

# **Defense Counsel of Rhode Island**

## New Officers Installed at Annual Meeting

On June 22, 2005 DCRI held its annual meeting at the University Club in Providence. At the meeting, officers for the year 2005—2006 were elected and installed.

Chief Justice of the Rhode Island Supreme Court Frank Williams, Chief Judge of the Workers' Compensation Court George Healy and Deputy Chief of Staff to Governor Carcieri Jeff Grybowski attended the meeting and addressed approximately 50 attendees.

Outgoing President Michael Lynch was presented with a plaque in recognition of his distinguished service from 2004-2005.



*Shown here at the Annual Meeting are from right to left, Vice President Robert J. Quigley, Jr., President Stephen B. Lang and President-Elect Michael J. Reed, Jr.*

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### 2005 Leadership

#### *PRESIDENT*

Stephen B. Lang

#### *PRESIDENT-ELECT*

Michael J. Reed, Jr.

#### *VICE-PRESIDENT*

Robert J. Quigley, Jr.

#### *SECRETARY*

Brooks R. Magratten

#### *TREASURER*

Amy Beretta

#### *IMMEDIATE PAST*

#### *PRESIDENT*

Michael D. Lynch

#### *DRI STATE*

#### *REPRESENTATIVE*

Brooks R. Magratten

## President's Message

We are now in the midst of another trial season. Many of us are again trying to convince judges and juries that our clients are in the right or perhaps just trying to convince them that our worthy opponents haven't met their burden of proof. It's hard to find time for the other aspects of our practice—supporting the profession as a whole. We at DCRI are trying to create a forum where those of us who defend civil cases can be heard as a group. There are many common issues among us and it is important to have a vehicle to express those views and to propose solutions. We also want to work with the plaintiff's bar and their organization (RITLA) to promote issues of concern to all of us. A trial bar that knows one another is a bar that can professionally, aggressively and civilly represent our clients' interests. We must maintain proper decorum and ensure that we at all times respect other members of the bar and the judiciary. We hope that those of you who have the time will become involved to enhance the reputation of our profession. DCRI is just one and perhaps the youngest of the groups working to make our profession better. Thanks for your help. *Stephen Lang*



## At the State House

In the current legislative session, DCRI tracked 58 bills. Our Executive Director, Michael Isaacs, testified at hearings, submitted written comments and met with legislators. We supported bills to lower the prejudgment interest rate, reform joint & several liability and enact medical malpractice reform. Unfortunately, none of these bills passed this year. We opposed bills on unfair settlement claims practices, deceptive trade practices, release of joint tortfeasors, and admission of expert scientific and technical evidence.

DCRI supported legislation to address vicarious liability in vehicle leasing. The General Assembly passed and the Governor signed a bill to extend the sunset provision in the vicarious liability vehicle leasing legislation by 11 months to June 2, 2006. Subsequently, federal legislation was enacted that preempts the Rhode Island legislation.

## Political Action Committee

Speaking of legislation, there is an important way in which you can help. Participation in the political process includes contributions to candidates. We are rapidly approaching the start of the 2006 legislative year and the 2006 legislative elections. We only need a modest effort from you, our members, to participate in the political process on a par with the PACs of competing interests.

Please consider a personal contribution of \$100 to Defense Counsel PAC. Of course, more or less is welcome. Whatever amount you are able to contribute will be appreciated. To make a contribution, please contact Michael Isaacs at [dcricri@defensecounselri.org](mailto:dcricri@defensecounselri.org).



## Hurricane Katrina

DCRI contributed \$500 to the Red Cross to support their efforts to provide relief to those victimized by Hurricane Katrina. The American Red Cross estimates that more than \$2 billion will be required to meet its cost for the emergency needs of Hurricane Katrina survivors. This is a sum 20 times greater than the relief provided by the Red Cross for all hurricanes in 2004. This assessment is based on the nearly one million people who require meals, shelter, financial assistance and other essential services over various periods of time.

## MEMBER SPOTLIGHT: DRI State Representative Brooks Magratten

This year DCRI is fortunate to have Brooks Magratten as our State Representative to DRI. Brooks is a partner at Vetter & White, handling commercial and insurance litigation. He joined the firm in 1987 after clerking for the Honorable David W. Craig on the Pennsylvania Commonwealth Court. He also clerked in the Governor's Office of General Counsel while a law student at the Dickinson School of Law. Brooks received his undergraduate degree from Hamilton College. In addition to his J.D., Brooks completed his MBA at Bryant College in 1996. He would go on to serve as an adjunct faculty member in the graduate school where he taught business law. He has been a member of DRI since 1995, and currently serves as the Rhode Island State Representative as well as Secretary of DCRI. Brooks is the past Chair of the ABA / TIPS Committee on Health & Disability Insurance Law. He is also the editor and an author of the recently released book "ERISA Survey of Federal Circuits."

Brooks, his wife Paige and daughter Colby reside in Providence's East Side. In his spare time, Brooks enjoys golfing. He and his wife are also active supporters and fundraisers for the MS Society.



### CLE: *The Use of Experts at Trial*

DCRI is proud to announce its participation in an outstanding educational opportunity. On Thursday December 1, 2005, DCRI, in conjunction with The Rhode Island Trial Lawyers Association, presents "*The Use of Experts at Trial*". A distinguished panel of speakers has been assembled to examine the effective use of experts at trial from the perspective of the defense, the plaintiff and the trial judge. Insight from the bench will be provided by the Honorable Alice B. Gibney, Associate Justice, Rhode Island Superior Court. John F. Kelleher, Esq. of Higgins, Cavanagh & Cooney, LLP and Robert J. Quigley, Esq. of McKenney, Jeffrey and Quigley will give the defense's perspective while RITLA President Cristine McBurney and David Oliviera, Esq. will cover the plaintiff's side. Together the panel will address how to qualify, question and challenge experts. The seminar cost is \$85 (dinner is included) and will take place at the Providence Marriot from 5:30-8:00 pm. Don't miss this exceptional opportunity to discuss an important subject that impacts practitioners of all experience levels. Those interested in attending should contact Nancy Striuli at RITLA (273-8820) to register.



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**Defense Counsel of  
Rhode Island  
Executive Director:  
Michael B. Isaacs, Esq.**

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## **Our Purpose:**

*The purposes for which this Association is organized shall be to promote improvements in the administration of justice and enhance the service of the legal profession to the public; to support and work for the improvement of the adversary system of jurisprudence in the operation of the courts; to encourage the prompt, fair and just disposition of tort litigation; to enhance the knowledge and improve the skills of defense lawyers; to advance the equitable and expeditious handling of civil disputes; to work for the elimination of court congestion and delays in civil litigation; and to carry on other related and similar activities in the public interest.*

## **Notes:**



*Questions or comments pertaining to the DCRI Newsletter should be directed towards editor Michael J. Reed, Jr.*

***DCRI on the Web:*** You'll be happy to hear that DCRI is on the web. Earlier this year the DCRI website went live. When you get a chance, check it out at [WWW.Defensecounselri.org](http://WWW.Defensecounselri.org). On the site you can learn more about the organization, its officers, board of directors and members. You will also find membership applications should you come across someone interested in joining us. We are also attempting to build up a brief bank and any contributions would be welcome. Given the level of legal talent in our community, we should be able to put together a wealth of information for future use by our membership.

***Golf Tournament:*** On June 27, 2005 DCRI held its first Golf Tournament at the Potowomut Country Club. Those in attendance had a great time and we look forward to this becoming an annual event. One participant noted "this gives new meaning to assumption of the risk". Thanks go out to member Paul Callaghan of Higgins, Cavanagh and Cooney for organizing the event.

***Rhode Island Superior Court Centennial Reception:*** Along with other professional associations, DCRI sponsored the September 19 reception held to