

# Rhode Island Bar Journal

Rhode Island Bar Association Volume 69. Number 1. July/August 2020



**Rhode Island Bar Association Officers**  
**Bar Annual and Committee Reports**  
**Bar Awards and Virtual Annual Meeting**  
**Opening Our Eyes (and Taking Them Off**  
**Our Smartphones) to Examine Digital Habits**

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#### Ridley Watts Memorial: The Dreamer, Westerly, RI

The statue, located in Watch Hill, was sculpted in 1940 by Sylvia Shaw Judson. The fountain was donated to the village by summer resident Mrs. Ridley Watts in memory of her husband, a prominent New York City dry-goods merchant.



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## Looking Back



**Richard P. D'Addario, Esq.**  
President  
Rhode Island Bar Association

**For the younger lawyers reading this message, let me say that we have a great Bar Association, doing important work, not only for Bar members but for the public as well, and your involvement will enhance your own career and assist your colleagues at the same time.**

Since I did not have an opportunity to address my colleagues at the Annual Meeting, as is the usual custom, I want to take a moment to tell you about myself and what being President of the Rhode Island Bar Association means to me. First, let me say that I am honored to take on this role and thankful that the Bar leadership had enough faith in me to give me the privilege and opportunity of leading our great Bar in the coming year.

I can't tell you how many times people have asked me why I would take on this responsibility so late in my career when I should be slowing down as I enter my fiftieth year of practice. The simple answer is that I have always thought it was important to be involved in Bar activities for my own personal benefit and for the betterment of our profession. At the same time it is for me an honor to serve in this role.

I came to Rhode Island in 1971 from New York University School of Law as a VISTA volunteer and staff attorney for Rhode Island Legal Services (RILS). Those were exciting times as many of the cases we brought set precedents, ultimately benefitting a good number of people in need. I still remember how exciting it was to work alongside my colleagues at RILS in the early days and to be able to share ideas and get advice. For me, it was my first exposure to the many wonderful mentors that shaped my style of practice over the years. At the same time, representing the poor was a life lesson, teaching me that things are more complex than some make it out to be and that life is not so simple and easy for many in our society.

While I started out in the Newport office working alongside Peter Thoms, I also spent a couple of years in the Providence office. I fondly remember being able to bounce ideas and have questions answered by the likes of John Roney, Cary Coen, Gary Yesser, Dick Jessup and Joe Dugan, to name a few, as we struggled to provide meaningful representation to the less fortunate members of our society. When I went back to Newport to manage that office, and when the fire was starting to dwindle, I was boosted by a new lawyer, Bob

Sabel, who, as some of you know, is still dedicated to the goal of access to justice.

In those days I cut my teeth in all the courts, appearing for the first time in Family Court before the late Judge William Goldberg, a frightening, but educational experience. Over the years I came to appreciate and admire Judge Goldberg and I have many memories of spirited exchanges with him. In the first months of private practice in 1976, I tried my first jury trial with Judge John Borcier presiding, and I still remember how much he helped me with his judicial wisdom.

I would be remiss if I did not mention my fellow members of the Newport County Bar, including my ex-partners, Joseph Hall and Ronald Machtley. I have always known that there were and are some very talented and effective attorneys from Newport, and I have always benefited from the professionalism and civility associated with the practice in my county. As I developed a private practice that brought me to Family Court on occasion, I was fortunate to work closely with Joseph Houlihan, albeit on most occasions as an opponent. Joe was a big boost to me when things were not going that well for me, and he always encouraged me to hang in there, truthfully forecasting that things would get better. He was a great mentor to me and many others. Finally, I should mention that I have learned so much from the past presidents that I have served with on the Executive Committee and from Helen McDonald, our exemplary Executive Director.

I have always tried to be involved in our Bar Association – either as a committee member and later as a member of the House of Delegates and the Executive Committee. For the younger lawyers reading this message, let me say that we have a great Bar Association, doing important work, not only for Bar members but for the public as well, and your involvement will enhance your own career and assist your colleagues at the same time.

This year is an exciting year for our profession, since it marks the 100th Anniversary of the ratification of the 19th Amendment as well as the admission of the first woman attorney in Rhode Island. In 1920, the all-male fraternity that was our Bar Association was permanently altered when Ada Sawyer took the bar exam, passed, and

was admitted that year. It seems hard to believe that at one time, and not too long ago, our profession consisted solely of men, and that women were not even permitted to vote until 1920.

When I entered NYU School of Law in 1968 it was announced that approximately one-third

of our entering class were women, the highest percentage in the nation and an unusual number for that time. Those percentages have climbed steadily upward since then, and as I write this today, we all agree how richer we are as a profession and how much better the delivery of legal services and our justice system is with both sexes involved as attorneys and judges.

With that backdrop, in the coming year we will look back and commemorate and celebrate the 19th Amendment as well as the admission of our first female attorney in Rhode Island, and the resulting success of women at the Bar in our State.

Years ago, there was a cigarette company that sponsored the Virginia Slims tennis tournament in Newport; their slogan was “You’ve come a long way, baby.” While this undoubtedly was directed at women, I also believe it is meant for both sexes, and I like to think that we are all more enlightened and that we have all “come a long way” since 1920. ◇

## 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 signed articles, except to the extent that, by publication, the subject matter merits attention. The opinions expressed in editorials are not the official view of the Rhode Island Bar Association. Letters to the Editors are welcome.

### 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 Kathleen Bridge**  
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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: **Ask A Lawyer** providing live, television studio lawyer panels in partnership with Channel 10; **Senior Citizen Center Clinics** throughout the year and the state; **Reduced Fee Program** offered to qualifying clients; and the **Arts Panel** for local artists' legal needs all offer unique opportunities for increasing your business while you provide an important public service to your community.

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

## Less than 5%?



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

**The good works we do at the Foundation surely can be supported by a voluntary contribution of at least \$20 by the majority of the Bar. Those extra funds would be put to good use providing legal services to those who could not otherwise afford a lawyer.**

I was astounded to recently discover that less than 5% of our Bar Association members made a voluntary contribution to the Bar Foundation this year. As you are aware, the annual dues statement sent out by the Bar Association contains a line for a voluntary contribution to the Bar Foundation in the suggested amount of \$20. We have over 6,500 lawyers licensed in Rhode Island. But so far this year, less than 300 lawyers made a voluntary contribution.

When I first saw the numbers, I just couldn't believe it and had to recheck them. But it's true. Where are the other 95%? The good works we do at the Foundation surely can be supported by a voluntary contribution of at least \$20 by the majority of the Bar. Those extra funds would be put to good use providing legal services to those who could not otherwise afford a lawyer.

In contrast to the Bar at large, we have approximately 225 Life Fellows in the Foundation. In my recent fundraising appeal to the Life Fellows, we had participation of approximately 50% of our Life Fellows. Moreover, the average contribution was \$110 per Life Fellow, a substantial increase from last year's average contribution of \$80.

I would like to extend my deepest gratitude to our Life Fellows who answered my call and stepped up to the plate in these challenging times. I also want to assure them that their Foundation will be a good steward of these funds and will make sure they are put to use where they can have the greatest impact.

In that regard, and as part of my continuing series on the good works done by grantees of the Bar Foundation, I would like to introduce you to the work being done by one of our grantees, the Center for Mediation and Collaboration. Because of the financial impacts of the ongoing pandemic, many tenants, especially low-income tenants, are facing an extremely difficult situation with regard to paying their rent. Although as I write this, evictions cannot go forward, it won't be long before evictions can once again proceed. And when they do, I anticipate there will be an overwhelming need for assistance with regard to tenant rent

collections and related disputes.

When I last checked with Martha Machnik, Executive Director, and Rhonda Bergeron, Operations Director of the Center, they explained to me how the Center provides mediation and dispute resolution services regardless of ability to pay. The Center offers a voluntary, cooperative, and constructive way of resolving conflicts and reaching agreements. Their mediation services are offered for housing conflicts at little or no cost. The Center has been wonderfully successful. The most recent statistics available to me show that in one recent year, the Center mediated 164 landlord tenant cases with an astonishing agreement rate of 82%!

This is a terrific example of how the Bar Foundation's relatively modest annual grant to the Center from your IOLTA funds is having a positive impact on our community as a whole. This impact extends not only to low-income tenants, but is also of a great assistance to the landlords as well. The Foundation is proud to have the Center as a grantee partner.

One tenant expressed thanks to the Center this way:

"I was so worried about having an eviction on my record and what that would mean to my family. We would never have been able to find housing in the same school district if we were not able to resolve this through mediation."

So I respectfully ask the 95% of licensed attorneys who have not yet made a voluntary contribution to the Foundation to please consider doing so. There is a form in every edition of the *Bar Journal* (turn the page for this issue's form) that can be used, or you can simply send a check to the Rhode Island Bar Foundation at 41 Sharpe Drive, Cranston, RI 02920. Your contribution is, of course, tax deductible. Thank you. ◇



## 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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## Rhode Island Bar Association 2020-2021 Officers' Profiles



RICHARD P. D'ADDARIO



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**Richard P. D'Addario, Esq.** is President of the Rhode Island Bar Association. He is a solo practitioner with an office at One Courthouse Square in Newport, presently concentrating in real estate, probate, and related litigation. After graduating from Boston College and New York University Law School, he came to Rhode Island as a VISTA volunteer at Rhode Island Legal Services where he worked for five years before going into private practice. He is admitted to practice in both Rhode Island and New York, the United States District Court of Rhode Island, and the U.S. Supreme Court. Richard has been a long-standing member of the House of Delegates and the Executive Committee and he chaired the Annual Meeting Planning Committee in 2015. He has been the Probate Judge in the Town of Tiverton since 1993 and in Little Compton since 2014. He is also serving as the Municipal Court Judge in Portsmouth which was founded in 2014. Richard served as a member of the Supreme Court Unauthorized Practice of Law Committee, which he chaired for over ten years. He has an active law practice in Newport, has served on the boards of numerous non-profit organizations, and he is a Fellow of the Rhode Island Bar Foundation. He has been a participant in the Bar Association's Volunteer Lawyer Panel for many years.

**Lynda L. Laing, Esq.** is President-Elect of the Rhode Island Bar Association. She is a partner at Strauss, Factor, Laing & Lyons concentrating her practice in creditors' rights. Lynda graduated from Albion College and earned her law degree from Case Western Reserve University. She has been nominated as a "Super Lawyer." Lynda has taught numerous seminars for the Rhode Island Bar Association and other national groups. She was

chairperson of the District Court Bench/Bar Committee, the Annual Meeting Planning Committee, and the Committee on Limited Scope Representation. Lynda is married to Thomas Lyons, Rhode Island Bar Association President 2007-2008, and has two daughters.

**Mark B. Morse, Esq.** is Treasurer 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 Animal Law Committee, 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 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

## Sign Up For Your 2020-2021 Bar Committee Membership Today!

If you have not yet signed up as a member of a 2020-2021 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 2020-2021 Bar Committee, go to the Bar's website at [ribar.com](http://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 Member Services Coordinator Erin Cute at (401) 421-5740 or [ecute@ribar.com](mailto:ecute@ribar.com).

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, Esq.** is Secretary 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.



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# Opening Our Eyes (and Taking Them Off Our Smartphones) to Examine Digital Habits



**Jenna Giguere, Esq.**  
Deputy Chief of Legal Services  
Department of Business  
Regulation

**These behavioral addiction concerns predate the ubiquity of the smartphone, but the smartphone's role as a tool that "enables" workaholics and exists as a 24/7 "temptation" to get sucked into workaholic behavior is undeniable.**

As we have all experienced, one of the many ways that the COVID-19 pandemic has impacted our daily lives is the shift to a virtual world. The situation has forced our workplaces to become digitized and transitioned personal interactions that were previously face-to-face to digital mediums. This article discusses the lawyer wellness issue of digital "addiction" as well as covering some interesting legislative proposals to regulate digital habits. There was already reason for some concern with our digital habits before COVID-19, and the references discussed in this article pre-date the pandemic. Now, raising awareness around these issues is even more critical as we are all adjusting to the "new normal" of this unprecedented time period of social distancing.

The business self-help book genre offers titles addressing the individual pursuit to manage healthy digital habits, *i.e.* how we use our digital devices (smartphones, tablets, etc.) for social media, internet, and other digital uses. In one such title, *Digital Minimalism*,<sup>1</sup> author Cal Newport defines the problem to sell his book's solution. He cites multidisciplinary references, examining economic drivers and behavioral addiction concepts like intermittent positive reinforcement and the drive for social approval. For example, the Facebook "like" button can be addictive when a person feels compelled to make a post and then check and re-check the "likes." The thumbs up symbol is a powerful representation of social approval, for which humans have a primal need traceable back to likeability as a survival determinant in stone age times (access to food depended on retaining a position in a social group of hunters and gatherers). Any given post could be a hit or a miss in delivering varying units of the hungered-for thumbs up. Newport likens this scenario to historic animal behavior studies showing pigeons incessantly pecking at buttons that deliver unpredictable amounts of pellet food (theorized to release more feel-good brain chemical dopamine as compared to buttons with predictable allotments of food).<sup>2</sup> As competing players in the "attention economy," Newport warns readers that digital platforms are rigged to maximize and profit on these addictive qualities. In this "business sector that makes money gathering consumers'

attention and then repackaging and selling it to advertisers," "extracting eyeball minutes has become significantly more lucrative than extracting oil," Newport dramatically declares.

Some readers may wonder if "digital minimalism" and other suggestions for changing our digital habits are a "solution in search of a problem." In *Digital Minimalism*, Newport shares some startling research about persons born between 1995 and 2012. "iGen" is one of the proposed terms to coin this newest generation after the millennials. Newport quotes one researcher warning of the "brink of the worst mental-health crises in decades" from his observations of a "massive increase in anxiety disorders" and "skyrocketed rates of teen depression and suicide." Newport summarizes the researcher's hypothesis that "these shifts in mental health correspond 'exactly' to the moment when American smartphone ownership became ubiquitous," with "the defining trait of iGen" being that they "grew up with iPhones and social media."<sup>3</sup>

For lawyers more specifically, I think digital habit concerns could be more connected to the smartphone as a representation of the anytime-anywhere office than the above social media example. "Work addiction" or "workaholicism" is a "mixed blessing...behavioral addiction" because it involves an activity that society requires us to engage in and an increase in that activity typically yields benefits (financial, personal satisfaction, etc.). That is, until a tipping point in excessive engagement in the behavior leads to negative psychological effects that in turn impair the work activity in terms of quality and productivity.<sup>4</sup> These behavioral addiction concerns predate the ubiquity of the smartphone, but the smartphone's role as a tool that enables workaholics and exists as a 24/7 temptation to get sucked into workaholic behavior is undeniable. The issue is compounded in the COVID-19 era where professionals find it harder to set work-life boundaries while working from home and report working an average of three additional hours per day.<sup>5</sup>

As I sat on what I had learned thus far, I pondered: Are digital use habits an issue for individual pursuit only? Or, could this be one of the emerging social issues of the 2020s?<sup>6</sup> My interest was



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certainly piqued when I found some examples of how the law might impact consumer's digital use patterns.

In the law review article "The Employee Right to Disconnect," employment law professor Paul Secunda suggests that the U.S. Occupational Health and Safety Administration (OSHA) should implement a "right to disconnect."<sup>7</sup> While a "right to disconnect" is broader than connection through the means of a smartphone, the smartphone is certainly a significant contributor towards the problem this proposed "right" seeks to address. Secunda posits: "The use of smartphones, laptops, and other digital communication devices means that employees are incapable of escaping work;" "in the after-work communication context this means that many workers stay tethered to their smartphones or other mobile devices, just in case they are needed for an assignment immediately." While I found no official indication that OSHA is open to Secunda's proposal, it was still interesting to see Secunda supporting his proposal for a "right to disconnect" with examples of legislation in France and employer association self-regulatory policies in Germany. Additionally, I found that the *National Law Review* also reported relevant legislation in Italy, Spain, and the Philippines, with legislative proposals also having been considered in several other European and Asian countries, including in North America (Quebec and the federal government of Canada).<sup>8</sup> In the U.S., a New York City proposal to create a "right to disconnect" made the headlines.<sup>9</sup> Again, media coverage discussed the *proposed* law and my search did not locate any news reports that it ever actually passed.

In another international example, I found that legislation was proposed in Italy designed to address the perceived problem of digital addiction in the generation hypothesized to be most impacted, today's teens (previously referenced as "iGen").<sup>10</sup> While media coverage only discussed the *proposed* law and my search did not locate any news reports that it ever actually passed, I found the proposal interesting, nonetheless. Specifically, it would "bring in courses at school-level on the dangers of phone addiction, a public awareness campaign aimed at parents, and even 're-education in health centers for extreme cases.'" Meanwhile, stories of the Chinese government's attempt to address web addicts executed in a dangerous manner in "internet boot camps" demonstrate the real need for appropriate limits on any reasonable government solution to perceived problematic patterns of digital use.<sup>11</sup>

While reading the news of proposals in other jurisdictions to address digital habits as a societal issue is entertaining, it seems unlikely that we will see sweeping legal efforts to address these issues in the U.S. in 2020. So, perhaps the most practical take-away from this discussion brings us back to the call for each of us to take an individualized assessment of our personal digital habits. Back to the business self-help text, *Digital Minimalism* encourages readers to consider reducing the time spent on our smartphones, raising concepts of the "law of diminishing returns" and "solitude deprivation."

Anticipating readers' reaction that all examples of digital use could be argued to provide *some* value, Newport recommends approaching your digital use habits with a critical self-evaluation. Ask yourself whether a particular digital use adds value that is personally important to you and delivers the best "bang for your buck" in terms of time spent to extract that value. From this self-evaluation, readers interested in a "digital

declutter” may divine some personalized limits including “blanket bans” on the least value-add uses and “caveated operating procedures” for those that remain worthwhile when used with healthy limits. Apparently, it is not just Newport that is advocating for changing our relationship with our smartphones; it turns out, there is such a thing as “dumb phone movement” which Newport references as one way people are reducing the time they spend on their mobile devices. Yes, you can actually buy “dumbed down” phones (as the primary or a “clone” device like Light Phone) with limited features to reduce the temptation to devote too much attention to the device.<sup>12</sup>

In conclusion, my exploration of this topic did not lead me to any drastic behavioral changes, but it has led me to be more digitally mindful. For readers interested in making more dramatic changes in their digital use, there are various titles and articles to explore, in addition to *Digital Minimalism*.<sup>13</sup> For readers content in their current digital habits looking for a lighter take on this topic, the movie *Jexi* is an R-rated portrayal of the comedy in the melodrama of our relationship with our phones. Some of the most memorable scenes include the main character checking his phone was broken before checking on a person potentially hurt; and another, following his phone GPS on turns that defied logic of human judgment.

Finally, I would really appreciate the irony if you post your reactions to this article on a *digital* platform (LinkedIn is my favorite), and even better, if you do so from your smartphone. I myself enjoy the humorous paradox that to relax after finishing this article, I am going to meditate, with the assistance of the gem of smartphone app, Insight Timer.

#### ENDNOTES

1 Newport defines his theory of “digital minimalism” as “philosophy of technology use in which you focus your online time on a small number of carefully selected and optimized activities that strongly support things you value, and then happily miss out on everything else.”

2 For a quick read on the scientific explanations of the connection between dopamine and smartphone in more depth, see the blog entry “Dopamine, Smartphones & You: A battle for your time” on the website of the Harvard University Graduate School of Arts and Sciences here - <http://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/>.

3 On these points, I read and review Digital Minimalism cautiously, because other researchers may provide alternative assessments of the iGen’s mental health status and its complex causation. While I am not convinced that a case has yet been made for a societal impact that would classify parallel in severity to substance abuse or other types of more prevalent and impactful addictions, I still think it’s an issue worth consideration and monitoring. I agree with Newport’s resulting suggestion that the iGen story can be an effective “canary-in-the-coal-mine” that nudges all generations to examine their digital habits.

4 Mark D. Griffiths, Work Addiction and ‘Workaholism’, *Psychology Today* (February 12, 2018), <https://www.psychologytoday.com/us/blog/in-excess/201802/work-addiction-and-workaholism>.

5 Vicky McKeever, Coronavirus lockdowns are making the working day longer for many, *CNBC* (March 31, 2020), <https://www.cnn.com/2020/03/30/coronavirus-lockdowns-are-making-the-working-day-longer-for-many.html>.

6 Perusing the *Psychology Today* website taught me even more vocabulary associated with our increasingly habitual use of smartphones. Have you ever heard of “nomophobia,” an abbreviation for “no-mobile-phone phobia” that refers to the “fear of being without a mobile device or beyond mobile phone contact”? Did you know that some studies show that “vamping” (a term referring to “late night texting and phone use”) has been associated with “depressed moods, lower self-esteem, and reduced coping abilities”? <https://www.psychologytoday.com/us/blog/artificial-maturity/201409/nomophobia-rising-trend-in-students>; <https://www.psychologytoday.com/us/blog/the-moment-youth/201804/is-your-teen-vamping-instead-sleeping>.

7 *Secunda*, Paul M. (2019) “The Employee Right to Disconnect,” *Notre*

## Do You Have an Idea for an Article, or a Point/Counterpoint Article?

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

*Dame Journal of International & Comparative Law*: Vol. 9 : Iss. 1 , Article 3. Available at: <https://scholarship.law.nd.edu/ndjicl/vol9/iss1/3>. A helpful synopsis of this law review article by the Penn Program on Regulation is also available here: <https://www.theregreview.org/2019/08/13/hale-creating-right-to-disconnect/>.

8 <https://www.natlawreview.com/article/more-countries-consider-implementing-right-to-disconnect>.

9 <https://www.nbcnews.com/news/us-news/right-disconnect-new-york-city-council-explores-protecting-hours-n963071>; <https://www.amny.com/news/right-to-disconnect-bill-1-26064767/>.

10 <https://www.businessinsider.com/italian-mp-introduces-bill-to-curb-phone-addiction-in-teens-2019-7>. See also <https://mypost.com/2019/07/23/italy-is-sending-phone-addicted-teens-to-rehab/>.

11 <https://foreignpolicy.com/2017/04/20/chinese-parents-are-hacking-their-own-childrens-computers-to-fight-internet-addiction/>.

12 Newport also suggests that when we overuse our smartphones, we are doing so to fill a void. To break the habit, it follows, we need to fill that void with something healthier. Newport recommends readers adopt seasonal and weekly plans for “high quality leisure,” which he goes on to define to include activities such as “structured social interactions.” He compares “high quality leisure” to how we spend our time when we think we “crave the release of having nothing to do” – these “decompression sessions” produce “muted” “rewards” from “low quality activities like mindless phone wimping and half-hearted binge watching.” Through these examples, Newport points out areas where digital use can be used in a positive way in furtherance of a “high quality” leisure activity (e.g. using the Meetup app to organize such leisure, not as the source of the leisure itself).

13 For example: “Irresistible: The Rise of Addictive Technology and the Business of Keeping Us Hooked” by Dr. Adam Alter (2017)(discussed by J.E. Stockwell in the *Louisiana Bar Journal*, Volume 66, No. 1.). ◊

## 2020 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 defendable right, and of public service as the beacon of a life's work.



**Thomas M. Dickinson, Esq.**, of the Law Offices of Thomas M. Dickinson, is honored with the Rhode Island Bar Association's 2020 Ralph P. Semonoff Award for Professionalism. Attorney Dickinson received his law degree from Suffolk University Law School. He was editor in chief for the *Suffolk University Law Review* from 1979-80. He clerked for the late RI Supreme Court Chief Justice Joseph R. Weisberger from 1980-81. He

served as former chief of the Attorney General's Appellate Division from 1983-1988 and as Deputy Attorney General of RI from 1993-1999. Attorney Dickinson held the position of adjunct faculty at Suffolk Law School and New England Law for over 25 years (1988-2016). He served as Woonsocket's Probate Judge

for ten years from 2003-13 and currently serves as Woonsocket's Municipal Court Judge. He was appointed to the Board of Bar Examiners by the RI Supreme Court in 2013 and continues to serve. Attorney Dickinson is a Fellow of the Rhode Island Bar Foundation. He has handled cases in the United States Supreme Court, United States Court of Appeals, United States District Court, Supreme Judicial Court of Massachusetts, and nearly 100 cases in Rhode Island Supreme Court. He is a solo practitioner with a focus on civil and criminal appeals, constitutional issues, and general litigation.

Past Bar President J. Robert Weisberger, Jr. writes, *I have witnessed time and again Tom's tireless efforts on behalf of the Bar Association as well as our community at large. His contribution of time and resources to public service, public education, and his charitable and pro bono activities in the community have been outstanding; and, his humility is a model for us all.*

Attorney Christopher S. Gontarz writes, *I can also state without equivocation that Tom was the 'internet' before it was invented. Tom was always available to prosecutors, one of which was me, to answer questions and provide trial advice in numerous criminal trials. Eventually, Tom became the chief of the Appellate Division, training a fine cadre of appellate attorneys to represent the State.*

Past president of the Bar Association and Bar Foundation Michael A. St. Pierre writes, *In his capacity as an appellate attorney with the Dept. of Attorney General and in his capacity as a private attorney representing numerous people and entities before our Supreme Court and the Federal Courts in this area, Tom has always graciously shared his talents and insights with other members of the Bar. Tom has conducted countless CLEs and has graciously shared his wisdom and insights with attorneys in this state. I dare say he has trained the next generation of appellate attorneys in this regard.*

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## 2020 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.



**Susan Leach DeBlasio, Esq.**, senior counsel at Adler Pollock & Sheehan P.C. and past president of the RI Bar Association, is honored with the Rhode Island Bar Association's 2020 Florence K. Murray Award. Attorney DeBlasio graduated with a B.A. from Wheaton College, magna cum laude, and received her J.D. from Boston University School of Law and an M.B.A. from Providence College. She was a judicial law clerk to the late Chief Justice

Joseph R. Weisberger. Susan served as President of the RI Bar Association from 1989-1990, the second woman and youngest attorney ever to do so. She was editor in chief of the *Rhode Island Bar Journal* for several years and served as chairperson of the Public Relations Committee, director of the Rhode Island Law Institute (the predecessor to the Bar Association's CLE program), and a director of the Lawyer Referral Service oversight committee. She served on the Rhode Island Disciplinary Board for many years, eventually becoming the chairperson. She received a Rhode Island Supreme Court Citation for outstanding service on that board. Susan currently serves as a member of the Supreme Court Commission on Judicial Tenure and Discipline and as a member of the Bar's Ethics & Professionalism and Lawyers Helping Lawyers Committees. She served as the RI Bar Foundation President for five years and continues to serve on the Foundation's Board of Directors where she chairs the IOLTA Grants Committee and is a member of the Real Estate Committee. She is also a Foundation Fellow and a Fellow of the American Bar Foundation. She has served most of her entire professional career as a member of the Bar Association's House of Delegates and from time to time on ad hoc committees appointed by the serving president. Susan is currently the president of Classical High School Alumni Association, a member of the Board of Directors and former vice chair of the Jewish Alliance of Greater Rhode Island, past president of the URI Hillel Foundation, past president of the Jewish Seniors Agency, former chair of the Rhode Island Foundation Professional Advisory Council, and a former vice chair of the Board of Directors of the Miriam Hospital. She is a member of the Board of Directors of the Quonset Development Corporation. Susan regularly presents seminars for the Bar Association on topics such as business and corporate law, health care law, real estate law, and proactive management and ethics issues, and usually presents at least one seminar at the annual meeting. Susan authored the chapter on ethics in the book published by MCLE on *A Practical Guide to Organizing a Business in Rhode Island*. For more than five years, she served as the legal writer for the

monthly *Health Care Professional*. In 1992, she received the Bar's Award of Merit and, in 2009, she received the Ralph P. Semonoff Award for Professionalism, the Bar's highest honor.

According to past president of the Bar Association and Bar Foundation President Michael A. St. Pierre: *Susan epitomizes the principles and values of leadership and accomplishment and she has served as a true beacon of light for all women who have pursued or will pursue legal careers. Susan did not stop her work upon completion of her tenure as president. Indeed, she picked up the pace and continued to serve her community, the Bar Association, and did so both locally and nationally. She was instrumental in initiating the so-called Mock Trial Program that lives on to date as the Legal Education Partnership program. Susan exhibits all the requisite principles and values of a true leader of women in the practice of law. She does so with the same degree of intensity and commitment that she had when she first started practicing law some years ago.*

### Seeking Law Related Education Program Attorney Volunteers!

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.

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

Questions? Please contact: Kathleen M. Bridge, Director of Communications or Erin Cute, Member Services Coordinator at: **(401) 421-5740**.

## 2020 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.



**Christine J. Engustian, Esq.** is honored with the Rhode Island Bar Association's 2020 Victoria M. Almeida Servant Leader Award. Christine is a graduate of the College of the Holy Cross and Boston University School of Law. She is admitted to practice law in Rhode Island, Massachusetts, and New York and in the United States District Court for the District of Rhode Island, Mashantucket Pequot Tribal Court (Mashantucket, CT) and

Mohegan Gaming Disputes Court (Uncasville, CT). Christine was a partner in the long-established Providence law firm of Gardner, Sawyer, Gates & Sloan before starting her own solo practice in early 1995 in East Providence. From January 1999 to December 2008, she sat as Deputy Judge for the Probate Court of the City of East Providence and was appointed Judge of the same court in December 2008, a part-time position she continued to hold through November 2014, with a re-appointment in December 2016 for a two-year term. Christine has sat as Probate Judge in the Town of Richmond since January 2016 and presently sits as Deputy Probate Judge in the City of East Providence. She is a member of the RI Bar Association House of Delegates and has chaired the Bar's Public Service Involvement Committee since 2008. She is also a member of the Board of Governors and chair of the Scholarship Committee of the Armenian Bar Association, a national/international association. Christine has volunteered her time and resources since 1987 as a member of the Bar's Volunteer Lawyer Program, which provides free legal representation to our neediest citizens. The Association

recognized Christine's efforts and devotion to the Program by honoring her with the Pro Bono Publico Award in 2000 and the Continuing Service Award in 2009. Christine is also a member of the Bar's Elderly Pro Bono Program and U.S. Armed Forces Legal Services Project (Pro Bono). In December 2009, the Armenian Relief Society, Ani Chapter, honored Christine for her pro bono work helping disadvantaged people and for volunteering for her church and community. Christine holds the distinction of being the first attorney in RI to earn the designation of Leadership in Energy and Environmental Design (LEED) Accredited Professional (AP) from the United States Green Building Council (USGBC), which she has held since 2009. The Boston University School of Law honored her with the 2011 Alumni Pro Bono Award for her outstanding service to the needy and poor. In May 2012, Christine became the sole general counsel to the Rhode Island Builders Association (the first woman to hold this position), while continuing to run her own law practice. She continues to volunteer for various educational programs throughout the state as well as numerous alumni committees and programs. She is an active member of her church and sits on the Board of Directors of the East Providence Downtown Business Association. She currently runs a general, civil practice with a concentration in zoning/planning/land use/real estate development and probate and estate administration.

According to past Bar Association President and present Bar Foundation President Michael R. McElroy: *She faithfully provides substantial pro bono work, whether in the formal settings of the Bar Association programs or as a volunteer lawyer for other non-profit organizations. She provides many volunteer services to her church and her community. She has volunteered to speak at many Rhode Island Bar Association annual meetings and CLE programs, and she has never declined a request to serve the organization in any capacity.*

According to the Bar's Public Services Director Susan A. Fontaine, who supported Michael's nomination: *I have always admired the outstanding public service efforts of all attorney volunteers but especially those who are from solo or small firms who dedicate themselves above and beyond by steadfastly and humbly serving others. This is what Christine does directly from her heart...She possesses a clear understanding that providing justice for the poor will preserve justice for all of us.*

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## 2020 Volunteer Lawyer Program Pro Bono Publico Award Recipients

Established in 1987, this award recognizes the outstanding efforts of attorneys who have provided equal access to justice to the needy through a Rhode Island Bar Association Pro Bono Program during the past two years. Selection for this award is based on the number of cases accepted, case type and difficulty, the number of pro bono hours, and total length of service through the programs. Additionally, qualities considered include the attorney's professionalism, compassion and commitment to public service.

This year's Pro Bono Award recipients, Doris A. Lavalley and Gregory P. Sorbello, have made exceptional contributions through the Volunteer Lawyer Program and Elderly Pro Bono Program. These two attorneys are outstanding representatives of the contributions and support given by sole practitioners throughout the state.



### Volunteer Lawyer Program

**Doris A. Lavalley, Esq.** graduated from CCRI with an associate's degree, Roger Williams University with a Bachelor of Science degree and received her law degree from Roger Williams University School of Law. After having several careers, including being a business owner, Doris found her love of the law later in life. She attributes her motivation for attending law school

to Attorney Raymond Lambert. Her observation of his client representation in court inspired her to attend law school. Today her solo general practice is in Providence where she concentrates in family law, landlord/tenant, bankruptcy, criminal law, estates and planning/wills, and real estate conveyances.

Attorney Lavalley joined the Volunteer Lawyer Program in 2008 and has made major contributions annually. Over the past few years, she has accepted 16 VLP cases and has an outstanding contribution of 206-plus hours primarily in family law and bankruptcy. Her deep concern for pro bono clients is rooted in her commitment to the community and her kind, generous spirit. One example was a case she accepted without hesitation in 2019 that involved the safety of a very young child. Doris negotiated the needed settlement for custody and visitation. She also accepts cases through the Pro Bono Program for the Elderly, US Armed Forces Legal Services Project, and Foreclosure Prevention Project.

Beyond her support of the pro bono effort, Doris's community service activities include being the Director of Angel Paws Placement Services, a non-profit agency that rescues, fosters, and secures adoptions for stray dogs and cats. She also very much enjoys spending time with her adult children and being the grandmother of two.



### Elderly Pro Bono Program

**Gregory P. Sorbello, Esq.** received his undergraduate degree from the University of Rhode Island, and his law degree from Suffolk University School of Law. He is a partner at Peter M. Iascone & Associates Ltd. in Newport.

Attorney Sorbello has been a member of the Pro Bono Program for the Elderly since 2013. He also participates in the

Volunteer Lawyer Program, Foreclosure Prevention Project, and US Armed Forces Legal Services Project. Since 2017, he has accepted 45 pro bono cases in the areas of bankruptcy, collections, and foreclosure contributing a remarkable 225-plus pro bono hours. Additionally, he has helped many senior citizens at 10 legal clinics resolve collection matters. These clinics are held at senior centers and on site at the Bar Association. He understands many seniors have had little experience with an attorney and prior legal issues and are very frightened by the process, especially when threatened with losing a part of their already low income.

Greg is also a member of the Rhode Island Bankruptcy Court's advice clinic and is a past recipient of their Outstanding Service Award.

His dedication to the pro bono effort is summarized by his following statement: *There is no question pro bono work benefits not only the underserved, but the lawyers who provide this work as well. The legal system is complex and often leaves people confused and unsure of where to turn for help. The opportunity to help has been most rewarding.*

## 2020 Continuing Service Award

The Continuing Service Award recognizes members who have made a steadfast commitment to the administration of justice to the poor through a Rhode Island Bar Association's pro bono program (s). Selection for this award is based on previously receiving the Pro Bono Publico Award and having extensively contributed to the pro bono effort for at least 5 years. Additional qualities to be considered should include the attorney's professionalism, compassion and commitment to public service.



### Volunteer Lawyer Program

**Phillip C. Koutsogiane, Esq.** is a sole practitioner in Woonsocket and concentrates his practice in civil litigation, bankruptcy, wills/trusts, and probate. He is a graduate of Brown University and earned his JD from Boston University School of Law. Phil joined the Volunteer Lawyer Program in 2004. Ever since joining, he has contributed his expertise and extraordinary

amounts of time to pro bono clients in dire need of representation. For his outstanding service to the poor, he received the Pro Bono Publico Award in 2014. Since 2015, he has increasingly accepted a variety of bankruptcy, foreclosure prevention, and family law matters, providing 250-plus hours of representation for those in desperate need. His patience, constant concern for the community, and willingness to work with those facing

hardship is evident throughout his representation. In just one year, the VLP program received six expressions of thanks from grateful clients, not only for the resolution of legal matters by Phil but for the respect and dignity he extends to his clients. One such client wrote the following: *Attorney Koutsogiane is a wonderful, very kind, and patient man. He was so helpful in explaining my situation to me. I am deeply appreciative of the time and effort he extended to us.*

Prior to his legal career, Attorney Koutsogiane served his country in the United States Army. First Lieutenant Koutsogiane received training in Vietnamese at the Defense Language Institute and was an advisor for the Vietnam Forces US Military Assistance Command. He was the recipient of both the Bronze Star and Joint Service Commendation Medal (for meritorious service).

In addition to his active role in the Volunteer Lawyer Program and Lawyer Referral Service, Phil is a member of the Pawtucket Bar Association and Rhode Island Association for Justice. Phil was the former Assistant Town Solicitor for Smithfield and served his town of Cumberland for three years as the chairperson of the North Cumberland Fire District Board of Trustees. Since 2016, he has been the vice chairperson of the Cumberland Fire District Board of Trustees.

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## Rhode Island Bar Journal Lauren E. Jones Writing Award

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



**Gene M. Carlino, Esq.**, of Pannone, Lopes, Devereaux & O’Gara, LLC, received the 2020 *Rhode Island Bar Journal* Lauren E. Jones, Esq. Writing Award for his article, *A Review of the SECURE Act and Its Effect on Estate Planning with Retirement Assets*, published in the *Rhode Island Bar Journal*: Volume 68, Number 3, November/December 2019.

The editors and Editorial Board of the *Rhode Island Bar Journal* congratulate Attorney Carlino 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 Kathleen Bridge via email: [kbridge@ribar.com](mailto:kbridge@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 Casemaker, the free-to-Bar-members, 24/7, online law library on the Bar’s website.



The Writing Award Committee also recognized **Marc J. Soss, Esq.**, with an Outstanding Contributor Award based on his consistent, substantial contributions to the *Rhode Island Bar Journal* on important developments in the law. Attorney Soss has contributed thirteen articles to the *Bar Journal* in the past ten years, eight of which were submitted in the last five years.

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## 2020 Rhode Island Bar Association Honorary Members

While the 2020 Annual Meeting Luncheon was not able to take place due to the pandemic, the Rhode Island Bar Association plans to recognize and honor, when able to do so safely, the distinguished attorneys who achieved a noteworthy 50 years of service to the Association.

### Honoring our colleagues achieving fifty years of legal service

Robert E. Allen Jr., Esq.	Richard Jessup Jr., Esq.	Timothy T. More, Esq.	David A. Schechter, Esq.
Hon. Haiganush R. Bedrosian	Richard P. Kelaghan, Esq.	Hon. Bruce Q. Morin	Andrew G. Sholes, Esq.
Robert V. Colagiovanni, Esq.	Valentino D. Lombardi, Esq.	Joseph R. Muratore Jr., Esq.	Richard E. Simms, Esq.
Hon. Francis J. Darigan Jr.	Hon. Pamela M. Macktaz	Stephen T. Napolitano, Esq.	Paul A. Sollitto, Esq.
Hon. Stephen J. Fortunato Jr.	Joseph J. McGair, Esq.	Richard J. Petrucci, Esq.	Hon. Frank J. Williams
Ernest D. Humphreys, Esq.	Jerry McIntyre, Esq.	Sanford J. Resnick, Esq.	
William H. Ise, Esq.	Daniel V. McKinnon, Esq.	David T. Riedel, Esq.	
Bernard A. Jackvony, Esq.	Matthew F. Medeiros, Esq.	Louis F. Robbio, Esq.	

## RHODE ISLAND LAW DAY 2020

### *Your Vote, Your Voice, Our Democracy: The 19th Amendment at 100*

The Rhode Island Law Day Committee, chaired by Rhode Island Supreme Court Associate Justice Gilbert V. Indeglia, was not able to move forward with the traditional Law Day this year as school buildings closed for the year in mid-March. However, in an effort to help teachers with their virtual lesson plans, teachers were offered a PowerPoint presentation put together by volunteer attorneys as well as the option of having an attorney and judge team join them for a Google Meet Q&A session on Law Day.

We want to thank all of the attorneys and judges listed here who volunteered their time and participated in a virtual Law Day program. We sincerely appreciate their generous efforts and willingness to adapt to a virtual format. A special thank you is needed for our volunteers who designed an excellent and informative slide show which was distributed to schools on the Law Day topic: William Connell, Esq., Jillian Dubois, Esq., and David Fitzpatrick, Esq.



#### Rhode Island Bar Association

David Bazar, Esq.  
 William Connell, Esq.  
 Angelyne Cooper, Esq.  
 James Crowley, Esq.  
 Richard P. D'Addario, Esq.  
 Marc DeSisto, Esq.  
 Jenna Giguere, Esq.  
 Amy Goins, Esq.  
 Jennifer Griffith, Esq.  
 Valerie Leon, Esq.  
 Samantha McCarthy, Esq.  
 Stacey Nakasian, Esq.  
 Sarah Oster, Esq.  
 Steven Richard, Esq.  
 Andrew Rodgers, Esq.  
 Sharlene Rossi, Esq.  
 Patrick Youngs, Esq.

#### Rhode Island Judiciary

Hon. Karen Lynch Bernard  
 Hon. Alfredo T. Conte  
 Hon. Laureen Q. D'Ambra  
 Hon. Melissa E. Darigan  
 Hon. Brian A. Goldman  
 Hon. Robert E. Hardman  
 Hon. Jeffrey A. Lanphear  
 Hon. Richard A. Licht  
 Hon. Melissa Austin Long  
 Hon. Richard A. Merola  
 Hon. Steven A. Minicucci  
 Hon. Angela M. Paulhus  
 Hon. Richard D. Raspallo  
 Hon. Kristin E. Rodgers  
 Hon. Brian P. Stern  
 Hon. Paul A. Suttell  
 Hon. Brian Van Couyghen

## Tribute to Joseph A. Kelly



Jack Mahoney, Esq.  
Asquith & Mahoney, PC

We lost a legal giant in May of this year. Joseph A. Kelly passed at the age of 94. His elite legal career extended over 65 years. If there was a litigation hall of fame Joe would have been inducted unanimously on the first ballot.

Joe represented plaintiffs in a trilogy of libel cases all filed within approximately two years of one another in the Providence Superior Court. These cases, **Martin, Healey, and Lyons** were tried a combined five times and made their way through the Supreme Court an additional five times.

**Martin v. Wilson Publishing Co.**,<sup>1</sup> established law that the republisher of a false rumor was equally culpable as was the originator of the rumor.

**Healey v. New England Newspapers**,<sup>2</sup> addressed for the first time when factual assertions couched as an opinion were libelous.

**Lyons v. RI Pub. Employees Council 94**,<sup>3</sup> directly laid out the elements of libel for the first time in Rhode Island.

Joe represented Coach Traficante in the Fiske case brought against the Coach and the football helmet manufacturer. The plaintiff was badly injured during a football game and the plaintiff's claim was that the coach had instructed his players to improperly tackle opponents. No less than fifteen former players testified that the coach properly instructed them how to tackle and the jury agreed. The plaintiff did recover a substantial verdict against the helmet manufacturer. The verdicts were upheld in the Supreme Court and the law was established regarding the application of comparative negligence and, if applicable, the assumption of the risk defense in a products liability context.<sup>4</sup>

Joe was never afraid to take on controversial cases. Joe successfully represented former Governor Edward DiPrete regarding ethics violation charges against him. The guilty findings before the Ethics Commission and the Superior Court were reversed by the Supreme Court.<sup>5</sup>

It was not solely Joe's legal acumen that established his unblemished reputation. He was an exciting lawyer. You knew something interesting was inevitably going to happen in court. You just did not know what and when.

We were summoned to Judge Joseph Rodgers' courtroom at 2:00 p.m. that particular afternoon to be assigned a judge in the **Healey** case. We were sent to Judge Lagueux. That afternoon a jury was empaneled. The next morning the Judge requested to see the lawyers in chambers. "Gentlemen," said the Judge, "this is very unfortunate two of the eight jurors are sick and we have to pick two more jurors." Joe responded, "Judge, you think that is unfortunate?" I am called over to the court to try a good libel case. There were six available judges and I drew you. Now that is very unfortunate."

Years later Joe was trying a wrongful death case before Judge Gallant and a jury. At one point in the proceedings, the Judge asked the lawyers to approach the bench. "Mr. Kelly," said the Judge, "this Court is growing weary of that incessant smile on your face. Rid yourself of that smile."

Joe responded, "Judge, God made me flat nosed and bald. Do I understand you are taking my smile away?"



Joseph A. Kelly

My first jury trial was in 1979. I represented a plaintiff in an emergency vehicle accident case. Mild mannered Judge Carrelas presided over the trial. After my opening statement, the Judge requested a recess. Naturally, I was curious concerning the timing of the recess. In chambers, the Judge was quite emphatic that I went well beyond the bounds of an opening statement. When I got back to the office I wanted to speak to Joe about the situation. Upon hearing what happened Joe said, "Let me tell you a little story. There were two lawyers watching me (Joe) in court. One lawyer said to the other 'that Kelly is giving a hell of a closing argument, isn't he?' The other lawyer responded, '... that is not a closing argument. It's voir dire.'"

Joe Kelly was a lawyer's lawyer. His success in some relatively high-profile cases was well known by members of the profession. What may not have been readily understood was his sensitivity, kindness, and compassion.

Joe treated you with respect regardless of who you happened to be. When you met Joe Kelly, you quickly learned that he was an authentic person.

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Joe was precisely the same person outside the office as he was inside. You always enjoyed being in his company.

Occasionally when you parted company with Joe he would say "God bless." Those of us who knew him well were blessed by his presence in our lives. Rest in peace, Joe. ♦

### ENDNOTES

- 1 *Martin v. Wilson Publishing Co.*, 497 A.2d 322 (1985)
- 2 *Healey v. New England Newspapers*, 520 A.2d 147 (1987).
- 3 *Lyons v. RI Pub. Employees Council* 94,516 A.2d 1339, 1342 (1986)
- 4 *Fiske v. MacGregor*, 464 A.2d 719 (1983).
- 5 *DiPrete v. Morsilli*, 635 A.2d 1155 (1995).

## Evan Patrick Shanley

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## HONOR ROLL

# Volunteers Serving Rhode Islanders' Legal Needs

The Rhode Island Bar Association applauds the following attorneys for their outstanding pro bono service through the Bar's Volunteer Lawyer Program, Elderly Pro Bono Program, US Armed Forces Pro Bono Project, and the Foreclosure Prevention Project during April 2020 and May 2020.

### APRIL 2020

#### Volunteer Lawyer Program

Robert A. Arabian, Esq., *Arabian Law Offices*  
Barbara A. Barrow, Esq., *Moore, Virgadamo & Lynch, Ltd.*  
Joseph P. Carroll, Esq., *Woonsocket*  
Michael A. Castner, Esq., *Jamestown*  
John B. Ennis, Esq., *Law Office of John B. Ennis*  
John J. Flanagan, Esq., *Warwick*  
Michael J. Hartley, Esq., *The Law Offices of Michael J. Hartley*  
Peter M. Iascone, Esq., *Peter M. Iascone & Associates, LTD.*  
Robert E. Johnson, Esq., *Hampton*  
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*  
Keith G. Langer, Esq., *Wrentham*  
John T. Longo, Esq., *Citadel Consumer Litigation, PC*  
Thomas B. Orr, Esq., *Law Office of Thomas B. Orr*  
Eileen C. O'Shaughnessy, Esq., *Warwick*  
Charles A. Pisaturo Jr., Esq., *Providence*  
Edward C. Roy Jr., Esq., *N. Kingstown*  
John S. Simonian, Esq., *Pawtucket*  
Gregory P. Sorbello, Esq., *Peter M. Iascone & Associates, LTD.*  
Timothy M.F. Sweet, Esq., *The Law Office of Timothy M. Sweet, LLC*

#### Elderly Pro Bono Program

Stephen J. Angell, Esq., *Angell Law, LLC*  
Andrew R. Bilodeau, Esq., *Bilodeau Capalbo, LLC*  
William J. Connell, Esq., *Forestdale*  
David P. Craven, Esq., *Attorney at Law*  
Richard E. Kyte Jr., Esq., *Warwick*  
Tracy A. Loignon, Esq., *Warwick*  
Elizabeth Peterson Santilli, Esq., *Cutcliffe Archetto & Santilli*  
Gregory P. Sorbello, Esq., *Peter M. Iascone & Associates, LTD.*

#### US Armed Forces Pro Bono Project

Armando E. Batastini, Esq., *Nixon Peabody, LLP*  
Priscilla Facha DiMaio, Esq., *Providence*  
Mariah L. Sugden, Esq., *Newport*

### MAY 2020

#### Volunteer Lawyer Program

Michael A. Castner, Esq., *Jamestown*  
Doris A. Lavalley, Esq., *Lavalley Law Associates*  
Adam G. Northup, Esq., *Law Office of Adam G. Northup*  
Charles A. Pisaturo Jr., Esq., *Providence*  
Matthew R. Reilly, Esq., *Cranston*  
John S. Simonian, Esq., *Pawtucket*  
Samuel D. Zurier, Esq., *Samuel D. Zurier, Esq.*

#### Elderly Pro Bono Program

William J. Connell, Esq., *Forestdale*  
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David L. Graham, Esq., *Lincoln*  
Casby Harrison III, Esq., *Harrison Law Associates, Inc.*  
James S. Lawrence, Esq., *Lawrence & Associates, Inc.*  
Michael J. Lepizzera Jr., Esq., *Lepizzera & Laprocina*  
Tracy A. Loignon, Esq., *Warwick*  
Emily J. Murphy Prior, Esq., *Morneau & Murphy*  
Charles A. Pisaturo Jr., Esq., *Providence*

#### US Armed Forces Pro Bono Project

Timothy J. Chapman, Esq., *Riverside*  
Phillip C. Koutsogiane, Esq., *Law Offices of Phillip Koutsogiane*

#### Foreclosure Prevention Project

Andrew R. Bilodeau, Esq., *Bilodeau Capalbo, LLC*  
John B. Ennis, Esq., *Law Office of John B. Ennis*

### An Interview with Zachary Lyons, Esq.

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

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

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

I am an attorney at Gonzalez Law Offices, Inc., a small law firm in East Providence. My work is exclusively in immigration law, mostly in family-based immigration law, removal and deportation defense.

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

My day is heavy with client interaction. I spend a lot of time engaging in strategy sessions with our clients. I also complete applications for immigration benefits, prepare packages of evidence and waivers, gather medical records, draft documents, and prepare for trial. About once a week I am in court in Boston, and I also appear in District Court in Providence. Sometimes I work on appellate work as well. On Saturday mornings, I am a guest on a radio show on 100.3FM during which I discuss immigration issues.

> **Who is your biggest role model in or out of the law?**

Anthony Bourdain. He inspired me to be courageous, curious, and to be a better listener. I miss him every day.

> **You are fluent in Spanish. How did you learn?**

Before starting law school, I taught English to children in Chile. The family I lived with did not speak English, so I had to learn Spanish out of necessity.

> **What is your favorite flavor ice cream?**

Pistachio Chocolate Chip

> **What do you find most rewarding about your job?**

The most rewarding part of my job is when a case goes well for the client. Many of my clients have been in limbo for years because of their status. We spend all this time preparing for trial and there is an enormous amount of pressure on the situation, given that the outcome will be life-changing one way or the other. If we are unsuccessful, my client will be deported. It all comes down to this one moment. When the judge orders no removal, you see and hear the client take this giant sigh of relief. That moment of total happiness and relief is the most rewarding part of my job.

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

I start every morning by going to the gym at 6 am. It is absolutely essential for me. I have been trying to meditate but it is hard! My wife, Nicole, is so supportive of my career and she definitely helps me keep everything in perspective. I also like spending time with my dog, Louie. Another one of my passions is soccer. On Saturday mornings I watch European soccer. I am a Liverpool FC fan and enjoy watching games with my family. Last summer Nicole and I went to see Liverpool play at Notre Dame and then again in Boston. We got to see them play twice in three days!



ZACHARY LYONS, ESQ.

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

Mexico Garibaldi on Atwells Ave. has the best tacos!

> **Name one thing that you could not live without and why?**

Coffee. I am a coffee snob. I couldn't live without my coffee and French press.

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

Honestly, my office was decorated when I got there and I haven't changed it much. Our entire office suite is decorated with "thank you" gifts from our clients from their countries of origin. I have added a picture of Justice Thurgood Marshall and a few pictures of my family.

> **What do you think the immigrant community of Rhode Island needs to hear from the legal community?**

The type of law I practice is unique in that it is the only type of law in the US where you will see 5-year-olds representing themselves. I think the immigrant community in Rhode Island needs to hear that there are lawyers who will take their cases at affordable rates. Some immigrants feel they cannot afford an attorney and instead go to non-lawyer consultants, or notarios, that are not qualified to handle these cases. This cannot continue.



DYSZLEWSKI



HOPKINS

Rhode Island  
Bar Association  
2019-2020

ANNUAL REPORT

# Annual Report 2019-2020

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



**Helen D. McDonald**, *Executive Director*

**David N. Bazar**, *President*

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

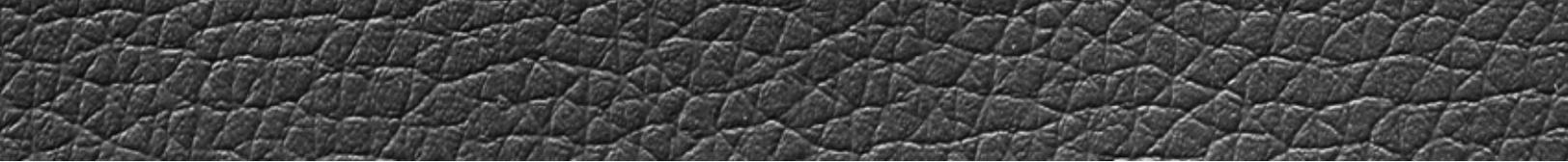
Like all others, the general activities of the Association were impacted by the COVID-19 pandemic. Early on we encouraged our members to take the necessary steps to protect health and well-being while also protecting their businesses. Committees were offered teleconferencing as well as Zoom videoconferencing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

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

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

## **Health and Wellness**

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



## Bar Association Offices

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

## Bar Committees

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

## Rhode Island Bar Journal

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

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

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

## Diversity

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

## Continuing Legal Education

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

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

# Report of the Executive Director on 2019-2020

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

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

## CLE Response to COVID-19 Pandemic

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

## 2020 Annual Meeting

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

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

## 2020 Annual Rhode Island Bar Association Awards Winners

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

### RALPH P. SEMONOFF AWARD FOR PROFESSIONALISM

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

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

### FLORENCE K. MURRAY AWARD

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

### VICTORIA M. ALMEIDA SERVANT LEADER AWARD

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

### 2020 PRO BONO AWARDS

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

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

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

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

### 2020 RHODE ISLAND BAR JOURNAL LAUREN E. JONES WRITING AWARD

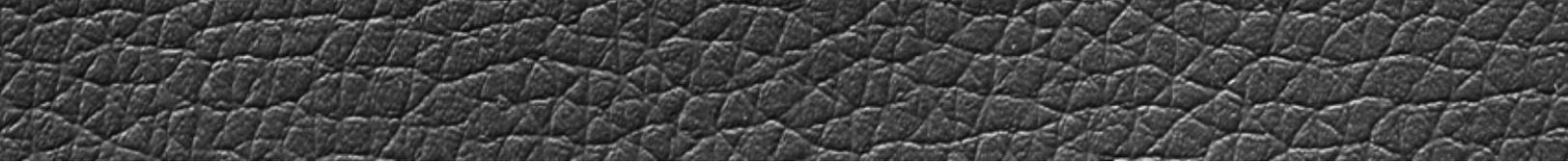
Established in 1986, Rhode Island Bar Journal Lauren E. Jones, Esq. Writing Award authors are selected on the basis of: 1) presentation clarity; grammar; organization and need for editorial revisions; 2) article interest and information presentation; 3) information usefulness for the practice of law,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

**Gene M. Carlino, Esq.**

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

## Membership Benefits

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



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

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

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

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

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

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

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

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

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

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

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

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

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

# Report of the Executive Director on 2019-2020

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

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

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

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

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

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

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

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

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

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

### **I. An Act Relating to Taxation – Portability**

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

### **II. An Act Relating to Fiduciaries**

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

### **III. An Act Relating to Taxation – Exemption**

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

### **IV. An Act Relating to Fiduciaries**

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

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

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

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

### **Rhode Island Bar Association Budget 2020-2021**

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

# 2020-2021 Annual Budget

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

## GENERAL FUND

(Administrative and Member Services)

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

## LAWYER REFERRAL SERVICE

(LRS and Public Services)

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

## CONTINUING LEGAL EDUCATION

(CLE Professional Development)

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

## OPERATING BUDGET

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

### Grants and Restricted Funds

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

### 2020-2021

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

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

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

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

# Bar Association Committee Reports



## **Animal Law**

**Lenore M. Montanaro, Chair**

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

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

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

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

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



## **Business Organizations**

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

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

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



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



## **Client Reimbursement Fund**

**John A. Tarantino, Chair**

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

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



### **Continuing Legal Education**

**Miriam A. Ross, Chair**

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

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

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

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

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

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



### **Criminal Law Bench/Bar**

**Melissa Larsen, Esq., Chair**

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

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



### **District Court Bench/Bar**

**Meghan Barry, Chair**

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

# Bar Association Committee Reports



## **Ethics and Professionalism**

**Christy B. Durant, Co-Chair**

**Kyla M. Pecchia, Co-Chair**



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

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

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

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

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

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

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



## **Family Court Bench/Bar**

**Jane F. Howlett, Chair**

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

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

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

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

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

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



**Federal Court Bench/Bar**  
**Patricia K. Rocha, Chair**

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

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

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

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

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

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



**Fee Arbitration**  
**Henry V. Boeiz III, Chair**

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

# Bar Association Committee Reports

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



## **Government Lawyers**

**Jenna Giguere, Chair**

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

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

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

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

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



## **Insurance Programs**

**Holly R. Rao, Chair**

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

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



## **Lawyers Helping Lawyers**

**Nicholas Trott Long, Chair**

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

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

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

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

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

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

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



### **Lesbian, Gay, Bisexual, & Transgender Legal Issues**

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

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



mining a path forward for next year.

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

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



### **New Lawyers**

**Meredith F. Howlett, Chair**

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

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



### **Probate and Trust**

**David T. Riedel, Chair**

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

# Bar Association Committee Reports

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

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

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

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

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



## **Public Service Involvement** **Christine J. Engustian, *Chair***

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

effect on their respective approval dates.

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



## **Superior Court Bench/Bar**

**Zachary Mandell, Chair**

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

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

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

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

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

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

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

# Bar Association Committee Reports

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



## Supreme Court Bench/Bar

Lauren E. Jones, *Chair*

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

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

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

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

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

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

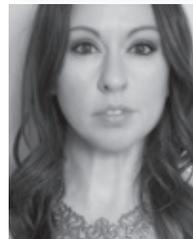
expects to have significant engagement with those new rules when they come into effect.



## Technology in the Practice

Michael M. Goldberg, *Co-Chair*

Rhiannon S. Huffman, *Co-Chair*



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

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

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

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

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

## Workers' Compensation Bench/Bar

William Gardner, *Chair*

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

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

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

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# Rhode Island Bar Foundation 2020 Annual Meeting

The Rhode Island Bar Foundation held its Annual Meeting remotely on Friday, June 19, 2020 at 12:30 pm. All Foundation Fellows were invited to attend. Foundation President Michael R. McElroy and the Board of Directors 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.



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

During the Meeting, conducted through Zoom, the newest Foundation Fellows, as well as representatives from organizations receiving 2020 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 2020 Thomas F. Black, Jr., Memorial Scholarship and the recipients of the Honorable Thomas J. Caldarone, Jr., law student summer Fellowship Program. The Board of Directors intend to host a formal event to recognize the scholarship and fellowship recipients, as well as the new fellows.

We are hoping to reschedule our meeting's social events, in order to give the award recipients the recognition they deserve. An event will likely be scheduled later this year, when more is known about the safety of gathering in numbers.

## The Honorable Thomas J. Caldarone, Jr. Fellowship Program

The RI Bar Foundation received a generous donation from the late Hon. Thomas J. Caldarone Jr. which has been used to establish an endowment for summer fellowships. Annually, a student entering their second year at Roger Williams University School of Law, will receive a stipend for an internship in a Rhode Island nonprofit organization engaged in providing legal services to persons of limited means. As Caldarone Fellows, second year law school students have the opportunity to assist in providing crucial legal services to the public and in so doing may encourage those students to pursue public service careers. The Rhode Island Bar Foundation is very pleased to be able to award two fellowships this year. Both Chad Stroum and Sheya Rivard will be interning at the Rhode Island Center for Justice this Summer.



Foundation Officers (l-r): Secretary Lauren E. Jones, Esq.; President Michael R. McElroy, Esq.; Vice President Victoria M. Almeida, Esq.; and Treasurer James A. Jackson, Esq.

## The Bar Foundation Welcomed 7 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. Bar Foundation Fellows select nominees from the Bar Association membership 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.

Laura J. Bottaro  
Michael R. Bottaro  
Craig V. Montecalvo  
Lara E. Montecalvo

George L. Santopietro  
Etie-Lee Z. Schaub  
Charles A. Tamulevitz

## 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: Lily A. Ginsburg and Maryam I. Asenuga.

### Special Thank You to Scholarship Program Contributors

The Horace A. Kimball and S. Ella Kimball Foundation  
The Champlin Foundation  
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## 2020 Annual Meeting

While the Annual Meeting Planning Committee, chaired by Bar member Janet Gilligan, spent months planning a diverse and enriching lineup of programs, the circumstances surrounding the COVID-19 pandemic led to the cancellation of the Annual Meeting. Unwilling to let the efforts of the Committee and our program presenters go to waste, Chairperson Gilligan and our Continuing Legal Education Director Tanya Nieves worked tirelessly to modify the programs to fit a virtual format, resulting in our 2020 Annual Meeting Virtual Series. Seventeen of the original 39 programs were made available to Bar members through the GoToWebinar platform. An interactive, virtual brochure was created to highlight the series, and we had more than 500 registrants attend one or more of the programs. The business portion of the Annual Meeting took place via Zoom on Thursday, June 18th at 9:00 am. All Bar members were invited to join the meeting, during which the Rhode Island Bar Association Executive Officers were enthusiastically and unanimously endorsed. They include: President Richard P. D'Addario, Esq.; President-Elect Lynda L. Laing, Esq.; Treasurer Mark B. Morse, Esq.; and Secretary Nicole J. Benjamin, Esq. The business meeting also included the announcement of this year's awards winners, the In Memoriam acknowledgement, and the Treasurer's Report. Attendees were reminded that a formal celebration to honor this year's awards winners will be scheduled as soon as we are safely able to do so.

We would like to express our gratitude to the panelists who agreed to move forward with their programs in a virtual format. We were able to have a successful lineup of programs despite the pandemic thanks to your hard work, flexibility, and collaboration.

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## Ada Sawyer: Civic Leader



Denise C. Aiken, Esq.  
Providence

Over the past several years I have written many articles about Rhode Island's first female attorney, Ada Lewis Sawyer. Ada the legal secretary, Ada the mentee of Percy Winchester Gardner, Ada the drafter of legislation on behalf of women and children, Ada the litigator, Ada the girl with a dream, have all been the subjects of my articles.

Today I am looking at Ada L. Sawyer, Civic Leader. Look at her involvement in both business and civic enterprises in the years just after she was granted by Constitutional Amendment the right to vote, to be a full citizen of these United States.

Ada L. Sawyer was a member of the Wakefield Area Advisory Board of the Industrial National Bank (and no one called it the "Superman Building" back then). She was a corporation member of the Citizens Savings Bank and a director of at least seven other Rhode Island corporations. In addition, she was a corporation member of RI Hospital, the Bethany Home of Rhode Island which was founded in 1892 to give safe housing for women in need, and the Hattie Ide Chaffee Home. She was a director of the former Rhode Island Tuberculosis and Health Association.

Ever interested in preserving Rhode Island's history, she was a member of the RI Historical Society, the Pettaquamscutt Historical Society, the Providence Preservation Society, the Friends of the Park Museum, the Rhode Island Association for Mental Health, the Rhode Island League of Nursing, the English Speaking Union, the YWCA, the Daughters of the American Revolution, the Providence Plantations Club and the Players.

At a time when these organizations existed solely upon private donation to provide services to those overlooked by society, or to preserve the buildings and heritage of Rhode Island, Ada L. Sawyer was a woman who could help get things done.

When she served on the Children's Laws Commission, she helped to liberalize this state's child labor laws.

She was in the first wave of women who could go to the polls and have their voice heard. And the State of Rhode Island heard plenty from Ada L. Sawyer, Attorney at Law.



Ada Sawyer, Esq.

The *Journal* will feature a series of articles related to Ada Sawyer and how she enhanced the status of women in Rhode Island. The articles are leading up to a commemorative event, organized by the Bar Association's Ada Sawyer Centennial Planning Committee and supported by the RI Women's Bar Association and the Roger Williams University School of Law, scheduled for October 15, 2020.

*If the event needs to be postponed due to group limitations as a result of the pandemic, Bar members will be notified.*

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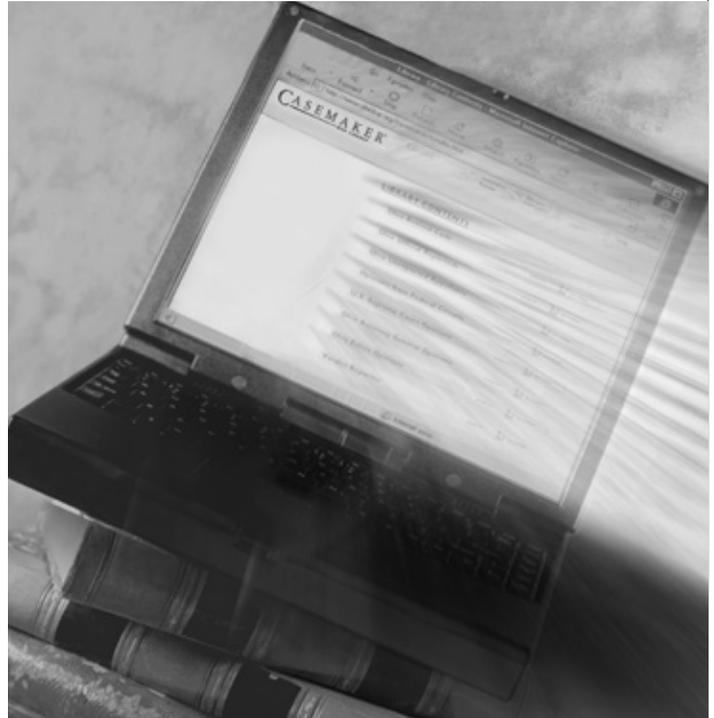
The **State Compilations** page is your default landing page. On it, you can see a listing of all 50 states plus the District of Columbia and the Virgin Islands, and access those collections. To the left of this list, you can find the **Federal Materials menu** and **Tribal Courts menu**. Along the top, you can find a drop-down menu version of the same clickable list you see when you start the system. These menus are available by hovering over them on any page, however, clicking on a menu item will then direct you to the corresponding page.

Clicking on any state is going to offer you different collections – at a minimum giving you access to case law, constitution, administrative code, court rules, statutes, and session laws. By default, Casemaker shows you a list view of these materials. This allows you to navigate through the particular items in an index or table of contents fashion. However, along the top of any state or the federal compilations, you will find a blue bar with the option for **Tree View** which allows you to navigate through the system in a more visual way, expanding and collapsing the information that you're looking for. This not only allows you to have a more visual frame of reference for where you are in the library, but it also allows you to explore the content around a particular statute, for example. If you are in **Tree View** and would like to return to **List View**, you will find the **List View** link in the upper grey bar.

Also, in the blue bar in list view is a link for **Archive**. This will show you previous year versions of materials. The **Tree View** shows these archived versions in its directory structure so there will not be an archive link in that view.

As you click around and navigate the **List View**, you will notice in the light grey bar there is a path of how you got to where you are. This is Casemaker4's breadcrumb trail. It allows you to click to previous points in the hierarchy that you had clicked on. This makes it easy to return to the title or chapter of statute or rules.

Once you click to view the content of a statute, rule or regulation, you will see a document view that is similar to what we have discussed previously when talking about cases. However, on rule and statutory content, there are some different options on the left tabs. You will find the ability to return to the **Table of Contents** with the **Browse TOC** tab. The **Annotator** tab will give you a list of cases which cited the rule or statute you are viewing. And of course the **Archive** tab gives you previous year's versions of the document.



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# In Memoriam

## **Herbert B. Barlow Jr., Esq.**

Herbert B. "Skip" Barlow Jr., 94, formally of Providence and Barrington, died June 2, 2020 in Annapolis, MD. Born in Providence in 1925, he was the son of the late Herbert B. Barlow and Dorothy Morse Barlow. He graduated from Moses Brown High School and attended Brown University, where he was part of Naval Reserve Officers Training Corps and Commodore of the Sailing team. After graduating from Brown as an Ensign in the Navy, he toured the Pacific in 1945 on a troop transport. He then served in the Naval Reserve for 23 years, retiring as a Lieutenant Commander. After active duty, Skip attended Catholic University Law School in Washington, D.C. and worked in the U.S. Patent Office and the Navy Department. Upon graduating from law school, he returned to Rhode Island and joined his father's patent law firm, Barlow & Barlow, now known as Barlow, Josephs & Holmes, Ltd. He was active in the Intellectual Property Section of the ABA, chairing the Trademark Committee. He was also heavily involved with the Brown University radio station WBRU and the State Ballet of RI. He was active in the Cruising Club of America since 1958. A member of the Florida Station, he served on several committees and was later nominated to Rear Commodore. Skip was an Elder of the Presbyterian Church in Hobe Sound, FL. He was the husband of the late Margaret Barlow, to whom he was married for 45 years. He is survived by his children, Bruce (Bette) and Nancy (Jud) and four grandchildren.

## **Sidney Clifford Jr., Esq.**

Sidney Clifford Jr., of Providence and Little Compton, died June 3, 2020 at the age of 83. Born in Providence, 'Jerry' was the son of the late Sidney Clifford and Elizabeth (Freeman) Clifford. He was a graduate of Philips Exeter Academy and Marlboro College and earned a law degree from the University of Virginia Law School where he was a member of Sigma Nu Phi. He maintained a private law practice in Providence, served as a Probate Judge for Newport County in Little Compton for over forty years and was an attorney for the RI Department of Transportation. Jerry was a 33rd degree Mason in the Scottish Rite/York Rite, Grand Commander of the Knights Templar for MA and RI, Grand Marshall for the Grand Lodge of RI, and a Governor of the RI Society of Colonial Wars. His wife, Irene (Kulpa) Clifford, predeceased him in 2015. He is survived by the many members of an extended family whom he cherished and were an important part of his life.

## **Jim S. Judd, Esq.**

Jim Judd died on Tuesday, April 7th, 2020. A long-time resident of Wyckoff, NJ; he was 62 years old. Jim was born in Peoria, Illinois and raised in Springfield, Illinois. He was the son of Meryl Judd and the late Donald Judd. He graduated from Parks College-St. Louis University with a B.S. in Aeronautical Engineering. He earned his law degree from The George Washington School of Law. He held positions as executive vice president at NYCE Corporation and senior vice president at Metavante prior to becoming a co-owner of CantorBuild, LLC in 2012. He is survived by his wife of thirty years, Ellen Benson; two sons, Sam and Ben; and his sister, Carrie Judd. Jim was the son-in-law of Minnie Benson and the late Albert Benson of Fair Lawn, NJ.

## **William J. O'Coin Jr., Esq.**

William J. O'Coin, 85, of Cumberland, died on Saturday, June 6, 2020. Born in Woonsocket, he was the son of the late William J. and Mary (Zifcak) O'Coin Sr. Upon graduating from Woonsocket High School, William joined

the Rhode Island Army National Guard and served in the medic unit. A past Grand Knight of Woonsocket Council, Knights of Columbus, William was 21 years old and recognized as the youngest person in Rhode Island to be elected Grand Knight. Also at the age of 21, William was appointed a police officer for the Woonsocket Police Department. He served with special distinction and was quickly assigned to the detective division. Decades later, William's police service became known that he had made an arrest in Woonsocket of a young unknown actor from New York City. That person was identified as Hollywood legend Al Pacino. While a member of the police department, William began attending Providence College. He graduated in 1967 and continued on to New England Law/Boston. He graduated in the top ten of his class in 1971 and went on to a distinguished career focused on resolving complex real estate title issues and other land use matters. He worked for Chicago Title and later started the New England Land Title Insurance Agency Inc. At the same time, William began his political career with his election to the Cumberland School Committee. He served 14 years as a member and chairman of the committee. He was a communicant of St. John Vianney Church, Cumberland. He is survived by his children; Karen Bellucci and her husband Joseph Jr. of Cumberland; Kevin O'Coin and his wife Myra of Florida; Karleen Halliwell and her husband Jack of Florida.; nine grandchildren; and two great grandchildren.

## **David M. Rosen, Esq.**

David M. Rosen, of Waltham, died November 16, 2019. He was the husband of Mary W. (Waddick) Rosen for 29 years and the father of Ava N. Rosen and Jack H. Rosen, both of Waltham. He was the son of Lorraine Rosen of FL and the late Arnold Rosen; brother of Howard Rosen and his husband Michael of NJ; and Linda Eisner and her husband Michael of FL; and son-in-law of Mary Waddick.

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

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

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

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

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

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

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

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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](http://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**.

# Caption This! Contest

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



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

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

**Deadline for entry:** Contest entries must be submitted by August 1st, 2020.

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

### Winning caption for May/June



"Psst. Mask and gloves. Remember, we were six feet apart."

PETER J. MINIATI, CFP, JD

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## Lawyers on the Move

**Jay Jarret, Esq.** has moved his firm, **Jarret Law, LLC**, to 14 Breakneck Hill Road, Suite 200, Lincoln, RI 02865. 401-769-2929 [jay@jarretlaw.com](mailto:jay@jarretlaw.com)

**Michael R. McElroy, Esq.** and **Leah J. Donaldson, Esq.** are pleased to announce that **Barnaby E. McLaughlin, JD, PhD**, has joined **McElroy & Donaldson** as an associate. 401-351-4100 [Barnaby@McElroyLawOffice.com](mailto:Barnaby@McElroyLawOffice.com) [McElroyLawOffice.com](http://McElroyLawOffice.com)

## Keep Your Directory Listing Up to Date!

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

# COVID-19 Summer Safety Tips

Here are a few tips to help you enjoy outdoor activities safely during a coronavirus summer.

## Beach Trips

- Avoid crowding together on blankets, towels, chairs, or under an umbrella.
- Avoid community beach toys and floats – bring your own instead.
- Wear a face mask and use hand sanitizer frequently.
- Skip the sun and sand if the beach is busy.



## General Tips

- Practice social distancing by staying at least six feet away from people who don't live in your household.
- Gather in groups of 10 or less.
- Practice good hand hygiene and frequently sanitize high-touch items.
- Wear a face mask in public settings.
- For trips away from home, pack extra hand wipes and sanitizer gel.
- Remember to apply sunscreen to the area underneath your mask to avoid getting a sunburn, and drink plenty of fluids to stay hydrated.



## BBQs

- Don't share utensils, cups, or snacks – no double-dipping!
- Wipe down high-touch surfaces frequently, such as patio tables & chairs.
- If you aren't from the same household, consider bringing your own food & drink to avoid transmitting the virus through surfaces.



## Swimming

- Carry disinfecting wipes to sanitize community chairs before use.
- Remember to social distance and wash your hands once you're out of the water to prevent catching or spreading the virus.
- If the community pool is packed, try coming back another day.
- Backyard pool parties with people from your household are safe. If friends or family are visiting, have conversations across the pool rather than right next to each other.



## Hiking & Biking

- Visit parks and trails close to home; traveling long distances may contribute to the spread of the virus as you stop along the way.
- Carry a face mask to pull over your nose and mouth in the event a crowd forms on the trail or at scenic stops.
- Wash your hands frequently or use hand sanitizer, especially if you are touching handrails or bike station tools.



## Lawyers Helping Lawyers

A Rhode Island Bar Association Member Benefit. For more information, visit our website at [ribar.com](http://ribar.com), and the *Do You Need Confidential Help Quick Link*. Also, learn 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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