


Rhode Island Bar Journal

Rhode Island Bar Association Volume 72. Number 1. July/August 2023

A photograph of a beach with large rocks in the foreground and waves crashing on the shore. The sky is clear and blue, and the water is a deep blue with white foam from the waves. The beach is sandy and covered with small pebbles and shells. The rocks are large and light-colored, with some darker spots. The overall scene is peaceful and scenic.

**Rhode Island Bar Association Officers
Bar Annual and Committee Reports
Bar Awards and Annual Meeting
A New Approach to Eviction Defense**

Article

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Steven S. Flores, Esq.



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RHODE ISLAND BAR ASSOCIATION

LAWYER'S PLEDGE

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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Our Bar Community



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

“I am a firm believer that the connectedness—sometimes called relatedness—that communities like the Rhode Island Bar Association foster is vital to our personal and professional success.”

I was selling vacuum cleaners at Apex, a discount department store, when I first thought about becoming a lawyer. At the time, my minimum wage job was barely enough to cover my living expenses at the University of Rhode Island. Law school tuition surely did not fit into my budget.

Shortly after I had this fleeting thought, I received what seemed like terrible news. Apex was closing its Warwick store. I would soon be out of a job and unable to pay my expenses at URI, let alone law school. Luckily, this bout of bad luck did not last long, and I was fortunate to land a job selling women’s shoes at Filene’s. The pay was considerably better—we made commission—but no matter how much I could hustle and no matter how many boxes of Steve Madden shoes I could lug out of the backroom and onto the sales floor, my compensation still barely covered the cost of books.

Although I was unsure how I could ever manage to afford law school, my parents encouraged me to apply. As a native and lifelong Rhode Islander, Roger Williams University School of Law was the obvious choice. I applied and was accepted, but I knew that only a miracle could help me afford the first year’s tuition.

As I was beginning to doubt whether law school was the right choice for me, my parents learned about a scholarship for Rhode Islanders entering their first year of law school—the Rhode Island Bar Foundation’s Thomas F. Black Jr. Memorial Scholarship. I met the criteria, so I applied.

To my good fortune, 20 years ago, the members of the Rhode Island Bar Foundation’s scholarship committee saw potential in the 21-year-old who could tell you the amperage of a Hoover Wind-Tunnel and that there is only one-eighth of an inch difference in half-sizes of women’s shoes. I was the 2003 recipient.

At that time, I had no idea how much that assistance would do for me. Eventually, I was able to leave my job at Filene’s and dedicate all my time to my second and third years of law school. The extra attention I was able to give to my studies helped earn me a position as a law clerk to now retired Chief Justice Williams of the Rhode Island Supreme Court and, later, a position as a litigation associate with Adler Pollock & Sheehan

P.C., where I am a Shareholder today.

The Rhode Island Bar Foundation did something so much more than give me the financial means to focus on my law school study. It unlocked the door to the Rhode Island Bar Association, and it made me, as a very young lawyer, a part of this community.

In the years that followed that early introduction to the Bar Association, so many of our members warmly welcomed me into this community. Many encouraged me to get involved; others gave me opportunities; some challenged me; and some pushed me to lead. But more than anything, I was a part of this community.

In his book *Tribe: On Homecoming and Belonging*, author Sebastian Junger wrote:

[H]uman beings need three basic things in order to be content: they need to feel competent at what they do; they need to feel authentic in their lives; and they need to feel connected to others. These values are considered “intrinsic” to human happiness and far outweigh “extrinsic” values such as beauty, money and status.¹

I am a firm believer that the connectedness—sometimes called relatedness—that communities like the Rhode Island Bar Association foster is vital to our personal and professional success. When the pandemic hit, it challenged the very core of this belief. We found substitutes for our traditional in-person engagement, and we preserved our community.

We are, however, on the precipice of another epidemic. No, I don’t mean another COVID-19 variant. Or at least I hope not. What I mean is the epidemic of loneliness.

The legal profession challenges us in immeasurable ways, especially when it comes to our own well-being. We carry the weight of our clients’ heaviest burdens along with our own.

We have emphasized lawyer well-being² and civility,³ but what we do not often consider is fulfilling lawyers’ intrinsic need to feel connected to

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others as a means of promoting lawyer well-being and civility. There is a strong, documented correlation between connectedness—the kind of connectedness fostered by bar associations—and lawyers’ well-being and civility.

I do not mean to suggest that connectedness is the antidote to mental or physical illness. Instead, what I mean to underscore is that fulfilling lawyers’ intrinsic need to feel connected—to be an engaged member of a community and to feel a genuine sense of belonging—has a positive effect on lawyers’ happiness and, in turn, on civility in the profession.

The effect of connectedness and the need for relationships is not unique to lawyers. In May, the U.S. Surgeon General issued an 82-page advisory on the epidemic of loneliness and isolation.⁴ The advisory draws on decades of research and calls attention to the role civic and professional organizations play in promoting health and wellness.

The Bar Association has historically played and can continue to play that role. In an article published in the *South Carolina Law Review* titled, “Lawyer Wellbeing as a Crisis of the Profession,” The Hon. Cheryl Ann Krause of the United States Court of Appeals for the Third Circuit and her co-author, Jane Chong, explored the role of bar associations in fulfilling a lawyer’s need to feel connected. They posit that:

Restoring wellness must start with reviving the concept of belonging and our perception of our profession as a noble calling—one which unites us as a community, of which we see ourselves as stewards, and in which we invest not merely for our own return on investment (whether measured by income, title, or accolade), but for coming generations. Such efforts are time-sensitive and essential, for it is now apparent that improving lawyer well-being is not merely a necessary foundation for quality representation. It is also a reflection of the bar’s commitment to the first principles of legal practice and a testament to the values that will shape the future of the legal profession.⁵

I am especially grateful for immediate Past President, Mark Morse, and the Bar presidents who came before him, who committed themselves to being stewards for the coming generations.

In recent years, the Bar has placed great emphasis on its newer lawyers and its diversity, equity, and inclusion work. Under Mark’s leadership, what were once standalone initiatives are now woven into the fabric of the bar’s work. I am particularly grateful for Mark’s work with our Bar committees and his partnership with the Judiciary on this important work.

I am committed to carrying Mark’s work forward so that all our members experience the support of this community in the same way that I did, as well as the connectedness, and deeply felt sense of belonging that make this community so special.

One of the ways I intend to do that is to focus on our pipeline to leadership within the Bar.

At the Bar Annual Meeting in June, I announced that, with the support of the executive committee, the Bar Association is establishing a Leadership Academy. Starting this summer, lawyers may apply for the Rhode Island Bar Association’s inaugural Leadership Academy class. Through the nine-month program, participants will be given access to resources, coaches, and other professional support that will enable them to be stronger leaders in their own workplaces and, we hope, leaders in our Bar.

Through this effort, we intend to build a pipeline, nurtured by professional relationships, that will strengthen our Bar and sustain our community. I ask that you to think about those newer lawyers in whom you see potential and, especially, those who have not already found their place in our Bar community. Please encourage them to apply.

It is an honor of a lifetime to serve as President of the Rhode Island Bar. I promise that I will do my part to carry forward what this community has given me. Many of you have approached me and asked what you can do to assist me in the year ahead. I have only one request. Be the community for a young lawyer that you were to me. The future of our profession depends on it.

Thank you for the opportunity to serve you.

ENDNOTES

1 *Sebastian Junger*, *Tribe: On Homecoming and Belonging* 22 (2016).

2 *See Linda Rekas Sloan*, *Secure Your Own Mask First*, 66 *R.I. Bar. J.* 4 at 3-4 (Jan./Feb. 2018).

3 *Civility was a point of emphasis for my colleague, Victoria Almeida, during her Bar Presidency. See Victoria Almeida, Servant Leader*, 58 *R.I. Bar. J.* 1 at 3 (July/Aug. 2009).

4 *Dr. Vivek H. Murthy, U.S. Surgeon General, Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General’s Advisory on the Healing Effects of Social Connection and Community* (2023), available at <https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf>

5 *The Hon. Cheryl Ann Krause and Jane Chong*, *Lawyer Wellbeing as a Crisis of the Profession*, 71 *S.C. L. Rev.* 203, 244-45 (2019). ◊

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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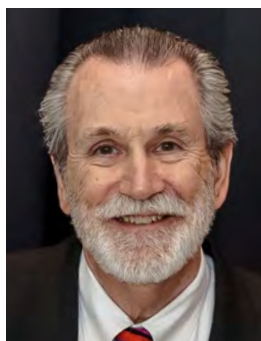
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Let's Teach Law Students to Take the High Road



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

“I firmly believe that law schools need to teach their students how to engage in intelligent and meaningful discourse, respectfully and articulately, even when they vehemently disagree.”

Michelle Obama, a lawyer, and former first lady, famously said, “When they go low, we go high,” arguing that the high road is the only clear path to success. I agree.

The primary mission of your Bar Foundation is to foster and maintain the honor and integrity of the profession of law. We try to do this in several ways. One way is through our law student scholarships and fellowships.

As you know, for many years, the Bar Foundation has been annually awarding scholarships to first-year law students. In fact, this year the Bar Foundation will award four \$25,000 first-year law student scholarships at our annual meeting. In addition, the Bar Foundation administers fellowship programs for Roger Williams Law School’s second-year law students who will intern for the summer at non-profit legal organizations. These fellowships are a collaboration between the Foundation and the law school, with the Foundation and the school each providing 50% of the funding.

Recently, I read about what I felt was a very unfortunate situation at Stanford Law School involving Judge Stuart Duncan of the US Court of Appeals for the Fifth Circuit. He was attempting to speak at the invitation of the Stanford Student Federalist Society about the Fifth Circuit. I was appalled when I read in the *Wall Street Journal* Judge Duncan’s account of how he was treated by the Stanford students and the school administration. His account was entitled “My Struggle Session at Stanford Law School,” and his opinion piece was subtitled “A dean voices pride that students are being taught to stage tantrums rather than make a reasoned case.”

Stanford students were exercising what has come to be known as a “heckler’s veto” by frequently interrupting the Judge and yelling and heckling so that his presentation could not be heard. According to the Judge’s article, when the Judge asked Stanford administrators to calm the crowd, an associate dean went to the lectern and began her remarks by criticizing him, saying that “your work has caused harm” and “feels abhorrent.” She also said, “I’m glad this is going on here.”

The students continued hurling abuse and

insults such as “you’re scum.” Eventually, two U.S. Marshals had to escort Judge Duncan out.

Why were the students upset? Because Judge Duncan has taken conservative positions as both a lawyer and as a judge. According to *The Stanford Daily*, the students felt that Judge Duncan was an advocate for laws that they believe are harmful to women, the LGBTQ+ community, and immigrants.

For example, as a lawyer, he defended Louisiana’s traditional marriage laws. As a judge, he wrote a majority opinion which concluded that federal courts have no power to order that a transgender federal prisoner, who was convicted of possession of child pornography, be called by she/her pronouns.

In his opinion piece, Judge Duncan wrote: “The most disturbing aspect of this shameful debacle is what it says about the state of legal education. Stanford is an elite law school. The protesters showed not the foggiest grasp of the basic concepts of legal discourse: That one must meet reason with reason, not power. That jeering contempt is the opposite of persuasion. That the law protects the speaker from the mob, not the mob from the speaker. Worst of all [the dean’s] remarks made clear that she is proud that Stanford students are being *taught* this is the way law should be.”

These protesters took the low road.

My personal feeling is that law schools have an obligation to develop their law students into lawyers who will be effectively prepared for the many rigors of the practice of law. I have been practicing law for 47 years, and I can personally attest that it is often quite a challenge to advocate for clients when I personally disagree with them. I have been surprised at how many people assume that the arguments I make in a case reflect my personal opinions, when at times exactly the opposite is true. I firmly believe that law schools need to teach their students how to engage in intelligent and meaningful discourse respectfully and articulately, even

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Rhode Island Bar Foundation

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

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

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when they vehemently disagree.

A good attorney needs to be able to craft an argument on behalf of his or her client, regardless of how the attorney feels about that client and his or her actions and opinions. Moreover, an attorney who actively litigates needs to be able to persuade judges who may have opinions and approaches to the law that the attorney finds disagreeable. The attorney needs to try to understand where the judge handling a case is coming from in order to effectively communicate with and persuade that judge. In my mind, there can be no effective persuasion without true communication.

I am not talking about politics, free speech, or liberal versus conservative ideology. I am advocating for providing a well-rounded, practical legal education that prepares law students to become attorneys who will be able to effectively function in the real world, where attorneys routinely encounter clients and decision-makers with whom they disagree.

About 10 years ago, when I became president of the Bar Association, I wrote a President's message entitled "First Thing We Do, Let's Kill All the Law Schools." Of course, I was not actually advocating for eliminating law schools. I was advocating for adopting more of a medical school approach to educating law students that would move away from spending so much time reviewing appellate decisions and move toward a more clinical approach to legal education. My message generated quite a bit of controversy at that time. There were several letters to the editor of the *Bar Journal* as well as published opinion pieces. Dean Logan of Roger Williams Law School weighed in. In addition, we ended up having a very well-attended seminar that year at the Annual Meeting of the Bar Association that focused on these legal education issues. It was a lively, well-attended, informative, and respectful discussion.

Our new Bar Association President, Nicole Benjamin, is a shining example of what your Bar Foundation is trying to accomplish through its law student scholarship and fellowship programs. Nicole was one of our 2003 Thomas F. Black, Jr. Memorial Scholarship recipients. She attended Roger Williams Law School and graduated magna cum laude in 2006. She is now a shareholder at Adler Pollock & Sheehan in Providence and has been recognized for her successes in complex commercial litigation and appellate advocacy. She has made great contributions to our Bar Association and has been a speaker at several of our educational seminars. She is a trustee at Roger Williams University.

Nicole maintains the honor and integrity of the profession of law every day. The tenets of civility are woven into her core, and I congratulate her and Roger Williams Law School.

My fervent hope is that this coming generation of lawyers will learn the importance (and effectiveness) of taking the high road. ♦

New Rhode Island Bar Association President and 2023-2024 Executive Officers

New Rhode Island Bar Association President

Past Rhode Island Bar Association President Mark B. Morse passed the Bar's gavel to new Bar President Nicole J. Benjamin, who thanked Mark for his inspiring leadership and pledged to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2023-2024 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2023 Annual Meeting. [l to r] Christopher S. Gontarz, President-Elect, of counsel, Lynch & Pine; Nicole J. Benjamin, President, shareholder, Adler Pollock & Sheehan P.C.; Patrick A. Guida, Treasurer, partner, Duffy & Sweeney, LTD.; and Dana M. Horton, Secretary, partner, Robinson & Cole LLP.



MEMORANDUM

TO: Rhode Island Bar Association Members

FROM: Michael R. McElroy, President
Rhode Island Bar Foundation

RE: Amendments to Supreme Court Rule 1.15 Regarding Interest on Lawyers Trust Accounts (IOLTAs)

Have you ever had to deal with an IOLTA account when the owner of all or a portion of the funds in an IOLTA account cannot be identified or located? Or the attorney who opened the IOLTA account has died, been disciplined, or disappeared? If so, we have helpful news to share with you.

Article V, Rule 1.15 pertaining to Interest on Lawyers Trust Accounts (IOLTAs) has been amended by the Rhode Island Supreme Court and is available on the Court's website.

Among other things, the amended Rule 1.15 provides a procedure so that if, after the exercise of reasonable diligence, the owner of funds deposited in an IOLTA account cannot be identified or located, those funds will now be remitted to the Bar Foundation.

Below are some of the common problems this amendment resolves:

- An attorney is holding funds in an IOLTA account for a client he or she has not been able to locate for a while.
- An attorney has been appointed under Article III, Rule 18 of the Supreme Court Rules as substitute counsel for an attorney who has died, suffers from incapacity or disability, has been suspended or disbarred, or has disappeared. The substitute counsel has control of that attorney's IOLTA account but has been unable to locate the owner or owners of all or some of the funds in that account.
- An attorney is appointed executor of the estate of a deceased attorney or has been hired to represent an executor of a deceased attorney's estate and locates an IOLTA account of the deceased attorney with funds that cannot be traced to a particular client.
- An attorney receives a retainer from a client that is deposited into his or her IOLTA account, but the matter never went forward or became dormant. The client is owed a refund, but the attorney has not been able to contact the client, despite best efforts.
- An attorney and law partner maintain separate IOLTA accounts. A partner dies with a substantial sum in his or her IOLTA account, but the living partner does not have access to the account records or is unable to identify the owner of the funds in the account.
- An attorney is planning to retire soon, and as part of wrapping up his or her practice, when attempting to reconcile the IOLTA account, the funds in the account exceed what the office records show as belonging to identifiable clients.
- An attorney represents a bank that has been approached by an executor or beneficiary of a deceased lawyers' estate, seeking to have funds in an IOLTA account at that bank released to the executor or beneficiary.

When remitting the funds, the Foundation must be provided with a statement of the last known address of the owner of the funds, if known, the amount remitted, a description of the efforts taken to find the owner, and, if the owner of the funds cannot be determined and identified, a description of the efforts taken to identify the owner of the remitted funds.

The Bar Foundation is required to maintain records regarding the funds remitted. The rule provides a procedure to follow if, within three years of the remission of the funds, the original owner of the funds is located or a putative owner makes a claim for the funds. The Rule also provides that if no claim to the remitted funds is made within three years, the remission will be treated as final.

For additional information, please refer to my Bar Foundation President's Message which appeared in the January/February 2023 issue of the Rhode Island Bar Journal.

New Rhode Island Bar Association President and 2023-2024 Executive Officers' Profiles



NICOLE J. BENJAMIN



CHRISTOPHER S. GONTARZ



PATRICK A. GUIDA



DANA M. HORTON

Nicole J. Benjamin, Esq., is President of the Rhode Island Bar Association. She is a shareholder at Adler Pollock & Sheehan P.C. where she focuses her practice on complex commercial litigation, defense of products liability claims and appellate advocacy. With more than a decade of courtroom experience, Nicole has been recognized for her commercial litigation work by The Best Lawyers in America and Chambers USA America's Leading Business Lawyers, and she has been honored for her appellate advocacy with a Professional Excellence in the Law award. She is also the recipient of the 2017 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award. Nicole was first introduced to the Rhode Island Bar Association while in college, having received the Rhode Island Bar Foundation Thomas F. Black Memorial Scholarship. Since then, Nicole has been motivated by a desire to give back to the association that gave her the opportunity to pursue a law degree. By her fourth year in practice, Nicole was elected to the Bar Association's House of Delegates and, later, to the Executive Committee. She also was a co-chair of the Bar Association's Strategic Planning Committee, chair of the Supreme Court Bench/Bar Committee, and served as Editor-in-Chief of the *Rhode Island Bar Journal*. Nicole is a graduate of Roger Williams University School of Law and serves as Vice Chair of its Board of Directors.

Christopher S. Gontarz, Esq., is President-Elect of the Rhode Island Bar Association. He is of counsel at Lynch & Pine, Providence & Newport, concentrating on criminal defense, ethics, and professional misconduct. He is a former Special Assistant Attorney General in the Rhode Island Department of Attorney General. He serves on the Rhode Island Supreme Court Ethics Advisory Panel and was previously a commissioner on the Rhode Island Supreme Court Judicial Tenure and Discipline Commission. He is the 2008 recipient of the

Dorothy Lohmann Community Service Award and the 2017 Joseph T. Houlihan Lifetime Mentor Award. He was chairperson of the Criminal Law Bench Bar Committee and president of the Newport County Bar Association from 1993 to 2007. He has represented the Bar Association on numerous legislative committees involving criminal law. He was elected to the American Law Institute (ALI) in 2017. He is the author of *Sentencing in Superior Court, Guide to Superior Court Practice in Rhode Island*, published by MCLE, New England. He graduated from Salve Regina University, American University, and New England School of Law.

Patrick A. Guida, Esq., is Treasurer of the Rhode Island Bar Association. He is a partner at Duffy & Sweeney Ltd. and is part of the firm's banking and finance, business law, and real estate law teams. He has been providing legal services to institutional banking clients throughout New England for more than three decades and previously served as in-house counsel for two major banks. In 2022, he was elected President of the American College of Commercial Finance Lawyers and named an Excellence in the Law Hall of Fame honoree by Rhode Island Lawyers Weekly. He was recognized by Best Lawyers as the 2019 "Lawyer of the Year" for Banking and Finance in the Providence metro region. He is an elected Fellow of the American College of Commercial Finance Lawyers and a member of the National Conference of Commissioners on Uniform State Laws. Patrick is a member of both the Rhode Island Bar Foundation and the American Bar Foundation. In addition to serving on the Executive Committee over the last four years, he has served on the House of Delegates for more than ten years. Patrick served as chairperson of the Annual Meeting Planning Committee in 2019 and was an active member of that Committee for several years prior to that.



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He has been an active and enthusiastic participant in the Continuing Legal Education Committee activities since 1995. He has also been very involved as an executive in several public education-related activities since 1988.

Dana M. Horton, Esq., is Secretary of the Rhode Island Bar Association. She is a partner at Robinson & Cole LLP, where she focuses her practice on complex insurance litigation and commercial disputes. Dana joined the House of Delegates in 2009, when Robinson & Cole LLP (founded in Hartford, CT) first opened a physical office in Rhode Island, and she has been a continuous member since that time. However, her involvement with the RIBA started with her admission to practice in Rhode Island. She has been a member of several Bar committees over the past twenty years, including the New Lawyers Committee, the District Court Bench Bar Committee, the Federal Court Bench Bar Committee, the Annual Meeting Planning Committee, and the Superior Court Bench Bar Committee. She was the chairperson of the Annual Meeting Planning Committee for the 2022 Annual Meeting and served as the chairperson of the Superior Court Bench Bar Committee for five years. Dana has been a member of the RIBA Executive Committee for the past three years. In addition, she also currently serves on the Local Advisory Committee for the United States District Court for the District of Rhode Island. Dana is also a member of the Rhode Island Women's Bar Association and is a Rhode Island Bar Foundation Fellow. She has been honored by her peers with recognitions in *Rhode Island Monthly*, *Rhode Island Lawyers Weekly*, and *The Best Lawyers in America*®. She was named "Mentor of the Year" by Robinson & Cole LLP in 2021. Dana is a graduate of the University of Rhode Island and the New England School of Law. She is licensed to practice throughout New England. ◊

Bar Association Mentor Programs

Our Bar Association is proud to offer mentorship opportunities to our members, promoting professional development and collegiality, and assistance and guidance in the practice of law. Experienced practitioners can share their wealth of knowledge and experience with mentees, and mentees receive a helping hand as they begin, or revitalize, their legal careers. Over the years, the Bar Association has matched numerous new members with seasoned attorneys, and we would like to refresh our directory.

For traditional mentoring, our program matches new lawyers, one-on-one with experienced mentors, in order to assist with law practice management, effective client representation, and career development. If you would like to volunteer and serve as a mentor, please visit ribar.com, select the **MEMBERS ONLY** area, and complete the **Mentor Application** form and return it to the listed contact.

As an alternative, the Bar Association also offers the Online Attorney Information Resource Center (OAR), available to Bar members through the **MEMBERS ONLY** section of the Bar's website, to help members receive timely and direct volunteer assistance with practice-related questions.

If you have any questions about either form of mentoring, or if you would like to be paired with a mentor through our traditional program, please contact Communications Director Erin Cute by email: ecute@ribar.com, or telephone: 401-421-5740.

A New Approach to Eviction Defense



Steven S. Flores, Esq.¹
Housing Law Center
Rhode Island Legal Services, Inc.
Providence

“...an eviction is more than a mere change of address. It is a major disruption that often results in property loss, job loss, poorer health and educational outcomes, and family trauma.”

This was Mr. L.’s first eviction. He lost his job because of a licensing lapse and quickly fell behind on rent. He had nowhere to go and no hope until he met with Rhode Island Legal Services’ (“RILS”) new housing navigator. She worked with Mr. L. to enable him to get his trade license re-instated and to restore his income stream, while RILS’ housing attorneys did the rest. Ms. R. faced eviction for non-compliance with her lease. She worked the late shift at a local store, requiring her to use an overnight babysitter to care for her young child. This raised suspicions that the babysitter was an unauthorized lodger, which (if true) would be a breach of the lease. RILS’ housing navigator worked with Ms. R. to solve her problem by changing her work schedule to “first shift” so she could take advantage of state-supported childcare and stay safely housed with help from a RILS attorney.

The above cases are just two examples of holistic solutions that were made possible by a \$3.1 million grant given in March 2023 to RILS (and certain partners),² to provide eviction defense and related services. The award has enabled RILS and its partners to hire more lawyers for eviction defense and allowed RILS to fully incorporate a new approach into its eviction-related defense work. The new approach focuses on identifying the root causes of a client’s housing trouble so that clients can break the cycle of poverty that eviction exacerbates.

To state the obvious, an eviction is more than a mere change of address. It is a major disruption that often results in property loss, job loss, poorer health and educational outcomes, and family trauma. Research also shows it leads to destabilized communities. Evictions are not only devastating to families and neighborhoods, but they are also extremely costly for cities and states. Preventing the disruption caused by evictions lowers city and state expenditures for things like shelter costs, healthcare costs, mental health costs, and juvenile delinquency, to name just a few examples.³ Cost-benefit aside, for many, an eviction is the moment life crumbles into chaos.

The downward spiral caused by evictions is now a familiar reality. By way of example, families that have been evicted usually face enhanced bar-

riers to finding new housing. If they do find new housing, they are generally forced to depend on the lowest, and often unsafe, ends of the housing market. This is because in today’s rental market, landlords can afford to turn away anyone with a perceived red flag (like a previous eviction) in their past. The less fortunate become mired in an inadequate shelter system or worse.

Due to the sheer volume of eviction cases filed each year, eviction defense has often been downplayed as a volume practice with predictable “rinse and repeat” solutions, such as payment or move-out agreements. The solutions are often short-term, with far too many clients landing back in eviction court over time. RILS’ challenge was to find a sustainable way to change that well-worn path — a task that was made more difficult with rental assistance dollars quickly becoming scarce.⁴

Holistic solutions are not a new aspiration.⁵ But thanks to this recent support from the McKee administration, customized solutions that were once only possible on a very sporadic, *ad hoc* basis for housing clients have become a regular component of RILS’ eviction defense practice. And the landlord bar is starting to “buy-in,” with many referring clients to RILS for this service now that word of this new approach to evictions has spread. This is no small accomplishment, as landlord participation is a critical component to the success of nearly any housing-related initiative.

The process starts with a conversation. That conversation focuses on the household’s strengths, not its weaknesses. Its purpose is to build trust and identify solutions that the household may not have been able to identify on their own, including natural support systems (like family) that can be utilized with little or no outside financial support. Then, steps are identified to overcome barriers to housing. It is a practical, problem-solving exercise that results in a housing stability plan. That plan is designed to facilitate long-term housing stability. The process ends with plenty of client follow-up,

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including referrals to other RILS' units if new legal issues are identified. Beyond this uniform framework, however, solutions are highly individualized. They are designed to fit the needs of each client with a focus on housing stability so that the client (hopefully) never again faces eviction.

While this new approach is not a panacea, it can provide help to an ecosystem in need of multiple solutions. According to a recent study released by the Rhode Island Foundation earlier this year, 45% of renters in the Ocean State are cost-burdened (which means they spend more than 30% of their income on housing).⁶ The state's homeless population has increased by 56% since 2020.⁷ In 2021, Rhode Island ranked dead last in the nation when measuring housing supply increases (on a per capita basis).⁸ Eviction cases now appear to have once again met pre-pandemic levels, and it is important to remember that case filings are only part of the picture as many forced moves occur illegally without judicial involvement.

To address these daunting realities, the state has taken several significant actions, including granting the funding mentioned above, which is an unprecedented investment in housing stability. Similarly, RILS and its partners have taken a number of steps over the last several years to better serve low-income Rhode Islanders. For example, RILS and several partners launched a tenant help desk in Providence in September 2021, where unrepresented tenants facing eviction can go for last-minute legal help. That help desk expanded to the Kent Courthouse in January 2022, and the program expanded to the Newport and Wakefield Courthouses in June of this year. This help-desk program, which was started in consultation with the Rhode Island District Court, has assisted thousands of low-income Rhode Islanders since its inception.

RILS has also ramped up education and outreach, participated in targeted mailing and referral campaigns, increased staff, implemented an online intake system, and made numerous other technological advancements to make access to justice easier. These steps are all valuable tools designed to meet clients "where they are."

While there is no doubt plenty of room for other innovative solutions to Rhode Island's housing crisis (all of which are beyond the scope of this article), the early results achieved by this holistic approach to eviction defense are encouraging. There is, of course, no substitute for a tenant having legal assistance with an eviction case. A robust defense can expose bad actors, incentivize landlord compliance with laws, and it often paves the way for consensual resolutions that would otherwise be unachievable. But defending an eviction case that has already been filed is just one piece of the puzzle. The prevention of future eviction cases by addressing the root cause of the housing problem matters too.

Early results make clear that a housing navigator can be an invaluable aspect of an eviction defense practice looking to prevent future eviction cases for as many clients as possible. To be sure, this work does not lead to a victory in court. But it can lead to even better results when it works, such as a long-term solution that preserves the landlord-tenant relationship, obviates the need for multiple court proceedings concerning the same family, and facilitates lasting housing stability. These outcomes do not just benefit RILS' clients. They benefit all Rhode Islanders in the long run.

ENDNOTES

1 Mr. Flores is the Director of the Housing Law Center for Rhode Island Legal Services, Inc. (defined above) and the RILS Director of Litigation. RILS is a non-profit law firm that has provided no-cost eviction defense to low-income Rhode Islanders for generations. The RILS Housing Law Center has two main projects, Housing Stability and Foreclosure Prevention. RILS also has a number of other units in addition to the Housing Law Center, including: (i) Public Benefits; (ii) Low Income Taxpayer Clinic; (iii) Elder Protection; (iv) Safe Family; (v) Financial Stability; (vi) Education; and (vii) the Responsible Parent Project. RILS can be contacted at (401) 274-2652. More information about RILS, and the services it can provide, is found at www.rils.org.

2 RILS engages with various strategic partners across the state, including with the Rhode Island Center for Justice, the Rhode Island Bar Association's Volunteer Lawyer Program, Direct Action for Rights and Equality, Housing-Works RI at Roger Williams University, and the Pro Bono Collaborative at Roger Williams University School of Law, to better serve low-income Rhode Islanders.

3 The financial benefits of providing defense counsel in eviction cases has been studied in detail. See, e.g., Economic Return of Providing Counsel in Philadelphia Eviction Cases for Low Income Tenants, dated November 13, 2018, prepared by Stout (a global investment banking and advisory firm); https://cdn2.hubspot.net/hubfs/4408380/PDF/Cost-Benefit-Impact-Studies/Philadelphia%20Evictions%20Report_11-13-18.pdf (last viewed May 25, 2023). Additional studies can be found at www.stout.com (last viewed June 2, 2023).

4 In approximately September 2022, RentReliefRI, Rhode Island's rental assistance program stopped processing applications. The program was ultimately highly successful – distributing approximately \$275 million in assistance helping nearly 43,000 Rhode Island households according to Rhode Island Housing's website. See <https://www.rihousing.com/rent-relief-ri-dashboard/> (last viewed May 31, 2023).

5 By way of example, in 2012, RILS launched the pilot Holistic Legal Assistance Network ("HLAN"). Early results were promising, but funding ceased and in 2018, the HLAN evolved from a practice group to a goal to be pursued by all RILS practice areas.

6 See Housing Supply and Homelessness in Rhode Island, April 2023 (The Rhode Island Foundation), at 5-7. By comparison, 28% of homeowners are cost burdened. *Id.* at 5.

7 *Id.* at 7.

8 *Id.* at 5. ♦

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The Rhode Island Bar Association's Career Center is operated by YourMembership.com. At no charge, Bar members may: search and quickly apply for relevant jobs; set up personalized Job Alerts for immediate notification any time a job is posted matching your skills and/or interests; create an anonymous job seeker profile or upload your anonymous resume allowing employers to find you; and access job-searching tools and tips. For a fee, employers may place job openings; search our resume database of qualified candidates; manage jobs and applicant activity right on our site; limit applicants to those who meet your requirements, and fill openings more quickly with talented legal professionals. For more information, visit the Bar's website at ribar.com and click Career Center under the list of Quick Links.

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connection to the community that I truly enjoy. Given the low cost to subscribe, I think joining is a no-brainer for any attorney in Rhode Island who wants new clients."

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IOLTA Honor Roll Banks

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



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2023 Chief Justice Joseph R. Weisberger Judicial Excellence Award

Named in honor of its first recipient, retired Chief Justice Joseph R. Weisberger, this Award is given to a Rhode Island jurist for exemplifying and encouraging the highest level of competence, integrity, judicial temperament, ethical conduct, and professionalism.



Hon. Maureen McKenna Goldberg, Associate Justice of the Rhode Island Supreme Court, is honored with the 2023 *Chief Justice Joseph R. Weisberger Judicial Excellence Award*. Justice Goldberg was born in Pawtucket, and grew up in a family of seven children in East Providence. Following her graduation from St. Mary Academy Bay View, she attended Salve Regina University, then transferred to Providence College when it began accept-

ing women as undergraduates in 1971, graduating cum laude in 1973. She then taught reading and social studies to third and fourth graders at an inner-city elementary school in Providence.

Justice Goldberg attended Suffolk University Law School, earning her Doctor of Law degree with honors in 1978. She worked as a prosecutor for RI Attorney General Dennis Roberts. She was one of two women appointed Assistant Attorney General, a first for the state. She later became the Administrator in the criminal division. After her service in state government, she worked in private practice with a concentration on representing the State and its municipalities. Gov. Edward D. DiPrete appointed her to the Rhode Island Superior Court in 1990 as an Associate Justice. In 1997, she was appointed to the Supreme Court by Gov. Lincoln C. Almond, becoming the third woman to serve. Justice Goldberg has been a Justice of the Rhode Island Supreme Court for 25 years. She holds five honorary degrees and is the recipient of numerous awards recognizing her service to the Judiciary.

Justice Goldberg is honored and humbled to receive the *Chief Justice Joseph R. Weisberger Judicial Excellence Award*, whose high standards of judicial excellence, integrity and professionalism are unparalleled. She is especially pleased to have been nominated for this award by many of her former law clerks, whose friendships and affection are joyful.

According to Attorney Cassandra Feeney, *Justice Goldberg has broken down so many barriers, boldly marched through, and turned around and invited other females to follow. She encourages us all to remember that when we walk through a door, we must turn around, assist, and welcome others through that door with us.*

According to Attorney Georgi J. Vogel-Rosen, *I can think of no one more deserving of the Chief Justice Joseph R. Weisberger Judicial Excellence Award than Justice Maureen McKenna Goldberg. True to the Award's criteria, Justice Goldberg has exemplified the highest standards of judicial excellence throughout her distinguished career. She not only strives for excellence*

for herself, but she expects and encourages others to reach for the same. From the impressive breadth and depth of her mastery of legal doctrine, to her fairness and commitment to an objective reading of the law, to her energy and quick wit, Justice Goldberg represents the very best of the Rhode Island judiciary. The courtroom is brighter with Justice Goldberg in it.

According to a letter co-signed by RI Supreme Court Associate Justice Erin Lynch Prata, RI Superior Court Associate Justice Maureen B. Keough, and RI Family Court Associate Justice Feidlim E. Gill, *Justice Goldberg has demonstrated a tireless commitment and devotion to justice. She has done so not only as a jurist but also as a mentor to the scores of law clerks that cut their teeth in the law under her guidance, and we learned from the best. Her clerks have gone on to make their own significant contributions to the law, both in the public and private sectors. No matter where life, or careers, may take us, we all have one thing in common: we are "Goldberg trained." This means that behind the legal briefs and linguistic rhetoric, we are dealing with real cases and real people, and that shouldn't be forgotten. It means that preparation, compassion, and integrity are the most important tools that any lawyer, or judge can have. It means you take a commonsense approach to the law and set an example for those who come after you.*



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2023 Award of Merit

This Award is presented in grateful recognition of exceptional commitment to access to justice through numerous diversity, equity, and inclusion initiatives and dedication to servicing the needs of the Rhode Island community through the unprecedented challenges of the pandemic.



Hon. Paul A. Suttell, Chief Justice of the Rhode Island Supreme Court, is honored with the 2023 Award of Merit in grateful recognition of his exceptional commitment to access to justice through numerous diversity, equity, and inclusion initiatives and dedication to servicing the needs of the Rhode Island community through the unprecedented challenges of the pandemic.

Chief Justice Suttell is a graduate of Moses Brown School in Providence, Northwestern University in Evanston, Illinois and Suffolk University Law School. He was sworn in as Chief Justice of the Rhode Island Supreme Court on July 16, 2009, after having served as an Associate Justice since July 2003. He was also an Associate Justice of the Rhode Island Family Court from 1990 to 2003. He served as President of the Conference of Chief Justices and Chair of the National Center for State Courts Board of Directors during the 2021-2022 term and now serves as the Immediate Past President. He served as legal counsel to the House Minority Leader in the Rhode Island House of Representatives from 1979 to 1982. In 1982 he was elected as a State Representative from a district that encompassed Little Compton and portions of Tiverton and Portsmouth. In his second term, he was elected by his colleagues as Deputy Minority Leader and served in that capacity until 1990. In 1988 he was elected as a delegate to the Republican National Convention in New Orleans.

On July 9, 1990, Chief Justice Suttell was appointed by Governor Edward D. DiPrete as an Associate Justice of the

Rhode Island Family Court. After serving for 13 years on the Rhode Island Family Court, on July 9, 2003, Chief Justice Suttell was appointed by Governor Donald L. Carcieri as an Associate Justice of the Rhode Island Supreme Court, and on July 16, 2009, Governor Carcieri appointed him as the Chief Justice of the Rhode Island Supreme Court.

Throughout his distinguished career, Chief Justice Suttell has made access to justice a top priority. During the outbreak of the pandemic, our court system was forced to reimagine how to administer justice. Many courts and legal services across the country were forced to suspend in-person operations, further exacerbating inequities in our justice system. Throughout the pandemic, Chief Justice Suttell's leadership and direction ensured that the RI courts had the infrastructure to operate efficiently by adopting new technologies. Despite these unprecedented challenges, Chief Justice Suttell was committed to providing justice to Rhode Islanders by working tirelessly to keep courts open and safe.


On October 20, 2020, Chief Justice Suttell issued Executive Order No. 2020-15, which formalized the creation of the Committee on Racial and Ethnic Fairness (CREF). His establishment and unwavering support of the CREF has been exceptional, not only for the benefit of members of the Bar and the Judiciary, but also for the citizens of Rhode Island. Over the last two-and-a-half years, Chief Justice Suttell has attended countless meetings, engaged in meaningful dialogue about this critically important work, and dedicated both human and monetary resources to accomplishing CREF objectives.

Chief Justice Suttell has not only supported the CREF, but engaged and contributed to many of their projects including attending the initial listening session on Court Imposed Costs and Fines, hosted and facilitated by the Center for Health and Justice Transformation; launched the multimedia campaign "Why Justice Works," which aimed at bridging the trust gap between judges and court users; endorsed the CREF's recommendation to upgrade and modify the Judiciary's case management system to facilitate the collection of demographic data; and encouraging Judiciary-wide participation in the recently concluded year-long Bias and Cultural Sensitivity Assessment and Training Project.

Through the support of the CREF, Chief Justice Suttell has demonstrated an exceptional commitment to identifying, understanding, mitigating, and rectifying any inequality and disparate treatment in our legal system. His innovative approach to furthering DEI in all facets of the justice system will create a pipeline of initiatives that will cultivate an equitable and inclusive climate within the judiciary and the legal profession.

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2023 Joseph T. Houlihan Lifetime Mentor Award

Named for the late Joseph T. Houlihan, who was known for his generosity of spirit and legal expertise in and out of the courtroom, the Joseph T. Houlihan Lifetime Mentor Award honors individuals who, during their careers, have consistently demonstrated an extraordinary commitment to successfully mentoring in the Rhode Island legal community. The Award recognizes an attorney who serves as a role model to other lawyers in Rhode Island and who has significantly contributed to the profession and/or the community, and those who, with their excellent counsel, have excelled as mentors and contributed to the ideals of ethics, civility, professionalism and legal skills.



Mark S. Mandell, Esq., 1993-1994 Rhode Island Bar Association President, is honored with the Rhode Island Bar Association 2023 *Joseph T. Houlihan Lifetime Mentor Award*. Mark practices law at Mandell, Boisclair & Mandell, Ltd. in Providence. He specializes in catastrophic personal injury, wrongful death, medical negligence, dram shop and products liability cases.

Mark obtained his law degree from Georgetown University Law Center in 1974. He is admitted to practice before the Rhode Island Supreme Court, the Alabama Supreme Court, the United States District Court for the District of Rhode Island, the United States Court of Appeals for the First Circuit, and the United States Supreme Court. Mark is board-certified by the National Board of Trial Advocacy, the American Board of Professional Liability Attorneys, and certified in Civil Practice Advocacy by the National Board of Legal Specialty Certification.

Mark is a member of the Inner Circle of Advocates, and he is a Fellow of the American Academy of Appellate Lawyers and the American College of Trial Lawyers. He is listed on the “Best Lawyers in America” list in the fields of personal injury litigation, product liability litigation, and appellate practice. Mark has been selected as Best Lawyer’s “Lawyer of the Year in Providence” for the years 2013 (Personal Injury Litigation), 2015 (Appellate Practice), 2016 (Personal Injury Litigation), 2018 (Medical Malpractice Law – Plaintiffs), and 2020 (Medical Malpractice Law – Plaintiffs).

In Rhode Island, Mark is a former President of both the Rhode Island Trial Lawyers Association (1988–1990) and the Rhode Island Bar Association (1993–1994). He is the immediate past Chair of the Board of Directors of the Roger Williams University School of Law and remains a current member of the Board. From 1984 to April 1995, he was Chair of the Board of Bar Examiners for the United States District Court, District of Rhode Island. He is currently a member of the Rhode Island Supreme Court’s Ethics Advisory Panel (2004–present).

At the national level, he is a Past President of the Association of Trial Lawyers of America (now the American Association for Justice) (1998–1999), the Roscoe Pound Institute, and the National Crime Victims Bar Association (2006–2007). He also served as Board Chair of the National Center for the Victims of Crime (2010–2013) and co-chaired the Board of Trustees of the National College of Advocacy (NCA).

Mark has more million-dollar verdicts and verdicts of over

\$10,000,000 than any other lawyer in Rhode Island history. He has written two books, *Case Framing* and *Advanced Case Framing*, and published 24 articles in national and state trial law journals on a variety of subjects. Mark has lectured in 48 states and internationally to both the legal and medical communities on a wide range of legal and medico-legal topics.

According to Attorney Colleen Giles, *During my time working for Mark, he has invested countless hours to ensure that I become the best version of myself, both as a person and as an advocate for my clients. He has helped me to understand the value of precision and persistence. He has helped me to develop understanding and confidence. When I come across other attorneys that have spent time working with Mark, they share similar experiences. Mark provides honest, direct, and constructive feedback, yet still understands when levity is needed. His approach instills strength in each person he mentors.*

According to RI Workers’ Compensation Court Associate Judge Steven A. Minicucci, *Professionally, I always strived to live by the sage advice Attorney Mandell offered to my Bar admission group back in 1989. He gave us advice which I found to be as profound as it is simple, and which I aspired to follow each day in my law practice. The advice was that whatever we chose to do each day in practice, we must do it with complete 100% effort. Mr. Mandell suggested to us, “whatever you do, do it to your fullest; with all of your effort, with all of your knowledge and experience. Doing everything 100% will help you avoid most all ethical miscues and to do right by your clients.” Those words served me exceptionally well and helped carry me through many challenging days when temptation might be there to take an easier path rather than putting the extra effort into each task.*

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2023 Dorothy Lohmann Community Service Award

The Rhode Island Bar Association's Dorothy Lohmann Community Service Award is named in memory of Rhode Island attorney Dorothy Lohmann who devoted her entire professional life to helping the poor. The Dorothy Lohmann Community Service Award honors lawyers who make noteworthy contributions in time and effort to a Rhode Island non-profit organization on a strictly voluntary, non-paid basis.



Michael A. Castner, Esq., of Jamestown, is recognized for his outstanding work on behalf of the Interfaith Counseling Center. The Interfaith Counseling Center (ICC) is a trusted source of affordable professional counseling for individuals and groups. Established in 1973, the ICC is a Rhode Island-based nonprofit 501(c)(3) organization committed to making its services available to all in need and maintaining the mission of accessible, affordable, and

sensitive counseling care for all. The ICC does not subscribe to any one faith and has provided counseling care to thousands of individuals of different faith backgrounds.

Michael Castner has volunteered for the ICC since 2014, but over the past two years, he has deepened his partnership with the organization to help those who have been affected by the pandemic. Since the pandemic, Michael has helped create a safe space for clients in need by offering his services at no charge. His legal expertise has been used for family law, including divorce, legal separation, adoptions, conservatorship, child custody, visitation, and child support; for housing law, including landlord/tenant disputes, evictions, foreclosures, and discrimination; for consumer law, including utility terminations, debt collections, and health care coverage; for probate law, including guardianship, adoption, wills, medical and legal powers of attorney; and for criminal law, including expungements. Michael has used his skills to represent more than 200 low-income, indigent, and homeless individuals.

According to the Interfaith Counseling Center Executive Director Christine King, *He has devoted his professional life to working with the most in need. He tirelessly employs his talents as an intelligent and skillful lawyer to work with the most vulnerable people in the community. He provides legal representation in all areas of law that impact disabled, disadvantaged, elderly, homeless and low-income individuals. He uses his legal and technical background, along with broad-based negotiation expertise, to achieve creative and equitable solutions for his client's disputes.*



Jennifer L. Wood, Esq., of the RI Center for Justice, is recognized for her outstanding work on behalf of the George Wiley Center. The George Wiley Center is the longest-running statewide anti-poverty and anti-racist grassroots organizing group in Rhode Island. The Center is a membership-based organization focused on policy changes and systematic changes aimed at alleviating problems associated with poverty. George Wiley was a Rhode

Islander who was involved in the Civil Rights movement and who co-founded the National Welfare Rights Organization.

Over the past five years, Jennifer has worked with the George Wiley Center to improve utility access and affordability for low-income Rhode Islanders. Critically important decisions that have a heavy impact on low-income consumers are made by the Public Utilities Commission. Jennifer helped the George Wiley Center participate in these proceedings by representing the organization and providing intervenor status. At legislative meetings, multiple hearings, and meetings with stakeholders, including utilities, she has helped to increase public participation in pivotal policy decisions at the legislative and administrative levels, including with the RI Division of Public Utilities, and directly with utility companies. Her work has helped the Center provide a voice in policy decisions for low-income and disabled members of Rhode Island.

According to the George Wiley Center's Executive Director Camilo Viveiros, *Without Jennifer Wood's assistance, the George Wiley Center would have been shut out of many of these processes. Representing the George Wiley Center in multiple intervenor cases, Jennifer has had a positive impact on issues related to medical protections, legislative payment plans, public transparency, and data access. In addition to providing support for the George Wiley Center, Jennifer Wood has assisted many other grassroots groups for more than 35 years around housing, immigrant rights, student rights/public education/civic participation and racial justice including prisoners' rights.*

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.



Hon. Brian P. Stern



Jordan Z. Sasa, Esq.

Hon. Brian P. Stern, Associate Justice of the RI Superior Court, and Jordan Z. Sasa, Esq., received the 2023 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for their article, *If It's Not Football, Don't Bet on the GOAT: What Lawyers Should Expect Following the Crypto Crash*, published in the *Rhode Island Bar Journal*: Volume 71, Number 4, January/February 2023.

The Editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Justice Stern and Attorney Sasa and strongly encourage all Rhode Island Bar Association members to read the Article Selection Criteria included in every issue of the *Rhode Island Bar Journal*. Based on those guidelines, please submit articles for consideration to *Rhode Island Bar Journal* Editor Erin Cute via email: ecute@ribar.com. For information, telephone (401) 421-5740.

As a reminder this article and the full contents of *Rhode Island Bar Journals* from the July/August 2009 issue forward, are available and may be viewed online and downloaded by clicking on the *Bar Journal* icon on the Bar's website home page. Articles may also be accessed through Fastcase, the free-to-Bar-members, 24/7, online law library on the Bar's website.

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2023 Volunteer Lawyer Program Pro Bono Publico Award Recipients

Established in 1987, this award recognizes the outstanding efforts of attorneys who have provided equal access to justice to the needy through the Volunteer Lawyer Program and Pro Bono Program for the Elderly during the past year. Award criteria includes case type and difficulty, the number of hours served, and the total number of cases. Length of service through the program and attorney's professionalism, compassion and commitment to public service are considered.



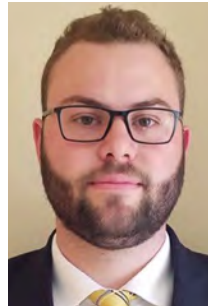
Volunteer Lawyer Program Pro Bono Publico Award

Robert Hope Larder, Esq. graduated from the University of Rhode Island and received his law degree from Washington and Lee University. Attorney Larder is a sole practitioner in Woonsocket. He is also a member of the Virginia State Bar Association.

Attorney Larder's long-term public service commitments have spanned his career. Some of the community-focused organizations he has supported and aided for many years include: the Visiting Nurse Service of Greater Woonsocket, the Tri-Hab House, the Northern RI Community Mental Health Center, the United Way of Southern New England, and the Volunteer Counsel to Retired Senior Volunteers Program of Woonsocket. A parishioner of St. James Episcopal Church in Woonsocket, he served for 40 years as Junior and Senior Warden.

Attorney Bob Larder's dedication to public service extended to the Bar Association's pro bono efforts through the Volunteer Lawyer Program (VLP). He has been an active member of the VLP since joining in 1991. In the past few years, he has accepted a variety of family law, collections, eviction, and guardianship matters. Some of the guardianship work he continues to accept are requests from the Volunteer Guardian Program of the Office of Healthy Aging. The wards are frail, vulnerable seniors in need of a guardian to make medical decisions. Other guardianship matters have involved senior grandparents who have taken on the role of the child's parents. One such case involved a grandmother, whom he represented in the original guardianship of her grandchild. This pro bono client had taken care of her grandchild since infancy. When the child was five years old, the mother decided to contest the guardianship. The case went from Woonsocket Probate Court to Providence Family Court, where Attorney Larder co-counseled with Attorney Michael Castner. After negotiating a visitation schedule for the mother, the case was resolved. Attorney Larder noted, "this was an especially memorable volunteer case for me." Bob Larder's dedicated on-going advocacy and support of the Bar Association's pro bono efforts through the VLP is also especially memorable!

In addition to the 120+ pro bono hours Attorney Larder has contributed through the Volunteer Lawyer Program, he accepts clients on a volunteer basis in a variety of civil matters through St. James Episcopal Church and others facing intense legal need in the Woonsocket Community.



Volunteer Lawyer Program Pro Bono Publico Award

Adam G. Northup, Esq. received his undergraduate degree from Southern Vermont College and his JD from Roger Williams University School of Law. His office is in Warwick at Balkun-Northup Attorneys at Law.

Attorney Northup is a member of the American Bar Association Family Law Section and the Edward P. Gallogly Inn of Court. He fully supports the Bar Association's public service/pro bono efforts through his membership in the Lawyer Referral Service, the US Armed Forces Legal Services Project, and the Volunteer Lawyer Program (VLP) since 2017.

Several years ago, Adam was doubtful whether he could continue pro bono work until one of his VLP cases inspired and motivated him to continue. The client was in hospice care while in the middle of a difficult divorce and required special medical care to appear in Court. Attorney Northup provided the necessary transportation and safeguards to make the appearance possible. He ultimately revealed that "despite her health, she was so kindhearted and appreciative that his interest in pro bono work was rekindled." In the past few years, Attorney Northup has accepted 14 family law cases, totaling a remarkable 190+ pro bono hours to date. His compassion and dedication to the need for volunteer attorneys, especially in Family Court, are evident in the cases he accepts, including visitation/custody and divorce.

Adam volunteers outside of the legal arena and enjoys golfing for charity and supporting community organizations as a Freemason of Hope Lodge No. 25. He is a Rhode Island Shriner and can sometimes be seen driving a mini car in parades. First and foremost, though, he emphasizes the importance of his family and summarizes it nicely by saying, "I am married to the love of my life (she should be receiving the pro bono award for putting up with me every day) and I am blessed with one beautiful daughter.

2023 Rhode Island Bar Association Honorary Members

At the 2023 Annual Meeting Luncheon held June 2nd at the Rhode Island Convention Center, the Rhode Island Bar Association recognized and honored the distinguished attorneys who achieved a noteworthy 50 years of service to the legal profession in 2023.



While not all of our 2023 Honorary Members were in attendance, several were recognized at the June Annual Meeting Luncheon.

2023 Honorary Members

(sworn in from July 1, 1973 – June 30, 1974)

Stephen Paul Ashukian, Esq.	Joseph C. Manera, Esq.
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2023 Diversity, Equity, and Inclusion Trailblazer Award

The Award recognizes an attorney who encourages and cultivates social discourse related to DEI among all members of the Rhode Island Bar, supports the advancement of attorneys from diverse backgrounds to positions of leadership, and promotes interest in the practice of law among diverse populations.



Nicole P. Dyszlewski, Esq. is honored with the inaugural Rhode Island Bar Association *Diversity, Equity, and Inclusion Trailblazer Award*. Nicole currently serves as the Director of Special Programs, Academic Affairs, at Roger Williams University School of Law (RWU Law). Prior to this role, Nicole served as a law librarian at the school since 2015. Prior to her law librarianship career, she practiced real estate law.

Nicole's areas of scholarly interest are diversity, equity, inclusion, and belonging (DEIB) pedagogy in law schools, mass incarceration, and access to justice.

Nicole led the team of researchers who identified and commemorated the First Women of the Rhode Island Bar, writing a series of articles and a book chapter about these pioneering attorneys. Additionally, Nicole is one of the founding professors in RWU Law's mandatory 3-credit class, *Race and the Foundations*

of American Law. RWU Law was one of the first law schools in America to have a required class of this type, and Nicole was part of the small team who developed the curriculum and piloted this class.

Nicole is the lead editor of the Integrating Doctrine and Diversity book series as well as the creator of the Integrating Doctrine & Diversity speaker series. The speaker series, approaching the start of its third year, is a free, virtual discussion of DEIB pedagogy in legal education co-sponsored by RWU Law, CUNY Law, Berkeley Law, Jurist, and George Washington Law.

Nicole received a B.A. from Hofstra University, a J.D. from Boston University School of Law, and an M.L.I.S. from the University of Rhode Island Graduate School of Library and Information Studies. She is a member of the Massachusetts State Bar and the Rhode Island State Bar.

According to Attorney Cassandra Feeney, *(Nicole) was instrumental in helping to identify the First Women attorneys in RI. After that hard work, she put together her research efforts and the findings and wrote two Law Review articles. She also served on committees and presented on this important topic to ensure the Bar was made aware of our history and the much-needed work that remains.*

According to Attorney Ettie-Lee Schaub, *(Nicole) was instrumental in helping to identify the First Women attorneys in RI, including the lost history of the first woman of color to practice law in RI—Dorothy Crockett. She also compiled her efforts into written scholarly work. She has been a vocal advocate for the work in this area and the much-needed work that needs to be done. Nicole has also committed to present on the Roger Williams School of Law's latest required course in race and the law to the RI Women's Bar Association—a further example of her dedication to both the scholarly work and making an impact in the legal community.*



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2023 Holly Hitchcock Award for Non-Attorney Legal Professionals

Named for the late Holly Hitchcock, this award recognizes non-attorney professionals who have provided valuable service and contributions to the legal profession over a significant period of time.



Nancy R. Mahoney, Bar Administrator, is honored with the inaugural Rhode Island Bar Association *Holly Hitchcock Award for Non-Attorney Legal Professionals*. Nancy has over 35 years of experience working in the legal field as a paralegal for major Boston and Providence corporate law firms and as the Bar Administrator for the Rhode Island Supreme Court.

After graduating from Ohio Wesleyan University, she earned a paralegal certificate from Bentley College (now Bentley University) and a Master of Science from Tufts University in Civil Engineering. Immediately before moving to Rhode Island, Nancy lived in Boston and worked for a major Boston law firm as a senior environmental paralegal. As Bar Administrator, Nancy has shepherded thousands of individuals through the bar admissions process and provided vital support to the Rhode Island Supreme Court, the Board of Bar Examiners and Committee on Character and Fitness to ensure that individuals admitted to the Rhode Island Bar meet the Supreme Court's standards of competency and fitness.

Nancy's successes as Bar Administrator extend far beyond having administered 19 bar exams and include implementing Rhode Island's first electronic bar application and a new case management system for bar applicant information, as well as playing an essential role in the Court's historic decision to adopt the Uniform Bar Examination. Nancy also contributes to bar admissions nationally through her involvement in the National Conference of Bar Examiners. In addition, Nancy has mentored many high school and college-aged interns throughout her career.

According to Attorney Gerald J. Coyne, chair of the Committee on Character and Fitness, *...Nancy has been the face of the bar application process to hundreds of aspiring attorneys. Dealing with these applicants during periods of their extremely high stress, she is a calm voice helping each to navigate what applicants often see as a complex, overwhelming, and unforgiving process. Whether it is an overdue Dean's Certificate from their law school, a Character Reference that has not been returned, or a former employer who cannot be located to verify employment, Nancy manages to bring calm to the situation.*

According to Hon. Debra A Saunders, District Judge for the US District Court for the District of RI and former Clerk of the RI Supreme Court, *Holly set a high standard of commitment to the legal profession, and Nancy has followed without missing a beat. Like Holly, Nancy executes her immense responsibilities with the utmost competence and grace. I know the members of the Supreme Court, the Board of Bar Examiners, and the Committee on Character and Fitness would join me in saying that*

Nancy's hard work and dedication have left a positive indelible mark on the legal profession in Rhode Island and beyond.

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2023 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



Celebrating Noah's and Chloe's awards during a ceremony at the Frank Licht Complex, Superior Court, in Providence were (l to r): RI Police Chiefs Association President Chief Kevin Lynch, RI Bar President Nicole J. Benjamin, Edward P. Gallogly Family Law Inn of Court President Timothy J. Conlon, Chloe Buka, RI Bar Foundation President Michael McElroy, Noah Strunin, initiator and namesake of the Rhode Island Law Day Essay Contest Award Hon. Francis J. Darigan, Jr., and RI Supreme Court Associate Justice and Law Day Committee Chair Gilbert V. Indeglia.

The Rhode Island Law Day (RILD) Committee, with particular help from the Rhode Island Judiciary, the Rhode Island Bar Association, the Rhode Island Bar Foundation, the Roger Williams University School of Law, and the Rhode Island Police Chiefs' Association, sponsored the 2023 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest. Open to all Rhode Island 10th, 11th, and 12th grade students, the Contest focused on Cornerstones of Democracy: Civics, Civility, and Collaboration, the same topic offered through this year's RILD Classroom Programs.

Noah Strunin, a student at JMW School for the Arts, won first place in this year's contest. Noah received a \$2,000 scholastic award made possible through the combined generosity of the Rhode Island Bar Association, the Rhode Island Bar Foundation, and the Rhode Island Police Chiefs' Association. He also received a personalized engraved trophy cup, and his school received the Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest trophy cup for a one-year display, and a permanent plaque commemorating his achievement. And, thanks to the generosity of the Edward P. Gallogly Family Law Inn of Court and the Rhode Island Bar Foundation, a second-place winner, Chloe Buka, a student at the Lincoln School, was awarded a \$500 scholastic award and a personalized engraved trophy cup.



Essay contest winners Chloe Buka and Noah Strunin received their awards at a ceremony held at the Frank Licht Complex in June.



Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, the Rhode Island Judiciary, and the Rhode Island Bar Association organized volunteer teams of judges and lawyers who delivered law-related education programs to 70 upper and middle school classrooms throughout the state. Lesson plans, including background information, and recommended questions for student consideration, were drawn from the American Bar Association's 2023 National Law Day program topic, *Cornerstones of Democracy: Civics, Civility, and Collaboration*, were posted on the Bar's website for open access by lawyers, judges, teachers, students, and the news media. Participating lawyers and judges solicited student opinions, surfaced the legal issues relating to the topic, and reviewed the role of judges, lawyers, and police officers. This year's topic helped students understand the importance of rebuilding trust in our institutions, respect for one another, and how we can collaborate to overcome our differences, resolve our disputes, and preserve our democracy and republic.



Secretary of State Gregg M. Amore, and Rhode Island Bar Association President Mark B. Morse entertained and informed students at a Classical High School classroom in Providence.



Attorney Robert D. Oster led a lively discussion with RI Family Court Associate Justice Shilpa Naik at Lincoln High School.



RI Workers' Compensation Court Associate Judge Keith A. Cardoza and attorney James A. Forcier engaged students at East Providence High School.



Rhode Island Superior Court Associate Justice Melissa Darigan and attorney Amy Goins led a fun and informative lesson at Nathanael Greene Middle School in Providence.



RI District Court Associate Judge Colleen M. Hastings and RIBA President-Elect Christopher S. Gontarz continued their annual Law Day tradition of touring the Murray Judicial Complex with students from Frank E. Thompson Middle School in Newport.



Magistrate Judge Patricia A. Sullivan for the United States District Court, District of RI and attorney Denise C. Aiken discussed the Law Day topic with Charette Charter High School students.

We want to thank all of the attorneys and judges listed below who volunteered their time for a Law Day program. A special thank you to William J. Connell, Esq. and Jillian Nobis, Esq., the volunteers who designed an excellent and informative slide show which was distributed to schools on the Law Day topic.

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

APRIL 2023

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MAY 2023

Volunteer Lawyer Program

Robert E. Bollengier, Esq., *Warwick*
Paul A. Brule, Esq., *Walsh, Brule & Associates Attorneys PC*
Joseph P. Carroll, Esq., *Woonsocket*
Michael A. Castner, Esq., *Jamestown*
Rebecca F. Clarke, Esq., *Newport*
Kevin F. Crawley, Esq., *Pawtucket*
Lauri Medwin Fine, Esq., *Lauri Medwin Fine, Esquire*
Edward J. Gomes, Esq., *Law Office of Edward J. Gomes*
Charles Greenwood, Esq., *Providence*
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*
Tracy A. Loignon, Esq., *Warwick*
Frank J. Manni, Esq., *Johnston*
Thomas L. Mirza, Esq., *TMirza, Esq.*
Peter J. Rotelli, Esq., *East Providence*
John S. Simonian, Esq., *Pawtucket*
Mariah L. Sugden, Esq., *Newport*

Elderly Pro Bono Program

Denise Acevedo Perez, Esq., *RI Immigration and Family Law Group*
Joanne C. D'Ambra, Esq., *Cranston*
Brian G. Goldstein, Esq., *Law Offices of Brian G. Goldstein*
Rosina L. Hunt, Esq., *East Providence*
John T. Longo, Esq., *Providence*
Robert A. Mitson, Esq., *Mitson Law Associates*
Thomas B. Orr, Esq., *Middletown*
John S. Simonian, Esq., *Pawtucket*
Robert D. Watt Jr., Esq., *Providence*

US Armed Forces Legal Services Project

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

Legal Clinics

Lauren Balkcom, Esq., *Obolensky & Balkcom, LLC*

Ask a Lawyer

Denise Acevedo Perez, Esq., *RI Immigration and Family Law Group*
Ralph B. Gillis, Esq., *Providence*
Brian Goldstein, Esq., *Law Offices of Brian G. Goldstein*
Kermin Liu, Esq., *Law Office of Kermin Liu*
Ann S. Sheeley, Esq., *Sheeley Law, LLC*

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

PRO BONO PUBLICO RESOLUTION

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

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

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

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

Rhode Island
Bar Association
2022-2023

ANNUAL REPORT

Report of the Executive Director on 2022-2023

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.



Mark B. Morse
President

Kathleen M. Bridge
Executive Director

It is our pleasure to submit the Annual Report for 2022-2023. 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.

Diversity, Equity, and Inclusion

President Morse worked hard to continue the great work of his predecessor, Lynda L. Laing, and advance the Bar's diversity, equity, and inclusion (DEI) agenda, which was developed following recommendations from our Task Force on Diversity and Inclusion. The new DEI Committee is tasked with reviewing the DEI initiatives set forth following the work of the Task Force, and members were assigned to subcommittees to improve, build upon, or propose new initiatives. They broke into four subcommittees: Leadership/Pipeline, Outreach, Education, and Communications/Messaging, which met between full meetings of the Committee. Related to our DEI initiatives, members of Bar leadership and the co-chairs of the DEI Committee met with the leaders of the Court's Committee on Racial and Ethnic Fairness this past spring to discuss ideas for joint collaboration. We also look forward to the results of the Court's first Access to Fairness Survey, as it will provide

a sense of how attorneys and their clients perceive the court system and judicial process. A regular joint meeting schedule is expected for the two committees going forward.

On Friday, April 14, 2023, the Supreme Court issued orders seeking comment on proposed amendments to the Rules on Mandatory Continuing Legal Education. We were thrilled that the MCLE Commission drafted rule amendments to include a 1.0 credit in diversity, equity, and inclusion (DEI) as part of the current 10 credit requirement, which is a recommendation the RIBA House of Delegates voted to approve at a special March 2022 meeting. Following that meeting, a letter was sent to Chief Justice Suttell asking the Court to consider our recommendation. Thankfully, our CLE department ensures our educational programming includes ample content related to DEI, so this will be an easy requirement we can readily accommodate for our members.

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. For the second year in a row, we hosted Well-Being Week during the first week of May following the Institute for Well-Being in Law's annual event. We offered resources, programs, and information to members throughout the week, as well as several free, non-credit wellness programs. As always, the Lawyers Helping Lawyers Committee serves as a confidential resource for 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. This year, the RIBA contracted with CorpCare, a lawyer assistance program that provides professional clinical assessments and facilitates getting appropriate treatment for Bar members free of charge. The professionals at CorpCare provide confidential consultations for a wide range of personal concerns, including (but not limited to): balancing work and family, child and eldercare, depression, anxiety, domestic violence, aging, grief, career satisfaction, alcohol and substance abuse, and problem gambling. CorpCare recently expanded its provider network to include the BetterHelp platform. RIBA members still have the option to have in-person local counseling or telehealth counseling with a local provider through the CorpCare network, but now also have the option of BetterHelp through a digital platform. As always, CorpCare professionals are available via telephone at 866-482-8378 to complete an intake and connect callers with care, but members now have the option to access counseling directly through the BetterHelp digital platform without having to call the CorpCare helpline.

Bar Committees

We have exceptionally strong standing and special **committees**. Over fifteen 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 19 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. For the third year in a row, the Government Lawyers Committee hosted two committee-sponsored CLE seminars. Due to the hard work of the committee and the seminar speakers, Bar members were once again able to obtain two 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 were given the option of meeting via Zoom or in a hybrid format throughout the year. Most committees opted for the Zoom format and had excellent attendance. President Morse focused on growing Bar committees during his presidential year. He appointed co-chairpersons for many of our committees to offer leadership opportunities to as many members as possible since Bar leadership establishes a strong connection with the Association. President Morse also encouraged chairpersons to submit regular committee updates in bimonthly issues of the *Bar Journal*. We had two new committees this past year: the DEI Committee and the Alternative Dispute Resolution Committee. And, we will have a new RI Traffic Tribunal Bench Bar Committee as of next September.

Rhode Island Bar Journal

The *RI Bar Journal* returned to print production in September/October 2022, following two years as a digital-only magazine. Digital issues are still available on the website and are also distributed by email and accessible through FlipSnack.

Continuing Legal Education

The educational programs sponsored by the Association are led by a dedicated CLE Committee and diligent staff. The CLE Department hosted and co-sponsored 76 live programs with over 1,800 in attendance.

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 times: once at the University of Rhode Island; once at Roger Williams University in a hybrid manner; and three times in person at Rhodes-on-the-Pawtuxet. Professor Heidi Brown spoke on the topic of civility; there were a total of 482 in-person attendees and 339 Zoom attendees.

Aside from our partnership with Aon Attorneys' Advantage, with our Public Services Department and Bar committees, we have been able to offer a total of **5 free MCLE credits** to our members this past year. Areas covered by the programming included: the CARES Act; the Drug Court and Safe Baby Court and child custody/GAL; land use law update; and cannabis law update. This year, the Aon ethics programs will take place over three days in August, with one of the dates enabling virtual attendance. Exact dates are still being finalized while panelists coordinate schedules with the local FBI field office. Programs will focus on cybersecurity, as suggested by the Office of the Disciplinary Counsel. Panelists include John Comery, Esq., Mark Comstock, Esq., a representative from the Office of the Disciplinary Counsel, and a representative from the local FBI field office. If an FBI agent is unavailable, the Rhode Island State Police Cyber Crimes Unit will be asked to send a representative.

This year's **Annual Meeting** was held on June 1st and 2nd at the Rhode Island Convention Center. The Thursday morning plenary speaker was the Honorable Victoria Pratt, who discussed procedural justice: a simple, proven approach to transforming our court system using the power of dignity and respect. This respectful approach to justice, supported by data, focuses on the interpersonal treatment the public receives throughout the process, which ultimately improves the public's trust in the justice system and increases compliance with the law.

Our Friday afternoon plenary presentation featured Cornelius Dupree, an exoneree declared innocent of a 1980 conviction after serving 30 years of a 75-year prison sentence, who was convicted based on misidentification.

Report of the Executive Director on 2022-2023

There were 40 workshops in total at the Meeting, which included the always-popular state and federal court updates, a mock trial, numerous DEI-related programs, and other programming appealing to various practice areas.

2023 Annual Rhode Island Bar Association Awards Winners

- RI Supreme Court Chief Justice Paul A. Suttell was selected to receive the **Award of Merit** in grateful recognition of his exceptional commitment to access to justice through numerous diversity, equity, and inclusion initiatives and dedication to servicing the needs of the Rhode Island community through the unprecedented challenges of the pandemic.
- RI Supreme Court Associate Justice Maureen McKenna Goldberg was selected to receive the **Chief Justice Joseph R. Weisberger Judicial Excellence Award**. The Award, named in honor of its first recipient, the late Chief Justice Joseph R. Weisberger, is presented to a judge of the Rhode Island State Courts or Federal District Court for exemplifying and encouraging the highest level of competence, integrity, judicial temperament, ethical conduct, and professionalism.
- Mark S. Mandell, Esq., was selected to receive the **Joseph T. Houlihan Lifetime Mentor Award**. The award honors individuals who during their careers have consistently demonstrated an extraordinary commitment to successfully mentoring in the Rhode Island legal community. The Award recognizes those who, with their excellent counsel, have excelled as a mentor and contributed to the ideals of ethics, civility, professionalism, and legal skills. The award is named for the late Joseph T. Houlihan, who was known for his generosity of spirit and legal expertise in and out of the courtroom.
- **The Dorothy Lohmann Community Service Awards** were presented to Michael A. Castner and Jennifer L. Wood. The award recognizes Rhode Island attorneys who donate their time and legal expertise to charitable work. It is given to those whose efforts most closely reflect those of Rhode Island Attorney Dorothy Lohmann. Ms. Lohmann devoted her entire professional life working to help the poor. She tirelessly employed her talents as an intelligent and skilled lawyer working for the most vulnerable people in our society.
- The inaugural **Diversity, Equity, and Inclusion (DEI) Trailblazer Award** was presented to Nicole P. Dyszlewski. This award recognizes a member who encourages and cultivates social discourse related to DEI among all members of the Rhode Island Bar, supports the advancement of attorneys from diverse backgrounds to positions of leadership, and promotes interest in the practice of law among diverse populations.
- The inaugural **Holly Hitchcock Award for Non-Attorney Legal Professionals** was presented to Nancy Mahoney, Bar Administrator at the RI Supreme Court. Named for the late Holly Hitchcock, this award allows our legal community to recognize paralegals, judicial staff, legal organization support staff, law firm support staff, law school support staff, non-lawyer mediators, non-lawyer translators, private non-lawyer professionals, and community organizers for all their hard work and contributions to the legal profession.
- For our **2023 Pro Bono Awards**, attorneys Robert Larder and Adam Northup were selected for their legal assistance through the Volunteer Lawyer Program. Both attorneys were nominated last year, as they have been outstanding advocates for low-income individuals and families for several years.
- The **Rhode Island Bar Journal Lauren E. Jones Writing Award** was presented to Hon. Brian P. Stern and attorney Jordan Sasa. The award is presented for authoring an article based on presentation, information content, legal significance, accuracy, and depth of research.

Membership Benefits

Fastcase is a web-based legal research system offered to our members for free (\$950 value). More than 1.1 million lawyers nationwide subscribe to Fastcase's legal research tools. They offer primary legal research as well as more than 750 books, treatises, and journals to their users. Fastcase also integrates with Docket Alarm's briefs, pleadings, and motions database and syncs with a mobile app on iOS and Android.

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, and 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 member benefit has been increasing in popularity since it was first offered in 2019. Many members used the free services of our consultant, Jared Correia, of Red Cave Law Firm Consulting. We are very pleased that we continue 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. Our free,

non-credit, technology program series, Compare & Contrast, brought to you by Mr. Correia in collaboration with the Bar's Technology in the Practice Committee, reviews different law-related products and services, and each webinar focuses on a certain topic. In just 30 minutes, the presenters discuss what makes the most sense for members depending on practice size and budget. All programs were recorded and are available on the Bar's website on the Law Practice Management page.

The Bar offers several mentorship programs to members. We have the Online Attorney Directory, which provides Bar members with the names, contact information, and Bar admission date of volunteer attorneys willing to answer questions concerning particular practice areas based on the volunteer's professional knowledge and experience. We also have a traditional mentoring program where Bar staff will pair new lawyers one-on-one with experienced volunteer mentors in order to assist with law practice management, effective client representation, and career development. And through our pro bono programs, Bar members who agree to join and take a case can venture into a new area by taking advantage of our VLP mentor program, where volunteers experienced in a particular area of law handled by the VLP will guide you through the process. The traditional mentorship program will be revised this summer to include an additional focus area for veterans and to solicit attorney mentors in this area who are currently serving or have served in the military as they transition to civilian legal practice.

Bar staff continue to regularly update the Judicial Communications Survey and Probate and Municipal Court information chart accessible in the Members Only section of the Bar's website.

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. A quarterly newsletter on DEI is also produced by Bar staff with assistance from the DEI Committee.

Public Services

One of our most noble 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), the 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 (LRS) fields thousands of calls from the public every year asking for assistance in obtaining an attorney. The LRS continues its efforts to increase the participation of attorneys in Limited Scope panels. There are an increasing number of calls from the public seeking attorneys

who will provide limited scope representation in a variety of areas, including family law, collections, landlord/tenant, contracts, and more. Individuals contacting the LRS have asked to be referred to attorneys for many limited scope services, including the preparation and filing of documents, review of contracts, and final judgments. The department is reminding LRS members that this is a great way to expand their practice and provide a needed service to the public.

We endorse, fully support, and promote the availability of legal services and access to justice for all. Many of our members' efforts to provide legal assistance are facilitated through their participation in the Bar's public service programs. These core programs include the Lawyer Referral Service (LRS) and the Volunteer Lawyer Program (VLP). Our LRS component programs include Reduced Fee, Legal Information & Referral Service for the Elderly with reduced and pro bono assistance for those who are over 60, and Lawyers for the Arts with reduced and pro bono assistance. We provide pro bono referrals through our US Armed Forces Legal Services Project for our veterans, service personnel, and their families. As in our other public service/pro bono programs, our far-reaching, comprehensive VLP administered by the Bar for 36 years continues to impact low-income clients' lives in purposeful and significant ways through representation by its members. Our Pro Bono Program for the Elderly, administered through the LRS, has been in operation for over 40 years. Legal assistance initiatives for our elderly are a continuing priority and include a variety of statewide community outreach legal clinics, as well as Ask A Lawyer Programs and special events during "Older Americans Month" annually in May. On average, 30 emergency referral requests are received from the Office of Healthy Aging Volunteer Guardian Program for our most vulnerable senior population. These cases are placed with volunteer attorneys once the OHA has secured a volunteer guardian, etc.

During 2022, efforts were ongoing to communicate the availability of seasoned practitioners to mentor any volunteer attorney interested in accepting a case in an area of law that is of interest but not part of their regular practice. A continuing priority is the recruitment and retention of volunteer attorneys, with a special focus on expanding our panel of attorneys who are bilingual, especially in Spanish.

In 2022 alone, over 11,197 requests for legal assistance were received by the public service programs, of which approximately 7,600 were referred through the LRS, 2,700 were eligible and referred for reduced fees, and 900 were eligible and processed for pro bono placement. Free half-hour consultations were available through the Lawyer Referral Service, and hundreds of additional callers to the Public Service area were provided with helpful information regarding other available community resources.

As a result of offering the hybrid seminar, *Guardianship*

Report of the Executive Director on 2022-2023

Practice - the Essentials free to volunteer attorneys, 21 pro bono guardianships were immediately placed in October 2022. Also, 23 additional attendees accepted cases as they were received through the pro bono programs in the following months. Those attorneys unable to attend were given the opportunity to view the seminar for free later in the year.

Public Service membership appeals and notices for all programs were sent to members throughout the year, including cases in need of placement and program updates. We thank you all for your phenomenal contributions.

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. 41 schools signed up for 72 presentations, with all presentations held in-person on Friday, May 5, 2023. The RI Law Day Committee followed the ABA's suggested theme of *Cornerstones of Democracy: Civics, Civility, and Collaboration*. Background information on the topic was sent to those participating and available on the Bar's website. The Law Day Committee also produced a sample PowerPoint presentation for teams to use during their presentations.

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, 11th, and 12th grade students, the Contest focused on 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 \$2,000 scholastic award is funded by the Association, the Rhode Island Bar Foundation, and the Rhode Island Police Chiefs' Association. The second-place \$500 scholastic award is funded by the Edward P. Gallogly Family Law Inns of Court and the RI Bar Foundation.

Rhode Island Bar Foundation

Through our continued partnership with the Rhode Island Bar Foundation, we are celebrating eight 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, 72 scholarships have been awarded to promising law students from Rhode Island. We are pleased to report that this is our 34th year administering this program. In addition, thanks to the generosity of the Ralph R. Papitto and Barbara A. Papitto Private Family Foundation, two scholarships of \$25,000 were awarded to law students who identify as black, indigenous, or a person of color (BIPOC). 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 the BIPOC community in Rhode Island.

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 RI Public Defender's Office. Also, thanks to a generous donation from the Papitto Opportunity Connection, the Foundation created the Jim Jackson Fellowship, which is awarded annually to two deserving law students to support them in their academic journey. One recipient is splitting her summer between RI Legal Services and the RI Center for Justice, while the second recipient will be placed at the RI Public Defender's Office. These fellowships are awarded to law students who identify as BIPOC. As Bar Foundation Treasurer for 32 years, Jim's legacy of dedicated service, consistently ethical conduct, courteous demeanor, and unwavering adherence to high professional standards is a model for those students who seek a future in upholding our legal system.

Acknowledgments

Many thanks to our terrific and dedicated **President, Mark B. Morse**, the hard-working Executive Committee, our committed House of Delegates, and our diligent Committee Chairpersons for their support and guidance throughout this busy year. Each of our Bar leaders brings great perspective and leadership for the members.

Finally, we must 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 com-

mitted individuals contributing their talent to the delivery of quality services and benefits to our members. The hard work and dedication of the entire staff is remarkable: Director of Public Services, Susan Fontaine; Director of Continuing Legal Education, Madeline Benner; Director of Communications, Erin Cute; Director of Finance, Renee Bourbonniere; Rhode Island Bar Foundation Program Director, Theresa Gallo; Membership Services Coordinator, NaKeisha Little; CLE Coordinator, Heather Chea; Office Manager, Susan Cavalloro; Volunteer Lawyer Program Coordinator, John Ellis; and Lawyer Referral Service Coordinators, Elisa King and Caitlin Poland.

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 of 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 2023

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 2022-2023 the Rhode Island Bar Association (RIBA) did not file as amicus curiae in any matters.

With regard to legislation, in light of the recent challenges to mandatory bar associations, the Rhode Island Bar Association House of Delegates met in November 2021 to discuss the possibility of suspending RIBA lobbying temporarily. This is in response to a growing number of challenges to mandatory bar associations on the basis that the Bars are engaging in non-germane activities, with lobbying being the most common issue.

As a mandatory bar, the Rhode Island Bar Association is legally obligated to follow the principles enunciated by the United States Supreme Court in **Keller v. State Bar of California**, 110 S.Ct. 2228 (1990). Keller held that the dues of members of integrated bar associations cannot be used to promote ideological or political activities not germane to the purpose of the organized bar. If compulsory bars engage in non-germane activity, it is a violation of the constitutional rights of members. Germane activity is circumscribed to regulating the legal profession and improving the quality of legal services.

After much discussion, the House of Delegates voted, that given the state of uncertainty about obligations and limitations of a mandatory bar, the Rhode Island Bar Association should suspend advocacy of changes to non-germane, substantive law until there is clarification as to the state of the law in this area with ongoing reviews by the RIBA Task Force on Governance and Structure.

The Bar's legislative agent continues to monitor upcoming legislation and inform the RIBA President and Executive Director if something clearly germane comes out of the legislature. We continue to circulate legislation to committee chairpersons if it is of interest to committees and members.

A member may, within sixty days of the date of the mailing of the Journal, allege that the lobbying activity for a specific bill or an amicus brief filing in a specific case was impermissible or a "non-core" activity on the part of the Rhode Island Bar Association, by notice, in writing, to the Executive Director of the Rhode Island Bar Association.

Rhode Island Bar Association Budget 2023-2024

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.

Report of the Executive Director on 2022-2023

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 22/23
Bar Journal Ads & Subscriptions	\$ 45,000
Contract Service Income	60,000
Interest Income	25,000
Mailing List Income	500
Malpractice Prevention	25,000
Member Dues & Fees	1,220,000
Royalties & Miscellaneous	9,500
Health Insurance Royalties	16,000
	<u>\$ 1,401,000</u>
Expenses	
Awards	\$ 3,000
Bank Fees	1,200
Bar Journal	95,000
Fastcase	80,000
Clerical Assistant	500
Computer	55,000
Computer Training & Education	500
Consultants	2,500
Copier	7,500
Depreciation Expense	10,000
Dues & Subscriptions	6,000
Insurance	25,000
Lawyer Assistance Program	10,000
Leadership Academy	8,000
Legislative Counsel	27,500
Lobby Tax	6,500
LOMAP	12,500
Maintenance & Repair	42,000
Medical Benefits	65,000
Miscellaneous Expense	500
Office Supply & Expense	20,000
Pamphlets & Advertising	0
Payroll Tax Expense	32,000
Printing & Postage	12,000
Professional Fees	27,500
Property Tax	4,000
Public Relations	500
Records Management	6,000
Regular Meetings	10,000
Rent & Electricity	200,000
Retirement Plan	46,000
Salaries	461,000
Telephone	9,500
Travel	40,000
Website	17,000
	<u>\$ 1,343,700</u>
Net Income:	<u>\$ 57,300</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 23/24
Interest	\$ 250
Dues	18,000
Fees	50,000
	<u>\$ 68,250</u>
Expenses	
Medical Benefits	\$ 45,000
Office Supplies	500
Payroll Tax Expense	7,500
Printing & Postage	500
Retirement Plan	9,000
Salaries	90,000
	<u>\$ 152,500</u>
Net Income:	<u>\$ (84,250)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 23/24
Annual Meeting	\$ 425,000
Publications	3,000
Seminars	120,000
Miscellaneous Income	0
On-Line Income	40,000
	<u>\$ 588,000</u>
Expenses	
Annual Meeting	\$ 215,000
Bank Fees	0
Computer	12,000
Computer Training & Education	500
Copier	1,200
Depreciation	0
Dues & Subscriptions	500
Medical Benefits	25,000
Miscellaneous Expense	0
Office Supplies	2,500
Payroll Tax Expense	12,000
Postage	2,000
Professional Fees	0
Publications	1,500
Rent	15,000
Retirement Plan	19,000
Salaries	190,500
Seminar Expense	55,000
Travel	1,500
Website	0
	<u>\$ 553,200</u>
Net Income:	<u>\$ 34,800</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,401,000	\$ 68,250	\$ 588,000	\$ 2,057,250
Expense	1,343,700	152,500	553,200	2,049,400
	<u>\$ 57,300</u>	<u>\$ (84,250)</u>	<u>\$ 34,800</u>	<u>\$ 7,850</u>

Grants and Restricted Funds

	2022-2023
ProBono	\$ 182,018
Elderly	52,613
CRF	125,000
Total:	<u>\$ 359,631</u>

2022-2023

Total Revenue	\$ 2,416,881
Total Expense	\$ 2,409,031
	<u>\$ 7,850</u>

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2022 and 2021

Assets	2022	2021
Cash and cash equivalents	\$ 4,076,906	\$ 1,246,206
U.S. treasury bills	2,442,667	5,173,505
Accounts receivable and dues	54,529	37,593
Other assets	22,352	29,700
Property and equipment, net	68,031	79,079
Total Assets	\$ 6,664,485	\$ 6,566,083
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 36,574	\$ 36,727
Accrued expenses	98,980	109,240
Deferred revenues	—	6,000
Total Liabilities	\$ 135,554	\$ 151,967
Net Assets		
Without donor restrictions	\$ 3,495,189	\$ 3,406,671
With donor restrictions	3,033,922	3,007,445
Total Net Assets	6,529,111	6,414,116
Total Liabilities and Net Assets	\$ 6,664,665	\$ 6,566,083

**The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2022 and 2021 is the official name of the Balance Sheet for a non-profit organization. Information was derived from Marcum LLP audit report dated December 2, 2021.*

Bar Association Committee Reports



Alternative Dispute Resolution Stephen J. MacGillivray, *Chair*

The Alternative Dispute Resolution Committee was formed in 2022 by a group of attorneys who act as neutrals in either arbitrations or mediations and are dedicated to expanding the use and quality of dispute resolution in our state.

Specifically, the committee's charge is to provide education to members, practitioners, and users of ADR, including training for mediators/arbitrators, ethical rule issues, and information for the general public about the nature and benefits of the dispute resolution processes and how to utilize them.

This year, we have approximately 60 members. We aim to have four meetings throughout the year focused on perfecting and promoting alternative dispute techniques and skills. Also, members of our group continue to actively collaborate with the Rhode Island Center for Mediation & Collaboration by mediating disputes in state district court. We also continue to broaden our relationship with and service to the Rhode Island Judiciary. Finally, we will continue to share best practices with the goal of generating the state's next generation of go-to mediators and arbitrators. To that end, co-members Walter Hunter, Laura Bottaro, and I presented at the Rhode Island Bar Association 2023 Annual Meeting on the topic *How To Increase Your Chances of Success In Arbitration and Mediation*.

I can report that we have an energetic and collegial group who are looking forward to working together to implement our mission. Many thanks to Laura Bottaro, Matt Oliverio, Katie Kohm, Kristen Sloan Maccini, Dan Procaccini, and Joe Reale for their efforts in assisting in the organization of our group.



Business Organizations Elizabeth Manchester, *Co-Chair* Marcus Howell, *Co-Chair*

The Business Organizations Committee met on a monthly basis during the past year. Committee members reviewed and responded to legislation introduced during the General Assembly's 2022 session.

The Committee continues to assist the Rhode Island Secretary of State's Office and the Uniform Law Commission on a revision to the State's Limited Liability Company Act.

Committee members also shared ideas regarding issues encountered with



our respective practices, got to know each other better, and gained professional trust for each other in the process.

The Committee would benefit from greater input and a larger volunteer base. If you have an interest in matters affecting businesses 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 and nonprofit 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 that 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, the 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 Fund 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 \$2.3 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. There are currently four claims awaiting action pending the exhaustion of remedies and two claims awaiting action pending further documentation. I will continue to keep you informed as the Fund serves the public. I am grateful for your support.



Continuing Legal Education

Krista J. Schmitz, Co-Chair
Collin Bailey, Co-Chair



The Continuing Legal Education Committee (CLE Committee) is happy to report a return to in-person programming this year for all Bar members. The committee worked throughout the year to provide relevant programs that presented the most up-to-date information available across all practice areas, most in a hybrid format. This year, the CLE Committee continued its commitment to diversity, equity, and inclusion by recruiting more diverse speakers than ever before.

The annual Aon Attorneys' Advantage free ethics seminar was presented both live and via Zoom in August and September 2022. The CLE Committee continued the tradition of providing all Bar members with the opportunity to earn two (2) free ethics credits. This year's speaker was Heidi Brown, Esq., who presented her program *Civility Reboot: Defusing Bullies and Cultivating Respectful Rigor in Advocacy*. This program offered a fresh approach toward addressing the detrimental effects of incivility, bullying, rudeness, and inappropriate intimidation that unfortunately pervade the legal profession and appear to have been exacerbated by the stress of the pandemic.

During the 2022-2023 programming year, the CLE Committee offered 72 programs with over 1,600 attendees. Among these innovative programs were technology seminars presented by Jared D. Correia, Esq., of Red Cave Law Firm Consulting, and various ethics seminars presented by Sean Carter, Esq. Some of the programs presented this year were SSI/SSDI Claims and the Federal Court, Planning and Administering a Small Estate, Expanding Access to the Judiciary, RI's New Business Entity Acts, The Hidden Tax, Discrimination Issues in the Workplace, RI Tax Update, Expungement Law, Preparation of Gift Tax Returns, Social Media Use and Other Complex Jury Issues, and Preparing Your Case for Trial. Other topics discussed included marijuana and synthetic cannabinoids, elder abuse, forbearance agreements, divorcing with debt, real estate liens, medical malpractice, public duty doctrine, lifestyle analytics in divorce cases, a legislative summary for 2022, collections, guardianship, landlord/tenant updates, and DUI law and hardship licenses.

We were also excited to bring back our mindfulness series presented by Patricia McLaughlin, Esq., and our ever-popular Recent Developments in the Law seminar, which sold out for in-person attendance. If you missed any of these programs, don't forget most of them can be found in our on-demand catalog! Overall, the CLE Committee had a very successful year of pro-

gramming, and we are looking forward to seeing everyone in person with a continued return to live programs in conjunction with our virtual programming next year.



Criminal Law Bench/Bar

Maria F. Deaton, Chair

It was a pleasure to Chair the Criminal Law Bench Bar Committee for the 2022-2023 committee year. One of my main goals was to increase and encourage participation from individuals of diverse backgrounds and experiences. Although I believe we can do better, we were fortunate to see an increase in membership. No doubt the technology installed in the RIBA headquarters conference rooms, which allowed the meetings to be held in hybrid form, encouraged more members to attend. The Committee had several speakers who educated and enlightened the Committee. Among our presenters were Hon. Judge Richard Raspallo, Assistant Public Defender Michael A. DiLauro, and Detective Theodore Michaels of the Providence Police (Expert in Cell Site Forensics). The range of topics covered included: Providence Superior Court - courtroom 4 pre-trial calendar protocols; marijuana and synthetic cannabinoids, highlights of the science for attorneys; current technology regarding cell site forensics; RI Expungement Statute updates; summary and updates from the RI General Assembly's 2022/23 Legislative Session; change in protocols for some of the court calendars (the Providence County Trial Calendar (courtroom 4), the Providence County Daily Criminal Calendar (courtroom 9), Kent County Daily Criminal Calendar, the Pre-Arrestment Calendar (PAC), and the Gun Court Calendar); and many more issues impacting the Criminal Bench Bar practice.

It remains a primary goal of the Committee to increase participation from 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. We invite all to join the Committee next year. Until then, we hope you and your families are safe, healthy, and well!

Bar Association Committee Reports



Diversity, Equity, and Inclusion

Hamza Chaudary, *Co-Chair*
Sarah Oster Kelly, *Co-Chair*



The Diversity, Equity, and Inclusion Committee was established in 2022 to continue the great initiatives developed by the RIBA Diversity & Inclusion Task Force. The Committee discusses DEI-related matters of interest to the membership and makes recommendations to foster a sense of equity and inclusion among members. The Committee proposes DEI-related continuing legal education and Annual Meeting programming, networking events with affinity

legal organizations, and resources for the membership.

The Committee held the first full meeting in September and broke into four subcommittees: Leadership/Pipeline, Outreach, Education, and Communication/Messaging. Subcommittee meetings were scheduled between meetings of the full Committee. The meetings were very productive, with ideas including, but not limited to: ways to strengthen relationships with affinity groups; networking events with law students, new members, and affinity groups; expanding the Bar's diverse speakers pool; improving and expanding the DEI section of the Bar's website; and attracting newer members and members from diverse backgrounds to Bar governance. The Committee also plans to create a DEI contact database, a directory for sharing information and communicating more effectively on issues related to DEI. Eventually, the list could be shared with the Court's Committee on Racial and Ethnic Fairness in the Courts and other affinity groups as many of our groups have shared DEI goals.

The Committee encouraged more members to sign on to the Bar's voluntary DEI Pledge at the RIBA Annual Meeting. During the business meeting on Thursday morning of the event, pledgers' names were read aloud during the DEI Report. There was also a QR code available at the Meeting for members to easily sign on to the Pledge as well as a paper sign-up sheet.

The Committee met with the Judiciary's Committee on Racial and Ethnic Fairness in the Courts in early May. The groups agreed to formalize their collaboration and intend to establish regular meeting dates going forward.

The Committee welcomes interested members to join the Committee to help develop and support the Bar's ongoing DEI initiatives.



Creditors' and Debtors' Rights

Richard J. Land, *Chair*

The Creditors' and Debtors' Rights Committee concluded another year with excellent attendance at meetings and spirited participation. I remain honored to Chair the Committee and greatly appreciate the efforts and contributions of all committee members.

This year, our Committee continued its discussions of pending and anticipated legislation impacting our practice areas. The Superior and Supreme Courts provided us with opportunities to discuss legal issues that impact our clients and the practice overall. The discussions frequently provide valuable practice pointers for our members and allow them to share information and strategies for addressing various issues they may face.

We continued our virtual Committee meetings. As we move into the 2023-2024 year, I hope to return to in-person meetings. With the legislative session coming to a close, I anticipate that the Committee will be evaluating new laws impacting our practice. As always, I continue to encourage Committee members to bring forth important legislative initiatives for consideration and lively debate. I look forward to working with you all next year.



Environmental and Energy Law

Caroline A. Karp, *Chair*

The Bar's Environmental and Energy Law Committee (EELC) continued to offer guest lectures on emerging and relevant issues for environmental and energy law practitioners. The EELC held its regular meetings at 3:00-4:00 pm on the second Wednesday of the month, from September 2022 through May 2023.

The 2022-23 EELC did not meet in person this year due to the ease of using Zoom and voted to limit meetings to one hour. Perhaps as a result, membership and attendance increased this year, although Ms. NaKeisha Little's administrative assistance was extremely helpful in this regard. Regular meetings generally included a guest speaker who spoke on an issue-oriented topic. The EELC voted in favor of having one lecture offered for CLE credit for EELC members, although this did not happen this year.

EELC SPEAKERS 2022-23

> **Oct 19:** Greg Schultz, Esq., Special Assistant Attorney General, and James Crowley, Esq., Staff Attorney, RI Conservation

Law Foundation. *Is Chevron Delegation and Deference Alive After West Virginia et al. v. USEPA OR What is the Major Questions Doctrine?*

- > **Nov 19:** Jamie Rhodes, Esq., Rhodes Consulting, Counsel, Good Energy. *Community Electricity Aggregation.*
- > **Feb 12:** Timothy Conway, Esq., *EPA New England. Enforcement and Compliance Priorities, Accomplishments, and Challenges*
- > **Mar 15:** Jamie Rhodes, Esq., Rhodes Consulting, Counsel, Good Energy. *Environmental Justice and Efforts to Implement the 2021 Act on Climate.*
- > **Apr 19:** Dr. Abigail Anthony, Commissioner, RI Public Utilities Commission (RIPUC). *Perspectives on Current & Emerging Issues*
- > **May 17:** Dan Prentiss, Esq., Prentiss Law Firm. *Champlin's Marina and Environmental Permitting*



Ethics and Professionalism

Keith Fayan, 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.

One of the charges of the Ethics and Professionalism Committee is to research, address, and discuss 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. Similar to previous years, having received no such assignments prior to the Committee's first meeting in October, Co-Chairs Fayan and Pecchia again elected to proceed with a topic-based meeting schedule and solicited topics of interest from committee members.

The Committee met three times this year via Zoom. As is customary for the Committee's first meeting each year, the Supreme Court Disciplinary Counsel was invited to speak to the Committee. This year, newly appointed Deputy Chief Disciplinary Counsel, Maria Lenz, Esq., addressed the Committee and noted current wire fraud issues and also best practices for the

retiring practitioner. The Committee found Attorney Lenz's presentation on law firm succession issues so compelling that Co-Chair Fayan proposed a workshop for the 2023 Annual Meeting. The Committee's December meeting focused on identifying key issues for the presentation at the Annual Meeting. Co-Chair Fayan moderated a discussion on law firm succession planning with panelists Maria Lenz, Esq., and Samantha McCarthy, Esq., of McCarthy Law, LLC, and Committee Member Daphne Robson, Esq., also of McCarthy Law, LLC.

The Committee's final meeting in April welcomed Superior Court Associate Justice Melissa Darigan to discuss civility and professionalism, both in and out of the courtroom.

The Ethics and Professionalism Committee provides a forum in which issues related to ethics and professionalism can be identified, discussed, and disseminated to Association members. The topic-based approach to meetings helped to further the Committee's goal of maintaining substantive engagement on issues core to our profession. Members of the Bar are invited to consider serving on the Committee and encouraged to submit topics to the Committee for consideration during the upcoming year.



Family Court Bench/Bar

Jane F. Howlett, Chair
Alexander Terry, Vice-Chair

With the lifting of restrictions imposed in response to the COVID-19 pandemic, the Family Court Bench Bar Committee ("the Committee") was able to return to in-person meetings while continuing to offer virtual attendance.



In October 2022, the Committee had the privilege of hosting a meeting to discuss the benefits of the OurFamilyWizard app, which assists with co-parenting. This hybrid meeting took place at the Bar Association's Headquarters and virtually. Michelle Barr, a representative from OurFamilyWizard, appeared virtually to educate and provide members with an overview of how the program seeks to remedy and/or at least alleviate some of the most common issues that arise in child custody cases.

In March 2023, the Committee hosted an hour-long virtual meeting with the goal of educating and informing members on how to practice child welfare law, i.e., "DCYF court." Alex Terry, who worked for the Department of Children, Youth and Families from 2020-2022 and is currently employed as a CASA attorney, spoke with members of the Committee. A brochure containing

Bar Association Committee Reports

commonly referenced statutes and basic procedural information about DCYF cases was also provided to members in advance of the meeting. This program was designed to provide members, who practice mostly on the domestic court calendar, with a framework of what to do when approached by a client with a DCYF case.

Committee Chairperson Jane Howlet also served on the Committee to rewrite the child support guidelines, which are expected to be released in the next few months.

Lastly, Committee members have received case law updates as new decisions are issued by the Supreme Court.

After almost three years of virtually little to no human interaction outside of a computer screen, this past year provided a dearly missed return to normality in the Family Court Bar.



Fee Arbitration

Henry V. Boezi III, Chair

During the fiscal year 2022-23, five petitions for fee arbitration were filed with the Rhode Island Bar Association. Three matters were dismissed because the Respondent was unwilling to proceed with the arbitration. Two matters were arbitrated with the Committee's assistance. The amount of fees in dispute ranged from \$3,000 to \$30,000. 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. It offers the opportunity for lawyers and their clients or other lawyers to settle fee disputes and should be resorted to more often than costly, time-intensive alternatives. We strongly recommend that more attorneys and clients utilize the program.



Government Lawyers

Kara DiPaola, Co-Chair

Lynne M. Radiches, Co-Chair



The Government Lawyers Committee (GLC) met six times in 2022-2023. The first meeting was held on October 6, 2022, at which time members were invited to introduce themselves to the group. At the conclusion of the introductions, it was clear that the GLC is comprised of talented and experienced government attorneys whose outside interests are compelling and diverse. We welcomed guest speaker Ernest Almonte, Executive Director of the Rhode Island League of Cities and Towns, who addressed the

GLC on the topic of *Leadership in the Public and Private Sectors*.

At the November meeting, Attorney Amy Goins addressed the group on the topic of *Recently Enacted Legislation Affecting Land Use*. The seminar, which was approved for one (1) CLE credit, offered an overview of recent enactments and amendments to state law governing land use.

At the December meeting, guest speakers Lee Ann Byrne, Deputy Chief of Staff for the Office of the General Treasurer, and Nicole Verdi, New England Head of Government Affairs and Policy at Orsted, addressed the GLC on the topic of tracking legislation relevant to state agencies and municipalities.

The GLC next met on February 2, 2023. The guest speaker was Danni Pascuma, who addressed the group on the Enneagram Personality Test, and how personality typing can be beneficial to leadership in the workplace by increasing communication and easing conflict resolution. The meeting included a breakout session during which the attendees discussed their results.

At the March meeting, guest speakers Lauren E. Hill and John Bogue, Staff Attorneys from the Rhode Island Commission for Human Rights presented important information about the Commission's work, their jurisdiction, and the enforcement process.

The sixth and final meeting of the GLC was held on April 6, 2023. Attorneys Sara K. Tindall-Woodman and Hannah R. Pfeiffer from the Department of Business Regulation presented a *Cannabis Law Update*, which included an overview of the medical and adult-use cannabis statutes and key regulatory changes. The presentation was approved for one (1) CLE credit. This meeting had more than 90 attendees.

The success of this year's GLC is attributable in large part to those members who attended regularly, the excellent guest speakers who shared their expertise on a variety of significant

topics, and the kind and professional assistance of the staff at the Rhode Island Bar Association. The GLC is always pleased to welcome new members.



Insurance Programs

Holly R. Rao, Chair

Aon Attorneys Advantage Professional Liability Program announced a new carrier partnership to provide the legal community with continued market-leading solutions. Policyholders were informed that the previous carrier would not be offering terms for renewal. Members who have had policies through Aon Attorneys Advantage continue to receive program renewal materials for the new partnership over the course of the year, at least two months before the end of policy terms.

The Insurance Programs Committee met virtually with Aon relative to the transition to the new carrier and later reviewed additional materials in order to address questions raised concerning retiring members and the continuing benefits of the Affinity Program. The Committee also fielded more general member questions concerning the transition and the professional liability program.

Aon continued to sponsor the annual loss prevention series of CLE programs. Last fall, the 29th annual free ethics program was presented in five in-person programs as well as one hybrid program: “Civility Reboot: Defusing Bullies and Cultivating Respectful Rigor in Advocacy.” In total, 800 members attended the thought-provoking and interactive programs.

Our health insurance broker, USI, continued to provide consultations regarding medical and dental insurance coverage. In addition, USI New England is contracted to provide Bar members with enrollment, billing service, insurance advice, and assistance with other health/dental and benefits insurance alternatives.



Labor Law & Employment

Matthew H. Parker, Chair

The Labor Law & Employment Committee is comprised of practitioners on both sides of the aisle (employer side and employee side), and 2022–2023 was another great year for us. We enjoyed a return to in-person (albeit hybrid) meetings, many great discussion topics, and plenty of “shop talk.”

On September 30, 2022, we held a roundtable discussion

regarding the new Pay Equity Act, relevant provisions of the RI Cannabis Act, and updates to the Minimum Wage, Temporary Caregiver Insurance, and Sunday/Holiday Pay statutes.

On December 9, 2022, we were joined by Attorneys Richard Sinapi and Chloe Davis, who shared with us their recent experience securing a \$2mm verdict in federal court on behalf of a group of cable installers who were misclassified as independent contractors and deprived of minimum wages, minimum shift pay, and overtime pay.

On February 10, 2023, we met to discuss the Federal Trade Commission’s proposed rule to ban non-compete agreements, and we shared issues that have come up with clients since the new RI Pay Equity Law took effect on January 1, 2023.

On April 21, 2023, we had our final meeting of the year and had a robust open discussion regarding strategies and best practices for advocating before the R.I. Commission for Human Rights. Lawyers from the plaintiff-side shared some of their tricks of the trade, and the employer-side did their best to reciprocate. I left the meeting thinking that we are fortunate to have so many engaged, courteous, and experienced practitioners in our membership who recognize the value of getting together regularly to share ideas and maintain collegial relationships with each other even when we frequently face off against each other in court. I will look forward to our meetings restarting in the fall.



Lawyers Helping Lawyers

Nicholas Trott Long, Chair

The Lawyers Helping Lawyers Committee serves as a confidential resource for 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 CorpCare, which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. CorpCare is available to members of the bar and their families 24/7 and can be reached at 866-482-8378. Their website, www.corpcareap.com, contains a large database of helpful resources, which can be reached by choosing the “Client Resources” button and inserting the life advantage code “RIBALAP.”

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CorpCare recently announced that they have expanded their provider network to include the BetterHelp digital platform. When members visit www.betterhelp.com/corpcare, they can enter their information and search for Rhode Island Bar Association in the “Employer Name/Access Code” field. Once the correct place is selected, they can follow the prompts to get started. Members get access to video, phone, or chat messaging.

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*. President Morse and the Committee directed communications to affinity organizations and county bar associations, offering to have members join an upcoming virtual or in-person meeting to review the services of the Committee and the CorpCare program.

At the January meeting of the Committee, Dennis Bailer, overdose prevention program director for Project/RENEW, presented a demonstration on Project Weber/RENEW and Narcan.

At the 2023 Annual Meeting, the Lawyers Helping Lawyers Committee coordinated a lawyer wellness presentation, *Don’t Give Up Five Minutes Before the Miracle*. Director of the Pennsylvania Lawyers Concerned for Lawyers Laurie Besden shared her compelling personal story of an insatiable drug addiction that caused her incarceration, the suspension of her law license, and nearly killed her. She addressed how to identify and help attorneys in distress due to mental health problems, including substance use and gambling disorders. Moderated by Chairperson Long, it also featured Nicole Browning, Director of Client Services at CorpCare, who outlined the program offered to Bar members and their families.



Lesbian, Gay, Bisexual, & Transgender Legal Issues

James Bagley, Co-Chair

Christopher J. Gerlica, Co-Chair

We would like to thank the Committee members for yet another successful year. We appreciate everyone’s efforts in attending meetings and contributing to the Committee, including helping us assemble our presentation for the 2023 Annual Meeting. Further, while we remained virtual, we continued to be a space for LGBTQ and ally attorneys to unite to discuss the needs of our growing community, the increased legislative activity affecting our community, and



what efforts can be made to foster a more engaged and thriving LGBTQ and ally legal community.

New Lawyers

Alyse Antone-Smyth, Co-Chair

Meredith Howlett, Co-Chair



Since its creation, the New Lawyers Committee has been a home for young and newly licensed attorneys to network, socialize, and, most importantly, to learn. The New Lawyers Committee kicked off the new year with a January meeting featuring RI Family Court Associate Justice Jeanine P. McConaghy for an insightful

Q&A session where the Judge shared invaluable information on best practices for new attorneys. Judge McConaghy provided tips on how to make yourself stand out when applying for a job, what new attorneys should know before they walk into a courtroom, the dos and don’ts of how to conduct yourself within a courtroom, and how to set yourself up for success in your career. She reminded members that, as new attorneys, it’s okay to not have all the answers. Being respectful, prepared, and humble is best. It was great to have insight from a judge’s perspective and to listen to realistic advice. We enjoyed our session with Judge McConaghy, and we look forward to inviting more members of the Judiciary to meet with us in the future. The New Lawyers Committee also teamed up in March with the Bar’s Public Services Involvement Committee. The goal of the meeting was to brainstorm new ways to promote the Bar’s public service programs to newer attorneys, including the pro bono program opportunities. Committee members learned about the Lawyer Referral Service Program, the Elderly Pro Bono Program, the Volunteer Lawyers Program, and more. Together, we discussed creative ways to advertise the Bar’s programs to Rhode Island’s communities, the RI Bar, and newly licensed RI attorneys. It was a productive meeting! We thank the Public Services Involvement Committee for reaching out to collaborate. From the newly barred attorney who is just beginning to get their feet wet to the more seasoned attorney or judge 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

Meaghan Kelly, *Co-Chair*
Kristin Matsko, *Co-Chair*



The Committee on Probate and Trust considers collaboratively discussed proposed changes in the legal system as they relate to the probate, trust, and estate tax areas. The Committee was active during the current year, meeting the second Monday of each month from October 2022 through May 2023. All meetings were held via Zoom given the ongoing COVID-19 pandemic and the continued interest in virtual meetings expressed by members. It is uncertain whether any proposed legisla-

tion reviewed by the Committee will be passed by the General Assembly in the present legislative session.

The Committee consists of over one hundred members, many of whom are regular attendees and active participants at Committee meetings. Several probate judges are members of the Committee, and the judges provided a useful perspective for Committee discussions, including potential revisions to the standardized probate court forms. All “virtual” meetings of the Committee were well-“attended” by Committee members.

The Committee reviewed proposed legislation dealing with state estate tax modifications, the Uniform Directed Trust Act (revised and submitted by the Committee; this legislation would permit so-called “directed trusts” which would permit a settlor to designate a person other than a trustee as responsible for trust investments), elder adult exploitation and the Uniform Real Property Transfer on Death Act. The Committee has prepared and submitted in the past, with the approval of the Bar Executive Committee, proposed legislation with respect to portability between spouses of the Rhode Island estate tax credit. Similar legislation has been submitted again this term by members of the General Assembly (without the interaction of the Committee). As of the date of this report, all proposed legislation remained pending. Another important topic of discussion was the requirement for a co-guardian to obtain probate court approval to open a ABLE account for a ward and/or the need for annual accountings for ABLE accounts.



Public Service Involvement

Christine J. Engustian, *Chair*

The Public Service Involvement (PSI) Committee held hybrid meetings regularly throughout this past year. Members were committed to providing support to the Bar Association’s public service programs through recommendations and projects to enhance and increase access to justice for the Rhode Island community. The Committee’s dedicated efforts and actions were based largely on the guidance and input from the Bar Association’s Public Service Programs Director, Susan Fontaine, and the staff as to the particular needs of the programs. The Committee is very grateful for each of them.

A PSI subcommittee was created to plan and sponsor a 3.5-credit hybrid CLE seminar entitled *Guardianship Practice – The Essentials* which was presented in October 2022. The seminar provided free continuing legal education to those volunteer attorneys who agreed to accept a guardianship case from the Bar Association. This CLE program explored the “nuts & bolts” procedures required for guardianship practice. Also covered were the alternatives to guardianship, including supported decision-making, ethical concerns highlighted by our state’s Disciplinary Counsel, today’s prevalent issues surrounding the guardianship process for unaccompanied minors seeking asylum, and a view from the bench. The subcommittee was able to plan and present this well-received program due to the contributions of the outstanding panelists, Brian Adae, Esq., Henry V. Boezi, III, Esq., Michael J. Farley, Esq., Zachary K. Lyons, Esq., and Kerry Reilley Travers, Esq. I greatly enjoyed being the moderator for this program. The Committee is very grateful to the panelists and to the subcommittee members since over forty cases were placed with the volunteer attorneys attending this seminar.

In response to the Annual Meeting Planning Committee’s request for committees to submit proposals for the Annual Meeting in June, the PSI Committee agreed to present the topic of the *RI Supported Decision-Making Act*. Many thanks are extended to committee member Brian Adae for his time and efforts in preparing the proposal, planning the workshop, and securing Attorney Jonathan Martinis, who is a nationally recognized expert in supported decision-making, as the main speaker.

The PSI Committee discussed in depth the existing Bar Association’s Pro Bono Publico Resolution, which sets forth the aspirational goal of having every attorney provide at least 50 hours of pro bono publico legal services per year. This aspirational goal, which is applicable to all attorneys, whether in sole practice or a law firm, is also found in Rule 6.1 of the state’s Rules of Professional Conduct. Consequently, the Committee sought to meet with the New Lawyers Committee to explore ways in

Bar Association Committee Reports

which we can bring awareness to newly admitted attorneys about this pro bono service goal. At the PSI Committee's request, a joint meeting between the PSI Committee and the New Lawyers Committee was held in March, and there was a vibrant discussion centering around ways in which our committees can collaborate to increase awareness not only of the pro bono aspirational goal but also of the opportunities available to meet and exceed that goal through membership in the Bar Association pro bono programs and the Lawyer Referral Service. Special thanks to NLC Committee Co-Chairperson Alyse Antone Smyth and members of both committees who attended and contributed to the discussion. We look forward to meeting again next year.

Annually, a PSI subcommittee selects the pro bono program members to receive Bar Association awards for their outstanding contributions to the pro bono effort. Attorneys Robert Hope Larder and Adam G. Northup were chosen to receive the 2023 Pro Bono Publico Award for their remarkable dedication and service to the poor through the Volunteer Lawyer Program. Selections are 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. The Committee is grateful to Robert and Adam for their commitment to the pro bono programs of the Bar Association and congratulates them on their well-deserved awards.

Lastly, the Committee granted its approval of having me, in my capacity as both Committee Chair and member of the House of Delegates, remind the House of Delegates (HOD) of the Pro Bono Publico Resolution it adopted well over a decade ago and of Rule 6.1 that clearly states "[e]very lawyer has a professional responsibility to provide legal services to those unable to pay" and "should aspire to render at least (50) hours of pro bono publico legal services per year." I am grateful to Bar President Mark Morse for placing it on the HOD's April 25th agenda and for the opportunity to speak on this subject. I kindly and strongly ask that every attorney indeed looks to reach this annual goal and considers joining the Bar Association's pro bono programs to assist in that endeavor.



Real Estate Title Standards and Practices

John A. Comery, Chair

The Real Estate Title Standards and Practices Committee met nine times this year for regular meetings and once for a special meeting focused on remote online practices. All such meetings were well attended (40-50 participants each), and participation was exemplary.

Our monthly meetings included informative presentations related to recent cases of interest to real estate practitioners as well as lively discussions related thereto. Also discussed were numerous issues common to committee members in their transactional practices, with an emphasis on assisting and informing one another. The collegiality displayed among the members continues to be inspiring.

The Committee was also very productive this year, having established three new Title Standards, two Practice Standards, and updates to two Practice Forms. In addition, a new and very active subcommittee was formed to establish procedures and standards related to emerging remote online practices.

Sincere thanks are offered to the following individuals who graciously presented cases and updates at meetings this year: Nicole J. Benjamin, Nancy M. Davis, David M. Dolbashian, Philip W. Gasbarro, Michael B. Mellion, Francis J. Nolan, Samuel J. Raheb, Christine M. Sturtevant, and Vanessa J. Varone.

The Chair and the Committee also offer sincere thanks to Nancy M. Davis, the Committee's Recording Secretary, for the preparation of comprehensive minutes of our meetings.

The Committee looks forward to the upcoming year and will continue to address its mission to study and recommend standards and practices toward improving the methods of recording, transferring, and establishing titles to real property in Rhode Island.



Superior Court Bench/Bar

Zachary Mandell, Co-Chair

Jennifer Sylvania, Co-Chair



The Superior Court Bench Bar Committee met regularly by remote means during the 2022-2023 term. This was a year for the Bench Bar Committee to get back to some normalcy after the COVID-19 pandemic while meeting remotely. The Committee, however, still managed to accomplish a number of important agenda items.

The following are a few highlights from the year:

First, the Committee continued discussions regarding the implementation of an attorney-assisted mediation program for the Civil Trial Control Calendar. The Co-Chairs met with Judge Raspallo to gain insights on how the Court could best use such a program. The Committee then created a Subcommittee to discuss recommendations and the groundwork for such a program, which was ultimately discussed and approved by the Committee. Another

meeting occurred with Judge Raspallo to review the Subcommittee's recommendations and suggested changes. The final changes are occurring to the recommendations, and the Committee is hopeful that the program will be able to take effect next year with the appreciated assistance of Judge Raspallo.

Second, the Committee discussed the impact and need for guidance on remote depositions. The Committee agreed that after the pandemic, remote depositions should be a permanent option for attorneys going forward, but some guidance is needed to protect the integrity of depositions and the preferences of the parties. The Committee created a subcommittee to discuss such possible recommendations, including a possible rebuttable presumption for in-person and remote depositions. The Committee is seeking the guidance of the Executive Committee on such recommendations and reaching out to Presiding Justice Gibney to further these discussions in the next year.

The Committee again submitted several proposed workshops for the 2023 Annual Meeting and was pleased that two of the proposals were accepted by the Annual Meeting Planning Committee. The two programs were *Expert Discovery Post Cashman* and the *Rule to Change RIRCP 26 and Civil Motion Practice in the Superior Court: Dos and Don'ts*.

Finally, the Committee met with Judge Keough, Judge Rekas Sloan, and Judge Darigan to give feedback to the Court on the Bar members' preferences as to protocols for the motion calendars and formal and special calendars in all counties. The Superior Court is looking to make changes to these protocols and has sought the assistance of the Bench Bar Committee.

It has been an honor and pleasure serving as the Co-Chairpersons of the Superior Court Bench Bar Committee this year. We are proud of the accomplishments of the Committee. We hope that the work of the Committee has benefited both the Court and the 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 Nicole J. Benjamin, *Chair*

The Supreme Court Bench Bar Committee met this year and was joined by the Hon. William P. Robinson III, Associate Justice of the Rhode Island Supreme Court. The Committee and, in particular, Kara Maguire, Esq., of the Rhode Island Public Defender's Appellate Division, worked to plan the CLE program presented at the 2023 Annual Meeting titled *Inside View of the Rhode Island Supreme Court*. The program featured

Hon. Maureen McKenna Goldberg, Hon. Erin Lynch Prata, and Hon. Melissa A. Long, Associate Justices of the Rhode Island Supreme Court, as well as Erin Paquette, Esq., of the Office of the Assistant to the Chief Justice, and Kara Maguire.

The Committee anticipates working on further CLE programming next year, with an eye toward expanding and diversifying the appellate bar. The Committee will be led next year by Co-Chairs Derek Gillis, Esq., and Kara Maguire, Esq.



Technology in the Practice Michael M. Goldberg, *Co-Chair* Rhiannon S. Huffman, *Co-Chair*



As the lingering effects of the COVID-19 pandemic continued to change the practice of law, the Technology in the Practice Committee maintained its focus in 2023 on not only assisting lawyers with technology but also enhancing lawyers' capabilities with now-necessary technology (e.g., WebEx and Zoom Video Conferencing software).

The Technology in the Practice Committee continued its role as a conduit between the Rhode Island Bar and the Rhode Island State Courts to improve the Case Management System (CMS) and Electronic Filing (E-Filing) System.

The Technology in the Practice Committee joined Red Cave Law Firm Consulting to present a series of webinars focusing on introducing less tech-savvy attorneys to technology that can improve their performance in the field and during the COVID-19 pandemic.

The Technology in the Practice Committee continued to serve as a resource for the Rhode Island Bar members concerning all technology-related questions.

The Committee continued to organize and moderate the E-Filing Working Group, consisting of Bar members and representatives from multiple Bar Associations 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 utilize various features of the CMS and E-Filing Systems effectively. The E-File Working Group has likewise brought Bar members' concerns relating to the systems to the Judiciary for possible resolution.

The Committee has provided reports of our progress to Bar Association President Mark B. Morse, 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

Bar Association Committee Reports

Committee updates, all-member emails, and news postings on the Bar's website and social media accounts.



Workers' Compensation Bench/Bar

William Gardner, Chair

This year, we arranged for a presentation from Ametros regarding the professional administration of Workers' Compensation Medicare Set-Aside Arrangements, which was particularly informative in this developing aspect of the practice. The biannual golf tournaments were well-attended and provided a welcome opportunity to socialize with our fellow colleagues. In April, the annual Workers' Compensation Educational Conference was again held at the Graduate Hotel, and attendance returned to pre-pandemic levels. Multiple panels presented developments in pain management, occupational disease injuries, third-party liens, remote workspace injuries, best practices, upper extremity injuries, and claims management. Several physicians, as well as members of the Judiciary and Bar, volunteered their time and expertise to make this conference a success. The Workers' Compensation Court now has a full complement of judges, as Associate Judge Moira E. Reynolds was recently welcomed to the bench. Her addition will further advance the Court's goal of providing expedient and efficient resolution of workers' compensation disputes.

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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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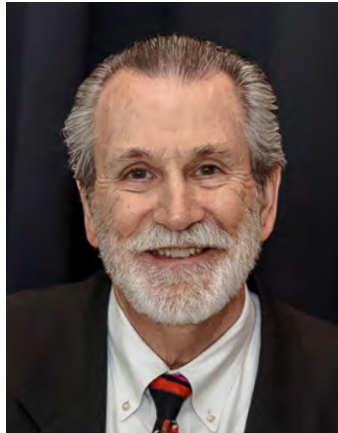
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Rhode Island Bar Foundation 2023 Annual Meeting



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



(l-r): Vice President Victoria M. Almeida, Esq.; President Michael R. McElroy, Esq.; and Nominating Committee Chairperson Lauren E. Jones, Esq.

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 1, 2023, at the Rhode Island Convention Center in Providence. Foundation President Michael R. McElroy and the Board of Directors welcomed and thanked the Foundation Fellows who, through their professional, public, and private careers, have demonstrated outstanding dedication to the welfare of the community and objectives of the Foundation. President McElroy expressed gratitude to the members of the Board and the hard-working Foundation Committees.

During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2023

Interest on Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$393,109 was granted for the provision of Rhode Island legal services and the administration of justice. Attorney participation in the IOLTA program accounts for the most significant source of grant revenue. The Foundation also recognized and honored the recipients of the 2023 Thomas F. Black, Jr., Memorial Scholarship, the 2023 Papitto Opportunity Connection Scholarship, and the recipients of the Honorable Thomas J. Caldarone, Jr., and Jim Jackson Fellowship programs. Also, Bay Coast Bank was recognized as a Foundation Honor Roll Bank.

The Bar Foundation Welcomed 10 New Fellows at the Annual Meeting



The Bar Foundation receives support by annual contributions through our Fellows program. Membership in the Foundation as a Fellow is a professional honor. Fellows are selected from Rhode Island Bar Association members whose professional, public, and private careers demonstrate their outstanding dedication to the welfare of the community and maintenance of the Rhode Island Bar Foundation's objectives.

Our new members from l-r:

Cassandra L. Feeny
Kristen Sloan Maccini
Joseph Avanzato
Nicole R. Clement
Anthony DeSisto

Keith E. Fayan
Bridget L. Mullaney
Corinne G. Myers
Amanda Valentino
Charles F. Rogers, Jr. (*not pictured*)

The Honorable Thomas J. Caldarone, Jr. Fellowship Program

The RI Bar Foundation was honored with a generous donation from Hon. Thomas J. Caldarone Jr. which has been used to establish an endowment for summer fellowships. Annually, a student entering their second year at Roger Williams University School of Law will receive a stipend for an internship in a Rhode Island nonprofit organization engaged in providing legal services to persons of limited means. As Caldarone Fellows, second-year law school students have the opportunity to assist in providing crucial legal services to the public and so doing may encourage those students to pursue public service careers. The Rhode Island Bar Foundation is very pleased to be able to award two fellowships this year. Recipients Timothy Caplan and Pia Piscitelli will both be working for the RI Public Defender’s Office this summer.



Rhode Island Bar Foundation 2023 Hon. Thomas J. Caldarone, Jr. Summer Fellowship Recipients Timothy Caplan (pictured left with President McElroy) and Pia Piscitelli (pictured right with President McElroy).



Rhode Island Bar Foundation 2023 Thomas F. Black, Jr. Memorial Scholarship Recipients Irina Abdelaziz Abdrabboh (pictured left) and Kathleen Casey (pictured right) both with RIBF Treasurer Steven J. Boyajian.

Thomas F. Black, Jr., Memorial Scholarship Program

The Rhode Island Bar Foundation’s 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. The Scholarship is 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. This year, the Foundation granted two \$25,000 scholarships to first-year law students.

The Jim Jackson Fellowship Program

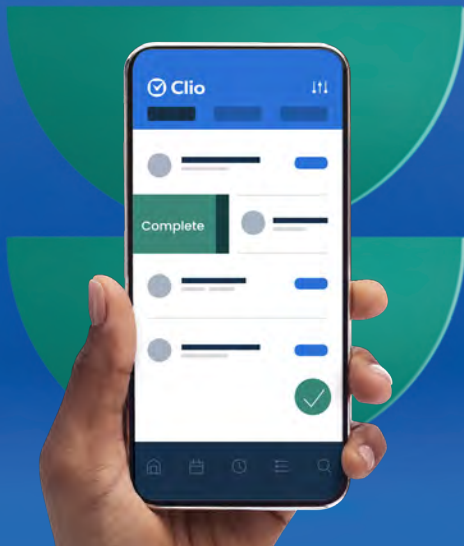
President McElroy announced the James A. Jackson Fellowship in 2022, which consists of two \$1,500 grants awarded to Roger Williams second-year law school students who identify as Black, Indigenous, Persons of Color (BIPOC) to allow them to intern for the summer at a non-profit legal services organization. Roger Williams Law School also matches these grants. This Fellowship is made possible thanks to a generous donation from the Papitto Opportunity Connection, and is named for James A. Jackson, RIBF Treasurer for over 30 years. Nasama Winters will be working for the RI Public Defender this summer, and Andrea Staehelin will be working for RI Legal Services as well as RI Center for Justice.



Rhode Island Bar Foundation 2023 Jim Jackson Fellowship Recipients Nasama Winters (pictured left) and Andrea Staehelin (pictured right), both with Jim Jackson.



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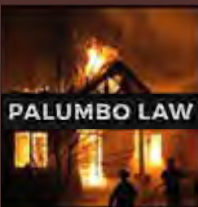
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Papitto Opportunity Connection Scholarship Program

Thanks to the Papitto Opportunity Connection Foundation, two scholarships in the amount of \$25,000 each were awarded to law school candidates who self-identify as Black, Indigenous, and People of Color (BIPOC). 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 the BIPOC community in Rhode Island.



Rhode Island Bar Foundation 2023 Papitto Scholarship Recipient Lauren Arthenayake with RIBF Treasurer Steven J. Boyajian. Recipient Sofia DeSimone was not able to attend the Luncheon.



Allan Shine Tribute

Allan was Chair of the Scholarship Committee for many years and was instrumental in developing the Thomas F. Black, Jr. Memorial Scholarship Program and the donors. RIBF Treasurer Steven J. Boyajian presented Allan with an award in grateful appreciation of his impactful leadership and significant contributions to the development of the Black Scholarship Program.

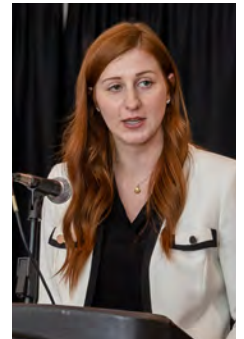


Nicole J. Benjamin, Esq., 2003 Thomas F. Black, Jr. Memorial Scholarship recipient, current shareholder at Adler Pollock & Sheehan, and incoming president of the Rhode Island Bar Association, addressed the Fellows and guests.

Special Thank You to Scholarship Program Contributors

- The Horace A. Kimball and S. Ella Kimball Foundation
- The Champlin Foundation
- The Papitto Opportunity Connection
- The Nicholas J. Caldarone Foundation
- Rhode Island Bar Foundation Fellows

Bethany Bigos, Esq., 2018 Thomas F. Black, Jr. Memorial Scholarship recipient and associate at Gunning & LaFazia, Inc. addressed the Bar Foundation Fellows and guests.



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Email: EAP@courts.ri.gov

2023 ANNUAL MEETING AWARDS RECEPTION

The Bar Association welcomed over 100 attendees at the Annual Awards Reception which was free and open to all members. President Mark Morse presented the *Bar Journal* Writing Awards, the Pro Bono Publico Awards, the Dorothy Lohman Community Service Awards, the inaugural Diversity, Equity, and Inclusion Trailblazer Award, and the Joseph T. Houlihan Lifetime Mentor Award.





2023 Annual Meeting

This year's hard-working Annual Meeting Committee, chaired by Bar members Kathleen Wyllie and Lloyd Ocean, produced a diverse and enriching program. Supporting this effort, many Bar members and the Bar staff worked with the Committee to ensure a seamless presentation of workshops and social events. As a result, the Annual Meeting provided over 1,100 attendees with a diverse range of interesting and informative seminars over the two days. The Meeting offered Bar members outstanding opportunities to learn, to improve their practice, recognize and honor Bar award winners, socialize with colleagues, and fulfill annual CLE requirements.



Outgoing President Mark B. Morse started off the two-day event with the business meeting Thursday morning.



New 2023-2024 Rhode Island Bar Association President Nicole J. Benjamin was sworn-in by Rhode Island Supreme Court Chief Justice Paul A. Suttell.



Speakers Hon. Melissa DuBose and Tamera N. Rocha, Esq. discussed the access to justice gap, common legal problems, barriers faced by court users, and the steps taken by the Judiciary and the Committee on Racial and Ethnic Fairness in the Courts to ensure meaningful access at their program, **Access Granted: A Discussion on the Access to Justice Gap, Strategies to Eliminate Access to Justice Barriers, and Engaging Meaningfully with Self-Represented Litigants.**



Thursday opening plenary speaker Hon. Victoria Pratt kept members engaged with her dynamic program outlining the principles of “procedural justice” — a simple, proven approach to transforming our court system using the power of dignity and respect.



Moderator Andre Digou, Esq. and the other panelists discussed practicing before the Superior Court Business Calendar, including what cases are eligible, getting a case assigned, pleading form and filing, and court appearances during their program, **Superior Court Business Calendar – Basics & Beyond**.



In their program, **Don't Give Up Five Minutes Before the Miracle**, Nicole Browning of CorpCare EAP, the Bar's lawyer assistance program, outlined the confidential assistance her organization provides to Bar Association members and their families, along with the other panelist Nick Long, Esq. and Laurie Besden, Esq. who shared her recovery story of overcoming substance abuse.



The panelists for the **Arbitration & Mediation: Practice Pointers** program discussed practical advice for obtaining a successful result in arbitration and mediation while minimizing cost.

During the **Case Law Updates: LGBT+ Protections in the Workplace** program, panelists discussed the holding of the United States Supreme Court's decision in *Bostock v. Clayton County* and its ramifications for state and federal practice.



In their program **Inside View of the Rhode Island Supreme Court**, panelists Hon. Melissa A. Long, Hon. Maureen McKenna Goldberg, Hon. Erin Lynch Prata, Kara Maguire, Esq., and Erin Paquette, Esq. (not pictured) provided guidance on the nuts and bolts of appellate practice in Rhode Island.





Panelists of representatives from the United States Attorney's Office (l to r) Sara Miron Bloom, Esq., Zachary Cunha, Esq., Lee Vilker, Esq., and Bethany Wong, Esq., discussed new sources of federal funding and the potential for fraud on federal programs during their program, **Civil and Criminal Approaches to Addressing Federal Program Fraud and The Critical Role of Whistleblowers**.



During their program **Remote Hearings**, panelists discussed the use of improved legal technology being utilized by our courts as we continue to adapt to the needs of litigants post-pandemic.



The panelists for the **Comprehensive Amendments to the Uniform Commercial Code to Address Electronic Transactions and Related Issues** program reviewed the proposed amendments to the Uniform Commercial Code which address the urgent needs to accommodate transactions involving emerging technologies.



During their program, **Death & Taxes: Understanding the Rhode Island Estate Tax & Mechanics of Estate Tax Returns** panelists examined the Rhode Island estate tax and its relationship to various areas of law.



During their program, **A Primer on Evidence in the Digital Age: Admitting ESI Evidence at Trial** moderator Christian R. Jenner, Esq. and the other panelists discussed the evidentiary challenges and opportunities electronically stored information presents.



The distinguished panelists (l-r) Carly Beauvais lafrate, Esq., Lauren E. Jones, Esq., Hon. Sandra A. Lanni, Hon. Francis X. Flaherty, Hon. Erin Lynch Prata, and Hon. Sarah Taft-Carter gave attendees their annual updates on civil case law.



During their program, **Recent Developments in Land Use Law** Amy Goins, Esq., and Joelle Rocha, Esq., discussed recent amendments to the enabling statutes and other laws governing the review and approval of development applications by municipal land use boards.

Jonathan Martinis, Esq., Senior Director for Law & Policy in the Burton Blatt Institute at Syracuse University, along with Brian Aday, Esq., and Morna Murray, J.D., discussed Supported Decision Making – a cutting-edge alternative to guardianship at their program **Supported Decision-Making – What It is and Why We Need It**.



Representatives from the American Board of Trial Advocates (ABOTA), organized by the ABOTA President Patrick C. Barry, Esq., presented a two-part Mock Trial event on Friday.



During the program **Seeking Justice for Survivors of Sexual Violence in Rhode Island's Legal System** the panelists discussed the different remedies available to sexual violence survivors in RI.



Panelists (l-r) Aimee Audette Esq., Christopher N. Chihlas, M.D., Joseph Moran Esq., Hon. Keith A. Cardoza presented **The Dos and Don'ts of Medical Depositions**.



At the Annual Meeting Luncheon, Hon. Maureen McKenna Goldberg was honored with the 2023 Chief Justice Joseph R. Weisberger Judicial Excellence Award, presented to a judge of the RI state courts or Federal District Court bench for exemplifying and encouraging the highest level of competence, integrity, judicial temperament, ethical conduct, and professionalism.



RI Supreme Court Chief Justice Paul A. Suttell presented his annual State of the Judiciary at the Annual Meeting Luncheon.



RI Supreme Court Associate Justice Melissa A. Long reported on the accomplishments of the Committee on Racial and Ethnic Fairness in the Courts and the goals that the Committee has for the future.



New 2023-2024 Rhode Island Bar Association President Nicole J. Benjamin discussed her goals and aspirations for her presidency at the Annual Meeting Luncheon.



During the always popular **Golden Nuggets** program, panelist Joseph DeAngelis, Esq., Hon. Raymond E. Shawcross, Murray Gereboff, Esq., and moderator Kerry Reilley Travers, Esq., shared their experiences, challenges, and war stories over the past 50 years in the legal profession.



Cornelius Dupree closed out the 2023 Annual Meeting with a presentation about the work of the Innocence Project. Cornelius engaged the crowd with the story of his wrongful conviction and how he overcame spending 30 years of his life locked up for a crime he did not commit.



Incoming President Nicole J. Benjamin, Esq. thanked Outgoing President Mark B. Morse, Esq. for all of his excellent work during his presidency.



At the Annual Meeting Luncheon, Nancy Mahoney, State Bar Administrator, was honored with the inaugural Holly Hitchcock Award for Non-Attorney Legal Professionals.



RI Supreme Court Chief Justice Paul A. Suttell was honored with the Award of Merit for his exceptional commitment to access to justice through numerous diversity, equity, and inclusion initiatives and dedication to servicing the needs of the Rhode Island community through the unprecedented challenges of the pandemic.

Thank You 2023 Annual Meeting Speakers!

Thank you to all of our 2023 Annual Meeting speakers for your hard work, support, and dedication. You made this year's meeting a huge success!

David Aaron, Esq.

Former US Department of Justice national security and cyber prosecutor

Joanna M. Achille, Esq.

Burns & Levinson, LLP

Brian Adae, Esq.

Disability Rights Rhode Island

Stephen Adams, Esq.

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Melody A. Alger, Esq.

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The Just Criminal Justice Group

Vincent A. DiMonte, Esq.

Attorney-at-Law

Hon. Melissa DuBose

Rhode Island District Court

Cornelius Dupree

Innocence Project

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As an alternative, you may download the Bar Committee Application form appearing above the button and mail or fax it to the Bar Association. Please only use one method to register to avoid duplication. If you have any questions concerning membership or the sign-up process, please contact the Bar's Membership Services Coordinator, NaKeisha Little, at (401) 421-5740 or nlittle@ribar.com.

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

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

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

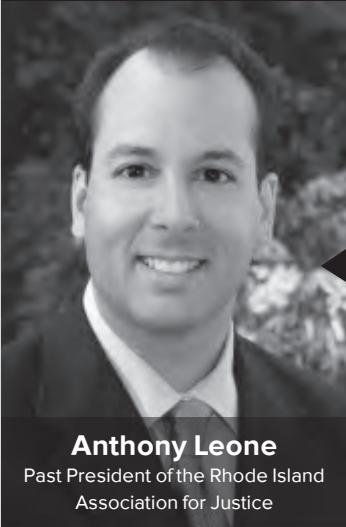
The program is quite simple, but the effects are significant. Bar members notify the Bar Association when they need help, or learn of another Bar member with a need, or if they have something to share or donate. Requests for, or offers of, help are screened and then directed through the SOLACE volunteer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

SOLACE Helping Bar Members in Times of Need

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

To sign-up for SOLACE, please go to the Bar's website at ribar.com, login to the Members Only section, scroll down the menu, click on the SOLACE Program Sign-Up, and follow the prompts. Signing up includes your name and email address on the Bar's SOLACE network. As our network grows, there will be increased opportunities to help and be helped by your colleagues. And, the SOLACE email list also keeps you informed of what Rhode Island Bar Association members are doing for each other in times of need. These communications provide a reminder that if you have a need, help is only an email away. If you need help, or know another Bar member who does, please contact Executive Director Kathleen Bridge at kbridge@ribar.com or 401.421.5740.

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In Memoriam

Robert A. Gentile, Esq.

Robert A. Gentile, Esq., 93, of East Greenwich, died on April 16, 2023. Born in Providence, he was the son of the late Anthony and Helen (Casey) Gentile. Robert was a graduate of Blessed Sacrament School, LaSalle Academy, Providence College, Boston University School of Law, and attended Georgetown School of Law. He served as the Director of the Pari-Mutual Wagering Department of Racing and Athletics for 28 years prior to his retirement. He also maintained a private law practice for over 60 years. Robert is survived by his children, Robert A. Gentile, Jr., Esq., and his wife Susan, of Davie, FL; David J. Gentile, Esq., of East Greenwich; Stephen H. Gentile, A.I.A., of Milton, MA; Tracy A. Benway, PT, and her husband, Shawn of Saunderstown; and several grandchildren. Robert was predeceased by his wife, Margaret M. (Hamilton) Gentile, and sister, Joan M. Gibbons.

Hon. Ronald Lagueux

Ronald R. Lagueux, 91, died on May 3, 2023. He was born in Lewiston, ME to Arthur Lagueux and Laurretta (Turcotte) Lagueux. He was the husband of Denise (Boudreau) Lagueux. Judge Lagueux excelled in athletics at Lewiston High School, lettering in four sports, football, basketball, and both pitching for the baseball team and running the 440 meters for the track team during the same spring seasons. He attended Bowdoin College, graduating cum laude in 1953. He then received his JD from Harvard Law School in 1956. Following law school, he moved to RI to practice law with the firm of Edwards and Angell. He took a two-year leave of absence to serve as Executive Council to Governor John H. Chafee in 1963-64. In 1964, he unsuccessfully ran for the US Senate against incumbent John O. Pastore. After returning to private practice, specializing in civil litigation at Edwards and Angell, he left as a full partner in 1968 when he was appointed to the RI Superior Court bench. In 1985, he was appointed by President Reagan to be a Federal Judge for the District of RI, serving as Chief Judge for 7 years, taking senior status in 2001, and fully retiring in 2016. In addition to his wife, Judge Lagueux is survived by his three children, Michelle Lagueux and her husband, William Burgess; Gregory Lagueux; Barrett Lagueux Chapin and his wife, Betsy Chapin; and several grandchildren and one great-grandchild.

Richard H. Pierce, Esq.

Richard H. "Dick" Pierce, 88, died on May 27, 2023. He was the husband of the late Cynthia (Nanian) Pierce. Born in Westerly, RI, the son of the late Ralph and Mildred (Clark) Pierce, he lived in Cranston for 84 years. Dick received a bachelor's degree in history from Bates College in 1957, and a Bachelor of Laws degree from New York University School of Law in 1960. Admitted to the Rhode Island Bar Association in 1961, he became a partner at Hinckley, Allen & Snyder in Providence where he practiced law for over 40 years before his retirement in 2004. Dick was a lifelong member of Phillips Memorial Baptist Church in Cranston where he served on the Board of Trustees and as Church Treasurer. He was instrumental in the building of Cranston's Central Library in 1983 where he served as the Library Board Chairman. He also served on the Board of Trustees for Saint Andrew's School in Barrington and was active for many years as a volunteer with South Providence Neighborhood Ministries. Dick was a past president of the University Club in Providence, a member of the Bates Alumni Association, a patron of Trinity Repertory Company in Providence, and a past president of The Plantations Trust Association. He was active in city government serving on the Cranston City Council and later on the Cranston School Committee and was also a member of the Rhode Island Board of Elections which he chaired early in his tenure. Dick is survived by his children, Stacey P. Turner and her husband, Michael of Dedham, MA; Andrew K. "Drew" Pierce and his wife, Beth of Dedham, MA; Hilary C. Pierce and her husband, Keir Beadling of San Francisco, CA; and several grandchildren. He was predeceased by his brother, Robert V. Pierce.

Keith P. Ryan, Esq.

Keith P. Ryan, 62, of Warwick, died on June 3, 2023. He was the husband of Elena M. (Boffi) Ryan and was the son of the late Hon. Donald P. Ryan and June M. Ryan. Keith graduated from Bishop Hendricken High School in 1979

and went on to earn a B.S. Degree from Boston University in 1983. He worked as a Sportswriter for the Boston Herald before earning a J.D. from The University of Massachusetts School of Law, Dartmouth, MA in 1995. Keith spent the last 8 years of his career as a dedicated real estate attorney with Germani Law Offices. Keith was a longtime parishioner of St. Gregory the Great Church in Warwick, where he served as a past Grand Knight of St. Gregory the Great Knights of Columbus Council. He was also a 4th Degree Sir Knight with the St. Anthony Council. In addition to his wife, Keith is survived by his son Michael Ryan, in-laws, Richard and Jeanne Boffi, of West Warwick, and brother-in-law Richard Boffi, Jr., his wife, Regina, and his niece.

Peter A. Schavone, Esq.

Peter A. Schavone, 69, died on Saturday, May 27, 2023. He was the husband of Marilyn (Houlker) Schavone. Born in Providence, Peter was the son of the late Frank and Eleanor (Procaccini) Schavone. Upon graduating from La Salle Academy, Peter attended Providence College where he studied Political Science. Later attending Suffolk Law School at night to earn his Juris Doctorate degree. Peter was a personal injury and workers' compensation attorney and operated his own law firm for the past 25 years. He was a longtime member of the Justinian Law Society of Rhode Island. In addition to his wife, Peter is survived by his daughter, Jennifer Goff and her husband Christopher; son, Peter A. Schavone Jr. and his wife Julie; sister, Anne Marcaccio and her late husband Dr. Vincent Marcaccio; brother, Robert Schavone and his wife Jane; and several grandchildren.

Albert B. Watt, Esq.

Albert B. Watt, 95, died on May 10, 2023. Born in Providence, Albert graduated from the University of Rhode Island, received his Juris Doctorate from Boston University, and master's degrees from both New York University and the Judge Advocacy program at the University of Virginia. A lawyer for over 60 years, he loved the study of law and took great pride in his chosen profession. Albert is survived by his two daughters, Lisa Ardente and her husband Paul, Alison Biondi and her husband Elio, and several grandchildren and great-grandchildren. He was predeceased by his wife, Flora Watt.

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Caption This! Contest

We will post a cartoon in each issue of the *Rhode Island Bar Journal*, and you, the reader, can create the punchline.



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

How to Enter: Submit the caption you think best fits the scene depicted in the cartoon above by sending an email to ecute@ribar.com with "Caption Contest for July/August" in the subject line.

Deadline for entry: Contest entries must be submitted by July 15th, 2023.

By submitting a caption for consideration in the contest, the author grants the Rhode Island Bar Association the non-exclusive and perpetual right to license the caption to others and to publish the caption in its Journal, whether print or digital.

Winning caption for May/June



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Lawyer on the Move

Lauren E. Jones, Esq., has moved his office, **Jones Associates**, to 118 Gano St., Providence, RI 02906.
401-274-4446 x 11 | ljones@appeallaw.com

RIBA DEI Committee Call to Action!

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

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

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



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CALLING FUTURE LEADERS!

2023-2024

LEADERSHIP ACADEMY

Introducing the inaugural Rhode Island Bar Association Leadership Academy! Open to all RI attorneys. The new Academy will serve to strengthen and diversify the bar association's leadership pipeline by providing emerging leaders with skills training, professional development programs, networking, and mentorship opportunities.



GOALS

The Leadership Academy will provide intensive learning, career coaching, relationship-building exercises, and networking opportunities essential to fostering leadership in the bar, the workplace, and the community.

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



TIMELINE

September 2023 – June 2024
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