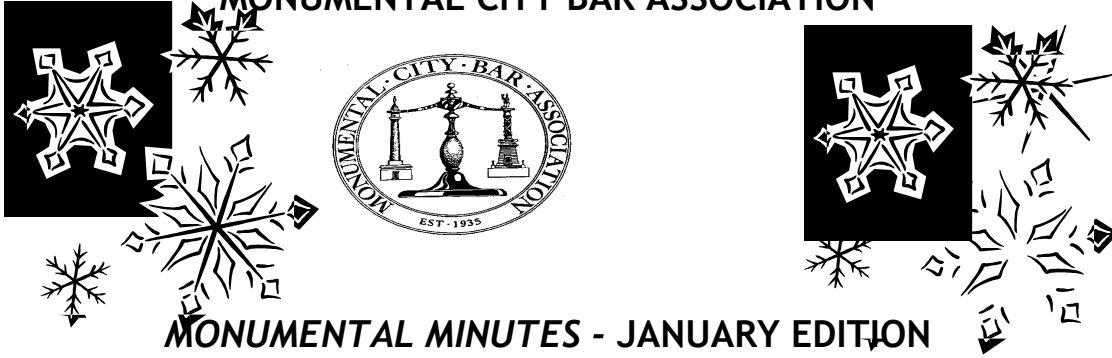


## MONUMENTAL CITY BAR ASSOCIATION



### MONUMENTAL MINUTES - JANUARY EDITION

#### MONUMENTAL QUOTE

*Nothing average ever stood as a monument to progress. When progress is looking for a partner it doesn't turn to those who believe they are only average. It turns instead to those who are forever searching and striving to become the best they possibly can. If we seek the average level we cannot hope to achieve a high level of success. Our only hope is to avoid being a failure.*

- A. Lou Vickery

#### MESSAGE FROM THE PRESIDENT THE STATE OF MONUMENTAL

Neil E. Duke

As we turn the page and enter a new year, which marks the 70<sup>th</sup> Anniversary of our Association, we must rise above the ordinary and reach for new heights. Three months have passed since the installation of this present Board. I can proudly report that through their efforts, with your support, Monumental is on the path toward having a phenomenal year.

The **2004 Holiday Gala** surpassed all expectations (see Farewell to the Gala, page 2). The attendance was

awesome and it was an unqualified financial success.

To date, we have engaged in several **Community Service** efforts. The most involved project, "Law Suits for the Holidays," received substantial print media coverage and the clothing contributions by our Members was overwhelming. In 2005, Monumental will set the bar even higher with respect to community outreach projects (see Monumental News, page 7).

Finally, the typical hallmarks of a successful administration - "**Membership and Money**" - both favorably reflect our efforts to date. After reviewing almost a decade's worth of membership lists, we discovered that Monumental rarely reaches the threshold of 100 formal members in any given term (it would appear that we did so in 1999, i.e. - applications submitted and dues paid).\*

This year, in **less than 3 months**, we have already reached the 90 mark, and with a January push, we are confident that the goal of 100 formal Members will not only be met, but hopefully exceeded by a wide margin in short order.

With respect to our finances, suffice it to say that our days of wondering whether we could pay our bills are over for now. In fact, we are closing in on a financial plateau (actually, we may have already exceeded it), that would have been our goal for the entire 2004-2005 term.

None of our accomplishments would have been possible without your continued support. If you have not already done so, please consider submitting your membership application (and \$50 dues payment), and help us cross the “finish line” with respect to our membership goal. Also, please consider supporting our January 20<sup>th</sup> (fun) fundraiser, “Monumental Theater Night” (see page 3).

***Again, on behalf of the entire Board, many thanks to everyone. Let's make this a Monumental Year!***

\* membership for law students and 1<sup>st</sup> year attorneys is free.

### **TABLE OF CONTENTS**

<b><u>Page</u></b>	<b><u>Content</u></b>
2	Farewell to the Gala
3-4	Upcoming Monumental Events
4-5	Monumental Announcements, Distinctions & Honors
5	Monumental Committees
5-6	Monumental Law Schools
6	Monumental Practice Pointers
6	Monumental Community Outreach
7	A Trip Around the Bar
7-9	Monumental News
9-10	Monumental Featured Article
10-12	Monumental January History

### **FAREWELL TO THE GALA**



Many thanks to all who attended and supported the event. Attendance surpassed our expectations. We trust that you enjoyed the event as much as we did. Photos will be available on our web page within the next week or so.

*The atmosphere was electric  
And the energy was loud;  
It was quite impressive  
To witness such a crowd;  
Of wonderful friends, colleagues  
and members  
Seeing some faces that made us  
remember;  
Of the days of past when  
Monumental ruled the day  
With your continued support we can  
once more make it that way;  
So until we meet again we will miss  
each Monumental Friend  
Until next year's Gala when we  
celebrate in Monumental fashion  
again!*

## UPCOMING MONUMENTAL EVENTS

### General Membership Meeting

When: **January 6, 2005**  
Where: Legal Aid Bureau  
500 E. Lexington St.  
Baltimore, MD

### January 20<sup>th</sup> Monumental Theater Night (Fundraiser)



When: **January 20, 2005, 8 p.m.** (showtime)

Where: CenterStage, 700 N. Calvert St., Baltimore

Cost: \$70 (for the first ticket purchased for this event), and \$50 for each subsequent ticket purchased. Thus a purchase of two tickets is \$120.00 and a purchase of three tickets is \$170.00).

### Elmina's Kitchen

#### *The American Premiere!*



Shot through with lilting West Indian rhythms and cleaved with the explosive danger of urban backstreets, this award-winning new play from the UK delves into the lives of a tight band of survivors wrestling with the realities of inner-city life, examining what we inherit and what we pass on.

Please join your friends and colleagues and experience the American premiere of **Elmina's Kitchen**, written by **Kwame Kwei-Armah** and directed by **Marion McCClinton** (director of many **August Wilson** plays).

In addition to a wonderful play, Monumental ticket purchasers will mingle at a **Pre-Show Happy Hour** (6:30-7:45 p.m.), featuring light fare courtesy of Little Havana; a live reggae acoustic set by popular local talent **JahWorks**; drink specials and the chance giveaway of an IPOD.

The Monumental City Bar Association receives a substantial part of the proceeds from each ticket purchased under our Association. To purchase tickets,

please contact **Charisse Nichols** at (410) 986-4012 and place your ticket request under "The Monumental City Bar Association."

### **Black History Month Joint Dinner**

When: February 17, 2005  
Where: Hyatt Regency Inner Harbor, Baltimore, MD

In collaboration with the Maryland State Bar Association and the Bar Association of Baltimore City, Monumental will host a Black History Month Joint Dinner on Feb. 17<sup>th</sup>. The theme for the event will be centered on the civil rights era, from *Brown v. Board of Education* through the *Voting Rights Act*. Additionally, **Chief Judge Robert M. Bell** will be recognized for his many outstanding years of service.

For tickets (\$70) and further details, please contact Kathy Sanzone, Executive Director of the Bar Association of Baltimore City, (410) 539-5936.

### **MONUMENTAL ANNOUNCEMENTS, DISTINCTIONS AND HONORS**

#### Honors

Congratulations to Monumental Member, **Craig Thompson, Esq.** on the launching of his new book, "The ABCs of Black History: A Children's Guide." His journalistic venture was highlighted as one of the December newsletter's "Featured Articles of the Month" and we are grateful for his presence (and book sales) at the Gala.

On January 7<sup>th</sup>, Mr. Thompson was honored with a "meet and greet the author" event at the Five Seasons Restaurant. **Carla Hayden** served as the event facilitator. For purchase of his book, Mr. Thompson may be electronically contacted at [info@craigthompsononline.com](mailto:info@craigthompsononline.com)

#### Honors

Congratulations are also in order to Monumental Member **Gail Marie Mitchell, Esq.** Ms. Mitchell is the author of "Cling to Me," which is currently available on Amazon.com. We were honored by Ms. Mitchell's presence at the Gala and sales of her book were equally brisk.

#### Wedding

Congratulations to Monumental Board Member, Nicole Love (Office of the Public Defender) on her recent wedding!!

#### Moving On Up!



**Sean Dixon, Esq.**, has joined Brown & Sheehan as an Associate. Mr. Dixon practices in the areas of business and corporate law with a focus in public and municipal finance, real estate secured and asset-based finance, and commercial real estate transactions. As a former Chief Solicitor and Special Solicitor of the City of Baltimore, Mr. Dixon was

responsible for advising and counseling the City, its agencies and boards, in the issuance of tax-exempt general, revenue, and special obligations, tax increment financings (TIFs), interest rate exchange agreements (SWAPs), and tax-exempt equipment leases. Mr. Dixon also served as corporate counsel to the City of Baltimore in numerous commercial and economic development projects. Mr. Dixon's experience also includes representing lenders and borrowers in secured financings, advising and counseling parties in office and retail leasing, and handling trademark and copyright matters. He can be reached at (410) 296-8500.

*(Editor's Note: By "6 Degrees of Separation," Sean is married to Yolanda Sonnier, (The Law Firm of Randall & Sonnier). Yolanda formerly clerked for the Hon. Marcella Holland. Also, congratulations to both Sean and Yolanda on the recent birth of their baby girl, Erin).*

#### **MONUMENTAL COMMITTEES**

##### Young Lawyers' Committee

Within the next few weeks, the Committee will publish a membership survey. This survey will assist the Association's development of a spring/summer symposium for African American Associates in private practice. Please anticipate receiving this information in the near future. Your prompt response will be greatly appreciated.

##### Judicial Selections Committee

The Committee remains extremely busy having recently conducted interviews for vacancies on the District Court for Baltimore City and the Circuit Court for Howard County. Anyone interested in participating on the Committee, please contact Committee Chair and President Elect, Kendra Ausby, at (410) 230-3135.

##### Legislative Committee

With the 2005 General Assembly session about to start, please consider contributing some of your time and effort to this exciting Committee. For those with an interest, please contact Charles "C.J." Balint, at (410) 922-0900.

#### **MONUMENTAL LAW SCHOOLS**

##### **University of Baltimore School of Law (BLSA)**

##### "Mock Judges" Needed!

The Mid-Atlantic Region BLSA will hold its convention between from February 3<sup>rd</sup> - 6<sup>th</sup>, 2005. An important part of the convention is the annual **Thurgood Marshall Mock Trial Competition**, scheduled on February 4<sup>th</sup> and 5<sup>th</sup>. There will be eleven (11) teams competing from across the region, accordingly, there will be a need for 36 "Mock Judges" (2 judges per contest) for the competition. Ideally, BLSA needs no less than 40 "Mock Judges" in the event that alternates are needed.

BLSA is also seeking corporate/law firm sponsors for Regional Convention. If you have an interest,

please electronically contact  
Antonio Moore at  
antonio.moore@ubalt.edu.

**University of Baltimore School of  
Law BLSA**

BLSA Banquet

Please mark your calendar for the  
**University of Baltimore School of  
Law BLSA banquet** on Saturday,  
April 30, 2005.

**University of Baltimore School of  
Law**

**Sponsors needed for the 6th Annual  
Alumni & Student Golf Tournament**

When: Friday, May 20, 2005 (8:30  
a.m. shotgun start)

Where: Waverly Woods Golf Course  
Marriottsville, Md

**Sponsorship Deadline: February  
28, 2005.** For more information  
regarding sponsorship opportunities  
or participation in this event,  
contact Nicole Jones in the Office of  
External & Alumni Relations at 410-  
837-4479 or [najones@ubalt.edu](mailto:najones@ubalt.edu)

**University of Maryland School of  
Law**

BLSA Awards Banquet

Please mark your calendar for the  
**University of Maryland School of  
Law BLSA Awards Banquet** on  
Saturday, March 12, 2005. For  
further information please  
electronically contact Tiffany  
Harvey at [tharv001@umaryland.edu](mailto:tharv001@umaryland.edu).

**MONUMENTAL PRACTICE POINTERS  
Federal Court Filing Fee Increase:  
Effective February 7, 2005**

Section 307(a) of the Omnibus  
Appropriations Act of 2005,  
amended 28 United States Code  
Section 1914(a), to raise the filing  
fee in United States District Courts  
from the current **\$150 to \$250**.  
The increase in fees is effective  
February 7, 2005.

**MONUMENTAL COMMUNITY  
OUTREACH**

“Law Suits for the Holidays”

The clothing drive was an absolute  
success!!! Special thanks to  
everyone who pitched in and  
assisted. There were a number of  
members/supporters who aided in  
the overall effort. Accordingly, we  
offer our thanks to those who led  
the charge:

**Valda Ricks, Esq.,** Monumental  
Community Outreach Chairperson;

**Hon. Robert M. Bell,** for his  
assistance in launching of the  
clothing drive;

**Beverly Carter,** for coordinating the  
courthouse response;

**Hon. Patricia Jessamy,** Baltimore  
City State’s Attorney, for her  
personal contributions and  
coordinating the efforts of her  
office;

**Jennifer Jones, Esq.,** for leading  
the effort at the Office of  
Administrative Hearings;

Hon. Marcella Holland for her own personal contributions;

The Law Offices of William H. Murphy, Jr. for their collective efforts;

Kerry Staton, Esq. for his own personal contributions; and

John Milton Wesley, acclaimed author, for his own personal contributions;

(Editor's Note: In the very near future we will notify the membership when the formal clothing exchange will take place with the recipient agencies).

#### A TRIP AROUND THE BAR

Maryland Defense Counsel (MDC)

When: January 13, 2005, 5:30 p.m.

Where: Damon's/Arundel Mills Blvd., Hanover, Arundel Mills, Md.

Cost: Cost: \$25.00 members, \$30.00 non-members

MDC is inaugurating a new Happy Hour program, featuring at its kick-off former Maryland Insurance Commissioner, **Steve Larson**. This program is designed to reach out to different areas of the state, build awareness about MDC, and create opportunities to spend time together and with others in a casual environment with speakers, programs and discussion about timely issues relevant to the MDC.

Bar Association of Baltimore City

What: "An Introduction to Probate Administration in Maryland"

When: January 25, 2005, 8:30 a.m.

to 12 noon.

Where: Room 506 Clarence Mitchell Courthouse

Speakers: **Mary Alice Smolarek, Esq.** and **Michael J. Stanley, Esq.** Wright, Constable & Skeen, LLP

Bar Association of Baltimore City

What: "Long Term Disability: Important Recent Developments"

When: January 26, 2005, 12 noon to 1:30 p.m.

Where: Room 506 Clarence Mitchell Courthouse

Speaker: **Richard P. Neuworth, Esq.**, Lebau & Neuworth, LLC

For cost and further details regarding either event, please contact the Bar Association of Baltimore City, at (410) 539-5936.

#### MONUMENTAL NEWS!!

I. **The Monumental City Bar Association is Selected to Coordinate a National Pilot Program!**

Baltimore has been selected as one of seven (7) initial pilot sites by the National African American Drug Policy Coalition. The Coalition consists of fifteen (15) African American professional organizations, which have come together to work toward a significant reduction of illegal drug abuse and binge drinking of alcohol in African American communities throughout the Nation. Notably, Monumental has been appointed by the Coalition to lead the effort here in Baltimore! More details will be

provided in subsequent newsletters. Stay tuned . . .

## **II. Proposed Rule 8.4e Prohibiting Bias and Prejudice in the Practice of Law is Adopted by the Maryland Court of Appeals!**

On January 10, 2005, the Court of Appeals considered and adopted proposed Ethics Rule 8.4e, one of the more controversial proposals considered by the Court.

Rule 8.4e supplements the former version of the rule by incorporating the following text:

*“It is professional misconduct for a lawyer to: . . . (e) knowingly manifest by words or conduct when acting in a professional capacity bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status when such action is prejudicial to the administration of justice, provided, however, that legitimate advocacy is not a violation of this paragraph;”*

By a near unanimous vote and over opposition by opponents of the adoption of the proposed rule, the Court of Appeals voted in favor of proposed Rule 8.4e.

The Editor presented testimony in support of proposed Rule 8.4e on behalf of the Association. The following is a transcript of the position expressed (give and take with the Court is excluded).

*Chief Judge Bell. May it please the Court. Good afternoon.*

*On behalf of the Monumental City Bar Association, I offer this statement in support of proposed ethics rule 8.4e. Our support of the immediate adoption of proposed Rule 8.4e can be summed up by the rhetorical questions, “why not,” and “if not now, then when.”*

*Why not commit affirmatively to demonstrate to the public that we who swear to the oath of our practice will and must adhere to the highest standards of professional conduct - especially as it relates to the issues of bias and prejudice. The need is especially heightened given the Commission’s observation that a significant number of respondents (specifically persons of color and the poor), questioned whether they could anticipate fair treatment in the judicial process.*

*Members of the Monumental City Bar Association have the privilege of serving (and some Members would say a disproportionate share) of persons of color and those who are economically challenged. My practice has been no different. And it has been on more than a few occasions that a client of color and/or indigent client has expressed concern that they anticipated that their involvement with the judicial process would be less than fair. It causes me great personal pain to hear these concerns expressed. Such expressions of doubt should greatly pain all of us.*

*I return to the question of "why not? Why not hold ourselves to the highest conceivable standard of ethical integrity? Our failure to do so does little to advance the public's perception of the practice of law. What could be more compelling?*

*And if not now, now decades removed from Brown v. Board of Education, from the Civil Rights Act of 1964, from march and struggles still engrained on our collective consciousness - acknowledging that as a society, we have progressed, but that we still have further to travel toward full equality under the law. If not now, then, when?  
[Dialog with the Court]*

*On behalf of the Monumental City Bar Association, we urge the adoption of proposed ethics Rule 8.4e, which condemns biased conduct by lawyers as unethical, professional misconduct.*

### **III. Don't Forget to Report Your 2004 Pro Bono Hours!**

A pro bono reporting form has been sent to every attorney in the State of Maryland. All attorneys must document their pro bono service for calendar year 2004 and return their completed form to the court by **February 15, 2005**. Remember, while pro bono service remains voluntary in Maryland, returning your reporting form is required to maintain Maryland Bar certification.

## **MONUMENTAL FEATURED ARTICLE OF THE MONTH**

### **Judge Suspended for Wearing Blackface at Halloween Party.**

Janet McConnaughey  
The Associated Press  
12-15-2004

A judge who wore blackface makeup, handcuffs and a jail jumpsuit at a Halloween party will be suspended for six months, the Louisiana Supreme Court ruled Monday.

The justices voted 5-2 to suspend Judge Timothy Ellender for a year without pay for dishonoring his position, but to defer half of that penalty. Ellender will lose more than \$50,000 in pay, one judge noted.

Ellender, who is white, testified the costumes worn by him and his wife - she was dressed as a policewoman -- were meant only as a joke to show he was her prisoner. The party's host, Ellender's brother-in-law, was dressed as Buckwheat.

The justices agreed Ellender did not mean to insult blacks. Nevertheless, they ordered him to take a sociology course "which will assist him in achieving a greater understanding of racial sensitivity."

Phone messages left with Ellender and his attorney, Bill Bordelon, were not immediately returned.

Jerome Boykin, head of the Terrebonne Parish branch of the

National Association for the Advancement of Colored People, applauded the ruling.

"The Supreme Court sent a strong message that the court won't tolerate racist acts by judges," he said.

Bordelon argued Ellender should not be punished because the blackface incident occurred only once and was not persistent behavior. But Justice Chet Traylor, writing for the majority, said the incident was damaging.

"The negative shroud cast upon the state's judiciary by Judge Ellender's actions will only be lifted by time," Taylor said.

#### **MONUMENTAL JANUARY HISTORY**

This month, courtesy of The African American Registry, the newsletter focuses on the accomplishments of three historic African American attorneys.

#### **Attorney and Educator Charlotte E. Ray**

January 13<sup>th</sup>

This date marks the birth of Charlotte E. Ray in 1850. She was a Black teacher and the first Black female lawyer in the United States.

Born in New York City, her father was a journalist, Congregational minister antislavery activist, and conductor on the Underground Railroad. Ray studied at the Institution for the Education of

Colored Youth in Washington, D.C., and by 1869 she was teaching at Howard University. There she studied law and received her degree in 1872. Her admission that year to the District of Columbia bar made her the first woman admitted to practice in the District of Columbia and the first Black woman certified as a lawyer in the United States.

Ray opened a law office in Washington, D.C., but racial prejudices proved too strong, and she could not obtain enough legal business to maintain an active practice. By 1879 she had returned to New York City, where she taught in the public schools. In the late 1880s she married a man with the surname of Fraim. Little is known of her later life, she died Jan. 4, 1911 in Woodside, N.Y.

#### **Lawyer and politician, Thomas Chester**

January 17<sup>th</sup>

On this date we remember the birth of Thomas Chester in 1834. He was an African-American lawyer and editor.

From Harrisburg, PA., Thomas Morris Chester was the son of a slave woman who had escaped from Baltimore in 1825 and thus her son was born free. His father was an oysterman and restaurant owner who was part of the inner circle of political and social functions of Harrisburg. Educated at Allegheny Institute, Chester became an abolitionist and colonizationist.

In 1853, he left for Liberia, returning to further his education at Thetford Academy operated by the American Colonization Society in Vermont. Upon returning back to Liberia, Chester became a school director and editor of the Star of Liberia newspaper. Between 1859 and 1862, he was politically involved in promoting colonization in that country. In 1864, the Philadelphia Press hired him as a war correspondent. He wrote many articles from the eastern theater of the Civil War.

After the American Emancipation Proclamation, Chester assisted in recruiting Black troops in his home state and traveled abroad giving pro-union speeches and raising money for the Freedmen's Bureau. It was during this time that he studied law and was admitted to the bar. After returning to America, he relocated to Louisiana where he began practicing law. In 1875, Chester was appointed as district superintendent of education, he also held the position of brigadier general of the Louisiana state militia.

A supporter of the Kansas Exodus movement of 1879, he was also the president of a short-lived railroad organized by Black investors. Thomas Chester died in 1892, shortly after returning to Harrisburg.

**A legal and political advisor, Richard Greener**

January 30

Richard Theodore Greener was born on this date in 1844. He was an African-American administrator, politician, lawyer, and educator.

From Philadelphia, when Greener was about nine, his father left the family to pursue mining opportunities in California. Tragically, his father was presumed dead after efforts to locate him failed. His mother moved the family to Boston, then to Cambridge in search of educational opportunities for her son. Greener received his early education at the Broadway Grammar School until he was about 14, when he quit to support his mother.

Greener found several jobs and was able to support his family as well as get his educational. One of Greener's employers, Franklin B. Sanborn, a famous teacher and reformer, used his influence to get him accepted to Oberlin College. After three years at Oberlin, Greener left to study at Harvard College. In his sophomore and senior year at Harvard, he won a Bowdoin Prize for elocution. In 1870, he received an A.B. degree becoming their first African American graduate.

From there Greener became principal of the Male Department at Philadelphia's Institute for Colored Youth, which later became Cheyney University. In 1873, he became principal of the Sumner High School in Washington, DC. While he was a staff member of The New National Era, then edited by abolitionist Frederick Douglass. He was also

associate editor of the National Encyclopedia of American Biography. In late 1873, Greener became Professor of Mental and Moral Philosophy at the University of South Carolina, where he served as librarian, taught Philosophy, and assisted in the Departments of Latin and Greek, Mathematics, and Constitutional History. In 1875, he became the first African American to be elected a member of the American Philological Association, the primary academic society for classical studies in North America.

Greener received a LL.B. degree at the University of South Carolina's Law School in 1876, graduating with honors. He was admitted to the Supreme Court of South Carolina in 1877 and the bar of the District of Columbia the next year. In 1882, he received a LL.D. conferred by Monrovia College, Liberia, Africa, and in 1907 was honored with another LL.D. conferred by Howard University. In 1879, Greener was appointed Dean of Howard University's Law Department and in 1881, opened a private law practice in Washington. During Presidents McKinley and Roosevelt's administrations, Greener was a prominent figure in national and international affairs. He became first secretary of New York's Grant Memorial Association, and assisted in raising funds to finance Grant's Tomb. In 1898, he was appointed United Consul to Bombay India, and then transferred to Vladivostok, Russia, becoming the first American to hold this post.

In 1902, the Chinese Government

decorated him with the Order of Double Dragon for his service to the Boxer War and assistance to Shansi famine sufferers. After his retirement in 1906, Greener lived in Chicago where he died on May 15, 1922.

#### **2004-2005 OFFICERS**

Neil E. Duke - President  
Kendra Y. Ausby - President-Elect  
Ginina A. Stevenson - Secretary  
Aretha J. Ector - Treasurer  
Beverly F. Hughes - Member-at-Large  
Lisa Joi Stancil - Member-at-Large  
Nicole Love - NBA Delegate  
K. Jameson Lawrence, NBA Delegate

#### **NEXT EDITION: February 2005**

*Disclaimer: The material contained in this Newsletter are provided as a public serve and on an informational basis. These material are not intended to be a comprehensive statement of Maryland law, and are not intended to convey legal advice.*