grant licenses to carry

concealed weapons to qualified applicants, many refuse to even accept or process applications, despite several Superior Court rulings over the last 15 years granting writs of mandamus against towns for this contumacious behavior.⁴ In one of the most egregious cases, a representative of the Providence Police Department testified that for "some twenty-two years, it has been the unwritten policy and/or practice of the City of Providence and its police chief not to entertain firearm permits."⁵ The city also indicated that it did not "believe that it has the authority to issue gun permits because it doesn't have a licensing authority as the City understood that term in the general statutes of the state."⁶ The court was incredulous and granted the writ.

Another problem is the failure of municipalities to heed the Supreme Court's rebuke. For example, in 2015, East Providence was chastised for applying the wrong statutory standard, when amongst other errors, "As conceded by respondent's counsel at oral argument, an incorrect standard was utilized in conducting the review of petitioner's application. Indeed, a perusal of East Providence's written policy on the carrying of weapons reveals that it is an inappropriate amalgamation of §§ 11-47-11 and 11-47-18."⁷ Nonetheless, it repeated the very same mistakes throughout the next year in at least a half dozen cases, four of which were litigated and caused the Supreme Court recently to quash denials of each application to carry a concealed weapon permit.⁸

The Right to Bear Arms in Rhode Island

The Rhode Island Supreme Court has recognized that the constitutional right to bear firearms, though not absolute, requires that state and municipal licensing authorities who are statutorily charged with reviewing concealed weapon permit applications, may not act indiscriminately.⁹ The requirements for reviewing concealed weapons applications exceed the general obligations of licensing authorities in more pedestrian matters because the license derives from, and is protected by, its constitutional origin. Unlike most other governmental licenses, an application under the Firearms Act is directly

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and explicitly sourced in “the constitutional guaranty to keep and bear arms.”¹⁰ This requires that the municipal licensing authority exercise particular care in reviewing applications for carry permits.

In order to prevent the unrestrained and indiscriminate exercise of authority and to thwart licensing bodies from devolving into unreviewable star chambers, a review of a weapons application must comport with basic due process protections,

Having provided adequate guidance to the licensing bodies, it is within the province of the courts to review the licensing decision here to ensure that the General Assembly’s intent is being effectuated. The opportunity for judicial review of a licensing body’s decision under the Firearms Act is especially important when considering the nature of the right sought to be vindicated through the application process. As a matter of policy, this Court will not countenance any system of permitting under the Firearms Act that would be committed to the unfettered discretion of an executive agency. Although the court’s authority to review the decision is limited, it is not nonexistent. One does not need to be an expert in American history to understand the fault inherent in a gun-permitting system that would allow a licensing body carte blanche authority to decide who is worthy of carrying a concealed weapon. The constitutional right to bear arms would be illusory, of course, if it could be abrogated entirely on the basis of an unreviewable, unrestricted, licensing scheme. Such review is available through a common-law writ of certiorari.¹¹

The Rhode Island Firearms Act

The Firearms Act contains two paths to obtaining a license to carry a concealed weapon. The municipal licensing statute is a “mandatory” provision requiring that “an applicant who meets the criteria set forth in R.I. Gen. Laws § 11-47-11 is entitled to a gun permit... the licensing authority shall issue a permit to a suitable person who meets the requirements set forth in the statute.”¹² The mandatory nature of the R.I. Gen. Laws § 11-47-11 permit is distinguished from the Attorney General’s “discretionary” permit derived from R.I. Gen. Laws § 11-47-18, which contains “may issue”



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language and “confers broads discretion upon” his office “to issue or decline to issue gun permits.”¹³ In R.I. Gen. Laws § 11-47-11’s “shall issue” provisions, the General Assembly has determined that once the formal requirements are met (i.e. age, citizenship, etc.), an applicant cannot be denied a license by a municipal licensing authority except upon a finding that he is “unsuitable as a matter of law, including convicted felons, habitual drunkards, mental incompetents, illegal aliens, and anyone who has failed to meet the minimum firing qualification score.”^{14,15}

In interpreting the Firearms Act, the Supreme Court clarified that these sections create “two separate and distinct” statutory mechanisms, “Because the Firearms Act provides for both discretionary and mandatory licensing to qualified applicants, the constitutional guarantee to keep and bear arms is fulfilled.”¹⁶

Procedural Issues

When reviewing a concealed weapon application, a municipal licensing authority must carry out the General Assembly’s mandate to,

determine the existence or nonexistence of the facts upon which the enactment is intended to operate, *State v. Conragan, supra* 58 R.I. at 322, 192 A. at 757, or as Chief Justice Marshall said almost two centuries ago, to permit them ‘to fill up the details.’ *Wayman v. Southard*, 23 U.S. 1, 19, 6 L.Ed. 253, 263 (1825).¹⁷

This delegated fact finding function must be purposeful and “adhere to minimum procedural requirements.”¹⁸ Applicants are “entitled to know the evidence upon which the department based its decision and the rationale for the denial.”¹⁹ These procedural safeguards ensure that the licensing authority does not become a “master of puppets.”²⁰

The Court has previously discussed the importance of proper adjudication of applications to carry concealed weapons stating,

Because anyone who meets the conditions of § 11-47-11 is entitled to a gun permit, this mandatory requirement supplies the necessary safeguards to the right to bear arms in this state and vindicates the rights set forth in art. 1, sec. 22, of the Rhode Island Constitution.²¹

Often, the municipal authority reviewing a concealed weapon application omits

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making a factual determination. This error is fatal, as a “decision that fails to include findings of fact required by statute cannot be upheld.”²² Similarly, the failure to cite the applicable legal standard constitutes grounds for reversal.²³

Municipalities reviewing license applications must apply “legal principles in such a manner that a judicial body might review a decision with a reasonable understanding of the manner in which evidentiary conflicts have been resolved and the provisions of the” relevant legal provisions “applied.”²⁴ A decision of “any municipal board or agency that acts in a quasi-judicial capacity” cannot be evaluated as “unless these minimal requirements are satisfied, [otherwise] judicial review of a board’s work is impossible.”²⁵

Accordingly, the Supreme Court granted certiorari when Bristol’s police chief issued a brief, vague and unsupported denial of an application to carry a concealed weapon which stated “only that he was denying petitioner’s application for the latter’s failure to meet the criteria in applicable statute,”

He did not discuss those criteria, nor did he make the necessary findings to support his determination that petitioner had failed to meet them. This Court has stated that its task when deciding a case on certiorari is “to discern whether any legally competent evidence supports the lower tribunal’s decision and whether the decision[-] maker committed any reversible errors of law in the matter under review.”

Pastore v. Samson, 900 A.2d 1067, 1073 (R.I.2006)(quoting **Cullen v. Town Council of Lincoln**, 850 A.2d 900, 903, R.I.2004). However, the absence of findings to support the decision under review renders this task impossible.²⁶

In the context of a *discretionary* gun permit application, the Supreme Court has determined that an adequate record must be made in order to permit judicial review,

To review a decision on certiorari, however, certain procedural steps must be employed to allow a meaningful review by this Court.

We hold that the Attorney General must adhere to minimum procedural requirements when rejecting an application filed under § 11-47-18. A rejected applicant is entitled to know the evidence upon which the department

based its decision and the rationale for the denial. Armed with this information, an aggrieved applicant can petition this Court for a writ of certiorari so that we may review the department's decision for error of law. In conducting such a review, this Court will not weigh the evidence nor substitute its judgment for that of the fact finder... Rather, we will inspect the record to determine whether the department's findings are supported by any legally competent evidence.²⁷

Thus the Court has indicated that in firearms licensing matters it will follow the jurisprudence regarding more pedestrian review of municipal licensing decisions which typically provides,

Under no circumstances could the terse denial of petitioners' application, without findings of fact, application of legal principles, or indeed, any reasonably decipherable statement of the board's conclusion, meet the standards that we have previously laid down. This decision is in effect a nullity and could not form the basis for judicial review either by the Superior Court or by this court.²⁸

Thus, the Court most recently stated,

A local licensing authority need not write a decision rivaling *War and Peace* in length, but its decision must still address the salient reasoning for the denial of a license. In doing so, the necessary findings to support the determination must be made, and "[t]hose findings must, of course, be factual rather than conclusional."²⁹

Of particular assistance to Rhode Islanders, is the Supreme Court's willingness to exercise continuing jurisdiction over municipalities once it has quashed a municipality's denial of an application. For instance, in *Gendreau*, the Court granted certiorari and specifically directed a new decision to be issued within a specific period of time. Importantly, the Court retained jurisdiction over the matter and ruled that the applicant could petition again if dissatisfied with the result of the remand without even filing an additional filing fee.³⁰

Additional subjects for future litigation

While, as indicated above, the basic permitting issues have been addressed by the Supreme Court, many additional concerns have never been decided by any court. For example, some towns seek to

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impose mental health requirements that go far beyond the statutory criteria, even to the extent of mandating that applicants pass a police stress test before they will consider an application for a concealed weapons permit. Other municipalities demand that applicants execute mental health releases allowing the town access to decades of confidential information. One town even demands access to an applicant's financial records!

A charged issue without a definitive ruling from the Supreme Court is the exact nature and status of a firearms license. For instance, under R.I. Gen. Laws § 11-47-12, a license is valid for four years unless revoked. Frequently, the basis for granting a license by the Attorney General's office or a municipality is the applicant's employment as security professional. If the applicant terminates his employment, the Attorney General takes the position that a license which was explicitly conditioned on employment is automatically suspended. Also, whether the Attorney General even has the right to issue lesser or restrictive licenses has never been determined. The issue so far has only been litigated in the context of a criminal case wherein the Superior Court found that a holder of a suspended license is not "unlicensed" for criminal purposes.³¹

Additionally, some cities and towns have enacted their own ordinances concerning the concealed weapons permitting process, including adding new requirements such as a specific training, that exceed the statutory authority in the Firearms Act.³² While as yet not challenged, municipal legislation on this issue violates the state preemption contained in R.I. Gen. Laws § 11-47-58.

ENDNOTES

- 1 *U.S. v. Miller*, 307 U.S. 174 (1939) (upholding ban of private ownership of certain guns).
- 2 Matzko, "The obstruction of Rhode Island's clearly expressed constitutional right to bear arms: *Mosby v. Devine*," *Roger Williams Univ. L.R.* (Spring 2006). Arguably, the right to bear arms in Rhode Island has an even earlier source, the 1790 Bill of Rights which, however, explicitly couched the right in a military context.
- 3 *Mosby v. Devine*, 851 A.2d 1031, 1038 (R.I. 2004).
- 4 *Archer v. McGarry/Smithfield*, 2002 WL 32182164 (R.I. Super. 2002) (police chief's six year "policy" was to never issue licenses). Some towns virtually taunt applicants and will only grant an application after an applicant has filed suit seeking a writ of mandamus.
- 5 *Gillette v. Esserman*, 2009 WL 9409621 (R.I.



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Super. 2009)(transcript June 8, 2009).

6 *Id.*

7 *Gadomski v. Tavares*, 113 A.3d 387, 393 (R.I. 2014).

8 *See, i.e., de La Cruz v. Parella*, 2016 WL 6395934 (R.I. 2016).

9 *Mosby*, 851 A.2d 1031, *Gendreau v. Canario*, 2013 WL 6230071 (R.I. 2013).

10 *Mosby*, 851 A.2d at 1048.

11 *Id.* at 1050-1051.

12 *Id.*

13 *Id.*

14 *Id.* at 1048.

15 *But see Canario v. Gendreau*, 2016 WL 2946169 (D.R.I. 2016)(upholding Bristol's policy requiring a show of "need").

16 *Id.* at 1047.

17 *State v. Storms*, 112 R.I. 121, 127, 308 A.2d 463, 466 (1973).

18 *Mosby*, 851 A.2d at 1051.

19 *Id.*

20 *Id.* at 1050. *See also Gendreau v. Canario*, 2013 WL 6230071 (R.I. 2012).

21 *Id.*, 851 A.2d at 1048.

22 *Sakonnet Rogers, Inc. v. Coastal Resources Management Council*, 536 A.2d 893, 897 (R.I. 1988).

23 *Cullen v. Town Council of Town of Lincoln*, 850 A.2d 900, 905 (R.I. 2004)("The second, and more problematic, deficiency in the council's decision is its failure to cite any provision of the town's ordinances, or any other legal authority for that matter, upon which it based its rejection.").

24 *Thorpe v. Zoning Bd. of Review of Town of North Kingstown*, 492 A.2d 1236, 1237 (R.I. 1985).

25 *Id.*

26 *Gendreau v. Canario*, 2013 WL 6230071 (R.I. 2013) (remanding case to town but retaining jurisdiction).

27 *Mosby*, 851 A.2d at 1050-1051.

28 *Zammarelli v. Beattie*, 459 A.2d 951, 953 (R.I. 1983).

29 *Gadomski*, 113 A.3d 387 (R.I. 2014).

30 *Gendreau*, 2013 WL 623071, *see also Gadomski*, 113 A.3d 387.

31 *State v. Capwell*, K2-02-753.

32 For example, in 2015, the Warwick City Council enacted a detailed licensing regime in Ordinance Sec. 6-72. ♦

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Block Island

To ensure legal notice is given, you must send Certified or Express Mail with a signature required, and, the use of Assessors Plat number and Lot number as an address. The use of post office box or personal delivery is strongly recommended.

The settlers on Block Island in 1661 were dissenters from the Puritans. They were followers of Anne Hutchinson and chose an island to settle with no port for Puritan gunships to land. Today, Block Islanders continue as dissenters from mainland standards. For years, newcomers tried to get street numbers adopted, but the New Shoreham Town Council refused, most recently in the 1990s when the town's first full time town manager requested street numbers.

The reason the town never adopted street numbers is because about two-thirds of the island's houses are on private rights of way which mostly had no names, and some people did not want to be found easily. There did come a time when the Block Island Volunteer Fire and Rescue Department, Inc. (BIVFRD) decided they needed fire numbers to help new department members locate homes. BIVFRD is a non-profit corporation which contracts with the town. Its workers are mostly volunteers. The fire numbers are still only in the 1800s and are given out chronologically. When they got to four digits there came a time when teens were used to differentiate sections of the island, e.g. 15xx, 16xx, 17xx.

The only addresses adopted by the town are Assessors Plats (AP) and Lots, in the form Assessors Plat 21 Lot 100 (not a real number). Originally, the assessors only used the AP numbers referencing the closest public street or road. At some point, fire numbers were added. At first, there was a comma after the number, but the information technology (IT) people/assessors dropped the comma. In some cases, the fire number could be a half mile from the closest public road. This problem was compounded since the town has not adopted any new public roads in decades. Due to bank, insurance company, and mainland realtors and their IT people, the form, for example, "1900 Corn Neck Road" is used.

Fire numbers are now linked to GPS and 911. This allows the most inexperienced rescue squad member to find the emergency location. How-

ever, these numbers are still not adopted as street addresses.

Block Island has no street delivery or Rural Free Delivery (RFD). So, not only is 1900 Corn Neck Road *not* an address, it does not receive mail deliveries, and that causes a notice problem. All mail is sent from and received at the United States Postal Service office in Old Harbor, Block Island. This raises an important legal issue: how do you give notice? In 2006, the United States Supreme Court (SCOTUS) decided **Jones v. Flowers!**¹ In this case, there was a tax sale of property with a physical notice made on the building and publication. The county had actual knowledge of the taxpayer's mail address, but did not give him notice. His ex-wife was temporarily living in the house and did not inform the taxpayer of the situation. His daughter notified him when a sheriff came to evict the family after a tax sale. Even though it was five years later, SCOTUS voided the sale. The **Jones** case highlights the critical legal importance of identifying a Block Island taxpayer's actual postal address, as opposed to the addresses assigned for fire protection.

Almost all residents on Block Island have post office boxes, and a few residents get general delivery. Because there is no mail delivery on Block Island, the Postal Service does not charge box rent to property owners. Federal Express and UPS do deliver to fire numbers. It is possible to give legal notice, because UPS and Federal Express employ Block Island delivery people who know the island houses and now use GPS. For instance, the IRS, for some purposes, allows the use of Federal Express overnight delivery with proof of delivery.

Recently, Block Island Postal Service has cut back hours and mail must still be brought to the post office. To ensure legal notice is given, you must send Certified or Express Mail with a signature required, and, the use of Assessors Plat number and Lot number as an address. The use of post office box or personal delivery is strongly recommended.

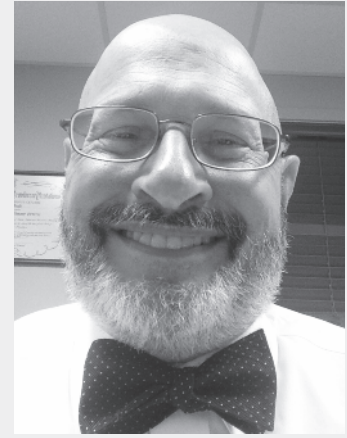
¹ 547 U.S. 220. ♦

Child Support and the Kids Card



The Family Court Bench Bar Committee, chaired by Jane F. Howlett, Esq., sponsored a one-credit CLE approved presentation, "Child Support and the Kids Card," on Tuesday, January 10th, at the RI Law Center. The 50-minute seminar, presented by Attorney Sharon Santilli, Child Support Director, Office of Child Support Services for the State of Rhode Island, discussed the "Kids Card" which is issued to recipients of child support in Rhode Island. Attorney Santilli and her staff set forth the funding procedure for a "Kids Card," the proper use of the card, as well as the practical operation of the card. The program also featured a question and answer segment to engage attendees on the subject, which affects many recipients of child support in the state. The program is available for purchase On Demand on the Bar's website, under Online CLE Seminars.

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BOOK REVIEW

My Own Words

by Ruth Bader Ginsburg with Mary Hartnett
and Wendy W. Williams



Amy G. Rice, Esq.
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...Justice Ginsburg praised other women advocates throughout American history who helped crack open the door for women and legal professions. She reminded us that the law was once reserved for male lawyers.

As a female attorney and liberal, I was interested in reading the new book about one of our United States Supreme Court Justices, Ruth Bader Ginsburg. When I read that she did twenty push-ups each morning in a bit of trivia in the RI Women's Bar Association newsletter, I confirmed she was an intriguing idol. I believe any nonfiction reader would enjoy this book and most lawyers and historians would devour its contents.

The book, entitled *My Own Words*, is written by Justice Ginsburg with Mary Hartnett and Wendy Williams, both of whom are professors at Georgetown Law, and her authorized biographers who will pen a full-length biography. It is not the first book about Justice Ginsburg, but it is her first since becoming a Supreme Court Justice in 1993. The book is not an autobiography or memoir, but a compilation of her writings, including briefs and speeches on a variety

of topics such as: being Jewish; law and lawyers; opera; and looking at history and other countries as it relates to the U.S. Constitution. It is a fascinating read into the life of one of America's most influential women and jurists.

Justice Ginsburg has an interesting biography. She was born in 1933 to a Jewish family in Brooklyn, and grew up in a working-class multicultural neighborhood. A scholar and thoughtful person since her youth, in 1946, while in 8th grade, she wrote an article in the school's newspaper. She recognized the Charter of the United Nations as the 5th greatest document after the Ten Commandments, Magna Carta, Bill of Rights and Declaration of Independence, "because of all the benefits to humanity which came about as a result of their fine ideals and principles," which apparently began her interest in social justice. She was to be the commencement speaker at her high school graduation, but missed it to mourn the death of her mother two days before. She was a research assistant for her constitutional and civil liberties advocate professor, Robert Cushman, who urged her to go to law school.

She attended Harvard and Columbia University Law School, graduating in 1959, where she

later taught after teaching at Rutgers Law. She was instrumental in launching the ACLU Women's Rights Project, and became the leading advocate in the Supreme Court for gender equality. She was appointed by President Jimmy Carter to the U.S. Court of Appeals for the D.C. circuit in 1980 and to the U.S. Supreme Court by Bill Clinton in 1993. In 2009, *Forbes* named Ginsburg among the 100 Most Powerful Women, while *Glamour* named her one of their Women of the Year in 1993, and in 2012 presented her with their Lifetime Achievement Award. In 2015, *Time* listed her as an icon in the Time 100, and in 2016, *Fortune* named her one of the world's greatest leaders.

On a blind date in 1950, while studying at Cornell Law School, she met her life partner Martin Ginsburg, who later became a tax attorney, law professor and a major supporter for her career. They were truly ahead of their time, as he did the cooking and she did the taxes. The book, dedicated to Mr. Ginsburg, includes a chapter written by him, with remarks he made when he introduced her on the occasion of the 20th Anniversary of the Women's Law and Public Policy Fellowship Program at Georgetown University Law Center in 2003. Justice Ginsburg credits Marty for coaching her in the birth of their son; as editor of her articles, speeches and briefs; as remaining always at her side through two bouts of cancer; and for gaining a seat on the Supreme Court. The book includes a chapter from a speech he wrote for the Tenth Circuit Court of Appeals annual conference that she ended up reading as she lost him in 2010. It was about a tax case he asked her to read to which she replied, "I don't read tax cases." He told her to read that one. It was about a man who was denied a tax deduction because it only applied to women, a married couple, or a divorced or widowed man, none of which applied to him. After reading it, she decided to take the case. The amount in controversy was only \$296.70. She won. This little case helped address hundreds of federal statutes in the Tax Code. The spouses of her colleagues compiled and published a collection of his recipes titled *Chief Supreme* (Washington, DC: Supreme Court



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Historical Society 2011) as a memorial to Marty.

The book consists of five parts: *Early Years and Lighter Side*; *Tributes to Waypavers and Pathmarkers*; *On Gender Equality: Women and the Law*; *A Judge Becomes a Justice*; and *The Justice on Judging and Justice*. In part five, she remarks on the inner workings of the Supreme Court practices in *Work Ways of the Supreme Court*, which should be very interesting to attorneys and law students.

Naturally, she wrote of her infamous friendship with the late Justice Antonin Scalia (with whom she was opposite in ideology) and the witty and interesting opera, one of her passions, written for the both of them. Composer Derrick Wang authored *Scalia/Ginsburg: A (Gentle) Parody of Operatic Proportions*, a comedy in one act inspired by the two Justices' opinions and classical music. I shared her sentiment that "If I could choose the talent I would most like to have, it would be a glorious voice."

She was a trailblazer but acknowledged that she was not alone. In part two, Justice Ginsburg praised other women advocates throughout American history who helped crack open the door for women and legal professions. She reminded us that the law was once reserved for male lawyers. For example, she writes of Belva Lockwood, who was the first woman admitted to the Supreme Court bar and who also ran for president in 1884 and 1888, well before women won their right to vote in 1920. She credits Gloria Steinem, the face of feminism, and Sandra Day O'Connor, the first woman justice on the U.S. Supreme Court. She wrote of her former colleague Justice O'Connor, with whom she credits for "avoid(ing) castigating colleagues opinions, as Orwellian." She also wrote of notable Supreme Court wives.

Part three covers her use of legal skills to advocate and advance women as equals before the law, which was during the earliest years of the women's liberation movement. As an appellate lawyer, she won a series of precedent-setting cases in the 1970s on gender equality. She wrote an article for the ABA entitled *The Need for the Equal Rights Amendment*. The ERA fell three states short of ratification but was advanced.

Part Five includes a tribute to Chief Justice Rehnquist. There is a chapter enti-

tled *Human Dignity and Equal Justice Under Law*, where Justice Ginsburg speaks about **Brown v. Board** and **Loving v. Virginia** to show how these decisions advanced the cause of freedom and equal protection under the law for all. It contains her perspective on the role of dissents and seven of her recent bench dissents in cases such as *Ledbetter*, *Vance*, *Shelby*, *Fisher*, *Sebelius*, *Hobby Lobby* and *Carhart*. She also discusses the value of foreign law.

The main theme, I would say, in *My Own Words* is on gender and human equality and individual rights, and how she, and others, believed in and worked as a pioneer on addressing such crucial topics.

While I enjoyed reading this book, particularly as a feminist, non-fiction reader and law junkie, I believe it could have included more of her current thoughts aside from her previous writings. For example, in chapter four entitled *The Need for the Equal Rights Amendment*, it is primarily her 1973 article with the same title, and like most of the previously published articles, edited based on the length and context. But then it ends. At least the brief prelude states, "In 2014, speaking at the National Press Club in Washington, D.C., she explained why she would like to see the principle of gender equality spelled out in the United States Constitution, 'I would like to see my granddaughters, when they pick up the constitution, to see that notion – that women and men are persons of equal stature – I'd like them to see that is the basic principle of our society.'" We have come a long way, but obviously still face challenges, sadly.

Justice Ginsburg's writings span 70 years. She truly is a Renaissance woman, particularly for gender parity, and has been a women's rights crusader. Now an octogenarian, a women's rights icon, former law professor, appellate advocate, Judge, Justice, and arguably the biggest contributor to law on gender equality, nears the conclusion of one of the most distinguished careers of any living person. The writings in this book indicate an admirable perseverance for the administration of justice and law, which is particularly inspirational during our current national discourse. ❖

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Slip and Fall Cases



Slip and fall cases are one of the most common tort cases, yet successfully trying one can be a complicated task. At the January 12th Food for Thought seminar, held at the RI Law Center and also available as a live webcast, Henry S. Monti, Esq., discussed how to avoid the “pitfalls” involved in handling such cases, along with tips on presenting the sometimes complicated proofs needed to prevail. Attendees learned how to deal with defenses such as notice, open and obvious, assumption of the risk, and comparative negligence. Attorney Monti offered special direction on how to defend a summary judgment motion, which often nips these cases in the bud before they can bear fruit. This program is available for purchase and credit On Demand on the Bar’s website, under Online CLE Seminars.

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March 2
Thursday
Food for Thought
How to Ethically Market Your Practice in the Digital Age
RI Law Center, Cranston
12:45 p.m. – 1:45 p.m., 1.0 ethics

March 7
Tuesday
2017 DUI Laws and Hardship Licenses
RI Law Center, Cranston
1:30 p.m. – 4:00 p.m., 2.0 credits + 0.5 ethics

March 15
Wednesday
A Practical Skills Seminar
Residential Real Estate Closings in Rhode Island
RI Law Center, Cranston
9:00 a.m. – 3:00 p.m., 4.0 credits + 1.0 ethics

March 22
Wednesday
Food for Thought
Banks: What Lawyers Should Know, But Don't
RI Law Center, Cranston
12:45 p.m. – 1:45 p.m., 1.0 credit
Also available as a LIVE WEBCAST

March 28
Tuesday
Custody Litigation & Related Issues
Session One: Trial Preparation
RI Law Center, Cranston
3:00 p.m. – 6:00 p.m., 1.0 credit + 2.0 ethics

April 4
Tuesday
Food for Thought
How to Ethically Market Your Practice in the Digital Age
Phil's Main Street Grille, Wakefield
12:45 p.m. – 1:45 p.m., 1.0 ethics

April 6
Thursday
Food for Thought
Opening Statements
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12:45 p.m. – 1:45 p.m., 1.0 credit
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April 7
Friday
Custody Litigation & Related Issues
Session Two: Trial Tactics & Case Presentation
RI Law Center, Cranston
12:00 p.m. – 3:00 p.m., 2.5 credits + 0.5 ethics

April 25
Tuesday
Persuasive Writing in the Trial Courts
RI Law Center, Cranston
3:00 p.m. – 5:00 p.m., 2.0 credits

April 26
Wednesday
Custody Litigation & Related Issues
Session Three: Post Trial & Special Issues
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3:00 p.m. – 5:00 p.m., 1.5 credits + 0.5 ethics

April 27
Thursday
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Reminder: Bar members may complete three credits through participation in online, on-demand CLE seminars, and receive live credits for attending online, live webcasts. To register for an online seminar, go to the Bar's website: ribar.com and click on CONTINUING LEGAL EDUCATION on the left side menu.

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

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

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

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

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Lawyers Helping Lawyers Committee Members Protect Your Privacy

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

SOLACE Helping Bar Members in Times of Need

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.

**RHODE ISLAND
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Online Attorney
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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.



**DCRI
Food Drive**

Defense Counsel of Rhode Island (DCRI) Young Lawyers Division Co-Chair Kristina Hultman, Esq., DCRI President John F. Kelleher, Esq., and DCRI Executive Director Michael B. Isaacs, Esq., with the food collected by DCRI members and donated, with contributions, to the Rhode Island Community Food Bank. Kelleher noted, "This is the seventh year that our association has collected food at the holiday season. We had great support from our members and I am pleased that we could be of assistance to the food bank and the families they serve."



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Rhode Island Bar Foundation

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

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

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Questions? Please contact Virginia Caldwell at 421-6541

or gcaldwell@ribar.com

The Rhode Island Bar Association's **free**, web-based, **online Attorney Directory** provides an excellent means for your colleagues and clients to quickly connect with you.

Searchable by last name, first name or both, your Bar's online Attorney Directory serves as an easy means for you to communicate with your colleagues, and for clients and potential clients to connect with you. Attorney Directory contact information may include the Bar member's name, photograph, law office name, postal address, email address, telephone number, and facsimile number. And, email addresses are live, so simply clicking on a Directory email address creates a pre-addressed communication.

Access is easy through the **Attorney Directory** button at the top of the Rhode Island Bar Association's web site Home page at ribar.com. Bar members may update their information directly, online, via the **Members Only** feature on upper right corner of the Bar's website Home page. After logging in using your user name and password, you may click on the **Member Maintenance** button and update your information. This automatically updates both the Bar's secure and private database for home contact information and populates the publically-accessible, business-information-only online Attorney Directory. As an alternative, Bar members may provide address or other contact changes by connecting with the Rhode Island Bar Association's Office Manager Susan Cavalloro by email: scavalloro@ribar.com or telephone: 401-421-5740. Attorney Directory photographs must be emailed to Ms. Cavalloro, provided in a jpg format of no smaller than 300 dpi.

Lawyers on the Move

William M. Daley, Esq. is an associate at **Robinson+Cole**, One Financial Plaza, Suite 1430, Providence, RI 02903. 401-709-3335 wdaley@rc.com rc.com

Patricia J. Igoe, Esq. is now the partner in charge at **Robinson+Cole**, One Financial Plaza, Suite 1430, Providence, RI 02903. 401-709-3325 pigoe@rc.com rc.com

Sarah T. Lemke, Esq. is now a partner at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903. 401-274-2000 slemke@hinckleyallen.com hinckleyallen.com

James E. McAleer, Esq. is now of counsel at **Scott & Handwerger, LLP**, 690 Warren Ave., East Providence, RI 02914. 401-421-7966 or 401-654-6770 jfmcaleer@att.net

Stephen M. Miller, Esq., of the law firm of **Stephen M. Miller and Associates** in Providence, has been named as the new Rhode Island Coalition for the Homeless (RICH) Board of Directors President.

Amy T.M. Oakley, Esq. is now a partner at the law firm of **Duffy & Sweeney, LTD**, 1800 Financial Plaza, Providence, RI 02903. 401-455-0700 Aoakley@duffysweeney.com

John A. Pagliarini, Jr., Esq. is now of counsel to **Sayer Regan & Thayer, LLP**, 130 Bellevue Avenue, Newport, RI 02840. 401-849-3040 x218 jpag@srt-law.com

Kevin N. Rolando, Esq. is now a partner at **Gunning & LaFazia, Inc.**, 33 College Hill Road, Suite 25B, Warwick, RI 02886. 401-521-6902 krolando@gunninglafazia.com gunninglafazia.com

Marie Theriault, Esq. (formerly Marie T. Roebuck) is now the Broker/Owner of **Ocean Roads Realty LLC**, 238 Robinson St., Ste. 4, Wakefield, RI 02879. 401-447-4148 oceanroadsrealty@gmail.com oceanroadsrealty.com

Timothy Zabbo, Esq. is now of counsel at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903. 401-274-2000 tzabbo@hinckleyallen.com hinckleyallen.com

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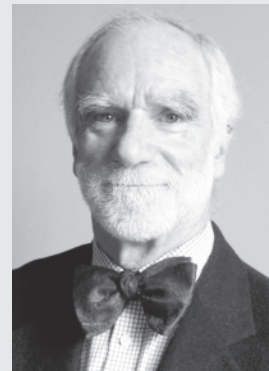
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In Memoriam

Archibald B. Kenyon, Jr., Esq

Archibald B. Kenyon, Jr., 89, passed away at South County Hospital in Wakefield on December 9, 2016. Archie, as he was known, was the son of the late Elsie (Smith) and Archibald B. Kenyon, and brother of the late M. Thelma Kenyon. For over 60 years, he practiced law, first in Providence, and then, for nearly 50 years, in the law firm now known as Kenyon Law Associates, LLP in Wakefield, Rhode Island. He was admitted to the Rhode Island Bar in 1954 and continued to practice law up until days before his death. At various times, he served as town solicitor in the towns of South Kingstown and Richmond. Born in 1927, Archie grew up a swamp Yankee, hunting and fishing in rural Usquepaugh, Rhode Island, where his grandfather and then father owned the Kenyon Grist Mill, where corn meal for Johnny Cakes was ground. He graduated from South Kingstown High School and served in the U.S. Navy. After graduating from the University of Rhode Island and Georgetown University Law Center, he settled in Wakefield with his wife Elizabeth Ann, known as Betty Ann. For many years, Archie served as the South Kingstown Town Moderator. He leaves many dear friends from URI Tau Kappa Epsilon, Point Judith Yacht Club, the Elks, the Dunes Club, Point Judith Country Club, and River Bend Athletic Club. Archie was also a long time congregant of Christ the King Church. In his forties, he discovered a passion for sailing, racing every Sunday in his Cape Cod Knockabout on Point Judith Pond. After Betty Ann passed away in 1998, Archie sold their house and purchased a larger sailboat, at age 76. After dutifully polling his family, he named the vessel what they all knew he would: Betty Ann. Archie was a model for living a life of adventure, good humor, and kindness, to his children Susan Kenyon and her late husband Rick Abrams, Stephen Kenyon and his wife Laura, Michael Kenyon and his partner Tom Stockton, John Kenyon and his wife Renee, and grandchildren Archie Abrams, Caitlin Euler and her husband Richard, Kelly Kenyon LeValley and her husband Matt, Stan Abrams, Sydney

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Donald A. McDonald, Esq.

Donald A. McDonald, 92, of Providence, died peacefully on Wednesday, December 14, 2016 at Linn Health Care Center. He was the beloved husband of Anne (Viens) McDonald. Born in New Bedford, MA, he was the son of the late John A. McDonald & Evelyn (Bilodeau) McDonald. Mr. McDonald was a graduate of Boston University Law School. He was partner in the firm of Little, Little, & McDonald for many years until his retirement. He is survived by his wife and three children, Susan, David and Ellen; his four grandchildren John, Sarah, Kathryn and Caroline; and his two great grandsons Wyatt and Jackson.

Kathleen M. Spangler, Esq.

Kathleen M. (Buffum) Spangler, age 66, of Wakefield, died on June 28, 2016, at the Philip Hulitar Hospice Center in Providence. Born in Providence, a daughter of Ann M. (Henry) Buffum of Narragansett, and the late William J. Buffum, she lived in South Kingstown for over 40 years. Kathleen was a 1970 graduate of the University of Rhode Island, and earned a Master's Degree from URI, and a law degree from Suffolk University. Kathleen retired in 2005 as the Acting Director of the RI Department of Mental Health, Retardation & Hospitals after a 30-year career in state service to children, mental health, the developmentally disabled, and hospital services. A master weaver, Kathleen was a member of the Complex Weavers, the Handweavers Guild of CT, and the RI Weavers Guild, and a treasured member of the Octogon Weavers. She was an active parishioner at Christ the King Church in Kingston. In addition to her mother, she is survived by a daughter, Christine E. Hoerning and her husband Rainer of Cham, Switzerland; three grandchildren, Anna Sophia, Lucas, and Eric; a sister, Maureen A. Healey and her husband Edward of West Greenwich; two nieces, Jennifer St. Jean and her husband Neil, and Kaitlyn O'Hala and her husband

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Proposed Title Standard 7.16 Open for Bar Member Review and Comment

The Rhode Island Bar Association's Title Standards and Practices Committee, chaired by Michael B. Mellion, Esq., at their meeting on January 19, 2017, voted unanimously to submit the following Proposed Title Standard 7.16 to the Rhode Island Bar Association's Executive Committee for its consideration. Bar members are invited to comment on these proposed changes, no later than April 1, 2017, by contacting Rhode Island Bar Association Executive Director Helen Desmond McDonald by postal mail: 41 Sharpe Drive, Cranston, RI 02920 or email: hmcDonald@ribar.com.

Proposed Title Standard No. 7.16

SECTION VII CONTINUED

STANDARD NO. 7.16

MORTGAGE DISCHARGE NOT RECORDED IN ALL CITIES OR TOWNS WHERE MORTGAGED PROPERTY IS LOCATED

In those cases where a single parcel of land straddling the border between two or more cities or towns is encumbered by a mortgage recorded in each city or town, and a discharge of that mortgage has been recorded in at least one of such cities or towns, it will not be necessary to require the recording of a discharge in each city or town, and the recorded discharge will be deemed to constitute a valid and effective discharge of the mortgage recorded in the other cities or towns, provided that:

- (a) The discharge states that mortgagee has received full payment and satisfaction of the mortgage, or that the discharge is given for good and valuable consideration, or words to that effect, and
- (b) The discharge includes the correct mortgage recording information for any one of the cities or towns, and
- (c) The discharge does not purport to release, or have the effect of releasing, only the portion of the mortgaged property located in that city or town.

COMMENT: An attorney involved in a current transaction should continue to monitor the land evidence records of each city and town where the land is located to ensure that a discharge correctly referring to the mortgage recording information is recorded in each such city or town.

In Memoriam

Christopher; three grandnieces, Victoria, Zoey, and Yolandie St. Jean; and an uncle, the Rev. Joseph P. Henry of Jamestown.

Harold H. Winsten, Esq.

Harold H. Winsten, 96, passed away peacefully on January 9, 2017. He was the husband of Ada Winsten and the late Anita Winsten. Born in Central Falls, RI, he was the son of the late Abraham and Leah (Cokin) Weinstein. A lifelong resident of Rhode Island, he was the loving father of Saul (Patricia) Winsten, Nancy (Robert) Weisman, and Royce Winsten, and stepfather of Martha (Howard) Marson and Paul Tanenbaum and brother of the late Joseph and Saul Winsten. He was the zayde/papa/grandpa of ten grandchildren and four great-grandchildren. His family was the light of his life. A graduate of the University of Rhode Island and Boston University Law School, he practiced law for fifty-five years. Besides his passion for his wife, he had a love for the law and sailing. He was a talented sculptor and was very active outdoors. His favorite place to relax was on Martha's Vineyard. He was active on several committees in the Bar Association, was a district chair of the Boy Scouts of America in Blackstone Valley, a commander of the Rhode Island Jewish War Veterans, a chair of the youth committee at Pawtucket YMCA, and did a great deal of pro bono work, especially with children. During WWII, he was sent by the army to Yale University for a year. He became fluent in Japanese and went to Japan to interrogate Japanese war prisoners.



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Seeking Law-Related Education Program Attorney Volunteers!

Your Bar Association supports law-related education (LRE) for Rhode Island children and adults through three, longstanding programs: *Lawyers in the Classroom* and *Rhode Island Law Day* for upper and middle school teachers and students, and the *Speakers Bureau* for adult organizations. Responding to LRE requests, Bar volunteers are contacted – based on their geographic location and noted areas of legal interest – to determine their interest and availability.

If you are interested in serving as a LRE volunteer, please go to the Bar's website at ribar.com, click on **FOR ATTORNEYS**, click on **LAW RELATED EDUCATION**, click on **ATTORNEY ONLY LRE APPLICATION**. All Bar members interested in serving as LRE volunteers, now and in the future, *must* sign-up this year, as we are refreshing our database.

Questions? Please contact: Kathleen M. Bridge, Director of Communications at: **401-421-5740**.

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Caption Th\$! Contest

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

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

How to Enter: Submit the caption you think best fits the scene depicted in the cartoon by sending an email to kbridge@ribar.com with "Caption Contest for (issue months here)" in the subject line.

Deadline for entry: Contest entries must be submitted by the 1st of the month prior to the next issue. For example, for the March/April issue cartoon, captions must be received by April 1st, to be published in the May/June issue.

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



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 Staff telephone extensions or direct lines and email addresses appear beneath their titles and names.
 Information concerning Bar-related programs and services may be directly accessed via the Bar's website at ribar.com.

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Tanya Nieves

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Susan J. Cavalloro

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See the Bar's web site for more information

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Membership/Status

Inquiries *Susan J. Cavalloro*

News Media Inquiries

Kathleen M. Bridge

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Kathleen M. Bridge

Rhode Island Bar Foundation

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Scholarship Program/Grants

(401-421-6541) *Virginia M. Caldwell*

Website Inquires

Kathleen M. Bridge

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