

# Rhode Island Bar Journal

Rhode Island Bar Association Volume 71. Number 2. September/October 2022



**View Easements and Restrictive Covenants in Rhode Island**

**Timing Monetization Strategy with Innovation Protection to Protect Exclusive Products**

**BOOK REVIEW: How to Be An Inclusive Leader: Your Role in Creating Cultures of Belonging Where Everyone Can Thrive**

**Editor In Chief,** Eric D. Correia, Esq., LL.M.

**Editor**

Erin Cute

**Editorial Board**

Victoria M. Almeida, Esq.  
Kendra Bergeron, Esq.  
William J. Delaney, Esq.  
Nicole P. Dyszlewski, Esq.  
Michael B. Forte Jr., Esq.  
Jenna Giguere, Esq.  
Matthew J. Landry, Esq.  
Kristen Sloan Maccini, Esq.  
Kaylin M. Pelletier-Koenig, Esq.  
Angelo R. Simone, Esq.  
Hon. Brian P. Stern  
Clint Douglas Watts, Esq.

**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.

**Association Officers**

Mark B. Morse, *President*  
Nicole J. Benjamin, *President-Elect*  
Christopher S. Gontarz, *Treasurer*  
Patrick A. Guida, *Secretary*

**Executive Director**

Kathleen Bridge

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

**USPS (464-680)ISSN 1079-9230**

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

PERIODICALS POSTAGE PAID AT PROVIDENCE, RI

Subscription: \$30 per year

**Postmaster**

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

[ribar.com](http://ribar.com)

# Articles

**9 View Easements and Restrictive Covenants in Rhode Island**

*Richard S. Humphrey, Esq. and Candace Quinn*

**15 Timing Monetization Strategy with Innovation Protection to Protect Exclusive Product**

*Daniel J. Holmander, Esq.*

**20 Focus on the Future – An Interview With Kylie Lovett, Esq.**

*Nicole P. Dyszlewski, Esq., MLIS and Meghan L. Hopkins, Esq.*

**25 Book Review – How to Be An Inclusive Leader: Your Role in Creating Cultures of Belonging Where Everyone Can Thrive by Jennifer Brown**

*Jenna Giguere, Esq.*

35

# THE IMPORTANCE OF DISCONNECTING

## FEATURES

- |  |   |
|--|---|
| 3 Take Advantage of Your RIBA Member Benefits  | 23 Honor Roll   |
| 5 A Terrific Annual Meeting  | 23 Keep Your Directory Listing Up to Date!                        |
| 6 Build your Client Base and Serve Your Community with the Bar's Lawyer Referral Service!    | 24 Rhode Island Bar Association 2022 Legislative Report           |
| 6 Stay Connected   | 27 Rhode Island Bar Association's Online Attorney Resources (OAR) |
| 10 It's Not Too Late to Sign Up For Your 2022-2023 Bar Committees!                           | 29 RI Bar Association Continuing Legal Education Seminars         |
| 13 Seeking Law Related Education Program Attorney Volunteers: Update Your Preferences Today! | 30 Bar Association Mentor Programs                                |
| 13 Help Us Grow Our List Serve!  | 30 Looking to Post or Search for a Job in the Legal Field?        |
| 14 Sign Up for Our Aon Sponsored Free Ethics Program Today!                                  | 31 Fastcase Tip: Narrowing a Search                               |
| 21 NEW! Rhode Island Municipal Court Listing   | 32 In Memoriam  |
| 22 Lawyers Helping Lawyers   | 34 Cartoon  |
| 22 SOLACE  | 34 Advertiser Index   |
|  | 34 Lawyers on the Move  |
|  | 34 Establish Yourself As An Expert in An Area of Law              |

Front Cover Photograph by Brian McDonald

**Narragansett Towers, Narragansett RI** The Towers were constructed between 1883-1886 as an integral element of the great Narragansett Pier Casino, designed by McKim, Mead & White. Today, having survived a number of fires, nor'easters, and hurricanes, the Narragansett Towers are the only remaining part of the original Narragansett Pier Casino. The Towers are currently a popular event venue and host numerous public and private functions throughout the year.

# Take Advantage of Your RIBA Member Benefits



**Mark B. Morse, Esq.**  
President  
Rhode Island Bar Association

**“As members of a learned profession, we have unique responsibilities to ourselves, to each other, and to our clients.”**

The practice of law is among the earliest learned professions. Merriam Webster Dictionary defines a learned profession as:

one of the three professions, theology, law, and medicine, traditionally associated with extensive learning or erudition broadly: any profession in the preparation for or practice of which academic learning is held to play an important part.

As members of a learned profession, we have unique responsibilities to ourselves, to each other, and to our clients. On its website, the Association of Accredited Public Policy Advocates of the European Union notes ten fundamental characteristics of a profession:

## 1. Great responsibility

Professionals deal in matters of vital importance to their clients and are therefore entrusted with grave responsibilities and obligations. Given these inherent obligations, professional work typically involves circumstances where carelessness, inadequate skill, or breach of ethics would be significantly damaging to the client and/or his fortunes.

## 2. Accountability

Professionals hold themselves ultimately accountable for the quality of their work with the client. The profession may or may not have mechanisms in place to reinforce and ensure adherence to this principle among its members. If not, the individual professional will (e.g. guarantees and/or contractual provisions).

## 3. Based on specialized, theoretical knowledge

Professionals render specialized services based on theory, knowledge, and skills that are most often peculiar to their profession and generally beyond the understanding and/or capability of those outside of the profession. Sometimes, this specialization will extend to access to the tools and technologies used in the profession.

## 4. Institutional preparation

Professions typically require a significant period of hands-on, practical experience in the protected company of senior members before aspirants are recognized as professionals. After this provisional period, ongoing education toward professional development is compulsory. A profes-

sion may or may not require formal credentials and/or other standards for admission.

## 5. Autonomy

Professionals have control over and, correspondingly, ultimate responsibility for their own work. Professionals tend to define the terms, processes, and conditions of work to be performed for clients (either directly or as preconditions for their ongoing agency employment).

## 6. Clients rather than customers

Members of a profession exercise discrimination in choosing clients rather than simply accepting any interested party as a customer (as merchants do).

## 7. Direct working relationships

Professionals habitually work directly with their clients rather than through intermediaries or proxies.

## 8. Ethical constraints

Due to the other characteristics on this list, there is a clear requirement for ethical constraints in the professions. Professionals are bound to a code of conduct or ethics specific to the distinct profession (and sometimes the individual). Professionals also aspire toward a general body of core values, which are centered upon an uncompromising and unconflicted regard for the client's benefit and best interests.

## 9. Merit-based

In a profession, members achieve employment and success based on merit and corresponding voluntary relationships rather than on corrupted ideals such as social principle, mandated support, or extortion. Therefore, a professional is one who must attract clients and profits due to the merits of his work. In the absence of this characteristic, issues of responsibility, accountability, and ethical constraints become irrelevant, negating any otherwise-professional characteristics.

## 10. Morality

The responsibilities inherent to the practice of

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

a profession are impossible to rationally maintain without a moral foundation that flows from a recognition of the singular right of the individual to his own life, along with all of its inherent and potential sovereign values.<sup>1</sup>

With these characteristics in mind, as professionals, our responsibilities are significant. The Rhode Island Bar Association can help you to fulfill these duties. The tools to help you meet these obligations can be found on the Bar's website at [ribar.com](http://ribar.com). There, you can find a wide variety of programs and resources to help improve your skills and better yourself, including:

- Cutting edge affordable CLE programs. Visit the CLE Calendar or our On Demand Catalogue to view a variety of practice-related programs.
- Law Practice Management assistance through the Bar's free law practice management consultant Jared Correia of Red Cave Consulting. With over a decade of experience, Red Cave offers practical advice to improve your firm's marketing, accounting, and technology solutions, as well as consistent support and accountability as you push toward your goals. RIBA members can receive unlimited virtual consulting services free of charge.
- Access to Fastcase, one of the leading legal research platforms. Fastcase provides legal research tools, 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.
- Free and confidential help, information, assessment, and referral for personal concerns through our long-standing Lawyers Helping Lawyers Program (LHL). In addition to the LHL program, the Association recently contracted with CorpCare – a lawyer assistance program that provides professional clinical assessments free of charge and facilitates getting appropriate treatment for Bar members.
- Professional liability insurance through Aon Attorneys' Advantage program, health insurance programs through USI New England the Bar's relationship administrator with Blue Cross Blue Shield, and retirement programs through the ABA Retirement Funds Program.
- SOLACE, which is an acronym for Support of Lawyers, All Concern Encouraged. This Rhode Island Bar Association program allows Bar members to reach out to their colleagues, in an email-based network to either assist or request help.

- Committee membership is one of the most important functions Bar members may fulfill. Join one of the Bar's 27 committees to discuss issues of importance, strategize, and learn from one another.
- The Bar Association Listserve provides a forum for attorneys to exchange thoughts and ideas about cases and topics of interest. This Bar-wide list serve gives you immediate, 24/7, open-door access to the knowledge and experience of hundreds of Rhode Island lawyers, whether you have a solo practice or are a part of a firm.

Additionally, our Bar Association has resources to allow us to serve our community and clients. The Lawyer Referral Service receives on average over 1300 calls per month, many of these quality for the Elderly, Pro Bono, or Reduced Fee Program. The Volunteer Lawyer Program provides services primarily in the areas of family law, bankruptcy, and landlord/tenant matters. The Armed Forces Program offers legal services for members of our military. The Lawyers for the Arts Program offers legal assistance to the artistic community.

The Rhode Island Bar Association's three Law Related Education (LRE) Programs are designed to help Rhode Islanders understand and appreciate the value and importance of law in their lives. The Speakers Bureau and Lawyers in the Classroom programs offer speaking engagements on a variety of topics throughout the year to schools and other adult organizations. Rhode Island Law Day is scheduled annually on or around May 1st. Classroom program lessons feature in-school, classroom period participation of a Rhode Island judge and lawyer team. The program helps students better understand our government, the role of lawyers and the judiciary in our justice system, and fosters a deeper appreciation for the rule of law in our society.

My challenge to you is to take advantage of all the Bar Association has to offer. Join our committees. Attend our CLEs. Mentor others and participate in your Bar Association. Get involved for the benefit of yourself, your practice, and your clients.

#### ENDNOTE

<sup>1</sup> *Association of Accredited Public Policy Advocates of the European Union* ([www.aalep.eu/fundamental-characteristics-profession](http://www.aalep.eu/fundamental-characteristics-profession)). ◇

## 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 paid, subscription magazine published bi-monthly, six times annually and sent to, among others, all practicing attorneys and sitting judges, in Rhode Island. This constitutes an audience of over 6,000 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 any article, editorial, column, or book review, except to the extent that, by publication, the subject matter merits attention. Neither the opinions expressed in any article, editorial, column, or book review nor their content represent the official view of the Rhode Island Bar Association or the views of its members.

### Article Selection Criteria

- > The *Rhode Island Bar Journal* gives primary preference to original articles, written expressly for first publication in the *Bar Journal*, by 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. Articles previously appearing in other publications are not accepted.
- > All submitted articles are subject to the *Journal's* editors' 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 editors reserve 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 editors.
- > Submissions are preferred in a Microsoft Word format emailed as an attachment or on disc. Hard copy is acceptable, but not recommended.
- > Authors are asked to include an identification of their current legal position and a photograph, (headshot) preferably in a jpg file of, at least, 350 d.p.i., with their article submission.

Direct inquiries and send articles and author's photographs for publication consideration to:  
**Rhode Island Bar Journal Editor Erin Cute**  
email: [ecute@ribar.com](mailto:ecute@ribar.com)  
telephone: 401-421-5740

Material published in the *Rhode Island Bar Journal* remains the property of the *Journal*, and the author consents to the rights of the *Rhode Island Bar Journal* to copyright the work.

## A Terrific Annual Meeting



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

**“Our Fellows are  
the lifeblood of our  
Foundation...”**

On June 23, we held the 2022 Rhode Island Bar Foundation Annual Meeting and Luncheon at the Convention Center. It was great to finally be back together in person!

The Bar Foundation is a non-profit, charitable Foundation established in 1953. Its primary mission is to foster and maintain the honor and integrity of the profession of law and to study, improve, and facilitate the administration of justice in Rhode Island.

The Bar Foundation is an independent organization from the Bar Association, although we share a close relationship and have common goals. The Foundation owns and operates the Rhode Island Law Center in Cranston, where both the Association and Foundation offices are located.

By Supreme Court Rule, interest earned on your lawyer’s trust account is paid to the Bar Foundation. The Foundation’s Interest on Lawyers Trust Accounts program then uses these funds to make annual grants to non-profit organizations in four main areas:

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

Last year, we awarded \$393,109 in grants to 10 non-profit groups:

- Rhode Island Legal Services
- Dorcas International Institute of Rhode Island
- Rhode Island Coalition Against Domestic Violence
- Rhode Island Coalition for the Homeless
- Rhode Island Bar Association Legal Information and Referral Service for the Elderly
- Rhode Island Bar Association Pro Bono Project
- Day One, which provides support and legal advocacy for victims of sexual assault.
- Center for Mediation & Collaboration Rhode Island
- Rhode Island Center for Justice
- Rhode Island Legal Education Foundation

The Bar Foundation also administers the Thomas F. Black, Jr. Memorial Scholarship Fund.

This 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 Fund awards two \$25,000 scholarships each year and was created in honor of the late Thomas F. Black, Jr., who was known for his ability as a lawyer and a banker, his legal scholarship, and his participation in civic and charitable causes.

The Foundation also administers the Papitto Opportunity Connection Scholarship Program. This Program was established in 2021 with the help of Past Bar Foundation and Association President John A. Tarantino, who is the trustee of the Papitto Opportunity Connection. Last year we awarded one \$25,000 Papitto law student scholarship, but this year we awarded two Papitto scholarships in the amount of \$25,000 each. They were awarded to deserving first-year law students who live in Rhode Island and who identify as Black, Indigenous, and People of Color (BIPOC).

For over 20 years, our Bar Foundation was blessed to have Ginny Caldwell as our Program Director. Ginny handled the day-to-day activities of the Foundation with skill and grace. She and I have worked hand-in-hand for the last 3 years. Ginny retired at the end of 2021, and our new Program Director is Theresa Gallo. In recognition of Ginny’s terrific dedication to the Bar Foundation, we presented her with an award and flowers.

At the meeting, we passed two Bylaw Amendments. The first amendment clarifies that officers are also voting directors. The second amendment allows for remote meetings even if there is no emergency, such as a pandemic.

We also created a Bylaws Task Force with Susan Leach DeBlasio as Chair. The Task Force will review our Bylaws in their entirety and make recommendations regarding whether additional changes are needed to bring them up-to-date.

The following officers and directors were

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

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



Attorney **Joseph M. Proietta**, a member of the Lawyer Referral Service, enthusiastically supports the program. *"The Lawyer Referral Service is the easiest way I know of to get clients in the door, and I feel, in many cases, that without the LRS these clients wouldn't know where to turn. If you want to feel connected to the community and build your practice at the same time, then you need to join the LRS."*

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

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

elected to one-year terms:

- Michael R. McElroy, President
- Victoria M. Almeida, Vice President
- Armando E. Batastini, Secretary
- Steven J. Boyajian, Treasurer

The following board members were elected to three-year terms:

- Richard D'Addario
- Robert G. Flanders, Jr.
- Lise M. Iwon
- Etie-Lee Schaub
- Nicole Verdi

I was very pleased to introduce 20 new Foundation Fellows. This is the largest class of new Fellows in many years. Our Fellows are the lifeblood of our Foundation, and we welcome them aboard! They are:

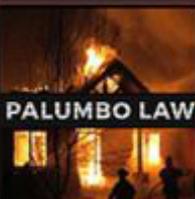
- Meredith A. Benoit
- Leon C. Boghossian, III
- Daniel E. Burgoyne
- Eileen K. Cheng
- Jeffrey B. Cianciolo
- Leah J. Donaldson
- Mary Cavanagh Dunn
- Deborah A. George
- Jenna Giguere
- Christian R. Jenner
- Kirsten E. Kenney
- Paul M. Kessimian
- Zachary M. Mandell
- Sally P. McDonald
- Hon. Joseph A. Montalbano
- Kristin Barkett Pettey
- Jason C. Preciph
- Joelle C. Rocha
- George W. Watson, III
- Cynthia Wilson-Frias

The Rhode Island Bar Foundation also administers two summer Fellowship Programs:

(1) The Honorable Thomas J. Caldarone Fellowship consists of two \$1,500 grants awarded to Roger Williams second year law students to allow them to intern for the summer at a non-profit legal services organization. Roger Williams Law School matches these grants.

(2) The new James A. Jackson Fellowship consists of two \$1,500 grants awarded to Roger Williams second year law school students who identify as Black, Indigenous, and People of Color (BIPOC) to allow them to intern for the summer at a non-

**Tell Your Insurance Company "NO"**  
**401- PALUMBO**



**No FEE unless successful!**  
**DENIED, DELAYED, UNDER-PAID**

Fire	Water	Ice Dams
Back-ups	Collapse	Mold
Storm Damage	Theft	Vandalism

**401-PALUMBO**  
[propertydamageinsuranceclaimsattorneys.com](http://propertydamageinsuranceclaimsattorneys.com)  
Offices in RI, MA & CT

STAY  
CONNECTED!

FOLLOW US





**Facebook:** @RIBarAssociation

**Twitter:** @RIBarAssoc

**Instagram:** @RIBarAssociation

**LinkedIn:** [linkedin.com/company/ri-bar-association](http://linkedin.com/company/ri-bar-association)

profit legal services organization. Roger Williams Law School also matches these grants.

The Caldarone Fellowship Recipients were Penelope Murphy, who will be working for the RI Attorney General, and Noelle Soares who will be working for the RI Public Defender.

Jim Jackson has served for 32 consecutive years as the Treasurer of our Bar Foundation. He has been the financial backbone of our Foundation, and now, at age 92, he is stepping down. He will be greatly missed. In recognition of Jim's extraordinary commitment to the Foundation, and his dedicated service to us, we presented him with a number of awards. We also honored him as Bar Foundation Treasurer Emeritus and as an Honorary Board Member for Life.

In addition, the Board voted to create the James A. Jackson Fellowship Fund. Funding was arranged by Past Foundation President John A. Tarantino through the Papitto Opportunity Connection.

Jim presented the first Jackson Fellowship recipients with their awards. The recipients are Kiron Ireland, who will be working for the RI Public Defender, and Yulyana Torres, who will be working for the RI Center for Justice.

Steve Boyajian, the chair of our Scholarship Committee, presented the \$25,000 Thomas F. Black, Jr. scholarship awards to Renee Cordio, who will be attending Georgetown Law School, and Cory Morris, who will be attending Washington and Lee University School of Law.

Steve also extended our heartfelt thanks to Barbara Papitto, Founder of the Papitto Opportunity Connection, John A. Tarantino, Trustee of the Papitto Opportunity Connection, and Maria Goncalves, advisory Board Member of the Papitto Opportunity Connection, for their scholarship and fellowship support. We presented Mrs. Papitto with an award recognizing her wonderful support of our Foundation.

Steve presented the \$25,000 Papitto Opportunity Connection Scholarship Awards to Yelitza Montesino, who will be attending Boston University School of Law, and Dania Polanco, who will be attending The City University of New York.

In honor of his wife Patrice, who recently passed away, Past Foundation President John A. Tarantino established The Patrice A. Tarantino Memorial Scholarship. It will be administered by the RI Bar Foundation. The new Patrice A. Tarantino Memorial Scholarship Fund will begin by awarding a \$25,000 scholarship each year for at least 4 successive years for a total of at least \$100,000 in scholarships.

John has made a wonderful personal commitment to our Foundation. This scholarship Program in Pat's name will be a lasting tribute to her memory. The lives of the law students who receive these scholarships will be forever changed by these awards. We presented John with an award recognizing his extraordinary commitment to our Foundation.

To conclude the meeting, we received a great presentation from Lucas Spremulli, a 2018 Thomas F. Black, Jr. Memorial Scholarship Recipient, who is currently working at Adler Pollock & Sheehan. We can be proud that we have contributed to his success.

It was a terrific annual meeting. It was especially gratifying to meet the scholarship and fellowship winners and their families and to welcome so many new Fellows on board. I extend my deep personal thanks to everyone who has supported the good works of our Bar Foundation. See you next year! ◇



## 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 from honorary and memorial contributions.

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

### *Help Our Bar Foundation Help Others*

#### RHODE ISLAND BAR FOUNDATION GIFT

PLEASE PRINT

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

Please accept this gift in my name

or

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

or

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

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

Address \_\_\_\_\_

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

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

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

Please mail this form and your contribution to:

Rhode Island Bar Foundation

41 Sharpe Drive

Cranston, RI 02920

Questions? Please contact Theresa Gallo at 421-6541

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

# EXPERIENCED, THOROUGHLY PREPARED & SUCCESSFUL TRIAL ATTORNEY



Since 1984, I have been representing people who have been physically and emotionally harmed due to the criminal acts or negligence of others. I have obtained numerous million dollar plus trial verdicts and many more settlements for victims of birth injury, cerebral palsy, medical malpractice, wrongful death, trucking and construction accidents. Counting criminal and civil cases, I have been lead counsel in over 100 jury trial verdicts.

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.

**I welcome your referrals. My case load is exceptionally small.**

**I do and will continue to personally handle every aspect of your client's medical malpractice or serious personal injury case from beginning to end.**

## **THE LAW OFFICE OF DAVID MOROWITZ, LTD.**

**Board Certified in Civil Trial Advocacy by the National Board of Trial Advocacy\***

[morowitzlaw.com](http://morowitzlaw.com)

155 South Main St., Suite 304, Providence, RI 02903

(401) 274-5556 (401) 273-8543 fax

**I am never too busy to promptly return all phone calls from clients and attorneys.**

*\*The Rhode Island Supreme Court licenses all lawyers in the general practice of law.  
The Court does not license or certify any lawyer as an expert or specialist in any particular field of practice.*

# View Easements and Restrictive Covenants in Rhode Island



**Richard S. Humphrey, Esq.**  
Law Offices of  
Richard S. Humphrey  
Tiverton

Andy Warhol once said, “Land really is the best art.”<sup>1</sup> Building on that theme, the views we have from our land, like art, should be protected. Likewise, we want to preserve our imperiled views. We collect, maintain, and insure artwork in the hope of preserving beauty. When your natural view faces the threat of obstruction, it may feel like you are watching a priceless painting gradually disintegrate before your eyes.

What can you legally do to prevent the obstruction of your view? The following paragraphs will provide the reader with a survey of restrictive covenants in conjunction with view easements in Rhode Island, outlining cases where scenic beauty has been protected.

## Restrictive Covenants

“[R]estrictive covenants are designed to be binding conditions of mutual benefit to the grantor and grantee of land, both seeking to enhance the value and marketability of the property.”<sup>2</sup> The Court must gather the intent of the parties when interpreting a restrictive covenant “from the face of the document and cannot be used to expand or limit the rights of the parties as defined by the document.”<sup>3</sup> Additionally, only the landowner that receives advantages from a restrictive covenant may release the burdened estate.<sup>4</sup> These are some rudimentary principles guiding restrictive covenants.

When interpreting restrictive covenants, the Court must balance the “free alienability of land” and the intent behind the restriction.<sup>5</sup> The words of the restrictive covenant should be given their plain and ordinary meaning.<sup>6</sup> The court will find whether the language of the covenant is ambiguous or unambiguous on its face.<sup>7</sup> If ambiguity is present in the language of the covenant, the Court should find unrestricted use and the intent of the parties controls.<sup>8</sup> Alternatively, an unambiguous restrictive covenant should be “strictly construed.”<sup>9</sup> Courts rely on these guideposts when interpreting restrictive covenants.

The most pointed Rhode Island case regarding protecting a cherished view and enforcing a restrictive covenant is **Cullen v. Tarini**.<sup>10</sup> A party alleging violation of a restrictive covenant is not always required to show money damages or

comparable hardship to receive equitable relief.<sup>11</sup> The defendant purchased the property adjacent to the defendant with a number of inherited restrictive covenants as to building footprint square feet, maximum height, and total interior area.<sup>12</sup> The defendant began to construct a home in flagrant violation of the restrictive covenants as it surpassed the house footprint requirement, the height limit, and total interior area maximum.<sup>13</sup> Thus, the plaintiff brought suit to maintain his magnificent oceanfront view.<sup>14</sup>

The Court concluded that the defendant possessed the knowledge that the property came with restrictions before purchasing the lot, and the building the defendant began constructing clearly violated at least three of the restrictive covenants.<sup>15</sup> Based on conflicting testimony by the parties, the Court found that the defendant failed to provide adequate notice of the building plans to the plaintiff; the plaintiff acted expeditiously upon the realization that the home construction by the defendant violated the restrictive covenant and impeded upon his view.<sup>16</sup> Henceforth, the Rhode Island Supreme Court affirmed the Superior Court ruling, finding that the defendant knowingly, and admittedly, violated the restrictive covenant.<sup>17</sup> The lower court properly denied balancing the equities before granting a permanent injunction given the defendant’s knowledge.<sup>18</sup>

Alternatively, in **Pollak v. 217 Indian Ave., LLC**, the language of the restrictive covenant explicitly required the defendant to seek and receive approval from a committee prior to constructing a building which the defendant initially failed to do.<sup>19</sup> The defendant later received approval for the building plans, from the committee, after commencing construction.<sup>20</sup> The plaintiff’s desired remedy, injunctive relief, necessitated the defendant tear down the house only to rebuild it identically.<sup>21</sup>

Courts maintain discretion to withhold the remedy of specific performance when it would



**Candace Quinn**  
Juris Doctor Candidate, Roger  
Williams University School of Law  
Notes and Comments Editor,  
*Roger Williams University Law  
Review*

**“A party alleging violation of a restrictive covenant is not always required to show money damages or comparable hardship to receive equitable relief.”**

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

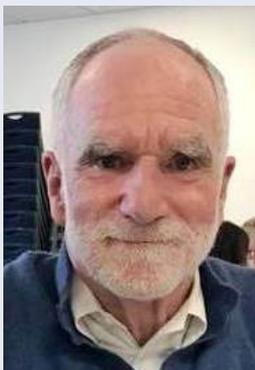
## It's Not Too Late to Sign Up For Your 2022-2023 Bar Committees!

If you have not yet signed up as a member of a 2022-2023 Rhode Island Bar Association Committee, you can still do so! Bar Committee membership runs from July 1st to June 30th.

**Even Bar members who served on Bar Committees last year must reaffirm their interest for the coming year, as Committee membership does not automatically carry over from one Bar year to the next.** Bar members may complete a committee registration form online or download and return a form to the Bar.

We anticipate offering Bar committee participation in a hybrid manner starting in the fall, whenever possible, to accommodate those who would prefer to attend meetings virtually.

**For more information, visit the Bar's website under For Attorneys – Bar Committees. Anyone signing up for Bar committees after August 12th can do so by contacting the Bar's Director of Communications Erin Cute at (401) 421-5740 or [ecute@ribar.com](mailto:ecute@ribar.com).**



Arbitrator  
■  
Investigator  
■  
Mediator

Nicholas Trott Long, Esq.  
401-351-5070  
[nicholas@ntlong.com](mailto:nicholas@ntlong.com)  
[www.ntlong.com](http://www.ntlong.com)

## CONDOMINIUM LAW

- Condo Collections – No Cost to the Association
- Condo Assoc. Representation
- Condo Document Drafting

**PALUMBO LAW**



535 Atwood Ave., Suite 4, Cranston, RI 02920  
401-PALUMBO [info@richardpalumbolaw.com](mailto:info@richardpalumbolaw.com)  
Offices in RI, MA & CT

not provide any discernible benefit to the plaintiff, and present significant delay and hindrance to the defendant.<sup>22</sup> Given that this remedy would unduly hinder the defendant and supply no discernible benefit to the plaintiff, the Court ruled in favor of the defendant.<sup>23</sup> The Court distinguished prior precedent, specifically *Cullen*, by emphasizing that the parties did not create this restrictive covenant to protect views from anyone's property.<sup>24</sup> Instead, the purpose behind this restrictive covenant required conformity with previously existing structures.<sup>25</sup> The Court affirmed granting the defendants' motion for summary judgment.<sup>26</sup>

As long as the initial purpose behind the creation of the restrictive covenant endures, injunctive relief remains the ideal remedy.<sup>27</sup> However, courts are provided with great latitude in remedial options for violations of restrictive covenants.<sup>28</sup> A Court may consider these factors in deciding whether injunctive relief is appropriate: the "purpose of the servitude, the conduct of the parties, and the costs and benefits of enforcement to the parties."<sup>29</sup> Ultimately, when interpreting restrictive covenants, cases are determined on "an ad hoc basis because each case presents 'such a wide spectrum of differing circumstances.'"<sup>30</sup> Additionally, a Court must balance the equities when enforcing a restrictive covenant will inordinately harm the defendant and provide minimal benefit to the plaintiff.<sup>31</sup> Otherwise, a trial judge is not obligated to balance the equities prior to awarding injunctive relief; in this area, the trial justice is granted extensive discretion.<sup>32</sup>

In *Martellini v. Little Angels Day Care*, the Court contemplated whether running a home daycare business violated the restrictive covenant for the residential area that limited use of the property for "single family private residence purposes."<sup>33</sup> The Court examined competing public policy considerations: public policy may support running a family day care; however, public policy may also uphold property owners' independent ability to construct restrictive covenants concerning their private property.<sup>34</sup> The defendant asserted lack of notice and unclean hands which the court found unpersuasive.<sup>35</sup> While the defendant lacked actual notice, they certainly possessed constructive notice.<sup>36</sup> The defense of unclean hands is only applicable if "the plaintiff's improper conduct is the source, or part of the source, of his equitable claim," whereas here the plaintiff's comparable business activities were "merely incidental."<sup>37</sup> The Rhode Island Supreme Court found that the execution of the home daycare business violated the restrictive covenant, "operating in contravention of the unambiguous terms of limitation in the covenant."<sup>38</sup> Accordingly, the Court granted summary judgment for the plaintiffs.<sup>39</sup>

Restrictive covenants may be discontinued by "merger, release, rescission, unclean hands, acquiescence, abandonment, laches, and estoppels."<sup>40</sup> For example, in *Ridgewood Homeowners Association v. Mignacca*, the plaintiff claimed the defendant violated the restrictive covenant that applied to the neighborhood by maintaining a miniature pony on their property, and the defendant asserted the affirmative defense of waiver.<sup>41</sup> The defendant must satisfy the burden of the affirmative defense of waiver through "substantial and general noncompliance," or lax enforcement that is "so radical and permanent as to render perpetuation of the restriction plainly unjust because its original purpose can no longer be accomplished."<sup>42</sup>

The Court found some neighboring property owners failed to complain of the violation, which amounts to a waiver for

those individual parties.<sup>43</sup> However, that does not prevent other property owners in the neighborhood from properly enforcing the restrictive covenant.<sup>44</sup> These discrete instances of failure to assert the violation of the restrictive covenant do not satisfy the defendant's burden as to waiver.<sup>45</sup> However, the Rhode Island Judiciary frequently looks to general law to determine whether a restrictive covenant has been released due to the sparse law available in the state on the subject.<sup>46</sup> Ultimately, the defendants were unable to demonstrate "substantial and general noncompliance" that resulted in a changed property "so radical and permanent as to render perpetuation of the restriction against [the proposed] use plainly unjust."<sup>47</sup> Subsequently, the Court concluded that the language of the covenant prevented the defendants from keeping a horse on their property.<sup>48</sup>

In *Cullen v. Tarini*, the defendant argued that the "plaintiff was guilty of laches."<sup>49</sup> The defendant must show "not mere delay, but delay that works a disadvantage to another."<sup>50</sup> The Court found that the plaintiff strictly enforced the restrictions on the defendant's property making the laches defense untenable.<sup>51</sup> The defendant also relied on the defense of unclean hands.<sup>52</sup> The doctrine of unclean hands states that "it is only when the plaintiff's improper conduct is the source, or part of the source, of his equitable claim, that he is to be barred because of this conduct."<sup>53</sup> The Court concluded that the defendant had unclean hands by purchasing the property while possessing knowledge of the restrictions and proceeding to intentionally disregard them.<sup>54</sup>

Additionally, a party may argue the defense of equitable estoppel. The elements of equitable estoppels are "an affirmative representation or equivalent conduct on the part of the person against whom the estoppels is claimed which is directed to another for the purpose of inducing the other to act or fail to act in reliance thereon; and secondly, that such representation or conduct, in fact, did not induce the other to act or fail to act to his injury."<sup>55</sup> These are some common defenses utilized in restrictive covenant cases.

## Conclusion

A tranquil view may operate as a balm to frayed nerves or even act as a cool hand on a feverish forehead. Paradoxically, the desecration of a serene view imbues a somber tone unto a space and anyone beholding it.

Therefore, it is imperative that a party aiming to enforce a restrictive covenant remain ever-vigilant to resist commonly asserted affirmative defenses.

However, when determining the enforceability of a restrictive covenant, courts should consider the maxims of equity: equity does not suffer a wrong to go without remedy, equity regards as done what ought to be done, and equality is equity.

A party facing the desecration of a precious view as a result of a violation of a restrictive covenant is entitled to an adequate remedy. Failure to abide by a binding restrictive covenant may result in a bleak reality; the loss of a priceless view.

*The authors would like to express their gratitude to Madeleine Myers, a junior at Mount Holyoke College located in Hadley, MA, for her feedback and improvements to this article.*

## ENDNOTES

<sup>1</sup> Alison Nastasi, *Andy Warhol's Best Advice about Art*, FLAVORWIRE (Aug. 6, 2012), <https://www.flavorwire.com/315928/andy-warhols-best-advice-about-art>.

# withum

ADVISORY TAX AUDIT

## demand integrity

Withum's industry specialist Jack Cacchiotti, ASA, CPA/ABV, CVA, MST, Partner, is here to serve the Rhode Island legal community. Jack, alongside a newly expanded team, have deep experience in the areas of Forensics and Fraud, Business Valuations, Matrimonial Matters, Bankruptcy and Litigation Support Services.

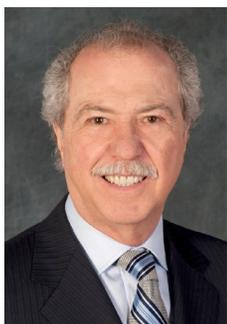
Visit [withum.com/legal](https://withum.com/legal) to learn more about our Forensic and Valuation Services.



[withum.com/legal](https://withum.com/legal)

# MIGNANELLI & ASSOCIATES, LTD.

Attorneys At Law



Anthony R. Mignanelli  
Attorney At Law

Wills & Trusts  
Estate Tax Planning  
Estate Settlements  
Trusts for Disabled Persons  
Personal Injury Settlement Trusts  
All Probate Matters

Attorney to Attorney Consultations / Referrals

## PROVIDENCE

10 Weybosset Street  
Suite 400  
Providence, RI 02903  
T 401-455-3500  
F 401-455-0648

## WESTERLY

56 Wells Street  
Westerly, RI 02891  
T 401-315-2733  
F 401-455-0648

## NEWPORT

37 Mill Street  
Newport, RI 02840  
T 401-619-2217  
F 401-455-0648

[www.mignanelli.com](http://www.mignanelli.com)

The R.I. Supreme Court Licenses all lawyers in the general practice of law.  
The court does not license or certify any lawyer as an expert or specialist in any field of practice.

## IMMIGRATION LAW

### JAMES A. BRIDEN

Blais Cunningham & Crowe Chester, LLP

150 Main Street, Pawtucket, RI 02860

**401-723-1122**

- 2 *De Wolf v. Usher Cove Corp.*, 721 F.Supp. 1518, 1526 (D.R.I. 1991).
- 3 *Almacs, Inc. v. Drogin*, 771 F.Supp. 506, 510 (D.R.I. 1991) (citing *Hill v. M.S. Alper & Son*, 256 A.2d 10, 15 (R.I. 1969)).
- 4 *Ashley v. Kehew*, 992 A.2d 983, 989 (R.I. 2010).
- 5 *Martellini v. Little Angels Day Care, Inc.* 847 A.2d 838 (quoting *Gregory v. State Department of Mental Health, Retardation and Hospitals*, 495 A.2d 997, 1000 (R.I. 1985)).
- 6 *Id.* (citing *Gregory v. Department of Mental Health, Retardation & Hosps.*, 495 A.2d 997, 1001 (R.I. 1985)).
- 7 See *Martellini v. Little Angels Day Care, Inc.*, 847 A.2d 838, 843 (R.I. 2004).
- 8 *Id.*; *De Wolf v. Usher Cove Corp.*, 721 F.Supp. 1518, 1528 (D.R.I. 1991).
- 9 *Martellini*, 847 A.2d at 843 (citing *Hanley v. Misitschi*, 302 A.2d 79, 82 (R.I. 1973)).
- 10 See generally *Cullen v. Tarini* 15 A.3d 968 (R.I. 2011).
- 11 *Id.* at 976.
- 12 *Id.* at 971.
- 13 *Id.* at 971-73, 951.
- 14 *Id.* at 970.
- 15 *Id.* at 979.
- 16 *Id.* at 978.
- 17 *Id.* at 983.
- 18 *Id.* at 982-83.
- 19 222 A.3d 478, 480, 483 (R.I. 2019).
- 20 *Id.*
- 21 *Id.* at 481, 483.
- 22 *Id.* at 483.
- 23 *Id.* (citing *Bochterle v. Saunders*, 88 A. 803, 806 (R.I. 1913)).
- 24 *Id.*; See generally *Cullen v. Tarini*, 15 A.3d 968 (R.I. 2011).
- 25 *Pollak*, 222 A.3d at 483-84 (citing *Cullen v. Tarini* 15 A.3d 968, 980 (R.I. 2011)).
- 26 *Id.* at 484.
- 27 *Cullen v. Tarini*, 15 A.3d 968, 980 (R.I. 2011) (citing *Restatement (Third) Property: Servitudes* § 8.3, cmt. b at 495-96 (2000)).
- 28 *Id.* at 981 (citing *Restatement (Third) Property: Servitudes* § 8.3, cmt. b at 494-95 (2000)).
- 29 *Id.* (quoting *Restatement (Third) Property: Servitudes* § 8.3 at 493).
- 30 *Martellini v. Little Angels Day Care*, 847 A.2d 838, 842 (R.I. 2004) (quoting *Hanley v. Misitschi*, 302 A.2d 79, 82 (1973)).
- 31 *Cullen*, 15 A.3d at 982 (citing 9 *Richard R. Powell, Powell on Real Property*, § 60.10[3] at 60-137-60-138.1 (Michael Allan Wolf ed. 2000)).
- 32 *Paolino v. Ferreria*, 153 A.3d 505, 515 (R.I. 2017) (quoting *Cullen v. Tarini*, 15 A.3d 968, 981 (R.I. 2011)).
- 33 847 A.2d 838, 840 (R.I. 2004).
- 34 *Id.* at 845 (citing *Terrien v. Zwit*, 648 N.W.2d 602, 611 (Mich. 2002)).
- 35 *Id.* at 842.
- 36 *Id.*
- 37 *Id.* (quoting *Rodriques v. Santos*, 466 A.2d 306, 311 (R.I. 1983)).
- 38 *Id.*
- 39 *Id.*
- 40 *Ashley v. Kehew*, 992 A.2d 983, 987 (R.I. 2010) (citing 9 *Richard R. Powell, Powell on Real Property* § 60.10[1] at 60-120 (Michael Allan Wolf ed., LexisNexis Matthew Bender 2009)).
- 41 847 A.2d 838, 972, 969 (R.I. 2003).
- 42 *Id.* (citing *Kalanka v. Taylor*, 896 P.2d 222, 226 (Alaska 1995))
- 43 *Id.* at 974.
- 44 *Id.*
- 45 *Id.* at 972 (citing *Kalanka v. Taylor*, 896 P.2d 222, 226 (Alaska 1995)).
- 46 *Ashley v. Kehew*, 992 A.2d 983, 987 (R.I. 2010).
- 47 *Ridgewood Homeowners Ass'n v. Mignacca*, 813 A.2d 965, 974 (R.I. 2003).
- 48 *Id.* at 975.
- 49 15 A.3d 968, 975 (R.I. 2011).
- 50 *Adam v. Adam*, 624 A.2d 1093, 1096 (R.I. 1993) (quoting *Chase v. Chase*, 37 A. 804, 805 (1897)).
- 51 *Cullen*, 15 A.3d at 979.
- 52 *Id.* at 979.
- 53 *Rodriques v. Santos*, 466 A.2d 306, 311 (R.I. 1983) (quoting *Dobbs, Handbook on the Law of Remedies* 46 (1978)).
- 54 *Id.*
- 55 *Providence Teachers Union v. Providence Sch. Bd.*, 689 A.2d 388, 391-92 (R.I. 1997) (quoting *Lichtenstein v. Parness*, 99 A.2d 3, 5 (R.I. 1953)). ◊

## Seeking Law Related Education Program Attorney Volunteers: Update Your Preferences Today!

Your Bar Association supports law related education (LRE) for Rhode Island children and adults through three longstanding programs: *Lawyers in the Classroom* and *Rhode Island Law Day* for upper and middle school teachers and students, and the *Speakers Bureau* for adult organizations. Responding to LRE requests, Bar volunteers are contacted, based on their geographic location and noted areas of legal interest, to determine their interest and availability.

Following a recommendation from the Bar's Diversity and Inclusion Task Force and to enhance both the Lawyers in the Classroom program as well as the Speakers Bureau, topics related to DEI in the legal profession have been added to our current areas of focus. The following topics were added to attorney LRE signup forms and volunteers are requested for these, and all other areas of focus:

### Lawyers in the Classroom

- Title VII as it relates to students/schools
- Equal opportunity and affirmative action

### Speakers Bureau

- Title VII and Employment Law
- Civil Rights
- Harassment in the workplace

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

Questions? Please contact Director of Communications Erin Cute at [ecute@ribar.com](mailto:ecute@ribar.com) or **401-421-5740**.

## Help Us Grow Our List Serve!

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

**"Too Many Law Firm Partners Think,  
a hacker is not interested in me"**

Eric M. Shorr,  
Founder & President of Secure Future Tech Solutions

**This is just not true.  
Hackers look for  
low hanging fruit  
like a law firm  
with little  
or no security.**

*Our Team of Experts Offer...*  
Cyber Security  
Managed Services  
BackUp & Disaster Recovery  
Email Encryption  
Cloud Computing  
Computer Repair



Call 401-537-1170 or email [eshorr@securefuturetech.com](mailto:eshorr@securefuturetech.com)

**IF YOU WANT TO  
PRACTICE LAW,  
WITHOUT WORRYING  
ABOUT YOUR BUSINESS...**

**YOU'RE IN LUCK.**

As a Rhode Island Bar Association member benefit, Red Cave Consulting provides **FREE** business management consulting services for Rhode Island attorneys. Red Cave has consulted with 3000+ law firms in the past 10 years. Put our experience to work for you.



CALL: (617) 398-7181  
EMAIL: [JARED@REDCAVELEGAL.COM](mailto:JARED@REDCAVELEGAL.COM)

Or visit the Bar website's Law Practice Management page to get started.

Mariam Alexanian Lavoie, Esq.

## SOCIAL SECURITY DISABILITY

Attorney to Attorney  
Consultations/Referrals



Partnering with clients for over 30 years.



300 Centerville Road  
Summit West, Suite 300, Warwick, RI 02886  
mariam@mlavoielaw.com | mlavoielaw.com  
t: 401.825.7900 | f: 401.825.7920



Enright Law advises and represents clients facing employee rights issues including

- Discrimination
- Sexual Harassment
- Wage and Hour
- Retaliatory Termination
- Whistleblower Protection
- Family/Medical Leave
- Unemployment Appeals

### ENFORCING EMPLOYEES' RIGHTS



696 Reservoir Avenue, Cranston, RI 02910  
tom@enrightlawoffice.com  
employmentlawri.com  
(401) 526-2620

## Sign Up for Our Aon Sponsored Free Ethics Program Today!

The 29th annual FREE ethics program is now open for registration! This year's speaker is Professor Heidi K. Brown, a graduate of The University of Virginia School of Law, a law professor at Brooklyn Law School, and a former litigator in the construction industry. Professor Brown's program, **Civility Reboot: Defusing Bullies and Cultivating Respectful Rigor in Advocacy**



Heidi K. Brown

offers 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. Professor Heidi K. Brown—a twenty-year veteran of the rough-and-tumble field of construction litigation who now teaches law and writes about lawyer well-being and healthy performance—will

1. Explore the negative ripple effects of incivility and bullying in our profession, including issues relating to diversity, equity, inclusion, and belonging;
2. Seek to inspire a civility reboot by highlighting ethical principles that can get overshadowed by the day-to-day intensity and stress of lawyering; and
3. Offer practical tips for defusing toxicity (in ourselves and others) and instead cultivating respectful rigor in service of our clients, the profession, and society.

Professor Brown champions the importance of openly discussing stressors, anxieties, and fears in lawyering, and helping quiet and anxious law students and lawyers become profoundly effective advocates in their authentic voices. She just released her third well-being book entitled, *The Flourishing Lawyer: A Multi-Dimensional Approach to Performance and Well-Being*.

**Visit the CLE Calendar to register for your preferred date.**

**Wednesday, September 28th IN-PERSON**

5:30pm-7:30pm | 2 ethics  
Rhodes-on-the-Pawtuxet, Cranston

**Thursday, September 29th IN-PERSON**

2:00pm-4:00pm | 2 ethics  
Rhodes-on-the-Pawtuxet, Cranston

**Friday, September 30th IN-PERSON**

9:00am-11:00am | 2 ethics  
Rhodes-on-the-Pawtuxet, Cranston

# Timing Monetization Strategy with Innovation Protection to Protect Exclusive Product



Daniel J. Holmänder, Esq.  
Adler, Pollock & Sheehan, P.C.  
Providence

... a competitor may read your published patent application, reverse engineer your innovation in the marketplace with the aid of the published patent application, and exploit the exclusive features of your product ...

No matter the revenue or size of a business, an innovative and growing business in today's marketplace requires an effective intellectual property strategy tailored to the realities of its specific product. In particular, the business should be focused on ensuring the proper timing of monetization strategy with innovation protection. This article will explain the background of an IP monetization strategy, IP rights with a focus on those that require examination delay, and the correlation between revenues and timing.

According to Congressional Research Service Report,<sup>1</sup> intellectual property (IP) – related merchandise amounted to approximately \$842 billion in exports and \$1,391 billion in imports. In an absence of intentionally executing an intellectual property strategy and taking thereby the corresponding steps to protect their innovation related to their products, the business loses a valuable opportunity to monetize the intellectual property assets. Even worse, competitors may practice the business's unprotected innovation without restrictions and fear, thus eroding or ending the competitive advantages of the business's exclusive product.

At a minimum, an intellectual property strategy would include a monetization part. According to Oxford's English Dictionary, monetization is defined as "the action or process of earning revenue from an asset, business, etc." or "the conversion of an asset, debt, etc. into cash or form easily converted into cash." A monetization strategy for innovation and IP should therefore supply a process of earning cash from an investment in IP assets: patents, copyrights, trademarks, trade secrets, and trade dress.

A typical monetization strategy is to license IP assets in return for a royalty. Notwithstanding, even businesses that want to acquire and monetize IP assets, a small percentage of a business's IP is directly connected to a significant increase in revenues. Clearly, a company not having an IP strategy focused on monetization is a fundamental reason for this poor return on investment in IP assets, but there are many more, such as the lack of timing between monetization strategy and IP protection.

Many IP savvy businesses focus on IP rights and acquisition but spend little planning on the

timing or synchronization of monetization and IP protection. For example, an engineer or scientist will wait for a flash of genius to inform the business of their innovation – often in the form of an invention disclosure. Once this invention disclosure is received, a designated employee of the business will evaluate and decide how to protect the innovation, such as a patent. A U.S. patent is the right to exclude others from making, using, offering for sale, or selling the invention throughout the United States or importing the invention into the United States.<sup>2</sup>

The employee then instructs a patent application to be prepared and filed by a law firm and the patent prosecution process winds itself along, resulting in an enforceable patent grant many years later. The issue with this typical process is there is no emphasis or focus as to the timing of those patent grants to protect their innovation, or more importantly, support market share, increase their revenues, or bolster profit margins.

According to the United States Patent and Trademark Office (USPTO) Statistics June 2022,<sup>3</sup> the traditional total pendency of a patent application is 24.1 months, measured as the average number of months from the patent application filing date to the date the application has reached final disposition (e.g., issued as a patent or abandoned). However, the life cycle of a product is shrinking every year and, in some cases, replacing a product line every 24 months is becoming the norm across many industries.<sup>4</sup>

Obviously, an issued patent in 24 months on a product line that has been replaced by the company in 24 months is nonsensical; a competitor may read your published patent application, reverse engineer your innovation in the marketplace with the aid of the published patent application, and exploit the exclusive features of your product without any restrictions until a patent is granted. Given these circumstances, this misalignment of timing could help in part explain why products

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

# WORKERS' COMPENSATION

## Revens, Revens & St. Pierre

946 Centerville Road, Warwick, RI 02886

telephone: (401) 822-2900

facsimile: (401) 826-3245



**Michael A. St. Pierre**

mikesp@rrsplaw.com



**David M. Revens**

drevens@rrsplaw.com

*Attorney to Attorney Consultations/Referrals*

## BALSOFIORE & COMPANY, LTD.

### FINANCIAL INVESTIGATIONS

FORENSIC ACCOUNTING    LITIGATION SUPPORT  
FINANCIAL PROFILES OF INDIVIDUALS AND BUSINESSES  
LOCATE PEOPLE – ASSET SEARCHES

**Brian C. Balsofiore, CFE**  
Certified Fraud Examiner  
RI Licensed Private Detective

**[bbalsofiore@att.net](mailto:bbalsofiore@att.net)**  
(401) 334-3320

with shorter life cycles (i.e., software, computers, electronic devices, consumer goods) are more difficult to monetize IP than products with longer life cycles (i.e., medical devices, pharmaceuticals) under patent law.

The timing of IP protection and monetizing is more important with certain IP rights that have an examination process associated with the government grant as opposed to offered protection without substantial delay. An examination process requires time for the government authorities to review your application but this, in the marketplace, also delays your intellectual property rights from being enforceable, and thereby meaningful to your business.

For purposes of this discussion, there are two sets of intellectual property rights – those IP rights that require examination and those IP rights that do not require examination or delay. Here are a few examples of no initial examination IP rights:

#### Trade Secret – No Initial Examination Process Required

For example, under Rhode Island Law, a Rhode Island state trade secret means information, including a formula, pattern, compilation, program, device, method, technique, or process, that: (i) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (ii) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.<sup>5</sup> No independent examination process by the government is initially required to claim Rhode Island Trade Secret protection rights. Of course, this claim of Rhode Island Trade Secret rights may be subject to a review by a court – especially when there is an assertion of these rights.

#### Unregistered Trademark – No Initial Examination Process Required

For example, a trademark means any word, name, symbol, device, or any combination of them, adopted and used by a person to identify goods made or sold by him or her, and to distinguish them from goods made or sold by others.<sup>6</sup> An unregistered trademark right is acquired when the business uses the trademark in commerce and acquires distinctiveness or secondary meaning in the consumer's mind. Under Rhode Island Trademark Law, nothing shall adversely affect the rights or the enforcement of the rights in marks acquired in good faith at any time in common law.<sup>7</sup> No independent examination process by the government is initially required to claim unregistered trademark rights. Of course, this claim of unregistered or "common law" rights may be subject to a review by a court – especially when there is an assertion of these rights. Note, there is an examination process for Rhode Island State Trademarks but the time in receiving the certificate of registration is usually received expeditiously – less than 30 days.

#### Unregistered Trade Dress – No Initial Examination Process Required

Trade dress involves the total image of a product and may include features such as size, shape, color, or color combinations, texture, graphics, or even particular sales techniques.<sup>8</sup> An unregistered trade dress right is acquired when the business uses the trade dress in commerce and acquires distinctiveness or secondary meaning in the consumer's mind. No examination process is required to avail of trade dress rights. Of course, this claim of trade dress rights may be subject to a review by a court – especially when there is an assertion of these rights.

**Unregistered Copyright – No Initial Examination Process Required**

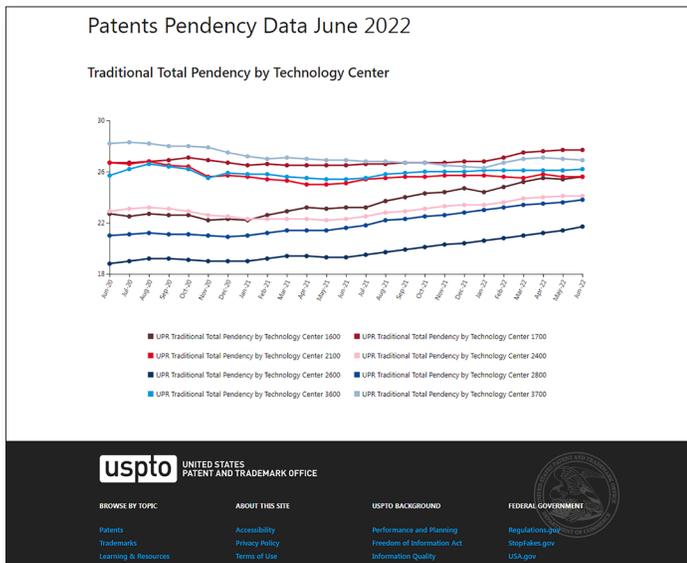
Under federal law, an unregistered U.S. copyright is an automatic form of protection provided by the laws of the United States, when published, for “original works of authorship” including literary, dramatic, musical, architectural, cartographic, choreographic, pantomimic, pictorial, graphic, sculptural, and audiovisual creations.<sup>9</sup> The key is that when the original work of authorship is published then the U.S. will recognize an unregistered copyright. No examination process is required to avail of unregistered copyright protection. On the other hand, an action for copyright infringement generally requires a copyright registration certification to be instituted. Note, there is a registration process for U.S. Copyright Registrations but the time in receiving the certificate of registration is usually received on average in 3.6 months<sup>10</sup> or sooner for expedited registration.

Here are a few examples of IP rights that require substantial examination and average time frames before rights are officially granted:

**U.S. Trademark Registration – timeframe: 13.3 months<sup>11</sup>**

**U.S. Patent – timeframe: 24.1 months<sup>12</sup>**

The graph below shows a considerable difference in time frames based upon where the patent application is assigned by the Technology Center (21.7 months v. 27.7 months).

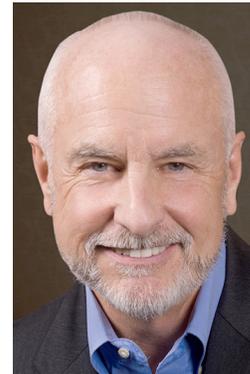


Timing is then the most relevant question to the activities before the USPTO – patents and trademarks. It can be calculated and measured by a business to understand the timing of the patent and trademarks and their impact on revenues during the product life cycle. By understanding timing, business managers can make better and more informed decisions about synchronizing product life cycle and granted IP rights to enhance protection and drive revenues.

For example, if your product life cycle is 24 months on average (i.e., electronic devices), and your timing for receiving patent protection is on average 24 months, then an enforceable right will not be available to monetize your IP assets or to thwart competition. In another example, if your product life cycle is 20 years or more (i.e., pharmaceuticals), then your timing may be higher so you can spread the cost and impact on your budget over a greater period of time. This is a generalization, of course,

# JIM PURCELL ADR

Arbitration – Mediation  
Facilitation – Fact Finding



- Highly experienced arbitrator and mediator.
- Former trial lawyer, Rhode Island and Massachusetts.
- Former CEO of major health insurer.
- Member of AAA and AHLA national rosters of arbitrators and mediators.
- Dedicated to the prompt and fair resolution of your matters consistent with your schedule.

James E. Purcell

JimPurcellADR@gmail.com

401-258-1262

## PELLCORP INVESTIGATIVE GROUP, LLC



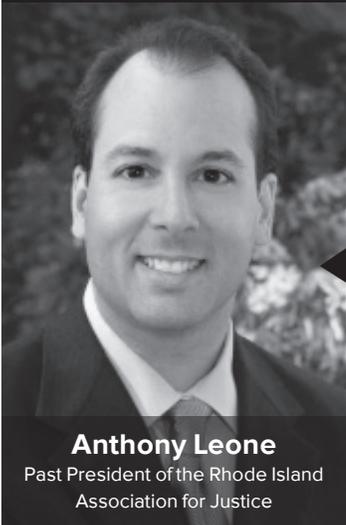
*Private Investigations*

**Edward F. Pelletier III, CEO**

**(401) 965-9745**

**pellcorpinvestigativegroup.com**

## Representing Residents Injured in Nursing Homes



- Abuse and neglect
- Pressure and bed sores
- Resident falls
- Bed rail strangulation
- Dehydration and malnutrition related injuries
- Medication errors

**Anthony Leone**

Past President of the Rhode Island Association for Justice



1345 Jefferson Boulevard, Warwick, Rhode Island 02886  
Tel (401) 921-6684 info@leonelawllc.com

## YOUR CONNECTICUT CONNECTION



On your side. In your corner.

107 State Street  
New London, CT 06320  
(860) 443-7014

1050 Main Street, Suite 8  
East Greenwich, RI 02818  
(401) 385-3877

### PRACTICE AREAS

- |                       |                 |                   |
|-----------------------|-----------------|-------------------|
| Personal Injury       | Real Estate     | Landlord & Tenant |
| Insurance Litigation  | Wills & Probate | DUI               |
| Commercial Litigation | Family Law      | Collections       |

www.MessierMassad.com

## PRIME LOCATION Commercial Building for Rent

Wayland Square Providence  
3000 sq ft with parking lot



Contact **Pam Hanson Cartbone** for details  
401.331.7100

## FLORIDA LEGAL ASSISTANCE



- Estate Planning
- Probate Administration
- Probate Litigation
- Elder Law
- Corporate Law
- Real Estate Closings

Marc J. Soss, Esquire

(941) 928-0310  
mjs@fl-estateplanning.com  
www.fl-estateplanning.com

because if you have a paradigm shift invention, (i.e., COVID-19 vaccine) regardless of the technological field, then you would want to reduce your timing and treat it differently from other iterative improvements to the technical arts.

There are a substantial number of techniques that can be used depending on the IP right to regulate timing. For U.S. trademarks, the most common reasons for granting petitions to make “special” or expedited, are the existence of actual or threatened infringement, pending litigation, or the need for a registration as a basis for securing a foreign registration.<sup>13</sup>

For U.S. Patents, a business may request expedited review on a number basis including, but not limited, to the examples below:

1. **Track One – Prioritized Examination** – USPTO’s Track One prioritized examination will allow you to get a final disposition within about 12 months. Click [here](#) to visit the USPTO’s Prioritized Patent Examination Program website.
2. **Patent Prosecution Highway (PPH)** – Under PPH, participating patent offices have agreed that when an applicant receives a ruling from a first patent office that at least one claim is allowable, the applicant may request fast track examination of corresponding claim(s) in a corresponding patent application that is pending in a second patent office.  
[Patent Prosecution Highway \(PPH\) – Fast Track Examination of Applications | USPTO](#)
3. **Petition to Make Special** – An application may be made special upon filing a petition including any evidence showing that at least one named inventor is 65 years of age.  
[Make special – age or health | USPTO](#)

In conclusion, the key metric for understanding whether your IP monetization strategy and your innovation protection are aligned is your timing to receive your enforceable IP rights. Here is a framework for immediately affecting the revenues of your business. First, a business must audit its existing timing. Next, the business manager reviews the expected product life cycle and the best time for IP protection to maximize revenues while keeping in line with budget. The best timing is calculated and then compared to the actual timing. If these numbers do not match, the business will use one or more of the expedited strategies above to reduce or increase timing to bring the enforceable IP rights to bear at the proper phase of the product life cycle.

#### ENDNOTES

<sup>1</sup> *Congressional Research Service Report, Intellectual Property Rights and International Trade, Updated May 12, 2020; CRS reports, as a work of the United States Government, are not subject to copyright protection in the United States.*

<sup>2</sup> 35 U.S.C. § 154.

<sup>3</sup> [Patents Dashboard | USPTO](#).

<sup>4</sup> *The product life cycle is in decline | Supply Chain Digital*.

<sup>5</sup> *R.I. Gen. Laws § 6-41-1 (2014)*.

<sup>6</sup> *R.I. Gen. Laws § 6-2-1 (2014)*.

<sup>7</sup> *R.I. Gen. Laws § 6-2-14 (2014)*.

<sup>8</sup> *John H. Harland Co. v. Clark Checks, Inc., United States Court of Appeals, Eleventh Circuit, August 8, 1983, 711 F.2d 966.*

<sup>9</sup> 17 U.S. Code § 102, § 104.

<sup>10</sup> *Registration Processing Times (October 1, 2021 – March 31, 2022) (copyright.gov)*.

<sup>11</sup> [Trademarks Dashboard | USPTO](#).

<sup>12</sup> [Pendency | Patents Dashboard | USPTO](#)

<sup>13</sup> *TMEP 1710.01: BASIS FOR GRANTING OR DENYING PETITION.* ◇



## *Injured at Work?*

Accepting referrals for matters of  
*Workers' Compensation*

**Call Stephen J. Dennis Today!**

**1-888-634-1543 or 1-401-453-1355**

### *The Law Office of Stephen J. Dennis*

is looking for an Associate Attorney to help with an established Plaintiff Workers' Compensation practice.

Must be organized, self-motivated, and have strong follow through ability. Court appearance live in person or telephonic is on a daily basis, also to attending depositions, as well as handling client intakes. Must have litigation skills. Full-time salaried position with health benefits, 401k and parking.

Please submit your resume and salary requirements to Souzi Ajoyan at [sajoyan@sjdlaw.net](mailto:sajoyan@sjdlaw.net). Please call 401-453-1355 with questions.

## An Interview With Kylie Lovett, Esq.

by Nicole P. Dyszlewski, Esq., MLIS and Meghan L. Hopkins, Esq.

Focus on the Future is a spotlight series where members of the *Rhode Island Bar Journal* Editorial Board interview attorneys who are newer to the Rhode Island Bar.

> **What is your current title and position?**

I am an Assistant Public Defender.

> **What do you actually do all day?**

My days are generally split in half. I have court every morning where I handle the courtroom's daily calendar. In the afternoon, I review and prepare my cases and meet with clients.

> **What is one thing you like about being in court and having a court-based practice?**

I really enjoy advocating for my clients. My practice is all criminal law, and much of the work is done in the trenches, so to speak. In order to zealously advocate for my clients, I need to be in court doing the work.

> **Based on Nicole's librarian sleuthing skills, it has been memorialized for all time on the internet that you once said, "I want to play soccer throughout my whole college experience. After college I would like to go and work for an animal medical research facility." When did you change your mind and want to become a public defender?**

That was my high school recruiting profile for soccer! I am from Florida originally and I went to undergrad as a biology major. My goal was to work in a medical research lab. After the second year of college, I grew tired of science classes and had way too much empathy to only work in a lab. I graduated with a neuroscience minor and a major in psychology. I changed my focus from medical research to counseling. I wanted to be a counselor in prisons. I was not able to get an internship in a prison during undergrad, so instead, I interned at a private defense firm and fell in love with the law. Mental health is in a state of such crisis in the field of criminal law so I am able to use my empathy and advocacy skills in my current position.

> **What are some of your long-term goals?**

A specific long-term goal is to work to revise the sex offender registration statute in Rhode Island. I wrote a paper on this topic while I was in law school, and I want to lobby for a statutory change. I would like to change the appeal process to be more similar to the process in Massachusetts – I think this would give individuals more incentives to engage in counseling and take the steps recommended by the court to rehabilitate.

More broadly, I want to continue working at the public defender's office. While I mostly work in district court, generally, the next step in the office is going to Courtroom 9.

> **We have heard a lot about the fact that there are fewer and fewer trials every year, but when we were scheduling this inter-**

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



KYLIE LOVETT, ESQ.

**view, you told us you have several trials in one day. Can you help explain this?**

I have several trials scheduled each week. Not all cases go to full trial, but they need to be fully prepped and ready to go to trial. Sometimes my client is very adamant about going to trial throughout the process and then on the day of the trial change their mind. Sometimes we plan to go to trial and the complaining witness doesn't show up. My caseload varies, but I have in the neighborhood of 15-25 cases every day. I approach each case with the goal of resolving the matter in the best interest of my client. Some of my clients opt to enter into plea deals, while others are able to be dismissed or chose to take it to trial. It is important for the client to decide which route they want their case to take.

> **Can you tell us one thing you have learned while being a new attorney?**

Going into law school I watched so many movies about the law and my biggest takeaway from practicing is that law is not as adversarial as I thought it would be or as it is portrayed to be. Criminal defense work requires an attorney to build relationships with prosecutors



DYSZLEWSKI



HOPKINS

*Continued on next page*

and judges in a nuanced way I didn't really appreciate before this job. Building these relationships is what is best for my clients and the system benefits from this high level of collegiality and respect.

> **How does your identity impact your work?**

I think my background informs my approach. I did not come from a background of law. My mom was a social worker and I came from a diverse, lower middle-class community. I think my clients trust me more because of my identity and experiences, it shows that at some level I am able to relate to their background. However, as a young female with tattoos, several of my clients have been skeptical that I am really an attorney or am capable of handling their case. Also, I identify as a member of the LGBTQ community and I think this particularly has helped me when I have clients who are members of the community because I can relate to them, which helps us build trust. I am comfortable sharing my sexual identity and background openly with clients if it comes up or is relevant to my representation.

> **What is one thing you would want us all to know about your client population?**

Just because our clients qualify for our services it doesn't mean they don't deserve adequate representation. There is an overwhelming caseload of charges that relate to poverty and these crimes tend to be stigmatized. Everyone deserves a defense and I hope the perception changes to acknowledge this. Many of our clients are impacted by mental health issues or addiction, which vary in terms of severity and type. Not a day goes by that I don't have a case involving mental illness and/or addiction. No matter their walk of life, everyone deserves to have an attorney who is willing to fight for them.

> **Who is your biggest inspiration inside or outside of law?**

My family has really inspired me to do this work. My mom was a social worker and from a very young age, my family was involved in the community working with foster children and other populations in need. This really impacted my mindset about wanting to help others and work with stigmatized populations. I was also very inspired by Professor Tara Allen at RWU Law. I hope to one day be even half the attorney and advocate that she is.

> **What do you do to de-stress?**

I play soccer in a few adult leagues and it helps to get my energy out. I am also a plant mom and I am currently keeping them all alive, or at least trying to. I think it's important, especially being at the public defender's office, to make time for myself and just relax. It is a very emotional job.

> **What is your favorite restaurant in Rhode Island?**

I really enjoy Mokban in Providence.

> **How have you chosen to decorate your office?**

I have a Harry Potter Slytherin banner hanging up as well as letters from clients, more plants, sticky notes with random to do lists, law books, and so many case files.

**NEW!**

## Rhode Island Municipal Court Listing

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

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



### Center for Mediation RHODE ISLAND

831 Bald Hill Road  
Warwick, RI 02886  
401.273.9999

Rhode Island's only  
Community Mediation Center

**Celebrating our 25th year!**

**Empowering people to resolve conflicts,  
one mediation session at a time.**

Find us on Facebook & LinkedIn at  
Center for Mediation & Collaboration Rhode Island!



Visit us online: [CMCRI.ORG](http://CMCRI.ORG)

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

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

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

The CorpCare helpline provides counseling resources that quickly and professionally assist you in handling problems affecting your personal or work life. Counselors answer the phone 24/7 to provide immediate sup-

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

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

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

Brian Adae, Esq.	(401) 831-3150
Neville J. Bedford, Esq.	(401) 348-6723
Nicole J. Benjamin, Esq.	(401) 274-7200
Susan Leach DeBlasio, Esq.	(401) 274-7200
Misty Delgado, Esq.	(401) 528-3563
Mary Cavanagh Dunn, Esq.	(401) 831-8900
Christy B. Durant, Esq.	(401) 272-5300
Cassandra L. Feeney, Esq.	(401) 455-3800

Brian D. Fogarty, Esq.	(401) 821-9945
Merrill J. Friedemann, Esq.	(401) 270-0070
Jenna Giguere, Esq.	(401) 276-5521
Alexandra L. Lister, Esq.	(401) 621-4140
Nicholas Trott Long, Esq. (Chairperson)	(401) 351-5070
Megan A. Mahoney, Esq.	(617) 755-4630
Patricia A. McLaughlin, Esq.	(401) 996-6618

Henry S. Monti, Esq.	(401) 467-2300
Sarah F. O'Toole, Esq.	(401) 647-1400
Dana N. Weiner, Esq.	(401) 265-2751
Professionals at CorpCare	(866) 482-8378

## Lawyers Helping Lawyers Committee Members Protect Your Privacy

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

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

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

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

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

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

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

## HONOR ROLL

# Volunteers Serving Rhode Islanders' Legal Needs

The Rhode Island Bar Association applauds the following attorneys for their outstanding pro bono service through the Bar's Volunteer Lawyer Program, Elderly Pro Bono Program, VLP Mentor Program, the US Armed Forces Legal Services Project, Legal Clinics, and interpreting services during June 2022 and July 2022.

### JUNE 2022

#### Volunteer Lawyer Program

William J Balkun, Esq., *Law Office of William J. Balkun*  
Michelle A. Buck, Esq., *Steele & Buck, LLC*  
Michael A. Castner, Esq., *Jamestown*  
Michael F. Cuqua, Esq., *Westerly*  
Keith G. Langer, Esq., *Wrentham*  
Doris A. Lavalley, Esq., *Lavalley Law Associates*  
Adam G. Northup, Esq., *Law Office of Adam G. Northup*  
Eileen C. O'Shaughnessy, Esq., *Stewart Title Guaranty Company*  
John S. Petrone, Esq., *Law Office of John Petrone*  
Susan M. Pires, Esq., *The Law Office of Susan Pires*  
Paul E. Pontarelli, Esq., *East Greenwich*  
Suzannah Skolnik, Esq., *City of Providence Solicitor's Office*  
David S. Sleprow, Esq., *Sleprow, Sleprow & Associates*

#### Elderly Pro Bono Program

Armando E. Batastini, Esq., *Nixon Peabody, LLP*  
Mark T. Boivin, Esq., *McElroy, Deutsch, Mulvaney & Carpenter, LLP*  
Amey F. Cardullo, Esq., *The Family Law Center*  
Christine J. Engustian, Esq., *Law Offices of Christine J Engustian, Esq.*  
Susan Gershkoff, Esq., *Susan Gershkoff, Esq., Ltd.*  
Charles T. Knowles, Esq., *Wickford*  
Robert H. Larder, Esq., *Woonsocket*  
Tracy A. Loignon, Esq., *Warwick*  
Steven Aaron Robinson, Esq., *Robinson & Robinson*  
Jill M. Santiago, Esq., *Attorney at Law*

#### VLP Mentor Program

Tiffinay A. Antoch, Esq., *Rhode Island Legal Services*  
Carolyn R. Barone, Esq., *North Providence*  
Elizabeth Peterson Santilli, Esq., *Cutcliffe Archetto & Santilli*

#### Interpreter Services

Maria Valdez, *One Voice Interpreting & Translation Services*

### JULY 2022

#### Volunteer Lawyer Program

David N. Bazar, Esq., *Bazar & Associates, P.C.*  
Neville J. Bedford, Esq., *Providence*  
Michael A. Castner, Esq., *Jamestown*  
Richard K. Foster, Esq., *Coventry*  
Edward J. Gomes, Esq., *Law Office of Edward J. Gomes*  
Charles T. Knowles, Esq., *Wickford*  
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*  
Doris A. Lavalley, Esq., *Lavalley Law Associates*  
Cristine L. McBurney, Esq., *McBurney Law Services*  
Amanda M. Wuoti, Esq., *Westminster*

#### Elderly Pro Bono Program

James J. Bagley, Esq., *The Law Office of Leonard M. Cordeiro*  
Steven J. Boyajian, Esq., *Robinson & Cole, LLP*  
Steve Conti, Esq., *North Providence*  
Michael F. Cuqua, Esq., *Westerly*  
Miguel R. Hernandez, Esq., *Cranston*  
Robert H. Larder, Esq., *Woonsocket*  
Charles A. Pisaturo Jr., Esq., *Providence*  
John S. Simonian, Esq., *Pawtucket*  
Collin Alan Weiss, Esq., *Hinckley Allen*

#### VLP Mentor Program

Casby Harrison III, Esq., *Harrison Law Associates, Inc.*

#### US Armed Forces Legal Services Project

Priscilla Facha DiMaio Esq., *Johnston*  
Doris A. Lavalley, Esq., *Lavalley Law Associates*

#### Legal Clinics

Edward R. McCormick III, Esq., *Cranston*  
Janne Reisch Esq., *Westerly*

## Keep Your Directory Listing Up to Date!

The Bar's online Attorney Directory is available for the convenience of Bar members, clients, and potential clients, so be sure to keep your listing up to date! Attorney Directory contact information may include the Bar member's name, photograph, law office name, postal address, email address, telephone number, and facsimile number. Have your photo taken at the Bar Association, or send in your own headshot to Erin Cute at [ecute@ribar.com](mailto:ecute@ribar.com). Photographs must be provided in a jpg format of at least 300 dpi.

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

## RHODE ISLAND BAR ASSOCIATION 2022 LEGISLATIVE REPORT

**William A. Farrell, Esq.**  
**Rhode Island Bar Association Legislative Delegate**

During the course of the 2022 General Assembly session, over 2,500 legislative proposals were introduced and reviewed by RIBA's legislative counsel; 176 of those bills were deemed to impact the practice of law and were forwarded to the relevant RIBA committees.

Unlike previous years, the RIBA did not initiate any legislation. With the pending appeals in a number of Federal Appellate Courts involving lobbying activities by mandatory Bar Associations, it was decided that the RIBA would err on the side of caution and not initiate any legislative proposals which did not squarely fit into the guidelines outlined by the Keller decision. The House of Delegates did agree to continue with the monitoring of legislation and to react to any legislative proposal that fell well within the "germane" test of current case law.

A full report of the legislation that to one degree or another would impact the practice of law or involve the administration of the state's court system has been submitted to the RIBA and is available upon request. Some of the more relevant proposals, which have now been enacted and take effect upon passage unless otherwise noted, are as follows:

**Certification of Constables.** (P.L. Chapter 231 (H 7123Aaa) – Article 3 – GOVERNMENT REFORM AND REORGANIZATION (2)) Presumably at the request of the Chief Judge of the District Court, the role of the Chief Judge in the certification process has been eliminated.

**Executive Powers.** Res 097 (H 7256 SUB A (S 2154)) The General Assembly adopted a concurrent Resolution extending the Governor's additional powers regarding certain COVID-19 Declarations.

**Limited Partnership Act.** Chapter 121 (H 7603 (S 2812)) Enacted the most recent UCC amendment to the Rhode Island Limited Partnership Act (takes effect on January 1, 2023).

**Uniform Partnership Act.** Chapter 123 (H 7753 (S 2813)) Enacted the most recent UCC amendment to the Rhode Island Partnership Act (takes effect on January 1, 2023).

**Receiverships.** Chapter 107 (H 7895 (S 2093)) A temporary non-liquidating receivership program with prospective application was enacted.

**Evictions.** Chapter 207 (H 8078 SUB B (S 2857)) Extends the date of hearings in eviction cases to up to twenty-four days after the filing of the complaint.

As mentioned above, the full report of all legislative proposals is available at the RIBA Offices.

### Slip & Fall - Henry Monti



20 Slip & Fall Jury Trials  
Over 1,000 Slip & Fall Arbitrations  
CLE Slip & Fall Lecturer

**Gemma Law Associates, Inc.**  
401-467-2300  
henry@gemmalaw.com

### MARK A. PFEIFFER Alternative Dispute Resolution Services www.mapfeiffer.com

Bringing over four decades of experience as a Superior Court judge, financial services industry regulator, senior banking officer, private attorney, arbitrator, mediator, receiver, and court appointed special master to facilitate resolution of legal disputes.

**ARBITRATION MEDIATION PRIVATE TRIAL**

(401) 253-3430 / adr@mapfeiffer.com  
86 State St., Bristol, RI 02809



## BOOK REVIEW

# How to Be An Inclusive Leader: Your Role in Creating Cultures of Belonging Where Everyone Can Thrive

By Jennifer Brown



Jenna Giguere, Esq.

The “compulsive” need to be “right” is one of the biggest obstacles to moving up the inclusion continuum.

This article provides a detailed summary of a book, which, while quite short in page count, provides some valuable long-term lessons for building more inclusive workplaces. To build inclusive workplaces, its leaders must become “inclusive leaders.” This is not easy work – because inequalities have been built into systems and processes over history, it takes a “disruption” to break people out of being stuck in the “status quo.”

The author encourages leaders to remain connected to the meaning behind supporting inclusion. Essentially, effective collaboration will require that members of a team feel included within the company. “Human potential is unleashed when we feel like we belong.” When a work environment doesn’t support people bringing their “authentic” selves to work, it takes a lot of energy to “cover” the part of their identities that are historically marginalized.

As leaders aspiring toward inclusion, the author describes a “continuum” of progress stages we face on our journey.

### “Unaware”

#### *Characteristics*

- disengaged from the Diversity, Equity, and Inclusion (DEI) conversation
- only relate to the topic as a compliance mandate

#### *Steps Forward*

The “compulsive” need to be “right” is one of the biggest obstacles to moving up the inclusion continuum. The author tells the story of baseball player turned motivational speaker Wade Davis, who asks his audiences two questions that an inclusive leader should consider to move forward: Can you agree for today to be uninterested in being right? And, can you be uninterested in thinking of yourself as a “good person”? Relatedly, inclusive leaders need to cultivate “humility,” which the author relates to the definition of “admitting mistakes, learning from criticisms and different points of view, acknowledging and seeking contributions of others to overcome one’s limitations” (catalyst.org).

### “Aware”

#### *Characteristics*

- realization that the playing field is not level
- acknowledging you have blind spots
- deep self-reflection / internal dialogue
- stage may include uncomfortable feelings of shame and guilt

#### *Steps Forward*

In our workplaces, we tend to look at problems like we look at fixing an engine – clear solutions that can be quickly executed, and then on to the next thing. The author asks us to look at DEI problems instead like crime scenes, taking a deeper dive into the background and impacts, recognizing that swift superficial action won’t work. Further, to drive inclusive problem-solving, leaders need to intentionally surround themselves with others that will challenge their ideas, not just be an “echo chamber” of their existing ideas.

The author also opines that building a real culture of inclusiveness beyond written goals is essential. (“Culture eats strategy for breakfast.”) For example, if a workplace sets a certain DEI hiring goal but the hires don’t succeed because of a non-inclusive culture, the goal fails.

### “Active”

#### *Characteristics*

- proactively work toward equity and equal opportunity
- willing to push outside your comfort zone
- you begin to communicate new ideas around DEI; finding your “voice” in this space can feel awkward and risky; expect slip-ups and criticism

#### *Steps Forward*

The author references news coverage of federal cabinet members in the Obama administration who had developed a strategy referred to as “amplification.” In order to facilitate inclusivity of any person, when they share an idea, inclusivity-

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

# 1031 Exchange Services, Inc.

EXCHANGE WITH CONFIDENCE



401.331.0083 | cja@1031ri.com | www.1031ri.com

Providence, RI • Alexandria, NH

Structuring tax-deferred exchanges  
throughout the U.S.  
with Integrity and Experience

**Charles J. Ajootian, Esq.**  
President and Counsel

Rhode Island's leading intermediary since 1997.



COIA & LEPORE, LTD.  
226 South Main Street  
Providence, RI 02903  
(401) 751-5522

## Mediation



**FAMILY DISPUTES  
DIVORCE AND SEPARATION  
DOMESTIC MATTERS**

*Gain a new perspective on divorce  
and family disputes. Mediation is  
a cost and time efficient way to  
resolve domestic relations matters.  
A fulfilling advantage to the personal  
resolution of your dispute.*

**Dadriana A. Lepore, Esq.**  
**LL.M., Alternative Dispute Resolution**  
**Benjamin Cardozo School of Law**  
**DLEPORE@COIALEPORE.COM**

focused peers can “amplify” that person’s ideas by repeating the idea with due credit to the person. This helps elevate voices of our team members from historically marginalized populations. This can be especially impactful when team members who enjoy privilege and power in the workplace are intentionally recognizing its use for the good of DEI work.

### “Advocate”

#### Characteristics

- take public action to actually shift behaviors to make a difference
- willing to take some calculated personal or professional risks to achieve DEI goals
- you are getting more comfortable with the language of inclusion and knowing you will continue to make mistakes

#### Steps Forward

Inclusive leaders build up an inclination that “when you see something, you say something.” In other words, it needs to become a consistent practice to speak up when you hear biased language or humor. We should also build a habit of identifying and questioning protocols that organizations have built that may perpetuate an unequal playing field. We must get in the habit of regularly using our tools to influence others to be more inclusive.

### Conclusion

The above-summarized insights from the book are focused on the journey of an individual leader to become more inclusive. Those willing to undertake that personal development will need to bring specific action items to their organizations in order to be fully effective as an inclusive leader. While organization-level changes were not the focus of the text of the reviewed book, its underlying premises would inspire leaders to take the next step of learning about specific organization-level actions. To give readers a jump-start, here are some ideas from the Society for Human Resource Management<sup>1</sup>

- Require mandatory inclusion training for organizational leaders<sup>2</sup>
- Tie inclusivity goals to performance evaluation and use employee surveys and/or focus groups to tackle engagement and inclusion issues<sup>3</sup>
- Form a diverse inclusion council to assist with goal-setting around hiring, retaining, and advancing a diverse workforce and address employee engagement among underrepresented employee groups

*This book also makes reference to WHITE FRAGILITY: WHY IT'S SO HARD FOR WHITE PEOPLE TO TALK ABOUT RACISM by Robin DiAngelo, described as “helping white people develop racial literacy, particularly at a time when many feel hesitant to confront racism but are awakening to the need to confront it in more concrete ways.”*

#### ENDNOTES

<sup>1</sup> <https://www.shrm.org/hr-today/news/hr-magazine/0418/pages/6-steps-for-building-an-inclusive-workplace.aspx>.

<sup>2</sup> There are a number of trainings offered online, some free. <https://www.indeed.com/career-advice/career-development/diversity-inclusion-virtual-courses>.

<sup>3</sup> For example, HARVARD BUSINESS REVIEW explains a measure of inclusivity called the Gartner Inclusion Index <https://hbr.org/2021/05/how-to-measure-inclusion-in-the-workplace>. ◇

RHODE ISLAND BAR ASSOCIATION'S

# Online Attorney Resources (OAR)

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

**OAR** provides new and more seasoned Bar members with the names, contact information and Bar admission date of volunteer attorneys who answer questions concerning particular practice areas based on their professional knowledge and experience. Questions handled by **OAR** volunteers may range from specific court procedures and expectations to current and future opportunities within the following **OAR** practice areas:

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

**TO CHOOSE YOUR OAR OPTION:**

- Bar members with questions about a particular area of the law.
- Bar members willing to volunteer as information resources.

Go to the Bar's website at [ribar.com](http://ribar.com), login to the **MEMBERS ONLY**, and click on the **OAR** link.

## RI Zoning Handbook, 3rd Ed.



The essential guide to state and federal zoning law.

Stay current with annual cumulative supplements by Dianne L. Izzo, Esq.

Roland F. Chase, Esq.  
© 2016 Lawyers Weekly, Inc.

Purchase from Lawyers Weekly Books:  
<http://books.lawyersweekly.com>  
or call Bill Cardinal, 617-218-8194



*For 20 Years Our Team has Provided  
Trusted Legal Care for Clients Suffering  
Life-altering Injuries*



**OUR TRUSTED TEAM OF ATTORNEYS:**

*Pictured left to right*

Noah Zimmerman • Jane Duket • Anthony Buglio • Philip Weinstein *Of Counsel*  
Mark Grimm • Joseph Marasco *Partner* • Donna Nesselbush *Partner*  
Thomas Moran • Timothy Lynch • Ryan Kelley  
Nicklyn Dolphin • Bart McNally *Of Counsel*

**PROVIDENCE | WAKEFIELD | WARWICK | WOONSOCKET**  
685 Westminster Street, Providence, RI 02903

*The Rhode Island Supreme Court licenses all lawyers in the general practice of law.  
The court does not license or certify any lawyer as an expert or specialist in any field of practice.*

**(401) 274-7400 | M-N-LAW.COM**



*A local connection for your  
Florida Real Estate needs*

*Attorney Owned and Operated Since 2004*



Anthony M. Gallone, Jr., Esq.



Timothy H. Olenn, Esq.

Ph: 561-912-0922

[olenn@AlliantFL.com](mailto:olenn@AlliantFL.com)

1 Lincoln Place, 1900 Glades Rd, Suite #245 Boca Raton, FL 33431

# CLE Publications Order Form

NAME \_\_\_\_\_

FIRM or AGENCY \_\_\_\_\_

MAILING ADDRESS (Cannot be a P.O. Box) \_\_\_\_\_  
 \_\_\_\_\_

CITY & STATE \_\_\_\_\_

ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

BAR ID # \_\_\_\_\_

Check enclosed (made payable to RIBA/CLE)  
*Please do not staple checks.*

MasterCard    VISA    AMEX    Discover

Exp. Date \_\_\_\_\_ Security Code \_\_\_\_\_

Card No. \_\_\_\_\_

Signature \_\_\_\_\_

**Mail entire page to:** CLE Publications  
 Rhode Island Bar Association  
 41 Sharpe Drive  
 Cranston, RI 02920

OFFICE USE ONLY

Check No. \_\_\_\_\_

Date Rec'd \_\_\_\_\_

Amount \_\_\_\_\_

Date Sent \_\_\_\_\_

Title	Book #	Price	Choose		Qty.	Total
			Book	USB		
<b>Business</b>						
Expeditious Removal of Mechanics' Liens	18-16	\$30				
Commercial Law 2019: Update	CL-19	\$40				
<b>Family</b>						
Divorce Law for Estate Planners: Estate Planning for Divorce Lawyers	18-17	\$35				
QDRO Practice in RI from A-Z	09-13	\$40				
<b>Law Practice Management</b>						
The State Law Library	19-06	\$35				
Let's Talk Communication!	18-12	\$35				
Closing Your Practice	18-07	\$25				
Preventing & Avoiding Wiring Funds to a Hacker	18-02	\$50				
Billing Clients	13-02	\$25				
<b>Practical Skills</b>						
Criminal Law Practice in RI	19-09	\$70				
Civil Law Practice in RI Superior Court	18-04	\$60				
Workers' Comp. Practice in RI	18-01	\$70				
Residential Real Estate Closings in RI	17-02	\$90				
Domestic Relations Practice	16-07	\$85				
Basic Commercial & Real Estate Loan Documentation	12-02	\$55				
Civil Practice in District Court	12-01	\$40				
<b>Probate/Elder Law</b>						
Trust Us... Modern Wills/Trusts	19-03	\$30				
The Trust Planning Playbook	18-11	\$25				
Portability	13-05	\$35				
<b>Real Estate</b>						
RI Title Standards Handbook	TS-20	\$60				
Landlord/Tenant Handbook	16-04	\$15				
RI Real Estate Liens: A Field Guide	14-02	\$25				
<b>Trial Practice</b>						
<b>NEW!</b> Recent Developments in the Law 2021	RD-21	\$60				
Depositions: Learn and Limit	19-07	\$30				
Sexual Harassment	19-05	\$30				
2019 DUI Law & Hardship Licenses	19-04	\$40				
Cross Examination Techniques	18-19	\$30				
Changes to CMS Enforcement	18-10	\$40				
Immigration 101	18-08	\$30				
Objections & The Evidence Maze	18-06	\$30				
Auto Accident Reconstruction	13-01	\$35				
Model Civil Jury Instructions	03-02	\$70				
RI Law of Workers' Compensation	WC-12	\$40				

**Publication Total    Shipping and Handling Cost**

Up to \$45	\$11
\$45.01 - \$75	\$13
\$75.01 - \$100	\$15
\$100.01+	\$18

Please allow 2-3 weeks for delivery. All books are sent by FedEx Ground.

**Books** \$ \_\_\_\_\_

**Shipping/Handling** \$ \_\_\_\_\_

**Sub-Total** \$ \_\_\_\_\_

**7% R.I. Sales Tax** \$ \_\_\_\_\_

**Total** \$ \_\_\_\_\_

# RI Bar Association Continuing Legal Education Seminars

Register online at the Bar's website [ribar.com](http://ribar.com) and click on CONTINUING LEGAL EDUCATION on the left side menu or telephone 401-421-5740. All dates and times are subject to change.

**September 7** **The Truth, The Whole Truth and Nothing But the Truth**  
*Wednesday*  
1:00 – 2:00 p.m., 1.0 ethics  
**LIVE WEBINAR ONLY!**

**September 12** **Staying Within the Lines**  
*Monday*  
1:00 – 2:00 p.m., 1.0 ethics  
**LIVE WEBINAR ONLY!**

**September 14** **The Long Run – SSI/SSDI Claims and the Federal Court**  
*Wednesday*  
Rhode Island Law Center, Cranston  
12:30 – 1:30 p.m., 1.0 credit  
**Also available as a LIVE WEBINAR!**

**September 15** **Can You Legal Zoom, Too? How to Build Product Offerings into a Traditional Law Firm**  
*Thursday*  
1:00 – 2:00 p.m., 1.0 credit  
**LIVE WEBINAR ONLY!**

**September 20** **Ethical Jeopardy: A CLE Game Show**  
*Tuesday*  
1:00 – 2:00 p.m., 1.0 ethics  
**LIVE WEBINAR ONLY!**

---

**Civility Reboot: Defusing Bullies and Cultivating Respectful Rigor in Advocacy**  
Rhodes-on-the-Pawtuxet

**September 28** *Wednesday* 5:30 – 7:30 p.m., 2.0 ethics

**September 29** *Thursday* 2:00 – 4:00 p.m., 2.0 ethics

**September 30** *Friday* 9:00 – 11:00 a.m., 2.0 ethics

**October 3** **Fantasy Supreme Court League 2022**  
*Monday*  
12:00 – 2:00 p.m., 2.0 credits  
**LIVE WEBINAR ONLY!**

**October 6** **Expanding Access to Justice: RI Judiciary**  
*Thursday*  
12:30 – 1:30 p.m., 1.0 credit  
**LIVE WEBINAR ONLY!**

**October 12** **Enough is Enough: Avoiding Vexatious Lawyering**  
*Wednesday*  
1:00 – 2:00 p.m., 1.0 ethics  
**LIVE WEBINAR ONLY!**

**October 20** **Planning for and Administering an Estate**  
*Thursday*  
Rhode Island Law Center, Cranston  
9:00 a.m. – 4:00 p.m., 5.0 credits + 1.0 ethics  
**Also available as a LIVE WEBINAR!**

**October 22** **The 2022 Ethy Awards**  
*Saturday*  
11:00 a.m. – 1:00 p.m., 2.0 ethics  
**LIVE WEBINAR ONLY!**

**October 25** **The Speed of Sound: How Modern Consumer Habits Are Changing Law Firm Intake**  
*Tuesday*  
3:00 – 4:00 p.m., 1.0 credit  
**LIVE WEBINAR ONLY!**

**October 27** **Guardianship Practice – The Essentials**  
*Thursday*  
Rhode Island Law Center, Cranston  
1:00 – 4:00 p.m., 3.0 credits + .5 ethics  
**Also available as a LIVE WEBINAR!**

*Title, times and dates subject to change.  
For updated information go to [ribar.com](http://ribar.com)*

**NOTE: You must register online for live webinars.**

Continuing Legal Education Telephone: 401-421-5740

Seminars are always being added to the CLE schedule, so visit the **CLE calendar** for the most up-to-date information.

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

**Reminder:** Bar members may complete six credits through participation in video replay or on demand CLE seminars. To register for an online seminar, go to the Bar's website: [ribar.com](http://ribar.com) and click on CONTINUING LEGAL EDUCATION on the left side menu.

## 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](http://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](mailto:ecute@ribar.com), or telephone: 401-421-5740.

## Looking to Post or Search for a Job in the Legal Field?

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](http://ribar.com) and click Career Center under the list of Quick Links.

# RICHARD S. HUMPHREY LAW OFFICES

Richard S. Humphrey  
Christina Dzierzek

DUI / Refusal	Admiralty
DUI / Serious Bodily Injury	Personal Injury
DUI / Death Resulting	Construction
Social Host Liability	Municipal

401-624-6152 (OFFICE) 401-641-9187 (CELL)  
[richardhumphreylaw.com](http://richardhumphreylaw.com)  
3852 Main Road, Tiverton, RI 02878

## YOUR CONNECTICUT CONNECTION



**M M** **Messier Massad**  
**B A** **Burdick & Assoc.**  
LLC  
On your side. In your corner.

107 State Street  
New London, CT 06320  
(860) 443-7014

1050 Main Street, Suite 8  
East Greenwich, RI 02818  
(401) 385-3877

### PRACTICE AREAS

Personal Injury	Real Estate	Landlord & Tenant
Insurance Litigation	Wills & Probate	DUI
Commercial Litigation	Family Law	Collections

[www.MessierMassad.com](http://www.MessierMassad.com)

## Narrowing a Search

In Fastcase, you can narrow a search query to certain content libraries, document types, individual sources, entire jurisdictions, or a combination of the aforementioned options. Additionally, you can narrow search results before or after you have conducted your search.

### Before Running a Search

You narrow the universe of content over which you run your search before running your search by using **Jurisdictions & Sources**. The Jurisdictions & Sources menu is located to the right of the search bar on the main page of Fastcase. To narrow your search results before running your search, follow these steps:

**Step One:** Click **Jurisdictions & Sources** to the right of the search bar.

**Step Two:** The **Jurisdictions & Sources** menu now opens.

**Step Three:** Make your selections by checking the relevant boxes. A few things to note:

- If you select only a state or federal circuit on the left, you will search all documents in that state or federal circuit.
- If you select only a document type on the right, you will search that document type for all jurisdictions.
- If you select a jurisdiction on the left and then a content type on the right, you will search only that content type for that jurisdiction.
- You can combine jurisdictions and content types.

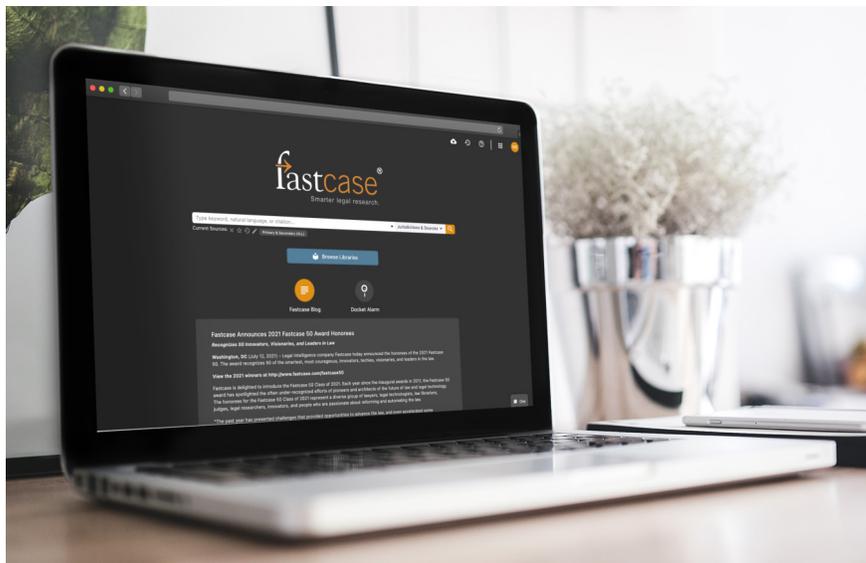
**Step Four:** Once you have made your desired selections from the **Jurisdictions & Sources** menu, select **Save & Continue** in the top right of the menu to apply your chosen pre-search filters.

**Step Five:** Your filters now appear as blue boxes below the search bar to indicate they are being applied to the search at hand.

**Step Six:** Enter your search query. Your chosen filters now limit your search results for the query at issue to the filtering areas. Additionally, the filters appear in the top left of the search results page.

### Narrow Search Results After Search Results Populate

**Step One:** Run your search with no filters. In Fastcase, this means you will conduct your search across all content types for all jurisdictions.



**Step Two:** Your filter options are on the left-hand side. Simply type in your desired jurisdiction, content type, or source in the bar under **Available Sources** that says *filter* by jurisdiction or sources. The checkboxes then narrow to correspond to what you are typing, and you select the ones you want to narrow your search.

You can filter by **date** and **suggested keyword** from the results page. You find the **date** filter and **suggested keyword** filter at the bottom of the filters panel.

A free member service to all Rhode Island Bar Association attorneys, Fastcase's 24 hours a day, 7 days a week, 365 days a year, online legal research improves lawyers' ability to stay current with the law and provides cost effective client service.

To access Rhode Island Fastcase, connect to the Rhode Island Bar Association website at [ribar.com](http://ribar.com). As always feel free to contact customer support with any questions you may have. Support is available Monday – Friday from 8 am to 9 pm EST and can be reached by email at [support@fastcase.com](mailto:support@fastcase.com) or by phone at 866.773.2782.



## In Memoriam

### **Richard Bogue, Esq.**

Richard Allen Bogue, 54, of Saunderstown, died on Saturday, June 25, 2022. Born in Providence, he was the son of the late Norman J. and Kathleen L. (DaCosta) Bogue. He was the husband of Katie (Feng) Bogue. Richard received his B.S. in Accounting from Bryant University, his J.D. from Pepperdine University in Malibu, CA, and an LL.M. in Taxation from New York University. He was a member of the RI Bar Association and was admitted to practice in RI and MA. He also served as a Certified Public Accountant. One of his biggest accomplishments was receiving the Nicholas Picchione Gold Medal and certificate of recognition at the annual RI Society of CPAs. He cofounded Bogue, Moylan & Marino LLP, which merged with Gordan, Rees, Scully, Mansukhani LLP, where he was a partner. In addition to his wife, he is survived by his children, Courtney Ann Lau of Providence and Allen Lau (Lauren) of Melrose, MA; his brother, David A. Bogue (Cindy) of Stafford, VA; his aunt, Margaret M. Quinn; two grandchildren; and two nephews. He was predeceased by his brother Michael J. Bogue.

### **E. Howland Bowen, Esq.**

E. Howland Bowen, 86, of Little Compton, died on Friday, August 12, 2017. He was the son of the late Mary (McGovern) and Edward H. Bowen. Howland was a graduate of J. F. Wilbur School (1948), Brown University (1952), and Boston University Law School (1955). He practiced law based in Providence for more than 50 years. Howland was a life-long resident of Little Compton, serving on many of its boards in addition to being the town's first Probate Judge. He was a trustee and lifelong communicant of St. Catherine of Siena parish. He was a Knight Grand Cross of the Equestrian Order of the Holy Sepulchre of Jerusalem. Predeceased by his wife Rosemary (Moore) Bowen, Howland is survived by his five children, Edward, Patrick (Claire), Sean (Shelley) and Margaret Manning (Geoffrey) all of Little Compton, and Daniel (Christina) of Kensington, MD, and twelve grandchildren.

### **Arthur Chatfield III, Esq.**

Arthur Edwin Chatfield, III, 65, of West Hartford, died on Friday, July 8, 2022. Born in Attleboro, MA, to the late Arthur E. Chatfield II and Barbara E. (Clarke) Chatfield. Arthur received his Juris Doctor from Franklin Pierce College and worked out of his own law office in Providence RI. Arthur leaves behind his only son, Brayden Chatfield; sisters, Laura Chatfield, Jennifer Chatfield, and Jessica Chatfield. He is predeceased by his two sisters, Gwendolyn Chatfield and Heather Chatfield Ammen.

### **Joseph Doorley, Esq.**

Joseph Doorley, 91, of Narragansett, formerly of Pompano Beach, FL, died on July 31, 2022. He was the husband of the late Marilyn Joan (Donnelly) Doorley. Born in Providence, he was the son of the late Joseph A. Doorley, Sr., and Nora (Cannon) Doorley. Joseph graduated from LaSalle Academy and graduated 'cum laude' from the University of Notre Dame. Joe taught civics, algebra, and English full-time at his alma mater, LaSalle Academy while commuting to Boston College Law School where he earned his Juris Doctor. Living in the city's 5th ward, Mr. Doorley won a seat on the City Council in 1962. Two years later, he became the youngest elected Providence mayor at the time, serving from 1965-1975. Mayor Doorley's crowning achievement was the Providence Civic Center which opened for business in 1974. After retiring from public life, Mayor Doorley returned to his law practice along with working as the Administrator of the Rhode Island Legal Services Fund. The Rhode Island Public Service Employees' Legal Service Plan was established by Public Employees' Local Union 1033, Providence, an affiliate of the Laborers' International Union of North America, to protect and advance the legal rights and interests of eligible members of the Plan and their dependents. Joseph is survived by his six children, Joseph A. Doorley, III, and his wife Jane, Michael D. Doorley, Brian G. Doorley and his

wife Ann-Marie, Dennis W. Doorley, Carleen M. Doorley and her husband Kevin Allen, Patricia M. Angell, nine grandchildren, eight great-grandchildren, and his sisters, Dorothy E. Chasse and Jeannine C. Vignali. He was predeceased by his brothers Edward R. Doorley, James E. Doorley and his sister Carol L. Doorley.

### **Gayle P. Ellsworth, Esq.**

Gayle P. (Dauscher) Ellsworth, 71, of Warwick, died on Thursday, July 28, 2022. Born in Bridgeport, CT, she was the daughter of the late Walter J. and Ida Louise (Anderson) Dauscher. Gayle graduated from the University of Rhode Island and Suffix University Law School. She served from 1980-1984 with the US Air Force as a Staff Judge Advocate. Gayle is survived by two sisters, Joan M. Osmanski and her husband Joe, L. Deborah Bingham and her husband Lawrence, and seven nieces and nephews.

### **Justin S. Holden, Esq.**

Justin S. Holden, of Providence, died on July 25, 2022. He was the husband of Linda Buffardi Holden, Esq. of Providence, and the son of the late Samuel and Lillian Holden. Justin was a graduate of Renssælear Polytechnic Institute and the University of Connecticut School of Law. Justin's law practice concentrated on defending taxpayers in civil and criminal litigation of federal taxation controversies in the U.S. District Court, the First Circuit Court of Appeals, and the U.S. Tax Court. He began his legal career as trial counsel in the office of the District Counsel of the Internal Revenue Service in Boston. He later entered private law practice upon joining the law firm of Salter, McGowan, Swartz & Holden in Providence, and subsequently established the law firm of Holden & O'Brien in Providence. He was a past president of the Rhode Island Bar Association, editor in chief of the *Rhode Island Bar Journal*, a founding member of the RI Law Firm Group, and an instructor in the Bryant University curriculum in accounting. Justin was predeceased by his sister Michelle Holden of Colebrook, Connecticut.

### **Carol A. Keefe, Esq.**

Carol A. Keefe, 77, died on June 5th, 2022. She was the wife of Thomas L. DePetrillo and daughter of Catherine (O'Shea) and John J. Keefe, Sr. Carol's first career after graduating from Southern Connecticut State University was as an educator. She then attended Suffolk University School of Law, Boston, graduating with honors. She joined a local law firm, then the Attorney General's Office as Assistant D.A., subsequently opening a private practice. Carol is survived by her siblings Hugh F. Keefe, Esq. (Hon. Tara Knight), John J. Keefe, Esq., Marjorie B. Keefe, RNP, MS (Paul M. Preston) and brother-in-law William P. Meehan Esq., three stepchildren Paul DePetrillo, Erin DePetrillo, and Thomas M. DePetrillo (his spouse Carol L. DePetrillo, who was also her caretaker), two grandchildren, 8 nieces and nephews, and 15 great nieces and nephews. Carol was predeceased by her sister Mary E. Meehan.

### **Ronald Markoff, Esq.**

Ronald Markoff died on June 13th, 2022. Ron was a lifelong resident of Providence. The son of the late Florence (Shapiro) and Henry Markoff. He was a graduate of Classical High School, Brown University, and Boston College Law School. Ron practiced law for 46 years. During his law career, he opened his own firm in downtown Providence and then in Wayland Square. Throughout his career he received innumerable accolades including *Rhode Island Monthly* for Excellence in Practicing Law, Martindale Hubbell for his preeminence in the Practice of Law, and a Lifetime Service Award from Jewish Family Service of Rhode Island. Ron served for many years with his daughter as board members for Jewish Collaborative Services (JFS) and Temple Emanu-El, among others, and recently lead the JCS's Moes Chitim

*Continued on next page*

## In Memoriam

Fundraiser. Ron is survived by his wife Karen Triedman, daughters Stephanie Markoff Cohen (C.J. Cohen), Sidra Scharff (Geoffroy Potter), Allegra Scharff (Travis Sherman), brothers Gary (Eliane) and Joe (Phyllis), and four grandchildren. He is predeceased by his wife Lynn.

### **Bruce Ruttenberg, Esq.**

Bruce Robert Ruttenberg, 90, of Barrington, died on Saturday, June 30, 2022. Bruce graduated from Hope High School as Valedictorian in 1950, from Harvard University in 1954, and then from the University of Pennsylvania Law School in 1958. While studying for the Rhode Island Bar exam, he met Norman Orodenker. The two of them formed the firm Ruttenberg & Orodenker and later joined the firm Licht & Semonoff. Bruce became a senior partner when that firm expanded to become Levy Goodman Semonoff & Gorin. He later broke from that firm to become a founding partner of Chace Ruttenberg & Freedman. Bruce wrote speeches for Governor Frank Licht throughout his political career. After Bruce retired from the law in 2005, he went on to establish the Providence Life Long Learning Collaborative with his friend Barnet Fain. There he taught history and current event classes. In the community, he served on the boards of Gordon School and Miriam Hospital. Bruce is survived by his wife Heather MacLeod, his first wife Barbara Ruttenberg; four children, Beth Ruttenberg, David Ruttenberg, Jennifer Shea, and the late Laurie Fortin; two stepchildren, Autumn Williams & John D Crouchley; one brother, Jeff Ruttenberg, and eleven grandchildren.

### **James Sheridan, Esq.**

James Sheridan, 61, of Narragansett, died on Saturday, July 30, 2022. Born in Providence, Jim was the son of the late Arthur T. and Anne L. (Lally) Sheridan. Jim practiced law in Narragansett where he also served as the town's Probate Judge for many years. He graduated from Classical High School in 1979 where he was the class salutatorian. He received his bachelor's degree from Yale University and his JD from the University of Virginia where he was named to the law review. After spending several years in Los Angeles and New York practicing law he returned to Rhode Island and joined the law practice of Edwards and Angell in Providence before starting his own firm in Narragansett. Jim was actively involved in his parish, St. Veronica, and was dedicated to the church's music ministry. He is survived by his brother Arthur T. Sheridan, Jr. and his wife Martha, his sister Patricia J. Sheridan, and five nieces and nephews.



## WORKERS' COMPENSATION RI & MA



John F. Cascione, Esquire

226 South Main Street  
Providence, RI 02903  
401.751.5522

information@coialepore.com

*Attorney To Attorney Referrals*

## *Business Valuation Services*

Thoughtful & Credible Assessments of Value



# BVS

**BARRETT VALUATION SERVICES, INC.**

*The Business Valuation Advisors*

### **BUSINESS VALUATIONS FOR**

*Estate and Gift Planning*

*Federal Estate Tax Reporting*

*Marital Dissolution*

*Shareholder Disputes*

**John E. Barrett, Jr., CPA, ABV, CBA, CVA**

989 Reservoir Avenue, Cranston, RI 02910

Tel: (401) 942-3900

Email: jbarrettval@hotmail.com

Visit our website resource page at

[www.barrettvaluation.com](http://www.barrettvaluation.com)

## Law Offices Of **Michael W. Favicchio**

Favilaw.com

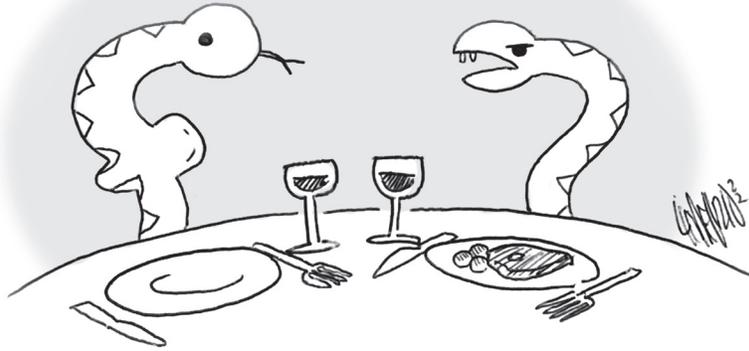
- Assisting Clients in Florida
- Real Estate Buying & Selling
- Estate Planning & Probate

8685 Potter Park Dr.  
Sarasota, FL 34238  
(941) 479-0529  
Mike@favilaw.com

107 Warwick Ave.  
Cranston, RI 2905  
(401) 739-4500  
Mike@favilaw.com

# 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.



Winning caption for  
July/August



"Old man! I'm only 35!  
If you're going to take my wallet,  
at least look at the ID."

MICHAEL M. GOLDBERG, ESQ.

**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](mailto:ecute@ribar.com) with "Caption Contest for September/October" in the subject line.

**Deadline for entry:** Contest entries must be submitted by October 1st, 2022.

*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.*

## Advertiser Index

Ajotian, Charles –	
1031 Exchange Services . . . . .	26
Alliant Title and Escrow – Florida . . . . .	27
Arbitrator – Nicholas Trott Long . . . . .	10
Balsofire & Company, Ltd. – Forensic Accounting, Litigation Support . . . . .	16
Barrett Valuation Services, Inc. . . . .	33
Briden, James – Immigration Law . . . . .	12
Center for Mediation and Collaboration RI – Celebrating 25th Year. . . . .	21
Coia & Lepore, Ltd. – John Cascione . . . . .	33
Coia & Lepore, Ltd. – Mediation . . . . .	26
Connecticut Lawyers- Messier, Massad, Burdick & Flynn, LLC. . . . .	18,30
Dennis, Stephen – Workers' Compensation . . . . .	19
Dennis, Stephen – Associate Attorney Opening . . . . .	19
Domain Properties – Professional Office Space . . . . .	18
Enright Law LLC . . . . .	14
Humphrey, Richard – Law Offices . . . . .	30
Lavoie Law LLC . . . . .	14
Law Offices of Michael W. Favicchio . . . . .	33
LawPay . . . . .	Back Cover
Leone Law, LLC – Anthony R. Leone II . . . . .	18
Marasco & Nesselbush – Personal Injury Law Firm . . . . .	27
Mignanelli & Associates, LTD. – Estate Litigation . . . . .	12
Morowitz, David – Law Firm . . . . .	8
Palumbo, Richard – Condominium Law . . . . .	10
Palumbo, Richard – Property Damage & Insurance . . . . .	6
PellCorp Investigative Group, LLC . . . . .	17
Prieffer, Mark – Alternate Dispute Resolution . . . . .	24
Purcell, Jim – ADR . . . . .	17
Red Cave Legal Consulting . . . . .	13
Secure Future Tech Solutions . . . . .	13
Slip & Fall – Henry S. Monti . . . . .	24
Soss, Marc – Florida Estates/Probate/ Documents. . . . .	18
Withum – Forensic & Valuation Services . . . . .	11
Workers' Compensation – Revens, Revens, & St. Pierre . . . . .	16
Zoning Handbook, 3rd Edition – Roland Chase . . . . .	27

## Lawyers on the Move

**Samuel Eckel, Esq.** is now a partner at **Duffy & Sweeney, LTD.**, 321 S. Main St #400, Providence, RI 02903.  
401-455-0700 [seckel@duffysweeney.com](mailto:seckel@duffysweeney.com) [duffysweeney.com](http://duffysweeney.com)

**Patrick A. Rogers** is now managing partner at **Hinckley Allen**, 100 Westminster Street, Suite 1500, Providence, RI 02903.  
401-457-5176 [progers@hinckleyallen.com](mailto:progers@hinckleyallen.com) [hinckleyallen.com](http://hinckleyallen.com)

**Cheryl L. Shaw** is now a counsel at **Day Pitney LLP**, One Financial Plaza, Suite 2200, Providence, RI 02903.  
401-283-1220 [cshaw@daypitney.com](mailto:cshaw@daypitney.com) [daypitney.com](http://daypitney.com)

## Establish Yourself As An Expert in An Area of Law

You have a lot to share, and your colleagues appreciate learning from you. We are always in need of scholarly discourses and articles, and we also encourage point-counterpoint pieces. Or, if you have recently given, or you are planning on developing a Continuing Legal Education seminar, please consider sharing your information through a related article in the *Rhode Island Bar Journal*. While you reached a classroom of attorneys with your CLE seminar, there is also a larger audience among the over 6,500 lawyers, judges, and other *Journal* subscribers, many of whom are equally interested in what you have to share. For more information on our article selection criteria, please visit the Bar's website, under News and *Bar Journal*, and click *Bar Journal* Homepage. The Editorial Statement and Selection Criteria is also on page 4 of every issue. Please contact Communications Director Erin Cute at 401-421-5740 or [ecute@ribar.com](mailto:ecute@ribar.com) if you have any questions.



# THE IMPORTANCE OF DISCONNECTING

Whether your vacation has come and gone, or is still on the horizon, make sure to find ways and time to disconnect from work. Living in such a connected world makes it hard to unplug and resist the urge to check work email.

**68%** of Americans use their smartphones for work during personal downtime

**55%** of workers feel pressure to respond to work emails while on vacation

It's no surprise that more than half of all workers report experiencing burnout. When burned out, you're emotionally exhausted. Disconnecting can help this battle and bring these rewards:

- **Reduce stress:** always being available leads to emotional and psychological stress. Inability to disconnect leads to higher fatigue and burnout
- **Improve relationships:** always being available for work reduces your mental capacity to invest in important relationships like your spouse, kids, and friends
- **Be better at your job:** you need a break to reset and refresh. Even evening and weekend breaks help you come back with new perspectives and motivation.
- **Combat unhealthy emotions:** competition at work, and the need to constantly be at your best, can lead to increased feelings of jealousy or anger.
- **Find work-life balance:** try setting a cut-off time at night, or days of the week. Create time for yourself and your needs outside of work.

## TIPS FOR SELF-CARE EACH DAY

- Take breaks. Unwind through yoga, meditation, gardening, music or other hobbies
- Connect with the people important in your life (family, friends, church, support networks)
- Get physical exercise to lessen fatigue, anxiety and depression
- Make healthy food choices
- Get enough sleep



Your Lawyer Assistance Program is here to help you as you navigate life's challenges. If you are a member of the Rhode Island State Bar, call for confidential, caring, professional assistance 24/7

**866.482.8378**

CARING • SUPPORTIVE • CONFIDENTIAL

## Lawyers Helping Lawyers

A Rhode Island Bar Association Member Benefit. For more information, visit our website at [ribar.com](http://ribar.com), and the Do You Need Confidential Help Quick Link. Also, learn more about CorpCare, a Lawyer Assistance Program contracted by the Association to assist you at no charge.

# LAWPAY<sup>®</sup>

AN AFFINIPAY SOLUTION



Member  
Benefit  
Provider

“I love LawPay! I’m not sure why I waited so long to get it set up.

– Law Firm in Ohio

Trusted by 50,000 law firms, LawPay is a simple, secure solution that allows you to easily accept credit and eCheck payments online, in person, or through your favorite practice management tools.



22% increase in cash flow with online payments



Vetted and approved by all 50 state bars, 70+ local and specialty bars, the ABA, and the ALA



62% of bills sent online are paid in 24 hours



PAYMENT  
RECEIVED



YOUR FIRM LOGO HERE

---

Trust Payment  
IOLTA Deposit

New Case Reference

\*\*\*\* \* 9995      \*\*\*

**TOTAL: \$1,500.00**

VISA



POWERED BY  
LAWPAY

eCheck

DISCOVER

**PAY ATTORNEY**

Get started at  
[lawpay.com/riba](http://lawpay.com/riba)  
877-947-2631

Data based on an average of firm accounts receivables increases using online billing solutions.

LawPay is a registered agent of Wells Fargo Bank N.A., Concord, CA, Synovus Bank, Columbus, GA., and Fifth Third Bank, N.A., Cincinnati, OH.