



# Rhode Island Bar Journal

Rhode Island Bar Association Volume 69, Number 6, May/June 2021

**The Changing Environment  
for Social Investment**

**The Right Time to Retire:  
How Do You Know?**

**ABA Delegate Midyear Report**

# Articles

## 7 The Changing Environment for Social Investment

Peter J. Miniati, CFP®, JD

## 17 The Right Time to Retire: How Do You Know?

Ida O. Abbott, Esq.

## 21 Focus on the Future – An Interview with Monsurat Ottun, Esq.

Nicole P. Dyszlewski, Esq., MLIS and Meghan L. Hopkins, Esq.

## 23 Virtual Possibilities – American Bar Association Delegate Report Midyear Meeting 2021

Robert D. Oster, Esq.



### FEATURES

- 3 The Winter of Our Disconnect
- 4 Thank You for Voting us #1
- 5 Your Bar Foundation's Activities
- 6 Take a Chance on Pro Bono and Discover Skills in a New Practice Area!
- 8 Stay Connected
- 13 Honor Roll
- 15 Your Bar's 2021 *Virtual Annual Meeting Highlights*
- 19 Thanks to Our CLE Speakers
- 19 Do You Have an Idea for an Article, or a Point/Counterpoint Article?
- 20 RI Parentage Act CLE Program
- 20 Mindfulness for the Busy Lawyer CLE Program
- 25 Continuing Legal Education
- 26 Proposed Title Standard 3.18 Open for Bar Member Review and Comment
- 27 Proposed Practice Form 16 Open for Bar Member Review and Comment
- 29 A Remembrance – J. Renn Olenn
- 29 Sign Up For Your 2021-2022 Bar Committee Membership Today!
- 31 Don't Miss Out on a Great Lineup of *Virtual Annual Meeting Workshops!*
- 32 Online Attorney Resources (OAR)
- 32 Keep Your Directory Listing Up to Date!
- 33 Casemaker Tip: Organization
- 33 Rhode Island Probate Court Listing and Judicial Communications Survey on Bar's Website
- 34 Lawyers Helping Lawyers
- 34 SOLACE
- 35 Dog Bites CLE Program Reviews Important Case Considerations
- 35 May Compare & Contrast Free, Non-Credit Program: Video Conferencing Software
- 36 In Memoriam
- 37 Help Us Grow Our List Serve!
- 37 Closed Captions Now Available for Virtual CLE Seminars!
- 38 Cartoon
- 38 Lawyers on the Move
- 39 Sleep Solutions

Front Cover Photograph by Brian McDonald

**Pawtuxet Village Bridge, RI** The Pawtuxet Village Bridge is a concrete arch bridge built in 1884 that connects the cities of Cranston and Warwick.



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## The Winter of Our Disconnect



**Richard P. D'Addario, Esq.**  
President  
Rhode Island Bar Association

**We should use the knowledge gained from our experiences during this period of turmoil to adopt the valuable and practical advancements that we were forced to make.**

As we head into the summer of 2021 and hopefully put the pandemic behind us, it is my pleasure to deliver my last message as President of our Bar Association this past year. I want to take this opportunity to touch on a few items of a personal nature as well as comment on the ongoing issue of civility in the practice of law.

It certainly has been an unusual and challenging year for all of us on several levels, not the least of which was living in fear of this evasive and interruptive pandemic known as COVID-19. This has been a very real awakening for all of us, and it has made it very clear how fragile our existence is on this planet. For me, it has also resulted in an increasing awareness of how much we rely on technology and all the new tools now at our disposal in our lives. It remains to be seen what the

long-term effects will be to our adjustment to life with no direct contact with our family, friends, co-workers, and clients. While technology has allowed us to function on a productive basis, we have truly lived through what felt like the “winter of our disconnect” these past few months.

In April, I sat on my Probate Court in Tiverton, and five of the cases before me were COVID-19 deaths. Fortunately, my family and I have managed to survive the pandemic up until now and perhaps now that we are fully vaccinated we can start living our lives as we did in the past – free of fear, free of a mask, free of the inability to connect. This is our hope as we move forward.

I always like to look for the good in everything, even the bad, and for me, there certainly were some positives that came out of the changes that we had to make to keep our practices and lives going. For someone like me, who started practicing law fifty years ago with a legal pad, typewriter, and a telephone as my only tools, the transition to an online, remote practice with all the benefits of technology at my service was beyond comprehension. In the past year, I struggled, but managed, to join Zoom meetings, WebEx court appearances, and access my office computer from my home. I was able to attend numerous Bar Association committee meetings sitting in the comfort of my home office or at my desk at One Courthouse

Square. As I did this, I thought how this wouldn't have been possible even ten years ago, and the realization of how far we have evolved in adding technology to our practice was startling.

To put all this in some kind of perspective: what we accomplished in the past year or so would not have been possible a mere ten years ago, and we are fortunate to have the tools to function, despite the total disruption of our lives and businesses.

So where do we go and what do we do with the lessons learned from this past year? There is no question that the practice of law, like all business, has been inalterably changed by the events and developments resulting from the pandemic. As we come out of the pandemic and return to normal, we should embrace change and adopt some of the efficient methods of dispute resolution, such as online conferences, depositions, and hearings. We should use the knowledge gained from our experiences during this period of turmoil to adopt the valuable and practical advancements that we were forced to make. If we do so, we will look back and draw some positive from the negative.

There have been many topics of interest and concern to me as a member of the Bar here since 1971, and one of them is civility among our members. We are a unique “union” in the sense that we are all trained as lawyers and we all share the same goals, but at the same time we are, at many times, “opponents.” Other professions and occupations, such as doctors, accountants, financial planners, police officers, and firefighters, do not share this reality. Is it a conflict of interest to be civil with your opponent? Can you accomplish your goal of adequately representing your clients while at the same time being courteous in behavior and speech?

The answer has to be “of course we can, and we should.” In this day and age of increasing polarization in so many ways, in an age of verbally abusive talk shows, hostile social media posts, and an ever-spreading social and economic disparity in our society, this is a serious issue that we must all address. Our Rules of Professional Conduct state it well: “A lawyer should strive to attain the highest level of skill, to improve the law and the legal profession and to exemplify the legal profession's

ideals of public service.”

It was encouraging to see that 70% of the respondents to our COVID-19 survey felt that civility has increased during the pandemic. Maybe we all felt that we were on camera to a larger audience when we took part in a Zoom conference, hearing, or meeting, so our behavior was altered unconsciously by this method of communication. In addition, there is always the feeling that whatever we say may be recorded, played back at a later date, and our word was solidified by this concept. Maybe the pandemic put into perspective what is important in our lives, gave us a feeling that we were

all in this challenge together, and made us more civil to each other. Hopefully this attitude and conduct will continue well after we are back to normal.

Indeed, civility is simple: we should conduct ourselves with respect for our fellow members of the Bar, the Judiciary, our office staff, and our clients. We should always be true to our word, courteous, civil, and professional in all respects. This can be done even while advocating zealously for our clients. As former President Barack Obama said: “Civility requires learning how to disagree without being disagreeable.” ◇



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## 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.

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## Your Bar Foundation's Activities



**Michael R. McElroy, Esq.**  
President  
Rhode Island Bar Foundation

**I am very pleased that our Foundation, through the generosity of the Black family, the Papatto family, and the Calderone family, is providing scholarship and fellowship assistance to needy and deserving Rhode Island law students.**

I would like to use this President's Message to provide a report on recent activities of your Rhode Island Bar Foundation.

As you know, interest earned on the funds that you deposit into your IOLTA account is paid to the Rhode Island Bar Foundation. Using these funds, your Bar Foundation IOLTA program makes significant grants to non-profit organizations in four main areas: (1) providing legal services to the poor, (2) improving the delivery of legal services, (3) promoting knowledge and awareness of the law, and (4) improving the administration of justice.

Since its inception, your IOLTA fund has allocated millions of dollars to Rhode Island non-profit organizations for legal services for the poor and improving the administration of justice. For 2021, the Bar Foundation awarded grants totaling \$393,109 to the following organizations:

- (1) Rhode Island Legal Services, which is Rhode Island's civil legal aid provider, providing aid to (a) low-income individuals and families, (b) the elderly, (c) victims of domestic violence, sexual assault, and stalking, and (d) those affected by foreclosures.
- (2) Dorcas International Institute of Rhode Island, which provides citizenship and immigration services.
- (3) Rhode Island Coalition Against Domestic Violence, which operates a domestic violence victim advocacy program that helps victims seek civil and criminal relief from domestic violence.
- (4) Rhode Island Coalition for the Homeless, which enables Rhode Islanders to access pro bono legal services through attorneys who volunteer at shelters and drop-in sites.
- (5) Rhode Island Bar Association Legal Information and Referral Service to the Elderly, which makes legal services available to senior citizens using reduced fee or pro bono assistance and provides legal help in the areas of guardianship, healthcare, income maintenance, consumer finance, civil cases, criminal cases, real estate, family law, and foreclosure prevention.
- (6) Rhode Island Bar Association Pro Bono Project, which provides legal assistance to low-income law clients through the Volun-

teer Lawyer Program and handles civil law cases, including family law, domestic violence, guardianship, bankruptcy, collections, wills, tort defense, and landlord/tenant foreclosure matters.

- (7) Day One, which provides advocacy services and support for victims of sexual assault.
- (8) Center for Mediation and Collaboration Rhode Island, which provides mediation and dispute resolution services to community residents and organizations regardless of their ability to pay.
- (9) Rhode Island Center for Justice, which is an independent, non-profit, public interest law center created in cooperation with the Roger Williams University School of Law. It provides free legal services and advocacy to low-income public utility consumer households in administrative proceedings before the Division of Public Utilities and Carriers and the Superior Court and protects against unfair termination of electric and gas utility service.
- (10) Rhode Island Legal Education Foundation, which runs the Rhode Island mock trial tournament for students.

Your Bar Foundation also administers the Thomas F. Black, Jr., Memorial Scholarship Fund, which was established in 1989 to assist Rhode Island residents who need financial assistance to study law. Through the continuing generosity of the Black family, the Kimball Foundation, and the Champlin Foundation, two scholarships are available for the first year of law school in the amount of \$25,000 each. In addition, through the Papatto Opportunity Connection, we now will have an additional \$25,000 scholarship available for a first-year law student of color.

In addition to these scholarships, through the generosity of the late Justice Thomas J. Calderone, Jr., the Bar Foundation administers the Honorable Thomas J. Calderone Jr. Fellowship Fund. The Bar Foundation, in conjunction with the Roger Williams University School of Law, identifies two students at the Roger Williams Law School who will each receive a fellowship award as a Calderone Fellow. Calderone Fellows agree to work for a Rhode Island non-profit organization for the summer. The stipend for each student is \$3,000

with half coming from the Law School.

The Bar Foundation is also supported by generous contributions made by our Foundation Fellows.

The main goal of your Foundation is to provide access to justice for all Rhode Islanders, regardless of their income.

I am also pleased to report that our finances are in good shape. The Washington Trust Company invests our funds and the Finance Committee of the Bar Foundation Board of Directors carefully reviews those investments on a regular basis.

As of April 2021, the Black Scholarship Fund had an ending account value of about \$1.7 million, the Bar Foundation Long Term Reserve Account had an ending account value of about \$1.4 million, and the Calderone Fund had an ending account value of about \$80,000.

The Black Scholarship Fund earned a return of over 12% in

the last year, the Long-Term Reserve Account earned a return of about 9%, and the Calderone Fund earned a return of about 13%.

I am living proof that education is one of the main keys to escaping from poverty. I am very pleased that our Foundation, through the generosity of the Black family, the Papitto family, and the Calderone family, is providing scholarship and fellowship assistance to needy and deserving Rhode Island law students. It is our hope that these students will eventually become productive and successful Rhode Island lawyers.

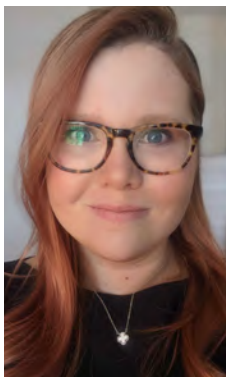
Moreover, through our IOLTA funds and the contributions of our Fellows, it is an absolute pleasure to provide various forms of legal assistance to low-income Rhode Islanders in order to provide them with access to legal services, regardless of their ability to pay. ◇

## Take a Chance on Pro Bono and Discover Skills in a New Practice Area!

*The Bar's Volunteer Lawyer Program facilitates the placement of hundreds of pro bono cases each year but new members are needed, especially now. Volunteer attorneys positively impact the quality of their clients' lives by providing critically needed representation and protections for people who could not otherwise afford it. Members of our pro bono programs report satisfying and unique experiences that can sometimes open a door for a new practice area. Please note seasoned members of the Bar are available to mentor upon request. Included below is a testimonial from new Volunteer Lawyer Program member Sarajane S.M. Whitfield, Esq., who shares her experience with accepting her first pro bono divorce case.*

I connected with the VLP as soon as I was barred in RI in 2018 because I wanted to contribute, but quickly found my skill set as a corporate and transactional attorney for startups wasn't the best match for its pro bono client needs. I hadn't seen many opportunities I could run with solo, but as the pandemic hit and more pro bono requests filled the newsletters, I reached out to John Ellis, the VLP Coordinator, to offer whatever help I could. Wary of taking on anything myself for fear of doing more harm than good, I asked if I could be matched with an experienced attorney I could learn from while sharing the workload. To my great fortune, Carolyn R. Barone, Esq. agreed to mentor me on my first pro bono divorce case.

Family law, the filings and procedures, appearing in front of a judge, and even the court's e-filing platform, were all worlds away from my everyday practice, but I had the support and guidance of a seasoned pro to make things easier and more manageable. Attorney Barone went above and



Sarajane S.M. Whitfield, Esq.

beyond to set me – and, more importantly, the client – up for success, from providing templates to reviewing drafts, sharing tips on the quirks of the system, answering countless questions, building a roadmap for various contingencies, and being on-call for the hearings in case I needed assistance at any point. Mr. Ellis also connected me with Michael Castner, Esq., who shared his top constable contact with me to serve the amended complaint and other documents on the elusive defendant on a tight timeline, and Neville Bedford, Esq., who generously offered space in his office building when it wasn't clear that my client had a safe and secure place to connect to a virtual hearing when most public spaces were closed.

I've found that the attorneys involved in the VLP are gracious, patient, and abundantly willing to help clients and fellow attorneys alike. Now that I have my first successful divorce under my belt, I will absolutely do it again. I highly recommend that any attorney who wants to volunteer, even if it's not an area of expertise, take advantage of the wealth of experienced attorney volunteers in the VLP as mentors who will provide the resources and support to take on a pro bono client in need.

**The Rhode Island Bar Association Volunteer Lawyer Program (VLP), funded through a grant from Rhode Island Legal Services, Inc. and the Rhode Island Bar Foundation, provides pro bono (free) legal services to qualified low-income Rhode Islanders. Participating attorneys provide legal assistance, at no charge. The client's income must qualify under federally regulated guidelines to receive pro bono assistance, and the case must fall under one of the areas of law handled by the VLP. Clients may be responsible for filing fees, court costs, and other out-of-pocket expenses. Whether you have been an attorney for years or it is the beginning of your career, pro bono cases can provide the opportunity for you to explore new areas of law with a seasoned mentor. For more information please contact Volunteer Lawyer Program Coordinator John H. Ellis at [jellis@ribar.com](mailto:jellis@ribar.com) or by phone at (401) 421-7758.**

# The Changing Environment for Social Investment



Peter J. Miniati, CFP®, JD  
F.L. Putnam Investment  
Management Company

**From the Vietnam War era through today, societal goals such as civil rights, anti-war, anti-apartheid, equality for women and underrepresented groups, and global warming have been addressed through social investing strategies.**

There is no single definition of Socially Responsible Investing (“SRI”), nor is that the only term by which such investment strategies are known. Other terms include values-based investing, ethical investing, sustainable investing, community investing, impact investing, green investing, and mission-related investing. Additionally, the values being associated most closely to these labels also vary widely, and may include religious, social-justice, ecological, political, community, or other categories of missions.

## **What Does ESG Investing Mean – Literally and Legally – in 2021?**

### **Background**

The Forum for Sustainable and Responsible Investing (“USSIF”) defines SRI as “an investment discipline that considers Environmental, Social and corporate Governance (ESG) criteria to generate long-term competitive financial returns and positive societal impact.”

The “ESG,” “Impact Investing,” “Socially Responsible Investment,” “Divestment,”<sup>1</sup> and “Sustainable Investing” terms<sup>2</sup> are becoming increasingly familiar to the investing public and have been incorporated into state and federal law. These concepts are gaining prevalence in public policy discussions on investments among business leaders, advocates, philanthropic leaders, regulators, and politicians in the United States and around the world. Social dimensions of investment decisions have been introduced in the financial services industry with labels such as “Ethical/Advocacy,” “Impact/Thematic” and the like.<sup>3,4</sup>

SRI concepts have been documented since biblical times, with numerous examples evident among various religious investors throughout history.<sup>5</sup> For example, in Jewish law, the Talmud directs ethical investments. The Quakers prohibited investments in war efforts. Methodists have used forms of social screening of investments in the United States for over a hundred years. The Qur’an established guidelines, based on the religious teachings of Islam, which have evolved to what are now Shariah-compliant standards.<sup>6</sup> The

Catholic church “draws the values, directions, and criteria which guide its financial choices from the Gospel.”<sup>7</sup>

In modern times, socially conscious investors have employed SRI, ESG, and Divestment to focus the use of capital toward a range of social issues. From the Vietnam War Era through today, societal goals such as civil rights, anti-war, anti-apartheid, equality for women and underrepresented groups, and global warming have been addressed through social investing strategies.<sup>8</sup> And, even more recently, protests at the U.S. Capitol and other “shocking scenes... have prompt[ed] a reckoning about money in politics...”<sup>9</sup> A leading investment firm cited pushback from its wealth management clients after the Capitol riots as its reason to single out members of Congress who both challenged the presidential election and accepted corporate Political Action Committee (PAC) donations.<sup>10</sup>

## **Evolution of US Business and Investment Doctrine over Fifty Years (and Fifty Weeks)**

Fundamental business doctrines are being debated in popular media and financial publications with calls for reforms to policy and regulatory schemes. A quick recap highlights an evolution in how Americans view corporations and their ownership. In 1970, The New York Times published “A Friedman Doctrine: The Social Responsibility of Business is to Increase Its Profits”<sup>11</sup> in which economist Milton Friedman famously argued that a company has no social responsibility to the public or society. In August 2019, JP Morgan CEO Jamie Dimon, Apple’s Tim Cook, and 181 other CEOs in the Business Roundtable signed a letter espousing “stakeholder capitalism,” the belief that companies exist not to benefit just their shareholders, but also their workers, customers, and the environment.<sup>12</sup>

Bank of America, the “big four” accounting firms, and the World Economic Forum have also collaborated on a framework for global ESG standards, as COVID-19 and protests over racial injustice spotlighted the case for “stakeholder capitalism.” Bank of America’s CEO Brian Moynihan outlined numerous nonfinancial metrics to gauge how well companies are addressing issues that range from the gender pay gap to

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environmental protection.<sup>13</sup>

Nasdaq filed Proposed Rule 5605(f) with the U.S. Securities and Exchange Commission (“SEC”) in 2020 to adopt new listing rules related to board diversity. Nasdaq Inc., which owns and operates the Nasdaq stock market in the United States, proposed that all companies listed on its exchange include a minimum number of board members who self-identify in one or more of the following “diverse” categories: female, under-represented minority, or LGBTQ+.<sup>14</sup> The American Civil Liberties Union endorsed the proposed rule, stating “Nasdaq is heeding the call of the moment. Incremental change and window-dressing isn’t going to cut it anymore as consumers, stakeholders and the government increasingly hold corporate America’s feet to the fire.”<sup>15</sup>

### Federal Regulations and Inconsistency of Approach

Andrew Ross Sorkin of *The New York Times* has noted that a Biden-appointed SEC chief might focus securities regulation in the new administration on ESG issues. The SEC, he writes, could consider requiring companies to disclose their political donations publicly, in a standardized way, and could order corporate disclosures about boardroom diversity (similar to the Nasdaq proposal), and could also mandate company disclosures for climate change risks.<sup>16</sup>

If adopted, such an approach would contrast dramatically with the focus of a recent U.S. Department of Labor (DOL) ruling related to investment duties for fiduciaries of private-sector employee benefit plans under the Employee Retirement Income Security Act of 1974 (ERISA). That rule prohibits certain retirement plan fiduciaries from considering ESG factors in selecting investments for 401(k)s, and the final rule became effective January 12, 2021. In passing “Financial Factors in Selecting Plan Investments,”<sup>17</sup> the Employee Benefits Security Administration, Department of Labor (EBSA) “requires plan fiduciaries to select investments...based solely on financial considerations relevant to the risk-adjusted economic value of a particular investment.”<sup>18</sup>

In its October 2020 announcement of the rule, DOL noted that, over time, it has issued guidance “that may have created confusion about these investment issues, and the rapid increase in so-called ESG investments has also raised important and substantial questions about shortcomings in the rigor of the prudence and loyalty analysis by some participating in the ESG investment marketplace.” A DOL official stated that “retirement plan fiduciaries vindicate the public policy behind ERISA – and comply with the law – when they manage plan assets with a clear and determined focus on participants’ financial interests in receiving secure and valuable retirement benefits. *Plan fiduciaries should never sacrifice participants’ interests in their benefits to promote other non-financial goals.*” (emphasis added)<sup>19</sup> Comments, in support of and opposed to the rule, came from a range of parties including 401(k) sponsors, individual plan participants, financial services companies, academics, elected government officials, and trade and industry associations.<sup>20</sup>

### Criticism and the SEC

The DOL rule addresses “participant interests” in the context of financial and non-financial goals and considerations related to investment performance of ESG funds are introduced below. Another criticism of social investing is that some initiatives may not be as “green” as they seem. “Greenwashing” refers to a



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company placing more focus on “appearing green” than actually “being green.” In the ESG field, the “greenwashing” term is used to describe statements that make an investment seem more committed to, or reflective of, ESG criteria than it really is.<sup>21</sup>

The United States Securities and Exchange Commission (“SEC”) addressed this issue twenty years ago with its Names Rule.<sup>22</sup> Adopted in 2001, the Names Rule requires an investment fund whose name denotes a certain investment to have at least 80% of its assets invested in that “named” type of investment. It also prohibits the use of certain “words that the Commission finds are materially deceptive or misleading” in fund names, which could mislead investors.

The lack of both consistency and accepted standards in the financial services industry still contributes to confusion on social and sustainable investing topics. A growing number of ESG scoring agencies (like Sustainalytics, Bloomberg, Fitch, Moody’s, and S&P Global) seek to establish a framework for analysis, and their proprietary scoring systems are all different. Another firm, Morningstar Inc., has introduced a number of social-investing indices and ESG tools. Morningstar now offers at least twenty-seven different SRI Exchange Traded Indices and it has developed tools to evaluate investments according to over sixty different metrics.<sup>23</sup> As of today, there are no clear disclosure requirements to guide an investor through the ESG/SRI/II landscape with precision.<sup>24</sup>

### State Laws

States, also, have passed or considered social investment legislation recently. California, for instance, adopted legislation in 2020 requiring each publicly held corporation whose principal executive offices are located in that state to have a minimum of one director from an “underrepresented community.”<sup>25</sup>

### Sustainable Investing Growth

Meanwhile, the growth in sustainable and social investing has been significant during recent periods of changing regulatory schemes. Of the \$51.4 trillion assets managed by professional investment managers in the US, sustainable investments totaled \$17.4 trillion at the end of 2019. Such investments grew from \$12.0 trillion in the prior twelve months alone.<sup>26</sup> Investment giant TIAA surveyed investors recently and reported that a third of respondents already own some form of socially responsible investments, and, half of those that don’t, say they plan to shortly.<sup>27</sup>

### Do Green Investments Perform?

In its commentary to “Financial Factors in Selecting Plan Investments” the DOL referenced a range of studies with varying conclusions about the relative performance of ESG investments.<sup>28</sup> The Forum for Sustainable and Responsible Investment has also summarized numerous studies by institutions such as Oxford University/Arabesque Partners and the United Nations Environment Programme Initiative and concluded “the evidence is clear that investors do not have to pay more to align their investments with their values, or to avoid companies with poor environmental, social or governance practices.”<sup>29</sup>

BlackRock is the world’s largest investment firm by assets under management. Its CEO Larry Fink, published a letter titled “2021 Letter to CEOs,” with sub-titles that included “Sustainability and Deeper Connections to Stakeholders Drives Better



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Returns” and “a Tectonic Shift Accelerates,” in which he notes that climate risk and the pandemic have caused the reallocation of capital to accelerate and that “climate risk is investment risk.”<sup>30</sup>

Fink writes that in 2020 “we have seen how purposeful companies, with better environmental, social, and governance (ESG) profiles, have outperformed their peers. During 2020, 81% of a globally-representative selection of sustainable indexes outperformed their parent benchmarks. This outperformance was even more pronounced during the first quarter downturn, another instance of sustainable funds’ resilience that we have seen in prior downturns. And the broader array of sustainable investment options will continue to drive investor interest in these funds, as we have seen in 2020.”<sup>31</sup>

### **Conclusion**

Investors in the United States and around the world continue to place ever larger amounts in “social” investments while firms throughout the financial services industry are offering more, and more varied, ESG offerings. State and federal laws have been passed recently and others have been proposed. Federal and state laws could change as ESG/SRI/II and related issues are claiming attention in the public domain and in the new Biden administration. Given the wide range of forums on which these topics are discussed and the increasing pace of change in regulatory schemes, it is likely that questions surrounding the “what is ESG?”-theme will persist. Since increasing public debate on social, corporate, and investment issues is paired with the absence of clear regulations, investors may be advised to “remain skeptical of broad generalizations and empty taglines.”<sup>32</sup> They should obtain detailed information on ESG/SR/II investments from investment firms and follow ESG headlines in today’s media outlets for regulatory changes as they develop.

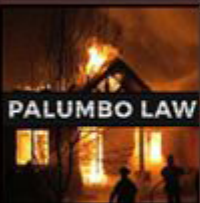
*Peter J. Miniati, CFP®, JD works in the investment field in Providence, RI. This article was written around the time of the Inauguration of President Joseph R. Biden, Jr. Legal and regulatory issues surrounding ESG remain fluid as the calendar moves into 2021.*

### **ENDNOTE**

1 *Divestment...is the reduction of some kind of asset for financial, ethical, or political objectives or sale of an existing business by a firm... [and]an adaptive change and adjustment of a company's ownership and business portfolio made to confront with internal and external changes.[1] <https://en.wikipedia.org/wiki/Divestment>. Divestment has been used to further social goals such as anti-apartheid (in the 1970s and 1980s) and global warming (since the 2010s). See, also, Apartheid, History.com <https://www.history.com/topics/apartheid> Last Updated March 3, 2020 Original Published Date October 7, 2010.*

2 *In this article, terms are defined as follows, and “ESG” is referenced generally herein to incorporate broader and related considerations: Environmental, Social & Governance (ESG) Investing – A peer relative ranking approach used primarily by institutional investors to manage environmental-, social-, and governance risk; Socially Responsible Investing (SRI) – An exclusionary approach used to align a portfolio with values or mission; Impact Investing (II) – Investments set up to finance businesses or projects designed to improve social or environmental; Environmental or Social Thematic Investing – Emphasizes certain type of investments in a portfolio that fit environmental or social themes, such as energy efficiency or workforce equality. Sustainable Investing Overview, Andrew B. Wetzels, CFA®, FL Putnam Investment Management Company, June 2021, and see, <https://>*

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<sup>3</sup> Patrick Drum of Saturna Capital introduced “the Sustainability Smile.” His illustration has points on a flat half circle that starts with Traditional Finance on the left and moves right to points termed: Integrated, Ethical/Advocacy, Impact/Thematic, and finally, Philanthropic. The “smile” is a continuum with the social dimensions of investments growing as they move from left to right. “Traditional Finance” seeks positive investment returns – only. “Ethical/Advocacy” seeks a balance, between maximizing investment returns and either the excluding certain investments like “sin” stocks (considered by many – but not all – to include firearms or tobacco), or including investments based on one’s religious or personal beliefs or advocacy. “Thematic/Impact” investing seeks to quantify the impact of an investment on environmental, social, or governance metrics and finally the “Philanthropic” label includes donations, which serve the public good but have no goal of seeking positive investment returns. <https://www.saturna.com/sustainable/white-papers/portfolio-smile>.

<sup>4</sup> For a review of evolving terminology in the ESG movement, see, Schanzenbach, Max & Sitkoff, Robert Reconciling Fiduciary Duty and Social Conscience: The Law and Economics of ESG Investing by a Trustee, 72 Stan. L. Rev. 381, 392-97 (2020).

<sup>5</sup> See, e.g., <https://friendsfiduciary.org/>; “Let every man divide his money into three parts, and invest a third in land, a third in business and a third let him keep by him in reserve.” So it is written in the Talmud, a record of debates among rabbis about Jewish law dating as early as 1200 B.C. <https://www.financial-planning.com/news/the-talmud-strategy>, Sep 1, 2011; <https://www.umc.org/en/content/book-of-resolutions-investment-ethics>.

<sup>6</sup> One standard is called Riba. The overarching goal of Riba is to prevent exploitation. Riba bans usury, and this rule extends to forbidding all interest payments. It...governs the relationship between risk and profit, and Shariah law “rules out investments in alcohol, pork, gambling, armaments, and gold and silver (other than spot cash, or money that is paid for something immediately)” <https://www.investopedia.com/terms/r/riba.asp>. See also, [https://www.academia.edu/10368344/The\\_Objectives\\_of\\_the\\_Prohibition\\_of\\_Riba](https://www.academia.edu/10368344/The_Objectives_of_the_Prohibition_of_Riba).

<sup>7</sup> <https://www.usccb.org/about/financial-reporting/socially-responsible-investment-guidelines>, November 12, 2003.

<sup>8</sup> Apartheid Author History.com <https://www.history.com/topics/african-apartheid> Access Date January 21, 2021 Publisher A&E Television Networks Last Updated March 3, 2020 Original Published Date October 7, 2010. See also, <http://www.socialequity.com/Socially-history.htm>.

<sup>9</sup> <https://www.nytimes.com/2021/02/06/business/dealbook/corporate-donations-politics.html>.

<sup>10</sup> <https://www.nytimes.com/2021/02/06/business/dealbook/corporate-donations-politics.html>, “Within days of the riot, Morgan Stanley singled out the 147 members of Congress, all Republicans, who challenged the election count for its pause in corporate PAC donations. It took this targeted approach after consulting its government relations, legal and compliance teams, as well as senior managers including the chief executive, James Gorman, a person familiar with the matter said. In recent weeks, the bank’s large wealth management arm has seen some pushback from clients threatening to take their business elsewhere, the person said.

<sup>11</sup> A Friedman doctrine— The Social Responsibility Of Business Is to Increase Its Profits, The New York Times By Milton Friedman Sept. 13, 1970. He wrote “In a free-enterprise, private-property system, a corporate executive is an employee of the owners of the business. He has direct responsibility to his employers. That responsibility is to conduct the business in accordance with their desires...the key point is that, in his capacity as a corporate executive, the manager is the agent of the individuals who own the corporation... and his primary responsibility is to them...Friedman argued that an executive spending company money on social causes is, in effect, spending somebody else’s money for their own purposes. See also, [https://en.wikipedia.org/wiki/Friedman\\_doctrine](https://en.wikipedia.org/wiki/Friedman_doctrine).

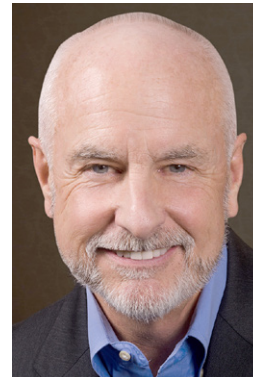
<sup>12</sup> <https://www.businessinsider.com/business-roundtable-survey-stakeholder-capitalism-apple-jpmorgan-walmart-shareholders-2020-8#:~:text=One%20year%20ago%2C%20181%20CEOs,%2C%20customers%2C%20and%20the%20environment>.

<sup>13</sup> <https://newsroom.bankofamerica.com/press-releases/environment/measuring-stakeholder-capitalism-top-global-companies-take-action>, September 22, 2020.

<sup>14</sup> Notice of Filing of Proposed Rule Change to Adopt ... - SEC.gov [www.sec.gov](http://www.sec.gov) › rules › sro › Nasdaq Dec 4, 2020 — See Nasdaq Stock Market

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Rulebook, Rules 5605(b), 5615(a), and 5605(b)(1)(A). 20. Id., IM-5605-1. See also, Harvard Law School Forum on Corporate Governance, *Nasdaq Proposes New Listing Rules Related to Board Diversity*, Posted by Ron S. Berenblat and Elizabeth Gonzalez-Sussman, Olshan Frome Wolosky LLP, December 13, 2020.

15 <https://www.nasdaq.com/press-release/nasdaq-to-advance-diversity-through-new-proposed-listing-requirements-2020-12-01>.

16 <https://www.nytimes.com/2021/02/06/business/dealbook/corporate-donations-politics.html>. See also, *Defund the PACs! – Soundboard Governance*, [www.soundboardgovernance.com](http://www.soundboardgovernance.com) > post > defund-the-... Jan 19, 2021 — Corporate political spending has long been an issue...

17 \*<https://www.federalregister.gov/documents/2020/11/13/2020-24515/financial-factors-in-selecting-plan-investments>.

18 A Rule by the Employee Benefits Security Administration on 11/13/2020, FR Doc. 2020-24515 Filed 11-12-20; 8:45 am, BILLING CODE 4510-29-P, 1. Section 2550.404a-1(a) and (b) General Prudence and Loyalty Investment Duties, which...builds upon the core principles provided by the original investment duties regulation on the issue of prudence under section 404(a)(1)(B) of ERISA, at 29 CFR 2550.404a-1, which the regulated community has been relying upon for more than 40 years 2. Section 2550.404a-1(c)(1)—Consideration of Pecuniary Factors 3. Section 2550.404a-1(c)(2)—Choosing Between or Among Investment Alternatives That the Plan Fiduciary Is Unable to Distinguish on the Basis of Pecuniary Factors Alone.

19 *Ibid.* “Protecting retirement savings is a core mission of the U.S. Department of Labor and a chief public policy goal for our nation,” said U.S. Secretary of Labor Eugene Scalia. “This rule will ensure that retirement plan fiduciaries are focused on the financial interests of plan participants and beneficiaries, rather than on other, non-pecuniary goals or policy objectives.”

20 Public Comments, Laws and Regulations, DOL, EBSA Website, October 2020.

21 <https://www.natlawreview.com/article/esg-things-aren-t-always-green-they-seem>, Volume XI, Number 12 National Law Review, *With ESG, Things Aren't Always As Green As They Seem*, Thursday, October 22, 2020, ©1994-2020 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., National Law Review, Volume X, Number 296, Michaels, Pete S. and Scruggs, Alyssa C., <https://www.mintz.com/insights-center>.

22 Investment Company Act of 1940, Rule 35d-1 (also known as the “Names Rule”). See also, SEC Requests Comment on Fund Names Rule ... - SEC.gov [www.sec.gov](http://www.sec.gov) > news > press-release, March 20, 2020.

23 Morningstar Launches 27 Indexes to Meet ESG Investing Appetite, Levaux, Janet, October 04, 2016, <https://www.thinkadvisor.com/2016/10/04/morningstar-launches-27-indexes-to-meet-esg-invest/>.

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25 California Assembly Bill (AB) 979, September 2020.

26 <https://www.ussif.org/Files/Trends/2020%20Trends%20Report%20Info%20Graphic%20-%20Overview.pdf>. Mark P. Cussen, Updated Nov 3, 2020.

27 *Ibid.*

28 <https://www.federalregister.gov/documents/2020/11/13/2020-24515/financial-factors-in-selecting-plan-investments>, 29 CFR 2509, 29 CFR 2550 “Many commenters stated that EBSA ignored academic and financial studies and papers showing that more sustainable companies and funds do not sacrifice performance compared with less sustainable peers, and in fact are somewhat more likely to outperform than to underperform.”

29 <https://www.ussif.org/performance>, The Forum for Sustainable and Responsible Investment.

30 <https://www.blackrock.com/corporate/investor-relations/larry-fink-ceo-letter>.

31 *Ibid.*

32 Michaels and Scruggs, <https://www.mintz.com/insights-center>, October 22, 2020. ◊

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**Judge O. Rogeriee Thompson**

currently serves as a Circuit Judge for the First Circuit Court of Appeals. Appointed by President Barack Obama and unanimously confirmed by the U.S. Senate in 2010, Judge Thompson is the first African-American and the second woman to serve on the First Circuit Court of Appeals. Previously, she was an Associate Justice for the Rhode Island Superior Court, a position she held from 1997 to April 2010. Before that, she was an Associate Judge with the Rhode Island District Court for nine years. During her 44-year law career, Judge Thompson has been a senior partner with Thompson & Thompson, assistant city solicitor for the City of Providence, an associate with the law firm of McKinnon and Fortunato, and a senior staff attorney for Rhode Island Legal Services, Inc. An author and consultant, she has served on numerous committees and boards. Some of her current activities include the U.S. Supreme Court Committee on Information Technology, the First Circuit Judicial Council and First Circuit IT Committee, Brown University Emeriti Council, Rhode Island Save The Bay Leadership Council, and College Unbound Board of Trustees. A recipient of numerous awards and honors, Judge Thompson earned her A.B. degree at Brown University in 1973 and her J.D. from Boston University School of Law in 1976. She holds honorary degrees from the University of Rhode Island, Bryant University, Roger Williams University School of Law, and Johnson and Wales University. Judge Thompson was married to the late Rhode Island District Court Judge William C. Clifton, and she is the proud mother of Reza, William, Jr., and Sarah Clifton.



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... when you've designed and prepared for the retirement you want, that transition period can be a time of discovery, enjoyment, and personal growth.

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Many people ask me, “When is the right time to retire?”

But like so many questions about important decisions, this one has no simple “right” answer. I have clients starting to plan for retirement in their early 50s, and I know lawyers in their 70s and 80s who insist they’ll never retire. To find a meaningful answer, you need to reframe the question as, “When is the right time for me to retire?”

And the only person who knows the right answer to that question is you.

That doesn’t mean the answer is easy. Except for the fortunate folks who know exactly when they want to quit practice and what they want to do next, most lawyers grapple with competing demands, conflicting desires, their identity being tied to their career, fear of the unknown, risk aversion, financial uncertainty, and other factors that prevent them from retiring or even thinking about it.

Nonetheless, the answer is there. It just takes some effort to unpack, face up to your reasons for resistance, and then reframe them so you view retirement as feasible, desirable, and filled with exciting possibilities. Here’s how to begin that process.

## Consider These Key Points

As you begin to think about retirement, it’s important to keep a few critical points in mind:

**Retire on your own terms.** At some point in the future, you’ll stop practicing law. Ideally, you want to be the person who decides when that will happen. If you’re going to retire, you want to do it on your terms, whenever you feel ready to go.

It’s best to retire while you’re mentally and physically fit and before your clients, partners, or circumstances decide for you. This means being honest with yourself about how long you want to practice, what your body is telling you about your energy and interest, what your time records

are showing you about your productivity and profitability, and other indications that retirement (perhaps following a phase-down period) might be a good idea. Whatever the timeline, it’s better to retire by design, not by default.

## Allow enough time to prepare yourself and others.

Retirement isn’t an event; it’s a long-term process. The date of your last official work day may be on the calendar, but reaching that day takes months and years of planning. You need to ensure that your clients are prepared for your retirement and happy with your successor, that your successor is ready to step into your position, and that your practice, firm, and legacy are secure and protected when you leave. That preparation takes a lot of work.

The retirement process continues as you transition from law practice to retirement. That transition will involve major changes in almost all aspects of your life. Without adequate forethought and preparation, it can be disorienting and highly unsettling; many people find it takes a year or more to settle into retirement comfortably. But when you’ve designed and prepared for the retirement you want, that transition period can be a time of discovery, enjoyment, and personal growth.

**Start planning sooner than later.** The sooner you start to plan, the more likely you’ll be able to realize the future you desire. As a lawyer, you probably want to know and control as much as you can about future possibilities before you commit to a significant change.

This last year has been a stark reminder of our limitations in predicting the future or trying to control the world around us. It has made us acutely aware of our own vulnerability to things like novel viruses, economic downturns, and isolation. Yet while there’s much you can’t know or control about the future, a flexible, well-thought-out retirement plan increases the chances that you can control the direction your future will take, even in the face of unexpected and undesirable occurrences.

**Decide with your spouse.** Retirement has profound consequences. Leaving a career and embarking

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on a new stage of life changes how you spend your days, whom you interact with, and your overall engagement with the world around you. If you are married or have a life partner, those changes will affect both of you for decades. So it's essential to decide and plan your retirement as a couple. Deciding together about the timing and possibilities for post-career life ensures you start out with aligned expectations and your spouse's support.

**Plan your finances.** Before you make any decisions about retiring, get a clear view of your finances, now and in the future. Most people never feel they have enough financial security to retire. It doesn't matter whether their savings are modest or they're worth millions; the fear of not having enough to support yourself in retirement is extremely common. Speaking with a financial planner can allay those concerns. You'll get a better appreciation of your financial status and help to create a sound financial plan to carry you through your retirement years.

### What's Your Time Frame?

Once you acknowledge you'd like to retire, how do you know when to do it? Examine various factors unique to your personal situation to help you decide whether the right time for you is next year, in five years, in ten years, or even further out.

Below are questions to help you come up with a timetable that makes the most sense for you. These questions won't give you a formula for determining your retirement date. They're intended to make you aware of factors to consider in deciding the timing that will be best for you.

Sometimes your answers will pull you in opposite directions. For instance, if you consider law a calling and being a lawyer gives your life purpose, you might want to practice as long as you can. In contrast, if a known medical condition is likely to limit your options at some point, you might want to take advantage of your current good health and retire soon.

When you face such apparent contradictions, setting priorities based on their value and importance will help you resolve any conflicts and reach a better decision.

**1 - How old are you?**

**2 - How much longer do you want to practice and why?**

**3 - At what age will you be able to afford to retire? Are you guessing, or have you done a financial analysis?**

**4 - Why are you working?**

- > You enjoy your practice.
- > Work is a source of pride and fulfillment.
- > You need the money.
- > You see no alternatives.
- > Retirement sounds dismal.
- > If you weren't working, you'd feel guilty or embarrassed.
- > Your clients rely on you and no one else could replace you.
- > Others say or make you feel you shouldn't retire.
- > Your spouse is pressuring you to delay retirement.

**5 - How much do you love what you're doing?**

- > Are you excited to get to work each day? Do you find your work interesting, stimulating, and fun? Are you enthusiastic about your clients and feel you're still growing professionally?
- > If you don't love what you're doing, why do you continue to do it? If you dread going to work or feel exhausted,

bored, or in a rut, what's keeping you from making a change?

**6 - How important is it for you to keep practicing?**

- > How central is it to your sense of self-worth to remain a practicing lawyer?
- > Does your work give your life meaning?
- > Do you envy friends who've retired?
- > Do you daydream about other things you'd like to be doing?
- > What's your gut telling you?

**7 - If you weren't working at your current job, what would you like to do?**

- > Would you like to keep working but do something else?
- > Do you have any interests or hobbies you'd like to pursue?
- > If you want to pursue your interests but can't because of current work demands, how much longer will you put them off?
- > Do you have any unfulfilled dreams or aspirations you could strive for if you retire?
- > If you don't know what you might do in retirement, there are many ways to explore interesting possibilities. If you did find other interests to pursue, how would that affect your readiness to retire?

**8 - How secure is your practice and, if it's very secure, for how much longer will it be that way?**

- > How strong is the marketplace for the kind of work you do?
- > Can you rely on your clients to keep sending you work, or will you need to keep bringing in new clients?
- > Do you enjoy business development and feel eager to continue doing it?
- > Do you think any of your key clients may retire soon? If they do, how will their move affect your business?

**9 - How has the pandemic changed your practice?**

- > How has it affected the demand for your services?
- > Do you like working from home?
- > How do distancing requirements, the inability to meet personally with teams or clients, and restrictions on travel affect your work satisfaction?
- > How comfortable are you with the technology required for law practice? How do you feel about learning and adapting to the ongoing changes in legal technology?
- > Do you like the changes in practice or find them overwhelming and frustrating?
- > Assuming many of these changes will continue for a long time, how does that affect your desire to keep practicing?

**10-How is your health?**

- > Are you experiencing any physical, emotional, or other problems that might suggest it's time to cut back at work or to retire?
- > How is your spouse's health?
- > For either you or your spouse, is there any reason to expect that physical, mental, or emotional problems will impact your ability to stay in practice or limit your options regarding your post-retirement plans?

**11-Are you feeling—or do you anticipate—any pressure to retire?**

- > If you're at a firm, have you received any signals suggesting you're not sufficiently productive and profitable?
- > Does your spouse want you to stop working or slow

## Thanks to Our CLE Speakers

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



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

**Michael J. Colucci, Esq.**  
Olenn & Penza, LLP

**Patience Crozier, Esq.**  
GLBTQ Legal Advocates & Defenders

**Frank J. DiBiase, Esq.**  
Child Support Enforcement

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

**Eric B. DiMario, Esq.**  
Kiernan, Plunkett & Redihan

**Dawn Euer, Esq.**  
Attorney at Law

**Natalia N. Friedlander, Esq.**  
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**Amy H. Goins, Esq.**  
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**Robert H. Humphrey, Esq.**  
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**Patricia A. McLaughlin, Esq.**  
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Attorney at Law

**Patrick Smock, Esq. II**  
Attorney at Law

## Do You Have an Idea for an Article, or a Point/Counterpoint Article?

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

## RI Parentage Act CLE Program

Sharon A. Santilli, Esq., of the Child Support Enforcement Office, Dawn Euer, Esq., and Patience Crozier, Esq., of the GLBTQ Legal Advocates & Defenders, presented *The RI Parentage Act: A Win for RI Families* CLE program in early April. The Rhode Island General Assembly passed the Rhode Island Uniform Parentage Act (RIUPA) in July 2020. The bill updates the existing law to ensure all Rhode Island children have equal access to the security of legal parentage.

The RIUPA fills critical gaps in Rhode Island parentage law. The Act allows access to establishing parentage through a simple civil Voluntary Acknowledgement of Parentage, reducing the need for burdensome, expensive, and lengthy co-parent adoption process. It also creates for the first time in Rhode Island an accessible path to parentage for children born through assisted reproduction, as well as protections for children born through surrogacy. The program is now available in our [On Demand catalog](#).



Sharon A. Santilli, Esq.



Dawn Euer, Esq.



Patience Crozier, Esq.

### Call for CLE Program Speakers!

The Rhode Island Bar Association recognizes that including perspectives on the law from instructors from a wide range of backgrounds presents a well-rounded educational experience for our members. We actively pursue diverse speakers for our continuing legal education programming, and we encourage recommendations from our members. Please help us build our diverse speaker database by contacting CLE Director Tanya Nieves at [tnieves@ribar.com](mailto:tnieves@ribar.com) with your specialty or area of law you would be interested in presenting for future CLE seminars.

If you would like to submit an idea for an upcoming seminar or you would like to participate as an instructor for a future CLE program, please [click here](#) to fill out and submit a proposal form. The CLE office welcomes and encourages presenters of diverse backgrounds in regard to race, color, religion, country of ancestral origin, handicap, age, sex, or sexual orientation.

down? When does your spouse want to retire?

- > Are there family members, such as grandchildren or aging parents, who need or may soon need more personal time and attention from you?

#### 12- Before you retire, how long will it take to find and groom successors and transition your clients and ongoing matters to those successors?

- > How easy will it be to find qualified successors you trust and whom you believe your clients will trust?
- > If you want to sell your practice, how easy will it be to find a buyer? How long will it take?

If you haven't considered these questions before, some of them may elicit answers that surprise or even disturb you. It may be helpful to talk with someone about these questions and the feelings they arouse in you.

In addition to your spouse, a close friend, a counselor, a trusted advisor, or a retirement coach can help you construe your answers and what they mean for your future plans. That process will put you in a stronger position to determine the most suitable time frame for your retirement.

**IDA O. ABBOTT** [[idaabbott.com](http://idaabbott.com)] is a lawyer, consultant, author, and speaker who specializes in lawyers' career development, advises law firms about retirement processes, and works with senior lawyers as a retirement mentor and coach. She is a fellow of both the American Bar Foundation and the College of Law Practice Management. ◇

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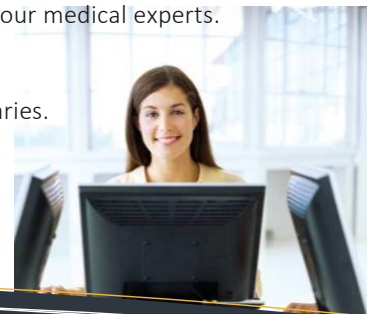
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## An Interview with Monsurat Ottun, Esq.

by Nicole P. Dyszlewski, Esq., MLIS and Meghan L. Hopkins, Esq.

Focus on the Future is a spotlight series where members of the *Rhode Island Bar Journal* Editorial Board interview attorneys who are newer to the Rhode Island Bar.

> **What is your current title and position?**

I am an Assistant City Solicitor for the City of Providence.

> **What do you actually do all day?**

My role is multi-faceted. Most recently, I have become primarily responsible for our cybersecurity initiatives, working on our information security, data privacy and risk management infrastructure, protocol and policies. I used to prosecute cases in the Providence District Court and still manage aspects of Municipal Court prosecution. I am also a civil litigator in Superior Court and work on the City's contracts as a part of our contracts team. Additionally, I get to work on and support some of the Mayor's initiatives such as his Truth, Reconciliation, and Reparations Executive Order as well as play a role in the African American Ambassadors Group, and more specifically the Police Advisory sub-group. No two days are alike for me. I attend many meetings and also do a lot of advising, as well as document review and editing. I advise the Board of Park Commissioners, the Providence Human Relations Commission, and the Committee on Urban Redevelopment, Renewal and Planning as well as lead our Vendor Management and newly formed Information Security Advisory Group. Ironically, I wanted to be a transactional attorney! I was initially hired to do work with the City's contracts but soon found myself taking on a whole lot more. Having been able to work on different aspects of legal work, I have come to appreciate and enjoy the different facets of everything I get to do.

> **Who is your biggest inspiration inside or outside of law?**

There have been several attorneys that have been supportive of my journey through law school and beyond. Specifically, Judge Thompson, Judge Savage, Attorney Tara Allen, Attorney Deborah Johnson, and Attorney Kathy Thompson. They have all supported me on my journey to becoming a lawyer and inspire me to work through the obstacles to achieve success. An inspiration is Judge Melissa Dubose, an African-American female judge who was the first judge I have appeared in front of in Providence District Court. She was also new to the bench but soon became a District Court favorite. She shows me that judges can be kind, patient, and relatable. That can be hard to find in our profession.

> **What do you do to de-stress?**

I have been thinking about self-care a lot lately. To de-stress I try to be active when I have the time. I go to the gym, hike, or go for a walk on the beach – really helps me clear my mind. I have also gone to paint nights (now I get to do it virtually ever since COVID), and I take a dance class and read interesting books.

> **What is the next goal you hope to accomplish in your career?**

I recently graduated last May with my Master's Degree in cybersecurity. I would love to be able to merge my work in cybersecurity with my work in



MONSURAT OTTUN, ESQ.

business and law in a strategic and meaningful way. To an extent, I get to do that now but with everything going on in the world, I would like to continue to explore how I can build an expertise that will significantly help in dealing with some of our social issues going forward. There is a lot happening with technology and advancements in the law. It's kind of exciting.

I also do some work with small businesses and nonprofits on strategic planning, growth, and development. I'd like to continue to be a support for local economic and community development in some way, shape, or form.

> **What is your favorite restaurant in Rhode Island?**

I don't have a favorite restaurant of all time but I do enjoy trying new places. I just tried the Rhody Hen, which is a quaint breakfast spot in my hometown, Pawtucket. I also recently tried a new spot on Armistice Blvd, which was pretty good. Any spot with good breakfast food, really good pasta or Nigerian food is a plus for me.

> **Name one thing that you could not live without and why?**

I cannot live without my planner. It keeps me organized and on top of my day. My planner is a comprehensive one that helps me to stay on top of my short- and long-term goals, my daily habits, and my day-to-day schedule. I'd be lost without it.

> **Name the most influential lawyer(s) in your career so far.**

There are three attorneys, who stick out to me right now, who have helped and mentored me in different ways, especially since I have only been practicing for about three years.

At the City of Providence, Noah Kilroy



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## FOCUS ON THE FUTURE

Continued

has been a great coach and friend. He has taught me a lot about litigation and really ushered me into the prosecutor role. Noah consistently encouraged me to overcome fears of failing or of messing up and instead to just fall or fail forward – take notes, learn the lessons, and do it better next time. Steve Nelson has been a great support and mentor, particularly when it comes to trial practice. I have never met anyone more patient or more thorough. He has often made me feel like I know more and can do more than I think I can.

Finally, Bridgette Louro, who was my supervisor at Rhode Island Legal Services, taught me to be confident in my own abilities as an attorney. She was my first supervisor in litigation practice and believed in my abilities as a litigator who was just starting out. Her support and coaching made me really feel like I could do it.

There are many others, too many to name. I'm grateful for the overall support and encouragement I've received as an attorney.

### > What do you find the most meaningful in your work?

The most rewarding part of my job is that my work has a direct impact on my community at large. The office environment is very supportive and I have found that the work challenges me and pushes me outside my comfort zone. I have learned so much about law and about how government works in a few short years.

### > How have you chosen to decorate your office?

My office has very good feng shui I would say. It has a calm feel to it, achieved through lamps and other personal inspirations. Most that walk into my office tend to like the feel or vibe it gives off. My favorite photos on my walls are one of Misty Copeland, an African American professional ballet dancer, and one of a sunset I took at Clearwater Beach in Florida. The combination of calm and inspirational are likely the themes of my office.

### > You were recently named the Muslim-American Community Liaison for the City of Providence. What has your experiences been like as a Muslim-American attorney?

Being the Muslim-American Liaison has been rewarding for me. We're currently working on a City webpage dedicated to the education on, and resources for, our community. I would say that as a Black female Muslim lawyer, when I walk into a courtroom, people often make assumptions about me – oftentimes it is that I am not even an attorney, never mind credible or potentially good at what I do. Honestly, I can never tell if it's simply because I look young, or if it's something else. I recognize that I have a bigger burden to prove myself because of stigmas placed on me, however, I continue to just focus on what's in front of me and build on my skills as an attorney. I am grateful for the many surrounding judges, attorneys, and City employees that I work with that are supportive and forward-thinking/acting. I don't see my faith as a burden in my profession but rather as a blessing, allowing me to educate and create opportunities to build awareness around the community of people that share my beliefs. I have been able to positively affect law and policy in Providence and I continue to answer and address issues around race and religion with those that are interested in having those sometimes uncomfortable conversations.

# Virtual Possibilities

## American Bar Association Delegate Report

### Midyear Meeting 2021



**Robert D. Oster, Esq.**  
ABA Delegate and Past Rhode  
Island Bar Association President

The ABA House of Delegates met virtually on February 22, 2021, and the one-day meeting of the 597-member House of Delegates passed 31 wide-ranging measures, including a resolution that urges the federal government to implement programs to assist law graduates and law students experiencing financial hardship due to their student loans. The new student loan policy Resolution 106C recommends extending repayment terms, allowing either refinancing or transferring of obligations of federal programs to commercial programs and authorizing suspension of forgiveness of student loans.

Resolution 10E urges Congress to enact the Daniel Anderl Judicial Security and Privacy Act of 2020, or similar legislation, to prohibit the disclosure of personally identifiable information of active, senior, recalled, or retired federal judges, including magistrate judges, bankruptcy judges, administrative law judges, administrative judges, and immigration judges, and their immediate family who share their residence, including limited home addresses or other personal contact or identifying information.

A number of resolutions addressing the use and treatment of animals in the legal system were passed. A resolution related to specially trained canines (known as facility dogs) used to assist victims/vulnerable witnesses in their participation at any stage of the criminal justice system was passed. Resolution 111 urges federal, state, local, territorial, and tribal governments to enact statutes, rules, and regulations to prohibit the possession and display of firearms by civilians in and around locations critical to the functioning of the democratic process. Resolution 106A encourages the use of pronouns consistent with a person's gender identity within the legal profession and justice system, including in filed pleadings, during mediations and court proceedings, and within judicial opinions.

Resolution 105 urges the highest court or bar admission authority of each jurisdiction to allow bar examinees to bring menstrual products into the bar exam. Resolution 10F urges federal, state, local, territorial, and tribal governments and police commissions to establish officer training and implement guidelines to be used by officers

when giving exit orders during discretionary traffic enforcement stops where the officer has safety concerns or a reasonable suspicion of criminal activity.

I was privileged to lead the meeting of the New England Bar Association which was held in conjunction with the Midyear Meeting where we discussed resolutions pending before the House. I was assisted immensely by Katy Bridge, our Deputy Director, and Erin Cute, our Communications Director..

Several other resolutions were passed, and we were addressed by legal experts and judges relative to the practice of law. It has been an honor and privilege to serve the Rhode Island Bar as its representative to the ABA. If any members have questions or concerns, they are welcome to contact me by email or at our offices by telephone. ♦

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**Open Arms: Creating a Modern Intake System for Your Law Firm**  
11:00 a.m. – 12:00 p.m., 1 credit

**May 14**  
*Friday*  
**Unemployment Updates & Unemployment Fraud**  
12:30 p.m. – 1:30 p.m., 1 credit

**May 17**  
*Monday*  
**Mindfulness for the Busy Lawyer - Part 5**  
12:30 p.m.-1:30 p.m., 1 ethics credit

**May 18**  
*Tuesday*  
**Mediating During the COVID-19 Pandemic**  
12:30 p.m. – 2:30 p.m., 1.5 credit + 0.5 ethics

**May 19**  
*Wednesday*  
**The Lawyer's Guide to a Productive Virtual Conference Room Experience**  
12:00 p.m. – 1:00 p.m., 1 credit

**May 26**  
*Wednesday*  
**An Overview of Tenant Protections and Strategies for Successful Results**  
3:30 p.m. – 5:00 p.m., 1.5 credit

**June 1**  
*Tuesday*  
**Smart Devices: In Your Home, Your Car and In Your Office**  
1:00 p.m. – 3:00 p.m., 1 credit + 0.5 ethics

**June 4**  
*Friday*  
**Initiating and Defending Discovery in Plaintiffs' Cases – Beyond the Basics**  
12:45 p.m. – 1:45 p.m., 1 credit

**June 17**  
*Thursday*  
**Hes, Shes & Theys: Legal Issues Affecting Transgender and Non-Binary People**  
1:00 p.m. – 2:00 p.m., 1 credit

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## Proposed Title Standard 3.18 Open for Bar Member Review and Comment

The Rhode Island Bar Association's Real Estate Title Standards and Practices Committee, chaired by John A. Comery, Esq., at their meeting on April 15, 2021, voted unanimously to submit the following Proposed Title Standard 3.18 to the Rhode Island Bar Association's Executive Committee for its consideration. Bar members are invited to comment on these proposed changes, no later than June 1, 2021, by contacting Rhode Island Bar Association Executive Director Helen Desmond McDonald by postal mail: 41 Sharpe Drive, Cranston, RI 02920 or email: [hmcDonald@ribar.com](mailto:hmcDonald@ribar.com).

SECTION III CONTINUED

**PROPOSED STANDARD 3.18**

**VALIDITY OF CONDOMINIUM AND EXECUTION LIEN  
FORECLOSURE SALES**

Where title to real estate is derived through either (a) a condominium lien foreclosure sale conducted in accordance with R.I.G.L. §34-36.1-3.21, with no record evidence of the exercise of the right of redemption by the record holder of the first mortgage, or (b) an execution lien sale conducted in accordance with R.I.G.L. § 9-26-16, it may be presumed that such sale was properly conducted in accordance with the appropriate statute, and it shall not be necessary to require the entry of a judgment quieting title resulting from such sale, provided that (a) five (5) years have elapsed since the date of recording of the condominium lien foreclosure sale deed or the execution lien sale deed, (b) there is no defect in the conduct or manner of the sale apparent from a review of the deed; (c) the deed includes a statement that any post-sale statutory notice requirements have been complied with; and (d) there is no record evidence of a challenge to the validity of the title based on the conduct or manner of the sale.

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# Proposed Practice Form 16 Open for Bar Member Review and Comment

The Rhode Island Bar Association's Real Estate Title Standards and Practices Committee, chaired by John A. Comery, Esq., at their meeting on April 15, 2021, voted unanimously to submit the following Proposed Practice Form 16 (Seller Disclosures) to the Rhode Island Bar Association's Executive Committee for its consideration. Bar members are invited to comment on these proposed changes, no later than June 1, 2021, by contacting Rhode Island Bar Association Executive Director Helen Desmond McDonald by postal mail: 41 Sharpe Drive, Cranston, RI 02920 or email: hmcDonald@ribar.com.

## PROPERTY DISCLOSURE STATEMENT PURSUANT TO R.I. GEN. LAWS § 5-20.8-2

Property Address:

Seller:

### IMPORTANT NOTICE TO ALL PARTIES PURSUANT TO R.I. GEN. LAWS § 5-20.8-2(b)(1)

"Prior to the signing of an agreement to transfer real estate (vacant land or real property and improvements consisting of a house or building containing one to four (4) dwelling units), the seller is providing the buyer with this written disclosure of all deficient conditions of which the seller has knowledge. This is not a warranty by the seller that no other defective conditions exist, which there may or may not be. The buyer should estimate the cost of repair or replacement of deficient conditions prior to submitting an offer on this real estate. The buyer is advised not to rely solely upon the representation of the seller made in this disclosure, but to conduct any inspections or investigations the buyer deems to be necessary to protect his or her best interest."

### INSTRUCTIONS TO THE SELLER

Please complete the following form based on your actual knowledge. If you lack knowledge, indicate such by marking the appropriate location for "unknown" or writing in "U/K." Do not leave any spaces blank. If answer options are provided, circle the one that is appropriate. If the question clearly does not apply to the property write "N/A". If an answer is an approximation, it should be labeled as such. If the answer to any item requires explanation, provide an explain in the location provided and continue onto attached sheets if necessary.

### NOTICE TO THE BUYER

Disclosures contained in this form are provided by the seller solely on the basis of seller's actual knowledge of the property at the time this disclosure form is completed by the seller. The following are disclosures made by the seller and are not the representations of any real estate licensee or other party, and no real estate licensee or third party is liable for the accuracy or thoroughness of representations made by the seller herein or for deficient conditions not disclosed to the agent or the buyer. This information is for disclosure only and is not intended to be a substitute for the services of qualified and/or licensed specialists.

I. TITLE AND CONDITION OF THE PROPERTY	YES	NO	UNKNOWN
E. Wetlands, Bodies of Water, and Flood Plains			
"The location of coastal wetlands, bay, freshwater wetlands, pond, marsh, river bank, or swamp, as those terms are defined in chapter 1 of title 2, and the associated buffer areas may impact future property development. The seller must disclose to the buyer any such determination on all or part of the land made by the department of environmental management."			
(1) Is the property in a FEMA flood plain?			
If yes, explain:			
(2) Is the property currently covered by flood insurance?			
If yes, annual amount:			
(3) Does the property contain or abut any wetlands?			
If yes, explain:			
(4) Does the property bound on a lake, stream, river, tidal waterway, or pond?			
If yes, explain:			
(5) Does any lake, stream, river, tidal waterway, or pond flow through the property?			
If yes, explain:			
F. Does the property contain any farmland?			
If yes, explain:			
"The disclosure shall inform the buyer that any farm(s) that may be in the municipality are protected by the right to farm law."			
G. Does the property contain any hazardous waste or other contaminants (including asbestos)?			
If yes, explain:			
H. Is there a Home Owners' Association? If no, mark remaining questions N/A.			
Name of the Association:			
Are there regular/periodic assessments?			
If yes, payments are made <input type="checkbox"/> Annually, <input type="checkbox"/> Quarterly, <input type="checkbox"/> Monthly, <input type="checkbox"/> Other:			
I. Taxes			
(1) Annual amount:			
(2) Special assessments?			
If yes, explain:			
(3) Separate fire district?			
If yes, name:			
If yes, annual amount:			

2. WATER	YES	NO	UNKNOWN
A. Household Water			
(1) The source of the water is: <input type="checkbox"/> Unknown, <input type="checkbox"/> Public/Municipal, <input type="checkbox"/> Private, <input type="checkbox"/> Shared, <input type="checkbox"/> Other:			
(2) Water source information:			
(i) Are there any written agreements for shared water source?			
If yes, explain:			
(ii) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?			
If yes, explain:			
(iii) Are any known problems, defects, or repairs needed?			
If yes, explain:			
(iv) Does the source provide an adequate year round supply of potable water?			
(v) Are there any water treatment systems (softener, purifier, etc.)?			
If yes, explain, and state if the system(s) is/are owned or leased:			
If a private water supply, then the following statement applies: "The buyer understands that this property is, or will be served, by a private water supply (well) which may be susceptible to contamination and potentially harmful to health. If a public water supply is not available, the private water supply must be tested in accordance with regulations established by the Rhode Island department of health pursuant to § 23-1-5.3. The seller of that property is required to provide the buyer with a copy of any previous private water supply (well) testing results in the seller's possession and notify the buyer of any known problems with the private water supply (well)."			
(3) Domestic hot water			
(i) Is there domestic hot water?			
(ii) Type: <input type="checkbox"/> Unknown, <input type="checkbox"/> Tank-style, <input type="checkbox"/> Tankless/On-Demand, <input type="checkbox"/> Indirect, <input type="checkbox"/> Other:			
(iii) If tank-style, capacity:			
(iv) Has it been improved or modified?			
If yes, explain:			
(v) Any defects?			
If yes, explain:			
(vi) Any repairs?			
If yes, explain:			
B. Outdoor Lawn Sprinkler System			
(1) Is there an outdoor lawn sprinkler system for the property?			
(2) Is it supplied from the same source as potable/domestic water?			
If yes, explain:			

3. SEWAGE SYSTEM	YES	NO	UNKNOWN
A. Is there a sewage system?			
B. Type: <input type="checkbox"/> Public Sewer, <input type="checkbox"/> Onsite Wastewater Treatment System (OWTS)/Septic System, <input type="checkbox"/> Cesspool, <input type="checkbox"/> Other:			
"Potential purchasers of real estate in the state of Rhode Island are hereby notified that many properties in the state are still serviced by cesspools as defined in Rhode Island general law chapter 19.15 of title 23 (The Rhode Island cesspool act of 2007). Cesspools are a substandard and inadequate means of sewage treatment and disposal, and cesspools often contribute to groundwater and surface water contamination. Requirements for abandonment and replacement of high-risk cesspools as established in chapter 19.15 of title 23 are primarily based upon a cesspool's nontreatment of wastewater and the inherent risks to public health and the environment due to a cesspool's distance from a tidal water area, or a public drinking water resource. Purchasers should consult chapter 19.15 of title 23 for specific cesspool abandonment or replacement requirements. An inspection of property served by an on-site sewage system by a qualified professional is recommended prior to purchase."			
C. If the property is served by a public sewer:			
(1) Is the house connected to the main/public line?			
If no, explain:			
(2) Has the sewer assessment been paid in full?			
If no, remaining amount due:			
(3) Charge is based on: <input type="checkbox"/> Annual assessment, <input type="checkbox"/> Usage, <input type="checkbox"/> Other:			
(4) If an annual assessment, amount:			
D. If the property is served by a OWTS/Septic System/Cesspool:			
(1) Location:			
(2) Is the system, including the drainage field, located entirely within the property's boundaries?			
(3) Is the system serviced/maintained?			
If yes, date last pumped:			
If yes, maintenance company and history:			
(4) Any repairs?			
If yes, explain:			
(5) Any defects?			
If yes, explain:			
(6) Was a permit issued for the system's construction, and was it approved by the town/city/county following its construction?			
(7) Do all plumbing fixtures, including laundry drain, go to the septic/sewer system?			
If no, explain:			

I. TITLE AND CONDITION OF THE PROPERTY	YES	NO	UNKNOWN
A. Owner Occupied			
(1) Do you currently occupy the property?			
(2) If yes, how long:			
B. Title			
(1) Do you have legal authority to sell the property?			
(2) Source of title: <input type="checkbox"/> Unknown, <input type="checkbox"/> Probate/Inheritance, <input type="checkbox"/> Warranty Deed, <input type="checkbox"/> Quitclaim Deed, <input type="checkbox"/> Other:			
(3) Number of tax parcels:			
(4) Number of parcels in the legal description:			
(5) Is title to the property subject to any of the following:			
(i) Right of first refusal?			
If yes, explain:			
(ii) Option to purchase?			
If yes, explain:			
(iii) Life estate?			
If yes, explain:			
(iv) Other parties in possession (e.g. tenants)?			
If yes, explain:			
(v) Lease or rental agreements?			
If yes, explain:			
(vi) Multi-family or rental property?			
If yes, explain:			
If yes, rents/amount of income:			
If yes, amount of security deposit(s):			
C. Easements, Encroachments, and Boundaries			
"The seller of the real estate is required to provide the buyer with a copy of any previous surveys of the real estate that are in the seller's possession and notify the buyer of any known easements, encroachments, covenants, or restrictions of the seller's real estate. If the seller knows that the real estate has a conservation easement or other conservation or preservation restriction as defined in § 34-39-1, the seller is required to disclose that information and provide the buyer with a copy of any documentation in the seller's possession regarding the conservation and preservation restrictions. A buyer may wish to have a boundary or other survey independently performed at his or her own expense."			
(1) Encroachments?			
If yes, explain:			
(2) Boundary disputes?			
If yes, explain:			
(3) Boundary agreements?			
If yes, explain:			
(4) Peaceful and undisturbed possession (i.e. no disputes as to ownership)?			
If yes, explain:			
(5) Easements (including rights of way)?			
If yes, explain:			
(6) Covenants or restrictions (including plat or otherwise)?			
If yes, explain:			
(7) Conservation easement or conservation/preservation restriction?			
If yes, explain and provide copy:			
(8) Access to property is by: <input type="checkbox"/> Unknown, <input type="checkbox"/> Public road, <input type="checkbox"/> Private road, <input type="checkbox"/> Other:			
If private, yearly upkeep amount paid by Seller:			
If private, explain road upkeep in detail:			
(9) Any written agreements for joint maintenance of an easement, right of way, or private road?			
If yes, explain:			
(10) Disputes or disagreements regarding use or location of any driveway/road?			
If yes, explain:			
(11) Survey performed?			
If yes, explain and provide copy:			
(12) Are the boundaries marked?			
If yes, explain:			
(13) Any labor, service, or materials used for any construction/repairs within the last 200 days?			
If yes, explain:			
D. Zoning and Building Permits			
"Buyers of real estate in the state of Rhode Island are legally obligated to comply with all local real estate ordinances; including, but not limited to, ordinances on the number of unrelated persons who may legally reside in a dwelling, as well as ordinances on the number of dwelling units permitted under the local zoning ordinances. If the subject property is located in a historic district, that fact must be disclosed to the buyer, together with the notification that property located in a historic district may be subject to construction, expansion, or renovation limitations. Contact the local building inspection official for details."			
(1) Classification:			
(2) Permitted use:			
(3) Are there any zoning violations, nonconforming uses, or any unusual restrictions on the subject property that would affect future construction or remodeling?			
If yes, explain:			
(4) Have any building permits been pulled for the property?			
If yes, explain:			
(5) Have required municipal inspections been performed for all building permits?			
If no, explain:			
(6) Minimum housing violations?			
If yes, explain:			

continued on next page

4. STRUCTURE	YES	NO	UNKNOWN
<b>A. Roof</b>			
(1) Age of current roof:			
(2) Layers of current roof:			
(3) Roof is constructed of: <input type="checkbox"/> Asphalt Shingle, <input type="checkbox"/> Wood Shingle, <input type="checkbox"/> Slate, <input type="checkbox"/> Metal, <input type="checkbox"/> Tile, <input type="checkbox"/> Asbestos, <input type="checkbox"/> Unknown, <input type="checkbox"/> Other:			
(4) Does the roof have any defects? If yes, explain:			
(5) Has the roof leaked during your ownership? If yes, has it been repaired?			
(6) Explain any roof repairs of which you are aware:			
<b>B. Has the house undergone any conversions, additions, or remodeling?</b>			
(1) If yes, were all building permits obtained? Explain:			
(2) If yes, were all final inspections obtained? Explain:			
(3) Explain any conversions/additions/remodeling:			
<b>C. Age of house:</b>			
Year of original construction (if approximation, indicate such):			
<b>D. Basement, walls, and foundation</b>			
(1) Any water seepage or leaks? If yes, explain:			
(2) Any cracks? If yes, explain:			
(3) Any settling or shifting? If yes, explain:			
(4) Any other defects? If yes, explain:			
<b>E. Fireplaces</b>			
(1) Are there any fireplaces? <i>If no, mark remaining questions N/A</i>			
(2) How many:			
(3) Any defects? If yes, explain:			
(4) Maintained? If yes, explain:			
<b>F. Chimneys</b>			
(1) Are there any chimneys? <i>If no, mark remaining questions N/A</i>			
(2) How many:			
(3) Any defects? If yes, explain:			
(4) Maintained? If yes, explain:			
<b>G. Sump pumps</b>			
(1) Are there any sump pumps? <i>If no, mark remaining questions N/A</i>			
(2) How many:			
(3) Any defects? If yes, explain:			
(4) Maintained? If yes, explain:			
<b>H. Woodburning stoves</b>			
(1) Are there any woodburning stoves? <i>If no, mark remaining questions N/A</i>			
(2) How many:			
(3) Any defects? If yes, explain:			
(4) Maintained? If yes, explain:			
(5) Installation date known? If yes, explain:			
(6) Permit received for installation? If yes, explain:			
<b>I. Structural conditions</b>			
(1) Any defects? If yes, explain:			
<b>J. Insulation</b>			
(1) Walls insulated? If yes, explain:			
(2) Ceiling insulated? If yes, explain:			
(3) Floors insulated? If yes, explain:			
(4) UFFI insulation present? If yes, explain:			
<b>K. Termites or other pests</b>			
(1) Have termites or other pests (currently or previously) been present? If yes, explain:			
(2) If present, were the termites or other pests treated? If yes, explain:			
(3) If treated, by a licensed company? If yes, explain:			
<b>L. Radon</b>			
"Radon has been determined to exist in the State of Rhode Island. Testing for the presence of radon in residential real estate prior to purchase is advisable."			
(1) Have elevated levels of Radon been detected (currently or previously)? If yes, explain and provide copy of test:			
(2) If detected, was a remedial system installed? If yes, explain:			
(3) If a remedial system was installed, is it maintained? If yes, explain:			
<b>M. Electrical service</b>			
(1) Is there electrical service?			
(2) Size (amperage) of electrical service:			
(3) Has it been improved or modified? If yes, explain:			
(4) Any defects? If yes, explain:			
(5) Any repairs? If yes, explain:			
<b>N. Heating System</b>			
(1) Is there heating?			
(2) Heating fuel/source is: <input type="checkbox"/> Unknown, <input type="checkbox"/> Oil, <input type="checkbox"/> Natural Gas, <input type="checkbox"/> Propane, <input type="checkbox"/> Electric, <input type="checkbox"/> Other:			
(3) Number of heating zones:			
(4) Any supplemental heating? If yes, explain:			
(5) Any alterations, improvements, or modifications? If yes, explain:			
(6) Any defects? If yes, explain:			
(7) Any repairs? If yes, explain:			
(8) Any underground fuel tanks? If yes, explain:			
<b>O. Air Conditioning</b>			
(1) Is there air conditioning? <i>If no, mark remaining questions N/A</i>			
(2) Source is: <input type="checkbox"/> Unknown, <input type="checkbox"/> Central, <input type="checkbox"/> Split system, <input type="checkbox"/> Standalone (window) units included in sale, <input type="checkbox"/> Standalone (window) units not included in sale, <input type="checkbox"/> Other:			
(3) Any alterations, improvements, or modifications? If yes, explain:			
(4) Any defects? If yes, explain:			
(5) Any repairs? If yes, explain:			

4. STRUCTURE	YES	NO	UNKNOWN
<b>P. Plumbing</b>			
(1) Is there plumbing?			
(2) Has it been improved or modified? If yes, explain:			
(3) Any defects? If yes, explain:			
(4) Any repairs? If yes, explain:			
<b>Q. Pools and Equipment</b>			
(1) Does the property have a pool? If yes, explain (including type):			
(2) Does the pool have any defects? If yes, explain:			
(3) Do any of the other equipment, fixtures, or appliances have any defects? If yes, explain:			
<b>R. Fire and Other Damage</b>			
(1) Has the property sustained any fire or other damage? If yes, explain: If yes, any insurance claims made? If any insurance claims made, explain:			
<b>S. Ventilation System</b>			
(1) Does the property have a ventilation system? If yes, explain:			
(2) Has it been modified? If yes, explain:			
(3) Any defects? If yes, explain:			
<b>T. Lead Paint</b>			
"Every buyer of residential real estate built prior to 1978 is hereby notified that those properties may have lead exposures that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced IQ behavioral problems, and impaired memory. The seller of that property is required to provide the buyer with a copy of any lead inspection report in the seller's possession and notify the buyer of any known lead poisoning problem. Environmental lead inspection is recommended prior to purchase."			
(1) Do you have a lead paint inspection report? If yes, explain and attach copy:			
(2) Any lead poisoning problems involving the property? If yes, explain:			
<b>U. Mold</b>			
(1) Is mold present in the property? If yes, explain:			
(2) If mold, have any repairs, alterations, or modifications been made to remediate? If yes, explain:			
(3) If remediation has been performed, by a licensed company? Explain:			
<b>V. Moisture Penetration and Damage to the Property?</b>			
If yes, explain:			
<b>W. Any settling, soil, standing water, or drainage problems on the property?</b>			
If yes, explain:			

5. MISCELLANEOUS/OTHER DISCLOSURES	YES	NO	UNKNOWN
<b>A. Other conditions or defects:</b>			
Does the Seller know of any other defect(s) affecting this property or its value that a prospective buyer should know about?			
If yes, explain:			

**SELLER'S ACKNOWLEDGEMENT**

I/we, the undersigned Seller(s) attest that the information provided herein is true, accurate, and complete to the best of my/our actual knowledge.

SELLER \_\_\_\_\_ DATE \_\_\_\_\_ SELLER \_\_\_\_\_ DATE \_\_\_\_\_

**BUYER'S ACKNOWLEDGMENT**

By signing below, Buyer hereby acknowledges receipt of a copy of this completed and executed disclosure statement (including attachments, if any) and acknowledges that the disclosures made herein are based solely on seller's actual knowledge at the time of execution, are not the statement or representations of any real estate agent or third party, and are not intended to be a substitute for Buyer's own due diligence and inspections by qualified and licensed third parties. Buyer further acknowledges that he/she/they have been provided a copy of these disclosures before entering into any purchase and sale agreement with Seller.

BUYER \_\_\_\_\_ DATE \_\_\_\_\_ BUYER \_\_\_\_\_ DATE \_\_\_\_\_



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## A Remembrance – J. Renn Olenn

I mourn the passing of my friend and mentor, J. Renn Olenn. He always had time for me. Renn and I were trained by the same man—Ray LaFazia. The three of us got on well.

One time, I penned a quick update on drunk driving laws. Renn read the article in the *Bar Journal* and he immediately sent a letter to me (in his legendary cursive handwriting). The letter is set forth below:

*Dear Richard,*

*My oldest son (now 36) became a professional magician at the tender age of 10 years old (Mary's doing). Over the years, he became quite good—good enough that at the age of 16 he went off to Paris for the summer to study and learn the art of “street magic.” And, yes, he was by then fluent in the language. Talk about generation skipping!*

*The mantra of all really good magicians is that if you have a truly great illusion that requires a device or “set up tool” that the device must “Pack Small—Play Big.”*

*You and your colleagues certainly used that in your Bar Journal article in the November issue. It sent me scrambling to the library to get the “good stuff.” The cases in there will certainly “Pack Small—Play Big” in a trial I have coming up.*

*Congrats to all,  
J. Renn Olenn*

For almost thirty-five years Renn Olenn was always there for me. He was a great lawyer and a great friend. He will be missed.

—Richard S. Humphrey, Esq.

## Sign Up For Your 2021-2022 Bar Committee Membership Today!

If you have not yet signed up as a member of a 2021-2022 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 2021-2022 Bar Committee, go to the Bar's website at [ribar.com](http://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 Communications Director Erin Cute at (401) 421-5740 or [ecute@ribar.com](mailto:ecute@ribar.com).



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# Don't Miss Out on a Great Lineup of *Virtual Annual Meeting Workshops!*

JUNE  
23 - 24

The Rhode Island Bar Association virtual Annual Meeting is on Wednesday, June 23 and Thursday, June 24, 2021. Here are a few highlights of our 19 fantastic workshops:

> **Civil and Criminal Case Law Updates**

Distinguished panelists provide an informative and insightful overview of recent noteworthy civil and criminal decisions issued by the United States Supreme Court and the Rhode Island Supreme Court. Some of our most popular workshops each year!

> **Ethical Issues for Solo/Small Firms**

How does a small firm deal with establishing rules and procedures to follow in practice, especially on ethics? This workshop deals with identifying issues.

> **Deposing Medical Experts in the Modern World:  
The Dos and Don'ts of Medical Depositions**

This workshop provides essential tips on the tactics to embrace and which you should avoid while conducting a medical deposition. Any attorney who conducts medical depositions or wishes to improve their deposition skillset should attend. The workshop panel provides perspectives on various deposition tactics from the physician, attorney, and judge's standpoint.

> **Commercial Law Update**

Part 1 and Part 2 review various commercial law-related court decisions from around the United States with some emphasis on Rhode Island Supreme Court, Superior Court, and U.S. District Court cases decided in the RI District Court and for which written decisions were issued during the last 12 months.



> **View from the Bench:**

**Link Between Animal Abuse and Domestic Violence**

There are significant correlations between abuse against people and abuse against animals. Listen to two judges within the RI Family Court discuss the link between animal cruelty and domestic violence.

Also, don't forget to get your ticket for our Annual Luncheon on Friday, June 25th at the Crowne Plaza in Warwick. We will honor two years of awards winners, hear the State of the Judiciary, and swear in our incoming President Lynda L. Laing. More details to come to your inbox this month!



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**RHODE ISLAND BAR ASSOCIATION'S  
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*Exclusively designed to help Bar members receive and offer timely and direct assistance with practice-related questions.*

**OAR** provides new and more seasoned Bar members with the names, contact information and Bar admission date of volunteer attorneys who answer questions concerning particular practice areas based on their professional knowledge and experience. Questions handled by **OAR** volunteers may range from specific court procedures and expectations to current and future opportunities within the following **OAR** practice areas:

- |                           |                              |
|---------------------------|------------------------------|
| <b>Administrative Law</b> | <b>Business Law</b>          |
| <b>Civil Law</b>          | <b>Creditors and Debtors</b> |
| <b>Criminal Law</b>       | <b>Domestic/Family Law</b>   |
| <b>Federal Court</b>      | <b>Probate and Estates</b>   |
| <b>Real Estate</b>        | <b>Workers' Compensation</b> |

**TO CHOOSE YOUR OAR OPTION:**

- Bar members with questions about a particular area of the law.
- Bar members willing to volunteer as information resources.

Go to the Bar's website at **ribar.com**, login to the **MEMBERS ONLY**, and click on the **OAR** link.

**Keep Your Directory Listing  
Up to Date!**

The Bar's online Attorney Directory is available for the convenience of Bar members, clients, and potential clients, so be sure to keep your listing up to date! Attorney Directory contact information may include the Bar member's name, photograph, law office name, postal address, email address, telephone number, and facsimile number. Have your photo taken at the Bar Association, or send in your own headshot to Erin Cute at [ecute@ribar.com](mailto:ecute@ribar.com). Photographs must be provided in a jpg format of at least 300 dpi.



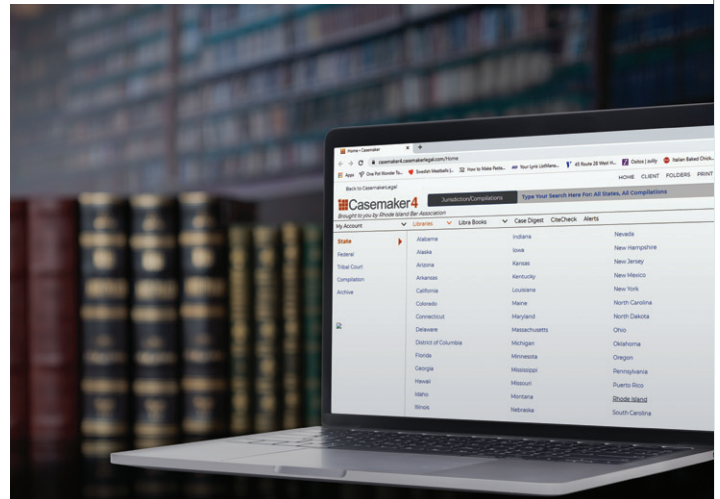
## Casemaker Tip: Organization

Like its predecessor CasemakerLegal, Casemaker4 also allows you to store documents you find over the course of your research. Using the **Folders** feature you can access your documents from anywhere you can access the internet. Saving hard drive space and paper.

The first thing you will need to do is create a new folder. You can create a folder at any time by clicking on the folder link in the upper right or the **Folder** menu option under the **My Account** menu. In addition, if you are on the document you wish to save, you can click the **Save to Folder** icon and type a name for your folder into the **New Folder** field and click the + button.

Once a folder has been created, you can save to your folder at any time. Just click the **Save To Folder** icon from the **Document Toolbar**, choose your folder, and click Save. If you prefer to drag and drop, simply click the **Folder** icon, and this time choose the folder you would like to use and click ok. This allows the icon to represent the folder you have chosen. Next, click and drag the title of the document to the grey toolbar area. Your chosen folder name will appear, and you can drop the document title on top of it.

When you are ready to view the contents of a folder, click the **Folders** link in the **Features** toolbar or the **Folders** option under **My Account**. Once there, on the left of your screen is a listing of all of your folders. Clicking your folder will display its contents in the central area of the page. Once the folder is open you have the opportunity to move, rename, and delete the entire folder using the options menu at the top of the folders list. On the right, you can use the corresponding check boxes to move an individual document to a different folder, or to add it to the print queue, print directly, download, email, or remove. Don't worry if you have accidentally deleted a document, or folder, that you need. You also have access to a **Trash** file.



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

To access Rhode Island Casemaker, connect to the Rhode Island Bar Association website at [ribar.com](http://ribar.com). As always feel free to contact customer support with any questions you may have. Support is available Monday – Friday from 8 am to 8 pm EST and can be reached by email at [support@casemakerlegal.com](mailto:support@casemakerlegal.com), by phone at 877.659.0801 or by clicking the LIVE CHAT link in the upper right of the Casemaker4 system.



## Rhode Island Probate Court Listing and Judicial Communications Survey on Bar's Website

The Rhode Island Bar Association regularly updates the Rhode Island Probate Court Listing to ensure posted information is correct. [The Probate Court Listing](#) is available on the Bar's website at [ribar.com](http://ribar.com) by clicking on **FOR ATTORNEYS** on the home page menu and then clicking on **PROBATE COURT INFORMATION** on the dropdown menu. The Listing is provided in a downloadable pdf format. Bar members may also increase the type size of the words on the Listing by using the percentage feature at the top of the page. The Bar Association also posts a chart summarizing the preferences of Superior Court justices relating to direct communications from attorneys, and between attorneys and the justices' clerks which is updated yearly. The [chart](#) is available by clicking **MEMBERS ONLY** on the home page menu and then clicking **JUDICIAL COMMUNICATIONS**.

# 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.*

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

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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](http://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](mailto:hmcdonald@ribar.com) or 401.421.5740.

## Dog Bites CLE Program Reviews Important Case Considerations

Eric B. DiMario Esq., of Kiernan, Plunkett & Redihan, presented Litigating Dog Bite Claims in Rhode Island on April 29th. This program provides an overview of the current state of Rhode Island law in the area of dog bite liability, including considerations of what constitutes an "enclosure," the meaning and effect of the so-called "one-bite" rule and the effect of statutory damages. Strict liability and negligence standards, the availability of comparative fault defenses, important case considerations, and helpful investigative tips are also discussed. The program will be available in the Bar's **On Demand catalog** in late May.



Eric B. DiMario Esq.

## May Compare & Contrast Free, Non-Credit Program: Video Conferencing Software

The fourth session in the new, **FREE, non-credit**, technology program series, *Compare & Contrast: Video Conferencing Software*, is scheduled for **Monday, May 17 at 12:30 pm**. In this session, Jared Correia of Red Cave Law Firm Consulting and Attorney Mike Goldberg, co-chair of the Bar's Technology in the Practice Committee, will review 3 top video conferencing software providers, and take questions on the subject. Video conferencing became an essential business tool almost overnight last year. But, how do you choose the right software? And, how do you avoid common (and embarrassing) missteps when you're on a video call? It's a tangled online web we weave.

This quick (30 minute) and free presentation will get you the information you need to make an informed choice. Please [click here](#) to register for the program via Zoom. No cat filters, please.

*This series will review different law-related products and services and each webinar will be focused on a particular topic. In just 30 minutes, Jared will discuss what makes the most sense for members depending on practice size and budget. All sessions will be recorded and available to view free of charge on the Bar's **Law Practice Management** page on [ribar.com](#).*

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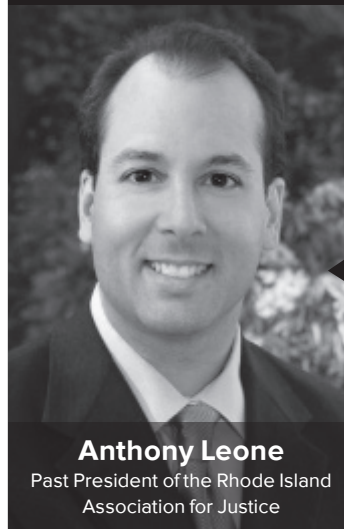
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## In Memoriam

### Robert M. Ferreira, Esq.

Robert M. Ferreira, 71, of North Providence, died March 25, 2021. He was the husband of Jean (DiNobile) Ferreira for 50 years. Born in Providence, he was a son of the late Manuel and Lena (Musumeci) Ferreira. Mr. Ferreira graduated from Providence College and received his law degree from Suffolk University. Besides his wife, he is survived by a brother, David Ferreira and his wife Donna of Naperville, IL.

### J. Renn Olenn, Esq.

J. Renn Olenn, of Barrington, died February 21, 2021. Renn was a graduate of Heidelberg University and Boston University School of Law. He served as a tank commander in the U.S. Army. He was admitted to practice law in RI, MA courts, Federal District Court, and the United States Supreme Court. He was a founding partner at Olenn & Penza LLP and mentored many of the attorneys at the firm. He leaves behind, Mary, his wife of nearly six decades, and sons, Adam Renn (Jennifer) and Timothy Hall (Michelle), five grandchildren, his brother Stan (Bonnie), and his loyal friend and law partner of fifty years, Joseph F. Penza, Jr. He was predeceased by parents, Valjean and Stanley Olenn, and sister, Valjeane M. Olenn.

### Hon. Alton W. Wiley

RI Superior Court Associate Justice (ret.) Alton W. Wiley Sr., 91, died on February 17th in Naples, FL. The son of the late William and Olive (Thomas) Wiley, he graduated from Aldrich High School in Warwick and earned his Bachelor of Business Administration degree in 1951 from URI where he starred in track and won a number of New England and Conference sprint titles. He earned his law degree from Boston University in 1956. His legal career began with his appointment as Rhode Island's first African American Assistant United States District Attorney, which then led to an appointment as Assistant Legal Counsel for the Department of Employment Security. He later served as Assistant Public Defender and was a member of the Governor's Legislative Council. In 1980, former Governor J. Joseph Garrahy appointed him as the first African American District Court Judge and in 1991, then Governor Bruce Sundlun appointed him as the first African American Superior Court Judge. Judge Wiley was a former URI Vice President of Student Affairs and past president of the Alumni Association. He was a member of the URI Athletic and College of Business Administration Hall of Fames. He was the recipient of an Honorary Doctorate from URI in 1983 and an Honorary Doctor of Laws from Bryant University in 1971. Judge Wiley was active in numerous community activities including the boards of the Urban League of Rhode Island, the Narragansett Council of Boy Scouts of America, and Chairman of the Legal Redress Committee of the Providence Branch of the NAACP. Judge Wiley is survived by his longtime partner Mary Ann Conlan of Naples FL, sons Alton W. Wiley, Jr. Esq. of North Providence, Dr. Deane Wiley (Alesia) of Las Vegas, NV, daughter, Jacqueline Wiley of Bradenton, FL, and granddaughter Haven Wiley. He also leaves his siblings Lucille Davis of Darien, IL, Edwin Wiley (Peg) of Catonsville, MD and Beverly Wiley of Foster, RI and several nieces and nephews. He was predeceased by his brother Dr. George Wiley and sister Shirley Green.

## Help Us Grow Our List Serve!

Free and available for all actively practicing Rhode Island attorney members, the Bar's List Serve gives you immediate, 24/7, open-door access to the knowledge and experience of over 700 Rhode Island lawyers. If you have a question about matters relating to your practice of law, you can post the question on the List Serve, and it will be emailed to all list serve members. Any attorney who wishes to provide advice or guidance can, and hopefully will, quickly respond. Help us grow our online community by joining TODAY! Visit [ribar.com](http://ribar.com) and the Members Only section, and click [List Serve](#) for instructions to join.

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## Closed Captions Now Available for Virtual CLE Seminars!

Since January 2021, the Rhode Island Bar Association contracted with Rev Live Captions to be able to offer live closed captions during all future virtual CLE seminars. This new feature helps make our CLE seminars more accessible and inclusive to all our members.

Rev Live Captions integrates seamlessly with the Zoom videoconferencing platform. The live captions are powered by the world's best speech recognition A.I., generating accurate captions that enable our members who are deaf, hard-of-hearing, or non-native English speakers to better understand the content of our seminars.

The next time you attend a CLE seminar, look for the CC button located in the toolbar at the bottom of your Zoom screen. Click the button to turn on closed captions to view the dialogue as subtitles. Please note, the feature is not automatic, if you would like to view the closed captions you must remember to click the CC button to turn on the feature.



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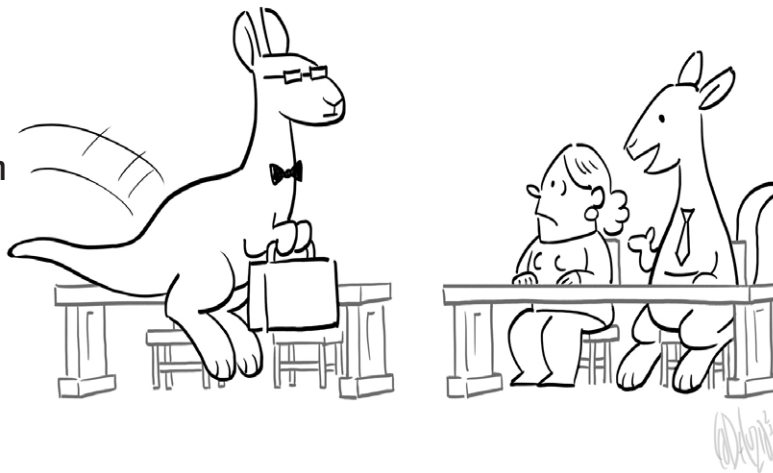
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# Caption This! Contest

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](mailto:kbridge@ribar.com) with "Caption Contest for May/June" in the subject line.

**Deadline for entry:** Contest entries must be submitted by June 1st, 2021.

*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 March/April



"And how is this my fault?"  
ANONYMOUS

## Advertiser Index

Ajootian, Charles – 1031 Exchange Services . . . . .	16
Alliant Title and Escrow – Florida . . . . .	16
Arbitrator – Nicholas Trott Long . . . . .	18
Balsofiore & Company, Ltd. – Forensic Accounting, Litigation Support . . . . .	30
Barrett Valuation Services, Inc. . . . .	26
Briden, James – Immigration Law . . . . .	30
Coia & Lepore, Ltd. – John Cascione . . . . .	32
Coia & Lepore, Ltd. – Mediation . . . . .	36
Connecticut Lawyers – Messier Massad Burdick & Flynn . . . . .	16, 35
Dennis, Stephen – Workers' Compensation . . . . .	10
Enright Law LLC . . . . .	30
Humphrey, Richard – Law Offices . . . . .	36
Lavoie Law LLC . . . . .	8
Law Offices of Michael W. Favicchio . . . . .	28
LawPay . . . . .	Back Cover
Legal Consulting . . . . .	20
Leone Law, LLC – Anthony R. Leone II . . . . .	35
Marasco & Nesselbush . . . . .	30
Mathieu, Joan – Immigration Lawyer . . . . .	37
Mignanelli & Associates, LTD. – Estate Litigation . . . . .	18
Morowitz, David – Law Firm . . . . .	14
Ocean Roads Realty – Real Estate Sales . . . . .	11
Palumbo, Richard – Condominium Law . . . . .	12
Palumbo, Richard – Property Damage & Insurance . . . . .	10
PellCorp Investigative Group, LLC . . . . .	30
Pfiefer, Mark – Alternate Dispute Resolution . . . . .	30
Piccerelli, Gilstein & Co. – Business Valuation . . . . .	16
Purcell, Jim – ADR . . . . .	11
Red Cave Legal Consulting . . . . .	26
Restivo Monacelli LLP . . . . .	22
SecureFuture Tech Solutions . . . . .	32
Slip & Fall – Henry S. Monti . . . . .	26
Soss, Marc – Florida Estates/Probate/Documents . . . . .	22
The Law Offices of Howe & Garside, Ltd. . . . .	31
Vehicle Value Appraisals – Green Hill . . . . .	37
Workers' Compensation – Revens, Revens, & St. Pierre . . . . .	12
Zoning Handbook, 3rd Edition – Roland Chase . . . . .	37

## Lawyers on the Move

**Paul J. DiMaio, Esq.** and **Priscilla Facha DiMaio, Esq.** have relocated their law offices to 1310 Atwood Avenue, Johnston, RI 02919.  
401-272-3900

**Dana M. Horton, Esq.**, of **Robinson+Cole, LLP**, was honored as a Leader in the Law by *Rhode Island Lawyers Weekly* for their 2021 Excellence in the Law Awards.

**Howland Evangelista Kohlenberg LLP** is merging with **Day Pitney LLP**, a full-service law firm. Nine attorneys, including name partners Renée A. R. Evangelista, Esq. and A. Max Kohlenberg, Esq. will join Day Pitney's Individual Clients department once the merger is completed effective July 1, 2021. The combined firm will retain the Providence office at One Financial Plaza, Suite 2200.

**Sarah Oster Kelly, Esq.** is now an associate at **Burns & Levinson LLP**, One Citizens Plaza, Suite 1100, Providence, RI 02903.  
401-519-6258 [soster@burnslev.com](mailto:soster@burnslev.com) [burnslev.com](http://burnslev.com)

**Amy Moses, Esq.** is now general counsel at **Utilidata, Inc.**, 225 Dyer Street, Floor 2 – CIC, Providence, RI 02903.  
[amoses@utilidata.com](mailto:amoses@utilidata.com) [utilidata.com](http://utilidata.com)

**Kathryn M. Rattigan, Esq.**, of **Robinson+Cole, LLP**, was honored as an Up & Coming Lawyer by *Rhode Island Lawyers Weekly* for their 2021 Excellence in the Law Awards.

# Sleep Solutions

## 6 Tips for a Healthy Night's Sleep

### Stick to a Sleep Schedule

Go to bed and get up at the same time every day. This helps to regulate your body's internal clock and can help you fall asleep and stay asleep for the night. Keep a consistent schedule for sleep and wake times and soon they will become a part of your regular routine.

### Clear Your Mind

Overthinking is a major obstacle to quality sleep. When our minds run wild, it can make us anxious, keeping us up much later than we planned. To combat this, write down your worries in a journal. When you are done, put your worry journal somewhere you cannot see it.

### Exercise Regularly

Physical activity improves sleep quality and increases sleep duration. Timing your exercise can make a difference. A high intensity cardio workout late in the day can disrupt sleep. Save your runs and cycle classes for the morning if you find that an intense workout interferes with your sleep.

### Create a Bedtime Routine

After a long day, you need to relax, reflect, and decompress before trying to fall asleep. Take this time to turn off the "noise" of the day and read something calming, meditate, listen to quiet music, or take a warm bath. Many people who have a relaxing pre-sleep routine fall asleep faster and stay asleep longer.

### Avoid Screens Before Bed

Dim the lights and turn off all your devices about an hour before bedtime. The blue light emitted by your phone, tablet, computer, or TV can negatively affect the way you sleep. Bright light triggers our brains that it's time to be awake and alert, start sending the opposite signal early to help you fall asleep faster.

### Watch Caffeine Intake

Caffeine can enhance focus, energy, and performance, but when consumed late in the day, caffeine stimulates your nervous system and may stop your body from naturally relaxing at night. If you do crave a cup of coffee in the late afternoon or evening, stick with decaf.

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