An honor and a pleasure

I have thoroughly enjoyed the presidency of the MBA this year. There have been many events in which I have been privileged to participate or play a role. Please let me share with you the one which I have found the most gratifying.

The opportunity to speak to new members of the bar at the admission ceremonies conducted by the Supreme Judicial Court at Faneuil Hall is offered to officers of the association. There are usually eight or so ceremonies each December and three or four each June corresponding with the announcements of the results of the biannual bar examination. As an officer of the MBA for the past five years, I have had the privilege of speaking to a number of bar admittees.

Inspired in part by my former partner Cindy (now the Honorable Appeals Court Justice Cynthia J.) Cohen and in part by many of you, this is what I have said:

Candidates for admission to the Bar, on behalf of the Massachusetts Bar Association, welcome.

You should feel very proud today; your parents, spouses, partners, children and friends, should also feel very proud.

You have worked very hard, studied, achieved, accomplished.

You will leave here today lawyers, attorneys, counsellors and

You will have something that very few in any society do: the license and the privilege to practice law.

You will represent the rich and the poor;

You will help some buy their first house and help others sell their last home;

President’s View

by Warren Fitzgerald

Fitzgerald looks back at 2005-06 term

Warren Fitzgerald, finishing his term as 2005-06 president of the Massachusetts Bar Association, said he was proud of everything the MBA’s leaders, volunteers and staff have accomplished this past year.

Fitzgerald, a trial attorney and partner at Meehan, Boyle, Black & Fitzgerald PC of Boston who concentrates on personal injury law, said he’s enjoyed his year leading the MBA, having created a number of task forces and committees tackling issues as diverse as ethnic diversity and judicial independence.

Though he plans to stay involved

Continued on page 12

Pivotal delegates meeting features transition from Fitzgerald to Mason

by Tricia Oliver

A full agenda preceded the official passing of the gavel from MBA President Warren Fitzgerald to President-elect Mark D. Mason at the May 18 House of Delegates meeting. Mason begins his term on Sept. 1.

Full reports from leadership

Fitzgerald began the productive pace of the meeting.

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The Supreme Judicial Court recently announced the appointments of Middlesex Juvenile Court First Justice Gail Garinger, Framingham District Court First Justice Robert V. Greco and Nantucket Probate and Family Court First Justice Randy J. Kaplan to the Judicial Performance Evaluation Committee, effective immediately.

The justices reappointed Southeast Housing Court First Justice Anne Kenney Chaplin and Land Court Judge Leon J. Lombardi to the committee. All appointments are for two-year terms, ending March 1, 2008.

Established in 2001 by the SJC, the Judicial Performance Evaluation Committee oversees the implementation of the judicial performance program in the Trial Court.

Garinger was in private practice for 22 years prior to her appointment to the bench in 1995. She has served as general counsel for Children’s Hospital Medical Center, and was a trial attorney for the Massachusetts Defenders Committee in 1973. She has served on the Supreme Judicial Court’s Commission on Juvenile Justice and the Supreme Judicial Court’s Judiciary/Media Steering Committee.

Before his appointment to the bench in 1985, Greco was executive director and general counsel of the State Ethics Commission. Greco taught on the adjunct faculty of New England School of Law and Boston University Law School, and served as chairperson of the Committee on Judicial Ethics.

Kaplan was appointed to the bench in 2001. Previously, she was a partner in the law firm of Deutsch, Williams, Brooks, DeRensis, Holland & Drachman for five years. From 1991 to 1996, she was a partner at Burns & Levinson, and she was an associate with LoDolce & Stackpole.

Chaplin was appointed to the bench in 2000 after practicing law for 22 years. She began her legal career at the law firm of Chaplin, Casner & Edwards in 1978. Chaplin received her J.D. degree from the University of Virginia School of Law and her B.A. degree, magna cum laude, from Boston College.

Prior to his appointment to the Land Court in 1995, Lombardi was a partner in the law firm of Warner & Stackpole, and also served in the Massachusetts House of Representatives from 1977 to 1983. He served on the Supreme Judicial Court Task Force on Judicial Branch Education and the Judicial Institute's New Judges’ Education Committee.

The Volunteer Lawyers for the Arts of Massachusetts Inc. (VLA) has selected both the law firm of Brown, Rudnick, Berlack, Israels LLP and Albert W. Wallis to be individual recipients of the 2006 Robert B. Fraser Award for Pro Bono Excellence.

Wallis is executive director of The Brown Rudnick Center for the Public Interest, the umbrella entity that encompasses all of the firm’s pro bono legal work, charitable giving, community involvement and public interest efforts. The award is given annually to an attorney, firm or legal services organization that shows a sincere dedication to servicing the needs of the cultural and artistic communities of Massachusetts. This is the first time the VLA is recognizing both the accomplishments of an individual attorney and the pro bono work of a law firm in the same year.

According to VLA Executive Director James Grace, “We identified Brown Rudnick as this year’s award recipient, but we found we could not undervalue the individual commitment, enthusiasm and leadership of Al Wallis. Under his strategic direction and guidance, the center has taken a leadership role in supporting the mission of the VLA and helping indigent artists gain access to legal counsel.”

Eugene B. Berman joins the National Arbitration Forum’s (NAF) national panel of independent and neutrals.

Continued on page 18

MBA welcomes new members

Jennifer M. Almeida of the Law Office of Timothy J. Lowen
Miriam Goldstein Altmann of The Law Offices of Miriam G. Altman
Dan V. Bair II of Brodeaur-McGan, Attorney at Law
Christopher D. Becker of Maselan & Jones PC
Gary Theobald Beery of the Law Office of Gary Theobald Beery
James M. Bosco of the Law Office of James M. Bosco
Wade C. Boylan of PPFC Inc.
Mark W. Brittain of Ianello Legal Associates
John J. Brooks III of the Law Office of John J. Brooks III
Patrick Neil Bryant of Sandulli Grace PC
Ralph J. Cafarella of Sullivan & Sullivan LLP
Michael J. Callahan of George Washington Law School
Erin T. Cashman of Cashman & Waligory
Dmitri A. Chernov of the Law Office of Dmitri A. Chernov
Jo Ann Citron of Citron Law
Christine Ciuﬀo of Marianne Byrne, Attorney at Law
Ilisa S. Clark of Littler & Mendelson, PC
Jennifer M. Clark of Shaw & Corcoran PC
Jonathan D. Cohen of Kevin M. Considine PC
Mark Donovan of Kevin M. Considine PC
Stephanie M. Dooley of Giarusso, Norton, Cooley & McGlone
Patrick Dricoll of Hogan, Roache & Malone
Julie Carol Easter of Regan & Kiely LLP
Sandra Egan
Laura J. Fenn
Julie J. Fletcher of Jackson Lewis LLP
James J. Foley Jr.
Joshua Michael Fox of Rollins, Rollins & Fox
Karen E. Friedman of Lurie & Krupp LLP
Samuel J. Gallo of Segue Software Inc.
Mark R. Giebner of MassMutual Financial Group
Richard M. Gilbert of Adler, Pollock & Sheehan PC
Russell W. Gillius of Commonwealth Of Mass. Human Resources Division
Robert L. Goodale of the Bristol County District Attorney’s Office
Stephen P. Hayes of Hayes & Hayes
William Joseph Hickey of the Law Office of Julie Rougeau
Sandra Clough Howard of the Law Office of Sandra Howard
Kevin M. Hughes of Wolpoff & Abramson LLP
Paul T. Hynes of Angoff, Goldman, Manning, Wanger & Hynes PC

Continued on page 21
Panel explores “Race and the Achievement Gap” in Boston schools

More than 100 people attended an informative and lively panel on “Race and the Achievement Gap in the Boston Public Schools” on June 1 that examined what can be done to improve disparities in the quality of public education.

The program, which was at capacity in the Massachusetts Bar Association’s conference room at 20 West St. in Boston, was jointly sponsored by the Rosa Parks and Women in Color Committees of the Women’s Bar Association of Massachusetts, the MBA and the Lawyers’ Committee for Civil Rights Under Law.

The program featured substantive and provocative questions and comments from a diverse audience, including students from the Boston Public Schools. The four panelists discussed the crucial issue of race/education and equality from different aspects.

- Anne Wheelock, an education policy analyst and education reform expert presented data on the Massachusetts Comprehensive Assessment System (MCAS) as well as dropout rates, particularly high among students of color.
- Steve Fernandez, a physics teacher at the John D. O’Bryant School of Mathematics and Science and a member of Work-4-Quality/Fight-4-Equity, a Boston community group active in the fight for high quality schools, related his experiences in the classroom and successes working with young people.
- Sandra McIntosh, an English High parent coordinator and co-chair of the of Work-4-Quality/Fight-4-Equity, spoke of her experiences as a parent of a child in the Boston Public Schools and as an administrator at one of these schools. She explored the inequities in tracking and/or going back to so-called “community schools.”
- The program ended with community activist and Boston City Counselor Chuck Turner, who posed the question of how to achieve equality in education in a political context.

“We’re doing a bad job in the schools in Boston and probably nationwide,” said Fernandez, who noted that kids are turned off by sitting in classroom chairs and being threatened with tests on subjects they have no interest in.

While there are some “slight differences” in how students from different cultural and socio-economic situations test early on, Fernandez said, “By the time they’re in high school, (the differences are) huge. They get more and more marginalized.”

The program was moderated by Nadine Cohen, a lawyer at the Lawyers’ Committee for Civil Rights Under Law of the Boston Bar Association, and Sabrina Acloque, an AmeriCorps paralegal at Greater Boston Legal Services and a 2000 graduate of Boston Latin School. Cohen has spent more than two decades as a civil rights lawyer involved in controversial fights for equality and social justice.

The program’s large turnout highlighted how much work is needed to achieve equality in public education to fulfill the promises of the Constitution to full racial equality and social justice. Participants expressed the desire to continue working on race and education, and the WBA committees hoped to present a follow-up program in the fall.

Domestic lawyer getting over-involved trying to help clients

Q: At times I’ve been feeling overwhelmed by my domestic and juvenile law practice, and at other times burnt out and almost numb. Although I myself was raised in an intact (if somewhat dysfunctional) family, the human pain that surfaces around divorce, custody, etc. really seems to push my buttons. Some of my colleagues seem able to keep their cases at a safe distance; for me, it’s hard to draw the line.

Aside from the fact that I “feel their pain,” especially that of kids caught in the middle of various lose-lose situations, I also tend to get personally over-involved. One time I spent more time in the hospital with a sick client than his mother did. In another case, I canceled my own vacation because a client demanded that I be with her for a meeting that really did not require a lawyer.

I am in solo practice, which sometimes feels like swimming with no lifeguard. Yet I’m drawn to this kind of work. What do you suggest?

A: We have long noted that the world of lawyers offers too little — especially for those who practice solo — in the way of support, community, apprentice-ship, etc. Newer lawyers often report feeling like they are adrift or drowning, while more seasoned practitioners are more likely to feel burnt-out — you seem to be somewhere in the middle.

The issue of “drawing the line” with clients naturally arises more in the field of domestic law than, say, corporate litigation (which certainly presents its own stresses). In fact, it’s a concern shared by those of us in the mental health field, and the goal is probably the same: to care enough, and be involved enough, to be helpful, while keeping enough distance so that you don’t lose your own grounding or perspective.

For your client, you are the lifeguard. You must extend yourself enough to make a connection and be able to pull them to safety while maintaining a firm enough footing to avoid being pulled under.

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Questions quoted are either actual letters/e-mails or paraphrased and disguised concerns expressed by individuals seeking assistance from Lawyers Concerned for Lawyers. Questions for LCL may be mailed to LCL, 31 Milk St., Suite 810, Boston, MA 02109; e-mailed to lclma.org or called in to (617) 482-9600. LCL’s licensed clinicians will respond in confidence. Visit LCL online at www.lclma.org.
Deval Patrick strikes a town meeting tone at MBA co-sponsored breakfast

by Chad Konecky

Deval Patrick, the Democratic State Convention’s endorsed gubernatorial candidate, sketched broad strokes of his policy agenda and tackled substantive legal minutia during a June 20 breakfast discussion at Suffolk University Law School.

The event, co-sponsored by the MBA and Massachusetts Lawyers Weekly, unfolded as a frank and relaxed hour-long forum. Moderated by Massachusetts Lawyers Weekly Publisher/Editor-in-Chief David L. Yas, the program was meant to feature a debate format, but both Independent candidate Christy P. Mihos and Democratic primary candidate Chris Gabrieli cancelled their scheduled appearances, citing scheduling conflicts.

“The organized bar continues to take a very active role in shaping Massachusetts politics and policy,” said MBA General Counsel Martin W. Healy, who was instrumental in shepherding the forum from concept to reality.

“The forum was an excellent venue for the bar to be heard on a number of key issues,” he said. “Arguably, no other officeholder has more of a direct impact on legal policy than that of governor. We have certainly seen that play out over the past few administrations.”

Some of the approximately 120 attendees, including the 49-year-old Patrick, a former Clinton Administration civil rights official, adopted a light-hearted tone regarding the absence of Gabrieli and Mihos. Other gubernatorial candidates who were invited either did not respond or declined to attend.

During his introductory remarks, MBA President-elect Mark D. Mason went on to suggest that perhaps Mihos and Gabrieli “didn’t realize breakfast is the most important meal of the day.”

Patrick, who hopes to defeat Gabrieli and Massachusetts Attorney General Tom Reilly in the Sept. 19 Democratic gubernatorial primary, added, “One candidate standing is exactly what we want this to look like in a few months.”

Once the program was underway, Patrick deftly fielded moderator and audience-member questions covering a broad range of topics in politics and law.

The Chicago native and Milton resident received particular effusive applause for his answer when Yas solicited Patrick’s stance on gay marriage, an issue that has kept Massachusetts in the national spotlight since the Supreme Judicial Court’s landmark ruling in Goodridge v. Dept. of Public Health in May 2004.

“I think the SJC got it right, and frankly, I think people are ready to move on,” said Patrick, noting that marriage between blacks and whites became legal during his lifetime (via a 1967 U.S. Supreme Court decision). “The sky hasn’t fallen and the ground hasn’t opened up. I’ve been married 22 years and there’s nothing threatening to my marriage about gay marriage.

“The problem is, leaders don’t always lead us to higher ground,” he continued. “Some lead us to issues that are divisive because they are divisive and that’s the kind of leadership that has to change and will change when I’m governor.”

Patrick was careful to concede that the SJC ruling remains a political lighting rod.

“Those issues of hearts and minds still have to be resolved, but the issues of law have been settled,” he said.

A love of law

In response to an audience member who raised the issue of cuts in legal services for the poor by the Romney Administration, Patrick spoke passionately about the accessibility of courts to “poor and vulnerable people.” While Patrick cautioned that “not every appropriation” must be supported by a governor and maintained that legal services have “limitations on a civil level,” the former NAACP attorney served notice that certain entitlements would regain priority status in his administration.

“We are about the rule of law and the courts can’t be the exclusive province of the well-funded and the well-connected,” said Patrick, who served as president of the Legal Aid Bureau at Harvard Law School before graduating in 1982. “The law ought to reflect our basic sense of justice. For the all the emphasis on logic in legal training, logic never found its way to justice on its own. Never. It has always required advocates and judges who have a sense of moral values.

“It is wrong,” he continued, “to have a legal system where the only participants who can resolve their disputes are people who have money.”

Patrick was equally candid when talk turned to the unfavorable public perception of lawyers and the legal field.

Calling for more vigilant self-policing of unethical behavior in the profession, Patrick labeled negative generalizations about lawyers’ as “unjustified,” but attributed the legal field’s reputation to “certain excesses” of “dishonest individuals.”

“I’m very proud to be an attorney,” added Patrick. “I’ve practiced in many areas. Helping poor families and big corporations. I’ve argued in the Supreme Court. I’ve consulted for companies and nations. I love the law. But the notion of

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Photo by Steve Gilbert

Deval Patrick makes a point during the breakfast forum sponsored by the MBA and Massachusetts Lawyers Weekly at Suffolk University Law School on June 20.

Photo by Steve Gilbert

Gubernatorial candidate Deval Patrick is greeted by MBA President-elect Mark D. Mason and retired Probate & Family Court Judge Edward M. Ginsburg (center).
government by the rule of law has become a cliché in this country.”

The bulk of his comments in the legal arena revolved around issues relating to judges and judgeships.

Patrick enthusiastically supports the notion of returning an authoritative function to the role of the commonwealth’s Judicial Nominating Committee, as opposed to the JNC serving in more of an advisory capacity, as has been the case in recent years.

Contending that many citizens around the state “feel like Beacon Hill is all about Beacon Hill,” Patrick pledged to instruct the JNC under his administration to “cast the net as broadly as possible in search of racial, ethnic, gender and geographic diversity”; the death penalty (“I oppose it”), enhanced judicial stewardship of court system resources (“I do think you want the judiciary to have more control over management of their resources”); the state Medical Malpractice Tribunal (“a very good idea”); Administrative Law Judge panels (“Having citizens help me vet, cull through and recommend ALJs is a natural and wonderful way to involve people in their government”); and, law school loan forgiveness for those involved in public service (“I love the idea”).

Patrick, who won his party’s official endorsement at the 2006 Democratic State Convention on June 4, commented in detail on three additional items relating to judges and the judiciary.

Asked by Yas whether, in the hypothetical, he would publicly criticize a judge’s verdict, Patrick took the bait, then threw the proverbial hook.

“Maybe,” said Patrick, who was serving as general counsel to the Coca-Cola Company when former Superior Court Associate Justice Maria I. Lopez was making national headlines in 2000. “I think judges will know more about a set of circumstances than a governor is likely to know. Sometimes, in terms of sentencing, the disposition is shorter than the set of circumstances would seem to dictate or there will be a continuance without a finding that does warrant a public complaint from the governor. But you can expect me to be reluctant to do so.”

On the subject of mandatory sentencing, Patrick explained:

“I support mandatory sentencing, but I do believe you have to allow room for judgment,” he said. “The problem is not the concept; the issue is what constitutes a reasonable minimum.”

Patrick made it clear that he is open to the creation of specialized courts devoted to select case activity, like drug or gun-charge courts. But once again, the candidate positioned himself with balance and in a manner that underscored why Yas opened the event by reminding the assemblage that Patrick is “one of us.”

“I think specialized courts are a good idea until we overspecialize, so you have to ask yourself where that point is,” said Patrick, who, according to a June 19 poll conducted by CBS4, is locked in a statistical dead heat in his battle for the party’s nomination with Gabrieli and Reilly. “I do think judges with a breadth of experience over different kinds of cases bring richer judgment to their cases.”

Patrick’s ready acknowledgment that he doesn’t have all the answers on every issue facing the commonwealth imbued the program with a collaborative, town meeting-like undertone. And in those instances where he didn’t have the answer, he said he was ready to “do more homework.”
Aft er nearly seven years of service to the Board of Bar Overseers of the Supreme Judicial Court of the commonwealth of Massachusetts, Bar Counsel Daniel Crane has resigned.

“We have an extraordinary staff in the bar counsel office that is committed to having our profession practice at a high level,” said Crane. “I’ve had the good fortune to be with this staff for almost seven years; we have accomplished a lot together.”

Those who have worked with Crane laud him as an outstanding chief bar counsel who has won a national reputation for his work in the field.

“From the ‘private bar’ perspective, Dan will be an extremely tough act to follow,” said MBA General Counsel Martin W. Healy. “The bar was fortunate to have him. Dan comes from the trenches of small firm law practice and never lost sight of the trials and tribulations of everyday practice. He has a deep respect of the law and is ever mindful of the serious obligations lawyers have with their clients and to society.”

Healy added, “As an MBA leader in the 1990s, Dan shaped the bar’s agenda out of experiences honed in the courtroom and political skills that came naturally to one who grew up in a storied political Cambridge family. Through his MBA presidency, he made friendships that last to this day.”

According to Mike Fredrickson, BBO general counsel, “Dan has made substantial inroads into a backlog he inherited. I think he’s done a tremendous job and will be difficult to replace.”

The bar counsel is the head of the Office of Bar Counsel, the disciplinary agency responsible for investigating and prosecuting charges of professional misconduct by attorneys in the commonwealth.

Responsibilities of bar counsel include supervising the Office of Bar Counsel, setting policy and goals for the office, practicing before the Supreme Judicial Court, reporting on administrative matters to the Board of Bar Overseers and interacting with the bar and the public.

“It’s a job in which you can make no one happy. But it’s absolutely vital,” said Fredrickson. “I think we have an independent and fair system of processing and adjudicating complaints against lawyers. Dan has done much to improve that system.”

High notes of Crane’s tenure include a new complaint intake system, known as the Attorney Consumer Assistance Program, and a dramatic reduction in the age of cases.

According to Crane, ACAP is a triage operation that reviews every new matter that comes in the office and allows the bar counsel’s office to provide a higher level of service to both the public and the bar. It has cut number of investigative files that the BBO opens by 50 percent.

Laurie Aaron, board administrator, Board of Bar Overseers, said, “ACAP is an extremely effective program that benefits both attorneys and the public. I believe very strongly in that program.”

Although Crane’s administration has reduced the time it takes to conclude investigations and to file charges if necessary, he cautioned that more work was needed by the staff, the board and the volunteers in how they respond to matters under investigation, conduct hearings and issue decisions. “Those will be things for my successor to follow up on,” said Crane.

Crane had other suggestions for his successor, the bar and the judiciary.

He strongly supports the enactment of the Law Office Management Assistance Program, which will intervene and provide assistance to lawyers who get involved in minor misconduct, matters such as failure to return phone calls or complete work within a quoted timeframe, usually caused by lack of organization and practice management skills.

Crane also recommends that the bar and the courts consider adopting mandatory fee arbitration at the client’s option for all fee disputes, similar to programs in Maine, New Jersey and New York. “It would provide a forum for matters that are essentially fee disputes to be adjudicated more promptly and would be an alternative to the discipline system for some of these matters,” said Crane.

As a final note to his successor, Crane said, “Don’t forget that while we pride ourselves as a self-regulating profession and we point out that that distinguishes lawyers from other professions, if we’re going to differentiate ourselves on that basis, we have to be serious about how we handle
Task force created in wake of Poutre tragedy seeks to improve lawyers’ response to child, domestic abuse

by Bill Archambeault

In the wake of the highly publicized Haleigh Poutre case, the Massachusetts Bar Association has organized a new task force to explore ways the legal community can help identify and protect children and victims of domestic abuse.

The 12-person task force, which includes attorneys, two judges and several child care professionals, is currently working under the name Sharlene’s Task Force. (“Sharlene” was the pseudonym for Poutre before the then 11-year-old girl was publicly identified.) The task force’s name could change, however, to reflect the group’s broader focus on child and domestic abuse rather than focusing solely on Poutre’s case.

The task force is chaired by Jacquelynne Bowman, deputy director of Greater Boston Legal Services Inc. and chair of the MBA’s Access to Justice Section Council.

“It is critical that we are all aware of and working towards the goal of protecting children,” Bowman said. “I hope that the task force can review the big picture, not just what happened or did not happen at the time that the request was made to remove life support. In order to do this, we must have people from various sectors of the current state intervention spectrum, DSS, attorneys, judges, social workers, child advocates, parent advocates, etc.

“I hope that the task force is able to work towards bringing the different disciplines currently involved in child welfare matters to the table, where we can talk across disciplines about how best to meet the needs of children in abuse and neglect matters,” she said.

Also serving on the task force are Chief Justice Martha P. Grace and the Hon. Carol A. Erskine of the Juvenile Court Department, Jay McManus, executive director of the Children’s Law Center of Massachusetts, Marylou Sudders, president and CEO of the Massachusetts Society for the Prevention of Cruelty to Children, and Department of Social Services General Counsel Virginia Peel and Deputy Commissioner Isa Woldegigiurs.

MBA President Warren Fitzgerald said he has high hopes the task force will educate lawyers about what they should do in situations like Poutre’s, including how to recognize signs of abuse and who to contact about it.

“This task force will hopefully guide us to whatever efforts will make us best able to reduce child and domestic abuse,” he said. “I hope it does get into those areas because lawyers are often in positions to detect situations of abuse. I know this task force will do that.”

Fitzgerald said he did not envision the task force’s role as simply adding to the criticism that’s already been directed at various state agencies and officials.

“I see this as the bar asking trained and qualified individuals — who deal day-to-day with this horrible problem — how we can help,” he said. “We should know what to do to help out when we do discover it.”

There has been intense criticism of the state’s handling of the case, in which the Westfield girl was beaten and hospitalized in a coma on Sept. 11, 2005. A Department of Social Services lawyer failed to tell the Supreme Judicial Court that Poutre was starting to breathe on her own when the court agreed with DSS’ recommendation to remove the girl’s life support.

Crane ends term as BBO bar counsel

Continued from page 6

professional discipline. When lawyers do get into trouble, we have to continue to apply appropriate consequences, sometimes serious and unpleasant, administered consistently, based upon the type of misconduct in which the lawyer engaged.”

Of Crane’s administration, MBA President Warren Fitzgerald said, “Dan Crane is truly a pillar in the legal community and stands out in a field of distinguished bar leaders. As president of the MBA, he guided the association with a steady hand; as a practitioner, he is a lawyer’s lawyer; and as an individual, he is one of the finest people you can have the good fortune to meet. It takes a special strength and commitment to the profession to undertake the job which he has for the past seven years. We all thank him for this contribution to the profession.”


First “General Practice, Solo & Small Firm Conference” draws 100, more conferences designed for lawyers at smaller firms expected

by Bill Archambeault

Calling the first “General Practice, Solo & Small Firm Conference” a success, MBA Secretary Denise Squillante said she wants to see more programs help solo and small firm practitioners.

The conference, which drew 100 people to the Holiday Inn in Taunton on June 6, featured two panels of District Court and Family & Probate Court judges in addition to programs dealing with business law, civil litigation, criminal law, family law, law practice management and real estate.

“The buzz and energy were unbelievable,” said Squillante, the conference’s chair and moderator.

Because solo practitioners and those at firms of five people or less don’t usually have the luxury of walking down the hall to a senior colleague’s office for advice or information, conferences can be a valuable opportunity for newer lawyers to hear from and ask questions of more experienced attorneys, said Margaret D. Xifaras, a panelist and attorney with Lang, Xifaras & Bullard in New Bedford.

“I’m happy to share things with younger attorneys and less experienced attorneys,” she said.

A conference like this, Squillante said, is probably long overdue for the types of attorneys she says are the MBA’s “bread and butter.”

“Practitioners seemed to have been thirsting for this,” she said, noting that she would like to organize more of these one-day conferences in the future. She said she was encouraged to see attendees conversing and exchanging business cards during the networking breaks.

Squillante, who will be a vice president of the MBA for the 2006-07 term, also heads the team promoting the MBA’s new Lawyers in Transition program. So far, she said, she’s found that lawyers who don’t work in a large office or have taken time off from practicing law “are thirsting for networking. They’re working in isolation.”

Patrick Francomano, of the Law Office of Patrick Francomano in North Attleboro, moderated the District Court judicial panel, which featured Southeast Housing Court Judge Wilbur P. Edwards Jr. and New Bedford District Court Judge Joseph I. Macy.

The majority of the attendees as the District Court panel, he said, had less than five years of experience, with some exposure to the District Court system, but not extensive experience.

“The great number of folks from solo and small firms don’t have a great opportunity to tap into the experience of colleagues and share information,” Francomano said.

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District Court Judge Joseph I. Macy.

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After the Probate & Family Court judicial panel that focused on time standards and case management practices, Kief spent time asking Bristol Probate & Family Court Judge Armand Fernandes Jr. questions. The fact that panelists stayed after their programs answering individual questions seemed to be popular with attendees, said Squillante, who said she was thrilled with the overall response.

“Sometimes, these programs you sign up for are so unaffordable,” she said, noting that the pricing struck her as a good value ($50 for law students and new members, $100 for other MBA members and $150 for nonmembers).

“Tons of lawyers who identified with this.”

New attorney Ellen Kief of Weston speaks with Bristol County Probate & Family Court Judge Armand Fernandes Jr. after a Probate & Family Court judicial panel at Tuesday’s. In the back, program chair and MBA Secretary Denise Squillante speaks with Plymouth Probate & Family Court Judge Catherine P. Sabaitis.

The “General Practice, Solo & Small Firm Conference,” which was held at the Holiday Inn in Taunton, drew about 100 people.

From left to right, Deborah M. Faenza, Katherine A. Field and Susan A. Huettner on the “Divorce Basics” panel.

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Attorney Joseph D. Feaster Jr. presented the “Real Estate Closings: An Overview” session.

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First “General Practice, Solo & Small Firm Conference” draws 100, more conferences designed for lawyers at smaller firms expected

by Bill Archambeault

The conference, which drew 100 people to the Holiday Inn in Taunton on June 6, featured two panels of District Court and Family & Probate Court judges in addition to programs dealing with business law, civil litigation, criminal law, family law, law practice management and real estate.

“The buzz and energy were unbelievable,” said Squillante, the conference’s chair and moderator.

Because solo practitioners and those at firms of five people or less don’t usually have the luxury of walking down the hall to a senior colleague’s office for advice or information, conferences can be a valuable opportunity for newer lawyers to hear from and ask questions of more experienced attorneys, said Margaret D. Xifaras, a panelist and attorney with Lang, Xifaras & Bullard in New Bedford.

“I’m happy to share things with younger attorneys and less experienced attorneys,” she said.

A conference like this, Squillante said, is probably long overdue for the types of attorneys she says are the MBA’s “bread and butter.”

“Practitioners seemed to have been thirsting for this,” she said, noting that she would like to organize more of these one-day conferences in the future. She said she was encouraged to see attendees conversing and exchanging business cards during the networking breaks.

Squillante, who will be a vice president of the MBA for the 2006-07 term, also heads the team promoting the MBA’s new Lawyers in Transition program. So far, she said, she’s found that lawyers who don’t work in a large office or have taken time off from practicing law “are thirsting for networking. They’re working in isolation.”

Patrick Francomano, of the Law Office of Patrick Francomano in North Attleboro, moderated the District Court judicial panel, which featured Southeast Housing Court Judge Wilbur P. Edwards Jr. and New Bedford District Court Judge Joseph I. Macy.

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About 175 people attended the 27th Annual Labor & Employment Law Spring Conference June 15 at the Colonnade Hotel in Boston.

Panels covered topics that included pension plans, wage and hour law, a survey of employment law developments and a mock argument on the use and abuse of medical records in employment cases.

The Hon. Sandra L. Lynch of the U.S. Court of Appeals for the First Circuit in Boston, explained one of the biggest challenges facing her court during her keynote speech.

“We have an ever-increasing workload,” Lynch said, noting that filings are up 32 percent, but, “We’re not getting a 32 percent increase in budget or staff. There are fewer people available to handle a greater caseload.”

During a question-and-answer session, Lynch talked about the importance of oral arguments. She also spoke about the Supreme Court’s preferences for the arbitration process and her reluctance to use video conferencing.

“We have not gone to video conferencing except in emergencies,” she said. “It’s much better if you can read the judges and they can read you.”

Lynch also urged attorneys to be prepared, citing failures to include information in motions or ask for nominal damages resulting in too many waiver requests.

“I know it’s very hard to be a trial lawyer and keep everything straight,” she said. “Please pay attention to what rules should be included in an addenda or brief… Please make sure to think about what information an intelligent reader would need from your brief.”

Finally, she urged the audience to be cautious about including personal details in filings, which can usually be easily accessed online and put a client in a potentially dangerous position. She recalled a bankruptcy case in which a severely beaten woman filed for bankruptcy and her abusive husband found her new address online.

“Failure to protect you client’s privacy can lead to violence and can also lead to a lawsuit. Are you sure you want your client’s medical records displayed on Google?”

The afternoon panel, “Use and Abuse of Medical Records in Employment Cases: Mock Argument,” presented a simulated hearing on a recent case, with the Hon. Carol S. Ball and the Hon. Bonnie MacLeod-Mancuso, both of Superior Court in Boston, “presiding” and making comments on the arguments presented. Laura R. Studen, of Burns & Levinson LLP in Boston, presented the “plaintiff’s” case, and Kimberly E. Winter, of White, Freeman & Winter in Boston, presented the “defendant’s” case.

“This has been such a high-energy, entertaining, educational and enlightening conference,” said Labor & Employment Section Council Chair Denise I. Murphy.

“I’ve not seen it like this in a number of years.”

Finally, members may renew by calling the MBA Member Service Center at (617) 338-0530. A Membership Services representative will be happy to assist you in renewing your membership and answering any questions you may have about your benefits or our programs and services.

Many exciting programs and services are planned for the 2006-2007 year, including several major library enhancements to the Casemaker Online Law Library of more functionality, access to ABA printed materials, Hein Online Library and just recently added SuperCODE. Because amendments, repeals and new statutory laws are not codified by the government for some time, the SuperCODE system allows users to see statutes as they were last codified.

Renew your membership today for Casemaker and many other signature MBA member benefits.
Community Services wraps up 2005-06, begins planning for 2006-07

Over the summer months, the Community Services Department at the Massachusetts Bar Association will begin planning for our 2006-2007 programming year. As we approach fall, we will again reach out to encourage members to Get Involved in the MBA’s community efforts. However, before we turn our full attention to next year, here is a brief look at what happened in 2005-2006.

The 2005-2006 year saw the continued growth of Community Service programming at the MBA. In the fall, 122 high schools registered teams for our Mock Trial Program. Our Mock Trial Committee, which consists of 15 dedicated volunteers (among them attorneys and school teachers), created a challenging and entertaining case for the students: a product liability case in which a portable Global Positioning System (GPS), used to relay map information to drivers, was blamed for an automobile accident that left the driver’s spouse in a coma.

During the season, 115 attorneys volunteered as judges in the trials, (some judging more than one) and as a testament to the balance of the case, 104 judges sided with the plaintiff and 98 with the defense. The program culminated in the crowning of Boston Latin School as the 2006 Mock Trial State Champions. The state champions went on to the nationals in Oklahoma City in May and placed 24th out of 44 high school teams. For more information on the 2006 Mock Trial Program, visit www.massbar.org/mock to view the program’s “Mock Talk” newsletter.

In February, our Job Shadow Day Program gave 34 teens from Boys and Girls Clubs in Boston, Worcester and Springfield the opportunity to spend the day with legal professionals in a variety of settings. Students visited courthouses, attended trials, met with judges and law enforcement officials and toured the Statehouse. Over the course of the day, students met with more than 30 volunteers from within the legal community.

In celebration of Law Day, seniors at 148 senior centers and Councils on Aging across Massachusetts received presentations on important legal issues. Volunteers delivered presentations covering three topics: “Elder Law Essentials,” “Medicare/Medicaid Changes” and “Real Estate Tax Abatements for Elders.” Additionally, middle schools across the state participated in the Conversations on the Constitution Program, in which attorneys led students through interactive discussions on important constitutional issues, such as Separation of Powers, Advice and Consent of the Senate and Unreasonable Search and Seizure. And throughout the year, MBA members volunteered their time through our Speaker’s Bureau program, and for other individual events.

As the year progresses, please keep an eye on these pages, as we begin to reach out to volunteers for the fall. Or, to find out more about how to get involved in programs like these, contact the Community Services Department at (617) 338-0695 or communityservices@massbar.org.

Attorneys volunteered answering phone calls for the Dial-A-Lawyer program held May 18 in Western Massachusetts, including from left, Terry M. Ford, of the Law Office of Frank R. Saia in Springfield, and Patricia M. Hebert, of the Law Office of Patricia Hebert of Agawam.

in the MBA, Fitzgerald said he's looking forward to returning to his practice more fully. However, after having focused on such a broad array of legal issues and having met so many people, he said, he'll see things differently than he did before.

"I'll do it with a different view, having many times this year stood back and looked at the profession and the judiciary from a different perspective," he said. "The opportunity to be president of the association led me into areas I wouldn't ordinarily have gone, and provided me the chance to reflect on various aspects of the profession. It wasn't a chance to stop and smell the roses as much as it was a chance to view the roses from a different vantage point."

"The pleasure of being president this year far exceeded my most optimistic expectations. It really was a joy."

Fitzgerald said he was fortunate not to have been hampered by the crises or dilemmas that often arise and command the president's attention. The only real drawback he faced was assuming the presidency at a time when many of the MBA's key staff positions were unfilled. During Fitzgerald's term, the MBA hired Executive Director Marilyn J. Wellington, Director of Media and Communications Tricia M. Oliver and Director of Finance and Administration Mark J. Doherty. Also, Director of Programs and Services Lisa A. Ferrara was hired shortly before Fitzgerald's term began.

"During this past year, we were able to complete the hiring of talented and dedicated professionals to staff the MBA, which (2004-05 MBA President) Kathy O'Donnell had started.

Fitzgerald particularly praised Wellington, who started Dec. 1, for restructuring the staff, making long-overdue changes and implementing new programs. Her hiring followed a 15-month stretch in which the position was vacant, with MBA General Counsel Martin W. Healy doing double duty as acting executive director.

"I believe the association staff, under Marilyn's exquisite leadership, will continue to support the organization with amazing talent, dedication and energy that makes the MBA the best state bar association in the country and the envy of even national associations."

Wellington praised Fitzgerald's leadership of the MBA.

"It's been a pleasure coming into the organization during Warren's tenure. His strong leadership and commitment to the MBA has given us the opportunity to identify the administrative needs of the MBA and begin to move forward," Wellington said. "His energy, leadership and strong support have helped us create a new beginning at the MBA and re-energize the staff."

Fitzgerald launched and oversaw a number of new efforts, including the creation of the MBA's Task Force on Diversity, which is pairing MBA officials, minority attorneys and judges to go into high schools and colleges to speak with minority students about considering a legal career. The task force has already had teams speak to students in a number of
schools and is planning to increase its schedule in the 2006-07 year.

"I just think it is a fantastic accomplishment," Fitzgerald said. "It will be a very successful program for increasing minority participation in law schools, the profession and the association."

Another creation was the Committee for Judicial Independence, led by former MBA President Edward P. Ryan Jr., which defends the judiciary when judges are attacked and speaks out when judicial independence is threatened.

"It's an effort I hope will continue as long as there would be any unfair attacks on the judiciary or there's a need for preserving the judicial branch from encroachment," he said, noting that, unfortunately, he fears the committee's efforts will be needed indefinitely.

One of Fitzgerald's earliest initiatives, which is being led by MBA Secretary Denise Squillante, is the Lawyers in Transition program, which helps attorneys who have stopped practicing law to raise families or for other reasons, to stay in contact with the legal community during their absence and ease their transition back into practicing law.

Fitzgerald said it's important that the bar association provide a "lifeline" to attorneys hoping to return to practice.

The most recent effort to Fitzgerald's tenure is a task force temporarily called "Sharlene's Task Force," named for the case in which 11-year-old Haleigh Poutre was beaten, fell into a coma and was ordered off life support prematurely. Fitzgerald envisions the new task force as helping lawyers understand what to do when they detect child or domestic abuse.

He hopes it becomes yet another one of the initiatives this year in which the MBA and the judiciary worked toward a common goal.

"I've been very pleased with the opportunity to work with the courts to improve the administration and delivery of justice," he said.

"It's very encouraging that the bar in this state is able to speak with a unified voice in working with the courts on making improvements. I'm happy to see an era of cooperation between the bar and the courts in the improvement of the legal system and the delivery of justice."

Fitzgerald credits O'Donnell with setting the tone for much of the organization's current progress during her term last year.

"I was so honored to follow Kathy O'Donnell and the amazing work she did," Fitzgerald said. "I was pleased to be able to successfully finish a number of the things she started, and a number of things we started this year."

President-elect Mark D. Mason, he said, is ready to do great things during his tenure, saying, "I'm sure any improvements that were started in the last year or two will be continued and will continue to be beneficial to the MBA."

Fitzgerald reiterated that his fellow officers for 2005-06 were "the most talented, dedicated collection of officers at one time at the MBA."

Mason, whose term begins Sept. 1, said Fitzgerald deserves credit for introducing new initiatives, such as the "Honoring the Profession's Finest" event on May 9 that honored U.S. District Judge William G. Young and American Bar Association President Michael S. Greco. "The MBA has greatly benefited from Warren's exemplary leadership," Mason said. "Indeed, Warren's vision of the MBA has led us to a promising future. In 'Shaping the Future of the Profession,' Warren has ensured that we meet the needs of the present and future members of the Bar. His thoughtful, empathic and articulate manner remain his hallmark. As a Bar, we are indebted to Warren for his selfless contribution. On a personal note, thank you, Warren, for setting such a fine example of leadership."

For his part, Fitzgerald said he is satisfied with what he and the MBA accomplished this year.

"No frustrations and no regrets," Fitzgerald said. "I wish I could have done more."

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More than 75 attorneys attended the MBA’s Trial Court Orientation held Tuesday at the John Adams Courthouse in Boston. Offered for the second time, this program featured distinguished judges and experienced court personnel from the Housing Court, Land Court and Superior Court.

Highlights of the day included remarks from Hon. Margaret H. Marshall, Chief Justice of the Supreme Judicial Court; Hon. Steven D. Pierce, Chief Justice of the Housing Court; Hon. Karyn F. Scheier, Chief Justice of the Land Court; and Hon. Barbara J. Rouse, Chief Justice of the Superior Court.

The judges shared their expertise on a variety of issues, including jurisdiction, tips for working with the clerk’s office to get matters heard, 9A basics including motion practice and oral advocacy, and conducting discovery.

To hear about trial preparation from lawyers’ perspectives, the MBA invites you to the Trial Practice Luncheon Roundtable on Thursday, July 13. The Civil Litigation, Young Lawyers, Business Law and Criminal Justice sections are sponsoring a series of three events to help trial attorneys develop and enhance their skills. An expert panel of seasoned lawyers will share practical tips on effective advocacy and proper preparation.

Second Trial Court Orientation draws over 75 attorneys
Summer, baseball, and a great cause: Brockton Rox Lawyer Appreciation Night to benefit Massachusetts Bar Foundation

The Massachusetts Bar Foundation (MBF), the philanthropic partner of the Massachusetts Bar Association, invites lawyers and their families to a night at the ballpark with the Brockton Rox, a Canadian-American minor league baseball team. On Wednesday, Aug. 16, Comcast is sponsoring its first Lawyer Appreciation Night at Campanelli Stadium in Brockton, with proceeds going to the MBF.

Stadium seats at the event are $30 and cover the cost of a ticket, a T-shirt, a contribution to the MBF and $7 to spend at concession stands around the park. For an extra $15, fans can enjoy a buffet-style dinner in the picnic area before the game. Aside from baseball and buffet, the Rox will also feature their trademark antics, including a live stenographer, as well as the world’s largest waiver to sign before entering the park. Lawyers will be charged by “billable innings,” and K-O, the Rox’ kangaroo mascot, will conduct a “kangaroo court.”

The Brockton Rox, most often noted for their colorful co-owner, actor Bill Murray, recently celebrated their fifth anniversary in Brockton. They have received much acclaim for their playful brand of family entertainment, as well as having become a cornerstone of revitalization to the local community. At a time that tickets to Fenway Park are difficult to come by and can cost a family well over $250, the Brockton Rox offers an alternative that is convenient, family friendly and affordable.

The MBF funds Massachusetts nonprofits that provide civil legal services for low-income people, and programs that help to improve the administration of justice. Over 71,000 people were assisted last year by programs funded through the MBF. The Foundation also sponsors fellowships for law students who volunteer at nonprofits throughout the state.

“Vulnerable citizens across the commonwealth will be helped by the proceeds of this evening,” noted MBF President Francis Ford. “And on top of it, in an era when lawyers often get a bad rap, it’s a great way to show our pride in our profession. What could be better than summer, baseball and supporting a good cause?”

To order tickets, call (508) 559-7070, or log onto http://www.roxoutings.com and enter “LAWYER” as the group password.
Nearly 450 new attorneys were sworn in June 20 and 21 in Faneuil Hall's Great Hall. They were challenged to not just represent their clients well, but to improve the legal profession.

"A lawyer should strive to achieve a level of skill needed to improve the legal profession," SJC Associate Justice Francis X. Spina told the group of new attorneys on June 21. "Please, never neglect your role as a public servant."

The day before, Supreme Judicial Court Associate Justice Robert J. Cordy told a group of new attorneys that "To be a lawyer is to be a force in the world. The oath you have just taken has deep roots in the history of this state."

Cordy cautioned the new attorneys to be kind, humble and eager to learn, which would pay them dividends throughout their careers.

Maura S. Doyle, clerk of the Supreme Judicial Court for the County of Suffolk, presided over the swearing-in ceremonies with a strong dose of humor, telling the new attorneys that while it's OK to take their jobs seriously, they shouldn't take themselves too seriously.

MBA Treasurer David W. White-Lief told the group on Wednesday, June 21, that he didn't remember the speakers at his swearing-in ceremony, "But I do remember the energy in the room."

He explained the benefits of not only joining the Massachusetts Bar Association and other bar associations, but of becoming an active member.

"The MBA is a community where you can volunteer your time and talents, make new friends. It's also a place where you can find a way to give back to the legal profession," White-Lief told them. "Go out, do good work and do it well."
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Change in federal law provides borrowers with more choices

For years, federal law has prohibited certain federal student loan borrowers from choosing their consolidation lender. The single holder rule mandated that borrowers who had obtained all of their loans through a single lender to consolidate with that same lender. This left many borrowers with no options to look for better borrower benefits or a company with superior customer service. On June 15, 2006, the single holder rule was repealed. Any student whose loans are with one company is now free to choose their consolidation lender. This change comes just in time for borrowers to take advantage of their increased ability to choose their lender as well as lock in the current low interest rates.

When choosing a consolidation lender, it is important to evaluate borrower benefits carefully. Some offers have a high minimum balance, take a long time to earn the benefit or may prohibit borrowers from taking advantage of deferment and forbearance options in order to retain the benefits. Borrowers should also carefully weigh “cash back” options versus interest rate reductions. While it is tempting to take the “cash back” offers, interest rate reductions may have a higher value over the life of the loan and may cut years off of the repayment term.

For example, on a $25,000 loan, borrowers would be able to get one percent cash back, which works out to only $250. A one percent reduction in interest rate after 24 months allows borrowers to reduce the total amount of interest paid by more than $3,000 over the life of the loan. An ACH reduction of .5 percent could save almost another $3,000, with a total value to the borrower of $6,000, or almost three years’ worth of payments. Taking advantage of ACH payments also ensures payments are never late so you will qualify for on-time benefits.

MBA members and their families are eligible for special member borrower benefits with SunTrust Bank. Call (888) 403-5027 and mention Massachusetts Bar Association for more information or to apply.

* “Cash back” savings example based on a $25,000 loan balance with a one-time cash back bonus of 1 percent of original loan balance. Interest rate savings example based on a $25,000 loan balance, 5.3 percent APR, a 20-year term and the following borrower benefits: 1) 50 percent interest rate reduction when your payments are automatically deducted from a personal checking account and 2) a 1 percent interest rate reduction after the first 24 consecutive on-time payments. Borrower must remain current for the remaining term of the loan to keep the interest rate reduction in effect. Your actual savings may vary. Savings programs are subject to change without notice.
More than 300 people attended the “Shakespeare and the Law” staged reading of "Julius Caesar" and a spirited political discussion on the current debate over executive power on May 31.

"Caesar, Bush and the Limits of Executive Power," the sixth in the "Shakespeare and the Law" series, began with a staged reading of excerpts of "Julius Caesar.

The cast, which included prominent members of the legal community, featured Wayne A. Budd, senior counsel with Goodwin Procter LLP, as Caesar, U.S. District Judge Rya W. Zobel as Marc Antony, U.S. District Judge Douglas P. Woodlock as Brutus and Daniel J. Kelly, chairman of the Federalist Society’s Boston Lawyers Chapter, as Cassius. Kelly, a partner at McCarter & English LLP in Boston, also produces the "Shakespeare and the Law" series.

The program, which enjoyed its highest attendance since it began in 2001, was sponsored by the Federalist Society’s Boston Lawyers Chapter and the Wang Center for the Performing Arts and co-sponsored by the Massachusetts Bar Association.

"To equate ‘Julius Caesar’ with today’s events is entirely appropriate," said former U.S. Attorney General Dick Thornburgh, the evening’s host, in his welcoming remarks.

After the performance, which featured Budd’s booming voice in the lead role, moderator and Fox News Channel correspondent Megyn Kendall opened the discussion.

"We’ve got enough legal brainpower in here to solve most of the world’s problems, so let’s start with executive power," she said.

The debate that followed, however, quickly developed into more of a political argument than a legal one.

Discussion leader Harvey C. Mansfield, a Harvard University professor of government and the author of the recently published, “Manliness,” said of the play, “It is called a tragedy, but what is the tragedy? It is a story of regime change.”

Mansfield went on to say that the great tragedy was that full use was not made of Caesar’s greatness. “It’s a play about greatness and how greatness could not succeed,” he said before turning to modern times. “We need a president who can do anything in an emergency, but who can also be held accountable.”

Fellow discussion leader Juliette Kayyem, a lecturer in public policy at Harvard’s John F. Kennedy School of Government, said there were a number of similarities between Bush and Caesar. In reference to events of the last year or so, including Hurricane Katrina, Kayyem said that “Bush has gone from being the commander in chief, much like Caesar, in the last year or so, to looking like Nero.”

One man in the audience muttered a complaint about liberals blaming Bush for Katrina, and throughout the evening, the audience reacted strongly to statements for and against Bush.

Jennifer C. Braceras, who sits on the U.S. Commission on Civil Rights and teaches at Suffolk University Law School, said that because Bush had briefed certain members of Congress about the secret wiretapping program, their criticism of Bush after the program was publicly revealed was motivated by personal gain, and was equivalent to the chorus in “Caesar.”

But noted civil liberties attorney Harvey Silverglate, who played “Cinna” and is of counsel to Good 

Cormier, said he was surprised at Congress’ delayed and muted reaction to Bush’s aggressive use of executive power.

"I have 40 years of Boston Phoenix columns to prove that I have distrusted every president," he said, but noting that he was surprised by Congress’ refusal to scrutinize Bush over the issue. "It is quite remarkable that we have had to wait this long for this Congress to stir."

Thornburgh responded: “Let me say a word in defense of ambition. If I have to go to a heart specialist, I want them to be ambitious. There’s nothing wrong with ambition. And it’s because of our system (of checks and balances) that ambition never goes unchallenged.”

The discussion turned to whether Bush would be criticized as harshly if programs like the wiretapping had been revealed closer to Sept. 11, 2001. Kelly said there is public support for the process the Bush Administration is using in its War on Terror.

“No one aside from Harvey and his colleagues are offended by the warrantless wiretapping,” said Kelly, whose response was met with a booming “No” of disagreement from the audience. Kelly retorted, “Are you all from Harvey’s firm?”

Silverglate attributed the fall off in support for Bush to the public disclosure of what Bush has been doing secretly. “All of a sudden, the veil has been pulled away and now there’s a crisis in confidence.”

Kelly responded, “Oh, Harvey, that’s nonsense.”

Silverglate disagreed with Budd’s statement that generally, the American public favors strong executive powers when the nation is at risk and is only growing skeptical of Bush’s expansion of those powers because the nation is growing “war weary.”

“I don’t think the problem is that we’re war weary," Silverglate said. "We’ve slogged through 50 years of war because our system of checks and balances worked. The reason we have institutional checks and balances is because it’s assumed that a president is going to be ambitious. But the system has to work.”

One audience member, referring to the revelation of Bush’s unprecedented use of signing statements to ignore parts of laws that he doesn’t agree with, said, “The fact that we have had over 750 signing statements is very troubling.”

But Kelly said it was not an extensive number of signing statements, and that Bush was entitled to use them if he felt that parts of a new law were unconstitutional rather than vetoing the entire bill.

The evening ended with a statement from former U.S. Sen. Slade Gorton, who served on the government’s 9-11 Commission, about the public’s comfort level with increasing executive power during times of crisis.

“I believe the use of those powers has led to the frustration of potential terrorist attacks,” he said. “If there’s another attack tomorrow, we’ll be demanding that the president do more, not less.”

High attendance reflects high drama of “Shakespeare and the Law” debate

by Bill Archambeault

Goodwin Procter LLP Senior Counsel Wayne A. Budd (Julius Caesar), second from left, makes a point.

Wayne A. Budd, former U.S. associate attorney general, past MBA president and current senior counsel for Goodwin Procter LLP, at the reception following his performance as Julius Caesar.

The debate that followed, however, quickly developed into more of a political argument than a legal one.

Discussion leader Harvey C. Mansfield, a Harvard University professor of government and the author of the recently published, “Manliness,” said of the play, “It is a story of...
The MBA recently completed digital audio upgrades to Room 101, a space frequently used for CLE seminars and luncheons. The upgrades are intended to provide a better, higher quality experience for CLE participants, both inside the classroom and out.

In addition to enhancements to the live experience, the MBA will have the capability to make available recordings of the various CLE programs for those who are unable to attend seminars. The MBA plans to make these recordings available to members beginning this fall. For more information about CLE programs and seminars, visit http://www.massbar.org/cle.

Juvenile Court Chief Justice Martha P. Grace presented her Continuing Legal Education luncheon roundtable program, “A View from the Bench,” in Springfield on May 17. Attorneys who practice in Juvenile Courts in Berkshire, Franklin, Hampshire and Hampden counties attended. Pictured here are Clerk Magistrate of the Franklin/Hampshire Juvenile Court Christopher D. Reavey, Chief Justice of the Administrative Office of the Juvenile Court Martha P. Grace, Associate Justice of the Hampden County Juvenile Court Charles S. Belsky and attorney Thomas A. Sebestyen, Berkshire County regional coordinator for the Committee for Public Counsel Services’ Children & Family Law Division.
MBA welcomes new members

Continued from page 2

Kara J. Johnson of Massachusetts Office for Victim Assistance
Deborah Lynne Jones
Matthew D. Killeen of the Law Office of Matthew D. Killeen
Cheryl J. King of the Law Office of John A. Gebauer
Amie Leann Kruse
Andrew J. LaCourse III
Dawn E. Lavallee of Lyon & Fitzpatrick LLP
David S. Lawless of Robinson & Donovan PC
Sandra Morgan Lefenfeld of Wellington Management Company LLP
Leslie J. Linson of the Law Office of Leslie J. Linson
Valeriy Lisitsyn of the Russian Academy of Justice
Lauren P. Marini of Martin, Magnuson, McCarthy & Kenney
Tina R. Matsuoka of the Office of the Attorney General
John C. McCall
Robert J. McGann
Joseph D. McGlinchey II of Joseph D. McGlinchey, Attorney at Law
Andrew M. McKinney of Monahan & Associates PC
Brigid E. Mitchell
Gregory J. Moscatel
Adam Moscatel of The Boston Globe
Lynn S. Muster of the Massachusetts Appeals Court
Elizabeth R. O’Keefe of the Law Firm of Michael P. Healy & Associates
Charles T. O’Neill of O’Neill & Neylon
Owen O’Neill of Sullivan & Sullivan LLP
Lisa A. Paolillo of the Lahey Clinic
Jacques N. Parenteau of Parr & Parenteau PC
Regina A. Passeri of Konarka Technologies Inc.
John J. Pedone
Anthony C. Perkins of the Law Office of John A. Gebauer
Morn Phaen of Saab Law Firm
Maureen L. Pomeroy of Sulloway & Hollis PLLC
Eileen Mary Quill of Doherty & Quill
Martha T. Ramsey of Ramsey & Hanesian LLP
Charles G. Rancourt of Charles G. Rancourt, Attorney at Law
Susan A. Rayne
Stephan E. Reardon of Stephen F. Reardon, Attorney at Law
Tamara C. Reznik of Expedia Inc.
Lisa Rico of McCarter & English LLP
Timothy M. Roche of Monahan & Associates PC
Natasha Rossi of the Law Offices of Miriam G. Altman
Sharon Marie Salkewicz
Dale Francis Saran of Dale Francis Saran, Attorney at Law
Patrick E. Sheehan of the Law Office of Patrick E. Sheehan
Laurel H. Siegel of Siegel, Wagner & Swartz
Denise M. Slater
Diana Sorrentini-Velez of Cooley Shrair PC
Eddy N. Staco
Michael B. Steinberg
Mark D. Sullivan of Sullivan & Sullivan LLP
Richard J. Sullivan of Sullivan & Sullivan LLP
Kelly Anne Sullivan of the Disability Law Center
Jeffrey G. Sweeney of the Law Office of Jeffrey Sweeney
Jennifer D. Taddeo of Gilmore, Rees, Carlson & Cataldo PC
Michelle L. Tessier of Kenney & Sams PC
Adam Tullier of White, Freeman & Winter
Philip A. Vachon of Thomas M. Sherman Jr., Attorney at Law
Kathryn D. von Schoeler of Brodeaur-McGan, Attorney at Law
Danielle Jena Weiss
Mary Katherine Welti of Ficksman & Conley LLP
Robert E. Wheeler of Mr. Robert E. Wheeler
Michael C. Wilcox of Aloise & Wilcox PC
Kenneth X. Xie of Kirkpatrick & Lockhart, Nicholson, Graham LLP
Jeffrey Robert Yousey of Nelson, Kinder, Mosseau & Saturley PC
Matthew Jason Zamaloff

Massachusetts Law Review seeks submissions

The Massachusetts Bar Association is seeking submissions for its quarterly publication, the Massachusetts Law Review, the longest continually run law review in the country.
A scholarly journal of the MBA, the Massachusetts Law Review is circulated around the world and contains comprehensive analyses of Massachusetts law and commentary on groundbreaking cases and legislation.
To submit articles or proposals for articles, mail to The Massachusetts Law Review, 20 West St., Boston, MA 02111, attention Geoff Pahl; call (617) 338-0679; or e-mail pahl@massbar.org.
MBA Vice President Edward W. McIntyre and attorney G. Perry Wu spoke to dozens of students at the Lowell High School auditorium on May 26 about considering a legal career. The presentation was part of the MBA’s Task Force on Diversity, which teams an MBA officer with a minority attorney or judge to speak to high school and college students about the legal profession.

MBA applauds section leadership and accomplishments

At a special celebration at the popular Maggiano’s restaurant in Boston, the work of the 2005-06 section councils and the leadership of each chairperson were recognized. Current section council members and the chairs’ recently named successors for 2006-07 enjoyed a hearty family-style Italian meal before MBA President Warren Fitzgerald assumed the podium to recognize the 2005-06 chairs individually. The term of the incoming section council members officially begins in September. Look for information on the 2006-07 section councils in the September issue of Lawyers Journal.

An honor and a pleasure

Continued from page 1

You will plan people’s estates and counsel them on their affairs;
You will prosecute the criminal and defend the innocent;
You will represent the injured and speak for those who cannot speak for themselves.
Seek to become excellent lawyers; you owe that much to yourselves, your families and those who have supported you.
Learn continually, develop your skills, perfect your craft.
Be proud to be lawyers.
Remember, it was lawyers who created our Constitution and lawyers who have defended it for over 200 years.
Today, with what you have accomplished, you know that you can do anything. You should know that the only limits on what a single lawyer can accomplish in this country are his or her imagination and his or her courage to use it.
So as you sit here, I ask you:
Will you settle for mere excellence?
Yes, will you settle for mere excellence or will you seek magnificence?
Will you seek not only to be the best you can be as a lawyer but all that you can be?
Will you assist others, share your knowledge, your skills, your talents?
Will you work to improve our laws and protect our constitutions?
Will you shape our profession and save it from becoming but a trade controlled by business and finance and unavailable to the average citizen?
Will you be a lawyer to whom others come not only for legal advice but for advice and counsel of all kinds?
These things you can do and do best as a member of a bar association.
Join your local bar association, your county bar association, the BBA, the MBA,
Come learn and share and work with others who make this profession what it should be.
Decide later today if you will accept my challenge and it is this:
As your career started here in this great hall, so let it end.
Return here in 20, 30, 40 years, whenever your career is coming to an end;
Enter and stand at the rear, remember this day;
Look back on your career, which will then seem like a whirlwind compared to the gentle breeze of law school;
Assess what you have done;
Then tell yourself, tell yourself honestly:
I was magnificent.
To the magnificent professionals who staff the MBA and to the magnificent lawyers who are the MBA, thank you. It has been an honor and a pleasure.

Donate blood, save lives: MBA and Red Cross team up for blood drive Aug. 17

The Massachusetts Bar Association is once again joining forces with the American Red Cross. Join us in an effort to help save lives by participating in our blood drive on Thursday, Aug. 17, from 9 a.m. to 2 p.m. at 20 West St. in Boston. Make an appointment to donate blood and help increase the summer’s low blood supply in the state.
To schedule an appointment, please contact Matt Houle at blooddrive@massbar.org or call (617) 338-0670.
HOD: payee notification, civility guidelines draw the most feedback

Continued from page 1

held at the Andover Country Club, with his report. He announced the 2006-2007 slate of officers, including Mason and 2006-07 President-elect David W. White-Lief; Vice Presidents Valerie A. Yarashus and Denise Squillante; Treasurer Robert F. Lucas (new to the officers slate); and Secretary Edward McIntyre.

Fitzgerald began a discussion that later evolved into a debate on a Payee Notification Rule initially proposed by the Clients’ Security Board at the March meeting of the House of Delegates. Fitzgerald appointed former president of the MBA Wayne A. Budd to review the proposed means to deter theft of client funds. MBA General Counsel Martin W. Healy informed the group that he had been in touch with Karen O’Toole, assistant board counsel to the CSB, from the Board of Bar Overseers (the governing body of the Client Security Board) and that the CSB did not intend to go forward until the MBA confirms its position on the proposal. Fitzgerald then noted that Budd and the appointed task force would provide a report for the delegates to review by September. Following a heated debate, Mason made a motion to table the discussion until the September HOD meeting.

Mason then followed Fitzgerald to foreshadow concepts for his upcoming term, announcing his theme, “United in the Law.” He also revealed the 2006-07 appointed Section Council leadership. Chairs include:
Access to Justice: Julio Hernandez, Gaughen Gaughen Lane & & Herm &
Business Law: Peter D. McDermott, Banner & Witcoff Ltd.
Civil Litigation: Jeff Catalano, Todd & Weld LLP
Criminal Justice: Lee J. Garttenber, Middlesex County Sheriffs Family Law: Fern L. Frolin, Grindle, Robinson, Goodhue & Frolin
Health Law: Susan G. Anderson, Executive Office of Elder Affairs
Judicial Administration: Kathy Jo Cook, Keches & Ma llen, PC
Labor & Employment: Rosemary Pye, National Labor Relations Board
Law Practice Management: Denise M. Guerin, Law Office of Denise M. Guerin PC
Probate Law: Edward Notis-McConalty, Hemenway & Barnes
Property Law: Sabrina K. Lanz, Fee Rosse & Lanz, PC
Public Law: Robert Lawrence Quinlan Jr., Office of the Attorney General-Boston/Michele E. Randazzo,
Kopelman & Paige PC

As chairs, they sit on the 2006-07 House of Delegates. In an earlier portion of the meeting, nominations for seven at-large delegates of the HOD, namely by the MBA Nominating Committee, were approved. They include Peter T. Elikann, Francis Morrissey, Denise I. Murphy, Douglas K. Sheff, Jeffrey B. Loeb, John J. Morrissey and Pauline Quirion.

Following Mason, MBA Treasurer White-Lief announced that the MBA was in “fine fiscal health,” explained that membership dues are currently over budget and the MBA has seen an increase in membership numbers of about 960 in this fiscal year.

White-Lief’s report gave way to Healy’s General Counsel update, providing insight to legislative activities on Beacon Hill. He spoke to the happenings with the state budget, highlighting an increase in the bar advocates budget and alerting the delegates to the legislature-endorsed bill that calls for a long overdue increase in judicial salaries, of which Gov. Mitt Romney is not supportive.

MBA Executive Director Marilyn J. Wellington then brought the group up-to-date on MBA operations. She called upon the group to help identify new volunteers for the Dial-a-Lawyer program and reported that 145 programs and facilities have participated in this year’s MBA Elder Law program. Wellington announced a unique partnership with Old Sturbridge Village in which the MBA is helping to fund a law office exhibit at the village to open in the fall.

Back to business

Business Law Section Council Chair Francis T. Talty, alongside James C. Donnelly Jr., presented a recommendation that the MBA adopt the ABA Model Rules of Professional Conduct and provide educational programming to assist members in dealing with the rule changes. Although the ABA and MBA rules do not differ substantially, Talty explained that the Business Law Section recommended adopting the ABA Rules to provide added consistency. The delegates agreed.

Hon. Herbert F. Wilkins and Kathy Jo Cook, chair and vice-chair of the Jury Communication Task Force, presented a recommendation that the MBA initiate a coordinated effort to examine the Massachusetts Rules of Professional Conduct to propose to the Supreme Judicial Court a rule change to permit appropriate lawyer-juror contact following a trial.

Then, as part of continuation from the January HOD meeting, MBA Committee on Professional Ethics Chair Andrew L. Kaufman sought approval to publish MBA Opinion No. 2006-3, which states that a lawyer who represents a client in a matter that is adverse to a party who has offered to retain the lawyer with respect to a separate, future matter faces a potential ethical dilemma. The opinion relates to real estate law specifically, and was approved to be published by the HOD.

A push for more civility, diversity

Family Law Section Council Chair Pauline Quirion then presented the council’s recommendation to adopt civility guidelines for practice in the Probate and Family Courts. Quirion’s strong argument to endorse the guidelines included correspondence from Chief Justice Sean Dunphy in which he applauded the section council’s efforts on this.

“Look at these guidelines as a springboard...a tool we can use,” said Squillante in support of the guidelines. “There are many, many young lawyers who have not had the benefit of witnessing professional, courteous practice” in the courts, added Squillante, who explained that the guidelines would help provide that example.

After a seesaw debate of the difficulty in legislating civic conduct versus the need for a sound model for other areas of law to follow, the guidelines were endorsed by the group. The Massachusetts Bar Association Civility Guidelines for Family Law Attorneys are now available online at www.MassBar.org.

Former president of the MBA Richard C. Van Nostrand shared the podium with MBA Vice President Yarashus to successfully convince delegates to approve the MBA as a co-sponsor of a resolution encouraging diversity in the profession to be presented at the American Bar Association Annual Meeting. The resolution encourages building interest in the legal profession with students, including minorities, who are in the midst of envisioning their professional futures, but who may or may not have been exposed to legal professionals in their young lives.

Follow the leader

The highlight of the meeting came when Fitzgerald addressed the delegates for the final time before the ceremonial passing of the gavel to his successor, Mark Mason.

“With only three months remaining in my term, my run as president has been nothing but a pleasure,” said Fitzgerald. He attributed much of his 2005-06 success to the other officers, describing them as the “single most dedicated and talented group of professionals with which I’ve had the honor to work.”

After touching upon his proudest accomplishments (see related story, page one), Fitzgerald said, “I am fortunate to have my term framed by Kathleen O’Donnell and Mark Mason.”

Fitzgerald added, “Mark will lead this association in a manner befitting to the work that you contribute.”

Mason then graciously accepted the gavel and complimented his predecessor. “His intellect has benefited us all,” said Mason. He spoke of Fitzgerald as a true friend and someone who makes decisions in a compassionate and attentive manner. To conclude the HOD meeting, Mason addressed Fitzgerald by saying, “I am forever grateful to the exemplary effort, leadership and all you have done for the profession of law.”

The MBA will recognize the start of Mason’s year as president with a reception on Thursday, Sept. 7 at the Museum of Fine Arts in Boston.

The next House of Delegates meeting will take place on Sept. 20 at the Southern New England School of Law.
Member to Member

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**JULY**

**Rules of Engagement, Conflicts and the Duty of Loyalty**

**Wednesday, July 19, 1-2:30 p.m.**
MBA western office, 73 State St., Springfield

Course #: CLQ06 Luncheon roundtable (lunch provided)

The Massachusetts Rules of Professional Conduct are always a top concern for attorneys. This luncheon roundtable is a must for any attorney who would like to ensure a thorough understanding of the conflicts of interest he or she might face. Our panelist from the Board of Bar Overseers will discuss typical and recurring conflict scenarios that arise in a small civil practice.

Faculty: Bruce Eisenhut, Board of Bar Overseers.

Co-sponsors: The Berkshire, Franklin, Hampden and Hampshire county bar associations.

**Evidence for the Civil Litigator**

**Thursday, July 20, 4-7 p.m.**
MBA, 20 West St., Boston

Course #: CLP06

This seminar is designed to provide practitioners with a survey of how to deal effectively with the myriad of commonly recurring evidentiary problems. The course will focus on how to introduce and block the admission of proffered evidentiary material. A case study will be provided to give to business record exception to the hearsay rule; medical record/bills pursuant to M.G.L. c.231, §79G; common law and statutory privileges, including husband/wife disqualification; chalks, diagrams, photographs and related issues with real and demonstrative evidence; offers of proof; opinion and expert evidence; and criminal evidentiary issues relating to the new Crawford decision. Adequate time will be allowed for interaction between faculty and attendees.

Faculty: Thomas A. Kenefick III, Law Offices of Thomas A. Kenefick III PC; Christa A. Arcos, Massachusetts Appeals Court; Brian J. Carney, WIN Interactive; Steven H. Schafer, Steven H. Schafer & Associates.

**Casemaker Training**

**Tuesday, July 25, 8:30-9:30 a.m. & 4:30-5:30 p.m.**
MBA, 20 West St., Boston

Course #: CASED06

Due to overwhelming member requests, the MBA will be holding Casemaker training. Casemaker has had many new features added, including: Casecheck, an enhanced case law search results function, nationwide collections of combined Supreme Court and ethics opinions and more.

This one-hour training session will be held in a computer lab setting that will provide the participants with the use of a computer and online access to Casemaker. If you want to find out more about how Casemaker can be your first cost-saving step in legal research, sign up today. Space is limited; all attendees must register in advance.

**How to Handle a Will Contest**

**Tuesday, July 25, 4-7 p.m.**
MBA, 20 West St., Boston
Course #: PLM06

This informative seminar will provide an overview of the litigation strategies and practices used to challenge and defend a will from both plaintiff and defendant perspectives. Our expert panel will also provide practical tips for practitioners to consider to minimize the risks of facing a will contest in the future. Specific topics will include preliminary/procedural issues (venue, standing); grounds for objections and how to put together a sustainable affidavit of objections; disposing of a case prior to trial (summary judgment, motion to strike, mediation); discovery (areas of discovery, types of discovery and applicability of new rules); pretrial conferences; trial procedure, who goes first and who has the burden of proof; compromise agreements; the role of the GAL; award of counsel fees; and the interrelationship between will contests and contesting trusts.

Faculty: Brian D. Bixby, Burns & Levinson LLP; Hon. Nancy M. Gould, Suffolk Probate & Family Court.

**Rainmaking — Becoming a Trusted Advisor**

**Wednesday, July 26, 6-8:30 p.m.**
MBA, 20 West St., Boston

Establishing and Growing a Thriving Legal Practice in Today's Turbulent Times—In the first of a series of targeted “rainmaker” programs, you will learn how to become a trusted legal advisor for your most valued clients. You will walk away from this seminar understanding the rules that govern how your existing and potential clients perceive what you do and what strategies you need to implement to leverage these rules to your advantage. This fast-paced, two-hour presentation provides you with the knowledge and tools to grow your practice ethically and professionally.

*To sign up for this program, please call the Massachusetts Bar Association’s Legal Career Center at (866) 835-5902.

Faculty: Gideon Grunfeld, Successful Career Strategies Inc.

**Calculating PIP Lost Wage Benefits**

**Thursday, July 27, noon-2 p.m.**
MBA, 20 West St., Boston

Course #: CLV06 Luncheon roundtable (lunch provided)

The Massachusetts Appeals Court recently clarified how personal injury protection (PIP) lost wage benefits should be calculated in the case of DiGiacomo v. Metropolitan Property & Casualty Co., (Appeals Court No. 05-P-05/25, May 24, 2006). This timely luncheon roundtable will discuss how this change affects calculations for individuals who have not worked continuously for the last 52 weeks and discuss how this change has significantly increased their PIP lost wages payments.

Faculty: Beth R. Levenson, Beth R. Levenson, Attorney at Law.

**AUGUST**

**Elder Law Basics**

**Tuesday, August 1, 4-7 p.m.**
MBA, 20 West St. Boston
Course #: PLO06

This program will provide an introduction to the basics of long-term care and estate planning strategies for the growing group of clients who are 65 and older. Participants will acquire the knowledge and skills needed to apply
Continued from page 25

techniques and strategies for dealing with this age group in daily practice.
Faculty: Eric R. Oalican, Cohen & Oalican LLP; Emily B. Saltz, Elder Resources.

Trial Practice Luncheon Roundtable
Series: Trial Issues
Thursday, Aug. 3, noon-2 p.m.
MBA, 20 West St., Boston
Course #: CL006

In part two of the trial practice series, our panelists will lead a discussion on specific aspects of the actual trial. Attendees will learn real-life courtroom skills and specific strategies for implementing those skills in their practice. Specific topics will include opening statements; direct and cross examination; evidence and objections; and closing arguments.
Faculty: Jeffrey N. Catalano, Todd & Weld LLP; Andrew M. D’Angelo, Carney & Bassil PC; Terrance J. Hamilton, Casner & Edwards LLP; Diana K. Lloyd, Choate, Hall & Stewart LLP.

Fiduciary Responsibilities — Irrevocable Life Insurance Trusts & Business Buy/Sell Agreements
Tuesday, Aug. 8, noon-2 p.m.
MBA, 20 West St., Boston
Course #: PLN06 Luncheon roundtable (lunch provided)

This luncheon roundtable will discuss the current issues facing those individuals who are serving as trustees of Irrevocable Life Insurance Trusts (ILITs) and business owners who have set up business buy/sell agreements. Recent changes in the life insurance field have resulted in an opportunity for attorneys to revisit the agreements they have established and provide additional services to their ILIT trustee and business owner clients. The vast majority of ILITs do not provide guidelines for handling trust-owned life insurance and do not have policy statements on how to handle life insurance investments. Recent changes in the life insurance field are resulting in 65 percent of trust-owned life insurance being changed upon review to provide a more optimal and cost-effective solution. Attorneys should make their trustee clients aware of these changes. You can educate your clients in a process, with your assistance, which can help the trustees fulfill their fiduciary responsibilities to the beneficiaries of the trust. In addition, these changes can have a significant impact on business buy/sell agreements and provide an ideal opportunity to engage your clients in a review of existing buy/sell agreements.
Faculty: Robert W. D’Hara, D’Hara & Company PC.

Casemaker Training
Tuesday, Aug. 8, 8:30-9:30 a.m. & 4:30-5:30 p.m.
MBA, 20 West St., Boston
Course #: CASEE06

Due to overwhelming member requests, the MBA will be holding

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Caveat

★ Advance registration is strongly recommended in order for attendees to be guaranteed a materials book on the day of the seminar. Walk-ins will receive materials books on a first-come, first-serve basis. Otherwise, they will be mailed out the day after the seminar.
★ Payment must accompany all registrations.

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Discounts

★ Section members receive automatic discounts on seminars sponsored by any section of which they are a member (e.g., Business Law Section members receive discounts on Business Law Section seminars).
★ Law students and newly admitted attorneys: MBA member law students and MBA member attorneys admitted to practice in 2004 or 2005 may attend all two-hour, three-hour and four-hour MBA programs for $40.
★ Multiple registrations: Individuals who register in advance using the attached registration form and a single payment for multiple seminars are eligible for bulk discounts as follows:
- Registering for three seminars, take $5 off each seminar registration or $15 off the sum total of the registration fees.
- Registering for four seminars, take $6 off each seminar registration or $24 off the sum total of the registration fees.
- Registering for five or more seminars, take $7 off each seminar registration.

CLE Accreditation

Most MBA seminars are approved for CLE credit in New Hampshire, Rhode Island and Vermont. Forms certifying attendance are available at each seminar.

Program Registration Order Form

| Name: ____________________________ | Mem. # ____________________________ |
| Firm/org.: ________________________ | ____________________________ |
| Address: __________________________ | ____________________________ |
| City/State/Zip+4: __________________ | ____________________________ |
| Phone: ___________________________ | FAX: ________________________ | E-mail: ________________________ |
| Areas of Practice: __________________ | ____________________________ |

Program Registration

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Payment Method

☐ Check enclosed (please make payable to Massachusetts Bar Institute)
☐ Charge my ☐ American Express ☐ MasterCard ☐ VISA
Acct. #: ____________________ Exp. ____________________
Signature: ____________________
TOTAL PAYMENT $ ____________________

Refunds

Refunds will be provided if cancellations are received at least three business days in advance of the program.

Changes in date, time or place

Due to unforeseeable circumstances, changes in the dates, times or places for some seminars may occur after this catalog has gone to press. If you have registered in advance for a seminar, you will be informed of any changes by letter or by phone, and you may receive a refund or credit if the new scheduling is not convenient for you. If you have not pre-registered for a program, please call the MBA Education Office to verify whether it is still being held as originally scheduled.

Unable to attend?

★ If you have registered for a program and are subsequently unable to attend, the MBA will send all materials that were distributed at the seminar to the address on your registration form.
★ If you have not pre-registered but would like to obtain the materials, please call Member Services after the seminar for price and ordering info: (617) 338-0530.

MBI Program Fees

1 to 1½ hour luncheon roundtables and section forums
Sponsoring section MBA members $15
Other MBA members $25
Nonmembers $50

2 to 4 hour seminars
Sponsoring section members $80
Other MBA members $115
Nonmembers $160
Law student/new lawyer members $40
Casemaker training. Casemaker has had many new features added, including: Casecheck, an enhanced case law search results function, nationwide collections of combined Supreme Court and ethics opinions and more. This one-hour training session will be held in a computer lab setting that will provide the participants with the use of a computer and online access to Casemaker. If you want to find out more about how Casemaker can be your first cost-saving step in legal research, sign up today. Space is limited; all attendees must register in advance.

The Nuts and Bolts of Clients’ Trust Accounts
Wednesday, Aug. 9, noon-2 p.m.
MBA, 20 West St., Boston
Course #: YL06

Time is money, but hasty decisions about what happens with the funds a client gives you can cause you more than a headache. Good ethics can translate into good business practices. In an effort to assist attorneys with their questions about how to handle client funds, the IOLTA Committee staff will talk about the most recent developments affecting client fund accounts, record-keeping rules, dishonored checks and any questions you may have about handling client funds.

Faculty: Jayne Tyrrell, Mass. IOLTA Committee. *Additional faculty to be announced.

District Court Survival Guide
Wednesday, Aug. 9, 4-7 p.m.
MBA, 20 West St., Boston
Course #: CLS06

This seminar is designed to educate practitioners on the fundamentals of litigation in the district courts of Massachusetts. Participants will learn how to prepare a civil case, how to handle civil motion practice, how to try a case and how to defend a criminal case from arraignment through trial.

Faculty: Amy Cashore Mariani, Fitzhugh, Parker & Alvaro LLP; Kathleen M. Guillfoyle, Campbell, Campbell, Edwards & Conroy PC; Ann O’Malley, O’Malley & Harvey. *Additional faculty to be announced.

The Fundamentals of Civil Motion Practice
Thursday, Aug. 10, 4-7 p.m.
MBA, 20 West St., Boston
Course #: CLU06

Nearly every civil case will involve some aspect of motion practice. This seminar will address the procedural and substantive requirements of effective motion practice in both the state and federal courts, including procedural requirements for filing and drafting motions, advice on drafting motions and a discussion of the substantive aspects of common civil motions. Our experienced panelists will provide practical advice on the topics such as procedural requirements for motion practice in the state’s District Courts, Superior Courts and the Massachusetts Federal District Court; drafting dispositive motions, such as motions for summary judgment and motions to dismiss; special requirements for discovery motions; motions for injunctive relief, including temporary restraining orders and motions for a preliminary injunction; procedural and substantive requirements for motions for prejudgment security; trial motions, including motions in limine, motions for a directed verdict and post-trial motions; and practical advice for drafting motions and conducting oral arguments.

Faculty: Philip M. Hirshberg, Morrison Mahoney LLP; Alice A. Kokodis, Edwards, Angell, Palmer & Dodge LLP; Bruce Medoff, Smith & Brink PC; Gareth W. Noffs, Morrison Mahoney LLP.

Writing for the Courts: Techniques and Strategies for Effective Legal Writing
Tuesday, Aug. 15, 4-7 p.m.
Bulkeley, Richardson & Gelinas, 1500 Main St., Suite 2700, Springfield
Course #: CLT06

Persuasive writing for the courts is an essential skill for any litigator since judges rely to a great extent on a party’s written submission in making a decision on any motion filed with the court. In this seminar, attendees will gain practical insights into what federal and state court judges find effective and persuasive in legal writing and learn practical tips from experienced litigators and effective writers that they can apply to improve their briefs, motions and other written submissions to the courts. The obligation to inform the court of controlling precedent, if any, inconsistent with the position a party is taking and to not knowingly make a false statement of material fact or law to a tribunal will also be discussed.

Faculty: Katherine A. Robertson, Bulkley, Richardson and Gelinas LLP. *Additional faculty to be announced.

Co-sponsors: The Berkshire, Franklin, Hampden and Hampshire county bar associations.

Preparing to File a Lawsuit
Wednesday, Aug. 16, 4-7 p.m.
MBA, 20 West St., Boston
Course #: CLR06

You are a new lawyer, or a lawyer who does not ordinarily handle litigation matters, and you are asked to file a malpractice, personal injury, commercial or other civil action. Where do you begin?

Join us on Aug. 16 for this practical seminar that will cover the mechanics of preparing to file a lawsuit from start to finish. Our experienced faculty will begin by conducting mock client interviews and then discuss the legal, ethical and client issues raised during the interviews, as well as other issues associated with preparing to file a lawsuit. Specific topics will include client relations and client control; Massachusetts rules and statutes that you must know in preparing to file a lawsuit; background and investigative work before filing a civil suit; ethical issues associated with filing a lawsuit; information needed for prejudgment relief; and medical malpractice pre-suit procedures.

Faculty: David W. White-Lief, Breakstone, White-Lief & Gluck PC; Alice B. Burkln, Duane Morris LLP; Denise J. Murphy, Rubin & Rudman LLP; Leonard L. Spada, Spada & Zullo. *Additional faculty to be announced.

Reverse Mortgages and Your Senior Client
Thursday, Aug. 17, noon-2 p.m.
MBA Western Mass. office, 73 State St., Springfield
Course #: PRG06

The combination of climbing Massachusetts real estate values and increased costs of living is causing more seniors to consider reverse mortgages for preserving or improving their quality of life. Many turn to attorneys and professional advisors who are unfamiliar with the nationwide reverse programs available. This luncheon roundtable will provide a comprehensive explanation of the three nationwide reverse mortgage programs available in Massachusetts, dispel prevalent myths about reverse mortgages and show how practitioners in many areas can utilize them to their clients’ advantage.

Faculty: Stephen R. Pepe and Joseph DeMarkey, BNW Mortgage Company LLC.

Co-sponsors: The Berkshire, Franklin, Hampden and Hampshire county bar associations.

Casemaker Training
Tuesday, Aug. 22, 8:30-9:30 a.m. & 4:30-5:30 p.m.
MBA, 20 West St., Boston
Course #: CASE06

Due to overwhelming member requests, the MBA will be holding Casemaker training. Casemaker has had many new features added, including: Casecheck, an enhanced case law search results function, nationwide collections of combined Supreme Court and ethics opinions and more.

This one-hour training session will be held in a computer lab setting that will provide the participants with the use of a computer and online access to Casemaker. If you want to find out more about how Casemaker can be your first cost-saving step in legal research, sign up today. Space is limited; all attendees must register in advance.

SEPTEMBER

Representing Children in Divorce, Paternity, Post-Divorce, and Custody Proceedings
Thursday, Sept. 14, 4-7 p.m.
MBA, 20 West St., Boston
Course #: FLB07

In certain cases, the Probate and Family Court appoints counsel for children in connection with their parents’ divorce, paternity, post-divorce or custody proceedings. The children are not parties to the action, but are represented. In this type of representation, the services and responsibilities of counsel are vastly different than those provided by a guardian at litem.

Children can be represented by counsel or guardian, or both. There are questions about defining the role of counsel and zealous advocacy versus the role of the guardian and the best interest standard. Multiple guidelines for representing children as counsel have been proposed but have not been unified or codified into a definitive court approved standard. This seminar will identify the various proposed guidelines and will discuss what workable standards are used by practitioners who represent children. The seminar will define the respective roles of counsel and guardian.

The faculty, which includes lawyers and a clinician, will discuss how a child’s capacity is determined, considering capacity of children at various ages, and will identify ethical concerns for counsel. The seminar format will be interactive and will promote roundtable discussion about standards and training for counsel for the child.

Faculty: Lisa M. Cakier, Burns & Levinson LLP; Hon. James V. Menno, Probate and Family Court; Mary F. Ferrite, Eisdale, Barrett & Eisdale; Fern L. Fralin, Grindle, Robinson, Goodhue & Fralin; William M. Levine, Lee & Levine LLP; Ruth Rotanda Whitney.

Trial Practice Luncheon Roundtable Series: Post-trial Issues
Wednesday, Sept. 20, noon-2 p.m.
MBA, 20 West St., Boston
Course #: CLA07

Part three of our trial practice series will conclude with a discussion of all post-trial issues. Practitioners will walk away with the skills and strategies necessary to give them the competitive edge in the courtroom. Specific topics will include post-trial motions and appeals.

Faculty: Jeffrey N. Catalano, Todd & Weld LLP; Andrew M. D’Angelo, Carney & Bassil PC; Terrance J. Hamilton, Casner & Edwards LLP; Diana K. Lloyd, Choate, Hall & Stewart LLP.

OCTOBER

16th Annual Family Law Conference
Friday, Oct. 13 - Saturday, Oct. 14
Chatham Bars Inn, Chatham, Mass.
Course #: FLA07

The Massachusetts Bar Association’s 16th Annual Family Law Conference will take place Oct. 13-14 at the Chatham Bars Inn on beautiful Cape Cod. This year’s conference theme is “Show Me the Money: Financial ISSues in Family Law Practice.” The conference will kick off with the always popular cocktail reception on Friday evening, with educational panels on Saturday focusing on financial aspects of domestic relations practice. The Saturday program will cover topics such as preventing dissipation via attachments and other security measures; mechanisms to recover money and assets; fraudulent conveyances; obtaining sanctions and attorneys’ fees; and ethics violations.

There will also be a discussion about alimony and a panel focusing on how to represent clients on a “limited representation” basis. For more conference details, please visit www.massbar.org/cle or call Member Services at (617) 338-0530.
This program will help you discover how creating a powerful strategic plan, quickly identifying your ideal target market and implementing your plan consistently will grow your practice.

Some of the topics this seminar will address include:

- The three best ways to build trust with existing clients;
- Understanding the six rules for building and growing your practice;
- A four-step process for making networking events more productive;
- Cost-effective promotion over advertising;
- What aspects of lawyering are increasingly becoming financial dead-ends; and
- Your action steps for the next seven, 30 and 90 days.

Gain knowledge and tools to grow your practice ethically and professionally in this fast-paced program.

To register, visit:
http://www.massbar.org/massbar/cle
or call the MBA’s Legal Career Center at (866) 935-5902.