

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

Report of the Executive Director on 2021-2022

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.

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

Rhode Island Bar Association Budget 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 22/23 |
|-------------------------------|-------------------|
| 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

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

| | |
|---------------|------------------|
| 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.

Bar Association Committee Reports



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.

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-



Fee Arbitration
Henry V. Boezi III, *Chair*

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

Bar Association Committee Reports

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-

Bar Association Committee Reports

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.