

MARYLAND STATE BAR ASSOCIATION, INC.

ANNUAL REPORT 2009/2010

Volume XIX

MSBA is pleased to present its membership with a brief overview of the year 2009/2010, highlighting its many activities, events and accomplishments.

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Cover: MSBA Headquarters Conference Room
Mural depicting an artistic rendition of the
Maryland State flag.

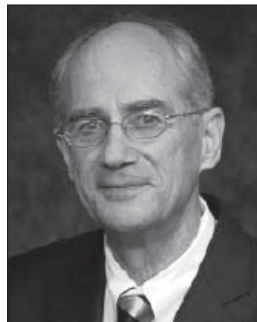
2009/2010 MSBA EXECUTIVE COMMITTEE



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PRESIDENT'S MESSAGE

WHAT AN EXCITING YEAR 2009-2010 HAS BEEN FOR THE MARYLAND STATE BAR Association (MSBA). The year brought several new initiatives while at the same time strengthening many of the Association's long-standing core member services. I am happy to report the MSBA stands on solid membership and financial footing, and am pleased to provide you with the 2009-2010 edition of the MSBA *Annual Report*.

The MSBA's Sections and Committees remain the heart of our Association, and much of the great work done by the Sections and Committees may be found later in this report. In addition, below are some of the highlights of new MSBA initiatives and strengthened long-standing core MSBA member services. These include:

- **CLE:** The MSBA is rebuilding its CLE function upon the heels of the demise of MICPEL. Providing continuing education is a key benefit of membership in the MSBA. Thus, the Association intends to facilitate the provision of quality, cost-effective CLE through its Sections. A technologically savvy delivery system for CLE is being developed and a webinar license has been obtained to provide access to programs for up to 1,000 members at a time. This will allow members to attend MSBA Section-produced CLE without leaving their offices, making it both convenient and cost-effective.
- **Social Media:** Continuing on the path of being technologically savvy, the MSBA in 2009-2010 jumped into the world of social media by creating a Facebook page and Twitter accounts:
 - ◆ *MSBA on Twitter (General)*
 - ◆ *MSBA on Twitter (Law Office Management Assistance)*
 - ◆ *MSBA on Facebook*
 - ◆ *MSBA Legislation on Twitter*
- **Construction Law Committee:** The MSBA is pleased this year to have added to our ranks the newly-formed Construction Law Committee, which brings the MSBA up to 33 Committees and 27 Sections. Combined, these Sections and Committees conducted over 500 meetings during the Bar year, to the benefit of all of our members.
- **Cell Phones in Court:** The MSBA is working with the Rules Committee to create a uniform statewide policy which would permit attorneys with a MSBA identification card to bring a cell phone or Blackberry-type device into any courthouse in the state.
- **Mandatory CLE:** After a poll of our members showed overwhelming opposition to any proposed mandatorily-imposed CLE requirement upon attorneys, the Professionalism Commission has been advised that while the MSBA certainly supports CLE (including self-study), it opposes any mandatory requirement/reporting of CLE.
- **Legislative Action:** The MSBA has been very active during this Legislative Session. All bills and other legislative action pertaining to the practice of law are assessed to determine whether action should be taken. Recently, for example, the MSBA opposed action by the Governor (which must be approved by the General Assembly) to move into the general fund monies which were specifically earmarked for 1) improving the Land Records filing and records-keeping system, and 2) improving corporate filing services at the State Department of Assessments and Taxation. Other legislative action taken by the MSBA has included supporting the elimination of contested judicial elections, as well as supporting a small increase in court filing fees in order to increase funding for low-income legal service providers.

The list of MSBA projects could go on *ad infinitum*. Instead, I refer you to the Section and Committee reports starting on Page 9 of this report. Importantly, the great accomplishments of our Association would not be possible were it not for the hard work of the leaders of our Sections and Committees, our Board of Governors, our Executive Committee and our more than 24,000 members. Furthermore, the Association continues to draw its strength and national acclaim from the dedication and hard work of its Executive Director, Paul Carlin, and its other directors and staff. Let me take this opportunity to extend a personal thank you to everyone who has made the 2009-2010 Bar year a great success.



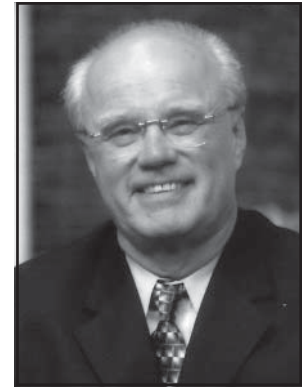
Thomas C. Cardaro

2009/2010 MSBA BOARD OF GOVERNORS

4	Thomas C. Cardaro <i>President</i>	Thomas J. Dolina <i>Eighth District</i>	Scott Grove Patterson <i>Third District</i>
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EXECUTIVE DIRECTOR'S MESSAGE

WHEN I THINK BACK OVER THE MAJOR CHALLENGES WHICH HAVE CONFRONTED THE Maryland State Bar Association (MSBA) during the last 25 years, I think about the malpractice insurance crisis of 1985, which prompted the creation of Legal Mutual Liability Insurance when only two commercial insurance carriers remained to write policies. Then, in 1989, under the threat of mandatory pro bono by the Court, the MSBA requested the Court of Appeals forestall its mandatory plans so that a strong voluntary effort could be conducted, which led to the creation of the Peoples Pro Bono Action Center (now the Pro Bono Resource Center of Maryland, in its 20th highly successful year!). Also, in the early 1990s, as a result of the MSBA's visionary Stress and Dissatisfaction Survey of 1988, an effort to increase the professionalism and civility of the Maryland Bar led to the creation, with the Court of Appeals' approval, of the Professionalism Courses for all new admittees, which began in May 1992. After almost 18 years, more than 27,000 lawyers have taken that course and it has registered a positive impact on the Maryland Bar, according to the Attorney Grievance Commission, as well as many judges and lawyers. Those were three big challenges to which, when the bell rang, the MSBA stepped up to answer the call.



Paul V. Carlin

Now, jumping forward to 2010, we have the reevaluation of mandatory (minimum?) continuing legal education (MCLE) by the Professionalism Commission of the Court of Appeals, as well as the unfortunate collapse of the Maryland Institute for the Continuing Professional Education of Lawyers (MICPEL), which occurred at the end of February 2010. Certainly these two occurrences constitute two new major challenges for our Association and our 24,000 members. Surprisingly, history shows that these two developments are linked in MSBA history, since at the 1976 MSBA Midyear Meeting, our members voted to request the Court to evaluate the implementation of MCLE in Maryland and, at the same meeting, to create MICPEL, most probably to provide the vehicle for Maryland lawyers to receive most of their CLE. MICPEL was created, but the Court never acted on the MCLE request. In 1982, the MSBA and the two law schools in Maryland signed a cooperative agreement to funnel all their CLE projects through MICPEL. In 1986, the MSBA CLE Committee examined MCLE but did not recommend that it be implemented. In 1995, the CLE Committee did generate a recommendation for Minimum CLE (15 hours per year) and, with Board of Governors approval, this recommendation for an MCLE Rule and new Commission was sent to the Court. That effort met its demise at the Court's Rules Committee, when it was tabled without a vote. Had the Rules Committee voted then, it would have been easily defeated. The Board's recommendation never reached the Court for a vote. In the fall of 2009, the MSBA, for the first time, polled its members about their opinion of an MCLE requirement. The members' response was a resounding 70 percent against any MCLE proposal. As of January 1, 2010, Maryland and four other states are without an MCLE requirement. This year surely holds some interesting discussions about MCLE. The bottom line is still that the MSBA believes in continuing legal education. Plus, all Maryland lawyers should contemplate plans for keeping themselves current with the ever-changing and developing law.

The decline and collapse of MICPEL has received much attention over the past year. Although the MSBA helped to create MICPEL, it was a separate 501(c)(3) corporation, organized for educational purposes and with its own Board of Trustees and officers. Now that MICPEL has ceased operations, it is time for the MSBA to create a new department of education. To repeat, the MSBA believes in continuing legal education. The former structure of 35 years now ceases, but a new structure arises using the strongest building blocks of the former model while adding many changes to adapt new technology like webinars and teleconferences for the convenience and cost benefits to our members. Continuing education can be and should be a key MSBA membership benefit, as expressed in the MSBA's Articles of Incorporation. The MSBA Sections will continue to provide quality legal programs and publications as they did for decades for MICPEL. Our 27 Sections are eager to do so. I am hopeful that Fastcase, our free online legal research provider, will enhance its offerings by making available and easily accessible many of the former MICPEL publications for free, as well.

While MICPEL succumbed to many factors, as an educational institution for decades, it provided an exceptional service to the Maryland bar. All those many individuals who invested so much time and effort in its existence – be they Board members, officers, authors, program presenters or staff – should feel proud of their work and be congratulated and thanked. As we go forward, the MSBA is confident that a successful transition can occur. This, too, will be one of those great challenges faced by the MSBA.

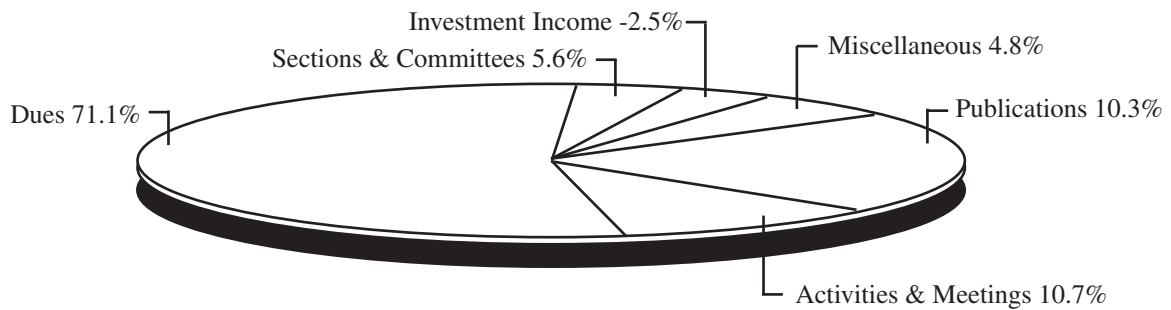
The Chinese define the idea of “crisis” with their characters for “danger” and “opportunity.” Thus, this crisis provides much opportunity. Someone remarked, “This is a crisis too good to waste.” Hopefully, the MSBA can achieve real progress in providing quality, reliable, relevant, low-cost, competitive legal education. Again, the MSBA believes in continuing legal education.

Lastly, I want to express how privileged I feel to have been the executive director of the MSBA for these past 25 years. My message above mentions some real challenges that we have addressed, but it does not mention the hundreds of other programs, publications, events and services that we have presented. I am especially proud of the MSBA executive team and staff, which is stable, strong and long-tenured. It has, indeed, been a privilege to work with so many talented, intelligent and committed Past Presidents, officers, the Board of Governors and MSBA members who give freely of their time and skills for the betterment of the Maryland legal profession.

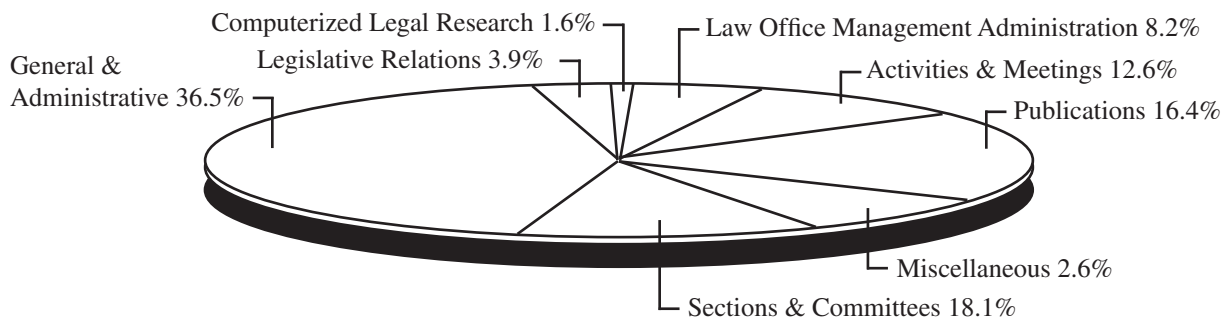
So I conclude this message with a heartfelt expression of gratitude for your loyal support of your voluntary professional membership organization.

2008/2009 MSBA FINANCIAL HIGHLIGHTS

6 Revenue	2008	2009	
Dues	2,677,221	2,732,024	71.1 %
Activities & Meetings	297,812	409,237	10.7 %
Sections & Committees	222,685	214,693	5.6 %
Publications	418,019	395,349	10.3 %
Investment Income	63,025	(95,282)	-2.5 %
Miscellaneous	68,629	185,843	4.8 %
Total	3,747,391	3,841,864	100 %



Expenses	2008	2009	
Activities & Meetings	452,342	523,512	12.6 %
Sections & Committees	796,271	750,950	18.1 %
Publications	651,654	677,430	16.4 %
Legislative Relations	154,213	162,891	3.9 %
Computerized Legal Research	63,920	66,372	1.6 %
General & Administrative	1,442,553	1,511,849	36.5 %
Law Office Management Admin.	324,573	339,585	8.2 %
Miscellaneous	101,542	107,127	2.6 %
Total	3,987,068	4,139,716	100 %



2009/2010 MSBA BOARD ACTIONS AND HIGHLIGHTS

- SUPPORTED filing fee surcharge legislation to boost revenue for legal services to the poor 7
- APPROVED 2010 final state legislative program
- APPROVED resolution opposing an MCLE requirement based on MSBA's member survey results showing 70 percent of members opposed it
- APPROVED MSBA assuming greater CLE role
- APPROVED a uniform attorney cell phone and other electronic device use policy for all Maryland circuit courts permitting attorneys to bring electronic devices into all courtrooms and courthouses in Maryland
- APPROVED procedures for MSBA's administration of the Baltimore City Court I.D. cards
- APPROVED new membership benefits: ABA Retirement Funds and CoreVault Secure Online Backup & Recovery offsite storage
- SELECTED Board representatives to Legal Aid Bureau, the Maryland Volunteer Lawyers Service and the Pro Bono Resource Center of Maryland
- SELECTED recipients of the Sodaro Judicial Civility Award and Presidential Best Section Projects
- PROVIDED support to the Pro Bono Resource Center of Maryland for lawyer training to prevent mortgage foreclosures in Maryland and updated Public Awareness *Foreclosure Proceedings in Maryland* brochure to distribute to homeowners

2009 MSBA ANNUAL MEETING

JUNE 10-13, OCEAN CITY, MARYLAND

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MSBA President Thomas C. Cardaro delivers his installation speech to MSBA members



Attendees stay abreast of the latest law-related goods, technologies and services in the Exhibitor Hall



Honoring the latest appointees to Maryland's Judiciary with the New Judges Reception



All the seafood you can eat at the annual Crab Feast at Hooper's



Attendees learn of the latest updates in their substantive fields in the many educational programs



The Citizenship Law-Related Education Program (CLREP) educates children on the importance of the law in their lives with its entertaining Children's Hour

SECTIONS

ADMINISTRATIVE LAW

Kathleen Chapman, Chair

This Section updated its bylaws to address those times the Section Council is called upon to make immediate recommendations on legislation affecting administrative law. It also updated its homepage by making available Council meeting minutes dating back to 2001. The Section also continued its public outreach efforts to local law schools, including the Career Exploration Conference at the George Washington University Law School, and a presentation to the Asper Fellows and an Administrative Law Nuts & Bolts program at the University of Maryland School of Law.

ALTERNATIVE DISPUTE RESOLUTION

Steven A. Shapiro, Chair

This Section held a Program Planning Retreat in August, as well as a seminar on Mediator Definitions and the work that the Maryland Conflict Resolution Office is doing to support quality service in the field of ADR in November. The Section's Annual Dinner in March featured Professor Erica Fox from Harvard Law School as the keynote speaker, where the Chief Judge Bell Award for Outstanding Performance in the field of ADR was presented. It hosted a seminar on Ethical Considerations in the burgeoning area of collaborative law in April, as well as a webinar on Business ADR 101 geared largely toward Chambers of Commerce from across the state. The Section will host a program on the new Mediator Evaluation Program being piloted in Baltimore City and Baltimore County Circuit Court ADR Programs at the MSBA Annual Meeting, featuring a keynote address (cosponsored with the Business Law Section and Litigation Section) from Professor Robert Mnookin on his new book, *Bargaining with the Devil*.

ANIMAL LAW

Gary Christopher Norman, Chair

This Section hosted a "kick-off dinner", which included a panel discussion, in October, and partnered with the L.L.M. Executive Board of the American University, Washington College of Law, to host a colloquy with Senator Jamin B. (Jamie) Raskin on proposed legislation in the Maryland General Assembly respecting animals in March. It also presented, in conjunction with the University of Maryland School of Law (particularly its Student Animal Legal Defense Fund organization), a panel discussion on issues related to tort damages and animals in March, then partnered with a myriad of individuals and organizations to host a leading regional symposium on animal law and policy at the University of Baltimore School of Law in April. The Section also established the Roberta L. Cepko, Esq., Award to recognize outstanding leadership in animal law, continued to produce and disseminate an informative newsletter and comment on

proposed legislation in the Maryland General Assembly. It will provide an enlightening panel discussion at the MSBA Annual Meeting, as well as a break-out session on starting a practice focused on animal law at Solo Day.

BUSINESS LAW

John R. Orrick, Chair

This Section launched the Maryland Business Law Blog (www.marylandbusinesslawdevelopments.com), focused exclusively on judicial developments in Maryland business law (including trial and appellate courts, as well as opinions that may not otherwise be published), in September. In conjunction with the Taxation Section it sponsored a joint social and educational program on business trusts in March, and in April held the Sixth Annual Business Law Institute, which featured eight continuing education panels as well as speaker Anirban Basu discussing the Climate of Business in Maryland. It will sponsor two programs at the MSBA Annual Meeting: Workplace Fraud – How to Detect It and Deal with It, and *Bargaining with the Devil*, cosponsored with the Alternative Dispute Resolution Section and Litigation Section.

CONSUMER BANKRUPTCY

Mary Park McLean, Chair

This Section provided free continuing education training for its members through monthly brown bag luncheons held in Baltimore and Greenbelt, and its electronic discussion group continues to be one of the most active of any Section. It sponsored two CLE courses on general bankruptcy matters and worked closely with the staff of the United States Bankruptcy Court by coordinating focus group discussions to assist the Court with unrepresented debtors in bankruptcy, leading to the Bankruptcy Court's creation of a new pro bono assistance program called the Debtor Assistance Project. The Section added online video stream seminars to its library of sample pleadings and other materials available on its homepage, and also launched an electronic newsletter, the *Hanging Paragraph*. It will present a unique program on how the various branches of our state government are responding to the foreclosure crisis at the MSBA Annual Meeting.

CORRECTIONAL REFORM

Alison Y. Leonard-Leach, Chair

This Section is concerned about the pretrial detention of defendants charged with nonviolent offenses who cannot afford bail money, particularly when less-onerous, nonfinancial alternatives exist for pretrial release. It investigated both public and private-sector resources to determine the kinds of assistance available before and after release from prison. The Section continued its review of the social, economic and legal problems faced by former prisoners upon their release from incarceration.

2009/2010 MSBA SECTIONS AND COMMITTEES

10 CRIMINAL LAW & PRACTICE

Rachel Marblestone Kamins, Chair

This Section addressed the discharge of the Maryland Public Defender and legislation proposing a reconstitution of the Public Defender Board, as well as the MICPEL funding crisis and MSBA's future role in providing CLE to its members. It joined forces with the Litigation Section to present an educational program entitled "Obtaining Financial and Medical Records for Litigation (the Right Way) and Use at Trial" in January. The Section also sponsored the fourth annual Joseph F. Murphy, Jr., Legal Writing Competition, presenting the winner with a cash award and the opportunity for publication in the University of Baltimore Law Forum.

DELIVERY OF LEGAL SERVICES

Suzanne Sangree, Chair

This Section launched a newsletter through its homepage and provided support for a court filing fee bill in the state legislature to help address the funding crisis for civil legal aid to the poor. It also updated, and will soon publish, a Guardianship Handbook in junction with the University of Maryland Clinical Law Program. The Judicare Family Law Pilot project, which the Section helped launch through the Administrative Office of the Courts and the Maryland Legal Services Corporation, completed its second year and is undergoing a formal evaluation by researchers at the University of Maryland School of Social Work and Bowie State University. The Section also has representatives on the Maryland Access to Justice Commission, the People's Law Library Content Advisory Committee and the MSBA Planning Committee's Access to Justice Subcommittee and co-sponsored the 11th Maryland Partners for Justice Conference and the National Lawyer Referral Conference.

ELDER LAW

Morris Klein, Chair

This Section offered several free meetings for Section members, including a review of the Brooke Astor case. It held its annual legislative meeting in Annapolis and has been active in monitoring a variety of bills of interest to Section members. It offered a range of elder law courses, including, for the second year, a course designed to give attorneys the opportunity to become accredited for the preparation, presentation and prosecution of claims for veterans' benefits before the Department of Veterans Affairs (VA). The Section also organized its annual free, statewide legal clinic for seniors on Law Day, partnering with local aging agencies and senior centers, where volunteer attorneys answered questions and provided assistance to seniors in preparing Health Care Power of Attorneys and Living Will/Advance Directive forms. It continues to consider the feasibility of expanding its reach to include certain disability law issues.

ENTERTAINMENT & SPORTS LAW

Julian A. Haffner, Chair

This Section continues to devise and pursue membership outreach initiatives to increase its membership base. It will continue to provide education and other programming of interest to its existing members.

ENVIRONMENTAL LAW

Melissa B. Derwart, Chair

This Section sponsored CLE programs such as panel discussions and keynote addresses given by leaders in the field of environmental law. It provided opportunities for its members to interact and network with colleagues during events such as its Annual Dinner and a service-oriented program. The Section also assisted the ABA Section of Environment, Energy, and Natural Resources with its Annual Fall Meeting, held in Baltimore, and will co-sponsor a panel discussion with the Real Property, Planning & Zoning Section at MSBA's Annual Meeting. It continued its outreach program to area law schools in which Section members addressed students of the University of Maryland School of Law and the University of Baltimore School of Law on careers in environmental law.

ESTATE & TRUST LAW

Richard T. Wright, Chair

This Section supported a legislative agenda of 11 items, including an emergency bill to address the unexpected Federal estate tax lapse. It commented on, or assisted with, numerous other legislative items in the estate and trust law area that arose during the session. The Section worked with the Maryland Association of Judges of the Orphans' Courts and the Registers of Wills to study and pursue legislation and create administrative procedures relating to the jurisdiction of the Orphans' Courts for guardianship proceedings. It reviewed the Uniform Power of Attorney Act and related legislation and, after thoroughly reviewing and debating the provisions of the Act, supported a bill for passage. The Section supported a series of CLE courses, and it will present a program at the MSBA Annual Meeting.

2009/2010 MSBA SECTIONS AND COMMITTEES

FAMILY & JUVENILE LAW

Mary Roby Sanders, Chair

This Section offered three CLE seminars, including the hugely popular Family Practice Update, held in August in both Baltimore City and Montgomery County. It again offered its Family Law University, this time focusing on “Family Law Practice in a Sour Economy” and the unique problems facing family law practitioners in these uncertain fiscal times. The Section’s legislative efforts included advocating for the passage of the revised Child Support Guidelines; advocating for the passage of a *de facto* parent bill to allow appropriate third parties to serve in a legally sanctioned parental capacity for a child; advocating for legislation to improve the lives of victims of domestic violence; continuing to oppose a presumption of joint custody, both legal and physical; and supporting legislation making it easier for parties living under the same roof to file for, and obtain, a divorce under certain circumstances. It continues to publish its *Family Law News Letter*, featuring articles and case notes, three times a year.

HEALTH LAW

Carl S. Jean-Baptiste, Jr., Chair

This Section held educational programs for its membership and law students on topics including “Understanding the Maryland Insurance Administration’s Regulation of Health Insurance and What It Means for Your Client”, presented by Beth Sammis, Deputy Insurance Commissioner, Maryland Insurance Administration; “Reporting Physicians - Analyzing the Latest Opinion from the NPDB”, presented by Sigrid C. Haines, Esq., of Lerch, Early & Brewer, Chartered; “Understanding the Health Services Cost Review Commission (HSCRC)”, presented by Jay Levy, Esq.; and a legislative roundup summarizing health care legislation passed in this year’s General Assembly Session. It also established a subcommittee to analyze Federal health care reform legislation.

IMMIGRATION

Jonathan S. Greene, Chair

This Section grew to more than 400 members in its second year, engaged an active electronic discussion group and advocated for legislation before the General Assembly. It provided assistance to the Motor Vehicle Administration on the implementation of the new driver’s license law for immigrants and developed a special project to assist with the immigration needs of Haitians stranded in Maryland because of the devastating earthquake in that country. The Section will present an informative educational program at the MSBA Annual Meeting.

INTELLECTUAL PROPERTY

Sherry H. Flax, Chair

This Section produced several webinars, including “Removing the Mystery: Damages in Intellectual Property Disputes”; “Counterfeiting”; “Patenting Biotech Sequences: What’s Happened and What to Do Now”; and “Protecting

Your Client’s Business Interests.” It continued to publish its online newsletter, distributed its Annual IP Law Update on DVD, contributed an article to the January 2010 *Maryland Bar Journal* on the economy, coordinated submission of articles to the March 2010 issue of the *Bar Bulletin* and assisted with the May 2010 issue of the *Maryland Bar Journal*. The Section completed its own stand-alone website, featuring an original logo design and layout, enhanced search and navigation functionality and content and podcasts from its educational programs and has publications available for download to its members. It will present an educational program on “Legal Issues in Social Networking” at the MSBA Annual Meeting.

JUDICIAL ADMINISTRATION

Hon. Ruth Ann Jakubowski, Chair

This Section continues its joint effort with the Family & Juvenile Law Section focusing on the issue of self-represented litigants (SRLs). It submitted a survey to family law attorneys, followed by a series of town hall meetings with local bar associations, with the intent of developing best practices guidelines for attorneys in contested cases in which the opposing party is self-represented. The Section continued to pursue implementation of a program for Masters education and also evaluated numerous legislative bills, submitting recommendations supporting, opposing or abstaining from a position to MSBA. It also undertook the monitoring of Rules submitted by the Rules Committee to the Court of Appeals that may specifically relate to judicial administration and was responsible for the submission of a new Rule on telephone testimony now being considered by the Court of Appeals.

LABOR & EMPLOYMENT LAW

Peter D. Guattery, Chair

The Section continues to publish its quarterly Newsletter, now in its 15th year, providing in-depth articles on recent developments in the field and commentary on exist law. It sponsored a Fall Dinner meeting in November which featured a panel discussion on the Maryland Workplace Fraud Act of 2009. It held its Spring Dinner Meeting in April, featuring the Honorable Paul W. Grimm, U.S. Magistrate Judge, and the Honorable Joseph F. Murphy, Jr., Court of Appeals of Maryland, as guest speakers. It will present an educational program on employee leave issue at the MSBA Annual Meeting.

LEGAL EDUCATION & ADMISSION TO THE BAR

Eric B. Easton, Chair

This Section undertook two major projects this year, the first being to reconsider and revise eligibility requirements under Rule 16 for law students in externship programs, the second to begin formulating a position on the uniform bar examination that has captured so much attention recently. It continues to review and rule on Rule 16 applications for student practitioners.

2009/2010 MSBA SECTIONS AND COMMITTEES

12 LITIGATION

G Arthur Robbins, Chair

This Section, in conjunction with other MSBA Sections, joint-sponsored programs such as "Anatomy of a Trial", the Federal Bench-Bar Conference, Discovery of Medical and Financial Records, Litigation of Intellectual Property Theft, and "Negotiating with the Devil", allowing the Section to leverage its resources. It continues to build value for its members by seeking ways to expand its web-based delivery of member services, including some programming and the Section's newsletter, *The Litigator*, as well as increasing active involvement by a broad base of its members in Section programs and activities. The Section continues to work to represent its members before the Maryland Rules Committee and coordinates with the MSBA on legislative matters, including reform of the current structure of judicial elections.

NEGLIGENCE, INSURANCE & WORKERS' COMPENSATION

Ruth-Ann E. Bennett, Chair

This Section presented a program on the new Workers' Compensation Commission Emergency COMAR Regulations concerning agreement of final compromise and settlements, featuring R. Karl Aumann, Chair of the Workers' Compensation Commission, and Commissioner Maureen Quinn. It also established a subcommittee charged with the task of drafting new jury instructions for workers' compensation cases, which are now in the process of being finalized. The Section cosponsored a presentation to the Baltimore County Bar Association about liens and pitfalls involving Medicare and personal injury and workers' compensation cases. It will participate in Solo Day at the MSBA Annual Meeting.

REAL PROPERTY, PLANNING & ZONING

Theresa B. Shea, Chair

This Section supported its members' adaptation to the changes in the foreclosure process in Maryland with educational briefings by its Foreclosure Committee, and worked with the MSBA on proposed financial changes to the Land Records Improvement Fund to try to protect the monies in that Fund for the operation and maintenance of the Land Records system. It continued its educational efforts, including the Advanced Real Property Institute in October, the monthly real estate discussion lunch and webcasts to ensure wider distribution to members in outlying counties. The Section published its *Ground Rules* newsletter and provided articles for MSBA publications. It also provided forums in which Section members can discuss current topics, such as its electronic discussion group, and continued its mentoring programs to assist law students who are interested in real estate law.

SENIOR LAWYERS

John Carroll Weiss, Jr., Chair

This Section held bimonthly noontime meetings, providing members with lunch, followed by a short business meeting and an interesting speaker. It continued to publish its twice-yearly newsletter, *Pearls of Wisdom*. The Section bestowed its "Senior Lawyer of the Year" award upon the Honorable Frank E. Cicone at a special dinner held in May. It will present a program at MSBA's Annual Meeting.

SOLO & SMALL FIRM PRACTICE

Regina Dee Shaffer, Chair

This Section's membership grew for the 12th consecutive year, making it the fifth largest Section in the MSBA. It held a "Suddenly Solo" program in Columbia, geared toward practitioners considering solo practice because of the effect of the economy on the legal profession, as well as two "Hanging Out a Shingle" programs, designed to help new attorneys start solo practices. The Section also videotaped its 11th Annual Solo and Small Firm Conference in November, making the videos available for purchase online.

STATE & LOCAL GOVERNMENT LAW

Laura A. Swisher, Chair

This Section conducted a survey to determine areas of interest to its members, and, as a result, instituted a series of low-cost, CLE Mini-Programs. It held its first Mini-Program, "Representing the Government – Privilege and Ethics Issues", in March, followed by "Adopting Regulations the Right Way" in April, with additional Mini-Programs in development. The Section, in response to the results of the survey, now offers Legislative Updates on bills of interest to state and local governments during the legislative session. It is currently planning a social event for its members, to allow for networking and discussion.

TAXATION

Jessica R. Lubar, Chair

This Section, with assistance from the University of Baltimore School of Law, updated and electronically distributed its *Tax Practitioner's Directory* as a member benefit. It continued to coordinate Maryland's first U.S. Tax Court Pro Bono Program, wherein attorneys volunteer as facilitators to *pro se* litigants appearing in the U.S. Tax Court trial calendars, held four times a year at the U.S. District Court in Baltimore. The Section offered the program "Tax and Family Law Issues in Divorce and Other Marital Situations", in conjunction with the Family & Juvenile Law Section, in the fall, as well as "Legal and Tax Implications of Business Trusts", cosponsored with the Business Law Section, in the spring. It offered its first CLE webinar, addressing Roth Conversion issues, in April, hosted its annual Irving Shulbank Memorial Dinner and program in May and will present the program "Starting and Operating a Professional Practice – Key Tax Issues Which Every Professional Client and Their Advisors Must Consider" at the MSBA Annual Meeting.

YOUNG LAWYERS

Jason C. Hessler, Chair

This Section supported pro bono activities by organizing several “Wills for Heroes” clinics in which its volunteer attorneys provided basic estate planning services to dedicated police and firefighters. It provided basic legal information to Maryland residents during the “People’s Law Day” at Bowie State University and support for the Maryland State Foreclosure Project. This Section also continued its strong tradition of public service through its “One Bar One Community” program, donating time at Our Daily Bread in Baltimore; working with Habitat for Humanity; donating to Toys for Tots; and collecting books to build a children’s law library. It raised thousands of charity dollars with its participation in the Maryland State Police’s 14th Annual Polar Bear Plunge, benefiting the Special Olympics; the Homeless Persons Representation Project during the 19th Annual MSBA Charity Event; and “Lighting the Night” for the Leukemia & Lymphoma Society. The Section also hosted monthly happy hours throughout the state, at times in conjunction with other professional organizations, to introduce young lawyers to the Section as well as the benefits of MSBA membership.

STANDING COMMITTEES

BUDGET & FINANCE

Debra G. Schubert, Chair

This Committee oversees MSBA’s finances and budget, and reviews budget requests from Sections, Committees and other entities to prepare an annual 700+ line item budget for the Board of Governors’ approval. It makes recommendations to the Board regarding budget amendments, suggests financial policies and develops long-range fiscal plans.

CONTINUING LEGAL EDUCATION

Kathleen H. Meredith, Chair

This Committee assesses Maryland’s continuing legal education environment and is currently evaluating MSBA’s role to continue to provide quality legal education at competitive prices for its members.

ETHICS

Courtland “Skip” K. Townsend, Chair

This Committee issues written opinions on the proper interpretation of the Rules of Professional Conduct, which are indexed and available on MSBA’s website. It also publishes an opinion in each issue of the *Maryland Bar Journal*. The Committee provides oral advice on the interpretation and application of the Rules through the operation of a telephone “hotline” service, announcing the volunteer names each month in the *Bar Bulletin* and on the website.

JUDICIAL APPOINTMENTS

Jerald B. Lurie, Rachel T. McGuckian and Edwin “Ted” H. Staples, II, Co-Chairs

This Committee, made up of local and at-large members, receives and reviews a copy of each application for state judicial appointment, contacts references, assigns the application to a Committee member for the preparation of a summary and presentation to the Committee, then conducts an in-person interview of each applicant and votes on the applicant’s qualifications. It then submits the Committee’s confidential findings to the Judicial Nominating Commission (JNC) and the Governor for consideration (some JNCs request and receive an oral presentation from the Committee Chairs prior to their interviews of the applicants). The Committee provides each member of the JNC with peer evaluation of all applicants’ qualifications, which stand as the MSBA’s formal position for a period of two years without exception.

LAWS

Paul H. Ethridge, Chair

This Committee prepares the MSBA Legislative Program, which sets forth the Association’s positions on such legislative issues as the regulation of the legal profession, the administration of justice and the independence of the judiciary, for consideration by the Board of Governors. It reviews all bills filed during the state legislative session, recommends positions on bills of interest to the Association and presents the Association’s positions on bills through written and/or oral testimony during the session. The Committee also assists in amending proposed legislation and securing passage of bills supported by the MSBA.

LAWYER ASSISTANCE PROGRAM

Hon. William G. Simmons, Chair

This Committee continues to expand its services, offering comprehensive lawyer assistance to help members who have problems with alcohol, drugs, depression, stress and wellness issues. It receives over 100 referrals to assist judges, attorneys and others in the legal community who have trouble in their professional or personal lives each year. It holds monthly core group meetings and quarterly business meetings to identify, facilitate and support those experiencing problems.

LOCAL & SPECIALTY BAR LIAISON

Mark Franklin Scurti, Chair

This Committee held the 50th Annual Bar Presidents’ Conference in Solomons Island, Maryland, in October, which brought together MSBA’s Board of Governors, bar presidents, presidents-elect and executive directors from all of the local and specialty bar associations across our state, in addition to hosting the 2nd annual Young Lawyers Summit and a retreat of the Maryland Bar Foundation Board of Directors. It also presented the Transforming the Judiciary with the Case Management System Replacement Project, featuring Chief Judge Ben C. Clyburn, District Court of Maryland, as well as regional bar leader meetings throughout the state.

2009/2010 MSBA SECTIONS AND COMMITTEES

14 MEMBERSHIP

Tracy Steedman and Richard Henderson Gibson, Jr., Co-Chairs

This Committee undertook two special projects: 1) generating a chart regarding the courts' acceptance of the MSBA's bar card, including the necessary steps to obtain a bar card, whether or not the specific court accepts the bar card, and if not, the ID requirements at each court house, and 2) studying the demographics of the membership, focusing on large firm participation and young lawyer retention. It plans to establish several programs out of that study, including one with the Maryland Public Defender's Office to provide trial experience to younger attorneys in the larger firms. The Committee is also working on creating a special outreach program for new admittees.

PATTERN JURY INSTRUCTIONS

Hon. Irma S. Raker, Chair

This Committee prepared the 2007 Supplement and is working on a Second Edition. It has organized itself into nine subcommittees and is systematically reviewing, and rewriting and editing as necessary, the 188 criminal pattern jury instructions and accompanying notes on use and comments.

PLANNING

Karen L. Federman-Henry, Chair

This Committee focused on identifying the needs of public interest offices, including the County Attorneys Offices, the Attorney General's Office and the Public Defender's Office through a survey, as the needs of solo practitioners and small firms are well-represented and addressed through the Solo & Small Firm Practice Section and large firms were interviewed last year. It also conducted research regarding certification of specialties, which included evaluating who would administer the certification, what areas of practice would be certified, what costs are involved, pros and cons of certification and other factors to assist MSBA's leadership in deciding whether to pursue certifications. The Committee evaluated a method for connecting the Young Lawyers Section with the Leadership Academy to facilitate transitioning attorneys from entry-level participation to leadership roles in the MSBA. It also evaluated ideas for updating the website and reviewed the status of electronic filing in Maryland and what training will be needed for practitioners.

PROFESSIONALISM

Keith R. Truffer, Chair

This Committee conducts the required bi-annual Professionalism Rule 11 course for new admittees with volunteer judges and attorneys serving as faculty members and observers. The Committee conducts a faculty-training session every April to refine the curriculum and expand the faculty base, and it actively recruits attorneys and judges interested in joining the course's faculty.

PROGRAM

Edwin "Ted" H. Staples, II, and Andrew Radding, Co-Chairs

This Committee planned innovative social and educational programs for MSBA's Mid-Year Meeting, held in the Dominican Republic in February, which was a success. It is planning MSBA's Annual Meeting in Ocean City in June, which will be replete with innovative, comprehensive and practical programs for practitioners in every area. The Committee has devoted untold hours in preparation to this program, which will feature scores of speakers on topics relevant to the various MSBA Sections and Committees.

PUBLIC AWARENESS

Alice S. Chong, Chair

This Committee enhances the public's understanding of the law through community education and outreach. It presents MSBA's two most successful, ongoing public service projects: its series of 24 public awareness legal information guides, which are disseminated to the public free of charge, and its Speakers' Bureau, through which 250 volunteer attorneys go out into the community and educate the public about the law. The Committee also sponsored its May Law Day program, a lawyer/student/teacher conference highlighting its special Positive Messaging Video Competition on "The Bill of Rights," in conjunction with CLREP.

RESOLUTION OF FEE DISPUTES

William C. Mitchell, Jr., Chair

This Committee initiated and investigated 17 fee-dispute cases involving over \$160,000 in disputed fees this year. It works to resolve active cases through mediation or binding arbitration, receiving inquiries for fee-dispute assistance each week, primarily through phone calls to MSBA Headquarters and hits on the Association's website from disgruntled clients. If there is a reasonable basis to believe the complaint has merit, a file is opened and referred to a Committee member who, appointed as "Client Representative", reviews the complaint, talks to both sides in the dispute and attempts to mediate a solution. Over 100 volunteers across the state actively participate in this program, with administrative assistance from MSBA's staff.

RULES OF PRACTICE

Paul H. Ethridge, Chair

This Committee, the liaison between the MSBA membership and the Court's Standing Committee on the Rules of Practice and Procedure, monitors meetings of the Rules Committee and requests input from Sections and Committees so MSBA members are heard at the Rules Committee meetings on any proposed Rules changes. It monitored the Rules affecting foreclosure, discussed by the Rules Committee, and plans to address the issue of multi-jurisdictional practice with the Rules Committee, which has been adopted in other states. The Committee also participates in the Attorney Subcommittee of the Standing Committee on Rules as it affects fee shifting and believes the Subcommittee might issue its recommendation to the full Rules Committee prior to MSBA's Annual Meeting.

SPECIAL COMMITTEES

ANTI-DISCRIMINATION MATTERS

Hon. Robert B. Kershaw, Chair

This Committee examines the professional and practice application of the Maryland statute prohibiting discrimination on the basis of sexual orientation in the workplace, places of public accommodation and housing.

APPOINTMENTS

Thomas M. Meachum, Chair

This Committee publicizes vacancies on the boards of directors for the Maryland Volunteer Lawyers Service, the Pro Bono Resource Center of Maryland and the Legal Aid Bureau, interviews interested candidates and makes recommendations to the MSBA Board of Governors.

ASIAN-AMERICAN BAR

Hon. Brian G. H. Kim, Chair

This Committee reaches out to Maryland's Asian-American lawyers and maintains an active electronic discussion group.

CITIZENSHIP/LAW-RELATED EDUCATION

Hon. Diane O. Leasure, Chair

This Committee promotes law-related education in Maryland schools to educate students about the law and presents the statewide High School Mock Trial Competition, in which 42,000+ students have competed. Its programs include the Law Links High School internship project, the Baltimore City Teen Court, MYLaw Summer Academy and several peer-conflict mediation initiatives. It also produces curriculum, publications, videos and computer software in law-related education, conflict resolution and violence prevention and provides teacher training. The Committee, in conjunction with MSBA's Public Awareness Committee, sponsored MSBA's Law Conference in May highlighting the Association's Messaging Competition on "The Bill of Rights."

CONSTRUCTION LAW

Michael W. Skojec, Chair

This Committee was created by MSBA's Board of Governors in November 2009 to better include the many construction lawyers who are litigators and to increase the profile of the Committee to the membership of the Bar. It sponsored a kickoff reception in January, where it distributed a summary of recent case law and proposed Maryland legislation, and held educational programs in March and May. The Committee will continue its efforts to reach out to many construction lawyers who have not been active through networking, programs and educational materials that are relevant and useful to construction law practitioners and will present a general construction law program for judges and practitioners at the MSBA Annual Meeting.

COURTHOUSE CONSTRUCTION

Hon. Marcella A. Holland and Hon. Robert B. Kershaw, Co-Chairs

This Committee sought to address some of the numerous problems facing Baltimore City's Mitchell Courthouse.

DISASTER PREPAREDNESS

John C. Eidleman, Chair

This Committee drafted a disaster plan for lawyers as a guide so lawyers will be prepared in the event a disaster strikes, and explored ways to implement it in the state.

EDITORIAL ADVISORY

Elizabeth M. Kameen, Chair

This Committee continues to oversee production of the *Maryland Bar Journal* and the *Bar Bulletin*, updating members on information and timely issues impacting the legal profession. The *Journal* continues to feature new legal theme issues and the *Bar Bulletin* continues to expand to offer members a broad range of legal and substantive topics.

IMMEDIATE RESPONSE

Cleaveland D. Miller, Chair

This Committee has not been called upon to take any action this year, but remains vigilant and prepared to do so in the event that it becomes necessary to respond to any unjustified criticisms.

INVESTMENTS

Cleaveland D. Miller, Chair

This Committee oversees MSBA's prudent investment of Association assets. The investment objective is to earn a fair return while ensuring that sufficient funds are always available for the smooth operation of MSBA functions.

2009/2010 MSBA SECTIONS AND COMMITTEES

16 LEADERSHIP ACADEMY

Hon. Sue-Ellen Hantman and Joseph L. Wright, Co-Chairs

This Committee welcomed a new class of Fellows into the MSBA Leadership Academy and served as mentors to prepare the attorneys for future leadership roles in their bar association and their profession. This Committee receives support from MSBA, the Maryland Bar Foundation, corporations, individuals and law firms. The Fellows benefit from a host of leadership-training programs so they will be poised to take the next step in helping MSBA remain one of the leaders in our nation's legal arena.

MINORITIES IN THE LEGAL PROFESSION

Arielle A. Harry-Bess, Chair

This Committee served as a co-sponsor of the ABA's Annual National Conference for the Minority Lawyer and members of the Committee served as panelists at a program for Baltimore Scholars.

PARALEGAL

Karen L. Cook, Chair

This Committee conducted a survey of MSBA member attorneys and paralegals regarding the utilization of paralegals and the paralegal profession in Maryland, the results of which are pending review. It held the event "The Portable Paralegal: Finding, Switching or Creating Your Own Job", which featured a panel discussion, Q&A and light fare in April. The Committee created a roster of all county bar associations and contacts for communication and attorney interaction purposes and continues to work to increase its membership as well as obtain a roster of MSBA associate members for use in marketing events/activities to paralegals, law firm administrators and more. It plans to co-sponsor workshops with other Committees and Sections at the MSBA Annual Meeting.

PAST PRESIDENTS

Alison L. Asti, Chair

This Committee serves the dual purpose of keeping former MSBA leaders active in the organization, and establishing a structure for current MSBA leaders to access the "institutional knowledge" and talent of former leaders.

PUBLIC PROTECTION

Darren Lee Kadish, Chair

This Committee seeks to stop scam artists from taking advantage of the poor, the elderly and the disadvantaged. It coordinates efforts with the Attorney Grievance Commission, the Attorney General's Office and the State's Attorney's Offices throughout Maryland. The Committee focused on educating the public about mortgage foreclosure issues this year.

TRAVEL

Lisa Lynn Mervis, Chair

This Committee assists the Association in arranging travel plans for MSBA members, including the MSBA Mid-Year Meeting.

VETERANS' AFFAIRS & MILITARY LAW

Charles Blomquist and Justin A. Browne, Co-Chairs

This Committee serves as a resource for attorneys and members of the military community who are facing issues pertaining to all aspects of veterans' affairs and military law, including military justice, the law of armed conflict, homeland security, environmental law and legal assistance which encompasses family, landlord-tenant and contracted matters. It focuses its current efforts on three fundamental areas in particular: establishing a venue for discussing, exploring and informing the Association on substantive veterans' affairs and military law issues; exploring the impact the Base Realignment and Closure Act (BRAC) will have on Maryland and how the legal community can assist; and providing legal assistance to veterans, military members and their families. The Committee changed its name this year in recognition of its dedication to veterans' affairs matters. It sponsored two trainings on providing legal representation to veterans and continues its role as the proponent of the annual BG Philip Sherman Award, given to an MSBA member that exemplifies selfless service and commitment to providing legal services to military members and veterans.