

BARRISTER

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PRESIDENT'S MESSAGE

Winter 2017

It is my honor and privilege to be serving you as President this year. The executive board consists of a dynamic combination of experience, talent and enthusiasm. They have been a pleasure to work with tackling our ambitious list of goals.

The Young Lawyer's Division is up and running. They have pro-actively formed a committee that meets monthly. There has been two successful events to date: the "Kick off" in October and a Volunteer Day at Cape Abilities during the holiday season. Thank you for your participation and support. Stay tuned for YLD educational and social events to come later this year.

We hope to build on the YLD momentum of attracting and engaging new lawyers by increasing our web presence. Updating our website and creating a Facebook Page will not only serve that purpose but will further keep our membership informed and engaged. Keep an eye out for your invitation to "Like" our Facebook page so that you are sure not to miss out!

On November 3rd we returned to the Cape Club for our Annual Bench and Bar Dinner. The Falmouth members once again demonstrated the benefit of choosing that location. Much like last year the dinner was an enjoyable evening and well attended by a vibrant crowd. Thank

you to Judge Hand, our key note speaker. She spoke in a heartfelt and insightful manner about the tough but important work done at the Drug Court. Her words undoubtedly resonated with everyone present either professionally, personally or both, for some.

As opioids continue to affect our community we must continue to explore ways that we, as attorneys, can help. Bar associations statewide have piloted a program where an attorney can volunteer as a resource or an advocate for individuals who seek to have loved ones civilly committed under M.G.L. section 35. We are working on finding a way to implement a similar program that meets the needs specific to our community.

Finally, in case you missed it M & M (Mike Stevens and Madeleine Delorey) have already sent out the notice for the Spring Red Sox game outing. It is quickly becoming one of the most anticipated nights out. Join us!

If you have any ideas, thoughts, questions or want to be more involved please do not hesitate to contact me.

Very truly yours,
Elisa Zawadzkas, President



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TIPS FROM THE BARNSTABLE PROBATE AND FAMILY COURT

The Barnstable Probate and Family Court Register's Office provides a walk-in Magistrate's Session for Informal Probates. The sessions are held every Thursday from 9:00 a.m. until 11:00 a.m. You may come to court with your Informal Probate package and have it processed while you wait. The Register's Office accepts one Informal filing at a time per person on a first come first served basis. There is a sign in sheet when you arrive in the Registry Office. As always, you may continue to file your Informal Probates by mail or by hand as you do presently. We hope this service assists you in providing efficient service to your clients.

The Barnstable County Bar Association and the Barnstable Probate and Family Court will host a session for new attorneys on Wednesday, February 8, 2017 at 4:30 pm in the First Session Courtroom. This is an opportunity for new attorneys to meet the Judges and court staff from all of the courts in Barnstable County. Immediately following the session, the Bar Association will host a reception at the Barnstable Tavern beginning at 5:30pm. All are welcome to come to the Barnstable Probate and Family Court and to the Tavern.

Please feel free to call me or the staff if you have any questions. Best wishes to all for a Happy New Year!

Anastasia Welsh Perrino, Esq.
Barnstable County Register of Probate

A lot going on in Superior Court



I want to thank the bar association for giving me this opportunity to address them with what is going on in Superior Court. We now have two conference rooms on the second floor that can be used by attorneys to have private conversations with their clients or to use to talk with other counsel about resolving a case. The rooms can also be booked for depositions if necessary by contacting myself or Tom Perrino at 508-375-6684 and when you get to the opening message press 6. The two conference rooms are located in the old third session Judge's lobby and the former jury check-in office.

There is a new lounge to be used by **attorneys and court staff only** to wait during court recesses, lunch recesses and during jury deliberations. The lounge contains two restrooms and is located in the old victim witness office by the elevator on the second floor.

Civil Pre-Trial conferences are now being held in the third session Judge's lobby on the main floor directly across from the third session courtroom. Attorneys should wait on the bench in the hallway or at the table in the main lobby where you enter the courthouse. Please do not wait upstairs outside the main session courtroom or in the second session.

We have a third session courtroom located in the old Rooms 11 & 12 on the main level. It is being used at present for video bail review hearings and hopefully will eventually be used for a magistrate session as well as other video conferencing events. The room will also be available for use by other courts for non-jury trials and hearings by appointment through myself and the clerk of the requesting court.

I am pleased to announce that a Safe and Secure Waiting area is in place as required by state law. The Safe and Secure Waiting area is only to be used by witnesses for the Commonwealth and victims of crimes. This area is controlled by the DA's office and is located next to the new District Attorney's office space on the second floor (the old probation department office).

We are hoping that the new lock-up project will begin sometime in 2017. This project is long overdue and I will keep the bar updated as this project progresses.

The new trial court recording system (FTR) has been in place in Barnstable Superior Court since May of 2016. The system will be used when we do not have court reporters in the courtroom and eventually full time when court reporters

will no longer be in Superior Court which may happen in 2017. I am available to give a review of the FTR system to any member of the bar as my time allows. This recording system will be in all trial court departments so it is beneficial for all members of the bar to become familiar with the system regardless of where they practice. When the system is being used, anyone can request audio access of non-impounded recordings and request transcripts by going to **us.court.fm**. There is a fee involved in requesting access which at present is \$50.50 per recording which gives you access for up to a year. The recordings can be requested online at any time but will need to be approved by my office and will only be approved during normal business hours of the clerk's office. I am very pleased and proud that Barnstable Superior Court was chosen as a pilot for this service as it shows how well this office is run and the great staff I have working for me.

My office was also chosen to be a pilot for the scanning project. For cases filed in 2015 and after; complaints, answers, judge's decisions and some other paperwork can be viewed online in the attorney portal by attorneys in civil cases. It was a privilege to be chosen for this project as it shows the confidence the trial court administration has in my office and staff. We are adding new scanned documents all the time and I hope that these documents will be available to the public online at some future date to be determined by the powers that be in Boston. At present, criminal documents are not available online and is being looked at by a statewide committee in Boston.

I am also pleased to announce that Barnstable Superior Court clerk's office has been chosen to pilot the new e-filing project that is being tried in several trial court Departments along with Middlesex Superior. We are still working out the final details as to how the e-filing system will coordinate with MassCourts. I will keep the bar updated as things progress.

As always if any member of the bar has any questions, comments, concerns, suggestions, please feel free to contact me at 508-375-6684 or by email at **scott.nickerson@jud.state.ma.us**. I wish everyone a Happy and Healthy 2017.

**Scott W. Nickerson
Clerk of Courts
Barnstable County**



BCBA Young Lawyer's Division is Launched



The Young Lawyer's Division of the BCBA successfully launched in October, 2016. The goal of the YLD is to provide support to the Cape's network of young attorneys to ensure their success as they establish themselves and their practices. The Barnstable County legal community is very special, and we need to support the development of new attorneys in order to maintain that!

On December 3, 2016, members of the YLD spent the afternoon volunteering at Cape Abilities by serving refreshments, directing traffic, and aiding with Christmas trees. We had a great time helping out Cape Abilities in one of their busiest seasons of the year.

The YLD is in the process of planning educational, social, and philanthropic opportunities for 2017. We look forward to seeing members of the bar – no matter the age! – at our future events. If you are interested in joining the YLD, please email Sara Kohls at skohls@latanzi.com or Ingrid Epperly at iepperly@latanzi.com and we will be happy to talk to you about the YLD. Please also feel free to contact us if you have ideas for events or other collaborations.

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Note of Thanks

The Bar Association would like to thank attorney Ronald J. Seidel for doing the Associations taxes for over twenty years, and doing them pro bono. Many thanks Ron and enjoy your retirement



Update from South Coastal Legal Services

Walk to the Hill for Civil Legal Aid 2017

This year's Walk to the Hill will be held on January 26, 2017, from 11a.m. to 1p.m. at the Massachusetts State House. Each year hundreds of attorneys and civil legal aid advocates converge on the State House to demonstrate their support for state funding of civil legal aid programs. Walk to the Hill brings legal aid and the private bar together to support the cause of equal access to justice for all. State funding has been critical to legal aid programs, like South Coastal Counties Legal Services. South Coastal Counties, with offices in Hyannis, Fall River, and Brockton provides free legal aid in critical legal matters to low income families and elders in a five county region.

The annual Walk to the Hill is sponsored by the Massachusetts Equal Justice Coalition, the Massachusetts Bar Association, the Boston Bar Association, and numerous county and specialty bar associations across the Commonwealth, including the Barnstable County Bar Association. For more information visit www.equaljusticecoalition.org or call 617-391-5633.

Pro Bono Opportunities

South Coastal Counties Legal Services Private Attorney Involvement (PAI) Program seeks volunteer attorneys to provide representation to low income families and elders in a variety of civil legal matters including Ch. 7 bankruptcy petitions; preparation of wills, deed changes, durable powers of attorney, and health care proxies; family law and guardianships; foreclosure prevention; private housing matters including evictions; and education cases. Mentoring, professional liability coverage for referred cases, reduced-tuition MCLE vouchers upon completion of a case, and free trainings throughout the year are available to all volunteers. SCCLS also offers compensated case opportunities under certain circumstances. Please contact Julie O'Hanley at 508-742-1340 or johanley@sccls.org to learn more about the PAI Program. For online enrollment, please visit the following website: <https://sccls.wufoo.com/forms/sccls-pai-application/>.

Mark on Your Calendar!

WEDNESDAY FEBRUARY 8TH - The Nuts and Bolts Seminar from 4:30-5:30 in Judge Scandurra's court room at the Barnstable County Probate & Family court. It will be a great opportunity to get tips from the bench for best practices in the District, Superior & Family court. The seminar will be followed by a reception honoring the New Admittees at the Barnstable Tavern.

WEDNESDAY FEBRUARY 15TH - Judge Kathryn Hand, Sheriff James Cummings and the District Attorney Michael O'Keefe will meet at 4:45 in First Session Barnstable District Court to discuss with practitioners the Sheriff's Office new OUI program for inmates held on trial at the Barnstable County Correctional Facility.

Introduction of the Consumer Assistance Council (CAC)

HISTORY

Although the Consumer Assistance Council (CAC), Inc. has been located at 149 Main Street, Hyannis for over twenty years it has recently taken on a new Executive Director and in a sense is reborn. The previously little known agency is one of only 18 local consumer groups operating throughout Massachusetts. It is staffed mainly by volunteers who were leaders in their respective private industries or public sector positions before retiring to the area. Marie C. Clougher was recently named its new Executive Director and is the first attorney to head the agency.

The CAC functions under the sponsorship, funding and guidance of the Attorney General of Massachusetts. The CAC is the sole consumer group serving the Cape and Islands. There are no income requirements to use its services and is a great first step in trying to solve consumer issues and complaints.

OBJECTIVES

CAC’s primary objective is to help assure relations between sellers of goods and services and consumers are conducted in a fair and equitable manner. To achieve this objective, the CAC conducts programs to educate consumers on their rights under the Consumer Protection Act, Massachusetts General Laws and related rules and regulations. These programs may be carried out through public media, meetings with local groups and individual counseling.

The CAC is also a mechanism for consumers to file formal and vetted complaints concerning specific cases. A trained volunteer is assigned the matter and sets about the consumer advocacy process in order to achieve an equitable resolution of the matter. They use correspondence, telephone calls, personal visits, and face to face mediation to bring the matter to a satisfactory solution. If these efforts fail, they provide referrals to other venues, such as small claims court, alternative dispute resolution centers and/or referrals to the local bar. While most of their energies are directed to helping consumers they seek to protect ethical merchants from unjustified complaints that have no merit as well.

CAC does not represent consumers in court. While they provide information regarding consumer law, mediation and/ or small claims referrals, they do not provide legal advice. Consumers must engage lawyers for that purpose. Once a complainant has engaged a lawyer to handle the underlying matter, CAC will withdraw from the case altogether.

COMMUNITY OUTREACH

Perhaps you belong to a group that could benefit from our expertise? Many groups all over the Cape & Islands have already benefited. Topics include but are not limited to: how to manage credit and/or debt, shoppers’ rights, auto lemon laws, auto repair, how to prepare for small claims court, banking tips, scams, home improvement contractor laws, landlord and tenant rights, mail-order or internet purchases, false advertising, credit and collection rules, internet fraud and identity theft. To book a speaker for your group meeting, call them at 508-771-0700.

CAC’s focus over the past several years has been the service of senior, minority, non-native English speakers and handicapped populations. Its experience and that of the Massachusetts Attorney General’s indicates that scam artists are targeting these populations, and CAC has thus prioritized their needs. CAC has direct contact with these target populations through its collaborative outreach and has recently engaged an experienced Portuguese translator and paralegal to enhance its service of this particular population.

BIG ASK

To support and carry out their objectives, CAC is constantly seeking to recruit a qualified staff of motivated volunteers who share its concern and to train volunteers as rapidly and efficiently as possible to competently handle their assigned responsibilities. Volunteers are recruited through solicitation of various community groups such as: Barnstable Bar Association, ESCCI, word of mouth, and through contacts at various state and local agencies and colleges.

Indeed, part of the reason for drafting this article is to reach out to all of you in this regard:

For those BBA members who are winding down their practices, we have had many attorneys continue their great work helping their community through their pro bono work at CAC. It’s a great fit for legal minds. Just remember that there are many opportunities to volunteer: public speaking, educational outreach, or straight advocacy. Our volunteer staff is diverse in many ways as they have held a broad range of private and public sector positions including conducting extensive litigation, accounting, working with classified documents, sales, teaching and contract experience to mention a few. CAC welcomes all members of the Barnstable Bar Association to participate in this worthy endeavor!



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Barnstable County Sheriff’s Office

CIVIL PROCESS DIVISION

Our deputy sheriffs are strategically located throughout Cape Cod for fast efficient service.

SERVICE OF PROCESS INCLUDES

- Capias (Arrest)
- Summonses
- Complaints
- Subpoenas
- Notice to Quit
- Evictions
- Executions
- Seizures
- Levies
- Sheriff’s Sales
- Writs of Attachment
- Letters & Postings
- Domestic Relations
- All Civil & Probate Notices


Notary services available at our office. We will notarize, copy and deliver your service, usually the same day.

SERVICE OF JUDICIAL PROCESS

Common law has established sheriffs as the highest law enforcement officers within the County. They work diligently to maintain a highly trained and professional staff, as mandated by this statutory responsibility

The BCSO Civil Process Division in Barnstable Village is open Monday through Friday from 8:30 am to 5:00 pm.

SERVING ALL OF CAPE COD



<http://www.cp.bsheriff.net>
3261 Main St P.O. Box 729,
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