



Rhode Island Bar Journal

Rhode Island Bar Association Volume 67, Number 1, July/August 2018

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Bar Awards and Annual Meeting

**So You Think You're Divorced:
Evaluating the Consequences of Foreign
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Front Cover Photograph by Brian McDonald

Green Animals Topiary Garden, Portsmouth, RI A spiral topiary at Green Animals Topiary Garden in Portsmouth, RI, one of more than 80 sculptured shrubs on a seven-acre site bordering Narragansett Bay, including animals, birds, geometric patterns and other ornamental designs, some of them more than a century old. The garden today is maintained by The Preservation Society of Newport County and open to the public seasonally.



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Direct advertising inquiries to the Editor, Kathleen M. Bridge, Rhode Island Bar Journal, 41 Sharpe Drive, Cranston, RI 02920, (401) 421-5740.

USPS (464-680)ISSN 1079-9230

Rhode Island Bar Journal is published bimonthly by the Rhode Island Bar Association, 41 Sharpe Drive, Cranston, RI 02920.

PERIODICALS POSTAGE PAID AT PROVIDENCE, RI

Subscription: \$30 per year

Postmaster

Send Address Correction to:
Rhode Island Bar Journal
41 Sharpe Drive
Cranston, RI 02920

www.ribar.com

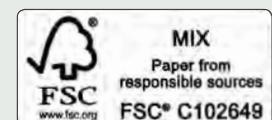
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Add the Mentor, Hold the Mayo



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

“...my focus is on how we – you and I – individually and collectively, can be game-changers when we put into action the concept of human capital. By sharing our skills, knowledge and experiences with each other, we can increase our productivity, profitability, and professionalism as legal practitioners.”

The date was November 24, 1980. The time was around lunch time. The place was McGarry’s Restaurant, a former stalwart located on the street level of the Howard Building in Kennedy Plaza. I was wearing a dark blue pinstripe skirt and matching jacket purchased specifically for that day. This day was my very first day reporting to work as an attorney. My lunch partner (who for the past 30 years has been my law partner) was, on that day, my boss. For all the bravado I displayed at the two interviews I had with him before being hired, I was feeling awkward and somewhat intimidated. I have never been comfortable when eating with strangers, and he was very much a stranger to me. I was intimidated because

this stranger was well-known and respected in the legal community, whereas I knew no one and nothing, other than, apparently, just enough black letter law to pass the bar exam. We engaged in obligatory chit-chat and filled in some of the holes left from our prior meetings. I also learned, with disappointment, that I had no “Monday morning quarterback” with whom I could relive

weekend buzzer-beaters, no-hitters, or fifty-yard field goals. I was a lover of sports; he was not. But we both loved sports cars, and I made a mental note of this fact so I would have at least one topic upon which to disrupt uneasy silences at our next awkward lunch.

After the check was paid, my boss removed his right elbow from the back of his chair, squared his arms and shoulders, and said, “Listen and listen carefully – three pieces of advice if you want to continue working for me – your word is your bond; don’t sleep with dogs because you will wake up with fleas; and if you ever lie to a judge or to me you are fired.” (“Word” “bond” “fired” “dogs” “fired” “lie” “judge” “fired...”) As these words scrambled about my brain, my easy breathing left me and I wondered why he was talking about firing me when I hadn’t even drafted a pleading or walked into a courtroom with a case file and yellow pad. It did not take long for the words of his

advice to adjust in my temporal lobe. His advice became crystal clear. I got it. I understood. I said nothing but nodded my head in assent.

For me, the practice of law has not appreciably changed since 1980. Back then, in order to practice law, I needed a client. I still do. Back then, to obtain a divorce for a client, I needed a judge and a final judgment. I still do. Back then, when countless hours of case review and research moved me no closer to resolving the legal conundrum that was going to make or break my case, I called upon a more knowledgeable attorney for advice. I still do.

This is not to say, however, that *how* we practice law has not changed. No one can deny that technology has been a dramatic game-changer and has redefined how we communicate, prepare for and conduct trials, and employ artificial intelligence to predict outcomes. Technology has also redesigned how we maintain the business side of our practices. But the purpose of this message has nothing to do with technology. Rather, my focus is on how we – you and I – individually and collectively, can be game-changers when we put into action the concept of human capital. By sharing our skills, knowledge and experiences with each other, we can increase our productivity, profitability, and professionalism as legal practitioners.

So what does any of this have to do with an awkward lunch, dogs and fleas, and prevaricating? Upon leaving that restaurant on that day in November 1980, I realized I not only had a sandwich with my boss, but I had my first session with my mentor. What was my take-away from this lesson? If I was going to achieve any modicum of success as a lawyer, I had to be trustworthy, have respect for myself and my colleagues, and be honest in my dealings inside and outside the courtroom. The advice given to me that day was merely a morsel of what was to come. Practical guidance and constructive criticism was given freely and consistently. All I had to do was knock on his office door. This mentoring relationship, along with long and lonely hours of preparation and more preparation, and taking advantage of the Bar Association’s CLE seminars, allowed me to develop a style of lawyering that was better suited to my personality and achieve confidence in my decision-making abilities.

To each member of the Bar who is just beginning his or her practice, get a mentor. Establish this relationship before a phone call or email is crisis-driven. Often time, law firms have in-house mentoring programs. If participation is not mandatory, then volunteer to participate. If your firm does not have a program, then you, as well as all sole practitioners, are urged to participate in the Bar Association's Mentoring Program. For the asking, you will be paired with a seasoned lawyer ready to offer guidance and support on issues dedicated to a particular case or to general areas of your practice.

I also encourage lawyers to participate in reverse mentoring. Many attorneys of a certain age are not as technologically savvy as our younger counterparts. To recently admitted attorneys, I remind you that *Pong* was the breakthrough computer game when more than half of the current members of the Bar began their practices. Some need guidance with the hardware and some need guidance with the software. Regardless of your legal experience, your tech experience is in demand.

Experienced lawyers are eager to impart

their knowledge and expertise. Reach out to them. Reach out to me. However, forewarned is forearmed. We love to tell stories. And we don't make them up. Each story is based on real facts, real people, and real judges. (Law school taught us to call them "cases." I prefer to call them "stories.") Don't be surprised when five or ten years from now you will recall that story and use it to your advantage. You may even pass it on to the next group of new lawyers.

I am closing my first President's Message with some fun facts about myself. My outfit described in the first paragraph of this column was a size 10 (ouch). For lunch on 11/24/80, my sandwich was really a hamburger with mustard (never mayo) and I washed it down with a Root Beer. I still love sports and like nothing better than to toss a football (nowadays, smaller than "junior" size, but never a Nerf) and catch a baseball in my Hutch glove. My starting salary was \$15,000 a year and I had to pay for my own parking. Oh, yes, when I graduated from law school, my student loan was \$7,800 and my payment, payable to Columbus National Bank, was \$80 per month (I hear your groans...). ◇

Rhode Island Bar Journal

Editorial Statement

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

Article Selection Criteria

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

Direct inquiries and send articles and author's photographs for publication consideration to:
Rhode Island Bar Journal Editor Kathleen Bridge
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Good Business for Good Lawyers



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

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

Membership in the Rhode Island Bar Association's Lawyer Referral Service (LRS) is an excellent and inexpensive way to increase your client base and visibility within the community while expanding public access to legal representation. Optional special LRS projects include: **Ask A Lawyer** providing live, television studio lawyer panels in partnership with Channel 10; **Senior Citizen Center Clinics** throughout the year and the state; **Reduced Fee Program** offered to qualifying clients; and the **Arts Panel** for local artists' legal needs all offer unique opportunities for increasing your business while you provide an important public service to your community.

Applications and more detailed program information and qualifications may be found on our website ribar.com in the Members Only section. You may also request information by contacting Public Services Director Susan Fontaine at 401-421-7799 or email sfontaine@ribar.com.

New Rhode Island Bar Association President and 2018-2019 Executive Officers



New Rhode Island Bar Association President

Past Rhode Island Bar Association President Linda Rekas Sloan passed the Bar's gavel to new Bar President Carolyn R. Barone who thanked Linda for her inspiring leadership and pledged to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2018-2019 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2018 Annual Meeting. [l to r] Carolyn R. Barone, Esq., President, senior partner, Kirshenbaum Law Associates; David N. Bazar, Esq., President-Elect, senior partner, Bazar & Associates; Richard P. D'Addario, Esq., Treasurer, principal, The Law Offices of Richard P. D'Addario; and Lynda L. Laing, Esq., partner, Strauss, Factor, Laing & Lyons.

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Rhode Island Bar Association 2018-2019 Officers' Profiles



CAROLYN R. BARONE



DAVID N. BAZAR



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LYNDA L. LAING

Carolyn R. Barone, Esq. is President of the Rhode Island Bar Association. She was admitted to practice law in the state courts of Rhode Island in 1980. She is authorized to practice law in the Federal District Court and the United States Supreme Court. Her law practice is concentrated in all aspects of family law. She has been honored through peer recognition as a “Super Lawyer” by Thomson Reuters and designated as a Top Attorney in the state of Rhode Island. She has been on the faculty of many seminars devoted to family law and has lectured on domestic relations practice for the Rhode Island Bar Association and the National Business Institute. She is a contributing author to *A Practical Guide to Divorce in Rhode Island*, First Ed., published by MCLE, Inc., 2009, on the topic of Business Valuations. She graduated magna cum laude from Bryant University and cum laude from New England Law/Boston. In addition to being an officer of RIBA, she serves on the House of Delegates and the Public Service Involvement Committee. Attorney Barone is a long-standing participant in the Rhode Island Bar Association’s Volunteer Lawyer Program and has received both the Pro Bono Publico and the Continuing Service Awards. She is former president of the Edward P. Gallogly Family Law Inn of Court. She resides in North Providence with her husband, Michael Konstan.

David N. Bazar, Esq. is President-Elect of the Rhode Island Bar Association. He is the senior partner of Bazar & Associates in East Providence. He is a graduate of the Providence Country Day School and Trinity College. He is a member of the Rhode Island Bar Association Executive Committee and the House of Delegates, and he is a Fellow of the Rhode Island Bar Foundation. He served as

Editor In Chief of the *Rhode Island Bar Journal* and on several standing Bar committees. He actively participates in the Bar’s Volunteer Lawyer Program, Lawyers for the Elderly, and the U. S. Armed Forces Legal Services Project. He is the recipient of the Rhode Island Bar Association’s 1987 *Pro Bono Publico* Award and the Bar’s 1998 Continuing Service Award. David and his wife Susan reside in East Greenwich, Rhode Island.

Richard P. D’Addario, Esq. is Treasurer of the Rhode Island Bar Association. He is a solo practitioner with an office at One Courthouse Square in Newport, presently concentrating in real estate, probate and related litigation. After graduating from Boston College and New York University Law School, he came to Rhode Island as a Vista Volunteer at Rhode Island Legal Services where he worked for five years before going into private practice. He is admitted in both Rhode Island and New York, the United States District Court of Rhode Island and the U.S. Supreme Court. He has been a long-standing member of the House of Delegates and the Executive Committee and he chaired the Annual Meeting in 2015. He has been the Probate Judge in the Town of Tiverton since 1993 and in Little Compton since 2014. He is also serving as the Municipal Court Judge in Portsmouth which was founded in 2014. He is a member of the Supreme Court Unauthorized Practice of Law Committee, which he chaired for over ten years. He has an active law practice in Newport, has served on the boards of numerous non-profit organizations and he is a Fellow of the Rhode Island Bar Foundation. He has been a participant in the Bar Association’s Volunteer Lawyer Panel for many years.

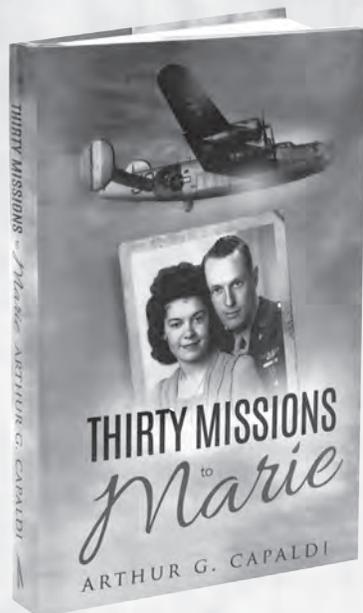
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Lynda L. Laing, Esq. is Secretary of the Rhode Island Bar Association. She is a partner at Strauss, Factor, Laing & Lyons concentrating her practice to creditors' rights. Lynda graduated from Albion College and earned her law degree from Case Western Reserve University. She has been nominated as a "Super Lawyer." Lynda has taught numerous seminars for the Rhode Island Bar Association and other national groups. She was Chairperson of the District Court Bench/Bar Committee, the Annual Meeting Committee and the Committee on Limited Scope Representation. Lynda is married to Thomas Lyons, Rhode Island Bar Association President 2007-2008, and has two daughters.

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MARITIME LAWYER

So You Think You're Divorced: Evaluating the Consequences of Foreign Divorces in Immigration Processes



Joseph Molina Flynn, Esq.
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Providence

Divorce is tricky. For most, divorce is a trying time rife with emotions and controversy. In a typical divorce there are several issues to be decided: child custody, support, alimony, division of assets and debts. For some, there are far deeper issues to be considered, including, whether the divorce is valid for purposes of future immigration proceedings.

Immigration affords United States citizens the opportunity to confer immigration benefits on their spouses.¹ Notwithstanding additional barriers for individuals who entered the country without appropriate documentation, an immediate relative petition can bestow upon an immigrant the benefit of obtaining lawful permanent resident status through the adjustment of status process.² But, what if either party was previously married? A copy of the document terminating the previous marriage must be submitted to the United States Citizenship and Immigration Service (“USCIS”).³

Divorces in the United States can often be slow and costly. In Rhode Island, for example, the process can take several months or years. Even after the divorce hearing the waiting period allows for the entry of final judgment only after three (3) months from the date of the decision.⁴ In other countries, the divorce process is streamlined, and a divorce can be obtained quickly, often in a matter of days. In some countries, the divorce process does not require the appearance of either party, and a divorce may be obtained through a power of attorney.

Immigration processes, even those which may seem simple at first glance, can become complicated when a foreign divorce is involved. USCIS considers a foreign divorce valid “depend[ing] on the interpretation of the divorce laws of the foreign country that granted the divorce and the reciprocity laws in the state of the United States where the applicant remarried.”⁵ Rhode Island’s statutory framework does not recognize divorces obtained in foreign jurisdictions by domiciled residents of Rhode Island.⁶ This means that a divorce obtained in a foreign country while both parties resided in Rhode Island is not valid.

It follows that foreign national seeking immigration benefits after a divorce obtained in a foreign jurisdiction—whether it is his or her own divorce or the divorce of the United States citizen

spouse—must tread carefully. If the divorce was obtained while both parties resided in the United States, then the divorce is not valid. Because the divorce is not valid, any subsequent marriage is not valid. The invalidity of the subsequent marriage will result in a denial of any applications for immigration benefits based on the invalid marriage.

One must take steps to cure the defect before filing any applications with USCIS. First, a valid divorce must be obtained whether in Rhode Island or in another competent jurisdiction with personal jurisdiction over the parties. The foreign national must plead the Court to enter the divorce *nunc pro tunc* to the date of the foreign divorce, or he or she must remarry after the new divorce. Once the divorce is entered *nunc pro tunc* or the parties are remarried, they may proceed to file their documentation with USCIS.

Family practitioners, while not immigration practitioners, must be mindful of these procedures and advise clients accordingly. Similarly, immigration attorneys should be well-versed in these issues to avoid costly mistakes for clients.

ENDNOTES

¹ See, 8 U.S.C. 1151 § 201(b)(2)(A)(i), *Immigration & Nationality Act (“INA”) § 201(b)(2)(A)(i)*; See also, 22 CFR § 42.21, “An alien who is a spouse of a United States citizen . . . shall be classified as an immediate relative.”

² See generally, INA § 245.

³ See, *Instructions for Form I-130*, available at <https://www.uscis.gov/i-130>.

⁴ See, R.I. R. Dom. R. P. 58(a)(3).

⁵ See, *Policy Manual c. 2, Vol. 10, § A. 2., United States Citizenship and Immigration Services*, available at <https://www.uscis.gov/policymanual/HTML/PolicyManual-Volume12-PartG-Chapter2.html>.

⁶ R.I. Gen. Laws § 15-6-2. ◇

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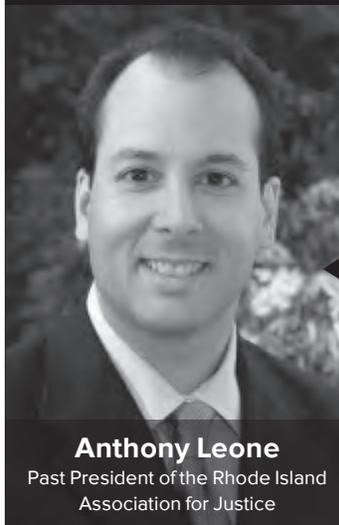
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Fifty Years: My Life as a Lawyer and Beyond

Philip M. Weinstein, Esq.

Through a request sent to our Honorary Members of the Rhode Island Bar Association, we are able to present to our readers the remembrances of our most august Bar members. These colleagues, enjoying 50 years or more as a Bar member, share some of their noteworthy accomplishments that enhanced the practice of law and improved the system of justice in Rhode Island.

My name is Philip M. Weinstein. I was admitted to the Rhode Island Bar in November 1968. At the Annual Meeting Luncheon on June 22 I received a plaque commemorating my fifty years as a member of the Rhode Island Bar Association. The impetus for this article was my request of Helen McDonald to speak to my colleagues and their guests at the Annual Meeting Luncheon upon receiving my plaque. Helen suggested that I write an article for the *Bar Journal* discussing my experience as a lawyer and my life after retirement, which includes my living part of the year in Costa Rica, which I have done for the past 11 years.

I will begin at the beginning of the circumstances that led to my decision to attend law school. It was June 1965 when I recently graduated Boston University and the government was drafting men to serve in the army to fight in Vietnam. The Vietnam War was very controversial and I had attended talks by professors opposed to the US involvement in the War. I decided that the best course of action was to enlist in the Coast Guard, a safe branch of the military. I was rejected due to having flat feet even though I was an avid runner. My college friends were going to attend law school so I applied that July to Drake University in Des Moines, Iowa. Iowa, because my sister and her then husband were going there for one year and I said, why not me too? Shortly after arriving at Drake, I met a woman whom I began to date. She spent afternoons at an inner city settlement house where minority children would go to after school. I soon joined her at the settlement house. This exposure to inner city life led me to transfer to Howard University School of Law in Washington, D.C. I was in the minority of 10% white students in the law school.

I enjoyed two wonderful years at Howard, becoming friends with fellow students, male and female, many of whom were from the South. My best friend, Clarence J. Jones, was from Montgomery and participated in the march between Selma



Attorney Weinstein serving pork at a charity event to raise money for the Playa Hermosa School in Hermosa, Costa Rica.

and Montgomery with Dr. Martin Luther King. Clarence went onto to become a judge in Connecticut after working at Neighborhood Legal Services and being a partner in a minority law firm. Clarence and I remain close friends to this day. Two of my professors, Herbert O. Reid and Frank D. Reeves, were intimately involved with Thurgood Marshall in **Brown vs. Board of Education of Topeka**, which established that separate public schools for black and white students was unconstitutional.

Many of my classmates went on to become federal and state court judges, one a Secretary of the Army, another the first black Supreme Court justice in Mississippi, another the long time president of Howard University,

and many prominent attorneys. We were a class of 123 students.

I graduated Howard Law in 1968 and decided to return to Providence where I grew up and had attended Hope High School. In November 1968 I was admitted into the Rhode Island Bar. My first but brief job was with the firm of Abedon, Michaelson, Stanzler and Biener. My interest in joining this firm was to work with Milton Stanzler, a legend of the Rhode Island Bar, doing ACLU work. (Milton, in 1962, proposed the creation of a local theater for Providence which, in 1964, opened as the now nationally renowned Trinity Square Repertoire Company. Julius Michaelson was a long time State Senator and became the Attorney General in 1975). After a few months working at the law firm, Milton told me that my ambition to do ACLU work was admirable, but they also have to put bread on the table which is why they did workers' compensation, divorce, and injury work among other traditional areas of the practice. My employment with the firm was short-lived.

In May 1969, wanting to "find myself and my future," I traveled to Israel to work on kibbutz and learn Hebrew. After a six-month sojourn I returned to Rhode Island and decided to work at my family's



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manufacturing business in Cranston, the Atlantic Tubing and Rubber Company. During my two-year tenure at the company, there was a trial over property damage due to the explosion of its chemical plant, a trial that lasted over six months, one of the longest in the history of civil jury trials in Rhode Island. The trial judge was the Honorable Eugene Gallant. Trial counsel for Atlantic Tubing was Raymond LaFazia and Bruce Selya, both of whom became my mentors and friends.

After a few years of disenchantment with the world of business, I decided to work as a lawyer. My first employment was as a prosecutor as a special assistant attorney general in the administration of Richard J. Israel. My superiors were Albert DeRobbio, who went onto become the Chief Judge of the District Court, and William Dimitri, who later was a Superior Court judge.

I tried many jury trials involving capital cases. One that stands out in my memory involved a drug-related double murder in Providence. The defendant was a notorious murderer, Donald Brant. His accomplice had turned state's evidence, testifying that Brant had shot the victims. Jack Cicilline defended Brant, and, through his mastery, Brant was acquitted. (The jury could not determine who pulled the trigger). The trial judge was Anthony Gianinni. Immediately following the verdict, Brant, who was already incarcerated for another murder, asked the judge if he could address the Court and audience. The judge's memorable response was "it is a public courtroom, you may speak." Brant spoke of the injustice of his being accused of the crimes. He later escaped from the ACI, and was found and killed in Vermont by the authorities.

One day in 1975, I was engaged in another murder trial when Leonard Decof, the then preeminent civil trial attorney, came into the courtroom during the trial to show bar applicants a trial. A few months later Len called me and asked if I would like to work in his new firm. I accepted and thus began my career as a civil trial attorney in the firm of Decof, Weinstein and Mandell. I enjoyed six years of learning the business of personal injury, medical malpractice, and product liability litigation. I enjoyed my time working for Len, along with Mark Mandell and others, handling exceedingly complex matters. In 1982 I decided to leave the firm and become a sole practitioner.

During my early years as a civil trial attorney I became involved with the then Rhode Island Trial Lawyers Association, now the Rhode Island Association for Justice. In the 1980s I served as president. Among my duties were to arrange for speakers at our monthly meetings. Speakers included Judge Bruce Selya, Superior and Supreme Court judges, senior plaintiff and defense attorneys, speakers from the insurance industry, and, of note, Gerry Spence. Gerry was a nationally known plaintiff's attorney: literally the "David," as in David vs. Goliath taking on the powerful and mighty corporations on behalf of injured people. He lived in Jackson Hole, Wyoming. A fond memory is picking Gerry up at the old Green Airport, he having flown himself on his private plane. He was wearing his cowboy hat, boots, and a tasseled suede jacket, a sight to behold. (His books are a must-read for aspiring attorneys wanting to engage in injury work on behalf of plaintiffs). Joe Penza, our vice president, and I spent a couple of hours with Gerry prior to his talk, another memorable experience. Subsequent to my tenure as president I became a Board Member of the National Trial Lawyers Association and had the privilege of meeting many outstanding attor-

neys from around the country.

This article concerning my law practice would not be complete without the mention of the most significant matter I handled in my career. It is entitled **DiPetrillo vs. Dow Chemical Company**. I received a call in the 1991 time frame from Al Gemma, an attorney who referred matters, about a man who, as a teenager, worked for a company spraying chemicals around trees near electric poles here in Rhode Island. Twenty years later he was diagnosed and treated for multiple myeloma cancer. He recalled the Dow Diamond on the cans and thought that the chemical was Agent Orange. After a brief investigation, including a conference with his oncologist who advised that he was of the opinion that the cancer was caused by the chemical exposure, I commenced the claim of **Terry DiPetrillo vs. Dow Chemical Company**. Not wanting to reinvent the wheel as a class action that was unsuccessfully tried in the Federal Court in Brooklyn on behalf of Vietnam Veterans against manufacturers of Agent Orange, I enlisted the assistance of an attorney who was involved with that litigation. Anthony D. Pyle of Pittsburgh brought a wealth of knowledge and experience, included brilliant medical experts, and became my co-counsel. After a month-long trial in Superior Court before Judge Alice Gibney, a verdict in favor of Terry DiPetrillo was rendered by the jury. The verdict was reported by the Associated Press as it was the first time in history that a jury found that Agent Orange caused cancer. I received many calls from Vietnam veterans suffering from cancers asking for representation. (Fortunately for the veterans, legislation was created in Congress to compensate veterans who developed various cancers due to Agent Orange exposure.) An appeal to the Rhode Island Supreme Court by Dow followed. My colleague and close friend Lauren Jones, along with Tony Pyle and I, handled the appeal which affirmed the matter in favor of the plaintiff. **DePetrillo vs. Dow Chemical Company**, along with the earlier United States Supreme Court opinion of **Daubert vs. Merrill Dow Pharmaceuticals**, are probably the most cited cases in Rhode Island and elsewhere concerning the role of trial judge as the "gatekeeper" for the admissibility of expert testimony.

Some reflections on the lawyer's role in society

Simply stated, we are peacemakers sought after by fellow citizens to perform many important law-related services, including in my area of practice, to obtain compensation for people harmed through another's negligence. There have been many judges, federal and state, and lawyers who influenced my philosophy on the practice of law. Our work was performed in a mutually respectful manner both in dealings with each other and with parties engaged in the litigation process. Referring attorneys and clients sought our services because of our work ethic and, most importantly, our reputations for being good at what we did. There was no lawyer advertising in my early days of practice. We pounded the pavement giving talks to local bar associations, and lecturing at CLE classes and at the Bar Association annual meetings to educate colleagues in our areas of expertise and build a referral network. Those were the days before the United States Supreme Court ruled that advertising by lawyers was constitutionally protected. The proliferation of advertising by lawyers has been the most profound change in the practice of law during my career.

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

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

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Words about my involvement with the Bar Association

In the 1990s I became a member of the House of Delegates. At the suggestion of Lauren Jones, I ran for and was elected to the Executive Committee. This led to my climbing the ladder as an officer, eventually becoming president in 2005-2006. My involvement with the Bar Association has been one highlight of my career. There were many controversial and difficult matters which we had to address including, but not limited to, gay marriage (I testified in favor of before a legislative committee), legislation proposed by the insurance industry seeking to limit rights of injured citizens, and the so-called medical malpractice crisis where there was proposed legislation to make it more difficult for plaintiffs to obtain a recovery through screening panels and expert opinion letters to accompany the filing of a complaint. Also we endured through the unfortunate experience of having members of the judiciary charged with criminal wrongdoing. We saw it all and had to publicly respond in the interest of upholding the sanctity of our profession.

Being the Bar President was most rewarding. I was able through my four President's Messages to discuss my thoughts about what lawyering is and should be about. I traveled to ABA meetings in Chicago and met bar leaders from throughout the US. And there was fun—travels to Hawaii and Utah for meetings and to other lovely destinations.

At the annual meeting I chaired in 2006, I chose as our keynote speaker a poet named David Whyte who was very different than the usual speaker, as he is not a lawyer and does not work in law-related areas. David is a person who thinks about life using poetry, his own and others, to illustrate what is important in life. I had heard David speak during a retreat in Vermont having been introduced to his work through a fellow member of a men's group some years earlier. I had traveled with David in a group of 35 people to the village of Ballyvaughan located on the West Coast of Ireland for a ten-day spiritual retreat. At the annual meeting, David's theme was to ask the difficult questions about aspects of our personal or professional lives, the ones we shy away from asking or not wanting to think about.

My life beyond the practice of law

Upon the conclusion of my presidency and well into my mid-60s, my thoughts turned to an alternative life to being a practicing lawyer. In the fall of 2006 my wife Joanie and I traveled to Costa Rica where I had visited some years before. Our interest was to experience life outside of the US in a different culture



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and learn to speak Spanish. We decided to look for a house in Guanacaste in the northwest of the country on the Pacific coast south of Nicaragua. We agreed to purchase a new home which was under construction. I have become versed in Spanish enough to communicate with people who speak no English and certainly live in a culture very different from the US for five months each year. I do use my legal training and experience in Costa Rica, having served as president of our homeowners association, working with Costa Rican lawyers on water and corporate matters and serving as a go-between for local lawyers and friends engaged in legal controversies. The practice of law is very different in Costa Rica. I never saw a lawyer wear a tie and jacket. The basis for Costa Rican law is the Napoleonic Code. The Costa Rican Constitution states that it is a Catholic country and there is no concept of the separation of church and state. Gay marriage is still not recognized. Costa Rica is a beautiful country with very lovely people. They have no army and no external controversies with its neighbors. "Pura Vida" is the greeting. Pure life.

Looking back at many of life's events, I have always benefited from my legal education, training, and experience. We are trained to be analytical and to calmly look at situations where the anxiety and emotions of people are heightened. Sure, Shakespeare is known to have said "Let's kill all the lawyers." Great, where would the world be today without us? ◇

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



James A. Jackson, Esq., longtime Treasurer of the Rhode Island Bar Foundation, is honored with the Rhode Island Bar Association's 2018 Ralph P. Semonoff Award for Professionalism. Attorney Jackson graduated with an A.B. from Providence College in 1952 and with an LL.B. from Georgetown University Law Center in 1955, where he served as a member of the Georgetown Law Journal Board of Editors. Following his graduation from

law school, he served as Lieutenant Commander in the United States Navy as a lawyer in the Judge Advocate General Department from 1956-1959. Attorney Jackson practiced at Tillinghast, Collins & Graham from 1959-1981, and more recently was a partner at Hinckley, Allen & Snyder until his retirement in 1995. He was Town Solicitor for the Town of Barrington for over ten years. In addition to his many years of service as Rhode Island

Bar Foundation Treasurer, Attorney Jackson is a lifetime member of the Barrington Tap-In, Inc. and currently serves on its Board of Directors. He also serves as Secretary and on the Board of Directors for Friends of Barrington Senior Center, Inc.

Rhode Island Bar Foundation President Michael A. St. Pierre writes, *I have served alongside Jim Jackson as an officer of the RI Bar Foundation for many years. Despite being retired and spending more time with his family here and out of state, Jim, as far as I can remember, has never missed a meeting, a commitment, nor has he ever declined to do all of the extra work that all of us know has to be performed by a Treasurer of an organization. Indeed, the Treasurer's position is generally the key position in any organization not only as it reflects on the financial stability of that organization, but its integrity and its credibility in the community. His body of work and commitment has been extraordinary. Jim has continued giving his time and treasure towards making our legal system more accessible and responsive.*

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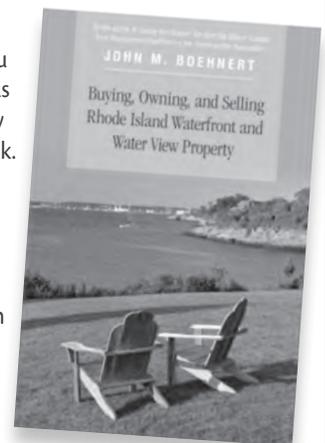
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2018 Florence K. Murray Award

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, Honorable 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.



Dennis J. Roberts II, former Rhode Island Attorney General, is honored with the Rhode Island Bar Association's 2018 Florence K. Murray Award. Attorney Roberts graduated with an A.B. from Fordham University in 1963 and from Boston College Law School, where he served as editor of the law review, with an LL.B in 1966. During 1966-67, he was law clerk to Chief Judge Edward W. Day of the United States District Court for the

District of Rhode Island. Upon completion of his clerkship, he entered the private practice of law. From 1967 to 1978 he was attorney for the Rhode Island Consumers' Council with principal responsibility for drafting consumer protection legislation and representation of the public interest before state and federal regulatory agencies. He also maintained an active litigation practice. Mr. Roberts was elected Attorney General of Rhode Island in 1978 and was re-elected in 1980 and 1982. In the 1980s, Mr. Roberts calculated that he had tried over 200 cases to completion before a jury over the years and had been responsible, as Attorney General, for thousands of other cases under his direct supervision. He is a member of the Rhode Island and New York bars, the bar of the United States District Court for the District of Rhode Island, the bar of the United States Supreme Court, and the United States Courts of Appeals for the First, Fifth and District of Columbia Circuits. Mr. Roberts has served as Chair of the Rhode Island Bar Examiners and of the Diocese of Providence Advisory Board for the Protection of Children and Young People. He is a member or director of a number of civic and philanthropic organizations, and was the recipient of the 2014 Lumen Gentium Award for public service. In his current practice, Mr. Roberts has a general civil litigation responsibility as well as a significant government relations practice, relating to lobbying and administrative law.

According to a letter undersigned by six women members of the Rhode Island Judiciary, including Supreme Court Justice Maureen McKenna Goldberg, Superior Court Associate Justice Melanie Wilk Thunberg, Superior Court Associate Justice Susan E. McGuirl, Family Court Associate Justice Lauren Q. D'Ambra, Family Court Associate Justice Debra E. DiSegna, and District Court Associate Justice Madeline Quirk, *Because of his commitment to expand the role of women at the bar and in the courtrooms, our professional careers were greatly enhanced. Denny Roberts believed in women, he trusted the women lawyers in the Department of Attorney General and he delegated*

significant responsibility and discretion to the Assistant and Special Assistant Attorneys General. Denny Roberts named the first female Deputy Attorney General, the first full female Assistant Attorneys General. In addition, he had little patience for anyone who bemoaned the fact that female members of his staff frequently were in charge. One of his greatest contributions in a career long devoted to the bar and our honorable profession was the many women who were given a chance to prove themselves. Throughout her lifetime, Justice Murray pioneered the causes of women at the bar, on the bench and in our state. Denny Roberts, with his quiet dignity and unfailing kindness and courtesy, not only reflects those ideals, he has lived them.

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Named for its first recipient, Victoria M. Almeida, this Rhode Island Bar Association 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. A servant leader is one who puts the needs of an organization or others before oneself. A servant leader has the innate quality of wanting to serve others and, for that reason, a servant leader takes the care to ensure the needs of others are met.



Helen Desmond McDonald, Executive Director of the Rhode Island Bar Association for the past 33 years, is honored with the Rhode Island Bar Association's 2018 Victoria M. Almeida Servant Leader Award. Helen is a graduate of Emmanuel College and the University of Rhode Island Graduate School of Business Administration. She started her Rhode Island Bar Association career as Assistant Executive Director in 1979, and was

appointed Executive Director in 1985. At that time, the Bar Association, in its rented offices, was comprised of approximately 1,800 members, a staff of three, and had four basic services: the Lawyer Referral Service, Continuing Legal Education seminars, Bar committees, and the *Rhode Island Bar Journal*. Under Helen's leadership, the Rhode Island Bar Association grew

in size and purpose, offering its members a law center to facilitate the delivery of educational programs, practice management services, and professional and personal benefits to its more than 6,500 members. She oversees the administration of the budget, extensive educational programming, publications, and several public service programs, much of which is executed through the day-to-day management of a staff of 13. Helen is responsible for integrating the vision and goals of the Bar's leadership with the management of the Association, while ensuring the Bar's activities are in keeping with its strategic direction. Helen also serves as Executive Director of the Rhode Island Bar Foundation, which manages the law school scholarship programs, administers the Bar's Interest on Lawyers Trust Accounts (IOLTA) program, and funds annual grants to improve the justice system in Rhode Island. She also serves on the National Association of Bar Executives Board of Directors, and is a member of the New England Society of Association Executives, the American Society of Association Executives, and the American Bar Association.

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According to Past President Melissa Darigan: *I have worked very closely with Helen over the years, and can attest to the fact that every decision she makes and action she takes is for the well-being of the Association, its members and the community; she is an advocate for attorneys and provides opportunities for their development as lawyers and as leaders; she shares the values of the Association and has a passion for its mission; she is a consummate professional, and is creative, completely trustworthy and dependable. From member services, strategic planning, education, communications, public policy, lobbying, publications, human resources and financial management, not to mention outreach to the underrepresented litigant population and our award-winning legal services programs which touch thousands of Rhode Islanders every month, Helen knows the Bar Association inside and out and is one of the key drivers of our success. She provides invaluable leadership and guidance on our strategic direction and imperatives, and carries out her administrative duties and financial stewardship with dedication, skill and care. Under Helen's supervision, the Bar Association has stayed relevant with its membership through advances in technology, high-quality CLE offerings, a robust committee structure and good communications through a number of means and social channels. All of this work is completely behind the scenes – never in the spotlight – and it is done with the single mission to improve the lives of lawyers and the administration of justice.*

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.



Jennifer Wims Hashway, Esq., Professor of Legal Practice at Roger Williams University School of Law, and **Peter J. Comerford, Esq.** of Coia & Lepore, Ltd., jointly received the 2018 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for their respective articles, *How to Win Land and Influence Policy: A Practical Guide to Adverse Possession in Rhode Island*, published in the *Rhode Island Bar Journal*: Volume 66, Number 5,

March/April, 2018, and *Black-hearted Trespassers: The Sequel*, published in the *Rhode Island Bar Journal*: Volume 66, Number 6, May/June, 2018. The Writing Award Committee thought the point-counterpoint approach of the articles was one of the highlights of this year's *Bar Journal*.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Professor Hashway and Attorney



Comerford 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 Kathleen Bridge via email: kbridge@ribar.com. For information, telephone (401) 421-5740.

As a reminder, Professor Hashway and Attorney Comerford's articles, and the full contents of *Rhode Island Bar Journals* from the July/August 2009 issue forward, are available online, by clicking on the *Bar Journal* link on the Bar's website. These articles, 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.



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2018 Volunteer Lawyer Program Pro Bono Publico Award Recipients

Established in 1987, this award recognizes the outstanding efforts of attorneys who have provided equal access to justice to the needy through a Rhode Island Bar Association Pro Bono Program during the past two years. Selection for this award is based on the number of cases accepted, case type and difficulty, the number of pro bono hours, and total length of service through the programs. Additionally, qualities considered include the attorney's professionalism, compassion and commitment to public service.

This year's Pro Bono Award recipients, Denise Acevedo Perez and Peter J. Rotelli, have made exceptional contributions through the Volunteer Lawyer Program and Foreclosure Prevention Project. These two attorneys are outstanding representatives of the contributions and support given by sole practitioners throughout the state.



Denise Acevedo Perez, Esq. graduated from Bennett College for Women. She earned a Master in Public Administration from Pace University and a JD from Pace University School of Law (now Elizabeth Haub School of Law). Denise is a sole practitioner at the Law Office of Denise Acevedo Perez in Johnston and practices in several areas of law including immigration, family law and criminal defense. She is also admitted to practice in Massachusetts.

Denise joined the Volunteer Lawyer Program (VLP) in 2015, as well as the Bar Association's Lawyer Referral Service & Referral Service for the Elderly, soon after becoming a member of the Rhode Island Bar Association. She is an active member of the Bar's Public Service Involvement Committee, Criminal Law Bench Bar Committee, and Family Court Bench Bar Committee. As a speaker for the 2017 VLP seminar series *Custody & Litigation Issues*, she addressed strategies for representing undocumented clients in family court. Additionally, Denise moderated the workshop *Intro to Immigration Bond and Custody* at the Bar Association's 2018 Annual Meeting.

In 2016 Denise volunteered for the newly instituted Partners Overcoming Domestic Violence Project (PODV) and became an integral part of a collaborative team approach to provide long-term solutions for survivors of domestic violence. The following year she became a member of the PODV advisory committee to plan the continuance of the program in 2018.

Denise's pro bono efforts extend beyond family law. One such case involved representing a very distressed elderly Spanish speaking client in the contested guardianship of her husband, who was in the late stages of Alzheimer's. Her husband's children, who hadn't seen or spoken to him for 20 years, were contesting the guardianship claiming there was mistreatment. Denise established that the client had properly cared for her husband from the beginning of his illness, and always had his best interests at heart. The guardianship was granted.

Her exemplary commitment to the VLP over the past two years included accepting 11 pro bono cases and contributing 200 plus pro bono hours. There is a continual need for volunteer attorneys to accept family law/domestic violence cases. Without hesitation, Attorney Acevedo Perez answered the call

for pro bono representation while exhibiting patience, compassion, and resolve.



Peter J. Rotelli, Esq. graduated from Brown University, and received his law degree from Suffolk University School of Law and LLM in Taxation from Boston University. He is a sole practitioner in East Providence where he practices real estate and corporate law. In 2013 he joined the Volunteer Lawyer Program and Foreclosure Prevention Project. In the past two years, Peter has accepted 7 cases and contributed 240 plus hours to the pro bono

effort to help elderly homeowners.

With no thought of recognition and only wanting to help, Peter has saved homes for senior citizens in crisis due to extenuating circumstances. Recently, he accepted a case for a client taken into housing court for code violations. A city redevelopment group agreed to work with the client to make repairs, but the client needed guidance through the required steps to successfully finalize the process. Immediately, Attorney Rotelli agreed to explain his options with the hopes of saving his home. Previous cases have involved seniors having major difficulties contacting and working with mortgage companies to prevent foreclosure. Peter successfully negotiated for them.

In past years, Attorney Rotelli served as counsel to the Rhode Island Supreme Court Disciplinary Committee and as professor of tax law at Bryant University's graduate tax program. He currently is a board member at Access Point RI. This agency serves children and adults with developmental disabilities.

His compassion and willingness to share his time and expertise is evident. His concern and representation of the vulnerable faced with losing their homes has certainly made a tremendous difference in their lives and for our senior community.

2018 Rhode Island Bar Association Honorary Members

At the 2018 Annual Meeting Luncheon, the Rhode Island Bar Association recognized and honored the distinguished attorneys who achieved a noteworthy 50 years of service to the legal profession. While not all the Honorary Members were able to attend the Luncheon, those who did ably represented this outstanding group.

Honoring our colleagues achieving fifty years of legal service



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 Ernest Barone, Esq.
 E. Colby Cameron, Esq.
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**The Rhode Island Supreme Court licenses all lawyers in the general practice of law.
The Court does not license or certify any lawyer as an expert or specialist in any particular field of practice.*

2018 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



The Rhode Island Law Day (RILD) Committee, with particular help from Rhode Island Bar Association, the Rhode Island Judiciary, Roger Williams University School of Law, and the Rhode Island Police Chiefs' Association, sponsored the 2018 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest. Open to all Rhode Island 10th and 11th grade students, the Contest focused on *Separation of Powers: Framework for Freedom*, the same topic offered through this year's RILD Classroom Programs.

Alison McCadden, a student at Narragansett High School, won first place in this year's contest. Alison received a \$1,000 scholastic award made possible through the combined generosity of the Rhode Island Bar Association and the Rhode Island Police Chiefs' Association. She also received a personalized engraved trophy cup, and her school received the *Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest* trophy cup for a one-year display, and a permanent plaque commemorating Alison's achievement. And, thanks to the generosity of the Edward P. Gallogly Family Law Inns of Court, a second place winner, Trinity Reitzell, another Narragansett High School student, was awarded a \$250 scholastic award and a personalized engraved trophy cup.

Celebrating Alison's and Trinity's awards during a ceremony at the Supreme Court of Rhode Island were (l to r): Roger Williams University School of Law Assistant Dean of Students Lorraine N. Lalli, Esq., Deputy Director for Community Outreach and Public Relations of the RI Supreme Court Kara A. Picozzi, RI Workers' Compensation Court Associate Judge Alfredo T. Conte, second place essay contest winner Trinity Reitzell, RI Workers' Compensation Court Associate Judge Hugo L. Ricci, Jr., first place essay contest winner Alison McCadden, RI Supreme Court Associate Justice and Law Day Committee Chair Gilbert V. Indeglia, RI Bar Association President Linda Rekas Sloan, Esq., and Central Falls Chief of Police Colonel James J. Mendonca.



Essay contest winners Trinity Reitzell and Alison McCadden received their awards at the ceremony held at the Supreme Court of Rhode Island in June.

Rhode Island Superior Court Associate Justice (ret) and initiator and namesake of the Rhode Island Law Day Essay Contest Award Francis J. Darigan, Jr. presents first place winner Alison McCadden with her trophy. Also pictured: Narragansett High School teacher Mathew Jourbert, Central Falls Chief of Police Colonel James J.

Mendonca, RI Supreme Court Associate Justice and Law Day Committee Chair Gilbert V. Indeglia, and RI Bar Association President Linda Rekas Sloan.



Separation of Powers: Framework for Freedom

Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, the Rhode Island Judiciary and the Rhode Island Bar Association organized volunteer teams of judges and lawyers who delivered law related education programs to 52 upper and middle school classrooms throughout the state. This year, through the involvement of the Rhode Island Police Chief's Association, a number of police officers also took part in the classroom presentations. Lesson plans, including background information, and recommended questions for student consideration, were drawn from the American Bar Association's 2018 National Law Day program topic, *Separation of Powers: Framework for Freedom* were posted on the Bar's website for open access by lawyers, judges, teachers, students and the news media. Participating lawyers and judges solicited student opinions, surfaced the legal issues relating to the topic, and reviewed the role of judges, lawyers and police officers. This year's topic helped stimulate active student participation, helping students understand how laws directly affect them and the roles lawyers and judges play in administering justice.



Rhode Island Supreme Court Chief Justice Paul A. Suttell and Rhode Island Bar Association President Linda Rekas Sloan entertained and informed students in teacher Arthur Rustigian's Classical High School classroom in Providence.



Providence Municipal Court Chief Judge Frank Caprio and Attorney Valerie Leon and the East Providence High School students at St. Augustine School discussed how separation of powers works in our governmental system.



Providence Chief of Police Hugh T. Clements, Jr., Rhode Island Superior Court Associate Justice William E. Carnes, Jr., and Senior Assistant City Solicitor Lisa Dinerman, Esq. presented to students in David Sousa's class at Trinity Academy for Performing Arts in Providence.

2018 Rhode Island Law Day Volunteer Acknowledgement

These attorneys and judges, drawing on their knowledge and experience, presented classroom lessons on the law throughout Rhode Island, helping thousands of students and teachers better understand the administration of justice.



RI Superior Court Associate Justice Michael A. Silverstein and Attorney Sarah B. Oster led a Law Day program at Lincoln High School discussing the different branches of power in our government and how they affect the judicial system.



Rhode Island District Court Associate Judge Mary E. McCaffrey and Attorney Stephen Smith helped teacher Marc LeBlanc's West Warwick High School students understand how separation of powers protects our democracy.

Rhode Island Bar Association

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Volunteer Lawyers Offer Free Legal Guidance through Rhode Island Bar/NBC10 Ask a Lawyer Partnership



Rhode Island Bar/NBC10 Ask a Lawyer Volunteers Answer the Call
Elder Law Panelists l-r: Susan D. Vani, Esq., Denise Acevedo Perez, Esq., Ann S. Sheeley, Esq., and Theresa M. Santoro, Esq. fielded over 80 caller requests for guidance related to elder law.

At the NBC Channel 10 studios, a volunteer lawyer panel, staffed by members of the Rhode Island Bar Association Lawyer Referral Service (LRS) and Volunteer Lawyer Program (VLP), appeared on the station's news broadcasts on Wednesday, May 16th, from 5:00 p.m. to 7:30 p.m. The Rhode Island Bar Association attorneys answered viewer telephone questions related to elder law, covering a wide range of legal matters including, but not limited to, probate, wills, power of attorney, health care power of attorney, trusts, guardianships, and Medicare. The topic was particularly relevant as May is Older Americans Month.

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Rhode Island
Bar Association
2017-2018

ANNUAL REPORT

Report of the Executive Director on 2017-2018

The mission of the Rhode Island Bar Association is to represent the members of the legal profession of the state, serve the public and the 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 2017-2018. The Association's membership, leadership and staff worked consistently to meet the goals embodied in our mission to represent the legal profession, serve the public 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. We built upon already exceptional relationships with the judiciary, legal service providers and the public.

Through our continued partnership with the **Rhode Island Bar Foundation**, we are celebrating three years in our Rhode Island Law Center! We have reduced the pressure on Association dues, allowing: enhanced long-term planning; advanced technology; expanded parking; and greater meeting and event flexibility.

We have exceptionally strong standing and special **Committees**. Over sixteen hundred Bar Association members serve on Bar Committees. All the work our members contribute through our committees forms the backbone of the Rhode Island Bar Association. This issue of the *Rhode Island Bar Journal* contains summaries of the committees' activities, and I encourage you to read them. 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. Joining a Bar committee is an excellent way for members to network, seek guidance in a particular area of the law, and keep up with new trends and current changes. The Association recognizes its committees have a unique opportunity to address issues in specialized areas of practice that might not otherwise be addressed in general CLE programs. The CLE Director works with Bar committees to approve committee-sponsored CLE programs.

Diversity

We contracted to present a CLE program in April based on Todd Logan's nationally acclaimed play, *DEFAMATION*. The Defamation Experience, a unique interactive diversity program, engaged the audience in civil discourse that challenged preconceived notions and implicit bias using deliberations and post-show discussions. The presentation was a courtroom drama that explored the issues of race, religion, gender, class and the law with the audience serving as the jury and it was offered

free to the membership. A sell out crowd of over a hundred was in attendance and the program received rave reviews.

New Members Outreach

One of the issues discussed at a recent Strategic Planning Committee meeting is the Bar's assistance with its newest members' transition to practice. President Linda Rekas Sloan has focused much attention on new lawyers and promotes inclusion and engagement with her "Pay It Forward" theme. A New Members page was added to our website with information pertinent to these members. In January, the New Lawyers Committee, in partnership with the Bar's Executive Committee, sponsored an informative and interactive Speed Networking Event to provide new lawyers with an up close and personal introduction to the Bar Committees. New lawyers represent the future of our profession and our Association, and the RIBA is making every effort to assist in their success. The event was free to Bar members, and hors d'oeuvres and refreshments were served. Members met with over 20 Bar committee representatives and learned about RIBA professional benefits.

The Association offered two free, non-credit professional development courses, "What Writing can do for Your Career" in October and "Basic Building Blocks of Law Firm Marketing for Small Firm and Solo Practitioners," which were well received. Other topics presented include resume and interview skills, personal finance, building reputations, ergonomics 101, and elevator speeches.

Health and Wellness

President Linda Rekas Sloan initiated several programs focusing on attorney wellness. She reminded members that as attorneys, focus is always on the client's problems. However, in addition to serving clients, lawyers must also pay attention to their own mental, emotional, and physical health. The law profession is challenged by this. RIBA has created a Lawyers Living Well page on our website, separate and apart from the Lawyers Helping Lawyers section but with shared resources. We are offering free enrichment programs to members and continue to provide resources for attorneys focusing on preventative care to instill a greater well-being in the profession. We have new features in the Bar Journal and we are sending out wellness tips on social media. Columns from a personal trainer as well as Bar members went in each issue of the Bar Journal. The staff has been focusing attention on the new wellness program and recently launched a successful initiative to increase followers for RIBA's Facebook page, Twitter and LinkedIn accounts.

Our CLE programming on these issues is increasing and

two well-known speakers on the topic presented at our annual meeting in June. The first was Dr. Peter Kramer, a professor at Brown University and author of seven books, including *Against Depression, Should You Leave?*, the novel *Spectacular Happiness*, and the international (and New York Times) bestseller *Listening to Prozac*. In addition, a panel was led by Dr. Sylvester Sviokla. Dr. Sviokla is board certified in addiction medicine and the author of *From Harvard to Hell...and Back: A Doctor's Journey through Addiction to Recovery*. In addition, a program cosponsored with the Lawyers Helping Lawyers, Ethics and New Lawyers Committees presented on the "Modern Lawyer's Guide to Ethical and Mental Well-Being." The program reviewed issues related to competence (ethically and mentally) and challenges facing new lawyers.

A Sean Carter live webcast was streamed in February: "Attorney, Heal Thyself: The Detection, Treatment and Prevention of Substance Abuse." Carter discussed substance abuse and common mental illnesses that impair a lawyer's ability to faithfully fulfill his/her duties as both an advocate and an officer of the court.

More Professional Development

The educational programs sponsored by the Association are led by a dedicated CLE Committee and diligent staff. The 2017-2018 CLE year began with our yearly free ethics program sponsored by Aon. This year's speakers, Gregory Bautista, Scott Schaffer and Jonathan Meer, discussed the types of cyberattacks that have been affecting law firms, how to keep their data safe, and tips on how to organize their electronic files. Bar members received two, free ethics credits, and they were also eligible for a discount on their malpractice insurance by attending this program. Through our work with Aon Affinity, the Bar's sponsored professional liability insurance agency, opportunities offered by our Public Services Department and Bar committees, we have been able to offer a total of 14 free credits to our members this past year. The coming year's free **Aon ethics program** speaker is Daniel Lukasik. Dan is a personal injury trial lawyer and former managing partner of a law firm in Buffalo before becoming a solo practitioner. His presentation will focus on coping with the stresses of work and depression and managing client expectations while trying to have a home life.

This year's **Annual Meeting** was held on June 21 and 22 at the Rhode Island Convention Center. The June 2018 Annual Meeting Keynote speaker was Attorney Dean Strang, from the Netflix show *Making a Murderer*. He discussed social injustice related to the Netflix documentary and social injustice as it

relates to factors such as income level, race, etc. This year's closing plenary speaker, Christopher Osborn, Esq., used films in a humorous way to show ethics related situations that lawyers may encounter in their practice.

Other workshops at the Annual Meeting included a session on sexual harassment in the workplace, the new sick and safe law, family law update, officer-involved shootings, corporate scandals, immigration, eDiscovery in Superior Court, student loan debt, opioids in the workplace, and more.

The CLE Committee distributed their yearly CLE survey. The survey asked members questions such as their top practice areas for 2019, legal occupation/classification, and what they believe are the top five (5) challenges facing the legal profession. Below are the top five (5) responses to that question:

- Work/life balance (72%);
- Civility/ethics (58%);
- Keeping up with new technology (63%);
- Keeping up with new developments in the law (59%); and
- Managing client expectations (56%).

Planning is underway for the 2019 CLE reporting year. Programs scheduled include the always popular Recent Developments in the Law, Commercial Law Update 2018, Divorce Law for Estate Planners, Meteorology and the Law, and a free, three-part series on witnesses, direct and cross examination, and expert witnesses sponsored by the Rhode Island Bar Association Volunteer Lawyer Program.

Membership Benefits

The Rhode Island Bar Association continues to provide great value to its members. **Casemaker** is a Web-based legal research system offered to our members for free (\$950 value). Casemaker has teamed up with CosmoLex to offer an affordable practice management tool to make it much easier for lawyers to accurately bill clients for the time spent on legal research at an affordable rate. It allows Casemaker users to automatically track research time by client matter and assign it to client invoices, at a fraction of the cost of a free standing law office management system and will eliminate the "leakage" and billing compliance issues typically associated with legal research.

Our website provides other great services. You can access our many discount programs, easily register for CLE seminars, sign up for Bar committees and public service programs, utilize the calendars and the great member directory. The directory gives you instant information on every member including their email address and photo when provided.

Our email List Serve continues to be a well utilized service for Rhode Island Bar Association members to use for online,

Report of the Executive Director on 2017-2018

law-related discussions. The List Serve is a welcome form of networking for our members, particularly for exchanging referrals for various legal services and contacts. During the last few months, the majority of Bar Association List Serve posts have centered on in and out-of-state referrals, legal forms, court procedures, and clarifications. There are currently close to 800 Bar members enrolled in the List Serve. Bar List Serve members are able to offer advice and direction to new attorneys who have a question regarding court procedure, sample documents/agreements, or other legal questions related to the practice of law. In an effort to increase participation, the Association sponsored a contest where a name was drawn at random on May 1st from the List Serve membership. This winner received a free two-day registration at the 2018 Rhode Island Bar Association Annual Meeting.

Public Service

One of the most noble of our goals is facilitating the availability of legal services. We support pro bono publico services for all low income citizens, the elderly and those of modest means. This year alone, over 2,000 cases were processed through the Volunteer Lawyer Program (VLP), Pro Bono Program for the Elderly, the Foreclosure Prevention Project and the US Armed Forces Legal Services Project. Financially-eligible clients were represented by volunteer attorneys in matters including bankruptcy, collections, foreclosure, consumer, education, family law, guardianships and employment. Many of the members' efforts to provide legal assistance are facilitated through membership in the Bar Association's public service programs.

Our Volunteer Lawyer Program Foreclosure Prevention Project is designed to specifically help our citizens stop or avoid foreclosure. Many have experienced a loss of income due to salary decreases, unemployment, divorce, death of a family member, illness, loss of child support/alimony and benefits. Programs and services are designed to help clients deal with financial institutions and/or stabilize the related financial issues that affect their mortgages. Outreach is ongoing, and materials are available and distributed statewide to social service agencies, senior centers, etc. to alert citizens of the services available through the Volunteer Lawyer Program.

Volunteer attorneys are consistently needed to assist citizens in need of Family Court representation. Requests are received daily for pro bono representation.

Program staff utilizes blast email to present cases for placement and the Bar Association website (Latest News section & Pro Bono Case of the Month sections) to highlight family law case summaries. Volunteer attorneys are also called directly on

a regular basis. Volunteer attorneys were offered free the Family Law three-part CLE series, "Custody Litigation & Related Issues." The intent of developing this series was to prepare the volunteer practitioner to assist low income clients in contested custody matters in Family Court.

Initiated over a year ago, our Partners Overcoming Domestic Violence (PODV) is an ongoing collaborative project providing direct representation by volunteer attorney/mentor/advocate teams who are committed to long-term legal solutions and safety nets that lead to stable lives for survivors of domestic violence. The positive impact of the PODV has been substantial for all involved. As a result of the project, the Volunteer Lawyer Program staff is using a more detailed and beneficial client interview model designed specifically for domestic violence survivors. Eighteen additional attorneys were recruited for the VLP and received comprehensive training in domestic violence. Community organizations, especially those serving survivors that were involved in the crafting of the project now have this focused legal resource for their clients. Additional case placements for survivors of domestic violence will continue during 2018.

Lawyers Helping Lawyers

The Lawyers Helping Lawyers Committee serves as a confidential resource to Bar members and their families, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is to lend an ear and assist in making an appropriate referral to professional resources. The communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself. The Committee met bi-monthly and did an extensive review of the recent American Bar Association report on Lawyer Wellbeing. The RIBA contracts with the Coastline Employee Assistance Program (EAP), coastlineeap.com, which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. Coastline is building a new website and there will be opportunities to connect to online support groups.

All issues of the *Rhode Island Bar Journal* and the Bar Association's website contain information about the Lawyers Helping Lawyers Program as well as the SOLACE program and the Lawyers Living Well page, all aimed at helping Bar members and their families. A double book review of *Never Enough* by Michael J. Burke and *The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption* by Brian Cuban was printed in the May/June issue of the Bar Journal. In addition, the Association regularly sends out tips to Association members on wellness,

and features articles on health and wellness in the Bar Journal and on the website.

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 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. The Bar offers LRE classroom programs featuring volunteer lawyers to Rhode Island middle and upper school teachers and students throughout the year. Every year, in May, the Rhode Island Bar Association serves as the lead partner in developing programming, educational materials and organizing Rhode Island Law Day. Volunteer attorneys are participating in all the presentations with most paired with members of the Rhode Island Supreme, Superior, District, Family, Workers' Compensation and Traffic Courts. This year's topic was the same as that for the National ABA Law Day programs, *Separation of Powers: Framework for Freedom*. This year's Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest also featured separation of powers as the topic. In addition to the first prize of \$1,000 and a trophy, the essay contest included a second prize of \$250. Descriptions of the 2018 classroom program and essay contest and topic and related background information are available on the Bar's website.

Rhode Island Bar Foundation

President Michael A. St. Pierre and the Board of Directors of the Rhode Island Bar Foundation worked closely with the Association in the purchase and renovation of our new Rhode Island Law Center. The 10,000 square foot building on a 1.3-acre site in Cranston has afforded us many excellent features directly benefiting members and the public, including: well-designed interior spaces with advanced technology facilitating improved member use and networking; expanded exterior space providing immediately adjacent parking; greater meeting and event flexibility; and handy highway proximity outside the congested city. Since our move three years ago, we continue to receive positive feedback regarding the new facilities, its location, and the ample parking.

The Foundation continues their hard work to maximize Interest on Lawyers Trust Account (IOLTA) income and assess legal needs to maximize foundation support for legal services in Rhode Island.

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 of becoming outstanding lawyers and who need financial assistance to study law. The Scholarship is named in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship, and his notable participation in civic and charitable causes. Two scholarships of \$20,000 each were awarded this spring for Rhode Island students entering their first year of law school. To date, 62 scholarships have been awarded to promising law students from Rhode Island. The Bar Foundation was honored with a generous donation from Hon. Thomas J. Caldarone, Jr. which was used to establish an endowment for summer fellowships. As Caldarone Fellows, law school students will have the opportunity to assist in providing crucial legal services to the public and in so doing may be encouraged to pursue public service careers. This year, two students at Roger Williams University School of Law have been selected to be the recipients of the Hon. Thomas J. Caldarone, Jr. Fellowship. One will serve her fellowship at the Rhode Island Public Defender's Office and the other at the Rhode Island Center for Justice.

My thanks to a terrific and energetic **President Linda Rekas Sloan**, the hard working Executive Committee, our committed House of Delegates and our diligent Committee Chairpersons for their support and guidance throughout this busy 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. We are fortunate to have these very committed individuals contributing their talent to the delivery of quality services and benefits to our members. The hard work and dedication of the entire staff is remarkable: Director of Public Services Susan Fontaine, Director of Continuing Legal Education Tanya Nieves, Director of Communications Kathleen Bridge, Director of Finance Renee Bourbonniere, Rhode Island Bar Foundation Program Director Virginia Caldwell, Member Services Coordinator Erin R. Bracken, Gatekeeper and Program Assistant Heather Chea, Office Manager Susan Cavalloro, Volunteer Lawyer Program Coordinator John Ellis, Lawyer Referral Service Coordinators Elisa King and Angelly Pimentel, CLE Program Coordinator Karen Lomax, and VLP Program Assistant Angelica Bazyk.

The Rhode Island Bar Association provides relevant and valuable programs and services to our members, increased availability of legal services to our citizens, a more effective and independent judicial system, and increased public understand-

Report of the Executive Director on 2017-2018

ing about the law. Please feel free to contact any of the officers or staff at the Bar Association with your concerns, questions or suggestions. We will keep you informed and invite you to become involved as we work to fulfill our mission.

Rhode Island Bar Association Legislative Positions and Amicus Briefs Official Notice 2017

The Rhode Island Bar Association takes positions as a party or amicus in litigation only on matters related to the practice of law or administration of justice. In 2017-2018 the Association signed on to an amicus brief in the United States District Court for the District of Rhode Island in the case entitled, MARASCO & NESSELBUSH, LLP, Plaintiff, v. TARA COLLINS, et al, Defendants. C.A. No. 17-317-JJM-LDA. The question presented was: can the Social Security Administration impose significant arbitrary barriers to the collection of attorney fees in Social Security disability representation, including refusing to pay law firms for the legal work conducted by their employee attorneys, when the fees are being sought pursuant to provisions of the Social Security Act, the very purpose of which is to assist individuals who cannot afford a lawyer to gain representation?

The Rhode Island Bar Association (“RIBA”) provided a Statement of Interest as follows: RIBA was established in 1898. The mission of RIBA is to represent the legal profession in the State of Rhode Island, promote justice, professional excellence and respect for the law as well as serve the interests of the public. In accordance with this mission, RIBA advances the professional integrity of lawyers in Rhode Island and fosters a greater availability of legal services and access to justice for the public. The government’s position in this litigation is contrary to many well established and important legal principles that are outlined and detailed in Plaintiff’s main papers. This memorandum of amicus curiae outlines issues which are of paramount importance not only to attorneys but to the public’s access to justice when seeking social security benefits. Because of RIBA’s interest in fostering a greater availability of legal services and access to justice for the public, the Rhode Island Bar Association joined in this memorandum amicus curiae.

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

I. An Act Relating to Taxation – Portability

The proposed act relating to taxation would adopt the concept of “portability” for Rhode Island estate tax purposes. The Internal Revenue Code adopted the portability concept for federal estate tax purposes several years ago. For a husband and wife, the unused Rhode Island estate tax credit (currently \$1,500,000) of the first spouse to die could be used by the surviving spouse in the estate of the surviving spouse. In this manner

a couple could shelter up to \$3,000,000 from Rhode Island estate tax. For married couples, the Rhode Island estate tax would as a result be more favorable than all New England states except New Hampshire and Maine.

II. An Act Relating to Probate Practice and Procedure

The proposed act relating to probate practice and procedure would clarify the elective share provisions of R.I.G.L. section 33-28-1. Some probate practitioners have expressed a concern that the current statute, adopted in the 2014 session, would permit a surviving spouse to claim an elective share against other than the assets subject to probate. The proposed act would clarify that the act applies only to assets subject to probate and only to real estate owned by the decedent in his or her own name.

III. An Act Relating to Fiduciaries

The proposed act relating to fiduciaries is intended to adopt a Rhode Island statute that would permit a so-called “directed trust.” Similar laws have been adopted in Delaware and Florida, among other states. The idea would be to protect corporate fiduciaries which have custody of trust assets but where the investment decisions are made by another. The Executive Committee has approved similar bills in the past several years. The bills were not adopted by the General Assembly, but no specific objection was raised. I believe that the available time simply did not permit General Assembly Committee consideration.

IV. An Act Relating to Taxation – Exemption

The proposed act relating to taxation would increase the credit against estate taxes from \$64,400 to \$99,600, which would be the equivalent of increasing the estate tax exemption from \$1,500,000 to \$2,000,000. Our understanding is that the speaker of the House intends to introduce similar legislation. If adopted, the legislation would place Rhode Island in the same position as Connecticut and Vermont with respect to exempt estates and less favorable only to New Hampshire and Maine.

In addition, the Committee’s recommendation regarding introduction of: An Act Relating to Probate Practice and Procedure – Revised Uniform Fiduciary Access to Digital Assets Act, was approved. The bill is designed to address issues that have arisen due to technology. Passing the Act would be beneficial to Rhode Island executors, administrators, guardians and attorneys-in-fact.

Also with regard to legislation, the Executive Committee voted to support the unanimous recommendations of the Bar

Association’s Creditors’ & Debtors’ Rights Committee. The Committee voted to recommend the Uniform Voidable Transactions Act. The UVTA amendments include certain new provisions including a choice-of-law rule for claims governed by the Act and generally identifies the jurisdiction of the debtor as controlling, thereby eliminating a constant a source of confusion and dispute. The UVTA also includes uniform rules allocating the burden of proof and defining the standard of proof with respect to claims and defenses under the Act. The 2014 update also responds to the emergence of the “series organization” as a significant form of business organization already recognized in over fifteen (15) states. The 2014 amendments to the UVTA also delete the special definition of “insolvency” for partnerships. This bill was approved by the Creditors’ and Debtors’ Rights Committee unanimously last spring and again this fall of 2017.

The Executive Committee also voted to support the unanimous recommendations of the Bar Association’s Business Organizations Committee regarding proposed legislation H 7619 which would allow for the creation of so-called “Delaware Series LLCs” under the Rhode Island Limited Liability Act. The Executive Committee agreed to communicate that the legislation should have additional review due to its potential impact on the practice of business law in Rhode Island. The Business Organizations Committee is finishing up a multi-year, substantial revision of the Limited Liability Company Act and the Proposed Legislation could significantly impact that project.

With regard to legislation, the President of the Rhode Island Bar Association wrote to express concerns with a proposal to mandate malpractice insurance for all attorneys practicing in Rhode Island. The consequences to the Rhode Island bar are quite serious and could, in effect, preclude many attorneys from continuing to practice law here in Rhode Island. It was noted that malpractice insurance coverage is limited, and it does not protect the public against dishonest conduct. While most members of the Rhode Island bar carry insurance, there are areas of the law where there is no coverage available or, if available, the cost of the insurance is prohibitive. As a result, many legal practitioners will be forced out of their active practice. Similarly, the part-time practitioner could be unable to carry on their respective practices due to the cost/availability of the required insurance policy. The Rhode Island Bar Association has a long history of developing programs aimed at protecting citizens. Our services were offered to the Senate to assist in reviewing the implications that a mandatory malpractice insurance would have not only to its members, but to the general public.

2018-2019 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.

GENERAL FUND

(Administrative and Member Services)

Income	Budget 18/19
Bar Journal Ads & Subscriptions	\$ 55,000
Contract Service Income	57,000
Interest Income	8,500
Mailing List Income	500
Malpractice Prevention	20,000
Member Dues & Fees	1,245,000
Royalties & Miscellaneous	5,000
Health Insurance Royalties	16,000
	<u>\$ 1,407,000</u>
Expenses	
Awards	\$ 1,500
Bar Journal	115,000
Casemaker	85,000
Clerical Assistant	2,500
Computer	25,000
Consultants	2,500
Copier	11,500
Depreciation Expense	20,000
Dues & Subscriptions	5,000
Insurance	25,000
Lawyer Assistance Program	12,000
Legislative Counsel	27,500
Lobby Tax	10,600
LOMAP	20,000
Maintenance & Repair	40,000
Medical Benefits	65,000
Miscellaneous Expense	2,500
Office Supply & Expense	35,000
Pamphlets & Advertising	1,000
Payroll Tax Expense	35,000
Printing & Postage	32,000
Professional Fees	25,000
Property Tax	10,000
Public Relations	5,000
Records Management	2,500
Regular Meetings	20,000
Rent & Electricity	165,000
Retirement Plan	52,000
Salaries	455,000
Telephone	12,000
Travel	30,000
Website	10,000
	<u>\$ 1,360,100</u>
Net Income:	<u>\$ 46,900</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 18/19
Interest	\$ 50
Dues	26,000
Fees	25,000
	<u>\$ 51,050</u>
Expenses	
Medical Benefits	\$ 25,000
Office Supplies	1,000
Payroll Tax Expense	3,300
Printing & Postage	4,000
Retirement Plan	4,800
Salaries	48,000
	<u>\$ 86,100</u>
Net Income:	<u>\$ (35,050)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 18/19
Annual Meeting	\$ 500,000
Publications	4,000
Seminars	180,000
Miscellaneous Income	250
On-Line Income	60,000
	<u>\$ 744,250</u>
Expenses	
Annual Meeting	\$ 260,000
Clerical	750
Computer	14,000
Copier	1,200
Depreciation	3,500
Dues & Subscriptions	1,000
Medical Benefits	25,000
Miscellaneous Expense	500
Office Supplies	12,000
Payroll Tax Expense	12,210
Postage	5,000
Professional Fees	10,000
Publications	3,500
Rent	15,000
Retirement Plan	13,000
Salaries	145,000
Seminar Expense	165,000
Travel	2,500
Website	2,000
	<u>\$ 691,160</u>
Net Income:	<u>\$ 53,090</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,407,000	\$ 51,050	\$ 744,250	\$ 2,202,300
Expense	1,360,100	86,100	691,160	2,137,360
	<u>\$ 46,900</u>	<u>\$ (35,050)</u>	<u>\$ 53,090</u>	<u>\$ 64,940</u>

Grants and Restricted Funds

	2018-2019
ProBono	\$ 238,388
Elderly	52,613
CRF	125,000
Total:	<u>\$ 416,001</u>

2018-2019

Total Revenue	\$ 2,618,301
Total Expense	\$ 2,553,361
	<u>\$ 64,940</u>

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2017 and 2016

Assets	2017	2016
Cash and cash equivalents	\$ 1,328,075	\$ 995,802
U.S. treasury bills	4,576,137	4,470,942
Accounts receivable	65,553	79,795
Other assets	52,896	26,204
 Furniture and equipment (net of accumulated depreciation of \$98,682 in 2017 and \$78,954 in 2016)	 139,431	 157,902
Total Assets	\$ 6,162,092	\$ 5,730,645
 Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 58,343	\$ 35,606
Accrued expenses	92,305	101,808
Total Liabilities	\$ 150,648	\$ 137,414
 Net Assets		
Unrestricted	\$ 3,364,661	\$ 3,081,376
Temporarily restricted	2,646,783	2,511,675
Total Net Assets	6,011,444	5,593,051
Total Liabilities and Net Assets	\$ 6,162,092	\$ 5,730,465

*The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2017 and 2016 is the official name of the Balance Sheet for a non-profit organization.

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Bar Association Committee Reports



Animal Law

Lenore M. Montanaro, Chair

The Animal Law Committee provides a collegial forum for members of the legal community to exchange ideas and information of mutual concern, to make recommendations on the practices and procedures relating to animal law, to work toward the improvement of this area of law, and to keep the bar informed of developments in this practice area.

The ad hoc Animal Law Committee was established in February 2018. Rhode Island Bar Association President Linda Rekas Sloan, Esq. appointed Lenore Montanaro, Esq. to chair the committee. During the meetings, the members of the committee discussed the practice of animal law. Members noted that animal law is interconnected with many other areas of law.

The Animal Law Committee is grateful to the Rhode Island Bar Association, the Bar President, the Executive Committee, and Rhode Island attorneys for providing the Committee with the opportunity to grow. As the Animal Law Committee evolves, it will offer programs and educational opportunities in support of the practice of animal law to members of the Bar.



Business Organizations

Elizabeth Manchester, Co-Chair
Marcus Howell, Co-Chair

The Business Organizations Committee met on a monthly basis throughout the past year. Committee members reviewed and responded to legislation introduced during the General Assembly's 2018 session.

The Committee continues the review and revision of the Nonprofit Corporation Act and the Limited Liability Company Act with a goal of completion by the end of 2018. The Committee hopes to present these acts to the Executive Committee and General Assembly in 2019.

The Committee also invited Elizabeth Tanner from the Department of Business Regulation to a meeting. We hope to have other speakers from agencies and areas of interest to the committee in the upcoming year.

The Committee has a full agenda and aspirations of reviewing and revising several sections of Rhode Island law affecting business organizations and nonprofit institutions in the near

future. The Committee would benefit from greater input and a larger volunteer base from business lawyers in Rhode Island. If you have interest in matters affecting business or nonprofit organizations, we hope you will join the Committee next year.



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 continues to

confirm the overwhelming majority of Rhode Island lawyers are honest, caring, diligent, ethical and deserving of their clients' trust. The Fund reimburses the losses sustained by clients who are victimized by the few Rhode Island lawyers who violate the profession's ethical standards and misappropriate funds entrusted to them. Losses reimbursed by the Fund include the theft of estate and trust assets, 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 when and as necessary to review and act upon claims and to propose rules and procedures with respect to the Fund. The Committee administers the Fund, which is funded by an annual assessment of \$25 per Bar 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 all 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 \$2 million to the victims of the few dishonest lawyers in this state. No public funds are or have been involved. Rather, these reimbursement awards are financed solely by payments from lawyers. In 2017-18, eighteen claims have been received involving three former lawyers. Those claims and twelve prior claims are presently 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 grateful for your support.



Continuing Legal Education

Miriam A. Ross, Chair

The Continuing Legal Education Committee (CLE Committee) plans and administers the program of continuing legal education for all members of the Bar. The CLE Committee develops creative, flexible, innovative seminars to meet the needs of Rhode Island practitioners at all levels of experience. CLE programs include the popular “Food for Thought” one-hour seminars, and two and three-hour seminars providing in-depth information and practical skills. Many CLE programs are offered in person and via live webcast to accommodate all members of the bar throughout the state. During the past year every committee member has actively participated in the planning and implementation of one or more CLE seminars.

During the 2017-2018 year, the CLE Office, in collaboration with the CLE Committee, produced a total of 37 seminars. Seminar attendees welcomed a wide range of topics offered during the year, including seminars on grey divorce, limited scope, adverse possession, choice of entity, billing clients, probate practice, long-term care and an update on marijuana laws. The CLE schedule also included the always popular seminar “Recent Developments in the Law,” which had another year of record attendance, plus a comprehensive, full-day program “Commercial Law - Update.” This year a special, interactive program on diversity, “The Defamation Experience” was offered to Bar members free of charge. This mock trial/play explored the highly charged issues of race, religion, gender, and class with the members of the audience as the jury. All of the over 100 attendees were engaged in civil discourse that challenged preconceived notions on the topics. Overall, CLE programs, with the support of the Association’s excellent CLE Office, educated over 2,000 Bar members.

In addition, in August and September the annual Aon Attorneys’ Advantage free ethics seminar, providing all Bar members the opportunity to earn two (2) free ethics credits, was held. This seminar was offered five (5) times at various locations in the state. This year’s speakers were from the law firm Wilson Elser, Moskowitz Edelman & Dicker LLP who reviewed ransomware, data breaches, duty of technological competence and preventing fraud. A total of 1,300 members of the Bar attended this compelling seminar.

For the past three years, the CLE Committee has distributed a survey to all Bar members at the end of May to get feedback on the CLE programs as a whole, top practice areas, challenges in the profession and subject areas of interest for future programming. The responses from the survey are used to inform the CLE Committee of program topics for seminars in the coming year.

Response from the Bar was excellent and affirmed that the CLE Committee is providing seminars and programs responsive to the needs and interests of members.



Creditors’ and Debtors’ Rights

Richard L. Gemma, Co-Chair

Richard J. Land, Co-Chair



I wanted to take the opportunity to thank all of the committee members who have participated in the Committee over the last 15 years since my appointment as Chairperson. It has been a pleasure, both personally and professionally, to work with you in advancing the causes of the Committee over the years. During that time, the Committee has supported actively the annual bar meeting and the professional education of practitioners by regularly presenting seminars and other educational programs. In addition,

the Committee has engaged in informative discussions and debates on creditor-debtor issues, including proposed legislation.

At this time, I believe it is important for the debtors’ and creditors’ rights practitioners to step back and take note of the fabulous judicial landscape in which we practice. The Superior Court business calendar has three seasoned business judges to adjudicate state insolvency and business-related issues while the bankruptcy court has a similarly well-respected, experienced bankruptcy court judge to adjudicate federal insolvency matters. Win, lose, or draw – practitioners in either the state or federal insolvency court are assured of receiving an intelligent, well-reasoned, intellectually honest decision.

In passing the Debtors’ and Creditors’ Committee gavel to my able co-chair, Richard Land, I reach out to the larger business law firms in Rhode Island and I ask for their more active participation with the Committee going forward. Those firms have much to offer to the Committee, and I hope that they will volunteer their experience and perspectives to support the Committee’s efforts in the future.

Bar Association Committee Reports



Criminal Law Bench/Bar Matthew S. Dawson, *Chair*

The Criminal Law Bench/Bar Committee's year was spent having regular meetings where we endeavored to explore a host of issues which affect the practice of criminal law and continued our mission to foster the relationships between the Criminal Bench and the bar. The Committee continued to have active members representing the RI Office of Public Defender, RI Department of Attorney General, the United States Attorneys Office, and many outstanding attorneys private criminal defense bar. The main topic this past year involved both learning about and implementing the various Justice Reinvestment initiatives, which have recently been adopted by the Governor and Rhode Island's General Assembly. To that end, the State's Justice Reinvestment coordinator, Havi Mirrell, addressed the group to discuss a variety of topics. In addition Kathleen Kelly, Legal Counsel for the Department of Corrections, also joined the group to discuss various programs and practical application of Justice Reinvestment. We were also joined by Bar President Linda Rekas Sloan, who offered steady support in addressing all matters involving the practice of criminal law; we appreciate her support. In the upcoming year, the Committee hopes to become involved in assisting with the Court's further steps towards complete electronic filing in criminal matters in District Court and continuing to assist the Court in reviewing the manner in which the Criminal Bar can utilize technology in the Courtroom.



District Court Bench/Bar Meghan Barry, *Chair*

The 2017-2018 District Court Bench/Bar Committee had several well-attended meetings, with Judge Houlihan and Judge Goldman in the Sixth and Third Division District Courts. Both were recently assigned to those courtrooms.

At the meetings, the judges discussed the streamlining of scheduling cases, and working with scheduling around criminal days in Third Division. They responded thoroughly and thoughtfully to the questions and concerns presented by the bar, including electronic filing issues. The District Court judges submitted a proposal to the Supreme Court for a rule change to make motions to extend time to serve rule of court. This proposed change would dramatically reduce the number of cases on the court's already busy calendars. Both judges have done an excellent job

communicating with the bar, and hearing concerns about matters before them. Additionally, the committee put on a panel at the Annual Meeting: *District Court Civil Trials*. The panel focused on the practical aspects of conducting a District Court trial, focusing on best practices, pitfalls to avoid, and reference to the most commonly relied upon rules. The committee thanks panelists Judge Stephen Isherwood, Sonja Deyoe, Esq., Jeffrey Michaelson, Esq., and moderator Meghan Barry, Esq.



Environmental and Energy Law Richard M. Fil, *Chair*

The Bar's Environmental and Energy Law Committee (EELC) is in its ninth year, and continues to offer a range of programs on emerging and relevant issues for environmental and energy law practitioners. EELC holds its regular

meetings on the third Friday of the month, from September through May, from 12:30 to 2:00 p.m. Regular meetings include activity announcements, updates on legal developments, and member discussions on current events and trends. Most regular meetings include a guest speaker paired with an EELC member on an issue-oriented topic coordinated by Vice Chair Linda George. This year's guest speakers included: June Swallow, head of the Rhode Island Department of Health's Center for Drinking Water Quality (water supply upgrading and monitoring requirements, enforcement actions, and emerging contaminants); Abigail Anthony, Commissioner of the Public Utilities Commission (current role as Commissioner and prior experience related to energy regulation and supply); Grover Fugate, Executive Director of the Rhode Island Coastal Resources Management Council (presentation on climate change and its effects on Rhode Island); Meredith Brady, Administrator of the Rhode Island Department of Transportation's Division of Planning (DOT's efforts to develop environmental policies, initiatives, and pilot programs); Michael Rubin, former Chief of the Rhode Island Attorney General's Environmental Unit and Rhode Island Environmental Advocate (pro-environmental litigation, lobbying and public education on behalf of the state); Terry Gray, Associate Director for Environmental Protection at the Rhode Island Department of Environmental Management (DEM) (DEM's current efforts and initiatives related to environmental protection); Peter F. Neronha, recent United States Attorney for the District of Rhode Island (his experience and perspectives on environmental enforcement matters). In addition to its monthly meetings, EELC sponsored a three-credit CLE program on Rhode Island's Commercial Property Assessed Clean Energy (C-PACE) program in November and held its annual social gath-

ering in December. Members of EELC hosted a workshop for the Bar's Annual Meeting to provide environmental, energy, land use and real estate practitioners with an update on federal and Rhode Island case law developments, regulatory changes, and Rhode Island legislative changes.



Ethics and Professionalism

Christy B. Durant, *Chair*

Kyla M. Pecchia, *Vice Chair*

The Ethics and Professionalism Committee is charged with examining the practice of law in Rhode Island and recommending actions the RI Bar Association can take to foster the highest possible standards of ethics and professionalism. The Committee membership was made up of several dedicated attorneys with diverse personal and professional backgrounds, and their experience illuminated several of the Committee's discussions. The Committee met four times this year, including a joint meeting

with the New Lawyers Committee, and its discussions were largely focused on maintaining a healthy work/life balance and the stigmas surrounding addiction and mental health in the practice as well as protections under the current Rules of Professional Conduct.

The Committee discussions also touched upon new technologies being utilized in the practice of law, and the need for the Rules of Professional Conduct to keep up with these technologies. It was suggested that the Ethics and Professionalism Committee should work towards being a leader in the Bar Association community, in that, it should create content that is published on a regular basis in the *Bar Journal* or other Bar Association publications, as several Committee members were concerned that the legal community was unaware that the Committee could be used as an Ethical resource.

This discussion was bolstered by Chief Disciplinary Counsel David Curtin, Esq.'s annual appearance before the Committee. His conversation with the Committee echoed the concerns of Committee members, in that, the practice of law is changing in the wake of online legal generators like Avvo and Legal Zoom, and its direct correlation with the uptick of complaints he has been seeing with solo practitioners. He urged the Committee to tell their networks that the Committee and Mr. Curtin's office are resources for attorneys with ethical questions. It is better to ask beforehand than defend a complaint. Mr. Curtin and the Committee also discussed the Betty Ford Hazelton Study

which found that substance abuse and mental health are the top diseases plaguing attorneys, at a rate that is three times higher than the general population.

Seeing a need to jumpstart education on these issues, Chairwoman Durant, along with Nicholas Trott Long, Esq. of the Lawyers Helping Lawyers Committee and Vice Chair Kyla Pecchia, also of the New Lawyers Committee, joined forces to create and submit a joint presentation to the Executive Committee for consideration as a seminar at the Annual Meeting in June. The proposal was accepted, and the trio spoke about various methods for maintaining a healthy work/life balance, suggested best practices in the wake of social media and other technology use, and resources for assistance.

In the upcoming year, the Ethics and Professionalism Committee intends to review all recent proposed and/or adopted revisions to the American Bar Association Model Rules of Professional Conduct, and determine whether such changes should be further explored and considered for Rhode Island.

The Ethics and Professionalism Committee provides a forum in which issues related to ethics and professionalism can be identified and discussed, and disseminated amongst the ranks of the Association. Members of the Bar are invited to submit topics to the Committee for consideration during the upcoming year.



Family Court Bench/Bar

Jane F. Howlett, *Chair*

The Family Court Bench/Bar Committee continues to meet on the second Tuesday of each month at the Garrahy Judicial Complex in Providence. This year, as in years past, we had a great slate of guests attend our meetings and deliver presentations regarding various issues in the Family Court and in the State of Rhode Island.

As mandated by federal law, there was a quadrennial review of the child support guidelines in 2017. Attorney Frank DiBiase, Chief Legal Counsel from the Office of Child Support Enforcement, addressed members of the Committee at our September meeting and provided us with a comprehensive overview of the changes to the Child Support Guidelines and to the Child Support Guideline Worksheet. One of the most notable changes was to the manner of calculating the contribution to work related daycare. Other issues addressed were the child dependency benefit and the procedure to determine the appropriate tax-credit reduction regarding the cost of day care. Thank you Attorney DiBiase for your time, knowledge and continued dedication to the Family Court Bench/Bar Committee.

Bar Association Committee Reports

Attorney Robert S. Parker from McIntyre Tate, LLP discussed the recent Supreme Court Decision in the matter of **Corbin v. Corbin**, 136 A. 2d 1146 (R.I. 2017). Attorney Parker was counsel for the Plaintiff, Anne duPont Corbin, and successfully argued that post employment compensation was not severance pay and therefore was marital in nature. Attorney Parker offered his perspective on the issues involved in this important case as well as other issues to consider when dealing with severance pay and future earnings. Thank you, Attorney Parker, for your time and insight on this important Supreme Court Decision.

Our annual CLE regarding the *Tax Consequences in Divorce and Separation* was given by Attorney Elizabeth Segovis in February and focused on the changes to the tax code enacted by Congress. One such change is that alimony will no longer be deductible in the future and the special circumstances that Family Court attorneys must consider when determining whether alimony is advantageous for your client, whether they be the payor or the payee. Other considerations addressed were the types of forms necessary to take the deduction for children, issues involving an innocent spouse claim as well as Attorney Segovis' insight on these issues and how they are addressed in the Tax Court. Thank you Attorney Segovis for presenting yet another well-attended CLE.

Members of the Family Court Bench Bar Committee were given a presentation on new legal software by Attorney Veronica Assalone. Attorney Assalone's "hands on" presentation showed Committee members the benefit of using legal software and how the software assists practitioners, legal assistants and the client. This assists in client file maintenance, client communication and billing and scheduling. Thank you Attorney Assalone for your time and help.

This year, members of the Committee heard a presentation by the Director of Business Regulations, Attorney Elizabeth Tanner. Director Tanner discussed small business regulation, online services and recent changes to the business environment in Rhode Island which has assisted new businesses and small businesses alike. Streamlining of the administrative processes and the ability to obtain many services online have made it easier for many businesses to comply with administrative issues and the filing of necessary documents with government entities. Thank you, Director Tanner. Members of the Committee also heard from Julie Emmer who is starting a service to offer supervisors for visitation entitled Strengthening Family Foundations. This service offers supervised visitation for parents and children who are not DCYF involved.



Federal Court Bench/Bar
Patricia K. Rocha, *Chair*

The Federal Court Bench/Bar Committee once again worked closely with the Court including Chief Judge William E. Smith, as well as Clerk of Court Hanorah Tyer-Witek and her staff, to update the members of the Bar on various court projects.

Highlights of this year include the continued success of the Litigation Academy, presented jointly by the Court, the Roger Williams University School of Law and the Rhode Island Chapter of the Federal Bar Association under the guidance of Co-Directors Brooks Magratten and Professor Niki Kuckes of Roger Williams University School of Law. Faculty members continued to include judges in the federal and state courts, as well as practicing attorneys. The training sessions continue to be reasonably priced and include a good cross-section of participants from law firms, as well as the public sector. Participants now come from across the country with representation from numerous other districts. Finally, other districts, such as Hawaii, have created similar programs and the Litigation Academy was recently recognized on the United States Court's website.

Judges Smith, McConnell and Magistrate Judge Sullivan continued to update the Committee on the success of the Deferred Sentencing Program and the Hope Court. In addition, Judge McConnell and Magistrate Judge Almond presided over the launch of the 2017-2018 Civic Education Program attended by school age children of court personnel and members of the Federal Bar Association. Prosecution and defense teams strategized and presented their cases in a mock trial of an individual charged with littering. The Civil Education Program is available to schools throughout Rhode Island. Subcommittees continue to work on updates to the Local Rules and E-Discovery issues. There still remains a vacant judgeship; however, we are hopeful that a nomination will be confirmed in the near future.

Thanks to all Committee members for their efforts on the various projects throughout the year.



Fee Arbitration
Henry V. Boezi III, *Chair*

During fiscal year 2017-18, eighteen petitions for fee arbitration were filed with the Rhode Island Bar Association. Four matters were returned as they did not constitute a fee dispute

under the rules. One matter was settled prior to a formal arbitration hearing. Six matters were dismissed because the respondent was unwilling to proceed with the arbitration. Four matters were arbitrated with the Committee's assistance. Three matters are still pending. The amount of fees in dispute ranged from \$1,222 to \$16,738. Several disputes were between lawyers involved in the same case. We continue to arbitrate controversies that could have been avoided by well-written fee agreements, 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 and the public. This program increases public confidence in the legal profession and accelerates fee dispute resolution.



Government Lawyers

Amy H. Goins, Chair

The Government Lawyers Committee (GLC) had another active year. In September, we welcomed Brian Daniels, the new Executive Director of the Rhode Island League of Cities and Towns, who spoke about the League's function and legislative priorities. Matthew Dawson, Esq. joined us in November to provide an overview of the criminal justice process for government attorneys who may handle licensure matters that run parallel to criminal charges. We closed out 2017 with a review of the amendments to the Superior Court Rules of Civil Procedure relating to e-discovery. In January, Joe Lindbeck, Esq. offered us an update of recent changes to the medical marijuana program in Rhode Island and provided insight on proposed amendments to the law on this topic. In the spring, we offered two technology-oriented CLE seminars open to all members of the Bar: Drone Law, presented by Kathryn Rattigan, Esq., and Artificial Intelligence, presented by William J. Connell, Esq., and Megan Hamlin-Black, State Librarian. The new director of the Department of Business Regulation, Liz Tanner, Esq., was our guest in April. Director Tanner updated GLC members on the DBR's legislative priorities and new initiatives. Jenna Algee, Esq., Deputy Director of Legal Services for the DBR, led a lively discussion of proposed legislation affecting government agencies, which we continued at our last meeting in May. Finally, at this year's Annual Meeting, the GLC sponsored a seminar on Representing Incarcerated Clients. Ian P. Anderson, Esq., Senior Legal Counsel at the Department of Corrections, reviewed pertinent laws, regulations, and policies for attorneys with clients in state custody, and Noah J. Kilroy, Esq. shared practical tips for

defense attorneys and advocates before the Parole Board.

We welcome new members and suggestions on programming for the 2018-2019 year. Thanks to the Bar Association staff for their assistance and to our members and guests for your participation.



Insurance Programs

Holly R. Rao, Chair

The Insurance Programs Committee reviewed the Axis professional liability program with representatives of Aon Affinity Services. Aon reports they are focusing on providing stability, securing greater flexibility in setting rates and credits, and in simplifying the application process. Aon continues to sponsor the annual loss prevention series of CLE programs in the summer and fall where, traditionally, over 1,500 Rhode Island Bar members attend at no charge.

The Committee sponsored two educational forums at Bar Association headquarters for members to review health insurance programs. Representatives from USI New England were present. Our health insurance broker, USI, included a general presentation and one-on-one consultations regarding medical and dental insurance coverage and changes anticipated for the current year. USI New England is contracted to provide Bar members with enrollment, billing service, insurance advice and to assist Bar members with other health/dental and benefits insurance alternatives.

The Committee is reviewing options for members in the area of cyber insurance and how to keep members informed about their options. Information about the Bar Association sponsored insurance programs is available on the Bar's website at ribar.com.



Lawyers Helping Lawyers

Nicholas Trott Long, Chair

The Lawyers Helping Lawyers Committee serves as a confidential resource to Bar members and their families, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is to lend an ear and assist in making an appropriate referral to professional resources. The communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself.

Bar Association Committee Reports

Lawyer-Committee member contacts are noted only for statistical purposes and no names are ever mentioned. The Committee met bi-monthly and did an extensive review of the recent American Bar Association report on Lawyer Wellbeing.

The RIBA contracts with the Coastline Employee Assistance Program (EAP), coastlineeap.com, which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. Coastline is headed by Judith G. Hoffman, LICSW, CEAP who has provided the Committee with invaluable service for more than two decades. Coastline is building a new website and there will be opportunities to connect to online support groups.

Aon continues to sponsor the annual loss prevention series of CLE programs at several locations where over 1,500 Rhode Island Bar members attend at no charge. The upcoming 2018 program features Daniel Lukasik, a personal injury trial lawyer and former managing partner of a law firm in Buffalo who has dealt with depression for many years. Mr. Lukasik will discuss coping with depression and the stresses of work and managing client expectations while trying to maintain work/life balance. He is a frequent speaker on depression in the legal profession for law schools and bar associations across the county.

All issues of the *Rhode Island Bar Journal* and the Bar Association's website contain information about the Lawyers Helping Lawyers Program as well as the SOLACE program both aimed at helping Bar members and their families in need. A double book review of *Never Enough* by Michael J. Burke and *The Addicted Lawyer: Tales of the Bar, Booze, Blow, and Redemption* by Brian Cuban was printed in the May/June issue of the Bar Journal. In addition, the Association regularly sends out to Association members emails giving tips on wellness, and features articles on health and wellness in the Bar Journal and on the website.

The Committee participated at the *Bridge the Gap* program and the New Lawyers/Bar Committee networking program. In addition, the Committee sponsored two programs at this year's Annual Meeting - A Modern Lawyer's Guide to Ethical and Mental Well-Being and Depression, Stigma and Lawyer Wellbeing. Several other programs dealing with stress, quality of life and wellness were presented by the CLE Department.



Lesbian, Gay, Bisexual, & Transgender Legal Issues

Carol Ricker, *Co-Chair*

Thomas G. Shaffer, *Co-Chair*



We would like to thank the Committee members and allies for a successful committee year. We appreciate everyone's efforts in attending meetings and contributing to the Committee. During our committee meetings, members discussed state statutes that omit sexual orientation and gender identity as a protected class and discussed legislation submitted in the state legislature that would have eliminated a so-called gay panic defense. While no action was

taken by the committee, the discussion led to a better understanding of the issues.

In the fall, members of the committee partnered with Roger Williams University School of Law to provide a mentorship program with LGBT law students. The Committee also had discussions with the Coordinator for LGBTQ Programs at Roger Williams University to craft a "Know Your Rights" speaker series for undergraduate students. We anticipate moving forward with this speaker series next fall.

In the spring, The Feinstein Center for Pro Bono & Experiential Education at Roger Williams University School of Law conducted a presentation for committee members to participate in a pro bono name change project for transgender individuals. Members of the committee thereafter signed up with the Volunteer Lawyers Project to provide such representation. Additionally in the spring, members of the LGBT Committee partnered with Youth Pride to provide pro bono representation for LGBT youth.



New Lawyers

Matthew B. DiMario, *Chair*

The New Lawyers Committee works to aid attorneys admitted to practice in the State of Rhode Island within the last 10 years by bringing awareness to the issues important to recently admitted attorneys and promoting access to all of the benefits that the Rhode Island Bar Association has to offer. The New Lawyers Committee has accomplished this goal in several respects this year. Notably, the Committee continued its work on new initiatives to increase involvement and engage-

ment in Bar Association activities and committees among recently admitted lawyers. Through collaboration with the Roger Williams University Law School, the Committee focused on getting information about the opportunities, support and benefits that come with Bar Association membership and the many benefits that flow from participation in Bar Committees. In particular, in January we were glad to join the Executive Committee in co-sponsoring and participating in a “Meet the Chairs” networking event where bar association members and law students were invited to meet and mingle with chairs and representatives of 22 different Bar committees at the Bar’s headquarters in Cranston. We are pleased to report that many of the committees that participated in the event saw an increase in membership and participation. Later in the year, we were proud to host and moderate a Deposition Ethics CLE presented by Judge John J. McConnell, Jr. of the Rhode Island Federal District Court. In addition, the Committee was actively involved in working with the Bar Association Annual Meeting Committee and provided insight and information to help develop Annual Meeting seminars aimed at appealing to recently admitted members of the Bar. In conjunction with this effort, the New Lawyers Committee was proud to join the Lawyers Helping Lawyers Committee in co-sponsoring a seminar at the Bar’s Annual Meeting on balancing mental health and well-being in the modern practice of law, how to manage everyday stress, and the new challenges facing attorneys today. Going forward, Committee members will be able to continue participation in the *Bridge the Gap* program new bar members are required to attend as part of their admission to the Bar. The Committee is also looking into new ways to increase the sharing of information and opportunities with the Rhode Island Federal Bar Association Young Lawyers Committee. Although the Committee’s programming is primarily aimed at those who have been practicing for ten years or less, all are welcome, and both new and more seasoned Bar members are invited to join the Committee and participate in activity planning for the coming year.



Probate and Trust
David T. Riedel, Chair

The Committee on Probate and Trust considers proposed changes in the legal system as the changes relate to the probate, trust and estate tax areas. The Committee was active during the current year, meeting six times during the 2017-2018 year. 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 the judges provided a useful perspective for Committee discussions.

The Committee reviewed, revised and submitted (after approval by the Bar Executive Committee) legislation that would permit so-called “directed trusts” (which would permit a settlor to designate a person other than a trustee as responsible for trust investments). The Committee also prepared and introduced, with the approval of the Bar Executive Committee, proposed legislation in the following areas: (1) rights of surviving spouses to elect against decedents’ estates, (2) Rhode Island estate tax - increase in credit against estate taxes, (3) portability of the Rhode Island estate tax exemption from a deceased spouse to a surviving spouse. All bills are being held for further study by the appropriate Committees of the House or Senate at this time, and passage is uncertain. The Committee also reviewed a revised bill dealing with fiduciary access to digital assets, which had been introduced at the request of the local representatives of the Commissioners on Uniform Laws.

The Chair was given invaluable assistance by a number of Committee members who made themselves available to review proposed legislation in the probate and trust area; several members also made themselves available to testify regarding legislation before Committees of the General Assembly.



Public Service Involvement
Christine J. Engustian, Chair

To increase the number of attorneys who participate in the pro bono programs of the Rhode Island Bar Association is always the overarching goal of the Public Service Involvement (PSI) Committee so more members of our communities will have access to legal representation. I am grateful to the Committee’s members who year after year prove their devotion to the Committee’s mission by investing substantial time beyond committee meetings to carve ways to reach that goal. Among the Committee’s efforts this past year include the creation of a three-part seminar series entitled “Call Your First Witness,” which covers aspects of a mock contested custody trial presided over by Rhode Island Family Court judges. To be held in the fall 2018, this seminar series will not only educate members of the bar but hopefully will also attract new members to the Bar Association’s Public Service programs by awarding free CLE credits to member attorneys who accept a pro bono case before attending. In addition, Committee members planned a seminar for the 2018 Annual Meeting of the Bar Association. The seminar covers immigration issues on bonds and custody and is geared to expand legal resources for representation of the community in

Bar Association Committee Reports

this area of law.

The Committee participated in the Bar Association's Committee Networking Event held at the Law Center on January 25, 2018. Each committee was given a table for a couple of committee members to sit and greet new members of the bar who wished to learn more about the committee and its work so they could make informed choices about joining bar committees in the coming years. The evening presented an opportunity to encourage these new attorneys to meet the aspirational goal, adopted by the Association's House of Delegates, of providing 50 pro bono hours of legal services annually.

A PSI subcommittee selected Attorneys Denise Acevedo Perez and Peter J. Rotelli to receive the 2018 Pro Bono Publico Award for their outstanding service through the Volunteer Lawyer Program and Foreclosure Prevention Project, respectively. The recipient is selected based on the number of cases and complexity, pro bono hours reported, length of service, professionalism, compassion and commitment to public service.

Most recently, the Committee has tackled the issue of emeritus practice rules by discussing in part guidelines adopted by other states and by forming a subcommittee to investigate this issue in greater depth for the purpose of ultimately developing specific rules and requirements for the State of Rhode Island that may be proposed to the Executive Committee for consideration. Attorneys practicing under such emeritus status should increase the number of pro bono cases assigned by the Public Service programs of the Bar Association.

The Committee wholeheartedly thanks Public Services Director Susan Fontaine, and all staff members, who provide input, guidance and support to the PSI Committee and its work throughout each year. The Committee could not pursue its mission without them.



Real Estate Title Standards and Practices

Michael B. Mellion, *Chair*

The Real Estate Title Standards and Practices Committee met nine times this year. Attendance continued strong with an average of 30 members attending each meeting, a 28% attendance rate.

The members benefited from informative presentations by committee members regarding new developments in the law and transactional practice, as well as recent cases of interest to real estate practitioners decided in Rhode Island, Massachusetts and federal courts.

Thanks are due to the following Committee members who presented cases at meetings this year: Daniel J. Archetto, Susan

W. Cody, John A. Comery, David M. Dolbashian, William A. Dorry, IV, Mary-Joy A. Howes, John P. McCoy, Kenneth R. Rampino, Bruce R. Thibodeau and Vanessa J. Varone.

The Chair is grateful for the exemplary efforts of Nancy M. Davis, the Committee's Recording Secretary, whose comprehensive minutes of our meetings are legendary.

I also want to thank John A. Comery for ably chairing the October 19, 2017 meeting, and Joseph M. Dolben, Chair of the Legislative Subcommittee, and Subcommittee member Alexander Friedman for preparing detailed reports on new legislation of interest to our members.

Our Standards and Practices Subcommittee proposed the adoption of the following new title standards: No. 3.13, entitled "Insubstantial Defects"; No. 3.14, entitled "Self-Dealing by Fiduciary"; and No. 3.15, entitled "Discharge or Assignment of Mortgage by Foreign Fiduciary." All three proposed standards were approved by the committee at its September 21, 2017 meeting, and thereafter were approved as new standards by the Executive Committee of the Rhode Island Bar Association at its February 27, 2018 meeting.

Our Forms Subcommittee proposed new Practice Form 14, drafted by subcommittee member Joseph Raheb, entitled "Complaint to Foreclose Mortgage." This new practice form was approved by the committee at its March 15, 2018 meeting, and was published for comment in the *Rhode Island Bar Journal* in its May/June 2018 edition.

The name of the Committee was formally changed this year to the "Real Estate Title Standards and Practices Committee" from the "Title Standards and Practices Committee", in order to make it clear to members of the Bar that the focus of the Committee was on title standards and practices related to real estate.

The Committee continues to be concerned with issues pertaining to recording and abstracting practices as well as transactional matters. The Committee always welcomes suggestions for improving transactional practice in Rhode Island, and continues to review and modernize its title standards, practice standards and forms.



Superior Court Bench/Bar

Dana Horton, *Chair*

The Superior Court Bench Bar Committee met regularly throughout the 2017-2018 term, identifying, discussing and addressing issues of importance to the Committee and the Court. I am pleased to report on our many accomplishments this term.

Most notably, the Superior Court Rules of Civil Procedure

were officially amended by the Rhode Island Supreme Court, to incorporate provisions relating to e-discovery into our several of our rules of procedure. This project was the result of much time, effort and analysis given by many of our members and the Court. We are thankful and appreciative of all those who gave their time and talent to see these rule changes through approval.

The Judicial Communications Survey was updated to reflect current information for all participating Justices, and remains available on-line. Our Judicial Survey remains a great resource for all practitioners and we are grateful to the Rhode Island Bar Association for assisting our Committee with keeping the information up to date.

Our Committee also focused more time and attention this year on a proposed amendment to Rule 26(b)(4) of the Superior Court Rules of Civil Procedure, in the wake of the **Cashman Equipment Corp., Inc. v. Cardi Corp., Inc.**, et al, 139 A.3d 379 (2016). The proposed rule change addresses experts, document production from experts and reports. Our Committee's proposal has undergone careful review, evaluation and revisions so that we can ensure the final product accurately reflects the spirit and intent of both Cashman and our practitioners. Our final proposal was recently approved by the Executive Committee and will be before the House of Delegates at its next meeting.

We continued to work with the Technology in the Practice Committee, serving as a member of the E-Filing Working Group, as we collectively continue to work with the Court, administration, practitioners and the vendors with regard to troubleshooting and fine tuning our e-filing system.

In the spirit of continuing to educate our committee as well as incorporating the bench into our meetings, whenever possible,, we were pleased to have Justice Melissa Long join us for our February meeting at the Providence County Superior Court.

We have discussed additional topics for CLE presentations and are recruiting speakers for the upcoming term. We are also thankful to those members who presented and/or submitted ideas for this year's Annual Meeting.

Our Committee has continued to study and consider two Uniform Acts (foreign sworn declarations and interstate depositions and discovery) and to analyze whether and how to recommend the adoption of these Acts in Rhode Island. We have also created a new subcommittee tasked with reviewing existing Rule of Court motions and whether the rule should be expanded or amended in any way.

Finally, we continue to monitor our proposed change to the Rules of Evidence, which was presented to the Rhode Island Supreme Court and is now being reviewed by Professor Kuckes of Roger Williams School of Law and our working subcommittee, in an effort to refine and perfect this important rule change. The Committee seeks to add proposed Rhode Island Rule of Evidence 502, which would govern the Rhode Island courts'

approach to several important but narrow questions related to waivers of attorney-client privilege and work product protection in litigation. This would be the first amendment to the Rhode Island Rules of Evidence since those rules were adopted in 1947. The proposal is based on a comparable rule enacted in the federal court system in 2007.

We remain open to new ideas and welcome any and all members to join the Committee. Thank you to all members who participated in the Committee this year, whether you were able to attend meetings or helped behind the scenes. We look forward to your continued participation!



Supreme Court Bench/Bar

Lauren E. Jones, Chair

The Supreme Court Bench/Bar Committee met only once in the last term. A second meeting was scheduled but had to be canceled due to snow and could not be rescheduled.

The principal concern discussed by the Committee is the transition by the Supreme Court to electronic filing and amendments to the appellate rules to address e-filing changes. The Committee has not been involved in, or been asked to be involved in, those changes, which are presently in progress. The Committee invited to its scheduled second meeting, and hoped to hear from, the Supreme Court Clerk and the Deputy Court Administrator with the details of that transition but the second meeting had to be canceled. Nonetheless, the Committee chairperson has offered the assistance of the Committee members to the on-going process.

The Committee discussed other developments affecting appellate practice, and in particular the recent addition to the e-filing system—at least in civil cases—of a “limited entry of appearance” that allows appellate counsel to gain full access to the documents in the trial court’s electronic docket, including access to the transcripts and trial exhibits in the docket, which are otherwise confidential and accessible only by counsel of record, the court, and authorized court personnel. The Committee had an extended discussion about the implementation of e-filing by the court system in general, and in the Supreme Court, including comments and concerns of the members in attendance. The concerns raised in the meeting were intended to provide the basis for further discussions with the Clerk and Deputy Court Administrator.

The Committee also had an extended discussion of recording and videotaping oral arguments before the Supreme Court. Members of the Committee commented on the present difficulty of arranging on an ad hoc basis for a stenographer to be present

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for and transcribe oral argument was discussed. The Committee discussed the benefits of having oral arguments recorded and/or videotaped. This was also intended to be a subject of further discussion with the Clerk and Deputy Court Administrator.

The Committee discussed several other issues relating to appellate practice, including the procedure for certification of the record, the delay caused by the prebriefing process, and whether certain rules should be reviewed and considered for amendment. As with other “rule” issues, until the Court issues the “new” proposed or final rules after modification to accommodate e-filing, the Committee cannot take any position with respect to any particular rule. The Committee agreed to defer consideration of those issues.

At the time this report is being prepared, the new appellate rules, including those relating to electronic filing, have not been issued.



Technology in the Practice

Thomas W. Lyons III, *Chair*

Michael M. Goldberg, *Chair*

The Technology in the Practice Committee’s major activities this year focused on issues regarding the Electronic Filing System and the E-Discovery in the state courts.



The Committee continued to organize the E-Filing Working Group consisting of bar members and representatives from multiple Bar Association Bench/Bar Committees. The Working Group met with representatives of the Rhode Island Judiciary to discuss developments to the Case Management

System (CMS) and Electronic Filing (E-Filing) System and resolution of various issues that have arisen during its continued implementation and update. The representatives from the Judiciary have participated in the Working Group to address any issues that arise.

We have provided reports of our progress to Bar Association President Linda Rekas Sloan who has passed along the information to the membership through the President’s Messages in the *Rhode Island Bar Journal*, as well as through Bar Committee updates, an all-member email, and news postings on the Bar’s website and social media accounts.

The Working Group and the Judiciary’s representatives jointly presented on the current status and future of the E-Filing System during the Bar Association Annual Meeting. The Committee also assisted in the “Discovery of Electronic

Materials Comes to Superior Court” presentation at the Bar Association Annual Meeting.

Workers’ Compensation

Bench/Bar

William Gardner, *Chair*

The Workers’ Compensation Bench/Bar Committee would like to start by thanking Jack R. DeGiovanni, Jr. for over a decade of service as the past chair and for his continued guidance and assistance. The Committee met at the Garrahy Judicial Courthouse on the third Thursday of each month and was regularly attended by Chief Judge Robert Ferrieri and the Court’s associate judges. In addition to addressing particular issues raised by member of the bench and bar, updates and changes to the electronic filing system were also discussed regularly. A cooperative effort to address the handling and submission of voluminous documentation in a manner that is efficient and practical for both the bench and bar has been made and was a frequent topic of discussion. The communication between the bench and bar has been instrumental in fostering an understanding of the challenges and benefits that the transition to a paperless system presents for the practice as a whole. Also, the Court’s recently introduced mediation program has also been very successful. A special thanks to the retired and active judges that lend their time to the program is certainly in order. The annual fall golf outing was again held at Triggs Memorial Golf Course and this continues to be one of the most heavily attended events for both active and retired practitioners and judges. Judge Morin and Chief Judge Ferrieri were again instrumental in setting up this event. The most recent golf outing, held in May at Metacomet Country Club, was also well-attended by members of the bench and bar. The Committee is presently taking a break from meetings over the summer and will return in the fall.

Lawyers on the Move

James Crowley, Esq. is now a staff attorney at the **Conservation Law Foundation**, 235 Promenade Street, Suite 560, Providence, RI 02908. 401-351-1102 ext. 2013 jcrowley@clf.org clf.org

Linn F. Freedman, Esq., and **Patricia J. Igoe, Esq.**, of **Robinson+Cole**, One Financial Plaza, Suite 1430, Providence, RI 02903 were named leading lawyers for 2018 in *Chambers USA*. 401-709-3300 lfreedman@rc.com pigoe@rc.com rc.com

Joelle M. Hays, Esq., is now a partner at **Morrison Mahoney LLP**, 10 Weybosset Street, Suite 900, Providence, RI 02903. 401-331-4660 jhays@morrisonmahoney.com morrisonmahoney.com

Mariam Alexanian Lavoie, Esq., has opened her own practice, **Lavoie Law, LLC**, 300 Centerville Road, The Summit West, Suite 305, Warwick, RI 02886. 401-825-7900 mariam@mlavoielaw.com

Kristen Sloan Maccini, Esq., has opened her own practice, **K Sloan Maccini Law & Mediation, LLC**, 34 Narragansett Avenue, Suite 4, Jamestown, RI 02835. 401-458-0794 ksmaccini@gmail.com ksmlawmediation.com

Jonathan R. Myhre, Esq., is now an associate at **Morrison Mahoney LLP**, 10 Weybosset Street, Suite 900, Providence, RI 02903. 401-331-4660 jmyhre@morrisonmahoney.com morrisonmahoney.com

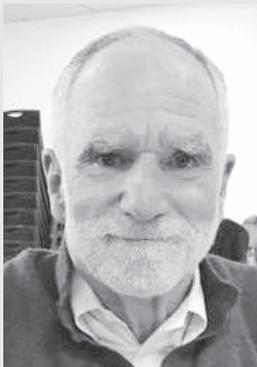
Sign Up For Your 2018-2019 Bar Committee Membership Today!

If you have not yet signed up as a member of a 2018-2019 Rhode Island Bar Association Committee, please do so today. Bar Committee membership runs from July 1st to June 30th.

Even Bar members who served on Bar Committees this year must reaffirm their interest for the coming year, as Committee membership does not automatically carry over from one Bar year to the next. Bar members may complete a Committee registration form online or download and return a form to the Bar. Please join no more than three committees.

To sign up for a 2018-2019 Bar Committee, go to the Bar's website at ribar.com and go to the MEMBERS LOGIN. After LOGIN, click on the BAR COMMITTEE SIGN-UP link.

As an alternative, you may download the Bar Committee Application form appearing above the button and mail or fax it to the Bar Association. Please only use one method to register to avoid duplication. If you have any questions concerning membership or the sign-up process, please contact the Bar's Member Services Coordinator Erin Bracken at (401) 421-5740.



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Rhode Island Foundation 2018 Annual Meeting

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 21, 2018 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. President St. Pierre expressed gratitude to the members of the Board and the hard-working Foundation Committees.

During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2018 Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$393,109 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 2018 Thomas F. Black, Jr., Memorial Scholarship and the recipients of the Honorable Thomas J. Caldarone, Jr., law student summer Fellowship Program.



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

The Bar Foundation Welcomed 5 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.

Michael M. Goldberg
Jane F. Howlett
Mary S. McElroy
Amy E. Moses
Anthony M. Traini

2018-2019 Rhode Island Bar Foundation Officers

President Michael A. St. Pierre, Esq.
Vice President Deborah M. Tate, Esq.
Treasurer James A. Jackson, Esq.
Secretary Lauren E. Jones, Esq.

The Honorable Thomas J. Caldarone, Jr. Fellowship Program

The RI Bar Foundation was recently honored with a generous donation from Hon. Thomas J. Caldarone, Jr. which has been used to establish an endowment for summer fellowships. Annually, a student entering their second year at Roger Williams University School of Law, will receive a stipend for an internship in a Rhode Island nonprofit organization engaged in providing legal services to persons of limited means. As Caldarone Fellows, second year law school students have the opportunity to assist in providing crucial legal services to the public and in so doing may encourage those students to pursue public service careers. The Rhode Island Bar Foundation is very pleased to be able to award two fellowships this year. Camille Caron Capraro will be interning at the Rhode Island Public Defender's Office, and James Escobedo will be interning at the Rhode Island Center for Justice.



Rhode Island Bar Foundation 2018 Hon. Thomas J. Caldarone, Jr. summer Fellowship recipients, Camille Caron Capraro (pictured left) and James Escobedo (pictured right), with President Michael A. St. Pierre, Esq.



Alexandra Curran, Esq., 2007 Thomas F. Black, Jr. Memorial Scholar, addressed the Bar Foundation Fellows and guests.



Lauren E. Jones, Esq., Chairperson, Nominating Committee.

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.



2018 Thomas F. Black, Jr., Scholarship recipients Bethany A. Bigos and Lucas G. Spremulli pictured with R. Kelly Sheridan, Esq., Chairperson, Scholarship Committee; Norman D. Baker, Jr., Trustee, the Horace A. Kimball and S. Ella Kimball Foundation; and Thomas F. Black, III, President, the Horace A. Kimball and S. Ella Kimball Foundation. Lucas is attending Boston College Law School. Bethany is attending Roger Williams University Law School.

Special Thank You to Scholarship Program Contributors

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RECEPTION



2018 ANNUAL MEETING

This year's hard-working Annual Meeting Planning Committee, chaired by Bar member Holly R. Rao, with the assistance of Vice Chair Krista J. Schmitz, produced a diverse and enriching program. Supporting this effort, many Bar members and the Bar staff worked with the Committee to ensure a seamless presentation of workshops and social events. As a result, the Annual Meeting provided over 1,500 attendees with a diverse range of interesting and informative seminars over the two days. The Meeting offered Bar members outstanding opportunities to learn, to improve their practice, recognize and honor Bar award winners, socialize with colleagues, and fulfill annual CLE requirements.



New 2018-2019 Rhode Island Bar Association President Carolyn R. Barone was sworn-in by Rhode Island Supreme Court Chief Justice Paul A. Suttell.



Dr. Sviokla led the a conversation about addiction issues during his session **From Harvard to Hell...and Back** with the help of David D. Curtin, Esq., and Moderator Victoria M. Almeida, Esq.



Outgoing President Linda Rekas Sloan, Esq. welcomed attendees Thursday morning, and thanked the members of the Bar for their support during her presidency.



Michael Colucci, Esq. presented a well-attended seminar on direct examination techniques.



The distinguished panelists (l-r) Lara E. Montecalvo, Esq., Thomas M. Dickinson, Esq., Camille Capraro, Hon. Francis J. Darigan, Jr. (ret.), Hon. Francis X. Flaherty, Hon. Sandra A. Lanni, Lauren E. Jones, Esq., and Hon. Sarah Taft-Carter gave attendees updates on both civil and criminal case law.



New Paid Sick Leave Law panelists (l-r) Richard A. Sinapi, Esq., Sean M. Fontes, Esq., and Matthew H. Parker, Esq. discussed the recently passed Healthy and Safe Families Workplace Act.

Before a full ballroom of enthralled Bar members, Thursday Plenary Speaker Dean Strang, of the Netflix documentary *Making a Murderer*, discussed how poverty affects the justice system.



David G. Morowitz, Esq. shared his years of experiences and offered strategies during his workshop **Practical Skills for Handling Depositions**.



Panelists Jane F. Howlett, Esq., Stephen M. Prignano, Esq., Vincent A. DiMonte, Esq., and Brittany A. Carr, Esq. (not pictured) presented on **Family Law Update and Other Important Topics**.



Dana M. Horton, Esq., Mark Spencer, Thomas W. Lyons III, Esq., and Hon. Brian P. Stern presented **Discovery of Electronic Materials Comes to Superior Court**. The panelists reviewed the new rules and considered the technological issues raised by them.



Christy B. Durant, Esq., Nicholas Trott Long, Esq., and Kyla Pecchia, Esq., discussed how to balance mental health and well-being in today's practice with their session, **A Modern Lawyer's Guide to Ethical and Mental Well-Being**.



Janet Gilligan, Esq., Hon. John E. McCann III, Nicole B. DiLibero, Esq., Tracy J. Hermann, Esq., and Richard A. Merola, Esq. explored the complications in divorce and custody cases when DCYF becomes involved in their session, **DCYF Intervention into Your Divorce/Custody Case: What Happens Now?**



Intro to Immigration Bond and Custody presenters Denise Acevedo Perez, Esq., Deborah S. Gonzalez, Esq., Joseph Molina Flynn, Esq., and Brandon Lowe delivered a background of custody determinations, law on arriving aliens and mandatory hold, court jurisdiction to review bond, and process of bond hearing.



Teddy deCaro and Krista J. Schmitz, Esq. discussed the history of sexual harassment in the workplace and ways to prevent it in the future in their session, **Sexting, Lying, Denying: Sexual Harassment in the Workplace**.



Michael B. Mellion, Esq. discussed various real estate conveyancing issues involved with trusts in his workshop, **Trust and Estate Issues in Real Estate Conveyancing**.



Florence K. Murray Award winner Dennis J. Roberts II surrounded by four of the women judges who nominated him for the Award: (l to r) RI District Court Associate Judge Madeline Quirk, RI Superior Court Associate Justice Susan E. McGuirl, RI Supreme Court Associate Justice Maureen McKenna Goldberg, and RI Family Court Associate Justice Lauren Q. D'Ambra.

Panelists Hon. Steven A. Minicucci, Dr. Susan A. Storti, Dr. Joanne Fowler, Keith A. Cardoza, Esq., and Jack R. DeGiovanni, Esq. discussed how the workers' compensation system deals with the problem of opioid abuse among injured workers during their workshop, **The Highs and Lows of Opioids in the Workplace.**



Panelists Lauren E. Jones, Esq., Peter Panciocco, Rhiannon S. Huffman, Esq., Gail M. Valuk, Esq., Hon. Jeffrey A. Lanphear, and Michael M. Goldberg, Esq. discussed the status of the electronic filing system and future developments during their workshop, **State Court E-Filing: Where Are We and Where Are We Going?**



At the Intersection of Workers' Compensation and Employment Law panelists Hon. Alfredo T. Conte, Michael A. St. Pierre, Esq., Ronald A. Coia, Esq., and Michael A. Gamboli, Esq. discussed the right to reinstatement and suitable alternative employment, and also explained the Americans with Disabilities Act.

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Lynda L. Laing, Esq., Janet Gilligan, Esq., and Christopher M. Lefebvre, Esq. discussed the rule changes that allow unbundled legal services in their **Limited Scope Representation** seminar.



Incoming Bar President Carolyn R. Barone entertained the crowd and outgoing President Linda Rekas Sloan as she accepted the President's Gavel at the Friday Annual Luncheon.



Why GOOD Guys – Guys Overcoming Obstacles to Diversity – Are So Important speakers Lisa Bergeron, Damon Hart, Pierre LaPerriere, Michael Yelnosky, J.D. discussed how progress in gender and racial diversity in the legal profession has stalled over the last decade.



Rhode Island Supreme Court Chief Justice Paul A. Suttell delivered his annual report on the Judiciary at the Friday Annual Luncheon.



Dr. Peter Kramer discussed his most recent book, *Ordinarily Well: The Case for Anti-Depressants*, and why lawyers suffer from depression many times the rate of the general population in his session **Depression, Stigma and Lawyer Wellbeing**.



Panelists Mark B. Morse, Esq., Melody A. Alger, Esq., Hon. Daniel A. Procaccini, and Justin J. Shireman, Esq. (not pictured) discussed the process of arguing for, defending against, and assessing monetary damage awards in civil cases in **You Can't Always Get What You Want – Determining Money Damages in Civil Cases**.



Chris Osborn, Esq. closed out the Annual Meeting on Friday afternoon with his session, **Don't Let the Jokers Drive You Batty**, which used clips from *Batman Begins* and *The Dark Knight* to explore the impact of challenging professional relationships.

Evan Patrick Shanley

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BOOK REVIEW

Nino and Me: My Unusual Friendship with Justice Antonin Scalia

by Bryan A. Garner



Christopher S. Gontarz, Esq.
Lynch & Pine, LLC
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Lawyers know Bryan Garner as the Editor in Chief of *Black's Law Dictionary*. Garner is also the author of 20 other books, including *Garner's Dictionary of Legal Usage*; *Garner's Modern English Usage*; *The Chicago Guide to Grammar, Usage, and Punctuation*, and most importantly, in my opinion, *The Rules of Golf in Plain English*. He is also the author of two books with Antonin Scalia: *Making Your Case: The Art of Persuading Judges* and *Reading Law: The Interpretation of Legal Texts*.

Nino and Me is based upon Garner's ten years of working with Associate Justice Antonin Scalia on *Making your Case* and *Reading Law*. Garner is the Distinguished Research Professor of Law at Southern Methodist University, and he also teaches at the law school of Texas A&M University and the University of Texas. This is a personal insight into the life of Antonin Scalia, authored by one of the world's most prominent lexicographers and legal scholars. It presents the opportunity to see the other side of a Supreme Court Justice who for thirty years was portrayed as a curmudgeon. Garner dispels this notion with his detailed observations and many personal, non-law related conversations he shared with Scalia.

Garner and Justice Scalia were both snoots, and very proud of being identified as such. A snoot is defined as a person who cares intensely about words, usage, and grammar, and who adheres to a kind of enlightened prescriptivism that assesses language for its aptness, clarity, succinctness, and power. That persnickiness is seen throughout the book, and offers a unique insight into the making of the two coauthored books, as well as *Nino and Me*.

Making our Case took two years (2006-2008) to write, and the authors spent over 100 hours working on the book in Justice Scalia's chambers alone. Once the book was published, the authors lectured at many presentations for both members of the bar and general public. The time spent in the preparation for the lectures, as well as the lectures themselves, are revealed in rich detail and offer a personal insight into the friendship between Garner and Scalia.

Among the points raised in the book by the authors was "Treasure Simplicity. You don't get

any extra credit for eloquence. Just make it simple and tell us your point. Your job is to make a complex case simple, not a simple case complex." Along these lines, it was advised to not use up all your time at oral argument, and to sit down early if there is nothing useful to say. Justice Scalia was elated that during the 2009 term on the Supreme Court advocates seemed to heed this advice.

Reading Law was written in 2009-2010, with the emphasis on textualism and theories of interpretation. They explained 57 cannons of legal construction, and expose what they believe are 13 falsities of legal construction. After the book was published, the authors continued with their speaking engagements about Scalia's theories. Ironically, their last speaking tour was in Hong Kong and Singapore that concluded ten days before Justice Scalia's death in 2016.

Nino and Me is not a dry text, despite the reference to the two legal tomes throughout the book. It is filled with antidotes and observations about Justice Scalia. Of course there is a Rhode Island connection in the book. Bryan Garner got married in Newport in August 2010, and Justice Scalia performed the wedding. Since Justice Scalia had no authority to conduct the wedding, a special bill had to be passed by the Rhode Island Legislature authorizing Justice Scalia to perform the ceremony. Being Rhode Island, there was an objection, "We don't need an out-of-state judge coming to Rhode Island to perform a wedding! We have plenty of able judges in this State." The bill passed and Justice Scalia performed the wedding.

Nino and Me is very well written, and regardless of political or judicial philosophy, it is a worthy addition to any library. ♦

Do you or your family need help with any personal challenges? We provide free, confidential assistance to Bar members and their families.

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

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

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

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Lawyers Helping Lawyers Committee Members Protect Your Privacy

SOLACE, an acronym for Support of Lawyers, All Concern Encouraged, is a new Rhode Island Bar Association program allowing Bar members to reach out, in a meaningful and compassionate way, to their colleagues. SOLACE

communications are through voluntary participation in an email-based network through which Bar members may ask for help, or volunteer to assist others, with medical or other matters.

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

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

SOLACE Helping Bar Members in Times of Need

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

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

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Volunteers Serving Rhode Islanders' Legal Needs

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

APRIL 2018

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For information and to join a Bar pro bono program, please contact the Bar's **Public Services Director Susan Fontaine** at: sfontaine@ribar.com or **401-421-7758**.

For your convenience, Public Services program applications may be accessed on the Bar's website at ribar.com and completed online.

Continued on next page

Practical Skills Seminar on Civil Law Practice in Superior Court



l to r: Jeff Finan, Esq., Kathleen Wyllie, Esq., and David Oliveira, Esq.

At the May 9th *Civil Law Practice in Superior Court* Practical Skills Seminar, attorneys David J. Oliveira, Esq., Jeffrey P. Finan, Esq., and Kathleen Wyllie, Esq., discussed pre-trial practice, as well as jurisdiction and venue, commencement of an action, e-filing in Superior Court, filing fees and service to parties, rules of discovery, post-trial proceedings and appeals, and arbitration and negotiated settlements. The seminar is available on-demand on the Bar's website.



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The Bar also thanks the following volunteers for taking cases for the Foreclosure Prevention Project and for participating in Legal Clinic and Ask a Lawyer events during April and May.

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In Memoriam

James F. Bartley, Esq.

James F. Bartley, 94, of Pawtucket, died April 9, 2018. He was a graduate of Brown University and Northwestern School of Law. Mr. Bartley worked as a lawyer for the US Treasury for many years in Washington, D.C.

Robert B. Gates, Esq.

Robert B. Gates, 91, passed away peacefully on April 22, 2018. He was a life-long resident of Wakefield, RI. He was the son of the late William Murray and Doris (Merrill) Gates and brother of the late William (Bill) Gates. After serving overseas in World War II, he returned to Wakefield and graduated from U.R.I. and Boston University School of Law. He practiced law for 56 years in Providence and Wakefield. In addition to his law practice, Bob served as South Kingstown moderator for ten years, then as town solicitor for eight years. Bob also served on the Fleet Bank advisory board, School Board of Trustees, South County Hospital Board of Trustees and was past president of the South Kingstown Lion's Club. He was also past president of the Avic Boarda Trust for scouting, and past commodore of the Point Judith Yacht Club. Bob was very involved in his church, Peace Dale Congregational, serving as a Deacon as well as many other leadership positions. He provided free legal services to Peace Dale House and the establishment of Elderly Housing. Bob is survived by his wife, Evelyn (Holman) Gates, his three sons, Robert B. Gates, Jr., Peter H. Gates, John M. Gates, daughters in law, Lillian Gates and Jane Gates and John's companion, Suzanne Wright. Bob leaves seven grandchildren, Georgia, Merrill, Cory, Emily, Jesse Kalogeras, Becky Kalogeras, and Max, and one great grandchild, Julius Wilson.

Corinne M. Grande, Esq.

Corinne M. Grande, 61, of Johnston passed away April 28, 2018. She was the life partner of Mary Dube. Born in Providence, she was the daughter of the late Alberico and Corinne "Katie" (Amitrano) Grande. Corinne graduated Classical High School in 1974 and went on to graduate from Providence College in 1978 and then from Suffolk University Law School in 1981. She was an attorney for over 30 years, specializing in family law. In addition to Mary, she leaves her brother William Grande and his wife Cindy; her 2 nephews, Dean and David Grande; Mary's son, Richard Cerasale and his wife Nicole and their children, Sophia, Isabella and Jack.

Lincoln Scott Lennon, Esq.

Lincoln Scott Lennon, 53, of Pawtucket passed away on November 6, 2018. Born in Providence, Lincoln was the son of Judith (Mills) Lennon and the late John Lennon. He attended Providence Country Day and was a graduate of Providence College and Roger Williams Law School. He was an assistant city solicitor with the City of Providence and maintained a private practice in Providence. He also served as a Justice of the Peace. He was legal counsel to the Warwick City Council from 2003-2009. He is survived by his wife Michelle Rivard and their daughter, Jacqueline Lennon.

John L. Sousa, Esq.

John L. Sousa, 79, formerly of East Providence, died in Millsboro, Delaware, on April 30, 2018. He was born on May 11, 1938, to Manuel and Leonora (Lewis) Sousa. Jack graduated from East Providence High School in 1956,

Boston University in 1960, and George Washington University Law School in Washington, D.C. in 1963. He returned to practice law in East Providence and Providence and served for several years as assistant city solicitor in East Providence. In 1979, at the request of the late Senator Claiborne Pell, Jack moved back to Washington, D.C. to become assistant counsel for elections for the Senate Rules Committee, later becoming general counsel for the Committee. Among his many professional achievements, Jack was instrumental in drafting the National Voter Registration Act of 1993 (also known as the Motor Voter Act) to enhance voting opportunities for every American and he attended the signing ceremony by President Bill Clinton. He leaves his spouse, Thomas J. McCafferty, of Millsboro, Delaware, and his son, Michael K. Sousa (Michelle) of Cranston, RI. Jack, as he was known, also leaves his sisters, Carolyn Chadsey (Lloyd) of Rumford and Mildred Morris of East Providence, nephew Alan Chadsey (Julie) of Alexandria, Virginia, nieces Lianne Bartlett of East Providence, Paula Totten (William) of Cranston, and Pamela Santos (Jeffrey) of East Greenwich. He also leaves his former wife, Sheila Cabral Sousa of Warwick.

Victoria Rodman Troxell, Esq.

Victoria Rodman Troxell, 73, died on April 25, 2018. Originally from New York, Victoria lived in Providence for more than 30 years where she practiced law. She leaves her love and constant companion of almost 20 years, James Dawson, and his daughter Cara. She is also survived by her children, Jemma Penberthy, Sophia Shibles (Barak), Hugh Cariati (Sharon) and John Cariati (Alison). Victoria was the proud and loving grandmother to Amos and Hannah Cariati, Samantha Cariati and Tiernan and Liam Shibles.

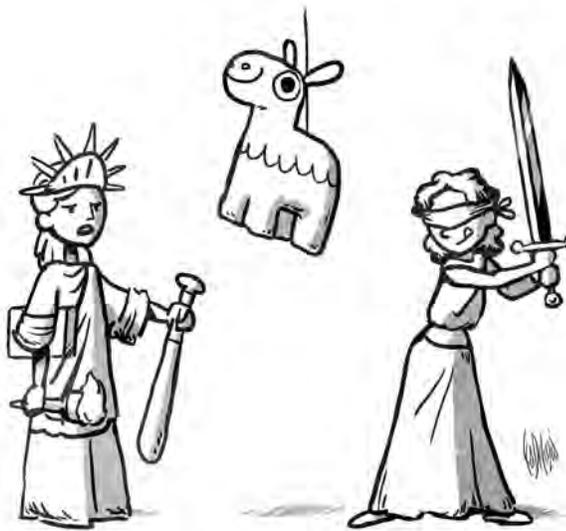
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Caption This! Contest

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



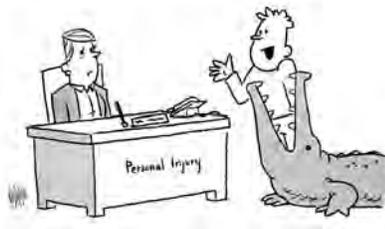
How It Works: Readers are asked to consider what's happening in the cartoon above and submit clever, original captions. Editorial Board staff will review entries, and will post their top choices in the following issue of the *Journal*, along with a new cartoon to be captioned.

How to Enter: Submit the caption you think best fits the scene depicted in the cartoon above by sending an email to kbridge@ribar.com with "Caption Contest for July/August" in the subject line.

Deadline for entry: Contest entries must be submitted by July 31st, 2018.

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

Winning caption for May/June



"As you can see this thing doesn't have any clear warnings on it. Do I have a case?"

JAMES J. BAGLEY, ESQ.

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Thanks to Our CLE Speakers

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

Below is a list of the Bar members who have participated in CLE seminars during the months of May and June.

David T. Bonzagni, Esq.

Rhode Island Department of Attorney General

Joshua R. Caswell, Esq.

Howland Evangelista Kohlenberg Burnett LLP

Eric D. Correira, Esq., LLM

Correira & Correira LLP

David D. Curtin, Esq.

Office of the Disciplinary Counsel

Eric B. DiMario, Esq.

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Kara M. Fay, Esq.

Fay Law Associates

Jeffrey P. Finan, Esq.

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Chip Muller, Esq.

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our public service programs help to find legal representation for members of the public who might otherwise not have access; facilitating volunteer efforts of attorney members instills a sense of confidence in the profession