The controversy over Supreme Court Justice Sonia Sotomayor’s nomination last summer raised the question of what role, if any, a judge’s background should play in forming decisions.

While many hailed the appointment of the first Hispanic Supreme Court justice, a comment Sotomayor made during a 2001 speech had some critics questioning whether her ethnic background would lead to bias. In a play off a past gender-based comparison, Sotomayor told attendees of a Berkeley conference that she hoped “a wise Latina woman” would more often than not come to a better decision than a white male without that life experience.

Robert J. Roughsedge, a partner with Lawson & Weitzen in Boston, said he didn’t believe Sotomayor’s judicial record showed a pattern of bias. But he found her comment troubling nonetheless.

“I didn’t fault her for that completely because I see that as just having pride in her heritage,” Roughsedge said. “But if you put the shoe on the other foot, if some white guy said that, he’d look pretty bad.”

Ethnicity shouldn’t matter for Supreme Court justices, Roughsedge said. The Court’s decisions should be based on the law and

Volunteer Spotlight

Judge Angela M. Ordoñez: From modest beginnings to the Massachusetts judiciary

A strong-willed daughter of a Colombian immigrant, the Hon. Angela M. Ordoñez took advantage of all opportunities along the way to reach her current position at Norfolk Probate and Family Court, where she has served as associate justice since 2003.

Ordoñez is highly respected by her colleagues on the bench and bar alike. She is described as a “hands-on” judge who is “amazingly organized,” always up on things and ready to get things done.

This year, MBA President Valerie A. Yarashus named Ordoñez co-chair of the association’s Diversity Task Force. Like with all her professional endeavors, Ordoñez has hit the ground running and she and co-chair April English, an assistant attorney general, have orchestrated broad-based efforts to diversify future generations of Massachusetts

March 11 Gala Dinner to feature renowned civil rights litigator and MBA Legislator of the Year

The MBA’s annual Gala Dinner will feature a keynote address from Morris Dees, founder and lead trial counsel for the Southern Poverty Law Center. In addition, the night will include the presentation of the MBA’s Legislator of the Year Award to state Sen. Cynthia Stone Creem. The March 11 event will take place at the Westin Copley Place in Boston’s Back Bay.

Dees co-founded the Southern Poverty
A family law attorney’s view on alimony

BY DENISE SQUIILLANTE

Long has there been a push for more consistent and predictable alimony awards in Massachusetts. Contrary to the sentiments expressed by The Boston Globe's Adrian Walker’s “Alimony Agony” comments published last November, family law practitioners have been and remain interested in adding predictability to the allocation of alimony payments. And, a point that Walker and others who have written on this topic have not made is that alimony does not only bear a burden on men, as many women are required to complement their ex-spouse’s income.

Since the early 1990s, the MBA’s Family Law Section has closely monitored the topic, filing a series of proposed legislation to improve the existing alimony laws. Now, the MBA has a seat at the table as this complex topic is addressed at the legislative level.

More recently, the Massachusetts Bar Association and the Boston Bar Association convened an alimony task force to better formalize the attorney voice on the issue. David Lee and I chair the task force that has wrestled with several of the major issues surrounding the current alimony laws, including the issue of duration limits. A comprehensive report issued by the joint task force, endorsed by the MBA’s House of Delegates, offers recommendations on standards for reasonable sums and durational terms in cases that do not involve dependent children.

Under the keen leadership of Sen. Cynthia Creem and Rep. Eugene O’Flaherty, the Joint Committee on the Judiciary has established a legislative task force with the charge of determining how best to reform Massachusetts alimony laws. Like the many other individuals serving on this legislative group, the MBA will do its part in relaying the critical need to set alimony standards for the sake of the many families who may need alimony or who may be affected by alimony judgments.

Often a significant obstacle to settling divorce cases, alimony awards are ripe for public and legislative scrutiny. Alimony becomes a difficult issue to resolve without state guidelines. There is a need to balance suggested guidelines with retaining judicial discretion given each case’s particular set of facts. Emotions run high in family law cases and when the element

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Gov. Patrick makes surprise appearance at annual Walk to the Hill

BY JENNIFER ROSINSKI

The 11th Annual Walk to the Hill for Civil Legal Aid received a boost moments before it began this year when Gov. Deval Patrick publicly announced that his fiscal 2011 state budget included level funding for legal services.

Following a press conference at the Statehouse, Patrick paid a surprise visit to the Great Hall and addressed the standing-room-only crowd of legal aid supporters. “I apologize for crashing the party, but I just wanted to come by and tell you how much I appreciate you being here,” Patrick said. “Everybody in this room shares, as I do, a commitment to doing everything we can for people for whom access to justice isn’t real.”

The governor told the crowd of hundreds that his budget plan calls for legal services to be level-funded at $9.5 million. The House and Senate will vote on their own versions of the budget in the coming months. A compromise measure will then be sent to the governor.

“I want you to use today to fight for it,” Patrick told the audience of his legal aid budget. “In government, there are multiple bottom lines … There are human, individual bottom lines, and they count too.”

The state’s recent economic troubles have resulted in plummeting revenue for civil legal aid. Income from the Interest on Lawyers’ Trust Accounts (IOLTA) program has dropped 63 percent since fiscal 2008. On top of that, that civil legal aid budget line item was reduced from $11 million in fiscal 2009 to $9.5 million in fiscal 2010.

“At the core of our ability to meet the needs for legal assistance is funding at the state level,” said Massachusetts Bar Association President-elect Denise Squillante. “Such funding will help ensure appropriate legal counsel regardless of the economic barriers Massachusetts citizens may face.”

Squillante spoke at the event along with Boston Bar Association President John J. Regan, who said that need is even greater now as the state and country deal with an intense recession. Requests for legal aid are up 25 to 40 percent.

“Our courts are full of low-income people with critical legal needs who attempt to navigate the legal process themselves,” Regan said.

Eligibility for legal aid is set at 125 percent of the federal poverty level, which is equivalent to $530 a week for a family of four.

The gathering heard a moving speech from a former legal aid client whose attorney at Greater Boston Legal Services won a precedent-setting decision, which ruled that caretakers of children with disabilities may search for part-time work without affecting their eligibility for unemployment benefits.

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Gov. Patrick makes an impromptu appearance to announce that he was level funding state money for legal aid.

From left to right: MBA President-elect Denise Squillante, Gov. Patrick, Chief Legal Counsel William M. Cowan, and MBA General Counsel and Acting Executive Director Martin W. Healy.
MBA Secretary Catalano testifies on medical malpractice, charitable cap bills

BY BILL ARCHAMBEAULT

Massachusetts Bar Association Secretary Jeffrey N. Catalano testified at a Statehouse hearing on Jan. 28 before the Joint Committee on the Judiciary regarding various medical malpractice bills.

Catalano, a partner at Todd & Weld LLP in Boston, explained the MBA’s position on House Bill 1332, An Act Improving Patients’ Access to Timely Compensation, otherwise called the “apology bill.”

The bill, in part, would make any apology or expression of sympathy or regret by a doctor or health care worker to a patient or their family inadmissible at trial. However, the bill also excludes from evidence any acknowledgment of “mistake or error.” Thus, the bill would allow a health care provider to admit a mistake or error to the patient, but then later vigorously defend his or her actions as acceptable and appropriate in a court of law.

“The MBA is not opposed to letting doctors apologize and not holding that against them,” Catalano told the committee, which is co-chaired by Rep. Eugene O’Flaherty and Sen. Cynthia Stone Creem. “In fact, there is a statute that presently allows health care providers to do so without having it used against them. The problem is that the proposed legislation is a wolf in sheep’s clothing. It would impose yet another obstacle for patients in getting to the truth.”

Hospital records by themselves can be inadequate in establishing what happens to patients, Catalano said, and the information provided by doctors and nurses can be crucial to clarifying how mistakes were made and by whom.

The MBA also submitted written testimony that if a medical provider believes that he or she made a mistake, then full disclosure — including an apology and an explanation as to how this happened — is not just the right thing to do, it is an ethical imperative.

Catalano also spoke in favor of House bill 1573, An Act Relative to the Liability of Certain Non Profit Corporations, which would amend Section 85K of Chapter 231 to increase the liability limit of hospitals from $20,000 to $500,000.

He noted that it is often poor hospital procedures that lead to significant medical injuries, not individual mistakes committed by doctors or nurses. For example, he said, a hospital that is chronically understaffed should be held responsible for mistakes made by overworked physicians or nurses.

“These are hospital-based problems,” he said.

Catalano described one case involving an infant who suffered an untreated infection in the hospital after delivery, resulting in severe and permanent disabilities. Because the hospital records were missing, the family was prevented from bringing an action against the individuals responsible. The judgment against the hospital was limited to $20,000.

“The injustice this cap does is hard to describe,” he said. “The amendment to this statute is long overdue.”

O’Flaherty thanked the MBA for educating the committee on the issues. MBA General Counsel and Acting Executive Director Martin W. Healy described the hearing as “a great opportunity to educate legislators by delving into the legislative proposals and explaining the real-world effect on patients and their constituents.”

The MBA also submitted written testimony regarding a number of tort reform bills.

NEWS FROM THE COURTS

MASSACHUSETTS COURTS

Change to Supplemental Rules of Civil Procedure


District Court Chief Justice Lynda M. Connolly and Boston Municipal Court Chief Justice Charles R. Johnson proposed the changes in October, stating that they were no longer needed because there are no pending legacy cases to which the rules would apply.

Visit www.mass.gov/courts/sjc/ to review the notice of repeal.

Proposed amendment to Mass. Rules of Criminal Procedure

The Supreme Judicial Court’s Standing Advisory Committee on the Rules of Criminal Procedure invites comments on proposed amendments to Rule 14 and Rule 23 of the Massachusetts Rules of Criminal Procedure.

The proposal eliminates Rule 23 on the ground that the 2004 revision of Rule 14 has made it largely irrelevant. It incorporates what remains of Rule 23’s discovery obligation into Rule 14 by expanding the definition of a statement in Rule 14(d).

The proposal also updates Rule 14 in two respects to conform to case law that has created additional discovery obligations. Subsection 14(b)(2) has been expanded to include defenses raising an issue of the defendant’s mental condition outside the context of a defense of lack of mental responsibility, in line with Commonwealth v. Ostrander, 441 Mass. 344, 352 (2004), Commonwealth v. Contos, 435 Mass. 19 (2001) and Commonwealth v. Diaz, 431 Mass. 822 (2000).

In addition, a new subsection, Rule 14(b)(4), has been added to implement the requirement of Commonwealth v. Adjuntant, 443 Mass. 649 (2005) that imposes a discovery obligation when the defense intends to introduce evidence of the victim’s specific acts of violence to support a claim that the victim was the first aggressor.

The committee welcomes all comments pertaining to the issues raised by this proposal and will make recommendations to the SJC after reviewing the comments submitted.

Comments should be directed to: The Standing Advisory Committee on the Rules of Criminal Procedure, c/o Administrative Attorney Barbara Berenson, Supreme Judicial Court, John Adams Courthouse, One Pemberton Square, Boston, MA 02108, on or before Feb. 12, 2010. Comments may also be sent to: barbara.berenson@sjc.state.ma.us.
President-elect Squillante appointed to legislative alimony task force

BY JENNIFER ROSINSKI

Massachusetts Bar Association President-elect Denise Squillante has been appointed to a legislative task force charged with studying the issue of alimony in the state. Created by the Joint Committee on the Judiciary, the task force is being established to review and make recommendations on reforming Massachusetts alimony laws.

“The participation and input of the Massachusetts Bar Association and other organizations is critical to building consensus on the best way to reform our alimony laws,” said Senate Judiciary Chair Sen. Cynthia Stone Creem. “Denise’s participation will be invaluable to the work of the task force.”

The new task force will address a wide range of issues, including the duration of alimony awards, factors to be considered in awarding alimony, modification of alimony agreements, and consistency of alimony awards among different jurisdictions.

“Certainly, there is no lack of ideas and I look forward to the group’s discussions and analysis on this important matter,” said House Judiciary Chair State Rep. Eugene L. O’Flaherty.

Squillante is co-chair of the joint MBA/Boston Bar Association Alimony Task Force, which released a report earlier this year that called for setting consistent and predictable alimony amounts and timelines in certain divorce cases.

“The MBA is pleased to offer our input on this pressing matter at the request of the Judiciary Committee,” MBA President Valerie A. Yarashus said. “We are delighted that Denise, a leader on this timely and important issue, will serve on this key task force.”

A solo practitioner in Fall River, Squillante concentrates in the areas of family law, corporate law and injury and estates. Long active in the MBA’s Family Law Section and its associated committees, Squillante is also a member of the Probate Court Scheduling Task Force and is the MBA representative on the Equality Commission — a collaborative effort of the MBA, BBA and Women’s Bar Association.

A former president of the Fall River Bar Association, Squillante is currently vice president of the New England Bar Association and a member of the Bristol County Bar Association Executive Board. She is also an MBA delegate to the American Bar Association’s House of Delegates.

SOTOMAYOR NOMINATION
Continued from page 1

the facts presented, and judges should be dispassionate.

Daniel J. Kelly, a partner with McCarter & English LLP in Boston and chairman of the Boston Lawyers division of the Federalist Society, said having a diverse bench or justices who climbed out of poverty is a great thing because it serves as an example to groups who have felt disenfranchised.

A black or Latina justice can be “a wonderful and shining example and I’m all for it,” Kelly said. “But I think that’s where it stops in terms of the importance of diversity. I do not think we need a diverse Supreme Court because members of different races or different cultural backgrounds are better judges or can bring a different perspective to the way in which cases are judged. They should not be doing that.”

Especially on the appellate level where the factual record is already decided, “your cultural background should have no influence whatsoever in terms of how you apply the law,” Kelly said.

But advocates for increasing judicial diversity argue that representing different backgrounds is essential to serving all citizens, and that diversity does not equal bias. It’s a debate that could resurface if another Supreme Court seat opens soon, as some anticipate, and the issue could trickle down to state courts.

Charles P. Kindregan, a professor at Suffolk University Law School, said a judge’s background can be relevant, but other factors matter more.

“What is more important is a person’s professionalism, competence, education, knowledge and willingness to adhere to the law as it has evolved whenever an issue comes up that has already been largely decided by the court in the past,” Kindregan said. “Judging is really an art; it’s not a science.”

Others said you cannot separate a judge from his or her background, ethnic or otherwise.

“To say that justice is blind, we still haven’t reached that point,” said Damon P. Hart, a partner with Holland & Knight in Boston and past president of the Massachusetts Black Lawyers Association. “Everybody brings their own framework and context to the bench, and I think cultural considerations, racial considerations, how they’ve experienced their life in America, it’s impossible for that to not be part of their analysis.”

Hart was unsure whether a judge’s background should play a role, but he said it often does. “Especially given the history of the way justice has been mishandled for non-white people in this country since its inception, it’s kind of hard to say that it doesn’t have an impact,” Hart said. “It most certainly does.”

James C. Donnelly Jr., co-chairman of the MBA’s Judicial Administration Section, also dismissed the possibility that judges aren’t influenced by background. “There is not a single person in the country that doesn’t carry personal experiences with them every day,” said Donnelly, a partner with Mirick, O’Connell, DeMallie & Lougee LLP in Worcester. “Judges do, jurors do, lawyers do, senators, presidents, everybody does. It’s a matter of how you use that experience to enrich yourself and do the job better. Do you think for a moment Chief Justice Roberts doesn’t bring his personal experiences? It’s just that to some people, he looks more ‘normal’ than Justice Sotomayor.”

Patrick’s FY11 budget would cut courts $10 million, level fund MLAC, CPCS

Gov. Deval Patrick released his budget recommendations for fiscal 2011, including a budget cut of approximately $10 million for the courts, which is to be spread throughout the system.

The Massachusetts Legal Assistance Corp. was level funded at $9.5 million.

The recommendation for the Committee on Public Counsel Services was level funding; however, language in the budget is of concern to practitioners. The budget grants transferability between CPCS accounts with negative impact on private bar advocate funding by encouraging CPCS to hire additional full-time public defenders.

The filing of the governor’s budget marks the beginning of the process. The House will release and debate its own budget in April, followed by the Senate in May. After each branch enacts their budgets, a conference committee is then appointed to work out the differences between the two bills. The conference committee report will then go to the House and Senate for votes before landing on the governor’s desk for his signature.
Data privacy Part I: Complying with new regulations to keep confidential personal information protected

BY RODNEY S. DOWELL, ESQ.
Director, Law Office Management Assistance Program

As of March 1, 2010, Mass. G.L. ch. 93H and 201 CMR 17.00 will be enforced to protect confidential consumer information. The governing regulations issued by the Massachusetts Office of Consumer Affairs impose obligations on businesses, obviously including law offices, to protect Massachusetts residents from data breaches. The regulations were precipitated by the highly publicized thefts of personal information from customers of the TJX Companies and Hannaford Supermarkets.

The statute and regulations are intended to protect the “personal information” of Massachusetts residents when used by any business (in any jurisdiction), including law offices. “Personal information” includes a Massachusetts resident’s first and last name in combination with any one or more of the following: (i) a Social Security number, (ii) a driver’s license number or state-issued identification card number, and (iii) a credit or debit card or other financial account number, regardless of whether a PIN or security code is included.

This personal information must be protected as a hard-copy document or an electronic document. Compliance with the regulations will be judged on a case-by-case basis, taking into consideration the size of the business, the resources available to the business, the amount of data stored by the business and the need for privacy and security of the client/customer/employee data.

If the Massachusetts Attorney General’s Office believes that an entity did not comply with the security requirements, it may seek injunctive relief and/or recover civil fines of up to $5,000 and attorneys’ fees and costs. In addition to potential fines and costs, any office found in non-compliance will suffer from distress of having to explain to its clients why it was not in compliance with a regulation that was intended to protect its clients’ confidential information. Such a failure would be an embarrassing failure for a law firm.

Most law firms should assume that the regulations apply, or will apply, to the firm, and take appropriate actions to comply with the statute. Although there may be ways to reduce the scope of work needed to comply with the regulations, such as (i) limiting the amount of personal information gathered and keeping such information only as long as needed for legitimate business purposes or to comply with electronic. An effective compliance plan will require that the law firm identify all records in its possession that contain personal information, both electronic and paper, and all portable electronic storage media, including laptops, USB flash drives, portable hard drives, etc., that contain personal information. In addition, the law firm must identify all third-party vendors that either hold or have access to protected data on behalf of the law firm. The process of identifying records which are protected by the regulations will give the law office a much better idea of the scope of work needed for compliance with the regulations. In addition, it will allow the firm to begin the second necessary step for compliance.

STEP TWO: CREATE A WRITTEN INFORMATION SECURITY PROGRAM

The firm must adopt a written policy of privacy and security practices, termed a “written information security program“ ("WISP") for handling protected data. An excellent guide is available to help create a WISP on the Massachusetts Office of Consumer Affairs and Business Web site: Under the tab “For Business,” look for “Identity Theft.” You can also find a compliance checklist to ensure that the WISP is fully compliant with the regulatory requirements. Your WISP will require the firm to set forth the reasonably foreseeable internal and external risks, the likelihood and potential damage from those threats, an evaluation of the sufficiency of existing policies to protect the confidential information, and a determination of how to minimize the risk consistent with the requirements of 201 CMR 17.00.

In light of the flexibility provided within the regulations for companies of different sizes and facing different risks, there is no cut and paste WISP that will work for every law firm. Therefore, a law firm should anticipate that this step will be time consuming, but once it is completed, a strong foundation will exist for future compliance efforts. It is important to note that the WISP will need to be reviewed annually to ensure that the risks have not changed and the security efforts are still effective.

In addition, each firm also must realize that the WISP will require an evaluation of third-party service providers that may hold confidential information on behalf of the firm. Examples of third-party service providers would be a payroll company or IT consultant. Review the compliance checklist to ensure that you have included all critical aspects of the WISP.

It is not enough to simply create a WISP; you must now implement the WISP to preserve all protected information contained in both hard documents and electronic data pursuant to the WISP. Now the firm will have to implement the appropriate measures to protect the data, and it must then make all employees aware of the written policy and train them on how to comply with the WISP.

Look for Data Privacy Part II in next month’s Lawyers Journal. Part II will focus on implementation strategies.
Electronic discovery ("e-discovery") concerns the pre-trial discovery of electronically stored information ("ESI"). Twenty-first century civil and criminal litigators who fail to learn the rules applicable to this area of the law may expose their clients to evidentiary pitfalls and/or sanctions. Moreover, lawyers must also become conversant with the proliferation of technology pertaining to ESI. In fact, litigation is among the fastest growing segments in the information technology space, with spending on software and services rapidly nearing the billion-dollar mark.

THE E-DISCOVERY DILEMMA

Unfortunately, particularly in a struggling economy, both corporate and individual litigants are now being forced to confront the ultimate dilemma concerning e-discovery: compromising meritorious claims and/or defenses due to the burdens and expense of e-discovery. This should not be the case, nor does it have to be. Technology has created more information for litigators to collect and review; however, at the same time, advancements in electronic data and document review tools are rapidly leveling the playing field. Large-volume discovery cases are increasingly becoming more manageable for law firms of all sizes, and for litigators with varying budgets. Notably, as vendors in this space enhance their services to meet discovery demands, litigators and their clients have available to them more capacity at lower costs. E-discovery, when effective teams are built, should not be viewed as a hurdle but rather an encouraging opportunity for law practices of all sizes that become state-sant with the proliferation of technology pertaining to ESI. In fact, litigation is among the fastest growing segments in the information technology space, with spending on software and services rapidly nearing the billion-dollar mark.

LITIGATION REQUIREMENTS

There are litigation requirements involved for parties to any dispute or those disputes that are reasonably anticipated and notified. These litigation requirements include, but are not necessarily limited to, preservation of ESI, analysis and management of various formats of electronic evidence and its attendant metadata (e.g., properties associated with an electronic file), chain of custody reporting and protection of legal and statutorily privileged information are all of paramount concern. Importantly, unlike hard copy documents, ESI is volatile, contains hidden information (e.g., meta data), and is susceptible to being altered. Notably, corporations are responsible for their custodians of data, and must grapple with the fact that electronic evidence can be more challenging to maintain than other types of evidence.

A 2010 New Year’s resolution for litigators should be to familiarize themselves with how technology can assist large volume discovery challenges to obtain the most capacity for the lowest costs. In order to achieve this goal, litigators should take advantage of professional development opportunities for e-discovery offered by the Massachusetts Bar Association, as well as relying upon the many educational resources which are available, such as The Sedona Conference (www.thesedonaconference.org) and The Journal of Legal Technology & Risk Management (www.jltm.org). In addition, it is very useful to consult Law Technology News’ “Resource Guide” (www.ltnresourceguide.com) and other available industry reference Web sites to learn about the various e-discovery solutions and services.

NOT DIFFICULT TO TACKLE

E-discovery is not a mystery, and lawyers across Massachusetts and the country will be pleasantly surprised to realize that one can tackle most e-discovery challenges by doing the following: (1) leveraging the right resources (e.g., electronic document review tools); (2) determining where relevant information likely resides (e.g., laptops, desktops, network servers, online storage services, cell phones/PDA’s, etc.); and (3) becoming conversant with how to properly retrieve the ESI (e.g., digital forensics expert, e-discovery consultant, etc.).

E-discovery technology is permitting counsel to focus on gathering relevant evidence and avoid the distraction of parties unnecessarily burying each other in large volumes of irrelevant information. Regardless of the size of the law practice, if approached correctly, e-discovery is manageable so long as counsel approaches it in the context of efficient trial practice. Working with an effective expert on early case assessment, and reasonably priced document review tools during litigation, will result in fewer documents to manage and less money being spent. The objective of e-discovery is to locate the subset of information for trial counsel so that the clients’ cases can be most effectively advocated.

Marketing using Twitter

Twitter was the “it” kid on the block when it got started and up until this year. Then statistics came out that pointed to the fact that most Twitter accounts registered were not being used on a regular basis and a majority of the “tweets” come from a minority of tweeters (Twitter lingo). Add to that, many legal business and marketing gurus didn’t know exactly how Twitter could help market a law firm, and if they did make a claim that it was beneficial, they didn’t have hard numbers to prove it.

Then last month, Google and Bing revitalized Twitter as a marketing tool. In their usual epic battle of Microsoft vs. Google, Microsoft’s new Bing search engine struck a deal with Twitter to start indexing their site. In the same day, Google made the same announcement that it will now start to index Twitter.

WHAT DOES THAT ALL MEAN FOR LEGAL MARKETING?

It means that individual tweets can now show up as searches in Google or Bing. So if you tweet something about your particular substantive area of law, there is a possibility that it will get picked up by Google and Bing, and if relevant enough to a user’s search terms, it will show in the search results.

If you haven’t started using Twitter yet, now is as good a time as any to start and I predict that many more firms will start to see direct results from their tweeting over time. Tweet about your practice or the law. Tweet your blog posts. Retweet other interesting posts. Just start tweeting.

This tip is courtesy of Gabriel Cheong Esq. owner of Infinity Law Group. Follow him on Twitter@GabrielCheong.

Patrick encourages efforts to assist the needy at MBF’s 45th Gala

BY BILL ARCHAMBEAULT

At the 45th Anniversary Gala Dinner of the Massachusetts Bar Foundation on Jan. 14, Gov. Deval Patrick urged the nearly 250 supporters on hand at Boston’s Colonnade Hotel to continue helping the state’s neediest citizens obtain access to justice.

Newly elected MBF President Joseph P.J. Vrabel commended Patrick’s commitment to public service and protection of civil rights and legal aid funding in honoring him with the MBF Great Friend of Justice Award.

“We recognize this governor for doing what he can to protect our justice system,” Vrabel said.

Patrick acknowledged the state’s dire economic situation, pledging that he would keep the needs of the court system in mind during the budget process and do what he could to minimize cuts.

“We are in the worst economic downturn in 80 years, and it has hurt a lot of people,” he said. “I have felt, as I bet you do, that so many people are still being left behind, that there is so much unmet need.”

He extolled the work of the MBF in helping provide access to justice to the needy. On the eve of Martin Luther King weekend, Patrick urged the audience to remember the slain civil rights leader’s example and serve others.

“Service is what we must all be about,” he said. “It seems important to me that we come back to that sense of service, because service is power.”

Noting the aggregate effort of many individuals can make a significant difference, Patrick said, “State government has to do all it can, but we as individuals all have to do what we can.”

Vrabel noted that “last year was an extraordinarily difficult year,” but the foundation still distributed $5 million to 107 nonprofit organizations, in part by drawing nearly $2.5 million out of its stabilization fund to offset the decrease in monies supplied by the Interest on Lawyers Trust Accounts (IOLTA) Grants Program.

Vrabel said the MBF will probably need to dip into its savings again this year to provide a consistent level of funding.

“We are prepared to do so to keep the level of our grants as high as possible,” he told the audience. “Please continue to stand with us. Please continue to be generous in any way you can — with your time and expertise, with your resources. There are so many in need, and as lawyers, we know how important access to justice is and that each one of us can play a valuable role in it.”

With burgeoning demand and a shrinking pool of funds, MBF Immediate Past President Laurence M. Johnson asked, “Where do we go from here?” One plan, he said, is to broaden the MBF Fellowship Program with three programs: The President’s Circle Program, Justice Circle for Annual Giving, and the Law Firm Partner Program.

Johnson added that Massachusetts lawyers would continue a proud tradition of generosity.

“The response of the bar to the Massachusetts Bar Foundation over the 45 years since its founding has been extraordinary,” he said.

After Patrick spoke, the MBF premiered a 12-minute video highlighting some of the people who have been helped by organizations that receive MBF funds. The MBF will distribute the video to advocacy groups, local bar associations and law firms, as well as post it on its Web site at www.massbarfoundation.org. The MBF hopes to increase understanding of its mission and demonstrate the ways that funds can make a significant difference in people’s lives.
MBF 45TH ANNIVERSARY
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“We were so thrilled that Legal Talk Network donated their time and expertise to produce this video for us,” said MBF Executive Director Elizabeth Lynch. “It provides wonderful examples of the work the MBF supports, and demonstrates the important role the legal community plays in our efforts.”

After the event, Vrabek said the severe recession had made the perennial challenge of providing access to justice that much more difficult.

“So many more people are in need,” he said. “The difficult part of the economy is that everybody expects us to cut back, and we just can’t. The sad part is that every year, more and more people need our help.”

The following firms generously supported the delivery of civil legal services to the poor through their contributions to the Massachusetts Bar Foundation's Anniversary campaign:

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Alan Klevan of Klevan & Klevan LLP; Martin Welch of MBF general counsel and acting executive director William Mo Cowan; and MBF past president Francis Ford of Fletcher, Tilton & Whipple and an MBF past president.

PHOTO BY JEFF TIEBAULT

Back row, from left to right: Barbara Mitchell of Community Legal Services and Counseling Center; Kimbo of Women's Lund Place; James Breau of Neighborhood Legal Services; Deb Thompson of Massachusetts Law Reform Institute; Sheila Casey of Neighborhood Legal Services; Alan Rodgers of Massachusetts Law Reform Institute; and Brian McCall of PAIR.

Front row, from left to right: Barbara Mitchell of Community Legal Services and Counseling Center; Elizabeth Souko of Metro West Legal Services; Steven Schwartz of the Center for Public Representation; and Natalie Kaminsky of PAIR.

The MBF — A 45-year timeline

1964
MBF established by Livingston Hall, Gordon Erlich, Joseph Schneider and others

1971
First grants awarded in the form of scholarships to needy law students

1978
150 Fellows are recruited to the MBF Society of Fellows; Foundation guarantees $250,000 in student loans; scholarships awarded

1985
SJC approves voluntary IOLTA program; MBF Society of Fellows grows to 375; $40,000 in grants awarded

1989
SJC formalizes IOLTA program; MBF Society of Fellows grows to 675; $382,000 in grants awarded

1993
SJC sets 26 percent as IOLTA fund distribution to MBF; MBF Society of Fellows grows to 1,025; $1.5 million in grants awarded

1996
MBF Legal Intern Fellowship Program established

1999
1,250 Fellows; $1.8 million in grants awarded

2004
MBF’s 40th anniversary celebrated; MBF Society of Fellows grows to 1,375; $3.14 million in grants awarded

2007
SJC approves adoption of comparability rule for IOLTA accounts, dramatically increasing funds available to legal assistance

2008
Spring — record $6.3 million in grants awarded

2009
Fall — U.S. economy crashes; IOLTA income declines 67 percent

2010
MBF’s 45th anniversary celebrated; MBF Society of Fellows grows to 1,450; $5 million in grants awarded
Mock Trial experience helps Mason make transition to district court bench

BY JENNIFER ROSINSKI
AND EVIN LUONGO

More than 20 years of volunteering as a judge for the Massachusetts Bar Association’s Mock Trial Program was one long dress rehearsal for Judge Mark D Mason, who was appointed to the bench last year.

“My experiences with Mock Trial have really helped to familiarize me with being a judge,” said Mason, an MBA past president whose tenure on the bench began in January 2009. “At the time that I was sworn in, I had many civil and criminal mock trials under my belt. This really helped to familiarize me with being a judge,” said Mason, an MBA past president whose tenure on the bench began in January 2009. “At the time that I was sworn in, I had many civil and criminal mock trials under my belt. This really helped me in my transition.”

Mason, now sitting in Springfield District Court, was appointed to fill a vacancy created by the retirement of Judge William W. Teahan Jr. Previously, Mason was a principal in the litigation department of Cooley Shair PC in Springfield. He served as MBA president during the 2006-07 association year and was the MBA’s first openly gay president.

Mason attributes his successful conversion from attorney to judge to the realistic nature of the MBA’s Mock Trial Program, which is celebrating its 25th year with preliminary trials that kicked off last month. Mock trials are based on real legal issues, whether they be criminal or civil, and are argued by students who Masonsaid demonstrate capabilities reserved for seasoned counsel. The trials take place in actual courtroom overseen by judges who wear robes and are expected to act the part.

“When I first became a Mock Trial judge, I became acutely aware of the importance of developing your listening skills and focusing your attention on what is being said in court. We oftentimes take for granted the accuracy of listening,” Mason said. “Sitting as a Mock Trial judge, I quickly learned I needed to engage in significantly more focused listening, often for more extensive periods of time than I had to as an attorney.”

Seeing high school students acting as attorneys in the courtroom as well as individuals outside of the competition also struck a chord with Mason. In particular, one year he had to present the first runner-up award to the team at Pioneer Valley Performing Arts Charter Public School in South Hadley. Unknown to Mason, the day of the special assembly coincided with cross-dressing day.

“I’m standing on the stage and behind me, out of the corner of my eye, I see a young man in a dress with a wig. Then, one after another, the team came out in full drag,” Mason said, chuckling at the memory. “As bizarre as that story is, what is important to take out of that is regardless of the appearance of counsel before court, I understand and respect that we all have lives outside of court.”

All of those experiences as a Mock Trial judge, Mason said, helped build his confidence when it was time for him to start his new role as judge.

“The MBA strives for the highest standards in putting on a Mock Trial,” Mason said. “Mock Trials are intended to be accurate replicas of real trials, and my experiences with the program have helped acclimate me to my new position.”
Assistant AG English works to fulfill task force’s vision of a more diverse bar

BY TRICIA M. OLIVER

April English, assistant attorney general in the state’s Consumer Protection Division, serves as co-chair with the Hon. Angela Ordoñez for the MBA’s Diversity Task Force. Like Ordoñez, she is focused on implementing programs that they hope will encourage a more diverse bar in Massachusetts, now and more importantly, in the future.

The youngest of six children, English worked her way through undergraduates studies and went on to attain her law degree from Northeastern University Law School.

A determined attorney since her bar admission, English served as a Superior Court law clerk from 2001 to 2002. Once her clerkship ended, she briefly practiced family law and personal injury law. This early start in her career led her to the Consumer Protection Division in the office of Attorney General Martha Coakley.

There, she litigates actions and negotiates settlements under the Massachusetts Consumer Protection Act on behalf of the commonwealth. She also serves as one of the co-chairs of the AGO Diversity Committee. English has worked in the AG’s office since 2003.

“If you are passionate, anything is possible,” said English, who juggles her professional responsibilities with being a mom to a 10-year-old daughter.

English welcomed another responsibility when asked by MBA President Valerie A. Yarashus to serve as co-chair for the Diversity Task Force. “It is a privilege to work with Judge Ordoñez on such an important committee,” said English, who explained that the group brings together members of the bar who are truly interested and invested in matters of diversity and the importance of inclusion.

Like Ordoñez, English is particularly focused on seeing through the success of the task force-initiated Tiered Community Mentor Program. With this new program, English hopes to “touch the minds of young boys and girls interested in pursuing a legal career.”

With several other programs geared toward high school and college students, English feels that the task force is a great opportunity for lawyers to get involved and serve as mentors for young kids looking for guidance and looking to make a difference.

Mutual respect between co-chairs Ordoñez and English is apparent. “Judge Ordoñez has such vision,” said English. “She comes up with clever and creative ideas on a consistent basis — ideas that can become reality by devoting some time and energy.”

Taking on a leadership role with the MBA has helped English to think outside the box and grow as both a practitioner and a leader.

“The MBA is a great platform to expose a diverse mix of lawyers to volunteer roles that really have an impact on the attorneys’ professional growth,” said English.

ORDOÑEZ APPROACHES THE BENCH

Continued from page 1

bar practitioners.

HER JOURNEY TO THE LAW

Ordoñez was raised by her single mother and grandmother and taught herself English by the time she was four. Ordoñez’ favorite childhood pastime of watching television and movies helped redefine her English and provided her with the initial inspiration to pursue law as a career.

The 1978 film “And Justice for All” was her favorite. She was fascinated by Al Pacino’s character and how he decided to go against the seemingly insurmountable trail of corruption. “It really blew away my limited perceptions of what you could do as a lawyer.”

Hungry to learn more about the law as a teenager, but naïve as to how, she found her chance to do so unexpectedly. Ordoñez heard her favorite teacher, Mrs. Marion Goodman, refer to her husband as a lawyer. She stayed after class and asked Goodman if her husband would mind meeting with her. Attorney Elliott Goodman agreed, and after meeting the bright teenager, helped her secure a volunteer role in the Natick Probation Department.

Goodman recalls that he was “quite impressed” by Ordoñez. “She didn’t come in just looking for a job. She was really searching for what she might want to do with a career in law,” he said.

Through that pivotal volunteer opportunity, Ordoñez developed great contacts and enjoyed what she described as “a rich experience to receive an insider’s view of the court system.”

Although she found the work of probation officers fascinating, she ultimately took the advice of her early mentors and attended Northeastern University School of Law.

STAYING GROUNDED

Ordoñez had been told that law school could be all-consuming, so she decided to engage in other experiences to keep her grounded during her first year. She volunteered at Massachusetts General Hospital’s pediatric cancer unit. In college, she also became a volunteer for the Battered Women’s Hotline. With both, she made a positive impact and gained a welcomed diversion to her studies.

“Judge Ordoñez has always had a strong commitment of the system and the public we serve. She treats all individuals — litigants, lawyers and staff — with courtesy and dignity.”

— PROBATE AND FAMILY COURT
CHIEF JUSTICE PAULA M. CAREY

After obtaining her law degree in 1989 and taking the bar, Ordoñez joined the Family Law Unit with Greater Boston Legal Services and worked there for nearly four years. After spending many hours trying cases in the Suffolk County Probate Court, she was approached by one of the clerks there regarding openings as assistant register positions.

“My initial response was, ‘But I’m happy with what I’m doing,’” said Ordoñez, who ultimately realized this was an opportunity she couldn’t let pass by. Ordoñez went on to spend seven years in the clerk’s office, where she gained a variety of professional contacts and mentors who would help and encourage her to apply for a judgeship.

On her birthday in 1998, Ordoñez learned that she made a short list of serious contenders for a seat on the bench. Sixteen months later, Ordoñez was nominated by then Gov. A. Paul Cellucci and Lt. Gov. Jane Swift.

At age 37, Ordoñez was sworn in as the first member of the Massachusetts judiciary to be both Hispanic and openly gay. She was seated as an associate judge in the Nantucket Probate Court and took great pride in her “ability to make my mom and grandmother proud beyond their dreams.” Joining her family members in the audience that afternoon were Ordoñez’ many colleagues and friends, including Mr. and Mrs. Goodman, whom she recognized in her speech.

After serving on the bench in Nantucket for several years, she was appointed to the Norfolk Probate and Family Court in 2008. For that ceremony, Ordoñez had requested that Gov. Deval Patrick consider holding it in the Norfolk Probate and Family Court in Canton. She also asked him to alter the official ceremony to accommodate more time for court employees and their families to meet with and have photographs taken with the governor.

“Probation officers were there with their children,” said Patricia Gorman, from Gorman and Greenberg in Canton and president-elect of the Massachusetts
MBA to celebrate Law Day with high school video essay contest

BY JENNIFER ROSINSKI

In celebration of Law Day this May, the Massachusetts Bar Association is holding a video essay contest open to Massachusetts high school students. Contestants will compete for scholarships by submitting videos on the subject of “Diversity in the Law.”

The contest asks high school students to create original videos up to three minutes in length that illustrate diversity in the law in Massachusetts.

“We chose Diversity in the Law as our theme because it likely means different things to different people. We are excited to review the submissions of the various interpretations of this year’s theme,” said Norfolk Probate and Family Court Associate Justice Angela M. Ordonez, co-chair of the MBA Diversity Task Force, which is providing funding to create original videos up to three minutes in length that illustrate diversity in the law in Massachusetts.

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LCL offers support group for those impacted by Haiti devastation

Lawyers Concerned for Lawyers is offering an eight-week support group for attorneys personally or professionally impacted by the devastation caused by the earthquake in Haiti. As with all LCL groups, this support group will be free and confidential.

If interested, or for further information, e-mail group leader Barbara Bowe, LICSW, at barbarab@lclma.org, or call LCL at (617) 482-9600.

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Sponsored by the Young Lawyers Division

To register, call (617) 338-0530 or visit www.MassBar.org/calendar.

MBA helps sponsor Haiti fundraiser

On Jan. 22 the Massachusetts Bar Association served as a co-sponsor for a fundraiser at Maggiano’s Little Italy in Boston for victims of the Haitian earthquake. All funds raised were provided to Partners in Health.

Other sponsors included: Janice Bassil Esq., Carney & Bassil, Boston; J.W. Carney Jr. Esq., Carney & Bassil, Boston; Richard Gedeon Esq., Carney & Bassil, Boston; Darly David Mevs Esq., Gilmartin, Magence & Ross LLP, Boston; Massachusetts Association of Criminal Defense Lawyers; Massachusetts Black Lawyers Association; and Verrill Dana LLP, Boston.

PHOTOS BY KELSEY SADOFF

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If interested, or for further information, e-mail group leader Barbara Bowe, LICSW, at barbarab@lclma.org, or call LCL at (617) 482-9600.
Community Service Award presented to Cruz

Plymouth County District Attorney Timothy J. Cruz received the Massachusetts Bar Association’s Community Service Award from the Plymouth County Bar Association on Dec. 10. MBA Past President Edward W. McIntyre presented Cruz, district attorney for nearly a decade, with the award at the Thorny Lea Golf Club in Brockton.

In addition to his work as a district attorney, Cruz is an adjunct professor at Massasoit Community College and an instructor with Massachusetts Continuing Legal Education Inc. He has volunteered as a baseball, hockey and soccer coach for teams on the South Shore, mostly in Marshfield. Cruz has also served on numerous state boards, including the Governor’s Commission on Criminal Justice Invocation and the Governor’s Council on Capital Punishment.

MBA general counsel and past presidents named to Lawyers Weekly’s “Power List”

Massachusetts Bar Association General Counsel and Acting Executive Director Martin W. Healy and three past presidents were named to “The Power List” published in the Dec. 28 issue of Massachusetts Lawyers Weekly. The MBA past presidents include Leo V. Boyle (1990-91), Wayne A. Budd (1979-80) and Michael E. Mone (1993-94).

General counsel of the largest statewide bar association for more than 20 years, Healy is one of 81 on the roster of the state’s most influential attorneys. He was named “the person to see” about getting lawyer-friendly legislation passed on Beacon Hill.

“Marty Healy was an easy choice for our Power List,” said David L. Yas, publisher of Massachusetts Lawyers Weekly. “With his professional, likable style, Marty has built a countless number of relationships on Beacon Hill in advocating for attorneys. In lawyer circles, he’s the one guy to go to when you want the law changed. That spells respect, and it spells power.”

In addition, Lawyers Weekly highlighted key accolades of Boyle, Budd and Mone:

- Leo V. Boyle, Meehan, Boyle, Black & Bogdanow, Boston — Renowned for his Association of Trial Lawyers of America bar leadership after 9/11; runs highly respected plaintiffs’ firm in Boston and recently won settlement for victims of the Big Dig collapse.
- Wayne A. Budd, Goodwin Procter, Boston — Former U.S. attorney is known to rub shoulders with Barack Obama; decision-maker at state’s largest law firm.
- Michael E. Mone Sr., Esdaile Barrett — Long a key legal insider, was recently tapped to head search committees for U.S. attorney and U.S. marshal; represents lawyers and judges in disciplinary matters, including former Judge Ernest Murphy.

Lawyers Weekly consulted with attorneys, judges, political figures and others to create a list of the state’s most powerful practitioners. Among the noted attorneys are Gov. Deval L. Patrick, U.S. Reps. William D. Delahunt and Barney Frank, Attorney General Martha Coakley, Secretary of State William F. Galvin and Supreme Judicial Court Chief Justice Margaret H. Marshall.
MBA holds section/division open house Jan. 21 in Boston

From left: Stephen Y. Chow, Burns & Levinson LLP, Boston; Kimberly Jones, Athen Legal Strategies, Boston; Christopher A. Kenney, Kenney & Samson PC, Boston; Kevin Pelletier, Massachusetts Materials Research Inc., Boston; and Naho Tadima, Furman, Gregory, Deptula, Boston.

Phillip Jack, Perry, Krumsek & Jack LLP, Boston (left) and Eric P. Zine, Elm Tree Capital LLC, Braintree (right).

Martha Rush O’Mara, law office of Martha Rush O’Mara, Melrose (left) and Sarah Lyons, Children’s & Family Law Program, Boston (right).

Young Lawyers Division member Scott Heidorn interacts with participants at the MBA Section/Division Open House.

Madeline E. Kenney and Thomas J. Barbar, Deutsch Williams Brookes DeRensis & Holland PC, Boston.

Robert T. Cannon, Equitas LLC, Boston (left) and James T. Van Buren, James T. Van Buren Law Office, Fitchburg.
ORDOÑEZ APPROACHES THE BENCH

Continued from page 11

Association of Women Lawyers. Also on hand was Probate and Family Court Chief Justice Paula M. Carey, who first worked with Ordoñez when Carey practiced law and Ordoñez was an assistant register. “Judge Ordoñez has always had a strong commitment to the system and the public we serve,” said Carey at the 2008 ceremony.

“She treats all individuals — litigants, lawyers and staff — with courtesy and dignity,” said Carey.

Today, like in 2008, Carey credits Ordoñez as one of the “shining stars on the Probate and Family Court bench.”

A LONG-AWAITED VICTORY

Nine years after she had first made the initial transition from the bar to the bench, Ordoñez realized one of her proudest professional moments. In April 2009, Kurvin Richardson was found guilty of first degree murder in the homicide of Noemi Roman.

While at GBLS, Ordoñez had represented Roman’s parents, who sought custody of Roman’s son following her death. Sergio Roman was only a toddler when his mother was murdered in 1990. Roman was beaten and stabbed and left to die while her two-year-old clung to her lifeless body.

Ordoñez explained that the horrific case always haunted her and she did whatever she could to keep investigators focused on solving this heinous crime. Closure came for Roman’s family, but also for Ordoñez, with Richardson’s conviction nearly two decades following the murder.

Her persistence to keep investigators focused on this case is one of the accolades for which Ordoñez will be honored in June with the Massachusetts Association of Women Lawyers Distinguished Jurist Award. Gorman remarked that Ordoñez’ work with that case displayed a remarkable dedication to the family of Roman and really epitomized Ordoñez’ character and “what you can really do with a law degree.”

RAISING THE BAR

She will no doubt continue to exhibit that character with her latest volunteer endeavor with the MBA’s Diversity Task Force. Among the many efforts of the task force, she and co-chair English (see profile, p. 11) are particularly focused on the success of the Tiered Community Mentor Program.

The program enlists an innovative approach that teams up practicing minority attorneys with diverse students in high school, college and law school. It is aimed at exposing inner-city students to opportunities in the legal community that would otherwise not exist for them.

Ordoñez credits the commitment of those involved, including Supreme Judicial Court Associate Justice Roderick L. Ireland. “We all want to see the program flourish,” she said.

The program has gained traction since its Oct. 29 kick off. A total of 40 participants have been matched into 10 groups, where the lawyers will serve as mentors, the high school students will take on the role of mentees, and the students in law school and college will take on dual roles.

Regarding the other goals of the task force, Ordoñez said, “We need to make sure that we are as inclusive as possible and make ourselves available to all Massachusetts attorneys. Inclusivity is paramount.”

“The MBA serves as the big tent for those smaller groups of attorneys,” she said. “I appreciate the MBA’s role in pulling the threads together with all the groups.”

Ordoñez has been known to pull together a thread or two of her own in the courtroom. “She leads by example in reminding us each day about how a person who speaks limited, little or no English may need a little extra attention and understanding,” said the Hon. Christina Harms, a long-time colleague of Ordoñez in the Norfolk Probate Court.

“We need to make sure that we are as inclusive as possible and make ourselves available to all Massachusetts attorneys. Inclusivity is paramount.”

— HON. ANGELA N. ORDOÑEZ
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Get up-to-date information on MBA CLE programs and conferences, legislative activities, events and news. The MBA will post daily legal headlines and published e-Journal and Lawyers Journal articles.

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- Have your tweets included on the MBA Twitter page and on the MBA homepage tab.

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Regardless of the role ethnic background plays in informing decisions, many believe diversity is a goal worth striving for in the judiciary.

“It is tremendously important, indeed fundamental, to have a bench that reflects the community, and that means very obviously a diverse bench with all segments of the community represented,” said Carolyn B. Lamm, president of the American Bar Association. “It doesn’t mean you have to compromise on competence. There are many lawyers who could ascend to the bench and ensure that we indeed have a bench that reflects the community.”

Diversity in the judiciary is fundamental both to the perception and reality of access to justice, Lamm said. She praised the gains that have been made by President Obama and other presidents before him, but noted that there is a long way to go. She cited the need for more women, an Asian-American and other minorities to join the Court.

“There are many people who are underrepresented on that bench,” Lamm said.

Massachusetts courts today at every level “enjoy a great deal of gender and racial diversity. I think that as our population changes, that’s going to increase. It has to. You can’t have a system where people are excluded from participation.”

Hart said gains have been made, particularly for women, but there is still a struggle to increase the numbers of judges of color. Part of the problem is a pipeline issue, he said.

“Even with an African-American governor and a Judicial Nominating Committee that’s sensitive to the issue, they still can’t just wave a wand and all of a sudden stuff the pipeline with tons of attorneys that are ready, willing and able to become judges that happen to be diverse,” Hart said.

Etnic diversity isn’t the only type needed on the bench, many believe. Lamm, a partner with White and Case in Washington, argues for diversity in terms of professional background as well.

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of alimony is involved, cases become that much more complex. The Supreme Judicial Court’s recent decision in Pierce v. Pierce, in my view, adds another layer of complexity. This decision will play into the negative perceptions of alimony payments, despite their necessary role in some cases to fairly preserve the financial livelihood of spouses despite a broken marriage.

After practicing family law for more than 25 years, I have seen a trend away from just male litigants paying alimony. As women continue to earn more competitive salaries, as more families name the mother its breadwinner, and as same-sex couples divorce, women paying alimony will become increasingly more common.

Like many of my family law colleagues, I am excited to see this issue addressed at the level it warrants. Between what the MBA and BBA are doing at the bar level and what Sen. Creem and Rep. O’Flaherty have recently taken on at the legislative level, the progress is encouraging.

As a result, all parties look forward to more predictable, consistent expectations for alimony settlements, orders and judgments.

Denise Squillante is the president-elect of the Massachusetts Bar Association. She practices law in southeastern Massachusetts.

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MBA NOMINATING COMMITTEE
Continued from page 12

School of Law. Kenney was awarded the highest rating by the Martindale Hubbell National Law Directory, ranked one of the Top 100 Lawyers in Massachusetts by Boston Magazine, named a “Super lawyer” and included in the 2009 and 2010 editions of The Best Lawyers in America. Kenney attended Boston University School of Law and is president-elect of the Massachusetts Chapter of the Federal Bar Association and past president of the Massachusetts Defense Lawyers Association.

MARGARET D. XIFARAS is a founding member of Lang, Xifaras & Bullard, where she focuses on family law. Xifaras is the former chair of MBA’s Family Law Section and a frequent MBA panelist and presenter on family law and ethics issues. Additionally, Xifaras is a former Massachusetts Bar Foundation president and MBF Louis D. Brandeis Life Fellow. In 2009, Xifaras was awarded MBA’s President Award, which is given for significant contribution to the work of the MBA. Xifaras is also an active member in the Bristol County and New Bedford bar associations.

GINA Y. WALCOTT is the executive director of Lawyers Concerned for Lawyers Inc., which is Massachusetts’ only lawyer assistance program. Before working for LCL, Walcott spent more than eight years as an assistant United States attorney for the District of Massachusetts and six years as an assistant attorney general for the commonwealth. Walcott is an active member in MBA’s Lawyers in Transition Committee, co-chairs the Women’s Bar Association’s Women of Color Committee and is a past president of the Massachusetts Black Lawyers Association. Walcott has been a recent recipient of the Massachusetts Lawyers Weekly “Women of Justice” award and was named one of the Ten Outstanding Young Leaders by the Boston Junior Chamber of Commerce. In addition, Walcott is a member of the Massachusetts Bar Foundation’s Society of Fellows.

DAVID W. WHITE JR. is a principal of Breakstone, White & Gluck PC of Boston, where he concentrates in personal injury, insurance company bad faith, medical practice and professional liability litigation. Prior to serving as president for the 2007-08 association year, White chaired the MBA’s Civil Litigation Section Council, the Law Management Section Council and the MBA Annual Conference in 2005. White also served on the Joint Bar Committee and the Governance Task Force and co-chaired the Anniversary Fee Task Force. A recipient of the 2004 Massachusetts Lawyers Weekly “Lawyer of the Year” Award, White was also chosen as a “Super Lawyer” in the field of plaintiff’s personal injury law by Boston Magazine from 2004 through 2009, and was one of Massachusetts’ Top 100 Lawyers in 2005 and 2006.

MARCH 11 GALA DINNER
Continued from page 1

Law Center with Julian Bond and Joseph Levin in 1971 as a small civil rights law firm. Today, the center is internationally recognized for its tolerance education programs, its tracking of extremist hate groups and its legal victories against those groups.

Dees has authored three books — A Lawyers Journal, his autobiography; Hate on Trial; and Gathering Storm, America’s Militia Threat.

“We are honored to welcome Morris Dees to deliver our dinner’s keynote address,” said MBA President Valerie A. Yarashus. “We look forward to hearing his perspective about his landmark trials and other work inspired by his tireless commitment to promoting tolerance and combating hate groups through the legal system.”

He remains actively involved in litigation and has received numerous awards for his work. The U.S. Jaycees honored him as one of the Ten Outstanding Young Men of America for his early business success. Trial Lawyers for Public Justice named Dees Trial Lawyer of the Year in 1987. In 2009, he was inducted into the Trial Lawyers’ Hall of Fame by the American Trial Lawyers’ Association. In addition, the University of Alabama, in conjunction with the New York law firm Skadden Arps, bestows the Morris Dees Justice Award annually.

In addition to Dees’ keynote address, the Legislative of the Year Award will honor the work of Creem, who has served in the Massachusetts Senate since 1999, representing residents of Newton, Brookline and Wellesley. As the co-chair of the Joint Committee on the Judiciary, Creem weighs in on legislation related to criminal law, the courts and civil and equal rights. A sponsor of four bills on behalf of the MBA, Creem has a longstanding history of collaboration with the MBA.

“We are pleased to recognize the hard work of Sen. Creem on behalf of the Massachusetts legal community,” said Yarashus, who noted that Creem was a fierce advocate for sentencing reform during last fall’s Senate debate.

Creem is a former chair of the MBA’s Family Law Section and still a member of the section. In addition, she is a partner at Stone & Creem, where she practices family law.

The six-term senator is also vice-chair of the Senate Committee on Bonding, Capital Expenditures & State Assets and serves on the Senate Committee on Ways and Means, as well as the joint committees on Telecommunications, Utilities & Energy and on Veterans and Federal Affairs.

The MBA’s legislator of the Year Award is presented annually to a state or federal legislator who has a distinguished track record in public service through outstanding contribution to the legal profession, courts and administration of justice.

To find out more about the MBA Gala Dinner or the full Annual Conference (March 11–12) or to purchase tickets or register, visit www.massbar.org or call (617) 338-0530.

WALK TO THE HILL
Continued from page 3

“I knew I had to make a choice between my work and my family,” said Carmelita T. of Mattapan, who requested that her full last name not be used. When Carmelita realized there was no option of part-time work at her job, she quit to care for her 7-year-old daughter, who was diagnosed with emotional and psychological disorders.

“The greatest change is in my daughter,” Carmelita said, her voice cracking as she spoke. “She is happy child now.”

The event — co-sponsored by the Equal Justice Coalition, MBA, BBA and 29 local and specialty bar associations — culminated with legal aid advocates visiting their legislators and asking that they protect funding for civil legal aid in the fiscal 2011 budget.
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MBA teams with The Warren Group for revamped Lawyers Journal next month

The Massachusetts Bar Association announces that it has entered an agreement with The Warren Group to produce the association’s flagship publication, Lawyers Journal. The Boston-based publisher will begin publishing the largest-circulation legal newspaper in Massachusetts beginning with the March issue.

“Our new collaboration with The Warren Group allows us to expand upon the editorial and business base of Lawyers Journal,” said MBA President Valerie A. Yarashus. “As the largest statewide bar association in the commonwealth, we look forward to taking the journal to the next level for our members.”

The Warren Group is the publisher of Banker & Tradesman, an award-winning weekly newspaper serving the financial services and real estate industry, as well as more than 20 other specialty magazines.

“We’re excited to be working with the Mass. bar,” said Vincent M. Valvo, group publisher and editor-in-chief at The Warren Group. “Together, our mission is to take this successful publication and bring it to even greater prominence.”

Locally, The Warren Group also produces publications for the Massachusetts Bankers Association, the Greater Boston Real Estate Board, the Family Business Association and the Homebuilders Association of Massachusetts. The family-owned company began publishing in Boston in 1872.

Lawyers Journal will be part of The Warren Group’s Custom Publishing division. Despite troubles plaguing other publishers, revenues for The Warren Group’s Custom Publishing division have grown by double digits in each of the past two years. In 2008, revenues grew more than 30 percent, and in 2009, they rose another 20 percent.

ANTHONY TARRICONI, concentrating in cases involving serious personal injuries and wrongful death resulting from the operation, design, and maintenance of all types of aircraft. Twenty-five years experience in aviation cases including airline, commercial and general aviation.

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CONFERENCE SCHEDULE

THURSDAY, MARCH 11

9 a.m. | PRESIDENT’S WELCOME AND PLENARY SESSION

Protect Your Firm and Client Information: Compliance with the New Massachusetts Data Privacy Laws

LUNCH

1 - 2:30 p.m. | PLENARY SESSION

Social Media for Lawyers: How to Boost Your Practice and Avoid Pitfalls

Tax Law Developments for the General Practitioner

CLE BREAKOUT SESSIONS (choose one)

2:35 p.m. | Recent Developments in Bankruptcy Law

Low Practice Management: Building Business in the Post-Crash Economy — Part I

3:35 p.m. | Recent Developments in Real Estate Law

Low Practice Management: Building Business in the Post-Crash Economy — Part II

CLE BREAKOUT SESSIONS (choose one)

4:35 p.m. | Recent Developments in Employment Law

Low Practice Management: Building Business in the Post-Crash Economy — Part III

5:30 p.m. | COCKTAIL RECEPTION

6:15 p.m. | GALA DINNER

FRIDAY, MARCH 12

7:30 a.m. | REGISTRATION AND BREAKFAST

8:30 a.m. | PRESIDENT’S WELCOME AND PLENARY SESSION

Recent Developments in the Law Opening Remarks: Significant Legislative Developments in Massachusetts

CLE BREAKOUT SESSIONS (choose one)

9 a.m. | Recent Developments in Juvenile Law

Low Practice Management: Avoiding Lawyer Malpractice

CLE BREAKOUT SESSIONS (choose one)

9:55 a.m. | Recent Developments in Family Law

Low Practice Management: Alternatives to the Billable Hour

10:45 a.m. | BREAK (featuring prize giveaways)

CLE BREAKOUT SESSIONS (choose one)

11:15 a.m. | Recent Developments in Probate Law

Low Practice Management: From Paper to Pixels: The PaperLESS Office Works, Paperless Doesn’t

12:15 p.m. | ACCESS TO JUSTICE AWARDS LUNCHEON

CLE BREAKOUT SESSIONS (choose one)

2:15 p.m. | Recent Developments in Personal Injury and Insurance Law

Low Practice Management: The Most Bang for Your Grand

CLE BREAKOUT SESSIONS (choose one)

3:15 p.m. | Recent Developments in Criminal Law

Low Practice Management: 60 Sites in 60 Minutes

4:15 p.m. | PLenary SESSION

Building A Solid Foundation: Managing Law Practice Risk