Criminal reforms are long overdue

Even if you are not a criminal defense lawyer or a district attorney, the problems with criminal sentencing are a concern for you. Perhaps it is crime in your neighborhood as a result of preventable recidivism. Perhaps it is your wasted tax dollars. Perhaps your clients are looking for employees, and cannot understand the CORI (Criminal Offender Record Information) they have obtained, and they don’t know whom to hire or not.

As I mentioned last month, the criminal sentencing system in Massachusetts is in serious need of overhaul. Misunderstandings run deep, and many people still assume that the best way to deal with crime is harsh sentences, or worse, public humiliation such as chain gangs or other shaming.

In the get-tough-on-crime era of the early 1990s, an array of mandatory minimum sentences were enacted. “Truth in sentencing” meant the abolition of statutory good time, and a sharp decline in sentences which allowed meaningful parole. Prison and jail populations have ballooned, and they continue to do so. In 1990, there were approximately 2,500 inmates in the state prisons; that number

President's View

by David W. White Jr.

Continued on page 7

Launching the Lawyers Eco-Challenge

by Jennifer Rosinski

Lawyers can join the worldwide fight against global warming by participating in the Massachusetts Bar Association’s Lawyers Eco-Challenge, a program that will help practitioners change the way they do business.

MBA President David W. White Jr. last month launched the challenge, which includes multiple initiatives. The Energy and Environment Task Force will develop Green Guidelines for law firms to be published later this fall.

The new year will bring a contest that asks lawyers to put those guidelines to use and track how much they can reduce their energy consumption. Throughout, practitioners will be asked to pledge to become more environmentally responsible.

“The goal is to make lawyers in Massachusetts environmentally conscious and to be a leader around the country for law firms of all sizes,” said White, a partner at Breakstone, White & Gluck PC in Boston. “We are asking people to begin by changing a few habits. It will make a difference.”

Energy saving changes have already been made to White’s 2 Center Plaza office. Motion detector lights have been installed in the conference room and library, the refrigerator has been replaced with an Energy Star-certified appliance, nonessential office equipment has been hooked up to switches that are easily turned off at the end of the day and all light bulbs are now energy-efficient. All future equipment upgrades will be Energy Star-compliant.

“It’s easy to turn these words into meaningful action,” said White, who in his hometown, founded the non-profit

Continued on page 7

Justice Margot Botsford’s journey to the SJC

by Kate O’Toole

Paintings of Oliver Wendell Holmes with his distinguished, thick moustache hang high on the walls of the courtroom named in his honor on the second floor of the John Adams Courthouse. Below, newly appointed Supreme Judicial Court Associate Justice Margot G. Botsford pulled on her heavy black robe—the very same robe that she has worn since her appointment to the bench in 1989—and stood beside the bench at which Holmes sat when he was a member of the Supreme Judicial Court more than 100 years ago.

Botsford recently became only the fifth woman to sit on the SJC since it was established in 1692. Despite this milestone, Botsford is nothing but modest. She told onlookers at her swearing-in ceremony several weeks ago that she is “deeply grateful” for her appointment to the SJC.

Continued on page 4

Newly sworn in Supreme Judicial Court Associate Justice Margot G. Botsford in the Oliver Wendell Holmes Courthouse at the John Adams Courthouse.

MBA President David W. White Jr. celebrated the beginning of his 2007-08 term at the Boston Harbor Hotel. See page 6.

The Hon. Jay Blitzman addresses the MBA House of Delegates at its first meeting of the year, held in Worcester Sept. 19. See page 8.

See index on page 2 for a complete listing of this issue’s contents.
INSIDE THIS ISSUE

The Tokyo Bar Association was one of two international groups to visit the MBA last month, page 9.

Eco-Challenge Task Force ........................................3
Access to Justice Award nominations sought ..........5
Joint Bar Committee's behind-the-scenes role ...5
President's Reception: White begins term ..........6
House of Delegates holds first meeting ..........8
Cambodian arbitrators visit HDO .................9
Tokyo Bar Association visits MBA .........................9
Legal Tech Expo information .........................9
CORI reforms proposed ..................................10
Western Mass. Bankruptcy Conference ..............11
MBA, SJC celebrate Judicial Youth Corps ........11
MBA Community Service Awards ..................12
LAWYERS CONCERNED FOR LAWYERS .............13
MEMBER SPOTLIGHT ............................................14
COMMUNITY SERVICES
  Pro bono guide available online ....................16
  Dial-A-Lawyer program ................................16
  Mock Trial, career awareness programs ........16
MBA WELCOMES NEW MEMBERS ......................18
MASSACHUSETTS BAR FOUNDATION
  MFB Spotlight: Wendy Andre .........................19
  Call for Board of Trustees nominations ..........19
CALENDAR ..............................................20, 21
  Member to Member ....................................22

MBA across the state

As the largest statewide bar association, the MBA strives to offer programs, events and programming for members across the commonwealth.

RECENT EVENTS

1. Tokyo Bar Association visits MBA
   MBA, Boston, Aug. 31. Story on p. 9

2. President’s Reception
   Boston Harbor Hotel, Boston, Sept. 6. Story on p. 6

3. Cambodian Arbitration Council Foundation

4. House of Delegates meeting
   DCU Center, Worcester, Sept. 19. Story on p. 8

5. “Serving Our Veterans in the Law: Pro Bono Training for Attorneys”
   MBA, Boston, Sept. 27.

6. Family Law Conference
   Cranwell Resort, Spa & Golf Club, Lenox, Sept. 28-29.

7. MFB IOLTA Grantee Reception (Springfield)
   Bulkley, Richardson & Gelinas LLP, Springfield, Oct. 4

UPCOMING EVENTS

8. Second Annual Bench-Bar Symposium
   John Adams Courthouse, Boston, Oct. 11

9. MBA Sentencing Symposium
   Great Hall, Statehouse, Boston, Oct. 23

10. How to Start and Run a Successful Solo or Small-Firm Practice Conference
    Sheraton Needham Hotel, Needham, Oct. 25

11. House of Delegates / Gala Dinner
    InterContinental Hotel, Boston, Nov. 1

12. General Practice, Solo & Small Firm Conference
    Holiday Inn, Taunton, Nov. 8

13. Western Mass. Bankruptcy Conference
    Western New England College School of Law, Springfield, Nov. 13. Story on p. 11

14. Legal Technology Expo (co-sponsored with Massachusetts Lawyers Weekly)
    Sheraton Needham Hotel, Needham, Nov. 29

For more information about upcoming events, visit www.massbar.org or call (617) 338-0530. CLE seminars are not included. For a full listing of events, see the Calendar on p. 20–21, the CLE brochure or www.massbar.org.

In the September issue of Lawyers Journal, an article in the “Member Spotlight” section failed to include “Holland & Knight LLP” among the Boston law firms that were named “premier firms for women” by Working Mother magazine and Flex-Time Lawyers LLC, a national consulting firm. (See article, page 15.)
The time has come for law firms to make a pledge on climate change

by Nancy B. Reiner, Esq.
Brown, Rudnick, Berlack, Israels LLP
Chair, The Energy and Environment Task Force

Throughout history, change has often come about through lawyers and law firms. The Civil Rights Movement, the state tobacco cases and the impact of Superfund litigation are just a few examples. Today, we are faced with a rapidly growing and justified concern for climate change, yet law firms have been slow to respond. Some national law firms do practice sustainable and “green” measures in their offices, but Massachusetts law firms, with the commonwealth’s growing focus on clean energy, should be the leader in this area.

The Energy and Environment Task Force of the Massachusetts Bar Association has envisioned and is drafting a statewide pledge for law firms to articulate a unified voice to promote and practice energy efficient measures in our offices.

The U.S. Mayors Climate Protection Agreement, with 19 Massachusetts mayors of the 592 committed U.S. mayors, and the American College and University Presidents Climate Commitment, with 36 Massachusetts colleges of the 406 committed American colleges, provide great examples of what could be accomplished with law firms.

Because Gov. Deval Patrick committed to make Massachusetts the “renewable energy center of the world” and recently signed on to the Regional Greenhouse Gas Initiative, Massachusetts provides fertile ground to be a leader in this area. Law firms can and should sign on to a climate change pledge, to expand it to other states and to help create and promote real solutions to the climate change crisis. However, the first solution belongs in our own offices, even as tenants, and that is where we should begin.

Many large American corporations have already implemented emission reduction programs to promote corporate social responsibility and have publicly encouraged the United States to adopt emission targets and timetables in an attempt to stay competitive internationally. They also seek to mitigate future liability and financial risk, and to encourage stable investments.

For example, since March 2007, 65 institutional investors, asset managers and corporations, including General Electric, Dupont, Duke Energy, Sun Microsystems, Merrill Lynch, BP, Alcoa, Xerox Corp., NRG Energy Inc. and Caterpillar, have issued a “climate call to action” to the U.S. government to enact strong federal legislation to curb climate change. This U.S. Climate Action Partnership was originally initiated by 10 blue chip companies and four NGOs; today those companies generate a combined revenue of $2 trillion. Within a short time, USCAP membership doubled, and they included in their commitment a letter to President Bush, encouraging him to take steps to mitigate climate change.

Other industries are also following this path. The world’s largest computing companies recently formed a partnership with environmental groups and the U.S. Environmental Protection Agency and reached out to other businesses to incorporate energy efficiencies into the billions of computers worldwide. Shareholders of Exxon Mobil Corp. and General Motors gained record support to establish goals to minimize greenhouse gas emissions. Several companies, such as DuPont, have so far saved billions of dollars over the last 10 years by implementing energy-efficient measures.

The City of Cambridge launched a $70 million energy efficient program to conserve energy through the Cambridge Energy Alliance and more recently, Massachusetts set up a Clean Energy Stakeholders’ Roundtable to “accelerate the development of Massachusetts’ clean energy economy by engaging as many committed stakeholders as possible.” Both Republican and Democratic governors and mayors are similarly promoting clean energy and emission reduction initiatives. It is no longer a wise economic decision to sit back and watch, but an economic imperative to stay competitive.

Although American insurers were slow in responding to climate change, particularly compared to European insurers, they have come to recognize global warming as a major risk after hurricanes and other catastrophes in 2005 cost them more than $58 billion in claims.

According to Ceres (a coalition of investors, environmental groups and public interest organizations), American insurance companies have witnessed a fifteen-fold increase in policyholder losses from weather catastrophes in the past 30 years, surpassing growth in population, premiums and inflations over that time period.

The Ceres study, “Availability and Affordability of Insurance Under Climate Change: A Growing Challenge for the U.S.,” warns that if no actions are taken to confront climate change, enormous economic losses will ensue. Hopefully, insurance companies will also come up with creative ideas to mitigate climate change, other than merely raising rates and refusing to insure coastal communities.

The MBA’s Eco-Challenge initiative will be modeled after the U.S. Mayors Climate Protection Agreement and the American College and University President’s Climate Commitment. Massachusetts law firms employ thousands of people and spend millions of dollars on energy, paper and services. If law firms can commit to a flexible initiative regarding renewable energy, emission offsets, conservation, energy efficiency and other creative ideas, law firms can decrease their environmental impact, help improve climate security, provide a good role model to other businesses and save money on energy, even if they rent office space.

The MBA seeks the commitment of other Massachusetts law firms so that we may begin drafting an initiative to make an impact. Even simple practices could have an impact and would initially save law firms thousands of dollars. These practices include:

- Encourage the use of both sides of the paper on lengthy documents;
- Give preference to vendors that use sustainable practices;
- Buy computers that are rated highly by the Electronic Product Environmental Assessment Tool;
- Purchase computer monitors and printers that have an energy efficient “standby” mode, consuming 90 percent less energy than regular mode;
- Convert most interoffice memoranda and reports to e-mail instead of paper;
- Encourage car pools with ride-share boards;
- Require that attorneys and staff turn off computers after work (businesses spend $1.7 billion in energy costs and cause 14.4 million tons of CO2 emissions from computers left on after work, according to a PC Energy Awareness Report);
- Ensure that at least 90 percent of all paper and envelopes are at least 30 percent post-consumer recycled content;
- Recycle at least 90 percent of unused office paper;
- Encourage mass transit by providing “commuter checks” to employees to purchase mass transit passes with pretax income;
- If utility costs are included in a law firm’s lease, work with the landlord to save energy;
- Encourage other tenants to get involved to lower energy costs which should be passed on to the tenants;
- Promote sustainable building practices used by the U.S. Green Building Council LEED program;
- Encourage cleaning staff to shut off all miscellaneous items in the offices, including lights, coffee pots and other equipment;
- Educate all employees about the program and recognize their participation;
- Create a record-keeping system to measure the program’s effectiveness.

The program would involve three steps in implementation:

**Step One:** Provide a framework – we will need law firms to draft commitment documents (lawyers are good at that!), a Web site, a strategy and a core group of leaders to run the program and provide a public face.

**Step Two:** Reach out to other Massachusetts law firms to publicize the pledge and get a large percentage on board.

**Step Three:** Implement a wider effort to get buy-in from a broader base of law firms with the majority of law firms in the commonwealth on board.

As anyone who picks up the newspaper knows, the trend toward climate change awareness and concern has gained momentum and will only increase with time. Massachusetts law firms must show strength and leadership in this arena. The earliest supporters of this initiative can reduce their energy costs, gain support from staff and clients, attract talents and encourage other businesses to follow suit. This commitment is not just the right thing to do, it is a strategic imperative for law firms today. As Kathleen Schatzberg, president of Cape Cod Community College noted, “We are in the middle of one of those rare moments when the right thing to do is also the economically smart thing to do.”

If you are interested in being a member of the initial Energy and Environment Task Force to provide the framework, or have questions, suggestions or pledges, contact Nancy Reiner at Brown, Rudnick, Berlack, Israels LLP at (617) 856-8272 or MBA President David W. White Jr. at (617) 723-7676.
Supreme Judicial Court welcomes newest member

The Hon. Margot G. Botsford discusses the differences between Superior Court and the Supreme Judicial Court.

Continued from page 1

Early years

Botsford was born and raised in New York City. Her father, Gardner Botsford, fought in the Battle of the Bulge and worked as an editor for The New Yorker for more than 40 years. Her mother did not have a college degree and worked at Macy’s until Margot and her older sister, Susan, were born. Botsford and her sister—who lives in Cambridge—remain close.

Botsford did not always know that the law was for her. In fact, for many years, she thought she wanted to be a history teacher, and even went to the Harvard School of Education to pursue a Master of Arts in Teaching after graduating from Barnard. “I had a fabulous teacher and course about law and American politics when I was in high school,” Botsford recalled. “I didn’t last too long at Harvard, though,” she laughed. “After six weeks, I knew it wasn’t for me.”

Having relocated to Boston, Botsford decided to pursue a legal career instead. She applied to law schools in the area, and was drawn to Northeastern School of Law because of its co-op program. “When I started law school, I thought I was going to be a legal assistance lawyer,” she said. “But my co-op at Greater Boston Legal Services showed me that as critical as the work of legal services lawyers is, I wasn’t cut out to be one.”

Finding a mentor, discovering her legal niche

When Botsford graduated from law school, she clerked for Justice Francis J. Quirico on the Supreme Judicial Court. It was during her clerkship that she discovered being a judge was exactly what she wanted to do. From 1973 to 1974, she worked with Justice Quirico, whom she described as “one of the most patient, humble people I’ve ever known.”

Botsford’s profound respect and admiration for her former mentor was obvious when she spoke about him. Her eyes lit up when she recalled working with him, and proudly affirmed that Quirico was the reason that she wanted to be a judge.

Botsford remembered that she and Quirico worked late hours and would sometimes eat dinner together in the North End after a long day. “Even though he didn’t drink, on a few occasions, a bottle of wine would arrive at our table,” she said. The judge looked around the room and recognized the face of the gift giver as someone he had sent to prison years ago.

Botsford related this same story at Quirico’s memorial service in 2000 and added at the end, “This experience defined essential qualities of the judge—a man of remarkable memory, but more to the point, a man of such fairness and integrity that even those he had sent off to prison respected him.”

Directing her career toward a judicial appointment

After finishing her clerkship, Botsford “had to go back to the real world,” and worked as an associate at Hill & Barlow for about nine months, until Frank Bellotti was elected as the attorney general. Botsford applied for a job and began working for Bellotti’s Government Bureau as an assistant attorney general. She described her work for the Office of the Attorney General as “fascinating, challenging and fun.”

“We had a great group of people,” she smiled. “The whole office was wonderful.”

Bellotti’s time working for Bellotti proved to be more than just a stepping-stone in her career. It was during this time that she became reacquainted with fellow Boston attorney S. Stephen Rosenfeld, her current husband (they had met several years earlier while she was a law student).

She frequently collaborated with Rosenfeld on a professional basis, and after four years there, she left to form her own small firm—Rosenfeld, Botsford & Krokidas—with her husband and a friend, Maria Krokidas. There, she worked on civil and administrative litigation and tried to learn about estate planning, which she said was one of the most difficult tasks she has taken on.

After several years in private practice, Botsford decided to return to the public sector, where she seemed to feel most comfortable. Up until this point in her career, she had only done civil work. In order to gain experience on the criminal side of the law, from 1983 to 1989, she worked as an assistant district attorney for Scott Harshbarger in a variety of roles, ranging from chief of the Appeals and Training Bureau, to a trial attorney, to the chief of the Family and Community Crimes Bureau.

On the bench

With 16 years of public and private service in a diverse range of practice areas behind her and seven new judgeships created by the Legislature in 1988, Botsford felt that the opportune time had come for her to seek a spot on the bench. She applied, and in 1989 was appointed by Gov. Michael Dukakis to the Superior Court.

“My first case was a construction accident in which the plaintiff had minor injuries. It was a loss of consortium claim,” she remembered. Botsford pointed out, “For some judges, it’s hard to transition because the position seems isolating. It didn’t feel that way for me, though, maybe because I hadn’t done a lot of trial work before being on the bench.”

She noted that learning evidence and figuring out how to conduct a trial were two major challenges for her. She also said that the amount of work is “constant.”

“You’re working all the time,” she said, although she quickly clarified that she wasn’t complaining and that she loved the work.

During Botsford’s recent swearing-in ceremony, Superior Court Chief Justice Barbara J. Rouse called her “a judge’s judge” and said that “work is her passion.” Botsford just shrugged off the compliment and acknowledged that working hard is part of being a judge.

Time away from the job

While work on the bench is a major focus in Botsford’s life, she has tried her best to remain connected to her family and her community. She has one son, Sam, who is 24 years old, as well as three stepchildren, although she candidly admitted that balancing her career with her family life has been “the most challenging aspect of life.”

“I second-guess it all the time,” she said. “You always wonder about things—there are no easy answers.”

Despite Botsford’s early exit from the Harvard School of Education more than 30 years ago, education remains a priority for her. In fact, she took a
break from her judicial work in 2001 to volunteer with Citizen Schools, an after-school enrichment program that pairs Boston middle school students with local professionals to generate hands-on learning projects.

Botsford spent seven months with the organization, helping to recruit volunteer attorney teams at high-powered Boston law firms to be writing coaches for eighth-graders. She cited this experience as one of her proudest achievements.

Botsford also mentioned another education-related endeavor—her 2005 Hancock v. Driscoll Report to the SJC—as a major achievement in her career. Despite the fact that the court ruled 5-2 to dismiss the case, the report and the case are important landmarks in the ongoing discussion of state funding for public education. “It was a lot of work putting it together,” she noted, but pointed out how rewarding it was to complete the report and present the information in a way that people could understand.

Reflecting on changes in the profession

While Botsford was a law student, only 3 percent of attorneys and less than 10 percent of American law students were women. She noted that one of the biggest changes she’s seen since she began practicing more than 30 years ago is the increasing number of female judges and lawyers, as well as a more diverse mix of ethnicities among judges and court staff. “We have a long way to go, though,” she added.

Botsford also observed a more concerted effort on management within the past five years. In decades past, she said that the concept of judges having responsibility for case and session management would have been “foreign.” “Because people’s jobs (in the judicial system) are very individualized, implementing an initiative is a challenge. But it goes with the territory; it’s the nature of the work. It’s not easy to do collective planning, and you do see things you wish you could change.”

Assuming an elevated role

Botsford is excited to take on her new role on the state’s highest court. “There’s a different focus on the SJC and more time to devote to cases,” she explained, contrasting the fact-finding issues she dealt with as a Superior Court judge with the larger questions of law she will consider as an associate justice. “I look forward to the ability to study the development of the law in particular areas, which you don’t often have the time or occasion to do as a trial judge.”

Concerned about the SJC being perceived as isolated from the lower courts, she expressed a conscious interest in “staying connected to the trial court.” In fact, Botsford articulated a great appreciation for her peers and co-workers throughout the court system. “I felt proud as a trial judge to be able to work with a fabulous team of other people—court officers, probation officers, judges, attorneys.”

At Quirico’s memorial service in 2000, Botsford described her mentor’s “love and fascination with the development of law in Massachusetts” as “contagious.” There is no doubt that both Quirico’s love of the law and his humility surrounding his prestigious position in the judicial system rubbed off on Botsford.

When asked about any goals beyond her new role on the SJC, she paused for a moment. “I’m sorry, I don’t have any grandiose plans,” she smiled. She reassured how excited she is to begin her work as an associate justice: “I love this work.”

Nominations sought for Access to Justice Awards

The Massachusetts Bar Association is seeking nominations for its five Access to Justice Awards, which will be presented at the MBA’s Access to Justice Awards Luncheon on March 6, 2008.

These awards offer a unique opportunity to recognize the public service contributions of our MBA members. To ensure that award recipients truly reflect the best of the legal profession, the MBA encourages nominations from its members, from Massachusetts regional and minority bar associations and from local public service organizations.

The Access to Justice Awards are:

- **Legal Services Award** – An attorney employed by a public or nonprofit agency to provide civil legal services to low-income clients, and who has made a particularly significant or meaningful contribution to the provision of low-income legal services, above and beyond the requirements or his or her position.

- **Pro Bono Award for Law Firms** – A law firm of two or more attorneys, with one or more offices in the commonwealth, whose pro bono activities are particularly noteworthy in relation to the firm’s size and which has performed significant or meaningful pro bono activity or which has been particularly instrumental in developing, implementing and/or supporting a pro bono program or pro bono services within Massachusetts.

- **Pro Bono Publico Award** – An individual who has been instrumental in developing, implementing and supporting pro bono programs for the Massachusetts Bar Association or for a local county bar association, or a pro bono program of a law firm, or has developed a pro bono program sponsored or organized through an agency in the commonwealth, or has performed significant or meaningful pro bono activity.

- **Defender Award** – An attorney who is employed or retained by a public or nonprofit agency to provide criminal legal services to low-income clients, and who has made a particularly significant or meaningful contribution to the provision of low-income legal services above and beyond the requirements of his or her position.

- **Prosecutor Award** – A state or federal prosecutor who has distinguished himself or herself in public service and whose commitment to justice and serving the communities where he or she lives or works is particularly praiseworthy.

Nominations for all of the MBA Access to Justice Awards must be submitted in writing no later than Nov. 1, 2007, to: Access to Justice Awards, Massachusetts Bar Association, 20 West St., Boston, MA 02111-1204; e-mail to jstevens@massbar.org or fax to (617) 338-0550. For more information, contact Ellen Zucker, chair of the Access to Justice Section Council, at (617) 345-3367.

---

**An important behind-the-scenes role for the Joint Bar Committee on Judicial Appointments**

by Jennifer Rosinski

The Joint Bar Committee on Judicial Appointments is one of the last layers of review in the judicial nominating process and works to ensure that candidates for the tenure positions are both qualified and competent.

An independent and nonpartisan entity, the committee evaluated Justice Margot G. Botsford before Gov. Deval Patrick appointed her to the Supreme Judicial Court on Aug. 31.

The committee reviews, evaluates, votes and reports on the qualifications of individuals under consideration for all judicial appointments – including clerk-magistrates – to all courts of the commonwealth. Its votes, which range from “well qualified” to “insufficient information to evaluate,” remain confidential.

“We’re trying to ensure only qualified, competent judges are selected. It’s a role the committee members take very seriously,” said MBA General Counsel Martin W. Healy, who serves as the committee’s executive secretary.

“Ultimately, it benefits the public. These are public appointments with life tenure,” Healy said. “It tries to remove the politics from judicial selection.”

The committee considers several aspects of an individual before it takes a vote and submits a report to the governor and/or the Governor’s Council, which must approve and appoint the candidate. “There’s a host of factors we key in on,” Healy said.

Among the qualities considered are integrity, reputation, knowledge and ability in the field of law, professional experience, judicial temperament, financial responsibility and commitment to public service.

The committee does this by reviewing a candidate’s resume, interviewing judges, attorneys and others who can speak about the nominee, and it may review the legal writings of the candidate.

Made up of two dozen attorneys from across the state, the JBC currently includes three members each of the Massachusetts and Boston bar associations. Members also include representatives from 13 county and six specialty bars. Each is appointed to a three-year term.

The committee began its formal role in 1961, and in years prior, served as an informal reviewer of judicial nominees.
MBA President David W. White Jr. begins 2007-08 term

by Bill Archambeault

Celebrating the start of his term at the President’s Reception Sept. 6, MBA President David W. White Jr. echoed his theme for the 2007-08 year by calling on Massachusetts lawyers to “speak with one voice” on criminal sentencing reform, environmental responsibility and protecting judicial independence.

About 300 people turned out for the reception at the Boston Harbor Hotel on Sept. 6, which included the presentation of the MBA Gold Medal Award to MBA Past President Edward P. Ryan Jr.

David L. Yas, publisher and editor-in-chief of Massachusetts Lawyers Weekly, introduced White in what was part tribute and part roast. Yas lampooned White’s rapid ascent to the top of the legal profession in Massachusetts, saying, “He became sort of a Doogie Howser of the bar.”

In addition to his good-natured ribbing, Yas took time to point out one of the highlights of White’s career: bringing attention to the plight of the former residents of the Fernald State School in Waltham, where students under state care were subjected to nightmarish experiments, including being fed radioactive oatmeal. White, who was appointed to the governor’s task force investigating the students’ treatment and was the principal author of the task force’s findings, had also sought a formal apology from the state.

“David’s a dear friend, and I can’t think of a better representative for us,” Yas said.

“David has such a wonderful human touch. I couldn’t be prouder to introduce him.”

Becoming president, White said, “is easily one of the greatest moments of my professional life.”

He then asked for a moment of silence to honor the two Boston firefighters who died at a blaze in West Roxbury on Aug. 29.

“The MBA will be working to honor them,” White said, announcing a program called “Wills for Heroes” that will be launched later this year to provide free estate planning for emergency responders, including police, fire and EMTs.

“It will be a very big project but a very small thing that we can do for these people who risk their lives for us,” he said.

In addition to thanking his new wife, attorney Denise I. Murphy, for her support, White thanked the judges in attendance (including newly confirmed Supreme Judicial Court Associate Justice Margot G. Botsford) the members of his Boston firm, Breakstone, White & Gluck PC, the MBA staff and officers and all of the attorneys who volunteer their time. White paid special tribute to immediate Past President Mark D. Mason, whose theme was “United in the Law.”

“I follow in some very fine footsteps,” White said. “Mark brought great dignity to the profession. Mark, my year, I hope, will be a testament to the achievements of your year.”

Priorities for 2007-08

White touched upon his primary goal this year, reforming criminal sentencing to address high recidivism rates, millions spent on failed efforts, lack of financing for badly needed treatment programs, and confusing and outdated Criminal Offender Record Information guidelines.

“Massachusetts has a serious problem with criminal sentencing,” White said, suggesting that any rational observer could see the system isn’t working.

“We have to fix these problems,” he said, noting that the state’s legislative leaders are open to reform. “We will work tirelessly with legislators this year to reform mandatory sentencing.”

White also noted the need to continue improving the operation of the Trial Court Department, particularly during voir dire and in the courts’ communication with jurors.

He has asked MBA Treasurer Valerie A. Yarashus to coordinate efforts she began last year to implement Plain English Jury Instructions.

Finally, White pledged to maintain the MBA’s fight for preserving an independent judiciary.

“We will continue to speak out on behalf of, and in defense of, a fair and impartial judiciary,” he said.

White’s other main initiative for the 2007-08 term is the appointment of an MBA Environmental Task Force and the launch of the MBA’s Eco-Challenge, which is aimed at encouraging the legal profession in Massachusetts to take the lead in being environmentally responsible (see story on page 1).

“It’s my hope that Massachusetts lawyers will become leaders in our country in minimizing environmental impact,” he said.

White said his priorities for the year – criminal sentencing reform, maintaining an independent judiciary and environmental leadership – are attainable if members work together.

“On issues of importance in the law, more than ever, we are speaking with one voice,” White said. “Please don’t hesitate to get involved. Together, we will be doing some great things this year.”

Ryan lauded, awarded MBA Gold Medal

Fellow MBA Past President Kathleen O’Donnell, of Marcotte Law Firm in Lowell, gave an emotional introduction before Ryan was presented the MBA’s Gold Medal Award, which has only been bestowed 22 times in the MBA’s history.

O’Donnell praised Ryan for his ability to “irritate, infuriate and exasperate,” which she said was evidence of a remarkable dedication and determination, even when defending unpopular issues and unpopular individuals.

“The status quo is simply unacceptable to this man of honor,” O’Donnell said.

Ryan was also lauded for championing a vibrant and independent judiciary. Ryan, who initiated judicial evaluations during his term as president, has led the MBA’s Task Force on Judicial Independence, speaking out against public and media condemnation of judges.

“Virtually no one’s a better spokesperson for our profession than Ed Ryan,” O’Donnell said. “Ed is the real deal. There are no pretenses about him. His never-ending enthusiasm is an inspiration for others.”

“He is the most caring and thoughtful man I have ever met,” O’Donnell said, noting that “he has been a true and loyal friend” since they first met in 1989.

Retired Judge John E. Fenton Jr., distinguished professor of law at Suffolk University Law School and a former chief justice of the Land Court and chief justice for administration and management, said it didn’t take long to size up Ryan’s prospects as a student.

“You could tell at that time that he was destined to be a star,” Fenton said. “The best thing I can say about my friend Ed Ryan is that he’s a role model. I read portions of his resume to my law students year after year. His entire career has been dedicated to improving society and the profession. He is a champion. He takes on unpopular causes and leaves nothing on the table. I submit to you, my friends, that Ed Ryan has stood tall in strengthening the pillars of justice, and we owe him a great debt.”

Ryan, clearly moved by O’Donnell and Fenton’s words, said he was humbled to receive an award that had been bestowed upon people like former American Bar
President’s View

Continued from page 1

increased to 11,259 by the first quarter of 2007.

As a result of sentencing changes and budget cuts, inmates got less education, less treatment and less training. Instead of being eased back into the community in step-down units, more and more inmates are leaving directly from medium or high-security prison settings straight into the community. The results are predictable, with around 50 percent back in prison within three years.

The toll is much higher than the simple cost of re-incarceration, which in itself is about $45,000 per year. There is a victim of the crime, with a loss of life, injury or loss or property. There are the insurance costs and the court costs.

What can we do? There are several simple steps to begin to correct what is wrong with our system.

• Eliminate the mandatory minimum sentences which are overcrowding our jails and prisons. Judges should have a wide range of sentencing alternatives, and should be given the opportunity to exercise their fairness and impartiality when fashioning the appropriate sentence.

• Encourage sentencing ranges which encourage parole and post-incarceration supervision. This will give inmates incentive to seek parole.

• Restore education and training programs. Roughly half of the inmates in state prisons have not graduated high school. The number of GEDs given in prisons has dropped dramatically as teachers are laid off. Many training programs have been eliminated. All of this is totally counterproductive, leaving the root causes of criminal conduct untreated.

• Restore treatment programs. Statistics show that roughly 80 percent of all crimes have some root in alcohol or drug problems. Current treatment programs have long waiting lists. The programs should be readily available. With only 3 percent of the state prison budget devoted to programming, it is easy to see why inmate education, training and treatment remain woefully inadequate.

All of these issues will be discussed at the MBA Sentencing Symposium, which is scheduled for Oct. 23 at the Statehouse. I hope you will join us for that discussion. We will also be working at the committee level at the Statehouse this fall on pending legislation.

CORI reform

It is also time for CORI reform. Information about criminal records is maintained by the Criminal History Review Board. Judges, probation officers and the police have access to all records in the system. With very few exceptions, once someone has been arrested, the record remains a part of the CORI for life. There are several problems with the system.

For starters, mistakes in the CORI are hard to correct. A person may give a false identity, or there may be a mistake at the time of an arrest, and inaccurate CORI information can be generated. Once there, the process to get a correction is complicated, difficult and lengthy.

CORI reports given to housing agencies or employers include arrests, even if they led to dismissals or not guilty findings, and even if the person is known to be innocent because of a mistaken arrest. The reports are confusing and difficult to read, and discrimination often results.

Although it is important that someone convicted of fraud not get a job as a bank teller, and a sex offender not work with patients or children, the vast majority of offenses will have little relation to suitability to the job. This is particularly true when the offense was committed over seven years earlier. The re-offense rate after seven years is statistically no different that the first offense rate for someone who has never been arrested. At a time when businesses need workers and former inmates need jobs, building hidden job discrimination into the workplace and housing market is counterproductive.

Gov. Deval Patrick has already indicated that he is willing to consider reforms to the CORI system. The MBA looks forward to working with advocates around the state to achieve the needed modifications.

Our Eco-Challenge

As you will see, this month’s issue of Lawyers Journal (see story, p.3) also includes several tips for improving energy efficiency in your office. I hope you will take the first steps in fighting global warming by replacing all incandescent light bulbs in your office and home with energy efficient compact fluorescents. Make every purchase of new appliances and equipment with energy conservation in mind. If we all take these small steps, the overall savings will be significant.

For more on CORI reform, see story on page 10.

The Eco-Challenge

Continued from page 1

Westwood Land Trust Inc. and has chaired the town’s Organization for the Preservation of the Environment and Nature.

The Lawyers Eco-Challenge comes at a perfect time. Gov. Deval Patrick declared 2007 “The Year of Energy Efficiency,” has supported the use of renewable energy and asked state agencies to help reduce greenhouse gas emissions by cutting their electricity consumption. The challenge also comes on the heels of a Sun Microsystems survey that says 73 percent of workers want their employers to be green.

Nationally, the push toward green law is being undertaken by various groups. The American Bar Association in March launched a “climate challenge” that asks law firms to make changes in one of three areas: curbing paper use or increasing the use of recycled paper, using renewable sources for energy or using Energy Star guidelines and products. The Oregon Lawyers for a Sustainable Future offers continuing legal education on energy conservation and both a policy and checklist to operate an environmentally responsible law office.

“Lawyers will be leaders in the fight against global warming,” said task force chair Nancy B. Reiner of the Boston-based, international law firm Brown, Rudnick, Berlack, Israels LLP. “That fight starts in the office and at home, with a commitment to reduce energy usage and to recycle to the greatest extent possible.”

Other task force members include Susan Reid, a staff attorney at the Conservation Law Foundation in Boston; John E. Tener, a partner at Robinson & Cole LLP in Boston; Boston personal injury attorney Jeffrey Glassman and Susan J. Crane, an environmental attorney who practices in Sudbury.

On average, each lawyer goes through a ton of paper each year - the equivalent of 24 trees, according to Lawyers Accountable To The Earth, or LATTE, a group formed by Glassman. That means, in total, lawyers across the United States consume 24 million trees annually.

“Lawyers go through 10 times more paper than the average office worker,” Glassman said.

Efforts to reduce paper use by thinking twice about printing documents and using recycled paper will be among the common sense suggestions included in the MBA’s Green Guidelines. Advice will also include simple and easy adjustments like switching to energy efficient products, shutting down computers at the end of the day and turning off lights when walking out of rooms.

The Eco-Challenge contest will begin in January, challenging lawyers and law firms to demonstrate reductions in energy use over the course of a few months. In addition, tips will be posted on the MBA Web site (www.massbar.org) regularly and distributed to members through the MBA's weekly electronic newsletter, Lawyers e-Journal.

Eco-Challenge leaders at the MBA will also form coalitions and partnerships with other agencies, associations and businesses throughout the state.

“It is important for the MBA, as the non-profit legal association with a mission to support the legal community and the larger community, to lead attorneys across the state in this important effort,” said MBA Executive Director Marilyn J. Wellington.

A Criminal Sentencing Symposium has been scheduled for Oct. 23 at the Statehouse.
House of Delegates holds first meeting of 2007-08

by Jennifer Rosinski

Massachusetts Bar Association President David W. White Jr. called his first House of Delegates meeting to order at the DCU Center in Worcester on Sept. 19. At its first gathering of the 2007-08 association year, the leadership voted to approve several proposals, including efforts to clarify the state’s drunk driving laws and establish a commission on judicial compensation.

Before the start of the meeting, an eight-member delegation of arbitrators from Cambodia attended a roundtable discussion on labor and employment issues hosted by MBA Past President Kay H. Hodge. The group from the Arbitration Council Foundation in Phnom Penh, Cambodia, has traveled the globe since its inception in May 2003 to learn about labor relations in other countries. (See story, page 9)

White called the meeting to order and outlined his initiatives for the year, which include supporting comprehensive reforms in two areas: state Criminal Offender Record Information laws and criminal sentencing.

Criminal Justice Section Council Chair Lee J. Gartenberg shared the MBA’s suggested changes to CORI when he testified before the Joint Committee on the Judiciary the day before the HOD meeting. A Criminal Sentencing Symposium will be held at the Great Hall in the Statehouse at 10 a.m. on Oct. 23. A legislative hearing before the Joint Committee on the Judiciary will follow the symposium.

White also shared his goal of making lawyers more environmentally conscious with the Lawyers Eco-Challenge. The Energy and Environment Task Force will publish Green Guidelines for attorneys later this fall and a contest will track energy reduction among practitioners.

“We have a three-part focus: saving energy, saving resources and corporate responsibility,” White said. “Massachusetts is already at the forefront of this important topic.”

Claritying laws, supporting juvenile attorneys

Gartenberg presented two proposals the delegates approved. The first supports legislation that streamlines drunk driving laws in Chapter 90 of the Massachusetts General Laws in an effort to make them easier for the bench, bar and public to understand. The MBA’s Criminal Justice Section worked with the Massachusetts District Attorneys Association and the Massachusetts Registry of Motor Vehicles to reorganize the provisions and amendments into a coherent, logical proposal.

Assistant District Attorney Michael Fabbri, a member of the Criminal Justice Section Council, and Staff Attorney Andrea Nardone, both with the Middlesex District Attorney’s Office, presented arguments in favor of the change. “We need to rewrite these laws so we can understand it. So the public understands it. It’s very convoluted,” Fabbri said. “We came up with something that would simplify and streamline the language.”

In a second vote, the leadership endorsed a letter – from the MBA’s Juvenile Justice Practice Group of the Criminal Justice Section Council – that asks the Supreme Judicial Court’s Standing Advisory Committee on the Rules of Professional Conduct to re-evaluate a proposal to change the Rules of Professional Conduct as they relate to the role of attorneys in juvenile court.

The proposal by the SJC committee changes Rule 1.14 from representing a minor client “under a disability” to “with diminished capacity.”

The change would require attorneys to act based on what is in their client’s best interest, even if it’s not something their client wants. The letter states that the proposal could erode the respect given to decisions made by minor clients and undermine the trust between minor clients and attorneys.

“Essentially, what we’re recommending the committee do is go back to the drawing board,” said the Hon. Jay D. Blitzman, associate justice of the Juvenile Court Department. “I’m really concerned limiting what an attorney can do can put an attorney in a box.”

Benefits for judges and their families

The delegates passed two proposals presented by Grace V. Bacon Garcia of the Civil Litigation Section Council. The house voted to support legislation establishing a Commission on Judicial Compensation, Benefits and Pensions. Also, the delegates unanimously voted to support bills allowing for maximum benefits to the family of judges who die from unnatural causes while performing his or her duties.

Diversity Task Force’s new program

MBA Treasurer Valerie A. Yarashus shared a new program being offered by the Diversity Task Force, of which she is co-chair. The Diversity School Fund is an essay contest that calls on students to write about lawyers who have inspired them. This year’s challenge will conduct off-budget fund-raising to pay for the initiative, which will be administered through the Massachusetts Bar Institute. “All of the money will go back to young people,” Yarashus said.

Ambitious legislative agenda

There are many legislative goals for the 2007-08 association year in addition to criminal sentencing and CORI reforms, MBA General Counsel Martin W. Healy told the delegates. “We’re off with a bang,” Healy said.

The MBA supports the supplemental state budget filed by Lt. Gov. Timothy Murray that includes $22.3 million to compensate private counsel for work performed during fiscal year 2007. The association is also working with other state bar associations and the American Bar Association to pass federal legislation that would forgive student loans for public sector attorneys. Healy also reported that Past President Edward P. Ryan Jr. will serve this year as co-chair of the Joint Bar Committee on Judicial Appointments.

New programs focus on students, veterans

MBA Executive Director Marilyn J. Wellington gave an overview of the Supreme Judicial Courts’ Judicial Youth Corps program, which this year added Worcester to its list. The Massachusetts Bar Foundation awarded the funds needed to provide 15 Worcester young people – in addition to a group from Boston – with a summer spent working and learning in the court system. “Our goal is to add another city a year,” Wellington said. “This year was our test year. It was a huge success.”

Wellington also shared the MBA’s newest venture, Serving Our Veterans in the Law. About 60 attorneys were taught how to provide legal aid to veterans – from federal and state appeals of benefits to medical care issues – by staff from the National Veterans Legal Services Program of Washington, D.C. at the MBA’s West Street headquarters on Sept. 27. Veterans will be aided at special Dial-A-Lawyer and traveling attorney programs this fall.

MBA Think Tank strategy

Douglas K. Sheff was the last to present at the Sept. 19 meeting. Sheff, tapped as the chair of the newly created MBA Think Tank, provided an overview of plans to create a long-term strategy for the association, as well as various enhancements in the areas of education, technology and communication.

Bylaw changes, elections

Also approved at the meeting were changes to the MBA’s bylaws and policies and procedures presented by President-elect Edward W. McIntyre and the election of the Executive Management Board for the 2007-08 association year.

The next HOD meeting will take place at 2 p.m. on Nov. 1 following a luncheon and preceding the MBA’s Annual Gala Dinner that evening at the InterContinental Hotel on Atlantic Avenue in Boston.
Cambodian arbitrators learn about U.S. labor and employment

by Jennifer Rosinski

Labor relations experts from the Massachusetts Bar Association explained the arbitration and grievance process to an eight-member delegation from Cambodia during a roundtable discussion last month.

MBA Past President Kay H. Hodge, a partner and labor and employment attorney at Stoneham, Chandler and Miller in Boston, hosted the informal gathering of arbitrators and administrators from the Arbitration Council Foundation in Phnom Penh, Cambodia. Since the foundation was established in May 2003, its members have traveled the globe to learn about labor relations in other countries.

The roundtable kicked off before the start of the House of Delegates meeting on Sept. 19 at the DCU Center in Worcester.

Former MBA Labor & Employment Law Section Council Chair Rosemary Pye, a regional director at the Boston office of the National Labor Relations Board, gave an overview of labor relations in Massachusetts. Pye talked about the state and federal administrative agencies that handle labor relations and explained the differences between the private and public sectors.

“Our role is to enforce the law,” Pye said of the NLRB. Hodge pointed out the differences between Cambodia and the U.S., among them, Cambodia’s laws requiring a breastfeeding woman to have special space in the workplace. Despite that progressive law, Cambodia does not have collective bargaining and unions can be formed without a majority vote, Hodge said.

One problem that often occurs in Cambodia is employers sign contracts to pay employees an amount below the legally mandated wage, said Men Nimmith, executive director of the Arbitration Council Foundation. That problem would be easily resolved in the United States, Hodge said, because it violates the law.

“It makes no sense to say you’re not in violation of a contract and allow an illegality,” Hodge said. “In the U.S., you can’t agree to take less than the law requires. Any agreement is invalid as a legal matter.”

Ross said Cambodia has a bright future because it is working toward respecting the rights of its workers.

“Cambodian working people have more rights of association than Chinese working people do. Customers know this. They do not want their brands tarnished by controversies,” Ross said. “Cambodia has the opportunity to be the quality standard of labor practices in the apparel business.”

Nimmith said he and his delegation appreciated the roundtable discussion.

“I would like to say thank you to the Massachusetts Bar Association and to Kay Hodge for great hospitality and warm welcome,” Nimmith said to the entire House of Delegates, all of whom he invited to Cambodia.

Hodge organized the roundtable following her trip to Cambodia last year, when she brought a group of U.S. lawyers to the country to meet with arbitrators.

MBA welcomes guests from Tokyo Bar Association

A nine-member delegation of the Tokyo Bar Association took back home with them lessons about the Massachusetts Bar Association’s CLE programming after a visit at the end of August.

MBA CLE Manager Elizabeth Varney outlined the CLE Department and explained what it offers to MBA members and others in the Massachusetts legal community during the Aug. 31 gathering at 20 West St., Boston.

“We don’t often have the opportunity to sit with our peers from around the globe,” said immediate Past President Mark D Mason as he welcomed the group to the MBA’s Boston headquarters. Vice-President Denise Squillante, Treasurer Valerie A. Yarashus, Executive Director Marilyn J. Wellington and other MBA staff also attended.

After Varney’s presentation, the Tokyo delegation members shared their concerns about the Japanese legal community. They explained that 10 years ago, only about 15,000 attorneys practiced in Japan. Now that the bar exam is more lenient and the passing rate has increased from three to 15 percent, the total number of practicing attorneys will soon reach 30,000.

“We are concerned, because with more people passing the exam, the quality of attorneys may go down,” said Toshiko Terada, translator for and member of the Tokyo Bar Association. She said the group wants to begin offering programs to help deal with the situation.

The visit was planned following original correspondence between Tokyo Bar Association representative Tojiro Ishii and Mason a few months ago. The afternoon meeting included a hearty New England-themed lunch and ended with both parties exchanging presents.

The Tokyo Bar Association is thankful the MBA took time to meet and share its programming, Terada said.

“We hope that we can be of help to you, too, in the future,” she said.
MBA urges broad reform of state CORI laws, shares proposed changes

by Jennifer Rosinski

Comprehensive reform to the state’s Criminal Offender Record Information laws are necessary to help those with criminal pasts turn into productive citizens, the Massachusetts Bar Association said at a Statehouse hearing Sept. 18.

MBA Criminal Justice Section Chair Lee J. Gartenberg, director of the Inmate Legal Services Office of the Middlesex County Sheriff’s Office, shared the MBA’s proposal while testifying before the Joint Committee on the Judiciary at the Statehouse.

“It is important to have a system that both enhances public safety and allows people who have changed their lives in a positive way to continue to be successful, contributing members of society without having something that happened in the distant past preventing them from succeeding,” Gartenberg said.

The state’s current CORI laws hamper Massachusetts residents who are trying to obtain housing and jobs, and can haunt rehabilitated citizens trying to make a life for themselves and their families.

“Massachusetts could be and should be a leader in turning former felons into productive citizens,” said MBA President David W. White Jr., who has made criminal sentencing reform a priority. “We should respect the efforts of the hard-working men and women of this state who have turned their lives around. We need to quickly reform our CORI laws to make that happen.”

The MBA’s House of Delegates adopted a report recommending changes to CORI in the spring of 2006 that focus on three areas: (1) who is granted access and to what records; (2) assuring the data is accurate; and (3) allowing people who have turned their lives around to seal their record within a reasonable period of time (and expunging entries when people are misidentified or no crime was committed).

The MBA supports the enactment of comprehensive CORI reform legislation, which includes the following goals:

• Establish clear and separate levels of CORI access: comprehensive access of an entire record for law enforcement, and limited access (containing only convictions and pending cases) for all non-law enforcement entities;
• Limit conviction information provided to all non-law enforcement entities only to findings or verdicts of guilty of an adult offense or an adjudication as a youthful offender, and include only the crime of conviction, not the original charge;
• Establish an educational program for recipients of CORI reports concerning the nature and purpose of the law and the proper use of information provided; and
• Develop a process to ensure within a reasonable time that all CORI reports are formatted in a way to make them clear and prepared in plain English, especially with respect to reports for prospective employers and schools.
• Establish a verification process to ensure that the CORI is accurately attributed to the proper person, such as by the use of fingerprints;
• Simplify the process to permit the correction of erroneous CORI by establishing an administrative procedure.
• Place the burden of proof that a record is accurate on the state in an action to correct an erroneous CORI, following a prima facie showing by the offender that a record may be inaccurate;
• Ensure that all CORI reports (including those available to law enforcement) contain an accurate record of the offense of conviction, not just the initial charge, by establishing a uniform system for entering information and a process of verification of the entry; and
• Create a process to purge information concerning cases where charges of a crime or complaints of delinquency have been dismissed or the defendant (or juvenile) has been found not guilty (or not delinquent) because the defendant was mistakenly identified or the alleged crime never occurred.

The MBA also supports reducing the length of time before a record can be sealed but allowing law enforcement access to the sealed record.

Introducing a new loan designed specifically for small businesses.

To see if you qualify, please take our simple screening test:

☐ Your computer breaks. You call Darryl in I.T.

☑ Your computer breaks. You call Darryl, your cousin.

The loan that fits your business.

Specifically designed to meet the needs of local businesses in Middlesex County, this loan features borrowing amounts from $25,000 to $250,000 and loan officers that come to you. If your business has fewer than 100 employees and revenue less than $5 million, call Steve Mead at (617) 575-8515 or visit us at www.cambridgesavings.com for your 6.25% APR Business Loan.

Cambridge Savings Bank™

1Offer subject to change and credit subject to approval. Maximum term 60 months.

Member FDIC

Member DIF
Sixth Annual Western Mass. Bankruptcy Conference features U.S. Bankruptcy Judge Boroff

For the last six years, lawyers in the bankruptcy law community have gathered in Western Massachusetts to hone their skills and get brought up to date on recent developments in bankruptcy law.

This year, the Sixth Annual Western Massachusetts Bankruptcy Conference will be held on Tuesday, Nov. 13, from 4 to 7 p.m. at Western New England College School of Law, which co-sponsors the conference.

The program will provide practical discussions regarding issues facing today’s bankruptcy practitioners and update attorneys on changing bankruptcy case and statutory law. The conference will focus on issues regarding mortgage foreclosures and means test issues and solutions. A segment of the program will also focus on numerous ethical issues, including due diligence and conflict of interest.

Throughout the years, two individuals have been at the center of the conferences. U.S. Bankruptcy Court Chief Judge Henry J. Boroff, District of Massachusetts, will present his annual view from the bench, which serves as a focal point for the conference. For six years Jonathan R. Goldsmith, Esq., the principal of the Springfield-based Law Office of Jonathan R. Goldsmith, has served as chair, recruiting, organizing and running the program. This year, Goldsmith is joined as co-chair by Justin H. Dion, an associate in the Springfield office of Bacon & Wilson PC.

In addition to Boroff, Goldsmith and Dion, the faculty includes: Philip J. Hendel, Esq., Hendel & Collins PC, Springfield; Amy Lipman-White, Esq., Stanton & Davis, Marshfield; Richard T. Mulligan, Esq., Harmon Law Offices, Newton and Denise M. Shear, Esq., Ostrander Law Office, Northampton.

Judicial Youth Corps returns

Attorneys, court staff members, judges and families gathered on Friday, Aug. 24, to celebrate the achievements of Worcester and Boston Judicial Youth Corps students.

“The MBA is proud of you,” MBA President-elect Edward W. McIntyre, a solo practitioner based near Worcester, told the teenagers. He urged them to pursue their goals of pursuing careers in the law. “You are part of the justice system,” he said. “Justice is not a destination. There is no way to justice; justice is the way.”

Designed for urban high school students, the program teaches young people about the judicial branch of government and fundamental principles of law. The four-month program consists of two educational components: a seven-week orientation to the court system and a seven-week courthouse internship session in July and August.

This year’s reception was especially significant because this summer marked the first time in seven years that the program has existed in Worcester. In recent years, the program had been limited to Boston students due to financial constraints. This year, the Supreme Judicial Court and MBA received a Fellows grant of more than $20,000 from the Massachusetts Bar Foundation to restore the program in Worcester. The program was a strong success, according to teacher and attorney Jim Rosseel, who coordinated the Worcester program.

“The kids all distinguished themselves on a day-to-day basis, demonstrated a wonderful work ethic and proved they could handle themselves in difficult situations,” Rosseel said proudly. He also noted that the program has wide support among the Worcester legal community and expressed hope that the program will return to the city in 2008.

MBA President-elect Edward W. McIntyre praised JYC students and their families at the program's August reception.

David LeBoeuf, a student at Worcester’s South High Community School and Judicial Youth Corps participant, spoke about his summer experience. “This internship opened all of our eyes. We had the chance to see people at their best moments and at their worst moments. We saw the stories behind the pieces of paper,” he explained. “These are real people with real pain, and we were able to help them and treat them with dignity. It was not just a job; it was a duty.”

The program wrapped up with a speech from Supreme Judicial Court Associate Justice Roderick L. Ireland, who has played an important role as a mentor for the students and as a longtime advocate for the program. He believes that the program is an effective and powerful way to connect students and schools to the justice system. Roderick congratulated both the teenagers and their parents for their dedication and efforts in making the summer a success. “We hope that you continue to strive to be the best that you can be,” he said. “Whatever path you choose, we expect excellence of you all.”

Accredited Psychiatry & Medicine


TELEPHONE: 617-492-8366  •  FAX: 617-441-3195
EMAIL: harold_bursztajn@hms.harvard.edu
WEB SITE: www.forensic-psych.com
MBA Community Service Awards

The pictures on this page are of some of the attorneys who have received the Massachusetts Bar Association’s Community Service Award during the past year. Immediate Past President Mark D Mason presented the award to attorneys who have performed acts of outstanding public service within their community.

The MBA invites all of the MBA Affiliated Bar Associations to participate in the Community Service Award Program. The nominee must be a member in good standing of the nominating bar association and the MBA, and in good legal standing as an attorney.

Nominations must be approved by the MBA Executive Management Board at its meetings. The following dates are deadlines for the submission of a nomination form: Friday, Oct. 12; Friday, Nov. 23; Friday, Jan. 25; Friday, March 28; Friday, June 13; and Friday, Aug. 8.

For a nomination form and list of nomination criteria and procedures, or for more information, contact Bar Services Liaison Pat Plasse at (617) 338-0596 or pplasse@massbar.org.
Anticipating the negative may help make lawyers effective, but it can also contribute to depression

Q. Law is a second career for me. I am fortunate to work in a mid-sized firm comprised almost entirely of pleasant colleagues, doing work that is most often in synch with my own values – yet I seem to be quite unhappy much of the time, especially at work (and much less so when on vacation). How can I understand this, and what can I do about it?

A. Your question is so global (as is, perhaps, your unhappiness) that we can only choose one or two avenues of response out of many (which would, of course, include the various approaches to treating depression that we have discussed in previous columns).

It does appear, from what systematic study exists, that lawyers have a much higher rate of depression than the general population, and that this decline in mood begins with (rather than precedes) law school. We have to admit that, at LCL, we see a skewed population of lawyers who are probably less content than average, and we would love to hear from readers who feel happy with their careers and can offer some thoughts on what factors contribute to that contentment. (Please e-mail us – if you’d prefer to do that anonymously, click on “Q&A” and then “Submit a Question Anonymously” on our Web site, www.LCLMA.org.)

One interesting perspective on the level of unhappiness in the legal profession comes from psychologist Martin Seligman, whose name is most closely associated with the movement known as “positive psychology.” He focuses in part on the role of pessimism, which he defines as a “tendency to interpret the causes of negative events in stable, global and internal ways.” The pessimist might see global warming, for example, as an inevitable, gradual march toward the end of life as we know it, while the optimist would view the climate crisis as a serious setback that can and will be overcome. Whether or not the optimistic stance is more accurate or realistic, it is “better for you” in that it is associated with positive mood and constructive behavior.

Ironically, however, pessimism may be a plus when striving to succeed in the field of law! That finding, based on a study of University of Virginia law students, may be a function of how useful it is for lawyers to be able to anticipate negative twists and turns and turns that others would not consider. Hence the dilemma, that characteristics which may be useful in the practice of law can be quite counterproductive when it comes to enjoying the practice of law or developing an affirmative view of one’s life as a lawyer.

Seligman and his colleagues note that unhappiness is also fostered by a combination of high demands and low “decision latitude” (voice/impact in the process in which one is engaged) that often typifies life for associates at a large law firm, not to mention the “zero-sum game” of our legal system’s adversarial process. Those obstacles can only be addressed at a systemic level, and let’s not hold our breaths waiting for change. But there may be ways that you as an individual can develop more positive ways of defining your work and career. Feel free to come in and brainstorm with us.

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.

Do you need more hours in your day?

Save time and earn more using TurboLaw Document Software. Easy to use and learn.

“I HEARTILY RECOMMEND TURBOLAW® DOCUMENT SOFTWARE!”

“Promethean Software Corporation and their product, TurboLaw Document Software, has allowed me to spend more time with my clients, and has increased the productivity of my firm.”

Edward P. Ryan, Jr.
O’Connor and Ryan, P.C.
Fitchburg, MA
Former President - Massachusetts Bar Association

Request your Free information package by calling (800) 518-8726 or online www.turbolaw.com.
Tax attorney Ponda appointed to American Law Institute, named to “40 Under 40”

Ameek Ashok Ponda, a partner and co-director of the Sullivan & Worcester LLP’s tax department, recently was elected to membership in the American Law Institute and selected as one of the Boston Business Journal’s “40 Under 40” for 2007.

Membership in the American Law Institute is a distinct professional honor as only 3,000 lawyers nationwide are selected to be part of this group. The Boston Business Journal’s “40 Under 40” list highlights 40 professionals under the age of 40 who are considered part of the next generation of business leaders and innovators in terms of both their business success and community contributions.

Ponda has published several articles in leading tax journals, two of which precipitated changes in thinking at the Treasury Department that culminated in changes to federal tax law. He is a longstanding member of The Indus Entrepreneurs, the South Asian Bar Association, the India Association of Greater Boston and the Pakistan Association of Greater Boston, and serves as an editor for the Peace and Democracy in South Asia Journal.

“It’s truly an honor to be selected as a member of the ALI and as part of the BBJ’s ‘40 Under 40’ list both in the same week,” said Ponda. “These professional recognitions stem from the warm support and mentoring that I have received over the years from family, friends, clients, and of course, my colleagues at Sullivan & Worcester. I am looking forward to contributing to ALI’s mission, and to remaining involved in the commercial and civic fabric of the Boston community.”

Conley taps Miller as new district court chief

Suffolk County District Attorney Daniel E. Conley recently announced the appointment of Assistant District Attorney Christina E. Miller as his new chief of District Courts and Community Prosecutions.

A lawyer since 1998 and a six-year veteran of the Suffolk DA’s office, Miller is a member of the MBA’s House of Delegates, serving on the Budget and Finance Committee and the Diversity Committee. She is a co-chair of both the Massachusetts Lesbian and Gay Bar Association and the Boston Bar Association’s Criminal Law Section.

A former Superior Court law clerk, Miller began her career as a prosecutor in the Essex County District Attorney’s Office and later moved to Norfolk County, where she prosecuted a wide variety of offenses in Quincy District Court. As Suffolk County’s district court chief, Miller will supervise the prosecutorial staff in Chelsea District Court and eight municipal courts throughout Boston. Miller’s duties as chief of community prosecutions will also make her the point person for prosecuting hate crimes and civil rights violations within Suffolk County.

“My goal is to ensure that the work done in our district courts makes a positive impact on our communities and their residents,” Miller said. “It’s an honor to serve the people of Boston, Chelsea, Revere and Winthrop by seeking justice on their behalf.”

Former Family Law Section Council chair and Norfolk County Judge Paula M. Carey appointed chief justice of Probate and Family Court

Chief Justice for Administration and Management Robert A. Mulligan recently announced the appointment of Judge Paula M. Carey of Burlington as the new chief justice of the Probate and Family Court for a five-year term. Carey succeeds Chief Justice Sean M. Dunphy, who retired on Sept. 30, after 29 years of exemplary service. Dunphy has served with distinction as chief justice of the Probate and Family Court since 1997.

Carey has been a Probate and Family Court judge since her appointment to the bench in 2001. She currently sits in Norfolk County and serves as a member of the Child Support Guidelines Task Force. She said, “I look forward to working with my colleagues and the staff of the Probate and Family Court at a time when our court is undergoing great positive change with the introduction of time standards, Mass Courts and increased performance accountability measures. I am mindful of the challenges we face and am committed to providing leadership and accountability in ensuring access to justice in all of our courts.”

In 2006, she received the Daniel J. Toomey Excellence in Judiciary Award, and in 2004, the Probate and Family Court Division of the Massachusetts Judges Conference presented her with a Judicial Excellence Award.

In 1989, she co-founded the firm Carey and Mooney PC, a family law practice. While in private practice, she chaired the Family Law Section of the Massachusetts Bar Association and served on the Family Law Steering Committee of the Boston Bar Association.

Carey graduated magna cum laude from the New England School of Law.

Robinson & Cole partner appointed vice chair of FDCC’s Insurance Coverage Section

Robinson & Cole Trial & Appellate Advocacy Partner Barbara A. O’Donnell was recently elected as a vice chair of the Insurance Coverage Section of the Federation of Defense & Corporate Counsel. The FDCC’s membership consists of experienced defense counsel in private practice as well as corporate general counsel and senior level insurance claims executives.

O’Donnell is a partner in the firm’s Boston office and has more than 15 years of experience in matters of insurance coverage, insurance bad faith, insurance agent/broker liability, employment and professional liability.

Seven MBA members named “Up & Coming Lawyers” by Massachusetts Lawyers Weekly. Judicial Administration Section Chair Kathy Jo Cook inducted into Hall of Fame

For the 11th year in a row, Massachusetts Lawyers Weekly highlighted 15 Massachusetts lawyers who have been members of the bar for 10 years or less but have already distinguished themselves and appear poised for even greater accomplishments.

Congratulations to the following MBA members who were recognized by Lawyers Weekly: Michael R. Costa, vice president and general counsel, American Renal Associates, Beverly; Antonio E. Dos Santos, associate, Robinson Donovan, Springfield; Robert H. Fennessy, solo practitioner, Walpole; Damon P. Hart, partner, Holland & Knight, Boston; Christina E. Miller, chief of district courts and community prosecutors, Suffolk County District Attorney’s Office; John R. Pitfield, partner, Choate, Hall & Stewart, Boston; and Thomas E. Workman Jr., Law Offices of Thomas E. Workman Jr., Taunton.

The newspaper also inducted attorney Kathy Jo Cook into the “Up & Coming Lawyers” Hall of Fame. In 1999, she was named by Lawyers Weekly as one of the top five “up and coming” attorneys in Massachusetts and is the third member of the Hall of Fame. Cook has chaired the MBA’s Judicial Administration Section for two years in a row and is the president-elect of the Women’s Bar Association of Massachusetts.

Kathy Jo Cook practices at Keches & Mallen PC in Taunton, where she focuses on personal injury, medical malpractice, construction site accidents, insurance bad faith and professional liability.
Holland & Knight named one of best law firms for women

Holland & Knight LLP was honored recently as one of the best law firms for women by Working Mother magazine and Flex-Time Lawyers LLC, a national consulting firm advising attorneys and legal employers on work-life balance and the retention and advancement of women.

A new initiative, Best Law Firms for Women honors 50 law firms for their commitment to the retention and advancement of female talent. Other firms with Boston offices that were honored include Bingham McCutchen and Mintz Levin.

“Since its founding, Working Mother magazine has been the champion of progressive, women-friendly changes in the workplace,” said Working Mother Media CEO Carol Evans. “Every year we see substantive advances in companies’ policies across the country, and we are so excited to be able to pair with Flex-Time Lawyers to celebrate change in a field that has historically struggled to support women and their life choices. I commend Holland & Knight for taking the lead for women lawyers.”

“We are delighted to celebrate Holland & Knight for its efforts and successes in retaining and promoting women,” said Deborah Epstein Henry, founder and president of Flex-Time Lawyers LLC. “We hope its standing on the list of Best Law Firms for Women will further inspire Holland & Knight to use the national benchmarking data now available to it through participation in this initiative to improve the status of women in the profession and raise the bar on what makes a best law firm for women,” added Henry.

“We are honored to be recognized by Working Mother magazine and Flex-Time Lawyers LLC for our commitment to our women lawyers,” said Holland & Knight Managing Partner Howell W. Melton Jr. “We are proud of our Women’s Initiative and Rising Stars program, as well as our Balanced Work Life Plan, which is available to all lawyers at our firm. It is important to us that our attorneys have options which allow them the time to combine successful careers with successful parenting.”

The complete list of the 2007 Working Mother & Flex-Time Lawyers Best Law Firms for Women can be found in the August/September issue of Working Mother magazine and online at www.workingmother.com and www.flextimelawyers.com. Holland & Knight provided detailed information on the issues that are most important to the retention and promotion of women lawyers in six measured areas: workforce profile, benefits and compensation, parental leave, childcare, flexibility, and retention and advancement of women.
Seeking Dial-A-Lawyer volunteers

Are you looking for an opportunity to volunteer and assist people who are in need? Are you having a problem finding the time to volunteer because of your busy schedule and other commitments? The Dial-A-Lawyer program may be the best volunteer program for your schedule and interests.

The MBA is seeking attorney volunteers to staff the phones for our monthly Dial-A-Lawyer program on the first Wednesday of every month, from 5:30 to 7:30 p.m. This is just a two hour commitment, once a month, answering basic legal questions from the public on the telephone. To volunteer, call (617) 338-0556 or e-mail lrs@massbar.org.

A call for coach, mentor volunteers

Over the course of the fall the Community Services Department will be recruiting volunteers for a number of programs:

Mock Trial

In preparation for the 23rd Annual Statewide Mock Trial Program, the MBA invites you to volunteer as an attorney coach or judge.

Open to all public and private high school students in Massachusetts, the Mock Trial Program is a rich curriculum that promotes the development of fundamental knowledge, sound judgment and critical thinking skills. In Mock Trial, students are placed in a simulated courtroom situation where they assume the roles of lawyers and witnesses in a hypothetical case.

Members are needed to coach a team in their community or to serve as judges in the trials that take place throughout the state. To volunteer, call (617) 338-0570 or e-mail mocktrial@massbar.org.

Career awareness programs

Volunteers are frequently needed to participate in career awareness programs aimed at introducing young people to careers in the law. These programs include Choose Law; a program created by the Young Lawyers Division of the American Bar Association. It encourages students, especially students of color, to “be the change” they wish to see in the legal system by considering law careers. Attorneys from all areas of law are welcome to participate.

As the year progresses, please keep an eye out for more information. To volunteer, or find out more about our programs, call (617) 338-0695 or e-mail communityservices@massbar.org.

Pro bono opportunities listed at www.massbar.org

For many years, the MBA has offered to its membership an opportunity to access pro bono services from attorneys, law students and paralegals. These services can range from actual client representation to the training of staff.

The MBA and Massachusetts Bar Foundation support attorneys in the commonwealth in their efforts to provide pro bono services to those of limited means. Listed online are more than 100 agencies with a wide range of legal needs.

To identify a volunteer opportunity that meets your needs, you may search by keyword, category and/or county.

To access this information, visit http://www.massbar.org/publications/pbog/.

For your information, the Massachusetts Rule of Professional Conduct 6.1 states that an attorney to qualify for contributing to the Pro Bono service they should provide annually at least 25 hours of pro bono publico legal services for the benefit of persons of limited means. In providing these professional services, the lawyer should:

(a) Provide all or most of the 25 hours of pro bono publico legal services without compensation or expectation of compensation to persons of limited means, or to charitable, religious, civic, community, governmental, and educational organizations in matters that are designed primarily to address the needs of persons of limited means.

The lawyer may provide any remaining hours by delivering legal services at substantially reduced compensation to persons of limited means or by participating in activities for improving the law, the legal system, or the legal profession that are primarily intended to benefit persons of limited means; or

(b) Contribute from $250 to 1 percent of the lawyer’s annual taxable, professional income to one or more organizations that provide or support legal services to persons of limited means.

Finding information shouldn’t be tough.

The Lawyers Diary and Manual® The reference of choice for the communities of law and government.

www.lawdiary.com
Finally. an Affordable efact Paperless Office!

Unlimited users. No Licensing fees.

Pre-customized for Litigation, Conveyancing, Estate Planning.

One Click email and fax documents™.

Secure search lets you instantly find and retrieve documents.

Built in backup lets you back up all your files to DVD with one click.

For a Free 2-Week Evaluation

call 877-MY-EFACT
or visit www.efactusa.com
MBA welcomes new members

Jesse Adams
Stephen R. Anderson of the Law Office of James H. Breen
Michael J. Anzalone of the Law Office of Michael J. Anzalone
E. Mary Aggar of E. Mary Aggar, Attorney at Law
Kenneth R. Bagnall of the Law Office of Kenneth R. Bagnall
Heather E. Balmat of Choate, Hall & Stewart LLP
Michael J. Barry of Michael J. Barry, Esq.
Robert A. Bartun
Emma Drummond Becker of Choate, Hall & Stewart LLP
Seth Philip Berman of Stroz Friedberg LLC
Danielle Marie Bertomi of the Norfolk County District Attorney’s Office
Anne R. Bingham of Attorney Anne Bingham
Shayna W. Borakove of the McCormack Firm LLC
Cara Elizabeth Bradley of Choate, Hall & Stewart LLP
Katherine G. Brady of Marcus, Errico, Emmer & Brooks PC
Michael R. Brown of Cooley, Manion & Jones LLP
Harvey Burstein
Douglas M. Cabral of MeManus, Norton & MacNamee PC
Elizabeth A. Castellani of Choate, Hall & Stewart LLP
Steven Louis Charlip of Choate, Hall & Stewart LLP
Frederick Chirigotis of Fagan & Goldrick PC
John P. Christenson of New England School Of Law
Stephen L. Coco of Robins, Kaplan, Miller & Ciresi LLP
Shelley D. Coelho of Perry, Hicks, Crotty & Deshaies
Michael C. Cohran of WR Grace & Co.
Heather Cohen of the Law Office of Heather Cohen
Allan P. Collins
Jennifer R. Cooney of Choate, Hall & Stewart LLP
Candice M. Cornish
Lourdes M. Cortez of Ellen M. Mackay, Esq.
Brian P. Coughlin of the Law Offices of Brian Coughlin
Mackenzie Crane of Bingham & McCutchen LLP
Allan R. Curran of Allan R. Curran & Associates
Henry M. Curtis of the Law Office of Don N. Weber
Georgia Curtis
Giulio A. Deconti Jr. of Lahive & Cockfield LLP
Tricia Dellboe of Marcus, Errico, Emmer & Brooks PC
Richard C. Demerle of Riemer & Braunstein LLP
Clare Dielge of Rodgers, Powers & Stewart LLP
Audrey M. Donovan
Katherine R. Derval of Gilmore, Rees Carlson & Cataldo PC
Roberta Driscoll of the Law Office of Roberta Mann Driscoll
James-Ryan Fagan of Choate, Hall & Stewart LLP
Rory Zack Fazendeiro of Adler, Pollock & Sheehan PC
Lee S. Feldman of Choate, Hall & Stewart LLP
James J. Finn III of Bicknell & Smith
Anne T. Foley of Deloitte & Touche LLP
Robert M. Ford
John A. Froio of Community Legal Services & Counseling Center
Ellie J. Galvin of the Massachusetts Dept. of Social Services
Alan J. Garceau
Christopher M. Giles of Grischenko & Partners Law and Patent Office
Peter Gizi of the Law Offices of Peter Gizi PC
Heather A. Golding of Choate, Hall & Stewart LLP
Jennifer Layne Gonzalez of Teupen America LLC
David F. Grunebaum of Tobin Sullivan & Fay PC
Andrew Guarriello
Pascale Guerrier of Robins, Kaplan, Miller & Ciresi LLP
Jason A. Guida of the Hampden County District Attorney’s Office
Maneesh Gulati of Lahive & Cockfield LLP
Jeffrey A Hanley of Jeffrey A. Hanley PC
Frederick Harsh III of Todd & Weld LLP
Patricia A. Harris of Cain, Hibbard, Myers & Cook PC
René A. Harrison of Harrison Law Office
Steven P. Harte of Choate, Hall & Stewart LLP
Patrick P. Hartwig of the Law Office of Ted Silva LLC
Kathleen Henry of Choate, Hall & Stewart LLP
John J. Hightower of Robins, Kaplan, Miller & Ciresi LLP
Kirsten L. Hoffman of Beacon Capital Partners LLC
Julia Mary Hogan of Arthur E. Levine & Associates PC
Elisabeth Hubbard of Rhode Island Disability Law Center
Ellyn Heilmeich Hurd of Perry, Hicks, Crotty & Deshaies
Matthew Iser of Israel, Perry & Purdy LLP
Pedro Antonio Jaile of Jaile & Trifilo
Elizabeth E. Johnson
Jeremy Lee Kay of Marcus, Errico, Emmer & Brooks PC
Kevin M. Keating
Lisa L. Keith of Deloitte & Touche LLP
John Kelhier Jr. of Todd & Weld LLP
Scott K. Kell Jr. of Todd & Weld LLP
Erich E. Kennedy
Michael James Kennefick of Perry, Hicks, Crotty & Deshaies
Kajal Khanna
Ethan S. Klepetar
Jeanne Kort
Francine R. LaGrotteria
Amy E. Lambrokos of A.E.L. Title Services
Virginia T. Lane of Virginia T. Lane
John E. LaPlante of Robins, Kaplan, Miller & Ciresi LLP
Walter B. Lebowitz
Renee Victoria Lindo of Choate, Hall & Stewart LLP
Michael K. Lord of the Law Office of Michael F. Cuddy
Nicholas James Losurdzo
Maura Maloney of Morgan, Brown & Joy LLP
Robert D. Manning
Erin E. Mannion of Finnegan, Underwood, Ryan & Tierney
Diane L. Martin
Lisa M. McCormack of Cain, Hibbard, Myers & Cook PC
John B. McGinty Jr. of Fidelity Investments
Christopher J. McKenna of Choate, Hall & Stewart LLP
Mark J. McNally of the Law Office of Mark J. McNally
ETHAN MCAWTHON OF FOSTER & ELDRIDGE
Christine M. McPhie of D’Angio Law Offices
Christopher J. McQuade of the Administrative Office of the Probate and Family Court
Katey M. Mandel of Shelter Legal Services
Rina Marlene Miller
Michael J. Moriarty of Ducharme, Moriarty & Turcotte
James T. Morse
Jennifer Lynn Moss of Choate, Hall & Stewart LLP
Susan Donnelly Murphy of Murphy & Pike PC
George M. Nassar of Nassar & Nassar PA
Alexander M. Nesson of the Law Office of Alexander Nesson
Elizabeth O. Nollette of Lynch & Friel
Jeffrey E. Noonan of Doherty, Ciechanowski, Dugan & Gannon PC
William J. O’Keefe Jr.
Andrew Joseph Orsmond of Foley & Hoag LLP
Michael J. O’Toole
Fred Robert Parker Jr. of Henshaw, Parker & Vyadro PC
Peter L. Paull Jr. of Peter L. Paull Jr. PC
Ron E. Peck of the Phia Group LLC
Margaret C. Platzer of DentaQuest
Mark J. McNally of the Law Office of Mark J. McNally
John B. McGinty Jr. of Fidelity Investments
Karen Watts Stuntz of McEvoy & Stuntz LLP
Michael A. Sullivan of Middlesex Superior Court
Fred W. Sunderland Jr.
Jason Sweet
Emily Rose Tedone
William B. Tobey of William B. Tobey, Attorney at Law
Stephen T. Turner of Stephen T. Turner, Attorney at Law
Julian T. Tynes of the Massachusetts Dept. of Mental Retardation
Doyle C. Valley of Morrison & Mahoney LLP
Michael David Van Dam of Van Dam & Traini LLP
Timothy van der Veen
Holly Vitztze-Lynch of Massachusetts School of Law
Emily Wasserman
Ellen Wilbur of Community Legal Services & Counseling Center
Eric Yen-Kai Wu of Choate, Hall & Stewart LLP
Craig W. Yankes
Hubert J. Yorka
Edmund J. Zabin of the Suffolk County District Attorney’s Office
Shannon Steele Zollo of Morse, Barnes-Brown & Pendleton PC
Joseph Z. Zwick of Choate, Hall & Stewart LLP
Sarah J. Sachen
Susan E. Saliba of Susan Saliba, Attorney at Law
Stephen J. Sand of Millipore Corp.
Erin E. P. Sencabaugh of Wayne, Richard & Hurwitz
Susan M. Sheehan of Todd & Weld LLP
Susan J. Shipley of Hincibothem, Brigham, Shipley & Stein
Kristen Sibiga
Audra Simovitch
Pamela A. Smith of the Law Office of Pamela A. Smith
Sara E. Smolik of Rodgers, Powers & Schwartz LLP
Elizabeth N. Snellings
Marcello W. Souza of Itron Interactive
Kendra L. Stephenson
David L. Sterrett of Riener & Braunstein LLP
Karen Watts Stuntz of McEvoy & Stuntz LLP
Michael A. Sullivan of Middlesex Superior Court
Fred W. Sunderland Jr.
Jason Sweet
Emily Rose Tedone
William B. Tobey of William B. Tobey, Attorney at Law
Stephen T. Turner of Stephen T. Turner, Attorney at Law
Julian T. Tynes of the Massachusetts Dept. of Mental Retardation
Doyle C. Valley of Morrison & Mahoney LLP
Michael David Van Dam of Van Dam & Traini LLP
Timothy van der Veen
Holly Vitztze-Lynch of Massachusetts School of Law
Emily Wasserman
Ellen Wilbur of Community Legal Services & Counseling Center
Eric Yen-Kai Wu of Choate, Hall & Stewart LLP
Craig W. Yankes
Hubert J. Yorka
Edmund J. Zabin of the Suffolk County District Attorney’s Office
Shannon Steele Zollo of Morse, Barnes-Brown & Pendleton PC
Joseph Z. Zwick of Choate, Hall & Stewart LLP
Sarah J. Sachen
Susan E. Saliba of Susan Saliba, Attorney at Law
Stephen J. Sand of Millipore Corp.
Erin E. P. Sencabaugh of Wayne, Richard & Hurwitz
Susan M. Sheehan of Todd & Weld LLP
Susan J. Shipley of Hincibothem, Brigham, Shipley & Stein
Kristen Sibiga
Audra Simovitch
Pamela A. Smith of the Law Office of Pamela A. Smith
Sara E. Smolik of Rodgers, Powers & Schwartz LLP
Elizabeth N. Snellings
Marcello W. Souza of Itron Interactive
Kendra L. Stephenson
David L. Sterrett of Riener & Braunstein LLP
Karen Watts Stuntz of McEvoy & Stuntz LLP
Michael A. Sullivan of Middlesex Superior Court
Fred W. Sunderland Jr.
Jason Sweet
Emily Rose Tedone
William B. Tobey of William B. Tobey, Attorney at Law
Stephen T. Turner of Stephen T. Turner, Attorney at Law
Julian T. Tynes of the Massachusetts Dept. of Mental Retardation
Doyle C. Valley of Morrison & Mahoney LLP
Michael David Van Dam of Van Dam & Traini LLP
Timothy van der Veen
Holly Vitztze-Lynch of Massachusetts School of Law
Emily Wasserman
Ellen Wilbur of Community Legal Services & Counseling Center
Eric Yen-Kai Wu of Choate, Hall & Stewart LLP
Craig W. Yankes
Hubert J. Yorka
Edmund J. Zabin of the Suffolk County District Attorney’s Office
Shannon Steele Zollo of Morse, Barnes-Brown & Pendleton PC
Joseph Z. Zwick of Choate, Hall & Stewart LLP
Sarah J. Sachen
Susan E. Saliba of Susan Saliba, Attorney at Law
Stephen J. Sand of Millipore Corp.
Massachusetts Bar Foundation calls for nominations to Board of Trustees

The Massachusetts Bar Foundation seeks dedicated individuals who are committed to strengthening the legal community’s premiere charity by:

• Helping to advance the mission of the MBF through leadership and vision
• Serving as stewards of the Foundation’s assets of approximately $10 million
• Participating in development and grantmaking activities

Nominees must be MBF Fellows. Self nominations are welcome. Five Fellows will be elected to serve a term of four years commencing in January 2008.

To be considered, provide the MBF with a nomination statement, detailing the candidate’s qualifications and interests. Please include a current resume, if possible. All submissions will be reviewed by the MBF Nominating Committee. Submit nominations in writing no later than Nov. 9.

Contact information
Elizabeth Lynch
Executive Director
Massachusetts Bar Foundation
20 West St.
Boston, MA 02111
E-mail: elynch@massbar.org

The Massachusetts Bar Foundation is the commonwealth’s premiere legal charity. Founded in 1964, the MBF is the philanthropic partner of the Massachusetts Bar Association. Through its grantmaking and charitable activities, the MBF works to increase access to justice for all Massachusetts citizens. For more information about the MBF and the Society of Fellows, please visit www.massbarfoundation.org.

Foundation Legal Intern Fellow Wendy Andre is anything but typical

by Susannah Thomas, MBF development associate

Thinking of a typical law student might conjure an image of a sleep-deprived, caffeine driven 20-something poring over books or pecking away at a laptop at a downtown campus law library. Wendy Andre is many things, but typical is not one of them.

She is a 37-year-old mother of three, a first-generation Portuguese immigrant and a steadfast advocate for immigrant rights. And in the midst of raising a family, performing countless hours of volunteer service and pursuing a career as a legal assistant, Andre has managed to tackle law school and is now in her final year at Roger Williams University School of Law. She is also one of five local students to be awarded a Massachusetts Bar Foundation Legal Internship Fellowship this past summer.

Each year, through a competitive application process, the MBF awards stipends of $6,000 each to law students who are exploring careers in public interest law by interning at local nonprofits. Funded by contributions from MBF Fellows and the Smith Family Fund, the MBF Legal Intern Fellowship Program serves as a springboard to promote public interest law careers among the most promising local law students. Over the past decade, the Legal Intern Fellowship Program has awarded more than $267,000 to 73 law students. As originally hoped, many former Legal Intern Fellows have gone on to launch successful careers in the public service arena. For most, the internship supported by the MBF helped to direct their professional paths.

For Andre, a longtime New Bedford resident, spending her summer months working full time at Catholic Social Services’ Immigration, Law, Education and Advocacy Project in Fall River was the perfect placement to aid her progression from law student to lawyer. “It is one thing to sit in a law class and analyze cases; it is another to see how the law actually works,” Andre explains. “The internship at ILEAP allowed me to gain a much deeper understanding of the content of my immigration law class. More importantly, it has provided me with the skills necessary to advocate for the immigrants in my own community after I graduate.”

Touched by those who helped her own family along the way, Andre intends to put her law degree and her life experiences to good use as a solo practitioner devoting a portion of her practice to immigration law in New Bedford, a community with one of the largest immigrant populations in Massachusetts, and notably besieged by recent immigration raids.

Her pursuit of this goal is strengthened by a promise made long ago. Andre notes, “I made a promise to myself as a teenager, that if I ever achieved any level of success in my life, I would never forget where I began… a daughter of poor Portuguese immigrants.”

For more information about the Legal Intern Fellowship Program or the Massachusetts Bar Foundation, visit www.massbarfoundation.org.
MBA Calendar of Events

Tuesday, Oct. 9
Western Massachusetts Dial-A-Lawyer
3:30–7:30 p.m.
Western New England College School of Law, 1213 Wilbraham Road, Springfield

The Dial-A-Lawyer program, held twice a year in Western Massachusetts, provides an opportunity for the public to speak with volunteering attorneys via telephone. Participants provide free, basic legal information to callers’ questions, covering a wide range of legal topics. To volunteer, call (617) 338-0556.

Thursday, Oct. 11
Bench-Bar Symposium
2–3 p.m.
John Adams Courthouse, Boston

The MBA is proud to present the second annual Bench-Bar Symposium to take place at the John Adams Courthouse in Boston on Thursday, Oct. 11. Supreme Judicial Court Chief Justice Margaret H. Marshall will deliver her Annual Address to the Legal Community at 2 p.m. Following the address, MBA President David W. White Jr. will moderate two panel discussions on jury communication. Each panel will feature four judges and two attorneys. The first panel will focus on pre-trial issues, and the second will concentrate on jury instruction and post-trial contact with jurors. To R.S.V.P., call Member Services at (617) 338-0530.

Monday, Oct. 15
Casemaker Training
10–11:15 a.m.; 11:30 a.m.–12:45 p.m.
College of the Holy Cross, Worcester

Casemaker has had many new features added, including: CaseCheck, an enhanced case law search results function, database availability for all 50 states, nationwide collections of combined Supreme Court and ethics opinions and more. To register, call MBA Member Services at (617) 338-0530.

Tuesday, Oct. 16
Intellectual Property Questions: Identifying Issues and Improving Your Clients’ Understanding
8–9 a.m.
Course #: BLB08

and understand IP issues more clearly; it will also teach attendees how to explain those issues to their clients.

Faculty: Seth M. Wilson, Esq., program chair, Bulkley, Richardson & Gelinas LLP, Springfield

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

Casemaker Training
4–5:15 p.m.
Course #: CASEH08
Elms College, Chicopee

Casemaker has had many new features added, including: CaseCheck, an enhanced case law search results function, database availability for all 50 states, nationwide collections of combined Supreme Court and ethics opinions and more. To register, call MBA Member Services at (617) 338-0530.

Drafting the Simple Will
4–7 p.m.
Course #: PLA08
MBA, 20 West St., Boston

In addition to providing many updates to changes in the law, this class will dissect each paragraph of the standard form purchase and sale agreement, explain what it means and address critical changes that must be made depending on the specifics of the transaction. Among other topics, attendees will learn: the meaning of each paragraph of the purchase and sale agreement; necessary revisions; preliminary steps to take to ensure a smooth transaction; the legal implications of the offer to purchase; recent case law updates; and more. To register, call MBA Member Services at (617) 338-0530, or visit www.massbar.org/CLE.

Faculty: Seth M. Wilson, Esq., program chair, Law Office of Stephen D. Silveri, Dedham.

Thursday, Oct. 18
Online Dispute Resolution: How It Provides Increased Effectiveness, Efficiency and Quality
Luncheon Roundtable
Noon–2 p.m.
Course #: YLB08
MBA, 20 West St., Boston

A panel of Online Dispute Resolution practitioners, developers and teachers will raise questions both before and after the online demo to help attendees see the potential use of these technologies in their legal practice. This workshop will explain how ODR is accomplished and how it can be used in family mediations, business disputes and small claims. To register, call MBA Member Services at (617) 338-0530 or visit www.massbar.org/CLE.


Sponsoring sections/committees:
MBA Alternative Dispute Resolution Committee, Business Law, Civil Litigation, Family Law, Law Practice Management, General Practice, Solo & Small Firm, Young Lawyers Division

35th Annual Robert Fuchs Labor Law Conference
12:30–7 p.m.
Suffolk University Law School, 120 Tremont St., Boston

The 35th Annual Labor Law 
MBA Calendar of Events

Conference addresses topics of critical importance to practitioners, analyzes recent developments and frames forthcoming issues. The day concludes with a networking and cocktail reception. Don’t miss this exclusive opportunity to meet with your colleagues, program faculty, and the leaders of the labor and employment bar. For registration information and pricing, call (617) 573-8627 or visit www.law.suffolk.edu/als.

Sponsors: Suffolk University Law School and the Labor & Employment Law Sections from the Boston, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont bar associations.

Tuesday, Oct. 23
Criminal Sentencing Symposium
10 a.m.
Massachusetts Statehouse, Boston

Join representatives from all three branches of government to discuss criminal sentencing reform. Moderated by MBA President David W. White Jr., the panel discussions will touch on the room for improvement with the current sentencing system and reform that will bring about reduced crime rates and cost savings to taxpayers. The event is free and open to the public.

Thurs, Nov. 29
Legal Technology Expo
10 a.m.–5 p.m.
Sheraton Needham Hotel, Needham

Make your practice efficient, organized and cost-effective at the Legal Technology Expo sponsored by the MBA and Lawyers Weekly. The latest products and services in legal technology will be on display and explained in Tech Talks throughout the day. Join fellow practitioners focused on streamlining their practices and learning about emerging trends.

To register, contact MBA Member Services at (617) 338-0530.

MBA Signature Event

Thursday, Nov. 1
MBA Gala Dinner
5:30 p.m.
InterContinental Hotel, Boston

Join the MBA for its Annual Gala Dinner, featuring keynote speaker Richard A. Clarke and the presentation of the Legislator of the Year Award to State Rep. Michael A. Costello (D-Newburyport). This event will be held in the Rose Kennedy Ballroom at the InterContinental Boston.

To buy a ticket, purchase a table or become a dinner sponsor, contact MBA Member Services at (617) 338-0530.

Tuesday, Oct. 30
Current Issues in Medicare and Medicaid
4–7 p.m.

This program will cover the practical, legal, procedural and evidentiary issues relating to electronic discovery and document management. This program will cover such topics as: the new Federal Rules of Civil Procedure (implications for litigators and application in federal and state trial practice); document management and related technology; electronic discovery; and a view from the bench.

Faculty: Katherine A. Robertson, Esq., program chair and moderator; Bulkley, Richardson & Gelinas LLP, Springfield; Hon. Kenneth P. Neiman, U.S. District Court, Springfield; John E. Garber, Esq., Weinberg & Garber, Northampton; Kenneth Nourse, Esq., Kroll Ontrack, Boston; Steven O’Neil, Esq., Bowditch & Dewey, Worcester

Co-sponsors: Western New England College School of Law and the Berkshire, Franklin, Hampden and Hampshire county bar associations

To find out more about this new section chaired by Falmouth attorney Susan Huettner (pictured, left) and North Attleborough attorney Patrick Francomano (pictured, below), visit massbar.org.
Member to Member

AVIATION LAW

Anthony Tarricone, Esq.,

Concentrating in cases involving serious personal injuries and wrongful death resulting from the operation, design, and maintenance of all types of aircraft. Twenty-five years experience in aviation cases including airline, commercial and general aviation.

Kreindler & Kreindler, LLP
277 Dartmouth Street
Boston, MA 02116
617-424-9100 • Fax 617-424-9120
atarricone@kreindler.com
www.kreindler.com

HEAD INJURY

Kenneth I. Kolpan


For info on brain injury litigation, visit www.kolpan.com or write to ken@kolpan.com.

NEW YORK ATTORNEYS


The Law Offices of Arlene Lauren Boas, 330 Eagle Ave., West Hempstead, N.Y. 11552. tel (516)481-3339, fax (516)481-7905 email: albesq@optonline.net

FLORIDA ATTORNEYS

Florida — Experienced lawyers with New England roots offering assistance with all legal matters in Florida including: Wills, Trusts, Probate, Real Estate and Business Transactions. Prompt professional, attentive service. Immediate consultation available in your office or ours.


PATENT, TRADEMARK, AND COPYRIGHT LAW

(617) 964-2300 (phone) • (617) 964-2307 (Fax)
1320 Centre Street, Suite 300
Newton, MA 02459

FLORIDA REAL ESTATE CLOSINGS

Residential & Commercial
Purchase or Refinance
Serving the entire State of Florida
Call 561-745-5505

William F. Talham Jr., P.L.
Attorney at Law
Palm Beach Gardens
Admitted in Florida & Massachusetts
barristerbill@comcast.net
Fax: 561-745-6800

FLORIDA ATTORNEYS

For more information and to register, please visit www.aila.org/fundamentals

New Hampshire Seacoast Law Office
for Sale Transition or Merger

Well-established successful thriving practice is immediately available. Opportunity for high income, new lifestyle, and strong regional presence.

Step into immediate caseload, intake calls, successful advertising campaign, website, extensive office equipment, computer systems, forms, procedures, case processing system, and excellent staff all in-place.

Excellent location and facilities include long-term lease with option. Currently Personal Injury, Medical Malpractice, Civil Rights, Employment Litigation with room for expansion.

Contact Frank Mesmer (603)-668-1971
“Life was going great until the accident. Bills started piling up and I was really getting behind on my mortgage. Then I called PS Finance and they helped me out with the utilities and saved my house. PS I love you.”

—R.G., Accident Victim
Exactly what you need. Right where you need it.

West Regulations Suite™. Now on Westlaw®.
All state and federal regulations for a topic. All together.

West Regulations Suite for employment, insurance and securities is your one-stop source for consolidated state and federal regulatory information. Find what you need on a topic and complete your regulatory research in one convenient location without having to search multiple sources.

Get the complete picture with state and federal regulations, integrated with state agency materials and decisions, statutes and caselaw.

West Regulations Suite. The comprehensive source you’ve been thirsting for.

Learn more at west.thomson.com/westlaw/regulationssuite or call 1-800-762-5272 today.