

## From job to high finance to stint at AG's Office, no looking back for solo

By: Pat Murphy March 17, 2016



Melissa Larsen's career path has taken her from the ivory towers of high finance to the gritty world of criminal defense. And the North Kingstown lawyer would not have it any other way.

After graduating law school, Larsen provided legal advice to investment managers at FleetBoston Financial, now part of Bank of America. While the pay was nice, Larsen jumped at the chance to join the Rhode Island Attorney General's Office and get the litigation experience she craved prosecuting criminal cases.

After seven years at the AG's Office, a change in administrations sent her into private practice. Now Larsen feels right at home doing her best to keep clients out of prison.

One highlight of her five years as a criminal defense lawyer came when she teamed with top guns Anthony M. Cardinale of Boston and John Mitchell of New York to defend businessman Richard T. Baccari in his high-profile public corruption trial. In 2014, a federal jury in Providence found Baccari not guilty of bribing three North Providence councilmen.

"That was a fabulous opportunity for me to work with two of the best criminal defense attorneys in the country," Larsen says.

Larsen recently spoke with Lawyers Weekly's Pat Murphy about her practice and some of the challenges facing the state's criminal defense bar.

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**Q.** *How would you describe your practice?*

**A.** I would describe it as a general practice with a focus on criminal defense. I would say 60 percent of my practice is criminal defense, 20 percent family [law], and 20 percent personal injury or other types of civil litigation.

**Q.** *You started your legal career working at a big bank. Did you always have your eye on becoming a criminal defense lawyer?*

**A.** I always wanted to be a litigator, and I always wanted to be at the AG's Office after having a couple of internships there. I went to Fleet right out of law school because, like a lot of students, I had student loans. Fleet offered me a position where I had a better salary and benefits than I had at the AG's Office. It enabled me to make those student loan payments, so I kind of did it out of necessity.

**Q.** *Did you primarily handle criminal matters when you joined the AG's Office?*

**A.** It was all criminal. I was in the Criminal Division. I had various assignments. At the time I left, I was on the Providence County trial calendar, so I handled felony prosecutions in Superior Court for all types of cases.

**Q.** *Was your time at the AG's Office a good learning experience?*

**A.** It was fabulous. My work at the AG's Office enabled me to do what I do now. Rhode Island is a small state. I got to know all the judges and the clerks and the sheriffs. That really helps you get going in private practice.

**Q.** *Did you ever think of staying in government?*

**A.** I lost my job at the AG's Office in the transition from [term-limited AG Patrick C. Lynch to Peter F. Kilmartin]. Prosecutors at the AG's Office are political employees, and I was not retained by the Kilmartin administration.

Actually, it is the best thing that ever happened to me because I love private practice, and I probably would have been someone who would have stayed at the AG's Office. [Losing my job] probably gave me the kick in the butt I needed. I haven't looked back.

**Q.** *Why did you choose to hang out you own shingle rather than go work at a firm after you left the AG's Office?*

**A.** Because [I like being] my own boss. I actually have the best of both worlds. I'm a sole practitioner, but I share office space with former Attorney General Jim O'Neil, Ed Roy — who's a former federal public defender in Rhode Island — and another attorney who does civil litigation, Patrick Fayle. We're all self-employed, but we share support staff and brain power. It's great to have other people in the office you can bounce ideas off of.

**Q.** *Do you like the business side of being a sole practitioner?*

**A.** I do. That's one of my strengths. I'm very organized and that's helpful. What I don't like about it is the time crunch, I'm always working. It is tough to be the one running to Staples when the printer cartridge runs out. That would certainly be a downside. Another downside is there's no vacation or sick time. I'm always working. The phone rings all night.

And it's all on you. You're always waiting for the phone to ring, for that next client who's going to hire you. Having to calm yourself down in that respect is the hardest thing. I had to learn to adjust to that and not having that bi-weekly paycheck to rely on. You can have a great month, or you can have a not-so-great month.

But the upside is the autonomy — and that's a big upside.

**Q.** *What did you learn from your work in Baccari?*

**A.** Just working with [Cardinale and Mitchell] was great. They're absolutely brilliant people. The legal briefs were top notch. I learned a lot about what they do to prepare a case. Their caseload is a lot different than mine in that I currently have about 50 total cases pending, both criminal and civil, whereas these guys just get flown around the country to handle big cases. So where I have 50, they have two or three. What they're doing is just on a different level. That type of practice doesn't really exist in Rhode Island because there just aren't enough big federal cases like that for attorneys to focus on.

They represented John Gotti. The stories they would tell ... . Tony Cardinale started working for F. Lee Bailey, and I'm watching that "People v. O.J." [television] series. F. Lee Bailey is one of the characters. I feel like I know him.

**Q.** *What are the challenges facing Rhode Island's criminal defense bar?*

**A.** Resources. Going back to *Baccari*, it was great trying a case with unlimited resources. [On the other hand, I recently] had a privately retained client on a murder that's coming up for trial. It was a DNA case. There was no way he could keep me as an attorney and also afford to pay for the experts he would need to defend that case. So, ultimately, he's better off receiving services from court-appointed counsel because they can petition the court for funds or an expert.

**Q.** *Are there any reforms to the state's criminal justice system that you're hoping will come from Gov. Raimondo's Justice Reinvestment Working Group?*

**A.** The federal courts have made great improvements with [Attorney General] Eric Holder's initiatives and the Smarter Sentencing Act. For example, in some cases federal prosecutors have removed mandatory minimum triggers from indictments. It would also be nice to see Rhode Island have a trend toward leniency and put a stop to the [high] number of people on probation and the high incarceration rates.

**Q.** *Are you keeping an eye on any pieces of legislation currently in the General Assembly?*

**A.** Attorney General Kilmartin is looking at creating harsher penalties for DUIs. That's something that I'm watching. I also do a large amount of work in the medical marijuana field, so I'm watching to see what happens with potential legalization. There are changes that have been proposed for taxing [marijuana plants]. There's a lot going on in those areas. **RILW**

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