

LAWYERS JOURNAL



Volume 16, Number 8 • May 2009

www.MassBar.org

The power to heal

As a profession, we may underestimate our ability to calm a situation.

“The mere presence of a lawyer can bring comfort and solace to a person in need of help,” according to American Bar Association Past President Dennis W. Archer. “Knowing that, we can positively affect change in what may otherwise be a difficult, adversarial situation.”

Is our potential ability to heal an otherwise conflicted situation compatible with our primary duties as advisors, advocates and counselors?

Florida Coastal School of Law Professor Susan Daicoff believes so. She writes, “Law as a healing profession has great transformational potential...It could make the legal system a more inspiring, humane,

PRESIDENT'S VIEW

by Edward W. McIntyre

and hospitable place for clients, lawyers, judges, and indeed society as a whole.”

The late Warren E. Burger, former chief justice of the U.S. Supreme Court, echoed the concept while speaking at the 1983 ABA Midyear Meeting —“the original role of lawyers was healing social conflict.” He went on to urge the profession to return to and embrace that role again.

Revisiting that theme a year later, Burger said, “The entire legal profession ... has become so mesmerized with the stimulation of the courtroom contest that we tend to forget that we ought to be healers of conflict Trial by adversarial contest must in time go the way of the ancient trial by battle and blood Our system has become too costly, too painful, too destructive, and too inefficient for truly civilized people.”

Taking Burger's sentiments even further, former dean of Notre Dame Law

continued on page 12

MBA's Access to Justice Luncheon to honor attorneys' contributions to legal services and pro bono work

by Erica Mena-Landry
and Kelsey Sadoff

Honoring five Massachusetts lawyers and two firms who have made significant contributions to their communities and clients' lives through pro bono work, the Massachusetts Bar Association's Annual Access to Justice Luncheon will be held May 7 at the John F. Kennedy Library in Boston.

In addition to paying tribute to members of the legal community who are exemplary leaders in public service, this year, MBA President Edward W. McIntyre will also present the 2009 Legislator of the Year Award to State Rep. Harold P. Naughton Jr. and the President's Award to Jayne B. Tyrrell, executive director of the Massachusetts Interest on Lawyers' Trust Accounts (IOLTA) program.

continued on page 4



Photo by Jeff Thiebauth

Pictured is McDermott, Will & Emery's pro bono practice group. The group is being honored with a Pro Bono Award for Law Firms, along with Tennant Lubell, LLC.

Maimonides School of Brookline wins 2009 Mock Trial State Championship

by Jennifer Rosinski and Bill Archambeault



Photo by Christine Peterson

Maimonides School Co-Captain Harry Chiel argues for the defense at the state championship.

Maimonides School of Brookline was named state champion of the Massachusetts Bar Association's 2009 Mock Trial Program and advances to the national competition in Atlanta May 6-10.

It was the first finals round appearance for Maimonides, which outscored Sharon High School at the March 24 competition held in the Great Hall at Faneuil Hall in Boston. The school was a Sweet 16 regional winner in 2006.

Superior Court Associate Justice Howard J. Whitehead, who presided over the trial, said deciding the winner was difficult because both teams were so strong. “This is the best pair of performances I've seen; really the best we've had,” he said. Whitehead was assisted by two scoring judges, Superior Court Justice Peter W. Agnes Jr. and Essex Probate and Family Court Associate Justice John D. Casey.

continued on page 8

2009-10 MBA officer slate announced. See page 10.

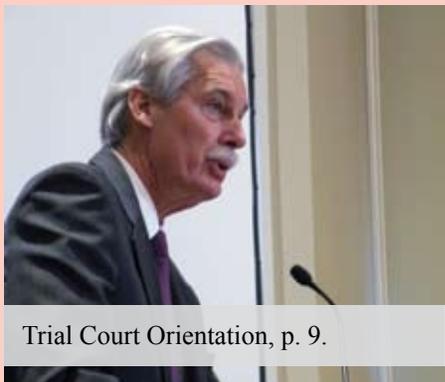


Court Advocacy Day warns of budget cuts. See page 3.

“Latest in the Law” May 13, 14 in Braintree. See page 19.

See index on page 2 for a complete listing of this issue's contents.

INSIDE THIS ISSUE



Trial Court Orientation, p. 9.

Access to Justice will honor attorneys, firms	1
Maimonides School wins Mock Trial championship..	1
Letters to the Editor	2
Court Advocacy Day decries budget cuts	3
Legislator of Year, President's awards May 7	7
Trial Court Orientation addresses trial preparation ..	9
Officer slate for 2009-10 announced.....	10
MIND YOUR OWN BUSINESS	
Saving money using VoIP	10
ECO CHALLENGE	
Eco-Tips	11
New Green Guidelines issued	11
Shakespeare and the Law's <i>Othello</i> May 4	11
WESTERN MASS. NEWS	13
NEWS FROM THE COURTS	13
SECTION SPOTLIGHT	14
June 5 deadline for legal services grants	14
Summer conference schedule.....	14
Statement of ownership	17
COMMUNITY SERVICES	
Western Mass. Dial-A-Lawyer	18
Sections sponsor Dial-A-Lawyer	18
Veterans training May 29.....	18
MASSACHUSETTS BAR FOUNDATION	
MBF seeks 45 th anniversary sponsors	18
Make an honor gift to MBF	18
EXPERIENCE THE VALUE OF MBA MEMBERSHIP	
Casemaker 2.1 offers new features	19
"Latest in the Law" schedule	19
MBA launches e-publications	19
CALENDAR	20-21
MEMBER SPOTLIGHT	22
MEMBER TO MEMBER	23

Letters to the Editor: IOLTA; mindfulness

Dear Editor,

On behalf of the IOLTA Committee, please accept my thanks for publishing Bill Archambeault's informative front page article concerning the variation in IOLTA rates paid by banks. The interest from IOLTA accounts makes up a critical portion of the funding for civil legal aid programs, providing free legal help for low-income people with issues like child custody and support, eviction, unemployment and government benefits. The IOLTA Committee recognizes "Leadership Banks" because of the role they play in increasing access to justice.

As a result of the article, several banks have heard from attorney customers requesting that they raise their IOLTA rates in order to better support legal aid. Without *Lawyers Journal*, few would be aware of the range of rates or understand that their choice of bank can make a difference for legal aid programs, which are facing increasing demand for help in these difficult times. Once again, thank you for highlighting this important issue for attorneys and our system of justice.

Sincerely,

Jayne Tyrrell, Executive Director
Massachusetts IOLTA Committee

Lawyers Journal welcomes letters to the editor, which may be edited for space. Send submissions to Bill Archambeault at barch@massbar.org and include a daytime number where you can be reached.

Dear Editor,

I was delighted to read MBA President Edward W. McIntyre's column in the April issue of *Lawyers Journal*. I hope that his message concerning the value of mindfulness to individual lawyers, and to the bar at large, will spur further interest in and regular practice of mindfulness meditation. Despite the proven mental and physical benefits referenced in his article, those who could benefit the most often fear that meditation is either too esoteric, too "unproductive" or too softening of their "edges." Lawyers who practice mindfulness report the opposite; while they are calmer, they are also more effective; they think more clearly and make better decisions. While the benefits of the practice of mindfulness are incremental, many people find that even a weekly practice of meditation is surprisingly helpful.

We want your readers to know that lawyers have been meeting regularly every week at Lawyers Concerned for Lawyers, Wednesdays from 11:50 to 12:50, to achieve deep relaxation followed by a 20-minute "sit" for mindfulness meditation. All attorneys are welcome. No fee or registration is required; just show up.

We thank President McIntyre for his call to greater mindfulness, and to *Lawyers Journal* for informing its members of this valuable resource.

Gina Y. Walcott, Esq.
Executive Director

Nancy Brown, LICSW
Staff Clinician (leader of Meditation Series)

Lawyers Concerned for Lawyers Inc.
31 Milk St., Suite 810
Boston, MA 02109

LAWYERS JOURNAL

Massachusetts Bar Association *Lawyers Journal*

Volume 16, No. 8

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

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

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

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

Editor: Bill Archambeault

Contributing Editors: Jennifer Rosinski, Kelsey Sadoff

Production Editor: Erica Mena-Landry

Advertising: Joseph Caci (617) 338-0516

Dir. of Media and Communications: Tricia M. Oliver

Acting Executive Director: Martin W. Healy

General Counsel and Legal Editor: Martin W. Healy

President: Edward W. McIntyre

President-elect: Valerie A. Yarashus

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Budget cuts would choke courts, Court Advocacy Day rally warns

by Jennifer Rosinski

More than 100 attorneys and legal advocates rallied together March 31 and urged legislators to support adequate funding for the judiciary during Court Advocacy Day at the Statehouse. The event was co-sponsored by the Massachusetts and Boston bar associations.

Supreme Judicial Court Chief Justice Margaret H. Marshall painted a dire picture of the court's future if the current proposed budget is passed for fiscal year 2010: "Justice will be delayed," she told the crowd gathered at the Grand Staircase.

If Gov. Deval Patrick's proposed fiscal year 2010 budget of \$579.4 million for the courts is passed, it will lead to up to 375 layoffs, relocations of courthouses, delaying of restraining orders and CHINS petitions, as well as an increase in the number of pre-trial detainees, according to court officials.

"Justice is like oxygen," Marshall said. "While you are breathing it, you barely notice that you are. Cut off the supply, and you will notice it more quickly than you realize."

The judiciary is requesting a total budget of \$622.7 million, including \$601.2 million for the Trial Court that incorporates \$17.5 million to fund the fiscal year 2010 portion of the Local 6 contract for clerical workers.

"We ask the Legislature today to fund the Massachusetts judiciary at \$622.7 million to ensure the courts' core functions are sustained," Massachusetts Bar Association President Edward W. McIntyre said. "I encourage you to speak to your legislators today and to follow up with them through the budget process, asking them to appropriately fund the Massachusetts court system to ensure access to justice for citizens across the commonwealth."

At least 70 percent of Massachusetts courts are already working below recommended national staffing levels, forcing the remote processing of cases and assistant clerks to travel between courthouses to help out.

The courts have already trimmed \$22.1 million from the fiscal year 2009 budget, limited hiring and imposed a hiring freeze, as well as eliminated both alternative dispute resolution contracts and funding for per diem court reporters and information technology projects, among other cuts.

The cuts will hit families and communities hard because both are deeply affected by a slumping economy, Marshall said. The courts have seen a surge in the num-

ber of foreclosure, domestic violence and elder abuse cases. Also increasing are appeals to lower child support payments because parents are now unemployed. "During very tough economic times, people turn increasingly to the courts," Marshall said.

Marshall and Chief Justice for Administration and Management Robert A. Mulligan met with Speaker of the House Robert A. DeLeo, Senate President Therese Murray and the chairs of the Ways & Means Committee before the start of Court Advocacy Day to share in person the impacts of the proposed fiscal reductions.

The Trial Court needs \$583.7 million to maintain current services for those who go to the state's 106 courthouses, Mulligan said. More than 40,000 people, excluding jurors, visit the average Massachusetts courthouse on a given weekday, according to an unscientific tally of visitors to an undisclosed courthouse in March.

"We're running with a very Spartan workforce," said Mulligan, who revealed that 250 people would have to be let go for every \$10 million below \$583.7 million. "I am fearful [a reduced budget] will absolutely impede our ability to deliver justice at our courthouses across the commonwealth."

"Anything less than the requested funding of the judiciary will seriously undermine the administration of justice in our commonwealth," Boston Bar Association President Kathy B. Weinman said. "We all know that the need for justice is greater when times are tough ... Inadequate funding for the courts will hit where it hurts."

After the speaking program, attendees visited their legislators to lobby for the court's requested budget amount and presented fact sheets that outline the ramifications of a slashed budget.

Law Practice Management Practice Tips

Looking for free marketing opportunities online?

Free marketing opportunities are available online for attorneys in both large and small firms. Take a step-by-step tutorial on how to effectively use these free Internet tools by going to Law Practice Management Section member David Harlow's blawg and watch his PowerPoint: <http://healthblawg.typepad.com/healthblawg/2009/01/marketing-your-legal-practice-using-social-media.html>.



Photo by Aaron J.K. Ostrow

From left to right: Edward W. McIntyre, president, Massachusetts Bar Association; Kathy B. Weinman, president, Boston Bar Association; Rep. Charles A. Murphy, chair, House Committee on Ways & Means; the Hon. Paula M. Carey, chief justice, Probate and Family Court; the Hon. Lynda M. Connolly, chief justice, District Court; the Hon. Steven D. Pierce, chief justice, Housing Court; and Martin W. Healy, general counsel and acting executive director, Massachusetts Bar Association.



Photo by Jeff Thiebauth

Supreme Judicial Court Chief Justice Margaret H. Marshall.



Photo by Jeff Thiebauth

The audience listens to warnings about the budget.

Access to Justice recognizes firms', attorneys' pro bono service

continued from page 1

Barbara Kaban

Children's Law Center, Lynn
Legal Services Award



Photo by Christine Peterson

Children's welfare has been an enduring drive for Barbara Kaban. Earning a J.D. from Boston College Law School, an M.B.A. from Boston University and an M.Ed. in educational psychology from Harvard University, her career has been focused on ensuring equal access to justice for children and youth in Massachusetts.

"To me, kids are the most undervalued and underserved members of society, yet they are our most important resource. It has been my lifelong passion to try to maximize opportunity for kids and ensure they have the skills they need to successfully transition to adulthood," said Kaban.

While working at the Children's Law Center in Lynn, and through additional special projects and collaborations, Kaban secured federal funding from the Massachusetts Executive Office of Public Safety to design and implement a re-entry program for gang-involved youth re-entering the Lynn community after incarceration. Kaban has also collaborated on amici briefs addressing the viability of the common law infancy defense and developed an appellate advocacy practice addressing, among other things, the implication of memoranda of understandings between school, police and district attorneys on school searches.

"My biggest accomplishment is the recent Supreme Judicial Court decision in

Kenniston v. DYS declaring G.L.c. 120, secs. 17-19 unconstitutional. I have been challenging the constitutionality of this statutory scheme since 2000 and it was rewarding to finally get the issue before the SJC," said Kaban.

Working with the Center for Public Representation and the Committee for Public Counsel Services, Kaban served as lead counsel on this issue. But, Kaban reflected, "I have had to redefine what is a 'win' and what is a 'loss.' Too often, I find that I may win the battle but lose the war. My clients come with a host of issues that can-

"Kids are the most undervalued and underserved members of society, yet they are our most important resource."

not be solved in the courtroom and, without sufficient community-based services, I may not be able to help my clients achieve their desired goals."

Kaban's devotion to her clients enables her to continue her work without becoming overwhelmed by the magnitude of the problems she hopes to address.

"The best part of my job is the kids I work with. They make mistakes but they are courageous enough to keep going. They have taught me a lot," said Kaban.

Guarding against burnout is necessary in a career in legal services, and Kaban is grateful for the assistance of her colleagues, noting "any achievement of mine is really the achievement of the Law Center as a whole. The support of the other attorneys and staff enables me to accomplish what I do."

James M. McCreight

Greater Boston Legal Services, Boston
Legal Services Award

From his experiences as a community organizer in North Carolina to internships with legal services providers in New Haven, Conn., during law school, James M. McCreight has dedicated his career to the protection of tenant rights.

For more than 25 years, McCreight has worked tirelessly to ensure low-income tenants have access to secure affordable housing, first with New Haven Legal Assistance and currently with Greater Boston Legal Services (GBLS).

"I was interested in doing work that would give me the opportunity to use my legal skills in the community. The best part of my job is that I get to work with really excellent people, and to learn from them while sharing what I can," said McCreight.

With GBLS, McCreight has been involved with the Boston Housing Authority, working on class action suits, improving rent-setting, receivership cases and the recent *Bridgewater's* decision on reasonable accommodation.

"My most significant accomplishment has been my long-term work in public housing and Section 8 issues, along with the ongoing work we've done with resident groups to have a real role in decision making in BHA policies and in the redevelop-

ment of their housing," he said.

Considered a "national treasure in the legal services world" by his colleagues, McCreight is generous with his knowledge and time. He always makes himself available to answer questions, provide advice and share his extraordinary wealth of knowledge with members of the housing justice network, while also working closely with tenant associations and advisory boards to ensure that tenants are aware of their rights.

Despite his tremendous success, McCreight still faces the perpetual struggle of all legal services attorneys.

"The biggest professional challenge has been avoiding burn-out. Each advocate can only do so much and there is a huge unmet need," he said.

Even faced with these difficulties, McCreight is enthusiastic about his work.

"I look to each case as an opportunity, not only to assist the indi-

vidual client, but to try to change institutional practices so that others can also be benefited. There are always new challenges and new areas of law or opportunities for advocacy that keeps the work fresh. And working with a range of committed advocates with different skills and perspectives in a collective and collegial atmosphere is always re-energizing."

"I look to each case as an opportunity, not only to assist the individual client, but to try to change institutional practices"



Photo by Jeff Thiebauth

Tennant Lubell LLC

Pro Bono Award for Law Firms



Photo by Jeff Thiebauth

Ellen Lubell, left, and Doris Tennant.

“We share a deep concern for those who are suffering as a result of human rights violations and discrimination on the basis of race, economic status and other illegal classification. As attorneys, we believe we have a heightened responsibility to uphold the rule of law and insist that our public officials be held accountable to those they serve,” said Doris Tennant and Ellen Lubell of the work that inspired them to form Tennant Lubell LLC in 2006.

The two-person Newton firm has worked with organizations including Amnesty International, The Child Care Resource Center, Boston Mobilization, International Justice Network, Newton Human Rights Commission and Jewish Women’s Archive.

“Of all the work we have done in our legal careers, we are most proud of our representation of Abdul Aziz Naji, our Guantanamo client,” said Tennant and Lubell. Three years ago, they volunteered to represent a Guantanamo detainee

who has been detained since 2002. Since then, their work on their client’s behalf has accounted for at least a third of their professional hours, in addition to nearly \$60,000 in travel, translation and interpreter services paid for out-of-pocket and with the support of friends and colleagues.

“We were profoundly disturbed when we learned of our government’s treatment of the detainees and the appalling lack of legal process afforded to them,” they said.

Despite harassment by phone and e-mail,

“As attorneys, we believe we have a heightened responsibility to uphold the rule of law and insist that our public officials be held accountable to those they serve.”

Tennant and Lubell persist in representing their client and providing time and expertise in the support of access to justice.

“And the work continues. It’s important to choose work that engages your passions, and to not be shy about letting

your colleagues know what you are doing. Many people have told us how inspired they are by our efforts and how grateful they feel that we are working on an issue of great concern to them,” they said.

Lawrence J. McGuire

Committee for Public Counsel Services, Salem Superior Court Defender Award

Lawrence J. McGuire is a public defender with the Committee for Public Counsel Services in the Salem Superior Court. A mentor to CPCS and all criminal law attorneys in Essex County, McGuire’s public defense career has spanned three decades. Committed to defending the indigent, he is a zealous advocate, setting a standard that less experienced defenders seek to achieve.

His effective skills as an innovative litiga-

tor have proven to be successful in the courtroom, but also in training new bar advocates and as an advisor and faculty member for Massachusetts Continuing Legal Education.

McGuire relishes the tough cases and according to his peers, is “always the best-prepared attorney in the courtroom.”

According to those who nominated him for the award, McGuire “always dots the i’s and crosses the t’s.”

McDermott, Will & Emery

Pro Bono Award for Law Firms

Founded in 1934, McDermott, Will & Emery’s pro bono and community service commitments are vast. With offices all over the world and 15 in the United States, McDermott’s efforts range from obtaining political asylum for the persecuted to protecting children.

Using a formalized system of encouragement for pro bono work, the firm has been able to make a massive commitment to their pro bono clients.

“Sometimes in large firms, one of the biggest hurdles is, ‘Do I get credit for this?’ Pro bono work is real work. At the end of

the year, you’re not going to be punished for handling a great pro bono case that took up a lot of your time. This empowers our folks to find something they really love, and this has made it a great success,” said Daniel

Curto, McDermott, Will & Emery’s Boston office Pro Bono Group co-chair, with Melissa Nott Davis.

In the Boston office alone, 87 percent of McDermott’s attorneys do some type of pro bono work during the year and 55 percent commit to more than 50 hours a year. Approximately three percent of the office’s total time is spent on pro bono issues.

“There are a variety of projects by design: we have a handful of pro bono partners that we work closely with but we don’t limit our attorneys to working with them. We look to expand our partnerships as appropriate,” said Curto.

One of McDermott’s established partnerships is with the Children’s Law Center. Over the past two years, McDermott has sponsored a full-time attorney to work on a project to determine if the trial of juvenile offenders

as adults and subsequent long-term sentencing without parole complies with Supreme Court rulings.

“We work very closely with her,” Curto said. “We’ve involved partners and associates and paralegals, and we’re thinking about ways to effectuate change. This is proactive, it’s structured around an issue that we can reform.”

Many of the pro bono cases McDermott is involved in center around children, representing special needs children and juveniles that have been sentenced to life without parole.

“Part of the work is to give people a voice that they may not have otherwise had. With children, giving them that voice is really important.”

McDermott attorneys in Boston also work closely with Citizen Schools, providing tutoring and mentoring services and running a mock trial program with them.

“Part of the work is to give people a voice that they may not have otherwise had. With children, giving them that voice is really important,” said Curto.



Photo by Jeff Thiebauth

Daniel Curto, left, and Melissa Nott Davis, co-chairs of the firm’s Pro Bono Group in Boston.

Wendy J. Rickles

Sole practitioner, Worcester
Pro Bono Publico Award



Wendy J. Rickles is indefatigable. In addition to her busy solo practice focusing on criminal, family and employment law, she is an active member of the Worcester County Bar Association's Committee on Services to the Poor and Homeless.

A volunteer with the Honorable Harry Zarrow Homeless Advocacy Project, a collaboration between the WCBA and the Legal Assistance Corp. of Central Massachusetts, Rickles helps provide legal assistance to those who are homeless or in immediate danger of becoming so. As part of her work with the WCBA, Rickles founded the Mustard Seed Dinners at a homeless shelter in Worcester. Several times a year, Rickles plans menus and en-

lists volunteers to provide, cook and serve food to more than 150 homeless or low-income individuals. In addition, Rickles also contributes to dinners at the Veterans' Shelter, which serves more than 100 meals every night.

"Throughout my career, I have tried to be an advocate for the homeless," said Rickles.

However, Rickles' work with the WCBA is not limited to her advocacy for the homeless. As co-chair of the Family Law Section, she has started and chaired the winter coat drive, the canned food drive and the

cell phone drive, during which more than 1,100 phones were collected and distributed to victims of domestic violence. Her latest project is a blanket drive which, to date, has collected more than 200 blankets to be donated to Worcester County shelters.

"Our parents taught us to be a voice for social justice. There has always been a tradition of *Tikkun Olum* in our family: It means 'the healing of the world.' From very early, we all volunteered for many causes," Rickles explained. "Our parents instilled the virtues of hard work and community service in us — their generosity and love for helping others has been an example for my sister and me."

Rickles is an active part of a local inter-faith council promoting relationships and endeavors between religions, while coordinating charitable contributions.

Through all her work, it is her humility and commitment to community that keeps her energized.

"My first thought when I was notified of this award was that there are many people more deserving. It's really the attorneys in the Worcester County Bar Association and the staff of the association that has made it possible to accomplish these things. Working together with them has been my privilege," said Rickles.

Aloke Chakravarty

Assistant U.S. attorney, Boston
Prosecutor Award

"Like others, Sept. 11, 2001, impacted me on a number of levels, including professionally," reflected Aloke Chakravarty. "I sought a way to bring my experience and perspective to bear on the legal challenges which would inevitably follow, both to provide for aggressive counter-terrorism enforcement as well as aggressive protection of civil liberties."

Chakravarty began his career as a public servant working as a Middlesex assistant district attorney after a brief tenure in private practice. "A lawyer at the corporate firm where I worked told me: 'No matter where you do it, if you want to try cases, you should become a prosecutor somewhere, anywhere.' I heeded his advice and joined the district attorney's office. It was an inimitable experience, and demonstrated the impact that people can have in the communities they serve," said Chakravarty.

An assistant attorney general in the Special Investigations and Narcotics Unit, Chakravarty began work as an assistant general counsel in the National Security Law Branch of the FBI after Sept. 11. "The insight into the differences between the intelligence community and law enforcement, along with long-standing exposure to international issues, gave me a strong interest in pursuing the wide array of cases which I am now able to do."

Since 2005, Chakravarty has been an assistant U.S. attorney in the Anti-Terrorism and National Security Section, working as the District Crisis Management coordinator and District International Affairs and National Security Coordinator. "After Sept. 11, 2001, the relationship be-

tween these communities and the government has become strained with distrust and lack of understanding on both sides. In this sense, the domestic tensions too often parallel those of external diplomacy."

Beyond his innovative work as a prosecutor, Chakravarty has helped establish a groundbreaking initiative bringing together prosecutors, government agency officials and community groups to discuss legal issues affecting the Muslim, Arab and Sikh communities.

"For law enforcement, building the support of these communities is an essential component to effectively detect and disrupt terrorism. For the impacted communities, understanding their rights and hav-

"I sought a way to bring my experience and perspective to bear on the legal challenges which would inevitably follow Sept. 11, 2001."

ing an opportunity to shape the implementation of policy is essential to providing a sense of security and justice and to feel enfranchised. It has been a great chal-

lenge to build constructive relationships with the communities from which the government needs the greatest assistance, while at the same time prosecuting some prominent individuals within these same groups."

Chakravarty's career has been marked by a steadfast belief that it is critical for minority communities to be involved in the legal process, and he has used his background to ensure that justice is carried out with cultural sensitivity. "In my current position, I have the privilege of serving our community, striving for justice and working with exceptional people. I am honored and humbled by this recognition, especially when there are so many deserving prosecutors in the commonwealth."



Photo by Jeff Thiebauth



Photo by Jeff Thiebauth

Naughton to receive MBA's Legislator of Year Award

by Tricia M. Oliver

The Legislator of the Year Award is presented annually to a state or federal legislator who has distinguished himself or herself in public service through outstanding contributions to the legal profession, courts and administration of justice.

State Rep. Harold P. Naughton Jr. (D-Clinton) will be presented the 2009 Legislator of the Year Award. In addition to his native town of Clinton, Naughton represents Worcester County's Boylston, Northborough and parts of Sterling and Lancaster.

MBA President Edward W. McIntyre, a Clinton resident, has seen firsthand Naughton's commitment to the legal community and constituents. "The people of the commonwealth are the ultimate beneficiaries of his work to appropriately resource the full administration of justice spectrum."

Naughton realizes that the current economic climate has affected court resources and is "difficult for hardworking court personnel." He describes the current funding reality as a "shared sacrifice" with the state and the courts.

During a recent visit to Marlborough District Court, Naughton was told that the court was operating at 70 percent of the appropriate staffing model, while staff at Worcester Superior Court expressed similar sentiments. "Until we can turn this around and increase revenue, the citizens will notice a difference in the service provided," he said.

In addition to supporting proper court funding, Naughton has addressed other access to justice issues during his 14 years as a state representative. He has been an informed voice on matters such as fair compensation for the Committee for Public Counsel Services, bar advocates and district attorneys, as well as new court-

house construction throughout the commonwealth.

"In the United States, justice is the ultimate equalizing tool," Naughton said.

His commitment to the justice system was on display when then Gov. Mitt Romney attempted to shut down several district courts in Massachusetts. Naughton was strongly against such a move. He explained that actions taken in district courts are felt "immediately and personally by the community they serve."

Naughton grew up idolizing attorneys and loved reading fiction involving court cases. Now a practicing attorney, he brought copies of *To Kill a Mockingbird* and shared them with Iraqi judges during his most recent deployment in 2006.

He is one of the nearly 30,000 "new" veterans as a result of the conflicts in Iraq and Afghanistan. Naughton has been a member of the Joint Committee on Veterans and Federal Affairs since its inception in 2005 and he proudly took over as House chair in February.

Naughton said his primary job as chair is answering the question, "How does the community step up to serve the needs of these young adults coming home?" He explains that swiftly addressing veterans' needs early on means sparing courts and social services more work down the road.

Naughton and his staff are well connected with his constituents and enlist a highly responsive approach. "Even though our office may be answering our 100th call of the day, that call might be that caller's most important call of that day," Naughton said.

"Constituent service is his hallmark," said McIntyre of Naughton. "He includes the bench and bar of Central Massachusetts among his constituents and both have no greater supporter than 'Hank' Naughton."

Tyrrell recognized with MBA President's Award

by Tricia M. Oliver

Jayne B. Tyrrell, executive director of the Massachusetts Interest on Lawyers' Trust Accounts program, is the President's Award recipient.

The award is bestowed by the MBA president 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 its initiatives and to the promotion of its leadership role within the Massachusetts legal community.

"Jayne's dedication to the core values of the MBA, including access to justice, inspires everyone who comes in contact with her," MBA President Edward W. McIntyre said. He added that coming into contact with Tyrrell is relatively easy "because she seems to be intimately involved in every access to justice initiative in the commonwealth and has been for nearly a quarter of a century."

Tyrrell has worked with IOLTA for nearly two decades. After first approving IOLTA as a voluntary program in 1985, the Supreme Judicial Court made it mandatory in 1989. Tyrrell was hired as a consultant at that time to help with the transition of the new requirements of all participating attorneys to keep nominal, short-term client deposits in interest-bearing accounts. Following that transition, she accepted the offer to serve as executive director and 20 years later, remains passionate about her influential role.

Tyrrell is a past president of the National Association of IOLTA Programs. She is the co-chair of the Boston Bar Association Task Force on Expanding the Right to Counsel and is a member of the National Coalition on Civil Right to Counsel and the Supreme Judicial Court Working Group on Limited

Assistance Representation.

"Jayne has earned a national reputation for her innovative collaborations with banking institutions, successfully helping them realize that they too have a role to play in addressing the unmet legal needs of the poor," said McIntyre.

"Every five years, my job totally changes," said Tyrrell, who weathered the most recent obstacle by successfully requiring banks to pay interest on IOLTA accounts at rates comparable to similar commercial accounts.

Defending IOLTA has always been a big part of Tyrrell's job.

When the constitutionality of IOLTA was questioned on the federal stage, she was enlisted as part of the litigation strategy team for the federal case that led to the U.S. Supreme Court's 2003 5-4 majority decision in favor of IOLTA.

"Half of my office used to be filled with litigation files," said Tyrrell. Strong advocacy for legal services has been a common thread throughout her legal career.

Following her graduation from Suffolk University Law School, she served as the assistant director on a groundbreaking study of the legal needs of the poor in Boston. Tyrrell describes the study results as "eye opening" and something that set the groundwork for her professional aspirations.

"I've had so many fantastic jobs," said Tyrrell, who is recognizably satisfied with her chosen career path and finds her current IOLTA post enjoyable despite the difficult economic climate.

Tyrrell responded modestly to the news of her award and opted to shine the spotlight on those on the front lines of legal services delivery. "Those are the real heroes," she said.



Photo by Jeff Thiebauth

Mock Trial Championship

continued from page 1

Agnes told the students he has heard more than 1,000 real trials, and “It would be an honor and a pleasure for me to have any of the participants here today appear before me.”

“On cross-examination, we saw some demonstrations of great skill,” Agnes said. The opening statements were impressive, but “We were absolutely blown away by the closing arguments. It was truly a pleasure for me to be here today.”

Casey told the students, “This is not an easy thing to do at any stage in life.” Both teams’ ability to think on their feet demonstrated that “Clearly, you’re the best of the best.”

For more than two hours, Sharon prosecuted the case and Maimonides represented the defendant, an Iraq War veteran charged with first-degree murder in connection with the July Fourth shooting death of his former high school enemy. Maimonides raised posttraumatic stress disorder as an insanity defense.

In the end, Sharon secured a guilty verdict against the defendant, “Sazer Larson.” However, Maimonides won the championship because it received a higher score from the judges, who based their calculations on a number of factors, including presentation and knowledge of both the case and law.

The Mock Trial Program began its 24th year in January. The competition places high school teams from 16 regions across the state in simulated courtroom situations where they assume the roles of lawyers, defendants and witnesses in hypothetical cases. More than 120 teams competed in this year’s competition.

“I hope you have found this competition a rewarding opportunity so far — something that has brought about a greater appreciation of yourselves, your classmates, the law, court proceedings and the American judicial system,” said MBA Vice President Robert L. Holloway Jr. “I’m confident that this experience will serve you well as you continue to gain self-confidence along your paths to college and adulthood.”

As the Maimonides team celebrated its win, the co-captains said the competition had been so fierce that they had no idea who would win until the judges announced they had bested Sharon.

“We knew they were good, but we didn’t know how

good,” said Maimonides Co-Captain Michael Kosowsky.

Despite the loss, Sharon High School Co-Captain Adam Maidman said the team took pride in making significant improvement since starting this year’s tournament.

“The change from October to this week is so big,” said Maidman. He and Co-Captain Ethan Richman were the only two seniors on the team.

After months of trying the same case over and over, Maimonides Co-Captain Leah Sarna said the team is looking forward to competing in the national tournament with a new case to argue.

“We’re really excited for the challenge,” she said.

Maimonides Co-Captain Harry Chiel credited the school’s tight-knit community with helping the team — which is roughly one-tenth of the school’s entire population — prepare for the championship round.

The Mock Trial Program is administered by the MBA, and made possible by the international law firm of Brown, Rudnick, Berlack, Israels LLP through its Center for the Public Interest in Boston. It has contributed \$25,000 per year to the program since 1998.

A portion of Maimonides’ trip to Atlanta will be funded by a donation from the MBA’s philanthropic partner, the Massachusetts Bar Foundation. MBF President Laurence M. Johnson, who presented a ceremonial check to the team, said he has been trying cases for 44 years and found the students well-prepared and articulate and exhibited self control and maturity.

“The things you did are just extraordinary,” Johnson said, encouraging the students to pursue legal careers.

For more information on the MBA Mock Trial Program, visit www.massbar.org/mock, or contact Mock Trial Central at (617) 338-0570 or mocktrial@massbar.org.



Photos by Christine Peterson

Maimonides School Co-Captain Michael Kosowsky accepts a check from MBF President Laurence M. Johnson that will help pay for the team’s travel expenses to Atlanta.



Maimonides School Co-Captain Michael Kosowsky holds the championship bowl, with the state championship judging panel, from left to right, Hon. John D. Casey, Hon. Peter W. Agnes and Hon. Howard J. Whitehead.

Law Practice Management Practice Tips

The revolution will not be televised; it will be tweeted

If you haven’t used Twitter, now is the time to start. Twitter is a free microblogging Web site that allows users to post short (140 character) “tweets” covering whatever subject they wish. Attorneys are utilizing Twitter as a way to produce short bursts of information that do not take much time to create or to view. Smart attorneys, who are cognizant of social networking as a marketing tool, are using Twitter to promote themselves and their practices. Visit Twitter.com to set up an account. For a take on Twitter as marketing tool, visit the LOMAP Blog. Or find a quick user guide for beginners at CNET.com.

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Trial Court Orientation better preps attorneys with practical tips for trial

by Tricia M. Oliver

Always a popular offering, the MBA's Trial Court Orientation drew nearly 70 attorneys to the John Adams Courthouse on March 25. Participants heard from distinguished panelists from the District, Juvenile, Boston Municipal and Probate and Family Courts.

Chief Justice for Administration and Management Robert A. Mulligan offered some opening remarks that set the stage

for practical advice for the audience made up of recently admitted attorneys and seasoned attorneys looking to expand their practice areas.

MBA President Edward W. McIntyre provided a complimentary introduction for the chief justice. "His leadership has been instrumental in carrying forth court innovations that have caught the attention of the nation, implementing efficiency, responsiveness and quality measures to enhance the Trial Court system not only for us as practitioners, but more importantly, for the citizens we serve," McIntyre said.

Mulligan was quick to get right to words of wisdom on the nuts and bolts of trial preparation. He suggested to the crowd that it should put much care and attention to both opening statements and closing arguments. "Draft your final argument before

you begin your case. This may be the best way to focus on what you need to prove."

He spoke fondly of his years as a Superior Court judge and remarked how he was continually surprised by attorneys' lack of personalizing their plaintiff for the judge and jury.

Following Mulligan, the opening panel was led by the Hon. John A. Curran Jr., first justice, Leominster District Court. The other lead panelists throughout the day included the Hon. Michael F. Edgerton, chief justice, Juvenile Court; the Hon. Paula M. Carey, chief justice, Probate and Family Court; and the Hon. Robert Ronquillo Jr., first justice, Boston Municipal Court, East Boston Division.

Three more three-person panels followed to provide attendees with helpful information regarding jurisdiction, tips from a clerk and the role of probation.

Following each panel, attorneys and panelists engaged in a comfortable exchange of questions and answers. The day-long program came to a close with a net-



Chief Justice for Administration and Management Robert A. Mulligan.

working reception.

The MBA will offer a second installation of the Trial Court Orientation program featuring the Housing Court, Land Court and Superior Court later this year.



Photos by Tricia M. Oliver

Audience members listen to a panel's advice.

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MIND YOUR OWN BUSINESS

What is VoIP? Save money by placing telephone calls over the Internet

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

by John A. Stone, co-founder
TCG Network Services
jstone@tcgns.com

Voice over IP explained

By now, you may have heard about Voice-over-Internet Protocol (VoIP). But if you are like many lawyers, you still are not clear on what it could mean for your practice. Knowing the facts can help you make an educated business decision about this technology.

VoIP defined

Voice-over-Internet Protocol essentially transmits conversation into data. VoIP services convert your voice into a digital signal that can travel over a data network, like an e-mail you send. VoIP is incorporated directly into your business' data network using your network cables and becomes a seamless part of your infrastructure. It is a telephony standard that has proven to be extremely cost efficient as well as powerfully productive.

So what do you need to know about VoIP?

Here to stay

The most important thing to know is that VoIP has hit Main Street and is no longer considered an emerging technology, but an established standard. Telephone system technology is now run by servers, not screwdrivers, as IT professionals play an ever-increasing role in its implementation. The overwhelming majority of new business telephone systems are VoIP-based.

Cost reductions

VoIP offers considerable cost savings in long-distance charges since calls are made over the Internet, especially for firms with multiple offices or significant long-distance calling.

Other cost savings come from the scalability of VoIP technology. Traditional phone systems require users to pay for any changes or upgrades they may need; for example, adding extensions when people are hired or changing extensions during reorganizations. With VoIP, the system is software-based and can be upgraded and changed to fit your needs easily. In fact, 90 percent of changes can be made by an of-

fice administrator with a click of the mouse or remotely by your vendor.

Since these systems are software-driven, investments in this technology are protected from obsolescence as new and custom features can be added easily to address needed functionality.

VoIP technology also adds business tools and enhances existing ones, providing more efficiency with business operations and leveraging your current technology investment.

Regardless of how VoIP is used, it lowers a firm's total phone bill and its total cost of ownership by leveraging your existing technology investments like Internet, e-mail and even cell phones.

Continuity of business

Business interruptions can adversely affect the ongoing operations of any organization. Inclement weather, illness, security issues and other factors can all prevent access to your phone system and your clients. But with VoIP, just because your building closes doesn't mean your business has to.

Productivity and continuity are maximized with VoIP, as users can receive all e-mails and handle live calls regardless of their physical location. Back-up and disaster recovery features ensure that important voicemail, data and programming are not lost in the event of a catastrophe.

Unified communications

VoIP allows users to have voice, e-mail, text, fax, chat and calendaring all in one place — *wherever you are*. By converging all of these communications tools, businesses are maximizing productivity, client service and client confidentiality.

VoIP delivers complete accessibility to contacts regardless of a caller's location. When clients call, they can find you and have more options than simply leaving a message. Calls can be forwarded or screened seamlessly. Users can create a private message for a designated caller.

Powerful audio conferencing ability allows for easy scheduling, status checks on participants and more productive sessions. Presence management provides tighter collaboration between peers.

The ability to record calls and retain call records is a straightforward process, allowing firms to enhance operations and accountability and avoid potential legal and professional pitfalls.

Implementation options

The far-reaching advantages of VoIP are

compelling businesses of all sizes to rapidly embrace this technology. While researching and evaluating the many product and service options available, key decisions related to the organization's business drivers, corporate culture and company policies need to be made.

During this process, perhaps the most important choice that management will face is whether to own or rent. There are clear advantages and downsides to both an on-premise (in-house) solution and an off-premise (hosted) model.

Hosted VoIP has lower start-up costs and then a monthly fee for each phone or user connected to the host. Other than phones and a special router, the system resides and is managed off site. This type of service runs exclusively over your Internet connection, helping reduce costs associated with land lines. The most popular productivity features are widely available with hosted solutions, but they are limited to the host's feature set and generally cannot be changed. Hosted VoIP is a fixed monthly service provided on an annual contract basis, much like a traditional phone company.

In-house VoIP involves a capital purchase or lease, yet ongoing recurring costs are minimal. Businesses can utilize one or a combination of connections, including Internet, copper or digital lines. Features abound in these systems and additional functionality can be added through regular software updates. In general, companies have much more control over how the system works on a daily basis. In-house VoIP is a corporate asset that becomes part of your network.

VoIP technology has become mainstream, bringing the same tools that Fortune 500 companies use to small and medium-sized businesses. Regardless of the size of your organization, VoIP technology is now accessible, scalable and affordable.

Officer, regional delegate slates for 2009-10 announced

Led by past President David W. White Jr., the Massachusetts Bar Association Nominating Committee has issued its report for the 2009-10 nominations for MBA officers and regional delegates.

The committee was composed of White, past presidents William E. Bernstein, Warren F. Fitzgerald, Michael E. Mone and Camille F. Sarrouf, and Paul H. Rothschild and Ingrid C. Schroffner.

Valerie A. Yarashus automatically succeeds to the office of president on Sept. 1. Pursuant to Article VII, Section 2 of the MBA Bylaws, the committee has filed with MBA Secretary Douglas K. Sheff the following list of other officers for the 2009-10 association year:

Officers

President-elect	Denise Squillante
Vice President	Douglas K. Sheff
Vice President	Richard P. Campbell
Treasurer	Robert L. Holloway Jr.
Secretary	Jeffrey N. Catalano

Regional delegates

Region 1	Susan A. Huettner
Region 2	Sara J. Trezise
Region 3	Miriam H. Babin
Region 4	David R. Roulston
Region 5	Mary Jo Kennedy
Region 6	Walter A. Costello Jr. John J. Vasapoli
Region 7	Lee J. Gartenberg Martha Rush O'Mara Kevin G. Diamond
Region 8	Robert W. Harnais Fern L. Frolin
Region 9	Angela C. McConney Stephen Y. Chow Anthony J. Benedetti John J. Carroll
Region 10	James G. Reardon Jr. James T. Van Buren

For information about MBA officer positions, refer to Article VI of the MBA's Bylaws. For information on committees and boards, refer to Article VII of the MBA's Bylaws.

To read the MBA Bylaws, visit www.massbar.org/about-the-mba/mba-bylaws or contact Executive Administrator Gwen Landford at glandford@massbar.org.

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

Eco-Tips

Energy conservation

1. Save energy by installing or using a power management feature for your computer. The feature, often already installed on most operating systems, puts your computer, CPU or hard drive 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.

2. Create an after-hours and weekend thermostat setting: If you know your employees aren't going to be in the office, create a setting that conserves more energy during these hours. Be sure to allow an override function so that it can be changed if someone decides to come in to work.

3. Buy smaller monitors: You can reduce your monitor's consumption by up to 30 percent by using a monitor only two inches smaller.

Environmentally conscious purchases

A staggering 500 million batteries are purchased in the United States each year, and when they are done powering your personal electronics, they go straight into landfills, releasing toxic chemicals into the environment. Switching from disposable to sustainable rechargeable batteries, which cost a bit more upfront but can be used as much as 3,000 times, provides an incredible cost savings in the long run and can have up to 30 times less impact on the environment according to a study done earlier this year.

To learn more about rechargeable batteries and where to recycle batteries visit www.rbr.org.

Greenhouse gas reduction

Support alternative schedules: Allow employees to work longer hours, but fewer days, in order to let them stay at home once a week or more.

Green Guidelines released for Eco-Challenge

by Jennifer Rosinski

Choose indigenous plants as an alternative to a traditional lawn. Use a push mower instead of one powered by gas. Water only when your grass shows signs of drought. Use bugs instead of pesticides. These are some key suggestions in the latest Green Guidelines, which were released on Earth Day last month as part of the Massachusetts Bar Association Lawyers Eco-Challenge.

The Green Guidelines, Landscape Management, are available for viewing at www.massbar.org/ecochallenge. They were e-mailed to Pledge Partners on April 22 and included in the April 23 *e-Journal*.

"The new Green Guidelines, Landscape Management, are a terrific tool for helping Eco-Challenge partners take their energy, water and other resource conservation measures from their offices to the outdoors," said Susan Reid, co-chair of the Energy and Environment Task Force and staff attorney at the Conservation Law Foundation, the MBA's Eco-Challenge partner.

"This is a new opportunity for participants to visibly lead by example in their communities as they embrace practical and environmentally sound landscape management principles and tools," Reid said.

The guidelines are broken down into two major categories, "go natural" and "thoughtful lawn care." The first half promotes natural landscaping and provides resources to put the suggestions into action. The second part outlines ways to become more environmentally friendly in the areas of mowing, watering, pollution, fertilizers, planting, lighting and soil. Among the tips are limiting lawn watering, preventing runoff, using homemade fertilizers and soil testing.

All sizes of law firms and legal businesses are asked to implement these new guidelines to the best of their ability, whether it be changing one common practice or overhauling the entire landscaping plan. Those who hire a landscaping service can share the guidelines with that company, and legal practitioners can implement the guidelines at their homes.

Current Eco-Challenge Pledge Partners are urged to

read over and execute the new guidelines as part of their pledge to employ environmentally sustainable practices. Those who have yet to make the pledge are urged to sign up at www.massbar.org/ecopledge before putting the guidelines into effect.

The negative effects of traditional landscaping practices are overwhelmingly supported by government reports and statistics. For example, according to the U.S. Environmental Protection Agency, one hour of mowing is the equivalent of driving 350 miles in terms of releasing volatile organic compounds. And more fuel is spilled each year filling up mowers than was lost in the entire Exxon Valdez oil spill.

If adhered to, these new guidelines will reduce the need for garden equipment and pesticides. Letting grass grow longer is one of the many suggestions under the mowing section of "thoughtful lawn care." Cutting grass after it reaches three inches, especially in the spring, keeps crabgrass under control to the same degree as using herbicides, according to University of Maryland research.

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

The proceeds from New England cell phone collections are directed toward organizations that work to prevent domestic violence and assist survivors through purchasing and donating refurbished phones with airtime or paying for special projects.

The MBA launched the Eco-Challenge with CLF in September 2007. Nearly 100 firms, attorneys or organizations have signed the MBA Lawyers Environmental Pledge to join the Eco-Challenge.

May 4 Shakespeare and the Law tackles politics, race in Obama's America

Ralph Boyd, a former Department of Justice Civil Rights Division head and the current chairman and CEO of the Freddie Mac Foundation, will host a discussion on racial politics in Obama's America at Shakespeare and the Law's staged reading of *Othello* on Monday, May 4.

The production will feature Wayne Budd, a Goodwin Procter partner and a former U.S. attorney, who will play Othello. This year's Shakespeare and the Law production will be held at 5:30 p.m. at the Virginia Wimberly Theatre at 527 Tremont St. in Boston.

The first hour of the program will feature prominent judges, public officials and members of the bar performing an abridged version of the play, directed by Commonwealth Shakespeare Company's Artistic Director Steven Maler and produced by McCarter & English Partner Daniel J. Kelley. The event is co-sponsored by the MBA, the Federalist Society, the Commonwealth Shakespeare Company and McCarter & English LLP.

Following the performance, a panel will discuss the legal and political issues addressed in the play and their application to today's headlines. The play implicitly asks whether race is a factor in the tragedy of Othello's undoing.

The participants will discuss whether Obama's election makes racial preference laws and regulations an anachronism and whether the goals of the civil rights struggle have been fulfilled. The participants will also discuss whether racial prejudice still exists in the political and corporate arena and whether it will become an issue at the presidential level if Obama's programs are not successful.

Participants will include federal judges Douglas Woodlock, Rya Zobel, Dennis Saylor and Nathaniel Gorton; former Civil Rights Commissioner Jennifer Bracer and Ropes & Gray Managing Partner John Montgomery.

The event is free. Members of the public must R.S.V.P. prior to the event to the Federalist Society c/o Dottie Moore at (617) 449-6617 or dmoore@mccarter.com.

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President's view: ethics

continued from page 1

School David Link has observed the law to be one of the great healing professions alongside the clergy and medicine.

Last fall, at the University of Windsor Eleventh Colloquium on the Legal Profession, Archer said, "On an individual level, if we approach our life's work as healers, if we reorient our thinking to take advantage of the power of healing, we can do much good for our clients and others."

The approach Archer mentions is timeless.

To argument and criticism, Abraham Lincoln would respond with commendation rather than confrontation. Critics and opponents ultimately came to value his open, non-defensive language as he sought to heal the nation.

In his lecture notes, Lincoln defined his understanding of the calling of a lawyer. "Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser — in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man. There will still be business enough."

According to Ronald C. White Jr., in *A. Lincoln*, Lincoln understood his role as a lawyer to be a mediator and recognized that while at first glance a dispute seemed to be between two persons it almost always involved the whole community. He would urge his clients to settle be-

cause he knew these people had to go on living together in their communities, after they had their day in court. Even when dealing with corporations, such as the powerful Central Illinois Railroad, Lincoln looked to be the mediator.

In modern times, healing and mediation are embodied in an evolving "therapeutic jurisprudence" movement. Simply defined, therapeutic jurisprudence is the use of social sciences to examine how the law impacts the well-being of those it serves.

Simply defined, therapeutic jurisprudence is the use of social sciences to examine how the law impacts the well-being of those it serves.

Professor Bruce Winick, a scholar of therapeutic jurisprudence encourages attorneys to see themselves as therapeutic agents. "Lawyers should seek to apply an ethic of care in their practices, and the profession should teach this to subsequent generations."

In 2000, the Conference of Chief Justices and the Conference of State Court Administrators joined the lawyer-as-healer discussion with joint resolutions centered on unconventional processes to address complex social issues and problems; a focus on remedies; and the benefits of therapeutic jurisprudence.

Currently, therapeutic efforts are being applied in experimental pilots. Two involve domestic relations proceedings and the use of non-adversarial language in filings and pleadings.

Applying these thoughtful and wise principles more broadly in earnest today may help bring about Chief Justice Burger's vision of legal professionals as "healers of conflict."

Law Practice Management Practice Tips

Don't let a disaster shut you down

For the average law firm, a disaster can consist of that most common event: the computer hard-drive died. However, implementing a simple disaster recovery plan can protect you and your clients from harm and allow you to get back to business within hours.

A successful disaster plan for electronic files creates a redundant backup system that consists of daily backups, a full weekly backup (which is stored off-site) and an off-site encrypted backup of critical data stored at least 100 miles from your office.

Verify that each part of the system is working by running an appropriate test or attempting to restore a few files. A redundant system allows you to be prepared for multiple failures in the backup system, and still allows you to be ready to work again within a reasonable time.

For more information on how to create a plan, contact Law Practice Management Section Co-chairs Alan J. Klevan or Rodney Dowell.

For publications on how to establish a successful plan contact Massachusetts Bar Association Publications Attorney Garrett T. Scheck, Esq. at (617) 338-0544 or gscheck@massbar.org.



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WESTERN MASS. NEWS

MBA launches Western Mass. CLE simulcast



Photo by Christine R. Baronas

The first MBA simulcast Continuing Legal Education program was presented on March 31. Attorneys Justin H. Dion and Francis R. Mirkin of Bacon Wilson PC, Springfield, presented a program, "Foreclosures," that ran live in Springfield and was simulcast in Worcester. The program was part of the MBA's popular "Critical Skills Series — Expanding Your Practice in a Shrinking Economy."

NEWS FROM THE COURTS

FEDERAL COURTS

U.S. Court of Appeals amendment to Local Rule 30.0

The U.S. Court of Appeals for the First Circuit has announced that amendments to Local Rule 30.0 will become effective on May 14, 2009.

The amendments and notice give guidance to counsel as to what documents should typically be included in the appendix. In the near future, the district courts will cease printing and transmitting a full paper record in cases where appellant is represented by counsel. Thus, for the convenience of the court, counsel will need to ensure that the addendum and appendix, combined, include those parts of the record necessary to understand the issues on appeal. The notice to counsel may be modified from time to time as experience warrants.

For more information, go to www.ca1.uscourts.gov and click on "What's New in the First Circuit."

New Probate and Family Court rules effective May 1

The Supreme Judicial Court approved rules changes in the Probate and Family Court effective May 1, 2009. The changes, which had been recommended by the Probate and Family Court Bench/Bar Committee on Rules, affect the Massachusetts Rules of Domestic Relations Procedure, the General Rules of the Probate Court, and the Supplemental Rules of the Probate Court.

Admission to practice rules change goes into effect July 1

Six changes to chapter three of the rules of the Supreme Judicial Court, dealing with admission to practice in Massachusetts, have been amended and will take effect on July 1, 2009.

Amended Board of Bar Examiners admission standard goes into effect July 1

An amendment to the rules of the Board of Bar Examiners dealing with Rule 5, which addresses character and fitness standards of admission, has been approved by the Supreme Judicial Court and will become effective on July 1, 2009.

MASSACHUSETTS COURTS

To read changes and notices included below, go to the Supreme Judicial Court's Web site at www.mass.gov/courts/sjc and go to the "Announcements" section.

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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

30th Annual Labor & Employment Law Spring Conference

Tuesday, June 2

The Colonnade Boston Hotel, 120 Huntington Ave., Boston

Demystifying the Federal Court — Western Style Justice

Tuesday, June 9, 3-5:30 p.m.

U.S. Courthouse, 300 State St., Springfield

The Civil Litigation Section is hosting a tour of the new federal courthouse. Participants will receive practical information from the bench about litigating a civil case in the Springfield Federal Court.

Third Annual Public Law Conference

Wednesday, June 10

MBA, 20 West St., Boston

Annual Solo & Small Firm Law Practice Management Symposium: Keeping Competitive in Uncertain Times

Thursday, June 11, 9 a.m.-4 p.m.

Courtyard by Boston Marriott, Marlborough

Recent

On April 8, the **Lawyers in Transition Committee** hosted Paul Scapicchio as a luncheon speaker at the MBA's offices at 20 West St. in Boston. Scapicchio, a senior vice president of government relations at ML Strategies and a former Boston city councilor, discussed the challenges of moving between the public and private sectors in different roles.

He also spoke about the field of government relations: how one breaks into it, how it differs from traditional practice and how success is measured.

The **Juvenile & Child Welfare Section** held an open meeting on April 16 at Western New England College School of Law in Springfield that included two judges from Hampden County Juvenile Court.

The program, titled "What You Need to Know About School Discipline and the Juvenile Court," included: the Hon. James G. Collins; the Hon. Daniel J. Swords; state Sen. Gale D. Candaras; Marlies Spanjaard of the EdLaw Project in Boston; Clare L. Thompson of Doherty, Wallace, Pillsbury & Murphy PC in Springfield; and was moderated by Peter A. Hahn of Hilton, Sindelar & Hahn in Newton.

The panel discussed the law of school suspension and expulsion, the relationship between Juvenile Court cases, education law and student discipline, advocacy tips for attorneys, policy issues and proposed legislation.

Deadline for 2010 legal services grant funds is June 5

The Legal Services Corporation (LSC), the national organization charged with administering federal funds provided for civil legal services to low-income people, announced the availability of competitive grant funds for 2010.

A request for proposals and other information for the grants competition is available at www.grants.lsc.gov.

Applicants must file a notice of intent to compete by Friday, May 15. Grant proposals are due on Friday, June 5. LSC is seeking proposals from:

- Non-profit organizations whose purpose is providing legal assistance to eligible clients;
- Private attorneys;
- Groups of private attorneys or law firms;
- State or local governments; and
- Sub-state regional planning and coordination agencies that are composed of sub-state areas and whose governing boards are controlled by locally elected officials.

LSC will hold a telephone applicant informational session on Wednesday, May 6, at 2 p.m. to provide assistance in preparing competitive grant applications. For further information, visit www.grants.lsc.gov.

M A S S A C H U S E T T S B A R A S S O C I A T I O N

UPCOMING CONFERENCES

30th Annual Labor & Employment Law Spring Conference

COURSE #: LEG09

Tuesday, June 2
9 a.m.-4:30 p.m.

The Colonnade Hotel,
120 Huntington Ave., Boston

HIGHLIGHTS:

- Tough Decisions in Tough Economic Times
- Challenges and Strategies for Managing the Diverse Workforce
- **Luncheon keynote speaker:**
Jonathan Hiatt, Esq.
General counsel, AFL-CIO
- Survey of Employment Law Developments
- Networking reception



JONATHAN HIATT

Sponsored by the Labor & Employment Law Section

Health Law Conference

COURSE #: HLH09

Friday, June 5, 9 a.m.-1:30 p.m.

MBA, 20 West St., Boston

TRACK ONE HIGHLIGHTS:

- Health Care Employer Traps for the Unwary
- Federal Regulations in the Health Care Marketplace
- Consumer Issues: Health Care Access, ERISA Developments, Medical Debt and New Developments in Children's Health Issues

TRACK TWO HIGHLIGHTS:

- Recent Developments in Medical and Dental Malpractice Law
- Practice Before the Boards of Registration in Medicine, Dentistry and Nursing
- Criminal Liability of Health Care Practitioners
- Obtaining Information from the Department of Public Health



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Sponsored by the Business Law, Civil Litigation, Criminal Justice, General Practice, Solo & Small Firm, Labor & Employment Law, Health Law Sections and the Young Lawyers Division

Third Annual Public Law Conference

COURSE #: PUB09

Wednesday, June 10
9 a.m.-2 p.m.

MBA, 20 West St., Boston

HIGHLIGHTS:

- Demystifying the Attorney General's Office: Its Structure and Function
- The New Massachusetts Data Handling/Privacy Law and Regulations
- Initiating and Responding to Public Records Requests
- **Luncheon:**
The Governor's Task Force on Public Integrity, featuring:
Former Attorney General Scott Harshbarger



SCOTT HARSHBARGER

Sponsored by the Public Law Section

Annual Solo & Small Firm Law Practice Management Symposium

Keeping Competitive in Uncertain Times

COURSE #: GPF09

Thursday, June 11
9 a.m.-4 p.m.

Courtyard Marriott Marlborough
75 Felton St., Marlborough

TRACK ONE HIGHLIGHTS:

Tips for a More Fulfilling Law Practice

- Time Management and Client Considerations
- The Non-Billable Hour: Can I Make Money with Flat Fee Billing?
- Finding Your Bottom Line: Why Budget?
- Who Am I? Marketing and Branding Yourself in the Web 2.0 World
- Disaster Recovery and Data Security
- The Best of the ABA TECHSHOW 2009

TRACK TWO HIGHLIGHTS:

Staying Successful in a Down Economy

- Real Estate Practice in Uncertain Times
- Selected Topics in Bankruptcy
- Selected Topics in Family Law
- Personal Injury Practice Tips
- District Court Criminal Practice

Sponsored by the General Practice, Solo & Small Firm and Law Practice Management Sections

For the most up-to-date conference details, complete schedules and lists of faculty, visit www.MassBar.org/CLE.

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Statement of Ownership, Management, and Circulation

1. Publication Title: **LAWYERS JOURNAL**

2. Publication Number: **01-9651**

3. Filing Date: **12/09/08**

4. Issue Frequency: **MONTHLY (EXCEPT AUGUST-DECEMBER)**

5. Number of Issues Published Annually: **10**

6. Annual Subscription Price: **MEMBERS \$20 NON-MEMBERS \$30**

7. Complete Mailing Address of Known Office of Publication (Not printer) (Street, city, county, state, and ZIP+4):
**20 WEST STREET
 BOSTON, MA 02111-1204**

Contact Person: **BILL ARCHAMBEAULT
 Telephone: 617-328-0676**

8. Complete Mailing Address of Headquarters or General Business Office of Publisher (Not printer):
**20 WEST STREET
 BOSTON, MA 02111-1204**

9. Full Names and Complete Mailing Addresses of Publisher, Editor, and Managing Editor (Do not leave blank):
 Publisher (Name and complete mailing address):
**MASSACHUSETTS BAR ASSOCIATION, INC.
 20 WEST STREET
 BOSTON, MA 02111-1204**
 Editor (Name and complete mailing address):
**BILL ARCHAMBEAULT, MASSACHUSETTS BAR ASSOCIATION, INC.
 20 WEST STREET
 BOSTON, MA 02111-1204**
 Managing Editor (Name and complete mailing address):
NONE

10. Owner (Do not leave blank. If the publication is owned by a corporation, give the name and address of the corporation immediately followed by the names and addresses of all stockholders owning or holding 1 percent or more of the total amount of stock. If not owned by a corporation, give the names and addresses of the individual owners. If owned by a partnership or other unincorporated firm, give its name and address as well as those of each individual owner. If the publication is published by a nonprofit organization, give its name and address.)

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12. Tax Status (For completion by nonprofit organizations authorized to mail at nonprofit rates) (Check one)
 Has Not Changed During Preceding 12 Months
 Has Changed During Preceding 12 Months (Publisher must submit explanation of change with this statement)

PS Form 3526, October 1999 (See Instructions on Reverse)

13. Publication Title: **LAWYERS JOURNAL**

14. Issue Date for Circulation Data Below: **NOVEMBER 2008**

15. Extent and Nature of Circulation		Average No. Copies Each Issue During Preceding 12 Months	No. Copies of Single Issue Published Nearest to Filing Date
a. Total Number of Copies (Net press run)		15,294	13,568
b. Paid and/or Requested Circulation	(1) Paid/Requested Outside-County Mail Subscriptions Stated on Form 3541, (include advertiser's proof and exchange copies)	12,596	8,791
	(2) Paid In-County Subscriptions Stated on Form 3541 (include advertiser's proof and exchange copies)	2,514	4,956
	(3) Sales Through Dealers and Carriers, Street Vendors, Counter Sales, and Other Non-USPS Paid Distribution	0	0
	(4) Other Classes Mailed Through the USPS	28	20
c. Total Paid and/or Requested Circulation (Sum of 15b. (1), (2), (3), and (4))		15,138	13,367
d. Free Distribution Outside the Mail (Carriers or other means)	(1) Outside-County as Stated on Form 3541	0	0
	(2) In-County as Stated on Form 3541	0	0
	(3) Other Classes Mailed Through the USPS	0	0
e. Total Free Distribution (Sum of 15d. and 15e.)		100	100
f. Total Distribution (Sum of 15c. and 15e.)		15,238	13,467
g. Copies not Distributed		100	100
h. Total (Sum of 15g. and h.)		15,338	13,567
i. Percent Paid and/or Requested Circulation (15c. divided by 15g. times 100)		99.34%	98.52%

16. Publication of Statement of Ownership: Publication required. Will be printed in the **DEC/JAN** issue of this publication. Publication not required.

17. Signature and Title of Editor, Publisher, Business Manager, or Owner: **Silvia M. Oliver** Date: **12/9/08**

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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- Complete and file one copy of this form with your postmaster annually on or before October 1. Keep a copy of the completed form for your records.
- In cases where the stockholder or security holder is a trustee, include in items 10 and 11 the name of the person or corporation for whom the trustee is acting. Also include the names and addresses of individuals who are stockholders who own or hold 1 percent or more of the total amount of bonds, mortgages, or other securities of the publishing corporation. In item 11, if none, check the box. Use blank sheets if more space is required.
- Be sure to furnish all circulation information called for in item 15. Free circulation must be shown in items 15d, e, and f.
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- If the publication had Periodicals authorization as a general or requester publication, this Statement of Ownership, Management, and Circulation must be published; it must be printed in any issue in October or, if the publication is not published during October, the first issue printed after October.
- In item 16, indicate the date of the issue in which this Statement of Ownership will be published.
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Get Involved!

Western Mass. Dial-A-Lawyer seeks volunteers

The Massachusetts Bar Association's Western Mass Dial-A-Lawyer program is currently seeking volunteers from Berkshire, Franklin, Hampshire and Hampden Counties to volunteer for a two-hour shift on Wednesday, May 20 from 5:30 to 7:30 p.m.

Volunteers take calls from the public answering basic legal questions at the semi-annual Dial-A-Lawyer program being held at the Western New England College School of Law. The work is extremely rewarding, and it is also great fun. Please contact either Christine Baronas at (413) 731-5134 in the MBA's Springfield office or Stephanie Calderon at (617) 338-0563 in the MBA's Boston office for more information.



File photo

Veterans training May 29: "Representing Clients Before the Department of Veterans Affairs"

Join nationally known veterans law expert Michael Taub, director of the Veterans Project at the Homeless Advocacy Project in Philadelphia for this session, and you will leave with a clear understanding of VA benefit programs and substantive law, as well as practical tips for navigating VA procedures. This program, Friday May 29 from 8:30 a.m. to 1 p.m. at the Massachusetts Bar Association offices in Boston, will cover the structure and organization of the VA, details of the claims procedure, including initial claims, claims to reopen old claims and rating increases at the regional offices. General eligibility requirements will be updated, as will rights to appeal, the process for securing disability compensation, dependency and indemnity compensation and pensions. **Attorneys must be accredited by the VA to attend this training.**

Attorneys representing claimants for veterans benefits must be accredited by the Department of Veterans Affairs and must satisfy the CLE requirements contained in the May 2008 final rules. Applications for accreditation as a claims agent or attorney (VA Form 21a) or as a service organization representative (VA Form 21) are available online at www.va.gov/ogc/accreditation.asp. The applications

are relatively short and simple and the approval process generally takes approximately 30 days. The VA's regulations require completion of qualifying CLE during the first 12-month period following the date of initial accreditation by the VA to satisfy the requirements of 38 C.F.R. § 14.629(b). Therefore, attorneys must be accredited by the VA prior to attending this training in order to use this training to satisfy the VA's CLE requirement. This 3.0 hour CLE program satisfies the requirements of 38 C.F.R. § 14.629(b)(iii) and has been approved by the Maryland State Bar Association for 3.0 hours of MCLE credit.

This program is free for any MBA member who agrees to take one pro bono veterans benefits matter during 2009-10. MBA members making this commitment will also receive the 2008 LexisNexis Veterans Benefits Manual and Federal Veterans Laws, Rules and Regulations at no charge. MBA members may register for the course for \$160, non-members for \$250.

To register for this training, call MBA Member Services at (617) 338-0530 or e-mail membership@massbar.org or visit www.massbar.org/CLE.

The MBA's Veterans Programming is provided as a public service of the MBA with the financial support of the Massachusetts Bar Foundation.



April 1 Dial-A-Lawyer answers 122 calls

On April 1, Massachusetts Bar Association members answered 122 calls from the general public as part of the Dial-A-Lawyer program. This program has been in existence since 1991 and has helped thousands of people by giving them the opportunity to speak to an attorney via the telephone free of charge.

The April 1 program was co-sponsored by the Labor & Employment and the Family Law Sections. In addition to 13 MBA member volunteers, a total of seven section members staffed the Dial-A-Lawyer phones at the MBA's Boston office. If you are looking for an opportunity to volunteer and assist people who are in need or you are having a problem finding the time to volunteer because of your busy schedule and other commitments, the Dial-A-Lawyer program may be the best volunteer program for your schedule and interests.

The MBA is seeking attorney volunteers to staff the phones for our monthly Dial-A-Lawyer program on the first Wednesday of every month, from 5:30 to 7:30 p.m. This



Photo by Bill Archambeault

Dial-A-Lawyer volunteer attorneys Kenneth R. Bagnall, left, and Stuart Rosnick, right, answer calls.

is just a two-hour commitment, once a month, answering basic legal questions from the public on the telephone. We need your help. To volunteer, call (617) 338-0556 or e-mail lrs@massbar.org.



Foundation seeks sponsors for anniversary year

Support legal services

Please join the Massachusetts Bar Foundation's celebration of its 45th anniversary of supporting legal services in our state. The MBF invites you to sponsor our Anniversary Campaign to increase resources for legal aid organizations, many of which are experiencing devastating funding cuts while facing unprecedented demand from clients in need of assistance with critical issues, including domestic violence, housing and foreclosure, immigration and many others.

Save the date!

Anniversary activities will culminate with a Gala Dinner and fundraiser on Jan. 14, 2010, at the Colonnade Hotel in Boston. Mark your calendars!

We'll spread the word

In addition to supporting a great cause, the MBF anniversary presents a tremendous opportunity to get the word out about your firm, company or practice to a focused audience of the legal community. Opportunities are available at all levels to meet your organization's goals.

Looking for the perfect gift for a law school graduation, milestone birthday or colleague's promotion? The MBF can help

Mark these important occasions with a gift that really does keep on giving: a contribution to the Massachusetts Bar Foundation in honor of someone you care about. An honor gift made to the

MBF will go directly to support the delivery of legal aid programs for the poor in our state. The MBF will acknowledge your meaningful gift with a personal note sent directly to your designee.

For more information, contact MBF Development Director Susannah Thomas at (617) 338-0647 or stthomas@massbar.org. All gifts are tax deductible.

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CaseMaker 2.1: “Make Your Case with Legal Research Through the MBA”

The Massachusetts Bar Association is the exclusive Massachusetts provider of Casemaker, a fulsome online legal research product available free to MBA members. If you're an MBA member, and you're not using Casemaker, you're missing out on a way to increase your efficiency and significantly reduce your overhead.

Casemaker includes not only Massachusetts resources (caselaw, statutes and regulations plus additional special materials), but also provides users access to caselaw and statutes for all 50 states and the federal system. Casemaker has a new product, CaseCheck, and includes SuperCode, a

tool for providing updates on the currency of statutes. These features are available in all of the state databases and the federal database.

The recently released Casemaker 2.1 replaces earlier versions and offers several new features, including new breadcrumb navigation, which makes for a smoother site interface.

Live training webinars are available through the “Live Training” link at the MBA's Casemaker homepage, www.massbar.org/casemaker.

For non-MBA members, a Casemaker 2.1 demo is available at: www.casemaker.us/casemaker21.

CASEMAKER 2.1

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The Latest in the Law 2009

Wednesday, May 13–Thursday, May 14
Sheraton Braintree



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

Day One: Wednesday, May 13

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

Day Two: Thursday, May 14

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

As an added bonus, Braintree businesses have generously donated the following prizes for our onsite raffle:

- Cardi's Furniture Superstore, Braintree \$300 gift card
- Bin Ends Wine — \$120 gift certificate
- F1 Boston — two racing certificates plus cafe gift certificate (\$100 value)
- Sintra Restaurant — \$100 gift certificate
- Konditor Meister Fine European Pastries — \$25 gift certificate

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.*

TUESDAY, MAY 5

21st Century Civil and Criminal Motion Practice

4–7 p.m.

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

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

Faculty: Daniel K. Gelb, Esq., program chair, Gelb & Gelb LLP, Boston; Dana D. Babbin, Esq., Middlesex County District Attorney's Office, Cyber Protection Program, Woburn; Christopher A. Callahan, Esq., Campbell, Campbell, Edwards & Conroy PC, Boston; John Crawford, BDO Consulting, Boston. *Additional faculty to be announced.

Expanding Your Practice in a Shrinking Economy: Handling Arraignments and Bail Hearings

4–6 p.m.

Course #: CSQ109 (live) / CSQ209 (simulcast)
LIVE: *Catuogno Court Reporting Services, 1414 Main St., Springfield*
SIMULCAST: *Catuogno Court Reporting Services, 446 Main St., Worcester*

Arraignments and bail hearings are two aspects of the criminal justice system that people accused of a crime may have to go through. This specially priced program will teach you what you need to do and how best to prepare for these critical steps as a criminal case moves from arrest to arraignment. Topics include how to take a bail review; understanding the bail statute; preparing arguments; reasons to postpone the arraignment; know your client: get as much information as possible about the charges; and reading and understanding the complaint.

Faculty: Scott J. Charney, Esq., program chair, Scott J. Charney Attorney at Law, Springfield.

WEDNESDAY, MAY 6

Chapter 7 Bankruptcy Basics for Non-Bankruptcy Practitioners Luncheon Roundtable

Noon–2 p.m. (lunch provided)

Course #: BLG09

MBA, 73 State St., Springfield

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

of bankruptcy, and when a referral to a bankruptcy lawyer is necessary. This is particularly true of lawyers who focus on divorce and family, real estate, estate planning, business planning and litigation. Topics include the benefits of a Chapter 7 bankruptcy discharge; which debts can and cannot be discharged in a Chapter 7; and how a Chapter 7 creditor can contest the discharge of their debt. Non-bankruptcy lawyers seeking information on how Chapter 7 bankruptcy can help (or hurt) their clients should attend.

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

Authors' Panel Luncheon Roundtable

Noon–2 p.m. (lunch provided)

Course #: GPC09

MBA, 20 West St., Boston

This roundtable will convene published authors from various genres, who will discuss their craft, the path to publication and how legal experience affected their writing and career paths. Authors include: **Michael Fredrickson** is general counsel to the Board of Bar Overseers and president of Lawyers Concerned for Lawyers. He has published three crime novels, *A Cinderella Affidavit*, *Witness for the Dead* and *A Defense for the Dead*. He is currently working on his next novel, *Kill All the Lawyers*.

Elaine McArdle is co-author of *The Migraine Brain*, which was featured on NBC's "Today Show" and NPR's "Fresh Air." A former editor of *Lawyers Weekly USA*, McArdle writes for *The Boston Globe*, *Boston Globe Magazine*, *Boston magazine*, *Harvard Law Bulletin* and other publications.

Lauren Willig is the *New York Times* best-selling author of the *The Secret History of the Pink Carnation* and its sequels, which follow the antics of spies during the Napoleonic Wars. She holds a graduate degree in history from Harvard and a J.D. from Harvard Law.

Rishi Reddi is the author of *Karma and Other Stories*, which received the 2007 L.L. Winship/PEN New England Award. Reddi's work was chosen for *The Best American Short Stories 2005* and featured on NPR's "Selected Shorts." She has been an enforcement attorney for the state and federal environmental protection agencies, as well as a lawyer for the Massachusetts secretary of environment.

Kate Flora, a former assistant attorney general, is the author of 10 books, including seven Thea Kozak mysteries, the latest of which are *Stalking Death* and *Playing God*. Her research for *Playing God* led to her nonfiction collaboration, *Finding Amy: A True Story of Murder in Maine*, which was nominated for an Edgar award in 2007 and a finalist for the Maine Literary Awards.

Moderator: Gina Walcott-Torres, Esq., program chair, Lawyers Concerned for Lawyers, Boston.

Handling Depositions with Confidence

4–7 p.m.

Course #: CLY09 / Introductory level
Massachusetts School of Law, 500 Fed-

eral St., Andover

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

Faculty: Michael P. Sams, Esq., program chair, Kenney & Sams PC, Southborough; Matthew C. Baltay, Esq., Foley Hoag LLP, Boston; Michael P. Connolly, Esq., Murtha Cullina LLP, Boston; Matthew C. Moschella, Esq., Sherin & Lodgen LLP, Boston.

TUESDAY, MAY 12

Expanding Your Practice in a Shrinking Economy: Emergency Criminal Advice for the General Practitioner

4–6 p.m.

Course #: CSR109 (live) / CSR209 (simulcast)
LIVE: *Catuogno Court Reporting Services, 1414 Main St., Springfield*
SIMULCAST: *Catuogno Court Reporting Services, 446 Main St., Worcester*

Designed specifically to expand your practice, this critical skills session will teach the general and less experienced practitioner how to give proper advice on a wide array of criminal issues when faced with an emergency. Specific topics include what is the nature of the emergency?; who is calling and from where?; before giving advice, make sure you are talking to the client; what to say if the client asks whether to speak to the police; most common situations: OUI, 209A, other domestic arrests and various offenses, including homicide; and advising clients on what not to say.

Faculty: John A. Rasmussen, Esq., program chair.

MONDAY, MAY 18

The Rx Files: Medicine for Lawyers — Part V: Forensic Pathology — Cause of Death or Injury Afternoon Roundtable

4–6 p.m. (refreshments provided)

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

This is part five of a roundtable series for members of the legal profession, planned and taught by physicians. If you practice health care or medical, personal injury, workers' compensation or disability law, these programs are for you. This session will focus on proof of cause of death or injury faced by practicing attorneys in civil and criminal cases. Please bring your case questions to this program.

Save the Date

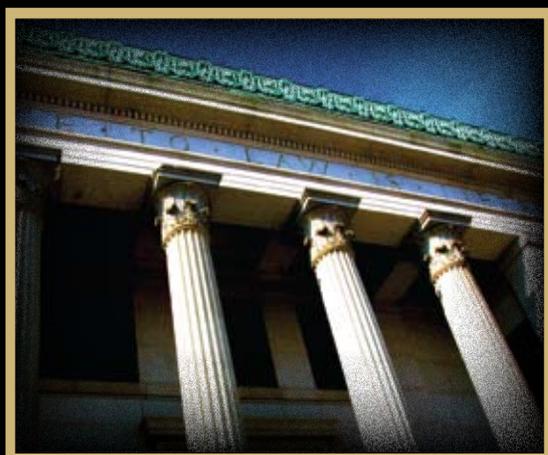
MASSACHUSETTS BAR ASSOCIATION

FOURTH ANNUAL

BENCH-BAR SYMPOSIUM

Wednesday, Oct. 21, 2009

John Adams Courthouse, Boston



MBA CALENDAR OF EVENTS (CONT.)

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

The New Child Support Guidelines

4–7 p.m.

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

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

Faculty: Fern L. Frolin, Esq., program co-chair, Grindle, Robinson, Goodhue & Frolin, Wellesley; Marilynne R. Ryan, Esq., program co-chair, Ryan & Faenza, Walpole; Hon. Denise L. Meagher, Worcester Probate & Family Court; Mark A. Sarro, Ph.D., Watermark Economics, Dover.

TUESDAY, MAY 19

District Court Survival Guide: Civil Practice

4–6:30 p.m.

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

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

Faculty: Robert S. Murphy Jr., Esq., program chair, Bacon & Wilson PC, Springfield; Hon. William P. Hadley, Greenfield District Court; Joseph D. Bernard, Esq., Law Office of Joseph D. Bernard, Springfield; Richard C. Morrisey, Esq., first assistant clerk-magistrate, Springfield District Court; Michele A. Ouimet-Rooke, Esq., Doherty, Wallace, Pillsbury & Murphy PC, Springfield.

WEDNESDAY, MAY 27

The Supplemental Needs Trust Team: Pulling Together the Essential Components

4–7 p.m.

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

Special needs trusts have become an essential planning and protection tool for the disabled and elderly. They can be used to protect inheritances,

settlements and other assets, as well as to protect homes provided by parents for their adult, disabled children. The inability to manage funds due to age or disability, spendthrift circumstances, needs-based public benefit eligibility or unsuitable relatives or acquaintances are all situations that may require this type of trust. Clients and lawyers are often confused by benefits program requirements and which type of special needs trusts to use. The investment advisor can be an integral part of selecting the right plan to fit the needs of the disabled individual. Cynthia Haddad will be available after the program to sign copies of her book, *The Special Needs Planning Guide: How to Prepare for Every Stage of Your Child's Life*.

Faculty: Neil A. Winston, Esq., program chair, Moschella & Winston LLP, Somerville; Cynthia R. Haddad, CFP, Bay Financial Associates LLP, Waltham; Alex L. Moschella, Esq., Moschella & Winston LLP, Somerville.

FRIDAY, MAY 29

Veterans Training — Representing Clients Before the Department of Veterans Affairs

8:30 a.m.–1 p.m.

Course #: VA09
MBA, 20 West St., Boston

This program will cover the structure and organization of the VA, details of the claims procedure, including initial claims, claims to reopen old claims and rating increases at the regional offices. General eligibility requirements will be updated, as will rights to appeal, the process for securing disability compensation, dependency and indemnity compensation and pensions. Join nationally known veterans' law expert Michael Taub, director of the Veterans Project at the Homeless Advocacy Project in Philadelphia for this session, and you will leave with a clear understanding of VA benefit programs and substantive law, as well as practical tips for navigating VA procedures. Attorneys must be accredited by the VA to attend this training. For more information see page 18.

TUESDAY, JUNE 2

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

4–7 p.m.

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

Advances in medical technology and therapies have made end-of-life health care decision-making very complex. In this seminar, the legal issues relating to the process of dying and the determination of death will be explored, including DNR orders, living wills, health care proxies and cessation of artificial support systems. The panel will explore who can, and should, be empowered to make end-of-life treatment decisions, and how to manage the ethical and legal challenges that can sometimes arise in such cases. Also, the new Massachusetts Uniform Probate Code, which attempts to provide some guidance in often misunderstood aspects of end-of-life care, will be discussed.

Faculty: J. Michael Scully, Esq., program chair, Bulkley, Richardson & Gelinas LLP, Springfield. *Additional faculty to be announced.

WEDNESDAY, JUNE 3

Think You're Overqualified? Job Search Strategies for the Experienced Practitioner Luncheon Roundtable

Noon–2 p.m. (lunch provided)

Course #: GPE09
MBA, 20 West St., Boston

This roundtable will focus on strategies to defeat the problem of overqualification that experienced attorneys may confront when seeking a new position — an issue for attorneys with even just a few years of experience. Whether due to tough economic times, or a desire to switch practice areas or even make an entire career change, lawyers are applying for jobs targeted to less experienced applicants and are finding they are overqualified. Our faculty of experts and attorneys will discuss effective strategies for succeeding in the job hunt.

Faculty: Lisa Terrizzi, Esq., program chair, chair, Lawyers in Transition Committee; Elizabeth Armour, director of employer relations, Suffolk University Law School, Boston; Paul E. Cohen, Esq., general counsel, Novations Group Inc. and counsel, Lionbridge Technologies Inc., Waltham; Jacquelyn Mayfield, founder and president, Mayfield Consulting Ltd., Boston; Heidi Paulson, Esq.; Rebecca Pontikes, Esq., Pontikes & Swartz LLC, Boston.

FRIDAY, JUNE 5

Health Law Conference

9 a.m.–1:30 p.m.

Course #: HLH09
MBA, 20 West St., Boston

This comprehensive, two-track seminar is designed for the general, litigation, health care consumer advocate and corporate practitioner, whose clients confront health care mistakes and negligence, and Board of Registration and criminal issues. It is also designed for employment and business attorneys who work in the exploding health care market place. Track One will focus on health care employer traps for the unwary, federal regulations in the health care marketplace, and issues confronting consumers, such as health care access, ERISA developments, medical debt and new developments concerning children's health issues.

Track Two will explore recent developments in medical and dental malpractice law, practice before the Boards of Registration in Medicine, Dentistry and Nursing, criminal liability of practitioners, and obtaining information from the Department of Public Health.

This conference will benefit any attorney whose practice, even tangentially, deals with health care issues.

Faculty: Frank J. Riccio, D.M.D., J.D., conference co-chair, Law Office of Frank J. Riccio PC, Braintree; George M. Thompson Jr., Esq., conference co-chair, Sager & Schaffer LLP, Westborough; Anthony V. Agudelo, Esq., Sugarman, Rogers, Barshak & Cohen PC, Boston; Martin C. Foster, Esq., Foster & Eldridge, Cambridge; Ann Marie Maguire, Esq., Keches Law Group, Taunton; Sherman R. Lohnes, J.D., assistant director for Complaints and Enforcement, Department of Public Health, Division of Health Care Quality, Boston; John P. Ryan, Esq., Sloane & Walsh LLP, Boston.

MONDAY, JUNE 8

Discharge Law

5–7 p.m.

Course #: PRJ09 / *Intermediate level*
MBA, 20 West St., Boston

The recent enactment of discharge law has greatly simplified the process of obtaining and recording title clearing documents. A practitioner needs to be aware of the mechanics of the statute and how to use it effectively to conduct a successful real estate transaction. The panelists will review the discharge law statute and discuss what effect the new statute has had on the practice of real estate law, including the obtaining and recording of discharges. Attendees will also learn the effect of the discharge statute on residential mortgage foreclosures.

Faculty: Elizabeth J. Barton, Esq., program co-chair, CATIC, Wellesley; Darly G. David Mevs, Esq., program co-chair, Gilmartin, Magence & Ross LLP, Boston; Ward P. Graham, Esq., Stewart Title Guaranty Co., Boston; Kurt F. Stuckel, Esq., The Law Office of Kurt F. Stuckel PC, Pepperell.

Summer CLE Programs

All programs held at the MBA, 20 West St., Boston

Save
the
Dates



Watch for more
details on these
and additional
summer programs.

Turbocharge Your Practice: A Primer for Going Paperless (Part I: Introductory) Thursday, July 9, 4–7 p.m.

Elder Law Basics

Wednesday, July 15, 4–7 p.m.

Fundamentals of Civil Motion Practice

Tuesday, July 28, 4–7 p.m.

Basics of Developing an Estate Plan

Thursday, July 30, 4–7 p.m.

Immigration Law Essentials

Tuesday, Aug. 4, 2–6 p.m.

Handling Depositions with Confidence

Monday, Aug. 10, 2–5 p.m.

Turbocharge Your Practice: A Primer for Going Paperless (Part II: Advanced) Thursday, Aug. 13, 4–7 p.m.

MEMBER SPOTLIGHT

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

Hesse given Woodward Women of Distinction Award

Katherine Hesse, a founding partner of Murphy, Hesse, Toomey & Lehane LLP in Quincy is being honored with the Woodward Women of Distinction Award on May 7. The Woodward School for Girls annually celebrates the achievements and leadership of its alumna at this luncheon. Hesse is past chair of the Labor and Employment Law Section of the Boston Bar Association and a member of the Massachusetts Bar Association's Labor & Employment Law Section Council. She has served as president of the International Society of Certified Employee Benefit Specialists and as chair of the Attorney's Committee of the International Foundation of Employees Benefit Plans. A member of the editorial board of *Benefits Quarterly*, she leads the team of attorneys that writes its Legal-Legislative-Regulatory Update.

Troupe inducted into College of Workers' Compensation Lawyers

William H. Troupe, of Carney and Troupe in Boston, was recently honored by induction as a fellow of the College of Workers' Compensation Lawyers. The College is a national association of attorneys whose practices concentrate in the area of work-related injuries. The ceremony, on March 13 in New Orleans, was held in conjunction with the American Bar Association's convention of their Workers' Compensation Committees of the Tort Trial & Insurance Practice Section and the Labor and Employment Law Sections. Troupe is the former chairman of the Massachusetts Bar Association's Committee on Workers' Compensation and is a frequent lecturer and author on these subjects.



William H. Troupe

The ceremony, on March 13 in New Orleans, was held in conjunction with the American Bar Association's convention of their Workers' Compensation Committees of the Tort Trial & Insurance Practice Section and the Labor and Employment Law Sections. Troupe is the former chairman of the Massachusetts Bar Association's Committee on Workers' Compensation and is a frequent lecturer and author on these subjects.

Perrelli appointed to Greater Boston Chamber of Commerce Board of Directors

Katherine Perrelli, a partner in the Boston office of Seyfarth Shaw LLP, was appointed to the Greater Boston Chamber of Commerce Board of Directors. The Greater Boston Chamber of Commerce is a resource for more than 1,700 businesses and aspires to provide leadership by creat-



Katherine Perrelli

ing a healthy climate for economic development and job creation by working for legislative changes that are critical to economic growth. Perrelli is the chair of Seyfarth Shaw's Commercial Litigation Practice Group and has more than 20 years of experience in commercial and employment litigation in state and federal courts.

Brown Rudnick LLP honored by Human Rights Campaign



Brown Rudnick LLP was among those recognized at the Human Rights Campaign's 5th Annual Corporate Equality Index Awards hosted by Time Warner in New York. The ceremony honored those Fortune 500 and American Lawyer's "Top 200" law firms that scored 100 percent on HRC's 2009 Corporate Equality Index and Best Places to Work Survey. Brown Rudnick joins the ranks of 259 other major U.S. businesses to receive a perfect score in recognition for their treatment of lesbian, gay, bisexual and transgender employees and consumers. In all, 583 businesses were rated, evaluating LGBT-related policies and practices, including non-discrimination policies, transgender health benefits and domestic partner benefits. Brown Rudnick is an active supporter of the HRC and was a returning sponsor of this year's 8th Annual AURC Greater New York Gala in February.

Boston Law Collaborative given ABA "Lawyers as Problem Solver" award



The **Boston Law Collaborative** was the first private firm to be honored with the American Bar Association's "Lawyers as Problem Solver" award on April 16 at the ABA's annual dispute resolution conference in New York. Recognized for its innovative services, including collaborative law, mediation, arbitration and multi-disciplinary services, the Boston firm has a staff of seven lawyers and four paralegals.

BLC's primary focus is solving problems and resolving conflict in family, business and employment cases; taking a holistic approach to solving clients' problems, it is one of the few firms in the United States to use multi-disciplinary personnel in both legal representation and dispute resolution work. The award was created in 2002 "to recognize individuals and organizations that use their legal skills in creative and often non-traditional ways to solve problems for their clients and within their communities."

Cudkowicz appointed chair of Single-Plaintiff Practice Group

Ariel D. Cudkowicz, a partner in Seyfarth Shaw LLP's Boston office, was appointed chair of the firm's national Single-Plaintiff Litigation Practice Group on April 13. The practice group defends a breadth of employment cases across the country in federal and state courts. In addition to his litigation practice, Cudkowicz lectures on wage and hour topics for human resource specialists and is a member of the Society for Human Resources Managers, the New England Human Resources Association, the Massachusetts Restaurant Association and the Boston and Massachusetts bar associations.



Ariel D. Cudkowicz

MBA recognizes staff anniversaries

Janice Maciejewicz started her Massachusetts Bar Association receptionist career in February 1999 and for the past 10 years, has greeted MBA employees and visitors with a smile. "Janice is the first voice people hear when they contact the MBA — the public face of the MBA — and she does a great job representing us. She's a real asset to us here, she always has a smile on her face," said Martin Healy, MBA acting executive director. Maciejewicz enjoys



Janice Maciejewicz

growth and describes her experience here as "adventurous!"

William F. Devine became the facilities manager for the MBA in March of 1994, though he worked for the building management company for five years previously. He came to 20 West St. to cover a co-worker's two-week vacation and never left. He and his wife, Gayle, are celebrating their 15-year anniversary in September. He hopes one day to retire to Hawaii, and in the meantime likes to relax at home with his wife and his stepson Ronald. "It's been an interesting 20 years!" he said of his time with the MBA.



William F. Devine

Martin W. Healy joined the MBA as assistant counsel in February of 1989. Over the years, its the variety of work that has kept him energized. "I have a unique opportunity to deal with every practice area of the law, working with our volunteers and board — people at the top of the profession. I really don't see myself doing anything else." In his free time, he and his wife Celeste try to keep up with their three teenage boys Terence, Brendan and Brian, who are all into music. "It's been an enjoyable time here — it doesn't seem like 20 years!" said Healy.



Martin W. Healy

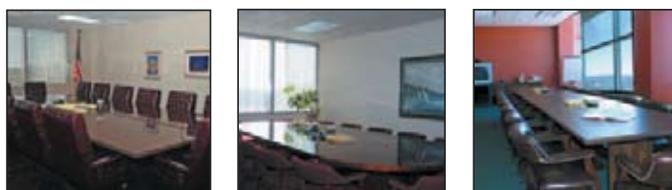
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