Joining hands for equal justice

The Massachusetts Constitution provides, “Every subject of the commonwealth ought to ... obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.” Both the Massachusetts and the United States Constitutions mandate that indigent citizens facing criminal charges must be competently represented. When the commonwealth fails to provide experienced defense counsel, citizens charged with crimes are denied the fundamental rights of a fair and speedy trial with effective assistance of counsel. When legal services for the poor are denied, we all suffer.

At the foundation of the Massachusetts Bar Association’s mission is the goal to “promote reform in the law, to facilitate the administration of justice.” The Boston Bar Association traces its lineage to John Adams, whose dedication to equal justice continues to inspire the BBA. Together, the MBA and the BBA have preserved a proud history of promoting funding for legal aid. When the need has become most urgent, both bar associations have joined hands and taken action to ensure equal access to justice.

President’s View

by Mark D Mason

Constitutions mandate that indigent citizens facing criminal charges must be competently represented. When the commonwealth fails to provide experienced defense counsel, citizens charged with crimes are denied the fundamental rights of a fair and speedy trial with effective assistance of counsel. When legal services for the poor are denied, we all suffer.

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HOD supports principle of civil Gideon

by Bill Archambeault

After an impassioned debate, the House of Delegates voted unanimously to support a civil Gideon resolution, urging the state to provide legal counsel to low income people in civil matters involving basic human needs.

The debate highlighted the May 23 meeting, held in Springfield, in which MBA President Mark D Mason symbolically passed the gavel to President-elect David W. White Jr., whose term officially begins Sept. 1.

Michael S. Greco, past president of both the American Bar Association and the Massachusetts Bar Association, called on the MBA to endorse ABA Resolution 112A. It calls on the government to provide free legal counsel to the indigent in a limited number of civil cases involving basic human needs such as shelter, sustenance, safety, health and child custody.

“It is shameful, shameful, that in the most bountiful country in the world, that 80 percent of the legal needs of the poorest Americans go unmet year after year,” Greco told the group, arguing that the right to counsel should not be limited to criminal cases.

Continued on page 3

Study reveals women’s struggles to make partner

by Tricia Oliver

The Equality Commission, a collaborative effort of the Massachusetts Bar Association, the Women’s Bar Association and the Boston Bar Association, released the results from a study entitled, “Women Lawyers and Obstacles to Leadership” on May 2. The study examined both genders’ ascension to make partner in law firms and was conducted by the MIT Workplace Center.

The commission is the brainchild of the Hon. Nancy Gertner of the U.S. District Court for the District of Massachusetts. Commission representatives from the WBA, MBA and BBA turned to Mona Harrington, program director at the MIT Workplace Center, an expert on work-family research, to lead this eye-opening study.

Among other questions, the “Obstacles to Leadership” study...

Continued on page 2

Richard Clarke named Gala Dinner speaker

Richard Clarke, best-selling author and senior White House advisor for more than a decade, will be the keynote speaker at the MBA Gala Dinner on Thursday, Nov. 1 at the InterContinental on Boston’s Waterfront.

Clarke, the nation’s former counterterrorism chief, served under seven presidents and spent three decades fighting terrorism. In 2004, after leaving the White House, Clarke wrote The New York Times bestseller “Against All Enemies: Inside America’s War on Terror.”

See index on page 2 for a complete listing of this issue’s contents.
Sobering stats reveal real struggle for women attorneys aiming to make partner

Continued from page 1

aimed to answer why women make up only 17 percent of equity partnerships in Massachusetts law firms. Its purpose was to pinpoint where biases remain in the profession and why this prevents women from staying in the profession.

The findings derived from the study indicate that women and men enter law firms in essentially equal numbers, but women leave firm practice at every pre-partner level at a far higher rate than men — more than 30 percent for women and less than 20 percent for men.

At the May 2 briefing to announce the results, Gertner offered introductory remarks to the sizable audience that gathered at the John Joseph Moakley U.S. Courthouse in Boston.

“This is not an abstract discussion, this is about our lives,” she said, addressing the predominantly female crowd.

Gertner explained that the “pipeline” of women professionals has been “gushing” for nearly two decades, yet men are making partner over women at a highly disproportionate rate.

Harrington and colleague Helen Hsi, Ph.D., followed Gertner to provide a straightforward explanation of the study’s findings. “There is a mismatch of those women entering the profession and those at their top of the profession. The report measures this mismatch,” said Harrington.

The report results from two separate surveys — one to research the rates of attrition in Massachusetts law firms from 2002 to 2004, and one to research the individual career decisions of men and women from 2001 to 2005.

Harrington and Hsi explained that both men and women cited long work hours, workload pressures and difficulty integrating family time into their schedules as rationale for leaving firm practice; however, women have more difficulty in combining work and family than men. The reasoning for this dynamic boils down to time, according to the survey results.

“Sources of time are different for men and women,” said Hsi. Hsi and Harrington explained that most men are with life partners who are less committed to work; women’s life partners are more equally committed to work; and women rely on work structure as a source of time.

According to the survey results, flexible work arrangements help women stay in the firm, but those who utilize flex-time are less likely to make partner. Hsi explained that a popular solution for dealing with this, as reported, was for women to leave the firm, but not necessarily the law or workforce in general.

Commission representative Lauren Stiller Rikleen, executive director of the Bowditch Institute for Women’s Success, followed the presentation of the findings to close the briefing. She covered many of the issues associated with women not succeeding to partner as easily as men and pointed to mentoring as one of the keys to improvement.

“We have too few role models,” said Rikleen, who explained that “data shows that women lack mentoring.” She pointed to workplace culture and leadership as being instrumental in bringing about necessary change.

Rikleen also mentioned that recruitment strategies need to more appropriately match the priorities of the candidates, and that it is critical to change the bias toward women that once they have children, they lack focus and commitment.

The formal part of the program was followed by a question-and-answer session providing the opportunity for the audience to address the presenters.
Jail sentence is not just being behind bars," he said. "It can be living in poverty day after day. This issue is the defining issue for the legal profession, for the organized bar, for society."

Russell Engler, New England School of Law professor and director of Clinical Programs, urged the delegates not to get bogged down in questions about implementing the resolution during his introductory comments alongside Greco and Access to Justice Section Chair Julio Hernandez.

"Traditionally, Massachusetts has been a leader across the country, and we need to speak," Engler said. "It's simply the right thing to do. The problem with unmet legal needs has gotten worse."

There was, however, debate about whether the MBA should study the issue before endorsing the resolution, which does not address how the initiative should be funded or implemented.

During discussion, Public Law Section Chair Robert L. Quinlan Jr. said that his section embraced the concept but believed further study was needed because too many questions were left unanswered.

"People should consider the effect this will have on state government," he said.

Greco acknowledged that the potential costs for implementing a civil Gideon system could be daunting, but he pointed out that the state is paying unknown amounts in social services programs because poor residents don't have access to counsel and the state ends up shouldering costs in the areas of domestic violence, children's services and homeless shelters.

"In Massachusetts, we're incurring costs because the poor don't have access to aid," Greco said. "If the problems these individuals face are not helped by a lawyer, the problem escalates."

Greater Boston Legal Services Inc.'s Pauline Quirion, a delegate-at-large, stressed how urgent the need is and how many poor are turned away from receiving legal help because of limited resources.

"It's very painful how many people we turn away on a daily basis," Quirion said. "We're clearly not meeting the need."

Criminal Justice Section Chair Lee J. Gartenberg said he had a concern that pushing for a civil Gideon would take away already insufficient funding resources for the poor in criminal cases. Greco made a closing plea for support, saying that lawyers shouldn't have to choose between providing legal aid for criminal and civil cases.

The resolution then passed on a unanimous voice vote, which Mason said is an important first step in providing equal justice in civil cases.

"This was a truly history in the making," he said. "We have much to be proud of."

Judicial compensation

The Civil Litigation Section proposed four measures related to increasing judicial compensation and regulating the process for salary adjustments.

HOD approved the first measure, to support legislation giving retired judges an adjustment to their annual pension.

The second measure, to support legislation establishing a commission on judicial compensation, benefits and pensions, was postponed, however, after a number of questions were raised.

"I don't think this is something this state should spend its energies on," said Massachusetts Lesbian & Gay Bar Association Co-Chair Christina E. Miller, who works in the Suffolk County District Attorney's Office, noting the financial hardships faced by public defenders and prosecutors. "I think that's where a commission should be established."

Other delegates questioned whether such a bill would be an affront to the Legislature, or whether it would even be constitutional.

Delegate Peter Elikann asked whether the Legislature might be relieved to be given cover for raising judicial salaries.

"I hate to see the issue of judicial compensation always tied into politics and (Boston) Herald editorials," he said.

MBA General Counsel Martin W. Healy said, however, that the Legislature "probably would reject the notion that their hands be tied" by a proposal like this.

HOD voted unanimously to postpone a vote until its September meeting and have the section councils, affiliated bar associations and the MBA's Judicial Independence Committee review the proposal.

The third measure, to support legislation giving the maximum retirement benefits to the survivors of judges who die performing their duties, was postponed and will be referred to the sections for review.

The final measure, supporting legislation raising compensation for judicial officers, was unanimously approved.

Family law revisions

HOD approved a Family Law Section request to draft a bill related to Massachusetts employer pension reform, which would resolve problems in allocating state pension benefits upon divorce. Delegates also approved MBA endorsement for establishing standards for clinical (Category E) guardians ad litem. The section also announced that a Joint Alimony Task Force was being formed.

In other business, HOD:

- Unanimously supported the Real Estate Bar Association's effort to establish standards of conduct for notaries public, which is currently in the Massachusetts Legislature. "We see a consumer protection issue here," said REBA President Sami S. Baghdady.
- Heard a brief update on the Post-Goodridge Task Force's interim report.
- Postponed discussing and voting on proposed changes to the MBA's bylaws and policies and procedures.
- Unanimously endorsed a resolution asking the Supreme Judicial Court to appoint two members of the bar and two members of the public to serve on the SJC's Performance Evaluation Committee and to routinely publish the anonymous data collected about evaluations.
- Delegates approved publishing two Ethics Committee opinions.

The next chapter

President-elect David W. White Jr. announced that following this year's theme of "United in the Law," the theme for the 2007-08 term would be "Speaking with One Voice." He said that criminal sentencing reform, energy conservation and environmental issues would be some of his goals for the next year.

More immediately, he announced the launch this summer of a blog on the MBA Web site for members.

After Mason passed the gavel, White ended the meeting praising Mason's leadership this year.

"He's brought a dignity to this task that is rare," White said, noting that the MBA currently has a stronger relationship with the judiciary than it has in decades. "He's been a fantastic emissary."
MBA leads the way in recognizing lawyers in transition

by Bill Archambeault

Some were recent law school grads seeking their first jobs as lawyers. Some were experienced attorneys looking for tips on resuming full-time practice after taking time off to raise families or care for sick parents. And some were practicing attorneys in search of more flexible, better-paying part-time jobs.

In all, more than 50 people seeking a stronger connection to the legal profession attended the Massachusetts Bar Association’s first Lawyers in Transition Conference, held May 3 at Bentley College in Waltham.

MBA Vice President Denise Squillante, who chairs the Lawyers in Transition Committee, said the turnout was impressive given that many of the attendees aren’t active attorneys or MBA members.

“I think the conference was a raging success,” Squillante said. “I was surprised at our ability to reach lawyers in transition in the hidden corners of the commonwealth. I think it shows we need to continue to reach out to lawyers in this category, because lawyer in transition issues are not going to go away.”

The Lawyers in Transition Committee is going to be a “permanent fixture” under the new General Practice, Solo & Small Firm Section, she said.

She also wants the conference to become an annual tradition, alternating east-west locations with the annual General Practice, Solo & Small Firm Conference.

“Massachusetts is the leading bar association on lawyer in transition issues,” Squillante said, referring to keynote speaker Deborah Epstein Henry’s assertion that the MBA is “the first bar association nationally to address these issues.” Many, however, including the New York State Bar Association and the American Bar Association, are starting to take action, she said, but it’s a situation that is only beginning to be recognized. Henry is the founder and president of Flex-Time Lawyers LLC in Philadelphia.

Referring to the MBA co-sponsored Equality Commission report on “Women Lawyers and Obstacles to Leadership” (see story, page 1) and other recent studies, Henry noted that transition issues affect a higher percentage of women than men. One recent study found that more than 40 percent of women lawyers leave the profession at some point in their careers.

“It shows that nearly half of all women lawyers follow an unconventional career path,” said Henry.

The key to balancing a legal career and personal needs, she said, centers on lawyers recognizing their financial value to their firms and making it clear what those firms stand to lose if they don’t meet a lawyer’s needs for flexibility. One study, she said, estimated that it costs a firm $500,000 to lose a second-year associate, and upper-tier associates present an even bigger retention problem to firms.

Henry said that when she decided to transition into consulting, she approached her boss at the firm where she was working and told him she was quitting. He told her that her resignation was denied – which stunned her – and told her to come back with a plan that would allow her to stay with company in a reduced capacity.

Her “dream proposal” was accepted, she said, because the company wasn’t willing to lose her outright, and she urged attendees to recognize how valuable they are to a firm.

“What infuriates me is that so many people quit from a position of weakness,” Henry said. “When are you ever in as good a position as when you’re ready to quit?”

The same rule applies to those re-entering the profession, she said. Several conference speakers stressed that lawyers making a comeback often make the mistake of thinking that a potential employer will be doing them a favor by hiring them after a hiatus.

“To be effective in re-entering the profession, you need to be creative. It’s also about sticking your neck out a little bit,” Henry told the audience. “I see confidence being one of the biggest issues for women returning to work, and that leads to inertia.”

Lawyers re-entering the profession need to stress what they can offer a firm, she said, but it can still be a struggle. It’s important to do some research and find re-entry friendly firms.

“You are a square peg trying to fit yourself into a round hole,” she said. “You need to make that process easy for the employer” and explain gaps in a resume, she added.

“Treat your resume as a proposal – make it clear what you can offer.”

While women who put their legal careers on hold to start a family may be the most familiar face of a “lawyer in transition,” men are also putting their careers on hiatus or seeking more flexible working conditions for a better work-life balance.

“To bring men into the discussion is really critical,” Henry said. “To change things here, we really need to have everybody invested and not focus on it just as a women’s issue.”

Though in the minority, a number of men attended the conference, including at least one recent law school graduate and one experienced attorney who hasn’t been practicing full time for more than 10 years.

Ryan Ciporkin, who graduated from law school in May, said he’s had trouble landing an associate’s position at a firm and has been doing some debt collection work for a larger firm and some contract work for an agency.

“It’s been very challenging getting my first associate position,” he said.

According to Squillante, one of the big issues now is helping lawyers find part-time work. “There are lawyers looking to work part-time and lawyers looking to hire part-time, but they can’t seem to find each other.”

In addition to future job-connection plans, Squillante said one successful effort already offered is the reduced membership fee of $150 for attorneys in transition as a way of keeping lawyers informed about industry news, offering Continuing Legal Education courses to sharpen their skills and encouraging networking.

“Getting them those lifelines to the profession is important because I think they want to stay connected,” Squillante said.
Advice for LIT attendees includes both practical, big picture issues

by Bill Archambeault

The first Lawyers in Transition Conference offered advice and insight on a variety of topics to new lawyers and those re-entering the profession.

Attendees of the daylong May 3 conference were able to choose from panels featuring two dozen experts in everything from family law to criminal defense.

General career advice was also provided.

In the “Divorce Basics” session, Family Law Section Chair Fern L. Frolin, of Grindle, Robinson, Goodhue & Frolin in Wellesley, provided practical advice.

“I use a written fee agreement in every case, and you should, too,” she said.

She also strongly suggested considering hiring forensic accountants to help with cases.

“You’re going to need to unscramble these people’s tax returns,” Frolin said. “It’s much more efficient to hire an accountant to do it than to take three or four courses (to learn how to do it) yourself.”

Frolin said it’s frustrating to hear prospective clients tell her they want to hire her because they heard she was “tough” and expect her to be ruthless in negotiations.

“I’ve made my reputation being honest and reasonable, and that’s more important than any client,” she said.

In the “Basic Estate Planning” session, Carol D. Kimball and Peter E. Bernardin, of Plunkett Law Firm PC in Salem, explained the differences in handling trusts and wills and ensured that clients understand the need for both.

In “Basics in Civil Litigation,” Ellen Rappaport Tanowitz of Tanowitz Law Office in Newton listed the books that new or returning lawyers would need, including Massachusetts Rules of Conduct. “They’re the rules of the game and if you don’t know them, it’s going to impede your ability to practice efficiently,” she said.

While some books can be acquired over time to minimize expenses, others are essential to have from the beginning, she said, urging attendees to obtain copies of the “Massachusetts Lawyers Diary and Manual” (also known as the “red book”), the “Bluebook” and “Evidentiary Foundations,” which she said was “absolutely indispensable” because it gives specific examples for getting evidence admitted in trials.

“I find it to be very, very valuable in helping to get all of your elements in,” she said.

The “Update in Criminal Law” session featured one former lawyer in transition speaker, Reynold A. Ilg Jr., of the Law Office of Reynold A. Ilg Jr. in Lowell. Ilg was a state trooper for 22 years before becoming a lawyer.

On that panel, Criminal Law Section Chair Lee J. Gartenberg talked about the impact that the Supreme Judicial Court’s decision in the Commonwealth v. Dwyer case on obtaining privileged treatment records.

“The SJC issued an opinion that was basically an earthquake” that undid years of precedent, Gartenberg said.

Ilg explained that Dwyer is “opening doors for getting information that literally, we could not get before.” But, he said, “You can’t go on a fishing expedition. You can’t use it as a discovery tool.”

When one audience member asked for tips on selecting jury members in OUI trials, MBA Past President Edward P. Ryan Jr., of O’Connor & Ryan PC in Fitchburg, said that while there are limitations, it’s important to push the judge to ask pertinent questions, even though he cautioned that judges will generally give more leeway to more experienced attorneys.

“You’re trying to get people out of the game who have particular biases,” Ryan said. And while it will be harder for newer attorneys to get their questions asked, “Don’t be afraid. That’s the big thing.”

He also urged the audience to generally ask for help. “When you don’t know something, don’t be afraid to say you don’t know” and find someone to help, he said. “Reach out to people. The Mass. Bar’s a good source. E-mail me. Reach out to other lawyers.”

Reaching out to court officers and clerks is also a good idea, Ryan said.

“Don’t be afraid. Make yourself known and let it be known you’re trying to get a lay of the land.”

In addition to a session on “How to Stay Out of Trouble” that included Board of Bar Overseers General Counsel Michael A. Frederickson and Massachusetts IOLTA Committee Director Jayne Tyrell, there was a general career advice panel discussing “Setting Realistic Expectations and Boundaries When Facing Re-entry.”

Barbara Bowe of Lawyers Concerned for Lawyers Inc. in Boston, encouraged attendees to think of the job search process like dating and do due diligence about the places they apply to. She and other panelists urged audience members to focus on what they can offer a firm rather than dwell on any shortcomings, like being out of practice.

“Just because you’ve been out of practice a while doesn’t mean you’re less of a lawyer,” she said.

During the final panel on “Re-entering the Office: New Technology,” audience members heard about the opportunities that technology provides.

Law Practice Management Section Chair Denise M. Guérin, of the Law Office of Denise M. Guérin PC in Cambridge, explained how, after giving her opening remarks that morning, she used her laptop and a Web site to do work and log a couple of billable hours.

Andrea Goldman, of the Law Office of Andrea Goldman in Newtonville, said, “I’m astounded. I’m getting a surprising number of clients through the Internet.”

The conference wrapped up with a mentor networking reception.
PROFILES IN TRANSITION
FOR MANY, LEGAL CAREERS FOLLOW EVER-CHANGING, OFTEN-INTERRUPTED PATHS

by Roberta Holland

Self-confidence and an open mind are the keys to weathering career transitions big or small.

Lawyers who have conquered recent job changes cite those qualities, regardless of whether their transition was re-entering the field after a long hiatus or launching their own practice.

Graduated from law school in 1998. The counselors helped her rethink her resume and boost her confidence. She also reconnected with law school classmates, networking and “telling everybody I knew I was looking for a job.”

While Gerber went into law initially to work in estate and urban development, she wound up at a small general practice in Boston in 2004 through a job-sharing arrangement. She spent much of her year-and-a-half at that first firm “just relearning how to work,” Gerber said. Her Northeastern contacts then led her to her current job as an associate with Jeanne C. Kantianis PC in Newton.

Gerber is happy with her new niche in family law. She believes she was lucky to find her position since part-time legal opportunities are rare. But she said solo practitioners could gain much-needed help with just a small training investment. “This is a great arrangement for somebody coming back in,” Gerber said.

Belinda A. Taylor worked as a television and print journalist in Trinidad. She became a solo practitioner in 2002, focusing on care and protection cases.

Making a different kind of transition is Belinda A. Taylor, a former television and print journalist from Trinidad who is building up her solo practice in Brockton. Like Gerber, Taylor, 42, also pursued her law degree later in life. She moved to the United States in the late 1980s for her husband’s job as a professor, and the couple eventually landed in Boston. Taylor received her law degree from Boston College Law School in 1996.

After two years with the Middlesex County district attorney’s office, Taylor worked as a staff attorney in Boston Juvenile Court. Taylor decided to hang her own shingle in 2002, to have more control over her schedule and her career direction.

But Taylor said it was not a decision she made lightly, and only now feels completely comfortable being a solo practitioner.

“When you’re solo, it’s a tremendous amount of responsibility to have somebody’s case and you’re completely responsible for it,” said Taylor, a Milton resident. “It’s all on you. But it also gives you the ability to pick and choose what you want to do as an attorney.”

Taylor focused on care and protection cases, which she first got into through court appointments, and grew the practice through referrals. Recently named regional coordinator for Plymouth County by the Committee for Public Counsel Services, Taylor said she never considered doing care and protection cases until she saw how many people were dealing with the issue.

Seeing things in degrees rather than as black and white has helped her succeed as a solo practitioner. Taylor said she never considered doing care and protection cases until she saw how many people were dealing with the issue.

Seeing things in degrees rather than as black and white has helped her succeed as a solo practitioner.

Francis A. Ford is taking a leap in the other direction. A longtime solo practitioner, Ford just finished a four-year term as clerk of courts in Worcester County and is now returning to life in a firm.

A graduate of Holy Cross, Ford worked as deputy clerk in Worcester County while he attended Suffolk University Law School at night. An experienced litigator and political activist, Ford received his law degree from Suffolk in 1978.

Ford said he intended to return to his solo practice after finishing his term as clerk of courts, but was lured back to firm life by Fletcher, Tilton & Whipple PC. Ford, immediate past president of the Massachusetts Bar Foundation, said he was drawn to the firm because it puts a premium on community involvement. He knew his activities in politics and the bar would be not only tolerated but encouraged.

Additionally, Ford said it was a good time to jump back up with a firm. His contemporaries are now calling him for help with estate planning and other needs. Instead of having to turn them away, he can refer them to another member of his firm. Other perks of firm life, like an IT department, have helped as well. “For me at this stage in my life, this is perfect,” he said.

Ford said he tries to approach career shifts with an open mind. “I happen to embrace change,” Ford said. “Change is a good thing. It was good to move on (from private practice) and it was good to do public service. Not everyone can.”

While these three attorneys have chosen different paths, they share an open-minded attitude about their careers.

“There are so many opportunities and places you probably never thought you’d work in law school,” Taylor said. “The idea of staying with one firm or one area of the law, I think that’s out the window.”

After stint as Worcester clerk of courts, a happy return to firm life

Francis A. Ford is returning to practicing law at Fletcher, Tilton & Whipple PC in Worcester.
Judge Gertner decries increase in summary judgments at 28th Annual Labor & Employment Law Conference

by Kate O'Toole

Held in a majestic ballroom at the Park Plaza Hotel in downtown Boston, the 28th Annual Labor & Employment Law Spring Conference attracted more than 180 labor and employment law attorneys from across the state and covered a range of current issues in the field.

In the first session of the day, attorneys from both sides of the aisle discussed the status of the *functus officio* doctrine in the arbitration process, as well as what to expect from the courts when appealing an arbitration award.

The second panel focused on the recent hot topic of immigration. Panelists discussed the rights of undocumented workers and the obligations of employers in regards to the immigration status of their employees. The attorneys especially focused on the ways in which the Supreme Court attempted to reconcile conflicts between two federal policies – the National Labor Relations Act and the Immigration Reform and Control Act – in the 2002 case *Hoffman Plastic Compounds Inc. v. NLRB*.

After the conference's customary afternoon program “Survey of Employment Law Developments,” the day wrapped up with a session on tips, tricks and pitfalls of electronic discovery. Two of the attorney panelists, who had previously gone head-to-head in a complex e-discovery case, emphasized the vast differences between e-discovery and paper discovery, and instructed attendees how to best benefit from e-discovery. The panel was supplemented by technical commentary from a computer forensics expert.

Labor & Employment Law Section Chair Rosemary Pye was excited about the content of the conference and the participation of MBA attorneys. “I want to congratulate all the organizers and speakers for their thoughtful, practical presentations and excellent written materials,” said Pye.

“They went right to the heart of what practitioners need to know to be effective for their clients.”

**Gertner delivers engaging keynote address**

After a buffet lunch, Boston attorney Ellen Messing introduced the keynote speaker, the Hon. Nancy Gertner of the U.S. District Court for the District of Massachusetts. Messing described Gertner – who has been a criminal defense attorney, a civil rights activist, a leading advocate for women’s rights, a law professor and a teacher of judges from the former Soviet Union – as a woman whose “willfulness to challenge conventional wisdom” makes her career one that “defies categorization.”

Gertner concentrated her speech on what she views as a troubling rise in summary judgments in employment law cases, and also spoke about discrimination in general. She noted that a summary judgment used to be considered a “last resort,” but is now “the procedure of choice in areas of law where it should be just the opposite.”

She described employment discrimination law as being “reduced to a series of tests” and recalled former federal Judge Patricia Wald’s 1998 assessment of summary judgments as a “potential juggernaut, which, if not carefully monitored, could threaten the relatively small residue of civil trials that remain.”

Her remarks were interrupted several times by applause, and she wrapped up her speech by urging the audience not only to examine the role and impact of summary judgment in discrimination cases, but to consider the continued presence of discrimination in our workplaces and our culture as a whole. Gertner referred to the Equality Commission’s recent study about women’s struggles in making partner at law firms.

The Equality Commission’s report begins by noting that “women and men have been graduating from law schools and entering the firms in virtually equal numbers for at least 15 years,” but according to the MIT survey, women make up only 17 percent of firm partners.

“We need to step back as a society and look at this institutionally,” Gertner said. She suggested that women’s challenges to climb the ladder in the private sector are mirrored in the public sector and concluded her speech with a comment about the low numbers of women and minorities who are appointed to both state and federal benches: “In 10 years, there will not be women, there will not be minorities, and we will all suffer.”
Joining hands for equal justice

Continued from page 1

In recognition of the long history the associations have enjoyed in preserving the right to effective assistance of counsel for the poor, the Massachusetts Committee for Public Counsel Services and the Massachusetts Legal Assistance Corporation recently nominated the MBA and BBA to receive the American Bar Association and National Legal Aid and Defender Association’s 2007 Harrison Tweed Award. Together, MLAC and CPCS are responsible for virtually all representation of the poor in Massachusetts. The MBA was greatly flattered by the recognition for the important role our members are playing in advocating for the rights of the indigents. I am pleased to report that the collaborative efforts of the bar advancing equal access to justice are not new. In 1999, the MBA, BBA and MLAC created the Equal Justice Coalition. The EJC’s membership now comprises a diverse group of more than 180 individuals and organizations, including many bar associations throughout the commonwealth. The mission of the EJC is to expand access to justice through support for state funding for legal services. The EJC’s Annual Walk to the Hill for Legal Aid has had a powerful impact on Beacon Hill over the past seven years. This year, a record-breaking 500 attorneys urged their legislators to increase the commonwealth’s appropriation for civil legal aid. The EJC has succeeded, as well, in recruiting general counsel in leading Massachusetts companies to become involved in advocating for increased state funding for civil legal services program. The EJC’s efforts have resulted in a $1 million increase in the commonwealth’s appropriation for civil legal aid in 2005.

The MBA and BBA’s collaborative efforts in ensuring legal services for indigent individuals are not limited to the Equal Justice Coalition. Both associations have performed extraordinary work in advocating for fair and reasonable compensation for bar advocates. Collaborating with bar associations throughout the commonwealth, the MBA and BBA worked to ensure passage of landmark legislation in 2005 increasing private counsel hourly rates and creating a statewide network virtually doubling the size of CPCS’ attorney staff. Importantly, both associations have continuously supported county-based bar advocate programs. Although the Massachusetts legal community continues to make strides in improving access to justice for all Massachusetts citizens, it is a frustrating reality that the resources available continue to level the playing field. By properly funding legal aid, we will have an overwhelmingly positive impact on the livelihood of many low-income families throughout our commonwealth. We urge our legislators, hence, to continue their good work in ensuring adequate representation for our most vulnerable citizens and request that the General Court restore the funding necessary to ensure equal access to justice.
Public health officials, attorneys outwit pestilence and plague

by Andrea R. Barter, Esq.

A vian flu, severe acute respiratory syndrome, the Ebola virus, Hurricane Katrina—pandemics and large-scale emergencies of any kind—create a mental image of dead bodies in the streets, patients wasting away and wretched people calling for help. What no literary, movie or media images show are the quiet efforts of public health and municipal attorneys who struggle to maintain order in the midst of such chaos.

Among the legal issues that need to be addressed in a health emergency are personal liberties, liability for health agents or volunteers, emergency declaration powers, relaxed standards of care, credentialing and workers’ compensation determinations.

To enhance emergency preparedness, the Massachusetts Department of Public Health and others have been drafting legal documents to aid in the speedy response to any public health emergency.

MDPH has also assisted in the creation of a training program called “Legal Nuts and Bolts of Isolation and Quarantine.” It was developed with the assistance of the attorney general’s office after the outbreak of SARS several years ago and has been presented numerous times in various parts of the state.

Designed primarily for local health officials, it provides legal documents that those officials may use for the voluntary and mandatory isolation of a sick patient. It also provides court pleadings and motions for city and town attorneys to use, should it become necessary to seek a court order to forcibly isolate an individual. The documents may be easily modified for other infectious diseases where isolation or quarantine is necessary.

“You want to respond appropriately in a disaster to protect people, but the more you know in advance how to do it in a legal, proper way, you at least reduce your risk of exposure,” said James P. Lampke, executive director of The Bar Association of Massachusetts Municipal Attorneys, part of a working group developing an operating guide of legal issues and authority issues for emergency situations.

According to Priscilla B. Fox, an attorney who works for MDPH, the stimulus to develop legal preparedness documents came about with the first outbreak of SARS. MDPH’s general counsel questioned what would happen if the state needed to mandate a quarantine. MDPH worked with the attorney general’s office to blend the legal and medical components that would allow for legal isolation and quarantines, if necessary.

In addition, the federal government realized after 9/11 that it needed to be more involved with state emergency preparedness. Federal grant money is tied to certain benchmarks, one of which is legal preparedness.

For example, pre-credentialing of health care volunteers is now a federal mandate, with federal standards focused on making state networks interoperable. MDPH has launched the Massachusetts System for Advanced Registration, a statewide, secure database of pre-creden-

Beyond the Headlines

Experience with large-scale disasters has consistently shown that an effective response requires that volunteers be pre-credentialed and deployed through a coordinated effort.

But, Fox pointed out, “It is tough now for private sector health care workers. It is up in the air whether they are protected from liability or have workers’ compensation if they go into another state. The idea at the federal level is to make that go more smoothly.”

Fox said reticence among health care workers to volunteer to cross state lines because of liability issues was definitely an issue after Hurricane Katrina.

Although there is a mutual aid compact that all 50 states are party to that addresses the exchange of emergency management assets, it only provides liability and workers’ compensation protections to state employees. Private sector workers had no protections when crossing state lines.

“Liability is a complicated issue because the extent of coverage depends on what type of provider you are,” said Fox. “Are you a volunteer or an employee? A doctor’s insurance policy may protect doctors wherever they go, but there are licensing issues. You have to get the state to waive licensing issues. In contrast, nurses are often employees of a hospital, so unless the hospital sends the nurse, if nurses go on their own, they will not be protected.”

Fox added that some health care volunteers might not be protected if they were working outside of their normal job responsibilities.

“Some would have Good Samaritan coverage, but in an unfolding pandemic, over weeks and months, Good Samaritan coverage is questionable. Some people would be reticent unless they knew they had some protections,” she said.

Another “deliverable” under a grant from the Center for Disease Control is “mutual aid,” whereby states facilitate the provision of emergency personnel and resources among differing local health authorities.

Towns are encouraged to vote at their town meetings to accept the concept, then sign a mutual aid agreement with adjoining towns. MDPH has developed a template agreement that also addresses liability and workers’ compensation.

“Towns should think about whether to use the template or alter it,” said Fox. "The template says liability and workers’ compensation issues remain with the ‘sending’ town. But if you have someone working and taking orders from the ‘receiving’ community, the sending community may not want to accept responsibility for that. Each town needs to talk to their own town attorney, to modify the agreement in whatever way they see meets their circumstances.”

“In times of emergency, you have to act quickly,” said Lampke. “Anything that can be prepared in advance to make a response quicker and more efficient is a benefit to the public. These forms are designed to give attorneys a working document in which they fill in the particulars so they can respond.”

“I think 9/11 and its effects, the SARS epidemic, avian flu, all these things have brought to light the need for more and constant training. Most boards of health were trained and competent to respond to health emergencies, fires and floods, typical things to respond to. But now, with different issues in society, there are more concerns to be prepared for and municipalities are preparing themselves for it,” said Lampke.

Comments by Fox are her own and do not represent the opinions of MDPH.

For a complete treatment of public health emergencies and legal preparedness, see Fox’s article in the MBA’s upcoming Section Review, volume 9, issue 2.
Supreme Court’s Breyer to lead Shakespeare discussion June 12

U.S. Supreme Court Justice Stephen Breyer will host a discussion and debate on the art and practice of judging framed by a staged reading of Shakespeare’s “Measure for Measure.”

The event, which will be held Tuesday, June 12 at 5 p.m. at Boston’s Shubert Theatre, is free to the public. It is the seventh in a series entitled Shakespeare and the Law, which is produced by the Boston Lawyers Chapter of the Federla-list Society, in conjunction with Common-wealth Shakespeare Company.

The event is directed by CSC Artistic Director Steven Maler and produced by McCarter & English partner Daniel J. Kelly. The Massachusetts Bar Association serves as a co-sponsor of the event.

As in the past, the first hour will feature prominent judges, public officials and members of the bar performing an abridged version of one of Shakespeare’s works. This is followed by a discussion of the legal and political issues addressed in the play and their application to today’s headlines. Federal Judges Mark Wolf and Nancy Gertner and former U.S. Attorney Wayne Budd will take on the lead roles of Angelo, Isabella and Vincentio.


Breyer will host and preside over the discussion following the play. Jan Crawford Greenburg, ABC News legal correspondent and author (most recently, “Supreme Court’s Breyer to lead Shakespeare discussion June 12”); and Daniel J. Kornstein, attorney and author of “Kill All the Lawyers; Shakespeare’s Legal Appeal,” will moderate.

MBA CALENDAR OF EVENTS

Tuesday, June 12
Bankruptcy Basics – A Beginner’s Perspective After BAPCPA
Noon–1:30 p.m.
Course #: BLI07
MBA Western Mass. office, 73 State St., Springfield
Practitioners are continuing to understand how the Bankruptcy Abuse Prevention and Consumer Protection Act (“BAPCPA”) affects their practice. This roundtable discussion will examine the highlights of the new act, as well as discuss practical solutions to issues facing new bankruptcy practitioners. Attendees will become more informed about pitfalls and common mistakes to avoid in order to better serve their clients. Specific topics will include: homestead problems and issues in bankruptcy; navigating U.S. Trustee audits; understanding the “means test”; maximizing exemptions; and dealing with foreclosures in bankruptcy.
Faculty: Justin H. Dion, Esq., program chair, Bacon & Wilson PC, Springfield.

Shakespeare and the Law
5–8 p.m.
Shubert Theatre, Boston
U.S. Supreme Court Justice Stephen Breyer will host a discussion and debate at Boston’s Shubert Theatre on the art and practice of judging framed by a staged reading of Shakespeare’s “Measure for Measure.” The event, free to the public, is the seventh in a series entitled Shakespeare and the Law, produced by the Boston Lawyers Chapter of the Federalist Society, in conjunction with Commonwealth Shakespeare Company. The event is directed by CSC Artistic Director Steven Maler and produced by McCarter & English partner Daniel J. Kelly.

The MBA is a co-sponsor of the event.

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Wednesday, June 13
Casemaker Training
2–3:15 p.m.
Course #: CASEE07
Massachusetts School of Law, Andover
Casemaker training returns for summer sessions. Training sessions will be held in a computer lab setting that will provide participants with the use of a computer and online access to Casemaker. Because space at Casemaker trainings is limited, online enrollment is not available. To register for a training session, call Member Services at (617) 338-0530 or toll-free at (877) 676-6500.

Thursday, June 14
Staying Professional in the Practice
4–7 p.m.
Course #: YLG07
MBA, 20 West St., Boston
Ethical issues arise every day in every practice. Practitioners are now accepting the necessity of analyzing their own practices and procedures, evaluating their vulnerabilities and establishing systems to protect their clients and themselves. This course is designed to help you maintain a sound practice through a better understanding of ethical requirements. The presenters will provide a current review of critical issues in ethics, malpractice avoidance and professionalism. The seminar will focus on educating practitioners and providing practical suggestions on how to develop systems and safeguards to help avoid the pitfalls associated with ethical considerations, integrity issues, conflicts of interest, and attorney-client privileges in day-to-day relationships with clients.
Faculty: James S. Bolan, Esq., program chair, Brecher, Wyner, Simons, Fox & Bolan LLP, Newton. *Additional faculty to be announced.

Casemaker Training
4–5:15 p.m.
Course #: CASEP07
Elms College, Chicopee
Casemaker training returns for summer sessions. Training sessions will be held in a computer lab setting that will provide participants with the use of a computer and online access to Casemaker. Because space at Casemaker trainings is limited, online enrollment is not available. To register for a training session, call Member Services at (617) 338-0530 or toll-free at (877) 676-6500.

Tuesday, June 19
Massachusetts Health Care Reform Law
4–7 p.m.
Course #: HLC07
Suffolk University Law School, Boston
This program will offer legal, business and consumer perspectives on Massachusetts’ landmark health care reform law, which was adopted by the Massachusetts Legislature last year and is nearing full implementation when the individual mandate goes into effect on July 1, 2007. The seminar will provide an overview of the legislation, an update on current implementa-

Continued on page 11
MBA Calendar of Events

continued from page 10

Wednesday, June 20
Innovative Jury Techniques
4–6:30 p.m. (with reception to follow)
Course #: CLX07
Springfield Marriott, Springfield

As we face increasingly sophisticated jurors and other new challenges in trying cases, it is important for anyone who tries cases to learn about new and innovative ways to pick our juries and to present our cases in court.

This program, with a panel of judges and lawyers, will focus on current trends in jury trials including the following specific topics: voir dire; jury questions; mini-openings during trial; jury notebooks; and jury discussions about evidence during trial.

Panelists will also discuss practical examples, demonstrations and innovative ways to present evidence to jurors using tools such as PowerPoint, digitization and video animation.

Faculty: Paul S. Weinberg, Esq., program chair, Weinberg & Garber PC, Northampton; Hon. Michael A. Ponsor, district judge, U.S. District Court; Hon. Constance M. Sweeney, Executive Office of Elder Affairs, Boston; Michael R. Costa, Esq., Greenberg Traurig LLP, Boston; Rosemarie Day, MPP, Chief Operating Officer, Commonwealth Health Insurance Connector Authority, Boston; Brian Rosman, JD, Policy Director, Health Care For All, Boston.
The Plymouth County Bar Association sponsored Law Day ceremonies at courts in Plymouth County on Tuesday, May 1. Lt. Gov. Tim Murray gave the keynote address at Hingham District Court’s ceremony. PCBA President Russ Hodgdon presented Judge Mary Amrhein with the Liberty Bell Award.

Fifth and eighth grade students from area schools who participated in poster and essay contests presented their submissions. Savings bonds and gifts were presented to the winners. Plymouth County District Attorney Tim Cruz and Hingham D.A.R.E. Officer Robert Ramsey also addressed the students.

Coakley offered her preference to look at the larger picture associated with these topics and reiterated her interest in creating more “sound public policy” as part of the solutions addressing each.

“Part of my goal as attorney general is to be more responsive,” she said. “We [the attorney general’s office] should play an important role in building policy.”

Throughout the discussion, council member and Middlesex County Juvenile Court Associate Justice Jay Blitzman offered his viewpoint from the bench on how the courts process young offenders. Coakley explained that she is interested in working toward “concrete solutions for urban and suburban communities” that will positively affect youth, in particular.

Coakley was joined by Edward R. Bedrosian Jr., the deputy first assistant attorney general. Both were open to the wealth of input provided by the council.

On Wednesday, June 6, the Women’s Bar Association’s Women of Color Committee will present its 3rd Annual Pioneering Women of Color program at 5:30 p.m. at Greenberg Traurig, on the roof deck of One International Place, Boston. Contact the WBA at (617) 973-6666 for more information.

The Worcester County Bar Association will hold its Annual Dinner and meeting on Tuesday, June 19 at the Wachusett Country Club in West Boylston. For additional information, contact the WCBA office at (508) 752-1311.

The Plymouth County Bar Association will hold its Annual Golf Tournament on Monday, July 9 at the Thorny Lea Golf Course in Brockton. Proceeds benefit the Plymouth County Bar Association’s Scholarship Fund. Contact Scott Peterson at (781) 749-4433 or e-mail speterson@healyhealy.com for more information.

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Section Council Spotlight

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Every month, Lawyers Journal publishes section council news, upcoming events and ongoing projects.

Members are encouraged to periodically check their section Web page at www.massbar.org for updated information on section council meetings, minutes from previous meetings, proposed legislation and informational links.

Section members with suggestions for additional links, educational programs or proposed legislation should contact any member of the section council listed in the section directory.

From left to right, MBA President-elect David W. White Jr., Attorney General Martha Coakley and Deputy First Assistant Attorney General Edward R. Bedrosian Jr. at the May 7 Criminal Justice Section Council meeting.

Photo by Tricia Oliver

Criminal Justice

Several months into her newly elected post, Massachusetts Attorney General Martha Coakley served as one of the guest speakers at the Criminal Justice Section Council’s May 7 meeting. Following an introduction by Section Chair Lee J. Gartenberg, Coakley offered brief introductory remarks before engaging the council members in a fast-paced exchange.

The discussion centered on issues of high importance under consideration by the council and the attorney general’s office alike, including CORI reform, the governor’s newly established Anti-Crime Council (on which both Coakley and Gartenberg serve), sentencing reform and the creation of drug courts.

Business Law

As part of this year’s pro bono program, the Business Law Section members volunteered to answer the phones for the Dial-A-Lawyer Program held May 2 in the Boston office and on May 16 in the Springfield office.

Several of the section members participated for the first time and noted that they were surprised at the number of calls that came in from the public and the variety of questions asked. After the program, they expressed interest in joining other volunteers at future Dial-A-Lawyer programs.

Public Law

The Public Law Section is proud to announce that its section-sponsored conference that took place on Tuesday, June 5, was sold out, attracting more than 100 attorneys. The conference was held at the John Adams Courthouse in Boston and featured several CLE panels and a keynote address by Attorney General Martha Coakley.

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Although I’m gratified to have been given a promotion (in the legal department of a government agency), I am also very worried. My new position will involve frequent presentations to various audiences, and public speaking often reduces me to a dumbstruck bundle of nerves. On occasion, when feeling frozen before a group of listeners, I have even feigned illness as a way to escape the podium. So far, I’ve mostly avoided such situations – what do I do now?

Public speaking anxiety is a subset of Social Phobia, also known as Social Anxiety Disorder, the most prevalent of anxiety disorders, affecting (according to a 1994 epidemiologic study) over 13 percent of us at some point in our lives, usually with a real impact on our work and/or social lives. It appears to be caused by a combination of environmental and hereditary factors. This problem will not simply go away, but fortunately, it is treatable, and in your case, clinical intervention would be well worth the effort. Any of the following approaches can be useful, alone or in combination.

One powerful approach, which people seem to avoid unless getting help, is exposure. In a gradual way, with support and preparation, you repeatedly expose yourself to the kind of situation that triggers the anxiety, until you become comfortable. Toastmasters, a clinical program, or even making an arrangement with friends, could provide such an opportunity prior to placing yourself in the “real” situation.

Relaxation techniques (such as meditation, visualization, progressive muscle relaxation or deep breathing) and advance rehearsal (including ways to respond to questions when challenged, or to come back to your main points if you lose your place) can help you feel ready for exposure to speaking occasions.

Cognitive Behavioral Therapy, or CBT, can help through identifying, challenging and changing your “automatic thoughts” (e.g., “I will bore everyone and they’ll walk out” or “My hands are trembling – that’s humiliating!”) that set the stage for your anxiety.

Finally, some people benefit from medications. A number of antidepressants can also (even if you are not prone to depression) reduce anxiety in a general way. Beta blockers (most commonly used for high blood pressure) can help by reducing autonomic nervous system reactions such as heart pounding, trembling, blushing and sweating. Benzodiazepines (such as Valium, Xanax or Ativan) can be effective, but are worth avoiding if you will be speaking frequently (or if you have any addictive history), for a number of reasons, including the potential for developing a difficult-to-break physical dependence.

LCL would be glad to help you assess the problem and identify resources for overcoming it.

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 email@lclma.org or called in to (617) 482-9600. LCL’s licensed clinicians will respond in confidence. Visit LCL online at www.lclma.org.
Sharon High School places seventh at national Mock Trial

by Seth Boyd

After winning the Massachusetts Mock Trial Tournament, the Sharon High School Mock Trial team finished seventh out of 40 teams at the National High School Mock Trial Tournament, held in Dallas from May 10 to 12.

The Sharon High School Mock Trial team went undefeated in nine trials in the 2007 Massachusetts High School Mock Trial Tournament, (three in the preliminary rounds, two tiebreakers, and four in the playoff rounds) en route to claiming the state championship on March 29.

The Sharon High School Mock Trial team went 3-1 in Dallas, and their seventh-place finish was the first time a Massachusetts team placed in the top 10 at the National High School Mock Trial Tournament since 1992.

Their talent was on display in the national tournament when they provoked an unusual response: They made a judge cry.

It happened in the 256th District Court, on the fourth floor of Dallas’ George Allen Courts Building as the Hon. Gene E. Franchini, retired chief justice of the New Mexico Supreme Court, offered his feedback to the team after presiding over their win against Team Louisiana, from Lafayette High School. As he was praising the students for their presentation skills and encouraging them to pursue careers in the law, Franchini was overcome by emotion. Moments later, he was surrounded by students asking questions and posing for photographs.

The Sharon team had arrived in Dallas on Wednesday night and spent most of the day Thursday scrimmaging in practice rooms provided at their hotel.

“As the scrimmages, they were a little worried,” said Tanya Perkins, the team’s teacher coach, noting that perhaps the scrimmages had revealed the lack of preparedness that comes with only having had a few weeks with the case – a maritime negligence case based on a real-life industrial disaster, which destroyed the port of Texas City on April 16, 1947.

Thursday night was all about ironing out the kinks they discovered during the scrimmages.

“They’re a very self-directed group,” said attorney-coach Michael Tuteur, of Foley & Lardner LLP in Boston, whose son David is a member of the team.

In fact, the team’s self-direction allowed Tuteur to leave at midnight, even though by most estimates, the team was up until 2 a.m. — a mere five hours and 15 minutes before the postings for round one of the tournament. Team members Dana Weinstein and Rachel Piltch-Loeb agreed. They noted that in the state tournament, more of the preparation was left up to individuals, but for nationals, “I don’t think we’ve ever worked better as a team” said Weinstein. “Everyone had to be on top of everything,” added Piltch-Loeb.

By 4:30 p.m. on Friday, the students had completed their first two trials and enjoyed some down time before departing for a scheduled trip to the Mesquite Championship Rodeo. With a day of trials under their belts, Josh Bernard and Sam Rittenberg reflected on the differences between the competitors in the nationals and the state tournament.

“We have to be a little more cunning and a little less aggressive to fit in,” said Bernard.

This was especially challenging, Rittenberg said, because with less time to prepare, “we have to have a much more mature understanding of the case.” Both students were impressed by the level of competition they had seen so far, but what was more striking to them was the difference they saw in their team.

“I’m very impressed by the work our team did,” said Bernard.

On Saturday morning, the team faced their toughest opponent, Team California, from Elk Grove High School. The trial proved to be the team’s only loss in Dallas, but rather than coming away from the trial discouraged, the students seemed almost awestruck by the skill of their opponent — especially by the performance of the student conducting the closing arguments.

As Piltch-Loeb explained, “We didn’t come here to win. Although, we’d be happy if we did. But we really wanted to perform well... and hopefully finish in the top 10.”

This attitude was reflected throughout the team. As Weinstein put it, “We have less of an emphasis on winning and more of on emphasis on enjoying it.”

The students agreed that this attitude started with their teacher-coach, Tanya Perkins. “Ms. Perkins goes well beyond her responsibilities as a coach,” said Josh Bernard. “And she’s always the one telling us to have fun,” said Weinstein.

MBA Community Services Administrator Seth Boyd traveled with the team to Dallas for the national competition.
For the past decade or more, the Massachusetts Bar Association has celebrated Law Day by organizing free educational presentations about elder law throughout the commonwealth during the month of May. The 2007 Elder Law Education Program was possible due to the assistance of the MBA’s Probate Law Section Council, and, in particular, Chairman Edward Notis-McConarty and members Alex Moschella, Michael Loring and John Ford. Additionally, the MBA has received assistance and cooperation from the Massachusetts Chapter of the National Academy of Elder Law Attorneys.

This year, the MBA is excited to announce a new direction with the Elder Law Education Program. With the assistance of a group of volunteers from the MBA’s Probate Law Section Council, the MBA prepared “Taking Control of Your Future: A Legal Checkup,” a resource guide which was distributed to all participating senior service-related agencies and attorney volunteers.


Each year, the MBA and the Probate Law Section Council will update the resource guide and include additional pertinent legal information related to the elderly.

During the month of May, the Community Services Department responded to more than 130 requests for presentations from senior service-related agencies. The presentation topics included topics such as:

- How to protect your home and assets;
- Power of attorney and health care proxies;
- Reverse mortgages;
- Medicare/Medicaid changes; and
- Alternatives to nursing home care.

If you are interested in participating in next year’s Elder Law Education Program, contact the Community Services Department at (617) 338-0695 or communityservices@massbar.org.

On May 17, more than 35 Massachusetts Bar Association members staffed the phones at Western New England College School of Law and answered more than 200 calls from the general public for the Western Massachusetts Dial-A-Lawyer program.

In existence for more than a decade, this program offers the citizens of the four Western Massachusetts counties an opportunity to speak to an attorney via telephone free of charge. As in past years, this program was co-sponsored by Western New England College School of Law, The Republican, El Pueblo Latino and the Massachusetts Association of Hispanic Attorneys.

However, for the first time, both the Business Law Section Council and Young Lawyers Division of the MBA also co-sponsored the event.
The Massachusetts Bar Association celebrated Law Day on May 1 in a number of ways this year.

As an ongoing tradition, the MBA’s Community Services Department organized and presented free programs on important elder law issues to senior centers and councils on aging across the state with the help of volunteer attorneys.

During the month of May, the MBA offered a new program to several Boys and Girls Clubs throughout the state called Choose Law – A Profession for All. (For more information about Choose Law, see the July-August issue of Lawyers Journal.)

This project was developed and implemented by the American Bar Association’s Young Lawyers Division to educate high school and junior high school students about lawyers and the legal profession and encourage students of color to consider a career in the legal profession.

Also, in an effort to raise awareness and coordination for Law Day 2007, the MBA’s Law Related Education Working Group, formed in conjunction with the Massachusetts judicial branch, compiled a list of events coordinated by the various bar associations and courts throughout Massachusetts.

This year’s Law Day theme was “Liberty Under Law: Empowering Youth, Assuring Democracy.” Students were given the opportunity to see how the judiciary and the Legislature work.

Judge Dina E. Fein and the Law-Related Education Working Group (comprising members of the Massachusetts Bar Association, Massachusetts Judges Conference and Massachusetts Supreme Judicial Court) organized a daylong program for approximately 70 students representing Amherst High School’s ABC (A Better Chance) scholars, North Attleboro Boy Scout Troop, Peabody High School and Revere High School.

Students, parents and teachers began their day at the Edward W. Brooke Courthouse and were greeted by Chief Justice Charles R. Johnson and Fein and several other judges from the Brooke Courthouse. All participants were given the opportunity to observe various courtroom sessions and talk with judges and attorneys.

Students also met with state Rep. Eugene L. O’Flaherty and discussed the legislative process and his role as chairman of the Judiciary Committee.

Judge Dina E. Fein speaks to students as part of Law Day on May 1.
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MBA and MATA announce job fair and affiliated bar reception

Join the MBA and MATA on Thursday, June 28 from 4 to 7 p.m. at Boston’s Suffolk University Law School for a job fair and affiliated bar reception.

At the job fair, attendees will meet attorneys from small to mid-sized firms and learn about current career opportunities in the legal profession.

Additionally, the reception will offer attendees a chance to meet and mingle with representatives from numerous affiliated bars in Massachusetts and discuss the benefits of membership in these associations.

There will also be a reception from 6 to 7 p.m. with refreshments and appetizers. If you are interested in attending this free program, visit www.massbar.org for more details.

Affiliated bars:
- Asian American Lawyers Association of Massachusetts
- Massachusetts Academy of Trial Attorneys
- Massachusetts Association of Hispanic Attorneys
- Massachusetts Association of Women Lawyers
- Massachusetts Bar Association
- Massachusetts Black Lawyers Association
- Massachusetts Black Women Attorneys
- Massachusetts Lesbian & Gay Bar Association
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Criminal Justice Chair Gartenberg named to governor’s Anti-Crime Council

Gov. Deval Patrick recently established the Anti-Crime Council. According to Executive Order No. 482, Patrick created the multidisciplinary group to “recommend proposals to prevent and reduce crime in the Commonwealth.” Massachusetts Bar Association Criminal Justice Section Council Chair Lee J. Gartenberg represents the MBA on the Anti-Crime Council. Gartenberg has been the director of Inmate Legal Services for the Middlesex Sheriff’s Office since 1982.

MBA President Mark D Mason said, “The MBA is proud and honored to bring criminal law expertise to the council to develop strategies to thwart criminal activity in Massachusetts.”

MBA members honored at In-House Leaders in the Law gala

On April 26, New England In-House

and Massachusetts Lawyers Weekly hosted In-House Leaders in the Law — a gala dinner-awards event honoring a select group of in-house counsel for their outstanding professional accomplishments. MBA Past President Wayne A. Budd, senior counsel at Goodwin Procter, delivered the evening’s keynote speech.

MBA members who were honored include: Susan H. Alexander, Biogen Idec; Paul T. Dacier, EMC Corp.; Brackett B. Denniston III, General Electric; Mark R. DiOrio, The Bulfinch Companies; Thomas A. Hippler, Stop & Shop Supermarket Co.; Christopher M. Mirabile, IONA Technologies Inc.; Anne K. Morrill, Boston Scientific Corp.; and Margaret A. Shukur, Lion-bridge Technologies Inc.

Sharmili Das, a director of the Burlington headquarters of Gibson & Behman PC, makes a cameo appearance in “The Namesake,” a major motion picture based on the book of the same name by Pulitzer Prize-winning author Jhumpa Lahiri.

Das, a friend of Lahiri’s since their childhood in Kingston, R.I., appears with her parents in a scene of the movie, which chronicles the culture clash and assimilation of a Bengali family that leaves its tradition-bound life in India for America.

A significant amount of antique family jewelry was loaned by the attorney’s grandmother and worn by cast members in the film. Das attended the premiere in New York City.

“What an exciting experience to be a part of,” said Das, of the movie directed by Mira Nair. “This is a true depiction of an immigrant family and accurately details the challenges that those of my parents’ generation overcame as they made their new home in this country.”

“This has been a wonderful experience for me, but my greatest pride is for my remarkably talented friend Jhumpa,” said Das. “Her book, and now this movie, eloquently and poignantly address the conflicts of first-generation immigrants and the journeys they take to find their own identities.”

Quirion receives MBA Community Service Award at MLGBA meeting

Attorney Pauline Quirion received the MBA Community Service Award at the Massachusetts Lesbian and Gay Bar Association’s Annual Meeting on May 11.

The MBA Community Service Award is given to attorneys who have made important public service contributions to their communities and to publicize the fact that members of the legal profession are caring, involved individuals, eager to use their legal skills for the betterment of society.

MLGBA co-chairs Christina Miller and Charles Wagner praised Quirion by saying, “She represents all that a lawyer should be, and more.” They added, Pauline “exemplifies humility, grace under pressure and thoughtfulness in all she does.”

Currently, Quirion is a senior lawyer at Greater Boston Legal Services. Previously, she worked for the Department of Revenue – Child Support Enforcement and at Merrimack Valley Legal Services.

She serves on the MBAs House of Delegates as an-at-large delegate and was previously the Family Law Section chair. Among her many successes as chair, Quirion was instrumental in establishing Civility Guidelines for Family Law Attorneys. She has also lent her expertise to countless high-level initiatives associated with the Massachusetts Supreme Judicial Court, the Probate and Family Court, the Women’s Bar Association and the Boston Bar Association. In 2005, she was selected to serve as a member of the Governor’s Commission on Sexual Assault & Domestic Violence Legislation Subcommittee.

MBA President Mark D Mason pointed out, “It is clear that Pauline’s participation, leadership and skills are sought after and it is even more evident that she does not hesitate to get involved when an improvement to the access of justice is at stake.”

Member Spotlight

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Mark R. DiOrio

Pauline Quirion

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MBF awards grants to law students

In an effort to promote careers in public interest law, the Massachusetts Bar Foundation launched a program in 1996 that provides stipends to law students who choose to intern at legal aid organizations during the summer months. Over the past decade, the Legal Intern Fellowship Program (LIFP) has awarded more than $267,000 to 73 law students.

Funded through Fellowships and the Smith Family Fund, the LIFP now serves as a springboard to public interest law careers for the area’s most promising law students.

The Foundation recently selected the following five students to receive stipends of $6,000 each for their work planned for the upcoming summer:

**MBF FELLOWS FUND FELLOWS**

*Funded through pledge payments of MBF Fellows:

**Wendy Andre**, of Roger Williams University School of Law, will intern at Catholic Social Services of Fall River, working in its Immigration Law Education and Advocacy Project.

**Karen Alm**, of City University of New York, will intern at Greater Boston Legal Services, working in its Welfare Law Unit.

**Katie Martin**, of Boston University School of Law, will intern at Boston Medical Center, where she will work with the Medical Legal Partnership for Children.

**Michael Motta**, of Boston College School of Law, will intern at Greater Boston Legal Services in its Health Law Unit.

**SMITH FAMILY FELLOW**

_Funded through the Smith Family Fund, and awarded for work with children:

**Tinia Snow**, of Northeastern University School of Law, will intern at the Children’s Law Center of Massachusetts.

While the students will certainly benefit by gaining firsthand experience working in these critical programs, the MBF’s Legal Intern Fellowship Program also serves the additional purpose of providing much-needed staff support to legal aid organizations serving the underrepresented in the commonwealth.

The mutually beneficial nature of the relationship between student and host organization presents a natural “win-win” situation – not to mention the obvious benefit to the clients served.

MBF Trustee Jenny Chou, this year’s LIFP chair, recognizes the benefits might be even further reaching than originally presumed.

“While we are encouraged that many of our LIFP alum have gone on to launch lifelong careers in public service,” Chou explained, “even those who don’t will certainly enter their practices or law firms more enlightened about the legal needs of the poor, and perhaps more inclined to engage in pro bono work or volunteerism. And they may even encourage their colleagues to do the same. The ripple effect of this program is sure to be exponential.”

For more information about the MBF’s Legal Intern Fellowship Program, visit www.MassBarFoundation.org.

Immigration Committee to discuss raids

The WBA Rosa Parks Committee and the MBA Immigration Law Committee present: “Human Rights In the Ice Age: A Discussion of the New Bedford Immigrant Raids” on Wednesday, June 27 from 5:30-7:30 p.m. at the MBA’s Boston offices.

On March 6, the Immigration and Customs Enforcement (ICE), formerly known as the INS, raided a factory in New Bedford, arresting 350 immigrants, mostly women from Central America. This created a legal and humanitarian crisis for the workers and for their children and families left behind. Many workers were flown to remote jails in Texas without any opportunity for legal counsel or the possibility of release upon posting of a bond.

Join the WBA Rosa Parks Committee and the MBA Immigration Law Committee for a lively and informative discussion of the struggle for the basic human rights of immigrants in a post-9/11 world.

R.S.V.P. to Barbara Zimbel at (617) 603-1649.

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