

LAWYERS JOURNAL



Volume 16, Number 7 • April 2009

www.MassBar.org

A call for mindfulness in our profession

Lawyers work at an increasingly frenetic pace, leaving limited time for contemplation and reflection. Little in our work seems to provide for opportunities to attune to one another, allowing for appropriate attention and awareness. This toxic pace and pattern increases our tendency to run on auto pilot.

“Living on automatic places us at risk of mindlessly reacting to situations, without reflecting on various options of response,” according to Dr. Jon Kabat-Zinn, founder of the University of Massachusetts Medical School’s Center for Mindfulness in Medicine, Health Care, and Society.

As an alternative approach, Kabat-Zinn and the center’s work concentrates on the

PRESIDENT’S VIEW

by Edward W. McIntyre

benefits of *mindfulness*. Defined on the center’s Web site, mindfulness is “a way of learning to relate directly to whatever is happening in your life, a way of taking charge of your life, a way of doing something for yourself that no one else can do you for you — consciously and systematically working with your own stress, pain, illness and the challenges and demands of everyday life.”

Such an approach may serve our profession well.

During the past decade, researchers have found that of all professionals, lawyers are the most prone to stress, depression and alcohol problems. In the U.S., 15 to 18 percent of all lawyers abuse alcohol. Some believe that the problems stem from the inherent personalities of those drawn to our profession, whereas others believe that they are related to the nature of the job. Adding insult to injury, lawyers face the pressure of longer working weeks as

continued on page 6

Sen. Creem brings MBA experience into role as new judiciary chair

by Jennifer Rosinski

State Sen. Cynthia Stone Creem believes her term as chair of the Massachusetts Bar Association’s Family Law Section in the late 1990s was the perfect training ground for a future legislative career. In February, the former family law practitioner and current six-term senator was appointed to succeed Robert S. Creedon as Senate chair of the Joint Committee on the Judiciary.

“I learned how to do policy work at the MBA. This is really full circle for me,” said Creem, a partner at Stone, Stone & Creem, where she practices family law. “I’m excited about being the chair. These are areas I’ve been interested in for so long.”

As co-chair of the Joint Committee on the Judiciary, Creem will weigh in on legislation related to criminal law, the courts and civil and equal rights. The MBA has recently argued before the committee on a number of matters, including sentencing and Criminal Offender Record Information (CORI) reform.

Creem, a Massachusetts Bar Foundation Fellow, is still a member of the MBA’s Family Law Section and is the sponsor of four bills on behalf of the MBA. She is just one of several new legislative leaders who have a longstanding history of collaboration with the MBA. (See profiles of other new leaders on page 5.)

“The good news from the bar’s perspective is a number of attorneys have been appointed to leadership positions in the House and

continued on page 4



Photo by Merrill Shea

Justice Ginsburg speaks at New England Law Boston



Photo by Bruce Benner

Justice Ginsburg took questions from 180 students at New England Law Boston as part of its Law Day celebration.

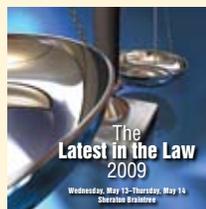
U.S. Supreme Court Justice Ruth Bader Ginsburg was the keynote speaker at New England Law Boston’s centennial Law Day Dinner on March 13. She spoke about collegiality on the Court, saying that despite “sharp differences on certain issues ... in recent terms, we have even managed to agree, unanimously, 40 to 50 percent of the time. ... All of us appreciate that the institution we serve is far more important than the particular individuals who compose the Court’s bench at any given time.”

Following the dinner, Dean John O’Brien led the approximately 1,500 attendees in a round of “Happy Birthday” and presented Ginsburg with a cake to celebrate her 76th birthday on Sunday.

New England Law Boston, the nation’s first women’s law school (as Portia Law), is celebrating its centennial this year. Guests of honor at the dinner included alums Margaret Doyle (Portia Law School ’32) and Eleonora Burke (Portia Law School ’35). Look for more extensive coverage of women in the law in next month’s *Lawyers Journal*.

Access to Justice
awardees announced.

See page 7.



“Latest in the Law”
May 13, 14 in
Braintree.

See page 6, 19.

ABA amends professional
conduct rule

See page 4.

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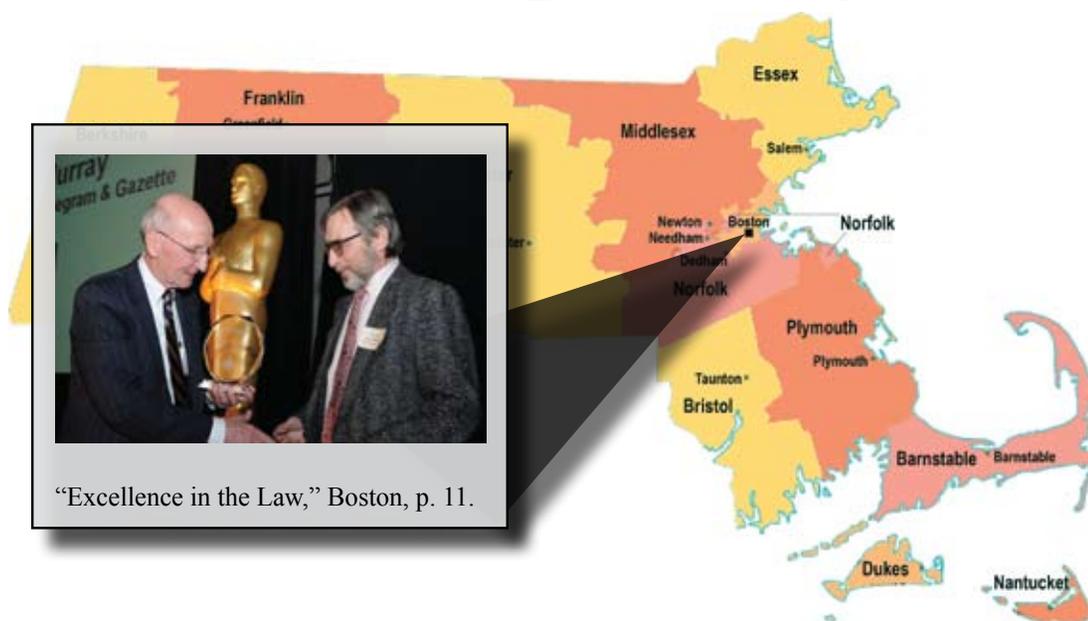
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Recent and upcoming events



“Excellence in the Law,” Boston, p. 11.



1. **“Expanding Your Practice in a Shrinking Economy”**
MBA offices, 20 West St., Boston, April 7 through May 12.
Information on p. 19.
2. **“Excellence in the Law”**
Fairmont Copley, Boston, March 5. *Story on p. 11.*
3. **House of Delegates meeting**
Campus Center, UMass-Boston, Boston, March 11.
Story on p. 3.
4. **MBA Legal Technology Expo**
Sheraton Framingham, Framingham, March 20. *Story on p. 8.*
5. **“Creative Ways to Use Your Law Degree” conference**
Lombardo’s, Randolph, April 16. *Story on p. 9.*
6. **New Section/Division Open House**
MBA offices, 20 West St., Boston, April 29.
Information on p. 19, 20.
7. **Access to Justice Awards Luncheon**
JFK Library and Museum, Boston, May 7. *Story on p. 7.*
8. **“The Latest in the Law 2009”**
Sheraton Braintree, Braintree, May 13 and 14. *Story on p. 6, information on p. 19.*
9. **30th Annual Labor & Employment Law Conference**
The Colonnade Hotel, 120 Huntington Ave., Boston, June 2.
Information on p. 21.
10. **Health Law Conference**
MBA offices, 20 West St., Boston, June 5. *Information on p. 21.*
11. **Third Annual Public Law Conference**
MBA offices, 20 West St., Boston, June 10. *Information on p. 21.*
12. **Making Your Law Firm Thrive Conference**
Courtyard by Marriott, 75 Felton St., Marlborough, June 11.
Information on p. 21.

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.

LAWYERS JOURNAL

Massachusetts Bar Association *Lawyers Journal*
Volume 16, No. 7

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Lawyers Journal (ISSN 1524-1823) is published monthly, except in August and December, by the Massachusetts Bar Association, 20 West St., Boston, MA 02111-1204. Periodicals postage paid at Boston, MA 02205. Postmaster: send address changes to *Lawyers Journal*, 20 West St., Boston, MA 02111-1204.

Subscription rate for members is \$20, which is included in the dues. U.S. subscription rate to non-members is \$30. Single copies are \$3.

Telephone numbers: advertising (617) 338-0516; editorial (617) 338-0679; general MBA (617) 338-0500. E-mail address: lawjournal@massbar.org.

Readers are invited to express their opinions as letters to the editor and op-ed commentaries. All submissions are subject to editing for length and content. Submit letters and commentaries to: Editor, *Lawyers Journal* at the address given above, or via e-mail to lawjournal@massbar.org or fax to (617) 542-7947.

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HOD votes on Access to Justice honorees, supports act to keep kids in school

by Tricia M. Oliver

The second MBA House of Delegates meeting of 2009 was held at the Campus Center at UMass Boston. MBA President Edward W. McIntyre began the March 11 meeting by quoting the MBA original 1911 articles of incorporation and reminding the group that “our organization does a great job of fulfilling that mission.”

One of the first reports of the meeting was given by General Counsel and Acting Executive Director Martin W. Healy, who provided updates relative to the happenings on Beacon Hill. He announced that the MBA would be joining the leadership of the Boston Bar Association and other county and specialty bar associations to host a Court Advocacy Day on March 31 at the grand staircase in the Statehouse.

The event will further underscore the need for adequate funding to sustain the critical needs of the Massachusetts court system. Healy mentioned that the MBA presented a similar grassroots advocacy event in the early 2000’s and he was hopeful that this event, like the former, would “add some help to courts and access to justice.”

Also on the legislative front, Healy mentioned an upcoming hearing on the Transportation Bond Bill, a segment of which would collapse the independent state agencies of the Massachusetts Bay Transit Authority, Turnpike Authority and Massachusetts Port Authority into part of the Department of Transportation. Such a move would cap damages at \$100,000 for anyone injured when using public transportation. According to Healy, the MBA has been working with the Massachusetts Academy of Trial Attorneys to correct this harmful provision.

Among other legislative appointments, Healy mentioned the announcement of Sen. Cynthia Creem as the new co-chair the Joint Committee on the Judiciary, replacing the seat vacated by former Sen. Robert Creedon. Creem will co-chair the committee with Rep. Eugene O’Flaherty (see related story on cover).

Healy also provided updates on MBA programs, including the Legal Technology Expo held on March 20, the Trial Court Orientation held on March 25 and the upcoming Access to Justice Luncheon on May 7 at the John F.

Kennedy Library and Museum.

At the May 7 luncheon, the MBA will honor champions of pro bono and other volunteer legal services. The MBA HOD approved the slate of awardees as presented by Access to Justice Section Chair James Van Buren of Worcester. Honorees include:

- Legal Services Award: Barbara Kaban, Children’s Law Center, Lynn, and James M. McCreight, Greater Boston Legal Services, Boston;
- Pro Bono Award for Law Firms: Tennant Lubell LLC, Newton, and McDermott, Will & Emery, Boston;
- Pro Bono Publico Award: Wendy J. Rickles, Worcester;
- Defender Award: Lawrence J. McGuire, Swampscott;
- Prosecutor Award: Alope Chakravarty, U.S. Attorney, Boston.

For more on these nominees, see article on page 7.

The Access to Justice Section also brought before the HOD An Act to Help Students Stay in School. Council member Annie Singh asked the House to support the act in principle. The act, filed in the 2009-10 session by Representatives Alice K. Wolf and Tom Sannicandro along with Sen. Patricia D. Jehlen, is intended to protect students against being excluded for misconduct that does not seriously threaten student and staff safety. According to Singh and act supporters, current laws have created a tendency for increased use of long-term suspension and expulsion of students. The proposed act would provide more stringent rules against suspension and expulsion, except for misconduct involving firearms or drugs.

A lengthy and varied debate ensued on this topic. Requesting clarification on if the act was targeting principals for their discretion, attendees also questioned the act’s impact on alternative schools and on various stakeholders not identified in the act as drafted. Delegate Mary T. Feeney, speaking on behalf of the Public Law Section, said that her section believed it was “premature at this time.” Wendy Wolf, representing the Juvenile & Child Welfare Section, reported that her section was split on this issue, but felt the proposed act “provided better principles than existing legislation on student suspension and expulsion.” According to Wolf, the majority of the section rejected the act as written, but accepted it in principle. Among other delegates who expressed opinions on the act, at-large delegate Denise I. Murphy encouraged her peers to accept the act in principle for its merit in providing better due process for children.

The debate on An Act to Help Students Stay in School concluded with a passing vote of 32 to 16 with three delegates abstaining.

Following an executive session of HOD, McIntyre announced a new Nominating Committee. The committee is charged with producing a nomination report for the MBA 2009-10 officers by the end of the second full week in April.



Bristol County Bar Association President Susan L. Jacobs (right) and MBA Probate Law Section’s Ned Notis-McCarthy.

The committee includes:

- David W. White Jr., chair, immediate past president, Breakstone, White & Gluck PC
- William E. Bernstein, past president, Bernstein, Burwick, Tucker & Stern LLC
- Warren Fitzgerald, past president, Fitzgerald Dispute Resolution LLC
- Michael E. Mone, past president, Esdaile, Barrett & Esdaile
- Paul H. Rothschild, Bacon Wilson PC
- Camille F. Sarrouf, past president, Sarrouf Corso LLP
- Ingrid Schroffner, Massachusetts Executive Office of Health & Human Services.

White, as chair of the Nominating Committee, suggested a motion to modify the MBA Election Policies and Procedures to make way for a more efficient and effective election process if one is called for following the Nominating Committee’s report. After a debate involving proposed amendments to the motion, the House eventually approved White’s original motion.

Toward the conclusion of the meeting, MBA Treasurer Denise Squillante presented a robust Treasurer’s Report, mentioning the “rich legacy” of the MBA. She spoke to the “very important and significant work” of the association that serves as the “lifeline of the profession.” She discussed the action of the association as it furthers its mission to meet the needs of its members. Specifically, Squillante emphasized that a growing number of well-attended CLE offerings have taken place outside of the greater Boston area.

Squillante also announced the progress of the MBA’s budget expense reduction efforts and reported that the MBA had seen 1,300 new members this year. She characterized the state of the MBA as “viable and strong” and encouraged her fellow delegates to “roll up your sleeves and come aboard for the challenges of the future.” She likened the challenges of the MBA and its members to those which other bar associations across the state and country are facing in the down economy.

The next MBA HOD meeting will take place on Thursday, May 21, at the MassMutual Center in Springfield.



Photos by Tricia M. Oliver

Philip J. Kassel, of South Coast County Legal Services (SCCLS) encouraged delegates to support An Act to Help Students Stay in School. With him, from left to right, are MBA President Ed McIntyre; Access to Justice Section Council Member Annie Singh and Access to Justice Section Council Co-chair James Van Buren.

ABA amends Model Rule of Professional Conduct at February Boston meeting

by Roberta Holland

The vote has been tallied, but the debate still rages on over the American Bar Association's amendment to its ethics rules regarding lawyers who change firms.

The ABA House of Delegates amended the Model Rule of Professional Conduct at its February meeting here in Boston. The change endorses the use of screens when a lawyer moves from one law firm to another, and the new firm is opposing a former client. Intended to protect former clients' confidentiality, the screen also prevents conflicts of interest from being imputed to other lawyers in the new firm. Clients do not need to consent to the screen.

After a contentious debate, the proposal was approved in a 226 to 191 vote. A substitute proposal to endorse screening only in cases in which the lawyer was not substantially involved, which mirrors the law in Massachusetts, was voted down.

While the ABA's Model Rules are advisory in nature, many lawyers said the rules do influence laws that jurisdictions adopt. Twenty-four states already use screens in some form, and the ABA had rejected similar proposals in the past.

"I think (the debate) absolutely is not over," said Lucian T. Pera, a member of the ABA House of Delegates who supported the change. "The fact that the ABA had this yearlong debate on screening, regardless of how it came out, I think is going to have an effect on a lot of states."

Pera, a partner with Adams and Reese LLP in Mem-

phis, said Tennessee has allowed screening since the late 1980s. Initially, the state had a policy similar to the one adopted by the ABA, then moved to a more restrictive policy. But Pera said the bar will consider whether to go back to its Supreme Court in light of the ABA's action.

Whether the ABA vote will prompt Massachusetts to revise its own policy remains to be seen, said Andrew L. Kaufman, a professor and vice dean for academic programming at Harvard Law School. He is also chair of the MBA's Committee on Professional Ethics.

Kaufman is on the SJC committee that recommends rule changes. He said he expects that "sooner or later" the committee will consider whether to revisit the issue.

Kaufman was not a personal supporter of the amendment. He said problems could occur when a large firm winds up with dozens of screens in place at once. "The more that are in effect, it seems to me, the more likelihood a breakdown will occur," he said. That raises questions of if there is a breakdown, whether lawyers will own up to it.

Breakdowns of screens do not have to be malevolent, Kaufman added.

"It's not even a question of trust; it's a question of things happen," he said. "People speak when they shouldn't."

Leading the battle against the change was Lawrence J. Fox, a partner with Drinker, Biddle & Reath in Philadelphia and a lecturer at Harvard Law School. It was Fox who proposed the alternative amendment on behalf of the ABA's Section on Litigation.

"I think it's an assault on clients," Fox said. "I haven't gotten over it. It was a very black day at the ABA."

Fox believes clients will be justifiably worried when lawyers change firms. Moving lawyers would have a powerful incentive to share information to earn favor with their new colleagues, and it would be very difficult to prove, he said.

"While it is true most lawyers are trustworthy, a significant percentage of them are not," Fox said. While the previous policy may have been inconvenient, Fox believes it was a minor price to pay. "I turn down more work than I accept because of conflicts. It's just a part of life."

Imputing conflicts to all lawyers in a firm was causing increasing difficulty because law firms are getting so large, said Andrew Perlman, a professor at Suffolk University Law School. Odds were higher there would be some conflict between a newly hired attorney's former clients and someone in the firm. If the former client didn't waive the conflict, the new firm might drop its client or not hire the lawyer.

"Not having a screen provision was viewed as a potentially significant impediment to lawyers' ability to move from one firm to another," Perlman said.

Pera added that there are more interests at stake than just the moving lawyer and the former client. The issue also concerns the new law firm and its clients. He rejected the notion of basing regulations on what he called the lowest common denominator.

"I can't imagine that we would ever want to — or could — write ethics rules for lawyers based on the assumption that lawyers are not going to follow the rules," Pera said. "What kind of sense does that make?"

Legislative profile: Sen. Creem

continued from page 1

Senate," said MBA General Counsel and Acting Executive Director Martin W. Healy, who serves as the association's chief legislative liaison on Beacon Hill. "This bodes well for the practicing bar."

Other notable leaders appointed in February are Speaker of the House Robert A. DeLeo of Revere, a former MBA Legislator of the Year; Majority Leader James E. Vallee of Franklin and Ways & Means Chair and State Rep. Charles A. Murphy of Burlington, a strong supporter of civil legal aid.

Although it was only last fall when the new child support guidelines were signed into law, they were a hot topic even when Creem served as MBA Family Law Section chair a decade ago. It was during her time as an MBA leader communicating for these guidelines and other important policy changes that Creem said she first learned the art of advocating to opposing viewpoints. "It was a good forerunner to the Legislature," she said.

"I went before the House of Delegates and the Family Law Section would have something they wanted to pass and I would need to sell it," Creem said. "When you are going to the House of Delegates, you're hearing from people coming from all areas of the state representing varying interests. It's very much like the Legislature."

Family law is still important to Creem, who has filed a bill on behalf of the MBA this session that would grant judges the discretion to determine the duration of alimony payments. The three other bills she has filed on behalf of the MBA this session would: allow the court to continue probation with or without extending the conditions after a



Photo by Merrill Shea

violation; allow the court to hold probation violators on bail; and require certificates of name changes related to a marriage be given automatically after a marriage certificate is filed. All four of the bills are currently pending before the Joint Committee on the Judiciary.

As the former chair of the Legislature's Criminal Justice Committee, Creem successfully opposed the reinstatement of the death penalty, helped create safety buffer zones around health clinics, reformed the sex offender registry and drunken driving laws and drafted a new law

to prevent terrorist threats.

Creem, who also serves as vice chair of the Senate Committee on Bonding, Capital Expenditures and State Assets, also places a high priority on the issues of health care, the environment, women's issues, civil rights and education. A native of Brookline, Creem graduated from Brookline High School, Boston University's School of Management and Boston University Law School. She lives in Newton, where she served on the Board of Aldermen.

Legislative snapshots of the state's newly appointed leaders

Charles A. Murphy, Democrat

State Representative, Twenty-first Middlesex. House Chair, Ways & Means

Of counsel, Gibson & Behman PC



Photo courtesy of Rep. Murphy

Charles A. Murphy was appointed chair of the House Committee on Ways & Means in February. He is focused on crafting a budget which addresses the commonwealth's priorities while maintaining fiscal responsibility. Murphy was elected to the Massachusetts House of Representatives in 1997 and is currently serving his eighth term.

Murphy joined the U.S. Marine Corps while in law school and served from 1989 to 1994, earning the rank of captain. While stationed at Cherry Point, N.C., he served a six-month tour as the staff judge advo-

cate for the commanding officer aboard the *USS Guadalcanal* that deployed to the Mediterranean Sea and Mogadishu, Somalia, as part of the 22nd Marine Expeditionary Unit. Murphy also served as a military prosecutor and special assistant U.S. attorney for the Eastern District of North Carolina.

Born and raised in Burlington, Murphy graduated from Villanova University, Vermont Law School and the Kennedy School of Government at Harvard University. He lives in Burlington with his wife and two daughters.

Robert A. DeLeo, Democrat

State Representative, Nineteenth Suffolk, Speaker of the House

Law Office of Robert A. DeLeo



Photo courtesy of Rep. DeLeo

Robert A. DeLeo was appointed speaker of the House in February. DeLeo was House Ways & Means Committee chair from 2005 to 2009.

Currently vice chairman of the Winthrop Democratic Town Committee, DeLeo is also a Town Meeting member in Winthrop and has served in that capacity since 1977. He formerly served on the Winthrop Board of Selectmen and was its chairman for nine years.

DeLeo is also involved in regional and social issues as a member of the Airports Hazards Committee, Friends of the Council on Aging, Revere League for the Special Needs, Revere Santa Fund and Friends of Parks and Recreation.

Born and raised in Winthrop, DeLeo graduated from Boston Latin School, Northeastern University and Suffolk University Law School. DeLeo, who has a son and daughter, lives in his childhood home.

James E. Vallee, Democrat

State Representative, Tenth Norfolk, House Majority Leader

Partner, Cornetta, Ficco, Simmler & Vallee LLP

U.S. Army Reserve Officer

James E. Vallee was appointed House majority leader in February. Vallee first ran for the Massachusetts House of Representatives in 1994 and has been re-elected for eight terms. He also serves on the Committee on Ethics and Committee on Rules. His legislative priorities include meaningful ethics reform, transportation reform — specifically of the Massachusetts Turnpike Authority — funding for public education and state pension reform.

Vallee was the House chairman of the Criminal Justice Committee for the 2003-04 session, passing stronger drunk driving laws and penalties for sex offenders. He is also involved in regional and social issues as a member of the Elder Affairs Caucus, the MetroWest Caucus, the Children's Caucus and the Charles River Legislative Caucus. In addition, Vallee sits on the 495/MetroWest Corridor Partnership's Board of Directors. Vallee is a lieutenant colonel member of the Massachusetts National Guard and a command judge advocate for the 151st Troop Command.

Born and raised in Franklin, Vallee graduated from Providence College, New England School of Law and the University



Photo by Heidi Heimsal for the BU Statehouse Program

of Virginia's U.S. Army Judge Advocate General School. He lives in Franklin with his wife and two daughters.

Attorneys urged to respond to SJC's Suffolk County judge evaluation survey

As part of the ongoing program to evaluate and enhance judicial performance, the Supreme Judicial Court's Judicial Performance Evaluation Committee has sent questionnaires to attorneys and court employees in Suffolk County. The success of the evaluation program depends on a high rate of participation and timely responses in order to provide judges with fair and complete evaluations.

The survey, which began in mid-February, will evaluate 49 judges in the Boston Municipal Court, District Court, Juvenile Court, Housing Court and Probate and Family Court. Completed paper questionnaires are due on April 3; the electronic questionnaire must be completed by April 10.

Attorneys who computerized records show have appeared in Suffolk County

court multiple times during the past two years will receive questionnaires. Attorneys will either receive a copy of the questionnaire in the mail, or if their e-mail address is on file, an invitation to use the evaluation Web site and a username and password.

Since the inception of the program in 2001, evaluations have been conducted in all the counties in the commonwealth. Judges are now being evaluated for the third time.

As required by statute, the evaluations are confidential and anonymous. The results will be transmitted only to the judge being evaluated and to the appropriate chief Justices. Attorneys can register their e-mail with the SJC for future evaluations at <http://judeval.sjc.state.ma.us/?go=reg>.

“Latest in the Law 2009” on May 13 and 14 to highlight recent legal developments

Comprehensive two-day conference specifically designed in light of attorneys’ busy schedule and budgetary constraints

by Kelsey Sadoff

Massachusetts Bar Association members now have the opportunity to receive individualized law practice management advice, Casemaker training on personal laptops, attend a newly added session on the *Massachusetts Guide to Evidence* and participate in speed networking at “Latest in the Law 2009.”

“Latest in the Law 2009” is a specially priced comprehensive conference highlighting the most significant cases and developments over the past year. Designed to allow practitioners to attend all available programming, the MBA is offering more than a dozen programs at the Sheraton Braintree on May 13-14, from 8:30 a.m. to 5:30 p.m.

“This conference provides up-to-date information on various practice areas for lawyers who may be considering transitioning from one practice area to the next,” said MBA Treasurer Denise Squillante. “The MBA is a leader in serving our members’ educational needs and in assisting our members and lawyers throughout the state in enhancing their professional knowledge and sharpening their skills in their practice areas.”

A newly added conference session to the May 13 programming on the recently released *Massachusetts Guide to Evidence* will be presented by Appeals Court Judge R. Marc Kantrowitz, chair of the Advisory Committee on Massachusetts Evidence Law and editor-in-chief of the guide. This practical, easy-to-use reference tool is a valuable resource to attorneys’ practices. Kantrowitz will highlight the most important sections and aspects of the

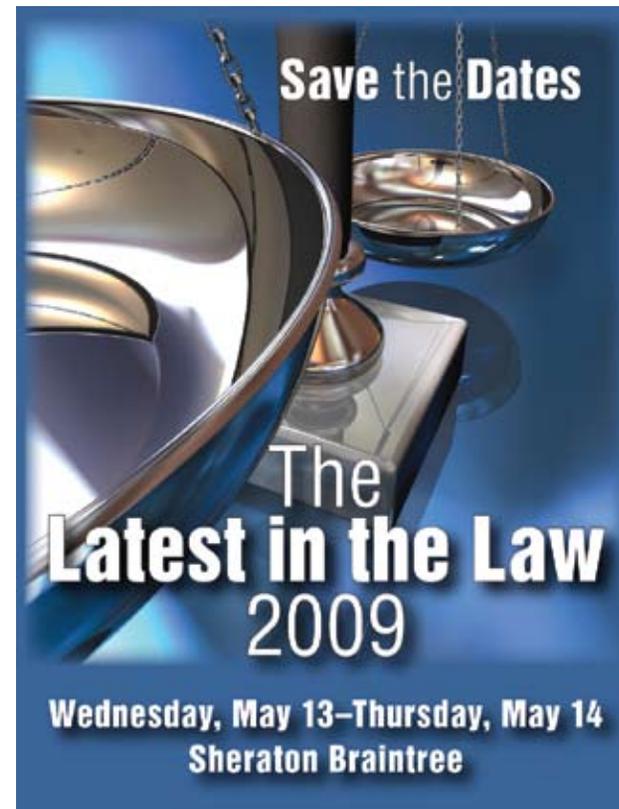
guide and demonstrate how the guide can be utilized to help your practice.

“Latest in the Law 2009” will also offer attorneys from across the commonwealth an opportunity to participate in “Speed Networking with a *Twist*” on May 13. Participants are invited to share a successful practice tip (that’s the twist) that they have implemented in their practice this year, be it marketing, billing, technology, time management, work/life balance or beyond. “For new lawyers, this is an opportunity to meet other members in the profession and to participate in a mentoring session,” said Squillante.

“Lawyers are facing uncertain times. In this present climate, some are seeking to add additional practice areas to their present practices, while others are trying to find ways to make their specific practices more efficient and profitable,” said Alan J. Klevan, Esq., of Klevan & Klevan in Wellesley and co-chair of the Law Practice Management Section. He will be speaking about the Massachusetts Data Privacy Act and the impact it will have. “This conference was designed with those concerns in mind. Either way, attorneys who attend will leave this conference confident in their ability to come out of this recent economic climate stronger and more certain of their ability to succeed.”

See full schedule of the two-day conference on page 19.

MBA members can attend “Latest in the Law 2009” for \$150 per day or \$250 for both days. Receive a complete set of materials by registering for both conference days at the specially discounted rate of \$250, a savings of \$50. Judges can attend for \$50 per day.



Check upcoming editions of *e-Journal* and *Lawyers Journal* for additional conference information. To register, call MBA Member Services at (617) 338-0530 or visit www.massbar.org/Latest.

President’s view: Mindfulness

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well as juggling their roles of practitioners and office managers.

According to Sacha Pfeiffer, writing for the *The Boston Globe* in June 2000 and citing the Boston-based Lawyers Concerned for Lawyers, depression and anxiety have equaled or surpassed alcohol and drugs as what the group calls a “presenting problem” for five of the past 10 years. In 2005, depression or anxiety was cited by 26 percent of all lawyers who sought counseling, while alcohol or drugs were cited by 21 percent. The number of lawyers seeking depression counseling jumps to 60 percent when the tally includes those wanting help with “career/practice management.”

The American Bar Association’s Commission on Lawyer Assistance Programs reports that many try to cope with stress by turning to tobacco, alcohol, caffeine, herbal remedies and legal or illegal drugs, as well as other harmful behaviors as diversions.

Some practitioners cope with more extreme action. Suicide ranks among the leading causes of premature death among lawyers. Surveys of lawyers in Washington and Arizona show that most lawyers suffering from depression also have suicidal thoughts. The 1992 Annual Report

of the National Institute of Occupational Safety and Health reported that male lawyers are twice as likely as the general population to commit suicide.

The mindlessness brought on by the crippling stress of our profession negatively impacts our ability as a whole to develop relationships with colleagues, to succeed in fair negotiation, and to sustain objectivity—all negatively affecting our ability to serve as counsel in a civil manner.

The mindlessness brought on by the crippling stress of our profession negatively impacts our ability as a whole to develop relationships...

We’ve all seen incivility in our colleagues or ourselves in the midst of a deposition, courthouse corridors, correspondence and conversations with opposing counsel or in many other unhealthy professional exchanges. Incivility impedes the administration of justice and reflects poorly upon our profession. In May 2006, the Massachusetts Bar Association’s House of Delegates addressed

this topic in part by adopting *Civility Guidelines for Family Law Attorneys*.

Beyond such guidelines and efforts to regulate our behavior and manner, each of us has to take the matter into our own hands and be more aware of our professional behavior — be more mindful.

Kabat-Zinn writes, “to provide effective counsel we need a mind that knows and sees in new ways — that is motivated differently — that aspires to compassion and empathy.”

Eighteen thousand people have attended Kabat-Zinn’s

eight-week Mindfulness Based Stress Reduction clinic at UMass Medical School. The program has served as a national model, being replicated throughout the country and around the world. Studying Kabat-Zinn’s and similar work, I seek a better understanding of how to practice being mindful.

I look forward to Massachusetts attorneys bringing further clarity and compassion to our daily interactions. Reducing conflict and enabling better communication and understanding can only benefit our noble profession and better serve the interests of our clients.

To conclude, I leave you with a quote from William Butler Yeats:

We make our minds so like still water that beings gather about us that they may see, it may be, their own images, and so live for a moment with a clearer, perhaps even with a fiercer life because of our quiet.

The Celtic Twilight: Earth, Fire & Water (1902)

To learn more on mindfulness, visit www.umassmed.edu/Content.aspx?id=41254.

Visit www.MassBar.org

Luminaries in public service, legal aid saluted at May 7 Access to Justice Luncheon

Rep. Harold P. Naughton Jr., Mass. IOLTA executive director Jayne B. Tyrrell among those honored

by Tricia M. Oliver

The picturesque views from the John F. Kennedy Library and Museum are once again the backdrop for the MBA's Access to Justice Luncheon. The May 7 luncheon is an annual opportunity for the MBA to recognize attorneys and firms who have delivered exemplary pro bono and other legal services.

In addition to the seven Access to Justice Awards, MBA President Edward W. McIntyre will bestow the 2009 Legislator of the Year Award to **State Rep. Harold P. Naughton Jr.** and the President's Award to **Jayne B. Tyrrell**, executive director of the Massachusetts Interest on Lawyers' Trust Accounts (IOLTA) program.

This year's awardees hail from across the state. "Chosen from a deep pool of nominees, the awardees really stood out and serve as role models for all of us," said James Van Buren, chair, MBA Access to Justice Section. "We appreciate those who placed the nominations for bringing the impressive efforts of their colleagues to our attention."

Legal Service Award

The first of two legal services awards will be presented to **Barbara Kaban** of the Children's Law Center in Lynn. The award is given to a public or agency attorney who has made contributions beyond his or her required job responsibilities. In addition to establishing herself as a trial attorney, administrator and manager at the Children's Law Center, Kaban has authored numerous articles focusing on issues related to juvenile justice and low-income children; conducted research on matters affecting disadvantaged youth; and developed an appellate advocacy practice addressing questions of juvenile law.



The second award will go to **James M. McCreight** of Greater Boston Legal Services. A nationally known expert on housing issues, McCreight has dedicated his career to the protection of tenants' rights. Working closely with tenant associations and advisory boards to ensure that tenants are aware of their rights, he offers his depth of knowledge to colleagues at GBLS and the legal community as a whole.



Pro Bono Award for Law Firms

Two of the Pro Bono Award for Law Firms will be presented this year. The award is presented to firms whose meaningful pro bono activities are particularly noteworthy given the firm's size.

Tennant Lubell LLC in Newton will receive this award. Partners Doris Tennant and Ellen Lubell are part of a network of

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lawyers who represent Guantanamo Bay prisoners. Since its founding, Tennant Lubell has been committed to pro bono cases, collaborating with organizations such as Amnesty International, Boston Mobilization and the International Justice Network.

McDermott Will & Emery

ment to community service, volunteerism and unique devotion to meeting the critical legal needs of low-income children. First providing free representation for several disabled children in 2003, the firm's work with the Children's Law Center has expanded over six years to provide countless hours of free legal assistance.

Pro Bono Publico Award

The Pro Bono Publico Award is given to an individual who has been instrumental in developing, implementing and supporting pro bono programs for the MBA, a local bar association, law firm or agency. **Wendy J. Rickles**, a solo practitioner in Worcester, is the 2009 recipient of this award for her volunteer efforts in the areas of criminal, family and employment law. She is active with the Worcester County Bar Association's Committee on Services to the Poor and Homeless and the Hon. Harry Zarow Homeless Advocacy Project, a collaboration of the WCBA and the Legal Assistance Corporation of Central Massachusetts. Also, through her work as co-chair of the WCBA's Family Law Section, she has orchestrated numerous outreach efforts for Worcester's homeless.



Defender Award

This year's Defender Award will go to **Lawrence J. McGuire**, a public defender with the Committee for Public Counsel Services in the Salem Superior Court. The award is given to a public or non-profit agency attorney who provides or contributes to the provision of criminal legal services to low-income clients. A mentor to CPCS and all criminal law attorneys in Essex County, McGuire's public defense career has spanned three decades. His effective skills as an innovative litigator have proven to be successful in the courtroom, but also in training new bar advocates and as an advisor and faculty member for Massachusetts Continuing Legal Education.



Prosecutor Award

The Prosecutor Award will go to **Aloke Chakravarty**, a Boston-based assistant U.S. attorney. The award is bestowed upon a state or federal prosecutor who has distinguished him or herself in public service. A federal prose-

cutor in the U.S. Attorney's Anti-Terrorism and National Security Unit, Chakravarty tries a variety of cases involving human rights violations, immigration fraud, export and drug offenses, as well as terrorism related crimes. A career public servant, Chakravarty brings cultural sensitivity to the courtroom and the communities in which he has served.



Legislator of the Year and President's Awards

The MBA has chosen **Rep. Naughton** as the recipient of the MBA's Legislator of the Year Award. "Rep. Naughton includes the bench and bar of Central Massachusetts among his constituents and both have no greater supporter than 'Hank' Naughton," said McIntyre. "The people of the commonwealth are the ultimate beneficiaries of his work to appropriately resource the full administration of justice spectrum." A member of the House of Representatives since 1995, Naughton serves as the chairman of the Veterans and Federal Affairs Committee. An informed voice on court funding, CPCS, bar advocates and district attorneys, Naughton's other legislative priorities include local affairs, education, environment and veteran's affairs.



The MBA President's Award is given to attorneys who have made a significant contribution to the work of the MBA, its values and success of its initiatives by promoting the MBA's leadership role within the legal community. McIntyre has chosen **Tyrrell** to receive this high honor.

As longtime executive director of Massachusetts IOLTA, Tyrrell has earned a national reputation for her innovative collaborations with banking institutions. Most recently, she was instrumental in changing guidelines to ensure that banks were required to pay interest on IOLTA accounts comparable to rates on similar commercial accounts.

She is the co-chair of the Boston Bar Association Task Force on Expanding the Right to Counsel and is a member of the National Coalition on Civil Right to Counsel and the Supreme Judicial Court Working Group on Limited Assistance Representation. Also, she is a past president of the National Association of IOLTA Programs. "Jayne's dedication to the core values of the MBA, including access to justice, inspires everyone who comes in contact with her," said McIntyre.



Tickets and table sponsorships are available for purchase. Visit massbar.org/atojwards to learn more about the event.

Legal Tech Expo draws more than 150

by Jennifer Rosinski and Kelsey Sadoff

More than 150 members of the legal community attended the third Legal Technology Expo on March 20 at the Sheraton Framingham Hotel. The free, daylong tradeshow outlined the latest technological products, services and systems enabling practitioners to make their practices more efficient and organized.

The expo featured dozens of exhibitors and three 45-minute interactive breakout sessions, “How to Improve Your Law Practice: Paperless Essentials;” “How to Improve Your Law Practice: Making the Most of Your Time;” and “Compliance with the New Privacy Regulations.” A bonus hour of programming on “Search Engine Marketing For Law Firms” was provided by LexisNexis.

MBA Law Practice Management Section Co-chair Alan J. Klevan led the “Compliance with the New Privacy Regulations” breakout session with fellow MBA member and section Co-Chair Rodney S. Dowell.

“The new privacy regulations will be implemented in January 2010 and the downsides for attorneys in small and solo firms who don’t implement the regulations are significant,” said Dowell, director of the Law Office Management Assistance

Program. “Those who don’t implement these regulations are liable for loss of confidential personal information. The presentation hopefully demystified the new regulations and showed solo and small firm practitioners that this implementation can be done in a reasonable and cost-effective manner.”

Silver sponsor ZixCorp attended the Expo as a vendor for a second time — touting its new service that will assist lawyers in complying with the new e-mail encryption law. “The new e-mail encryption law will affect all business verticals, but specifically, it is very important for the legal community to understand with the upcoming enforcement,” said Dan Shea, channel sales representative for Zixcorp. “We are here to make attorneys aware of the upcoming law and how our service can help them with compliance.”

Attendees were also given 15-minute tips on how to make their practices more eco-friendly and efficient through desktop scanning, document management and PDF options at the “How to Improve Your Law Practice” sessions.

“We provided specific tips geared toward the audience, to the extent that individuals who attended — if they only took three to four tips away from the presenta-



Photo by Jennifer Rosinski

More than 150 people attended the Legal Technology Expo on March 20.

tion — would be guaranteed to derive income from work performed,” said Klevan of Klevan & Klevan LLP in Wellesley.

“I attended to see what new technology is out, how to further implement what we are already using and get tips,” said Karen Nowiksi, a paralegal with Quinlan & Sadowski PC.

AgentLegal, which attended the Expo for the first time, created a product to increase efficiency in the legal research process. In the current economy, attorneys have seen an increase in workload because support staff positions have been cut.

“Our product is still in beta version,”

said Monica Lanctot, marketing director. “This is our first year attending any tech shows and we wanted to focus on tech-specific shows with an intimate setting so that we could talk to attendees and hear what the potential customer wants. This product was built for the mid-tier firm and it is nice to hear what a lot of solo practitioners want from this event.”

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MBA announces “Creative Ways to Use Your Law Degree” April 16 conference to highlight alternative legal career options for practitioners

by Kelsey Sadoff

For members who are looking to explore what other career options exist in light of today’s uncertain economy, the Massachusetts Bar Association is pleased to announce the upcoming “Creative Ways to Use Your Law Degree” conference on Thursday, April 16, at Lombardo’s in Randolph.

Creative Ways to Use Your Law Degree will examine alternative legal careers for practitioners who are looking for a new career challenge and the opportunity to gain insight into how to achieve career satisfaction. “The Creative Ways to Use Your Law Degree conference will meet the needs of lawyers who are looking for opportunities to use their skills,” said MBA Treasurer Denise Squillante. “For lawyers who are just starting out, or for lawyers who are looking to transition in their career, this program will provide guidance for their professional career and networking opportunities.”

Conference attendees will have an opportunity to participate in a self-assessment session outlining the skills and experience that might be necessary to transfer

to another work setting, and will be able to discuss different areas.

“The Creative Ways conference will touch on many important points: ways of self-assessment, finding the right fit, considering one’s options, networking and polishing one’s resume. The afternoon portion will also feature a panel of experienced legal professionals who are using their law degrees in non-traditional positions. Attendees who are considering a career change can benefit from the speakers’ personal journeys, advice and ideas,” said Ursula Furi-Perry, a featured conference presenter and author of the ABA-published book *Fifty Unique Legal Paths: How to Find the Right Job*. This book will be distributed to attendees.

“We’re excited to have such a dynamic group of professionals talk with MBA members and help guide them on the path to achieving career satisfaction,” said MBA Continuing Legal Education Manager Elizabeth Varney, Esq.

“Especially in light of the current economy, it’s essential for lawyers — whether just starting out as new attorneys, looking for a new position, or considering a career

change — to consider all of their options and sharpen the tools in their ‘career toolbox.’ A tough economy means job seekers must be more flexible, more proactive and more informed; it also means they have to keep an open mind about their options and hone the career skills that will allow them to find a position,” said Furi-Perry.

“The J.D. degree is probably one of the most versatile advanced degrees one can possess, as both law school and traditional practice hone research, writing and analytical skills. Yet transitioning to another career path is often a daunting prospect. How does a well-trained attorney identify what other options exist, and how does one explore these options most effectively? Speakers will examine the most important factors in considering a career change, how one can best make an efficient and informed transition, and the types of opportunities for which attorneys are particularly well-suited,” said Lisa Terrizzi, chair of the MBA’s Lawyers in Transition Committee and an event speaker.

This program is sponsored by the Lawyers in Transition Committee as a benefit to all members.

Conference programming includes:

8:30 a.m.: Registration

9 a.m.: Self assessment

Ursula Furi-Perry, Gina Walcott, Lisa Terrizzi

10:15 a.m.: Morning break

10:30 a.m.: Consider your options

Ursula Furi-Perry, Gina Walcott, Lisa Terrizzi

12 noon: Lunch

1 p.m.: Developing and implementing your career plan

Ursula Furi-Perry, Gina Walcott, Lisa Terrizzi

2:30 p.m.: Afternoon break

2:45 p.m.: Afternoon workshops on resume writing; interviewing; networking; and stress management

- **Resume writing & interviewing:** Mandie R. Araujo

- **Networking 101:** Jeff Catalano

- **Stress management:** Barbara Bowe

4 p.m.: Discussion with panel members who are using their law degrees in non-traditional ways

Mandie R. Araujo, Director of Career Services at NESL and president of <http://pardonmeinc.com>
Alan Klevan, President, Law Practice Strategies
Raquel Ortiz, Law Librarian, BU Law School
Lisa Terrizzi, MBA LIT Committee chair

5 p.m.: Networking reception



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Tips are published each week in *MBA Lawyers e-Journal* and twice a month in *Massachusetts Lawyers Weekly*. For more tips or to join the Eco-Challenge, go to www.massbar.org/ecochallenge.

Eco-Tips

Energy conservation

1. Get more exercise and save electricity at the same time. Instead of using the elevator at your office, or when visiting other offices, get your heart pumping by climbing the stairs.

2. A standard hot and cold bottled water cooler can use more energy than a large refrigerator. Water coolers in businesses consume about 4 billion kilowatt hours per year. Energy efficient models, like those certified by Energy Star, require about half as much energy as a conventional model. Take a closer look to learn how much energy it is really using.

Paper reduction

1. Don't print employee handbooks. Store manuals, policies and other documents online and provide employees access to PDF copies.

2. Program the fax machine so that it does not automatically print out a confirmation report for every fax.

Greenhouse gas reduction

If you're able to work at home, you can help cut down on traffic congestion and the resulting pollutants released into the air. Since even public transportation costs money, even telecommuting one day a week can save you as much as \$1,500 a year and allow you to spend more quality time with your family.

Eco-Challenge to release new Landscape Management Guidelines on Earth Day

by Jennifer Rosinski

In celebration of Earth Day later this month, the Massachusetts Bar Association Lawyers Eco-Challenge will release its latest Green Guidelines with a focus on landscape management. The guidelines promote trading in traditional lawns for natural landscaping and native plants, as well as lawn care that considers soil health and pollution reduction.

The Green Guidelines, Landscape Management, will be published online at www.massbar.org/ecochallenge and distributed to MBA members and Eco-Challenge participants on Earth Day, April 22. The guidelines will be broken down into two major categories, "go natural" and "thoughtful lawn care," with the latter containing suggestions in the areas of mowing, watering, pollution, fertilizers, lighting and soil and planting.

"These guidelines provide lawyers with practical landscaping changes that will have a positive impact on the environment," said Susan Reid, co-chair of the Energy and Environment Task Force and staff attorney at the Conservation Law Foundation, the MBA's Eco-Challenge partner.

Legal businesses of all sizes, from large firms to solo practitioners operating out of their homes will be able to use these guidelines to make positive changes toward greener landscaping practices. Legal practitioners can also implement the guidelines at their homes.

Statistics and government reports show the negative effects of traditional landscaping practices:

- Non-native plants cost the U.S. economy more than \$97 billion a year in lost crops and failed recovery efforts for endangered species, according to the New England Wild Flower Society.
- Excess synthetic fertilizers run off the land with harmful effects on drinking water supplies, recreation, fisheries and wildlife, according to the U.S. Environmental Protection Agency.
- The average lawn mower emits as much smog-forming pollution in one hour as eight new cars traveling at 55 miles per hour for one hour, reports The Union of Concerned Scientists.

The overuse of water is also a growing concern, said Nancy B. Reiner, co-chair of the Energy and Environment Task Force, which oversees the Eco-Challenge. "It is imperative that we take steps toward becoming a more water neutral society to preserve this critical and scarce re-

source," said Reiner, executive director of the Counsel on Call's Boston office. "Many typical landscaping practices waste abundant amounts of water."

Typical suburban houses use at least 30 percent of their water for outdoor lawn watering, according to the U.S. Environmental Protection Agency. Some experts estimate that more than 50 percent of landscape water is wasted due to evaporation, wind and/or over-watering.

The new guidelines, which follow the release of an office-specific version last year, are just one part of the Eco-Challenge's second year of initiatives. A cell phone recycling program in conjunction with Verizon Wireless' HopeLine program (www.verizonwireless.com/hopeline) launched Feb. 2. Working and broken cell phones, batteries and accessories from all service providers are accepted at one of three collection boxes: MBA headquarters, 20 West St., Boston; MBA Western Mass. office, 73 State St., Springfield; and CLF's Massachusetts headquarters, 62 Summer St., Boston.

The proceeds from New England cell phone collections are directed toward organizations that work to prevent domestic violence and assist survivors through purchasing and donating refurbished phones with airtime or paying for special projects. Those that have received support include Jane Doe Inc., YWCA of Western Massachusetts, the Norfolk County Sheriff's Department and Boston Area Rape Crisis Center.

The MBA launched the Eco-Challenge with the Conservation Law Foundation in September 2007 and published the first Green Guidelines, For the Office, four months later.

Nearly 100 firms, attorneys or organizations have signed the MBA Lawyers Environmental Pledge to join the Eco-Challenge. Pledge Partners represent all regions of Massachusetts and office sizes, including solo practitioners in Stockbridge, mid-sized firms in Lowell and major firms in Boston. There are also Pledge Partners outside of traditional law firms and the state of Massachusetts.

For more information on the MBA Lawyers Eco-Challenge, or to sign the MBA Lawyers Environmental Pledge, visit www.massbar.org/ecochallenge.

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Telegram & Gazette's Murray, Hon. Wilkins honored at "Excellence" celebration

by Tricia M. Oliver

On March 5, nearly 400 members of the Massachusetts legal community took a break from their busy work schedules to celebrate "Excellence in the Law," an annual event honoring the achievement and distinction in the profession. The reception and awards ceremony was co-hosted by the Massachusetts Bar Association and *Massachusetts Lawyers Weekly* and sponsored by the Massachusetts Bar Association Insurance Agency, Inc.

Among those honored at the event were the Hon. Herbert P. Wilkins (ret.), former chief justice of the Supreme Judicial Court, and Gary V. Murray, a court reporter with the Worcester *Telegram & Gazette*. Wilkins was the recipient of the Daniel F. Toomey Excellence in the Judiciary Award, while Murray took home the Excellence in Legal Journalism Award.

Wilkins is currently the Huber Distinguished Visiting Professor at Boston College Law School. Prior to serving on the SJC for nearly 30 years, Wilkins practiced law at Palmer & Dodge in Boston. His contributions to the legal system are many, including his leadership in the adoption of the new Massachusetts Rules of Professional Conduct. Also, through Wilkins' leadership as chair, the Massachusetts Access to Justice Commission has studied and made recommendations over the last four years to improve the delivery of civil legal services in Massachusetts.

"Long after his retirement from the bench in 1999, former Chief Justice of the Supreme Judicial Court Herbert P. Wilkins has been contributing to the teaching of future attorneys, as well as offering his expertise to causes that have far-reaching effects on the citizens of Massachusetts," MBA President Edward W. McIntyre said as part of the award presentation. Wilkins could not attend the event due to a longstanding commitment out of the state.

In his recorded acceptance remarks played for the audience, Wilkins explained that he knew the late Justice Daniel Toomey and described him as "polite, well-prepared,



Photo by Bethany Versoy

MBA President Edward W. McIntyre presents an award to Gary V. Murray, court reporter with the *Telegram & Gazette*.

thorough, firm, but not overbearing," qualities Wilkins found to be "admirable in a judge."

In thanking the MBA and *Massachusetts Lawyers Weekly* for the award, Wilkins commended both, saying "the bar and the press are very important in preserving our liberties."

McIntyre then presented the journalism award to Murray. McIntyre, who lives and practices in Central Massa-

chusetts, said, "I witness him on the job in the Worcester courts covering cases and other news as it unfolds. Gary's extensive experience and old-school journalistic style translate complex legal cases and court issues into digestible, well-written material for the *Telegram & Gazette* readership."

Murray has served as the court reporter for the *Telegram & Gazette* for more than two decades. Prior to The

Worcester *Telegram* and *The Evening Gazette* becoming one paper in 1986, Murray began his career with *The Evening Gazette*. This is the second time Murray has received the Excellence in Legal Journalism Award from the MBA and *Massachusetts Lawyers Weekly*. He was first honored with the award in 2003. Also, the Worcester County Bar Association honored Murray with its annual Liberty Bell Award in 2006.

McIntyre specifically applauded Murray on his recent front page article on Trial Court funding. Murray accepted the award modestly by simply stating, "This is a tremendous honor." Like Wilkins, Murray also shared a few thoughts on his interaction with the late Daniel Toomey in Worcester Superior Court. "Dan Toomey was a brilliant man and one of the finest men I've ever known."

Wilkins and Murray were joined by a distinguished selection of other well-deserving honorees, including four Diversity Heroes and *Lawyers Weekly's* 13 Lawyers of the Year. Also, the newly added "Lawscars" — a play on the Oscars — proved to be a crowd favorite at this year's event.

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SECTION SPOTLIGHT

Income tax implications for homeowners of a declining real estate market

by Karl P. Baker, Esq.¹

Given how long it has been since the last sustained drop in residential real estate values, many homeowners and attorneys are likely to be unfamiliar with the income tax implications of a declining real estate market.² A basic understanding of these issues, however, is important to homeowners struggling to decide how to address devalued real estate assets.

Selling a personal residence that has declined in value

While owner-occupied real estate is widely regarded as receiving preferential tax treatment,³ there is certainly no favoritism when it comes to selling a personal residence that has declined in value. While investors can deduct losses on other investments, losses on the sale of property used as a personal residence are not deductible.⁴ This disparate treatment apparently owes to the seemingly quaint notion that “use of property solely as a personal residence is antithetical to its being held for investment.”⁵

Some homeowners may also be faced with the realization of taxable income upon a short sale or foreclosure of a devalued asset on the theory that they have “income” in the amount of the discharged indebtedness.⁶ While the Mortgage Forgiveness Debt Relief Act of 2007 limits the extent of this problem, it only excludes from taxable income discharges of acquisition indebtedness on a principal residence.⁷ Thus, homeowners may still be assessed income tax liability arising from the discharge of indebtedness related to second homes, or indebtedness associated with cash-out refinancings.⁸

Conversion of personal residences to rental properties

Confident or hopeful that the market will recover sometime in the near future, some homeowners desiring to move to a different city or house may decide to rent their existing home, rather than sell it. In addition to being familiar with a landlord’s legal obligation to tenants (e.g. fair housing law, regulations governing the handling of security deposits, etc.), these homeowners need to understand the income tax consequences of such a conversion.

Homeowners with significant built-in gains should be most concerned with how a conversion may affect their ability to exclude gains from income when they sell the property. Under IRC § 121, up to \$250,000 in gains (\$500,000 for joint returns) are excludable from the sale of a

property that “has been owned and used by the taxpayer as a principal residence for periods aggregating two years or more” in the five years preceding the sale or exchange. Thus, taxpayers who have owned and lived in a home continuously for two years can safely rent the property so long as they eventually sell it within three years. Beyond three years, some homeowners may still be able to exclude some of the gains from the sale of the property for two additional years, if the sale or exchange is deemed to have been “by reason of a change in place of employment, health, or, to the extent provided in regulations, unforeseen circumstances.”⁹ Detailed regulations describe the situations where a sale or exchange would be deemed to have been precipitated by these circumstances. These include safe harbors, such as one that deems a sale to be “by reason of a change in place of employment” if the homeowner changes their place of employment, while owning and living in the home, to a location more than 50 miles farther from the residence than a former place of employment.¹⁰

Homeowners with little or negative appreciation in their principal residences have a different set of concerns. As noted, losses on the sale of a personal residence are not deductible. While losses on the sale of rental properties are deductible from ordinary income,¹¹ this will not permit homeowners to deduct for declines in value that occurred while the property was used as a personal residence. This is because when a loss is claimed on a property converted from a personal residence to a rental property, the basis of the property upon conversion is set according to the market value on the date of the conversion, or the adjusted basis in the home, whichever is less.¹² Thus, if Alex purchased a home in 2005 for \$100,000, converted that home to a rental property in 2007 when the market value was \$80,000, and then sold it in 2010 for \$60,000, he would be able to claim \$20,000 in losses. On the other hand, if Ben purchased a home for \$70,000 in 2000, converted that home to a rental property in 2007 when the market value was \$80,000, and then sold it in 2010 for \$60,000, he would be able to claim only \$10,000 in losses.¹³ For purposes of computing *gain* on the sale of a converted property, the basis upon conversion would be the actual cost basis in the personal residence on the date of conversion. Thus, to the extent a property appreciates after the date of the conversion back up to the orig-

inal cost basis, this appreciation would not be taxed, except to the extent of depreciation recapture.

In considering a conversion of a principal residence into a rental property, homeowners should also be aware of the risk that this action would cause them to lose the protections of the Mortgage Forgiveness Debt Relief Act of 2007, which only excludes from income the discharge of indebtedness on a primary residence. This risk should be of most concern, of course, to homeowners that have little or no equity in their homes and may lack the financial capability to “weather the storm” if a tenant vacates or some other imbalance in the cost of maintaining the property and the income generated by it should arise.

Endnotes

1. Baker is an associate with Robinson & Cole LLP’s LandLaw Section. Baker graduated *cum laude* from Harvard Law School and holds a master’s degree in city planning from MIT.

2. The recently adopted tax credits for homebuyers are not a subject of this article.

3. The deductibility of mortgage interest for personal residences and the exclusion of \$250,000 (\$500,000 for married couples) in gain from the sale of a “principal residence” are the most widely cited evidence of this favoritism.

4. Treas. Reg. 1.165-9

5. See, e.g., *Starker v. United States*, 602 F.2d 1341, 1350-51 (9th Cir. 1979) (citing Treas. Reg. 1.165-9(a) and stating: “It has long been the rule that use of property solely as a personal residence is antithetical to its being held for investment. Losses on the sale or exchange of such property cannot be deducted for this reason.”).

6. IRC §1017.

7. Public Law No: 110-142; extended by Public Law No: 110-343, §303. Amendments codified at IRC § 108. This exclusion is also capped at \$2 million and set to expire in 2012;

8. See *id.*; see also IRC § 163(h)(3) (defining acquisition indebtedness); IRC § 121 (defining principal residence).

9. IRC § 121(c). One should also be aware that the maximum exclusion phases out over two years for special exclusions falling outside the typical ownership and use test.

10. Treas. Reg. 1.121-3

11. IRC § 1231. Subject to passive activity loss rules. See IRC § 469.

12. Treas. Reg. 1.165-9. There are no detailed regulations or guidance dealing with the issues of determining precisely when a property is converted from a personal residence to a rental property and how “fair market value” should be determined in this context.

13. These simple examples intentionally ignore depreciation on the rental property and any adjustments to basis that could have occurred during the period the property was used as a principal residence.

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MIND YOUR OWN BUSINESS

Five tips from the ABA TechShow Road Show

Lawyers Journal regularly runs *Mind Your Own Business*, a column devoted to answering management questions that come up in day-to-day practice for solo and small-firm practitioners.

by Alan E. Brown

Law Practice Management Council Associate, Morrison Mahoney LLP Editor, *Practically Speaking*

Were you at the ABA TechShow Road Show in Boston? With presentations from some of the nation's leading experts in mobile technology, knowledge management, software and practice management, there were enough useful tips to keep even the most tech-savvy lawyers salivating. Here are five useful nuggets I took away that I intend to incorporate into my practice:

1. Use two monitors.

Need to boost the efficiency of your document handling? For the very modest cost of a second monitor, you can see a 30 to 50 percent increase in productivity. The best part, besides the low cost? It targets exactly what I spend the bulk of my time doing: editing documents.

2. Do more with Adobe.

With incredibly useful legal features,

including Bates numbering, electronic signatures, document creation and formatting and editing documents from any source, this software should be in every lawyer's office.

3. Try out some new Web sites.

www.worldcat.com – Find any publication at the library closest to you. It's the old card catalog on steroids.

www.babelfish.yahoo.com – Quick translations to and from over 25 languages. ¡Qué bien!

www.justia.com – Search legal content online including especially your favorite blawgs.

4. Mind your own business.

Whether you're a solo practitioner, partner or brand new associate, take charge of your practice by setting clear goals and measuring the results of what you do. Think marketing, billing, professional development and more.

5. Read Law Practice Today.

I picked up a free copy at the TechShow Road Show. Filled with incredibly useful content, this American Bar Association Law Practice Management Section publication offers something for everyone on topics including marketing, management, technology and finance. It is my new must-read.

Want even more? The winter 2009 edition of the Massachusetts Bar Association's Law Practice Management Section's e-zine features articles on Internet recruiting and VoIP, both great solutions for putting technology to use to save you money.

If you'd like to get involved with the e-zine, contact me at abrown@morrisonmahoney.com.

For more information on what the Law Practice Management Section has to offer, contact the section co-chairs, Alan Klevan, Esq., at alan@klevanlaw.com or Rodney Dowell, Esq., at rodney@masslomap.org.

SECTION SPOTLIGHT

Recent events

The **Public Law** Section held an open brown bag luncheon on "Demystifying the Massachusetts State Ethics Commission" on March 26, at the Social Law Library in Boston. Executive Director Karen L. Nober and Deirdre Roney, general counsel of the Ethics Commission, discussed the history of the commission, trainings and other resources it offers, as well as reviewing the opinion and complaint process.

The **Taxation Law** Section held an open meeting on March 18 at the MBA. Navjeet K. Bal gave a Commissioner's Report on current developments involving the Department of Revenue.

The **Labor and Relations Open Forum** held a roundtable discussion about Reductions-in-Force on March 12 at the MBA in Boston. They discussed selection criteria, how to communicate the news to the workforce, employees' ability to negotiate severance, WARN act issues and other best practices and issues that arise in the RIF context.

The **Labor & Employment** Section sponsored the Wednesday, April 1, Dial-A-Lawyer program with the **Family Law** Section.

Upcoming events

The **Juvenile & Child Welfare Section** will be holding an open meeting on Thursday, April 16, from 5 to 7 p.m. at Western New England College School of Law Prestley Blake Law Center, 1215 Wilbraham Road, Springfield. A distinguished panel will discuss "What You Need to Know About School Discipline and the Juvenile Court," including the law of school suspension and expulsion, the relationship between Juvenile Court cases, education law and student discipline, advocacy tips for attorneys, policy issues and proposed legislation. Speakers include Hon. James G. Collins, Hampden County Juvenile Court; Hon. Daniel J. Swords, Hampden County Juvenile Court, Gale D. Candaras, state senator from First Hampden and Hampshire district; Marlies Spanjaard, EdLaw Project, and Clare L. Thompson, Doherty, Wallace, Pillsbury & Murphy PC. This program is free and open to the public. Due to limited seating, R.S.V.P. for this meeting by contacting MBA Sections Administrator Jean Stevens at jstevens@massbar.org, by Tuesday, April 14.

The May 6 Dial-A-Lawyer will be sponsored by the **Property Law** Section.

Attorney seeks help with spouse's chronic illness

Q. *It has now been over a year since my husband was diagnosed with what is likely to be a permanent medical condition that has prematurely ended his accounting career. I am considered a "rising star" at a large law firm, able so far to keep putting in long hours and churning out many billable hours of good work. But, to be honest, I don't know how much longer I can keep this up. I barely sleep, and often feel overwhelmed. Although my husband does all he can around the house and with the kids, it feels as if our marital relationship is barely there. I try to put on a happy face, but I often find myself feeling angry, and then guilty. I feel so drained that I fear my rising star at the firm will come crashing down, and am not sure where to turn.*

A. The loss of your home life as you formerly knew it is an enormous and very stressful change, especially if there is little hope of returning to the way things were. You and all the members of your family are dealing with a significant loss; it is understandable and normal to feel anger, not to mention the emotional turmoil of the grieving process. Mature love and marriage, in contrast to early attraction and commitment, requires attention, motivation, sacrifice and effort for all of us, which is difficult enough. But for you (and

your husband) the adjustment demanded by these new circumstances is particularly difficult.

The most obvious comment is that a person in your position needs plenty of support and it is important for you to reach out to friends and family for emotional as well as practical assistance to help reduce your burden. It will be important for you to achieve a new kind of balance in your life, including time to get away from both home- and work-based stresses, in order to

LAWYERS CONCERNED FOR LAWYERS

pursue interests and activities that replenish and renew your inner resources.

You and your husband must ultimately face your plight with a combination of hope and realism, addressing the question of what kinds of closeness are feasible while a new kind of bond develops from your shared battle with his illness. Though it may be difficult, each spouse must ask the other for needed support, and express (without judgment) a range of feelings including anger, frustration, sadness and guilt — you are likely to feel guilty for any self-focused strivings, and he for his dependency on you. One goal is to seek ways to "have a life," both together and individ-

ually, that is not illness-focused.

Even if you make good progress in those efforts, the demands of work life at a large law firm can be all-consuming, and may not be workable in the long run. To regain a sense of control over your life and set realistic expectations for yourself, it may be best to deal directly with the effects of your changed family circumstances on your career. You might find it useful to confer with someone: an executive coach concerning how to best approach this matter with the firm, or with a career coach about whether and how to redirect your career. As you probably know, LCL can help you with the search for resources.

Two books that you may also find helpful are: *Surviving Your Spouse's Chronic Illness: A Compassionate Guide* by Chris McGonigle, and *Beyond Chaos: One Man's Journey Alongside His Chronically Ill Wife* by Gregg Piburn.

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.

PRO BONO PROFILE

Neighborhood Legal Services strives to meet increased need in downturned economy

by *Bryanne Cornell and Erica Mena-Landry*

In a harsh economic climate where unemployment, eviction, foreclosure and bankruptcy are becoming a reality for more people every day, the need for free legal services has reached an all time high for low income individuals and families across the commonwealth. Neighborhood Legal Services, founded in 1967, helps to meet that need by providing free civil legal assistance to more than 3,500 households each year in Essex County.

But the economy has taken its toll on their ability to continue doing so. "When the economy goes down, demand for legal services goes up," said Sheila Casey, executive director of NLS. "More people are experiencing poverty and poverty-related legal issues." Not only has NLS seen an estimated 40 percent increase in demand for their assistance, but they simultaneously lost 29 percent of their operating budget due to cuts in IOLTA funding. At the end of last year, they downsized from a staff of 33 to a staff of 25.

"We're trying to streamline, make the functions we perform more and more efficient so we can try to serve as many people as we can as efficiently as possible," said Casey. "The reality is that these cutbacks do impact clients, because we just can't answer the phones fast enough."

NLS provides assistance in five major areas: community economic development, consumer protection, elder law, family law and housing. With programs such as the Housing Court Mediation Project and the Elder Law Project, their staff includes 12 attorneys and four paralegals. NLS relies on volunteers to help take on the large caseload. "I have been a volunteer myself for many years," said

Mark Sampson, who joined the staff six months ago as the housing attorney and runs the Lawyer For A Day program in the housing court. "It's a very rewarding experience. The folks here are uniformly very giving and caring."

NLS volunteers include attorneys, paralegals, law students and college students who work as interns in the office. Attorneys who volunteer are provided with training, mentoring and support from the staff. Attorney Linda Hickman began volunteering with NLS in 2005 after relocating with her husband to Boston. She previously worked for her congressman and wanted to get some experience before deciding whether to practice. She made an initial commitment of three days a week, expecting to reevaluate after six months. Four years later, Hickman is still there for three days a week despite a long commute from Boston and family obligations.

Hickman spoke about her experience in the Elder Law Project working with John Ford: "I landed with someone who could really teach me a lot, and he has. As a volunteer here, you're really part of a team, doing something that is not peripheral, making a meaningful contribution. It's an opportunity to work with other lawyers who are really talented, get some real experience and be mentored."

Volunteers are not expected to spend three days a week at NLS. "From a couple of hours a month, to a couple of hours a week, to taking on a case from start to finish, we try to have enough options for people that there is something for everybody" said Casey. For example, the Pro Se Divorce Clinic meets for one afternoon four times a year. The volunteer attorney who runs the clinic spends a few hours walking clients through various stages of filing a divorce on their own in a clinic setting.

NLS also operates a family law helpline — one of its highest volume services. When a client calls with questions about family law and doesn't require full legal representation, they are directed to an attorney who can help them answer their questions. Attorneys who volunteer to take these calls are given the caller's information and may return the call at their convenience, providing a phone consultation and writing up the results of the call for NLS records.

Training is an important



Photo by Jim Breslauer

From left to right: pro bono volunteer attorney Shauna Finnegan, pro bono volunteer attorney Allison Bruenjes and NLS staff attorney Mark Sampson.

part of the volunteer experience with NLS. Volunteers with the Housing Court Mediation Project are given one-day training sessions that include an overview of landlord-tenant law, meeting the judge and learning mediation processes. Volunteers then shadow one of the NLS attorneys for a few sessions and analyze the cases with the staff. Finally, volunteers are shadowed during mediations and provided with feedback and guidance.

"Not only is it a chance for attorneys to become more expert in a particular area of law, and feel good about the work that they're doing, but it's a great networking opportunity for lawyers starting or developing their practice in new areas," said Casey of the training provided.

In light of the current economic situation, NLS provides foreclosure training for local attorneys, including information about auctions, pleadings and finding the information that is already available. "Foreclosure is a new and expanding area of law that we've stayed current on. Getting involved in this area gives attorneys a chance to innovate in their practice," according to Casey.

Volunteers also receive benefits such as discounted prices to Continuing Legal Education courses. "One session a month would make a huge difference in the level of service that we are able to provide for these folks," said Sampson. "We're helping people that really have nowhere else to go."

Hickman reflected on her own experience: "If you're helping one person at a time, eventually it amounts to a lot of people. Right now, we need all hands on deck."

To donate to the program or to learn more about Neighborhood Legal Services and its pro bono opportunities, call (781) 599-7730 or visit www.neighborhoodlaw.org.

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.

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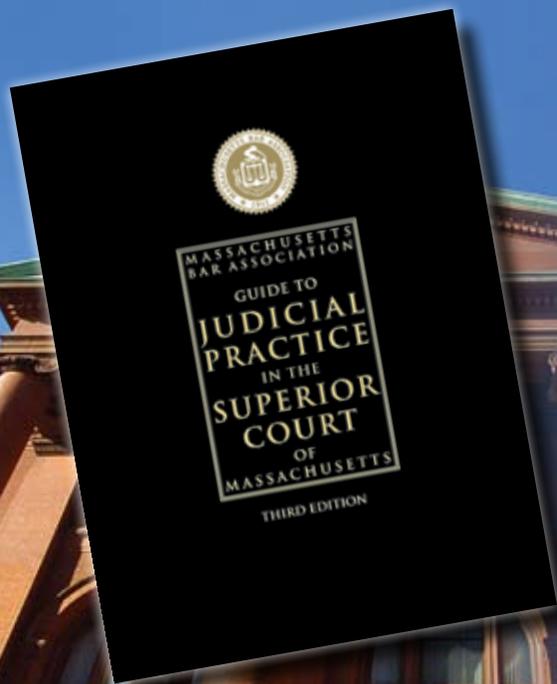
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MBF kicks off 45th year of funding legal services in communities across the commonwealth

The Massachusetts Bar Foundation is proudly marking its 45th year of funding legal aid programs that increase access to justice for low-income citizens across Massachusetts.

What began as a small group of lawyers wanting to give back to the profession and to the community has grown into the state's premier legal charity. Last year, the foundation awarded grants totaling \$6.1 million dollars to 158 diverse nonprofits addressing the unmet legal needs of our most vulnerable citizens.

The foundation will celebrate its anniversary through a variety of statewide

fundraising and outreach activities meant to reaffirm the foundation's mission and increase resources available to legal aid organizations in a time when these nonprofits have been hit particularly hard. Anniversary activities will culminate with a gala dinner and fundraiser on Jan. 14, 2010, at the Colonnade Hotel in Boston.

For more information about the MBF, visit www.massbarfoundation.org.

For information about donor or sponsorship opportunities during the anniversary year, contact Susannah Thomas at (617) 338-0647 or by e-mail at stthomas@massbar.org.



Seminars address newly passed Probate Code



Photo by Michele Himes

Audience members at the Probate and Guardianship Reform program on March 3.

In response to the highly anticipated Massachusetts Uniform Probate Code's recent enactment, the Massachusetts Bar Association held four well-attended seminars around the state to discuss how UPC's important changes will impact the probate process.

Expert faculty included Joint MBA/BBA UPC drafting committee members Mark A. Leahy, Esq., and John J. Ford, Esq., as well as Thomas J. Carey Jr., Esq., and Frederick L. Nagle Jr., Esq., who were

both instrumental in advocating on behalf of the MBA for passage of this legislation. Robert D. Fleischner, Esq., and Elizabeth H. Sillin, Esq., joined the panel for the session in Springfield.

Article V of the code regarding guardianship and conservatorship provisions becomes effective on July 1, 2009. The remainder of the code will take effect on July 1, 2011. Watch for additional educational programming as more details about the code's implementation become available.

Do you want to expand your client base? Join the LRS and receive referrals in your community

The Massachusetts Bar Association Lawyer Referral Service is one of the largest referral services of its kind, making more than 20,000 referrals each year to its 1,000 attorney members throughout the state. That makes joining the LRS a sound choice for MBA members.

Your membership with the LRS not only helps the public, it also offers you the opportunity to expand your client base. We invite you to invest in public service and your professional future by joining. If you join after Feb. 1, your membership will continue to March 31, 2010, but your expanded client base will last for years.

As an MBA member, you can participate in this program by completing an application form, which can be sent to you upon request. In order to join the LRS, you must also be in good standing with the Board of Bar Overseers and provide proof of insurance by forwarding a certificate of insurance from your current professional liability insurance carrier.

The cost of joining the LRS is either \$100 or \$150, depending on how long you have been admitted to practice.

Over the past few years, the LRS has expanded its statewide marketing of the program with the development of radio campaigns, newly designed advertising in the Boston Yellow Book, Hispanic Yellow Pages, *Exhibit A* and on MBTA trains and platforms. Additionally, the LRS will continue to advertise in most Verizon Yellow Page books, allowing you to receive referrals within your community.

To learn more about the LRS, call (617)

338-0556 or e-mail LRS@massbar.org.

You can also access the LRS 2009-10 application via the MBA Web site by going to www.massbar.org, selecting "For Attorneys," then "Resources & Services" and "Lawyer Referral Service."

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Seeking submissions

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Get Involved!

MBA members to offer free legal advice exclusively to veterans on April 30

The Massachusetts Bar Association is proud to announce a supplement to its monthly Dial-A-Lawyer programs: a session dedicated solely to veterans' legal questions. The free program will run on Thursday, April 30, from 5:30 to 7:30 p.m.

The Veterans Dial-A-Lawyer is provided at no charge as a public service of the MBA. The program offers free legal advice for veterans and families of veterans who have legal questions involving access to benefits, family issues, employment concerns, landlord/tenant matters and a range of other issues.

Attorneys participating in the program are either past participants of the other three veterans-specific Dial-A-Lawyer programs or past participants of the monthly Dial-A-Lawyer program, which

takes place on the first Wednesday of every month.

"On behalf of all Massachusetts veterans, I thank the Mass. Bar Association for stepping to the plate and assisting veterans navigate the complexities of the law. Our collaboration is an example of why Massachusetts sets the standard for taking care of (its) veterans," said Massachusetts Department of Veterans' Services Secretary Thomas Kelley.



Photo by Kelsey Sadoff

John Hogan, Mansfield veterans service officer; Gail Cavanaugh-McAuliffe, paralegal for the Department of Veterans Services; Lawrence Feeney, Esq., general counsel for the Department of Veterans Services; and Anna Schleelein, veterans program manager for Shelter Legal Services in Newton.

If you are interested in volunteering for this and future programs, call (617) 338-0556 or

e-mail lrs@massbar.org.

**This is a public service of the MBA with the financial support of the Massachusetts Bar Foundation. The MBA thanks its partner, the Massachusetts Department of Veterans' Services, for its important role in the success of the program.*

Volunteers needed to present Elder Law Education Program

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

For the past two years, with the assistance of a group of volunteers from the MBA's Probate Law Section Council, we have presented "Taking Control of Your Future: A Legal Checkup," a resource guide which was distributed to all participating attorneys and agencies.

The updated 2009 version of the guide contains information on a wide range of legal issues affecting the lives of seniors and will allow participating agencies to select to have a presentation on any of the topics included in the guide. Examples of past presentation topics are:

- Protect your home and assets
- Power of attorney and health care proxies

- Reverse mortgages
- Medicare/Medicaid changes
- Long-term care insurance
- Elder abuse, neglect, financial exploitation
- 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 centers or councils on aging. Last year, more than 140 centers participated in the program, providing attorneys with many opportunities to connect to 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.

Individual Rights and Family Law sponsor March 4 Dial-A-Lawyer

On March 4 from 5:30 to 7:30 p.m., 13 MBA members staffed the phones at the MBA offices in Boston and answered 132 calls from the general public. The Dial-A-Lawyer program has been in existence since 1991 and has helped thousands of people by giving them the opportunity to speak to an attorney via the telephone free of charge.

The March 4 program was co-sponsored by the Individual Rights & Responsibilities and the Family Law Sections. In addition to MBA member volunteers, a total of twelve section members manned the Dial-A-Lawyer phones during the evening. If you are looking for an opportunity to volunteer and assist people who are in need or you are having a problem finding the time to volunteer because of your busy schedule and other commitments, the Dial-A-Lawyer program may be the best volunteer pro-



Photo by Bill Archambeault

From left to right: Thomas J. Barbar, Deutsch, Williams, Brooks, DeRensis & Holland, co-chair of the Family Law Section; Veronica J. Fenton, Law Office of Veronica J. Fenton, co-chair of the Family Law Section; and Steven L. Wollman, Davids & Wollman, chair of the Individual Rights & Responsibilities Section.

gram for your schedule and interests.

The MBA is seeking attorney volunteers to staff the phones for its monthly Dial-A-Lawyer program on the first Wednesday of every month, from 5:30 to 7:30 p.m. This is just a two-hour commitment, once a month, answering basic legal questions from the public on the telephone.

We need your help. To volunteer, call (617) 338-0556 or e-mail lrs@massbar.org.

Veterans show features MBA initiative



Photo by Jennifer Rosinski

MBA President Edward W. McIntyre, right, appears on the cable access show, "Veterans Corner," hosted by Westborough Assistant Veterans Agent Kenneth G. Ferrera, to speak about the MBA's initiative, Serving Our Veterans in the Law.

BAR BULLETIN BOARD

Submit items for publication to MBA Bar Services Liaison Patricia O. Plasse at pplasse@massbar.org by the first week of each month.

AALAM hosts speed-mentoring event



Photo courtesy of AALAM Immediate Past President Ingrid Chiemi-Schroffner

Experienced attorneys give advice at AALAM's speed-mentoring event.

The Asian-American Lawyers Association of Massachusetts held a free speed mentoring networking event for its members on Feb. 11. The two-hour event, which Bingham McCutcheon hosted at its Boston office, was held to give members a one-on-one dialogue with more experienced attorneys from a variety of fields.

After an opening reception, rounds of 15-minute mentoring sessions were held in which law students, junior lawyers and more experienced lawyers were paired up with AALAM members from large and mid-size law firms, in-house counsel, government and public sector attorneys, and solo practitioners.

REBA elects 2009 officers, board members

The Real Estate Bar Association for Massachusetts recently elected new officers for 2009. Stephen M. Edwards, a partner at Wilmer, Cutler, Pickering, Hale and Dorr LLP, was elected president of REBA. Thomas O. Moriarty, a partner and chair of the litigation department at Marcus, Errico, Emmer & Brooks PC, is the president-elect and will become president in 2010. Among other newly elected officers is Treasurer Theodore C. Regnante, a partner at Regnante, Sterio & Osborne and Clerk LLP.

Edwards is a member of the Massachusetts, Boston and American Bar Associations. He authored chapters for the Massachusetts Continuing Legal Education publications *Drafting and Negotiating Commercial Real Estate Documents in Massachusetts* and *Crocker's Notes on Common Forms*.

Moriarty is REBA's designee to the Joint Bar Committee on Judicial Nominations, and a member of the Massachusetts Bar Association and the Boston Bar Association. He is also the chair of the Mas-

sachusetts Legislative Action Committee of the Community Association Institute and a member of their National Amicus Team.

Regnante served on Gov. Mitt Romney's Housing Appeals Advisory Committee and is a member of the Massachusetts Bar Association and Massachusetts Academy of Trial Attorneys. He is also a member of the REBA Board of Directors.

Among the new board members for 2009 are MBA members Douglas J. Brunner, Robert T. Gill, Michael J. Goldberg, Charles N. Le Ray and Donald R. Pinto Jr.

Brunner, of the Law Offices of Douglas J. Brunner, is a new co-chair for the Registries Committee. Gill, a partner with Peabody & Arnold LLP, is a new co-chair with the Ethics Committee. Goldberg, of Cohn, Whitesell & Goldberg LLP, is a new co-chair for the Legislation Committee. Le Ray, a founding partner of Brennan, Dain, Le Ray & Wiest, is a new co-chair of the Land Use & Zoning Committee. Pinto, of Rackemann, Sawyer & Brewster, is a new co-chair of the Litigation Committee.

CSTCA annual awards meeting in Taunton



Photo by CSTCA Executive Director James B. Lampke

Pictured from left to right: CSTCA Immediate Past President Robert Kerwin, Andover/North Andover Town Counsel Thomas Urbelis, Framingham Town Counsel and CSTCA vice-president Christopher J. Petrini, CSTCA President Robert Mangiaratti, Superior Court Judge and former Boston Corp. Counsel Merita A. Hopkins, Massachusetts Dept. of Agricultural Resources General Counsel Robert W. Ritchie, and Tewksbury and Tyngsboro Town Counsel Charles J. Zaroulis.

The Massachusetts City Solicitors and Town Counsel Association (CSTCA) recently held its 2008 Annual Awards Meeting in Taunton and issued its annual awards.

CSTCA Immediate Past President Robert Kerwin, Andover/North Andover Town Counsel Thomas Urbelis and Framingham Town Counsel Christopher J. Petrini, CSTCA vice-president, were recipients of the 2008 Robert W. Ritchie Award for Special Achievement in Municipal Law for their work in writing the amicus brief in the landmark 2007 Supreme Judicial Court attorney-client case of *Suffolk Construction v.*

Division of Capital Asset Management and for their work on amicus briefs generally.

Zaroulis was the 2008 recipient of the CTSCA 2008 President's Award for outstanding contributions to municipal law. The President's Award is presented to an individual or organization in recognition of contributions to municipal law and effective local government. Zaroulis, a past president of CSTCA, is one of the longest serving town counsels in the state and was recognized for his many years of service to the municipal bar and local government.

Law Practice Management Practice Tip

Looking to save time? Rethink the way you fax.

Having a stand-alone fax machine is another opportunity to spend money and wait for an equipment breakdown. With so many web-based fax resources, it makes no sense to waste time getting out of your chair to wait for your 20-page fax to be transmitted. Think of the extra time wasted if the fax doesn't go through! And then, after receiving your fax, you have to take the time to file it correctly!

Electronic faxing is an affordable and efficient way to manage your faxing needs. Besides being able to process the fax from your desk, thereby saving time walking to and from the machine, your incoming faxes may automatically be received as a .pdf document, thereby making filing a breeze. Don't forget the paper you are saving.

FaxCompare is a Web site which reviews the major eFax companies and provides an apples-to-apples comparison of them. Check out each listing and see which vendor provides the best value for your firm.

Experience THE Value OF YOUR MBA MEMBERSHIP

Is it time to rethink your practice?



CRITICAL SKILLS

Expanding Your Practice in a Shrinking Economy

MBA member law students: \$30
MBA members: \$40

Register at (617) 338-053.

Due to the popularity of this series, the MBA is offering additional programming in Central and Western Massachusetts. All sessions will be held from 4-6 p.m. at two Catuogno Court Reporting Services locations:

LIVE: 1414 Main St., Springfield
SIMULCAST: 446 Main St., Worcester

Eviction Procedures

Tuesday, April 7

LIVE in Springfield • Course #: CSN109
SIMULCAST in Worcester • Course #: CSN209

Executing Durable Powers of Attorney and Health Care Proxies

Tuesday, April 14

LIVE in Springfield • Course #: CSO109
SIMULCAST in Worcester • Course #: CSO209

Drafting and Executing Simple Wills

Tuesday, April 28

LIVE in Springfield • Course #: CSP109
SIMULCAST in Worcester • Course #: CSP209

Handling Arraignments and Bail Hearings

Tuesday, May 5

LIVE in Springfield • Course #: CSQ109
SIMULCAST in Worcester • Course #: CSQ209

Emergency Criminal Advice for the Gen. Practitioner

Tuesday, May 12

LIVE in Springfield • Course #: CSR109
SIMULCAST in Worcester • Course #: CSR209

The Latest in the Law 2009

Wednesday, May 13–Thursday, May 14
Sheraton Braintree

NEW: Speed networking with a twist

Be prepared to introduce yourself and then to share an idea - that's the twist - of a successful practice tip that you have implemented in your practice this year, be it marketing, billing, technology, time management, work life balance or beyond. Take this opportunity to meet MBA members and gain as many practice tips as possible.



Receive a complete set of materials by registering for both days at the specially discounted rate of \$250, a savings of \$50.

Day One: Wednesday, May 13

8:30: Registration and continental breakfast
9-10: Criminal Law Update
Juliane Balliro
10-11: Personal Injury and Insurance Law Update
Valerie A. Yarashus & Christopher A. Kenney
11-11:45: Evidence Update: Massachusetts Guide to Evidence
Hon. R. Marc Kantrowitz
11:45-12:45: Bankruptcy Law Update
Justin H. Dion & Francis C. Morrissey
12:45-2: Lunch
2-3:15: Business Law Update: Data Privacy Act
Alan J. Klevan
3:15-4:30: Real Estate Law Update
Sami S. Baghdady, Elizabeth J. Barton & E. Christopher Kehoe
4:30-5:30: Malpractice Avoidance and Risk Management
Scott D. Burke
5:30: Speed Networking With a Twist

Day Two: Thursday, May 14

8:30: Registration and continental breakfast
9-10:15: Probate Law Update
John G. Dugan & Edward Notis-McConarty
10:15-11:30: Elder Law Update
Alex L. Moschella Jr. & Neal A. Winston
11:30-12:45: Employment Law Update: FMLA and ADA
David E. Belfort & Denise A. Murphy
12:45-2: Lunch
2-3:15: Juvenile Law Update
Wendy Wolf & Nancy L. Hathaway
3:15-4:30: Family Law Update
Hon. Paula M. Carey, Phyllis E. Federico & Denise Squillante
4:30-5:30: Traps for the Unwary
Terence J. Welsh, CPCU, AIS
5:30: Networking reception

Creative Ways to Use Your Law Degree

Thursday, April 16
Lombardo's, Randolph

Conference Schedule:

8:30 a.m.: Registration
9 a.m.: Self assessment
10:15 a.m.: Morning break
10:30 a.m.: Consider your options
12 p.m.: Lunch
1 p.m.: Developing and implementing your career plan
2:30 p.m.: Afternoon break
2:45 p.m.: Afternoon workshops on resume writing; interviewing; networking; and stress management
4 p.m.: Discussion with panel members who are using their law degrees in non-traditional ways
5 p.m.: Networking reception

Visit www.massbar.org/creative for more information or to register. This conference is sponsored by the Lawyers in Transition Committee as a benefit to all members.



Don't miss this timely conference which will examine alternative legal careers for those holding a law degree. Whether you are unhappy with your current legal career or just looking for a new career challenge, this full-day conference will offer insight on how to achieve career satisfaction. Attend and learn whether a job or career change is right for you, what options exist and the skills needed to make a successful transition.

New Section/Division Open House

Wednesday, April 29, 5:30 p.m., MBA, 20 West St., Boston

Section and Division Membership is the best way to enhance your MBA membership.

Join us to learn more about the MBA's Young Lawyers Division and the three newest sections: Immigration Law, Juvenile & Child Welfare Law and General Practice, Solo & Small Firm. Meet the chairs and section council members in an informal setting while networking with colleagues with similar interests.

A special guest, former Supreme Judicial Court Justice John M. Greaney (ret.), will speak on the benefits of getting involved in bar associations for the betterment of the community.

Wednesday, April 29, 5:30 to 8 p.m.
Massachusetts Bar Association
Conference Room 203
20 West St. Boston, MA 02111-1204
CODE: NDOH09

MBA CALENDAR OF EVENTS

**Unless otherwise indicated, call MBA Member Services at (617) 338-0530 or toll-free at (877) 676-6500 for more information or to register for the following programs.*

MONDAY, APRIL 6

Fundamentals of Effective Direct and Cross-Examination

4–7 p.m.

Course #: *CLW09 / Introductory level*
MBA, 20 West St., Boston

Hear firsthand tips from top attorneys to help you be more effective in the courtroom. Learn the essential issues and techniques of preparing your witness for direct examination and for the other side's cross-examination.

Faculty: Jeffrey N. Catalano, Esq., program chair, Todd & Weld, Boston. *Additional faculty to be announced.

WEDNESDAY, APRIL 8

Workplace Investigations: The Good, the Bad, and the Ugly Luncheon roundtable

Noon–2 p.m.

Course #: *LEE09 / Intermediate Level*
MBA, 20 West St., Boston

Sexual harassment, Sarbanes-Oxley violations and on-the-job discrimination are the sorts of complaints workplace investigations are tackling. Our expert panel members have served as advocates, workplace investigators and as experts critiquing investigations by others. Our panelists will guide you through an array of issues including: what employers' counsel need to know in order to make sure investigations are done right; and what employees' lawyers need to know to effectively challenge deficient investigations.

Faculty: Ellen J. Messing, Esq., program chair, Messing, Rudavsky & Weliky PC, Boston; Julie A. Moore, Esq., Employment Practices Group, North Andover; Jean A. Musiker, Esq., Sugarman, Rogers, Barshak & Cohen PC, Boston.

TUESDAY, APRIL 14

District Court Survival Guide: Criminal Practice

4–6:30 p.m.

Course #: *CLV09 / Introductory level*
Western New England College School of Law, 1215 Wilbraham Road, Springfield

This seminar is designed to educate practitioners on the fundamentals of criminal litigation in the district courts of Massachusetts. Topics will include arraignment, bail, trial and 209A practice.

Faculty: Robert S. Murphy Jr., Esq., program chair, Bacon Wilson PC, Springfield; Joseph D. Bernard, Esq., Law Office of Joseph D. Bernard, Springfield. *Additional faculty to be announced.

+Discounted rates for attending both the Criminal Practice and Civil Practice (May

19) seminars: Section members—\$130; MBA member new admittees/paralegals/law students—\$60; other MBA members—\$200; nonmembers—\$290

Pitfalls in Representing and Employing Foreign Nationals: What Every Employment Lawyer Should Know

4–7 p.m.

Course #: *LEF09 / Introductory level*
MBA, 20 West St., Boston

There is a common intersection between employment and immigration law. This seminar will help employees, attorneys and human resources professionals identify issues particular to foreign nationals in the workplace.

Faculty: Marisa A. DeFranco, Esq., program co-chair, Devine, Millimet & Branch PA, Andover; Christina L. Montgomery, Esq., program co-chair/moderator, Law Office of Christina Montgomery, Waltham; Berin Romagnolo, Esq., moderator, McCarter & English LLP, Boston; Eneida M. Roman, Esq., Roman Law Offices, Boston.

WEDNESDAY, APRIL 15

Family Immigration Issues

4–7 p.m.

Course #: *IMD09 / Introductory level*
MBA, 20 West St., Boston

This program will discuss how to obtain green cards for family members for permanent residency. Topics include fiancee visas; family-based petitions (Form I-130); and removal of condition (Form I-751).

Faculty: Marisa A. DeFranco, Esq., program co-chair, Devine, Millimet & Branch PA, Andover; Gerald C. Rovner, Esq., program co-chair, Law Office of Gerald C. Rovner, Boston. *Additional faculty to be announced.

THURSDAY, APRIL 16

Estate Planning Techniques to Avoid or Survive Probate Litigation

4–7 p.m.

Course #: *PLR09 / Advanced level*
MBA, 20 West St., Boston

This program will address how to identify and anticipate family issues at the initial estate planning meetings, how to draft clauses to avoid or aid litigation, and how a judge might interpret certain language in the decedent's estate planning documents.

Faculty: Maureen E. Curran, Esq., program chair, Law Office of Maureen Curran, Boston. *Additional faculty to be announced.

Creative Ways to Use Your Law Degree

8:30 a.m.–5:30 p.m.

Course #: *GPB09*
Lombardo's, 16 Billings St., Randolph

Are you looking to explore what other career options exist in light of today's uncertain economy? You will not want to miss this timely conference examining alternative legal careers.

Whether you are unhappy with your current occupation, or looking for a new challenge, this full-day conference will offer insight on how to achieve professional satisfaction. Attend and learn whether a job or career change is right for you, what options exist and the skills needed to make a successful transition.

Faculty: See CLE brochure or visit www.massbar.org for full list of faculty.

MONDAY, APRIL 27

Offers and Purchase and Sales Agreements

5–7 p.m.

Course #: *PRI09 / Introductory level*
MBA, 20 West St., Boston

Join us for this introductory seminar on representing sellers and buyers in the purchase of a home. The program will cover methods of developing a real estate practice with sound principles. Ethical issues, including title examinations, dealing with originators and requirements of Ch. 93 § 70 will also be addressed. Topics include: the offer; negotiating the offer; use of the GBREB purchase and sale agreement; amending the agreement for buyer/seller; negotiating the agreement; ethical considerations; title examinations and reviews; representing buyer and lender; and use of checklists.

Faculty: Richard Keshian, Esq., program chair, Keshian & Reynolds PC, Arlington.

TUESDAY, APRIL 28

Effective Legal Writing Strategies

4–7 p.m.

Course #: *CLX09 / Introductory level*
MBA, 20 West St., Boston

This seminar will provide practical tips that you can apply to your daily work. Whether you are handling cases on your own or drafting documents for a partner in a law firm, a large portion of your day will be spent researching and writing. Do not miss this opportunity to learn techniques and skills from our expert panel.

Faculty: Thomas P. Gorman, Esq., program chair, Sherin and Lodgen LLP, Boston; Hon. Elizabeth M. Fahey, Superior Court, Boston; Thomas J. Carey Jr., Esq., Dwyer & Collora

LLP, Boston. *Additional faculty to be announced.

WEDNESDAY, APRIL 29

New Section/Division Open House

5:30 p.m.

Course #: *NSDOH09*

MBA, 20 West St., Boston

Whether you are a new lawyer or looking to expand your practice, section and division membership is the best way to enhance your MBA membership. Join retired Massachusetts Supreme Judicial Court Justice John M. Greaney and other bar leadership to learn about the MBA's Young Lawyers Division and the three newest sections: Immigration Law, Juvenile and Child Welfare, and General Practice, Solo and Small Firm. This event will provide a terrific opportunity to network with colleagues who have similar interests.

TUESDAY, MAY 5

21st Century Civil and Criminal Motion Practice

4–7 p.m.

Course #: *CLZ09 / Introductory level*
MBA, 20 West St., Boston

With electronic devices playing an increasing role in all facets of society, electronic evidence is becoming central to discovery disputes in both civil and criminal litigation. The growing status of electronic evidence and the information derived from it (e.g., e-discovery), will undoubtedly influence civil and criminal motion practice in civil and criminal matters at both the district and superior court levels in Massachusetts. If you handle civil and criminal trial matters and are seeking information on practical tips and concrete tools that will assist you in drafting, analyzing and arguing pre-trial e-discovery issues, you will not want to miss this session.

Faculty: Daniel K. Gelb, Esq., program chair, Gelb & Gelb LLP, Boston. *Additional faculty to be announced.

WEDNESDAY, MAY 6

Authors' Panel

Noon–2 p.m. (lunch provided)

Course #: *GPC09*

Save
the
date



Free event

To register,
call (617)
338-0530.

NEW SECTION/DIVISION OPEN HOUSE

Wednesday, April 29 | 5:30 p.m. | MBA, 20 West St., Boston

*Section and division participation is the best way
to enhance your MBA membership.*

Join us to learn more about the MBA's Young Lawyers Division and the three newest sections: Immigration Law, Juvenile & Child Welfare Law and General Practice, Solo & Small Firm. Meet the chairs and section council members in an informal setting while networking with colleagues with similar interests. A special guest, former Supreme Judicial Court Justice John M. Greaney (ret.), will speak on the benefits of getting involved in bar associations for the betterment of the community.

Your Partner IN THE *Profession*

MBA CALENDAR OF EVENTS (CONT.)

MBA, 20 West St., Boston

This roundtable will convene published authors from various genres, who will discuss their craft, the path to publication and how legal experience affected their writing and career paths.

Handling Depositions with Confidence

4–7 p.m.

Course #: CLY09 / Introductory level
Massachusetts School of Law, 500 Federal St., Andover

This seminar is a unique opportunity for attorneys with little or no experience in taking depositions. Our experienced faculty will offer practical tips and pointers on how to handle specific issues that may arise when preparing for, taking or defending a deposition. Topics include: understanding the “usual stipulations,” knowing when one should be “on the record” or “off the record,” how to handle difficult opposing counsel, how to handle a 30(b)(6) deposition, what to do if the deponent wants to speak to his or her attorney, how to use documents during a deposition, what to do if a dispute arises during the deposition, available sanctions for improper conduct during a deposition, and ethical issues that arise during a deposition.

Faculty: Michael P. Sams, Esq., program chair, Kenney & Sams PC, Southborough; *Additional faculty to be announced.

Chapter 7 Bankruptcy Basics for Non-Bankruptcy Practitioners

Noon–2 p.m. (lunch included)

Course #: BLG09

MBA, 73 State St., Springfield

As the financial climate continues to worsen, the need for bankruptcy relief is expected to continue to rise. As such, it is important for lawyers to be able to recognize the benefits and pitfalls of bankruptcy, and when a referral to a bankruptcy lawyer is necessary. This is particularly true of lawyers who focus on divorce and family, real estate, estate planning, business planning and litigation. Topics include the benefits of a Chapter 7 bankruptcy discharge; which debts can and cannot be discharged in a Chapter 7; and how a Chapter 7 creditor can contest the discharge of their debt. Non-bankruptcy lawyers seeking information on how Chapter 7 bankruptcy can help (or hurt) their clients should attend.

Faculty: Justin H. Dion, Esq., program chair, Bacon & Wilson PC, Springfield.

MONDAY, MAY 18

The Rx Files: Medicine for Lawyers—Part V: Forensic Pathology

4–6 p.m. (refreshments provided)

Course #: HLF09 Basic / Intermediate
MBA, 20 West St., Boston

This is part five of a roundtable series for members of the legal profession, planned and taught by physicians. If you practice health care or medical, personal injury, workers' compensation or disability law, these programs are for you.

Faculty: Frank J. Riccio, D.M.D., J.D., program chair, Law Office of Frank J. Riccio PC, Braintree; Ann Marie Maguire, Esq., Keches Law Group, Taunton; Elizabeth Laposata, M.D., Forensic Pathology and Legal Medicine Inc., Providence, RI.

Hot Off the Press: The New Child Support Guidelines

4–7 p.m.

Course #: FLQ09 / Introductory level
Registry of Deeds, 90 Front St., Worcester

Child support guidelines mandate the first support calculation in divorce, paternity, separate support and guardianship cases involving un-emancipated children, and often form the basis for overall support orders and allocation of certain expenses. Topics include: changes made to the guidelines calculations and text, if any, and how those changes will likely affect support orders, effectively using the guidelines text to advocate for your clients, appropriate circumstances in which to argue for deviation from the guidelines, initial judicial impressions of the proposed amendments and changes in orders, if any, that judge panelists expect and whether proposed amendments will require immediate modification of existing orders.

Faculty: Fern L. Frolin, Esq., program co-chair, Grindle, Robinson, Goodhue & Frolin, Wellesley; Marilynne R. Ryan, Esq., program co-chair, Ryan & Faenza, Walpole. *Additional faculty to be announced.

TUESDAY, MAY 19

District Court Survival Guide: Civil Practice

4–6:30 p.m.

Course #: CLU09 / Introductory level
Western New England College School of Law, 1215 Wilbraham Road, Springfield

This seminar is designed to educate practitioners on the fundamentals of civil litigation in the district courts of Massachusetts. Panelists will discuss preparing cases for trial, motion practice and trials and appeals.

Faculty: Robert S. Murphy Jr., Esq., program chair, Bacon Wilson PC, Springfield; Hon. William P. Hadley, Greenfield District Court; Richard C. Morrisey, Esq., First Assistant Clerk-Magistrate, Springfield District Court. *Additional faculty to be announced.

+See listing for April 14 for discount details.

WEDNESDAY, MAY 27

The Supplemental Needs Trust Team: Pulling Together the Essential Components

4–7 p.m.

Course #: PLT09 / Introductory level
Massachusetts School of Law, 500 Federal St., Andover

Special needs trusts have become an essential planning and protection tool for the disabled and elderly. They can be used to protect inheritances, settlements and other assets, as well as to protect homes provided by parents for their adult, disabled children. The inability to



30th Annual Labor & Employment Law Conference

Tuesday, June 2

The Colonnade Hotel, 120 Huntington Ave., Boston

Health Law Conference

Friday, June 5

MBA, 20 West St., Boston

Third Annual Public Law Conference

Wednesday, June 10, 8:30 a.m.–2 p.m.

(Luncheon included)

MBA, 20 West St., Boston

Making Your Law Firm Thrive in Uncertain Times

Thursday, June 11

Courtyard by Marriott, 75 Felton St., Marlborough

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EVENTS
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manage funds due to age or disability, spend-thrift circumstances, needs-based public benefit eligibility or unsuitable relatives or acquaintances are all situations that may require this type of trust. Clients and lawyers are often confused by benefits program requirements and which type of special needs trusts to use. Faculty: Neil A. Winston, Esq., program chair, Moschella & Winston LLP, Somerville; Cynthia R. Haddad, CFP, Bay Financial Associates LLP, Waltham; Alex L. Moschella, Esq., Moschella & Winston LLP, Somerville; Cynthia R. Haddad, CFP, Bay Financial Associates LLP, Waltham.

TUESDAY, JUNE 2

Death and Dying: Legal Issues in End-of-Life Health Care Decision-Making

4–7 p.m.

Course#: HLG09 / Introductory level
Western New England College School of Law, 1215 Wilbraham Road, Springfield

Faculty: J. Michael Scully, Esq., program chair, Bulkley, Richardson & Gelin LLP, Springfield.

MEMBER SPOTLIGHT

MBA members' awards, appointments to government posts and unique professional achievements, such as being named managing partner or starting a new practice group, can be submitted to lawjournal@massbar.org. Unfortunately, due to space, we cannot include items such as new hires or promotions to partner.

Reilly to receive Academy of Notre Dame's Medallion Award

Margaret Reilly, of Reilly & Finnegan PC in Chelmsford, will be awarded the Academy of Notre Dame's 2009 Medallion Award for Leaders of Distinction. This award, launched in 2008, recognizes commitment to community service, support for educational advancement and the demonstration of personal leadership traits which serve as strong role models for today's youth.



Margaret Reilly

Reilly has served as the president of the Greater Lowell Bar Association and is an active member of the Family Law Committee of the Massachusetts Bar Association. She does pro bono work for the Volunteer Lawyers Project and Merrimack Valley Legal Services, has served on the board of directors of the Lowell Bar Association, NDA and the Middlesex Shelter. The award will be presented on April 4 at the academy's annual awards dinner.

Judge Armstrong, Carey, join Dwyer & Collora appellate practice



Hon. Christopher J. Armstrong

The former chief justice of the Massachusetts Appeals Court, the Hon. Christopher J. Armstrong (ret.), has joined Dwyer & Collora LLP as of counsel to the firm. Armstrong was appointed to the Appeals Court in 1972 and elevated to chief justice in 2000, where he served until 2006. He received the Massachusetts Bar Association's 2008 Chief Justice Edward F. Hennessey Award and the Boston Bar Association's Citation of Judicial Excellence. Armstrong has been recognized by *Massachusetts Lawyers Weekly* as one of the 35 most influential judges and lawyers of the past 35 years. Over the course of his 36 years on the bench, Armstrong authored 1,682 decisions.

The expanding appellate practice division is being led by Thomas J. Carey Jr. Carey's distinguished career includes a decade on the full-time law faculty at Suffolk Law School and Boston College Law

School, government service and private practice. Carey was the founding chair of the Massachusetts Bar Association's Appellate Courts Bench-Bar Committee and its Amicus Curiae Committee and is a member of the American Bar Association's Council of Appellate Lawyers. He is an associate editor of the *Massachusetts Law Review*. He served on the joint BBA-MBA Committee on the Proposed Massachusetts Probate Code, recently signed into law by the governor.



Thomas J. Carey Jr.

Hon. Swartwood sworn in to State Ethics Commission



Hon. Charles B. Swartwood

The Hon. Charles B. Swartwood III (retired) was sworn in to the State Ethics Commission on March 17. The commission is responsible for enforcing the state's conflict of interest and financial disclosure laws and has jurisdiction over the state, county and municipal employees.

Swartwood, who will serve as the chair of the commission for his five-year term, is Gov. Deval Patrick's first appointment to the five-member commission. Swartwood, a former president of the Massachusetts Bar Association, was a trial judge for 12 years after practicing as a trial lawyer for 29 years with the Worcester firm Mountain, Dearborn & Whiting. He also served for three years as special justice in the Central District Court of Worcester and was a member of the Board of Bar Overseers.

Massachusetts Law Review seeks submissions

A scholarly journal of the MBA, the *Massachusetts Law Review* is circulated around the world and contains comprehensive analyses of Massachusetts law and commentary on groundbreaking cases and legislation.

To submit articles or proposals for articles, e-mail Production Editor Erica Mena-Landry at emena@massbar.org or call (617) 338-0679.

Kirkman sworn in as Orleans District Court judge

J. Thomas Kirkman was recently sworn in as an associate justice of the Orleans District Court. A recipient of the Massachusetts Bar Association's 2007 Access to Justice Prosecutor of the Year Award, Kirkman has been a lawyer for thirty years and the director of the Domestic Violence Prosecution Unit of the Cape and Islands District Attorney's office for the past sixteen years.

Kirkman began his career as a legal services lawyer in Chicago in 1978 and moved to Cape Cod in 1981, where he continued his work in legal services followed by six years of private practice before joining the District Attorney's office.

Kirkman will fill a vacancy created by the retirement of Judge Robert A. Welsh Jr. "He's been a courageous and tireless spokesman for two groups of people who need an articulate spokesman, namely the needy and the victims of violent crime," Welsh said.



Photo by Chuck Cheney

J. Thomas Kirkman

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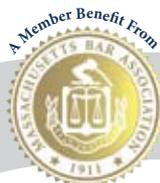
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