



# Rhode Island Bar Journal

Rhode Island Bar Association Volume 59, Number 1 July/August 2010

**Rhode Island Bar Association  
Officers 2010-2011**

**Association Annual Report and  
Committee Reports**

**Annual Meeting and Awards**

**International Courtroom Drama**

**First Supreme Court Decision**



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

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# Diving Into a Rewarding Profession



**Lise M. Iwon, Esq.**  
President Rhode Island  
Bar Association

*Over the years,  
I have appreciated  
the great things  
our Bar Association  
has done and con-  
tinues to do. These  
include our Bar's  
immediate reaction  
and response to  
disasters.*

When my mother died suddenly in 1980, I was 21. She was 46. It was October of my first year of law school. When my Mom passed, I didn't think that I could do or be anything ever again. I didn't think I could ever love, care or give again. Then, Dean Robert Viles of my law school and my fellow students called me at my family's home in Wisconsin and encouraged me to return to law school in New Hampshire.

Upon my return, a group of second-year law students, seeing my wings were broken, took me under their wings and helped me through this difficult time. One of those students was my future and current partner in life and law, Margaret A. Laurence. During that year, and for the remainder of our school years, we would travel from New Hampshire to Rhode Island on weekends and study at her family's huge dining room table overlooking Narragansett Bay. Peg's Mom would ask us, "Now what do you girls want for dinner, lobster or swordfish?" I was happy with that.

Peg and I both wanted to be legal services attorneys. Unfortunately, then President Ronald Reagan decimated the legal services corporation budget, squashing it by over 80%, and many of those jobs were gone. Despite this, we were undaunted, and we began our quest here in Rhode Island.

I don't know who interviewed Peg, but my Rhode Island Legal Services (RILS) interview was conducted by Jim Hardy, Diane Curran and Pat Beattie, who recently passed away. Shockingly, we didn't get offers from RILS! What a mistake that was, huh? So, with the help of our families, we started our own practice, and we were fortunate not to have hundreds of thousands of dollars in student loans like many graduates have today.

I always wanted to be in the courtroom helping families and children, so I started getting experience as a Court Appointed Special Advocate (CASA) attorney and through work for the Rhode Island Bar Association's Volunteer Lawyer Program (VLP).

I also credit my pants for my early legal education, since I was often flying by their seats.

I worked hard and had lots of cases, but I wasn't making any money. On the rare occasion I had a paying client, I had no idea what to

charge. Peg has always been the bread winner of our firm.

That said, we were, and still are, having fun helping people, learning loads of stuff every single day, learning things they never taught us in law school and practicing law!

Therefore, I was shocked, surprised and honored when the Rhode Island Bar Association gave me a VLP award in 1988. An award! After five years of practice! The way I saw it, I was just doing my job.

I received my award at the Bar's 1988 Annual Meeting, where I was inspired and impressed by the many interesting and admirable things that our Bar Association does, so I decided to dive in and learn more.

For years I would drive home after House of Delegates meetings and tell Peg, "I learned five new things the Bar Association does." And, I would often describe our good, healthy, vigorous debates.

Over the years, I have appreciated the great things our Bar Association has done and continues to do. These include our Bar's immediate reaction and response to disasters. Immediately after the tragic Station Fire, we were at the ready instantaneously, collaborating with other community resource organizations and helping hundreds of families and individuals. Our response to the historic flooding in the spring of 2010 was spontaneous and effective.

Working in concert with state and federal disaster relief agencies, we placed 129 families with lawyers, working pro bono or at a reduced rate. Our Armed Forces Legal Services Project, created in August of 2009, has already helped over 60 military families with pro bono and reduced rate legal assistance. Rising to the challenge of increased need brought about by the economic downturn, our VLP handled over 1,200 cases in 2009, a 10% increase over previous years. This past year, we sponsored over 50 legal clinics, including Ask-A-Lawyer, power of attorney and senior clinics, collection seminars, healthcare power of attorney's, family law issues including custody, support, possession, and visitation. And, working in partnership with the Roger Williams University School of Law and the Rhode Island Family Court, we helped pioneer a unique divorce mediation clinic.

Out of 4,800 active, in-state Bar members, over 1,500 are directly involved in Rhode Island Bar Association Public Service programs, many are involved in more than one program, and additional hundreds freely offer their time to non-profit organizations throughout the state. The fact is, lawyers do more pro bono work than any other profession, and our Bar provides excellent avenues for this service.

Ours is an association of members with overwhelming talents, gifts, brains and strength. We advocate, educate, persuade, explain, mediate, lobby and defend. Your Bar Association does those same things with you *and* for you. Participation in the Bar Association creates a better professional environment, community understanding and appreciation for the law (because they'll get to know lovable, irresistible you!) and make us all better people.

Every day we pursue justice and defend liberty. We, individually and through our Bar Association, lobby the legislature, serving as advocates for the disenfranchised. Because they are unable to

divorce, right now, there are dozens of couples in Rhode Island without access to justice. As a result, the Bar recently offered testimony supporting a bill to allow legally married gay people to get a divorce in Rhode Island.

As our membership swells with new lawyers eager to learn and engage in the practice of law, please remember what it was like when you first started. Be a mentor. Be a guide. Be civil and respectful. Promote civility.

You are the face, heart and soul of this honored profession. As individuals, it is up to each and every one of us to promote and maintain the dignity and integrity of our profession. I love being a lawyer and I know you do too. You're reading this because you love and care about being a lawyer. I am proud of you and proud of the Rhode Island Bar Association because of all that you and we do.

We are all public servants. We all pursue justice and defend liberty. This year, I ask you to do more, to have fun, to love your family and each other, and to dive into your Bar Association! ❖

## RHODE ISLAND BAR JOURNAL

### Editorial Statement

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

### Article Selection Criteria

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

Direct inquiries and send articles and author's photographs for publication consideration to:  
**Rhode Island Bar Journal Editor Frederick D. Massie**  
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# New Rhode Island Bar Association President and 2010-2011 Executive Officers

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New Rhode Island Bar Association President Lise M. Iwon (on right) pledges to support and further the Bar Association's core mission and goals. She praised Immediate Past President Victoria M. Almeida's (on left) work as a servant leader and her commitment to ensure greater justice for all through a focus on pro bono service.



The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2010 Annual Meeting. Michael R. McElroy, Esq., Treasurer; partner of Schacht & McElroy; William J. Delaney, Esq., President-Elect, partner of Delaney & DeMerchant; Lise M. Iwon, Esq., President, partner of Laurence & Iwon; J. Robert Weisberger, Jr., Esq., Secretary, counsel with Edwards Angell Palmer & Dodge.



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# Rhode Island Bar Association 2010-2011 Officer's Profiles

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**Lise M. Iwon, Esq.**  
President



**William J. Delaney, Esq.**  
President-Elect



**Michael R. McElroy, Esq.**  
Treasurer



**J. Robert Weisberger, Jr., Esq.**  
Secretary

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**Lise M. Iwon, Esq.**, is President of the Rhode Island Bar Association. She is a partner with the law offices of Laurence & Iwon in Wakefield where she practices primarily in domestic relations and child advocacy. Lise is a member of the Rhode Island Bar Association Executive Committee and the Family Court Bench/Bar Committee, and she is a Fellow of the Rhode Island Bar Foundation. She served as Co-Chair of the 2006 Annual Meeting Planning Committee. She is a recipient of the Rhode Island Bar Association's Dorothy Lohmann Community Service Award and the Volunteer Lawyer Program's *Pro Bono Publico* and Continuing Service Awards. She received two Pro Bono Publico Awards from the American Bar Association and was one of Lawyers Weekly, USA's Attorneys of the Year. She received the Susan B. Anthony Award from the National Organization for Women. She has served as an Adjunct Professor of the Roger Williams University School of Law, and she served for 21 years as a Performance Judge for the Legal Education Partnership. Lise loves traveling, enjoying her family and friends, and living life to the fullest.

**William J. Delaney, Esq.**, is President-Elect of the Rhode Island Bar Association. He is a resident of Barrington, Rhode Island and a partner of Delaney & DeMerchant LLC in Providence. He received his undergraduate degree from the University of Notre Dame, his MBA from Rensselaer Polytechnic Institute, his J.D. degree from Albany Law School of Union University

and his L.L.M. in American Banking Law Studies from the Morin Center, Boston University School of Law. He is a member of the House of Delegates of the Rhode Island Bar Association and a member of the Bar's Executive Committee. He is a Lifetime Fellow of the Rhode Island Bar Foundation and a Fellow of the American Bar Association. Bill is certified as a Creditors' Rights Specialist by the American Board of Certification. He has previously served on the Board of Directors of Rhode Island Legal Services. Bill has completed his seventh year as an Adjunct Professor at Roger Williams University School of Law. He is a member of the American Bar Association, the American Bankruptcy Institute, and the Massachusetts, New Hampshire, Vermont, New York, Pennsylvania and Connecticut Bar Associations. He is a past recipient of a Rhode Island Bar Association's *Pro Bono Publico Award* and received the Bar's Continuing Service Award this year as a member of the Bar's Volunteer Lawyer Program. He has served as a member and Chair of the Town of Barrington's Appropriations Committee. In his spare time, Bill enjoys relaxing with his family.

**Michael R. McElroy, Esq.**, is Treasurer of the Rhode Island Bar Association. He is a resident of Providence and a partner in the Providence law firm of Schacht & McElroy. A graduate of the University of Rhode Island, he earned his law degree from Boston University School of Law and his Masters Degree in Taxation from



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Bryant University. He is a former three-term Chairman of the Superior Court Bench/Bar Committee and is a member of the House of Delegates and the Executive Committee of the Bar Association. He is a Fellow of the Rhode Island Bar Foundation. He is admitted to practice in Rhode Island, Massachusetts, and Tennessee, as well as various United States District Courts, Courts of Appeal, and the United States Supreme Court. He is a member of the Rhode Island Association for Justice. He is a former Special Assistant Attorney General, and is currently Legal Counsel to the Rhode Island Personnel Appeal Board. He is a member of the Advisory Board of Jammatt Housing and Community Development Corp., a non-profit community organization. He was Captain of the University of Rhode Island Crew Team and continues to enjoy sports. He and his wife Christine have three children.

**J. Robert Weisberger, Jr., Esq.** is Secretary of the Rhode Island Bar Association. He is counsel with Edwards Angell Palmer & Dodge serving in the firm's litigation department representing CVS as national litigation counsel. Bob is a member of the Bar's Executive Committee and House of Delegates. He has chaired the Bar's Government Relations Committee and the Annual Meeting Planning Committee. He has also served on several of the Bar's standing committees. Bob is a Rhode Island Bar Foundation Fellow and a member of the American Bar Association. For many years, he served as a member of the Board of Directors and Executive Committee of McCauley House. He serves his town of Smithfield as its Town Moderator. He is an inactive officer in the United States Merchant Marine. He enjoys sailing and playing his saxophone with different music groups.

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# Georgians On My Mind: International Courtroom Drama in Rhode Island



**Hon. Dean B. Pineles**  
Vermont District/Family Court  
Judge (ret.)\*

*As Judge Procaccini was about to grant the prosecutor's request, the defense attorney stood and addressed the court. She noted the witness stand was some distance from the defense table, and she wanted to be sure the girl had identified her client. "Would the court allow the girl to step down from the stand and approach the person she had identified?"*

Following my retirement as a Vermont trial judge, I served as a Legal Specialist with the American Bar Association Rule of Law Initiative in Tbilisi, Republic of Georgia, from April 2008 to April 2009. Georgia is a developing democracy, and its leadership is attempting to bring about reforms within the judiciary and other parts of government to comply with international standards and hopefully gain admission to the European Union and NATO. I was involved in many of the judicial reform efforts, and while the country has made considerable progress, there's much work yet to be done.

The Georgian Parliament recently enacted a sweeping proposal to establish an American style adversarial system in the criminal courts, including jury trials in serious cases for the first time. This is a significant piece of legislation which has the support of all key Georgian and international officials and organizations, and which should sweep away the vestiges of the former, Soviet-style, prosecutor-dominated institution so familiar in years past. The proposal took several years to pass because of its complexity and due to numerous extraneous events including the disastrous war between Georgia and Russia in August 2008 and the ensuing civil instability.

During the fall of 2008, as Georgia was struggling to get back on its feet, I escorted a group of ten Georgian judges, none of whom had ever visited the U.S. or spoke English, to Boston and Providence for a study tour of the American legal system. Accompanying us were three Georgian attorneys, all of whom were fluent in English, who served as interpreters. The trip was an opportunity to introduce the Georgians to adversarial proceedings, and they were keenly interested in seeing an actual criminal jury trial. During our first three days in Boston, the judges observed various courtroom proceedings, but were disappointed there were no jury trials to watch.

In Providence, as we were visiting the Superior Courthouse, we were informed a criminal jury trial was in progress, and, following a recess, we would be able to watch the case from the back of the courtroom. There was great

anticipation among the group, as this is what they had been waiting for.

After a short wait in the hallway, Judge Procaccini emerged from the courtroom and warmly greeted us. He patiently explained that the case involved an allegation of sexual assault of a child. The incident had occurred a few years earlier, and the putative victim, a girl now 11, was about to testify. The alleged perpetrator was the girl's former step father whom she had not seen since the incident.

We were ushered to seats among many other spectators, close to the table where the defendant sat with his attorney. When the recess ended, the bailiff intoned, "All rise for the jury." Everyone stood as the twelve jurors strode to the jury box and took their seats. The Georgians were fascinated, since they had never seen a jury before. Judge Procaccini kindly informed the jury about the guests from Georgia, and the jurors all smiled and nodded in our direction. I was quite proud to be part of this experience, as the Georgian judges and attorneys were receiving a first-hand view of one of the hallmarks of our democracy, and they were treated very respectfully by the court.

The prosecutor called the girl to the witness stand and questioned her about the incident. As the Georgians listened attentively through an interpreter, she testified that she had been sexually assaulted by her stepfather, known as Carlos, one day after school while her mother was at work.

The prosecutor followed standard procedure and asked the girl to look around the courtroom to see if she could identify Carlos. These trial mechanics, including the in-court identification of the defendant, were all new to the Georgians, and I was pleased that my guests were actually getting to see the real guts of a criminal jury trial. They would certainly have a better appreciation of the adversarial system, and they would have a story to tell when they returned home.

The girl gazed around the room and came to focus on the defendant's table. She pointed across the room toward her former stepfather. The prosecutor asked her what he was wearing

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and she said he was wearing a suit, which he was. "What color?" "Dark blue," she answered correctly. The prosecutor then perfunctorily requested that the record reflect that the witness had identified the defendant.

As Judge Procaccini was about to grant the prosecutor's request, the defense attorney stood and addressed the court. She noted the witness stand was some distance from the defense table, and she wanted to be sure the girl had identified her client. "Would the court allow the girl to step down from the stand and approach the person she had identified?" This was a routine trial formality, and the judge immediately agreed.

While this procedure was hardly unusual for the judge and lawyers, it was anything but routine for the jurors and observers. All eyes in the courtroom were glued to the girl as she headed toward the defense table. She had verbally identified her stepfather from the witness stand, but now she would stand directly in front of him, leaving no doubt about the person who had sexually assaulted her. Courtroom drama at its best!

As she arrived in front of the defense table, the prosecutor, from the other side of the courtroom, addressed her again. She shifted her weight in his direction as he asked her to point to the person who did this terrible thing to her. She leaned back toward the defendant, straightened out her arm, extended the index finger of her right hand, and slowly began to swing her arm directly toward the defendant as he sat motionless and tense.

But wait. Her arm kept swinging slowly, and her finger passed by the defendant. When her arm came to rest, her finger pointed directly at one of the Georgian judges who was seated just behind the defendant and who was also attired in a dark blue suit. "That's him," she said as she continued to point at the Georgian, "That man right there."

The courtroom fell into an awkward silence. The Georgians were stunned. Judge Procaccini was momentarily speechless. The jurors were obviously confused. Nobody seemed to know what to do. After what seemed like an eternity, but was probably only a matter of moments, the defense attorney gathered herself, rose to her feet and said, "Your honor, may the record reflect that the witness has *not* identified the defendant."

The judge acceded and immediately called a recess.

The Georgians shuffled out of the courtroom and lingered in the hallway. Several of them began to laugh nervously. The judge who had been identified as the perpetrator attempted what we would call a bad news-good news joke: "Although I've been identified as a sexual perpetrator, at least I'm not in Georgia where I would have been arrested on the spot."

Welcome to America.

**Author's Post Script:** *Upon our return to Georgia, word of this event spread fast, and has become part of local folklore. The judge is now jokingly referred to by members of the Georgian judiciary, including the Chief Justice, as Carlos. The verdict in the case was not guilty.*

**Editor's Note:** *Bar Journal guest author Dean B. Pineles retired from the Vermont Judiciary in 2005 after more than 21 years as a trial judge. During that time he served in all the trial courts, including civil, criminal, domestic relations and juvenile. He has been to Russia with the Russian American Rule of Law Consortium. He has also been to Kazakhstan as a jury trial expert and worked as a Legal Specialist with the American Bar Association Rule of Law Initiative in Tbilisi, Republic of Georgia. ♦*

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# West v. Barnes: The First Supreme Court Decision



**Timothy W. Larson, Esq.**  
Practices in Newport, Rhode  
Island and Boston,  
Massachusetts

*The seldom  
discussed case  
deserves attention  
not only because  
of its historic  
Rhode Island  
connection,  
but because the  
decision reminds  
us to follow rules  
meticulously or  
face potentially  
devastating  
ramifications.*

Oliver Wendell Holmes once wrote “the history of what the law has been is necessary to the knowledge of what the law is.”<sup>1</sup> With the recent changes on the Supreme Court of the United States, now is an excellent time to explore the earliest history of that body, and the first precedent it created. As law students, most of us probably read old decisions such as **Marbury v. Madison**, and our Constitutional law professors informed us that it was one of the earliest important Supreme Court decisions. Despite **Marbury’s** obvious primacy in setting precedent for judicial review, far fewer law students ever read the first U.S. Supreme Court decision, a 1791 Rhode Island case involving a seemingly mundane procedural issue. The first Supreme Court decision, **West v. Barnes**, originated with William West, a farmer in Scituate, Rhode Island.<sup>2</sup> The seldom discussed case deserves attention not only because of its historic Rhode Island connection, but because the decision reminds us to follow rules meticulously or face potentially devastating ramifications.

William West was a former deputy governor, Revolutionary War general, and Rhode Island Supreme Court justice deeply opposed to Rhode Island joining the federal union.<sup>3</sup> General West’s case began in 1763 when he obtained a mortgage on his farm in Scituate after investing in a failed molasses sale.<sup>4</sup> In 1785, West found it difficult to continue paying the mortgage. However, due to his public service, the General Assembly allowed West to conduct a lottery of some of his real estate to raise funds. Unfortunately for West, the lottery proceeds were paid in Rhode Island’s paper currency and not in gold or silver.<sup>5</sup> The Jenckes family, who held the mortgage, refused to accept this paper money despite a Rhode Island law requiring creditors’ acceptance as legal tender.<sup>6</sup>

Due to this disagreement, the Jenckes family sued West in Rhode Island’s federal Circuit Court where they were represented by David Barnes, a co-party and husband of one of the Jenckes sisters. Barnes, a prominent, well-educated attorney, brought the suit based upon diversity jurisdiction because he and his wife were residents of Massachusetts, and the

amount in controversy was over \$500.<sup>7</sup> In June of 1791, Barnes and West argued the case in Rhode Island’s federal Circuit Court comprised of Chief Justice John Jay (the first Chief Justice), Justice William Cushing, and Judge Henry Marchant. It is unclear if West had any formal legal training.<sup>8</sup> Although West had served as a Rhode Island Supreme Court Justice, eighteenth century judges were often not learned in the law. Possibly being outmaneuvered in Circuit Court, West lost his case and chose not to represent himself on appeal.<sup>9</sup>

West appealed the case to the Supreme Court of the United States in Philadelphia by writ of error. Unable to make the journey to Philadelphia, West hired Pennsylvania Attorney General William Bradford, Jr. to represent him on appeal.<sup>10</sup> In contrast to West, Barnes made the long journey to Philadelphia and was admitted to the U.S. Supreme Court Bar on the morning of the argument.<sup>11</sup> On August 2, 1791, the Court heard **West v. Barnes**, the first case ever appealed and decided by the Supreme Court.<sup>12</sup> In its first few years, the Court largely conducted routine activities such as swearing-in-new attorneys, and the Court had yet to hear a case until the West decision.

During oral arguments, Barnes asserted that West did not obtain a proper writ of error because it was not certified by the U.S. Supreme Court within ten days as required under the 1789 Judiciary Act.<sup>13</sup> Obtaining a certification by the Court in Philadelphia within ten days certainly would have been very difficult and expensive for West given the eighteenth century modes of travel from Providence. Therefore, he had the local federal Circuit Court certify the writ.<sup>14</sup> Barnes argued that West neglected a necessary statutory formality, and, therefore, his writ should be dismissed because a lower court could not certify a writ of error to itself.<sup>15</sup> In response, Bradford argued that denying West, and other far-flung citizens, the right to appeal because they lived more than ten days from Philadelphia was unjust. Furthermore, Congress did not provide details about any statutory exceptions.<sup>16</sup>

Ultimately, the Court agreed with Barnes,

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**Alternate Dispute Resolution**

refusing to interpret the statute otherwise and refusing to hear the remainder of the case on the merits. Each of the five sitting justices reluctantly issued a seriatim opinion in favor of Barnes, although each seemed to sympathize with West's situation.<sup>17</sup> The justices wrote that only Congress, not the Court, should alter the meaning of the statute.<sup>18</sup> Perhaps as such a new institution, the Court lacked the confidence in its ability to make new law because it feared public or legislative outcry. Justice Iredell's opinion seems especially sympathetic to faraway citizens such as West who had difficulty making the trip to Philadelphia within the statutory time period. Iredell unsuccessfully looked to American and British common law, searching treatises by Sir Edward Coke and William Blackstone to find any examples of lower courts issuing writs to themselves.<sup>19</sup> After the decision, Iredell wrote a letter to President Washington begging him to change the law. By 1792, the certification law was modified allowing faraway litigants to certify their writs in the local Circuit Courts.<sup>20</sup>

William West became the first party to lose a case in the U.S. Supreme Court and eventually lost his Scituate farm. After a protracted series of ejectment actions, West sold his property to his sons-in-law and likely used the proceeds to pay the Jenckes' heirs mortgage.<sup>21</sup> After losing his farm, General West spent time in debtors' prison and died in poverty in 1816.<sup>22</sup> By contrast, David Barnes eventually became Rhode Island's U.S. Attorney and U.S. District Court judge.<sup>23</sup>

**West v. Barnes** was the first of thousands of Supreme Court decisions, and **West's** reverberations are still felt today, even though **West** is seldom cited, and the cumbersome certification procedure was fixed in 1792. Despite a court's sympathy and an unjust result, a party may still lose a case depending on a statute's language. As it did in **West**, the Court still looks to common law for precedent (even back to Coke and Blackstone through reception statutes). Although judicial activism is far more common than in the past, the Court still defers to legislative bodies as it did in **West**. For the Rhode Island Bar, the case was the first case appealed by a Rhode Islander (or anyone), and the case allows us to reflect upon the far-reaching impact of everyday litigation. Personally, I was interested in the case because **West** is a

direct ancestor, and I was surprised at how quickly his life changed after losing the case. As an attorney I always aim to outdo General West in following the letter of the law.

#### ENDNOTES

- 1 *Oliver Wendell Holmes, Jr., THE COMMON LAW* (Lawrence, KS: Digireads.com Publishing, 2005), 16.
- 2 *THE DOCUMENTARY HISTORY OF THE SUPREME COURT OF THE UNITED STATES, 1789-1800, Volume 6*, Maeva Marcus, editor; Robert P. Frankel, James R. Perry, "West v. Barnes," (New York: Columbia University Press, 2007), 3.
- 3 George M. West, *William West of Scituate, R.I.: Farmer, Soldier, Statesman* (St. Andrews, Fla.: Panama City Publishing, 1919), 4-22.
- 4 *UNITED STATES CHRONICLE* (Providence), December 3, 1789.
- 5 *Ibid.*
- 6 *Ibid.*
- 7 Section 11, *Judiciary Act of 1789, Documentary History of the Supreme Court*, 4:59-60; *Stat.*, 1:78-79.
- 8 West, *William West*, 21.
- 9 *Docket, June 1791 term; Fine Minutes, June 13, 1791; and Final Records, Barnes v. West 1791 term, Circuit Court for Rhode Island*, RG 21, MWFAR.
- 10 *DOCUMENTARY HISTORY*, 12.
- 11 *Minutes of the Supreme Court, August 2, 1791, Documentary History of the Supreme Court*, 1:192.
- 12 *Documentary History*, 3.
- 13 *Ibid* at 9.
- 14 *Ibid.*
- 15 *Ibid* at 9-10.
- 16 *FEDERAL GAZETTE (Philadelphia), August 2-3, 11-12 1791.*
- 17 *DOCUMENTARY HISTORY*, 10.
- 18 *GAZETTE, August 2-3, 1791.*
- 19 *GAZETTE, August 2-3, 11-12 1791.*
- 20 *Process and Compensation Act of 1792, section 9, DHSC, 4:185; Stat.*, 1:278.
- 21 *DOCUMENTARY HISTORY*, 11.
- 22 West, *William West*, 23
- 23 *Judicial Conference of the United States, JUDGES OF THE UNITED STATES, (DC: United States Government Printing Office, 1983) 22.* ❖

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If you have not yet signed up as a member of a 2010-2011 Rhode Island Bar Association Committee, please do so today.

Even Bar members who served on Bar committees in the previous year must reaffirm their interest in 2010-2011 Bar committee membership by completing a committee registration form online or by mail.

To sign-up, please go to the Bar's web site at [www.ribar.com](http://www.ribar.com) and, at the top right of the Home page, go the Members Login. After entering your Bar identification number and password, click on the Bar Committee Sign-up link and follow the prompts.

As an alternative, you may download the Committee Application form appearing above the button and mail or fax it to the Bar Association. Please only use one method to register to avoid duplication.

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Committee membership supports and strengthens our professional lives and connects us to our colleagues, providing valuable, direct networking within distinct areas of the law. Bar committee participation is a particularly excellent means for new lawyers to grow and advance professionally while benefiting from the experience and wisdom of our more seasoned Bar members. Additionally, Bar committees often provide opportunities for meeting members of the Judiciary and discussing matters of importance.

Members who wish to serve on a Bar committee must register each year – *either* online or via a printed registration form – as committee membership does not automatically carry over from one Bar year to the next. And, using the quick and simple online option for committee sign-up facilitates the process and helps ensure your spot on your committee of choice.

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## 2010 Ralph P. Semonoff Award for Professionalism

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



**Lauren E. Jones, Esq.**, partner in the Providence law firm of Jones Associates, received the Rhode Island Bar Association's 2010 Ralph P. Semonoff Award for Professionalism. A high distinction graduate of the University of Michigan, Lauren received his law degree from Duke University School of Law. He began his career as the only appellate lawyer in the 15-member law firm of Lovett & Linder, Ltd. and, throughout his career, continues

to specialize in appellate practice and research and writing. He has handled more than 300 cases involving appeals or other proceedings in Rhode Island Supreme Court, as well as appeals in every court in the judicial system. He is a past President of the Rhode Island Bar Association and a long-term member of the *Rhode Island Bar Journal* Editorial Board, served two terms

as the *Journal's* Editor-in-Chief, and, in addition to winning the Second Annual Rhode Island Bar Journal Writing Award, in recognition of his excellent work, the Bar Association renamed that award in his honor as the Lauren E. Jones Writing Award. His many contributions, including his efforts on behalf of the Bar's Continuing Legal Education, have strengthened and sustained the Bar Association and the Rhode Island legal profession.

According to Attorney Anthony M. Traini, *"For a number of years, I have had occasion to work with Lauren on a number of interesting and complicated legal issues. That experience, as well as my observations of Lauren's participation in other matters, allowed me to see he exemplifies all the traits the Bar Association seeks to acknowledge. There can be no question that Lauren is one of the most distinguished and well-respected members of the Bar, dedicating himself to the principles embodied by the Semonoff Award."*

## 2010 Florence K. Murray Award

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



**Hon. Mary M. Lisi**, Chief Judge of the United States District Court for the District of Rhode Island, was honored with the Rhode Island Bar Association 2009 Florence K. Murray Award. Judge Lisi served as a District Judge from 1994 until she was appointed Chief Judge in 2006, becoming the first woman to hold that position. She is a graduate of the University of Rhode Island and received her law degree from Temple

University School of Law in 1977. She began her career as an Assistant Public Defender in the Rhode Island Public Defender's Office, served as Assistant Child Advocate in the Rhode Island Office of the Child Advocate, worked in private practice, was Director of the Court Appointed Special Advocate Program, Rhode Island Family Court, Deputy Disciplinary Counsel and Chief Disciplinary Counsel for the Rhode Island Supreme Court.

She was a member of the Select Commission to Investigate the Failure of Rhode Island Share and Deposit Indemnity Corporation, 1991-1992.

According to Attorney Patricia K. Rocha, *"Simply put, I cannot think of a better role model for women attorneys than Chief Judge Mary Lisi. As the first woman to hold this position, Judge Lisi has brought her intellect, temperament and good graces to all matters over which she presides. To Bar members, she is accommodating, to litigants, she is fair, but firm, to the jury, she is an educator regarding the judicial system. Chief Judge Lisi always conducts herself professionally and diligently, treats people with respect. and serves as a beacon for any woman attorney who is starting out, as well as those who are more experienced. Chief Judge Lisi is a shining example of what is good in our legal system and the positive role lawyers and judges play in society."*

## 2010 Chief Justice Joseph R. Weisberger Judicial Excellence Award

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



**Hon. Michael A. Silverstein**, Associate Justice of the Rhode Island Superior Court was honored with the *2010 Chief Justice Joseph R. Weisberger Judicial Excellence Award*. A graduate of Brown University, he received his law degree from Boston University School of Law. He began his law career as a partner at Higgins & Silverstein in Woonsocket and was a partner in a number of Providence law firms. He assisted in creating the

Depositors Economic Protection Corporation after 1991 Rhode Island Share and Depositors Insurance Corporation crisis, and writing insolvency legislation for financial institutions, which did not exist up to that time. He was appointed to Superior Court in 1994 and in 2001 to head Superior Court's new business calendar. The Business Calendar is a judicial innovation, providing both small and large businesses with an efficient alternative to complex business cases involving breach of con-

tract, business tort, U.C.C. transactions, and shareholders' derivatives suits. Through his vision of justice and fairness, Judge Silverstein adapts new trial technology in response to changes in the legal environment. He has served as chair of the Woonsocket Industrial Development Corporation, he is a former board member of Roger Williams University and the Meeting Street School, and a current board member of the American College of Business Court Judges and his synagogue.

According to Attorney Susan Leach DeBlasio: *"Judge Silverstein exemplifies and encourages the highest level of competence in the practice of law because it is clear to anyone who appears before him that he loves the profession and appreciates the craft of practicing law. Judicial temperament is one of Judge Silverstein's most positive attributes. He is patient, giving litigants time and taking time himself to advance the best decisions to advance cases. Judge Silverstein is, above all things, fair. He understands the nature of litigation and corporate work and recognizes that where conflict or dissention has arisen, fairness and justice must prevail."*

## 2010 Joseph T. Houlihan Lifetime Mentor Award

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



**Anthony J. Montalbano, Esq.**, who currently works for Mortgage Guarantee & Title Company in East Providence and teaches real estate conveyancing at Roger Williams University, was honored with the 2010 the Rhode Island Bar Association 2010 Joseph T. Houlihan Lifetime Mentor Award. A graduate of Catholic University Law School, in his more than 50 years of practicing real estate law, Anthony J. Montalbano

has generously shared his wisdom and experience with both new and seasoned Bar members. He is well known as a model for the advancement of the professionalism through his leadership, high standards of integrity, commitment and dedication.

According to Attorney William A. Farrell, *"Anthony Montalbano is known for his generosity of spirit and legal expertise in the field of real estate law. His idealism, intelligence and high degree of integrity are recognized by members of the Bar and the Judiciary. There are an incredible number of lawyers who have been mentored by Anthony over the years, producing a cumulative result of significantly improving their professional advancement, professional development and overall legal excellence in the field of real estate law."*

## 2010 Victoria M. Almeida Servant Leader Award

Named for its first recipient, Victoria M. Almeida, this award is presented to an individual who demonstrates the principles and values of Servant Leadership and who is a beacon of light and hope to others by illuminating the path to Greater Justice for All. Servant Leadership seeks to encourage others in achieving the goals of the Rhode Island Bar Association while remaining faithful to the mission and values of the organization and preserving its integrity.



**Victoria M. Almeida, Esq.** is the inspiration, namesake and first honoree to receive the Bar's Victoria M. Almeida Servant Leader Award. She is the President of the Rhode Island Bar Association and a shareholder in the law firm of Adler Pollock & Sheehan P.C., practicing civil and criminal litigation and health care, and Co-Chair of the firm's Government Relations and Higher Education Practice groups. Vicky is a member of the Rhode Island

Bar Association's Executive Committee, House of Delegates and the Bar Journal Editorial Board. She has chaired the Bar's Ethics and Professionalism, Public Relations and Centennial Committees, and she is Chair of the Strategic Planning Committee. She has received the Dorothy Lohmann Community Service Award for her work on behalf of the disabled community. Vicky is a Lifetime Fellow of the Rhode Island Bar Foundation. She is a member of the American Bar Association, the Defense Research Institute, Rhode Island Defense Counsel, the National Association of Criminal Defense Attorneys. In addition to her service to the Bar, Vicky is active in public and community service as Vice Chairperson of the Rhode Island Parole Board, and Vice

Chairperson of the Rhode Island Health Services Council. She is Vice Chairperson of the Diocesan Catholic School Board and Co-Chair of the Anchor of Hope Committee of the Diocese of Providence and serves on the Boards of St. Rita Health Centre in Cumberland, St. Antoine Residence in North Smithfield and the Poverello Wellness and Food Center of St. Francis Chapel and City Ministry in Providence. She is a Dame in the Order of Malta and serves as Hospitaller of the Rhode Island Chapter of Malta. The Order of Malta is a 900 year-old Catholic organization dedicated in service to the sick and poor throughout the world.

## 2010 Award of Merit

The Award of Merit is awarded in recognition of many years of faithful and diligent service to the Rhode Island Bar Association and the legal profession.



**John F. Bomster, Esq.**, of Bristol, New Hampshire and previously of Rhode Island, a *cum laude* graduate of the University of Bridgeport, who received his law degree from the University of Connecticut, was honored with the Rhode Island Bar Association's 2010 Award of Merit. A veteran litigator and former Adler Pollock & Sheehan Chair, John now analyzes and plans state and federal litigation from the firm's New

Hampshire office. He also serves as a Rhode Island court-appointed arbitrator and has supervised and trained many lawyers over his over 35 years of practice. The Bar's Executive

Committee particularly recognizes John's many years of service as a valued member of the Client Reimbursement Fund Committee, and commends him on his Distinguished Service to the Profession Award bestowed by the New Hampshire Bar Association.

## 2010 Volunteer Lawyer & Pro Bono Program For The Elderly Award Recipients

### PRO BONO PUBLICO AWARD

Established in 1987, this award recognizes the outstanding efforts of attorneys who have provided equal access to justice to the needy through the Volunteer Lawyer Program and Pro Bono Program for the Elderly during the past year. Award criteria include: case type and difficulty, the number of hours served, and the total number of cases for the past year. Length of service through the program and total number of cases taken since joining is also considered.



**Christopher M. Bijesse, Esq.** graduated from Iona College and earned his law degree from Roger Williams University School of Law while working full time for the United States Postal Service. Chris is a sole practitioner in Woonsocket and has actively participated in the Volunteer Lawyer Program for ten years. He has accepted a full range of civil matters, including family law cases where custody and visitation are primary con-

cerns. Chris and his wife Janice had former experience as foster parents, and he will extend his pro bono case acceptance to include some Department of Children Youth and Families matters for needy families. Chris has also assisted families with guardianship matters for disabled children. Additionally, he has represented those faced with collections and bankruptcy matters for which the working poor have an urgent need, especially in this economic climate. Since the end of 2008, Chris has accepted 6 cases and donated over 95 hours to those in dire need of legal assistance. It should be noted three of these cases are ongoing at this point and will require additional hours. Also, as a VLP member, he has donated his expertise through the Legal Clinic of the Rhode Island Coalition for the Homeless. He attributes his ongoing support of public service to his parents whose own extensive volunteer activities instilled in him the desire to donate his time for the benefit of those less fortunate. His community volunteerism includes his Knights of Columbus activities and being a Eucharistic Minister.

**Elizabeth P. Santilli, Esq.** graduated from the University of Rhode Island and received her law degree from Suffolk University School of Law. She is an Associate at the Providence law firm of Asquith & Mahoney where her practice includes estate planning, elder law and Medicaid planning, probate, real estate and income taxation. Beth has been an active member of the Pro Bono Program for the Elderly since 2002 and regularly volunteers to

speak on elder law issues at senior organizations, as well as accepting numerous pro bono cases including guardianship matters for the frail elderly, and a variety of probate issues. Many of the requests for help for vulnerable elderly involve nursing home or home visits, and Beth is always willing to do so. This past year, she has devoted countless hours to patiently representing an elderly client who, due to mental health issues, has had difficulty being cooperative. This is an ongoing matter, and since late 2008, Beth has accepted 9 pro bono cases and a number of speaking engagements at senior organizations as part of the Bar Association's focus on community outreach to the elderly. She has donated 90 plus hours during this time period. Her volunteer efforts include various service and committee memberships and efforts within her children's schools. She has also served as a Eucharistic minister.



### CONTINUING SERVICE AWARD

Established in 1991, this award recognizes previous Pro Bono Publico Award recipients who have made a steadfast commitment to the administration of justice to the poor through the Volunteer Lawyer Program and/or Pro Bono Program for the Elderly. Selection of the recipient is based upon previously receiving the Pro Bono Publico Award; total number of cases during length of service to the program; case type and difficulty; and number of hours. Recipients have contributed hundreds of hours of pro bono service to the poor.

**Jane F. Howlett, Esq.** graduated from Providence College and earned her law degree from the University of Bridgeport School of Law. Jane is also admitted to practice in Massachusetts. She is a sole practitioner in Bristol where she is engaged in the general practice of law with a major emphasis on litigation in the Family Court, District Court and bankruptcy practice. Jane has been the Chairperson of the Family Court Bench/Bar Commit-

tee since 2004. She is a member of the Bar's House of Delegates for Bristol County and of the Rhode Island Family Law Inns of Court. She is a longstanding member of the Lawyer Referral Service and accepts numerous clients through the Reduced Fee Program. She actively participates in the Pro Bono



Program for the Elderly, and recently accepted a divorce matter for an older client. A member of the Bar Association's Volunteer Lawyer Program since 1995, Jane received the Pro Bono Publico Award for her outstanding dedication to pro bono clients in 2003. Her remarkable support of VLP has led her to accept cases in the areas of contested custody, support and divorce on

an annual basis. She has also accepted guardianship and bankruptcy matters, and she is always in possession of a pro bono case from the VLP, if not the Program for the Elderly. During her fifteen years of public service membership, she has contributed hundreds of hours to support *Greater Justice for All*.

## Rhode Island Bar Journal Lauren E. Jones Writing Award

Established in 1986, Rhode Island Bar Journal Lauren E. Jones Writing Award authors are selected on the basis of: 1) presentation clarity; grammar; organization and need for editorial revisions; 2) article interest and information presentation; 3) information usefulness for the practice of law, presentation of an important legal issue and timeliness; and 4) accuracy and depth of research and information provided.



**Ronald M. LaRocca, Esq.**, an Associate at the Providence law office of LaPlante Sowa Goldman, received the 2010 Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award for his article, "Interpreting Attorney-Client Privilege Under the Open Meetings Act" published in *Rhode Island Bar Journal*: Volume 58, Number 5, March/April 2010.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Ronald M. LaRocca, Esq., the 2010 Rhode Island Bar Journal Lauren E. Jones Writing Award recipient, and strongly

encourage all Rhode Island Bar Association members to read the Article Selection Criteria included in every issue of the Rhode Island Bar Journal. Based on those guidelines, please submit articles for consideration to: Rhode Island Bar Journal Editor Frederick D. Massie via email: [fmassie@ribar.com](mailto:fmassie@ribar.com). For information, telephone (401) 421-5740.

**Editor's Note:** Attorney LaRocca's article, and the full contents of *Bar Journals* from the July/August 2009 issue forward, are available and may be viewed online and downloaded, by clicking on the Bar Journal icon on the Bar's website Home page. His and other past *Bar Journal* articles, may also be accessed through Casemaker, the free-to-Bar-members, 24/7 online law library on the Bar's web site.

## 50 Years of Service – 2010 Honorary Members



At the 2010 Annual Awards Luncheon, the Rhode Island Bar Association recognized and honored the distinguished Rhode Island attorneys who achieved a noteworthy 50 years of service. While not all the honorary members were able to attend the Annual Luncheon, those who did ably represented this august group.

### Rhode Island Bar Association 2010 50 Year Honorary Members

Norman Jay Bolotow, Esq.  
Carl Capozza, Esq.  
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Hon. Dominic F. Cresto  
Robert H. Eder, Esq.  
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## Unique Lessons Stimulate Student Participation on Rhode Island Law Day



Rhode Island Bar Association President-Elect Lise M. Iwon and Rhode Island Supreme Court Chief Justice Paul A. Suttell used issues relating to posting personal information on the internet and cyber bullying in explaining how the legal system works to Nathanael Greene Middle School teacher Suzanne Cross Foxley's students.



Rhode Island District Court Associate Justice Rafael A. Ovalles and Attorney Matthew H. Parker engaged teacher Alex Rosario's Met Justice School students in an examination of the roles of judges and lawyers when addressing legal matters.



Rhode Island District Court Associate Justice Mary E. McCaffrey and Attorney Richard J. Ratcliffe discussed criminal procedure with Hugh B. Bain Middle School students in teacher Peter Buonfiglio's classroom.

Working with the Rhode Island Law Day Committee, the Rhode Island Bar Association and the Rhode Island Judiciary organized volunteer teams of over 100 lawyers and judges to help deliver law related education classroom programs to upper and middle school students throughout the state. This year's lesson plans, developed and produced by the Rhode Island Bar Association, targeted sexting (sending naked or revealing photographs via cell telephones and/or the internet); downloading music from the internet; and posting personal information on the web and cyber bullying. Lesson plans included relevant background information and related news media stories, as well as recommended questions designed to elicit student participation. These distinctive topics, in addition to other lessons ranging from criminal procedure to Constitutional law, stimulated active student participation in discussions aimed at helping them understand how laws directly affect them and the roles lawyers and judges play in administering justice.

## Rhode Island Law Day 2010 Volunteer Acknowledgement

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Richard J. Ratcliffe, Esq.  
Richard A. Sinapi, Esq.  
Amy E. Stratton, Esq.  
Terrence N. Turner, Esq.  
Girard R. Visconti, Esq.  
George J. West, Esq.

### Rhode Island Judiciary Volunteers

Hon. Lillian M. Almeida  
Hon. Patricia K. Asquith  
Hon. Janette A. Bertness  
Hon. Elaine T. Bucci  
Hon. Patrick T. Burke  
Hon. Anthony A. Capraro, Jr.  
Hon. William E. Carnes, Jr.  
Hon. Albert R. Ciullo  
Hon. Lauren Q. D'Ambra  
Hon. Francis J. Darigan  
Hon. George N. DiMuro  
Hon. Stephen P. Erickson  
Hon. Robert M. Ferrieri  
Hon. Michael B. Forte  
Hon. Bennett R. Gallo  
Hon. Alan R. Goulart  
Hon. William R. Guglietta  
Hon. Robert E. Hardman  
Hon. Colleen M. Hastings  
Hon. J. Terence Houlihan, Jr.  
Hon. Patricia A. Hurst  
Hon. Gilbert V. Indeglia

Hon. Christine S. Jabour  
Hon. Jeffrey A. Lanphear  
Hon. Howard I. Lipsey  
Hon. Mary E. McCaffrey  
Hon. John E. McCann, III.  
Hon. Susan E. McGuirl  
Hon. Francis J. Murray, Jr.  
Hon. Edward H. Newman  
Hon. Stephen P. Nugent  
Hon. Rafael A. Ovalles  
Hon. Hugo L. Ricci  
Hon. William P. Robinson, III.  
Hon. George T. Salem, Jr.  
Hon. Michael A. Silverstein  
Hon. Brian P. Stern  
Hon. Paul A. Suttell  
Hon. Pamela Woodcock-Pfeiffer

## Bristol High School Student Wins 2010 Rhode Island Law Day Essay Contest

The Rhode Island Bar Association and the Rhode Island Judiciary, with support from Roger Williams University School of Law, and the Rhode Island Police Chief's Association, sponsored the 2010 Rhode Island Law Day Essay contest. Open to all Rhode Island 10th and 11th grade students, the 2010 Rhode Island Law Day Essay Contest offered a choice of how one of the following topics present 10th and 11th grade students with significant challenges in accepting their legal responsibilities: 1) sexting (sending revealing and or nude photographs via cell telephone); 2) downloading copyrighted music; and 3) posting personal information on the web and cyber bullying.

Audra Morrow, a sophomore at Mount Hope High School in Bristol, is the winning author for her essay on the legal and ethical aspects of cyber bullying. Audra received a \$1,000 Scholastic Award made possible through the generosity of the Rhode Island Police Chief's Association and Cardi's Furniture, she also received an internship opportunity with



l-r: Police Chief George L. Kelly III; Central Falls Police Department Colonel Joseph P. Moran III; Mount Hope High School teacher Deborah Leonard; Audra's grandmother Norma Kraemer; 2010 Essay Contest Winner Audra Morrow; Audra's mother Corrine Kraemer; and Rhode Island Supreme Court Associate Justice Francis X. Flaherty.

a Rhode Island state court judge and an engraved trophy cup. Mount Hope High School received a permanent plaque commemorating the win and will keep the annual Rhode Island Law Day Essay Award Trophy Cup to display until the next Rhode Island Law Day Essay Contest in 2011.

## Rhode Island Bar Foundation 2010 Annual Meeting

The Rhode Island Bar Foundation Annual Meeting was held in concert with the Rhode Island Bar Association Annual Meeting. During the Bar Foundation Luncheon, Foundation Fellows were recognized for their outstanding dedication to the welfare of the community and their efforts to achieve the Foundation's objec-

tives. Rhode Island Bar Foundation President John A. Tarantino also recognized the recipient organizations of the Interest On Lawyers Trust Account (IOLTA) grants. This calendar year, \$900,000 was granted for the provision of Rhode Island legal services and the administration of justice.

### 2010-2011 Rhode Island Bar Foundation Officers



Allan M. Shine, Esq., Secretary; John A. Tarantino, Esq., President; Michael A. St. Pierre, Esq., Vice-President; and James A. Jackson, Esq., Treasurer.

### Rhode Island Bar Foundation 2010 Thomas F. Black, Jr. Memorial Scholarship Recipients



Thomas F. Black, III, Trustee of the Kimball Foundation, George C. Whaley, Jr., 2010 Scholarship recipient, Leana A. Cabral, 2010 Scholarship recipient, Paul D. Lynch, Trustee of the Kimball Foundation, and R. Kelly Sheridan, Chairperson of the Scholarship Committee.



Nicole J. Dulude, Esq., 2003 Thomas F. Black, Jr. Memorial Scholar, addressed the audience and met with the 2010 Scholarship recipients and guests.

Rhode Island  
Bar Association

Annual

2009-2010

Report

# Report of the Executive Director on 2009-2010

*The mission of the Rhode Island Bar Association is to represent the members of the legal profession of the state, serve the public and profession, and promote justice, professional excellence and respect for the law.*



**Helen D. McDonald**  
*Executive Director*

It is a pleasure to submit a report on the activities and accomplishments of your bar association during 2009-2010, a year in which Rhode Island Bar Association leadership and staff continued to focus our efforts to develop new endeavors and fulfill the Association's goals and objectives to ensure we are doing the best we can to meet or exceed member expectations.

## Member Benefits

In a year that was challenging for the members of the Bar, the Rhode Island Bar Association continued to provide value and benefits to its members. **Casemaker** remains a highly valued and used membership benefit with new features and libraries increased. It has the same look and format but features some new and useful additions to make the program more powerful and user friendly.

Bar member response to the Association's **new website** is highly positive. With a fresh new appearance and organization; improved, user-friendly web site navigation; enhanced member information access including Bar member CLE seminar registrations and payments; public service sign-ups; and easily viewable and downloadable copies of complete Bar Journals.

The *Rhode Island Bar Journal* is published bi-monthly, six times annually with articles concerning relevant legal issues, opinion pieces, member profiles, updates on members' achievements, book reviews, and Bar and law-related events, programs and meetings, as well as advertisements for products and services of interest to Bar members. The *Bar Journal* is read on arrival and, most often, kept for future reference. In addition to this year's excellent and well-received President's Message, *Bar Journal* articles ranged from an examination of federal immigration audits to the connections between trial law and jazz musicianship, and from a practice guide to criminal defense representation to a scholarly discourse on the 1986 Ethics Amendment. A new column "This Month in Bar History" has been running in the *Bar Journal* highlighting aspects of Bar Association history as a reminder of our rich

and important history and the many contributions made by the Bar.

Other member benefits include **Aon Attorneys' Advantage**, the professional liability insurance program for our Bar members, which also provides expanded coverage through the AON Property and Casualty program. Personal Lines Insurance is provided through **Amica Mutual Insurance Company**, a full line of superior, competitively priced products including automobile, homeowners, life, marine and personal liability coverage.

The **ABA Members Retirement Program** is providing retirement plans – 401(k), profit sharing, and defined benefit plans to law firms and lawyers in RI. Whether you operate a solo practice or a large firm, the ABA Program can provide an effective plan for your firm; **Massachusetts Mutual Life Insurance Company** (MassMutual) is a sponsored provider of Disability Income Insurance and Long Term Care Insurance for members of the RIBA. Insurance services and discounts are also available through the **Robert J. Gallagher Company**. **USI New England** is the Rhode Island Bar Association's relationship administrator with Blue Cross Blue Shield and Delta Dental. USI New England will act as a liaison between Blue Cross/Delta Dental and Bar members as an alternative to direct Bar member contact with Blue Cross/Delta Dental. USI will also provide Rhode Island Bar members with enrollment, billing service, and insurance advice.

In addition to our insurance, retirement, and other affinity programs, the Bar Association has recently added the Law Firm Merchant Account™ as our newest member benefit. The Law Firm Merchant Account, credit card processing for attorneys, is a custom payment solution designed by **Affiniscope Merchant Solutions** (AMS). AMS examined the requirements for handling client funds and developed a system that resolves the ethical dilemma attorneys face when processing credit cards. If you are not participating in these programs, you're not making the most of your RIBA membership!

A thousand Bar Association members serve on **Bar Committees**. Unlike other bar associations which charge section dues, our committee program is free. Service on a Rhode Island Bar Association Committee is one of the most important functions members may fulfill. Committees help bring members together in collegial and educational forums and serve to improve and develop the ongoing relationship between the Bar and the Courts. Other Bar Committees are

# Report of the Executive Director on 2009-2010

more subject or activity focused, enhancing membership benefits and offering valuable networking opportunities to the Bar at large. It is a particularly excellent means for new lawyers to grow and advance professionally while benefiting from the experience and wisdom of our more seasoned Bar members.

The New **Attorney Advancement Task Force** has implemented a number of programs to stimulate new lawyer interest and participation in the Rhode Island Bar Association. These included an evening event aimed at helping new lawyers better understand their career options. Through the participation of seasoned attorneys, over thirty attendees were given an inside view of career possibilities and challenges. In partnership with the Bar's Executive Committee, the Task Force also presented a fun, informative and interactive evening of speed networking providing over fifty attendees with an up close and personal introduction to Bar Committees and the Bar's well-respected public service opportunities. These and other events have led to greater participation in organizational education, professional and public service activities and eventually to strong, increased involvement in leadership.

This year, the Bar's President had the honor of representing the Rhode Island Bar Association at the admission ceremonies for our newest members. To mark this occasion, which is our Bar Association's first attendance at an admission ceremony, each new member was presented with a quill pen to remind our new colleagues of their obligation to use as much care in their pleadings and writings as did those lawyers who preceded us and carefully and elegantly penned the Declaration of Independence.

## Public Service

One of the most noble of our goals is to facilitate the availability of legal services. We support pro bono services for the elderly and those of modest means. A new policy has been adopted reflective of the Association's support of the pro bono effort and member participation in the Volunteer Lawyer Program and/or Pro Bono Program for the Elderly. Any volunteer attorney participating in either the VLP or Pro Bono Program for the Elderly who has contributed and reported a minimum of thirty pro bono hours earns free attendance at either one three credit RIBA seminar or three one credit Food for Thought seminars of their choice. Each calendar year will present a new opportunity to each participating attorney to earn a maximum of three credit hours based on the required

number of pro bono hours contributed.

Recent rainstorms and related flooding are causing significant hardships for many of Rhode Island's most vulnerable citizens, many of whom are our neighbors and friends. Responding to this crisis, the Rhode Island Bar Association offered no-fee legal **Flood Related Legal Assistance** through the Bar's Lawyer Referral Service. News releases, noting this assistance were sent to all the state's print and electronic media outlets, directing residents to contact the Bar's Public Services Department.

President Almeida called on members of the Rhode Island Bar Association to participate in the "**Challenge of Greater Justice for All.**" With the assistance of our members, we made great strides in keeping justice accessible for our poorest citizens through the Bar's Volunteer Lawyer Program and the Elderly Pro Bono Program. The new **Armed Forces Legal Services Project** fills the unmet legal needs of veterans and families with volunteer attorneys directly representing military personnel by accepting pro bono cases. Volunteer opportunities are in a variety of civil law areas including, family law, probate issues, landlord/tenant, real estate, contracts, consumer, bankruptcy, collections, employment (USERRA), immigration/naturalization, torts, income tax, and other areas.

The **Mediation Day Clinic** is a new initiative to help address the unmet need for low income clients seeking a divorce. The initiative was a joint collaboration between the Bar Association, Professor Kogan of the Roger Williams School of Law Mediation Clinic and David Tassoni, the Deputy Family Court Administrator.

The Bar's Elderly Programs included a continuing series of **Collection Clinics** on an ongoing basis at both the RI Bar Headquarters and volunteer attorneys' offices. In addition regular legal clinics have been provided at senior organizations statewide.

In addition to the daily operations of the Lawyer Referral Service, Reduced Fee Program and Legal Information and Referral Service for the Elderly, the Association continues to work closely on pro bono initiatives with many organizations including but not limited to: Rhode Island Legal Services, International Institute, Rhode Island Coalition for the Homeless, Women & Infants Cancer Unit, Roger Williams University School of Law Mediation Clinic, and Bradley Hospital. We are now implementing a new Health Care Durable Power of Attorney Clinic at Senior Centers around the state. A senior handbook *A Guide to Getting Your Affairs in Order* was prepared by volunteer attorneys through the Legal Services Committee and distributed this year to hundreds of seniors through care facilities and organizations for

# Report of the Executive Director on 2009-2010

senior citizens.

The Ask a Lawyer – Bar and NBC10 Partnership continued in May when on May 5th and May 19th, during the NBC10 news period, Rhode Island Bar Association Lawyer Referral Service (LRS) attorneys, on in-studio telephone panels, responded to viewer legal questions concerning, respectively, elder law and family law. The Bar also worked with Channel 10 on the development and production of news stories which appeared on news broadcasts leading into the lawyer telephone panels, featuring Bar members and covering aspects of elder and family law.

## Rhode Island Bar Foundation

President John A. Tarantino and the Board of Directors of the Rhode Island Bar Foundation continue its hard work to maximize IOLTA income and assess legal needs in order to maximize foundation support for legal services in RI.

The Rhode Island Bar Foundation and the Rhode Island Bar Association joined in a proposal to the Supreme Court to change Rule of Professional Conduct 1.15 to make IOLTA mandatory for all non-exempt RI attorneys and to clarify the language that prohibits attorneys from keeping IOLTA in banks that discriminate against IOLTA accounts. The Rule was adopted by the Court and we have added over 600 new accounts.

The Rhode Island Bar Foundation also administers the Thomas F. Black, Jr. Memorial Scholarship Fund which was established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise that they will become outstanding lawyers and who need financial assistance to study law. The Scholarship is in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. Two scholarships of \$15,000 each were awarded this spring for Rhode Island students entering their first year of law school.

## Professional Development

The Association's **Continuing Legal Education (CLE)** department continued to explore ways to ensure quality CLE programming is as accessible and affordable as possible for our members. Including our annual meeting, we presented 115 seminars over the course of the last year, and, in addition there were 700 online registrations.

Our CLE program is aimed at ensuring professional excellence and competence for our members. This year there has been greater focus on education in the area of technology to assist our members with staying competitive. We expanded our online CLE options and have begun **simulcasting live CLE** programs so members can access educational programming of a very specialized nature.

Over 1,300 bar members attend the **Annual Meeting** each year. The Annual Meeting Program Committee, chaired by Linda Rekas Sloan this past year, offered over 40 CLE sessions and a number of social events. Featured speakers were Michael Rubin, past president of the Louisiana State Bar, who spoke on ethics at bar associations across the country, and best-selling author Jodi Picoult, a close friend our Rhode Island Bar President-Elect Lise Iwon, who offered remarks at our annual luncheon and presented a non credit program on fiction writing.

The free risk management program "**Protect and Build Your Law Practice In a Tough Market**" sponsored by **Aon Affinity**, our endorsed professional liability agent, had record registration and attendance this past year. 1,595 lawyers registered for the program. This free program presented by Professor Niki Kuckes from Roger Williams Law School focused on managing your firm's money to avoid economic stress; using retainer letters to build clear and enforceable client relationships; marketing your services efficiently and ethically; supervising staff and firm lawyers to prevent ethical shortcuts; and, expanding or changing your practice areas while maintaining competence. The next program is planned for August and September 2010.

The popular **Food For Thought** programs continue, and many sold out. Topics included: the work product doctrine, ethical issues in criminal law, advanced healthcare directives and privilege logs, planning for the expected or unexpected closing of a law practice, QDRO practice, child support, and an overview of the DEM and CRMC.

The first book in the **Massachusetts Continuing Legal Education/Rhode Island Bar Association** practice collection on Domestic Law Practice was released containing techniques, tips, strategies and best practices of thirty of Rhode Island's expert authorities on divorce law practice.

## Work-Life Balance

# Report of the Executive Director on 2009-2010

The Rhode Island Bar Association continues to support our members' quality of life through our Lawyers Helping Lawyers Program. Any member experiencing a personal or professional crisis may obtain immediate assistance from licensed, caring professionals as well as peer support if they so choose. The **Lawyers Helping Lawyers Committee** is working on several educational programs and outreach initiatives in the areas of balance, wellness, stress, and quality of life.

## Law Related Education

The Association has a goal to increase public understanding of and respect for the Law. Our many legal clinics, working with the Court on the Law Day Program and the statewide essay contest are all longstanding success stories for the Association. This year, on the morning of Rhode Island Law Day, President-Elect Lise Iwon appeared as Frank Colletta's guest on the Channel 10 Sunrise Show and discussed the participation of over one hundred volunteer lawyers and judges, as well as the Bar's many other excellent public service offerings. 2010 Rhode Island Law Day lesson plans and related educational information were developed exclusively for the event by the Bar including the following topics: 1) Downloading Music From The Internet; 2) Posting Personal Information On The Web & Cyber Bullying; and 3) Sexting (sending naked or revealing photographs via cell telephones and/or the internet). These topics were also used for the 2010 Rhode Island Law Day Essay Contest. Over 40 presentations were made in over 25 schools. Volunteer lawyers, with assigned partners from the Rhode Island Judiciary, delivered the classroom lessons on Friday, April 30.

My thanks to President Victoria M. Almeida, the Executive Committee and House of Delegates and Committee Chairpersons for their support and guidance throughout the year. Each member brings great perspective and leadership for the members. I also thank the tremendous Rhode Island Bar Association staff. We are fortunate to have these very committed individuals contributing their talent to the delivery of quality services and benefits to our members. Their hard work and dedication are remarkable: Director of Finance Karen Thompson, Director of Public Services Susan Fontaine, Director of Continuing Legal Education Nancy Healey, Director of Communications Frederick Massie, Rhode Island Bar Foundation Program Director Virginia Caldwell, our Lawyer Referral Service Coordinators Elisa King and Laura Bridge, Volunteer Lawyer Program Coordinator John Ellis,

VLP Program Assistant Debra Saraiva, CLE and Tech Services Assistant Karen Lomax, Member Services Coordinator and Webmaster Kathleen Bridge, Office Manager Susan Cavalloro, Continuing Legal Education and Communications Coordinator Tanya Nieves and Law Related Education Coordinator Allison B. Baker.

The programs and services of the Rhode Island Bar Association contribute to relevant and valuable programs and services to our members, increased availability of legal services, a more effective and independent judicial system, and increased public understanding about the law. Next year, under the leadership our incoming **President Lise M. Iwon** we will be mindful of meeting the goals and objectives adopted by the House of Delegates on your behalf and will continue to work toward our vision. Please feel free to contact any of the officers or staff at the Bar Association with your concerns, questions or suggestions. We will keep you informed and invite you to become involved as we work to fulfill our mission.

## Rhode Island Bar Association

### Legislative Positions and Amicus Briefs Official Notice 2010

The Rhode Island Bar Association restricts action on legislation either as a proponent or opponent to that related to the practice of law or administrative of justice. In 2009-2010 the Rhode Island Bar Association (RIBA) did not file as amicus curiae in any matters.

With regard to legislation, the Association supported recommendations by the Probate & Trust Committee re: the homestead exemption, property tax exemption and trusts and estate tax reformation. Each of these bills was approved by the Probate and Trust Committee unanimously: 1. An Act Relating to Levy and Sale on Execution (Homestead Exemption); Property Tax Exemption – This bill includes two parts: the first part would make clear that the homestead exemption from levy and sale extends to an owner who transfers his or her residence to a trust, so long as the owner/transferor continues to reside in the residence in question. The proposed bill would also increase the homestead exemption from \$300,000 to \$500,000.

The purpose of the second part of the proposed bill is to insure that the transfer of a residence to an irrevocable trust will not disqualify the grantor from obtaining whatever property tax exemptions are available in the city or town of residence, provided that the grantor continues to reside in the residence and remains obligated to pay property taxes. For estate planning and other reasons, a property owner may transfer his or her residence to an irrevocable trust while still residing therein. The Committee felt that in this case the veteran's, old age and "homestead" (for property tax, not attachment purposes) exemptions should still apply. 2. An Act Relating to Levy and Sale on Execution (Insurance Exemption) – This Act was part of the previous bill (Homestead Exemption from Attachment, etc.) as introduced during the 2009 session. It was felt that it would be better to introduce the insurance exemption as a separate bill. Florida and other states have adopted similar exemptions. 3. An Act Relating to Transfer Taxes – Estate and Transfer Taxes – This proposed bill would provide for the construction of wills and trusts executed prior to September 12, 1981 that contain marital deduction formula clauses in a manner that would provide for the optimum federal estate tax marital deduction. This act would apply to the estates of decedents dying after December 31, 1981. 4. An Act Relating to Fiduciaries – This bill was first approved by the Executive Committee and introduced in 2009. It would formalize a procedure usually designated as "decanting a trust." It could permit a trustee of a trust that gives the trustee absolute power to invade principal of the trust to make distributions to or for the benefit of beneficiaries to instead make distributions to a trust (part of the original trust or a new trust) for the benefit of the same beneficiaries. This technique would be especially useful with respect to existing trusts of long-standing, where for one reason or another, tax or otherwise, it would not be advisable for the trustee to make distributions directly to the trust beneficiaries.

Decanting statutes have been adopted in many states, including Alaska, New York, Florida and Delaware.

The Association supported S 0271 which allowed for a divorce in this state whether or not the parties would have been eligible to marry in Rhode Island so long as the marriage or domestic relationship is recognized elsewhere and as long as the parties meet the jurisdictional requirements for a divorce in Rhode Island.

The Association supported legislation proposed by the Title Standards.

Section 34-27-4 of the General Laws in Chapter 34-27 entitled "Mortgage Foreclosure and Sale." The purpose of the proposed change is to eliminate an internal inconsistency in the calculation of the time frame between the third publication and the original sale date. The first sentence of subsection (a) sets the acceptable time for the third publication between 7 and 14 days before the original date of sale. This sentence would allow a foreclosing entity to publish its third advertisement on a Wednesday, for example, two weeks before a Wednesday sale. The second sentence of subsection (a), by including the day of the publication in the computation, presently precludes such a publication scheme. The proposed change makes the two sentences consistent and clarifies that a third publication running exactly 14 days before the original date of sale (i.e. an advertisement running on a Wednesday two weeks before a Wednesday sale) is statutorily acceptable.

With regard to federal legislation, after careful deliberation and approval by the Rhode Island Bar Association Executive Committee, the President sent letters, on behalf of the Rhode Island Bar Association, to United States Senators Jack Reed and Sheldon Whitehouse asking them to act to amend the proposed Consumer Financial Protection Act to exempt lawyers engaged in the practice of law from the expanded regulatory powers that would be granted to the new Bureau of Consumer Financial Protection within the Federal Reserve. Unless the narrow lawyer exemption in the Senate bill is substantially broadened, the legislation will interfere with the confidential attorney-client relationship, undermine traditional state court regulation and supervision of lawyers, and discourage many lawyers from providing essential legal services to their consumer clients. While the House bill contains a broad exemption for lawyers engaged in the practice of law, the Senate bill contains a very narrow, ineffective lawyer exemption that would have little or no effect. As a result, the current Senate bill would grant the new Bureau extensive authority to regulate all lawyers who provide any "consumer financial product or service" as that term is broadly defined in the bill.

The Business Organizations Committee is reviewing recently proposed legislation that would prohibit most conflict transactions between a director of a non-profit corporation and the corporation. The legislation may trigger the resignation of any director whose firm provided any paid services to the non-profit corporation, including attorneys, insurers, and financial institutions. It also proposes limitations on the activities of a non-profit director.

A member may, within sixty days of the date of the mailing of the Journal, allege that the lobbying activity for a specific bill or an amicus brief filing in a specific case was impermissible or a "non-core" activity on the part of the Rhode Island Bar Association, by notice, in writing, to the Executive Director of the Rhode Island Bar Association.

#### Rhode Island Bar Association 2010-2011 Annual Budget

The Bar Association funds derived from members' dues are employed for the furtherance of the Bar's mission which is to represent the members of the legal profession of the state, serve the public and profession, and promote justice, professional excellence and respect for the law. A detailed budget appears on the following page.

# Rhode Island Bar Association 2010-2011 Annual Budget

*The Rhode Island Bar Association funds derived from members' dues are employed for the furtherance of the Bar's mandate which includes the administration of justice.*

## GENERAL FUND

(Administrative and Member Services)

Income	Budget 10/11
Bar Journal Ads & Subscriptions	\$ 60,000
Contract Service Income	67,200
Interest Income	2,500
LRE Grant Income	15,000
Mailing List Income	2,000
Malpractice Prevention	25,000
Member Dues & Fees	1,200,000
Miscellaneous Benefit Income	15,000
Personal Lines Insurance	15,000
	<u>\$ 1,401,700</u>

Expenses	Budget 10/11
Awards	\$ 0
Bar Journal	110,250
Casemaker	0
Clerical Assistant	0
Computer	40,000
Consultants	5,000
Copier	0
Depreciation Expense	0
Dues & Subscriptions	7,500
Insurance	15,000
Lawyer Assistance Program	0
Legislative Counsel	0
Lobby Tax	0
LRE Expenses	15,000
Maintenance & Repair	35,000
Medical Benefits	65,000
Miscellaneous Expense	0
Office Supply & Expense	25,000
Pamphlets & Advertising	1,500
Payroll Tax Expense	36,000
Printing & Postage	30,000
Professional Fees	28,000
Property Tax	7,000
Public Relations	0
Records Management	0
Regular Meetings	15,000
Rent & Electricity	155,000
Retirement Plan	40,200
Salaries	402,000
Telephone	14,000
Travel	36,540
Website	15,000
	<u>\$ 1,097,990</u>
Net Income:	\$ 303,710

## LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 10/11
Interest	\$ 50
Dues	25,000
Fees	25,000
	<u>\$ 50,050</u>

Expenses	Budget 10/11
Advertising	\$ 1,000
Convention & Travel	0
Medical Benefits	17,000
Miscellaneous Expense	1,000
Office Supplies	1,000
Payroll Tax Expense	3,200
Printing & Postage	10,000
Professional Fees	1,000
Rent	1,800
Retirement Plan	3,500
Salaries	35,000
Telephone	0
	<u>\$ 74,500</u>
Net Income:	\$ (24,450)

## CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 10/11
Annual Meeting	\$ 440,000
Publications	10,000
Seminars	285,000
Miscellaneous Income	0
	<u>\$ 735,000</u>

Expenses	Budget 10/11
Annual Meeting	\$ 275,000
Clerical	500
Computer	10,000
Copier	1,000
Depreciation	1,000
Dues & Subscriptions	500
Medical Benefits	22,000
Miscellaneous Expense	500
Office Supplies	10,000
Payroll Tax Expense	10,500
Printing & Postage	16,000
Professional Fees	5,250
Publications	7,500
Rent	15,000
Retirement Plan	14,000
Salaries	134,950
Seminar Expense	185,000
Travel	1,000
Website	3,000
	<u>\$ 712,700</u>
Net Income:	\$ 22,300

## OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,401,700	\$ 50,050	\$ 735,000	\$ 2,186,750
Expense	1,291,590	74,500	712,700	2,078,790
	<u>\$ 110,110</u>	<u>(\$24,450)</u>	<u>\$ 22,300</u>	<u>\$ 107,960</u>

## Grants and Restricted Funds

ProBono	\$ 195,626
Elderly	79,415
CRF	125,000
Total:	<u>\$400,041</u>

## 2010-2011

Total Revenue	\$ 2,586,791
Total Expense	\$ 2,478,831
	<u>\$ 107,960</u>

**Rhode Island Bar Association  
Statements of Financial Position\*  
June 30, 2009 and 2008**

<b>Assets</b>	<b>2009</b>	<b>2008</b>
Cash and cash equivalents	\$ 844,441	\$ 719,661
U.S. Treasury Bills	2,875,123	2,905,860
Accounts receivable	66,995	41,915
Other assets	21,977	11,578
Furniture and equipment (net of accumulated depreciation of \$378,695 in 2009 and \$369,212 in 2008)	82,345	98,072
<b>Total Assets</b>	<b>\$ 3,890,881</b>	<b>\$ 3,777,086</b>
<b>Liabilities and Net Assets</b>		
<b>Liabilities</b>		
Accounts payable	\$ 54,792	\$ 102,999
Accrued expenses	77,596	71,558
Deferred revenues	620	-
<b>Total Liabilities</b>	<b>133,008</b>	<b>174,557</b>
<b>Net Assets</b>		
Unrestricted	1,897,044	1,810,970
Temporarily restricted	1,860,829	1,791,559
<b>Total Net Assets</b>	<b>3,757,873</b>	<b>3,602,529</b>
<b>Total Liabilities and Net Assets</b>	<b>\$ 3,890,881</b>	<b>\$ 3,777,086</b>

*\*The Statements of Financial Position on page 2 of the Audited Financial Statements for the year ended June 30, 2009 is the official name for a Balance Sheet for non profit organizations.*

*Luis M. Lourenco, CPA*  
Principal  
YKSM, LTD  
27 Dryden Lane  
Providence, RI 02904

### Annual Meeting



**Linda Rekas Sloan**  
*Chair*

The 2010 Annual Meeting Committee produced a diverse, valuable and enriching program. Supporting this effort, the Bar Association staff worked with the Committee to ensure a seamless presentation of workshops, service and product exhibits, and social events, providing an outstanding opportunity to learn, improve your practice, and socialize with your colleagues.

The Meeting offered a wide range of workshops providing guidance in commercial, family, federal and trial law, as well as law office management. Program highlights included, but were not limited to, seminars on legal marketing, environmental issues, estate planning, limited liability corporations, the ever-popular civil and criminal case law updates and more. For the first time, the offerings included non-credit sessions regarding social networking, marketing and how to write a legal novel. All the offerings were enhanced by the participation of many distinguished and accomplished presenters. A diverse range of law related exhibitors presented their products and services at the meeting.

The Annual Meeting's Plenary Session speaker was Louisiana attorney and nationally-known speaker, Michael H. Rubin whose presentation on legal rules combined an informal style with scholarly, thought-provoking comments and humor. Also featured was best-selling author Jodi Picoult, who spoke at the Friday Awards Luncheon and taught a session on writing novels.

We honored the achievements of our outstanding colleagues at our Annual Meeting Dinner and Luncheon and welcomed the election of our new slate of Officers for the upcoming year.

The Chair and the Committee members extend their heartfelt appreciation to the many individuals who so graciously served as workshop speakers and moderators and who prepared workshop materials for the benefit of the entire Bar.

### Business Organizations



**James H. Hahn**  
*Chair*

The Business Organizations Committee met monthly throughout the past year. Committee members organized and presented a number of seminars, including Bar Annual Meeting seminars on organizing a Rhode Island business and recent developments in business law. The Committee continued its review of the Revised Uniform Limited Liability Company Act (RULLCA) and drafted and discussed proposed revisions to the Rhode Island

Limited Liability Company Act that should be finalized in the fall of 2010. The Committee also reviewed proposed revisions to the Business Corporation Act to clarify the status of corporate entities whose authority to transact business in Rhode Island is revoked for failure to file annual reports. Final changes will be coordinated with the Committee on Title Practices and Standards with a bill to be introduced in the 2011 session of the General Assembly.

### Continuing Legal Education



**Richard M. Peirce**  
*Chair*

The Continuing Legal Education Committee again provided full and varied programming for the 2009-2010 year. In 67 separate events, including our popular Food For Thought sessions and longer seminars we presented the quality and quantity of sessions needed by the Bar Association's members to fulfill CLE requirements at a very reasonable cost.

In late summer and early fall, the two-hour ethics seminar was presented at five different times and three separate locations to make the program accessible to our members. The program this year focused on practicing in a tough economy. The seminar received great reviews. We thank Affinity Insurance Services, Inc. (Aon) for underwriting the cost of this program allowing its presentation, free of charge.

Our law practice management series concluded in the fall with a program on creating an exit plan whether for retirement or as a contingency for unexpected life events. As a result of

## Bar Association Committee Reports

this series we now have two comprehensive volumes on managing a law office available for purchase.

We also offered a volume focusing on Rhode Island domestic law practice published by the Massachusetts CLE this winter. In a partnership agreement with MCLE, RIBA receives a percentage of revenue from the sales of these books. MCLE anticipates the publication of three more texts by fall 2010.

Our Practical Skills and Recent Developments programs continued this year. The Food For Thought programs continue to be our most popular form of programming. This year we offered a simulcast of a live program developed by Suffolk University Law School. We hope to partner with them again to offer more opportunities for Rhode Island lawyers next year.

In April we joined with Brown University to present a program on environmental health and chemical exposure issues. The program featured speakers from Brown, DEM and the Department of Health. We also worked with the Rhode Island State Law Library to present a practical session on the resources available at the library free to all members of the bar.

On-line seminars continue to be offered through the Bar Association website. More than 475 attorneys have purchased an online program since last June. Each year more attorneys are taking advantage of this convenient way to fulfill their CLE requirements.

I thank all Committee members for their hard work in planning these programs and those Rhode Island lawyers who volunteer their time as presenters, and I particularly thank Nancy Healey, the Bar Association's CLE Director, who provides such great support. I invite Bar Association members to submit programming suggestions at any time or to volunteer for our Committee.

### Creditors' and Debtors' Rights



**Richard L. Gemma**  
*Chair*

This past year was extremely busy for the members of the Creditors' and Debtors' Rights Committee. As everyone is aware, the local and national economies continue to struggle through unprecedented economic times. As a result, the number of bankruptcy proceedings and receivership proceedings have proliferated, including the filing of the first receivership proceeding involving a municipality of the state, namely the City of Central Falls.

Despite the increased demands upon their time, many Committee members volunteered to help plan and speak at the

Bar's Annual Meeting in June 2010 and CLE seminars held throughout the year. The Committee also formed a subcommittee which, earlier this year, examined the receivership selection process and the appropriateness of the disclosures made by a receiver prior to or in connection with the receiver's appointment and drafted a proposed recommendation with respect to those disclosures.

Many members of the Committee have agreed to and continue to participate in an email communication system in which members of the Committee are updated on insolvency issues in state and federal courts.

### District Court Bench/Bar



**James A. Hall**  
*Chair*

This past year was active for members of the District Court Bench Bar Committee. Over the course of the year, the Committee members remained extraordinarily dedicated, and I thank each and every member for their efforts.

The Committee began the year by focusing on the Bar Association's 2010 service theme of "greater justice for all" and identifying ways to improve the effective administration of justice through the District Court.

With this theme in mind, the Committee met on a Wednesday of each month at the Garrahy Complex and undertook both formal and informal continuing education efforts using monthly meetings as open workshops. The most spirited workshops dealt with post-foreclosure eviction proceedings which, due to partial federal regulation, have caused confusion for both practitioners and litigants alike. This workshop was instrumental in bringing to light procedural abnormalities that have beleaguered both the Court and practitioners in this time of elevated foreclosure rates.

The Committee also analyzed growing concerns regarding the increase of *pro se* litigation. The Committee sponsored an Annual Meeting workshop to provide practitioners with guidelines for effectively and ethically working with *pro se* litigants. As the court in which *pro se* litigation is most prevalent, the workshop initially focused on the daily challenges of *pro se* litigation seen in the District Court. The workshop, however, went beyond the District Court and highlighted the unique issues associated with *pro se* litigation in the Family Court where, not only is *pro se* litigation on the rise, but the challenges are uniquely tied to the emotions of litigants. The panel for this Annual Meeting workshop included views from the bench provided by District and Family Court judges.

The Committee concluded this year's efforts by reviewing

certain District Court Civil Rules to identify areas where efficiency may be gained by more closely mirroring the Rules of the Superior Court.

Over the next year, the Committee is looking forward to working on new initiatives as guided by Chief Judge Jeanne E. Lafazia. I invite any member of the Bar to join the District Court Bench/Bar Committee as we move forward.

### Ethics and Professionalism



**Kathleen G. DiMuro**  
*Co-Chair*

The Ethics and Professionalism Committee continues to meet monthly throughout the fall, winter and spring. Again, this year, David Curtin was invited to attend and suggest areas of concern in which the Committee might be able to assist in improving the practice of law in Rhode Island.

A continuing Committee emphasis is focusing on ways to reach out to Rhode Island practitioners with helpful seminars encouraging good lawyer habits, whether as trial attorneys or in general civil practices. The Committee members are dedicated to using their best efforts to bring a cross section of the Bar membership into the Committee, so that newer practitioners can bring their experiences and their suggestions into the preparation of seminars and annual meeting presentations.



**Stephen G. Linder**  
*Co-Chair*

The Committee has already invited Chief Judge Gibney and Chief Judge LaFazia to speak at the September meeting and looks forward to working with the courts in ways the Chief Judges may deem appropriate.

### Environmental and Energy Law



**Seth H. Handy**  
*Co-Chair*



**Bret H. Jedele**  
*Co-Chair*

It was a good year for the Committee, meeting every other month (now on the third Friday of the month from noon to 1:30) with an issue-oriented speaker for an hour and updates on current events and hot topics from our environmental and energy subcommittees. The subcommittees met once a month by telephone to: identify topics/speakers for Committee meetings (a rotating responsibility between the subcommittees); discuss updates on current events and hot topics, plan for Continuing Legal Education (CLE) presentations; and discuss potential legislative advocacy issues. Since its inception last year, the Committee produced six, CLE presentations: Environmental Enforcement; Coastal Resources Management Council (CRMC) Ocean Special Area Management Plan (SAMP) presented by CRMC Director Grover Fugate; Department of

Environmental Management (DEM) Update; Environmental Law Update; Renewable Energy; and Environmental Issues in Real Estate Transactions for the Bar's Annual Meeting. The Committee also assisted with the Environmental Health & Chemical Exposures CLE produced by Brown University and the Bar Association. The environmental subcommittee is considering a position regarding pending legislation to reform DEM's adjudicatory process, and our energy subcommittee is looking toward involvement in an expected comprehensive review and revision of laws and regulations pertaining to the development of renewable energy sources. We invite all interested Bar members to join the Committee in the coming year.

## Bar Association Committee Reports

### Family Court Bench/Bar



**Jane F. Howlett**  
*Chair*

The Family Court Bench/Bar Committee met on the second Tuesday of each month at the Garrahy Complex. Laurie Medwin-Fine served as the Treasurer and Nancy Garcia Ponte served as the Secretary. I thank both for their continued assistance and support.

We had a number of informative and enlightening Committee meetings. One such event featured Attorney Frank DiBiase of the Office of Child Support Enforcement. A Memorandum

was passed out written by Attorney DiBiase outlining the recent change in Rhode Island law in light of the Legislature's enactment of RI General Laws §33-11-51. Attorney DiBiase noted the history of ongoing child support after the death of the obligor. At common law, the obligation terminated/abated upon the death of the obligor. The new legislation allows for the creation of a constructive trust over non-probate assets such as insurance proceeds and trumps the distribution of assets to heirs. The new legislation makes the payment of the child support the number one priority of the Estate.

Another meeting featured Judge John McCann who spoke to the Committee about the practices and procedures to be utilized in his Courtroom. Judge McCann told the Committee of the Court's goal of reducing the number of pending cases in an attempt to reduce the time that a case is pending in the Family Court. Judge McCann further explained he and General Magistrate O'Brien have significantly reduced the number of pending divorces in Providence County. Also present to address the Committee was William LaFerriere from the Domestic Clerk's Office and Nancy Coiture from the Juvenile Clerk's Office. Both provided great information and procedural tips and advice from their respective offices. The clerks' offices are an integral part of the practice of domestic law and, as such, practitioners need periodic updates on new procedures and practices utilized by these offices. This makes all of our jobs a bit easier. Thank you to Judge McCann and to Mr. LaFerriere and Ms. Coiture for their time and effort.

Attorney Elizabeth Segovis of Rhode Island Legal Services gave a course entitled *Basic Tax Considerations in Separation and Divorce*. This informative presentation addressed the myriad issues practitioners must consider when couples separate and divorce. These include tax deductions, filing a joint return and the various forms required by the IRS. A discussion of the various forms required by the IRS, as well as treatment of specialized issues in domestic practice were discussed at length. This was, as always, a necessary and

informative one credit CLE. Thank you to Attorney Segovis for her time and expertise.

A number of Committee members attended the Bar Association's Committee Networking Event held in February. This was a great way for new attorneys, as well as others looking for a networking opportunity, to visit and speak with members of the various Bar committees. Several individuals attending that event have become members of the Family Court Bench Bar Committee, and I look forward to working with them in the future.

A sub-committee was formed to re-tool the DR6 A&B form and the CSS-1 form. Thank you to Attorney Jacqueline Grasso and to Attorney Mary Donnelly for their countless hours dedicated to restructuring and updating these crucial Family Court documents. A number of meetings were scheduled throughout the late winter and early spring to give Committee members an opportunity to voice their opinion about the changes being proposed on the DR6 A&B. These meetings were well attended and resulted in a form which should prove to be more useful than the old form.

I made a presentation at the annual Family Court Judicial Conference in September at the Christian Brothers in Narragansett. Chief Judge Jeremiah invited all Committee members and many attended. Dinner followed the conference and was a truly enjoyable event.

The annual Holiday event was held at McFadden's. The food was excellent and members mingled in a social atmosphere to celebrate the holiday season.

It has been a pleasure to serve as the Chair for a fifth year. Thank you to Chief Judge Jeremiah and all of the Family Court Judges and Magistrates as well as Committee members who continue to make my appointment as Chair a great experience.

### Fee Arbitration



**Henry V. Boezi, III**  
*Co-Chair*

**Madis Suvari**  
*Co-Chair*

During fiscal year 2009-2010, seventeen petitions for fee arbitration were filed with the Rhode Island Bar Association. Four matters were dismissed because the respondent was unwilling to proceed with the arbitration. Nine matters were arbitrated, or settled directly with the assistance of the committee prior to a formal arbitration hearing. Five matters are still pending hearing. The amount of fees in dispute ranged from \$2,000 to \$22,260. Several disputes were between

lawyers who had been involved in the same case.

Members of the Committee continue to arbitrate controversies that could have been avoided by a well drafted fee agreement, proper billing practices and better lawyer/client communications. The proceedings are primarily informal and serve as an alternative to litigation. Members serve voluntarily without compensation and are commended for their service to the Bar. In utilizing impartial attorney arbitrators, this program fosters confidence in the legal profession. We appreciate the continued support of the program by our volunteers and the membership.

### Federal Court Bench/Bar



**Patricia K. Rocha**  
*Chair*

Throughout this year, the Committee worked closely with the Court, and particularly with Chief Judge Mary Lisi and Clerk of Court David DiMarzio, on projects to continue to improve the efficiency and responsiveness of the Court to the needs of litigants and attorneys. The Committee also worked on projects focused on reaching out to lawyers and the community regarding federal practice, the role of the federal courts, and legal issues of interest to the community.



**Patricia A. Sullivan**  
*Vice Chair*

In its work on improvement of practice, procedures and rules to the benefit of the bench and bar, the Committee coordinated closely with the Local Rules Committee, which is tasked with monitoring and recommending modifications to the Local Rules. The Committee also instituted a project to gather jury instructions and make them available electronically to both attorneys and judges. It is hoped that this project, unique in the nation, will ultimately be of enormous utility to practitioners, as well as beneficial to litigants. In addition, during this year, the Court, with the support of the Committee, has adopted standardized Orders for matters governing pretrial procedures.

As a result of these ongoing projects, the Committee, with the enthusiastic support of the Court, has fostered a Court atmosphere that is responsive to the needs of attorneys and litigants.

In connection with its ongoing outreach function, the

Committee has continued the University Symposium Series, which started in 2008, and is sponsored by the Committee, working with the federal judiciary and with local colleges and universities. During 2009 and 2010, Roger Williams University School of Law and Providence College sponsored symposia focused on judicial selection and immigration law. Another symposium, sponsored by Brown University, is planned for the Fall of 2010, focused on the First Amendment.

The Committee has sponsored a presentation at the annual meeting of the Rhode Island Bar Association entitled, *Federal Court Practice: What's So Different About It?* In addition, the Committee is working with the federal court on planning for the 2011 District Conference, anticipated in the Fall of 2011.

The Committee participated in the Bar Association's committee networking event designed to encourage new attorney involvement in Bar committees. The Committee remains dedicated to increasing its membership and welcomes any and all members of the Bar to join and participate in its meetings.

### Fund for Client Reimbursement



**Michael A. St. Pierre**  
*Chair*

The Rhode Island Bar Association's Client Reimbursement Fund (CRF) was established as a public service to promote confidence in the administration of justice and the integrity of the legal profession. Our experience has clearly established the overwhelming majority of Rhode Island lawyers are honest, caring and deserving of their clients' trust. The focus of the Fund is to reimburse the losses of clients who have been victimized by the few Rhode

Island lawyers who violate the profession's ethical standards and misappropriate funds entrusted to them. Losses reimbursed by the Fund include the theft of estate and trust assets, settlements in real estate and personal injury cases, money embezzled in investment transactions within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise legal services. The Fund Committee meets regularly to review and act upon claims and propose rules and procedures. The Committee administers the Fund, which is funded by an annual assessment of \$25 per Rhode Island Bar Association member, together with interest on the invested funds and any money collected by subrogation from the defalcating lawyers. The CRF is a "fund of grace," and all claimants are required to exhaust alternate sources of recovery before the Committee will consider claims. We pursue subrogation rights after claims

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are paid. In several cases, attorneys convicted of client fund thefts are also subject to court restitution orders.

Since the inception of the fund in 1981, Rhode Island lawyers have reimbursed more than \$1.2 million to the victims of the few dishonest lawyers in this state. No public funds have been involved; these gifts are financed solely by payments from lawyers.

The fund provides some measure of reimbursement to client/victims who have lost money or property due to theft or dishonest conduct. Unfortunately, there have been a number of severe losses recently. In fiscal year 2009-2010, fourteen new claims were received. Nine claims are paid to date for a total of \$76,000. Fourteen claims are still awaiting action pending receipt of further information, and two claims were denied as not reimbursable under our rules. It should likewise be noted that the Fund was successful in recovering approximately \$63,000 from the assets of one defalcating lawyer.

I will continue to keep you informed as the Fund continues to serve the public. Thank you for your support.

### Government Lawyers



**Katherine D'Arezzo**  
Co-Chair

The Government Lawyers Committee continued its practice of meeting at varied locations within federal, state and local government to gain insight into the duties and responsibilities of the host entities and an understanding of the diverse roles which their respective legal counsel and staff counsel fulfill.

The Committee began the year at the Rhode Island Ethics Commission in September, where Bar Association President Victoria Almeida addressed the members regarding her theme for 2009-2010, *Greater Justice for All*. Members received information about, and were encouraged to participate in, the Bar's public service programs. The Committee decided to participate in a volunteer community service project for the Greater Providence Habitat for Humanity, and it is presently

scheduling its participation in an upcoming building project.

The Department of Attorney General hosted the Committee's October meeting. Assistant Attorneys General Rebecca Partington, Committee member and Deputy Chief of

the Civil Division, and Stacey Veroni, Chief of the Criminal Division, enlightened members with overviews of their respective divisions and the many complex issues they confront. In November, the Committee met at the Rhode Island Disability Law Center (RIDLC), where Committee member Bryan W. Hudson, a RIDLC Staff Attorney, provided a presentation on the wide-ranging issues addressed by the RIDLC and also engaged members in discussion of issues relating to the use of restraints on students in the schools and the appointment of temporary guardianships by the Probate Court.

In January, the Committee met at the Office of the Providence City Solicitor. Committee member and Solicitor Adrienne Southgate graciously extended an invitation to the Committee to participate in the City Law Department's in-house CLE series. Deputy Solicitor Anthony Cottone presented a seminar on conflicts of interest for municipal government attorneys, which focused on the requirements of Rule 1.7. In February, the Committee had a unique opportunity to tour the newly renovated United States District Court for the District of Rhode Island, guided by David DiMarzo, Clerk of the Court, in addition to receiving a hands-on demonstration of the latest courtroom technologies.

In April, the Committee again joined the Office of the Providence City Solicitor for its continuing CLE series. Solicitor Southgate presented a CLE seminar, *How to Serve as Counsel to the City Council and Its Standing Committees*, which had practical, carry-over application to members who not only serve as solicitors and assistant solicitors, but as legal counsel to diverse public entities. The Committee concluded the Bar year in May by sponsoring a free CLE seminar at the Rhode Island Supreme Court, *Anatomy of an Appeal: An Insider's View of the Appellate Process in the Supreme Court*, presented by Committee members Martha F. Newcomb, Chief Staff Attorney for the Supreme Court, and Debra A. Saunders, Clerk of the Supreme Court.

The Co-Chairs express their appreciation to Michael J. Sheldon for his service as Committee Secretary. We are looking forward to seeing some new faces join the Committee in the upcoming year.



**Paul W. Goodale**  
Co-Chair

### Insurance Programs



**Stephen J. Angell**  
*Chair*

The Committee on Rhode Island Bar Association Insurance programs met regularly over the 2009-2010 year to review and recommend programs of professional liability, health, life, accident and other insurance for members of the Association. Current programs include:

#### *Professional Liability Insurance* **Aon Attorneys' Advantage**

program offers professional liability insurance coverage sponsored by the Bar Association. Through a combination of Affinity Insurance Services, Inc. offices and a network of Independent Territorial Administrators, Aon Attorneys' Advantage program provides broad coverage, competitive rates, outstanding local service and risk management service. To learn more about the benefits and features of the program visit the Aon website at [www.attorneys-advantage.com/law](http://www.attorneys-advantage.com/law).

#### *Business Owners Property & Casualty*

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

#### *Personal Lines Insurance*

As a Bar member, you are invited to apply for insurance coverage as part of the Bar Association's Personal Lines Insurance Program. This valuable program gives you access to a full line of superior, competitively-priced products from **Amica Mutual Insurance Company** including automobile, homeowners, life, marine and personal liability coverage. Visit Amica's website at [www.amica.com/ads/riba.htm](http://www.amica.com/ads/riba.htm).

#### *Disability and Long Term Care*

**Massachusetts Mutual Life Insurance Company (Mass Mutual)** is a Bar-sponsored provider of Disability Income Insurance and Long Term Care Insurance for Bar members. Members receive discounts on these products from Mass Mutual, the discounts on Long Term Care Insurance also extend to members' parents, grandparents, children and in-laws. For general product information on Disability Income Insurance, go to: <http://producers.halfapaycheck.com/?13315>;

for Long Term Care Insurance, go to: [www.massmutual.com/ribar](http://www.massmutual.com/ribar).

#### *Term Life Insurance*

**Robert J. Gallagher & Associates'** representatives are happy to review Bar members' insurance needs. Their Affinity plan is underwritten by ReliaStar. For more information, contact Robert J. Gallagher, Jr., at 401-431-0837, e-mail him at [rjgiggs@aol.com](mailto:rjgiggs@aol.com), or visit their website at [www.gallagherassoc.com](http://www.gallagherassoc.com).

#### *Health & Dental*

Health and Dental Insurance is offered to Bar members who have an office located in Rhode Island. The plans are administered through **USI New England**. Interested members may contact Rhode Island Bar Association New Business/Renewal Assistance & Plan Options, by telephone, at 401-372-1173.

The Committee continues to educate new Bar members about the insurable risks confronted by them in the practice of law. Program participants are provided with information concerning particular insurance programs endorsed by the Bar Association.

I thank the Committee members for their many hours of work on your behalf, and I extend a special thanks to Helen McDonald and the Bar Association staff for the tireless assistance they provide to the Committee and to the membership.

### Labor and Employment Law



**Thomas R. Landry**  
*Chair*

Guests of the Labor and Employment Law Committee this year provided members with a wide range of perspectives on topics of Committee concern. Nancy DiPietro, of the U.S. Department of Labor's Employment Standards Administration, began the year by providing the Committee with a general overview of the Fair Labor Standards Act, with particular emphasis on areas receiving high complaint volume. In December, retired

Chief Justice Frank Williams came before the Committee to discuss his tenure on the bench, to advocate for the Court's appellate mediation program, and to provide insight into the various labor-related issues of import that have come before the Court over the past decade. In February, Maryanne Medeiros of the U.S. Department of Labor's Occupational Safety and Health Administration led a discussion about workplace safety and health regulations. The year concluded with presentations by representatives of the Rhode Island

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Commission for Human Rights and Region One of the National Labor Relations Board.

As always, the Committee also seeks to encourage additional members of the Bar to participate in, and benefit from, the Committee during the coming year. Toward that end, if any current or new members have topics or issues for the Committee to discuss or speakers they would like to address the Committee, please contact the Chair.

### Lawyers Helping Lawyers



**Brian Adae**  
Chair



**Joseph R. Miller**  
Vice Chair

The Lawyers Helping Lawyers (LHL) Committee met monthly during 2009-2010. The Committee serves as a resource to members, providing support and encouragement when needed. LHL Committee volunteers give generously of their time to help their colleagues. Their primary role is not to serve as counselor, doctor or therapist, but rather to lend an ear, provide support, encouragement and referral to appropriate resources. The Association contracts with Resource International Employee Assistance Services (RIEAS) which provides professional clinical services including assessment and referral. The Committee commends and thanks Judith G. Hoffman, LICSW, CEAP, RIEAS Executive Director for her valuable contribution. Twelve members of the Bar were assisted by RIEAS in the past calendar year. Issues included

depression, elder care, alcohol, anxiety, divorce and addiction.

The Committee focused much attention on outreach. The Committee has sponsored articles and programming in the areas of balance, wellness, dealing with stress and addiction issues. In addition, the Committee has provided information at Roger Williams School of Law during orientation and during the New Lawyers Introduction to Practice Program. In addition to the regular appearance of an LHL notice including contact telephone numbers for all Committee members, quality of life tips and a notice regarding the Committee are published bi-monthly in the *Bar Journal*. A piece related to the H1N1 flu virus also appeared in the *Journal*.

The Lawyers Helping Lawyers/Confidential Assistance pamphlet was revised during the current year. The Lawyers

Helping Lawyers webpage was also reviewed and updated for the Bar Association's Website, as was the notice for the *Bar Journal*.

Each year, Aon Affinity supports the cost of bringing a national speaker to Rhode Island to speak about issues of quality of life and ethics. This year, Bar Association President Almeida invited Michael Rubin to speak at the Bar Association Annual Meeting. Mr. Rubin is a past president of the Louisiana State Bar and a nationally known speaker on ethics.

The Committee hopes to sponsor presentations to members of the Judiciary in the near future. Representatives of the Committee and RIEAS will focus on how the Lawyers Helping Lawyers program operates as a peer assistance resource and as a clinical program and how Judges have a particularly unique opportunity to assist in helping lawyers in crisis get the assistance they need.

The committee looks forward to providing additional outreach and educational programming in the coming year.

### Legal Services



**Christine J. Engustian**  
Chair

The Legal Services Committee (LSC) worked diligently to produce a Special Education Law seminar for the Rhode Island Bar Association 2010 Annual Meeting. The LSC wishes to especially thank members Merrill Friedemann and Christine Barrington for their recommendation of this topic. The LSC planned and received approval for a CLE seminar this coming fall expanding on the Annual Meeting seminar topic.

Last year, joining the American Bar Association's pro bono celebration, LSC wrote an article for the September/October 2009 edition of the *Rhode Island Bar Journal* to set forth the widespread need for and acknowledged benefits of pro bono participation by Rhode Island attorneys in the Bar's pro bono programs. This year, to dovetail with the aforementioned upcoming annual meeting seminar, LSC members Neville Bradford and Christine Barrington wrote an article, on LSC's behalf, entitled "Special Education in Rhode Island, Seclusion and Restraint." This article was published in the May/June 2010 edition of the *Rhode Island Bar Journal*.

The LSC identified the issue of the Rhode Island Family Court requiring a motion to proceed in forma pauperis and financial affidavit completed and signed by the pro bono client in a divorce action, despite both the fact that the Bar screened and approved client's eligibility for pro bono services and the submission to the Court of a letter stating such client was

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exempt from filing fees. The LSC is concerned that the preparation of such documents, along with obtaining the duty judge's review and approval of said motion, creates unnecessary additional time spent by the volunteer attorney, and may ultimately serve to deter attorneys from accepting cases in Family Court. LSC extends its gratitude to the Bar's Family Court Bench/Bar Committee, which agreed to investigate the matter with Family Court personnel and report back to LSC.

It is a pleasure to chair this Committee which is devoted to "Greater Justice for All" in every aspect of its mission and work. I thank the committee members for their participation, ideas and efforts to facilitate the provision of legal services to all who need them.

LSC happily thanks Ms. Susan Fontaine, the Bar's Public Services Director, for her tireless and enduring assistance afforded our Committee. Her guidance and experience are vital to the success of the Committee's endeavors.

If you are not a member of the Bar's Public Service programs, please consider joining one or more of them. In so doing, you will be certain to reap the personal and professional rewards of helping the needy and poor of our society.

### Lesbian Gay Bisexual & Transgender

The LGBT Committee had three goals for this 2009-2010 year to: 1) expand membership and committee participation; 2) provide updated and accurate legal information to the members of the Rhode Island Bar Association; and 3) continue to advocate for issues that are unique to the LGBT Community of Rhode Island.

To expand membership and committee participation, the Committee scheduled the meetings in 2009-2010 in the early evening. Additionally, the meetings were scheduled at various

locations throughout the state, including the East Bay area, Lincoln and of course, Providence. The Committee scheduled a very successful holiday party; personal items and money collected at the event were donated to AIDS Care Ocean State.

To provide updated and accurate information, the Committee was asked to assist the Roger Williams University School of Law Alliance (LGBT law student organization) at their October 2009 CLE, to prepare and present, "A Gay and Lesbian User Guide to Rhode Island: What You Don't Know Can Hurt You (and Your Clients)." The presenters

#### Michael Grabo

Co-Chair



#### Patrick Smock

Co-Chair

Know Can Hurt You (and Your Clients)." The presenters

included Rhode Island attorneys from a variety of practice areas, who spoke on many diverse subjects.

As part of its continuing LGBT issues advocacy, the Committee prepared memoranda, letters and testimony which have been made available to the Governor, the General Assembly Leadership and the Members of the General Assembly for the consideration of legislation expanding the jurisdiction of the Family Court to include all legally wed couples without regard to whether the marriage would be legal in Rhode Island for the purpose of divorce. This activity is a continuation of a House of Delegates Resolution advocating for the access to the courts for all Rhode Islanders.

We thank the Committee Members and our allies for a successful year and look forward to 2010-2011 as an opportunity to continue working toward our existing goals, as well as new goals to be determined by the Committee.

### New Attorney Advancement Task Force



#### Elizabeth A. Suever

Chair

The New Attorney Advancement Task Force was created in 2008 to meet regularly to review and analyze the programs and services in place at the Rhode Island Bar Association and to promote diversity, and enhance opportunities and the professional development of newly-admitted practitioners. Over the past year, Task Force members focused on ways to assist new attorneys with learning about the various leadership and professional development opportunities provided by the Bar Association. Additionally, Task Force members worked to provide programming to help new attorneys address challenges in their legal careers.

*Navigating Rough and Calm Waters: How to chart a satisfying legal career path over a lifetime* was an informative panel discussion focusing on ways young attorneys can shape their legal careers to gain satisfaction and fulfillment through their work. The event's panelists included: Constance A. Howes, Esq., Philip M. Weinstein, Esq., Keeva Terry, Esq., and Luis M. Matos Esq. The panelists discussed how they started their legal careers and decisions they made during their career that led them to their current positions. New attorneys were given the opportunity to ask questions and speak with the panelists informally to gain insight as to how they can plan for a satisfying career.

*What can Your Bar Association do for You?* was a fast-paced networking event that gave new attorneys the opportunity to meet with seasoned and experienced members from a range of Bar Committees with an emphasis on allowing new

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attorneys to find a Bar Committee most beneficial to their practice and interests. Participants learned about the missions of various Bar Committees as well as the Bar's referral service and pro bono service opportunities. Bar Committee members and new attorneys then had the opportunity to engage in an informal networking session immediately after the program.

*View from the Bench*, presented by Bar member Douglas J. Emanuel, Esq. and presided over by Rhode Island Superior Court Associate Justice Brian P. Stern included a mock, Superior Court Motion Calendar, including narrative and explanation, followed by a question and answer period allowing attendees to ask Judge Stern questions about motion calendar practice.

Task Force members are working on new programming for 2010-2011, and new and seasoned Bar members are invited and encouraged to join.

### Probate and Trust



**David T. Riedel**  
*Chair*

The Committee on Probate and Trust considers proposed changes in the legal system relating to the probate and trust areas. The Committee was active during the current year, meeting generally once each month. Many were regular Committee attendees and active participants at Committee meetings. Several probate judges are Committee members, and they provided a useful perspective on Committee discussions.

The Committee was involved in the preparation of proposed legislation during the current session that would: 1) protect existing property tax exemptions upon certain transfers of property, including transfers to trusts; 2) increase the homestead exemption from \$200,000 to \$500,000 and extend the exemption to trust beneficiaries or other individuals occupying property; 3) exempt from attachment the proceeds and cash value of life insurance policies and annuity contracts; 4) change the manner in which the Rhode Island estate tax is calculated from an exemption of \$850,000 to the equivalent in an estate tax credit of \$25,200, which would have the effect of giving all estates (not just those \$925,000 or less) the benefit of the credit; 5) provide for the



**Richard J. Petrucci Jr.**  
*Vice-Chair*

automatic "optimum marital deduction" for documents drafted prior to 1981. The Committee also attempted, without success, to have legislation introduced providing a statutory basis for the technique of "decanting" irrevocable trusts. We hope to have more success during the 2011 session.

The Committee also reviewed proposed legislation submitted during the current session that would, *inter alia*: 1) make certain revisions to the laws regarding Probate Court proceedings, including, specifically, claims procedure, rights of a surviving spouse and inheritance; 2) provide for a remedy where corporate sureties fail to honor surety bonds.

It is uncertain whether any of the remaining proposed legislation referenced above will be enacted in the current session, since the Legislature was in session at the time of this Report.

The Chair was given invaluable assistance by a number of Committee members who made themselves available to draft and review proposed legislation in the probate and trust area and who, as individual practicing lawyers or other professionals, made themselves available for testimony before House and Senate Committees. The Chair would like in particular to acknowledge the assistance of the Vice-Chair, Richard J. Petrucci, Jr.

The Superior Court Bench/Bar Committee met on the first Monday of each month this past year. The Committee reviewed various issues in the Superior Court, and made a decision to concentrate on developing a new system to improve the manner in which civil cases are scheduled and called for jury and non-jury trials in Providence County. The Committee's challenge was to devise new procedures intended to decrease the current trial backlog, afford meaningful settlement opportunities, and provide counsel, litigants and witnesses improved notice as to when their cases will be reached for trial.

### Superior Court Bench/Bar



**Melissa E. Darigan**  
*Co-Chair*

The Superior Court Bench/Bar Committee met on the first Monday of each month this past year. The Committee reviewed various issues in the Superior Court, and made a decision to concentrate on developing a new system to improve the manner in which civil cases are scheduled and called for jury and non-jury trials in Providence County. The Committee's challenge was to devise new procedures intended to decrease the current trial backlog, afford meaningful settlement opportunities, and provide counsel, litigants and witnesses improved notice as to when their cases will be reached for trial.



**Karen A. Pelczarski**  
*Co-Chair*

The Committee divided itself into sub-committees to accomplish this task. A special meeting of all Superior Court judges was convened by Presiding Justice Alice Gibney to per-

## Bar Association Committee Reports

mit members of the Bench and Bar a meaningful opportunity to confer with one another and work together to devise as effective a new system as possible. Also, the Presiding Justice was generous of her time in meeting with the Chairs and providing her input.

After much hard work, the Committee was pleased to present a proposed Administrative Order to Justice Gibney for consideration. In it, new procedures are proposed, wherein no matters may be assigned for trial until they are substantially ready to be tried. Also, virtually all trial counsel, after their cases have been assigned, will be required to attend Rule 16 conferences to streamline the trial process and make it as efficient as possible. In these conferences, counsel will be expected to address administrative matters such as the anticipated length of trial, special needs of any witnesses, and dates on which they or their clients will not be available. Also, settlement will be explored at these conferences, and may lead to mediation or other forms of alternative dispute resolution. The Committee expects, as a result of these Rule 16 conferences, trials will be scheduled shortly thereafter, and this process will eliminate the need for trial calendar calls.

The Superior Court Bench Bar Committee presented a seminar at the 2010 Rhode Island Bar Association Annual Meeting and is working on organizing an annual seminar each spring to present a view from the Bench.

### Supreme Court Bench/Bar



**John A. Tarantino**  
*Chair*

The Superior Court Bench/Bar Committee worked with the Supreme Court, and, in particular, with Chief Justice Suttell and Clerk of Court Debra A. Saunders, to review and discuss issues of importance to practitioners before the Court and to the Court itself. Topics of discussion included potential revisions to certain Supreme Court rules, ways for practitioners and members of the Court and its staff to be advised and share information of interest, elec-

tronic notification of conferences, orders and opinions, Rule 12(a) statements and appellate screening of cases. In this regard, as the Supreme Court announced in April 2010, it now has the ability to notify the entire Rhode Island Bar by email, and it has upgraded and implemented new technologies and new services in the judiciary to provide the Bar with updated information, as well as announce upcoming news and events, including news from the Supreme Court Clerk's Office with respect to court closures resulting from inclement weather.

The Committee also participated in the Bar Association's

February 2010 New Attorney Networking Event. A member of the Committee helped introduce and explain the Committee's professional offerings and answered questions about the Committee and its functions. The Committee welcomes any members of the Bar who are interested in the Committee's work to express that interest and request appointment as a Committee member.

### Technology in the Practice



**Peter V. Lacouture**  
*Chair*

The Committee on Technology in the Practice met regularly this year and addressed a number of technology issues of importance to lawyers. The Committee's major effort was reviewing systems for the electronic backup and storage of lawyers' critical computer data. This data is vulnerable to loss or damage from fire or other casualty or computer hardware problems. Everyone acknowledges the need for appropriate backup. However, this requires

appropriate systems, consistency and discipline.

The Committee reviewed information about the services offered by a number of vendors that provide various levels of automated electronic backup. In March, the Committee issued a request for proposals to eight vendors. It has reviewed the responses and recommended two vendors to the Bar's Executive Committee for approval as endorsed service providers through the Bar's Membership Benefits. The Committee has also examined other technology offerings that might be presented to members of the Bar as affinity programs or otherwise.

In early 2009, the Committee arranged for well-known lawyer, speaker and legal-technologist Ross Kodner to present three technology seminars at the Rhode Island Bar Association annual meeting in June, 2009. The seminars were well received, and Mr. Kodner presented at the 2010 Annual Meeting. His subjects this year were case management systems and the ethical implications of the virtual practice of law.

The Committee invites interested Bar members to join and looks forward to a productive 2010-2011.

## Bar Association Committee Reports

### Title Standards and Practices



**Albert K. Antonio**  
*Chair*

The Title Standards and Practices Committee met nine times. Attendance continued strong with more than 20 members attending each meeting. After the flurry of title standard changes the previous year, the current year focused on proposed legislation to assist consumers and improve practices.

The Committee considered ten proposals for legislative change. Eight originated with our committee. Two, one with regard to ancient mortgages, and one to correct a calculation error in a foreclosure statute, were introduced in the Legislature, made it through the Senate and, at the time of this report, were pending in the House. Two others were picked up by an outside source and introduced, but did not survive committee action.

The Committee continues to be concerned with recording, abstracting and other transactional errors. The Committee will always welcome and consider suggestions for improving transactional practice in Rhode Island as it also continues to improve and modernize its Title Standards and Practices.

tions, where to have the employees examined by the physicians who do not have office space, and other related topics in this area.

At the first meeting, attorney Steven Minicucci informed the Committee what new legislation was proposed on Capital Hill. The Committee kept their members informed regarding any changes in the law as well as proposals to be made.

Once again, the popular annual holiday gathering in early December where the Workers' Compensation Judges and attorneys can meet socially was held at Downcity Diner in Providence. It was a well attended event by the Bench and Bar.

In May, the Committee obtained one continuing legal education (CLE) credit by attending a presentation given by three members of the judiciary. A "View from the Bench" presentation was given by Chief Judge Healy and Judges George Salem and Rob Ferreiri. All areas of the practice were discussed, including ways of making life easier for the Court-appointed doctors by tabbing the medicals in chronological order. The dos and don'ts of presenting a workers' compensation case before the Court were emphasized by the panel of Judges.

The annual Bench/Bar golf outing was held on June 28, 2010. The Committee extends many thanks to attorney John Cascione for his assistance in coordinating this extremely popular and fun event.

### Workers' Compensation Bench/Bar

The Workers' Compensation Bench/Bar Committee met at the Garrahy Judicial Courthouse on the third Wednesday of each month. A solid group of members utilized this opportunity to engage with members of the judiciary to discuss concerns arising during the year. Chief Judge George Healey, as well as other Workers' Compensation judges, was regularly present at the meetings. Throughout the year, judges and attorneys

discussed topics including scheduling, availability of lawyers engaged in other courtrooms and in Massachusetts and timely appearance at pretrial conferences and trials.

**Jack R. DeGiovanni**  
*Co-Chair*

**Paul V. Mancini**  
*Co-Chair*

At every meeting, Co-Chair Jack R. DiGiovanni, informed the Committee of any

changes in forms and procedure to assist attorneys' practice before the Court. A hot topic this year was the focus of the sub-committee on Independent Medical Examiners chaired by Judge Robert Ferreiri. There were discussions concerning the serious effort to expand the list of impartial medical examiners. The Committee reviewed how to attract new examiners, as well as the fees involved, availability of taking their deposi-

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If you do not have a photograph on file, or if you would like to replace your photograph, simply email a picture to the Rhode Island Bar Association's Communications Program Coordinator Kathleen Bridge at: **[kbridge@ribar.com](mailto:kbridge@ribar.com)**.

Emailed photographs must be sent in a jpg format of at least 300 dpi. Or, you may mail, or drop off, a printed photograph addressed to: Rhode Island Bar Association Attorney Photo Directory, 115 Cedar St., Providence RI 02903. All photographs must be accompanied by your name and telephone number.

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## Volunteer Bar Lawyers Offer Free Information and Advice on Rhode Island Bar/NBC10 Ask a Lawyer Partnership Programs

NBC Channel 10 aired two news segments beginning with the 5:00 p.m. news broadcast and carrying through to their 5:30 and 6:00 p.m. news casts on Wednesday, May 5th and Wednesday, May 19th featuring Rhode Island Bar Association attorneys addressing issues related to respectively, Elder Law and Family Law. These news segments, developed in partner-

ship with the Bar's Communications and Public Service departments, served as lead-ins to live, NBC 10 studio panels of Rhode Island Bar Association Lawyer Referral Service (LRS) and Volunteer Lawyer Program (VLP) attorneys fielding viewer questions via telephone and the internet.

### Rhode Island Bar/NBC10 Ask A Lawyer Volunteers Answer The Call



Bar members Kevin A. Hackman, Patricia M. Watson, A. Larry Berren, and Joseph J. Roszkowski, responded to over 80 viewer calls at the May 5th, Ask a Lawyer, Elder Law panel.



Bar members Jane F. Howlett, David N. Bazar, Thomas M. Petronio, and Tina M. Fogell responded to over 130 viewer calls at the May 20th, Ask a Lawyer, Family Law panel.

## Bar President Lise M. Iwon and NBC10 Anchor Frank Colletta Highlighted Volunteer Lawyer Contributions on Sunrise Show



Rhode Island Bar Association President Lise M. Iwon and NBC10 Sunrise Show news anchorman Frank Colletta discussed the volunteer efforts of the state's lawyers and judges delivering the unique, 2010 Rhode Island Law Day lessons, the free legal advice offered by Bar volunteer lawyers through the Rhode Island Bar/NBC10 Ask A Lawyer partnership, and the Bar's volunteer response to the historic flooding earlier in the year.

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## 2010 ANNUAL MEETING

This year's hard-working Annual Meeting Committee, ably and amiably chaired by Linda Rekas Sloan, produced a diverse and enriching program. Supporting this effort, the Bar Association staff worked with the Committee to ensure a seamless presentation of workshops, product and service offerings.

A wide range of seminars provided guidance in family, federal, trial, and commercial law, as well as a variety of ethics-related topics. Program highlights included seminars on legal marketing, environmental issues, estate planning, limited liability corporations, the ever-popular civil and criminal case law updates, and more. All the offerings were enhanced by the participation of many distinguished and accomplished presenters.



Allan Colman, The Closers Group; Charles S. Levine, Esq., Asst. Vice President, Liberty International Underwriters; Joseph Guerrero, President, AON Affinity Insurance Services, Lawyers Division; and David A. Grossbaum, Esq., Hinshaw & Culbertson were the speakers for Death of a Salesman? Ethical Rules Do Not Prevent Lawyers From Marketing Themselves.



Louisiana attorney and nationally-known speaker Michael H. Rubin's keynote presentation on legal rules combined an informal style with scholarship, thought-provoking comments, humor and music.



Hon. Laureen Q. D'Ambra, Associate Justice, RI Family Court; John Parsons, Ph.D., Providence; John Daignault, Psy.D., Braintree, MA; and Timothy J. Conlon, Esq., TJC Esq. discussed Sexual Offender Evaluations and the Courtroom.



Frances K.R. Munro, Esq., and Janet A. Gilligan, Esq. from Rhode Island Legal Services; Lauren E. Jones, Esq., of Jones Associates; and Martha Newcomb, Esq. and Debra A. Saunders, Esq. of the Rhode Island Supreme Court presented Demystifying Appeals in DCYF and Custody Cases.



Peter V. Lacouture, Esq., Robinson & Cole; introduced Ross L. Kodner, Esq., Microlaw, Inc. who presented Virtual Rhode Island Lawyer: Practice Law (Ethically) from Your Bedroom or Nearest Café.



Hon. William E. Smith, District Judge, US District Court; Melissa E. Darigan, Esq. Partridge Snow & Hahn; Lynette J. Labinger, Esq., Roney & Labinger; Hon. Ronald R. Lagueux, Senior Judge, US District Court; Anthony F. Muri, Esq. Muri Associates; Benjamin V. White, III, Esq., Vetter & White and Hon. Mary M. Lisi, Chief Judge, US District Court offered insights and information in Federal Court Practice: What's So Different About It?



Diana E. Pearson, Esq., Law Office of Diana E. Pearson; Joseph M. Hall, Esq., Law Offices Howard Lee Schiff, PC and Hon. Jeanne E. LaFazia, Chief Judge, RI District Court presented Small Claims Practice and Procedure.



Lori Caron-Silveira, Esq., Adler, Pollock & Sheehan and Richard M. Peirce, Esq., Roberts, Carroll, Feldstein & Peirce provided practical and legal considerations in the seminar Employment Discrimination Update 2010.



Bret W. Jedele, Esq., Chace Ruttenberg & Freedman; Christopher A. D'Ovidio, Esq., Merolla & Accetturo Attorneys at Law; and Seth H. Handy, Esq., Chace Ruttenberg & Freedman presented Environmental Law Updates.



Marcia McGair Ippolito, Esq., helped Bar members get to know Hon. Paul A. Suttell, Chief Justice, RI Supreme Court; Hon. Jeanne E. LaFazia, Chief Judge, RI District Court; and Hon. Alice B. Gibney, Presiding Justice, RI Superior Court at the Meet the New Chiefs seminar.

2010 ANNUAL MEETING



Jodi Picoult, best-selling author of seventeen novels whose intelligent, complex and challenging books nearly always involve the legal system addressed the Annual Meeting Luncheon and offered the seminar Writing a Novel.



Sgt. David Cusumano, RI State Police; Jay Sullivan, Esq., Assistant RI Attorney General; Sgt. David J. Medeiros, RI State Police; Hon. Lillian M. Almeida, Judge, RI Traffic Tribunal; Richard S. Humphrey, Esq., Law Offices of Richard S. Humphrey; and Hon. William R. Guglietta, Chief Magistrate, RI Traffic Tribunal reviewed the Rules of Procedure in Rhode Island Traffic Tribunal: Issues, Updates and Hot Topics.



Andrew S. Richardson, Esq., Boyajian, Harrington & Richardson; Matthew J. McGowan, Esq., Salter McGowan Sylvia & Leonard; and John Boyajian, Esq., Boyajian, Harrington & Richardson provided a past and future look at Bankruptcy Practice after BAPCPA Amendments.



Andrew B. Prescott, Esq., Nixon Peabody; Patrick C. Barry, Esq., Morowitz & Barry; Michael R. Bottaro, Esq., Wistow & Baryllick and Thomas R. Bender, Esq., Hanson Curran focused on Addressing Civil Damages: Current Practices and Theories.



Erin E. Murray, RJN, BSN, MHA, CLNC, Medical-Legal Resources, Inc. David A. Ursillo, Esq., Law Offices of Gregory J. Schadone presented Effective Analysis and Presentation of Medical Records for Personal Injury.



Hon. Judith Colenback Savage, Associate Justice, RI Superior Court; Lauren E. Jones, Esq., Jones Associates; Hon. Joseph R. Weisberger, Chief Justice (ret.), RI Supreme Court; Hon. Francis X. Flaherty, Associate Justice, RI Supreme Court; and Hon. Francis J. Darigan, Associate Justice, RI Superior Court presented the two-session Civil Case Law Update.

# Annual Meeting Snapshots



2010 ANNUAL MEETING



## VLP Attorneys Lauded for Free Legal Advice Seminar at New England Deaf Senior Conference

Through coordination by the Rhode Island Bar Association's Elderly Pro Bono Program, two volunteer attorneys, Kristy J. Garside and Hilary M. Carlson, from the Law Offices of Jeremy W. Howe, LTD. in Newport, presented a free program, *Reality of Advance Care Planning*, during the 3rd Biennial New England Deaf Senior Citizens Conference at the Newport Marriott Hotel. Over 90 people attended the event. According to Mary E. Lomastro, writing on behalf of Rhode Island Deaf Senior Citizen, "You two are to be commended for a truly informational presentation. The topics were very important to the attendees, and they greatly benefited from the information you provided. Thank you for a remarkable job!"

Please Note: Bar members interested in participating in the any of the Bar's Lawyer Referral Service for the Elderly programs, may contact Elisa King by telephone: (401) 521-5040 or email [eking@ribar.com](mailto:eking@ribar.com).

## Publish and Prosper in the *Rhode Island Bar Journal*

The Rhode Island Bar Journal is one of the Bar Association's best means of sharing your knowledge and experience with your colleagues. Every year, attorney authors offer information and wisdom, through scholarly articles, commentaries, book reviews, and profiles, to over 6,000 subscribers in Rhode Island and around the United States. In addition to sharing valuable insights, authors are recognized by readers as authorities in their field and, in many cases, receive Continuing Legal Education (CLE) credit for their published pieces. The *Bar Journal*'s Article Selection Criteria appears on page 4 of every *Bar Journal* and on the Bar's website at [www.ribar.com](http://www.ribar.com).

Aspiring authors and previous contributors are encouraged to contact the *Rhode Island Bar Journal*'s Editor Frederick Massie by telephone: (401) 421-5740 or email: [fmassie@ribar.com](mailto:fmassie@ribar.com).

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## Lawyers on the Move

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**John E. Bulman, Esq.**, with **Little Medeiros Kinder Bulman & Whitney, PC** in Providence, was re-elected to the Board of Directors and the Executive Committee of the American Arbitration Association and appointed to chair the Committee on Practice and Management.  
401-272-8080 jbulman@lmkbw.com

**Augustus Charos, Jr., Esq.** relocated his law office to 875 Oaklawn Avenue, Suite 1B North, Cranston, RI 02920.  
401-943-7700 augustuscharos@yahoo.com

**Paul E. Dorsey, Esq.** has joined **Marasco & Nesselbush LLP**, at 685 Westminster Street, Providence, RI 02903.  
401-274-7400 pdorsey@m-n-law.com www.m-n-law.com

**Rebecca E. Dupras, Esq.**, with **Pannone Lopes Devereaux & West LLC**, was appointed Vice Chair of the American Bar Association's Young Lawyers Division Committee on Public Education.

**Brenda L. Ferry, Esq.** opened the **The Law Offices of Brenda L. Ferry**, at 1528 Mineral Spring Avenue, North Providence, RI 02904.  
401-572-3919  
bferry@bferrylaw.com  
www.BrendaFerryLaw.com

**James H. Hahn, Esq.**, partner at **Partridge Snow & Hahn LLP** and Chairman of the Rhode Island Bar Association Business Organizations Committee, was elected to the Board of Trustees of Memorial Hospital of Rhode Island.

**Pamela S. Humphreys, Esq.** is an Associate Attorney at the law firm of **Jackson O'Neill, LLC**, with offices located in Providence and Middletown, RI.

**Susan A. Keller, Esq.**, a partner with **Edwards Angell Palmer & Dodge LLP**, was one of four women honored by the Big Sisters of Rhode Island as part of Big Sister's 2010 *Magical Circle of Women We Admire*.

**Kimberly O'Connell, Esq.** is now Vice President and General Counsel for CharterCARE Health Partners, corporate parent of Roger Williams Medical Center and St. Joseph Health Services of Rhode Island.

**Paul A. Silver, Esq.**, a partner with **Hinckley, Allen & Snyder LLP**, received the Rhode Island Foundation's Harold B. Soloveitzik Professional Leadership Award for exhibiting an enduring commitment to philanthropy throughout his career.

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*For a free listing, please send information to: Frederick D. Massie, Rhode Island Bar Journal Managing Editor, via email at: fmassie@ribar.com, or by postal mail to his attention at: Lawyers on the Move, Rhode Island Bar Journal, 115 Cedar Street, Providence, RI 02903.*

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## In Memoriam

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### **Richard M. Borod, Esq.**

Richard M. Borod, 77, of East Greenwich, passed away on June 9, 2010. He was the beloved husband of A. Gail Cohen Borod for 50 years. Born in Providence, he was a son of the late Esmond and Lena Levin Borod.

Mr. Borod was a graduate of Hope High School, Brown University, and earned a law degree from Yale University. He was a member of Edwards & Angell Law Firm for 31 years. Mr. Borod was involved with the Rhode Island Legal Aid Society, was a member and a past board member of Temple Beth-El. He was active throughout his life including mountain climbing, tennis, biking, running, working out, and playing duplicate bridge.

### **John J. Canham, Esq.**

John J. Canham, 76, of Narragansett, passed away April 29, 2010. He was the beloved husband of Jean H. Marso Canham for 53 years. Born in Providence, he was the son of the late Lawson C. and Alice H. (Regan) Canham.

Mr. Canham practiced law with Canham and Sinesi. He was a graduate of LaSalle Academy, class of 1951, received his B.A. from Providence College in 1955 and received his law degree from Suffolk University Law School in 1969. He served as a 2nd Lieutenant in the United States Marine Corps in 1955 and was honorably discharged as a Captain in 1959. He later served as a Lieutenant Colonel in the Rhode Island State National Guard Reserve. Mr. Canham was an Air Traffic Controller with the Federal Aviation Agency from 1957 until 1981, serving at Logan, Quonset Point and T.F. Green Airports. He entered private law practice in 1970.

He was a past president and Trudeau Center Hall of Fame inductee; a member of American



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## In Memoriam (continued)

Legion Post 15, where he served as legal advisor; a member of Kent County Memorial Hospital Corporation, East Greenwich Zoning Board, the Squantum Club, East Greenwich Chamber of Commerce, East Greenwich and South County Friendly Sons of St. Patrick, where he served as president from 1984-1985; and he was an East Greenwich Fire Commissioner.

He was the beloved father of Jay Canham, Esq. of Warwick, Quinta Thorpe of East Greenwich, Heidi Gamache of Richmond, Geoffrey R. Canham of Warwick, and Kristin C. Conville of East Greenwich.

### **Edward R. DiPippo, Esq.**

Edward R. DiPippo, 62, of Sauger Avenue, North Kingstown passed away on April 10, 2010. He was the beloved husband of Donna L. Tourtellott DiPippo. Born in Providence, he was a son of the late Dr. Palmino and Catherine Buonanno DiPippo. Mr. DiPippo was a practicing attorney. Besides his wife, he is survived by one daughter, Alison M. DiPippo, and one son, William R. DiPippo.

### **John F. Dolan, Esq.**

John F. Dolan of Water Way, Barrington, passed away on June 10, 2010. He was the beloved husband of 57 years of Marie Elaine Shea Dolan. Born in Providence, he was the son of Peter J. and Annie M. Barlow Dolan.

He was an alumnus of LaSalle Academy, Providence College, and Boston College Law School. He was a WWII veteran, serving as a United States Navy Lieutenant in the Pacific Theatre.

He was a lawyer for over fifty years. His legal career began as an attorney for the Providence Washington Insurance Company later joining the firm that ultimately bore his name, Rice Dolan and Kershaw, retiring on his eighty-third birthday. He was a trial lawyer whose career focused on professional liability defense, including the successful defense of a claim for architects and engineering malpractice involving the Newport Bridge, which was the longest running

civil trial in Rhode Island Superior Court history. He was a member of the Rhode Island and American Bar Associations, and a member of the Bar of the United States District Court for the District of Rhode Island and the United States Court of Appeals. He served as a member of the Rhode Island Board of Bar Examiners from 1977 to 1992, serving as Chair of the Board from 1989 to 1992. He was a fellow of the American College of Trial Lawyers, the International Academy of Trial Lawyers, the Rhode Island Bar Foundation and a Director of the American Judicature Society. He received the Rhode Island Bar Association's Ralph P. Semonoff Award for Professionalism and the Defense Counsel of Rhode Island's Lifetime Achievement Award.

A devout Catholic, he was a communicant of St. Luke Church in Barrington. He was a member of the Knights of Columbus and a Past Grand Knight of the Dillon Council.

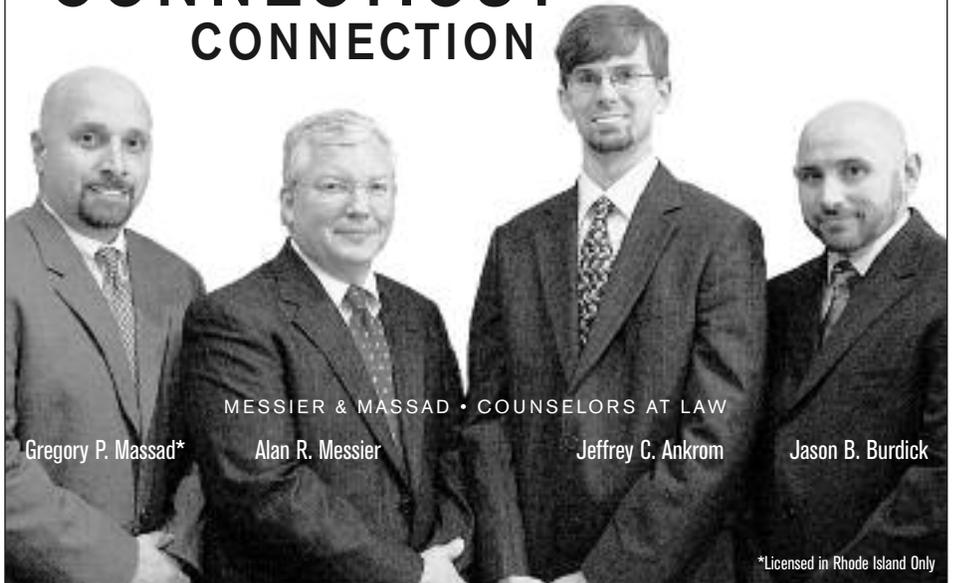
In addition to his wife, he leaves a daughter, Dr. M. Elaine Brown and her husband Douglas Brown Esq. of Huntington, NY, three sons, John F. Dolan, Jr. and his wife Caroline of Great Falls, VA, Mark Peter Dolan, Esq. and his wife Kimberly of Barrington, and Michael Robert Dolan, Esq. and his wife Heidi, also of Barrington. He is also survived by his loving sisters Marie Renza of Cranston, and Mary Garvey of Providence.

**F. Albert Starr, Esq.**

F. Albert Starr, 91, of Cranston and Block Island, RI, passed away on May 22, 2010. Born in Providence, he was a son of the late Charles Starr and Rose Champlin Starr. He was the husband of Norma Bugbee Starr for 45 years until her death in 1995.

Mr. Starr graduated from the University of Rhode Island and the Boston University School of Law. He was a self employed Rhode Island attorney for almost 60 years. He was a member and past Governor for the Mayflower Society, active all his life in St. Ann's by the Sea and St. David's on the Hill Episcopal Churches, and active in land

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## In Memoriam (continued)

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conservation on Block Island and throughout the state of Rhode Island.

F. Albert leaves a daughter, Nancy Starr and her husband John M. Gorman of Tiverton.

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*Please contact the Rhode Island Bar Association if a member you know passes away. We ask you to accompany your notification with an obituary notice for the Rhode Island Bar Journal. Please send member obituaries to the attention of Frederick D. Massie, Rhode Island Bar Journal Managing Editor, 115 Cedar Street, Providence, Rhode Island 02903. Email: [fmassie@ribar.com](mailto:fmassie@ribar.com), facsimile: 401-421-2703, telephone: 401-421-5740.*

## Memoriam July 2009 – June 2010

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## Bar Foundation and Association Presidents Assist Mock Trial Tournament

Rhode Island Bar Foundation President John A. Tarantino and Rhode Island Bar Association President Victoria M. Almeida were part of a distinguished panel of jurors for the Rhode Island Legal/Educational Partnership's 2010 Rhode Island Mock Trial State Championship Tournament. Warwick's Toll Gate High School and St. Mary Academy Bay View argued before Chief Justice of the Rhode Island Supreme Court Paul A. Suttell. After winning their case, Toll Gate represented Rhode Island in the National High School Mock Trial Championship in Philadelphia.



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