

# LAWYERS JOURNAL



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www.MassBar.org

## The need to engage

The system of justice as we know it in the commonwealth is being altered, perhaps irrevocably because of the worst economic crisis since the Depression. As highlighted by last month's Walk to the Hill for Civil Legal Aid, the Massachusetts Legal Assistance Corporation's (MLAC) funding for legal aid programs has been slashed by 40 percent this fiscal year. Likewise, our trial courts are being denied funding levels required for proper operations within the third branch of government.

With the dramatic reduction in MLAC's ability to fund local legal aid programs—from \$22.1 million in fiscal year 2008 to \$13.5 million in fiscal year 2009—direct client services will be further compro-

### PRESIDENT'S VIEW

by Edward W. McIntyre

mised. These cuts in funding are due to a drastic decline in IOLTA revenue—a 54 percent plummet from 25.9 million on fiscal year 2008 to approximately 12 million in fiscal year 2009.

Despite MLAC's request of level funding for fiscal year 2010 (\$11.07 million), the budget proposal set forth by Gov. Deval Patrick on Jan. 28, sinks that funding by 6.3 percent.

Concurrent with diminishing money is the layoff of legal services' staff. Greater Boston Legal Services expects to lay off 15 to 20 lawyers and paralegals early this spring. Similar layoffs are expected across the commonwealth. Less money and fewer service providers will not correlate well to the dramatic need for such assistance in the wake of increased foreclosures, evictions, bankruptcies, access to health care, utilities cut-offs, disappearing municipal services, skyrocketing unemployment and

*continued on page 6*

## HOD supports court funding, license fee to boost IOLTA; MBA presents President's Award to family of Bob Lucas

by Tricia M. Oliver and Bill Archambeault

The Jan. 15 MBA House of Delegates meeting featured a full agenda, including a warning that additional budget cuts would have a "catastrophic" effect on the state's court system. The meeting, which was held at the Sheraton Braintree Hotel, also featured the posthumous presentation of the MBA President's Award to Robert F. Lucas, which was accepted by members of the Lucas family.

### Mulligan calls for bar support to preserve already lean Trial Court budget

Chief Justice for Administration and Management Robert A. Mulligan addressed the delegates to provide a grim reality on what would come of the trial court system should the fiscal year 2010 budget significantly chop his proposed trial court budget of

\$629 million. (Gov. Deval Patrick announced a \$560 million Trial Court budget on Jan. 28).

Mulligan explained that the Trial Court's budget of \$583 million — resulting from a voluntary \$22 million reduction to its original FY09 budget of \$605 in October 2008 — has already required that "drastic action" be taken.

"Courts cannot function much below the current budget," said Mulligan.

If Patrick's budget translates into a Trial Court budget of less than \$583 million, Mulligan said layoffs would be inevitable. For example, an additional 10 percent decrease (from \$583 million to \$525 million) would mean that one in five court personnel would lose his or her job.

"If [budget] reductions are what I'm hearing, the consequences to the courts will be catastrophic," cautioned Mulligan, who

*continued on page 8*

## Sweeping probate reform approved after two-decades

by Jennifer Rosinski

A complete overhaul of the state's probate system will begin taking effect this summer, nearly 20 years since the Massachusetts Bar Association began pushing for the changes. Gov. Deval Patrick signed the changes into law on Jan. 15.

"The legislation has been a decades-long collaborative effort between the bench and bar reaching out to all areas of the state. We made a tremendous push in the last days of the legislative session," said MBA General Counsel and Acting Executive Director Martin W. Healy.

"The practice of probate law is complicated even to probate experts. This legislation demystifies and cleans up existing ambiguities dating back hundreds of years," Healy said. "It is consumer friendly and will benefit all of the state's citizens."

Senate Bill Number 2622, An Act Relative to the Uniform Probate Code, simplifies and improves Massachusetts probate and trust law. The new probate code also reduces needless expense in probate and trust administration, benefiting citizens throughout the commonwealth. Several of the act's provisions go into effect on July 1, 2009, with the rest to follow on July 1, 2011.

*continued on page 7*

## Civil legal aid in "crisis" on 10<sup>th</sup> anniversary of Walk to the Hill



Photo by Jennifer Rosinski

Lisa Damon tells her story of a bad mortgage and near eviction at the 10th Annual Walk to the Hill.

*Story on page 5*



Find the new, redesigned *Section Review* Volume 11 Number 1 enclosed

MBA leaders cheer probate reform after 20 years. *See page 7.*

### Economic coverage

IOLTA plunge hurts civil legal aid. *See page 4.*

MBA, ABA surveys show grim outlook. *See page 3.*

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Mark D Mason sworn in as district court judge, p. 7.

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## Recent and upcoming events



Legal Technology Expo, March 20, Framingham, p. 21.



1. **“Expanding Your Business in a Bad Economy” CLE series**  
MBA offices, 20 West St., Boston, Jan. 13 through April 7.  
*Information on p. 18.*
2. **House of Delegates meeting**  
Sheraton Braintree Hotel, Braintree, Jan. 15. *Story on p. 1*
3. **10th Annual Walk to the Hill for Civil Legal Aid**  
Great Hall, Statehouse, Jan. 22. *Story on p. 1.*
4. **Massachusetts Bar Foundation Annual Meeting**  
Social Law Library, Boston, Jan. 22. *Story on p. 15.*
5. **ABA Techshow Road Show 2009**  
MBA offices, 20 West St., Boston, Feb. 11.  
*Information on p. 20.*
6. **Excellence in the Law**  
Fairmont Copley, Boston, March 5. *Information on p. 21.*
7. **Trial Court Orientation Forum**  
John Adams Courthouse, Boston, March 25.  
*Information on p. 18.*
8. **MBA Legal Technology Expo**  
Sheraton Framingham, Framingham, March 20.  
*Information on p. 21.*
9. **Access to Justice Awards Luncheon**  
JFK Library and Museum, Boston, May 7. *Information on p. 24.*

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

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# MBA, ABA surveys reflect local and national attorney perspectives on recession

by Tricia M. Oliver

A recent Massachusetts Bar Association survey on the economy mirrors national findings that suggests that lawyers are taking a grim view of the recession and don't expect improvement anytime soon.

Based on an American Bar Association questionnaire sent out in November, the MBA surveyed its members in December to capture practitioners' expectations and outlook in the current recession. Local MBA results seemed to generally mirror the responses of their peers across the country.

Most of the MBA survey respondents have been practicing law for more than 20 years, practice in Middlesex, Suffolk and Essex counties and make an annual salary of between \$100,000 and \$200,000. Just more than one-half of the survey takers worked for a firm employing less than 25 attorneys, while just over 30 percent were solo practitioners.

## MBA snapshot

Nearly 79 percent of those responding believed that the entire legal profession will be affected by the recession; 73 percent of the respondents believed the economic times would adversely affect its business; and nearly half of those who took the survey expect to earn less in 2009 than they did in 2008.

In addition, nearly 47 percent of responding members

point the finger at financial institutions for causing the financial recession.

## ABA snapshot

The MBA survey results are on par with ABA results. While 78 percent of the ABA respondents believed that the entire legal profession will be affected by the recession, 59 percent of the ABA respondents believed the economic times would adversely affect business. However, only 41 percent of those who took the ABA survey expect to earn less in 2009 than 2008.

## Job trends

Massachusetts Secretary of Labor and Workforce Development Suzanne M. Bump explained that although the legal services subsector is part of one of the faster growing professional industries in the past few years, the "legal field has certainly not been immune" to the economic downturn. She did, however, point to credit-related and divorce law as two areas in which attorneys have kept busy.

Although the third and fourth quarter reports are not yet available, the second quarter 2008 Massachusetts Job Vacancy Survey — a report issued by the Massachusetts Department of Workforce Development on hiring trends by industry and occupation — indicates that last spring, recruiting was down sharply in the legal profession. Specifically, a decrease of 30 percent was realized from one year

earlier. The report also reveals that at that time in 2008, the legal industry's unemployment rate (2.5 percent) surpassed its job vacancy rate of .8 percent.

Last spring is also when larger commercial-oriented law firms began seeing a downturn in business, according to Bump. She also explained that hiring in the legal industry began to slow in the spring, flatlined over last summer, and then remained negative through the last quarter of 2008.

General employment numbers as reported by the Executive Office of Labor and Workforce Development do not paint a brighter picture. While Massachusetts' unemployment rate crept up from 5.9 percent in November 2008 to 6.9 percent in December 2008, it remained under the national unemployment rate of 7.2 percent as of December 2008.

## A look to the horizon

More than 51 percent of the professionals who completed the MBA survey think the current downturn will not end until 2010, while more than 18 percent think it will continue into 2011. ABA respondents had a similar outlook, with 52 percent believing that 2010 would bring about improvement and 22 percent thinking that improvement won't come until 2011.

For pointers on how to safeguard your law practice during a recession, visit [www.abajournal.com/magazine/recession-proof\\_your\\_practice](http://www.abajournal.com/magazine/recession-proof_your_practice).

### Massachusetts Bar Association Member Responses

By the end of 2009, do you expect at least one lawyer in your workplace to have lost his or her job because of the recession?

19.9%

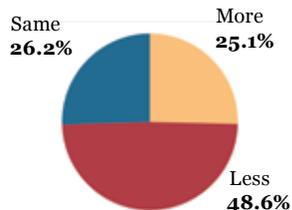
yes

Do you expect to lose your job?

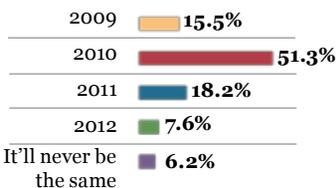
11.1%

yes

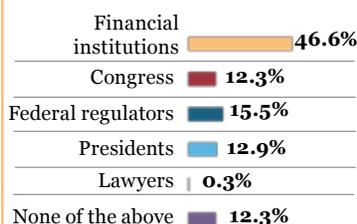
How much do you expect to earn in 2009, compared to 2008?



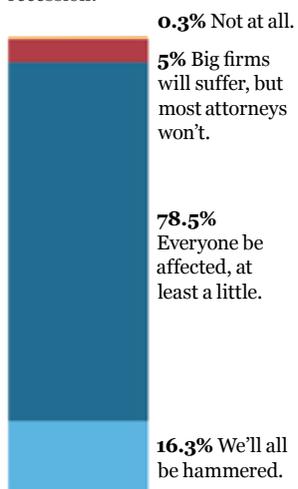
When will the economy improve for the legal profession?



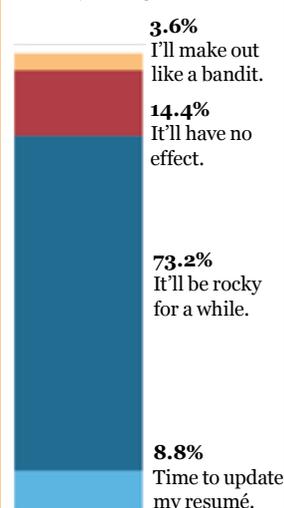
Who is most to blame for the recession?



How much will the entire legal profession be affected by the recession?



How much will you be affected by the legal recession?



**Methodology:** Survey conducted via e-mail and online Dec. 11-19. Respondents self-identified as partners/of counsel (49.2%), associates (9.9%), in-house counsel (2.9%), government lawyers (1.8%), academics (0%), judges (0.5%), unemployed (4.4%), law students (0.8%) and other (30.5%). Not all respondents answered all questions.

### American Bar Association Member Responses

By the end of 2009, do you expect at least one lawyer in your workplace to have lost his or her job because of the recession?

31%

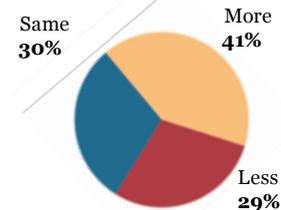
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Do you expect to lose your job?

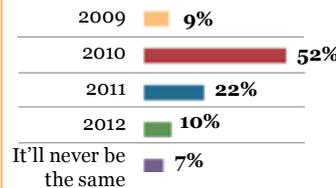
19%

yes

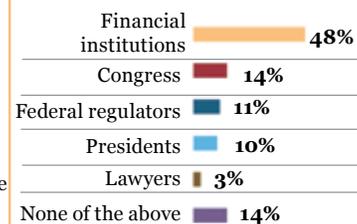
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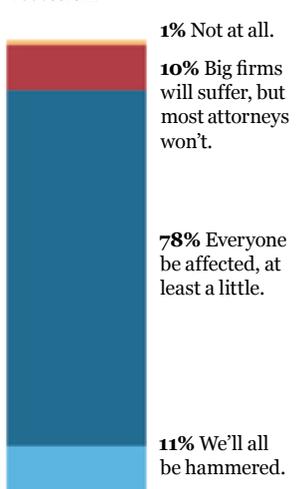
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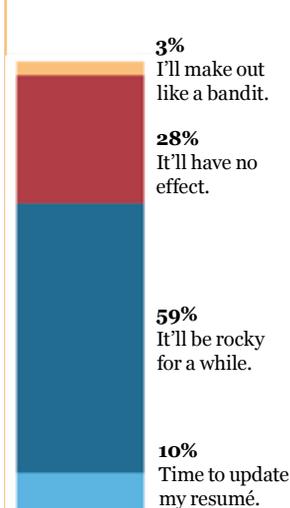
Who is most to blame for the recession?



How much will the entire legal profession be affected by the recession?



How much will you be affected by the legal recession?



**Methodology:** Survey conducted via e-mail and online Nov. 11-23. Respondents self-identified as partners/of counsel (44%), associates (22%), in-house counsel (12%), government lawyers (9%), academics (3%), judges (1%) and unemployed (9%). Those who identified themselves as law students were excluded from these results. Not all respondents answered all questions.

## Plummeting IOLTA funds, combined with surge in demand for help, leaves legal services reeling

by Bill Archambeault

The dramatic plunge in IOLTA funding, combined with a surge in demand for legal services under a withering economy, is putting exceptional pressure on civil legal aid services. And there's no relief in sight.

Agencies like Neighborhood Legal Services Inc., which serves Essex County and northern Middlesex County, have slashed staff, cut budgets and turned away an increasing number of poor seeking legal help from bankruptcy, eviction, deportation and unemployment.

Neighborhood Legal Services has lost about \$1 million of its \$3.3 million budget with the drop in funding from Interest On Lawyers Trust Accounts. The agency, which has offices in Lynn and Lawrence, cut its staff from 33 in early 2008 to 25. Employer pension contributions have been suspended, employees are taking two days of furlough this year, and the mileage reimbursement rate has been reduced in an attempt to continue serving as many people as possible.

"We're working very hard to make this the low point so we won't have to cut any more," said NLS Executive Director Sheila C. Casey. "This economic downturn is like nothing that we've seen before. We're doing what we can to try and assist more people."

Studies have estimated that only about half of the people eligible for civil legal aid ask for it, and of those, about half are turned away because of limited resources. Now, Casey estimates, NLS is turning away somewhere between 60 and 70 percent of the people seeking help at a time when demand is growing. Casey estimates that NLS has seen a 35 percent increase in requests since May.

"And we think that number might be conservative. There are more and more people calling us every day," she said. "Everybody on the staff is stepping up as much as they can. It's really hard to turn somebody away who's in your office and has a compelling case. That's a reality for the staff."



Sheila C. Casey

One of the hard choices NLS made was to stop sending attorneys to represent clients in court on unemployment cases. Instead of going to the hearing with the client, legal aid attorneys are now providing advice in advance. Unfortunately, those kinds of choices have consequences, as was highlighted in a Jan. 19 *New York Times* article about the hardships facing legal services providers. The article featured an Amesbury man who lost his unemployment benefits, then lost his appeal. It was a case that Casey felt he could have won had NLS been able to give him the help he needed.

While cutting back the court appearances of staff lawyers is less than ideal, NLS says it can help more clients this way.

For years, IOLTA funding grew steadily, and legal aid service budgets increased. But the recession brought a harsh and sudden drop off in funds. The Massachusetts Legal Assistance Corp., which receives

67 percent of the state's IOLTA funds for distribution, tried to compensate for the drop in IOLTA funds by using \$3.5 million in reserve funding to lessen the blow to the agencies it funds. But after distributing \$28 million last year, this year's total will be closer to \$19 million.

"It's the worst I've ever seen," MLAC Executive Director Lonnie A. Powers said of the last 25 years. "It's awful. It's tragic. It's unacceptable to keep people from the access to justice. It has terrible impacts on communities."

In addition to upending peoples' lives, denied legal aid often can end up costing the state more money in the long run when it has to provide free care to people who have lost their medical insurance or their homes.

"There are long term systemic effects that we'll suffer from for years because we're not providing representation to people who can't navigate the legal system without it," Powers said.

At the Massachusetts Bar Foundation, the Massachusetts Bar Association's philanthropic partner and one of the three distributors of IOLTA funds, the decrease means the MBF will have to use \$3 million in reserve funds in order to distribute \$6 million, compared to the \$6.2 million given out this year.

Also troubling is that the MBF has collected just \$1.8 million this year, compared to \$5.2 million last year, a dramatic reversal after years of increases. Because the MBF's grantees are badly in need of funding, the goal is to level-fund them at around \$6 million, which may not be possible if the downturn persists.

"I haven't seen a January as low as this January in nine years, so it was a shock," MBF Executive Director Elizabeth M. Lynch said. "We can't sustain two more years at \$6 million unless things change dramatically. People are very worried. They call with questions and I just don't know. The uncertainty is jarring."

The goals are to continue pressing legislators for more funding by illustrating the cost benefit of adequately funding legal aid

and working with financial institutions to provide better interest rates for IOLTA holdings.

The Jan. 19 MBA House of Delegates meeting endorsed a plan to charge a \$50 fee on attorney licenses (which allows for individuals to opt out) to provide a new source of funding for legal aid.

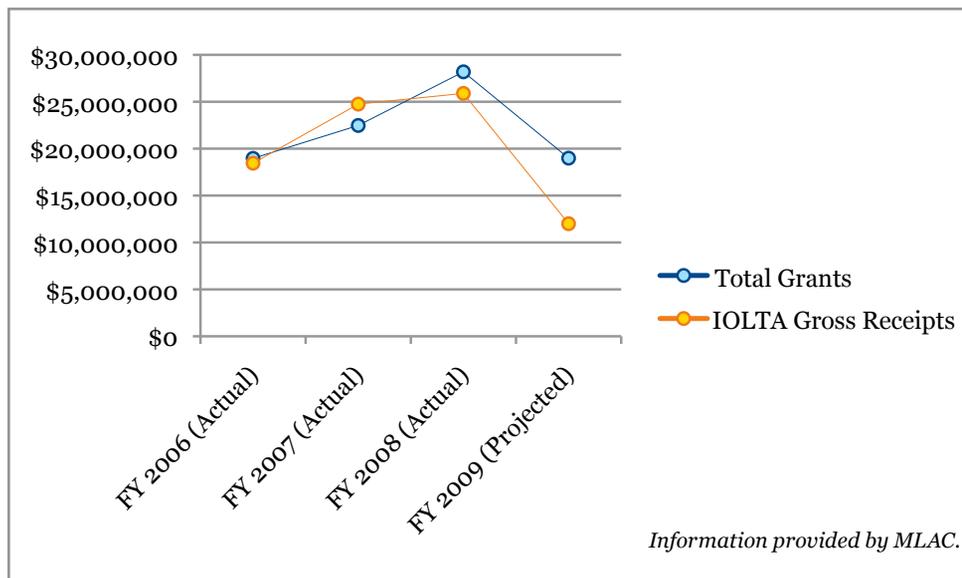
The federal economic stimulus bill set aside \$40 million in funds for civil legal aid, but that money would be shared nationwide and provide less than \$1 million per state.

No amount of belt tightening or dipping into reserve accounts will offset the loss of funding, so legal aid agencies are trying to do the best they can.

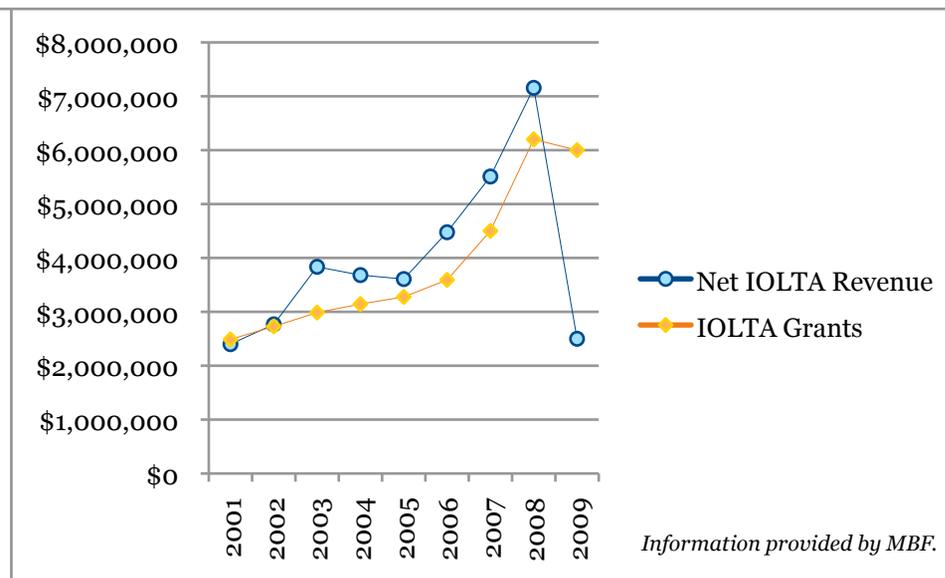
"We're not going to get out of this hole until the economy improves," Powers said.

See related story on page 1.

### MASSACHUSETTS BAR FOUNDATION



### MASSACHUSETTS LEGAL ASSISTANCE CORP.



# Walk to the Hill 10th anniversary draws record number of attorneys

by Jennifer Rosinski

The need to maintain civil legal aid funding is greater now than perhaps ever before, as budget cuts have crippled programs that are now being stretched thin by more needy residents seeking help because of the recession. That was the dismal update provided at the 10th anniversary of Walk to the Hill for Civil Legal Aid last month, which drew nearly 1,000 attorneys and legal advocates to the Statehouse Great Hall.

"It is particularly important you are here today because we are in a time of crisis in civil legal aid funding," Julia Huston, chair of the Equal Justice Coalition, told the crowd that stood shoulder to shoulder and spilled out into the hallways.

Massachusetts Legal Assistance Corporation, the largest source of civil legal aid in the state, is asking the Legislature for a level-funded budget for fiscal year 2010, or \$11 million. Gov. Deval Patrick's fiscal year 2010 budget cut that funding 6.3 percent. Funding MLAC also helps the state save money, according to the agency. MLAC estimates its legal aid programs saved the state \$48 million in fiscal year 2008.



Photos by Jennifer Rosinski

**Robert Sable, executive director of Greater Boston Legal Services, explains how to lobby legislators for more legal aid funding.**

The more than 750 lawyers and advocates who attended the Jan. 22 rally visited their legislators and urged they support a level-funded budget. MLAC already had its fiscal year 2009 budget slashed 40 percent. In addition, MLAC's second source of income, funding from the Interest on Lawyers' Trust Accounts program, has decreased 60 percent.

"This is causing massive cuts in programs," Huston said. The shortages of resources mean that more than 20,000 Massachusetts residents have so far been denied legal aid. If the budget is slashed more, staff will have to be cut, and even more residents will be turned away at a time of great need. MLAC is seeing more applications because of the current economic crisis, especially in the areas of bankruptcies and foreclosures.

"It is important that legislators hear our message today. The message is simple: Level funding of legal services is the right thing to do ... funding legal aid is really the only thing to do," said Boston Bar Association Director of Government Relations Kathleen Joyce.

Massachusetts Bar Association President Edward W. McIntyre said being amongst attorneys who care about legal aid inspired him. He also recalled the honor he felt in

joining with other attorneys to work together as one.

"I've stood in the back left hand corner of this Great Hall with the same friends for years and I've listened to a thousand hearts beat in unison. I've closed my eyes and sensed the love that brings us together as one. I've smiled with the thought of how proud I am to be a lawyer and among other lawyers who seek to fulfill the promise of justice in the lives of tens of thousands of people," said McIntyre, who finished his speech with a Sufi teaching.

The assistance provided by civil legal aid has allowed Lisa Damon and her family to stay in their Uxbridge home. Damon and her husband, Army National Guard reserve Spc. Michael Damon, struggled to pay their mortgage when it jumped to nearly 11 percent after he returned home in December 2006, and he was unable to work after more than a year in Iraq.

The mortgage company never alerted the Damons that their rate was readjusting; a federal law kept their payments at 6 percent during Michael's tour of duty. Michael, a former Marine, suffered a degenerative hip condition as a result of wearing full body armor daily while stationed at Abu Ghraib.

With the help of Andrew Park and Ray Mastre at *Legal Assistance Corp. of Central Massachusetts in Worcester*, the Damons and their two small children were able to avoid eviction and are currently working on securing a loan to buy back their home.

"If it wasn't for people like Andrew and Ray at legal aid, I don't know where we'd be," Lisa Damon told the crowd at Walk to the Hill. Her husband could not attend because he is preparing to be redeployed to Iraq again in June. "Thank you very much; they've really done a lot for us."

MLAC provides advice and assistance to low-income residents who have critical, non-criminal legal problems threatening their homes, health and incomes. In order to qualify for legal aid, applicants must meet the income limit of 125 percent of the federal poverty line, or \$510 a week for a family of four. Legal aid programs are often the last resort for individuals who have nowhere else to turn.

Walk to the Hill was co-sponsored by the MBA, BBA, EJC and more than two dozen specialty bars.



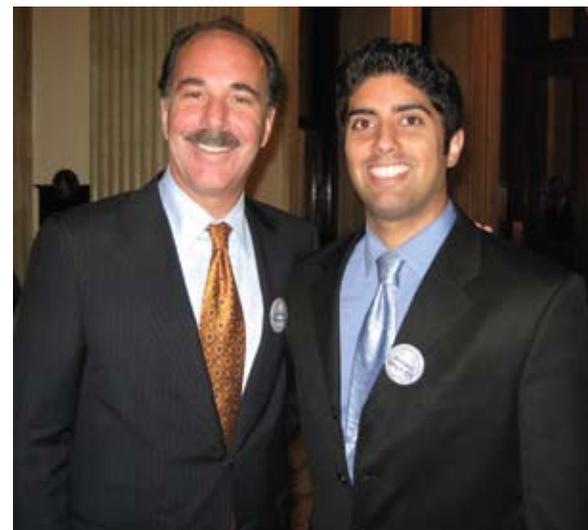
**MBA President Edward W. McIntyre, center, stands with MBA-affiliated bar presidents at Walk to the Hill.**



**Massachusetts Legal Assistance Corporation Executive Director Lonnie A. Powers, MBA General Counsel and Acting Executive Director Martin W. Healy and MBA President-elect Valerie A. Yarashus.**



**Lisa Damon sits with MBA President Edward W. McIntyre as they listen to legal advocates. Civil legal aid has helped Damon and her family stay in their Uxbridge home.**



Contributed photo

**Marc Breakstone, Breakstone, White & Gluck PC, and his son Reza Breakstone, Mintz Levin.**

## Governor's additional cuts to Trial Court budget "imperial" core functions, access to timely justice

by Jennifer Rosinski

Gov. Deval Patrick on Jan. 28 announced that his fiscal 2010 budget includes a 7.4 percent cut to the already slashed Trial Court budget. The reduction is 11 percent below the court's fiscal 2009 budget.

The new budget would give the Trial Court \$560 million in 2010. The court requested \$583 million, and the Massachusetts Bar Association's House of Delegates voted to support that request. The court had already in October volunteered to trim \$22 million off its \$605 million fiscal year 2009 budget, substantially more than other government departments. The judicial branch comprises only 2.4 percent of the state budget.

The MBA is urging Patrick to reconsider a decision that will ultimately mean hundreds of layoffs. The budget cuts are not only disappointing, MBA President Edward W. McIntyre said, they are detri-

mental to the fair administration of justice for all citizens of Massachusetts.

"All Massachusetts citizens are entitled to an efficient, responsive court system. These material cuts to the Trial Court's budget imperil the core functions of the courts. They impede access to timely justice while jeopardizing the significant innovations the courts have made in the last six years," McIntyre said.

"The harsh reality is that these cuts come when so many of our citizens, finding themselves in dire financial straits, resort to the courts for relief and refuge," McIntyre said. "It's simply unrealistic to expect the courts to service so many more citizens with a drastically reduced budget."

More money is necessary, and will be requested of the Legislature, to ensure the court can cover its core functions, according to a joint statement released by Supreme Judicial Court Chief Justice Margaret H. Marshall and Chief Justice for Administration & Management Robert A. Mulligan. In addition, the court will pay closer attention to collecting probation and filing fees.

"Additional difficult decisions will be necessary as we continue to evaluate the level of services we provide and the number of locations where we deliver justice," according to the statement. "Already, more than 50 percent of courthouses are staffed below minimal levels determined by an objective, national staffing model."

## President's view: The need to engage

continued from page 1

waning public benefits.

"Any reduction in state funding would devastate the delivery of civil aid to the commonwealth's most vulnerable residents," according to MLAC's leadership. Level funding prevents "an even greater increase in the number of families and individuals turned away from legal aid because of the funding catastrophe." The incapacity to provide legal aid is akin to depriving one-in-need of access to justice.

The value of a lawyer cannot be understated. As Supreme Judicial Court Chief Justice Margaret H. Marshall stated in her 2004 Address to the Massachusetts Legal Community, "A mother facing bankruptcy because a divorced spouse is delinquent with child support payments, a son seeking to be appointed a guardian for a parent with progressing dementia, an injured worker who cannot obtain the compensation benefits he rightly deserves, each should have the assistance of a lawyer to transverse our increasingly complex society."

At the same time the survival of legal aid programs for low-income individuals is threatened, the capacity of courts to service the rising demand in this economic crisis is put at risk.

In October, the Administrative Office of the Trial Court voluntarily returned \$22 million to the state. For nearly a year, it has exercised a self-imposed hiring freeze and continues to experience an attrition rate of 23 people per month. Also, 64 per-

cent of the courts are operating beneath standard staffing models.

Patrick now proposes slashing another \$23 million from the \$583 million, bringing the AOTC fiscal year 2010 funding down to \$560 million. All the while, the entire Trial Court budget accounts for only about 2 percent of the state's budget.

All Massachusetts citizens are entitled to an efficient, responsive court system. These material cuts to the Trial Court's budget imperil its core functions. They mean a sustained hiring freeze; continued attrition; and probable layoffs. They impede access to timely justice while jeopardizing the significant innovations the courts have made in the last six years. The harsh reality is that these cuts come when so many of our citizens, finding themselves in dire financial straits, resort to the courts for relief and refuge. It's simply unrealistic to expect the courts to service so many more citizens with a drastically reduced budget.

In times such as these, lawyers have always stood shoulder to shoulder with the courts and the citizens who rely upon them. We have used our analytical and advocacy skills to make the case for assuring timely access to justice to protect the promise of justice for all.

I urge every bar association across Massachusetts to reach out and establish or strengthen relationships with local legal services providers. The times may afford an opportunity to forge partnerships to deliver legal services to poor and low-income individuals and families. Perhaps offering free mediation training in exchange for private lawyers agreeing to represent poor or low-income clients in mediations is a way to services that require less expense and resources.

I also urge all bar associations to take the lead from the Clinton Bar Association. The CBA has hosted legislators, district attorneys, police chiefs, and community and civic leaders to meet bar leadership, judges and court personnel at informal coffee receptions in the court house. With such an invitation, the CBA, under the leadership of President Stephen J. Philbin, has successfully engaged decision makers and put a face on the court system to make justice less abstract.

Realizing that Patrick's proposed budget marks only the beginning of a lengthy process to come, I'll be looking to collaborate with the leadership of every bar association across the commonwealth to continue grass roots lobbying efforts on behalf of the courts and legal services over the coming months.

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## Past President Mark D Mason begins appointment to Springfield District Court

by Jennifer Rosinski

Mark D Mason, a past president of the Massachusetts Bar Association, was appointed to the Springfield District Court on Jan. 5. Mason began sitting in Springfield on Jan. 28 following an orientation.

"The people of the commonwealth, who rely upon fair, impartial and independent judges, are fortunate to gain an attorney of Mark's consummate competence and impeccable character. It is a proud moment for the Massachusetts legal community to see Mark elevated to the highest level of public service in our profession," said MBA President Edward W. McIntyre.

Filling the vacancy created by the retirement of Judge William W. Teehan Jr., Mason will be sworn in by Gov. Deval Patrick at 2 p.m. Feb. 13 at Springfield District Court. Mason, a longtime MBA volunteer and leader, served as president during the 2006-07 association year.

Prior to his appointment, Mason was a principal in the litigation department of Cooley Shrair PC in Springfield, where he represented individuals, small businesses and large corporations in a variety of matters, including business litigation, domestic relations, personal injury and real estate; he also served as a court-appointed master, mediator and arbitrator. Mason was an adjunct professor at Cambridge College and former professor at Bay Path College in Longmeadow and Our Lady of the Elms College in Chicopee.

A longtime MBA officer and committee member, Mason was the MBA's first openly gay president. Until his appointment, he sat on the MBA House of Delegates and the Executive Management Board. Mason has chaired the Post-Goodridge Task Force and co-chaired the Anniversary Fee Task Force.

He is a former chair of the Young Lawyers Division, the

Alternative Dispute Resolution Committee and the MBA Task Force on Same Gender Marriage, as well as a former secretary of the Judicial Administration Section Council.

Mason's appointment was made following a judicial review, which included a vote from the Governor's Council on Dec. 10, a hearing before the Governor's Council on Dec. 3, and an evaluation by the Joint Bar Committee on Judicial Appointments.

The JBC is composed of two dozen attorneys from across the state. The group is responsible for reviewing, evaluating, voting and reporting on the qualifications of individuals under consideration for judicial appointments — including clerk-magistrates — to all courts of the commonwealth.

The committee is an independent entity and its votes are kept confidential. The committee considers several aspects of an individual before it takes a vote and submits a report to the governor. Among the qualities considered are integrity, reputation, knowledge and ability in the field of law, professional experience, judicial temperament, financial responsibility and commitment to public service.



Photo by Jennifer Rosinski

Left to right: Judicial Nominating Committee Assistant Executive Director Christina Mathers, Judicial Nominating Committee Executive Director/Deputy Legal Counsel Elizabeth Dubin Nadzo, Associate Justice Mark D Mason, and Mason's husband, John Shea.

Mason received the 2008 Community Service Award from the MBA for his ongoing commitment of using his legal skills to serve the public. He was nominated by the Massachusetts Lesbian & Gay Bar Association, of which he has been an active member for 15 years. Mason is also a recipient of the 2001 *Massachusetts Lawyers Weekly* Lawyer of the Year Award, the 2004 Gay and Lesbian Advocates Spirit of Justice Award, and has been named a "Super Lawyer" by *Boston Magazine* since 2005.

He obtained his bachelor's degree from Columbia University in 1980 and earned his law degree from Boston University School of Law in 1984.

Mason lives in Springfield, where he performs as a member of the First Violin Section of the Pioneer Valley Symphony. Among his many com-

munity service activities, Mason has served as a Big Brother and on the board of the Community Music School of Springfield.

He is the past president and board member of the March of Dimes of Western Massachusetts and the co-founder and past president of the Gay & Lesbian Civic Association of Greater Springfield.

## Sweeping probate reform signed into law two decades after MBA urged overhaul

continued from page 1

"The reforms included within the Uniform Probate Code will benefit consumers in a number of important ways. Not only will the changes reduce probate expense and delay, but they will also modernize the law," MBA Probate Law Section Chair John G. Dugan said.

Dugan and immediate past Chair Edward Notis-McConarty were instrumental in communicating the MBA's position on this issue.

The reforms increase uniformity with other states, add protections for those under guardianship and the beneficiaries of trusts, ease the administration of probate matters for judges and court personnel, and reduce delays for citizens. Among the changes, the UPC:

- Mandates courts to monitor guardianships and requiring guardians to issue annual reports;
- Shortens the length of time it takes to appoint an estate administrator to seven days after the date of death (from as long as five months);
- Gives the entire estate to the spouse (in the case of no will) if the children are all of the marriage;
- Requires trustees to notify beneficiaries of accountings and acceptance of appointment.

"These represent major improvements in proceedings, particularly in administration of estates and in testamentary trusts. Beyond that, there are a lot of updates and improvements in estate law in general," said Raymond H. Young, the former chair of a joint UPC committee of the MBA and Boston Bar Association.

The reforms are the first major changes to the state's probate system, Young said. An omnibus probate bill that took effect in 1976 ushered in only minor changes. "That was a very small step compared to the very big step taken now," he said.

Young characterized the UPC as "very important," in large part because life is very different now than it was when the probate system began in Colonial times.

"Going back to Colonial days, everything was set up as an adversarial proceeding. Now, 9 percent of all estate adversaries are uncontested. There is no adversarial relationship," he said. "This will speed the whole process up, but has all the protections if there was any adversarial relationships."

The UPC is the product of a comprehensive study and review of the state's laws by the joint committee. The legislation was reviewed by lawyers, judges, registers of pro-

bate, community groups, legislators and representatives of the banking and surety communities.

The MBA's House of Delegates first approved the UPC 10 years ago.

### Law Practice Management Practice Tips

#### Important intraoffice information to share? Don't manage your practice by e-mail.

E-mails are time consuming. Studies show that the average employee spends well over 10 minutes each time they take a break reviewing a set of e-mails. Further, e-mails can be, and are usually, misinterpreted by the recipient. If you deem it important enough that you were going to send an intraoffice e-mail, it's probably important enough to say in person. It's also a good way to get more face time with your colleague.

So take a good 30 seconds before hitting the "send" button, and consider walking down the hall and saying it in person.

## HOD

continued from page 1

encouraged the bar to call on its contacts in the governor's office regarding this issue.

Following Mulligan's presentation, a motion was unanimously passed to issue a resolution to the governor calling for necessary Trial Court funding.

Afterward, Mulligan expressed concern that drastic budget cuts could erode much of the progress the courts have made in recent years in disposing of old cases, resolving cases on a more timely basis and improving the overall operation of the state's courts.

"We've made a lot of progress," he said, "and I think we're in danger of losing that progress."

### President's Award accepted by Lucas family

Mulligan's presentation followed an emotional posthumous presentation of the MBA President's Award to the late Robert F. Lucas, former vice president and longtime member of the MBA. The award was presented to Lucas'

widow Regina and youngest son David by MBA immediate Past President David W. White Jr.

The MBA President's Award is bestowed upon those individuals who have made a significant contribution to the work of the MBA, to the preservation of MBA values, to the success of the MBA initiatives and to the promotion of the MBA leadership role within the legal community in Massachusetts.



Robert F. Lucas

"Please join me in presenting the award, and remembering our dear friend, Bob Lucas, and his extraordinary example of character, honor, professionalism, judgment and commitment to service," said White.

Lucas passed away last summer, just prior to what would have been his second term as a vice president of the MBA.



Photo by Tricia M Oliver

David Lucas, the youngest son of the late Robert F. Lucas, provided brief remarks following the presentation of the President's Award by MBA Immediate Past President David W. White (standing, left) to him and his mother, Regina (standing, right).

### Healy briefs group on legislative news; Yarashus reports on progress of jury instruction, diversity task forces

Additionally, Martin W. Healy's General Counsel and Acting Executive Director's Report highlighted that Patrick signed Senate Bill N. 2622 An Act Relative to the Uniform Probate Code earlier that afternoon (see related article on page 7). It was 10 years ago when the MBA House of Delegates first approved the UPC — a code simplifying and improving Massachusetts probate and trust law by reducing needless expense in probate and trust administration. Said Healy, "It is time to celebrate that. It is also time to implement that."

Healy also noted that the new legislative session would bring new committee appointments, including the vacancy on the Senate Judiciary Committee left by former Sen. Robert Creedon.

President-elect Valerie A. Yarashus announced the creation and upcoming implementation of the MBA Technology Task Force. She also reported on the progress of the Plain English Jury Instructions Task Force, newly co-chaired by MBA delegate and Woman's Bar Association President Kathy Jo Cook; and on the Diversity Task Force led by April English, of the Office of the Attorney General, Boston, and Boston Municipal Court Judge Patricia Bernstein.

Yarashus also explained that that morning, MBA leadership had met with leaders from the Norfolk County Bar Association and other local bar and judiciary representatives as part of the officers' ongoing "listening posts" across the state.

### Assessment on attorney registration to help IOLTA endorsed

With considerable discussion, HOD endorsed an amendment to the Supreme Judicial Court rule that will assess attorneys an annual fee of \$50 on their licenses — unless they specifically opt out — to help offset the shrinking pool of legal services funds, including those collected through IOLTA.

Retired Supreme Judicial Court Chief Justice Herbert P. Wilkins said the amendment to Rule 4:03 "Periodic Assessment of Attorneys" is needed and strongly encourages participation without establishing a mandatory pro bono program.

Family Law Section Co-Chairs Veronica J. Fenton and Thomas J. Barbar proposed an amendment unanimously endorsed by the Family Law Section Council that would require attorneys to "opt in" to paying the fee instead of opting out of automatically paying it. They argued that while the change would help fund badly needed services, family law attorneys are already disproportionately asked to volunteer time and money to legal services.

"We're being hit in every direction," she said, adding that small firm and family law attorneys also have to contend with a greater number of clients who can't pay their fees.

Past President Kay H. Hodge agreed that family law attorneys face a disproportionate burden. Family law practitioners would have a very legitimate reason to say "no" to the fee, she said, but she urged HOD to reject the



Photo by Tricia M Oliver

Standing are (left to right): MBA President Edward W. McIntyre, former SJC Chief Justice Herbert P. Wilkins (ret.) and Access to Justice Section Chair James T. Van Buren. Seated are (left to right): MBA officers Valerie A. Yarashus, Denise Squillante and Robert L. Holloway Jr.

amendment to encourage greater participation. Massachusetts Bar Foundation President Laurence M. Johnson opposed the amendment because he said IOLTA is facing "catastrophic" reductions.

HOD overwhelmingly voted down the amendment and endorsed the original proposal to make the fee automatic unless an attorney actively opts out of it.

### Drug Policy Task Force legislative efforts approved

HOD unanimously endorsed, without discussion, the Drug Policy Task Force's proposals on sentencing reforms and treatment diversion reforms.

David W. White Jr., chairman of the task force and the immediate MBA Past President, explained that the group had done a lot of research and given a lot of thought to changing the state's policies for handling drug offenders with the goals of reducing crime, saving money and improving the lives of drug offenders, their families and their communities.

White had made drug policy reform one of the priorities during his 2007-08 term. House bill 1912 was submitted in the previous legislative session and will be filed again.

"It's a way, basically, of bringing about a treatment regimen instead of a punishment regimen" to help first- or second-offense drug offenders, committee member Lee J. Gartenberg explained.

### First ethics opinions of 2009 published

Four opinions presented by the Ethics Committee were easily endorsed for publication.

- An attorney may not accept a second appointment as guardian *ad litem* of an incompetent ward if it would require the attorney to approve prior payments made to the attorney by the ward's estate. If, however, other arrangements are made to review the attorney's prior invoices, the attorney may be able to accept the appointment.

continued on next page

- A lawyer may enter a contingent fee agreement to collect past due child support following the entry of a divorce judgment. The lawyer should disclose to the client the availability of free collection services from the Child Support Enforcement Division of the Massachusetts Department of Revenue, and the attorney may not base any of their fee on amounts collected through the use of the DOR's services.
- A lawyer representing both a foreign worker and the employer in obtaining employment authorization must inform the employer when the government revokes the authorization, even if the worker instructs the lawyer not to do so.
- An attorney who wishes to offer social gifts and other hospitality to judges and court personnel must consult both the rules governing lawyers' conduct and judges' conduct.

The next House of Delegates meeting will be held on March 11 in Boston.

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## Law Practice Management Practice Tips

### Thinking of making a legal hardware or software purchase? Go to Litireviews first.

Making a hardware or software purchase for your practice can be time consuming. Getting reviews for the product in question can be downright frustrating. Before making your purchase, however, go to Litireviews ([litireviews.lexbe.com/index.aspx](http://litireviews.lexbe.com/index.aspx)), a site dedicated to legal and litigation software, as well as limited hardware reviews. There are presently 207 reviews posted in the year 2008 alone, and this site is constantly updated.

### Thinking about purchasing a smartphone? Go to Mobile Tech Review first.

Before you purchase that smartphone, be well-informed. Some have Wi-Fi (such as the iPhone), others do not (Blackberry Storm). Some have Windows Mobile, others do not. That's where *Mobile Tech Review* ([www.mobiletechreview.com/](http://www.mobiletechreview.com/)) comes in. This site lists all of the available smartphones, including the Blackberry Storm, launched in November.

While the home page only contains a paragraph about the phone, clicking on each phone's link will forward you to an in-depth discussion of each smartphone. Make your next phone purchase an informed purchase by first browsing *Mobile Tech Review* ([www.mobiletechreview.com/](http://www.mobiletechreview.com/)).

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# Massachusetts Bar exam pass rate continues to increase

## Pass rate for first-time exam takers rises to 89 percent

by *Bryanne Cornell*

In 2008, the annual bar exam pass rate for both the first-time test takers and all examinees increased a total of 3 percent from 2007.

"The National Conference of Bar Examiners opines that the examinees were more proficient in 2008," said Elaine Vietri, executive director of the Board of Bar Examiners.

The pass rate for first-time bar exam takers was 89 percent in 2008. Over the past three years, the average has remained at 87 percent. "While an 89 percent pass rate for first-time takers is higher than the previous year, it is not extraordinarily high," said Vietri.

"There have not been any changes or adjustments to the bar exam. The board still gives the Multistate Bar Exam, 200 multiple choice questions on the first day and 10 essay questions on the second day," said Vietri.

"There is no way to know exactly why there is an increase in the pass rates, especially for first-time takers. If I were to speculate, I would say that applicants were better prepared," said Vietri, attributing "test preparation, books and courses" to the improved scores. "Any time you practice beforehand, you are better prepared.

The law schools now offer bar review courses, which I believe has helped applicants to better prepare for the bar exam."

A number of companies such as Kaplan Inc., Supreme Bar Review, Barbri and AdaptiBar also offer bar exam preparation materials and courses.

Kaplan, which has offered state-specific bar review preparation as well as multi-state bar review for more than 30 years, claims that some 500,000 students who used their preparation courses went on to become licensed attorneys. Kaplan offers a variety of preparatory courses that range in price from \$549 to \$1,249.

Steven Marietti, the director of Bar Review Programs at Kaplan, said, "Our students outperform the national pass rates by a significant margin." Kaplan's national pass rate for those who prepare for the bar, he said, is 90 percent, which includes both first-time test takers and examinees who are taking the test again after not passing the first time.

The next exam will be administered on Feb. 25 and 26 in Boston at the World Trade Center Seaport Hotel and in Springfield at Western New England College of Law.

For more information, contact the Board of Bar Examiners at (617) 482-4466 or visit [www.mass.gov/bbe/](http://www.mass.gov/bbe/).

### MASSACHUSETTS BOARD OF BAR EXAMINERS PASSING RATES 2008

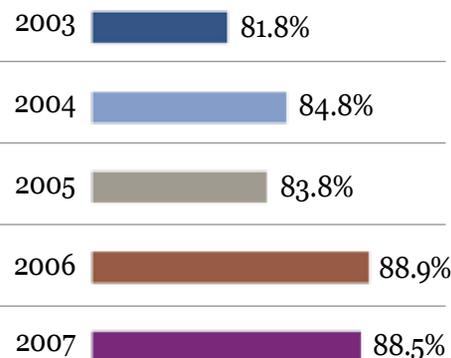
# 89%

First-time examinees passing

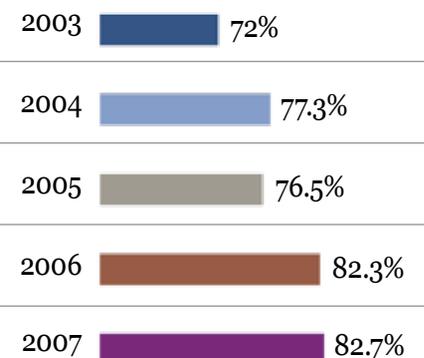
# 80%

Total examinees passing

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First-time examinees passing



Total examinees passing

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## AALAM's 2008 Harry H. Dow Memorial Legal Assistance Fund Dinner in Boston

The 23rd Annual Harry H. Dow Memorial Legal Assistance Fund Dinner was held at the China Pearl Restaurant in Boston on Dec. 5. The Dow Fund, an affiliate of the Asian American Lawyers of Massachusetts (AALAM), was established to create a permanent endowment to improve access to the legal system for Asian Americans.

Harry H. Dow (1904-1985) was the first Asian American admitted to practice law in Massachusetts and devoted his career to serving the indigent in Boston's South End and Chinatown. Dow Fund projects in the past 22 years include the Anti-Asian Violence Education Project, the Asian Battered Women Project, the Chinese Progressive Association and the Cambodian Outreach Project. This year, National Asian Pacific American Bar Association Executive Director Tina Matsuoka (immediate past AALAM vice president) gave the keynote speech.

Also at the banquet, Dow Fund President Zenobia Lai presented the Justice in Action Award to the Coalition for Asian American Voting Rights for its work towards providing Chinese and Vietnamese bilingual ballots for Boston voters, including transliteration of candidates' names into Chinese. AALAM President Charlotte Kim presented the 2008 AALAM Community Service Award to the Asian Community Development Corporation for its work building mixed income housing and creating youth programming in Chinatown.



Photo courtesy of AALAM

Top row, left to right: AALAM board members Vincent Lau (Flynn & Clark PC) and Myong Joun (Joun Law); National Asian Pacific American Bar Association Executive Director Tina Matsuoka (past AALAM vice president); AALAM board member Emily Yu (Edwards, Angel, Palmer & Dodge LLP); Harry H. Dow Memorial Legal Assistance Fund President Zenobia Lai (Center for Legal Aid Education); and AALAM board member Geoffrey Why (Massachusetts Dept. of Telecommunications and Cable).

Bottom row, left to right: AALAM past president Ingrid Chiemi Schroffner (Executive Office of Health and Human Services) and AALAM President Charlotte Kim (Chocate, Hall & Stewart LLP).

## South Asian Bar honors Mumbai victims

On Dec. 9, the **South Asian Bar Association of Greater Boston** co-sponsored a candlelight vigil honoring the victims of the terrorist attacks in Mumbai. The vigil was held at the Parkman Bandstand in the Boston Common.

## Lynch receives Community Service Award



Photo by Patricia Olier Plasse

On Dec. 11, MBA Past President Michael E. Mone (above, left) presented attorney Francis "Jay" Lynch (above, right) with the MBA Community Service Award at the 141st Plymouth County Annual Meeting and Dinner at the Thorny Lea Golf Club in Brockton. This award is given to an attorney who has performed an act or acts of outstanding public service within his/her community, a member of the nominating bar association and of the MBA.



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## Procrastinator seeks help from anxiety and shame of last-minute habits

**Q.** *I have been practicing law for nearly 10 years. I enjoy my career and have been successful, but I have a terrible habit of procrastinating, particularly with work deadlines. Many times I am able to get things done in the nick of time, but not without great anxiety, frustration, and shame. And when I can't meet my deadlines, I inevitably harm others as well as myself. Despite my intentions to change these habits, history usually repeats itself, and I find myself scrambling at the last second. Do you have any advice?*

**A.** Procrastination and avoidance are common but often deeply imbedded patterns of thought and behavior. Underlying factors (which may be outside of the individual's awareness during the process) may include anxiety, perfectionism, attention deficit, attraction to crisis and/or issues with authority. The negative memories of what went on last time can contribute to even more avoidance of the tasks in question, rather than to corrective action.

The late humorist Robert Benchley may have been onto something in his essay, "How to Get Things Done," when he put forth this "psychological principle": "Anyone can do any amount of work, provided it isn't the work he is supposed to be doing at that moment."

There is nothing magical about how to work in a more chronologically sensible way; generally it involves setting up a system/structure to address large or anxiety-eliciting undertakings in smaller bits over longer periods of time. The process involves developing more realistic goals and strategies and making "course corrections" based on self-observation. Some people do best, for example, by starting their workday with the least appealing task — feeling rewarded the rest of the day by virtue of its completion. Others may do better by permitting themselves a period of avoidance time (e.g., unnecessarily checking e-mail or Internet), switching to focused work at a designated hour, and immediately afterwards rewarding themselves with some kind of gratifying activity.

There are a number of such approaches, but they all require (1) advance planning and (2) follow-through — both of which procrastinators may resist. For that reason, you are much more likely to achieve lasting results if you engage the services of either a therapist or a coach. That's where LCL comes in — we can help you find a professional well-matched to you and your situation.

There are a number of self-help books on this topic. Our own library includes: *Do It Now! Break the Procrastination Habit* by William Knaus; *It's About Time: The 6 Styles of Procrastinating and How to Overcome Them* by

Linda Sapadin; *The Procrastinator's Handbook: Mastering the Art of Doing It Now* by Rita Emmett; and *The Time Trap* by Alec Mackenzie.

*Questions quoted are either actual letters/e-mails or paraphrased and disguised concerns expressed by individuals seeking assistance from Lawyers Concerned for Lawyers.*

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Does your firm need a Web site? Do you have a specialty or niche practice that you would like to highlight on the Internet? Do you want to get online for free or nearly free? If your answers to any of these questions are yes, check out these no cost and low cost solutions to get a Web site up and running in less than an hour.

## Register a domain name at GoDaddy

If you want a presence online, you need to register a catchy domain name (the name visitors type into their browsers in order to reach your site). To do so, visit [www.GoDaddy.com](http://www.GoDaddy.com). Go Daddy allows you to search easily for available names. Most ".com" domain names can be registered for as little as \$10 per year. If your first choice isn't available, Go Daddy will even suggest other names for you.

*Time to register a domain name using Go Daddy — 15 minutes.*

## Create and host a free Web site at Weebly

Weebly allows you to create and host a Web site for free — yes, *free!* Start with one of Weebly's cool templates, which put basic formatting onto your Web site. Then, using Weebly's simple WYSIWYG (What You See Is What You Get) editor, you can create multiple pages, type headings and text, insert photos and add links. Weebly also allows you to add more advanced features to your site, such as blogs and forms.

Once you have created your page, you simply link it to your domain name and voila: your Web site is online. Weebly will even track and graph the number of visitors to your site.

Weebly has been featured in Newsweek and was listed as one of the top 50 Web sites of 2007 by *Time*.

*Time to create a Web site using Weebly — 45 minutes.*

Still not convinced? Check out a Web site that I created in less than 60 minutes using Godaddy and Weebly — [www.MassLawPractice.com](http://www.MassLawPractice.com).

Need a more sophisticated presence online? LPM Council Member Helen Litsas recommends Yahoo Web hosting. Check out her Web site at [www.LitsasLaw.com](http://www.LitsasLaw.com).

*The MBA also offers its members a discounted rate on packages starting as low as \$99 for [EsqSites123.com](http://EsqSites123.com), a leading provider of affordable law firm Web sites to sole practitioners and small firms.*

*For more information on this exclusive member benefit, go to [www.MassBar.org](http://www.MassBar.org), choose the "For Attorneys" section, then choose "Membership Information," then "Member Benefits," then "MBA Member Benefits," and finally, select "[EsqSites123.com](http://EsqSites123.com)."*

See you online!

## CLASSIFIEDS

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Nelson, Kinder, Mosseau & Saturley, PC, has an immediate opening for an experienced legal secretary with 3+ years of experience, litigation background required in their Boston office. Successful candidate will be skilled in MS Office; have the ability to learn other software applications quickly;

and type 70+ WPM. Candidate should also possess strong organizational, proofreading and interpersonal skills. Firm offers competitive wages, excellent benefits in a professional, fast-paced work setting. Send cover letter and resume' via e-mail to [hwilson@nkms.com](mailto:hwilson@nkms.com) or forward via mail to Nelson, Kinder, Mosseau & Saturley, P.C., Attn: Lawrence Perry, 99 Middle Street, Manchester, NH 03101.

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

## MASSACHUSETTS BAR FOUNDATION



### Request for proposals — MBF IOLTA Grants Program to award \$6 million for legal aid

The Massachusetts Bar Foundation is pleased to announce the availability of applications for the 2009-10 IOLTA Grants Program. The MBF expects to award approximately \$6 million to nonprofit organizations for law-related programs that either provide civil legal services to the state's low-income population or improve the administration of justice in the commonwealth.

Application materials are available at [www.MassBarFoundation.org](http://www.MassBarFoundation.org). The deadline for application submission is Friday, March 6. For additional information, contact the MBF Grants Office at (617) 338-0534 or e-mail [foundation@massbar.org](mailto:foundation@massbar.org).

The Massachusetts Bar Foundation is the commonwealth's premiere legal charity. Founded in 1964, the MBF is the philanthropic partner of the Massachusetts Bar Association, and is one of three charitable entities in Massachusetts that distributes funds through the Massachusetts Supreme Judicial Court's Interest on Lawyers' Trust Accounts (IOLTA) Program. The Foundation represents the commitment of the lawyers of Massachusetts to improve the administration of justice, to promote understanding of the law, and to ensure equal access to the legal system for all residents of the commonwealth, particularly those most vulnerable.

### Summer funding available for law students

#### *Apply to the 2009 MBF Legal Intern Fellowship Program*

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

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

The MBF is pleased to announce that applications are now available for the 2009 Legal Intern Fellowship Program. Founded in 1996, the program seeks to encourage careers in the law that further the goals of social justice, while contributing valuable legal support to organizations providing civil legal assistance to the state's indigent population.

The MBF strongly encourages all interested law students to consider applying to this program. Application information and materials are available online at [www.massbarfoundation.org](http://www.massbarfoundation.org). Applications must be submitted by Friday March 13. For additional information, contact Susannah Thomas at (617) 338-0647 or [stthomas@massbar.org](mailto:stthomas@massbar.org).

For more information about the MBF, visit [www.massbarfoundation.org](http://www.massbarfoundation.org).

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

## MASSACHUSETTS BAR FOUNDATION

KEEPING THE PROMISE OF JUSTICE SINCE 1964



The following organizations support the MBF and its mission of increasing access to justice in communities across the Commonwealth.

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## MASSACHUSETTS BAR FOUNDATION

# Massachusetts Bar Foundation honors Justice John Greaney, elects new officers

At the Massachusetts Bar Foundation's Annual Meeting on Jan. 22, retired Supreme Judicial Court Associate Justice John M. Greaney was honored with the MBF's 2009 Great Friend of Justice Award, and Laurence M. Johnson of Davis, Malm & D'Agostine PC was elected to a second term as president.

More than 150 MBF Fellows, grantees and friends attended the meeting and reception, which was held at the Social Law Library in Boston.

The MBF's Great Friend of Justice Award is presented annually to an individual who has demonstrated extraordinary passion for justice, consistent with the MBF's values and mission of increasing access to justice in the state. "Justice John M. Greaney exemplifies the spirit of this award in every way," noted Johnson.

Last month, Greaney retired from the Supreme Judicial Court, concluding a distinguished jurist career that began with his appointment to Hampden County Housing Court in 1974. He served as a justice of Superior Court, chief justice of the Appeals Court and joined the SJC in 1989. Greaney has taught law and lectured extensively, authored books as well as legal and judicial materials, and served on numerous study and court-related commissions. Greaney has also been an active supporter of the Flaschner Judicial Institute, serving as its president and dean.

In his keynote address, Greaney challenged those present to use their legal skills in service to others, particularly those affected by poverty and the current economic crisis. "As lawyers," he said, "we have a special duty to aid the poor. The law can be used to deprive them of their rights. Their concern for the law is a serious matter, and many times, they have it least when they need it the most."

In December, Greaney started at Suffolk University Law School, where he is an associate professor and is director of the Macaronis Institute for Trial and Appellate Advocacy. Greaney, a longtime supporter of the MBF, is a Life Fellow and has participated in the MBF IOLTA grant review.

The event program also included attorney Matt Selig, deputy director of Health Law Advocates, as the grantee speaker. In his speech, Selig re-emphasized the acute need for resources in the legal aid community. "Mass. Bar

Foundation resources are being spent where it really matters," he commented to the Foundation Fellows, "and all of your grantees make a difference in the lives of people everyday because of you."

The MBF also inducted its 2009 officers and trustees:

### Officers

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

### Trustees

- **Robert J. Ambrogi**, Law Office of Robert J. Ambrogi
- **Hon. Wendie I. Gershengorn**, Superior Court
- **Kevin G. Kenneally**, LeClair Ryan
- **Antoinette Leoney**, U.S. Attorney's Office
- **Robert Marchand**, Law Office of Robert J. Marchand

MBF officers serve a one-year term and trustees serve a four-year term.

For more information about the MBF, visit [www.massbarfoundation.org](http://www.massbarfoundation.org).



Photos by Jeff Thiebauth

2009 New Life Fellows, clockwise from left: Hon. Ellen Flatley; Anthony Stankiewicz; Jay McManus of Children's Law Center of Massachusetts; James Breslauer of Neighborhood Legal Services; Russell Conn of Conn, Kavanaugh, Rosenthal; Robert Sable of Greater Boston Legal Services; William Griffin of Davis, Malm & D'Agostine; and Hon. Linda Giles of Superior Court.



From left to right: Kevin Kenneally of LeClair Ryan; Steven Schwartz of the Center for Public Representation; and Michael Weinberg of LeClair Ryan.



From left to right: Hon. Patricia Dunbar of Hampden Juvenile Court; Hon. John Greaney of Suffolk University; Alfred Geoffrion Jr. of the Law Offices of Alfred Geoffrion Jr.; MBF Trustee Hon. Anne Geoffrion of Hampden Probate & Family Court; and MBF Trustee Wendy Sibbison.



From left to right: Jeanie Griggs, John Serino, MBF Fellow Andrew Myers, Neal Bingham, new Holmes Life Fellow William Griffin and MBF President Laurence Johnson, all of Davis, Malm & D'Agostine.



From left to right: Hon. John Greaney of Suffolk University and MBF President Laurence Johnson of Davis, Malm & D'Agostine.



Susan Prosnitz and Michelle Harper of the Rappaport Center for Law and Public Policy; MBF Trustee Robert Ambrogi; and MBF Executive Director Elizabeth Lynch.

## More than 100 lawyers across the state volunteer as judges and coaches for the MBA's 2009 Mock Trial Program

More than 100 lawyers from communities around the state will put down their cases and pick up gavels to judge trials as part of the Massachusetts Bar Association's 2009 Mock Trial Program. Other volunteer attorneys will serve as coaches for the teams of students.

The program started Jan. 26 with preliminary trials at more than 100 high schools across the state. High school teams

from 16 regions across the state take on the roles of lawyers and witnesses in a simulated courtroom situation.

This year's criminal case involves a murder trial. The defendant, a veteran, raises post-traumatic stress disorder as an insanity defense when charged with first degree murder in the killing of an old high school classmate at a fireworks display.

Out of the more than 100 teams of stu-

dents, a winner will be chosen to represent each region during the Sweet 16 round in early March. Of those, four will advance to the semifinal elimination round and face off during trials held simultaneously on March 23 in Boston and Worcester.

The two winning teams will advance to the finals, where they will compete for the state championship on March 27 in the Great Hall of Faneuil Hall in Boston.

In 2008, Newton South High School won the state championship and placed 22nd overall in the national tournament.

The Mock Trial Program is made possible by Brown, Rudnick, Berlack, Israels LLP through its Center for the Public Interest in Boston, which has contributed \$25,000 annually since 1998.

Participating communities and their corresponding schools are listed below:

<b>Acton</b> Voyagers, Incorporated	<b>Devens</b> Francis W. Parker Charter Essential School	<b>Lowell</b> Lowell Catholic High School Lowell High School	<b>Pittsfield</b> Pittsfield High School
<b>Andover</b> Andover High School Phillips Academy	<b>Dorchester</b> Boston College High School	<b>Lunenburg</b> Lunenburg High School	<b>Reading</b> Reading Memorial High School
<b>Ashburnham</b> Cushing Academy Oakmont Regional High School	<b>Dover</b> Dover-Sherborn High School	<b>Lynn</b> Classical High School Lynn Classical High School Lynn English High School St. Mary's High School	<b>Salem</b> Salem Academy Charter School Salem High School
<b>Ashland</b> Ashland High School	<b>Dracut</b> Dracut High School	<b>Lynnfield</b> Lynnfield High School	<b>Sharon</b> Sharon High School
<b>Attleboro</b> Bishop Feehan High School	<b>Everett</b> Everett High School	<b>Malden</b> Malden Catholic High School	<b>Shrewsbury</b> Shrewsbury Sr. High School St. John's High School
<b>Ayer</b> Ayer High School	<b>Fall River</b> Bishop Connolly High School	<b>Mansfield</b> Mansfield High School	<b>South Boston</b> Excel High School
<b>Bellingham</b> Bellingham High School	<b>Falmouth</b> Falmouth High School	<b>Marblehead</b> Marblehead High School	<b>Southwick</b> Southwick-Tolland Regional High School
<b>Belmont</b> Belmont High School	<b>Fiskdale</b> Tantasqua Regional High School	<b>Marshfield</b> Marshfield High School	<b>Springfield</b> The Springfield Renaissance School: Expeditionary Learning School
<b>Boston</b> Another Course To College Boston Latin Academy Boston Latin School Cathedral High School Mount St. Joseph Academy The Newman School The Winsor School	<b>Framingham</b> Framingham High School Marian High	<b>Medfield</b> Medfield Senior High School	<b>Stoughton</b> Stoughton High School
<b>Braintree</b> Archbishop Williams High School Braintree High School Thayer Academy	<b>Franklin</b> Franklin High School	<b>Medford</b> Medford High School	<b>Swansea</b> Joseph Case High School
<b>Bridgewater</b> Bridgewater-Raynham High School	<b>Hadley</b> Hopkins Academy	<b>Melrose</b> Melrose High School	<b>Tewksbury</b> Tewksbury Memorial High School
<b>Brighton</b> Brighton High School	<b>Harwich</b> Harwich High School	<b>Methuen</b> Methuen High School	<b>Wakefield</b> Our Lady of Nazareth Academy
<b>Brockton</b> Cardinal Spellman High School	<b>Holliston</b> Holliston High School	<b>Milford</b> Milford High School	<b>Walpole</b> Walpole High School
<b>Brookline</b> Brookline High School Maimonides School	<b>Hopedale</b> Hopedale Jr.-Sr. High School	<b>Needham</b> Needham High School	<b>Waltham</b> Gann Academy - New Jewish High School
<b>Cambridge</b> Cambridge Rindge & Latin Community Charter School of Cambridge	<b>Hopkinton</b> Hopkinton High School	<b>Newton</b> Newton South High School Newton North High School	<b>Wayland</b> Wayland High School
<b>Canton</b> Canton High School	<b>Hudson</b> Hudson High School	<b>North Eastham</b> Nauset Regional High School	<b>Westfield</b> Westfield High School
<b>Carver</b> Carver High School	<b>Hull</b> Hull High School	<b>North Easton</b> Oliver Ames High School	<b>Westford</b> Westford Academy
<b>Chelmsford</b> Chelmsford High School	<b>Hyannis</b> Sturgis Charter School	<b>North Reading</b> North Reading High School	<b>Westwood</b> Westwood High School
<b>Chestnut Hill</b> Beaver Country Day School	<b>Ipswich</b> Ipswich High School	<b>Northboro</b> Algonquin Regional HS	<b>Whitman</b> Whitman-Hanson Regional High School
<b>Danvers</b> St. John's Preparatory	<b>Lawrence</b> Central Catholic High School Lawrence High School	<b>Northfield</b> Pioneer Valley Regional School	<b>Wilbraham</b> Minnechaug Regional High School
	<b>Lee</b> Lee Middle and High School	<b>Norwell</b> Norwell High School	<b>Wilmington</b> Wilmington High School
	<b>Lenox</b> Lenox Memorial High School	<b>Orange</b> Ralph C. Mahar Regional School	<b>Winthrop</b> Winthrop Sr. High School
	<b>Lexington</b> Lexington High School	<b>Osterville</b> Cape Cod Academy	<b>Worcester</b> Holy Name Central Catholic High School Mass. Academy of Mathematics & Science South High Community School St. Peter-Marian High School Worcester Academy
	<b>Longmeadow</b> Longmeadow High School	<b>Peabody</b> Bishop Fenwick High School	

# Get Involved!

## Berkshire Eagle touts Dial-A-Lawyer as one of “the best good deals of 2008”

The Massachusetts Bar Association's Dial-A-Lawyer program has been deemed one of “the best good deals of 2008” by *Berkshire Eagle* Editor Charles Bonenti. DAL was one of a half dozen programs highlighted in his column, which ran in the Western Massachusetts newspaper on Jan. 4.

Join this successful program by volunteering to serve as a DAL attorney. As a member of the MBA, you may volunteer your time for either the monthly program in Boston, twice a year at the Western Massachusetts program (May and October), and/or the Veterans Program.



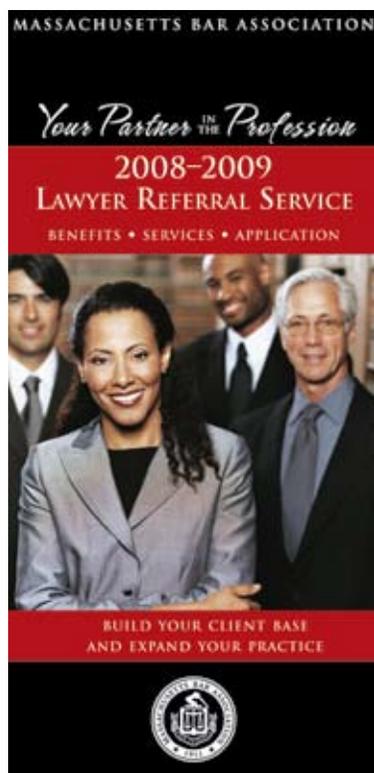
The Dial-A-Lawyer program needs lawyers — in all areas of practice — who are willing to spend up to two hours of their time answering questions from the public on a wide range of legal topics.

Past participants speak very positively of their experience helping others, and many become regular volunteers.

The Dial-A-Lawyer program became a monthly event at the MBA's Boston headquarters in March 1991.

We welcome your participation. For more information about volunteering for one of the Dial-A-Lawyer programs, contact us at (617) 338-0556 or e-mail at [LRS@massbar.org](mailto:LRS@massbar.org).

## Expand your client base with the Lawyer Referral Service



Are you ready to increase your business? Expand your client base?

As a member of the Massachusetts Bar Association, you are eligible to join our Lawyer Referral Service and begin receiving pre-screened client referrals in your areas of practice and geographic area.

The LRS membership year runs from April 1 through March 31. Although we do not pro-rate our membership dues, we are offering 14 months of membership for the price of 12 if you join in February. The potential earnings from just one referral could be enough to offset the cost of membership to the LRS.

To receive additional information, including a handbook that includes the rules, requirements and procedures for the program, call the LRS at (617) 338-0556, e-mail us at [lrs@massbar.org](mailto:lrs@massbar.org) or download the LRS application off the Web site at [www.massbar.org](http://www.massbar.org). Select “For Attorneys,” then “Resources & Services,” where LRS is located.

## Volunteers needed for Elder Law Education Program in May

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

Since 2007, with the assistance of a group of volunteers from the MBA's Probate Section Council, the “Taking Control of Your Future: A Legal Checkup” resource guide has been distributed to all participating agencies. The 2009 version of the guide contains information on a wide range of legal issues affecting seniors.

Participating agencies can choose a presentation from any of the topics included in the guide. Examples of past presentation topics are:

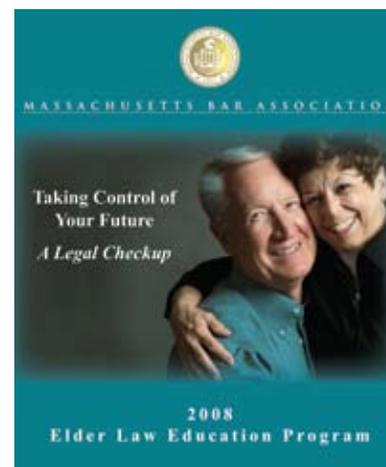
- How to protect your home and assets
- Power of attorney and health care proxies

- Reverse mortgages
- Medicare/Medicaid changes
- Alternatives to nursing home care

During the month of May, MBA members throughout the state will volunteer

their time to speak at their local senior center or council on aging. Last year, more than 140 centers participated in the program, providing attorneys with many opportunities to connect to their communities, while providing seniors with valuable information on legal issues affecting their lives.

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



## Participate in Mock Trial as a judge

In preparation for the 24th Annual State-wide High School Mock Trial Program, the MBA invites you to volunteer as a judge.

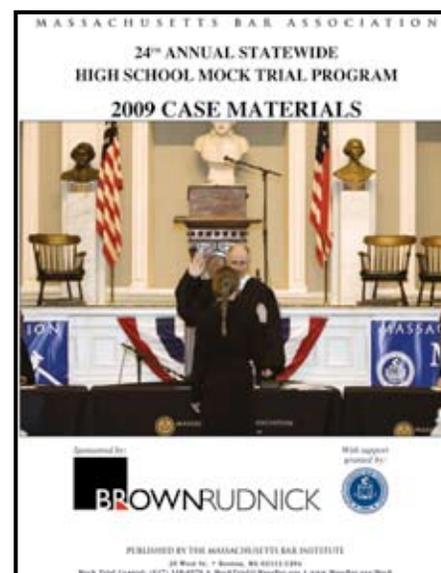
Open to all public and private high school students in Massachusetts (see listing on previous page), the Mock Trial Program is a rich curriculum that promotes the development of fundamental knowledge, sound judgment and critical thinking skills. In Mock Trial, students are placed in a simulated courtroom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

As a Mock Trial judge, you will be scheduled to preside over one or more trials in a courtroom near your home or

office. Judges are especially needed during the preliminary rounds of the competition, which run until mid-February. Each trial lasts approximately two-and-a-half to three hours. You may volunteer to judge as little as one trial, although many judges prefer to judge more.

For more information, contact Mock Trial Central at (617) 338-

0570 or by e-mail at [mocktrial@massbar.org](mailto:mocktrial@massbar.org).



## Experience THE Value OF YOUR MBA MEMBERSHIP

### Featured benefit:



## Expanding Your Business in a Bad Economy Critical Skills Series

Managing a Court Appointed Practice (Feb. 3)

Foreclosures (Feb. 10)

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Practitioner (Feb. 24)

Arraignments and Bail Hearings (March 3)

209A Practice (March 10)

Basics of Divorce Practice (March 17)

Drafting and Executing Simple Wills (March 24)

Drafting Effective Durable Powers of Attorneys  
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Civil Case Strategies (April 7)

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## MASSACHUSETTS BAR ASSOCIATION TRIAL COURT ORIENTATION FORUM

Wednesday, March 25, noon–7 p.m.  
John Adams Courthouse, 4<sup>th</sup> Floor, Special Collections Room

DISTRICT COURT

JUVENILE COURT

PROBATE AND FAMILY COURT

BOSTON MUNICIPAL COURT



Specially priced \$25 for members  
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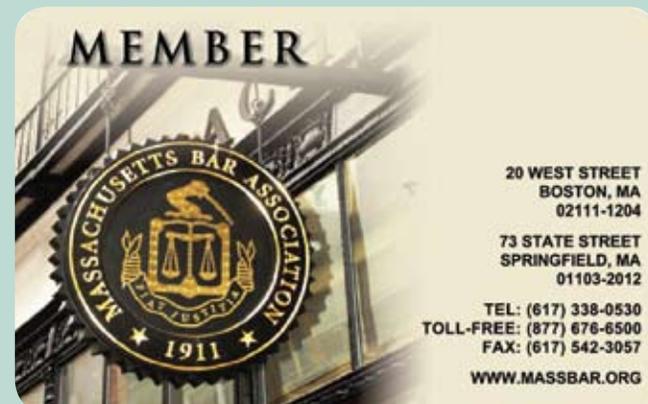
**NONMEMBERS...**  
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## Visit [www.massbar.org](http://www.massbar.org)

The Massachusetts Bar Association aims to keep the Massachusetts legal community current by offering its membership access to daily legal news headlines, online MBA publications, section-specific web pages and Casemaker.

Visit [www.massbar.org](http://www.massbar.org) to take advantage of news, case analyses, and other information on the most relevant topics to today's legal professionals. In addition, [massbar.org](http://massbar.org) offers specialty publications and other materials for purchase that assists attorneys, their clients or the public at large.

## New MBA membership cards



If you joined or renewed your Massachusetts Bar Association membership prior to Monday, Nov. 17, your new, permanent membership card is in the mail.

For those members who joined or re-

newed after this date, your membership card will be arriving in February.

If you have any questions pertaining to your membership, call the Member Service Center at (617) 338-0530.

## ECO-CHALLENGE



Tips are published each week in *MBA Lawyers e-Journal*. For more tips or to join the Eco-Challenge, go to [www.massbar.org/ecochallenge](http://www.massbar.org/ecochallenge).

## Eco-Tips

### Energy conservation

Save energy by installing a power management feature, which puts computers, CPU, hard drive, etc. into a low-power "sleep mode" after a designated period of inactivity. Low-power modes for computers reduce the spinning of the hard disk, which decreases power consumption. Simply hitting a key on the keyboard or moving the mouse awakens the computer in a matter of seconds.

### Environmentally conscious purchases

Shop for second-hand goods to keep items out of the garbage dump and save you money. This applies to furniture and electronics, among other items, that you can use both in your practice and your home.

### Sustainable practices

Not only is green cleaning a refreshing alternative to toxic cleaning products, but it saves you money both at work and home. Instead of buying an endless array of chemicals from the store, opt to do it the old-fashioned way, with vinegar, baking soda, borax and elbow grease. Put the money you save to better use.

## Nominate participants for an Eco-Challenge honor

Help the Massachusetts Bar Association and Conservation Law Foundation select Pledge Partners or Signature Signers to recognize this spring by submitting a nomination at [www.MassBar.org/EcoHonors](http://www.MassBar.org/EcoHonors) by April 6. Honorees will be firms or organizations that took extraordinary steps, including, but not limited to, implementing the MBA Green Guidelines to minimize their office's impact on the environment.

## Cell phone recycling program launches Feb. 2

The Massachusetts Bar Association's Eco-Challenge is offering cell phone recycling in conjunction with Verizon Wireless' Hopeline Program ([www.verizonwireless.com/hopeline](http://www.verizonwireless.com/hopeline)). Working and broken cell phones, batteries and accessories from all service providers will be accepted at one of three collection boxes beginning Feb. 2:

- Verizon Wireless
- MBA headquarters, 20 West St., Boston;
- MBA Western Massachusetts office, 73 State St., Springfield; and
- Conservation Law Foundation's Massachusetts headquarters, 62 Summer St., Boston.

There have been reports about cell phone collection companies failing to remove personal information from old phones. The company collecting phones for the Eco-Challenge, ReCellular, is committed to removing all personal data and has recycled more than 5 million phones. 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.

The cell phone recycling program is the first 2009 initiative of the highly successful MBA Lawyers Eco-Challenge, which was launched in September 2008 with the CLF. Other initiatives will be announced later this year.

Visit [www.massbar.org/cellrecycling](http://www.massbar.org/cellrecycling) for more information.

## Eco-Challenge adds 10 more Pledge Partners

Ten new Pledge Partners (listed below) have signed the Lawyers Environmental Pledge since the launch of the second year of the Lawyers Eco-Challenge. There are now 92 Pledge Partners and Signature Signers.

- Anderson & Kreiger LLP, Cambridge
- Bogle & Okoye LLC, Boston
- Contant Law Offices, Shirley
- Family Estate Planning Law Group, Lynnfield
- Hutchins Law, Northborough
- Les Wallerstein, attorney at law, Lexington
- Law Offices of Spano & Dawicki, Saugus
- Law Office of Stanley B. Kay, Wellesley Hills
- Moschella & Winston LLP, Somerville
- Wolkon & Pascucci LLP, Boston

## SECTION SPOTLIGHT

*MBA sections occasionally hold open meetings that feature guest speakers and various topics of interest to members. Look for meetings in e-Journal and e-blasts sent to section members.*

## Upcoming

The **Young Lawyers Division** is hosting a career panel discussion for law students at Southern New England School of Law in North Dartmouth on Thursday, Feb. 12, at 5:30 p.m. following a YLD board meeting.

Following the discussion about how to find and keep jobs in a difficult economy, law students will have the opportunity to network with attorneys at a cocktail reception. The event is open to all law school students and attorneys.

The **Probate Law Section** will host **Chief Justice Paula M. Carey** on March 11 at the MBA's Boston offices to speak on various issues regarding the Probate and Family Court.

## Recent

The **Business Law Section** held an "Overview of How to Employ and Keep Skilled Foreign Talent" at its open meeting on Jan. 20 at the MBA's Boston offices. The **General Practice, Solo & Small Firm Section** also participated.

The meeting featured Marisa DeFranco, counsel and chair of the Immigration Law Practice Group at Devine Millimet & Branch in Andover, who led a discussion on current U.S. policy toward employment-based immigrants and temporary workers, including the impact of security and compliance mandates. DeFranco is a member of the **Immigration Law Section** and has more than 12 years of immigration and naturalization law experience. See her article in the current issue of Section Review.

The **Law Practice Management Section** held a networking and open meeting on Jan. 21 at the MBA's Boston offices with the **General Practice, Solo & Small Firm Section**.

Attorney David Harlow discussed what lawyers need to know about using online marketing to grow a practice and establish broader online exposure through the low-cost use of social media such as blogs, Linked In, Facebook and Twitter.

**Employment Law**, a practice group of the **Labor & Employment Law Section**, held an informal luncheon roundtable on Jan. 27 at the MBA's Boston offices that discussed changes or clarifications to the Family Medical Leave Act regulations that took effect in January, including: leave to care for military family members, intermittent leave, notice requirements (for both employers and employees) and medical certifications.

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

## MBA CALENDAR OF EVENTS

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

### WEDNESDAY, FEB. 11

#### Bankruptcy Basics for Non-Bankruptcy Attorneys Luncheon Roundtable

Noon–2 p.m. (lunch provided)  
Course #: BLF09/Introductory level  
MBA, 20 West St., Boston

As the financial climate continues to worsen, the need for bankruptcy relief is expected to continue to rise. As such, it is important for lawyers to be able to recognize the benefits and pitfalls of bankruptcy and when a referral to a bankruptcy lawyer is necessary.

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

### WEDNESDAY, FEB. 11

#### ABA TECHSHOW Road Show

9 a.m.–4 p.m.  
Course #: ABATECH  
MBA, 20 West St., Boston

Attorneys will have the opportunity to learn about the latest technology information available to aid their law practices at the first leg of the ABA TECHSHOW Road Show sponsored by the Massachusetts Bar Association and the Law Practice Management Section of the American Bar Association. The program, includes simultaneous 45-minute educational sessions and the cost of \$89 includes a free lunch and materials. *See ad below.*

### THURSDAY, FEB. 12

#### Business Basics for Divorce Part II: Understanding Business Valuation

4–7 p.m.  
Course #: FLO09/Introductory level  
Western Mass. Legal Services Offices,  
1 Monarch Place, Suite 400, Springfield

Practically every divorce is a financial transaction. The parties' assets must be valued in order to be fairly divided. If the assets include a small business or real estate, experts must provide opinion of value. Attend this seminar to learn the basics of valuation.

Faculty: Veronica J. Fenton, program co-chair, Law Offices of Veronica J. Fenton, Lenox; Ellen M. Randle Esq., program co-chair, Bulkley, Richardson & Gelinis LLP, Springfield; John M. O'Brien III, CPA/ABV, J.M. O'Brien & Co. PC, Springfield.

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

5–7 p.m.  
Course #: PRF09/Introductory level  
MBA, 20 West St., Boston

The third session of the Distressed Property Boot Camp will examine issues that may come up in the title examination of property that has lien problems.

Faculty: Elizabeth J. Barton, Esq., program co-chair, CATIC, Wellesley; Darly G. David Mevs, Esq., program co-chair, Gilmartin, Magence & Ross LLP, Boston; Neil D. Golden, Esq., Gilmartin, Magence & Ross LLP, Boston; Amanda Zuretti, Esq., CATIC, Wellesley. \*Additional faculty to be announced.

### WEDNESDAY, FEB. 18

#### Immigration Law and Transgender Clients

5–7 p.m.  
Course #: IMA09  
MBA, 20 West St. Boston

This panel will provide attorneys and law students practicing immigration law with tools for effective representation of transgender individuals in the immigration context.

Faculty: Sienna Baskin, Equal Justice Works fellow, Sex Workers Project/Urban Justice Center; Taylor Flynn, professor, Western New England College School of Law; Jennifer Levi, Transgender Rights project director, GLAD; Hema Sarangapani, staff attorney, Immigration Unit, Greater Boston Legal Services.

### THURSDAY, FEB. 19

#### Estate Planning for Same-Sex Couples

4–7 p.m.  
Course #: PLK09/Introductory level  
MBA, 20 West St., Boston

Tax laws do not protect same-sex couples, whether or not married. There are proactive and creative planning techniques that can be used to effectively reduce taxes for these couples. Join us for this timely program and learn from our expert faculty.

Faculty: Shari A. Levitan, Esq., program chair, Holland & Knight LLP, Boston; Tamara E. Kolz, Esq., Holland & Knight LLP, Boston.

### MONDAY, FEB. 23

#### District Court Survival Guide – Criminal Practice

4–6:30 p.m.  
Course #: CLQ09/Introductory level  
MBA, 20 West St., Boston

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

Faculty: Amy Cashore Mariani, Esq., program chair, Fitzhugh & Mariani LLP, Boston; Raymond Sayeg Jr., Esq., Denner & Associates PC, Boston. \*Additional faculty to be announced.

### TUESDAY, FEB. 24

#### How to Probate an Estate

4–7 p.m.  
Course #: PLL09/Introductory level  
Western New England School of Law,  
1215 Wilbraham Road, Springfield

Settling an estate is an essential element of a probate practice. This course will help attorneys build their practices with a solid foundation. Panelists will focus on the nuts and bolts of estate administration.

Faculty: Elizabeth H. Sillin, Esq., program chair, Bulkley, Richardson and Gelinis LLP, Springfield. \*Additional faculty to be announced.

### WEDNESDAY, FEB. 25

#### Probate and Guardianship Reform: Massachusetts Uniform Probate Code

4–7 p.m.  
Course #: PLN09  
MBA, 20 West St. Boston

In response to the highly anticipated Massachusetts Uniform Probate Code's recent enactment, the Massachusetts Bar Association has scheduled several seminars around the state to discuss how the UPC's important changes will impact the probate process.

### THURSDAY, FEB. 26

#### Bankruptcy and Foreclosure

4–7 p.m.  
Course #: PRG09/Introductory level  
MBA, 20 West St., Boston

This program will discuss recent regulatory, statutory and case law developments from state courts and the federal bankruptcy courts.

Faculty: Mark C. Rossi, Esq., program chair, Rossi Law Offices, Boston; Hon. Joan M. Feeney, United States Bankruptcy Court, Boston; Christopher K. Barry-Smith, Esq., Office of the Attorney General, Boston; Donald R. Lassman, Esq., Law Offices of Donald R. Lassman, Needham.

#### Elder Law Basics

4–7 p.m.  
Course #: PLJ09/Introductory level  
Massachusetts School of Law, 400 Federal St., Andover

This program will provide an introduction to the basics of long-term care and estate planning strategies for clients who are 65 and older. Participants will acquire the knowledge and skills needed to apply techniques and strategies for dealing with this age group.

Faculty: Eric R. Oalican, Esq., program chair, Cohen & Oalican LLP, Boston. \*Additional faculty to be announced.

### MONDAY, MARCH 2

#### Landlord/Tenant Basics

4–7 p.m.



Learn about the latest legal technology, including:

- The Mobile Office: Take Your Desktop in Your Pocket
- Shock and Awe: PowerPoint for Opening Statements and Closing Arguments
- 60 Law Practice Management Tips in 60 Minutes
- PDFs for Lawyers
- The Lawyer's Guide to Managing Client and Case Information with Microsoft Outlook
- New Resources and Personal Knowledge Management
- Turbocharge Your Practice with Affordable Technology
- 60 Essential Web Sites in 60 Minutes
- Look Who's Talking: Digital Dictation and Speech Recognition for Lawyers
- Accidentally Successful: How to Tell if You and Your Firm are Making Money

**WEDNESDAY, FEB. 11**  
**9.A.M. – 4.P.M.**  
MBA, 20 WEST ST., BOSTON

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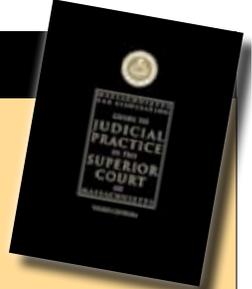
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## Superior Court of Massachusetts

The MBA is pleased to announce that the third edition of the *Guide to Judicial Practice in the Superior Court* is available for purchase.

Last updated in 1999, this newest edition includes photos of all participating judges, addresses procedural rule changes and contains both short and narrative responses. It allows the judges to specify their preferences on civil and criminal discovery issues, motion practice, experts, confidentiality orders, conferences, jury and non-jury trial issues, and many other issues of importance to attorneys practicing before the Superior Court.

This practical, easy-to-use reference book will serve as a valuable resource to attorneys and contribute to the efficient operation of the Superior Court by giving attorneys advance insight into the technical and procedural preferences of the court.



VISIT [WWW.MASSBAR.ORG](http://WWW.MASSBAR.ORG) FOR MORE INFORMATION OR TO PURCHASE THE GUIDE.

## MBA CALENDAR OF EVENTS (CONT.)

*Course #: PRH09 / Introductory level  
MBA, 20 West St., Boston*

Landlord/tenant law is complicated. Knowing the proper procedures and strategies to follow can greatly improve your ability to achieve a favorable result for your client and help you avoid common pitfalls.

*Faculty:* Kenneth A. Krems, Esq., program chair, Shaevel & Krems, Boston; Hon. MaryLou Muirhead, associate justice, Boston Housing Court; David R. Jackowitz, Esq., Shaevel & Krems, Boston; Ellen J. Shachter, Esq., Cambridge and Somerville Legal Services, Cambridge.

**TUESDAY, MARCH 3****Probate and Guardianship Reform: Massachusetts Uniform Probate Code**

4-7 p.m.

*Course #: PLO09*

*Western New England College School of Law, 1215 Wilbraham Road, Springfield*

In response to the highly anticipated Massachusetts Uniform Probate Code's recent enactment, the Massachusetts Bar Association has scheduled several seminars around the state to discuss how the UPC's important changes will impact the probate process.

**THURSDAY, MARCH 5****Workers' Compensation Basics**

4-7 p.m.

*Course #: CLT09 / Introductory level  
Registry of Deeds, 90 Front St., Worcester*

The workers' compensation statute and regulations continue to be reinterpreted on a yearly basis. This seminar will cover the basics of the system and provide an update on new regulatory changes and case law. The program will also include hands-on application of the law and regulations via small discussion groups with insurer and employee attorneys and members of the judiciary.

*Faculty:* Channing Migner, Esq., program chair, Law Office of Channing Migner PC, Worcester; Hon. Paul F. Benoit, Mass. Dept. of

Industrial Accidents, Worcester; Hon. Dennis M. Maher, Mass. Dept. of Industrial Accidents, Boston; Hon. David G. Sullivan, Mass. Dept. of Industrial Accidents, Fall River; Joseph F. Agnelli Jr., Esq., Keches & Mallen, Taunton; Sandra J. Jenkins-Bryant, Esq., Jenkins-Bryant & Surette PC, Worcester; Jacob M. Morris, Esq., Rubin, Rubin & Wilcox, Worcester; James E. Ramsey, Esq., Moriarty & Associates, Worcester; Janice Lenczycki Toole, Esq., Long & Leahy, Boston.

**MONDAY, MARCH 9****Probate and Guardianship Reform: Massachusetts Uniform Probate Code**

4-7 p.m.

*Course #: PLP09*

*Mass. School of Law, 500 Federal St., Andover*

In response to the highly anticipated Massachusetts Uniform Probate Code's recent enactment, the Massachusetts Bar Association has scheduled several seminars around the state to discuss how the UPC's important changes will impact the probate process.

**THURSDAY, MARCH 12****Asset Protection Strategies — Domestic and International**

4-7 p.m.

*Course #: PLM09 / Intermediate level  
MBA, 20 West St., Boston*

Will you be ready with the latest information the next time your client wants to discuss protecting wealth from unforeseen creditors? This course explains the mechanics of asset protection in Massachusetts, as well as in special states such as Alaska and Delaware, and foreign jurisdictions.

*Faculty:* Alexander A. Bove Jr., Esq., program co-chair, Bove & Langa PC, Boston; Melissa Langa, Esq., program co-chair, Bove & Langa PC, Boston; Frederic D. Grant Jr., Esq., Law Office of Frederic D. Grant Jr., Boston.

**MONDAY, MARCH 16****The Rx Files: Medicine for****Lawyers — Part IV: Orthopedic Issues**

4-7 p.m.

*Course #: HLE09 / Basic/Intermediate  
MBA, 20 West St., Boston*

This is part four of a series of roundtables for members of the legal profession, planned and taught by physicians. If you practice health care or medical, personal injury, workers' compensation or disability law, these programs are for you. Session four will focus on orthopedic issues faced by personal injury attorneys. Attendees will learn the science behind orthopedics, with an emphasis on the spine, shoulder, hand, knee and foot.

*Faculty:* Frank J. Riccio, D.M.D., J.D., program chair, Law Office of Frank J. Riccio PC, Braintree; Barry D. Lang, M.D., Barry D. Lang, M.D. and Associates, Boston; Craig R. Stirrat, M.D., Longwood Hand Center, Chestnut Hill.

**WEDNESDAY, MARCH 16****Judicial Participation in Plea Negotiations**

4-7 p.m.

*Course #: CJF09 / Introductory/Intermediate level*

*MBA, 20 West St., Boston*

This program will explore the benefits and drawbacks of having judges engaged in the plea bargaining process. Our experienced panelists will demonstrate both the ethical and inappropriate ways of judicial participation in the resolution of criminal cases short of trial, through discussion, lecture and hypothetical presentations.

*Faculty:* Hon. Isaac Borenstein (ret.), program chair, Rudolph Friedmann LLP, Boston; Hon. Barbara S. Pearson, Lowell District Court; Cathleen L. Bennett, Esq., CPCS, Boston; J. W. Carney, Esq., Carney & Bassil, Boston; Christina E. Miller, Esq., Suffolk County District Attorney's Office, Boston. \*Additional faculty to be announced.

**FRIDAY, MARCH 20****Legal Technology Expo**

9 a.m.-2 p.m.

*Course #: LEGALTECH2*

*Sheraton Framingham, 1657 Worcester Road, Framingham*

The MBA invites you to attend the third free Legal Technology Expo. Participants will have the opportunity to learn from dozens of exhibitors about the latest products, services and systems to make your office most efficient and organized while saving you time and money.

**TUESDAY, MARCH 24****Representing the OUI Client**

4-7 p.m.

*Course #: CJE09 / Introductory level  
Western New England College School of Law, 1215 Wilbraham Road, Springfield*

Be at the cutting edge in representing the OUI client. Review how to successfully represent a

client charged with OUI with the stars of the profession and the judiciary. This course is for everyone from the inexperienced to those who try these cases regularly. Panelists will provide unique and current information on this constantly changing subject.

*Faculty:* Joseph D. Bernard, Esq., program chair, Law Office of Joseph D. Bernard, Springfield; Hon. M. John Schubert, Orange District Court, Orange; Tina Wescott Cafaro, Esq., Western New England College School of Law, Springfield; William J. Lyons Jr., Esq., Lyons & Lyons, West Springfield; Thomas E. Workman Jr., Esq., Law Office of Thomas E. Workman Jr., Taunton.



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## MEMBER SPOTLIGHT

**Hon. Ralph D. Gants sworn in as Supreme Judicial Court justice**

After serving 11 years on the Superior Court, the Hon. Ralph D. Gants was sworn in as an associate justice of the Massachusetts Supreme Judicial Court on Jan. 29.

"Justice Gants has a finely tuned intellect with significant trial court experience adjudicating complex cases. I think his substantial background in criminal law enhances the court's collective knowledge," MBA President Edward W. McIntyre said.

Prior to his appointment, Gants was administrative justice to the Superior Court's Business Litigation Section. Before that, the 54-year-old had been a Superior Court justice since 1997.

Gants' 30-year legal career includes being a partner at Palmer & Dodge, prosecutor and chief of the Public Corruption Division of the U.S. Attorney's Office in Boston, special assistant to then-FBI director Judge William H. Webster in Washington, D.C., and law clerk to the Hon. Eugene H. Nickerson of the U.S. District Court for the Eastern District of New York.



Photo by Tricia M Oliver

**Gov. Deval Patrick swears in the Hon. Ralph D. Gants as an Associate Justice of the Supreme Judicial Court.**

Gants fills the vacancy created by the retirement of the Hon. John M. Greaney. Gants is Gov. Deval Patrick's second nomination to the SJC; Associate Justice Margaret G. Botsford, formerly of the Superior Court, was elevated in 2007.

A long-time member of the MBA, Gants is currently a member of the Judicial Administration Section Council and has served as faculty for various CLEs and conferences, most recently, the "Sixth Annual In-House Counsel Conference" this past December.

Gants' appointment was made following a thorough review, which included a favorable vote from the Governor's Council on Jan. 21, a hearing before the Governor's Council on Jan. 14, and an evaluation by the Joint Bar Committee on Judicial Appointments.

The JBC comprises two dozen attorneys from across the state. The group is responsible for reviewing, evaluating, voting and reporting on the qualifications of individuals under consideration for judicial appointments — including clerk-magistrates — to all courts of the commonwealth.

The committee is an independent entity and its votes are kept confidential. The committee considers several aspects of an individual before it takes a vote and submits a report to the governor. Among the qualities considered are integrity, reputation, knowledge and ability in the field of law, professional experience, judicial temperament, financial responsibility and commitment to public service.

**Hon. Margaret R. Hinkle named to Business Litigation Session**

Chief Justice Barbara J. Rouse announced on Jan. 23 that Judge Margaret R. Hinkle will succeed Judge Ralph D. Gants as the administrative justice of the Business Litigation Session (BLS) of the Superior Court. Gants, who was appointed to the Supreme Judicial Court by Gov. Deval Patrick, was sworn in Jan. 29 (see story above).

Rouse also announced that Judge Judith Fabricant and Judge Stephen Neel will continue to share BLS 2, a second session, alternating six months in the BLS and six months in criminal sessions.

"Judge Hinkle brings to the Business Litigation Session the combined qualities of

intellect, experience, judgment and work ethic that have been the hallmark of judges who have served in the BLS. I am very pleased that one of our most talented and respected judges will succeed Judge Gants and continue the same standards of excellence that have earned the Business Litigation Session a national reputation as a preferred forum for resolving commercial disputes," said Rouse.

Before Gov. William F. Weld appointed her to the Superior Court in 1993, Hinkle had been a partner at Boston's Goodwin, Procter & Hoar, now known as Goodwin Procter LLP. She had also been an associate of the Boston firm of Berman, Dittmar & Engel, a spin-off of Goodwin Procter. She concentrated on securities and commercial litigation.

Hinkle had also been an assistant U.S. attorney in Boston in the Economic Crimes division, where she was nominated for the U.S. Department of Justice John Marshall Award for her work in the area of financial institution fraud. She also served as the head of the Justice Department's New England Bank Fraud Task Force.

Following her graduation from Boston College Law School, Hinkle served as a law clerk for the Hon. Andrew A. Caffrey, then the chief judge of the U.S. District Court in Boston.

Established in 2000, the Business Litigation Session provides a statewide forum for the resolution of business litigation and commercial disputes.

**Hon. Margaret R. Hinkle****Cornell appointed to New England Foundation for the Arts Board**

**Andrew P. Cornell**, a solo practitioner in Cambridge, was recently appointed to the New England Foundation for the Arts Board. A 2003 recipient of the MBA's Pro

**Andrew P. Cornell**

Bono Publico award in recognition of his contributions to legal services and the principle of equal justice under the law, Cornell is also the recipient of the 2005 Boston Bar Association Thurgood Marshall Award acknowledging his commitment to public service and ensuring the availability of high-quality legal services to low income clients.

"I am looking forward to working with NEFA because I believe that art gives us

different ways in which to view and experience our environment," said Cornell.

The New England Foundation for the Arts creatively supports the movement of people, ideas, and resources in the arts within New England and beyond, makes vital connections between artists and communities and builds the strength, knowledge, and leadership of the region's creative sector.

**McDermott, Will & Emery LLP presented leadership award**

Citizens for Juvenile Justice (CfJJ) recently honored the private-public partnership of **McDermott, Will & Emery LLP** and the Children's Law Center of Massachusetts (CLCM) for their pioneering efforts to challenge life without parole for juveniles in Massachusetts.

"McDermott and CLCM have created an extraordinary partnership, combining their talents and devoting their resources to critical but often unrecognized and un-

derappreciated work," said CfJJ Executive Director Lael Chester.

The U.S. is the only country that still sentences youth to life without parole for crimes committed when under age 18. In Massachusetts, a child as young as 14 can receive a sentence of life without parole; the commonwealth has the 11th highest rate of such sentences in the country.

**Gelb recognized in *The Best Lawyers of America 2009***

**Richard M. Gelb** is included in *The Best Lawyers in America 2009* in the area of securities law. Gelb is a partner at Gelb & Gelb LLP in Boston and Salem, where he represents clients in civil and criminal litigation and regulatory proceedings concentrating in business and securities.

**Richard M. Gelb****LOMAP hires Correia as management advisor**

The Law Office Management Assistance Program recently hired **Jared D. Correia**, as law practice management advisor.

Correia, an attorney, will provide educational and consulting services to Massachusetts attorneys to aid the improvement or establishment of law office operational procedures and protocols, uses of technology and general operating efficiency.

Prior to joining LOMAP, Correia was the first publications attorney for the Massachusetts Bar Association and established the continuing legal education publication protocols and standards.

**Jared D. Correia**



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