

# Rhode Island Bar Journal

Rhode Island Bar Association Volume 72. Number 5. March/April 2024



**A Primer on Rhode Island's Opioid Litigation**

**Rhode Island's Economic Opportunity to Act on Climate**

**Profits Soaring, Workloads Shrinking? A Practitioner's Guide to Differentiating Between the AI-Hype and AI-Reality**

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Front Cover Photograph by Brian McDonald **Westerly Library and Wilcox Park** is a privately owned and operated non-profit organization overseen by the Memorial and Library Association of Westerly. The library was founded in 1894 through the initiative of local industrialist-inventor, Stephen Wilcox. Presently, the library serves the community with its doors open 60 hours a week. Its extensive collection comprises over 287,000 items, including books, audiobooks, magazines, CDs, DVDs, and more.



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

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# Artificial Intelligence and the Future of the Practice



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

**“To remain competitive in the marketplace and relevant in the practice, we simply cannot ignore artificial intelligence.”**

I do not ascribe to the view that artificial intelligence will replace lawyers. But I do ascribe to the view that artificial intelligence will replace those lawyers who choose to ignore it.

As with all other aspects of representation, we are duty-bound to have the requisite “legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”<sup>1</sup> The tools and technologies we use to carry out our representation are no exception.

We have all heard the stories of lawyers who perilously became the first adopters of some forms of generative artificial intelligence in the practice.<sup>2</sup> And we have all learned from their unfortunate actions the risks attendant to certain of those products.

AI “hallucinations”—including the unforgivable creation of case law—and the generation of inaccurate answers are enough to give us all pause when it comes to the adoption of artificial intelligence in the practice.

But, like all other technologies, artificial intelligence—in its many forms—comes with not just risks, but also benefits.<sup>3</sup> Even judges who have sanctioned lawyers for their careless use of artificial intelligence have still recognized the technology’s benefits.<sup>4</sup>

Artificial intelligence is not entirely new to the profession. Many lawyers and law firms have used forms of artificial intelligence, such as technology-assisted review in large-scale discovery review projects. And, while we might associate tools like ChatGPT with artificial intelligence, there are many other forms of artificial intelligence, including those specific to the legal profession.

If we choose not to ignore artificial intelligence and instead learn its limitations, find appropriate applications for it, and adopt good practices for its use, we can advance our own practices and the profession.

To remain competitive in the marketplace and relevant in the practice, we simply cannot ignore artificial intelligence. We already encounter it in our day-to-day lives. “The technology is so pervasive, in fact, that it now hides in plain sight—in our cars and on our coffee tables. Many of us don’t think twice about the Alexa or Nest devices that store vast amounts of data on our homes,

families, and lives.”<sup>5</sup> And if we are not encountering it already, we will soon encounter it in our day-to-day practices.

Whether we accept artificial intelligence as an appropriate tool for the legal profession or not, our need to understand the technology remains paramount. Our clients will inevitably come to us with challenges associated with artificial intelligence, and our ability to authenticate our evidence in the courtroom (and guard against deepfakes<sup>6</sup>) will depend on a strong understanding of the technology.

Recognizing the prevalence of artificial intelligence and the need for guidance for practitioners, on January 19, 2024, The Florida Bar issued Ethics Opinion 24-1—one of the first to address artificial intelligence in the practice.<sup>7</sup> It cautiously endorses the use of generative artificial intelligence in the practice, providing that:

“Lawyers may use generative artificial intelligence...in the practice of law but must protect the confidentiality of client information, provide accurate and competent services, avoid improper billing practices, and comply with applicable restrictions on lawyer advertising.”

But each jurisdiction is different. Some judges, skeptical of its use, require disclosures concerning any use of artificial intelligence. Judge Brantley Starr of the United States District Court for the Northern District of Texas has issued a standing order requiring attorneys to certify that they have not and will not use generative intelligence in court filings or that any use has been checked for accuracy using print reporters and traditional legal databases by a human being.<sup>8</sup> His rationale:

While attorneys swear an oath to set aside their personal prejudices, biases, and beliefs to faithfully uphold the law and represent their clients, generative artificial intelligence is the product of programming devised by humans who did not have to swear such an oath. As such, these systems hold no allegiance to any client, the

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rule of law, or the laws and Constitution of the United States (or, as addressed above, the truth). Unbound by any sense of duty, honor, or justice, such programs act according to computer code rather than conviction, based on programming rather than principle.<sup>9</sup>

Other judges have adopted similar disclosure requirements.<sup>10</sup>

The Rhode Island Courts have not yet tackled this issue, but across the country, task forces have begun addressing these challenges with the goal of creating some uniformity for the profession.<sup>11</sup>

Setting aside the challenges associated with generative artificial intelligence, when used properly, artificial intelligence can create tremendous efficiencies, allowing us to better serve our clients. Imagine how we can harness that power and use that captured time to serve more clients. What would you do if you had an hour more time in your day? How about two hours or even three?

In 2022, Legal Services Corporation released its fourth Justice Gap study, which found that low-income Americans do not get any or enough legal help for 92 percent of their substantial civil legal problems.<sup>12</sup> There have been many proposals over the years on how to address America's access to justice problem. Artificial intelligence may not be the solution, but it undoubtedly has the potential to chip away at this ever-increasing problem.

Recognizing the importance of these emerging technologies, we are devoting a considerable portion of the Rhode Island Bar Annual Meeting to these issues. Our plenary session on Thursday morning is devoted to artificial intelligence in both civil and criminal practice. Throughout the two-day program, several other workshops will address issues specific to artificial intelligence.

This is just the beginning of our effort to help the Bar keep abreast of these issues. There are myriad considerations associated with the use of artificial intelligence in the practice, including ethical considerations around confidentiality, candor to the court, and the

unauthorized practice of law, among others. We stand ready to help our members understand and address these issues as these technologies become more prevalent.

#### ENDNOTES

1 R.I. R. Prof'l Cond. 1.1.

2 *Mata v. Avianca, Inc.*, No. 22-cv-1461, 2023 U.S. Dist. LEXIS 108263 (S.D.N.Y. June 22, 2023) (sanctioning two lawyers and their law firm after finding that they had "abandoned their responsibilities when they submitted non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions after judicial orders called their existence into question"); see also *Ex parte Lee*, 673 S.W.3d 755 (Tex. Ct. App. 2023) (observing that the defendant's brief cited cases that did not exist).

3 Fla. Bar Ethics Opinion No. 24-1 (Jan. 19, 2024) (recognizing that "[w]hile generative AI may have the potential to dramatically improve the efficiency of a lawyer's practice, it can also pose a variety of ethical concerns").

4 *Mata*, 2023 U.S. Dist. LEXIS 108263 at \*1 ("Technological advances are commonplace and there is nothing inherently improper about using a reliable artificial intelligence tool for assistance").

5 Maura R. Grossman, Paul W. Grimm, Mireille Hildebrandt and Sabine Gless, Artificial Justice: The Quandary of AI in the Courtroom, *JUDICATURE INT'L* (Sept. 2022), [https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1004&context=judicature\\_intl](https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1004&context=judicature_intl).

6 "Deepfake" is "an umbrella term for manipulated or fabricated audio and video content through machine learning and AI techniques." Sandra Ristovska, Deepfakes and Their (Un)intended Consequences, ABA (Nov. 7, 2022), available at [https://www.americanbar.org/groups/science\\_technology/publications/scitech\\_lawyer/2023/fall/deepfakes-and-their-unintended-consequences/](https://www.americanbar.org/groups/science_technology/publications/scitech_lawyer/2023/fall/deepfakes-and-their-unintended-consequences/).

7 Fla. Bar Ethics Opinion No. 24-1 (Jan. 19, 2024).

8 <https://www.txnd.uscourts.gov/judge/judge-brantley-starr>.

9 *Id.*

10 See *Standing Order Re: Artificial Intelligence ("AI") in Cases Assigned to Judge Baylson* (E.D. Pa. June 6, 2023), available at <https://www.paed.uscourts.gov/sites/paed/files/documents/locrules/standord/Standing%20Order%20Re%20Artificial%20Intelligence%206.6.pdf>

11 See, e.g., [https://www.americanbar.org/groups/leadership/office\\_of\\_the\\_president/artificial-intelligence/](https://www.americanbar.org/groups/leadership/office_of_the_president/artificial-intelligence/).

12 Legal Services Corporation, *The Justice Gap: The Unmet Civil Legal Needs of Low-income Americans* (2022), available at <https://justicegap.lsc.gov/the-report/>. ◊

#### 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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# Rhode Island Bar Association Volunteer Lawyer Program 37 Years of Pro Bono Service 1986-2023 2023 Highlights and Accomplishments



## Program Summary

The Rhode Island Bar Association has administered the Volunteer Lawyer Program (VLP) for 37 years. The tireless dedication of our members has continually provided legal assistance to those who cannot obtain legal representation either on their own or through other legal resources. The Bar Association continues to support and applaud Volunteer Lawyer Program members in recognition of the key role they play every day in providing marginalized persons with the legal assistance needed to help increase the quality of their lives. Annually, VLP attorneys donate hundreds of hours of critically needed legal access and representation through this structured program. These contributions are essential to our system of justice.

## Assistance with Language Barriers

For over 19 years, dedicated bilingual staff have fielded calls and completed intakes for Spanish-speaking clients. Interpreters are provided during court proceedings, but many non-English-speaking VLP-eligible clients are in dire need of an interpreter for their case prior to court. We are very fortunate to have Spanish translation services donated by One Voice Interpreting Service in Providence. Because of their assistance, non-Spanish-speaking attorneys may also accept pro bono cases for Spanish-speaking clients.

Recruitment of bilingual volunteer attorneys in various languages will be ongoing in 2024.

## Education – Increasing Case Placement

Recruiting VLP members is essential to responding to the legal needs of the most vulnerable in our state. The most effective method of recruitment and retention of current members is through sponsoring and providing the benefit of free continuing legal education. This is accomplished annually in cooperation with the Bar's Continuing Legal Education (CLE) department and the ongoing support of the Public Service Involvement Committee members and outstanding volunteer speakers.

Volunteer attorneys are given the opportunity annually to attend free of charge CLE seminars in exchange for accepting a pro bono case through the VLP. The three-credit CLE, *Effective Representation & Communication with Domestic Violence Survivors Panel*, was presented during National Domestic Violence Awareness Month in October. This three-credit seminar included half an ethics credit and was available as a live webinar or in person at the RI Law Center. The excellent speakers, RI Family Court Magistrate Jeanne Shepard, William J. Balkun, Esq., Melissa Leahey, MS, Bridgette J. Louro, Esq., and Barbara L. Margolis, Esq. (moderator) presented an in-depth analysis of how to communicate with and represent clients who have experienced the effects of trauma in the form of threats, imminent harm, or family abuse. The client interview process was explored through an interactive role play. In addition to this free VLP-sponsored seminar, volunteer attorneys had the opportunity

to view the three-credit on-demand webinar *Divorcing with Debt: Avoiding the Pitfalls* for accepting either a family law or bankruptcy pro bono case.

Volunteer attorneys unable to attend VLP-sponsored seminars live can access recorded sessions via the on-demand catalog, provided they are willing to accept pro bono cases.



*Effective Representation & Communication with Domestic Violence Survivors Panel* (l-r): William J. Balkun, Esq., Bridgette J. Louro, Esq., Hon. Jeanne L. Shepard, Melissa Leahey, MS, and Barbara L. Margolis, Esq.

In addition to the free seminars sponsored by the VLP, members who contribute and report thirty-plus hours of pro bono service annually are eligible to receive CLE coupons to be used in the following calendar year. They are given the choice of attending one *free*, three-credit seminar or three one-credit Food for Thought seminars of their choice. Instituted in 2009, this policy reflects the Bar's longstanding support and encouragement of pro bono legal assistance and public service. Annually, over 35-40 attorneys receive these coupons.

## Mentoring

Messaging to members continued in 2023 about the availability of mentors for any volunteer attorney interested in accepting a pro bono case. The requests for mentors for VLP cases ranged from those attorneys wishing to incorporate a new area of law into their practice to those wanting to expand their areas of ex-

peritise while helping a pro bono client. Upon request, mentors are available for the majority of VLP case types. During 2023, attorneys Carolyn Barone, David Bazar, Paul Brule, Christine Engustian, Lauren Jones, Robert Larder, Tracy Loignon, Jack Pitts, and John Simonian were all mentors for a variety of VLP cases.

### Recruitment & Case Placement Strategies

Preparing and distributing pro bono case summaries to emphasize the critical need for legal assistance and encourage participation is ongoing. This was one of several effective methods of case placement, in addition to the traditional direct calls to panel members and blast e-mailing. Themed appeals such as March Pro Bono Madness, National Volunteer Month, Practice the Art of Pro Bono, Thanks for Giving, and the 12 Days of Pro Bono were several of the successful case placement promotions. For example, during National Volunteer Month in April, all volunteer attorneys who accepted a pro bono case were entered into a raffle to attend the two-day Annual Meeting for free.

Most potential clients contact the Volunteer Lawyer Program by telephone to request pro bono service. The public is referred by the human service network, including the Courts, Rhode Island Legal Services and other legal assistance agencies, Community Action Programs, senior citizen organizations, the Rhode Island Bar Association website, law offices, and the internet.

Throughout 2023, volunteer attorneys provided assistance to the public in a variety of legal areas, including bankruptcy, collections, consumer, education, employment, guardianships, landlord/tenant, license registry, non-profit designation, probate matters, tort defense, and various family law issues. Although there is no longer specific funding available for foreclosure-related matters, we received requests from clients desperate to save their homes and will continue to conduct intake for these matters within the parameters allowed.

In August 2023, the on-site legal clinic format for pro bono clients was reinstated at the Bar Association headquarters. Over the course of two days, nine clients were assisted with uncontested divorce matters by attorneys Whitney Anderson and Michael Castner. We are happy to report that legal clinics will continue to be scheduled.

### Volunteer Recognition

The dedication and commitment of two of our remarkable Pro Bono Award recipients were recognized at the Bar Association's Annual Awards reception at the



Robert Hope Larder, Esq. Adam G. Northup, Esq.

2023 Rhode Island Bar Association Annual Meeting. Robert Hope Larder and Adam G. Northup were the recipients of the 2023 Pro Bono Publico Award for their commitment and service through the Volunteer Lawyer Program, having donated a total of over 300 hours of pro bono service.

### Collaboration

Annually, we constantly receive requests for assistance with domestic violence, landlord/tenant, bankruptcy, divorce, custody, collections, guardianships, probate matters, etc. On an ongoing basis, we work closely and collaborate with Rhode Island Legal Services on case placement. In October 2023, the Director of the Family Law Center at Rhode Island Legal Services, Bridgette J. Louro, Esq., played a key role as a speaker and planner of the VLP seminar, *Effective Representation & Communication with Domestic Violence Survivors Panel*.

### Join for Justice

The staff conducts daily prescreening of VLP clients to assess their case type and financial eligibility. Volunteer Lawyer Program clients are families and individuals, including veterans and the elderly, in our communities statewide with nowhere else to turn for legal assistance.

Joining is a simple process, and mentors are available upon request. For more information about the Volunteer Lawyer Program, please contact Susan Fontaine at sfontaine@ribar.com or 401-421-7758. For your convenience, VLP membership applications may be accessed on the Bar's website at ribar.com and completed online. Once we receive your application, we will contact you.

*The Rhode Island Bar Association's Volunteer Lawyer Program is funded by Rhode Island Legal Services, Inc., and the Rhode Island Bar Foundation.*

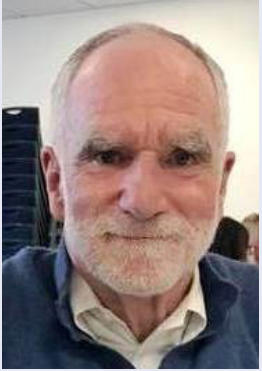


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## Grants, Scholarships, and Fellowships, Oh My!



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

“...All of our grantees are providing much-needed services and you can all be justifiably proud that our Foundation is funding these good works...”

### Our Grant Program

The main purpose of your Rhode Island Bar Foundation is to receive the interest earned on your trust accounts and then distribute those funds to worthy non-profit organizations that meet the Foundation’s criteria for awarding grants. Our grant criteria focus primarily on organizations that provide free or reduced-fee legal services to the disadvantaged.

The Foundation’s Interest on Lawyers Trust Account (IOLTA) program makes its grants in four main areas:

1. Providing legal services to the disadvantaged in Rhode Island;
2. Improving the delivery of legal services;
3. Promoting knowledge and awareness of the law; and
4. Improving the administration of justice.

Due in large part to the recent increases in interest rates, 2023 was a good year for the Foundation, and our IOLTA interest income substantially exceeded last year’s income.

In 2023, we made grants totaling just under \$400,000, but I am pleased to say that we have now awarded grants for 2024 that total \$1 million.

This year’s grant recipients are as follows:

- > **\$617,000 to Rhode Island Legal Services (RILS).** RILS is Rhode Island’s major civil legal aid provider, providing aid to low-income individuals and families, the elderly, victims of domestic violence, sexual assault and stalking, and those affected by the foreclosure crisis in Rhode Island. For over 50 years, RILS has provided civil legal aid to well over 150,000 individuals and families. The funds are used for the Volunteer Lawyer Program, primarily to help support the Family Law and Housing Units. Cases handled include divorce, custody, domestic violence, visitation, evictions, and landlord/tenant issues.
- > **\$150,339 to Dorcas International Institute of Rhode Island.** Funds are used by Dorcas to continue the Citizenship & Immigrations Services’ Immigration Law Project. Since 1987, this project has provided free and low-cost comprehensive immigration legal services and education, advocacy and outreach on immigration laws and issues to thousands of immigrants and refugees in the state, as well as the community.
- > **\$10,000 to Rhode Island Coalition Against Domestic Violence.** Funds are used by the Coalition to continue the Superior Court component of their Domestic Violence Victim Advocacy Program in order to help victims seek civil and criminal relief from domestic violence.
- > **\$9,000 to the Rhode Island Coalition to End Homelessness.** Funds are used by the Coalition to fund the Homeless Legal Clinic, which enables homeless Rhode Islanders to have access to pro bono legal services through attorneys who volunteer at homeless shelters and drop-in sites.
- > **\$15,000 to the Center for Mediation & Collaboration Rhode Island (CMCRI).** Funds are used by CMCRI to provide mediation and dispute resolution services to community residents and organizations, regardless of their ability to pay. CMCRI staff and volunteers aid in disputes, both in the community and Small Claims Courts, assist with family and parent teen conflicts, court-involved juveniles, neighbor-to-neighbor, organizational and workplace disputes, landlord-tenant, human rights cases, and small claims matters.
- > **\$22,500 to the Rhode Island Legal Education Foundation.** Funds are used by the Foundation to help support the administration of the Rhode Island Mock Trial Tournament.
- > **\$65,800 to the Rhode Island Bar Association Legal Information and Referral Service for the Elderly.** Funds are used by the Rhode Island Bar Association’s Legal Information and Referral Service for the Elderly to make legal services readily available to senior citizens sixty and over. The program provides legal services that meet the economic and social needs of senior citizens, many of whom face financial crises brought on by catastrophic illnesses, family

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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.

### *Help Our Bar Foundation Help Others*

#### RHODE ISLAND BAR FOUNDATION GIFT

PLEASE PRINT

My enclosed gift in the amount of \$ \_\_\_\_\_

Please accept this gift in my name

or

In Memory of \_\_\_\_\_

or

In Honor of \_\_\_\_\_

Your Name(s) \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone (in case of questions) \_\_\_\_\_

Email: \_\_\_\_\_

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41 Sharpe Drive

Cranston, RI 02920

Questions? Please contact Theresa Gallo at 421-6541

or [tgallo@ribar.com](mailto:tgallo@ribar.com)

abandonment, forced retirements, and physical and emotional abuse by family members and/or caretakers. Volunteer attorneys pursue the rights of senior citizens, providing representation in many areas of law, including landlord/tenant, guardianship, probate, health and income maintenance, consumer finance, civil, real estate, family law, and foreclosure. Additionally, seniors receive free advice from volunteer attorneys at scheduled community outreach programs held at senior centers and organizations throughout Rhode Island.

- > **\$48,000 to the Rhode Island Bar Association Pro Bono Project.** Funds are used by the Pro Bono Project for civil law cases including family law/domestic violence, guardianship, bankruptcy, collections, wills, tort defense, landlord/tenant, foreclosure, and conflict cases referred from RI Legal Services. Critically needed legal assistance is provided to poverty-level clients through the Volunteer Lawyer Program and the US Armed Forces Legal Services Project.
- > **\$7,500 to Day One.** Funds are used by Day One to help support their advocacy services program, which provides support and legal advocacy for victims of sexual assault and provides victims with information and legal advocacy as their case proceeds through the criminal justice system.
- > **\$6,000 to the Rhode Island Center for Justice.** The Center for Justice is an independent, non-profit public interest law center created in cooperation with Roger Williams University Law School. Their mission is to ensure justice for vulnerable individuals, families, and communities through the provision of free legal services and advocacy. Their funding is used for the support of their Lifeline Project, which provides direct free legal assistance to low-income utility consumer households both in administrative proceedings before the Division of Public Utilities and Carriers and in Administrative Procedures Act appeals at the Superior Court. The Lifeline Project is dedicated to providing free legal advocacy and representation to medically vulnerable, low-income households who have experienced or are at risk of termination of electric and gas utility service.
- > **\$48,861 to Justice Assistance.** Funds are used for Project Restoration and Project Victim Services. These projects ensure that victims of crime referred by the state courts receive program services at no cost to them. The projects support the victims of crime by keeping them informed of the status of their case. A case manager assists the victims in communicating with the courts, the police departments, and other criminal justice agencies and, in general, helps the victims navigate all phases of the justice system.

As you can see, all of our grantees are providing much-needed services and you can all be justifiably proud that our Foundation is funding these good works through the interest earned on your trust accounts.

#### **Our Scholarship Programs**

In addition to providing grants from IOLTA funds, your Foundation also awards law school scholarships and fellowships to deserving law students with strong Rhode Island connections. Our Foundation is able to do this thanks to the generosity of various institutions and individuals that have provided funding for these scholarships and fellowships over the years.

This year, we will be awarding more scholarships than ever before.



## 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 75 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](mailto:tgallo@ribar.com). More information on the scholarships and application forms are also available on the Rhode Island Bar Association website: [ribar.com](http://ribar.com), in the Rhode Island Bar Foundation section.

Our Thomas F. Black Jr. Memorial Scholarship program, primarily funded by the Kimball Foundation and the Champlin Foundation, will award two scholarships of \$25,000 each to Rhode Island residents who enroll as first-year students in an American Bar Association-accredited law school. Each scholarship award will be made on the basis of demonstrated financial need, superior academic performance, community and public service, and demonstrated contacts with and commitment to the state of Rhode Island.

The Foundation will also be awarding for the first time this year two new \$25,000 law student scholarships—the Patrice A. Tarantino Memorial Scholarship and the Nicole J. Benjamin Scholarship. The Patrice A. Tarantino Memorial Scholarship was established by former Bar Foundation President John A. Tarantino in memory of his late wife, Pat.

The Nicole J. Benjamin Scholarship was also established by John Tarantino. It recognizes Nicole's leadership and other contributions to our legal community and aims to support aspiring legal professionals who exhibit leadership potential and a commitment to service to the community. We are very grateful to John for establishing these two new scholarships.

Moreover, thanks to funding from the Papitto Opportunity Connection Foundation, two law school scholarships 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 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.

### Our Fellowship Program

Finally, working with the Roger Williams Law School, your Foundation annually provides two \$1,500 fellowship awards in honor of the late Justice Thomas J. Caldarone and another two \$1,500 fellowship awards in honor of Foundation Treasurer Emeritus James A. Jackson. Our funding is matched by Roger Williams Law School. These awards assist worthy second-year Roger Williams law students and helps them to intern for the summer at non-profit legal service organizations.

Our Foundation Fellows also annually make substantial financial contributions to all of our programs, and I am very grateful for the continuing generosity of our Fellows.

As you can see, your Foundation is dedicated to creating a positive impact for the Rhode Island legal community and supporting the disadvantaged in our state. ◇

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

Attorney **Bryan J. Nappa**, a member of the Lawyer Referral Service, enthusiastically supports the program. *"The RI Bar Association Lawyer Referral Service offers a mutually beneficial relationship between practicing attorneys, the Bar Association, and the community. The quality referrals benefit the attorney by growing a client base in exchange for reasonable membership and referral fees used to support the Bar Association.*



*The reduced fee and elderly programs are fantastic opportunities for access to justice to members of our community that otherwise would not have the means to hire an attorney. As the legal field can be overwhelming to most, the referral program provides specific and trusted referrals for clients who do not know where to turn or how to access an attorney in a time of need.*

*The staff of the LRS program are a breath of fresh air and have been fantastic to work with. As a new attorney, they have provided me and my firm financial stability. I look forward to a continued relationship with the LRS program and the Bar Association, I cannot say enough good things about this program."*

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

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

## 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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# A Primer On Rhode Island's Opioid Litigation



David Goldman, Esq.  
CMBG3 Law LLC  
Boston/Providence/Irvine (CA)



Vincent L. Greene, Esq.  
Motley Rice LLC  
Providence

**“The overabundance of prescription opioids in Rhode Island not only resulted in immense public health consequences... but also it led to a ripple effect of community, societal, and governmental harms within the State.”**

## National Epidemic

It is no secret that America has experienced an epidemic of opioid addiction and the resulting personal and societal damage. On an average day in 2015, more than 620,000 dangerous, addictive opioid prescriptions were dispensed in the United States.<sup>1</sup> In a 2016 report, the Center for Disease Control (CDC) explained that “from 1999 to 2010, opioid prescribing quadrupled in parallel to increasing opioid overdose death rates.”<sup>2</sup> Increased access to prescription opioids has been one of the biggest factors leading to opioid-related harms.<sup>3</sup> Studies have shown that at least 8–12%, and as many as 30–40%, of long-term users of prescription opioids experience problems with addiction.<sup>4</sup> The CDC has noted that “continuing opioid therapy for 3 months *substantially* increases risk for opioid use disorder.”<sup>5</sup> Another study showed that nearly 60% of patients who used prescription opioids for 90 days continued to use opioids five years later.<sup>6</sup> The CDC has also noted that patients receiving high doses of opioids as part of long-term opioid therapy are approximately nine times more likely to suffer an overdose from opioid-related causes than those on low doses.<sup>7</sup> While historically, a small minority of opioid sales were for chronic opioid therapy, by 2018, between 80% and 90% of prescription opioids used were for chronic pain.<sup>8</sup> Yet, the long-term use of prescription opioids to treat chronic pain is not scientifically supported.<sup>9</sup> The increase in opioid prescriptions over the past ten or so years has led to a corresponding increase in addiction and overdoses both in the United States as a whole and in Rhode Island. One CDC director has warned: “[w]e know of no other medication routinely used for a non-fatal condition that kills patients so frequently.”<sup>10</sup>

That CDC statement is reflected in national statistics. From 1999 to 2015, more than 194,000 people died in the U.S. from overdoses related to prescription opioids—more than the number of Americans who died in the Vietnam War.<sup>11</sup> On average in 2018, 193 people per day died across the country from an opioid-related overdose; another 1,000 patients were given emergency treatment for misusing them.<sup>12</sup> In 2014, almost two million Americans were addicted to prescription opioids and another 600,000 to heroin.<sup>13</sup> In 2019,

an estimated 10.1 million people, age twelve or older, misused opioids in the prior year.<sup>14</sup>

These are just some of the statistics describing the national public health crisis involving opioid misuse, opioid use disorder, and opioid overdose, stemming from prescription and illicit opioids—although most illicit use begins with a prescription.

## The Rhode Island Flood and Resulting Litigation

The opioid epidemic has not spared Rhode Island. In fact, Rhode Island has been particularly affected. Rhode Island residents were issued more prescription opioids on average than most states in the country. Yearly opioid prescriptions in Rhode Island increased from 357,848 in 1997 to 806,751 in 2012 and remained well above 1997 levels in 2017.<sup>15</sup> In 2012, that equated to 45.4 dosage units per capita and 700.1 morphine milligram units per capita.<sup>16</sup> In Rhode Island, opioid prescribing peaked at 83 prescriptions per 100 people in the state in 2012—the same year it peaked nationally.<sup>17</sup> To put that in perspective, that’s almost one opioid prescription for each man, woman, and child in Rhode Island.<sup>18</sup>

The overabundance of prescription opioids in Rhode Island not only resulted in immense public health consequences, including opioid addiction, misuse, abuse, overdose, and mortality, but also it led to a ripple effect of community, societal, and governmental harms within the State.<sup>19</sup> Former Governor Raimondo issued her second executive order concerning the opioid epidemic on July 12, 2017, stating “[t]he alarming rate of deaths caused by opioid overdose constitutes a public health crisis” and declaring that “opioid addiction has become an epidemic in Rhode Island.” Governor Raimondo’s executive order specifically observed that “despite the State’s best efforts, deaths from opioid overdoses [] continued to increase, reaching 290 in 2015 and 336 in 2016, particularly as more Rhode Islanders are exposed to potent, illicit fentanyl!”

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



Attorney **Amanda Wuoti**, a member of the Volunteer Lawyer Program (VLP), enthusiastically supports the program. *“As a corporate attorney who primarily works from home, the VLP not only affords me the opportunity to interact with and help my community, it also refreshes legal doctrine that has gone stagnant since bar prep. The VLP has shown me that pro bono service is excellent for the mind and soul and often reminds me why I went to law school.”*

Participation in our **Volunteer Lawyers Program** provides crucial legal assistance to those in need. Whether you have been an attorney for years or it is the beginning of your career, pro bono cases can provide the opportunity for you to explore new areas of law, and seasoned members of the Bar are available as mentors. Your involvement in VLP ensures marginalized individuals receive vital representation, playing a key role in fostering justice. Join today and you can make a difference in the lives of those who need it most.

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

## Help Us Grow Our List Serve

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

Across Rhode Island, lives have been—and continue to be—lost and forever changed by the opioid epidemic.<sup>20</sup> Approximately 26,000 Rhode Islanders were, or had been, previously diagnosed with an opioid use disorder as of 2016. From 2014–2015, Rhode Island experienced a 24% one-year increase in overdose deaths, the third highest change in America.<sup>21</sup> The rate of deaths from synthetic opioids like fentanyl ranked third in the nation in 2015.<sup>22</sup> From 2011 to 2016, Rhode Island saw a 303% increase in overdose fatalities.<sup>23</sup> These numbers would have been far worse if not for Naloxone, which saved 5,500 lives from 2015 through 2019.<sup>24</sup> Distribution of Naloxone kits went from 94 in 2012 to 7,798 in 2017, an increase of more than 8,000%.<sup>25</sup> By 2021, the number of Rhode Islanders per year with an opioid use disorder was 33,000.<sup>26</sup>

These statistics are the very touchstones of a public nuisance—an infringement on the public's right to be free from a flood of dangerous opioids. Combating this crisis required, and continues to require, significant public health resources.<sup>27</sup> In light of the urgent need to address the serious impact of the opioid epidemic and the compelling goal of securing justice and accountability, the State filed suit against the manufacturers and distributors of opioids in 2018, alleging that their roles both created and exacerbated Rhode Island's opioid crisis. The State alleged that the Defendants oversupplied prescription opioids to Rhode Island and failed to detect and prevent diversion to illicit use, contrary to their legal obligations under and 21 U.S.C. §§ 801, 822, and 823 and R.I. Gen. Laws § 21-28-3.03.<sup>28</sup> The State further alleged that Defendants' conduct helped create, deepen, and extend the opioid epidemic, which caused destructive effects on Rhode Island.<sup>29</sup> Factual allegations included that the Manufacturing Defendants mischaracterized the risks of opioids and deceptively promoted branded opioids as “off-label.”<sup>30</sup>

The Defendants moved to dismiss the matter immediately after it was filed in 2018, raising challenging and intricate legal issues. The State won every single issue at the motion to dismiss stage, despite the Defendants' insistence that Rhode Island Supreme Court precedent should halt the State in its tracks.<sup>31</sup> Among other arguments, the Defendants argued that the State failed to allege a public right and that Defendants were not in control of prescription opioids at the time of the injury.<sup>32</sup> The Defendants' motions to dismiss relied almost exclusively on **State v. Lead Indus. Ass'n**, 951 A.2d 426 (R.I. 2008). Following exhaustive briefing and two days of oral argument, the Superior Court denied the Defendants' motions to dismiss the State's public nuisance claim.<sup>33</sup>

With regard to the Defendants' “public right” argument, Presiding Justice Alice B. Gibney wrote that the Court was “satisfied that the State...properly alleged the violation of a public right.”<sup>34</sup> In reaching its conclusion, the Court carefully analyzed and applied the teachings of **Lead Indus. Ass'n**.<sup>35</sup> In particular, the Court noted that the Rhode Island Supreme Court previously acknowledged that “public health has been historically recognized as a right common to the general public,” and took into account the “fine distinction between a public right and an aggregation of private rights.”<sup>36</sup> With regard to the Defendants' “control” argument, the Court concluded that “Manufacturers and Distributors were in control of the instrumentality of the nuisance at the time of its occurrence.”<sup>37</sup> In reaching its conclusion, the Court rejected the Defendants' effort to characterize the State's claim as an amalgamation of “specific

instances of individuals being harmed by use or misuse of opioid pharmaceuticals,” noting that the complained-of nuisance is “the opioid crisis itself.”<sup>38</sup> Under this framing of the Defendants’ conduct—namely, their on-going “funnel[ing of] excessive amounts of medicines into Rhode Island communities”—the Court held that the control requirement of public nuisance was satisfied.<sup>39</sup>

The matter then proceeded to the discovery phase. The discovery produced by the State was enormous, dating back to the 1990s. The State produced 1,361,806 documents equating to over 9 million pages from nine State agencies (and many divisions thereof). This included documents and/or data from virtually every state agency and all three governmental branches. The State’s document production included the custodial files of over one hundred-fifty individual State employees and former employees, as well as several noncustodial sources of information. Additionally, the State produced twenty-four (24) databases consisting of nearly three million records—many of which span two decades. Overall, the State’s electronic discovery added up to over six terabytes of data. More than one hundred twenty (120) fact witness depositions were taken.

Given the complexity of this litigation and the enduring nature of the epidemic, the State worked with and disclosed twenty experts. The State’s roster of experts, both local and national, included, but was not limited to, persons knowledgeable in the following areas: public health and policy, epidemiology, substance use, addiction medicine, prescription and illicit opioids, pain medicine, law enforcement (state and federal), the controlled substances act, child welfare, families impacted by addiction, abatement and damages, marketing, economics, data analytics, and history.

Significantly, during the pendency of the Rhode Island opioids case, the Oklahoma Supreme Court reversed a half-billion-dollar verdict in favor of Oklahoma, based in part on the Rhode Island Supreme Court’s decisions in *State v. Lead Indus. Ass’n*, 951 A.2d 426 (R.I. 2008). In *State of Oklahoma ex rel. Hunter v. Johnson & Johnson*, 2021 WL 5191372 (Okl. 2021), the Oklahoma Supreme Court interpreted a state statute establishing public nuisance as a cause of action, holding that the Oklahoma public nuisance law does not extend to the manufacturing, marketing, and selling of prescription opioids. In light of this, the Rhode Island Defendants sought to derail the State’s case by relying upon *State v. Lead Indus. Ass’n* for the second time, but now buttressed by the Oklahoma Supreme Court’s reliance upon that decision in *State of Oklahoma ex rel. Hunter v. Johnson & Johnson*.

Ruling on the Defendants’ motion for summary judgment, filed just prior to the scheduled trial date, Rhode Island Superior Court Associate Judge Richard Licht, who shepherded the case from its early discovery days until jury selection during the COVID-19 pandemic, rejected the Defendants’ arguments. Judge Licht wrote that “[w]hile...Presiding Justice Gibney’s decision constitutes law of the case,” he “reache[d] the same conclusion vis-à-vis [his] own analysis.”<sup>40</sup> Moreover, Judge Licht distinguished *State v. Lead Indus. Ass’n*, finding that “[w]hile lead paint tragically affected the lives and development of many people...[t]he harm was also identifiable to specific individuals, namely, the residents of homes that have not had the lead paint abated.”<sup>41</sup> Conversely, Judge Licht found that “[t]he potential victims of the opioid epidemic are not so easily identified, nor are they confined to one private location (i.e., the home). Rather,

## Mark Your Calendars! Rhode Island Bar Association Annual Meeting June 13 & 14



The Rhode Island Bar Association Annual Meeting is scheduled for Thursday, June 13 and Friday, June 14, 2024. Our opening plenary speakers, Dean Andrew Perlman from Suffolk University Law School and Professor Sonia Gipson Rankin from the University of New Mexico School of Law, promise enlightening insights on artificial intelligence and the legal profession. Our closing plenary speaker is Kori Carew, Chief Inclusion & Diversity at Seyfarth Shaw and a TEDx speaker. Kori’s dynamic presentation is designed to enhance your understanding of the importance of inclusivity while fostering a sense of belonging within our legal community.

In addition to the always popular Civil Case Law, Criminal Case Law, Family Case Law, and Commercial Law Update programs, we have a great lineup of 40 fantastic workshops including:

- > **RI Traffic Tribunal 101**
- > **Rise of the Machines: AI in Business and the Courts**
- > **Effective Sentencing Advocacy**
- > **LGBTQ+ Family Law Updates**
- > **Navigating State Criminal Courtrooms**
- > **Coastal Law Update**
- > **Hot topics in RI Supreme Court**
- > **Asbestos Litigation and Other Toxic Tort Updates**
- > **Navigating Protected Employment Leave**
- > **And more!**

Join us as we once again gather in-person at the Rhode Island Convention Center to catch up with old friends, colleagues, and members of the judiciary. This is one meeting you don’t want to miss! More information will be disseminated to members in the coming months.



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the natural consequences from an overabundance of opioids spills out into neighborhood parks, dim alleys, city benches, and other places of public accommodation and stewardship.”<sup>42</sup> The Court concluded that “[t]he crisis has taxed not only the public coffers but an entire network of healthcare and social services.”<sup>43</sup>

Following Judge Licht’s decisions and over three years of arduous litigation, which include the appointment of a Special Master, the State and Distributor Defendants entered into a settlement agreement, effectuated by a Consent Judgement entered on January 26, 2022. The State and the Distributor Defendants agreed to a gross settlement of \$90,833,526.93, to be paid out over eighteen (18) years, dedicated, by operation of the Agreement and Consent Judgment, exclusively to the abatement of the opioid epidemic.<sup>44</sup> Additionally, the settlement also includes injunctive relief with the goal of ensuring Distributor Defendants’ future compliance with the very legal obligations that served as the impetus for this litigation, such that an opioid epidemic of oversize proportions does not occur again.<sup>45</sup> As a result, the settlement not only provides monetary relief from the harsh reality faced by the State but also includes non-monetary measures that seek to prevent its recurrence. The injunctive relief is an important component of the settlement, as it ultimately seeks to protect the public now and in the future.

Additionally, on March 21, 2022, on the eve of trial, following months of extensive pre-trial work and jury selection involving hundreds of summonses, the State and Manufacturing Defendant Teva entered into a settlement agreement.<sup>46</sup> The State and Teva agreed to a gross settlement of \$21,000,000, to be paid out over thirteen (13) years, dedicated by operation of the Agreement and a Consent Judgment entered on March 24, 2022, exclusively to the abatement of the opioid epidemic. The Teva Settlement further requires that Teva supply the State of Rhode Island with Naloxone and Buprenorphine for ten (10) years, a supply that is valued at \$78,501,370. Naloxone is a lifesaving drug that is needed now more than ever in Rhode Island.<sup>47</sup> Additionally, the Teva Settlement also includes thirteen (13) years of injunctive relief.<sup>48</sup> Specifically, the settlement forbids Teva from, *inter alia*, making false statements regarding opioids, promoting opioids or the treatment of pain, providing financial support to groups promoting opioids, providing incentives to its sales teams with regard to the volume of opioids sold, and engaging in certain lobbying activities.<sup>49</sup> The settlement also requires that Teva monitor off-label uses and operate a suspicious order monitoring system, allowing them to report both direct and downstream customers.<sup>50</sup>

### Conclusion

While a number of outstanding issues remain nationally in the opioids litigation, including the question of the Purdue Pharma bankruptcy to be heard at the United States Supreme Court as well as the potential responsibility of third-party pharmacy benefit managers, Rhode Island Attorney General Nerohna’s case against manufacturers and distributors of opioids will provide almost two decades of remediation aimed at reversing the tide of the opioid flood and abating the decades-long epidemic.

### ENDNOTES

1 See CDC, *Drug Overdose, U.S. Opioid Dispensing Rate Maps*, available at <https://web.archive.org/web/20211130221539/https://www.cdc.gov/>

[drugoverdose/rrrate-maps/index.html](https://www.cdc.gov/drugoverdose/rrrate-maps/index.html) (revealing that in 2015, a total of 226,819,924 prescriptions were written in the United States. This number was divided by 365 in order to arrive at 621,424.449) (last visited Jan. 25, 2024).

2 Paulozzi L, Jones C, Mack K, Rudd R; Centers for Disease Control and Prevention (CDC). Vital signs: overdoses of prescription opioid analgesics—United States, 1999–2008. *MMWR MORB MORTAL Wkly Rep.* 2011; 60(43):1487-1492.

3 Rhode Island Governor's Overdose Prevention and Intervention Task Force, *Rhode Island's Strategic Plan on Addiction and Overdose: Four Strategies to Alter the Course of an Epidemic*, at 3, ("This recent increase [in opioid dependence and accidental drug overdose] is directly related to a dramatic increase in the amount of opioids prescribed."), available at <https://health.ri.gov/news/temp/RhodeIslandsStrategicPlanOnAddictionAndOverdose.pdf> (last visited Jan. 25, 2024).

4 Joseph A. Boscarino, et al., Risk factors for drug dependence among out-patients on opioid therapy in a large US health-care system, 105(10) *ADDICTION* 1776-82 (Oct. 2010); Joseph A. Boscarino, et al., Prevalence of Prescription Opioid-Use Disorder Among Chronic Pain Patients: Comparison of the DSM, 30(3) *JOURNAL OF ADDICTIVE DISEASES* 185-94 (July-Sept. 2011); Voules, Kevin E., et al. "Rates of opioid misuse, abuse, and addiction in chronic pain: a systematic review and data synthesis." *PAIN* 156.4 (2015): 569-57.

5 Dowell D, Haegerich TM, Chou R., CDC Guideline for Prescribing Opioids for Chronic Pain—United States, 2016, *MMWR Recomm Rep* 2016;65(No. RR-1):1-49. DOI, available at <https://www.cdc.gov/mmwr/volumes/65/rr/rr6501e1.htm> (last visited Jan. 25, 2024).

6 Bradley C. Martin et al., Long-Term Chronic Opioid Therapy Discontinuation Rates from the TROUP Study, 26 *J. GEN. INTERNAL. MED.* 1450 (2011).

7 See *supra* n. V.

8 Von Korff M, Kolodny A, Deyo RA, Chou R. Long-term opioid therapy reconsidered. *Ann Intern Med.* 2011 Sep 6;155(5):325-8. doi: 10.7326/0003-4819-155-5-201109060-00011. PMID: 21893626; PMCID: PMC3280085. Dasgupta et al., "Opioid Crisis: No Easy Fix," 2018. "Currently, in some U.S. health care institutions, as many as 90% of patients receive opioids for chronic pain management." See Manchikanti et al., "Patterns of Illicit Drug use and Opioid Abuse," 2004.

9 CDC Clinical Practice Guideline for Prescribing Opioids for Pain—United States, 2022, *Recommendations and Reports* / November 4, 2022 / 71(3):1-95, Deborah Dowell, MD et al. "A systematic review published in 2014 by the Agency for Healthcare Research and Quality (AHRQ) found insufficient evidence to demonstrate long-term benefits of prescription opioid treatment for chronic pain, and long-term prescription opioid use was found to be associated with increased risk for overdose and opioid misuse, among other risks."

10 Thomas R. Frieden and Debra Houry, *Reducing the Risks of Relief—The CDC Opioid-Prescribing Guideline*, *NEW ENGLAND JOURNAL OF MEDICINE*, at 1503 (Apr. 21, 2016).

11 <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates#:~:text=Drug%20overdose%20deaths%20involving%20prescription,involving%20prescription%20opioids%20totalled%2016%2C706>.

12 CDC Understanding the Epidemic, <https://www.cdc.gov/drugoverdose/epidemic/index.html>.

13 National Academies of Sciences, Engineering, and Medicine, *Pain Management and the Opioid Epidemic: Balancing Societal and Individual Benefits and Risks of Prescription Opioid Use*, Washington (DC): The National Academies Press (2017).

14 SAMHSA, *Key Substance Use and Mental Health Indicators in the United States: Results from the 2019 National Survey on Drug Use and Health*, at 24, available at <https://www.samhsa.gov/data/sites/default/files/reports/rpt29393/2019NSDUHFFR1P1DFWHTML/2019NSDUHFFR1P1DFW090120.pdf> (last visited Jan. 25, 2024).

15 Lacey Keller Decl. & Rpt., Table 5.

16 *Id.*

17 Brandon Marshall Decl. & Rpt., page 8.

18 *Id.*

19 See *supra* n. iii.

20 In Rhode Island, overdose deaths involving opioids have steadily increased in recent years, even while other states saw a decrease. *AMERICAN JOURNAL OF MANAGED CARE*, 5 Updates on Trends in Drug Overdose Deaths in the United States, <https://www.ajmc.com/view/5-updates-on-trends-in-drug-overdose-death-in-the-united-states> ("But while the nation as a whole is headed toward a drop in overdose deaths, not all states are seeing

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decreases. Missouri and Rhode Island experienced the biggest increases in overdose deaths between the 12-month period ending December 2017 and the 12-month period ending December 2018 (16.3% and 16.7% respectively”) (last accessed Jan. 25, 2024). In 2021, the State recorded its highest amount of opioid overdose deaths since the records have been kept; 434 people tragically lost their lives from an opioid overdose. See Rhode Island Department of Health: Drug Overdose Surveillance Data Hub, <https://ridoh-drug-overdose-surveillance-fatalities-rihealth.hub.arcgis.com/> (last accessed Jan. 25, 2024). See also, U.S. NEWS, *Rhode Island Sees Spike of Overdose Deaths in 2020*, <https://www.usnews.com/news/beststates/rhode-island/articles/2021-04-14/rhode-island-seeks-spike-of-drug-overdose-deaths-in-2020> (Apr. 14, 2021) (last accessed Apr. 22, 2022) (noting that it was the highest since records have been kept and a 25% increase from 2019); see also, BOSTON GLOBE, *Another Pandemic Fallout Deaths from Accidental Drug Overdoses are Soaring in Rhode Island* <https://www.bostonglobe.com/2020/08/05/metro/another-pandemic-fallout-deaths-accidental-drug-overdoses-are-soaring-rhode-island/> (August 5, 2020) (last accessed Apr. 22, 2022).

21 See Rhode Island Department of Health: Drug Overdose Surveillance Data Hub, <https://ridoh-drug-overdose-surveillance-fatalities-rihealth.hub.arcgis.com/> (last accessed Jan. 25, 2024).

22 Rudd RA, Seth P, David F, Scholl L., *Increases in Drug and Opioid-Involved Overdose Deaths—United States, 2010-2015*, MMWR MORB MORTAL WKLY REP 2016;65:1445-1452, available at <https://www.cdc.gov/mmwr/volumes/65/hw/mm655051e1.htm> (last visited Jan. 25, 2024).

23 See CDC, *Age-Adjusted Rate of Overdose Deaths by State—2010 and 2016*, available at [https://www.cdc.gov/drugoverdose/images/data/2010\\_2016DrugOverdose-Deaths-Graphic.JPG](https://www.cdc.gov/drugoverdose/images/data/2010_2016DrugOverdose-Deaths-Graphic.JPG) (last visited Jan. 25, 2024).

24 See Prevent Overdose RI, *Naloxone Data*, available at <https://preventoverdose.org/naloxone-data/> (last visited Jan. 25, 2024).

25 See *id.*

26 See *id.*

27 See, e.g., Rhode Island Governor’s Overdose Prevention and Intervention Task Force, *Rhode Island’s Strategic Plan on Addiction and Overdose: Four Strategies to Alter the Course of an Epidemic*, at 3, (“This recent increase [in opioid dependence and accidental drug overdose] is directly related to a dramatic increase in the amount of opioids prescribed.”), available at <https://health.ri.gov/news/temp/RhodeIslandsStrategicPlanOnAddictionAndOverdose.pdf> (“Addiction and overdose are claiming lives, destroying families, and undermining the quality of life across Rhode Island.”) (last visited Jan. 25, 2024). Governor Raimondo’s August 4, 2015 Executive Order 15-14, available at [https://governor.ri.gov/sites/g/files/xkqgbur236/files/2021-06/ExecOrder%2015-14\\_08042015.pdf](https://governor.ri.gov/sites/g/files/xkqgbur236/files/2021-06/ExecOrder%2015-14_08042015.pdf) (declaring that “Rhode Island is in the midst of a public health crisis due to the alarming rates of deaths caused by opioid drug overdose,” and that “the impacts to addicts, families, friends, and communities must drive us to do all we can to help Rhode Islanders lead healthy, successful, productive lives...”)) (last visited Jan. 25, 2024).

28 See, e.g., *Third Am. Compl.* §§ 15, 17, 22, 231-237, 270-274, 277, 303-331.

29 See, e.g., *Second Am. Compl.* §§ 348-432 (asserting claims for negligence, negligent misrepresentation, unjust enrichment, public nuisance, and punitive damages).

30 See, e.g., *Third Am. Compl.* §§ 200-237.

31 See *State v. Purdue Pharma, L.P., et al.*, 2019 R.I. Super LEXIS 95 (R.I. Super. Ct. Aug. 16, 2019).

32 See *id.* at \*22-23.

33 See *id.* at \*25-28.

34 *Id.* at \*27.

35 See *id.* at \*25-28.

36 See *id.*

37 *Id.* at 30.

38 *Id.* at 29.

39 *Id.* at 29-30.

40 See *State v. Purdue Pharma L.P.*, No. PC-2018-4555, 2022 R.I. Super. LEXIS 14 at \*73 (Super. Ct. Feb. 18, 2022).

41 *Id.* at \*73-74.

42 *Id.* at \*74.

43 *Id.*

44 *Distributor /Rhode Island Statewide Opioid Settlement Agreement* (“Distributor Settlement”).

45 *Id.*

46 *Teva/Rhode Island Statewide Opioid Settlement Agreement* (“Teva Settlement”); *Consent Judgment and Stipulation of Dismissal with Prejudice* (“Teva Consent Judgement”).

47 “Naloxone is a medicine that rapidly reverses an opioid overdose.” Na-



tional Institute on Drug Abuse, Naloxone Drug Facts, <https://nida.nih.gov/publications/drugfacts/naloxone> (last visited Jan. 25, 2024). The 48-hour reporting data indicates that Naloxone has saved thousands of lives in Rhode Island from 2016-2020. See *Prevent Overdose RI, Naloxone Data*, available at <https://preventoverdoseri.org/naloxonedata/?msclkid=94b75b15b1ca11ec9309e0337705d39e> (last visited Apr. 22, 2022). In 2021, Rhode Island was reported to have a shortage of Naloxone (also known as Narcan). See e.g., Providence Journal, *Facing a Narcan shortage, RI advocates call on State to step in* (Aug. 31, 2021), available at <https://www.providencejournal.com/story/news/courts/2021/08/31/advocates-hold-die-in-highlight-need-state-funding-narcan/5662386001/> (last visited Jan. 25, 2024).  
 48 *Teva/Rhode Island Statewide Opioid Settlement Agreement* (“Teva Settlement”); *Consent Judgment and Stipulation of Dismissal with Prejudice* (“Teva Consent Judgement”).  
 49 *See Teva Settlement at Ex. G.*  
 50 *Id.* ◇

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# Rhode Island's Economic Opportunity to Act on Climate



Seth Handy, Esq.  
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**“Since 2015, Rhode Island has been poised to unleash a transformative strategy for cost savings and economic development from our energy sector.”**

My article called *The RI Constitution on Economic Stewardship* was published here in 2013.<sup>1</sup> It encouraged Rhode Island leaders to seize the opportunity of economic stewardship as embodied in our state constitutional right to use and enjoy Rhode Island's rich natural resources and the responsibility to preserve their values.<sup>2</sup> Article 1, section 17 grants that Rhode Island citizens: shall be secure in their rights to the use and enjoyment of the natural resources of the state with due regard for the preservation of their values; and it shall be the duty of the general assembly to provide for the conservation of the air, land, water, plant, animal, mineral and other natural resources of the state, and to adopt all means necessary and proper by law to protect the natural environment of the people of the state by providing adequate resource planning for the control and regulation of the use of the natural resources of the state and for the preservation, regeneration and restoration of the natural environment of the state.<sup>3</sup>

Our Courts have held that Article 1, section 17 is “carried into effect by legislative regulation, such regulation having for its object to secure to the whole people the benefit of the constitutional declaration, and being necessary for that purpose.”<sup>4</sup> Many energy laws were built on the foundational intent of improving environmental quality while enhancing the local economy.<sup>5</sup> Our courts have long understood and applied the need to balance private economic interests against our constitutional rights and economic opportunity to preserve and protect our rich natural resources for public use.<sup>6</sup> The general assembly's recent Act on Climate takes our opportunity of economic stewardship to a new peak.<sup>7</sup>

The Act on Climate irreversibly commits Rhode Island to plan and execute a future economy that eliminates greenhouse gas-causing emissions. It commits us to bring those emissions down to 45 percent below 1990 levels by 2030, 80 percent below 1990 levels by 2040, and to net-zero emissions by 2050.<sup>8</sup> It mandates that state agencies must conform their mission, duties, responsibilities, projects, and programs to the goals of climate change mitigation, adaptation and resilience.<sup>9</sup> There is no longer a question of science or resolve;

now it is only about how and how quickly Rhode Island will execute. That game-changing commitment sends an economic signal that transforms and activates each economic sector of a new Rhode Island economy.

This article focuses on the energy sector. There are three elements to the Act on Climate's mandated reengineering of Rhode Island's energy sector: transportation, thermal energy (heating and cooling), and electricity. I will leave all the economic opportunities to transform our transportation sector (e.g., electrification, mobility, rail, water transport) to another article. Our firm does more work in the thermal and electric sectors.

Long ago, our state ceded to our utilities monopoly control of our electric and thermal systems through legislative charters that gave them the exclusive right to design, build, and operate those systems in the public interest.<sup>10</sup> Until 1996, the monopoly franchises included not only the operation and management of the systems themselves but also gave the utilities exclusive control over the supply of electricity and thermal energy.

There has long been tension between the private profit motive and the public interest in the efficient and cost-effective management of our electric and gas systems and supply. In 1996, our legislature took control of electrical supply away from Narragansett Electric, resolving that a competitive supply market would reduce costs and help bring us clean, local electricity.<sup>11</sup> Even thereafter, the same utility that administers our electric supply options continues to exercise monopoly control over the system designed to move electricity.<sup>12</sup> Rhode Island's “Transforming the Power Sector” report found that our electric utility grows its business and its shareholder earnings by investing in capital projects to move our supply of electricity. “The utility neither benefits nor is penalized from increasing electricity supply costs that customers pay.”<sup>13</sup> While many industries have become more efficient over the last few

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decades, nearly half of the utility's capital investment in capacity to serve our peak demand for electricity is not utilized most of the time.<sup>14</sup> That is an avoidable cost. Now, the Act on Climate requires Rhode Island to prefer our own local sources of clean electricity. It forces our regulated monopoly utility to realize all the benefits (and avoided costs) of local supply. This new commitment drives new economic opportunities for Rhode Island's producers of local, clean power. It also promises to reduce electric rates by driving down the expense of peak electric production and avoiding inefficient investments to move electricity long distances across our electrical system.

On thermal energy, the PUC is overseeing a study of the "future of gas" in docket 22-01-NG.<sup>15</sup> The PUC recognizes that such a future must meet the mandates of the Act on Climate. The question is how and how quickly Rhode Island can transition away from natural gas as our dominant heating fuel. Massachusetts is on a parallel track and recently published its resolution.<sup>16</sup>

The Massachusetts Department of Public Utilities said it will use a new lens to look at gas infrastructure investments moving forward: "In this 'beyond gas' future, we will be exploring and implementing policies that are geared toward minimizing additional investment in pipeline and distribution mains and achieving decarbonization in the residential, commercial, and industrial sectors."<sup>17</sup> The DPU concludes that non-gas pipeline alternatives, including electrification, thermal networked systems, targeted energy efficiency and demand response, and behavior change and market transformation, are needed to minimize over-investment in the gas pipeline system that is likely to become stranded cost as decarbonization measures are implemented.<sup>18</sup> Massachusetts directs its utilities to focus on four new and transformative technologies: (1) networked geothermal (systems using the earth's core temperature); (2) targeted electrification (targeted to replace leaking gas lines); (3) hybrid heating systems; and (4) renewable hydrogen. The MA DPU agreed with the Attorney General that the gas distribution companies "should not be permitted to include in rates any costs associated with marketing geared toward the promotion or expansion of gas service."<sup>19</sup> The resolve to move on to new heating systems drives giant new economies while ensuring that we are no longer led to overinvest in tired and dirty business as usual. A similar resolution is likely to flow from Rhode Island's future of gas docket.

Back in 2015, our energy utility (then National Grid) joined the Rhode Island Office of Energy Resources, the Rhode Island Public Utilities Commission, our Division of Public Utilities and Carriers, and many other advocates and stakeholders, working with a consultant on the development of our state energy plan, Energy 2035.<sup>20</sup> After much research and technical analysis, the plan concluded that:

Rhode Island cannot afford a business-as-usual course of action that increases energy security risks to the state, costs more than viable alternative paths, and fails to meet our obligation to mitigate the worst consequences of global climate change. Because the impact of long term planning and investment choices will reverberate for decades to come, we must be especially prudent and strategic as we address the weighty energy policy decisions that face us today.<sup>21</sup>

Yet, since Energy 2035 became Rhode Island's plan in 2015, the status quo has remained stubbornly intransigent in our energy

sector. The Energy Plan's "cost effectiveness" analysis concluded that:

According to the Plan analysis, aggregate capital investments of between \$6.8 billion and \$7.3 billion in the efficiency, electric, thermal, and transportation sectors could generate between \$8.8 billion and \$14.5 billion in power and fuel expenditures in net present value terms over the life of the Energy 2035 planning horizon (Figure 30). Total net present value benefits range from \$1.6 billion to \$7.7 billion, depending on the scenario. This suggests that taking ambitious action to improve Rhode Island's energy security, cost effectiveness, and sustainability of its energy system is a good investment decision and a powerful economic strategy for generating long-term growth.<sup>22</sup>

Since 2015, Rhode Island has been poised to unleash a transformative strategy for cost savings and economic development from our energy sector. Now the Act on Climate mandates that we act on that plan.

Of course, not all will see this as an economic opportunity. Those reliant on the existing economics of centralized and transmitted/distributed energy production issued a report titled "Disruptive Challenges," in which they warned that the dramatic decline in the cost of solar panels posed an existential threat to their business model, and urged them to act quickly if they wanted "to survive and to protect investors from a 'Kodak moment.'" The "Kodak moment"<sup>23</sup> was not good for Kodak, no matter how beneficial it may have been to photography and society. Our energy monopolies can be expected to drag their (and our) feet until their regulators order change. It is time to acknowledge evolution and account for its impacts if/as appropriate. More importantly, some customers may have difficulty adapting their operations to this energy transformation. These interests are represented in agency deliberations, including the RI PUC's future of gas docket. Some are ahead of this curve, already reaping the benefits of their adaptation in lower energy costs and better energy security. Experts and regulators can and will help plan for those that are lagging, making strategic moves to ease the necessary transition.<sup>24</sup> Such concession may include district-wide energy planning and temporary reliance on delivered fuels to enable discontinuance of society's investment in maintaining and upgrading the leaks and shortcomings of our gas pipeline system.<sup>25</sup>

The general assembly has activated Rhode Island's constitutional right to a clean environment. With proper administration, we will now enter a new era of environmental and economic stewardship and a transformative, clean economy.

#### ENDNOTES

1 R.I. Bar Journal, Vol. 62, No. 3 at p. 25 (Nov/Dec 2013) (see [https://www.ribar.com/UserFiles/Nov-Dec\\_2013%20Jrnl.pdf](https://www.ribar.com/UserFiles/Nov-Dec_2013%20Jrnl.pdf)).

2 *Id.* citing R.I. Const., Art. 1, § 17.

3 *Id.*

4 *Id.* citing *Windsor et al. v. Coggeshall*, 169 A. 326, 327 (R.I. 1933) citing *State v. Cozzens*, 2 R. I. 561 (R.I. 1850).

5 *Id.* citing R.I. R.I. Gen. Laws §§ 42-140-3(1) (Office of Energy Resources to provide energy resources that enhance economic well-being, social equity, and environmental quality); 39-26-3 (renewable energy standard passed in part to create jobs in the renewable energy sector); 42-140.3-2(2) (renewable energy coordinating board formed to reduce environmental impact of energy use while creating new businesses, jobs and economic growth).

6 *Id.* citing *Riley v. RI Dept. of Env. Mngmnt.*, 941 A.2d 198, 206 (R.I. 2008) (no fundamental right to fish without licensing restrictions);

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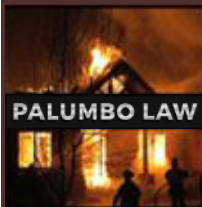


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*Cherenzia v. Lynch*, 847 A.2d 818, 823-24 (R.I. 2004) (no fundamental right to gather shellfish in particular waters by particular method without restrictions intended to benefit the greater public right).

7 R.I. Gen. Laws § 42-6.2-1 et seq.

8 R.I. Gen. Laws § 42-6.2-9.

9 R.I. Gen. Laws § 42-6.2-8.

10 An Act to Incorporate the Narragansett Electric Lighting Company (May 29, 1884); See 1956 Amendment, S. 400; 1964 Amendment, S. 607; 1976 Amendment, S. 2806; R.I. GEN. LAWS §§ 39-1-27.3; 39-3-26.

[Section 39-3-26 is the authority under which Narragansett Electric also took over operation of the gas business per its monopoly charter – see pgs. 8-9 here – <https://ripuc.ri.gov/sites/g/files/xkqbur841/files/eventsactions/docket/D-06-13-NGrid-Petition%283-16-06%29.pdf>. As it is now, the cites could be read to exclude the gas business.]

11 R.I. Gen. Laws § 39-1-27.3

12 Transforming the Power Sector Phase 1 Report (Nov. 2017) – [https://ripuc.ri.gov/sites/g/files/xkqbur841/files/utilityinfo/electric/PST-Report\\_Nov\\_8.pdf](https://ripuc.ri.gov/sites/g/files/xkqbur841/files/utilityinfo/electric/PST-Report_Nov_8.pdf), at pp. 13-16.

13 *Id.* at p. 18.

14 *Id.* at pp. 13-14.

15 R.I.P.U.C. Docket No. 22-01-NG, Investigation Into the Future of the Regulated Gas Distribution Business in Rhode Island in Light of the Act on Climate (6/9/22) (see <https://ripuc.ri.gov/Docket-22-01-NG>).

16 MA Dept. of Public Utilities, D.P.U. 20-80-B, Investigation by the Department of Public Utilities on its own Motion into the role of gas local distribution companies as the Commonwealth achieves its target 2050 climate goals (December 6, 2023), at pp. 1-2.

17 *Id.* at p. 14.

18 *Id.* at p. 3.

19 *Id.* at p. 54.

20 Energy 2035, Rhode Island Energy Plan (Oct. 8, 2015) (see <https://planning.ri.gov/sites/g/files/xkqbur826/files/documents/LU/energy/energy15.pdf>) at pp. iv – vii.

21 *Id.* at p. 4.

22 *Id.* at p. 47.

23 Peter Kind, Disruptive Challenges: Financial Implications and Strategic Responses to a Changing Retail Electric Business, *Edison Electric Institute* (2013), <https://www.ourenergypolicy.org/wp-content/uploads/2013/09/disruptivechallenges-1.pdf>, at pp. 6, 16.

24 See e.g., *supra* note 16.

25 *Id.* at p. 55. ◇

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## Rhode Island Women Lawyers: Past, Present, & Future

This series was inspired by Roger Williams University School of Law's annual *Women in Robes* event and was created in alliance with their exciting new project, *The First Women*, which recognizes and honors the first women of the Rhode Island Bar.



**Christine J. Engustian, Esq.**

Not every attorney can say they once inhabited Ada Sawyer's former office, but this is just one of the many things that makes Christine Engustian stand out as a member of the Rhode Island Bar. After graduating from The College of the Holy Cross and Boston University School of Law, Christine embarked on a career in land use law, a path that began at the long-established firm of Gardner, Sawyer, Gates & Sloan, where she had clerked the summer before—and to her new corner office in the Turks Head Building. There, within the same four walls where Rhode Island's first female attorney developed her historic legal practice, Christine began her very own career.

Christine decided on her chosen branch of law while she was still a student. Inspired by her first-year property professor—also a Rhode Islander—she realized she had a passion for the subject. After taking a zoning law class the following year, she was hooked. While many people often take it for granted, she explained that she finds it “fascinating to see how cities are built.” As the daughter of a civil engineer, Christine had been exposed to the more scientific side of the process while growing up; as an attorney,

she found herself enmeshed in the complex web of legal principles, statutes, regulations, and common law doctrines that govern land use decisions—and loved it.

However, before she became one of the most preeminent land use attorneys in the state, Christine needed a place to work during her 2L summer. Without the aid of online databases and Google, Christine had to search the old-fashioned way: by using the telephone! She called many persons and places, including the Rhode Island Builders Association, and asked who the best zoning or land use attorneys were in the state. “One name kept popping up,” she recalled, “and that name was James Sloan.” When she first called Mr. Sloan's office, Christine had no idea she was about to meet her future mentor, boss, and lifelong friend. But she landed the summer position and, before she returned to her last year of law school, was offered a permanent spot at the firm after she graduated.

Law school graduation was in 1984. Although the legal field—and land use law in particular—was still dominated by men, Christine realized she had landed in a very special firm. Gardner Sawyer was proud of its important place in Rhode Island's history, and its attorneys consistently gave Christine—the first woman attorney to work at the firm since Ada became an attorney—all the support she needed to pursue her interests and succeed. This was particularly true of Mr. Sloan, who was then the general counsel to the Rhode Island Builders Association. Mr. Sloan—who taught her to value the “quality of one's work over billable hours”—continued to teach her about land use and development law when she was a young associate. Christine found the range of cases the firm handled, including those involving building moratoria, inverse condemnation, eminent domain, impact fees, zoning variances, and all aspects of major developments and governmental permitting, when representing some of the largest developers in the state to be very interesting. After first assisting him with this work, Christine soon became a powerhouse land use attorney in her own right, and ultimately she



**Angela Yingling, Esq.**  
RI Assistant Public Defender



**Jennifer L. Sylvia, Esq.**  
Moses Ryan Ltd.

took over the role of the Rhode Island Builders Association's General Counsel in 2012 and has continued in that position while meeting the demands of her private practice.

She described her coworkers at Gardner, Sawyer, Gates & Sloan as incredibly “ethical and supportive,” and recalled that they always gave her credit for her own work, whether on papers submitted to court as early as when she was a summer associate or whether verbally to a client and other professionals. While most of her clients in the land development field were male, she recalls that they treated her with respect. There was one time, she remembered, when a client balked upon learning that her (yes, her) case was being assigned to a female attorney. Mr. Sloan would have none of it, Christine remembered; he told the client that if she did not want Christine as an attorney, then the firm would not take her case—and it didn't.

Although land use and development law has always been and has remained the primary focus of her practice and the one in which she is most interested and in which her deepest experience lies, Christine did not confine herself to only one area of practice. Indeed, under the tutelage of one of the firm's other partners, who was a former probate judge, she was exposed to and developed an interest in another area of law: probate. Robert Gates, whose practice was heavily focused on probate cases, showed her the ropes, and she discovered she really enjoyed the work.

Christine left the firm in 1989 when she moved to New York, but returned a year later and rejoined Gardner Sawyer—this time as a partner. Four years later, she struck out on her own, although she kept in close contact with her mentors and coworkers from the firm. She recalls, as a new sole practitioner with limited resources (and with the internet not available at that time), how grateful she was that the library at Roger Williams University Law School, which was also in its infancy, was a short drive away. It granted access to all Rhode Island attorneys and remained open in the evenings and weekends when the state law library, housed in the Licht Judicial Complex,

was closed. She remembers meeting many law students during those early years of her sole practice who later joined her as practicing RI attorneys and whom she is always happy to see, reminding her of that unique time in her career.

While she further developed her land use and probate practice over the ensuing decades, she also dedicated substantial time to the Bar Association's Volunteer Lawyers Program (VLP), where she assisted—and still assists—clients with probate and family law matters. Christine wanted to join the VLP as soon as she learned of the opportunity in 1986 but wondered whether the partners would allow her to spend any time on pro bono cases rather than on the firm's cases. She remembers the conversation she had with Mr. Sloan, who not only immediately granted his consent but also encouraged her to join, telling her that she should pursue the things that bring her joy. In time, she became a regular on the pro bono list of attorneys, mostly handling family court and eviction matters at the start of her volunteer lawyering. She became versed in the nuances of the Family Court, where she represented clients in various domestic proceedings. Christine recalled one case where she donated over 100 hours of time to her client, who successfully opposed, after an evidentiary hearing and memoranda of law, grandparents who were fighting for visitation rights.

It is not easy, especially as a sole practitioner, to dedicate so much of one's practice to pro bono clients, but Christine's faith in God has motivated her to dedicate an incredible amount of her time to this work. She has been blessed, she acknowledges, and such blessings have inspired her to share her legal skills with others. Although she has had to step back from some of her volunteer commitments in recent years, Christine continues to assist individuals who cannot afford representation. These days, many of her pro bono cases are assigned through the probate courts, where she continues to lend her expertise to those who need it the most. Christine also chairs the Public Service Involvement Committee of the RI Bar Association, which she has done for many years. As the chairperson, she seeks to motivate other attorneys to donate their legal expertise to these important clients and matters. In addition, she sits on the House of Delegates, where she is found reminding attorneys of our Rules of Professional Conduct, which state every lawyer has a professional responsibility to provide legal services to those who cannot afford to pay, and every lawyer should aspire to provide at least 50 hours of pro bono legal services every year.

Christine's multi-faceted practice does not end there, however. Not only does she represent clients in probate matters, but she has also presided over these cases as the probate judge in the towns of Richmond and East Providence. Appointed the first female judge in East Providence in 1999 as deputy probate judge, Christine has served several terms in both towns over the years as she also keeps up with a bustling practice. She is currently the

probate judge for the Town of Richmond and the deputy probate judge for the City of East Providence.

Being a solo practitioner has its advantages, she explained—being in charge allowed her to spread her wings and expand her practice in innovative ways—but she misses the collaboration that comes with being a part of a motivated team. She recalled that when she first went solo, she sorely missed the daily camaraderie of her partners and the enthusiasm for the practice of law that their physical presence generated. As there was no social media or text messages—even email was not in general use—she found it became incumbent upon her to pick up the phone and connect with people. She offers the same advice to new lawyers: although the methods of communication have only multiplied since the mid-1990s, simple human interaction is as important as ever. Reach out to people, she advises, and also do not be afraid to seek out mentorship. Indeed, Christine knows she would not be where she is today if she had not placed that first phone call to Mr. Sloan, looking for a summer job all those years ago. She notes that, with organizations like the Women's Bar Association, it is much easier these days for new lawyers to meet people outside of their immediate circle. So, she encourages those lawyers to take advantage of such opportunities—and more experienced attorneys as well, she hastens to add.

And Christine practices what she preaches: her thousands of volunteer hours and willingness to share her expertise with newer attorneys (she is also a mentor attorney in the inaugural Leadership Academy of the Bar Association) are a testament to that. Although Christine may no longer practice out of Ada Sawyer's old office, it is clear that she still shares the trailblazing spirit of Rhode Island's first female attorney—and her dedication to a more just and equitable world. ♦

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## HONOR ROLL

# Volunteers Serving Rhode Islanders' Legal Needs

The Rhode Island Bar Association applauds the following attorneys for their outstanding pro bono service through the Bar's Volunteer Lawyer Program, Elderly Pro Bono Program, the VLP Mentor Program, the US Armed Forces Legal Services Project, and Legal Clinics during December 2023 and January 2024.

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Dadriana A. Lepore, Esq., *Coia & Lepore, Ltd.*  
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Sean M. Parker, Esq., *East Greenwich*  
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Paul E. Pontarelli, Esq., *East Greenwich*  
Stephen M. Robinson, Esq., *Robinson & Clapham*  
Ellen M. Saideman, Esq., *Barrington*  
John S. Simonian, Esq., *Pawtucket*  
Amanda M. Wuoti, Esq., *Gardner, MA*

#### Elderly Pro Bono Program

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Kathleen G. Di Muro, Esq., *Law Office of Kathleen G. Di Muro*  
Michael J. Furtado, Esq., *Attorney Michael J. Furtado*  
David L. Graham, Esq., *Lincoln*  
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Robert H. Larder, Esq., *Woonsocket*  
Zachary K. Lyons, Esq., *Barton Gilman LLP*  
Charles A. Pisaturo Jr., Esq., *Providence*  
John S. Simonian, Esq., *Pawtucket*  
Sarajane S.M. Whitfield, Esq., *Newport*

#### US Armed Forces Legal Services Project

Michael J. Murray, Esq., *Parnagian & Marinelli, P.C.*

#### VLP Mentor Program

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Jack D. Pitts, Esq., *Pitts & Burns*

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### JANUARY 2024

#### Volunteer Lawyer Program

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Robert J. Burke, Esq., *Central Falls*  
Michael A. Castner, Esq., *Jamestown*  
Richard P. D'Addario, Esq., *The Law Offices of D'Addario & Collins*  
Brian G. Goldstein, Esq., *Law Offices of Brian G. Goldstein*  
Edward J. Gomes, Esq., *Law Office of Edward J. Gomes*  
James J. Lombardi, Esq., *Cranston*  
Laurie A. Meier, Esq., *Providence*  
Eileen C. O'Shaughnessy, Esq., *Stewart Title Guaranty Company*  
Richard A. Pacia, Esq., *Pacia & Pacia, LLP*  
Timothy J. Robenhymer, Esq., *Warwick*  
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Amanda M. Wuoti, Esq., *Gardner, MA*

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Robert H. Larder, Esq., *Woonsocket*  
John T. Longo, Esq., *North Providence*  
Rick J. A. Pacia, Esq., *Pacia & Pacia, LLP*  
John S. Simonian, Esq., *Pawtucket*  
Suzannah Skolnik, Esq., *City of Providence Solicitor's Office*  
Collin Alan Weiss, Esq., *Hinckley Allen*

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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](mailto: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](http://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.



## INVITATION TO EXHIBIT

### Rhode Island Bar Association Annual Meeting June 13 & 14, 2024

Where can you get a two-day exhibitor space at an event attended by over 1,200 attorneys and judges? At the **Rhode Island Bar Association Annual Meeting on Thursday and Friday, June 13 and 14, 2024** at the Rhode Island Convention Center in Providence, that's where. As the Bar's largest event, the Meeting provides an opportunity for our members to learn about practice-related products and services, socialize with their colleagues, and fulfill their Continuing Legal Education (CLE) requirements. Since exhibit requests have traditionally exceeded the supply of available exhibit spaces, we encourage you to apply today for yours!

Exhibitor space is available in the comfortable and high-visibility pre-function area located immediately in front of, and surrounding, the entrances to all Annual Meeting seminar rooms. Serving as the site for all meeting food and beverage breaks, these are excellent locations for attracting attendee attention. **Once again we are offering two levels of sponsorship!** The Sponsor level priced at \$1,500 and the Exhibitor level priced at \$1,200. Each level includes an exhibit space consisting of a draped six-foot table and two chairs, and exciting benefits that you don't want to pass up! This year, alongside our

standard sponsorship tiers, we're introducing an exclusive opportunity for those who register for one of our tiered packages. You'll now have the chance to expand your reach by securing additional sponsorship opportunities, including the meeting Wi-Fi, breaks, breakfasts, and lunches.

Exhibit space is limited, and previous exhibitors receive location preference, but there are still some spaces available. Please note that sending in an application does not guarantee a space, as exhibit spaces are assigned based on availability and product and service mix. **Completed Exhibit Space Application Contracts are due no later than March 22, 2024.** Exhibit space assignment and confirmation occurs by April 5, 2024. Payment is due on or before confirmation.

To receive 2024 Annual Meeting Exhibitor Application Forms, and to see the exciting benefits, which promise ample visibility to our program attendees, fostering real connections with future clients, please contact the Bar's Membership Services Coordinator NaKeisha Little at [nlittle@ribar.com](mailto:nlittle@ribar.com).



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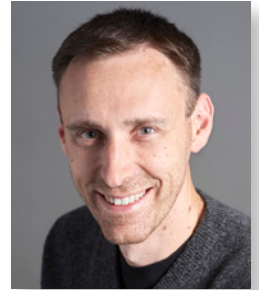
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**TECH TIPS** Brought to you by the RI Bar Association's Technology in the Practice Committee, this new feature will provide members with practical insights and informed advice, ensuring you stay ahead in the ever-evolving legal tech landscape.

## Profits Soaring, Workloads Shrinking? A Practitioner's Guide to Differentiating Between the AI-Hype and AI-Reality

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



It seems that every AI-powered tool promises to catapult your profits to the moon while simultaneously shrinking your workload and making you a star in the eyes of every client. Ads coax you to picture AI devouring legal libraries, surfacing relevant precedents in a flash, and drafting entire sections of your brief with nothing more than a prompt and an open credit card tab. Is this a dream come true, or are we turning over our profession to silicon swindlers? Let's peel back the layers and examine the potential, pitfalls, and practicalities of this AI revolution from a solo and small firm practice management perspective.

The landscape of AI tools grows by the day.<sup>1</sup> Some specialist tools are trained to handle one small task exceptionally well;<sup>2</sup> while others advertise that they can generate virtually any type of content you want to create.<sup>3</sup> As of today, dozens of bespoke tools tailored to the legal profession are available, with many more in the works. These tools can be broadly grouped into three focus areas (though many are multifaceted): research, writing, and review.

### Research

AI legal research tools aim to surface the most relevant, hallucination-free<sup>4</sup> case law for a given set of facts. Tools like Casetext,<sup>5</sup> Lexis+ AI,<sup>6</sup> and Westlaw Precision<sup>7</sup> advertise reduced research time, automated cite extraction, and identification of better law by simply uploading a pleading, brief, or client intake document.

As tempting as it may be to imagine an AI tool that can do all your legal research for you, the reality is that these tools are still in their infancy and have biases and peculiarities. In certain scenarios, they can save you time and effort or help you find obscure precedent for your tangential argument. But they are far from a magic box producing perfectly on-point precedent with every click. These tools currently miss crucial cases and misinterpret facts regularly. While some of these tools are specifically designed to not invent their own case law,<sup>8</sup> they still produce irrelevant case law that must be sifted through. Results improve when you master the intricacies of prompt generation, but not dramatically more than when mastering terms and connectors queries. Additionally, these tools are not a replacement for legal analysis. They may surface relevant cases, but they lack understanding of the nuances of a case dicta and legal reasoning.

At the end of the day, having to learn a new language to tease out the best case law may feel like expending the same amount of effort as doing it the old-fashioned way. Your results may vary, but when evaluating these tools, try to negotiate for long trial periods and extensively test these tools on real use cases before committing to any long-term contracts. If you aren't saving time that you feel justifies the cost of the tool by the end of your trial period, chances are you never will.

### Writing

The promise of AI-powered writing tools outside of the law is already widely realized. Generic tools like Grammarly,<sup>9</sup> Hemingway,<sup>10</sup> and Quill<sup>11</sup>

can proofread your documents, ensure your writing is clear and concise, and even provide suggestions to enhance the tone or style of your writing. Within law, new tools like Spellbook,<sup>12</sup> LawSage,<sup>13</sup> ContractIQ,<sup>14</sup> and Solve Intelligence<sup>15</sup> are now trained to write first drafts of legal documents such as contracts, demand letters, deposition summaries, and even patents from a chat-style interface.

What these tools all lack is the creative thinking, legal analysis, and persuasive writing skills that you spent years of your life and a small fortune learning. AI-generated responses, while dramatically improving, still often sound robotic.<sup>16</sup> If you struggle with writing, these tools can help polish your work to reduce passive voice and can serve as a second set of eyes for flow and consistency, but they won't turn a D-level effort into a Pulitzer-worthy brief, and they certainly won't create such a brief from scratch. The quality of your output will still depend on your own skills and expertise as both the project initiator and the hands-on editor.

When considering tools to make your legal writing more efficient or effective, also consider non-AI tools such as clause libraries and templates. Tools like Clausebase,<sup>17</sup> Woodpecker,<sup>18</sup> and Law Insider<sup>19</sup> give you access to in-house-developed or broadly sourced contract clauses that can be quickly dropped into a document. The benefits to your practice from the latest AI tool may be met almost entirely by a budget-friendly, time-tested tool already in your arsenal.

### Review

Some of the largest investments in AI for the legal industry are being applied to legal review and organization tools. For example, Kira Systems,<sup>20</sup> with its AI-powered contract review, boasts a 40% reduction in contract review time (versus manual efforts) on a 2000-contract ingestion project, with a 90% delivered accuracy rate.<sup>21</sup> Other tools such as goHeather,<sup>22</sup> Legal Robot,<sup>23</sup> and Legalese Decoder<sup>24</sup> are designed to read and decode legal documents into plain-language, conversational chatbots.

But be careful not to confuse increased AI workloads with increased profits. If you are hoping for a tool that can take your volumes of unstructured files and turn them into actionable data while you sip your morning latte, you have taken in too much of the marketing buzz. To get the most out of some of these tools, you likely would need to hire a data scientist, expand your IT infrastructure, deeply invest in your cybersecurity, and learn an entirely new language of prompt engineering. Even simple tools require a fair bit of investment in training and experimentation to get the desired results.

AI review and organization tools are best understood as force multipliers. They are best for strong teams needing strong tools to achieve big

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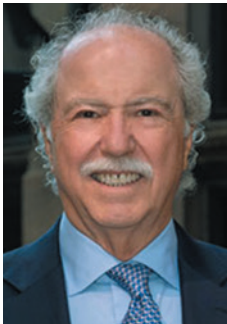
results. If this description doesn't describe your practice or your goals (do you currently have a 2000-contract project?), then carefully consider your ROI before signing up.

**Ethical Considerations**

No AI conversation would be complete without at least a quick mention of the ethical concerns around integrating AI into any part of a law firm. Most AI tools are built using copyrighted materials with questionable legal authority.<sup>25</sup> Tool developers must constantly feed the model's insatiable appetite for structured data, and many store and retain any information you input.<sup>26</sup>

If you are considering embracing the AI revolution within your practice, it is imperative to read past the hype and understand the true benefit of adding each tool to your practice and the true risk to your license at every step.

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**ENDNOTES**

- <sup>1</sup> Online directories like Futurepedia have cataloged over 5500 tools, many have started within the past 18 months. See <https://www.futurepedia.io/>
- <sup>2</sup> For example, <https://hebrewbible.app/> offers a virtual chat bot, Rabbi Ari, to discuss Judaism.
- <sup>3</sup> See, e.g., <https://www.leewayhertz.com/generative-ai-use-cases-and-applications/>
- <sup>4</sup> While the stories of attorneys getting in trouble for ChatGPT created case law continue to spark the news, tools like Lexis+ AI advertise "Hallucination Safeguards" which pull case law only from their trusted database. See <https://law.lexisnexis.com/Lexis-Plus-AI-Launch-PPC-Google-Branded>.
- <sup>5</sup> <https://casetext.com/>
- <sup>6</sup> <https://law.lexisnexis.com/Lexis-Plus-AI-Launch-PPC-Google-Branded>.
- <sup>7</sup> <https://legal.thomsonreuters.com/en/c/westlaw/westlaw-precision-generative-ai>.
- <sup>8</sup> Hallucination is a real problem for tools that are not designed specifically for the legal profession. Because generative AI models are merely predicting the next word or phrase in a response, there is no effort on its part to see if the case it just cited actually exists. See, e.g. <https://www.reuters.com/legal/ex-trump-fixer-michael-cohen-says-ai-created-fake-cases-court-filing-2023-12-29/>
- <sup>9</sup> <https://www.grammarly.com/>
- <sup>10</sup> <https://hemingwayapp.com/>
- <sup>11</sup> <https://www.quill.org/>
- <sup>12</sup> <https://www.spellbook.legal/>
- <sup>13</sup> <https://asklawsage.com/>
- <sup>14</sup> <https://www.contractiq.ai/>
- <sup>15</sup> <https://www.solveintelligence.com/>
- <sup>16</sup> The vast majority of data used to train large language models comes from material often written by highly educated English-language authors, and edited by highly educated English-language publishers. When predicting the next word, this style dominates the model and you must engineer a prompt that will change styles if you want a different tone. See <https://www.worddrake.com/blog/wordy-choppy-generative-ai>.
- <sup>17</sup> <https://www.clausebase.com/>
- <sup>18</sup> <https://help.woodpeckerweb.com/en/articles/3543932-your-woodpecker-clause-library>.
- <sup>19</sup> <https://www.lawinsider.com/>
- <sup>20</sup> <https://kirasystems.com/>
- <sup>21</sup> CASE STUDY: Cognia Law Leverages Kira for Major Contract Migration Project, <https://kirasystems.com/resources/case-studies/cognia-law/>
- <sup>22</sup> <https://www.goheather.io/>
- <sup>23</sup> <https://legalrobot.com/>
- <sup>24</sup> <https://legalededecoder.com/>
- <sup>25</sup> See <https://www.telegraph.co.uk/business/2024/01/07/openai-warns-copyright-crack-down-could-doom-chatgpt/>
- <sup>26</sup> See <https://www.csoonline.com/article/574799/sharing-sensitive-business-data-with-chatgpt-could-be-risky.html>



RIBA President Nicole J. Benjamin, Esq. (left) and RIBA President-Elect Christopher S. Gontarz, Esq. (right) recently attended the 2024 National Conference of Bar Presidents in Louisville, KY.



## 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](mailto:nlittle@ribar.com).



### **Ethics & Professionalism Committee** Keith E. Fayan, Chair

The Ethics & Professionalism Committee is charged with examining the Rules of Professional Conduct and the practice of law in Rhode Island with the goal of enhancing ethics, civility, and professionalism. Through this work, the Committee endeavors to identify steps the Bar Association can take to promote high standards of ethics and professionalism.

The Committee has taken an interest in the impact of artificial intelligence (AI) on the practice of law in the 21st century. During the January 2024 virtual meeting, the Committee considered the use of AI in light of the Rules of Professional Conduct. Maria Lenz, Esq., Deputy Disciplinary Counsel with the RI Supreme Court Office of Disciplinary Counsel, led the discussion and provided an overview of applicable rules. Some ethical questions surrounding the use of AI in practice lack clear answers. Even so, being mindful of these issues before integrating AI tools will help mitigate risks and enhance its benefits.

The Committee's interest in AI will be further explored during the March 12th and May 14th meetings. The Committee will discuss the various AI tools being used in our profession and the regulatory and legislative initiatives being considered at the federal and state levels that concern AI. AI is here to stay and may profoundly impact the practice of law as its use becomes more pervasive throughout society. Learning our professional obligations, the regulatory landscape, and how to mitigate the attendant risks of AI are key to practicing law ethically and professionally. The Committee is evaluating the possible development of a CLE to highlight these issues for our colleagues in the Bar Association.



### **Government Lawyers Committee** Jenna Giguere, Chair

On January 11, 2024, Michael Colucci, Senior Attorney at the law firm Olenn & Penza, presented a Committee-sponsored CLE program, *Effective Cross-Examination*. The program provided an overview of how to cross-examine a witness at trial and pitfalls to avoid, preparing participants to effectively cross-examine even the most difficult witness. Any members interested in serving on this important committee are still welcome and encouraged to join.

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.



### **Superior Court Bench Bar Committee** Zachary Mandell, Co-Chair Jennifer Sylvia, Co-Chair

The Superior Court Bench Bar Committee has been busy for the first half of the 2023–2024 year. The co-chairs presented the Committee's recommendations regarding remote depositions to the Executive Committee and the House of Delegates. After discussions, the recommendations were approved by the House of Delegates at the January meeting, and the co-chairs are now preparing to meet again with Presiding Justice Gibney regarding the possibility of implementing such protocols in Superior Court.



In January, the Committee also offered a Committee-sponsored CLE program featuring Rhode Island Superior Court Associate Justice Maureen

Keough, Associate Justice Joseph McBurney, and Associate Justice Christopher Smith, where they gave insight into the new Civil Motion Calendar and Formal & Special Calendar Protocols.

Even more exciting, after months of hard work from our Committee, we have received approval to implement the mediation program on the Control Calendar in Courtroom 4. Jennifer has been meeting with Judge Rekas Sloan to plan out the implementation of the program while, in the meantime, looking for mediators. The Committee is looking for attorneys to volunteer as mediators before the program begins. If you are interested in mediating or would like more information, please feel free to contact Jennifer Sylvia at [jsylvia@marlawri.com](mailto:jsylvia@marlawri.com) or 401-453-3600. The Committee is also planning a CLE to offer general mediation training to anyone interested in the program, so please be on the lookout for such information.

As always, we are open and welcoming to new members, as well as any suggestions and recommendations to continue making this a successful year to assist all Bar Members.

## 2023 Kent County Bar Association Award Winners Honored

The Kent County Bar Association would like to acknowledge the following recipients of their 2023 annual awards:

**LAWYER OF THE YEAR**

**David Morowitz, Esq.**

(Reserved parking space in courthouse garage)

**COURTHOUSE EMPLOYEE OF THE YEAR**

**Scott Alexander**

RI Sherriff's Dept.

**JOHN D. LYNCH, SR. LIFETIME ACHIEVEMENT AWARD**

**Edward Roy, Esq.**

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

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## LAWYERS HELPING LAWYERS – BOOK REVIEW

# A Man Called Ove<sup>1</sup>

by Fredrik Backman



**Genevieve Martin, Esq.**  
Attorney at Law  
Providence

**“Reading Ove’s story reminds those of us who have dedicated our lives to giving to others that each of us is needed, even if, for a brief moment, we might think otherwise.”**

### EDITOR’S NOTE:

This book review is brought to you as a service of the Rhode Island Bar Association’s Lawyers Helping Lawyers Committee. Please see page 32 for more information about this Committee’s sponsored services for Bar members and their families.

As attorneys, we live by many more rules than most people. We are governed not only by the rules and codes of conduct taught to us by our parents and learned by us over the years of our lives but also by numerous rules and regulations that affect the way we practice the law and live our lives every day. Hopefully, we have a true sense of purpose and reason for existence, not only because of the work that we do but also because we have others in our lives who need us. But imagine for a moment how you would feel if, suddenly, you no longer felt that sense of purpose and reason for existence. What would you do then?

Attorneys are particularly vulnerable to mental and emotional problems that can interfere with their sense of self-worth and impair their ability to meet their professional obligations, including Rule of Professional Conduct, 1.1 Competence.

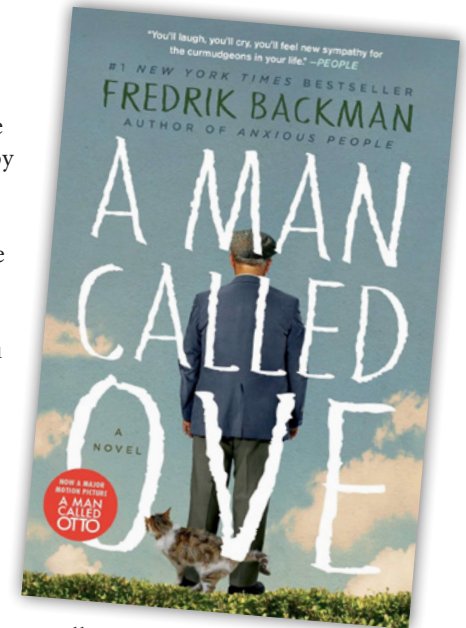
In 2016 the Hazelden Betty Ford Center and the American Bar Association produced a report on the legal profession that found 20.6% of lawyers screening positive for hazardous, harmful, and potentially alcohol-dependent drinking, 28% suffering from depression, 19% suffering from severe anxiety and 23% suffering from severe stress.<sup>2</sup>

I would like you to meet a man called Ove Lindahl by reading *A Man Called Ove*, by Fredrik Backman.<sup>3</sup> Ove was raised by his father, after his mother’s death when he was seven years old, with a set of rules and the notion that everything and everyone has a purpose. At first, Ove works with his father after leaving school. Unfortunately, Ove’s father dies when Ove is only 15 years of age. Fixated upon rules learned from his father, Ove begins “more and more to differentiate between people who did what they should and those who didn’t.”<sup>4</sup> His reasoning for continuing after his father’s death was that everyone can’t just stop because they have someone die in their family.

Despite these losses at such a young point in his life, Ove forges on and finds purpose in his life through his work. He decides to restore the house in which he and his father lived. Even that ends up burning beyond repair.

Although Ove expects the world to disappoint him, one day, while waiting for the train, he sees a young woman who brings color to his life, which before had been nothing more than a black-and-white existence. He marries this woman, named Sonja, and they create a life together, buying a home and enjoying their lives.

As before, Ove continues to find purpose in patrolling the housing development in which he and his wife live, making sure everyone follows



the rules and reminding those who do not. Ove’s vigilance over this development provides yet another sense of security and responsibility. Ove even becomes involved in the governance of the development.

Ove faces tragedy again when his wife loses their child in an accident while on vacation. Ove lost his family before he could create one of his own with his wife. Nonetheless, the two of them continue to live in their home, which Ove needs to remodel because his wife becomes wheelchair-bound.

Eventually, Ove’s wife dies as well. The feelings of loneliness Ove experiences are overwhelming, and Ove wants nothing more than to join his wife in death. He visits her grave daily, telling her about what is happening in his life and that he misses her.

Approximately six months after the death of Sonja, Ove experiences his final straw—he loses his job after working at the same place for a third of a century. On Friday afternoon, Ove has a job and the responsibilities that come with it.

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.



# Do you or your family need help with any personal challenges?

We provide free, confidential assistance to Bar members and their families.

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

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

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

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

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

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## Lawyers Helping Lawyers Committee Members Protect Your Privacy

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

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

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

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

## SOLACE ..... Helping Bar Members in Times of Need

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

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

On Monday morning, he is informed he is no longer needed. The last vestige of purpose in his life is gone. Stop and take a moment to imagine that your career is over after making it your purpose and life. *How would you feel, with the belief no one would ever need you again? What would you do?*

Ove begins to plan for his death. He plans carefully, cleaning his house, and canceling his electric, phone, gas, and newspaper accounts. This book is filled with Ove's careful plans and attempts at suicide, each of which are thwarted by interruptions from neighbors who need something from him. Although Ove doesn't realize what is happening, the fact is that Ove is needed by those around him (*just as each of us is needed and necessary to others because we can still find a way to help others*), including a stray cat, which is thrust upon him by his neighbors when found in the cold.<sup>5</sup>

Interestingly enough, the cat that no one else wants and which becomes Ove's responsibility becomes a powerful symbol of his continued reason for existence. Reading Ove's story reminds those of us who have dedicated our lives to giving to others that each of us is needed, even if, for a brief moment, we might think otherwise.<sup>6</sup>

This book is truly worth everyone's time. It has laughter and love and is not just a suicidal story and worthy of rereading. Perhaps it's more of a cautionary tale. Keep a copy on your shelf and buy one for anyone you know who might have experienced suffering, loss, and loneliness.

*Ms. Martin is a long-time member of the Lawyers Helping Lawyers Committee of the Bar Association: <https://ribar.com/quick-links/lawyers-helping-lawyers/>.*

#### ENDNOTES

1 Swedish pronunciation is U'va.

2 Patrick Krill, et al., conducted a study of almost 13,000 attorneys from across the profession. The report appears in *Journal of ADDICTION MEDICINE* 10(1) 46-52.

3 It is also noteworthy that a movie has been made based upon this book entitled, *A Man Called Otto*. Many of you may have already seen the movie; however, the book has significantly more to offer everyone who reads it.

4 P. 73, *A Man Called Ove* by Fredrik Backman, © 2012, Washington Press.

5 Even Ove's wife told him that, "when one gives to another person, it's not just the receiver who is blessed. It's the giver." (p. 187.)

6 In the movie, *A Man Called Otto*, the main character makes a profound statement when he states that he was so involved with his own problems, he didn't realize that others needed him. ◇

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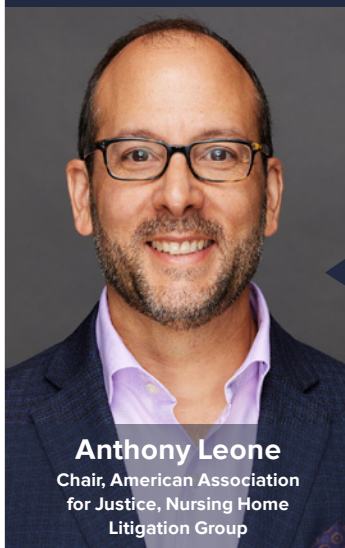
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The CLE Department has embraced a paperless approach.

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

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Doing the Deal Right: Navigating Insolvency Issues when Buying or Selling a Practice	23-17	\$35	
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Collections – Start to Finish	23-03	\$40	
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<b>Law Practice Management</b>			
What “Will” You Do with Your Law Firm? Succession Planning Best Practices	23-20	\$60	
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Register online at the Bar's website [ribar.com](http://ribar.com) and click on CONTINUING LEGAL EDUCATION on the left-side menu or call 401-421-5740.

*All dates and times are subject to change.*

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

**March 6**  
*Wednesday*  
**Food for Thought – The Future of Environmental Law: Updates on Landmark Cases & Policy Making**  
12:30 – 1:30 pm, 1.0 credit  
In-person at the RI Law Center, Cranston (includes lunch)  
*Also available as a live webinar!*

**March 12**  
*Tuesday*  
**End Game: The Many Considerations Surrounding Law Firm Succession Planning**  
1:00 pm – 2:00 pm, 1.0 credit  
**LIVE WEBINAR ONLY**

**March 14**  
*Thursday*  
**2024 DUI Laws & Hardship Licenses**  
2:00 – 4:00 pm, 2.0 credits  
In-person at the RI Law Center, Cranston

**March 19**  
*Tuesday*  
**Financial Empowerment for Women in Law**  
12:00 – 1:00 pm, 1.0 credit  
**LIVE WEBINAR ONLY**

**March 20**  
*Wednesday*  
**Yakety Yak! Do Call Back: The Ethical Need for Prompt Client Communication**  
1:00 – 2:00 pm, 1.0 ethics  
**LIVE WEBINAR ONLY**

**March 22**  
*Friday*  
**LawGPT? Generative AI, Chat GPT, LLMs, and the Legal Data-Driven Revolution**  
1:00 – 2:30 pm, 1.5 credits  
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**March 26**  
*Tuesday*  
**Food for Thought – Defending Mental Health Court Clients**  
12:30 – 2:00 pm, 1.5 credits  
In-person at the RI Law Center, Cranston (includes lunch)  
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**March 28**  
*Thursday*  
**Exploring the Litigation Frontier: Using AI for Case Assessment and Initial Pleadings**  
1:00 – 2:00 pm, 1.0 credit  
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**April 5**  
*Friday*  
**Food for Thought – Artificial Intelligence and the Practice of Criminal Law**  
12:30 – 2:00 pm, 1.0 credit + 0.5 ethics  
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*Also available as a live webinar!*

**April 16**  
*Tuesday*  
**Contemporary Art: What Does It Mean to Be a Modern Law Firm Now?**  
1:00 pm – 2:00 pm, 1.0 credit  
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**April 18**  
*Thursday*  
**What Can Dead People Tell Us? Postmortem Toxicology for Attorneys**  
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**April 19**  
*Friday*  
**Cybersecurity by Lawyers for Lawyers: A Guided Workshop in Creating Your Own Written Information Security Plan**  
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**Reminder:** Bar members may complete six credits through participation in video replay or on demand CLE seminars. To register for an on-demand seminar, go to the Bar's website: [ribar.com](http://ribar.com) and click on CONTINUING LEGAL EDUCATION on the left side menu. CLE telephone: 401-421-5740.

## Online Attorney Resources (OAR)

*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:

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Criminal Law	Domestic/Family Law
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## In Memoriam

### **Pasquale Annarummo, Esq.**

Pasquale (Pat) T. Annarummo, 95, of Warren, died on January 26th, 2024. He was the husband of the late Roma (Vitullo) Annarummo. Born and raised in Bristol, he was the son of the late Antonio and Lucia (Abenante) Annarummo. Pat was a graduate of Colt Memorial High School in Bristol. He enlisted in the Army during World War II in the 9th Infantry Division as an M-1 rifle marksman. Pat received the World War II victory medal. He was then deployed to Korea, serving during the Korean conflict. After his military service, he attended Providence College, graduating with a degree in history. He then decided to attend Boston University School of Law, earning a Juris Doctorate degree, which started his career as an attorney. Pat was a trial lawyer in the Superior Court in Providence while starting his law practice in Warren, eventually becoming the town solicitor, probate judge, and Democratic chairman for over 30 years. Pat is survived by his children: Michael Annarummo (Cheryl) of North Kingstown; Thomas (Julie) Annarummo; Joan Mailloux of Warren; Peter (Sandra) Annarummo of Palm Coast, FL; Susan Annarummo (Al Galinelli) of Warren; Lisa (James) Martel of Warren; numerous grandchildren and great-grandchildren; and his brother Salvatore Annarummo of Rumford. He was predeceased by his siblings Louis, Nunzio, Carl, Vincent, Anthony, Anna Annarummo, and Lucy Silvia.

### **Kenneth Borden Sr., Esq.**

Kenneth P. Borden Sr., 87, died on Saturday, December 23, 2023. He was the husband of Pamela S. (Reader) Borden. Born in Providence, he was a son of the late John S. and Dorothy M. (Parker) Borden. Ken graduated from Mount Pleasant High School in 1954, Brown University in 1958 (with honors), and Columbia University School of Law in 1961. Ken started practicing law with Higgins, Cavanagh & Cooney in 1962 and retired at the end of 2005 as Senior Partner after 43 years. In 1985, he was inducted into the American College of Trial Lawyers. He served in the Army National Guard and the Army Reserve, where he was a 1st Lt. in the JAGC. Ken served as President of the Ponaganset Unit of the American Cancer Society as well as on the board of directors of Northwest Mental Health. He was a member of the North Scituate Zoning Board for 28 years and was the Zoning Board lead for 11 years. Ken was a member of the University Club in Providence and a member of the Providence Rotary Club, where he served as a trustee of the Rotary Charities Foundation and also for a term as club secretary. In addition to his wife, he is survived by his son, Kenneth P. Borden Jr., Esq., and his wife, Christie, of White Plains, NY, as well as two grandchildren. He was predeceased by his siblings, John S. Borden Jr. and Cynthia A. Borden.

### **Alan S. Flink, Esq.**

Alan Sumner Flink, 97, died on January 4, 2024. Raised in Providence, he was the son of Sadye and Philip Flink. Alan served in the Navy during World War II. He was the husband of the late Renee (Lampert) Flink. Alan received his Bachelor of Arts degree from Brown University and his Juris Doctor degree cum laude from Boston University Law School, where he was a member of the Law Review. He was a director of Common Cause of Rhode Island beginning in 1999 and the recipient in 2021 of Common Cause's recognition as a John Gardner Fellow. Alan was involved in numerous community activities, the Rhode Island Supreme Court Ethics Reform Commission and Justice Assistance (Director). Alan was admitted to practice in RI and MA. He began his legal career with Letts Quinn & Licht and became a partner and legal ethicist with the law firm then known as Edwards & Angell. Alan had many professional affiliations, including President of

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## In Memoriam *continued*

the Rhode Island Bar Association (1991–1992), various other executive positions with the Rhode Island Bar Association (1987–1992), Commissioner on the Rhode Island Judicial Nominating Commission (1995–1999), and Editor-in-Chief of the *Rhode Island Bar Journal* (1971–1973). Alan is survived by his three children: Marc and his wife Margaret; Phillip and his wife Anne; Peter; and multiple grandchildren and great-grandchildren. Alan was predeceased by his grandchild Madison Flink and his sister Ruth Ades.

### **Emilio D. Iannuccillo Jr., Esq.**

Emilio D. Iannuccillo Jr., 91, of Bristol, died on December 2, 2023. He was a Rhode Island lawyer for over 60 years, serving as Bristol Probate Judge, Bristol Town Solicitor, and Bail Commissioner for many terms. He was also an original drafting member of the Rhode Island Bar Association Real Estate Title Standards Committee. Emilio was a graduate of Colt High School, Brown University, and Boston University Law School. He was a member of many local organizations and a co-author of an article published by *Cambridge University Press*. Emilio is survived by his second wife, Vicki (Carlson) Iannuccillo; his daughters, Sr. Maria Iannuccillo, SSND, and Rita Iannuccillo Tabraham, Esq.; as well as his granddaughter. He also leaves behind his step-children, Robert Schrenk and Todd Schrenk; his step-grandchildren; step-great-grandchildren; his sisters, Cornelia DeSanto (the late Frank DeSanto) and Joyce Murphy (Robert Murphy). Emilio was predeceased by his parents, Emilio D. Iannuccillo Sr. and Dora (Ruggiero) Iannuccillo, and his first wife, Emily (Sammartino) Iannuccillo.

*\* This obituary has been corrected from the version that appeared in the January/February 2024 issue.*

### **Hon. William P. Rampone**

Hon. William (Bill) P. Rampone, 68, of Smithfield, died on January 16, 2024. He was the husband of Donna M. (DeAngelis) Rampone. Bill was the son of the late Cosmo and Mary (DeAngelis) Rampone. He was raised in Providence, where he attended St. Edward's Parish school before graduating from La Salle Academy in 1973. Bill obtained his bachelor's degree from Providence College in 1977, followed by his law degree from the New England School of Law in 1982. He was admitted to the Rhode Island Bar in 1982, beginning his legal career as a prosecutor with the Rhode Island Attorney General's Office, leaving as an Assistant Attorney General in 1986. Bill then worked as counsel for several Rhode Island law firms before going into private practice until 2021. While in private practice, he served as a bail commissioner for the State of Rhode Island, and a member of the Rhode Island Judicial Nominating Commission, Narragansett Bay Commission, and Rhode Island Judiciary Disciplinary Board, respectively. In 2005, Bill was appointed to the Providence Housing Court, leaving as Chief Judge in 2020. In May 2021, he was appointed as a Magistrate with the Rhode Island Superior Court, a position he held at the time of his passing. In addition to his wife, Bill is survived by his sons Matthew (Sgt. PPD), and his wife Bridget; and Michael, a clerk with the Rhode Island Superior Court; brother-in-law Paul De Angelis (Joan); sister-in-law Rhonda Mullen; multiple grandchildren; and several nieces and a nephew. Bill was predeceased by his brother Victor Rampone, brother-in-law Joseph Mullen, and in-laws Paul and Dolores De Angelis.

### **Armand Teixeira, Esq.**

Armand A. Teixeira, of Cumberland, died on December 28, 2023. He

*Continued on next page*



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## In Memoriam *continued*

was the husband of Ann Gancz Teixeira. Born in Pawtucket, he was the son of the late Armando and Azira (Lemos) Teixeira. Armand was a graduate of Cumberland High School, class of 1976; Roger Williams University, 1980, where he served as the official college photographer; and Suffolk University School of Law, Boston. He was licensed to practice law in all State and Federal Courts in RI, MA, and NH. He was also licensed to practice before the United States Supreme Court. In addition to his wife, he is survived by his brother-in-law Stephen J. Gancz; brother-in-law Peter M. Gancz; sister-in-law Nancy Jacques; brother-in-law Frank Jacques; a nephew; and multiple great nieces and nephews.

### **John A. Thompson, Esq.**

John A. Thompson, 79, of Cranston, died on January 9, 2024. He was the husband of Elinor (Caito) Thompson. Born in Reno, NV, John was the son of the late Jack E. Thompson and Adelaide (Sperduti) Thompson Reeves. The son of a U.S. Air Force officer, John grew up in Japan, Korea, England, and multiple military bases across the country. He graduated from Hope High School in 1962. A distinguished military ROTC graduate of Providence College, he graduated with a bachelor's degree in 1966. John was a U.S. Army Major, serving from 1966–1971. He graduated from the Army Intelligence School at Fort Holabird and was awarded the Bronze Star for meritorious service in Vietnam. He later led intelligence units in Italy and Germany and served as a reservist in a JAG unit until 1985. John earned a master's degree in journalism from Boston University, his Juris Doctor degree from Suffolk Law School, and his Master's of Laws degree (tax) from Boston University. He established a law practice in Providence, specializing in tax law and estate planning until his retirement in 1991, practicing in both RI and MA. He was Editor-in-Chief of the *Rhode Island Bar Journal* and served on many committees, including the William Hall Library, the Cranston Mayor's Committee for the Quality of Life for the Handicapped, the RI Governor's Commission on Disabilities, and the RI Advisory Committee to the U.S. Commission on Civil Rights. John lived with multiple sclerosis for decades; as his illness progressed, he served as a peer counselor to others with MS and was awarded the National MS Achievement Award by the RI Chapter of the National MS Society for his many contributions. He was a longtime member of the Rhode Island and Massachusetts Bar Associations. In addition to his wife, John is survived by his children, Christina Thompson Bess (Andy) and Alessandro Thompson; multiple grandchildren; brother, Glenn Thompson (Martha); brother-in-law, Carl Caito (Ann); and two nieces and a nephew.

### **Ronald A. Tutalo, Esq.**

Ronald (Ron) A. Tutalo, 78, of Warwick, died on Friday, December 8, 2023. Born in Providence, he was the son of the late Salvatore and Mary (Caruso) Tutalo. He was the husband of Patricia (Motta) Tutalo. Ron graduated from Classical High School, Providence College, and Suffolk University School of Law. He was employed by the Rhode Island State Supreme Court as the Administrative Assistant to the Chief Justice for over forty years. He was also a member of the Army National Guard. In addition to his wife, Ron is survived by his son, Ronald A. Tutalo II, and his wife Kelsey; his siblings, Ann Marie (Tutalo) Cipolla and her husband, Albert Cipolla; Peter Tutalo and his deceased wife, Cynthia; Anthony Tutalo and his wife, Lynne; Joseph Tutalo and his wife, Sandra; two grandchildren; and multiple nieces and nephews.

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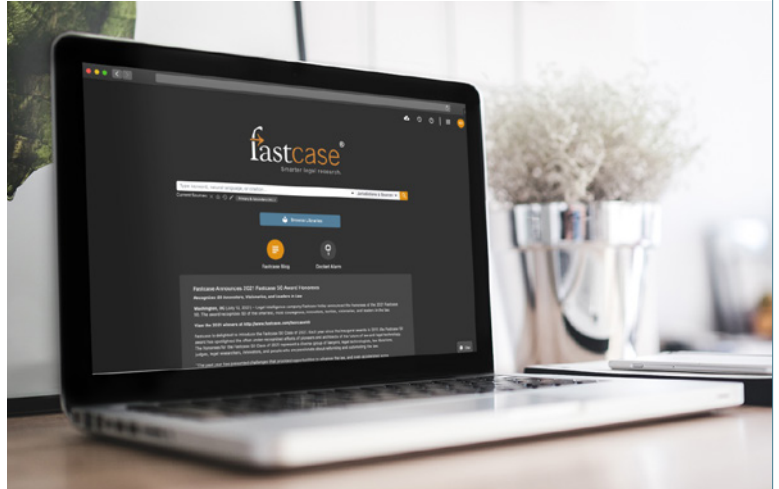
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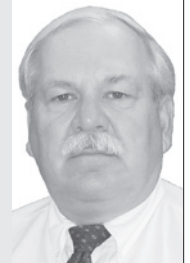
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## Rhode Island Municipal Court Listing

The Rhode Island Bar Association recently updated the Municipal Court Listing, similar to our popular Probate Court Listing. Bar staff will regularly update the listing to ensure the posted information is correct. The Municipal Court Listing and the Probate Court Listing are available on the Bar's website at [ribar.com](http://ribar.com) by clicking on **FOR ATTORNEYS** on the home page menu and then clicking on **MUNICIPAL COURT INFORMATION** or **PROBATE COURT INFORMATION** on the dropdown menu. Both Listings are provided in a downloadable PDF format. Bar members may also increase the type size of the words on the Listing by using the percentage feature at the top of the page.

The Bar Association also posts a chart summarizing the preferences of Superior Court justices relating to direct communications from attorneys and between attorneys and the justices' clerks which is updated annually. The chart is available by clicking, **MEMBERS ONLY** on the home page menu and then clicking **JUDICIAL COMMUNICATIONS**.

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## RIBA DEI Committee Call to Action!

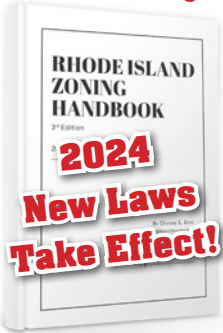
For those who may be interested, the Rhode Island Bar Association's Diversity and Inclusion Task Force created a Diversity, Equity, and Inclusion ("DEI") Pledge that invites lawyers, law firms, legal departments, legal services, and law-related organizations to join RIBA in its commitment to increase 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](mailto: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!

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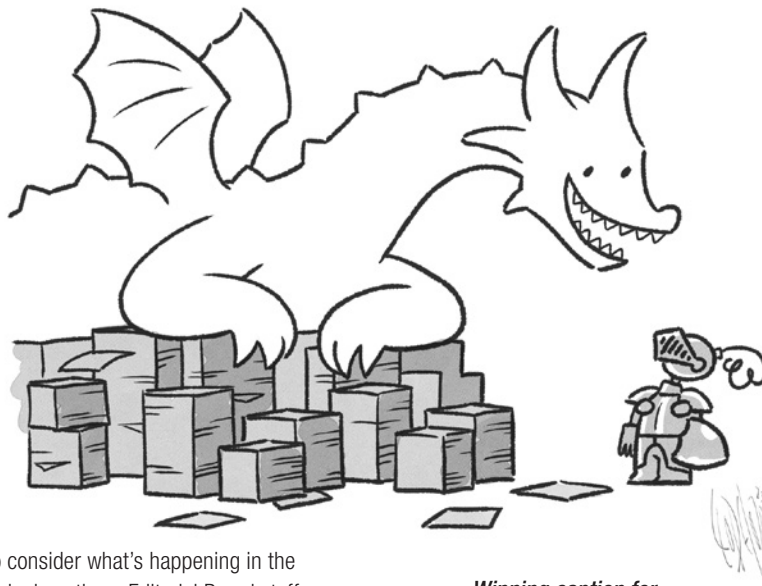
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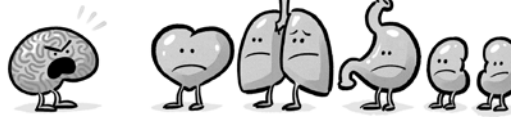
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**How It Works:** Readers are asked to consider what's happening in the cartoon above and submit clever, original captions. Editorial Board staff will review entries, and will post their top choices in the following issue of the *Journal*, along with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

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**Deadline for entry:** Contest entries must be submitted by April 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.*



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## Lawyers on the Move

**Denise Acevedo Perez, Esq.**, has moved her office, RI Immigration & Family Law Group, to 1395 Atwood Avenue, Suite 206, Johnston, RI 02919.  
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**Meaghan Kelly, Esq.**, is now Of Counsel at **Burns & Levinson LLP** in the firm's Trusts & Estates Group, One Citizens Plaza, Providence, RI 02903.  
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**Marc Crisafulli, Esq.**, has joined **Nixon Peabody LLP** as Counsel in the firm's corporate practice, One Citizens Plaza, Providence, RI 02903.  
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**Michael Prescott, Esq.**, has joined **Nixon Peabody LLP** as Counsel in the firm's corporate practice, One Citizens Plaza, Providence, RI 02903.  
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**Timothy J. Keough, Esq.**, is now Partner at **White and Williams, LLP**, 101 Arch Street, Suite 1930, Boston, MA 02110.  
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# Tips for Etiquette and Preparation for Attorneys



As legal proceedings continue to embrace virtual platforms, attorneys must adapt their practices for effective representation. Here are key considerations for attorneys participating in virtual hearings:

## Technical Preparedness

- Test presentations ahead of time.
- Know where the mute button is.
- Avoid calling into hearings from a cell phone or laptop located within the court house or in a limited-service area.
- Use a computer whenever possible; a smartphone should be considered an 'emergency parachute' and tested beforehand.

**Try to be at least 10 minutes early to the hearing's scheduled start time!**



## Client Communications

- Brief clients on virtual hearing etiquette and ensure they are well-prepared.
- Conduct practice sessions on the chosen virtual hearing platform to familiarize clients with the interface.

**Test Links**

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[Zoom](#)

## Dress & Appearance

Dress in professional attire, including a suit or equivalent, to convey a serious and respectful demeanor.

## Civility and Professionalism

- Maintain a respectful and professional tone throughout the virtual hearing.
- Follow the same level of decorum as in a physical courtroom setting.

## Preparation & Organization

- Ensure microphone is muted once joining hearing calls, especially when proceeding to have internal office discussions that everyone can hear.
- Keep microphone muted during hearing when your matter is not being discussed or you are not speaking.
- Have all necessary documents organized and easily accessible for reference.

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