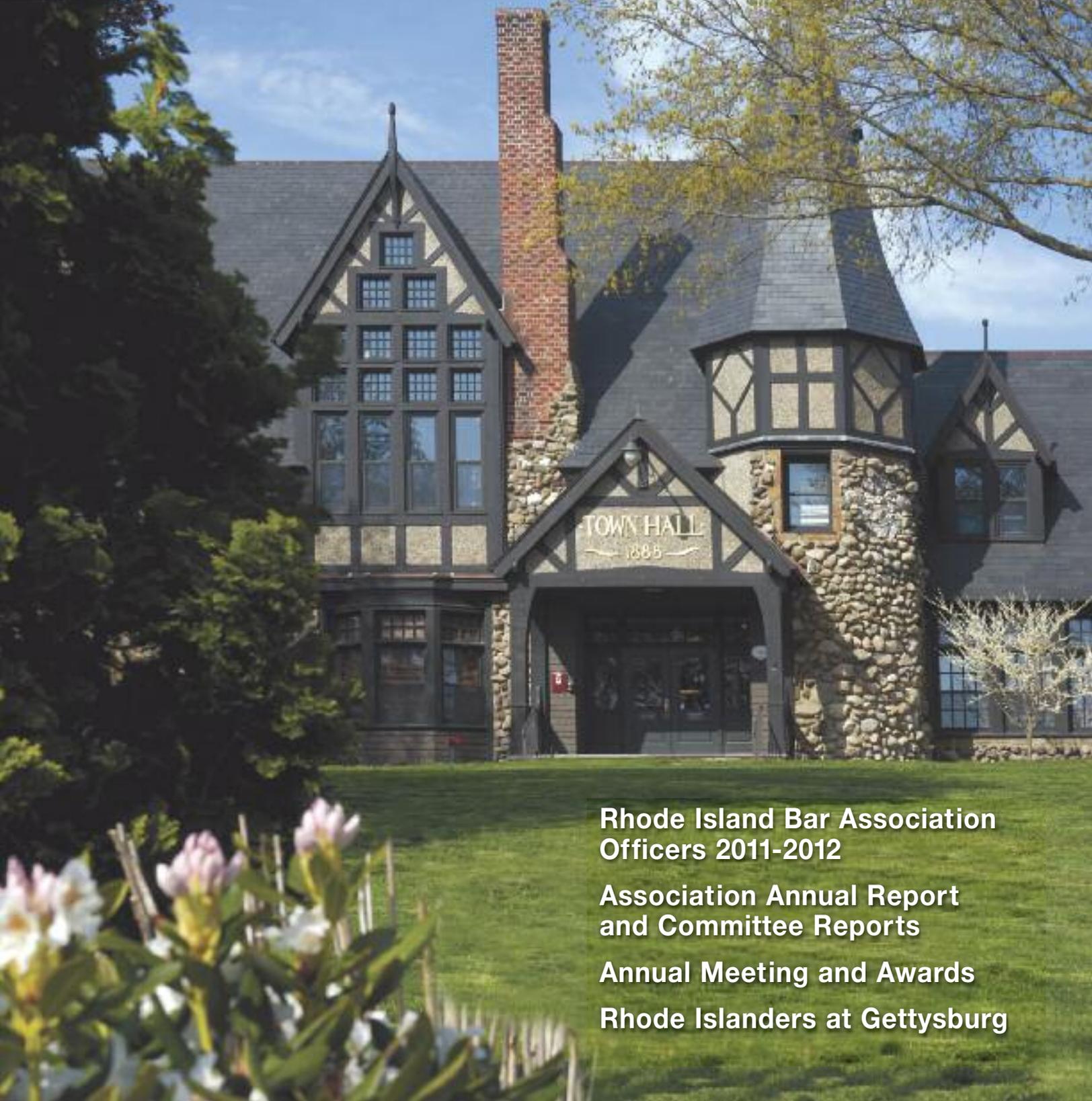


Rhode Island Bar Journal

Rhode Island Bar Association Volume 60, Number 1 July/August 2011



**Rhode Island Bar Association
Officers 2011-2012**

**Association Annual Report
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Annual Meeting and Awards

Rhode Islanders at Gettysburg



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Summer Hours

Rhode Island Bar Association

Monday, June 20, 2011 through Friday, August 26, 2011

9:00 a.m. to 4:30 p.m. Monday – Friday



RHODE ISLAND BAR ASSOCIATION LAWYER'S PLEDGE

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

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Barrington Town Hall, by Brian McDonald



The Honor and Privilege of Twenty-Four Years of Bar Service



William J. Delaney, Esq.
President
Rhode Island Bar Association

Our Bar Association provides each of us the ability to hone our professional skills, mentor younger attorneys and develop programs and platforms to provide much-needed leadership to the public.

By the time you are reading this, the heat of August will be bearing down upon us, and memories of our Rhode Island Bar Association 2011 Annual Meeting will be fading. I hope you enjoyed the Meeting, renewed old acquaintances, paid attention to your results from the Wellness Center concerning your health, and, perhaps, came away with a few practice pointers for implementation down the line.

Before I go any further, I acknowledge the wonderful and inspiring year just completed by Lise Iwon as our Bar Association President. She was instrumental in advancing ideas, forums and programs that have assisted not only our members, but the Rhode Island public at large, and I congratulate her on an outstanding term. Lise's legacy is already evidenced by your overwhelming acts of professionalism on behalf of Rhode Islanders, your personal involvement in your communities and, directly, with the lives of your friends and families. Great job, Lise, and many thanks.

To paraphrase Richard Dreyfuss in the movie classic, *Let it Ride*, I was "having a good day" on June 16, 1987. It was a Tuesday, and my parents, brother and I made the trek from Albany to Providence for my swearing in as a member of the Rhode Island Bar.

I had initially traveled to Rhode Island on February 23, 1987 to sit for the bar. To paraphrase Snoopy, it "was a cold and dark day," as I travelled from Albany to Providence. I stayed at what is now the Comfort Inn on the S-curve in Pawtucket for the two days of the exam. *Magnum PI* was showing an episode starring Frank Sinatra as James Delaney, a New York City Police Lieutenant following a crime to the Islands (and I do not mean Block Island). Delaney, with Magnum's assistance, solved the crime. I thoroughly enjoyed the show and fell asleep thinking that Sinatra playing the Delaney character was a good omen for me over the next two days.

I had thrown out my knee (for the 20th or so time) a few weeks prior to the bar exam. I had been limping around in an immobilizer with the remote hope of stabilizing it before the dreaded exam dates. I entered Garrahy, hobbled to the third floor on my crutches, and sat in my assigned seat.

Lou Jackvony, who would be with us for the next two days, was one of our bar examiners. He observed my discomfort and offered me another chair to rest my leg. I graciously accepted his act

of kindness, settled in and the exam began.

I do not recall anything in particular about either day of the bar exam other than the visit I made during the Wednesday lunch break to the Rhode Island Bar Association offices located on the first floor and the basement of 91 Friendship Street, directly across the street from Garrahy. I do have a memory of tripping down the stairs from the first floor to the basement during my visit. I recall the stairwell as dark, but with a lot of traffic, as the Bar Association staff was doing its work at a frantic pace (some things *never* do change). Very busy indeed.

Almost four months later, June 16th came. It almost didn't. You see, I never received a letter from the Supreme Court on my exam results. On June 5th, my birthday, I finally worked up the nerve to call the Clerk's office to determine my status.

I recall it was a weird phone conversation. I was sitting in a downtown Albany fern bar getting razzed by my friends, not only on my 33rd birthday, but about my supposed move to Rhode Island to practice. Finally, I gave in, asked the bartender for the telephone, dialed the Clerk of the Supreme Court, and identified myself. I asked when I could expect to receive a notice of the results of my exam. She paused, apparently checked a list, and said to me, "Why aren't you here for the clerkship program?"

So, there you have it. Following several celebrations on my joyful status as a pending Rhode Island attorney, Mom, Dad, my brother Joey and I arrived on June 16th on the Seventh Floor of 250 Benefit Street. Joey was late (as usual). He missed the opening of the curtain behind the chairs and the entrance of Justice Murray to begin the admissions ceremony. It was swell.

On June 16, 2011, I was sworn in as President of the Rhode Island Bar Association the "greatest little Bar Association in the USA" (with due deference to Jim Carrey, star of the Farrelly Brothers film set and focused in Rhode Island, *Me, Myself and Irene*). Please note the coincidence of the timing, twenty-four years to the day of my first good day in Rhode Island. And, to boot, my firm's Providence office occupies the first floor and basement of 91 Friendship Street. Coincidence? I think not. I call it *fate*.

Having the honor and privilege of being a member of the Rhode Island Bar for the past twenty-four years has permitted me the opportu-

nity to fulfill my goal of being a good lawyer. I have thoroughly enjoyed my involvement in the Rhode Island Bar Association over these years as well. The work I have done over these years, including representing those in need, as well as assisting in the adoptions of over ten children during the period, resonates tingly as I type these words. Rhode Island lawyers make a profound difference in people's lives, and, here in Rhode Island, our Bar Association has proven a tireless and vital cog in every Rhode Islander's life.

Our Bar Association provides each of us the ability to hone our professional skills, mentor younger attorneys and develop programs and platforms to provide much-needed leadership to the public. It furnishes us with super continuing legal education programs, a great *Bar Journal*, CASEMAKER our 24/7, free-to-members, online law library, a wide range of public service opportunities, and a wonderful home headquarters. Please take the time to take full advantage of what the Rhode Island Bar Association offers each of us on a daily basis.

Rhode Island Lawyers are outstanding lawyers. Do something this year, not only to better you professionally, but personally. Take a volunteer case through the Bar's

Volunteer Lawyer Program. Veterans, *please* join me in accepting cases under the Bar's United States Armed Forces Legal Services Project. Join the newly-established SOLACE Program. Run for a seat in the General Assembly. We need more of us to play a role in ensuring good government here in Rhode Island. Mentor a younger attorney. Hire a law clerk from Roger Williams University School of Law. *Do something to make a difference.* We can all make our quality of life, and those of others in our community, better with our actions.

Finally, I thank each and every member of the Rhode Island Bar Association for becoming a Rhode Island attorney. I look forward to working with all of you during this year. I wish to express in advance my eternal gratitude to my wife and kids for their patience and understanding when my Bar Association duties call me away. Further, I want to express my appreciation to my law partners, Richard DeMerchant and Kevin Heitke, for their enthusiasm and support on my behalf as I begin this challenging role and responsibility. I am forever in their collective debt.

I thank you for the opportunity to be a part of *our* Rhode Island Bar Association. Have a happy and healthy summer. ❖

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.

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New Rhode Island Bar Association President and 2011-2012 Executive Officers

New Rhode Island Bar Association President William J. Delaney pledges to uphold and further the Bar Association's core mission and goals. He praised Immediate Past President Lise M. Iwon for her efforts on behalf of the Bar Association and in support of public service.



The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2011 Annual Meeting. [l to r] J. Robert Weisberger, Jr., Esq., Treasurer, counsel with Edwards Angell Palmer & Dodge; Michael R. McElroy, Esq., President-Elect, partner of Schacht & McElroy; Bruce W. McIntyre, Esq., legal counsel for the Rhode Island Department of Health; and William J. Delaney, Esq., President, partner of Delaney DeMerchant & Heitke, LLP.



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Rhode Island Bar Association 2011-2012 Officers' Profiles



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Michael R. McElroy, Esq.
President-Elect



J. Robert Weisberger, Jr., Esq.
Treasurer



Bruce W. McIntyre, Esq.
Secretary

William J. Delaney, Esq. is President of the Rhode Island Bar Association and a partner of Delaney DeMerchant & Heitke LLC in Providence and Harrisville. Bill received his undergraduate degree from the University of Notre Dame, his MBA from Rensselaer Polytechnic Institute, his J.D. 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 Rhode Island Bar Association's House of Delegates and Executive Committee, a Rhode Bar Foundation Lifetime Fellow, and a Fellow of the American Bar Association. He previously served on the Rhode Island Legal Services Board of Directors and is currently a member of the Rhode Island Supreme Court's MCLE Commission. Bill recently completed his eleventh year as a Roger Williams University School of Law Adjunct Professor, where he also serves as an Advisory Board member. He is serving his second year as Adjunct Professor at Western New England College School of Law and his first at Suffolk University Law School. 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. Bill is a recipient of the Rhode Island Bar Association's *Pro Bono Publico Award* and the Bar's *Continuing Service Award*. Bill resides with his family in Barrington.

Michael R. McElroy, Esq. is President-Elect 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 Bryant University. He is a former, three-term Chairman of the Superior Court Bench/Bar Committee, and he 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 he 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 Treasurer 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 Rhode Island Bar Association's

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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 enjoys sailing and playing his saxophone with different music groups.

Bruce W. McIntyre, Esq. is Secretary of the Rhode Island Bar Association. He has been legal counsel to the Rhode Island Department of Health, Board of Medical Licensure and Discipline since 1991. He is currently its Acting Chief Administrative Officer. His legal expertise is in the areas of medical regulation of physicians, physician assistants, chiropractic physicians, and acupuncture and oriental medicine. He is an immediate past Director at the Federation of State Medical Boards of the US, Inc. Bruce also advises the Rhode Island Director of Health on legal and legislative issues. He has served as an administrative hearing officer for the Boards of Pharmacy, Nursing, Dentistry and Certificate of Need. He is active in civic and professional associations, having served on the Jamestown Town Council, and he is a current member of the Rhode Island Bar Association House of Delegates and its Executive Committee. He is also a member of the Bar of the United States District Court for the First Circuit and of the Supreme Court of the United States of America. ♦

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Rhode Islanders at Gettysburg: Lessons for Criminal Defense Lawyers



Michael A. DiLauro, Esq.
Assistant Public Defender,
Director of Training &
Legislative Liaison

A recent trip to Gettysburg caused me to reflect on how we criminal defense lawyers do so much with so little, and the profound effect our efforts have in deterring tyranny and oppression.

Visiting the Gettysburg National Military Park is a transcendent experience. It is beautiful country, with gently rolling terrain perfect for farming which, prior to the battle, most of it was devoted, and featuring forests and hills, reminiscent of New England. Over a thousand bronze, granite, and marble markers cover the battlefield, beautiful works of art erected by veterans from both sides, commemorating unit placements and heroic actions. While there, one senses the truth in the powerful words of Colonel Joshua Lawrence Chamberlain, a hero of the first magnitude, whose actions in command of the 20th Maine Regiment at Little Round Top not only earned him the Congressional Medal of Honor, but probably saved the entire left flank of the Union Army on the second day of the battle on July 2, 1863:

*In great deeds something abides. On great fields something stays. Forms change and pass; bodies disappear, but spirits linger, to consecrate ground for the vision-place of souls. And reverent men and women from afar, and generations that know us not and that we know not of, heart-drawn to see where and by whom great things were suffered and done for them, shall come to this deathless field to ponder and dream; And lo! The shadow of a mighty presence shall wrap them in its bosom, and the power of the vision pass into their souls!*¹

Near the center of the Union line on Cemetery Ridge, scene of the third and climactic final day of the battle when more than 20,000 men crashed together in what is now popularly known as Pickett's Charge, lie two modest monuments separated by about 100 yards, placed in and near an area known as The Angle. Somewhat overshadowed by their nearby larger cousins, they mark where Rhode Island Light Artillery Batteries A & B were placed during the battle.

It is unfortunate that, with certain exceptions such as Elisha Hunt Rhodes' diary as a member of the 2nd RI Volunteers Infantry

Regiment and the bumbling of General Ambrose Burnside, Rhode Island's role in the Civil War is not fully appreciated.² But, at least at the Battle of Gettysburg, Rhode Island's positive contribution to the Union cause, and by Rhode Island Light Artillery Batteries A & B in particular, was profound, far exceeding their respective sizes by a wide margin.³

In preparation for Pickett's Charge, and to soften up the Union position for the infantry assault, approximately 200 pieces of artillery, under the command of the brilliant, young, Confederate artillery commander Colonel E. Porter Alexander, shelled the Union position on Cemetery Ridge for two hours in a gigantic cannonade. It was the largest ever on American soil, heard several hundred miles away in Pittsburgh.

Rhode Island Light Artillery Battery B stood slightly south and to the rear of the famed Copse of Trees on Cemetery Ridge. Located at the epicenter of the entire Union position, Confederate General Robert E. Lee designated the Copse of Trees the objective for the 15,000 men making Pickett's Charge. Alexander's artillery bombardment was meant to dislodge the Rhode Island battery and other Union artillery and infantry that, if left in place, would rake the advancing Confederate infantry. During the Confederate cannonade, awful and heroic events took place at this location:

At 1:00 p.m. (on July 3rd) the men were ready for their mid-day meal when Confederate Artillery opened fire. When Union guns replied, the fighting was described as the "most terrible ever witnessed on this continent." This was the start of the two hour artillery barrage that would precede "Pickett's Charge," the high water mark of the Confederacy. The Gettysburg Gun had been struck twice receiving minor damage. Private William Jones had now stepped to his place at the right wheel of the gun and having swabbed the gun, stood waiting for Private Alfred Gardner to finish inserting the black powder charge. At that instant, a Rebel shell struck the gun and exploded, causing a large dent in the face of

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the guns muzzle. Tearing the head from Private William Jones killing him instantly. Private Gardner was mortally wounded, struck in the left arm and shoulder.



Private William Jones



Private Alfred Gardner⁴

It was reported that Colonel Alexander, seeing several pieces of artillery from Battery B being removed from the field about a mile away, mistakenly thought that his cannonade was having the desired effect and, thus, ordered the cannonade to cease to save ammunition.⁵ Partially as a result of this misapprehension, many Union artillery and infantry units survived and were able to successfully repel Pickett's assault.

Rhode Island Light Artillery Battery A stood about 100 yards north of Battery B. Critically placed at a ninety degree jag in the stone wall from which The Angle derived its name, Battery A too withstood the Confederate artillery bombardment, then took heavy rifle and small arms fire from the advancing infantry. Ultimately, Battery A succeeded in helping stop the furthest Confederate advance on the field that day:

One of the guns of Battery A was double-shotted with canister. Private William C. Barker was No. 4, and he stood holding the lanyard which was attached to the primer to fire the piece, and, as a regiment of Pettigrew's brigade [the Twenty-sixth North Carolina] was charging the position held by the battery and the Fourteenth Connecticut and First Delaware regiments of infantry, and had almost reached the wall just in front of us, Sgt. Amos M. C. Olney cried out: "Barker, why the d—l don't you fire that gun! pull! pull!" The No. 4 obeyed orders and the gap made in that North Carolina regiment was simply terrible. [Lewis] Armistead had just fallen, and Pickett's charge had

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failed. This was the last shot fired from our battery when the rebels broke in retreat, and Gettysburg was won.⁶



Facing east, monuments to 26th North Carolina Regiment and RI Light Artillery, Battery A (background), Gettysburg, PA.



Facing west, monument to RI Light Artillery, Battery A, Gettysburg, PA. The monument to the 26th North Carolina Regiment is about ten yards down the hill in front, slightly to the right. From <http://www.gettysburg.stonesentinels.com/RI.php>

As was the case with these Rhode Island units at Gettysburg our role as criminal defense lawyers is central to our system of criminal justice. While our numbers and resources are small, and our role not always appreciated, our impact is indeed profound. Consider for example:

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They help ensure honesty in evidence generation including confessions, eye-witness identifications, and the seizure of physical evidence.

- The motions *in limine* we file and related hearings, questioning the relevancy, reliability, and admissibility of various forms of forensic evidence have caused wholesale reforms across the country. Gunshot residue evidence; voice stress analysis; and junk science outposts and crime lab scandals across the country were all exposed through the efforts of criminal defense lawyers.

- While words are our weapons, our best weapon, cross examination, is, as John Henry Wigmore stated, “.....the greatest legal engine ever invented for the discovery of truth.” Its effective use at trial is an indispensable component of the court’s truth-discerning function.

- Wrongful convictions and exonerations across the United States have been brought to light by criminal defense lawyers. And, we are in the forefront of criminal justice reform efforts resulting from these exposed travesties of justice.

- We stand as a bulwark, helping to protect the poor, powerless, and those unable to protect themselves from the awesome power of the government. In so doing, we help to effectuate the constitutional guarantees of due process of law.

- As Rhode Island criminal defense lawyers, we may consider the example of our predecessors so long ago at Gettysburg. Like them, stay strong, be courageous, and fight the good fight. Be proud of the work you do. Like them, your efforts have extraordinary value far beyond your numbers and resources in promoting freedom, deterring tyranny and oppression, and promoting the rule of law.

ENDNOTES

¹ Joshua Lawrence Chamberlain speaking at the dedication of the Monument to the 20th Maine, October 3, 1889, Gettysburg, PA.

² In fact Rhode Island sent over 21,000 men to the Union Army in the Civil War and was represented at Gettysburg by almost 1,000 men in an infantry regiment and five artillery batteries. <http://www.gettysburg.stonesentinels.com/RI.php> (last visited on 4/23/11).

³ At Gettysburg each “battery” of the Union Army was typically made up of six artillery pieces

with only fourteen out of the sixty five batteries engaged having four. Mark Adkin, *THE GETTYSBURG COMPANION* (Stackpole Books, 2008) p. 141.

⁴ Text and photographs from the website of Battery B, Rhode Island Light Artillery, <http://www.batterybri.org/> (last visited on 4/23/11). The artillery piece described as "The Gettysburg Gun" can be seen upon entering the Rhode Island Statehouse with an artillery shell still wedged in its muzzle and other battle damage clearly visible.

⁵ George R. Stewart, *PICKETT'S CHARGE: A MICRO-HISTORY OF THE FINAL ATTACK AT GETTYSBURG* (Houghton Mifflin Co., Boston, 1959) pp. 158-159.

⁶ Thomas M. Aldrich, *THE HISTORY OF BATTERY A, FIRST REGIMENT RHODE ISLAND LIGHT ARTILLERY, IN THE WAR TO PRESERVE THE UNION, 1861-1865* (Providence: Snow & Farnham, Printers, 1904) p. 216. It should be noted that a healthy conversation has arisen about the viability and relative placements of the six pieces of artillery making up RI Light Artillery Battery A and the 26th North Carolina Infantry Regiment, perhaps attributable to the "fog of war" and passage of time. Compare, Aldrich, *supra*, to, Bruce A. Trinque, *ARNOLD'S BATTERY AND THE 26TH NORTH CAROLINA*, 12 *Gettysburg Magazine* Issue #12 (January, 1995) (arguing that 16th and not 26th North Carolina Infantry Regiment probably advanced to the stone wall in front of Battery A and even closer than the marker to the 26th North Carolina depicts). What is clear is those responsible for the placement of the marker in 1986 relied upon the account provided by Battery A which is quoted liberally on the marker itself. <http://www.gettysburg.stonesentinels.com/Confederate/26NC.php> (last visited on 4/23/11). ♦

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2011 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. George E. Healy, Chief Judge of the Rhode Island Workers' Compensation Court, is honored with the 2011 Chief Justice Joseph R. Weisberger Judicial Excellence Award. He is a graduate of Northeastern University and Suffolk University Law School and admitted to practice in Rhode Island and Massachusetts. Prior to his appointment to the Court, he was an active workers' compensation practitioner and a member of the

task forces which created the Workers' Compensation Court. Appointed to the Court in 1991, he was sworn in as Chief Judge in 2004. In the last year, under his leadership, the Workers' Compensation Court closed a greater percentage of cases at the pre-trial conference level than at any other time. He has participated in many Continuing Legal Education (CLE) programs including Practical Skills. He is an officer of the Rhode Island Legal Education Partnership which manages the Rhode Island

Mock Trial program. He is an active participant in the Young Employee Safety Rhode Island (YES-RI) program, teaching students about their employment rights. Every year, the Chief Judge and his Court host the Annual Meeting of the New England Workers' Compensation Educational Conference. He is also an adjunct professor of law at Roger Williams University School of Law.

According to Attorney Michael S. Schwartz, *"As impressive as his experience and accomplishments are, Chief Judge Healy is most widely recognized by attorneys and litigants for his great humility and compassion. I have tried hundreds of cases before him, and there is no better exemplar of the highest levels of confidence, integrity, judicial temperament, and ethical conduct than Chief Judge Healy."*

2011 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.



Justin T. Shay, Esq., of Cameron & Mittleman, LLP in Providence, was honored with the Rhode Island Bar Association 2011 Joseph T. Houlihan Lifetime Mentor Award. A New York Law School graduate and Rhode Island attorney for nearly thirty years, Justin focuses on real estate law, often delivering lectures for Continuing Legal Education and the National Business Institute seminars. He serves as a court-appointed receiver and

commissioner for the sale of real estate. He is known for his kind and welcoming disposition, and his obliging nature. The professionalism and civility he practices every day inspires and influences those around him.

According to Law Clerk Andrew Redman: *"Justin's help and guidance are invaluable during my time at Cameron & Mittleman. His open-door policy has not only fostered a cooperative working environment, but also my own abilities to tackle complex legal problems and to find ways to help our clients. More importantly, he actively encourages me to ask any and all questions, and does not make me feel unintelligent or uncomfortable if I do not understand something. Justin's record as a role model speaks for itself: each law clerk or associate that he has worked with highly values his guidance and advice, and each considers him a friend. I have no doubt in my mind that I will be a better lawyer because of Justin Shay."*

2011 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.



Pro Bono Publico Award – Volunteer Lawyer Program

David B. Hathaway, Esq. graduated from Boston University's School of Management and School of Law and began his practice in 1987 as an associate at the Cleveland, Ohio law firm of Baker Hostelter, where he was named partner in 1996. In 1998, he relocated to RI after inheriting an interest in his family's 170 year-old

farm in Exeter. He was admitted to practice in RI the same year and while a sole practitioner served as a Chapter 7 Bankruptcy Trustee until 2003. He also served on the Professional Staff of the Fee Committee in the Enron Chapter 11 bankruptcy case pending in the Southern District of New York. Since 2006, Dave's private practice has been focused primarily on insolvency related representation.

Dave joined the Volunteer Lawyer Program (VLP) in early 2007 and from the beginning, he has made an outstanding contribution to the Program. Dave has accepted 22 bankruptcy and collections cases just in the past 18 months and contributed one hundred plus pro bono hours during this time period alone. Additionally, he has served on several Bar Association Committees and has been an active member of the Public Service Involvement Committee, formerly Legal Services Committee, since 2004.

His support of the VLP is only one of his volunteer efforts. David currently serves on the Board of Directors of two Rhode Island homeless shelters, the Providence Rescue Mission and the Welcome House in Wakefield. Dave and his wife Kelly live in Exeter and have 12 children, ages 4 through 27!

Pro Bono Publico Award – Pro Bono Program for the Elderly

Arthur D. Parise, Esq. graduated from Providence College and received his law degree from Emory University School of Law. He is a sole general practitioner in Warwick. Arthur has been an active member of the Pro Bono Program for the Elderly since 1991. Since 2009, he has handled 15 divorces for elderly couples including one involving a spouse who had recently entered the country and whose whereabouts were unknown.

Over the past several years, requests for pro bono assistance for divorces from elderly clients have steadily increased, and Arthur has never refused a request to help. Other cases have involved assisting vulnerable frail clients who have no family and in dire need of guardianships. For many years, Arthur has provided a full range of assistance for elderly citizens with no financial resources, and he has made a contribution of over 150 hours in the past 18 months. He has also accepted a variety of cases through the Volunteer Lawyer Program including negotiating custody and visitation, debt collection and municipal housing issues. Arthur has served as review counsel for divorce mediation and recently became a volunteer through President Iwon's SOLACE initiative.

Arthur's other public service activities involve volunteering for referrals for homeless citizens and previously coaching soccer for fourteen years. Arthur and his wife Donna have four children, Gina, Christine, Arthur, Jr. and Michael who range in age from 19 through 24.



Rhode Island Bar Journal Lauren E. Jones Writing Award

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



Anthony F. Cottone, Esq., a sole practitioner, and Providence Deputy City Solicitor and Chief of Litigation received the 2011 Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award for *Identifying the Municipal Client: Some Shelter from the Storm*, published in *Rhode Island Bar Journal*: Volume 59, Number 4, January/February, 2011.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Anthony F. Cottone, Esq., the 2011 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. For information, telephone 401-421-5740.

Editor's Note: Attorney Cottone'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 - 2011 Honorary Members



At the 2011 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 Luncheon, those who did ably represented this august group.

Rhode Island Bar Association 2011 50 Year Honorary Members

Hon. Lincoln C. Almond
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 Noel M. Field, Jr., Esq.
 Elia Germani, Esq.
 Benjamin P. Harris, III, Esq.
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 Joel Robinson, Esq.
 Robert M. Schacht, Esq.
 Allan M. Shine, Esq.
 Louis J. Vallone, Esq.
 Richard W. Zacks, Esq.

2011 Dorothy Lohmann Community Service Award Recipients

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

Robert A. Arena, Esq., Assistant General Counsel – Gaming and Finance of GTECH Corporation, in Providence, is recognized for his outstanding work on behalf of Habitat for Humanity of Rhode Island-Greater Providence (Habitat Providence). Habitat Providence is a nonprofit organization dedicated to eliminating poverty housing in communities in the Greater Providence area and making decent shelter a matter of conscience and action. It constructs simple, decent, affordable, ownership houses in partnership with people in need, volunteers, businesses, churches, community and charitable organizations and government agencies and raises awareness of the need for adequate and affordable housing.

According to Habitat Providence Executive Director Herman deKoe, *“Bob Arena has been instrumental in providing decent and affordable housing to many low-income families who otherwise would still live in substandard and expensive rental units. In addition to his hands-on work building homes and serving a member of the Board of Directors for 12 years, including three years as President, Bob has ensured that all Habitat’s legal issues are covered, policies are consistent, and the organization is on a sound legal footing. I cannot think of another attorney who has had such a lasting, positive impact on a non-profit organization.”*

Thomas J. Liguori, Jr., Esq., of the law firm Urso, Liguori & Urso, in Westerly, is recognized for his outstanding work on behalf of Stand Up for Animals. Located in Westerly, Stand Up For Animals’ mission is to maintain a state-of-the-art animal shelter, adoption center and regional outreach center to promote the welfare of lost or abandoned pets and educate and assist those who care for them.

According to Stand Up For Animals Board Past President and Treasurer Lori L. Harrison, *“Attorney Thomas Liguori’s volunteer legal assistance, mediation skills, and expertise in construction law were key in helping Stand Up For Animals build a shelter and implement programming to create a space where animals are treated with compassion and dignity and where every effort is made to return an animal to its owner or place that animal in a new safe and loving home.”*



l-r: Rhode Island Bar Association President Lise M. Iwon, Esq., Habitat Providence past Board President Bill Dibiasio, Dorothy Lohmann Community Service Award winner Robert A. Arena, Esq., Habitat Providence Board President Glenn Hardy, and Habitat Providence Executive Director Herman deKoe at the recently-completed Habitat duplex located at 38-40 Veazie Street in Providence.



l-r: Stand Up For Animals Board member Peter L. Lewis, Esq.; Stand Up Board Past President and Treasurer Lori L. Harrison; Rhode Island Bar Association President Lise M. Iwon, Esq.; and Dorothy Lohmann Community Service Award winner, Thomas J. Liguori, Jr., Esq., outside the Stand Up For Animals shelter in Westerly.

Neal J. McNamara, Esq., a partner at the law firm of Nixon Peabody, LLP, in Providence is recognized for his outstanding work on behalf of the RI Coalition Against Domestic Violence. RI Coalition Against Domestic Violence's six member agencies provide shelter and supportive services to over 10,000 victims of domestic violence each year. The Coalition works to strengthen laws to protect victims and hold abusers accountable, raise public awareness and prevent domestic violence in the community.

According to Coalition Executive Director Deborah DeBare, *"Attorney Neal McNamara has donated countless hours assisting as pro bono defense for the organization and assisted the Coalition's member agencies with personnel issues and other legal matters. Neal's efforts have significantly helped the Coalition's mission and goals and his extraordinary service exemplifies Dot Lohmann's commitment to advocacy, justice and equity."*



l-r: RI Coalition Against Domestic Violence Executive Director Deborah DeBare, Dorothy Lohmann Community Service Award winner Neal J. McNamara, Esq., and Rhode Island Bar Association President Lise M. Iwon, Esq., celebrating Attorney McNamara's Dorothy Lohmann Community Service Award.

Mark B. Morse, Esq. from the Law Offices of Mark B. Morse in Providence, is recognized for his outstanding work on behalf of Defenders of Animals, Inc. Defenders of Animals' mission is to defend the inalienable rights of companion animals and wildlife through education, legal and legislative activism.

According to Defenders of Animals Director Dennis Tabella, *"Attorney Mark Morse's contributions have helped save an untold number of cats and dogs and prevented many other animals from pain and suffering. His successful legal actions, undertaken at no cost to our organization, and his ongoing participation in our efforts, including the development of an Adoption Agreement that has become a model for other pet adoption organizations, are instrumental in meeting our mission and achieving our goals."*



l-r: Rhode Island Bar Association President Lise M. Iwon, Esq., Dorothy Lohmann Community Service Award winner Mark B. Morse, Esq., and Defenders of Animals Director Dennis Tabella.

Relevant Current Events Topics Inspire Lively Dialogues on Rhode Island Law Day

Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, the Rhode Island Judiciary and the Rhode Island Bar Association organized volunteer teams of judges and lawyers who delivered law related education programs to upper and middle school classrooms throughout the state. Lesson plans, including background information and related news media stories, as well as recommended questions for student consideration, were developed and produced by the Rhode Island Bar Association and reviewed and approved by the Rhode Island Law Day Committee. Relevant current events topics, including posting personal information on the web and cyber bullying, sexting, same-sex marriage, and other topics selected by teachers, 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 Family Court Judge Jeanne L. Shepard and Attorney Fausto Anguilla used an initial discussion of sexting to help East Providence High School teacher Michael Silva's students gain a better understanding of the roles of lawyers and judges.



Attorney Richard J. Ratcliffe and Rhode Island District Court Associate Justice William C. Clifton enjoy a light moment during a lively discussion concerning the rights of criminal defendants and criminal trial procedures, a classroom focus requested by teacher Peter Buonfiglio for his Hugh B. Bain Middle School students.



Rhode Island Bar Association Treasurer J. Robert Weisberger, Jr., Esq. and Rhode Island Family Court Judge Lauren Q. D'Ambra utilized a Powerpoint as part of their posting personal information and cyberbullying presentation to Classical High School students.



Rhode Island Law Day 2011 Volunteer Acknowledgement

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Mount Saint Charles Academy Student Wins 2011 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 2011 Rhode Island Law Day essay contest. Open to all Rhode Island 10th and 11th grade students, the 2011 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) posting personal information on the web and cyber bullying; 2) sexting; and 3) same-sex marriage.

Caitlyn McLoughlin, a sophomore at Mount Saint Charles Academy in Woonsocket, is the winning author for her essay on the legal and ethical aspects social media and cyber bullying. Caitlyn received a \$1,000 Scholastic Award made possible through the generosity of the Rhode Island Police Chiefs' Association and the Rhode Island Bar Association. Caitlyn also received an engraved trophy cup, and her school, Mount Saint Charles Academy, received the Annual Rhode Island Law Day Essay Contest Cup for one year, and a permanent plaque commemorating Caitlyn's achievement.



l-r: Rhode Island Police Chiefs' Association President and Westerly Police Chief Edward Mello; Caitlyn's mother Karenann McLoughlin, Esq.; Rhode Island Law Day Essay Contest initiator and Superior Court Associate Justice Francis J. Darigan, Jr.; Caitlyn's teacher John Guevermont; Law Day Committee member Magistrate Alan R. Goulart; Essay Contest winner Caitlyn McLoughlin; Rhode Island Bar Association President Lise. M. Iwon; and Rhode Island Law Day Committee Chairman and Supreme Court Associate Justice. Gilbert V. Indeglia.

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

In the 11th year of partnering with NBC Channel 10, the Rhode Island Bar Association's Communications and Public Services departments arranged for volunteer Bar members from the Bar's Lawyer Referral Service (LRS) and Volunteer Lawyer Program (VLP) to answer viewer questions concerning Family Law. For over two hours, from 5:00 pm through 7:30 pm, volunteer attorneys responded to over 125 inquiries from Rhode Island residents and, when necessary, directed callers to the Bar's LRS for further assistance.



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

Bar members Brenda C. Harrigan, Esq., Edward M. Pepe, Esq., Carolyn R. Barone, Esq., and MaryJo Carr, Esq. responded to over 125 viewer calls during the May 18th, Ask a Lawyer, Family Law panel.

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



In May, Rhode Island Bar Association President Lise M. Iwon and NBC10 Sunrise Show news anchorman Frank Colletta discussed the excellent pro bono public services provided by members of the Bar, with Lise noting lawyers provide more volunteer service than any other profession. The two also discussed volunteer efforts of the state's lawyers and judges delivering the unique, 2011 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 many public service programs including the Lawyer Referral Service and the Volunteer Lawyer Program.

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Rhode Island Bar Foundation 2011 Annual Meeting

The Rhode Island Bar Foundation's Annual Meeting was held in concert with the Rhode Island Bar Association Annual Meeting on June 16, 2011. During the Bar Foundation's Luncheon, Foundation Fellows were recognized for their outstanding dedication to the welfare of the community and their efforts to achieve the Foundation's objectives. Rhode Island Bar

Foundation President John A. Tarantino and the Board of Directors recognized the recipient organizations of the Interest on Lawyers Trust Account (IOLTA) income grants. This calendar year, \$450,000 was granted for the provision of Rhode Island legal services and the administration of justice.

2011-2012 Rhode Island Bar Foundation Officers

Michael A. St. Pierre, Esq., President; Deborah M. Tate, Esq., Vice-President; Allan M. Shine, Secretary and James A. Jackson, Treasurer were unanimously elected as the Rhode Island Bar Foundation's Officers for 2011-2012.

The Foundation Fellows warmly thank Bar Foundation President John A. Tarantino for his excellent service and congratulates Michael A. St. Pierre who will begin his term as the new Rhode Island Bar Foundation President for 2011-2012.



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



John A. Tarantino, Esq.
Past Rhode Island Bar
Foundation President

Rhode Island Bar Foundation 2011 Thomas F. Black, Jr. Memorial Scholarship

The Scholarship supports and fosters high legal practice standards by assisting Rhode Island residents who show promise they will become outstanding lawyers and who need financial assistance to study law. It is named in honor of the late Thomas F. Black, Jr., known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship, and his notable participation in civic and charitable causes.



Cale P. Keable, Esq., 1999
Thomas F. Black, Jr. Memorial
Scholar, addressed the
audience and met with the
2011 Scholarship recipients
and guests.



Thomas F. Black, III, Trustee of the Kimball Foundation, Paul D. Lynch, Trustee of the Kimball Foundation, Nicholas A. Denice, 2011 Scholarship recipient, Tiffany C. Castillo, 2011 Scholarship recipient, Norman D. Baker, Jr., Trustee of the Kimball Foundation, and R. Kelly Sheridan, Esq., Chairperson of the Scholarship Committee.



Bar Foundation Fellow and Past Bar Foundation and Bar Association President Joseph J. Roszkowski, Esq. speaking with Scholarship recipient Tiffany C. Castillo and her parents Martha and Julio Castillo.

Rhode Island
Bar Association

Annual

2010-2011

Report

Report of the Executive Director on 2010-2011

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

For 113 years, the Rhode Island Bar Association has served the profession and the public by promoting justice, professional excellence and respect for the rule of law. It is a pleasure to submit a report on the activities and accomplishments of your bar association during 2010-11, a year in which Bar leadership and staff continued to develop new endeavors and to educate our membership and serve the public. The dramatic changes

in the economy ended the conventional wisdom that law offices were somehow insulated from the cutbacks that have impacted other professions. As we continue to emerge from challenging economic times, the Rhode Island Bar Association remains committed to doing its part to help in a year that was challenging for the members of the Bar.

Member Benefits

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. Bar member use of the Association's website continues to grow. You can easily register for CLE seminars, sign up for Bar committees, and utilize the calendars and the great member directory which give you instant information on every member including their email address and photo (when provided).

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, Bar news events, programs and meetings, as well as advertisements for products and services of interest to Bar members. Downloadable copies are also available on the Bar's website. This last year, the Journal included many thought-provoking and informative articles covering a wide range of practice-related topics including a perspective on municipal client identification and the dynamic tension between public interest and ethical approaches; an expose on the unlicensed practices and victims associated with litigation financing, a discourse on wind power rights to disorderly courtroom behavior, and a special section on cyber crime and legal issues concerning personal privacy, zoning, and criminal defense representation. This year's *Bar Journal* also provided fascinating profiles of Bar members' lives

and interests outside of the practice through a feature headlined, "Beyond the Bar," and in addition to book reviews on the topics of the death penalty and coping with depression, the Journal showcased the many wonderful, uplifting Messages of Bar President Lise M. Iwon.

Other benefit programs include the Bar Members Credit Card Program. **The Law Firm Merchant Account**, credit card processing for attorneys, is a custom payment solution designed by Affiniscape 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 so Bar members can easily accept credit card payments from clients.

The **AON Attorneys' Advantage Program** offers professional liability insurance coverage sponsored by the RI Bar Association. Through a combination of Affinity Insurance Services, Inc., the program is able to provide broad coverage, competitive rates, outstanding local service and risk management service.

The online data backup program from **MozyPro** offers you the opportunity to secure all your important files that are now stored on a computer including legal documents, financial records, and photos. MozyPro is a safe way to automatically back up all the important files and documents stored on your computer.

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. USI will also provide Rhode Island Bar members with enrollment, billing service, and insurance advice.

Over fifteen hundred 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. The newest Bar committees are Environmental & Energy; Elder Law and Animal Law. It is a particularly excellent

Report of the Executive Director on 2010-2011

means for new lawyers to grow and advance professionally while benefiting from the experience and wisdom of our more seasoned Bar members.

This year, after three years operating as the New Attorney Advancement Task Force, the group was accorded full Bar committee status and a new name as the **New Lawyers Committee**. In partnership with the Bar's Executive Committee, and with the cooperation of over 20 other Bar committees and the Bar's Public Services Department, the New Lawyers Committee held a fun and informative evening of interactive networking with friendly and helpful representatives from the participating groups. The Committee also offered a free, CLE seminar for new Bar members titled "View From the Bench: The Superior Court Motion Calendar," and hosted a seminar, "The 60-Second Elevator Speech," on how to develop a profession-based, short description of their strengths. The Committee hosted guest speaker, Cranston Mayor and Bar member Alan Fung, at a presentation designed to help new Bar members understand their professional career options. Committee members also volunteered help on the development of the Introduction to Practice and Practical Skills seminars and forwarded a concept for an **Online Attorney Information Resource Center** which was approved by the Executive Committee and will be available soon.

This year, President Lise Iwon continued the tradition of representing the Rhode Island Bar Association at the admission ceremonies for our newest members. 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. Nearly 2,000 cases have been processed through the Volunteer Lawyer Program, Pro Bono Program for the Elderly and US Armed Forces Legal Services Project this past year. Financially eligible clients were represented by volunteer attorneys in matters including bankruptcy, collections, consumer, education and employment. Administered by the Bar Association for 25 years, the Volunteer Lawyer Program continues to impact low income clients' lives in a significant and purposeful way through the dedicated efforts of its members. The Pro Bono Program for the Elderly administered through the Bar Association's Lawyer Referral Service has been in operation for over 35 years and the volunteer attorney members focus on the legal needs that impact our senior citizens the most. The latest initiatives for seniors in addition to direct representation include

Health Care Power of Attorney as well as Collection Clinics. The Collection Clinics were designed as a result of the impact of the economic downturn on the finances of seniors in recent years. In addition to the above statistics, the Lawyer Referral Service received nearly 10,000 requests from the public for referrals. The first half hour consultation is free. If further services are required, fee arrangements are between the client and attorney. Six thousand referrals were made over the last fiscal year.

Since 2009, an additional pro bono program, the US Armed Forces Legal Services Project, was introduced in an attempt to help serve our men and women in uniform with their pressing legal needs. This program is filling the need for attorneys to directly represent military personnel 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. Approximately 100 cases were handled over the last year. The Bar Association was recently notified by the Board of Trustees of the American College of Trial Lawyers Foundation that we have received an award of twenty thousand dollars (\$20,000) to support the project. The Trial Lawyers Foundation awards grants to improve the delivery and quality of legal services to the people of the United States and Canada. Part of the grant will be devoted to publicizing the project and offering assistance in the development of similar programs.

Community outreach was a primary focus for President Iwon this past year. Over 40 Ask A Lawyer and legal clinic programs were held at senior organizations throughout the State. Clinics for seniors were also held at the Bar headquarters. Hospital and nursing home visits were also provided by our volunteers. Two Divorce Mediation Clinics were held at the Bar Association for Volunteer Lawyer Program clients and their spouses in collaboration with the Roger Williams Law School under the supervision of Professor Bruce Kogan. The Pro Bono Community collaboration was also extended to the International Institute, RI Coalition for the Homeless, Women & Infants Hospital, Bradley Hospital, and RI Housing, etc.

SOLACE

We have established a program called: SOLACE – Support of Lawyers – All Concern Encouraged. We have approximately 400 members signed up. The plan is to develop the list serv, and reach out in meaningful and compassionate ways to judges, lawyers, court personnel, paralegals, and their families who experience a crisis, death or catastrophic illness, from the smallest problem to the largest. After speaking with Judge Zainey following a National Conference of Bar President's Program, President Iwon began soliciting volunteers for members of our legal community. Members will let the SOLACE

Report of the Executive Director on 2010-2011

program know of any member of the legal community or members of their family who might have a need. SOLACE will then circulate the request to the people who have joined the program and hopefully we will get results.

Rhode Island Bar Foundation

President John A. Tarantino and the Board of Directors of the Rhode Island Bar Foundation continue their hard work to maximize Interest on Lawyers Trust Account (IOLTA) income and assess legal needs to maximize foundation support for legal services in RI.

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 named in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. Two scholarships of \$15,000 each were awarded this spring for Rhode Island students entering their first year of law school.

Congratulations to Michael A. St. Pierre who will begin his term as the new Rhode Island Bar Foundation President for 2011-2012.

Professional Development

The Association's Continuing Legal Education (CLE) department continued to explore ways to provide quality CLE programming as 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.

At this year's Annual Meeting, the plenary speaker was legendary civil rights activist Morris Seligman Dees, Jr., Esq. Through the Southern Poverty Law Center, Dees battles against prejudice and hatred. In the 1980s and '90s, he bankrupted the Ku Klux Klan and neo-Nazi groups with a series of historic lawsuits. Today, he focuses his attention on anti-government militias. In addition to this distinguished guest speaker, the Rhode Island Bar Association's 2011 Annual Meeting offered a wide range of

activities including: exceptional Continuing Legal Education seminars; Annual Award winners; a Free Wellness Center including featuring a range of interesting, healthful, and educational activities including blood pressure, cholesterol, and glucose screenings, chair massages, a diverse group of law-related product and service providers, and the Meeting provided many opportunities for Bar members to connect with their colleagues.

There are a number of CLE publications listed on our website. Your Rhode Island Bar Association membership entitles you to a 15% discount* off the list price of any of the American Bar Association's more than 300 titles, whether or not you're a member of the ABA. In addition, we are working in programming partnerships with Massachusetts Continuing Legal Education. MCLE is developing a series of Rhode Island handbooks including:

- A Practical Guide to Divorce in Rhode Island
- A Practical Guide to Probate in Rhode Island
- A Practical Guide to DUI in Rhode Island
- A Practical Guide to Evidence in Rhode Island
- A Practical Guide to Discovery and Depositions in Rhode Island
- A Practical Guide to Construction Law in Rhode Island

The CLE Committee is currently putting together the Fall 2011 CLE schedule with topics including: the second annual commercial law update with two national speakers; admiralty law; soft tissue injuries; bankruptcy & real estate title issues; conservation easements; practical skills and recent developments. We will also co-sponsor a labor law conference with Suffolk Law School.

Risk Management Program

Risk Management Program: The free, risk management program sponsored by **Aon Affinity** was another success story. The program: "An Ethical Lawyer Meets the Internet" had 1,570 members registered and was offered on five different occasions in August and September of 2010. The next annual risk management program, *What NASCAR, Jay-Z & the Jersey Shore Teach About Ethics*, with speaker Stuart I. Teicher, Esq., will be three ethics credits, and will focus on how various elements of popular culture provide poignant lessons that help us understand and appreciate the rules of professional conduct. Notice will be out over the summer for this free CLE program.

Work-Life Balance

The Rhode Island Bar Association continues to support our members' quality of life through our Lawyers Helping Lawyers (LHL) Program. Any member experiencing a personal or profes-

Report of the Executive Director on 2010-2011

sional crisis may obtain immediate assistance from licensed, caring professionals as well as peer support if they so choose. The Committee serves as a resource for Bar Association members, providing support and encouragement when needed. During the past year, LHL Committee members consulted with Bar members on a range of physical and mental health issues. The Bar Association contracts with Rhode Island Employee Assistance Services (RIEAS), which provides professional clinical services including assessment and referral at no cost to Bar Association members and their families. Issues RIEAS addressed this past year included depression, elder care, alcohol, anxiety, divorce and addiction.

The Committee focused particular attention in 2010-2011 on education. The Committee sponsored a program for the Annual Meeting: "Legal and Ethical Issues Surrounding the Treatment or Failure to Treat Depression: A Conversation with Dr. Peter Kramer, M.D." Dr. Kramer is a Brown University Medical School professor, a practicing psychiatrist and best-selling author of six books including *Listening to Prozac* and *Against Depression*. The program included a question and answer session regarding depression-related issues including how to promote timely diagnosis and treatment of the disease.

The Committee sponsored the Bar Association's Annual Meeting Free Wellness Center offered for the first time in partnership with Blue Cross and Blue Shield of Rhode Island. The Free Wellness Center featured a range of free, interesting, healthful and educational activities. The Committee sponsored articles and programming in the area of balance, wellness, and dealing with stress and addiction including a book review of *Just Like Someone Without Mental Illness Only More So: A Memoir* by Mark Vonnegut, M.D. which appeared in the May/June 2011 *Rhode Island Bar Journal*.

Law Related Education

The Rhode Island Bar Association is dedicated to helping Rhode Island teachers interested in law related education (LRE) by providing volunteer lawyers for classroom presentations and as educational resources. The Bar supports these presentations by developing unique, student interest-focused, law-related classroom lesson plans and educational background material. Most often, the Bar's volunteer lawyers and classroom lessons are presented in the context of standard courses and/or extracurricular programs including, History, English, Government, Civics, and Debate. The Bar Association's goal is to increase public understanding of and respect for the law and the role of lawyers and judges in the legal system. Bar-specific LRE programming, including Lawyers in the Classroom, and working in partnership with the Rhode Island Judiciary on the annual, statewide, Rhode

Island Law Day Classroom Program and the Rhode Island Law Day Essay Contest are all longstanding success stories for the Association. Rhode Island Law Day 2011: Our invitation to participate in the 2011 Rhode Island Law Day Classroom Program on Friday, April 29, 2011, sent to all upper and middle school teachers in all Rhode Island public, private and independent schools, resulted in a record number of classroom presentations by judge and lawyer teams throughout the state and related news media coverage. Similarly, invitations and Bar news releases relative to the Law Day Essay Contest led to the largest number of Essay Contest entries ever received.

* * * * *

My thanks to President Lise M. Iwon, 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, CLE Program Coordinator Tanya Nieves, Communications Coordinator Kathleen Bridge, Volunteer Lawyer Program Coordinator John Ellis, VLP Program Assistant Debra Saraiva, Receptionist Karen Lomax, Office Manager Susan Cavalloro, 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. The newly-adopted Rhode Island Bar Association Strategic Plan for 2011-2015 outlines goals and objectives to ensure we are doing the best we can to meet or exceed member expectations. Chaired by Immediate Past President Victoria M. Almeida, the Strategic Planning Committee (SPC) developed a mission statement and a five-year strategic plan for the Association. The SPC commenced its work with a series of meetings and discussions and a survey designed to assist us in developing a solid profile of our members and in assessing the Association's priorities. In the coming year, under the leadership of **President William J. Delaney**, we will be mindful of meeting those goals and objectives adopted by the House of Delegates on your behalf and will continue to work toward our vision.

Report of the Executive Director on 2010-2011

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.

Five Year Strategic Plan Adopted

The 2015 Vision of the Rhode Island Bar Association:

Building on our deep traditions of professionalism, advocacy and service, the Rhode Island Bar Association is the preeminent leader on behalf of the profession. By being innovative and foresighted in serving the needs of practitioners, the community, and the administration of justice, our members are proud to be Rhode Island lawyers.

-
Goal 1 To provide members with valuable, relevant services that promote professional competence.
.....
- Goal 2** To be indispensable to new/young lawyers.
.....
- Goal 3** To be a positive public voice on behalf of lawyers and the judicial system.
.....
- Goal 4** To facilitate access to justice.
.....
- Goal 5** To foster the relationship between the bench and the bar to our mutual benefit.
.....
- Goal 6** To maintain an infrastructure that supports us in fulfilling our vision.
.....

Rhode Island Bar Association

Legislative Positions and Amicus Briefs Official Notice 2011

The Rhode Island Bar Association restricts action on legislation either as a proponent or opponent to that related to the practice of law or administration of justice. In 2010-11, the Rhode Island Bar Association filed an amicus memorandum, jointly with the Rhode Island Association for Justice, in a matter involving a Rhode Island Superior Court Justice denying an attorney's motion to withdraw from representation in a pending civil case. The basis for the attorney's motion was that the client had not paid the substantial accrued fees (over \$50,000) due to the attorney. The Bar Association took the position that an attorney cannot be required to continue to represent a client absent payment of legal fees and should be permitted to withdraw as counsel in such circumstances. The Rhode Island Supreme Court's opinion reversed the trial justice's denial of the attorney's motion to withdraw and supported the Bar Association's position. We greatly appreciate the work of Lauren E. Jones, Esq. who represented both organizations and drafted the amicus memorandum, pro bono, on this important matter.

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

1) An Act Relating to Levy and Sale on Execution (Homestead Exemption); Property Tax Exemption – This proposed 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. Massachusetts increased its homestead exemption to \$500,000 in 2004. 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 veterans' 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 is the same bill that was introduced in 2010,

Rhode Island Bar Association

Legislative Positions and Amicus Briefs Official Notice 2011 *(continued)*

with the addition of “contract values” of annuity contracts as protected assets. 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 would formalize a procedure usually designated as “decanting a trust.” It would 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.

5) An Act Relating to Taxation – Estate and Transfer Taxes: this bill was intended to address the fact that the Rhode Island estate tax creates a “cliff tax,” which creates a substantial tax for estates that just exceed the exemption threshold of \$850,000. For example, an estate of \$1,000,000, under the current tax, creates a tax of \$33,200, which is 22% of the excess of the estate over \$850,000. The Committee felt that a fairer result would be produced by substituting a tax credit of \$25,200 for the exemption of \$850,000. This would have the effect of benefiting all taxable estates; for example, the tax on a \$1,000,000 estate would be \$8,000 under the proposed bill.

The Executive Committee voted to support a unanimous recommendation by the Title Standards & Practices Committee to amend the General Laws to include § 34-11-42 *Validation of conveyancing defects*. The purpose of the proposed statute is to eliminate issues with respect to title where certain issues are otherwise capable of resolution by investigation, preparation and execution of corrective instruments and recording thereof.

The Executive Committee voted to support the recommendations by the Committee on Creditors’ and Debtors’ Rights to support the proposed amendments to UCC Article 9 as recommended by the Uniform Law Commission (ULC) and the American Law Institute (ALI). Article 9 was substantially revised in 1998, and the 1998 revisions have been in effect in all states and the District of Columbia since 2001. The 2010 amendments to Article 9 modify the existing statute to respond to filing issues and address other matters that have arisen in practice following a decade of experience with the revised Article 9. The need for a uniform set of amendments arises mainly from the following: 1) A number of states enacted non-uniform changes to the filing rules that deal with an individual debtor’s name on the UCC-1 financing statement. 2) The filing officers’ group, International Association of Commercial Administrators (IACA), pressed for

changes to the UCC-1 and UCC-3 forms, to simplify filing and maintenance of records. The proposed statutory changes would address only significant problems that have arisen in practice. They would not alter policy decisions reached in the original revision process. The proposed statutory changes would focus on resolving ambiguities and on addressing issues where there have been significant non-uniform amendments among the states and where the statutory language is sufficiently clear, but court decisions have created problems in practice.

The House of Delegates voted to support the recommendation of the Committee on Gay Lesbian Bisexual Transsexual Issues to support the passage of proposed Rhode Island General Assembly bills S0029 and H5012, “An Act Relating to Domestic Relations – Persons Eligible to Marry,” which would provide all Rhode Island couples, regardless of gender, with access to a civil marriage. In addition the House voted to support the Committee’s recommendation to oppose S0115 and S0162 regarding a Joint Resolution to Approve and Publish and Submit to the Electors a Proposition of Amendments to the Constitution of the State (Marriage). The legislation would submit to the electors at the next statewide general election a constitutional amendment defining marriage as a lawful union between one man and one woman but not prohibiting the recognition of a lawful civil union between two members of the same gender.

In addition, the House of Delegates noted its positions taken at earlier meetings opposing a tax on legal services and supporting recognition by the Real Estate Licensing Board of CLE credits earned by lawyers who also happen to be licensed brokers.

A member may, within sixty days of the date of the mailing of this issue of the *Rhode Island Bar 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 2011-2012 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 2011-2012 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 11/12
Bar Journal Ads & Subscriptions	\$ 52,000
Contract Service Income	67,200
Interest Income	2,500
LRE Grant Income	7,500
Mailing List Income	1,500
Malpractice Prevention	30,000
Member Dues & Fees	1,200,000
Royalties & Miscellaneous	11,000
Personal Lines Insurance	15,000
	<u>\$ 1,386,700</u>

Expenses

Awards	\$ 2,000
Bar Journal	105,000
Casemaker	94,500
Clerical Assistant	2,500
Computer	38,000
Consultants	5,000
Copier	10,500
Depreciation Expense	12,000
Dues & Subscriptions	5,000
Insurance	15,000
Lawyer Assistance Program	10,000
Legislative Counsel	26,250
Lobby Tax	10,500
LRE Grant	7,500
Maintenance & Repair	30,000
Medical Benefits	70,000
Miscellaneous Expense	5,250
Office Supply & Expense	30,000
Pamphlets & Advertising	1,500
Payroll Tax Expense	37,000
Printing & Postage	30,000
Professional Fees	28,000
Property Tax	7,000
Public Relations & LRE	10,000
Records Management	2,500
Regular Meetings	17,500
Rent & Electricity	165,000
Retirement Plan	41,000
Salaries	420,000
Telephone	15,000
Travel	31,110
Website	15,000
	<u>\$ 1,299,610</u>
Net Income:	<u>\$ 87,090</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 11/12
Interest	\$ 50
Dues	25,000
Fees	28,000
US Armed Forces Project	10,000
	<u>\$ 63,050</u>

Expenses

Convention & Travel	\$ 0
Medical Benefits	40,195
Miscellaneous Expense	0
Office Supplies	1,000
Payroll Tax Expense	6,900
Printing & Postage	5,000
Professional Fees	0
Rent	0
Retirement Plan	8,130
Salaries	76,731
Telephone	0
	<u>\$ 137,956</u>
Net Income:	<u>\$ (74,906)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 11/12
Annual Meeting	\$ 440,000
Publications	8,000
Seminars	250,000
Miscellaneous Income	0
	<u>\$ 698,000</u>

Expenses

Annual Meeting	\$ 275,000
Clerical	500
Computer	7,500
Copier	1,000
Depreciation	1,000
Dues & Subscriptions	500
Medical Benefits	24,000
Miscellaneous Expense	500
Office Supplies	10,000
Payroll Tax Expense	10,500
Postage	10,000
Professional Fees	7,000
Publications	6,500
Rent	15,000
Retirement Plan	14,000
Salaries	140,350
Seminar Expense	150,000
Travel	1,000
Website	1,500
	<u>\$ 675,850</u>
Net Income:	<u>\$ 22,150</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,386,700	\$ 63,050	\$ 698,000	\$ 2,147,750
Expense	1,299,610	137,956	675,850	2,113,416
	<u>\$ 87,090</u>	<u>(\$74,906)</u>	<u>\$ 22,150</u>	<u>\$ 34,334</u>

Grants and Restricted Funds (approx.)

ProBono	\$ 177,644
Elderly	54,764
CRF	125,000
Total:	<u>\$357,408</u>

2011-2012

Total Revenue	\$ 2,505,158
Total Expense	\$ 2,470,824
	<u>\$ 34,334</u>

**Rhode Island Bar Association
Statements of Financial Position*
June 30, 2010 and 2009**

Assets	2010	2009
Cash and cash equivalents	\$ 794,196	\$ 844,441
U.S. Treasury Bills	3,148,112	2,875,123
Accounts receivable	50,790	66,995
Other assets	10,206	21,977
Furniture and equipment (net of accumulated depreciation of \$401,281 in 2010 and \$378,695 in 2009)	61,917	82,345
Total Assets	\$ 4,065,221	\$ 3,890,881
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 43,636	\$ 54,792
Accrued expenses	81,154	77,596
Deferred revenues	-	620
Total Liabilities	124,790	133,008
Net Assets		
Unrestricted	2,024,797	1,897,044
Temporarily restricted	1,915,664	1,860,829
Total Net Assets	3,940,461	3,757,873
Total Liabilities and Net Assets	\$ 4,065,251	\$ 3,890,881

**The Statements of Financial Position on page 2 of the Audited Financial Statements for the years ended June 30, 2010 and 2009 is the official name of a Balance Sheet for non profit organizations.*

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

Bar Association Committee Reports

Animal Law



Katy A. Hynes
Chair

This year, our Bar Association followed the lead of a growing number of bar associations around the country and accepted a proposal to form an Animal Law Committee. As word of the imminent launch of this new Committee spread, a significant number of attorneys from around the state (and Massachusetts) responded with enthusiastic support and volunteered to serve. Soon thereafter, on April 28, 2011, the Animal Law Committee held its first

meeting.

The Committee's mission is to seek the participation of all interested Bar members, including plaintiff and defense counsel, from both the public and private sectors, to providing a forum for exchanging ideas to: consider and discuss the legal issues involved in human beings' relationship and coexistence with animals; understand laws, regulations and case law pertaining to all areas of animal law; and provide continuing legal education opportunities throughout the year and at the Bar's Annual Meeting.

At the April and May meetings, Committee members shared their perspectives on the particular issues that sparked their interest in animal law and discussed their views on the Committees' goals and plans. Members noted that animals involve many aspects of life, and at each intersection, the ground is fertile for special issues to arise involving animals. Accordingly, the scope of animal law is wide, and encompasses a broad array of areas ranging from custody and domestic disputes to wills and estate planning; from personal injury to product liability; from criminal law to constitutional law; from contract law to tribal rights; from business litigation to civil procedure and evidence; from health and disability law to housing law; from governmental liability to intellectual property law; from landlord/tenant law to commercial transport litigation; from medical malpractice to workers' compensation and employers' liability; from property insurance law to life insurance law; from senior citizens' issues to media, privacy and defamation; from land use to zoning; and from alternative dispute resolution to appellate advocacy.

Against this backdrop, the Committee plans to focus on the myriad ways clients are legally impacted by the vast array of human/animal interactions, ranging from the legality of estate planning for companion animals, to changing liability standards and insurance coverage in dog bite cases, to compensation beyond the fair market value when an animal is killed, to public and private conflicts about where an animal can be, and to the competing interests of wild animals and urban, farming and recreational land use.

The culmination of the introductory meetings resulted in the creation of an exciting and innovative agenda for the upcoming 2011-2012 year.

Annual Meeting



Bruce W. McIntyre
Chair

The 2011 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 offering guidance in commercial, family, federal and trial law, as well as legal and courtroom technology. Program highlights included a seminar on the legal and ethical issues in depression treatment featuring guest speaker Peter Kramer, M.D., renowned Brown Medical School Professor and best-selling author, the ever-popular civil and criminal case law updates and more. All the workshops were enhanced by the participation of many distinguished and accomplished presenters. Additionally, this year's Meeting's new Wellness Center, co-sponsored by the Bar's Lawyers Helping Lawyers Committee and Blue Cross and Blue Shield of Rhode Island, featured an excellent selection of free, interesting, healthful and educational activities for attendees.

The Annual Meeting's Plenary Session's distinguished speaker was Attorney Morris S. Dees, who, with his law partner Joseph J. Levin, Jr. and famed civil rights activist Julian Bond, founded the Southern Poverty Law Center. Through the Center, Dees uses the law like a sword in his battle against prejudice and hatred.

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 reviewed issues of interest and new legislation, including proposals for LLCs in Rhode Island. Other activities included organizing and presenting a number of seminars, including Bar-sponsored seminars on organizing a Rhode Island business and the Uniform Prudent Management of Funds Act. The Committee continued its review of the

Revised Uniform Limited Liability Company Act (RULLCA) and completed drafting proposed revisions to the Rhode Island Limited Liability Company Act, including the addition of provisions similar to those in the Business Corporation Act expressly permitting the appointment of receivers for LLCs. Contemporaneously, the Committee reviewed and drafted revisions to the portions of the Business Corporation Act dealing with dissolution and the effect of the issuance of a certificate of revocation by the Secretary of State. The Committee is coordinating review of these revisions with the Committee on Title Practices and Standards and the Committee on Creditors' and Debtors' Rights. Final versions of each revision will be introduced in the 2012 session of the General Assembly.

Continuing Legal Education



Richard M. Peirce
Chair

The 2010-2011 Continuing Legal Education (CLE) year began with our annual, free, ethics seminar. The seminar was presented at five different times and three separate locations making the program easily accessible to our members. This year's seminar focused on the internet and the unique ethical and professionalism issues it may cause for attorneys. The seminar received great reviews.

We thank Affinity Insurance Services, Inc. (Aon) for under-

writing the cost of this program allowing its presentation, free of charge.

These programs were followed by a special seminar on Commercial Law. Due to the efforts of Committee member

Patrick Guida, two nationally-recognized experts on the subject presented a program for Rhode Island attorneys usually available only at the annual American Bar Association (ABA) conference. The program received great reviews and will be offered again this Fall. This seminar was followed by a program on loss mitigation which featured speakers from the U.S. Justice and Treasury Departments, as well as our own Bankruptcy Court.

Throughout the CLE year, the Continuing Legal Education Committee again provided full and varied programming. In over 65 programs, including our popular Food For Thought sessions and longer seminars, we presented the quality and quantity of sessions needed by Bar members to fulfill CLE requirements and continued to offer them at a very reasonable cost. Our Food For Thought programs focused on current legal issues such as social media, estate planning for snowbirds, bankruptcy, estate planning in uncertain times and identity theft.

Our Practical Skills and Recent Developments programs continued this year. And, for the second time, we offered a simulcast of a live program developed by Suffolk University Law School.

Massachusetts Continuing Legal Education (MCLE) continued adding to their library of Rhode Island practice books and now offers six titles for Rhode Island attorneys. Per our partnership agreement with MCLE, the Rhode Island Bar Association receives a percentage of revenue from the sales of these books.

On-line seminars continue to be offered through the Bar Association website. 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 and judges who volunteer their time as presenters. I invite all Bar Association members to submit programming suggestions at any time and particularly encourage you to join our Committee.

Bar Association Committee Reports

Creditors' and Debtors' Rights



Richard L. Gemma
Chair

This past year, Committee members examined proposed amendments to Article 9 of the Uniform Commercial Code and the proposed enactment of the Foreign Country Money Judgment Recognition Act and issued recommendations with respect to the proposed amendments and enactment. In addition, the Committee considered and commented upon draft amendments to Rhode Island's Business Corporation Act and Limited Liability Company Act.

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

District Court Bench/Bar



James A. Hall
Co-Chair

Joseph M. Hall
Co-Chair

This past year was an active one for the District Court Bench Bar Committee, and we thank the Committee Members for their efforts.

The Committee began the year by meeting with Chief Judge Jeanne E. Lafazia to identify opportunities for the Committee to assist the Court. As a result, the Committee undertook both formal and informal education efforts using monthly meetings to address myriad topics including continued perceived procedural abnormalities related to foreclosures and the burgeoning use of electronic and digital evidence of service of process. In its workshops and meetings, the Committee also continued to address growing concerns regarding the increase of *pro se* litigation. Importantly, the Committee held a special meeting to address congestion in the Sixth Division and alleviating that congestion through greater utilization of the Noel Judicial Complex.

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 additional initiatives as guided by Chief Judge Jeanne E. Lafazia. The Chairs invite all interested Bar members to join the District Court Bench/Bar Committee as we move forward.

Environmental and Energy Law



Seth H. Handy
Co-Chair

The Environmental and Energy Law Committee (EELC) had an active and robust second year. The EELC meets as a full Committee every month from September through May, except December, from 12:30pm to 2:00pm and presents an issue-oriented speaker for an hour, as well as informative and lively EELC group member discussions on current events and hot topics.

The EELC Planning Subcommittee met the first Wednesday of every month by telephone to: identify topics and speakers for Committee meetings; discuss updates on current events and hot topics; plan for Continuing Legal Education (CLE) presentations; and discuss potential legislative advocacy issues. This year, EELC presenters included: Susan E. Farady, Director of RWU Marine Affairs Institute, who presented *Ocean Law & Policy in the 21st*

Century: The Challenges of Managing Marine Public Trust Resources; Paul J. Roberti, Commissioner, Rhode Island Public Utilities Commission, who discussed Deepwater Wind, renewable energy regulation and regulation in general by the PUC; Curt Spalding, Administrator, Region 1, US Environmental Protection Agency (EPA) and former Executive Director of Save the Bay, who shared his perspective on environmental protection and on EPA's work in New England; Catherine Robinson Hall, Esq., Faculty, Williams College-Mystic Seaport Maritime Studies Program, who presented *Living with the Spill: A Legal and Environmental Analysis of the Aftermath of the BP Deepwater Oil Spill*; Mike O'Connell, the Director of the RI Resource Recovery Corporation discussed the challenges facing that agency in the management of Rhode Island's solid and hazardous waste; and ended with a meeting featuring representatives from environmental advocacy groups Save the Bay, the Conservation Law

Foundation and the Sierra Club who discussed their missions and proposed legislation of interest in this session.

The EELC presented the seminars *Commercial Real Estate Transactions: The New Economic Climate and Update on Environmental and Land Use Law* at the Bar's 2011 Annual Meeting.

The coming year represents a change in leadership, as Jennifer R. Cervenka, Esq., partner, Partridge, Snow & Hahn, LLP, and Christopher A. D'Ovidio, Esq., partner, Merolla & Accetturo, Adjunct Professor, Land Use Law, Roger Williams University, are becoming the new, EELC co-chairs for 2011-2012. We invite all interested Bar members to support Jennifer and Chris by joining the EELC and taking an active part in the coming year's events.

Ethics and Professionalism



Stephen G. Linder
Co-Chair



Kathleen G. DiMuro
Co-Chair

The Committee met monthly from September through May. The first guests were Superior Court Chief Judge Gibney and Family Court Chief Judge LaFazia. Members asked the Chief Judges to indicate areas of courtroom experience where the Committee might be helpful in improving the relationship between the judges and practitioners. Both Chief Judges were quite forthcoming in discussing areas where improvements could be made. These included lawyers actually calling the court to question whether a court-excused lawyer was really excused, including questioning medical treatment, repeated *ex parte* communications, and the failure of attorneys to recognize how understaffed the courts actually are. Committee members were recommended to work on seminars with judges on various areas of courtroom demeanor. The first seminar

entitled *Disorder in the Court: Why are you acting like that?* co-sponsored with the Lawyers Helping Lawyers Committee was presented at the Bar's Annual Meeting.

In February, Supreme Court Chief Justice Suttell visited the Committee and discussed the ongoing review of existing new lawyers programs and possible Committee assistance to the Court. The use of email for mentoring was discussed as a convenient way for lawyers, especially younger, more com-

puter-savvy lawyers, to access helpful information without the need for face to face meetings.

At a meeting with the Bar's Executive Director Helen McDonald attending, the Committee considered ways to approach new lawyers at the Bar's Annual Meeting. It was noted that many of the new lawyers will be present at the registration area for practical skills course. Committee members are planning to also be on hand to introduce new lawyers to the Committee and to encourage new lawyer participation.

The Committee requested the Co-Chairs contact the Roger Williams University School of Law Career Services Assistant Dean to begin communications between the Committee and the law school, aimed specifically at involving 3rd year students who plan to remain in Rhode Island. For the 2011-2012 meetings, the Committee will be working with judges on seminars for the 2012 annual meeting and a seminar regarding lawyers considering retirement or the sale of a practice.

Family Court Bench/Bar



Jane F. Howlett
Chair

The Family Court Bench/Bar Committee continues to meet on the second Tuesday of each month at the Garrahy Complex. Laurie Medwin-Fine continues to serve as the Treasurer, and I greatly appreciate her continued assistance and support.

We had a number of informative and enlightening Committee meetings as well as Continuing Legal Education credits offered to members. In November, the Committee was addressed by Chief Judge Bedrosian who outlined issues under consideration for the domestic calendar, the financial statement (DR6A&B), as well as issues involving pro se litigants. This was a highly informative and well-attended meeting, and I thank Chief Judge Bedrosian for her time and continued enthusiastic support of the Committee. In February, Judge D'Ambra spoke to the Committee about protocol and procedure in her courtroom on the post-Final Judgment calendar. Also in February, during the tax season, Attorney Justin Holden presented the annual CLE "*Basic Tax Considerations in Separation and Divorce*" which was well attended. Attorney Frank DiBiase of the Office of Child Support Enforcement presented a CLE offering an update on legislative and appellate issues regarding child support matters, as well as a practical application of the child support guidelines, including the child care tax credit. I thank Judge D'Ambra, and Attorneys Holden and DiBiase for their time and efforts. Their support of the Committee is appreciated.

Bar Association Committee Reports

A number of Committee members attended the Bar Association's Annual Committee Networking Event. 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.

I made a presentation at the annual Family Court Judicial Conference in September at the Christian Brothers in Narragansett. All Committee members were invited and many attended. A roundtable discussion between members of the Committee and the Family Court Judges and Magistrates proved informative and instructive. Dinner followed the conference and was a truly enjoyable event.

It is a pleasure to serve as the Chair for a seventh year. Thank you to Chief Judge Bedrosian 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.

Federal Court Bench/Bar



Patricia K. Rocha
Co-Chair



Patricia A. Sullivan
Co-Chair

Throughout this year, the Federal Court Bench/Bar Committee worked closely with the Court, and particularly with Chief Judge Mary Lisi and Clerk of Court David DiMarzio, on various 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.

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, tasked with monitoring and recommending modifications to the Local Rules. The Committee has also completed the first phase

of an exciting project to gather jury instructions and to make them available electronically to attorneys and judges. The criminal instructions are now available. Work proceeds on the civil instructions. This project, unique in the nation, will ultimately be of enormous utility to practitioners, as well as beneficial to litigants.

As a result of these ongoing projects, the Committee, with the enthusiastic support of the Court, has helped foster 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, started in 2008. This series is sponsored by the Committee, working with the federal judiciary and with the local colleges and universities. During 2010, the Committee sponsored a symposium, jointly with Brown University, focused on the First Amendment.

The Committee sponsored a presentation at the Bar's 2011 Annual Meeting, and the Committee is working with the Federal Court on planning the 2011 District Conference, which scheduled for the Fall of 2011 and featuring a U.S. Supreme Court Justice, among other highlights.

The Committee participated in the Bar Association's committee networking event to invite and encourage new attorney membership, and we remain dedicated to increasing Committee membership, welcoming any and all Bar members to join and participate in our meetings.

Fee Arbitration



Henry V. Boezi, III
Co-Chair

Madis Suvari
Co-Chair

During fiscal year 2010-11, twenty petitions for fee arbitration were filed with the Rhode Island Bar Association. Three matters were settled prior to a formal arbitration hearing. Six matters were dismissed because the respondent was unwilling to proceed with the arbitration. Ten matters were arbitrated with the assistance of the Committee. Five matters are still pending. The amount of fees in dispute ranged from amounts of \$1,800 to \$33,000. Several disputes were between lawyers who had been involved in the same case.

We continue to arbitrate controversies that could have been avoided by a clear fee agreement or timely billing practices and better lawyer/client communications. The proceedings are primarily informal and serve as an alternative to litigation. Committee members serve voluntarily, without com-

pensation, and are commended for their service to the Bar. This program fosters an understanding and confidence in the legal profession, and we need and appreciate the continued support of our volunteers and the membership.

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 Fund's focus is reimbursing the losses of clients victimized by the few Rhode Island lawyers who vio-

late 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 financed 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 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 \$1.5 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 2010-11, twelve new claims were received involving five former lawyers. Six claims have been paid over the fiscal year totaling \$64,335, and one claim was denied as not reimbursable under our rules.

Twelve claims are still awaiting action pending receipt of

further information and the exhaustion of other remedies.

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 endeavors to provide its membership with opportunities to meet with legal counsel from diverse agencies in federal, state and local government. During 2010-2011, the Committee continued its tradition of meeting at various government agencies, where members were educated as to the processes and procedures of the host agencies and the duties and responsibilities of their respective legal staff. The Committee met five times during the year.



Paul W. Goodale
Co-Chair

The Committee began the year in September at the Department of Labor and Training (DLT) with a presentation by DLT Legal Counsel, Valentino D. Lombardi, Esq. and Mary Ellen McQueeney-Lally, Esq. In October, the Committee met at the Rhode Island Commission for Human Rights, where members heard from Executive Director Michael

Evora, Esq. and Legal Counsel Cynthia Hiatt, Esq. and Francis Gaschen, Esq. In February, the Committee convened at the Social Security Administration (SSA) Office of Disability Adjudication and Review, where Chief Administrative Law Judge Barry Best provided an overview of the disability adjudication and review process and discussed issues confronting the SSA.

In March, the Committee sponsored a Rhode Island Bar Association CLE seminar, *Legal Practice & Procedure before the RI Ethics Commission*, which was open to all members of the Bar. Ethics Commission Staff Attorneys Katherine D'Arezzo and Jason Gramitt presented a primer for legal practice before the Commission in both advisory opinion and complaint matters. In May and June, the Committee was once again invited to take part in a continuing in-house CLE series offered by the Office of the Providence City Solicitor. The Committee concluded the year in May with an informative presentation by Gayle Mambro-Martin, Esq., Internal Legal Counsel/Policy Analyst for the Employee's Retirement System of Rhode Island (ERSRI).

Bar Association Committee Reports

New this year, the Committee participated in a volunteer community service project for the Greater Providence Habitat for Humanity. Committee members were joined by Rhode Island Ethics Commission staff in providing a day of labor in the construction of a single family residence on Swan Street in Providence. Construction began in 2010 and the family was scheduled to move into their new home in May 2011. The Committee's work on this project proved to be a rewarding experience for all involved.

The Committee extends its appreciation to Michael J. Sheldon for his service as Committee Secretary and encourages both new and seasoned members of the Bar to join the Committee in the upcoming year.

Insurance Programs



Stephen J. Angell
Chair

The Committee on Rhode Island Bar Association Insurance programs met regularly over 2010-2011 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.

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.

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.

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, or visit their website at <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



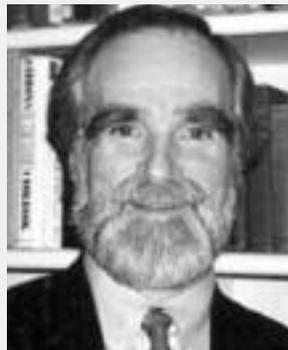
Thomas R. Landry
Chair

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 an explanation of changes to the Family Medical Leave Act and various Child Labor provisions of the Fair Labor Standards Act. In December, the Com-

mittee met at McFadden's for what will hopefully be the first of many holiday parties. In March, the Chief Wage and Hour Examiner for the Rhode Island Department of Labor and Training Helen Gage gave the Committee an overview of Rhode Island wage and hour law and discussed recent issues of interest. Later that month, Regional Director Rosemary Pye, and other representatives of Region One of the National Labor Relations Board, updated the Committee on recent Board appointments and decisions. In April, the Committee came together to discuss and recommend action on the unauthorized practice of law issue presented in **Town of Little Compton v. Little Compton Firefighters, Local 3957**, R.I. Supreme Court No. 2011-101-M.P. Following the discussion, Committee members were treated to a discussion led by Jerry Cobleigh and John Breguet concerning changes to public sector bargaining laws in Wisconsin and Ohio. The year concluded with the annual presentation by representatives of the Rhode Island Commission for Human Rights.

As always, the Committee 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



Nicholas Trott Long
Chair

The Lawyers Helping Lawyers Committee met bi-monthly over 2010-11. The Committee serves as a resource for Bar Association members, providing support and encouragement when needed. The Lawyers Helping Lawyers Committee volunteers give their time generously 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 appro-

prate professional resources.

Supreme Court rule 8.3 (d) ensures that communications between a lawyer or a lawyer's family and a member of the Lawyers Helping Lawyers Committee is confidential. The identity of an individual seeking advice is known only to the specific Committee member and is not otherwise shared without the caller's permission. During the past year, Committee members consulted with Bar members on a range of physical and mental health issues. The Bar Association also contracts with Rhode Island Employee Assistance Services (RIEAS), which provides professional clinical services including assessment and referral at no cost to Bar Association members and their families. The Committee commends and thanks RIEAS Executive Director Judith G. Hoffman, LICSW, CEAP, for her valuable contributions. Several Bar members were assisted by RIEAS in the past calendar year for issues including depression, eldercare, alcohol, anxiety, divorce and addiction.

The Committee focused particular attention in 2010-2011 on education. The Committee sponsored a program for the Annual Meeting: *Legal and Ethical Issues Surrounding the Treatment or Failure to Treat Depression: A Conversation with Dr. Peter Kramer, M.D.* Dr. Kramer is a Brown University Medical School professor, a practicing psychiatrist and best-selling author of six books including *Listening to Prozac* and *Against Depression*. The program included a question and answer session regarding depression-related issues including how to promote timely diagnosis and treatment of the disease.

At a regular meeting of the Committee, to which members of the Ethics and Professionalism Committee were invited, Glenn Miller, from RIEAS, gave a presentation regarding suicide awareness and non-clinical suicide prevention. He noted that suicide is the end result of a long process and in the eyes of the sufferer; it is considered a solution to the problem. He noted that anyone can help prevent suicide. He provided a list of clues and warning signs having to do with behavior and typical situations and suggested ways to provide non-threatening assistance.

Bar Association Committee Reports

The Committee also sponsored the Bar Association's Annual Meeting Wellness Center, offered for the first time in partnership with Blue Cross and Blue Shield of Rhode Island. The Wellness Center featured a range of free, interesting, healthful and educational activities including: blood pressure measurement, cholesterol and glucose screenings; stop-by consultations on nutrition with a health care professional; sun safety screenings using DermaView technology to analyze facial skin damage; stress management information; body composition testing for fitness indicators and personal health assessments utilizing a confidential questionnaire. Oh yes, there was also a chair massage station offering free shoulder and upper back massages. Health professionals at the Wellness Center sought to quell the fast-spreading rumor that if one partook of the massage station, all the other services could be safely ignored.

The Committee sponsored articles and programming in the area of balance, wellness, dealing with stress and addiction. Committee members also participated in the Roger Williams University School of Law orientation and the New Lawyers Introduction to Practice Program.

Committee member Roger C. Ross contributed a book review of *Just Like Someone Without Mental Illness Only More So: A Memoir by Mark Vonnegut, M.D.* for the May/June 2011 issue of the *Rhode Island Bar Journal*.

The Committee looks forward to providing additional outreach and educational programming in the coming year. The best way to assist lawyers is to get the message out that help is available and confidential.

Lesbian Gay Bisexual & Transgender

The Committee on Lesbian, Gay, Bisexual & Transgender (LGBT) Legal Issues continued its work promoting professional and educational opportunities for LGBT members of the Rhode Island Bar Association, and promoting, for all members of the Rhode Island Bar Association, greater awareness of and educational programs relative to the legal issues affecting the LGBT community. The Committee held regular meetings during 2010 and 2011 at various locations in Providence.

The Committee prepared a workshop on student bullying presented at the Bar Association's 2011 Annual Meeting. The workshop, titled *Student Bullying: The Legal Implications for Students and School Departments*, provided lawyers for students and school departments with an analysis of legal issues surrounding student bullying. The panelists included Rhode Island Family Court Chief Judge Haiganush Bedrosian who discussed how cases of student bullying are handled by the

Family Court, as well as current trends in cyber bullying via the internet and text messaging. Rhode Island Department of Attorney General Assistant Attorney General Thomas Palombo examined various causes of action and remedies available under Rhode Island's hate crimes laws and through the Office of Civil Rights Advocate. Karen Loewy, Senior Staff Attorney at Gay & Lesbian Advocates & Defenders, provided an analysis of the existing legal protections in the school context for ensuring student safety, focusing on LGBTQ student bullying. And, a member of Youth Pride, Inc. provided an overview of the services available to LGBTQ students who experience bullying in the schools.

In addition to the workshop, the Committee submitted a written request to the Bar Association regarding two equal marriage bills, House No. 5012 and Senate No. 0029, which were introduced in the Rhode Island General Assembly. These bills would allow all same sex-couples in Rhode Island equal access to a civil marriage. The Committee requested that the Bar Association advocate for the passage of these bills. At its March meeting, the House of Delegates voted to support the passage of the equal marriage legislation.

We thank the members of the Committee and the Bar Association for a successful year and look forward to continuing the work of the Committee in 2011-2012.

New Lawyers Committee



Rebecca E. Dupras
Chair

This year, after three years operating as the New Attorney Advancement Task Force, the group was accorded full Bar committee status and a new name, the New Lawyers Committee. The main goal of the Committee has been and continues to be to find ways to reach out to new Bar members to help them access all that the RI Bar Association has to offer.

In partnership with the Bar's Executive Committee, and with the cooperation of over 20 other Bar committees and the Bar's Public Services Department, the New Lawyers Committee held a fun and informative evening of interactive networking with friendly and helpful representatives from the participating Bar committees and groups. During the event, new Bar members (with ten years or less of membership) learned more about Committee and public services offerings meeting with committee chairs and representatives in an informal setting.

The Committee offered a free, CLE seminar for new Bar members titled *View From the Bench: The Superior Court Motion Calendar*, which gave attendees an opportunity to

gain a practical understanding of the Civil Motion Calendar and gain knowledge directly from Associate Justice Sarah Taft-Carter and seasoned trial attorney, Douglas J. Emanuel, who has organized similar CLEs for new Bar members in the past.

The Committee hosted a workshop, *The 60-Second Elevator Speech*, on how to develop a profession-based, short description of attorney strengths to use in both marketing and networking situations. At the final meeting of the year, the Committee hosted guest speaker, Cranston Mayor and Bar member Alan W. Fung, at a presentation designed to help new Bar members understand their professional career options.

Committee members also volunteered their help on the development of the Introduction to Practice and Practical Skills seminars and forwarded a concept for a Bar web-based, Online Attorney Information Resource Center which was approved by the Bar's Executive Committee and slated for development over the summer.

Although the Committee's programming is primarily aimed at those who have been practicing for ten years or less, all are welcome, and both new and more seasoned Bar members are invited to join the Committee and participate in activity planning for the coming year.

Probate and Trust



David T. Riedel
Chair

The Committee on Probate and Trust considers proposed changes in the legal system relating to the probate and trust areas. The Committee was active during the current year, meeting generally once each month exclusive of the summer months. The Committee consists of over one hundred members, many of whom were regular attendees and active participants at Committee meetings. Several probate judges were members of the Committee,

and 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 \$300,000 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

(\$859,350 with inflation adjustment) 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 automatic "optimum marital deduction" for documents drafted prior to 1981; and 6) provide for a statutory basis for the technique of "decanting" irrevocable trusts.

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 remains in session at the time of this report.

The Chair was given invaluable assistance by a number of Committee members, including probate judges, who made themselves available to review proposed legislation.

Public Services Involvement



Christine J. Engustian, Esq.
Chair

What's in a name? Well, the Bar Association's Executive Committee thought the Legal Services Committee needed a new one to better reflect its mission and reduce the confusion created with the similarity to Rhode Island Legal Services. So, we are now the Public Services Involvement (PSI) Committee. The Committee's work this past year reflects its support of the Bar's public service programs and to further the goal of increasing the public's

access to legal representation and justice.

Last Fall, we started with a CLE seminar on special education law organized by Committee members and expanding on a 2010 Annual Meeting seminar. The PSI Committee also addressed the Rhode Island Family Court's requirement that Volunteer Lawyer Committee (VLP) clients submit a motion to proceed *in forma pauperis* and an accompanying financial affidavit, despite having been qualified under the same economic guidelines employed by the Rhode Island Legal Services (RILS), and despite the fact that a memorandum from a former chief judge had exempted RILS clients from court fees. Committee members wrote, and the Bar's Executive Committee approved, a letter to newly-appointed Chief Judge, Haiganush Bedrosian seeking her assistance in eliminating these requirements for Bar VLP and Elderly pro bono

Bar Association Committee Reports

clients. We anticipate a future meeting with the Bar President, the PSI Committee Chair and the Chief Judge to discuss this issue and other pro bono incentives. The Committee also modified the rules governing the Lawyer Referral Services (LRS) attorneys to include grounds for the Bar Association to review an attorney's continued eligibility for membership in the LRS panel.

The PSI Committee participated in the fun and lively New Lawyer Bar Committee Networking Event. New lawyers' enthusiasm for the PSI Committee's work was evident, and we obtained at least one new and active Committee member. The Committee extends its gratitude to Bar Public Services Director Susan Fontaine and longstanding and devoted Committee member David Reilly for representing the Committee.

Each year, a PSI Committee subcommittee selects annual pro bono award recipients. from the VLP and one from the Elderly Pro Bono Program. The continuing service award is now selected and awarded every other year.

With the dual hope of benefiting the present members of the Bar's pro bono programs and increasing membership to those programs, the Committee is planning topics for a series of basic seminars in areas of the law where the need for pro bono legal representation is the greatest, namely family, bankruptcy, debt collection/consumer and probate (wills, powers of attorney and guardianships). These topics will include client interviewing, necessary documentation to institute legal action, court procedure, closing of the client matter, and other matters. These proposed seminars are subject to coordination with the Bar's CLE Committee and will occur no earlier than the Spring of 2012.

A very special measure of gratitude is extended to our friend and liaison, Susan Fontaine, the Bar's Public Service Director, who provides her assistance, knowledge, advice and guidance to the PSI Committee, month after month and year after year. Susan is admired for the way she offers her helping hand and always with a smile. We thank you, Susan.

Since each one of us, as attorneys subject to the Rules of Professional Conduct, should be providing 50 hours, albeit non-mandatory, per year in pro bono service, the PSI Committee strongly encourages each attorney to work on behalf of the poor and needy by accepting cases through our Bar's public service programs. As Sir Winston Churchill said, "we make a living by what we get, but we make a life by what we give."

Superior Court Bench/Bar



Melissa E. Darigan
Co-Chair



Karen A. Pelczarski
Co-Chair

In the last year, the Superior Court Bench Bar Committee worked on a variety of projects in collaboration with the Superior Court in furtherance of the Committee's mission to improve practices and procedures in the administration of justice in that Court. The Committee is particularly proud of its efforts to support Presiding Justice Gibney, and several members of the Superior Court, in a project designed to establish a process for meaningful pre-trial conferences at the Motion to Assign stage of a proceeding for the purpose of assisting the Court and litigants in managing the civil trial calendar, reducing the backlog of civil cases on the trial calendar, and, ultimately, eliminating the need for control calendar calls. This project culminated earlier this year in the issuance by Judge Gibney of *Administrative Order 2011-7 – Assignment of Cases to the*

Trial Calendar in Providence County which took effect on May 1, 2011.

Development of this Order was guided by concerns expressed from bench and bar alike that cases are assigned to the trial calendar in Providence County well before they are ready for trial, merely to get in the trial pipeline, with the result that large numbers of cases are assigned to the trial calendar, but repeatedly continued at the control calendar for completion of discovery and related pretrial matters. There also was general consensus that the pre-trial procedures set forth in the Rhode Island Rules of Civil Procedure, such as Rule 16, are under-utilized as tools to assist the Court and the advocates in narrowing issues, managing discovery and scheduling matters, and resolving cases short of trial. The objectives of the Order are to: 1) develop practices that will result in cases being ready for trial when noticed thus improving the manner in which civil cases are scheduled and called for jury and non-jury trials in Providence County; and 2) afford meaningful case management and settlement opportunities at an appropriate stage in the life cycle of a case.

The Committee is currently in the process of drafting proposed revisions to the Rules of Civil Procedure to address the discovery of electronically-stored information (ESI). Prompted by the issuance of proposed Uniform Rules on ESI

discovery, the Committee reached general consensus that regulation of discovery relative to ESI is warranted and that revisions to the Rules should be pursued. The Committee intends to complete a draft of the proposed Rules amendments by the end of the summer and present the proposal to a sub-committee of Superior Court justices established by Judge Gibney. Ultimately, the Committee expects to present a series of Rules revisions for consideration by the Superior Court and adoption by the Supreme Court.

Supreme Court Bench/Bar

The Supreme Court Bench/Bar Committee continued to work with and assist the Supreme Court, and, in particular, Chief Justice Suttell and Clerk of Court, Debra A. Saunders. The Committee discussed issues of importance to Supreme Court practitioners and to the Court, including potential revisions to certain Supreme Court rules, practical and cost-effective ways for practitioners, as well as members of the Court and its staff, to be advised of and share information of interest, electronic notification of conferences, orders and opinions, Rule 12(a) statements, appellate screening of cases and mediation. The Supreme Court has the ability to notify the entire Rhode Island Bar by e-mail, as it has implemented new technologies and services to provide the various courts and Bar with updated information, as well as to announce upcoming news and events, including news and updates from the Supreme Court Clerk's Office with respect to court closures resulting from inclement weather or states of emergency.



John A. Tarantino
Chair

The Committee discussed potential CLE programs that might involve the Justices of the Court either at future separate CLE programs or as part of an upcoming Annual Bar Meeting.

The Committee also participated in the successful Bar Committee Networking Event, introducing and explaining the Committee's various professional opportunities and answering any questions that Bar members might have about the Committee and its functions. The Committee always 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.

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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.

Previously the Committee had reviewed systems for the electronic backup and storage of lawyers' critical computer data which is vulnerable to loss or damage from fire or other casualty or computer hardware problems. After issuing a request for proposals (RFP) to eight vendors, the Committee

reviewed the responses and recommended two vendors to the Bar's Executive Committee for approval as Member Benefits. One vendor, MozyPro, has rolled out its online data backup program for Rhode Island Bar Association members. More information is available through the Bar's website Membership Benefits section under a link headlined MozyPro Online Data Backup.

The Committee heard presentations on the use of technology in the courts and an update on developments from the Division of Business Services (formerly the Corporations Division) of the Office of Secretary of State A. Ralph Mollis.

For the past two years, the Committee has arranged for well-known lawyer, speaker and legal-technologist Ross Kodner to present technology seminars at the Rhode Island Bar Association Annual Meeting. The seminars were well received, and Mr. Kodner presented at the 2011 Annual Meeting. His subjects this year included the use of technology in the practice and implications related to social networking.

The Committee invites interested Bar members to join and looks forward to a productive 2011-2012.

Title Standards and Practices



Albert K. Antonio
Chair

The Title Standards and Practices Committee met eight times. Attendance continued strong with an average of more than 20 members attending each meeting. The members benefited from lively and informative discussions regarding new developments in the law and transactional practice.

The Committee considered eight proposals for legislative change originating with our

Bar Association Committee Reports

committee; five were approved by the Committee for presentation to the Bar's Executive Committee. Of those five, one, a bill which would validate certain conveyancing defects, was introduced in the Legislature. It has been held for further study in the House, and is currently pending action in the Senate.

The Committee approved a new standard dealing with nominee trusts, which was sent to the Executive Committee for publication in the this issue of the *Rhode Island Bar Journal* for Bar member review and comment.

The Committee continues to be concerned with recording, abstracting and other transactional matters. 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.

Editor's Note: Due to the untimely passing of the Committee's long-time and highly-valued Chair Albert K. Antonio earlier in the year, Committee member Michael B. Mellion provided this year's report.

Workers' Compensation Bench/Bar

The Workers' Compensation Bench/Bar Committee met at the Garrahy Judicial Courthouse on the third Wednesday of each month. Chief Judge George Healey and the Court's associate judges were regularly present at the meetings, giving all

Jack R. DeGiovanni

Co-Chair

Committee members an opportunity to discuss any issue that may have arisen from month to month in a candid and productive manner.

Paul V. Mancini

Co-Chair

At every meeting, Co-Chair Jack R. DeGiovanni, informs the Committee members of any updates in forms

and procedure utilized in the workers' compensation practice. In addition, he opens the floor to discuss any issue or concern that may arise in representing clients, whether the employee or employer, before the Workers' Compensation Court. A hot topic this year was the utilization of the resources of the John Donnelly Center while the injured worker is receiving weekly compensation, as well as post settlement in assisting the worker in returning to the work force. In addition, the co-chairmen were active in reaching out to new lawyers to join its Committee by attending Bar-sponsored events and other activities.

The Committee's popular, early December annual holiday gathering at Downcity Diner in Providence was well attended. It is one of several Committee-sponsored social events fostering civility in practice before the Court and amongst practitioners. As always, Co-Chair Paul V. Mancini organized a stellar event!

In May, judges and lawyers of the Committee travelled to

the John Donnelly Center for discussions with Center staff concerning operation and programs available to the injured worker during the recovery period and post settlement. The trip was a valuable refresher and learning experience. A follow-up meeting will be scheduled for the Fall to continue to determine how best to utilize this important asset in the practice.

The annual Bench/Bar golf outing was held in September at Triggs Memorial Golf Course. Judge Morin was instrumental in setting up this event. The course was exceptional, and the festivities afterward were so well received, that it is the intent of the Committee to make this an annual event. We extend a very special thank you to Judge Morin for assisting the Committee in organizing this event and to Judge Ferrieri for helping promote this well-attended event. Building on the success of the Fall tourney, attorney Tom Ford has graciously agreed to host and assist in organizing an early summer golfing event at Potowomut Country Club.

Overall, it was a very successful year for the Workers' Compensation Bench Bar Committee thanks to the active participation of the Bench and the practitioners! The Committee looks forward to a brief respite over the summer before recommencing again in the Fall!

Proposed Title Standards Revisions Open for Bar Member Review and Comment

The Rhode Island Bar Association's Title Standards and Practices Committee, with Michael B. Mellion, Esq. serving as acting Chair, voted unanimously to submit the following proposed Title Standards revisions to the Rhode Island Bar Association Executive Committee for its consideration. Bar members are invited to comment on these proposed changes, no later than August 1, 2011, by contacting Rhode Island Bar Association Executive Director Helen Desmond McDonald by email: hmcDonald@ribar.com.

DRAFT

SECTION III CONTINUED

STANDARD 3.11

EFFECT OF INSTRUMENT EXECUTED BY TRUSTEE OF A NOMINEE TRUST

Where an instrument conveying an interest in real estate executed by the trustee of a nominee trust, so-called, appears in the chain of title, and the instrument is executed and acknowledged in proper form, it may be assumed that all of the beneficiaries of the nominee trust authorized and directed the trustee to execute and deliver the instrument.

Accordingly, the instrument executed by the trustee of the nominee trust will be deemed to have conveyed marketable title to the interest described in the instrument, provided that (a) there is no record evidence of a challenge to the validity of the instrument, and (b) no party has actual knowledge of an off-record challenge to its validity.

COMMENT:

A nominee trust is a trust in which the trustee is given no authority or power to deal in or with the trust estate except as authorized and directed by the beneficiaries of the trust.

In a conveyance by the trustee of a nominee trust, the language of the form of the Affidavit or Memorandum of Trust addressing R.I. Gen. Laws § 34-4-27(a)(3), (a)(4) and (a)(5) must be modified. See Practice Form 11 for a suggested form of the Affidavit or Memorandum of Trust for use with a nominee trust.

An attorney involved in a current transaction involving a conveyance by the trustee of a nominee trust should insist that that a consent and direction of the beneficiaries of the nominee trust be produced and recorded.

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2011 ANNUAL MEETING

This year's hard-working Annual Meeting Committee, ably and amiably chaired by Bruce W. McIntyre, 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 environmental issues, legal technology, 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, and over 1,500 Bar members attended.



Legendary civil rights activist Morris Seligman Dees, Jr., Esq., the Meeting's plenary speaker, delivered a thoughtful, interesting and inspiring address on American justice to a packed, standing-room-only group of Meeting attendees who received his message with open minds and hearts and gave him a standing ovation.



Bar President Lise M. Iwon welcomed Bar members to the Annual Meeting and noted her appreciation to the entire Bar for their support during her presidency.



Bar President Lise M. Iwon, Esq., Laurence & Iwon; Peter Kramer, M.D., Brown University Medical School; and Nicholas Trott Long, Esq., Providence presented *Legal and Ethical Issues Surrounding the Treatment or Failure to Treat Depression: A Conversation with Dr. Peter Kramer.*



Kevin D. Heitke, Esq. and 2011-2012 Bar President William J. Delaney, Jr., Esq., both of Delaney DeMerchant & Heitke LLP, presented *The Intersection of Domestic Boulevard and Debtor Avenue.*



Stacie B. Collier, Esq., Nixon Peabody; Richard M. Peirce, Esq., Roberts, Carroll, Feldstein & Peirce; and Zoe Argento, Esq. Roger Williams University School of Law addressed *Rights and Responsibilities of Employees and Employers: Social Media in the Workplace.*



Robert M. Sabel, Esq., RI Legal Services, John W. Dineen, Esq., Providence; and (not pictured) Past Bar President Lise M. Iwon, Esq., Laurence & Iwon delivered *A Landlord Tenant Case Study and Discussion*.

Lawyers Helping Lawyers Committee members Judith Hoffmann, Resource International Employee Services and Deborah M. Tate, Esq., McIntyre, Tate & Lynch, LLP fielded member questions at the Committee table in the free Wellness Center.



Unique to this year's Annual Meeting, developed by the Bar staff and the Bar's Lawyers Helping Lawyers Committee, in partnership with Blue Cross/Blue Shield of RI, the free Wellness Center featured a range of free, interesting, healthful and educational activities including: blood pressure, cholesterol, and glucose screenings; chair massage stations; sun safety screening; stress management reduction techniques body composition screening and more.



Hon. Paul A. Suttell, Chief Justice, RI Supreme Court delivered his State of the Judiciary Address and shared a special message from retired US Supreme Court Justice Sandra Day O'Connor concerning the national, *iCivics* online education program now making its debut in RI.



Jennifer R. Cervenka, Esq., Partridge Snow & Hahn, LLP; Brian A. Goldman, Esq., RI Coastal Resources Management; Marisa A. Desautel, Esq., RI Department of Environmental Management; and Christopher A. D'Ovidio, Esq. Merolla & Acceturo provided an *Update on Environmental and Land Use Law*.



Hon. Patricia A. Hurst, Associate Justice, RI Superior Court; Bohun B. Kinloch, Esq., Hasbro, Inc.; and Richard Suls, Computer/Technology Consultant reviewed *Technology in the Courtroom: Demonstrative Evidence for the 21st Century and Beyond*.



Michael A. DiLauro, Esq., Office of the Public Defender addressed issues *When the Criminal Justice System Fails*.



The Rhode Island Bar Foundation

Founded in 1958, the Rhode Island Bar Foundation is the non-profit philanthropic arm of the state's legal profession. Its mission is to foster and maintain the honor and integrity of the legal profession and to study, improve, and facilitate the administration of justice.

The Foundation receives support from members of the bar, other Foundations, and from honorary and memorial contributions. The Foundation invites you to join in meeting the challenges ahead by contributing to the Foundation's Tribute Program. The Foundation's Tribute Program honors the memory, accomplishments, or special occasion of an attorney, a friend, a loved one, his or her spouse, or another family member. Those wishing to honor a colleague, friend, or family member may do so by filling out the form and mailing it, with their contribution, to the Rhode Island Bar Foundation, 115 Cedar Street, Providence, RI 02903. You may also request a form by contacting the Rhode Island Bar Foundation at 401-421-6541. All gifts will be acknowledged to the family.

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To contribute to the Rhode Island Bar Foundation in memory of someone who has died or in honor of a special occasion, please complete this form and mail it with your contribution.

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telephone: (401) 421-6541

All gifts are acknowledged in the Foundation's annual report.

2011 ANNUAL MEETING



Susan Leach DeBlasio, Esq., Adler, Pollock & Sheehan, P.C. presented a seminar on *Representing the Rhode Island Business Entity: Ethical Considerations*.



Linda Franklin from Casemaker, the free-to-members, 24/7, online law library available through the Bar's web site, provided attendees with a tour of the library's features, benefits and new updates including CasemakerElite.™

Ross L. Kodner, Esq., MicroLaw, Inc. presented two seminars, *The Only Rational and Real Reasons to Use Technology in Your Practice* and *Protecting Your Practice from Technology Disaster: The Ethical and Responsible Approach to Inevitable Calamity*.



Annual Meeting
Snapshots
see page 31



Elizabeth W. Segovis, Esq., RI Legal Services, Jane F. Howlett, Esq., Family Court Bench/Bar Committee Chair; Justin S. Holden, Esq., Holden & O'Brien; and Gergory A. Porcaro, CPA, Orlando Porcaro and Associates presented *Taxation Issues in Family Law Cases: What You Need to Know Before it's Too Late*.



Hon. Francis J. Darigan, Associate Justice RI Superior Court; Thomas M. Dickinson, Esq., Law Offices of Thomas Dickinson; Lauren E. Jones, Esq., Jones Associates; Hon. Judith C. Savage, Associate Justice, RI Superior Court; and Hon. Francis X. Flaherty, Associate Justice, RI Supreme Court presented the *Civil Law Case Update*.



Robert H. Humphrey, Esq., Law Offices of Robert H. Humphrey and Amy K. Dodge, Department of the Attorney General discussed *Refusal Cases: Beyond the Basics*.



Charle Alexandre, PhD, RN, RI Department of Health and Bruce W. McIntyre, Esq., RI Department of Health discussed *Medical Marijuana: Unexpected Consequences for Employers, Landlords, Tenants, Licensed Health Facilities, and Patients*.



Timothy J. Conlon, Esq., TJC, Esq.; Jean A. George, MA, Macktaz & George LLC, Inc.; Steven J. Hirsch, Esq., Office of Steven J. Hirsch; and Lori Jean Giarusso, Esq., Mediator, RI Family Court reviewed *Do's and Don'ts for Family Court Practitioners with Court Ordered Mediation*.



Hon. Elaine T. Bucci, RI District Court Judge, Brian Adae, Esq., RI Disability Law Center; Hon. Alice B. Gibney, Presiding Justice, RI Superior Court; Wayne M. Kezirian, Esq., Johnson & Wales University presented *Disorder in the Court: Why Are You Acting Like That?*

Rhode Island Bar Association Report of Nominating Committee

(Article VIII, Rhode Island Bar Association Bylaws)

Under the provisions of the Bylaws of the Rhode Island Bar Association President-Elect William J. Delaney automatically succeeds to the Presidency. Pursuant to Section 8.5, the election shall be at the Annual Meeting scheduled for June 16, 2011 at the Rhode Island Convention Center in Providence.

The following members have been nominated as officers and for membership in the House of Delegates:

President	William J. Delaney
President-Elect	Michael R. McElroy
Treasurer	J. Robert Weisberger, Jr.
Secretary	Bruce W. McIntyre
Immediate Past President	Lise M. Iwon

DISTRICT 1 – Newport County

Joseph P. Casale	Richard P. D'Addario
N. Jameson Chace	Christopher S. Gontarz

DISTRICT 2 – Washington County

Debra L. Chernick	Peter L. Lewiss
Barbara E. Grady	Hon. Edward H. Newman
Richard C. Panciera	Madis T. Suvari

DISTRICT 3 – Kent County

Denise C. Aiken	Gerard P. Cobleigh
Bruce J. Balon	Marcia M. Ippolito
Carolyn R. Barone	Kristin N. Matsko
Laurie Horridge Bissonette	Philip G. Parsons
Peter J. Brockmann	Michael A. St. Pierre

DISTRICT 4 – Bristol County, East Providence

Harold W. Demopolos	Jane F. Howlett
Christine J. Engustian	Thomas G. Shaffer

DISTRICT 5 – Providence, North Providence

Richard B. Abilheira	Richard Jessup Jr.
Olajumoke Akinrolabu	Robert E. Johnson, IV
Armando E. Batastini	Lynette Labinger
Neville J. Bedford	Stephen G. Linder
Nicole J. Benjamin	Thomas M. Madden
Henry V. Boezi	Genevieve M. Martin
Cristen L. Ciresi	James P. Marusak
Raymond C. Coia	Kathleen Maher McKendall
Melissa E. Darigan	Stephen M. Miller
Karen L. Davidson	Mark B. Morse
Daryl E. Dayian	Richard M. Peirce
Susan Leach DeBlasio	Thomas Plunkett
Rebecca E. Dupras	Laura A. Pisaturo
William A. Farrell	J. Richard Ratcliffe
Gail Higgins Fogarty	David T. Riedel
Janet Gilligan	Sharon A. Santilli
Jason Gramitt	Linda Rekas Sloan
Joseph M. Hall	Patrick J. Smock II
Martha A. Holt	Jonathan L. Stanzler
Dana M. Horton	William J. Trezvant
Katy A. Hynes	

DISTRICT 6 – Cranston, Johnston, Scituate, Foster, Glocester, Smithfield

Thomas B. Coffey, Jr.	Michael Jolin
Vincent DiMonte	Tedford B. Radway
Kathleen G. DiMuro	William J. Riccitelli
Jane B. Gurzenda	Neena Sinha Savage

DISTRICT 7 – Pawtucket, Central Falls, Lincoln, Cumberland

Michael Devane	John F. Neary
Thomas D. Goldberg	Stacy Pires Veroni
Cristine L. McBurney	

DISTRICT 8 – Woonsocket, Burrillville, N. Smithfield

Aram Jarret, III	Robert A. Mitson
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All nominations are for a term of one year. Lise M. Iwon is automatically a member of the House of Delegates as immediate Past President. In accordance with the provisions of the Bylaws, the Committee further nominates the following Past Presidents to the **House of Delegates:**

Victoria M. Almeida
 Lauren E. Jones
 Thomas W. Lyons III
 John M. Roney
 John A. Tarantino

David N. Bazar is a member of the House of Delegates as Bar Journal Editor-in-Chief.

ABA Delegates: Robert D. Oster and Joseph J. Roszkowski.

Nominating Committee

Victoria M. Almeida, Chairperson
 Linda Buffardi
 Deborah L. Chernick
 N. Jameson Chace
 Cristen L. Ciresi
 Maria J. R. Goncalves
 Jane F. Howlett
 Michael Jolin
 Ernest G. Mayo
 Michael A. St. Pierre
 Adrienne G. Southgate
 Madis T. Suvari



Keynote Speaker Morris Dees, Esq. and Past Bar Association President Mark S. Mandell, Esq.



Hon. Francis J. Darigan and Dennis J. McCarten, Esq.



Chief Justice Paul A. Suttell at the Friday Annual Awards Luncheon.



Armando E. Batastini, Esq., Laura A. Pisaturo, Esq., and Ralph R. Liguori, Esq.



Past Bar Association Presidents Mark S. Mandell, Esq. and Deborah M. Tate, Esq.



Bar member receiving a relaxing, free, chair massage in the Wellness Center.



Samuel D. Zurier, Esq. and Past Bar Association President Thomas W. Lyons, Esq.



Barbara L. Margolis, Esq. sharing a light moment with other Bar members.

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The court does not license or certify any lawyer as an expert or specialist in any field of practice.

New Rhode Island Women's Bar Association Officers and Board

The Rhode Island Women's Bar Association announced its slate of 2011-2012 Officers and Board members as follows: President Alicia J. Samolis, Esq., Partridge Snow & Hahn LLP; Vice President Denise S. Cassisi, Esq., Lynch, Lynch & Friel; Secretary Katie A. Ahern, Esq., Hinckley, Allen & Snyder, LLP; Treasurer Amanda J. Argentieri, Esq., Rhode Island Supreme Court; Ex Officio Leah J. Donaldson, Esq., Motley Rice LLC; and Board Members Gina M. Renzulli Lemay, Esq., Law Office of William J. Conley, Jr.; Melody A. Alger, Esq., Alger Parker LLP; Sara E. Sweeney, Esq., Providence; and Hon. Patricia A. Hurst, Rhode Island Superior Court.



A Primer on Bankruptcy Practice and Procedure, a Rhode Island Bar Association CLE co-sponsored by the Bar's Public Service Programs and the United States Bankruptcy Court., was offered free of charge to all members of the Bar's Volunteer Lawyer Program (VLP), Pro Bono Program for the Elderly and the US Armed Forces Legal Services Project who accepted a pro bono bankruptcy case at registration. Speakers (l to r) Charles A. Pisaturo, Jr., Esq., Sandra Nicholls, Esq., Susan M. Thurston, Esq. and Christopher M. Lefebvre, Esq. discussed leading consumer bankruptcy issues and practice pointers for Rhode Island Bankruptcy Court cases. Over 40 cases were placed through this excellent cooperative effort.

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

We are here to help you.

Rhode Island Bar Association members and their families may receive confidential and free help, information, assessment and referral for personal challenges through the Bar's contract with Resource International Employee Assistance Services (RIEAS) and through the members of the Bar Association's Lawyers Helping Lawyers Committee. To discuss your concerns, or those you may have about a colleague, you may contact a Lawyers Helping Lawyers Committee member, or go directly to professionals at RIEAS who provide confidential consultation for a wide range of personal concerns including but not limited to: balancing work and family, depression, anxiety, domestic violence, childcare, eldercare, grief, career satisfaction, alcohol and substance abuse, and problem gambling.

When contacting Resource International Employee Assistance Services, please identify yourself as a Rhode Island Bar Association member. A RIEAS Consultant will briefly discuss your concerns to determine if your situation needs immediate attention. If not, initial appointments are made within 24 to 48 hours at a location convenient to you. Please contact RIEAS by telephone: 401-732-9444 or toll-free: 1-800-445-1195.

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

Richard Abrams, Esq.	351-5700
Brian Adae, Esq.	864-1705
Neville J. Bedford, Esq.	348-6723
Henry V. Boezi, III, Esq.	861-8080
David M. Campanella, Esq.	732-0100
Diana Degroof, Esq.	274-2652
Sonja L. Deyoe, Esq.	864-3244
Kathleen G. DiMuro, Esq.	944-3110
Brian D. Fogarty, Esq.	821-9945
Jeffrey L. Koval, Esq.	885-8116
Nicholas Trott Long, Esq.	351-5070
Genevieve M. Martin, Esq.	274-4400
Dennis J. McCarten, Esq.	965-7795
Joseph R. Miller, Esq.	454-5000
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In Memoriam

Anthony DiPetrillo, Esq.

Anthony DiPetrillo, 96, of Cranston, passed away on April 28, 2011. Born in Providence, he was the son of the late Carmine and Raffaella DiBiasio DiPetrillo. A lifelong Rhode Island resident, he attended Providence public schools and graduated from RI State College, now URI, and Boston University School of Law. He was a founding partner in the law firm of DiMascolo and DiPetrillo. He retired in 2009 after over sixty-five years of active practice and membership in the Rhode Island Bar Association.

Anthony was one of the first group of boys to join the Olneyville Boys Club. He organized and chaired the Committee celebrating the 50th Anniversary of the Olneyville Boys Club and served on the Board of Directors RI Boys Club. He was co-owner of Watmough Day Camp and Holiday Acres Camp Ground; established RI High School Interscholastic Injury Fund and served as Counsel and member of Board of Directors; organized first chapter of RI Special Olympics, served as Counsel and member of Board of Directors; founding member and 1st President of the Alpine Country Club; long time communicant of St. Mary's Church in Cranston; and an attorney for the former family owned Progress Ice Cream Company, Inc.

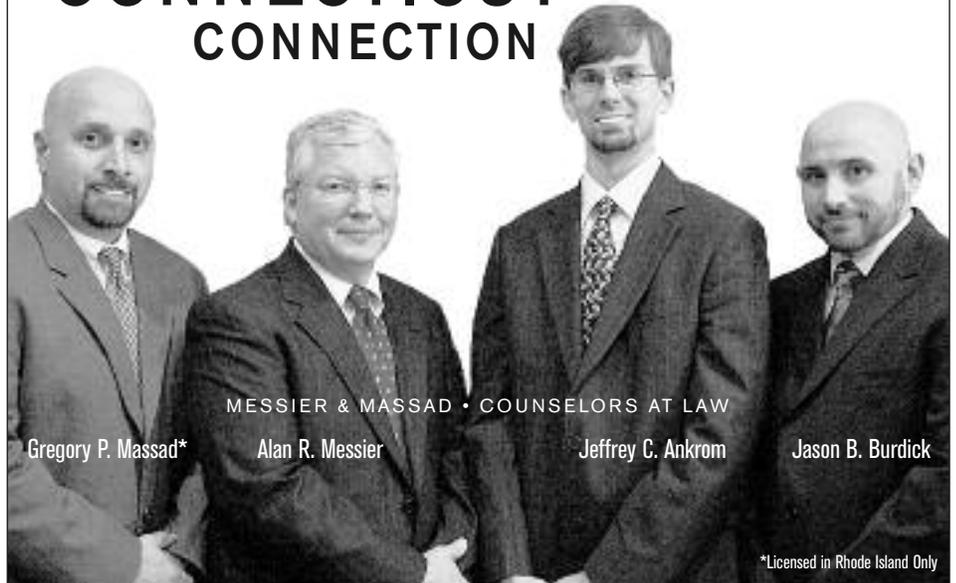
Hon. Edward V. Healey, Jr.

Edward V. Healey, Jr., 88, of Cranston, Retired Senior Associate Justice of the Rhode Island Family Court passed away on May 21, 2011. Judge Healey was born in Providence, the first child of the late Edward V. Sr. and Margaret McGrath Healey. He was the husband of the late Lillian "Dolly" E. Devlin, to whom he was married for thirty-seven years until her death in 1987.

Judge Healey was raised in the Irish-Catholic enclave of South Providence where he was educated by the Sisters of Mercy at the former Bishop Tyler Elementary School. He was a graduate of LaSalle Academy and Providence College. Upon his graduation from Providence College, he enlisted in the U.S. Army, serving

with distinction in the U.S. Army's 88th Infantry Division, "The Blue Devils." He was a combat veteran on the Italian front, awarded the Bronze Star for bravery and the Combat Infantryman Badge for actively engaging the enemy in ground combat. Judge Healey later served in the U.S. Army Reserve and was honorably discharged with the rank of Captain. He received his J.D. in law from the Boston University School of Law and was admitted to the R.I. Bar in 1949. He began his legal career as an associate of the Christopher DelSesto Law Firm and later was a partner of Healey and Mondlick Law Firm. He served as Campaign Manager for Christopher DelSesto's 1956 run for Governor. In 1958, he helped to lead DelSesto's successful campaign for the Governorship. Judge Healey served as Executive Secretary to the Governor, acting as his chief of staff. In 1960, he was appointed an Associate Justice of the RI Juvenile Court. In 1961, he was appointed an Associate Justice of the newly formed RI Family Court, where he served with distinction until his retirement as the Senior Associate Justice in 1988. In 1970, he was delegate to the White House Conference on Children and later served as a member of President Gerald R. Ford's National Advisory Committee on Criminal Justice and Juvenile Justice and Delinquency Prevention. In 1974, he was the first Rhode Island Judge to be elected president of the National Council of Juvenile and Family Court Judges. He later served on the Board of Fellows of the National Center of Juvenile Justice, as the Chairman of the Board of Trustees for the National Juvenile Court Foundation and as a Faculty Member of the National College of Juvenile Justice. In 1982, he was appointed by President Ronald W. Reagan as a member of the President's National Advisory Commission on Juvenile Justice and Delinquency Prevention. He represented the United States at various international gatherings serving as the Chief Delegate of the U.S. Delegation to the Asian-Pacific Conference on Juvenile Delinquency in Seoul, Korea and as an

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In Memoriam (continued)

expert consultant to the Government of Jamaica when it formed its Family Court System. He also served as the U.S. Representative to the United Nations Ad Hoc Meeting of Experts on Youth Crime and Justice. For nearly twenty years, he served as the only American Deputy-Vice President of the International Association of Youth and Family Magistrates and Judges. He was a member of the Board of Directors of Butler Hospital Corporation, the Cranston Boys' Club, the RI League for Emotionally Disturbed Children, the RI Association for Mental Health, the Sophia Little Home, and the RI Conference of Social Work. He was a Past Grand Knight of the Tyler Council-Knights of Columbus, a member of the American Legion, Veterans of Foreign Wars, the Benevolent and Protective Order of Elks of Providence, the Sons of Irish Kings and the Friendly Sons of St. Patrick of Providence. He was also a Board Member of the Bishop Russell J. McVinney Foundation for Seminarian Education. He was a sixty-year parishioner of St. Paul's Church in Edgewood. He was a recipient of the Exemplary Citizenship Award from Providence College, the Herbert Harley Award from the American Judicature Society, and the Meritorious Service to Juvenile Courts of America Award from the National Council of Juvenile and Family Court Judges. In 1981, he was the first recipient of the Neil J. Houston, Jr. Memorial Award for Outstanding Achievement in the Field of Criminal Justice. In 2009, he was the first recipient of the Lifetime Achievement Award from Justice Assistance which named the award in perpetuity the Judge Edward V. Healey, Jr. Lifetime Achievement Award in his honor. Judge Healey was also the recipient of the Man of the Year Award from the Christian Brothers Boys' Association, the Friendly Sons of St. Patrick, the RI Association of Retarded Children, and the Fraternal Order of Eagles. In 1989, he was inducted into the Rhode Island Heritage Hall of Fame, and, in 2009, he was inducted into the LaSalle Academy Hall of Fame.

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He is survived by his nine children: Nancy J. of West Warwick, Kevin F. of Warwick, Edward V. and his wife, Maureen of West Greenwich, Janice M. of Warwick, Sean T. of Narragansett, Michael J. and his wife Susan of Jamestown, Christopher D. Esq. of Jamestown, Ann M. Donohue and her husband James of Ballston Lake, New York and Father Bernard A., Pastor of St. Ambrose Church in Albion, RI.

James R. Morriss, Esq.

James R. Morriss, 94, of Warwick, passed away on May 15, 2011. He was the beloved husband of the late Ruth Beffre Morriss. He graduated from LaSalle Academy and Holy Cross College, Class of '38. He was attending law school in Washington D.C. when World War II interrupted his studies. He served in the U.S. Navy with the Pacific Fleet, as a Naval Officer operating out of Perth, Australia. At the age of 26, he became Executive Officer of the Destroyer USS Childs. When WW II ended, James returned to Washington D.C. and graduated from Georgetown University Law School. He spent most of his 50 year career practicing law in Providence as a member of the Rhode Island Bar Association.

James was a former Democratic City Chairman in the City of Warwick and worked as Warwick City Solicitor under Mayor Horace Hobbs. He is survived by sons James Morriss, Jr. and his wife Barbara Morriss of North Kingstown, Richard Morriss of Warwick, and Edward Morriss of Charleston, SC.

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, facsimile: 401-421-2703, telephone: 401-421-5740.

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Providence Mayor and Rhode Island Bar Association member Angel Tavares congratulated Tanya Nieves, the Rhode Island Bar Association's Continuing Legal Education Coordinator, on her honor as the 2011 Administrative Professional of the Year presented by the International Association of Administrative Professionals® (IAAP) Providence Chapter. In addition to her service to the Bar, Tanya is the Chapter Treasurer and Chair of their Website Committee. A valued member of the Bar family, Tanya won her award the old fashioned way; she earned it!

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

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

To sign-up for SOLACE, please go to the Bar's website at www.ribar.com, login to the **Members Only** section, scroll down the menu, click on the **SOLACE Program Sign-Up**, and follow the prompts. Signing up includes your name and email address on the Bar's SOLACE network. As our network grows, there will be increased opportunities to help and be helped by your colleagues. And, the SOLACE email list also keeps you informed of what Rhode Island Bar Association members are doing for each other in times of need. These communications provide a reminder that if you have a need, help is only an email away.

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