



## Senate passes MBA-backed sentencing reform bill Legislation moves to House: session resumes in January

BY BILL ARCHAMBEAULT AND JENNIFER ROSINSKI

Sentencing reform, a legislative priority of the Massachusetts Bar Association, cleared a major hurdle Nov. 18 when the Senate passed an MBA-backed bill that grants parole eligibility to non-violent drug offenders serving mandatory minimum sentences.

“We applaud the Senate’s action on sentencing legislation,” said MBA General Counsel/Acting Executive Director Martin W. Healy. “Passage of mandatory minimum reforms will not only save the commonwealth millions of dollars, but reduce the rate of recidivism among offenders.”

The bill also changes the state’s Criminal Offender Record Information (CORI) System, making it easier for former prisoners to find work by limiting employers’ ability to access their criminal records.

A longstanding opponent of mandatory minimum sentences, the MBA’s Drug Policy Task Force issued a report earlier this year recommending meaningful drug sentencing reform. The increase in the state’s correctional population — at a cost of \$48,000 per offender annually — is in part due to an increase in drug arrests. Under the current sentencing laws, nonviolent drug

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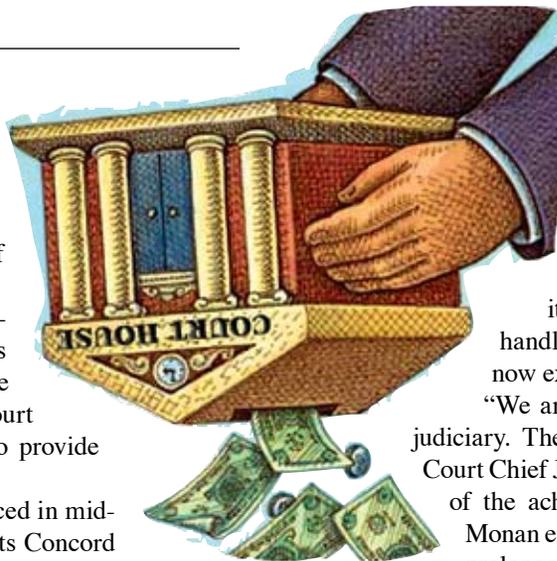
## Budgets and staffing slashed, courts brace for prolonged pain

BY BILL ARCHAMBEAULT

**A**cross the state’s court system, the effects of drastic budget cuts can be seen and felt in everything from long lines at clerks’ windows, to delays in sending out summonses, to the temporary relocation and consolidation of courthouses.

In the Probate and Family Court, staffing cuts have reduced per diem positions to the point that judges occasionally have to step down from the bench when a court officer is called to another courtroom to provide security.

The Probate and Family Court announced in mid-November that it will temporarily close its Concord session starting Jan. 1 — the latest of several court sessions to be closed system-wide — and will remain closed until staffing levels increase (see notice on page 7).



hard” to improve the ways the courts function, she said.

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And Land Court staffing levels have dropped so low — under 50 percent of being fully staffed — that volunteers from the Administrative Office of the Trial Court are pitching in to help open mail and begin processing the 100 to 125 bankruptcy foreclosure complaints arriving each day. When adequately staffed,

it takes between six and eight weeks to handle cases. At current staffing levels, it’s now expected to take six to eight months.

“We are definitely at a breaking point in the judiciary. There’s no question about it,” said Land Court Chief Justice Karyn F. Scheier, who said some of the achievements accomplished in the post-Monan era could be at risk if slashed budgets are prolonged, or deeper cuts are made. “And that would be a shame, because people have worked so

## Reflections on December 1909 for the MBA

One hundred years ago this month, on Dec. 22, 1909, the first organizational meeting of the Massachusetts Bar Association

PRESIDENT’S VIEW  
VALERIE A. YARASHUS

tion was held in Boston at the Hotel Somerset.<sup>1</sup> The mission of our founders was stated as follows: “To cultivate the science of jurisprudence, to promote reform in the law,

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## MBA launches mentor program for high school, college, law school students

BY JENNIFER ROSINSKI

The Massachusetts Bar Association launched an innovative program last month that teams up practicing minority attorneys with diverse students in high school, college and law school. Aimed at giving inner-city



PHOTO BY JENNIFER ROSINSKI

Mentors and mentees listen to the kick-off program at the John Adams Courthouse on Oct. 29.

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### FAMILY LAW CONFERENCE

Chief Justice Paula M. Carey delivered her “State of the Probate and Family Court” address at the Family Law Conference Nov. 7.

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### FIRM SPONSORS MOCK TRIAL

Brown Rudnick sponsors the 25<sup>th</sup> anniversary of the MBA’s Mock Trial Program with a \$25,000 donation.

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### SECTION SPOTLIGHT

Property Law Co-Chair Laurel Siegel creates caramels, brittle and other sweets for her side business. ➤ 15



**PRESIDENT'S VIEW***Continued from page 1*

to facilitate the administration of justice, to further uniformity of legislation throughout the Union, to uphold the honor of the profession of law, and to encourage cordial intercourse among the members of the Massachusetts Bar ...” At that first meeting, the Hon. Samuel G. Elder acknowledged the fact that the many other states had already established statewide bar associations, but received applause when he quoted Pope:

*“Be not the first by whom the new is tried, Nor yet the last to lay the old aside.”*

Right from its inception (and contrary to the biases of the day), the MBA welcomed African-American members and immigrants, and by 1913, welcomed women members, making it one of the first bar associations in the country to do so. Geographic diversity was another hallmark of the early organization: two out of six presidents and five out of six vice presidents between 1910 and 1915 practiced law “in the far corners of the commonwealth.”

Progressive as the newly minted MBA was, it is somewhat surprising to note that the requirements for becoming an attorney were so lax that a person applying to the

bar need not have even completed high school, and judicial appointments were made without any checks or balances provided by input from the bar on competency.

I have often wondered what some of the founding members, including Oliver Wendell Holmes Jr. and Louis Brandeis, would think now about what we have accomplished over the last 100 years.

We have made great strides in raising the professionalism of the legal community and we have made quantum leaps ahead in legal education, both in what we have done directly through the Mass. Bar, as well as our work as a founding partner of MCLE. The Uniform Probate Code signed into law earlier this year is a prime example of our legislative efforts. Our bench-bar collaborative work continues in full force, with examples ranging from the Joint Bar Committee (which rates as qualified or unqualified all prospective judicial nominees before the names are made public), to joint task forces on numerous important topics and a significant amount of coordinated work in lobbying for adequate court funding.

The two areas that are closest to my heart, though, are the areas of diversity and access to justice. As the eighth woman president of the association, I keenly feel the need to keep us moving in the direction of inclusiveness for all. I am immensely proud of the many, many hard-working

MBA task forces and section councils, but perhaps none more than our Diversity Task Force, which is in the midst of revitalization and is blossoming under the able leadership of the Hon. Angela Ordoñez and April English.

One of the Diversity Task Force’s most exciting new projects is its Tiered Community Mentoring program. In October, Justice Roderick Ireland gave the keynote speech to a group of 40 participants who have been teamed up as follows: each team has an attorney member of the MBA, a law student from Suffolk, a college student from Roxbury Community College, and a high school student from the John D. O’Bryant School of Math and Science. These teams will stay together for the year and provide mentoring, with suggested activities ranging from attending a trial to observing a House of Delegates meeting at the MBA. This mentoring program is the result of a significant amount of thought and planning by Judge Ordoñez, who is a visionary in designing programs that will make a real difference, as well as her co-chair, April English, also a hard-working and inspiring leader for the Mass. Bar.

In October, we were honored to co-sponsor the Long Road to Justice re-dedication in the Brooke Courthouse. Through our Diversity Task Force, we served as mentors

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MASSACHUSETTS  
**LAWYERS JOURNAL**

A publication of the Massachusetts Bar Association

**MBA LAUNCHES MENTOR PROGRAM**

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students opportunities in the legal community that do not otherwise exist, the Tiered Community Mentoring Program has been a longtime dream of Norfolk and Probate Judge Angela M. Ordoñez.

“It’s extraordinarily important because there are so many people who don’t have an acquaintance as a lawyer. There are also a lot of students who write themselves out of thinking about (a career in law) because they don’t know the details,” said Ordoñez, a Framingham native and daughter of a single mother who didn’t consider a legal career until high school teacher Marion Goodman brought up the subject. It was that teacher’s husband, Natick attorney Elliot Goodman, who served as Ordoñez’ mentor.

The pilot program, which kicked off with a ceremony at the John Adams Courthouse on Oct. 29, matches up four tiers of individuals: practicing lawyers and students from Suffolk University Law School, Roxbury Community College, and John D. O’Bryant High School in Roxbury.

All student participants have received honorary MBA memberships.

“I’m looking to make some connections with lawyers, judges ... anyone who is involved in the legal field in Massachusetts,” said Teresa DaVeiga, in her second year studying criminal justice at Roxbury Community College with aspirations to attend Boston University and Harvard Law before practicing entertainment law. DaVeiga is grateful to Carol Liebman, coordinator of Roxbury Community College’s Criminal Justice program, who suggested she join the program.

“It’s a great opportunity for students to learn more about the field and ask questions about what steps they have to take to get where they want to be,” said DaVeiga, whose mentor is attorney Richard Gedeon at Carney & Bassil PC in Boston.

For Suffolk Law J.D. candidate Kristina Jean-Conte, being a part of the program allows her to tap into her love of mentoring — something she experienced during her

undergraduate years at Boston College — and establish relationships with professionals in the legal world.

“I hope to give (the students) a glimpse of the future, encourage them and be there if they need someone to look to,” said Jean-Conte, president of the school’s Black Law Student Association.

A total of 40 participants have been matched into 10 groups, where the lawyers will serve as mentors, the high school students will take on the role of mentees, and students in law school and college will take on dual roles.

“It’s an opportunity not only for me to serve as a mentor, but for all of us to serve as a mentor and a source of inspiration,” said Kimberly Y. Jones, one of the mentors and co-chair of the MBA’s Civil Litigation Section. Among Jones’ goals with her group of all women is to help them see that the law is like a “buffet table” of opportunities, as well as help them develop leadership and public speaking skills.

“For me, it gives me an opportunity to grow and transform. We never stop learning,” Jones said. “These young ladies continue to inspire me to do better.”

Alexander Mitchell-Munevar decided to get involved in the program because he knows mentors make a difference. Now a staff attorney at Greater Boston Legal Services, Mitchell-Munevar credits Ordoñez with some of his opportunities and success. He was a clerk for her while she worked at GBLS in the summer of 2002.

“I’m an example of the benefit of having a mentor. It was her guidance and her mentorship that led me to where I am today,” Mitchell-Munevar said of Ordoñez. He hopes to help the students in his group in several ways, including helping them determine their own definition of career success and serving as a resource.

“There’s obviously an underlying desire to give back, but I don’t stop there,” Mitchell-Munevar said. “Students, at all points in their schooling, are filled with possibility and imagination. That helps my own sense of inspiration.”

Liebman said programs like this one are critical in ensuring diverse students consider a career in the legal profession. “Community college students routinely don’t have the opportunities to tap into networks of professional mentors,” said Liebman, who described



PHOTO BY ELIZABETH A. O’NEIL

From left to right: Teresa DaVeiga, Roxbury Community College; Bridget Regan, Suffolk University Law School; Alexander McClintock, John D. O’Bryant High School, Roxbury; and Richard Gedeon, Carney & Bassil PC, Boston.

99 percent of her students as minorities. “Many are intimidated by the process and don’t have mentors.”

Suffolk Law understands the importance of filling that gap, and is excited about partnering with the MBA to participate in the program. In fact, the goal of the program fits in perfectly with Suffolk’s own objectives, said Susan Prosnitz, executive director of the Rappaport Center for Law and Public Service.

“Suffolk as a university and as a law school is extremely committed to ensuring diversity among its student body and serving in a mentoring capacity,” she said. “Having a diverse law school environment and involving the school in initiatives that bring the next generation of diversity to the law school is very important.”

Ordoñez, who first got the idea for the program eight years ago, is thrilled to finally see it get off the ground. She is eager to see the program unfold, and hopes it can be expanded in the future, both across the state and country. “It really does offer some real life experience for people that they wouldn’t get otherwise.” ■

**“It’s a great opportunity for students to learn more about the field and ask questions about what steps they have to take to get where they want to be.”**

— TERESA DAVEIGA,  
SECOND YEAR STUDENT  
AT ROXBURY COMMUNITY COLLEGE



PHOTO BY JENNIFER ROSINSKI

From left to right: MBA President Valerie A. Yarashus, Judge Angela M. Ordoñez, Norfolk Probate and Family Court; and April C. English, a mentor.



PHOTO BY ELIZABETH A. O’NEIL

From left to right: Ursula Gaymes, John D. O’Bryant High School, Roxbury; Ilda Fernandes-Depino, Roxbury Community College; Devon DeMarco, Suffolk University Law School; and Alexander Mitchell-Munevar, Greater Boston Legal Services.

## BUDGETS AND STAFFING SLASHED

Continued from page 1

### LAYOFFS, HIRING FREEZE ARE TOUGHEST CUTS

Judges, registers, court officers and secretarial staff are feeling the effects of a strict hiring freeze, just one of many cuts that Chief Justice for Administration and Management Robert A. Mulligan has enacted to make up for the \$51.1 million-dollar drop from the initial fiscal 2009 funding level of \$605.1 million to fiscal 2009's \$583.7 million budget and fiscal 2010's \$554.0 million budget. (The courts are requesting a \$562.2 million budget in fiscal 2011.)

Mulligan's goal is to operate at 85 percent of full court staffing. Operating below 80 percent causes problems, he said, but currently, the Trial Courts are operating at around 74 percent. The only court above the 85 percent mark is the Superior Court, at 94 percent. At the other end is the Land Court, at just 47 percent.

"This problem of lower staffing is certainly going to affect our ability to get the work ready for judges," Mulligan said.

Layoffs, a hiring freeze and the cancellation or renegotiation of courthouse leases are just a few of the reductions made since last year. Negotiated increases for union members are going unfunded. In-state travel has been restricted and out-of-state travel has been prohibited. Contracts for alternative dispute resolution providers have been canceled. The assignment of guardians *ad litem* has been limited. Law libraries and Trial Court departments have cut their reference materials and subscriptions. Even the bottled water contract has been eliminated.

The courts did receive some encouraging news at the end of the legislative session in November, however, when the Legislature restored money to several accounts, including: \$4.17 million for probation, \$950,000 to the Trial Court reserve account and \$300,000 for the Office of Community Correction, increasing the total Trial Court budget to \$559 million for fiscal 2010.

"This restoration of funds ensures continued operation of vital probation functions that ensure public safety across the state," Mulligan wrote to court employees recently.

The Legislature also adjourned full formal sessions without acting on Gov. Deval Patrick's request for authority over the judiciary budget.

"We believe that the significant expense reduction measures taken by the courts to address the Commonwealth's fiscal situation have demonstrated responsible and aggressive oversight. We are pleased that the Legislature supported our efforts by declining to give budget authority over the judiciary to the executive branch," he wrote. "We greatly appreciate the Legislature's strong support of the delivery of quality justice to the citizens of Massachusetts."

Supreme Judicial Court Chief Justice Margaret H. Marshall warned that "justice is in jeopardy" during her

10<sup>th</sup> Annual Address to the Legal Community on Oct. 21, fearing further cuts would be made to the court budget to help ease the state's budget shortfall. She pointed out in her speech that the court system was being subjected to disproportionately large cuts, and she continues to note that the courts have done more than their share.

"From the moment this fiscal crisis became apparent, Chief Justice Mulligan and I committed to work cooperatively with the other two branches of government to do everything we could to reduce costs in the judicial branch" while continuing to fulfill their responsibility to provide justice, she said in an interview. "What we have done, I think, has been impressive."

The judiciary is the only branch of government, she said, that can claim to have enacted a hard hiring freeze by not adding a single person to the payroll since 2008. Unfortunately, there is a cost.

"It's beginning to have a real impact. There is considerable strain on the system," she said, worried about trying to withstand any additional cuts in fiscal 2010 and 2011.

"The difficulty is going forward," she said before the legislative session ended. "It is simply not possible to operate in the way we have been operating for the last quarter of a century if reductions of the size the governor is talking about need to be absorbed by the court department. We simply cannot do it."

An overhaul of the court department in the wake of the Monan Committee Report led to significant improvements in areas like reducing delays and case backlogs, improving technology and evaluating judges.

"We were lucky that we had five years of really spectacular results in moving this system forward," she said. She acknowledged, however, that certain areas are "in danger of slipping back" if court budget cuts are sustained or deepened. "We are really under tremendous stress."

Despite the recent legislative action, Mulligan said there is still reason to be concerned about the Trial Courts' financing for the rest of fiscal 2010 and the upcoming fiscal 2011 budget, including the possibility that the state's economy could worsen significantly.

And the cuts already made could be compounded by the fact that the courts are budgeted to receive \$53 million in retained earnings — \$27 million in filing fees and \$26 million in probation fees — money that the courts have to collect to be able to keep and spend. But with drastic staffing shortages, collecting the fees becomes even more difficult. Based on collections so far, Mulligan estimates that the courts will lose about \$3 million of that money.

"Whatever we don't collect is money we don't have to sustain our operations," he said. "And that's going to be hard for us to reach."

### TOUGH DECISIONS

Last November, Mulligan agreed to salary increases of

three percent each year for three years with Local 6's 3,500 employees. The Probation Department is running about \$3.5 million short of projections, and Local 6 members are re-voting their contract. As a result, either everyone in probation agrees to take an eight-day furlough by the end of February or 60 positions will need to be cut.

The courts simply don't have any good options for cutting large chunks out of the budget. Any significant additional cuts will mean hundreds of layoffs on top of the 600 positions already lost this year. Mulligan estimates he's saved about \$3 million in fiscal 2010 by renegotiating leased courthouse space or closing sessions entirely.

But he's run out of stones to turn over, and yet, the state's economic prospects remain grim.

"We're going to have to look hard at other courthouses to close. The public will have to expect that we're not going to have 100 courthouses (statewide) a few years from now. There are going to be lines at counters. We have fewer personnel to manage the clerks' offices," Mulligan said, noting that up to this point, the courts have been able to continue operating without a "great impact" on the quality of justice provided. But things can't continue without a real impact being felt.

"I'm hopeful we're going to be able to deliver justice five days a week, but I can't guarantee that," he said. "We really are in a crisis mode in a lot of our courts right now."

The message being delivered to the nearly 7,000 remaining court employees statewide is a sobering one through fiscal 2011 and possibly 2012.

"They need to be in the mindset that we're in this mode of dealing with few resources for the foreseeable future. We don't see any light at end of tunnel," Mulligan said. "This is a difficult situation for all states and judiciaries. What I'm hearing is that this is going to be a long, slow recovery."

Even allies of the justice system give little reason to expect that funding for the courts will improve anytime soon.

"In bad fiscal times, we know there is increased pressure on the justice system, with more individuals requiring access and more activity within the court system to process and resolve cases," said Sen. Cynthia Stone Creem, the Senate chair of the Joint Committee on the Judiciary and a member of the Senate's Committee on Ways and Means. "There are strains on every aspect of government now, including the courts. Unfortunately, state revenue is likely to decline through FY11, and the Legislature is aware of its heightened responsibility to adequately fund all core government departments and services."

### STAFFING DOWN, FILINGS (AND FRUSTRATIONS) UP

The Land Court's Scheier said she's not sure what will happen if additional cuts are made.

"We're constantly trying to figure out how to improve efficiencies, but that's about the best you can do right now," she said. "It's always sort of a triage situation when you're so poorly staffed."

Another significant problem, she said, is the ban on hiring any new law clerks. Being down a couple of clerks is

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— CHIEF JUSTICE FOR ADMINISTRATION AND MANAGEMENT ROBERT A. MULLIGAN



CHIEF JUSTICE  
ROBERT A. MULLIGAN



CHIEF JUSTICE  
MARGARET H. MARSHALL



CHIEF JUSTICE  
KARYN F. SCHEIER

already adding to the pressure to meet time standards, she said, by delaying the scheduling of sessions and issuance of decisions. “Law clerks are crucial to the judges to get their work done in a timely way.”

To help fill some of the staffing gaps, volunteers from the Administrative Office of the Trial Court are going to various courts one day a week to help out with mounting workloads. While not the same as being fully staffed, the volunteers’ efforts are helping, both in preventing workloads from falling too far behind and simply reassuring regular staffers who may be feeling burned out.

“It’s helpful to the morale of our people, who feel that they’re digging out of a hole,” Scheier said.

In Probate and Family Court, filings are up 3 percent overall from last year, and have increased 8.7 percent since fiscal 2005. While some individual categories, such as total probate filings (down 3.2 percent from last year) have dropped, most categories are rising: total paternity filings are up 9.3 percent, total divorce filings are up 4.1 percent and total child welfare and “family” filings are up 6 percent.

Chief Justice Paula M. Carey noted that the increase in filings and drop in staffing — 8.5 percent since October 2007 — are delaying things like the issuing of summons on modifications and filing of decisions. In Hampden County, there is just a half-time secretary handling work for four judges.



CHIEF JUSTICE PAULA M. CAREY

“There’s a delay in getting decisions out,” she said. “It’s just an untenable situation.”

And holdups are starting to wear on people who already struggling with tense legal problems.

“It’s a significant problem in our court. People are on edge. It’s difficult when people are under severe economic stress. They are understandably upset,” she said. “You’ll see lines out the door. It’s a never-ending line of people, all of whom need to be helped. It’s becoming more and more difficult.”

Prioritizing workloads and improvements in technology have helped manage the situation so far, she said, but ultimately, a minimum number of staff is needed to make the system run effectively.

“There’s only so much you can push people, and we’ve pushed people as much as we can. Employees have more than risen to the occasion. They’re a tremendous group of people. But we can’t withstand any further cuts and deliver justice the way we want. I don’t know how much longer we’ll be able to do that.”

At Essex Probate and Family Court, Register Pamela Casey O’Brien has seen her staff shrink from 47 to 30.

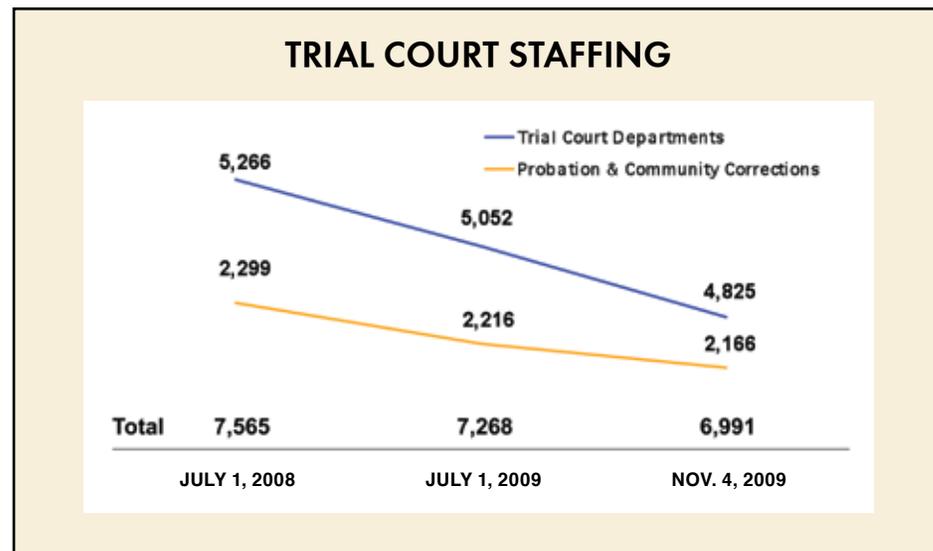
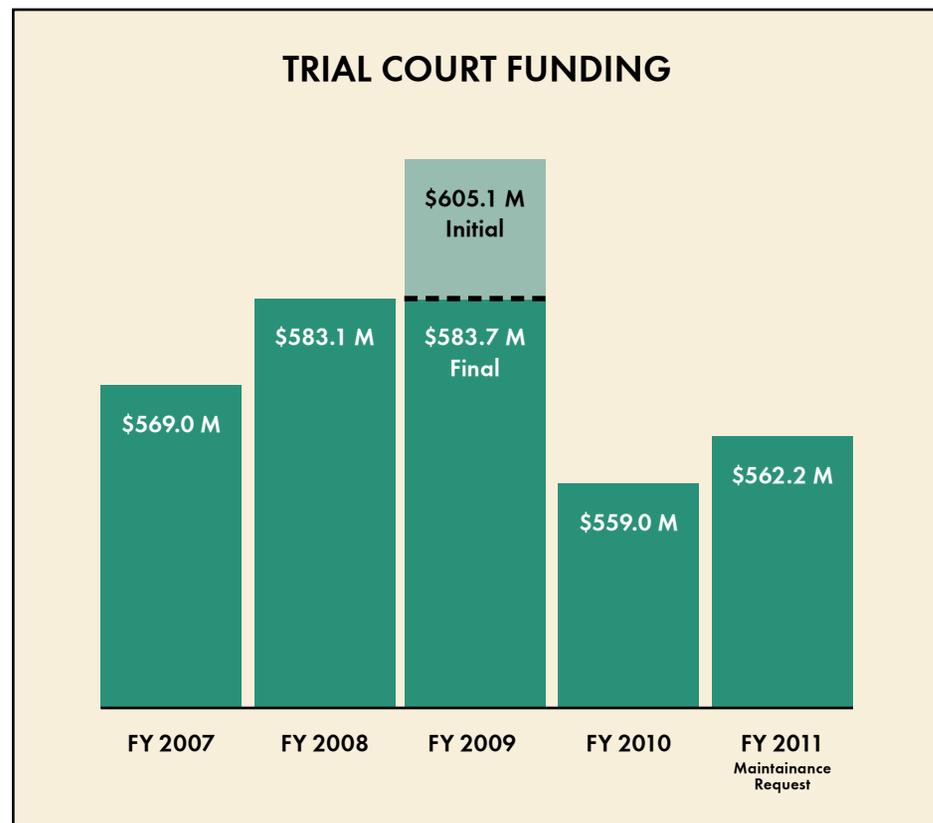
“What that translates to for the public is reduced services. I try to get out summonses or citations the next day,” she said, noting that it’s now taking two or three weeks. “That delays everything down the line. If you can’t get the notice to the other party, the case doesn’t start.”

Lines are noticeably longer, she said, and more complaints are coming in.

“Lawyers are very well aware that there are additional delays. They’ve been understanding of it, to a certain extent,” she said. For the public, the level of frustration depends on what type of case is being held up, she said.

“If a custodial parent is not getting their support, they’re more frustrated at the delay,” she said. “There’s a noticeable difference compared to how we’ve been staffed in the past. The general public is more frustrated in why it’s taking so long.”

O’Brien has “completely” rearranged her staff and the way they operate, she said, to prioritize certain functions. As it is, she’s also relying on help from half-a-dozen volunteers in the Administrative Office of the Trial Court to help pick up the slack.



But layoffs and attrition put additional pressure on the remaining staff, she noted, particularly when illnesses and deaths in the family cause additional staffing pressures. Creative responses like having the volunteer staff come in, as well as the quality and dedication of the remaining regular staff, she said, will only go so far if additional cuts are made.

“I think it would be devastating to the public if we go any lower with staffing than we are right now,” she said. ■

#### TRIAL COURT STAFFING MODEL

Percentage of full staffing  
(as of Nov. 4, 2009):

Boston Municipal Court	83.48
District Court	73.98
Housing Court	69.02
Juvenile Court	73.56
Land Court	47.35
Probate and Family Court	77.00
<b>Trial Court overall</b>	<b>74.04</b>

#### PROBATE AND FAMILY COURT CASELOADS

CASE TYPE	FY 2005 FILINGS	FY 2006 FILINGS	FY 2007 FILINGS	FY 2008 FILINGS	FY 2009 FILINGS	% CHANGE FROM LAST YEAR	% CHANGE FROM FY 2005
PROBATE	57,146	56,379	55,547	54,788	53,079	-3.2%	-7.7%
CHILD WELFARE	2,100	1,822	1,992	1,966	1,847	-6.4%	-13.7%
PATERNITY	36,583	40,444	42,212	45,120	49,754	9.3%	26.5%
DIVORCE	47,130	49,034	50,575	50,934	53,097	4.1%	-23.3%
<b>TOTAL</b>	<b>150,212</b>	<b>154,596</b>	<b>157,181</b>	<b>159,595</b>	<b>164,525</b>	<b>3.0%</b>	<b>8.7%</b>

# LEGAL NEWS

## African-American exhibit settles into permanent venue in Boston

BY TRICIA M. OLIVER

“The Long Road to Justice: The African-American Experience in the Massachusetts Courts,” was re-dedicated and celebrated at its new home, the Edward W. Brooke Courthouse in Boston, on Oct. 29.

Sponsored by the Justice George Lewis Ruffin Society, the traveling exhibit will now be featured permanently in the main lobby of the courthouse. The educational display — inspired by the vision of retired Superior Court Justice Julian T. Houston — portrays the African-Americans’ struggle through three centuries to achieve full participation and justice in the Massachusetts court system.

The Massachusetts Bar Association, in cooperation with the Administrative Office of the Trial Court, sponsored the Oct. 29 reception. Ruffin Society President Anthony Owens presented the MBA, the AOTC and Northeastern University’s College of Criminal Justice with commemorative plaques for their generous support of the exhibit’s transformation into a permanent one.



PHOTOS BY TRICIA M. OLIVER

The Hon. Michael C. Bolden, the Hon. Julian Houston (ret.) and MBA President Valerie A. Yarashus.

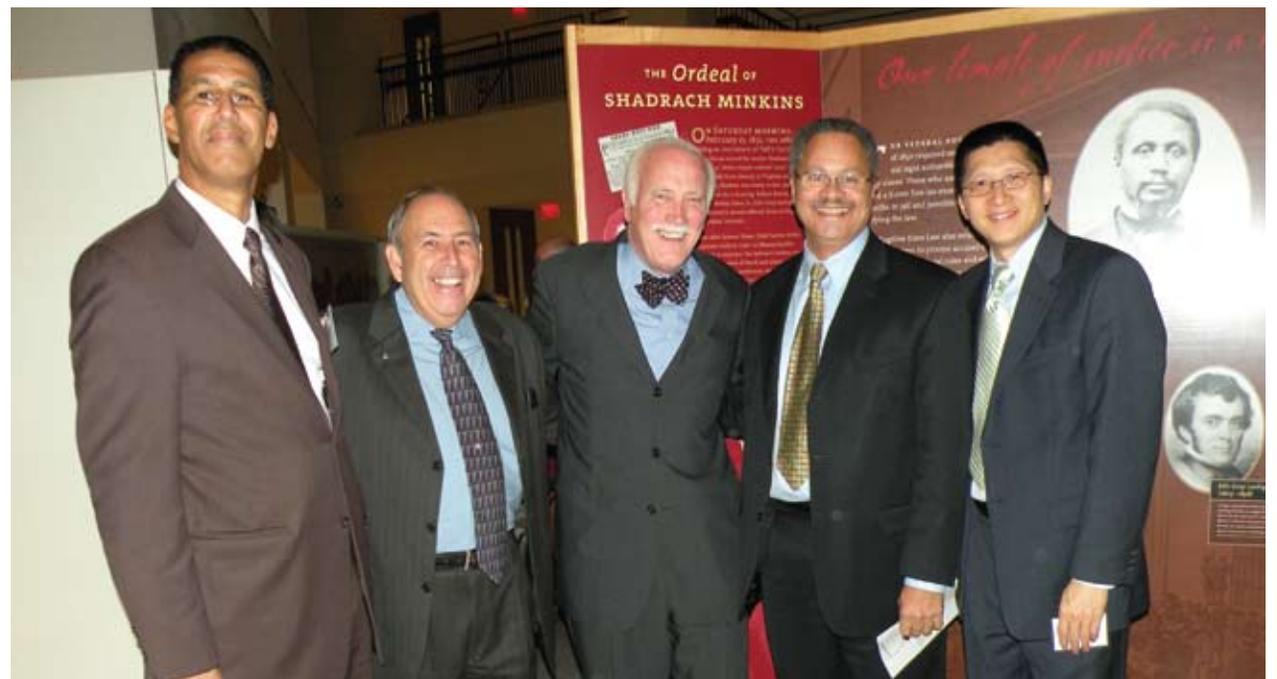
MBA President Valerie A. Yarashus quoted Palestinian-American literary scholar and activist Edward Said during her remarks: “Even if one is not [excluded from the justice system and therefore from civil society in such a blatant way], it is still possible to think as one [who has been], to imagine and investigate in spite of barriers, and always to move away from the centralizing authorities towards the margins, where you see things that are usually lost on minds that have never traveled beyond the conventional and comfortable.”

“It is exhibits like this that help those of us living now, in these times, to imagine and investigate these life-changing challenges,” added Yarashus, who explained that the exhibit gets to the “very core” of what justice is about.

For more information on “The Long Road to Justice,” visit the Brooke Courthouse or [www.masshist.org/longroad/03participation/participation.htm](http://www.masshist.org/longroad/03participation/participation.htm). ■



Audience members listen to the program’s formal remarks.



Anthony Owens, clerk magistrate at Boston Municipal Court and Ruffin Society president; Robert Croatti, former associate dean of Northeastern University’s College of Criminal Justice and Ruffin Society secretary; William Fowler, Northeastern University professor and past president of the Massachusetts Historical Society; Robert P. Gittens, Northeastern University vice president of public affairs and Ruffin Society vice president; and Onyen Young, assistant district attorney, Middlesex District Attorney’s Office, and Ruffin Society first vice president.

## Court says FTC’s “Red Flags Rule” does not apply to lawyers

The District Court for the District of Columbia ruled recently that the Federal Trade Commission’s so-called “Red Flags Rule” cannot be applied to lawyers. The Massachusetts Bar Association was actively opposed to the application of the Red Flags Rule to attorneys and voiced its concerns to the FTC.

The MBA, working with the American Bar Association, also communicated its concerns to members



of Congress. Ultimately, the ABA filed suit in August following months of work seeking clarification of the rule and its application to lawyers. On Oct. 30, Judge Reggie Walton ruled from the bench.

The Red Flags Rule was promulgated by the FTC under the Fair and Accurate Credit Transaction Act (FACTA Act) of 2003. The Red Flags Rule requires certain creditors to develop and implement programs to identify, detect and respond to

warning signs of identity theft. The FTC had indicated plans to apply the rule to lawyers, despite the fact that they are not creditors.

Also on Oct. 30, the FTC extended the enforcement deadline to June 1, 2010.

Go to [www.massbar.org/waltonruling](http://www.massbar.org/waltonruling) to view Judge Walton’s ruling.

Go to [www.massbar.org/RedFlagsRuleLetter](http://www.massbar.org/RedFlagsRuleLetter) to view MBA Past President Edward W. McIntyre’s letter to the FTC. ■

# NEWS FROM THE COURTS

## MASSACHUSETTS COURTS

### Concord Probate and Family Court session to close Jan. 1

The Concord Session of the Probate and Family Court will close Jan. 1, 2010, due to the budget crisis and the shortage of staff to run the sessions in Concord.

The Probate and Family Court announced that the suspension of sessions in Concord is expected to be temporary and will work to open the session when it has sufficient staff.

In a release, the court announced: "We carefully listened to the valid concerns expressed by the bar, both at our recent meeting and by e-mail; however, our circumstances make it extraordinarily difficult to continue to deliver justice in one location in Middlesex County, let alone four locations."

Over the last couple of months, the Middlesex Probate and Family Court lost 10 people to voluntary retirements and layoffs.

At this time, the Marlboro and Lowell sessions will continue to operate. The Cambridge Probate and Family Court will attempt to accommodate those traveling long distances in the Cambridge, Marlboro and Lowell sessions. Additionally, the current policy of uncontested cases being heard by any judge, independent of the individual calendar system, will continue in Marlboro, provided prior arrangements are made.

*The court expects to have a dedicated e-mail address to allow people to quickly address problems they may be having with scheduling. Go to [www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/index.html](http://www.mass.gov/courts/courtsandjudges/courts/probateandfamilycourt/index.html) for more information.*

### New John Adams exhibit opens in Adams Courthouse

A new exhibit, "John Adams: Architect of American Government," recently opened to the public in the John Adams Courthouse. Using text, images and audio, it describes the essential role that John Adams played in the development of our constitutional form of government in Massachusetts and the United States.

Located in one of two exhibit rooms in the Great Hall on the first floor of the courthouse, the exhibit is free and open Monday through Friday from 8:30 a.m. to 5 p.m.

"It is only fitting that the courthouse honoring the legacy of John Adams have a room dedicated to showcasing his significant role in shaping our three branches of government. We welcome teachers and students,



PHOTO COURTESY OF SUPREME JUDICIAL COURT PUBLIC INFORMATION OFFICE  
From left to right: SJC Senior Attorney Barbara Berenson, Social Law Library staff member Carole Doody and SJC Justice Robert J. Cordy at the new John Adams exhibit.

and people of all ages, to visit this wonderful new exhibit to learn how the Massachusetts Constitution of 1780 was formed and inspired the U.S. Constitution," said Supreme Judicial Court Chief Justice Margaret H. Marshall.

The John Adams exhibit was created by SJC Senior Attorney Barbara Berenson. Social Law Library Art Director/Graphic Designer Carole Doody did the design and collaborated with Berenson. The second exhibit room houses "Sacco and Vanzetti: Justice on Trial," which Berenson and Doody also created.

*For information on arranging a free docent-led tour of the John Adams Courthouse, contact Discovering Justice at (617) 733-1034 or [info@discoveringjustice.org](mailto:info@discoveringjustice.org), or contact the SJC Public Information Office at (617) 557-1114 or [publicinfo@sjc.state.ma.us](mailto:publicinfo@sjc.state.ma.us).*

### Superior Court Chief Justice Rouse reappointed



CHIEF JUSTICE  
BARBARA J. ROUSE

Superior Court Chief Justice Barbara J. Rouse has been reappointed for a five-year term by Chief Justice for Administration and Management Robert A. Mulligan. Rouse was named chief justice in 2004 and has served on the Superior Court since 1985.

"Under her dedicated and energetic leadership, the Superior Court has achieved impressive results in reforming criminal and civil case management. She has engaged judges, clerks, district attorneys and the bar in introducing a wide range of operational improvements

and performance-based measurements," Mulligan said.

"Chief Justice Rouse's dynamic vision for the commemoration of the Superior Court's 150th Anniversary has created a renewed spirit of commitment and cooperation within the court and in communities across the state," he added. "This occasion was used to build and enhance the reputation of the judiciary and the Superior Court at a critical time in expanding public understanding and support for the court system."

Mulligan said Rouse received strong support from judges, attorneys and others in the legal community. She has received numerous honors, including the Haskell Cohn Award for Distinguished Judicial Service from the Boston Bar Association.

"Any success the Superior Court has enjoyed over the last five years has been due to the terrific efforts of the judges, clerks, probation and all court personnel," Rouse said. "I greatly value their daily commitment and dedication to ensuring the delivery of justice across the state, particularly in these challenging fiscal times."

The Superior Court Department comprises 14 divisions with 82 authorized judicial positions across the state. The Massachusetts Trial Court includes seven court departments with 379 judges in 103 courthouses across the state.

### Appeals Court justices appoint Stanton clerk

The justices of the Massachusetts Appeals Court have appointed attorney Joseph Stanton of Braintree as clerk of the Appeals Court, the fourth person to hold that position since the court was established in 1972.



JOSEPH STANTON

A graduate of Boston College and New England School of Law, where he was editor-in-chief of the *Law Review*, Stanton has served as chief law clerk to the justices of the Superior Court, as a staff attorney in the Supreme Judicial Court, as an associate at the Boston law firm of Sloane and Walsh, and, since 1999, as an assistant clerk in the Appeals Court. He also serves as reporter to the Supreme Judicial Court's Advisory Committee on Massachusetts Evidence Law, providing research, writing and editorial assistance for the *Massachusetts Guide to Evidence*.

Appeals Court Chief Justice Phillip Rapoza said of Stanton: "In his capacity as assistant clerk for over a decade, he has demonstrated both the knowledge and leadership skills necessary to maintain the high level of service that the justices, the public and the bar have come to expect from that office. He has my complete confidence in his new role and I look forward to working with him, particularly during these fiscally challenging times."

On Nov. 2, Stanton succeeded Ashley Ahearn, who retired Oct. 31 after serving as clerk for 12 years.

## LEGAL NEWS

### IN BRIEF

#### Patrick appoints Cowan chief legal counsel



WILLIAM "MO" COWAN

Boston attorney William "Mo" Cowan was recently named Gov. Deval Patrick's chief legal counsel, leaving his partnership at Mintz, Levin, Cohn, Ferris, Glovsky and Popeo.

Cowan worked in Mintz Levin's Litigation Section, where he chaired the Anti-Money Laundering Compliance and Counseling practice group. He formerly chaired Mintz Levin's Hiring Committee and served on the firm's Diversity Committee.

Cowan served as a special assistant district attorney with the Middlesex District Attorney's Office in 2000 and is a former president of both the Massachusetts Black Lawyers Association and the Northeastern University School of Law Alumni Association. He currently serves as a member of the Northeastern University Corp. (the university's governing body).

He has also served as a director and/or trustee of several nonprofit organizations, including the Discovering

Justice Foundation, Roxbury Preparatory Charter School, Project STEP, Boston Bar Association, Boston Bar Foundation, Boston Lawyers Group, Victim Rights Law Center, Volunteer Lawyers Project and the New England Minority Purchasing Council Inc. He is a graduate of Duke University and Northeastern University School of Law.

"I am thrilled that Mo Cowan is coming on board," Patrick said. "Mo is an accomplished attorney, trusted advisor and committed civic leader. He will be an excellent addition to our team."

Cowan follows former Chief Legal Counsel Ben Clements and Deputy Chief Counsel Michael Pineault, who resigned to return to private practice and jointly launch a new law firm.

#### Carmen M. Ortiz confirmed as U.S. attorney

The U.S. Senate has confirmed Carmen Milagros Ortiz as the U.S. attorney for the District of Massachusetts. She was nominated by President Barack Obama on Sept. 17.

Prior to her confirmation, Ortiz was an assistant U.S. attorney for 12 years, most recently in the Economic Crimes Unit. Before joining the U.S. Attorney's Office, Ortiz was a senior trial attorney at Morisi & Associates PC from 1995 through 1997, working on civil, criminal and governmental agency litigation.

Ortiz recalled speaking with the late Sen. Edward M. Kennedy about public service when he called to tell her

that he and Sen. John F. Kerry had forwarded her name to Obama.

"I continue to be inspired by his commitment to this great nation and the citizens of Massachusetts, including his efforts to ensure that all citizens, including those less fortunate, have a voice in our public institutions," she said. "I told Sen. Kennedy that if confirmed, I would make him proud — and I intend to honor his legacy. I will work tirelessly on behalf of the Department of Justice to serve with fervor, passion and integrity, answering what I consider to be the greatest calling — public service."

Ortiz was an assistant district attorney in Middlesex County, where she was director of district courts. She was also a member of the "October Surprise" team for the U.S. Senate Committee on Foreign Relations in 1992, investigating allegations that the Reagan/Bush campaign of 1980 sought to delay the release of the hostages in Iran to affect that year's election.

At Harvard Law School's Center for Criminal Justice from 1989 through 1991, she worked on the Harvard/Guatemala Criminal Justice Project, which helped the Guatemala judiciary implement criminal justice reforms in that country.

In 1991, on behalf of the National Football League, Ortiz investigated sexual harassment allegations made by a sportswriter against the New England Patriots. Ortiz started her legal career as a trial attorney in the Honors Program at the U.S. Department of Justice's Criminal Division. She is a graduate of George Washington University Law School and has been practicing law since 1981. ■

## Massachusetts courts legalize more than 200 adoptions on seventh National Adoption Day

Eight courthouses across the commonwealth hosted events on Nov. 20 to celebrate the adoptions of 212 foster children from the Department of Children and Families. Juvenile and Probate and Family Court judges finalized adoptions in Boston, Brockton, Cambridge, Hadley, Pittsfield, Salem, Springfield and Worcester.



PHOTO COURTESY OF SUPREME JUDICIAL COURT PUBLIC INFORMATION OFFICE

Middlesex Probate and Family Court Judge Peter C. DiGangi, second from right, and Department of Children and Families adoption worker Lillian Ronan, far right, with an adoptive family.

The Massachusetts Trial Court, in cooperation with the Massachusetts Adoption Resource Exchange and the Massachusetts Department of Children and Families, assists each year in the organization of events to encourage families to adopt children out of the foster care system and give them loving and stable homes.

## Seventh Annual In-House Counsel Conference Tools for Effective Legal Management

Sponsored by the Business Law Section

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# FOR YOUR PRACTICE

## Understanding the *Groundswell* of social media and its value to lawyers

### BOOK REVIEW

***Groundswell: Winning in a World Transformed by Social Technologies***  
224 pages  
Harvard Business School Press (2008)

BY ALAN J. KLEVAN

Law Practice Management Section  
Council, Klevan & Klevan LLP

In this world of Twitter, Facebook, MySpace, blogs and wikis, there are quite a few places to turn when we want to know how to use them. However, there is only one place to turn when you want to understand how important these platforms are for companies and how they respond to these various types of media.

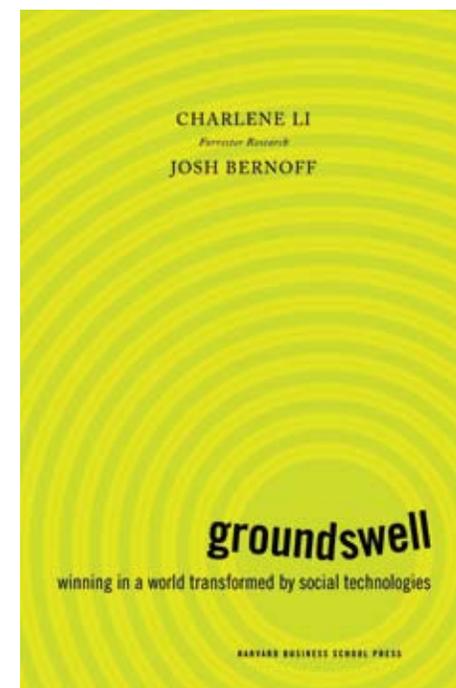
Charlene Li and Josh Bernoff's *Groundswell: Winning in a World Transformed by Social Technologies*, is much more than a book introducing the concept of social media to its audience. It is a thought-provoking tome on understanding that the "groundswell" — defined as "a social trend in which people use technologies to get the things they need from each other, rather than from traditional institutions like corporations" — is an unstoppable force. One need look no further than to search "United Breaks Guitars" on YouTube to understand the authors' position. It is the groundswell that is making organizations change not just the way they do business, but their actual product, in response to what the people want.

While Li and Bernoff introduce us to the many ways in which the groundswell

is, in fact, an "unstoppable force," the book does not provide specific ways in which corporations and organizations interact with the groundswell. However, the book does provide a guide on how to go about setting up a groundswell strategy. To this end, they offer us the acronym POST:

- **People:** Are your customers interacting with social technologies? Which ones? How do they use them?
- **Objective:** What does a company hope to accomplish with a groundswell strategy?
- **Strategy:** How will those objectives be achieved?
- **Technology:** Which vendor or technology can help accomplish these goals?

Although the book is replete with case



studies involving major corporations such as Dell, Mini and Sony, these strategies also apply to attorneys, from the solo practitioner to the large law firm. For example, using the POST techniques, how are you interacting with your client? Have you gone to [www.avvo.com](http://www.avvo.com) to see what others are saying about you? Have you set up a Google Alert with your name so you are notified when you are referenced on

► 14

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FOR THE ISSUES OF LIFE IN LAW

## member benefit spotlight

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## MIND YOUR OWN BUSINESS

*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.*

# Online tools allow easy scheduling without making a single call

BY RODNEY S. DOWELL

Co-chair, Law Practice Management Section Council

Director, Law Office Management Assistance Program

Every attorney knows the scenario. You have to schedule a deposition with five parties and attorneys coming in from out of town. Or, you have to schedule a corporate meeting with key employees, officers and the board of directors. All of the attendees have to be contacted and they all have to attend.

For years, this required the attorney, or paid staff, to make an endless series of telephone calls with proposed dates and times, listening to messages, leaving new messages, trying to keep track of who has responded and who has not, receiving notice from the lone holdout that none of the dates are good, and then having to start a new series of telephone calls. All of a sudden, you have a meeting scheduled two months out with deadlines looming.

Some of us started using e-mail and Microsoft Outlook's scheduling tool. Here we found that Microsoft Outlook's scheduling tool was too limited in its ability to propose a wide enough range of dates and times, and we also found that our in-boxes were inundated with "reply all" responses when all we really wanted to know was if the meeting was going forward. This method has become the most common scheduling tool, but still is not ideal.

A growing list of free tools is available on the Internet that allows your meetings to be scheduled without further wasting everyone's time. My favorite tool for scheduling meetings is TimeBridge, [www.timebridge.com](http://www.timebridge.com). This tool allows me to propose five specific dates and times for a meeting, which I can then share with a specified group of people. TimeBridge sends an e-mail to the selected recipients notifying them of the proposed dates and times. The e-mail includes a link to TimeBridge. The recipients, who need not register, are taken to the proposed dates and times, and they

can confirm which date works, which is the best date, and which dates simply do not work. If none of the dates work, you can then make some new suggested dates and times.

To make scheduling easier, TimeBridge will synchronize with Microsoft Outlook contacts and calendar so you will not have to jump back and forth between Outlook and TimeBridge to get your e-mail list and see the dates and times that you are available. TimeBridge will suggest that you allow it to make your entire calendar available to others. Don't do that. In fact, I would simply turn off that function to prevent inadvertent disclosure of information to others.

If you are working with a group of people that you will need to meet with numerous times, then you can also set up a group to allow you to quickly contact them. TimeBridge is not only a great way for scheduling meetings, but it also allows you to schedule a virtual meeting through its Web conferences (30-day free trial) and it provides a free telephone conference number for the participants (a large number of companies provide free telephone conferencing services). This will allow greater participation without tying up multiple telephone lines on your system and without paying excessive AT&T conference call fees.

Another excellent free tool for scheduling meetings is Doodle, at [www.doodle.com](http://www.doodle.com), which also provides a paid premium branded version. Doodle will synchronize with a number of different calendars, including Microsoft Outlook, iCal and Google. It also allows scheduling on the go by providing an iGoogle widget, a Facebook application and a beta Mobile Doodle application.

Once you have chosen a title for your e-mail, you select the dates you wish to propose and as many time slots on that date as you wish. Once you are done selecting times and dates, then you send an e-mail to participants to poll their availability. I use Doodle when I want to poll a larger number of people on their availability and may only need a majority of participants to attend. Although Doodle

allows a larger number of proposed dates, its interface is not as intuitive or simple to use as TimeBridge. There are a number of other free Web-based alternatives available which I have not tested.

These include [www.whenisgood.net](http://www.whenisgood.net), [www.tungle.com](http://www.tungle.com) (an Outlook plug-in), [www.setameeting.com](http://www.setameeting.com), [www.meeting-wizard.com](http://www.meeting-wizard.com) and [www.meetomatic.com](http://www.meetomatic.com). The interface of each product differs and you may find some products more intuitive to use than others. However, given the price, you should feel free to try these products until you find the right product for you. As with all Web-based applications that you use, you will want to review the terms of use and privacy policies of the vendor, especially if you allow it to access your contact list and calendar. ■

### Follow the MBA on



Visit [www.massbar.org/twitter](http://www.massbar.org/twitter) and get up-to-date information on MBA CLE programs and conferences, legislative activities and events. In addition, the MBA posts daily legal headlines and published e-Journal and *Lawyers Journal* articles.

At [www.massbar.org/twitter](http://www.massbar.org/twitter), you have several Twitter options. MBA members can:

- 🔗 Follow the MBA on Twitter under the "massbar" name;
- 🔗 Have the MBA follow you on Twitter by adding your Twitter screen name to your MBA profile; and
- 🔗 Have your tweets included on the MBA Twitter page and on the MBA homepage tab.

*NOTE: The MBA encourages its members to post MBA news to Twitter using their own Twitter accounts, and to re-tweet MBA news posted under the "massbar" name.*

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# BAR NEWS

## Chief Justice Carey delivers “State of the Probate and Family Court” address

BY TRICIA M. OLIVER

Probate and Family Court Chief Justice Paula M. Carey delivered the “State of the Probate and Family Court” at the MBA Family Law Section’s 19<sup>th</sup> annual conference on Nov. 7 at the Chatham Bars Inn on Cape Cod.

“We cannot compromise due process because of budget constraints,” Carey told the audience during her 30-minute address on the second day of the Nov. 6 and 7 conference.

She spoke to the newly implemented Uniform Probate Code in Massachusetts, resulting from key MBA-sponsored legislation signed into law in January by Gov. Deval Patrick. According to Carey, this measure simplifies and improves Massachusetts probate and trust law. Carey described the UPC as “preserving the liberty and interests of some of the most vulnerable citizens” and explained that great lengths have been made in planning for its implementation, including a designated subcommittee on the issue and tapping the expertise of other states with similar legislation.

She spoke to the court’s efforts to expand upon pilot efforts of Limited Assistance Representation in Norfolk, Suffolk and Hampden counties.

“Good things happen in our court,” said Carey as she spoke of the Probate and Family Court’s outreach efforts with the community. She touched upon informational sessions held in area community colleges and high schools as a way to “demystify” the process of the court system. She also spoke to the work of Associate Justice Angela M. Ordoñez in getting off the ground a tiered mentor pro-



Family and Probate Court Chief Justice Paula M. Carey, left, and conference co-chair Veronica J. Fenton, right.

gram, administered by the MBA and involving judges and attorneys, as well as law, undergraduate and high school students (*see story, page 1*).

She also thanked the group of volunteers who worked on the task force to establish new child support guidelines. She specifically praised the efforts of attorneys Fern Frolin and Marilynne Ryan for their “extraordinary effort” in the process. She also commended Chief Justice for Administration and Management Robert A. Mulligan for his involvement and input during this project.

In addition, Carey explained that a Scheduling Task Force has recently issued a report, which is currently out for comment from judges.

She then devoted a good portion of her remarks to the “white elephant in the room,” or the budget crisis with which the Massachusetts court system is faced. Carey described the crisis as “very real” and added, “we all need to work together to deal with this.”

Despite drastic budget cuts in the trial courts, Carey said “our caseload has increased,” noting that 158,000 cases annually have grown to 165,000 cases in the last fiscal year. Carey is working to develop a plan to prioritize cases.

She called on the bar to help advocate for the courts amid the budget crisis. “If there ever was a time when we need you to help, the time is now,” said Carey, urging the lawyers in attendance to call upon their legislators to thwart further cuts to the third branch of government.

Carey’s remarks were followed by four panels:

- Issues of Interstate Custody;
- The Hague Convention and Issues of International Custody;
- DOMA: What Hurdles Does DOMA Place in the Way of Same-Sex Married Couples and Those Who are Divorcing; and
- Federal Tax Issues in Family Law.

The conference, attended by more than 140 attorneys from across the commonwealth, was chaired by Family Law Section Co-Chairs Thomas J. Barbar and Veronica J. Fenton. ■



PHOTOS BY TRICIA M. OLIVER

Linda A. Ouellette is flanked by Judge James V. Menno, left, and Paul G. Farrell, right, as they present “Issues of Interstate Custody.” The panel was moderated by Amy T. Sollins.



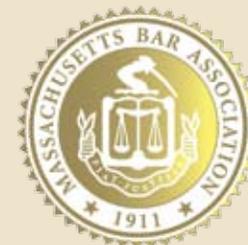
From left to right: First Justice Geoffrey A. Wilson, Regina M. Hurley, conference co-chair Thomas J. Barbar, Wendy J. Hickey and Judge John C. Stevens III (ret.) prepare for their “The Hague Convention and Issues of International Custody” panel.

## Eighth Annual Western Mass. Bankruptcy Conference



PHOTO BY CHRISTINE BARONAS

From left to right: Hon. Henry J. Boroff, chief judge, U.S. Bankruptcy Court, Springfield/Worcester, and professor Arthur D. Wolf, Western New England College School of Law, Springfield, at the Eighth Annual Western Massachusetts Bankruptcy Conference, held at the school Oct. 6.



## MBA seeks nomination for officers, delegates

The Massachusetts Bar Association is currently accepting nominations for officer and delegate positions for the 2010-11 membership year. Nominees must submit a letter of intent and a current resume to MBA Secretary Jeffrey N. Catalano by 5 p.m. on Jan. 29, 2010, to be eligible.

To submit a nomination, mail or hand deliver the information to:

Massachusetts Bar Association  
Attn: Jeffrey N. Catalano, MBA Secretary  
20 West St., Boston, MA 02111

Or fax the nomination to (617) 542-7947. If you have any questions about the nomination process, call MBA Acting Executive Director Martin W. Healy at (617) 988-4777.

## BAR NEWS

## Brown Rudnick donates \$25,000 to MBA Mock Trial Program in 25th year

Brown Rudnick LLP, through its Center for the Public Interest, has donated \$25,000 to the Massachusetts Bar Association's 2010 Mock Trial Program.

Brown Rudnick has been the lead financial underwriter since 1998 and has contributed more than a quarter million dollars to the program, now celebrating its 25<sup>th</sup> anniversary.

"The MBA is honored that Brown Rudnick has decided to once again continue its generous legacy with our popular Mock Trial Program," MBA President Valerie A. Yarashus said. "The program provides high school students with the unique opportunity of learning about the law while experiencing it as an advocate."

First organized in 1985, the tournament places high school students in a simulated courtroom to assume the roles of lawyers and witnesses in a hypothetical case. This year's civil case involves an individual who suffers a

substantial financial loss after investing a daughter's college funds with a financial advisor at a brokerage firm. The case focuses on whether the firm, and/or the advisor, are responsible

for those losses. The case gives students an opportunity to learn about the importance of decision-making in the investment of personal funds.

"Brown Rudnick's support has provided continuity and stability for this important educational civic program," said Al

Wallis, executive director of the Brown Rudnick Center for the Public Interest. "We are particularly proud to be continuing our support as the MBA approaches its 100<sup>th</sup> anniversary, and as the Mock Trial Program celebrates 25 years."

At least 1,500 students at more than 100 schools across the commonwealth are expected to participate in the 2010 Mock Trial Program. More than 100 lawyers across the state will serve as volunteer coaches and judges. ■



PHOTO BY JENNIFER ROSINSKI

From left to right: Al Wallis, executive director, Brown Rudnick LLP's Center for the Public Interest; MBA President Valerie A. Yarashus; Joseph F. Ryan, chief executive officer, Brown Rudnick LLP; and Elizabeth A. O'Neil, MBA director of Public and Community Services at the MBA, with Brown Rudnick's \$25,000 check for the MBA's Mock Trial Program.

## Mock Trial at 25: Chair Mary Bassett still feels "awesome responsibility"

### Volunteers, \$25,000 Brown Rudnick donation crucial to program's success

BY BILL ARCHAMBEAULT

More than a dozen years ago, Concord attorney Mary E. Bassett was recruited to volunteer as an attorney-judge for the Massachusetts Bar Association's Mock Trial Program, which is celebrating its 25<sup>th</sup> anniversary this year.

Bassett, the chair of this year's Mock Trial Committee, remembers feeling nervous as she prepared to judge her first trial, in Ayer District Court, because she wanted to do a good job for the students.

"Once I did it, I was totally hooked," she said, noting that Ayer District Court First Justice Peter J. Kilmartin loaned his robes to Bassett to help her look the part. "I could see how much fun the kids were having doing it and how much work they were putting into it. It was very important to them. Every time I judge a case, I feel an awesome responsibility."

That responsibility has only increased since Bassett joined the Mock Trial Committee seven years ago. Committee members create each year's case — alternating between civil and criminal cases each year — constructing the facts and characters in cases that are relevant and interesting to high school students.

The goal is to come up with cases that challenge the students without overwhelming them with legal minutiae. And topics like sexual harassment, or last year's case involving a defense claim of post-traumatic stress disorder by an Iraq War veteran, must be engaging but also sensitive to participants who may have personal experiences with the issues at the center of the cases.

Perhaps most challenging is making sure that both sides have a fair chance of winning the case. "We always want to make sure that it's balanced," she said.

For its silver anniversary, the 2010 Mock Trial Program is reaching out to

past participants to collect their memories and lessons learned as they graduated and become professionals. The program has once again been sponsored by a \$25,000 donation from Brown Rudnick LLP, through its Center for the Public Interest.

"The MBA needs that sponsorship and support, and for them to step forward every year is key to the success of the program," Bassett said, crediting Brown Rudnick for showing consistent interest in and support for the program.

"There are very tough decisions to be made about what programs to support" during "these lean times," she said.

The program also depends on its volunteer coaches and judges. Bassett wants lawyers to know that they're needed, and that they may be better qualified than they think. Attorney-coaches work directly with the teams of high school students and their teacher-coaches to prepare for the simulated cases.

"You get to work directly with high school students. They really need the lawyer-coach to help them prepare their case for a trial situation," she said. "It lets the public see lawyers participating with local kids. I think lawyers want to get involved in their local community, and this is a great way for them to do that."

Bassett wants to dispel any concerns that only trial attorneys are qualified to volunteers as attorney-coaches or attorney-judges. Training for attorney judges is scheduled for early January.

"It's something any lawyer can do. Every lawyer understands the basic rules of evidence. It's more about helping them think like a lawyer. You really don't need to have trial experience," she said. "It's certainly not too late for lawyers to become involved this year. I'd like to encourage lawyers to try it." ■



PHOTO BY BILL ARCHAMBEAULT

MOCK TRIAL COMMITTEE CHAIR  
MARY E. BASSETT



Visit [www.MassBar.org](http://www.MassBar.org).

## Mock Trial searching for volunteer judges

As the Mock Trial Program enters its 25<sup>th</sup> year, volunteers are needed to judge during the 2010 season. The goal of the program is to further an understanding of the law, court procedures and our legal system while helping students hone their analytical, listening and speaking skills. The program also seeks to promote better communication and cooperation between the school community and the legal profession.

More than 100 attorneys are expected to volunteer in the program, and more than 220 trials are anticipated. Below is the schedule of trials from the preliminary rounds to the final round:

- **TUESDAY, JAN. 5, 5-6:30 P.M.,**  
MBA, 20 West St., Boston
- **WEDNESDAY, JAN. 6, 5-6:30 P.M.,**  
Bowditch & Dewey LLP,  
311 Main St., Worcester
- **THURSDAY, JAN. 7, 5-6:30 P.M.,**  
MBA Western Mass. office,  
73 State St., Springfield
- **WEEK OF JAN. 25:**  
Preliminary rounds begin
- **WEEK OF FEB. 22 AND MARCH 1:**  
Snow make-up trials and tiebreakers
- **WEEK OF MARCH 8:**  
Sweet-sixteen round (eight trials)
- **WEEK OF MARCH 15:**  
Elite-eight round (four trials)
- **WEEK OF MARCH 22:**  
Final-four and state championship

If you are interested in participating, e-mail [mocktrial@massbar.org](mailto:mocktrial@massbar.org) no later than Friday, Dec. 18. If you have any questions, contact the MBA at (617) 338-0570.

## Recent Web enhancements offer members new services, easy use

**“My Resources,” online classifieds and customized section pages now available**

In an industry tight on time and resources, [www.massbar.org](http://www.massbar.org) provides some improved online solutions for members of the Massachusetts Bar Association.

“My Resources” is a one-stop shop for members to quickly access all of their online tools and customize their online preferences. With just one click, members will be directed to: a page of organized links to Case-maker and its related products; featured CLE publications and programs; a calendar of their section meetings and sponsored CLE programs; links to timesaving member resources; and helpful practice tips.

Also available on this Web page is the ability to subscribe to an RSS feed of daily legal headlines as posted to the MBA’s homepage each weekday morning. To take advantage of this new member benefit, visit [www.massbar.org/myresources](http://www.massbar.org/myresources).

“‘My Resources’ is another way the MBA can help attorneys streamline the business of lawyering,” said MBA President Valerie A. Yarashus. The MBA’s Technology Task Force, led by Peter McDermott, has been busy evaluating online services and recommending this and other key enhancements to the MBA’s Web site.

Another recently added Web feature is online classifieds. Members who would like to advertise for office space sharing, recruiting office help, lawyer-to-lawyer services and other specialized categories should visit [www.massbar.org/classifieds](http://www.massbar.org/classifieds). Online postings will remain free for members for a limited time.

In the next few months, section council chairs will be working to add and further tailor their section pages for section or division membership. Once finalized, Family



Law pages, for example, will include articles, links and document templates that pertain to family law practitioners.

Now available for each section are online alphabetical membership rosters. Also, look for more information on section-specific blogs and other evolutions to these substantiated Web pages. When section council chairs and their designated Web liaisons further customize these pages, section members will receive an e-mail with a link back to the pages.

Also coming in January 2010, the MBA will launch “MBA On Demand,” an innovative approach to CLE and other association offerings. MBA members will be able to watch a live stream or recorded MBA CLE presentation from the comfort of their home or office. Look for details in future issues of *Lawyers Journal*, *e-Journal* and the MBA’s monthly CLE brochures. ■

## VOLUNTEER SPOTLIGHT

### Longtime MBA volunteer appointed *Law Review* editor

The Hon. J. Thomas Kirkman, associate justice of the Massachusetts district court, has been appointed editor-in-chief of the MBA’s *Massachusetts Law Review* editorial board for a three-year term. He has served as an associate editor of *Law Review* for 25 years and has authored numerous articles on civil and criminal legal topics in the scholarly periodical.

His career and his involvement with the *Law Review* have grown in tandem. “When I was appointed to the editorial board 25 years ago, I was serving as a legal services staff attorney on Cape Cod. So, one of the pleasant surprises of joining the board was the exposure to the diverse practices of the other board members.”

Being a long-term member of the board, Kirkman said he has always looked forward to the monthly board meetings when lawyers, judges and academics



HON. J. THOMAS KIRKMAN

PHOTO BY KELSEY SADOFF

engage in robust discussions on a wide range of legal topics in determining what content to publish in the *Review*.

As editor-in-chief, Kirkman succeeds Victor Baltera of Sullivan & Worcester, who followed the Hon. William J. Meade. Kirkman commends these and other editors-in-chief — such as Janet Pumphrey, Barry Ravech and Jerry Cohen — for maintaining the *Review*’s success as the longest continually run law review in the country.

“Editors long before my time have been committed to carrying forth this great periodical rich with scholarly content,” he said. “I’m honored to carry on the tradition.”

**VOLUNTEER OPPORTUNITY**  
information: [www.MassBar.org](http://www.MassBar.org)

**BOOK REVIEW: GROUNDSWELL***Continued from page 9*

the World Wide Web? If you do plan to participate in social media, what are your objectives? Do you wish to specifically market your practice, or do you wish to educate? What is your strategy to do this? Do you plan on answering comments if you blog? Do you wish to have engaging communication electronically or do you wish for them to contact you by phone? Lastly, what is your technological platform to accomplish this? Do you wish to have a blog, which requires both understanding and commitment, or will you use a social network such as Twitter, LinkedIn or the like?

Interspersed with the sometimes-redundant case studies are nuggets of vital information necessary for successfully communicating with the groundswell. First, obviously, is to know and understand your audience and what the groundswell means to you.

The obvious place to start is search engines, such as Google and Yahoo. It is also important to search the “secondary” engines, such as Bing, to see what, if anything, is being said or printed about you.

Second, set in motion a plan to listen to what your customers are saying about you. Create a Survey Monkey survey for your clients to complete after the conclusion of a matter. Have them consider posting a rating of your services on Avvo. Your client may have a blog and they may have posted something about your work on it. Listening is

the lowest risk/lowest participation aspect of communication with the groundswell that can produce successful results for you.

Talking with the groundswell comprises a lengthy chapter in the book. Basically, there are four ways to accomplish this: 1) post a video; 2) engage in social networking and user-generated content sites; 3) join the blogosphere; and 4) create your own social community. Before contemplating any of these choices, it is important to review the POST guidelines.

Besides listening and talking to the groundswell, Li and Bernoff also discuss how to energize your groundswell and continue to support it, primarily through case studies and stories from groundswell participants. It is here where the book gets bogged down with study after study on corporate participation in social media. However, using the techniques set forth in the book, and understanding the POST principles, the techniques explained by the authors can easily be incorporated into any attorney’s legal practice.

The groundswell is a phenomenon that is here to stay. The traditional methods of seeking information about a product or a service are waning. *Groundswell*, while not a “how to” primer on using social media to communicate with your customer base, provides a basic and important framework to start a dialogue, either with your colleagues, staff — even with yourself — on understanding social media to better communicate with existing and potential clients, and successfully pursue your goals. ■

**SENATE PASSES SENTENCING REFORM BILL***Continued from page 1*

offenders face a one-size-fits-all system and have no incentive to plead guilty because judges have no discretion over sentences.

MBA Drug Policy Task Force Chair and Past President



SEN. CYNTHIA STONE CREEM

David W. White Jr. was enthusiastic that sentencing reform is making progress after years of fruitless effort.

“The state has taken the first concrete steps toward sentencing reform in decades, and the vote in the Senate demonstrates that the Legislature’s aware of public sentiment in support of sentencing

reform and that legislators are no longer afraid of being branded as being too soft on crime,” he said. “It’s a giant step forward. People have been arguing for sentencing reform for decades, literally decades. We’re only halfway there, but it is a sea change.”

In addition to the cost savings, the legislation would be expected to reduce recidivism. Instead of being released directly into the community, offenders would be eligible for parole and work-release programs. Numerous studies have shown such programs improve public safety by help-

ing offenders re-enter the community and avoid committing new crimes.

The bill awaits action by the House of Representatives. Formal legislative sessions have ended for the year.

“I’m hopeful the House will take this up promptly when the Legislature reconvenes in January,” White said.

The bill was hotly debated until the last minute, as it was approved around midnight on Nov. 18 due to controversial amendments. White expressed relief that language calling for a “three-strikes-and-you’re-out” mandatory sentencing provision was removed from the final bill.

“It would have been a disaster for overcrowding and the budget,” White said of the “three strikes” language. “If you look at how adversely (mandatory incarceration) has affected California’s prison system — which wasn’t even as strongly worded as this one — you get a sense of how misguided it was.”

State Sen. Cynthia Stone Creem (D-Newton), who co-chairs the Joint Committee on the Judiciary, applauded her colleagues’ vote on CORI and sentencing reform.

“As a leading advocate for sentencing and CORI reforms, I am so pleased an overwhelming majority of my colleagues in the Senate voted in favor of the legislation. This comprehensive bill includes provisions for nonviolent drug offenders to be eligible for parole after serving two-thirds of their sentences, in order to monitor their re-introduction to society as productive citizens; this change alone is estimated to save the state several million per year, and mimics laws in other states,” she said.

“As Senate chair of the Judiciary Committee,” Creem said, “I believe enacting this bill would successfully reduce recidivism, increase protections for job applicants and for employers through updated CORI regulations, and broadly promote a ‘smart-on-crime’ approach to our sentencing laws.” ■

**eco-tips****Donate your old phone this holiday season**

Getting a new phone over the holiday season? Bring your old phone or accessories to one of the MBA’s five cell phone recycling collection boxes.

The MBA’s Eco-Challenge offers cell phone recycling in conjunction with Verizon Wireless’ HopeLine program. Cell phones, batteries and accessories (both working and broken) no longer in use, from all service providers, will be accepted.

Drop off locations include:

- MBA headquarters, 20 West St., Boston;
- MBA Western Massachusetts office, 73 State St., Springfield;
- CLF’s Massachusetts headquarters, 62 Summer St., Boston;
- The Green Roundtable’s NEXUS Green Building Resource Center, 38 Chauncy St., 7<sup>th</sup> floor, Boston; and
- Seyfarth Shaw, Two Seaport Lane, Boston.

All collected phones, batteries and accessories are shipped to ReCellular in Michigan. HopeLine has collected more than 5.3 million phones, kept more than 200 tons of electronic waste and batteries out of landfills and donated more than \$5.6 million in cash grants to organizations that run domestic violence awareness and prevention programming. Local organizations that have received support are:

- Jane Doe Inc.;
- YWCA of Western Massachusetts;
- Norfolk County Sheriff’s Department; and
- Boston Area Rape Crisis Center.

ReCellular is committed to removing all personal data from all phones collected. As an added precaution, it is recommended to consult your user manual or search for directions for a “hard reset” for your phone’s make and model online to clear the information yourself.



## section spotlight

# Property Law's Laurel Siegel cooks up a sweet side business

BY JENNIFER ROSINSKI

Sitting behind a bright multi-colored tablecloth decorated with homemade maple pecan caramels and coconut cashew brittle, Laurel Siegel is basking in the glow that comes with being a favorite merchant at the Medford Square Market. Only the smart phone tucked in her lap gives her away — she's a lawyer by trade.

Siegel, co-chair of the MBA's Property Law Section, is a solo practitioner in Boston concentrating in commercial and residential real estate law. When the Medford resident is not dealing with purchase and sale agreements, Siegel dabbles in the creation of her own unique sweets under the name Sweet LoLo's ([www.sweetloosweets.com](http://www.sweetloosweets.com)).

"I feel like I'm leading this double life," said a laughing Siegel, who spends up to 25 hours a week on her hobby. "I wouldn't do it unless I was having fun with it. It's very gratifying to make a product and have people enjoy it."

The confections crafted by Siegel are made with flavors inspired by natural ingredients such as fruits, nuts, spices and teas. Customer favorites include pistachio brittle, coconut cashew brittle, apple cider caramels and buttermilk caramels; but she also creates taffy and marshmallow candies, among others. The caramels are hand-wrapped. The brittle is packaged in bags with ribbons that coordinate with the flavors and adorned with a logo Siegel created.

Sweet LoLo's has developed a fan base, and Marlene Aborn is one of the addicted. "I got a new name for you, the Siren of Sweets, because each time I walk by, I get called over," Aborn, senior clerk for the Medford Veterans Services office, told Siegel when she visited her table at the market over the summer. "I tell myself I won't get any, but I always do."

Siegel incorporated Sweet LoLo's in May, launched her Web site in June, began to post on Twitter ([SweetLoLoSweets](http://SweetLoLoSweets)), was a staple at the Medford Square Market every Thursday through October, started offering her candies at FrancesRay Jules Salon in Boston this fall, and is now attending craft fairs. Siegel is also interested in making corporate gifts and creations for weddings. ■



PHOTO BY CHRISTINE PETERSON

Property Law Section Co-Chair Laurel Siegel sells her homemade candy, Sweet LoLo's, at the Medford Square Market.

## Petrillo named co-chair of Health Law Section

MBA President Valerie A. Yarashus has appointed Dr. Jacqueline Petrillo co-chair of the Health Law Section Council, the final appointment for the 2009-10 bar association year. She joins George M. Thompson Jr., who had previously been named Health Law co-chair.

Petrillo, a registered pharmacist since 1997, joined the faculty at Massachusetts College of Pharmacy in October, where she focuses on the areas of medication errors and patient safety. She is also a founding member of Petrillo Legal LLC with her husband, Frank.

As a pharmacist, she has worked in clinical, inpatient, outpatient and ambulatory care pharmacy settings. In 2001, she earned her Doctor of Pharmacy (Pharm.D.) degree from the Massachusetts College of Pharmacy. She obtained her law degree at Suffolk University Law School in the evening division while working as a legal consultant pharmacist during the day and a pharmacist on weekends, graduating *cum laude*.

In February 2006, Petrillo joined Sugarman and Sugarman PC, where she practiced in the areas of negligence, wrongful death, premises liability, motor vehicle torts and medical malpractice, a topic she has lectured on at Suffolk University Law School. ■



JACQUELINE PETRILLO

## New mission reflects MBA's modern era

At the September meeting of the House of Delegates, the Massachusetts Bar Association adopted a new organizational mission. An outgrowth of a strategic planning committee, the revised mission statement speaks to the inclusivity of the bar and its charge to assist in the professional development of its members.

The MBA's new mission statement is as follows:

*The MBA serves the legal profession and the public by promoting the administration of justice, legal education, professional success, ethical responsibility, diversity and unity in the legal profession and respect for the law.*



DOUGLAS K. SHEFF

"The new mission not only reflects modern times in the law, but it is more in line with the association's direction," said MBA Vice President Douglas K. Sheff, who chaired the strategic planning committee and currently chairs the MBA's membership committee.

The membership committee, along with two other new committees dedicated to education and technology, were established by MBA President Valerie A. Yarashus and immediate Past President Edward W. McIntyre.

"Individuals seek associations like the MBA because they provide far-reaching influence — something significantly more difficult to achieve as individuals," said Yarashus. "The newly revised mission statement provides a modern-day roadmap for our organization to serve the Massachusetts legal community."

SECTION SPOTLIGHT submissions:

[BArch@massbar.org](mailto:BArch@massbar.org).

## BAR NEWS

# Calendar of Events

### WEDNESDAY, DEC. 9

#### Seventh Annual In-House Counsel Conference

9 a.m.-1 p.m.  
MBA, 20 West St., Boston

### THURSDAY, DEC. 10

#### MBA Boston Holiday Reception

5-7 p.m.  
MBA, 20 West St., Boston

### TUESDAY, JAN. 5

#### Mock Trial Judges Orientation

5-6:30 p.m.  
MBA, 20 West St., Boston

### WEDNESDAY, JAN. 6

#### Monthly Dial-A-Lawyer Program

5:30-7:30 p.m.  
Statewide dial-in #: (617) 338-0610

#### Mock Trial Judges Orientation

5-6:30 p.m.  
Bowditch & Dewey, 311 Main St., Worcester

### THURSDAY, JAN. 7

#### Mock Trial Judges Orientation

5-6:30 p.m.  
MBA's Western Mass. Office  
73 State St., Springfield

### MONDAY, JAN. 11

#### Expanding Horizons for Senior Lawyers Evening Roundtable

5:30-7:30 p.m.  
MBA, 20 West St., Boston

### TUESDAY, JAN. 12

#### Distressed Property Bootcamp: Session I — Representing a Buyer Purchasing Distressed Property

5-7 p.m.  
Western New England School of Law  
1215 Wilbraham Road, Springfield

### WEDNESDAY, JAN. 13

#### How to Use the Mortgage Discharge Statute to Improve Your Real Estate Practice

4-7 p.m.  
Holiday Inn  
700 Myles Standish Blvd., Taunton

### THURSDAY, JAN. 14

#### Cost Effective E-Discovery for Small Firms

Noon-2 p.m.  
MBA, 20 West St., Boston

#### Handling Depositions with Confidence

4-7 p.m.  
Registry of Deeds  
90 Front St., Worcester

#### Massachusetts Bar Foundation 45th Anniversary Gala

5:30-9:30 p.m.  
Colonnade Hotel  
120 Huntington Ave., Boston

### WEDNESDAY, JAN. 20

#### Statute of Limitations Issues in Estate and Trust Matters

4-7 p.m.  
MBA, 20 West St., Boston

### WEDNESDAY, JAN. 27

#### Walk to the Hill

11 a.m.-1 p.m.  
Statehouse, Great Hall  
1 Ashburton Place, Boston

#### Asset Protection Planning for (Happily) Married Couples

Noon-2 p.m.  
MBA, 20 West St., Boston

#### The Massachusetts Data Privacy Conference

9:30 a.m.-4:30 p.m.  
Sheraton Springfield Monarch Place Hotel  
One Monarch Place, Springfield

### THURSDAY, JAN. 28

#### How to Start and Run a Successful Solo or Small-Firm Practice

9 a.m.-5 p.m.  
Lombardo's, 6 Billings St., Randolph

## MASSACHUSETTS BAR FOUNDATION



*45 Years of Supporting Legal Services in Your Community*

## 45<sup>th</sup> Anniversary Gala Dinner and 2010 Annual Meeting

January 14, 2010



*Honoring  
Governor Deval Patrick*

The Colonnade Hotel • 120 Huntington Ave. • Boston  
5 p.m. Meeting • 5:30 p.m. Cocktails and Silent Auction • 6:30 p.m. Dinner

Registration is required. Register at [www.massbarfoundation.org](http://www.massbarfoundation.org).  
For more information, call (617) 338-0647.

### MBF 45<sup>th</sup> Anniversary Silent Auction

Bidding begins online Dec. 14, 2009

<http://mbfanniversary.cmarket.com>

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LEGAL TALK NETWORK • MEEHAN, BOYLE, BLACK & BOGDANOW PC • PEABODY & ARNOLD LLP

## Distressed Property Bootcamp

*Sponsored by the General Practice Solo & Small Firm and  
Property Law Sections, and the Young Lawyers Division*

### Session I: Representing a Buyer Purchasing Distressed Property

Tuesday, Jan. 12, 5-7 p.m.

WNEC School of Law,  
1215 Wilbraham Road, Springfield

### Session II: Representing a Borrower in Trouble

Tuesday, Feb. 2, 5-7 p.m.

WNEC School of Law,  
1215 Wilbraham Road, Springfield

### Session III: Title Insurance and Title Aspects in a Distressed Property Closing

Tuesday, Feb. 23, 5-7 p.m.

WNEC School of Law,  
1215 Wilbraham Road, Springfield



Special rates for registering for all three  
Distressed Property Bootcamp Sessions.  
Visit [www.MassBar.org/CLE](http://www.MassBar.org/CLE) for details.

# NEW ONLINE CLASSIFIED ADS

Post ads in these categories and others:

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- Lawyer-to-lawyer services; and
- Real estate listings.

Take advantage of this NEW MBA member benefit and reach members of the commonwealth's legal community through its largest bar association.



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Rodney S. Dowell, Esq.  
Director, LOMAP

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## member spotlight

### RUSH O'MARA APPOINTED CHAIR OF MLAC BOARD OF DIRECTORS

MBA Juvenile & Child Welfare Section Co-Chair **MARTHA RUSH O'MARA** has been appointed chair of the Massachusetts Legal Assistance Corp.'s board of directors. MLAC is governed by an 11-member board of directors, 10 of whom are appointed by the Supreme Judicial Court. The eleventh is the chief justice for administration and management of the trial court or the judge's designee.

Rush O'Mara, who was nominated to the MLAC board by the MBA, is a solo practitioner who concentrates on child law in the Boston Juvenile Court and the Probate and Family Court. Rush O'Mara has served on the Interest on Lawyers Trust Accounts (IOLTA) Committee since 2005.



MARTHA RUSH O'MARA

### HUSTON TO CHAIR FOLEY HOAG'S TRADEMARK AND COPYRIGHT PRACTICE GROUP

Intellectual property lawyer **JULIA HUSTON** has joined Foley Hoag LLP as a partner in the firm's Intellectual Property Department to chair its Trademark and Copyright practice group.

Huston has experience as a trademark litigator, as well as counseling and strategy in a number of IP areas. As chair of the Trademark and Copyright practice group, Huston will be responsible for expanding the firm's existing practice in trademarks, copyrights, domain names and e-commerce.

She was previously chair of the Trademark Practice group at Sunstein, Kann, Murphy & Timbers in Boston.

Huston is currently president of Greater Boston Legal Services, the largest provider of civil legal aid to low-income fam-



JULIA HUSTON

ilies in New England, and is chair of the Equal Justice Coalition, which advocates for legal aid funding for the poor.

As a past-president of the Women's Bar Association of Massachusetts and a former board member of YWCA Boston, Huston has advocated for gender and racial equality. She will receive a "Women of Justice" award from *Massachusetts Lawyers Weekly* in December and was recently named by Law & Politics as one of the top women lawyers in Massachusetts and New England for the third year in a row. Huston also holds leadership roles in the Boston Bar Association and the International Trademark Association.

### LUKEY NAMED FIRST WOMAN PRESIDENT OF AMERICAN COLLEGE OF TRIAL LAWYERS

Boston attorney **JOAN A. LUKEY** became the first woman elected president of the American College of Trial Lawyers, an honorary association of 5,700 trial lawyers and judicial Fellows in the United States and Canada. She was installed as president at the group's annual meeting, which was held in Boston Oct. 10.

Lukey, a partner at Ropes & Gray LLP in Boston who focuses on complex business litigation, is expected to focus on such diverse issues as the vanishing jury trial and implementation of proposed principles to address delays in the civil justice system. She is the 60<sup>th</sup> president of the ACTL.

A Fellow of the ACTL since 1991, she was named chair of the Massachusetts State Committee in 1997, elected regent in 2002 and served as secretary in 2006 and treasurer in 2007.

Lukey is a past president of the Boston Bar Association and is active in other legal organizations. Since 1983, she has been consistently selected by her peers for inclusion in *The Best Lawyers in America*.

She is a graduate of Smith College and Boston College Law School. ■



JOAN A. LUKEY

MEMBER SPOTLIGHT submissions:

[BArch@massbar.org](mailto:BArch@massbar.org)

**PRESIDENT'S VIEW***Continued from page 2*

to approximately 20 women who are formerly homeless or insecurely housed but are now succeeding in college and are interested in legal or law-related careers through the One Family Inc. program. Also in October, officers attended the Mass. Black Lawyer's Association Passing the Torch event for retiring and new African-American judges, as well as the gala dinner for the National Association of Asian Pacific American Lawyers Attorneys. The Mock Trial Program, which reaches hundreds of teenagers and their families throughout the commonwealth every year, is entering its 25<sup>th</sup> year.

The Equal Justice Coalition, of which the MBA is a founding partner, had its annual meeting with bar leadership and then with court leadership. EJC also honored six key legislators, and is well underway in its planning for the annual Walk to the Hill to lobby for legal aid funding on Jan. 27. Dial-A-Lawyer programs are held regularly, both for the general public as well as for veterans. The MBA celebrated October as Pro Bono Month, and our online Pro Bono Opportunity Guide now lists over 100 programs which are accepting volunteer attorneys.

With the MBA's first annual meeting on Dec. 10, 1910, and the official filing of our Articles of Organization on June 21, 1911, we have many important anniversaries coming up in the next two years. We are delighted that our Centennial Commission, led by the Hon. John Greaney (ret.), was scheduled to meet in early December to plan for our year of celebrations for the 2010-11 association year.

As a very human organization, we are far from perfect. We have not yet fully accomplished, once and for all, the goals set forth by our founders, nor is it realistic to expect that we will do so anytime soon. But in the meantime, it is appropriate to remind ourselves of our rich heritage, to remember that we are making tangible progress, and to find inspiration in the work that remains to be done.

<sup>1</sup> *All of the historical information in this column is taken from Robert J. Brink's excellent book, Fiat Justitia: A History of the Massachusetts Bar Association 1910-1985. All quotes, unless otherwise noted, are from this book.* ■

**“Women Who Lead” Series**

From left to right: MBA President-elect Denise Squillante, Supreme Judicial Court Chief Justice Margaret H. Marshall, and Brigid Mitchell, an associate attorney at Denise Squillante PC, at Roger Williams University School of Law's "Women Who Lead" Series. Marshall was the speaker who opened the series on Oct. 29 at the Bristol, Rhode Island school. Squillante received her undergraduate degree from Roger Williams University.

**If You Do Real Estate Work In Massachusetts and Are Missing These Critical Policy Coverages.....**

**Ask Yourself Why You Don't Have The MBA's Policy?**

**Do You Have .....**

- No Exclusion For Punitive Damages
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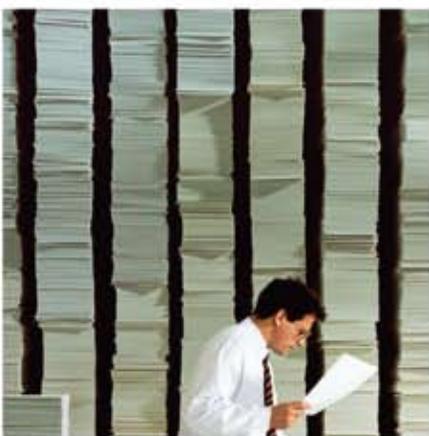
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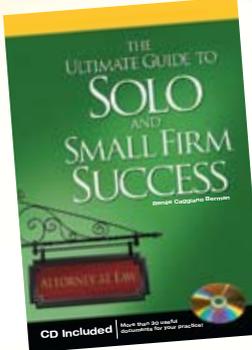


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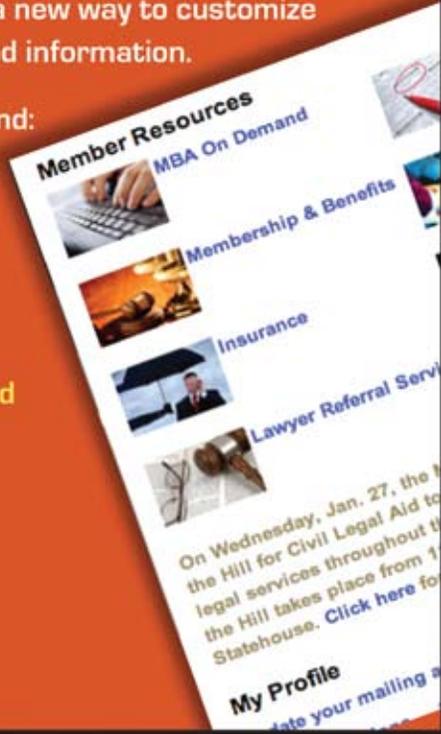


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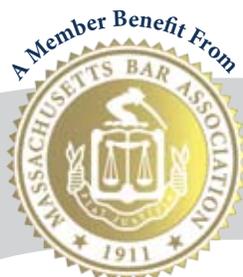
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Volume 17 | No. 3 | December 2009

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*Lawyers Journal* (ISSN 1524-1823) is published 10 times a year, 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) 338-0676; general MBA (617) 338-0500.

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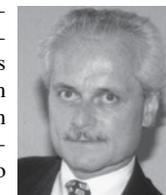


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