

Rhode Island Bar Journal

Rhode Island Bar Association Volume 72, Number 4, January/February 2024

**A Crisis in the Making: The Risks Posed
by Freely Assignable Insurance Claims**

**Your Best Evidence May Only Be a Prompt
Away: How Generative AI Will Change Our
Understanding of “Authentic” Evidence**

**Lunch with Legends: Trailblazers,
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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 **The Varnum House Museum, East Greenwich RI** This historic residence, formerly inhabited by General James Mitchell Varnum, a prominent lawyer and military leader during the American Revolution, has been preserved as a significant historical landmark. In 1939, the Varnum Continentals acquired the property, transforming it into a prestigious house museum. The museum boasts a rich collection of historical artifacts spanning the late 17th century to the mid-19th century, with exhibits dedicated to early American furniture, household items, musical instruments, children's toys, documents, paintings, and a diverse array of other historical objects.

The Power of Strengths



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

“What I have come to learn is that the task we must perform is not what matters. What matters is our reliance on our own personal strengths to get the task done.”

In 2013, I was introduced to the power of Strengths. Now, make no mistake, I do not mean strengths in the physical fitness sense. After all, I might be the only person you know who, in the mid-1990s, was at risk of failing middle school gym class. What I mean is those personal strengths that allow us to be our very best and to contribute our very best.

Through the work of Leadership Rhode Island¹ and decades of research by Gallup,² I learned that there is a direct correlation between a person’s utilization of his or her strengths and that person’s engagement, happiness, and success.

In 2013, Gallup released a report on the State of the American Workforce: Employee Engagement Insights for U.S. Business Leaders. The study concluded that the vast majority of workers in the United States are not engaged or are actively disengaged at work. According to Gallup, actively disengaged employees cost the United States between \$450 and \$500 billion each year in lost productivity.

And, here in Rhode Island, Gallup concluded that our workforce was made up not only of disengaged employees but actively disengaged employees—meaning those who were actively trying to hurt their employers through missed workdays and negative energy, among other things.

Gallup set out to turn that measure around, and through a partnership with Leadership Rhode Island, set out to show employers that focusing on and investing in employee strengths in the workplace can lead to increased personal engagement and higher-performing teams.³

The underlying concept is simple—when people focus on utilizing their strengths rather than improving their weaknesses, they are happier, more successful, and more engaged. By emphasizing strengths, people are able to become better at what they are already great at.⁴

Through years of scientific research, Gallup has added much more to the metric, allowing people to not only understand their strengths but to also understand other variables like how to maximize their potential through reliance on strengths, how their strengths interact with other strengths, and what to watch out for when relying on certain strengths.

Over the past 10 years, I have watched as Lead-

ership Rhode Island, with the help of its Strengths coaches, has helped tens of thousands of Rhode Island employees identify their strengths and has further helped many of them also learn the strengths of their colleagues and how to leverage their combined strengths to build higher-performing teams.⁵

While I have watched countless businesses in Rhode Island transform their workforces through an emphasis on strengths, it was not until I began serving as Bar President that I dug deeper and began thinking about how lawyers, law firms, and the Bar Association can also benefit from an emphasis on strengths.

The practice of law is undoubtedly different from a business that makes widgets, where each person in the workforce plays a different and clearly defined role in creating each widget.

In many instances, a lawyer must play the role of a scheduler, a salesperson, a marketer, an accountant, a Human Resources professional, a strategist, a negotiator, a choreographer, and a stage director—sometimes all in one day. Those in small to midsized firms can surely relate to the many roles a lawyer must play.

What I have come to learn is that the task we must perform is not what matters. What matters is our reliance on our own personal strengths to get the task done.

Gallup classifies 34 different strengths in four domains—executing, influencing, strategic thinking and relationship building. While “two leaders may have identical expectations, the way they reach their goals is always dependent on the unique arrangement of their strengths.”⁶ Awareness of one’s own strengths, coupled with the ability to apply those strengths to the task at hand, leads to better outcomes, a stronger sense of accomplishment, and a happier and more engaged leader.

According to Gallup, people who have the opportunity to use their strengths in the workplace are six times as likely to be engaged in their job,

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six times as likely to strongly agree that they have the chance to do what they do best every day, and three times as likely to report having an excellent quality of life.⁷

So how exactly do strengths apply in the practice of law?

Take marketing, for example. Someone with communication as a strength might choose to write an article about a cutting-edge issue, while someone with command might choose instead to take the stage at a conference to talk about that same cutting-edge issue, while someone with relator might choose instead to take a small group to lunch to talk about how that cutting-edge issue affects each person in the group. Each effort has the potential to lead to business, and each is successful because the person doing the marketing is leaning into his or her strengths.

Negotiation is another example. Someone who leads with influencing strengths might approach a mediation very differently than someone who leads with harmony. And, perhaps what is most important for the mediation to be successful, is to understand the strengths of the person(s) with whom they are negotiating.

In those circumstances where we are fortunate enough to have the benefit of a team, whether in the workplace or in our outside endeavors, an awareness of not only our own strengths but also the strengths of those with whom we surround ourselves can have a profound effect on outcomes. According to Gallup, the most effective leaders surround themselves with the right people and then maximize their teams.⁸

Earlier this year, I learned of an associate attorney whose top strength was significance. What that meant to her was that she wanted to fully understand not only the significance of each assignment but also the significance of her role on the team. For her colleagues, having that awareness was powerful because they knew she would perform at her very best so long as she knew and understood the significance of her role.

Finally, in workplaces or organizations that focus on strengths, employees learn a common language and vocabulary that allows them to

become known for what they do best.⁹ And when employees are understood and valued for their unique qualities, they feel welcomed and appreciated, and their workplaces necessarily become more inclusive.¹⁰

All of this is why we chose to kick off this year's inaugural Rhode Island Bar Association Leadership Academy with a Strengths-training exercise. The participants in this year's class were able to learn about their own unique strengths, as well as the strengths of other class members. Through various exercises, members in our class answered questions such as "you get the best of me when" and "I need this to succeed." And through that shared experience, the relationships in our class became stronger.

It is my hope that those in our Leadership Academy class will bring the power of strengths back to their own workplaces and that the power of strengths will spread throughout the legal community as it has already in the business community.

The practice of law can be demanding, but when we lean on our strengths and those of others, we can achieve greatness.

ENDNOTES

1 <https://leadershipri.org/>.

2 <https://www.gallup.com/cliftonstrengths/en/home.aspx>.

3 <https://leadershipri.org/make-ri-stronger/>.

4 <https://www.gallup.com/cliftonstrengths/en/253850/cliftonstrengths-for-individuals.aspx>.

5 *Id.*

6 Tom Rath and Barry Conchie, *Strengths Based Leadership* 26 (2008).

7 Gallup, *How to Develop and Improve Your Strengths*, available at <https://www.gallup.com/cliftonstrengths/en/402029/how-to-develop-improve-strengths.aspx#:~:text=Lifelong%20Development%20Starts%20With%20Strengths&text=And%20as%20your%20self%20awareness,your%20awareness%20of%20your%20strengths.>

8 Rath, et al., *supra* n.5 at 2.

9 Ella Washington, *How to Use CliftonStrengths to Develop Diversity and Inclusion* (Oct. 3, 2018), available at <https://www.gallup.com/workplace/243251/cliftonstrengths-develop-diversity-inclusion.aspx>.

10 *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.

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The Rest of The Story (with apologies to Paul Harvey)



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

“I feel that an effective lawyer must take the high road of persuasion, not the low road of shouts and insults.”

Stanford

If you have been reading my president’s messages, you will recall my message in the July/August 2023 edition of the *Bar Journal*, entitled “Let’s Teach Law Students to Take the High Road.”

I explained that I was appalled at how Judge Stuart Duncan of the US Court of Appeals for the Fifth Circuit was treated on March 9, 2023, at Stanford Law School. Because of his conservative views, the judge was shouted down and could not make his presentation regarding the Fifth Circuit. When the judge asked the Stanford administrator who was present, Tirien Steinbach, Stanford Law School’s associate dean for diversity, equity, and inclusion, to intervene, she criticized the judge and said she was glad that the students were shutting him down.

In my president’s message, I said that I felt these protesters and the associate dean took the low road, and it is my belief that law schools need to teach their students how to engage in intelligent and meaningful discourse, respectfully and articulately, even when they disagree on a matter. I feel that an effective lawyer must take the high road of persuasion, not the low road of shouts and insults.

The rest of the story is that Ms. Steinbach was placed on leave after the incident. She then resigned from her position, and on March 11, 2023, two days after the incident, Stanford President Marc Tessier-Lavigne and Jenny Martinez, the Dean of Stanford Law School, wrote a joint letter of apology to Judge Duncan for the events that occurred and the disruption of his speech. They stated that what happened “was inconsistent with our policies on free speech, and we are very sorry about the experience you had while visiting our campus.”¹

According to Dean Martinez, this short letter of apology resulted in a “volume of hateful and even threatening messages directed at members of our community...” This vitriol led Dean Martinez to write a much longer letter to the Stanford Law School community, explaining why she apologized to Judge Duncan, why she stood by that apology, and why the student protest violated Stanford’s policy on disruptions and free speech. She wrote the letter to “articulate how I believe our commitment to diversity and inclusion means that we

must protect the expression of all views.” I commend this scholarly letter to you. It is a 10-page single-spaced letter with insightful analysis and expresses much more articulately what I was trying to say in my president’s message.

For example, Dean Martinez said the following:

“... there are many ways to support diversity, equity, and inclusion that are not inconsistent with a commitment to academic freedom. For example, as an educational institution dedicated to training future lawyers, we support diversity, equity, and inclusion by encouraging thoughtful and critical discourse about the law and legal system, by training students to offer substantive critiques of injustice that they encounter, by teaching future lawyers how to marshal evidence that supports their point of view and how to make arguments that convince others. We support diversity, equity, and inclusion when we encourage people in our community to reconsider their own assumptions and potential biases. We support diversity, equity, and inclusion when we encourage students to connect with and see one another as people. We support diversity, equity, and inclusion when we teach each and every one of our students how to be the best possible lawyer they can be, and take those skills of advocacy out into the world.”²

Dean Martinez then went on to say: “Some students might feel that some points should not be up for argument and therefore that they should not bear the responsibility of arguing them (or even hearing arguments about them), but however appealing that position might be in some other context, it is incompatible with the training that must be delivered in a law school. Law students are entering a profession in which their job is to make arguments on behalf of clients, whose very lives may depend on their professional skill. Just as doctors in training must learn to face suffering and death and respond in their professional role, lawyers in training must learn to confront injustice or views they don’t agree with and respond

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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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as attorneys.”

I agree wholeheartedly with the views expressed by Dean Martinez in her open letter to the Stanford Law School community on March 22, 2023. I was also pleased to see that Dean Martinez, a graduate of Harvard Law School and Yale University, was shortly thereafter appointed as provost of Stanford University, effective October 1, 2023.

John Tarantino

John Tarantino is an attorney that most of you know. He is a past president of our Bar Association. He is also a past president of our Bar Foundation, having served in that role for six years from 2005 to 2011. John delivered a TEDx talk that was posted on YouTube on July 17 of this year, and when I last checked, it had received over 20 million views! The talk is entitled *Redemption Stories*³ and if you have not had a chance to view it yet, I strongly suggest you take a few minutes to watch it. It is powerful and moving.

Papitto Opportunity Connection

As a trustee of the Papitto Opportunity Connection, John Tarantino was also instrumental in setting up for our Foundation a new scholarship in memory of his late wife, Patrice A. Tarantino, as well as annual law school scholarships and fellowships funded by the Papitto Opportunity Connection. John discussed the Papitto Opportunity Connection in his TEDx talk. When the Papitto-funded scholarships and fellowships were initiated, they were reserved for law students who identified as Black, Indigenous, and People of Color (BIPOC). As I am sure most of you are aware, in the recent Supreme Court cases involving Harvard University and the University of North Carolina, the Supreme Court struck down race-based preferences.

As president of your foundation, after those decisions, I was very concerned that the Papitto Opportunity Connection might discontinue their law student scholarships and fellowships. However, I am pleased to announce that due in large part to the efforts of John Tarantino, the Papitto Opportunity Connection will continue to fund the scholarships and fellowships. Instead of awarding the scholarships and fellowships only to BIPOC law students, the award criteria will be modified so that those law students applying for the scholarships and fellowships will be evaluated in part on their commitment to diversity, equity, and inclusion in our society.

I want to personally thank John for his efforts in this regard. I am also hopeful that the continued diversity, equity, and inclusion efforts of attorneys will reflect the ideals set forth in Dean Martinez's open letter about diversity, equity, and inclusion.

ENDNOTES

¹ Marc Tessier-Lavigne, Ph.D.; Jenny Martinez, *Apology Letter to Judge Stuart Duncan, Stanford University (2023)*, <https://law.stanford.edu/wp-content/uploads/2023/03/letter-from-Stanford.pdf> (last visited Nov 29, 2023).

² Jenny Martinez, *Letter to Stanford Law School Community, Stanford University (2023)*, <https://law.stanford.edu/wp-content/uploads/2023/03/Next-Steps-on-Protests-and-Free-Speech.pdf> (last visited Nov 29, 2023).

³ *Redemption Stories – TEDxProvidence, YouTube (2023)*, https://www.youtube.com/watch?v=poRyLHqvrY&ab_channel=TEDxTalks (last visited Dec 6, 2023). ◇

A Crisis in the Making: The Risks Posed by Freely Assignable Insurance Claims



Jordan Z. Sasa, Esq.
Morrison Mahoney LLP
Providence

“If left unchecked, home insurers could raise premiums to prohibitively expensive levels to bankroll their litigation.”

Prices across nearly all markets have risen dramatically, particularly in the insurance sector. Over the past year alone, car insurance rates have increased by nineteen percent!¹ Home insurance premiums have seen a similar spike, increasing by an average of twenty-one percent between May of 2022 and May of 2023.²

With respect to home insurance, three culprits can be blamed for rising rates: natural disasters, higher construction costs, and excessive litigation.³ All three are at play when it comes to the subject of this article: assigning home insurance claims. This article will discuss a trend in Rhode Island to assign claims to third parties, who in turn leverage insurers to litigate and ultimately pay inflated home repair costs. This article will also highlight the economic consequences and business risks associated with this trend and examine the merits of a policy change to insulate the insurance market and shield homeowners.

“Flipping” Insurance Claims: A Cottage Industry Explained

Suppose a home is smitten by a natural disaster—perhaps a fallen tree, a snowstorm, or even a small tornado.⁴ Most, if not all, homeowners would at least entertain the notion of filing a claim to cover the costs of repairs. Of course, this can be a long, arduous, and frustrating process, and there is a risk that an insurer may deny coverage based on the language of the policy at issue.

Now suppose that the homeowner is approached by a third party: a crack team of contractors, appraisers, and lawyers. Not only does the third party promise the homeowner that they will restore his home to its original condition, but they also promise to prosecute an insurance claim on his behalf. All that this homeowner must do is assign his claim to the third party. This may sound too good to be true, and it is in many instances (more on that later). However, for the sake of expediency and convenience, the homeowner agrees.

This third party’s business model is based on exploiting specific language in many homeowner’s insurance policies. Specifically, if a claimant and an insurer cannot agree on a claim’s value, the claim must be submitted to an umpire for determination. So, the third party’s material and labor

costs are inflated by in-house contractors, its exorbitant prices are supported by in-house appraisers, and its legal disputes with insurance companies are managed by in-house counsel. Effectively, this strategy amounts to “flipping” insurance claims for a profit.

Recent Caselaw on Assigning Insurance Claims

The above-described scheme was challenged—unsuccessfully—in a recent Rhode Island Superior Court case: **New England Property Services Group, LLC v. USAA Casualty Insurance Company**. In that case, two homeowners submitted an insurance claim through their homeowner’s policy and later executed a contract to assign their claim to the plaintiff, New England Property Services Group, LLC (NEPSG).⁵ Although USAA provided an initial estimate of the amount of loss for the claim to the homeowners, NEPSG demanded an appraisal of the claim pursuant to applicable provisions of the policy and named a member of NEPSG as the appraiser.⁶ USAA refused to submit to the appraisal and determined that the assignment of the claim to NEPSG was invalid.⁷ In response, NEPSG commenced litigation against USAA, and each party moved for declaratory judgment against the other.⁸

NEPSG argued that it was the rightful assignee of a nonnegotiable “chose in action” (defined as “[a] proprietary right in personam, such as a debt owed by another person” or “[t]he right to bring an action to recover a debt, money, or thing”), and therefore had equitable ownership over the homeowners’ claim and could pursue that claim in court.⁹ USAA, on the other hand, argued that the claim was not an assignable, nonnegotiable “chose in action” because an insurance claim merely invokes the insurer’s duty to engage in negotiations, not pay a sum certain.¹⁰

The Court sided with NEPSG, holding that the claim was a “chose in action” because the value of the homeowner’s claim was a debt owed by USAA

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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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to the homeowners.¹¹ Additionally, under **Piccoli and Sons, Inc. v. E & C Construction Company, Inc.**, a “chose in action” also includes the right to bring an action to recover a debt, which the homeowners possessed by the fact that they had an enforceable insurance policy—i.e., a contract—with USAA.¹²

USAA also argued that the assignment contravened its policy's anti-assignment provision and was invalid, but the Court found that USAA's anti-assignment provision was unenforceable.¹³ Section 27-5-3 provides standard insurance policy language, and pursuant to the same chapter, “no policy or contract of fire insurance shall be made, issued, or delivered by any insurer... unless it shall conform, as to all provisions, stipulations, agreements, and conditions, with the standard form of policy.”¹⁴ Unlike USAA's policy in **New England Property Services Group, LLC**, § 27-5-3 “only permits an insurance company to prohibit assignment of the insurance policy[,]” not claims thereunder.¹⁵ Thus, USAA's anti-assignment provision was contrary to state statute.¹⁶

USAA did secure a small victory in the Decision. Under § 27-5-3's standard policy language, if an insured and an insurer disagree on the value of the claim, each party shall select a “competent and disinterested appraiser” in attempting to resolve the dispute.¹⁷ The Court found that NEPSG's selection of its own, in-house appraiser was not in consonance with the statute.¹⁸ Ultimately, USAA was ordered to participate in the appraisal process, but at least its right to a fair process, through the selection of disinterested appraisers, was recognized.¹⁹

A Crisis in the Making

The purpose of insurance is to spread the risk of loss across a wide swath of people.²⁰ When functioning correctly, insurance makes it so that “misfortunes that could be crushing to one can be made bearable for all.”²¹ The natural consequence is that when costs go up for the insurer, its subscribers quite literally “pay the price.”

Litigation is expensive in general but is even more so in Rhode Island due to two prevailing considerations. The first is that pre-judgment interest begins to accrue at the time of injury, not once a lawsuit is filed.²² Secondly, civil cases can linger for years without coming close to trial. These two factors, when combined, lead to a vast increase in litigation costs, which are inevitably passed onto consumers. If left unchecked, home insurers could raise premiums to prohibitively expensive levels to bankroll their litigation.

Another real possibility is that home insurers leave the Rhode Island market altogether. This exact situation is currently ongoing in Florida.²³ Home insurance companies are leaving the Sunshine State for a variety of reasons, including an increase in natural disasters, higher construction costs, and assignments of claims leading to runaway litigation.²⁴ Among other reforms, Florida recently passed legislation prohibiting homeowners from assigning their insurance claims.²⁵ Time will tell if the new legislation will prove fruitful; for now, insurers are still leaving Florida or declining to renew their policies there.²⁶

Additionally, there are substantial risks to homeowners when they assign their claims to a third party. If the third party does not receive a fully satisfactory payout from the insurer, it will often go after the homeowner for the balance. For larger home insurance claims, homeowners are unwittingly placed at risk of complete financial devastation if litigation is unsuccessful.

Possible Solutions

Is a sweeping prohibition on claim assignments the answer to Rhode Island's home insurance crisis *in potentia*? Possibly, but it would require upheaving nearly a century's worth of Rhode Island case law. As the Court in **New England Property Services Group, LLC** stated, a home insurance claim is freely assignable by statute.²⁷ Moreover, "Rhode Island law generally favors the validity of assignments and assumes that the assignment was made in good faith unless fraud is proven."²⁸ Barring homeowners from assigning their insurance claims appears to fall squarely against Rhode Island's legal tradition.

Perhaps a different avenue of reform—one that both insulates the home insurance market from the effects of inflated claims and protects homeowners' rights in contract—is warranted. For instance, Florida now permits insurers to mandate binding arbitration in their policies, pursuant to other conditions.²⁹ Alternatively, the Court could offer a year-round mediation program akin to "Settlement Week" mediation to reach expedient and cost-effective resolutions.

In any event, insurance claims should not be treated as investments. The scheme described in this article does exactly that; third parties look for claims to "buy" at a discount and "sell" for a premium. Reform is necessary to protect the insurance market from unnecessary costs that are borne by insureds and to promote good faith dealing in valuing and resolving insurance claims. What that reform looks like is an issue for the Legislature to decide, but it should be addressed soon to prevent a Florida-style insurance crisis.

ENDNOTES

1 *Scott Horsley*, 4 Reasons Why Your Car Insurance Premium is Soaring, NPR (Sept. 13, 2023, 8:52 AM), <https://www.npr.org/2023/09/13/1199032000/car-auto-insurance-premium-inflation>; see also *Natalie Campisi & Caren Weiner*, Car Insurance Rates Skyrocket 17.8%—Why Is This Happening And What Can You Do?, FORBES (Oct. 4, 2023, 4:26 AM), <https://www.forbes.com/advisor/car-insurance/car-insurance-costs-rise/>.

2 *Javier Simon*, Home Insurance Prices Increased Nearly 25%: Policy-Genius, Fox Bus. (Oct. 11, 2023, 8:53 AM), <https://www.foxbusiness.com/personal-finance/home-insurance-prices-increased-policygenius>.

3 See *id.*; *Greg Allen*, Feeling the Pinch of High Home Insurance Rates? It's Not Getting Better Anytime Soon, NPR (Oct. 26, 2023, 5:01 AM), <https://www.npr.org/2023/10/26/1208590263/florida-homeowners-insurance-soaring-expensive>.

4 *Sarah Doiron & Shaun Towne*, Car Picked Up by Tornado on I-295 in Johnston, WPRI (Aug. 1, 2023, 9:30 PM), <https://www.wpri.com/news/local-news/northwest/reports-car-picked-up-by-possible-tornado-on-i-295-in-johnston/>.

5 *New England Prop. Servs. Grp., LLC v. USAA Cas. Ins. Co.*, No. PC-2023-00130, 2023 WL 4991996, at *1 (R.I. Super. July 28, 2023).

6 *Id.*

7 See *id.* at *1, *3.

8 *Id.* at *2.

9 *Id.*; see also *Piccoli & Sons, Inc. v. E & C Constr. Co.*, 64 A.3d 308, 312 (R.I. 2013) (quoting *Black's Law Dictionary* 275 (9th ed. 2009)). See generally R.I. GEN. LAWS § 9-2-8 (2023).

10 *New England Prop. Servs. Grp., LLC*, 2023 WL 4991996, at *3.

11 *Id.* at *5 (citing *Piccoli & Sons, Inc.*, 64 A.3d at 312).

12 *Id.* (citing *Piccoli & Sons, Inc.*, 64 A.3d at 312).

13 *Id.* at *3, *6.

14 See R.I. GEN. LAWS §§ 27-5-2, 27-5-3.

15 *New England Prop. Servs. Grp., LLC*, 2023 WL 4991996, at *6 (citing R.I. GEN. LAWS § 27-5-3) (*emphasis in original*).

16 *Id.* (citing *City of Cranston v. International Brotherhood of Police Officers, Local 301*, 115 A.3d 971, 978 (R.I. 2015)).

17 R.I. GEN. LAWS § 27-5-3.

18 See *New England Prop. Servs. Grp., LLC*, 2023 WL 4991996, at *7.

Rhode Island Bar Foundation Seeks Law School Scholarship Applicants

The Rhode Island Bar Foundation is offering several scholarship opportunities to Rhode Island residents interested in a career in the law for the academic year 2024-2025.

The Thomas F. Black, Jr. Memorial Scholarship Fund was established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise that they will become outstanding lawyers and who need financial assistance to study law. Since 1984, this fund has awarded 72 scholarships to promising law students from Rhode Island. The Scholarships are named in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. Two \$25,000 Black scholarships will be available to incoming first year law students.

In addition to the Thomas F. Black, Jr. Memorial Scholarships, the Foundation will award two new \$25,000 scholarships, the Patrice A. Tarantino Memorial Scholarship and the Nicole J. Benjamin Scholarship. The Patrice A. Tarantino Memorial Scholarship Fund was established in 2022 by former Bar Foundation President John A. Tarantino, Esq. in memory of his late wife, Pat. The Scholarship is a lasting tribute to Pat's memory. The Nicole J. Benjamin Scholarship was founded in 2023, also by former Bar Foundation President John A. Tarantino, Esq., and recognizes attorney Benjamin's exemplary contributions to the legal community. It aims to support aspiring legal professionals who exhibit leadership potential and a commitment to service to the community.

Two additional law school scholarships from the Papitto Opportunity Connection Foundation in the amount of \$25,000 each will be awarded to candidates who are committed to actively promoting diversity, equity, and inclusion in society. Papitto candidates must provide specific examples of strategies that have been undertaken, or will be undertaken, within both the legal profession and the broader community to promote diversity, equity, and inclusion. Founded in December 2020, the Papitto Opportunity Connection was formed by Barbara Papitto as a continuation of the long-time commitment she and her late husband Ralph have made to creating educational opportunities and supporting diversity, equity, and inclusion in Rhode Island.

In January 2024, the Rhode Island Bar Foundation will be accepting applications for all of these scholarships for the academic year 2024-2025. Each scholarship is a one-year, non-renewable award for full-time Rhode Island residents entering their first year of law school in September 2024. The Rhode Island Bar Foundation Scholarship application deadline is **March 31, 2024**. For application forms, telephone: (401) 421-6541 or email: tgallo@ribar.com. More information on the scholarships and application forms are also available on the Rhode Island Bar Association website: ribar.com, in the Rhode Island Bar Foundation section.

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19 *See id.*

20 *Insurance* 101, *INS. INFO. INST.*, <https://www.iii.org/article/insurance-101> (last visited Nov. 30, 2023).

21 *Id.*

22 *Metropolitan Prop. & Cas. Ins. Co. V. Barry*, 892 A.2d 915, 924 (R.I. 2006).

23 *See generally* Khaleda Rahman, Florida Insurance Crisis Explained: Why Multiple Insurers are Leaving State, *NEWSWEEK* (July 12, 2023, 6:56 AM), <https://www.newsweek.com/florida-insurance-crisis-explained-1812418>.

24 *Cate Deventer*, Can Lawmakers Save the Collapsing Florida Home Insurance Market?, *BANKRATE* (Sept. 19, 2023), <https://www.bankrate.com/insurance/homeowners-insurance/florida-homeowners-insurance-crisis/>.

25 *Id.* *See generally* S.B. 2-A, 2022 Leg. (Fla. 2022); *FLA. STAT.* § 627.7152 (2022).

26 *See Cate Deventer, supra note 24.*

27 *New England Prop. Servs. Grp., LLC*, 2023 WL 4991996, at *5; *see also Goodman v. Zitserman*, 47 R.I. 466, 466, 134 A. 4, 5 (1926).

28 *New England Prop. Servs. Grp., LLC*, 2023 WL 4991996, at *4 (citing *Dolan v. Hugbes*, 20 R.I. 513, 513, 40 A. 344, 344 (1898)).

29 S.B. 2-A, 2022 Leg. (Fla. 2022); *FLA. STAT.* § 627.70154. ◇

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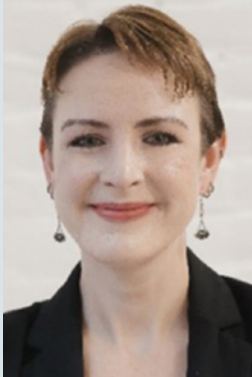
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A new question has been added to the LRE form to inquire if potential volunteers speak another language besides their primary language. This addition will help us better match volunteers with language-specific speaking opportunities. Please ensure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

Elevate Your Legal Practice and Serve Your Community with the Rhode Island Bar Association!



Attorney **Jolee Vacchi**, a member of the Lawyer Referral Service, enthusiastically supports the program. *“The Bar’s Lawyer Referral Service has brought immense personal and professional value to my new practice at an affordable cost. The program continually connects clients with immediate legal needs in my practice area to my firm and allows me to provide much needed legal services to Rhode Islanders. Participation in the service is extremely fulfilling and I urge my colleagues to consider joining the program!”*

Attorney Vacchi is also a member of the Volunteer Lawyer Program, and strongly endorses the program. *“As a graduate and former employee of Roger Williams University School of Law, a commitment to pro bono work was instilled as a high priority in my law practice. The VLP pre-screens cases and streamlines the process of connecting experienced practitioners with qualifying clients. Working on VLP cases has been extremely rewarding and is deeply meaningful and impactful to the clients who otherwise could not afford legal representation.”*

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.

Additionally, participation in our **Volunteer Lawyers Program (VLP)** 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. Combine both memberships for a fulfilling legal career that makes a lasting impact on the lives of Rhode Islanders and strengthens our legal 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 about either program by contacting Public Services Director Susan Fontaine at 401-421-7799 or email at sfontaine@ribar.com.

RIBA DEI Committee Call to Action!

For those who may be interested, the Rhode Island Bar Association’s Diversity and Inclusion Task Force created a Diversity, Equity, and Inclusion (“DEI”) Pledge that invites lawyers, law firms, legal departments, legal services, and law-related organizations to join RIBA in its commitment to increase diversity in the legal profession. Those who participate in the Pledge will be acknowledged on the RIBA website and in the quarterly DEI Newsletter for their good faith efforts. For more information on the Pledge and how to sign up, visit the DEI page on the Bar’s website.

The RIBA DEI Committee is in the process of creating a list of contacts of DEI chairpersons at the various law firms in the state. The list will be used as a resource to communicate and collaborate on RIBA’s DEI initiatives. We are working to compile the list of contacts over the next few months. If your firm has a DEI Committee, Task Force, and/or contact person, please reach out to Membership Services Coordinator NaKeisha Little at nlittle@ribar.com with the contact information of your firm’s DEI Committee chair.

Thank you in advance for your help and support in making the Bar Association a more inclusive organization for all of our members!

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

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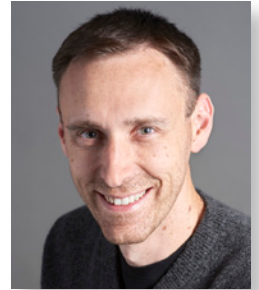
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Your Best Evidence May Only be a Prompt Away: How Generative AI Will Change our Understanding of “Authentic” Evidence

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



The AI gold rush is upon us. The AI economy, which is currently estimated at \$4.4 trillion in potential value,¹ saw over \$15 billion in venture capital investing² in 2023 alone. It is hard to find a single software company that hasn't tried to integrate “breakthrough” AI functionality into their otherwise vanilla product lines. While AI has the potential to revolutionize many industries, including legal services, the most disruptive aspect may come from its use to fabricate or enhance evidence in ways that both illuminate and deceive.

In recent years, there has been a surge in the use of “deepfakes,”³ fabricated video or audio content that convincingly mimics the voice and/or likeness of public figures.⁴ These deepfakes are being generated via a rapidly growing subset of AI tools recently dubbed “Generative AI” (GenAI). GenAI tools can be used to produce virtually any type of digital content: text, code, images, audio, video, 3D designs, and more. Adobe's suite of products alone now contains hundreds of different GenAI features.⁵ Many other products using GenAI are available online for little to no cost. Today, with little technical skill, a client can manipulate easily accessible materials to create convincing fake images of a partner's infidelity⁶ for at-fault divorce cases, or a cell phone picture of a whistleblowing email that confesses to burying the knowledge of a latent product defect.⁷ A picture used to be worth a thousand words. But now, with a few words, you can create thousands of pictures to suit any need.

GenAI's impact extends far beyond visual evidence headaches for attorneys. Text-based GenAI (such as OpenAI's ChatGPT⁸ or Google's Bard⁹) can invent landmark case law that perfectly argues your point in a motion or a brief (though you should think twice about using it if you value your license).¹⁰ Counterintuitively, GenAI tools may do this even when the user has no intent to fabricate. A GenAI response, for better or worse, is as trustworthy as an unmoderated Wikipedia article and shouldn't be treated as a replacement for a search engine result.¹¹

The ease with which GenAI can be used to fabricate or distort evidence will fundamentally change the way we evaluate cases. In the past, fact-finders could rely on the notion that it was difficult and expensive to create compelling fake evidence. However, GenAI has made it possible to create compelling fake evidence quickly and cheaply.

Attorneys today must therefore be extra vigilant in evaluating evidence for authenticity. If evidence seems too good to be true or is coming from a source that can't be completely trusted:

1. Check the metadata for inconsistencies. For example, a picture of a vehicle accident that was created three weeks after the crash was supposed to have occurred.
2. Listen carefully for audio consistency and inconsistencies in tone, pitch, and cadence. It's very rare for a natural speaker to not vary their style slightly, especially over time as they become more fatigued.
3. Look at the shadows and highlights of images for groups of pixels that stand out. If needed, pause videos and look for the same, and don't be afraid to zoom all the way in to 800% when something seems off.

New tools have started to enter the market that promise to be able to detect GenAI content. While some show promise, it will be a while before their ability can be trusted.¹²

What is Authentic Evidence in an AI World?

GenAI's pervasiveness and ease give it an unprecedented capability to distort reality. It may feel innocuous to leverage GenAI to make subtle changes to evidence for the sake of “clarity” or “accuracy.” But even minor changes can sway decisions for jurists.

For example, a video of a crime scene that has been “auto-enhanced” using AI may show more detail, but it may also be less authentic and more misleading. This is because GenAI may highlight or obscure areas to balance light levels or sharpen the focus of the scene. And while we can all finger-wag at counsel who would intentionally deceive through these altered images, virtually every smartphone today offers one-button alterations as soon as a photo or video is taken. Some devices can “magic erase”¹³ people and objects out of a photo in seconds and blur some features to make others pop.¹⁴ Low-light modes manipulate images to show details that would be otherwise invisible to human eyes.¹⁵ Virtually every image that will be taken or viewed from this point forward could have GenAI applied to it, whether we want it to or not. So, where do we draw the line?

The rapid development of GenAI is forcing us to rethink what we mean by “authenticity.” In the past, we could rely on our senses, and ask juries to rely upon theirs,¹⁶ to determine what was real and what was not. Given the newfound ease with which fake evidence can be created and authentic evidence can be tainted, we run the risk of never being able to trust digital evidence again. If we aren't careful, all litigation will devolve into AI experts opining on the probability and proportionality of evidence manipulation, to the anguish of all involved.

The authenticity of GenAI-touched evidence raises several complex questions for the legal system. How should courts treat evidence that has been manipulated using GenAI? Should GenAI evidence even be admissible in court? If so, how should courts weigh the probative value of GenAI evidence against the risk of prejudice?

Perhaps the most critical question that we need to answer is: how quickly can we answer these questions? Because GenAI isn't going to wait.

ENDNOTES

¹ See <https://www.mckinsey.com/featured-insights/mckinsey-explainers/whats-the-future-of-generative-ai-an-early-view-in-15-charts>.

² See <https://dealroom.co/guides/generative-ai>.

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House Of Delegates Letters of Interest – Due February 23, 2024

Involvement in the activities of our Bar Association is a richly rewarding experience. One way to become familiar with Bar Association activities is by serving as a member of the House of Delegates. For those interested in becoming a member of the Bar's Executive Committee and an eventual Bar officer, House of Delegates' membership is a necessary first step. To learn more about Rhode Island Bar Association governance, please go to the Bar's website.

The Nominating Committee will meet soon to prepare a slate of officers and members of the 2024–2025 Rhode Island Bar Association House of Delegates. The term of office is July 1, 2024–June 30, 2025. If you have not already done so, to be considered for appointment to the House of Delegates, please send a letter of interest no later than **February 23, 2024**.

PLEASE NOTE: Current members of the Bar's House of Delegates who wish to be considered for reappointment must also send a letter of interest by this date.

Letters of interest should include the member's length of service to the Rhode Island Bar Association (i.e., participation in Committees and positions held in those Committees; community service to the Bar Association and outside the Bar Association; and positions held outside the Bar Association). Testimonials and letters of recommendation are neither required nor encouraged. Direct and indirect informal contact by candidates or those wishing to address candidates' qualifications to members of the Nominating Committee is prohibited. Please send letters of interest to:

HOD Nominating Committee Chairperson
Rhode Island Bar Association
41 Sharpe Drive
Cranston, RI 02920

Or, you may send your letter of interest to Kathleen M. Bridge, Executive Director, by fax: (401) 421-2703 or email: kbridge@ribar.com.

The Nominating Committee welcomes letters of interest from candidates of diverse backgrounds in regard to race, color, religion, country of ancestral origin, handicap, age, sex, or sexual orientation.

There will be an open forum at the Bar Headquarters at a date to be determined in March, at which candidates for the House of Delegates and for officer position(s) may, but are not required to, appear before the Nominating Committee and further explain their candidacy. Candidates for officer positions and candidates for the House at large will be given up to ten minutes each to speak (or as determined by the Chair). Candidates who elect to address the Nominating Committee are encouraged to present their vision of how they would advance the mission of the Bar through their service in the office.

Any member planning to make a presentation at the open forum must inform Executive Director Kathleen Bridge prior to the forum via email: kbridge@ribar.com or telephone: (401) 421-5740.

³ See e.g. <https://www.thomsonreuters.com/en-us/posts/technology/practice-innovations-deepfakes/>.

⁴ See e.g. <https://www.washingtonpost.com/politics/2023/10/10/fake-biden-video-shows-limits-meta-deepfake-policies/>.

⁵ See <https://www.investors.com/news/technology/adbe-stock-adobe-unveils-new-generative-ai-products/>.

⁶ See e.g. <https://collider.com/deep-fake-love-netflix-couples/>.

⁷ See e.g. <https://www.techtarget.com/searchsecurity/tip/Prepare-for-deepfake-phishing-attacks-in-the-enterprise>.

⁸ See <https://chat.openai.com/>.

⁹ See <https://bard.google.com/>.

¹⁰ See e.g. <https://apnews.com/article/artificial-intelligence-chatgpt-fake-case-lawyers-d6ae9fa79d0542db9e1455397aef381c>.

¹¹ This distinction is becoming even more blurred as both Bing and Google are integrating GenAI into their search results. See <https://blogs.microsoft.com/blog/2023/02/07/reinventing-search-with-a-new-ai-powered-microsoft-bing-and-edge-your-copilot-for-the-web/> and <https://www.malwarebytes.com/blog/news/2023/09/googles-bard-conversations-turn-up-in-search-results>.

¹² See <https://www.technologyreview.com/2023/07/07/1075982/ai-text-detection-tools-are-really-easy-to-fool/>.

¹³ See <https://blog.google/products/photos/magic-eraser-android-ios-google-one/>.

¹⁴ See <https://www.theverge.com/2019/1/31/18203363/ai-artificial-intelligence-photography-google-photos-apple-huawei>.

¹⁵ See <https://kslnnewsradio.com/1997782/how-your-phone-learned-to-see-in-the-dark/>.

¹⁶ See FRE 901(b)(3) (Comparison by an Expert Witness or the Trier of Fact. A comparison with an authenticated specimen by an expert witness or the trier of fact.).

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Florence K. Murray Award

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All 2024 Award Nominations Are Due March 15, 2024

2024 Ralph P. Semonoff Award For Professionalism

The Rhode Island Bar Association 2024 Ralph P. Semonoff Award for Professionalism is named for past Rhode Island Bar Association President Ralph P. Semonoff, who championed the law as a high calling, justice as a defensible right, and public service as the beacon of a life's work. This award is presented at the Bar's Annual Meeting in June to an attorney who has, by his or her ethical and personal conduct, commitment, and activities, exemplified for fellow Rhode Island attorneys the epitome of professionalism in the law, advancing the calling of professional practice through leadership, high standards of integrity, commitment, and dedication. The Award Committee is particularly interested in attorney actions most closely reflecting those of the award's namesake, as detailed in the nomination criteria and award entry form accessed on the Bar Association website at ribar.com, under the **NEWS AND BAR JOURNAL** tab on the left side of the home page. All nominations are due no later than March 15, 2024. Postal mail or email nominations and/or direct questions to:

tion website at ribar.com, under the **NEWS AND BAR JOURNAL** tab on the left side of the home page. All nominations are due no later than March 15, 2024. Postal mail or email nominations and/or direct questions to:

2024 Ralph P. Semonoff Award for Professionalism Committee
Erin R. Cute
Rhode Island Bar Association
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Cranston, RI 02920
telephone: (401) 421-5740
email: ecute@ribar.com

2024 Florence K. Murray Award

The Florence K. Murray Award is presented annually to a person who, by example or otherwise, has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession. The Award is named in honor of the first recipient, Hon. Florence K. Murray, who, in a distinguished 56 years at the bar, pioneered the causes of women in the law as the first woman attorney elected to the Rhode Island Senate, the first woman justice on the Superior Court, the first woman presiding justice of the Superior Court, and the first woman on the Rhode Island Supreme Court. The Award Committee is particularly interested in attorney actions most closely reflecting those of the award's namesake, as detailed in the nomination criteria and award entry form accessed on the Bar Association website at ribar.com, under the **NEWS AND BAR JOURNAL** tab on the left side of the home page. All nominations are due no later than March 15, 2024. Postal mail or email nominations and/or direct questions to:

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2024 Victoria M. Almeida Servant Leader Award

Named for its first recipient, past Bar Association President Victoria M. Almeida, this Rhode Island Bar Association award is presented to an individual who demonstrates the principles and values of servant leadership and who is a beacon of light and hope to others by illuminating the path to greater justice for all. A servant leader is one who puts the needs of an organization or others before oneself. A servant leader has the innate quality of wanting to serve others, and for that reason, a servant leader takes care to ensure the needs of others are met. The Award Committee is particularly interested in candidates whose actions most closely reflect those of the award's namesake, as detailed in the nomination criteria and award entry form accessed on the Bar Association website at ribar.com, under the **NEWS AND BAR JOURNAL** tab on the left side of the home page. All nominations are due no later than March 15, 2024. Postal mail or email nominations and/or direct questions to:

ribar.com, under the **NEWS AND BAR JOURNAL** tab on the left side of the home page. All nominations are due no later than March 15, 2024. Postal mail or email nominations and/or direct questions to:

2024 Victoria M. Almeida Servant Leader Award Committee
Erin R. Cute
Rhode Island Bar Association
41 Sharpe Drive
Cranston, RI 02920
telephone: (401) 421-5740
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2024 Diversity, Equity, And Inclusion Trailblazer Award

This award, created by the Bar's Task Force on Diversity & Inclusion, recognizes a person who encourages and cultivates social discourse related to DEI among all members of the Rhode Island Bar, supports the advancement of attorneys from diverse backgrounds to positions of leadership, and promotes interest in the practice of law among diverse populations. The Diversity, Equity, And Inclusion Trailblazer Award Committee is particularly interested in candidates who have demonstrated a commitment to promoting DEI in the legal profession and increasing the public's awareness, as detailed in the nomination criteria and award entry form accessed on the Bar Association website at ribar.com, under

the **NEWS AND BAR JOURNAL** tab on the left side of the home page. All nominations are due no later than March 15, 2024. Postal mail or email nominations and/or direct questions to:

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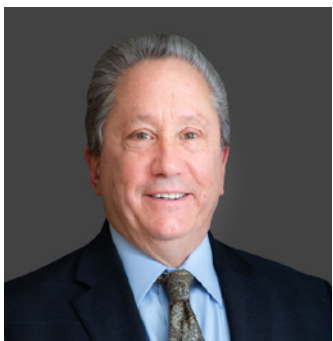
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If so, please contact the Ethics Advisory Panel, Attention: Meredith Benoit, Esq., Counsel to the Ethics Advisory Panel, 250 Benefit Street, Providence, RI 02903.

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Email: EAP@courts.ri.gov

Thanks to Our CLE Speakers

The Rhode Island Bar Association's Continuing Legal Education (CLE) programming success 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 help 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 November and December.

Nicole J. Benjamin, Esq.
Adler Pollock & Sheehan P.C.

Christopher J. Montalbano, Esq.
Pilgrim Title Insurance Co.

Leon C. Boghossian III, Esq.
Hinkley Allen

Hon. Susan Pepin Fay
Associate Judge, RI Workers' Compensation Court

Steven J. Boyajian, Esq.
Robinson & Cole, LLP

Elizabeth S. Phillips, Esq.
Hackman and Phillips Elder Law RI LLC

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Rappoport, DeGiovanni & Caslowitz, Inc.

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Cameron & Mittleman, LLP

Thomas M. Dickinson, Esq.
Law Offices of Thomas M. Dickinson

Michael S. Schwartz, Esq.
Workers' Compensation Court

Eric B. DiMario, Esq.
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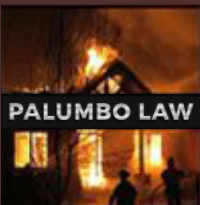
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Alexander B. Terry, Esq.
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Lunch with Legends: Trailblazers, Trendsetters, and Treasures of the Rhode Island Bar



William J. Delaney, Esq.
Lonardo Forte & Trudeau, LLP
Warwick

Judge Diane Finkle, appointed to the United States Bankruptcy Court for the District of Rhode Island in 2012, has a distinguished 30-year career in bankruptcy and state receivership law. Prior to her judgeship, she practiced with Winograd Shine Land & Finkle, P.C., representing diverse stakeholders in Chapter 11 bankruptcy cases and serving as a court-appointed receiver for various businesses and real estate developments. Judge Finkle is recognized for her exceptional expertise in commercial insolvency and her unwavering commitment to justice and her community, making her a legend within the realm of bankruptcy law. Here are some excerpts from my conversation with Judge Finkle:



Hon. Diane Finkle
United States Bankruptcy Judge
for the District of Rhode Island

What drew you to the law?

I majored in political science in college, not being a math or heavy science person, and I took a pre-law course that intrigued me. I thought it a far nobler profession than politics, and it would give me the opportunity to help people with their legal problems. That appealed to me. While I was not enamored with law school itself, I truly enjoyed the study of the law and the challenges.

You practiced in a field dominated by men prior to ascending to the bench. How do we attract women to the field?

I believe the profession has done a great job of attracting women, and now the number of women law school attendees exceeds the number of men and has for some time. There are many female judges and female lawyers today. The larger question is how we can make the profession as well as the bench more diverse and inclusive. As to the profession, introducing diverse student populations at the high school and college level to the legal profession through civics classes, mock court sessions, and inviting them to attend live court proceedings may help to encourage such students to consider entering the profession. We must also make college and law schools affordable and provide greater scholarship opportunities to a diverse population.

Diversity and inclusion of the federal bench is a top priority of the judiciary nationwide. The Administrative Office of the US Courts has a committee devoted to this issue and has undertaken outreach initiatives to promote a diverse and inclusive pipeline for future judicial appointments. One such initiative that has been well received is the Roadways to the

Bench program which has for the last few years been held annually in many of the major cities across the country. It consists of a panel discussion about the importance of diversity and inclusion of the federal bench and encourages lawyers and law students to consider a career path to the bench. The panel discussion is followed by a meet and greet with judges in the audience. There is significant outreach to diverse student groups in law school and practicing attorneys about the program, and these gatherings have been well attended by judges, attorneys, and students.

Do you like writing decisions more than briefs? How much of a transition regarding your writings did you face when you became a Judge?

I enjoy writing decisions and the challenge this presents but limit my decisions to appropriate cases and issues. The first few decisions I wrote, especially after a trial, were difficult and time-consuming. It is still time-consuming because as a judge you want to get it right, properly address the issues presented, and be concise. I

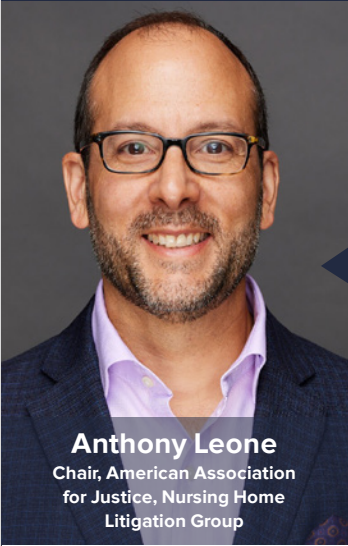
also strive to be fair and understanding of the parties' positions, use plain language (not legalese) and, hopefully, make the decision somewhat interesting. For me the transition was surprisingly not that difficult. I edited case squibs for the publication Bankruptcy Court Decisions and learned how to edit my writings to make them more concise. And yes, I enjoy the challenge and balance of writing a judicial decision more than writing a brief, which by its nature is one-sided.

You were in one of the preeminent firms in the Northeast in the insolvency field with one of the most skilled insolvency practitioners (Allan Shine) of the past 50 years. What was the greatest part of practicing during those times prior to the bench?

There were several, but the highlight for me was the generous mentoring provided to me by all the partners in the firm, including Allan. They were very accessible. They truly cared

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.

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about training and guiding associates. Also, the opportunities to work on major complex cases and be fully a part of the legal team for clients was unique and I learned so much. As you learned the ropes, you were given greater and greater case/client responsibilities and I really appreciated that.

What case as a practitioner are you most proud of? Why?

Two cases that fall into that category. The first was the Chapter 11 bankruptcy case of Bess Eaton Donuts. It was crisis management for 5-6 weeks and we had to keep the company's stores operational while marketing them for sale. I remember during those weeks working long hours and most of the weekends. I did not see my kids and husband all that much, but we knew there was light at the end of the tunnel. We obtained court approval of a sale bidding process which resulted in highly spirited in-court bidding. As a result, the sale price obtained far exceeded all expectations, such that within five months after filing the petition, all creditors were paid in full, with interest on unsecured claims, and the stockholder received over \$10,000,000 for his equity interest.

The other case was the Chapter 9 proceeding of the city of Central Falls. It was a fascinating learning experience for all the participants, including Judge Bailey who presided over the case, as it was the first municipal bankruptcy case in Rhode Island, and I believe the first in New England under the Bankruptcy Code. I represented the police union in the case and was able to successfully negotiate a resolution of their claims and treatment under the reorganization plan. Overall, it was a successful case, the city completed the plan and today is doing quite well financially.

What is the greatest part of your day today as a United States Bankruptcy Judge?

When I can assist individuals and small businesses to successfully resolve their financial problems through the bankruptcy process within the confines of the Bankruptcy Code. And if I cannot do so because of the circumstances, I try to some compassion to the individuals involved.

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The Rhode Island Bar Association applauds the following attorneys for their outstanding pro bono service through the Bar's Volunteer Lawyer Program, Elderly Pro Bono Program, the VLP Mentor Program, Legal Clinics, and Interpreting Services during October 2023 and November 2023.

OCTOBER 2023

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Flavio A. DaCosta, Esq., *Warren*
Joanne C. D'Ambra, Esq., *Cranston*
Susan Gershkoff, Esq., *Susan Gershkoff, Esq., Ltd.*
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Charles T. Knowles, Esq., *Wickford*
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*
Adam G. Northup, Esq., *Law Office of Adam G. Northup*
Bienvenido Perez, Esq., *A.C. Law Group, LLC*
Cherrie R. Perkins, Esq., *Gifford & Perkins*
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John S. Simonian, Esq., *Pawtucket*
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VLP Mentor Program

Carolyn R. Barone, Esq., *North Providence*

Legal Clinics

Susan Gershkoff, Esq., *Susan Gershkoff, Esq., Ltd.*

NOVEMBER 2023

Volunteer Lawyer Program

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Joseph P. Carroll, Esq., *Woonsocket*
Michael A. Castner, Esq., *Jamestown*
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Deborah S. Gonzalez, Esq., *Roger Williams University School of Law*
Joshua R. Karns, Esq., *Karns and Kerrison*
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*
Laurie A. Meier, Esq., *Providence*
Thomas L. Mirza, Esq., *TMirza, Esq.*
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Sean M. Parker, Esq., *East Greenwich*
R. Andrew Pelletier, Esq., *Pelletier Law Group*
John S. Petrone, Esq., *Law Office of John Petrone*
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Tia M. Priolo, Esq., *Scungio & Priolo*
Suzannah Skolnik, Esq., *City of Providence Solicitor's Office*

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

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Lawyers Helping Lawyers Committee Members Protect Your Privacy

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

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

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

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

SOLACE Helping Bar Members in Times of Need

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

To sign-up for SOLACE, please go to the Bar's website at ribar.com, login to the Members Only section, scroll down the menu, click on the SOLACE Program Sign-Up, and follow the prompts. Signing up includes your name and email address on the Bar's SOLACE network. As our network grows, there will be increased opportunities to help and be helped by your colleagues. And, the SOLACE email list also keeps you informed of what Rhode Island Bar Association members are doing for each other in times of need. These communications provide a reminder that if you have a need, help is only an email away. If you need help, or know another Bar member who does, please contact Executive Director Kathleen Bridge at kbridge@ribar.com or 401-421-5740.



Kelly, Souza & Parmenter, P.C.
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 announce that **Scott D. Levesque**
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Scott brings to the firm his considerable experience in municipal and land use law as well as his litigation experience, including in medical malpractice defense work, which remain part of his practice. As a partner, Scott intends to grow his practice in construction, business and land use law as well as in representing municipalities and defending medical negligence claims by providing his clients with sound legal advice, responsiveness and successful outcomes.



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Government Lawyers Committee Sponsors Effective Cross-Examination CLE

The Rhode Island Bar Association's Government Lawyers Committee is sponsoring a free-to-Bar-members, two-credit, hybrid Committee CLE seminar. On **Thursday, January 11, 2024, from 2:00–4:00 pm**, attorney Michael Colucci, Senior Attorney at the law firm Olenn & Penza LLP, will present *Effective Cross-Examination*. This program will help both new and senior attorneys be prepared for this most dreaded stage of trial. The speaker will provide an overview of how to cross-examine a witness at trial and pitfalls to avoid. Upon completion of the program, each participant will be able to effectively cross-examine even the most difficult witness.

Space is limited! To register, please contact Membership Services Coordinator NaKeisha Little by email at nlittle@ribar.com or by phone at 401-421-5740.

Please note that per the RI MCLE Commission, the Rhode Island Bar Association can only report the attendance of attorneys completing a minimum of 90% of this CLE program.

Superior Court Bench/Bar Committee Sponsors Civil Motion & Formal & Special Calendar Protocols CLE

The Rhode Island Bar Association's Superior Court Bench/Bar Committee is sponsoring a free-to-Bar-members, one-credit, hybrid Committee CLE seminar on **Thursday, January 25, 2024, from 4:00–5:00 pm**. RI Superior Court Associate Justices Hon. Maureen B. Keough, Hon. Joseph J. McBurney, and Hon. Christopher K. Smith will present *Civil Motion & Formal & Special Calendar Protocols*. These esteemed members of the Judiciary will provide a comprehensive overview of the new civil motion and formal and special calendar protocols that have been adopted by the RI Superior Court. The program will also review and provide insights on general practice guidelines.

To register, please contact Membership Services Coordinator NaKeisha Little by email at nlittle@ribar.com or by phone at 401-421-5740.

Please note, per the RI MCLE Commission, the Rhode Island Bar Association can only report the attendance of attorneys completing a minimum of 90% of this CLE program.

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Committee Corner

In an effort to promote more involvement in our Bar committees, the *Journal* will now feature brief reports from a few committees in each issue. The reports will include summaries of recent meetings, the committee's goals for the year, and/or projects the committee is currently working on. If you decide that you would like to join one of the committees below or any of our 28 Bar committees, please contact Membership Services Coordinator NaKeisha Little at nlittle@ribar.com.



Annual Meeting Planning Committee Zachary Mandell, Chair

The Annual Meeting Planning Committee has been hard at work creating the best possible program for Rhode Island Bar Association members. We are thrilled to reveal our distinguished opening plenary speakers: Dean Andrew Perlman from Suffolk Law School and Sonia Gipson Rankin, a professor from

the University of New Mexico School of Law. Dean Perlman, an Advisory Council member of the American Bar Association Task Force on the Law and Artificial Intelligence, is a nationally recognized authority on the future of legal education and law practice. Sonia Gipson Rankin, a co-founder of the UNM Algorithmic Justice Project, is a sought-after speaker on AI, technology, algorithmic justice, constitutional law, and inclusive leadership.

Our closing plenary speaker this year is Kori Carew, the Chief Inclusion & Diversity Officer at Seyfarth Shaw and a TedX Speaker. Kori is a dynamic speaker whose mission is to ignite courageous living in others, leading them to tear down problematic paradigms that create barriers and instead create light, justice, authenticity, and belonging.

Mark your calendars for this year's Annual Meeting on June 13th and 14th at the Rhode Island Convention Center. Stay tuned for additional announcements and registration information!



Diversity, Equity, and Inclusion Committee Hamza Chaudary, Co-Chair Sarah Oster Kelly, Co-Chair

The Diversity, Equity, and Inclusion Committee was established in 2022 to continue the great initiatives developed by the RIBA Diversity & Inclusion Task Force. The Committee meets regularly to discuss DEI-related matters of interest to the membership and to make recommendations that will foster a sense of equity and inclusion among members.

The Committee recently broke into specialized subcommittees: Leadership & Pathways, Outreach, CLE & Annual Meeting, and Constitution Day. The meetings resulted in a surge of innovative ideas. These ranged from strengthening relationships with affinity groups, organizing networking events

with law students, and enhancing the diversity of speakers within the legal community. The Committee is also working on proposing more DEI-related CLE and Annual Meeting programming.

The Committee also actively collaborates with the RI Supreme Court Committee on Racial and Ethnic Fairness in the Courts. This partnership aligns DEI initiatives with broader efforts to promote fairness and justice within the legal system.

Any members interested in serving on the DEI Committee are still welcome and encouraged to join.

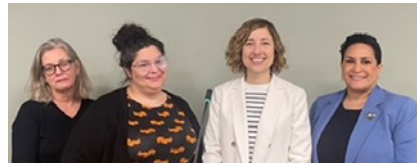
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Government Lawyers Committee Jenna Giguere, Chair

On November 29, 2023, the Government Lawyers Committee (GLC) sponsored its first CLE of the season, organized by the GLC's Vice-Chair, Suzannah Skolnik. Entitled *Race and the Foundations of American Law*, the CLE provided an introduction to the Model Rule 8.4(g) of the Model Rules of

Professional Conduct, which is the American Bar Association's proposed answer to curbing bias, discrimination, and harassment in the practice of law. More broadly, the CLE taught Rhode Island attorneys about local DEI initiatives, recent changes to legal education standards, and the potential impacts these changes might have on practicing law in Rhode Island. GLC is grateful for this meaningful collaboration with Roger Williams School of Law, which is the academic home of all four of the outstanding panelists listed and pictured below.



(L to R) Diana Hassel, Nicole Dyszlewski, Monica Teixeira de Sousa, Lorraine Lalli.



Rhode Island Traffic Tribunal Bench/Bar Committee Leah J. Boisclair, Chair

The Rhode Island Traffic Tribunal Bench/Bar Committee (RITT), was recently formed in 2023 and held its first meeting on September 27, 2023, has already been incredibly productive. Not only has participation been exceptional, but all members

have contributed ideas to suggest topics of interest and informational sessions for future meetings.

Chief DiSandro and other members of the Court have provided detailed updates regarding making the Traffic Tribunal more user-friendly, efficient, and accessible to all. Over 13,000 cases were resolved last year with motorists not needing to appear in court, allowing for swift movement of cases within the court system and ease for motorists. The judges have also disclosed upcoming programs that are either being re-worked or adopted, such as a more involved collaboration with the Veteran's Court, a license restoration payment plan program, and the implementation of QR codes to make payment quick and easy.

Additionally, the Committee is discussing the possibility of having guest speakers from the Bench, CCRI, and the DMV to speak in a seminar format. We are also looking forward to collaborating with the Criminal Law Bench/Bar Committee for a joint meeting sometime next year. The Committee also intends to plan CLE programs on common issues such as refusals with out-of-state motorists, standard field sobriety tests and drug recognition experts, CDL implications, and Colin Foote sanctions.

The collaboration between the Bench and Bar has overall been successful, and we look forward to what comes in the new year. Any members



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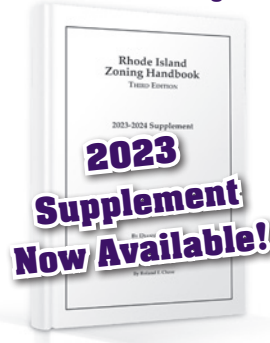
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Exclusively designed to help Bar members receive and offer timely and direct assistance with practice-related questions.

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:

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

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- 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 NaKeisha Little at nlittle@ribar.com. Photographs must be provided in a jpg format of at least 300 dpi.

interested in serving on the committee are still welcome and encouraged to join.



Technology in the Practice Committee

Michael M. Goldberg, Co-Chair
Rhiannon S. Huffman, Co-Chair



The Technology in the Practice Committee is charged with advising and assisting members of the Bar in the use of technology in their practices, with the goals of increasing the efficiency of the practice and the quality of legal services. We continue to serve as a responsive resource for all Rhode Island Bar members, addressing technology-related inquiries and facilitating a dynamic E-Filing Working Group that acts as a conduit between the legal community and the Rhode Island Judiciary.

This year, committee member Nick Matlach, on behalf of the committee, will contribute regular tech tips to the *Bar Journal*. In this issue, you'll find the inaugural Tech Tip, which provides valuable insights on how Generative AI can be used to fabricate or distort evidence and tips for how to evaluate evidence for authenticity. The Committee is also working on creating informative fact sheets for attorneys and their clients, offering guidance on preparing for virtual hearings.

In partnership with Red Cave Law Firm Consulting, the Committee presents the Compare & Contrast, free technology series. The series compares different software, hardware or other tools under a specific category, to allow you to make more informed decisions about the things you buy to improve the running of your law firm. In just 30 minutes, Jared Correia of Red Cave and Co-Chair Mike Goldberg discuss what makes the most sense for members depending on practice size and budget. All sessions are recorded and available to view free of charge on the Bar's Law Practice Management page.

The Technology in the Practice Committee will continue to serve as a resource for the Rhode Island Bar members concerning all technology-related questions. Any members interested in serving on the committee are still welcome and encouraged to join.

Establish Yourself As An Expert in An Area of Law

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 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 Communications Director Erin Cute at 401-421-5740 or ecute@ribar.com if you have any questions.

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CLE Publications Order Form

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	
Residential Real Estate Closings in RI	17-02	\$90	
Domestic Relations Practice	16-07	\$85	
Basic Commercial & Real Estate Loan Documentation	12-02	\$65	
Civil Practice in District Court	12-01	\$40	
Probate/Estate Planning/Elder Law			
Helping Clients & Their Families Navigate Long-Term Care Eligibility	23-23	\$40	
Supported Decision Making: What It Is & Why We Need It	23-22	\$40	
Death & Taxes: Understanding the RI Estate Tax & Mechanics of Estate Tax Returns	23-21	\$50	
RI Tax Updates & Reminders	23-06	\$40	
Preparation of Gift Tax	23-01	\$60	
Guardianship Practice: The Essentials	22-03	\$50	
Real Estate			
Recent Developments in Land Use Law	23-24	\$40	
UPDATED – RI Title Standards Handbook	TS-23	\$60	
Evictions in a Post-Pandemic World Handbook	23-09	\$15	
Civil Litigation/Trial Practice			
NEW – A National and Local Perspective on Opioid Litigation	24-01	\$75	
Increase Your Chances of Success in Arbitration & Mediation Handbook	23-30	\$20	
Public Protection Bureau: Public Law for the People of RI	23-27	\$45	
Inside View of the RI Supreme Court	23-26	\$35	
Civil Motion Practice in the Superior Court: Dos and Don’ts	23-25	\$40	
Social Media Use & Other Complex Jury Issues	23-12	\$50	
Preparing Your Case for Trial	23-10	\$40	
2023 DUI Law & Hardship Licenses	23-04	\$50	

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Title	Book #	Price	Total
Miscellaneous			
NEW – The PACT Act and Its Implications for Representing Veterans in VA Disability Cases	24-04	\$20	
UPDATED! Recent Developments in the Law 2023	RD-23	\$75	
Recreational Marijuana – What’s Next?	24-02	\$45	
Seeking Justice for Survivors of Sexual Violence in RI’s Legal System	23-29	\$40	
Medical Malpractice in Rhode Island	23-11	\$55	
RI Supreme Court Access to Justice	23-05	\$50	
SSI/SSDI Claims & the Federal Court	22-02	\$40	
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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.

January 5 **Appellate Practice and Preserving the Record**
Friday
9:00 am – 1:00 pm, 4.0 credits
In-person at the RI Law Center, Cranston
(includes breakfast)

January 11 **Deep Thoughts: 10 Things Every Lawyer Should Know About Artificial Intelligence**
Thursday
1:00 – 2:00 pm, 1.0 credit
LIVE WEBINAR ONLY

January 12 **Food for Thought – The New Norm: Experts in Slip & Fall Cases**
Friday
12:30 – 1:30 pm, 1.0 credit
In-person at the RI Law Center, Cranston
(includes lunch)
Also available as a LIVE WEBINAR!

January 17 **Attorney, Heal Thyself: The Detection, Treatment, and Prevention of Substance Abuse**
Wednesday
1:00 – 2:00 pm, 1.0 ethics
LIVE WEBINAR ONLY

January 27 **The 2024 Ethy Awards**
Saturday
11:00 am – 1:00 pm, 2.0 ethics
LIVE WEBINAR ONLY

January 30 **LawGPT? Generative AI, Chat GPT, LLMs, and the Legal Data-Driven Revolution**
Tuesday
12:30 – 2:00 pm, 1.5 credits
LIVE WEBINAR ONLY

January 31 **A.I. Assimilation**
Wednesday
1:00 – 3:00 pm, 2.0 ethics
LIVE WEBINAR ONLY

February 13 **Food for Thought – Defending Mental Health Court Clients**
Tuesday
12:30 – 2:00 pm, 1.5 credits
In-person at the RI Law Center, Cranston
(includes lunch)
Also available as a LIVE WEBINAR!

February 15 **Medication Misadventures**
Thursday
12:30 – 1:30 pm, 1.0 credit
LIVE WEBINAR ONLY

February 21 **Cybersecurity by Lawyers for Lawyers: A Guided Workshop in Creating Your Own Written Information Security Plan**
Wednesday
1:30 – 4:30 pm, 2.0 credits + 1.0 ethics
In-person at the RI Law Center, Cranston

February 29 **Rhode Island State Court E-Filing**
Thursday
12:00 – 1:30 pm, 1.0 credit + 0.5 ethics
In-person at the RI Law Center, Cranston
(includes lunch)
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 online 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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In Memoriam

Emilio D. Iannuccillo Jr., Esq.

Emilio D. Iannuccillo, Jr., 91, of Bristol, died on December 2, 2023. He is survived by his wife Vicki Iannuccillo (Carlson); his daughters, Sister Maria Iannuccillo and Rita Iannuccillo Tabraham; his stepsons, Robert "Bob" and Todd Schrenk; his sisters, Cornelia DeSanto (late Frank DeSanto) and Joyce Murphy (Robert Murphy); and many grandchildren, step-grandchildren, and step-great-grandchildren. He was predeceased by his parents, Emilio D. Iannuccillo and Dora Iannuccillo (Ruggiero), and his former life partner, Emily Iannuccillo (Sammartino).

Doris Lavallee, Esq.

Doris Lavallee, 58, of Coventry, died on Friday, October 6, 2023. She was the companion of Paul R. Michaud. Born in Warwick, she was a daughter of John L. Lavallee of East Greenwich and the late Lucille D. (Levesque) Lavallee. Doris graduated from West Warwick High School, class of 1983. She went on to earn a bachelor's degree from Roger Williams University and then continued her education by achieving a Juris Doctorate from Roger Williams University School of Law in 2003. She was the recipient of the RI Bar Association's 2020 Pro Bono Publico Award. Doris is survived by her children, Amanda L. Karp and her husband Robert of West Warwick; Chief Petty Officer US Navy Gerald E. Taylor and his wife Elizabeth of Woodbridge, VA; her siblings, Laurie A. Lavallee and her husband Thomas P. Crabtree of Warwick, John A. Lavallee and his wife Cecelia of Warwick, and Michael A. Lavallee of St. Petersburg, FL; as well as three grandchildren and several nieces and nephews.

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Fastcase Tip

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Follow the steps below to learn how to pull a list of neutral and negative citing references for a case in Fastcase.

Step One: On the main page of Fastcase, click the blue Browse Libraries button below the search bar.

Step Two: A browse menu will open for your default jurisdiction with content parsed out by individual source and organized in content libraries. Primary materials will be on the left. Secondary materials will be on the right.

Step Three: Select a source from the default jurisdiction menu or change the jurisdiction by using the filtering bar in the top left of the default jurisdiction browse menu that says “change jurisdiction by typing.”

Step Four: Once you are on the browse menu of your desired jurisdiction, select the source you wish to browse by clicking on the source name.

Step Five: If a source is available to be browsed, it will have an Outline icon (looks like three horizontal lines of varying length) to the left of the source name.

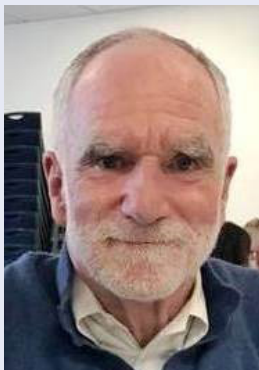
Step Six: The various versions of the source will open. Select your desired version.

Step Seven: The outline for the desired version of that source will now open.



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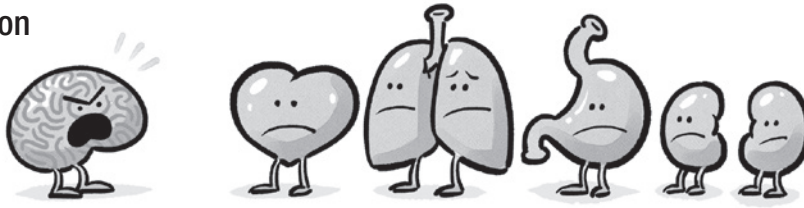
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Caption This! Contest

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 ecute@ribar.com with "Caption Contest for January/February" in the subject line.

Deadline for entry: Contest entries must be submitted by February 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
November/December



"Our insurance premiums went up again, and you know what they say about an apple a day."

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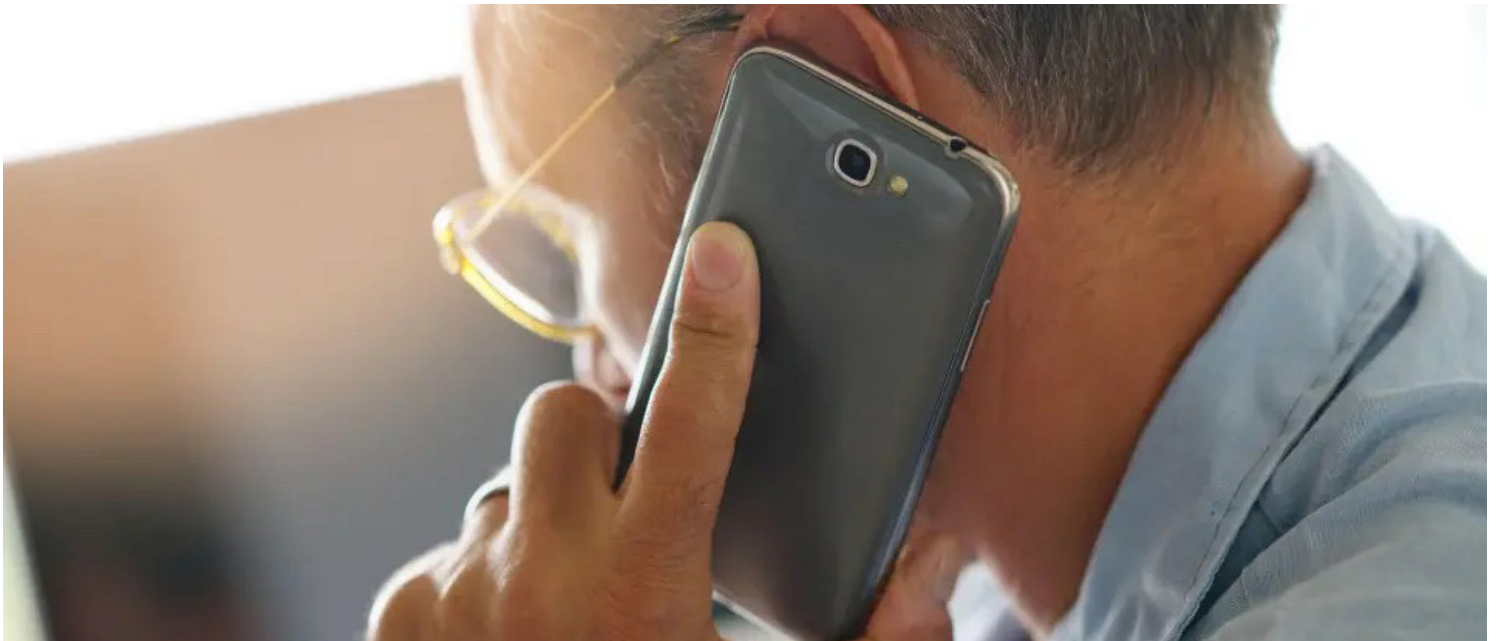
Thomas J. Fay, Esq., is now General Counsel at **New England Institute of Technology**, One New England Tech Boulevard, East Greenwich, RI 02818.
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John A. Tarantino, Esq., Senior Counsel at Adler Pollock & Sheehan P.C. & Managing Trustee, Papitto Opportunity Connection, recently received the Edward V. Healey, Jr. Lifetime Achievement Award from Justice Assistance.
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Cynthia R. Vandermolen, Esq., has joined **Cameron & Mittleman LLP** as an Associate Attorney, 301 Promenade Street, Providence, Rhode Island 02908.
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