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Winter 2011

## RWU Law: The Magazine of Roger Williams University School of Law (Issue No. 2) (Winter 2011-12)

Roger Williams University School of Law

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# RWU Law

ISSUE 2 | WINTER 2011-12

*The Magazine of Roger Williams University School of Law*

HAGUE DIPLOMACY

IMPOSSIBLE DREAM?

ALASKA ATTORNEY



## The New Face of Latino Law





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Life on the tundra:  
meet a public defender in  
Alaska's still-wild west.

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# Letters



## To the Editor:

I am proud to be an alumnus of RWU Law and wanted to take a moment to congratulate you on the top-notch job you have done with the magazine redesign. However, I was surprised and disappointed to open the latest Summer 2011 issue and discover not one, but two features with a decidedly leftist tilt – the article describing Professor Margulies' anti-George W. Bush book and Professor Goldstein's "Closing [Democrat] Argument" against the Tea Party. While I applaud the efforts of both professors in expressing their respective political opinions, I strongly disagree with the premises underlying their arguments.

First, none of the so-called "legal detours" made by the former Bush administration were unexpected in light of the extraordinary national security circumstances our nation faced following the tragic events of 9/11. Hindsight is always 20/20. Moreover, each of the "methods" used by the former Bush administration to construct "legal detours" can be applied equally to the current Obama administration, including, e.g., appointing unconstitutional "czars" without Congressional confirmation, ignoring U.S. law as it relates to the "kinetic military action" in Libya, pushing

through unconstitutional legislation such as "ObamaCare," and using the identical type of signing statements on bills that candidate Obama in 2008 declared unconstitutional. Contrary to Professor Margulies' quote, the Obama administration is not "much better," but rather much the same as nearly every other prior administration.

Second, Professor Goldstein's attack on the Tea Party is as appallingly simplistic as it is inaccurate. Indeed, instead of explaining the common sense goals of this nascent and clearly still evolving political movement (e.g., reducing federal spending and the national debt, as well as promoting "originalism" as a theory to interpret the Constitution), Professor Goldstein unfortunately resorts to demagoguery by suggesting that most Tea Party supporters are Christian fundamentalists and racists with "nationalist and authoritarian impulses." A more biased and unfair commentary is difficult to imagine.

I do not expect to agree with every article in *RWU Law Magazine*, but would appreciate more balance in the presentation of articles that are clearly promoting only one political point of view.

Very truly yours,

Eric W. Schweibenz '98

## To the Editor:

Thank you for the "In Memoriam" for our friend and classmate Frank Tricomi '06 in Issue #1 of *RWU Law Magazine*. Frank passed away in May after an extended battle with cancer. His loving wife, Stephanie [Modica] Tricomi '06, was by his side.

While words cannot possibly describe or heal the heartbreak that Frank's passing has

caused for many, I would like to share with you the eulogy that I wrote for Frank. Frank would prefer to be remembered in this way, as he was with us in law school for three of the best years of his life.

Very truly yours,

Joseph Farside '06

For the full text of Mr. Farside's remarks, along with photos of Mr. Tricomi and of the RWU Law memorial service, please visit [law.rwu.edu/tricomi](http://law.rwu.edu/tricomi).

## WRITE TO RWU Law

We welcome and encourage your comments, feedback, suggestions and letters to the editor.

Please include your full name, address and RWU Law affiliation, if applicable. Letters may be edited for clarity and/or length.

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# RWU Law

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# A Chat with the Dean

Our Q&A with Dean David A. Logan

## *The passport to a noble profession...*

**RWU Law:** *In an economy like this, why is law school still a good investment?*

**DAL:** There's no doubt that the decision to attend law school is – like many other decisions in a stagnant national economy – a complicated one for college graduates. The modern law school provides a more personalized experience than a generation ago and so is more expensive. We have worked hard to provide a top-shelf, personalized legal education without huge tuition hikes – which is a real administrative challenge. Nevertheless, the J.D. remains the passport to a noble profession. It's also a very versatile way to get in the door of any number of non-traditional and non-legal career opportunities. I'd mention Brian Ali '06, now a very successful vice president at Deutsche Bank; and Matt Jerzyk '08, who directs government relations for Providence Mayor Angel Tavares. The analytical and problem-solving skills you gain in law school offer advantages across a broad swath of career choices.

**RWU Law:** *But in traditional legal jobs, the market isn't what it used to be...*

**DAL:** It is increasingly difficult for law school graduates across the country to land plum jobs, especially at the elite law firms, as they've scaled back hiring across the

board. But there's also a reality check going on here. Back in the '60s and '70s, few graduates expected a huge starting salary. For a range of reasons, the '90s and '00s established a sense of entitlement to jobs in Big Law, with its king-sized starting salaries (in some cases more compensation than the faculty who taught them and the judges who judged them!). Now that assumption is broadly understood to be unrealistic for the vast majority of beginning lawyers. So in some ways it's a correction back to the more realistic assumptions of earlier generations.

**RWU Law:** *Are you concerned about UMass opening a law school just a half-hour or so down the road?*

**DAL:** Not really. Being the seventh law school in Massachusetts is not the same thing as being the only law school in Rhode Island – with the array of internships, externships, clinical and other opportunities that come our way because of our unique status. We're a fully accredited, established institution closing in on a 20-year head start, from a reputational standpoint. We have alumni across the nation; and we've earned the trust and confidence of the bench and bar, of the communities we function in, and of the local, regional and national media. Meanwhile, UMass is still working

to secure initial ABA accreditation. Then, realistically, it takes a decade to reach the strength of program, faculty and students to be elected into the Association of American Law Schools, something we accomplished in 2006.

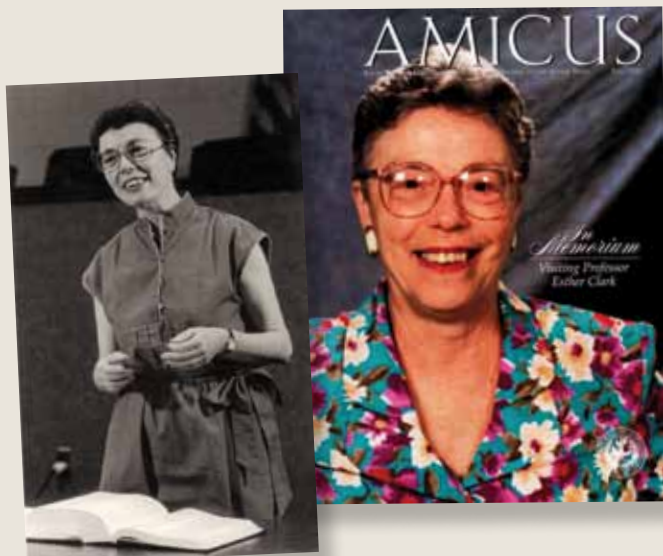
**RWU Law:** *So you're optimistic about the future?*

**DAL:** Absolutely. We're focusing on quality outputs, and helping our students position themselves for a range of employment opportunities. I'm especially proud of the diverse and deeply talented faculty we've built: you need look no further than our most recent additions – Susan Heyman and Bela Walker, who arrived at RWU with teaching experience, publications in scholarly journals and federal appellate clerkships to top off their excellent student records. Our Career Services team is one of the best in the nation, and our faculty and staff is focused like a laser on student success. Finally, we've got a terrific new president – Dr. Donald Farish, who, in addition to his Harvard Ph.D. in biology, is a lawyer with an excellent grasp both of the value of a law school to a university, and of the specific strengths of our people and programs. So yes, I am optimistic – about the future of RWU Law and about the legal profession in general.



## From the Archives

### Esther Clark and the Moot Court Competition



Professor Clark at Widener Law in 1981, and during her time at Roger Williams.



Finalists and judges in the first Clark Moot Court Competition, in 1997 (l to r): students Peter Clark and Debora Lord (for the petitioner); Professor Larry Ritchie; Judge Ernest Torres and Ronald Lagueux of the U.S. District Court of Rhode Island; students John Gaskell and Eric Schweibenz (for the respondents).



Distinguished Visiting Professor Esther Clark (1929-2002) – pioneering criminal-defense attorney, law professor, first female president of the Delaware County Bar Association and founder and namesake of Roger Williams Law’s annual intrascholastic Moot Court Competition – was an influential and beloved presence during the school’s formative period, chosen by students as Professor of the Year not once, but five times.

The first tenured female law professor at Widener Law School in Wilmington, Del., Clark joined RWU Law as a visiting professor during its second year, teaching Criminal Procedure and Evidence – and enjoying it so much that she stayed on for eight more years, endowing both a prize for the Moot Court Competition’s winner and a scholarship for rising 2Ls.

“Esther loved it at RWU Law,” says Professor Bruce Kogan, who was her friend for three decades. “She liked the energy of

the brand-new school. The kids who came here in the early years were very practical, savvy students with a lot of street smarts. Esther wanted to see them realize their own potential as lawyers. She really connected with them.”

In a tribute soon after her passing, former student Michael Voccola ’97 recalled Clark’s “ability to make people [feel] comfortable and unintimidated,” while Robert Kando ’96 noted her manner of “treating each person as an equal, including student, professor or university president. Esther Clark was special because she accorded special treatment to everyone.”

Clark earned her law degree at Rutgers, where she was the only woman in her class – and an associate editor of the Law Review. She worked for \$40 a day as a public defender in Chester, Penn., during the 1960s, before establishing a longtime private practice with her husband. In 1976,

she began teaching law at Widener, then known as Delaware Law School.

Clark was once voted “Man of the Year” by the Lawyers Club of Delaware County, a title that reflected not only the club’s pre-feminist sensibilities, but also Clark’s toughness as a lawyer with a career marked by firsts.

“The transformation of the legal profession as an exclusive male preserve was undoubtedly expedited by Professor Clark,” notes Professor Anthony Santoro. “She demonstrated conclusively that competency in the practice and teaching of law knows no gender barrier. And she did that in a quiet, unassuming and persuasive manner.”

“One reason she was so successful,” said John Clark (1928-2010), Esther’s husband of 47 years and another great friend of RWU Law, was that “she didn’t look down on the people she represented.” In 2010, he added that his wife “certainly would be proud of the progress the school has made.”



# Leadership, Past and Future

Roger Williams has a new president who's a lawyer and a senior law professor who's a former RWU President. Here's what happened when they got together...

*With more than 40 years of experience in higher education, esteemed educator, scientist and attorney Donald J. Farish became the 10th president of Roger Williams University in June 2011. He holds an M.S. in entomology from North Carolina State University, a Ph.D. in biology from Harvard University and a juris doctor from the University of Missouri.*

*Professor of Law Anthony Santoro was the sixth president of Roger Williams (1993-2000) and the founding dean of RWU Law. Still one of the school's most popular teachers, Santoro was voted Professor of the Year by law students in 2011. Before entering legal education, he earned his B.A. from Boston College and both his J.D. and LL.M. from Georgetown.*

## Q: How does having a law school make Roger Williams different?

**Farish:** Roger Williams is unusual in that it's on the smaller side for an institution with a law school – so right away you see something different. People actually know one another; we're not that big of a place. Nor do we have the historic walls you find at bigger universities, where every unit is isolated from every other unit. We must find ways of better connecting that help enhance and enrich the campus. The opportunities are there; part of my job will be to facilitate those conversations.

**Santoro:** I suspect that as we mature, interdisciplinary collaborations will happen more and more.

## Q: What about RWU Law's role in the wider community?

**Santoro:** One argument for a law school from the outset was the opportunity for academic lawyers to interact with practicing lawyers, to increase and improve the level of legal dialogue in the state. And that's just what we did.

**Farish:** When I came to Rhode Island years ago, I was struck by the fact that there was no law school – and no urgent consensus that the state even needed a law school. So success wasn't a given. The people

who were here at the beginning had that vision, and they should feel very good, because the law school is really making its mark now. It's a remarkable success story.

**Santoro:** As someone who *was* there, I must confess I'm incredibly proud of both the school and its alumni. They are growing up well! We even have our first attorney general...

**Farish:** And in another 20 years, we'll have senior people on the bench. That too will happen in due course.

## Q: Isn't RWU Law's status as Rhode Island's only law school an advantage in itself?

**Farish:** It is, but perhaps just as important is the fact that the school is not operating in the traditional mode of taking people in, putting them in classes for three years, and then turning them loose with J.D.'s in hand. By virtue of our extraordinary clinical and externship programs, students learn the practice of the law firsthand well ahead of graduation, working together with faculty on socially relevant issues.

**Santoro:** Experiential learning is very important...

**Farish:** It also has a huge, positive social impact, and functions to integrate Roger Williams more fully into Rhode Island society than would be the case for many, many law schools.

## Q: How does being a lawyer affect the way you approach being a university president?

**Farish:** In more ways than I can probably name. Beyond specific legal knowledge of contracts, labor law and so on, it gives me a framework for analyzing complex factual situations and seeing a pathway through. It also has much to do with a general understanding of human nature – if you don't pick that up in law school, you've missed a lot. I wouldn't be in the position I am in today but for my law degree. Even though law was not my direct career path, my degree provided a lot of versatility and created a lot of opportunity.





## RWU Law Celebrates Commencement 2011!

More than 150 juris doctor degrees were awarded at our Commencement ceremonies in May. The Honorable Paul A. Suttell, Chief Justice of the Rhode Island Supreme Court, was awarded an honorary degree and delivered the keynote. The Honorable Robert G. Flanders, Jr. – former Justice of the Rhode Island Supreme Court (1996 – 2004) and presently State Receiver for the financially troubled City of Central Falls – also received an honorary law degree; as did Betty Anne Waters '98, an Innocence Project advocate and subject of the 2010 Hilary Swank biopic, "Conviction." The Class of 2011 elected Anthony Santoro as Professor of the Year and the Honorable Daniel Procaccini as Adjunct Professor of the Year, and the two awardees led the class through the Commencement procession.



*Top (l - r): Adjunct Professor Richard Rose and Misty Delgado '11; Zach Mandell '11 and proud father Adjunct Professor and BOD Chair Mark Mandell; Professor Jorge Elorza was awarded tenure. Above (l - r): Flanders, Suttell, Waters.*

## Taking the Long View...

### Excerpts from the Valedictory Address

[When I entered RWU Law] in the fall of 2008, I was 44; so I've had the privilege of a unique perspective: I am the same age as – or, to my horror, older than – many of you [my classmates' parents]; and yet I have lived the same law school experience as your kids.

So I am here to tell you categorically: your kids are amazing. They've worked harder in these last three years than either you or they thought possible. They excelled in areas that don't necessarily show up on a transcript – winning honors for Roger Williams in Moot Court and Trial Team competitions; teaching Street Law to high school kids in South Providence; giving up their free time to help those in need through the Pro Bono Collaborative; getting a head start on making a difference in the world by working in the Mediation, Immigration and Criminal Defense Clinics. All this in addition to their law school classes.

They're smart, sure. But they're also kind and funny and – fortunately for me – accepting. I worried when I started law school that, given our age difference, I wouldn't have any friends; that it



*Jennifer Wims Hashway '11*

would be a long and lonely experience. But this class – like the classic tortfeasor – takes people as it finds them, focusing not on differences but on what we have in common – and we shared so much in common. We started law school in August 2008, and about a week later the economy hit the skids...

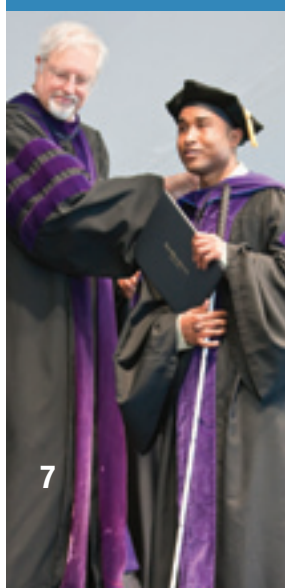
Graduates, I know it's hard not to worry. But this is where it pays to be 47 and not 27 – because, at my age, it's just easier to take the long view. I've seen economic cycles – lots of them. They pass. This will pass. And when it does, you have all the tools you need to succeed.

Remember that life is short. It's too short to worry about things beyond your control. It's too short to let fear hold you back. It's too short to miss a chance to thank your parents and the family and friends who supported you. Remember also that life is long. And it's never too late to change your life, to try a new path. Believe me when I say that you can decide in midlife that you'd really like a do-over. I highly recommend it.

# The Dean's Top 10 Commencement Moments

Over eight commencements at Roger Williams Law, Dean David Logan has experienced countless memorable moments – from the goofy to the profound. We recently asked him to share a few favorites:

- 1) Carroll John Connelley '03 address.** “I’ll never forget our Day Division valedictorian addressing the crowd in full military dress in the early days of the war in Iraq.”
- 2) Honorary degree recipient W. Richard West, Jr., delivers '04 keynote.** “Rick is the founding director of the Smithsonian National Museum of the American Indian, and a citizen of the Cheyenne and Arapaho Tribes. He ended his commencement address with a beautiful Native American prayer.”
- 3) Commencement '06.** “The Class of 2006 will always have a special place in my heart – they started at RWU Law in Fall 2003, the same time I did.”
- 4) Robert Douglas Coulter '08 address.** “The valedictorian of our final class of Evening Division graduates offered a heartfelt tribute to all the special men and women who had completed that program over the years.”
- 5) Fist-bump with Katherine Sulentic '09.** “I’m especially drawn to our non-traditional students, and Kathy – who had a career in athletic advising before coming to law school – was a delightful academic star.”
- 6) Jessica Sanford '09 address.** “Jessica’s deeply personal valedictorian address about second chances – a journey through divorce, single motherhood and dead-end jobs to the top of her law school class – was especially moving.”
- 7) Rod Alcidonis '09 collects his degree.** “Rod was blind, and he was courageous. He insisted on processing across the stage without help – and the crowd roared!”
- 8) Nicholas Pereira '11 footstool hug.** “How he stashed a footstool on the dais is beyond me! A total surprise!”
- 9) Ian Anderson '11 hug and lift.** “Another big surprise: getting lifted a foot off the ground is a rare experience for me!”
- 10) Misty Delgado '11 collects her degree.** “Misty’s backstory – surviving neglect, abuse and teen motherhood – is astonishing. And seeing her mentor (and our adjunct professor) Richard Rose award her the J.D. was incredibly touching.” *(Photo top left on facing page.)*





# The Call of Public Interest Law

## Work experience is key in a challenging economy...

**In a job market** that's tight for all graduates, the legal nonprofit sector – where most Public Interest Law jobs are found – continues to hold its own. The number of nonprofit jobs continues to grow, albeit very slowly – offering a decidedly upbeat outlook, especially when compared against declining numbers in the for-profit world.

“The market is still very competitive,” notes Laurie Barron, executive director of the Feinstein Institute for Legal Service. “Employers are looking for demonstrated commitment, so we provide our students with lots of hands-on, real-world experience. This gives them an edge.”

The Feinstein Institute matches students with externships, placing them in law offices for academic credit. Sometimes those placements will lead to job offers. “It’s like a 14-week interview,” says Barron.



“Students who are driven to make the world a better place feel at home here. That public-service focus really distinguishes our law school. It’s at the heart of our mission.”

— Michael Donnelly-Boyle,  
Assistant Dean of Admissions



“It’s not just about the day in court. It’s about taking a more holistic approach and reaching the best outcome for the client.”

– Amy Peltier ’09

Both student and employer get an ample opportunity to determine if they’re a good fit for one another.

Agreeing that work experience is key, Michael Donnelly-Boylan, assistant dean of admissions, says the richness of hands-on opportunities at Roger Williams also helps attract students. “We’re the only ABA-accredited law school within an hour’s drive, so there are lots of internships available and relatively less competition for them,” he says. Other key factors are the presence of the Feinstein Institute and the Marine Affairs Institute. “Students who are driven to make the world a better place feel at home here,” he says. “That public-service focus really distinguishes our law school. It’s at the heart of our mission.”

Barron works closely with Veronica Paricio, RWU Law’s director of career services, who helps keep students on track to find the jobs they want. Paricio’s office prepares students to attend career fairs annually in Washington, D.C., and New York. Students also work in full-time

internships during the summers. “We work closely with students and the community to ensure that students get relevant experience,” Paricio says. “For example, the Massachusetts public defender’s office recently hired a number of our graduates” who had served internships offering an opportunity to demonstrate their commitment and ability.

Jeannine Casselmann ’09 is an attorney with the Rhode Island Center for Law and Public Policy, a nonprofit that launched in 2008. Based at the Hasbro Children’s Hospital in Providence, she works directly with doctors to address issues that affect patient health, such as substandard housing where children may be exposed to mold or lead paint. “If we weren’t here at the hospital, these clients wouldn’t have access to legal services,” she says. Casselmann notes that her internship and externship experiences – and a stint as an AmeriCorps VISTA volunteer – were key in helping her to qualify for the work.

Amy Peltier ’09 works in the Brockton

District Office of the Massachusetts Committee for Public Counsel Services.

“I interned in the Fall River district office in my third year of school,” she says. “That puts you a step ahead. The Feinstein Institute also provided a lot of opportunities to be exposed to the local law community.”

Peltier’s experience at Roger Williams was “very influential,” she says. “My professors there pointed me in the right direction. And the Feinstein Institute and the Pro Bono Collaborative were just outstanding.”

“I have a social-work background, and Public Interest Law is why I went to law school,” Peltier adds. “It’s not just about the day in court. It’s about taking a more holistic approach and reaching the best outcome for the client.” Her employer is planning to hire more lawyers.

“I think there are jobs out there – and if you do an RWU internship for an organization, they have invested in you,” she says. “That definitely makes you a more attractive candidate.”



## “I want to be one of those people who make changes happen...”

Snagging a Summer Corps position with Equal Justice Works is no mean feat – hundreds of students compete from schools across the country for the prestigious internships, which provide 10 weeks of full-time service at a nonprofit organization. Interns earn meager

pay, but huge rewards in experience and inspiration. Here’s a sampling of the sort of work Roger Williams law students are doing in Summer Corps, well before graduation.

	Jaime Rogers	Angelina DePetrillo-Bucci	Jessica McArdle	David Ellison
<b>The Site</b>	Youth Advocacy Department, Committee for Public Counsel Services, Worcester, Massachusetts	Housing Law Center at Rhode Island Legal Services, Providence, R.I.	Augusta Circuit Public Defender’s Office in Augusta, Georgia	Alaska Public Defenders Office, Kenai, Alaska
<b>Known For</b>	A holistic model of representation. Social workers, investigators and community outreach advocates all work together.	The Center provides legal representation to low-income people who are facing eviction or who need help asserting their rights to clean, safe housing, free of rodents, mold and lead.	The office represents a diverse range of indigent clients in a region comprising urban Augusta, affluent Columbia County and rural Burke County. Clients face criminal charges ranging from misdemeanors to felonies.	Kenai is a small town three hours south of Anchorage, offering interns a wide range of cases and exposure to a diverse culture.
<b>The Intern Experience</b>	Jaime did research and writing for the staff lawyers, interviewed clients and argued on behalf of clients before a judge.	Angelina provided clients with advice over the phone, handled intakes and represented clients in court and during informal hearings with housing authorities.	Jessica represented clients in preliminary hearings and bond hearings, drafted an appeal in an armed robbery case, and observed in court to learn from various attorneys’ approaches and methods.	As a certified intern, David could practice on his own in court. “I am the public defender at that point,” he says. He also worked on research and writing, and a “little of everything... I got a feeling for everything that public defenders actually do.”
<b>Eye-Opener</b>	“A young male client, who was in a school for the disabled, was charged with disturbing the peace – but we believed that his conduct was a manifestation of his disability. I helped to prepare a challenge to the statute he was charged under, based on constitutional grounds.”	“A deep sense of responsibility kicks in when you are bargaining with opposing counsel or making your case to a judge, and realize that your clients face real consequences. They are relying on you to help them.”	One defendant, a 20-year-old man convicted in a shooting, was sentenced to life in prison without the possibility of parole. “He had a history of mental illness and drug abuse that had never been addressed, and now he will now spend the rest of his life in jail.”	“In my experience, 98 percent of the clients were just good people in bad situations. They don’t have money, they have hard lives, and they get caught up in this criminal system.”
<b>The Takeaway</b>	“I got a nice, broad exposure to all aspects of what goes in the Public Defender’s office. It was very interesting.”	“I had a life-changing summer. I was able to engage with clients in so many different ways. My supervisors were models of professionalism and compassion. I became totally hooked on the work and plan to volunteer there during fall semester.”	“I went into this experience not knowing what kind of law I wanted to practice, and now I know I want to do some kind of criminal law. I got to see how the whole criminal-justice process works and learn about the range of things that a public defender does.”	“The system needs to change. As a public defender you get to fight on behalf of that. I want to be one of those people who make those changes happen.”

## Hey! You! Get Onto Our Cloud!

When *The Princeton Review* released its 2012 edition of “The Best 167 Law Schools” – an influential *Zagat*-style review largely based on 18,000 law student interviews – Roger Williams received a fairly glowing assessment. But since the guide’s conversational format makes it hard to excerpt, we decided to generate a tag cloud; that is, a graphic representation of words from the text weighted by frequency of use. It’s an unusual – and surprisingly informative – way of looking at RWU Law.



### GETTING TO KNOW...

## Courtney Cahill

*Professor of Law, Director of the Honors Program*

### The Language of the Law

Courtney Cahill cringes at the word *unique* – “if something is unique, it’s incomparable,” she objects – but the adjective fits her well. With a Ph.D. from Princeton in medieval Italian literature, and a J.D. from Yale, Cahill is a dynamic polymath whose penchant for words has made her (ahem) *uniquely* popular as a lecturer and go-to expert on marriage-equality issues. **Literature and legal scholarship:** “I’m very interested in the process of putting together language,” she says. “It’s a lens I use to understand the law, and it helps me offer a different perspective.” **Teaching law:** “Rather than indoctrinating students in my theory of the law, I’m interested in elucidating the perspective they’re coming from at that given moment.” **Legal language:** Cahill first entered the same-sex marriage debate as a law student. “The way we talked about the law’s regulation of nontraditional sexual relationships was different than the way we talked about law in any other class, and so I got interested – more in the language surrounding the debate than anything else.” **Why marriage equality hasn’t passed in Rhode Island:** “It’s lawmakers,” she says. “If the polls are correct and a solid majority of Rhode Islanders support it, then it looks like lawmakers are no longer representing their constituents, but just codifying their own moral preferences.” **A personal matter:** Cahill acknowledges a vested interest in same-sex marriage legislation. She and her partner, attorney Germaine Gurr-Perez, are legally married in Massachusetts (where they wed in 2008), but not recognized as such in Rhode Island (where they work and live with their daughter). “If married couples in Rhode Island get certain things on a federal level that civil-union couples don’t get, that’s a problem and it’s unfair,” she says. “That, for me, matters most.”







## When bad writing happens to good lawyers...

### How to improve your legal writing – today

**So you think good writing** is an optional job skill for lawyers? Tell it to U.S. District Judge Gregory Presnell, who a few years ago denied a Florida attorney's motion to dismiss on the grounds that it was "riddled with unprofessional grammatical and typographical errors that nearly render the entire motion incomprehensible." The judge returned a copy of the motion, covered in red correction marks – and for good measure, ordered the lawyer to send a copy to his client as well.

Okay, that's an extreme example – but it doesn't surprise Judge William E. Smith of the U.S. District Court, District of Rhode Island, who is also on RWU Law's adjunct faculty. "Keep in mind that a judge's time is relatively limited," he says, "and where your audience doesn't have an unlimited amount of time, it's important to make your point clearly and concisely."

In a world of sound bites and text messages, old-fashioned good writing skills remain essential tools for the effective lawyer – a point underscored when the New England Consortium of Legal Writing Teachers gathered at Roger Williams for a major conference on preparing students for practice.

"Legal Writing could be the most important class in law school," argues Dennis Tonsing, author of *1000 Days to the Bar*, and a former dean of students and director of the Academic Support Program at RWU Law. "It's not a 'remedial' class; it's an advanced professional class."

And as essential as good legal writing is for success in law school, it can be even more vital for practitioners. "The

more successful you can be at writing, the more successful you'll be in practice, because most cases are won on the briefs," notes Amanda Bertrand Foster '04, assistant professor of law at Nova Southeastern University Law Center.

Some quick tips for improving the effectiveness of your writing today:

#### Be clear

"Good writing is evidence of good thinking and poor writing is a sign of poor thinking, or even worse, poor ability to think," says Steven J. McDonald, general counsel at Rhode Island School of Design. So make it easy for your reader to follow your thoughts. For specific tips, Judge Smith recommends the book, *Making Your Case: The Art of Persuading Judges*, by Supreme Court Justice Antonin Scalia. "It's an

easy read," he notes. "I tell people about it all the time."

**"...when you read a brief that is really well written, you can just feel intrinsically that the argument makes more sense."**

– Judge William E. Smith



#### Proofread once, then again

"Proofread 'til the cows come home," says Jane Rindsberg, professor of Legal Writing and coordinator of the Legal Methods program at Roger Williams. "Not proofreading can lead to costly – and embarrassing – mistakes." Judge Smith notes that he frequently receives briefs rife with spelling, punctuation and grammatical errors. "It takes away from the





# From Student to Professor...

Amanda Bertrand Foster '04 graduated from Roger Williams with the dream of becoming a law professor – and now she's made it happen.

Following a judicial clerkship with the Superior Court of New Jersey and a few years in as an associate attorney in private practice, Foster began teaching legal writing as an adjunct at Seton Hall Law School in Newark, N.J. In 2010, she was hired as a full-time assistant professor at Nova Southeastern University in Fort Lauderdale, Fla., teaching Lawyering Skills (including legal research and writing) and Civil Procedure.

lawyer's credibility," he says. "On the other hand, when you read a brief that is really well written, you can just feel intrinsically that the argument makes more sense."

## Pare it down

"It's important to look for any sentences or words that may that interrupt the flow and impact of your argument," Rindsberg says. "Judges don't have time [for irrelevant matters]," adds Foster. "They just want to know: what are your arguments, what's the law and why should you be successful?"



## Avoid italicizing, underlining

"Bolding, underlining and italicizing in writing is the equivalent of yelling in an oral argument," said Hinna Upal '07, an associate at Pierce Atwood in Providence, who previously served as a law clerk for Judge Smith and for the Honorable Francis X. Flaherty of the Rhode Island Supreme Court. "Your credibility hinges on your tone being reasonable."

**“Not proofreading can lead to costly – and embarrassing – mistakes.”**

—Jane Rindsberg, Professor of Legal Writing

## Don't repeat yourself

Think of legal writing as a "collaboration with the judge in trying to wrestle through a difficult problem," Judge Smith suggests. "If you're just trying to beat the

judge down by repetition, he or she is going to move on, and you're not really in the game."

## Keep practicing

"It's easy to lose your skills when you're arguing in front of judges every day, and not doing much writing," said Timothy Gumkowski '06, a public defender with Brooklyn Defender Services. So take every opportunity you get to write, he says: "It's fine to make a phone call to explain to a client how the case was resolved – but follow up with something written, just to keep those skills up."

## No time? No excuses

No time to do what's necessary to improve your writing? That's an excuse no client, fellow counsel or judge will buy. As McDonald notes, "If you are overworked to the point where your work gets bad, then you are not the lawyer that I want to work with."



Her favorite moments? When students stop in to tell her about how something they learned in her class helped them navigate a real-life internship experience. "It's such an amazing experience to feel like you were part of somebody else's journey to becoming an attorney," she says.

In the same spirit, Foster acknowledges her own "great mentor" as RWU Professor of Legal Writing and Coordinator of the Legal Methods Program Jane Rindsberg, who continues to support her by sharing teaching advice and materials.

Notes Foster, "Roger Williams is one of those places where, even after you graduate, they still continue to help you in your journey of figuring out where you fit in the legal world."





## Change From the Inside

**A dyed-in-the-wool critic of government mediocrity goes to City Hall**

By Jill Harrington

Matt Jerzyk '08, director of government relations for the city of Providence and senior counsel to Mayor Angel Taveras, didn't necessarily set out to work in government.

In fact, a number of his previous roles – as a community organizer; as the founder of progressive political blog Rhode Island Future – have directly challenged government bureaucracy and mediocrity.

Rather, Jerzyk asserts, the common thread running through all of his professional experience is a focus on social change.

"I've always been passionate about social justice and making change," Jerzyk explains. "At various points of my life, it has been through different points of entry – as a lobbyist, as a lawyer, as a community organizer. But that allows me to take skills I've learned in other areas and use them try to do government differently, to push an agenda that takes city government from 1985 into 2011."

### **'I Believe In My Boss'**

Jerzyk, who worked as a litigator at DeLuca

& Weizenbaum in Providence for two years after graduating from RWU Law, said the decision to leave private practice for City Hall was a difficult one.

"I was at one of best litigation firms in city and I have young family," he said. "I took this job because I believe in my boss. I believed in [Mayor Taveras'] campaign before it ever started; I knew he had the ability to bring the city together in a different kind of way. It was never a matter of, 'Ooh, I want to work in government.'"

It's been a tumultuous year in City Hall that has involved getting two new city budgets passed in the midst of a financial crisis this nascent administration inherited, but Jerzyk points to two areas of success in his short time in his position.

One has been developing a stronger rapport with the City Council. "I made it my goal to make that possible. Because of what's at stake for the city, we need to be able to work together. [NPR political commentator] Scott MacKay has said it's been over 30 years since the mayor and council have had this kind of relationship," Jerzyk says.

Jerzyk also is proud of the \$18 million in savings the city won from the General Assembly this year. "The city has been losing revenue from the state for years, but this year we built a campaign, and residents rallied the statehouse," he explains. "We had great cooperation from the Providence reps and senators and won legislation that the city's been trying to pass for six or seven years."

#### **'A Foot In the Door'**

Despite his rise to the senior ranks of the capital city's government, Jerzyk hasn't forgotten what it's like to be advocating for change from the outside and the times when he was rebuffed or ignored by those in government.

"I make it a point to go to every meeting I'm asked to go to in the city, return calls and show respect to those out there trying



**"I took this job because I believe in my boss. I believed in Mayor Tavares' campaign before it ever started; I knew he had the ability to bring the city together in a different kind of way."**

and, because of the nature of Rhode Island, we have great access to judges and decision makers. At Roger Williams, you really see the practice of law and how the system works before you graduate – it's not just an intellectual practice."

to make change," he notes. "We want to empower them to be part of change-making.

"The way I look at it, this position is a way to engage neighborhood and community groups, and be someone they can talk to, and feel like they have a foot in the door with in city government," Jerzyk says.

Mayor Tavares also speaks to Jerzyk's dedication to inclusive government and problem solving. "One of his most impressive strengths is his endless energy and commitment to helping people in our city," Tavares said. "Matt has a great talent for adapting ideas and approaches to solve problems. I think the mark of a good lawyer, and a good public servant, is the ability to stay flexible and apply what you know in innovative ways. Matt doesn't let the status quo stand in his way when there's a problem to solve."

Jerzyk credits RWU Law for his engaged approach to law, and for positioning him to be a litigator right out of the gate – and soon thereafter, a senior advisor in the Tavares administration.

"I'm one of the biggest cheerleaders for Roger Williams Law," Jerzyk says. "The faculty is young, aggressive and passionate –





## Improving International Family Law: A Senior Lawyer-Diplomat at The Hague

When founding faculty member Louise Ellen Teitz boarded a flight to Vienna nearly 12 years ago to serve as a visiting scholar at the United Nations Commission on International Trade, she had no idea her work there would lead to an impressive series of appointments to some of the world's most prestigious international organizations.

The latest of these came earlier this year, when Professor Teitz was named First Secretary (essentially, lawyer-diplomat) of

the United States delegation to The Hague Conference on Private International Law. She'll be focusing on conflicts of law, a field within which she has taught and written extensively since the '80's.

Appointed by the Ministry of Foreign Affairs in the Netherlands, Teitz is the first American to hold such a high-level position at The Hague since the 1990s. "Clearly the U.S. Department of State encouraged them to select me, and I am delighted," Teitz says.

The position marks the culmination of more than a decade of hard work. Teitz first arrived at The Hague as a member of a U.S. delegation in 2001, and continued her work there off and on (in addition to her teaching duties at RWU Law) until 2005. Afterward she continued to work with the State Department on other related projects, acting as a U.S. representative to The Hague for two-to-four weeks at a time.

"I spent my sabbatical at two organizations – the United Nations and the International

Institute for the Unification of Private Law in Rome,” Teitz says. “I’ve been interested in this work for 25 years. I didn’t think I would necessarily end up at The Hague again, but after my work in 2000 I knew I wanted to do more.”

#### Reassessing International Family Law

Among her many projects, Teitz will serve on a special committee formed to assess how previously established family law and child abduction conventions have been working – a process that takes place every five years. She’ll monitor, supervise and provide technical assistance for this essential work.

Some eighty countries are currently signatories to the Convention, which, as Teitz notes, comes into play virtually every day. Take, for instance, parents who cross international borders. In one case, which went to the U.S. Supreme Court – *Abbott*

*v. Abbott* (2010) – a father from the U.K. divorced an American mother, with whom he shared custody of the child.

“The mother abducted the child back to the United States,” Teitz explains. “Our convention says that if a parent abducts a child in breach of custody rights, signatory countries have to agree to return the child to the habitual residence, where the courts will resolve the case. It happens all the time.”

Teitz is also writing a casebook on Comparative Law, and says her new position will help her further study the harmonization and unification of law across systems.

“It’s the highest position I could have for what I do,”

Teitz says. “Now

I have the chance to make a direct and immediate impact on the development of private international law. It’s a once-in-a-lifetime opportunity.”

– Amanda Becker

**“It’s the highest position I could have for what I do. Now I have the chance to make a direct and immediate impact on the development of private international law.”**

– Professor Louise Ellen Teitz

*Opposite: Professor Louise Ellen Teitz in her new role at work with The Hague Conference.*

*Below: Teitz (far left, front row) joins her colleagues at The Hague.*



## McConnell Confirmed to District Court

The formal investiture of Judge John J. (Jack) McConnell with the U.S. District Court for the District of Rhode Island was a long time coming – but when it finally happened, supporters and friends were ready to celebrate.

President Barack Obama nominated McConnell to the bench in 2009 at the behest of U.S. Senators Jack Reed (D-R.I.) and Sheldon Whitehouse (D-R.I.). McConnell went on to face two years of intense opposition from GOP lawmakers, who cited his generous donations to Democratic political campaigns as well as his courtroom victories over big businesses as inherent bias. A cloture vote was invoked to ensure a final confirmation vote in May. McConnell earned a 50-44 victory in the Senate.

McConnell – a Roger Williams University Trustee and longtime friend of the School of Law – is no stranger to unrelenting opposition, having successfully taken on Big Tobacco and the lead paint industry in his storied 25-year career as a mass-torts attorney. Prior to his judicial appointment, McConnell directed the environmental practice group at national law firm Motley Rice’s Providence office.

Calling the June 28 investiture “a joyous day,” First Circuit Court of Appeals Senior Judge and RWU Law Adjunct Bruce M. Selya joked he hadn’t had time to prepare formal remarks “in view of the dizzying speed of [McConnell’s] confirmation.”

– Melissa A. Patricio



## Ocean State Judge Takes the Long Way Home...

For Jason Mastrangelo '01, being selected as a federal administrative law judge – the first RWU Law alum to receive such an appointment – involved both skill and marathon-style endurance: he completed the lengthy online application, and waited. He got called to take a written test and have a structured interview, and waited. He had a final interview, and waited.

“I think it took almost nine months from the time I first applied to the moment I got the call, seemingly out of the blue, offering me the

job,” Mastrangelo recalls. “I had three days to decide” whether to move across the country to Valparaiso, Indiana. “I knew what I wanted to do, though. It was my ultimate career goal being offered to me at 34.”

Mastrangelo was appointed administrative law judge for the Office of Disability Adjudication and Review for the Social Security Administration in September 2010. It was a natural progression, considering that Mastrangelo had spent his legal career representing and advocating for the disabled before the Social Security agency.

“I knew I liked helping people out, and this was a way I could do that,” says Mastrangelo of his years as a disability lawyer. “As a judge, I’m no longer an advocate, but I still love it. The issues are challenging, and I get to maintain contact with the public, which was important.” And after a year in Indiana, he was recently assigned back to Rhode Island in the same position — a move that pleased the Ocean State native.

RWU Law is also excited about Mastrangelo’s appointment. “It’s a fantastic development for Roger Williams Law,” says Associate Dean Andrew Horwitz. “The decisions an ALJ makes are a critical life decisions for the applicants. To have someone in the position who is bright and serious but also warm, personable and humane – all of those attributes are critical, and Jay has them all. I’m sure that every day on the bench, he’s making us proud.” – *Jill Harrington*



## Perspective On a Tragedy

The 2003 Station nightclub fire in West Warwick, R.I. – the deadliest nightclub fire in U.S. history, killing 100 and injuring 200 more – gave rise to what Adjunct Professor Mark Mandell calls “the most complicated case ever filed in Rhode Island” – and the first under the federal Multiparty, Multiforum Trial Jurisdiction Act of 2002.

Leading an array of lawyers representing hundreds of plaintiffs, Mandell invested 7,000 hours in the case over seven years – uniquely qualifying him to guide a select group of RWU Law students deep into the litigation, which ultimately yielded a \$175 million settlement. They learned about pre-filing strategy, met survivors of the fire and lawyers from both sides of the case, and explored the incredibly complex system developed to treat the large, diverse group of claimants fairly.

“Everything is usually so anonymous

in the cases we study,” says Jamie Johnson '12. “Mr. Mandell put it all into into incredibly vivid perspective.” – *Michael M. Bowden*

*Mark Mandell, below left, introduces noted Duke Law Professor Francis McGovern, who oversaw distribution of funds in the Station nightclub settlement. Below, right: memorials at the fire site.*



## Edwards Cruises to Bipartisan DA Victory

Janine Edwards '97, the new District Attorney for Wayne County, Pennsylvania, earned her job via an astonishing bipartisan primary victory. In the spring primaries, she won not only the Republican slot that she ran for, but also took 66 percent of Democratic votes as a write-in candidate. In November, she appeared on both the Republican and Democrat tickets, and won by a wide margin.

"I am humbled by the support I received," Edwards says, adding that key endorsements from the Pennsylvania State Troopers Association and the Pennsylvania State Corrections Officers Association helped her campaign greatly. "It proved that a strong prosecutor must have the support of those who investigate crime and those who house the convicted," she says.

Edwards was born and raised in Wayne County and resides in Honesdale with her two children, Mia and Max. She has worked with the law firm of Fine, Wyatt & Carey, in Honesdale, Penn., and served as secretary of the Wayne County Bar Association. — *Michael M. Bowden*



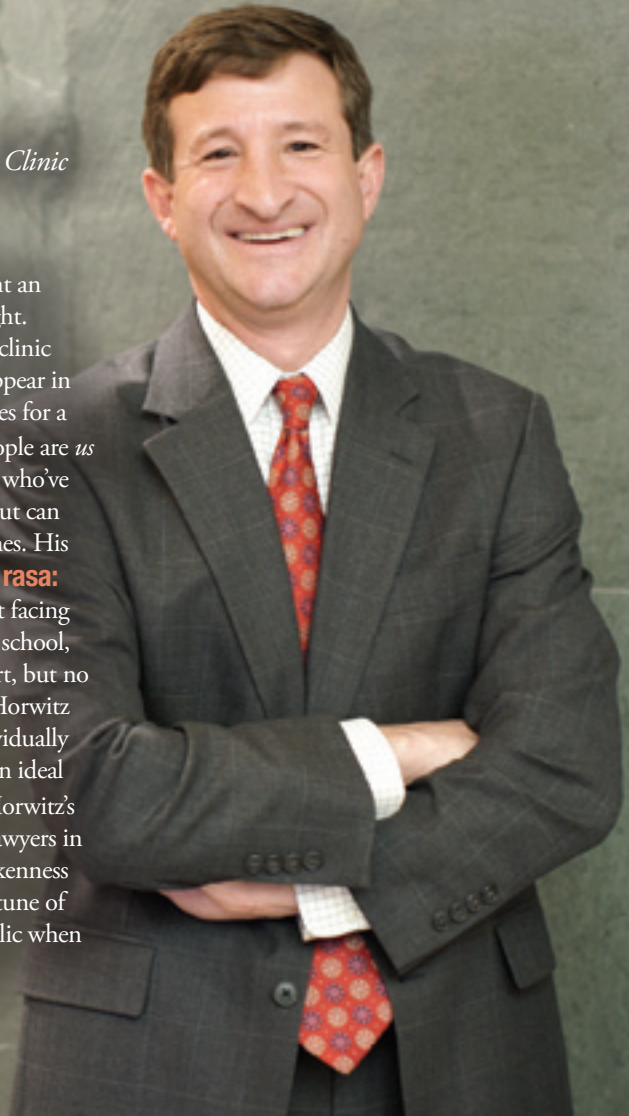
## GETTING TO KNOW...

### Andrew Horwitz

*Associate Dean of Academic Affairs and Founder of the RWU Law Criminal Defense Clinic*

### The Best Defense

For Andrew Horwitz, coming of age in a politically active family in Newton, Mass., meant an acute *intellectual* exposure to issues of race, poverty and injustice, but little *real-world* insight. That changed, he says, after a formative year of lawyering at NYU Law's criminal defense clinic illuminated that "the starkest examples of injustice surrounding poverty in this country appear in our criminal justice system." Upon graduation in 1986, Horwitz shunned six-figure salaries for a six-year stint at Legal Aid in New York City. **On representing those people:** "Those people are *us* people. Most defendants are not the sociopaths you see in movies – they're regular people who've made mistakes in judgment. Or, they might actually be innocent!" In a field where burnout can strike rapidly, Horwitz handled countless cases involving clients charged with vicious crimes. His secret? "Focusing not on the severity of the alleged act, but on the human being." **Tabula rasa:** When trial victories no longer brought exhilaration and joy – just relief that a client wasn't facing a life sentence – Horwitz shifted gears, joining the faculty of a fledgling Rhode Island law school, where he jumped at the chance to create a criminal defense clinic. "Lots of rah-rah support, but no actual support – a tremendous opportunity!" With the clinic still thriving 17 years later, Horwitz remains a passionate advocate for hands-on education: "Suddenly, the law student is individually responsible for being the lawyer. Fear, anxiety and excitement, all mixed into one, create an ideal educational environment." **For public comment:** A preeminent voice in criminal law, Horwitz's colleagues named him president of the Rhode Island Association for Criminal Defense Lawyers in 2010. He's also a go-to source for independent analysis on criminal law issues, his outspokenness often translating into stances not universally popular. "Often our public officials sing the tune of public sentiment instead of saying the right thing. My responsibility is to educate the public when they need to be educated – my comments draw the mixed set of reactions you'd predict."





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THE NEW FACE OF

# LATINO LAW

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Even with a booming population and an ever more pervasive presence in American society and culture, Latinos are falling behind in the law – but RWU Law is bucking the trend

BY ELAINE MCARDLE

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**IT'S ONE OF HOTTEST**, most divisive, potentially game-changing developments in the United States today – the demographic story of the decade, if not the century: America's Latino population is exploding. The number of Latinos living in the U.S. is expected to triple by 2050, when they will comprise nearly 30 percent of the population, according to the Pew Research Center.

Yet Latino representation within the legal profession is nowhere close; in fact, it's losing ground. In other words, while the country is becoming less white, the bar is proportionately whiter than ever.

In the midst of this problematic national phenomenon, however, Roger Williams University School of Law is bucking the trend. Over the past four years, the number of Latino law students at RWU has more than doubled, from four percent in 2008 to 10







percent in this year's incoming class – an exponential increase matched by very few other schools in the country.

In 2008 and the years preceding, entering classes included about seven Latino students each, notes Assistant Dean of Admissions Michael Donnelly-Boylan. In 2009, 10 Latinos matriculated. In 2010 there were 14; and in this year's entering class 19 students are Latino – and Donnelly-Boylan is pretty sure he knows why:

- ◆ First, he notes, in 2008 Roger Williams University launched the Latino Policy Institute, which conducts and shares research on issues affecting the Latino population – specifically in the areas of health, economy, education and immigration.
- ◆ The following year, in 2009, RWU Law opened its Immigration Clinic, through which students work on real immigration cases under the mentorship of Associate Professor Mary Holper, an experienced immigration attorney and seasoned clinical educator.

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## “While the country is the bar is proportionately

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Together, Donnelly-Boylan explains, the LPI and the Clinic demonstrate the University's significant commitment to issues of importance to the Latino community – a commitment that hasn't gone unnoticed by students choosing where to attend law school.

“Now Latino students seek out Roger Williams Law and have questions about the Policy Institute and the Immigration Clinic,” notes RWU Law Professor Jorge Elorza, who cofounded the LPI and also serves as a Providence Housing Court judge. “That completely changes the dynamic.”

### DAUNTING OBSTACLES

On a national level, however, the big picture remains problematic: Latinos are seriously lagging in the law.

According to the 2010 U.S. Census, Latinos and Hispanics comprise 16 percent of the population, an increase from 13 percent just 10 years earlier. Yet in 2004, Latinos represented only 3.3 percent of the legal profession, and the numbers entering the profession were dropping, according to “Miles to Go: Progress of Minorities in the Legal Profession,” a study published by the Program on the Legal

Profession in collaboration with the American Bar Association's Commission on Racial and Ethnic Diversity.

"We are very concerned," acknowledges Diana Sen, national president of the Hispanic National Bar Association, adding that among women the numbers are even lower: a recent HNBA study found that only 1.3 percent of U.S. lawyers today are Latina.

Despite being the fastest-growing segment of the U.S. population, Latinos would have to play a robust game of catch up for the legal profession to begin looking like the country as a whole. Many advocates focus on parity as the benchmark – that the percentage of Latino lawyers should roughly reflect the percentage of Latinos in the general population. But as Rachel Moran, dean of UCLA Law and a prominent Latina in the law herself, points out, "We're not even close to parity. It's very, very far off."

In 2002, when the U.S. Census Bureau reported Latinos as 13.3 percent of the general population, they represented fewer than three percent of lawyers. Nationwide, Latinos were "severely underrepresented in the profession relative to their numbers in the population," according to a study led by Miguel Mendez of Stanford Law School.

Today, Mendez says the situation is no better – and may even be worse, in large part because the Great Recession has hit Latinos and other minorities particularly

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## becoming less white, whiter than ever."

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hard, putting higher education and professional school out of reach. "My guess is there hasn't been a huge improvement," he notes.

Even Latino-rich California is lagging – a truth that was driven home for Kevin R. Johnson, dean of UC-Davis Law School, when he recently hosted a group of minority college students considering law school on a field trip to a local criminal court. Rather than being inspired, the students were troubled by what they saw. "They asked, 'How come the judges and lawyers are all white – but the defendants are all Latino?'" Johnson recalls.

And the obstacles to increasing Latino representation in the legal profession are daunting. High-school dropout rates are much higher among Latinos than whites or African-Americans and have gotten worse in recent years. About half of elementary school children in California today are Latino, yet only 19 to 20 percent will achieve college degrees, according to a recent Stanford study. The soaring cost of college is also a barrier for many, and initiatives in several states (including California) that forbid consideration of ethnic or racial background in college admissions also have had an impact.

Within the legal academy and on the bench, numbers are similarly thin.

"When I started teaching in 1982, there were 22 of us [Latino law professors]" says Michael Olivas, a professor at the University of Houston Law Center who has long fought for more diversity in the professoriate. While absolute numbers have increased in





the past 30 years – today there are 222 Latino law professors nationwide – they still comprise less than two percent of the approximately 7,000 law faculty in the U.S.

“About half of law schools don’t have a single Latino on the faculty, and others have just one,” Olivas says. “It’s been a tremendous disappointment over the years. You’d expect with a population that’s almost 20 percent of us, you’d find a greater number and percentage, and that’s just not true.”

“More Latino law students will affect the legal culture and enhance it, giving it a dimension where everyone will benefit.”

– Professor Jorge Elorza, RWU Law

The judiciary isn’t faring much better, although there are notable Latinos on the bench, including, of course, Associate Justice Sonia Sotomayor, who in 2009 became the first Latino on the U.S. Supreme Court. RWU Law’s first graduate to ascend the bench was Alberto Cardona ’04, born in Puerto Rico.

## MORE VOICES AT THE TABLE

Roger Williams is doing a lot better than other area law schools in recruiting Latino and other minority students. Indeed, 23 percent the school’s student body is now made up of minorities, fully half of whom are Latino.

“In the last eight years, the law school has placed a real emphasis – in lots of large and small ways – on issues of diversity,” Donnelly-Boylen says, citing mentorship programs, student groups such as the Multi-Cultural Law Students Association, the appointment of a specialized director of diversity and other efforts.

The LPI is a big piece of the picture. By mid-century, 30 percent of Rhode Islanders will claim Latino heritage – which makes the institute essential, Elorza says.

“Many decisions are being made now – at the local level, in the state legislature and in private industry – that are going to impact a large and growing number of people,” he explains. “That’s where the idea of the LPI came from; so that we could gather facts and figures and spot trends as they develop.”

## A Passion for Human Rights

Persecuted for being openly gay in his native Ecuador, Luis F. Mancheno ’13 (pictured on facing page) won asylum in the United States while an exchange student at Willamette University. His personal experiences with discrimination ignited a passionate interest in International Human Rights that ultimately led him to Roger Williams – and he’s getting all the experience he needs to succeed.

Upon completing his 1L year, Luis secured an internship with the Immigration Law Education & Advocacy Project in Fall River, Mass., a human rights organization handling humanitarian relief-based immigration claims. For next summer, he’s won a slot interning with the United Nations’ Office of the High Commissioner for Human Rights.

A fortuitous coincidence helped him secure the job. Earlier, Luis had been profiled in an RWU Law brochure, in which he said, “My dream job is to work for the U.N.’s Office of the High Commissioner for Human Rights or the High Commissioner for Refugees.”

Later he applied and was selected as a finalist for the former position, and went to New York for an in-person interview. “They asked me, ‘Are you really interested in this kind of work?’ and I dug into my briefcase and found the brochure,” Luis recalls. “I showed them my picture and quote and said, ‘You see? I am really interested!’”

An Honors Scholar, Luis is president of the LGBT Alliance, vice president of the International Law Society and a member of the Multi-Cultural Law Students Association. “In the legal profession in general, the numbers of Latinos are decreasing, therefore I feel it’s encouraging when I see firms seeking out diverse lawyers,” he says.

He adds that Roger Williams’ Latino Law Students Association helps out by bringing Latino judges and lawyers to campus to discuss their career paths, and hosts a mentorship program that matches students with practicing lawyers who share similar interests. Mancheno’s mentor is Michael Evora, executive director of the Rhode Island Commission for Human Rights.

“RWU Law is extremely supportive in relation to minorities, and they really care about creating diversity,” he says. “It’s a great environment for learning. The faculty is very supportive. The students are academically competitive, but also extremely collaborative. I’ve made some very good friends here.”

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The Immigration Clinic adds yet another dimension to the success story. Among students enrolling in the Immigration Clinic each year, 20 to 30 percent are Latino, Holper says. Those who speak Spanish further enhance the clinic's appeal, because they are more easily able to communicate with the clinic's many Spanish-speaking clients.

"Many, many students from immigration backgrounds feel their families didn't have the representation they wanted, or that the process didn't go as smoothly as they would have liked; and now they want to help others navigate that system," Holper says.

"It's a kind of trust issue with people who share certain backgrounds," agrees Jeremy Love '06. "Clients are more apt to go to someone they have something in common with."

Love is director of the Immigration & Legal Services Program at the Hispanic Interest Coalition in Birmingham, Ala. The Latino population in Alabama has doubled in the past decade, Love says, many drawn by jobs in the poultry industry. However, there aren't many Latino lawyers in the state, which means a dearth of those who understand immigration issues or speak Spanish, he laments.

In that sense, RWU's growing body of Latino lawyers-in-training is good news not only for the school – but for the profession as a whole, Elorza notes. A more diverse population means more voices and a broader base of experiences at the table – making issues such as immigration, urban education and international trade issues with Latin America a more common part of the discourse.

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"If the legal profession fails to reflect and support the changing fabric of the society it serves, then we're not doing our job."

– Dean David A. Logan, RWU Law

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"As more and more Latino students graduate, there will be a greater connection for these communities, who right now have very little contact with civil attorneys," Elorza says – and that translates to, and strengthens, fair and equal access to the justice system, a basic right in a democracy.

While RWU Law appears to be keeping pace with the Latino boom, no one is suggesting that the school has found an absolute answer to ongoing national shortcomings. After all, a large number of law schools that haven't seen increases in Latino applicants also offer immigration clinics, and many have mentorship programs, Latino law-student associations, targeted scholarships and more. It's also hard to predict when the percentage increase in Latino admissions will begin to slow here, though Donnelly-Boyle says he does hope to see the number increase or at least hold steady in years to come.

"Overall, as a profession, we've got to do better," says RWU Law Dean David A. Logan. "If the legal profession fails to reflect and support the changing fabric of the society it serves, then we're not doing our job. If Latinos aren't entering the legal profession in numbers that we would expect in light of their numbers and importance in society, then we have to ask why that is happening and what we can do to help."

Elorza agrees: "More Latino law students will affect the legal culture and enhance it, giving it a dimension where everyone will benefit." **RWU LAW**



*On the Cover:*

*(top) Luis Mancheno, Susana Santana, Jennifer Fournier*

*(bottom) Cristal Pinnix, José Batista, Eddie Colon*

*Page 21: Susana Santana, Eddie Colon*

*Page 22: Valerie León, Jared Trujillo, Antonio Viana*

*Page 23: Tracy DiSevo, John Reyes, Leticia Tavares*

*Page 25: Luis Mancheno, Jayna Velez*





Immigration clinics  
take up the slack  
as comprehensive federal  
immigration reform

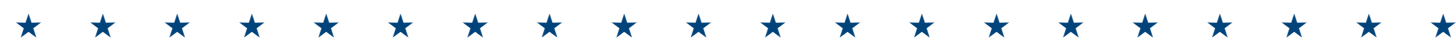
remains frustratingly  
out of reach

BY ANDREW CLARK

# AN IMPOSSIBLE DREAM?







*“The entire system is broken and needs to be fixed.”*

*– Lauren Sullivan ’07, Immigration Attorney, Washington, D.C.*



**Earlier this year, President Barack Obama** called upon Congress to work toward a comprehensive immigration reform bill that would put the nation’s 11 million undocumented immigrants on a path to citizenship. Less than 24 hours later, Senate Majority Leader Harry Reid reintroduced a now-familiar piece of legislation called the DREAM Act.

With a complex legislative history winding back to 2001, the DREAM Act – also known as the Development, Relief and Education for Alien Minors Act – sets out a relatively modest proposal that has become an unlikely flashpoint in the immigration debate. In its current incarnation, the legislation would enact two major changes to current law by:

- ★ permitting certain immigrant students who have grown up in the U.S. to apply for temporary legal status and to eventually obtain permanent legal status and become eligible for U.S. citizenship if they go to college or serve in the U.S. military; and
- ★ eliminating a federal provision that penalizes states that provide in-state tuition rates to state residents without regard to immigration status.

Despite bipartisan support, Reid’s last two attempts (in 2010) to bring the act to the floor failed, even though a Gallup poll at the time found 54 percent of American citizens favored the DREAM Act.

The benefits to comprehensive immigration reform wouldn’t just affect immigrants, according to DREAM Act proponents. They argue it would impact an estimated 800,000 individuals and generate billions in tax revenue – positively affecting the entire country.

“Not only would there be economic benefits, but also everyday benefits,” notes Isabel Vargas of the Student Immigrant Movement in Boston. “You wouldn’t have people afraid to call the police when they see a crime because they fear deportation. So many bright young people would be able to come out and contribute to society.”

## States Fill the Vacuum

With political deadlock creating an immigration-reform vacuum at the federal level, states have begun taking matters into their own hands – most controversially Arizona, which in 2010 enacted

SB 1070, then the broadest and strictest immigration law seen in generations – making the failure to carry immigration documents a crime and giving police broad powers to detain anyone suspected of being in the country illegally. In June 2011, Alabama upped the ante, with the even tougher anti-immigration law, HB 56.

“I think that these laws are pretty drastic and overall are a bad idea,” says William Shuey, executive director of the International Institute of Rhode Island in Providence, which has worked to help immigrants and refugees in the state for over three decades.

“To have states going around picking people up is a waste of everyone’s time,” Shuey adds. “There are civil rights issues at play. It’s supposed to be a free country. These laws are way off base. But unfortunately this type of stuff happens all of the time. Nothing positive can come out of these kinds of laws. To me, it’s just a misdirected use of resources.”

“You have people who are living in the shadows, afraid of being picked up,” agrees Adey Fisseha, a policy attorney for the National Immigration Law Center in Washington, D.C., an organization which supports and defends low-income immigrants.

Lauren Sullivan ’07, an advocacy attorney for the Board of Immigration Appeals Pro Bono Project, lays the blame squarely at the feet of the U.S. government.

“The lack of comprehensive immigration reform by our federal government has forced the states to act on their own,” she explains. “Our country is going to end up with 50 different and disjointed approaches to remedying this problem. The entire system is broken and needs to be fixed.”

This September, Rhode Island – via an unusual policy-change strategy – joined 12 other states that have enacted laws enabling some undocumented students to take advantage of residents’ rates for college tuition. The decision was based, in significant part, on a major study released in May 2011 by RWU’s Latino Policy Institute (LPI), finding that:

- ★ legislation allowing in-state college tuition rates for undocumented immigrant students lowered high-school dropout rates by 14 percent;
- ★ states with such legislation witnessed a 31 percent increase in enrollment among this group in institutions of higher education; and
- ★ there is no public cost to extending in-state rates to undocumented students; in fact, the tuition break tends to add to institutions’ general revenue.



*“When you can help someone to stay,  
it is very rewarding.”*

*— Ashley Ham Pong ’10, Immigration Attorney, Washington, D.C.*



### Clinics to the Rescue

In the meantime, immigrants nationwide, many of whom have been here since infancy, continue to face the threat of deportation on a daily basis. With limited financial resources, many are at a disadvantage in their fight to remain in the U.S. — and that’s where clinics play an invaluable role.

At RWU Law’s Immigration Clinic, Associate Professor Mary Holper guides a small group of students through the Byzantine complexities of current law, training them to educate immigrants about their rights and legally assist those facing the threat of

expulsion. The clinic handles roughly 30 immigration cases each semester, from asylum to deportation.

In class, Holper employs hypothetical simulations — in which a student might take the role of a governmental official one day and on other days be a witness. This type of role-play, she says, allows students to anticipate what might transpire when they get into the courtroom.

“These cases can get very complex,” says Holper, noting that a typical immigration case contains six or seven distinct legal issues, making it impossible to accept a high volume of clients.

“You’re dealing with cases that have these webs of statutes and requirements and agency guidelines,” Holper explains. “And they’re constantly changing. You could be doing one case where



one issue requires you to use one set of rules, and another issue has you looking at a completely different set. There are a lot of nuances.”

For Holper’s students, the experience can be life-changing. “They feel they’re participating in something very rewarding,” she says. “To have someone’s life in your hands is such a responsibility. I’ve never seen a student slack off on a case. They know that it’s something very real, and they work on it vigorously and always stay motivated.”

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### On the Front Lines

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A case in point is Ashley Ham Pong ’10, a former Immigration Clinic student who now works as a staff attorney for CAIR (Capital Area Immigrants’ Rights) Coalition in Washington, D.C., typically handling detained-juvenile cases.

“It can be very challenging and frustrating,” Ham Pong says. “But when you can help someone to stay, it is very rewarding. You have to take things a couple steps at a time, because when you’re dealing with immigration cases, there are so many different things that need to be done.”

Ham Pong is an ardent supporter of the DREAM Act, noting that it’s wrong “to tell a child that they can’t stay in America; that they need to go back to a country they don’t know, even though they have been here since they were three months old.”

Ham Pong, a Canadian national whose grandparents emigrated from China, enrolled in the Immigration Law Clinic during her last year in school and represented a Liberian immigrant facing deportation. Ham Pong won the case, earning her client a withholding of removal.

“My experiences at the clinic ended up helping me so much in practice,” said Ham Pong. “From knowing how to give presentations to the nuts and bolts of how to prepare for court, my time in the clinic really helped prepare me for my current job.”

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### Seeking Asylum

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Most immigration cases in the country are actually related to asylum, a relatively little-known area of law through which thousands of immigrants enter the U.S. each year. Here too, however, the lack of reform is frustrating.

“There are problems with the asylum system both substantively

## Immigration Goes to Family Court

A photograph of Associate Professor Mary Holper speaking at a podium. She is a woman with long brown hair, wearing a black blazer over a white collared shirt. She is looking slightly to her left and speaking into a microphone. The background is blurred, showing a blue banner and a pink graphic with the letters 'RWU' in a stylized font.

*Associate Professor Mary Holper heads the Immigration Clinic at RWU Law.*



and procedurally,” says Deborah Gonzalez ’07, an immigration attorney in East Providence, R.I. “On a procedural level, there is a high standard of proof to show that you have been persecuted and will endure further persecution. Then substantively, people need to show that they belong to one of the categories that makes them eligible for asylum, such as for political reasons.” (*See sidebar.*)

“These standards need to be loosened,” Gonzalez says. “For example, in some countries in Central America, there are serious issues with violent gangs who make people pay protection fees. If someone wants to flee this threat, they can’t, because this category is not one of the ones people can seek protection for. It is simply not recognized. Things like that need to change.”

Unfortunately, according to RWU Law Professor Peter Margulies, reform – whether for prospective DREAM Act beneficiaries or those seeking fairer asylum practices – may not come as quickly as it is needed.

“Everything kind of gets put on hold with the economic climate the way it is,” he says. “It’s very challenging, and it makes immigration issues seem like less of a priority. Though it is difficult now, things may change after things settle down in a few years.”

DREAM Act advocates such as Isabel Vargas, the Boston-based organizer, are counting on it. “The political climate makes things a bit difficult,” she agrees. “But through organizing events around the community and by trying to push the right people, I’m confident that we’ll eventually get it through.” **RWU LAW**

**BY MARY HOLPER, ASSOCIATE PROFESSOR OF LAW**

Until last year, our Immigration Clinic worked primarily in the federal realm, representing noncitizens in removal proceedings (in the Immigration Court in Boston) and those seeking legal status (before the U.S. Citizenship and Immigration Services Office in Rhode Island).

Then, in March 2010, Immigration Clinic students began representing undocumented children who had suffered physical abuse, abandonment or neglect by parents who permitted them to make the dangerous journey to the U.S. alone. Most were now living with family members or friends in Rhode Island. These children were eligible for special immigrant juvenile status, which would enable them to seek permanent residency, also known as a green card.

In order to seek special immigrant juvenile status, a state court must find (1) that a child is dependent on the court (or an individual appointed by the court); (2) that reunification with one or both of the child’s parents is not viable due to abuse, abandonment or neglect; and (3) that it is not in the child’s best interests to return to his or her country of origin.

In Rhode Island, obtaining these findings turned out to be a complicated process. Our students first had to help the children’s guardians obtain formal guardianship in municipal

probate courts. Then they filed miscellaneous petitions for findings of fact (regarding the claimed abuse, abandonment or neglect) in the Family Court – the first such petitions ever filed in Rhode Island. (While the R.I. Department of Youth, Children and Families has obtained such findings in cases before, our students wished to avoid placing their clients in foster care in order to do so – nor was foster care appropriate, since the children’s current living situations were safe.)

All of our petitions proved successful, and today these children are on the road to a green card; some already have them. Many will be applying to college, living the American dream that a green card allows.

I’d add that – while I have extensive experience representing noncitizens in immigration court and before the C.I.S. office – I was working well outside my comfort zone in these state-court matters. An alumna, Debbie Gonzalez ’07, came to the rescue, proposing use of the miscellaneous petition in Family Court, brainstorming about challenges involved in doing so, and generally ushering us through the process. Clinical students, meanwhile, learned valuable lessons about thinking outside of the box; collaborating with other attorneys; and braving the territory of a new court to help achieve a vital goal for their clients.





Norton Sound

Bethel

ALASKA  
(UNITED STATES)  
Mt. McKinley  
20,320'

Yukon

BROOKS

Kotzebue

Fairbanks

ANCHORAGE

COAST GUARD

GULF OF ALASKA

# Law on the Tundra



## Terrence Haas '07 makes his mark as a public defender in a remote Alaskan outpost

BY MICHAEL M. BOWDEN

**TIRED OF THE URBAN RAT RACE?** Do you long to embrace a simpler lifestyle, far from the madding crowd? How about a sojourn in the tiny city of Bethel, deep in the Alaskan tundra, accessible only by boat or plane? Does that sound relaxing?

Reality check: Terrence Haas '07, assistant public defender in Bethel, sounds an awful lot like his counterparts in any American city. Apologizing for delays in scheduling an interview for this

article, he explains, "Since we last spoke, I've done closing arguments for a civil trial, finished the first half of another week-long civil trial and supervised an intern in a jury trial – and that's in addition to all the usual motions work."

So how did a nice guy like Haas – a Phi Beta Kappa philosophy grad from Indiana University Purdue, who spent a few years living "off the grid" in Michigan's Upper Peninsula before enrolling at



RWU Law, serving as editor-in-chief of the Law Review, graduating near the top of his class, then clerking for the chief justice of the Rhode Island Supreme Court – end up in a place like Bethel?

It was a mixture of chance and personality. As his judicial clerkship wound down, Haas was soul searching, wondering what to do next. He briefly considered a big-firm career, “but I realized at some point that I wasn’t really interested in that kind of work,” he says. “I really like having a client, a person that I advocate for directly.”

As a law student, Haas had completed internships at the U.S. District Court with Judge Mary Lisi, at the Providence Law Department and with the Rhode Island Disability Law Center. “Those experiences helped me get a handle on what I wanted to do with my career,” he notes. “But I’d be lying if I said I knew I wanted to be a public defender. That sort of ... evolved.”

Then an acquaintance happened to mention that some “bush” positions were available in Alaska. “I really don’t think I understood what that meant,” Haas admits. “But I had always been interested in Alaska, and after talking to this person I started to get excited about the idea.” Soon enough, he found himself interviewing for a position in Bethel.

## 'Very Wild West-y'

Bethel – *Mamterilleq* in the Central Alaskan Yup'ik tongue – is a hardscrabble town of about 6,000 people (70 percent Native Alaskan) in far Western Alaska, 340 miles from Anchorage. Accessible only by air and river, it's the main port on the Kuskokwim River and serves as an administrative

and transportation hub for 56 villages covering an area roughly the size of Oregon.

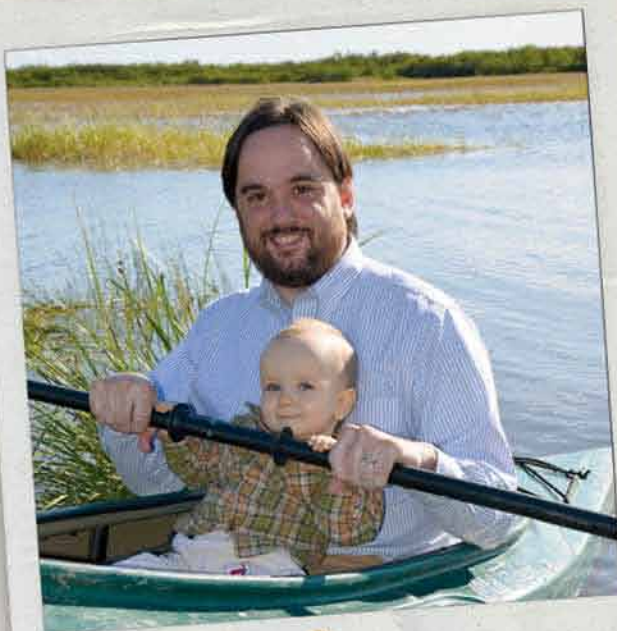
This isn't the iconic Alaska of majestic glaciers and snow-capped peaks, mind you – it's a vast, flat, sandy (or more frequently, snowy) river delta. There's no movie theater, no shopping mall, no gym. There are only 18 miles of road in town, and none of them lead out of Bethel.

“You have to vet people for these positions pretty carefully,” notes Liz Petersen, supervising attorney at the Bethel Public Defenders Agency, who hired Haas. “A lot of people get off the plane and freak out. It's still very Wild West-y here. We look for a kind of special breed – people with a lot of fight in them, and a lot of legal acumen.”

That, Petersen adds, is a pretty good description of her team. “I think what ties us all together is a certain adventurousness,” she says. “We're all a bit alternative in our own way, a little out of the mainstream. But you really get to know your coworkers here, and you really get involved in the community. Then you realize it's a pretty wonderful place to live.”

Haas impressed Petersen immediately. Beyond his academic qualifications and experience, “he convinced me he wanted to get into the courtroom,” she says. “He was really ready to dig into a nitty-gritty legal practice. He has a good personality; he reads people well; he's a good talker, definitely” – she laughs – “and he litigates extremely intelligently. He was courtroom-ready.”

Haas was equally charmed. “I don't mind the limited amenities here,” he says, “and I love the local culture. It is isolated in the sense that it is far from the rest of America, but it is a real community with close connections to the broader Yup'ik and Cup'ik cultures. I have learned a great deal just living here.”



(top) Haas and his son James enjoy some summer kayaking.  
(above) Haas with a few of his colleagues at the Bethel Public Defenders Agency.

That frustration ultimately led Haas to consider law school. He went back to college, finished his philosophy degree at IUPUI –

– Terrence Haas '07

"It's hard work, and it doesn't carry the status or prestige of many other legal careers," Haas admits. "But I work with some truly extraordinary people here. If you walk into [a typical large law firm] and sweep away the wood-paneled conference rooms, the corner offices, the hourly billing hierarchies and the six-figure salaries, I hope you will still find the kind of passion that drives this motley crew of public defenders in an isolated Alaska town. To me, they encapsulate the best that lawyers can be, and the best our profession can be."

**RWU LAW**

"It was fun and we learned a lot," he says, "but working in the



A portrait of Brian Ali '06, a man with short dark hair and a slight smile, wearing a dark pinstripe suit, a light blue shirt, and a blue patterned tie. He is standing in front of a blurred American flag and a light-colored wall.

# Wall Street Wizard

## PROFILE

## Brian Ali '06

*By Lori Cochrane*

When Brian Ali '06 is at work, he's not in a courtroom – but on the trading floor in the heart of Wall Street, where he serves as a vice president of Asian Equity at Deutsche Bank.

While most of his colleagues arrived in the Financial District via business schools and MBAs, Ali was almost unique in approaching corporate finance as an attorney – a strategy he

says Professor Anthony Santoro helped him engineer.

Ali always had a mind for business, but it wasn't until a fateful conversation with Professor Santoro that he began organizing the elements of what has become a phenomenal career.

Following his first federal income tax class with Santoro, Ali was impressed: "Here was a professor who not only had

business know-how, but business savvy; and he was bringing that into the classroom. We discussed how tax and transactional work can function in the business world, beyond one's capacity as a lawyer."

Immediately after graduation, Ali was offered a position with Credit Suisse. The only lawyer to be accepted into their coveted Associate Training Program – traditionally a destination for top MBAs – Ali's talents earned him a place on their international desk, where he thrived until being recruited by Deutsche Bank last year.

One of the emerging leaders at Deutsche, Ali credits his early success to his legal mindset: "In this business, the more you succeed, the more time you spend with clients. That's essentially how we create business – by building relationships. Lawyers are problem solvers and critical thinkers at heart. We're thoughtful about everything we do. We conduct business on a mature level – I believe that set me apart."

What's next for this Wall Street wizard? "I love my career. It's extremely challenging, incredibly competitive and highly unpredictable – which makes it exciting," he says. "I certainly envision myself here for years. In time I'd like to take the experience I've gathered here, in law

***"Lawyers are problem solvers and critical thinkers at heart. We conduct business on a mature level. I believe that set me apart."***



school and elsewhere and try something new – but I'm not sure what that is right now."

One thing Ali does know for sure is that he owes a great deal to his friend and mentor, Professor Santoro. "What stands out for me is his level of enthusiasm – not only for the courses he teaches, but for the individual goals and ambitions of every student," Ali says. "He has a vast amount of real-world experience and understands what makes a law school – and a law student – successful."

As a token of his gratitude, Ali established the Professor Anthony J. Santoro Business Law Lecture Series Endowment at RWU Law. A wonderful tribute to Santoro – who is also the law school's founding dean – this special series will bring leading lawyers and business professionals to campus to present important issues in the area of business law. Generations of future students will be well-prepared to follow in Ali's footsteps and embark on amazing careers of their own.

*To support the Professor Anthony J. Santoro Business Law Lecture Series Endowment, visit: [law.rwu.edu/give/santoro](http://law.rwu.edu/give/santoro).*



# Class Notes

## 1996

**Jeffrey L. Eger** has relocated his office to Warwick, R.I. He is a Family Court Mediator.

**Cheryl Robertson** is pleased to announce the arrival of her fifth child, Edward "Teddy" Owen Robertson on August 19, 2011. He joins siblings Jane, 9; Maggie, 8; Malcolm, 5; and William, 3.

## 1997

**Michael A. Voccola** was appointed to the Technical Committee of Providence's I-195 Property Commission by Mayor Angel Tavares. Michael is the corporate vice president for The Procaccianti Group, Cranston. He has also been invited to participate in the IBM Smarter Cities Program. The City of

Providence was one of 24 cities selected to participate in the program.

## 1998

**Brenda Ferry** is handling all family law matters at her solo practice in North Providence.

## 2000

**Kerri M. Morey** was elected director at Rindler Morgan, PC, in Boston. She married Michael Phillips in June 2011, and the couple resides in Boston.

## 2001

**Christian Bruun** is a civil litigation attorney with Gold, Albanese & Barletti, Morristown, N.J. Chris and his wife, Laurie, celebrated their 10th wedding anniversary by taking a cruise on Royal Caribbean's Serenade of the Seas.



**Randall B. Lewis '97** is acting General Counsel – Asia Pacific Region, for Danone Asia Pte. Ltd. In that capacity, he manages all of Danone's legal affairs "from New Zealand to South Korea, and from Japan to Saudi Arabia, and everything in between" – including high-profile commercial deals, litigation, arbitration and other disputes. He has also served as chairman and featured speaker at the Lexis Nexis Dispute Resolution Conference in Shanghai, China, where he has worked and lived since 1997.



**Ulrick Gaillard '96**, founder and CEO of the Batey Relief Alliance, was invited by former U.S. President Bill Clinton to join the Clinton Global Initiative, a community of international leaders committed to identifying groundbreaking solutions that reduce poverty, improve the environment, and increase access to health care and education around the world. "I am truly honored by this opportunity and look forward to interacting and working with those deeply involved in transforming lives around the world."



# Cleaning Up the DMV

## PROFILE **Lisa Holley '01**

*By Amanda Becker*

"My colleagues in the legal profession wonder what in the world I was thinking," says Lisa Holley '01 (RWU '93) of her decision to accept a position as interim director of the Rhode Island Department of Motor Vehicles in April 2011 – a yearlong engagement that placed her squarely at the lead of Governor Lincoln Chafee's initiative to "fix the DMV."

"I looked at it as public service more than anything," she says. "I knew it was going to be an incredible challenge – but I don't turn my back on a challenge; I embrace them."

The DMV is one of the few government agencies actively engaging with the public on a regular basis. But, like many other state agencies, the organization has endured significant budget cuts over the years – to the decided detriment of its customer service.

"Customers would anticipate an unpleasant experience and that's what they would get," Holley says. "It started to become more and more of a self-fulfilling prophecy."

Working to dispel its reputation for long lines and inefficient services, Holley joined forces with a handpicked team from areas across state government to achieve two main objectives: (1) making the institution better for its employees, by giving them the required training, tools and attention to do their jobs more efficiently; and (2) making a visit to the DMV a better experience for the consumers.

Among many other efforts, the team established a leadership training program for DMV employees, staffed "greeters" to walk the crowd and help customers fill out documents, revamped their business flow and added more customer service representatives.

Today, with 2011 winding to an end,

Holley and her team are beginning to see the results they sought – they've decreased the average wait time of 3.5 hours to 1.5 hours, and have so far collected more than \$100,000 against the \$1 million owed to the DMV from returned checks.

While Holley welcomed the chance to positively serve Rhode Islanders, she stresses that – for her – it was always a temporary gig (the state will begin looking for a permanent replacement at the end of this year). Even so, she's pleased to have had the opportunity to support the governor and help the state in a meaningful way.

"This may be the only time most Rhode Islanders directly interact with their government, so we want them to have a better experience," Holley says. "Constituents expect more from their agencies. Now they'll get it."





**Kevin Hagan** is a partner at Houlihan, Managhan & Kyle Ltd., located in Newport, R.I. His firm focuses on domestic relations, criminal defense and land use litigation.

**Dena M. Kist** is the deputy network contracts manager at the Department of Veterans Affairs, Providence.

**April McHeffey** was admitted to the New Jersey Bar in 2010. She joined the firm McElroy, Deutsch, Mulvaney & Carpenter LLP in Morristown, N.J.

## 2002

**Dena M. Castricone** was selected as one of the best LGBT Lawyers under Forty by the National LGBT Bar Association, an affiliate of the ABA. She is an associate with Murtha Cullina in New Haven, Conn.

**Katy Hynes** was a 2011 "40 under Forty" honoree named by *Providence Business News*. She is an attorney at Adler Pollock & Sheehan PC in Providence.

**Stacey Leigh Malloy** is a member of the Georgia, Massachusetts and District of Columbia bars. She was recognized as runner-up in the *Georgia Bar Journal's* 20th Annual Fiction Writing Competition for her piece "How She Set Him Up," viewable in the June 2011 *Georgia Bar Journal* at [www.gabar.org](http://www.gabar.org).

## 2003

**Joy Dingle** is associate director at the Georgetown University Meyers Institute for College Preparation in Washington, D.C.

**Stephanie Federico** joined the law firm of Anthony DeSisto and Associates in East Providence, R.I.

**Richard Shewack** is senior vice president and director of North American Claims at Willis Global Aviation in New York City. Rich and his wife Martina volunteer as head coaches for the South Parkland Boys and Girls Rugby program, a K-8 developmental rugby program in Lehigh Valley, Penn.

## 2004



**Stephen C. Baca** has opened his own firm specializing in immigration and criminal defense, in Westminster, Colo. He married Shelly Rene Baca in Fall 2009, and they welcomed their first child, Mason Lane, on May 11, 2010.

**Danielle Capozzoli** is a corporate attorney in the contract services segment for United Water Inc., in New Jersey. She was married on July 24, 2010.



**Seth L. Laver** moved his practice to join the growing Philadelphia offices of Goldberg Segalla LLP. Seth is a member of the Labor & Employment Group, specializing in commercial

litigation for the defense of professionals.

## 2005

**Matthew R. Plain** was named a *Providence Business News* 2011 "40 Under Forty" honoree. He is an associate with Taylor Duane Barton & Gilman LLP, Providence.

**Alicia J. (Byrd) Samolis** was elected president of the Rhode Island Women's Bar Association in June 2011. Alicia is an attorney at Partridge Snow & Hahn LLP in Providence.



**Patrick Cushing '05** joined the Richmond, Va., law firm of Williams Mullen and its State Government Affairs team led by former Virginia legislator Ralph L. "Bill" Axselle, Jr. Williams Mullen provides comprehensive legal services to regional, national and international clients and is an AmLaw 200 firm.

## 2006

**Aaron Baker** and **Bridget Longridge Baker '06** welcomed their first child, Jack, in April 2011.

**Rachel Carter Cushing** accepted a claims counsel position with Zurich North America at their Manhattan offices.

**Rachel L. (Condon) Engdahl** opened a solo practice in Boston, specializing in family law and estate planning. She was married on December 31, 2010.



**John Lockwood** coached a High School Mock Trial Team of home-schooled students that won the New York State Championship, besting a number of respected public and private schools. The team was featured in the *New York State Bar News*.

**Adam Ramos** is an associate at Hinckley Allen & Snyder LLP, where he practices complex civil litigation, including commercial, intellectual property, health care, employment, civil rights, construction and land use.

**Erin Steadman** welcomed a son, Kelly Benjamin Krider, in May 2011.

**Lance Young** is an assistant attorney general in the Department of Information Technology at the Maryland Office of the Attorney General.

## 2007

**Katie A. Ahern** was named a *Providence Business News* 2011 "40 Under Forty" honoree. She is an associate with Hinckley Allen & Snyder LLP in Providence.



**John N. Mansella '07** opened his own law practice in Cranston, R.I.

**Kerri E. Burke** is an associate at Partridge Snow & Hahn LLP in Providence.

**Tasha (Andrade) Clark** and her husband Josh Clark welcomed a son, Dylan Jacob Clark on January 9, 2011. They reside in West Roxbury, Mass.

**Kristin N. Matsko** is an associate at Partridge Snow & Hahn LLP in Providence.

**Brandi R. (Wright) Orton** is a trial counsel for the United States Navy at Joint Base Pearl Harbor – Hickam, Hawaii.

**Amanda Prosek** married Lieutenant James T. Prosek of the U.S. Navy on August 13, 2011, in R.I.

**Benjamin L. Rackliffe** is an associate with Pannone Lopes Devereaux & West LLC in Providence. He serves as a member of the firm's corporate and business strategies, nonprofit organizations and litigation teams.

**Lauren Graham Sullivan** and **Brendan Sullivan '08** are pleased to announce the birth of a daughter, Anna Elizabeth Sullivan, on May 5, 2011. Lauren is the advocacy attorney for the Board of Immigration Appeals Pro Bono Project with the Catholic Legal Immigration Network. Brendan is a Coast Guard JAG assigned to the Office of Maritime & International Law.

**Margreta Vellucci** authored an article addressing domestic violence and animal abuse issues in the context of proposed Rhode Island legislative changes, which was published in the *Roger Williams University Law Review*, Spring 2011 edition. She is an associate at Pond North LLP, Hingham, Mass.

**Kristen E. Wick** is an associate with Shapiro, Van Ess & Sherman LLP in Phoenix, Ariz.

## 2008

**Robert Coulter** has been elected to the Town Council of Tiverton, R.I. He is an associate with the business law department at Edwards Wildman Palmer LLP in Providence.

**Andrea Tulliano Dunbar** was married to Michael Dunbar on May 21, 2011. Andrea is an associate in the private client department at Burns & Levinson LLP in Boston.

**Katherine (Johnston) Godin** has relocated her practice to Warwick, R.I. She shares office space with RWU Law alums **Julie Bruno '00** and **Joseph Ranone '05**

**Kristopher Jay Motschenbacher** is a litigation associate practicing labor, workers' compensation and employment discrimination law at Manning & Kass, Ellrod, Ramirez & Trester LLP, in Los Angeles. Kristopher is also an officer in the United States Army – National Guard JAG Corps, assigned to Trial Defense Service in California. He and his wife Michelle Yoshimi welcomed their second son, Schaefer Seiichi Motschenbacher, on May 18, 2011.

**Kimberly Larsen Rider** and **Thomas M. Rider '09** were married at St. Barnabas Church in Portsmouth on April 9, 2011.



**Regina A. Curran '10** is the new judicial affairs officer at St. Mary's College of Maryland. She previously served as coordinator of student conduct and off-campus student services at Coastal Carolina University, in North Carolina. Among other projects, Curran plans to promote conflict-resolution skills by establishing a peer mediation group. She told the *Point News*, St. Mary's student newspaper, "It's really about just helping everyone to understand we are part of a community and, as such, have certain rights and responsibilities."



## 2009

**Amanda J. Argentieri** is a law clerk for the Honorable Gilbert V. Indeglia on the Rhode Island Supreme Court for the 2011-12 term. She was recently elected treasurer for the Rhode Island Women's Bar Association.

**Allisha J. Clark** is President and CEO of Shining Stars, a nonprofit organization with a mission to develop education and training in and out of schools for individuals with severe physical and mental disabilities.

**Matthew H. Lazarus** is an associate at Eric B. Jensen PC in Philadelphia. He married Julia M. Burlingame on November 6, 2010.

**Lauren M. Rutherford** is an associate attorney with Campbell & Campbell in Chattanooga, Tenn.

**Amit Singh** is an assistant district attorney with the Bristol County District Attorney's Office.

**Michael Tucker** and **Maureen Anne Zatarra '09** were engaged at Colt State Park on May 5, 2010. The couple will marry in Spring 2012 at the New Jersey Shore.

**James Ward** completed his LL.M. degree in estate planning in 2010, and is now an associate at Nature Coast Law Offices of Gregory Gay in New Port Richey, Fla., specializing in estate planning and elder law.

## 2010

**Steven K. Dietrich** is a U.S. Army legal assistance attorney in Fort Huachuca, Ariz.

**Brandy Noelle Hughes** is a contract attorney with FiberLight LLC in Alpharetta, Ga. She married Jason Brewer on November 4, 2011.

**Daniel Morton-Bentley** is an associate with Royal LLP in Northampton, Mass., where he practices management-side labor and employment law.



**Kristen Hermiz '10** is an associate at Motley Rice LLC in Mount Pleasant, S.C. Hermiz litigates for families and individuals affected by asbestos-related diseases caused by workplace, environment or home exposure.

## 2011

**Katie McManus** is employed at Orson and Brusini Ltd. in Providence.

### In Memoriam

**James Robert Lovett '02** passed away on Saturday, August 27, 2011. James operated his own firm, Lovett Law Firm in Charlotte, N.C. Lovett is survived by his wife Iris Turner Lovett, his sons Aaron Paul Lovett and Joshua Benjamin Lovett, his daughter Delilah Jaden Lovett, his mother Jeanne Herman Lieberman and step-father Dr. Alan Lieberman, his brothers Steven Lovett and Ari Lieberman, as well as several nieces and nephews.

**Jennifer Madden '08** passed away on Saturday, August 27, 2011. Jennifer was an associate with the law offices of Kirshenbaum Law Associates in Cranston, R.I. and Cetrulo & Capone LLP in Providence. Madden is

survived by her parents, Richard E. Madden and Judith (Reilly) Madden, as well as her children Juliana and Mya Madden, brother Joseph Madden, and paternal grandmother, M. Elizabeth Madden.

**Traci (Blais) Thomassen '08** passed away on Tuesday, September 06, 2011 from complications of ovarian cancer. Traci was a valued employee of Johnson & Johnson in Raynham, Mass., in the legal department of the DePuy Spine operating company. Thomassen is survived by her husband Don Thomassen, her parents Louis and Dorothy (Frain) Blais, and siblings Mark Blais, Kevin Blais, Teri Theberge, Renee Blais and Amy Blais.

# The Case for State Courts

By Maureen Wagner '09  
Deputy Director,  
State Courts  
The Federalist Society  
Washington, D.C.

In Federalist Paper No. 80, Alexander Hamilton called for the establishment of two separate court systems: federal and state. It was an original, novel and distinctively American concept; no other government had a court system of dual sovereignty. The founding fathers adopted and codified this model at the 1787 Constitutional Convention.

In contemporary public policy discussions, most of the attention concerning courts is devoted to the United States Supreme Court and its interpretations of the U.S. Constitution. The Supreme Court's decisions frequently spark news



and heated debates about the role of courts in society.

That level of attention is rarely dedicated to state court decisions – despite the fact that 98 percent of all litigation today is handled in the states. The oft-overlooked reality is that state courts are the primary venue for litigating some of the most significant issues that affect the people and culture of each state.

While some state cases – those relating to gay marriage, for example – receive wide publicity, there are other areas of law in which state supreme courts are at the vanguard of policy development. Here I will focus on just three: civil justice reform, education and property rights.

### *Civil Justice Reform.*

In recent decades, advocates of tort reform have successfully passed legislation in a number of states. Many of these efforts were challenged in state courts, with mixed results. In 2010, for example, the Georgia and Illinois Supreme Courts each found their state's cap on noneconomic damages (\$350,000 and \$500,000, respectively) to be unconstitutional; while the Missouri Supreme Court opted not to strike the state's \$579,000 cap on noneconomic damages. Earlier this year, the Supreme Court of Appeals of West Virginia upheld a law limiting noneconomic damages to \$500,000 in actions brought against healthcare providers.

These decisions are significant because they go far beyond affecting the particular parties involved – they establish the climate for lawsuits in their jurisdiction. That climate, in turn, impacts many areas of American life: healthcare, business, entertainment, public service and the contours of the state's economy.

Supporters of tort reform made significant gains after the 2010 election cycle. So it is not surprising that, as of 2011, 14 states have passed civil liability reforms. If the past is any indication, many of these measures will be challenged in state courts.

According to Walter Olson, an expert on tort reform, a lack of civil justice reform can often cause industries to be “more adversarial and bureaucratic in their workings.” The RWU Law community need look no further than its own Professor Carl Bogus to hear “why lawsuits are good for America,” how tort reform measures are “misguided” and the common law tort system is “working well.” But regardless of one's position on the issue, no one disputes that judicial review of these laws in state court is a significant public policy matter.

### *Education.*

Lawsuits challenging state methods of funding public schools are ubiquitous, having been brought in 45 states. Earlier this year, in the case *Abbott v. Burke*, the New Jersey Supreme Court ruled in favor of the plaintiffs, a class of schoolchildren, that the state of New Jersey had underfunded their school districts. Abbott dealt with the tension between the constitutional obligation to provide a “thorough and efficient system of public schools” versus the constitutional vesting of appropriations in the legislative branch. The ruling ultimately ordered the state to spend an additional \$500 million on schools.

In the 2006 case of *Montoy v. Kansas*, the Kansas Supreme Court ruled that the \$2.7 billion in school funding was inadequate and distributed unfairly. The court determined that the Kansas legislature “has failed to meet its burden as imposed by ... the Kansas Constitution to ‘make suitable provision for finance’ of the public schools.” Subsequent challenges to this ruling have been made, the most recent having been dismissed in March. Many anticipate, however, that the litigation will continue.

### *Property Rights.*

In the wake of the 2005 U.S. Supreme Court case of *Kelo v. City of New London* – which drew tremendous public disapproval – the overwhelming majority of states enacted some type of reform legislation to restrict the use of eminent domain. Recently, in the case *Community Youth Athletic Center v. City of National City, et al.*, the Superior Court of California addressed the issue of whether the California government could seize the plaintiff's property as part of a redevelopment plan.

The case concerned a nonprofit boxing gym that the city was attempting to take possession of and shut down as part of condominium development. In April, a San Diego Superior Court judge found that the redevelopment plan had failed to establish substantial evidence of physical blight and

that the government's justifications for wanting to seize the property were no longer permitted under law. The developers abandoned their original plans, but it remains likely that the rights of private property owners in California will continue to be contested.

Even from this small sampling, it should be apparent that state court decisions have a significant impact on American law and policy in a variety of areas. Lawyers and laypersons alike would do well to closely watch state court dockets to gain a fuller understanding of the developing public policy in their jurisdictions. **RWU LAW**

*State courts are the primary venue for litigating issues that affect the people and culture.*

A woman with long dark hair, wearing a black blazer over a light-colored top, stands with her hands on her hips. In the background, the Washington Monument is visible through a large window or glass wall.

# *Meet Jackie Rollieri '11*

*Living her dream...and proving that a little support goes a long way.*

A natural resources management specialist and Presidential Management Fellow with the National Oceanic and Atmospheric Administration (NOAA) in Washington, D.C., Jackie Rollieri '11 was initially drawn to RWU Law by its JD/Master of Marine Affairs joint degree program – but found so much more: “It’s a small school with a big-community feel. My professors did everything they could to help me achieve my goals – that doesn’t happen at every law school.”

Growing up in coastal Connecticut, Jackie worked as a deck-hand, launch operator and dock master, and dreamed of a career in which she could protect the marine environments she loved, while improving relationships between fishermen, shippers, recreational users, scientists, conservationists and others with a stake in those environments.

A Law Alumni Association Scholarship helped position Jackie for an internship with U.S. Senator Sheldon Whitehouse (D-R.I.) – “a great proponent of environmental issues,” she notes – and gave her invaluable firsthand experience that she later funneled into a law review article on offshore wind energy regulation.

“There’s definitely a great value in contributing to one’s school,” she says. “Scholarships like the one I received help students a lot – and even a small contribution can go a long way!”

The Law Alumni Association

Scholarship is awarded annually to two first-year students. Candidates are selected based upon their career goals, academic achievement and demonstrated financial need. To support RWU Law, visit [law.rwu.edu](http://law.rwu.edu) (Alumni tab) or call the Office of Alumni, Programs & Events at (401) 254-4659.



RWU Law got a rare view from the top of the profession this fall, when Associate Justice Stephen Breyer of the Supreme Court of the United States visited campus. Justice Breyer taught a Con Law II class, met with student leaders and sat for a revealing discussion with First Circuit

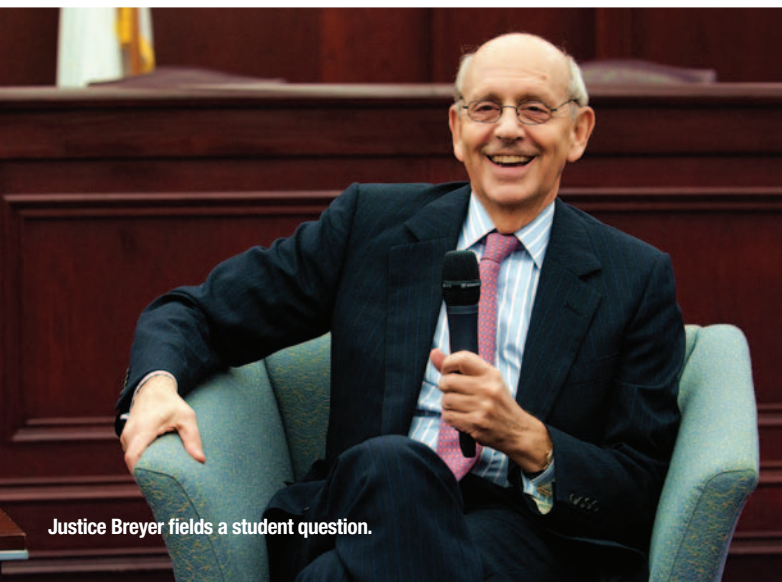
Judge Bruce Selya. The Justice also signed books for a long queue of students, faculty, staff and alumni, staying well past his scheduled departure time to ensure that everyone who wanted an autograph – and a little face time with a “Supreme” – got their wish.



Meeting with student leaders.



Judge Selya and Justice Breyer.



Justice Breyer fields a student question.



An autographed book – and Constitution!

As part of our ongoing commitment to sustainability, Roger Williams University prints *RWU Law Magazine* entirely on paper certified by the Forest Stewardship Council. By using FSC-certified paper, we're sure that the raw materials used to produce this magazine come from forests that are managed according to FSC's strict social and environmental standards.

