

Rhode Island Bar Journal

Rhode Island Bar Association Volume 71. Number 1. July/August 2022



**Rhode Island Bar Association Officers
Bar Annual and Committee Reports
Bar Awards and Annual Meeting
View from an Arbitrator: Tips to
Increase Your Success in Arbitration**

Article

11 View from an Arbitrator: Tips to Increase Your Success in Arbitration

Laura Bottaro, Esq.



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Front Cover Photograph

The Rhode Island Convention Center is an exposition center in downtown Providence, RI. Opened in 1993, it is the largest convention center in Rhode Island. The RI Bar Association has been hosting its Annual Meeting at the Center since it opened.



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RHODE ISLAND BAR ASSOCIATION

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

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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

Rhode Island Bar Association Office

Summer Hours

Monday, **June 27th** through Friday, **Sept 2nd**

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Allow Me to Introduce Myself



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

“...my hope for this year is to keep our membership involved in Bar activities, to concentrate on fostering active participation in our subcommittees, to promote diversity, equity, and inclusion in our work, and to strive to find common ground during these trying times.”

I almost forgot how difficult it is to write this sort of article, my initial President’s Message to my colleagues. It is quite a bit different than writing a legal memorandum or preparing an outline for a jury trial. I decided that for my first message, I should begin by introducing myself.

Like many of you, I am a first-generation lawyer. Becoming a lawyer is what I wanted to do since junior high school. My father had a deep and abiding respect for lawyers, which may be the reason I became one.

One of four siblings, my childhood was spent poolside at Rocky Point, where first my father, and then my uncle, ran the concession stand near the pool. It was known as the largest saltwater swimming pool in the nation, according to legend. My mother ran an art gallery, first in Warwick with my father, then in East Greenwich. She loved books, was an outstanding bridge player and also a terrific bowler. I inherited my mother’s love of reading.

My father was a salesman and an entrepreneur, but he was never happy doing the same thing for too long (see above). He eventually transformed his career to that of a concert and entertainment promoter. One of his most iconic and memorable clients was Tiny Tim. He was very kind, smart and funny, and became a close family friend. My father loved country music, a genre that I didn’t develop a taste for until my wife, Maureen, got me hooked.

I was raised in Cranston and now live in Johnston. My parents and siblings all lived within a one-mile radius of each other. When I decided to move to Johnston in 1990, they reacted as if I were moving to the ends of the earth.

I attended the University of Rhode Island, then New England School of Law, class of 1983. I became a law clerk in the law clerk pool. I know many judges will tell you that their job is the best in the world, and if that’s the case, then being a law clerk is truly the second best. I can think of no better way to launch a legal career.

Following the pool, I began work at the newly formed Lynch & Greenfield. Secretly hoping for a marquee presence in the newly formed law firm, I casually asked Marc Greenfield what the name of the firm was going to be (with visions of it being Lynch, Greenfield & Morse). With an appro-

priate amount of sarcasm he retorted, “It’s going to be called Ropes & Gray. What do you think we’re going to call it?” In 1985, I tried my first jury trial at Lynch & Greenfield before Superior Court Justice Rodgers, not the current Justice Kristin Rodgers, but her father, Joseph F. Rodgers, Jr., before he became the presiding justice of the Superior Court.

In 1986, I migrated to McOsker, Isserlis, Davignon and Waldman. Milton Isserlis became my mentor, after threatening to fire me on the first week of the job when I didn’t follow his instructions on how to handle a particular motion on the motion calendar.

In March of 1991, I started my own firm. I have always been a solo practitioner or with one associate. I handled criminal defense work, civil and real estate litigation, social security disability, and family court work. Currently, my practice consists primarily of civil litigation in federal and state forums, with some family court work. I no longer handle criminal defense work, but greatly admire the lawyers who serve in the Public Defenders’ office, as well as those in the Attorney General’s office. I work primarily on the plaintiff’s side of personal injury litigation. I proudly served as the president of the Rhode Island Trial Lawyers Association in 2001, becoming president after Justice Daniel Procaccini took the bench as a superior court judge.

I am married to Maureen Morse, a former court stenographer from the now defunct Reporting Associates. We have one child, Noah, and we have two children from my former marriage, Gregory and Amanda. I also have two wonderful grandchildren. When I married Maureen in 1995, she became involved with Defenders of Animals and is still an active member and now serves on their Board. I promised her that I would provide pro bono legal assistance to the Defenders of Animals and have done so continuously.

I was always interested and involved in Bar

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.

activities, having been, and continuing as, a member of the Superior Court Bench Bar, the Federal Bench Bar, the Family Court Bench Bar Committees, and the House of Delegates.

My work with the Defenders of Animals has been a significant factor in leading me to the presidency of the Bar Association. In 2011, the Defenders of Animals submitted my name for nomination for the Dorothy Lohmann Community Service Award. I was one of four recipients of the award that year. I felt so proud and honored, and I resolved to continue my work with the Bar Association, and to seek a leadership position with the Executive Committee.

Many years later I learned that the multiple recipients in 2011 was a well thought-out plan hatched by Past President Lise Iwon. Lise's plan was to get as many people involved in Bar activities as possible. Her theory was that the more that people were recognized for their service, the more they would want to do. I learned this information from Lise when we served together on the 2021 Dorothy Lohmann Award Selection Committee. We were torn between two candidates, so we chose both of them. I know that both of the recipients continue to serve their community and their clients well.

So in follow up to Lise's well thought-out plan, my hope for this year is to keep our membership involved in Bar activities, to concentrate on fostering active participation in our subcommittees, to promote diversity, equity, and inclusion in our work, and to strive to find common ground during these trying times.

I think we have the most talented and the

most collegial bar membership in the country, and I truly hope that the Bar Association can help to bring out the best in each of us, both professionally and personally. Our roles as lawyers put us in a unique situation. We have been trained and given the tools necessary to help our community and our clients.

We serve our community through our participation in civic groups, governmental affairs, and charitable endeavors. We serve our clients by developing and maintaining the skills necessary for effective representation. I believe our Bar Association can help us achieve these goals through the many and varied programs developed for the common good, and those that help us professionally and personally.

I invite you to participate in these programs. If we don't have a forum suitable for your professional interests, or if you believe we are lacking an appropriate tool to help you personally or professionally, please let us know. You will find that our Bar Association staff, led by Executive Director Katy Bridge, is deeply committed to helping our membership serve the community and hone their skills.

I hope that you take advantage of all that the RI Bar Association has at your disposal, and that through the Bar Association, you actively participate in our committee work and community service.

I look forward to working with our dedicated House of Delegates, the officers and members of the Executive Committee, and with each of you. Thank you for giving me this opportunity to serve. ◇

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
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The Bar Foundation Scholarship Program



Steven J. Boyajian, Esq.
Treasurer
Rhode Island Bar Foundation

While the stories of each year's scholarship recipients are unique, they always are an inspiration to the members of the Scholarship Committee who are privileged to hear them.

For more than three decades, the Bar Foundation has administered the Thomas F. Black, Jr. Memorial Scholarships which have enabled dozens of promising Rhode Islanders to attend law school. The Black Scholarships, which now provide \$25,000 for each of two annual recipients, are awarded to applicants based upon their financial need, academic excellence, dedication to community service and abiding connections to Rhode Island that indicate the recipient is likely to join the legal community here. These scholarships have been made possible by the generosity of the Horace Kimball Foundation, the Champlin Foundation, the Nicolas J. Caldarone Foundation and the Fellows of the Foundation that have designated funds to the Bar Foundation's scholarship fund.

Beginning in 2021, the Bar Foundation was asked to administer additional scholarships thanks to the generosity of the Papitto Opportunity Connection. This year, the Bar Foundation awarded two Papitto Opportunity Connection scholarships, each in the amount of \$25,000. Applicants are evaluated on the same criteria used to award the Black Scholarships with the additional requirement that awardees be Black, Indigenous or people of color.

In each year, the Foundation's Scholarship Committee evaluates many applications, and, due mostly to the caliber of the applicants, the Committee's decisions are difficult. However, the difficult decisions lead to sometime lengthy discussions which allow us all to see qualities and accomplishments in the eventual awardees that set them apart from the crowd.

In 2022, the Bar Foundation's Scholarship Committee selected Cory Morris and Renée Cordio as recipients of the Thomas F. Black, Jr. Memorial Scholarships.

Cory is a native of Rumford and a 2018 graduate of Bishop Hendricken Academy. He completed his undergraduate studies at Washington & Lee University where he majored in math and physics graduating with a 3.77 grade point average. Among other academic accomplishments, Cory conducted research on nano-particle self-assembly under electrical currents. Cory spent his summers throughout college as a clerk in law offices filling positions usually reserved for law students.

When the COVID-19 pandemic interfered with his regular law office clerkship, Cory formed a light construction and landscape company so that he could continue to help fund his education. Those recommendations provided on Cory's behalf spoke of his extraordinary work ethic and intellectual capacity. Cory will attend Washington & Lee University Law School in the fall.

Renée Cordio is a native of Westerly. During college, Renée worked twenty to twenty-five hours per week to help fund her education. Despite this busy work schedule, she went on to graduate from Assumption College *summa cum laude* in 2021. Following graduation, Renée undertook a year of service with AmeriCorps. After her initial year of service, Renée reenlisted and now works for an organization that helps people suffering from serious mental illness pursue their educational and vocational goals. Renée has served as an intern in the offices of the Rhode Island Attorney General and United States Senator Jack Reed. Renée will attend Georgetown University School of Law in the fall.

The recipients of the Papitto Opportunity Connection Scholarships were Yelitza Montesino and Dania Polanco.

Yelitza is a 2018 graduate of Cranston East and a 2022 graduate of Providence College. A first-generation college student, Yelitza graduated 40th in her class of 1,014 students earning a cumulative grade point average of 3.92 and graduating *summa cum laude*. In eight semesters of studies her lowest grade was an A-. Yelitza explained to the committee that she took inspiration in her studies from late nights spent helping her mother prepare for the U.S. Citizenship examination during which they used a chime to celebrate correct answers and, less frequently, a buzzer for wrong answers. Yelitza has volunteered to advance the interests of immigrant communities at Dorcas International in its Victims' Rights Project through which she helps victims of domestic violence and

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Rhode Island Bar Foundation

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

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other crimes whose immigration status left them vulnerable or even captive in abusive relationships. Yelitza worked between 15 and 25 hours per week throughout her undergraduate years to fund her education. She will attend Boston University School of Law in the fall.

Dania Polanco was born in the Dominican Republic and resides in Providence. Dania earned her undergraduate degree from Providence College amassing a grade point average of 3.86 and graduating *summa cum laude*. Dania's achievements are remarkable, but are doubly so considering that her high school had a 62% graduation rate. Dania was a first-generation college student and she worked multiple jobs to help pay her educational and family living expenses. Dania has volunteered and interned in numerous organizations locally to advance the interests of immigrant, low income and minority communities. She is now a Spanish teacher at the Gordon School. In her application to the Scholarship Committee, Dania described the joy she felt as she opened her law school acceptance letter in the tin roofed home where she was raised in the Dominican countryside and how she could not have imagined the moment as a child. She will attend the law school of the City University of New York in the fall.

While the stories of each year's scholarship recipients are unique, they always are an inspiration to the members of the Scholarship Committee who are privileged to hear them. The awardees' outstanding academic achievements would be impressive under any set of circumstances, but they are all the more impressive given the challenges that awardees regularly face. Over the years, the Foundation has been able to award scholarships to students who work significant hours to fund their own undergraduate educations, who are raised by single parents, who have parents suffering health problems, who overcome their own disabilities or who have faced deportation due to their immigration status. The Foundation is able to help these Rhode Islanders realize their near boundless potential and is grateful to all of the donors who make it possible. ◇

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New Rhode Island Bar Association President and 2022-2023 Executive Officers

New Rhode Island Bar Association President

Past Rhode Island Bar Association President Lynda L. Laing passed the Bar's gavel to new Bar President Mark B. Morse, who thanked Lynda for her inspiring leadership during a challenging year and pledged to uphold and further the Bar Association's core mission and goals.



Rhode Island Bar Association 2022-2023 Executive Officers

The Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed at the 2022 Annual Meeting [l to r] Patrick A. Guida, Secretary, partner, Duffy & Sweeney, LTD; Christopher S. Gontarz, Treasurer, of counsel, Lynch & Pine; Nicole J. Benjamin, President-Elect, shareholder, Adler Pollock & Sheehan P.C.; and Mark B. Morse, Esq., President, principal, Law Office of Mark B. Morse.



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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.

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New Rhode Island Bar Association President and 2022-2023 Executive Officers' Profiles



MARK B. MORSE



NICOLE J. BENJAMIN



CHRISTOPHER S. GONTARZ



PATRICK A. GUIDA

Mark B. Morse, Esq. is President of the Rhode Island Bar Association. He graduated from the University of Rhode Island and the New England School of Law where he served as research editor of the *New England Law Review*. Mark lectures on a variety of legal issues, including ERISA litigation, evidence, subrogation liens, expert testimony, civil trial practice, the Rhode Rules of Civil Procedure, and Rhode Island domestic law. He has volunteered as a judge to the regional law school mock trial competition, and acted as chief judge for the regional competition on multiple occasions. Mark served as editor in chief of the *Rhode Island Bar Journal*. He is a member of the Family Court Bench Bar Committee, the Superior Court Bench Bar Committee, and past chair of the Superior Court Bench Bar Committee and Annual Meeting Planning Committee. He previously served on the Animal Law Committee. He also chaired the Subcommittee to Review and Revise the Rhode Island Civil Rules of Procedure enacted June 15, 2006. He is a fellow of the Rhode Island Bar Foundation. He is past president of the RI Association for Justice and presently serves on its Board of Governors. Mark is also active in the American Association for Justice and served as Chair of the State Delegates, and as a member of its Executive Committee. He has been nominated through peer recognition as a “Super Lawyer” by Thomson Reuters for twelve consecutive years in the state of Rhode Island. Mark was chosen by the Massachusetts Continuing Legal Education Commission to be co-editor of the *Discovery and Depositions Rhode Island Practice Volume* published in September 2010. The publication was honored with an ACLEA’s Best Award from the Association for Continuing Legal Education (ACLEA) for outstanding achievement in the category of Best Publication. He is legal counsel

to Defenders of Animals, the Friends of the Music Mansion, and The Feinstein Foundation. In 2011, Mark was awarded the Dorothy Lohmann Public Service Award for his work with Defenders of Animals. Mark is married with three children.

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

Christopher S. Gontarz, Esq. is the Treasurer of the Rhode Island Bar Association. He is of counsel at Lynch & Pine, Providence & Newport, concentrating on criminal defense, ethics, and profes-

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



Attorney **Philip W. Gasbarro**, a member of the Lawyer Referral Service, enthusiastically supports the program. *"The RI Bar Association's Lawyer Referral Service has become my single best referral source. In the past two years, I've received 69 referrals, all of which were screened by the staff ahead of time. For the \$100 annual fee, every attorney should be a part of the program—the results speak for themselves!"*

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 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.

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sional misconduct. He is a former Special Assistant Attorney General in the Rhode Island Department of Attorney General. He serves on the Rhode Island Supreme Court Ethics Advisory Panel and was previously a commissioner on the Rhode Island Supreme Court Judicial Tenure and Discipline Commission. He is the 2008 recipient of the Dorothy Lohmann Community Service Award and the 2017 Joseph T. Houlihan Lifetime Mentor Award. He was chairperson of the Criminal Law Bench Bar Committee and was the president of the Newport County Bar Association from 1993 to 2007. He has represented the Bar Association on numerous legislative committees involving criminal law. He was elected to the American Law Institute (ALI) in 2017. He is the author of *Sentencing in Superior Court, Guide to Superior Court Practice in Rhode Island* published by MCLE, New England. He graduated from Salve Regina University, The American University, and The New England School of Law.

Patrick A. Guida, Esq. is Secretary of the Rhode Island Bar Association. He is a partner at Duffy & Sweeney Ltd. and is part of the firm's banking and finance, business law, and real estate law teams. He has been providing legal services to institutional banking clients throughout New England for more than three decades, and previously served as in-house counsel for two major banks. In 2022, he was elected President of the American College of Commercial Finance Lawyers and named an Excellence in the Law Hall of Fame honoree by Rhode Island Lawyers Weekly. He was recognized by Best Lawyers as the 2019 "Lawyer of the Year" for Banking and Finance in the Providence metro region. He is an elected Fellow of the American College of Commercial Finance Lawyers and a member of the National Conference of Commissioners on Uniform State Laws. Patrick is a member of both the Rhode Island Bar Foundation and the American Bar Foundation. In addition to serving on the Executive Committee over the last three years, he has served on the House of Delegates for more than ten years. Patrick served as chairperson of the Annual Meeting Planning Committee in 2019 and was an active member of that Committee for several years prior to that. He has been an active and enthusiastic participant in Continuing Legal Education Committee activities since 1995. He has also been very involved as an executive in several public education related activities since 1988. ♦

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View from an Arbitrator: Tips to Increase Your Success in Arbitration



Laura Bottaro, Esq.
Law Offices of Laura Bottaro, LLC

As a matter of contractual agreement, arbitration can always be modified by subsequent agreement, with the arbitrator's approval.

Arbitration, by design, is a quick, efficient, and less formal means of private dispute resolution.¹ Lawyers have more opportunities for control in arbitration than in court. The following are best practices I have seen lawyers use to maximize outcome, and minimize expense, in arbitration.

1. Know the Rules of the Game.

Litigators look to the applicable rules of procedure. The same habit should apply in arbitration. There are three primary sources of authority in arbitration: 1) the arbitration agreement, 2) the operating rules, and 3) governing state and/or federal law.

First, look to the parties' arbitration agreement, which often states how to choose the arbitrator, limits on discovery, hearing venue, and governing law. The agreement may incorporate a set of operating rules publicly available from a dispute resolution vendor like AAA, JAMS, or FairClaims.

Second, look to the operating rules chosen by the parties. Dispute resolution vendors offer tried-and-true rules for managing the arbitration. Specific practice areas – commercial, construction, employment, labor, financial, and consumer law – have their own sets of rules. Becoming familiar with these rules, just as you would the rules of civil procedure, will put you on a level playing field and minimize procedural disputes. The rules may limit tasks taken for granted in court, like filing motions and conducting discovery.

If there are no established rules of the game, be cautious about proceeding. Parties may think they can devise their own rules, but it often doesn't work. Instead, you can propose to adopt a set of rules at the prehearing conference.

Third, the applicable state or federal arbitration acts² may address issues not covered in the agreement and rules. These "gap fillers," for example, have rules on issuing a summons for a nonparty witness to appear and bring documents to a hearing.³ The arbitrator's authority to enforce a summons over a nonparty witness is questionable. In the face of noncompliance, you can petition the court to compel attendance under the framework laid out in these acts.⁴

2. Choose the Right Arbitrator for Your Case.

One benefit of arbitration is the ability to choose a decisionmaker. Arbitrators run the gamut of experience from litigators to former judges, to nonlawyers with subject matter expertise. Each can add value to the right case. Using only one arbitrator except for the most complicated cases will save time and expense. Consider the following questions before selecting an arbitrator:

1. Is a specialized area of law or practice at play, requiring an arbitrator who has subject matter expertise either as a lawyer or nonlawyer expert?
2. Are counsel or party dynamics especially difficult, requiring an arbitrator with litigation experience who can manage these dynamics?
3. Do the parties desire more creative hearing processes that a former practitioner can apply, or closer adherence to legal and evidence rules that a former judge may apply?
4. Would the client's confidence be enhanced by an arbitrator of a particular personal or professional background?
5. Has the arbitrator practiced on both sides of the "v" to ensure neutrality?
6. What is the arbitrator's track record on timing to get to resolution, billing, and flexibility?

Once you have identified the criteria, how do you find the right arbitrator? Aside from referrals, go online, of course. LinkedIn is an increasingly helpful search engine for qualified arbitrators. Dispute resolution vendors vet and approve arbitrators and carry their resumes, often on their websites. It is acceptable for a lawyer to call and interview an arbitrator candidate. Any *ex parte* communications should be limited to the candidate's expertise, case management style, willingness to serve, and conflicts, without discussing the merits of the case.⁵

Ask the arbitrator candidate to disclose potential conflicts before the appointment. The parties can agree to waive potential conflicts. Getting

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Bar Association Mentor Programs: New Veterans Category

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 career. Over the years, the Bar Association has matched numerous new members with seasoned attorneys, and we would like to refresh our directory.

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

We have revised this Application to include a sizeable list of practice areas, including a new category for Veterans. We are seeking attorney mentors in this area who are currently serving or have served in the military as they transition to civilian legal practice.

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 web site, to help members receive timely and direct volunteer assistance with practice-related questions.

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

approval from the client for the arbitrator candidate, knowing potential conflicts, helps with the client at the back end of a disappointing outcome to at least accept the process, if not the outcome.

3. Narrow the Issues with Opposing Counsel.

By working with opposing counsel, you can maximize your input on prehearing and hearing procedures. Arbitrators like to say: "where both parties agree, the arbitrator should not get in the way." Certainly, the arbitrator is the final authority in managing the arbitration. But I defer to reasonable party agreements that reflect the values of arbitration: fairness, efficiency, flexibility, and speed. As a matter of contractual agreement, arbitration can always be modified by subsequent agreement, with the arbitrator's approval. I encourage agreements on timing of the hearing, venue, and scope of discovery.

4. Prepare for the Preliminary Conference to Obtain a Practical Scheduling Order.

The end product of the preliminary conference is a scheduling order that will efficiently move forward towards a hearing. Here is information I find helpful for you to bring to the conference:

- your and your clients' availability,
- a list of your most essential discovery,
- ideas on structuring the hearing for greatest impact to the arbitrator and most convenience to the clients and witnesses,
- areas of agreement with opposing counsel on modified prehearing and hearing procedures,
- anticipated areas of disagreement, and
- anticipated motion practice that may need preapproval before filing.

At the conference you can introduce yourself and your client, so be prepared. This is also the time to manage clients' expectations about what arbitration is (efficient, streamlined) and is not (court litigation).

At the conference, I request a summary of key facts and the parties' positions. Unlike in court, the initial filings – arbitration demand and response – are often sparse, lacking an itemized statement of claims and defenses. You can use this conference to flesh out the issues and share what your client needs to feel validated. Do you have a client who cannot travel due to age or infirmity, requiring a hybrid hearing? Do you anticipate difficulty during document exchange and could benefit from quick responses to email for prehearing disputes? Do parallel proceedings require hearing dates that avoid overlapping rulings? Attempt to reach agreement on as many procedural issues as possible. You can use the arbitrator to fill in gaps and help you enforce the parties' agreements.

5. Don't Expect Federal Court Discovery.

A common mistake of lawyers less familiar with arbitration is to expect court-style discovery. The most frequently used commercial rules allow document exchange and nothing more. Depositions and expert discovery are not provided for. This is not to say that you cannot request additional discovery – for the right case with the right reasons. And having your opponent agree will go a long way toward getting the arbitrator's approval.

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6. Use Dispositive Motions Sparingly.

Arbitrators have broad discretion to allow or deny the filing of dispositive motions. Most rules allow filing when a motion is likely to succeed and narrow or dispose of issues in the case. Deciding the motion before a hearing may save the parties time and expense if a clear result is dictated by law or an inability to establish a factual or legal issue. As with all procedures, the arbitrator must balance the goals of efficiency with giving the parties a full and fair opportunity to be heard. When in doubt, most arbitrators will let the parties go to a hearing. In other words, think about filing a dispositive motion only when the other side has no chance.

7. Use Technology to Enhance Your Case.

Technology can save cost and convenience for your client. Arbitration offers the flexibility to use technology *ad hoc*. I encourage hybrid or fully virtual hearings for the right case, for example, when witnesses live around the country. You can best advocate for your client by becoming tech savvy – or bringing a tech savvy assistant – to the hearing. You will want to seamlessly enlarge exhibits on the screen, highlight documents for witnesses, and set exhibits side by side for comparison.

The arbitrator – and counsel, as to client-witnesses – should enforce procedures to ensure the integrity of the virtual witness' testimony. A witness should be alone (other than counsel), without notes, using the exact same set of exhibits as everyone else.⁶ The camera should be set to view all room attendees to ensure that the witness is not getting help during questioning. You don't want to risk limiting the value of key testimony by letting a witness testify without these simple procedures.

8. Use Creative Hearing Practices for the Greatest Impact.

Another common mistake is over lawyering the hearing. Treating the arbitration like a court trial will unnecessarily delay an award and increase cost. Arbitrators are practical and paid for their time. You can best advocate by limiting claims and defenses to those most crucial.

Minimize hearing time and expense by preparing joint exhibits and foundational facts to share with the arbitrator before the hearing. Opening statements can then be limited to the facts and issues in dispute.

Plan the presentation of your evidence creatively to have the greatest impact on the arbitrator. Arbitrators have wide latitude in the flow of the hearing. For example, consider letting competing experts meet in advance to hammer out areas on which they agree, saving disputes for the hearing. Then, by presenting both sides' experts back-to-back, or simultaneously, the arbitrator can hear responses to the same lines of inquiry in a logical fashion.⁷ For the case with many small claims, develop procedures to group these claims and streamline their presentation at the hearing. A singular presentation for each claim may not be cost effective.

9. Don't Sweat the Liberal Admission of Evidence.

Arbitrators are seasoned practitioners not bound by the rules of law or evidence. This means a liberal approach to the admission of evidence. During the hearing, save your objections to testimony or evidence for only the most essential disputes. Aside from privilege, there are few objections that an arbitrator will grant to deny admission of evidence. As importantly, do not

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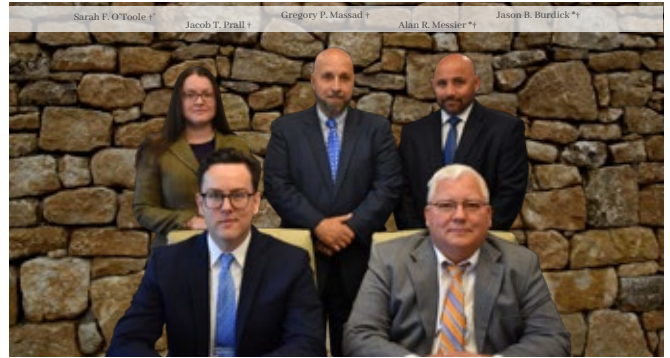
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subscribers, many of whom are equally interested in what you have to share. For more information on our article selection criteria, please visit the Bar's website, under News and *Bar Journal*, and click *Bar Journal*/Homepage. The Editorial Statement and Selection Criteria is also on page 4 of every issue. Please contact Communications Director Erin Cute at 401-421-5740 or ecute@ribar.com if you have any questions.

assume that just because the arbitrator liberally admits evidence that all evidence receives equal weight. Arbitrators rely on their experience and judgment to determine the value of evidence, particularly for matters of authenticity, relevancy, and hearsay.

10. Carefully Choose How You Challenge the Final Award.

Another benefit of arbitration is its decisive finality not otherwise available in court litigation. Before filing a motion to challenge the final award, become familiar with the limited means by which an award can be modified or vacated.

Once the arbitrator issues a final award, the doctrine of *functus officio* – “the office (the appointed task) has been performed” terminates the arbitrator’s power over the parties and their dispute.⁸ The arbitrator has no authority to revisit or revise the merits of a final award. Only clerical errors, clarifications, and supplements for issues that were submitted but not determined, are permitted bases for a motion to amend.⁹ The grounds for a court to vacate the arbitrator’s award is similarly limited to the short list found in the state and federal arbitration acts.¹⁰

Conclusion

There is no one-size-fits-all arbitration. By knowing the rules of the game, and tailoring procedures to your case, you can use arbitration to maximize the likelihood of success for your client and keep expenses under check.

ENDNOTES

1 *Purvis Sys. v. American Sys. Corp.*, 788 A.2d 1112, 1118 (R.I. 2002), and cases cited therein.

2 *The Rhode Island Arbitration Act (RIAA)*, R.I. GEN. LAWS §§ 10-3-1 – 10-3-21, and *the Federal Arbitration Act (FAA)*, 9 U.S.C. §§ 1-16, 201-208, 301-307, 401-402.

3 R.I. GEN. LAWS § 10-3-8; 9 U.S.C. § 7; *Washington Nat’l Ins. Co. v. OBEX Grp. LLC*, 958 F.3d 126 (2d. Cir. 2020) (rejecting jurisdictional and Rule 45 challenges to the court’s authority to enforce arbitrator’s summons under Section 7 of the FAA).

4 *Id.*

5 *Code of Ethics for Arbitrators in Commercial Disputes*, Canon III (ABA 2004); *The College of Commercial Arbitrators’ Guide to Best Practices in Commercial Arbitrations* 8-9 (Gaitis, James M. et al. eds., 4th ed. 2017).

6 *See, e.g.*, AAA-ICDR® *Model Order and Procedures for a Virtual Hearing via Videoconference*. https://go.adr.org/rs/294-SFS-516/images/AAA270_AAA-ICDR%20Model%20Order%20and%20Procedures%20for%20a%20Virtual%20Hearing%20via%20Videoconference.pdf

7 *CCA Guide to Best Practices* 256-57.

8 *Id.*

9 *Id.* at 326-328.

10 R.I. GEN. LAWS § 10-3-12 and 9 U.S.C. § 10; *see also Berkshire Wilton Partners, LLC v. Bilray Demolition Co., Inc.*, 91 A.3d 830, 834 (R.I. 2014) (“Rhode Island has a strong public policy in favor of the finality of arbitration awards.”); *Purvis Sys.*, 788 A.2d at 1117 (mistake of law is insufficient grounds to vacate an award). ◇

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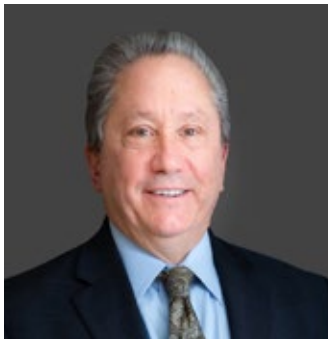
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2022 Ralph P. Semonoff Award for Professionalism

The Ralph P. Semonoff Award for Professionalism honors a member the Rhode Island Bar who has demonstrated the highest degree of professionalism with distinction in their career. The award is named for Ralph P. Semonoff who left a legacy of the law as a high calling, of justice as a defensible right, and of public service as the beacon of a life's work.



Michael R. McElroy, Esq., of McElroy & Donaldson and President of the Rhode Island Bar Foundation, is honored with the Rhode Island Bar Association's 2020 Ralph P. Semonoff Award for Professionalism. Michael graduated from University of Rhode Island in 1973 and Boston University School of Law in 1976. He received his MS from Bryant University in 1987. From 1976 through 1981, he was a trial attorney for the Tennessee Valley

Authority, the largest electric utility in the United States. From 1981 through 1985, he practiced under the firm name of O'Leary & McElroy in Providence, later renamed Schacht & McElroy, and, in 2020, McElroy & Donaldson. He was President of the Rhode Island Bar Association from 2012-2013 and has served as President of the Rhode Island Bar Foundation since 2019. He has served on various Bar committees over the years, including the House of Delegates for more than 15 years, and served as chairperson of the Superior Court Bench Bar Committee from 2003-2006. During that time, he and the Presiding Justice of the Superior Court revised the Rules of Civil Procedure and established a mandatory medical malpractice mediation program. He has served as chairperson of the Bar's Nominating Committee and the Victoria M. Almeida Servant Leader Award. He is a member of the Million Dollar Advocates Forum, which is limited to trial lawyers who have achieved a verdict or settlement of \$1,000,000 or more. Among other top rankings, he was selected as the New England "Lawyer of the Year" as published in the Wall Street Journal in 2018. Also in 2018, Mike received the Albert Nelson Lifetime Achievement Award from Marquis Who's Who. In 1981, he was appointed to serve as Special Assistant Attorney General under Attorney General Dennis Roberts II to serve as counsel to the Rhode Island Public Utilities Commission. In 1991, he was appointed by the Governor to serve as legal counsel to the State of Rhode Island Personnel Appeal Board and he served in that position through 2015. In 1997, Mike was appointed by Governor Almond to the Planning Advisory Committee that assisted in preparing the State's Master Development Plan for the Port of Galilee. In 2000, he was selected as Special Legal Counsel to the Rhode Island Ethics Commission. In 2004, Jammatt Housing and Community Development Corp., a non-profit community organization in Providence, named Mike to its Advisory Board and dedicated a room in its new community day-care facility in his name.

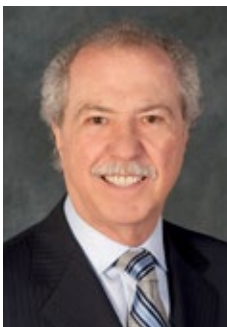
Past Bar Association President and current Bar Foundation Vice President Victoria M. Almeida writes, *He is a fine lawyer (dedicated, intelligent and skilled) and an even finer person. In fact, he is one of the most honest, ethical, caring, and compassionate persons that I know. He is someone who has dedicated his life to service, and, consequently, he serves his clients and the RIBA in the best ways possible. Mike knows how to combine hard work, common sense, and a positive attitude to create excellent working relationships. He is both a leader and a consensus builder. He has proved time and again that he will take on virtually any assignment (legal or bar association related) and will see things through to conclusion.*

Past Bar Association President Lise M. Iwon writes, *He is a truly dedicated, kind, selfless, thorough, and unflappable leader, consistently mentoring new lawyers and teaching them the importance of maintaining the integrity and dignity of the Bar. His calm, generous demeanor has made his reputation one where, he is frequently contacted by other lawyers for advice. This is quite a rare and disappearing thing in the practice, where civility isn't always the norm.*

Past Bar Association President Lauren Jones writes, *Mike manages, even in the most stressful of times, to remain calm and even-keeled. His work is often complex and detail-oriented, but he is able to take that complexity and present it to a court or agency with clarity and persuasiveness. He is extraordinarily competent in his legal work.*

Attorney Justin T. Shay writes, *Mike's dedicated community and professional service is, indeed, without equal, but the true measure of the man comes with meeting him personally. Mike's serious, but warm and engaging personality provides the unmistakable foundation for the resounding success he has achieved.*

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2022 Florence K. Murray Award

The Florence K. Murray Award is presented to a person who, by example or otherwise, has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession. The award is named in honor of the first recipient, Honorable Florence K. Murray, who, in a distinguished 56 years at the Bar, pioneered the causes of women in the law as the first woman attorney elected to the Rhode Island Senate, the first woman Justice on the Superior Court, the first woman Presiding Justice of the Superior Court, and the first woman on the Rhode Island Supreme Court.



Hon. Susan E. McGuirl, Associate Justice of the RI Superior Court (ret.), is honored with the Rhode Island Bar Association's 2020 Florence K. Murray Award. Justice McGuirl graduated with a B.A. from Rhode Island College in 1974 and from Suffolk University School of Law in 1977. She was Special Assistant Attorney General for RI from 1977-1980 and Deputy Attorney General from 1980-1984. She was partner at Cerilli, McGuirl &

Bickie from 1987 until 2001. She also served as town solicitor for Barrington from 1989-1992 and West Warwick from 1993-2001. She was Chief Justice of the Providence Housing Court from 1987-1992. In addition, over the years, she was an adjunct professor at both Providence College and Roger Williams University School of Law. Justice McGuirl was appointed Associate Justice of the RI Superior Court in 2001 presiding over criminal and civil trials. Past assignments include presiding over the Daily Criminal Calendar in Providence and Kent Counties and the Providence County Motion Calendar. She was the first Justice presiding over the State's Domestic Violence Calendar. She was co-chair of the Rhode Island Judicial Education Program 2004-2007 and a regular supervisor and mentor of law clerks under the auspices of the Rhode Island Supreme Court Law Clerk Office, law schools' Programs, the State of Rhode Island Internship Program, and Rhode Island High School Career Programs. Justice McGuirl frequently participated in educational programs organized by the RI Bar Association, National Business Institute, Attorney General's Office, and Public Defender's Office. She also coordinated a Law Day program in Providence with her law clerks for over 15 years and participated in the Mock Trial program. She is a member of the Board of Directors of China Adoption with Love, the Rhode Island Breast Cancer Coalition, the Rhode Island Women's Center, the Election Reform Commission, the Governor's Commission on Environmental Lead, the Rhode Island College President's Club, and the Providence Neighborhood Housing Trust. Justice McGuirl is the recipient of the RI Bar Association Dorothy Lohman Public Service Award, the Rhode Island Breast Cancer Coalition Recognition Award, the Rhode Island Jaycees' Woman of the Year Award, the Young Women's Christian Association's Woman of the Year Award, Rhode Island College's Alumni Award for Outstanding Young Woman of America, the Governor's Adversary Commission on Women Women's Achievement Award, and was appointed Honorary Captain of the Rhode Island State Police.

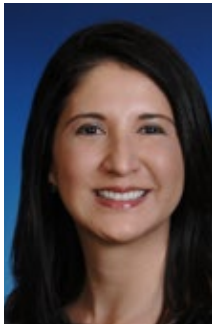
According to a letter undersigned by Justice Maureen McKenna Goldberg, Justice Erin Lynch Prata, and Justice Melissa Long: *Like Justice Murray before her, Judge McGuirl is a trailblazer who has consistently and pointedly encouraged and supported female members of the Bar – including women of color and those from disadvantaged backgrounds – who have followed in her footsteps. She made history in 1979 as the first woman to be named deputy state attorney general; in that role, she skillfully managed the prosecution of numerous cases, including the first trial of Claus von Bulow and the assault charge involving the former Providence Mayor Vincent “Buddy” Cianci. After having been appointed to the Superior Court in 2001, she presided over countless matters, always upholding her promise to “treat everyone who entered [her] courtroom fairly and to do justice.” Throughout her career, she has always been generous with her time, guidance and friendship, thus fostering the growth and success of other women around her, both attorneys and judges alike.*

Rhode Island Probate Court Listing and Judicial Communications Survey on Bar's Website

The Rhode Island Bar Association regularly updates the Rhode Island Probate Court Listing to ensure posted information is correct. [The Probate Court Listing](#) is available on the Bar's website at ribar.com by clicking on **FOR ATTORNEYS** on the home page menu and then clicking on **PROBATE COURT INFORMATION** on the dropdown menu. The Listing is 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**.

2022 Victoria M. Almeida Servant Leader Award

Named for its first recipient, Victoria M. Almeida, this Rhode Island Bar Association award is presented to an individual who demonstrates the principles and values of servant leadership and who is a beacon of light and hope to others by illuminating the path to greater justice for all. A servant leader is one who puts the needs of an organization or others before oneself. A servant leader has the innate quality of wanting to serve others and, for that reason, a servant leader takes the care to ensure the needs of others are met.



The Honorable Linda Rekas Sloan, RI Superior Court Associate Justice and Past President of the Rhode Island Bar Association, is honored with the 2022 Victoria M. Almeida Servant Leader Award. Justice Rekas Sloan was born in Taipei, Taiwan. She is a graduate of Providence College and Boston University School of Law. Prior to her appointment to the bench, she practiced law in Rhode Island, Massachusetts, and before the United

States Federal District Courts for the Districts of Rhode Island, Massachusetts, and Connecticut. During the course of her career, Linda worked or practiced in the areas of insurance defense, bankruptcy, creditors rights, receivership, corporate and

business law, real estate and title insurance at: Olenn & Penza; Salter, McGowan, Sylvia & Leonard; Orson & Brusini; Mortgage Guarantee and Title; Linda Rekas Sloan, LLC, and Fidelity National Title Group. She served as Rhode Island Bar Association President from 2017 to 2018. She was appointed to the Rhode Island Superior Court by Governor Raimondo in December 2020. Justice Rekas Sloan is a Rhode Island Bar Foundation Fellow, a member of the Rhode Island Bar Association House of Delegates, and the immediate past President of the New England Bar Association. She recently chaired the Rhode Island Bar Association Task Force on Diversity and Inclusion.

According to Past Bar Association President Lynda L. Laing, *I have worked closely with Linda over the years, and she always has RIBA close to her heart and makes every decision hoping to benefit the future of the Association. She has supported and promoted justice in our state and chaired the Diversity Equality and Inclusion Task Force. She has served many hours on behalf of the RIBA. Promoting DEI, Linda has opened the eyes of our members, helping us identify ways to advance inclusion and diverse perspectives in RIBA activities, services, and programs. She has advocated for attorneys and mentored others as lawyers and as leaders. Linda always listens to everyone and encourages others to serve alongside her to promote the RIBA. Her passion for justice for all serves her well and makes her deserving of this award.*

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2022 Volunteer Lawyer Program Continuing Service Award

Established in 1991, this award recognizes those distinguished attorneys who are past Pro Bono Publico Award recipients who have made a steadfast commitment to the administration of justice to the poor through a Rhode Island Bar Association pro bono program. Those honored for this award have continued for five or more years to provide critically needed pro bono legal assistance to those less fortunate and have contributed hundreds of pro bono hours. Other considerations include the attorney's professionalism, compassion, and commitment to public service.



Timothy J. Robenhymer, Esq., a sole practitioner in Warwick, is honored with the 2022 Continuing Service Award. His civil litigation practice includes domestic relations, personal injury, commercial litigation, contractual disputes, land use/environmental law, banking, construction, and subrogation. He is a graduate of The American University and earned his JD from The Catholic University of America Columbus School of Law. Attorney

Robenhymer is also a member of the Massachusetts Bar; Federal District Court for the Districts of Rhode Island and Massachusetts and the United States Court of Appeals for the First Circuit.

Tim joined the Volunteer Lawyer Program (VLP) in 1993 dur-

ing the Bar Association's pro bono "Challenge for Children." He received the Pro Bono Publico Award in 1998 for his dedication to providing legal assistance to the needy, especially those facing difficult and unfortunate family situations.

Throughout his remarkable 29 years as a member of the Volunteer Lawyer Program, Attorney Robenhymer has continually accepted complicated and urgent family law cases. In just the past two years, he has donated over 100 pro bono hours. One of his cases involved a connected matter that surfaced a few years later for a former client. The client's initial matter involved a divorce and spousal abuse. Two years later this former client was served with a modification for visitation and Tim did not hesitate to take the related case. His layers of understanding and compassion for those facing hardship and abuse is evident as a volunteer lawyer. His spirit of caring also extends to his donor support of the Rhode Island Blood Center.

Rhode Island Bar Journal Lauren E. Jones Writing Award

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



Steven M. Richard, Esq.



Caitlyn Horbert, Esq.

Steven M. Richard, Esq. and **Caitlyn Smith, Esq.**, of Nixon Peabody, received the 2022 Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award for their article, *Transgender Student Rights Under Title IX – The Still Evolving and Shifting Landscape*, published in the *Rhode Island Bar Journal*: Volume 70, Number 4, January/February 2022.

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

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

2022 Volunteer Lawyer Program Pro Bono Publico Awards

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



Tracy Loignon, Esq., a sole practitioner in Warwick practicing in estate planning, probate, guardianship, and small business matters, is honored with the 2022 Pro Bono Publico Award. She is a graduate of Manhattanville College and earned her law degree from Pace University School of Law.

Deciding to relaunch her legal career after raising and educating her three children, Tracy became a member of the

Rhode Island Bar in 2017. In 2019 she joined the Volunteer Lawyer Program with a specific interest in accepting guardianship matters.

Many of Attorney Loignon's cases have involved securing guardianships for parents of children with disabilities turning 18. Others have been for grandparents seeking guardianship of minors who could no longer live with their parent(s). The deep appreciation and sighs of relief by clients when guardianship is finally granted is, according to Attorney Loignon, the greatest reward of all.

Tracy's constant support and inspirational volunteerism includes speaking at Ask A Lawyer events. She also provides one on one legal advice to elderly clients at legal clinics frequently requested by statewide senior organizations. Since joining the Volunteer Lawyer Program in 2019, Attorney Loignon has donated over 186 pro bono hours!

Appreciation for Tracy's dedication to the pro bono effort is well summarized in the following Volunteer Lawyer Program client evaluation, *Attorney Loignon went above and beyond in helping us, she is wonderful!!*



John S. Simonian, Esq. is honored with the 2022 Pro Bono Publico Award. He graduated from the University of Rhode Island and received his law degree from Boston University School of Law. Throughout his career, his public service activities have included serving within the Rhode Island General Assembly, as well as being a member of the U.S. Bankruptcy Court Attorney Advisory Committee for five years. John is a longtime active mem-

ber of the National Association of Consumer Bankruptcy Attorneys and has volunteered since 2017 for the U.S. Bankruptcy Court District of Rhode Island pro bono clinic.

Attorney Simonian's unconditional commitment to the pro bono effort extends to the Bar Association's Volunteer Lawyer Program (VLP). He has been an active member of the VLP since joining in 2001. In the past few years alone, he has accepted a remarkable 25 bankruptcy cases, contributing more than 100 hours. John is even known to alert the program when he can accept a new pro bono client. He is unsure of how many individuals and families he has helped through his twenty years of being a volunteer attorney because his primary concern is helping as many as he can improve the quality of their lives.

Attorney Simonian noted the following when asked about his VLP experience, *I find it very rewarding to see the relief on worried clients' faces when they know they have an attorney who will help them to get a fresh start in life. Participating in the Volunteer Lawyer Program spreads the word that there are many good lawyers in Rhode Island who care enough to take the time to help distressed people facing troubling circumstances who otherwise would have to face adversity on their own.*

2022 Rhode Island Bar Association Honorary Members

At the 2022 Annual Meeting Luncheon held June 24th at the Rhode Island Convention Center, the Rhode Island Bar Association recognized and honored the distinguished attorneys who achieved a noteworthy 50 years of service to the legal profession in 2022.




While not all of our 2022 Honorary Members were in attendance, several were recognized at the June Annual Meeting Luncheon.

Honoring our colleagues achieving fifty years of legal service (sworn in from July 1, 1972 – June 30, 1973)

Dennis S. Baluch, Esq.
John Boyajian, Esq.
J. Scott Burns, Esq.
Barry N. Capalbo, Esq.
George M. Cappello, Esq.
Joseph B. Carty Jr., Esq.
Fernando S. Cunha, Esq.
Edward P. DeFalco, Esq.
Amato A. DeLuca, Esq.
David K. Duffell, Esq.
Brian J. Farrell, Esq.
Paul G. Farrell, Esq.
Richard K. Foster, Esq.
Joseph R. Garvey, Esq.
Russell J. Geoffrey, Esq.
Hon. Alice Bridget Gibney
Michael R. Goldenberg, Esq.
Angelica B. Gosz, Esq.
Joseph F. Lachut, Esq.
Peter V. Lacouture, Esq.
Joseph A. Lamagna, Esq.
George M. Landes, Esq.
Nicholas Trott Long, Esq.

Mary E. Masulla, Esq.
Hon. Lawrence G. McDade
John Austin Murphy, Esq.
Victor J. Orsinger, Esq.
John R. Payne Jr., Esq.
Joseph F. Penza Jr., Esq.
Arthur M. Read II, Esq.
Joseph J. Recuperero, Esq.
Joseph A. Rotella, Esq.
Edward A. Shapira, Esq.
Richard C. Tallo, Esq.
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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, Ask A Lawyer events and legal clinics during April 2022 and May 2022.

APRIL 2022

Volunteer Lawyer Program

Crystal Abreu, Esq., *Frank S. Lombardi Law Associates, P.C.*
James J. Bagley, Esq., *The Law Office of Leonard M. Cordeiro*
Barbara A. Barrow, Esq., *Moore, Virgadamo & Lynch, Ltd.*
Armando E. Batastini, Esq., *Nixon Peabody, LLP*
Michael A. Castner, Esq., *Jamestown*
Jeffrey L. Eger, Esq., *Warwick*
Peter M. Iascone, Esq., *Peter M. Iascone & Associates, LTD.*
Keith G. Langer, Esq., *Wrentham, MA*
Timothy J. Robenhymmer, Esq., *Warwick*
John S. Simonian, Esq., *Pawtucket*
Gregory P. Sorbello, Esq., *The Bottaro Law Firm, LLC*
Amanda M. Wuoti, Esq., *Westminster, MA*

Elderly Pro Bono Program

Robert A. Arabian, Esq., *Arabian Law Offices*
Joanne C. D'Ambra, Esq., *Cranston*
William J. Delaney, Esq., *The Delaney Law Firm, LLC*
Kathleen G. Di Muro, Esq., *Law Office of Kathleen G. Di Muro*
Robert H. Larder, Esq., *Woonsocket*
Doris A. Lavalley, Esq., *Lavalley Law Associates*
Frank J. Manni, Esq., *Johnston*
Robert A. Mitson, Esq., *Mitson Law Associates*
Arthur D. Parise, Esq., *Westerly*
Janne Reisch, Esq., *Janne Reisch, Attorney at Law*
Joseph D. Tudino, Esq., *Dominic Tudino, Esq. Inc.*

MAY 2022

Volunteer Lawyer Program

Crystal Abreu, Esq., *Frank S. Lombardi Law Associates, P.C.*
Michael A. Castner, Esq., *Jamestown*
Jeffrey L. Eger, Esq., *Warwick*
John J. Flanagan, Esq., *Warwick*
Edward J. Gomes, Esq., *Law Office of Edward J. Gomes*
David L. Graham, Esq., *Lincoln*
John F. Killoy, Jr. Esq., *Law Office of John F. Killoy, Jr., LLC*
Adam G. Northup, Esq., *Law Office of Adam G. Northup*
Eileen C. O'Shaughnessy, Esq., *Stewart Title Guaranty Company*
Arthur D. Parise, Esq., *Warwick*
Megan E. Sheehan, Esq., *Sheehan & Associates, LLC*

Elderly Pro Bono Program

Crystal Abreu, Esq., *Frank S. Lombardi Law Associates, P.C.*
Armando E. Batastini, Esq., *Nixon Peabody, LLP*
Gregory S. Dias, Esq., *East Providence*
Gerald A. Francese, Esq., *Locke Lord LLP*
Lisette M. Gomes, Esq., *Pawtucket*
Felicia A. Manni-Paquette, Esq., *Azzinaro Manni-Paquette, P.C.*
Laurie A. Meier, Esq., *Providence*
Arthur D. Parise, Esq., *Warwick*
Thomas P. Quinn, Esq., *McLaughlinQuinn LLC*
Elizabeth Peterson Santilli, Esq., *Cutcliffe Archetto & Santilli*
Robert D. Watt, Jr., Esq., *Providence*

The Bar also thanks the following volunteers for helping with Ask A Lawyer events, and legal clinics during April and May.

Ask A Lawyer

Lise M. Iwon Esq., *Laurence & Iwon*

Legal Clinics

Philip Gasbarro, Esq., *Lincoln*
Tracy Loignon, Esq., *Warwick*
Jack Pitts, Esq., *Pitts & Burns*

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. 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 or **401-421-7758**. For your convenience, Public Services program applications may be accessed on the Bar's website at ribar.com and completed online.

2022 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest



Celebrating Cayetano's and Caitlyn's awards during a ceremony at the Noel Judicial Complex in Warwick were (l to r): RI Supreme Court Associate Justice and Law Day Committee Chair Gilbert V. Indeglia, Cayetano Sanchez IV, Caitlyn Holmstedt, Edward P. Gallogly Family Law Inns of Court President Timothy J. Conlon, RI Bar Association Outgoing President Lynda L. Laing, and RWU School of Law Professor of Legal Practice Colleen Brown, and Police Chiefs' Association President Chief Sean Corrigan.

The Rhode Island Law Day (RILD) Committee, with particular help from the Rhode Island Judiciary, the Rhode Island Bar Association, Roger Williams University School of Law, and the Rhode Island Police Chiefs' Association, sponsored the 2022 Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest. Open to all Rhode Island 10th, 11th, and 12th grade students, the Contest focused on *Toward a More Perfect Union: The Constitution in Times of Change*, the same topic offered through this year's RILD Classroom Programs.

Cayetano Sanchez IV, a student at East Greenwich High School, won first place in this year's contest. Cayetano received a \$1,000 scholastic award made possible through the combined generosity of the Rhode Island Bar Association and the Rhode Island Police Chiefs' Association. He also received a personalized engraved trophy cup, and his school received the Hon. Francis J. Darigan, Jr. Rhode Island Law Day Essay Contest trophy cup for a one-year display, and a permanent plaque commemorating his achievement. And, thanks to the generosity of the Edward P. Gallogly Family Law Inns of Court, a second-place winner, Caitlyn Holmstedt, a student at Toll Gate High School, was awarded a \$250 scholastic award and a personalized engraved trophy cup.



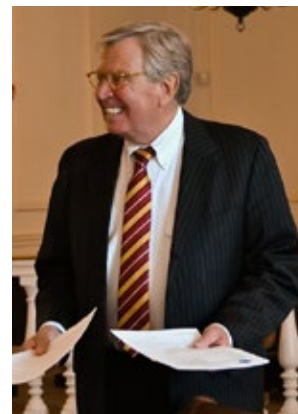
Essay contest winners Cayetano Sanchez IV and Caitlyn Holmstedt received their awards at a ceremony held at the Noel Judicial Complex in June.



Working with the Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, the Rhode Island Judiciary and the Rhode Island Bar Association organized volunteer teams of judges and lawyers who delivered law-related education programs to 70 upper and middle school classrooms throughout the state. Lesson plans, including background information, and recommended questions for student consideration, were drawn from the American Bar Association's 2022 National Law Day program topic, *Toward a More Perfect Union: The Constitution in Times of Change*, and were posted on the Bar's website for open access by lawyers, judges, teachers, students, and the news media. Participating lawyers and judges solicited student opinions, surfaced the legal issues relating to the topic, and reviewed the role of judges, lawyers, and police officers. This year's topic helped stimulate active student participation, helping students understand how laws directly affect them and the roles lawyers and judges play in administering justice.



Rhode Island Supreme Court Chief Justice Paul A. Suttell, and Rhode Island Bar Association President Mark B. Morse entertained and informed students at Classical High School classroom in Providence.



RIBA Treasurer Christopher S. Gontarz continued his annual Law Day tradition of touring the Murray Judicial Complex with students from Frank E. Thompson Middle School in Newport.

East Providence Municipal Court Judge Lisette Gomes and attorney James Bagley engaged students at East Providence High School.



RI Superior Court Associate Justice John J. Flynn and attorney Tamera Rocha discussed the Law Day topic with West Warwick High School students.



Attorney Michael Goldberg explained how the Constitution delegates power, articulates rights, and offers mechanisms for change to students at St. Augustine School in Providence.



RI Supreme Court Associate Justice William P. Robinson III went to Westerly High School to give his annual presentation to students.



Attorney Richard Sinapi kept the students attention at West Broadway Middle School in Providence.



Attorney Angelyne Cooper and Rhode Island Supreme Court Justice Melissa Long led a fun and informative lesson at St. Augustine School in Providence.



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



RI Superior Court Associate Justice Richard D. Raspallo, attorney William Connell, and teacher Natalie O'Brien delivered an energetic presentation at North Smithfield High School.

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

Rhode Island Bar Association

- Crystal Abreu, Esq.
- Stephen Angell, Esq.
- Steven Bagian, Esq.
- James Bagley, Esq.
- Andrew Berg, Esq.
- Kendra Bergeron, Esq.
- Hans Bremer, Esq.
- Charles Calenda, Esq.
- MaryJo Carr, Esq.
- William J. Connell, Esq.
- Angelyne Cooper, Esq.
- Angelyne Cooper, Esq.
- Bill Delaney, Esq.
- Marc DeSisto, Esq.
- Gina DiCenso, Esq.
- Mike DiLauro, Esq.
- Lisa Dinerman, Esq.
- Mary Cavanagh Dunn, Esq.
- Stephen Erickson, Esq.
- David Fitzpatrick, Esq.
- Merrill Friedemann, Esq.
- Philip Gasbarro, Esq.
- Philip Gasbarro, Esq.
- Lori Giarrusso, Esq.
- Jenna Giguere, Esq.
- Mike Goldberg, Esq.
- Chris Gontarz, Esq.
- Jennifer Griffith, Esq.
- Michael Hagopian, Esq.
- Gregory Henninger, Esq.
- Robert Humm, Esq.
- Caitlin Isherwood, Esq.
- John Izzo, Esq.
- Sarah Oster Kelly, Esq.
- Lynda L. Laing, Esq.
- Melissa Larsen, Esq.
- Tracy Loignon, Esq.
- Nick Long, Esq.
- Michael Lynch, Esq.
- Zachary Lyons, Esq.
- Thomas W. Lyons III, Esq.
- Mary Welsh McBurney, Esq.
- Mackenzie McBurney, Esq.
- Eric Miller, Esq.
- Sarah Miller, Esq.
- Mark Morse, Esq.
- Jerilyn Muccio, Esq.
- Jason Nystrom, Esq.
- Bob Oster, Esq.
- Diana Pearson, Esq.
- Daphne Robson, Esq.
- Tamera Rocha, Esq.
- Richard Sinapi, Esq.
- Gregory Sorbello, Esq.
- J. Patrick Youngs, Esq.

Rhode Island Judiciary

- Hon. Daniel V. Ballirano
- Hon. Karen Lynch Bernard
- Hon. Alberto Aponte Cardona
- Hon. Alberto Aponte Cardona
- Hon. Keith Cardoza
- Hon. Williams E. Carnes
- Hon. Alfredo T. Conte
- Hon. Brian Van Couyghen
- Hon. R. David Cruise
- Hon. Richard P. D'Addario
- Hon. Francis J. Darigan, Jr.
- Hon. Michael DiChiro
- Hon. Melissa R. Dubose
- Hon. Denise Finkelman
- Hon. John J. Flynn
- Hon. Brian A. Goldman
- Hon. Lisette M. Gomes
- Hon. Alan Goulart
- Hon. Colleen M. Hastings
- Hon. James Howe
- Hon. Gilbert Indeglia
- Hon. Stephen Isherwood
- Hon. Paul T. Jones
- Hon. Jeffrey A. Lanphear
- Hon. Richard A. Licht
- Hon. Valentino Lombardi
- Hon. Melissa A. Long
- Hon. Gina K. Lopes
- Hon. Luis M. Matos
- Hon. John F. McBurney III
- Hon. Mary E. McCaffrey
- Hon. Jeanine P. McConaghy
- Hon. Kevin F. McHugh
- Hon. Richard A. Merola
- Hon. Joseph A. Montalbano
- Hon. Shilpa Naik
- Hon. Edward H. Newman
- Hon. Stephen P. Nugent
- Hon. Patrick J. O'Neill
- Hon. Angela M. Paulhus
- Hon. Susan M. Pepin Fay
- Hon. Erin Lynch Prata
- Hon. Richard D. Raspallo
- Hon. Kevin Reall
- Hon. William P. Robinson III
- Hon. Linda Rekas Sloan
- Hon. Christopher K. Smith
- Hon. Matthew Smith
- Hon. Paul A. Suttell
- Hon. Sarah Taft-Carter
- Hon. William Trezvant
- Hon. Erika Kruse Weller

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

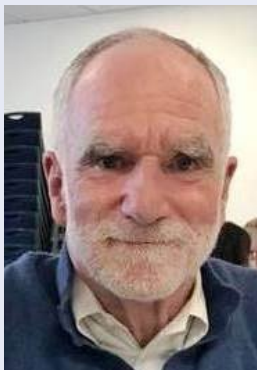
- Title VII as it relates to students/schools
- Equal opportunity and affirmative action

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, 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 or **401-421-5740**.



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 ■
 Mediator

Nicholas Trott Long, Esq.
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nicholas@ntlong.com
www.ntlong.com

Thanks to Our CLE Speakers

The success of the Rhode Island Bar Association's Continuing Legal Education (CLE) programming relies on dedicated Bar members who volunteer hundreds of hours to prepare and present seminars every year. Their generous efforts and willingness to share their experience and expertise helps to make CLE programming relevant and practical for our Bar members. We recognize the professionalism and dedication of all CLE speakers and thank them for their contributions.



Below is a list of the Rhode Island Bar members who have participated in CLE seminars during the months of April and May.

Hon. Richard A. Licht
 Associate Justice
 RI Superior Court

Therese M. Picard, Esq.
 Bittner & Picard, LLC

Hon. John J. McConnell, Jr.
 Chief Judge
 US District Court for the District of Rhode Island

Alicia J. Samolis, Esq.
 Partridge Snow & Hahn, LLP

Hon. Brian P. Stern
 Associate Justice
 RI Superior Court

Timothy J. Morgan, Esq.
 Law Office of Timothy J. Morgan

Joshua D. Xavier, Esq.
 Partridge Snow & Hahn, LLP

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Rhode Island
Bar Association
2021-2022

ANNUAL REPORT

Report of the Executive Director on 2021-2022

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



Lynda L. Laing
President

Kathleen M. Bridge
Executive Director

It is my pleasure to submit the Annual Report for 2021-2022. The Association's membership, leadership, and staff worked consistently to meet the goals embodied in our mission to represent the legal profession, serve the public, and promote justice, professional excellence, and respect for the law.

We continue to place the highest priority on educating our membership and the public about our positions, activities, and services. We built upon already exceptional relationships with the Judiciary, legal service providers, and the public.

The last year and a half have brought many challenges to the organization, as they have to everyone. Early on we encouraged our members to take the necessary steps to protect health and wellbeing while also protecting their businesses. Committee chairpersons and continuing legal education presenters were given an option to host meetings and programs virtually or in a hybrid manner. Regular updates were sent by the President updating members on the status of court operations, including municipal and probate operations around the state. Our dedicated President Lynda L. Laing worked tirelessly to protect, assist, and respond to the members and the courts.

Our law practice management member benefit was particularly helpful during this period of "virtual" law practice. Many members used the free services of our consultant,

Jared Correia of Red Cave Law Firm Consulting. We are very pleased that we continue to offer this opportunity to our members which we believe will help you optimize your practice, become more effective and efficient, and make the best business decisions for your particular situation. Our free, non-credit, technology program series, Compare & Contrast, brought to you by Mr. Correia in collaboration with the Bar's Technology in the Practice Committee, reviewed different law-related products and services, and each webinar focused on a certain topic. In just 30 minutes, the presenters discuss what makes the most sense for members depending on practice size and budget. All programs were recorded and are available on the Bar's website on the Law Practice Management page.

Diversity, Equity, and Inclusion

President Laing worked hard to advance the Bar's diversity, equity, and inclusion agenda, which was developed following recommendations from our Task Force on Diversity and Inclusion. On June 11, 2020, following an increasing call to action from bar associations across the country to prioritize diversity and inclusion efforts, the RIBA Executive Committee approved the establishment of the RIBA Diversity and Inclusion Task Force. The Task Force was charged, in part, with identifying ways to advance inclusion and diverse perspectives in RIBA activities, services, and programs, and proposing steps to advance Association leadership opportunities to attorneys of diverse backgrounds. The Task Force created four focus areas: leadership/pipeline, messaging/

communication, outreach, and education. In August 2021, the Task Force submitted a Report of Recommendations to the Executive Committee for consideration. Following recent mandatory bar challenges, the Report was sent to the Task Force on RIBA Governance & Structure to determine whether the recommendations were germane or non-germane to the mandatory bar. On December 7, 2021, a special meeting of the Executive Committee was held to review the Report of Recommendations and establish an action agenda (DEI agenda). Some recommendations were pushed to the January EC meeting for review pending further modifications. Among the approved items included in the DEI agenda:

- Release survey summary and condensed results to RIBA membership and RI Judiciary
- Establish Task Force as regular committee
- DEI Pledge
- DEI section on the website
- DEI Leadership Checklist
- New Law Related Education Categories related to DEI
- Additional language on bar awards nomination criteria welcoming nominations from candidates of diverse backgrounds
- Additional language on CLE and AM proposal forms to consider diversity on panels and in content/material
- Free attendance at CLE programs for law student members to promote future relationship with RIBA
- New DEI Trailblazer Award
- RIBA staff liaisons for DEI related inquiries
- Establish points of contact at affinity bar associations and legal organizations for DEI-related purposes

One recommendation that had to be voted on by the RIBA House of Delegates was RIBA support of a mandatory requirement for DEI-related MCLE as part of the current 10-credit requirement for attorneys. Understanding the RI Supreme Court MCLE Commission's historical role in overseeing all activities related to MCLE requirements for attorneys, the Delegates voted to support the recommendation through a letter to Chief Justice Suttell. Chief Justice Suttell advised us that the letter was forwarded to the MCLE Commission chairperson for their consideration, for which the Bar's leadership is incredibly appreciative.

The leadership looks forward to continuing efforts to promote DEI within the Bar through the new DEI Committee.

Wellness

The Association continues to place great emphasis on attorney wellness. In addition to serving clients, lawyers must

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

President Laing organized a Well-Being Week May 2-6, 2022 following the Institute for Well-Being in Law's annual event. Resources, programs, and information were disseminated to members each day throughout the week as well as several free, non-credit wellness programs via email newsletters. An announcement email was sent to members in late April highlighting the upcoming week's activities. We offered a yoga program, mindfulness programs, a financial planning program, and even a well-attended program on civility. We hope to continue this event in future years as feedback from participating members was overwhelmingly positive.

Bar Association Offices

We are committed to high standards of cleanliness and will provide hand sanitizers, masks, and tissues in high-traffic areas and event spaces during committee meetings and CLE programs. We will continue to monitor the CDC-recommended guidelines related to COVID-19 and to keep you informed of our ongoing measures to ensure the health and safety of our members and staff. Thank you for your cooperation.

Bar Committees

We have exceptionally strong standing and special committees. Over sixteen hundred Bar Association members serve on Bar Committees. All the work our members contribute through our committees forms the backbone of the Rhode Island Bar Association. Throughout the year, our committees welcomed 23 different guest speakers at their meet-

Report of the Executive Director on 2021-2022

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

Rhode Island Bar Journal

The RI Bar Journal has been produced as a digital magazine since the September/October 2020 issue. These digital issues are only available to members who log in to the website. The issue is also emailed to all members and is accessible through Flipsnack. Members may also easily download and print a copy from our website if they prefer a hard copy.

The RIBA Task Force on Governance and Structure met on December 1, 2021. One of the topics of consideration was what recommendations, if any, should the Task Force make with respect to the publication of articles and other items in the Rhode Island Bar Journal ("RIBJ"). That discussion focused on recent case-law wherein federal courts have questioned whether the publication of certain articles in *Bar Journals* may violate the associational rights of members of the compulsory publishing Bar Associations. The Task Force concluded that publication of the RIBJ is germane, as one of the central purposes of the RIBJ is providing information and education about the law and the legal profession. Following the Task Force's recommendations, the Bar Journal disclaimer is featured more prominently with the Journal and on all articles, editorials, columns, and book reviews, through a footnote on the first page of each, and to the page containing letters from members.

Continuing Legal Education

Professional Development: The educational programs sponsored by the Association are led by a dedicated CLE Committee and diligent staff. The CLE Department hosted 50 live programs with over 1,200 in attendance. Seminar attendees welcomed a wide range of topics offered during the year, including seminars on the motion calendar, medical malpractice pre-trial calendar, improving discovery procedures in criminal cases, business calendar, probation termination calendar, valuing and selling a law practice, and hiring law firm employees.

The Bar Association's CLE year kicked off in August and September with the annual AON Attorneys' Advantage **free ethics seminar**, providing all Bar members the opportunity to earn two (2) free ethics credits. This seminar was offered three times: twice via Zoom and once in person at Rhodes-on-the-Pawtuxet. The speaker, Larry Cohen, presented **An Ethical Day at the Movies** and used movie and film clips to discuss ethical issues in the law. In total, 400 members attended the thought-provoking and interactive programs.

Aside from our partnership with AON Affinity, with our Public Services Department and Bar committees, we have been able to offer a total of seven (7) **free MCLE credits** to our members this past year. Areas covered by the programming included client communication, dabbling and other ethical issues lawyers face, the CARES Act, RI Public notary training, and anti-discrimination law. The coming year's free **AON ethics program** speaker will be Professor Heidi Brown, who will focus on civility.

This year's **Annual Meeting** was held on June 23 and 24 at the Rhode Island Convention Center, our first in-person Meeting since 2019! The Thursday morning plenary speakers were the Honorable Melissa A. Long, Associate Justice of the Rhode Island Supreme Court; the Honorable Linda Rekas Sloan, Associate Justice of the Rhode Island Superior Court; the Honorable Lia N. Stuhlsatz, Associate Justice of the Rhode Island Family Court; and attorneys Hamza Chaudary and Josh Xavier. The panel discussed the value of multiculturalism and representation in all aspects of the legal system, including the legal workforce and Rhode Island Judiciary, and addressed how organizations can attract and retain employees from a broad range of backgrounds. Panelists also described the mission and work of the Supreme Court Committee on Racial and Ethnic Fairness in the Courts, as well as the Rhode Island Bar Association's Task Force on Diversity and Inclusion.

Our Friday afternoon plenary presentation featured award-

winning trial attorneys Keith and Dana Cutler, partners in the law firm of James W. Tippin & Associates in Kansas City, Missouri, and co-judges on the two-time Emmy-nominated, nationally syndicated daytime television courtroom show “Couples Court with the Cutlers.” The speakers discussed some of the things that can get in the way of Authentic Inclusiveness, like micro-aggressions, implicit bias, and good intentions gone bad.

Other workshops at the Annual Meeting included 2022 Estate Planning for Rhode Island Residents and Florida Snowbirds; Practical Guidance on the 2021 Rhode Island Pay Equity Law; The Britney Effect: Protect Decision-Making Rights with Supported Decision-Making, a New Alternative to Guardianship in RI; Rhode Island Mechanic’s Lien Law: Procedure and Process; Medicaid Crisis Planning; Eliminating Bias from Your Writing; Foreclosure Post-Pandemic; and RI Real Estate Title Standards and Real Estate Conveyances.

Since we were not able to go forward with our Ada Sawyer Centennial Event originally scheduled in 2020, we inducted Ada into the RI Heritage Hall of Fame at the Friday Annual Meeting Luncheon in addition to the usual Luncheon events. There was also a display table featuring Ada and her accomplishments as well as highlighting women’s history.

2022 Annual Rhode Island Bar Association Awards Winners

- › **Ralph P. Semonoff Award For Professionalism** – Michael R. McElroy Esq. – Presented to an attorney who has, by his or her ethical and personal conduct, commitment and activities exemplified, for fellow Rhode Island attorneys, the epitome of professionalism in the law, advancing the calling of professional practice through leadership, high standards of integrity, commitment, and dedication.
- › **Florence K. Murray Award** – Hon. Susan E. McGuirl – Presented to a person who by example or otherwise has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession.
- › **Victoria M. Almeida Servant Leader Award** – Hon. Linda Rekas Sloan – Presented to an individual who demonstrates the principles and values of servant leadership and who is a beacon of light and hope to others by illuminating the path to greater justice for all. A servant leader is one who puts the needs of an organization or others before oneself. A servant leader has the innate quality of wanting to serve others and, for that reason, takes the care to ensure the needs of others are met.

- › **2020 Pro Bono Awards** – Since 1987, Pro Bono Awards have recognized the outstanding efforts of those who provide equal access to justice to the poor through a Rhode Island Bar Association pro bono program. Recipients demonstrate dedication to the administration of justice, professionalism, compassion, and commitment to public service.

Pro Bono Publico – Tracy Loignon, Esq.

Pro Bono Publico – John Simonian, Esq.

Continuing Service Award – Timothy Robenhymmer, Esq.

- › **2020 Rhode Island Bar Journal Lauren E. Jones Writing Award** – Steven M. Richard, Esq. and Caitlyn Smith, Esq., of Nixon Peabody, received the 2022 Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award for their article, *Transgender Student Rights Under Title IX – The Still Evolving and Shifting Landscape*. The award is named for Lauren E. Jones, Esq., and is presented for authoring an article based on presentation, information content, legal significance, and accuracy and depth of research.

New England Bar Association

The RIBA hosted the 2021 New England Bar Association (NEBA) Annual Meeting October 28-30, 2021 at the Bristol Harbor Inn. NEBA is a leadership network group whose members are leaders from the six New England bars. The event featured a variety of programs about the major issues affecting lawyers and the legal profession including Post-Pandemic Future of the Courts, featuring judges and/or court administrators from several New England states; From Statement to Action on Racial Justice, featuring the Chief Justices from the six New England states; and Expanding Challenges to Attorney Wellness in the Face of the Pandemic, featuring disciplinary counsel from two New England states. The plenary session, Real Talk: Implicit Bias and Microaggressions & Other Work Missteps, featured award-winning trial attorney Dana Tippin Cutler. The interactive program focused on issues of implicit bias; micro-aggressions; and other attitudes or actions that impede goals of inclusion and diversity in the profession.

Membership Benefits

Casemaker and **Fastcase** merged in January of 2021 and united their shared mission to democratize the law. **Fastcase** is a Web-based legal research system offered to our members for free (\$950 value). During the transition, members were directed to the Fastcase Resource Library, where they can access tutorial videos, register for training webinars, and

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find answers to questions. A recent addition to the Resource Library is two guides (Casemaker4 to Fastcase & Casemaker Legal to Fastcase), where users familiar with Casemaker were able to see how the same functions work in Fastcase. More than 1.1 million lawyers nationwide subscribe to Fastcase's legal research tools. They offer primary legal research, as well as more than 750 books, treatises, and journals to their users. Fastcase also integrates with Docket Alarm's briefs, pleadings, and motions database and syncs with a mobile app on iOS and Android.

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

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

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

The Bar offers several mentorship programs to members, which were highlighted in President Laing's November/December President's Message to remind members that we have resources if they do want to move outside their usual practice area or are just starting out. We have the Online Attorney Directory which provides Bar members with the names, contact information, and Bar admission date of volunteer attorneys willing to answer questions concerning particular practice areas based on the volunteer's professional knowledge and experience. We also have a traditional mentoring program where Bar staff will pair new lawyers one-on-one with experienced volunteer mentors in order to assist with law practice management, effective client representation, and career development. And through our pro bono programs, Bar members who agree to join and take a case

can venture into a new area by taking advantage of our VLP mentor program where volunteers experienced in a particular area of law handled by the VLP will guide you through the process. The traditional mentorship program will be revised this summer to include an additional focus area for veterans and to solicit attorney mentors in this area to who are currently serving or have served in the military as they transition to civilian legal practice.

Bar staff continue to regularly update the Judicial Communications Survey and Probate Court information chart, accessible in the Members Only section of the Bar's website. Staff are also working on a Municipal Court information chart which should be posted by the end of the summer.

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

A quarterly newsletter on diversity is also produced by Bar staff with assistance from the Diversity and Inclusion Task Force. The DEI Committee will assist going forward.

Public Services

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

Our Lawyer Referral Service (LRS) fields thousands of calls from the public every year asking for assistance in obtaining an attorney. The LRS continues their efforts to increase participation of attorneys in Limited Scope panels. There is an increasing number of calls from the public who are seeking attorneys who will provide limited scope representation in a variety of areas including family law, collections, landlord/tenant, contracts, and more. Individuals contacting the LRS have asked to be referred to attorneys for many limited scope services including the preparation and filing of documents, review of contracts, and final judgments. The department is reminding LRS members that this is a great way to expand their practice and provide a needed service to the public.

2021 marked the 35th anniversary of the Rhode Island Bar Association's administration of the Volunteer Lawyer Program (VLP). In 2021, the public was assisted by volunteer attorneys with bankruptcy, collections, consumer, education,

employment, guardianships, landlord/tenant, license registry, non-profit, probate, tort defense, family law, and COVID related issues. The department focused on VLP member recruitment as usual this past year. The most effective method of recruitment and retention of current members is through sponsoring and providing the benefit of free continuing legal education. In a collaborative effort with Rhode Island Legal Services, a landlord/tenant webinar, An Overview of Tenant Protections & Strategies for Successful Results, held in May 2021 gave volunteer attorneys an up to the minute overview of tenant protections, including protections due to COVID-19. In October 2021, 25 volunteer attorneys attended the free three-credit seminar, The Cares Act & Implications for Family Law. The panelists discussed parallel issues that surface relating to child support, divorce, and their strategies for handling these matters. In addition to the free seminars sponsored by the VLP, members who contribute and report thirty-plus hours of pro bono service annually are eligible to receive CLE coupons to be used in the following calendar year.

During 2021, efforts were ongoing to communicate the availability of seasoned practitioners for any volunteer attorney interested in accepting a case in an area of law that is of interest but not part of their regular practice. The requests for mentors from VLP attorneys for pro bono cases ranged from those changing the focus of their current practice to those wanting to expand their areas of expertise.

Bar member Zachary Lyons graciously donated his time and efforts to translate all our client communications to Spanish. We also had an interpreter donate her services to assist VLP attorneys agreeing to accept a pro bono case contingent upon having the assistance of an interpreter.

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

Law Related Education

The Rhode Island Bar Association is dedicated to helping Rhode Island teachers interested in law related education (LRE) by providing volunteer lawyers for classroom presentations and as educational resources. The Association's goal is to increase public understanding of and respect for the

law and the role of lawyers and judges in the legal system. 40 schools signed up for 72 presentations, reflecting a return to pre-pandemic involvement numbers. Most Law Day presentations were held in-person on Friday, May 6, 2022. The RI Law Day Committee followed the ABA's suggested theme of *Toward a More Perfect Union: The Constitution in Times of Change*. Background information on the topic was sent to those participating and available on the Bar's website. The Law Day Committee also produced a sample PowerPoint presentation for teams to use during their presentations.

In an effort to be more inclusive, this year, the Law Day Committee made an extra effort to encourage schools who offer special education programs to participate in Law Day. A letter from President Laing was sent to these schools earlier this year.

The annual Francis J. Darigan Jr. Law Day Essay Contest call for essays was sent to media contacts and the Bar's LRE teacher database in early March. Open to all Rhode Island 10th, 11th, and 12th grade students, the Contest focused on the same topic offered through this year's RILD Classroom Programs. Two students were selected as the first and second place winners by faculty at Roger Williams University School of Law. The first place \$1,000 scholastic award is funded by the Association and the Rhode Island Police Chiefs' Association. The second place \$250 scholastic award is funded by the Edward P. Gallogly Family Law Inns of Court.

Rhode Island Bar Foundation

Through our continued partnership with the Rhode Island Bar Foundation, we are celebrating seven years in our Rhode Island Law Center! We have reduced the pressure on Association dues, allowing enhanced long-term planning, advanced technology, expanded parking, and greater meeting and event flexibility. The Foundation continues their hard work to maximize Interest on Lawyers Trust Account (IOLTA) income and assess legal needs to maximize foundation support for legal services in Rhode Island. The Rhode Island Bar Foundation also administers the Thomas F. Black, Jr. Memorial Scholarship Fund, established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise of becoming outstanding lawyers and who need financial assistance to study law. The Scholarship is named in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship, and his notable participation in civic and charitable causes. Two scholarships of \$25,000 each were awarded this spring for Rhode Island

Report of the Executive Director on 2021-2022

students entering their first year of law school. To date, 70 scholarships have been awarded to promising law students from Rhode Island. We are pleased to report that this is our 33rd year administering this program. In addition, thanks to the generosity of the Ralph R. Papitto and Barbara A. Papitto Private Family Foundation, two scholarships of \$25,000 were awarded due to law students who identify as black, indigenous, or a person of color (BIPOC). Founded in December 2020, the Papitto Opportunity Connection was formed by Barbara Papitto as a continuation of the long-time commitment she and her late husband Ralph have made to creating educational opportunities and supporting the BIPOC community in Rhode Island.

The Bar Foundation was honored with a generous donation from Hon. Thomas J. Caldarone Jr., which was used to establish an endowment for summer fellowships. As Caldarone Fellows, law school students have the opportunity to assist in providing crucial legal services to the public and in so doing, may be encouraged to pursue public service careers. This year, two students at Roger Williams University School of Law have been selected to be the recipients of the Hon. Thomas J. Caldarone, Jr. Fellowship. Both have been placed with the Rhode Island Center for Justice. Also, thanks to a generous donation from the Papitto Opportunity Connection, the Foundation was able to establish a new fellowship, the Jim Jackson Fellowship, that will be annually awarded to two deserving law students to support them in their academic journey. These fellowships will be awarded to law students who identify as BIPOC. As Bar Foundation Treasurer for 32 years, Jim's legacy of dedicated service, consistently ethical conduct, courteous demeanor, and unwavering adherence to high professional standards is a model for those students who seek a future in upholding our legal system.

My thanks to a terrific and dedicated President **Lynda L. Laing**, the hard-working Executive Committee, our committed House of Delegates, and our diligent Committee Chairpersons for their support and guidance throughout this busy year. Each member brings great perspective and leadership for the members.

Finally, I want to acknowledge and thank the staff of the Rhode Island Bar Association. We are fortunate to have these very committed individuals contributing their talent to the delivery of quality services and benefits to our members. The hard work and dedication of the entire staff is remarkable: Director of Public Services Susan Fontaine, Director of Continuing Legal Education Tanya Nieves, Director of Communications Erin Cute, Director

of Finance Renee Bourbonniere, Rhode Island Bar Foundation Program Director Theresa Gallo, Membership Services Coordinator Madeline Benner, Gatekeeper and Program Assistant Heather Chea, Office Manager Susan Cavalloro, Volunteer Lawyer Program Coordinator John Ellis, and Lawyer Referral Service Coordinators Elisa King and Caitlin Poland.

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

Rhode Island Bar Association Legislative Positions And Amicus Briefs Official Notice 2022

The Rhode Island Bar Association takes positions as a party or amicus in litigation only on matters related to the practice of law or administration of justice. The Rhode Island Bar Association restricts action on legislation either as a proponent or opponent to that related to the practice of law or administrative of justice. In 2021-2022 the Rhode Island Bar Association (RIBA) did not file as amicus curiae in any matters.

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

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

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

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

Rhode Island Bar Association Budget 2022-2023

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

2022-2023 Annual Budget

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

GENERAL FUND

(Administrative and Member Services)

Income	Budget 22/23
Bar Journal Ads & Subscriptions	\$ 38,000
Contract Service Income	53,158
Interest Income	5,000
Mailing List Income	1,000
Malpractice Prevention	25,000
Member Dues & Fees	1,200,000
Royalties & Miscellaneous	7,500
Health Insurance Royalties	15,000
	<u>\$ 1,344,658</u>
Expenses	
Awards	\$ 2,500
Bank Fees	45,000
Bar Journal	30,000
Casemaker	80,000
Clerical Assistant	500
Computer	63,000
Computer Training & Education	2,500
Consultants	2,500
Copier	7,500
Depreciation Expense	12,000
Dues & Subscriptions	6,000
Insurance	25,000
Lawyer Assistance Program	10,000
Legislative Counsel	27,500
Lobby Tax	6,500
LOMAP	12,500
Maintenance & Repair	42,000
Medical Benefits	60,000
Miscellaneous Expense	500
Office Supply & Expense	20,000
Pamphlets & Advertising	0
Payroll Tax Expense	30,000
Printing & Postage	12,000
Professional Fees	25,000
Property Tax	4,000
Public Relations	2,500
Records Management	5,500
Regular Meetings	7,500
Rent & Electricity	200,000
Retirement Plan	42,000
Salaries	420,000
Telephone	12,000
Travel	28,000
Website	20,000
	<u>\$ 1,264,000</u>
Net Income:	<u>\$ 80,658</u>

LAWYER REFERRAL SERVICE

(LRS and Public Services)

Income	Budget 22/23
Interest	\$ 250
Dues	20,000
Fees	29,000
	<u>\$ 49,250</u>
Expenses	
Medical Benefits	\$ 30,000
Office Supplies	500
Payroll Tax Expense	7,000
Printing & Postage	500
Retirement Plan	8,000
Salaries	85,000
	<u>\$ 131,000</u>
Net Income:	<u>\$ (81,750)</u>

CONTINUING LEGAL EDUCATION

(CLE Professional Development)

Income	Budget 21/23
Annual Meeting	\$ 350,000
Publications	2,500
Seminars	100,000
Miscellaneous Income	0
On-Line Income	20,000
	<u>\$ 472,500</u>
Expenses	
Annual Meeting	\$ 200,000
Bank Fees	5,000
Computer	15,000
Computer Training & Education	500
Copier	1,200
Depreciation	0
Dues & Subscriptions	500
Medical Benefits	20,000
Miscellaneous Expense	0
Office Supplies	2,500
Payroll Tax Expense	12,000
Postage	1,500
Professional Fees	0
Publications	1,500
Rent	15,000
Retirement Plan	12,900
Salaries	128,955
Seminar Expense	25,000
Travel	1,500
Website	0
	<u>\$ 443,055</u>
Net Income:	<u>\$ 29,445</u>

OPERATING BUDGET

	General Fund	LRS	CLE	Total
Income	\$ 1,344,658	\$ 49,250	\$ 472,500	\$ 1,866,408
Expense	1,264,000	131,000	443,055	1,838,055
	<u>\$ 80,658</u>	<u>\$ (81,750)</u>	<u>\$ 29,445</u>	<u>\$ 28,353</u>
Grants and Restricted Funds				
ProBono		\$ 182,018		
Elderly		52,613		
CRF		125,000		
Total:		<u>\$ 359,631</u>		
			2022-2023	
			Total Revenue	\$ 2,226,039
			Total Expense	\$ 2,197,686
				<u>\$ 28,353</u>

Rhode Island Bar Association
(A Non Profit Organization)
Statements of Financial Position*
June 30, 2021 and 2020

Assets	2021	2020
Cash and cash equivalents	\$ 1,246,206	\$ 971,728
U.S. treasury bills	5,173,505	5,270,052
Accounts receivable	37,593	111,248
Other assets	29,700	41,064
Property and equipment, net	79,079	91,405
Total Assets	\$ 6,566,083	\$ 6,485,497
Liabilities and Net Assets		
Liabilities		
Accounts payable	\$ 36,727	\$ 47,847
Accrued expenses	109,240	104,171
Deferred revenues	6,000	8,000
Total Liabilities	\$ 151,967	\$ 160,018
Net Assets		
Without donor restrictions	\$ 3,406,671	\$ 3,443,085
With donor restrictions	3,007,445	2,882,394
Total Net Assets	6,414,116	6,325,479
Total Liabilities and Net Assets	\$ 6,566,083	\$ 6,485,497

**The Statement of Financial Position on page 3 of the Audited Financial Statements for the years ended June 30, 2021 and 2020 is the official name of the Balance Sheet for a non-profit organization. Information was derived from Marcum LLP audit report dated December 2, 2020.*

Bar Association Committee Reports



Alternative Dispute Resolution Stephen J. MacGillivray, *Chair*

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

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

Our first meeting was held on April 13, 2022. A large and energetic group met primarily for the purpose of introductions, with each member describing their practice to the group. Plans were made for additional meetings, and meeting topics and future initiatives were discussed. The next scheduled meeting is set for September with the possibility of a Zoom meeting to be held at an earlier date.

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



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

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

The Committee, in association with the Rhode Island Secretary of State's Office and the Uniform Law Commission, reviewed the State's Limited Liability Company Act.

The Committee continues to work with Rhode Island Secretary of State's Office on revision of the Nonprofit Corporation Act.

Committee members also shared ideas regarding issues encountered with our respective practices, got to know each other better, and gained professional trust for each other in the process.

The Committee would benefit from greater input and a larger volunteer base. If you have interest in matters affecting

business or nonprofit organizations, we hope you will join the Committee next year. Even if you cannot attend every meeting, we believe you will find participation in this Committee gratifying and an opportunity to impact the practice of business and nonprofit law in Rhode Island.



Client Reimbursement Fund John A. Tarantino, *Chair*

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

Our experience continues to confirm that the overwhelming majority of Rhode Island lawyers are honest, caring, diligent, ethical, and deserving of their clients' trust. The Fund reimburses the losses sustained by clients who are victimized by the few Rhode Island lawyers who violate the profession's ethical standards and misappropriate funds entrusted to them. Losses reimbursed by the Fund include the theft of estate and trust assets, conversion of settlement proceeds in real estate and personal injury cases, money embezzled in investment transactions within an attorney-client relationship and the practice of law, and unearned fees paid in advance to lawyers who falsely promise, but then do not provide, legal services. The Fund Committee meets when and as necessary to review and act upon claims and to propose rules and procedures with respect to the Fund. The Committee administers the Fund, which is funded by an annual assessment of \$25 per Bar member, together with interest on the invested funds and any money collected as a result of subrogation rights against the defalcating lawyers. As a fund of grace, all claimants are required to exhaust all alternate sources of recovery before the Committee will consider claims. Since its inception in 1981, Rhode Island lawyers have reimbursed more than \$2.3 million to the victims of the few dishonest lawyers in this state. No public funds are or have been involved. Rather, these reimbursement awards are financed solely by payments from lawyers. There are currently four claims awaiting action pending the exhaustion of remedies. I will continue to keep you informed as the Fund serves the public. I am grateful for your support.



Continuing Legal Education

Krista J. Schmitz, Chair

The Continuing Legal Education Committee (CLE Committee) has come back strong this year developing virtual programming seminars for all Bar members. Working within the unique parameters of the ongoing COVID-19 pandemic, the Committee worked throughout the year

to provide relevant programs that presented the most up-to-date information available across all practice areas. This year the CLE Committee continued its commitment to diversity, equity, and inclusion by recruiting more diverse speakers than ever before.

Due to the pandemic, most CLE programs this year were presented as live webinars. The annual AON Attorneys' Advantage free ethics seminar was presented both live and via Zoom in September 2021. The CLE Committee continued the tradition of providing all Bar members with the opportunity to earn two free ethics credits. This year's speaker was Larry J. Cohen, Esq. who presented his program, "An Ethical Day at the Movies" where he used film clips, news footage, and excerpts from television and the media to showcase lawyers at their ethical best, and worst, and segue into discussions of topics including client communication, dabbling, diversity, equity and inclusion, and civility.

During the 2021-2022 programming year, the CLE Committee offered 50 live programs with over 1200 attendees. Among these innovative programs were technology seminars presented by Jared D. Correia, Esq. of Red Cave Law Firm Consulting. We were also honored to present numerous CLE programs presented by members of our Judiciary this year including Judge Stuhlsatz, Magistrate Flynn, Judge Vogel, Chief Judge McConnell, Judge Stern, and Judge Licht. Other programs presented this year included programming discussing the disciplinary process, basics on automobile accidents, real estate conveyance and tax law, forming a nonprofit organization, the open meetings act and access to public records act, hardship licenses and ignition interlock devices, employment law, child custody issues and the role of the GAL, the unauthorized practice of law, and the SECURE Act. Overall, the CLE Committee had a very successful year of programming, and we are looking forward to seeing everyone in person with a return to live programs in conjunction with our virtual programming next year.



Criminal Law Bench/Bar

Maria F. Deaton Chair

It was a pleasure to Chair the Criminal Law Bench Bar Committee for the 2021-2022 committee year. Although we continue to face certain challenges presented by the on-going pandemic, we were fortunate to have new technol-

ogy installed in the RIBA headquarters conference rooms which allowed the meetings to be held in hybrid form. This, of course, opened the meeting for more members to attend. The Committee had several speakers who educated and enlightened the Committee. Among our presenters were the Honorable Judge Richard Raspallo, Magistrate John Flynn, Assistant Attorney General Patrick Youngs, Assistant Public Defender Michael A. DiLauro and Chief Legal Counsel for the RI Department of Corrections, Nicole DiLibero. The range of topics covered included The RI Senate Discovery Task Force Report, RI Superior Court Criminal Pre-trial court protocols, Early Termination of Probation, Department of Corrections updates/protocols, updates on proposed legislation/new legislation, and many more issues impacting the Criminal Bench Bar practice.

It remains a primary goal of the Committee to increase participation from members of the Attorney General's Office, U.S. Attorney's Office, Office of the Public Defender, and private attorneys practicing in the area of criminal law. We invite all to join the Committee next year. Until then, we hope you and your families are safe, healthy, and well!



Creditors' and Debtors' Rights

Richard J. Land, Chair

With 2020 being "ancient" history and our return to regular Zoom meetings, we achieved a new normal, with a high level of participation and our characteristic engaging debates. I am honored to continue to Chair the Creditors' and Debtors' Rights Committee and greatly

appreciate the efforts and contributions of all Committee members.

Throughout the course of the year, our Superior and Supreme Courts rendered several decisions that impact our clients and the practice overall. We utilized our meetings to discuss these decisions, share information, and evaluate strategies for addressing the issues. I believe these discussions added significant value and perspective to the practice overall.

As predicted in last year's Committee Report, the addition of Judge Rekas Sloan to the Judiciary had an immediate impact. Judge Rekas Sloan's participation in receivership proceedings, with which she has significant experience, facilitated the efficient and practical resolution of matters brought before her.

As we move into the 2022-2023 year, I hope and expect that we will return to in-person meetings. With the legislative session coming to a close, I anticipate that the Committee will be evaluating new laws impacting our practice. As always, I continue to encourage Committee members to bring forth important legislative initiatives for consideration and lively debate. I look forward to working with you all through the 2022-2023 year.

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District Court Bench/Bar Meghan Barry, Chair

The District Court Bench Bar Committee had meetings with Chief Judge LaFazia and other judges to discuss the challenges facing the Court and practitioners due to the ongoing COVID restrictions. The Committee addressed potential changes in procedure and getting matters heard as efficiently as possible. We look forward to another year of working closely with the Court and the anticipated changes the next year will bring.



Environmental and Energy Law Caroline A Karp, Chair

The Bar's Environmental and Energy Law Committee (EELC) continued to offer guest lectures on emerging and relevant issues for environmental and energy law practitioners. The EELC held its regular meetings on the third Friday of the month, from September through May, from 12:30 to 2:00pm. The 2021-22 EELC met only twice in person this year due to COVID and the ease of using Zoom. Regular meetings included a guest or EELC member speaking on an issue-oriented topic coordinated by the Chair, with helpful advice from N. Davis, K. Beaver, and M. Rubin. Two workshop proposals were submitted by the EELC for the Bar's Annual Meeting: *Climate Justice: How to protect poor communities in a green economy* and *Climate Change and the Role of Municipal and Quasi-Government Agencies*. The Bar approved the second proposal, *Room for Innovation? Municipal and Quasi-Government Agencies on the Front Line of Climate Change Risk* for the Annual Meeting. Attendance was very low all year. EELC members were surveyed about the issue, and several ideas to increase attendance were discussed.

EELC SPEAKERS 2021-22

- > **Sep 24:** Michael Rubin, Esq.: Asst Atty General and Environmental Advocate (1987-2018); Member, Legislative Commission on Shoreline Access. *Rights-of-way to the Shore: How to get rid of them and how to create them*
- > **Oct 29:** Dennis Nixon, Esq. Professor Emeritus, URI Department of Marine Affairs; Director, RI Sea Grant; Member, Legislative Commn on Shoreline Access. *The Public Trust Doctrine, Littoral Rights and Public Access Along the Shore*
- > **Nov 19:** Guest Lecture: Marisa Desautel, Esq. Managing Attorney, Desautel Law. Host of *Environmentally Speaking. CRMC and the South Fork Wind Farm: Reconciling offshore wind development with the fishing industry*

- > **Dec 17:** MEETING CANCELED
- > **Jan 21:** Michael Burger, Executive Director, Sabin Center for Climate Change Law, Lecturer-in-Law at Columbia Law School; of counsel at Sher Edling LLP; and former Associate Professor at Roger Williams School of Law. *Climate Litigation*.
- > **Feb 18:** Jeff Willis (Executive Director, CRMC), Jim Boyd (Deputy Director, CRMC). *CRMC's Environmental Initiatives: The Walrus, the Carpenter and Coastal RI*
- > **Mar 18:** Nancy Davis, Esq. and Chad Cox (GZA). Nancy Davis, Esq. and Chad Cox (GZA). *Property Transactions: Due Diligence for Properties Which Include Dams*
- > **Apr 22:** Andrew Teitz, Esq., AICP. Ursillo, Teitz & Ritch, Ltd. *Resilience in the Face of Climate Change: Takings resistant municipal planning*



Ethics and Professionalism

Christy B. Durant, Co-Chair
Kyla M. Pecchia, Co-Chair



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

One of the charges of the Ethics and Professionalism Committee is to research, address, and discuss potential ethical questions facing the practice of law in Rhode Island. Often, these ethical questions are assigned to the Committee via the Bar Association Executive Committee. Similar to last year, having received no such assignments prior to the Committee's first meeting in October, Co-Chairs Durant and Pecchia presented a topic-based meeting schedule to the Committee, all of which related to ethical perils in the practice of law, and discussions surrounding the impacts of COVID-19 on the practice of law, both pros and cons, for the practitioner and the client.

This year, due to ongoing COVID restrictions, the Committee choose to meet only twice via Zoom. As has become customary for the Committee's first meeting each year, newly appointed Chief Disciplinary Counsel, Kerry Travers, Esq., addressed the Committee. This year, the topic of discussion with Ms. Travers was the impact of COVID-19 on lawyer disciplinary actions and whether or not she was beginning to see a post-COVID impact. As expected, the mandatory closures of offices and working

from home presented lawyers with unexpected challenges. Ms. Travers acknowledged that due to a decline in business some practitioners were more likely to take cases outside of their traditional practice area than they were before. There was a greater risk of practitioners acting outside the scope within which they are comfortable. Ms. Travers provided names of useful resources available to help practicing attorneys and enjoyed meeting the Committee.

At the second meeting of the year, the Committee revisited the topic of diversity and inclusion in light of the recent survey taken with the RI Bar Association on this topic. Some members of the Diversity and Inclusion Taskforce also sit on this Committee which allowed us to have an open conversation about way this Committee may be able to assist in effectuating change within the culture of the RI Bar Association to express a feeling of greater inclusivity. The Committee agreed to see how the House of Delegates for the RI Bar Association voted to proceed with the Diversity and Inclusion report before establishing a separate and independent plan.

The Committee also had a lengthy discussion surrounding the ethical behavior of practitioners during specific practices such as remote depositions, while COVID restrictions were implemented. There was a robust conversation about the significant challenges that arise when a deposition is no longer held in person. Practitioners were encountering hand gestures between counsel/clients during the testimony, and other evident coaching of the witness from counsel off camera. There was clear consensus by the Committee that standardized rules should be developed regarding remote depositions to prevent parties from taking advantage of the remote environment and interfering with witness testimony.

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



Family Court Bench/Bar
Jane F. Howlett, *Chair*

As with most activities, the Family Court Bench/Bar Committee has been stimulated by the Covid-19 pandemic. However, prior to the pandemic we had several meetings at the Bar Association's Headquarters. In October we were fortunate to have Dr. Robert Walker speak to members of the Committee. Dr. Walker founded and operates Robert A. Walker and Associates Counseling Center in Warwick, Rhode Island. Dr. Walker's focus is on individual, family, and group

therapy, and also on co-parenting counseling. Dr. Walker discussed a new counseling program which involves group therapy as well as individual therapy for co-parenting counseling. This new program allows for individuals to experience parenting issues in a group therapy session as well as allowing individuals to address their personal, particular issues in a one-on-one with their individual counselor. Thank you to Dr. Robert Walker for supporting our Committee and for offering insight into this crucial and essential component of counseling as it relates to the custodial and parenting issues involved in divorcing and separating parents.

The Committee was again fortunate to have Attorney Elizabeth Segovis offer the annual CLE on *The Tax Consequences of Divorce and Separation*. The one-credit CLE was again masterfully presented and focused on the current tax law changes and the consequences of those changes as they apply to divorce and separation. Filing status, head of household, and the changes regarding alimony were discussed in length. Thank you Attorney Segovis for your hard work and dedication to our Committee.

Committee members have received case law updates as new decisions are issued by the Supreme Court. Additionally, Committee members have been promptly notified of all Administrative Orders issued by Chief Judge Forte. Those include the changes to the calendars due to the pandemic and, most recently, Administrative Order 2020-05 addressing the continuity of operations during the public health crisis caused by Covid-19. This Administrative Order sets forth the procedures that the Family Court will utilize and addresses in-person hearings, remote hearings, Domestic, Juvenile and Child Welfare matters as well as the introduction of Exhibits at a remote hearing. The Order also addresses WebEx and Telephonic Hearings and Emergency filings. Lastly, the Order enlarges the time for the filing of an Interlocutory Decision and a Final Judgment.

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



Fee Arbitration
Henry V. Boezi III, *Chair*

During fiscal year 2021-22, seven petitions for fee arbitration were filed with the Rhode Island Bar Association. Two matters were dismissed because the Respondent was unwilling to proceed with the arbitration. Two matters were arbitrated with the Committee's assistance. One matter is still pending. The amount of fees in dispute ranged from \$775 to \$10,167.71. We continue to arbitrate controversies that could have been avoided by well-written fee agree-

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ments, sound billing practices, and/or better lawyer and client communications. The proceedings are primarily informal, serving as an alternative to litigation. Members of the Committee serve voluntarily without compensation. They are commended for their service to the Bar and the public. This program increases public confidence in the legal profession and accelerates fee dispute resolution. We continue to hope that more attorneys utilize this vehicle for fee dispute resolutions to take advantage of the benefits of the program.



Government Lawyers

Jenna Giguere, *Chair*
Kara DiPaola, *Vice-Chair*

The October meeting featured a discussion of Lean Government with guest speakers from the RI Department of Environmental Management. DEM Executive Counsel, Mary Kay, and her colleagues discussed examples of projects

that improved agency efficiency and the role of lawyers and legal review in the process.

The November meeting featured a presentation by Mary-Rose Pellegrino of the Department of Administration. With a focus on centralized procurement, the presentation covered State purchasing regulations, including the General Conditions of Purchase (liability, damages, and indemnification), as well as vendor discipline and the complaint process.

The December meeting featured speakers from the office of the Secretary of State, Lane Sparkman, and Meg Hamlin-Black, who presented highlights of Rhode Island history curated for the interest of lawyers (legal/government/political history); and how lawyers can use the State Library as a research resource.

In January, GLC sponsored a free 1-credit CLE. Attorney Kate Constance Brody of the Rhode Island Commission for Human Rights presented “Introduction to Anti-discrimination Law.” This seminar provided attendees with an overview of Rhode Island antidiscrimination laws under the jurisdiction of the Commission, specifically in the areas of employment, housing, public accommodations, credit, and delivery of services.

In February, GLC sponsored a second free 1-credit CLE. Kristen Lynch, Notary, Trademark & Authentications Program Manager of the Rhode Island Department of State presented “RI Notary Public Training.” This seminar reviewed the notarial law in Rhode Island, including the Standards of Conduct for notaries, recent changes and how to notarize safely during the pandemic, and the various types of notarial acts.

GLC always welcomes new members, including state government attorneys, municipal solicitors, and any attorneys interested in learning about topics in government practice.



Insurance Programs

Holly R. Rao, *Chair*

The Insurance Programs Committee remained available to members and fielded questions concerning the Axis professional liability program and Aon Affinity Services.

Aon continued to sponsor the annual loss prevention series of CLE programs. Last fall, the 28th annual free ethics program was presented in two live webinars and one in-person program, “An Ethical Day at the Movies.” In total, 400 members attended the thought-provoking and interactive programs.

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



Labor Law & Employment

Matthew H. Parker, *Chair*

The Labor Law & Employment Committee had another good year, and we are looking forward to even more engagement next year, hopefully with a return to in-person meetings.

On October 8, 2021, the Committee had a robust discussion regarding state and federal COVID-19 vaccination mandates and the recently-passed Rhode Island Pay Equity Law.

On December 10, 2021, the Committee welcomed Attorney John C. Bogue, Jr. from the Rhode Island Commission for Human Rights, who spoke with us regarding the Commission’s current processes, pointers for practicing before the Commission, and issues such as accommodation requests related to the pandemic and how the EEOC and the RICHR allocate responsibilities between each other when it comes to overlapping federal and state discrimination claims.

On February 11, 2022, the Committee was joined by Attorney Siobhan L. Stephens-Catala from the Rhode Island Department of Labor and Training, who updated us regarding COVID-related workers’ compensation claims, forthcoming action from the DLT under the new Pay Equity Act, COVID-related unemployment issues (e.g., claims by employees terminated for failing to comply with vaccination mandates and how the DLT is responding to fraudulent claims), and COVID-related temporary disability and caregiver insurance claims.

On April 8, 2022, the Committee held its final meeting for the year and had a good roundtable discussion regarding noteworthy issues being handled by our members and other cases to watch.



Lawyers Helping Lawyers
Nicholas Trott Long, *Chair*

The Lawyers Helping Lawyers Committee serves as a confidential resource to Bar members and their families, providing support and encouragement when needed. Committee volunteers give generously of their time to help their colleagues. Their primary role is

to lend an ear and assist in making an appropriate referral to professional resources. The communications between lawyers seeking help and members of the Committee are strictly confidential, even within the Committee itself. Lawyer-Committee member contacts are noted only for statistical purposes and no names are ever mentioned.

The RIBA contracts with Coastline EAP, which provides professional clinical assessments and facilitates getting appropriate treatment for Bar members and their family members. Coastline is available to members of the Bar and their families 24/7 and be reached at (800-445-1195) or email address intake@coastlineeap.com. The website, <https://coastlineeap.com>, contains a large database of helpful resources, which can be reached by choosing the “Employers” button and inserting the password “RI Bar.”

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

At the 2022 Annual Meeting the Lawyers Helping Lawyers Committee coordinated A Progress Report on Lawyer Well-Being. The session presented the progress made and continuing challenges in Rhode Island and the national effort to improve lawyer well-being. Moderated by Chairperson Long, it featured attorneys Stacie Collier, Cassandra Feeney, and Charlene Pratt.

The pandemic has created unprecedented opportunities for lawyers to address their well-being needs and generated a plethora of valuable resources. The AON Lawyers Professional Liability Insurance company continued to sponsor the annual loss prevention series of CLE programs. Last fall, the 28th annual free ethics program was presented in three sessions, both live and in person, “An Ethical Day at the Movies.” Approximately 400 members attended the thought-provoking and interactive live webinars.



**Lesbian, Gay, Bisexual,
& Transgender Legal Issues**
James Bagley, *Co-Chair*
Christopher J. Gerlica, *Co-Chair*

We would like to thank the Committee members for a successful year. We appreciate everyone’s efforts in attending meetings and contributing to the Committee, including helping us put together our presentation for the Annual Meeting. Further, while virtual, we continued to be a space for LGBTQ and ally attorneys to come together to discuss the needs of our growing community and what efforts can be made to foster a more engaged and thriving LGBTQ and ally legal community.



Probate and Trust
David T. Riedel, *Chair*

The Committee on Probate and Trust considers proposed changes in the legal system as they relate to the probate, trust, and estate tax areas. The Committee was active meeting three times during the 2021-2022 year. Unfortunately, our schedule had to be abbreviated due

to the COVID-19 virus and meeting difficulties caused by it. The General Assembly and its respective Committees also had abbreviated schedules. It is doubtful whether any legislation submitted or reviewed by the Committee can be taken up during the present legislative session.

The Committee consists of over one hundred members, many of whom were regular attendees and active participants at the meetings. Several probate judges were members as well, and provided a useful perspective for Committee discussions. All “virtual” meetings were well-“attended” by members, particularly in light of logistics difficulties brought on by COVID-19.

The Committee reviewed proposed legislation dealing with state estate tax modifications, the Uniform Directed Trust Act (revised and submitted by the Committee; this legislation would permit so-called “directed trusts,” which would permit a settlor to designate a person other than a trustee as responsible for trust investments), elder adult exploitation and the Uniform Real Property Transfer on Death Act. The Committee has prepared and submitted in the past, with the approval of the Bar Executive Committee, proposed legislation with respect to portability between spouses of the Rhode Island estate tax credit. All bills are being held for further study by the appropriate Committees of the House or Senate at this time, and passage is un-

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certain, as noted.

The Committee intends to pursue the directed trusts and estate tax portability legislation in the current year, if possible, and in the 2021-2022 year, if necessary. In addition, the group will consider uniform legislation on non-judicial settlements and trust decanting (the latter as an update of the current Rhode Island statute).

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



Real Estate Title Standards and Practices

John A. Comery, Chair

The Real Estate Title Standards and Practices Committee met via Zoom nine times this year with strong attendance and participation throughout. Each monthly meeting included informative presentations related to recent cases of interest to real estate practitioners, as well as lively discussions related thereto. Also discussed were numerous issues common to Committee members in their transactional practices, with an emphasis upon assisting and informing one another. The collegiality displayed among the Members continues to be inspiring.

Sincere thanks are offered to the following individuals who graciously presented cases and updates at meetings this year: Christine M. Sturtevant, Joseph Raheb, Andrew M. Cagen, Michael B. Mellion, Nancy M. Davis, Kenneth R. Rampino, Justin T. Shay, Vanessa Varone and David M. Dolbashian.

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

On May 19, 2022 the Committee participated in a tribute to past Committee Chairman, Linda Tessman, in commemoration of her retirement this year. Her kindness and involvement will be missed, but all wish her much happiness in future endeavors.

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



Superior Court Bench/Bar

Zachary Mandell, Chair

The Superior Court Bench/Bar Committee met regularly by remote means during the 2020-2021 term. This was a unique year for the Committee given the COVID-19 pandemic. The Committee, however, still managed to accomplish a number of important agenda items.

The following are a few highlights from the year:

First, the Committee was involved in working with the Superior Court as to issues surrounding the COVID-19 pandemic. During the course of the year, several Justices from the Superior Court appeared on the Committee's Zoom meetings to discuss their judicial approach to issues relating to the pandemic. The Committee discussed technological advances to help the Superior Court both during and following the COVID-19 pandemic. This discussion ultimately culminated in a letter being sent by the Committee to the Superior Court with several recommendations for the use of technology post-pandemic.

The Committee laid the framework for a new program to help assist the Superior Court with attorney assisted mediation of cases on the trial calendar. The Committee formulated a list of attorneys willing to serve as potential mediators for cases on the trial calendar. The hope for this program is to have attorneys willing to assist with the mediation of cases on the trial calendar. The Committee worked with members of the Court to formulate a plan for that program. We are hopeful this program will be able to take effect in the next calendar year.

The Committee again submitted several proposals for programs for the annual Bar Association meeting and were pleased that one of the proposals was accepted by the Annual Meeting Selection Committee.

Finally, the Committee worked with the Superior Court to discuss the implementation of the recently enacted Uniform Interstate Depositions and Discovery Act. The Committee had conversations with the Court regarding ways in which the Act could be utilized more efficiently and effectively and were able to help assist in that process.

It has been an honor and pleasure serving as the Chairperson of the Superior Court Bench/Bar Committee. I am proud of the accomplishments this year, particularly given the many issues faced during the COVID-19 pandemic. I hope that the work of the Committee has benefited both the Court and the attorneys who practice in the Superior Court. Thank you to all who helped with the Committee's work. It was a team effort. We are all looking forward to another great year ahead.



Supreme Court Bench Bar
Nicole J. Benjamin, Chair

The Supreme Court Bench Bar Committee met this year and discussed the state of appellate practice in light of the ongoing pandemic. The Committee's focus for the coming year will be on recruitment and the Committee welcomes participation from those with active ap-

pellate practices and those with an interest in appellate law. The Committee's future projects include an examination of lessons learned during the pandemic and consideration whether certain of those lessons can inform appellate practice prospectively. We are grateful for the participation of the Committee's members and we encourage anyone who is interested to join us next year.



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

As the COVID-19 pandemic continued to change the practice of law, the Technology in the Practice Committee shifted its part of its focus in 2022 to not only assisting lawyers with technology but also enhancing lawyers' capabilities with now necessary technology (e.g., WebEx and Zoom Video Conferencing software).

The Technology in the Practice Committee continued its role as a conduit between the Rhode Island Bar and the Rhode Island State Courts to

improve the Case Management System (CMS) and Electronic Filing (E-Filing) System.

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

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

The E-Filing Working Group and the Judiciary representatives will again jointly present a seminar reviewing the current status and previewing future developments relating to the CMS and E-Filing System during the 2022 Bar Association Annual Meeting.

The Committee continued to organize and moderate the E-Filing Working Group, consisting of Bar members and representatives from multiple Bar Associations Bench/Bar Committees. The E-Filing Working Group acts as a conduit between Bar

members and the Rhode Island Judiciary. The E-Filing Working Group has developed into a resource for Bar members to utilize various features of the CMS and E-Filing Systems effectively. The E-File Working Group has likewise brought Bar members' concerns relating to the systems to the Judiciary for possible resolution.

The Committee has provided reports of our progress to the Bar Association President Lynda L. Laing, who has passed along the information to the membership through the President's Messages in the Rhode Island Bar Journal, as well as through Bar Committee updates, all-member emails, and news postings on the Bar's website and social media account

Workers' Compensation Bench/Bar
William Gardner, Chair

The Workers' Compensation Court largely returned to normal this past September with the easing of COVID-19 restrictions and protocols, while the Bench/Bar Committee returned to hybrid meetings. At one of our first meetings, we were able to arrange a presentation on recent changes to the Medicare Secondary Payer Manual to provide guidance to the practitioners and members of the Judiciary on CMS' latest adjustments to Workers' Compensation Medicare Set-Aside Arrangements. In April, we were also able to resume the annual Workers' Compensation Educational Conference at the Graduate Hotel. This was well-attended and included enlightening presentations on IOD claims, marijuana in the workplace, developments in diagnostic imaging, cyber security, the use of social media in workers' compensation trials, claims management, and joint replacement surgery. Several physicians, as well as members of the Judiciary and Bar, volunteered their time and expertise to make this conference a success. While we continue to navigate the fallout from the pandemic, the Workers' Compensation Court has thus far managed to continue to hear and decide cases in an expeditious manner, while still taking measures to ensure the safety of the practitioners and parties that appear before it on a daily basis.

Rhode Island Bar Foundation 2022 Annual Meeting



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



(l-r): Treasurer Steven J. Boyajian, Esq.; Nominating Committee Chairperson Lauren E. Jones, Esq.; President Michael R. McElroy, Esq.; Vice President Victoria M. Almeida, Esq.; and Secretary Armando E. Batastini, Esq.

The Rhode Island Bar Foundation held its Annual Meeting and Fellows Luncheon on June 23, 2022 at the Rhode Island Convention Center in Providence. Foundation President Michael R. McElroy and the Board of Directors welcomed and thanked the Foundation Fellows who, through their professional, public and private careers, have demonstrated outstanding dedication to the welfare of the community and objectives of the Foundation. President McElroy expressed gratitude to the members of the Board and the hard-working Foundation Committees.

During the Luncheon, the newest Foundation Fellows, as well as representatives from organizations receiving 2022 Interest on

Lawyers Trust Account (IOLTA) grants, were recognized. This year, \$393,109 was granted for the provision of Rhode Island legal services and the administration of justice. Attorney participation in the IOLTA program accounts for the most significant source of grant revenue. The Foundation also recognized and honored the recipients of the 2022 Thomas F. Black, Jr., Memorial Scholarship, the 2022 Papitto Opportunity Connection Scholarship, and the recipients of the Honorable Thomas J. Caldarone, Jr., Fellowship program as well as the new Jim Jackson Fellowship Program.

The Bar Foundation Welcomed 20 New Fellows at the Annual Meeting

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

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. Preciphs
Joelle C. Rocha
George W. Watson, III
Cynthia Wilson-Frias



The Bar Foundation Welcomed 20 New Fellows at the Annual Meeting.

The Honorable Thomas J. Caldarone, Jr. Fellowship Program

The RI Bar Foundation was honored with a generous donation from Hon. Thomas J. Caldarone Jr. which has been used to establish an endowment for summer fellowships. Annually, a student entering their second year at Roger Williams University School of Law, will receive a stipend for \$1500 for an internship in a Rhode Island nonprofit organization engaged in providing legal services to persons of limited means. These grants are matched by Roger Williams University School of Law. As Caldarone Fellows, second year law school students have the opportunity to assist in providing crucial legal services to the public and in so doing may encourage those students to pursue



Rhode Island Bar Foundation 2022 Hon. Thomas J. Caldarone, Jr. Summer Fellowship Recipients Noelle Soares (pictured left) and Penelope Murphy (pictured right).

public service careers. The Rhode Island Bar Foundation is very pleased to be able to award two fellowships this year. Penelope Murphy will be working for the RI Attorney General this summer, and Noelle Soares will be working for the RI Public Defender.

Thomas F. Black, Jr., Memorial Scholarship Program

The Rhode Island Bar Foundation's Thomas F. Black, Jr. Memorial Scholarship Fund was established in 1989 to support and foster high legal practice standards by assisting Rhode Island residents who show promise that they will become outstanding lawyers and who need financial assistance to study law. The Scholarship is in honor of the late Thomas F. Black, Jr., a person known for his impressive ability as a lawyer and banker, his deeply rooted legal scholarship and his notable participation in civic and charitable causes. This year, the Foundation granted two, \$25,000 scholarships to first-year law students.



Rhode Island Bar Foundation 2022 Papitto Scholarship Recipients Renee M. Cordio (pictured left) and Cory C. Morris (pictured right).

The Jim Jackson Fellowship Program

President McElroy announced the new James A. Jackson Fellowship, which consists of two \$1,500 grants awarded to Roger Williams 2nd year law school students who identify as Black, Indigenous, and Persons of Color (BIPOC) to allow them to intern for the summer at a non-profit legal services organization. Roger Williams Law School also matches these grants. This Fellowship is made possible thanks to a generous donation from the Papitto Opportunity Connection, and is named for James A. Jackson, RIBF Treasurer for over 30 years. Kiron Ireland will be working for the RI Public Defender this summer, and Yulyana Torres will be working for the RI Center for Justice.



Rhode Island Bar Foundation 2022 Jim Jackson Fellowship Recipients Kiron Ireland (pictured left) and Yulyana Torres (pictured right), both with Jim Jackson.



Papitto Opportunity Connection Scholarship Program

Thanks to the Papitto Opportunity Connection Foundation, two scholarships in the amount of \$25,000 each were awarded to candidates who self-identify as Black, Indigenous, and People of Color (BIPOC). Founded in December 2020, the Papitto Opportunity Connection



was formed by Barbara Papitto as a continuation of the long-time commitment she and her late-husband Ralph have made to creating educational opportunities and supporting the BIPOC community in Rhode Island.

Rhode Island Bar Foundation 2022 Papitto Scholarship Recipients
Dania Polanco Rojas (pictured left) and Yelitza Montesino (pictured right).

James A. Jackson Tribute

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. Jim was recognized for his extraordinary commitment to the Foundation and years of dedicated service. President McElroy also announced that the Board voted to honor Jim as Bar Foundation Treasurer Emeritus and as an Honorary Board Member for Life.

Bylaws Amendments

Two Proposed Bylaws Amendments were unanimously approved at the Annual Meeting which clarified that officers are also voting directors, and which allow for remote meetings outside of an emergency. President McElroy also announced that Past Bar Foundation President Susan Leach DeBlasio will chair a new Task Force on Bylaws. 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.

Special Thank You to Scholarship Program Contributors

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



Lucas G. Spremulli, Esq., 2018 Thomas F. Black, Jr. Memorial Scholar and associate at Adler Pollock & Sheehan, P.C., addressed the Bar Foundation Fellows and guests.



President McElroy presents John A. Tarantino with a certificate establishing The Patrice A. Tarantino Memorial Scholarship in honor of his wife Pat, who recently passed away. It will be administered by the RI Bar Foundation using the same award criteria as the Thomas F. Black, Jr. Memorial Scholarships.



Bar Treasurer Steve Boyajian presents Barbara Papitto with a proclamation and award of gratitude for generous contributions through the Papitto Opportunity Connection.



President McElroy thanked Bar Foundation Program Director Ginny Caldwell for her years of service to the Foundation and wished her well in her retirement.

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2022 ANNUAL MEETING AWARDS RECEPTION

The Bar Association welcomed over 120 attendees at the Annual Awards Reception which was free and open to all members. President Laing presented the Bar Journal Writing Awards, the Pro Bono Publico Awards and Continuing Service Award, the Victoria M. Almeida Servant Leader Award, and the Ralph P. Semonoff Award for Professionalism. For more information on our awards winners, see pages 17-22.





2022 Annual Meeting

This year's hard-working Annual Meeting Committee, chaired by Bar member Dana Horton, produced a diverse and enriching program. Supporting this effort, many Bar members and the Bar staff worked with the Committee to ensure a seamless presentation of workshops and social events. As a result, the Annual Meeting provided over 1,200 attendees with a diverse range of interesting and informative seminars over the two days. The Meeting offered Bar members outstanding opportunities to learn, to improve their practice, recognize and honor Bar award winners, socialize with colleagues, and fulfill annual CLE requirements.



Outgoing President Lynda L. Laing started off the two-day event with the business meeting Thursday morning.



New 2022-2023 Rhode Island Bar Association President Mark B. Morse was sworn-in by Rhode Island Supreme Court Chief Justice Paul A. Suttell.



In their program, **Effective Representation in Evictions**, speakers (pictured l-r) Jennifer L. Wood, Esq., RI District Court Associate Judge Christopher K. Smith, and Michael D. Crane, Esq. discussed successful negotiation strategies for advocates representing both tenants and landlords.



Thursdays opening plenary speakers kept members engaged at the highly lauded program focusing on the value of multi-culturalism and representation in all aspects of the legal system.



A display dedicated to Ada Sawyer, the first woman to take/pass the Bar exam and be admitted to practice law in RI, and women's history was a draw during the breaks between sessions.



Speakers Kara DiPaola, Esq., Simone Tubman, Esq. and Chip Muller, Esq. (not pictured) discuss equitable hiring, equitable HR policies and procedures, reasonable accommodations, accessibility, ADA compliance, handling of complaints of discrimination and harassment, and achieving an inclusive workplace at their program, **Lawyers as Equitable Employers and Leaders**.



Panelists Kristin Matsko, Esq. and Rebecca Dupras, Esq. discussed the advantages and disadvantages to using different types of trusts, as well as ethical considerations in working with clients who may have diminished capacity during their program, **Estate Planning Fundamentals: Wills, Trusts, and Powers of Attorney**.



The panelists for the Commercial Case Law Updates delivered their always popular review of various commercial law related court decisions.

Panelists Lauren E. Jones, Esq., Cynthia T. Runge, Esq., RI District Court Associate Judge Christopher K. Smith, RI Family Court Associate Justice Richard Merola, and RI Chief Disciplinary Counsel Kerry Reilley Travers examined Rule 1.2(d) of the Rules of Professional Conduct and real-world experiences taking on limited scope cases during their program, **Limited Scope Representation—It Just May Expand Your Practice!**



Nicole Liguori Micklich, Esq. and Kristin L. Corcoran, Esq. provided a balanced overview of franchise law with a focus on the franchise relationship during their workshop, Foundations of Franchise Law.



James J. Bagley, Esq. and Christopher Gerlica, Esq. discussed what language is appropriate and inclusive when addressing LGBTQ individuals, clients, or groups in their session, **Respectfully and Ethically Communicating with Clients.**



Panelists Kate Michaud, Meredith Brady, Shaun O'Rourke, Macky McCleary, and Andrew Teitz, Esq., presented **Room for Innovation? Municipal and Quasi-Government Agencies on the Front Line of Climate Change Risk.**



The distinguished panelists (l-r) Hon. Francis J. Darigan, Hon. Sarah Taft-Carter, Hon. Sandra A. Lanni, Professor Jared Goldstein, Thomas M. Dickinson, Esq., Lauren E. Jones, Esq., law student Arya Omshe, and Hon. Erin Lynch Prata gave attendees their annual updates on both civil and criminal case law.



Speakers Susan Cody, Esq. and Frances Nolan, Esq. reviewed current and recent case law, regulations, and statutory requirements related to residential foreclosures, including those inspired by the global pandemic, during their session, **Foreclosure Post-Pandemic**.



Speakers David Medeiros, LICSW, RI Family Court Associate Justice Sandra A. Lanni, and Tia M. Priolo, Esq. shared a light moment during their presentation of **Overcoming Parent-Child Relationship Issues Incident to High Conflict Custody Cases: The Role of the Court, the Mental Health Professional, and the Guardian Ad Litem**.



Michael Prew, Esq., Krista Schmitz, Esq., Joseph Penza, Jr., Esq., and Holly Rao, Esq. are pictured celebrating Joe's new status as an honorary Bar member having reached 50 years of practice!



Nick Nissen, MD, Nicholas Trott Long, Esq., and other panelists explained the pressures attorneys face can lead to incapacitating anxiety, depression, among other issues at their program **Knowledge is Power: Avoiding & Managing Burnout for New Lawyers**.





Stacie Collier, Esq., Lawyers Helping Lawyers Committee Chairperson Nicholas Trott Long, Esq., Cassandra L. Feeney, Esq., and Charlene Pratt, Esq., demonstrated some powerful yoga moves during their popular annual update on lawyer well-being.



Outgoing President Lynda L. Laing, Esq. was presented with a plaque as a thank you for all of her excellent work during her presidency.



Speaker Kate Sherlock and other panelists including Kate Bowden, Esq. and Hon. Robert Craven reviewed what supported decision-making (SDM) and how it works as a possible alternative to guardianships in Rhode Island during **The Britney Effect: Protect Decision-Making Rights with Supported Decision-Making, A New Alternative to Guardianship in RI.**



Ada Sawyer's family was in attendance at the Friday Annual Meeting Luncheon as Ada was inducted into the RI Heritage Hall of Fame.



Jane F. Howlett, Esq. presented a member of Ada's family with a token to commemorate the occasion.



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



Hon. Susan E. McGuirl was honored with the 2022 Florence K. Murray Award, presented to a person who has influenced women to pursue legal careers, opened doors for women attorneys, or advanced opportunities for women within the legal profession, at the Annual Meeting Luncheon.



Mark Iacono, Esq. and Joseph R. Marion III, Esq. updated attendees on the status of estate planning techniques for Rhode Island residents and Florida snowbirds including residency qualification and lifetime gifting during their program, **2022 Estate Planning for Rhode Island Residents and Florida Snowbirds.**



Michael M. Goldberg, Esq., Gail M. Valuk, Esq., Peter Panciocco, Rhiannon S. Huffman, Esq., and Lauren E. Jones, Esq., presented **Rhode Island State Court E-Filing Current Developments & Future Plans.**



Keith and Dana Cutler closed out the 2022 Annual Meeting with a fantastic presentation on authentic inclusiveness. They discussed some of the things that can get in the way of authentic inclusiveness, like micro-aggressions, implicit bias, and good intentions gone bad.



Incoming Bar President Mark B. Morse, Esq. celebrated his swearing-in with his family at the Annual Meeting Luncheon.



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The Legal Career Association will be hosting its Fall, 2022, conference for attorneys October 10 - 11th at the Walt Disney World Swan and Dolphin Resort, located at 1500 Epcot Resorts Blvd., Lake Buena Vista, Florida 32830.

This will be the most relevant and important event of 2022. Invest in your future with valuable and actionable takeaways. Enjoy this event experience and make valuable new contacts.

Our Orlando Conference will be "forward looking" for attorneys, geared more toward future technology and issues/liabilities that will be faced by all attorneys now and in the future and not just a presentation of "introduction" topics or "updated case law" in specific areas.

The planned topics include:

1. Current & Future Drone Regulations.
2. Gun Trusts
3. How the Legal Community Should be Protecting itself from Ransomware Attacks.
4. Apple Privacy, Mobile and Website Privacy Requirements - Balancing Legal Privacy Requirements with Industry Standards.
5. Cryptocurrency in Divorce and Civil Litigation.
6. Metaverse and What Attorneys Need to Know

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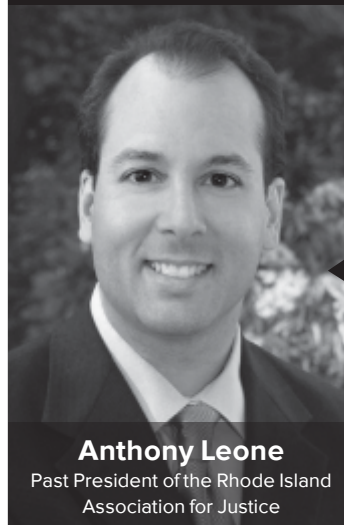
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Thank you to all of our 2022 Annual Meeting speakers for your hard work, support, and dedication. You made this year's meeting a huge success!

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(he/they)
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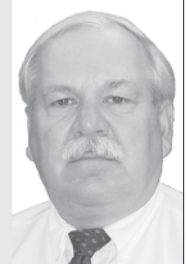
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If you have not yet signed up as a member of a 2022-2023 Rhode Island Bar Association Committee, please do so today. Bar Committee membership runs from July 1st to June 30th.

Even Bar members who served on Bar Committees this 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. Please join no more than three committees.

To sign up for a 2022-2023 Bar Committee, go to the Bar's website at ribar.com and go to the MEMBERS LOGIN. After LOGIN, click on the BAR COMMITTEE SIGN-UP link.

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

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When contacting Coastline EAP, please identify yourself as a Rhode Island Bar Association member or family member. A Coastline EAP Consultant will

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Lawyers Helping Lawyers Committee Members Protect Your Privacy

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

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

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

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

SOLACE Helping Bar Members in Times of Need

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

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

In Memoriam

Richard C. Bicki, Esq.

Richard C. Bicki, Esq., 72, died on May 5. Son of the late Christy V. and Olga Bellas Bicki, he was born in Woonsocket and grew up in North Smithfield. Richard graduated from Classical High School in Providence, and the University of Rhode Island in Kingston, RI. He received his Juris Doctor degree from Antioch School of Law in Washington, DC, and began practicing there as a Federal Prosecutor for the US Attorney's Office. He continued his work as an Assistant District Attorney in Providence for several years, then built a successful private law practice in that city alongside his longtime colleague and friend, Peter J. Cerilli, Esq., and was a noted litigator and criminal defense attorney. He is survived by his daughter, Alexandra C. Bicki, M.D., of San Francisco, CA, and son, Jordan C. Bicki, of Portland, ME; brothers Thomas J. Bicki and his wife Nora of Wareham, MA, Brian W. Bicki and his wife Doreen of Saint Augustine, FL, his sister Donna Bicki Laithy and her husband Hatem of North Smithfield, RI; several nephews, his partner, Kim Johnson Gross of Tiverton, RI; and his lifelong friend, Merlyn P. O'Keefe of South Kingstown, RI.

William F. Calise, Esq.

William F. Calise, 77, died February 24th. He was the husband of Leona A. (Conneely) Calise to whom he was married to for 39 years. He was born in Providence, the son of the late Francesca (Primavera) and Frank Calise. Bill was a member of the first Bishop Hendricken High graduating class and continued his education at Brown University and the University of Rhode Island. Following ten years of teaching general science at the middle school level, he received his law degree from Suffolk University School of Law and was admitted to the Rhode Island Bar and United States District Bar in 1977. Bill was an Assistant City Solicitor for the City of Warwick for many years. Besides maintaining a private practice of civil and criminal litigation, he also served as a prosecutor for the City of Warwick. Besides his wife, he is survived by a brother Joseph (wife, Linda) Calise of Onset, MA, and nephews and nieces.

Michael P. DeFanti, Esq.

Michael P. DeFanti died on April 11. Known to friends as "Mick," he was born to Joseph and Jessie DeFanti. He graduated from the University of Rhode Island in 1965. He studied Philosophy at Brown University and then received his J.D. from Boston University in 1969. Following law school, Michael worked as an attorney at Hinckley Allen, where he spent his entire career. He became a partner in 1975. Michael's practice focused on corporate and commercial litigation, trying cases in front of the Rhode Island state Supreme Court. Michael was nominated and became a Fellow of The American College of Trial Lawyers. He served as the managing partner of Hinckley Allen for the last eleven years of his career, during which time he oversaw the growth and expansion of the firm with offices throughout New England. He retired in 2008. Michael is survived by his wife, Anne, sons, and siblings, David DeFanti, Sharon Olean, Stephen DeFanti, Jad DeFanti, and four grandchildren.

Noel M. Field, Esq.

Noel Macdonald Field Jr., 88, died on June 12th. Noel was predeceased by his wife of 56 years, Phyllis Campbell Field. Born in Providence to Noel Macdonald Field & Ellen Preston Field, Noel lived the majority of his life in Rhode Island. He attended Moses Brown School, Hotchkiss, Brown, and Harvard Law School. At Brown, he was elected member of the Phi Beta Kappa and Sigma Si Societies, was a member of the Alpha Delta Phi Fraternity, and held the unique role as keeper of the Brown Bear mascot. Noel practiced trust and estate law for 42 years at Hinckley Allen. He dedicated many hours to organizations he cared about, including Planned Parenthood and The Rhode Island Foundation. Noel also served on the

Boards of The Lincoln School, Providence Country Day, and Rocky Hill, as well as on the Advisory Board of The Gordon School. He held many roles at the Sakonnet Yacht Club over the years from Steward to Commodore and was a Senior Judge for US Sailing into his mid-80s. He served as judge for regattas ranging from the America's Cup Trials, Olympic Trials, local NBYA races, and collegiate events. He sailed the Bermuda Race on three boats including a naval boat during his service in the Navy. Noel is survived by his daughter Ellen DeW. Field (John Ingalls) of Little Compton, son Noel M. Field III of Little Compton, son Campbell D. Field (Heather) of Westerly and daughter Margaret F. Kelly (Tobin) of Needham, MA, and six grandchildren. He is also survived by his sister Sylvia deValpine.

Margaret-Ann Gardner Esq.

Margaret-Ann (Peggy) Gardner, 90, died on April 30. Peggy was graduated from Pembroke/Brown '53 and B.U. Law School '79. She is survived by her daughter Stephanie and her family (Stephen, Amanda, and Connor Reid), and her son Ross and his family (Valerie, Stephanie, and Caroline Gardner). Peggy was predeceased by her beloved husband of 63 years, Donald R. Gardner, Jr., her father, Frederick A. Kohlhepp, her mother, Harriet (Hueneke) Kohlhepp, and her grandson, Ethan Reid.

MEMORIAM 2021-2022

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Caption This! Contest

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



Winning caption for
May/June



"I must remind the witness that he's under oath. You're suing for pain and suffering but your tail says otherwise."

ANONYMOUS

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

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

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

Lawyers on the Move

Paul Kessimian, Esq. and **Jay Peabody, Esq.** are now co-managing partners at **Partridge Snow & Hahn LLP**, 40 Westminster Street, Suite 1100, Providence, RI 02903.

401-861-8200 pk@psh.com jrp@psh.com www.psh.com

Bar Association Mentor Programs

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

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

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

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

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Tips to help you stay cool

LET'S BEAT THE HEAT!



Use these tips to help stay active and healthy in the summer heat!

- Drink cold drinks and eat lighter meals
- Always use sunscreen
- Plan activities for cooler parts of the day (morning and evening)
- Drink water even when you don't feel thirsty - always carry a water bottle
- Go swimming or head to the water park
- Wear lightweight, light-colored clothing
- Pace yourself
- Use cool packs on your arms or neck
- For longer exercise periods, consider sports drinks with electrolytes
- Know when it's safer to stay indoors - be cautious over 90° and consider staying inside over 100°

Sunscreen Tips:

- SPF 30 or higher
- Broad spectrum coverage
- Water-resistant protection
- Apply 15-30 minutes before you go outside
- Reapply every 2 hours - more often if you're sweating or getting wet

Warning Signs:

- Heat cramps - often occur in legs or abdomen
- Heat exhaustion - cool, moist, pale skin, headache, nausea, dizziness
- Heat stroke - hot, red skin, vomiting, high body temperature

Lawyers Helping Lawyers

A Rhode Island Bar Association Member Benefit. For more information, visit our website at ribar.com, and the Do You Need Confidential Help Quick Link. Also, learn how to log in to Coastline EAP, a private non-profit consulting service contracted by the Association to assist you at no charge.

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