The Massachusetts Probate and Family Court has been persistently cross-cut in recent years by an increase in pro se litigants and a decrease in legal representation, piled on top of staff and budget cuts. It’s the worst possible combination for a court in which litigants are more likely to come into the court process already highly stressed, inexperienced in the legal process, and short on funds to hire an attorney.

While the increase in pro se litigants is out of the court’s control, one of the underlying causes of this rise is rooted in skyrocketing costs of court litigation. Costs are rising due to the structural inefficiencies in court processes themselves which lead to excessive waiting time for attorneys and litigants — which in turn run the legal clock.

These root causes are what Probate and Family Court Chief Justice Paula M. Carey has set out to address. She is concerned about the quality of information judges receive due to the dearth of legal representation in the court, and also about the rising costs of litigation stemming in part from the court system’s structural inefficiencies.

Budget cuts have prevented Carey from hiring a consultant to address these problems. Then, last year, a combination of connections made it possible for the court to get the needed outside help. On suggestion of Glenn Mangurian, a member of the Court Management Advisory Board, Carey drew on the resources of Boston College’s free MBA student consulting services. The BC program brought in first-year grad...
chord, chanted “Stump!” (MBA past president Dick Campbell previously had used my college nickname during his tenure.) I thus was dispatched by the Darp to the grand piano and played “Cool and Caressing,” written by the late jazz pianist and composer, Billy Taylor. Like a golfer recalling every hole played and stroke taken, I can remember lots of tunes I have played under a variety of circumstances. That Taylor piece was the only one I could play then as a solo that I thought was worth listening to. The Darp liked what he heard, and that is how we bonded — over music, not lacrosse. I hasten to add that my lacrosse playing time did not increase in the slightest.

Jim Ostendarp enjoyed taking his players to the Amherst art building to look at and discuss art works. He loved listening to and discussing classical music. But make no mistake about it: as a highly competitive former New York Giants football player, he understood what it took to win and expected only the best from his players. Always the teacher, he famously rebuffed ESPN’s efforts to televise the 100th annual football game between Amherst and Williams. In explaining his decision, the Darp told The Wall Street Journal that Amherst was in the education business, not the entertainment business.

After his death in 2005, when a memorial service was held at Amherst College, countless Amherst graduates, players and non-players alike, joined the celebration of his life, such was his impact on so many of us. I have been fortunate to have many lawyers and judges positively influence me during my career. The late Joe Casey of Lynn, a superb courtroom advocate and gentleman, helped me and many others, complimenting what he saw as good work in the courtroom and providing constructive criticism when he saw something less. Likewise, the late John Jennings of Salem, a trial lawyer of great renown, always made time to take a young lawyer aside to offer encouragement and advice. So, too, did the late Frank Swift of Boston, a superb cross-examiner who was very helpful to me in an early jury trial I had, providing me with invaluable advice and encouragement. The late Superior Court Judge Edward Bennett was exceedingly generous to me and other young lawyers.

I cite these individuals because they, like Rolfe Humphries and Jim Ostendarp, got it. I could cite many others, including lawyers and judges still active, but the list would be too long.

I also will cite a non-lawyer, my father, an engineer, inventor and scientist, who could be difficult.

Some months after his death 10 years ago, we had a memorial service for him in Buffalo, and my middle brother and I delivered some remarks. Neither of us had seen or discussed each other’s remarks beforehand. From conversations at the reception after the service I know that many people in attendance wondered if we had the same father. Our remarks were very different, with a notable exception. The common thread was, if something is worth doing, as Rolfe Humphries said, “Sure, sure, but what the hell?” Why not, while we’re at it, do it well?

My father actually might have said it that way, especially the “what the hell” part, albeit far less poetically than Humphries.

Teachers, coaches and mentors have a lasting impact, not because of the subject or the sport. The subject or the sport is incidental. What has primacy is the doing — doing whatever and doing it well.

It has been said of artists that part of their motivation to create is that the art they create will outlive them, thus providing a kind of immortality. I think that kind of motivation can apply to pretty much any endeavor. Doing the best we can and sharing that attitude with others provides the opportunity to create something that will last beyond any of us.

All of us, as lawyers, have the capability to do the best we can, regardless of our particular ability. All of us can help and encourage others to do the same. By doing these simple things we can make a difference every day we inhabit this planet and potentially a long time after that.

Just as Rolfe Humphries said to Jim Ostendarp, we all should want and be able to say to each other: from our profession near and our profession far, thanks for what we do and are.

That’s a pretty nice objective and would make for a decent legacy in the bargain — for all of us.
Boudin to assume senior status

Chief Judge Sandra Lynch of the First Circuit Court of Appeals has announced that the Hon. Michael Boudin intends to assume senior status on June 1, 2013.

Boudin was born in New York City in 1939 and graduated from Harvard University Law School in 1964. After working in private practice in Washington D.C., Boudin served as deputy assistant attorney general in the Antitrust Division of the Department of Justice for several years before being nominated by President George H.W. Bush in 1990 to the United States District Court for the District of Columbia. Boudin served as federal district judge and Bush nominated him to the Court of Appeals for the First Circuit in 1992. Boudin was confirmed by the U.S. Senate on May 21, 1992 and served as chief circuit judge from 2001 to 2008.

The Massachusetts Bar Association Nominating Committee, led by MBA Immediate Past President Richard P. Campbell, has issued its report for the 2013-14 nominations for MBA officers and regional delegates.

The committee was composed of Campbell; Jeffrey N. Catalano; Janice C. Nigro; Paul H. Rothschild; Michelle I. Schaffer; MBA Past President Denise Squillante; and MBA Past President Valerie A. Yarashus.

Douglas K. Sheff automatically succeeds to the office of president on Sept. 1, 2013. Pursuant to Article VIII, Section 1 of the MBA bylaws, the committee filed with MBA Secretary Martha Rush O’Mara. For information about MBA officer positions, please refer to Article VI of the MBA’s bylaws. For information on Committees and Boards, please refer to Article VIII of the MBA’s bylaws. The MBA bylaws are available at www.massbar.org/bylaws.

To view the MBA Nomination and Election Procedures, go to www.massbar.org/bylaws.

The Massachusetts Bar Association offers Boston Marathon victims free legal advice, donates $10,000 to One Fund Boston

The Massachusetts Bar Association will offer individuals impacted by the Boston Marathon bombings free legal advice through its Dial-A-Lawyer program. Victims can speak to MBA volunteer attorneys:

Wednesday, May 8 and Thursday, May 30
5:30–7:30 p.m.
Toll free (877) 686-0711

To further help those affected by the tragic events, the MBA has made a $10,000 donation to the One Fund Boston set up by Gov. Deval L. Patrick and Boston Mayor Thomas M. Menino.

MBA attorneys are also stepping forward to assist victims for free. MBA member and Boston attorney Paul White of Sugarman, Rogers, Barshak & Cohen, will lead the effort with MBA officers and staff.

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Delegates approve section name change, measure to pump more funds into IOLTA and improved workers compensation death benefits

Chief Justice Carey provides an update on the Probate and Family Court

Following three Boston-based House of Delegates meetings, MBA President Robert L. Holloway Jr. convened the house at the Sheraton Framingham for its March meeting.

Delegates voted on business brought forth by the Access to Justice and Property Law sections and the Workplace Safety Task Force. Special guest and Chief Justice of the Probate and Family Court Paula M. Carey provided an update on her department and MBA leaders delivered their informational reports.

HOD members voted favorably on the three Access to Justice measures. First, members voted to support in principle Senate Bill No. 417 with the recommendation that the bill would be amended by striking the first paragraph. The bill is an act to ensure full compliance with the good funds statute, which protects citizens who borrow money against their homes. It strengthens the requirements that funds are available for dispersion immediately at the closing. Second, HOD voted to support the recommendation for Massachusetts Rules of Civil Procedure to provide for at least 50 percent of class action residuals be disbursed to the IOLTA Committee. Lastly, delegates approved the nominees recommended by the section to receive the 2013 Access to Justice Awards. Those honorees include Legal Services Attorney awardees Ruth A. Bourquin of Massachusetts Law Reform Institute and James Breslauer of Neighborhood Legal Services; The Pro Bono Law Firm awardee Brown Rudnick; The Pro Bono Publico Attorney awardee Timothy G. Lynch of Swartz & Lynch LLP; Defender awardee the Hon. Gloria Tan Massachusetts Juvenile Court Associate Justice; and Prosecutor awardee Adam J. Foss with the Suffolk County District Attorney’s Office. Look for articles on all of the honorees on pages 10-11.

The delegation also approved the name change of the MBA’s Property Law Section to the Real Estate Section. And, the group voted to support in principle House Bill No. 1698 and Senate Bill No. 866, both pending before the Committee on Labor and Workforce Development. If passed, the legislation will increase the workers compensation burial allowance from $4,000 to $8,000.

Carey’s remarks came following what she described as a “seminal year.” Carey’s first term as chief justice of the Probate and Family Court came to a close and she was reappointed for another five-year term. Carey painted a broad picture of her department’s strategic planning process, which really made headway at a “Vision for the Future” conference last November. Included as part of the strategic planning for her department is an innovative collaboration with Boston College MBA candidates to develop recommendations for improved business practices and other efficiencies. Carey also mentioned the Probate and Family Court’s push for more educational videos for litigants to be featured on the department’s website; a pilot program for staggered scheduling in Norfolk County; and improvement...
The Winsor School of Boston wins MBA 2013 Mock Trial State Championship

On Wednesday, March 20, the Winsor School of Boston was named state champion of the Massachusetts Bar Association’s 2013 Mock Trial Program. The finals were held at Faneuil Hall in Boston. This is Winsor’s second championship, the first coming in 2010.

The high school now advances to the National High School Mock Trial Championship in Indianapolis, Ind., to be held May 9-11. A portion of the trip will be funded by a donation from the MBA’s philanthropic partner, the Massachusetts Bar Foundation.

Winsor School and Pioneer Valley Performing Arts Charter Public School competed during a two-hour mock trial in Faneuil Hall’s Great Hall. Winsor defended Paula Breedy, who was charged with the first degree murder of her great-aunt, Dana Liberson. Pioneer Valley, as the prosecution, accused Breedy of killing Liberson before her new will could strip Breedy of $4 million. Breedy was alleged to have tampered with Liberson’s heart medications, causing an overdose.

Massachusetts Appeals Court Associate Justice Peter W. Agnes Jr. presided over the mock trial and was assisted by Superior Court Associate Justice John T. Lu and Superior Court Associate Justice Kathe Tutman.

“This was an inspiring performance,” Agnes said of both teams, whom he praised for their poise and ability to handle the complicated evidence. “I don’t think I’ve seen any law school mock trial competition that was better than any performance I saw today.”

Agnes said Winsor was victorious in defending Breedy, who was found not guilty. That win, however, did not mean Winsor would automatically take the championship. The judges determined, by a vote of two to one, that Winsor was the victor because it received the higher score. The judges based their calculations on a number of factors including presentation and knowledge of both the case and law.

The MBA Mock Trial Program began its 28th 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 130 teams from across the commonwealth competed in this year’s competition.

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

For more information on the MBA Mock Trial Program, visit www.mocktrial.massbar.org.
DELEGATES APPROVE SECTION NAME CHANGE
Continued from page 4
measures related to domestic violence screening and giving children a voice in court. Carey also thanked the bar for all its help with the roll out of the Massachusetts Uniform Probate Code, noting that efforts of volunteer attorneys on related committees and necessary training were key in that transition.

Highlights of the MBA Officer Reports were updates from MBA Treasurer Marsha V. Kazarosian on the MBA Education Committee, from MBA President-elect Douglas K. Sheff on the Media Committee, from MBA Vice President Robert W. Harnais on the Diversity Committee and from MBA Secretary Martha Rush O’Mara on the Annual Dinner Committee. MBA President Robert L. Holloway Jr. detailed the MBA’s recent court funding advocacy events, as well as the Mock Trial Championship. He also announced that the MBA would be honoring the Hon. Sandra Lynch, chief judge of the United States Court of Appeals for the First Circuit and WBUR-FM’s News Department at the May 2 Excellence in the Law event co-presented with Massachusetts Lawyers Weekly.

The last report of the meeting came from MBA Chief Legal Counsel and Chief Operating Officer Martin W. Healy. Healy mentioned that Gov. Deval L. Patrick will deliver the keynote address and Rep. Brian Dempsey (D-Haverhill) will be honored with the Legislator of the Year Award at the MBA’s Annual Dinner on May 9. Healy also noted that U.S. Sen. Elizabeth Warren announced that MBA Past President Michael E. Mone will serve as the MBA representative on the Advisory Committee on Massachusetts Judicial Nominations. Mone brings a “world of experience” to this committee, according to Healy.

Healy also provided updates on an “outrageous” workers compensation tax that is part of Patrick’s FY14 budget proposal, letting the delegates know that the MBA has stressed its opposition to this tax to legislative leaders. Healy also spoke about two juvenile justice measures to which the MBA has stressed its support. One would involve raising the age of those tried as adults from 17 to 18 and the other would change life without parole for juvenile inmates to the opportunity for parole following 15-25 years served.

The HOD meeting was adjourned following Healy’s remarks. The May HOD meeting will take place on Wednesday, May 15.
In its April 2013 issue, Boston Magazine announced its “Top Women Attorneys in Massachusetts.” The list includes Massachusetts Bar Association Treasurer Marsha V. Kazarosian, as well as MBA past presidents and current members Denise Squillante and Elaine M. Epstein.

Marsha V. Kazarosian is managing partner of Kazarosian Law Offices in Haverhill. An experienced trial lawyer, she was recently nominated as one of Massachusetts Lawyers Weekly’s Top Women in Law. Additionally, Kazarosian was named one of the top 10 lawyers in the state in 1999 by Massachusetts Lawyers Weekly after successfully suing the Haverhill Golf and Country Club for gender discrimination. Kazarosian has a long history with the MBA. She was recently nominated to the president-elect for the upcoming association year. She is the association’s current president, she chairs the MBA’s Education Committee and sits on the Media Committee. She also served as MBA secretary and vice president and has led and served on numerous other association task forces, committees and councils. She graduated from Suffolk University Law School in 1982.

Denise Squillante is the founder of Denise Squillante PC in Fall River, where she focuses on family, estate, and personal injury law. Squillante served as the MBA president from 2010 to 2011 during the association’s centennial anniversary celebration. Squillante is a Massachusetts delegate to the American Bar Association’s House of Delegates and was co-chair of the joint MBA/Boston Bar Association Alimony Task Force. In addition, she is a former president of the Fall River and New England bar associations. In addition, she is a former president of the Fall River Chamber of Commerce. She was awarded the John S. Brayton Jr. Memorial Community Service Award by the Fall River and New England bar associations in 2010. In 2011, she was awarded the Roy L. Furman Visionaries. Lessig graduated from Yale Law School and the University of Chicago. In addition, he clerked for Justice Antonin Scalia at the United States Supreme Court. He later served as a professor of law at Harvard Law School and the University of Cambridge. He is also the author of several books, including “Free Software Foundation’s Freedom Award.”

Martha Bonauto is the civil rights project director at Gay & Lesbian Advocates & Defenders in Boston. Bonauto has litigated throughout New England for the rights of lesbian, gay, bisexual and transgender people. As lead counsel in Goodridge v. Dept. of Public Health, Bonauto was instrumental in the legalization of same-sex marriage in Massachusetts. Bonauto was co-counsel in Baker v. State of Vermont, which prompted Vermont’s legislature to create civil unions for same-sex couples. In addition, Bonauto formerly served as MBA Individual Rights and Responsibilities Section Council Member. Bonauto graduated from Northeastern University School of Law in 1987.

William Lee is a partner in the litigation/controversy and intellectual property department at Wilmer Cutler Pickering Hale and Dorr in Boston. Lee specializes in intellectual property litigation. He recently acted as lead counsel to Apple Inc. in the smartphone patent dispute with Samsung. Lee joined the firm in 1976 and was formerly a co-managing partner. Lee has been honored with numerous awards including being named a 2012 Litigator of the Year by The American Lawyer, 2013 Massachusetts Outstanding IP Litigator of the Year by Managing Intellectual Property, 2013 Boston Patent Law Lawyer of the Year by The Best Lawyers in America, and a 2012 Lawyer of the Year by Massachusetts Lawyers Weekly — just to name a few. Lee graduated magna cum laude from Cornell University Law School in 1976.
Calendar of Events

WEDNESDAY, MAY 8
Use of Social Media in Healthcare
4-7 p.m.
MBA, 20 West St., Boston
Family Law in Essex County: What You Need to Know Now
4-7 p.m.
Massachusetts School of Law, 500 Federal St., Andover
Marathon Bombing Dial-A-Lawyer
5:30-7:30 p.m.
Toll Free (877) 686-0711

THURSDAY, MAY 9
2013 MBA Annual Dinner
5:30-9:00 p.m.
The Westin Boston Waterfront, 425 Summer St., Boston

FRIDAY, MAY 10
Health Law Legal Chat: The Impact of the New Medical Malpractice Laws
Noon-1 p.m.
NOTE: There is no on-site attendance for Legal Chats.

MONDAY, MAY 13
Appellate Issues Under the Alimony Reform Act
4-7 p.m.
MBA, 20 West St., Boston

WEDNESDAY, MAY 15
MBA House of Delegates meeting
4 p.m.
MBA, 20 West St., Boston

THURSDAY, MAY 16
Accelerate Your Marketing: Super Marketing Conference III
8:30 a.m.-5:15 p.m.
Suffolk University Law School, 120 Tremont St., Boston

FRIDAY, MAY 17
Juvenile & Child Welfare Legal Chat Series
1-2 p.m.
NOTE: There is no on-site attendance for Legal Chats.

TUESDAY, MAY 21
Western Massachusetts Dial-A-Lawyer Program
3:30-7:30 p.m.
Statewide dial-in #: (413) 782-1659
Western New England University, 1215 Wilbraham Road, Springfield

TUESDAY, MAY 28
MBA YLD “Lawyers Have Heart 5K”
Time: TBA
Bank of Boston Pavillion, 290 Northern Ave., Boston

THURSDAY, MAY 30
Marathon Bombing Dial-A-Lawyer
5:30-7:30 p.m.
Toll Free (877) 686-0711

WEDNESDAY, JUNE 5
MBA Monthly Dial-A-Lawyer Program
5:30-7:30 p.m.
Statewide dial-in #: (617) 338-0610

WEDNESDAY, JUNE 5
34th Annual Labor and Employment Law Spring Conference
1-5:30 p.m.
Suffolk University Law School, 120 Tremont St., Boston

FRIDAY, JUNE 7
Health Law Legal Chat
Noon-1 p.m.
NOTE: There is no on-site attendance for Legal Chats.

THURSDAY, JUNE 13
Summer Networking Series Session I
5:30-7:30 p.m.
The Terrace of Avenue One, Hyatt Regency, One Avenue De Lafayette, Boston

FRIDAY, JUNE 21
Juvenile & Child Welfare Legal Chat
1-2 p.m.
NOTE: There is no on-site attendance for Legal Chats.

TUESDAY, JUNE 25
Health Law Conference
MBA, 20 West St., Boston

Continued from Page 8

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CONTINUED ON PAGE 12
Access to Justice Award winners to be honored

BY ANDREA BURKE AND CHRISTINA P. O’NEILL

PRO BONO AWARD FOR LAW FIRMS

Brown Rudnick LLP

Brown Rudnick LLP has a deep commitment to pro bono work. After forming the Brown Rudnick Charitable Foundation Corp., in 2000, the firm decided to combine all of its charitable efforts under one umbrella. In 2003, the firm created the Brown Rudnick Center for the Public Interest, which combines the firm’s pro bono, charitable grants and volunteer efforts. Since the center’s creation in 2003, the firm has provided over 89,500 hours of pro bono legal representation, valued at more than $36 million.

Many of those hours of pro bono work have been in Massachusetts where Brown Rudnick has been, and continues to be, active in many projects. The firm has partnered with the Volunteer Lawyers Project to provide pro bono legal representation to low-income clients. In addition, Brown Rudnick has recently worked with the Lawyers Clearinghouse on Affordable Housing and Homelessness to create and implement a Legal Assessment Program for nonprofit organizations. The firm also participates bi-annually in the clearinghouse’s Legal Clinic for the Homeless, having donated 855 hours over the last two years.

Brown Rudnick Center for the Public Interest Executive Director Al Wallis described his most rewarding experience with a homeless client. “It was not a particularly challenging legal issue... the thing that was so powerful was that she saw the world flip from good to bad in a couple of days.” The client was a previously employed middle-class woman who had lost her job due to illness and whose life had changed drastically as a result. She realized “that there was THIS side of America, this side of poverty. The experience was a “profound reminder of why it’s so important to do this work,” Wallis said.

As part of its commitment to pro bono work, Brown Rudnick requires that each bankruptcy associate take on at least two pro bono cases a year through the Volunteer Lawyers Project. The cases help low-income debtors file Chapter 7 personal bankruptcy. Firm bankruptcy attorney Ben Chapman described that “of- ten, petitions people filed for themselves would be denied,” underscoring the need for legal representation when filing for bankruptcy.

According to Chapman, he and his colleagues help their pro bono clients through the entire filing process, which includes preparing and filing the petitions as well as attending the mandatory 341 meeting with trustees and creditors. “You really do get a sense that you are helping someone — people experiencing extreme financial distress,” Chapman said. “It’s really nice to help them with a fresh start.”

Also through their partnership with the Volunteer Lawyers Project, Brown Rudnick represents individuals in unemployment benefit disputes. Firm associates Jennifer MacDowell participates in the program. “Being out of work can be one of the most personally demoralizing things that can happen to a person. The [unemployment] benefits help them stay on their feet during the trying and lengthy process of finding a new job,” MacDowell notes that cases where employees are forced to quit due to work conditions are particularly challenging. She recently represented a woman who had to quit her job because of the daily discrimination in her male-dominated work environment. Through the pro bono work of MacDowell and colleagues, the woman was able to keep her unemployment benefits. “Being able to help this woman — and all of these clients — through such a difficult period in her life is why this work is so important to us,” MacDowell said.

In response to receiving the Pro Bono Award for Law Firms, Wallis said, “the fact that the state’s largest bar association would take the time to applaud, focus on, and support this type of pro bono legal work is the real award.”

“Receiving the applause of the Massachusetts Bar Association for the pro bono work and direction that Brown Rudnick is taking with public interest is a marvelous affirmation.”

BAR NEWS

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In response to receiving the Pro Bono Award for Law Firms, Wallis said, “the fact that the state’s largest bar association would take the time to applaud, focus on, and support this type of pro bono legal work is the real award.”

“Receiving the applause of the Massachusetts Bar Association for the pro bono work and direction that Brown Rudnick is taking with public interest is a marvelous affirmation.”

ACCESS TO JUSTICE PROSECUTOR AWARD

Adam J. Foss

Suffolk County District Attorney’s Office

Assistant District Attorney Adam J. Foss began law school to become an entertainment lawyer, but after a clerkship in Roxbury District Court and participating in the Suffolk Defenders Clinic at Suffolk University Law School, Foss realized he wanted to work in the criminal justice system.

“I thought I wanted to be a defense attorney,” said Foss, who began his career as a prosecutor in Suffolk County after graduating from law school in 2008. Foss explained that ADAs are capable of giving someone a second chance, something unique to the prosecutor’s role.

“We’re endowed with a tremendous amount of power, and if you use that power for good, you really can make a lot of change,” he said.

Foss currently works in the Juvenile Division of the Suffolk County District Attorney’s Office. Foss has committed himself to giving back to the community through efforts such as the Roxbury CHOICE Program, an initiative to turn probation from a punitive sentence into a beneficial relationship with the court. On a case-by-case basis, offenders are given the alternative of applying to educational programs such as the Re-Engagement Center, Year Up, Youth Opportunities Unlimited Boston, and Strive.

One of Foss’s most memorable CHOICE cases pertained to a South End gang member. When the defendant violated his terms of probation, Foss chose the presiding judge for a second chance with him. As an alternative to incarceration, the defendant was accepted into the Year Up program, where he graduated with the skills necessary to maintain a job. He now works in technical support services and is no longer involved in gang life.

Foss is founder of the Reading Program, in which members of the Suffolk County District Attorney’s Office, as well as other government agencies, volunteer to read in early elementary classrooms in Roxbury. Foss said the idea was inspired when he overheard a statistic that “first-grade inner-city kids have only been read to for a total of 24 hours in their lives,” whereas their suburban counterparts have been read to for an estimated 1,800 hours by first grade. The program is an effort to help bridge the gap.

Foss finds his work extremely rewarding and has no plans of slowing down. He is currently working to create a diversion program for the Suffolk County Juvenile Court. “A lot of times your job starts at five,” said Foss, adding that District Attorney Dan Conley told him that when he was first hired back 2008 — it has stuck with him ever since.

“Everything I’ve done is with the support and encouragement of a lot of people in my office,” said Foss, expressing his gratitude to Conley and the Suffolk County District Attorney’s Office.
**LEGAL SERVICES AWARD**

**James Breslauer**

**Neighborhood Legal Services**

Neighborhood Legal Services Advocacy Coordinator James Breslauer has dedicated his entire career to helping the underrepresented. Before joining Neighborhood Legal Services (NLS) in 1996, Breslauer worked as a legal aid attorney in Pennsylvania and at Merrimack Valley Legal Services in Massachusetts. 

“In college in the ’60s, I got very bothered by the inequities I was seeing, as far as how poor people were being treated and black people were being treated … I couldn’t stand the injustice. So I decided to go to law school and do something about it,” Breslauer said.

It was at Dickinson School of Law in Pennsylvania where Breslauer truly began his career in legal aid. “I almost got kicked out of law school because I was working 60 hours a week in the legal aid clinic.”

Over the years, Breslauer has worked in many different areas of legal aid, including public benefits law, unemployment, anti-hunger issues, housing, health law, trial work and appellate advocacy. Breslauer remembers one particular unemployment case in which the client lost his job because the employer had switched his shift. Although the client did not have children and needed to stay home to care for his children during the new shift hours, he was denied unemployment benefits. After losing in the Massachusetts Appeals Court, Breslauer was ready to give up, but appealed the decision to the Supreme Judicial Court at the request of his client.

“Low and behold — we won,” Breslauer said. The SJC ruled that staying home to take care of children was good cause. “Good personal reasons can be good cause for leaving work,” he said.

The client was so thrilled with the result that he framed a picture of himself holding the SJC decision and gave it to Breslauer in gratitude.

As a result of decreased funding that forced NLS to downsize, Breslauer now focuses more on housing law. He explained that many of his days are spent trying to get a court order for shelter for families that have nowhere to go.

“Unfortunately, lately we’ve been really hit with an awful lot of families who are homeless and being denied shelter by DHCD [Department of Housing and Community Development],” he said.

In addition, Breslauer spends at least one morning a week at the Northeast Housing Court in Lawrence, where he helps less experienced attorneys and law students represent low-income tenants in mediation. He has also served as a hearing officer for the Board of Bar Overseers for many years, as well as a judge for the MBA Mock Trial Program.

In receiving the MBA Legal Services Access to Justice Award, Breslauer said he is “totally blown away” and incredibly honored.

“I feel most of the time that our clients are invisible — to many government agencies and politicians, they are just statistics. This award is really a recognition by a very prestigious organization, the MBA, that our clients count and are entitled to all of the same legal rights as those with money.”

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**LEGAL SERVICES ATTORNEY**

**Ruth A. Bourquin**

**Massachusetts Law Reform Institute**

If it takes a village to raise a child, it often takes an army to protect one; especially one as vulnerable as a homeless child. Ruth A. Bourquin, a staff attorney at the Massachusetts Law Reform Institute, has been a general of this army — a dedicated advocate, dedicated to ensuring that homeless children are not exposed to harmful and unsafe conditions.

Bourquin specializes in public benefits, including family shelter. She has engaged in legislative and administrative advocacy, as well as class action litigation, expanding access to support services for need families and to emergency assistance for homeless families.

She recently served as the lead advocate providing pro bono representation and medical providers, as well as the legal and social services communities, to preserve safety net programs that protect homeless parents and their children. When the state decided to reorganize its emergency shelter system, proposing significant regulatory restrictions to access to shelter for homeless families with children, Bourquin assembled a diverse coalition to identify deficiencies in the state’s proposed policies and to suggest remedies to protect homeless families.

Recognizing that the proposed changes would jeopardize existing safety net protections, Bourquin spearheaded efforts to meet with members of Gov. Deval L. Patrick, administration and the Legislature, testifying at legislative and administrative hearings to provide detailed comments exposing the harm of the proposed changes while articulating effective solutions.

“While we have some of the protections that she advocated for are found in the new regulations, but too many homeless children in Massachusetts are now being denied shelter and forced to sleep in unsafe and inappropriate places.

“I was extremely honored to be told about this award, particularly because it is based on my work on behalf of homeless families with children who are now facing great difficulty accessing emergency shelter in the commonwealth,” Bourquin said. “I would like to accept this award on behalf of the very brave families I work with each day who manage to protect their children and be good parents, notwithstanding the crisis of homelessness they face.”

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**PRO BONO PUBLICO**

**Timothy G. Lynch**

**Swarz & Lynch LLP**

One of Timothy G. Lynch’s most illustrious anecdotes about what impermanence does to shape a child is about “The Box.”

He said a teen in foster care who has a morning sp at with a foster parent can come home after school to find a social worker sitting on his or her bed with a box for personal belongings to collect in order to leave the home.

“It’s just common sense that children brought up without any permanency are not going to do very well,” Lynch said.

“Their odds are greatly diminished, but if you have a volunteer to give a kid direction, that kid will succeed.” He said foster children can sometimes be made keenly aware — by their foster parents — that the foster parents are being paid to take them in, and that that message is mostly less than kind.

Lynch’s main pro bono focus has been his work with Boston CASA Inc., a nonprofit child advocacy association concentrating on the best interests of children who are the subject of abuse and neglect cases. He has served on the board of CASA since 1991, first as a court-appointed legal advocate, then as a board member and currently as the organization’s president.

Boston CASA recruits, trains and supervises volunteer advocates to represent the best interests of children in the courtroom and to ensure that their medical, educational and other needs are met, and makes recommendations for permanent and temporary living conditions.

When budgetary cutbacks at the Probation Department forced CASA to find new quarters, the preparation that Lynch had made, including obtaining financial backing, allowed the program to become a free-standing, non-profit organization with its own executive director and its own offices.

He was shocked when notified he was receiving this award, but expressed hope that it brings more publicity to the cause of CASA, whose young clients are dubbing “the forgotten children.”

“It’s critical to do whatever we can for these kids, because what happens to them will come back to all of us,” he said.

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**DEFENDER**

**The Hon. Gloria Tan**

**Massachusetts Juvenile Court Associate Justice**

The Hon. Gloria Tan remembers being told, as a newly-minted public defender at the Trial Unit of the Committee for Public Counsel Services, that in the role of public defender, you are “the one person in the courtroom standing in the way of a high-speed train going toward your client, and you are the only one who can stand on the tracks.”

Most people wouldn’t care for that job description, but Tan, who worked at Harvard’s Criminal Justice Institute as a clinical instructor and supervisor for law students representing indigent adults and youth in, before and during, judicial, criminal and delinquency proceedings, said she feels lucky to have served. “A client is more than just a docket number on case. It’s your job to tell the court who your client is and what crime they’re charged with,” she said.

Many Criminal Justice Institute clients were in court because of issues such as substance abuse or mental illness or learning disabilities. Post-dispositional advocacy goes beyond the courtroom.

“I have taken clients to drug treatment programs,” Tan said. “After the case is over, programs,” Tan said. “After the case is over, we try to achieve the best outcome, but we [also] try to address underlying issues to prevent recidivism, help them find jobs, get them into counseling, and keep them from violating probation.”

Tan serves on the board of directors of the Asian American Lawyers Association of Massachusetts and has chaired the MBA Criminal Justice Section Council, where she remains as a member. She is also a member of the Massachusetts House of Delegates, its Executive Management Board, and the Governor’s Juvenile Justice Advisory Board, serving on the Re-entry Subcommittee.

Gloria has encouraged Asian American lawyers and other lawyers of color to join and become active in the MBA and in their communities. She volunteers as a citizen-arbitrator at the Boston Chinatown Neighborhood Court.

“I feel very honored and humbled by this,” she said of winning the Defender Award.
Civil Litigation and the Young Lawyers Division host free Legal Lunch Series

The Civil Litigation Section and Young Lawyers Division hosted Part II of the Legal Lunch Series on March 27. The series, geared toward civil litigators of all experience levels, provides attendees with an opportunity to participate in a discussion of selected areas of law or practice in a collegial setting.

The March program focused on legal malpractice and featured guest speakers George A. Berman and Charles P. Kazarian. Courteney Shea, of Looney & Grossman, LLP; and Craig Levey, Esq. of Bennett & Belfort PC moderated the discussion.


THE WISDOM TO KNOW THE DIFFERENCE
Continued from page 1

uate students to evaluate the court systems and structures to see what internal functions could be made more efficient. The MBA students, whom Carey commends for their professionalism, evaluated the Middlesex, Suffolk and Norfolk registries to recommend certain efficiency-improvement processes.

“The court told us what they faced,” stu- dent Alison Hamilton said. “There were sig- nificant staff reductions across all counties, and processes that didn’t match the staff reduc- tions.” Additionally, back-end processes were not effective in bringing cases timely to court. The students recommended that the court redesign the customer-facing areas from end-to-end in order to start and end with the same court employee. Student To- mas Uribe called for making the connection between the front and back office shorter.

“We should have people answering ques- tions and talking to clients,” he said. Student Jason Shulman says, “We saw on our first day, a lot of the people coming into court were having the worst day of their lives. If we could improve that, we were proud,” stu- dent Jason Shulman said.

The Franklin N. Flaschner Judicial Insti- tute provided funding for bench-to-bar con- ferences to address access to justice issues, and hired Laura Freebairn-Smith, principal of Organizational Design & Development Associates (ODDA), to design and facilitate an all-day conference on November 2 of last year, which drew about 100 representatives from a variety of court constituencies.

A critical component was the initia- tive to concentrate on things that the court could control, rather than issues outside of its control — and, in essence, the wisdom to know the difference. “The court can do nothing about the influx of pro se litigants,” says Robert Brink, the Flaschner Institute’s executive vice president and also director of the Social Law Library. “The first exercise was what’s in and out of the court’s control.”

The internal issues within the court’s control are: timeliness, scheduling, training, and customer service.

Before the conference, ODDA conduct- ed a survey of 350 stakeholders and assem- bled focus groups to review solutions and plans to achieve the improvements, and cre- ate an understanding of the external factors influencing the court’s effectiveness.

The Flaschner Institute’s Brink says the scientific polling methodology differs from the old style bench-bar conference which consists mostly of impressionistic views of court activities. “What you don’t need is a structured polite carping section,” he said.

“This was a real poll with real criteria.”

“It was great to have judges and law- yers in the room at same time,” Carey said of the November conference. “Judges said they would be willing to stagger-schedule a motion [to reduce waiting time], but other parties would need to have spoken to one an- other before coming in front of the court.”

Norfolk County is currently serving as a pilot project for the staggering of cases on motion days.

Brinks says the survey contained an 80 percent positive response rate as to whether the court treats people fairly. Improvements would include the needs for better case pro- cessing, and also the determination of which improvements are dependent on money and which are not.

The Probate and Family Court recently completed Rule 412 which is headed to the Supreme Judicial Court Rules Committee. This rule allows administrative approval of uncontested joint petitions to modify a child support judgment instead of a judicial hear- ing. “That doesn’t mean that a judge can’t schedule a hearing if, on review of the paper- work, something seems amiss,” Carey said.

“Our vision for the future empowered everyone to believe they are part of our vi- sion,” Carey said. “It was a collective effort by a lot of people to bring this forward . . . for just really being committed to this process and committed to working together to im- prove the way we operate our court to make it better for the litigants.”
YLD members volunteer at Greater Boston Food Bank

The Young Lawyers Division hosted an MBA Volunteer Night at the Greater Boston Food Bank on April 3. Volunteers made 4,458 meals, sorted 6,440 pounds of food and salvaged 5,796 pounds of food.

YLD hosts speed networking event

The Young Lawyers Division hosted a speed networking event for more than 40 attendees on April 11 at the MBA in Boston. The event paired new attorneys with mentors and was followed by a networking cocktail reception.

Hoffman addresses ADR Committee

On Wednesday, March 13, the MBA’s ADR Committee invited David A. Hoffman, a mediator, arbitrator, attorney and founding member of Boston Law Collaborative LLC to speak at the committee’s Best Practices portion of the meeting. The discussion surrounded the topic of “Mediator as Moral Witness: Navigating the Risky Shoals of ‘Right’ and ‘Wrong.’”
FACULTY SPOTLIGHT

J. MICHAEL SCULLY, ESQ.

Bulkley, Richardson & Gelinas LLP, Springfield

Program co-chair: “Use of Social Media in Healthcare”

Scully is a member of Bulkley Richardson’s Litigation/ADR Department, Health Law Practice Group and Schools, Colleges and Universities Practice Group. He is engaged in all aspects of health law practice, with an emphasis on health care reform, regulatory compliance, privacy, finance, contracting, risk management, antitrust and organizational governance. He also handles commercial and other civil litigation. Mike has handled numerous complex business litigation matters, including significant health care, antitrust, civil rights, ERISA, consumer and contractor protection cases, both in the federal and state courts. He has also written and lectured on various health law issues, including confidentiality and privacy, and end-of-life issues.

Scully is currently the chair of the Massachusetts Bar Association’s Health Law Section Council, and is active in community affairs. Scully received his B.A. from the College of the Holy Cross and his J.D. cum laude from Western New England College School of Law.
"Networking" is a word we use to describe a process for meeting people, who might become our next best client, referral source, connection to a job opportunity, business partner, sponsor, or friend. There is a science and art to this process, which is an integral part of a disciplined marketing strategy. On April 4, I had the pleasure of moderating a panel of successful networkers: Cynthia MacCausland, Donald Lassman and Daniel Dain. The program, sponsored by the Massachusetts Bar Association Law Practice Management Section and accessible online via MBA My Bar Access, is titled "Growing and Mining a Professional Network." This article highlights the top 10 tips from this esteemed panel.

1. Start up. Nothing happens if you stay on the sidelines. Participation is necessary for success.

2. Have a marketing strategy of which one element is networking and be disciplined in executing your strategy.

Identify your target market. What characteristics define the group? What events do they attend? What publications do they read? What associations do they join? What solutions do they need? Once you have collected sufficient data to answer these questions, plan the when and where of attending events to meet the right people, letting them know you what you can do for them, and developing your network.

Join organization committees and volunteer. Everyone needs help and it’s a great way to build relationships. It’s also easier specifically for introverts, to build relationships through membership in organizations that matter to them and by working on causes and campaigns that align with their values and passion. Further, you will work in smaller groups with people who learn about your ability and learn to trust you because you participate and follow through on your promises. If they need a speaker, volunteer to speak. If you don’t want to speak, volunteer to help with the planning or logistics of an event. If they need an article, volunteer to write it. You’ll build your reputation as your name becomes visible across the community.

Don’t ignore or forget about your contacts. Target clients and referral sources must:

1. Know who you are;
2. Know what you do;
3. Know how you help them.

Do what you love. It’s easier to network if you enjoy networking. If you don’t, it’s easier to talk about what you love, which should relate to your professional work. The importance of knowing yourself is at the foundation of a successful career and marketing strategy. Who are you? What do you do? What are your values and passions?

How are you different from everyone else in your industry? How do you connect with your target market? When you are able to answer these questions with ease, it becomes easier to talk to target clients and referral sources about yourself. If you don’t enjoy talking about yourself, that’s okay. It’s better networking if you spend more time listening and asking questions than talking about yourself.

If you don’t love networking, build relationships with sponsors and mentors. Sponsors are people who advocate for you when you aren’t in the room. They are referral sources and indirect influencers of the decision-makers, who control delegation of work or job assignments. Mentors, are more experienced lawyers with an established reputation. They will be delighted to review an article for you if you add their name to it and adding their name boosts your reputation by association.

Know what you want and the appropriate set of action steps to move closer to attaining what you want, beginning with how to ask for what you want in an effective way.

Check your return on investment. Networking involves time and money. As with any strategy, don’t neglect to collect and analyze the data on the effectiveness of your networking. How much time and money are you spending? What outcomes on these investments are you measuring to determine the value of your ROI? If your ROI is too low for a particular networking effort, try something else. If your goal is to meet your target market or referral sources and your target market is lawyers in the role of general counsel, bar associations may put you in contact with more competitors than target clients or referral sources.

It takes years to develop clients. The number of relationships compared to the number of clients will be very high. Keep your thinking aligned with that reality and avoid unwarranted frustration if it seems to take longer than expected to build a significant book of business. It takes years for most of us to develop a substantial book of business.

Use your strengths and manage your weaknesses. If talking to strangers isn’t your strength, plan a strategy that will manage your anxiety. If being in large crowds is stressful and exhausting, plan for a break from everyone with a trip outside for five to 10 minutes in the middle of an event. Know how you will enter into conversations, what you will say, and how you will disengage from conversations. Plan for one-to-one conversations in-person or by telephone to follow up and deepen relationships. Build a reputation through publishing articles in trade journals that your target clients will read. Use social media to connect virtually.

Develop and practice your communication skills.

Networking might feel overwhelming even if you enjoy large parties if your communication skills are underdeveloped. Like any skill, communication and networking require you to know what to do, know how to do it, and then practice a lot. Go to events until you become desensitized at attending these events and talking to strangers. Be your best friend instead of your worst critic and evaluate your performance kindly. Attend marketing messages development workshops, work on your marketing messages with a coach or peer, practice basic conversational skills, look for and seize opportunities for public speaking.

Successful rainmakers think differently, act differently, and have different networks. Indeed, the differences in their thinking about what to do and how to network is where success begins. Start by showing up, next by willing to practice and be patient, and finally a stream of business will begin to flow.

For more tips from this esteemed panel, visit the Pleasure of Moderating a Panel of Successors, or read the full article at www.shefflaw.com.

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LAWYERS CONCERNED FOR LAWYERS

Losing ‘real self’ along career path

Q: Though my father and siblings just about got through high school and are in the trades (some of them doing quite well, for example, my electrician brother), I somehow became more of an academic type and landed at a prestigious college, where I constantly felt like a fraud and was amazed to make it to graduation without anyone catching on.

For lack of any other ideas, like a number of my peers, I applied to law schools, did quite well on the LSAT, and spent the next three years at a highly regarded institution that brought me to pressured life at a law firm.

Even in this work life, and even though no one has complained about my work, I still feel like I’m faking it and that at some point will be found out. As I present my aggressive, assured professional self to my clients and colleagues, I might as well be on stage in a play, including the stage fright, because I’m constantly anxious and have lately experienced what I think are panic attacks.

Had I not been admitted to that college, I’d probably be a carpenter now, and maybe more comfortable in my own skin, but I can’t ignore the trajectory created by the academic privileges I’ve been given.

My wife, who herself has a higher IQ than her brothers and a malpractice hotline through the MBA’s insurance carrier.

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THE MASSACHUSETTS BAR ASSOCIATION
Imagine being a single parent of young children, facing serious illness, less of employment due to that illness, the consequent loss of health insurance, and an eviction, all within a few months. As a lawyer, you would ask what legal remedies might be available and then seek an attorney to help. But many citizens of our commonwealth do not know their legal rights and can’t find affordable legal assistance.

Daniele Bien-Aime faced all of these issues in 2011. As she told 650 lawyers and other supporters at this year’s Walk to the Hill for Justice, she found herself with nothing left to pay her rent after she lost her job due to that illness, the consequent loss of health insurance, and an eviction.

Daniele was lucky. Others are not. Legal services programs turn away over half of the low-income individuals seeking representation. Many have physical centers and state access to justice coordinators. The support of the MBA for the current efforts was perhaps the strongest evidence ever provided of the positive impact of full representation for tenants facing eviction. The results in the Northeast Housing Court were consistent.

A second round of eviction defense pilot projects recently was funded with a Civil Legal Aid Innovation Grant from the Office of Attorney General. The HomeCorps Homelessness Prevention Project will provide free legal representation to tenants in certain eviction cases in Worcester Housing Court with attorneys from Community Legal Aid and Massachusetts Justice Project, and in Framingham District Court with attorneys from MetroWest Legal Services with management from Massachusetts Law Reform Institute. The success will be carefully evaluated to measure its impact.

Those of us who appear in court see clearly how critical good advocacy is to the outcome of the case. We know how important it is to the functioning of our justice system. The support of the MBA for the current effort in Massachusetts, designed to provide representation in cases where basic human needs are at stake only full representation will ensure access to justice, will continue to bear fruit.

This article was produced with the help of Assistant Managing Editor Kaye Tyrell and Susan Anderson.

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1. 327 U.S. 335 (1946).
8. www.me.gov/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05隨時/05随时随’s
9. Recently, advocates from MetroWest Legal Services with management from Massachusetts Law Reform Institute provided the pilot projects with free legal representation for tenants in certain eviction cases in Worcester Housing Court with attorneys from Community Legal Aid and Massachusetts Justice Project, and in Framingham District Court with attorneys from MetroWest Legal Services with management from Massachusetts Law Reform Institute. The success will be carefully evaluated to measure its impact.

Those of us who appear in court see clearly how critical good advocacy is to the outcome of the case. We know how important it is to the functioning of our justice system. The support of the MBA for the current effort in Massachusetts, designed to provide representation in cases where basic human needs are at stake only full representation will ensure access to justice, will continue to bear fruit.

This article was produced with the help of Assistant Managing Editor Kaye Tyrell and Susan Anderson.
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