

BAR BULLETIN

MARYLAND STATE BAR ASSOCIATION NEWSLETTER

JANUARY 15, 2018

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MSBA Ethics Opinions Go Public

By Patrick Tandy

For decades, MSBA's Ethics Opinions have helped members navigate the questions and quandaries that arise in the natural course of practicing law. Now, for the first time, more than a half-century of carefully indexed Ethics Opinions, dating from 1966 through the present, are being made available to the public in the interest of helping Maryland lawyers to best serve their clients, as well as their profession.

"Historically, access to this information has been limited to members only, and only if they went looking for the Opinions," says MSBA President Sara H. Arthur, adding that the move is but one of the many changes currently taking place at the MSBA. Arthur applauds the MSBA Ethics Committee, which authors the Opinions, for providing "an invaluable service to practicing attorneys" by issuing "written Opinions on central issues in the practice of law, including, for

example, new forms of digital advertising and communication, as well as conflicts of interest and confidentiality."

Committee Chair Randolph Sergeant says that broadening access to these written Opinions will help the Committee expand its ongoing mission "to assist lawyers in understanding and applying their ethical duties in a fast-changing legal world."

"By making the Opinions accessible to bar ethics committees throughout the country, Maryland is taking its place in the ongoing national conversation on these issues," notes Sergeant.

The Ethics Committee also offers a monthly hotline staffed by volunteer attorneys and judges who help answer questions related to the Maryland Attorneys' Rules of Professional Conduct and Attorney Trust Accounts.

MSBA Ethics Opinions may be found online at www.MSBA.org.

Team MSBA Braces for Polar Bear Plunge

By Patrick Tandy

In what has become a longstanding tradition, MSBA members will join the tens of thousands of Marylanders who brave the icy waters of the Chesapeake Bay for a great cause.

Team MSBA - including MSBA President Sara H. Arthur, President-Elect Judge Keith R. Truffer, and dozens of Young Lawyers Section (YLS) members - aspires to raise \$25,000 for Special Olympics Maryland via the 22nd Annual Maryland State Police Polar Bear Plunge, set for January 27, 2018, at Sandy Point State Park in Annapolis.

For Michael Hudak, then newly admitted to the Bar, the 2009 Polar Bear Plunge marked his inaugural foray into MSBA activities.

"I remember thinking how crazy the event sounded," he recalls. "However, at the same time, it sounded fun, and was for such a great cause."

Now YLS Chair, Hudak recalls being "welcomed with open arms" by the YLS leadership at the time. That "tradition of encouraging MSBA young lawyers - as well as all MSBA members - to engage in community involvement still resonates today."

Now, from the vantage point of leadership himself, Hudak looks forward to welcoming new admits to this year's Plunge, particularly the pre-swim tailgate party. And on her part, Arthur customarily invites Plunge participants back to her Annapolis home to "enjoy my husband's hot chili and 'Uncle Bill's Crab Soup'."

"I encourage all of our YLS members to come out," says Hudak, "and see what all the fun is about!"

To join Team MSBA in the 22nd Annual MSP Polar Bear Plunge, or to support the cause, visit the team's fundraising page: <http://bit.ly/MSBA-Plunge-2018>.

Minnesota Lawyers Mutual Donates \$5k to Lawyer Assistance

By Patrick Tandy

As part of its ongoing mission to support Maryland lawyers and the legal profession, Minnesota Lawyers Mutual Insurance Company (MLM) has donated \$5,000 to the MSBA Lawyer Assistance Program (LAP).

"Each year, at least half of MLM's charitable budget is designated for organizations that battle lawyer addiction," says Paul Ablan, MLM President & CEO. "We are proud to help those who are working towards a healthier profession."

Since 2013, MLM has donated approximately \$15,000 to the Lawyer Assistance Program.

From issues of substance abuse to general wellness, the MSBA Lawyer Assistance Program provides free, confidential counseling services to lawyers, judges, law students, legal staff, and their families. For more information, contact LAP Director Jim Quinn or Program Counselor Lisa Caplan, LCSW-C, CAC, at 1-800-492-1964.

As the only MSBA-endorsed liability insurance carrier, Minnesota Lawyers Mutual offers reliable coverage at reasonable rates as well as outstanding customer service and claims handling. For more information, visit www.mlmins.com, or contact Kay Kenny at (800) 422-1370, ext. 4367, and indicate that you are an MSBA member.



A Message from the President

By Sara H. Arthur

HAPPYNEWYEAR! The new year marks the halfway point of my term as President of the MSBA. What an incredible, sometimes overwhelming, year it has been so far. But the best is yet to come.

As I stated at the beginning of my term as President, this year is about change for the MSBA. To date, much of the change has been behind the scenes, but the results of that work will be revealed in the coming months.

Our Executive Director, Victor Velazquez, and the MSBA staff hit the ground running in July implementing changes primarily in technology and staffing. Some administrative services, like invoicing and bill-paying, have now been outsourced.

Marketing initiatives were ramped up, with the initial focus on choosing a new logo, soon to be revealed. The Board of Governors voted on the MSBA logo at its October meeting. The new logo will become an integral part of not just the MSBA, but its various partners who will incorporate it into their own branding. This incorporation of the MSBA logo will reflect our organization's ties in the legal community and also makes the MSBA more visible to the public. The Board of Governors has been involved in the MSBA's strategic planning as part of its monthly meetings and will approve a final plan by its May retreat.

Because the Bylaws had not been fully reviewed since the 1980s, I appointed a Bylaws Committee consisting of past presidents, the MSBA's parliamentarian, Carl



Silverman, and several members of the MSBA Business Law Section. The Committee, chaired by Marshall Paul, has developed numerous technical changes which will be voted on by the Board of Governors in February, and then by the membership at the MSBA Legal Profession Summit and Annual Meeting in June.

The MSBA Rules Committee has also been revamped. The Judiciary's Rules Committee has been incredibly active the last few years, and the MSBA has struggled to keep up. The MSBA Rules Committee now receives copies of proposed Maryland Rule changes which are being provided to the Sections for information and comment. The MSBA is also providing amendments to the Maryland Rules to its membership in real time.

We are in discussions with the Maryland Judiciary concerning courthouse security and access by attorneys. Eventually, everyone entering the Courthouse will have to go through a scanner - that is

just a fact in today's world. However, we are proposing a new innovative MSBA Bar Card designed to work like TSA Pre-Check.

CLE and Publications are a cornerstone of the MSBA. CLE's are now available online and by phone, and we are implementing a new registration system. The new Publications Committee, chaired by Stan Gann, has been established to both develop new publications and reinvigorate the old. One of their projects near and dear to my heart is a new edition of Gordon on Foreclosure.

The MSBA Mid-Year Meeting is making a comeback. Members are invited to attend the Board of Governors Meeting on February 13 and participate in strategic planning. Also, there will be presentations on the various changes occurring in the MSBA.

The new MSBA website is on track to be unveiled in the spring. Not only will the look be new and improved, but it will be easily accessible from all devices.

My year as President will culminate at the MSBA Legal Profession Summit and Annual Meeting, June 13-16, where I will pass the baton to the Honorable Keith R. Truffer.

The Annual Meeting itself is being revamped as well. It has been rebranded as the "MSBA's Maryland Legal Profession Summit and Annual Meeting" and will offer a greater variety of programs and speakers. At the Business Meeting on that Saturday, members will vote on the proposed Bylaw amendments.

The world is changing, the legal profession is changing, and your MSBA is changing.

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JANUARY

17 Join the Senior Lawyers Section for *lunch and a presentation* featuring Judge William Missouri (ret.) Chairman, American Bar Association Division of Senior Lawyers. 12:00 p.m. - 1:30 p.m. at Maryland State Bar Association Headquarters, 520 W. Fayette Street, Baltimore, Maryland 21201. Free garage parking is available in the Pearl Street garage. Contact Rob Hendrickson (fmben-son@comcast.net) for additional details.

18 The *Animal Law Section* invites you to Legends: Voices on Mentorship from 6:00 p.m. - 8:00 p.m. at the Pratt Street Ale House, 206 W. Pratt St., Baltimore MD 21201. A series of seasoned leaders will discuss their career paths, followed by "World Café" facilitated discussions among those leaders and students. RSVP to Angela Munro at angela@msba.org. If you have questions, telephone G. Norman at (410) 241-6745.

18 Join the **MSBA Young Lawyers' Section** for a *New Admittees Happy Hour*, welcoming and celebrating Maryland's newest attorneys and MSBA members.

Complimentary food and drink. Join us from 6:00 p.m. - 9:00 p.m. at Metropolitan Kitchen & Lounge, 175 West Street, Annapolis, MD 21401. Contact Angela Munro at angela@msba.org for additional details.

19 The German Marshall Fund of the United States (GMF) will host a discussion with American Marshall Memorial Fellows Gary C. Norman, Esq. L.L.M. (MMF '08) and Kerry Thompson, Ed.M. (MMF '14) in recognition of the 70th anniversary of the Universal Declaration of Human Rights and the 10th Anniversary of the United Nations Convention on the Rights of Persons with Disabilities. The event will be held at the German Marshall Fund of the U.S. 1744 R. Street N.W. Networking and light fare available from 2:00 p.m. - 2:30 p.m., and the program runs 2:30 p.m. - 5:00 p.m., followed by wine and appetizers. We look forward to welcoming you. Let us know if you require accommodations. There is an accessible entrance, requiring advance notice. Please provide your RSVP to Ms. Sara Perredda, TLLintern@gmfus.org

24 Join **MSBA's Law Office Management Assistance** for their

webinar *Practice Dojo: Evernote: How to Use it to Improve Your Practice Workflows and Processes* facilitated by Heidi Alexander from 2:00 p.m. - 3:00 p.m. Today's law practice requires you to be uber-efficient with your time. You can't spend precious time searching for important meeting notes you took last week or through stacks of printed case law to find that one gem. You need a central repository for storing and using information that you need on a daily basis. The solution, Evernote. You've likely heard about Evernote, but now learn what it can do for your practice. Register in advance at <https://attendee.gotowebinar.com/register/2000414458186540803>, or contact Charity Anastasio, charity@msba.org for additional information.

24 Legal Hackers Baltimore, MSBA's Young Lawyers Section, and the Maryland Volunteer Lawyers Service host Coding for Lawyers from 6:30 p.m. - 9:30 p.m. at University of Baltimore School of Law, 1401 N. Charles Street, Baltimore, MD. This interactive training will introduce legal professionals how to code in a programming language called

Python. You will learn the basics of computer programming, the limitations of what software can do, and how to start writing your own programs. This is an interactive training where every attendee will be writing code, so bring a laptop to the event. This course is for beginners with no coding experience who want to better position themselves in the quickly evolving legal market. The class will be taught by Matthew Stubenberg, an attorney and computer programmer who has developed numerous, successful legal technology projects. Preregister at www.meetup.com/Baltimore-Legal-Hackers-Meetup/events/245636860/ or contact Matthew Stubenberg (mstubenberg@mvlslaw.org) for more details.

27 Embrace the Plunge! Join **MSBA's Public Awareness Committee and Young Lawyers Section** at the *22nd Annual MSP Polar Bear Plunge for Maryland's Special Olympics*. 8:00 a.m. - 3:00 p.m. at Sandy Point State Park. Sign up to join Team MSBA online at <http://somd.convio.net/goto/MSBA> or contact Angela Munro at angela@msba.org for additional details.

MSBA
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JANUARY

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Montgomery County
(301) 657-0734

RANDOLPH SERGENT
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(410) 528-7926

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FEBRUARY

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Montgomery County
(301) 762-7007

PAUL F. NEWHOUSE
Baltimore City
(410) 296-8565

EREK L. BARRON
Montgomery County
(301) 804-3613

Members should address their written ethics inquiries to Patricia Weaver, Chair, Ethics Committee, 4800 Hampden Lane, Suite 700, Bethesda, MD 20814, or call (301) 951-9360, or e-mail tweaver@paleyrothman.com. Opinions of the Ethics Committee are available online at www.msba.org. Please consult the Rules and MSBA Ethics Opinion Website before calling.

The McCammon Group

is pleased to announce our newest Neutral

Hon. Daniel M. Long (Ret.)

Retired Judge, Circuit Court for Somerset County

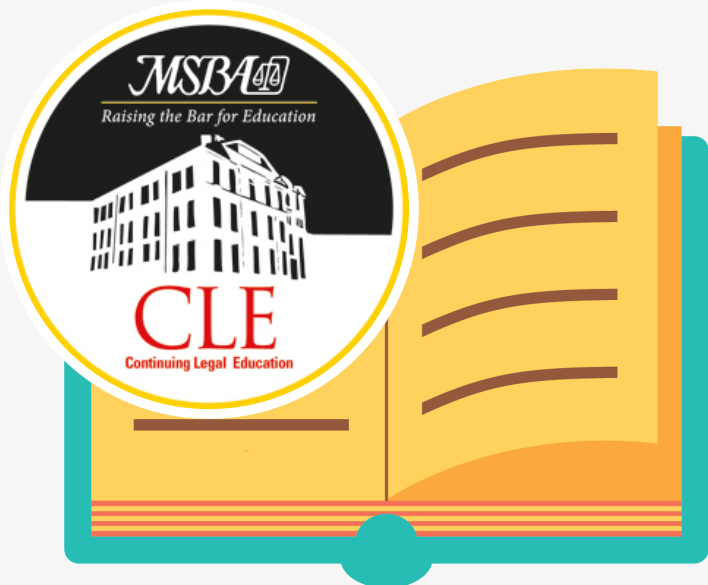
The Honorable Daniel M. Long recently retired after over thirty years of distinguished public service. Judge Long served as Judge for the Circuit Court of Somerset County for twenty-six years, during which time he served as Circuit Administration Judge and County Administrative Judge. Prior to his appointment to the bench, Judge Long was elected as a Member of the Maryland House of Delegates, where he served admirably for seven years while also maintaining a successful private law practice in Somerset and Worcester Counties. Judge Long is a Recipient of the Judge Anselm Sodaro Judicial Civility Award from the Maryland State Bar Association, and he was selected as 2015's "Judge of the Year" by the Litigation Section of the Maryland State Bar Association. Judge Long now brings this exemplary record of service and achievement to The McCammon Group to serve the mediation, arbitration, and special master needs of lawyers and litigants throughout Maryland and beyond.



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- Comments on legislative activity where needed
- Reference citations when including full text would be cumbersome

The **NEW 6TH Edition** significantly expands the treatise with thorough references to new case law and statutory amendments through 2017. The revised text also reflects new rates and statutory amounts, and includes new and updated samples of all the official forms throughout the volume.

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"... Mr. Gibber is particularly qualified to deal by virtue of his service as special consultant to the Rules Committee on the Probate Rules project."

- MELVIN J. SYKES, ESQ.

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Velazquez Marks First Year at MSBA's Helm

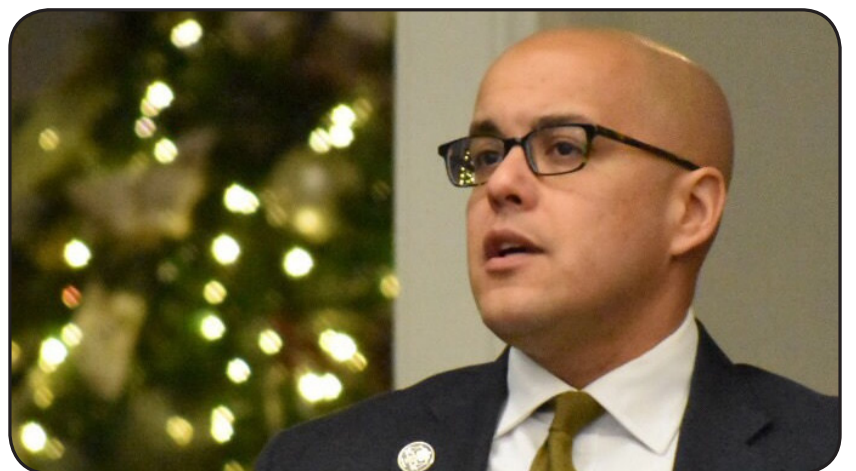
MSBA Executive Director Victor Velazquez marked his first anniversary leading the approximately 24,000-member association.

Since joining MSBA on December 1, 2016, Victor has met individually with more than 700 attorneys across the state, listening to their key priorities and concerns while expanding the Association's presence throughout Maryland.

In the course of so much travel, one also

tends to turn up some of the state's hidden gems, like Curtis' Original Coney Island Weiners, a Cumberland institution since 1918; here, Victor (left) pauses for a picture with Curtis' proprietor Gino Giatras.

Thank you, Vic, and here's to all of the wonderful members and their localities we will visit in 2018!



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PRO BONO RESOURCE CENTER'S VOLUNTEER ATTORNEY SPOTLIGHT:

Pro Bono Resource Center of Maryland would like to take a moment to recognize our volunteer attorneys. Many attorneys become involved in pro bono after taking a training with PBRC. Some have been providing legal services to those in need for years; others are new to the pro bono field. Look to PBRC for additional training and information to help connect with low-income clients and disadvantaged communities throughout the state. Given this month's Bar Bulletin theme of Family and Juvenile Law, we are highlighting a volunteer attorney involved with the Unaccompanied Children Pro Bono Project which has a family law and immigration law component, who serves as a tremendous resource to multiple legal services agencies.

This month we are highlighting pro bono attorney, VAN T. DOAN:

"Personally, I believe that as a profession we [attorneys] have a duty to utilize our knowledge and skills to lift up others - to do what we can in their hour of need. The Dalai Lama says that, 'Helping others brings deep satisfaction. No matter how strong we may feel, our survival depends on others.'"

-- Van T. Doan

VAN T. DOAN was not originally planning on being a lawyer. After years of practicing in the pharmaceutical field, she recognized that her passion for helping people could be realized through the law.

"I practiced pharmacy in multiple settings for 10 years. I was all ready to go to medical school when I met my husband. I decided the stress of medical school wasn't an ideal way to start our life together so I took the LSAT and ... was accepted into U.MD Law School evening program. I believe that all the skills and experiences I had as a researcher, pharmacist, and consultant to both the government and private pharmaceutical companies have allowed to be a better "counselor at law."

Through her experiences she grew to see that being a lawyer helped people in need in a much broader way than she would have expected. "I truly believe, and it's my preference to be a "Counselor" and help clients work out their problems because I strongly believe that (1) the resulting solution/agreement will have a lasting effect i.e. avoid the rotating door to the courthouse, (2) avoid the emotional roller coaster and strain of litigation, and (3) it's arguably much cheaper - financially and emotionally."

Van's career has taken her down many paths but she always makes time for pro bono work, particularly focusing on immigration children who are seeking citizenship in the U.S. These cases have both a family law component and an immigration component. "These days most of my pro bono effort is focused on Special Immigrant Juvenile (SIJ) cases. I don't do direct representation as much anymore, unless it's an especially complex matter and the case was specifically referred to me by one of the non-profits I work with."

Van's expertise runs the gamut, and she often trains other lawyers to do pro bono cases as well. She accepts work multiple public interest entities and non-profits that help with the immigration process, including Pro Bono Resource Center of Maryland, Catholic Charities, KIND, MIRC and more.

When asked what she thinks is most important in her pro bono work she states that, "I feel like my time is best spent (and more kids would be helped) by focusing my efforts on increasing SIJS awareness, leading trainings/workshops and improving the overall quality of representation/advocacy for these kids in State court... In addition to SIJS cases, word has somehow gotten out that I have a soft spot for kids in general. I've accepted pro bono cases from DSS to help kids in foster care obtain lawful immigration status and/or citizenship."

Van appreciates resources offered by organizations like PBRC which expand her knowledge on immigration law. She finds the webcast trainings online through PBRC especially useful. "SIJS webinar & materials, which not only provide training in a convenient format, but more importantly, help PBRC recruit much needed pro bono attorneys," are the most important components of PBRC'S resources.

At the end of the day Van looks at pro bono as a rewarding experience that simultaneously helps change the direction of people's lives. She sums it up as "While you think you're doing someone a favor (and you are) you will be rewarded in other ways. I've had the privilege of working with some of the brightest, most dedicated human beings through my pro bono activities. They keep pushing me to be a better version of myself. I'm fortunate to call these people my colleagues and friends! Y'all know who you are."

Volunteer attorneys can get involved by taking a training, helping to provide legal advice at our one of our legal clinics, or joining one of our pro bono partner agencies. To become involved as a volunteer lawyer or interpreter, contact: Cate Hulme, Unaccompanied Children Project Manager, chulme@probonomd.org; 443-465-4627.

As the designated pro bono arm of the Maryland State Bar Association, PBRC plays a unique role as the support, training and advocacy center for pro bono activities.

MSBA Staffer Joins Ranks Of New Maryland Attorneys



More than 600 newly minted law grads were sworn into the practice of law December 13-14, 2017, at the Robert C. Murphy Courts of Appeal Building in Annapolis, and among them was MSBA's own Dean Hunter.

Long fascinated by "legal issues and how the law helps shape society," the Missouri native procured his JD from the Saint Louis University School of Law in 2014. He soon relocated to Maryland, where he joined the staff of the MSBA CLE Department as a full-time Legal Editor/Publications Assistant in October 2015. Dean's tenure with MSBA, he explains, has helped him sharpen his legal research skills as well as his comprehension of many

fundamental legal concepts and attention to detail.

"MSBA membership offers many benefits if a new or young attorney chooses to maximize it," he says. "I find jumping into the legal field to be pretty intimidating, but through providing CLE, networking opportunities, specific practice sections, and law office management tools, MSBA helps decrease that anxiety because I know it offers support for becoming a successful attorney."

MSBA salutes Dean and his hundreds of fellow new admits as they prepare to join - and ultimately shape - the legal profession in Maryland. We are proud to say, you are... The MSBA!

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Join MSBA's Law Office Management Assistance program on the 2nd and 4th Wednesday of each month from 2-3 p.m. for our **Practice Dojo Series**. The series covers a wide array of topics, from practice management and marketing to work-life balance and technology. Speakers are ABA published authors and thought leaders who bring their passion and expertise to the MSBA. Each presentation will also be recorded and become available to members online.

JANUARY 24

Evernote: How to Use it to Improve Your Practice Workflows and Processes
Heidi Alexander

FEBRUARY 14

What to Look for in Malpractice Insurance
JoAnne Hathaway

FEBRUARY 28

A Lawyer's Ethical Duty to Maintain Data Security
Mike Oliver

MARCH 14

Conveying Passion in Your Practice
Artika Tyner

For more information, contact
Charity Anastasio canastasio@msba.org

Family and Juvenile Law Section Offers Attorneys Variety of Legal Resources and Opportunities

By The Maryland Family and Juvenile Law Section Council

Similar to the practice of medicine, the legal field has become increasingly specialized over the past several decades. Except where geographic constraints demand otherwise, numbers of so-called 'general practitioners' have dwindled near larger population centers. Just as a patient doesn't go to a gastroenterologist for ankle surgery, clients don't use zoning attorneys for complex divorce issues.

For those attorneys already embedded in the practice of family or juvenile law, or who have a desire to expand their scope into that field, or for those who simply plan to hang out a shingle and – out of necessity – take the next divorce case that walks in the door, the Family and Juvenile Law Section ("FJLS") of the MSBA can be an invaluable resource.

The FJLS's mission is to improve the administration of justice in the fields of family and juvenile law by uniting practitioners with interests in these areas, and working toward the betterment of the practice via a number of efforts, programs, and outreach. How exactly does this happen?

The larger FJLS membership is spearheaded by a Council of five officers and sixteen at-large positions. Through the efforts of the Council and its past members and Chairs – as well as spirited participation of the general membership of the FJLS – the Section provides services in the following areas:

Continuing Legal Education: Every year, the FJLS puts on a number of educational programs and seminars designed to educate and assist family and juvenile law practitioners. For example, in the past year the FJLS has spearheaded or jointly offered the following: a Divorce Tax Workshop (segregated for everyone from beginners to experts); programs on Premarital Agreements

and Effective Appellate Advocacy; and its annual Family Law University ("FLU") – a full-day program of various presentations dealing with specific family and juvenile law topics. Next month, FLU will again be offered at the Sheraton Town Center in Columbia, Maryland on a spectrum of "Hot Tip" topics relating to recent family law developments.

Additionally, this coming June, the FJLS will present a workshop seminar at the 55th Annual Conference of the Association of Family and Conciliation Courts in Washington, D.C.

Mentorship: The FJLS offers a one-on-one attorney mentor to any attorney who desires one in the fields of family or juvenile law. This service is especially critical for new attorneys – or more seasoned counsel who are branching out into the family/juvenile fields – who may lack an experienced attorney within their own firm who can provide guidance in these complex practice areas. Interested practitioners can access the FJLS's website and contact any Section Council member to be paired with a mentor. If the thought is even crossing your mind, take the plunge. A mentor's guidance can prove invaluable.

Legislation: Every year, the FJLS carefully reviews scores of proposed family and juvenile legislation that takes shape in the Statehouse halls of Annapolis. On behalf of its members, FJLS frequently takes active positions on these bills. The FJLS's Legislative Committee coordinates scores of volunteers (from both the Council and the general Section membership) to write testimony, testify, and suggest amendments or revision to pertinent legislation. The Committee provides annual reports regarding all newly enacted laws in these areas. This process ultimately helps to ensure better family and juvenile law for both practitioners and litigants.

Newsletter: At least three times per year, the FJLS publishes the Maryland Family Law Advocate for its members – a newsletter/journal of high academic quality featuring articles on cutting-edge topics for the family and juvenile law practitioner. The most recent issue was just mailed to Section members last month; back issues can be found online on the FJLS website.

Additional Efforts Towards Improvement of the Administration of Justice: In addition to the coordinated efforts of its Legislative Committee, the Section Council participates on various Committees that are actively working toward reform and improvement regarding critical family and juvenile law. For example, the FJLS currently has a seat on the Child Support Guidelines Advisory Committee – a committee organized by the Child Support Administration of the Maryland Department of Human Services and consisting of a wide spectrum of interested stakeholders. The Committee is currently studying various issues pertaining to the Maryland Child Support Guidelines with an objective of proposing various legislative improvements and reforms for the 2019 Legislative Session. The FJLS also recently participated on the Juvenile Standards and Work Group – a taskforce organized by the Administrative Office of the Courts to examine improvements in the practice of juvenile law.

The activities outlined herein are a mere sampling of FJLS activities available to its members. Opportunities for professional fellowship, participation, volunteerism, and resources abound. Interested practitioners should contact any current member of the FJLS Council.

Contact information for the current Chair, James Milko, and other members of the Family and Juvenile Law Section Council can be found at msba.org under the tabs "Member Groups" and "Sections."

The Tax Cuts and Jobs Act

The New Tax Law's Affect on Alimony and Child Support

By James D. Milko

On some level, most humans experience some basic discomfort regarding change.

Change makes us adapt, demands that we learn different approaches, and requires us to ponder solutions to new questions. In other words, change forces us off the lazy-boy recliner and back into the workshop.

Yet, most practicing attorneys accept change as a fundamental part of the practice. The law – in its vast and intricate glory – is a complex framework of ever-changing statute, code and regulation.

Indeed, if law stayed simple and unmoving, not only would current society become frozen in the outdated mores and learning curves of generations past, most legal practitioners would need to search for a new line of work. Everyone

would ultimately become master of an immutable legal framework, and the practice of law would cease to exist as a profession.

When viewed from that standpoint, the United States Congress has issued family law practitioners a gift this holiday season in the form of the Tax Cuts and Jobs Act that became effective on January 1, 2018. Regardless of one's ideological stand on this sweeping tax legislation, there is no question that the Act will create sweeping change that affects Family Law.

By now, most practitioners are aware that the Act makes wholesale change to the tax treatment of alimony. Specifically, with respect to all divorce judgments and "separation instruments" executed on or after January 1, 2019, alimony will no longer be taxable income to the payee and deductible by the payor.

For those practitioners in the position of finalizing separation agreements or divorce trials during the time period overlapping late 2017 and into the New Year, there is no need for panic. Perhaps acknowledging the magnitude of its provisions regarding alimony, Congress deferred the change to its tax treatment of alimony until 2019. Thus, practitioners have some time to plan, adapt, and learn.

But make no mistake, this is a significant change that will impact divorce cases in fundamental ways.

For the past 75 years, domestic relations practitioners have relied on the tax treatment of alimony as a useful tool in crafting resolutions to divorce cases. Specifically, per The Revenue Tax Act of 1942, Congress established that alimony would be

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University of Baltimore School of Law

Creates 'First-in-Nation'

Post-J.D. Certificate in Family Law Program

By Leslie G. Billman, Esquire

The University of Baltimore School of Law continues its heavy commitment to the area of family law by introducing the *only* Post-J.D. Certificate in Family Law in the United States. The program begins its second of three semesters of course offerings in January, and by summer's end, the first enrollees will receive their certificates.

The program is the culmination of two years of planning. The idea was spearheaded by none other than Barbara Babb, known to almost every family law practitioner in Maryland as the mover and shaker of all things family law at UB; she serves as Associate Professor of Law and Director of the Sayra and Neil Meyerhoff Center for Families, Children and

the Courts (CFCC) at the Law School.

Initial emails from Ms. Babb broaching the idea to advisors and potential faculty crossed the internet as early as mid-2014; in other words, the program has been meticulously and carefully crafted. The original idea was to create an LLM in Family Law, but the need for that degree is mainly for academics, and the path through academic channels to such a degree was longer than the path to a shorter, narrower certificate program. Practicality, based on a comprehensive market analysis and input by UB law faculty, dictated the shift of focus to planning the initial certificate curriculum.

A workgroup of family law practitioners, judges and educators



from across Maryland was formed and began monthly meetings to plan the program. The workgroup started from scratch in defining the purpose for the program, and then creating a curriculum for achieving that mission. The goal of the program was (loosely stated) to prepare those law graduates who are interested in focusing their efforts in family law work for the specific substantive, psychological and financial demands of a family law practice.

Those attorneys who have spent their professional lives in domestic relations practices are certainly familiar with the peculiar nuance

required to shepherd clients through the process of divorce. The planning workgroup concentrated its curriculum development on the very practical considerations that come to bear in these types of cases. As a result, the course offerings reflect a heavy emphasis on real life for a family law practitioner. Some courses are substantively weighted to perfecting specific work product – pleadings, agreements, etc. Other courses emphasize the psychological factors at work for parents and children as they go through the separation and divorce process, and the skills needed by the practitioner to deal with those emotions.

The workgroup also included a course on the business aspects of

a family law practice, to heighten awareness of the skills and practices needed to support a law firm engaged in this line of work ("... but you *knew* my financial situation when you took my case!"). The crown jewel in the curriculum is the final class, which carries the students from client intake to final court order, incorporating all of the skills acquired in the prerequisite courses. A listing of all of the classes that comprise the year-long curriculum, as well as further description of the program, can be viewed at http://law.ubalt.edu/academics/post_jd_graduate_programs/familylawcert/index.cfm.

The founders of the Post-J.D. Certificate in Family Law envision that its graduates will complete the

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Taking the Litigator Out of Mediation: Five Ways to Prepare Your Client for a Successful Family Law Mediation

By Sarah Malik

Family law mediators have all heard attorneys say certain phrases during mediation that can bring the progress to a screeching halt. Attorneys are known to throw down the gauntlet with phrases such as “fine we can just take this to court” or “you know I’m not afraid to try this case.” It is often a reminder that these attorneys, for the most part, are litigators first and collaborators second. However, parties that have voluntarily engaged in mediation or hope to use court-ordered mediation as a fruitful avenue are hoping to walk away with an outcome and need the advice of counsel to help them get there. When parents or couples decide to separate, pursue a divorce or are considering a modification of a family related matter, their decision to use mediation is likely due to their interest to keep the matter civilized, efficient and save money.

It can be a difficult balance for attorneys to ensure they are protecting their client’s interest in the event the case does not settle but also providing space for the case to resolve outside of court. While attorneys should always prepare their cases for the possibility of trial, mediation preparation and attendance should take on a slightly different tone.

The client’s ultimate objective – to reach a resolution outside of court – is more likely to be met if the parties are prepared in a number of different ways.

First, prepare the client emotionally. This may be obvious but sometimes folks are caught off guard by their own emotions when talking about their children, marriage or finances. Remember, mediators and attorneys do expect to see some tears, anger or frustration from both parties. Some people who may have suppressed their feelings are surprised to see them surface, and when it is in front of the other party, those moments can stifle a mediation. However, encourage your client to take a moment to gather his or her



“The client’s ultimate objective – to reach a resolution outside of court – is more likely to be met if the parties are prepared in a number of different ways.”

thoughts and feelings, or be prepared to ask for a quick break.

Second, prepare the client’s listening ears. This may sound childish, but the foundation of any successful mediation is truly listening to the other person’s words during the mediation. Carefully explain this concept before mediation, and if you do not think your client is meaningfully engaged in the conversation, pull him or her aside to explain the importance of listening. Simply hearing and preparing a response will likely turn a mediation into an unproductive war of words.

Third, prepare the client’s numbers. If you are going to mediation to discuss property, incomes and finances, then come prepared. If you want to use a figure that you believe to be accurate (e.g., the value of real property), then come to the mediation with some documenta-

tion to help your point and move the mediation along. Or, ensure some discovery has been exchanged prior to mediation. Most people are only comfortable reaching an agreement regarding financial matters once they have some confidence in the numbers; therefore, a productive mediation should involve a discussion of concrete figures and calculations.

Fourth, prepare the client for the spectrum of outcomes. Mediation is a way to resolve differences and odds are, the participants’ end goals are different (but, surprisingly, not always!). Be realistic with your client about what you think the other party and attorney are hoping to achieve, and also discuss your ideal outcome. Then, remind the client that any mediated agreement that falls within that spectrum is likely and is, in most instances, the sign

See Mediation Page 16

Beneath the Suits: Family Law Practitioners Face the Same Ups and Downs As Any Other Person

**By The Family and Juvenile
Law Section of the MSBA**

But for uncontested adoptions, domestic relations practitioners are used to dealing with people in crisis. The typical divorce, separation, or custody case involves clients under high stress, emotional turmoil, and often, pre-existing mental health conditions. The clients often face the demise of a marital relationship or a parent/child arrangement that had previously been the center of their lives, and which they had assumed would be the bedrock of their lives for years to come. And in many cases, clients bring pre-existing interpersonal or health issues to the table.

No wonder then that...perhaps more than in any other area of law... the domestic relations attorney quickly learns that "managing the client" becomes as critical as in-depth

knowledge of the law.

The inherently adversarial nature of litigation can be stressful in-and-of itself. Throw-in the dynamics of a family law case, and the result is a recipe for an extremely high-stress profession. Learning not to internalize this stress and take it home each night is a difficult skill to master for both new and experienced family law practitioners.

Of course, the necessity of this skill is compounded by the reality that divorce attorneys are regular people too. In their own personal lives, they are susceptible to the same types of issues – anxiety, depression, marital discord, grief, physical health challenges, addiction, alcoholism, etc. – that any other human being can experience.

Last June, at the MSBA's Annual Meeting in Ocean City, the

Family and Juvenile Law Section ("FJLS") focused upon the practitioner's health as the centerpiece of its year-end program. The impetus for the program topic was a study -- commissioned by the ABA and the Hazelden Betty Ford Foundation and published in the February 2016 *Journal of Addiction Medicine* -- that focused on the prevalence of substance abuse and mental health issues in the legal profession.

In the most comprehensive study of attorneys of its kind, the authors surveyed 12,825 licensed and employed attorneys. The results were, to say the least, sobering, and confirmed what many in the legal profession have long, anecdotally believed.

Among other findings, over 20% of surveyed lawyers indicated problematic alcohol consumption

(with a percentage significantly higher among younger attorneys). Twenty-eight percent of attorneys disclosed experiences with mild or higher-level depression; while 19% revealed symptoms of anxiety. All of these percentages significantly exceed the prevalence of these issues among (1) other highly-educated individuals in professional occupations, and (2) the general population at large.

At the MSBA's Annual Meeting, the FJLS presented a panel of individuals from the psychological community, the Lawyers Assistance Program, and the MSBA's Health and Wellness Committee to raise awareness regarding both the issue and the various resources available to attorneys to assist. This program, however, wasn't intended to be a 'one-and-done' initiative.

James Milko, current Chair

of the FJLS, comments, "Everyone knows that lawyer health is a vastly important issue in our profession. And the confidential services that are offered through the MSBA's Lawyers Assistance Program are incredible. They range from alcohol and substance abuse assistance, to career stress and burnout issues, with almost anything you can imagine in between."

"But the problem with issues like alcoholism, substance abuse, depression, and related issues in our profession," Milko continues, "is that they are still somewhat taboo to talk about. For many reasons both professional and personal, they scare us. So, once every blue moon or so, some issue or event will occur that will cause us to think about these

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New Laws That Are Truly for the Cats and Dogs

By James D. Milko

In 2018, Illinois is going to the dogs – and, for that matter, the cats, the goldfish, and other non-service related animals.

That's because effective January 1, 2018, new legislation in Illinois will empower judges in divorce cases to award a form of custody regarding pets.

While stopping short of treating pets exactly like children who are the subject of custody and visitation disputes, the new Illinois statute distinguishes “companion animals” from virtually all other types of personal property. Previously, Illinois judges could only treat family pets like other pieces of property, and judges were limited to awarding ownership of animals to one party or the other. Now, per amended provisions of the Illinois Marriage and Dissolution of Marriage Act, Illinois jurists must consider the actual welfare of the family pet in question, and have the discretion to either award sole or joint “ownership” of the animal.

Accordingly, issues such as who walks the dog more often, or which party was primarily responsible for taking the cat to

the vet will now be relevant considerations in Illinois divorces.

While the floodgates have hardly opened, Illinois becomes the second state in as many years to authorize courts in divorce cases to consider the well-being of the family pet in deciding either sole or joint ownership of the companion animal in question. Alaska – the first state to statutorily require consideration of a companion animals welfare and expressly permit “joint ownership” – enacted similar legislation in January 2017.

Under prevailing divorce law, Maryland currently follows the vast majority of jurisdictions that treat family pets just like other pieces of personal property. Specifically, there is no unique exception carved out for the family pet under Maryland divorce/custody/property law.

Neither Maryland's Marital Property Act, (codified in Maryland Family Law Article Section 8-201 et seq) nor its custody statutes or appellate caselaw, makes any specific mention of animals or family pets insofar as custody rights. Accordingly, the family pet is treated no differently than other personal property,

including the dining room table or the Lladro collection. Presumably, if treated as family use personal property, the Court may award ownership of an animal to one spouse or the other in a divorce action, but no existing statute or appellate case law authorizes the trial court to consider a pet's best interests, or to fashion any type of shared ownership or ‘visitation’ arrangements.

Yet, if you think that disputes over pets are therefore rendered moot in divorce cases, think again.

Not infrequently, one of the first things that the family law practitioner hears from the prospective client is, “I want the dog!”. Indeed, negotiated resolutions regarding ownership, custody, and possession of family pets – including, sometimes, provisions for visitation – are commonplace in separation agreements.

Most divorce attorneys are aware of rare cases at the trial court level in which Circuit Court judges have made awards of pet custody, including shared arrangements. These sporadic instances have apparently not been appealed. If so, the likelihood of such decisions begin affirmed would be highly questionable due to the lack of any clear authority that would enable a trial judge to fashion provisions regarding animals. Thus, litigated disputes regarding pets remain the exception and not the norm.

However, the lack of any statutory authorization and guidance regarding custody of pets – and the threat that a family pet could be ordered sold by the Court like any other

piece of marital personal property – creates at least some incentive for negotiated resolutions regarding pet sharing. Not infrequently, the ultimate disposition of pets is tied to other, significant financial or property concessions in the parties' ultimate separation agreement.

To the extent that recent statutory changes in Alaska and Illinois reflect a more general evolution in legal thinking toward animals in divorce and family disputes, there is certainly evidence to that effect, including here in Maryland.

As of 2017, at least thirty-two states, as well as Puerto Rico and the District of Columbia, have included provisions enabling Courts to award possession of pets in domestic violence proceedings. Indeed, since 2011, Maryland's domestic violence statute has expressly authorized the court to award possession of a pet (defined as a domesticated animal) to either the person eligible for relief or the respondent.

Meanwhile, over the past several years, a number of different bills have been crafted in the Maryland Legislature in an effort to create law intended to deal with rights over domesticated animals in divorce cases – most recently, a House bill in the 2017 Session sponsored by Delegates Malone, Atterbeary, Dumais, McComas, and Moon. While none of these bills has yet to pass in the General Assembly, more such legislation is doubtless to be introduced in future sessions.

James Milko is a partner at Trainor, Billman, Bennett & Milko, LLP in Annapolis, Maryland.



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Irwin Kramer, Esq.

The Advancement of Public Understanding of the Law

By Andrea Terry

The MSBA is pleased to announce that it is partnering with the **Business Learning Institute (BLI)** to offer professional development courses. These “soft” skill professional skill trainings may not qualify for CLE credit with surrounding MCLE states, but will hopefully help our lawyers continue to thrive at whatever stage of their career they find themselves. Early offerings will address developing executive presence, communication skills, and the art and discipline of getting things done. See the calendar below for details and keep an eye on the MSBA website msba.inreachce.com for all upcoming live programs.

LIVE IN-PERSON & LIVE WEBCASTS

- **JANUARY 25, 2018.** *Communications with Executive Presence for Business Success.* In partnership with Business Learning Institute (BLI). Columbia, MD. Registration is open.
- **MARCH 22, 2018.** *Fiduciary Litigation: Contesting and Defending*

Wills, Trusts, and Inter Vivos Transfers. Columbia, MD. Registration opening soon.

■ **MARCH 28, 2018.** *Introduction to Big Data.* In partnership with Business Learning Institute (BLI). Columbia, MD. Registration opening soon.

■ **MARCH 29, 2018.** *Special Needs Trusts with POMs Update.* Columbia, MD. Registration opening soon.

■ **APRIL 18, 2018.** *Employment Law Institute.* Columbia, MD. Registration opening soon.

■ **APRIL 19, 2018.** *2018 Advanced Business Law Institute.* Columbia, MD. Registration opening soon.

■ **APRIL 27, 2018.** *Ethics: 50 Shades of Gray.* In partnership with Business Learning Institute (BLI). Columbia, MD. Registration opening soon.

■ **MAY 9, 2018.** *Practical Approaches to Guardianship.* Columbia, MD. Registration opening soon.

■ **MAY 10, 2018.** *2018 Hot Tips in Workers' Compensation.* Columbia, MD. Registration opening soon.

■ **MAY 24, 2018.** *Make it Happen! The Art of Discipline and Getting Things Done.* In partnership with Business Learning Institute (BLI). Columbia, MD. Registration is open.

■ **JUNE 21, 2018.** *2018 Hot Topics in Elder Law.* Columbia, MD. Registration opening soon.

NEW ONLINE, ON-DEMAND

■ *2017 Advanced Business Law Institute*

■ *Veterans Affairs Benefits: The Old, The New, The Unknown*

■ *2017 Land Use Institute*

■ *2017 Hot Tips in Workers' Compensation*

■ *Immigration Practice in the Trump Era*

■ *2017 Advanced Estate Planning Institute*

■ *Medical Assistance (MA) Long Term Services and Supports Eligibility Planning with Case Studies*

■ *Preparation of Gift Tax Returns (Form 709), and U.S. and Maryland Estate Tax Returns (Forms 706 and*

See CLE Page 19

NEW PUBLICATION UPDATES—NOW AVAILABLE

GIBBER ON ESTATE ADMINISTRATION 6TH EDITION

Allan J. Gibber, Esq.
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- Relevant opinions of the Attorney General
- Comments on legislative activity where needed
- Reference citations when including full text would be cumbersome

The NEW 6TH Edition significantly expands the treatise with thorough references to new case law and statutory amendments through 2017. The revised text also reflects new rates and statutory amounts, and includes new and updated samples of all the official forms throughout the volume.

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See Publications Page 19

MSBA LAWYER ASSISTANCE PROGRAM WELLNESS TIPSHEET

Your Fur-Baby and Your Health: How Four-legged Friends Keep Us Healthy

By Lisa Caplan

If you have a pet, you already know how therapeutic they can be. I'm not suggesting you run out and get a pet, because pets are a lot of responsibility, but if you have a pet, recognizing that they can improve your mood and wellbeing is important.

I know that when I am feeling tired or overwhelmed my dog and cat often help me cope. My dog, Teddy, motivates me to get up and play with him, take him for a walk, or for a car ride. Once I'm up, I'm not as tired, and often find I have the energy to accomplish more. My cat, Smokey likes to snuggle, which is very comforting. The two of them

make me smile. Animals, and not just ones trained for therapy, are good for your overall well being.

Here are some reasons why your pet is good for your mental, physical and spiritual health:

1. **They help you stay in the moment.** When you spend time with your pet you are in the present, and being in the moment is calming. There is a lot of talk these days about Mindfulness, which is just a fancy word for being in the moment. Focusing on what we are doing at the moment reduces stress.
2. **They get you up and moving.** It's so easy to be a couch potato, but having a pet forces you to

get up to feed, play with or walk them. My grandmother used to say, “if you don't keep moving, you don't keep moving.” Movement helps to decrease certain medical ailments, strengthen your body, and can lift your spirit and mood.

3. **They get you outside.** Fresh air, sunshine and nature are a great way to feed your spirit, reduce your stress, and keep you physically healthy. Next time you are outside with your pet try to focus on what is going on around you. Listen to the birds or the wind rustling the trees or pay attention to your walking. This is a great way to focus on the here and now.

4. **They don't talk back.** Sometimes we just need someone to listen.

5. **They reduce loneliness.** If you don't like to be alone, a pet can be a good companion. They often recognize when we are feeling sad or lonely, and seek us out.

6. **They provide unconditional love.** Pets don't care what you look like or what mood you are in. They love you no matter what. The tail wagging, greeting you at the door, and attention they give says it all.

7. **Petting has been shown to reduce stress and increase oxytocin.** Oxytocin is the hormone that helps to reduce

stress and anxiety. Rhythmic petting can be very therapeutic, calming and helpful to someone who is anxious. My daughter is in college and received a letter that someone in her dorm has a therapy cat. I had never heard of a therapy cat, but it makes sense.

8. **They lighten things up.** Dogs just want to be with you, snuggle or play. They bring out the kid in us. Throwing a ball with your dog can be fun.

9. **They make it hard to isolate.** Taking your dog to training or a dog park or just for a walk gives you an opportunity to meet people who also like dogs

See Fur Babies Page 18

THE BUSINESS OF LAW

I Resolve To...

By Charity Anastasio

January is about new beginnings, New Year Resolutions, improvements and positive outlooks to be carried through the coming year. The hardest part is never the resolution, but the performance of it through the whole month of January, and the month after that, and so on. What is that performance made of? How do we carry our resolve into the rest of the year? Here are five tips to make resolutions stick:

Methodical planning. “The best-laid plans of mice and men often go awry,” but what do not-laid plans do? Nothing. Write a plan for the new year that has some flexibility, permits some “awry” moments, but also gives form and substance to your hopes and thoughts. A methodical plan is one that has enough detail to be done systematically. Establish a pathway or procedure to attain the results one wants. For example, say the goal is to **increase efficiency**. Set out a plan that may read something like this:

- Read *Checklist Manifesto*
- Analyze efficiency levels in practice
- Meet with Charity Anastasio for consult
- Research practice management software
- Research time management techniques

- Make list of inefficiencies
- Prioritize list
- Address a type of inefficiency every month

Be open. A mentor used to say to me, “If you cannot open the door to possibility, consider opening the window a crack.” Remain open to the possibilities that manifest from your wishes and hopes. They are not predictable. They are often opportunities. They are always challenging. Just be open to them. One of the hardest things to see, for me, is an ardent desire to manifest change coupled with an unwillingness to accept the answers when they are presented. Accept that there are solutions to everything. If unable to accept the answer offered whole cloth, consider if you can accept a corner of it for now; or continue to search for a different answer.

Small consistent steps. Contrary to Hollywood’s version of the world, most huge changes happen by tiny, repetitive, unsung actions that add up over time, instead of massive changes all at once. Rarely are books written in a single week or month. More often books are written a little bit every day over a long time. An overweight body is not conditioned, nor is health fully repaired overnight. It takes consistent activity and time. Look back at your methodical plan and

determine how the change can be broken into small consistent steps. Put those steps into the calendar and do them daily.

Get real, not cruel. I write these columns every year, and they honestly do not change much. I write about resilience and commitment to oneself, having resolve in your decisions, and making time for the change. I set my own resolutions with resolve. And yet, my husband said to me yesterday “You *always* get the after-Christmas blues. Every year.” He is utterly right – I *always* do. It is as if it is in my genes. And I did not lose the weight or write the book this year. But the days of berating myself for not accomplishing a goal are over, because it has **never helped me** accomplish them. I get honest with myself, but I do not get negative and down on myself. I set another resolution and start to map a course made of small consistent steps.

Borrow Inspiration. I think resolutions are a little like elevator speeches. They stick better sometimes when they have been refined and improved upon. And sometimes other folks say it better. Maybe you have an idea of what you want to do, or maybe you feel totally uninspired and need help. Either way, get inspired by these New Year’s Resolutions:

“I’d like to read a book every two weeks in 2018. I tried same resolution two years ago and failed miserably.”

– Victor V.

“My most important resolution this year is to learn Spanish. Well, at least to learn as much as I can. My biggest regret in my education is the fact that I never took my Spanish classes seriously. I’m going to change that this year.”

– Stuart W.

“My new year’s resolutions are to:

- Make time for my family and friends.
- Breathe life and love into those around me.
- Take care of myself FIRST.
- Be less hard on myself.”

– Josephia R.

“Meet new people and work out regularly.”

– Gary A.

“Say ‘yes’ when my kids ask me to play board games (in which they’ll cheat), or watch their favorite movie (for the 128th time), or play catch (with no fear for my life from the speed and trajectory of the throws). They’re growing up too fast to miss it for a deadline. I can sleep when they no longer want to spend time with me.”

– Tracy R.

“Engage in a regular workout routine all year, and be more kind and present in my life.”

– Charity A.



Big Data – What's the Big Deal?

By Tanya Roberts

A few years ago, as I was finishing my undergrad degree, I was assigned a book: *Technopoly: The Surrender of Culture to Technology* by Neil Postman. As someone who fully embraces, works, and plays with modern technology, I found many of the themes difficult to accept at best, and infuriating at worst. But it stuck with me. One of the primary concepts was that more data was not more of anything - more data was just going to weigh society down. The world is generating more data, with or without the use of technology, and much to the chagrin of Postman, the tools to process, analyze, and discover new things about the world and ourselves to help make more informed decisions. Harnessing new tools, and big data, has the potential to empower organizations of any size.

Forbes has the most practical description, "Big data is a collection of data from traditional and digital sources inside and outside your company that represents a source for ongoing discovery and analysis." <https://www.forbes.com/sites/lisaarthur/2013/08/15/what-is-big-data/#4a5e09e75c85>

The term "Big Data" refers to large amounts of data, both structured and unstructured, from the devices and tools that we use on a daily basis. For most organizations, this data is going to be both traditional (analog) and digital, and with that you may be surprised at the amount of data you actually collect,

and much of it may not be meaningfully implemented. The data in your organization may be a mix of structured and unstructured. Social media posts typically fall under 'unstructured,' and can be difficult to extract meaningful data from, but are no less valuable. Structured data is typically clearly defined the value and category under which it falls, such as the information held on a member profile or drivers' license.

With more data, there are more options for gathering and cross-referencing data than ever before. A whole industry revolving around data science - the discipline of discovering, processing, evaluating, and visualizing data is booming, and there are a variety of tools available to help anyone do the job.

Understanding your data can help drive discussions regarding marketing, business decisions, customer engagement, and so much more. Begin by taking inventory of the sources of business data you have. This process can also begin to reveal what kinds of data you don't have on hand. Think about the data you have, the data you need, and the data that would be nice to have. What existing analog processes can become digital? What questions can inform your decisions? Make sure your plans for the new year include a plan for Big Data. Forbes agrees - don't wait - start understanding Big Data and what it can do for you now, not later.

Here are some interesting articles and resources that I found

while researching the topic:

1. **Big Data - Tim Smith Ted Talk (Video)**
<https://youtu.be/j-0cUmUyb-Y>
2. **What is Big Data? (Forbes.com)**
<https://www.forbes.com/sites/lisaarthur/2013/08/15/what-is-big-data/#4a5e09e75c85>
3. **Why Basic Data Analysis is the Most Important Skill You Can Learn (Forbes.com)**
<https://www.forbes.com/sites/quora/2015/12/14/why-basic-data-analysis-is-the-most-valuable-skill-you-can-learn/#3f893802794f>
4. **Big Data: What's Your Plan? (McKinsey.com)**
<https://www.mckinsey.com/business-functions/digital-mckinsey/our-insights/big-data-whats-your-plan>
5. **In Defense of Big Data (Scientific American)**
<https://www.scientificamerican.com/article/information-in-defense-of-big-data/>

If you're interested in a deeper dive, the MSBA Continuing Legal Education department is offering a course entitled "Introduction to Big Data" in conjunction with the Business Learning Institute on March 28, 2017. Learn more about big data, work on a strategy, and learn about the analysis tools available. <https://msba.inreachce.com/Details/Information/E3F4215F-A261-4159-B929-D780DF301DF4>



Phase II of Construction on Robert C. Murphy Courts of Appeal Building Underway in December

ANNAPOLIS, MD – New construction began in December, in front of the main entrance to the Robert C. Murphy Courts of Appeal Building.

During this time, access to the Court of Appeals, the Court of Special Appeals and the State Law Library will be limited to the side entrance of the building. All persons doing business with the courts must use the covered walkway, which is wheelchair accessible, in the construction zone to enter the building.

This marks the second phase of the construction project on the Robert C. Murphy Courts of Appeal Building, located at 361 Rowe Blvd. in Annapolis. The project includes a new accessibility ramp and entrance pavilion as well as upgrades to the main lobby and enhanced security within the building.

The first phase of construction started earlier in 2012 with the addition of an upper parking deck.

The project, which is managed by the State Department of General Services, is expected to be completed in March 2018.

The Judiciary website has a map of the affected areas.



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TAX CUTS...Page 9

includable as taxable income to the recipient and be tax-deductible by the payor (provided, of course, that the payments meet the definition of alimony as outlined in the Internal Revenue Code). Since alimony is typically paid by the higher income-earning spouse to a lower income-earning spouse, the deductibility of alimony payments often resulted in a greater disposable pool of monies available to the parties with which to craft a settlement. To no surprise, this makes resolutions easier to achieve.

Sound complicated? Actually, it's pretty simple. In alimony cases, the higher-earning spouse (i.e.-the payor) is typically in a higher income

tax bracket than is the recipient of the alimony. Thus, the taxes saved by the payor by being able to deduct the payments are often significantly more than the taxes paid by the recipient who has to declare the payments. As a result, several thousand more dollars may be available between the parties that can otherwise be utilized to resolve the case. Beginning in 2019, this useful settlement dynamic will no longer be available.

Furthermore, the tax changes to alimony will impact child support awards in ways yet to be fully determined. Under current application of the Maryland Child Support Guidelines, alimony payments are

deducted from the payor's income and added to the payee's income for purposes of calculating a child support obligation. In its promulgation of the Guidelines, the Legislature presumed that these alimony payments would be taxable income to the recipient and deductible by the payor.

Beginning in 2019, they will not be. How then does this affect the legitimate application of the Child Support Guidelines, as these tax changes (in cases involving alimony) would inflate the actual dollars received by child support payees and decrease the remaining net income available to the payee beyond that originally

intended by the Guidelines? Surely, this will be an issue for legislative debate in upcoming sessions of the General Assembly.

Such issues not only affect the domestic relations practitioner, but impact the Bench as well. Judges have long issued alimony awards with the knowledge that the payments would be fully deductible by the payor. Next year, however, such awards will have to be satisfied with after-tax dollars. To a degree, Judges will have to account for the tax implications to the payee in order to determine how much monies the payee will have left to satisfy his/her own reasonable living needs. Yet,

since appellate cases have long held that Courts cannot speculate as to the tax ramifications to parties, will expert testimony be required in virtually every alimony case?

Stay tuned, these are just some of the many issues to be examined in the one-year grace period before the new tax treatment of alimony goes into effect.

James D. Milko is a partner at Trainor, Billman, Bennett & Milko, LLP in Annapolis, Maryland. He is the Chair of the MSBA's Family and Juvenile Law Section. The Section intends to present a CLE on the new tax law in the near future.

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program with a more enhanced preparedness to go into family law practice, whether their own, or as a member of an existing firm. The program's graduates will have their senses heightened to the particularized skills that cannot be fully raised, addressed or mastered in the regular law school family law curriculum. The program's aspiration is that the skill-set that the graduates acquire will more than competitively equip them for well respected family law careers in which they will ably, compassionately, ethically and profitably provide legal representation in one of the most demanding fields of practice.

Any and all attorneys of any experience level and from any particular field of practice are urged to go to the website and to explore the program. The Post-J.D. Certificate Program is not only intended for

newly minted attorneys, but also for lawyers with experience who want to improve their understanding and skills in the field of family law. Classes are offered in the evenings and on weekends to allow for gainful daytime employment. Certificate completion is not required; rather, if you see a single class offering that interests you, you're invited to enroll. Contact Barbara Babb (bbabb@ubalt.edu) or any of the instructors/planners/administrators for further (enthusiastic) information.

Leslie Billman is a partner at Trainor, Billman, Bennett & Milko, LLP in Annapolis, Maryland. She is both a former Chair of the MSBA's Family and Juvenile Law Section and former President of the Maryland Chapter of the American Academy of Matrimonial Lawyers.

MEDIATION..Page 10

of a successful mediation. Discuss what are the most important parts of the case (ones the client may not be willing to give up) and the less significant aspects. During mediation, remind the client of that prior conversation as necessary.

Fifth, get out of the way. An attorney's job in a family law case is to advise the party throughout the process. During mediation, the same is expected. However, reminding your client that the choice is ultimately his or her choice and that the potential agreement is within the scope of reasonable outcome is all that is necessary to do one's job during mediation. Certainly if a client is hesitant, then forcing settlement is not wise. However, if the client is cautiously okay with the agreement and knows that it will

bring peace to him or her (and the children involved) to finally have this resolution, then remind your client of the benefits of reaching a resolution. In such a circumstance, telling the client of what he or she may achieve at trial is often confusing and derails the process.

Throwing out the famous last words above will almost certainly disrupt your client's mediation. Posturing has a time and place and it is often not at mediation when it is the parties' process and the client's objective is the primary concern. With the parties' preparation and the attorney's supportive guidance, the chances of a successful mediation increase significantly.

Sarah I. Malik has represented clients in all aspects of family law litigation, and has represented cli-

ents before the Maryland Court of Special Appeals and Maryland Court of Appeals. Ms. Malik is trained to represent children as a Best Interest Attorney or Child Privilege Attorney. She is also trained in Collaborative Law and is designated on the Circuit Court for Montgomery County and Circuit Court for Howard County's approved list of mediators for court appointed mediations in divorce and custody cases. As an Adjunct Professor at George Washington University Law School, Ms. Malik teaches Legal Research and Writing to first year law students. She is a member of the American Bar Association, Maryland State Bar Association, Montgomery County Bar Association and the Women's Bar Association of Montgomery County.

The MSBA Statewide High School Mock Trial program needs volunteer judges for the Regional, Semi-Final and Final competitions.

REGIONAL COMPETITION

Tuesday, April 3
Montgomery/Howard County

REGIONAL COMPETITION

Wednesday, April 4
Court of Administrative Hearings
(Baltimore County)

SEMI-FINAL

Thursday, April 19
Anne Arundel County
Circuit Court

STATE CHAMPIONSHIP

Friday, April 20 @ 10am
Annapolis at the Court of Appeals

If you would like to serve as a presiding judge or attorney scorer for any of the above competitions, please contact:

Shelley Brown, Executive Director, CLREP | sbrown@clrep.org | 667-210-2518

CHIEF JUDGE ROBERT M. BELL AWARD CALL FOR NOMINATIONS

Deadline: February 2, 2018

The Chief Judge Robert M. Bell Award for Outstanding Contribution to Alternative Dispute Resolution (ADR) in Maryland honors the vision and accomplishments of Chief Judge Robert M. Bell for his work in promoting the use of ADR in the Maryland judiciary, schools, government and communities by:

1. Recognizing Maryland organizations and individuals, both within the legal community and beyond, that are creating and providing innovative and effective ADR services and programs;
2. Supporting entities that seek excellence through educational and outreach programs, and demonstrate a commitment to utilize ethical standards in their ADR programs and practices; and,
3. Encouraging individuals to become catalysts for change and to demonstrate exemplary ADR best practices and approaches.

The award is presented at the MSBA ADR Section Spring Dinner scheduled for **April 24, 2018**.

NOMINATION PROCEDURE:

Any individual, agency, business or entity may submit nominations. A letter which documents how the candidate or organization meets the objectives of the award is required. A resume, biography or corporate profile should also be provided. The nominating individual or organization should identify itself and address the relationship of the nominee to the nominator.

The Section Council will consider the nominations and select the award recipient.

Nominations should be sent to:

Toby Treem Guerin, Chair
MSBA ADR Section Council
tguerin@law.umaryland.edu

For questions or more information call Toby Guerin at 410-706-6228



Kaa Andam

Paul A. Tiburzi of DLA Piper has been unanimously elected as the new Chairman of the Board of Directors of the Greater Baltimore Committee (GBC). The GBC is an organization of business and civic leaders concerned with issues relating to economic growth, job creation, workforce development, transportation and quality of life.



William P. Atkins

Kaa Andam has joined the Maryland Legal Services Corporation as IOLTA Compliance Manager.

William P. Atkins, Partner at Pillsbury Winthrop Shaw Pittman LLP, filed an amicus brief in connection with Appeal No. 2016-1794 at the U.S. Court of Appeals for the Federal Circuit, NantKwest, Inc. v. Joseph Matal. The brief challenges USPTO stance on legal fees in appeals to district courts.



Cassandra L. Kincaid

Kellie L. Newton has joined Whitford Taylor & Preston LLP as a Partner in its Washington, D.C. office, in their Nonprofit Organizations and Associations Group.

Cassandra L. Kincaid and **Alison R. Mullins** have joined Rich Rosenthal Brincefield Manitta Dzubin & Kroeger, LLP as Partners.

F. Kirk Koldner and **Carol Ghinger Cooper** have joined Gordon Feinblatt LLC's Private Client Services and Litigation Teams.



Alison R. Mullins

Rodney Hermann has joined Joseph Greenwald & Laake as an associate attorney in the Family Law Division of their Rockville office.

Taylor B. Siegel has joined Rich Rosenthal Brincefield Manitta Dzubin & Kroeger, LLP as an associate.

Brian S. Burkett and **Avigayil Pearlman** have been admitted to the Maryland Bar and have joined Council Baradel as associates.



Richard E. Schimel

Emily Steiner has joined DLA Piper as an associate in the Baltimore office.

Richard E. Schimel has announced the opening of the Law Offices of Richard E. Schimel, LLC, located at 7315 Wisconsin Avenue, Suite 800W, Bethesda, Maryland 20814-3244. For a full list of practice areas, and additional information, please visit www.lawofficesres.com or contact them at (240) 395-4400 or rschimel@lawofficesres.com.



F. Kirk Koldner



Carol Ghinger Cooper



Taylor B. Siegel



Brian S. Burkett



Avigayil Pearlman



Send your latest news and updates
to Lisa Muscara for inclusion
in Et Alia: lisa@msba.org.



extends its sympathy to the family
and friends of the following member
who has passed away:

R David Adelberg

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ECONOMIST: Lost income, benefits and life-care plans valued for personal injury, wrongful death and employment cases. University professor with extensive experience. DR. RICHARD B. EDELMAN, 8515 Whittier Boulevard, Bethesda, MD 20817. (301) 469-9575 or (800) 257-8626. References and vitae on request. Visa/MC. Please visit at: www.economic-analysis.com.

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MET-1)

- *2017 Hot Topics in Elder Law*
- *Security Clearance Due Process Appeals: How to Litigate a Clearance Appeal before the National Security Agency (NSA) or Department of Defense (DoD)*
- *Unbundled Legal Services & Limited Scope Representation*
- *2017 Family Practice Update*

VIDEO REPLAYS

- **JANUARY 23, 2018.** *Current Trends and Creditor Rights in Consumer Debt Collection.* Baltimore, MD.
- **JANUARY 25, 2018.** *Current Trends and Creditor Rights in Consumer Debt Collection.* Rockville, MD.
- **FEBRUARY 6, 2018.** *2017 Criminal Law Update.* Baltimore, MD.
- **FEBRUARY 8, 2018.** *2017 Criminal Law Update.* Rockville, MD.
- **FEBRUARY 13, 2018.** *Recent Developments in Estate Administration with Allan Gibber.* Baltimore, MD.
- **FEBRUARY 15, 2018.** *Recent Developments in Estate Administration with Allan Gibber.* Rockville, MD.

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service as special consultant to the Rules Committee on the Probate Rules project."

Melvin J. Sykes, Esq.

Summary of Contents:
Chapter 1: Preliminary Matters
Chapter 2: Probate
Chapter 3: Administration of Estates—Generally
Chapter 4: Appraisal of Asset/Filing of Inventory
Chapter 5: Inheritance Tax on Non-probate Assets
Chapter 6: Administration Expenses and Claims
Chapter 7: Representative's Commissions and Counsel Fees
Chapter 8: Account
Chapter 9: Maryland Estate Tax
Chapter 10: Distributions
Chapter 11: Special Administrator and Foreign Personal Representative
Chapter 12: Minors
Chapter 13: Small Estate
Chapter 14: Modified Administration
Chapter 15: Sample Forms
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Index

Format: Custom Practice Binder
Pub. Date: 2017
Pages: lii, 1200+

SUITS...Page 11

things, but when that is done we put the information back on our lockboxes, tuck it away in the back of our desk drawers, and forget about it for awhile."

"This does a great disservice to our profession," Milko concludes.

Accordingly, the FJLS will continue to keep the topic of lawyer health at the forefront of the profession's attention. While the topic will not necessarily be the focus of the FJLS's various ongoing presentations, a brief mention of the issue – including the resources and assistance readily available through the Lawyers Assistance Program – will be a component of most of the FJLS's ongoing educational and other programs.

"Out-of-sight is out-of-mind,"

Milko elaborates. "The topic doesn't have to dominate our daily lives. But if we keep the conversation alive on at least some level, then maybe one or two attorneys who might otherwise crash-and-burn will get some assistance that enables them to go on to long, happy, and successful legal careers. That sure would be a win, wouldn't it?"

Information regarding the Lawyers Assistance Program can be found at msba.org under the tab "Legal Resources" or by calling 1-800-492-1964. The program is confidential. By permission of the authors, the study "The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys" can be found via search online at journals.lww.com.

FUR BABIES...Page 16

and gives you an immediate connection.

10. They can give you purpose.

I have had clients who have been depressed tell me it is their dog that has given them purpose. It has helped them focus on something else that needs their care.

11. They make you smile.

They can be very silly which will make you laugh and smile. Watching my pets, playing with them, and loving them will put a smile on my face anyday.

Having a pet is a huge decision and continuous responsibility, which requires care, love, time, and money. A pet can't solve all your problems, but if you have given serious thought to getting a pet,

then hopefully it will bring some joy to your life.

Please contact the Lawyer Assistance Program for free, confidential assistance. Jim Quinn, Lawyer Assistance Director, (443) 703-3041, jquinn@msba.org; Lisa Caplan, LCSW-C, Lawyer Assistance Counselor, (443) 703-3042, lcaplan@msba.org. Toll free (800) 492-1964.

Lisa Caplan, LCSW-C, has over 20 years' experience in her field, and extensive experience providing wellness workshops and working with lawyers and judges in the areas of mental health, substance abuse and trauma. Find more of her articles at www.msba.org/com-mittees/lawyerassist/articles.aspx.



Young Lawyers Section's 27th Annual Charity Event

Friday, April 20, 2018

6:00 p.m. to 9:00 p.m.

Gertrude's at the
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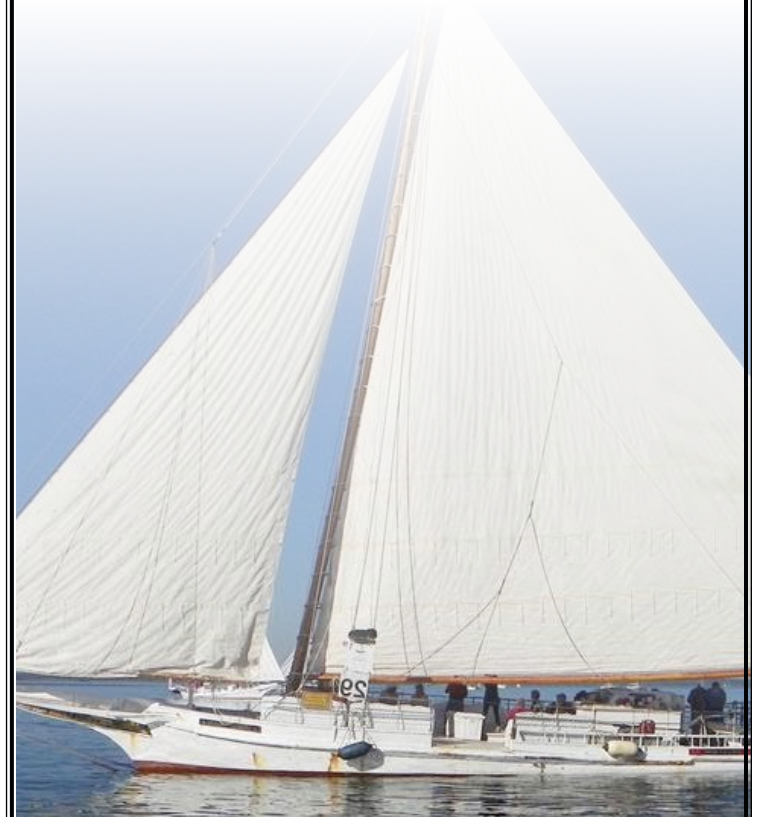


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Maryland State Bar Association

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BAR BULLETIN

VOLUME XXXV, NUMBER 1 JANUARY 15, 2018

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