

Rhode Island Bar Journal

Rhode Island Bar Association Volume 72, Number 6, May/June 2024



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

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

USPS (464-680)ISSN 1079-9230

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

PERIODICALS POSTAGE PAID AT PROVIDENCE, RI

Subscription: \$30 per year

Postmaster

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

ribar.com

Front Cover Photograph by Brian McDonald **Hearthside House** For two centuries, Hearthside was a private residence until the Town of Lincoln acquired it in 1996. Now an acclaimed museum, Hearthside offers guided tours, events, and exhibits from March to December, with group tours available year-round. Originally named for its association with "The Hearthside Looms," it gained fame as "The House That Love Built," thanks to its romantic history involving Stephen Hopkins Smith's construction efforts to entice his beloved to marry him.

Leave the Ladder Down



Nicole J. Benjamin, Esq.
President
Rhode Island Bar Association

“Some leaders have been accused of pulling the ladder up behind them as they ascend to the top. True leaders leave the ladder down so others can rise with them.”

Many of you have heard my story. I was selling vacuum cleaners at Apex, a discount department store, when I first thought about becoming a lawyer. When Apex announced its Warwick store closure, I landed on my feet selling women’s shoes at Filene’s. It was then that I learned about a scholarship for Rhode Islanders entering their first year of law school—the Rhode Island Bar Foundation’s Thomas F. Black Jr., Memorial Scholarship.

As I have said many times before, to my good fortune, the members of the Rhode Island Bar Foundation’s scholarship committee saw potential in the 21-year-old who could tell you the amperage of a Hoover WindTunnel and that there is only one-eighth of an inch difference in half sizes of women’s shoes. I was the 2003 recipient.

It is not lost on me that my rise from the stockroom at Filene’s to President of this venerable association was due, in no small measure, to the encouragement and sponsorship of others.

At Filene’s, we hustled. We took requests from customers for shoes in their size, and we raced back to the stockroom where row after row of shoeboxes were stacked to the ceiling. To retrieve the right style, color and size, we climbed rolling steel ladders armed with a 5-foot-long wooden shoebox reacher that allowed us to pull down just the right shoebox from the wall. To do it without knocking over other shoeboxes was as close as I’ll ever come to an Olympic sport.

When I left Filene’s and immersed myself in law school, that was the last I thought about ladders. At least until this year.

This year I participated in a program sponsored by the Federation of Defense and Corporate Counsel called Ladder Down¹ and it caused me to reflect on the symbolism of the ladder and what it means to leave the ladder down.

Some leaders have been accused of pulling the ladder up behind them as they ascend to the top. True leaders leave the ladder down so others can rise with them.

My involvement in the Bar Association was driven by my desire to give back and to pay forward what had been given to me. I never set out in search of a ladder. But along my journey, I had the opportunity to meet and work with many of our members who had already found the

ladder, ascended the ladder, and left the ladder down for others like me.

Whether they realized it or not, the members of our bar who left the ladder down were sponsors. We talk a lot about the importance of mentorship in the profession, but what we often actually mean is sponsorship.

In her book, *The Sponsor Effect: How to be a Better Leader by Investing in Others*, Sylvia Ann Hewlett explains the difference between mentorship and sponsorship. She writes: “Sponsorship is a professional relationship in which an established or rising leader identifies and chooses an outstanding junior talent, develops that person’s career, and reaps significant rewards for those efforts.”² Hewlett explains, “[a]s a mutually beneficial relationship, sponsorship is much deeper and more rewarding than traditional mentorship, a relationship in which a senior person ‘pays it forward’ by giving guidance to someone more junior, often casually and for not very long.”³

Within our Bar, we have many sponsors. Members who have left the ladder down and who have pushed others, step by step, toward and up it. Whether they think of their service as sponsorship or not, it falls clearly within the definition.

I began my presidency by committing to you that I would do my part to carry forward what this community had given to me. The success of that commitment has been tied directly to our members’ sponsorship of others.

As part of that commitment, we established the Leadership Academy to create a new and sustainable pathway to leadership in the Bar. Month after month, members of the Leadership Academy have been exposed to professional coaches, judges, and a wide range of members of our Bar. They have worked with mentors on projects for the *Bar Journal* and the Annual Meeting. Whether the participants in our academy know it or not, along this journey, many of them have found their own sponsors.

The Bar Journal assumes no responsibility for opinions, statements, and facts in any article, editorial, column, or book review, except to the extent that, by publication, the subject matter merits attention. Neither the opinions expressed in any article, editorial, column, or book review nor their content represent the official view of the Rhode Island Bar Association or the views of its members.

We increased our outreach to law students in an effort to build a pipeline to the practice here in Rhode Island, as well as membership in the Bar Association.

For the first time in 20 years, we hosted a new member reception and welcomed our newer members to our Bar committees. We also invited some of our newer lawyers to participate for the first time in our awards committees.

For the first time in the RIBA's history, we elected a young lawyer delegate to represent Rhode Island at the American Bar Association.

And, this year, we had a record number of members interested in appointment to the House of Delegates.

None of these efforts would have been possible, let alone successful, had it not been for the members of our Bar who left the ladder down.

Sometimes, these efforts were so successful that some of our members who were already on the ladder made the decision to hop off to make room for others, a mark of a true leader. Those quiet decisions have not gone unnoticed.

We do not talk much about sponsorship because, in most instances, it happens organically.⁴ Many of our members may not even know they are being sponsored. But each time their voices are amplified, their names are put forward, and they are offered opportunity, that is sponsorship.

So, if sponsorship happens organically, how does one find a sponsor? First, Hewlett says performance is table stakes. You don't get on anyone's list unless you are outstanding at what you do.⁵ Second, is trustworthiness. You must be seen as someone who is on board for the

long run.⁶

This year, the RIBA has tried to create as many forums as possible for organic sponsorship to develop. I have watched with great awe as our newer members have demonstrated their worthiness for sponsorship—outstanding professionals, committed to the long-term success of the profession in Rhode Island, who bring great ideas to the table. And I have watched as our members who have already ascended the ladder, have amplified the voices of those newer members, put forth their names, and offered them opportunity.

As I conclude my Presidency, I want to sincerely thank so many of you who sponsored me and left the ladder down for me. As I step off the ladder, I am consciously leaving the ladder down, and I look forward with great excitement to seeing those who will soon be climbing it. They are well positioned to reach new heights under the leadership of soon-to-be President Christopher Gontarz, our officers, Executive Committee members, and our House of Delegates.

Whether you've reached the top rung or you continue to climb, please join me in leaving the ladder down.

ENDNOTES

1 <https://www.ladderdown.org/>.

2 *Sylvia Ann Hewlett*, *The Sponsor Effect: How to be a Better Leader by Investing in Others* (2019).

3 *Id.*

4 *Amy Bernstein, et al.*, *Sponsorship: Defining the Relationship*, *Harvard Business Review, Women at Work Podcast* (Oct. 29, 2019).

5 *Sylvia Ann Hewlett*, *The Benefits of Career Sponsorship Go Both Ways*, *Harvard Business Review on Leadership Podcast* (Oct. 18, 2023).

6 *Id.* ◇

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 magazine published bi-monthly, six times annually, and digitally distributed to, among others, all practicing attorneys and sitting judges, in Rhode Island. This constitutes an audience of over 6,300 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 articles, interviews, columns, and editorials are not the official view of the Rhode Island Bar Association. Letters to the Editor are welcome.

Article Selection Criteria

- > Contributors are requested to submit article, book review, editorial, and interview topic ideas for approval to the Managing Editor prior to submission.
- > The *Rhode Island Bar Journal* gives primary preference to original articles, written expressly for first publication in the *Bar Journal*, by attorney and judicial 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 unless co-authored with a RIBA member. Law student members may submit articles co-authored by either a law school professor (not necessarily a RIBA member) or a RIBA member.
- > A maximum of two authors (co-authors) is permitted for article submissions.
- > Articles previously appearing in other publications are typically not accepted.
- > All submitted articles are subject to the *Journal's* Editor's 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 Editor reserves 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 Editor.
- > Submissions are preferred in a Microsoft Word format emailed as an attachment.
- > Authors are asked to include an identification of their current legal position and a photograph, (headshot) preferably in a jpg file of, at least, 350 d.p.i., with their article submission.

Direct inquiries and send articles and author photographs for publication consideration to:

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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 and the Members Only section, and click [List Serve](#) for instructions to join.

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Thank You



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

“There are a number of people that I need to thank for the unwavering support they have provided to me and your Foundation over the last five years.”

I took over as President of your Rhode Island Bar Foundation on July 1, 2019. On July 1, 2024, I will be stepping down after five terrific years.

It has been a wonderful experience leading your Foundation. There have been many changes that have occurred since 2019, notably among them, our administrative leadership. In 2019, Helen McDonald and Ginny Caldwell served, respectively, as Executive Director and Program Director of our Foundation. Today, Katy Bridge and Theresa Gallo serve, respectively, in those roles. In addition to staff transitions, our Foundation has changed in several other ways. Throughout the last five years, I believe our Foundation has grown stronger and is better able to help those in need.

The following are just a few of the changes that have taken place since 2019.

In 2019, the Bar Foundation Treasurer was James A. Jackson, who served as Treasurer since the establishment of the Foundation many years ago. Jim is now our Treasurer Emeritus and has been ably succeeded by Steven Boyajian. I cannot emphasize enough how comforting it has been to have Jim, and now Steve, monitoring our finances and working with the Washington Trust Company to manage our funds. Jim’s sage advice and perspective is still requested from time to time, and we are incredibly grateful for that.

Since 2019, we have added about 60 new Fellows to the Foundation, and in doing so, we have strengthened the Foundation and increased diversity among our Fellows. Our Fellows make substantial initial and sustaining financial contributions to the Foundation.

In the calendar year 2019, we received only \$673,988 in funds generated by your IOLTA client accounts. After steady growth each succeeding year, in the calendar year 2023, we received \$3,454,432 in IOLTA funds.

In June 2019, the Foundation had \$148,850 in operating funds; as of March 2024, the Foundation had \$330,918 in operating funds.

In June 2019, the IOLTA long-term reserve fund had \$746,874; as of March 2024, the fund had \$5,031,409.

In June 2019, the Foundation had \$26,356 in its checking and money market accounts. As of March 2024, the Foundation had \$440,386 in those accounts.

In June 2019, the Foundation had \$1,314,547 in its scholarship fund. As of March 2024, the Foundation had \$1,751,197 in its scholarship fund. Moreover, since 2019, your Foundation has awarded 21 law school scholarships totaling \$345,000.

At our 2019 Annual Meeting, the Foundation awarded law school scholarships totaling \$40,000. At our upcoming June 2024 Annual Meeting, the Foundation will be awarding law school scholarships totaling \$150,000.

In 2019, the Foundation awarded two Thomas F. Black, Jr. scholarships to first-year law students. At this year’s Annual Meeting, we will be awarding six law school scholarships to first-year law students—two Thomas F. Black, Jr. scholarships; two Papitto Opportunity Connection scholarships; a scholarship in honor of the late Patrice A. Tarantino, funded by her husband, former Bar Foundation President John A. Tarantino; and a scholarship in honor of our current Bar President Nicole J. Benjamin, established in her honor by John A. Tarantino as a tribute to her extraordinary leadership.

We also have an active fellowship program that operates in conjunction with the Roger Williams University School of Law. Fellowships are awarded to worthy second-year Roger Williams Law School students who will spend the summer interning in public service legal positions. Our Foundation contributes \$1,500, and Roger Williams Law School matches that amount for each student. In 2019, there were two fellowships available in honor of the late Justice Thomas J. Caldarone. Now we have two additional fellowships available in honor of Foundation Treasurer Emeritus James A. Jackson.

I am particularly proud of our grants program. Since 2019, working with past Foundation President Susan Leach DeBlasio as Chair of our grants committee, we have awarded \$3,162,099 to non-profit organizations that primarily provide legal services to the disadvantaged. In 2019, we were

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Rhode Island Bar Foundation

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

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

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only able to provide \$393,109 in grants. However, in 2024, we provided \$1 million in grants. In addition, our IOLTA long-term reserve fund is very healthy, and hopefully we will be able to provide even more in IOLTA grants in 2025.

Starting in 2023, the Foundation voted for the first time to provide \$1,250 in funding to assist the Rhode Island Bar Association in awarding prizes to the winners of the Francis J. Darigan Jr. Rhode Island Law Day Essay Contest for high school students. It was a pleasure to meet the student winners and their parents and to assist in awarding the prizes to them at the courthouse.

There are a number of people that I need to thank for the unwavering support they have provided to me and your Foundation over the last five years.

My good friend Lauren Jones has been a member of the Board, an officer of the Foundation, and Chair of our nominating committee for a number of years. More importantly, he has been the person I have turned to most often for advice whenever the Foundation has been faced with a new challenge. Lauren's assistance has been invaluable to me, and I thank him from the bottom of my heart.

Our past Foundation President John A. Tarantino has been incredibly generous to the Foundation during the time I have been President. John was instrumental, as a trustee of the Papitto Opportunity Connection, in establishing two annual law school scholarships through the Papitto Opportunity Connection. John was also instrumental in obtaining funding from the Papitto Opportunity Connection for the two James A. Jackson law student annual fellowships.

In addition, John has personally funded both the Patrice A. Tarantino law school scholarship program and the new Nicole J. Benjamin law school scholarship program. I don't really have adequate words to express how grateful I am for John's astounding generosity.

Recently, we also made a significant change, with the assistance of Lauren Jones and past Foundation President Michael St. Pierre, and we were successful in working with the Supreme Court to amend Supreme Court Rule 1.15, which governs the IOLTA program. As you are probably aware, the amendment allows IOLTA funds to be turned over to the Bar Foundation when the owner of the IOLTA funds cannot be identified or located. This addresses a problem many lawyers have faced for years. To date, we have received over \$145,000 in funds, which have been turned over to the Foundation under the amended rule.

I personally thank Chief Justice Paul A. Suttell, a Foundation Life Fellow, for his support of this Rule amendment and for his overall strong support of the Foundation for many years.

I also thank Theresa Gallo for her hard work and dedication in running the day-to-day operations of the Foundation under the overall supervision of Katy Bridge.

Last, but certainly not least, I need to express my sincere thanks to the Foundation Board of Directors, and all of the Foundation Fellows, for their continued financial support of the Bar Foundation programs, and for their support of my efforts during the last five years.

I step down from the presidency knowing that your Foundation is strong and in good hands with those who care deeply about our mission. Serving you all has been an honor and a deep privilege. Thank you. ◇

Build your **Client Base** and Serve Your **Community** with the **Bar's Lawyer Referral Service!**



Attorney **Lauren Bailey**, a member of the Lawyer Referral Service, enthusiastically supports the program. *"The Lawyer Referral Service not only benefits individuals in need but also provides a unique opportunity for attorneys to contribute to their community. By joining this program, you become part of a network that connects people with qualified legal representation. It's a chance to make a meaningful impact and expand your practice!"*

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

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

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Serve Your Community with the Bar's Volunteer Lawyer Program!

Attorney **Suzannah Skolnik**, a member of the Volunteer Lawyer Program (VLP), enthusiastically supports the program. *“At its core, being a lawyer is about helping your client find a solution to a problem. The clients I've assisted through the Volunteer Lawyer Program have faced big problems, often with far-reaching implications in their lives. But more often than not, the solutions have been simple ones. It's satisfying to put my skills and knowledge to work in such a concrete and impactful way.”*

Participation in our **Volunteer Lawyers Program** provides crucial legal assistance to those in need. 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, and seasoned members of the Bar are available as mentors. Your involvement in VLP ensures marginalized individuals receive vital representation, playing a key role in fostering justice. Join today and you can make a difference in the lives of those who need it most.

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

Rhode Island Municipal Court Listing

The Rhode Island Bar Association recently updated the Municipal Court Listing, similar to our popular Probate Court Listing. Bar staff will regularly update the listing to ensure the posted information is correct. The Municipal Court Listing and the Probate Court Listing are available on the Bar's website at ribar.com by clicking on **FOR ATTORNEYS** on the home page menu and then clicking on **MUNICIPAL COURT INFORMATION** or **PROBATE COURT INFORMATION** on the dropdown menu. Both Listings are 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 annually. The chart is available by clicking, **MEMBERS ONLY** on the home page menu and then clicking **JUDICIAL COMMUNICATIONS**.

IOLTA Honor Roll Banks

The Rhode Island Bar Foundation sends its grateful appreciation to the banks participating in our Interest on Lawyers Trust Accounts (IOLTA) Honor Roll Bank program. Many banks in Rhode Island participate in the Rhode Island Bar Foundation IOLTA Program, which is administered by the Rhode Island Bar Foundation. The IOLTA Program funds critical services in Rhode Island communities. Through IOLTA grants, thousands of our most vulnerable citizens receive free or low-cost civil legal services. The RI Bar Foundation would like to especially highlight our IOLTA Honor Roll Bank participants. These financial institutions agree to pay a net yield of at least 65 percent of the federal fund's target rate on IOLTA deposits. Their participation in the IOLTA Program exemplifies their commitment to upholding the Federal Community Reinvestment Act. Participating banks appear below:



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Rhode Island Legal Practice Meets Digital Transformation: A Call for Technological Competence



Hon. Brian P. Stern
Associate Justice
Rhode Island Superior Court



Brian Murphy, Esq.
Rhode Island Supreme Court
Providence

“The use of technology in legal practice is not merely a luxury but a requirement for providing competent representation.”

Introduction

On February 16, 2007, Rhode Island created a new standard for attorneys with the adoption of most of the American Bar Association’s Model Rules of Professional Conduct.¹ However, the technological frontier we know today was on the distant horizon, and the legal profession operated predominantly within the confines of a paper, hard-copy system.² Fast forward seventeen years, and legal practice has shifted dramatically, necessitating a reevaluation of the rules that govern professional conduct in Rhode Island. This article explores the need for Rhode Island to consider adopting the technological insights contained in Comment 8 of Rule 1.1 of the Model Rules of Professional Conduct to ensure that attorneys remain competent in an age defined by technological and artificial intelligence (AI) advancements.³

The Evolution of Technology in Legal Practice

In 2007, practicing law in Rhode Island looked drastically different than it does today. Courts operated with a paper-based system; cases were filed physically at the clerk’s offices, and legal processes were served by mail or hand delivery. To identify documents and keep them in order, a physical “Bates Stamp” was used to mark each document. The advent of social media was in its infancy. For example, *Facebook* was launched in 2004, *YouTube* in 2005, and *Twitter* in 2006.⁴ The first iPhone was introduced by Apple’s then-CEO, Steve Jobs, in 2007, and legal research tools were a shell of their current iterations.⁵ However, the last decade and a half has ushered in an exponential growth in technological innovations that have reshaped the practice of law.

Today, attorneys navigate complex technological terrain where proficiency in digital applications is essential for effective legal representation. Legal research has been revolutionized by platforms like *Westlaw*, *Lexis*, and *CaseText*, offering attorneys efficient and comprehensive access to the most up-to-date legal information.⁶ E-Discovery tools have become indispensable, allowing lawyers to sift through vast volumes of electronic data quickly, tasks unimaginable in the hard-copy era.

Moreover, Blockchain and Smart Contracts — like Docusign — have emerged as transformative

forces, altering how contracts are created, executed, and enforced. AI has become an asset that assists lawyers in predicting case outcomes, like how a judge may rule on a legal issue,⁷ proofreading, and automating routine tasks. Those routine tasks could even include writing first-draft legal memoranda, briefs, and motions, saving attorneys hours of work. Further, the pandemic has accelerated the adoption of virtual courtrooms, making remote proceedings common practice in many jurisdictions.

Court-Implemented Technological Solutions

Rhode Island’s judiciary has not ignored the transformative potential of technology. In recent years, in fact, the Judiciary has embraced it, implementing several technological solutions to enhance the efficiency and effectiveness of the judicial process.⁸ These innovations include the 2014 enactment of the mandatory Electronic Case Filing System (ECFS) Case Management System (CMS), an online “document repository database maintained and managed by the Judiciary and administered by the respective courts to track information used to manage the courts’ caseload, such as case numbers, party names..., attorneys for parties, titles of all documents filed in a case, and all scheduled events in a case.”⁹ Through various orders, our Supreme Court has also memorialized changes to the Superior Court Rules of Civil Procedure to incorporate technology—i.e., amending Rule 7 for routine remote hearings and adding terminology requiring electronic discovery service to Rule 1.¹⁰

The mandatory ECFS, for instance, has streamlined the filing process, reducing the burden on attorneys and court staff alike. The CMS (CMS) has, *inter alia*, facilitated seamless communication between litigants, ensuring a more organized and transparent exchange of documents and other materials. Video conferencing and remote proceedings have proven invaluable, saving time and

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money. With these changes, barriers have been removed, and people enjoy easier access to the judicial system. It has also, albeit lightly, lessened traffic and parking congestion surrounding the Licht and Garrahy Judicial Complexes.

While these changes have highlighted the Judiciary's recognition of the need to embrace technology's impact on the practice of law, enacting Comment 8 of Rule 1.1 will ensure that Rhode Island attorneys provide the highest quality services to their clients.

Adaptation to Modern Legal Challenges

The legal profession in Rhode Island must adapt to the contemporary challenges posed by the evolving technological landscape. The use of technology in legal practice is not merely a luxury but a requirement for providing competent representation. Comment 8 of Rule 1.1 emphasizes the importance of staying abreast of changes in the law and its practice, including technological advancements.¹¹ In pertinent part, Comment 8 calls on lawyers to "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology..."¹²

Rhode Island attorneys must be equipped to effectively harness the benefits of technological tools to enhance their practice. From improving efficiency and accuracy in legal research to leveraging AI for contract analysis or discovery assistance, technology is a catalyst for delivering better legal services. The incorporation of technological competence aligns with the overarching goal of the legal profession: the just, speedy, and inexpensive adjudication of every action.¹³

While technology and AI will surely continue to assist lawyers for years to come, they must remain keenly aware that ethics cannot be automated away. In the November/December 2023 issue of this publication, Jared Correia, Esq., and Megan Sheehan, Esq., implored attorneys to treat AI like a staff person, avoid imputing client information into generative AI software, and beware of incorrect information produced by AI (so-called "hallucinations").¹⁴ Adopting Comment 8 to Rule 1.1 of the Model Rules memorializes the caution attorneys must exercise using AI.

Practical Uses of Technology for Attorneys

Technology has already changed the way attorneys practice law. While addressing AI in the context of judicial officers, Chief Justice John Roberts of the Supreme Court of the United States predicted that AI will "significantly affect[]" the work of the courts.¹⁵ This perspective applies with equal footing to lawyers.

In personal injury matters, insurance companies often scrutinize plaintiffs' social media accounts for evidence that contradicts their claims.¹⁶ For example, posts, photos, or videos that show an allegedly injured plaintiff engaging in physical activities might undermine claims of severe pain. Litigation attorneys have also seen their practice change. One of the most significant uses of technology in legal document analysis is electronic discovery (e-discovery).¹⁷ Attorneys can now feed AI-powered tools large swaths of documents to quickly analyze and identify the most relevant records in a pending matter. These tools use algorithms to search for keywords, phrases, patterns, or concepts, significantly accelerating the discovery process compared to manual review.

The same goes for corporate and transactional attorneys.

AI-powered contract management systems can review, draft, and manage contracts more efficiently. The programs can automatically extract key terms, flag potential issues, and even draft standard contracts, reducing the risk of human error.¹⁸ Do you think you are safe as a family law practitioner? Think again. AI tools can quickly analyze vast amounts of data, including financial documents, communication records, and other relevant materials in divorce cases. This is particularly useful in cases involving complex asset divisions or uncovering hidden assets.¹⁹

Addressing Ethical Considerations

As the legal profession in Rhode Island continues to move into a more technologically driven age, ethical considerations become paramount. Comment 8 of Rule 1.1 emphasizes the duty of attorneys to stay abreast of changes in the law and its practice, including digital advancements. This duty extends beyond mere acknowledgment of technological changes; attorneys must actively engage with these developments to provide competent representation. Attorneys will now be more aware of when they need to engage co-counsel or decline representation.²⁰

With the increasing reliance on AI for legal tasks, ethical considerations surrounding transparency, accountability, and the responsible use of technology have become paramount. Attorneys incorporating AI tools should ensure an understanding of the technology's capabilities and limitations, preventing potential biases or errors in the analysis of legal issues. Moreover, cybersecurity and data privacy concerns demand heightened awareness as the legal profession deals with sensitive client information.²¹

By acknowledging the insights provided by Comment 8, Rhode Island's legal community can proactively address these ethical considerations. Adopting Comment 8 will also put this State on the same ethical playing field as most other states. To date, 40 states have enacted or incorporated Comment 8 into their ethical standards, making technological competence a basic requirement for all attorneys practicing in those jurisdictions.²² Rhode Island should follow suit. Further, to integrate this new obligation, instituting continuing education and training on the use of technology should be integral to upholding the highest standards of professionalism.

Conclusion

Rhode Island stands at a crossroads of tradition and progress, and the legal profession must navigate this juncture with prudence and foresight. The adoption of Comment 8 to Rule 1.1 of the Model Rules of Professional Conduct is not just a pragmatic choice but an ethical must.

The evolution of technology has transformed legal practice, demanding that attorneys equip themselves with the tools necessary to meet the challenges of the digital era. As the Judiciary continues to take commendable steps towards implementing digital solutions, the burden remains on attorneys to keep honing their technological proficiency.

By incorporating technology into legal practice, Rhode Island attorneys can not only provide more efficient and effective representation but also uphold the ethical standards that define the legal profession. As we move forward, let us be reminded that ethical obligations may never be waived as technology continues to radically change the way legal services are delivered to clients.



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A Humorous Disclosure

In the spirit of ethically embracing technology, it is only fair to pull the curtain back from behind the drafting of this article. The authors—recognizing the importance of staying true to the principles they advocate—enlisted the assistance of ChatGPT-4, a generative AI-based program developed by OpenAI. Just as attorneys now use AI tools to enhance their legal work, we turned to ChatGPT-4 to assist us in crafting this composition on the intersection of emerging technology and legal ethics.

In doing so, we found inspiration in the very technology we discuss, demonstrating that collaboration between human intellect and artificial intelligence can produce creative and insightful results when used correctly. So, as you read this piece, know that even in the pursuit of discussing the adoption of technology, we did not shy away from embracing it ourselves.

ENDNOTES

- 1 See *In re Rhode Island Rules of Professional Conduct* (R.I., filed February 16, 2007) (Order).
- 2 While the federal PACER online system was rolled out in the early 2000s, Rhode Island's use of an electronic database came much later as discussed *infra*. See *25 Years Later, PACER, Electronic Filing Continue to Change Courts*, UNITED STATES COURTS (Dec. 9, 2013) <https://www.uscourts.gov/news/2013/12/09/25-years-later-pacer-electronic-filing-continue-change-courts#:~:text=In%20September%201988%2C%20the%20Judicial%20Conference%20of%20the,known%20as%20PACER%E2%80%94Public%20Access%20to%20Court%20Electronic%20Records>.
- 3 See R.I. Sup. Ct. R. Prof. Conduct 1.1.
- 4 Usership of these platforms has skyrocketed since. Facebook had under 100 million users, Youtube had under 500 million and Twitter had not been created. Now, Facebook has over 2.9 billion users, YouTube has 2.5 billion and X, the social media platform formerly known as Twitter, has 329.5 million. Esteban Ortiz-Ospina, *The rise of social media*, OUR WORLD IN DATA (September 18, 2019), <https://ourworldindata.org/rise-of-social-media>; Belle Wong, *Top Social Media Statistics and Trends of 2024*, FORBES ADVISOR (May 18, 2023), <https://www.forbes.com/advisor/business/social-media-statistics/>.
- 5 See *Steve Jobs debuts the iPhone*, HISTORY (August 29, 2012), <https://www.history.com/this-day-in-history/steve-jobs-debuts-the-iphone>.
- 6 See Jill Schachner Chanen, *Exclusive: Inside the New Westlaw, Lexis & Bloomberg Platforms*, ABA JOURNAL (Jan. 25, 2010), https://www.abajournal.com/news/article/exclusive_inside_the_new_westlaw_lexis_bloomberg_platforms.
- 7 On Westlaw, litigants can view an analytical breakdown of a judge's tendencies, including how long the judge may take to rule on a motion, whether they are likely to grant said motion and other predictive tools. See WESTLAW, [https://1.next.westlaw.com/Analytics/Profiler?findType=h&pubNum=176284&cite=0433671301&originatingDoc=Id4e2fee07a1911eca7ddfa8f7bc0c719&refType=RQ&originationContext=document&transitionType=DocumentItem&ppcid=446d2429d8a74af4bef430466ceec9ad&contextData=\(sc.Search\)&analyticGuid=Id4e2fee07a1911eca7ddfa8f7bc0c719&docGUID=12DBB3A701DD211B2824DC200220266BC&contentType=judge&firstPage=true&bhpc=1#/](https://1.next.westlaw.com/Analytics/Profiler?findType=h&pubNum=176284&cite=0433671301&originatingDoc=Id4e2fee07a1911eca7ddfa8f7bc0c719&refType=RQ&originationContext=document&transitionType=DocumentItem&ppcid=446d2429d8a74af4bef430466ceec9ad&contextData=(sc.Search)&analyticGuid=Id4e2fee07a1911eca7ddfa8f7bc0c719&docGUID=12DBB3A701DD211B2824DC200220266BC&contentType=judge&firstPage=true&bhpc=1#/) (last visited Jan. 29, 2024).
- 8 See *In re Rhode Island Judiciary Provisional Rules of Practice Governing Public Access to Electronic Case Information* (R.I., filed October 31, 2014) (Order).
- 9 *Id.*
- 10 See *In re Amendments to the Superior Court Rules of Civil Procedure* (R.I., filed April 2, 2021) (Order); *In re Superior Court Rules of Civil Procedure* (R.I., filed January 29, 2016) (Order).
- 11 R.I. Sup. Ct. R. Prof. Conduct 1.1.
- 12 MODEL RULES OF PRO. CONDUCT r. 1.1 cmt. 8 (AM. BAR ASS'N 2012).
- 13 *Super. R. Civ. P. 1.*
- 14 See Jared Correia, Esq. & Megan Sheehan, Esq., *Artificial Sweetener: How Law Firms Should Engage AI Now*, R.I. BAR JOURNAL (November/December 2023).
- 15 *The Honorable John G. Roberts, Jr., 2023 Year-End Report on the Federal Judiciary*, (December 31, 2023).
- 16 See Berkowitz, *Social Media's Impact on Your Personal Injury Case*,

Berkowitz And Hanna, LLC (Sep. 8, 2023), <https://berkowitzlawfirm.com/blog/social-medias-impact-on-your-personal-injury-case/>.
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 18 See *id.*
 19 See *id.*
 20 See Kevin D. Ashley, *A Brief History of the Changing Roles of Case Prediction in AI and Law*, 36 LAW CONTEXT: A SOCIO LEGAL J. 93 (2019).
 21 See *id.*
 22 Michael Berman, *40th State Adopts a Duty of Technological Competence – Is It a Good Idea?*, E-DISCOVERY LLC (Mar. 31, 2022), <https://www.ediscoveryllc.com/40th-state-adopts-a-duty-of-technological-competence-is-it-a-good-idea/>. ◊

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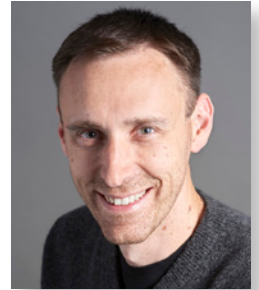
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Service of Process: A Tradition Past Due for Modernization

by Nicholas Matlach, Esq., ioLiberum Law Firm, P.C., Providence



The rules that were meant to guarantee a client's day in court might be the very reason they never get it. Service of process is a cornerstone of due process, yet in a rapidly evolving world, could the current procedures be hindering justice?

Formal legal service—the physical notice that one must appear before a neutral party and defend oneself—dates back centuries and was designed to ensure the fundamental right of “due process.”¹ However, as our lives become increasingly digital, one's legal rights hinging on a paper document being handed to the right person in a timely manner has started to seem arcane.

History of Service of Process: From the Magna Carta to Modern Times

The concept of ensuring an individual knows of a legal case against them has its roots in the Magna Carta of 1215. This promulgation declared that no person could be deprived of their rights without the opportunity to defend themselves.

Early service of process often involved sheriffs or appointed officials physically seeking out the defendant and handing them documents. As society changed, so did allowable methods of service. Practices like “nail and mail” (affixing a document to a defendant's door and mailing a copy) or publication in a newspaper came to be permissible in some situations when a defendant could not be physically located.

Today, the Federal Rules of Civil Procedure and the Rhode Island Civil Procedure Rules² still favor a visit to someone's residence to physically deliver a copy of the pleading. While most states now permit service by mail or publication in certain circumstances,³ these methods are not always reliable, and courts may require additional proof of delivery, such as a signed receipt or an affidavit from the person who served the documents.⁴

The Need for Modernization

Rhode Island's Rules of Civil Procedure (which strongly reflect the Federal Rules of Civil Procedure) provide for two methods of personal service for individuals: (1) delivering the documents personally or leaving copies at their place of abode with someone of suitable age; (2) upon a guardian or conservator appointed for such service. If the individual resides outside of Rhode Island, the rules allow for mailing a registered or certified letter with a return receipt or using an express or overnight courier with a signed receipt of delivery.

These rules hearken from an era before an email inbox was as ubiquitous as a physical mailbox, and often more effective. In 2023, close to 90% of Americans over the age of 15 reported being email users, and of these, almost 100% reported checking their email every day.⁵ They're also less likely to use paper mail at all—the volume of mail sent by US mail declined from more than 200 billion in 2008 to just over 116 billion in 2023.⁶ When mail does arrive, they are less likely to be ‘home’ to check it—in 2023, close to 30% of the US workforce was remote at least part time,⁷ and since COVID, many are engaging in a ‘digital nomad’ lifestyle as technology

makes it increasingly easy to travel while staying connected.

The Promise of Email Service

Considering email as an acceptable method of service (under specific condition⁸) has the potential to streamline the service process significantly while still addressing concerns about verification and due process. Benefits include:

- **Speed and Efficiency:** Email offers nearly instantaneous delivery, dramatically reducing the time spent on notification.
- **Cost Savings:** Electronic service can lower or eliminate the fees associated with traditional in-person service.
- **Convenience:** Email aligns with everyday communication methods, increasing the likelihood of prompt receipt and awareness of the legal documents.

Pixel Tracking: Finding the Balance

A major concern for email service remains capturing proof of delivery and receipt.⁹ The statement “I never got that email” can be hard to contest, especially when spam filters still sometimes randomly swallow important emails. This is where pixel-tracking technology offers a potential solution.¹⁰ A tracking pixel is a tiny, nonvisible image embedded in the body of an email that is downloaded from a dedicated tracking server once a recipient opens the email. Since the picture is only a single pixel, it accounts for 8 bits of data and is downloaded almost instantaneously¹¹ on any connection. While making that request to download, a user's email provider will also send some basic network information to the server as part of ordinary network traffic information. This information includes the IP Address, operating system, browser/client details, and geography of the receiver. All the information contained within the download request is combined with date and time stamps on the tracking server and cataloged for review by the sender. This information shows not only that an email was delivered, but that it was opened on a specific date and time and from a specific device assigned an IP address. Each subsequent opening of the email repeats this request and the logging process, building a chain of notice.

The technology of tracking pixels was designed around online marketing data collection and, admittedly, hasn't yet been optimized for legal service. If adopted by the legal community, pixel tracking would need carefully crafted safeguards:

- **Limited Tracking:** Pixel tracking should confirm only the opening of an email, not reading time or any other follow-on browsing data. For example, data showing that an email was forwarded to legal counsel

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should be excluded from any proceeding, even if it is inadvertently captured through the technology.

- **Judicial Oversight:** Courts should scrutinize the evidence generated by email service of process, and only allow when it can be demonstrated that the service was sent to a personal or individually assigned business email account, and not a group mailbox or distribution list.

Striking the Right Balance

The modernization of service of process does not mean abandoning longstanding legal norms, but thoughtfully adapting them to a changing world. Opening the door for newer, faster, cheaper, and more reliable forms of service does not close the door to traditional methods. Instead, it's another tool in the practitioner's box to access defendants efficiently and ensure every client gets their day in court.

ENDNOTES

- ¹ See *Magna Carta*, <https://www.archives.gov/exhibits/featured-documents/magna-carta>.
- ² See *District Court Civil Rules and Superior Court Rules of Civil Procedure*.
- ³ See e.g., *Super.R.Civ.P Rule 4(e)*.
- ⁴ See *Id.* Rule 4(j).
- ⁵ See *Porch Group Media 2024 report*, <https://porchgroupmedia.com/blog/100-compelling-email-statistics-to-inform-your-strategy-in-2023/>.
- ⁶ See *Statista, USPS*, <https://www.statista.com/statistics/320234/mail-volume-of-the-usps/>.
- ⁷ See *Bureau of Labor Statistics*, <https://www.bls.gov/news.release/brs1.htm>.
- ⁸ See *Broadfoot v. Diaz (In re Int'l Telemedia Assocs.)*, 245 B.R. 713, 720 (Bankr. N.D. Ga. 2000) (Court found the use of email or facsimile service to be valid service when parties had only engaged in electronic communication); See *Rio Props. v. Rio Int'l Interlink*, 284 F.3d 1007, 1017 (9th Cir. 2002) (Serving an elusive foreign company via email was within the permissible discretion of the District Court).
- ⁹ See *WAWA, Inc. v. Christensen*, CIVIL ACTION NO. 99-1454, 1999 U.S. Dist. LEXIS 11510, at *4 (E.D. Pa. July 27, 1999).
- ¹⁰ It is important to note that Rhode Island's rules allow for formal electronic service through court operated eServe service. While this is effective for follow on service, it is often not available for the initial complaint filed to initiate a proceeding.
- ¹¹ For comparison, an ancient 56K dial-up modem could theoretically download 7,000 tracking pixels per second. ◇

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For information and to join a Bar pro bono program, please contact the Bar's **Public Services Director Susan Fontaine** at sfontaine@ribar.com or **401-421-7758**. For your convenience, Public Services program applications may be accessed on the Bar's website at ribar.com and completed online.

PRO BONO PUBLICO RESOLUTION

In 2008, the Rhode Island Bar Association House of Delegates adopted the following policy and urges its members to act accordingly.

We urge our members to engage in public service. Recognizing the continuing need for legal assistance for economically disadvantaged citizens attempting to obtain legal services in our state, we as an association are mindful of the opportunity that is present for us to fulfill our moral, ethical and social duty to those who have limited or no access to the legal system. We therefore reaffirm our strong commitment to the delivery of legal services to the poor by strongly urging each member of this association to render pro bono publico legal services in accordance with Rule 6.1.

The association urges all attorneys, as well as law firms, government and corporate employers to support, endorse and adopt a Pro Bono policy that will encourage open participation by associates and employees.

Be it resolved that in order to implement the above statement of policy the association urges each member to join and participate in a Volunteer Lawyer Program of the Rhode Island Bar Association.

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Your Bar's 2024 Annual Meeting Highlights

AI in Legal Practice: Balancing Innovation & Integrity Thursday, June 13th, Opening Plenary Session

Generative AI and the Future of Legal Services

Speaker: Dean Andrew M. Perlman

This program explains why generative AI is likely to transform the delivery of legal services in the years ahead. By demonstrating illustrative use cases and explaining why the latest technology is part of the longstanding trend towards greater automation, the program helps lawyers understand the significance of recent developments within a historical context. Additionally, the program offers practical tips for incorporating generative AI and advises on how to do so in a manner that complies with the relevant rules of professional conduct.



Dean
Andrew M. Perlman

Andrew Perlman is a nationally recognized voice on the future of legal education and law practice. In 2024, *National Jurist* named him as one of the top-20 most influential people in legal education. Among other leadership roles, Andy has served as an Advisory Council member of the American Bar Association Task Force on the Law and Artificial Intelligence, as the inaugural chair of the governing council of the ABA's Center for Innovation, as the vice chair of the ABA Commission on the Future of

Legal Services, and as the chief reporter of the ABA Commission on Ethics 20/20. This commission was responsible for updating the ABA Model Rules of Professional Conduct to reflect changes in technology and increased globalization. Andy's service has also been dedicated to national and local reform efforts, encompassing issues from police practices and access to justice to the development of alternate paths to law school and bar admission. Andy has served as a presenter or panelist at more than 100 academic, judicial, and other professional programs in more than 20 U.S. jurisdictions, three continents, and six countries. Prior to entering academia, Andy clerked for a federal district court judge in Chicago and practiced as a litigator there. He is an honors graduate of Yale College and Harvard Law School, and he received his LL.M from Columbia Law School.

Code and Order: AI's Impact on the Justice System

Speaker: Professor Sonia Gipson Rankin, Esq.

In this insightful lecture, we will delve into the transformative impact of Artificial Intelligence (AI) in the realm of criminal law, particularly within the courtroom setting. As AI technologies become increasingly integrated into the legal system, we are witnessing a paradigm shift in how justice is administered. Topics will include AI-driven evidence analysis, predictive algorithms in sentencing and bail decisions, considerations of bias and fairness, as well as future prospects and ethical considerations. Through a blend of theoretical insights and real-world examples, attendees will gain a comprehensive understanding of the opportunities and challenges presented by AI in the criminal law courtroom.



Professor
Sonia Gipson Rankin, Esq.

Sonia Gipson Rankin, a professor at the University of New Mexico School of Law, skillfully blends her computer science background with legal expertise, teaching courses such as Torts, Family Law, and Technology and Law. Her scholarship in artificial intelligence has been featured in prestigious journals including the *Washington and Lee Law Review*, *NYU Law Review Online*, and will be forthcoming in the *Wisconsin Law Review*. As an engaged member of the legal community, Professor

Gipson Rankin is an American Bar Foundation Fellow, a key member of the New Mexico Supreme Court Commission on Equity and Justice, and a past president of the New Mexico Black Lawyers Association. Her technological insight is further highlighted in her role with the UNM-Santa Fe Institute Interdisciplinary Working Group on Algorithmic Justice, where she collaborates with experts across fields to advise on AI-related legal matters. She co-founded the UNM Algorithmic Justice Project and regularly speaks on AI, technology, algorithmic justice, constitutional law, and inclusive leadership, having been featured in media outlets such as *BBC World News*, *Reuters*, *NPR*, and *Yahoo! Finance*. Above all, Professor Gipson Rankin's mission is to inspire students, communities, and systems to seek justice with a spirit of excellence—and to read comic books.

The RIBA assumes no responsibility for opinions, statements, and facts in any Annual Meeting program.

Neither the opinions expressed in any program nor its content represent the official view of the Rhode Island Bar Association or the views of its members.

Please see your 2024 Rhode Island Bar Association Annual Meeting Brochure for more information about the Meeting's 41 CLE-credited seminars, social events, and other interesting and informative activities. Visit the Bar's website, ribar.com, to register today! Register online by June 7 at 5:00 pm to save \$25!

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 **CorpCare Lawyer Assistance Program** 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 CorpCare 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.

The CorpCare helpline provides counseling resources that quickly and professionally assist you in handling problems affecting your personal or

work life. Counselors answer the phone 24/7 to provide immediate support and assistance. Simply pick up the telephone and call **866-482-8378** for confidential, round the clock support. Virtual telehealth consultations with a counselor are available upon request. Bar members can also access a wide variety of resources online by visiting corpcareeap.com and enter the Life Advantage code: RIBALAP.

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, 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 Kathleen Bridge at kbridge@ribar.com or 401-421-5740.

ARE YOU

- _____ A Rhode Island Lawyer?
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If so, please contact the Ethics Advisory Panel, Attention: Meredith Benoit, Esq., Counsel to the Ethics Advisory Panel, 250 Benefit Street, Providence, RI 02903.

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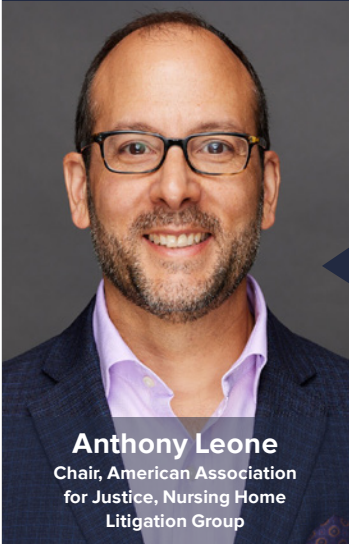
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RIBA DEI & New Lawyers Committees Sponsor Networking Event for Law Students



After Hours with the Rhode Island Bar Association, was a collaborative networking event for law students sponsored by the RI Bar Association DEI and New Lawyers Committees. Held at the RWU School of Law Campus in Bristol on Thursday, March 28th, the event provided an opportunity for law students to network with members of the two sponsoring committees and members of the Executive Committee in a relaxed atmosphere. Students enjoyed interactive game stations designed to facilitate conversation and build connections.

A special thank you to our dedicated attorney volunteers listed below who attended the event and generously dedicated their time and expertise to make the evening a success.

Leslie Battle, Esq.	Nicole Dyszlewski, Esq.	Suzanne Harrington-Steppen, Esq.	Kelsey Peck, Esq.	Siobhan L. Stephens-Catala, Esq.
Nicole J. Benjamin, Esq.	Jenna Giguere, Esq.	Stephen Maguire, Esq.	Etie-Lee Schaub, Esq.	Jenny Williford, Esq.
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The CLE Department has embraced a paperless approach.

Going forward, all CLE publications will be emailed as PDF files, ensuring convenience and easy access for members.

Title	Book #	Price	Total
Business			
Doing the Deal Right: Navigating Insolvency Issues when Buying or Selling a Practice	23-17	\$35	
Commercial Law 2023	23-16	\$60	
Collections – Start to Finish	23-03	\$40	
Family			
Division of Retirement Assets in Divorce	23-19	\$45	
Analyzing Self-Employment Income for Alimony & Child Support Purposes	23-18	\$50	
Divorce Law for Estate Planners	18-17	\$35	
Law Practice Management			
What “Will” You Do with Your Law Firm? Succession Planning Best Practices	23-20	\$60	
Preventing & Avoiding Wiring Funds to a Hacker	18-02	\$50	
Practical Skills			
UPDATED! Workers’ Comp Practice in RI	24-05	\$75	
Planning & Administering an Estate 2022	22-01	\$80	
Criminal Law Practice in RI	19-09	\$75	
Civil Law Practice in RI Superior Court	18-04	\$60	
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Register online at the Bar's website ribar.com and click on CONTINUING LEGAL EDUCATION on the left-side menu or call 401-421-5740.

All dates and times are subject to change.

Seminars are always being added to the CLE schedule, so visit the [CLE calendar](#) for the most up-to-date information.

May 1
Wednesday
Food for Thought – Crypto Assets in Divorce
12:30 – 1:30 pm, 1.0 credit
In-person at the RI Law Center, Cranston
(includes lunch)
Also available as a live webinar.

May 7
Tuesday
Food for Thought – Dealing with Litigation Over the UCC
12:30 – 1:30 pm, 1.0 credit
In-person at the RI Law Center, Cranston
(includes lunch)
Also available as a live webinar.

May 3
Friday
The Guardian Ad Litem: Eyes and Ears of the Court
9:00 am – 12:00 pm, 2.0 credits + 1.0 ethics
In-person at the RI Law Center, Cranston
(includes breakfast)
Also available as a live webinar.

May 10
Friday
Food for Thought – Employees in Peril: Advising Employees About to be Wrongfully Terminated
12:30 – 2:00 pm, 1.5 credits
In-person at the RI Law Center, Cranston
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Also available as a live webinar.

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Reminder: Bar members may complete six credits through participation in video replay or on demand CLE seminars. To register for an on-demand seminar, go to the Bar's website: ribar.com and click on CONTINUING LEGAL EDUCATION on the left side menu. CLE telephone: 401-421-5740.

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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 NaKeisha Torres at ntorres@ribar.com. Photographs must be provided in a jpg format of at least 300 dpi.

Your Bar's 2024 Annual Meeting Highlights

Embracing Inclusive Leadership: Cultivating a Courageous Legal Community Friday, June 14th, Closing Plenary Session

This session is designed to enhance your understanding of the importance of inclusivity while fostering a sense of belonging within our legal community. Discover the keys to inclusive leadership and explore essential skills such as navigating implicit bias and embracing cultural fluency. Kori Carew, attorney, TEDx speaker, and community builder, will share five actionable habits that empower every leader to contribute to a more collaborative and welcoming environment. Join us as we come together to strengthen our legal community and embrace our differences.

Kori S. Carew, Esq. is an attorney, TedX speaker, and community builder who generates awareness and understanding of critical human issues by creating the space and climate for open dialogue that is meaningful and enables people to expand their perspective and drive positive change. She brings an incisive voice, unapologetic questioning of the status quo, and a lifelong fascination of human potential to empowering women and historically marginalized and excluded people. Her multi-national, multi-religious, multi-ethnic, multi-lingual family background gives her a keen sensitivity to belonging and inclusion across differences. Beyond her work within organizations, she actively serves her community as a civic leader. Kori is the Chief Catalyst Officer and Founder of the consulting firm, Bridge 68 LLC, focused on empowering individuals and organizations to be their

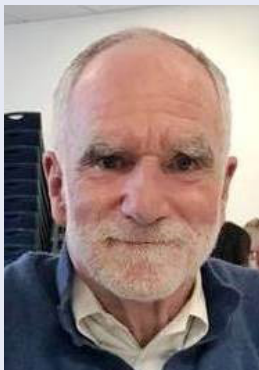


Kori S. Carew, Esq.

best through people and leadership development and cultivating belonging, inclusion, diversity and equity. She brings 22 years of experience leading, advocating and counseling in law firms including leading Inclusion and Diversity strategies and programs in AmLaw 100 law firms. Kori was most recently the Chief Inclusion and Diversity Officer at an international AmLaw 100 law firm Seyfarth Shaw where she rolled out several talent and inclusion initiatives including The Belonging Project. Kori is a Certified Dare to Lead™ Facilitator, a certified Gallup Clifton-Strengths® Coach and an IDI Qualified Administrator. She also is an Enneagram 1 (improver) and Conscious Reformer on the Insight Profiles Discovery wheel (blue). Her Top 5 Clifton-Strengths® are: connectedness, achiever, learner, responsibility, and context.

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The Louisville Slugger

American Bar Association Delegate Report – Mid-Year Meeting 2024



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

The American Bar Association Mid-Year Meeting of the House of Delegates met in early February 2024 in Louisville, Kentucky. It commenced with the iconic bugle call “Call to the Post” by Steve Buttleman, the longstanding bugler for the Kentucky Derby. Following this ceremonial start, the Delegates gathered to deliberate on a variety of important Resolutions and to hear from various speakers, which I will briefly outline.

The first speaker in support of Resolution 601, titled “Commission on the American Jury,” was Brooks Magratten, Esq., Chair of the Commission from Rhode Island. He was granted the floor of the House to advocate for specific amendments to the Principles for Juries and Jury Trials. The Resolution passed unanimously.

While many of the Resolutions addressed social and current issues in the United States and globally rather than focusing directly on the practice of law, it is widely acknowledged that these are important matters. However, the Bar’s primary objective remains the advancement of the rule of law and the practice of law. Most Resolutions passed with minimal debate, but the Resolution generating the most discussion pertained to the rights to privacy of transgender, gender-nonconforming, and nonbinary students regarding the disclosure of gender issues. Several other Resolutions were successfully passed. One addressed the deaths of incarcerated individuals in custody. Others tackled topics such as collaborative law, legal education and admissions to the bar, civic education for youth, diversity in law practice and hiring, special immigrant juvenile status, animal models in testing and research, and extreme risk protection orders, among many others, which I am limited by space from detailing.

Mary Smith, the ABA President, emphasized in her address to the Delegates that “...our democracy is in peril...” and as lawyers we need to take a leadership role in promoting democracy and the rule of law. She outlined her priorities, mentioning the growth in remote work, stress on young lawyers, and the impact of artificial intelligence on the practice of law. The ABA celebrated the appointment of the first Black Executive Director of the ABA, Alpha Brady, who rose through the ranks of the ABA, and with whom I have worked closely in the past. The first Asian American officer of the

Association, Marvin Dang, acted as Secretary of the ABA. While the ABA is a leader in diversity, equity, inclusion, and belonging, a new group, of which Tom Lyons and I are members, is advancing “viewpoint diversity,” ensuring that viewpoints across the spectrum are included in ABA activities.

Michelle Behnke, of Wisconsin, the ABA President Elect and a solo or small firm lawyer for most of her career, addressed attendees concerning college admissions given the most recent US Supreme Court decision regarding affirmative action. She also noted the post-Dobbs legal environment. We were addressed by Justice Rigsby, of the Washington, D.C. Court of Appeals and current Chair of the Conference of Chief Justices, who reminded us of the cynicism with which many Americans view the justice system and “two systems of justice based on race.” She also reminded us of the huge access to justice gap in many communities.

In addition to my role as House Delegate, I am a member of the Resolution and Impact Review Committee, the Racial and Diversity Caucus, and the General Practice and Solo Section. I am a recent past member of the Standing Committee on Gun Violence and follow its proceedings. I attended the Women’s Caucus meeting, which I found interesting and informative. The New England Bar Association has a caucus that meets, providing a great way to discuss pending Resolutions in a collegial environment. This year, I became a voting member of the Nominating Committee and participated in the selection of the new leaders of the ABA. They face many challenges in leading our profession and country.

I would remind Rhode Island Bar members of the benefits of belonging to the ABA, the largest voice for attorneys in the United States. The small investment of time and money is well worth it. I am available to discuss any ABA matters in depth with anyone who wishes for more information. Again, it is an honor and privilege to serve the Bar as ABA Delegate. ◇

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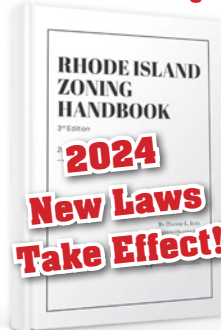


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Fastcase Tip

Re-Export a Past Download Job

Follow the steps below to learn how to re-download past export jobs within Fastcase.

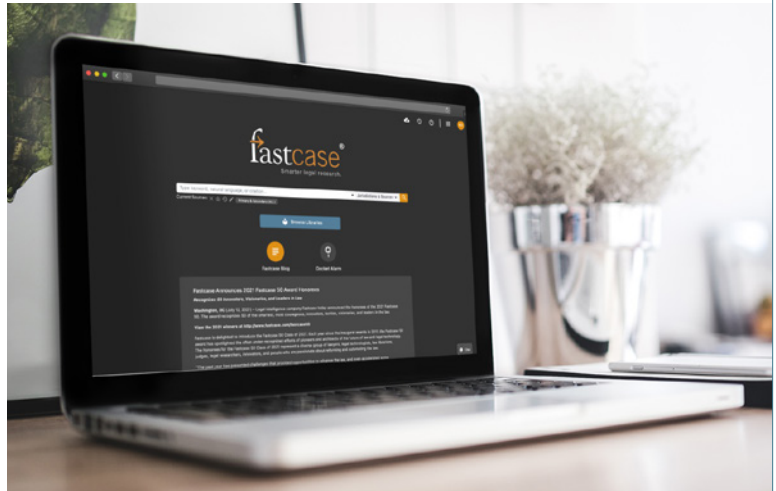
Step One: Click the Export Queue icon (shaped like a cloud) in the furthest top right of either the home page or the results page.

Step Two: The Export Queue pop-out opens. Past Exports appear in the bottom half of the pop-out, with the newest Past Exports at the top.

Step Three: Click Export Again to the right of any Past Export to re-download the Past Export to the destination path of the offline downloads for your computer (usually the downloads folder).

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In Memoriam

Kenneth G. Littman, Esq.

Kenneth (Ken) G. Littman, of Fall River, MA, and Jamestown, RI, died on February 15th, 2024. Ken was born in Fall River to Phyllis (Nerenberg) and Arthur Littman and was the husband of Susan Finn. He graduated from Durfee High School, the University of Massachusetts in Amherst, and Suffolk University School of Law. He practiced law in Massachusetts and Rhode Island, where he served the legal needs of hundreds of people with intellectual, behavioral, and physical disabilities, often as their legal guardian. He served on the Board of Directors of the Temple Beth El in Fall River. He was the president of the Jewish Omni Fund, the Fall River Jewish Home, and the secretary of the Fall River United Jewish Appeal. He was a longtime volunteer for the Jamestown Fire Department Emergency Services and served on the Jamestown Town Council for eight years, including two as President. In addition to his wife, Ken leaves behind his son Jake and his wife Carolyn Wyman; daughter Abbey and her husband Byron Halavik; two grandchildren; his brothers, Michael of Buffalo, NY, and Harvey and his wife Lisa of Windsor, PA; and many cousins, nieces, and nephews.

Charles Sokoloff, Esq.

Charles (Charlie) Sokoloff, 81, died on March 11, 2024. He was born on June 9, 1942, in Brooklyn, New York, the only child of Nekha Leibowitz Sokoloff and Nathan Sokoloff. He graduated from Abraham Lincoln High School in Brooklyn, Brown University, and the University of Pennsylvania Law School. After he received his LL.M. in Taxation from Boston University, he moved back to Rhode Island, where he practiced law at Tobin & Silverstein, Hinckley Allen, and then in solo practice. He was a member of the Rotary Club and Chamber of Commerce in Woonsocket, a Shriner, and a member of the Royal Order of Jesters. Charlie is survived by his children Audrey, Seth, and Daniel Sokoloff; three grandchildren; two great-grandchildren; and his two former wives, Barbara Sokoloff and Catherine Nobleheart (née Christina Bond Sokoloff).



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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 ecute@ribar.com with "Caption Contest for May/June" in the subject line.

Deadline for entry: Contest entries must be submitted by June 1st, 2024.

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



"I agree. The object is to slay the opponent. But using the sword?... I don't know, it just seems too quick and merciful. I prefer to bury him with paperwork."

RICHARD A. PACIA, ESQ.

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Lisa M. Kresge, Esq., is now Partner and Co-Managing Partner of the **Brennan Scungio & Kresge LLP**, 362 Broadway, Providence, RI 02909. 401-453-2300 x108 lkresge@bskllp.com BSKllp.com

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A new question has been added to the LRE form to inquire if potential volunteers speak another language besides their primary language. This addition will help us better match volunteers with language-

specific speaking opportunities. Please ensure we have your updated preferences by filling out the LRE Volunteer Application today!

If you are interested in serving as a LRE volunteer, please go to the Bar's website at ribar.com, click on **FOR ATTORNEYS**, click on **LAW RELATED EDUCATION**, click on **ATTORNEY ONLY LRE APPLICATION**. All Bar members interested in serving as LRE volunteers, now and in the future, must sign up this year, as we are refreshing our database.

Questions? Please contact Director of Communications Erin Cute at ecute@ribar.com or **401-421-5740**.



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