

# Defense Counsel of Rhode Island

## Officers Installed at Annual Meeting

### Inside this issue:

At the State House	2
PAC	3
CLE	3
Amicus Brief Program	3
Food Drive	4
DRI Regional Director	5

This year's DCRI Annual Meeting was held on June 19, 2008 at The University Club in Providence. The featured speaker was Judge William E. Smith, United States District Court, District of Rhode Island. Judge Smith spoke to the well attended meeting about the federal judiciary and gave his insights into the issues involving caseloads and the decreasing number of jury trials.

Brooks R. Magratten, the DRI Northeast Regional Director, extended his congratulations to outgoing president Michael J. Reed, Jr. on his successful tenure in office. A plaque expressing appreciation to Mr. Reed was also presented by incoming president Robert J. Quigley, Jr.



### 2008 Leadership

#### *PRESIDENT*

Robert J. Quigley, Jr.

#### *PRESIDENT-ELECT*

Brooks R. Magratten

#### *VICE-PRESIDENT*

Howard A. Merten

#### *SECRETARY*

Rebecca McSweeney

#### *TREASURER*

Amy Beretta

#### *IMMEDIATE PAST*

#### *PRESIDENT*

Michael J. Reed, Jr.

#### *DRI STATE*

#### *REPRESENTATIVE*

Kelly N. Michels

#### *DIRECTORS*

Stephen B. Lang

Faith A. LaSalle

Holly R. Rao

Rajaram Suryanarayan

Joel K. Gerstenblatt

James V. Murray

Patricia K. Rocha

William F. White

Rajaram Suryanarayan

#### *EXECUTIVE DIRECTOR*

Michael B. Isaacs

## President's Message

I would like to express my appreciation to the members of DCRI for the opportunity to serve as president this year. DCRI has had continued growth over the past few years, both in terms of membership and services to members. I would be remiss if I did not thank Mike Reed for providing outstanding leadership as president for the past two years, and Michael Isaacs who is an invaluable asset as our Executive Director. When I first joined DCRI, I did so expecting that the organization would provide services which would assist me in my practice, and would also provide the opportunity to meet other members of the defense bar and share ideas. DCRI has exceeded those expectations in a variety of ways, including sponsoring CLEs, providing periodic reports of the status of legislation affecting our practice, as well as such functions as the annual holiday party, and the cookout at the Pawsox this past summer. Equally important, DCRI has raised the visibility of the defense bar by establishing a PAC, maintaining a presence at the General Assembly in the person of Michael Isaacs who presents the view of the defense bar regarding pending legislation, filing amicus curae briefs with the Supreme Court, participating in the Superior Court mediation week, and our annual food drive. We intend to continue all of these activities this year. For instance, we recently held a CLE-Recent Trends in the law- in October. We will also continue to explore additional services and activities on behalf of the defense bar. Ultimately, DCRI, like any organization, is dependent on its members for its continued strength and vitality. I invite all of DCRI's members to let us know any ideas, suggestions or comments you may have. I look forward to seeing and working with you this year in achieving another successful year for DCRI.



*Attendees of the Annual Meeting in June, shown here with Judge William E. Smith of the U.S. District Court of Rhode Island. Left to right, Mike Reed, Jim Murphy, Joel Gerstenblatt, Bob Quigley, Jim Murray, Howard Merten, Kelly Michels, Judge William E. Smith, Faith Lasalle, Rajaram Suryanarayan, Steve Lang, Rebecca McSweeney.*



## At the State House

DCRI tracked 70 bills during the last legislative session. We actively supported 8 bills and opposed 21, with DCRI executive director Michael Isaacs testifying or submitting written statements. Among the legislation we supported were bills to lower the 12% interest rate, set a 25% threshold for joint and several liability and make expressions of sympathy inadmissible as evidence of an admission of liability. We opposed bills that would amend the deceptive fair practices act, expand wrongful death damages, create new causes of action and extend statutes of limitations.

No bills that we actively supported or opposed were enacted into law. S 2143 B (see also H 7361) passed the General Assembly. This legislation was intended to overturn the Rhode Island Supreme Court's decision in *Lynore Horn v. Southern Union Co.* by creating a three year statute of limitations for the Rhode Island Civil Rights Act. This would provide a means to circumvent the one year statute of limitations for employment cases under the Rhode Island Fair Employment Practices Act. DCRI and the Rhode Island Chamber of Commerce Coalition opposed this legislation and asked the Governor to veto this bill. The bill was vetoed, but it is not yet known whether the legislature will return to override this and other vetoes.



931 Jefferson Boulevard, Suite 2003  
Warwick, RI 02886

P: 401.739.3600  
F: 401.739.3665

[www.capitolcourtreporting.com](http://www.capitolcourtreporting.com)

## Political Action Committee

DCRI's political action committee, Defense Counsel PAC, held a successful fundraising event on March 28 at Waterplace restaurant located on Providence's Riverwalk. The event also included a silent auction of four Boston Red Sox tickets. The reception not only raised funds to support our political activities; it provided an opportunity for DCRI members to meet and socialize.

If you were unable to attend the fundraiser and have not already contributed this year, please consider a contribution. Your contribution to Defense Counsel PAC enables DCRI to participate in the political process in an important way. To make a personal contribution, contact Michael Isaacs at [dcri@defensecounselri.org](mailto:dcri@defensecounselri.org).

## CONTINUING LEGAL EDUCATION

On November 29, 2007, DCRI held a CLE course titled "Ethical Pitfalls for Insurance Counsel Under the 2007 Amended Rules of Professional Conduct." The course provided two ethics CLE credits. The presenters were (right to left) Howard A. Merten, Robert J. Quigley, Jr., and Thomas C. Plunkett. This seminar was designed for attorneys who represent insureds, in-house insurance counsel and claims professionals who work with outside counsel. Discussed were new rules which went into effect April 15, 2007. This seminar dealt with issues the new rules raise for attorneys who represent insureds and the relationship between the attorney, the insured and the insurance carrier.

As part of our effort to strengthen ties to Roger Williams Law School, five students were invited to attend free of charge. The course was held at the Providence Marriott and included a reception and dinner. Thanks again to the sponsors – WarRoom Document Solutions, Amica Life Insurance Company and Capitol Court Reporting.



On October 30, 2008 DCRI presented a seminar which discussed recent Rhode Island Supreme Court decisions that affect the defense practice. Faith Lasalle and John Keller did an excellent job presenting and analyzing the decisions. This event was sponsored again by WarRoom Document Solutions and Capitol Court Reporting. The event was held at the Providence Hilton and was well attended.



DCRI is always looking for suggestions for CLE topics. We want to provide forums to explore and discuss areas of the law that our members will feel are important to their practice.

Please feel free to contact executive director Michael Isaacs or any of our board members to present suggestions for future seminars.

## DCRI FOOD Drive

This past December, DCRI conducted its second holiday food drive. DCRI members and others who joined in this effort donated over 1,400 pounds of food to the Rhode Island Community Food Bank, helping to feed over 550 families. This was a 40% increase in food donated from last year. Participating in the food drive were 27 law firms and individuals. Thanks to:

Law Offices of Amy Beretta (Metropolitan)  
Law Offices of Michael J. Reed, Jr. (Allstate)  
Higgins, Cavanagh & Cooney  
Law Offices of Patrick Conley, Jr. (Geico)  
Hanson Curran  
Law Offices of James V. Murray (Amica)  
Nixon Peabody  
Law Office of John T. Madden (Nationwide)  
Strauss, Factor, Laing & Lyons  
Gerstenblatt Law Offices  
Vetter & White  
McKenney, Quigley, Izzo & Clarkin  
Tate + Latham  
Zizik, Powers, O'Connell, Spaulding & Lamontagne  
Higgins & Slattery  
Smith & Brink

White, Carlin & Kelly  
Ratcliffe, Burke, Harten & Elias  
Gunning & LaFazia  
Law Office of Paul G. Pino (Progressive)  
Bennett R. Gallo, Esquire  
Jackson Lewis (Rebecca McSweeney, Esquire)  
Michael W. Garland, Esquire  
Law Offices of Faith A. Lasalle  
Dean A. David Logan, Roger Williams University School of Law  
The Employees of the Rhode Island Interlocal Risk Management Trust  
Michael B. Isaacs, Esquire

[www.  
Defensecounselri.org](http://www.Defensecounselri.org)



*Mike Reed stands on the loading dock at the RI Community Food Bank with 1400 pounds of food donated by our members and friends.*

# WARROOM DOCUMENT SOLUTIONS



- Computer Forensics
- Electronic Document Discovery
- Online Document Management
- Document Scanning & Imaging
- Complete Litigation Photo Copying
- Page-by-Page Quality Control Inspection
- Certified Summation & Concordance Sales and Support
- Free Pick-up and Delivery
- Rush Service (day or night)
- Trial Displays and more...

**Boston 617-426-6463    Providence 401-621-7300**  
**[www.warroomdoc.com](http://www.warroomdoc.com)**

## DRI Regional Director: Brooks R. Magratten

DRI's Annual Meeting recently took place in New Orleans from October 22-26. As usual, it was exceptional event. There were superior CLE's, panel counsel meetings, committee meetings, social events, networking and, of course, the sights, sounds and tastes of the French Quarter. There simply is no better way to become involved in DRI than to attend its annual meeting. In addition to the aforementioned events a reception was held at the legendary Pat O'Brien's on Bourbon Street, exclusively for New England DRI members. It was a wonderful event and great opportunity for our New England members to get to know each other. If you didn't make it this year, try to make time to do so next year.



In other news, our Rhode Island state representative, Kelly Michels, will be working with the Roger Williams School of Law to establish a DRI law student chapter there. If you are at all inclined to get involved in this effort, please lend Kelly a hand. I believe it is important to the future of DCRI and DRI to involve today's law students. To that end, let's see what can be done to integrate our law students in the local defense bar.

## DCRI Goes to the Ball Game.

On August 19, 2008 DCRI had its first ever Pawsox night. The event was a huge success and was attended by over 90 of our members and their guests. DCRI members and their guests enjoyed a pregame barbecue which was followed by a great ball game. The food was great as was the company. The weather even cooperated to make it a great night all around. If you didn't get a chance to go, hopefully this will become an annual event and you can join us next year.



John Kelleher and Mark McKenney ready to come in and pinch hit if needed at the Pawsox game.



Our Rhode Island DRI Representative Kelly Michels Sweeny and husband Michael Sweeny enjoy the pregame barbecue.



## Rhode Island Super Lawyers

Congratulations to the following DCRI members who were recognized in a recent Rhode Island Monthly advertising section recognizing RI Super Lawyers. Selection was determined following a rigorous selection process directed by Law & Politics.

*George E. Lieberman, Vetter & White, Business Litigation*

*Howard Merten, Partridge, Snow & Hahn, Business Litigation*

*John A. Tarantino, Adler, Pollock & Sheehan, General Litigation*

*Melody A. Alger, Baluch, Gianfrancesco Mathieu & Alger, Civil Litigation Defense*

*Thomas C. Angelone, Hodosh Spinella & Angelone, Civil Litigation Defense*

*Stephen M. Prignano, Edwards Angel, Palmer & Dodge, Class Action/Mass Torts*

*Brooks R. Magratten, Vetter & White, ERISA/Employee Benefits*

*Joseph Kelly, Carroll, Kelly & Murphy, General Litigation*

*Patricia K. Rocha, Adler, Pollock & Sheehan, General Litigation*

*David A. Wollin, , Adler, Pollock & Sheehan, General Litigation*

*Carol A. Zangari, Law Offices of Carol A. Zangari, Personal Injury Defense*

*Gerald C. Demaria, Higgins, Cavanagh & Cooney, Personal Injury Defense Products*

*Thomas W. Lyons, III, Strauss Factor Laing & Lyons, Personal Injury Defense Products*

*David W. Carroll, Roberts Carroll Feldstein & Pierce, Medical Malpractice Defense*

*Gordon P. Cleary, Vetter & White, Transportation/Maritime*

*Mark P. Dolan, Rice Dolan & Kershaw, Civil Litigation Defense*

*John T. Walsh, Jr., Higgins Cavanagh & Cooney, Civil Litigation Defense*

*James T. Murphy, Hanson Curran, Civil Litigation Defense*

*Todd D. White, Adler, Pollock & Sheehan, General Litigation*

*Stephen P. Cooney, Higgins Cavanagh & Cooney, Rising Star in Civil Litigation Defense*

## Notes:

DCRI has been steadily growing over the past few years thanks to the efforts our members. We now have 160 members in Defense Counsel of Rhode Island. Please help us by asking members of your firm or other defense lawyers you know to join DCRI. It is important for all defense attorneys to support the defense bar in our state. As an incentive to join, new members who have not been members of DRI, the national organization of the defense bar, receive a one-year free membership in DRI by joining our Rhode Island association. For a membership application, please visit [www.defensecounselri.org](http://www.defensecounselri.org) or contact Michael Isaacs at [dcric@defensecounselri.org](mailto:dcric@defensecounselri.org).

## Election News:

Our recent elections brought us some exciting news. On Tuesday, November 4, 2008 two members of DCRI were elected to public office. Our congratulations go out to Michael Marcello who was elected to serve as a Representative to the General Assembly of District 41 and to Allan Fung who was elected as the next Mayor of the City of Cranston. Also, our executive director, Michael Isaacs, was re-elected to the East Greenwich Town Council. Good Luck to all of them in their new positions.



**DEFENSE  
COUNSEL  
OF  
RHODE  
ISLAND**

**APPLICATION FOR MEMBERSHIP**  
**(June 2008 – June 2009 membership year)**

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Number of Attorneys in your firm or office: \_\_\_\_\_

Primary area(s) of practice (if in a law firm):  
\_\_\_\_\_

Admitted to the Rhode Island Bar in \_\_\_\_\_

Admitted to USDC for RI in \_\_\_\_\_

Referred by: \_\_\_\_\_

*I am engaged actively in the practice of civil litigation, primarily devoting myself to handling the defense of civil disputes, **or** I am in-house counsel handling or supervising the defense of civil disputes.*

\_\_\_ *Full Member. My primary office **or** my firm's or company's primary office is domiciled within the State of Rhode Island. I am a member in good standing of the Bar of the State of Rhode Island.*

\_\_\_ *Associate Member. (1) Neither my primary office nor my firm's or company's primary office is domiciled within the State of Rhode Island. I am a member in good standing of the Bar of the State of Rhode Island. **OR** (2) I am in-house counsel handling or supervising the defense of civil litigation, but I am **not** a member of the Bar of the State of Rhode Island.*

- I am a member of DRI, The Defense Research Institute
- I am not a member of DRI
- I am interested in becoming a member of DRI

Enclosed is my Membership Dues check in the amount of \$125.00 payable to:

**DEFENSE COUNSEL OF RHODE ISLAND**

Mail c/o Michael B. Isaacs, Esq.

Executive Director, DCRI

46 Bunker Hill Lane

East Greenwich, RI 02818-2308

Signature \_\_\_\_\_ Date \_\_\_\_\_

[www.defensecounselri.org](http://www.defensecounselri.org)

EXECUTIVE DIRECTOR

*Michael B. Isaacs*

401.884.7307

[dcric@defensecounselri.org](mailto:dcric@defensecounselri.org)

