

# BAR BULLETIN

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MARYLAND STATE BAR ASSOCIATION NEWSLETTER

SEPTEMBER 15, 2018

## MSBA and Maryland Access to Justice Commission Forge Partnership



It is with great pleasure and enthusiasm that we announce a new partnership between the Maryland State Bar Association (MSBA) and the Maryland Access to Justice Commission (A2JC). The partnership serves to raise the profile of A2JC's important work, and makes a bold statement about MSBA's commitment to the cause of advancing justice for all Marylanders.

"Access to justice is a critical issue of our time and for our profession. In affiliating with the Commission, we forward our own mission to promote access to justice, while also joining other leading Bars nationally, including the ABA, that are actively promoting access to justice initiatives in their respective jurisdictions," says MSBA President Judge Keith R. Truffer.

"A strong partnership between the Maryland Access to Justice Commission and the State Bar Association is a terrific opportunity, and has the potential to yield significant benefits for both organizations," notes Ward

Coe, Chair of the Access to Justice Commission.

### What is the Maryland Access to Justice Commission?

The Maryland Access to Justice Commission is an independent entity that unites high-level leaders to drive innovations and reforms in the civil justice system to ensure it is accessible, user-friendly and fair for all Marylanders.

State-level access to justice commissions have proliferated over the last decade (there are now 40) to address the national void in access to civil legal aid. Maryland is no exception. "Maryland does not even come close to meeting the demand for civil legal services. We do not meet 80 percent of the need - 80 percent! And we have not moved the needle on that number for decades, if not a century. That is unacceptable," says A2JC Executive Director Reena Shah.

- Over 325,000 low and middle income Marylanders do not get

the civil legal aid they need;

- There is still no comprehensive right to an appointed attorney in civil cases, where housing, wages, freedom from abuse, access to public benefits, child custody or deportation may be at issue; and
- The presence of a lawyer continues to be the key determinant in the success of a case

The consequences of not receiving the legal help needed ripple out beyond the impacted individual. The lack of access to justice destabilizes communities, decreases business productivity, creates inefficiencies in the administration of justice and costs taxpayers more money on the back end.

To address these challenges, the Maryland A2JC will study the civil legal aid system, develop a statewide vision and plan to fill this void, and recommend improvements. The A2JC also pursues specific initiatives focused on areas of great need (summarized in the box above), such as immigration and eviction.

### Key A2JC Initiatives

#### Immigration

- Create an **Immigration Law Library** so Marylanders can have access to most up-to-date, accurate and reliable legal information in one central place
- Adopt **Justice Referrals** to match private practitioners to immigrants who need legal help and are able to pay for representation
- **Convene immigration legal services providers** to ensure information sharing and facilitate collaboration
- **Study ICE** presence in State Courts
- Establish **Statewide Legal Defense Fund**

#### Eviction in Baltimore City

- **Evaluate** the effectiveness of civil legal aid interventions in reducing eviction rate in Baltimore City

#### Establish Critical Partnerships - Law in Public Libraries

- **Partner with public librarians** so they can provide legal information and referrals to patrons in local communities

### Who is the A2JC?

To spearhead these efforts, the A2JC is overseen by approximately 20 prominent leaders from different segments of the legal profession including the Deans of both Maryland law schools, the Attorney General, law firm partners, corporate counsel, legislators, leaders of legal services

organizations, academics, funders and representatives from the judiciary and the MSBA.

### Why is the MSBA partnering with the Access to Justice Commission?

See *Justice* Page 18



## President's Message

As part of our ongoing efforts to keep membership informed, MSBA President Judge Keith R. Truffer will release a monthly video message in lieu of the traditional printed president's message.



Watch the video online at [msba.org/President-8-18](https://msba.org/President-8-18) to learn more about each of these initiatives.

In his inaugural video message, Judge Truffer discusses his top three priorities for this bar year:

- Policy Review Committee Efforts
- Establishing a Strategic Vision Committee
- Expanding MSBA's Lawyer Assistance Program



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# BAR BULLETIN

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## MSBA and ABA

Just as MSBA works to enhance ties with the state's local and specialty bars, we also actively engage organizations on the national level, including the American Bar Association (ABA), to advance the legal profession. Here, members of the Maryland delegation meet with new ABA President Robert Carlson and ABA President-Elect Judy Perry Martinez at the 2018 ABA Annual Meeting in Chicago.

From left: Hon. Michael Reed; Hon. Pamela J. Brown; Martinez; Carlson; MSBA Immediate Past President Sara Arthur; and Thomas Stahl.



## SEPTEMBER

**20 MSBA's Young Lawyers Section, Solo Section and the Young Lawyers' Division of the Bar Association of Baltimore City** invite you to a *Kickoff Mixer* from 6:00 p.m. - 8:00 p.m. at Little Havana, 1325 Key Highway, Baltimore, MD. Complimentary food & drink will be provided. Please register online at [www.msba.org/product/yls-membership-event](http://www.msba.org/product/yls-membership-event).

**27 MSBA's Animal Law Section and Loyola University Maryland** invite you to a *free screening of "Love and Bananas: An Elephant Story."* The film follows TIME Magazine's Hero of Asia Lek Chailert, director Ashley Bell, and a team of rescuers as they embark on a daring mission to rescue Noi Na, a 70-year-old partially blind trekking elephant, and bring her to freedom. Hosted on the second Floor of the Andrew White Student Center at Loyola University Maryland, 4501 N. Charles St., Baltimore, Maryland 21210 from 6:00 p.m. - 9:00 p.m. This event is open to the public and entry is free. Contact Kimberly Fullerton, [kimberlyfullerton@gmail.com](mailto:kimberlyfullerton@gmail.com), for more information.

**27 The Maryland Hispanic Bar Association** hosts their 25<sup>th</sup> An-

niversary Gala and Dinner from 6:00 p.m. - 9:30 p.m. at Martin's Crosswinds 7400 Greenway Center Drive Greenbelt, Maryland 20770. MSBA Executive Director, Victor L. Velazquez will be featured as Key-note Speaker. Additional information and tickets are available online at [http://marylandhispanicbar.com/?page\\_id=3210](http://marylandhispanicbar.com/?page_id=3210).

**27 Disability Rights Maryland** hosts their 40<sup>th</sup> Anniversary Gala, *An Evening with the Arts*, at the Baltimore Museum of Art, 10 Art Museum Drive, Baltimore, MD from 6:00 p.m. - 8:30 p.m. Additional information and tickets available online at [disabilityrightsmd.org/events](http://disabilityrightsmd.org/events).

**28 MSBA** in partnership with **Judicial Events™** presents the 2018 *Legends of the Boardroom* networking and educational program in Baltimore. This one-of-a-kind event will take place on from 7:30 a.m. to 12:30 p.m. at the Downtown Hyatt Regency. The program will provide not only a great opportunity to network with General Counsel and other in-house attorneys, but opportunities to learn from leaders on emerging or hot-button issues. Panels will include: In's and Out's of the Corporate M&A; Cyber Security and Compliance; International

Arbitration; A View from the "C" Suite: What General Counsels Want You to Know About Billing!

For more information about the event, including opportunities to become a sponsor, moderator and/or panelist, please contact Erica Weissfeld at (410) 294-9936, or visit [www.judicialevents.com](http://www.judicialevents.com).

## OCTOBER

**3 The Homeless Persons Representation Project's** Jane Harrison Speaker Series on the Importance of Housing presents Richard Rothstein, author of *The Color of Law: A Forgotten History of How Our Government Segregated America* at the University of Baltimore - Merrick School of Business, 11 W. Mount Royal Avenue, Baltimore, MD starting at 5:30 p.m. Check [http://www.hprplaw.org/end\\_homelessness/2018\\_speaker\\_series\\_for\\_more\\_information](http://www.hprplaw.org/end_homelessness/2018_speaker_series_for_more_information).

**3 MSBA's Young Lawyers Section** sponsors a *Business Development Event*, featuring a presentation by Growth Solutions Team on how to build your community of referral partners and strategic alliances. Join them from 5:30 p.m. - 7:30 p.m. at World of Beer, 10200 Grand Central Avenue, Suite 100 Owings

Mills, MD 21117. Register online at <https://www.msba.org/product/yls-business-development-event>.

**10 Join Maryland Volunteer Lawyers Service (MVLS)** from 6:00 p.m. to 8:30 p.m. at the American Visionary Arts Museum in Baltimore to Celebrate Pro Bono by honoring volunteer lawyers, donors and friends at their annual recognition reception. Guests will enjoy a cocktail hour, seated dinner and awards ceremony honoring those who have made noteworthy contributions to the delivery of pro bono legal services over the past year. The reception also kicks off Maryland's participation in the American Bar Association's National Celebrate Pro Bono Week (October 21-27). RSVP is required and there is a suggested donation of \$35.

For more information visit: [www.mvlslaw.org/cpb2018](http://www.mvlslaw.org/cpb2018).

**11 The Maryland Bar Foundation** hosts their 26<sup>th</sup> Annual Professional Legal Excellence Awards Reception from 6:00 p.m. to 8:00 p.m. The following awards will be presented: The Advancement of Professional Competence; Steven P. Lemmey Legal Excellence Award for The Advancement of Public Service

**See Dateline Page 18**

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

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## Get in touch with us



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## UPCOMING TRAININGS FOR VOLUNTEER ATTORNEYS!

Pro Bono Resource Center of Maryland will offer  
the following trainings in **October** to prepare  
volunteer attorneys to assist low income Marylanders.

**FRIDAY, OCTOBER 5, 2018**

### ASSISTING DOMESTIC VIOLENCE SURVIVORS

10:00 AM TO 1:00 PM | Prince George's County  
Circuit Court Training Room - M0421  
14735 Main St., Upper Marlboro, MD 20772

• shielding and sealing • protective orders & peace  
orders • trauma-informed practices • and more...

FOR MORE INFORMATION OR TO REGISTER:  
[probonomd.org/dv-advocacy](http://probonomd.org/dv-advocacy)

**FRIDAY, OCTOBER 12, 2018**

### YOUTH HOMELESSNESS: WHAT LAWYERS NEED TO KNOW

1:00 PM TO 4:00 PM | University of Baltimore  
School of Law | 1401 N. Charles St. Baltimore, MD, 21201

• understanding youth homelessness  
• building effective relationships with homeless youth  
• volunteering with HPRP

FOR MORE INFORMATION OR TO REGISTER:  
[probonomd.org/youth](http://probonomd.org/youth)

**TUESDAY, OCTOBER 16, 2018**

### ESTATE PLANNING BASICS FOR LOW INCOME SENIORS

9:00 AM TO 12:30 PM | McNamee Hosea  
6411 Ivy Lane, Suite 200, Greenbelt, MD 20770

• drafting wills • advance medical directives  
• powers of attorney • ethical considerations • and more...

FOR MORE INFORMATION OR TO REGISTER:  
[probonomd.org/estate-planning](http://probonomd.org/estate-planning)

**FRIDAY, OCTOBER 26, 2018**

### LITIGATION SKILLS LUNCH & LEARN: *Tips for Getting Social Media Evidence Admitted at Trial*

12:00 PM TO 2:00 PM | Goodell DeVries,  
One South Street, 20th Floor, Baltimore, MD 21202

• social media evidence  
• roundtable discussion of litigation questions

FOR MORE INFORMATION OR TO REGISTER:  
[probonomd.org/litigation-mentoring](http://probonomd.org/litigation-mentoring)

### DON'T FORGET! OCTOBER IS PRO BONO MONTH!

**PRO BONO MONTH** was started 10 YEARS ago  
by the American Bar Association, as Pro Bono  
Week. It is used across the country to highlight pro  
bono opportunities. Maryland has expanded it  
into an entire month to promote pro bono events  
throughout the state!

Email [jjones@probonomd.org](mailto:jjones@probonomd.org) or visit  
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## Chapter 7 Bankruptcy and Pro Bono *Debunking Common Myths*

By Amy Hennen

Misinformation is a common concern, especially among bankruptcy attorneys. Getting accurate facts from Chapter 7 clients can be a daunting task. Professional responsibility and court rules require attorneys to do a thorough investigation of the client and their claims. This is an important part of preparing a bankruptcy application. However, the assumptions the attorney makes can be especially harmful to low-income clients. Meeting the needs of low-income clients benefits all attorneys and prevents the clients from representing themselves or turning to less reputable options, like some Bankruptcy Petition Preparer (BPP).

**“If a client doesn’t pay, they won’t be invested.”**

Some bankruptcy attorneys think that when a pro bono Chapter 7 client is not paying the attorney’s fee, the client should at least pay the filing fee. Attorneys believe this will ensure the client has an incentive to be responsive and complete the process. However, clients earning less than 150 percent of the federal

poverty level can and should receive a waiver of the filing fee. Clients have enough invested because it is their lives and incomes that are on the line.

Other bankruptcy attorneys believe low-income clients won’t commit the time needed to be “invested” in the process. Clients can become non-responsive when other life factors make it hard to focus on financial problems. Setting expectations early puts a structure in place for the client if responsiveness is a concern.

Pro bono clients may be concerned about how they are viewed by their attorney. They may not feel important as a client, or that the attorney believes they should spend less time on their case because they are not a paying client. Regardless of the veracity of these beliefs, an attorney taking the time to explain that their case has the same value to the attorney, and the attorney has the same expectations of the pro bono client as a paying client, can alleviate those concerns.

**“But what about her cell phone?”**

Bankruptcy attorneys are always being mindful of what must

be declared on the bankruptcy schedules. So, when a client shows up to the attorney’s office carrying an expensive handbag or cell phone, the attorney may make assumptions about what other items the client may own or what they have prioritized over their debts. For pro bono Chapter 7 clients, it’s important to ask questions about assets without assumption or judgment. The handbag may have been a gift or the one nice thing the client owns. The cell phone may be the only computer in the household. Questions phrased with embedded assumptions may cause clients to feel judged or reluctant. Asking questions without assumptions or judgment leads to better interactions with clients.

**“If he’s getting money back, he should have to pay.”**

When exempt, garnished funds may be returned to the client, attorneys may feel that they should be paid from the return of garnished wages. However, garnishment forces impossible choices for low-income clients. Rent may go unpaid, medicine may go unpurchased, and basic necessities may go unmet.

Getting those funds back can offer a chance to catch up. Clients who qualify for pro bono representation should receive that representation without charge.

**“Taking a pro bono case hurts the bottom line.”**

Debtors who cannot get pro bono representation look for alternative ways to get the financial relief from filing bankruptcy. In some cases, they may turn to a Bankruptcy Petition Preparer (BPP). These non-attorneys are permitted by federal law to assist debtors with filing petitions; each district sets the amount BPPs may charge. Maryland permits a fee of \$125; however, if a client does not know this, BPPs may charge more. Additionally, if a BPP instructs a debtor how to fill in the exemptions on their schedules, the BPP often gets it wrong, in addition to practicing law without a license. The incorrect belief by some debtors that BPPs are the best way to file a Chapter 7 bankruptcy harms the debtor and it harms the profession. Filing a Chapter 7 for a low-income client means that person will not look to a BPP for assistance, and

will not later recommend a BPP to a friend or family member.

In addition to preventing clients from using BPPs, pro bono cases can lead to a more direct benefit. In surveys, pro bono bankruptcy clients express the most gratitude for the ways the assistance gave them the ability to move forward. For these clients, the opportunity was life changing. Happy pro bono clients are more likely to refer friends and family who could be paying clients.

Myths in Chapter 7 pro bono cases harm debtors and they harm attorneys. Getting rid of assumptions and judgments creates better relationships between attorneys and clients.

*Amy Hennen is the managing attorney for Housing and Consumer Issues at the Maryland Volunteer Lawyers Service (MVLS), where she oversees all elements of the organization’s consumer and housing programs.*



MARYLAND  
BAR FOUNDATION  
IN PARTNERSHIP WITH MSBA

## 26th Annual Legal Excellence Awards Reception

Thursday, October 11, 2018, 6 p.m.

Tickets can be purchased online at [msba.org/Legal-Excellence](https://msba.org/Legal-Excellence)



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## 2017-2018 MSBA Annual Report

Where we've been, where we're headed

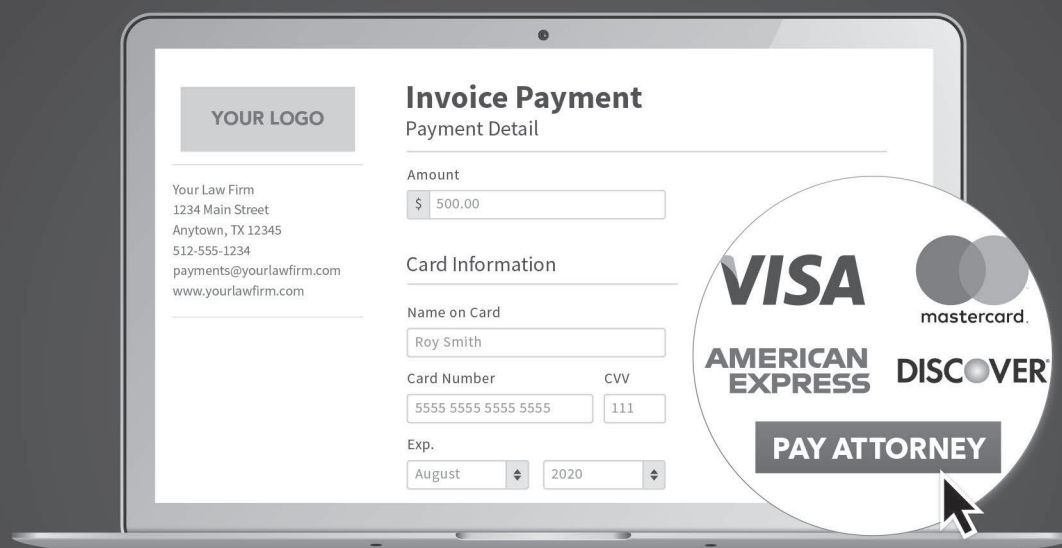


It's been a year of change for the Maryland State Bar Association, as we renew our commitment to improving and building on the member services that have made us the voice of Maryland's legal community for more than 100 years.

A rebrand and new website. Powerful and effective leadership in Annapolis on behalf of the profession. New learning opportunities for every segment of the profession.

Read the 2017-2018 Annual Report online now to look back on all that we have accomplished together in the past year, as we begin the next chapter of the MSBA.

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John Pontius represents individual and business clients with sensitive and serious tax matters before the Internal Revenue Service and state taxing authorities. Mr. Pontius regularly represents businesses and individuals with complex tax issues in the following areas: FBAR examinations, offshore disclosures, FATCA, tax planning, unfiled tax returns, release of tax liens and levies, trust fund recovery penalty, IRS and state audit examinations as well as Appeals, and penalty abatement. Since 2012, Mr. Pontius has served as the Co-Chair of the Tax Law Section for the Bar Association of Montgomery County. He is also an active member of the Tax Section of the Maryland State Bar Association. Before opening his firm in 2017, Mr. Pontius worked for seven years at tax controversy law firms in Maryland and in the international corporate tax group of KPMG in Virginia. In 2006, he began his legal career as a Judge Advocate in the U.S. Army.

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Learn more and register at **[MSBA.org/SoloSummit](https://MSBA.org/SoloSummit)**



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# CONTINUING LEGAL EDUCATION

Opportunities

By Andrea Terry

The Real Property Section is looking forward to its annual, premier presentation of the Advanced Real Property Institute on October 9th in Columbia. Added to this year's program is a networking dinner the night before, in addition to the reception following the program, which is generously sponsored by First American Title Insurance Company. The MSBA CLE department is also trying a new partnership organized by the Alaska Bar Association, and signed onto by a dozen others around the Country, with "CLE by the Sea" in Hawaii from February 11th to the 15th – registration isn't open yet, but save the dates for our first destination CLE, and check the website for details in the next week! Nine to twelve CLE credits will be offered with the surrounding MCLE states. Registration for any programs listed below can be found on MSBA's website [msba.inreachce.com](http://msba.inreachce.com).

## LIVE IN-PERSON & WEBCASTS

- **SEPTEMBER 18, 2018.** *Judgment Enforcement for Collection Attorneys.* Columbia, MD. Registration is open. \*webcast
- **SEPTEMBER 24-28, 2018.** *40 Hour Mediation.* Baltimore, MD. Registration is open.
- **OCTOBER 4, 2018.** *Financial Elder Abuse.* Columbia, MD. Registration opening soon. \*webcast
- **OCTOBER 9, 2018.** *Advanced Real Property Institute.* Columbia, MD. Registration is open.
- **OCTOBER 15, 2018.** *Federal Court Litigation SIJS (Immigration) Nuts and Bolts.* Columbia, MD. Registration opening soon. \*webcast
- **NOVEMBER 12-16, 2018.** *Advanced Tax Institute.* Baltimore, MD. Registration opening soon.
- **DECEMBER 12, 2018.** *Internet for Lawyers.* Columbia, MD. Registration opening soon. \*webcast
- **FEBRUARY 11-15, 2019.** *2019 CLE by the Sea.* Honolulu, HI. Registration is open.

## NEW ONLINE, ON-DEMAND

- *Hot Tips in Family Law: What NOT to Do!*
- *ABLE, Special Needs Trusts and the New POMS*
- *What is New in Handling Drinking and Driving Cases in Maryland*
- *2018 Employment Law Institute*
- *Issues in High Value Family Law Cases*
- *Fiduciary Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships*
- *Adult Guardianships in Maryland—the New and Improved Process!*
- *2018 Hot Tips in Workers' Compensation*
- *Immigration Law Update: Creative Lawyering Strategies in Times of Uncertainty*
- *Advanced Estate Planning Institute*
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- *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation*

See CLE Page 19

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Your purchase of the new 2018 *Replacement Pages* to the Second Edition also includes a link to conveniently download all of the jury instructions in electronic format, provided to save busy practitioners hours of time!

**2018 REPLACEMENT PAGES—MARYLAND CIVIL PATTERN JURY INSTRUCTIONS, FIFTH EDITION**  
*MSBA Committee on Pattern Jury Instructions*

The *NEW 2018 MJPI-Civil Replacement Pages* for the Fifth Edition, replace all Pages in the Fifth Edition, and is Maryland's most authoritative source of impartial, accurate statements of the law, using easy-to-understand language.

- The Replacement Pages—
- bring this valuable work up to date with brand new and revised instructions, updated commentary, new case law, and statutory references

See Publications Page 19

## MSBA LAWYER ASSISTANCE PROGRAM WELLNESS TIPSHEET

### Are You an Introvert or an Extrovert?

By Lisa Caplan

What is the first thing that comes to mind when you think of someone as an introvert? Typically we wrongly think of an introvert as someone who doesn't like people. Actually, that is not always true. Whether you are an introvert or an extrovert has a lot more to do with how you process things, rather than how outgoing you are.

#### Traits of an Introvert

- They are more reflective.
- They recharge and energize alone.
- They love to think and deal with the world based on thoughts, memories and ideas in their own heads.
- They like their personal space, and

don't like it to be invaded.

- They do not see acquaintances as good friends. They form long-lasting relationships and have small groups of good friends.
- They are very self aware.
- They notice details that others miss.
- They prefer small groups to large gatherings.
- They speak up only after thinking through their answer.
- They are creative and imaginative.

#### Traits of an Extrovert

- They recharge and energize with other people.
- They work problems out by talking through ideas with other individuals.

- They speak before they think.
- They speak their mind.
- They are seen as approachable and friendly.
- They are comfortable sharing about themselves.
- They have lots of "friends."
- They like large gatherings.
- They love to talk.
- They love feedback and are motivated by rewards.

#### Fun Facts

Roughly half of the population are introverts and half are extroverts.

Introverts have more blood flow to their frontal lobes; the part of the brain that deals with remembering, problem solving, and planning.

Extroverts have more blood flow to areas of the brain involved in driving, listening, and watching.

Carl Jung, the psychiatrist who developed the concepts of introvert and extrovert believed that everyone has one true type, but that it might take time for each person to determine what their type is. Typically, you will not swing from one extreme to another but might find, depending on your stage of life or when you take a personality test, that you fall in different places on the scale.

Knowing if you are an introvert or an extrovert can help you make healthier life choices and be happier overall. Making life choices that fit your personality helps you tap into your energy, and not feel like you

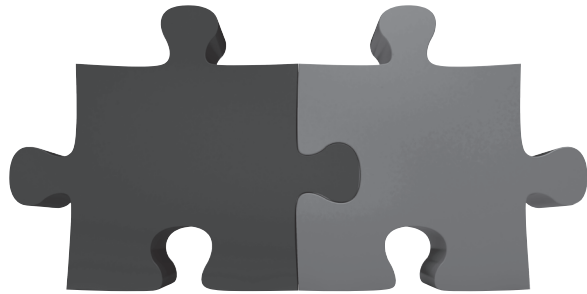
are always forcing yourself to do things that you are uncomfortable doing. We will always have to do things out of our comfort zone, but forcing yourself, for example, to have a crazy social schedule if you are an introvert will not allow you to recharge the way you need to. You will always be fighting against your natural tendencies.

If you need assistance, please contact the Lawyer Assistance Program for free, confidential assistance. Jim Quinn, Lawyer Assistance Director, (443) 703-3041, [jim@msba.org](mailto:jim@msba.org) or Lisa Caplan, LCSW-C, Lawyer Assistance Counselor, (443) 703-3042, [lisa@msba.org](mailto:lisa@msba.org). Toll free

See Introvert Page 19



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## THE BUSINESS OF LAW

# It's All About the Benjamins: *Ways to Earn Your Client's Fee*

By Tatia L. Gordon-Troy

In the 2017 Clio Legal Trends Report, one of the critical findings was that lawyers spend only 2.3 hours in an eight-hour work day on billable tasks. Some lawyers even say they spend less. Unfortunately, according to the report, office administration and business development seem to eat up most of a lawyer's time.

What does this mean in terms of you getting paid? Well, if you use the hourly billing model and you are not spending most of your time on billable tasks, then you are not getting paid.

So what's the alternative to the traditional billable hour? The flat fee model, of course. For lawyers who have been practicing law for years and are accustomed to hourly billing, you may want to consider incorporating flat fees as an option. For lawyers just starting out or going from firm associate to law entrepreneur, you have an opportunity to weigh your options at the onset and experiment a bit.

Regardless of which direction you choose, you could be leaving money on the table if you are not careful. Know that there are pros and cons associated with both the traditional billable hour and the flat fee alternative.

### The Billable Hour

Not only are lawyers too busy to work on their clients' cases, they also fail to record time that can be attributed to a billable task. Failing to record time spent on a case is like throwing money out the window.

Picture this: A client scatters \$100 dollar bills around your office and every bill you collect counts toward your earnings on that client's case. But you've spent the better part of the week working on that old copier of yours, setting up your Dropbox filing system, or preparing for a "know your rights" seminar you're hosting this weekend.

Eventually, those Benjamins go uncollected for weeks, even months, accumulating dust in the corner of your office while you continue to struggle with an outdated copier because your cash flow is low. And



your cash flow is low because you're not earning money!

When you finally get around to working on the client's case, you fail to record the time it took to draft 10 pages of interrogatories or write that eight-paragraph email to the opposing attorney.

The problem? You are failing to earn money within your reach. When you choose the billable hour model, you must hold yourself and your staff accountable for every minute worked on a particular case. You also should pledge to earn most, if not the entire, client retainer within the first month or two.

Commit to focusing on the billable portion of your work and delegate as much as you can.

### The Flat Fee Model

Flat fees sound simple, right? Not even close. For flat-fee billing to work, you need to know the number of hours you spend on the types of cases you handle.

If you are currently billing by the hour, you should have a record of the hours spent on a particular case. If you don't have a record, start building one today by tracking your time and your staff's time.

Choosing flat fees means knowing what your time is worth, and how to anticipate and cover for additional developments in a case.

Clients seem more receptive to flat fees because they feel more confident in knowing what to expect. But flat-fee billing can backfire on you if you fail to account for more than what it takes to perform the work, e.g., failing to account for the "high-maintenance" client, payment of court appearance and

filing fees, any postage and delivery fees, mileage to and from court, and other average monthly business expenses.

Flat fees work well when combined with limited scope representation, also called "unbundled" or "a la carte" services. If your practice lends itself to a limited scope model, you could restrict your representation to reviewing documents drafted by the client, responding to a court motion, or appearing at a specific hearing.

You could offer your services as a coach, or handle more complex aspects of the case while the client handles others. A limited scope model could help you capture clients who otherwise might be tempted to proceed pro se.

When considering this route, develop a pricelist for specific duties, and then stay in your lane. That is to say, draft a detailed contract that outlines your responsibilities and your client's, and don't be tempted to perform tasks outside the scope of the contract. If the client requires additional help, you should negotiate additional representation.

Choosing a limited scope model with flat fees allows you to get paid faster while freeing up time to spend on administrative tasks and business development.

*Tatia L. Gordon-Troy, Esq. is a member of the Maryland Bar and a regular contributor to the Bar Bulletin. She helps attorneys self-publish as a way to market themselves and their practices. She runs her own firm, Ramses House Publishing LLC. [www.publishingforlawyers.com](http://www.publishingforlawyers.com).*

# 10 Exercises for Busy Professionals

By Haley Shaw

Exercise is a fundamental factor in ensuring that your body is fit and healthy. Exercise increases strength and helps you avoid sickness that might prevent you from working. As an added bonus, you may become more confident with how you look. According to Harvard Health Letter Executive Editor, Heidi Godman, "The common reasons to be physically active include: reducing the odds of developing heart disease, stroke, and diabetes. Maybe you want to lose weight, lower your blood pressure, prevent depression, brain fog, or just look better." Although there are several benefits, many legal professionals still fail to incorporate exercise into their schedule, often because they are extremely busy with work.

If you are one of these busy people with a demanding schedule, try to find time to do some quick

and easy exercises. The best part? To complete these exercises, you do not need to go to the gym. In fact, some of these exercises you can do while you are in your office. For instance, you may get up and walk around the office every now and then, to take a break (remember the 90-second rule from my August article). You can even walk around the office while reading over documents, conducting phone calls, or researching a topic.

Continue reading to discover **10 more ways** that busy professionals can manage exercise during the work day effectively.

### 1. Use Your Own Weight

You do not need a gym to get your act together. By using your own weight in resistance training (like push-ups), you can shed pounds without a gym.

### 2. The Tabata Protocol

The tabata workout regimen simply requires you to alternate short bursts

of high intensity workouts and short rest periods. It works for cardiovascular exercises, strength training, and bodyweight resistance training. The most common tabata protocol includes 20 seconds ON; 10 seconds OFF. Beginners complete 4 sets (2 minutes); advanced complete 8 sets (4 minutes).

### 3. Stand and Walk Around

As stated earlier, the easiest way to burn calories is to stand and walk around the office. Standing alone burns 50 calories more than just sitting in your office chair. Remember the smart work trend from my August article: take short breaks throughout the day to disconnect. At least a 90-second break will allow you to be more present in your next meeting, court attendance, or even for your social life outside of work.

### 4. Six Floors Rule

The Six Floors Rule simply states,

take the staircase if you're going up less than six floors. Are you down for the challenge? Climb stairs instead of taking the elevator to incorporate exercise into your daily routine. Who knows, you may even beat the people in the elevator!

### 5. Commute

Another way to combine physical activity with your work is to ride a bike or walk to work. Taking public transport is also good, especially if you walk or stand for most of the trip.

### 6. Push-Ups

Push ups are not always the easiest thing to do, but they are one of the best resistance training exercises, and you can do them even in a small space. If performing a push-up on your feet is too challenging at first, start on your knees, or perform incline push-ups on a bench, chair, or wall. Once you feel confident, complete as many as you can on

your feet. Start by aiming for 5. Add 5 more repetitions each time, and see how many you can complete in 60-seconds.

### 7. Crunches

Crunches are one of the easiest workouts to do almost anywhere. Crunches are similar to sit-ups, except you only lift your shoulder blades off the ground, instead of your entire upper half. Crunches help tighten your core muscles, especially your abdomen. A strong core helps alleviate low back pain, helps with perfecting your posture, and helps you fit into those jeans, jacket, or that dress you have wanted to fit into for a while.

### 8. Mountain Climbers

Starting in push-up position, mountain climbers rapidly engage your core muscles as you drive each knee forward to your chest as fast as possible.

**See Exercises Page 19**



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## ET ALIA

**Amy L. Edwards**, a partner in Holland & Knight's Washington, D.C. office, has been sworn in as the 92<sup>nd</sup> chair of the American Bar Association (ABA) Section of Environment, Energy and Resources (SEER).



*Amy L. Edwards*

**John Denick** has been appointed Chair of the Board of Directors for the Modell Performing Arts Center at The Lyric.

**Laura L. Dunn** has joined The Fierberg National Group, PLLC as managing counsel - D.C.



*Laura L. Dunn*

**Jennifer S. Yeagle** has joined the Trusts & Estates Practice at Gordon Feinblatt LLC.



*Jennifer S. Yeagle*

**Wallace Kleid** has established a solo practice focusing on workers' compensation, criminal and traffic, and personal injury matters. Mr. Kleid is also a court-certified mediator in Baltimore City and Baltimore County. He may be contacted at (443) 914-3388.



*Wallace Kleid*

Pennsylvania-based law firm **Barley Snyder** has opened a new office in Maryland at 6700 Alexander Bell Drive, Suite 200 in Columbia. The office can be contacted at (410) 884-3150.



Send your latest news and updates to Lisa Muscara for inclusion in Et Alia: [lisam@msba.org](mailto:lisam@msba.org).

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### DATELINE...Page 3

Responsibility; The Advancement of Advocacy for Justice; The Advancement of the Rights of the Disadvantaged; The Advancement of Public Understanding of the Law.

**25 The Women's Law Center of Maryland** hosts their Annual Dinner & Awards Ceremony from 6:00 p.m. to 9:00 p.m. at The Grand Baltimore, 225 North Charles Street,

Baltimore, MD to honor three exceptional award recipients who are making great strides in the areas of family law, women's rights, and access to justice in Maryland. Additional information and tickets are available online at [www.wlcmd.org/get-involved/fundraising-events/annual-meeting-awards-ceremony](http://www.wlcmd.org/get-involved/fundraising-events/annual-meeting-awards-ceremony).

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## JUSTICE...Page 1

"Equal justice for all is a core value in our society, and it is a value that underpins A2JC's work," says MSBA Executive Director Victor Velazquez. "Alignment with this core value lends depth to the MSBA, adds stature to the work of individual practitioners, reinforces the highest ideals of the legal profession, increases relevance of the Bar among social-justice-minded young lawyers, has the potential to grow membership beyond traditional pools, and advances MSBA's own mission to promote access to justice – which makes it not only the right thing to do, but a smart investment."

## CLE...Page 15

### VIDEO REPLAYS

- **SEPTEMBER 18, 2018.** *Family Practice Update*. Baltimore, MD.
- **SEPTEMBER 20, 2018.** *Family Practice Update*. Rockville, MD.
- **DECEMBER 11, 2018.** *Advanced Real Property Institute*. Baltimore, MD.
- **DECEMBER 13, 2018.** *Advanced Real Property Institute*. Rockville, MD.

## INTROVERT...Page 15

(800) 492-1964.

*Lisa Caplan, LCSW-C, has over 20 years' experience in her field, and extensive experience working with lawyers and judges in the areas of mental health, substance abuse and trauma. In her free time, Lisa enjoys spending time with her family and friends, rock climbing, paddle boarding, and training for triathlon sprints.*

## EXERCISES...Page 17

sible. It is a plyometric exercise that engages your entire body. Mountain climbers will slim your midsection, strengthen your arms, and build your leg muscles simultaneously.

### 9. Jumping Jacks

Just like in elementary gym class, jumping jacks is one exercise that everybody knows how to do. Start off with jumping jacks as a warm-up before beginning your exercise routine.

## PUBLICATIONS...Page 15

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