Thank you

As another year at the MBA draws near, I would like to take a moment to reflect on some of our many accomplishments of the association this year, and to say thank you. Before I do, I want to acknowledge the passing of our dear friend, MBA Vice President Robert F. Lucas.

Bob Lucas passed away on July 11. He was one of the finest people I have ever known. He was a gentleman in the greatest sense of the word and a wonderful family man, who adored and spoke often of his wife and children. He was a selfless volunteer at the MBA, committing decades of time and energy to the organization. Few could hold a candle to Bob’s knowledge of the MBA’s history, its many committees or its governance. When Bob spoke, it was with wisdom, and his ideas were inspirational. With deep sadness, we say farewell to a great leader and wonderful friend. We will miss him greatly.

In memoriam: MBA Vice President Robert F. Lucas, 72

Robert F. Lucas was revered as much for his commitment to the law as for his devotion to his family and community.

Lucas, who died July 11 at the age of 72, was a vice president of the Massachusetts Bar Association and a senior partner at Nigro, Pettepit & Lucas LLP in Wakefield, where he practiced general law.

“He was one of the finest people with whom I’ve had the pleasure of working,” MBA President David W. White Jr. said. “He was a selfless volunteer at the MBA, committing decades of time and energy to the organization.”

The list of volunteer positions he held and years of service are lengthy, both inside the profession and in the community.

He had previously served as MBA treasurer and was about to return as a vice president for the 2008-09 term, served on 14 MBA committees and boards, and chaired three. He received the MBA’s Community Service Award and the Membership Recruitment Award, and was a Foundation Fellow with the Massachusetts Bar Foundation, the philanthropic partner of the MBA.

“It was a privilege to work with an MBA leader of such integrity and warmth. My deepest sympathy to his wife, Regina, and all of Bob’s family,” said MBA Executive Director Marilyn J. Wellington.

Lucas was a past president of the First District Eastern Middlesex Bar Association.

He was extremely active in Melrose, where he served on the board of appeals for 25 years, including 20 as chairman, and was a city solicitor. He was a founding trustee of the Melrose High School Permanent Scholarship Fund.

In 2007-08 term, White launched Eco-Challenge, spearheaded criminal sentencing reform effort

by Bill Archambeault

David W. White Jr. finishes his term as president of the Massachusetts Bar Association having raised environmental awareness in the state’s legal community and helped set the stage for criminal sentencing reform.

While both initiatives are far from finished, White hopes the two priorities from his 2007-08 term have had, and will continue to have, a lasting impact on the legal profession.

“I was very happy with the many successes the MBA had this year,” he said.

Eco-Challenge is launched

Under White’s direction, the MBA formed the Energy and Environment Task Force and launched the MBA Lawyers Eco-Challenge in partnership with the Conservation Law Foundation, the oldest regional environmental advocacy organization in the nation. White’s goal was to get lawyers and law firms to reduce their ecological impact (in part by pointing out how much money they could save by becoming ecologically responsible) and showcase the legal profession as a leader in the movement.

CLF Staff Attorney Susan M. Reid said there wasn’t much to decide when White reached out to CLF President Philip Warburg last year about forming a partnership.

“It was such a good idea that we wished we’d thought of it ourselves,” Reid said. “It was a no-brainer for us to get involved and continue to support it and continue to grow it.”

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Recent and upcoming events

1. **“Shakespeare and the Law”**

2. **Western Massachusetts Dial-A-Lawyer**

3. **Public Law Conference**

4. **World Justice Project Conference**

5. **“Open Dialogue on Court Practices”**
   Fenton Judicial Center, 2 Appleton St., Lawrence, June 17. Story on p. 4.

6. **Bar Leadership Institute**

7. **“Open Dialogue on Court Practices”**

8. **Legal Tech Expo**
   Sheraton Boston Hotel, Sept. 23. Information on p. 5.

9. **Massachusetts Bar Foundation Grantee Reception**
   20 West St., Boston, Sept. 25. Information on p. 17.

10. **Massachusetts Bar Foundation Grantee Reception**
    Bulkley, Richardson & Gelinas LLP, 1500 Main St., Springfield, Oct. 2. Information on p. 17.

11. **Lawyers in Transition Conference**
    Courtyard Marriott, 75 Felton St., Marlborough, Oct. 7.

12. **18th Annual Family Law Conference**
    Ocean Edge Resort & Club, 2907 Main St., Brewster, Oct. 17–18.

13. **MBA Gala Dinner**
    Moakley Courthouse, One Courthouse Way, Boston, Nov. 12.

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 pp. 20–21, the CLE brochure or www.massbar.org.
In memoriam: Robert F. Lucas
continued from page 1

and was named Melrose Babe Ruth Coach of the Year. He led a fourth-place team to the city championship.

Lucas also chaired the administrative board of First United Methodist Church in Melrose, where he also served as a trustee and sang in the choir.

In addition, he was a former president of the Melrose Citywide PTO and a corporator of Melrose-Wakefield Hospital. He also volunteered as the mock trial lawyer-coach for Malden Catholic High School.

Lucas is survived by his wife of 48 years, Regina (Abbiati); two sons, Robert F. Jr. of Acton and David R. of Medford; a daughter, Jennifer J. of Belmont; a brother, Reed Gogan of Waterbury, Conn.; and three grandchildren.

A father, a mentor

But his daily work and behind-the-scenes commitment to improving the legal profession was only a part of Lucas’ story. He was a devoted town official, Babe Ruth baseball coach, church choir member, father, mentor and friend.

Despite working six days a week, “He always put his family first,” said his son David R. Lucas, who works at Nigro, Pettit & Lucas.

While home on break from college one year and looking for temporary work, David asked his dad if there was anything he could do at his firm. He was given general secretarial and filing work to do, and the research tasks he was given by another attorney intrigued him, so he decided to go to law school. His father never suggested it, let alone pressured him. In fact, David remembered seeing his dad come home from work stressed out.

“I never understood why anyone would want to do that,” he said. “He never suggested I go to law school, not once. (Though), I think when he realized I was interested in the law, he was very excited about it.”

When David graduated and was ready to start his own legal career, he was determined, at first, not to work for his father’s firm. It would be better, he thought, to get experience somewhere else first.

But then David realized there wasn’t anywhere else he’d rather work. All of the best jobs he’d held up to that point — whether it was washing dishes or mentoring children — were at places where he enjoyed his coworkers. And that kind of environment existed at his father’s firm.

“He’s always maintained this office as an extended family, for 45 years,” David said. It was also where his father taught him not just how to practice law, but to be a lawyer.

“He taught me how to be a lawyer. And one of the golden rules was always that your word is your bond. Don’t ever make a representation that isn’t 100 percent accurate, and never make a promise you might not be able to keep.”

David said. “He taught me to really make it a point to become friends with the lawyer on the other side” without compromising anything for his client.

A model to strive for

Appeals Court Associate Justice James McHugh offered the highest praise for Bob Lucas.

“He was, for me, the model of what all of us should strive to be in the practice of law. Thoroughly prepared, a zealous advocate, never bothered by trivia, always gentlemanly and professional, and he refused to be drawn into the pettiness that sometimes characterizes hotly contested litigation,” McHugh said.

Lucas appeared before McHugh in court several times, but one appearance in particular, a forgery case about 15 years ago, stands out in McHugh’s mind. Lucas was up against Harry L. Manion III of Cooley, Manion, Jones LLP in Boston.

“It was one of the best tried cases, on both sides, that I can recall,” McHugh said. “In the end, Harry Manion gave just a powerful, powerful summation that had everyone in the courtroom riveted. When Bob got up, he paused for a moment. He looked at the jury, and he said, ‘Wasn’t that amazing? I can’t compete with that. So let me give you some facts.’ It was just a marvelous transition.”

McHugh marveled at Lucas’ ability to relate to people, “whether rich or poor, powerful or powerless. It was always a real pleasure to see him walk into the courtroom.”

Jim McAvoy, of McAvoy & McAvoy LLP in Melrose, offered both personal and professional insight into Lucas. McAvoy lived across the street from Lucas for 40 years. He marveled at everything that Lucas was involved in, from the Middlesex Bar Association to supporting the Melrose High School band to serving on the Zoning Board of Appeals.

McAvoy appeared before the zoning board a number of times, including when Lucas was chairman. People would tell McAvoy they thought he was a lock to win his cases before the board given his friendship with Lucas. McAvoy would laugh.

“I told them, ‘He’ll give me nothing.’ He gave me nothing that I didn’t deserve. He did a tremendous job there for 20 years. He gave it leadership. He gave it organization. He really gave it direction,” McAvoy said. “He was just a fantastic human being.”
“Open Dialogue” forums draw practitioners from across the state

Organizers look forward to next session on Sept. 17 in Boston

by Kate O’Toole

After successful programs in Brockton and Lawrence, the next “Open Dialogue on Court Practices” will be held at the Edward W. Brooke Courthouse in Boston on Sept. 17.

The Massachusetts Bar Association has teamed up with the Trial Court and local bar associations on the series of forums to spark conversations among the legal community about improving court procedures. The Brockton forum was held May 29 and the Lawrence program was June 17.

Thus far, each event has been attended by Chief Justice for Administration and Management Robert A. Mulligan, as well as Trial Court Department chief justices and other judges. More than 100 clerks, registrars, attorneys and personnel from across the Trial Court departments also attended each session in Brockton and Lawrence.

At each program, attendees participated in breakout groups according to court practice area. The District Court, Housing Court, Juvenile Court, Land Court, Probate and Family Court and Superior Court met separately with lawyers to engage in a dialogue on case management and practice in each of these court departments.

The Hon. Catherine Sabaitis, the first justice in the Plymouth Probate and Family Court and an attendee at the Brockton program, said attorneys voiced major concerns about waiting time for trials. “Attorneys did feel that there was some improvement in scheduling, and they liked receiving notice of their next court date so quickly,” she said.

Francis J. Lynch III of Lynch & Lynch in South Easton, heard similar feedback about scheduling from attorneys in his Superior Court breakout session. “The firm, fair trial date is wonderful for big cases that are expert intensive,” he explained. “But smaller cases don’t need it.” He noted that because lawyers handle cases ranging from medical malpractice to small auto accidents, they are often in a better position than the court to decide when a case should be tried.

“The bottom line is, we want to spend more time with the judges,” he continued. “Lawyers were very happy to see the judges actively participating and appreciated the input. It was an excellent dialogue.”

Attorney moderator and solo practitioner Martha Rush O’Mara, who co-led a breakout session about the Juvenile Court in Lawrence, was pleased with the event. Some topics that arose in her discussion included: adapting to time standards; minimizing “rolling trials;” frustration with attorneys who double book unnecessarily; the possibility of reinstituting night court sessions in the Juvenile Court; and concerns about the lack of female security guards available to search female clients.

“Based on the openness and collegiality of the venue, progress was made,” said O’Mara. “The overall tone was very positive. Everyone participated, and the judges were very straightforward and forthcoming.”

MBA Secretary Robert L. Holloway Jr. of MacLean, Holloway, Doherty, Arvid & Morse PC in Peabody served as an attorney moderator at the Superior Court breakout session in Lawrence, where participants also raised the issue of time standards, and disproportionate trial time being devoted to medical malpractice cases in relation to other civil cases. Other topics that surfaced included the possibility of a business session in Suffolk County; uniform handling of expert disclosure issues in civil cases; and use of interpreters in criminal cases.

“I view this program as a success. I hope these events are continued, because they offer an excellent opportunity for interaction between the courts and the bar on matters of common concern,” Holloway said. “As an ancillary benefit, the informal interaction certainly serves to enhance relations between the courts and the bar.”

Moderators for the Sept. 17 Open Dialogue forum in Boston will be announced in upcoming issues of Lawyers Journal and Lawyers e-Journal.

“Shakespeare and the Law” reading of “King Lear” features Starr, Greco, Cellucci

by Bill Archambeault

“Shakespeare and the Law’s” staged reading of “King Lear” featured a lineup of legal heavyweights, including former Whitewater Independent Counsel Kenneth W. Starr, former American Bar Association President Michael S. Greco and former Massachusetts Gov. Paul Cellucci.

The eighth annual production, a collaboration between the Federalist Society’s Boston Lawyers Chapter and Commonwealth Shakespeare Company, was held May 21 at Emerson College’s Cutler Majestic Theatre in Boston. The Massachusetts Bar Association co-sponsored the production.

In addition to this year’s three featured performers, the reading and discussion featured a prominent cast of local prominent justices and lawyers, including: U.S. Judges Nathaniel Gorton, Patti Saris, Dennis Saylor, Douglas Woodlock and Rya Zobel; Supreme Judicial Court Justices Robert Cordy and Judith Cowin; Ropes & Gray Managing Partner John Montgomery; Wilmer Hale Partner and American College of Trial Lawyers President-elect Joan Lukey; criminal defense/civil liberties attorney and writer Harvey Silverglate and criminal defense attorney J.W. Carney Jr.

Greco, a partner at K&L Gates and a past president of the MBA, performed as King Lear. The performers/panelists represent the full spectrum of political leaning to foster spirited discussions after the readings.

Starr, now the dean of Pepperdine Law School, hosted the event and served as moderator with Georgetown University Law Center Professor Nicholas Rosenkranz.

The annual event uses an abbreviated reading of one of Shakespeare’s works as a starting-off point for a discussion of current legal issues. There are no costumes or stage: Simple spotlights shine on “cast” members, who dress in black and read from stands placed in a row at the front of the stage.

The production employed simple props to humorous effect. For example, in the scene where Silverglate’s character, “Gloucester,” is attacked and blinded, Silverglate simply...
Stressed-out associate should meditate on work-life imbalance

**Q:** I am a third-year associate at a prominent firm, and really wondering just how many years I can bear this kind of stress. I get a bad headache at least once a week, and my doctor has become more concerned about my blood pressure. At home, I find myself snapping at my husband. Ironically, I actually enjoy the legal work, but what can I do to make my lifestyle more tolerable and still pay off the student loans?

**A:** While some people seem to thrive on pressure, deadlines, etc., most of the lawyers we see who work at large firms say that there is no denying that the job’s demands make for a sustained high level of stress, and make it difficult to achieve the kind of work-life balance that has, for years, been the subject of much talk and little action.

The demands are, in part, a function of the high level of compensation that is one of the main incentives to seek such jobs in the first place and which does help a great deal when it comes to those student loans.

Career counseling is always an option, of course, and we are able to make such referrals. The jobs, however, that might improve your lifestyle might not do as much for your bottom line. Finding a level of support/mentoring from more experienced lawyers at the firm can be helpful, but that kind of input is often lacking, to say the least.

Another way to manage stress, enhance coping and even reduce physical symptoms exacerbated by stress, such as headaches and high blood pressure, is to practice mediation/relaxation techniques. If you are interested in books about such approaches, some of the best known authors are Herbert Benson and Jon Kabat-Zinn.

We also recently started a weekly stress reduction/meditation series at LCL, where guided meditation in a group format is offered at no cost to lawyers each week. There is no commitment to attend regularly, and this might be a good way to get a sense of whether you would find meditation helpful.

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.

New Legal Tech Expos to be held Sept. 23 in Boston, March 20 in Framingham

The Massachusetts Bar Association and Massachusetts Lawyers Weekly are proud to present the next round of free Legal Technology Expos, which will be offered in both the fall and spring to better serve the legal community.

The first will be held on Tuesday, Sept. 23, from 8 a.m. to 2 p.m. at the Sheraton Boston near the Prudential Center. The second will take place on Friday, March 20, from 9 a.m. to 2 p.m. at the Sheraton Framingham, located conveniently off the Mass. Pike.

The all-day trade shows will feature dozens of exhibits in addition to four 45-minute technology breakout sessions, including “Website Optimization for Law Firms,” presented by Boston Logic Technology Partners Inc. Founder and President David Friedman.

Attend the expo to see and learn about the latest products and services to make your practice more efficient, organized and cost effective.

To register, call MBA Member Services at (617) 338-0530. For more information, go to www.MassBar.org/LegalTech.
DOJ: DOMA immaterial in granting benefits to same-sex couple’s child

by Andrea R. Barter, Esq.

The federal government won’t recognize same-sex couples, but it can pay benefits to their children. According to a U.S. Department of Justice opinion released June 9, federal law does not prohibit the Social Security Administration from paying insurance benefits to the nonbiological child of a partner in a Vermont civil union. The decision is notable because the Defense of Marriage Act bars the government from extending federal benefits to same-sex couples even though they enjoy the status of spouses, domestic partners or civil union partners under state law.

In the case under consideration, Karen and Monique had a Vermont civil union in 2002, and Monique gave birth to a son, Elijah, in 2003. Under Vermont’s civil union law, Karen is one of Elijah’s parents and was listed on the birth certificate as “second parent,” with no need to undertake a second-parent adoption. That year, Karen also began receiving disability benefits under Social Security, and she filed a claim for benefits on behalf of her son. (Children of adults who are receiving Social Security disability payments are eligible for benefits in their own right.)

The SSA expressed doubt about whether it could provide benefits to Elijah, on the view that federal law would not recognize the Vermont civil union status that was the basis of Karen’s parental status. Thomas Crawley, the acting general counsel of the SSA, turned to the Justice Department for legal advice as to whether the Defense of Marriage Act would bar the payment of Social Security child insurance benefits to the son of the Vermont couple.

Steven Engel, deputy assistant attorney general for the DOJ’s Office of Legal Counsel, wrote the opinion, which states that the relationship of the two women to each other is irrelevant for the purposes of the Social Security Act.

The OLC opinion draws a distinction between benefits for spouses and benefits for children. According to the decision, the eligibility of a child for Social Security benefits isn’t conditioned on the existence of a marriage or on the federal rights of a spouse. The law only requires the existence of a parent-child relationship, which doesn’t have to be a biological one. “Rather, eligibility turns upon the state’s recognition of a parent-child relationship, and specifically, the right to inherit as a child under state law,” the opinion states.

Under Vermont law, if a child is born to a woman who is in a civil union, the intestate succession law will give her child a right to inherit from her partner. Thus, Engel concluded, Elijah is Karen’s child for purposes of the Social Security Act, and is entitled to insurance benefits under the act on account of his mother’s disability.

Engel found that “by its terms,” DOMA “does not apply to Elijah’s eligibility” for the child insurance benefits under Social Security, because Elijah’s eligibility depends on his status as Karen’s son under Vermont’s Intestate Succession Statute, and not on the relationship between Karen and Monique as such. “The fact that Elijah’s right of inheritance ultimately derives from Vermont’s recognition of a same-sex civil union is simply immaterial under DOMA,” Engel concluded.

While some conservatives may fear the opinion erodes DOMA or legitimizes gay unions, many practitioners believe the opinion is a plain reading of DOMA that still allows for the recognition of nontraditional families.

Mark Mason, a past president of the MBA and chair of its Same-Sex Marriage Task Force, doesn’t believe the opinion undermines DOMA. “However, the opinion quite purposefully does not permit the shadow of DOMA to get in its way and demonstrates certain limitations in what some might perceive as the overarching purpose behind DOMA.” Mason finds the opinion significant insofar as it may provide insight into how federal law might apply to the families of same-sex couples outside of DOMA’s restrictions.

Cambridge attorney Joyce Kauffman, an expert on nontraditional family law in Massachusetts, believes “The opinion is consistent with Woodward v. Commissioner of SSA, in that the SSA had to accept legal parentage, as defined by the state. However, it is interesting that the federal government is faced with the reality that they have to recognize parentage even when that parentage flows from the same-sex marriage or civil union. In that sense, the opinion, while not really eroding DOMA, could certainly be said to be an irony.”

“Despite the misguided intent of DOMA, the DOI seems to have issued a reasonable and well-considered opinion. The plain language of DOMA requires this result,” said Kevin G. Powers, of Rodgers, Powers & Schwartz, and chair of the MBA’s Individual Rights & Responsibilities Section. “I believe even a conservative judge who is a strict constructionist would have to agree with the opinion.”

Attorney Michael Donnelly, a co-chair of the new Juvenile and Child Welfare Section, is particularly pleased that the opinion didn’t get bogged down in a battle over same-sex marriage and “made an intelligent distinction, cutting a commonsense path to say these are children who need benefits and we wouldn’t deny them if their parents were married and of the opposite sex.”

While Powers appreciates that the opinion provides some protections for the children of civil unions or gay marriages, he cautions that people should still be concerned about their children’s rights if they move to a state that doesn’t recognize civil unions or same-sex marriage. “That’s the inequity of DOMA,” he said. “People now have to worry about where they can move.”

Kauffman similarly cautions that, while the DOI opinion acknowledges nontraditional families and relationships, individuals need to establish a legal relationship with their children, recognized by the state, if they don’t already have one. This case would have had a different outcome if the Vermont nonbiological parent did not have a legally recognized relationship with the child.

As a result of the OLC opinion, “The Social Security Administration will recognize nontraditional families, from whatever source the relationship arises from, whether civil union, marriage or adoption,” said Kauffman.

“If the state law where the people live sanctions it as a legal relationship, the Social Security Administration will respect it, and that’s a wonderful thing. It protects the children and ensures they are taken care of. Respect for parent-child relationships will only lead to positives for children,” concluded Kauffman.

The text of the opinion can be found at www.usdoj.gov/olc/2007/saadomaopinion10-16-07final.pdf.
President’s view

continued from page 1

provide outstanding leadership in our diver-
sity efforts and on the important court initia-
tive of comprehensible jury instructions. 

MBA Vice President Denise Squillante has 
continued to provide exemplary leadership on 
issues in the Probate and Family Court, includ-
ing her work on the Alimony Task Force, the Schedu-
ling Task Force and on our bench-bar committees.

Our newest officer, Secretary Robert L. 
Holloway Jr., is forging strong relationships 
with the Trial Court, and has begun leading 
initiatives on Rule 16 conferencing and on 
with the Massachusetts Medical Society, the 
Massachusetts Pharmacists Association, 
the Massachusetts Chapter of the National 
Association of Social Workers, several sher-
iffs, district attorneys, members of the Patrick 
Administration and many others.

The MBA has begun initiatives on a few 
other fronts. This year saw the strongest effort 
on criminal sentencing reform in many years. 
While the specific successes are hard to mea-
sure at this point, the debate on sentencing 
has begun to evolve. The Drug Policy Task 
Force has allowed us to forge strong work-
ing relationships with many new partners, 
including the Massachusetts Medical Society, 
the Massachusetts Pharmacists Association, 
the Massachusetts Chapter of the National 
Association of Social Workers, several sher-
iffs, district attorneys, members of the Patrick 
Administration and many others.

The Drug Policy Task Force will con-
tinue its work into the next association year, 
and I am confident that the MBA will con-
tinue to receive recognition for its impor-
tant advocacy for sensible changes on drug 
policy issues. These are issues that affect so 
many of our clients in the criminal courts, 
the family courts and the juvenile courts, 
and in many other ways.

I am very proud of the leadership that 
our Energy and Environment Task Force has 
provided to the bar. Together with our new 
partner, the Conservation Law Foundation, 
we have led a successful Lawyers Eco-Chal-
enge. These efforts have brought the MBA 
national attention for helping to lead the fight 
against global warming, and helped improve 
the image of lawyers. The legal profes-
sion, as a result of the task force’s work, has 
remained ahead of every other profession in 
Massachusetts in focusing on the reduction 
of the use of energy and natural resources.

These achievements, along with the many 
other excellent programs the MBA has offered 
this year, are made possible by the fact that 
we have a phenomenal staff. I will not single 
out any one of them, since they work so success-
fully as a team. Most of our members never 
get a peek behind the scenes; they see only the 
finely tuned products which our staff regular-
ly produces. I can tell you from my firsthand 
observations, their hard work and profession-
alism are without comparison.

Challenges lie ahead. The MBA must 
continue to expand its programs in ways that 
uniquely serve our members, taking advan-
tage of new technologies and communica-
tion preferences. As always, your sugges-
tions will be welcomed.

So now I turn to my final theme: Thank 
you. I can never thank enough the staff, our 
volunteers and my fellow officers who have 
contributed so much during my term. I thank 
my family, my law partners and my office 
staff for their support. They can soon expect 
to see a lot more of me.

And above all, I thank you for giving 
me the honor to serve as your president this 
year. I hope my efforts have been worthy of 
your trust.

The reins of the organization will soon 
befall the hands of Ed McIntyre. I wish Ed 
every success in his term, and I look forward 
to helping him in any way I can.

MBA seeks nomination for vice president

The Massachusetts Bar Association is currently accepting nominations for the posi-
tion of vice president for the 2008-09 year. Nominees must submit a letter of intent and a 
current resume to the MBA secretary by 5 p.m. on Friday, Aug. 22, to be eligible.

To submit a nomination, mail or hand deliver nomination materials to:

Attn. MBA Secretary, Massachusetts Bar Association 
20 West St., Boston, MA 02111
Or, fax to (617) 542-7947.

Nomination materials will be provided to the MBA House of Delegates for the 2008-
09 membership year for consideration and election at its September meeting, to be held on 
Thursday, Sept. 18, at 2 p.m. at Mechanics Hall, 321 Main St., Worcester.

If you have any questions about the nomination process, call MBA Executive Direc-
tor Marilyn J. Wellington at (617) 338-0640.
White’s 2007-08 term
continued from page 1
help make it a reality.”

Other than the MBA, the only other state bar association with a similar program is Oregon, which does not partner with an independent environmental organization. The American Bar Association also has a program, but with much less participation, Reid said.

Four dozen law firms and solo practitioners signed on to the Lawyers Environmental Pledge as Pledge Partners, along with another 18 Signature Firms, by adopting the Green Guidelines, a comprehensive guide to help lawyers reduce energy and resource consumption. White said he was especially pleased that nearly 20 percent of the state’s largest 50 firms have signed on.

White said he’s been encouraged by the response so far, recognizing that habits are hard to change, particularly in a field that consumes paper at an average of 24 trees per lawyer each year.

“Moving to electronic storage of documents can really make a significant difference,” he said.

Reid said she was impressed early during the planning process by the MBA’s commitment to making substantive, far-reaching improvements. It’s not unusual, she said, for companies or organizations to tout themselves as eco-friendly or “green” without actually doing anything, a ploy she referred to as “greenwashing.”

“There was great sincerity from David and (MBA Executive Director) Marilyn Wellington,” said Reid, who co-chairs the task force with Nancy B. Reiner, the executive director of Counsel on Call in Boston.

The success of the program is revealed by how widely it’s been accepted across the state,” White said. “In a broader sense, having lawyers out front on this issue has been great for our public image.”

White is still pursuing “a new culture” that focuses on relatively simple changes like turning off unneeded lights, buying energy-efficient appliances and saving and transferring files electronically rather than printing reams of paper. Adopting energy-saving measures at the MBA has already cut electric use between 10 and 15 percent from a year ago, he said.

“The success of the program is revealed by how widely it’s been accepted across the state,” White said. “In a broader sense, having lawyers out front on this issue has been great for our public image.”

White even envisions a time, possibly in a few years, when the public will be able to consider choosing a lawyer or firm based on their environmental rating.

And the Eco-Challenge’s success has had another effect — businesses and other legal associations have contacted the CLF about forming partnerships like the MBA did, Reid said.

“We’ve been approached by others,” she said, including a high-tech company and lawyers organizations from across the country. “They’ve seen the press, they’ve heard about it and they’re reaching out to us.”

She credits White with providing both the vision and leadership to get the initiative underway, as well as the time and commitment to remain closely involved over the course of the year. White even participated in regional eco-fairs and manned tables at such events for the MBA.

“The importance of the role that David played can’t be overstated. He served as such an important catalyst for bringing about change,” Reid said. “He was intensively involved throughout. He brought real passion and leadership. He made it easy to be involved in the effort, and fun.”

Criminal sentencing

Though he’s a civil litigator, the treatment of prisoners has always concerned White. As a student at Northeastern University School of Law, he took part in a prisoners’ rights project that resonated with him.

“I don’t have any illusions that there are some violent criminals who should be in prison,” White said. However, he questions policies that emphasize lockup over treatment and rehabilitation when drug or alcohol addiction are the primary cause of the criminal conduct.

“I see that we’re destroying families and communities with the high rate of incarceration,” he said, explaining his attempt to help get significant criminal sentencing reform passed this year.

However, sentencing reform legislation was not taken up by legislators before the end of the year’s session in July. Even though the bill was lacking the substantial elements sought by advocates like White, there had been hope that the bill would pave the way for more substantial reform efforts next year.

White’s argument for thinking knee-jerk prison sentences isn’t based just on compassion or what he thinks the most effective solution is. He also sees the state’s incarceration policies as a financial issue because, he argues, the state is wasting millions of dollars building prisons and locking prisoners up when there are more effective, less costly options.

“The vast majority of crimes are related to drugs and alcohol,” White said, noting that the state is spending $1.4 billion on incarceration for drug offenders each year. And that doesn’t include costs associated with the Department of Social Services, health costs caused by addiction, and lost productivity.

The state, he said, could more effectively reduce crime — and save millions each year — by beginning education as early as the fifth or sixth grade and providing treatment on demand.

Treatment on demand needs to be affordable and accessible for people in impoverished communities, White said, and not just an option for people who can afford expensive rehabilitation clinics. The problem is even more pressing for those fighting dual demons of mental illness and drug or alcohol addiction, he said.

At either the November or January House of Delegates meeting, White expects the Drug Policy Task Force, which he chairs, to propose legislation.

“The problem with this issue and debate is that it’s been focused on criminal conduct,” he said, adding that sensationalism in the media often trumps public willingness to support treatment instead of incarceration.

“The Legislature needs to feel they have public opinion behind them,” he said.

White has worked with other organizations to build support for the issue. While the Massachusetts District Attorneys Association has not supported the change, the MBA has built a stronger relationship with the MDAA this year by working on a number of issues.

William J. Leahy, chief counsel for the Committee for Public Counsel Services, said that a bill working its way through the Legislature would have taken only small steps to reform the state’s sentencing policy. But even that, he said, was an important first step in addressing what has been an untouchable subject for the last 25 years. The bill, however, wasn’t voted on before the end of this year’s legislative session.

Leahy credits White with not only throwing the MBA’s support behind the initiative, but for putting in the time and work at being a “major player” in the yearlong push for new legislation. After announcing sentencing reform would be one of his priorities, White organized a Sentencing Symposium at the Statehouse on Oct. 23 that helped set the framework for the debate.

“The investment has been very significant on the part of the Mass. Bar. The Mass. Bar has been a full-fledged and energetic partner,” Leahy said.


“The investment has been very significant on the part of the Mass. Bar. The Mass. Bar has been a full-fledged and energetic partner,” Leahy said.

White found an ally in Washington state Rep. Roger Goodman, who visited Massachusetts twice to lend his expertise on this issue, emphasizing rehabilitation over incarceration. Goodman was a panelist at the MBA’s Sentencing Symposium in October and returned for the inaugural meeting of the MBA’s Drug Policy Task Force in April.

Accomplishing the larger goal of shifting the state’s incarceration policies, Leahy said, will require enlisting the support of non-lawyer groups, such as organizations representing women, health care and conservative fiscal policies.

Continued on page 9

White’s 2007-08 term
continued from page 1

White, wife Denise Murphy and keynote speaker Richard A. Clarke at the MBA’s 2007 Gala Dinner on Nov. 1.

“CLF feels it is fortunate to be involved in this partnership (with the MBA),” Reid said. “This was a unique partnership. It was a smart thing to do because we’ve thought about a lot of these issues.”

White is still pursuing “a new culture” that focuses on relatively simple changes like turning off unneeded lights, buying energy-efficient appliances and saving and transferring files electronically rather than printing reams of paper. Adopting energy-saving measures at the MBA has already cut electric use between 10 and 15 percent from a year ago, he said.

“The success of the program is revealed by how widely it’s been accepted across the state,” White said. “In a broader sense, having lawyers out front on this issue has been great for our public image.”

Photo by Jeff Thiebauth

White’s 2007-08 term

“...everybody’s issue,” he said, “and the Mass. Bar — being a very large, very influential organization that has prioritized this issue — has made a real difference under David’s leadership.”

The 2007-08 term comes to an end

Some of the MBA’s success in launching large new undertakings, White said, is due to the fact that there were no major legislative or judicial crises during his term that distracted his attention from his priorities.

White said that working with other bar associations and activists across the state — including the annual Walk to the Hill for Legal Aid and organizing a show of support for the legal system under siege in Pakistan — has been one of the most personally rewarding aspects of his term. Along those lines, White said it’s been “very rewarding” working with leaders from other professions on legislation and programs aligned with the MBA.

White’s term was wrapping up, he was looking forward to focusing more energy on his firm, Breakstone, White & Gluck PC in Boston.

“I feel like the year was pretty busy,” he said. “It was a wonderful privilege to represent the Massachusetts Bar Association and represent the lawyers of Massachusetts.”

White honored by MACDL for reform initiative

Massachusetts Bar Association President David W. White Jr. received the inaugural President’s Award from the Massachusetts Association of Criminal Defense Lawyers on June 11 for his leadership in the fight for meaningful sentencing reform.

MACDL recognized White for his commitment to the due process rights of those in the criminal justice system at the association’s Spring/Summer MACDL meeting at the Newton Marriott Hotel.

Since he began his term as president in September 2007, White has strongly advocated for Criminal Offender Record Information reform, the elimination of mandatory minimum sentences and creating greater opportunities for treatment, education/training and parole. White hosted the MBA’s Sentencing Symposium in the fall, testified at the Statehouse for CORI and sentencing reform and formed the Drug Policy Task Force to examine drug policy reforms.

“David has been a courageous and tireless advocate against the unduly harsh consequences of mandatory minimum sentences. He recognizes the importance of being smart on crime and not politicizing such a fundamentally important issue,” said MACDL President Randy S. Chapman, former chair of both the MBA Criminal Justice and Judicial Administration sections.

“For these efforts, we commend David and are honored to recognize him with the President’s Award.”

From left to right: Andy Good, MACDL past-president; Lt. Cmdr. Matthew Diaz, keynote speaker; Judith Lindahl, MACDL Balliro Award recipient; Joseph Balliro, MACDL past-president; Charles Clifford; David W. White Jr., MBA president and MACDL President’s Award recipient; and Randy Chapman, MACDL president.

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GLBT Domestic Violence Attorney Program aids survivors with pro-bono attorneys’ help

Rule 6.1 of the Massachusetts Rules of Professional Conduct says, “A lawyer should provide annually at least 25 hours of pro bono publico legal services for the benefit of persons of limited means.”

To guide attorneys in this goal, Lawyers Journal will regularly profile an organization from the Pro Bono Opportunities Guide, a comprehensive listing of statewide agencies that are in need of pro bono assistance from attorneys, law students or paralegals. The guide is available at www.MassBar.org/PBOG.

by Kelsey Sadoff

In the gay, lesbian, bisexual and transgender community, few domestic violence survivors seek legal assistance. Many are reluctant to come forward because they are worried about how they will be treated by both police and the court system.

The Boston-based Gay, Lesbian, Bisexual & Transgender Domestic Violence Attorney Program has stepped into the void. Since 2005, the GLBT DV Attorney Program has provided direct legal services to GLBT domestic violence survivors through representation and referrals.

The GLBT DV Attorney Program was created by the GLBT Domestic Violence Coalition and is funded by a federal grant with an advisory board made up of the Gay Men’s Domestic Violence Project, the Network/La Red and Fenway Community Health. The program finds pro bono attorneys willing to represent clients in restraining order hearings; it also helps domestic violence survivors create safety plans, find shelters and obtain emotional support services.

“I have worked with the GLBT DV Attorney Program since 2006 and have seen firsthand the urgent need for expanded civil legal assistance for GLBT domestic survivors,” said Rebecca Cazabon, pro bono staff attorney at Foley Hoag LLP, a pro bono partner of the GLBT Attorney Program.

“This is the only program nationally devoted to exclusively working with gay, lesbian, bisexual and transgender survivors of domestic violence,” said Wayne Thomas Jr., program attorney for the GLBT DV Attorney Program. Thomas believes he is one of just four attorneys nationwide, and the only one in Massachusetts, who practices exclusively in this area of law.

Generally, pro bono attorneys working with the GLBT DV Attorney Program handle restraining order cases, which can require anywhere from four to 10 hours of volunteer time to resolve, if repeat court dates are unnecessary.

However, Thomas notes that the program also needs attorneys who are available to work on more substantial cases outside of restraining orders. As the program’s only full-time employee, Thomas finds it challenging to commit his limited resources to large-scale cases. Additional pro bono attorney help would allow the program to provide more clients direct legal services in cases involving family law, real estate and immigration.

“People who need help,” said Thomas. “There is a major need not being met in the greater Boston area.”

The GLBT DV Attorney Program receives client referrals from domestic violence organizations, health care providers and occasionally from district attorneys offices and police departments. The program works primarily with individuals who are at 200 percent of the federal poverty line after taxes (income of about $20,000) and are unable to afford legal representation. While the program assists anyone who is a teenager or older, the GLBT DV Attorney Program primarily aids survivors who are 20 to 45 years old, with an even split between male and female clients.

Currently, the program works with seven to eight new clients per month and there is an immense need for pro bono attorneys who can specialize and help clients on family law issues, real estate and immigration law. In the legal community, the established programs typically dealing with clients facing family law and immigration issues are overwhelmed. With so few resources among legal service providers, many organizations find it difficult to provide assistance for additional clients.

“The stakes are so high,” remarked Marc LaCasse, a partner at the McCormack Firm LLC in Boston and a pro bono volunteer for the GLBT DV Attorney program. “You are right on the battle line with restraining orders. This is a drop-everything-and-run type of pro bono activity.”

The GLBT DV Attorney Program restraining order cases also offer young attorneys the opportunity to get court exposure and experience. Advocates say judges can struggle in how to deal with same-sex relationships in legal proceedings, and attorneys are badly needed to help clients navigate the system.

“Every attorney should do pro bono work,” said LaCasse. “The personal satisfaction is unmeasurable.”

For more information on the GLBT DV Attorney Program or to volunteer, contact Wayne Thomas Jr. at (617) 779-2130.

Choose Law

The Massachusetts Bar Association’s Choose Law Program is designed to encourage middle and high-school aged students — especially students of color — to “be the change” they wish to see in the future by considering a career in the law.

Students are shown a brief video that serves as a springboard for a discussion moderated by legal professionals about law careers and the importance of diversity in the legal profession.

The program, which was created by the Young Lawyers Division of the American Bar Association, needs professionals from all areas of the legal field to be presenters.

Students from the Boys and Girls Club of Dorchester visited the Supreme Judicial Court at the John Adams Courthouse on June 6 as part of the MBA’s Choose Law Program. During the day, students viewed a Choose Law video presentation and discussed it with a panel of legal professionals that included: Superior Court Associate Justice John T. Lu of Lawrence; Sharon V. Jones, Esq., of Boston; and Laura Rótole, Esq., an attorney/human rights fellow at the ACLU in Boston.

The students also met with SJC Associate Justice Margot Botsford and were led on a tour of the courthouse by Vicky Kruckeberg of Discovering Justice, who co-hosted the program.

On July 16, the MBA and Discovering Justice presented the Choose Law Program at the John Adams Courthouse in Boston. The program was attended by students from the Crimon Summer Academy at Harvard University, a three-year academic and enrichment program that works with high-achieving, low-income high school students from Boston and Cambridge, helping them gain entry to challenging 4-year colleges.

The students toured the courthouse, met with Supreme Judicial Court Associate Justice Robert J. Cordy and participated in a video presentation/discussion with a panel that included: Superior Court Associate Justice John T. Lu of Lawrence; Jeffrey Catalano, Esq., of Todd & Weld in Boston; Steven M. Key, Esq., of Roslindale; and Amy Mariani, Esq., of Fitzugh & Mariani LLP in Winchester.
Springfield DAL fields more than 500 calls

by Jennifer Rosinski

The Massachusetts Bar Association came close to beating its record number of calls at the semi-annual Western Massachusetts Dial-A-Lawyer program held at Western New England College in Springfield on May 21. More than 30 volunteer attorneys answered 519 calls from the public between the hours of 3:30 and 7:30 p.m., just 17 calls less than the all-time high set in October.

In the first 45 minutes, more than 75 residents of Berkshire, Franklin, Hampden and Hampshire counties called in their concerns and received legal advice free of charge. The ringing continued non-stop even after the event was over. Most of the callers asked questions on the topics of family law, bankruptcy and credit, real estate, personal injury, health, consumer rights, probate law and elderly law.

“The people who call are all genuine and they’re stuck in a jam, and either can’t afford a lawyer or they don’t know where to go,” said Susan Mielnikowski of Cooley Shrair PC in Springfield. Mielnikowski, who has been volunteering for the past four years, said she handled a wide variety of calls, from severe nursing home issues to neighborly disagreements over vines on a fence.

First-time DAL participant Matthew King, a plaintiff medical malpractice attorney at Robinson & Donovan PC in Springfield, said he decided to offer his services after reading a flyer for the event. King said the event allowed him to expand on his bar-related volunteer efforts.

Criminal, real estate and personal injury attorney Maurice Powe, who practices in Springfield, views his efforts as a way of giving back to the community.

“A lot of people that call seem like they’re stuck in a jam, and either can’t afford a lawyer or they don’t know where to go,” Powe said. “It opens things up to those who would otherwise suffer in silence.”

Longtime participant Justin Dion, who practices bankruptcy at Bacon & Wilson PC in Springfield and has a background in general practice law, volunteers for a variety of reasons.

“I love doing this because there’s a huge need. The phone never stops ringing,” he said. “Personally, it keeps my wheels turning and keeps me sharp in all these other areas of law. It’s a lot of fun.”

The program was co-sponsored by Western New England College School of Law, The Republican, El Pueblo Latino and the Massachusetts Association of Hispanic Attorneys.

Elder Law Education Program

Attorney Robert Reed of Brockton, left, speaks with seniors after making an Elder Law Education Program presentation at the Massasoit Community College/Senior Center in Brockton on June 11. Approximately 100 attorneys made similar presentations at more than 140 senior centers across the state during the months of May and June, speaking with elders about a wide range of legal topics affecting their lives.

The 2008 Elder Law Education Program was made possible due to the assistance and cooperation of both of the MBA’s Probate Law Section Council and the Massachusetts Chapter of the National Academy of Elder Law Attorneys.

June Dial-A-Lawyer Boston

The Dial-A-Lawyer program held on June 4 was co-sponsored by the Young Lawyers Division and the Mass Defense Lawyers Association. Thirteen volunteers answered 131 calls at the MBA’s Boston office from 5:30 to 7:30 p.m.

If you are looking for an opportunity to volunteer or are having difficulty finding the time to volunteer, Dial-A-Lawyer may be the right program for you. On the first Wednesday of every month, attorney volunteers staff the phones from 5:30 to 7:30 p.m. This is just a two-hour, once-a-month commitment to answering basic legal questions from the public.

We need your help. To volunteer, call (617) 338-0556 or e-mail lrs@massbar.org.
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World Justice Project Conference: focus on commitment and advocacy

by Kelsey Sadoff

The June 11 World Justice Project Conference, held at the historic John Adams Courthouse in Boston, brought together community leaders to discuss the meaning of the rule of law.

As part of the American Bar Association’s World Justice Project, the conference, which was co-sponsored by the Massachusetts Bar Association, Boston Bar Association, Greater Boston Chamber of Commerce and Social Law Library, was part of an international dialogue on the rule of law that will convene at the World Justice Forum in Vienna in July.

“There is a misconception in society that ‘rule of law’ is only for lawyers and judges,” said Michael S. Greco, World Justice Project Conference planning committee co-chair. Greco, a partner at the Boston law firm K&L Gates, is also a past president of both the ABA and the MBA. “Rule of law is constantly at risk.”

Gov. Deval Patrick’s Chief Legal Counsel Ben Clements welcomed attendees on behalf of the governor. He said that when communities work together, the rule of law achieves great things, such as women’s suffrage and “One Person, One Vote” initiatives. “It is a fundamental principle that people come before their government as equals,” said Clements.

Conference attendees participated in several interactive breakout groups, which included one session moderated by Supreme Judicial Court Associate Justice Robert J. Cordy on the challenges to the rule of law in Massachusetts. SJC Chief Justice Margaret H. Marshall gave the closing remarks.

Public Law hosts second annual conference

by Jennifer Rosinski

Public law attorneys and other interested practitioners attended the Public Law conference June 4, at the Holiday Inn Boston at Beacon Hill.

The program featured three separate panel discussions on the Open Meeting Law, Public Records Law and an update from state agencies, as well as a keynote presentation delivered by Suzanne M. Bump, secretary of the Department of Labor and Workforce Development.

It was planned by Public Law Section Council members Brian C. O’Donnell, of the Office of the Attorney General in Boston, and Maria Z. Mossaides, of the Massachusetts Technical Collaborative in Westborough.

Much of administrative law has remained the same over the past 25 years, with one exception: standard rules of adjudicatory procedure, said Quinan, managing attorney of the Administrative Law Division in the Office of Attorney General Martha Coakley. In addition to changes in law, several cases of importance have been decided over the past 25 years.

“We’re taking this opportunity to insert case law,” Quinan said. Those cases will help illustrate points of law brought up in the manual, which began its overhaul in the fall of last year.

The manual is a valuable resource to administrative hearing officers and attorneys whose clients may be going through the process.

“l’ve heard from a number of hearing officers that what is lacking is a good comprehensive written guidance on how to hold a proper adjudicatory hearing on the administrative level,” Quinan said. “This is an attempt to give everyone a solid grounding on the law.”
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MBA Lawyers Eco-Challenge Eco-Tips

Tips are published each week in MBA Lawyers e-Journal. For more information, go to www.MassBar.org/ecochallenge.

Energy conservation
1. Replace your old-fashioned cathode-ray tube monitor to an LCD to reduce your energy use by one-third. A typical flat-panel monitor requires 25 watts; a CRT, 75.
2. Check the efficiency of everything you plug into your office outlets. SmartHome makes an energy meter called a Kill A Watt, which displays how much electricity the appliance uses per hour. You use the device by plugging it into an outlet and then plugging in your appliances.
3. Once you’ve taken steps to reduce your office’s energy consumption, start keeping track of how those changes have reduced your energy bills. Create a record-keeping system to measure your program’s effectiveness and determine ways to further decrease your office’s energy output.

Eco-conscious purchases
1. Think about the impact of all the products you buy for the office, even those seemingly as innocent as hand soap. When purchasing dishwashing liquid, hand soap and automatic dishwashing detergent for use in office kitchens and bathrooms, choose those which are free of toxic substances including phosphates, trielosan, chlorine and/or other antibacterial ingredients.
2. To help your office implement the many tips we’ve offered over the past several weeks, view a comprehensive list under the heading “Green Resources” at MassBar.org/ecochallenge. The resources list where you can purchase green office products:
   • The Green Office: TheGreenOffice.com
   • The Sustainable Group: SustainableGroup.net
   • Energy Star: EnergyStar.gov
3. When considering what paper to purchase and use at the office, consider more than just if the paper is recycled.
   • Choose paper that is processed chlorine-free.
   • Use unbleached and uncolored paper.
4. When replacing office supplies that are broken or otherwise useless, consider choosing environmentally friendly options.
   • Staple-free staplers;
   • Bulletin boards made of recycled materials; and
   • Dry-erase calendars.
5. There are a few things to consider when your office decides to start buying green products and working with vendors to become more green.
   • Make a list of all items used in your office.
     a. Start choosing recycled content versions of as many as possible.
     b. Think about eliminating duplicate products and/or asking employees to share items.
   • Ask vendors to think about changing the ways they package their goods.
     a. Suggest returning packaging to the vendor for reuse.
     b. Ask vendors to minimize packaging.
     c. Suggest that vendors create packaging their customers can use after the item is delivered.
6. Look for manufacturers which have particular certifications and/or use green materials when selecting office furniture.
   • Solid wood desks
     a. Make sure it is not made from a tropical hardwood.
   • Particleboard furniture
     a. Ask for formaldehyde-free, or low formaldehyde particleboard or options with non-toxic preservatives.

Paper reduction
If double-sided printing is not yet an option in your office, use the clean side of discarded paper to print all documents for internal use, such as drafts, e-mails, notices and reports.

Sustainable practices
1. Make being environmentally-friendly a part of your office’s culture.
   • Make the office’s green standards and expectations a part of new employee orientation packages.
   • Develop information on greener purchasing, recycling, commuting, etc., and make it easily accessible to all staff.
2. Consider Earth-friendly choices when selecting new personal supplies for your office and business needs.
   • Use mugs made out of corn plastic.
   • Pick a wood USB drive.
   • Choose biodegradable pens.

Brown Rudnick forms international Cleantech team

Brown, Rudnick, Berlack, Israels LLP recently announced that it has established a Cleantech team to serve the needs of companies and investors involved in renewable, sustainable and environmentally safe technologies.

Brown Rudnick’s international Cleantech team pools talent from a number of the firm’s established practice groups, among them: Energy, Climate, Corporate & Emerging Growth, Corporate Finance, Structured Finance, Intellectual Property, Environmental, Government Relations and Tax. By combining experienced professionals from across these disciplines, Brown Rudnick is able to provide fully integrated solutions to investors, entrepreneurs, developers, service providers and other cleantech market participants.

According to Brown Rudnick Chief Executive Officer Joseph F. Ryan, “Although cleantech is a rapidly evolving sector, our core capabilities are time-tested, and our clients benefit from not only the experience we bring, but also from the culture here at the firm that is rooted in collaboration, teamwork and a collective focus on client success. We like to say that we have a distinctive cleantech offering because clients cannot outgrow us.”

Brown Rudnick is also a Signature Signer of the MBA Lawyers Eco-Challenge, an initiative launched last fall to encourage green practices in the legal community. Brown Rudnick is one of more than 60 lawyers, firms or organizations across the state to sign the MBA Lawyers Environmental Pledge, which asks attorneys to implement the MBA Green Guidelines.
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MBF grants $10,000 to Commonwealth Museum

The MBF recently awarded a Fellows Fund grant of $10,000 to the Commonwealth Museum at the Massachusetts Archives. The grant will help support the development of a new exhibit entitled, “Our Common Wealth: The Massachusetts Experiment in Democracy 1620-Today.”

The exhibit, scheduled to open in spring of 2009, will display rare historical documents from the vaults of the Massachusetts Archives and trace the Massachusetts experience through the colonial, revolutionary, federal, Civil War and 19th century reform periods.

A sub-theme, “Tracing our Roots,” will tell the story of four representative Massachusetts families of Native American, English, Black and Irish heritage. To create a thought-provoking and interesting experience for the museum-goer, the exhibit design will include state-of-the-art technology and interactive displays in a setting that evokes the atmosphere of early Massachusetts.

The MBF grant will be used specifically for an exhibit entitled, “Know Your Rights,” which is geared toward teaching young people about their constitutional rights under the law. This exhibit will feature an interactive exercise where student visitors will compete to identify whether individual rights have been violated under a number of different scenarios. The scenarios take basic rights and apply them to modern day situations, helping young visitors better understand the longevity and thoughtfulness in the documents that form the foundation of our government.

The MBF-funded exhibit will appear in a gallery that includes information on the drafting of the Massachusetts Constitution of 1780 (and its protection of rights); debates about a “bill of rights” for the proposed federal constitution; and information on the cases of Mum Bett and Quock Walker that abolished slavery in Massachusetts. After learning about these historical issues, through the “Know Your Rights” display, students will test their own rights in a contemporary setting.

The exhibit illustrates to all visitors that the fundamental rights of individuals secured more than 200 years ago by the federal Bill of Rights and the Massachusetts Constitution are very much in play today. For more information about the Commonwealth Museum, visit www.sec.state.ma.us/mus/museum.

Save the dates

Massachusetts Bar Foundation

Grantee Receptions Sept. 25 and Oct. 2

The Massachusetts Bar Foundation will honor the 2008-09 IOLTA Grant recipients and MBF Legal Intern Fellows at two upcoming Grantee Receptions.

The first, to be held in Boston, will take place on Thursday, Sept. 25, from 5 to 7 p.m., at the Massachusetts Bar Association’s offices at 20 West St.

The second, to be held in Springfield, will take place on Thursday, Oct. 2, from 4:30 to 6:30 p.m., at Bulkley, Richardson & Gelinas LLP, at 1500 Main St.

MBF Fellows, Grantees, friends, and those interested in learning more about the work of the Foundation, are most welcome to attend.

For more information, call Susannah Thomas at (617) 338-0647, or e-mail Foundation@massbar.org.

GBLS suffers $6,500 in damages

Greater Boston Legal Services suffered about $6,500 in damages to its main office at 197 Friend St. in Boston when fans celebrating the Boston Celtics 17th NBA championship the night of June 17 smashed their windows with a pole.

GBLS provides free civil legal assistance to low-income residents of Boston and 31 other cities and towns.

The incident, which was captured on video, destroyed GBLS’ front window and carpeting, which was filled with glass shards.

“We had just renovated the area. It was brand new. The part that they hit was the kids’ section,” said Executive Director Robert Sable.

Sable expected to have the cleanup and repairs finished by the end of July, but additional expense to the nonprofit. Insurance, he said, would only have covered a portion of the repairs and raised the nonprofit’s premiums, so GBLS was planning to cover the cost itself.

Even though GBLS has not solicited help, it had received about $1,000 in donations from supporters. “While this was an appalling thing, we appreciated the number of statements of support we got,” he said.

Sable said donations could be made through its Web site at www.gbls.org or by mail to:

Greater Boston Legal Services, c/o Bob Sable, executive director
197 Friend St., Boston, MA 02114
Member Spotlight

SJC honors attorneys with Adams Pro Bono Publico Awards

Supreme Judicial Court Justice Francis X. Spina presented the seventh annual Adams Pro Bono Publico Awards to five recipients at a special ceremony in the John Adams Courthouse June 4.

The awards, presented on behalf of the Supreme Judicial Court Standing Committee on Pro Bono Legal Services, were given in recognition of an outstanding commitment to providing volunteer legal services for the poor and disadvantaged in Massachusetts.

Past MBA Vice President John G. Dugan and MBA Probate Law Section Council Chair Edward Notis-McConarty were recognized for their extraordinary efforts to address the needs of litigants who represent themselves in court. For more than six years, Dugan and Notis-McConarty have served as co-chairs of a working group established by the Supreme Judicial Court Steering Committee on Self-Represented Litigants, which is devoted to expanding access to the Massachusetts courts. The group is working to achieve this goal by developing and implementing Limited Assistance Representation pilot projects in Probate and Family Courts in Suffolk, Hampden and Norfolk counties. These projects permit attorneys to assist pro se litigants on a limited basis without undertaking full legal representation.

Francis J. (Jay) Lynch III, managing partner at Lynch & Lynch Attorneys of Boston and South Easton, was recognized for his 17-year involvement on the board of directors of the Brockton Coalition for the Homeless, known as MainSpring.

Established in 1982, this community-based, charitable organization serves the homeless by providing shelter, food, education, job training, support services and housing. Lynch has also volunteered countless hours of legal services to homeless and low-income individuals and served as a pro bono legal resource in the recent merger of MainSpring and Father Bill’s. Through his dedication, residences for homeless families were established in Middleboro and Stoughton, and 400 families have received emergency shelter and stabilization services at those facilities.

Other attorneys were also recognized with awards for their efforts to legal services.

“The field of nominees this year demonstrates the exceptionally wide spectrum of opportunities for lawyers to render pro bono legal services,” said Justice Spina. “I was truly moved by the depth of sacrifice, the remarkable achievements, and the ingenuity of the legal profession when called upon to address difficult problems in hard times. I applaud the 2008 award recipients for their inspirational work.”

SJC Justice Botsford receives honorary doctorate from Northeastern School of Law

Supreme Judicial Court Associate Justice Margot Botsford received an honorary doctorate of public service at the recent Northeastern School of Law commencement ceremony. Botsford, who received her juris doctor from Northeastern School of Law, now serves on Northeastern’s Board of Trustees.

U.S. Supreme Court Justice Stephen G. Breyer delivered the commencement address and received the honorary doctorate of laws during the ceremony.

Keating elected to National Employment Law Institute advisory board

Littler Mendelson PC recently announced that Greg Keating, shareholder in the firm’s Boston office and co-chair of the National Health Care Practice Group, has been elected to the advisory board of the National Employment Law Institute. The advisory board is made up of some of the most influential employment and labor attorneys in the country.

Founded in 1976, NELI is a nonprofit educational organization that strives to effectively educate professionals who manage employment and labor issues. Keating was elected to the advisory board due to his extensive experience in labor and employment law and his dedication to providing clients nationwide with legal services of the highest quality in the area of labor and employment.

“NELI is the gold standard for continuing education in the employment and labor law domain. Its speakers and the materials provided are consistently first-rate. I have enormous respect for the organization and look forward to working with them to continue delivering such high quality programs,” said Keating.

Haggerty, Pomarole, Coffey and Rufo named to Jury Management Advisory Committee

Supreme Judicial Court Chief Justice Margaret H. Marshall recently appointed Superior Court Judge S. Jane Haggerty and Dedham District Court Judge Michael J. Pomarole to the Jury Management Advisory Committee with terms ending on May 1, 2011. First Justice Kathleen E. Coffey of the West Roxbury Division of the Boston Municipal Court Department was reappointed with a term that will expire on May 1, 2010.

Superior Court Judge Robert C. Rufo was named as chair and fills the position previously held by Superior Court Judge Peter M. Lauriat, who had been serving as acting chair. Rufo, whose term expires on May 1, 2010, was appointed to the bench in 1996. He has also served as a district court judge.

The Jury Management Advisory Committee consists of six justices charged with assisting the chief justice
Alexander D. Jones, Esq., recently assumed the role as president of the Massachusetts Chapter of the Association of Family and Conciliation Courts, an international interdisciplinary organization of lawyers, judges and mental health professionals dedicated to improving the court process for children. Jones was elected in 2007 and has been an active board member of the Massachusetts chapter since 2004.

Grossman’s Domestic Relations Practice Area, Jones specializes in all areas of domestic relations, ranging from negotiating divorce agreements outside of court to the litigation of domestic relations proceedings at both the trial and appellate levels.
You are a new lawyer — or a lawyer who does not ordinarily handle litigation matters — and you are asked to file a malpractice, personal injury, commercial or other civil action. Where do you begin? Learn the mechanics of preparing to file a lawsuit from start to finish. Our experienced faculty will begin by conducting mock client interviews and then discuss the legal, ethical and client issues raised during the interviews, as well as other issues associated with lawsuit preparation.

Faculty: David W. White Jr., Esq., program chair, Breakstone, White & Gluck PC, Boston; Alice B. Braunstein, Esq., Duane Morris LLP, Boston; Brian C. Dever, Esq., Keches & Mallen, Taunton; Denise I. Murphy, Esq., Rubin & Rudman LLP, Boston.

TUESDAY, AUG. 19

District Court Survival Guide — Criminal Practice
Course #: CLN08
4–6:30 p.m.
Introductory level
MBA, 20 West St., Boston

Join in the final program of this pair of seminars, designed to educate practitioners on the fundamentals of civil and criminal litigation in the district courts of Massachusetts. Topics for the criminal program will include arraignment, bail, trial and 209A practice.

Faculty: Amy Cashore Mariani, Esq., program chair, Fitzhugh, Parker & Alvaro LLP, Boston; Hon. Robert A. Cornetta, presiding justice, Salem District Court; Matthew T. Duffy III, Esq., Law Office of Matthew T. Duffy, Everett; Martin F. Kane II, Esq., McGrath & Kane, Boston; Raymond Sayeg Jr., Esq., Denner Pellegrino LLP, Boston.

WEDNESDAY, AUG. 20

Recent Developments in Appellate Practice
4–7 p.m.
Course #: CLV08
Introductory level
MBA, 20 West St., Boston

This program will discuss developments and trends in the appellate courts that transcend decisions in specific substantive areas. From various perspectives, the program addresses how well our appellate courts are discharging their duties. It also covers recent developments in appellate practice and procedure.

Faculty: Thomas J. Carey Jr., Esq., Carey Law Office, Hingham.

THURSDAY, SEPT. 11

Internal Investigation in the Face of a Law Enforcement Investigation: An Intersection Requiring Caution
4–7 p.m.
Course #: CLB09
Intermediate level
MBA, 20 West St., Boston

When a company becomes aware of an allegation of internal wrongdoing, it has an obligation to investigate the matter promptly and thoroughly. Internal investigations of this kind are usually led or aided by outside counsel. Some government prosecutors have become increasingly more aggressive, however, in viewing such internal investigations as interfering with their own impending or concurrent criminal investigations into the same allegation of wrongdoing.

At times, prosecutors even raise the specter of obstruction of justice with defense counsel who believe they are merely assisting their clients in discharging their fiduciary obligations, as well as providing constitutionally-protected attorney-client advice that is fully-informed by the facts at hand. Prosecutors may perceive the most zealous and thorough of internal investigations as crossing a line into interference. This conflict in perspectives raises a series of constitutional questions, as well as practical strategic questions, that this talented panel of defense counsel and government prosecutors will explore.

Faculty: Benjamin B. Tymann, Esq., program chair, Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC, Boston; Tracy A. Miner, Esq., Mintz, Levin, Cohn, Ferris, Glovsky & Popeo PC, Boston.

Additional faculty to be announced.

TUESDAY, SEPT. 23

Handling Depositions with Confidence
4–7 p.m.
Course #: CLB09
Introductory level
MBA, 20 West St., Boston

Effective depositions are integral to a successful outcome in any litigation. In light of the fact that the vast majority of civil cases resolve before trial, either through summary judgment or settlement, depositions are frequently the primary mechanism for gaining momentum and achieving a successful result for your client. If you have little or no experience taking depositions, you won’t want to miss this “how to” session with experienced local litigators so that you can handle your next deposition with confidence.


Additional faculty to be announced.

Drafting the Simple Will
4–7 p.m.
Course #: PRB09
Introductory level
Massachusetts School of Law, 500 Federal St., Andover

This seminar will provide the essentials for drafting the basic estate plan, including an understanding of reliance on the will to transfer wealth by probate vs. non-probate transfer options. The faculty will explain the process using their own sample forms and will discuss alternatives for setting fees.

Faculty: Mark A. Leahy, Esq., program chair, Whittum & Leahy, Hingham; Richard C. Barry Jr., Esq., Fletcher Tilton & Whipple PC, Worcester; Barry P. Wilensky, Esq., Friedler & Zuroff, Newton.
The Rx Files — Medicine for Lawyers Part I: Legal Aspects of Cardiovascular Diseases
5:30–7:30 p.m.
Course #: HLA09
Basic/Intermediate level
MBA, 20 West St., Boston

This is part one of a series of seminars planned by, and taught by, physicians for members of the legal profession. If you practice health care or medical law, personal injury law, workers’ compensation law or disability law, these seminars are for you. Part one will focus on cardiovascular diseases.

Faculty: Frank J. Riccio, D.M.D., J.D., program chair, Law Office of Frank J. Riccio PC, Braintree; Domenic Paolini, M.D., J.D., Paolini & Haley, Boston.
*Additional faculty to be announced.

WEDNESDAY, SEPT. 24
Mechanics of Real Estate Closings and Title Issues
Luncheon Roundtable (lunch provided)
12:30–2 p.m.
Course #: PRA09
Introductory level
MBA’s Springfield office, 73 State St., Springfield

This roundtable will help you travel along the “closing highway” from the initial meeting with a client through the time of closing and beyond. An expert attorney and paralegal will discuss helpful hints, potential pitfalls and title issues that can affect the entire closing process. New attorneys and paralegals who are new to the process of real estate closings will learn how to avoid mistakes and solve common closing problems. The course will provide a thorough review for experienced attorneys and paralegals will get a thorough review.


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Rosenkranz began the discussion by noting that the 25th Amendment to the U.S. Constitution addresses situations in which the president is unable to discharge his duties, who assumes those duties, and how the president can resume his position.

"It's interesting that the king chooses to delegate the power but not the title," Rosenkranz said, comparing Lear's circumstances with the 25th Amendment.

Greco noted, "I think there are some things to be learned from 'Lear.'" "I don't think he thought about what he was doing. He tried to divest himself of the burdens of power. If we have a monarch, a president, who goes insane, we have ways of dealing with it."

Cowin wondered what would happen if a president went insane but the condition was hidden by loyal advisers.

"These days, the blogosphere might take care of that," Starr said.

Silverglate disagreed with the premise of the discussion.

"I think we have this play all wrong. The problem wasn't that Lear gave power to evil daughters, but that he gave it to more than one," which led to internecine warfare, he said. He then offered a pointed political observation, saying that the play raised the issue of who really wields the power of the top office, something that could be asked in relation to President George W. Bush and Vice President Dick Cheney.

"It's more a question of who's in power now, the president or the VP? I think that's the lesson of Lear," Silverglate said.

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MBA to hold Bar Leadership Institute Friday, Sept. 12

The Massachusetts Bar Association’s Bar Leadership Institute will be held Friday, Sept. 12, at the Marriott Courtyard in Marlborough. In continuing our efforts to reach out to the MBA Affiliated Bar Associations, the MBA offers this full-day program free to the presidents, presidents-elect and executive directors of the 27 MBA Affiliated Bar Associations.

The Bar Leadership Institute makes it possible for bar leaders to get together and share ideas and information with each other to assist in leading their associations.

For more information, contact MBA Bar Services Liaison Pat Plasse at (617) 338-0596.

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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.

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