

The background of the cover is a photograph of two buildings. On the left is a Tudor-style building with dark timber framing and white plaster. On the right is a modern skyscraper with a white grid facade. The sky is a clear, pale blue.

Rhode Island

Bar Journal

Rhode Island Bar Association Volume 61, Number 1. July/August 2012

**Rhode Island Bar Association
Officers 2012-2013**

**Association Annual Report
and Committee Reports**

Annual Meeting and Awards



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Rhode Island Bar Association Office

Monday, June 18, 2012 through Tuesday, September 4, 2012

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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Front Cover Photograph
View from Benefit Street, Providence,
by Brian McDonald



You may ask, “Who is this guy?”



Michael R. McElroy, Esq.
President
Rhode Island Bar Association

I hope over the course of the coming year, you will feel comfortable approaching me with any ideas you have about how your Bar Association can help you.

Looking at this picture, you may ask, “Who is this guy? Can he really understand what I need from the Bar Association?”

Good questions, because I have not had an opportunity to meet as many of you as some of my predecessors, so I believe an introduction is in order. I want you to feel comfortable approaching me, knowing that, whatever your situation, whether you are struggling or well-established, hanging your own shingle, or practicing in a big or small office, I have been there, so I understand your needs, and I will do my best to help you meet them.

I was raised in West Warwick. I have three younger sisters. We lived with my mother in a tenement house in Arctic. We survived on welfare and the generosity of my mother’s parents.

I found out what it was like to have to make payroll at the end of every week when I was 12 years old and took over a large paper route requiring me to hire a helper. When I turned 16, I became a truck driver for the newspaper distributor. In my high school years, I worked 40 to 50 hours per week outside of school driving the truck. I played bass in a rock ‘n roll band I started with my best friend. Our band was popular because we played music you can dance to. We were booked every Friday and Saturday night for years.

At the University of Rhode Island, I was captain of the rowing team, and I worked every job I could find to pay tuition, books and living expenses. I had a lawn-cutting business. I ran a jackhammer, dug ditches, drove a dump truck, roofed houses, and did rough carpentry. I worked in a textile mill, a commercial laundry, and on an assembly line.

At Boston University School of Law, I worked as a resident assistant in the undergraduate dorms and, in the summers, as a mailman. In a litigation clinic at BU Law, I was assigned to the Dorchester District Court with a small group of student public defenders including our First Circuit Court of Appeals Judge Rogeriee Thompson.

After dating her since she was 15 years old, I *finally* married my wife Christine on June 5, 1976. I graduated from law school the next day. One week later, I started as a trial attorney for the Tennessee Valley Authority (TVA), a federal agency in Knoxville, Tennessee. I worked at TVA for five years on a staff of 75 lawyers. I handled cases in US District Courts throughout

the Southeastern US, and I argued a number of cases in the US Courts of Appeals for the fifth and sixth circuits.

In 1981, with our one year-old son Brian, we moved back home to Rhode Island to be closer to our families. Chris was pregnant with our daughter Dianne. I hung my shingle and started my own practice. Since then, I have practiced either with one other attorney or as a solo.

When I first started practicing, I took nearly every client who walked in the door. After all, we needed to eat! I also took almost every Continuing Legal Education course offered by the Bar Association. These courses and related forms were, and still are, invaluable to me.

As I developed a business practice, I realized most business transactions had tax implications I did not understand, so I took night courses at Bryant University and earned a master’s degree in taxation. Eventually, my practice became primarily general commercial and litigation. Our three children are now adults. And Chris and I have two grandchildren, with a third on the way!

I met Lauren Jones as a co-counsel in the early 1980s. Lauren became a close friend and an invaluable source of legal advice. He recruited me into active Bar Association involvement. I spent three years as Superior Court Bench/Bar Committee Chair. Working with then Presiding Justice Rodgers, we developed the first medical malpractice mediation program in the state, and we also completed a significant revision to the rules of civil procedure.

I hope over the course of the coming year, you will feel comfortable approaching me with any ideas you have about how your Bar Association can help you. I guarantee you that, working with our terrific executive director of over 25 years, Helen McDonald, her staff, and our Executive Committee and House of Delegates, we will listen carefully to your thoughts and concerns. We will do our best to make your Bar Association work hard for you, whether you are a solo practitioner, in a small or large firm, or in-house.

That said, I would like to make one request. In order to get better, your Bar Association needs you as an active participant in whatever way works best for you. Working on one of our 26 committees and volunteering to take a *pro bono* case is a great way to start. Together, let’s make this a year to remember! ❖

LETTER TO THE EDITOR

Response to Commentary: *St. Thomas More and the Cranston West Prayer Banner Case*

Dear Editor,

Your May/June 2012 issue included a commentary (pages 27-30), *St. Thomas More and the Cranston West Prayer Banner Case*, by John T. Mulcahy, Esq., about St. Thomas More and Judge Lagueux's recent decision in *Ahlquist v. City of Cranston*. Because the Rhode Island Bar Association embraces the entire Rhode Island Bar, and because St. Thomas More is the patron saint of all lawyers, I do not feel the commentary should be the last word on the matter.

I have read Mr. Mulcahy's essay several times, and I do not think I do it any substantial injustice by summing it up so: St. Thomas More was a great champion of the individual conscience, and, because, it would seem, Ms. Ahlquist was following her own conscience in bringing her suit against Cranston West, St. Thomas More would approve of the suit and the decision.

I will not take issue with certain questions that Mr. Mulcahy's proposition, stated so, raised for me. In other words, I will not address the wisdom of comparing the mind of an early modern to that of a post-modern. Nor will I take up the matter of whether the conscience of a person who did believe in God can properly be reckoned of the same substance as the conscience of a person who does not. And, I will leave aside, for the most part, the fact that Thomas More grew to manhood in a culture whose social and political rituals were informed, in the main, by Catholic doctrine, and that the notion of prayer in the public sphere was likely so prevalent as to have been unremarkable. I do not pretend to have either the wit or the reading to address these matters properly.

My only purpose is to set right what I see as the essay's main defect. Thomas More did follow his conscience, and his conscience bade him stay silent and not unfold his mind to the authorities that would have him swear. And so, in prison and faced with the prospect of tortures that we – post-moderns that we are – can scarcely imagine, but which St. Thomas himself likely witnessed regularly from the windows of his childhood home in Milk Street, silent he remained. To be sure, it was only after he was sentenced to death in one of the most shameful travesties in the history of our profession that he at last laid his mind open for the world to judge whether he was a fool or a saint. I do not think I am overstating things to say that More kept silent on the matter of his conscience even to the point of death. And so, insofar as St. Thomas More is the patron saint of lawyers, and insofar as we all rely – whether we believe it or not – upon his intercession on our behalf for every good thing we do, we work an injustice by attributing to him any thought that was not assuredly his own. By doing such a thing, we fail both to understand clearly the significance of his martyrdom and to honor adequately the scope of his patronage.

Very truly yours,

Brian Clifford, Esq.

RHODE ISLAND BAR JOURNAL

Editorial Statement

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

Article Selection Criteria

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

Direct inquiries and send articles and author's photographs for publication consideration to:
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New Rhode Island Bar Association President and 2012-2013 Executive Officers

New Rhode Island Bar Association President

Past Rhode Island Bar Association President William J. Delaney [l] passed the Bar's gavel and to new President Michael R. McElroy [r] who pledges to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2012-2013 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2012 Annual Meeting [l to r] Melissa E. Darigan, Esq., Secretary, partner, Partridge Snow & Hahn LLP; Bruce W. McIntyre, Esq., Treasurer, legal counsel, Rhode Island Department of Health; Michael R. McElroy, Esq., President, partner, Schacht & McElroy; and J. Robert Weisberger, Jr., Esq., President-Elect, counsel, Edwards Wildman Palmer, LLP.



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Rhode Island Bar Association 2012-2013 Officers' Profiles



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J. Robert Weisberger, Jr., Esq.
President-Elect



Bruce W. McIntyre, Esq.
Treasurer



Melissa E. Darigan, Esq.
Secretary

Michael R. McElroy, Esq. is President of the Rhode Island Bar Association. He is a resident of Providence and Narragansett and is a partner in the Providence law firm of Schacht & McElroy. A graduate of the University of Rhode Island, where he was Captain of the crew team and the first student Ombudsman at URI, 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. 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 trial attorney with the Tennessee Valley Authority and a former Special Assistant Attorney General. He is currently Legal Counsel to the Rhode Island Personnel Appeal Board. He and his wife Christine have three children and two grandchildren.

J. Robert Weisberger, Jr., Esq. is President-Elect of the Rhode Island Bar Association. He is counsel with Edwards Wildman Palmer, LLP serving in the firm's litigation management department representing CVS as national litigation counsel. Bob is a member of the Rhode Island Bar Association's Executive Committee

and House of Delegates. He has chaired the Bar's Government Relations Committee and the Annual Meeting Planning Committee. He has also served on several of the Bar's standing committees. Bob is a Rhode Island Bar Foundation Fellow and a member of the American Bar Association. For many years, he served as a member of the Board of Directors and Executive Committee of McAuley House. He serves his town of Smithfield as its Town Moderator. He and his wife Gail have two children.

Bruce W. McIntyre, Esq. is Treasurer 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. 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., Dallas, Texas. 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.

Melissa E. Darigan, Esq. is Secretary of the Rhode Island Bar Association. She is a partner in the Providence law firm of Partridge Snow & Hahn LLP and chair of the firm's Litigation Practice Group, specializing in complex commercial, business and regulatory litigation. She



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is a mentor in the firm's mentoring program and co-founded and assists the administration of the firm's Women AdVocates for Enterprise (WAVE) initiative helping women in business advance professionally. She is a graduate of George Washington University, and she earned her law degree from Catholic University of America. She is co-chair of the Bar's Superior Court Bench/Bar Committee, a member of the House of Delegates, served as Chair of the 2012 Annual Meeting Committee, and, since 2007, has served as a member of the Executive Committee. She was also a member of the Bar's Strategic Planning Committee which developed a five-year plan to guide the Association. She is a Rhode Island Bar Foundation Fellow and a New England Bar Association Board member. She is admitted to practice in the: U.S. District Courts of Rhode Island and Massachusetts; the U.S. District Court of Appeals, 1st Circuit; and the U.S. Supreme Court. ❖



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Remembering Attorney and Friend John Bomster

John A. Tarantino, Esq.

Adler Pollock & Sheehan P.C.

There are days in your life you never forget. Something happens that leaves a permanent mark. Sometimes good, sometimes bad. On October 7, 1979, I met John Bomster, and I'll never forget that day. Nor will I ever forget him. That day made a permanent mark and a good one.

I was a twenty-four year old, second year law student interviewing for a job at Adler Pollock & Sheehan. John was a partner and chaired the litigation department. As a young law student, I thought I knew a lot more than I actually did. I was confident then, as now. (Actually, my mom still says, "I'm not always right, but never in doubt"). So, I told John I wanted to try cases. He asked me: "Well, then, where do you see yourself as a lawyer in the next ten years?" I answered him without hesitation that I expected to be a great trial lawyer in ten years. But, I didn't stop there. I invited him to come along for the ride with me, emphasizing that I hoped he and I would try great cases together. I said all of this with conviction and, I hope, not with arrogance, and I don't believe John took it as arrogant. Rather, I believe, he took it the way I intended. Becoming a great trial lawyer was something I truly wanted. I remember John telling me he liked the fact that I had confidence in myself, and he told me I would need confidence if, in fact, I would ever be a good trial lawyer, let alone a great one. And yes, he said, maybe, if I did join the firm, that someday we would work together and try cases.

Well, I have the honor of saying that for the next 16 years, John and I did work together and we did try cases together and it was an amazing experience. He was a wonderful mentor, a superb attorney (truly a lawyer's lawyer) and, most important, he was a great friend. John was a lawyer of exceptional competence and courage, and a man of true faith. He was principled, ethical and honest. I continued to work

with John for the next 17 years after he retired from AP&S and moved to New Hampshire where he served as Of Counsel to our firm. Over those next 17 years, I worked with John on various matters and on a number of bar committees. But, most significant to me, was whenever I had what seemed to be an insurmountable problem, I could turn to John for advice. John's gift wasn't that he provided the answer or the solution to my problem. Rather, through his disciplined way of thinking and then his challenges and, sometimes, even his cross examinations (and, make no mistake, being cross examined by John was like walking barefoot on broken glass), eventually, he would force me to think through the issues properly and thoroughly. And, just about every time, I'd realize that there was a solution to the problem. John did this for me many times, and I know that he did it for many others in my firm, as well as elsewhere.

When I learned of John's passing, I felt what I can only describe as loss, exceptional loss. I know many of us who knew John felt that loss. I lost my mentor, my colleague and my dear friend. And, I will admit to you, I didn't know quite how to react to the news of his sudden death, but, instinctively, I was compelled to stand silently in John's honor.

Many of John's colleagues and friends and even many of John's legal adversaries spoke to me when they learned of his death, and each felt, in his or her own way, a loss in John's passing. All recognized a great lawyer and a great man had passed.

As I had these discussions, I was reminded of a scene from the movie *To Kill a Mockingbird*. A small town lawyer, Atticus Finch, had defended a black man against a rape charge brought by a white woman in a rural southern town. Of course, with an all male, white jury, Atticus lost the trial. In fact, he had lost the trial before it had even begun. But, as



John F. Bomster, Esq.

you may also remember, when Atticus left the courtroom, supposedly in defeat, all the African American men and women who had been seated in the balcony of the court, stood together to honor him. When Atticus' daughter, Scout, asked why they were doing this, she was told that you stand when a great man is passing.

John Bomster was my Atticus Finch, the epitome of professionalism and courage. And, I know, he was the Atticus Finch for many other lawyers as well. So, John, my friend, take your rest. You always fought the good fight. Be in peace with God. But, John, I do have a small favor to ask. If by chance, when my time comes, if St. Peter should assign you the job of examining my qualifications to enter Heaven, please go easy on me with your cross examination. ❖

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2012 Ralph P. Semonoff Award for Professionalism

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



Peter V. Lacouture, Esq., partner in the Providence law firm of Robinson & Cole LLP, received the Rhode Island Bar Association's 2012 Ralph P. Semonoff Award for Professionalism. A graduate of Yale University and the University of Virginia School of Law where he served as President of the Virginia Legal Research Group. He previously practiced with Tillinghast Collins & Graham and Peabody & Brown. He is Rhode Island Bar

Association's Technology in the Practice Committee Chair, a Rhode Island Bar Foundation Fellow and member of its Board of Directors, and a Fellow of the American Bar Foundation. He is a contributor to many Rhode Island Bar Continuing Legal Education seminars, and he is active in the American Bar Association's Section of Public Utility, Communications and Transportation Law, serving as its Annual Report Editor, and a

Trustee of the Rhode Island Chapter of the Nature Conservancy, additionally representing the Conservancy, *pro bono*, on a number of important cases. He is President and Deputy Chief of the Exeter Volunteer Fire Company No. 2, Exeter Fire District Chair, and serves as Exeter Town Moderator.

According to Attorney Robert W. Edwards, Jr., *Serving as an ethics partner, Peter often has to make tough decisions, and he handles all matters with honesty, discretion and sensitivity. Peter takes his responsibilities as an attorney seriously, undertaking many pro bono efforts important in the protection of individual rights. Peter's efforts as volunteer counsel to the Ethics Committee of the 1986 Rhode Island Constitutional Committee and as a member and vice chair of the Exeter Home Rule Charter helped make the legal system and government more responsive to citizen needs. He is a man whose moral standards and personal and professional ethics are beyond reproach. While representing his clients zealously, he does so with strong professional integrity, at all times serving the law first.*

2012 Florence K. Murray Award

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



Karen G. DelPonte, Esq., a partner in the law firm of Cameron & Mittleman LLP, was honored with the Rhode Island Bar Association 2012 Florence K. Murray Award. A Phi Beta Kappa graduate of Wellesley College, she taught at the Lincoln School in Providence before earning her law degree, Magna Cum Laude, from Boston College Law School where she was a member of the Boston College International and Comparative Law

Review. She began her legal career at Edwards & Angell practicing in trusts and estates, banking and finance, and corporate and business law. She was elected the first woman President of the Hope Club in its 135 year history and serves on the Board of Directors. Karen currently serves as a member of the St. Joseph Health Services Board of Trustees, the Providence College President's Council, Providence College Board of Trustees Academic Affairs Committee, and Trustee of the June Rockwell Levy Foundation. She is Past President of the Cumberland

Library Fund, and a former member of the Rhode Island Community Food Bank, the Rhode Island Historical Society, and Sojourner House. In addition to many professional recognitions and awards, she is a recipient of the Rhode Island Bar Association's Dorothy Lohmann Community Service Award and of the Rhode Island Foundation's Howard E. Soloveitzik Professional Leadership Award.

According to Attorney Sally P. McDonald, *Karen has taken me under her wing professionally and socially. I admire Karen's charm, decorum and professionalism. She is exceptionally supportive of me personally and in my career, on many occasions providing valuable insights on the practice of law and life. Karen has been instrumental in my growth as a female lawyer and a person.*

According to Attorney Lauren M. Regan, *As a young, female lawyer, I have naturally gravitated to Karen and truly look up to her as a role model. Karen is someone I call on for advice and guidance, who I trust as a confidante for professional and personal matters. Karen leads by example, and she is always accessible. Through her professional accomplishments, she has broken down barriers previously closed to women.*

2012 Victoria M. Almeida Servant Leader Award

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



Michael P. Jolin, Esq., U.S. Veteran's Affairs and Special Projects Coordinator in the Office of U.S. Senator Sheldon Whitehouse, received the Rhode Island Bar Association's 2012 Victoria M. Almeida Servant Leader Award. A graduate of the University of Massachusetts at Amherst and the Loyola University Chicago School of Law, he previously served as Judge Advocate/Trial Counsel at Bagram Airfield, Afghanistan, Attorney-

Advisor/Judge Advocate in the Rhode Island National Guard, Deputy Chief of Legal Services for the Rhode Island Department of Business Regulation, Special Assistant Attorney General for the Rhode Island Department of the Attorney General, and as an Associate Attorney at Tillinghast Licht LLP. He is a member of the Rhode Island Bar Association's House of Delegates and served on the Boards of CityArts for Youth and CVS Highlander Charter School. He was awarded the following service medals: Bronze Star; Meritorious Service; Army Commendation; Army Achievement; Afghanistan Campaign; and the NATO Medal.

According to Attorney John A. Tarantino, *Mike was instrumental in assisting former Bar President Victoria M. Almeida in formulating and implementing the Rhode Island Bar Association's U.S. Armed Forces Legal Services Project. At the time of this initiative, Mike was preparing for deployment in Afghanistan. Although he had many issues to deal with, he selflessly dedicated many hours of his talents to the creation of the Project. And, while serving in Afghanistan, Mike remained in contact with his Rhode Island colleagues, ensuring the Project adequately addressed the unmet legal needs of service men and women. Mike also implemented the Rhode Island National Guard's first, full-time legal assistance program, delivering high-quality legal services to hundreds of veterans, soldiers and families in a wide range of legal cases. Mike is, without a doubt, a true servant leader, a beacon of light and hope, whose passion and actions illuminate what is, at times, a dark and difficult legal path, assuring greater justice for all.*

2012 Award of Merit

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



Susan M. Thurston, Esq., U.S. Bankruptcy Court, District of Rhode Island Clerk of Court, a graduate and Dean's List Scholar of the University of Pennsylvania, who received her law degree from Suffolk University School of Law was honored with the 2012 Award of Merit. Serving as the Court's chief operating officer, Susan is responsible for the management and supervision of the Court's non-judicial functions and 20 member staff. She

previously served as Law Clerk to the Chief Bankruptcy Judge and as an attorney in the law firm of Winograd, Shine and Zacks, P.C. Susan is recognized for contributing her time, expertise and energy assisting the Bar Association's Continuing

Legal Education and public service programming in the areas of Bankruptcy and Collections Law. She helps produce and deliver CLE seminars and helped recruit many attorneys for the Bar's Volunteer Lawyer Program, leading to the placement of over 80 *pro bono* cases. Susan was the driving force behind the corporate donation of bankruptcy software made available to members of the Rhode Island Bar Association's *pro bono* programs upon request. Her work is exceptional, benefiting the Bar Association and its members, as well as the citizens of Rhode Island.

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.



John M. Boehnert, Esq., practicing from the Law Offices of John M. Boehnert in Providence, received the 2012 Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award for his article, *Rhode Island's Coastal Resources Management Program and the Coastal Zone Management Act's Federal Consistency Program*, published in *Rhode Island Bar Journal*: Volume 60, Number 2, September/October, 2011.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate John Boehnert, the 2012 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.

As a reminder, Attorney Boehnert'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 – 2012 Honorary Members



Rhode Island Bar Association 2012 50 Year Honorary Members

Bernard V. Buonanno Jr., Esq.
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At the 2012 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.

2012 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. Length of service through the program and total number of cases taken since joining is also considered.



Volunteer Lawyer Program Pro Bono Publico Award

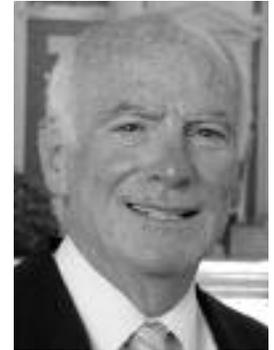
Neville J. Bedford, Esq. graduated from Roger Williams University and Roger Williams University School of Law and admitted to practice in 2003. He joined and accepted *pro bono* cases through the Volunteer Lawyer Program that year. Neville has accepted many contested family law cases while championing the rights of our homeless citizens. In

2010, he received the Rhode Island Coalition for the Homeless – Homeless Advocacy Award. In the past 18 months, he accepted seven VLP domestic matters resulting in his contribution of 142 *pro bono* hours including three custody matters, one of which involved international complications. A sole practitioner in Providence, Neville is involved in many professional and community service organizations including membership in the American Bar Association, Rhode Island Bar Association House of Delegates, the Bar’s Family and Criminal Court Bench Bar Committees, US Armed Forces Legal Services Project, and Lawyer Referral Service. Within community organizations he volunteers in many capacities including serving as the President/Board of Directors of the RI Furniture Bank and Sojourner House. He also actively volunteers on many levels for the Rhode Island Coalition for the Homeless.

Elderly Program Pro Bono Publico Award

Richard E. Kyte, Jr., Esq. graduated from American University, College of Public Affairs and received his law degree from Catholic University of America. He is a sole, general practitioner in Mapleville and has provided legal counsel to municipalities, businesses and individuals for over twenty years. Attorney Richard Kyte has served as an Associate Judge of the

Burrillville Municipal Court since 1999 and formerly served as the Town Solicitor for the town of Burrillville and the School District Attorney. He is also an approved arbitrator of the Superior Court, Providence County, Court-Annexed Arbitration Program. Richard has been an active volunteer attorney member of the Pro Bono Program for the Elderly since 1993. He has provided crucial preparation and representation in guardianship matters for the frail elderly in need of guardians for health care decision-making. He has also handled other probate and family law issues for elderly clients. In just one year, he willingly accepted 11 cases and contributed 83 hours. When the Elderly Pro Bono Program receives urgent requests from the Volunteer Guardian Program for legal assistance through the Probate Court process, Richard is there with his dedicated support making a difference for a senior in desperate need. Richard is a member of the RI Bar Association’s Volunteer Lawyer Program and a recipient of the Rhode Island Housing & Finance Corporation’s, “Partners in Housing Award.”



CONTINUING SERVICE AWARD

Established in 1991, this award recognizes those distinguished attorneys who are past Pro Bono Publico Award recipients who have made a steadfast commitment to the administration of justice to the poor through a Rhode Island Bar Association *pro bono* program. Those honored for this award have continued for five or more years to provide critically needed *pro bono* legal assistance to those less fortunate and have contributed hundreds of *pro bono* hours.

Carolyn R. Barone, Esq. graduated from Bryant University and New England Law School. A partner in the Warwick law firm, Kirshenbaum Law Associates, since 1987 her practice is concentrated in all areas of family law. The Bar Association has administered the Volunteer Lawyer Program for 26 years, and Attorney Barone has been a member from the start, receiving the Pro Bono Publico Award in 1988 for her exceptional legal

assistance to the poor. Her dedication to the Volunteer Lawyer Program was again recognized in 1993, when she received the Continuing Service Award. Only three other attorneys have received this award twice for their countless hours of *pro bono* assistance coupled with their compassion, professionalism



and dedication to public service. Carolyn's lengthy resume of volunteerism through the Bar Association does not end with her accepting countless cases and donating hundreds of hours to provide representation to those in need. She has served on the Bar's Executive Committee and chaired the Annual Meetings Committee, as well as the former Law Office Management Committee. Currently, she is a member of the House of Delegates and the Public Service Involvement Committee. She is a prominent Continuing Legal Education speaker, lecturing on the topic of domestic law for both the Bar Association and the National Business Institute. Carolyn is also a contributing author to *A Practical Guide to Divorce*, published by MCLE, Inc., in 2009 on the topic Business Valuations. This past winter, she developed the three-part CLE seminar series, *The Fundamentals of an Uncontested Divorce*. Sponsored by the Public Services Involvement Committee, Carolyn designed the program to instruct new lawyers interested in the basic essential components of a divorce, as well as recruiting them as Volunteer Lawyer Program members. In addition to her Rhode Island Bar Association volunteer activities, Carolyn is a long-standing member of the Edward P. Gallogly Family Court Inn of Court and presently serving her second term as its President. Attorney Barone is also a member of the Rhode Island Association for Justice and continues to mentor many attorneys beginning their practices in the Family Court.

Please consider offering your talent and expertise to Pro Bono Service with the Bar's Volunteer Lawyer Program. Contact Public Services Director Susan Fontaine at (401) 421-5740 x101 or sfontaine@ribar.com.

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Rhode Island Law Day Focused on Balancing Individual Rights



Rhode Island Supreme Court Chief Justice Paul A. Suttell and Rhode Island Bar Association President William J. Delaney led a lively discussion concerning the freedom to peaceably assemble, in teacher Cheryl Comley's classroom at the Wilbur & McMahon Middle School in Little Compton.

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 over 40 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. Drawing on our legal system's challenge of balancing individual rights under the law, teachers chose lessons, supported by both local and national cases, focusing on the following freedoms: speech, peaceable assembly, religion and the press. These, in turn, stimulated active student participation in discussions helping them understand how laws directly affect them and the roles lawyers and judges play in administering justice.



Thompson Middle School students engaged in courtroom role-playing with Judge Taft-Carter presiding.



Rhode Island Bar Association President-Elect J. Robert Weisberger, Jr., Esq. and Rhode Island Workers' Compensation Court Judge Robert M. Ferrieri utilized a Powerpoint presentation in their lessons on freedom of speech to two separate classes of students at St. Rocco School in Johnston.



Attorneys Petta and Humphrey, and Judge Taft-Carter answered a courtroom full of Thompson School students' questions.



Thompson School students got a feel for what happens when justice is served in the courthouse cellblock.



Rhode Island Law Day 2012 Volunteer Acknowledgement

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Attorneys Kimberly A. Petta, Robert H. Humphrey and Rhode Island Superior Court Associate Justice Sarah Taft-Carter conducted a unique series of lessons in the Newport County Courthouse with teacher Michael Browner, Jr.'s students from Thompson Middle School in Newport. Including the participation of court staff and representatives from the Rhode Island State and Newport Police Departments, the students received an up close and personal view of the justice system.

Ponaganset High School Student Wins 2012 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



Retired Rhode Island Superior Court Associate Justice Francis J. Darigan, Jr., for whom the Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest was renamed, presented Ponaganset High School student Dean A. Elwell with his and his school's contest awards. Joining Justice Darigan and Dean Elwell were Rhode Island Supreme Court Associate Justice and Rhode Island Law Day Committee Chairman Gilbert V. Indeglia and Middletown Police Chief Anthony M. Pesare who represented the Rhode Island Police Chief's Association.

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 2012 Rhode Island Law Day Essay Contest. This year, honoring his many years of volunteer service on the Rhode Island Law Day Committee, where he initiated the contest, the award name was changed to *Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest*.

Open to all Rhode Island 10th and 11th grade students, the 2012 Rhode Island Law Day Essay Contest topics, unique to Rhode Island, were based on *Balancing Individual Rights Under the Law*. Students chose essay topics focusing on one of the following freedoms: speech; peaceable assembly; religion; or the press.

Dean A. Elwell, a student at Ponaganset High School in Glocester, was the winning author for his essay, *Pursuit of Happiness and Freedom of Speech: Conflict?* Dean received a \$1,000 Scholastic Award made possible through the generosity of the Rhode Island Police Chief's Association and the Rhode Island Bar Association. Dean also received an engraved trophy cup, and Ponaganset High School received the newly-renamed, *Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest*, trophy cup for a one-year display, and a permanent plaque commemorating Dean's achievement.

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Bar President William Delaney and NBC10 News Anchor Frank Colletta Discussed Bar Volunteer Education and Pro Bono Work



Rhode Island Bar Association President William J. Delaney and NBC10 news anchor Frank Colletta discussed the volunteer efforts of the state's lawyers and judges who delivered the 2012 Rhode Island Law Day lessons to thousands of students statewide on May 4th, the free legal advice offered to NBC10 viewers through the Bar's Ask A Lawyer television studio volunteer lawyer panels, and the many other excellent public service programs offered through the Bar's Volunteer Lawyer Program and other *pro bono*, reduced fee, and Lawyer Referral Service programs.

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

NBC Channel 10 aired two, volunteer lawyer panels, staffed by members of the Rhode Island Bar Association Lawyer Referral Service (LRS) and Volunteer Lawyer Program (VLP), on the station's news broadcasts from 5:00 p.m. to 7:30 p.m. on Wednesday, May 9th and Wednesday, May 23rd. The Rhode Island Bar Association attorneys answered viewer telephone questions related to, respectively, Elder Law and Family Law.

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

Above: Elder Law Panelists l-r: Sonja L. Deyoe, Esq., Jeremy W. Howe, Esq., Joseph J. Roszkowski, Esq., and David F. Reilly, Esq.

Right: Family Law Panelists l-r: Carolyn R. Barone, Esq., MaryJo Carr, Esq., Steven A. Robinson, Esq., and Kristen A. Carron, Esq.



Rhode Island Foundation 2012 Annual Meeting



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

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 14, 2012 at the Rhode Island Convention Center in Providence. Foundation President

Michael A. St. Pierre and the Board of Directors welcomed and thanked the Foundation Fellows who, through their professional, public and private careers, have demonstrated outstanding dedication to the welfare of the community and objectives of the Foundation. During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2012 Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$450,000 was granted for the provision of Rhode Island legal services and the administration of justice. Attorney participation in the IOLTA program accounts for the most significant source of grant revenue. The Foundation also recognized and honored the recipients of the 2012 Thomas F. Black, Jr. Memorial Scholarship.



2012-2013 Rhode Island Bar Foundation Officers

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

The Bar Foundation Welcomed 15 New Fellows at the Annual Meeting

The Bar Foundation receives support by annual contributions through our Fellows program. Membership in the Foundation as a Fellow is a professional honor. Fellows are selected from Rhode Island Bar Association members whose professional, public and private careers demonstrate their outstanding dedication to the welfare of the community and maintenance of the Rhode Island Bar Foundation's objectives.

- | | |
|---------------------|-------------------------|
| Amy G. Beretta | Theodore B. Orson |
| Daniel C. Bryant | Matthew H. Parker |
| Peter J. Cerilli | William A. Poore |
| William A. Filippo | J. Richard Ratcliffe |
| Peter J. Furness | Andrew S. Richardson |
| Vincent A. Indeglia | Hon. Kristin E. Rodgers |
| Barry J. Kusnitz | Daniel F. Sullivan |
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**A Special Thank You
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Thomas F. Black, Jr., Memorial Scholarship Program

The Rhode Island Bar Foundation's Thomas F. Black, Jr. Memorial Scholarship Fund was established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise that they will become outstanding lawyers and who need financial assistance to study law. The Scholarship is in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. This year the Foundation granted two \$20,000 scholarships to first year law students.



Edward Marth, Trustee of the Kimball Foundation; Thomas F. Black, III, Trustee of the Kimball Foundation; Lenore M. Montanaro, 2012 Scholarship recipient; R. Kelly Sheridan, Chairperson of the Scholarship Committee. *Christopher J. Menihan, 2012 Scholarship Recipient, was unable to attend.*



2012 Thomas F. Black, Jr. Memorial Scholarship recipient Lenore Montanaro with her parents John and Deborah Montanaro.



Maria Piro Fusaro, Esq., 2004 Thomas F. Black, Jr. Memorial Scholar, addressed the audience and met with the 2012 Scholarship recipients and guests at the Rhode Island Bar Foundation Annual Meeting in June.



Fellow and Chairman of the Champlain Foundation John Gorham with Fellows Justice Gilbert V. Indeglia and Joseph M. Hall, were among the attendees at the Foundation's Annual Meeting.



Foundation Fellows and members of the Rhode Island Judiciary enjoyed the Luncheon's collegial atmosphere.



Richard H. Gregory III *Attorney & Counsellor at Law*

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Rhode Island
Bar Association

Annual

2011-2012

Report

Report of the Executive Director on 2011-2012

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



Helen D. McDonald
Executive Director

It is my pleasure to submit my Annual Report for 2011-2012, a year of steady progress, new endeavors and positive change for the Association. The Association's membership, leadership and staff have worked consistently toward meeting the goals embodied in our mission to represent the Legal Profession of the State, Serve the Public and the Profession and Promote Justice, Professional Excellence and Respect for the Law. We continue

to place the highest priority on educating our membership and the public about our positions, activities and services. The Association remains a fiscally sound and strong organization, despite the challenging economic times all of us face, both professionally and personally.

We continue to have exceptionally strong standing and special Committees, which now number 27, with new groups formed each year. All the work our members contribute through our Committees forms the backbone of the Rhode Island Bar Association. This *Bar Journal* contains summaries of our Committees' activities, and I encourage you to read them.

Member Benefits

The Rhode Island Bar Association continues to provide value and benefits to its members. *Casemaker* remains a highly-valued and often-used membership benefit. Casemaker was recently upgraded to include a whole host of great, new features including one that allows you to save and personalize your searches, make notes on documents, and create and organize research materials on the site. Our website provides other great services. You can easily register for CLE seminars, sign up for Bar committees, and utilize the calendars and the great member directory providing instant information on every member including postal addresses, telephone numbers, email addresses and photographs (when provided).

The **AON Attorneys' Advantage Program** offers professional liability insurance coverage sponsored by the Bar Association. Through Affinity Insurance Services, Inc., the program provides broad coverage, competitive rates, outstanding local service, and risk management service. Aon offers one of our most widely-utilized member benefits – the free, risk management program. Last year's Aon-sponsored, CLE program was another success story. *What NASCAR, Jay-Z & the Jersey Shore Teach About Attorney Ethics* had more than 1,400 members registered and was offered on five different occasions in August and September of 2011. The next annual risk manage-

ment program, *Practicing Law Ethically in the Age of Twitter, Facebook, "Metadata," and the "Cloud,"* with speaker Niki Kuckes, Esq., offers two ethics credits, and will review key recent developments to help attorneys use technology in their law practice while avoiding hidden traps under the ethics rules. Notice will be sent to all members, over the summer, for this free, CLE program.

The *Rhode Island Bar Journal* is published 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. Complete *Journal* issues are also available for viewing and as downloads on the Bar's website. This year, the *Journal* included many thought-provoking and informative articles covering a wide range of practice-related topics, as well as book reviews and member profiles through the new, Bar member-authored and popular feature, *Lunch with Legends*.

Other benefit programs include the **Law Firm Merchant Account**, credit card processing for attorneys, designed by Affiniscap 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 online data backup program from MozyPro offers you the opportunity to secure all your important files now stored on personal computers including legal documents, financial records, photos, and more. 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 including 401(k), profit sharing, and defined benefit plans to many Rhode Island law firms and lawyers. 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 Bar members. 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 can act as a liaison between Blue Cross/Delta Dental and Bar members, as an alternative to direct Bar member contact with Blue Cross/Delta Dental. USI will also provide Rhode Island Bar members with enrollment, billing service, and insurance advice.

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 Bar Committee is one of the most important functions members

Report of the Executive Director on 2011-2012

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

This year, President William J. Delaney 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.

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. We expanded our online CLE options and began simulcasting live CLE programs on a regular basis for members in response to the new Supreme Court Rule allowing credit for this type of educational activity. Including our Annual Meeting, we presented 120 seminars over the course of the last year. In addition, there were close to 500 online registrations by the end of May. We expect another 500 before the end of July. Our CLE program is aimed at ensuring professional excellence and competence for our members. This year, there was a greater focus on education in the areas of technology and social media. Planning for the next CLE year is underway. A repeat of the successful commercial law update, with two national speakers, is scheduled for September. The free risk management program will, once again, be held in August & September, and Recent Developments is scheduled for October. The schedule will include simulcasts of several programs. Seminars chosen to date include: RESPA/HUD; the fundamentals of IP law; a joint program with the CPA Society; a program featuring Superior Court judges; and a follow-up to last fall's program on Medicaid. Food For Thought topics include the use of social media to collect debts and an update on changes to the child support rules. The Committee is planning additional Food for Thought programs for the coming year.

The Rhode Island Supreme Court recently revised the educational requirement for admission to the Rhode Island Bar, replacing the Practical Skills program requirement with a new, one-day program, *Bridge the Gap*, administered by the Bar Association. The first *Bridge the Gap* program was held on April 27th and sold out. The seminar began with a welcome from Chief Justice Paul Suttell and Bar President Bill Delaney, followed by a full day of programming, including: an Introduction to the Rhode Island Bar Association; Effective Communication Skills; Real World Ethics – How To Do the Right Thing; Starting Your Own Practice; Important Things To Know About Social Media; Legal Writing in the Real World; Making the Most of Limited Resources; How to Keep

Breathing When You're In Over Your Head; and MCLE Educational Requirements. The program was filmed and added to the Bar's online CLE catalog. Attorneys unable to attend the in-person program are able to watch the online program to fulfill their requirement. Additional live programs are scheduled in September and December for those who pass the February and July exams.

The Rhode Island Bar Association's 2012 Annual Meeting offered a wide range of activities including: Forty-seven CLE programs; 32 sponsored exhibitors with law related product and services; the Annual Dinner and Friday Luncheon featuring the Annual Bar Wards winners; free health screenings; and the opportunity 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 have a partnership with Massachusetts Continuing Legal Education on a series of Rhode Island handbooks.

Public Service

One of our most noble goals is facilitating 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 Bar's Volunteer Lawyer Program, Pro Bono Program for the Elderly, and the United States Armed Forces Legal Services Project this past year. Financially-eligible clients were represented by volunteer attorneys in matters including bankruptcy, collections, consumer, education, family law, guardianships, and employment. Administered by the Bar Association for 27 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'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. Legal assistance initiatives for seniors continue to be a priority and include a variety of community outreach legal clinics as well as free, *Ask A Lawyer* programs statewide. Direct representation is provided to the elderly on a reduced fee and *pro bono* basis according to income eligibility. In addition to the above statistics, close to 9,000 referrals were requested and made to members of the public through the Lawyer Referral Service and the Reduced Fee Program. These public service programs offer free, half-hour consultations. If further services are required, fees are arranged between the client and attorney. Hundreds of additional callers to the Public Service area are provided with helpful information in regard to other available community resources.

The United States Armed Forces Legal Services Project serves our men and women in uniform, veterans and family members of both with their pressing legal needs. The Project is filling the need for attorneys to directly represent military

Report of the Executive Director on 2011-2012

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 180 cases were handled over the last year, and staff attended military resource events, such as Yellow Ribbon programs, providing information to those soldiers recently returning from deployment. As a result of these efforts, the Bar Association was awarded a ten thousand dollar grant from the Board of Trustees of the American College of Trial Lawyers Foundation to help support the Project. The Bar Association was also presented with an Award of Appreciation at the September, 2011 House of Delegates meeting by Rhode Island National Guard Adjutant General, Major General Kevin R. McBride for providing outstanding *pro bono* legal expertise to the service members of the Guard.

Community outreach was a primary focus this year. In addition to the monthly *Ask A Lawyer* and legal clinic programs at senior organizations throughout the State, the Bar, in collaboration with the Roger Williams Law School under the supervision of Professor Bruce Kogan, held two Divorce Mediation Clinics at the Bar headquarters for Volunteer Lawyer Program clients and their spouses. Volunteer attorneys once again answered questions from the public at two, Channel 10 studio panels. Upon requests from the social service network, hospital, nursing home and home visits were made to help clients in dire need. Additionally, volunteer attorneys provided legal assistance to our veterans at the Veterans Administration Hospital, as well as the Bristol Veterans Home.

Rhode Island Bar Foundation

President Michael A. St. Pierre 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, established in 1989 to support and foster 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. The Scholarship 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. Two scholarships of \$20,000 each were awarded this spring for Rhode Island students entering their first year of law school.

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 professional 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 members. LHL Committee volunteers give generously of their time to help their colleagues. Their primary role is not to serve as counselors, doctors or therapists, but rather to lend an ear, provide support, encouragement and referral to appropriate resources. The Rhode Island Bar Association works with Judith G. Hoffman, LICSW, CEAP, Executive Director, Coastline Employee Assistance Program (Coastline EAP, formerly RIEAS). Several Bar members were assisted by EAP in the past calendar year. Issues included depression, eldercare, alcohol, anxiety, divorce and addiction.

The Committee focused attention on education, including sponsorship of the Annual Meeting program, *Coping With Change: What We Really Know*, presented by Dr. Will Miller, psychotherapist, a Campus Minister, and a hospital and police chaplain. The Committee promoted the May CLE program, *Dealing With the Crisis of Suicide*, which dealt with issues lawyers have when their desperate clients may contemplate, or commit, suicide. The Committee sponsored a screening station at the Annual Meeting, in partnership with Blue Cross/Blue Shield of Rhode Island, featuring free blood pressure, cholesterol, and glucose screenings.

We look forward to providing additional outreach and educational programming in the coming year. The best way to assist lawyers with the help they need is to get the message out to them that help is available and confidential.

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 student interest-focused, law-related classroom lesson plans and educational background material. 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. Working with the 2012 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 over 40 volunteer teams of judges and lawyers who delivered law related education programs to thousands of upper and middle school students 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. Drawing on our legal system's challenge of balancing individual rights under the law, teachers chose lessons, supported by both local and national cases, focusing on the following freedoms: speech, peaceable assembly, religion and the press. These, in turn, stimulated active student participation in discussions helping them understand how laws directly affect them

Report of the Executive Director on 2011-2012

and the roles lawyers and judges play in administering justice. The Rhode Island Law Day programming also included an Essay Contest drawing on the classroom lesson topics. The Rhode Island Bar Association and the Rhode Island Police Chiefs' Association each contribute \$500 toward the Essay Contest Scholarship Award.

My thanks to President William J. Delaney, the Executive Committee, the House of Delegates and Committee Chairpersons for their support and guidance throughout the year. Each member brings great perspective and leadership for the members.

Finally, I want to acknowledge and thank the staff of the Rhode Island Bar Association, whose hard work and dedication are remarkable. In order to get the job done, it is often necessary to pitch in and work as a team. We are fortunate to have these very committed individuals contributing their talent to the delivery of quality services and benefits to our members: Director of Public Services, Susan Fontaine; Director of Continuing Legal Education, Nancy Healey; Director of Communications, Frederick Massie; Director of Finance, Karen

Thompson; 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 of the Rhode Island Bar Association contribute to relevant services to our members, increased availability of legal services, a more effective and independent judicial system, and public understanding about the law. The Rhode Island Bar Association Strategic Plan outlines goals and objectives to ensure we are doing the best we can to meet or exceed member expectations. In the coming year, under the leadership of our new **President Michael R. McElroy**, 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. 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.

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.

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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.

Report of the Executive Director on 2011-2012

Rhode Island Bar Association

Legislative Positions and Amicus Briefs Official Notice 2012

The Rhode Island Bar Association takes positions as a party or amicus in litigation matters related to the practice of law or administration of justice. In 2011-12 the Association submitted an amicus brief in a matter involving the Town of Little Compton (the “Town”) against the Little Compton Firefighters Local 3957 (the “Union”). The conduct at issue was whether a non-lawyer union official who represented the union at grievance arbitration proceedings in Rhode Island engaged in the “unauthorized” practice of law. The Association’s brief noted that history and practice support allowing this particular sort of conduct by “experienced” non-lawyers and that both labor-side and management-side lawyers agree that this is an acceptable practice. However, there are other areas of practice in which, it appears, there are non-lawyers representing others in contexts that also involve the rights/claims of parties and in which the process is quasi-judicial or adjudicatory. Some are authorized by statute or agency regulation; some result from practices by agencies and others. The Association alerted the Court to these other situations or types of situations and suggested that the Court carefully consider that any decision in the labor arbitration area might also affect these other areas. The Court’s decision (rendered by only three of the members of the Court because two members had recused) allowed non-lawyer representation in the grievance-arbitration area, but carefully restricted it to only the specific case, and indicated that the whole Court might address the issues raised by this proceeding in another opinion or rule. In its decision, the Court thanks the Association for its “well reasoned” amicus brief. We greatly appreciate the work of Lauren E. Jones who represented the Association and drafted the amicus memorandum, *pro bono*, on this important matter.

In May 2012, the Bar Association joined a petition filed by attorneys Lauren Jones and John MacFadyen at the Rhode Island Supreme Court. The petition requests that the Court hold a public hearing on the issue of “unbundled legal services” and then issue a rule or opinion to provide guidance to lawyers who are engaged in or wish to engage in limited scope representation of clients. Among other issues to be addressed is the issue of ghostwriting by lawyers for *pro se* clients and whether lawyers who ghostwrite are required to disclose their involvement to the court to whom the papers are to be submitted.

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 veteran’s, old age and “homestead” (for property tax, not attachment purposes) exemptions should still apply.

2. An Act Relating to Levy and Sale on Execution (Insurance Exemption) – This is the same bill that was introduced in 2011, with the addition of “contract values” of annuity contracts as protected assets. Florida and other states have adopted similar exemptions. The Executive Committee approved this provision as part of the Homestead Exemption bill last year.

3. An Act Relating to Fiduciaries – This bill was first approved by the Executive Committee and introduced in 2009. It would formalize a procedure usually designated as “decanting a trust.” It 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. Decanting statutes have been adopted in many states, including Alaska, New York, Florida and Delaware.

4. An Act Relating to Taxation – Estate and Transfer Taxes – A similar bill was introduced in 2010 and 2011. It 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 \$859,350 (the current exemption, which is indexed). The Committee felt that a fairer result would be produced by substituting a tax credit for the exemption. In addition, the Committee this year felt that the credit should be increased to an equivalent of \$2,000,000 (up from \$1,000,000, which was addressed in the 2011 bill with a credit of \$25,200), which would be a credit of \$99,600. This would have the effect of benefiting all taxable estates. The Rhode Island estate tax would be better than Massachusetts (a \$1,000,000 exemption) and Maine (\$1,000,000, but increasing to \$2,000,000 in 2013), and the same as Connecticut. Vermont currently has a \$2,750,000 exemption, and New Hampshire does not have an estate tax.

The Executive Committee voted to support the unanimous

recommendations of the Committee on Title Standards to introduce the following:

1. An act relating to property – Conveyance to or by Nominee Trust. Nominee trusts have had a negative impact on real estate conveyancing in Rhode Island. A typical nominee trust does not give any discretion to the trustee to deed, mortgage or otherwise engage in transactions involving real estate with the direction and consent of the beneficiaries of the trust. This causes issues to arise as to whether such a trust had actual consent and direction as required. R.I. Gen. Laws § 34-4-27 does not allow for the recognition of nominee trusts nor provide a method for assuring that transactions are properly authorized. The result is that beneficiaries are exposed and required to execute deeds or documents of consent in order to confirm authority. The above statute would provide an acceptable method for recognizing transactions involving nominee trusts.

2. An act relating to property - Section 34-11-44 - 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.

3. An act relating to property – Form and Effect of Conveyances – Section 34-11-42 and Section 34-11-43 of the General Laws. The explosion of the secondary mortgage market and the now-familiar increase in mortgage foreclosures has often resulted in a distant lender holding title. More often than not when that lender conveys to a third party the deed of choice is a “Special Warranty Deed.” Rhode Island has no statutory definition for this kind of deed nor any statutory meaning attributed to it. By reviewing the laws of the originating State it appears that the intention is to provide the Rhode Island equivalent of a quitclaim deed. However, without a definition or meaning attributed to “Special Warranty Deed” it becomes a deed wholly without covenants. That provides the Rhode Island buyer with little recourse if there should be a title issue. The above statutes would provide a definition and meaning consistent with custom and practice and adequate to protect buyers.

4. An act relating to property - Section 34-26-7 of the General Laws in Chapter 34-26 entitled “Redemption, Release, and Transfer of Mortgages.” The proposal changes, clarifies and reduces the time after which a recorded mortgage would be unenforceable against the real estate securing the mortgage. The current 50 years is beyond the 40-year Marketable Record Title Act period. The proposed 35-year period would be more consistent with provisions in Massachusetts (35 years, M.G.L. Ch. 260 § 33) and Connecticut (40 years, Conn. Gen. Stat. § 49-13(a)).

5. To oppose House Bill H 7439 and Senate Bill S 2506 which, if enacted, would create a lien for commissions earned by brokers in commercial real estate transactions. The

Committee noted that no other Rhode Island statute permits the creation of a lien on a real estate interest of any kind by filing a notice in Superior Court. There is no provision in the bill for how the Superior Court will index these liens. There does not appear to be any requirement that the initial filing be made in the context of a suit; is it expected that the Superior Court create a separate indexing and filing system for these liens? There is no requirement that the lien itself be filed in the Superior Court in the County where the real estate is located. That would mean that a search would be required in every county. Section 34-49-8 only requires that the suit to enforce the lien be filed in the County where the land is located. The priority of recorded mortgages appears to be limited to the extent that the mortgage is recorded prior to the filing of the lien under § 34-49-9(c).

The House of Delegates voted to support the recommendations from the Lesbian Gay Bi-Sexual Transgender Committee as follows:

1. To support **House No. 7845**, which would allow same-sex couples in Rhode Island equal access to a civil marriage.

2. To support **House No. 7752**, which would broaden the power of the Rhode Island Family Court to hear petitions for dissolution of marriages regardless of the sex of the parties.

With regard to federal legislation, after careful deliberation and approval by the Rhode Island Bar Association Executive Committee, the President sent letters, on behalf of the Rhode Island Bar Association, supporting funding for legal services.

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

Rhode Island Bar Association 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 2012-2013 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 12/13
Bar Journal Ads & Subscriptions	\$ 60,000
Contract Service Income	52,000
Interest Income	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
	<u>\$ 1,362,500</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	17,000
Lawyer Assistance Program	10,000
Legislative Counsel	26,250
Lobby Tax	10,500
LRE Grant	7,500
Maintenance & Repair	25,000
Medical Benefits	78,500
Miscellaneous Expense	3,500
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	7,500
Records Management	2,500
Regular Meetings	17,500
Rent & Electricity	170,000
Retirement Plan	43,000
Salaries	432,000
Telephone	15,000
Travel	31,000
Website	10,000
	<u>\$ 1,314,750</u>
Net Income:	<u>\$ 47,750</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 12/13
Interest	\$ 50
Dues	26,000
Fees	30,000
US Armed Forces Project	10,000
	<u>\$ 66,050</u>

Expenses

Convention & Travel	\$ 0
Medical Benefits	50,000
Miscellaneous Expense	0
Office Supplies	1,000
Payroll Tax Expense	6,000
Printing & Postage	4,000
Professional Fees	0
Rent	0
Retirement Plan	10,000
Salaries	85,000
Telephone	0
	<u>\$ 156,000</u>
Net Income:	<u>\$ (89,950)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 12/13
Annual Meeting	\$ 480,000
Publications	5,000
Seminars	250,000
Miscellaneous Income	250
On-Line Income	14,750
	<u>\$ 750,000</u>

Expenses

Annual Meeting	\$ 275,000
Clerical	750
Computer	10,000
Copier	1,000
Depreciation	1,000
Dues & Subscriptions	500
Medical Benefits	27,000
Miscellaneous Expense	500
Office Supplies	10,000
Payroll Tax Expense	12,000
Postage	6,000
Professional Fees	7,000
Publications	4,000
Rent	15,000
Retirement Plan	15,000
Salaries	145,350
Seminar Expense	160,000
Travel	1,000
Website	1,500
	<u>\$ 692,600</u>
Net Income:	<u>\$ 57,400</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,362,500	\$ 66,050	\$ 750,000	\$ 2,178,550
Expense	1,314,750	156,000	692,600	2,163,350
	<u>\$ 47,750</u>	<u>\$ (89,950)</u>	<u>\$ 57,400</u>	<u>\$ 15,200</u>

Grants and Restricted Funds (approx.)

ProBono	\$ 163,594
Elderly	54,764
CRF	125,000
Total:	<u>\$ 343,358</u>

2012-2013

Total Revenue	\$ 2,521,908
Total Expense	\$ 2,506,708
	<u>\$ 15,200</u>

**Rhode Island Bar Association
Statements of Financial Position*
June 30, 2011 and 2010**

Assets	2011	2010
Cash and cash equivalents	\$ 628,305	\$ 794,196
U.S. Treasury Bills	3,549,122	3,148,112
Accounts receivable	51,364	50,790
Other assets	12,596	10,206
Furniture and equipment (net of accumulated depreciation of \$144,326 in 2011 and \$401,281 in 2010)	56,657	61,917
Total Assets	\$ 4,298,044	\$ 4,065,221
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 66,716	\$ 43,636
Accrued expenses	85,765	81,154
Deferred revenues	10,000	-
Total Liabilities	162,481	124,790
Net Assets		
Unrestricted	2,212,781	2,024,767
Temporarily restricted	1,922,782	1,915,664
Total Net Assets	4,135,563	3,940,431
Total Liabilities and Net Assets	\$ 4,298,044	\$ 4,065,221

**The Statement of Financial Position on page 2 of the Audited Financial Statement for the years ended June 30, 2011 and 2010 is the official name of a Balance Sheet for non profit organizations.*

Luis M. Lourenco, CPA
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Bar Association Committee Reports

Animal Law



Katy A. Hynes
Chair

The Animal Law Committee is pleased to report a successful and rewarding inaugural year. The Committee began its first full year last September, meeting monthly through this past May. Key to the success of the Committee was the enthusiastic and energetic participation of its members, who represent a wide spectrum of practice areas. The year opened with discussions concerning the extensive scope of animal law encompassing a broad array of areas including: custody and domestic disputes;

wills and estate planning; personal injury; product liability; criminal law; constitutional law; contract law; tribal rights; business litigation; civil procedure and evidence; health and disability law; housing law; governmental liability; intellectual property law; landlord/tenant law; commercial transport litigation; medical malpractice; workers' compensation; employers' liability; property insurance law; life insurance law; senior citizens' issues; media, privacy and defamation; land use; zoning; alternative dispute resolution; and appellate advocacy. During the monthly meetings, the Committee enjoyed presentations on topics of interest ranging from medical malpractice in the veterinary context to trends in valuation of companion animals in damages awards. The Committee reviewed and analyzed current issues regarding animal law from around the state, the country and the world. Committee members shared experiences in their respective practice areas concerning human beings' relationship and coexistence with animals. During these discussions, members exchanged ideas and offered guidance and directions to available resources appropriate for the issues. The Committee developed a presentation for the Annual Meeting, providing an overview of animal law and highlights estate planning, veterinary malpractice, domestic matters, custody issues, and vicious dog hearings. The Committee looks forward to another exciting and innovative agenda for the upcoming 2012-2013 year.

Annual Meeting



Melissa E. Darigan
Chair

The 2012 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 more than 40 seminars on a wide range of topics providing guidance in family, probate, criminal, trial and commercial law, a variety of ethics-related issues, and the always popular State and Federal Court updates. The value of these programs to participants was enhanced by the participation of many distinguished and accomplished presenters. Additionally, this year's Meeting's Wellness Center featured an excellent selection of free, healthful and educational screenings. Among the highlights of the meeting were the opening remarks by distinguished United States Court of Appeals Judge Bruce M. Selya and the Annual Meeting's Plenary Session's distinguished speaker, Dr. Will Miller, who provided a persuasive, constructive and achievable approach to coping with change in our professional and personal lives. 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. The Committee finalized proposed amendments 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, and also completed revisions to 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 working to achieve approval of these revisions by the Committee on Title Practices and Standards and the Committee on Creditors' and Debtors' Rights. The Committee hopes to introduce these revisions for approval in the 2013 session of the General Assembly. In addition, Committee members reviewed issues of interest and legislation introduced into the General Assembly's 2012 session. Other activities included organizing and presenting a number of seminars, including a presentation on succession planning for privately held businesses at the Bar's June, 2012 Annual Meeting.

Client Reimbursement Fund



John A. Tarantino
Chair

The Rhode Island Bar Association's Client Reimbursement Fund was established as a public service to promote confidence in the administration of justice and the integrity of the legal profession. Our experience confirms the overwhelming majority of Rhode Island lawyers are honest, caring and deserving of their clients' trust. The Fund reimburses the losses sustained by clients victimized by the few Rhode Island lawyers who violate the profession's ethical standards and misap-

propriate funds entrusted to them. Losses reimbursed by the Fund include the theft of estate and trust assets, conversion of settlement proceeds in real estate and personal injury cases, money embezzled in investment transactions within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise, but then do not provide, legal services. The Fund Committee meets regularly to review and act upon claims and propose rules and procedures. The Committee administers the Fund, which is funded by an annual assessment of \$25 per Rhode Island Bar Association member, together with interest on the invested funds and any money collected as a result of subrogation rights against the defalcating lawyers. As a fund of grace, all claimants are required to exhaust alternate sources of recovery before the Committee will consider claims. The Committee pursues subrogation rights after claims are paid. In several cases, attorneys convicted of client fund thefts have also been subject to court restitution orders. Since its inception in 1981, Rhode Island lawyers have reimbursed more than \$1.8 million to the victims of the few dishonest lawyers in this state. No public funds have been involved. Rather, these reimbursement awards are financed solely by payments from lawyers. Unfortunately, there have been a number of severe losses recently. In fiscal year 2011-12, fourteen new claims were received involving five former lawyers. Thirteen claims have

been paid over the fiscal year totaling \$107,000 and five claims were denied as not reimbursable under our rules. Eleven 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 serves the public. I am thankful for your support.

Continuing Legal Education



Thomas C. Plunkett
Chair

The 2011-2012 CLE year contained a wide variety of programs. It started with the annual, free ethics seminar offered in different locations in August and September. The program received very favorable reviews. The cost of the program, as always, was underwritten by Aon Affinity Insurance Services, Inc. By the end of the CLE year, we were providing both in-person and webcast seminars in response to the Supreme Court's change to the MCLE Rule allowing attorneys to fulfill their require-

ments either way. More than one hundred attorneys have participated by webcast just this spring. Throughout the year, the Committee offered a range of programs both in the longer seminar format and in the lunchtime, Food For Thought lectures. The Committee endeavored to offer programs appealing to the many practice areas of our Bar members, presented at convenient times and at a reasonable cost. All our speakers are volunteers and are not compensated. We thank them all for their excellent efforts and time commitment. Some changes are occurring. The Practical Skills program will end this coming year due to the change in requirements for new lawyers. However, the Committee is working on new offerings, containing similar content, but in a shorter format. The Committee also made arrangements to start webcasting certain seminars. The number of webcasts will increase through the coming year, making programs more accessible and convenient. I thank all the Committee members and the presenters for their hard work and I thank especially Nancy Healey and Tanya Nieves of the Bar Association for their direction and assistance. Our Committee invites all Bar members to submit topics and proposals for our programs as we look forward to planning for the coming year.

Bar Association Committee Reports

Creditors' and Debtors' Rights



Richard L. Gemma
Chair

This was a busy year for the members of the Committee on Creditors' and Debtors' Rights. Although the local and national economies have improved, the number of bankruptcy proceedings, receivership proceedings, and/or other forms of insolvency filings continue to demand the attention of many of our members. Despite the demands upon their time, many members volunteered to speak at the Bar's Annual Meeting and at CLE seminars held throughout the year. In addition, during this last

year, the Committee had the pleasure of meeting with the Honorable Michael A. Silverstein and the Honorable Brian P. Stern of the Superior Court, to discuss the receivership process and the implementation of the "Out-County" Business Calendar. Many members of the Committee have agreed to and continue to participate in an email communication system in which members of the Committee are updated on insolvency issues in state and federal courts.

Criminal Law Bench/Bar



Christopher S. Gontarz
Chair

The Criminal Law Bench/Bar Committee met every month during the past year at the Bar Association in Providence. In keeping with its mandate, members of the Bench were invited to meetings. The Committee met with Superior Court Presiding Justice Alice B. Gibney on the status of the Superior Court criminal calendar throughout the State. The Committee met with Superior Court Justice Netti Vogel on the newly-instituted changes on the Pretrial and Trial Calendars

in Providence County Superior Court. The Committee also met with Superior Court Justice Robert Krause on the Providence County Gun Court Calendar. The Committee reviewed legislation submitted regarding the death penalty, and made recommendations to the Bar's Executive Committee regarding the legislation. The Committee reviewed and provided feedback to the Superior Court on Post-Conviction Relief applications. The Committee also discussed various topics for presentation at the Annual Meeting, and its members participated in two presentations at the Meeting. On behalf of the Committee, I invite all those interested in the

practice of criminal law to join our active and engaged Committee for the upcoming Bar year.

District Court Bench/Bar



Gregory S. Dias
Chair

This past year was a learning experience for me, as it was my first year as Chair, and I thank the Committee members for their patience and assistance. Our first meeting was attended by Bar President William Delaney who discussed the importance of the Bench/Bar Committee's to the Bar Association, commending everyone, especially the new attorneys, for their presence. The Committee's goals for the year included discussions of criminal and civil issues in the district court and meetings in other

counties. The Committee met in Kent County with Chief Judge LaFazia to discuss the legislative change of certain cities and towns to the Third Division District Court. Chief Judge LaFazia also explained the new Veterans Calendar, including a jail diversion element. Magistrate Montalbano discussed the civil calendar in Kent County and how it will run while he is in charge. A meeting in South County was also held, and, next year, we hope to visit Newport County. The Committee concluded the year discussing court procedures with regard to both the criminal and civil court calendars in Providence County. Next year, the Committee is looking forward to bringing in lecturers to offer CLE credits for attendees. The Chair invites all interested bar members, both those who practice criminal and civil law to join the District Court Bench/Bar Committee.

Environmental and Energy Law



Jennifer R. Cervenka
Co-Chair

The Environmental and Energy Law Committee continued in its third-year, adding new, active members. The Committee meets on the third Friday from September through May from 12:30 to 2:00 pm and, in December, hosts a social holiday gathering. Regular meetings consist of general Committee activity announcements, member discussions on current events and changes in the law, and voting on official committee actions, if applicable. The monthly meetings also included an issue-oriented speaker, selected by the planning subcommittee. The subcommittee meets on the first Wednesday of every month by telephone (year-round) to: identify topics/speakers for committee meetings; discuss updates on current events in the law; discuss potential legislative and regulatory advocacy issues for Committee consideration; and plan for Continuing Legal Education seminar presentations. This year's meeting speakers included: Paul Roberti,



Christopher A. D'Ovidio
Co-Chair

Commissioner, Rhode Island Public Utilities Commission, who presented a discussion on the recent Rhode Island Supreme Court's decision in the Deepwater Block Island Wind matter; Dr. Eric Butler, Environmental Chemist with Gradient Corporation, who presented on environmental forensic methods for determining liability and apportioning allocation under CERCLA; RI General Assembly Representative Art Handy, Chair of the House Environment and Natural Resources Committee, who provided an overview of the renewable energy and environmental legislation for the 2011 session and a preview of the legislation for the 2012 session; Eric Axelrod and Peter Harley, representing the Rhode Island Society of Environmental Professionals, who discussed a current permitting process initiative between RISEP and the Rhode Island Department of Environmental Management; and, Tom Teehan, General Counsel for National Grid's electricity and gas utility operations in Rhode Island, who discussed electricity and natural gas energy use in Rhode Island and the future challenges and opportunities and current programs and initiatives of the legislature, RIPUC and National Grid.

In addition to the presenters, two of our meetings were devoted to reviewing proposed and final rules governing the practice before RIDEM's Administrative Adjudication Division. The Committee submitted written comments on the

rules as proposed in October, 2011. Some of the suggestions made by the Committee were incorporated by the AAD into its final set of rules. For its final meeting of the year, the Committee held a free, 2-credit, CLE program on Block Island, providing an overview of climate change and its effects on the island and offshore renewable energy development. The speakers for the program were Jane Weidman, M.P.A., New Shoreham Town Planner, Brian Wilson, M.Arch, presently the on-Island coordinator for Deepwater Wind, and Everett Shorey, M.B.A., consultant for investor-owned utilities as well as government and non-profit entities. We invite all interested Bar members to join our active and vital Committee, and take part in the coming year's events.

Ethics and Professionalism



Stephen G. Linder
Co-Chair

The Ethics and Professionalism Committee met monthly from September through May. For the past three years, this Committee has actively urged the adoption of a program to prepare new attorneys to deal with issues of professionalism, ethics, conflicts and how to deal with their clients. With direction from the Rhode Island Supreme Court, MCLE and the CLE courses, the Rhode Island Bar Association staff, our Committee, and various individual attorneys developed a Bridge the Gap program. That program has been approved by the Rhode Island Supreme Court. Starting this year, all new attorneys will be required to attend a Bridge the Gap Program which will present attorneys and judges reviewing, among other issues, the following topics: effective communication with clients; the attorney/client relationship; real world ethics; trust accounts; social media and the practice; stress management; and MCLE requests. As in the past, mentoring was a topic of conversation at our meetings.



Kathleen G. DiMuro
Co-Chair

Our Committee has always found a high percentage of our members willing to serve as mentors. The lack of mentees was a reason our committee decided to back our Associations' Online Attorney Resource (OAR) Program. Our Committee also investigated and discussed attorney competency. This was sparked by the potential elimination of the Basic Skill requirement for new attorneys. This, and the potential for national exams of attorneys, was discussed with Bar President William J. Delaney.

Bar Association Committee Reports

Family Court Bench/Bar



Jane F. Howlett
Chair

The Family Court Bench/Bar Committee had a productive year, meeting on the second Tuesday of each month at the Garrahy Complex. Chief Judge Bedrosian issued several new Administrative Orders including the following Orders: 1) addressing the domestic relations case flow system, extending the time from filing to disposition in order to have cases handled effectively; 2) amending the financial statement commonly known as the DR6 form, making it much more inclusive and, once properly completed, providing the Court and opposing counsel with a comprehensive view of a litigant's financial circumstances; 3) addressing the appointment of lawyers by the Bar Association's Volunteer Lawyer Program, suspending the need to file an Affidavit of Indigency once the Bar Association determines the litigant is indigent and informs the Court an attorney has taken the case pro bono. This reduces the time expended by volunteer lawyers and greatly streamlines the filing process; 4) requiring that Interlocutory Decrees and Final Judgments are presented in a typed or word-processing format, mandating that the Clerk's Office not accept any handwritten Decrees, and addressing the removal of exhibits in contested domestic relations cases and the destruction of those exhibits by the clerk's office. The Committee offered two CLE seminars. *Basic Tax Considerations in Separation and Divorce* was presented by Attorney Elizabeth Segovis from Rhode Island Legal Services. This well-attended, annual, February presentation is well-timed during tax season to address issues of tax refunds, deductions and filing issues. Attorney Frank DiBiase, from the Office of Child Support Enforcement, presented a May CLE, *Child Support: Legislative and Appellate Updates and Practical Considerations*, discussing child support guidelines, federally mandated to be amended every four years, and also reviewing issues such as the survival of a child support obligation against the obligor's estate, the potential use of SNAP (food stamp) income for purposes of calculating child support and the issuance of body attachments in Family Court. The Committee thanks Attorneys Segovis and DiBiase for sharing their knowledge and expertise. As Committee Chair, I made a presentation at the annual Family Court Judicial Conference held at the Christian Brothers in Narragansett. An invitation was extended to all members of the Committee by Chief Judge Bedrosian and many members attended. Dinner followed and, as always, was superb! During the course of the year we had several presentations at our monthly meetings. Members of a Committee formed to address the amendment of the Rules of Procedure for Domestic Relations, seeking input from Committee members. Issues such as notice by elec-

tronic means or facsimile transmission were addressed. Dr. Marina Toulou-Shams, an Assistant Professor (Research) at Brown Medical School and the Director of the Rhode Island Family Court Mental Health Clinic, spoke on the emerging trend known as "Collaborative Law." Dr. Toulou-Shams also donated her time and energy to a presentation on this subject at the Bar Association's Annual Meeting in June. Collaborative practice is another form of Alternative Dispute Resolution and is a rapidly developing trend in other jurisdictions, such as Massachusetts. The Committee also heard from Kevin Richard, from Family Court administration, who spoke on the issue of the explosion of *pro se* litigants in Family Court, and what Court administration is doing to address the issue. These meetings were informative and gave Committee members an opportunity to contribute their opinions and ideas to issues they confront on a regular basis in Family Court. It has been a pleasure to serve as Chair of this essential and dynamic Committee. Thank you to all Judges and Committee members who assisted in making this another successful year for our Committee.

Federal Court Bench/Bar



Patricia K. Rocha
Co-Chair



Patricia A. Sullivan
Co-Chair

Throughout this year, the Federal Bench/Bar Committee worked closely with the Court, and particularly with Chief Judge Mary Lisi and Clerk of Court David DiMarzio, on projects to continue to improve the Court's efficiency and responsiveness to the needs of litigants and attorneys. The Committee 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 continued to work on the second phase (uploading of the civil instructions) of an exciting project gathering jury instructions and making them available electronically to attorneys and judges. This project, unique in the nation, will ultimately be of enormous utility to practitioners, as well as beneficial to litigants. In the Fall, the Committee worked closely with the federal court on the presentation of the 2011

District Conference featuring prominent speakers including Associate Justice Stephen G. Breyer and Attorney Irving Picard (Trustee for the Bernie Madoff Bankruptcy). The conference was well-attended and well-received by all participants. In connection with its ongoing outreach function, the Committee continued the University Symposium Series, started in 2008, and sponsored by the Committee, working with the federal judiciary and with the local colleges and universities. In February 2012, the Committee and Roger Williams University School of Law co-sponsored a symposium focused on the Constitution. The Committee hopes to continue this program in the Fall of 2012. The Committee participated in the Bar Association's networking event, reaching out to new attorneys interested in the Committee's work. Dedicated to increasing its membership, the Committee welcomes any and all members of the Bar to join and participate in its meetings. Pat Rocha, on behalf of the Committee, extends congratulations to Pat Sullivan on her selection as United States Magistrate Judge. The Committee looks forward to working with Pat in her new position.

Fee Arbitration



Henry V. Boezi, III
Co-Chair



Madis Suvari
Co-Chair

During fiscal year 2011-12, twenty-eight petitions for fee arbitration were filed with the Rhode Island Bar Association. Two matters were settled prior to a formal arbitration hearing. Twelve matters were dismissed because the respondent was unwilling to proceed with the arbitration. Six matters were arbitrated with the assistance of the committee. Eight matters are still pending. The amount of fees in dispute ranged from amounts of \$800 to \$27,000. 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 well-written fee agreement, sound billing practices, and/or better lawyer and client communications. The proceedings are primarily informal, serving as an alternative to litigation. Members of the Committee serve voluntarily without compensation. They are commended for their service to the Bar. This program increases public confidence in the legal profession and accelerates fee dispute resolution. However, it remains underutilized, as there are many volunteers who have offered to serve as arbitrators.

Government Lawyers



Julie P. Hamil
Chair

The Government Lawyers Committee essential mission is "to promote an understanding of government and public sector lawyers on the part of the Bar Association." Building connections between government lawyers and lawyers in private practice was the foundation for each meeting and a Committee CLE event this year. In October, the Committee enjoyed a tour of the State House amid the din of pension reform hearings. The tour was interesting and informative and a positive reminder about the rich history of our State. The Committee also participated in the Bar Association's speed networking event in the Fall. This was a great opportunity to talk to new lawyers about the many areas of public sector work often overlooked in law school. The Committee sponsored three CLE seminars focused on subjects germane to the practice of both private and public sector attorneys. The first CLE seminar was presented by Assistant Attorneys General Michael Field and Lisa Pinsonneault, focusing on Rhode Island's Access to Public Records Act. The seminar was very well attended by a variety of public and private attorneys interested in staying current in this important area of law. In January, the Committee hosted Kathy Gips, Director of Training at the New England ADA Center. Ms. Gips presented a very informative seminar reviewing the ADA Amendments Act and revised EEOC Title I regulations and how these changes are impacting ADA implementation and enforcement. The seminar provided a cutting edge perspective about best practices in the post ADA Amendments Act workplace. The Committee's third CLE was an ethics seminar presented by Jason Gramitt of the Ethics Commission. Jason led a roundtable discussion about advising public sector clients on compliance with Rhode Island's Code of Ethics. Among the issues discussed was the intersection between attorneys' obligations under the Rules of Professional Conduct and the Code of Ethics. In March, the Committee hosted Bruce W. McIntyre, Bar Association Executive Officer and long-time public servant. Bruce presented a truly inspiring talk about his background, how he came to be a government lawyer, and what he loves about it to this day. Bruce's many accomplishments and his contributions to the Bar Association are a model for all attorneys, both public and private. The Committee has begun formulating its agenda for the coming year which will include more outreach to private attorneys who advise public sector clients. The Committee thanks the Bar's Executive Officers and staff of the Bar Association for their support and assistance over the past year, helping to make this a great year for the Committee.

Bar Association Committee Reports

Insurance Programs



Stephen J. Angell
Chair

The Committee on Rhode Island Bar Association Insurance Programs met regularly over the 2011-2012 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 (MassMutual) is a Bar-sponsored provider of Disability Income Insurance and Long Term Care Insurance for Bar members. Members receive discounts on these products from MassMutual, 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 the 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 leading a discussion on the Fair Labor Standards Act. In February, Maryanne Medeiros of the U.S. Department of Labor's Occupational Safety and Health Administration led a discussion about workplace safety and health regulations.

In March, Regional Director Rosemary Pye and other representatives of Region One of the National Labor Relations Board updated the Committee on recent Board decisions and upcoming changes to Board procedures in representation cases. In May, the Committee was treated to a discussion led by former NLRB Board Member John E. Higgins and his nephew, arbitrator Paul Higgins. The Committee encourages any 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 2011-12. The Committee serves as a resource to members, providing support and encouragement when needed. LHL Committee volunteers give generously of their time to help their colleagues. Their primary role is not to serve as counselor, doctor or therapist, but rather to lend an ear, provide support, encouragement and referral to appropriate resources. The Association contracts with Coastline Employee Assistance Program (EAP), formerly RIEAS (Resource International Employee Assistance Services), and they provide professional clinical services including assessment and referral. The Committee commends and thanks Judith G. Hoffman, LICSW, CEAP, Executive Director, Coastline EAP, for her valuable contribution. Several members of the bar were assisted by EAP in the past calendar year. Issues included depression, eldercare, alcohol, anxiety, divorce and addiction. The Committee focused much attention in 2011-12 on education. The Committee sponsored a program for the Annual Meeting, *Coping with Change: What We Really Know*, presented by Dr. Will Miller, psychotherapist, a Campus Minister, and a hospital and police chaplain who has worked in Community Mental Health Centers as well as in drug and alcohol rehabilitation programs. The Committee promoted the May CLE program, *Dealing with the Crisis of Suicide*, which dealt with issues lawyers have when their desperate clients may be contemplating, or commit, suicide. The Committee sponsored a screening station at the Annual Meeting in partnership with Blue Cross/Blue Shield of Rhode Island, featuring free blood pressure, cholesterol, and glucose screenings. The Committee sponsored articles and programming in the area of balance, wellness, dealing with stress and addiction issues. In addition, the Committee provided some information at the Bridge the Gap program for newly-admitted attorneys. Committee member Genevieve M. Martin's book review of *I Don't Want To Talk About It*, by Terrence Real, was published in the Bar Journal. All Journal issues contain information about the Lawyers Helping Lawyers Program and the SOLACE program. The Committee looks forward to providing additional outreach and educational programming in the coming year. The best way to assist lawyers with the help they need is to get the message out to them 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 2011 and 2012 at various locations in

Michael Grabo
Co-Chair

Susan T. Perkins
Co-Chair

Providence. The Committee began the year by hosting a Continuing Legal Education seminar, titled *Top 10 Things to Consider when Representing LGBT Clients*. The seminar was presented by five expert panelists and included presentations on estate planning, partnership agreements, anti-discrimination laws, health insurance, and civil unions. To educate the legal community about the recently-enacted civil unions legislation, the Committee organized a Food For Thought seminar, titled *An Overview of the Civil Union Legislation*. This seminar was presented by Karen Loewy, Senior Staff Attorney at Gay & Lesbian Advocates & Defenders in Boston. The Committee prepared a workshop, *Civil Unions, Marriage, and Relationship Recognition for Same-Sex Couples*, presented at the Bar Association's 2012 Annual Meeting. The workshop provided an overview of the recently enacted civil union law and an analysis of its implications for same-sex couples in Rhode Island. The Committee submitted a written request to the Bar Association to support three bills affecting the rights of same-sex couples in Rhode Island: 1) House No. 7845 and Senate No. 2504, allowing same-sex couples in Rhode Island equal access to a civil marriage; 2) House No. 7752 and Senate No. 2510, broadening the power of the Rhode Island Family Court to hear petitions for dissolution of marriages regardless of the parties sex; 3) House No. 7753 and Senate No. 2503, amending the protections afforded to religious organizations under the current civil union statute. At its April meeting, the Bar's House of Delegates voted to support the first two bills noted above. The Chairs thank the Committee members and the Bar Association for a successful year and look forward to continuing the work of the Committee in 2012-2013.

Bar Association Committee Reports

New Lawyers Committee



Rebecca E. Dupras
Co-Chair



Cristen Ciresi
Co-Chair

The primary objective of the New Lawyers Committee is to assist new members of the Rhode Island Bar to find ways to access all the Rhode Island Bar Association benefits has to offer. The New Lawyers Committee has accomplished this goal in several ways. 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 hosted guest speakers offering their insight and expertise. Christopher Gontarz, a partner at Updegrove & Gontarz,

concentrating his practice in the area of criminal defense, discussed his experiences, offering guidance to new lawyers specifically from the perspective of a criminal practitioner, including general tips and advice as a seasoned attorney and member of the Rhode Island Bar Association. Holly Hitchcock, Executive Director of the MCLE program at the Rhode Island Supreme Court presented information on the new requirements for new Rhode Island Bar admittees. She provided information on the new Judiciary Attorney Portal which will be used for reporting CLE starting next year. The Committee offered a highly-popular and free CLE seminar for new Bar members, *View From the Bench: The Superior Court Motion Calendar*, providing a practical understanding of the Civil Motion Calendar through the active and generous volunteer participation of Associate Justice Brian Van Couyghen and seasoned trial attorney, Douglas J. Emanuel. Representatives from the New Lawyers Committee also participated in the new, Bridge the Gap program introduced this year to new Bar members as part of their admission requirements. Bridge the Gap replaces the Introduction to Practice and Practical Skills seminar series with a day-long offering on various topics important to new lawyers. 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

experienced 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. 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 (currently \$892,865 with inflation adjustment) to the equivalent in an estate tax credit of \$99,600, which would have the effect of exempting estates with assets of \$2,000,000 or less from estate tax and which provide all estates (not just those less than the exemption equivalent) 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; and 2) provide for a remedy where corporate sureties fail to honor surety bonds. The bills dealing with the homestead exemption, the local property tax exemption and the exemption of the proceeds of insurance policies and annuity contracts were recommended for passage in the House of Representatives, as has the bill dealing with the inheritance options of a surviving spouse. It is uncertain whether these or any of the remaining proposed bills 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 in the probate and trust area.

Public Services Involvement



Christine J. Engustian
Chair

The Public Services Involvement Committee was very active this year, increasing public access to legal representation through the Rhode Island Bar Association's public service programs. The Committee raised concerns over the Family Court's requirement that Volunteer Lawyer Program (VLP) clients, who are qualified for free legal representation under the same economic guidelines employed by the Rhode Island Legal Services, submit a motion to proceed in *forma pauperis* and an

accompanying financial affidavit to waive court filing fees and other costs. Specifically, the Committee sought the assistance of Chief Judge Haiganush R. Bedrosian to eliminate this requirement for the Bar's *pro bono* clients. The Committee is pleased to report Chief Judge Bedrosian signed an Administrative Order on December 27, 2011 (effective as of January 2, 2012) stating that when the Rhode Island Bar Association has determined a client to be indigent, then that "litigant client" will not be required to file an Affidavit of Indigency and will not be required to pay any fees to the Family Court or to sheriffs for serving process. In addition, the Order directs that cases involving *pro bono* clients of the Rhode Island Bar Association will be given priority on the court calendar (as long as all parties are present at that time). Although the court clerk is required to attach an orange sticker to the outside of each case file involving a *pro bono* client of the Rhode Island Bar Association, the Order instructs counsel to advise the court at the calendar call that the client is part of the Bar's VLP. The Committee extends its deep gratitude to Chief Judge Haiganush R. Bedrosian for this Administrative Order. The Committee participated in the October New Lawyer Networking Event, sponsored by the Bar's Executive and New Lawyers Committees. The Committee was represented by its Chair and Bar VLP Coordinator John Ellis, gaining new members for the Bar's Public Service Programs and encouraging attendees to join the Committee. The Committee developed a series of family law CLE seminars to help meet the need for *pro bono* legal representation. The seminars provided basic information for client representation in the Rhode Island Family Court and assisted the Bar's *pro bono* programs by the placement of cases. A subcommittee comprised of Carolyn R. Barone, Deborah A. Kennedy, Barbara L. Margolis and Elizabeth W. Segovis was formed to establish the topics and speakers. The series, *Fundamentals of an*

Uncontested Divorce, included three seminars: *How to Conduct the Initial Client Interview and Intake Conference*; *Document Preparation and Filing*; and *Mock Nominal Trial*. All seminars were held in 2012 at the Bar and scheduled for 4:00 p.m. in allowing maximum attendance. Rhode Island Family Court Judge John E. McCann, III sat as the mock trial nominal divorce mock trial judge and kindly remained afterwards to answer attorneys' questions. The seminars received great reviews, and over forty VLP cases were placed with attorneys. The Committee thanks subcommittee members, speakers and participants in this successful program. Committee members Carolyn R. Barone, Barbara L. Margolis and Stephen M. Miller prepared and presented a workshop at the 2012 Annual Meeting, *Fundamentals of the Initial Client Interview*, aimed at benefiting all attorneys, including *pro bono* attorneys representing clients outside the Family Court. The Committee thanks these three, experienced individuals for their efforts. The Committee wholeheartedly thanks Susan Fontaine, the Public Services Director of the Bar Association, who acts as liaison to our committee. Susan provides invaluable assistance through her experience and knowledge of all public service programs of the Bar Association. Her insight facilitates the Committee's identification of areas within these programs requiring its attention or issues that need addressing to better serve the needy people in our communities.

Superior Court Bench/Bar



Melissa E. Darigan
Co-Chair



Karen A. Pelczarski
Co-Chair

This year, the Superior Court Bench/Bar Committee focused its attention on drafting proposed amendments to the Rules of Civil Procedure, addressing the discovery of electronically-stored information (ESI). This project was prompted by the growing prevalence of ESI in litigation, ongoing changes to the Federal Rules and evolving case law on the discovery obligations of clients and counsel. In undertaking its review of the Rules, the Committee was guided by the Uniform Rules on ESI discovery promulgated by the Uniform Rules Commission. The proposed amendments approved by the Committee center on Rhode Island Rules 16, 26, 33, 34, 37, 45, and 56. Going forward, a Committee team will work with several Superior Court justices, named by Presiding Justice Gibney, to provide input on the project. Ultimately, the Committee will

Bar Association Committee Reports

present the Rules revisions for official consideration by the Superior Court and adoption by the Supreme Court. The Committee also discussed several administrative projects designed to improve the administration of cases at the Superior Court, including enhancements to the Court's website (organization of administrative and miscellaneous orders, availability of court calendars, forms and templates, adding a summary of decisions) and suggestions for the delivery of judgments, executions and writs, assignment of hearings and motion calendar and trial calendar practices. Preliminary discussion about these issues with Justice Gibney was positive. Members of the Committee will meet with administrative leaders of the Court to continue the dialogue.

Supreme Court Bench/Bar



John A. Tarantino
Chair

The Supreme Court Bench/Bar Committee met several times to discuss issues of relevance and importance to Supreme Court practitioners and to the Court, such as potential revisions to certain Supreme Court rules including Rule 12(a) statements, Supreme Court briefs and oral argument. The Supreme Court has the ability to notify the entire Rhode Island Bar by email, through its implementation of new technologies and services, and to provide the various courts and the

bar with updated information, to announce upcoming news and events such as annual attorney registration and the recent implementation in May, 2012 of new attorney courthouse security cards. The Supreme Court Clerk's Office also sends out electronic notification on court closures resulting from inclement weather or states of emergency. The Committee participated in the Bar Association's successful Networking Event, introducing and explaining the Committee's professional opportunities to new members of the Bar, as well as to others who may be interested in joining the Committee, and answering any questions Bar members might have about the Committee and its functions. The Committee welcomes any members of the bar who may be interested in the Committee's work to express that interest and request an appointment as a Committee member.

Technology in the Practice



Peter V. Lacouture
Chair

The Committee on Technology in the Practice met regularly during the past year and addressed a number of technology issues of importance to lawyers. Several members of the Committee undertook to evaluate the effectiveness of the websites of Rhode Island cities and towns in presenting useful, timely information to citizens. This effort will continue in 2012-2013. We provided input on the Rhode Island Bar Association's updated website, addressed *Casemaker* issues, and discussed disaster

recovery planning. The Committee met with representatives of the Rhode Island court system and provided suggestions regarding possible improvements to the court's website. We noted that the court system has made a great deal of progress in making information and forms available and useable on the website. The Committee suggested that the presentation of the motion calendar on the website be revised and discussed possible rule amendments to reduce duplicate paperwork in exchanging pleadings with other lawyers. This effort will continue next year. The Committee sponsored two presentations at the Annual Meeting by Robert J. Ambrogi, Esq., lawyer, journalist and media consultant. Mr. Ambrogi's presentations addressed ethical issues in the use of cloud computing and the use of social media by lawyers. The Committee invites interested Bar members to join and looks forward to a productive 2012-2013.

Title Standards and Practices



Michael B. Mellion
Chair

The Title Standards and Practices Committee met nine times. Attendance continued strong with an average of 28 members attending each meeting. The members benefited from lively and informative discussions regarding new developments in the law and transactional practice. The Committee considered proposals for legislative change originating with our Committee, five of which were approved by the Committee for presentation to the Executive

Committee. As of the date of publication of this summary, no action has been taken on these bills. The Committee approved a new standard dealing with succession of entities, revised an existing standard dealing with recitals, and approved a new practice form dealing with nominee trusts, all of which were approved by the Executive Committee after publication in the Bar Journal. The new standard adopted was Standard No. 5.7; the revised standard is Standard 8.5; and the new practice form is Form 11. The Committee continues to be concerned with recording, abstracting and other transactional matters. The Committee always welcomes and considers suggestions for improving transactional practice in Rhode Island, as it also continues to improve and modernize its Title Standards and Practices.

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 E. Healy, Jr. and the Court's associate judges were regularly present at the meetings, giving

Jack R. DeGiovanni, Jr.
Chair

all Committee members an opportunity to discuss issues arising, from month to month, in a candid and productive manner. At every meeting, Chair Jack R. DeGiovanni, Jr. 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 ever-increasing importance of Medicare Set Aside Allocations on settlements before the Court. New procedures and policies have been developed to deal with this complex issue. There is a huge impact on the Bench, practitioners and, especially, employers and employees appearing before the Workers' Compensation Court. It is certain that the Bench and Bar will have to work together to ensure all interests are protected. Another hot topic which was discussed and is sure to be on the agenda come Fall 2012 is electronic filing and the increased use of technology in managing the Court and attorney practice. The Committee's popular, early December annual holiday gathering at Cafe 101 in Providence was well attended. It is one of several Committee-sponsored social events fostering civility in practice before the Court and amongst practitioners. 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, it is the Committee's intent 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. The Spring outing was hosted by John Cascione, Esq. at the beautiful Segregansett Country Club in Taunton, MA, and despite some unsettled weather it was a well attended and successful event. Overall, it was another successful year for the Workers' Compensation Bench Bar Committee thanks to the active participation of the Bench and the practitioners! The Committee looks forward to a brief respite over the summer before recommencing in the Fall!

2012 ANNUAL MEETING

This year's hard-working Annual Meeting Committee, chaired by newly-elected Bar Association Secretary Melissa E. Darigan, produced an exceptionally well-received, two-day program, attended by well over 1,300 Bar members. Supported by the Bar staff, the Meeting provided an excellent menu of 47 workshops and practice-related product and services from over 30 exhibitors. Continuing Legal Education seminars were offered on a wide range of topics including, but not limited to: energy tax credits; the future of the legal profession; guardianship and adoption; animal law; collaborative law; defense and plaintiff trial tactics and tips; estate planning; addressing foreclosure through loan modifications; and more. All the offerings were enhanced by the enthusiastic participation of many distinguished and accomplished presenters from the Bar, the Judiciary and other professions.



Senior Circuit Court Judge of the U.S. District Court of Appeals Bruce M. Selya's opening remarks drew on his long legal and judicial experience and reflected his legendary wit and command of the language.

Recent developments in and legislation related to renewable energy in Rhode Island were reviewed by panelists (l-r) Seth H. Handy, Esq., Paul J. Roberti, Esq., and Kenneth Payne, Ph.D.



Elizabeth R. Merritt, Esq. was one of the speakers at the popular Animal Law seminar guiding attendees through a wide spectrum of animal-related legal issues. Seminar presenters included (l-r) Katy A. Hynes, Esq., Sara E. Sweeney, Esq., David T. Reidel, Esq., Mark B. Morse, Esq., and Neville J. Bedford, Esq.



Psychotherapist, minister, hospital and police chaplain, and stand-up comedian Dr. Will Miller delivered the Meeting's insightful and humorous Keynote Address on coping with change.



Past Bar President Lise M. Iwon, Nancy Fisher Chudacoff, Esq. and Jacqueline G. Kelley, Esq, offered guidance on how to avoid malpractice when drafting special needs trusts.



David Morowitz, Esq. covered a wide range of trail tactics and tips for those representing the plaintiff or the defense in Rhode Island Superior Court jury trials.



Past Connecticut Bar Association President Frederick S. Ury and Past Rhode Island Bar Association President Thomas W. Lyons, III provided valuable information and insights on how lawyers can plan for the changes in the practice related to globalization, technology and demographics.

New Bar President-Elect J. Robert Weisberger, Jr. and new Bar President Michael R. McElroy were among the many hundreds of Bar members who enjoyed Judge Selya's opening remarks and Dr. Miller's keynote presentation.





Federal District Court Questions? – Ask the Judges featured a question and answer session addressing practice in the United States District Court for the District of Rhode Island. Standing (l-r) Gordon P. Cleary, Esq., Timothy M. Bliss, Esq., S. Michael Levin, Esq., and George E. Lieberman, Esq. and, seated, (l-r) Federal Magistrate Judge Patricia A. Sullivan, U.S. District Court District Judge William E. Smith, and U.S. District Court District Judge John J. McConnell, Jr.



Peter V. Lacouture, Esq. and Robert J. Ambrogi, Esq. reviewed key applications and practical and ethical issues associated with cloud computing in the legal profession.



Anthony J. Mangiarelli, CPA, Christopher S. Gontarz, Esq. and William J. Murphy, Esq. provided attendees with valuable insights on setting up and maintaining a successful criminal law practice.



A distinguished panel presented an informative and insightful overview of recent civil case-related decisions issued by the U.S. and RI Supreme Courts. Standing (l-r) retired RI Superior Court Associate Justice Francis J. Darigan, Jr., Thomas M. Dickinson, Esq., and Lauren E. Jones, Esq. and, seated (l-r), RI Superior Court Associate Justice Nettie C. Vogel, RI Superior Court Associate Justice Judith Colenback Savage, and RI Supreme Court Associate Justice Francis X. Flaherty.



The Business Calendar's evolution, expansion and utilization was discussed by speakers, standing (l-r), William M. Dolan, Esq., and Richard L. Gemma, Esq. and, seated (l-r), RI Superior Court Associate Justice Brian P. Stern and RI Superior Court Associate Justice Michael A. Silverstein.



Thomas C. Plunkett, Esq., Mary Smith and John P. Capaldi, Esq. described the processes and potential uses and benefits of the RI Superior Court Arbitration and Mediation programs.



Theodore Orson, Esq., Joseph D. Whelan, Esq., Matthew J. McGowan and Carly B. lafrate, Esq. presented the second half of a two-part seminar on municipal insolvency and bankruptcy, focusing on collective bargaining agreements and pensions.



Immortality and the Law – The Rising Power of the American Dead, presented by Kristin N. Matsko, Esq. and Ray D. Madoff, J.D. LL.M., provided a fascinating glimpse into the law relating to those who have passed away.



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Past Bar President Marcia McGair Ippolito shared a light moment with a group of Bar members.

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Jessica Young and Lino Almeida talked to Meeting attendees about the many benefits of the American Bar Association's, Rhode Island Bar Association-sponsored, ABA Retirement Fund.



The Meeting serves as a great place for Bar members to bond with their colleagues.



Martha A. Holt, Esq., and Barbara L. Margolis, Esq. connected during an Annual Meeting break.

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Past Bar President Lise M. Iwon with *Civil Unions, Marriage and Relationship Recognition for Same-Sex Couples* seminar speaker Karen Loewy, Esq.



Bar President William J. Delaney expressed his gratitude for the support he received during his Presidency, praising the practice of law and the members of the Bar Association.

RI Supreme Court Chief Justice Paul A. Suttell delivered his State of the Judiciary Address at the Friday Annual Meeting Luncheon.



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Our Local Hero: Bruce W. McIntyre, Life-Saver and Bar Officer

The sea was angry on Saturday, June 3, 2012. It was a dark and stormy day, with winds howling out of the Southeast and huge, breaking waves. Rhode Island Bar Association Officer and Jamestown resident Bruce W. McIntyre, out walking his dog, spotted a vessel in distress off the rocky and treacherous shore of Beavertail Point. With a Coast Guard boat vainly trying to provide assistance in the wild seas, Bruce captured the unfolding crisis in dramatic photographs, then rushed to the waterline and, buffeted by the wind and the salt spray, helped haul a survivor to safety. The combination of heroism and photographic artistry was heralded by the *Providence Journal*, and in a Rhode Island Senate Resolution, "Honoring Bruce McIntyre for His Heroic Actions." The Bar salutes Bruce!



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My 12 years of working in 3 different prosecutors' offices (Manhattan 1982-84; Miami 1984-88, R.I.A.G. 1988-94) has led to my enduring commitment to seek justice.

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New Bridge the Gap Mandatory CLE for New Attorneys Debuts in April

The new *Bridge the Gap Mandatory Continuing Legal Education Program** is specifically designed to help new Rhode Island attorneys make a smooth transition from law school to law practice. The one-day program was first offered live in April, and also through an on-demand broadcast, made available after the seminar, through the Bar's web-

site. The program featured a series of educational seminars, taught by a stellar panel of experienced Rhode Island attorneys, providing information and insights on a wide range of topics. Over 60 attendees were welcomed by Rhode Island Supreme Court Chief Justice Paul A. Suttell and Bar President William J. Delaney.



**Pursuant to the Rhode Island Supreme Court order all new attorneys licensed in Rhode Island, who are sworn in less than three years in another jurisdiction, must complete the Bridge the Gap program. The program must be completed by June 30, 2013 for those sworn in January 1, 2011-June 30, 2012. An on-demand broadcast of this program was made available after the seminar date at www.ribar.com and additional live programs will be offered in the fall for those unable to attend on April 27. Registration for the on-demand program must be completed online.*

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Lawyers on the Move

Richard K. Corley, Esq. moved the law offices of Corley & Associates to 4060 Post Road, Warwick, RI 02886. 401-272-1700

Patricia Coyne-Fague, Esq. was promoted to Assistant Director of Administrative Services for the Rhode Island Department of Corrections.

Anthony S. Buglio, Esq. is now with the law firm of Marasco & Nesselbush, LLP, 685 Westminster Street, Providence, RI 02903. 401-274-7400 abuglio@m-n-law.com

Mark H. Grimm, Esq. is now Senior Trial Counsel at Marasco & Nesselbush, LLP, 685 Westminster Street, Providence, RI 02903. 401-274-7400 mgrimm@m-n-law.com

Amy Kullenberg, Esq. is now Staff Attorney at the Conservation Law Foundation, 55 Dorrance Street, Providence, RI 02903. 401-351-1102 akullenberg@clf.org www.clf.org

Miriam A. Ross, Esq. received the U.S. Small Business Administration's 2012 Rhode Island and New England Woman in Business Champion award.

Robert Ellis Smith, Esq., publisher of *Privacy Journal* newsletter and Providence lawyer, is teaching a course on the law of privacy at Roger Williams University this fall and a summer course for high school students at Brown University, *How the Legal System Works*.

David W. Zizik, Esq., of Zizik, Powers, O'Connell, Spaulding & Lamontagne, P.C., 40 Westminster Street, Suite 201, Providence, RI 02903, was elected 2012-2013 President-Elect of the Association of Defense Trial Attorneys. 401-421-1238 dzizik@zizikpowers.com www.zizikpowers.com

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

Bar's Volunteer Lawyer Program and RWU School of Law Provide Free Family Mediations



Front row l-r: Roger Williams University School of Law (RWUSL) student Lauren Casola; RWUSL Clinic Administrator Margie Caranci; RWU student Lindsey Hanson. Middle Row l-r: New England Law School Student Jarad Lepore; RI Family Court Clerk Cheryl Witt; RWUSL student James Rhodes; RWUSL Professor Bruce Kogan; RWUSL student Chafic George; Mary Kay Stewart, Esq. Back Row l-r: Aaron Greenlee, Esq.; RWUSL student Sean Doherty; RWUSL student Angie Tinsman; RWUSL student Brian Tavares; Neville Bedford, Esq.; Dadriana Lepore, Esq.; RWUSL student Christopher Selig.

Attorneys from the Bar's Volunteer Lawyer Program (VLP) and the Roger Williams School of Law (RWUSL) Mediation Clinic students, under the supervision of Professor Bruce Kogan, partnered for a Family Law Mediation Day Clinic at the Bar Association in Providence. Eight couples received *pro bono* mediation services and referred to VLP attorneys to finalize the process. This collaborative effort began providing alternative legal assistance to low income litigants with uncontested or nominal matters in 2010, and now offers clinics twice a year.



Roger Williams University School of Law students Angie Tinsman and James Rhodes working with a couple at the mediation clinic.

Live! From the Bar! It's CLE Seminar Simulcasting!

The Rhode Island Bar Association is now presenting live, streaming-video simulcasts, on the web, of designated Continuing Legal Education (CLE). Throughout the year, selected CLE seminars are offered as both in-person classroom programs *and* as real-time, live, streaming-video simulcasts on the web. For those choosing simulcasts, CLE seminar course materials are included in a PDF format.

Except where the RI Supreme Court's carryover credit limitation applies, there is no limit to the number of credits Bar members may accrue by participating in real-time, live, streaming-video simulcasts of CLE seminars. However, the 3.0 credit limit, established by the RI Supreme Court for

watching pre-recorded CLE seminars via the web – as opposed to real-time, live, streaming video simulcast CLE seminars – remains in effect. Self study seminars, including those in podcasts, dvds, cds, and stand-alone, printed transcripts of seminars, *do not* receive CLE credit.

To find out which Bar CLE seminars are available as simulcasts, please check the CLE Calendar available on the Bar's website at www.ribar.com. If you have any questions about the Bar's CLE seminars, please contact the Bar's CLE office by telephone: 401-421-5740 or email: tnieves@ribar.com.



SOLACE

Helping Bar Members in Times of Need

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

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

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

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

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

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

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

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

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In Memoriam

John F. Bomster, Esq.

John F. Bomster, 77, passed away on April 24, 2012. He was born in New Haven, CT to Cyril I. and Helen O'Meara Bomster. He graduated from Branford High School in 1952, and served in the U.S. Army from 1953 to 1955. He attended night school at the University of Bridgeport and graduated Magna Cum Laude in 1961 with a B.A. in economics. He attended night school at the University of Connecticut School of Law and graduated first in his class in 1965. He worked in the legal department of the New York, New Haven and Hartford Railroad. In 1970, he became a corporate counsel for the trustees of the Penn Central Railroad, in Philadelphia. In 1972, he and his family moved to Rhode Island, where he joined the Providence law firm of Adler Pollock Sheehan, P.C. He directed the litigation department and became managing partner of APS. He moved to New Hampshire in 1995 where he remained Of Counsel to APS. He also worked as a solo practitioner and provided counsel to New Hampshire Legal Assistance. He served as a Selectman for the Town of Bristol, NH. He argued a case before the U.S. Supreme Court and was a member of the American Bar Association Litigation Section, as well as the Rhode Island, Connecticut, Maine, New Hampshire, Pennsylvania, and Rhode Island Bar Associations. His honors include a Special Five-Year Award from New Hampshire Legal Assistance in 2001 Award on Behalf of New Hampshire Children from New Hampshire Legal Assistance, 2005 Distinguished Service to the Profession Award from the New Hampshire Bar Association, 2006 Distinguished Alumni Award from the University of Bridgeport, 2008, and the Award of Merit from the Rhode Island Bar Association, 2010. A lifelong sailor, his hobbies also included skiing, playing the piano, reading classic literature, and competitive equestrian events, where he attained master level in dressage. He served as lector and choir member at numerous Roman Catholic parishes, including St. Lukes, in Barrington, RI, and most recently

Holy Trinity, in Bristol, NH. He is survived by his wife of 57 years, Sonya Bodie Bomster, sons: Mark of Baltimore, MD, and Matthew of Providence, RI, daughters: Johannah Bomster of Minneapolis, MN, Rebecca Perkins of Porter, ME, and Judith Bomster of Manchester, NH, and two brothers: William Bomster of Stonington, CT, and David Bomster of No. Stonington, CT.

Herbert Katz, Esq.

Herbert Katz, a resident of Rumford for 53 years, passed away on April 24, 2012, at the age of 91. He was the beloved husband of Gertrude M. Markman Katz. Born in Pawtucket, he was a son of the late Henry H. and Rose Millman Katz. Herbert received a bachelor's degree in political science at Brown University and a law degree at Boston University. He served in the U.S. Army during World War II and the Korean War, achieving a rank of 1st Lieutenant. He practiced law in Pawtucket for over fifty years. He was a past president of the Pawtucket Bar Association and a member of the Rhode Island Bar Association for over sixty years. He was a former probate judge of the City of East Providence. Herbert was a life member of the Disabled War Veterans. He was a member of Temple Beth-El and an associate member of Hadassah. Along with his wife, he is survived by his son Henry H. Katz, Esq. and his wife Patricia.

John Vaughan Kean, Esq.

John Vaughan Kean, 95, of 355 Blackstone Boulevard, Providence, and 518 West Main Road, Little Compton, passed away on June 4, 2012. He was born on March 12, 1917, the son of Otho Vaughan and Mary Duell Kean and lived in Rhode Island most of his life. His education included Loomis School, Windsor, CT, Harvard College, and Harvard Law School. He was also a graduate of the Army War College. Upon graduation from law school, John was engaged as an associate by the Providence law firm of Edwards & Angell. He later became a partner and, for several years, chairman of the

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In Memoriam (continued)

firm's executive committee. He was admitted to the Rhode Island Bar in May 1942 and, except for periods of active military service, remained in the active practice of the law in the state and federal jurisdictions until his retirement from the firm in 1987. During World War II, he enlisted in the Army, completed officer candidate school, attended the U.S. Army Command and General Staff College, and served overseas in India and China. After the war, he joined the 43rd Division Artillery of the Rhode Island National Guard and, as a member of the Division's General Staff, served overseas in Germany during the early years of the Korean Emergency. He remained in the National Guard as a senior officer in command and staff assignments until his retirement in 1972, having attained the rank of Brigadier General. His decorations included the Legion of Merit. He had numerous civic and philanthropic interests including, among others, many years of assistance to high school students with respect to college admissions and financial aid; active participation in the Greater Providence YMCA as a director, as well as chairman, of its Downtown division; the Alexis de Tocqueville Society of the United Way; the Urban League; and the Nature Conservancy. He attended Grace Church and Saint Martin's Church in Providence and Saint Andrew's-by-the-Sea in Little Compton. Other active memberships and interests included the American and Rhode Island Bar Associations, the Association of the U.S. Army, National Guard and Reserve Officer Associations, the Rhode Island Society of the Cincinnati (Hon. Member), the Society of Colonial Wars in Rhode Island, the Harvard Club of Rhode Island (of which he was president 1964-66), and the Providence Committee on Foreign Relations (of which he was chairman 1994-2000). At the time of his death, he was also a member of Agawam Hunt, the Hope Club, the Providence Art Club, the Sakonnet Golf Club, the Warren's Point Beach Club, and the Army and Navy Club (in Washington, D.C.).

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Charles A. Nardone, Esq.

Charles A. Nardone, 79, passed away on April 19, 2012. Born in Westerly, he was the son of the late Sabino and Mary Nardone. He attended the Immaculate Conception School, Westerly High School and the University of Rhode Island, receiving his law degree from Boston University Law School. After serving in the U.S. Army, he practiced in Westerly, moving from solo to a partner in Nardone, Turo & Nacarato, retiring after 38 years of practice. He served as attorney for the Westerly Fire District, Municipal Conservation Commission Chairman, founder and first president of the RI Conveyancers Association, president and treasurer of the Washington County Bar Association, RI Mobile Sportsfishermen's counsel, local counsel to several banks, and as a charter member of the Rhode Island Bar Association's Title and Standards Committee. He enjoyed spending the winter at his ranch in Oatmeal Texas, and he was an avid water and outdoor sportsman. He organized the largest Nardone family reunion, attendee by 385 family members. He is survived by his loving and devoted wife Nelda, his sister Angela Dolly Wardman, and his three children: Charles Mark and his wife Rose of Lakewood Ranch, FL; Andy of Wendell, MA; and Cynthia Cooke and her husband Jeff of Royalston, MA.

Hon. Gordon M. Smith

Gordon M. Smith passed away on March 30, 2012. He was the beloved husband of Patricia A. Hart Smith. Born in Providence, a son of John Smith, Jr. of West Warwick and the late Lorna T. Lautieri Smith, he was a lifelong resident of West Warwick. Mr. Smith was an attorney for many years before being sworn in as a Magistrate of the Superior Court. He was a graduate of West Warwick High School, Rhode Island College and Suffolk University Law School. He was a former prosecutor for the Town of West Warwick, member and one-time chairman of the West Warwick Democratic Committee, a member of the West

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Warwick Lions Club, Sons of Italy, Natick Lodge, Natick German Club and a former member of West Warwick Lodge of Elks. He was an avid traveler, a NY Yankees and NY Giants fan and loved his dog Fallon. Besides his wife and father he leaves two brothers, John W. Smith and his wife Janet of Warwick and Timothy M. Smith of Portsmouth.

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.

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Memoriam
July 2011 – June 2012

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 John F. Bomster, Esq.
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 Christopher T. DelSesto, Esq.
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