

**Electronic
Communication
Procedure Guide for
Section/Committee
Chairs**

June, 2011

This document will be available in
pdf on-line at

http://www.msba.org/sec_comm/index.htm

Electronic Communication Procedure Guide

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Email Discussion Lists

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General Information

- **All** email discussion lists have the following MSBA staff on the list for technical reasons.
 - Director of Law Office Management Assistance
 - Director of IT
 - IT Assistant
 - Meeting Coordinator
 - Web Coordinator
 - Web Assistant
 - Director of Meetings
 - Director of Communications
 - Program Attorney
- Addresses for all email discussion lists can be found at the MSBA Website under
 - Committee/Sections, email discussion lists
 - http://www.msba.org/sec_comm/listserves/index.htm OR
 - www.msba.org/?lists
- If a member wants a different or additional email address for email discussion lists, please forward that information to Lawrence Hicks at lhicks@msba.org.
 - Indicate whether it is an additional email or a separate email.
 - You may only send a message from email that is on the list.
- Listserv rules can also be found at the above address.
 - Rules will be sent to all lists twice each year or as need just as a reminder.
- There is an archive of all listserv messages since they were created. The URL to find the archive is http://www.msba.org/sec_comm/listserves/index.htm

Council Email Discussion Lists

- All section councils have email discussion lists
- All emails are automatically added/updated by MSBA with email on file.
- NOTE: email discussion lists cannot be updated until Section Chairs forwards new Councils to membership.
- Council email discussion lists are only for Section Council members (and MSBA staff - see previous page)
- Council email discussion lists WILL accept attachments.
 - Please limit attachments to less than 1 MB
 - Larger files can be posted on line and a link to the location can be provided for distribution on the list.
 - Contact the Web Coordinator or Web Assistant
- When replying to most council email discussion lists, the reply goes to the person sending the message. To have the reply go to the entire list, hit Reply to All.
 - The Section Council determines whether to have the replies go to the sender or the entire list.
 - The Council can choose to change this at any time.
 - Send that information to John Anderson at janderson@msba.org

Member Email Discussion Lists

- All sections have member email discussion lists
- Only section members can participate in the section member email discussion lists
- Each section has the choice to be an opt out or join list serv. The decision is made by the Council.
 - Join List: This is when a member subscribes to a particular listserv. It is not automatic.
 - Opt Out: This is when members are automatically added and have the option to "unsubscribe" if they choose not to be on the list.
 - Most sections have Opt Out email discussion lists where all members were added and those that did not want to continue to participate, unsubscribe and were taken off the list
 - Section members can choose to be added or deleted at any time.
- Member email discussion lists WILL NOT accept attachments.
- Most email discussion lists have the replies go to the individual who sent the message. To send the message to the entire list, you have to hit Reply to All.
- Some Sections have email discussion lists where the Reply goes to the entire list and NOT just to the person who sent the message. Please be careful to note this if you do not want your reply sent to the entire list.
- Although many staff are on the lists, the staff does NOT monitor posts or comments. If there is a problem with listserv postings, please contact Pat Yevics at pyevics@msba.org.

Committee Email Discussion Lists

- All section committees have email discussion lists
- All emails are automatically added/updated by MSBA with email on file.
- Committee email discussion lists are only for Committee members (and MSBA staff - see previous page)
- Committee email discussion lists WILL accept attachments.
- When replying to most Committee email discussion lists, the reply goes to the person sending the message. To have the reply go to the entire list, hit Reply to All.
- Please note that even if you do not want to have your email listed on the website or in the directory, it is important that you have the email on file with the MSBA so that you can have access to the email discussion lists.

Member Directory

MSBA Email Lists

[List Rules](#) | [List FAQ](#) | [How to login to view message archives.](#)

You must be a member of a Email List before you can send messages to that list.
 Most section lists require that you be a member of that section before you can join that list.
 To join a MSBA Email List click the "Join" button.

▶ **Join List** Open to any MSBA member
 ▶ **Join List** Section Membership Required

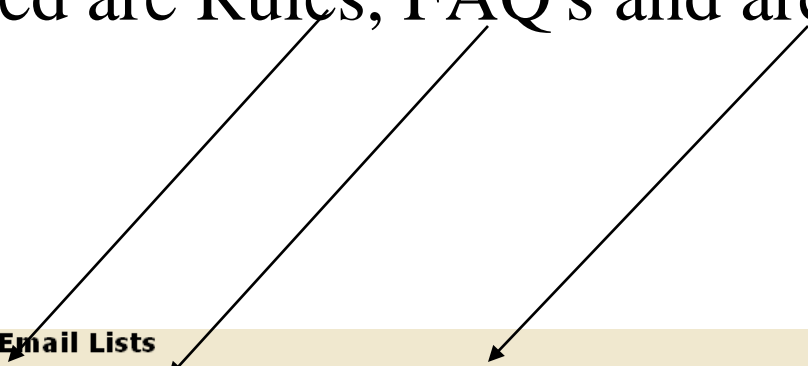
[Special Groups](#) | [Sections](#) | [Committees](#) | [Local & Specialty Bars](#)

SPECIAL GROUPS		Group Name	Email Address
Sections A-H	▶	Section Chairs	MSBAsectionChairs@lists... ▶ Send Me
Sections I-Z	▶	Committee Chairs	▶ Join List ▶ Send Me
Standing Committees	▶	Pro Bono MD	▶ Join List ▶ Send Me
Special Committees	▶		
Email Lists	▶		
SUB-COMMITTEES			
Join Section	▶	Administrative Law Section	▶ Join List ▶ Send Me
Join MSBA	▶	Administrative Law Council	▶ Send Me
Alternative Dispute Resolution		Alternative Dispute Resolution Section	▶ Join List ▶ Send Me
		Alternative Dispute Resolution Council	▶ Send Me
Animal Law		Animal Law Section	▶ Send Me

List of all email discussion lists.
 Can join and send messages from here
http://www.msba.org/sec_comm/lists/index.htm

All sections and committees email discussion lists can be found on the website.

Also listed are Rules, FAQ's and archives



MSBA Email Lists

[List Rules](#) | [List FAQ](#) | [How to login to view message archives.](#)

You must be a member of a Email List before you can send messages to that list.
 Most section lists require that you be a member of that section before you can join that list.
 To join a MSBA Email List click the "Join" button.

[Join List](#) Open to any MSBA member
[Join List](#) Section Membership Required

[Special Groups](#) | [Sections](#) | [Committees](#) | [Local & Specialty Bars](#)

SPECIAL GROUPS

	Group Name	Email Address
Sections A-H	Section Chairs	MSBAsectionChairs@list
Sections I-Z	Committee Chairs	Send Me
Standing Committees	Pro Bono MD	Join List Send Me
Special Committees		
Email Lists		
Join Section	SUB-COMMITTEES	
Join MSBA	Administrative Law Section	Join List Send Me
	Administrative Law Council	Send Me
	Alternative Dispute Resolution	
	Alternative Dispute Resolution Section	Join List Send Me
	Alternative Dispute Resolution Council	Send Me
	Animal Law	
	Animal Law Section	Send Me

Listserv Rules

These Rules are sent to Section Member email discussion lists once or twice each year as a reminder

- **LISTSERV RULES**

- The Maryland State Bar Association provides these email discussion lists as a benefit to its members. The purpose of the email discussion lists is to facilitate communication between members of the various committees and sections. The email discussion lists are to be used only for the discussion of related MSBA issues or other legal-related discussions.
- We will send these Rules of Etiquette (“Netiquette”) to the email discussion lists on a regular basis as a friendly reminder for long-time users and as valuable information for newcomers. The subject header will be Rules of Etiquette.
- If you have any comments, additions, deletions or changes to these rules, please forward them to John Anderson, MSBA web coordinator. His e-mail address is janderson@msba.org. If you experience any problems with other members on the list not adhering to these rules, please contact Pat Yevics, Director, Law Office Management Assistance at pyevics@msba.org.

- **GENERAL DISCLAIMER**

- The MSBA is not responsible for any opinions or statements on the Listserv. The MSBA disclaims all warranties with regard to the information posted whether posted by the MSBA or any third party. This disclaimer includes all implied warranties of merchantability and fitness. The MSBA has no liability for damages and/or injuries including but not limited to, special, indirect or consequential damages or any damages whatsoever arising out of the use or performance of any posted information. Defamatory, abusive, profane, offensive, illegal or unauthorized copyrighted material is not permitted.
- Do not post any information or other material protected by copyright without the permission of the copyright owner. By posting material, the posting party warrants and represents that it owns the copyright with respect to such material or has received permission from the copyright owner. In addition, the posting party grants the Maryland State Bar Association and users of this list the non-exclusive right and license to display, copy, publish, distribute, transmit, print, and use such information or other material.
- The Maryland State Bar Association does not actively monitor email lists for inappropriate postings, and does not on its own undertake editorial control of postings. However, in the event that any inappropriate posting is brought to the attention of the Maryland State Bar Association, the MSBA will take all appropriate action.
- The MSBA reserves the right to terminate access to any user who does not abide by these guidelines.

- **ANTI-TRUST ISSUES**

- Do not post queries or information, and refrain from any discussion which may provide the basis for an inference that the members agreed to take action relating to prices, production, allocation of markets, or any other matter having a market effect. Examples of topics which should not be discussed include current or future billing rates, fees, disbursement charges or other items which would be construed as “price”, fair profit, billing rate, or wage level, current billing or fee procedures, imposition of credit terms. Do not post regarding refusing to deal with anyone because of his/her pricing or fees. Such discussions are strictly prohibited and the MSBA is not responsible for any such discussions.
- There is no organization too small or too localized to escape the possibility of a civil or criminal antitrust suit, and the penalties for violating federal or state antitrust laws are severe. The government’s attitude toward professional associations requires professional association members, as well as professional associations themselves, to at all times conduct their business openly and avoid any semblance of activity which might lead to the belief that the association members had agreed, even informally, to something that could have an effect on prices, fees or competition.
- Violating antitrust regulations, selling, or marketing are not permissible. Please take a moment to acquaint yourself with the guidelines listed below. If you have questions, contact the list manager noted in your welcome instructions. MSBA reserves the right to suspend or terminate membership on all lists for members who violate these rules.

The discussions on the lists are meant to stimulate conversation not to create contention. Do not challenge or attack others. Let others have their say, just as you may.

All defamatory, abusive, profane, threatening, offensive, or illegal materials strictly prohibited. Do not post anything in a list message that you would not want the world to see or that you would not want anyone to know came from you. Remember that MSBA and other e-mail list participants have the right to reproduce postings to this lists

Do not post commercial messages. The cyberspace term for this is *spamming*. Contact people directly with products and services that you believe would help them.

Use caution when discussing products. Information posted on the lists is available for all to see, and comments are subject to libel, slander, and antitrust laws.

Do not post any information or other material protected by copyright without the permission of the copyright owner.

Messages should not be posted if they encourage or facilitate members to arrive at any agreement that either expressly or impliedly leads to price fixing, a boycott of another’s business, or other conduct intended to illegally restrict free trade. Messages that encourage or facilitate an agreement about the following subjects are inappropriate: prices, discounts, or terms or conditions of sale; salaries; profits, profit margins, or cost data; market shares, sales territories, or markets; allocation of customers or territories; or selection, rejection, or termination of customers or supplies; or potential violation of current antitrust laws.

Members who violate these rules are subject to removal from the list.

- **ATTACHMENTS**

- The list does not accept attachments. If you wish to send an attachment to an individual member of the list, you may do so but not to the list. You should get permission from a member of the list to send an attachment.

- **COPYRIGHTED MATERIALS**

- Do not post any information or other material protected by copyright without the permission of the copyright owner. By posting material, the posting party warrants and represents that he or she owns the copyright with respect to such material or has received permission from the copyright owner. In addition, the posting party grants MSBA and users of this list the nonexclusive right and license to display, copy, publish, distribute, transmit, print and use such information or other material.

- **INAPPROPRIATE POSTS**

- Do not forward jokes or any other messages via the listserv. You have no idea where it will eventually be received. The Internet allows for very easy forwarding and sending of information. If you would not send out the jokes or message on your firm's letterhead, then do not forward it.

- *Do not send anything via e-mail you do not want to see in public*

- **PROMOTING SECTION PROGRAMS ON OTHER LISTS**

Many sections do meetings/programs and they are welcome to send notices to their section email lists promoting the program. Members who are also members of other sections and email lists are welcome to send information to other section email lists as long as they only promote MSBA or MICPEL events.

The MSBA will not, however, send messages for one section to other sections. We will put that information in the Bar Brief, Bar Events and now on the MSBA Twitter accounts, www.twitter.com/marylandbar or www.twitter.com/MSBALOMA.

- **ORIGINAL POST**

- When you are the person posting a question, be sure that you entitle it with a good, concise, explanatory title in the subject line.

- If you must post a long message, warn the other subscribers with a statement in the body of the message at the top: Example: WARNING: LONG MESSAGE.

- Make sure that questions and information posted to the email list is directly related to the purpose of the list. Avoid forwarding chain letters or other non-related messages to this, or any other list.

- **PROMOTION/SOLICITATION**

- The MSBA provides all sections and committees with email discussion lists to assist members in sharing information, ideas and resources.
- The MSBA reserves the right to restrict promotion of products, services and programs not specifically endorsed by the MSBA. Only MSBA staff are authorized to post information about various MSBA programs, services and activities.
- /MSBA sponsored CLE are to be promoted or advertised on the email discussion lists.
- The email list is not intended to provide a forum for the promotion or advocacy of the beliefs of any other organization. Solicitations and endorsements for political candidates or requests for fundraising contributions are out of order.
- The MSBA does not provide e-mail addresses to outside vendors.

- **RESPONDING TO POSTS**

- Each section is given the option to determine whether it wants the reply to go ONLY to the person who sent the message or to the entire list. When you hit reply, please note whether the reply is going to the entire list or just the person who sent the message.
- If it is going to the person who sent the message and you want it to go to the entire list, hit "REPLY TO ALL."
- If when you hit reply, the address of the list is in the TO line, it will be sent to the entire list. If you want only to reply to person who sent the message, delete the list address and add the address of the person who sent the message.
- If you are responding to a post on a listserve, trim some of the original message. Avoid sending a reply that just says "Me, too" or some other short response. Keep messages short and to the point. If you are going to post a long reply or in some cases, a long rant, please indicate that in the subject header. Subject: Expert Witnesses - Long Reply.
- If your reply is simply a request to receive a copy of what someone has offered to share, or simply to agree with or thank someone, please do not reply to the entire group. Instead, send your response directly to the e-mail address of the person who posted the message by clicking on your "Forward to" button, and typing in or cutting and pasting in the e-mail address of the individual to whom you are responding.

- **SHOUTING/EMPHASIS**
- Emails written in all caps are interpreted as “shouting”. Use upper/lower case type in your posts. (Spell check doesn’t hurt either <g>!) The use of a row of symbols such as *&!@*^& denotes cursing and should not be included in your posts
- **SIGNATURES**
- ALL Emails must have signatures with at least your full name and telephone number. Autosignatures make this an automatic process. If you use an autosignature, you should keep its length to under 6 - 8 lines. Do not attach your vcard as part of your autosignature, as viruses can attach themselves to vcards.
- **SUBJECT LINES**
- Use a subject that adequately introduces the topic of your message, so people can quickly determine whether or not they will find it of interest. If you are changing the topic of a previous post you respond to, you should change the subject line of the post.
- **Do not send messages without a topic in the Subject box.**
- **SUBSCRIBING TO THE LISTSERV**
- One must first be a MEMBER of the listserv in order to post, and receive replies. In order to join a particular open listserv, go to http://www.msba.org/sec_comm/listserves/index.htm. You may subscribe to as many of the open email discussion lists as you wish but you must subscribe to each one separately. Once you have subscribed you may post and receive messages.
- **TECHNICAL ISSUES**
- If you believe that there is a technical problem with the listserv, do not post to the listserv. Send a private post to MSBA web coordinator, John Anderson at janderson@msba.org.
- **UNSUBSCRIBING TO THE LISTSERV**
- At the bottom of all e-mail messages from the email discussion lists is the ability to unsubscribe. You may unsubscribe at any time. You may also send a blank email to leave-listservename@lists.msba.org or send an email to janderson@msba.org with your name, email address used on the listserve and the listserve name.
- **VIRUS SCANNING**
- Viruses are destructive, both in terms of the damage they can do to computers, and in terms of lost billable time trying to get one’s computer back up and running. For this reason, participants of email discussion lists have an extra responsibility to their fellow attorneys to employ a virus detection package, and to regularly update the virus definitions, so it continues to provide adequate protection.
- If you discover you have a virus on your computer, you should immediately contact John Anderson by telephone at 800-492-1964, ext 3036 and ask him to post a warning not to open any emails with attachments sent under your name.

Section & Committee Websites

- General Information
 - Section Sites p. 17
 - Section Form/ Document Sharing P. 18
 - Committee Sites p. 18-19
- Location p. 21
- Examples p. 22-24
- MSBA Calendar & Home Page p. 25

General Information for Sections

- Each section has its own "website." At this time we are not able to allow sections to post their own information to their sites.
- All sections are listed at http://www.msba.org/sec_comm/index.htm
- At the very minimum, all Sections have the following information listed:
 - Home page that lists description, Chair and table of contents for site
 - Section Council which is updated automatically from the membership database. This information comes directly from the Section Council Chair.
 - Links to Section listserv
 - Link to a Section Application



- Sections may add many other items including but not limited to:
 - Section Newsletters
 - Meeting/Program notices
 - CLE Program information
 - Links to sites that are helpful to section members
 - Information that section members can find helpful
 - Links to audio or videos of educational programs
- Sections may choose to have certain items such as newsletters to be password protected so that it is only for Section members.
- The MSBA web assistant will monitor events and take down an event once it is completed.
- It is the responsibility of the Section to let us know how long other information is kept on the websites.
 - The web assistant will regularly review sites and contact section chairs or section web liaison to determine what information should be removed.

FORM/DOCUMENT SHARING

WHAT IS THE PURPOSE OF THE FORM/DOCUMENT LIBRARY?

This will give practitioners the opportunity to request and receive forms they from other practitioners. It will allow them to upload the forms/documents to a secure members only area of the section website. These are forms that members have created and are willing to share with other members.

This benefit is also another reason to join the various sections especially for new lawyers or practitioners new to a practice area.

WHY WAS THE FORM LIBRARY CREATED?

While using the listservs, many members have been requesting the ability to share forms and other documents with other section members. This will allow them to do that.

WHY CAN'T THEY JUST USE THE LISTSERVS TO SHARE DOCUMENTS?

The MSBA section listservs for section members do not allow for attaching documents. Any member who wants to share a document would have to send it individually to members.

WHO CAN USE THIS NEW FORM LIBRARY?

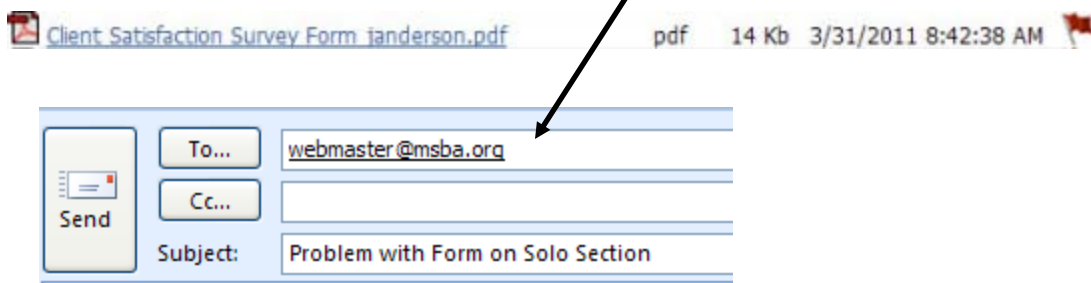
Only members of individual sections can upload or download forms from the Forms Library.

IS THERE AN APPROVAL PROCESS FOR /FORMSDOCUMENTS THAT CAN BE SHARED?

No. Any section member is free to put documents in the Forms Library. Members use the forms at their own risk just as if they borrowed a form on an informal basis.

IS IT POSSIBLE TO REPORT A PROBLEM WITH A FORM?

Yes. Anyone can report a problem with a particular form. The Section can also set up a process for handling problems with forms. Anyone can click on the Flag to indicate a problem and a message will be sent to the MSBA web master.



WHAT TYPES OF DOCUMENTS CAN BE SHARED?

Forms or documents that have been created by individual members for their practice and they are willing to share can be uploaded. Copyrighted materials/documents/forms may not be uploaded.

WHERE WILL THESE FORMS BE LOCATED?

Each section will have a tab on its website “Forms Library” and will be for Section Members only.



WILL WE BE ABLE TO TELL WHO HAS POSTED A DOCUMENT?

Yes. Anyone uploading a document MUST include his/her first initial and last name before uploading a document. That first initial and last name will then be automatically added to the end of the name of the document so others will be able to immediately see who uploaded a document.

HOW WILL SECTIONS GET STARTED WITH THE PROJECT?

Starting in May, the MSBA will begin to inform members of the new benefit. The MSBA will send messages via the Section listservs, post the information in the *Bar Brief*, in the *Bar Bulletin*. We will regularly remind section members of the new form library. There will also be a link to the video tutorial on all the Section Websites.

HOW WILL MEMBERS LEARN HOW TO UPLOAD OR DOWNLOAD FORMS?

There is a short video tutorial on how to use the form library. It is available at <http://www.youtube.com/watch?v=CNS7s4MbzcU> or at all Section websites at the Forms Library

HOW CAN SECTION COUNCILS HELP PROMOTE THE NEW SERVICE?

Members of the Section Councils can 1) promote the new service, 2) begin to upload some documents which others may find helpful and 3) encourage Section members to participate.

CAN SECTIONS CHOOSE NOT TO PARTICIPATE?

Yes but it is our suggestion for the council to survey section members to determine whether or not the section members want to participate.

WHAT IS THE PROCEDURE IF THE SECTION CHOOSE NOT TO PARTICIPATE?

Please send a message to Pat Yevics at pyevics@msba.org and the link to the Form Library will be removed from the website.

We encourage your section to promote this new service as a benefit to your current members and to increase Section membership. With the use of the internet for all types of information including legal documents and forms, this new service can be a real asset for MSBA Section members.

If you have any questions, please do not hesitate to contact Pat Yevics at pyevics@msba.org or 410-685-7878 or 800-492-1964, ext 3039.

General Information for Committees

- Each Committee has its own "website"
- All Committees are listed at http://www.msba.org/sec_comm/index.htm
- Listed on the site is the Committee Chair, Committee Members and Committee Description.
- Committees may add many other items including but not limited to:
 - Committee Reports
 - Committee Survey results
 - Committee Photos
- It is the responsibility of the Section to let us know how long other information is kept on the websites.
 - The web assistant will regularly review sites and contact section chairs or section web liaison to determine what information should be removed.

Where to Look for Sections/Committees?

www.msba.org
Sections/Committees

THE MARYLAND STATE BAR ASSOCIATION, INC. [MSBA Home](#) [Contact Us](#) [Become a Member](#)

MSBA Sections and Committees

MSBA Sections	MSBA Committees
<ul style="list-style-type: none">Administrative LawAlternative Dispute ResolutionAnimal LawBusiness LawConsumer BankruptcyCorrectional ReformCriminal Law & PracticeDelivery of Legal ServicesElder Law	MSBA Standing Committees <ul style="list-style-type: none">Budget & Finance CommitteeContinuing Legal EducationEthics CommitteeGender Equality CommitteeJudicial Appointments CommitteeLaws CommitteeLawyer Assistance ProgramLocal and Specialty Bar Liaison CommitteeMembership CommitteePattern Jury Instruction CommitteePlanning CommitteeProfessionalism CommitteeProgram CommitteePublic Awareness CommitteeResolution of Fee Disputes CommitteeRules of Practice Committee
MSBA Special Committees <ul style="list-style-type: none">Anti-Discrimination MattersAppointmentsAsian American BarCLREP Committee	

Left Sidebar:

- [Member Directory](#)
- [Members Only](#)
- [Electronic Bar Briefs](#)
- [Ethics Opinions](#)
- [FastCase](#)
- [Mentoring Program](#)
- [Update Member Info](#)
- [Membership Dues](#)
- [Member Resources](#)
- [Join The MSBA](#)
- [Board of Governors](#)
- [Calendar](#)
- [Committees & Sections](#) (highlighted with red arrow)
- [Contact Us](#)
- [Departments](#)
- [Legal Career Center](#)
- [Legal Links](#)
- [Legal Vendor e-MALL](#)
- [MD Bar Foundation](#)
- [Publications](#)
- [PressCenter](#)
- [Public Resources](#)

Dropdown Menu for 'Committees & Sections':

- Sections A-H
- Sections I-Z
- Standing Committees
- Special Committees
- Listserve
- Join Section
- Join MSBA

Member Directory Members Only Electronic Bar Briefs Ethics Opinions FastCase Mentoring Program Update Member Info Membership Dues <hr/> Member Resources Join The MSBA <hr/> Board of Governors Calendar Committees & Sections Contact Us Departments Legal Career Center Legal Links Legal Vendor e-MALL	Home Links	By-Laws	Council	Join Section	Council Procedures	Email Lists
	<h2>Criminal Law & Practice</h2>					
	CHAIR: Rachel Marblestone Kamins, Chair 6301 Ivy Lane, Ste. 418 Greenbelt, MD 20770-6306 (301) 220-1570 Fax: (301) 220-1577 rmkamins@bennettbair.com Section Dues: \$15 per year		EVENTS		DOCUMENTS: 2010 Legislative Session Wrap-Up. Joint Program: Obtaining Financial and Medical Records for Litigation (The Right Way) and Use at Trial Event was on January 13, 2010 a. Medical Record Confidentiality and Litigation: The Process for Lawfully Obtaining Information. Source Materials b. Medical Record Confidentiality Powerpoint Presentation	

Can put up documents or presentations

Events

Member Directory Members Only Electronic Bar Briefs Ethics Opinions FastCase Mentoring Program Update Member Info Membership Dues <hr/> Member Resources Join The MSBA <hr/> Board of Governors Calendar Committees & Sections Contact Us	Home	By-Laws	Council	Join Section	Email Lists	
	<h2>Estate and Trust Law</h2>					
	CHAIR: Richard T Wright 170 Jennifer Rd, Ste 315 Annapolis, MD 21401-7943 Phone: 410-224-7800 Fax: 410-224-7801 Email: richard@rtwrightpc.com		EVENTS: MSBA 2010 Annual Meeting Estate Planning in Uncertain Times Friday, June 11, 2010 8:00 am - 10:30 pm Webinar: Roth Conversions 4/28/2010 (1hr 5min) Study Group Meetings for Estate and Gift Tax		<div style="border: 1px solid black; padding: 5px; text-align: center;"> For Section Council Members </div>	

Estate and Trust Law

MEDIA:



Reality Bytes

A personal view on technology in society and the legal profession.



Spring 2010 Newsletter

IN THIS ISSUE:

- NOTES FROM THE CHAIR
- HECKERLING HIGHLIGHTS 2010
- PLANNING AND DRAFTING IN AN UNCERTAIN ENVIRONMENT
- ISSUES CONCERNING SENATE BILL 25
- WEIGHING THE NEW PLANNING POSSIBILITIES OF MARYLAND'S SENATE BILL
- BETTER THAN SLICED BREAD?: A REPLY TO RICHARD WRIGHT
- REALITY BYTES

MSBA

SECTION OF ESTATE AND TRUST

Richard T. Wright, *Chair*
Matthew Mace, *Chair-Elect*
Sharon Ritter, *Secretary*

Newsletter

Mary Alice Smolarek, *Editor*
Aryeh Guttenberg, *Editor*

Spring 2010

Vol. 19 No. 2

Notes From The Chair

Richard T. Wright, Esq.

The Estate and Trust Law Section enjoyed a very good year in the 2010 General Assembly. The Legislature passed seven of the original nine proposals on our Legislative Agenda and also enacted an eighth emergency bill we added when we realized that

executed with the same formalities as a will and acknowledged before a notary public.

- A Maryland inheritance tax exemption for distributions to surviving spouses of a decedent's


person over age 68) under Criminal Law Article Section 8-801 that provides that, although such a criminal conviction disqualifies the guilty party from inheriting or otherwise benefiting from the victim's estate, inheritance proceeds

Can put newsletter on-line for section members only

Committee on Laws




Michael J. Baxter, Chair

120 East Baltimore Street, Suite 2100
Baltimore, MD 21202-1615
(410) 230-3800 Fax: (410) 230-3801
Email: mjb@bbsclaw.com

[Committee Meeting Schedule for the 2008
Legislative Year](#) 

This Committee recommends a Legislative Program to MSBA's Board of Governors on an annual basis which addresses issues such as tort reform, mandatory sentencing, funding of the legal system, judicial elections and regulation of the legal profession. It provides historical background and recommends positions on the issues to the BOG, and, upon its approval, the Program is posted on MSBA's website. During the legislative session the Committee meets regularly and reviews proposed bills which have impact on the practice of law and the administration of justice in Maryland. It solicits information from MSBA Sections and Committees and recommends positions on the proposed legislation to the BOG

2008 Legislative Updates

- [Update #9](#)  - March 14, 2008
Volume 18, Number 9
- [Update #8](#)  - March 7, 2008
Volume 18, Number 8
- [Update #7](#)  - February 29, 2008
Volume 18, Number 7
- [Update #6](#) - February 22, 2008

Information for
MSBA Members

Reports from
Events

MSBA Leadership Academy

TRAINING GROUND FOR THE MSBA

Hon. Barbara Kerr Howe, Co-Chair

8 Hampshire Woods Ct.
Towson, Maryland 21204
(410) 887-2920 Fax: (410) 887-2922
Email: bkhowe@bellatlantic.net

Hon. Diane O. Leasure, Co-Chair

Circuit Court for Howard County
8360 Court Avenue
Ellicott City, Maryland 21043-4550
(410) 313-2066 Fax (410) 313-3192
Email: diane.leasure@courts.state.md.us

[Summit Report](#)

Maryland State Bar
Association Leadership
Academy Class of 2007

[Report on the Summit on
Youth Violence](#)

- [LEADERSHIP ACADEMY COMMITTEE CHOOSES FELLOWS FOR 2008-09](#)
- [MSBA Leadership Academy Presents
"Beyond the Bars: A Symposium on Reentry in Maryland"](#)
May 20, 2008

Includes Photos

CALENDAR AND HOME PAGE

- Those Section events that we receive are listed on the MSBA Home Page.
- If a Section has an event or program that it wants listed on the MSBA web calendar, MSBA homepage and its own website, it needs to be sent to the web assistant who will put the information on the site.
- Each week, there will be a Section Event of the Week listed on the MSBA Home page.

THE MARYLAND STATE BAR ASSOCIATION, INC. MSBA Home | FAQs | Contact Us

MSBA CALENDAR OF EVENTS
Submit an Event | Restaurant Directions

Legend:

- MSBA Events
- MSBA Section/Committee Meetings
- MSBA Section/Committee Events
- MSBA CLE Programs
- Local & Specialty Bars
- MSBA Webinars
- Other

[To view important dates coming up later this year, click here!](#)

JULY 2010

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday/Sunday
12	13	14	15	16 Hot Topics in Elder Law More Information	17/18 Hanging Out A Shingle Baltimore, MD More Information

MSBA Continuing Legal Education
Hot Topics in Elder Law
 July 16, 2010
[View Details](#) | [Register](#)

Advanced Real Property Institute
 October 27, 2010
 Linthicum, MD



Bar Brief/Events

- General Information p. 27
- Samples p. 28



General Information

- The Bar Brief will be sent on or near the first of each month and will include news and MSBA related events.
- The MSBA Events will be sent on or near the fifteenth of each month and will include only events but will also include local, specialty and other legal related events.
- All e-newsletters are sent out late in the day. E-newsletters are never sent on a Friday. If the 1st or 15th fall on a Friday, it will be sent the following Monday.
- Each month Section and Committee Chairs will receive regular reminders about the upcoming deadlines.
 - Sections and committees can send recent upcoming events or Save the Date information.
 - If there is a flyer, we will include a link to the flyer.
 - The following information should be included:
 - Name of Section and any co-sponsoring group
 - Date, time and location of event
 - Speakers
 - Cost, if any
 - Contact information
 - NOTE: We will confirm all messages sent to us. If you do not receive a confirmation, it means we did not get it.
 - All information must be sent electronically.
- We will automatically run event information in all Bar Briefs and Events until the program is completed.
 - It will be the Section's responsibility to forward any changes or updates to us.

June
2010

MSBA BAR BRIEF

MARYLAND STATE BAR ASSOCIATION E-NEWSLETTER



MSBA Staff, here is your MSBA Bar Brief

In This Issue...

- [MSBA News](#)
- [Your Opinion Counts](#)
- [MSBA Events](#)
- [MSBA CLE](#)
- [MD Bar Foundation](#)
- [Tech Tip of The Month](#)
- [Court News](#)
- [Sections & Committees](#)
- [Member Thank You](#)
- [MSBA Here For You](#)
- [Did You Know](#)
- [Other Legal Events](#)

MSBA NEWS

MURPHY TO BE INSTALLED AS MSBA PRESIDENT

Thomas D. Murphy will be installed as President of the Maryland State Bar Association (MSBA) on June 12, 2010, during the Association's Annual Meeting (www.msbaannualmeeting.org) in Ocean City, Maryland. Murphy, a partner with the [Law Offices of Murphy & Mood, P.C.](#), in Rockville, is a top leader in Maryland's legal community known for his public service and dedication to Maryland's legal profession.

Murphy will lead this voluntary Association of 23,500 lawyers for the next 12 months and will be joined by: President-Elect Henry E. Dugan, Jr., a partner in the Baltimore

Sent first of month and includes news and events

May 2010

MSBA EVENTS

MARYLAND STATE BAR ASSOCIATION EVENT CALENDAR



In This Issue...

- [MSBA Events](#)
- [MSBA Continuing Legal Education](#)
- [MSBA Committee/Section Events](#)
- [MSBA Local and Specialty Bar Events](#)
- [Other Legal Related Events](#)



Check the [MSBA Calendar](#) for other events and meetings.



Directions to most [MSBA Approved Restaurants](#) are listed at the calendar.

MSBA EVENTS

Sent 15th of month and includes events only

Surveys

- General Information p. 30-31
- Tips p. 32
- Samples p. 33

General Information

- The Section/Committee creates its own questions and submits them to us in *Word* format.
- We use these questions and create the online survey using Zoomerang. We may have to make some adjustments to accommodate the software.
- We will send the Section/Committee (or designee) a draft of the on-line survey which you can review and make changes.
- You will tell us what changes to make and we will send you a corrected draft for you to take.
- When the committee/entity agrees that the survey is finished, we will create the final on-line version.
- It can take anywhere from one to four weeks to "Launch" a survey once we get the questions. The time will include how quickly the entity "Okays" the final product.
- There are some items to consider regarding the questions:
 - A.. Will there be mandatory questions that must be answered to move to the next question?
 - B. Will survey takers see all the questions or will there be "skip" logic which moves survey takers to different questions depending upon the answer. If you use skip logic those questions **MUST** be mandatory. (i.e., they must be answered to move forward)
 - This works best with Yes and No answers. A "Yes" answer would take you a different next question than a "No" answer.
 - C. Questions can be multiple choice and open ended which will allow for text answers.

More Information

- All replies are confidential although you can ask for demographic information, including names.
- The Entity can inform its members about the survey in a number of ways:
 - a. Send a postal mailing to all its members announcing the survey with the URL of the survey.
 - b. Send an email to just listserv members with a link to the Section/Committee members announcing the survey.
 - c. Send an email to ALL members of the Section/Committee who have email - this will include those that are not on the Listserv.
 - d. Post a notice in the Bar Brief and/or on the website and MSBA Homepage.
- The survey is taken by sending a link to a website. You can send the link in an email message or you can put the link on a page on the MSBA website and direct them to the site.
- Results can be made available in three ways:
 - To everyone who takes the survey.
 - To any number of people the Section wishes to designate.
 - This allows these people to review the results on-line.
 - Only to MSBA staff who will forward results to you.

TIPS

In an article entitled "Web Based Surveys: Changing the Survey Process" (http://www.firstmonday.org/issues/issue7_12/gunn/) by Holly Gunn, there was detailed discussion on the concerns and advantages of web based surveys. There was also some interesting items on designing a survey. According to the article "many of the same principles that govern other surveys apply to Web surveys." Some of the tips that were offered are:

1. keep the questionnaire brief and concise
2. place confidential or personal questions at the end of the questionnaire
3. have response categories in progressive order, usually from lower to highest
4. combine categories such as "seldom" and "never" together.
5. "that the first question was the most critical on the questionnaire and should be tied to the survey's purpose."
6. writing an introduction to explain the survey.
7. letting people know how long the survey will take and reporting on their progress
8. not forcing people to answer a question before moving onto the next one.
9. allowing people an alternative if they wish to print it and mail it.
10. reassuring people about confidentiality and privacy.

It also quoted another article about what to avoid:

1. open-ended questions
2. the response category of "other" that prevented respondents from selecting a provided category for a trivial reason
3. response scale proliferation, i.e., using a six or seven point scale when a four or five point scale would be sufficient and more distinguishable
4. asking participants to rank responses since research has shown respondents experience difficulty with ranking, especially with a list of more than six items.

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Real Property Planning & Zoning

Thomas C. Barbuti
 7 Saint Paul Street
 Baltimore, Maryland 21202
 p. 410.347.8719
 f. 410.347.8731
tbarbuti@wfpplaw.com
 (\$10 per year)

[By-Laws](#)

[Take The Real Property Section Survey](#)

Important Notice from Clerk of the Court, Circuit Court of Montgomery County

Membership in
 COMMERCIAL REAL ESTATE ATTORNEYS'
 DISCUSSION GROUP 2006
[Renew or Join](#)

Income Tax Alert - NRS Withholding
[Increase in the Withholding Rate for Sale of Real Estate](#)

Can survey members

The purpose of the Section is to bring together for the furtherance of their mutual interest members of the Maryland State Bar Association concerned with the law relating to real property and the governmental control thereof, and in improvements and reforms in such laws through legislation or otherwise, and generally to promote the interest and welfare of the public and members of the Bar in the field of real property.

Zoomerang - Netscape

MSBA Real Property, Planning & Zoning Section 2006 Survey

Dear Real Property Section Members,
 The Section Council wants your feedback regarding the Section's activities and programs so that we can provide you with what you need to help you practice.
 The survey will take no more than 10 minutes to complete. Although we ask for some demographic information, the survey is completely confidential unless you choose to provide your name.
 If you have additional comments, please feel free to contact any Council Member.

Thomas Barbuti
 Chair



NEWSLETTERS AND BLOGS

- E-newsletters pp. 35-37
- Blogs pp. 38

E-Newsletters

It can be done one of two ways.

1. Create it in an html file and have it sent similar to the *Bar Brief*
2. Send a link to a pdf file to the listserv.
3. They can also be put on the section website

**Real Property Section Newsletter
in HTML sent via email**

Newsletter of the Maryland State Bar Association Section of Real Property, Planning & Zoning Summer 2009

Ground Rules

Real Property Section
Maryland State Bar Association

Marc B. Bergoffen, Editor
Dan Maver, Student Editor

- **In This Issue...**
- **From The Editor**
- **John J. Delaney Selected As Distinguished Maryland Practitioner**
- **Wind Farm Leasing**
- **The Piccadilly Peccadillo**
- **TDR's and §1031's**
- **New Law Limits Amounts Retained Under Construction Contracts**
- **MSBA Real Estate Discussion Group the 2008 Real Estate Case Hit Parade**

▪ **FROM THE EDITOR**

By: Marc B. Bergoffen
Bregman, Berbert, Schwartz & Gilday, LLC

Things certainly have been interesting in the world of real estate law, and depending on one's particular area of practice, the recession has either been a positive or a not-so-positive thing. Hopefully, the economy will improve along with the summer weather we are having. In this summer edition, we feature articles on wind farm leasing, a recent bankruptcy case affecting real estate, a new statute affecting construction retainage, as well as others. We hope you enjoy this edition and if you have a topic of interest, please feel free to submit an article for the next edition.

[\[View Article Online\]](#)

▪ **JOHN J. DELANEY SELECTED AS DISTINGUISHED MARYLAND PRACTITIONER**

John J. Delaney of Linowes & Blocher in Bethesda has been selected as the 2008-2009 recipient of the Distinguished Maryland Real Property Practitioner. Mr. Delaney has been practicing in the area of real property and land use law for over forty years. He is respected as an authority on zoning and land use law, and is an expert in land use regulation and regulatory takings. He is an accomplished lecturer and author in the land use and planning areas. Prior to practicing law, he served as a lieutenant in the United States Army. Mr. Delaney's professional and civic affiliations include the American Institute of Certified Planners, the American Planning Association, the National Association of Homebuilders, the Board of Directors of Gonzaga High School, and the Maryland Smart Growth Commission. Please join us in extending our warmest congratulations to Mr. Delaney on

www.msba.org/sec_comm/sections/realprop/groundrulesarchive.htm

MSBA e-MALL
Your One Stop Legal Vendor Directory

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Real Property Section

Ground Rules Archive

- [Ground Rules Summer 2009](#)
- [Ground Rules Spring 2008](#)
- [Ground Rules Winter 2007](#)
- [Ground Rules Fall 2007](#)
- [Ground Rules Summer 2007](#)
- [Ground Rules Fall 2006](#)
- [Ground Rules Summer 2006](#)
- [Ground Rules Winter/Spring 2006](#)

**Can put newsletter
on website**

**Estates & Trust Section
28 page pdf newsletter put online and
a link was sent to the section**

www.msba.org/sec_comm/sections/estate/newsletter.asp

MSBA
SECTION OF ESTATE AND TRUST

John P. Edgar, *Chair*
Richard T. Wright, *Chair-Elect*
Cristin C. Lambros, *Secretary*

Newsletter

Mary Alice Smolarek, *Editor*
Aryeh Guttenberg, *Editor*

Spring 2009

Vol. 18 No. 2

Notes From The Chair

John P. Edgar, Esq.

As I write this, the Section Council is drawing near the conclusion of an active and successful year. We were busy in a variety of areas with efforts to improve the law, such as by participating in the legislative process, working with the Orphans' Court Judges and Registers of Wills, and discussing proposed

Now for some more details of what we have been doing this past year. We enjoyed a successful legislative session. We were able to see five bills that we initiated pass the General Assembly. All will make the administration of estates and trusts easier and more efficient for both attorneys and residents

ful bills. We also would like to thank Delegates Carter, McComas, McConkey and Vallario for sponsoring HB 582. Last but not least, Chair-Elect Richard Wright worked tirelessly to prepare and deliver testimony at often-lengthy committee meetings. Rich, you missed your calling as a lobbyist!

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Estate and Trust Law

Newsletter

[Spring 2009 Newsletter](#)

[Winter 2008 Newsletter](#)

[Spring 2008 Newsletter](#)

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[Spring 2007 Newsletter](#)

[December 2006 \(January 2007\) Newsletter](#)

[Spring 2006 Newsletter](#)

[December 2005 \(January 2006\) Newsletter](#)

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Articles

[Living Trusts](#)
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THIS IS A SUMMARY VERSION OF THE LATEST ESTATE AND TRUST LAW SECTION NEWSLETTER. A complete version of the Newsletter is available by mail to all members of the Section. If you would like to become a [member of the Section](#), you can do so [on-line](#) or by contacting:

BLOGS

- Some sections are creating their own blogs and sending information to their members via the listserv

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Members Only **Business Law Section**

BUSINESS SECTION BLOG:

**Business Law Section Launches Blog
Covering Judicial Developments in Maryland Business Law.**

The Business Law Section of the Maryland State Bar Association has launched a blog focused exclusively on judicial developments in Maryland business law.
[\[Click Here\]](#)

MARYLAND BUSINESS LAW DEVELOPMENTS

PUBLISHED BY THE BUSINESS LAW SECTION OF THE MARYLAND STATE BAR ASSOCIATION

WEDNESDAY, JUNE 9, 2010

Catalyst Health Solutions, Inc. v. Magill (Ct. of Appeals)

[\[Listen now\]](#)

Filed: June 2, 2010

Opinion by Judge Lynne A. Battaglia

Held: Unvested stock options are not protected wages under the Maryland Wage Payment and Collection Law.

MARYLAND BUSINESS LAW DEVELOPMENTS
A service of the Section of Business Law of the Maryland State Bar Association providing a resource covering judicial developments in Maryland business law.

We track opinions from the following courts:
Maryland Courts of Appeal

<http://www.marylandbusinesslawdevelopments.com/>

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Members Only **Estate and Trust Law**

MEDIA:

[Reality Bytes](#)
A personal view on technology in society and the legal profession.

[MSBA Spring 2010 Newsletter](#)
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-NOTES FROM THE CHAIR
-HECKERLING HIGHLIGHTS 2010
-PLANNING AND DRAFTING IN AN UNCERTAIN ENVIRONMENT
-ISSUES CONCERNING SENATE BILL 25
-WEIGHING THE NEW PLANNING POSSIBILITIES OF MARYLAND'S SENATE BILL

REALITY BYTES - TECHNOLOGY: A PERSONAL SELECTION

A PERSONAL VIEW ON TECHNOLOGY IN SOCIETY AND THE LEGAL PROFESSION. -- F.T.C. DISCLOSURE: NO PRODUCTS OR PAYMENTS HAVE BEEN RECEIVED FROM ANYONE IN CONNECTION WITH THE REVIEWS IN THIS BLOG.

SEARCH THIS BLOG

powered by

THURSDAY, MAY 27, 2010

Post-Mortem Internet Privacy

Gerry Bever reports today in his Wills, Trusts & Estates Prof Blog blog:

SOCIABLE
[Google Buzz](#)
[Delicious](#)

<http://technobytesmd.blogspot.com/>

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