Rhode Island Bar Journal

Rhode Island Bar Association Volume 67. Number 5. **March/April 2019**

Artificial Intelligence and Legal Education

Requiring Security for Costs in Rhode Island Litigation

Learning From Millennials in the Legal Workspace

Ada Sawyer: Not Stopping

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FEATURES

Front Cover Photograph by Brian McDonald

RI Office of the Attorney General – Attorney General Julius C. Michaelson Customer Service Center, Cranston, RI The RI Office of the Attorney General opened their new customer service in the summer of 2018, offering criminal background checks and consumer protection operations. It is located at 4 Howard Avenue in Cranston.

RHODE ISLAND Bar Association 1898

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

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Bugs, Briefs, and Betting – A Mid-Term Report

Carolyn R. Barone, Esq.
President
Rhode Island Bar Association

To all new lawyers, know your value and what you bring to the table. It equals that of our experienced attorneys. You are the future of the Rhode Island Bar Association.

As president of the Rhode Island Bar Association, I have had the opportunity to travel out of state and meet bar officers and executives throughout the United States and its territories. These opportunities have arisen in connection with the New England Bar Association and the National Conference of Bar Presidents. Out of the five New England states, only the Rhode Island and New Hampshire bar associations are unified (meaning membership is mandatory). The New England Bar Association has one Annual Meeting that takes place in October, and the site of the meeting rotates from one state to the next.

This past October, Vermont was the host state and the meeting was held at the Equinox Resort in Manchester, Vermont. Rhode Island was represented by current and past RI Bar officers, our executive director, Helen McDonald, and the Honorable Paul Suttell, Chief Justice of the Rhode Island Supreme Court. The opening seminar featured the Chief Justices who were asked to highlight the most pressing judicial issues now facing that state's legal system. I had little doubt that Chief Justice Suttell was going to address the influx of self-represented litigants in our state courts, including the Supreme Court, as being this state's most pressing issue. I was wrong. At the time of this October 2018 meeting, Chief Justice Suttell announced that his most pressing issue was the influx of bed bugs in the Garrahy Complex and how to get rid of them while keeping the employees, litigants, and lawyers safe from bug bites. Although attendees in the audience chuckled, no other Chief Justice on the panel was laughing. Each of them admitted their struggles with the insects and echoed their frustration in keeping these uninvited guests out of their own courthouses.

I'm keeping my fingers crossed. All seems to be quiet at One Dorrance Plaza. Periodic reports confirm that those pesky little *cimex lectularius* finally got very bored listening to arraignments, "T&E" trials (of which they were often major players, by the way) and nominal divorce hearings (where they never could grasp the concepts of "different lifestyles" and "growing apart") and, therefore, moved on and out. From my selfish point of view, I kept scratching my head while wondering, with trepidation, whether their presence was going to be my legacy as your bar president. May there be no sequel to this story.

I had previously reported to the membership that in May 2018, the RI Supreme Court Unauthorized Practice of Law Committee submitted (to the Court) separate reports containing specific findings and recommendations following investigational hearings on three complaints filed with the UPL Committee. All three complaints arose out of separate real estate transactions and alleged that non-attorneys, absent authority, had engaged in various facets of the real estate closing process. The Rhode Island Supreme Court issued separate orders on June 18, 2018 and directed that all three matters be assigned for oral argument, and that each respondent be prepared to argue specific issues set forth in the Court's orders as it pertained to that individual respondent. The Supreme Court also invited the Rhode Island Bar Association and other interested parties to file briefs as *amici curiae*.[1] Through the efforts of our members, specifically Nicole Benjamin, Tom Lyons and Richard Ratcliffe, the Bar Association's amici briefs have been filed. In addition, a motion has been filed by our attorneys to participate in oral argument before the Supreme Court. As of the time I am writing this message, the Supreme Court has not addressed our motion to argue and has not assigned the cases for oral argument. I will keep you posted.

I cannot sufficiently express my gratitude to Attorneys Benjamin, Lyons and Ratcliffe for the incredible amount of time and effort they have willfully devoted to the research and writing of the Association's briefs. They are volunteers, and despite their heavy caseloads and commitments, not only to their private clients who pay for their services but to their firms, as well, they performed yeomen's work on our behalf. The quality of their work on these briefs is without parallel. When you have an opportunity, please make a point to thank them for their time and efforts.

While I am on this subject, I want to highlight the work of another Bar Association volunteer, your past president, Armando Batastini. Armando served as bar president from 2016-2017. From

1 ***See In re Daniel S. Balkun and Balkun Title & Closing, Inc.,*** *No. 2018-162-M.P. (UPLC 2017-1); In re SouthCoast Title and Escrow, Inc., No. 2018-163—M.P. (UPLC 2017-7); and* ***In re William E. Paplauskas, Jr.*** *No. 2018—161-M.P. (UPLC 2015—6).*

the time his term ended, he has not stopped volunteering his services to the Association. At the moment he is working on issues integral to the Bar. Please, when you see Armando, say, "Thank you."

Allow me to change gears for the moment and address how you can be a volunteer. Rhode Island will celebrate Law Day on Friday, May 3, 2019. The theme is, "Free Speech, Free Press, Free Society." The purpose of Law Day, a day of national celebration, is to have American citizens reflect on the role law plays in every facet of their lives and what their lives would be like without the rule of law. The Bar Association, the RI Judiciary and RI public and private schools celebrate in concert by having teams of judges and lawyers travel to schools and engage with students on what freedoms of speech and press and a free society mean to them. Be a part of this discussion, and place these students on a path toward protecting these freedoms for themselves and for future generations. Consider this to be the best civics lesson in which you will ever participate. The Bar Association will provide you with all the materials you need to engage with the students and make this a successful partnership. Back in the day, asking the question, "Can you shout 'fire' in a crowded theater?" began and ended the discussion on freedom of speech. That day has changed. Think "Colin Kaepernick." Think "Fake News." Think "Snapchat, Facebook, Instagram." Think about the positive impact you will have on 7th through 12th grade students who are dealing with these issues daily. Being an active participant in Law Day is a great way to fulfill your sworn duty and obligation as a lawyer to defend the Constitution and uphold the rule of law.

I am embarrassed to tell you that this will be my first involvement with Law Day. For 38 years, I came up with every lame excuse possible not to volunteer. I finally got the message. If you have any hesitation about joining me in being a part of Law Day 2019, call me and we will chat. For now, let me leave it at, "Don't be like Carolyn. Be like Nicole, Armando, Tom and Richard." Be a volunteer for Law Day.

In January of this new year, I attended the mid-year meeting of the National Conference of Bar Presidents, an organization providing information and training to state and local bar association leaders. The programs run from morning to late afternoon and address topics germane to unified bars, as well as voluntary, local and infinity bars. The NCBP meeting I just attended took place at Caesar's Palace in Las Vegas. I want to share with you my takeaway from this meeting. Through the hard work of our executive director, the Bar staff, our House of Delegates, Executive Committee, and standing committees, the state of the Rhode Island Bar Association is excellent. We have in place long-standing member benefits that other bar associations are just now thinking about. Other Bar Associations are amazed that we offer and sustain a two-day annual meeting packed with CLE seminars, outside speakers, and over a thousand lawyers in attendance. To sustain this success, we need the involvement of all members. We need you on our committees. We need you to make the commitment and become an officer. To all new lawyers, know your value and what you bring to the table. It equals that of our experienced attorneys. You are the future of the Rhode Island Bar Association.

Let me do a quick recap. Bugs? Check. Briefs? Check. Betting? Let's do an about-face and go back to Caesar's Palace. I am neither now, nor have I ever been, a gambler. However, while at the NCBP conference in January, I stumbled upon one of only two 25-cent slot machines in the entire Caesar's Palace casino. I begrudgingly took out a five-dollar bill, put it in the machine, and started pressing a button and continued pressing that button until I saw I had 30 credits. That was enough for me. I cashed out and came home $7.50 richer. Anything else that happened in Vegas is staying in Vegas. ◊

Rhode Island Law Day Friday, May 3, 2019

This year's Rhode Island Law Day is Friday, May 3rd. The classroom program topic is ***Free Speech, Free Press, Free Society***. For more information, visit the Bar's website, go to FOR THE PUBLIC, and 2019 LAW DAY.

There is still time to volunteer to participate if you have not done so already! Bar members interested in volunteering for Rhode Island Law Day and the Bar's other Law Related Education (LRE) programs are asked to contact the Bar's Member Services Coordinator Erin Bracken by telephone: (401) 421-5740 or email: ebracken@ribar.com.

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 are not the official view of the Rhode Island Bar Association. Letters to the Editors are welcome.

Article Selection Criteria

> The *Rhode Island Bar Journal* gives primary preference to original articles, written expressly for first publication in the *Bar Journal*, by members of the Rhode Island Bar Association. The *Bar Journal* does not accept unsolicited articles from individuals who are not members of the Rhode Island Bar Association. Articles previously appearing in other publications are not accepted.

> All submitted articles are subject to the *Journal*'s editors' approval, and they reserve the right to edit or reject any articles and article titles submitted for publication.

> Selection for publication is based on the article's relevance to our readers, determined by content and timeliness. Articles appealing to the widest range of interests are particularly appreciated. However, commentaries dealing with more specific areas of law are given equally serious consideration.

> Preferred format includes: a clearly presented statement of purpose and/or thesis in the introduction; supporting evidence or arguments in the body; and a summary conclusion.

> Citations conform to the Uniform System of Citation

> Maximum article size is approximately 3,500 words. However, shorter articles are preferred.

> While authors may be asked to edit articles themselves, the editors reserve the right to edit pieces for legal size, presentation and grammar.

> Articles are accepted for review on a rolling basis. Meeting the criteria noted above does not guarantee publication. Articles are selected and published at the discretion of the editors.

> Submissions are preferred in a Microsoft Word format emailed as an attachment or on disc. Hard copy is acceptable, but not recommended.

> Authors are asked to include an identification of their current legal position and a photograph, (headshot) preferably in a jpg file of, at least, 350 d.p.i., with their article submission.

Direct inquiries and send articles and author's photographs for publication consideration to:
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Artificial Intelligence and Legal Education

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Law schools need to embrace the increased presence of AI as research tools in the legal profession and adjust their curriculum accordingly.

ANY OPINIONS EXPRESSED HEREIN ARE SOLELY THOSE OF THE AUTHORS.

Introduction

Let's be frank, Artificial Intelligence (AI) can be a scary thing. The concept of machines that think has been around in science fiction for quite a while. Think of HAL, the supercomputer of the 1968 film *2001 – A Space Odyssey*, who ultimately turned against his astronaut companions and became a cold-blooded killer.[1] Or recall the tormented monster in Mary Shelley's *Frankenstein*, when the monster says, "You are my creator, but I am your master" (admittedly, the creature was a compilation of human parts, but you get the concept).[2] If you are an attorney, or preparing to become one, you probably have heard speculation of whether AI will replace lawyers, and if so, how. Understandably, this can be a cause for concern. What is lesser known is the impact this has on formal legal education, and how the legal education is adjusting to address the changing legal landscape. This article explores the emergence of AI technology into the legal profession and offers insights as to how it can be addressed by law schools.

AI in the Legal Profession and Law Students

There seems to be a conflict between the pace that innovation occurs in the practice of law versus the speed it occurs in technology, especially in the case of AI technology for legal research tools. The legal practice is predominantly a prescriptive field as it focuses on legal precedent, making room for innovation, a sometimes arduous and slow process. AI legal technology companies seeking to break into the field and become as ubiquitous as Westlaw or LexisNexis move exponentially faster than the profession. For instance, in the past year, ROSS Intelligence has introduced new practices of law to its AI databases. Their website now states that "ROSS' scope of coverage now encompasses American case law from all practice areas" and all state statutes and regulations. Their website represents that firms using ROSS reported that they experienced finding more legal authorities and using less time to do so, all of which increases efficiency.[3] The increasing speed of technology innovation advancing to AI legal technology tools arguably threatens the status quo. This technology could be seen as a danger to the practice of law, which is interesting since the notion that the practice of law is in decline as a profession has been discussed since at least the mid-1990s.[4] The focus of that discussion was often on the quality of life as a lawyer. This is still a concern as the legal profession has remained relatively unchanged; however, in the last couple of years, legal technology tools have become increasingly mainstream, and there exists concern that technology could *replace* lawyers. Law students are aware of this. Law School Transparency Data Dashboard recently reported that overall, first-year enrollment in law schools in 2017 has declined since 2010 by approximately 25%.[5] A recent article in *USA Today* suggested that this steady decline has contributed to several mergers of law schools (e.g. Hamline University and William Mitchell College of Law in Minnesota), and in some instances, closure, for example, Whittier Law School. In an article published in 2017, writer Greg Toppo in *USA Today* opined that "As several trends hit the law profession—fewer graduates, fewer jobs and the specter of growing automation in legal services—experts say more law schools could take a hit."[6]

There is speculation that the automation provided by AI legal technology tools will lead to fewer jobs. In a recent blog post, Professor Christian Sundquist, of Albany Law School, expressed the view of many when noting that some legal employment opportunities are being taken over by AI, especially opportunities for first-year lawyers.[7] It is important to note two different types of consumers for the AI legal technology tools: attorneys and members of the public who need legal assistance. The tools for both markets have similar functions such as natural language searches, legal document review, and basic legal research, but are tailored based on the consumer's legal expertise. LegalZoom, for example, on its website, purports to assist a person in the preparation of legal documents covering a wide array of topics including, but not limited to, business formation, wills and trusts, and help with intellectual property matters (the website indicates it offers self-guided programs and an independent network of associated attorneys).[8] Companies with AI tools marketed towards attorneys include functions such as legal research, basic memo checking, legal discovery

and even drafting, in some cases. This work has been referred to as lower rung legal functions that are traditionally done by new lawyers, often recent law school graduates. Some believe that lawyers who do these functions will need to change their focus or face the prospect of being without a job.[9]

This is not to say that the legal profession is going away. Many argue that these AI technological advancements will allow and provide more opportunities for those willing to work with the AI. To take advantage of these opportunities, it is vital that attorneys and law school students know what the emerging technologies are and how to work with them. In looking at the impact of AI on legal education, many of the articles consist of websites and blogs sponsored by companies working in the field. The relative lack of scholarly resources on the topic indicates the newness of the AI technology and research tools (although admittedly, the topic is being discussed with increasing frequency). AI technology could make lawyers more efficient, and thereby ultimately increase the *demand* for lawyers, lawyers with strong AI skills. Yet even this viewpoint acknowledges that the progress of AI could impact *how many* legal positions and opportunities are available in the future.[10]

Education is at the center of the future of the legal profession. There is pressure to provide an education to law school students which will make them competitive in the legal market. Law schools need to embrace the increased presence of AI as research tools in the legal profession and adjust their curriculum accordingly. Legal educators are aware of the impact of AI on the legal profession, but in general, the coursework students need is still in the developmental stages. Brian Dalton, writing on the website Above the Law 2020, wrote of one survey of law schools which reported that "barely one-fifth" of the surveyed schools responded that the schools were working new legal technology into coursework (although more were considering doing so). Dalton also reported that as of spring 2018, approximately ten percent (10%) of ABA-accredited law schools held a course on artificial intelligence. Dalton reported that among several academics who were asked, the consensus was "AI had yet to meaningfully arrive as a teaching tool."[11]

Michael Robak, Associate Dean at the University of St. Thomas School of Law, recently wrote a blog post about a panel he moderated at the CALIcon June 2018 Conference. This panel consisted of recent law school graduates. Robak reported that the opinion of the students was that there existed "a need to increase law school administration and faculty awareness that legal technology is a real path for future opportunities and employment."[12] Further, the students opined about a need for more learning and access to legal technology within the law school setting. They also suggested that adjunct teachers and clinical faculty were very helpful in this type of teaching.[13]

That said, courses are being offered in AI application by some law schools. Some schools even have programs. For example, LegalRnD – The Center for Legal Services Innovation at Michigan State University, offers a curriculum of course offerings with titles that include Artificial Intelligence & Law, Delivering Legal Services: New Legal Landscape, Information Privacy and Security Law, and E-Discovery, among others.[14] At many schools, however, these courses and programs, if they exist, are in their infancy. For many law school students, their experience is that AI education is self-directed, that the students interested in AI must seek out individuals who can assist them.[15]

Some Suggestions to Consider

So, what are some suggestions for law school education?

SUGGESTION 1. *Identify the skills which are, and will be, needed to successfully practice law in the twenty-first century.*

Professor Sundquist suggests that much of the traditional legal pedagogy focused on providing information and knowledge of items which technology now handles. While the Socratic Method has been a time-honored tradition, Socrates never had to deal with an intelligent computer.

That does not mean no new frontiers exist for legal practitioners to master. There are areas of study vital to legal practice that AI tools have not been able to replicate. Professor Sundquist wrote in a blog that the law schools must train students in three areas: "(1) Engage in high-level critical analysis; (2) Provide creative solutions to complicated problems; and (3) Provide emotive client-focused representation."[16] Creativity and empathy are two areas that machine learning cannot exceed humans. Yes, IBM has developed computers, such as Deep Blue, which are great chess players.[17] Shelley is a program that produces computer-generated horror stories and is now collaborating with human authors to produce its stories.[18] The combination of AI technology and human collaboration can create a stronger product, either in the practice of law or writing literature. Law students who combine a strong understanding of AI with forward-thinking creativity and empathy have a better chance of finding success.

There are other skills artificial intelligence cannot replicate, and it would be beneficial for legal educators to build upon those skills so that future attorneys and AI complement each other. AI is many things, but it is not static. Law schools could develop study committees to monitor the use of AI in the legal profession and use the committees' findings to identify the skills which are needed. This will need to become an integral part of the delivery of legal education. Courses must be developed to promote and enhance AI skills. But the establishment of courses will not be enough. Legal educators will need to be continually monitoring the legal field to see how AI is evolving. This is not going to be a one-time effort, but a process whereby the courses are adjusted and tweaked every year. In traditional courses such as contracts, torts, and evidence, there are changes in the curriculum, but these tend to happen over a long period of time (multiple years). AI changes seem to occur monthly. Incorporating AI instruction into traditional legal education will take some creativity and a balance between teaching specific skills in AI and also not being overly concentrated on a particular program that may be totally revised or even obsolete within five years. We would suggest that law school study committees include people not only from within the school, but also from outside the legal community and the technology field. The goal should be to hear from multiple voices and communities in deciding how to identify the necessary AI skills and how best to teach students those skills necessary to succeed in the future.

SUGGESTION 2. *Integrate courses or programs which provide instruction in the use of artificial intelligence within the legal field. Law schools could provide more formal instruction in AI technologies by developing specific courses addressing the use of and access to Artificial Intelligence. Law schools want and need to be competitive. To be competitive, law schools need to help*

equip students with skills that will be needed, as opposed to focusing on what has been successful in the past.

On Michigan State University's Center for Legal Services Innovation website, the course description for the Artificial Intelligence & Law course reads as follows:

> Artificial Intelligence is experiencing a "golden age" of rapid development. As the use of AI increases, people and computers are knowingly and unknowingly interacting in new ways. Lawyers are confronting computer issues in every practice area. Smart contracts. Autonomous vehicles. Creation and ownership of property. Robot policing and warfare. Interconnected products. Autonomous devices. AI requires updated and new regulations, new ways of practicing, and an understanding of how laws and code interact as a new regulatory system within society. This class will look at how computers are affecting the law and what lawyers should know to provide legal services in this hybrid world.[19]

This description suggests a course that is looking at both the law of new AI technologies and how to use them. Our purpose in this article is not to promote a program, but to illustrate what a course or curriculum might look like.

Undoubtedly, there would need to be some financial investment by the schools. Classes in AI seem particularly ripe for being co-taught. Collaboration between full-time and adjunct faculty might work very well. Further, the schools would need to provide students access to certain AI programs. Often this might involve the purchase of a license or licenses to enable access. There will be a fiscal impact associated with these programs, which we do not mean to dismiss. However, we make three points in response.

1. If schools do accept that AI is an integral part of the legal landscape, then AI education is worth pursuing. Schools should seek out faculty interested in teaching such courses and put a focus on it.
2. Adjunct faculty, or practitioner faculty, typically work for a stipend and do not receive other benefits. Adjunct faculty are a relatively inexpensive investment for a post-secondary school, especially when it comes to teaching critical skills. Further, since technology is rapidly changing, the courses would need to be developed from scratch, so to speak. A collaborative approach might be the best practice to implement.
3. As to the subscriptions, the schools can negotiate with the providers. It should be noted that there are several free AI tools available on the market (e.g., EVA by ROSS Intelligence). In addition, some providers may be willing to provide educational institutions with a reduced fee or even free access to their programs to promote the use of their product. Law student graduates will naturally gravitate to programs they have used in school.

We could note that the study committees referenced in Suggestion 1 should be involved in shaping the AI curriculum.

SUGGESTION 3. *Encourage more partnerships between law students and technology start-up entities.*

Legal clients today are expecting their attorneys to have some sophistication with the new legal technologies. Clients do not want to pay partners or associates for the time to learn these technologies, yet hands-on training is a good way to learn a new technology. Law schools are able to address this issue.[20] A new

trend in legal education is to have law students work with attorneys to assist startup and other new technological companies. This model emphasizes the student working with the client in a more direct capacity than working as an intern in a traditional law firm.[21] One example of this is the Legal Startup Garage at the University of California-Hastings. According to the program's website, law students provide legal services to new technology companies under the supervision of other attorneys. The legal work includes the areas of corporate and intellectual property law.[22] Admittedly, it may be easier for a law school in, say, California or the Boston area to find multiple startup technology companies or incubators to work with than schools in other areas, but the idea can certainly be researched and applied.

This again relates to the study committees previously referenced. A key component to all these suggestions is that legal educators work with those from the outside legal community and the AI community to implement these ideas. Indeed, many of the people on such study committees could help with partnering students with an organization that will be beneficial to both parties.

Conclusion

Despite our pop culture's sometimes frightening portrayals of artificial intelligence, AI is a tool to be used, not feared. Automation is changing how many jobs are performed today. Why would one expect the legal profession to be isolated from these changes? The encroachment of AI into the legal field is becoming more and more rapid. Legal education, particularly in law schools, is steeped in tradition. While tradition is a great thing, tradition is often slow to evolve. Law schools need to review the curriculum and provide learning experiences in the use of AI in the legal profession. Many prospective law students are quite cognizant of the impact of AI on the law. These students will look for schools that prepare them for the new legal world. AI will be a part of that world. Being able to provide a strong curriculum in artificial intelligence will make a school a more attractive choice to students in a very competitive market.

ENDNOTES

1 *2001: A Space Odyssey (Metro-Goldwyn-Mayer 1968).*

2 *Mary Shelley, Frankenstein; or The Modern Prometheus 169 (Airmont Publishing Company, Inc. 1969) (1818).*

3 *What is ROSS https://rossintelligence.com/ross/coverage/.*

4 *Carl T. Bogus,* The Death of an Honorable Profession*, 71 Maurer School of Law: Ind. University 911-947 (1996).*

5 *Law School Transparency – Data Dashboard, https://data.lawschool transparency.com/enrollment/all/.*

6 *Greg Toppo,* Why You Might want to Think Twice before going to Law School*, USA Today, June 28, 2017, available at https://www.usatoday.com/story/news/2017/06/28/law-schools-hunkering-down-enrollment-slips/430213001/*

7 *Posting of Christian B. Sundquist to A Place to Discuss Best Practices for Legal Education Artificial Intelligence, Algorithmic Knowledge and the Future of Law Schools https://bestpracticeslegaled.albanylawblogs.org/2018/04/09/artificial-intelligence-algorithmic-knowledge-and-the-future-of-law-schools/ (2018, April 9).*

8 *LegalZoom – Our Services https://www.legalzoom.com/why-us/.*

9 *Daniel Ben-Ari, Yael Frish, Adam Lazovski & Dov Greenbaum,* Artificial Intelligence in the Practice of Law: An Analysis and Proof of Concept Experiment*, 23 Richmond J.L. & Tech. 2 (2017) available at https://jolt.richmond.edu/files/2017/03/Greenbaum-Final-2.pdf.*

10 *Greg Toppo,* Why You Might want to Think Twice before going to Law

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Rhode Island Bar Association Volunteer Lawyer Program
32 Years of Pro Bono Service 1986-2018
2018 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-two years, the Volunteer Lawyer Program continues to offer many interesting and relevant opportunities for the private bar 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 dedication to public service by its members.

Education – A Member Benefit

Focusing on recruiting 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 of current members is through sponsoring and providing the benefit of free continuing legal education. This is accomplished in cooperation with the Bar's Continuing Legal Education (CLE) department.

A three-part family law seminar series, "Call Your First Witness: *The dissection of a contested custody trial*," was offered free to volunteer attorneys in October and November of 2018. The program brochure highlighted a sample fact pattern to be presented during the sessions which peaked interest in attending. Each session featured a portion of the trial for the first hour. During the second hour the attendees were able to debate the difficult issues presented and also question how the panelists approached each matter. The audience also had the opportunity to hear the viewpoint of members of the judiciary on what was and was not effective during the mock trial. This series was sponsored by the Volunteer Lawyer Program in conjunction with the Bar's Public Service Involvement Committee. The outstanding panelists included Associate Justices Karen Lynch Bernard, John E. McCann III, and Feidlim E. Gill, and attorneys Veronica Assalone, Carolyn R. Barone, Victoria Lombardi, David N. Bazar, Christopher M. Lefebvre, Cristine L. McBurney, William J. Balkun, Janet Gilligan, and Dr. Peter Kosseff. The excellent moderators were Barbara L. Margolis, Elizabeth L. Segovis, and Melissa R. DuBose. Offering this series resulted in the placement of fifty-plus pro bono family law/domestic violence cases.

In addition to the free seminars 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 and encouragement of pro bono legal assistance and public service.

Session 1 (l-r) – back: Barbara L. Margolis, Esq., Hon. John E. McCann III, Carolyn R. Barone, Esq.; front: Veronica Assalone, Esq., Victoria S. Lombardi, Esq.

Session 2 (l-r) – back: Christopher M. Lefebvre, Esq., Hon. Feidlim E. Gill, David N. Bazar, Esq.; front: Cristine L. McBurney, Esq., Elizabeth W. Segovis, Esq.

Session 3 (l-r) – back: William J. Balkun, Esq., Dr. Peter Kosseff, PHD, Hon. Karen Lynch Bernard; front: Janet Gilligan, Esq., Melissa R. Dubose, Esq.

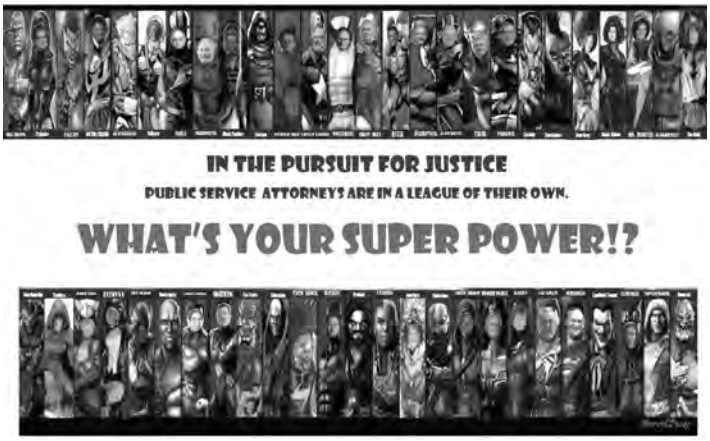
Denise Acevedo Perez, Esq.
Pro Bono Publico

Peter J. Rotelli, Esq.
Pro Bono Publico

Volunteer Recognition/Events

The Pro Bono Awards presentation was held at the Bar Association's Annual Awards Reception on June 21, 2018. Bar President Linda Rekas Sloan presented Attorneys Denise Acevedo Perez and Peter J. Rotelli with the 2018 Pro Bono Publico Award for their outstanding contributions through the Volunteer Lawyer Program and Foreclosure Prevention Project. The amazing pro bono contributions of these two award recipients exceeded a remarkable 400 hours!

A "Super Hero" attorney poster was on display throughout the Annual Meeting in June. Over thirty exceptional volunteer attorneys were depicted as "super heroes of justice." During the meeting the staff placed twenty-plus cases and provided information to recruit new members.



National Pro Bono Week

In honor of the American Bar Association's National Pro Bono Week in October 2018, a limited scope Collections Clinic for low-income citizens constantly pursued by debt collectors was held and presented by Attorney John Boyajian. These clinics will continue to be scheduled in 2019.

Placement Strategies

VLP staff attended numerous 2018 Continuing Legal Education seminars at the Rhode Island Law Center and 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 e-mailing. 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 2018, requests for legal assistance included cases involving bankruptcy, collections, consumer, education, employment, foreclosures, guardianships, landlord/tenant, license registry, non-profit, probate, tort defense, and family law issues. We also continue to receive requests from clients in desperate need of assistance with foreclosure prevention and foreclosure relief matters.

Foreclosure Prevention Project

We continue to receive requests from clients in desperate need of assistance with foreclosure prevention and foreclosure relief matters. These requests include the elderly and veterans. We look to expanding and strengthening private bar resources for assistance for our clients, especially in the area of prevention in 2019.

Notes of Appreciation

Evaluations of the legal assistance received in 2018 reflect the amazing dedication of the volunteer attorneys and the sincere appreciation of the clients and referral agencies. These client 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. The following is just one example:

> **I was treated with dignity and respect and above all, understanding of the horrible situation I was in. My attorney was patient and kind – a true godsend during that time in my life. Thank you to my attorney and thank you VLP!**

Our clients are prescreened by the staff. They are very low income families and individuals including veterans and the elderly that truly need your help. Joining is a simple process! For more 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. ◊

Requiring Security for Costs in Rhode Island Litigation[1]

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Shareholder, Adler Pollock & Sheehan P.C., Providence

Not all civil claims have merit. Of course many do, and if in your practice you defend exclusively against meritorious claims, this article will not be of much assistance. But if you have the opportunity to defend a claim of questionable merit, and you are also faced with significant discovery expenses in that case, a rarely-used procedural option may be available that requires a plaintiff to post security for costs, which may deter a plaintiff from leveraging defense-related expenses in an attempt to obtain a more favorable settlement.

Local Rule Cv 65.2(a) for the United States District Court for the District of Rhode Island expressly permits that court to "require any party to furnish security for costs in an amount and on such terms as are just."[2] Although there is no corollary state procedural rule, a Rhode Island statute originally enacted in 1905, § 9-22-1, permits state courts to order an out-of-state plaintiff to provide "surety of costs" upon a showing of "cause."[3] In relation to the defense of claims brought by in-state plaintiffs in state court cases, all is not lost because, as discussed *infra*, courts have held that they have the inherent power to permit an order requiring security for costs.

Courts are free to exercise considerable discretion in relation to requests for security for costs, but that discretion should be exercised either following an evidentiary hearing or based on "concrete proof."

An Award of Costs Under Rule 54

Both the federal and state court rules provide for an award of costs to the prevailing party at trial. Rule 54(d)(1) of the Federal Rules of Civil Procedure states the general presumption that "costs—other than attorney's fees—should be allowed to the prevailing party." Similarly, § 9-22-5 of the Rhode Island General Laws, as well as Rule 54(d) of the Superior Court Rules of Civil Procedure, set forth a parallel presumption regarding an award of costs to the prevailing party.[4] Examples of defense costs potentially recoverable under Rule 54 are deposition costs, transcript costs and witness fees.[5] Also, some "copying"-related costs of ESI production, such as file format conversion, may also be recoverable under Rule 54.[6] While the issue of Rule 54 costs are typically not litigated until after trial, the ability to request security for these costs during the earlier stages of the case, for example during the discovery process, renders Rule 54 directly relevant to discovery disputes. For example, if a plaintiff seeks a Rule 30(b)(6) deposition on numerous varied topics, thereby necessitating the designation of numerous corporate witnesses and resulting in days or even weeks of deposition, that plaintiff bears some real risk that he or she will be required to provide security for the costs associated with that onerous corporate deposition.

Factor Test Governing a Request for Security for Costs

What is expressly recognized by the local federal court in Local Rule 65.2 and in state court in § 9-22-1 is, in fact, a pre-existing, inherent power of the court. Numerous courts – including the United States District Court for the District of Massachusetts in **DataTern, Inc. v. Microstrategy, Inc.**, Nos. 11-11970-FDS, 11-12220-FDS, 2016 WL 913152, at *4 (D. Mass. Mar. 9, 2016)[7] – have held that trial courts have the inherent power to require security for costs in certain circumstances.[8] The foundation for this inherent power lies in the general power to prevent abuse of the judicial system and/or ensure compliance with court orders.[9]

The District of Massachusetts applies an amalgam of the First Circuit's standard originally articulated in 1984 and a more-specific one articulated in the United States District Court for the Southern District of New York. As stated in **DataTern, Inc.**, 2016 WL 913152, at *4 (*quoting* **Aggarwal v. Ponce Sch. of Med.**, 745 F.2d 723, 727-28 (1st Cir. 1984)),[10] First Circuit precedent requires the weighing of:

> "(i) the degree of probability/improbability of success on the merits, and the background and purpose of the suit; (ii) the reasonable extent of the security to be posted, if any, viewed from the defendant's perspective; and (iii) the reasonable extent of the security to be posted, if any, viewed from the nondomiciliary plaintiff's perspective."

The District of Massachusetts also marshaled the following six-factor test, noting it was "similar" to the three-factor **Aggarwal** test[11]:

> (1) the financial condition and ability to pay of the party who would post the bond; (2) whether that party is a non-resident or foreign corpora-

tion; (3) the merits of the underlying claims; (4) the extent and scope of discovery; (5) the legal costs expected to be incurred; and (6) compliance with past court orders.

Courts are free to exercise considerable discretion in relation to requests for security for costs, but that discretion should be exercised either following an evidentiary hearing or based on "concrete proof."[12] Some courts have specified that security for costs should only be imposed in "'certain exceptional circumstances.'"[13] Making security for costs the exception, rather than the rule, seems to be of particular importance where the failure to provide such security results in dismissal of claims in light of the First Circuit's admonition that "toll-booths cannot be placed across the courthouse doors in haphazard fashion."[14] However, as discussed in the next section, requiring security for costs does not necessarily mean the party should have its claims dismissed for failure to comply with an order requiring security for costs.

The Ability to Pay Factor

The focal point of the analysis in the two decisions applying First Circuit law was the party's claimed inability to pay the security for the costs. First, in analyzing a trial court's order requiring security for costs that resulted in dismissal of the plaintiff's claims, the First Circuit emphasized the need for specific findings, following an evidentiary hearing if necessary, as to a party's ability to afford the security in question.[15] Failure to do so constituted an abuse of discretion because it risks "'making federal court a court only for rich litigants.'"[16] The District of Massachusetts – in applying the **Aggarwal** standard in **DataTern, Inc.**, 2016 WL 913152, at *5 – held various relevant factors could not be determined on the current factual record, including whether the plaintiff in that case could afford a $2.25 million bond.

In addressing ability to pay issues, the Second Circuit has taken a more-nuanced, two-part approach that distinguishes between the question of whether security for costs was appropriate, and whether a party who fails to comply with an order for security for costs should have his or her case dismissed. In the Second Circuit, as set forth in **Selletti v. Carey**, 173 F.3d 104, 111-12 (2d Cir. 1999), the ability to pay is a more crucial factor when considering the question of whether the case should be dismissed.[17] The **Selletti** court offered persuasive reasoning for drawing this distinction in relation to a claim that a party should not have his or her case dismissed because of an inability to afford security: "the primary purpose of the bond requirement is to insure that *whatever assets a party does possess* will not have been dissipated or otherwise become unreachable by the time such costs are actually awarded."[18] Although courts in the First Circuit have yet to distinguish between an order for security and the subsequent dismissal for failure to comply with that order, drawing that distinction and requiring a party to use whatever assets it does possess to satisfy an order to post security for costs is in no way inconsistent with the rationale or holding in **Aggarwal**.

The Likelihood of Success Factor

Courts also place particular emphasis on the likelihood of success of the claims at issue, because the less likely a claim will be successful at trial, the more likely a defendant ultimately will be awarded its costs under Rule 54(b).[19] In **DataTern, Inc.**, one of the reasons the court denied the request for security for

costs without prejudice was the fact that it could not yet make a determination as to the likelihood of success on the plaintiff's patent claim because the parties had not yet engaged in claim construction.[20] It seems that in most cases throughout the country the likelihood of success factor is of particular importance, and, thus, a party seeking security for costs must be able to demonstrate the claims are significantly more likely than not to result in a defense verdict.

In assessing the relative strengths of the parties' respective cases, one court has noted that an appellate court's determination that contract claims are viable as a matter of law supported a conclusion the plaintiff was more likely to be successful at trial.[21] It therefore would seem to follow that a plaintiff's claim that barely survives summary judgment because factual issues exist, despite the weight of the evidence in favor of the defendant, may be ripe for an order requiring security for costs.

The Extent and Scope of Discovery and the Legal Costs Factors

Research has revealed relatively few cases that have given consideration to "the extent and scope of discovery" factor and/or the legal costs factor specifically in relation to onerous discovery. A party seeking the security for costs at the outset of the litigation argued discovery would be both extensive and expensive due to the "international scope" of the art-related claims at issue, but the court did not expressly rely on that factor in the course of making a preliminary determination that some security was appropriate.[22] However, an order for security for discovery-related costs is less onerous on a party seeking discovery than some of the remedies currently provided for under the rules of discovery. Specifically, Federal Rule 26(c)(1)(b) permits a court to allocate expenses to the party seeking discovery, although the 2015 Amendment Committee Notes do state that the rule "does not imply that cost-shifting should become commonplace."[23] A request for security for costs in the context of a motion for a protective order, which is of course not a final allocation of those costs on the party seeking discovery, is a less-onerous, more-measured remedy that protects the producing party in the event it is successful at trial. Moreover, the party seeking the discovery is always free to forgo the discovery in lieu of providing the security.

It also bears noting that the federal courts' proportionality standard implicates many of the same considerations as a request for security for costs. Federal Rule 26(b)(1) requires a court to assess whether discovery requests are "proportionate to the needs of the case," considering a variety of factors, including "the importance of the issues at stake in the litigation, the amount in controversy, …the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Thus, some degree of overlap exists between the proportionality analysis and the various factors in a security for costs analysis, specifically the likelihood of success of the claim, as well as the extent of, and the costs of, the discovery requests. This overlap between the two-factor tests only militates in favor of seeking security for costs as an additional remedy on a motion for protective order in relation to onerous, expensive discovery. Marshaling many of the same facts and legal principles, a defendant can contend the discovery should not be had at all because it is disproportionate to the needs of the case, and, alternatively, if the discovery is permitted, the plaintiff should be required to

provide security for the costs related to the discovery at issue, as well as all recoverable costs under Rule 54.

Additional Factors

Courts also will consider whether the party being asked to provide security for costs is a nondomiciliary party that does not own property in the jurisdiction.[24] In Rhode Island state court, the statutory basis for a request for security for costs is limited only to nondomiciliaried parties.[25] With respect to domiciliaried parties in state court proceedings, the inherent powers of the court still permit an order requiring security for costs, but of course this particular factor will not weigh in favor of security for costs.

Conclusion

Too frequently cases are resolved based less on the merits of the claims and more on the expenses that a plaintiff can impose on a defendant. In relation to a discovery dispute in a case of questionable merit, a defendant should not only oppose discovery on the basis that it is of dubious relevance, that is overly burdensome, etc., but a defendant in the alternative should request that the plaintiff seeking the burdensome discovery provide security for costs recoverable after trial under Rule 54, including, but not limited to, the costs associated with that particular discovery. If a court is reticent to enter such an order requiring security during the discovery stage, a defendant still should be permitted to renew that request at later time. This is, perhaps, in the alternative to a motion for summary judgment, especially if such a motion is likely to be denied, if at all, based on a mere paucity of evidence on which a factfinder possibly could hold a defendant liable. While some plaintiffs may lack the ability to satisfy the full amount of a security order, such plaintiffs still should be required to use the assets available to them to secure an award of costs after trial. Accordingly, Local Rule Cv 65.2(a), § 9-22-1 and/or the inherent powers of the Rhode Island Superior Court ensure that the question of whether a plaintiff should bear some risk associated with defense costs when prosecuting a claim of questionable merit is an important consideration relevant prior to trial.

ENDNOTES

1 *The original impetus for the research on which this article is based was a research assignment from my colleague, John Tarantino. For that, I am thankful.*

2 *Local Rule Cv 65.2(a) reads:*

(a) Security for Costs. The Court may require any party to furnish security for costs in an amount and on such terms as are just. The Court may modify an order to furnish security for costs at any time.

(b) Failure to Furnish Security. The failure of a party to furnish security for costs, after being directed to do so, may be grounds for an involuntary dismissal under Fed. R. Civ, P. 41(b), or an entry of default under Fed. R. Civ, P. 55.

3 *R.I. Gen. Laws § 9-22-1 reads:*

The court before which any civil action, whether by appeal or otherwise, is pending may, at any time before final judgment or decree therein, upon motion of any defendant and for cause shown, require a plaintiff who is not an inhabitant of this state to give some sufficient person residing within this state or some surety company authorized to do business therein as surety for costs, which may be done by the surety endorsing his or her name on the complaint with the words "surety for costs," or by giving bond therefor; and when surety has once been given, may for

cause shown, require the plaintiff to give another surety for costs.

4 *Both the state and federal rules also provide an exception to this presumption of an award of costs by simply permitting a court to order "otherwise." F.R.C.P. 54(d)(1); Super. Ct. R. P. 54(d);* ***see also State v. Lead Indus. Ass'n., Inc.****, 69 A.3d 1304, 1311-12 (R.I. 2013) (discussing a multi-factor analysis governing whether to depart from the presumption of an award to a prevailing party). The Superior Court Rules of Civil Procedure additionally provide an exception related to depositions taken by the party seeking an award of costs. If the party opposing the award of costs objects to the award specifically in relation to the "taking of depositions," the costs are only to be awarded upon a finding the "deposition was reasonably necessary, whether or not the deposition was actually used at trial." Super. Ct. R. P. 54(e).*

5 ***See*** *Wright & Miller, Federal Practice and Procedure §§ 2676-2678 (2014).*

6 ***See, e.g., Race Tires Am. v. Hoosier Racing Tire Corp.****, 674 F. 3d 158, 170-71 (3d. Cir. 2012) (preserving a portion of an award of costs related to ESI discovery totaling approximately $30,000).*

7 *The United States District Court for the District of Massachusetts has no corollary Local Rule Cv 65.2.*

8 ***See also Gay v. Chandra****, 682 F.3d 590, 594 (7th Cir. 2012);* ***Simulnet East Assocs. v. Ramada Hotel Operating Co.****, 37 F.3d 572, 574 (9th Cir. 1994);* ***Anderson v. Steers, Sullivan, McNamar & Rogers****, 998 F.2d 495, 496 (7th Cir. 1993);* ***Thomas v. Briggs****, No. 15-10210, 2016 WL 5405349, at *3 (E.D. Mich. Sept. 28, 2016); Wright & Miller, Federal Practice and Procedure § 2671 (2014).*

9 ***Thomas****, 2016 WL 5405349, at *3;* ***see also Anderson****, 998 F.2d at 496 (stating "[s]o if there is reason to believe that the prevailing party will find it difficult to collect its costs, the court can require the posting of a bond").*

10 *The First Circuit in* ***Aggarwal*** *analyzed the District of Puerto Rico local rule that applied only to parties domiciled outside of Puerto Rico or foreign corporations.* ***Aggarwal****, 745 F.2d at 724-25. Thus, the reference to "non-domiciliary plaintiff" in the applicable standard is a function of the rule at issue in that case, and it should not be interpreted as limiting the court's inherent power to require security for costs applies only to parties domiciled outside the jurisdiction.*

11 ***DataTern, Inc.****, 2016 WL 913152, at *5 (quoting* ***RLS Assocs., LLC v. United Bank of Kuwait, PLC****, 2005 WL 578917, at *1 (S.D.N.Y. March 11, 2005) (citation in original omitted)).*

12 ***Aggarwal****, 745 F.2d at 726, 728-29 (discussing in detail the discretion afforded under the District of Puerto Rico local rule, and the lower court's failure to make express factual findings); Wright & Miller, Federal Practice and Procedure § 2671 ("[i]n the absence of a local rule, the district court has discretion in each case to do whatever it wishes with regard to a request that security be posted").*

13 ***E.g., DataTern, Inc.****, 2016 WL 913152, at *5 (quoting* ***Live Face on Web, LLC v. Emerson Cleaners, Inc.****, No. 14-00182 (JEI/AMD), 2014 WL 2805040, at *3 (D.N.J. June 20, 2014)).*

14 ***See Aggarwal****, 745 F.2d at 728 (emphasizing the ability to pay factor and the need for specific findings).*

15 ***Id.*** *at 728-29.*

16 ***Id.*** *at 728 (quoting* ***Farmer v. Arabian American Oil Co.****, 285 F.2d 720, 722 (2d. Cir 1960)); accord* ***Murphy v. Ginorio****, 989 F.2d 566, 569 (1st Cir. 1993) (holding the appeal "falls comfortably within* ***Aggarwal v. Ponce Sch. of. Medicine****"); see also Gay v. Chandra, 682 F.3d at 594 (applying* ***Aggarwal*** *and reversing both the bond requirement and subsequent dismissal order);* ***Simulnet East Assocs.****, 37 F.3d at 576 (applying* ***Aggarwal*** *and reversing both the bond requirement and subsequent dismissal order).*

17 ***See also Rumbough v. Equifax Info. Servs., LLC****, 464 Fed. Appx. 815, 817-18 (11th Cir. 2012) (similarly distinguishing between an order for security for costs and the subsequent order of dismissal).*

18 ***See Selletti****, 173 F.3d at 112 (emphasis added).*

19 ***Anderson****, 998 F.2d at 496 (upholding order requiring security for costs in a "frivolous" case);* ***Rullan v. Goden****, No. CCB-12-2412, 2016 WL 1159112, at *14 (D. Md. Mar. 24, 2016) (denying motion for security for costs after finding that the plaintiff could show a likelihood of success on the claims, at least in the amount of $105,000);* ***RLS Assocs., LLC v. United Bank of Kuwait, PLC****, 464 F.Supp.2d 206, 223-25 (S.D.N.Y. 2006) (reducing a bond from $469,500 to $75,000 in light of the strengths of the claims being asserted);* ***see also Aggarwal****, 745 F.2d at 727 (acknowledging that,*

inter alia, *the "dubious worth" of the plaintiff's claims demonstrated a "cogent need for meaningful security," albeit in the course of reversing the order providing for security for costs).*

The reason that the bond was not reduced to zero in ***RLS Assocs., LLC*** *in light of the strength of the claims is not entirely clear from the decision, but it is noteworthy that the defendant seeking the security for costs from the plaintiff made a reciprocal promise to provide some security, if the order requiring the plaintiff to provide security for costs was upheld. The court ultimately ordered each party to post a bond for costs in the amount of $75,000.* ***RLS Assocs., LLC****, 464 F.Supp.2d at 226.*

20 ***DataTern, Inc.****, 2016 WL 913152, at *5.*

21 ***See RLS Assocs., LLC****, 464 F.Supp.2d at 224-25 (stating the plaintiff "will come to trial with two key contractual issues already decided in its favor by the Second Circuit").*

22 ***Galerie Furstenberg v. Coffaro****, 697 F. Supp. 1282, 1293 (S.D.N.Y. 1988).*

23 ***See also*** *Super. Ct. R. Pr. 26(c)(2) (permitting a Superior Court judge to require discovery be made "only on specified terms and conditions").*

24 ***Galerie Furstenberg****, 697 F. Supp. at 1293 (relying in part on the fact that a French corporation should be required to provide security for costs because there was "no evidence of bank accounts or property holdings in this country" in the course of holding the request for costs should be granted, albeit subject to the establishment of additional facts related to the amount of the security);* ***Aggarwal****, 745 F.2d at 727 (acknowledging that,* ***inter alia****, the plaintiff's "itinerant status and dearth of assets in Puerto Rico" demonstrated a "cogent need for meaningful security").*

25 *R.I. Gen. Laws § 9-22-1 (applying to "a plaintiff who is not an inhabitant of this state").* ◊

Rhode Island Women Lawyers: Past, Present, & Future

This series was inspired by Roger Williams University School of Law's annual *Women in Robes* event, and was created in alliance with their exciting new project The First Women, which recognizes and honors the first women of the Rhode Island bar.

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Susan Leach DeBlasio, Esq.

When asked what initially drove Attorney Susan Leach DeBlasio to pursue a career in the law, she quickly jumped to her love for philosophical discussion and logic. As a child, she fell in love with the law while watching Perry Mason on television with her grandfather. However, her journey to becoming one of Rhode Island's best corporate attorneys is not marked by a clear and direct route.

In 1970, she graduated from Wheaton College in Massachusetts with a major in philosophy and minors in both english and psychology. Although she notes that all three disciplines help her practice today, she initially thought she was going to be a writer focusing on short stories and poems. After graduating, she lived in Italy for six years when, as she put it, "somewhere along the way" she decided that she would apply her skill to the study of law.

When she graduated from Boston University law school in 1979, there were very few women practicing law in Rhode Island. Her first position after law school was as a judicial law clerk with Chief Justice Weisberger, which she notes was "very special." He was a great mentor to her and taught her about "professionalism, civility, scholarship, respect, and how to be a better human being." Those are lessons that she carried throughout her career. In fact, she is the first and only woman to have received the Ralph P. Semonoff Award for Professionalism from the Rhode Island Bar Association.

After clerking for one year, Attorney DeBlasio started her legal practice in litigation working for one of the largest firms in the state, and after a year, she was drawn to corporate law. She liked the idea of forming a relationship with her clients over many years. However, she faced a lot of resistance entering the field.

The resistance did not come from clients– it was from other attorneys at her firm. At that time "women did not become corporate lawyers," and she only knew of two other women that practiced corporate law in Rhode Island at that time. Many other attorneys at her firm limited her exposure to clients, did not provide the same opportunities that other male attorneys enjoyed, and kept her in the background. She overcame this by working hard, coming up with creative solutions, and asking for the same opportunities provided to her male colleagues.

Contrary to other attorneys at her firm who did not believe women could be corporate lawyers, she did not find resistance to her presence in corporate law from her clients. She learned that as long as she had the opportunity to prove herself to the client, the client had no issues with a woman attorney. She worked to develop her own style, embraced being a woman instead of a "pretend man," and took down the artificial walls– "It was liberating."

When asked how she found the internal fortitude to overcome those who would discourage her, she mentioned that everything she had done in her life was "always a little bit outside of [her] comfort zone." This increased her reach and her ability to be comfortable in many situations. So, when she heard people telling her, "No, that is not a door that is open to women," she felt she had to ask, "Why not?"

One of the first meetings she attended with a senior partner was a big securities transaction with a company that was listed on a national stock exchange. Attorney DeBlasio met with the CEO and the Treasurer, as well as some other high ranking officers in the company. At the meeting, she was taking notes when the CEO looked at her and made a comment that made it very clear that he thought she was a secretary and not a practicing attorney at the firm.

After that experience she thought to herself, "This is the challenge. Someday I'll be the senior partner at the table and it won't be a question what role I'm playing." That's when she decided that if she got her MBA, she would at least be able to think like her clients and speak their language. Despite pushback from her peers, she pursued an MBA part-time from Providence College, graduating in 1986, while working full-time as an attorney.

Attorney DeBlasio does believe that "luck" has had a large role in her career. She reflected that, "The harder I work, the luckier I get." That hard work persisted when she left the larger prestigious firm and joined Licht & Semonoff. In fact, Attorney DeBlasio worked through her entire pregnancy, going into labor on a Friday night, and calling early on that Saturday morning to let the office know she would not be coming into work that day. Even though she only took five weeks of leave following the birth of her daughter, plenty of partners at the firm still drove to her house to talk shop while she tried to nurse. That hard work and commitment clearly paid off when the partners at her firm voted to make her a partner even as she was on leave.

One thing that gave her the tools she needed to succeed was finding leadership opportunities. She became active in the Rhode Island Bar Association the day she became an attorney and is still very active with the Bar Association. She immediately joined several committees and worked very hard at those committees. She became editor of the *Bar Journal* and chaired many committees, and eventually became a member of the executive committee, and later, president of the Bar Association. She gained valuable skills in public speaking, new areas of the law, and she

built a strong network–all of which directly translated to her skills that she used in the office. In addition, her work with the Bar Association and rise to leadership gave her further credibility with clients and an opportunity to prove herself. To this day, she continues an active role with the House of Delegates, Lawyers Helping Lawyers, Bar Foundation, IOLTA Grants Committee, and the Real Estate Title Standards & Practices Committee. She believes that being active with the Bar Association is her opportunity to give back professionally –something all lawyers have a responsibility to do.

Through hard work, sacrifice, and a commitment to helping others, Susan Leach DeBlasio has certainly proven herself and set the stage for future female lawyers. Although the legal community has come a far way– she noted it was gratifying when she was no longer referred to as a "woman attorney" and simply as an "attorney"–there is still a long way to go. She encouraged employers to hire qualified women and to give women opportunities to participate: "The opportunity to participate is the greatest gift and is really how we can help the next generation of lawyers learn the skills for the next level. Everyone should be treated fairly and evaluated on his or her own merits, and naturally things will fall into place." She added, "You are not doing the right thing if you are not doing the right thing in all cases. If you fall down in one area, you fall down in all areas." As for her advice to young lawyers: "Have a mentor and people you can talk to, give back to the profession, don't be afraid to ask questions, speak up, be active, say 'Yes,' knock on the door, take on the challenge, reach for what you want, step out of your comfort zone, be professional, and demonstrate your value and worth…. All you need is one opportunity." ◊

Learning From Millennials in the Legal Workspace

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Whether you are a baby boomer (someone born in the years from 1946 to 1964), a member of Generation X (someone born in the years from 1965-1982), or a lawyer who is older or younger, you have or will have experience working with members of the millennial generation. The millennial generation is about to be the largest living generation of adults. They will be leading our profession, setting professional norms, and influencing the practice of law for decades to come. Sometimes maligned for being lazy and/or unreliable, so-called millennials bring a new perspective and new skills to a legal workspace. These new cultural norms can sometimes cause friction but may also be opportunities for growth for lawyers of any age.

Who Are the Millennials?

To understand millennials, we must start by identifying some general characteristics with an understanding that these are generalizations and there are vast differences between individuals. Millennials (someone born in the years from 1982-1996) were raised in a child-centric culture, which for many of them means they are confident, optimistic, and inquisitive.[1] They celebrate diversity, cannot live without technology, and respect authority without being in awe of it.[2] They also believe in work/life balance and expect flexibility, both in where they work and how they work. Millennials assume they will change jobs several times during their careers both for economic reasons and to stay engaged in their work. They have an entrepreneurial spirit.[3]

Allowing millennials to offer trainings on legal technology or join/start/lead a technology committee in the office can be one way to allow millennial lawyers to feel like they have ownership of their work, meet others in the firm that they might not know, and become more engaged in the firm itself.

What This Means for Your Workplace

Bringing in a new generation of workers can mean different things for different law firms. Despite the differences in organization size, culture, management, and mission, one thing is the same: all legal workplaces "need to master the art of multigenerational issues for internal success and external (client) understanding."[4] For larger law firms like Nixon Peabody LLP, learning to "speak millennial" has been going on for a few years with formal trainings and strategic approaches to hiring and retaining young talent, according to partner Armando Batastini. "We value diversity of all types, and recognize that a diversity of ideas and backgrounds creates a better business. With this fundamental in mind, we have consciously sought to understand and integrate millennials as an important part of our present and future." But if you are a solo practitioner, part of a small law firm, or work in a governmental institution, you can also benefit from understanding and appreciating millennials. You may learn something from millennials that might make you happier and more successful. Millennials are a driving force behind workplace change. Here are three ways in which you might have something to learn from the millennial approach.[5]

1. You May Have Been Wrong About Work/Life Balance

Historically, many lawyers have struggled with achieving a work/life balance. One article explains, "The problem is that law school embeds a 'no boundaries' mindset about the practice of law...Associates in large firms know that mentality continues into practice...In most larger firms, associates are still working in a kind of extended boot camp, where it's 'let's see who can survive the pressure.' But for many, the alternative – starting their own firm – can be a nastier edition of the same game. Struggling to make a living. Then seeing the work expand to take over their lives – without an escape clause. They just have to keep working harder as the firm grows, because 'I'm making good money, my name is on the door and I have some prestige. I can't give that up!'"[6] Some lawyers work through their vacation or have a hard time taking time off. In one study of 11,671 associates from large law firms, about 40 percent of the associates had unlimited vacation days. Of the firms included in the study that had official policies, the norm was a generous 20 vacation days per year. However, the survey found only about a third of associates used all their vacation days.[7] Despite the demands of clients, networking, professional development, and technology, there is a path forward to greater work/life balance and millennials are leading the way. "Survey after

survey...show that what millennials most want is flexibility in where, when and how they work."[8]

One survey explains this further by stating, "millennials strive for work/life balance...they want time for themselves and space for their own self-expression. Overall, the dominant definition was "enough leisure time for my private life" (57%), followed by "flexible work hours" (45%) and "recognition and respect for employees" (45%)."[9] The legal profession, with high rates of anxiety and substance abuse, should embrace the ethos of flexibility which is being ushered in by millennial workers. Sometimes "how we have always done it here" needs a revamp. The increasing number of millennials in the workplace may be the catalyst for much-needed change in the concept of work/life balance in our profession.

2. Technology Is Good

Understanding, managing, and harnessing technology are vital skills for the modern law office. Forbes Contributor and CEO of Legal Mosaic Mark A. Cohen states, "Technology is transforming every segment of the legal ecosystem including its: (1) workforce; (2) division of labor; (3) economics (4) structure; (5) providers; (6); skillsets; (7) career trajectories; (8) education and training; (9) customer expectations; and (10) culture."[10] Knowledge of technological innovation and demonstration of technological competence is not just a good business practice but it is an ethical requirement in most states.[11] Could your firm use a technology audit? The good news for your legal practice is that many millennials possess comfort with technology.[12] While comfort with technology is not necessarily the same as competence in law practice management software or cybersecurity protocols, it may be a good place to start. Not all young people have well-developed technology skills, but they may have a level of comfort with a variety of technologies which can benefit the entire law firm or office. Millennials also do not generally have the same attitudes and barriers to the adoption of technology that older generations can have.[13] Allowing millennials to offer trainings on legal technology or join/start/lead a technology committee in the office can be one way to allow millennial lawyers to feel like they have ownership of their work, meet others in the firm that they might not know, and become more engaged in the firm itself.

3. Law Is a Business. But Mission Matters!

Millennials want meaningful work. We all do, right? The difference is that this generation is not afraid to question authority about the purpose of assignments.[14] Roger Williams University School of Law Dean and Professor of Law Michael J. Yelnosky characterizes this mission-mindedness as to be expected, "I think the millennials are a product of their environment. They are faced with an uncertain economy characterized by employers who are not loyal to their employees. It seems only natural that they might respond by looking for both balance and meaning in their work."

Millennials are not just looking for meaning, in some cases they are demanding it and are not afraid to leave a workplace that does not fit their needs. "The typical worker will have 12 different employers in his or her lifetime, and... younger workers are statistically twice as likely to leave their jobs in search of

better offers."[15] One way to retain millennial workers is to engage your employees and keep the mission of your law firm in mind. According to John Feldmann, as cited in a Forbes Human Resources Council post stated, "Millennials don't just want a job; they want to know their work is making a difference. How do their performance goals relate to the goals of the organization? How will the organization's goals impact society? Employers who are able to demonstrate to millennial employees the economic and social relevance of their work will experience far more engagement and far less turnover than those who can't."[16] Even though law is your business, law can also be your mission. As Thomas C. Grella states in *Lessons in Leadership: Essential Skills for Lawyers*, "Part of a good strategic planning process for any law firm must include determining the values that the organization recognizes as important to its success... without shared values some members of the firm could easily see their positions as just jobs. They may not be invested in the firm's future or may feel that they are mindlessly following orders."[17] If your firm doesn't have a mission statement or a strategic plan, perhaps it is time to start the process of writing these foundational documents.[18] If you do have a mission statement or strategic planning document, you may still be able to benefit from increased focus on the mission by actively discussing the firm's shared values at meetings. Author Grella suggests you "allow time for others to offer input and suggestions, ask questions, and voice concerns about how the firm can live up to its values and still achieve its mission."[19] According to statistics from the Rhode Island Bar Association from May 2018, there are 1083 Bar Association members born between 1982 and 2004 of a total of 6743 members. Attracting, engaging, and retaining millennial lawyers is important for your practice and the future of your practice. Allow this generation's mission-minded focus to benefit your firm.

Conclusion

We have presented three ways in which millennial-thinking can be positive and could be embraced by your legal workplace. While not every suggestion may be applicable to you and your law firm, the most important takeaway from this list is that it is a springboard for starting a critical conversation in your office about multigenerational thinking and flexible inclusivity. While oft maligned, millennials can bring a new perspective and new skills that can make your firm more relevant, more culturally aware, and more profitable.

ENDNOTES

1 *Ursula Furi-Perry,* ***The Millennial Lawyer****, 22-23 (2012).*

2 ***Id.***

3 ***Id.*** *at 31.*

4 *Michah Buchdahl,* ***Law Firm Management Struggles with Multi-Generational Issues****, L. Prac. Today (Mar. 13, 2013), http://www.lawpracticetoday.org/article/law-firm-management-multigenerational/.*

5 *Briana Steinhilber,* ***7 Ways Millennials Are Changing Workplaces for the Better****, NBC News: A Better Way (May 18, 2017), https://www.nbcnews.com/better/business/7-ways-millennials-are-changing-workplace-better-ncna761021.*

6 *Dustin Cole,* ***Why Lawyers Really Struggle for Work-Life Balance****, Attorney At Work (Feb. 28, 2018), https://www.attorneyatwork.com/successful-firm-why-lawyers-struggle-for-work-life-balance/.*

7 *Gayle Cinquegrani,* ***Lawyers Need Vacations. Case Closed****, Bloomberg Law: Big Law Business (May 25, 2018) https://biglawbusiness.com/lawyers-*

need-vacations-case-closed/.

8 *Brigid Schulte*, ***Millennials Want a Work-Life Valance. Their Bosses Just Don't Get Why.***, WASH. POST: LOCAL *(May 5, 2015) https://www.washingtonpost.com/local/millennials-want-a-work-life-balance-their-bosses-just-dont-get-why/2015/05/05/1859369e-f376-11e4-84a6 6d7c67c50db0_story.html?utm_term=.80eb23797864.*

9 *Henrik Bresman, What Millennials Want from Work, Charted Across the World, Harvard Bus. Rev. (Feb. 23, 2015) https://hbr.org/2015/02/what-millennials-want-from-work-charted-across-the-world.*

10 *Mark A. Cohen,* ***Lawyers and Technology: Frenemies or Collaborators?****,* FORBES *(Jan. 15, 2018) https://www.forbes.com/sites/markcohen1/2018/01/15/lawyers-and-technology-frenemies-or-collaborators/#48c5b3b522f1.*

11 *Tyler Roberts,* ***What Is A Lawyer's Duty Of Technology Competence?****,* SMARTLAWYER *(Feb. 2, 2018) http://www.nationaljurist.com/smartlawyer/what-lawyers-duty-technology-competence.*

12 *Legal Research on the Subway:* ***How Millennials Are Changing Legal Technology****,* THOMSON REUTERS: LEGAL EXECUTIVE INSTITUTE *(June 26, 2018) http://www.legalexecutiveinstitute.com/millennials-legal-technology/.*

13 *Monica Anderson & Andrew Perrin,* ***Tech Adoption Climbs Among Older Adults: 2. Barriers to Adoption and Attitudes Towards Technology****,* PEW RESEARCH CENTER: INTERNET AND TECHNOLOGY *(May 17, 2017) http://www.pewinternet.org/2017/05/17/barriers-to-adoption-and-attitudes-towards-technology/*

14 *Furi-Perry,* ***supra*** *note 1, at 66.*

15 *Maurie Backman,* ***Job Hopping: Why Millennials Resign Nearly Twice As Often As Older Workers****, USA TODAY (June 11, 2018) https://www.usatoday.com/story/money/careers/employment-trends/2018/06/11/why-millennials-resign-more-than-older-workers/35921637/.*

16 ***Keeping Millennials Engaged Requires Flexibility And Creativity****,* FORBES: FORBES HUMAN RESOURCE COUNCIL *(June 15, 2017) https://www.forbes.com/sites/forbeshumanresourcescouncil/2017/06/15/keeping-millennials-engaged-requires-flexibility-and-creativity/#69208e24f82c.*

17 *Thomas C. Grella,* ***Lessons in Leadership: Essential Skills for Lawyers****, 119 (2014).*

18 *For guidance,* ***see generally****, Arthur G. Greene & Sandra J. Boyer,* ***The Survival Guide to Implementing Effective Law Firm Management Strategies*** *(2015).*

19 *Grella,* ***supra*** *note 17, at 120.* ◊

Thanks to Our CLE Speakers

The success of the Rhode Island Bar Association's Continuing Legal Education (CLE) programming relies on dedicated Bar members who volunteer hundreds of hours to prepare and present seminars every year. Their generous efforts and willingness to share their experience and expertise helps to make CLE programming relevant and practical for our Bar members. We recognize the professionalism and dedication of all CLE speakers and thank them for their contributions.

Below is a list of the Rhode Island Bar members who have participated in CLE seminars during the months of January and February.

David D. Curtin, Esq.
Office of Disciplinary Counsel

Michael A. DiLauro, Esq.
Office of the Public Defender

Emmett K. Hardiman, Esq.
Office of the Public Defender

Marissa Janton, Esq.
Rhode Island Commission for Human Rights

Jeffrey W. Kasle, Esq.
Olenn & Penza, LLP

Lunch with Legends:
Trailblazers, Trendsetters and Treasures of the Rhode Island Bar

Stephen Adams, Esq.
Barton Gilman LLP, Providence

Jenna Pingitore, Esq.
Barton Gilman LLP, Providence

Tom Angelone was born and raised in Cranston, Rhode Island. After graduating from Cranston High School in 1961 (no East or West at that time), Tom went on to obtain his Bachelor of Arts degree in political science from Providence College and his law degree from Boston University in 1968. The week after he graduated from law school, Tom was drafted during the Vietnam War. He joined the National Guard, went through basic training and advance infantry training, and then took the bar exam in 1969, taking his first job in the Public Defender's office. Tom jokes that his overwhelming success as a trial lawyer is due, in part, to having a short memory. "You know what Satchel Paige said. Don't look back, they may be gaining."

Tom Angelone, Esq.

What made you decide to become a lawyer?
I just went to law school. I wasn't methodical about anything, you know. I was going to be a lawyer, and I never gave it a lot of thought.

Please describe a really memorable experience that you had as a lawyer.
I have memories of a whole number of cases, and there's not one that I can prioritize. But I'll give you an example. My good friend, Jake Kaplan, buys a Rolls-Royce Corniche and he calls me and says it's vibrating. "It's a $265,000 car, Jake." "It's vibrating, Tom. You got to sue them." And I said, "Jake, are you nuts?" He said, "No. You got to sue." So I sued them in Federal Court and Judge Lagueux gets the case.

It was a very close case because it's very hard to imagine this car being a lemon. So I remember thinking what the hell can I do in this case to convince this jury that the people from Rolls-Royce, who were very articulate and a top-notch operation, sold a lemon. They had brought in an expert from, I think it was Tennessee. So I get a chart and it shows Providence and where this guy was from, and between them there's, like, 40 Rolls-Royce dealerships. I never asked him any questions about the merits of it other than the fact that he was from there and we were up here and you had to go all the way down there to get him. And the irony of the thing is – and this is in the *Providence Journal* because there was a picture of the car – they found that it was a lemon.

What's been the biggest change in the practice of law?
Discovery is the biggest. You know, there was no real discovery when you first tried. You were trying blind, so you kind of learned to, you know, be a little bit resilient in the courtroom. But that's the biggest thing.

What challenges do you see for people coming out of law school now as opposed to when you graduated?
I don't see them getting practical experience. It's really unfortunate. And it's like anything else, you have to do a lot of it. You learn it by repeatedly trying it over and over and over again. When I came up, we used to try three or four cases a week in District Court. It was nothing to have twenty jury trials in a year; nothing. You would be surprised how much you learn.

What advice would you give to somebody who is just getting out of law school?
Well, as a trial lawyer you have to bear in mind that 99 to 100 percent of the decisions that a trial judge makes are discretionary. It's not reversible error. Now, whether or not you're going to get the benefit of that discretionary ruling depends upon how you handle yourself in that courtroom and how well prepared you are. And I always say, we can get the benefit of the doubt on these things if we conduct ourselves professionally, ethically. Now, I see examples where lawyers will then want to re-argue. You don't do that. The judge rules. Next question. Go to the next question. So, I think that's something that you should consider when you try a case.

Would you do this all over again?
Where else can I go ask questions and enjoy myself doing it and go try a case? All I got to do is learn the facts of the case, maybe a little bit of law, but all the rest of the moves are there. Why wouldn't I do that?

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Rhode Island Law Center, Cranston
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March 7
Thursday
An Overview of the Adoption Process
Rhode Island Law Center, Cranston
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March 12
Tuesday
Trust Us: Key Drafting Considerations and Ideas for Modern Wills and Trusts
Rhode Island Law Center, Cranston
5:00 – 7:00 p.m., 1.5 credits + 0.5 ethics
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March 14
Thursday
Re-Charge: Keep Your Battery at 100%
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March 15
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April 4
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Defeating Summary Judgment Motions Or, Just the Facts!
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April 17
Wednesday
Post-Mortem Estate Planning
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5:30 – 7:30 p.m., 2.0 credits
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April 24
Wednesday
Criminal Law Practice in Rhode Island
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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 coastlineeap.com (company name login is "RIBAR"). Please contact Coastline EAP by telephone: 401-732-9444 or toll-free: 1-800-445-1195.

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SOLACE

Helping Bar Members in Times of Need

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

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

The program is quite simple, but the effects are significant. Bar members notify the Bar Association when they need help, or learn of another Bar member with a need, or if they have something to share or donate. Requests for, or offers of, help are screened and then directed through the SOLACE volunteer email network where members may then respond. On a related note, members using SOLACE may request, and be assured of, anonymity for any requests for, or offers of, help.

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

Ada Sawyer: Not Stopping

Denise C. Aiken, Esq.
Providence

Ada Sawyer's perseverance enabled her to become the state of Rhode Island's first woman lawyer, but that accomplishment did not stop her from continuing to make waves. By the fall of 1924, she was admitted into practice by the US Supreme Court and had become the President of the State Federation of Women's Clubs. In April of 1925, just a few years after passing the Rhode Island bar exam, she was elected as the Secretary of the Children's Laws Commission, with a salary attached in the sum of $2,500. To put that sum into perspective, a Model-T Ford cost $850 at that time.

The *Providence Journal* article on April 17, 1925 stated that it was through her interest in laws relating to women and children that a group associated with the Women's Republican Club pushed to have a code commission appointed in Rhode Island. It was our own Ada Sawyer who drafted the bill creating the commission to study the laws in Rhode Island and how they affected children. Governor Aram J. Pothier signed it into law in the spring of 1925 and appointed the nine persons authorized by the act, some of whom went on to make great contributions to Rhode Island's quality of life. It was just another part of Ms. Sawyer's far-reaching agenda that laid the groundwork for this important commission.

The Children's Law Commission 1925
Judge Frederick Rueckert
Dr. Harold S. Bucklin
Joseph M. Tally
Representative George B. Utter
Senator William D. Whitehouse
Mrs. Henry C. Babcock
George B. Arnold
Mrs. John Scannevin
Mrs. Isaac Gerber

Ada Sawyer, Esq.

The *Journal* will feature a series of articles related to Ada Sawyer and how she enhanced the status of women in Rhode Island. The articles are leading up to a commemorative event, organized by the Bar Association's Ada Sawyer Centennial Planning Committee and supported by the RI Women's Bar Association and the Roger Williams University School of Law, scheduled for October 15, 2020.

Rhode Island Probate Court Listing Updated on Bar's Website

The Rhode Island Bar Association regularly updates the Rhode Island Probate Court Listing to ensure posted information is correct. The Probate Court Listing is available on the Bar's website at **ribar.com** by clicking on **FOR ATTORNEYS** on the home page menu and then clicking on **PROBATE COURT INFORMATION** on the dropdown menu. The Listing is provided in a downloadable pdf format. Bar members may also increase the type size of the words on the Listing by using the percentage feature at the top of the page.

Rhode Island Bar Foundation

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

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

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Questions? Please contact Virginia Caldwell at 421-6541

or gcaldwell@ribar.com

Bar Association Mentor Programs

Our Bar Association is proud to offer mentorship opportunities to our members, promoting professional development and collegiality, and assistance and guidance in the practice of law. Experienced practitioners can share their wealth of knowledge and experience with mentees, and mentees receive a helping hand as they begin, or revitalize, their legal career. Over the years, the Bar Association has matched numerous new members with seasoned attorneys, and we would like to refresh our directory.

For traditional mentoring, our program matches new lawyers, one-on-one with experienced mentors, in order to assist with law practice management, effective client representation, and career development. If you would like to volunteer and serve as a mentor, please visit ribar.com, select the MEMBERS ONLY area, and complete the **Mentor Application** form and return it to the listed contact.

As an alternative, the Bar Association also offers the Online Attorney Information Resource Center (OAR), available to Bar members through the MEMBERS ONLY section of the Bar's website, to help members receive timely and direct volunteer assistance with practice-related questions.

If you have any questions about either form of mentoring, or if you would like to be paired with a mentor through our traditional program, please contact Communications Director Kathleen Bridge by email: kbridge@ribar.com, or telephone: 401-421-5740.

HONOR ROLL

Volunteers Serving Rhode Islanders' Legal Needs

The Rhode Island Bar Association applauds the following attorneys for their outstanding pro bono service through the Bar's Volunteer Lawyer Program, Elderly Pro Bono Program, US Armed Forces Legal Services Project, Foreclosure Prevention Project, and Legal Clinics during December 2018 and January 2019.

DECEMBER 2018

Volunteer Lawyer Program

Barbara A. Barrow, Esq., *Moore, Virgadamo & Lynch, Ltd.*
Robert E. Bollengier, Esq., *Warwick*
Michael A. Castner, Esq., *Jamestown*
Daniel E. Chaika, Esq., *Chaika & Chaika*
Kenneth Kando, Esq., *Warwick*
Robert Kando, Esq., *Pawtucket*
Andrew Kanter, Esq., *Kanter Law Office, LLC*
Donna M. Lamontagne, Esq., *Lamontagne, Spaulding & Hayes, LLP*
Robert H. Larder, Esq., *Woonsocket*
Frank J. Manni, Esq., *Johnston*
Elizabeth Ortiz, Esq., *Law Office of Elizabeth Ortiz*
Bienvenido Perez, Esq., *A.C. Law Group, LLC*
John S. Petrone, Esq., *Law Office of John Petrone*
Scott M. Pollard, Esq., *Law Office of Scott M. Pollard, Inc.*
Janne Reisch, Esq., *Janne Reisch, Attorney at Law*
Denneese C. Seale, Esq., *East Providence*
Gregory P. Sorbello, Esq., *Peter M. Iascone & Associates, LTD.*

Elderly Pro Bono Program

Steven J. Boyajian, Esq., *Robinson & Cole, LLP*
Timothy J. Duggan, Esq., *Duggan & Gianacoplos, LLC*
Leigh E. Furtado, Esq., *Howland Evangelista Kohlenberg Burnett LLP*
James P. Howe, Esq., *Law Office of James P. Howe*
Charles T. Knowles, Esq., *Wickford*
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*
Nicholas Trott Long, Esq., *Little Compton*
Samantha McCarthy, Esq., *McCarthy Law, LLC*
Jennifer A. Minuto, Esq., *Providence*
Steven Aaron Robinson, Esq., *Robinson & Robinson*
Susan D. Vani, Esq., *Providence*
Robert D. Watt, Jr., Esq., *Providence*

US Armed Forces Legal Services Project

Peter J. Rotelli, Esq., *East Providence*

JANUARY 2019

Volunteer Lawyer Program

Michael A. Castner, Esq., *Jamestown*
James P. Creighton, Esq., *Johnston*
Misty Delgado, Esq., *Law Office of Misty Delgado*
David F. Fox, Esq., *Law Offices of David F. Fox, Esq.*
Michael J. Furtado, Esq., *Attorney Michael J. Furtado*
Michael K. Glucksman, Esq., *Law Office of Michael Glucksman*
Laura C. Harrington, Esq., *Harrington Law Group, PC*
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*
Robert H. Larder, Esq., *Woonsocket*
Felicia A. Manni-Paquette, Esq., *Azzinaro, Manni-Paquette*
Samantha McCarthy, Esq., *McCarthy Law, LLC*
Sarajane S. McMahon, Esq., *Howell Legal Inc.*
Robert A. Mitson, Esq., *Mitson Law Associates*
John L. Quigley, Jr., Esq., *Law Offices of John L. Quigley, Jr., Esq.*
Paul Silva, Esq., *Law Office of Paul Silva*
John S. Simonian, Esq., *Pawtucket*
Mariah L. Sugden, Esq., *Newport*
Amy E. Veri, Esq., *Providence*

Elderly Pro Bono Program

James P. Creighton, Esq., *Johnston*
Gregory S. Dias, Esq., *East Providence*
Michael J. Furtado, Esq., *Attorney Michael J. Furtado*
Laura C. Harrington, Esq., *Harrington Law Group, PC*
Robert H. Larder, Esq., *Woonsocket*
Arthur D. Parise, Esq., *Warwick*
Dean G. Robinson, Esq., *East Providence*
Denneese C. Seale, Esq., *East Providence*
Gregory P. Sorbello, Esq., *Peter M. Iascone & Associates, LTD.*
Susan D. Vani, Esq., *Providence*

The Bar also thanks the following volunteers for taking cases for the Foreclosure Prevention Project and for participating in Legal Clinic events during December and January.

Foreclosure Prevention Project

Michael J. Furtado, Esq., *Attorney Michael J. Furtado*
Gregory P. Sorbello, Esq., *Peter M. Iascone & Associates, LTD.*

Legal Clinic

Tara R. Cancel, Esq., *Providence*
Brian D. Fogarty, Esq., *Law Office of Devane, Fogarty & Ribezzo*
James S. Lawrence, Esq., *Lawrence & Associates, Inc.*
Kermin Liu, Esq., *Law Office of Kermin Liu*
Samantha McCarthy, Esq., *McCarthy Law, LLC*

For information and to join a Bar pro bono program, please contact the Bar's **Public Services Director Susan Fontaine** at: **sfontaine@ribar.com** or **401-421-7758**. For your convenience, Public Services program applications may be accessed on the Bar's website at **ribar.com** and completed online.

In Memoriam

E. Jerome Batty, Esq.

E. Jerome (Jerry) Batty, 73, died Friday, January 18, 2019. Jerry, for forty-seven years, was the beloved husband of Gayle (Rogers) Batty. Born in Providence, son of the late William R. Batty, Jr. and the late Ruth Mathewson Costa, Jerry had lived in Cumberland for the past forty-five years. Jerry was a graduate of Mount Hermon School, earned his Bachelor's Degree from Brown University, and his Juris Doctorate from Boston University where he was a member of the law review. While at Brown, Jerry was captain of the football team and a lacrosse all-American. He is a member of both the Brown and Northfield Mount Hermon Athletic Halls of Fame. Jerry had a distinguished and successful forty-five year career as an attorney for Hinckley, Allen & Snyder, Providence, where his specialty was real estate law. Recognized both regionally and nationally, Jerry was the recipient of numerous professional awards and honors. Besides his wife, Jerry is survived by one daughter, Jordan Chase Batty of Warwick; one son, Jesse William Batty and his wife Kate, of Portland, OR; two grandchildren, Annabelle Ruth and Theo Jerome; two brothers, William R. Batty III, and his wife Linda, of Orleans, MA, and Stephen Mathewson Batty of Burlington, VT.

Norman R. Beretta, Jr., Esq.

Norman R. Beretta, Jr. "J.R.", 53, of Jamestown and Providence, passed away on January 2, 2019. He was the son of Norman and Joyce (Santucci) Beretta. J.R. was a graduate of Boston College and Suffolk University Law School. He owned and operated Beretta Realty and Appraisal Company of Lincoln, along with his father. Besides his parents, he is survived by his sisters, Bethany Beretta and Brenna Jordan and her husband, Jeffrey. He also leaves his nieces, Kaitlin Swinson and her husband Paul, and Emily Cipriano and her husband Anthony, his nephews, Joseph and Brendan Jordan, and his grand-nephew, Michael Cipriano. He was the brother of the late Roberta Beretta.

Hon. Joseph A. Keough

Magistrate (ret.) of the Rhode Island Superior Court Joseph A. Keough, 77, of Pawtucket, passed away on January 26, 2019. He was an Eagle Scout and a 1958 graduate of St. Raphael's Academy. In 1962, he graduated from Providence College, and in 1970 he earned his law degree from Suffolk University Law School. He was a Rhode Island Superior Court Magistrate Judge from 1997 to 2008; Chief Judge of the Pawtucket Municipal Court from 1994 to 1997; and Associate Judge of the Pawtucket Municipal Court from 1973 to 1982. He was a partner in the firm of Keough, Parker & Gearon from 1975 to 1997. From 1969 to 1973, he served as executive director of the Rhode Island Democrat State Committee; from 1966 to 1973 he was Chairman of the Pawtucket Board of Canvassers; and from 1994 to 1997 he served as chairman of the Pawtucket Juvenile Hearing Board. He was a long-time board member and past president of the Pawtucket Country Club, and was immensely proud to be a John P. Burke Caddy Scholarship recipient and later a member of the board that awarded the Burke scholarships. Following his retirement from the bench, Judge Keough was actively involved with the Pawtucket Soup Kitchen serving as vice president and as a member of the Board of Directors. He also served in various leadership roles for numerous business and community organizations, and in 2018 was inducted into the Pawtucket Hall of Fame. Judge Keough is survived by his wife, Joan; his son, Joseph A. Keough Jr. and his wife Kimberly; and, his three daughters, the Honorable Maureen B. Keough, Kathleen M. Schram and her husband, Joseph Schram, and, Colleen M. Keough. He was grandfather to Colin and Kyle Keough and Tess and Finn Schram. He is survived by his brothers, Francis P. Keough and Dennis Q. Keough, and his sister, Kathleen M. Keough. He is also survived by many beloved nieces, nephews and cousins. He is predeceased by his sister, the late Helen V. McGinn.

Albert Joseph Lepore, Jr., Esq.

Albert J. Lepore, Jr., 56, of Miami Beach, Florida, formerly of Providence, RI, passed away Monday, January 14th. He was the son of Celia (Pontarelli) Lepore and the late Albert J. Lepore, Sr., Esq. Albert graduated from the Moses Brown School, Suffolk University and Vermont Law School where he received his JD degree. He was a partner and former president of Coia & Lepore Ltd. in Providence, a law firm started by his father Albert and uncle, Arthur A. Coia, in 1970. He practiced in the area of workers' compensation and Social Security disability law for over 25 years where he was mentored by his former partner, Armand E. Sabitoni. He was admitted to the RI Bar in 1990. He was admitted to the U.S. District Court for the District of RI, U.S. Circuit Court of Appeals for the First Circuit, and the U.S. Supreme Court. He was a member of the RI Bar Association and RI Trial Lawyers Association. He has authored written materials and provided lectures for the RI Bar Association, as well as other organizations in the area of workers' compensation law. He had long established relationships with the attorneys and staff at Coia & Lepore, particularly his law partners; his cousin, James J. Lepore; and his dear friend, George L. Santopietro. He was the loving father of Sabra Lepore and her fiance Ralph Orlandi of Johnston, and Danae Lepore of Central Falls. He was the grandfather of Giuliana Orlandi. He was the brother and law partner of Sheri Lepore, Esq. and her husband, Joseph Iaciofano of Lincoln. He was the uncle and godfather of Drew Blanchard, Ali Blanchard and Joey Iaciofano. He was the nephew of the late Norma (Lepore) Borino and Robert Pontarelli.

John David Zielinski, Esq.

John D. Zielinski, known as David, passed away on November 30, 2018. He was born in Providence to John and Eleanor Bennett Zielinski. David was a Captain with the U.S. Army serving in Vietnam where he was awarded the Combat Infantryman's Badge. He also served as Judge Advocate to the National Guard and US Army Reserve in Rhode Island. David started his career in law enforcement with the Providence Police Department (PPD) in 1965, rising to the rank of major before his retirement in 1985. During his time with PPD, he attended night school at Roger Williams College, University of RI, and Suffolk University School of Law in Boston, graduating Summa Cum Laude in 1974 with a Juris Doctor degree. Subsequent to his career with the police department, he served as legal counsel to the Rhode Island Secretary of State. David joined the ranks of federal government employees in 2000 after moving to Washington, DC. David worked in a legal and law enforcement capacity for various federal governmental departments & agencies including the Federal Labor Relations Board, National Labor Relations Board, Department of Justice, Peace Corps, US Treasury and US Postal Service. During those appointments he worked in various countries around the globe and was posted on US diplomatic assignment with his wife, Jeanne, to South Africa, Israel, and Tunisia. David served as senior police advisor to the Palestinian Authority Civil Police in the West Bank and Gaza through the Israeli Consulate in Jerusalem. In South Africa he was the resident advisor to the National Director of Public Prosecution and senior advisor to the South African Police Service. Prior to his retirement, he acted as the resident advisor to the African Development Bank in Tunis, Tunisia. David retired in 2007, moving to New Bern, NC with his wife. David is survived by his wife, Jeanne Kern Zielinski; and siblings, Rosemary Bennett Pettit of Mashpee, MA, George Bennett of Warwick, Eleanor (Lucco) Florio of East Greenwich, Janice (Ronald) Pezzullo of North Kingstown, Susan Cadman of Warwick, and the late Ann Delaine Coogan of Warwick. He is also survived by several nieces and nephews. He was formerly married to Maureen Curran of Lincoln.

Generate Business

With the Bar's
Lawyer Referral Service!

Attorney **Ryan Kelley**, a Lawyer Referral Service member, enthusiastically supports the program. *I have made recoveries for three clients this year referred to me by LRS, after having been rejected by other firms. The recoveries were substantial and very much appreciated by my clients and my firm. I am expecting another fairly sizable recovery for an out-of-state gentleman who did not know where to turn to for a good recommendation. I cannot be more thankful. Especially given the minimal cost up front for membership, the reasonable referral percentage, and the ease of communication (mostly done via email).*

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.

MILLER SCOTT HOLBROOK & JACKSON
Attorneys and Counselors at Law

Miller Scott Holbrook & Jackson
proudly welcomes

Hannah Rose Pfeiffer
as an Associate to the firm.

Ms. Pfeiffer, a graduate of Rogers High School,
Saint Michael's College & Roger Williams University School of Law,
is admitted to practice in the State of Rhode Island

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IS PLEASED TO ANNOUNCE THAT

Patrick C. Barry, Jeffrey A. Mega
and Michael P. Quinn, Jr.
have become equity partners,
and the name of the firm has been changed to

DECOF, BARRY, MEGA & QUINN, P.C.

— DECEMBER 15, 2018 —

MARK B. DECOF
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JEFFREY A. MEGA
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JENNIFER A. BARRY
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Casemaker Tip: Client Tracking

Need to keep track of time spent doing online research for a client? Utilizing the **Client** and **Session Summary** features of Casemaker can help. Simply create a client and select the client each time you begin to conduct research for that client. Once you have finished, click the **Sign Out** link to sign out of Casemaker and view the **Session Summary**. The **Session Summary** contains the date, time and client for each search, which can be used to keep track of billable hours for the client. Please remember to print this information as it cannot be retrieved after closing the **Session Summary**.

A free member service to all Rhode Island Bar Association attorneys, Casemaker's 24 hours a day, 7 days a week, 365 days a year, online legal research improves lawyers' ability to stay current with the law and provides cost effective client service.

To access Rhode Island Casemaker, connect to the Rhode Island Bar Association website at ribar.com.

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Artificial Intelligence

continued from page 9

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12 *Posting by Michael Robak to Thomson Reuters Legal Executive Institute, http://www.legalexecutiveinstitute.com/next-generation-legal-technologists-calicon/ (July 2, 2018).*

13 *Posting by Michael Robak to Thomson Reuters Legal Executive Institute, http://www.legalexecutiveinstitute.com/next-generation-legal-technologists-calicon/ (July 2, 2018).*

14 *LegalRnD – The Center for Legal Services Innovation, http://legalrnd.org/.*

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16 *Posting of Christian B. Sundquist to A Place to Discuss Best Practices for Legal Education Artificial Intelligence, Algorithmic Knowledge and the Future of Law Schools, https://bestpracticeslegaled.albanylawblogs.org/2018/04/09/artificial-intelligence-algorithmic-knowledge-and-the-future-of-law-schools/ (2018, April 9).*

17 *Chris Higgins, A Brief History of Deep Blue, IBM's Chess Computer, Mental Floss, July 29, 2017, http://mentalfloss.com/article/503178/brief-history-deep-blue-ibms-chess-computer.*

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19 *LegalRnD – The Center for Legal Services Innovation, http://legalrnd.org/.*

20 *Posting by Maria Lokshin to Thompson Reuters Legal Executive Institute, http://www.legalexecutiveinstitute.com/future-law-schools-train-21st-century-lawyer/ (November 21, 2017).*

21 *Posting by Maria Lokshin to Thompson Reuters Legal Executive Institute, http://www.legalexecutiveinstitute.com/future-law-schools-train-21st-century-lawyer/ (November 21, 2017).*

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**The authors would like to thank Sean E. Feeney, Esq. of Hamel, Waxler, Allen & Collins for his assistance in research for this article.* ◊

CLE Program Reviews the Ins and Outs of Your Legal Malpractice Policy

(l to r) l to r: David Lee, Scott R. Schaffer, Esq., and David A. Grossbaum, Esq.

The December 13, 2018 seminar, ***Understanding and Getting the Most Out of Your Legal Malpractice Policy***, reviewed options when purchasing a legal malpractice policy, including the amount and type of the deductible and policy limits, and prior acts coverage. The speakers reviewed the risks that are encompassed in the legal malpractice policy and the risks that fall outside that policy so attorneys can consider additional options, such as a policy for cyber liability, premises liability, employment liability, and dishonesty of employees. The panel discussed real-life scenarios, including the claim process from notice to resolution. This CLE program is now available on-demand for purchase and viewing on the Continuing Legal Education section of the Bar's website at **ribar.com**.

Updating Your Attorney Directory Photo Is a Snap!

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

Share Your Wealth…

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You have a lot to share, and your colleagues appreciate learning from you. We are always in need of scholarly discourses and articles, and we also encourage point-counterpoint pieces. Or, if you have recently given, or you are planning on developing a Continuing Legal Education seminar, please consider sharing your information through a related article in the *Rhode Island Bar Journal*. While you reached a classroom of attorneys with your CLE seminar, there is also a larger audience among the over 6,500 lawyers, judges and other *Journal* subscribers, many of whom are equally interested in what you have to share. For more information on our article selection criteria, please visit the Bar's website, under News and *Bar Journal*, and click *Bar Journal* Homepage. The Editorial Statement and Selection Criteria is also on page 4 of every issue. Please contact Director of Communications Kathleen Bridge at 401-421-5740 or kbridge@ribar.com if you have any questions.

Caption This! 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 above and submit clever, original captions. Editorial Board staff will review entries, and will post their top choices 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 above by sending an email to kbridge@ribar.com with "Caption Contest for March/April" in the subject line.

Deadline for entry: Contest entries must be submitted by April 1st, 2019.

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.

Winning caption for January/February

"I tell you, my client has been set up and framed."

RICHARD A. PACIA, ESQ.

Lawyers on the Move

Daniel Connors, Esq. is now senior counsel at **Duffy & Sweeney, LTD.**, 1800 Financial Plaza, Providence, RI 02903.
401-455-0700 dconnors@duffysweeney.com
duffysweeney.com

Patricia A. Coyne-Fague, Esq. has been appointed **Director of the Rhode Island Department of Corrections**, 40 Howard Avenue, Cranston, RI 02920.
401-462-2611 Patricia.coynefague@doc.ri.gov
doc.ri.gov

J. David Freel, Esq. is now a partner at **Higgins, Cavanagh & Cooney, LLP**, 10 Dorrance Street, Suite 400, Providence, RI 02903.
401-272-3500 dfreel@hcc-law.com hcc-law.com

Kristina I. Hultman, Esq. is now a partner at **Higgins, Cavanagh & Cooney, LLP**, 10 Dorrance Street, Suite 400, Providence, RI 02903.
401-272-3500 khultman@hcc-law.com
hcc-law.com

Courtney L. Manchester, Esq. is now a partner at **Higgins, Cavanagh & Cooney, LLP**, 10 Dorrance Street, Suite 400, Providence, RI 02903.
401-272-3500 cmanchester@hcc-law.com
hcc-law.com

Michael F. Ryan, Jr., Esq. is now an associate at **Duffy & Sweeney, LTD.**, 1800 Financial Plaza, Providence, RI 02903.
401-455-0700 mryan@duffysweeney.com
duffysweeney.com

Salter McGowan Sylvia & Leonard has moved their office to 56 Exchange Terrace, 5th Floor, Providence, RI 02903.
401-274-0300 smsllaw.com

Peter F. Skwirz, Esq. is now an associate at **Ursillo, Teitz & Ritch, Ltd.**, 2 Williams Street, Providence, RI 02903.
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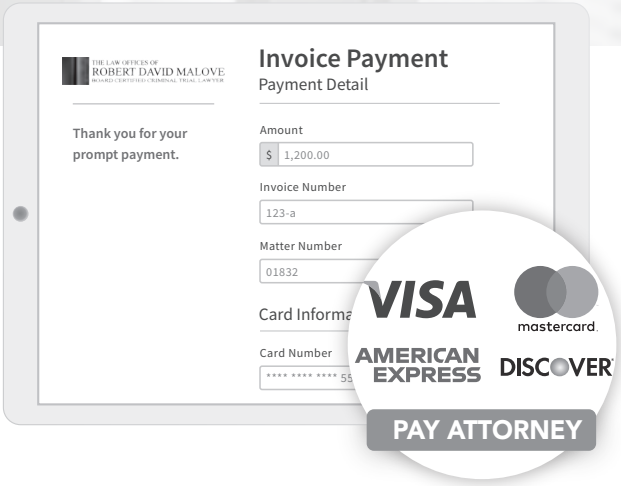

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Make *Spring* Your Most *Positive* Season

Enthusiasm is Contagious

We all want to work around people who are enthusiastic. A positive and enthusiastic attitude is a critical component of workplace success. So how do you maintain real enthusiasm when stress and day-to-day job strain become overwhelming? Don't see enthusiasm as a temporary state of mind or dependent on others. Instead, recognize enthusiasm as a part of your personality and a resource that helps you cope with stress and positively influence your environment.

Empathy: Happier Clients, Less Stress

Strong communication skills are essential to a successful and lasting attorney-client relationship. The failure to provide clear, concise and empathetic counsel to clients more often than not leads to lack of trust and misunderstandings. Empathy helps those with whom we interact feel heard. Through active listening, empathetic lawyers can bolster their clients' trust and more effectively open lines of communication.

Don't Fear Criticism in the Workplace

It's easier to give criticism than to accept it. However, openness to criticism can help advance your career. Make accepting criticism easier by understanding that defensiveness is like a "mental reflex." It naturally rejects criticism. To master this impulse, recognize that everyone feels defensive when criticized. Practice being welcoming to criticism. The result is personal growth, improved performance, and a growing reputation as an outstanding, approachable attorney.

Stay Pumped about Your New Year's Resolution

Don't consider your resolution a loss if you've had a few setbacks. Take this time to refocus and determine your next steps to get back on track towards your goals. When working towards your resolutions, always remember it's about progress not perfection. Take time to celebrate the mini-victories along the way. Doing so will help motivate you to accomplish the next step, and you will make each resolution a reality before you know it!

Lawyers Helping Lawyers

A Rhode Island Bar Association Member Benefit. For more information, visit our website at ribar.com, and the Do You Need Confidential Help Quick Link. Also learn how to log in to Coastline EAP, a private non-profit consulting service contracted by the Association to assist you at no charge.