



The Barrister

The Newsletter for the Membership of the Howard County Bar Association

Vol. 24, No.4 October 2010

President's Message

by Angela Grau



Can you believe it is the middle of October already? The air is starting to get the slightest chill, and, from our recent weather, it seems as though we are in for a beautiful Fall season.

For me, Fall brings with it a renewed sense of energy and readiness for change. The crisp, cool air, is a departure from the oppressive humidity of August.

The colors turning on the leaves, a sign of change.

My house typically bears the benefit of my seasonal enthusiasm, as it did this past weekend. An impulsive trip to the home improvement store, fueled in no small part by the glorious weather, resulted in the transformation of my master bedroom closet from an overcrowded mess to something a girl can dream of!

I am eager to channel my autumnal drive into the bar association as well. You all should have received a brief survey last month via e-mail using the "Survey Monkey" format. The survey included just nine questions that will help us assess how you view the role of the HCBA, and how we can change the association to better suit your needs. What a better time to do it!

If you would prefer to devote your efforts toward the change of your practice, our October luncheon may be for you! Representatives from Maroon PR will be joining us at Bare Bones on October 20th to provide tips for marketing your law practice in these days of social media.

Angela Grau
President, HCBA

Please remember to register your name and profile via the website at www.howardcountybar.org
Once you are registered you will then gain access to the Members Only page!!!!
Please contact Kim Wharton should you encounter any problems during the registration process.

HCBA DUES 2010-2011

The 2nd notice for the HCBA and Lawyer Referral Service annual dues for 2010-2011 have been mailed to all members. In order to keep your membership current, please complete and return the dues invoice to:

District Court Multi-Service Center
ATTN: HCBA Office, Kim Wharton
3451 Courthouse Drive
Ellicott City, MD 21043

Upcoming Events

October 13

Howard County Pro Bono Committee Mtg

October 20

HCBA Luncheon Meeting - Bare Bones

October 19

HCCP Members Meeting

October 28

HCBA Estates & Trust Section Meeting

November 2

ELECTION DAY - COURTS CLOSED

November 4

HCWBA Annual Holiday Showcase

November 9

HCBA Board of Directors Meeting

November 11

HCBA Estates and Trust Section Mtg

VETERAN'S DAY - COURTS CLOSED

November 16

HCCP Members Meeting

November 17

HCBA Luncheon Meeting - Crab Shanty

Howard County Drug/DUI Court Graduation

November 25 & 26

THANKSGIVING DAY & DAY AFTER COURTS CLOSED

December 6

HCBA Annual Holiday Party

December 14

HCBA Board of Directors Meeting

December 23 & 30

Service Reduction Days - COURTS CLOSED

December 24

CHRISTMAS - COURTS CLOSED

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2010 CALENDAR OF EVENTS

OCTOBER 2010

- Tuesday, October 19, 8:00 a.m.** HCCP Membership Breakfast Meeting, Mimi's Cafe
Wednesday, October 20, 8:00 a.m. Howard County Pro Bono Committee Meeting
Wednesday, October 20, 2010 HCBA Monthly Membership Meeting; Location: Bare Bones
 Guest Speaker: Maroon PR; Cost is \$15.00 per person
Thursday, October 28, 9:00 a.m. HCBA Estates and Trust Section Meeting

NOVEMBER 2010

- Tuesday, November 2, 2010** **ELECTION DAY - COURTS CLOSED**
Thursday, November 4, 6:00 p.m. HCWBA 6th Annual Holiday Mart; Synergy Women's Fitness Ctr
Tuesday, November 9, 7:30 a.m. HCBA Executive Board Meeting
Thursday, November 11, 2010 **VETERAN'S DAY - COURTS CLOSED**
Thursday, November 11, 9:00 a.m. HCBA Estates and Trust Section Meeting
Tuesday, November 16, 11:45 a.m. HCCP Membership Luncheon Meeting, CoHo Grill
Wednesday, November 17, 11:30 HCBA Monthly Membership Meeting; Location: Crab Shanty
 Guest Speaker: Hon. Lynne Battaglia; Cost is \$15.00 per person
Wednesday, November 17, 4:30 Howard County Drug/DUI Court Graduation, Courtroom 5
Thursday, November 18 WBA Mid-Year Meeting & 25th Rita C. Davidson Award
November 25 & 26, 2010 **THANKSGIVING DAY & DAY AFTER - COURTS CLOSED**

DECEMBER 2010

- Monday, December 6, 6:00 p.m.** HCBA Annual Holiday Party, CoHo Grille, Cost is \$30.00 per person
Tuesday, December 14, 7:30 a.m. HCBA Executive Board Meeting
Tuesday, December 21, 8:00 a.m. HCCP Membership Breakfast Meeting, Mimi's Cafe
Thursday, December 23, 2010 **Service Reduction Day- COURTS CLOSED**
Friday, December 24, 2010 **CHRISTMAS HOLIDAY - COURTS CLOSED**
Thursday, December 30, 2010 **Service Reduction Day- COURTS CLOSED**

MARYLAND PANEL

Alison L. Asti, Esq.

Past President, Maryland State Bar Association

David A. Carney, Esq.

Past President, Howard County Bar Association

Hon. Dale R. Cathell (Ret.)

Former Judge, Court of Appeals of Maryland

Hope B. Eastman, Esq.

Past President, The College of Labor & Employment Lawyers

Morton A. Faller, Esq.

Past President, Bankruptcy Bar Association for the District of Maryland

John Henry Lewin, Jr., Esq.

Past President, Bar Association of Baltimore City

Patrick C. McKeever, Esq.

Past President, Montgomery County Bar Association

Hon. James L. Ryan (Ret.)

Retired Associate Judge, Montgomery County Circuit Court

John E. Sandbower, III, Esq.

Best Lawyers in America, ADR Section

Hon. J. Frederick Sharer (Ret.)

Former Judge, Court of Special Appeals of Maryland

Kenneth L. Thompson, Esq.

Fellow, American College of Trial Lawyers

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is pleased to announce our newest Professional



Kenneth L. Thompson, Esq.
Fellow, American College of Trial Lawyers

A true trial lawyer, Ken Thompson has represented plaintiffs and defendants alike in matters ranging from personal injury and mass tort litigation to governmental relations and complex commercial matters. A Fellow of the prestigious American College of Trial Lawyers, he has been listed in *Best Lawyers in America*, *Maryland Super Lawyers*, and was recognized by *The Daily Record* for "Leadership in the Law." Well known for his service to the community and the Bar, Ken is on the Board of Trustees of Good Samaritan Hospital and the Baltimore City Bar Foundation. He will continue his law practice at DLA Piper's Baltimore office, but now also joins The McCammon Group to serve the mediation and arbitration needs of lawyers and litigants throughout Maryland and beyond.

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2010 COURT HOLIDAYS

Election Day - **November 2, 2010**
 Veteran's Day - **November 11, 2010**
 Labor Day - **September 6, 2010**
 Veteran's Day - **November 11, 2010**
 Thanksgiving & Day After - **Nov. 25 & 26**
 Service Reduction Day - **December 23, 2010**
 Christmas Day - **December 24, 2010**
 Service Reduction Day - **December 30, 2010**



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COURT OF APPEALS

The Honorable Lynne A. Battaglia
 410-260-1565

COURT OF SPECIAL APPEALS

The Honorable Robert A. Zarnoch
 410-260-3701

The Honorable Kathryn Grill Graeff
 410-260-1466

**HOWARD COUNTY
 CIRCUIT COURT**

The Honorable Diane O. Leasure
 Sec. - Lynne Wiessner, 410-313-2066
 Law Clerk -Lynne K. McChrystal
 410-313-4853

The Honorable Louis Becker
 Sec.-Barbara Unverzagt, 410-313-2083
 Law Clerk - Joseph Maher, 410-313-4864

The Honorable Richard Bernhardt
 Sec. - Debra Coleman, 410-313-2145
 Law Clerk -Melissa Montgomery,
 410-313-4855

The Honorable Timothy McCrone
 Secretary - Kim Quinn, 410-313-2149
 Law Clerk - Michael Milstein, 410-313-4861
 Sarah Feldman Horowitz

The Honorable Lenore Gelfman
 Sec.-Pauline Blankenship, 410-313-2143
 Law Clerk-Darren H. Weiss, 410-313-4858

Court Reporters Supervisor:
 Leslie Cale, 410-313-2148

FAMILY LAW COORDINATOR:
 Lisa Mohink, 410-313-2225

DISTRICT COURT

The Honorable Neil E. Axel
The Honorable Sue-Ellen Hantman
The Honorable Pamila J. Brown
The Honorable Mary C. Reese
The Honorable Ricardo Zwaig

Secretary - Joy Barwick, 410-480-7706

Law Clerk - Emily H. Pate
 410-480-7700 ext. 5723

EDITOR'S NOTE

by Cecilia Paizs

As I get older, much as I try to stop that from happening, I see how wisdom grows on you. I also see how new technology makes you feel inadequate if you are unable to use it. With the new hands free law in Maryland starting the day I write this editorial, it is clear that there are many of us who will struggle with being hands free. I dutifully charged my bluetooth device over the weekend and tried it out several times before the big day. I figured out how to make sure I had actually turned on both my earpiece and my bluetooth program in my Android. (Yes, I now have a phone that is apparently smarter than me!) Yet today I somehow turned off my fully charged earpiece while leaving on the bluetooth program on my phone. It appears that no one tried to contact me while I was in this state of limbo, as there are no voice messages. (I have figured out what all those itty bitty little icons mean at the top of the phone, as well as the fact that when that itty bitty battery turns yellow, I better charge my phone as well) (Perhaps it is better this way as those of us who can't seem to make the technology work correctly won't be distracted by those pesky calls that are not getting through!) Back to my point, which is, if I can remember correctly, which I can't always do these days even after trying to exercise my brain daily with crossword puzzles, oh, now I have forgotten my point again. Oh, yes. With age comes wisdom, but perhaps only in those fields that we are used to dealing with on a regular basis. The challenges of running legal practices in this ever changing technological world requires even old dogs to learn new tricks. There are many very helpful seminars out there for the solo and small firm practitioners to attend that can be helpful in this modern world. Reading the Barrister and the executive director's emails related to upcoming events can be a wonderful way to find out about such seminars. And while the documents are now primarily on line (which saves the Howard County Bar Association close to \$4,000 a year in reproduction and mailing costs), it is worth the effort to download the Barrister and read through it. And I am not just saying that because I write a lot of the articles. So, hope to see you at the next seminar in how old, I mean, mature, practitioners can survive with new technology!

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or e-mail to hcbaexec@verizon.net

HOWARD COUNTY BAR ASSOCIATION

3451 Court House Drive
Ellicott City Maryland 21043
410 313-2035



Criminal Law Update

by Bob Lidston

The August Amicus features ten Court of Appeals and ten COSA criminal law opinions. As usual, I will summarize three of those opinions which I think would be of most use to the everyday practitioner.

Yearby v. State, No. 119, September Term, 2009, filed June 19, 2010 (opinion by Battaglia, J.).

A police investigation of a series of armed robberies on or near the campus of Morgan State brought about the arrest of Yearby. He had been selected by a victim who viewed a photo array and was charged with robbery with a dangerous weapon and related offenses. At a suppression hearing and during the trial, defense counsel cross-examined the lead investigating detective about other robberies that happened during the same period and in the same area.

Counsel complained that the State had withheld exculpatory information regarding those other crimes. She argued that her own investigation had shown that another suspect who looked just like her client had been implicated. The detective answered that he had seen Yearby when investigating an assault against Yearby and based on the victim's description of her assailant, Yearby was the only suspect considered for the robbery then at trial. When the detective prepared his photo array, he did not include other suspects but chose photos based on whether the individual matched the physical description given by the victim.

Yearby was convicted by a jury of robbery and related crimes. He filed a Motion for New Trial, claiming that the State had violated Brady v. Maryland, 373 U.S. 83 (1963) by withholding allegedly exculpatory evidence that would be revealed in the detective's investigatory file. The motion was denied and Yearby appealed to COSA. COSA affirmed the convictions in an unreported opinion, saying that Yearby had failed to satisfy the required elements of his Brady claim. The Court of Appeals granted cert.

The Court also upheld the convictions. Yearby had failed to satisfy

a threshold requirement of a Brady claim. He had not shown that the State had actually suppressed the allegedly exculpatory evidence. Such a claim, based on Due Process, requires three elements: the State withholds exculpatory evidence from the defendant; the evidence would be favorable to the defense, either as to guilt or mitigation of sentence; and the evidence is material. As to materiality, a defendant must show a "substantial possibility" that, but for the withholding of evidence, a different result would have been attained. The Court held that in light of Yearby's actual knowledge of the supposedly withheld evidence, as seen in the record, he had failed to prove the State had withheld evidence.

Smith v. State, No. 105, September Term, 2009, filed July 23, 2010 (opinion by Harrell, J.).

Police executed a search warrant at a dwelling and found individuals on one floor shrouded in a haze of marijuana smoke. When the officers entered one room, they saw Smith and four others seated in chairs at a table. A marijuana cigar was burning in an ashtray in the center of the table. Smith and the others were all within arms reach of the blunt. An officer also found in the pocket of a black leather jacket draped over a chair at the table, a plastic bag containing fifteen Ziploc bags of marijuana. Smith was not seated in that chair and he did not live at the dwelling.

Smith, and the others, were arrested and charged with possession of marijuana. A jury found Smith guilty of such possession. He filed an appeal to COSA which held, in an unreported opinion, that the evidence was sufficient to sustain his conviction. The Court of Appeals granted cert. The Court affirmed the COSA ruling. The correct standard of review as to sufficiency of the evidence in a criminal case appears in Jackson v. Virginia, 443 U.S. 307 (1979). Jackson held that the question is whether, after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could find the essential elements of the crime beyond a reasonable doubt. This ap-

plies whether the conviction is based on direct evidence, a mixture of direct and circumstantial, or circumstantial evidence alone. The finder of fact may choose among differing inferences that could be drawn from a factual situation. The court gives deference to the inferences that may be drawn by a finder of fact.

Smith had been found guilty of possessing marijuana. The state legislature defined "to possess" as meaning "to exercise actual or constructive dominion or control over a thing by one or more persons." Criminal Law Article subsection 5-101(u). The determination as to whether evidence is sufficient to sustain a conviction for possession comes from the court's examining the facts and circumstances of each case. In the Smith case, the Court found several relevant factors. These included Smith's proximity to the CDS, the fact that the drugs were in plain view and/or accessible to Smith, and indicia of mutual use and enjoyment of the CDS. One significant factor which did not suggest Smith's possession was that he had no ownership or possessory interest in the dwelling where the CDS was found. However, none of the above factors are, in and of themselves, conclusive evidence of possession. The only factor that did not implicate Smith was his lack of ownership of the property.

The Court found that the circumstantial evidence used by the State to convict Smith was sufficient to find, beyond a reasonable doubt, that he was in constructive possession of the CDS. He was seated close to the blunt. It was in his view. He knew that the blunt contained marijuana and it was easily accessible to him. It was reasonable, therefore, to infer from the circumstances that Smith was involved in the mutual use and enjoyment of the marijuana.

Hill v. Motor Vehicle Administration, No. 82, Sept Term, 2009, filed July 26, 2010 (opinion by Adkins, J.).

A police officer saw Hill, who was driving a passenger vehicle, weaving within his lane and, at one point, crossing the center line. The officer pulled Hill over and noted that at the stop, he appeared un-

(continued on page 9)

Civil Law Update

by Cecilia Paizs

A review of the Amicus Curiarum for August 2010 reveals the following civil cases of interest:

THE COURT OF APPEALS:

Attorney Grievance Commission v. Marcalus, Misc. Docket AG No. 2, Sept Term, 2009. Opinion filed May 18, 2010 by Adkins, Sally D., Judge

Mr. Marcalus was representing a client on a charge of rape. During his representation he was told the identity of the alleged victim, and based on the fact that he knew the alleged victim, he removed himself as counsel. He then informed the police of his prior dealings with the alleged victim, which included the exchange of a prescription painkiller for sex. Due to the fact that the information provided by Marcalus was included in a police report, the Bar Counsel opened an investigation into Marcalus' conduct and docketed a complaint against him alleging violations of Rule 8.4(b), 8.4(c) and 8.4(d) of the Maryland Lawyers' Rules of Professional Conduct. The hearing judge found that his acts violated Rule 8.4(b) because Marcalus had committed a criminal act implicating his fitness as an attorney, Rule 8.4(d) as Marcalus had engaged in conduct prejudicial to the administration of justice, but that he had not violated Rule 8.4(c) as the hearing judge found that Marcalus had not engaged in dishonest, fraudulent or deceitful conduct. Based on these findings of fact and conclusions of law, the AGC recommended disbarment. Marcalus took exception to several of the findings of fact and all of the conclusions of law and asked that the corpus delicti rule be applied in his case.

The Court of Appeals agreed with the hearing judge's conclusions as they related to Rules 8.4 (b) and (d) as Marcalus' behavior involved crimes of "moral turpitude" and his actions were of a type which would impact the perception of the courts and the legal profession. The Court further held that the corpus delicti rule, which prevents an extrajudicial confession unsupported by corroborating evidence from being

the sole basis for a criminal conviction, did not apply in an attorney disciplinary action, because such actions are not criminal proceedings and are not meant to be punitive. When considering the sanction, the Court noted that there had been a prior disciplinary action against Marcalus. The Court did, however, consider the selflessness of his disclosures which appeared to be made primarily for the benefit of his former client and against his own interest. Based on that, the Court found the recommended sanction of disbarment to be too harsh and ordered a sixty-day suspension from the practice of law.

Attorney Grievance Commission of Maryland v. Martin Bernard Brown, Misc. Docket AG No. 3, September Term, 2009. Opinion filed July 27, 2010 by Adkins, Sally D., Judge.

Mr. Brown was representing Mr. Garcia in a non-real estate related matter. He was approached by Ms. Coston, the grantor of a mortgage to which Mr. Garcia was a successor in interest. In order to refinance her property, she was required to pay off her mortgage. Mr. Brown agreed to accept the check paying off the mortgage from Ms. Coston and draft a release of the mortgage for Mr. Garcia to sign. The money was placed in his trust account, and later disbursed to Mr. Garcia. However, he never obtained a signed release of the mortgage from Mr. Garcia. When Ms. Coston complained to the Attorney Grievance Commission, the AGC investigated, and based on Mr. Brown's representation that he had drafted a release and sent it to his client to sign, they dismissed the complaint. Three years later, Ms. Coston still had not received a release and again complained. Mr. Brown again stated that he had drafted the release and sent it to his client to sign. Based on this investigation, the AGC concluded that Mr. Brown had knowingly misrepresented to the AGC the fact that he had prepared a release on both occasions.

The Court of Appeals held that Brown violated MRPC 4.1(a), MRPC 8.1(a) and MRPC 8.4(c) and (d) when he made knowingly false

statements to the AGC and Coston regarding the mortgage release. Additionally, Brown violated Maryland Rule 16-609 when he drew a check on the trust account payable to cash. The Court considered mitigating factors, such as Brown's otherwise impeccable record, his remorsefulness and his later assistance in acquiring a mortgage release for Coston, and concluded that Brown's violations warranted a 90-day suspension.

Suder v. Whiteford, Taylor & Preston, LLP, No. 15, September Term, 2009. Opinion filed April 9, 2010 by Adkins, Sally D., Judge.

Whiteford, Taylor and Preston failed to timely file a request for an extension of time for its client, Suder, to elect her statutory share of her late husband's estate. This resulted in a denial by the trial court of her request to elect her statutory share, costing her thousands of dollars. A malpractice action was filed, to which Whiteford replied by denying liability and arguing that, even if it breached its duty to the client, and earlier petition for an extension, which was filed by the widow *pro se* before she retained the firm was erroneously granted by the trial court. Had that extension request been properly dealt with through a denial, then there would not have been a further action for her to pursue and she ultimately, under the trial-within-a-trial doctrine, would have established that she had not suffered any damages as a result of Whiteford's actions or failure to act. The trial court granted a summary judgment and entered a final judgment in favor of Suder after determining that the first extension was valid for public policy reasons. The Court of Special Appeals reversed, holding that the grant of the first extension was a voidable order that could be contested by Downes, the widow's opposition, at any time. It also approved the trial-within-a-trial doctrine to determine Whiteford's liability. The Court of Special Appeals reversed the denial of Whiteford's motion to dismiss and remanded the case to enter a judgment in favor of the firm. Suder filed a Petition for Writ of Certiorari which was granted.

(continued on page 13)

IN AND AROUND HOWARD COUNTY

Oct 11 - Nov 14, 2010 - RENT - Toby's Dinner Theatre - Don't miss this Broadway musical with its driving rock score! Come follow a year in the lives of seven friends living the disappearing Bohemian lifestyle in New York's East Village. Call 410-730-8311 or visit www.tobysdinnertheatre.com

October 14; 11am - 1:30pm 3rd Annual Pink Bag Lunch - Maple Lawn Community Ctr, Fulton - Fashion Show & Networking Event is an annual event that raises awareness and funds for Success in Style (SIS). SIS Provides free business wardrobes and coaching to disadvantaged women seeking employment. Tickets are \$40 each. For more info call 410-750-6475 or email successinstyle@verizon.net

October 16, 2010 - 7:30 p.m. Land and Sea - Columbia Orchestra - Jim Rouse Theatre Jonathan Bailey Holland - Motor City Dance Mix Wolfgang Amadeus Mozart - Clarinet Concerto Featuring Jason Shafer, clarinet Claude Debussy - La Mer The Columbia Orchestra bursts out in full color with Debussy's impressionistic masterpiece! Jason Shafer, the Orchestra's 2003 Young Artist Competition winner now playing in Florida's New World Symphony, brings his virtuosity to one of Mozart's last and most beautiful concertos. For more information call 410-465-8777 or visit www.columbiaorchestra.org

October 24; 5-9pm; 25th Annual Taste & Auction of Howard County - Taste from Howard County restaurants; Live & Silent Auction; \$; 5 - 9PM, Turf Valley, Ellicott City; http://gilchristhospice.org/calendar_events_tasteauction.php Proceeds will assist us in providing inpatient hospice care in Howard County; 410-730-5072

October 30; 8pm Procantare - The Jim Rouse Theatre at Wilde Lake - J.S. Bach – Singet dem Herrn, BWV 225; Ich Habe Genug, BWV 82; Mary Ann McCormick, Mezzo Soprano; Mozart – Ave Verum, K.618; Regina Coeli, K.276; Barber – Agnus Dei, and more. For more information call 410-730-8549 or visit www.procantare.org

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HCBA COMMITTEE/SECTION NEWS

WELCOME NEW MEMBERS

Please welcome the following new members to the Association:

Karen Moore, Esquire

Davis, Agnor, Rapaport & Skalny, LLC
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Luanne P. McKenna, Esquire

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W.D. Davenport, Esquire

P.O. Box 840
Laurel, MD 20725
Phone: 410-792-7733 / Fax: 301-498-9908
E-mail: wdavenport@earthlink.net

ESTATES AND TRUST SECTION

All meetings are held at the Law Offices of Cynthia Lifson located at 10440 Little Patuxent Pkwy, Suite 300, in Columbia. The meetings begin at 9:00 on the following dates.

Thursday, October 28, 2010.

Mary Ellen Barringer, the Principal of Sequoia Philanthropic, LLC, will discuss charitable gifting.

Wednesday, November 17, 2010.

Cynthia Lifson will speak to us on Prenuptial Agreements.

Thursday, January 27, 2011.

Jill Snyder, of the Law Offices of Jill Synder, will speak to the Section on attorney succession planning.

To ensure that we will have sufficient handouts and space to accommodate attendees, we request that a RSVP be sent to Co-Chairs, Suzannesimpson@simpsonlaw.biz Or vrocco@panix.com

MEMBERS ON THE MOVE

The following member has a new office address. Please make note of the new address:

Francis R. Hunter, Esquire

7305 Maplecrest Road

#306

Elkridge, MD 21075

Phone: 410-953-0240 / Fax 410-7579-6953

E-Mail: frhlaw@hotmail.com

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Criminal Law Update

(continued from Page 5)

steady on his feet, slurred his words, and had an odor of alcohol on his breath. Hill later admitted to having several beers in the hours before the traffic stop. Hill was legitimately driving his passenger vehicle but also was the holder of a Class A CDL license.

Hill failed a field sobriety test and was arrested. The officer advised him of his rights by reading to him the DR-15 form which explains that a driver has the right to refuse an alcohol concentration test. It also explains the sanctions resulting from such a refusal which include the advice that a refusal to take the test could result in a 120 day license suspension, and the disqualification of CDL privileges for a year. The form also states that a suspension may be modified to allow limited driving privileges if there is participation in the Interlock Program. Hill refused to take the test and was transported to jail. At an administrative hearing on the matter, Hill argued that he had been misled by the DR-15 form. He argued that the form had not fully advised him of his rights as required by due process and by the Transportation Article. He said that he was misled into believing that he could keep his CDL license by participating in the Interlock Program even if he refused to take the test. In fact, that option applied only to passenger vehicle driving privileges. The ALJ found that he had been properly advised

and imposed a 120 days suspension of Hill's passenger driving privileges and modified it to allow participation in the Interlock Program. The ALJ also imposed a one year suspension of Hill's CDL license. Hill appealed to the Circuit Court which affirmed the ALJ's ruling. The Court of Appeals granted cert.

The Court affirmed the judgment. It noted that it has held that a detained driver has a due process interest in the possession of a driver's license but that due process requires only that the State not unduly burden a detained driver's decision-making in determining whether to submit to an alcohol concentration test. The DR-15 form properly explains the applicable penalties. It did not create a serious obstacle to a drunk driver's decision making. The Transportation Article requires that a detained driver be fully advised of the applicable sanctions. The Court held that this does not require that a driver be warned of every potential sanction that could apply if a test is refused. The DR-15 form clearly informed Hill that his CDL license would be disqualified if he refused the test. Participation in the Interlock Program was limited to non-commercial driving privileges. According to the Court, it was completely within the legislature's discretion to create a bifurcated sanctions framework whereby CDL disqualification would be imposed more rigorously than passenger vehicle disqualification. There was no statutory ambiguity between the provisions of the Transportation Article.

<div style="border: 2px solid black; padding: 10px; text-align: center;"> <h3 style="margin: 0;">CREATIVE DISPUTE RESOLUTIONS, LLC</h3> <p style="font-size: small; margin: 5px 0;"><i>The Path to Common Ground</i></p> <p style="margin: 10px 0;">Mediation, Arbitration, and Other ADR Services Throughout Maryland and D.C.</p> </div>	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>James B. Astrachan, Esq. Marc H. Baer, Esq. Robert L. Baum, Esq. <i>Hon. DeLawrence Beard (Ret.)</i> Jerome H. Berman, Esq. Leslie G. Billman, Esq. Henry C. Clarke, Jr., Esq. Daniel P. Dozier, Esq. Dena C. Feeney, Esq. Mary Ellen Flynn, Esq. <i>Hon. John M. Glynn (Ret.)</i> James M. Greenan, Esq. Edward J. Gutman, Esq. <i>Hon. Robert H. Heller (Ret.)</i> <i>Hon. John O. Hennegan (Ret.)</i> William E. Hewitt, Jr., Esq. Andrew I. Isaacson, Esq. Erik C. Johnson, Esq. Ellen F. Kandell, Esq. <i>Hon. Edward G. Ketchen (Ret.)</i> Armin U. Kuder, Esq. Anne Debelius LoPiano, Esq. Richard L. Lyon, Esq. J. Bradford McCullough, Esq. <i>Hon. Dennis M. McHugh (Ret.)</i></p> </td> <td style="vertical-align: top; width: 50%;"> <p>Joyce A. Mitchell, Esq. Stephen E. Moss, Esq. Joseph J. Mulhern, Esq. John Noble, Esq. Robert C. Park, Jr., Esq. N. Alfred Pasternak, Esq. Joann Robertson, Esq. Sean J. Rogers, Esq. <i>Hon. William J. Rowan, III (Ret.)</i> Don F. Ryder, Jr., Esq. <i>Hon. James P. Salmon (Ret.)</i> Joel M. Savits, Esq. Linda D. Schwartz, Esq. Mark F. Scurti, Esq. Keith L. Seat, Esq. Diane A. Seltzer, Esq. Elliot H. Shaller, Esq. Steven A. Shapiro, Esq. <i>Hon. Carol E. Smith (Ret.)</i> Suzanne M. Snedegar, Esq. Theodore P. Stein, Esq. <i>Hon. Ann N. Sundt (Ret.)</i> <i>Hon. Dennis M. Sweeney (Ret.)</i> Patricia M. Weaver, Esq. James S. Wilson, Esq.</p> </td> </tr> </table>	<p>James B. Astrachan, Esq. Marc H. Baer, Esq. Robert L. Baum, Esq. <i>Hon. DeLawrence Beard (Ret.)</i> Jerome H. Berman, Esq. Leslie G. Billman, Esq. Henry C. Clarke, Jr., Esq. Daniel P. Dozier, Esq. Dena C. Feeney, Esq. Mary Ellen Flynn, Esq. <i>Hon. John M. Glynn (Ret.)</i> James M. Greenan, Esq. Edward J. Gutman, Esq. <i>Hon. Robert H. Heller (Ret.)</i> <i>Hon. John O. Hennegan (Ret.)</i> William E. Hewitt, Jr., Esq. Andrew I. Isaacson, Esq. Erik C. Johnson, Esq. Ellen F. Kandell, Esq. <i>Hon. Edward G. Ketchen (Ret.)</i> Armin U. Kuder, Esq. Anne Debelius LoPiano, Esq. Richard L. Lyon, Esq. J. Bradford McCullough, Esq. <i>Hon. Dennis M. McHugh (Ret.)</i></p>	<p>Joyce A. Mitchell, Esq. Stephen E. Moss, Esq. Joseph J. Mulhern, Esq. John Noble, Esq. Robert C. Park, Jr., Esq. N. Alfred Pasternak, Esq. Joann Robertson, Esq. Sean J. Rogers, Esq. <i>Hon. William J. Rowan, III (Ret.)</i> Don F. Ryder, Jr., Esq. <i>Hon. James P. Salmon (Ret.)</i> Joel M. Savits, Esq. Linda D. Schwartz, Esq. Mark F. Scurti, Esq. Keith L. Seat, Esq. Diane A. Seltzer, Esq. Elliot H. Shaller, Esq. Steven A. Shapiro, Esq. <i>Hon. Carol E. Smith (Ret.)</i> Suzanne M. Snedegar, Esq. Theodore P. Stein, Esq. <i>Hon. Ann N. Sundt (Ret.)</i> <i>Hon. Dennis M. Sweeney (Ret.)</i> Patricia M. Weaver, Esq. James S. Wilson, Esq.</p>															
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www.creativedisputeresolutions.com

HOWARD COUNTY BAR ASSOCIATION

MEMBERSHIP LUNCHEON MEETING ANNOUNCEMENT!!

Date: October 20, 2010
Time: 11:30 a.m. – 1:30 p.m.
Cost: \$15.00
Speaker: Maroon PR
Topic: Marketing Your Practice
Location: Bare Bones, Ellicott City

RESERVATIONS AND MENU SELECTIONS MUST BE MADE IN ADVANCE!!!

By October 14, 2010 - Please call 410-313-2035

Or

E-Mail hcbaexec@verizon.net

BARE BONES SPECIAL SALAD

Now famous! Crisp Garden Greens, layered with fried Tortilla Strips, diced Tomato, Aged Cheddar Cheese, crumbled Bacon and Grilled Teriyaki Chicken Strips.
Served with Honey-Mustard Dressing.

BARE BONES SPECIAL SANDWICH

BBQ Boneless Breast of Chicken, charbroiled, and topped with Bacon and Aged Cheddar Cheese.

BARBECUE BEEF

Choice Top Round, shredded and served in our Smokey BBQ Sauce.
Served on a Grilled Kaiser Roll

ALL WHITE TUNA SALAD PLATTER

All White Meat Tuna Salad, served as a platter on a crisp bed of Greens with Grape Tomatoes, Cucumber slices, Hard Cooked Eggs and Fresh Cole Slaw.

HOWARD COUNTY BAR ASSOCIATION

MEMBERSHIP MEETING ANNOUNCEMENT!!

LUNCHEON MEETING

Date: Wednesday, November 17, 2010
Time: 11:30 a.m. – 1:30 p.m.
Cost: \$15.00 in advance; \$20.00 at the door
Speaker: The Honorable Lynne A. Battaglia
Court of Appeals
Topic: Impact Decisions of the Court of Appeals
Location: Crab Shanty, Ellicott City, MD

RESERVATIONS AND MENU SELECTIONS MUST BE MADE IN ADVANCE!!!

Please call 410-313-2035

Or

E-Mail hcbaexec@verizon.net

SALMON BLT

Grilled Salmon, Bacon, Avocado, Lettuce and Tomato
On a Pretzel Roll with Creamy Pommery Dressing

FRIED FISH

Filet of Tilapia lightly breaded and fried

SHANTY BURGER

½ lb Burger served on Kaiser roll with your choice of
Swiss, Cheddar, American Cheese, Lettuce, Tomato

STRAWBERRYSALAD

Romaine lettuce, sliced strawberries and mozzarella cheese
Topped with Poppy Seed Vinaigrette



***THE HOWARD COUNTY BAR ASSOCIATION
THE HOWARD COUNTY WOMEN'S BAR CHAPTER
AND THE WARINGMITCHELL LAW SOCIETY***

***CORDIALLY INVITE YOU TO ATTEND THE
ANNUAL HOLIDAY PARTY***

COHO GRILL
MONDAY, DECEMBER 6, 2010
11130 Willow Bottom Road, Columbia
6:00 p.m. – 8:00 p.m.

HORS D'OEUVRES / CARVING STATIONS / CASH BAR

Cost: \$30.00 per person in advance / \$35.00 at the door

This year we are sponsoring the "Grassroots Crisis Intervention Center" in Howard County. We are asking that all attendees give a \$10.00 donation to the Grassroots Crisis Intervention Center or provide an unwrapped gift for a child or teenager.

-----Tear Here-----

Name: _____ Number attending: _____

Guest(s) Name: _____

Phone: _____ Fax: _____ Amount Enclosed: \$ _____

Payment Method: CHECK: CREDIT CARD: MASTERCARD VISA
 Charge to: Visa MC CVV #: _____ (VISA & MC last 3 digits on back of card)
 Card Number: _____ Exp. Date: _____
 Cardholder's Name: _____
 Signature: _____

Please make checks payable to: Howard County Bar Association

Please return this form by November 30 and mail to:

Howard County Bar Association
District Court Multi-Service Center
3451 Courthouse Drive

ATTN: Kim Wharton, Executive Director
Ellicott City, Maryland 21043

Phone: 410-313-2035 / Fax: 410-313-2032

Civil Law Update

(continued from Page 6)

The Court of Appeals reversed, holding that the trial-within-a-trial doctrine is appropriate in legal malpractice actions where the underlying matter has already been litigated, as the purpose of the doctrine is to determine what would have occurred had Whiteford timely filed the petition for the fifth extension. The triggering mechanism for the trial-within-a-trial doctrine is a dispute over proximate cause, not whether the client lost the chance of a trial. Further, the Court held that the attorney is not limited to the defenses actually raised by his client's opponents, but rather may assert only those claims or defenses that the tier of fact determines the opposition would have raised if there had been no breach of the attorney's duty. There was some evidence that Downes may not have been aware that the first extension was invalid. Thus the Court remanded the case for a trial to determine what challenges Downs would have asserted had Whiteford not breached its duty.

THE COURT OF SPECIAL APPEALS: *Frederick T. Smith v. Sandra T. Smith*, No. 134, September Term, 2009. Opinion filed May 28, 2010 by Salmon, James P., Judge

The two issues presented by this case involve the division of a parcel of property transferred by Frederick's mother, Alice, to the parties, and the division of payment by Frederick's former employer to him of accrued annual leave and sick leave. Frederick contended that the accrued leave payment was not marital property and that his mother, Alice, intended to gift him the parcel of land and only placed it in the joint names of Frederick and Sandra in case of Frederick's death before Sandra. Sandra had filed a motion to reopen the record, before a judgment of absolute divorce was signed, to allow for the division of the accrued leave payment. The trial court granted the motion to reopen, but determined that the post retirement money was not marital property. A final judgment of divorce was entered on February 6,

2009. Frederick filed a motion to amend the judgment stating that the intention of Alice was to gift the parcel of property to him alone and therefore he should have been awarded the full value of the property. The trial court denied his motion.

The Court of Special Appeals affirmed the determination as it related to the parcel of property, but vacated the portion related to the post retirement money and remanded the case for further proceedings. The Court held that in the case of the post retirement money, the right to the payment had accrued during the marriage and therefore was marital property. The Court distinguished *Thomasian v. Thomasian*, 79 Md. App. 188, (1989) where, at the time of the judgment of divorce, the husband was still employed and the question of the value of the unused vacation and holiday time was too intangible and difficult to value at the time of the divorce, as the husband could dissipate the entitlement by taking time off from work. In the current case, the accrued leave had converted into a tangible asset before the divorce was final. As to the parcel of property, the Court found that the provisions of Family Law Article, Section 8-205(b)(9), a court should consider the "contribution by either party of the property" acquired by gift from a third party. In this case, the Court held that Frederick contributed nothing to the acquisition of the parcel and there was, therefore, no "contribution to evaluate.

A review of the Amicus Curiarum for September 2010 reveals the following civil cases of interest:

THE COURT OF SPECIAL APPEALS:

Mary Roe v. James Doe, Case no. 2971, September Term, filed July 7, 2010. Opinion by Rodowsky, Judge.

Mary Roe was born on September 29, 1983 and reached her majority on September 9, 2001. On September 3, 2008, she filed a suit claiming that her grandfather, James Doe, sexually abused her while she was under the age of majority. James Doe filed a motion to dismiss, claiming that the suit was time barred under the Maryland Code, Section 5-201 of the Courts and Judicial Proceedings Article. His position was that CJ Section 5-117 extending the limitations on actions arising from sexual abuse to seven years after majority did not apply retroactively and that the three year statute of limitations ran on September 30, 2004. The trial court granted Doe's motion to dismiss.

The Court of Special Appeals reversed and remanded the case for further proceedings. The legislative history revealed that the General Assembly intended the statute to be applied partially retroactively for victims of sexual abuse whose claims were not time barred on October 1, 2003, the enactment date of Section 5-117. Partial retroactive application of a statute enlarging an ordinary statute of limitations does not deprive a defendant of a substantial right as claimed by Doe.

THE MEDIATION CENTER

3701 Courthouse Drive
Ellicott City, MD 21043
Phone: 410-480-1700
Fax: 410-750-7358

A BETTER WAY TO RESOLVE
CONFLICT

Cecilia B. Paiz
Attorney-at-Law / Mediator
www.agreemit.com



HOWARD COUNTY CHAPTER OF THE WBA

President: Margaret "Meg" Oliver
Treasurer: Anne Kelly Laynor
Secretary: Kimberly T. Arn

Vice President: Suzanne B. Simpson
Past President: Katherine L. Taylor

The Howard County Chapter of the WBA is continuing our focus on "Connections." Our October 18th program, "Branding", will address how we are perceived by our colleagues and clients. Join us on October 18, 11:30 a.m. for an informative program with Jennifer Ranshaw Smith owner of "Women Who Roar," who will discuss branding - how to position yourself as an industry leader, and establish your reputation to connect with clients. Lunch will be served at the Cafe De Paris, Ellicott City. Cost is \$15.00. Please RSVP by October 14, 2010 to Anne Laynor, anne@laynorlaw.net. Make checks payable to Howard County Women's Bar Association. On November 4th, from 6:00 p.m. – 8:00 p.m., we will hold our annual Holiday Showcase. The attached photos are just a sampling of the items for sale. This year we will have original watercolors, jewelry, baskets, food items, pottery, purses and more. This event showcases local artisans and their wonderful handmade items. Enjoy some wine and cheese as you get in some early holiday shopping. Bring a guest, and you could win a prize. Spend at least \$20.00 in purchases, and you could win a prize. This is an event not to be missed!

The 6th Annual HCWBA Holiday Showcase

Thursday, November 4; 6:00 – 8:00 p.m.

Hosted at: Synergy Pilates & Yoga
 8827 Columbia 100 Parkway, Suite 1 Columbia,
 MD 21045



Please join the women of the Howard County WBA for a fun evening of holiday shopping! Exciting products will include original watercolors, prints and photos, pottery, jewelry, handmade purses, pillows, blankets, personal chef services, gourmet chocolates, massages, and so much more!

Complimentary personal shoppers will be on hand to assist you with making selections from our wonderful array of artisans. Bring your holiday shopping list!

Fabulous door prizes for shoppers and guests!

Bring a guest who joins the HCWBA and win a special prize.
 The more you buy, the greater your chances of winning.

Purchases are by cash or check only.
Cheese, wine and beverages will be served.

For more information, and to RSVP, please contact:
abbyb@bbips.com or lawcbp99@aol.com

THE WOMEN'S BAR ASSOCIATION OF MARYLAND

MID-YEAR MEETING AND

25TH ANNIVERSARY RITA C. DAVIDSON AWARD

AWARD RECIPIENTS

THE HONORABLE KATHLEEN M. DUMAIS

**Member, Maryland House of Delegates from Montgomery Co.
Introduced by the Honorable Cynthia Callahan and Richard Dumais**

AND

THE HONORABLE ELLEN L. HOLLANDER

**Associate Judge, Maryland Court of Special Appeals and Nominee to the
United States District Court for the District of Maryland
Introduced by the Honorable Diana G. Motz**

Thursday, November 18, 2010

Sheraton Columbia Town Center Hotel

10207 Wincopin Circle

Columbia, MD 21044

(410) 7303900

Cocktail Reception/Cash Bar 6:00 – 7:00 p.m.

Dinner and Ceremony 7:00 p.m.

Register online at www.wba-md.org or by returning the form below.

DEADLINE: November 12, 2010

Name _____ Telephone Number _____

Guest(s) _____

WBA Member/Law Student \$75 _____ WBA Member and a Guest \$150 _____

Sponsor a Law Student \$75 _____ Nonmember \$90 _____ Table of Ten \$750 _____

Name on credit card _____ Card Number _____

Expiration Date _____ Check Number _____

FAX number: (866) 458-0095 Mailing address: WBA of MD, PO Box 58, Maryland Line, Md 21105

The Mediation Center

EIGHT HOUR CONTINUING MEDIATION-RELATED EDUCATION DOMESTIC FOCUS

Pursuant to Maryland Rules 17-104(a)(3) and 17-106

Presented by Cecilia B. Paizs, Esquire

October 22, 2010
8:30 a.m. – 5:00 p.m.

Above Johnny's Bistro in the Milltown Pub
8167 Main Street
Ellicott City, Maryland 21043

This **8 Hour Training** is designed pursuant to Maryland Rules 17-104(a)(3) and 17-106; with its focus on simulations and discussion about challenging topics in divorce mediation cases. Attendees will meet the 8 hour continuing education requirement under the rules.

Limited to First 20 Registrants

Registration

Please complete & mail with payment to:
The Mediation Center, 3701 Courthouse Drive, Ellicott City, Maryland 21043

Registration Fee (prior to October 15, 2010): **\$175.00**
Registration Fee (after October 15, 2010): **\$200.00**

Includes all training materials, continental breakfast, lunch & snacks

Name: _____ Organization: _____

I am a(n): Attorney _____ Mental health professional _____ Financial professional _____ Mediator _____

Address: _____

Phone No.: (_____) _____ E-mail: _____

We regret that we cannot honor refund requests within 7 days before the training. We reserve the right to cancel the training due to low enrollment.

You must attend the entire training to receive a Certificate of Attendance.

Please call 410-750-6710, or e-mail mediationctr@verizon.net with any questions.

HOWARD COUNTY COLLABORATIVE PROFESSIONALS

Meetings are generally held the 3rd Tuesday of each month, alternating between lunch and bareakfast. This year's members' meetings will focus on the "Skills within the Team" and feature lively discussions with a panel of presenters and participation from the gathered members. Come prepared for a lively discussion.

Tuesday, October 19, 2010 at 8:00 a.m. - MIMI's CAFE, 8250 Gateway Overlook Dr., Elkridge, (443) 285-0228, www.mimiscafe.com. *END GAME TRAINING - Facilitators: John Lefkowitz and Ann Balcerzak.* The program will have role plays and a discussion around the topic. Coffee and tea will be served - a basket passed for \$3.00 cost, and muffins and pastries available for purchase.

SPECIAL EVENT: Tuesday, November 10, 2010 at 6:00 p.m. - Book Club meeting at the Office of Cynthia Lifson and Ann Lopiano. Pizza Dinner - Cost is \$5.00. More details to come.

Tuesday, November 16, 2010 at 11:45 a.m. - Coho Grill at the Hobbit's Glen Golf Course, 11130 Willow Bottom Drive, Columbia (410) 740-2096. *Collaborative Advocacy - Advocacy within the context of the team - Presented by Darcy Shoop.* The cost is \$20.00 for Members; \$25.00 for non-members.

Tuesday, December 21, 2010 at 8:00 a.m. - MIMI's CAFE, 8250 Gateway Overlook Dr., Elkridge, (443) 285-0228, www.mimiscafe.com. *The program features discussions around what was learned at the IACP forum. Presenters: HCCP members who attended the forum.* Coffee and tea will be served - a basket passed for \$3.00 cost, and muffins and pastries available for purchase.

PRO BONO SERVICE OPPORTUNITIES

CIVIL LAW SELF-HELP CENTER

The Circuit Court is now scheduling attorneys to staff the Civil Law Center for January 2011 - June 2011. The Civil Law Self-Help Center was created in April 2008 to meet the civil legal needs of individuals who cannot afford an attorney, who do not qualify for Legal Aid, yet have a need for guidance from an attorney. The Center will continue to be available on Tuesdays from 9:00 a.m. - 12:00 p.m. in the Law Library at the Circuit Court. The Center will be available one evening a month in the meeting room at the East Columbia Branch public library. We are looking for attorneys familiar with civil law matters who are able to donate pro bono hours. The Center is designed to provide legal assistance only during Center hours to walk-in self-represented litigants with low income. This does not include individual representation. Your assistance is needed to continue to offer this invaluable service in Howard County. If you are interested in increasing your pro bono hours and helping with this project, please contact the Circuit Court Law Librarian, Sandy Brewer at 410-313-2135 or sandy.brewer@mdcourts.gov

FAMILY LAW LEGAL ASSISTANCE PROGRAM

The Circuit Court is now scheduling attorneys to staff the Family Law Program for January 2011 - June 2011. The Program will continue to be available on Mondays and Wednesdays from 9:00 a.m. - 12:00 p.m. in the Circuit Court, Room 401C. The Program will be available two evenings per month in the meeting room at the East Columbia Branch public library. We are looking for attorneys familiar with Maryland family law who are able to donate pro bono hours. The Program is designed to provide legal assistance only during Center hours to walk-in self-represented litigants with low income. This does not include individual representation. Your assistance is needed to continue to offer this invaluable service in Howard County. If you are interested in increasing your pro bono hours and helping with this project, please contact the Circuit Court Law Librarian, Sandy Brewer at 410-313-2135 or sandy.brewer@mdcourts.gov

MSBA NEWS

MSBA CLE Department - October 27, 2010 - Presents *Advanced Real Property Institute* in Linthicum, Maryland. For more information, please contact Andrea Terry, MSBA CLE Program Attorney, at (410) 685-7878, or aterry@msba.org.

MSBA CLE Department - November 1-5, 2010 - Presents *Advanced Tax Institute* in Woodlawn, Maryland. For more information, please contact Andrea Terry, MSBA CLE Program Attorney, at (410) 685-7878, or aterry@msba.org.

MSBA 12th ANNUAL SOLO AND SMALL FIRM CONFERENCE- November 12-13, 2010 - BWI Hilton, 1739 West Nursery Road, Linthicum Heights, Maryland 21090. Register online at www.msbasoloconference.org. A full program will be available August 1. For more information, please contact Pat Yevics at (410) 685-7878 or (800) 492-1964, ext 3039.

MSBA CLE Department - November 17, 2010 - Presents *Advanced Bankruptcy Institute* in Columbia, Maryland. For more information, please contact Andrea Terry, MSBA CLE Program Attorney, at (410) 685-7878, or aterry@msba.org.

MSBA MID YEAR MEETING - January 29 - February 5, 2011 - Barcelo Maya Palace; \$1,920 + \$241 taxes per person includes:

- * Round Trip air BWI/Cancun
- * Ground transfers
- * 7 nights accommodations
- * Unlimited food and beverage
- * Welcome Reception
- * Educational seminars
- * Farewell Reception

Barcelo Maya Palace is 25 minutes from Playa del Carmen; 1 hour from Tulum Ruins and 1 1/2 hours from Coba Ruins.

MSBA ANNUAL MEETING - June 8 - 11, 2011 - Ocean City, Maryland. Check back here or www.msba.org for more information as it becomes available.

MSBA NEW CONSTRUCTION LAW COMMITTEE - To join or for more information on MSBA's new Special Committee on Construction Law, contact Michael W. Skojec, Committee Chair, at 410-528-5541 or skojecm@ballardspahr.com

The Bar Bulletin is delving into the interests, pastimes and curiosities of MSBA members. If you or someone you know has something interesting to share, contact Patrick Tandy at (410) 685-7878, ext. 3027 or ptandy@msba.org.

MSBA Mission Statement



Our mission is to effectively represent Maryland's lawyers, to provide member services and to promote professionalism, diversity in the legal profession, access to justice, service to the public and respect for the rule of law.



MD STATE BAR BULLETIN

The MSBA Bar Bulletin Editorial Dept seeks attorneys interested in submitting articles for its upcoming 2010 focus issues. Articles should present an overview of topic. Publications and deadlines are as follows:

November 2010 - Alternate Dispute Resolution

Deadline - October 20, 2010

January 2011 - Elder Law

Deadline - December 20, 2010

If you want to discuss your article idea, please contact Patrick Tandy, 410-685-7878 or (800) 492-1964 or via e-mail at ptandy@msba.org.

MSBA ETHICS HOTLINE

OCTOBER

Gerard P. Martin
Baltimore City
(410) 547-8764

Glenn Klakring
Talbot County
(410) 820-6100

Timothy Francis Maloney
Prince George's County
(301) 220-2200

Members should address their written ethics inquiries to Courtland K. Townsend, Jr., Chair, Ethics Committee, 6804 Coastal Highway, Ocean City, MD 21842, e-mail it to cktlaw@verizon.net. Opinions of the Ethics Committee are available online at www.msba.org.

NATIONAL AND LOCAL ASSOCIATIONS

MARYLAND EMPLOYMENT LAWYERS ASSOC.

October 7, 2010 - MELA Happy Hour, 5:30 p.m. - 8:00 p.m. at McGinty's in Silver Spring. Join us to socialize and network with local Plaintiffs' Employment Lawyers; Learn more about MELA. MELA Members and Guests will receive two free drinks each!!! Light food will be provided. Send RSVP and inquiries to Edgar Ndjatou, edgar@banovlaw.com

Wait, Wait, Don't Tell Me, from 7:00 p.m. to 9:00 p.m., in the Wheeler Auditorium of central branch of the Enoch Pratt Free Library, 400 Cathedral Street, Baltimore, MD. All proceeds benefit Legal Aid 2010 programs. Cost is \$50.00 which includes the quiz show and cocktail hour beforehand. The Honorable Pamela White serves as Emcee. To purchase tickets, or for more information, please contact 443-451-2888 or aallen@mdlab.org.

Developments in the Law of Evidence" will be discussed at the event.

PRO BONO RESOURCE CENTER OF MARYLAND

November 13, 2010 - Celebrates its 20th anniversary with an event at Cylburn Arboretum in Baltimore. Check back for further details as they become available.

MARYLAND LEGAL AID EQUAL JUSTICE ASSOCIATES

October 16 - is hosting "Asked and Answered", a live current events quiz in the spirit of National PublicRadio's

WORCESTER COUNTY BAR ASSOCIATION

November 12 - hosts its 12th Annual Autumn Afternoon at Fager's Island restaurant, 201 60th St, Ocean City. "Recent

WOMEN'S BAR ASSOC.

November 18 - Mid-Year Meeting and 25th Rita C. Davidson Award. This year's award recipients are the Honorable Kathleen M. Dumais and the Honorable Ellen L. Hollander

MENTORING PROGRAM FOR NEW ADMITTEES

OBJECTIVE - The purpose of the Program is to elevate the competence, professionalism and success of Maryland attorneys through positive mentoring relationships. Mentoring creates an opportunity for an experienced lawyer to provide professional guidance and share practice knowledge and skills with a new admittee during the critical transition from law student to legal practitioner.

HOW IT WORKS - New admittees and mentors select activities and topics from a Mentoring Plan, which guides their meetings throughout the course of a one-year mentoring term. Mentors and new admittees meet in-person for at least six times, during which they will engage in various professional activities.

COST - There is no cost to mentees or mentors to participate.

TO PARTICIPATE - To participate, the new admittee must complete the New Admittee Application within 60 days after the new admittee's swearing-in ceremony.

Benefits for THE NEW ADMITTEE

- * Provides an avenue to learn the core values and traditions of the practice of law;
- * Pairs the admittee with a highly professional and experienced lawyer to turn to with procedural or ethical questions;
- * Permits easier assimilate into the legal culture and transition from law student to legal practitioner;
- * Enhances competence, reputation and professionalism;
- * Expands personal networks and increases career satisfaction.

Benefits for THE MENTOR

- | | |
|--|--|
| <ul style="list-style-type: none"> * Provides a legacy * Enables review of strengths and weaknesses * Gives personal satisfaction | <ul style="list-style-type: none"> * Revitalizes interest in the profession * Enables fulfillment of professional responsibility to improve the profession |
|--|--|

FOR MORE INFORMATION

CONTACT: Alison Schwartz, Executive Director, Professionalism Commission (410) 260-1565
Alison.Schwartz@mdcourts.gov

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www.schools-out.com

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www.ready.gov

Federal Emergency Management Agency -
www.fema.gov

Centers for Disease Control & Prevention -
www.cdc.gov

American Red Cross -
www.redcross.org

Maryland Emergency Management -
www.mema.state.md.us

Maryland Health & Mental Hygiene -
www.dhmh.state.md.us

Howard County Health Dept -
www.hchealth.org

Community Emergency Response Network (CERN) -
www.cern.us

The Weather Channel -
www.weather.com

Volunteer Center -
www.volunteerhoward.org

Grassroots Crisis Hotline
 410-531-6677
Public Information - 410-313-2022
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Kim Wharton,
HCBA Exec. Director at
hcbaexec@verizon.net

HOWARD COUNTY BAR ASSOCIATION, INC.

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Associate Editor: *Kim Wharton*

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Please contact Kim Wharton should you encounter any problems during the registration process.

The members of the College Park Law Society at the University of Maryland College Park are interested in doing legal research in exchange for letters of recommendation from established attorneys. As students, we feel it is beneficial to build relationships with experienced professionals, as well as learn more about the legal process.

If you are interested, please contact Jamil Scott, the Director of Events for the College Park Law Society, at jscott@umd.edu.

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DISTRICT TEN COURT SCHEDULE - NOVEMBER, 2010

DAY/DATE	HOWARD #1 JUDGE ZWAIG	HOWARD #2 JUDGE BROWN	HOWARD #3 JUDGE REESE	HOWARD #4 JUDGE HANTMAN	HOWARD #5 JUDGE AXEL	CARROLL #1 JUDGE RASINSKY	CARROLL #2 JUDGE JONES	TRAVEL
MON. TUE.	CIVIL-am/DV-pm SERIOUS TRAFFIC CRIMINAL	CIVIL H O L I CRIM-am/DV-pm SERIOUS TRAFFIC CRIMINAL	CIVIL D A Y CRIMINAL CRIM-am/DV-pm TRAFFIC (B)	CIVIL E L E C T TR-am/TR-Redlts-pm(B) SERIOUS TRAFFIC SER.TRAF-am/RENTS-pm	CIVIL I O N DRUG COURT CRIMINAL SER.TRAF-am/DV-pm	CIVIL D A Y TRAFFIC SERIOUS TRAFFIC CRIMINAL	CIVIL - VJ ----- NO COURT TRAFFIC CRIMINAL	
MON. TUE.	CIVIL (B) SERIOUS TRAFFIC SER.TR-am/DV-pm	CIVIL-am/DV-pm SERIOUS TRAFFIC TR-am/TR-Redlts-pm-Jones (B) H O L I CRIM - AM ONLY	CIVIL CRIM-am/DV-pm CRIMINAL D A Y NO COURT	CIVIL TRAFFIC (B) CRIMINAL V E T E R SERIOUS TRAFFIC	NO COURT CRIMINAL SERIOUS TRAFFIC A N ' S CRIM-am/DV-pm	CIVIL CRIMINAL SERIOUS TRAFFIC D A Y NO COURT	CIVIL CRIMINAL TRAF- BROWN ----- CRIMINAL	
WED. THU.	CIVIL SERIOUS TRAFFIC CRIMINAL	CIVIL CRIM-am/DV-pm TR-am/TR-Redlts-pm (B) CRIMINAL NO COURT	CIVIL SERIOUS TRAFFIC CRIM-am/DV-pm SERIOUS TRAFFIC TRAF-am/DV'S-pm (B)	CIVIL SERIOUS TRAFFIC CRIMINAL TRAFFIC (B) SERIOUS TRAFFIC	CIVIL-am/DV-pm (B) TRAFFIC DRUG COURT SERIOUS TRAFFIC CRIM-am/RENTS-pm	CIVIL CRIMINAL TRAFFIC SERIOUS TRAFFIC CRIM-am/SER.TR-pm	CIVIL CRIMINAL SERIOUS TRAFFIC Tt-am/Tr-Redlts-pm NO COURT	
WED. THU.	CIVIL CRIMINAL TRAFFIC - JONES H O L L	CIVIL CRIM-am/DV-pm NO COURT	CIVIL SERIOUS TRAFFIC CRIM-am/DV-pm SERIOUS TRAFFIC TRAF-am/DV'S-pm (B)	CIVIL TRAFFIC (B) CRIMINAL TRAFFIC SERIOUS TRAFFIC	CIVIL-am/DV-pm SERIOUS TRAFFIC TR-am/TR-Redlts-pm(B) S G I V I T H A N K S	CIVIL CRIMINAL SERIOUS TRAFFIC N G G I V I N G	CIVIL CRIMINAL TRAFFIC - ZWAIG D A Y D A Y	
WED. THU.	DV'S SERIOUS TRAFFIC	RENTS CRIMINAL	NO COURT TRAFFIC	CIVIL SERIOUS TRAFFIC	CIVIL CRIM-am/DV-pm (B)	CIVIL CRIMINAL (B)	CIVIL CRIM - AM ONLY	
MON. TUE.	A = ANNUAL AJM = ADMINISTRATIVE JUDGES' MTG. B = BAIL REVIEWS CEC = COMMISS. EDUC. CONF. CEM = COMMISS. EDUC. MTG. JEC = JUD. EDUC. COMMITTEE JI = JUDICIAL INSTITUTE MCM = Management Council Meeting NCA = NEW COMMISSIONERS ACADEMY NJ = NEW JUDGE VJ = VISITING JUDGE	ADMINISTRATIVE: AXEL: 8 = M BROWN: 12 = pm, 24 = A HANTMAN: 1 = P 19 = A JONES: 12 = A RASINSKY: 12 = P 29 = P REESE: ZWAIG:	LEAVE: AXEL: BROWN: HANTMAN: JONES: RASINSKY: REESE: ZWAIG:	OTHER: 11/3/10 - Team Mtg. - Howard - 2:30 pm 11/30/10 - Team Mtg. - Carroll - 2:30 pm Note: PTC's may be scheduled on a routine Traffic day at 3:30 pm	FINAL: 8/5/10 REVISED: * 9/1/10 REVISED:			

DISTRICT TEN COURT SCHEDULE - DECEMBER, 2010

DAY/DATE	HOWARD #1 JUDGE ZWAIG	HOWARD #2 JUDGE BROWN	HOWARD #3 JUDGE REESE	HOWARD #4 JUDGE HANTMAN	HOWARD #5 JUDGE AXEL	CARROLL #1 JUDGE RASINSKY	CARROLL #2 JUDGE JONES	TRAVEL
WED. THU. FRI.	1 2 3	SERIOUS TRAFFIC CRIM-am/DV-pm SERIOUS TRAFFIC	CRIM-am/DV-pm SERIOUS TRAFFIC TRAFFIC	TR-am/TR-Redlghts-pm (B) SERIOUS TRAFFIC CRIMINAL	DRUG COURT TRAFFIC (B) CRIM-am/RENTS-pm	TRAFFIC SERIOUS TRAFFIC CIVIL	SERIOUS TRAFFIC TRAFFIC NO COURT	
MON. TUE. WED. THU. FRI.	6 7 8 9 10	DV'S TRAFFIC (B) NO COURT CRIMINAL NO COURT	NO COURT SERIOUS TRAFFIC CRIM. - AM ONLY CRIM-am/DV-pm TRAFFIC (B)	CIVIL SERIOUS TRAFFIC SER-TRAF. - AM ONLY TRAFFIC (B) CRIM-am/RENTS-pm	CIVIL CRIM-am/DV-pm TRAF. - AM ONLY (B) SERIOUS TRAFFIC CRIM-am/DV-pm	CIVIL CRIMINAL TRAF. - AM ONLY SERIOUS TRAFFIC CRIMINAL	CIVIL - VJ CRIMINAL NO COURT TRAFFIC CRIMINAL	
MON. TUE. WED. THU. FRI.	13 14 15 16 17	CIVIL CRIM-am/DV-pm CRIMINAL SERIOUS TRAFFIC NO COURT	CIVIL CRIMINAL SERIOUS TRAFFIC SERIOUS TRAFFIC CRIM-am/RENTS-pm	CIVIL SERIOUS TRAFFIC TR-am/TR-Redlghts-pm (B) CRIMINAL SERIOUS TRAFFIC	CIVIL SERIOUS TRAFFIC DRUG COURT CRIM-am/DV-pm TRAFFIC (B)	CIVIL CRIMINAL TRAFFIC SERIOUS TRAFFIC CRIMINAL	CIVIL CRIMINAL SERIOUS TRAFFIC Tr-am/TR-Redlghts-pm-Zwaig SERIOUS TRAFFIC	
MON. TUE. WED. THU. FRI.	20 21 22 23 24	CIVIL SERIOUS TRAFFIC NO COURT NO COURT H O L I D	NO COURT CRIM-am/DV-pm CRIMINAL NO COURT A Y	CIVIL TRAFFIC (B) SERIOUS TRAFFIC NO COURT C H R I S T	CIVIL-am/DV-pm CRIMINAL TR-am/TR-Redlghts-pm(B) NO COURT M A S	CIVIL CRIMINAL TRAFFIC NO COURT E V E	CIVIL CRIMINAL NO COURT -----	
MON. TUE. WED. THU. FRI.	27 28 29 30 31	NO COURT TRAF-am/DV-pm CIVIL NO COURT H O L I D	NO COURT NO COURT NO COURT NO COURT A Y	CIVIL CIVIL RENTS NO COURT N E W	CIVIL TRAFFIC (B) TR-am/TR-Redlghts-pm (B) NO COURT Y E A R ' S	Rents/DV's-am/Civil-pm CRIMINAL SERIOUS TRAFFIC NO COURT E V E	CIVIL CRIMINAL TRAFFIC - AXEL NO COURT -----	
A = ANNUAL AJM = ADMINISTRATIVE JUDGES' MTG. B = BAIL REVIEWS CEC = COMMISS. EDUC. CONF. CEM = COMMISS. EDUC. MTG. JEC = JUD. EDUC. COMMITTEE JI = JUDICIAL INSTITUTE MCM = Management Council Meeting NCA = NEW COMMISSIONERS ACADEMY VJ = VISITING JUDGE	ADMINISTRATIVE: AXEL: BROWN: 8-am = MCM HANTMAN: JONES: RASINSKY: REESE: ZWAIG:		LEAVE: AXEL: BROWN: HANTMAN: JONES: RASINSKY: REESE: ZWAIG:	10,22,27 = A 3, 6 = A 6,20,27,28,29 = A	OTHER: 12/8/10 - Commiss. Mtg. - 9 am Distr. Judges Mtg. - 1:30 pm Carroll County 12/23 & 12/30/10 - Distr. Court Service Reduction Days 12/27-12/30 - County Employees Furlough Wk. Note: PTC's may be scheduled on a routine Traffic day at 3:30 pm	FINAL: 8/5/10 REVISED: * 9/2/10 REVISED:		

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