

# Defense Counsel of Rhode Island

## Officers Installed at Annual Meeting

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DCRI held this year's annual meeting at the Aurora Club in Providence on June 20, 2007. At that time the "new" officers were installed. No, you are not going crazy, they do look remarkable like last year's officers. Last year's officers agreed to stay on for another year. The meeting was attended by approximately 50 people and was sponsored by our friends at Capitol Court Reporting. Thanks also to Warroom Documents for their promotional support.



2007 Officers from right to left: President-Elect Robert Quigley, President Michael Reed, Secretary Rebecca McSweeney, Treasurer Amy Beretta, Vice President Brooks Magratten, 2005 Past President Stephen Lang.

## President's Message

### 2007 Leadership

#### PRESIDENT

Michael J. Reed, Jr.

#### PRESIDENT-ELECT

Robert Quigley

#### VICE-PRESIDENT

Brooks R. Magratten

#### SECRETARY

Rebecca McSweeney

#### TREASURER

Amy Beretta

#### IMMEDIATE PAST

#### PRESIDENT

Stephen Lang

#### DRI STATE

#### REPRESENTATIVE

Brooks R. Magratten

Let me begin this article by expressing my sincere appreciation for being given the opportunity to lead this organization for the last year and for getting a chance to do so again this year. When my term began, I had set several goals. I think the last year can fairly be described as productive and that the majority of my goals were either accomplished or addressed in some fashion. It is also fair to say that this year went by much faster than I imagined it could and that several goals were not accomplished. As my term was wrapping up in April and May, I definitely felt as though I was running out of time and needed a continuance. (I know none of you have ever needed one, so just humor me). It was at that point that our Board of Directors began to consider lengthening the terms of our officers to give them time to get better situated in their positions and help the organization gain some stability. It was also reasoned that the officers would gain valuable experience during their first year that they could use to the benefit of the organization during their second year. I agreed wholeheartedly with this line of thought and accordingly jumped at the opportunity to serve for another year. *Continued on page 2...*

Continued from page 1....I will do my best to make the most of it. We are still a relatively new organization and like any organization we want to get bigger and better each year. Towards that end we will continue to offer those programs and events that our members have found helpful to their practice and enjoyable. We will also work to find new ways to educate, entertain and represent our present members and attract additional members. Towards that end, I would encourage anyone with suggestions or ideas on these issues to share them with our leadership. This is your organization. In closing, I look forward to working with DCRI's officers, its board, Executive Director Michael Isaacs, and all of you during this coming year.

## At the State House

This year, DCRI tracked 53 bills. We actively opposed 9 bills and supported 6. Bills that we opposed would amend the deceptive fair practices act, increase wrongful damages, change the rules for admission of expert testimony and scientific evidence, create new causes of action and change the rules on settlements and releases among joint tortfeasors. We supported bills that would lower the interest rate from 12% to 6%, set a 25% threshold for joint and several liability and exclude expressions of sympathy from evidence of liability.



This has been a comparatively quiet year in the General Assembly for legislation of importance to DCRI. The legislature has spent much of its efforts on addressing the state's \$400 million budget deficit. DCRI executive director Michael Isaacs testified or submitted testimony on 10 bills. No bills that we actively supported or opposed were enacted into law this year. New laws were enacted to amend the procedures for distribution of Supreme Court opinions and change the process for judicial nominations. More detailed information can be found in the **MEMBERS ONLY** area of the DCRI website in the Legislative Chart. [www.defensecounselri.org](http://www.defensecounselri.org).

## Political Action Committee

On May 18, 2007 DCRI's political action committee, Defense Counsel PAC, held its first fundraising event at RiRa in Providence. The event was a success in terms of attendance and money raised. Contributions were received from a broader base of members than in previous years. Several of our members also substantially increased their contributions to the PAC. Our thanks are extended to all who participated in this event. Your contribution to Defense Counsel PAC enables DCRI to participate in the political process in an important way. If you were unable to attend the fundraiser and have not already contributed this year, please consider a contribution. To make a personal contribution, contact Michael Isaacs at [dcri@defensecounselri.org](mailto:dcri@defensecounselri.org).



*Bob Quigley, Amy Beretta and Steve Lang attending our first ever PAC fundraiser at Ri Ra in Providence.*

## MEMBER SPOTLIGHT: Tom Bender

Tom Bender has established himself as one of the preeminent appellate lawyers in the State of Rhode Island and we are fortunate to have him as a member of our organization as well as a Co-Chair of our Amicus program. Tom, born and raised right here in Rhode Island attended high school in North Kingstown and went on to graduate from the University of Rhode Island. After graduating with High Distinction from URI with a B.A. in Political Science, Tom received his law degree from Washington and Lee University School of Law. Following law school he served on active duty as a prosecutor and defense counsel in the U.S. Air Force Judge Advocate General Corps for 5 years. While in the Air Force Tom litigated court-martial and administrative hearings. After leaving the military, Tom would go on to join Hanson Curran where he has focused on appellate litigation, representing clients before the First Circuit Court of Appeals, the Rhode Island Supreme Court and the Workers Compensation Court Appellate Division. Tom's current practice includes all aspects of litigation at the appellate level and litigation support at the trial level. He has appeared before the Rhode Island Supreme Court approximately 60 times, and is a member of the state Supreme Court Bench Bar Committee. Tom has also been a member of the Justice Leadership Council, Rhode Island Legal Services, Inc., Common Cause of Rhode Island, and the College of Arts & Sciences Advisory Council, University of Rhode Island. With all of this going on Tom has found time to publish law review articles and prepare several pro bono amicus briefs in recent years. Tom was recently awarded the 2007 Lauren E. Jones Writing Award at the RI Bar Association's annual meeting. Tom presently resides in Cranston with his wife of 17 years, Alana. Formerly an avid basketball player, Tom enjoys spending his free time pursuing more cerebral pursuits such as reading and writing. He and Alana also spend much of their free time taking care of their 4 golden retrievers. Since 1990 they have rescued 9 goldens (several of which had significant health issues) through the Yankee Golden Retriever Rescue League.



## Amicus Brief Program

As you know, DCRI has formed an Amicus committee co-chaired by Tom Bender and Dave Wolin to consider issues pending in front of the Rhode Island Supreme Court and to determine whether or not our organization should attempt to weigh in by filing an amicus brief. At the end of last year, Tom Bender and DCRI President Mike Reed met with Chief Justice Williams to formally announce our willingness and ability to provide amicus briefs to the court. Tom and Mike were warmly received by Chief Justice Williams who indicated that there are often times that the court seeks input from outside groups and organizations on important issues before the court. He further indicated that he would be happy to add DCRI to this list of groups. In addition to meeting with Chief Justice Williams this last year, DCRI also filed an amicus brief jointly with the New England Legal Foundation in the case of *Lynore Horn v. Southern Union Co. et al.* This case addressed a certified question submitted to the court to decide whether a one year statute of limitations applied to actions brought under the Rhode Island Civil Rights Act. DCRI along with the New England Legal Foundation took the position that the one year statute did, in fact, apply. On June 27, 2007, the Supreme Court decided in our favor issuing a 3 -2 opinion in favor of the one-year limitation period. Tom Bender of Hanson Curran served as counsel for DCRI and Rebecca McSweeney of Jackson Lewis served as local counsel for the New England Legal Foundation. Neal McNamara and Matt Frankel at Nixon Peabody represented Southern Union Co. Thanks to Michael Malamut at the New England Legal Foundation for allowing DCRI to join in their brief.

## DCRI FOOD Drive

DCRI held its first ever food drive during the holiday season of 2006. As a result of the generosity of our members, we were able to collect over a 1000 pounds worth of food for the Rhode Island Community Food bank. I would like to thank Michael Isaacs for his efforts in assisting with the pick up and delivery of the food. Our donation was greatly appreciated by the staff at the food bank. I would also like to recognize the following firms and individuals for their contributions. Hopefully, we can make this an annual event. Thanks to all for making this such a success.

*Higgins & Slattery, Rice, Dolan & Kershaw, White, Carlin & Kelly, Zizik, Powers, Lamontagne and Spaulding, Law Offices of Patrick Conley, Law Offices of Carol Zangari, Nixon Peabody, LLP, Straus, Factor, Lopes & Lyons, Vetter & White, Hanson, Curran, Law Offices of Michael J. Reed, Jr., Gunning & Lafazia, Michael Isaacs, Esquire, Michael Garland, Esquire, Law Offices of John Madden, Law Offices of James Clark, Jr., Law Offices of Amy Beretta, Law Offices of Paul Pino, Baluch Gianfrancesco, Mathieu, and Alger, Law Office of Benjamin Gallo, Ratcliffe, Burke, Harten and Elias, McKenney, Quigley, Izzo & Clarkin, Law Offices of Michael Lynch, Higgins, Cavanagh & Cooney, Law Office of Thomas Bruzzese.*



*Mike Reed shown here with the official weigh in slip for the 1000 pounds of food dropped off at the Rhode Island Community Food bank .*



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## Brooks Magratten Named DRI Regional Director

I am pleased to announce that our own Brooks Magratten of Vetter & White has been elected to the position of DRI Northeast Regional Director. Brooks replaces Matt Cairns from New Hampshire who is running for a national DRI position. Brooks has been an active member of both DRI and DCRI. As you are aware, he is currently serving as our Rhode Island State Representative to DRI and as DCRI Vice President. Brooks has also served on the DCRI Board of Directors. We are

very fortunate to have Brooks represent Rhode Island and the rest of the New England states and we greatly appreciate his willingness to give his time and effort to this important leadership position. Congratulations to Brooks!

In addition, outgoing Director Matt Cairns has done a terrific job in his term as the NE DRI Regional Director. We wish Matt the best in his candidacy for DRI 2nd Vice President. It would be terrific to have a New Englander placed in such an important position at DRI. Good luck Matt.



## Bylaws Amendment



At our recent annual meeting we voted to amend our bylaws to allow corporate attorneys who oversee Rhode Island litigation to become eligible for membership in DCRI. If you are aware of any attorneys who would qualify for membership under this by-law amendment please refer their names to our executive director Michael Isaacs or direct that person to our website for a membership application.

## Upcoming CLE

**BACK TO SCHOOL:** Over the next couple of months you will be receiving additional information about some excellent CLE programs that are in the works. We are presently working on seminars on Electronic Discovery and Forensic Electronic Discovery. How many of you can use the word METADATA in a sentence?

We are also planning courses in the areas of jury selection and representing insurance defense clients. Hope to see you all there!!!



DEFENSE COUNSEL OF  
RHODE ISLAND  
EXECUTIVE DIRECTOR:  
MICHAEL B. ISAACS, ESQ.  
EMAIL: DCRI@DEFENSECOUNSELRI.ORG

## 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.*



Www.  
Defensecounselri.org



## DCRI ANNUAL GOLF OUTING

DCRI held its 3rd Annual Golf Tournament on August 30, 2007 at the New England Country Club in Bellingham, Massachusetts. Once again we had great weather, great company and great golf. Well, two out of three ain't bad. 28 players enjoyed a box lunch, 18 holes of golf and dinner. We had 28 players sign up. Each year we are getting a little larger. We want to thank Warrroom Document Solutions for their generous sponsorship of this event and Paul Callaghan for his efforts in running the tournament.



*Lauren Wilkens and Ron Izzo discuss how to make next year's outing more challenging after breezing through 18.*



*Peter Garvey and Bob Quigley discuss 300 foot drives, 25 foot putts and other mythical crea-*

*Questions or comments pertaining the DCRI Newsletter should be directed towards editor*

*Michael J. Reed, Jr.*

DCRI has been steadily growing over the past few years thanks to the efforts our members. 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 [dcri@defensecounselri.org](mailto:dcri@defensecounselri.org).



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**APPLICATION FOR MEMBERSHIP**  
**(2007 – 2008)**

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 \_\_\_\_\_