

LAWYERS JOURNAL

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O solo mio

Few law school graduates plan on a career as a solo practitioner. In fact, when I graduated from Boston University Law School in 1984, I never imagined that I would pursue a career as a solo practitioner. With little business experience whatsoever, and only slightly more legal experience, I took the plunge.

I took little time in finding myself busy with private and court-appointed work. Starting with no connection to the bar and with very little capital, I had created a practice. As I was fond of saying, "If I can do it, anyone can."

President's View

by Mark D Mason



If I was successful, however, it was due to the support of the many other solo and small firm attorneys who practiced in my community. Together, we shared the rewards and struggles that are the hallmark of the general practice, solo and small firm attorney. After many years as a solo and small firm attorney, I grew to appreciate the sense of independence, self-reliance and accomplishment which is the birthright of the solo and small firm attorney. Although my practice has changed since my work as a solo and small firm attorney, the strengths which I developed during that period have proven to be invaluable.

My experience is hardly unique. In a 2005 survey of MBA members, approximately one-quarter identified themselves as solo practitioners. Another 7 percent were solo practitioners who shared office space with other solo practitioners. What we

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Francomano and Huettner chosen to lead new General Practice, Solo, Small Firm Section Council

by Bill Archambeault

Patrick Francomano and Susan A. Huettner have been named co-chairs of the newly created General Practice, Solo and Small Firm Section, which was approved at the Jan. 25 House of Delegates meeting.

The membership is currently being assembled for the section council, which is expected to begin meeting in the spring. Details about joining the new section will be announced shortly.

MBA Vice President Denise Squillante, who led the effort to create the MBA's 16th section (the Young Lawyers Section became a division of the MBA at the Sept. 20 House of Delegates), said she is enthusiastic about the opportunities the new section provides.

General practice, solo and small firm attorneys make up the "bulk" of the MBA's membership, Squillante said, so it makes sense to give them the support and forum they need.

The creation of the section should appeal to existing MBA members as well as attorneys who haven't joined, she said, noting that the General Practice, Solo and Small Firm Conference held last summer in Taunton attracted 100 attorneys, many of whom were not members and were attending their first MBA event.

"After the conference, it became apparent to me how the lawyers were thirsting for this group," Squillante said. "I think it's going to bring out lawyers who are new faces to the MBA



Photo by Jeff Thiebauth

MBA President Mark D Mason, left, and MBA Vice President Denise Squillante, right, listen as Patrick Francomano, center, discusses plans for the new General Practice, Solo and Small Firm Section at the Jan. 25 House of Delegates meeting.

because we're recognizing them. I think the new section will lead to new MBA membership and bar leaders."

Squillante and other organizers of last year's conference are expecting to build on that momentum with the General Practice, Solo and Small Firm Conference scheduled for

Continued on page 6

Attorneys, firm honored at Access to Justice Luncheon

by Kate O'Toole

Five Massachusetts attorneys and a Boston law firm were honored at the MBA's Annual Access to Justice Luncheon on March 2. The luncheon and award ceremony is a chance to pay tribute to MBA members who make significant contributions to their clients' lives and communities through their volunteer and pro bono work.

Continued on page 10



Photo by Jeff Thiebauth

Weil, Gotshal & Manges LLP received this year's Pro Bono Award for Law Firms at the Access to Justice Luncheon, which was held March 2 at Annual Conference 2007.



BU professor Tobe Berkovitz says guerilla marketing raises self expression rights issues in a post-9/11 world. See "Beyond the Headlines," page 3.



TV interview helps Dial-A-Lawyer program field 129 calls, the most this year. See Community Services section, page 13.

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MBA and BBA co-sponsor annual "Walk to the Hill" Thursday, March 15



Photo by Jeff Thiebauth

Last year's Walk to the Hill combined the support of more than 450 attorneys in calling on the Legislature to increase funding for civil legal services.

On Thursday, March 15, the Massachusetts Bar Association will once again co-sponsor a Walk to the Hill for Civil Legal Aid to advocate for increased funding for civil legal services throughout the commonwealth.

The 8th annual Walk to the Hill will take place from 11 a.m. to 1 p.m. in the Great Hall at the Statehouse. Members of the bar will lobby legislators to increase legal services funding to better meet the need for assistance. Last year, more than 450 attorneys participated in Walk to the Hill and visited over 70 members of the Legislature.

The annual event is co-sponsored by the MBA, the Boston Bar Association and the Equal Justice Coalition.

Increased funding for legal services and access to justice for all of our citizens continues to be a priority of the MBA. Due to a shortage of legal resources, civil legal aid programs are forced to turn away a majority of eligible callers who are seeking assistance in matters such as child support and custody, domestic violence, housing, employment and health care.

The event allows attorneys to speak with their legislators about the critical need for legal services for the indigent.

Thanks to the following co-sponsoring organizations: Bar Association of Norfolk County; Berkshire Bar Association; Bristol County Bar Association; Essex County Bar Association; Equal Justice Coalition; Franklin County Bar Association; Gay and Lesbian Bar Association of Massachusetts; Hampden County Bar Association; Hampshire County Bar Association; Hellenic Bar Association; Massachusetts Academy of Trial Attorneys; National Lawyers Guild, Massachusetts Chapter; Real Estate Bar Association; Women's Bar Association; and Worcester County Bar Association.

For more information on the Walk to the Hill or legal aid, call the Equal Justice Coalition at (617) 720-8444, ext. 129.

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Drawing the line between guerilla marketing and free speech

by Andrea R. Barter, Esq.

Consumers are endlessly swamped with advertising, forever being pitched to by someone trying to sell something. They've become numb to it, and have even invented ways to counter the advertisers' attacks: TiVo can block commercials; computer programs can block pop-up ads. As a result, marketers have been forced to resort to guerilla advertising



Photo courtesy of Boston University

Tobe Berkovitz, an associate professor at Boston University, says that the guerilla marketing campaign raised real issues of self expression rights conflicting with public safety concerns in a post-9/11 world.

to get consumers' attention, anything to deliver a targeted message to a specific market.

Perhaps you've seen (or been the victim of) street corner messengers, product samplings, publicity stunts, branded hitchhikers or other undercover marketing methods. Arguably, the anti-smoking campaign featuring men having their back hair removed with the same chemicals found in cigarettes is effective guerilla advertising; Aqua Teen Hunger Force light boards that can be misconstrued as bombs are not.

Dozens of blinking electronic devices showing a crude cartoon character were planted in 10 cities as part of a guerilla marketing campaign to promote the Cartoon Network's "Aqua Teen Hunger Force" show. Boston authorities got a series of calls about the devices on Jan. 31 and mistakenly believed them to be possible explosive devices.

The publicity stunt led to road closures, traffic tie-ups, public transit delays and redeployment of public safety personnel. A few hours into the scare, Turner Broadcasting, Cartoon Network's corporate parent, acknowledged that the boards were harmless and part of a marketing campaign led by Interference Inc., a New York City-based "guerilla" pub-

lic relations company.

The devices were allegedly installed by Peter Berdovsky and Sean Stevens, who have been charged with the felony of placing a hoax device with the intent to panic the public.

Supporting the position that those involved in the ad campaign knew it was a dangerous publicity stunt rather than an innocent marketing campaign, transit police surveillance cameras filmed Berdovsky videotaping officers removing the suspicious device from the Sullivan Square T station, with Stevens standing in the crowd.

An Associated Press article quoted MBA leaders as being skeptical of the felony case against the two men.

"Their intent was to place these devices as part of an admittedly idiotic advertising campaign," said MBA Past President Edward P. Ryan Jr., a Fitchburg defense attorney. "Just because people got scared doesn't mean there was intent."

MBA President-elect David W. White-Lief was quoted as saying that the devices the two men placed around the area "looked like toys" and probably don't meet the definition of a "hoax device."

"What they did, I imagine, in their minds, was no different than a guy who wallpapers ads for the circus on a vacant building," White-Lief was quoted as saying in the article. He noted that convictions on the count of misdemeanor disorderly conduct could also be hard to win because that charge is usually related to an immediate threat or disturbance.

Boston has been derided by some for overreacting where other ad markets did not. But Boston, as the originating airport for the 9/11 pilots, has an understandably heightened sensitivity to potential terrorist security issues.

According to Tobe Berkovitz, an associate professor in the Department of Mass Communications, Advertising and Public Relations at Boston University, ad agencies don't consider the residual effects of 9/11 when conceptualizing a viral, guerilla or Internet campaign.

"Like much of America, 9/11 has faded from the forefront of the consciousness of most people, unless you happen to live in New York City. It's there, but dissipated," said Berkovitz.

Before 9/11, "Nobody ever thought advertising would carry a terrorist message," said Sue Parenio, an associate professor of advertising at Boston University. However, now "They should consider that everything in our society today is examined in light of 'terrorism attempt or not?'"

As for this guerilla ad campaign, Parenio has no patience. "Idiots. They put what they considered innocent images on bridges and overpasses in a city already ravaged by terrorism. They need to apologize again."

Cross-promotional campaigns, product placement and guerrilla advertising have blurred the lines between art and commerce for some time now.

But where do we draw the line between First-Amendment speech and a foolish publicity stunt, between hitting your target market and perpetrating a hoax? Did Turner Broadcasting and Interference Inc. in effect yell "fire!" in a crowded theater?

According to Berkovitz, "The big mistake, bigger than launching the campaign, was that once the ad team and the agency saw the effect it was having, they should have immediately notified the authorities. You can question whether

the whole campaign was a mistake, but their response was a huge blunder."

"I think you definitely have a case that these guys had the right to freedom of expression by putting this stuff up, but there is always the battle between the right to express yourself and government and society to protect itself," said Berkovitz.

According to Parenio, one solution would be to enact better laws about what one can post publicly without a permit.

But Berkovitz has "got a real issue trying to legislate this. Do you need to clearly ID who's behind [the advertising] and who's paying for it? I have a serious question whether there's any way to legislate that."

Berkovitz pointed out one irony of this case: that modern surveillance technology captured Berdovsky and Stevens among a crowd at Sullivan Square as officers removed one of the light boards.

"In terms of their responsibility and awareness of this, they've dug themselves quite a hole. They are being hoisted on the petard of new media," said Berkovitz of the foot soldiers for new media advertising.

Beyond the Headlines

O solo mio

Continued from page 1

have heard from those members is that they perceive themselves to sometimes pass below the radar of the organized bar and that the bar must better address their particular needs.

Without question, the needs of the general, solo and small firm practitioner are different from their colleagues in larger practices. From client development and billing to work-life balance and networking, the day-to-day activities of general, solo and small firm attorneys draw upon a broad range of skills. As the practice of law becomes more complex and specialized, the ability of solo and small firm practitioners to keep pace becomes more challenging.

In order to respond to the needs of general, solo and small firm practitioners throughout the commonwealth, I am pleased to announce that the MBA House of Delegates recently approved a resolution creating the MBA's General, Solo, and Small Firm Section.

The section is the creation of MBA Vice President Denise Squillante and several other MBA leaders. The enthusiasm Denise shares with so many solo and small firm attorneys was evident at the MBA's first General, Solo and Small Firm Conference last spring.

The formation of the General, Solo, and Small Firm Section will enliven the MBA as it provides service to a broad range of attorneys statewide. Without question, the self-identity and pride which solo and small firm practitioners share is a powerful force. The excitement generated by the MBA's newest section demonstrates the extraordinary potential for the section.

As I learned when I was a solo and a small firm practitioner, never underestimate the capabilities of such practitioners. Without question, the ranks of the general, solo and small firm practitioners will prove a mighty force in leading to meaningful reform in the profession.

Section leaders briefed on legislative procedure by Healy, O'Flaherty

The Massachusetts Bar Association held a legislative training session for section leaders recently. The program, held at MBA headquarters, was designed to give section council chairs and legislative liaisons an opportunity to learn about how the legislative process works, both on Beacon Hill and at the MBA.

"You are, in effect, the MBA's 'think tank,'" said MBA General Counsel Martin W. Healy. "It is through your experiences in practice from which some of our most significant legislative proposals emerge."

Healy gave the section leaders an overview of the MBA's legislative process from the inception of an idea through its development into a legislative proposal and finally to approval by the House of Delegates. Particular attention was paid to the necessity of cooperative work and communication between section councils on areas of mutual concern to ease the progression of legislative policy through the MBA's procedures.

House Judiciary Chairman Eugene L. O'Flaherty was in attendance and gave

section leaders a preview of some topics that the committee is likely to tackle this legislative session such as: reform to the Criminal Offender Record Information System; mandatory minimum sentences; and reform to abuse protection orders. He also spoke about the MBA's presence on Beacon Hill.

"Marty Healy and Lee Ann Constantine are great advocates on behalf of the MBA. We share a wonderful working relationship with them and consider them to be a valuable resource," said O'Flaherty.

The Joint Committee on the Judiciary last year considered more than 900 bills. He noted that attorneys are in the trenches every day and can offer valuable insight as to where deficiencies and ambiguities in our general laws exist and how best to correct them.

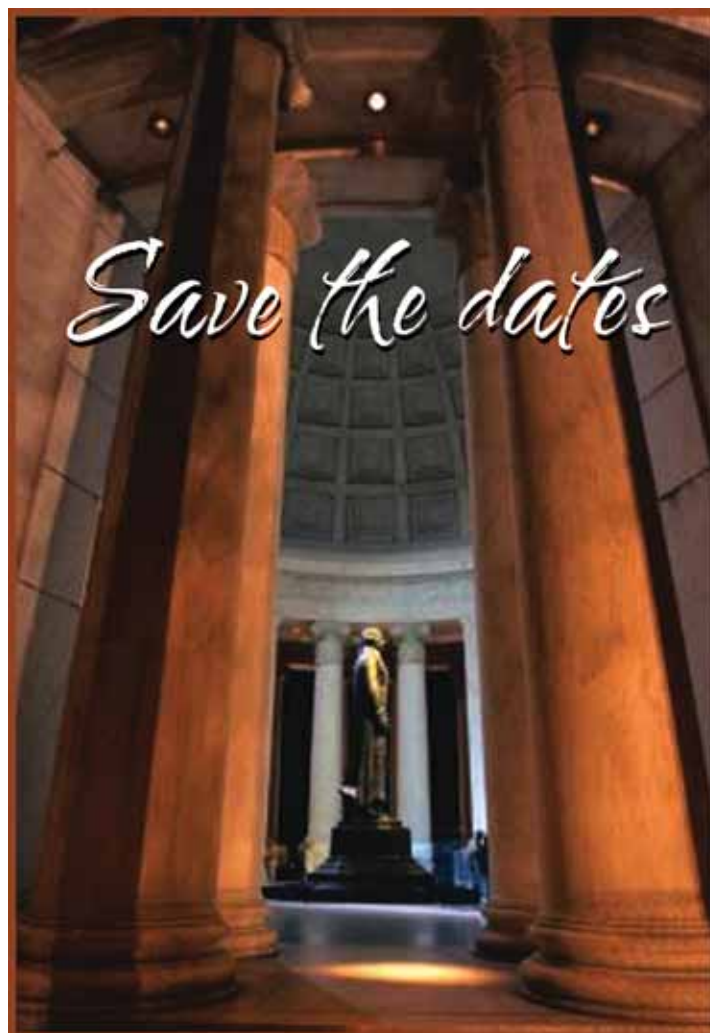
O'Flaherty and Sen. Robert S. Crendon of Brockton were both recently reappointed to chair the Joint Committee on the Judiciary.

If you have questions or wish to be involved in the MBA's legislative program, call Lee Ann Constantine at (617) 338-0692.



File photo

Massachusetts Rep. Eugene L. O'Flaherty, left, and MBA General Counsel Martin W. Healy, right, presented a legislative training session for MBA section leaders recently.



BENCH-BAR SYMPOSIUM

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Bar Services News

Business Law Section

The MBA is seeking Business Law Section members to help sponsor **May's Dial-A-Lawyer program** in the Boston and Springfield offices. We are looking for section members who would like to volunteer a couple of hours of their time to provide free basic legal information by phone to callers.

Past participants speak very positively of their experiences with helping others in this way, and we have many return volunteers. The May dates for this program are: Boston – Wednesday, May 2, from 5:30-7:30 p.m.; Springfield – Thursday, May 17, from 3:30-5:30 p.m. and 5:30-7:30 p.m.

If you are a member of the Business Law Section and are willing and able to volunteer, please contact the LRS Department at LRS@massbar.org or (617) 338-0556.

Bill O'Brien of the Business Law Section Council will host a **luncheon roundtable on European corporations law** to be presented by visiting German lawyers, focusing on the current reform project regarding the German law on limited liability companies (GmbH-Gesetz) and its impact on M&A practice. O'Brien will also host a luncheon roundtable on March 28 on Effective Use of Translators in Legal Matters.

Frank Morrissey is heading up a presentation on consumer rights/protection, debt collection, and bankruptcy for the **Elder Program at Massasoit Community College in Brockton**.

The Business Law Section is developing a number of new CLEs devoted to online and electronic issues.

Rob Kerwin and Peter McDermott, both of the Business Law Section Council, are in the early stages of putting together a seminar for April or May on e-discovery. The planned focus is what corporations should be doing now – before they are in litigation – to make compliance with future e-discovery requests easier, cheaper and better.

Susan Rayne of the Business Law Section Council is organizing a CLE seminar on representing businesses victimized by cyber crime, including working with government law enforcement agencies.

Phil Hirshberg of the Business Law Section Council is organizing a three-hour CLE in June on construction law, which likely will focus on the drafting and negotiations of commercial construction agreements.

Labor & Employment Law Section

The Labor & Employment Law Section Council invites MBA members and nonmembers alike to an off-the-record lunch with recently appointed **Department of Labor Director George Noel**, whose responsibilities include the Labor Relations Commission, the Board of Conciliation and Arbitration and the Joint Labor Management Committee.

The lunch, part of the Labor Relations & Collective Bargaining Practice Group meeting on Wednesday,

March 14, will be held from noon to 1 p.m. at the MBA's offices at 20 West St. in Boston.

The practice group has arranged for an informal discussion session with Noel, a unique opportunity for practitioners in the labor relations field to get to know the new director.

In keeping with the session's informality, it will be a bring-your-own-lunch gathering, although the MBA will provide free pizza and drinks for those who may not have time to bring something to eat.

R.S.V.P. via e-mail to our group's staff liaison, Marc D'Antonio, at MDantonio@massbar.org.



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HOD approves new General Practice, Solo, Small Firm Section; Francomano and Huettner chosen to lead new section council



Photo by Jeff Thlebauth

MBA Vice President Denise Squillante discusses her plans for the new General Practice, Solo and Small Firm Section at the Jan. 25 House of Delegates meeting. Squillante will serve as the officers' liaison to the section.

Continued from page 1

Thursday, June 7, at the Sheraton Springfield Monarch Place Hotel in Springfield.

Squillante, who currently heads the Lawyers in Transition Task Force, said she'd like to convert the task force into a practice group within the section, since so many lawyers whose careers are in transition or on hiatus fall within the general practice, solo or small firm field.

The new section will complement the work being done in the other sections, said Squillante, who will serve as the officers' liaison to the new section council.

"It will overlap and work in conjunction with the other section councils," she said. "My vision of this is not that it's going to take away from other sections, but that it's going to work collaboratively with the other sections."

Francomano, of the Law Office of Patrick Francomano, has been

an active member of the MBA for more than 15 years. He has served as a member of the Law Practice Management Section Council and on various MBA committees, including the Solo/Small Firm Committee and the Lawyers in Transition Committee. A graduate of the New England School of Law, he practices in North Attleboro.

Huettner practices in Falmouth at the Law Office of Susan A. Huettner PC. Huettner has been an active member of the MBA for more than a decade, serving on the Family Law and Law Practice Management Section Councils and several different MBA committees, as well as the House of Delegates.

Huettner received her bachelor's degree from Dartmouth College and her J.D. from Indiana University.

Huettner said there is a definite need to reach out to solo and small firm attorneys.

"A vast part of the membership is solo and small firms, and they face challenges that larger firms don't because of their scale. They have to be their own personnel manager, their own research aide, their own everything. The challenges of running a solo or small office are greater, in some regards."

The goal of the new section, Huettner said, is to enhance attorneys' practices with resources such as providing networking and educational support, a point that Squillante emphasized.

"One of my visions is to see this section council be able to reach out throughout the state and network and mentor and partner," she said, envisioning a section council that will partner with bar leaders across the state.

"It's very exciting for the MBA to have this new section in place,"

Squillante said. "I'm glad to see that it's off to a running start."

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Bar Bulletin Board

Lawyers Journal publicizes the recent and upcoming events of its affiliated bar associations. Please submit items for publication to Patricia O. Plasse at pplasse@massbar.org by the first week of each month.

The **Essex County Bar Association** and **Middlesex Bar Association** will hold a one-day Court-Connected Conciliation Certification Seminar for Neutrals on Friday, April 27.

Completion of this seminar qualifies you for any conciliation program within the Probate, Superior and District Courts throughout the commonwealth. If you have considered volunteering for any of our pro bono conciliation programs, but have not yet participated, this seminar will provide the necessary requirements.

It is a valuable opportunity which will, no doubt, enhance your abilities in the rapidly growing field of ADR. A fee of \$10 will be charged to cover the cost of materials, continental breakfast and lunch.

For more information, contact either Pamela L. Surette, executive director of the Essex County Bar Association at (978) 741-7888 or e-mail info@essexcountybar.org, or Diane M. Verner, executive director of the Middlesex County Bar Association at (617) 494-4150 or by e-mail at dianemcba@aol.com.

The **Hampshire County Bar Association** will hold its 11th annual Appreciation Reception & Contribution to Justice Award on Thursday, March 8, in the ballroom at the Hotel Northampton from 4:30–6:30 p.m.

This year's recipient of the Contribution to Justice Award is Janet K. Maslowski, judges' secretary at the Franklin/Hampshire Juvenile Court. The speaking program will include First Justice Lillian Miranda and Clerk-Magistrate Christopher D. Reavey, both from the Franklin/Hampshire Juvenile Court, along with HCBA President Mark A. Tanner.

For more information, please contact HCBA Executive Director Rebecca Ryan at (413) 586-8729 or by e-mail at hcba@crocker.com.

The **Hampshire County Bar Association** has scheduled its Wine Tasting Fundraiser Event for Friday, April 27, at 5 p.m. at the Northampton Center for the Arts in Northampton.

The recipients of the annual fundraising event will be Whole Children Center in Hadley and Cutchins Children's Clinic in Northampton. The HCBA Scholarship Fund will receive proceeds from a raffle to take place at the event. There will also be beer tasting, an assortment of non-alcoholic beverages, and live entertainment by Robert Cummings. New this year, attendees will be able to sample cheeses with the wine.

If you would like to be a sponsor, or for more information, please contact HCBA Executive Director Rebecca Ryan at (413) 586-8729 or by e-mail at hcba@crocker.com.

The **Worcester County Bar Association** is holding its Fifth Annual Winter Social and Eight-Ball Pool Tournament on Thursday, March 8, at the Boston Billiard Club in Worcester.

The **Worcester County Bar Association's** Bench Bar Day will be held on Thursday, March 22, at the Crowne Plaza in Worcester. The WCBA Bench/Bar day is a day of continuing legal educational programs which are sponsored by a committee or section of the Worcester County Bar Association. There will be eight programs presented.

For more information, please contact WCBA Executive Director Sandra DiLuzio at (508) 752-1311.

SAVE THE DATES

April 10

Massachusetts Black Lawyers Association – Annual Meeting and election of board members, 6 p.m. John Adams Courthouse, Boston.

April 19

Asian American Lawyers Association of Massachusetts – Annual Banquet.

May 9

Norfolk County Bar Association – Annual Dinner Meeting.

May 11

Massachusetts Lesbian and Gay Bar Association – 22nd Annual Dinner, Royal Sonesta Hotel, Cambridge.

May 24

Essex County Bar Association – Annual Meeting, Dinner and Golf Tournament.



The MBA Community Service Award was presented to attorney Michael E. MacDonald of Cain, Hibbard, Myers & Cook at the Berkshire County Bar Association's Winter Ball on Jan. 27 at the Cranwell Resort, Spa and Golf Club in Lenox.

From left: MBA President Mark D Mason, award recipient Michael E. MacDonald and Berkshire County Bar Association President Michael J. McCarthy.



The state finals for the We the People Program took place at the John Joseph Moakley U.S. Courthouse in Boston on Jan. 27.

The program, which was founded by U.S. Supreme Court Chief Justice Warren E. Burger in 1987, promotes civic competence and responsibility among the nation's elementary and secondary students. It is sponsored and organized by the Center for Civic Education. MBA Executive Director Marilyn J. Wellington and MBA Treasurer Robert F. Lucas (not pictured) acted as judges for the state finals.

From left to right: Bree Woods, program coordinator for We the People; Elizabeth O'Neil, MBA Director of Public and Community Services, Wellington; Roger Desrosiers, We the People Massachusetts coordinator; and Tom Flaherty, Chatham High School teacher and coach to the We the People state champion.



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Massachusetts Bar Foundation elects 2007 officers and trustees

At its Annual Meeting on Jan. 25, the Massachusetts Bar Foundation elected its 2007 officers, as well as five new trustees to serve on the Foundation Board.

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. In 2006, the MBF IOLTA Grants Program awarded 132 grants, totaling \$3.58 million, to legal service related programs across Massachusetts.

Following nominations by the MBF Nominating Committee, chaired by attorney Craig E. Stewart, and including attorneys Elaine M. Epstein and Katherine A. Hesse, MBF Fellows unanimously elected the following individuals:

2007 MBF Officers:

President: Carol A. Witt, Esq., Salem

Vice-President: Laurence M. Johnson, Esq., Davis, Malm & D'Agostine PC, Boston

Treasurer: Joseph P.J. Vrabel, Esq., Capital Risk Management Inc., Framingham

Secretary: Pamela B. Marsh, Esq., Rubin, Rudman, Chamberlain & Marsh, Yarmouthport

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Elizabeth H. Munnell, Esq., Edwards, Angell, Palmer & Dodge LLP, Boston

Dean Robert V. Ward, Southern New England School of Law, North Dartmouth

"We are so fortunate that these talented individuals have agreed to commit their time and energy to the work of the Foundation," remarked immediate Past President Francis Ford, Esq. of Fletcher, Tilton and Whipple in Worcester. "This dynamic 2007 Board of Trustees will certainly accomplish great things under the leadership of Carol Witt."

For more information about the Massachusetts Bar Foundation, visit their Web site at www.massbarfoundation.org.



Carol A. Witt



Laurence M. Johnson



Joseph P.J. Vrabel



Pamela B. Marsh



Jerry Cohen



Hon. Francis R. Fecteau



Elizabeth H. Munnell



Dean Robert V. Ward



Photo by Jeff Thlebauth

Salem attorney Celeste R. Niarchos, MBA Past President Elaine M. Epstein and MBF President Carol A. Witt at the Jan. 25 MBF Annual Meeting.

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Attorneys, firm honored at Access to Justice Luncheon

Continued from page 1

LEGAL SERVICES AWARD

Richard McMahon

Executive director, New Center for Legal Advocacy, New Bedford

Richard McMahon began his public service career as an attorney at the Montana Legal Services Association and hasn't looked back. Having committed his entire career to legal service work, he has since moved east, and today runs the New Center for Legal Advocacy, a full-service poverty law firm in New Bedford. In addition to running the everyday operations of NCLA, he directs a private attorney involvement program with a focus on pro bono attorney recruitment and case referral throughout Plymouth and Bristol Counties.

McMahon said that he is "proud to be an attorney," but is "especially honored to be part of the legal services' effort to deliver critical legal assistance to those most vulnerable and at risk."

Thanks to federal Legal Services Corporation and Massachusetts Bar Foundation funding, NCLA serves as the initial point of access for most applicants in need of legal services throughout Bristol County and the Greater Brockton area of Plymouth and Norfolk Counties. But even the NCLA's generous funding isn't always enough. McMahon insisted, "We need to maintain – as well as increase – the level of our commitment to serving the legal needs of the poorest residents of Massachusetts. The toughest part of my job

is saying 'no' and turning away otherwise eligible clients because we lack the resources to assist them. It is the most troublesome part of my work."

Despite frustrations with a lack of resources, McMahon is grateful for the efforts and abilities of his colleagues at NCLA. It is his clients, however, that inspire him on a daily basis. He explained, "My clients continually motivate me to strive for improved and increased access to justice."

PRO BONO PUBLICO AWARD

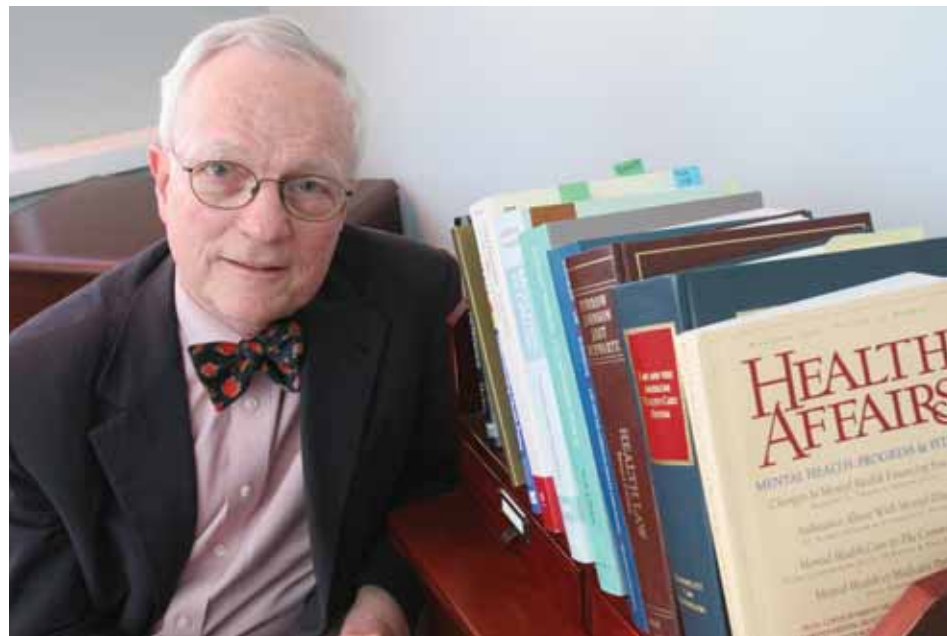
S. Stephen Rosenfeld

Rosenfeld & Rafik PC

Although Stephen Rosenfeld described his work as an advocate for health care access as his "professional home," it took many twists and turns on his career path for him to finally arrive there.

Before entering the world of private practice in the mid-1990's, he served as chief legal counsel and chief of staff for former Massachusetts Gov. Michael Dukakis, founded the Massachusetts chapter of the Lawyers' Committee for Civil Rights, and taught law at New York University, Northeastern University School of Law and Boston College Law School.

"It was hard for me to find a new path after several wonderful years in state public service. When health care advocacy found me, I was rescued," Rosenfeld explained. "I



S. Stephen Rosenfeld

have enjoyed the variety of work, but have gained the greatest satisfaction from being able, in the past 14 years, to focus narrowly and deeply on one issue."

He describes his current work at Rosenfeld & Rafik as the closest he can imagine to public service in private practice, where most of his work is focused on the law of health benefits and long-term disability benefits. However, volunteering with a variety of non-profit health organizations remains a priority for Rosenfeld. He is chairman of the board of the Urban Medical Group, and a board member of Health Care For All, Health Law Advocates, Community Catalyst, Commonwealth Care Alliance and the Boston Center for Independent Living.

Rosenfeld said that he is honored to be recognized by his peers for his pro bono work, but quickly pointed out how much he appreciates "the opportunity to point out the need for advocacy for health care access, given the plight of our vulnerable clients, most of whom are chronically ill or disabled. They are far more reliant on the health care system than those of us lucky enough to be well."

LEGAL SERVICES AWARD

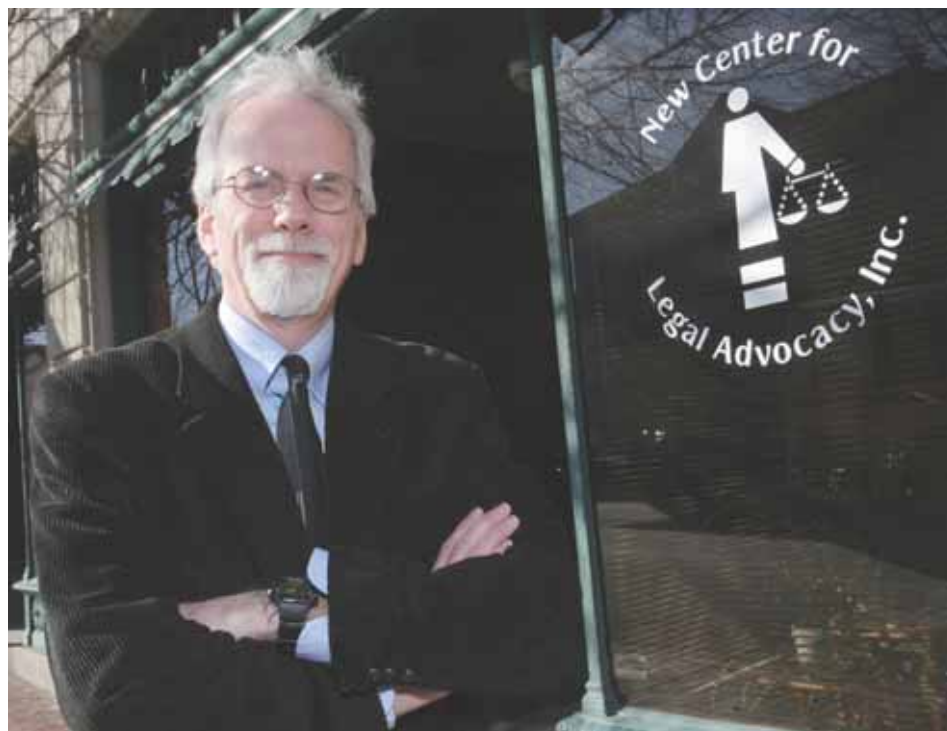
Robert A. Sable

Executive director, Greater Boston Legal Services

Like Richard McMahon, a fellow recipient of the Legal Services Award, Robert Sable has dedicated his entire career to legal services work. His first job out of law school was at the Legal Aid Society in Cleveland. He moved to Boston in 1974 to work for the National Consumer Law Center, and has now been the executive director of Greater Boston Legal Services for more than 15 years.

"I was inspired by several great lawyers,"

Continued on page 11



Richard McMahon



Richard McMahon

Continued from page 10

Sable said, and named legal service attorneys Gene and Edgar Cahn, Gary Bellow and Ed Sparer as role models. "Their work and teachings taught me that lawyers could play a critical role in fighting poverty. I decided that was what I wanted to do."

Sable's peers describe him as "a highly supportive colleague who has distinguished himself not only as an excellent lawyer and unstinting advocate for his clients, but as a leader." Even with his long-time managerial role at GBLS, Sable continues to handle cases himself.

"If you can deal with not making a lot of money, there is no more satisfying work as a lawyer, both personally and professionally," Sable remarked. "I think that this award is an important statement by the MBA that the law continues to be a profession, not just a business, and that we as lawyers are committed to professional principles: in this case, equal access to justice."

PROSECUTOR AWARD

Raymond P. Veary Jr.

Bristol County District Attorney's Office

"Accountability is in my bones. It's the way I was raised; it helps me make sense of things," said Veary, a prosecutor at the Bristol County District Attorney's Office for more than 20 years.

Most recently, Veary has served as the head of the Homicide Unit and as the leader on the prosecution of gang activity. Veary's most famous case – the 1984 "Big Dan's" gang rape case – became a nationwide focus and inspired the Jodie Foster movie *The Accused*.



Raymond P. Veary Jr.

"The trial certainly presented its challenges," remembered Veary, "but I recall being heartened at the time by confidence in my knowledge of my community's juries. I felt I understood what clicked with my neighbors and what didn't."

Ironically, Veary cites distance from the jurors as an obstacle for him today: "Somewhere along the line, the citizens in the jury box and I have drifted apart. Today, my biggest challenge is bridging that gap."

Outside of his work in the District Attorney's office, Veary remains invested in his hometown of New Bedford. He has served as president of the New Bedford Bar Association and is very involved in local community theater.

Reflecting on his own career, Veary offered some sage advice for young attorneys: "If you are looking to learn how to try a case and be beaten, snarled at and ignored in the process, become a prosecutor. If you want to serve your community in a way that really matters, come back to work the next day. If you are looking for a career that offers more rewards than you ever thought you had a right to imagine, stick around awhile."

DEFENDER AWARD

Wendy Wolf

Juvenile Defense Network

Although Wendy Wolf planned to be a social worker while she was in college, she "fell in love" with legal work during an internship at a public defender's office. "I was amazed at how dedicated all the lawyers were," she remarked. After taking several years off, she returned to law school to be a public defender herself.

A public defender in Cambridge, Boston and Dedham for more than 20 years, she admitted that she was sometimes frustrated that the system "did not understand human frailty."

She recalled a particularly difficult case from about 15 years back, when an elderly man she was defending committed suicide the day before his case

moved forward. "For awhile, a day didn't go by that I didn't think about this man," Wolf explained. "But, for me, he symbolizes why it's important to fight for every client no matter what. As much as I thought the system failed him, it made me want to fight more."

After defending adults for many years, Wolf spent much of the last decade focused on juvenile defense. She has been out of the courtroom for about five years now, and has formed and currently coordinates the Juvenile Defense Network: a Massachusetts-based training and support project established to help juvenile defense



Wendy Wolf

lawyers obtain free access to legal advice and resources. Attorneys who have been mentored by Wolf describe her as "immediate, candid and open" and "a wonderful teacher."

"Starting the JDN has been a challenge, but a good challenge. We've been lucky because we've received a grant from the Executive Office of Public Safety for four years in a row," Wolf said. She also emphasized the importance of training for attorneys who defend children. "For many years, people didn't think about delinquency practice; it was like a second thought. Even today, you don't see a lot of it in criminal law training. It's a neglected area of practice."

PRO BONO AWARD FOR LAW FIRMS

Weil, Gotshal & Manges LLP

Located in Boston for five years and beginning with just 17 attorneys, Weil, Gotshal & Manges LLP has expanded to 35 attorneys, with each attorney's annual pro bono involvement averaging more than 50 hours per year. Partner Andrew M.

Troop coordinates pro bono projects for the firm's Boston office Pro Bono Committee. "It is a testament to my colleagues that in the midst of moving to a new firm, establishing the firm's presence in Boston and re-establishing ourselves worldwide, so many have made the time to stay connected locally and give of themselves by providing pro bono legal services," he said.

In 2006, the firm enacted a new pro bono policy to institutionalize its commitment to pro bono work. Its goals include (1) every lawyer at the firm perform a minimum of 50 hours of pro bono work each year; (2) every partner and counsel will take

or supervise at least one pro bono matter each year; and (3) all entering attorneys take on at least one pro bono matter during their first two years at the firm.

"These clear directives reflect the firm's commitment to giving back to the communities in which we live, particularly to those less fortunate within our communities, using the law degree and bar admission we each are lucky to have. Simply writing a check is not enough," Troop explained.

Among many diverse cases and projects, attorneys at Weil, Gotshal & Manges have assisted Asian-American school teachers in Lowell who were unlawfully fired; the Friends of Barnstable County Human Rights Commission; a massage therapist from New York trying to set up an organization to help 9/11 firefighters; and the Brazilian Group for Economic and Social Integration.

Troop hopes that other firms follow suit in articulating specific pro bono goals for their attorneys. "Pro bono work is some of the most rewarding work you can do," said Troop. "Just as in everything else, you have to set goals and test yourselves against them."

Photos by Jeff Thiebauth

Renew your Lawyer Referral Service membership in March

If you are a member of the Massachusetts Bar Association's Lawyer Referral Service and would like to continue to receive client referrals, renew your membership when you receive your LRS renewal form in March 2007.

If you renew at that time, your membership will be good until March 31, 2008. Also, this year, all members of the LRS will be asked to complete a survey regarding their membership with the program. The LRS is looking for feedback on the administration of the program and the quality of the referrals. This survey will be accessible via the Internet and all members will be notified of the link via their renewal package and an e-mail in March 2007.

The LRS is in its 33rd year of business. By renewing your LRS membership for the 2007-08 year, you will allow us to expand your client base, your business and offer you the opportunity to take advantage of the other benefits of membership.

These benefits are:

• **Radio marketing:** This year, the LRS continues its radio advertising campaign to expand outreach to potential clients. The LRS is confident

that the increased radio promotion will result in more calls and, thus, more referrals to you, our members.

• **Internet marketing:** In response to the public's growing use of the Internet, the LRS markets its services online via Google, Verizon SuperPages and Yellowbook.com.

• **Yellow page advertising:** The LRS advertises in almost every Verizon Yellow Page Book in the state and, beginning this year, also advertises in the Boston Yellow Book. Our extensive phone directory advertising gives you the opportunity to receive referrals from your own local community, therefore expanding your client base.

• **MBTA advertising:** New this year, the LRS will begin marketing the program on various MBTA commuter lines.

• **Call-transfer program:** At no cost to you, the LRS staff will directly transfer clients to your office once a referral is made. This ensures immediate contact between the client and your office.

• **Screening of calls:** The LRS has five full-time staff members answering calls from the general public. The program screens more than 40,000 calls a year and makes more than 20,000

referrals a year from these calls. In addition to the above list, the LRS debuted its "new look" for the program this past year. This new look is now being used in all marketing approaches including advertisements on the MBTA, posters and brochures for community groups, courts, etc.

If you have any questions regarding your LRS membership or if you are currently not a member of the LRS and would like to join, contact the LRS at (617) 338-0556 or lrs@massbar.org.

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MASSACHUSETTS BAR ASSOCIATION

Get Involved!

Volunteers needed for May Elder Law Education Program

This May, in celebration of Law Day, the Massachusetts Bar Association and the Massachusetts Chapter of the National Academy of Elder Law Attorneys will once again present the Elder Law Education Program.

This year, we are excited to announce a new direction in the Elder Law Education Program. With the assistance of a group of volunteers from the MBA's Probate Law Section Council, we have prepared "Taking Control of Your Future: A Legal Checkup," a resource guide which will be distributed to all participating agencies. The guide will contain information on a wide range of legal issues affecting the lives of seniors and will allow participating agencies to select a presentation on any of the topics included in the guide.

Examples of presentation topics could include:

- How to protect your home and assets;
- Power of attorney and health care proxies;
- Reverse mortgages;
- Medicare/Medicaid changes; and
- Alternatives to nursing home care.

During the month of May, MBA members throughout the state will volunteer their time to speak at their local senior center or council on aging. Last year, more than 140 centers participated in the program, providing attorneys with many opportunities to connect to their communities, while providing seniors with valuable information on legal issues affecting their lives.

We are currently seeking elder law attorneys to volunteer to make presentations in their communities. If you are interested in volunteering, call (617) 338-0695 or e-mail communityservices@massbar.org.

Lawyer-Teacher Partnership seeks volunteers for trial program

The MBA is currently seeking volunteers to participate in the pilot of an exciting new program focusing on law-related education and civics in high schools.

The Lawyer-Teacher Partnership program will pair attorneys with teachers of high school law-related courses to strengthen those classes and to expose young people to possible careers in the law.

The pilot program for this initiative will begin with an orientation session for volunteer lawyers and their teacher partners in Waltham at Bentley College on Thursday, April 12, from 9:30 a.m. to 2:30 p.m., with a goal of implementing the program in schools during the fall semester of the 2007-08 school year.

During the semester in which the program is implemented, each lawyer will commit to making a minimum of two classroom visits and a minimum of one community-based activity. Those could

include a field trip to a local court, observation of a legislative session, meeting with agency staff, a law-related service learning project, etc.

The lawyer and teacher will commit to ongoing communication during the period of the program. Some of the communication will be directed toward planning for the community-based activity.

In addition, the lawyer will agree to accept e-mails from time to time from the class about a legal question that has arisen that the teacher is unable to answer. The lawyers will agree to provide reasonably quick responses to these questions and the teachers agree to avoid overburdening their lawyer partners with questions.

To volunteer for this program, contact the Community Services Department at (617) 338-0695, or communityservices@massbar.org.

Get Involved!

Dial-A-Lawyer volunteer attorneys field 129 calls in two hours



Photo by Bill Archambeault

Attorney Philip Howe of Lecomte, Emanuelson & Doyle in Quincy answers calls during the Feb. 7 Dial-A-Lawyer program.

The phones were ringing off the hook at the Feb. 7 Dial-A-Lawyer program, which takes place on the first Wednesday of every month at the MBA's Boston office.

Attorneys answered 129 calls: the highest number of calls taken at the Boston Dial-A-Lawyer program within the past year.

Callers' questions ranged from identity theft and insurance to contracts and civil rights. The most common topic was family law, which represented about 19 percent of the calls. Landlord/tenant, labor, probate and real estate law questions comprised another 32 percent of the calls.

More than 35 callers reported that they heard about the MBA's Dial-A-Lawyer program through the Feb. 6 Fox 25 News broadcast, where MBA Treasurer Robert F. Lucas was interviewed about the program on the station's evening news broadcast.

Dial-A-Lawyer was made possible with the commitment of the following volunteers:

David Barber
Law Offices of David Barber,
Watertown

Jennifer Barnazani-Ludlum
McRoberts, Roberts & Rainer LLP,
Boston

William T. Boyle
William T. Boyle Attorney at Law,
Lowell

John Donnelly
Office of the Attorney General,
Boston

Christy Hepburn
Macero & Associates PC,
Boston

Philip Howe
Lecomte, Emanuelson & Doyle,
Quincy

Sharon V. Jones
Sharon V. Jones Attorney at Law,
Boston

George Megaloudis
Roach & Wise LLP,
Boston

David Russman
The Russman Law Firm,
Boston

J. Daniel Silverman
J. Daniel Silverman Attorney at Law,
Wakefield

Stephen Viegas
Law Office of Stephen G. Viegas,
Reading

The Public Services Department is always looking for volunteer attorneys to field calls. If you are a member of the MBA in good standing, have a wide variety of legal experience and are interested in volunteering, call (617) 338-0556 or visit www.massbar.org.



Photo by Bill Archambeault

Christy Hepburn, of Macero & Associates PC, Boston, far right, answers calls with other volunteer attorneys at the Dial-A-Lawyer program on Feb. 7 at the MBA's Boston offices.

Also pictured, from left to right: Philip Howe of Lecomte, Emanuelson & Doyle in Quincy; David Russman of The Russman Law Firm in Boston; George Megaloudis of Roach & Wise LLP in Boston; Sharon V. Jones of Sharon V. Jones, Attorney at Law in Boston; David Barber of the Law Offices of David Barber in Watertown; and Hepburn.

Mentor roundtables to be held in Springfield on May 15

Mentoring roundtables are a great way to discuss areas of law that you have not previously faced as a new lawyer or a lawyer transitioning into a new area of practice.

The mentoring roundtables will take place at the Western New England College School of Law, Springfield on Tuesday, May 15 from 5:30 p.m.-7 p.m. with a reception directly following at the law school.

These programs bring together mentors and mentees with similar areas of practice and provide a great forum for learning and networking. Law students are welcome. Practice areas to be covered include civil litigation, criminal law, estate and probate law, family law, property law and career counseling.

The cost of the program, including a drink ticket and appetizers at the reception, is \$15. To register today, please contact the MBA Member Services Center at (617) 338-0530 or e-mail membership@massbar.org.

MBA CALENDAR OF EVENTS

Tuesday, March 6

Special Needs Trusts and Public Benefits 4-7 p.m.

MBA, 20 West St., Boston

Course #: FLH07

Special needs trusts have become an essential planning and protection tool for the disabled and elderly. Changes in supplemental security income (SSI) and Massachusetts Medicaid law have increased the need for these trusts, and lawyers are often confused by the benefits program requirements and the type of special needs trusts to use. Learn the dos and don'ts of creating special needs trusts for different situations.

Faculty: Neal A. Winston, Esq., program chair, Moschella & Winston LLP,

Somerville; Hyman Darling, Esq., Bacon & Wilson PC, Springfield; Emily S. Starr, Esq., Ciota, Starr & Vender Linden LLP, Fitchburg and Worcester.

Friday, March 9

3rd Annual Thomas F. Lambert Jr. Conference: Strategies in Trying Nursing Home Cases: Problems & Pitfalls 9 a.m.-5 p.m.

Suffolk University Law School, Boston

Strategies for Trying Nursing Home Cases brings together experts from law, medicine and the nursing home industry to examine the unique procedural, evidentiary, trial themes and strategic factors involved in this growing area of litigation. To register, visit www.law.suffolk.edu.

Sponsors: Suffolk University Law School's Center for Advanced Legal Studies, Massachusetts Bar Association

Tuesday, March 13

Fundamentals of Effective Direct and Cross-Examinations 4-7 p.m.

Western New England College School of Law, Springfield

Course #: CLM07

Hear firsthand tips from top attorneys to help you be more effective in the courtroom. Learn the essential issues and techniques of preparing your witness for direct examination and for the other side's cross-examination.

Faculty: Mark J. Albano, Esq., program co-chair, Dalsey, Ferrara & Albano, Springfield; Nancy Frankel Pelletier, Esq., program co-chair, Robinson & Donovan PC, Springfield; Hon. Cornelius J. Moriarty II, Superior Court, Springfield; Edward J. McDonough, Esq., Egan, Flanagan & Cohen PC.

Co-sponsors: Western New England College School of Law and the Berkshire, Franklin, Hampden and Hampshire county bar associations

Wednesday, March 14

Labor Relations & Collective Bargaining PracticeGroup meeting Noon-1 p.m.

MBA, 20 West St., Boston

Gov. Deval Patrick has appointed George Noel the director of the Department of Labor, whose responsibilities include the Labor Relations

Young Lawyers Celtics Night

Monday, March 26

5:30 p.m.

TD Banknorth Garden, Boston

Young Lawyers Division members: Join fellow young lawyers as the Celtics take on the Toronto Raptors on Monday, March 26 at the MBA's Celtics Night!

The evening begins with a networking cocktail reception in the Gold Room of the TD Banknorth Garden from 5:30-7:30 p.m. with the game directly following.

Tickets for the game and reception are available now at the low price of \$65 and include drinks and hors d'oeuvres. Contact the MBA Member Services Center at (617) 338-0530 to buy your tickets today.



Commission, the Board of Conciliation and Arbitration and the Joint Labor Management Committee.

To give practitioners in the labor relations field a unique opportunity to get to know the new director, our practice group has arranged for an informal discussion session with him at the MBA offices. In keeping with the session's informality, it will be a bring-your-own-lunch gathering, although the MBA will provide free pizza and drinks for those who may not have time to bring something to eat. Please R.S.V.P. via e-mail to our group's staff liaison, Marc D'Antonio, at MDantonio@massbar.org as soon as possible.

Thursday, March 15

Women in the Courtroom: Addressing the Challenges Facing Women as Litigators 8-10 a.m.

Suffolk University Law School, Boston

The Massachusetts Defense Lawyers Association – in conjunction with the MBA and other co-sponsoring organizations – is pleased to present a seminar and panel discussion addressing the challenges facing women who try cases. Please join us as our panelists discuss and answer questions about their experiences as women in the courtroom.

Faculty: Massachusetts attorney general Martha Coakley, Esq.; Hon. Barbara J. Rouse, chief justice, Superior Court of

Massachusetts; Lauren Stiller Rikleen, Esq., author of "Ending the Gauntlet: Removing Barriers to Women's Success in the Law"; Marsha Kazarosian, Esq., president, MATA; Julia Huston, Esq., president, WBA; Kimberly Winter, Esq., White, Freeman & Winter.

Sponsors: Massachusetts Defense Lawyers Association, Massachusetts Bar Association, Massachusetts Academy of Trial Attorneys, Women's Bar Association of Massachusetts

Personal Injury Basics

4-7 p.m.

MBA, 20 West St., Boston

Course #: CLN07

Gain valuable experience and knowledge at this timely seminar addressing both simple and complex personal injury claims. This program examines the basic concepts of personal injury law and offers an intriguing, insightful analysis of personal injury claims from a variety of viewpoints. Whether you are a plaintiff or defense lawyer, claims representative or in-house counsel attorney, this seminar will give you the necessary knowledge to handle a personal injury case.

Faculty: William J. Thompson, Esq., program chair and moderator, Lubin & Meyer PC, Boston; Hon. Bruce R. Henry, Superior Court; Geoffrey M. Coan, Esq., Wilson, Elser, Moskowitz, Edelman & Dicker LLP, Boston; Mark B. Collier, Esq., Lubin & Meyer PC, Boston; James

MBA THEATER NIGHT
"DIRTY ROTTEN SCOUNDRELS"
Wednesday, March 14
7:30 p.m., Boston Opera House
(cocktail reception, 6 p.m., MBA)

Tickets: \$100 each (includes cocktail reception)
To order, call (617) 338-0530. Limit of eight tickets per person.

MBA Theater Night: "Dirty Rotten Scoundrels"

Wednesday, March 14

6-10 p.m.

MBA, 20 West St., Boston

The MBA is now offering its latest Theater Night event on Wednesday, March 14: a pre-show reception at 6 p.m. and tickets for the 7:30 p.m. performance of the musical comedy "Dirty Rotten Scoundrels" at the Opera House in Boston. Tickets are \$100 each, and include a networking reception and a ticket to the show. Call the Member Service Center at (617) 338-0530. There is a limit of eight tickets per person.

Continued on page 15

Continued from page 14

McNally, strategic claims manager, Premier Insurance Co., Danvers; Brent A. Tingle, Esq., Morrison & Mahoney LLP, Worcester.

Tuesday, March 27

Recent Developments in Family Law 4-7 p.m.

Western New England College School of Law,
Springfield

Course #: FLI07

At this program, our distinguished speakers will review important recent cases and legislation, as well as address some of the challenging issues facing family law practitioners today. Key issues to be addressed include child support; division of assets; custody and visitation; alimony; standing; unmarried couples; and jurisdiction.

Faculty: Veronica J. Fenton, Esq., program co-chair, Law Office of Veronica J. Fenton, Lenox; Mary A. Socha, Esq.,

program co-chair, Bozenhard, Socha & Ely, West Springfield; Hon. David M. Fuller, Hampden Probate & Family Court.

*Additional faculty to be announced.

Co-sponsors: Western New England College School of Law and the Berkshire, Franklin, Hampden and Hampshire county bar associations

Mock Trial Final Four Semi-Finals Worcester Superior Court, 2 Main St., Worcester

More than 100 Massachusetts high schools are competing in the 2007 Mock Trial Tournament, which began Jan. 29. Approximately 230 trials will be held, most of them in February. This year's final four round will be held at Worcester Superior Court on Tuesday, March 27. The State Championship will be held on Thursday, March 29 in the Great Hall at Boston's historic Faneuil Hall. For more information, go to:

www.massbar.org/public-and-community-services/mock-trial.

Wednesday, March 28

Effective Use of Translators in Legal Matters

Noon-2 p.m.

MBA, 20 West St., Boston

Course #: BLF07

Global business and multilingual Americans and foreigners require doing business and litigating in more than one language. Having competent resources to assist in coordination of such matters is vital. At this luncheon roundtable, our experienced faculty will lead a discussion on the following topics, among others: understanding industry terminology; translating legal documents; providing foreign language deposition support; assembling a translation team; using an interpreter effectively; and interpreter ethics.

Faculty: William E. O'Brien, Esq., program chair, Law Office of William E.

O'Brien, Waltham; Wendy Pease, executive director, Rapport International, Sudbury.

Thursday, March 29

Mock Trial State Championship Faneuil Hall, Boston

More than 100 Massachusetts high schools are competing in the 2007 Mock Trial Tournament, which began Jan. 29. Approximately 230 trials will be held, most of them in February. This year's final four round will be held at Worcester Superior Court on Tuesday, March 27. The State Championship will be held on Thursday, March 29 in the Great Hall at Boston's historic Faneuil Hall. For more information, go to: www.massbar.org/public-and-community-services/mock-trial.

Member Spotlight

Boston attorneys Robbins and Wiley lecture at WNEC School of Law

Former U.S. delegate to the United Nations Human Rights Commission Jeffrey S. Robbins – a partner at the Boston-based firm of Mintz, Levin, Cohn, Ferris, Glovsky and Popeo – spoke about issues that face the Middle East on Feb. 28 at the WNEC School of Law. The lecture, titled “Fashion, Human Rights, and the Middle East,” was free and open to the public.

Robbins previously served as a U.S. delegate to the United Nations Human Rights Commission in Geneva, Switzerland. He was first appointed to this position by President Clinton in March 1999 and then reappointed in March 2000. In 1997, he acted as deputy chief counsel to the U.S. Senate Governmental Affairs Committee Special Investigation into campaign fundraising practices during the 1996 federal elections, and as chief counsel to the minority of the Permanent Subcommittee on Investigations of the U.S. Senate.

He represents clients both in connection with civil litigation as well as in connection with public and private investigations and audits of client organizations. He is the former president of WorldBoston, and of the World Affairs Council of Boston.

Robbins is a member of the American, Massachusetts and Boston Bar Associations. He received his B.A. from Brown University (1978), and his J.D., cum laude, from Boston University School of Law (1982).

The WNEC Law and Business Center for Advancing Entrepreneurship also hosted guest speaker Fletcher Wiley on Feb. 27 as part of the Center's Success Stories Speaker Series.

The president and chief operating officer of PRWT Holdings, Wiley has more than two decades of experience in the areas of corporate and commercial law. He joined PRWT, a nationally renowned labor force management company specializing in customer service needs, in 1996, and was promoted to his current position in 1999.

He sits on the board of TJX Companies Inc, and is a former senior partner with the Boston law firm of Goldstein & Manello PC.

Wiley earned his undergraduate degree from the U.S. Air Force Academy and his J.D. from Harvard Law School. He studied as a Fulbright Scholar in Paris, and earned a master's degree in public policy from Harvard's Kennedy School of Government



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HOD makes way for new MBA section and calls for more progressive lawyer-juror contact

The Jan. 25 MBA House of Delegates meeting took place at the Boston University School of Law. The selected venue reinforces the MBA's commitment to reaching out to law schools and better fostering relationships with the next generation of legal professionals.

MBA President Mark D Mason began the meeting by introducing B.U. School of Law Dean Maureen A. O'Rourke, who offered remarks to the delegates. The remainder of the quickly paced two-hour meeting covered a lot of ground, including debate on topics of unmistakable importance to the majority of delegates.

Following the introductory meeting reports, Judicial Administration Section Chair Kathy Jo Cook was joined at the podium by Andrew M. Perlman, associate professor of law, and both provided context for the Massachusetts rules regarding lawyer-juror contact, and advocated for more progressive post-trial lawyer-juror contact.

"More than half of jurisdictions have a more permissive rule than Massachusetts," explained Perlman, who is a professor of ethics at both B.U. School of Law and Suffolk University Law School.

Cook and Perlman summarized the few downsides and several benefits to adopting Rule 3.5(d) and encouraged the group to support a more progressive, permissive rule that would benefit practicing attorneys and their clients. The delegates agreed and voted to support the coordinated effort to examine Rule 3.5(d) of the Mass. Rules of Professional Conduct. According to Perlman, aside from the MBA's endorsement, there has been substantial support from other groups.

MBA Vice President Denise Squillante was next to present a proposal on the formation of a new General Practice, Solo and Small Firm Section. Squillante's motion was thoroughly debated among the delegates present and those section council chairs who submitted their councils' views in written form.

Squillante advocated that devoting a section to this group of attorneys is necessary. "We owe a duty to try to explore meeting their needs," said Squillante, who is a sole practitioner in Fall River.

According to Lee J. Gartenberg, chair of the Criminal Justice Section, the proposal had merit, but he offered a concern that it would replace the existing Law Practice Management Section, as many of the LPM section members may be drawn to the new section. The potential overlap between the existing and proposed sections was a key focus in the debate.

Squillante refuted that concern by stating that the benefits and activity of the General Practice, Solo and Small Firm Section "would not be redundant with those of the LPM Section." More conversation on this topic ensued, as each of the sections presented their council's consensus on the issue.

When the lengthy debate simmered, the group unanimously voted to adopt this new council. Patrick Francomano, a sole practitioner in North Attleboro, and Susan Huettner, a sole practitioner in Falmouth, have since been named the chairs of the new section (see related article on page 1).

MBA President-elect David W. White-Lief brought forth a recommendation to amend Rule 60 of the Mass. Rule of Civil Procedure related to judgments resulting

from the disability of an attorney. An assortment of questions was raised from the group following the motion.

Probate Law Section Chair Edward Notis-McConarty made the case for the "need for finality," and explained that the recommendation would add more delays to an estate settlement, for example. David Murphy, representing the Young Lawyers Division, raised the difficulties in defining and documenting disability.

Due to the many questions linked to finality and definition of disability, the group voted to refer to committee the recommended amendment.

The next course of action was one that received swift approval from the house. Access to Justice Section Chair Julio Hernando presented the list of nominations for the 2007 Access to Justice awardees. The group approved this year's slate of awardees.

Hernando remained at the podium to

Action items at a glance

- Supported the coordinated effort to examine Rule 3.5(d) of the Mass. Rule of Professional Conduct, permitting post-trial lawyer-juror contact;
- Approved the creation of a new General Practice, Solo and Small Firm Section; and
- Voted to refer to committee a recommended amendment, related to judgments resulting from the disability of an attorney, to Rule 60 of the Mass. Rule of Civil Procedure.

provide a progress report on the Access to Justice Section. He was followed by Family Law Section Chair Fern L. Frolin, who presented a report that concluded the Jan. 25 meeting.

Photos by Jeff Thiebauth



(Left to right) Family Law Section Chair Fern L. Frolin, MBA Vice President Denise Squillante, Labor & Employment Section Chair Rosemary Pye and Bristol County Bar Association President Miriam Babin at the House of Delegates luncheon.



Boston University School of Law Dean Maureen A. O'Rourke addressed the MBA House of Delegates.



Julio Hernando presented the slate of 2007 Access to Justice Award nominees, while (left to right, seated) MBA President Mark D Mason, President-elect David W. White-Lief, Treasurer Robert F. Lucas and Secretary Edward W. McIntyre listen.



Judicial Administration Section Chair Kathy Jo Cook detailed the benefits of improving lawyer-juror contact.



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AL9508

Young lawyer at large firm feels isolated despite being surrounded by people

Q: I am a young lawyer at a large multi-national firm in Boston, and I am feeling incredibly isolated. Although there were over 30 people in my "class" of associates, I rarely have time to socialize with them, even at firm events or for short lunches during the week. My friends in solo practice say they feel isolated too, and that makes sense to me. But I work at a big firm and am surrounded by people every

day, yet I still feel alone and miss contact with others. Why do I feel so alone, and how can I overcome these feelings?

A: It is not uncommon for new lawyers in all types of practice to feel isolated, particularly in today's legal environment, where every six or 12 minute

increment spent visiting with a colleague or at lunch with a friend is defined as time not billed. Lawyers are trained in law school to be focused, driven, and emotionally detached. As a result, they face a risk of generalized detachment – professionally from clients, peers and colleagues; and, in personal life, from everyone else – sometimes including themselves.

As a new lawyer, you probably also feel overwhelmed by the sheer volume of your work, much of it done alone in the library or at the computer. Of the skills you mastered in law school, research and writing are most readily transferable to your duties for the firm. Your ability to work as a team member and collaborate on sophisticated legal issues will develop over time. During that process, be sure to speak up with your supervisors, requesting a

variety of types of projects, including those that require working with other lawyers. Some of your time on these assignments may ultimately be written off, but you will benefit in the long run.

It is also important to establish healthy patterns and boundaries early in your career at the firm. Make plans with your coworkers or friends outside of the firm for lunch, walks and after-work events, and include them in your daily calendar. Then, treat them as you

would a client or partner appointment – keep them. Although there will be times when this is truly impossible, your general rule should be to respect your time as much as the firm's. That approach will allow you to build and maintain connections, reducing isolation and ultimately making you a happier and better employee.

Questions quoted are either actual letters/e-mails 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; e-mailed 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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Springfield meeting collects suggestions on CLE, program planning improvements

An enthusiastic group of attorneys met at the MBA's Springfield office on Wednesday, Feb. 7, to discuss future MBA Continuing Legal Education programs and other topics of interest to attorneys in Berkshire, Franklin, Hampden and Hampshire counties.

CLE Program Attorney Michele Himes and Western Office Manager Christine Baronas gave an overview of upcoming events and the group generated a list of topics for potential seminars and roundtables in Springfield. New ideas include a real estate seminar that goes beyond the basics, immigration law roundtables, a seminar on civil litigation for non-litigators and many more.

Besides suggesting specific topics for training, the group agreed that more roundtables should be scheduled, particularly sessions on efficient office management. Breakfast roundtables were requested, so some early morning roundtables will be scheduled soon. All of those participating had suggestions and many volunteered to chair programs.

Comments were not limited to CLE programs. MBA offerings will now be advertised more frequently through other bar associations and we will avoid scheduling programs at the very beginning and end of the month to accommodate attorneys who are busy with real estate transactions.

There was a discussion on the availability of offering live webcasts for CLE programs. Himes reported that the MBA is exploring opportunities to utilize new technology in the delivery of CLE programs. Other ideas included the need for more information about community service and pro bono opportunities.

If you missed the meeting, your ideas are still important. If you have suggestions, please contact Christine Baronas at cbaronas@massbar.org or (413) 731-5134.

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FOR THE ISSUES OF LIFE IN LAW

Law students: Apply for 2007 MBF Legal Intern Fellowship Program

The Massachusetts Bar Foundation is pleased to announce that applications are now available for its Legal Intern Fellowship Program (LIFP). Through the LIFP, the MBF awards \$6,000 stipends to law students who intern during the summer months at nonprofit organizations providing civil legal services to low-income clients in Massachusetts. Founded in 1996, the LIFP seeks to encourage careers in the law that further the goals of social justice, while contributing valuable legal support to organizations serving the state's low-income population.

MBF Trustee and LIFP Committee Chair Jenny C. Chou explained, "With these grants, organizations that address the legal needs of the poor are able to get much-needed assistance from law students. And having had the experience of working with a legal aid organization, these students may be more inclined to enter the arena of public service law. It is really a win-win situation."

Generous funding from the MBF Fellows Fund and the Smith Family Fund makes this program possible. Established together with the MBF in 1964, the MBF Fellows Fund consists of donations from Massachusetts lawyers and judges who serve as fellows to the foundation. Proceeds from

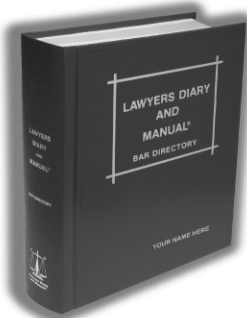
this fund are used for initiatives that support the MBF's mission: to improve the administration of justice, promote an understanding of the law, and ensure equal access to the legal system for all residents of the commonwealth. The Smith Family Fund was created as a permanent endowment to the MBF in 1989 to provide legal services to low-income individuals, especially to children.

As one of the MBF's most successful initiatives, the LIFP has enabled law students to put lessons learned in the classroom into practice at organizations across the state. Students repeatedly rave about their experience. For example, Adam Homicz, 2003 MBF Fellow, noted, "The experience gave me invaluable insight into the intricacies of legal aid and taught me more about how law is actually practiced than my entire first year of law school."

The MBF strongly encourages all interested law students to consider applying to this program. Application materials are available at www.MassBarFoundation.org. Applications must be submitted by March 16. Please contact MBF Executive Director Elizabeth Lynch at (617) 338-0534 or elynch@massbar.org with any questions about the MBF Legal Intern Fellowship Program.



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MBF IOLTA Grants Program request for proposals

The Massachusetts Bar Foundation (MBF) is pleased to announce the availability of applications for the 2007/2008 IOLTA Grants Program. The MBF expects to award approximately \$3.6 million to nonprofit organizations for law-related programs that either provide civil legal services to the state's low-income population, or improve the administration of justice in the commonwealth.

Application materials are available at www.MassBarFoundation.org. The deadline for application submission is Friday, March 9, 2007. For additional information, please contact the MBF grants office at (617) 338-0534 or e-

mail@massbar.org.

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, and is one of three charitable entities in Massachusetts that distributes funds through the Massachusetts Supreme Judicial Court's Interest on Lawyers' Trust Accounts (IOLTA) Program. The Foundation represents the commitment

of the lawyers of Massachusetts to improve the administration of justice, to promote understanding of the law, and to ensure equal access to the legal system for all residents of the commonwealth, particularly those most vulnerable.



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