Finding radical solutions

I am inspired by state Rep. Byron Rushing, who co-chairs the Special Commission Relative to Ending Homelessness in the Commonwealth. Not content to find programs which needed increased funding, or to seek a few Band-Aids to patch up old problems, the commission proposes a much more radical approach: Empty the homeless shelters, put people in permanent housing and attach the services that are needed. End homelessness, period.

President’s View

by David W. White Jr.

The commission analyzes the causes of homelessness, and envisions a new system to stabilize tenancies to prevent homelessness and to re-house people before they enter shelters. The commission projects that the cost of the program is no greater than the current inadequate system of sheltering. The benefits of such a system would be significant.

The recommendations do not call for any new bureaucracies in the state, but rather for a re-alignment of the services. The present expenditures from the Department of Transitional Assistance, which total $120 million for temporary homeless sheltering, would be redirected for the development and maintenance of specialized supportive housing and flexible cash assistance to stabilize housing situations. Emergency shelters would be

2008 Access to Justice Awards on March 6 named in honor of legal services champion Nancy King

This year’s MBA Access to Justice Awards are being dedicated to legal services luminary Nancy King, the executive director of the South Middlesex Legal Services in Framingham, who lost a 20-year battle with breast cancer on Dec. 18 at the age of 59.

State Rep. Byron Rushing, D-Boston, will give the keynote speech at the luncheon, which is being held March 6 at the John F. Kennedy Library and Museum in Boston. The event will honor King posthumously with the 2008 MBA Access to Justice Lifetime Achievement Award.

Rushing, who was first elected in 1982, is second assistant majority leader of the Massachusetts House of Representatives.

Former servicewoman focuses legal service practice on meeting veterans’ legal needs

by Kate O‘Toole

Lisa LaFera majored in psychology and criminal justice at Middle Tennessee State University, taking classes part time while she served in the U.S. Air Force. During college, LaFera once asked one of her professors — a former public defender — about the best way to start a career as a paralegal.

“He said to me, ‘Lisa, why be a paralegal? Have you thought about going to law school?’ And the thought had never occurred to me,” LaFera recalled.

A few years later, she moved to Nashua, N.H., where she lived and worked while attending New England School of Law. After graduating from law school, she wasn’t sure exactly what she wanted to do. “I knew that I wanted to help and wanted to make more of a difference, but I wasn’t sure how,” she said.

LaFera went on to pass the bar in 2005.

Although she worked for the New Hampshire Department of Children and interned for the Public Defenders Office in Nashua during her time at New England School of Law, LaFera noted, “As a night student, internships are limited, clinics are limited and you get less trial experience.”

Through a friend who had interned at Shelter Legal Services, she found out about an opening for a supervising attorney there. LaFera landed the job and has been there for two years now, and “loves it.”

As one of two supervising attorneys at Shelter Legal Services — which has offices at Suffolk University Law School and Boston College Law School — LaFera serves between 50 and 75 clients and also manages her staff, which consists

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Firms sign eco-pledge, p. 10.
2008 Access to Justice Awards named in honor of legal services champion Nancy King

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His legislative priorities include human and civil rights, the advancement of democracy, economic and housing development and providing housing and health care for all. Rushing was an original sponsor of the gay rights bill and the chief sponsor of the law to end discrimination on the basis of sexual orientation in public schools. He is a spokesman against the restoration of the death penalty in Massachusetts. He successfully sponsored legislation to create a commission to develop a comprehensive plan to end homelessness in the commonwealth.

Honoring King’s service

King spent 30 years at South Middlesex Legal Services, which provides free civil legal aid to the low-income residents of 36 towns between Routes 128 and 495. After dramatic cutbacks in federal funding in the early 1980s, she lined up new funding sources for SMLS from grants and private donations.

King earned a reputation as a selfless advocate for the delivery of legal services to the poor, a woman who fought valiantly for critical funding in a cheerful, enthusiastic way that observers said was nearly impossible to resist. Her willingness to help out in whatever way needed was renowned, as was her warm, personal style and sense of humor.

“Nancy’s heart was extraordinary; she’s left a legacy of extraordinary deeds on behalf of the most unfortunate people,” said MBA President-elect Edward W. McIntyre. “If the true measure of a life is service to others, Nancy led an abundantly chock-full life. I think the meaning of Nancy’s life was giving meaning to the lives of others, especially the downtrodden.”

“She really did exemplify what this award is all about,” said Access to Justice Section Chair Ellen J. Zucker, of Burns & Levinson LLP in Boston. “She is a rare person and holds a rare place in people’s hearts.”

MBA Past President Kay H. Hodge, who knew King well because she was active in the Framingham and Marlborough community, said, “Nancy was just extraordinary. As we honor her, we honor a legacy.”

In a tribute on the South Middlesex Legal Services’ Web site, King is quoted explaining why she fought so hard to provide legal help for those who could not afford the legal help they needed so badly.

“Over the years, I have been moved by their courage and decency. With dignity and determination, they face the terror of domestic abuse, the fear of violence in their own neighborhoods, the threat of becoming homeless, or the anxiety of being one paycheck away from disaster.”

After graduating from Boston College Law School in 1972, King started her career as a legal aid attorney in Albuquerque, N.M., before returning to the Boston area and joining South Middlesex Legal Services as a staff attorney in 1977. She was named executive director in 1979.

King’s honors include Boston College Law School’s David Nelson Award for Public Interest Law (1994) and the United Way of Tri-County’s “Women of Character Award” (2003). She served on the steering committees of the Neponset Valley and MetroWest Community Health Care Coalitions and was appointed by the Supreme Judicial Court as a commissioner of the Equal Justice Commission. She also served on the boards of the MetroWest Boys and Girls Club and the South Middlesex Bar Association.

Robert Sable, executive director of Greater Boston Legal Services, said, “Nancy was astonishingly open about her struggle with cancer. But she never complained. There was no self-pity. I asked her about it once not long ago and she said: ‘You give yourself 10 minutes a day to feel sorry for yourself and then you get on with it.’”

Access to Justice Awards Luncheon

Thursday, March 6, noon

John F. Kennedy Library and Museum, Boston

Legal Services Award

Faye Rachlin, Legal Assistance Corp., Worcester

A legal advocate for the indigent, Rachlin assists tenants struggling with mental illness and addiction in gaining access to clinicians and other social services.

Pro Bono Award for Law Firms

Heisler, Feldman, McCormick and Garrow PC, Springfield

A Springfield-based firm known for its innovative compensation model, the firm relies on state fee-shifting statutes and has no expectation of client payment upon engagement.

Nutter, McClennen & Fish LLP, Boston

This Boston-based firm has dedicated its time to representing lawful immigrants whose access to justice would otherwise be limited.

Pro Bono Publico Award

Thomas A. Manning, solo practitioner, Worcester

Manning established the “Lawyer for the Day” program in the Worcester Probate and Family Court to provide assistance to pro se parties.

Defender Award

Erica E. Cushna, CPCS, Springfield

Cushna is a specialist in juvenile defense work and has zealously advocated for juvenile rights before the Supreme Judicial Court.

Prosecutor Award

J. Thomas Kirkman, District Attorney’s Office, Barnstable

Kirkman has spent much of his career as an advocate for victims of domestic violence, in both private practice and as an assistant district attorney.

Former servicewoman focuses legal service practice exclusively on veterans

Continued from page 1

primarily of volunteer law students.
As a whole, Shelter serves more than 450 clients per year at Rosie’s Place, Cambridge Multi-Service Center for the Homeless, New England Shelter for Homeless Veterans and Chelsea Soldiers’ Home. LaFera focuses her work exclusively on veterans, most of whom fought in the Vietnam War. As a former member of the Air Force, LaFera said that she and her clients sometimes tease each other about the different branches of the military. “I love my clients,” she smiled.

Veterans struggle with a range of legal problems

LaFera explained how many Vietnam veterans were caught in a familiar cycle. Post-traumatic stress disorder was not widely addressed in the immediate aftermath of the Vietnam War, only emerging as an issue of interest in the past two decades. As a result of untreated PTSD and other related medical issues, many soldiers struggled in their readjustment to civilian life and turned to drugs and alcohol to self-medicate.
As a result, many veterans were incarcerated, trapped in failing marriages and found themselves lacking the ability to maintain steady employment and housing. Today, many of LaFera’s clients — mostly men in their 50s and 60s, whom she described as “independent and proud” — are facing a variety of legal problems.
“The biggest issues for my clients are child support modification and divorce,” LaFera said, “It’s an uphill battle for them.”
For ex-offenders trying to rebuild their lives, unresolved child support payments can be major obstacles. “It’s difficult for many of them to make headway. The Department of Revenue can garnish up to 65 percent of someone’s wages,” LaFera said, “And if they owe back child support, the Department of Motor Vehicles will prevent them from renewing their licenses.” This makes the prospect of stable employment seem even more arduous.
Aside from family issues, many of the older veterans are coping with end-of-life planning. This planning can be especially difficult to sort out for veterans who have little or no family and live in residential facilities like Chelsea Soldiers’ Home, which houses several hundred residents. Discussing wills, health care, burial arrangements and other important end-of-life choices with older veterans is essential, but challenging and often overlooked, LaFera said.
Along the same lines, Shelter Legal Services recently started to work on guardianship issues with older veterans suffering from dementia, Parkinson’s disease, Alzheimer’s disease and other degenerative conditions that impair decision-making abilities. Although the vast majority of LaFera’s clients are men, she has also worked with a handful of women. “Many of the women are in their mid-40s and facing debt problems and divorce.” Some of them, like their male counterparts, are seeking discharge upgrades, which can affect their benefits.

Help from volunteers

Thanks to volunteer law students, and the growing support of both nonprofit organizations and law firms, Shelter Legal Services continues to grow.
“We have an orientation in the fall that teaches students how to work with clients, and also covers ethics, which is important when it comes to issues of confidentiality,” she explained. Some of the volunteers are also attorneys who volunteered for Shelter when they were law students. “We’re always looking for volunteers, and hope that the volunteer work can be treated more like a clinic by the local law schools, so they can get credit for volunteering.”
“One of our ultimate goals is to open outreach offices in other parts of the state,” LaFera said. She hopes that eventually law students from Western New England College School of Law could volunteer in a Springfield-based office.
LaFera is also grateful for the support of WilmerHale, which has volunteered to assist with wills, trusts and estates issues at Chelsea Soldiers’ Home. “Even though the veterans usually have minimal assets, this is a neglected area of law,” she said. LaFera was also excited to report that their first will signing was held on Jan. 16 at the soldiers’ home.

Looking ahead

LaFera and her colleagues are appreciative of the assistance of the private sector, but she emphasized that there is still more work to be done. Aside from opening more offices and expanding the services that the organization already offers, LaFera hopes to introduce a program specifically tailored for incarcerated veterans to help them with civil actions before they get out of jail.

According to the U.S. Department of Veterans Affairs, there are more than 23 million veterans in the United States, including more than 400,000 in Massachusetts. Of those 400,000 veterans, 7,000 are homeless. “Shelter is the only legal service agency that is geared specifically towards veterans’ issues,” she pointed out, adding that it is essential that funding and resources continue to be focused toward this significant population of Americans. Although the majority of her clients served during the Vietnam War, LaFera wrapped up by briefly commenting on the Iraq War: “We haven’t seen a lot of Iraq War veterans yet, mostly because we would only see them if they were homeless,” she said. “Many of them are in the reserves, and are going through reserves channels to access services. But we know it’s coming.”

To learn more about Shelter Legal Services, visit www.shelterlegalservices.org.
For information about volunteering for the MBA’s upcoming Dial-A-Lawyer for Veterans, contact MBA Community and Public Services Director Elizabeth O’Neil at (617) 338-0560 or eonell@massbar.org.

March 20 “Town Hall” provides forum for bar’s feedback on the Firm and Fair Trial Date initiative

by Tricia M. Oliver

MBA Civil Litigation Section
Council Chair Jeffrey N. Catalano and MBA President David W. White Jr. have collaborated with Chief Justice Barbara J. Rouse and others in the Superior Court to present the first Firm and Fair Trial Date Town Hall at Suffolk University Law School on Thursday, March 20, at 4 p.m.
“This will be a terrific opportunity for practitioners to learn of the progress of the Firm and Fair Trial Date initiative and to convey their thoughts on the initiative’s progress to those members of the judiciary who are most influential in administering the process,” said Catalano, who expects that the event will bring about a productive dialogue between the bench and bar.
According to Catalano, the idea for such a forum followed the judiciary’s interest in sharing information and getting more feedback from trial attorneys on this worthwhile initiative.
More stringent time standards to improve the judiciary’s accountability have been front and center for the trial courts as part of reform efforts following the 2003 Monan Report. When appointed chief justice nearly two years ago, Rouse took that focus one step further by embarking on the Firm and Fair Trial Date initiative.
According to Rouse, the goals are two-fold — to reduce the need for continuance requests and to set reliable and firm trial dates. Rouse described the initiative’s results as bringing about a “dramatic improvement.” She explained that the court has reduced continuances by 22 percent statewide and is trying 60 percent of cases on their first or second trial date.
“The initiative is a big step in the right direction,” said Catalano. “There is a noticeable improvement, but as with all important undertakings, it is a work in progress that requires the input of the bar.” he added.
More details on panelists and event specifics will be published in upcoming issues of MBA’s weekly Lawyers e-Journal and the March issue of Lawyers Journal.
Members interested in attending the March 20 Town Hall should call (617) 338-0530 or e-mail membership@massbar.org.
Finding radical solutions

Continued from page 1

temporary, transitional, last-resort options instead of de facto housing for so many homeless families and individuals.

The plan also calls for the construction of more affordable housing, development of a broad array of housing alternatives for those who are already homeless and those who are at risk of homelessness, and breaking down barriers to accessing existing housing. The capital cost of needed construction is projected at $250 million.

While that cost may seem daunting, the savings on other programs and the benefits to society should easily balance the expense. It is obvious to anyone that the homeless family, bouncing in and out of shelters, has little economic opportunity, and the likelihood of a stable and productive education for the children is greatly diminished. It should also be obvious that the homeless family is more likely to be victimized, to be involved in crime and to suffer physical and mental health problems.

While stabilized housing is not going to end poverty, it should contribute to the reduction of poverty as families are able to gain access to more efficiently administered supportive services, to economic opportunities, and to education. The families in need of housing assistance would be the focus as well of coordinated mental health, substance abuse and health care services, as well as education and training.

The commission also reminds us of the problems arising from the release of inmates from jails and prisons. Of the approximately 25,000 incarcerated men and women in Massachusetts, at some point, 97 percent will be released after gaining parole or completing their sentences. Each year, 4,000 ex-inmates move to homeless shelters or just live on the street. Without resources, education or job skills, these are the people who are among the most likely to re-offend in their first years after imprisonment, only to return to incarceration, an expense of $48,000 year in the state prison (and of course, there are the attendant expenses of victimization, prosecution and defense). Simply put, reducing homelessness is a way to reduce crime and save money.

Perhaps you are thinking, “What does this have to do with lawyers?” Homelessness and threatened homelessness result in eviction proceedings, loss of economic stability for landlords who may face foreclosures, custody and care and protection issues, juvenile court proceedings, and so forth. Those costs can foreseeably be reduced.

There are plenty of other societal ills deserving radical reassessment. For example, it makes no sense to continue to fail to recognize the enormous problem of mental illness in our prison population. The stories are familiar: the mentally ill act out in prison, and instead of treatment they get isolation. Worsened illness and suicide too often result. They are also more likely to be released to the street without parole supervision because they have completed their sentences. Treating the illness and providing the other needed support helps breaks the cycle of crime.

Foster children, who “age out” of the Department of Social Services system as they turn 18, in many cases are left bereft of support and resources. They have no families, no money, often no job training or even a high school diploma. Programs to assist in the transition to adulthood are almost entirely lacking (the exciting exception is in Essex County, where a pilot project in the juvenile court has demonstrated great successes), putting these young adults at greater risk for homelessness, welfare dependency and incarceration.

Substance abuse is another area richly fertile for radical rethinking. Although drug courts offer some limited opportunities to divert drug-addicted defendants to treatment instead of to jail, thousands of individuals are still convicted and imprisoned for crimes related to addiction (including drug sales, prostitution, theft and so on). If the emphasis were on treatment instead of punishment, there would be more chance of breaking cycles of addiction and crime. Once again, I contend, we would see long-term savings and reductions in crime.

Albert Einstein once said, “The definition of insanity is doing the same thing over and over again and expecting different results.” Following the same tired paths on housing, mental health and addiction certainly fit that definition of insanity. I am sure you can think of many other societal ills which deserve complete re-thinking. We need to thank leaders like Rep. Rushing, who dare to offer radical solutions, and to follow him by thinking outside the box.

To read the full report of the Special Commission Relative to Ending Homelessness in the Commonwealth, visit www.chapa.org/pdf/ReportEndingHomelessness.pdf.

Amnesty International joins MABA to mark Guantanamo anniversary

by Tricia M. Oliver

On Jan. 9, the Massachusetts Bar Association and Amnesty International USA came together to mark the sixth anniversary of detainees being taken into custody at the Guantanamo Bay detention camp in Cuba. An intimate crowd gathered for a 4 p.m. “Guantanamo and the Rule of Law: Six Years Later” panel discussion, followed by a vigil held at the Park Street T station to raise public awareness on this important issue.

The panel discussion was hosted at the MABA’s Boston office and featured AI and MABA leaders, as well as Massachusetts attorneys who had varying levels of experience representing detainees. All panelists were connected with their Guantanamo clients through the Center for Constitutional Rights.

Steven Oleskey, of WilmerHale in Boston, serves as counsel for six Guantanamo detainees and began the panel discussion by presenting attendees with a thorough overview of the history of Guantanamo. Current reports indicate there are 275 imprisoned individuals deemed to be “enemy combatants” of the United States at Guantanamo.

Panelist Ellen Lubell, of Tennant Lubell, a two-attorney firm in Newton, shared a very personal account of her experience visiting Guantanamo to consult with her client. As told by her client, most prisoners who meet with attorneys are then punished for doing so. According to Lubell, her client went four months without seeing the sun as a result of their initial meeting. Lubell also shared with the attendees that she was surprised her client even agreed to meet with her and her law partner again months later.

Oleskey, Lubell and other panelists described how most of their legal efforts with their Guantanamo clients are now directed at putting plans in place should detainees be lucky enough to get released. As the panelists described, once released, most former Guantanamo prisoners will not be allowed back into their native countries. For example, Lubell is working to file an application for asylum in the United States for her client, who is from Algeria. She expects this petition to be rejected; however, she is hopeful that the rejection will help her client’s chances of being granted asylum in a European country.

One of the many poignant moments of the evening program came when Kevin Powers, of Rodgers, Powers & Schwartz LLP in Boston and chair of the MABA’s Individual Rights & Responsibilities Section, read a letter from a detainee. Powers told the audience, “This client would rather die than endure the conditions of this prison.”
The Massachusetts Bar Association held its third House of Delegates meeting of the 2007-08 association year at the Sheraton Springfield on Jan. 16 following a luncheon.

MBA President David W. White Jr. shared news that the association has saved more than $1,000 in electricity in two months after employees were asked to make changes, such as turning off lights when rooms are empty and shutting down computers at night, in keeping with the recently launched MBA Lawyers Eco-Challenge. The Conservation Law Foundation in Boston is collaborating with the MBA on the program, which asks lawyers to sign a pledge to make their office more Earth friendly. (For more information about the initiative, see stories on pp. 10–11 and visit www.massbar.org/ecochallenge.)

White also shared news that the MBA supports, in large part, recently unveiled reforms to Criminal Offender Record Information laws proposed by Gov. Deval Patrick. MBA General Counsel Martin W. Healy also discussed CORI reform during his report.

Criminal Justice Section Chair Lee J. Gartenberg is working on the issues of expunged records and non-convictions, which the reforms do not tackle, Healy said. The MBA pledges to work with the state in those areas, he said, noting, “A lot more work needs to happen.”

Healy also announced that discussion of the state’s fiscal 2009 budget has begun with talk of a possible $1 billion deficit. Like last year, the MBA will fight any cuts to the budget that negatively impact the legal system, he said. “We will be vigilant in our efforts,” Healy said. “It will be a very difficult budget climate.”

MBA Executive Director Marilyn J. Wellington announced a new fundraising campaign for the Massachusetts Bar Institute, which supports programs like Dial-A-Lawyer and the Mock Trial Program. Materials will be mailed in early February. “If every member of the MBA contributed $20, it would cover all of these programs,” Wellington said.

The MBA’s budget is on track, MBA Treasurer Valerie A. Yarashus said during her report. On a positive note, section membership has increased because of new memberships in the Young Lawyers Division.

MBA Secretary Robert L. Holloway Jr. presented the minutes from the Nov. 1, 2007, House of Delegates meeting, which were approved without change.

The leadership voted to support four proposals presented at the meeting:

• A redraft of S.878, which would rewrite M.G.L. c. 188, the Massachusetts Homestead Act. Submitted by the Real Estate Bar Association, the revision of the law would make several changes that aim to close loopholes. The new law would retain homestead rights when a new mortgage is placed on a home and when a home is bought before marriage and transferred after marriage to the couple. It would also make beneficiaries of a trust eligible for homestead provisions.

• A proposal from the IOLTA Committee to amend Mass. R. Civ. P. 23 as it relates to disposing of residual funds in class action proceedings. Presented by the Access to Justice Section Council, the proposal would require defendants to direct unpaid residue plus interest to nonprofit organizations or foundations which support projects that benefit a class of people similar to those represented in the suit, or to the Massachusetts IOLTA Committee.

• Efforts by the Judicial Administration Section Council to draft and submit a proposal that would allow state court judges to experiment with a liberalized version of Rule 3.5(d) in civil cases. The rule change, if applied, would allow counsel to make copies to expert witnesses and consultants as long as they agree with provisions of the order.

• A proposed standing order of the Probate and Family Court related to impoundment of guardian ad litem reports. The amendment would allow counsel to make copies of reports for in-office use only and to provide copies to expert witnesses and consultants as long as they agree with provisions of the order.

The leadership voted to table until the next House of Delegates meeting in March discussion about a redraft of S.1277/H.2226 proposed by Health Care for All. Civil Litigation Section Chair Jeffrey Catalano suggested the proposal to support the redraft be postponed until it can be reviewed by all section councils.

The next HOD meeting will take place at 2:30 p.m. March 6 at the John F. Kennedy Presidential Library and Museum in Boston.
Excellence in the Law honors profession’s finest

by Bill Archambeault

The Excellence in the Law event celebrated the profession’s finest on Feb. 5 at the Westin Boston waterfront with more than 200 people in attendance.

The annual ceremony, which is hosted by Massachusetts Lawyers Weekly and the Massachusetts Bar Association, honored the 2008 recipients of the Daniel F. Toomey Excellence in the Judiciary Award, the Excellence in Journalism Award, the 10 Lawyers of the Year and five Diversity Heroes.

Recognizing the work of Chief Justice Connolly

District Court Chief Justice Lynda M. Connolly was honored with the Excellence in the Judiciary Award. In 2004, Connolly was appointed District Court chief justice, responsible for overseeing 62 district courts. She has overseen the implementation of time standards and a dramatic increase in clearance rates in the district courts — which she calls the “gateway to justice for the vast majority of people who use the court system.”

Prior to her appointment as chief justice, she served as acting first justice in Charlestown District Court and was first justice of the Dedham District Court. She also served as a special assistant attorney general and as a special prosecutor in the Suffolk County District Attorney’s Office.

MBA President David W. White Jr., who presented the judiciary and journalism awards said Connolly is widely considered “engaged, well respected and well regarded.” Connolly said she was particularly pleased to receive an award named in honor of her former colleague Daniel F. Toomey, who she said had “heart, a towering intellect and a sense of humor second to none.”

She accepted the award on behalf of everyone who works in the district courts, from the judges to the probation officers to the support staff. She noted the unique opportunity to influence the public’s perception of the justice system.

“We have a responsibility to see the individuals behind the docket numbers and respond in a way that is humane,” she said.

A commitment to covering legal news

Cynthia G. Simison, managing editor of The Republican and Sunday Republican in Springfield, received the Excellence in Legal Journalism Award. She coordinates the paper’s daily local news, oversees the weekly Plus Papers and participates in long-range planning for investigative and enterprise reporting projects.

Simison has spent 31 years as an editor and reporter, eight years of which she spent covering state trial courts for The Republican. Simison joined the paper when it was known as Springfield Daily News as an intern in 1974 and became a staff writer three years later. She has served as Connecticut and Westfield bureau chiefs, court reporter, metro editor for the Hampshire-Franklin and Metro West editions and managing editor for special projects.

White praised Simison for knowing her readership and including informative, fair and accurate articles about the law.

“This award really belongs to the entire staff of The Republican and to Publisher Larry A. McDermott,” Simison said. “I would encourage each of you to work with your local papers to portray an accurate depiction of the legal community.”

Lawyers Weekly Publisher David L. Yas paid tribute to Rosemary J. Cooper, one of Lawyers Weekly’s “Lawyers of the Year” in 2005, who died recently.

“She was a lawyer who fought for the rights of bar advocates,” Yas noted before asking for a moment of silence in her honor.

The full list of honorees is as follows:

The Daniel F. Toomey Excellence in the Judiciary Award
Hon. Lynda M. Connolly, Chief Justice, District Court

Excellence in Legal Journalism Award
Cynthia G. Simison, Managing Editor, The Republican

Lawyers Weekly’s Lawyers of the Year 2007
Juliane Balliro, Wolf Block, Boston
Martha Coakley, Attorney General, Boston
Christine S. Collins, Bowditch & Dewey, Worcester
Nancy J. Kelly, Greater Boston Legal Services’ Immigration Unit, Boston
John Willshire-Carrera, Greater Boston Legal Services’ Immigration Unit, Boston
Peter B. Krupp, Lurie & Krupp, Boston
David E. Meier, Suffolk County District Attorney’s Office, Boston
Michael E. Mone, Esdaile, Barrett & Esdaile, Boston
Carlene A. Pennell, Rubin & Rudman, Boston
Andrew H. Tarsy, Anti-Defamation League, Boston
John M. Thompson, Thompson & Thompson, Springfield

Lawyers Weekly’s Diversity Heroes
Harry T. Daniels, Wilmer, Cutler, Pickering, Hale and Dorr LLP, Boston
Hon. Fernande R.V. Duffy, Associate Justice, Appeals Court
Mickey E. Harris, Law Offices of Mickey E. Harris, Springfield
Hon. Charles R. Johnson, Chief Justice, Boston Municipal Court
Bernadette Stark, Western Massachusetts Legal Services, Northampton
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www.lawyers.com/walkthrough

Esteemed leaders advise MBA’s Diversity Task Force

The Diversity Think Tank/Strategic Planning Group, an advisory group to the MBA’s Diversity Task Force, assembled Jan. 17 at the MBA’s Boston headquarters. The group meets annually to advise the task force on relevant issues related to promoting diversity in the legal profession.

Much of the evening’s discussion centered on developing ways to increase representation of people with diverse backgrounds at every level: in the pipeline coming into the legal profession; in the general membership of the MBA; and in MBA leadership positions. The dinner guests also explored methods to identify the demographic composition of the profession. Another topic of discussion focused on the different opportunities available for partnering with minority bar associations across the state.

Task Force Co-chair and MBA Treasurer Valerie A. Yarashus updated the think tank on the Diversity Essay Scholarship program, which will reach out to diverse groups of youth across the Bay State. She also reported on the new monthly leadership roundtables, which are open to officers, members of the Executive Management Board, section council chairs and members of the Diversity Task Force.

Support the MBA’s community service through Public Service Fund

by Tricia M. Oliver

MBA Executive Director Marilyn J. Wellington, Esq., is seeking the support and generosity of the legal community as the MBA continues to build on the wealth of community services programs being provided in communities across Massachusetts. In early February, MBA members will receive an important brochure in the mail—Bringing the Legal Profession into Your Community—reminding members of the thousands of hours of time that their colleagues in the law give back to their communities by volunteering in programming administered through the Massachusetts Bar Institute.

Through much collaboration with schools, state agencies, civic organizations, councils on aging and the like, the MBA has earned a reputation for excellence in providing programs to educate our youth, provide legal services to those in the greatest need, and to reach out to our neighbors, young and old, with invaluable law-related services and education.

Whether it be through the Elder Law Program, the Lawyer-Teacher Partnership initiative, pro bono programs such as the veterans project, the popular High School Mock Trial Tournament or the multitude of other community and public services, invaluable legal services and programming are offered to those who need it most.

“The MBA takes great pride in offering legal assistance to those who cannot afford an attorney, providing legal representation to members of our communities in the greatest need, inspiring the next generation of legal professionals, bringing about a better understanding of the role of the legal profession and legal system as part of our daily lives, and working to build new pro bono opportunities where they are most needed,” Wellington said. “If we are to continue to expand and enhance these programs that are so vital to our profession and to our communities, we must rely on the support and generosity of our colleagues in the legal community.”

By contributing to the “Bringing the Legal Profession into Your Community” MBI Public Service Fund, members will invest in the future of the association’s public and community services that impact thousands of citizens each year across the commonwealth.

Any and all contributions are welcome. For more information, e-mail communityservices@massbar.org.
MBA Lawyers Eco-Challenge takes next steps as dozens of firms sign pledge

by Jennifer Rosinski

Dozens of law firms, from large Boston firms to solo practitioners in the Berkshires, have signed the Massachusetts Bar Association’s Lawyers Environmental Pledge to implement the MBA Green Guidelines since its release last month.

The pledge and guidelines, compiled and written by the MBA’s Energy and Environment Task Force, are a part of the MBA Lawyers Eco-Challenge launched in September by MBA President David W. White Jr. The initiative is being run in partnership with the Conservation Law Foundation in Boston.

By signing the pledge, lawyers become Pledge Partners and agree to adhere to the guidelines, which offer detailed suggestions for making offices environmentally friendly. To view the pledge and guidelines, visit www.massbar.org/ecochallenge.

Now that the pledge and guidelines have been shared with the legal community, the task force is spreading the word about the project.

White spoke about the Eco-Challenge at the Going Green Expo at the Bayside Expo Center in Boston on Feb. 2 and 3. Task force members were on hand to share information about the Eco-Challenge and answer questions. For more information on the expo, visit www.goinggreenexpos.com.

Weekly tips based on the guidelines are also being published in each edition of Lawyers Weekly on the Practice Page and in the MBA’s Lawyers e-Journal.

Below is a list of offices that have already signed the MBA Lawyers Environmental Pledge. Signature firms are offices that agreed to sign the pledge in its early stages.

**Signature Firms**

Breakstone, White & Gluck PC, Boston

Brody, Hardoon, Perkins & Kesten LLP, Boston

Burns & Levinson LLP, Boston

Debra L. Smith, Attorney at Law, Watertown

Law Office of David J. Dennis and Associates LLC, Fall River

Law Office of Susan J. Crane, Sudbury

Law Offices of Jeffrey S. Glassman LLC, Boston

Shalhoub & Orlacchio PC, Boston

**Pledge Partners**

Michelle Bennett, Attorney at Law, Palmer

Borchers Ware & Guglielmo PC, Medway

Bromberg & Sunstein, Boston

Dorothy Carlo, Attorney at Law, Holyoke

Cohen & Sales, Cambridge

Concannon Law Offices, Marshfield

Davids and Wollman, Swampscott

Deily, Mooney & Glastetter LLP, Brookline

Susan DeMaria, Esq., Florence

Robert A. Feuer, Attorney at Law, Stockbridge

Anna T. Green, Attorney At Law, Beverly

Klevan & Klevan LLP, Wellesley

Law Offices of Jagruti Acharya, Marlborough

The Law Office of Holly D. Battige, Monson

Law Office of Elizabeth Clarke, South Deerfield

Law Office of Susan B. Frankfort, Danvers

Law Office of Dawn Harkness Esq., Framingham

Law Office of Helen G. Litsas, Saugus

Law Office of Erin McBee, North Andover

Law Office of Glenn J. Murphy, Medway

Law Offices of Leonard Y. Nason PC, Bedford

Law Office of Kristin Palace, Topsfield

Law Office of Craig Yankees, Burlington

Stephen M. Linsky, Esq., Newton

McIntyre Law Offices, Clinton

Modern Times Legal, Cambridge

Rosenberg, Freedman & Goldstein, Newton

Office of Roberta F. Sawyer, Duxbury

Mary Ellen Shea, Arbitrator, Private Practice, Amherst
MBA Lawyers Eco-Challenge Eco-Tips

Recycling

- To increase recycling, reduce wasteful purchases and encourage teamwork at your office, create an internal reuse center. This center, housed in a common area such as a cafeteria/kitchen or storage room/closet would become the central location for staff to swap supplies, from the tape dispenser left behind by a former colleague to a duplicate desk calendar.

Greenhouse gas reduction

- Work with the state’s free travel options program, MassRIDES, to set up programs at your office that encourage your employees to use commuting options, like transit, carpooling, etc. MassRIDES offers free assistance and will work with you to set up programs that best suit your employees’ needs, from transit pass programs to online ride matching for carpool/vanpools.
  - Help reduce greenhouse gases that contribute to global warming by cutting back on travel to and from work and while working. You can do that several ways:
    - Choose other modes of travel besides your personal car, like public transportation, biking, walking and carpooling. If you must drive, choose a fuel-efficient vehicle.
    - Hold Web and phone-based meetings instead of gathering in person.
    - Work from home whenever possible.

Environmentally conscious purchases

- Save trees and reduce your carbon footprint by switching to 100 percent post-consumer recycled content paper for photo-copying and professional print jobs. The myth that recycled content paper is of worse quality or will get stuck in copiers and printers is just that — recycled content paper performs just as well and comes with the added benefit of being able to promote your “green” choice to customers and clients!
  - To cut down on trash and packaging, buy your kitchen supplies — like sugar, creamer and coffee — in bulk rather than in single-serving containers.
  - Consider energy-efficient equipment when replacing appliances and computers in your office and home.
    - Visit Energy Star at www.energystar.gov to find a wide array of energy-saving products, including printers, copies, refrigerators and computers.
    - When replacing computers, consider those that are rated highly by the Electronic Product Environmental Assessment Tool (EPEAT) by visiting www.epeat.net. The Web site uses a set of criteria to help consumers compare the energy efficiency of various computers.

Paper reduction

- Review all catalogs, periodicals and other written materials that are regularly mailed to your office to check duplication, need and the possibility of electronic delivery.
  - If the same magazine or catalog is mailed to more than one person in your office, consider sharing the information instead of receiving multiple copies.
  - Remove your office from mailing lists when you can view the same information online or if the material is discarded immediately.
  - Visit www.41pounds.org for help in getting off mailing lists.

Sustainable practices

- Buy reusable coffee mugs for your employees or yourself and use them when you get your caffeine fix for refills in your office or the local coffee shop.

Tips are published each week in e-Journal and Massachusetts Lawyers Weekly.
Go Green!

Finally. an Affordable edact Paperless Office!

Be Paperless!

Green Paperless Campaign
Over 30% of the U.S. waste stream is paper! One of the main goals of Efact Document Management was to assist businesses with their desire to help the environment by creating less dependency on paper and increasing businesses productivity. We are committed to helping the environment one Efact at a time!

Tips on how your organization may help with this effort by visiting:
http://efactusa.com/green.html

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

Help the Environment!
Casemaker 1.0 recently upgraded to version 2.0. The upgrade brings enhanced functionality and a more streamlined process for conducting legal research.

Unlimited Casemaker use remains free to MBA members as part of your association membership and is easily accessible through www.massbar.org. It is important to note that your Casemaker member benefit allows unlimited document browsing, whereas other publishers, including Westlaw, are beginning to charge per document viewed for their browse features.

Casemaker 2.0 enhancements include:

- “Nationwide Collections” searches, which allow users to search multiple state libraries simultaneously;
- Immediate access to the Massachusetts library upon log-in;
- The ability to begin a search by hitting the ENTER key, rather than by clicking on the bull’s-eye icon;
- The availability of case law and statutes for all 50 states;
- Circuit court case law going back to 1950 in the new and improved federal library; and
- Supreme Court decisions going back to the Court’s inception.

In addition, users will soon be able to search case law and statutes for all of the New England states at once with a single click of the mouse.

To access Casemaker, or for more information on the upgrade enhancements, go to www.massbar.org. Visit the MBA Calendar online to learn more about Casemaker training in your area.

“Casemaker is the most cost-effective tool in my solo practice. It saves me time, space and money. These savings benefit my clients and students, and have a significant impact on my bottom line.”

—Steven B. Rosenthal
Steven B. Rosenthal, Esq., Sharon, and adjunct professor of legal studies, Lasell College, Newton

Member benefits are highlighted in each week’s issue of Lawyers e-Journal. Below are some recently featured benefits.

Avoid small claims court and arbitrate with the Fee Arbitration Board

The MBA can help. The MBA’s Fee Arbitration Board program provides voluntary binding arbitration to resolve fee disputes between attorneys and their clients and between attorneys.

Fee arbitration is an ideal alternative to the Small Claims, District or Superior Courts. The arbitrators are volunteer attorneys who are members of the MBA or trained arbitration professionals. The agreement to arbitrate addresses only the issue of the fair and reasonable value of the lawyer’s services.

The FAB provides an invaluable resource by answering questions about legal fee disputes, publishing model fee agreements, and promoting healthy communications between attorneys and their clients. Additionally, the FAB published the third edition of Fees & Clients Funds, a great resource for both experienced and newly sworn attorneys.

For more information on this program, visit the MBA Web site.

Section membership

Join one or more of the MBA’s 16 sections, specialty groups that focus on a unique area of law, and gain one of the most valuable advantages of membership.

As an exclusive benefit offered only to MBA members, section membership allows you to:

- Build a network of contacts with key lawyers and experts in the field through the numerous networking opportunities;
- Receive reduced rates for section-sponsored, continuing legal education seminars;
- Receive timely notice of recent case law and pending legislation;
- Seek appointment to leadership roles in the MBA; and
- Join practice groups, or specialty groups within a section, free of charge.

Participation in one section is included free as part of your MBA membership. You can join additional sections at the cost of $50 each.

Already a section member? Join a practice group

Once you are a member of a section, the primary way for you to become actively involved in the section is to join one of the MBA’s many practice groups. Practice groups play an important role in the section as a whole and work closely with the MBA section councils.

For more information about how to get involved in a practice group, contact Jean Stevens, sections administrator, at (617) 338-0641.
MBF elects new officers, honors SJC Justice Ireland

by Bill Archambeault

At the Massachusetts Bar Foundation’s recent Annual Meeting, 2007 President Carol A. Witt passed the gavel to 2008 President Laurence M. Johnson, and Supreme Judicial Court Associate Justice Roderick L. Ireland was honored with the Great Friend of Justice Award. More than 150 people attended the meeting and reception, which was held Jan. 24 at the Social Law Library in Boston.

In his keynote address, Ireland thanked the MBF for providing the SJC and the Massachusetts Bar Association with a $21,750 Fellows Grant to restore this year’s Judicial Youth Corps in Worcester. The grant helped the program bring legal education and courthouse internships back to Worcester after budget limitations in recent years forced the program to scale back to serving only Boston.

Ireland explained the ways the program has made a difference in the lives of urban teenagers since it was established by the SJC’s Public Information Office in 1991. Ireland has been an advocate of the Judicial Youth Corps since its beginning, serving as chair of the planning committee, advisor, program director, mentor and teacher.

“Last year, with the funding of the MBF, the program was able to pick up Worcester again,” he said during his speech. “For many of the students, this is their very first real job.”

Johnson praised Ireland’s commitment to the state’s youth through his involvement with the program, noting, “Justice Ireland has had a positive impact on a tremendous number of lives, and continues to do so.”

Ireland shared credit for the award with all of the court staff who volunteer their time to make the program work. “They do it for just one reason — because it’s a chance to give back and work with young people,” he said.

Ireland said he particularly enjoyed sharing lunches with the program’s students.

“Interacting with the students is certainly the high point of the summer, and it gives you a different perspective,” he said.

While all of the students participating in the program gain an understanding and appreciation for the law, he said, some alumni even end up working in the legal profession. Three graduates of the program, now practicing attorneys in Boston, were present for the event.

“We view this as a real investment in young people,” Ireland said.

This year’s grantee speaker was David LeBoeuf, a 2007 Judicial Youth Corps member from Worcester. He said he was impressed with the program’s ability to bring together a diverse group of students from across the city. LeBoeuf, whose internship was in the probation department, said it was rewarding to be able to work face-to-face with state employees and the people using the justice system.

“We were able to interact directly with the public,” he said. “We got to see the human side of the law.”

In his speech, LeBoeuf thanked the MBF for giving 10 students in Worcester the opportunity to work with attorneys, probation officers and defendants and gain a deeper understanding of the law.

“All of this happened because of individuals like you, members of the Mass. Bar Foundation, that sponsored this program and invested in hope, not stereotypes. So tonight I want to formally thank you all for your commitment to giving my community the chance to prove to the cynics that they are wrong about today’s youth, and I ask that you please continue to extend this opportunity to others.”

In his remarks to the audience, MBA President David W. White Jr. said he was honored to have the MBF as the MBA’s philanthropic partner.

“The strength of our collaboration continues to grow,” he said. “We were delighted to work with the foundation in reviving this program in Worcester, and equally delighted to see a group of students so inspired by the law—a novelty sometimes lost on those of us who have made it a career. I would like to say a special thank you to Justice Ireland for his continuing support for and dedication to the Judicial Youth Corps project. We look forward to watching this program continue to expand and thrive.”

The MBF inducted its officers for 2008:

• President Laurence M. Johnson, Davis, Malm & D’Agostine PC
• Vice President Joseph P.J. Vrabel, Endurance Asset Management Inc.
• Treasurer Jerry Cohen, Burns & Levinson LLP
• Secretary Robert V. Ward Jr., Southern New England School of Law

A new class of trustees, whose terms run through January 2012, was also inducted:

• Richard P. Campbell, Campbell, Campbell, Edwards & Conroy
• Hon. Thomas A. Connors, Massachusetts Superior Court
• Daniel J. Gleason, Nutter, McClennen & Fish LLP
• Edward W. McIntyre, Law Office of Edward W. McIntyre
• Joseph P.J. Vrabel, Endurance Asset Management Inc.

For 2008, Johnson pledged that the MBF would continue working on serving the state’s unmet legal needs through IOLTA grants and other projects.

“We’re going to broaden and expand our efforts to fulfill our mission,” Johnson said. “It is surely one of the very best organizations for lawyers to give back to their communities and the profession.”

Witt said she was pleased with the foundation’s accomplishments in 2007.

“I think we made some major strides this year on achieving the goals of our long-range plan,” she said, including broadening the scope of services the MBF provides with non-IOLTA-generated funds, such as it did with the Judicial Youth Corps.

“There’s no question what the students being served by this program gain,” Witt said. “We want to take the foundation in the direction of supporting a wide range of initiatives.”
**Member Spotlight**

Denise C. Moore named president of Friends of the BWH

Denise C. Moore, Esq., has been elected president of the Friends of the Brigham and Women’s Hospital Inc. The Friends of BWH is a volunteer organization whose membership consists of donors, patients, physicians, staff and friends committed to raising funds to promote the hospital’s mission through special events and ongoing fundraising efforts.

Moore is the recipient of the Alumna of the Year Award from Boston College Law School for her five years of service as co-chair of the BCLS Annual Fund. Moore has served as president of the Central Middlesex County Bar Association and is currently the vice president of the Cambridge, Arlington, Belmont Bar Association.

The Friends of BWH’s efforts have resulted in donations exceeding $7.5 million.

Richard K. Blankstein appointed to AHA Governing Council

Richard K. Blankstein, principal in the law firm of Posternak, Blankstein & Lund, Boston, has been appointed to the governing council of the American Hospital Association Section for Long-Term Care & Rehabilitation. Blankstein is chairman of the board of directors of New England Sinai Hospital, where he served as a member of the board since 1976. He has also served as board vice chairman and chairman-elect.

“This prestigious appointment recognizes Dick’s strengths in governance as they relate to the issues facing long-term care and rehabilitation,” said Sinai President and CEO Lester P. Schindel.

Governing council members advise the AHA on public policy issues, advocacy positions and emerging issues and member service strategies.

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**Request for proposals—MBF IOLTA grants program**

**MBF hopes to exceed last year’s awards by at least $1 million**

The Massachusetts Bar Foundation is pleased to announce the availability of applications for the 2008-09 IOLTA Grants Program. The MBF expects to award approximately $5.9 million to nonprofit organizations for law-related programs that either provide civil legal services to the state’s low-income population, or improve the administration of justice in the commonwealth.

Application materials are available at www.MassBarFoundation.org. The deadline for application submission is Friday, March 7. For additional information, please contact the MBF Grants Office at (617) 338-0534 or e-mail foundation@massbar.org.

The MBF is the commonwealth’s premier legal charity. Founded in 1964, the MBF is the philanthropic partner of the Massachusetts Bar Association and is one of three charitable entities in Massachusetts that distributes funds through the Massachusetts Supreme Judicial Court’s Interest on Lawyers’ Trust Accounts (IOLTA) Program.

The foundation represents the commitment of the lawyers of Massachusetts to improve the administration of justice, to promote understanding of the law and to ensure equal access to the legal system for all residents of the commonwealth, particularly those most vulnerable.

**MBF Legal Intern Fellowship Program offers $6,000 summer stipend for law students: March 14 deadline**

For many law students, internships at nonprofit organizations providing legal services to the poor are not financially viable. Students can’t afford loans and living expenses while following their passion for public interest law. Organizations across the state could benefit greatly from extra legal help during the summer months, but cannot afford to pay a legal intern salary.

The Massachusetts Bar Foundation’s Legal Intern Fellowship Program meets the needs of both law students and legal services programs by providing up to six $6,000 stipends to law students for volunteer legal internships at Massachusetts organizations during the summer months.

The MBF is pleased to announce that applications are now available for the 2008 Legal Intern Fellowship Program. Founded in 1996, the program seeks to encourage careers in the law that further the goals of social justice, while contributing valuable legal support to organizations providing civil legal assistance to the state’s indigent population.

The MBF strongly encourages all interested law students to consider applying to this program. Application information and materials are available online at www.massbarfoundation.org. Applications must be submitted by Friday, March 14. For additional information, contact Susannah Thomas at (617) 338-0647, or sthomas@massbar.org.

For more information about the MBF, visit www.massbarfoundation.org.
Volunteers needed for Elder Law Education Program during May

This May, in celebration of Law Day, the Massachusetts Bar Association and the Massachusetts Chapter of the National Academy of Elder Law Attorneys will once again present the Elder Law Education Program.

Last year, with the assistance of a group of volunteers from the MBA’s Probate Law Section Council, we introduced “Taking Control of Your Future: A Legal Checkup,” a resource guide which was distributed to all participating agencies. The updated 2008 guide contains information on a wide range of legal issues affecting the lives of seniors and allows participating agencies to select a presentation on any of the topics included in the guide. Examples of past presentation topics are:

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

During the month of May, MBA members throughout the state will volunteer their time to speak at their local senior center or council on aging. Last year, more than 140 centers participated in the program, providing attorneys with many opportunities to connect with their communities, while providing seniors with valuable information on legal issues affecting their lives.

We are currently seeking elder law attorneys to volunteer to make presentations in their communities. If you are interested in volunteering, call (617) 338-0695 or e-mail communityservices@massbar.org.

Pro Bono Opportunities Guide available online

For many years, the Massachusetts Bar Association has offered to its members an opportunity to access statewide and local organizations that are in need of pro bono services from attorneys, law students and paralegals. These services can range from actual client representation to the training of staff. The MBA supports 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: www.massbar.org/publications/pbog/. Be sure to check back throughout the year to stay aware of seasonal opportunities or late additions to the guide.

Help us expand the Pro Bono Opportunities Guide

If you currently volunteer for an organization which is not listed in the guide, or are aware of other organizations in need of pro bono assistance, please let us know so that we may offer them an opportunity to be listed in the guide. Additionally, if you have found a pro bono opportunity through the guide, we’d like to hear from you. Contact the Community Services Department at (617) 338-0695 or communityservices@massbar.org.

Brown Rudnick donates $25,000 to Mock Trial; Firm supports program for 10th consecutive year

by Tricia M. Oliver

Brown, Rudnick, Berlack, Israels LLP, through its Center for Public Interest, recently donated $25,000 to the Massachusetts Bar Association’s 2008 Mock Trial Program. Brown Rudnick has been the exclusive financial underwriter of this program, contributing a quarter million dollars since 1998.

“Brown Rudnick’s commitment is integral to enhancing our ability to provide thousands of our young citizens with an early introduction to the legal system,” MBA Executive Director Marilyn J. Wellington, Esq., said.

The popular high school Mock Trial competition kicked off its 23rd year on Jan. 28. More than 15,000 students at more than 100 schools across the commonwealth are participating. At least 100 lawyers across the state will serve as volunteer coaches and judges.

“Brown Rudnick’s commitment is integral to enhancing our ability to provide thousands of our young citizens with an early introduction to the legal system,” MBA Executive Director Marilyn J. Wellington, Esq., said.

From left to right: Brown Rudnick Center for the Public Interest Executive Director Al Wallis, MBA Executive Director Marilyn J. Wellington, MBA President David W. White Jr. and Brown Rudnick Chief Executive Officer Joseph F. Ryan.

Mock Trial judges needed for later rounds

Each trial in the 23rd Annual High School Mock Trial Tournament is judged by an attorney volunteer, and whenever possible, trials are held in actual courtrooms. The MBA is currently seeking attorneys to volunteer as Mock Trial judges.

If you are interested in volunteering your time as a judge, call (617) 338-0570, e-mail mocktrial@massbar.org, or visit www2.massbar.org/pub_programs/mock_trial/judge_signup.php for an interactive schedule which allows you to volunteer for trials online. We are adding new dates regularly, so be sure to check frequently for new dates in your area. You may volunteer for one trial (a ½- to 3-hour commitment) or more. You do not need expertise in a specific area of law to be a Mock Trial judge.
Catching the excitement of the Lawyer-Teacher Partnership Program

by Dennis Garrigan

Growing up, Scott Heidorn always knew he wanted to be a lawyer. However, as a high school student, he felt there was a huge void in gaining an understanding of the legal system. Although he wouldn’t reach that understanding until he began law school, he had an opportunity to bridge that gap through the Massachusetts Bar Association’s Lawyer-Teacher Partnership Program.

“Our students were amazed that a successful, young lawyer would come from Boston to share his experiences with them and convey his excitement about the law,” said Tess Hopper, social studies teacher at Georgetown Middle/High School, which used the StreetLaw textbook for the past two years, but without the benefit of having a lawyer in the classroom. “Scott really made the law come alive for our kids. It was a really big deal to them, and his presence in the classroom continues to have a lasting impression.”

Heidorn is an associate at Campbell, Campbell, Edwards & Conroy in Boston, specializing in civil litigation. He is a member of the MBA and the Boston Bar Association. Hopper says Heidorn was always prepared, knew the textbook and handled every question the Georgetown students could muster.

“At first, our students asked Scott anything and everything that came to mind,” said Hopper. “He answered every question thoughtfully. But what really impressed our students was that Scott made himself available, even outside the confines of the classroom, by providing his e-mail for any follow-up questions.”

“I was surprised at how much the students knew about the law,” said Heidorn. “They were especially well-versed in elements of criminal procedure and constitutional law. However, as a civil litigator, it came as somewhat of a surprise to me that their knowledge of civil law was not as extensive as criminal law.”

After improving the students’ understanding of the legal system, Hopper says Heidorn worked out a lesson plan to show the relationship between criminal and civil law and how each of them features complementary components.

“In class, Scott had our students take a position on issues such as gun control and malpractice, sometimes outside their own comfort zone,” said Hopper. “Having done that, the students worked on a full range of legal scenarios that included both the criminal and civil ramifications.”

With the cooperation of Essex County Superior Court, the highlight of the fall semester’s Lawyer-Teacher Partnership was a daylong trip to the courthouse in Salem.

Heidorn had arranged for three classes from Georgetown Middle/High School to be in the court when Judge Howard Whitehead held a sentencing hearing for a man—not much older than the students—accused of aggravated assault and battery.

“To see the students absorbing the reality of what was taking place in the hearing was enormous,” said Hopper. “The visit to the courthouse and the sentencing crystallized all of the issues that were raised in the classroom. However, this time, the students weren’t dealing with hypotheticals; they witnessed how the law affects real people.”

Following the hearing, Heidorn arranged for the judge to speak to the students about the hearing that had taken place. The judge provided background about the case, explained the impact it had on the defendant’s family, and gave the rationale behind the final sentencing.

“Judge Whitehead spent a lot of quality time with the students, and he encouraged them to ask questions,” said Heidorn. “This was a unique educational and instructive opportunity for learning about the courts. He did a great job with the students, and he appeared to really enjoy the experience.”

“Scott’s excitement about the law is infectious,” said Hopper. “He definitely made the legal system more relevant for our students. His humility, combined with the obvious satisfaction for the work he does, is definitely changing negative stereotypes about the profession.”

Heidorn credits the MBA’s Community and Public Services Department for motivating him to get involved in the Lawyer-Teacher Partnership Program. While attending a meeting of the Young Lawyers Section Council of the MBA, he said he was intrigued with the message that Community and Public Services Director Elizabeth A. O’Neil delivered to the membership about the work MBA members were doing in the classroom.

“When Beth explained the opportunity, that was enough for me,” said Heidorn. “I knew that the Lawyer-Teacher Partnership was what I wanted to get involved with.”

Although Heidorn has high praise for the StreetLaw textbook, he believes the textbook alone is not enough. “To truly bolster the program and vitalize it for students, we need more lawyers to get involved,” he said. “When we get involved, the law comes alive for the students, and attorneys derive a deeper sense of personal satisfaction from the work they’re doing.”
MBA supports sweeping reform of state probate system

by Jennifer Rosinski

Massachusetts Bar Association President David W. White Jr. testified in favor of bills that would overhaul the commonwealth’s archaic probate system before the Joint Committee on the Judiciary at the Statehouse last month.

If approved, Senate bill 843 and House bill 1652 would update probate and trust law to increase uniformity with other states, add protections for those under guardianship and ease the administration of probate matters for judges and court personnel.

“The proposed code will benefit consumers by reducing probate expense and delay. It will modernize the law, bringing it into the 21st century from some of its still-existing colonial roots and procedures,” White testified before the committee on Jan. 24.

“This legislation is widely supported and will simplify probate and trust administra-
tion, benefiting citizens throughout the commonwealth. We are ready to assist the committee in every way to help pass these bills,” White added.

The Massachusetts Uniform Probate Code is the product of a comprehensive study and review of the state’s laws by the MBA and the Boston Bar Association, whose president, Anthony Doniger, testified with White at the Statehouse. The MBA’s House of Delegates approved the Uniform Probate Code 10 years ago.

Nearly two dozen panelists hosted by the MBA and BBA testified:

• Thomas J. Carey Jr., Esq., adjunct faculty, Boston College Law School, Boston
• John J. Ford, Esq., director, Elder Law Project at Neighborhood Legal Services, Lynn; president, board of directors, Massachusetts Guardianship Association
• Wynn Gerhard, Esq., managing attorney, Greater Boston Legal Services, Boston
• Sandy Hovey, supervisor of elder protective services, ETHOS, Jamaica Plain
• Jennifer Laucirica, Esq., Cushing & Dolan PC, Boston
• Mark A. Leahy, Esq., Whittum & Leahy, Quincy
• Dr. Jennifer Moye, Ph.D., director, Geriatric Mental Health Clinic, VA Boston; assistant professor, Harvard Medical School.
• Frederick L. Nagle Jr., Esq., Haverhill
• Al Norman, executive director, Mass Home Care, Burlington
• Emily Shea, executive director, Boston Partnership for Older Adults, Dorchester
• Hon. James Wade (Ret.), Probate Court, Denver
• Hon. Herbert Wilkins (Ret.), Supreme Judicial Court, Boston

MBA President David W. White Jr. testifies about the MBA’s support for the passage of the Massachusetts Uniform Probate Code at a hearing at the Statehouse on Jan. 24.
Federal Bar Association honors Judge Gertner

The Massachusetts Chapter of the Federal Bar Association held its Annual Reception for the Federal Judiciary on Feb. 6 at the Seaport Hotel in Boston.

The chapter honored U.S. District Judge Nancy Gertner, recognizing her service to the judiciary and to the bar of the District of Massachusetts.

Find more information on Massachusetts Law and Government at www.lawdiary.com


Upcoming events

Thursday, March 27
Massachusetts Black Lawyers Association Gala Dinner
Sheraton Boston Hotel

The Massachusetts Black Lawyers Association will hold its 2008 Gala Dinner on Thursday, March 27, at the Sheraton Boston Hotel at 39 Dalton St. in Boston. A reception will start at 5 p.m., followed by dinner at 6:30 p.m.

The keynote speaker for this event will be attorney and past MBLA President Wayne Budd.

Registration may be made online at http://mbla.regstudio.com.

Wednesday, May 9
Massachusetts Lesbian and Gay Bar Association Annual Dinner
The Royal Sonesta, Cambridge

From left: MBA President David W. White Jr., Community Service Award recipient Donald W. Goodrich and Berkshire County Bar Association President Brigid M. Hennessey on Jan. 12 at the Cranwell Resort, Spa and Golf Club in Lenox.

Michael J. Sullivan, left, acting director of the U.S. Department of Justice’s Bureau of Alcohol, Tobacco, Firearms and Explosives, receives the Plymouth County Bar Association Mayflower/Pilgrim Award on Dec. 12 at the Thorny Lea Golf Club in Brockton from attorney David Sorrenti.

This award is given to an attorney who must have brought high acclaim and public recognition in his service as an attorney to the benefit of the bar, public in general and his/her country.
The annual event is co-sponsored by the MBA, the Boston Bar Association and the Equal Justice Coalition. For more information, call the Equal Justice Coalition at (617) 720-8444 x129.

Monday, Feb. 25
Tales and Tips of Effective Marketing Luncheon Roundtable
1–2:30 p.m.
Course #: LPB08
Introductory level
Hampden Hall of Justice, 50 State St., Springfield
The Law Practice Management Section believes that the ability to effectively practice and manage a practice requires a solid, qualified client base. To achieve that base, attorneys must institute an effective marketing program which will differ from attorney to attorney and from practice type to practice type. Participants will learn strategies for effective low-cost and Web-based marketing. Attorneys establishing a practice and attorneys who want to improve marketing strategies should attend.

Faculty: Rodney S. Dowell, Esq., program chair, director, Law Office Management Assistance Program, Boston; Channing Migner, Esq., Law Office of Channing Migner, Worcester; Sally C. Stratman, executive director, Rubin and Rudman LLP, Boston.

Thursday, March 6
Access to Justice Awards Luncheon and House of Delegates Meeting
Noon–4:30 p.m.
UMass Boston Campus Center, 100 Morrissey Blvd., Boston
The MBA will present its fifth Access to Justice Awards at the MBA’s Access to Justice Awards Luncheon at noon. Following the luncheon, the House of Delegates will assemble for its fourth meeting of the 2007-08 association year. For more information, contact Gwen Landford at glanford@massbar.org or (617) 338-0694.

The Eternal Adjustment Applicant
4–7 p.m.
Course #: BLE08
Intermediate level
MBA, 20 West St., Boston
The sudden advancement of visa priority dates in the summer of 2007 enabled tens of thousands of adjustment applications to be filed. The subsequent drastic reduction in the priority dates caused a situation where the adjustment applications will be pending many years. This situation creates an unanticipated host of legal issues, including protection under the Child Status Protection Act, adjustment portability, travel and work issues and visa renewal issues.


Tuesday, March 11
Dispute Resolution — What You and Your Client Need to Know
4–7 p.m.
Course #: BLG08
Introductory level
Western New England College School of Law, Springfield
Alternative dispute resolution is growing as trials are becoming more costly and less frequent. Within ADR is a spectrum of processes to resolve conflicts, from pre-litigation mediation to arbitration. This seminar will focus on pre-litigation mediation and collaborative process as the cutting edge dispute resolution models that are least like litigation.

Faculty: Eileen Z. Sorrentino, Esq., program chair, Collaborative Attorney and
MBA CALENDAR OF EVENTS


Wednesday, March 12

Minor’s Settlements, Guardianship, Conservatorship and Supplemental Needs Trusts
4–7 p.m.
Course #: CLF08
Introductory level
MBA, 20 West St., Boston

Do you have a case involving a minor or adult with a mental disability or brain injury? What are your ethical obligations? Do you need court approval? Are there public benefits involved? Put this seminar on your must-attend list and learn from the experts about this complex area of law.

Faculty: Chris A. Milne, program chair, Milne Law Offices, Dover; Hon. Robert W. Langlois, acting first justice, Middlesex Probate and Family Court, East Cambridge Session; Hon. Peter M. Lauriat, Superior Court, Boston; Steven M. Cohen, Esq., Cohen & Oalican LLP, Boston; Elizabeth N. Mulvey, Esq., Crowe & Mulvey LLP, Boston; Edward Notis-McConarty, Esq., Hemenway & Barnes, Boston.

Tuesday, March 18

Long-term Care Asset Protection Planning
4–7 p.m.
Course #: PLD08
Advanced level
MBA, 20 West St. Boston

The Deficit Reduction Act of 2005 made major changes in the rules of Medicaid eligibility. The federal statute significantly changed Medicaid’s treatment of transfers, the home, annuities and the requirements of using long-term care insurance as a means of avoiding estate recovery by Medicaid. The Division of Medical Assistance began implementing the DRA on July 1, 2006. This program examines new and revised planning strategies in the post-DRA era. Attendees will also learn about the appropriateness of advising annuities as a planning tool and how to identify potential issues of Medicaid fraud and non-disclosure of transfers.


Tuesday, March 25

Immigration Law Essentials
4–7 p.m.
Course #: BLF08
Introductory level
Western New England College School of Law, Springfield

This program examines new and revised planning strategies in the post-DRA era. Attendees will also learn about the appropriateness of advising annuities as a planning tool and how to identify potential issues of Medicaid fraud and non-disclosure of transfers.


Thursday, March 13

How Cases are Best Tried and Adjudicated in Administrative Tribunals
2–6 p.m.
Course #: PUA08
Introductory level
MBA, 20 West St., Boston

Every week, scores of decisions are rendered by administrative law judges and hearing officers throughout the commonwealth. In contrast to the many resources available to courtroom litigators, there are relatively few sources of guidance for either (a) attorneys who must try cases before administrative tribunals, or (b) hearing officers charged with adjudicating administrative law cases. This seminar aims to familiarize practitioners with some of the nuances of the state agency and municipal hearing process. Experienced panelists and a Superior Court judge will offer tips on how to present the best possible case before an administrative tribunal.

Faculty: Robert L. Quinan Jr., Esq., program chair, Office of the Attorney General, Boston; Hon. Judith Fabricant, Superior Court, Boston; Hon. James P. Rooney, Division of Administrative Law Appeals, Boston; Denise J. Karlin, Esq., Department of Early Education & Care, Boston; James B. Lampke, Esq., City Solicitors and Town Counsel Association, Hull; Robert J. Munnelly Jr., Esq., Murtha Cullina LLP, Boston.

Legal Services Award
Pro Bono Award for Law Firms
Pro Bono Publico Award
Defender Award
Prosecutor Award

ACCESS TO JUSTICE AWARDS LUNCHEON DEDICATED TO NANCY KING

Thursday, March 6 • 12 p.m.
JFK Library and Museum, Boston featuring the presentation of the

Legal Services Award
Pro Bono Award for Law Firms
Pro Bono Publico Award
Defender Award
Prosecutor Award

MASSACHUSETTS BAR ASSOCIATION

Save the Date

Symposia on Domestic Relations Practice
Presented by Paul M. Kane, Esq., from January–June 2008

Paul M. Kane, a partner in the Boston law firm of McGrath & Kane, is presenting this symposia. Specializing in family law, Kane is a former assistant dean of Boston College Law School and has been a family law lecturer at Boston College since 1970. Judge Edward M. Ginsburg (ret.) will be the commentator for the symposia.

There is a discounted registration rate if you sign-up for three or more components of the series.

Custody *SOLD OUT
Course #: FLE08
Introductory level
Tuesday, March 18, 4–6 p.m.
MBA, 20 West St., Boston
Topics include substantive law, guardians ad litem, family service/probation officers and DSS.

Paternity
Course #: FLF08
Introductory level
Tuesday, May 20, 4–6 p.m.
MBA, 20 West St., Boston
Topics include substantive law, pleadings and practice and temporary orders.

Pre-Trial and Trial Matters
Course #: FLG08
Introductory level
Tuesday, June 17, 4–6 p.m.
MBA, 20 West St., Boston
Topics include pre-trial conference, compliance with pre-trial orders, trial preparation and evidentiary issues.

Contempt and Modification
Course #: FLH08
Introductory level
Tuesday, June 17, 4–6 p.m.
MBA, 20 West St., Boston
Topics include enforcement of court orders and changed circumstances.
MBA welcomes new members

Jeffrey M. Abrams
William Woodford Adams of William W. Adams, Attorney at Law
Molly E. Albano of Bose Corp.
Tahirah Amatul-Wadud of Western Massachusetts Legal Services
Indu M. Anand of the Law Offices of Indu M. Anand
Angela T. Anastas of Bank of America
Susan G. Anderson of the Massachusetts Executive Office of Elder Affairs
Robert J. Arakelian
Zoe Argento
Emily M. Armstrong of Goulston & Storrs
Sarah E. Ashby of Wilmer, Cutler, Pickering, Hale & Dorr LLP
Shannon R. Astle of Finneran & Nicholson PC
Joseph F. Bardouille of Bardouille & Fugate
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Rosemary Connolly of the Office of the Attorney General, Boston
Amanda K. Cormier of the Law Office of Todd Beauregard
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