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.

Chair 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 website MassLawHelp.com, the group will 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 consumers. It will also feature the presentation of the MBA Pinnacle Awards.

The Consumer Advocacy Symposium on Oct. 29 is one of the key efforts of the Consumer Advocacy Task Force.
MASSACHUSETTS LAWYERS JOURNAL | OCTOBER 2014

Volume 22 / No. 2 / October 2014
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Lawyer's Journal (ISSN 1524-1823) is published monthly by the Massachusetts Bar Association, 20 West St., Boston, MA 02111-1204. Periodicals postage paid at Boston, MA 02210. Postmaster: Send address changes to Lawyer’s Journal, 20 West St., Boston, MA 02111-1204. Telephone numbers: editorial (617) 338-0680; business (617) 338-0600. Telephone numbers: editorial (617) 338-0680; business (617) 338-0600. Telephone numbers: editorial (617) 338-0680; business (617) 338-0600.

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

Readers are invited to express their opinions as letters to the editor and op-ed commentary. All submissions are subject to editing for length and content. Submit letters and commentary to Editor, Lawyer’s Journal, at the address given above or via email at lawyer@massbar.org, or fax to (617) 542-7947.

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Tel: (617) 896-5307
Fax: (617) 896-5308
E-mail: marcelle@thewarren.com

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A publication of the Massachusetts Bar Association

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INVERTED BAR

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 JIM QUIRIN

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BAR NOTES

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, courtroom 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.


In keeping with the MBA’s commit -

taught and conducted appropriately, effectively and efficiently, and we will have a voice in ensuring that proper implementation.

The MBA continues to be the per-soni-fication 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 common-wealth, as well as diverse, affinity and specialty bars, have a seat. We also see it with our incredible MBA members who
WHAT IS FREE CLE?

Your MBA membership includes FREE, UNLIMITED CLE seminars and MBA On Demand programming for all our educational programs (excluding conferences and the Practicing with Professionalism course).

CIVIL LITIGATION
MANAGING THE MEDIATION
Tuesday, Oct. 7, 7–9 a.m.
MBA, 20 West St., Boston
*Additional faculty to be announced.

WORKERS’ COMPENSATION
WORKERS’ COMPENSATION 101
Thursday, Oct. 9, 9–6 p.m.
MBA, 20 West St., Boston
PROGRAM CO-CHAIRS: Ann McNamara, Esq., Quinn Miller & Ciresi LLP, New York, NY; Kellie Lerner, Esq. Jamaica Plain; Hollis Lerner, Esq., Robins Kaplan, LLP, Boston

BUSINESS LAW
13TH ANNUAL WESTERN MASSACHUSETTS BANKRUPTCY SYMPOSIUM
Tuesday, Oct. 7, 7–9 a.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;

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., Gemisie & Church, Cambridge; Michael Greenberg, Esq., Law Office of Michael D. Greenberg, Boston; Jennifer Klein, Esq., CPC-Immigration Impact Unit, Somerville; Wendy Wayne, Esq., CPC-Immigration Impact Unit, Somerville

SOLE PRACTITIONER & SMALL FIRM
ANTITRUST LITIGATION: WHAT EVERY LAWYER NEEDS TO KNOW
Wednesday, Oct. 15, 8–9:30 a.m.
(9 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., Robbins, Kaplan, Miller & Ciresi LLP, New York, NY; Kellie Lerner, Esq., Robbins, Kaplan, Miller & Ciresi LLP, New York, NY

PROBATE LAW
ESTATE PLANNING 101: THE NUTS AND BOLTS
Tuesday, Oct. 28, 7–9 a.m.
Western New England University School of Law
1215 Wilbraham Road, Springfield
FACULTY: Janice C. Nigo, Esq., program chair, Nigo, Petters & Lucas, LLP, Wakefield; Michele J. Feinseon, Esq., Shatz, Schwartz and Fentin PC, Springfield; Carol Coe Klyman, Esq., Shatz, Schwartz and Fentin PC, Springfield

REGISTER ONLINE AT WWW.MASSBAR.ORG/CLE OR CALL (617) 338-0530.

FAMILY LAW
24TH ANNUAL FAMILY LAW CONFERENCE
Friday, Oct. 17–19, Oct. 18
Chatham Bars Inn, 297 Shore Road, Chatham
CONFERENCE CHAIR: Jennifer R. Clapp, Esq., Grindle Robinson LLP, Woburn
ANNUAL STATE OF THE COURT
ADDRESS: Hon. Angela M. Ordoñez, Probate & Family Court, Boston

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

CONFERENCE: free
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.

AMHERST CONFERENCE: Tuesday, Oct. 27, 8 a.m.–5:30 p.m.
UMass Amherst
302 Arnold House, Amherst
*More program dates coming soon.
KAZAROSIAN
Continued from page 1

Club had no idea what lion they had just awakened. Decades later, Attorney Mar-
sha Kazaroisan went to work, and she crushed them,” Sheff said, referring to
her victory in the landmark case Bornse, 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 thou-
sand country clubs all over the country. She changed the culture. She made ev-
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/presrecep-
tion2014.

Elevating the profession

In her speech, Kazaroisan, who be-
gan her law career working for her late
father Paul Kazaroisan, explained the im-
portant 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,” Kazaroisan 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.

Kazaroisan had many members of her
“village” in tow, including her sons Mat-
thew, 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 favor-
ite thing to tell her — and all of my chil-
dren — was that she could do anything
she wanted,” Margaret Kazaroisan said.

In Kazaroisan’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,” Kazaro-
sian said. “That is our commitment to
you, and that is my goal for the MBA this
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
credibly honored to have this opportu-
nity as your president to help make that
happen.”

TASK FORCE

Continued from page 1

sumers. To receive the honor, compa-
nies 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 Com-
pany — were announced this fall. (See
related story, page 5.)

The Pinnacle Awards will be award-
ed as part of the first-ever Consumer
Advocacy Symposium, which is sched-
uled for Wednesday, Oct. 29, at Suffolk
University Law School in Boston. Ken-
ney said the plan is to make the sym-
posium a yearly event and establish the
MBA as a thought leader.

“We’re planning to hold an annual symposium to address cutting edge leg-

al 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 pro-
tection 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
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 eas-
ily 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 pos-
sibility of expanding the role private
attorneys play in consumer protection
cases brought on behalf of the citi-
zens of Massachusetts. A lively panel
discussion is expected to include former
Attorney General Scott Harshbarger,
who is now senior counsel at Prokauer
Rose LLP; former First Assistant At-
torney General Dean Richlin, now with
the firm of Foley Hoag; Stuart Ross-
man, litigation director at the National
Consumer Law Center; and Kathleen
Engel, professor at Suffolk University
Law School.

“Former Attorney General Harsh-
barger and attorney Richlin will of-
fer 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 Rosman will offer per-
spectives on the value of parents patriae
litigation in other forums, and Professor
Engel will talk about the viability of par-
ents 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

The members of the Consumer Ad-
vocacy Task Force are excited about
their opportunity to inform and posi-
vively impact area consumers, and to
raise awareness about the bar’s com-
mitment 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 is-
sue.”

Cohen adds that the timing is per-
fect for such discussions, with the on-
going 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.
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.

“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.”
Annual Family Law Conference to focus on children, alimony

BY 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 of the Probate 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 Kimberly 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.”
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.

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. HARNAI
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.
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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2014–15 SECTION COUNCIL AND DIVISION CHAIRS
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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.

Bar News

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Massachusetts Lawyers Journal | October 2014
Gants was officially sworn in as chief justice in July, replacing retired Chief Justice Roderick J. 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 Kazarian, 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.

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

**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:

Pamela B. Lyons
Administrative Attorney
Supreme Judicial Court, Suite 2500
John Adams Courthouse
One Pemberton Square
Boston, Massachusetts 02108

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**STATE OF THE JUDICIARY**

(Continued from page 1)

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

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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

**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

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**MASSACHUSETTS LAWYERS JOURNAL**
For more information, visit massbar.org/events/calendar
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 my clients, and is a human reaction rather than a strategy. 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 have drawn is all too common. Most of the literature addresses itself to health care professionals who treat or assist them. Talking to others about what they are doing important work. When it gets to the point that even your personal 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 02108; 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.
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.

Some time 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 surround 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.
MASSACHUSETTS LAWYERS JOURNAL | OCTOBER 2014

MASSACHUSETTS BAR FOUNDATION
Keeping the promise of justice since 1964

MBF grantees give thanks

The Massachusetts Bar Foundation awarded $1.5 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

- "CLHACC 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

- "I thank 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 recourse to equal justice." — Greater Boston Legal Services

Celebrating MBF past presidents

With the Massachusetts Bar Foundation’s 50th 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 terrible 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 truly believe," said Francis A. Ford, MBF President 2005-06.

MBF PRESIDENTS

Robert J. Ambrosi, Jr. ................................................. present
Jerry Cohee ............................................................. 2012-13
Joseph P. J. Vrabal ..................................................... 2010-11
Lawrence M. Johnson .............................................. 2008-09
Caral A. Wint .......................................................... 2007
Franco A. Ford .......................................................... 2005-06
Anthony R. Stanek, Jr. .............................................. 2004
Steven B. Wellman .................................................. 2003
Paul D. Farrel .......................................................... 2002
Kenneth J. Yacovac .................................................. 2000-01
Craig E. Stewart ...................................................... 1998-99
Margaret D. Tishman ............................................... 1996-97
Hon. David C. Crane ............................................... 1994-95
Hon. Charles D. Snowden ........................................ 1992-93
Alice E. Richardson ............................................... 1988-89
Pamela J. Kennery .................................................. 1985-87
Roy A. Homer ........................................................ 1981-84
Charles J. Kiekhame, Jr. ........................................ 1978-80
Frederick G. Fisher ................................................ 1975-76
Benjamin T. Taflieu ............................................... 1964-74
*Indicates deceased

You’re invited

50TH ANNIVERSARY GALA DINNER

Thursday, October 23, 2014
Colonade Hotel • 120 Huntington Ave. • Boston
6 p.m. Cocktails and Silent Auction
7 p.m. Dinner and Program

Featuring presentation of the GREAT FRIEND OF JUSTICE AWARD to

Attorney Kenneth R. Feinberg
Founder and Managing Partner
Feinberg Rosen LLP, Washington, D.C.

50th SILENT AUCTION
Join in on the fun!


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 — because that equality under the law is really, truly, not just an idea. Visit our website to learn more about our work and get involved.

www.MassBarFoundation.org
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