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TO CHATHAM**

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# MASSACHUSETTS LAWYERS JOURNAL

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## Task Force fosters positive consumer relations from multiple angles

BY DEBBIE SWANSON

Recognizing the always evolving nature of the consumer and business relationship, the Massachusetts Bar Association last year created the Consumer Advocacy Task Force, a group focused on protecting consumer rights and acknowledging and promoting consumer-friendly business practices.

Chaired by MBA Vice President Christopher A. Kenney, the group is composed of several attorneys from a mix of backgrounds. Now embarking on its second year together, the task force is well underway with its main objectives.

"The task force's goals are three pronged," said Kenney. "First, we're creating a clearinghouse of information for consumers regarding protection issues. We want to empower the consumer, so they know where to turn when they have a claim — whether it's the hotline, the state office of consumer protection or the MBA's Lawyer Referral Service."

Kenney said that the group has been involved in identifying and creating information, resources, templates and roadmaps to pass along to consumers who aren't sure where to turn when they have a claim. Once the clearinghouse is up and running on the MBA's public-facing [www.Mass-LawHelp.com](http://www.Mass-LawHelp.com) website, the group will



The Consumer Advocacy Symposium on Oct. 29 is one of the key efforts of the Consumer Advocacy Task Force. It will also feature the presentation of the MBA Pinnacle Awards.

continue to review it over the years to ensure that the information distributed remains accurate and current.

### Symposium this month

A second effort of the group is to recognize and promote area businesses that make continuous efforts to maintain positive relations with their consumers. Part of this effort is to create a favorable and supportive relationship,

rather than interacting with a business only after a dispute has been initiated.

"This is a proactive step, to use positive reinforcement to recognize the businesses that benefit consumers," said Kenney.

One result of this effort is the creation of the MBA Pinnacle Awards, a new award designed to recognize companies in Massachusetts, large or small, for positive interactions with and commitment to their con- ➤4



PRESIDENT'S VIEW  
MARSHA KAZAROSIAN

## A new UCC: Unity, collegiality, camaraderie

I am now a seasoned, experienced president of the Massachusetts Bar Association, having finished an entire month's tenure. And here is my take-away, so far.

First, I am awestruck by the overwhelming support and encouragement that I have received from my friends and colleagues in the legal community, as well as in my own circle of friends and family. It's not that I didn't expect to be supported, but it has been a wonderful feeling of communal investment in the MBA's success, and in the initiatives that we take on this year. And it occurred to me that this is a theme common to all of us — that of unity, collegiality and camaraderie. These are three ingredients that are of the utmost importance to success in any profession, but most importantly in a tight-knit, often contentious-by-nature profession.

As I expressed in my remarks at the President's Reception last month, it is because of the MBA's unity with the bench and the bar of the commonwealth that we finally have *voir dire* in Massachusetts. Both the Massachusetts Academy of Trial Attorneys (MATA) and the MBA worked long and hard to bring *voir dire* to Massachusetts, and I think that everyone would agree that a fair and impartial jury is the cornerstone of our system of justice. "*Voir dire*," meaning "to speak the truth," is an incomparable tool in rooting out hidden bias ➤2

## Kazarosian: 'The MBA wants to be your village'

BY ANNA SIMS

Extended applause and whistles greeted Marsha V. Kazarosian, president of the Massachusetts Bar Association, as she took to the podium at the MBA's President's Reception Sept. 18, at the Boston Harbor Hotel.

Kazarosian kicked off the 2014–2015 association year by emphasizing the importance of creating a strong MBA community. She dedicated her year as president to fostering relationships — particularly between lawyers and judges — and furthering educational opportunities.

"The MBA educates.' That is a phrase that you will hear quite a bit this year," Kazarosian said. "With the MBA's free CLE commitment [effective Sept. 1], we offer not only free education to all lawyers, but in doing so we provide mentoring relationships, networking opportunities and social events that will enhance any lawyer's practice."

Immediate Past President Douglas K. Sheff opened the evening by recounting how, when Kazarosian was 12 years old, her uncle told her she couldn't come golfing with him at the Haverhill Country Club because she was a woman.

"The Haverhill Country ➤4

## Chief Justice Gants to deliver State of the Judiciary

BY MIKE VIGNEUX

Supreme Judicial Court Chief Justice Ralph D. Gants will deliver his first State of the Judiciary Address to the legal community at the Massachusetts Bar Association's annual Bench-Bar Symposium at 4 p.m., on Thursday, Oct. 16, at the John Adams Courthouse.

"This symposium is always a great event and

having Chief Justice Gants deliver his first address to the legal community will make it even more memorable this year," said Massachusetts Bar Association President Marsha V. Kazarosian. "We look forward to working with Chief Justice Gants to maintain and strengthen the relationship between the bar and the judiciary, which is so vital to the administration of justice in our commonwealth." ➤11



Supreme Judicial Court Chief Justice Ralph D. Gants will deliver his first State of the Judiciary Address on Oct. 16.

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

when properly implemented.

In keeping with the MBA's commitment to educate our members and also our pledge of unity, I have created a Voir Dire Task Force, chaired by Marc Breakstone of Breakstone, White & Gluck. This Task Force is a working group of dedicated and passionate representatives from the Massachusetts Defense Lawyers Association, the Massachusetts Association of Criminal Defense Lawyers, MATA and the Committee for Public Counsel Services, as well as district attorneys. They will synthesize input from the representative trial bar for consideration by the Supreme Judicial Court's Voir Dire Committee in establishing acceptable protocols.

The Task Force will also work closely with the MBA's Education Committee chaired by the Honorable Bonnie MacLeod-Mancuso in preparing a comprehensive program to offer to our members, free of charge in January, which promises to be the go-to CLE training for how to conduct *voir dire* in Massachusetts under the new SJC protocols. It is extremely important, particularly at this stage, to make sure that *voir dire* is taught and conducted appropriately, effectively and efficiently, and we will have a voice in ensuring that proper implementation.

The MBA continues to be the personification of unity in so many ways. We see it at our own House of Delegates, where lawyers representing virtually every area of practice in all corners of the commonwealth, as well as diverse, affinity and specialty bars, have a seat. We also see it with our incredible MBA members who

volunteer their time on our programs, and our dedicated staff who keep our educational and volunteer opportunities relevant and vibrant. And the MBA has a history of bringing the statewide legal community together by partnering with our colleagues in other associations to improve our system of justice. Our combined efforts have led to additional court funding, judicial pay raises, courthouse improvements and other advancements — and we'll continue to work together.

Another initiative that I am excited to share is the MBA's continuing role in advocating for increased compensation for assistant district attorneys, CPCS attorneys and bar advocates. To that end I was proud to accept an appointment by Gov. Deval Patrick to his Commission to Study the Compensation of ADAs and CPCS attorneys.

The Governor's Commission is yet another example of a unified effort of defense lawyers and prosecutors to continue the road paved by the MBA's Blue Ribbon Commission on Criminal Justice Attorney Salaries created by past President Douglas K. Sheff, and chaired by past President Richard P. Campbell. The Blue Ribbon Commission's eye-opening May 2014 report entitled, "Doing Right by Those Who Labor for Justice — Fair and Equitable Compensation for Attorneys Serving the Commonwealth in its Criminal Courts," was the jumping off point for the first meeting of the Governor's Commission, which was held on Sept. 26.

The Governor's Commission is comprised of representatives of the House and Senate, the Office of the Governor's Chief Legal Counsel, the MBA, the Bos-

ton Bar Association, the Massachusetts District Attorneys Association, CPCS, the Attorney General's Office and the private criminal defense bar, and it is co-chaired by the Secretary of Administration and Finance and the Secretary of Public Safety and Security — another example of the MBA's commitment to a unified effort toward a common goal.

I would also like to urge everyone to attend an event that I am particularly thrilled about, and that is the MBA's Annual Bench-Bar Symposium on Oct. 16. The MBA has the great privilege of hosting the event this year, which will feature Chief Justice Ralph D. Gants' historic first State of the Judiciary address. Chief Justice Gants has been a long-time supporter of the MBA and has always been very generous and enthusiastic with his time and his efforts in making sure that bench and bar in Massachusetts continue to work together toward common goals.

In closing, as I remarked at the recent President's Reception, it truly does take a village, and the MBA is your village. We are here to help you, and we have the resources and the commitment to provide you with what you need to succeed. Please do not hesitate to use these resources, or to become one of them!

My goal this year is to continue the tradition of the MBA as the leader in charge to maintain a fair and independent judiciary, access to justice and excellence in our profession. We do that by offering education, opportunity, a strong partnership with the bench, a respected voice on the Hill and unity with our fellow bar associations throughout the commonwealth. I am proud to be a leader at the MBA, and proud to be a lawyer. ■

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**Snapshots from around the MBA****Zurn awarded MBA Community Service Award**

MBA Past President Jeffrey L. McCormick presents the MBA Community Service Award to Marianne Zurn of Zurn, Sharp & Heyman LLP, at the Hampshire County Bar Association Annual Meeting on Sept. 18.

PHOTO BY PAT OUIER



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# MASSBAR EDUCATES

OCTOBER 2014

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### CIVIL LITIGATION

#### MANAGING THE MEDIATION

Tuesday, Oct. 7, 4–6 p.m.  
MBA, 20 West St., Boston



**FACULTY:** Hon. Judith Dein, U.S. District Court, District of Massachusetts, Boston; Warren Fitzgerald, Esq., Fitzgerald Dispute Resolution LLC, Boston; John P. Ryan, Esq., Sloane & Walsh LLP, Boston; Jeffrey Stern, Esq., Sugarman Rogers Barshak & Cohen PC, Boston; Sarah E. Worley, Esq., Sarah E. Worley Conflict Resolution PC, Boston

\*Additional faculty to be announced.

### WORKERS' COMPENSATION

#### WORKERS' COMPENSATION 101

Thursday, Oct. 9, 3–6 p.m.  
MBA, 20 West St., Boston



**PROGRAM CO-CHAIRS:** Ann McNamara, Esq., Quinn & Morris, Boston; Daniel P. Napolitano, Esq., Pierce, Pierce & Napolitano, Salem; Christina Schenk-Hargrove, Esq., Smith, Duggan, Buell & Rufo LLP, Boston

**FACULTY:** Hon. Richard J. Heffernan, Commonwealth of Massachusetts Dept. of Industrial Accidents, Boston; Hon. Omar Hernandez, Commonwealth of Massachusetts Dept. of Industrial Accidents, Boston; Sheila J. Annand, Esq., Maher & Carey, Wakefield; Corey Fazio, Dept. of Industrial Accidents, Worcester; Steven M. Taylor Esq., Law Offices of Martin B. Schneider PC, Salem



DANIEL P. NAPOLITANO



CHRISTINA SCHENK-HARGROVE

### SOLE PRACTITIONER & SMALL FIRM

#### ANTITRUST LITIGATION: WHAT EVERY LAWYER NEEDS TO KNOW

Wednesday, Oct. 15, 8–9:30 a.m.  
(8 a.m. continental breakfast • 8:30 a.m. presentation)  
MBA, 20 West St., Boston



**FACULTY:** Kevin J. Handly, Esq., Kevin J Handly LLC, Jamaica Plain; Hollis Lerner, Esq., Robins, Kaplan, Miller & Ciresi LLP, New York, NY; Kellie Lerner, Esq., Robins, Kaplan, Miller & Ciresi LLP, New York, NY

### BUSINESS LAW

#### 13<sup>TH</sup> ANNUAL WESTERN MASSACHUSETTS BANKRUPTCY SYMPOSIUM

Tuesday, Oct. 7, 4–7 p.m.  
Western New England University School of Law  
1215 Wilbraham Road, Springfield

**SYMPOSIUM CO-CHAIRS:** Elizabeth D. Katz, Esq., The Law Office of Elizabeth D. Katz, Northampton; Spencer A. Stone, Esq., Bacon Wilson PC, Springfield

**FACULTY:** Hon. J. Frank Bailey, U.S. Bankruptcy Court, District of Massachusetts, Boston; Chief Justice Angela M. Ordoñez, Nicholas Grimaldi, Esq., Goldsmith, Katz & Argenio PC, Springfield; Keith Minoff, Esq., Law Offices of Keith A. Minoff PC, Springfield; David Ostrander, Esq., Ostrander Law Office, Northampton; Christina M. Turgeon, Esq., Law Offices of Christina M. Turgeon, Springfield



ELIZABETH D. KATZ



SPENCER A. STONE

### IMMIGRATION LAW

#### MOCK TRIAL: CURRENT ISSUES UNDER PADILLA V. KENTUCKY

Wednesday, Oct. 22, 2–4 p.m.  
MBA, 20 West St., Boston



**FACULTY:** Susan Church, Esq., Demissie & Church, Cambridge; Michael Greenberg, Esq., Law Office of Michael D. Greenberg, Boston; Jennifer Klein, Esq., CPCS-Immigration Impact Unit, Somerville; Wendy Wayne, Esq., CPCS-Immigration Impact Unit, Somerville

### PROBATE LAW

#### ESTATE PLANNING 101: THE NUTS AND BOLTS

Tuesday, Oct. 28, 4–7 p.m.  
Western New England University School of Law  
1215 Wilbraham Road, Springfield

**FACULTY:** Janice C. Nigro, Esq., program chair, Nigro, Pettepit & Lucas, LLP, Wakefield; Michele J. Feinstein, Esq., Shatz, Schwartz and Fentin PC, Springfield; Carol Cioe Klyman, Esq., Shatz, Schwartz and Fentin PC, Springfield

### FAMILY LAW

#### 24<sup>TH</sup> ANNUAL FAMILY LAW CONFERENCE

Friday, Oct. 17–Saturday, Oct. 18  
Chatham Bars Inn, 297 Shore Road, Chatham

**CONFERENCE CHAIR:** Jennifer R. Clapp, Esq., Grindle Robinson LLP, Wellesley



JENNIFER R. CLAPP

**ANNUAL STATE OF THE COURT ADDRESS:** Hon. Angela M. Ordoñez, Probate & Family Court, Boston

**FACULTY:** Hon. Joan P. Armstrong, Edward W. Brooke Courthouse, Boston; Hon. Amy L. Blake, Massachusetts Appeals Court, Boston; Hon. Edward G. Boyle III, Plymouth Probate & Family Court, Brockton; Hon. John D. Casey, Norfolk Probate & Family Court, Canton; Hon. Kevin R. Connelly, Middlesex Probate and Family Court, East Cambridge; Hon. Patricia A. Gorman, Middlesex County Probate and Family Court, Cambridge; Hon. James V. Menno, Plymouth Probate and Family Court, Brockton; Hon. Anthony R. Nesi, Bristol Probate and Family Court, Fall River/Taunton; Hon. Gregory V. Roach, Worcester Probate and Family Court, Worcester; Hon. Richard A. Simons, Berkshire Probate and Family Court, Pittsfield; Thomas J. Barbar, Esq., Deutsch, Williams, Brooks, DeRensis & Holland PC, Boston; Catherine V. Blake, Esq., Atwood & Cherny PC, Boston; W. Sanford Durland III, Esq., Schmidt & Federico PC, Boston; Donna Feinberg, Norfolk Probate & Family Court, Canton; Fern L. Frolin, Esq., Grindle Robinson LLP, Wellesley; Karen E. Hennessy, Esq., Children and Family Law Division; Lynn M. Isaman, Esq., Eno Martin Donahue LLP, Lowell; Kimberley J. Joyce, Esq., Lee & Rivers LLP, Boston; Jeffrey C. Melick, Esq., Kates & Barlow PC, Boston; Jennifer Michaels, M.D., Brien Center for Mental Health and Substance Abuse Services, Pittsfield; Paul P. Perocchi, Esq., Perocchi Arbitration and Mediation, North Andover

### LAW PRACTICE MANAGEMENT

#### SUCCEEDING IN THE BUSINESS OF LAW IN A DIGITAL AGE

Thursday, Oct. 30, 1–5 p.m.  
MBA, 20 West St., Boston



**PROGRAM CHAIR:** Damien J. Turco, Esq., Mass. Injury Firm, Boston



DAMIEN J. TURCO



Supreme Judicial Court Rule 3:16 requires all persons newly licensed to practice law in Massachusetts on or after Sept. 13, 2013 to complete a one-day Practicing with Professionalism course. As the only approved provider offering the course in multiple locations statewide, the Massachusetts Bar Association is committed to ensuring that newly licensed attorneys enter the profession in good standing by offering an affordable and convenient means of satisfying this rule's requirement.

Monday, Oct. 27, 8 a.m.–5:30 p.m.  
UMass Amherst  
302 Arnold House, Amherst

\*More program dates coming soon.



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**KAZAROSIAN***Continued from page 1*

Club had no idea what lion they had just awakened. Decades later, Attorney Marsha Kazarosian went to work, and she crushed them,” Sheff said, referring to her victory in the landmark case *Borne, et al. v. Haverhill Golf and Country Club, Inc.* “She didn’t just crush them by making the Haverhill Country Club treat women in every respect equally to men [or] by doing the same for a thousand country clubs all over the country. She changed the culture. She made everyone in the country realize and think about how we need to treat women the same as men.”

Read all the President’s Reception remarks at [www.massbar.org/presreception2014](http://www.massbar.org/presreception2014).

**Elevating the profession**

In her speech, Kazarosian, who began her law career working for her late father Paul Kazarosian, explained the important role a supportive community played in her path to becoming a lawyer.

“My grandfather was an immigrant

barber who came from a small village in Armenia and had no formal education, but he raised my dad to believe that he could go to Harvard,” Kazarosian said. “When he was accepted, but found that the tuition was more than a barber could afford, an Armenian businessman in the community paid his first year’s tuition ... It really did take a village to get ahead in those days, and I don’t think much has changed today.”

Kazarosian had many members of her “village” in tow, including her sons Matthew, Marc and Jeremy Moccia; her law partners Walter A. Costello and former MBA President Kathleen O’Donnell; and her 88-year-old mother, Margaret.

“Since she was a little girl my favorite thing to tell her — and all of my children — was that she could do anything she wanted,” Margaret Kazarosian said.

In Kazarosian’s case, she said she wants to help others achieve their goals.

“As I mentioned earlier, ‘It takes a village.’ ... The MBA wants to be your village. We are here to help, we have the resources and we want to provide you with what you need to succeed,” Kazarosian said. “That is our commitment to you, and that is my goal for the MBA this



**MBA President Marsha V. Kazarosian (second from left) with her mother and sons (from left): Jeremy Moccia, Margaret Kazarosian, Marc Moccia and Matthew Moccia.**

year. Together, through education, unity, a strong partnership with our judiciary and a commitment to ensuring access to justice, I see the MBA as the community

that will elevate our profession, and I’m incredibly honored to have this opportunity as your president to help make that happen.” ■

**TASK FORCE***Continued from page 1*

sumers. To receive the honor, companies must be operating in good standing in Massachusetts and remain proactive for the benefit of their consumers. The first recipients of the award — Staples Inc., and Dancing Deer Baking Company — were announced this fall. (See related story, page 5.)

The Pinnacle Awards will be awarded as part of the first-ever Consumer Advocacy Symposium, which is scheduled for Wednesday, Oct. 29, at Suffolk University Law School in Boston. Kenney said the plan is to make the symposium a yearly event and establish the MBA as a thought leader.

“We’re planning to hold an annual symposium to address cutting edge legal issues around consumer interests,

and will feature nationally recognized speakers,” he said.

This year, the symposium topics will center around two major issues: the role played by the Attorney General’s office in consumer protection advocacy, and the possibility of expanding the role that private attorneys play in assisting the Attorney General in consumer protection litigation.

“The Consumer Protection Division of the Attorney General’s office has been in place for many years, and their work has changed over time. We want to make people aware of what they do,” said task force member Andrew Rainer, litigation director at the Public Health

Law School.

“Former Attorney General Harshbarger and attorney Richlin will offer perspectives on the pros and cons of having private attorneys represent the state, drawn from the state tobacco litigation brought several years ago in which the state hired private counsel and litigated over the fees due to them,” Rainer said.

“Attorney Rossman will offer perspectives on the value of *parens patriae* litigation in other forums, and Professor Engel will talk about the viability of *parens patriae* litigation brought on behalf of municipalities, a topic she has been studying,” he added.

**“We’re planning to hold an annual symposium to address cutting edge legal issues around consumer interests, and will feature nationally recognized speakers.”**

**— MBA Vice President Christopher A. Kenney, chairman, Consumer Advocacy Task Force**

Advocacy Institute. For example, Rainer points out that not all consumers are aware of their ability to call the office and discuss the possibility of receiving assistance from a mediator.

“Some cases can be resolved easily with this kind of intervention, and we want to make sure everyone knows about this,” he said.

Rainer also said the symposium will talk about some of the larger consumer cases the office has litigated in recent years, including foreclosure-related and electronic privacy cases.

Another topic scheduled is the possibility of expanding the role private attorneys play in consumer protection cases brought on in behalf of the citizens of Massachusetts. A lively panel discussion is expected to include former Attorney General Scott Harshbarger, who is now senior counsel at Proskauer Rose LLP; former First Assistant Attorney General Dean Richlin, now with the firm of Foley Hoag; Stuart Rossman, litigation director at the National Consumer Law Center; and Kathleen Engel, professor at Suffolk University

The members of the Consumer Advocacy Task Force are excited about their opportunity to inform and positively impact area consumers, and to raise awareness about the bar’s commitment to both consumer interests and upstanding businesses.

**Enhancing visibility**

“We’re focused on protecting the consumers in the commonwealth,” said Nadine Cohen, task force member and managing attorney with the Consumer Rights Unit of Greater Boston Legal Services. “The group will do a lot to raise the visibility of consumer issues, and make sure the bar remains up to date on consumer cases and current issue.”

Cohen adds that the timing is perfect for such discussions, with the ongoing Attorney General elections.

“The speakers are very knowledgeable and active in consumer issues. It’s a good time to raise awareness and have these important discussions,” she said. ■

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## BAR NEWS

# Pinnacle Awards going to Staples, Dancing Deer Baking Company

BY DEBBIE SWANSON

Established by the Massachusetts Bar Association's Consumer Advocacy Task Force, the MBA's Pinnacle Awards recognize companies in Massachusetts with a proven, demonstrated commitment to their consumers. The first winners of this new award are Dancing Deer Baking Company and Staples Inc.

The winner of the small company award, Dancing Deer Baking Company of Boston, was recognized for upholding its founding commitment to its food, nature, aesthetics and community.

The company's popular baked goods — an impressive assortment of cookies, brownies and cakes — are created with high quality, natural ingredients and are all certified kosher. Dancing Deer stands behind its commitment to customer service, stating they'll do whatever it takes to reverse a dissatisfied customer. Their non-deceptive, eco-friendly packaging exemplifies their commitment to the customer and the environment.

Dancing Deer is also firmly committed to the community and often donates their treats to charitable organizations or events. In 2001, they launched The Sweet Home Project, focused on ending family homelessness.

CEO Frank Carpenito said the company is honored to receive the award.

"This recognition reinforces our belief that delivering quality products, superior customer service and full messaging transparency is the foundation of a successful business," said Carpenito. "As the recognized leader in business gifting for Massachusetts companies

and institutions, we take pride in what we do — from our innovative products to our sustainable business practices. Our baked goods are known for their superior taste, artful but simple packaging, and pure, high-quality ingredients. We look forward to continuing to grow, yet staying true to our core values."

Staples, based in Framingham, was the winner of the large company award. A global office supply retailer, Staples has demonstrated a commitment to both consumers and the environment.

Staples' Easy on the Planet program is committed to helping customers run their business eco-consciously. The program requires suppliers to be more transparent about the chemicals in its products, consequently offering products that have reduced toxicity and reducing pollution. They also feature recycling solutions for laptop and other products, and offer eco-friendly tips helping customers read labels and make eco-friendly choices.

Jake Swenson, director of sustainable products and services, said the company is honored and excited to receive the inaugural Pinnacle Award.

"We do everything with our customer in mind," said Swenson. "We're equally as excited to be able to offer customers more than 10,000 products ... designed to be gentler on the environment and human health."

Swenson reported that the company is happy to be able to meet the eco-aware needs of today's customers.

"More of our customers want to know that the products and services Staples offers are safe, made responsibly, and have reduced environmental and social impacts. We have seen these customers increasingly choose environmentally and socially responsible products," he said, adding that their recycling programs for



ink, cartridges and other items is widely popular.

At the start of the current school year, Staples teamed up with music superstar Katy Perry for their "Make Roar Happen" program, which fulfilled 949 classroom projects, provided 1,386 teachers in 1,089 schools with their classroom needs, and impacted 143,053 students throughout the U.S.

Alison Corcoran, senior vice president, North American stores and online marketing, said the company is thrilled with the results: "With the help of our customers, we touched thousands of teachers and students ... we helped ensure teachers and students have what they need in their classrooms for a successful year." ■

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## BAR NEWS

# Annual Family Law Conference to focus on children, alimony

BY MICHAEL I. FLORES



Michael I. Flores

The Annual Family Law Conference returns to Chatham on Oct. 17 and 18. Children are the focus of this year's two-day event, which attracts judges and lawyers from across the state to the Chatham Bars Inn. Now in its 24th year, the conference will feature a keynote address by Amy Lyn Blake, justice of the Appeals Court; the Annual State of the Court by Chief Justice of

the Probate and Family Court Angela M. Ordoñez; a pre-conference roundtable on developments in alimony jurisprudence; and four child-focused substantive panels.

"Over the last several years, the Annual Family Law Conference has included panels on a variety of important topics without a unifying theme. However, this year the Conference Committee decided to focus all four substantive panels on the most important aspect of a family law case: the children involved and how the law addresses their protection and needs," said Jennifer R. Clapp, the conference and Family Law Section Council chairwoman.

While child-related programs will dominate the conference, the constantly evolving alimony landscape will be mapped as well. The conference commences at noon on Friday with an alimony roundtable. Moderator Kimberley J. Joyce, of Boston's Lee and Rivers, intends to steer the discussion through a thoughtful analysis of the evolving implementation of the Alimony Reform Act of 2011. The roundtable panelists include Alimony Task Force members, as well as attorneys who have taken the



act up on appeal.

After the alimony roundtable, Blake will deliver a keynote address on the changes she has seen in family law practice during her tenure as a Probate and Family Court judge. Blake recently joined the Appeals Court after six years on the Probate and Family Court bench.

After lunch, the focus will turn to the representation of children in high-conflict cases. Joyce will moderate a panel discussion on representing children, including the responsibilities arising from an attorney's appointment as counsel for a child, how the attorney fulfills that role and how to engage with a client who is a child.

Friday's final panel explores the application of the Child Support Guidelines through the use of hypotheticals. Tom Barbar, of Deutsch Williams Brooks DeRensis & Holland, P.C., will lead a discussion between Edward G. Boyle III, first justice, Plymouth Probate and Family Court; Anne M. Geoffrion, first justice, Hampden Probate and Family Court; Anthony R. Nesi, first justice, Bristol Probate and Family Court; and Gregory V. Roach, associate justice, Worcester Probate and Family Court.

Capping off the day, the MBA will host a reception at the Chatham Bars Inn Beach Grill in honor of Blake. MBA President Marsha Kazarosian will give welcome remarks at this beach-side event.

The Annual Conference resumes early on Saturday morning when Angela M. Ordoñez, chief justice of the Probate and Family Court, delivers the perennial State of the Probate and Family Court address. Two substantive programs follow the chief justice's address.

First, attorney Lynn Isaman will moderate a panel entitled "Navigating a DCF Investigation." This session will review the organizational structure of DCF, the investigation and reporting of abuse and neglect, representing clients in an investigation and appeal, how the court obtains access to DCF records, and trial and evidentiary issues that may arise regarding DCF records.

Next, the conference concludes with "Is This Still Your Brain On Drugs? Substance Abuse and Parenting Plans," moderated by Clapp, the conference chair, of Grindle Robinson, LLP. This panel will include a presentation by Dr. Jennifer Michaels, medical director of the Brien Center for Mental Health and Substance Abuse Services, on the physiological impact of drugs and medications that battle opiate addiction, a discussion of substance abuse and its impact on parenting, substance abuse testing from the point of view of the Probation Department and the development of parenting plans when a parent suffers from a substance abuse issue.

"The Conference Committee worked very hard to assemble excellent panelists from across Massachusetts and to shape a conference that would provide a comprehensive learning experience for all attendees," said Clapp. "We hope this conference, in addition to being another sell out, will provide practitioners with an opportunity for thought provoking discussion and fellowship." ■



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# NOTABLE AND QUOTABLE

MBA MEMBERS IN THE MEDIA

## Q&A with MBA President Marsha Kazarosian

“It’s important for the public to understand what lawyers do and how important lawyers are to the justice system. We also need to educate the public about the court system. It doesn’t come easily or cheaply and people have to fight for it to continue to make it work.”



MBA PRESIDENT MARSHA V. KAZAROSIAN  
BOSTON BUSINESS JOURNAL, SEPTEMBER 3

New MBA President Marsha Kazarosian discusses the MBA’s newest member benefit, free CLE, and more in this *Boston Business Journal* Q&A.

## Medical errors

“Lawyers and doctors worked hard together to hammer out legislation intended to increase transparency and disclosure following medical errors so that early and just resolution can be achieved.”

MBA TREASURER JEFFREY N. CATALANO  
BOSTON GLOBE, SEPTEMBER 7

Catalano wrote a letter to the *Globe* in response to an Aug. 31 article (“Surgical error at Tufts prompts widespread changes”) on the death of a female patient at Tufts Medical Center after the wrong dye was used during surgery.



## 2014–15 MBA officers

“To be the first Hispanic (president), I’m honored.”

MBA PRESIDENT-ELECT ROBERT W. HARN AIS  
PATRIOT LEDGER, AUGUST 26

Harnais, the MBA’s president-elect, was featured in the *Ledger* for a piece on the incoming MBA officers for the 2014–15 association year. Harnais will become MBA president next year, on Sept. 1, 2015.



## Public comments in Partners HealthCare acquisition

“It’s a pretty vague and overly broad reason to shield this information, particularly in a matter that’s been so closely watched by the public. When people submit public comment, there’s generally an anticipation that information is going to be shared with the public.”

MBA CHIEF LEGAL COUNSEL AND CHIEF OPERATING OFFICER  
MARTIN W. HEALY, BOSTON GLOBE, SEPTEMBER 12

Healy was quoted in a *Globe* piece concerning a public comment period after an acquisition agreement was reached between Partners HealthCare and Attorney General Martha Coakley. Some names and comments had been originally redacted during the comment period, but the attorney general’s office has since decided to release the original comments.



Where available, news clips – including audio/video – can be found on our website at [www.massbar.org](http://www.massbar.org).

## Guilty plea in Tsarnaev case

“If people are considered co-conspirators, anything one says can possibly be used in the case of another. If these guys were doing anything to help Dzhokhar out, and he knew about it, they would be considered co-conspirators since they worked together to achieve a goal.”

MBA CRIMINAL JUSTICE SECTION VICE CHAIR PETER ELIKANN  
BOSTON HERALD, AUGUST 22

Elikann was quoted by the *Herald* in a story on the guilty plea entered by Dias Kadyrbayev, the former college roommate of Dzhokhar Tsarnaev, to charges he hindered the Marathon bombings investigation.



# EXPERTS & RESOURCES

## BAR NEWS

# What every lawyer needs to know about antitrust laws

Hollis Salzman and Kellie Lerner, two partners with Robins Kaplan Miller & Ciresi LLP, will be speaking on Oct. 15 about the key antitrust issues all lawyers should be aware of when counseling their clients. Specifically, Salzman and Lerner will provide a primer on the most important aspects of antitrust law that affect businesses.

For example, the antitrust laws are designed to protect businesses from the harmful effects of anticompetitive conduct, such as unlawful monopolization and collusion by the large, powerful companies from which they purchase goods. Small businesses are often the first and most directly affected victims of anticompetitive activity because suppliers control the price, availability and other essential inputs that they need to transact business and make products. Thus, when suppliers violate the antitrust laws, businesses face higher prices, lower quality products, poor service and fewer options. The result is higher costs and lower profit margins.

With a basic tutorial on antitrust law, lawyers will be able to advise their clients on the fundamentals of antitrust law so that they can both avoid antitrust scrutiny and know what to look for to avoid being harmed by antitrust violations themselves.

Additionally, Salzman and Lerner will explain the process for submitting a claim when an antitrust class action case results in a large settlement that impacts businesses. An antitrust class action lawsuit is one brought on behalf of many similarly situated plaintiffs (in legal parlance, "class members"), which alleges that a company or companies have engaged in anticompetitive practices.

While some antitrust lawsuits go to trial, many settle beforehand. When a class action lawsuit settles, notice is sent to class members to advise them of the pending settlement and their rights. Generally, a claim form is sent some time after the notice of the settlement. Class members, including businesses, often ignore these claim forms because of the mistaken belief that they are not worth the time to complete. Yet in a recent distribution of combined settlements in a high-profile antitrust case, the average monetary recovery was \$67,850. Thus, lawyers can provide a substantial value to their clients by advising them on the proper procedures for submitting a claim form in an antitrust class action. Salzman and Lerner will walk through these procedures so that you can provide this service to your clients in the future.

To learn more about these issues and other hot antitrust topics, please join us on Oct. 15 from 4 p.m. to 5:30 p.m. for a lively discussion followed by a networking reception. ■

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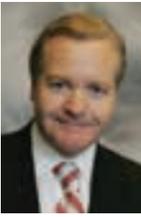


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## BAR NEWS

# Sullivan honored by Federal Bar Association



Massachusetts Bar Association Secretary Christopher P. Sullivan was honored by Federal Bar Association (FBA) President Gustavo Gelpi, U.S. District Court Judge for the District of Puerto Rico, on Sept. 6 at the Presidential Installation Banquet during the Federal Bar Association's annual national meeting in Providence, Rhode Island.

Sullivan was presented with the FBA's 2014 President's Award in recognition of his leadership, extraordinary service and commitment to the FBA and its members. In addition to his MBA service, Sullivan has served as president of the Massachusetts chapter of the FBA and as the FBA's vice president for the First Circuit.

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CONTINUED ON PAGE 11

**STATE OF THE JUDICIARY**  
Continued from page 1

Gants was officially sworn in as chief justice in July, replacing retired Chief Justice Roderick I. Ireland. Appointed to the SJC in 2009 by Gov. Deval L. Patrick, Gants previously served as an associate justice of the Superior Court.

“The judiciary has an ambitious agenda, but its success depends on the continued close collaboration among the bar, the Judiciary, the Legislature and the Executive,” said Chief Justice Gants. “Together, we can improve access to justice for those unable to afford counsel, make our civil justice system more cost-effective and responsive to the needs of litigants, and make strides towards smart individualized sentencing that will provide fair punishment and diminish the risk of recidivism.”

In addition to remarks by Gants and Kazarosian, other scheduled speakers at the event include Paula M. Carey, chief justice of the Massachusetts Trial Court, and Court Administrator Lewis H. “Harry” Spence.

The event is free to attend for members of the Massachusetts judiciary and bar; however, those interested in attending should register, as space is limited — visit [www.massbar.org/BBS](http://www.massbar.org/BBS).

The speaking program will be followed by a special reception with complimentary appetizers and beverages. ■



Lewis H. “Harry” Spence, court administrator of the Trial Court



Hon. Paula M. Carey, chief justice of the Trial Court

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**LEGAL NEWS**

## News from the Courts

### Notice of vacancies on the Clients' Security Board

The Justices of the Supreme Judicial Court invite applications for appointment to the Clients' Security Board.

Two vacancies will occur on the board in December 2014, due to the expiration of terms of incumbent members. Under SJC Rule 4:04, the board manages the fund used to discharge the bar's collective responsibility with respect to losses caused to the public by defalcations of members of the bar. The justices are seeking applications from experienced attorneys with a background in civil litigation and/or trusts and estates. Terms are for five years.

Resumes, with a cover letter, should be submitted by Oct. 17 to:

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CONTINUED ON PAGE 13

# Calendar of Events

## WEDNESDAY, OCT. 15

**Antitrust Litigation: A primer for Solo and Small Firm Practitioners**  
3-5 p.m.   
MBA, 20 West St., Boston

## THURSDAY, OCT. 16

**Annual Bench-Bar Symposium**  
4 p.m.  
John Adams Courthouse, One  
Pemberton Square, Boston

## FRIDAY, OCT. 17-SATURDAY, OCT. 18

**24th Annual Family Law Conference**  
Chatham Bars Inn, 297 Shore  
Road, Chatham

## WEDNESDAY, OCT. 22

**Mock Trial: Current Issues under Padilla v. Kentucky**  
2-4 p.m.   
MBA, 20 West St., Boston

## WEDNESDAY, OCT. 22

**Western Massachusetts Dial-A-Lawyer Program**  
4-7 p.m.  
Statewide dial-in #: (413) 782-1659

## THURSDAY, OCT. 23

**MBF 50th Anniversary Gala Dinner**  
5:30 p.m.  
Colonnade Hotel, 120 Huntington  
Ave., Boston

## FRIDAY, OCT. 24

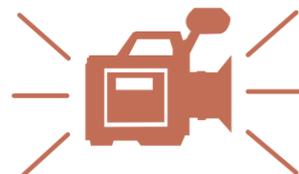
**Tiered Community Mentoring kick off program**  
9 a.m.-12:30 p.m.  
Social Law Library, 1 Pemberton  
Square, #4100, Boston

## MONDAY, OCT. 27

**Practicing with Professionalism**  
8:30 a.m.-5:30 p.m.  
University of Massachusetts  
Amherst, 302 Arnold House,  
Amherst

## WEDNESDAY, OCT. 29

**MBA Consumer Advocacy Symposium**  
4-7 p.m.  
Suffolk University Law School,  
120 Tremont St., Boston



Real-time webcast available for  
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On Demand at  
[www.massbar.org/ondemand](http://www.massbar.org/ondemand).

FOR MORE INFORMATION, VISIT  
[MASSBAR.ORG/EVENTS/CALENDAR](http://MASSBAR.ORG/EVENTS/CALENDAR)

## MONDAY, NOV. 3

**Mock Trial Teacher Orientation**  
5:30-7 p.m.  
MBA, 20 West St., Boston

## TUESDAY, NOV. 4

**Mock Trial Teacher Orientation**  
6-7 p.m.  
Plymouth Public Library, 132  
South St., Plymouth

## WEDNESDAY, NOV. 5

**Mock Trial Teacher Orientation**  
6-7 p.m.  
Mass. School of Law, 500  
Federal St, Andover

## WEDNESDAY, NOV. 5

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

## THURSDAY, NOV. 6

**Mock Trial Teacher Orientation**  
6-7 p.m.  
MBA, 73 State St., Springfield

## THURSDAY, NOV. 6

**Mock Trial Teacher Orientation**  
6-7 p.m.  
Mirick, O'Connell, DeMallie  
& Lougee LLP, 100 Front St.,  
Worcester

## FRIDAY, NOV. 7

**Tiered Community Murder One Appeal and Speed Networking**  
8:30 a.m.-12:30 p.m.  
Social Law Library, 1 Pemberton  
Square, #4100, Boston

**FOR YOUR PRACTICE**

**Lawyers Concerned for Lawyers**

**Suffering from compassion fatigue**



**Q.** When I decided to go to law school, it was to continue a family tradition of social responsibility. I knew that it meant I would not become wealthy, and that was fine with me. And I knew that, since many new lawyers are interested in public service work, I was fortunate to land a position at a nonprofit agency that serves a clientele who are largely disadvantaged and have often experienced tragedy or abuse. What was unprepared for was the impact that working with these clients would have on me. I lose sleep worrying about some of them, and, having seen the ways that human beings and systems can treat the vulnerable, I've also lost trust in people in general. My husband has begun to complain that I am always worn out and my moments of happiness are few and far between. I am doing what I wanted to do, but not feeling very good about it.

**A.** Much has been observed and written about the effects of work with traumatized individuals on professionals who treat or assist them. The picture you paint is all too common. While most of the literature addresses itself to health workers, it is no less applicable to lawyers who help the same population. It may be even more problematic, in fact, since lawyers may be least likely to seek support or share their burdens.

This syndrome is known by a few names — Compassion Fatigue, Vicarious Traumatization and Secondary Traumatization. While it is less severe than the post-traumatic stress likely endured by many of your clients, and is a human reaction rather than a mental illness, it has clear impact on too many people like yourself who are doing important work. When it gets to the point that even your home life is devoid of joy and positive connections and outlook, it's time to make a change.

While some professionals find that they need to modify the focus of their work or find a new job, others can reduce their compassion fatigue by making some changes, such as:

- Carving out (without guilt) more time for self-nurturing activity.
- Talking to others about what they are

going through — so simple, yet often a very significant source of relief.

- Being sure to include de-stressing and life balancing activities like exercise, meditation or enjoying music.
- Deliberate re-exposure to social/cultural activities from which they may have withdrawn.
- Finding ways (ideally within your organization) to actively recognize and feel satisfaction in your mission as a helper to those in need, since it can be easy, in the face of virtually insurmountable societal problems to develop the sense that your efforts are not effective or meaningful.

Various lawyer organizations and lawyer assistance programs such as ours have become more attuned to the issue of Compassion Fatigue. It is surprising how much difference it makes simply for people to shed their lawyer "hat" and talk about the pressures and distressing events in their work lives, as well as more overtly developing plans for the kinds of self-supportive changes listed above. This year, we also began offering a discussion/support group as a setting in which lawyers from an array of settings involving traumatized clients can share their experience with one another and reduce their psychological burden. And we continue, as always, to offer individual consultation, and referral to other supports when indicated. These services are free and confidential, and are easily arranged by giving us a call. In addition, organizations can help counteract compassion fatigue through measures such as providing internal discussion/support forums and developing a culture that empowers and supports professionals like yourself, and keeps them connection to their mission. ■

*Questions quoted are either actual letters/emails or paraphrased and disguised concerns expressed by individuals seeking assistance from Lawyers Concerned for Lawyers. Questions for LCL may be mailed to LCL, 31 Milk St., Suite 810, Boston, MA 02109; emailed to email@lclma.org or called in to (617) 482-9600. LCL's licensed clinicians will respond in confidence. Visit LCL online at www.lclma.org.*

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## FOR YOUR PRACTICE

# Surround yourself with yes

BY CYNTHIA E. MACCAUSLAND



Cynthia E. MacCausland

How many 2013 Fiat 500 Pops can you fit in the back of a 1999 Ford Explorer XLT?

Probably the answer depends on whether the Fiat is driven straight in the back of the Ford, or whether the Fiat is crunched up for scrap. Also, whether the interior of the Ford was modified and the seats placed down, or removed all together. Do we leave room for a driver, or is this an exhibit at the International Auto Show?

Really — what do an economical, but stylish, Italian hatchback and a rugged and decidedly not fuel-efficient American truck have in common, and what insights might they have for law practice management?

Some time ago I drafted an article for this publication featuring an Audi A5 Coup, a Fiat 500 Pop and a Mazda MX-5 Miata (“Driving objectives: goal setting to grow your practice,” *Lawyers Journal*, December 2012). The point of the article was about goal setting and using benchmarks as guideposts for mid- and long-term goals. At the time, I drove a Fiat; however, I had visions of precision German engineering. I thought I could achieve the interim in a Mazda convertible.

Sometime between trading up and putting the top down, I took a hard right into an old rattle trap American truck. What happened? I changed my priorities and set some new goals. An unexpected opportunity presented itself and I took the risk required to fully pursue it. I set German engineering on the back burner and tried something else.

As attorneys, we tend to be risk-adverse and hesitant to tread on unfamiliar ground. We make moderate and

safe decisions with our practices and our business. We embrace forward-planning and bullet-pointed lists. We only ask the question when we already know the answer. Surely our profession demands prudence and caution; however, to truly advocate both for our clients and for ourselves, we must push and explore — we must be unafraid to jump, and even to occasionally fail.

How do we jump when we aren’t even sure where we might land? How do we even imagine what we might discover when we arrive? So often, we are surrounded by messages and intimidations of failure. Where will you find clients if you relocate to a new office? How will you learn new procedures if you move to a new court? You can never be accepted for that appointment — you don’t know the right people or have the right experience. The economy is terrible — you will never find your first job.

These doubts and negativity can destroy the hopes and aspirations of even the most confident doer. So you must surround yourself with yes. Seek out and find fellow visionaries. Surround yourself with admirers and fans. Speak with and follow fellow doers who have themselves taken extraordinary and even foolhardy risks and prospered to share their tales.

Living in New England, we are surrounded by a tremendous volume and variety of visionaries and doers. Local bar associations, clubs, civic groups and community organizations all host and present events for meeting someone new or unexpected. Mentoring groups, continuing education seminars or section council meetings will brace and improve both your knowledge and your confidence.

The section councils and working groups of the Massachusetts Bar Association organize dozens of seminars, receptions and events that provide daily opportunities to survey new practice areas, engage in compelling and dynamic conversations, find new admirers and build friendships with fellow doers. So there you are — move forward, take a risk, jump, become the visionary and sur-



round yourself with yes. ■

.....  
Cynthia E. MacCausland is the chair of the MBA’s Law Practice Management section. She represents children and families in domestic relations and child welfare matters, and provides à la carte representation under the Limited Assistance Representation (LAR) model. She practices in Norwood and Springfield.





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# MASSACHUSETTS BAR FOUNDATION

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## MBF grantees give thanks

The Massachusetts Bar Foundation awarded \$1.9 million in grants for the upcoming year, and MBF grantees have expressed their thanks and reiterated the importance of these funds to their organizations. Because our work would not be possible without the many lawyers and judges who support the MBF, we are proud to share these words of gratitude with you:

- "The MBF's ongoing support has always been critical in order to carry out the mission of our legal hotline." — Legal Advocacy and Resource Center
- CLSACC is the place of last resort for so many and we are deeply appreciative of the MBF's support of equal justice for those in need." — Community Legal Services and Counseling Center
- "[T]hank you. This support will help us sustain our services to low-income veterans and chronically homeless individuals in the Greater Boston Area." — Veterans Legal Services
- "The foundation's longstanding support of our efforts has been making a significant difference in our capacity to provide essential legal services to low-income individuals and families that have no other resource to equal justice." — Greater Boston Legal Services



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## BUILDING A STRONG FOUNDATION

### Why I give



MBF Fellow and Trustee Dinnis M. Lindgren  
Pierce & Mandell PC, Boston

"I am deeply honored to play a part in the important work accomplished by the MBF. Through its IOLTA grants program, fundraising and great events like our upcoming 50<sup>th</sup> Anniversary Gala, the MBF has raised and distributed millions of dollars to legal non-profits throughout the commonwealth. My service with the MBF has been a wonderful complement to my professional work as a lawyer."

The MBF Society of Fellows includes Massachusetts attorneys and judges who are committed to giving back to the profession and supporting legal services for the poor in our state. To learn more, or to join, visit [www.massbarfoundation.org](http://www.massbarfoundation.org).

## Celebrating MBF past presidents

With the Massachusetts Bar Foundation's 50<sup>th</sup> Anniversary Gala just days away, we are very grateful to our past and present leaders who have helped to get the MBF to this point and honored us in a special way by coming together to donate a Gold Sponsorship for our golden anniversary.

"The past presidents immediately accepted the opportunity to be Gold Sponsors of the MBF's 50th Anniversary Gala. Having served as a president of the foundation, all of us are aware of the terrific job the MBF does in providing legal services to the most vulnerable among us. It is a pleasure for us to continue to contribute to a cause in which we firmly believe," said Francis A. Ford, MBF President 2005-06.



Francis A. Ford

### MBF PRESIDENTS

Robert J. Ambrogi	..... present
Jerry Cohen	..... 2012-13
Joseph P. J. Vrabel	..... 2010-11
Laurence M. Johnson	..... 2008-09
Carol A. Witt	..... 2007
Francis A. Ford	..... 2005-06
Anthony K. Stankiewicz	..... 2004
Steven L. Wollman	..... 2003
Paul G. Farrell	..... 2002
Kenneth J. Vacovec	..... 2000-01
Craig E. Stewart	..... 1998-99
Margaret D. Xifaras	..... 1996-97
Hon. Daniel C. Crane	..... 1994-95
Hon. Charles B. Swartwood III	..... 1992-93
Alice E. Richmond	..... 1988-91
Raymond J. Kenney Jr.	..... 1985-87
Roy A. Hammer	..... 1981-84
Charles J. Kickham Jr.*	..... 1979-80
Frederick G. Fisher Jr.*	..... 1978
Berge C. Tashjian*	..... 1975-77
Joseph Schneider*	..... 1964-74

\*Indicates deceased

## MASSACHUSETTS BAR FOUNDATION

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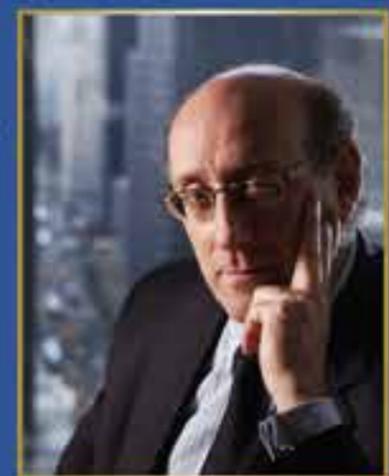


## 50<sup>TH</sup> ANNIVERSARY GALA DINNER

Thursday, October 23, 2014  
Colonnade Hotel • 120 Huntington Ave. • Boston

6 p.m. Cocktails and Silent Auction  
7 p.m. Dinner and Program

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*The Massachusetts Bar Foundation is the commonwealth's premier legal charity. Founded in 1964, the MBF is the philanthropic partner of the Massachusetts Bar Association. Through its grantmaking and charitable activities, the MBF works to increase access to justice for all Massachusetts citizens. There is a role for every lawyer and judge at the MBF to help safeguard the values of our justice system — to ensure that equality under the law is a reality, not just an ideal. Visit our website to learn more about our work and to get involved.*

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