

Rhode Island
Bar Association
2019-2020

ANNUAL REPORT

Annual Report 2019-2020

The mission of the Rhode Island Bar Association is to represent the members of the legal profession of the state, serve the public and the profession, and promote justice, professional excellence and respect for the law.



Helen D. McDonald, *Executive Director*

David N. Bazar, *President*

It is my pleasure to submit the Annual Report for 2019-2020. The Association's membership, leadership, and staff worked consistently to meet the goals embodied in our mission to represent the legal profession, serve the public, and promote justice, professional excellence, and respect for the law. We continue to place the highest priority on educating our membership and the public about our positions, activities, and services. We built upon already exceptional relationships with the judiciary, legal service providers, and the public.

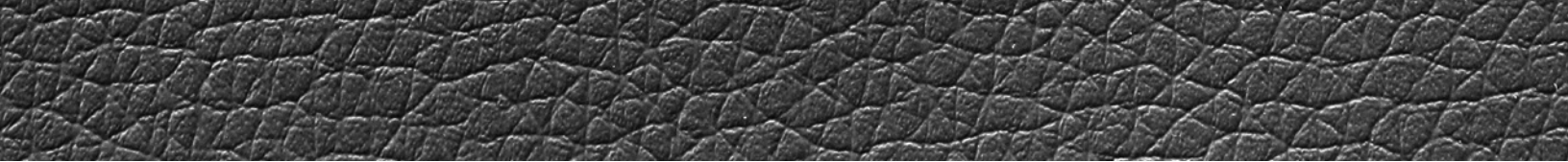
Like all others, the general activities of the Association were impacted by the COVID-19 pandemic. Early on we encouraged our members to take the necessary steps to protect health and well-being while also protecting their businesses. Committees were offered teleconferencing as well as Zoom videoconferencing in place of in-person meetings. Daily updates were sent by the President updating members on the status of court operations, including municipal and probate operations around the state. Our dedicated President David N. Bazar not only worked tirelessly to protect, assist and respond to the members and the Courts, he did so while struggling and overcoming a serious case of COVID-19 himself, spending over a week in the hospital. Our thanks to David for his dedication and never-ending kindness.

Our relatively new law practice management member benefit was particularly helpful during this period of "virtual" law practice. Many members used the free services of our consultant, Jared Correia of Red Cave Law Firm Consulting. We are very pleased that we are able to offer this opportunity to our members which we believe will help you optimize your practice, become more effective and efficient, and make the best business decisions for your particular situation.

President Bazar worked closely with Governor Raimondo's Office and the Secretary of State's Office to secure the temporary authorization of remote online notarization in Rhode Island during the state of emergency to address the ability to continue notarizing documents while social distancing recommendations are in effect. In addition, we worked very closely with all the Courts to disseminate information to members as soon as it was available.

Health and Wellness

The Association continues to place great emphasis on attorney wellness. In addition to serving clients, lawyers must also pay attention to their own mental, emotional, and physical health. The COVID-19 pandemic has forced changes to daily life, and disrupted normal routines at work, at school, and at home. Physical isolation can negatively affect mental health, and constant news coverage can bring fear and anxiety about the disease. In response, the Bar compiled a comprehensive list of resources to help manage stress and anxiety during the pandemic. In addition, the CLE department created a COVID-19 section in our on-demand catalog dedicated to programs that focus on managing stress and anxiety during these difficult times. As always, the Lawyers Helping Lawyers Committee serves as a confidential resource to Bar members and their families, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is to lend an ear and assist in making an appropriate referral to professional resources. The communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself.



Bar Association Offices

When our offices fully reopen, we will follow guidelines set out by the Governor. We are also committed to high standards of cleanliness and will provide hand sanitizers, masks, and tissues in high-traffic areas and event spaces. We will continue to monitor the CDC-recommended guidelines related to COVID-19 and to keep you informed of our ongoing measures to ensure the health and safety of our members and staff. Thank you for your cooperation.

Bar Committees

We have exceptionally strong standing and special committees. Over sixteen hundred Bar Association members serve on Bar Committees. All the work our members contribute through our committees forms the backbone of the Rhode Island Bar Association. Throughout the year, our committees welcomed 18 different guest speakers at their meetings. Thank you to the dedicated Bar members who volunteered their time to share their experience and expertise with our committee members. In November, the Real Estate Title Standards & Practices Committee celebrated the 300th meeting of the committee. Their first meeting was held in 1974, and they have continued to meet regularly for the past 45 years growing into one of the largest committee memberships of the Association. For the second year in a row, the Government Lawyers Committee held three committee sponsored CLE seminars. Due to the hard work of the committee and the seminar speakers, Bar members were once again able to obtain three, free CLE credits. This issue of the *Rhode Island Bar Journal* contains summaries of the committees' activities, and I encourage you to read them. Committees continued to meet via Zoom or teleconference for the entire fiscal year. To date, 8 committees have utilized the Bar's Zoom account to host a total of 14 meetings since the Bar headquarters closed to the public. Committee members adapted exceptionally well to the change in meeting format. Most committees who participated in Zoom meetings reported having record attendance.

Rhode Island Bar Journal

In addition to the usual six issues of the *Rhode Island Bar Journal*, the editors worked expeditiously to put together a special COVID-19 digital issue of the *Rhode Island Bar Journal*. The issue was emailed to all members and is still available (along with all issues of the *Journal*) on the Bar Association's website. Articles include: Conducting Arbitrations and Mediations Remotely During the COVID-19 Crisis and Beyond; The Constitution and Federalism in the Age of Pandemic; An Introduction to the Business Calendar, the Business Recovery Program, and Virtual Hearings; The Government CARES for You; COVID-19 and the Clean Water Act: A Look at the Liability and Damages

of "Flushable" Wipes; Model Standstill Agreement for Business in Response to COVID-19 Crisis; and I Survived the Coronavirus (a personal account). The authors of these articles were given very little lead time to complete their submissions, and we commend them for their diligent work.

Regarding the production of the *Bar Journal*, we believed it was prudent to consider the ecological and economic benefits of going to a digital publication. Rather than raise Bar Association membership dues, which we have not done in over ten years, the Bar leadership feels this is the best option to reduce overhead while concurrently reducing our carbon footprint. We expect to start distributing a digital issue to members by email (which will also be available on the website) starting with the September/October 2020 issue. These digital issues will only be available to members who log in to the website. Members may subscribe to a hard copy if they so choose.

Diversity

The Ada Sawyer Centennial Planning Committee was formed in the summer of 2018 to plan a celebration to be held on October 15, 2020 marking the 100th anniversary of Ada Sawyer being deemed a "person" and being the first woman in Rhode Island to take the RI Bar Exam, opening up the doors for women in Rhode Island to become lawyers. We have featured short articles related to Ada Sawyer in issues of the *Rhode Island Bar Journal* and will continue to do so in issues leading up to the event. Our hope is that guidelines will facilitate that celebration now scheduled to be held at Rhodes on the Pawtuxet. We continue to regularly publish our RI Women Lawyers interview series in the *RI Bar Journal* which recognizes the first women of the Rhode Island Bar.

Continuing Legal Education

Professional Development: The educational programs sponsored by the Association are led by a dedicated CLE Committee and diligent staff. This year the CLE Office produced a total of thirty-two (32) seminars. Seminar attendees welcomed a wide range of topics offered during the year, including seminars on expunging criminal records, blockchain/smart contracts, working with investigators, adult drug court, accident reconstruction, ICE raids, firearm licensing in RI, long-term care insurance plans, protecting law firm email, commercial law update, and veterans benefits.

The Bar Association's CLE year kicked off in August and September with the annual Aon Attorneys' Advantage **free ethics seminar**, providing all Bar members the opportunity to earn two (2) free ethics credits. This seminar was offered five (5) times at various locations in the state. This year's speaker was Stuart Teicher, Esq., who spoke to members about professionalism

Report of the Executive Director on 2019-2020

cases he has seen as an attorney ethics investigator. A total of 1,181 members of the Bar attended this year's program.

Aside from our partnership with Aon Affinity, with our Public Services Department and Bar committees, along with our COVID-19 response, we have been able to offer a total of **11.5 free credits** to our members this past year. Areas covered by the programming included: state occupational licensing and the criminal process, COVID-19 and employment law, tax considerations in separation and divorce, electronic evidence, and direct and cross-examination of fact and expert witnesses.

CLE Response to COVID-19 Pandemic

In response to the COVID-19 pandemic, the CLE Office converted every in-person CLE to a GoToWebinar program. This GoToWebinar option allows speakers to present their program in a safe environment (their home or office) and allows presenters to share their webcam and computer screen with attendees. These live, GoToWebinar programs count for live, in-person programming and provide members the opportunity to view programs of interest and earn CLE credit.

2020 Annual Meeting

Due to the Governor's order prohibiting large group gatherings, the traditional annual meeting was canceled. In response, our Annual Meeting panelists and CLE department made great efforts to turn many of our planned workshops into live webinars scheduled for the months of May and June. To allow Association business to proceed, the Executive Committee adopted emergency bylaws and voted that the nature of the pandemic was sufficient to trigger operation of those emergency bylaws which allow for a remote annual meeting and election.

The election of officers still took place on Thursday, June 18th, but was conducted via Zoom videoconference.

2020 Annual Rhode Island Bar Association Awards Winners

While we were not able to honor this year's outstanding awards winners in June, we are looking forward to planning an event, to take place as soon as we're able to do so safely, to properly recognize the outstanding work of the following members who have demonstrated an extraordinary commitment to the profession.

RALPH P. SEMONOFF AWARD FOR PROFESSIONALISM

Thomas M. Dickinson, Esq. - Presented to an attorney who has, by his or her ethical and personal conduct, commitment and activities exemplified, for fellow Rhode Island attorneys, the epitome of professionalism in the law, advancing the calling of

professional practice through leadership, high standards of integrity, commitment and dedication.

FLORENCE K. MURRAY AWARD

Susan Leach DeBlasio, Esq. - Presented to a person who by example or otherwise has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession.

VICTORIA M. ALMEIDA SERVANT LEADER AWARD

Christine J. Engustian, Esq. - Presented to an individual who demonstrates the principles and values of servant leadership and who is a beacon of light and hope to others by illuminating the path to greater justice for all. A servant leader is one who puts the needs of an organization or others before oneself. A servant leader has the innate quality of wanting to serve others and, for that reason, takes the care to ensure the needs of others are met.

2020 PRO BONO AWARDS

Since 1987, Pro Bono Awards have recognized the outstanding efforts of those who provide equal access to justice to the poor through a Rhode Island Bar Association pro bono program. Recipients demonstrate dedication to the administration of justice, professionalism, compassion, and commitment to public service.

Volunteer Lawyer Program - **Doris A. Lavalley, Esq.**

Pro Bono Program for the Elderly - **Gregory P. Sorbello, Esq.**

Continuing Service Award - **Phillip C. Koutsogiane, Esq.**

2020 RHODE ISLAND BAR JOURNAL LAUREN E. JONES WRITING AWARD

Established in 1986, Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award authors are selected on the basis of: 1) presentation clarity; grammar; organization and need for editorial revisions; 2) article interest and information presentation; 3) information usefulness for the practice of law, presentation of an important legal issue and timeliness; and 4) accuracy and depth of research and information provided.

Gene M. Carlino, Esq.

The Writing Award Committee also bestowed **Marc J. Soss, Esq.** with an Outstanding Contributor Award for his regular, informative, and succinct articles published in the Journal.

Membership Benefits

Casemaker is a Web-based legal research system offered to our members for free (\$950 value). Casemaker has teamed up with CosmoLex to offer an affordable practice management tool to make it much easier for lawyers to accurately bill clients

for the time spent on legal research at an affordable rate. It allows Casemaker users to automatically track research time by client matter and assign it to client invoices, at a fraction of the cost of a free standing law office management system and will eliminate the “leakage” and billing compliance issues typically associated with legal research.

Our website provides other great services. You can access our many discount programs, easily register for CLE seminars, sign up for Bar committees and public service programs, utilize the calendars and the great member directory. The directory gives you instant information on every member including their email address and photo when provided. You can stay up to date with Bar news by regularly visiting our homepage where you will find the most recent news stories published by the Association and other legal affiliates.

Our email List Serve continues to be a well utilized service for Rhode Island Bar Association members to use for online, law-related discussions. The List Serve is a welcome form of networking for our members, particularly for exchanging referrals for various legal services and contacts.

Our Law Practice Management Consultant Jared Correia, of Red Cave Law Firm Consulting, provides members with FREE law practice management consulting services. Red Cave was developed specifically for legal professionals. With over a decade of experience, Red Cave offers practical advice to improve your firm’s marketing, accounting, and technology solutions, as well as consistent support and accountability as you push towards your goals.

In addition to the regularly updated Judicial Communications Survey and Probate Court information chart, Bar staff compiled a chart of COVID-19 Probate & Municipal Court Operations with up to date information from court representatives for members to access during the pandemic.

Bar staff also developed a monthly e-newsletter summarizing recent Bar activities and news, health and wellness tips, as well as tips and information from affiliated organizations.

Public Services: One of the most noble of our goals is facilitating the availability of legal services. We support pro bono publico services for all low-income citizens, the elderly, and those of modest means through the Volunteer Lawyer Program (VLP), Pro Bono Program for the Elderly, the Foreclosure Prevention Project, the US Armed Forces Legal Services Project, and the LRS Modest Means program. Many of the members’ efforts to provide legal assistance are facilitated through membership in the Bar Association’s public service programs.

Our Lawyer Referral Service fields thousands of calls from the public every year asking for assistance in obtaining an attorney. In the past few years, requests for limited scope representation have become more frequent. For that reason, we recently ini-

tiated a limited scope panel on LRS to provide this option to the public and provide a way for members to expand their practice.

Last fall we offered a free three-part electronic evidence CLE series, “Saw it on the Internet.” This six-credit series was designed and planned in collaboration with the Public Service Involvement Committee and resulted in the placement of 40 pro bono cases. We are currently planning a two-part CLE covering the topics of military divorce on October 14th and military pensions/disability benefits on October 28th to increase pro bono program membership and case placement.

The response by volunteer attorneys to case summaries for all the pro bono programs sent out by Constant Contact has been tremendous these past months. We are now sending the summaries weekly and recently many cases have been placed using this format coupled with telephone outreach. Some of the cases are directly COVID related. Unfortunately, we continue to receive many domestic violence related matters, bankruptcies, and various other matters. We anticipate an aftermath of even more eviction concerns and other civil matters once the courts fully reopen. We continue to be a source of referral to mental health/social service agencies and Rhode Island Legal Services when appropriate. Given the number of those unemployed, and other issues related to the pandemic, we anticipate even more need by RI citizens in the coming year for limited scope, reduced fee, and pro bono assistance.

We frequently place emergency referral requests from the Department of Elderly Affairs Volunteer Guardian Program for our most vulnerable senior citizens. We place these cases with volunteer attorneys once the DEA has secured a volunteer guardian. There are ongoing plans to reschedule monthly legal clinics and Ask a Lawyer programs once senior centers are reopened. On-site divorce and collection clinics at the Law Center will also be reinstated in the future.

Law Related Education: The Rhode Island Bar Association is dedicated to helping Rhode Island teachers interested in law related education (LRE) by providing volunteer lawyers for classroom presentations and as educational resources. The Association’s goal is to increase public understanding of and respect for the law and the role of lawyers and judges in the legal system. Due to the coronavirus pandemic and following a teleconference of the RI Law Day Committee, it was decided that RIBA staff would reach out to all teachers who originally signed up for Law Day to gauge their interest in receiving a PowerPoint presentation on the Law Day topic and also inquire if they would like to invite an attorney and judge team to a Google Meet (through Google Classroom) to participate in a Q&A session related to the Law Day topic with students. We had 36 teachers request a copy of the PowerPoint presentation that attorneys William Connell, Jillian Dubois, and David Fitzpatrick put to-

Report of the Executive Director on 2019-2020

gether. Of those 36, 11 teachers requested a virtual meet with an attorney and judge team for a total of 16 classes (or 16 teams).

The annual Francis J. Darigan Jr. Law Day Essay Contest call for essays was sent to media contacts and the Bar's LRE teacher database in early March. Open to all Rhode Island 10th and 11th grade students, the Contest focused on *Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100*, the same topic offered through this year's RILD Classroom Programs. Two students were selected as the first and second place winners by faculty at Roger Williams University School of Law. The first place \$1,000 scholastic award is funded by the Association and the Rhode Island Police Chiefs' Association. The second place \$250 scholastic award is funded by the Edward P. Gallogly Family Law Inns of Court.

There were two requests for Lawyers in the Classroom volunteers. These volunteers are requested to speak to classrooms during the year on specific legal topics. There were also two requests for our Speakers Bureau volunteers by community organizations.

Rhode Island Bar Foundation: Through our continued partnership with the Rhode Island Bar Foundation, we are celebrating five years in our Rhode Island Law Center! We have reduced the pressure on Association dues, allowing enhanced long-term planning; advanced technology; expanded parking; and greater meeting and event flexibility. The Foundation continues its hard work to maximize Interest on Lawyers Trust Account (IOLTA) income and assess legal needs to maximize foundation support for legal services in Rhode Island. The Rhode Island Bar Foundation also administers the Thomas F. Black, Jr. Memorial Scholarship Fund, established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise of becoming outstanding lawyers and who need financial assistance to study law. The Scholarship is named in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship, and his notable participation in civic and charitable causes. Two scholarships of \$25,000 each were awarded this spring for Rhode Island students entering their first year of law school. To date, 66 scholarships have been awarded to promising law students from Rhode Island. We are pleased to report that this is our 31st year administering this program. The Bar Foundation was honored with a generous donation from Hon. Thomas J. Caldarone Jr. which was used to establish an endowment for summer fellowships. As Caldarone Fellows, law school students have the opportunity to assist in providing crucial legal services to the public and in so doing may be encouraged to pursue public service careers. This year, two students at Roger Williams University School of Law, have been selected to be the recipients of the Hon. Thomas J. Caldarone, Jr. Fellowship. Both

have been placed with the Rhode Island Center for Justice. The Foundation Board was very disappointed that the organization was unable to have our Annual Meeting in June. The Foundation's business meeting was held remotely, and the hope is to reschedule the Meeting's social events in order to give our new Fellows and award recipients the recognition they deserve. These events will likely be scheduled later this year, when more is known about the safety of gathering in numbers.

Finally, I want to acknowledge and thank the staff of the Rhode Island Bar Association, whose hard work and dedication are remarkable. We are fortunate to have these very committed individuals contributing their talent to the delivery of quality services and benefits to our members: Director of Public Services Susan Fontaine, Director of Continuing Legal Education Tanya Nieves, Director of Communications Kathleen Bridge, Director of Finance Renee Bourbonniere, Rhode Island Bar Foundation Program Director Virginia Caldwell, Member Services Coordinator Erin R. Cute, Gatekeeper and Program Assistant Heather Chea, Office Manager Susan Cavalloro, Volunteer Lawyer Program Coordinator John Ellis, Lawyer Referral Service Coordinators Elisa King and Caitlin Poland, CLE Program Coordinator Karen Lomax, and VLP Program Assistant Christina Oliveira.

The Rhode Island Bar Association provides relevant and valuable programs and services to our members, increased availability of legal services to our citizens, a more effective and independent judicial system, and increased public understanding about the law. Please feel free to contact any of the officers or staff at the Bar Association with your concerns, questions, or suggestions. We will keep you informed and invite you to become involved as we work to fulfill our mission.

Rhode Island Bar Association Legislative Positions and Amicus Briefs Official Notice 2020

The Rhode Island Bar Association takes positions as a party or amicus in litigation only on matters related to the practice of law or administration of justice. The Rhode Island Bar Association restricts action on legislation either as a proponent or opponent to that related to the practice of law or administration of justice. In 2019-2020 the Rhode Island Bar Association (RIBA) did not file as amicus curiae in any matters.

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

I. An Act Relating to Taxation – Portability

The proposed act relating to taxation would adopt the concept of “portability” for Rhode Island estate tax purposes. The Internal Revenue Code adopted the portability concept for federal estate tax purposes several years ago. For a husband and wife, the unused Rhode Island estate tax credit (currently \$1,500,000) of the first spouse to die could be used by the surviving spouse in the estate of the surviving spouse. In this manner a couple could shelter up to \$3,000,000 from Rhode Island estate tax.

II. An Act Relating to Fiduciaries

The proposed act relating to fiduciaries is intended to adopt a Rhode Island statute that would permit a so-called “directed trust.” The Executive Committee has approved directed trust legislation based on a similar Delaware statute for the past few years. At the end of 2017, the Commissioners on Uniform State Laws adopted the Uniform Directed Trust Act. It is along the same lines as the statutes previously introduced in Rhode Island, but it is more elaborate, and it includes much in the way of additional details. The Uniform Act has been adopted in Arkansas, Connecticut, Colorado, Georgia, Indiana, Maine, Michigan, Nebraska, New Mexico, and Utah. The idea would be to protect corporate fiduciaries which have custody of trust assets but where the investment decisions are made by another person.

III. An Act Relating to Taxation – Exemption

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

IV. An Act Relating to Fiduciaries

The proposed act relating to fiduciaries is intended to adopt a Rhode Island statute that would permit so-called “non-judicial settlements.” The form of the bill was proposed by the Commissioners on Uniform State Laws as part of the Uniform Trust Code, Section 111. Essentially, the proposed bill would permit all interested persons to enter into a binding non-judicial settlement with respect to any matter involving a trust. Such an agreement would be valid to the extent that it does not violate the material purposes of the trust. Matters that could be resolved include: (1) the interpretation or construction of the terms of the trust; (2) the approval of a trustee's accounting; (3) the direction to a trustee to refrain from performing a particular act or the grant to a trustee of any necessary or desirable power; (4) the resignation or appointment of a trustee; (5) the transfer of a trust's principal place of administration; and (6) the liability of a trustee for an action relating to the trust. This Uniform Trust Code has been adopted in thirty-five states and the District of Columbia, including Massachusetts, Connecticut, New Hampshire, Vermont, and Maine. Adoption of this bill would make Rhode Island more attractive as a jurisdiction in which to create and administer trusts.

Proposed legislation regarding the Uniform Unsworn Declarations Act was circulated and reviewed. It was voted to not introduce the proposed legislation from the Superior Court Bench/Bar Committee due to issues related to the inconsistent definition of perjury.

Proposed legislation from the Creditors' & Debtors' Rights Committee for the adoption of the Uniform Commercial Real Estate Receivership Act was reviewed. The Committee was advised to review the proposal and that the entire committee reach a consensus at which time the matter will be reconsidered.

Copies of the Non-Profit Corporation Act-Revision Project legislation proposed by the Committee on Business Organizations was circulated and reviewed. No action was taken on the proposal to date.

Rhode Island Bar Association Budget 2020-2021

The Bar Association funds derived from members' dues are employed for the furtherance of the Bar's mission which is to represent the members of the legal profession of the state, serve the public and profession, and promote justice, professional excellence and respect for the law. A detailed budget appears on the following page.

2020-2021 Annual Budget

The Bar Association funds derived from members' dues are employed for the furtherance of the Bar's mandate which includes the administration of justice..

GENERAL FUND

(Administrative and Member Services)

Income	Budget 20/21
Bar Journal Ads & Subscriptions	\$ 38,000
Contract Service Income	53,158
Interest Income	35,000
Mailing List Income	500
Malpractice Prevention	20,000
Member Dues & Fees	1,200,000
Royalties & Miscellaneous	7,500
Health Insurance Royalties	15,000
	<u>\$ 1,369,158</u>
Expenses	
Awards	\$ 500
Bar Journal	100,000
Casemaker	85,000
Clerical Assistant	1,000
Computer	30,000
Consultants	500
Copier	9,500
Depreciation Expense	14,000
Dues & Subscriptions	5,500
Insurance	25,000
Lawyer Assistance Program	10,000
Legislative Counsel	27,500
Lobby Tax	7,500
LOMAP	20,000
Maintenance & Repair	40,000
Medical Benefits	65,000
Miscellaneous Expense	1,000
Office Supply & Expense	28,000
Pamphlets & Advertising	500
Payroll Tax Expense	35,000
Printing & Postage	17,500
Professional Fees	20,000
Property Tax	6,000
Public Relations	1,000
Records Management	2,500
Regular Meetings	14,000
Rent & Electricity	185,000
Retirement Plan	60,000
Salaries	465,000
Telephone	10,000
Travel	28,000
Website	10,000
	<u>\$ 1,324,500</u>
Net Income:	<u>\$ 44,658</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 20/21
Interest	\$ 250
Dues	22,000
Fees	27,000
	<u>\$ 49,250</u>
Expenses	
Medical Benefits	\$ 20,000
Office Supplies	1,000
Payroll Tax Expense	4,200
Printing & Postage	2,000
Retirement Plan	4,800
Salaries	57,000
	<u>\$ 89,000</u>
Net Income:	<u>\$ (39,750)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 20/21
Annual Meeting	\$ 400,000
Publications	3,500
Seminars	148,000
Miscellaneous Income	250
On-Line Income	110,000
	<u>\$ 661,750</u>
Expenses	
Annual Meeting	\$ 255,000
Clerical	750
Computer	10,000
Copier	1,200
Depreciation	1,500
Dues & Subscriptions	1,000
Medical Benefits	25,000
Miscellaneous Expense	500
Office Supplies	12,000
Payroll Tax Expense	12,210
Postage	1,500
Professional Fees	5,000
Publications	2,000
Rent	15,000
Retirement Plan	13,000
Salaries	169,000
Seminar Expense	125,000
Travel	1,500
Website	500
	<u>\$ 651,660</u>
Net Income:	<u>\$ 10,090</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,369,158	\$ 49,250	\$ 661,750	\$ 2,080,158
Expense	1,324,500	89,000	651,660	2,065,160
	<u>\$ 44,658</u>	<u>\$ (39,750)</u>	<u>\$ 10,090</u>	<u>\$ 14,998</u>

Grants and Restricted Funds

	2020-2021
ProBono	\$ 204,721
Elderly	52,613
CRF	125,000
Total:	<u>\$ 382,334</u>

2020-2021

Total Revenue	\$ 2,462,492
Total Expense	\$ 2,447,494
	<u>\$ 14,998</u>

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2019 and 2018

Assets	2019	2018
Cash and cash equivalents	\$ 1,042,266	\$ 1,761,615
U.S. treasury bills	5,312,537	4,591,834
Accounts receivable	142,475	74,816
Other assets	34,095	45,181
Property and equipment, net	107,760	125,887
Total Assets	\$ 6,639,133	\$ 6,599,333
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 50,465	\$ 48,038
Accrued expenses	103,033	99,725
Total Liabilities	\$ 153,498	\$ 147,763
Net Assets		
Without donor restrictions	\$ 3,764,978	\$ 3,681,400
With donor restrictions	2,720,657	2,770,170
Total Net Assets	6,485,635	6,451,570
Total Liabilities and Net Assets	\$ 6,639,133	\$ 6,599,333

**The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2019 and 2018 is the official name of the Balance Sheet for a non-profit organization. Information was derived from Marcum LLP audit report dated February 18, 2020.*

Bar Association Committee Reports



Animal Law

Lenore M. Montanaro, Chair

The Animal Law Committee provides a collegial forum for members of the legal community to exchange ideas and information of mutual concern, to make recommendations on the practices and procedures relating to animal law, to work

toward the improvement of this area of law, and to keep the Bar informed of developments in this practice area.

The ad hoc Animal Law Committee was established in February 2018. Since that time, the Animal Law Committee has held monthly meetings. During the meetings, the members of the committee discussed the practice of animal law. We discussed various topics within the context of the practice of animal law. Some of the topics that we discussed, and continue to discuss, include dangerous dog hearings, animal cruelty, family law issues, assistance animals, and the “link” between cruelty to animals and cruelty to people.

The Animal Law Committee submitted and received approval to host two workshops during the 2020 Annual Meeting. Due to COVID-19 pandemic, the Annual Meeting workshops were virtual.

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



Business Organizations

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

The Business Organizations Committee met on a monthly basis until February during the past year. Committee members reviewed and responded to legislation introduced during the General Assembly’s 2020 session.

The Committee, in association with the Rhode Island Secretary of State’s Office and the Uniform Law Commission, drafted an initial revision and modernization to the State’s Partnership Act and the Limited Partnership Act. The Committee hopes to complete the drafting process and deliver these Acts to the Executive Committee in 2021.



The Committee would benefit from greater input and a larger volunteer base. If you have interest in matters affecting business or nonprofit organizations, we hope you will join the Committee next year. Even if you cannot attend every meeting, we believe you will find participation in this Committee gratifying and an opportunity to impact the practice of business law in Rhode Island.



Client Reimbursement Fund

John A. Tarantino, Chair

The Rhode Island Bar Association’s Client Reimbursement Fund was established as a public service to promote confidence in the administration of justice and the integrity of the legal profession. Our experience continues to

confirm the overwhelming majority of Rhode Island lawyers are honest, caring, diligent, ethical, and deserving of their clients’ trust. The Fund reimburses the losses sustained by clients who are victimized by the few Rhode Island lawyers who violate the profession’s ethical standards and misappropriate funds entrusted to them. Losses reimbursed by the Fund include the theft of estate and trust assets, conversion of settlement proceeds in real estate and personal injury cases, money embezzled in investment transactions within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise, but then do not provide, legal services. The Committee meets when and as necessary to review and act upon claims and to propose rules and procedures with respect to the Fund. The Committee administers the Fund, which is funded by an annual assessment of \$25 per Bar member, together with interest on the invested funds and any money collected as a result of subrogation rights against the defalcating lawyers. As a fund of grace, all claimants are required to exhaust all alternate sources of recovery before the Committee will consider claims. Since its inception in 1981, Rhode Island lawyers have reimbursed more than \$2.2 million to the victims of the few dishonest lawyers in this state. No public funds are or have been involved. Rather, these reimbursement awards are financed solely by payments from lawyers. In 2019-20 seven new claims were received. One claim was paid in full. Two claims were denied as not payable under our rules and four claims are pending. I will continue to keep you informed as the Fund serves the public. I am grateful for your support.



Continuing Legal Education

Miriam A. Ross, Chair

The Continuing Legal Education Committee (CLE Committee) plans and administers the program of continuing legal education for all members of the Bar. The CLE Committee develops creative and innovative seminars to meet the needs of Rhode Island practitioners at all levels of experience. During the past year, every committee member has actively participated in the planning and implementation of one or more CLE seminars.

For the past four years, the CLE Committee distributed a survey to all Bar members to get feedback on CLE programs as a whole, top practice areas, challenges in the profession, and subject areas of interest for future programming. This survey has provided invaluable information and insight to the CLE Committee in the design of seminars and programs responsive to the needs and interests of the Bar. During the 2019-2020 year, the CLE Committee designed a total of thirty-two (32) programs, all produced by the excellent CLE Office.

CLE programs include the Bar members' favorite "Food for Thought" one-hour seminars, and two and three-hour seminars providing in-depth information and full-day practical skills. In August and September, the annual Aon Attorneys' Advantage free ethics seminar, providing all Bar members the opportunity to earn two (2) free ethics credits, was held. This seminar was offered five (5) times at various locations in the state. This year's speaker, Stuart Teicher, Esq., spoke about the cases he has investigated as a Supreme Court appointee to the New Jersey District Ethics Committee. A total of 1,181 members of the Bar attended this engaging seminar.

Seminar attendees welcomed a wide range of topics offered during the year, including seminars on Blockchain/Smart Contracts, impaneling a civil jury in Superior Court, Adult Drug Court, expunging criminal records, cyber security risks and insurance, protecting your email from hackers, ICE raids, firearm licensing, cannabis law, and service animals. The CLE schedule also included the always popular seminar "Recent Developments in the Law," plus a comprehensive, half-day program "Commercial Law - Update." Overall, CLE programs, with the support of the Association's excellent CLE Office, educated over 802 Bar members. Many CLE programs are offered in person and via live webcast to accommodate all members of the Bar throughout the state.

In response to the COVID-19 pandemic, all CLE programs during the months of March through June were offered as live webinars which allowed members to continue to develop their skills and earn CLE credits. Additionally, the CLE Committee created a new category in the online CLE catalog which houses programs specifically related to the pandemic, such as manag-

ing stress, how law practices can survive during the pandemic, creating an at home office and the security implications, and creating a virtual law office.



Criminal Law Bench/Bar

Melissa Larsen, Esq., Chair

This past year, the Criminal Law Bench/Bar Committee continued to explore a host of issues affecting the practice of criminal law in Rhode Island's state and federal courts via presentations from members of the bench and practicing attorneys. More specifically, among our presenters were RI Superior Court Associate Justice Luis M. Matos who spoke about the procedures and operations of Courtroom 4, RI Superior Court Magistrate John J. Flynn who spoke about the Rule 35 probation termination of calendar, and attorneys Kara Manosh and Camille McKenna who spoke about post-conviction relief. Distinguished bar member Tom Dickinson also gave a comprehensive recent Supreme Court case law update. We also considered proposed legislation affecting criminal law.

Unfortunately, our year was cut short by the ongoing pandemic but we look forward to getting back to work in September with additional programs designed to enrich our practice. We hope members of the Attorney General's Office, U.S. Attorney's Office, Office of the Public Defender and private attorneys practicing in the area of criminal law will consider joining our Committee next year. Until then, we hope you and your families are safe, healthy, and well!



District Court Bench/Bar

Meghan Barry, Chair

During the COVID-19 shutdown, the Committee worked with the Court to make the changes needed to reopen the civil calendars on a limited basis, created new forms, and troubleshoot the hurdles of remote access and limiting the number of people in the courtroom. The District Court Bench/Bar Committee had meetings with Chief Judge LaFazia and judges of the District Court throughout the year. The Committee addressed practical difficulties practitioners experienced and worked with the judges to reach solutions. Scheduling and other matters were streamlined as a result. The Committee appreciates the time the judges spent to answer questions and discuss how attorneys can better work with the Court to efficiently schedule and hear cases. We look forward to another year of working closely with the Court.

Bar Association Committee Reports



Ethics and Professionalism

Christy B. Durant, *Co-Chair*

Kyla M. Pecchia, *Co-Chair*



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

One of the charges of the Ethics and Professionalism Committee is to research, address, and discuss potential ethical questions facing the practice of law in Rhode Island. Often, these ethical questions are assigned to the Committee via the Bar Association Executive Committee. Having received no such assignments prior to the Committee's first meeting in October, co-chairs Durant and Pecchia presented a topic-based meeting schedule to the Committee, all of which related to ethical perils in the practice of law, and spanned from developments in medical marijuana law to advising the political client.

As has become customary for the Committee's first meeting of the year, in October, David Curtin, Esq., Chief Disciplinary Counsel, addressed the Committee about the most common issues his office had dealt with during the previous calendar year. He cited an uptick in lawyers with extreme stress and anxiety, which he hypothesized was a result of the rise of self-represented litigants and legal "apps" such as LegalZoom. On a related note, Judy Hoffman of Coastline EAP was also present at the October meeting and gave an overview of the programming and services that Coastline offers to the legal community and their families.

The Committee met again in December and discussed the topic of courtroom civility, as presented by Committee member Samuel Zurier, Esq. Mr. Zurier advocated for a revamping and republishing of the Code of Civility (as appended to the current RI Rules of Professional Conduct) as part of a broader "civility initiative," started by Justice Weisberger 25 years ago. RI Superior Court Associate Justice Jeffrey A. Lanphear, also presented as a guest speaker at the December meeting. Justice Lanphear discussed his role as chairperson of the Commission on Judicial Tenure and Discipline and the duty of the Commission in addressing complaints. Justice Lanphear further spoke of his experience with civility in the courtroom and how his observations have changed through his years of service. As of the writing of this report, the RI Bar Association Executive Com-

mittee announced that it would be introducing a series of CLE classes centered around civility.

Finally, in February, Nicholas Obolensky, Esq. joined the Committee for a fascinating discussion about recent developments in marijuana law, the ramifications these developments have had for clients on both the civil and criminal spectrums, and his personal experiences trying cases and representing clients in the wake of these recent developments. Mr. Obolensky discussed with the group the juxtaposition of federal and local statutes, the proximity of Rhode Island to other states which have more lenient laws, and what to potentially expect in the courtroom when representing a client facing legal issues of this genre.

The Ethics and Professionalism Committee provides a forum in which issues related to ethics and professionalism can be identified, discussed, and disseminated amongst the ranks of the Association, and this topic-based approach to meetings helped to further the Committee's goal of maintaining such an important forum for discussion. Members of the Bar are invited to submit topics to the Committee for consideration during the upcoming year.



Family Court Bench/Bar

Jane F. Howlett, *Chair*

As with most activities, the Family Court Bench/Bar Committee has been stymied by the COVID-19 pandemic. However, prior to the pandemic, we had several meetings at the Bar Association's headquarters. In October we were fortunate

to have Dr. Robert Walker speak to members of the Committee. Dr. Walker founded and operates Robert A. Walker and Associates Counseling Center in Warwick. Dr. Walker's focus is on individual, family, and group therapy as well as co-parenting counseling. Dr. Walker discussed a new counseling program which involves group therapy, as well as individual therapy for co-parenting counseling. This new program allows for individuals to experience parenting issues in a group therapy session as well as allowing individuals to address their personal, particular issues in a one-on-one meeting with their individual counselor. Thank you to Dr. Robert Walker for supporting our Committee and for offering insight into this crucial and essential component of counseling as it relates to the custodial and parenting issues involved in divorcing and separating parents.

The Committee was again fortunate to have Attorney Elizabeth Segovis offer the annual CLE on *The Tax Consequences of Divorce and Separation*. The one-credit CLE was again masterfully presented and focused on the current tax law changes and the consequences of those changes as they apply to divorce and separation. Filing status, head of household, and the changes re-

garding alimony were discussed in length. Thank you Attorney Segovis for your hard work and dedication to our Committee.

Committee members have received case law updates as new decisions are issued by the Supreme Court. Additionally, Committee members have been promptly notified of all Administrative Orders issued by Chief Judge Forte. Those include the changes to the calendars due to the pandemic and, most recently, Administrative Order 2020-05 addressing the continuity of operations during the public health crisis caused by COVID-19. This Administrative Order sets forth the procedures that the Family Court will utilize and addresses in-person hearings, remote hearings, domestic, juvenile and child welfare matters as well as the introduction of exhibits at a remote hearing. The Order also addresses WebEx and telephonic hearings and emergency filings. Lastly, the Order enlarges the time for the filing of an interlocutory decision and a final judgment.

In closing, I note that Albert Einstein is quoted as saying “in the middle of difficulty lies opportunity.” Our current public health crisis is compelling us to avail ourselves of the technology available to allow the Judiciary and members of the bar to continue the business of the Courts and to allow the public equal access to the Courts and to the Judicial system.



Federal Court Bench/Bar
Patricia K. Rocha, Chair

Perhaps the understatement of the year is that this year was one of change. We began the year with the 2019 District Conference, “Independence and the Courts,” highlighted with David Boies as the keynote speaker and the announce-

ment by Chief Judge William E. Smith that after six years as Chief Judge, effective December 1, he would be turning the job over to his colleague, now Chief Judge John J. McConnell, Jr. At the same time, Judge Mary S. McElroy was welcomed to the Court as its 24th District Judge. Then on March 13, 2020 the Court responded to the COVID-19 pandemic closing the Courthouse to the public; however, it continued to maintain operations with conferences, hearings, and meetings by telephone and Zoom and keeping cases, both civil and criminal, moving.

Due to the pandemic, the Federal Court Bench/Bar Committee did not have its final spring meeting; however, at an earlier meeting, the Committee thanked Judge Smith for his service over the years and his leadership by ushering in significant changes during his tenure. Those changes include the HOPE (Helping Offenders Prepare for Re-Entry) Court, a re-entry program for offenders on post-conviction supervision to assist with re-integration to society, overseen by Magistrate Judge Patricia A. Sullivan, the Deferred Sentencing Program, a post-guilty plea program providing treatment, supervision and services instead

of imprisonment with the focus on rehabilitation, the creation of a pro bono panel for Rhode Island lawyers, and the establishment of the acclaimed Litigation Academy first held in 2014 and presented jointly by the Court, the Roger Williams University School of Law and the Rhode Island Chapter of the Federal Bar Association under the leadership of Co-Directors Brooks Magratten and Professor Niki Kuckes of Roger Williams University School of Law.

At our last meeting, we welcomed Judge McElroy and wished Judge McConnell much success as Chief of the Court. Little did anyone know of the unprecedented challenges of the pandemic and the impact on the Court. In response to the pandemic, the Court held a Town Meeting on May 21 to address all things COVID and was greeted with a Zoom meeting that was standing-room only. In addition, the Court is providing Zoom training programs. Judge McConnell announced that he has appointed a Task Force to be headed by Judge Smith and Deputy Clerk Frank Perry to create a plan for reopening with the number one guiding point to keep all stakeholders safe. The Task Force will be gathering information about what is happening in other federal and state courts, working with staff, GSA and contractors to explore various ideas and options regarding how to conduct the Court’s business and maintain social distancing and develop protocols for operations.

The secret to change is to focus on improvement and betterment so change becomes progress. Although this year has proved to be an exceptionally challenging time, the Federal Bench/Bar Committee wants to thank all the judges and Norah Tyer-Witek and her staff for all their efforts and outreach to ensure that the future will be bright. Stay safe and healthy.



Fee Arbitration
Henry V. Boez III, Chair

During fiscal year 2019-20, six petitions for fee arbitration were filed with the Rhode Island Bar Association. Two matters were dismissed because the respondent was unwilling to proceed with the arbitration. Two matters were arbitrated with the Committee’s assistance. Two matters are still pending. The amount of fees in dispute ranged from \$1,200 to \$9,017. Several disputes were between lawyers involved in the same case. We continue to arbitrate controversies that could have been avoided by well-written fee agreements, sound billing practices, and/or better lawyer and client communications. The proceedings are primarily informal, serving as an alternative to litigation. Members of the Committee serve voluntarily without compensation. They are commended for their service to the Bar and the public. This program increases public confidence in the legal profession and accelerates fee dispute resolution. We hope

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more attorneys utilize this vehicle for fee dispute resolutions to take advantage of the benefits of the program.



Government Lawyers Jenna Giguere, *Chair*

The 2019-2020 Government Lawyers Committee season once again delivered its members three free CLE seminars. In the CLE program “Administrative Appeals – Perspective from the Bench,” participants had the great opportunity to learn about administrative appeals filed in the Superior Court from the perspectives of our honorable panelists, RI Superior Court Associate Justices Brian P. Stern and Richard A. Licht, both of whom held distinguished positions in executive agencies before taking the bench. The CLE program “Ethics, Professionalism, and Civility” was presented by Rebecca Tedford Partington and Chrisanne Wyrzykowski of the Office of the Attorney General.

In the CLE program “The Intersection of State Occupational Licensing and the Criminal Process,” Lara Montecalvo, Chief of the RI Public Defender Appellate Division, provided participants with a short overview of the criminal process from arrest through conviction (and collateral consequences); and Laura Pisaturo, Chair of the Rhode Island Parole Board, covered the processes and common conditions of probation and parole (including conditions for employment). The moderator, Chairperson Jenna Giguere, presented the important context for this event: Lack of employment is recognized as a primary indicator for high recidivism rates that increase the cost burden of state correctional facilities. At the same time, with declining levels of unemployment, employers are looking to expand their candidate pools and showing increased willingness to hire individuals with criminal backgrounds. For some types of employment, advocacy organizations are pushing for streamlining processes and standards related to occupational licensing for those with criminal backgrounds, both nationally and in Rhode Island.

The non-CLE meetings offered members additional free content. The December meeting was a historic look at the eventual inclusion of women in the practice of law in Rhode Island as we neared the 100th anniversary of the first woman to practice law in our state, including GLC member panelist Etie Schaub. The January meeting consisted of a very informative session on municipal charters by the Committee’s very own Amy Goins and Peter Skwirz. In February, we enjoyed a small group discussion regarding the “soft skills” that permeate government legal practice.

The April and May meetings were conducted virtually as a result of COVID-19. We had a great turnout for the teleconference on legislative drafting and pending bills of interest

to government attorneys, presented by our own GLC member William Connell. Our season concluded with a special presentation of the Big Rhode Island Quiz on Zoom during Lawyer Wellness Week. As hard-working attorneys, it was finally time to kick back, learn some “fun facts,” and remember why this State we work in is the Greatest Little State!



Insurance Programs Holly R. Rao, *Chair*

The Insurance Programs Committee reviewed the Axis professional liability program with representatives of Aon Affinity Services. Aon reports they are focusing on providing stability, securing greater flexibility in setting rates and credits, and simplifying the application process. Aon continues to sponsor the annual loss prevention series of CLE programs in the summer and fall where, traditionally, over 1,500 Rhode Island Bar members attend at no charge. Last year’s speaker, Stuart I. Teicher, Esq., focused on issues he has seen as an attorney ethics investigator, entitled: “Exit Row Ethics: What Rude Airline Travel Stories Teach About Attorney Ethics.” Issues discussed included: perils in the seat – how simple conversations in transit could create conflicts; security checkpoints and confidentiality (Rule 1.6); technology terrors when lawyers travel; sneaking into first class and other deceptive tactics (Rule 8.4); and wear your pajamas on the plane, but not in court (professionalism issues). The Committee is also working closely with Aon to market and educate members regarding insurance issues impacting the practice including cyber insurance.

Our health insurance broker, USI, is always available for one-on-one consultations, regarding medical and dental insurance coverage and changes anticipated for the current year. USI New England is contracted to provide Bar members with enrollment, billing service, insurance advice and to assist Bar members with other health/dental and benefits insurance alternatives.



Lawyers Helping Lawyers Nicholas Trott Long, *Chair*

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

communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself. Lawyer-Committee member contacts are noted only for statistical purposes and no names are ever mentioned.

The RIBA contracts with Coastline EAP, which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. Coastline EAP is headed by Judith G. Hoffman, LICSW, CEAP who for many years has provided the Committee and the Bar membership with invaluable confidential service. Coastline EAP also maintains a comprehensive library of well-being resources that may be accessed confidentially 24 hours a day. The website is coastlineeap.com and the database of resources may be reached by clicking the “Employees and Family” button and inserting the password “RIBAR.”

Throughout the year the Committee circulated a variety of well-being articles to the bar using social media, the Association’s website, and the *Bar Journal*.

During the 2020 Virtual Annual Meeting series, the Lawyers Helping Lawyers Committee coordinated a presentation on the progress of the national lawyer well-being movement featuring attorneys Stacie Collier, Cassandra Feeney, and Charlene Pratt.

The pandemic has created unprecedented opportunities for lawyers to address their well-being needs and generated an unprecedented plethora of valuable resources.

The Aon Lawyers Professional Liability Insurance company continues to sponsor the annual loss prevention series of CLE programs at several locations where over 1,500 Rhode Island Bar members attend at no charge. The 2019 program featured New Jersey attorney and educator Stuart Teicher with a program entitled, “Exit Row Ethics: What Rude Airline Travel Stories Teach About Attorney Ethics.”



Lesbian, Gay, Bisexual, & Transgender Legal Issues

James Bagley, Co-Chair
Christopher J. Gerlica, Co-Chair

We would like to thank the Committee members for a successful committee year. We appreciate everyone’s efforts in attending meetings and contributing to the Committee. During our committee meetings, members discussed whether the Rhode Island Rules of Professional Conduct needed to be updated in order to be more inclusive of different gender identities. While the committee took no action, the discussion led to a better understanding of the issues and for deter-



mining a path forward for next year.

The Committee also planned for a CLE during the Annual Meeting regarding forthcoming United States Supreme Court decisions, which has unfortunately been postponed until the fall due to the COVID-19 pandemic’s effect on the Court’s schedule.

Further, we continued to be a space for LGBTQ and ally attorneys to come together to discuss the needs of our growing community and what efforts can be made to foster a more engaged and thriving LGBTQ and ally legal community.



New Lawyers

Meredith F. Howlett, Chair

Since its creation, the New Lawyers Committee has been a home to young and newly licensed attorneys to network, socialize, and most importantly, to learn. The 2019-2020 season was no different – pandemic and all. The New Lawyers

Committee saw the return of Attorney Brian Lamoureux, of Pannone Lopes Devereau & O’ Gara LLC, who lectured an updated presentation on *The Ethical Use of Social Media in the Legal Profession*. This ever-evolving lecture discussed the role and impact social media has on how lawyers represent their clients when confronting litigation, evidentiary, and ethical issues. The New Lawyers Committee also saw the beginning of the “Meet the Chairperson” speaker series, whereby Chairpersons of other Rhode Island Bar Association Committees came to speak to the group about their specific committee. Sadly, our monthly presentations ended with the onset of the COVID-19 pandemic. While the committee was not able to meet in person, a member of the committee developed a newsletter that was disseminated to the other members which outlined Rhode Island specific practices and procedures in light of the “new normal” that is the practice of law. Even in the midst of a pandemic, the members of the New Lawyers Committee continued to learn and gain practical experience in the practice of law. From the newly barred attorney who is just beginning to get their feet wet, to the more seasoned attorney who could teach a new lawyer a thing or two – there is a place for everyone in the New Lawyers Committee. Please, sign up and join our committee today!



Probate and Trust

David T. Riedel, Chair

The Committee on Probate and Trust considers proposed changes in the legal system as the changes relate to the probate, trust, and estate tax areas. The Committee was active during the 2019-

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2020 committee year and met five times. Unfortunately, our schedule had to be abbreviated due to the COVID-19 virus, the same reason the General Assembly has not met since earlier this year. It is doubtful whether any legislation submitted or reviewed by the Committee can be taken up during the present legislative session.

The Committee consists of over one hundred members, many of whom were regular attendees and active participants at Committee meetings. Several probate judges were members of the Committee, and the judges provided a useful perspective for Committee discussions.

The Committee reviewed, revised, and submitted (after approval by the Bar Executive Committee) legislation that would permit so-called “directed trusts” (which would permit a settlor to designate a person other than a trustee as responsible for trust investments). The Committee also prepared and introduced, with the approval of the Bar Executive Committee, proposed legislation with respect to portability between spouses of the Rhode Island estate tax credit. All bills are being held for further study by the appropriate committees of the House or Senate at this time, and passage is uncertain, as noted.

The Committee intends to pursue the directed trusts and portability legislation, both in the current year, if possible, and in the 2020-2021 year. In addition, the Committee will consider uniform legislation on non-judicial settlements and trust decanting (the latter as an update of the current Rhode Island statute).

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



Public Service Involvement *Christine J. Engustian, Chair*

The Public Service Involvement (PSI) Committee had another busy year of addressing ways to assist the pro bono programs of the Bar Association by increasing attorney membership in those programs and by educating volunteer attorneys in areas of the law within which the majority of cases fall.

A PSI subcommittee organized a three-part CLE seminar series entitled “Saw It on the Internet: The legal and ethical issues surrounding electronic evidence” that was held in the Fall of 2019. Committee members moderated the seminars that included a review of relevant case law, instruction from a digital forensics expert, mock direct and cross examinations, and the participation of the Honorable Judges Brian P. Stern, Karen Lynch Bernard and Feidlim E. Gill, and local attorneys in the various roles of the parties’ legal counsel, witnesses and judges in the mock

hearings. The seminars were well-attended and well-received, resulting in successful evaluations from attendees and a substantial number of pro bono cases being placed with volunteer program attorneys.

Committee members also agreed on a proposed seminar (essentially how the intersection of criminal law and immigration law affects the legal representation of clients before the courts) to present to the Annual Meeting Committee for the 2020 Annual Meeting of the Bar Association. The seminar named “Crimmigration” was accepted and, due to the coronavirus, will be presented at the Association’s 2021 Annual meeting.

Another PSI subcommittee worked on re-drafting the Handbook for Seniors that the Bar Association provides to seniors and to clinics held at the Senior Centers across the State of Rhode Island. It has been over a decade since the last revisions to the Handbook were made and, at the suggestion of the Public Services Director, Susan Fontaine, the Committee agreed it was time to update the Handbook on the legal areas of relevance and interest to the senior population of our communities. The work of this subcommittee will continue until this project is satisfactorily completed.

Most recently, a PSI subcommittee selected Attorneys Doris A. Lavallee and Gregory P. Sorbello to receive the 2020 Pro Bono Publico Award for their outstanding service to the poor through the Volunteer Lawyer Program and Elderly Pro Bono Program, respectively. Each recipient is selected based on the number and complexity of cases taken, pro bono hours reported, length of service to the programs, professionalism, compassion and commitment to public service. In addition, the same subcommittee selected Phillip C. Koutsiaque, Esq. for the Continuing Service Award which recognizes attorneys who have continued to volunteer their legal services to the pro bono programs of the Bar Association for at least 5 years following receipt of the Pro Bono Publico Award. The Committee is grateful to Doris, Gregory and Phillip for their commitment to the pro bono programs of the Bar Association and congratulates them for their well-deserved awards.

On the Committee’s behalf, I extend special thanks to the Public Services Director, Susan Fontaine, and all staff members who provide their significant, able assistance, and kind support to the PSI Committee and the work it undertakes.



Real Estate Title Standards and Practices *Michael B. Mellion, Chair*

The Real Estate Title Standards and Practices Committee met eight times this year. Attendance continued strong with an average of 26 members attending each meeting, a 26% attendance

rate. The members benefited from informative presentations by Committee members on recent cases of interest to real estate practitioners decided in Rhode Island, Massachusetts and federal courts, discussions among committee members regarding new developments in the law and transactional practice, and reviews of pending legislation.

The Chair reminds all practitioners that Rhode Island's title standards, practice standards, and forms are available online as part of Casemaker's Rhode Island materials through the Rhode Island Bar Association website. Printed Title Standards Handbooks may be purchased directly from the Bar Association.

Thanks are due to the following Committee members who presented cases at meetings this year: John A. Beretta, Andrew M. Cagen, John A. Comery, Paula M. Cuculo, David M. Dolbashian, Michael R. Hagopian, Mary-Joy A. Howes, Marlene Samra Marshall, and Gardner H. "Chip" Palmer, Jr.

The Chair and the Committee are grateful, as ever, for the exemplary work of Nancy M. Davis, the Committee's Recording Secretary, whose comprehensive minutes of our meetings create an invaluable record of the Committee's proceedings.

The Chair also extends thanks John A. Comery and Linda Rekas Sloan for ably leading, respectively, the December 19, 2019 and the February 20, 2020 meetings, and Philip W. Gasbarro, Chair of the Legislative Subcommittee, for preparing well-organized, detailed reports on pending legislation of interest to our members.

On November 21, 2019, the Committee celebrated the occasion of its 300th meeting with food and beverages supplied courtesy of the Rhode Island Bar Association. This convivial event, coordinated by Nancy M. Davis and Vanessa J. Varone, drew 42 attendees, the largest recorded turnout in the Committee's history.

Due to the COVID-19 pandemic, the Committee's March meeting was canceled. However, the Committee conducted meetings in April and May via Zoom, attracting robust attendance.

In response to the enactment of Chapter 30.1 of Title 42, entitled "Uniform Law on Notarial Acts," which took effect on January 1, 2019, our Forms Subcommittee, consisting of Nancy M. Davis, Lloyd Garipey, Mark S. Krieger, and Joseph Raheb, developed a set of model acknowledgment clauses that was approved by the Executive Committee of the Rhode Island Bar Association at its October 22, 2019 meeting. They appear as new Practice Form 15.

The Standards and Practices Subcommittee, consisting of Linda M. Tessman, John A. Comery and Michael B. Mellion, proposed two new Title Standards: Title Standard 3.16, entitled "Power of Attorney - Attorney-in-Fact as Grantor - Defective Execution by Attorney-in-Fact," and Title Standard 3.17, entitled "Conveyance of Fractional Interest." The Executive Committee approved Title Standard 3.16 on February 25, 2020 and Title Standard 3.17 on April 7, 2020. The new standards went into

effect on their respective approval dates.

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



Superior Court Bench/Bar **Zachary Mandell, Chair**

The Superior Court Bench/Bar Committee had a successful 2019-2020 term.

The Committee has been working on changes to Rule 26(b)(4) of the Superior Court Rules of Civil Procedure in the wake of *Cashman Equipment Corp., v. Cardi Corp., Inc., et al*, 139 A.3d 379 (2016). The proposed rule created by the Committee sets forth the procedure for the discovery of information and documentation from expert witnesses. The Committee was involved in the proposed rule-making process involving the Executive Committee of the Rhode Island Bar Association, the Committee of Superior Court Judges appointed by the Presiding Justice, and a vote by each judicial member of the Rhode Island Superior Court. Prior to the issues with COVID-19, the proposed rule was set for hearing with the Rhode Island Supreme Court.

The Uniform Interstate Depositions and Discovery Act was adopted by the Rhode Island Legislature this year. The Committee has worked with the Superior Court to create a system for its implementation. This work included consultations with the Court to set reasonable fees for out of state deposition requests and also a procedure to help facilitate out of state depositions covered by the new law.

In conjunction with several Justices of the Superior Court, the Committee has been attempting to enlarge the number of "rule of court" motions pursuant to Rhode Island Rule of Civil Procedure 7. The Committee has created a list of proposed additional "rule of court" motions which will be given to the RIBA Executive Committee for a vote during this next term.

We also continued our efforts working with the Superior Court to update the Court's website. The website now has updated pages listing motion calendar protocols and administrative orders for each county.

The Committee has also worked with members of the Court to develop new procedures for use during the restrictions put in place by COVID-19. Associate Justice Melissa Darigan has been very active in helping the committee in this regard, including joining the Committee's first virtual web-based meeting to discuss these issues.

It has been an honor and pleasure serving as Chairperson of the Superior Court Bench/Bar Committee this year. I hope

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that the work of the Committee has benefited both the Court and attorneys who practice in the Superior Court. Thank you to all who helped with the Committee's work this year. It was a team effort. We are all looking forward to another great year ahead.



Supreme Court Bench/Bar

Lauren E. Jones, *Chair*

The Supreme Court Bench/Bar Committee met twice this year. A third meeting was scheduled to prepare for a seminar at the Annual Meeting when the COVID-19 interrupted preparation and presentation. The Committee will be discussing this year whether and how to do a remote seminar on appellate practice issues or whether to prepare a seminar for next year's Annual Meeting.

The Committee has continued to discuss and prepare for the transition by the Supreme Court to electronic filing and amendments to the appellate rules to address e-filing changes, at least. The Committee has not been involved in or been asked to be involved in those changes, which were expected this spring but now are delayed and so are still in progress. The Committee chairperson has offered the assistance of the Committee members to the court administrators in the ongoing process.

The Committee had hoped to have members of the Supreme Court's staff speak at the Annual Meeting to provide the membership with insight into the inner-workings of that office. Due to the cancellation of the Annual Meeting, the Committee will plan to ask those people to make a presentation at a later seminar, if possible.

The Committee continues to have an interest in exploring videotaping or audio-recording oral arguments. A Committee member has prepared a draft White Paper on the subject. The Committee was unable to reach consensus on the issue due to the shortened year.

The Committee also discussed specific issues in the appellate practice area, including the charging of multiple filing fees for a single notice of appeal; the show-cause process, including prebriefing and oral argument and whether it is in need of some adjustment; the method for ordering transcripts and the timing of it; perfecting appeals and how e-filing could make the process more efficient, and particularly the transmission of the record, which is now almost exclusively electronic; differences between criminal and civil appeals, including the question whether a trial lawyer in a criminal case has a duty to file a notice of appeal; and the process for seeking emergency relief.

At the time this report is being prepared, the new appellate rules, including those relating to electronic filing, have not been issued. The Committee hopes and expects that during the 2020-2021 year e-filing will be implemented at the supreme court and

expects to have significant engagement with those new rules when they come into effect.



Technology in the Practice

Michael M. Goldberg, *Co-Chair*

Rhiannon S. Huffman, *Co-Chair*



The Technology in the Practice Committee's noteworthy activities this year again focused on issues regarding the Case Management System (CMS) and Electronic Filing (E-Filing) System in the Rhode Island State Courts.

The Committee continued to organize and moderate the E-Filing Working Group, which consists of bar members and representatives from multiple Bar Association bench/bar committees. The E-Filing Working Group acts as a conduit between Bar members and the Rhode Island Judiciary. The E-Filing Working Group has developed into a resource for Bar members to effectively utilize various features of the CMS and E-Filing Systems. The E-Filing Working Group has likewise brought Bar members' concerns relating to the systems to the Judiciary for possible resolution.

The members of the Committee have spoken upon invitation at other Bar Association Bench/Bar Committees to discuss current technology trends affecting the legal profession as well as the CMS and E-Filing System.

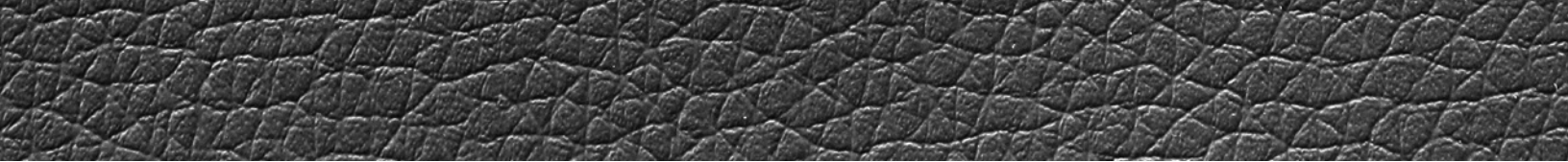
The Committee has provided reports of our progress to the Bar Association President David N. Bazar who has passed along the information to the membership through the President's Messages in the *Rhode Island Bar Journal*, as well as through Bar Committee updates, an all-member email, and news postings on the Bar's website and social media accounts.

The Committee has worked with the Bar Association in assisting and suggesting informational blast emails throughout the year to the Bar regarding issues with technology in the practice. The Committee has also worked with the Judiciary's technology department to review and discuss new additions and upgrades of the e-filing and case management systems.

Workers' Compensation Bench/Bar

William Gardner, *Chair*

The Committee met at the Garrahy Judicial Courthouse on the third Thursday of each month and was regularly attended by Chief Judge Robert Ferrieri and the Court's associate judges. In the winter, the Court's Mediation Program instituted its first Mediation Week for claims not actively in litigation, and this ex-



pansion of the program's reach was well-received. The Mediation Program continues to be very successful in resolving disputes and has been a welcome addition to the Court. A special thanks to the retired and active judges, as well as Michael Schwartz, Esq., for continuing to lend their time to the program. The Committee has been unable to meet as usual since the COVID-19 pandemic, but two remote sessions were held in the spring, which saw the highest attendance ever for our Bench/Bar Committee meetings. The annual workers' compensation meeting was also rescheduled due to the pandemic. Following the COVID-19 closures, the Workers' Compensation Court was able to rapidly introduce remote hearing procedures that allowed the Court to continue to hear matters with little interruption. Pretrial conferences and initial hearings were conducted telephonically or by remote video, which allowed employees, employers, and insurers to continue to litigate their claims in a timely fashion. The Court continued to hear newly filed petitions within a matter of weeks, guaranteeing that litigants were able to present their claims to the Court as expeditiously as they could before the closures. More recently, the Court resumed live hearings in order to hear those matters that could not be addressed remotely. The

Court continues to grapple with the fallout from the COVID-19 pandemic, but it has largely been able to function continuously despite the changes in our judicial and societal norms. Although this year has presented a unique challenge to the Workers' Compensation Court, the Bench and Bar have risen to the occasion and are to be commended for their hard work and ingenuity.