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RWU Law

ISSUE 5 | SUMMER 2013

The Magazine of Roger Williams University School of Law

MENTORS GIVING BACK

20TH ANNIVERSARY

CHIEF JUSTICE WEISBERGER



Shifting Seas

Responding to a
changing climate



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**Ashley Ham Pong '10 (left)
mentors UDC Law 2L
Vanessa Altamirano in
Washington, D.C.**

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More and more attorneys are stepping up as mentors, helping law students to become better lawyers, while improving the profession – and themselves – in the process.

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To the Editor:



As President of the Law Alumni Association, I encourage all RWU Law alumni to join in the 20th Anniversary celebration of our law school. Having attended and graduated from RWU Law during its first two decades, we have all played an indelible role in shaping what the school has become. Now the time has come to step forward and begin shaping RWU Law's future.

In the two decades since its founding, RWU Law worked hard to successfully integrate itself into the legal community. This is in large part due to the quality of its graduates. In addition, RWU Law has been able to provide the bench, bar and public with a unique and vital source of independent legal opinion, analysis and expertise.

RWU Law has grown to become an established regional institution that is respected for its faculty, programs and graduates. In addition to their work in the classroom and scholarly journals, our faculty members regularly appear in local, regional and national media to help shape public opinion well beyond the ivory tower. RWU Law alumni have also had a tremendous impact in the community through their work, whether in private practice, the corporate setting, public service or otherwise. RWU Law has made and continues to make a positive difference in every community it touches.

During these challenging economic times, when many question the value of law school, RWU Law stands at the forefront of efforts to offer students a high-quality, hands-on and marketable legal education. RWU Law has consistently produced alumni who are "practice-ready" lawyers, able to make a positive impact in the organizations and communities they serve. The school also contributes to the local community through its clinical programs by providing representation and legal advocacy for those who might have gone unrepresented without the help of the law school.

There are many exciting events ahead. I encourage you to be a part of them. Be on the lookout for upcoming events – and then get involved. Attend. Volunteer. Contribute to the Annual Fund. Above all, be proud of our law school and help it move forward. Let's all show our ongoing support for RWU Law as it enters into its third decade and beyond.

Sincerely,

Robert J. Humm '08
President, Law Alumni Association

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Published by the Department of
Marketing and Communications and
Roger Williams University School of Law

Issue 5 / Summer 2013

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A Chat with the Dean

Our Q&A with Dean David A. Logan

A new paradigm for legal education...

Dean Logan sent the following letter in response to an article by the president of the Rhode Island Bar Association. It appeared in the January/February 2013 issue of the Rhode Island Bar Journal, and is reproduced here in lieu of the usual Q & A.

Rhode Island Bar Association President Michael McElroy used his fall President's Message to take aim at the state of legal education: "It is my belief that the law school model is broken. Law schools need to produce practice-ready lawyers, but they are not doing so." His indictment is based upon several observations, but, at base, he criticizes law schools for paying too much attention to the traditional aspects of the classic legal education – case analysis and doctrinal mastery – and insufficient attention to developing practical lawyer skills.

President McElroy is by no means the first to make that criticism: two important studies, years apart – the American Bar Association's *McCrate Report* (1992) and the Carnegie Endowment's *Educating Lawyers* (2007) – made the same points and stirred not just a robust debate but also significant curricular change across the nation.

Indeed, RWU Law, which opened just

months after *McCrate*, built into its initial curriculum greater attention to skills training than was prevalent at the time, including a graduation requirement of completing two skills classes, with students being able to choose from a simulation course (such as Trial Advocacy) and a clinic (representing clients in actual cases). As we now approach the end of our second decade, the number and type of experiential opportunities have dramatically multiplied. Our current students can choose from:

- four clinics: Criminal Defense, Immigration, Mediation and – coming this fall – Community Economic Development;
- dozens of externships, working under the close supervision of lawyers and judges in both state and federal courts, with Non-Governmental Organizations, and even with the offices of corporate counsel;
- our unique Pro Bono Collaborative, which helps many students satisfy our graduation requirement of 50 hours of uncompensated pro bono legal work;
- many capstone courses that enable third-year law students to integrate doctrinal

knowledge learned earlier into the practical settings that will arise in practice; and

- an array of doctrinal courses that have a very practical focus, like Workers' Compensation and Elder Law.

Finally, RWU Law is one of the founding members of the Alliance for Experiential Learning in Law, organized by Northeastern School of Law.

In short, the RWU Law curriculum – while very traditional in both content (our required courses are Torts, Contracts, Civil Procedure, Criminal Law, Property, Legal Methods, Evidence, Criminal Procedure, Professional Responsibility and Constitutional Law) and pedagogy (most faculty use a version of the Socratic Method) – offers both great breadth and depth in the electives that help ease the transition from the ivory tower to the real world.

Legal education, including RWU Law, is by no means above criticism, but the type of law school that President McElroy (and I) attended in the 1970's – ones that emphasized only what I call book learning – do not exist anymore, at Roger Williams University School of Law or elsewhere.



Founding Father

Chief Justice Joseph R. Weisberger (1920-2012)

Chief Justice Weisberger and his wife, Sylvia,
attending an RWU Law event.

Retired Rhode Island Supreme Court Chief Justice Joseph R. Weisberger '92H, '97H(Law) – a Roger Williams University Trustee and a central figure in the founding and development of RWU Law – died on December 7, 2012, at the age of 92.

Chief Justice Weisberger served as chairman of both the Roger Williams University School of Law Advisory Board and its Board of Directors, and is the namesake of the school's first endowed professorship. In 1991, he led the feasibility study that recommended establishing RWU Law.

A graduate of Brown University and Harvard Law School, Weisberger interrupted his undergraduate studies in 1941 to join the Navy, where he served in the Pacific. He practiced law and

served briefly in the state Senate before being appointed to the bench in 1956, at age 35. He was a Superior Court judge until 1978, when he was appointed to the Rhode Island Supreme Court as an associate justice. He served as chief justice from 1993 to 2001. In the years following his retirement, he helped lead the court's mediation program.

"You hear many accolades for Chief Justice Weisberger's long and distinguished service to our state," said RWU Law Dean David A. Logan. "But to me it is also personal: he was instrumental in the founding of this law school and was the first and longest-serving Chair of our Board of Directors. He was also a classic gentleman and a wonderful mentor to me."

"Whereas the need for a Law School in Rhode Island has been clearly demonstrated, now hereby be it resolved that the Law School Advisory Board recommends that a law school be established by Roger Williams College."

**– Justice Joseph R. Weisberger,
Chairman of the Law School
Advisory Board, 1991**

“Fulfilling the Promise”

Celebrating past, present and future as RWU Law enters its third decade

Entering its 20th Anniversary year, RWU Law can proudly look back on a legacy of outstanding scholarship, accomplished alumni, and profound impact on legal debate and dialogue throughout the state and the region. It is both a signal achievement and an ongoing legacy – fulfilling the promise of the school’s founding mission as RWU Law enters its third decade.

Events are scheduled throughout the 2013-14 academic year. The public launch of the celebration will take place at the Rhode Island Bar Association’s Annual Meeting, when Dean David A. Logan addresses the legal community, discussing

the history of Rhode Island’s first and only law school, as well as its dynamic present and exciting plans for the future.

The centerpiece of the celebration will be RWU Law’s 20th Anniversary Alumni Celebration Weekend, featuring class reunions and a host of both educational and recreational events, from the Law Alumni Association Scholarship Golf Tournament to a very special WaterFire Providence® event sponsored by RWU Law and the University.

Other planned events include visits from two U.S. Supreme Court Justices – current Associate Justice Elena Kagan, and retired Associate Justice Sandra

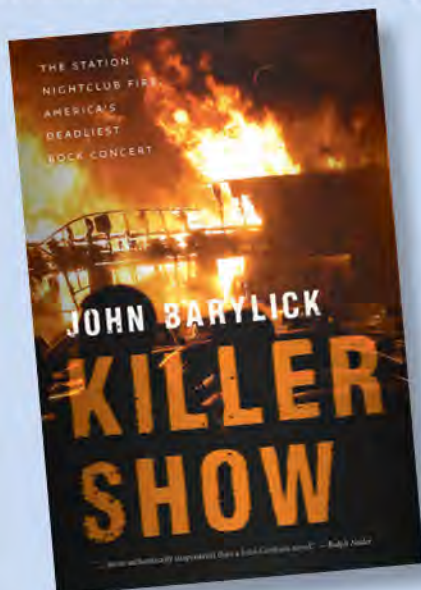
Day O’Connor; a “History of RWU Law”-themed Jeopardy tournament; an anniversary team competing in September’s CVS 5K road race; a Marine Affairs Institute panel, “From Pirates to Ocean Planning: 20 Years of Marine Affairs”; and much more.

Watch RWU Law’s 20th Anniversary website at <http://law.rwu.edu/20> for all the latest events and details.



Dissecting a ‘Killer Show’

Jenna Wims Hashway ’11 helps document a Rhode Island tragedy



On February 20, 2003, the deadliest rock concert in U.S. history took place at a roadhouse called The Station in West Warwick, R.I. Mere seconds into the show, a blaze was ignited when pyrotechnics set off by Great White, a 1980s heavy-metal band, lit flammable polyurethane “egg crate” foam sound insulation on the club’s walls. In less than ten minutes, 96 people were dead and another 200 injured, many grievously. The final death toll topped out at an eerily even 100.

This spring, Providence lawyer John Barylick published “Killer Show” (University Press of New England), a book many are calling the definitive account of the tragedy. Barylick, who was a plaintiffs lawyer in the massive Station litigation, and his research assistant, Jenna Wims Hashway ’11, recently visited RWU Law for a book signing and riveting presentation about the painstaking work involved in preparing both the case and the book.

Barylick acknowledged that the book “would not have been possible” without Hashway’s meticulous efforts in examining “thousands of documents in order to locate all the important stuff,” and editing his writing in ways “both helpful and humane.”

The result is a gripping narrative that Ralph Nader calls “more authentically suspenseful than a Grisham novel.” Adds Station fire survivor Victoria Eagan, “I truly felt as though I knew all there was to know about the fire as well as the people it affected. I was wrong.”

A professional actress when she first began working for Barylick, Hashway says her experiences in researching the case and book are “what sent me to law school.” It was a fortuitous decision. She ended up graduating as valedictorian of the Class of 2011, and has since held several prestigious judicial clerkships.



National Moot Court Victory! RWU Law's team sweeps the regionals to reach national final four

After topping the regionals in the National Moot Court Competition, RWU Law went on to place high in the finals of the nation's largest and most prestigious appellate competition.

To make it happen, the Roger Williams team – consisting of 3Ls Juliana McKittrick, Nick Nybo and Will Wray – had to overcome tough regional competition from Northeastern, Boston University, Suffolk and Syracuse. The team took “Best Brief” honors, while Nybo also won “Best Oralist” recognition for a Fourth Amendment argument on whether a warrant was needed to search a cell phone seized incident to an arrest.

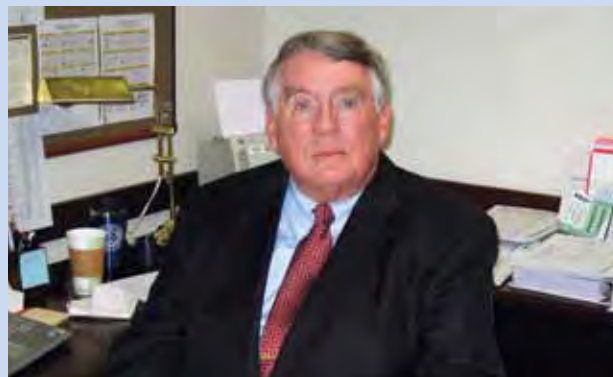
Nearly 200 teams from 131 schools competed in the regionals, and – after sweeping the New England field – the RWU team pitted their skills against the 29 best teams in the country during the final round of competitions in New York City this January. Professors Diana Hassel and Larry Ritchie coached.

Facing a case riddled with complex First and Fourth Amendment issues, McKittrick took the lead on briefing, while Nybo and Wray served as oralists. Roger Williams defeated number-one seed Utah to make it into the final four.

Competing against Case Western, the University of Georgia, and Stetson (which eventually won the competition), RWU placed fourth – still an exhilarating outcome and “an experience I will never forget,” Nybo said.

“Our professors, deans, classmates and support staff prepared us with endless practice rounds and advice,” added Wray. “We never faced a tougher judge panel than the one at school – comprised of Nick’s Con Law professor, my seminar professor and our 1L legal writing professor. It goes without saying that, without RWU’s support and training, we wouldn’t have been there. Next year, on to the finals!”

Fond Farewell to a Maritime Leader



William J. Coffey, a longtime adjunct professor at RWU Law who also served a stint as interim director of the school's Marine Affairs Institute, died in November at the age of 71. A veteran maritime transportation advisor, he was remembered for his professional depth of experience and his warm, friendly style of teaching.

“Professor Coffey was one of my favorites,” said Ben Susman '09, now an attorney in San Diego. “He had a practical approach, teaching by sharing real-life examples and issues from his experience in the maritime commercial sector. He always made time to meet with his students, and he helped me network in the industry.”

Also remembering Coffey as a favorite, Pawtucket attorney Michael Mineau '09 noted “his kind demeanor, passion for mentoring, and sense of humor. He cared so much about his students and continued to be a mentor to me long after graduation.”

A Navy vet who attained the rank of lieutenant and served in Vietnam, Coffey was president of Beaufort Maritime Group LLC, a Newport consulting firm, and a former president of R. K. Johns & Associates, Inc., a New York City-based consulting firm. Earlier he served as secretary and counsel to Sea-Land Service, Inc., an international container-ship line; logged years of maritime regulatory, public affairs and legislative experience in Washington, D.C.; and taught as an adjunct associate professor of ports and shipping at the University of Rhode Island.

An Ocean State native, he was a staunch advocate of marriage equality in the state and across the country, in spirit, active engagement and financial support.



In Her Father's Footsteps

Alberto and Angie Cardona team up to help the needy

When Angie Cardona '15 declared to her dad, Alberto Aponte Cardona '04 – RWU Law's first alumnus to be appointed a judge – that she wanted to become a lawyer just like him, he knew there was no changing her mind.

"I tried!" he says, laughing. "I told her, 'Be a dentist! I represent a lot of dentists and they make a hell of a lot of money!' But seriously, I told her that being an attorney is a very difficult profession. It's not as easy as people think. You don't go out there and start making a six-figure salary right off the bat."

Angie, however – who was raised watching her father's service-oriented approach to the practice – says money was never really a factor.

"My dad grew up in Central Falls," she explains. "He has always done pretty much whatever it takes to help people in his city; never to make money and get rich," she says. "Being Hispanic, I want to help my community in just the same way."

Aponte respects his daughter's passion.

"Angie worked for me in the summer, and she'd come in early and work until late," he said. "She'd work on all different projects, and she'd look at me weird if I ever told a client they had to pay me or else I wouldn't go to court – you know, 'Why did you do that, Dad?' To be honest, I am glad and honored that she wants to follow in my footsteps."

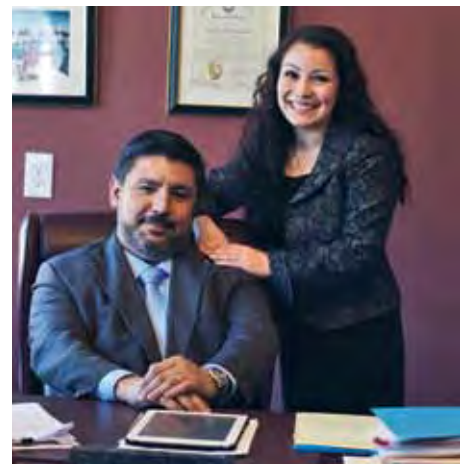
With parents hailing from Puerto Rico (her father) and Guatemala (her mother), Angie feels especially drawn to Immigration Law. Helping her father with his pro bono cases, she heard immigrants tell shocking tales of exploitation by landlords and employers. "If there were more attorneys who could help, things would be much easier for these people," she says. "I'd like to be a part of that."

Will she work for her dad's firm? Aponte says she'll have to earn it first – but he's confident that his alma mater will prepare his daughter well.

"Roger Williams has high standards and an excellent faculty, and it demands a lot

from its students," Aponte says. As Angie toiled through her 1L year, she says having a former judge and seasoned lawyer for a father was both an invaluable resource – and a source of pressure. Aponte laughs conspiratorially and confides, "Dean Logan has my cell phone number – so if she ever goes to class unprepared, she will hear about it from me!"

The pressure's on!





Straight to the Top

A 3L argues before the Rhode Island Supreme Court

Imagine arguing a real case before the state supreme court – and before you even complete your law degree. That’s what happened to Juliana McKittrick ’13 after she took on a seemingly routine case as a participant in RWU Law’s Criminal Defense Clinic.

McKittrick’s client had pleaded no contest to a misdemeanor in return for the prosecutor’s promise of an expungement that was later ruled ineligible by the court. The client turned to the clinic for help with an appeal. McKittrick arrived on the scene after the Superior Court returned an unfavorable ruling; it would be her job to appeal the case to the high court.

Visiting Associate Professor Priya Lakhi, interim director of the clinic, coached McKittrick to develop her arguing and presentation skills. Other professors and local attorneys acted as judges in mock argument practices, while her student partner, Katherine Caola ’13, took notes and helped further shape the argument.

Though the October appeal was unsuccessful (the court ruled that relief could not be applied retroactively), McKittrick says she is grateful for the experience.

“It showed me how much responsibility comes with being entrusted with the sensitive details of another person’s life,” she says. “It also gave me an opportunity to focus on something that wasn’t a strength for me and to grow in a new way.”

Interpreting the 14th Amendment

Top constitutional scholar Steven Calabresi teaches at RWU Law

Professor Steven G. Calabresi, co-founder of the Federalist Society and “a giant in legal education,” spent the Fall 2012 semester as RWU Law’s first Chief Justice Joseph Weisberger Distinguished Visiting Professor of Law.

A nationally renowned expert in Constitutional Law, Calabresi taught a perspectives course titled “Interpreting the Fourteenth Amendment,” which included in-depth analysis of the landmark civil rights decision of *Loving v. Virginia*, 388 U.S. 1 (1967), in which the U.S. Supreme Court invalidated laws prohibiting interracial marriage.

Calabresi is Class of 1940 Professor of Law at Northwestern Law School and a founder of the influential Federalist Society (he still chairs its board of directors). He clerked for Justice Antonin Scalia, served in the Reagan and first Bush Administrations from



Professor Calabresi with some of his RWU Law students.

1985 to 1990, and is the author of more than 30 books and articles in the nation’s top law reviews.

“Calabresi is one of the most prominent conservative legal scholars in the nation,” said Professor Carl Bogus. “Having him join our faculty was a significant event in the history of our school.”



INTRODUCING...

The Dean's Bobblehead Contest!

From 1Ls to Supreme Court justices, anyone visiting Dean David A. Logan's office has encountered his collection of "bobblehead" dolls, encompassing an array of historic and pop culture personalities. But while this wobbly gathering may serve as "the ultimate icebreaker," as the Dean puts it, few have reached the rarified heights of being able to identify them all. If you think you're up to the challenge, visit <http://law.rwu.edu/bobbleheads> for a high-resolution image and numbered key. Guess correctly and you could win dinner with the Dean (he'll come to you, and pick up the tab) – see contest details and caveats online!

GETTING TO KNOW...

Christina Perinelli '12

Attorney, Rosacki, Rosicki & Associates, Batavia, N.Y., and Superstorm Sandy Legal Volunteer

Christina Perinelli '12 was working as a law clerk at the Red Bank, N.J., office of Cohen, Placitella & Roth, when Superstorm Sandy blasted the Garden State, pulverizing its shores and leaving thousands of residents homeless. Putting her legal skills to work, Christina became one of the countless volunteers who worked selflessly to help victims pick up the pieces of their lives. **Massive losses:** "Our office was in an area where tens of thousands of people had lost their homes, and we set up volunteer efforts to assist," explains Christopher Placitella, a partner with the firm (whose son Justin was an RWU Law 3L when Sandy hit). "I asked Christina if she wanted to help, and she became part of the process." **Diligence and compassion:** Christina went to work with Union Beach, N.J., borough administrator Jennifer Maier. "She became Jennifer's right hand in dealing with the various legal problems people were facing post-Sandy," says Placitella. "From problems with their insurance companies, to getting permits, to finding housing, to help with financing; you name it. Christina worked with diligence and compassion; she was on site day in and day out." **Cutting red tape:** "There were so many people who needed a lawyer but didn't have the money," Christina says. "For example, one elderly lady needed a second loan to rebuild her house, but the bank wouldn't approve it. It turned out she had already paid off the first loan, but the term of that loan wasn't over." So Christina drafted a change-of-circumstance letter, thus clearing the loan's approval. **Legal writing galore:** "It was nice to give people options they wouldn't have thought of on their own. I drafted so many letters – I even wrote one requesting another town to donate police cars and SUVs; as the local police had lost their entire fleet. All of that law school writing came in handy!" **Putting it to work:** From letters to legal advice, Christina says the Sandy experience gave her a real taste of the power and scope of a law degree. "By helping out in Union Beach, I was able to see the skills I obtained in law school come to fruition," she says. "I realized that we have this degree for a reason."





The Ultimate Betrayal

An international panel of experts explores the fraught dynamics of child testimony in sexual abuse cases

Few situations present greater challenges to the legal system than trials alleging the sexual abuse of young children, when – often by necessity – the children become witnesses in the case.

How believable are children when they accuse someone of sexually abusing them? Is there a way to reliably distinguish when children are being truthful, when they are lying and when they are relating false memories implanted by adults? If a child has difficulty testifying face-to-face against an alleged abuser in open court, should the court allow her to testify from the judge's chambers by closed-circuit television; or permit adults – such as doctors, social workers, teachers, police – to testify about what the child told them? How are public opinion and the judicial system affected by media coverage of such cases?

A multidisciplinary array of leading researchers – from the fields of law, psychology, public policy and communications – recently convened at RWU Law for a lively and important discussion organized by Professor Carl Bogus.

“I know from experience that, when

defense attorneys are asked, they will often admit that over 90 percent of their clients are obviously guilty,” noted Gail Goodman, professor of psychology at the University of California – Davis. “Nevertheless, it is almost always possible to argue that, in child sexual abuse cases, you cannot believe the victim.”

Jennifer Freyd, professor of psychology at the University of Oregon, opined that “the criminal justice system is at risk if jurors show pervasive ignorance or, worse, adherence to dangerous myths.” One such myth occurs when a victim's passive

or “frozen” response to a sexual assault is construed to imply either consent or “proof” that nothing serious actually happened.

Thomas Lyon, a specialist in law and psychology at University of Southern California School of Law, presented recent research into the investigative interviewing of children.

“Most interviewers are unnecessarily direct in their questioning, and do little to encourage children to provide a complete narrative of their abusive experiences,” he reported. “If questioned in a supportive manner, children are capable of providing enormous amounts of productive information in response to open-ended questions.”

Debra Poole, professor of psychology at Central Michigan University, spoke about how to predict when child testimony might be unreliable, noting that “even within a specific age, children vary widely in the extent to which they stay on topic, keep rules in mind, and ‘gate out’ irrelevant thoughts and actions.”

The symposium papers will be published in an upcoming issue of the *Roger Williams Law Review*.





Event participants gather at the Edmund Pettus Bridge in Montgomery, Ala., site of a famous civil rights march in 1965.

‘Across That Bridge One More Time’ Dean David Logan makes a pilgrimage to the heart of the Civil Rights Movement

Dean David A. Logan, as a guest of Congressman David Cicilline (D-R.I.), joined Vice President Joe Biden, U.S. Attorney General Eric Holder, 33 members of Congress, and an array of luminaries from the Civil Rights Movement, for the 13th Faith in Politics Congressional Pilgrimage.

The 300-member group, followed by thousands of local marchers, crossed the Edmund Pettus Bridge in Selma, Ala., where, 48 years earlier, Alabama police brutally attacked 600 peaceful marchers trying to bring national attention to the lack of voting rights for black southerners.

Among the original marchers attending was Congressman John Lewis (D-Ga.), who said, as the march began, “It is time to go across that bridge one more time.” Logan called Lewis “one of my heroes, who has stood for everything good about America for his 73 years.”

“I regret and – though it’s not part of what I’m supposed to say – apologize it took me 48 years to get here. I should have been here,” Vice President Biden said at the bridge. “It’s one of the regrets that I have, and that many in my generation have.”

“It was a dream come true for me,” said Logan. “Alabama was ground zero for the struggle to win the right to vote for all Americans. It was an amazing opportunity, because so many pivotal events transpired there 50 years ago.”

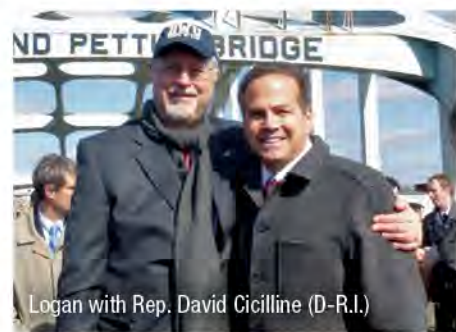
Other events of the weekend included a visit to the University of Alabama, where then-Gov. George Wallace made his famous speech, “segregation today, segregation tomorrow, segregation forever”; and to the 16th Street Baptist Church in Birmingham, where, in 1963, a KKK bombing killed four little girls.

In Montgomery, Logan’s group visited the parsonage for the young Dr. Martin Luther King’s church, Dexter Avenue Baptist. “Members of the congregation led us through the tiny house, still containing original furniture, including the bed he slept on, the dining room table where he formed the Southern Christian Leadership Conference, and the kitchen table where he had an epiphany that – despite dire danger to him and his family – he knew his life’s work was to confront injustice nonviolently,” Logan noted.

At one emotional event, a Montgomery’s



Logan with Rep. John Lewis (D-Ga.)



Logan with Rep. David Cicilline (D-R.I.)

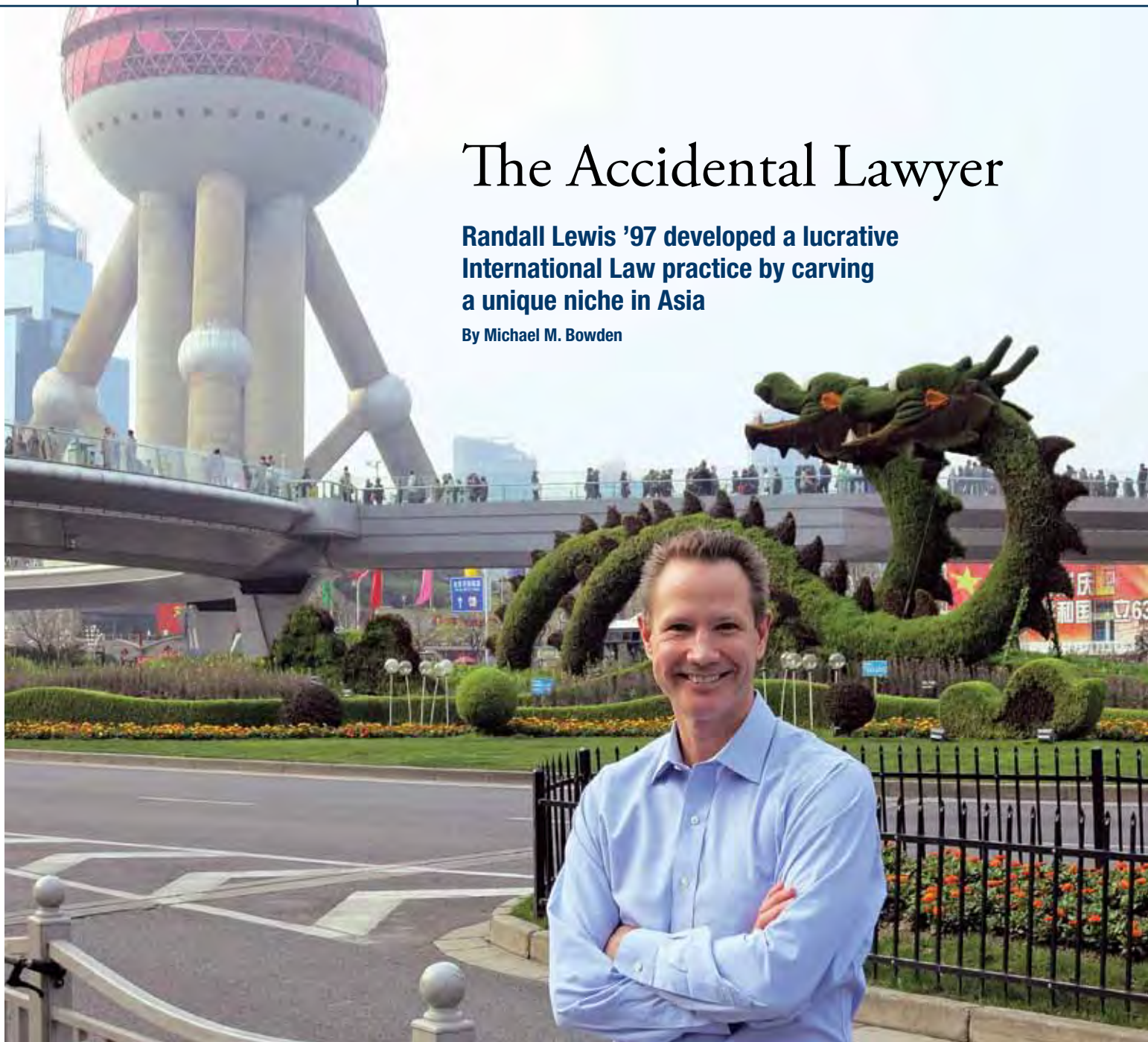


Logan with Sister Antonia Ebo, a nun who drew national attention to the struggle in Alabama for voting rights

chief of police offered his badge to Congressman Lewis. “You changed this city, you changed this state, you changed this country, you changed the world,” the officer said. “For that we are truly grateful to you.”

At an event called “The Daughters of the Movement,” Logan met President Lyndon Johnson’s daughter, Gov. Wallace’s daughter and Robert Kennedy’s daughter. “What amazing stories they told about what it was like to be young and in the maelstrom of history,” he said.

“My memories from the trip are priceless,” Logan added, “as I look back on three days of laughing, crying, singing and yes, marching.”



The Accidental Lawyer

Randall Lewis '97 developed a lucrative International Law practice by carving a unique niche in Asia

By Michael M. Bowden

Back in the 90s, international business lawyer Randall Lewis '97 was just another West Coast kid who wanted to break into film. He majored in communications at Cal State - Northridge, hoping to land a job on the business side of the industry. When the offers didn't come, he speculated that a law degree might be the ticket to better opportunities.

A friend doing his doctorate at Brown University suggested that Lewis come check

out Rhode Island – a new law school had recently opened just down the road. Happy for a change of scenery, Lewis enrolled in RWU Law's second entering class.

Three years later he returned to California, J.D. in hand, passed the bar and jumped back into the job market. There were still no film-related bites, but he got a decent offer from an L.A. law firm. The catch? They needed him to work in their Shanghai, China, office for the first six months. After

that, they said, he could “come back to L.A. and choose any practice you want.”

Though never much interested in international affairs, Lewis reluctantly agreed, counting the days until his return home. At the end of the six-month term, however, his firm said they needed him to stay on in Shanghai; there was still no position available in the L.A. office. Lewis quit. “I had absolutely no interest in International Law,” he says. “As I saw it, being in China was purely an accident.”

Building Experience

Nonetheless, since he was already there, Lewis decided to travel around a bit before heading home to the states. “I couldn’t imagine I’d ever get a chance to see China again,” he says.

That’s when another “fortuitous accident” occurred: in an expat watering hole near the border with Nepal, Lewis ran into a fellow American and they got talking. That gentleman turned out to be an executive with a consulting firm that facilitated business ventures between China and international companies. He offered Lewis a lucrative position as the firm’s counsel.

For the next six years, Lewis learned the ropes of Chinese business – working with local attorneys and government officials to secure licenses, solve problems and negotiate deals involving everything from Whirlpool appliances to Dutch bicycles to Canadian escalators.

“Basically, I was one of a few idiots who went to China before it emerged as an economic power,” Lewis says. But in 2001, the People’s Republic of China finally joined the World Trade Organization (WTO), and within a few years its economic engines began to roar.

Right Place, Right Time

By 2006, Lewis had gained sufficient experience and professional visibility to merit the attention of Danone, a French food-products multinational (best known in the U.S. as distributors of Dannon yogurt and Evian water). Named associate general counsel at the corporation’s Asia-Pacific headquarters in Shanghai, Lewis was almost immediately drawn into the infamous Danone/Wahaha dispute – a high-profile joint-venture meltdown involving claims that far exceeded U.S. \$1 billion.

“It wasn’t big news in the U.S., but it was huge in Europe and China,” Lewis says. “For three years I was on the front lines of the largest litigation matter in which Danone had ever been involved.”

It played out in courtrooms around the world, eventually drawing the direct involvement of the presidents of France and China and becoming the subject of three books, before finally settling in 2009.

In another “chance” assignment, Lewis found himself in Bangladesh working shoulder-to-shoulder with Muhammad Yunus, founder of Grameen Bank, which had pioneered a widely lauded business model of making small loans to the poor. Now Yunus was developing a scheme for



“self-sustaining enterprises that tackle social problems” as an alternative to traditional charitable models.

Mainly as an exercise in “corporate social responsibility,” Danone entered into a small joint venture with Grameen, producing yogurt locally and funneling profits back into the business. When legal assistance was required, Lewis was dispatched to Dhaka.

“Nobody else wanted to do it, because there was no money involved,” he says. Lawyers and government officials in Bangladesh were similarly unenthusiastic, and Lewis found it difficult to get anything done – until suddenly a phone call came in from Oslo. Yunus had just been awarded the 2006 Nobel Prize in Economics.

“Suddenly everyone who’d been putting me off wanted to meet me,” Lewis said. “Again, it was mainly a case of being in the right place at the right time.”

‘Make a Niche for Yourself’

Looking back on his RWU Law years, Lewis sees yet another right time, right place scenario – harking back to the school’s early days, when classes were filled with streetwise, non-traditional law students, intent on making their own breaks.

That can-do spirit still works, Lewis says. “In a market this soft, you really have to look at the practice of law differently. You can’t take the competition head on; it’s too fierce, and pedigree is too important. You have to go where there’s less competition, and make a niche for yourself there. You have to be prepared to seize opportunities when they’re in front of you, and you can’t be afraid to take risks.”

Lewis consolidates his reputation with frequent speaking engagements and publications. In December, he wrote the cover story (“How to Manage a Dispute in China”) for the *ACC Docket*, the magazine of the Association of Corporate Counsel; several more pieces are also in the pipeline, which “will make five published legal articles within one calendar year,” he says. “This is very good by anyone’s standards.”

Lewis recently joined ConAgra Foods, based near Chicago, as Vice President, International Counsel – after having spent the winter in Cambridge, Mass., finishing Harvard Business School’s General Management Program (he completed most of the program through distance-learning from Asia). In his precious spare time, he and his wife decamp to their vacation home in the Oregon wilderness – mainly, he says, “because it’s basically the opposite of Asia!”



Panelist Casby Harrison (left) speaks as Collin Bailey '08 looks on.



Panelist Angelyne Cooper '08 with Patricia Todd and Susan Pepin Fay.



Focusing on Diversity in the Law

Six legal professionals – including three alumni – gathered recently at RWU Law for an engaging lunch-hour discussion on the challenges and rewards of diversity in the workplace.

Angelyne Cooper '08, a former law clerk to the Honorable O. Rogerie Thompson of the U.S. Court of Appeals for the First Circuit, and now a staff attorney at Rhode Island Legal Services, said the state suffers from too few women and people of color in the legal profession.

“You start thinking, ‘Am I in the right place? Can I fulfill my ambitions here?’” she said. “But I believe you *are* in the right state and you *are* in the right profession – you’ve just got to have some fight in you.”

Jennifer Coliflores Rosenthal '11 agreed. “As a young female, you can get bullied by older attorneys,” she said. “You have to have a thick skin; it’s all about confidence.” She noted that she has also been “mistaken

for the interpreter” in proceedings, and had to clarify that she’s the attorney.

“I like to think I stand out regardless” of color, said Collin Bailey '08, an attorney with CVS Caremark. He said that despite sometimes feeling that you must “consistently perform at a higher level” than non-diverse colleagues, it’s important to remember that “you can’t represent your race or your culture. All you can do is the best you can do.”

Casby Harrison, a civil litigator in Rhode Island for 30 years – including a stint as deputy legal counsel to former Rhode Island Gov. Bruce Sundlun – said he has never encountered malicious racism; just “unfamiliarity with black people – the idea that a black attorney won’t be as smart or as well-prepared; that he won’t burn the midnight oil.” Casby added, “I deal with that by being well-prepared.”

Susan Pepin Fay, the only female partner at Higgins, Cavanagh & Cooney,

LLP, and mother of a special-needs child, said the “preparedness” rule also applies to women. “I’m not super-feminine and I’m not super tough,” she said. “But if I’m better prepared than the person next to me, I can afford to be sweet.”

Patricia Todd of Birmingham, Ala. – mother of Samantha Clark '14 – is her state’s first openly gay elected official. She said she had seen “no anti-gay bills” since she was elected; rather, “the number one issue is race.”

“In fact, I’m the only white Democrat in the Alabama House of Representatives, and that’s a very sad statement,” she said, then joked, “My best advice is: listen and learn from your opposition.”

The event was sponsored by The Alliance (LGBT), the Black Law Students Association, the Latino Law Students Association and the Women’s Law Society.

– Michael M. Bowden

When is a Contract Not a Contract?

As states grapple with mounting budget deficits and nearly \$1.4 trillion in unfunded pension promises made during better economic times, all eyes are on Rhode Island, where thousands of retired and current state workers are fighting an epic battle to regain promised pension benefits stripped away by the 2011 Rhode Island Retirement Security Act.

The story has garnered significant media attention, and Professor Michael Yelnosky – one of Rhode Island’s premier Labor Law experts – is an oft-quoted source for the *Providence Journal*, the Associated Press, NPR and others. While many see an easy victory for the state, Yelnosky says the issue is not that cut-and-dried.

After all, the Contract Clause of the Rhode Island Constitution (in the same language as the U.S. Constitution) prohibits the state from passing “any law impairing the obligation of contracts.”

“The retirees,” Yelnosky explains, “assert that the pension law does just that by reducing the annual pension benefits they earned during a career

of state employment – benefits set forth in Rhode Island law.”

Attorney Carly Iafrate ’00, arguing in Superior Court for retired workers last December, said teachers and government workers are entitled to the employment and contract rights as any other worker – even if their benefit agreements are set by legislators.

The state counters that the Contract Clause permits state legislatures to alter contracts under certain circumstances. But Yelnosky notes that the U.S. Supreme Court has written that “less deference to a legislature’s declaration of necessity is due when the state is a party to the contract it is seeking to alter by statute ‘because the State’s self-interest is at stake. A governmental entity can always find a use for extra money, especially when taxes do not have to be raised.’”

– Jill Rodrigues ’05



GETTING TO KNOW...

Susan Pegden '08

Chief Legal Counsel to Rhode Island House Speaker Gordon Fox

The Problem Solver

Over the course of her career, Susan Pegden '08 has worn many hats – Associated Press reporter, deputy press secretary and speech writer to former Gov. Bruce Sundlun, communications director to former Lt. Gov. Charles J. Fogarty, political consultant and campaign lawyer to many others, associate attorney with the Providence firm of Hamel, Waxler, Allen & Collins – but there’s always a common thread, she says. **Problem Solver:** “As a reporter, I found and reported on problems; as a press secretary I fielded communications issues and put forth solutions; as an attorney, I advocated to solve clients’ problems.” And in her latest role, assumed just last fall? “It’s a combination of everything. I help the Speaker advocate and put forward programs that will help Rhode Islanders.” **Marriage Equality:** Even as the openly gay Speaker and his supporters celebrated the House’s historic passage of a gay marriage bill earlier this year, they knew an uphill battle loomed in the Senate. “We were the only state in New England that hadn’t passed marriage equality,” Pegden says. “It was like a continuation of the Civil Rights battles of the 1960s. (Pegden’s efforts paid off when the Senate passed the bill in late April.) **Guns in the Ocean State:** Pegden had barely begun working with the Speaker when the Newtown massacre brought the issue of gun control starkly into national focus. As a member of a panel working to craft gun control legislation for Rhode Island, she says, “I’ve met with lobbyists for a gun manufacturers’ association, but I don’t think many people in this state share their thinking.” **Keeping Healthy:** “I really like the CrossFit exercise program. You work so much better when you’re in shape.” Pegden adds that she loves spending time with her teenage daughter, and “of course, I love my husband, too – let’s not forget the poor guy!”

– Meghan Chatterjee



Dreamers Workshop

Last June, the Secretary of Homeland Security announced its Deferred Action For Childhood Arrivals (DACA; or, more colloquially, Dreamers) initiative, providing that certain persons “who came to the United States as children and meet several key guidelines may request consideration of deferred action” – that is, delay of removal proceedings – “for a period of two years, subject to renewal, and would then be eligible for work authorization.”

As always, the devil is in the details – and understanding the precise nature of these “key guidelines” can spell the difference between success and failure.

To help bridge that gap and explain the complex procedure, RWU Law’s Pro Bono Collaborative recently held two “Dreamers Workshops” – one at the Olneyville Neighborhood Association in Providence, led by attorney Hans Bremer ’08; and one at the East Bay Community Action Program in Newport, led by Katherine James-Bowers ’00, and a number of other prominent immigration attorneys.

This PBC project also involves partnerships with Catholic Social Services’ Immigration Law Education and Policy Project (ILEAP) in Fall River, Central Falls High School and a number of Rhode Island immigration lawyers.

– Michael M. Bowden



Jacqueline Hartley '13 (center) and Marcus Swift '14 (right) assist workshop participants.



Hans Bremer '08 (in white shirt) and RWU Law students meet with participants in the Olneyville Dreamers Workshop.



Keeping the Faith

Rod Alcidonis ’09 has been awarded the National Council for Opportunity in Education TRIO Achievement Award, for his outstanding professional accomplishments as a family and immigration lawyer in Philadelphia.

The award, conferred by the State University of New York at Plattsburgh, Alcidonis’ undergraduate institution, honors persons who enter college through service programs for disadvantaged students, then go on to achieve educational and professional excellence.

Michele Carpentier, SUNY’s assistant vice president for student affairs – who worked closely with Alcidonis during his undergraduate years – noted that he “knew

what he wanted and was determined to get it, right from the start.”

Indeed, once Alcidonis decided he would become a lawyer, he didn’t let anything stop him: not a difficult childhood in a poor country; not even the loss of his eyesight. Such was his passion for the profession that – as a child growing up in Haiti – he carried a briefcase to school rather than a backpack, because “it made me look like a lawyer among my peers.”

“For me, being in law school was not an accident,” he says. “I had been working for it all my life. So when I got there, it was a ‘dreams coming true’ type of thing. I was just on fire.”

– Michael M. Bowden

Is God a Meme?

For ages, human beings have pondered whether God exists. And while that query may remain metaphysically unanswerable, Professor Jorge Elorza asserts that, legally, it must eventually be settled.

“I suspect that it is only a matter of time before the issue of the theist God’s existence is raised in the courts,” Elorza says. In a faculty presentation this spring, he noted that courts have traditionally held that in empirical (as opposed to moral/behavioral) matters, views supported by sufficient scientific evidence – evolution, for example – can be taught even if they contradict someone’s deeply held religious belief.

Under this standard, it could be argued that the existence of a “theist” God – say, in the Judeo-Christian sense of a robed and bearded lawgiver dwelling in the heavens, exempt from the laws of physics – cannot be empirically supported. Therefore, such a being’s non-existence could conceivably be legally taught in schools. The solution, Elorza argues, involves conceptualizing God as a *meme*, defined as “an element of a



culture or behavior that may be passed from one individual to another by nongenetic means.”

Relieved of particular religious or cultural trappings, this conceptualization of God – which does not necessarily require violation of any physical law – could survive judicial scrutiny. After all, saying that “a Big Bang created the universe” is legally no more or less provable than saying “a Big Bang caused by God created the universe.”

“Teaching that the theist God does not exist would not violate any of the underlying values of the religion clauses,” Elorza says. “And the consequences of doing so are not as far-reaching as may be initially believed.”

– Michael M. Bowden

For a more thorough discussion, see Elorza’s “Secularism and the Constitution: Can Government Be Too Secular?” 72 Univ. of Pittsburgh Law Review 53 (2010).

A Banner Year: Feinstein Public Interest Auction Sees Best Outcome Yet

A new online bidding system helped make the 2013 Public Interest Auction the most successful ever for the Feinstein Institute for Legal Service, which raised a total of \$42,000 to support law students who spend their summers serving in public interest legal positions.

Co-sponsored by RWU Law’s chapter of the Association for Public Interest Law (APIL) and the Student Bar Association, the event drew more than 375 people, including the strongest alumni attendance in history. Spotted among the crowd of students, alumni and faculty were such bench-and-bar luminaries as Chief Justice Paul Suttell; Superior Court judges Jeffrey Lanphear and Brian Stern; and Warren Heyman, attorney for Unite Here, Local 217.

Auction items ranged from Cigar Masters of Providence’s cigar class with whisky tastings (\$300), to a private tour of the Lizzie Borden Museum in Fall River, Mass., followed by a round of miniature golf (\$125), to a John Lester autographed baseball (\$100), to an exclusive outing with RWU Law professors for drinks in Pawtucket, R.I. (priceless).

– Jill Rodrigues ’05




Shifting Seas



Who will be affected by a changing climate? Just about everyone, says Susan Farady, director of the Marine Affairs Institute at RWU Law.

“More than half of the U.S. population lives in the coastal zone, where rising seas and more frequent storms have a direct impact,” Farady says. “If you’re a fisherman, if you vacation at the shore, if you commute on roads or subways in coastal cities, if you pay taxes, or even if you just like to eat seafood – climate change is going to affect you.”



The growing challenge of global climate change is taking a heavy toll on the Northeastern U.S. and beyond. RWU Law's Marine Affairs Institute is at the forefront of efforts to mount an effective response.

By Mary Grady

For residents of southern New England, four exceptional weather events in the past four years have made it particularly clear that our modern infrastructure is no match for nature's worst.

In 2010, Rhode Island's Pawtuxet River flooded to the highest levels ever recorded, destroying bridges and roadways, and causing millions of dollars in property damage. In 2011, Tropical Storm Irene knocked out power to hundreds of thousands in Rhode Island and Connecticut for up to a week. October 2012, of course, brought Superstorm Sandy, ravaging the coastline from New Jersey to Cape

Cod. Then in February 2013, the fierce Nor'easter dubbed Winter Storm Nemo swooped in for another one-two punch.

As frightening as these events are on a visceral level, they also trigger a host of corresponding legal considerations for attorneys, planners, natural resource managers, insurers and law enforcement.

"This is not an abstract issue," says Farady. "These are big societal problems that we're going to be confronting. Today's laws and policies are based on assumptions that won't be true in the future. We have some difficult decisions to make."



“We’re going to see more and more of our infrastructure and the places that we love threatened by these coastal storms.”

***– Grover Fugate,
Executive Director,
Rhode Island
Coastal Resources
Management Council***

Planning for the Unknown

Roger Williams University is providing a forum in which debate on those decisions can begin. Last fall – just two weeks after Sandy struck, as it happened – the MAI presented “Shifting Seas: The Law’s Response to Changing Ocean Conditions,” a major interdisciplinary conference attended by nearly 200 lawyers, scientists and policymakers. [See *Sidebar*, page 24.]

“Things are evolving every day in this area of law,” notes Julia Wyman, adjunct professor and staff attorney at the MAI. “There are new laws and policies responding to emerging threats to our environment, and they impact so many aspects of our national livelihood – the economy, public health, the health of the environment, and sustainable energy and land use, to name just a few.”

Pamela Rubinoff, a coastal specialist with Rhode Island Sea Grant, asserts that planning is required now, even though we don’t know for sure exactly how or when climate change will play out in the future.

“What happens if we have sea-level rise, a storm, and increased development in the watershed?” she asks. Complex systems with multiple interactions make it difficult to say with certainty exactly how specific communities will be affected. But with scientists now expecting sea level to rise three to five feet along the southern New England coast by the end of this century, we have to act, despite uncertainty. “We don’t have the luxury of time,” Rubinoff says.

Grover Fugate, executive director of Rhode Island’s Coastal Resources Management Council, is on the front lines of this issue. The CRMC regulates development along Rhode Island’s highly valued shoreline.

“I think we’re going to see more and more of our infrastructure and the places that we love threatened by these coastal storms,” Fugate says, noting that the state needs to update its policies on coastal development to take into account the latest science about sea-level rise and climate change. “We’ve got a lot of work to do yet, but the good news is we are putting together an aggressive program to start working on this,” he adds.

That program is the Shoreline Change Special Area Management Plan, a wide-ranging, in-depth study that aims to predict the coming changes and develop a game plan for responses at the local, state, and federal levels. It’s a complex process that will take three or four years, with input from scientists, planners, experts in environmental law, state and local officials, and the public.

“We’ve got to have buy-in all the way up and down on this one,” says Fugate. “We won’t see the change we need unless we get that commitment.”

Failing Fisheries

Sandy’s impact on the coastline was made graphically clear in its aftermath of wrecked homes, eroded beaches, closed roads and



damaged seawalls in several states. The offshore impact of climate change is less readily apparent, but no less crucial. Kevin Friedland, a scientist with the National Marine Fisheries Service laboratory in Narragansett, R.I., says the changes he’s seen in the Atlantic Ocean are every bit as dramatic as the changes onshore.

The Northeast Shelf ecosystem, for example, which stretches from Cape Hatteras to the Gulf of Maine, is rapidly getting warmer, and reached record temperatures last year. The 2012 spring phytoplankton bloom, which starts the food chain that powers the marine ecosystem, was the earliest on record for the region.

“These changes have consequences,” Friedland says. Cod and haddock spawn in the spring, and if the bloom is earlier than usual, the new hatchlings might arrive too late to find an abundance of food. Some species of fish might move to colder waters. Warm-water fish from the south will likely move north, but fishermen might not have a ready market for those species, or they might not have the right gear to catch them.



Marine law experts:
RWU Law's Susan Faraday,
Professor Michael Burger
and Julia Wyman.

It's a complex system, and Friedland says it's hard to predict what the consequences might be. "But it's certain that there will be winners and losers," he says. "And cod is potentially a loser." This year, the scarcity of cod led regulators to drastically cut the allowed catch in the Gulf of Maine by 77 percent.

The impact of climate change on New England will be far-reaching, but difficult to predict with precision. As experience has already demonstrated, a warming climate could mean more storms, more floods, and rising sea levels. It could also have a plethora of less direct, harder-to-predict consequences – such as more people being infected by diseases carried by ticks and mosquitoes, as the frost that kills them comes later in the year. Warming ocean waters could

affect not only fisheries but also the formation and movement of regional weather systems. Excess carbon dioxide in the atmosphere could be absorbed into the ocean, changing the chemistry of seawater, a process called ocean acidification – which harms marine life such as coral and shellfish by impacting their ability to form protective hard shells and skeletons.

At the very least, coping with these changes will require not only sound science, but also thoughtful changes in law and policy on scales from local to global. The Marine Affairs Institute is working to ensure that decision makers have both the legal research they need, and a forum in which these vital conversations can continue. **RWU LAW**

Sea Grant Law Fellows

Learning to manage coastal resources in a changing world requires a sound foundation in both science and policy, and the nationwide Sea Grant College Program – administered by the National Oceanic and Atmospheric Administration – aims to foster those connections. RWU Law is home to one of four Sea Grant Legal Programs in the nation. It's the only one in New England, and the only one that offers unique opportunities for Sea Grant Law Fellows.

Julia Wyman, adjunct professor of law and staff lawyer with the Marine Affairs Institute, administers the Rhode Island Sea Grant Law Fellows program at RWU. "We match up students with clients such as government agencies, nonprofits, or industry, anyone who has a marine law or policy question, and each student spends a semester – or more, depending on the project – researching the issue," she says. Students work 10 to 20 hours

per week, and can either be paid or earn academic credit. "It gives the students a really great opportunity to engage with a real problem and get experience with research and writing," Wyman says.

Katie Zilgme '14 took on a project to research how states can preserve public access to the coast as sea level rises. "I was focusing on Massachusetts, Maine and Connecticut," she said. "It's a very tricky situation – you're dealing with issues where public rights and private property-owner rights are going to conflict."

Most states guarantee public access below the mean high-water line, but as beaches erode, that line might cut across areas previously zoned as private. Zilgme found examples of cases that had been settled by finding ways to compensate the landowner for the lost property rights.

"The conclusion was basically that we

need to work together as much as we possibly can," she says. "The state and municipality need to work with the private property owners to solve these problems and avoid litigation."

The Law Fellow experience was rewarding, Zilgme said, and helped her decide to pursue environmental law as a career. This spring, she's on a team preparing for the National Environmental Law Moot Court Competition at Pace Law School in New York, and she has applied to the University of Rhode Island for a joint degree in marine affairs.

Wyman says the Rhode Island Sea Grant Law Fellows program is open to all students, even if they're not considering an Environmental Law career. "It's an opportunity for students to try on different hats and see what's going to work for them," she says. Since 2006, the program has supported 47 fellows working on 81 projects. – MG

The Arctic Revealed: 'A Unique Moment in History'

The Arctic is one of our planet's most inaccessible and inhospitable places, long known for its ice, emptiness, and cold, dark winters – and now, more urgently, as the place where a rapidly warming climate is having particularly dramatic effects. But where some see an ecological calamity, others see big money.

"The Arctic ice is melting," says RWU Law Professor Michael Burger. "As a result, there's increased accessibility to natural resources there. There's a rush to mine, fish, drill and ship in the Arctic Ocean."

The retreat of the sea ice raises a tangle of issues over who controls the region's rich resources. "One major controversy that remains is the mapping of the sea floor and each nation's dominion under the United Nations Convention on the Law of the Sea," says Burger.

Under UNCLOS, each nation can claim fishing rights out to 200 miles from shore, and they also have rights to resources found on the sea floor out to the edge of the continental shelf.

"Everybody's out there now, mapping the continental shelf," says Burger. "Even though you still need an icebreaker to do it, it's more doable, and it's more necessary. Pretty soon people will be looking to extract resources in those areas."

Russia is claiming jurisdiction very far out, based on its map showing the extent of its continental shelf, says Burger. But since the U.S. has never ratified UNCLOS, it can't dispute those claims.

"John Kerry has always been an advocate for ratification," says Burger, "so it will be interesting to see if our position changes now that he's secretary of state."

Just five countries border the Arctic Ocean – the U.S., Canada, Greenland, Russia and Norway – but the potential for Arctic sea routes is of interest to nations around the world, including China and Singapore. The Northwest Passage across Canada and the sea route along Russia's northern coast already are seeing increased traffic and demands for more ports and infrastructure.

Burger says if the ocean continues to warm, eventually a direct route straight across the North Pole could open up. "There would be a great deal of interest in that transpolar route," he says.

Kirsten Ullbaek Selvig, director general at Norway's Ministry of Fisheries and Coastal Affairs, shared her perspective on the Arctic last November at RWU's 9th Marine Law Symposium.

"The Arctic is not a new ocean for the people living close to this area," she said. "We already have a significant amount of domestic shipping in these coastal waters." Cruise ships, container ships, and fishing vessels make use of the Arctic summers. The shrinking ice cap, however, is bringing even more activity, from more different places, and for more months of the year.

"Will we see an alternative to the Suez or Panama canals? I'm not sure," she said. The polar routes may be shorter than competing routes, but other issues could prove daunting. "Icebergs are unpredictable. Nobody will send their ship without insurance," she said. "It's not easy to have ships insured in these areas. That will be very important in the future."

Besides the hazards from ice and weather, crews in the Arctic are often far from help, adding to costs for search and rescue. Security issues, terrorism, and military concerns also need to be addressed, Selvig said. "It's not a new ocean, but there will be new opportunities and challenges. If we are looking to the future, we will need knowledge, research, and management plans."

For Burger, those challenges are key to why the region is so fascinating. "The Arctic is the Earth's last frontier," he says. "We still know relatively little about it. We don't know much about how the ecosystems work, or what's underneath the ice. Scientists are racing to generate data and develop a baseline of knowledge, before it's too late."

In the next 30 years, Burger estimates, the Arctic will be transformed. "It's being industrialized," he says. "That process is of great interest to me from a scholarly and an environmental perspective. It's a unique moment in history." – MG

The 9th Marine Law Symposium

As sea levels rise in a warming world, boundaries between land and sea are shifting.

To the north, Arctic sea ice is melting. Off our immediate coastline, the ocean is growing warmer and more acidic. Storms are more frequent and more destructive and, as wetlands migrate, floods creep into backyards and side streets with every full-moon high tide.

"This is not just an environmental issue," says Susan Farady, director of the Marine Affairs Institute at RWU Law. "It's an issue that's going to dramatically affect all of our lives."

The topic for RWU's 9th Marine Law Symposium, "Shifting Seas: The Law's Response to Changing Ocean Conditions," was in the works for more than a year, says Farady, and it was purely coincidental that just two weeks before the November 2012 event, the region was battered by Superstorm Sandy. That storm, vast in extent and dramatic in its impact, focused the nation's attention on the costs and risks we face from a changing climate and a warming, rising ocean.

"Last year was the warmest year on record," says Farady. "Sea water temperatures off New England were the warmest ever recorded. That affects your fisheries, your air-conditioning bill, and how often your basement floods. There are all kinds of pieces to it."

The symposium brought together experts in law, science, social science, insurance, energy, economics and military issues. "I wanted it to be interdisciplinary and relevant," says Farady. "Climate change is going to affect us in many, many ways. As a society, we're going to have some difficult decisions to make."

The two-day event drew 29 speakers and nearly 200 attendees. For the first time at RWU Law, the speeches were streamed live online, and remote viewers were able to participate in real time and ask questions along with the rest of the audience. "They were virtually live participants," Farady says. — MG

Videos of the speakers, powerpoints and links to the event's news coverage can all be accessed online at <http://tinyurl.com/d5mueop>.



"The ocean is your friend in the climate system. It's keeping the planet from getting warm really, really quickly. But it does have consequences. That heat is affecting the volume of the oceans and increasing sea level. It's part of the imbalance that needs to be made up for the planet to come back to an energy-balance equilibrium."

— Dr. William B. Curry (Keynote Speaker),
President and Director of the Bermuda
Institute of Ocean Sciences; past Director
of the Ocean and Climate Change Institute
at Woods Hole Oceanographic Institution



"We know that good planning makes sense, but it's not that simple when we're talking about complex ecosystems and complex regulatory regimes. If we believe that climate change is real, the mandate is that we have to deploy offshore wind and we have to do it expeditiously."

— Tricia K. Jedele, Director of Advocacy for
Rhode Island, Conservation Law Foundation





"[Superstorm] Sandy was a bit of a wake-up call, reminding Americans that we may not be as resilient as we think we are to weather and climate. It's not just climate change operating in a vacuum. It's the fact that we are actually, behaviorally making ourselves more vulnerable. We're moving to the coasts and we're moving to the desert, which is not particularly smart from an adaptation standpoint. This is potentially going to exacerbate economic losses as we're putting more assets in harm's way."

—*Laura Petes, Ph.D. (Keynote Speaker), Ecosystem Science Advisor, NOAA Climate Program Office, Washington, D.C.*



"Whenever you're severely diminishing someone's use of their land, you're going to confront takings challenges. That doesn't mean retreat policies are not possible, but perhaps they need to be coupled with other, more incentive-based approaches."

—*Jessica Grannis, Staff Attorney, Harrison Institute for Public Law/ Georgetown Climate Center*



"We're living in a world where we're putting ourselves increasingly at risk. The biggest barrier is the mindset barrier. The mindset changes when the risk is described in real terms. Avoid the uncertainty trap, define cost-effective solutions, and that will change the mindset."

—*Dr. Louis A. Gritz, Research Manager, FM Global Insurance*



Paying
it
Forward

Motivate

Mentor

Teamwork





More and more lawyers are stepping up as mentors – and it's not just the mentees who benefit

By Lesley Riva

When young doctors graduate from medical school, they receive a handsome degree to frame on the wall – but their education is far from over.

Instead, what awaits them is a residency of anywhere from three to seven years; an apprenticeship in the world of real-life medicine, during which they learn from and are guided by the experience of more seasoned physicians.

When young lawyers graduate from law school, they have traditionally been on their own, with only the final hurdle of the bar exam to clear before they can hang out a shingle and start practicing law – ready or not.

“There are so many practical things a new lawyer needs to know, and yet can really only gain from experience,” says Mark Gemma ’97, a partner in the Providence firm Gemma Law Associates and past president of the Rhode Island Association for Justice. “They may have no idea of the formalities or the procedures that take place in the courtroom, or in a deposition. It can be as basic a skill set as where to stand, how to address the judge.”

Gemma himself joined his family firm upon graduation, where his father and brother were able to act as guides to the inner workings of a thriving personal injury practice. Today, he shares that knowledge with other young lawyers and law students, acting as a mentor through the RIAJ to give them hands-on courtroom or arbitration experience, and sharing contacts and insight into future career paths.

For example, one student he mentored worked with him on a personal injury case involving a client who sustained a permanent shoulder injury. “I brought him along to prepare my client for arbitration, and he got a great sense both of how I deal with clients and formulate strategy, and how I present that to an arbitrator,”

“There are so many practical things a new lawyer needs to know, and yet can really only gain from experience. It can be as basic a skill set as where to stand, how to address the judge.”

– Mark Gemma ’97, partner in the Providence firm Gemma Law Associates

Gemma says. “I bump into him sometimes, and he still talks about the case – he wants to go into personal injury practice himself.”

‘I Can Introduce You’

Some think the lawyer mentoring process is important enough to be made compulsory.

“Law school teaches you where to look, but not how to do,” says Paul Scoptur, a veteran trial attorney, trial consultant and adjunct professor at Marquette University Law School in Wisconsin. “I firmly believe some form of residency for law students should be mandatory.”

To help fill that void, Scoptur has become a vocal advocate for legal mentorship, involved in a national mentoring program through the American Association for Justice. “For students, it’s a great opportunity to gain experience in a no-risk situation,” he says. “And for experienced attorneys, it’s valuable to have someone around to teach, to strengthen the profession as a whole.”

Scoptur and Gemma are far from alone in their efforts. Over the past decade, formal legal mentoring programs – administered either by the state bar or the state court system – have taken root in 29 states, with more in the pipeline.

According to John Montague, director of the National Legal Mentoring Consortium at the University of South Carolina School of Law, some of those programs are voluntary and some mandatory, while others simply offer an expedited mentor-match program. In total, however, they add up to a means of mentoring about 10,000 new lawyers a year – almost 25 percent of all new attorneys admitted to the bar.

Even in states like Rhode Island, where no mandatory program has yet taken root, law schools and professional organizations are taking up the slack, creating opportunities for students and young lawyers to connect with mentors and recruiting seasoned attorneys to take on a mentoring role.

Laura Frechette ’04, an attorney with the Providence firm of Richard J. Boudreau & Associates, has participated for the past three years, connecting with RWU Law students through the Women’s Law Society. Her experience has been less about teaching practical skills, and more about helping her mentees to network with valuable contacts and envision a future career path.

“I think it’s great for students to get a taste of the real world and talk to older lawyers,” she says. And they shouldn’t worry about what kind of law their mentor



*Providence lawyer Mark Gemma '97
(right) mentors Rory Mumms '13.*



*Washington D.C.,
immigration attorney
Ashley Ham Pong '10
mentors UDC Law 2L
Vanessa Altamirano*

"My experience with Professor Holper and the clinic was so fantastic that I've stayed involved with Immigration Law ever since. And she has continued to be a point of contact and mentor to me."

- Ashley Ham Pong '10

practices. "Rhode Island is a small state and chances are I know someone who practices the kind of law you're interested in," she advises. "I can introduce you."

Making a Connection

Sometimes mentoring relationships are founded on common cultural or identity issues. Michael Evora, executive director of the Rhode Island Commission for Human Rights, volunteered to mentor a student through the law school's Multi-Cultural Mentor Program, which pairs students of color with members of the bench and bar.

"Law school is challenging to begin with and there are particular challenges for students of color," he says. "I had great mentors as I was going through law school, and I just wanted to pay it forward." He formed a particularly strong bond with one RWU Law student – like Evora, an openly gay man of color—helping him brainstorm about his future career and strategize about opportunities and obstacles.

"It's definitely a sort of synergy," he says. "Mentors not only teach, but they also learn from their students, and the more mentors you have across a broad spectrum, the greater and broader the pool of knowledge that everyone in the profession benefits from."

Other times, the relationship centers on common legal interests, and can be fundamental to the choice of a career path. Ashley Ham Pong '10, for example, credits

RWU Law Professor Mary Holper and the Immigration Law Clinic for igniting her own passionate interest in Immigration Law. Today, Ham Pong is a staff attorney at the Washington, D.C.-based Capital Area Immigrants' Rights Coalition, providing legal services to unaccompanied minors in immigration detention.

"My experience with Professor Holper and the clinic was so fantastic that I've stayed involved with Immigration Law ever since," she says. "And she has continued to be a point of contact and mentor to me."

In fact, the experience has come full circle – Ham Pong is now mentoring a group of law students from the University of Virginia and the University of the District of Columbia, who are working at the Coalition for the semester. They speak in the same glowing terms of their connection with Ham Pong as she does of her connection with Holper.

"Ashley guides you so well and smoothly that you feel competent," says Sabrina Talukder, a 25-year-old UVA Law student. "If there's any lack of clarity, you can always approach her, but she also lets you do your own work and legal analysis. It's been a wonderful experience and very encouraging. I really hope to be like her later in my career, in terms of guiding interested students."

Carolan Porter '13, one of the RWU Law students mentored by Laura Frechette, echoes that desire to perpetuate the mentoring cycle.

"Laura took me to a social event with some of her colleagues. One of her friends told me, 'What happens in the classroom isn't the be all and end all of your legal career. That one letter on your transcript will not define you for the rest of your life.' That perspective was invaluable from people who've been through it themselves."

Once launched into her own career, she says, she'd definitely agree to mentor young lawyers. "I just think it's great to have a relationship with the people who will eventually be your colleagues."

The benefits to students and young lawyers from this national rise in mentoring are obvious: an introduction to the unwritten codes of conduct and legal culture; invaluable practical experience; assistance with networking and job searches. But as many mentors point out, the experience benefits those on both sides of the equation – as well as their eventual clients.

"Personally, working with a student requires me to articulate my entire case to someone, to go over the case, and the defense in great detail," says Gemma. "And that has been valuable—sometimes they have a fresh approach, and some have had really great questions and inquiries. Professionally, the more we do as practicing attorneys to help others become better attorneys, the better off we're all going to be in the legal profession. And the better lawyers we are, the better services we can provide our clients." **RWU LAW**

The Kids Are Alright

Swapna Yeluri '07 offers children in need a voice – and a friend – in court.



PROFILE | Swapna Yeluri '07

By Michael M. Bowden

Sometimes the stories are heart wrenching: a six-year-old girl is being molested by her father, but she desperately wants to stay with him, to keep her family together, to avoid being put in a foster home.

“It might be bad at home, but it’s the only family she’s ever known – and she’s probably right that foster care isn’t the best solution,” says Swapna Yeluri '07, a staff attorney with Child Advocacy Unit of the Maryland Legal Aid Bureau, based among the projects of inner-city Baltimore. She represents abused and neglected children – from infants to age 21 – in Child In Need of Assistance cases.

It’s Yeluri’s job to sort out the dynamics of complex domestic situations by engaging directly with those whose interests are most directly affected – the children. Her role is especially essential under Maryland’s “youth’s wishes” standard, which gives more weight to children’s viewpoints than the “best interests” standard more commonly employed elsewhere.

Working with kids has always been Yeluri’s primary professional interest; while still a student at RWU Law, she served for two years as senior counselor at Child and Family Services in Newport, R.I., working with abused and neglected youth.

“A lot of the time, people don’t respect what children have to say,” she says. “People think, ‘Well, they’re just kids; they

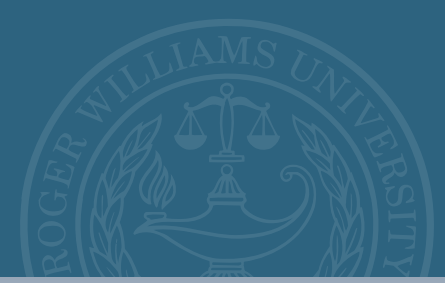
don’t really know what they want’ – but they *do* know. And it’s not healthy to ignore them. Children have worthwhile opinions and thoughtful perspectives; they’re so refreshing to talk with. Especially when they’re younger, their point of view is always innocent, even in the worst situations.”

In Yeluri, those children find not only a sympathetic ear, but a skilled and passionate advocate. As a law student, she won top honors in the National Moot Court Competition – the largest appellate moot court competition in the world – receiving the Best Brief Award for the New England region, and defeating entries by nine other law schools including Harvard, Boston College and Boston University.

An immigrant herself, Yeluri says she can relate to the “outsider” feelings that many of her young clients experience. Born in India, she came to the U.S. at age six. Her entire family of six lived in a single studio apartment in a rough Detroit neighborhood. Her father, an engineer, initially worked parking cars; her mother at a Burger King. Years later they developed a successful business, and moved to the affluent suburb of Bloomfield. Yeluri attended Michigan State University, majoring in business management. But her hardscrabble childhood left an enduring impression.

“I understand the turmoil of growing up in an urban environment,” Yeluri says. “I know what it is to be bullied

UPCOMING EVENTS



Mark your calendar.
Events and Important RWU Law Alumni Dates

June 13

**Law Alumni Association Annual Breakfast Meeting/
School of Law 20th Anniversary Celebration Kick-Off**
RI Convention Center – First Floor West Lobby



June 20

**Bridging the Gap:
Restart and Recharge Your Legal Career**
RWU Law, Bristol, R.I.



August 2

**Rhode Island AG Open
Government Summit**
Co-Sponsored by
RWU Law Alumni Association



September 22

CVS Caremark 5K Race
“RWU Law - Latino Policy Institute” Team
Providence, R.I.



November 8

Legal Career Options Day
RWU Law, Bristol, R.I.



because you're not like everyone else. I think the children I represent can feel that understanding; that I really care – that we can talk.” Indeed, Yeluri has formed lasting friendships with many clients – she's been invited to any number of adolescent rites of passage, from prom send-offs, to soccer games and graduations.

While at RWU Law, Yeluri was president of the Multi-Cultural Law Students Association, and worked as a program coordinator for RWU's Bridge to Success program, which offers tutoring and mentoring for disadvantaged high school students.

“The overall environment at RWU Law is extremely nurturing and supportive, and the Public Interest Law programs and faculty in particular are just great,” she says. “So many terrific faculty and staff members went way beyond their duties to assist me. I will forever be grateful to them.”

For details on these and many other exciting upcoming events, visit
law.rwu.edu/calendar



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School of Law Alumni**
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Class Notes

1996

Katharine Reed Allen is finishing her Ph.D. in International Law and Policy at Penn State University, where she also teaches and practices law. She recently published two chapters in *Social Media Go to War: Rage, Rebellion and Revolution in the Age of Twitter*.

Anne Nicoll (Richardson) gave birth to her third child, Jacqueline Hope, on April 16, 2012. Jacky joins her big brothers, John, 6, and Scott, 4.

1997

Mark Gemma has been appointed to the RWU School of Law Board of Directors. He practices at Gemma Law Associates, Providence.

Anthony Leone

was installed as the President of Rhode Island Association for Justice in September 2012. As president, he leads RIAJ in joining the national campaign among trial lawyers to speak with high school students to End Distracted Driving. Find out more at: <http://www.rijjustice.org>.



Matt Toro was appointed as a deputy public defender at the Rhode Island Public Defender's Office, Providence. He joined the RIPD in September of 1998.

1998

Sean O'Leary and his firm, O'Leary Law Associates, opened a second office in Warwick, R.I.

1999

Paul Doughty was appointed by Rhode Island Governor Lincoln Chaffee to the Local Pension Study Commission, representing public sector

employees. The Commission is charged with reviewing the condition of locally administered municipal pension plans and to recommend statutory changes.

2000

Maxine Matta has formed her own law firm, MGR Law Group LLP, in New London, Conn., in partnership with Attorney Sarah E. Gager. Their practice focuses on personal injury, workers' compensation, social security, probate, wills, landlord/tenant, and Mohegan Tribe and Mashantucket Pequot Tribe admissions.

2001

April (Ross) McHeffey and **James McHeffey '01** celebrated their ten-year wedding anniversary on March 15, 2013.

2002

Michael Daly is now a partner at Pierce Atwood LLP, Providence.

Rebecca (Yeager) Dye is working for Gibbs & Associates in Florida. Gibbs & Associates is the legal counsel for the Christian Law Association and focuses on defense of religious liberty issues. They also counsel pastors, individuals, churches and other non-profit religious ministries in matters related to legal rights and responsibilities related to their religious faith.

Susan Kiernan is an associate at Cameron & Mittleman, LLP, Providence.

John J. Poloski, III, his wife Nicole and big brother Dylan, welcomed little brother, Ryan Roy Poloski, to the family on March 20, 2012.

2003

Veronica (Amaral) Rendina along with husband, Gianluca Rendina, and big sister, Ava, celebrated the birth of new baby boy, Aidan Luca Rendina, on July 24, 2012.

2004



Amanda Bertrand Foster and **Richard Foster '04** welcomed twin girls, Isabella Ann and Giuliana Marie, into their family on July 19, 2012 in Miramar, Fla. Amanda is an assistant professor at Nova Southeastern University Law Center in Fort Lauderdale, Fla.

Ann Luu and Joe Luu welcomed twins, Juliana Grace and Bryce Cayden, on June 15, 2012.

Eric Wiberg began his fourth year with TradeWinds, the world's largest shipping news provider, in Stamford, Conn. in February 2013. His book, *U-Boats in the Bahamas and Turks & Caicos* is under contract to be published by Brick Tower Press in New York this summer. He currently lives in Norwalk, Conn., with his wife, Alex, and son Felix.

Kyle Zambarano, a commercial litigator at Adler Pollock & Sheehan P.C., in Providence, was promoted to the position Of Counsel. Kyle has worked in the AP&S litigation department for the last seven years, following his clerkship with the Honorable Chief Justice Frank J. Williams of the Rhode Island Supreme Court.

2005

Eric Brainsky recently founded the firm of Brainsky Levinson in Seekonk, Mass.

Andrew DeLorme is vice president and counsel at State Street Bank & Trust Company in Boston.

Dmitry Lev of D. Lev, PC relocated the firm's main office to Watertown, Mass., with satellite offices in Boston and Attleboro. The firm handles bankruptcy litigation, criminal defense

trial work and personal injury matters. He is married with two children.

Amy Dodge Murray married Patrick J. Murray on Block Island on June 9, 2012. She is employed by the Rhode Island Department of the Attorney General.



Matthew Plain was named a partner at Taylor Duane, Providence. He joined Taylor Duane in 2006 after completing a one-year clerkship with Chief Judge George E. Healy, Jr.

Wendy Smith was named partner at Weber, Gallagher, Simpson, Stapleton, Fires & Newby, LLP in Philadelphia, Pa.

2006

Nicole (Dulude) Benjamin, a litigation associate at Adler Pollock & Sheehan, has been selected for Leadership Rhode Island, a 10-month educational and community leadership program focused on issues facing the state of Rhode Island.



Joseph Farside, Jr., and his wife, Aubrey Lombardo, Esq., welcomed a baby boy, Beckett Anthony Farside, on September 7, 2012. Joe is an associate at Edwards Wildman, Providence.

Andrew E. Walter was appointed as counsel to the Connecticut Lottery Corporation.

2007

Timothy Cavazza joined Whelan, Kinder & Siket, LLP based in Providence. Tim's practice is focused on labor and employment law. He serves as lead counsel for municipal and private entities in all aspects of labor law including as lead negotiator in collective bargaining.



Making a 'Bigger Impact'

Weayonnoh Nelson-Davies '06 turned a war-torn childhood into a mandate for service

PROFILE

Weayonnoh Nelson-Davies '06

By Michael M. Bowden

Having survived a harrowing childhood amid the brutalities of the Liberian Civil War, Weayonnoh Nelson-Davies '06 emerged determined to advocate for those who cannot help themselves.

"Because I grew up in war, I've always wanted to speak on behalf of vulnerable populations," she says. "I've always wanted to help those whose civil rights were being violated – because I know what it is to have those rights violated."

As lead staff attorney for Medical-Legal Partnerships at South Coastal Counties Legal Services in Fall River, Mass., Nelson-Davies works with partner hospitals, providing health-care advocacy and representing low-income patients in matters of housing law, family law, public benefits and other basic needs.

"I've had to learn about so many different legal issues – the vast number of things these people have to deal with on top of being sick," she says of her job, which takes her to three different southeastern Massachusetts hospitals in rotation.

Nelson-Davies grew up in Liberia during a time of tremendous upheaval. The country's Civil War started when she was ten years old; when she was 16, her family managed to immigrate to the United States, settling in Providence. She admits to suffering some serious culture shock.

"As a young person in Liberia, you had to be active and alert," she says. "You knew that knowledge and activism could make a tremendous difference for yourself and your family. So we didn't think so much about pop music and TV shows; we listened to the BBC. My reaction upon arriving in America was, 'Okay, what can I do to help in this society I'm in now?'"

Her answer took the form of participation in organizations such as City Year, AmeriCorps, Street Law and Democracy Compact.

And while her war experience is now many years and thousands of miles behind her, Nelson-Davies says its lessons remain. "I know that you can lose anything at a moment's notice; that you can lose anyone in the blink of an eye."

As a result, "I am never just a lawyer, and never just an employee," she says. "I always feel there is something more I can do. I always ask, what else can we be doing? How can we empower more people? How can we have a bigger impact?"

Nobody likes to draw a blank...



FRIENDS ARE LOOKING FOR YOU IN THE NEW RWU LAW ALUMNI ONLINE COMMUNITY. BUILD YOUR PROFILE TODAY!

As a graduate of RWU Law, you are automatically a member of the RWU Law Alumni Association – some 2,500 strong and growing – and you have access to the benefits of its secure online community. Unlike Facebook and LinkedIn, this network is exclusive to RWU Law alumni. To get started, go to <http://lawalumni.rwu.edu> and enter your unique login ID*

- You can **Submit Class Notes Online!**
- New Job? Promotion? Award Recipient? Recently Married? New Child?
- Keep us informed and your fellow alumni in the loop! You may upload submissions for the Class Notes section of the next issue of *RWU Law* using the RWU Law Alumni Online Community or you can email lawalumni@rwu.edu.
- Professional and personal photos are welcomed. Please be sure the image is at least 300 dpi at a print size of 4 x 6 inches or larger. Please note that we publish as many images as space allows in the magazine.

*If you do not know your unique login ID number for the online community, please contact the Alumni Office at (401) 254-4659 or email lawevents@rwu.edu



Matthew M. Mannix '06 was elected to the Narragansett Town Council in November 2012. A first-time candidate, Matt was the only Independent candidate elected to the five-person council. A former editor-in-chief of the *Roger Williams Law Review*, Matt operates his own practice in Wakefield, R.I. and teaches pre-law courses as an adjunct professor at the Community College of Rhode Island.

Ashley Lauren Farnschlader married Ramon Alexander Arreola on December 17, 2012. The couple had the privilege of being married by the Honorable Charles Hayden in a private ceremony in Philadelphia.

John Mansella is a solo practitioner with offices in Rhode Island and Massachusetts and focuses on personal injury, consumer bankruptcy and Social Security disability.

Brandi Orton welcomed a baby girl, AnaBelle Rae Orton, on June 6, 2012.



Hinna Upal is deputy general counsel with the Executive Office of Energy and Environmental Affairs in Boston.

2008

Peter A. Carvelli married Linda A. Fiorenzano on New Year's Eve 2012 in Bristol, R.I.

Alexander Forostenko is the deputy head of affairs at RBS Americas in Stamford, Conn.

Karen Jones and Jeffrey Jones welcomed a daughter, Lilly Blue, on January 3, 2012.

Ron LaRocca has joined Pierce Atwood, LLP, as an associate in its litigation group in Providence.

Micah J. Penn, a captain in the U.S. Marine Corps, is deputy staff judge advocate at Marine Air Station, New River, N.C.

2009

Meaghan Kelly is a senior legal counsel at the Rhode Island Division of Taxation.

Sally McDonald joined the law firm of Little,

Bulman, Medeiros & Whitney in Providence, where she practices commercial litigation and construction law.

2010

Natalya Buckler completed her two-year clerkship with Chief Justice Paul Suttell and joined the litigation group of Partridge Snow & Hahn LLP as an associate.

Julie Moore is the conflict of interest program manager and privacy officer for the University of South Florida.

Lauren C. Parrella joined the real estate law firm, Cape Cod Title & Escrow, P.C. in Barnstable, Mass., in August 2012. Lauren's practice is focused in residential real estate and land use.



Douglas Collyer '08 received the 2013 Robert M. Morgenthau Award from the District Attorney's Association of the State of New York on January 25, 2013. The award is one of the most respected awards a district attorney can receive from the state of New York. It is presented to those who exemplify honesty, integrity and commitment to justice. Collyer is the assistant district attorney of Clinton County in Plattsburgh, N.Y.

Jason Pullman is an associate with the law firm Oshman & Mirisola LLP, New York City. He represents plaintiffs in personal injury and drug product liability cases.

2011

Tena K. Kerns opened her own solo practice in Taunton, Mass., on July 1, 2012.

Emma (Haritos) Peterson married Max Peterson in Newport, R.I., on December 1, 2012. Also in attendance were Rebecca Carey, Stephen Deering, Amberley Doskey, Eric Friedman, Taylor Johnson, John Meara, Kate Primiano, Kelly Rafferty, Kurt Rocha, Andrea Shapiro and Amanda Walsh, all Class of 2011.

Roslyne Atilus is a prosecutor at the State Attorney's Office for the 19th Judicial Circuit in Florida. Her job embodies many aspects of practicing law: litigation, research and writing, negotiating, jury selection and trial experience. Her job duties range from filing decisions on cases and visiting crime scenes, to investigating and working with law enforcement.

2012



James Bagley, Lisa Bowie, and Jon Whaley formed Whaley, Bowie & Bagley LLC in Providence.

Amy Goins and Peter Skwirz '12 are engaged to be married on June 7, 2013. Amy is clerking for the Honorable Gilbert V. Indeglia of the Rhode Island Supreme Court and Peter works for Anthony DeSisto Law Associates, LLC.

Stephen Sypole is an associate with Gidley, Sarli & Marusak, in Providence.

IN MEMORIAM

James MacDonald Jr. '02, 35, of East Providence, passed away on April 4, 2013, following a brief illness. A cum laude graduate of RWU Law, James served as president of the Rhode Island Chapter of the Federalist Society and was recognized for excellence in Administrative Law and Securities Regulation. Since 2006, he was employed by the Bank of America in Providence as assistant vice president of vendor/investor relations. A native of Attleboro, James was a member of the Massachusetts and Rhode Island Bar Association as well as the Turnaround Management Association. He is survived by his wife of 11 years, Stephanie (Desmarais) MacDonald. He will be greatly missed by his professors, classmates and colleagues at RWU Law.

RWU Law ANNUAL FUND

Practice / Ready, Set, Go!

When 3L **Lauren Hill** first applied for a full-semester externship with IDC – The Newport Experience, she just hoped to gain a little hands-on experience in a corporate setting. But actually working side-by-side with the General Counsel of the prominent Newport, R.I. hospitality company gave her so much more. Lauren had such direct involvement in every aspect of the organization's legal work that she now views Corporate Law – a field she hadn't even considered before – as a serious career option.

"RWU Law prepared me very extensively for this externship – particularly in terms of property law, research and business organization. And all the work I've done here can really be applied to any legal career I choose. After this experience, I'm a lot more confident about my ability to be a lawyer, and I feel absolutely ready to practice!"



The RWU Law Annual Fund is a vital resource that supports all aspects of educating a law student including experiential learning opportunities, such as clinics and externships, which provide our students the practical experience and confidence they need to succeed. Please visit <http://law.rwu.edu/give> to make a secure online gift to the RWU Law Annual Fund. If you prefer, you can mail your gift, made payable to RWU Law, to: Office of Annual Giving, RWU Law, Ten Metacom Ave., Bristol, R.I. 02809.

Closing Argument



The Landing of Roger Williams, by Alonzo Chappel

Roger Williams and Rhode Island's Inferiority Complex

By the Hon. Joseph R. Weisberger

The Honorable Joseph R. Weisberger (1920-2012) was Chief Justice of Rhode Island, chairman of the RWU Law Advisory Board and Board of Directors, and namesake of the school's first endowed professorship. He offered this essay to the University in 2007, on the occasion of its 50th anniversary. It has also published, in different form, in the Rhode Island Bar Journal.

Strange twists of fate can affect the perspective from which persons, nations and events are later understood. Nowhere is this more apparent than in the history of the State of Rhode Island and Providence Plantations and its founding father, Roger Williams.

Roger Williams was born in or about 1603. He lived through most of the 17th century and was probably one of the greatest men of his time. However, during his lifetime and even today his greatness was, and is, not fully appreciated.

In his early life, Williams came to the attention of the great lawyer and later judge, Sir Edward Coke. His friendship with Sir Edward gained him a place in an outstanding preparatory school that helped him gain admission to Cambridge University. There he received an excellent classical education that prepared him for ordination as an Anglican Minister. He was fluent in Latin, Greek, Hebrew and Dutch; in fact, he aided the famous writer John Milton in learning to speak the Dutch language.

Soon after his ordination, Williams found he was not satisfied with the ceremony and liturgy of the Anglican Church. He tended to agree with the Puritans, who desired to simplify – and, as they would describe it, “purify” –

their form of worship. His inclination toward Puritanism led to his emigration to the Massachusetts Bay Colony in 1631. There he served as minister to parishes in Salem and also in Plymouth, a separate colony.

Although he was popular with his congregations, Williams soon came into strong disagreement with the authorities of both the Massachusetts Bay and the Plymouth Colonies. While his ideas would have been admired in the 21st century, they appeared both radical and heretical in the 17th century.

For example, he argued strongly that the magistrates should not enforce attendance at church. He also preached the doctrine of complete freedom of conscience; that all persons should be allowed to worship as they chose. In addition, he enraged the Puritans of Massachusetts by arguing that the King had no right to grant land to Europeans, and that the only proper way of acquiring Indian land was by purchasing it from the Indians themselves. This doctrine came close to treason. As a result of his unusual principles and his radical teachings, the authorities of Plymouth colony ordered Williams banished and sent to England, where he might have well been tried for heresy.

A Haven of Tolerance

The story of the great man's escape is now familiar to all Rhode Islanders. Before he could be placed on shipboard, he fled to a wild and trackless piece of land bounding on Narragansett Bay and the Seekonk River. Accompanied by a few devoted followers, he founded the colony of Providence Plantations in the winter of 1636. He purchased a tract land from

the Narragansett sachems Canonicus and Mianatonomi. He dedicated this land to the Supreme Being and invited all to come, regardless of their religious beliefs.

Gradually, other radical thinkers – such as Ann Hutchinson, an Antinomian (who generally rejected all authorities), and Samuel Gorton, a quarrelsome and idiosyncratic individual – joined the new colony. Williams aided Hutchinson in purchasing the Island of Aquidneck, where she founded the Town of Portsmouth. Gorton moved in the other direction and founded the Town of Warwick. From the Hutchinson group, William Coddington left Portsmouth and founded the Town of Newport. The Island of Aquidneck was later referred to as Rhode Island (based upon the description by the great Italian explorer, Giovanni Verrazano).

After the founding of the four towns of Providence, Portsmouth, Newport, and Warwick, the message went out that complete religious freedom was the rule in the new colony. Slowly but surely, members of various greatly unpopular denominations found their way to one or more of these towns. Quakers settled on Aquidneck Island. Later Sephardic Jews, who were refugees from Europe, found a haven in Newport. Catholics were also permitted to settle in this haven of tolerance.

It must be noted, however, that this policy of complete tolerance – as looked upon by Puritan neighbors to the north, in Massachusetts, and to the west, in Connecticut – was considered not a virtue, but a vice. These Puritans were religious zealots who could abide no form of worship but their own. To them, the population of Rhode Island was made up of heretics and infidels. They regarded this colony as

a moral sewer. It was the intention and the mission of the authorities in Massachusetts and Connecticut to move into the territory of these settlements and absorb them into their own domains.

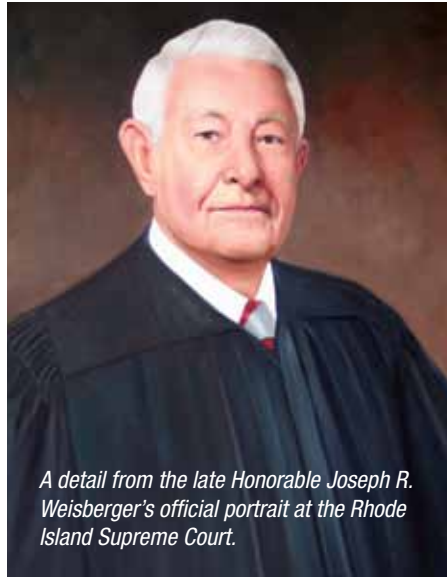
‘To Hold Forth a Lively Experiment ...’

To prevent this from happening, Roger Williams journeyed to England and obtained a Parliamentary Charter through the intercession of the Earl of Warwick from the Long Parliament, which was then exercising full authority since Charles the First had already been deposed. Armed with this Charter, Roger Williams returned to the colony of Providence Plantations with some protection against his predatory neighbors.

While in England in the early 1640s, Williams published his remarkable *Key to the Language of America*. This was a dictionary and outline of the language of the Narragansett Tribe. Williams was one of the few Englishmen to become fluent in the language of that, or any other, Indian Tribe. He also published a book entitled, *The Bloody Tenant of Persecution, for cause of Conscience*. These books established Roger Williams’ reputation for scholarship, though his position against religious persecution did not persuade many members of the Anglican Church or the Calvinists in America.

In 1660, the English – having wearied of the rule of the Lord Protector Oliver Cromwell and his successors – restored Charles II to his throne. To protect the four towns from the hostile surrounding settlements, Roger Williams and other leaders persuaded John Clarke, a physician and clergyman, to go again to England and obtain a Royal Charter, since the Parliamentary Charter might well be called into question. Clarke was spectacularly successful in his mission, obtaining in 1663 the most liberal Royal Charter that had ever been granted to any colony in the British Empire.

The Charter started with the now famous declaration that a civil state might flourish with full freedom in matters of religious concerns. Such words in a Royal Patent were unprecedented, and they ring today



A detail from the late Honorable Joseph R. Weisberger's official portrait at the Rhode Island Supreme Court.

with the same persuasive eloquence: “to hold forth a lively experiment, that a most flourishing civil state may stand and best be maintained... with a full liberty in religious concerns.”

‘Home of the Otherwise Minded’

The colony was now given the name which we have retained to the present time, Rhode Island and Providence Plantations. It was destined to become a beacon of religious tolerance and civility, and a model for all of the world.

At that time, however, the rest of the world was not ready for the tolerance and civility of Roger Williams. Rhode Island became known as the “home of the otherwise minded.” Prior to the issuance of the Royal Charter, Roger Williams founded the first Baptist Church in North America. However, he worshiped with that denomination for only a brief period of time because he had theological doubts about its doctrine. He remained “a seeker” throughout his life.

Roger Williams disagreed strongly with the Quakers, and at the age of 72 he paddled a canoe thirty miles down Narragansett Bay to Newport to debate with some of the outstanding members of the Quaker community. Nevertheless, in spite of his disagreement, he would do nothing to impose any legal inhibitions upon their forms of worship.

So it is scarcely remarkable that large numbers of Quakers came to Rhode Island and held their annual meetings in Newport. No Quaker was ever jailed in Rhode Island or punished in any other way, even though Roger Williams strongly disagreed with their methods and practices.

Cause for Overwhelming Pride

It is not the purpose of this brief essay to give a detailed history of the founding of the Colony of Rhode Island and Providence Plantations, but simply to show the spiritual greatness of Roger Williams.

He did not seek to punish those with whom he disagreed. Indeed, he derived significant satisfaction from theological debates and discourse, but he would not lift his hand or bring authority to bear upon the members of any sect or religious faith and permitted all complete liberty of conscience.

Even to this day, however, Rhode Islanders have an inferiority complex. I suggest this is derived from the early scorn that was heaped upon our colony by our neighbors, to whom tolerance and the sheltering of heretics was not to be admired, but to be despised.

Our history and our small size encourages us to believe that we are inferior to our neighbors, when in fact we should take an overwhelming pride in that history – and in the virtue and outstanding character of our Founding Father, Roger Williams. He was a staunch friend of the Indians; and, at times, averted disastrous uprisings that might have expelled the English at a time of vulnerability. He was rewarded for his service by ostracism. It was only in 1936 that the legislation in Massachusetts banishing Roger Williams was formally repealed.

We should be enormously proud of our heritage. Our Founding Father was superior in virtue to any of his contemporaries, particularly in the colonies of Massachusetts Bay, Plymouth and Connecticut. Rhode Islanders should swell with righteous pride when we recall the deeds and kindness of this great man. No other 17th Century figure can equal or exceed his outstanding virtues of tolerance, forbearance, and understanding. RWU LAW



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Senators Jack Reed (D-R.I.) and Sheldon Whitehouse (D-R.I.), and Congressman David Cicilline (D-R.I.), were present and accounted for at RWU Law's Veterans Day Ceremony in November. Sponsored by the Military Law Society, the event honored all veterans and active-duty military personnel, but centered on a tree dedication for alumnus Nathan J. Schuldheiss '05, who was killed in Iraq in 2007. The event, attended by Schuldheiss's father and over a hundred members of the RWU Law community, was followed by a reception and special exhibit of student photos titled, "Veterans of Valor."



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