

BAR BULLETIN

IN
THIS
ISSUE:

- ◆ Talk About the Circle of Life Page 4
- ◆ Special Focus Legal Services/Pro Bono Pages 8-12
- ◆ How to Detox Your Body Page 15

MARYLAND STATE BAR ASSOCIATION NEWSLETTER

MAY 15, 2018

Inner Workings @ MSBA

Many of you likely received a copy of the *Inner Workings @ MSBA* newsletter, which was distributed membership-wide by email on April 26, 2018. The newsletter will be updated and circulated quarterly to keep membership informed of the progress at the MSBA.

In addition, we have created a permanent page on our website: msba.org/inner-workings

dedicated to keeping our membership informed about ongoing changes and improvements, finances, and governance. The MSBA is committed to improving

its communications with members, and members are welcome to forward questions, comments or concerns to membership@msba.org or feedback@msba.org.

Following is a Word from Leadership regarding changes and improvements that have occurred this past year.

The MSBA is a 122-year-old organization which serves as home for the legal profession in Maryland. During the past twelve months, the MSBA has been working on many changes as it seeks to best position itself for the future.

During this "year of change", we have seen significant progress in many areas of the association. We are pleased to share the following examples of just some of what has evolved.

We have rebranded the association with a modern logo. The new logo is an important visual cue to let the profession and public know that things are changing at our MSBA.

We have launched a new website, MSBA.org, which is mobile-friendly, more secure, integrates with our membership and accounting systems, thereby eliminating manual behind-the-scenes work, and provides a platform for many new features. As with most online platforms, updates will occur frequently as we continue to add to the website. Please visit msba.org/ for a brief orientation to the new website. To support our members, there is also an online chat feature that is available during normal business hours.

We have more than doubled our CLE offerings, and have updated many publications, including the most recent editions of *Gibber on Estate Administration* and *Pleading Causes of Action in Maryland*.

We have made it possible for our members to do more on their mobile devices, and have increased member value by offering a free online CLE (one free course valued up to \$200) for those who renew online, and much more.

We have increased our communications on social media, based on the growing percentage of our members who rely on those networks to stay informed. If you have not already done so, please join our LinkedIn or Facebook online communities to keep track

of the frequent posts about our good work.

We have hosted exchanges with other State Bars to share best practices, have held numerous discussions with our Board of Governors on governance and transparency, and have continued our work to better position our Bar for the future.

On behalf of the officers, listed below, your entire Board of Governors, your Executive Director, and the entire MSBA staff team, thank you for your continuing support and participation in our association.

I hope you find this *Inner Workings @ MSBA* newsletter helpful as we continue to change how we communicate the many happenings at your MSBA.

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INNER WORKINGS @ MSBA NEWSLETTER

Spring 2018 Update



A Word From Leadership

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Inner Workings @ MSBA

A Word From Leadership

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The Name of the Game is the Claim

Maryland District Court Weighs in on Patent-Eligible Subject Matter

By David Taylor

No area of patent law has undergone more development over the past few years than patent eligibility under 35 U.S.C. § 101. The development largely stems from *Alice Corp. v. CLS Bank Int'l*, 134 S.Ct. 2347 (2014) (“Alice”). There, the Supreme Court announced a two-step test for assessing patent-eligibility. Even with this test and scores of Federal Circuit and district court opinions applying the test, discerning what is patent-eligible subject matter can be difficult.

Recently, the U.S. District Court of Maryland issued a decision, *ChargePoint, Inc. v. SemaConnect, Inc.*, No. MJG-17-3717, 2018 WL 1471685 (D. Md. Mar. 23, 2018) (J. Marvin Garbis), setting forth a comprehensive discussion and an insightful application of *Alice* and post-*Alice* Federal Circuit decisions. *ChargePoint* provides guidance, both in terms of litigation strategy and patent preparation and prosecution, when confronting what might be an abstract idea.

Factual and Procedural Background

ChargePoint accused SemaConnect of infringing four patents relating to networked electric vehicle (“EV”) charging stations. The

patents describe a system in which EV charging stations are connected to a remote server via the Internet, and in which the remote server stores a variety of information. The EV charging station and server can be remotely accessed and controlled by a user. The system provides “a customized and convenient user experience” and “management of electric flow based on electric grid load data.” 2018 WL 1471685 at *1.

SemaConnect brought a motion to dismiss under Fed.R.Civ.P. 12(b)(6) for failure to state a claim, arguing that the asserted patent claims were directed to patent-ineligible abstract ideas and were invalid under 35 U.S.C. § 101.

Section 101 Subject-Matter Eligibility and *Alice*

Section 101 of the Patent Act provides that “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of [Title 35].” In *Alice*, the Supreme Court fashioned a two-step test to determine whether an invention is patent-eligible subject matter. First, the court determines whether the claim is directed to a patent

ineligible concept, that is, a law of nature, a natural phenomenon, or an abstract idea. If no, the claim is eligible and examination should continue for patentability. If yes, the second step involves a determination of whether the elements of the claim, considered both individually and as an ordered combination, add enough to transform the nature of the claim into a patent-eligible application. *Alice*, 134 S.Ct. at 2355.

The Court’s Analysis

In the interest of brevity, the discussion of the four asserted patents is limited to the first claim analyzed by the Court. Claim 1 of U.S. Patent No. 8,138,715 recites an apparatus (charging station) including a “control device” (to switch electric power on and off for charging EVs), a “transceiver” (which communicates with a “remote server” over a “wide area network” via a “data control unit”), and a “controller” (which “causes” the control device to switch power on or off based on a communication from the server). 2018 WL 1471685 at *8.

Noting that a court may compare the claimed concept’s character as a whole to claims that have been held to be abstract, the Court found that “the Federal Circuit has consistently held that gathering, analyzing, transmitting, receiving, filtering, organizing, or displaying data, and combinations thereof, is an abstract idea without something more.” *Id.* at *6. Applying the first *Alice* step, the Court found that claim 1 “amount[ed] to nothing more than the recitation of generic computer and networking equipment to achieve the result of operating an EV charging station as it otherwise would be operated without network connectivity.” *Id.* at *9. The generic computer and networking equipment served as “nothing more than conduits for the abstract idea of sending requests, receiving commands, and executing commands on a device over a network.” *Id.* Turning to the second *Alice* step, the computing and net-

working equipment was found to be well-known, routine, and conventional at the time of the invention and did not introduce an “inventive concept” that transformed claim 1 into a patent-eligible application of the abstract idea.

ChargePoint has appealed the decision to the Federal Circuit.

Takeaway

Throughout its analysis of the four patents, the Court focused on the claim language, giving no weight to purported improvements described in the specification but not recited in the claims. An important

lesson to be learned from the Court is that an inventive concept will not save a patent claim from invalidity under Section 101 unless it is recited in the claims. *See, e.g., id.* at *11, *13. As Judge Giles S. Rich of the Federal Circuit famously said in 1990, “the name of the game is the claim.” That statement is equally applicable today to patent-eligibility determinations under *Alice*.

David Taylor is a partner with the law firm of Berenato & White, LLC in its Bethesda office. The firm concentrates its practice in the area of intellectual property.

BAR BULLETIN

Volume XXXV, Number 5

May 15, 2018

Published monthly by the
MARYLAND STATE BAR ASSOCIATION
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Baltimore, Maryland 21201
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TDD 539-3186

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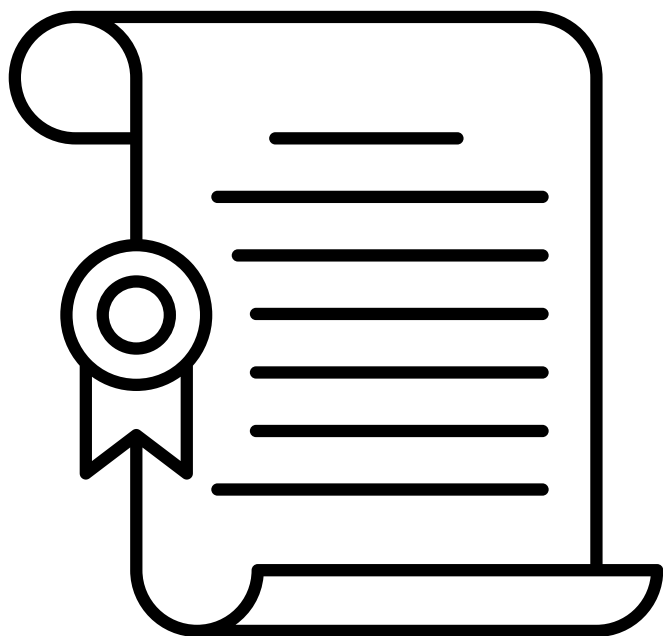
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ACCOUNT EXECUTIVE

Jonathan McGraw

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DATeline

MAY

16 You are invited to attend **MSBA's Environment & Energy Law Section's Annual Dinner** from 6:00 p.m. - 8:00 p.m. at Dalesio's of Little Italy, 829 Eastern Ave., Baltimore, MD 21202. This year's keynote speaker will be John Cruden, Principal, Beveridge & Diamond, PC Former Assistant Attorney General, Environment & Natural Resources Division, U.S. DOJ. Purchase tickets online at registration.msba.org/environment-energy-dinner.

16 **MSBA's Taxation Section** hosts their *Annual Irving Shulbank Memorial Dinner and Program* beginning at 6:00 p.m. at The Center Club, 100 Light St., 16th Floor, Baltimore, MD. The evening's keynote speaker is David R. Brinkley, Secretary, Department of Budget and Management. Congratulations to Steven M. Gevarter, this year's *Excellence Award Winner* and James P. Leith, this year's *Pro Bono Award Winner*. Additional information and registration available at www.msba.org/product/annual-irving-shulbank-memorial-dinner-and-program.

17 **MSBA's Veterans Affairs and Military Law Section** is pleased to present The Honorable Philip Nichols, 7th Circuit Court Judge

and Captain, JAGC, USNR (Ret.) with the *2018 Brigadier General Philip Sherman Award* at the 5th Regiment Armory, Baltimore. The ceremony will begin at 5:30 p.m. in the Reckford Room at the Armory. If you would like to join us in honoring Judge Nichols, please email Hugh McClean at hmcclan@ubalt.edu.

17 **MSBA's Estate and Trust Law Section** hosts their *Annual Dinner* at Turf Valley Country Club, 2700 Turf Valley Rd, Ellicott City, 21042, from 5:30 p.m. - 8:30 p.m. Contact Angela Munro, angela@msba.org, for additional information.

18 **MSBA's Section of State and Local Government** holds their *Annual Spring Institute* in honor of Law Day, offering programming on current issues of value to practitioners in the state and local government law arena. This year's program highlights emerging telecom issues, the daunting challenges of harmonizing Maryland's Medical Marijuana law with a federal law that still outlaws marijuana; offers updates on important cases from a panel of Maryland jurists, and updates on the recent legislative session and recent cases in the Supreme Court and from around the country and delves into the history of land use law in a fast paced program. 8:30 a.m. - 5:00

p.m. at WSSC Headquarters, 14501 Sweitzer Lane, Laurel, MD 20707. Additional information and registration available at registration.msba.org/honoring-law-day.

28 Memorial Day Holiday

JUNE

2 **MSBA's One Bar | One Community Public Service Project**, a joint collaboration between the MSBA's Young Lawyers section and Public Awareness Committee, hosts a *Habitat for Humanity Community Service Day* from 8:00 a.m. - 3:00 p.m. at 309 Sweetbriar Court, Joppa, MD 21085. Spend the day assisting construction professionals with an in-progress build. No experience is needed - volunteers will be trained on site! Breakfast and lunch will be provided. Space is limited to 20 volunteers, so sign up today! RSVP to Myriem Seabron at Myriem.Seabron@gmail.com.

2 Join **FreeState Justice** for a *champagne brunch and live jazz music* to support the work ahead. Hosted at The Maryland Historical Society, 201 West Monument Street, Baltimore, MD 21201 from 11:00 a.m. - 2:00 p.m. Additional information and tickets available at <https://fsjazzbrunch.eventbrite.com>.

6 Celebrate the *21st Annual Equal Justice Awards Breakfast*, hosted by **Maryland Legal Aid's Equal Justice Council** with Keynote Speaker Laura Coates, from 7:45 a.m. - 9:00 a.m. in the Sixth Floor Banquet Room at Oriole Park in Camden Yards. Additional information and tickets available at www.mdlab.org/ejc-awards-breakfast-registration.

6 **CASA and CASA in Action** will celebrate the champions of immigrant rights and working class families at their sixth annual *Justice Awards Night*. The event will feature over 300 guests, including influential leaders from across the region in government, business, nonprofits, and labor. The event will take place at 6:00 p.m. at the City Club of Washington in Washington, D.C., and will include special guest appearances, live Latin music, and hosted cocktails and hors d'oeuvres. All proceeds will benefit the services and advocacy that CASA and CASA in Action provide. Additional information and tickets available at www.casajusticeawards.org.

6 **MSBA's Estates and Trust Law** hosts a *Membership Mingle* from 6:00 p.m. - 8:00 p.m. at Charles Village Pub, 19 W. Pennsylvania

See Dateline Page 19

MSBA Ethics Hotline

MAY

TIMOTHY F. MALONEY
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FRED L. COOVER III
Howard County
(410) 995-1100

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

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The Honorable Gerald Bruce Lee (Ret.) admirably served for nineteen years on the bench of the U.S. District Court for the Eastern District of Virginia. Prior to his appointment to the federal judiciary, Judge Lee served for over six years as a judge for the Fairfax Circuit Court, and before that, he was a trial lawyer representing individuals and businesses in complex civil disputes. Throughout his illustrious career, Judge Lee served his community on various boards and committees, including the Board of Directors of the Metropolitan Washington Airports Authority, as Chairman of the Virginia Judicial Conference Judicial Education Committee, and as a member of the Virginia Circuit Court Judges Benchbook Committee. Judge Lee now brings his record of excellence and achievement to The McCammon Group to serve the mediation, arbitration, special master, and judge pro tempore needs of lawyers and litigants in Maryland, DC, and Virginia.



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Talk About the Circle of Life

By Shelley Brown

On April 19 and 20, Maryland's top four teams traveled to Annapolis for the 2018 Statewide High School Mock Trial Final Four.

Allegany High (Allegany County), **Centennial High** (Howard County), **James M. Bennett** (Wicomico County), and **Richard Montgomery** (Montgomery County) competed in the semi-finals on the 19th before Judge Dan Friedman and Judge Tim Meredith, from Maryland's Court of Special Appeals. Allegany and Richard Montgomery prevailed, and went on to compete in the state championship on April 20 before Judge Joseph Getty, Court of Appeals. Watch it on the Court of Appeals webcast here: courts.state.md.us/coappeals/webcasts/specialevents.

Allegany High School (AHS) prevailed as 2018 State Champion, marking a hugely successful and bittersweet culmination to "The Campers'" final year in their original school building. (The "new" Allegany High will open this Fall.) Allegany's coach, Brian White,

began with mock trial in 1994. His former attorney advisor, Rob Alderson, helped to foster his own children's success in mock trial, the two eldest of whom have gone on to become attorneys. Wayne Heavener, former AHS student and mock trial participant, serves as an attorney coach for Allegany's current team, along with Mike Baruch, Allegany County Assistant State's Attorney and former mock trial student from Montgomery County's Wootton High.

Brian has an incredibly successful track record with Mock Trial, having taken his team to the

Regionals 9 times, the Final Four 8 times, and the Championship competition 5 times! This is the second time Allegany has won the state title, having secured it in 2009 as well. Chris Logsdon, who was on the 2009 championship team, coaches Allegany's JV team, and is also Wayne Heavener's brother-in-law. We extend our congratulations to all four teams for outstanding performances in what was the 35th anniversary competition year!

Shelley Brown is Executive Director of Citizenship Law Related Education Program.



Judge Keith Truffer at awards luncheon



Judge Getty with students at luncheon



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The MSBA State and Local Government Law Section presents:

"Did Montgomery County's Experiment with Public Campaign Financing Work?"

June 14, 2018, 11:45 am to 1:45 pm

MSBA's 2018 Maryland Legal Profession Summit and Annual Meeting

Clarion Resort Hotel, 10100 Coastal Highway

Ocean City, Maryland 21842

Montgomery County enacted the first public campaign financing law for local elections in Maryland. The new system is being used for the first time in the 2018 elections for Executive and Council. This Program will discuss the reasons for the law, how it works, the cost, and the preliminary results.

Speakers:

Phil Andrews, former Montgomery County Councilmember and Lead Sponsor of the Law

Jared DeMarinis, Director of the Division of Candidacy and Campaign Finance, Maryland Board of Elections

Robert H. Drummer, Senior Legislative Attorney, Montgomery County Council

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1401 N. Charles St. Baltimore, MD 21201

REGISTER: PROBONOMD.ORG/VETERANSCONFERENCE

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SATURDAY, JUNE 9, 2018 | 7:30 AM
Run starts at 8:00 AM
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The Future of Pro Bono in Maryland

By Melinda Fithen,
Olivia Holcombe-Volke,
and Brian Weeks

There is a boom in the number of lawyers practicing in Maryland, according to the ABA National Lawyer Population Survey. Over the last decade, the number of lawyers in Maryland has increased by 84 percent to a total of 38,000 members of the bar. With so many attorneys, one would think that securing sufficient pro bono representation for Maryland residents in need would be no problem, right? Wrong.

Statistics show that the majority of Maryland attorneys do not participate in pro bono work early in their careers. According to the Maryland Courts 2016 Pro Bono Report, 58 percent of full-time Maryland lawyers did not provide pro bono service in their first five years of being barred. It is during this critical time, when new lawyers are taking on a competitive legal job market and trying to establish themselves professionally, that pro bono work can be the most rewarding and fruitful.

The Need is Real

Maryland Volunteer Lawyers Service (MVLS), the largest provider of pro bono civil legal services to low-income Marylanders, estimates that there is one attorney for every 3,600 pro bono clients. Now is the time for new attorneys to explore pro bono service, for their careers and for their communities.

Pro Bono Pays Back

When attorneys invest their time in pro bono work, it pays them back generously. As successful Maryland attorneys, and members of MVLS's new volunteer engagement initiative – Community Advocacy Network (CAN), – we can share several reasons why it is vital to take on pro bono cases early in an attorney's legal career.

1. Mentorship from practicing Maryland attorneys

Mentorship is a crucial part of professional development for newly barred attorneys. By joining a pro bono legal services organization, attorneys will learn from the wisdom and experience of other lawyers who can provide mentorship for a variety of case types, as well as client relations (specifically, how to navigate different client interactions while being sensitive to the clients' situations).

2. Expanding legal skills

Participating in pro bono can introduce new attorneys to different areas of the law while also giving them the opportunity to experience new things, such as serving as first chair on a trial, working directly with clients, or doing transactional work. Attorneys can gain courtroom experience in a variety of practice areas, including child custody, landlord/tenant disputes, debt collection and tort defense. Alternatively, volunteers can choose cases that do not require litigation such as estate planning, estate administration, expungement, or contract review.

3. Developing a legal network

Doing pro bono work helps lawyers expand their networks by connecting them with local bar leaders, attorney pioneers, and members of the bench. It can expose a new attorney to professionals working at large and small law firms, or those who have chosen the solo route. Relationships established through pro bono work may even lead to full-time employment or profitable billable client referrals.

4. Establishing community ties

Building an important network through pro bono work is not limited to fellow attorneys – it can also mean the opportunity to connect with a variety of community organizations, like

House of Ruth, Helping Up Mission, CASA de Maryland and CASH Campaign, among many others. By broadening their horizons in this way, new attorneys will begin to feel like they can make a difference in their communities using the expertise and knowledge they possess.

5. Providing legal assistance to Marylanders in need

One of the most powerful reasons to participate in pro bono legal services is to help other people who have nothing to give but their gratitude. Earning a law degree is a remarkable accomplishment. Being able to interpret the law is not something every person can do. By offering their unique skills to the less fortunate, pro bono attorneys can advocate for children and families, protect seniors from the damaging effects of scams, contribute to workforce re-entry, and stabilize Maryland communities.

The future of pro bono in Maryland depends on every single attorney who is reading this article. There is an abundance of opportunity for new attorneys who are just starting their career, as well as a need for more seasoned attorneys to donate their time and experience to this critical work.

To learn more about joining MVLS CAN, and how to get involved in pro bono work, please visit mvslaw.org/mvls-can.

Melinda Fithen is an Associate with Venable LLP. Olivia Holcombe-Volke is a Partner at Elville & Associates, P.C. and Brian Weeks is an Administrative Law Judge for the Office of Administrative Hearings. They are all members of Maryland Volunteer Lawyers Service (MVLS) Community Advocacy Network (CAN).

New “Expedited Collaborative Process” Pilots and Promises in Prince George’s

By Connie Kratovil-Lavelle, Esq.

A new collaborative process seems to be evolving for resolving contested custody and divorce cases.

Beginning in September 2017 in Prince George’s County Circuit Court, litigants appearing for status conferences have been referred from the bench directly to collaborative attorneys on standby in the courtroom. Following an abbreviated intake process, the attorneys and litigants hold the first collaborative meeting on-site in the courthouse, same day. Fourteen (14) cases have been referred from the bench for same-day collaborative meetings; in thirteen (13) of those, the litigants agreed to participate in the collaborative process; twelve (12) agreements have been reached and put on the record. Same day.

We are calling this new collaborative process, the “Expedited Collaborative Process”. And it is being done nowhere else.

The project in Prince George’s County initially began in 2016 by the Collaborative Project of Maryland (CPM), the first pro bono collaborative program in the country. The objectives were to both increase the practice of collaborative law, and offer the process to persons who might otherwise not have access to attorneys. In frankness, the project initially had limited success.

Back in 2016, the idea had been to find an opportunity where both parties would be present at the same place and same time so as to introduce both parties to the collaborative option. Generally, both parties appear for court. The thinking, at the time, was that if a CPM staff person was in the courthouse, unrepresented litigants could be introduced to the collaborative option and, if interested, intake could occur on-site. This would then avoid the typical challenge for collaborative practitioners: reaching the opposing party when one party wants to participate.

Initially, cases were identified from the bench as candidates for

the collaborative process. Intake was conducted on site; cases were accepted by CPM; litigants were matched with pro bono attorneys; collaborative meetings were scheduled. Both parties engaged; that problem solved. But then there were no shows. It is hard to recruit attorneys to give up their time for no-shows. The court is reticent to stay proceedings or deviate from time standards when the cases are not settled.

So, we tried again.

In September 2017, the project was modified to not only conduct immediate intake following referrals from the bench, but to have the collaborative attorneys on-site to allow the parties to start the collaborative process right there in the courthouse. To avoid the problem of wasting and perhaps exhausting volunteer resources, the CPM Project Director and collaboratively-trained attorney, L.J. Pelham, and myself, CPM’s volunteer Director of Policy and Outreach, began taking the cases and holding the collaborative meetings the same day the parties were appearing for status conferences.

Since September 2017, fourteen (14) cases have been referred from the magistrates to the *Expedited Collaborative Process*. The parties follow the attorneys from the courtroom to a conference room and the attorneys begin explaining the collaborative option. Of fourteen cases referred, thirteen had litigants who agreed to participate in the *Expedited Collaborative Process*. All of those who participated in the process reached agreement; a number of agreements were pendent lite.

The parties from the very first case referred back in September 2017, a Spanish-speaking couple, returned in January for a subsequent collaborative meeting to discuss whether they wanted to make permanent their pendent lite agreement. Prior to the September agreement, the father had been denied ac-

See *Expedited* Page 16

Calling All Retired Attorneys *Your Expertise Can Change Lives*

By Susan Francis

In 2016, the Maryland Rules Committee adopted two new rules to expand pro bono. Of these two, the out-of-state attorney rule that permits non-Maryland barred attorneys to seek admission to the Maryland bar for the limited purposes of doing pro bono, has received a fair amount of attention, the other rule, which permits retired attorneys to do pro bono, has been a bit overlooked.

MD Rule 19-504, Pro Bono Legal Services, clarified that retired attorneys could continue to do pro bono while remaining on inactive status and avoiding Client Protection Fund fees.

With approximately 80 percent of individuals facing life-changing civil legal issues on their own, this rule change is a welcome addition to expand more opportunities for attorneys to help those facing these disputes with legal representation.

The Rules of the Rules

The Rule states that a retired attorney may remain on inactive status and does not have to seek any special admission from the court to provide pro bono representation, as long as they comply with Rule 19-605(a)(2). As background, Rule 19-605(a)(2) states that a retired attorney does not have to pay dues to the Client Protection Fund, and can do pro bono, as long as the attorney is not placed on permanent retired status, under MD Rule 19-740, as a result of an action by Bar Counsel to permanently retired status from the practice of law. The attorney's practice is limited to providing pro bono services with no compensation.

Under the new rule, doing pro bono is easy. It's as simple as a retired attorney contacting a legal services organization, accepting a pro bono case, or volunteering at

See *Retired* Page 16



Limited Scope Practice in Family Law Cases

By Dave Pantzer

On March 23, the MSBA Section on Delivery of Legal Services and Civil Justice put on a training event called "Handling *Part* of a Family Law Case: A Model for Responsible, Ethical Limited Scope Practice in Divorce and Custody Proceedings."

The event combined general training on the rules and best practices for limited scope legal practice, with hands-on training with a specific practice tool, The Maryland Custody & Divorce Client Notebook. Attendees received copies of the Client Notebook, as well as Civil Justice's "Limited Scope Representation Training Manual for Attorneys."

The Client Notebook is a physical case management tool that helps an attorney and client work together to narrow the issues in a case, helps the client to record facts and gather information, and helps an attorney

deliver limited scope service within a standardized framework.

Why Limited Scope? The "Family Law" Example

In Maryland, around three quarters of domestic merits trials involve self-representation – either one party or both. (Not three quarters of the cases involving low-income people – but three quarters of all cases.)

What is going on here? Why are people going it alone instead of hiring lawyers in these cases? At the outset, we know that a sizeable minority of Marylanders live below the poverty line – and we might assume that people with very low incomes would rely on civil legal aid programs and traditional pro bono legal services.

Certainly, these legal services programs do a tremendous amount of good for their clients. However, there are simply not enough free resources to meet the legal needs of

all the Marylanders living in poverty.

Moreover, there are many, many people in Maryland who have too much income to qualify for income-screened services, but not enough to afford traditional full representation.

In short, there is a huge, under-developed market with a demand for legal services, and with some real resources to pay for those services, but not connecting well with lawyers. The training recognized a need to develop better concrete ways of connecting attorneys with this market.

One way of connecting moderate-income clients with the level of service they can afford is through limited-scope representation. This alternative practice model allows a lawyer and client to agree to share the tasks involved in a client's legal representation. The limited scope client pays the attorney to do certain tasks, and takes responsibility for others.

Limited scope representation works well in some situations and not in others. But in appropriate circumstances, and with appropriate clients, it can make a big difference.

I'll give one example – my friend Jim. Jim has three school-age kids. A few years back, Jim's then wife filed for divorce and custody. Jim went to court and got some attorney referrals. He worked with an attorney who charged him a modest retainer and got to work. Over the next year, Jim paid about \$20,000 as he dealt with discovery, a PL hearing, mediation and motions. As the trial came close, Jim's lawyer said she'd need another \$20,000 for trial prep and the trial.

Jim is a professional – he's now a high school teacher, but at the time he was under-employed. He worked construction, and got money from his family, but in the end, he couldn't come up with the additional money. So, \$20,000 into his case, he went into his hearing

self-represented.

Jim's story involves an inefficient version of limited scope service. It involves a lawyer and a client sharing tasks – but not in a very effective way.

The lawyer sold all of her services in the pretrial portion of the case, had to stress about getting out when money ran short, and in the end, Jim had to walk into court alone.

There must be a better way! And, at least in some cases, there is. Sometimes that better way is limited scope representation.

When I recently showed my friend Jim the Client Notebook, and explained how it could be used, he said to me, "I'm not going to say this would have changed my life, but it would have changed that year of my life!"

The March 23 program continued a long-running conversa-

See *Limited* Page 19



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Mid-Shore Pro Bono Responds to High Demand for Services in 2018

*Reorganization and grant support
increase reach across Delmarva*

By Sandy Brown

Mid-Shore Pro Bono is growing its programs and locations to reach more low-income individuals and families requiring civil legal services across the Eastern Shore.

"It's an exciting time at Mid-Shore Pro Bono," said Sandy Brown, Executive Director. "The demand is growing for our programs and services as our low-income neighbors continue to face hardships that require legal assistance. We are reorganizing and refining our practices to leverage our limited financial and human resources, so we can provide quality legal advice and services to as many individuals and families possible."

To support this increased demand, Mid-Shore Pro Bono has adopted a holistic approach to client and community services and has reorganized into project teams based on legal service areas. These teams will work together to ensure all client needs are met by providing comprehensive case management services. Each project is supported by a volunteer attorney who provides oversight and direct services to our clients facing emergent situations. The project teams are Elder Law, Family Law and Economic Stability. In addition, Mid-Shore Pro Bono also provides two programs with unique concentrations: the Community Conferencing and Youth Programs Program, and Vulnerable Populations Project.

The Community Conferencing Project aims to keep young people out of the juvenile justice system through community-based dialogue around specific incidents or issues. The Vulnerable Populations Assistance Project is the organization's newest program, and provides assistance to local immigrant families trying to navigate the civil legal system. This project is headed by a bilingual project manager who recently became



Mid-Shore Pro Bono is growing its programs and locations to reach more low-income individuals and families requiring civil legal services across the Eastern Shore. Pictured is the Mid-Shore Pro Bono Staff: Mandy Caulk, Alicia Myers, Kim Corley, Cappy Callahan, Sandy Brown, Ivette Salarich, Meg Rekstis and Megan Ryan.

accredited by the Department of Justice, Board of Immigration Appeals to practice limited immigration legal services. All project teams throughout the organization are dedicated to removing the socioeconomic barriers to legal help on Maryland's Eastern Shore.

In addition to the project teams, Mid-Shore Pro Bono will continue its Court Liaison Program where staff members bring legal services closer to constituents across the Shore and are on site, or nearby, county courthouses to meet with potential clients, refer them to community resources, and complete the intake process.

To extend Mid-Shore Pro Bono's reach across the Shore, a grant from the Leonard and Helen R. Stulman Charitable Foundation has provided the support needed to open a satellite office in Salisbury to expand elder law programs and services to the citizens of Wicomico County. The new location at 212 West Main Street, Suite 302 is slated to open on or about March 1st. Mid-Shore Pro Bono also has offices in Easton and Centreville, and maintains a regular presence in Chestertown, and in Cambridge, on the Chesapeake College Campus, as

part of the organization's ongoing efforts to network with community partners and resources.

"The new Salisbury location enables us to extend our reach and services to low-income individuals and families on the lower Eastern Shore," said Brown. "Given the expansive land area of the Delmarva Peninsula, it is imperative that we remove the geographic barriers to justice that are unique to rural communities. This generous grant from the Stulman foundation allows us to serve the aging population in Wicomico by making our programs and services accessible in their community."

About Mid-Shore Pro Bono

Mid-Shore Pro Bono connects low-income individuals and families who need civil legal services with volunteer attorneys and community resources. The organization serves citizens of all Eastern Shore counties. For more information or to make a donation, call Mid-Shore Pro Bono at (410) 690-8128 or visit midshoreprobono.org.

Sandy Brown is the Executive Director of Mid-Shore Pro Bono.



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Innovative Programs for Seniors

Wills on Wheels

Baltimore Estate Planning Program for Low-income Seniors Expands to Prince George's County

By Dave Pantzer

In the past three years, Pro Bono Resource Center (PBRC) and Senior Legal Services of Baltimore City have trained over 100 attorneys to provide wills, powers of attorney, and advance medical directives to low-income seniors. These attorneys have provided roughly 750 estate planning documents for seniors through PBRC's legal clinics in Baltimore.

Now, thanks to a recent funding award from the Leonard & Helen R. Stulman Charitable Foundation, PBRC will work with Community Legal Services of Prince George's County (CLS) to pass the model on, significantly expanding the reach of the program.

Across Maryland, many low-income people reach the end of life without legal documents in place. This means that state law may determine what happens to their health care and property, and who can speak for them in their final days.

"Sometimes people assume that low-income seniors don't have any need for estate planning," says attorney Margaret Henn, who directs PBRC's Home Preservation Project. "But that's not the case. Seniors frequently find themselves unable to age in place, or get adequate support services if they do not set up a power of attorney, and family members who have moved in to care for an aging parent can also find themselves homeless if the

parent dies without a will."

The Baltimore clinics have been active since March 2016, with PBRC training and coordinating the volunteer lawyers, and with Senior Legal Services (SLS) sending lawyers as mentors and to handle unusual issues that might arise. Two years in, PBRC and SLS have it down to an art.

Training is usually the first step an attorney takes to get involved. Attorneys can sign up on PBRC's training website, probonomd.org/training. The CLE-style training, called Estate Planning Basics for Low-Income Clients, can be taken online, and is free, in return for making a pro bono commitment to help two low-income seniors with estate plans.

Volunteers appreciate the training, both as a path to meaningful pro bono service, and as valuable continuing education in an area of law relevant to many practices.

Demand for these services is high – the clinic has a wait list of potential sites. PBRC schedules the clinics primarily in churches and civic spaces in low-income neighborhoods. Churches, seniors, and interested volunteers all reach out to PBRC.

Over time, potential clients and volunteers from outside Baltimore City have started inquiring, but until now, the project has only been funded for work in Baltimore City. Now, that's changing.

"For years, the organizations helping low-income seniors in

Prince George's County have identified estate planning as a real need," says Jessica Quincosa, executive director of Community Legal Services of Prince George's County. "We were eager to offer these services, and this is a model that can make a big difference here." The Stulman Foundation funding allows PBRC and CLS to start work in Prince George's County in July 2018.

PBRC will train local volunteers, and for the first eighteen months, will work closely with CLS for planning and logistics. After that initial period, administration of the Prince George's County program will pass primarily to CLS.

As the pro bono arm of the

See *Wills* Page 16

MVLS Launches Advanced Planning Project (APP)

Giving Baltimore City Seniors Access to Free Estate Planning and Civil Legal Services

Maryland Volunteer Lawyers Service (MVLS), the largest provider of pro bono civil legal services to low-income Marylanders, announced the launch of its Advanced Planning Project (APP), which is designed to give low-income Baltimore City seniors free access to estate planning and administration services. The APP's goal is to help Baltimore seniors remain in their homes while simultaneously stabilizing their neighborhood. The program is made possible through a generous grant from the Leonard and Helen R. Stulman Charitable Foundation.

"All seniors should have the right to age gracefully in their own homes, even if they can't afford an estate attorney to walk them

through the necessary paperwork to protect their homes," said Susan Francis, deputy director, Maryland Volunteer Lawyers Service (MVLS). "Through our new Advanced Planning Project, we will debunk the myth that low and middle income households don't need to do estate planning. In fact, estate planning can provide access to critically important resources, including homeowner's property tax credit, water credits and home repair programs that make it much easier for seniors to stay in the comfort of their homes."

Advanced Planning Project (APP)

MVLS' Advanced Planning Project (APP) will shine a spotlight on the two largest barriers low-

income seniors experience regarding estate planning services – a lack of awareness of the relevance of estate planning in low-income communities, and the out-of-reach cost associated with estate administration and recording a new deed, which can cost \$600 or more.

Seniors make up 12 percent of Baltimore City's population, and 65 percent of these seniors are homeowners. The majority of senior households in Baltimore City earn less than \$30,000 per year and meet MVLS' income guidelines to qualify for free legal services, including important estate planning programs. MVLS will collaborate with religious sites and community health workers, who often work with vulnerable seniors

in their homes, to raise awareness of the APP.

John Kern, New APP Project Coordinator

MVLS hired John Kern as its new APP project coordinator. In this role, Kern will develop relationships with community organizations to raise awareness of the importance of estate planning for low-income individuals, while connecting those in need with MVLS' free legal services.

"John's experience in building long-lasting community relationships that help generate change is a welcomed addition to the MVLS team," continued Francis. "We are looking forward to reaching more Baltimore City communities with John's help."

About Maryland Volunteer Lawyers Service (MVLS)

Founded in 1981 with a mission to provide access to justice for all, Maryland Volunteer Lawyers Service (MVLS) serves Maryland's low-income residents by offering counseling and full representation for civil legal cases. MVLS matches clients with volunteer lawyers who represent them in a wide range of consumer, family and workforce re-entry situations, including foreclosure, bankruptcy, income tax disputes, landlord/tenant disputes, wills, estate planning, criminal record expungement, divorce/custody and deed changes. For more information about MVLS, visit www.mvlslaw.org.

Introducing Justicereferrals.org

Expanding Access to Civil Justice Pilot Project

By Connie Kratovil-Lavelle

In May 2018, Civil Justice, Inc. is launching *Enhancing Access to Civil Justice*, a pilot project to help middle class Marylanders retain lawyers for their family law cases. Private panel attorneys will provide representation at a reduced rate based on the individual client's ability to pay.

The project is a collaboration between Civil Justice and a committee of private and public interest attorneys committed to closing the gap in legal services for those who do not qualify for pro bono legal service but cannot afford the market rate.

Middle class families do not have sufficient access to affordable legal services. The U.S. Department of Health and Human Services states that the medium income for a Maryland family of four is \$110,038. The Maryland Legal Services Corporation (MLSC) income eligibility guidelines for a family of four is \$55,091 or less to receive pro bono service; eligibility for a household of one is \$28,610 or below.

In the circuit courts, over 50 percent of the civil cases are domestic. In FY17, there were 95,000 family law case filings statewide. Over 80 percent had at least one party unrepresented. In FY17, 53,163 litigants visited the family law clinics. Of those visitors, 57 percent report individual incomes over \$30,000, likely placing them above MLSC guidelines. (*Resources for Self-Represented Litigants in the Maryland Courts*, Maryland Judiciary report, December 2017).

While the needs of the poor for legal representation are not being fully met (*Report of the Task Force to Study Implementing a Civil Right to Counsel in Maryland*-October 1, 2014), the needs of the middle class are not being adequately addressed, with one notable exception.

Civil Justice, Inc. is the only legal service organization in Maryland that provides statewide lawyer referrals for reduced fee cases to serve those who do not qualify for MLSC-funded services.

Civil Justice was approached in 2017 with an idea for a pilot project by a group of attorneys who had formed a committee to discuss ways to provide affordable legal services to Marylanders. Committee members and contributors included Dawna Cobb, Harriet Cooperman, Paula Junghans, Connie Kratovil-Lavelle, Natalie McSherry, Michael Millemann, Paddy Morton, Donna Staton, and Dean Ronald Weich.

The committee had met with the major legal service organizations, including the Access to Justice Commission, Civil Justice, Legal Aid Bureau, Maryland Legal Services Corporation, Maryland Volunteer Lawyers Service, Public Justice Center and the Pro Bono Resource Center of Maryland to discuss unmet legal needs. There was unanimity from the legal services partners that the areas of greatest need were family law and housing.

Committee members, Dawna Cobb, former director of the JustAdvice Project at the University of Maryland Carey School of Law, Connie Kratovil-Lavelle, legal director of the Economic Empowerment Center and Director of Policy and Outreach at the Collaborative Project of Maryland, and Natalie McSherry, a partner at Kramon and Graham, approached Civil Justice executive director, Joseph Mack, to discuss a partnership.

The result is *Expanding Access to Civil Justice Pilot Project*. It will be "staffed" by committee volunteer attorneys Kratovil-Lavelle, Cobb and McSherry for an initial period of twelve (12) months.

The pilot is to be implemented mid-May 2018 and will initially focus on hard-to-place family law

cases. It will involve an enhanced intake process to determine viability of the client's case by the volunteer attorney reviewing relevant documents and obtaining additional facts from the client. The enhanced intake will also include an assessment of the individual client's ability to pay (Civil Justice reports that many referrals to panel attorneys that are not successful are due to the client's inability to pay the attorneys' rate, even if it is a reduced rate). During this intake process, clients will also be offered the option of obtaining a collaborative law attorney if appropriate.

The volunteer attorney will then post the case on the Civil Justice's new referral platform, **JusticeReferrals.org**, with a summary of relevant facts, procedural history of the case, an initial legal assessment, and a recommended hourly rate or flat fee based on the client's ability to pay. Panel attorneys will then be able to review the post and indicate whether they are willing to accept the case at the recommended rate, allowing JusticeReferrals.org to place the case based on the responses.

As this is a pilot project, data will be gathered on the number of postings, cases accepted, and number of cases where clients actually obtained legal representation at a reduced fee.

Any attorneys interested in becoming a Civil Justice panel attorney and participating in the *Enhancing Access to Civil Justice Pilot Project*, should contact: Carrie McCully cmccully@civiljusticenetwork.org (410) 706-1154

Questions about the *Enhancing Access to Civil Justice Pilot Project* should be addressed to: Connie Kratovil-Lavelle conniekrat@gmail.com (443) 298-9801

JusticeReferrals.org: A New Tool to Bridge the Justice Gap

By Alexa Bertinelli

Civil Justice, Inc., has launched a revolutionary tool for increasing access to justice in Maryland called **JusticeReferrals.org**. Civil Justice created JusticeReferrals.org in 2017 to use technology to better connect meritorious cases with legal representation. JusticeReferrals.org is focused on serving those who do not qualify for pro bono assistance from legal services organizations because of income guidelines, but who can not afford a lawyer's usual rate. Low and moderate income individuals are too often victims of predatory lending, unsafe housing conditions, wage theft, and other abusive practices. Unfortunately, consumers have a hard time figuring out who can help and how best to tell their story. Being on the front lines, legal service organizations often witness unscrupulous practices, but might not be able to take a case due to limited resources, funding restrictions, or program priorities. JusticeReferrals.org allows legal service organizations to expand the reach of their programs by simplifying referrals to other non-profits and the private bar.

How JusticeReferrals.org Works

JusticeReferrals.org is a password protected site that is open only to members. To become a member, you need to either work for a Maryland legal services organization, or be a panel attorney associated with one of these organizations. There is no fee to join. To sign up, prospective members create a profile on the website. Members can narrow their searches to certain counties or practice areas, or other eligibility criteria, such as the potential client's income, citizenship, or veteran status. Members can both post cases and review cases posted by other members. With the client's consent, a member can post a potential cli-

ent's contact information, provide details about their case, and upload relevant documents. In order to view this information, members first need to complete a conflict check. Being able to quickly review the documents up front lets attorneys spot additional issues, and quickly assess their interest in the case. Attorneys who might be interested in taking the case just click a button, indicating whether they would take it on a pro bono, reduced fee, or contingency fee basis. If an attorney ultimately takes the case, the attorney confirms their representation right on the website. We can then keep track of the representation and report outcomes back to the referring organization, which allows the referring organization to know the positive results from its referrals, and show those results to their funders.

Great Results

Since its inception, 157 cases have been posted to JusticeReferrals.org. On average, each matter is reviewed by five different attorneys, and many cases have ended up with confirmed representation. Many of these clients would not have connected with representation if it were not for JusticeReferrals.org.

For example, one client successfully referred through JusticeReferrals.org, originally contacted the Maryland Courts Self-Help Center for assistance with a wage garnishment on a large judgment that had been entered against him. The Center, which is operated by the Maryland Center for Legal Assistance, LLC, recognized that there could be a legal issue with the use of a "confessed judgment" by the creditor in the case, as "confessed judgments" have been prohibited in Maryland consumer contracts for over 30 years. Because the Center does not provide representation and wasn't

See Justice Page 19

 **MSBA** STATE & LOCAL GOVERNMENT SECTION PRESENT

Spring Institute **HONORING LAW DAY**

May 18, 2018

WSSC Headquarters, Laurel | 8:30 a.m. - 5:00 pm

Each year the Section of State and Local Government holds a Spring Institute in honor of Law Day to offer programming on current issues of value to practitioners in the state and local government law arena. This year's program highlights emerging telecom issues, the daunting challenges of harmonizing Maryland's Medical Marijuana law with a federal law that still outlaws marijuana; offers updates on important cases from a panel of Maryland jurists, and updates on the recent legislative session and recent cases in the Supreme Court and from around the country and delves into the history of land use law in a fast paced program. This year's Institute features for our luncheon program the Hon. Andre Davis, City Solicitor of Baltimore and former member of the federal bench.

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By Andrea Terry

The Immigration Law Section is looking forward to its annual Spring program at the University of Baltimore. Topics will address counseling clients when the law seems up in the air. Check **msba.inreachce.com** for details. Keep in mind that if you cannot attend the live program in person, many are concurrently webcast to enjoy anywhere in the state, and will be available online, on-demand approximately 6-10 days after the live program. All online programming carries CLE credit with surrounding MCLE states just like our live programs. Keep an eye on **msba.inreachce.com** for all upcoming live and online programs. See below for details.

LIVE IN-PERSON & LIVE WEBCASTS

■ **MAY 17, 2018.** *Immigration Law Update.* Baltimore, MD. Registration is open. *webcast

■ **MAY 23, 2018.** *Advanced Estate Planning Institute.* Columbia, MD. Registration is open. *webcast

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

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

■ **JUNE 25, 2018.** *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation.* Baltimore, MD. Registration opening soon. *webcast

■ **SEPTEMBER 24-28, 2018.** *40 Hour Mediation.* Baltimore, MD. Registration opening soon.

■ **OCTOBER 9, 2018.** *Advanced Real Property Institute.* Columbia, MD. Registration opening soon.

■ **NOVEMBER 12-16, 2018.** *Advanced Tax Institute.* Baltimore, MD. Registration opening soon.

NEW ONLINE, ON-DEMAND

■ *Hot Tips in Family Law: What NOT to Do!*

■ *ABLE, Special Needs Trusts and the New POMS*

■ *What is New in Handling Drinking and Driving Cases in Maryland*

■ *2018 Employment Law Institute*

■ *Issues in High Value Family Law Cases*

VIDEO REPLAYS

■ **MAY 15, 2018.** *ABLE, Special Needs Trusts and the New POMS.* Baltimore, MD.

■ **MAY 17, 2018.** *ABLE, Special Needs Trusts and the New POMS.* Rockville, MD.

■ **MAY 22, 2018.** *Issues in High Value Family Law Cases.* Baltimore, MD.

■ **MAY 24, 2018.** *Issues in High Value Family Law Cases.* Rockville, MD.

■ **MAY 29, 2018.** *What is New in Handling Drinking and Driving*

See CLE Page 19

NEW PUBLICATION UPDATES—NOW AVAILABLE

GIBBER ON ESTATE ADMINISTRATION 6TH EDITION

Allan J. Gibber, Esq.

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For over three decades, Gibber on Estate Administration has been the Bible for lawyers with problems involving estates of decedents, and is the most sought-after and definitive book on Maryland estate administration. This practical guide addresses non-legal as well as legal considerations and includes:

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- Key excerpts from Maryland estate law, with comments, notes, and practice tips
- Relevant case history

- Relevant opinions of the Attorney General
- Comments on legislative activity where needed
- Reference citations when including full text would be cumbersome

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

Gibber's NEW 6th Edition is an indispensable resource for the bar, the bench, and the Registers of Wills of this state, and will guide you to being a better estate attorney.

"... an authoritative treatise, a comprehensive checklist, a helpful forms book, and a source of useful suggestions, all written with an eye to the practical."

"... Mr. Gibber is particularly qualified to deal by virtue of his

See Publications Page 19

MSBA LAWYER ASSISTANCE PROGRAM WELLNESS TIPSHEET

Increase Your Happiness Through Practicing Gratitude

By Lisa Caplan

So, you might be asking how can practicing gratitude help me be happier? I'm a strong believer that positive attracts positive and negative attracts negative. In other words, there is a strong correlation between the thoughts you have and your happiness. Negative thoughts can just spiral out of control until you are overcome by them.

Mental health is very complex, and I'm not suggesting that practicing gratitude will solve all your problems, but incorporating it into your life along with other self-care practices may make a difference in how you feel and see the world. Don't take my word for it, try this simple exercise. Each day, for the next month, write down three things for which you are grateful, and see how you feel. Studies published on this topic support an

association between gratitude and an individual's wellbeing, and the brain's ability to sustain this wellbeing. Gratitude has also been shown to increase employee morale.

If you want to read more on the studies conducted, check out psychologists Dr. Robert A. Emmons of the University of California, Davis, and Dr. Michael E. McCullough of the University of Miami. A study was also conducted by Dr. Martin E. P. Seligman, a psychologist at the University of Pennsylvania.

Tips to Incorporating Gratitude Into Your Life:

Start each day on a positive note, before you get out of bed, think of three things for which you are grateful.

Notice things throughout your day that you appreciate and are grateful for. For example, I try to do

this with my kids. I point out little things like the sun rising or the fog over the neighboring farm when I take my son to the bus at the early hour of 6:50 a.m. I try to show him that although he has to be at school very early, there are really beautiful things to appreciate at that hour.

Say thank you and show someone how much you appreciate them. Tell them how thankful you are or write a thank you note.

Perform little acts of kindness. I feel that if I am nice and considerate, like letting someone merge into traffic, maybe it will rub off on other people. You can't control others, but your negative behavior definitely won't get you anywhere good. It boosts my mood to be kind.

Compile a list of what you are grateful for, and look at it when you are feeling low.

If you find yourself feeling

stressed or overwhelmed, stop and make a list of at least three things for which you are grateful. You should find that it helps lift your mood and settle your nerves. I use this tool often, and it makes a big difference in my mood.

Break down something complex into multiple simple tasks, and appreciate and be grateful for each aspect. For example, making dinner. Be grateful you are healthy enough to walk to the refrigerator, grateful for all the food you have, for the ability to read the recipe, that you have people to share it with, etc.

Try to slow down and be grateful for what is going on around you. So many of us spend our time thinking about the past or future. Try to be mindful of what you are doing at the moment.

I believe that practicing gratitude can help in every aspect of your

life. I believe it can help boost your mood, self worth, how you interact with others, your work and overall wellbeing. Give it a try. It's easy and doesn't cost a thing. See what it can do for you.

If you need assistance please contact the Lawyer Assistance Program for free, confidential assistance. **Jim Quinn**, Lawyer Assistance Director, (443) 703-3041, jim@msba.org or **Lisa Caplan, LCSW-C**, Lawyer Assistance Counselor, (443) 703-3042, lisa@msba.org. Toll free (800) 492-1964.

Lisa Caplan is a Licensed Certified Social Worker at the clinical level (LCSW-C), has over 20 years' experience in her field, and extensive experience providing wellness workshops and working with lawyers and judges in the areas of mental health, substance abuse and trauma.

Health & Wellness Corner

The Why, What and How to Detox Your Body

By Haley Shaw

Our bodies are truly amazing. They deal with waves of harmful toxins from within and without, and still keep ticking. Our bodies are not invincible though, and we must care for them. Rid away the toxins you consume with a detox.

Let's hit the pause button for a moment. When individuals hear the word "detox", a range of ideas may come to mind: wheatgrass shots, juice cleanse, past unpleasant experiences, etc. It is important to dispel common myths around what a detox is, and to truly understand why it is important to give your body a break from time to time.

Why Detox?

As previously stated, your body is constantly working to expel toxins it is exposed to from foods you ingest and the environment you live in. Over time, the body gets run down from unhealthy food choices, alcohol, caffeine, drugs, stress and environmental toxins. Taking time to cleanse the body and nurture your vital organs goes a long way toward prevention, and also has immediate effects—greater energy, clearer skin, better digestion, mental clarity and so much more.

According to WebMD.com, the following are signs our body uses to tell us, "it's time for a detox":

1. Feeling fatigued, stressed and overwhelmed
2. Frequent headaches, and/or lack of mental clarity
3. Skin breakouts, and dull complexion
4. Irregular digestion (IBS, constipation, bloat, gas)
5. Over consumption of the following: alcohol, caffeine, drugs (prescription or otherwise)
6. Often feeling emotionally unstable, depressed, unmotivated and lacking energy and enthusiasm for life

Our bodies are innately intelligent. A period of cleansing is the perfect way to hit the reset button and start on a path to a healthier, happier, and vibrant you!

What Is A Detox?

Detoxification or 'detox' diets are short-term interventions designed to eliminate toxins from the body, promote health, and assist with weight loss. The ideal time frame for a detox ranges between 3 and 21 days. As a certified nutrition specialist, I know that finding other individuals to take on a detox challenge with you will help increase your motivation, and you can provide support for one another. Try this 7-Day Jumpstart Cleanse at bit.ly/7DayCleanseMSBA to support your body in doing the job it was made to do... "detox".

How to Get Started

As the first step to getting started with a detox—understand your body! Understand what your body is telling you daily. Our bodies are truly a remarkable system. Once we start listening to exactly what the body needs, then the next steps are easy. The 7-Day Jumpstart Cleanse (bit.ly/7DayCleanseMSBA) was designed to flush out the toxins your body has produced over the years to: increase energy, rev up your metabolism, burn fat, and regulate the release of healthy hormones. Four areas this cleanse focuses on include: hydration, exercise, whole foods, and sleep.

Hydration:

There is much research demonstrating the benefits of hydration. Among its many functions, water is responsible for carrying nutrients and oxygen to cells (our blood is 95 percent water), regulating body temperature, lubricating joints and cleansing toxins and waste from our bodies. The human brain alone is composed of 75 percent water, while our skin is 70 percent water. That is why one of the first effects of dehydration is headaches and dry skin. Aim to consume one to three liters of water per day. Add some lemon (or citrus fruit) for natural flavor.

Exercise:

Performing regular exercise (roughly 20-minute sessions three times a week) is one of the best things to do to help prevent illness, maintain healthy body weight,

preserve health, increase longevity, and enhance quality of life. In addition to the positive effects exercise has on the body, exercise improves mood and energy levels, along with increasing the body's level of endorphins—chemicals in the brain that reduce pain and induce a sense of well-being.

Whole Foods First Approach:

Incorporating fresh fruits, vegetables, complex carbohydrates, lean protein, and healthy fats deactivates the build-up of toxins we have accumulated over time, and removes them from our bodies. Throughout the 7-Day Jumpstart Cleanse (bit.ly/7DayCleanseMSBA), you will primarily consume wholesome food choices, while eliminating: artificial sweeteners, refined carbohydrates, dairy, fried foods, and saturated fats. Post-cleanse, you can introduce some of these foods back into your diet; however, you may notice a tremendous difference in how your body functions when you do not consume these food choices (hello energy!)

To sum up, cleanses aren't about starving yourself. Cleanses are designed to purify the body, to rid it of harmful chemicals and toxins. The purpose is to help you maintain a healthy lifestyle. As previously stated, cleanses typically range from 3-21 days. Some people do cleanses because they have physical symptoms they want to eliminate, such as headaches, fatigue, low energy—all which may be the result of toxins in your body. Some people just want to kick-start themselves into healthy eating. When you have your "why" for choosing to cleanse, you can determine what length of time is best for you.

Haley Shaw specializes in corporate wellness programs, and partners with corporations throughout the United States. Her mission is to help employees become more confident, and ready to take on anything in life. Contact Haley at Haley@AmpUpFitness.com with questions, comments, or ideas of what you would like to see in the Bar Bulletin's next Wellness Corner.



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EXPEDITED...Page 8

cess to the parties' child. In January, we learned that the father had seen the daughter not only on Saturday night for an overnight as agreed at the first collaborative meeting, but the mother had agreed to the child staying with the father most of the weekend. Although the parties' case was not on the docket, Magistrate Paul Eason accommodated the parties' desire to make their agreement permanent, located the court file, called the case, and the agreement was placed on the record. The case closed within four months; no time standards issue there.

While this new process has been successful, it is still evolving. We, the collaborative practitioners, debrief after each meeting, in an attempt to understand what makes for a successful *Expedited Collaborative Process*. We have only preliminary findings at this early stage, but one is that the parties are desperate to vent, to let the other know how they feel. Another preliminary finding is that the parties are surprised to learn that the court is not going to decide their case that day, and they want resolution. So, they agree to participate in the collaborative process.

We recognize that our new process may be controversial for some; purists may reject it. We also recognize that it may not be ideal. But it seems to be working. The Prince George's County Circuit Court wants us to expand the on-site program. And, others are expressing interest, too. Stay tuned.

WILLS...Page 12

Maryland State Bar Association, PBRC has long been known as a vital link between private attorneys who wish to volunteer, and service providers whose clients need help. PBRC trains and supports the attorneys, and refers them to providers who put them to work.

The classic "train, refer, and support" role is the one for which PBRC is best known, and PBRC still provides many trainings that enable attorneys to jump into the work of its many partner organizations.

However, the estate planning clinic demonstrates another type of service PBRC performs for direct service providers: testing innovative or timely service models; documenting and refining; and ultimately passing the model on so other providers can implement it with their own clients.

Low-income clients who attend the clinics benefit from free, one-on-one brief legal services right in their community. At the same time, PBRC's clinics provide extended service-learning opportunities and mentoring for the volunteers, who often branch out to accept pro bono cases from other direct service providers.

Through such programs, PBRC simultaneously supports and connects attorneys, direct service providers, and clients in need of legal help. Together, PBRC and CLS look forward to using this approach to bring "Wills on Wheels" to low-income seniors in Prince George's County later this year.

RETIRED...Page 9

a clinic. That's it – no additional paperwork needed.

It's easy to give back

There are 35 legal organizations funded through the Maryland Legal Services Corporation (MLSC) that provides important legal assistance to low-income Marylanders. Most of these programs have a pro bono component. A list of the programs can be found online at mlsc.org/legal-help. There are plenty of volunteer opportunities ranging from clinics, legal workshops, full representation, mentoring, among others. Many of the legal services programs offer a variety of trainings and other support if a retired attorney needs a refresher, or if it's an uncharted legal area.

A retiree's story

Elva Tillman, a Maryland barred attorney, retired in 2016 from the Baltimore City Law Department. Ms. Tillman continued her commitment to pro bono after her retirement. Even though she worked for more than 50 years, she knew that she wanted to continue to make a contribution to society, and to be stimulated by the work. Among other volunteering commitments, she regularly supports estate-planning clinics with the Pro Bono Resource Center and Senior Legal Services, and volunteers most Tuesdays at Consumer Protection Project clinics with the Maryland Volunteer Lawyers Service (MVLS). While her former day job (condemnation cases) didn't have much

overlap with her pro bono cases, she helped people with everyday legal problems including family law matters, collections, estate planning and other areas.

When Ms. Tillman decided to continue as a pro bono attorney after she retired, thanks to the new Rule, she didn't have to follow any new or different procedures. She could go on inactive status, could avoid the Client Protection Fund fees, and continue doing her meaningful pro bono work. Most of Maryland's legal services programs provide malpractice coverage for volunteers' cases, so she didn't have to worry about malpractice insurance either.

When asked why attorneys should do pro bono, Ms. Tillman responded, "Helping others can help you grow. I know this for certain, time passes quickly and I believe that we can either waste that time or make it count. You make every second count when you volunteer to help others. I would suggest that you take the time to be a volunteer and make every minute of your life count!"

Maryland Rule 19-306.1, Pro Bono Service, states that each barred attorney in Maryland is expected to provide at least 50 hours of pro bono per year. Retirement doesn't mean the obligation of the legal profession to give back has stopped. It's an opportunity to learn new things and engage with clients who desperately need help.

Are you retired and want to help Marylanders who are less fortunate?

It's as easy as calling Maryland Volunteer Lawyers Service (MVLS) at (410) 539-6800.

As Deputy Director of Maryland Volunteer Lawyers Service (MVLS), Susan Francis is instrumental in driving the mission of the organization to connect thousands of low-income Marylanders to private attorneys who provide essential pro bono representation. She is a member of the Maryland State Bar Association and the Bar Association of Baltimore City, as well as a board member of the Public Justice Center. In addition, Susan is a member of the MSBA's Editorial Advisory Committee. In 2018, she became a member of the Baltimore City Council's Commission on Aging and Retirement Education (CARE). Susan is a graduate of the University of Baltimore School of Law.

Have a Young CSI Enthusiast at Home?

CLREP's Summer Law Academy is still accepting applications!

June 25-29, 8:30 a.m. - 4:30 p.m.

This one-week summer program will run Monday through Friday at the University of MD Francis King Carey School of Law (downtown Baltimore).

\$300 tuition includes lunches, materials and t-shirt.

A great opportunity for any 10-12th grader who is considering a career in forensics or the law, or who enjoys the thrill of crime scene investigation!

clrep.org/summer-law-academy



The Maryland State Bar Association's Solo and Small Practice Section In conjunction with the Howard County Bar Association Is pleased to announce the opening of nominations for the

21ST ANNUAL DAVID HJORTSBERG AWARD

which will be presented at the
MSBA Annual Convention in Ocean City, Maryland on Friday, June 15, 2018.

The purpose of the Hjortsberg Award is to acknowledge, commend, and express our deep appreciation for solo and small firm practitioners who raise the bar of professionalism, civility, intelligence, respect, and community commitment of all—attorney's and non attorneys—though an everyday practice of law.

The criteria has been developed from those qualities that David Hjortsberg gave to our profession: a solo or small firm practitioner who is intelligent and knowledgeable in the law, hardworking and tenacious, yet respectful and civil to every party, witness and attorney case, views the practice of law as a profession and takes personal pride in his/her work, and he/she is active in his/her community, their local bar and the State Bar.

The section is seeking nominations from attorneys, local bar associations and the judiciary recommending nominees for this award. Anyone who has worked with a solo or small firm attorney whom you believe is an attorney who thought of issues during a trial or transaction that did not occur to you and therefore taught you to be a better attorney, who was a gentleman/-gentlewoman, who worked hard, was respectful to your clients and witnesses yet was a tenacious advocate on behalf of his/her client, and is an attorney with whom all attorneys want to work and emulate, please nominate this attorney!

Please Email submissions to Lisa Hesse (lahesse@walshbecker.com)

AND Phil Cronan (ptc@hcflaw.com)

by Tuesday, May 22, 2018.

Include nominee's name and why he/she deserves recognition.

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Join CLREP – MSBA's educational arm in Maryland schools – for "Trials & Tribulations," a heartwarming and entertaining evening of storytelling (as well as a silent auction) by legal professionals. All proceeds benefit CLREP's youth programs such as the annual MSBA Mock Trial Competition, Baltimore City Teen Court, the Law Links Summer Internship Program, and more!

Purchase your tickets online at:
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Contact Shelley Brown
at sbrown@clrep.org

ET ALIA

Angela B. Grau, of Davis, Agnor, Rapaport & Skalny, LLC, has been selected by *The Daily Record* as a 2018 Leadership in Law winner.

Jennifer L. Curry, of Baker Donelson's Baltimore office, has been elected one of 11 new shareholders across the Firm.

Caitlin K. Carpenter (née Nicholl) has become a partner at the Law Offices of Peter T. Nicholl. Caitlin concentrates her practice on personal injury and employment law.



Caitlin K. Carpenter

Kathleen Birrane and **Thomas Grace** have been promoted to partner in law firm DLA Piper's Baltimore office

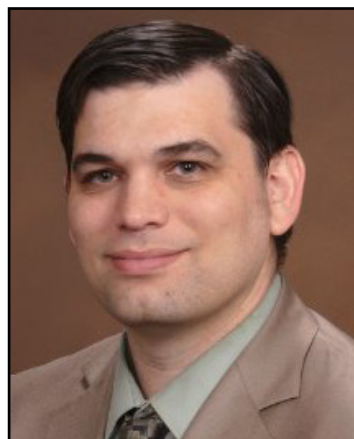


Kathleen Birrane



Thomas Grace

Eric M. Bielitz has joined S.H. Block Tax Services as an Associate Attorney.



Eric M. Bielitz

Kathryn ("Kate") McDonough has opened **McDonough Law, LLC**, concentrating primarily in family law, including mediation and collaborative law. Kate and her staff are fluent in Spanish. For more information visit: www.mcdonough-law.com.

Maria Leonard Olsen has completed 50 After 50--Reframing the Next Chapter of Your Life (Rowman & Littlefield), which will be available June 2018. The book follows 50 new things she tried after turning 50. Visit marialeonardolsen.com for additional information.



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

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Neutrals Like No Others

JAMS welcomes **Hon. William G. Connelly (Ret.)**



Two decades on the U.S. District Court, District of Maryland; presided over 1,800+ settlement conferences and a wide range of jury and bench trials; previously served as a lawyer and judge advocate

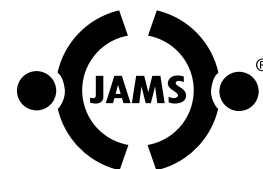
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Louise Phipps Senft, Gary C. Norman, & Debra Hamilton invite you to join them at an opportunity for interesting networking at their next...

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CLE...Page 14

Cases in Maryland. Baltimore, MD.

■ **MAY 31, 2018.** *What is New in Handling Drinking and Driving Cases in Maryland.* Rockville, MD.

■ **JUNE 5, 2018.** *2018 Advanced Business Law Institute.* Baltimore, MD.

■ **JUNE 7, 2018.** *2018 Advanced Business Law Institute.* Rockville, MD.

■ **JUNE 12, 2018.** *Employment Law Institute.* Baltimore, MD.

■ **JUNE 14, 2018.** *Employment Law Institute.* Rockville, MD.

■ **JUNE 19, 2018.** *Adult Guardianships in Maryland—the New and Improved Process!* Baltimore, MD.

■ **JUNE 21, 2018.** *Adult Guardianships in Maryland—the New and Improved Process!* Rockville, MD.

■ **JUNE 26, 2018.** *Immigration Law Update: Creative Lawyering Strategies in Times of Uncertainty.* Baltimore, MD.

■ **JUNE 28, 2018.** *Immigration Law Update: Creative Lawyering Strategies in Times of Uncertainty.* Rockville, MD.

■ **JULY 3, 2018.** *2018 Hot Tips in Workers' Compensation.* Baltimore, MD.

■ **JULY 5, 2018.** *2018 Hot Tips in Workers' Compensation.* Rockville, MD.

■ **JULY 10, 2018.** *Make it Happen! The Art of Discipline and Getting Things Done.* Baltimore, MD.

■ **JULY 12, 2018.** *Make it Happen! The Art of Discipline and Getting Things Done.* Rockville, MD.

■ **JULY 17, 2018.** *Advanced Estate Planning Institute.* Baltimore, MD.

■ **JULY 19, 2018.** *Advanced Estate Planning Institute.* Rockville, MD.

■ **JULY 24, 2018.** *Fiduciary Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships.* Baltimore, MD.

■ **JULY 26, 2018.** *Fiduciary*

Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships. Rockville, MD.

■ **AUGUST 7, 2018.** *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation.* Baltimore, MD.

■ **AUGUST 9, 2018.** *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation.* Rockville, MD.

PUBLICATIONS...Page 14

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

Melvin J. Sykes, Esq.

Summary of Contents:

Chapter 1: Preliminary Matters

Chapter 2: Probate

Chapter 3: Administration of Estates—Generally

Chapter 4: Appraisal of Asset/Filing of Inventory

Chapter 5: Inheritance Tax on Non-probate Assets

Chapter 6: Administration Expenses and Claims

Chapter 7: Representative's Commissions and Counsel Fees

Chapter 8: Account

Chapter 9: Maryland Estate Tax

Chapter 10: Distributions

Chapter 11: Special Administrator and Foreign Personal Representative

Chapter 12: Minors

Chapter 13: Small Estate

Chapter 14: Modified Administration

Chapter 15: Sample Forms

Table of Authorities

Table of Cases

Index

Format: Custom Practice Binder

Pub. Date: 2017

Pages: lii, 1200+

DATELINE...Page 3

Avenue, Towson. Come network with fellow Maryland lawyers in an informal setting. These free events are open to all Estate and Trust Law Section members, regardless of county. RSVP to Angela Munro at angela@msba.org.

7 Join Citizenship Law Related Education Program (CLREP) for a heartwarming and humorous evening of storytelling to support their youth programs. Storytellers will include: Jodie Buchman, DLA Piper; Rebecca Murphy, RCM Consulting; Joseph Murphy, Silverman/Thompson/Slutkin/White; Sheila Sachs, Gordon Feinblatt; Steve Sachs. The event features a silent

auction, cash bar, and hors d'oeuvres, and will be held at Westminster Hall, 519 West Fayette St, Baltimore, 21201, from 6:00 p.m. - 9:00 p.m. Purchase tickets online at clrep.networkforgood.com/events/3620-trials-tribulations-a-family-affair.

9 Join the Pro Bono Resource Center for their 5k fun run or 1-mile walk and support justice for all! To increase your impact, join a team or raise funds from your family and friends! Hosted at Meadowood Regional Park, 10605 Falls Road, Lutherville, MD 21093, from 7:30 a.m. - 12:00 p.m. Details and registration available online at probonomd.org/training-events/

[run-for-justice](#).

13-16 Don't miss **MSBA's Legal Summit & Annual Meeting**, the biggest event of the year for Maryland's legal professionals. Join a thousand lawyers from all aspects of the profession, judges, and other legal professionals from across the state at this annual tradition for the Maryland legal community, combining learning, community, and fun. Additional information and registration available online at annualmeeting.msba.org.

LIMITED ...Page 9

tion in Maryland, about limited scope law practice, and generally about the contributions of paid private lawyers in meeting the needs of the public. In 2016, the section partnered with the Access to Justice Commission to put on a statewide conference on “Building an Effective Limited Scope Practice in Maryland.”

The training was hosted by the University of Maryland Carey School of Law; and co-sponsored by the MSBA Section on Family & Juvenile Law, and the Law Office of Luanne P. McKenna. The presenters were Joanna Shapiro, Joseph Mack, Siobhan Madison, and Dave Pantzer.

A recording of the training, with links to the *Client Notebook* tool and the Limited Scope Training Manual are available for free online on the section's website at goo.gl/C2ubtF.

JUSTICE...Page 12

sure what attorney or organization might be interested in taking the case, the Center posted the case to JusticeReferrals.org. Seven attorneys viewed the matter, but only one was interested in taking it on—Richard Gordon, a consumer class-action attorney who happened to be looking for these types of cases. If, instead of posting the matter to JusticeReferrals.org, the Center had just given the client some names of attorneys, the client may have given up if he happened to call one of the six other attorneys who passed on the case. Even if the client managed to reach Richard, he may not have been able to properly explain what was happening, and Richard may not have taken the case. Instead, without charging the client anything directly (because he intends to eventually have his fees paid by the business that violated the law), Richard was able to have the entire

judgment vacated, and secured the return of \$8,000.00 that had been garnished from the client's wages as a result of the void judgment. The client is of course thrilled, the Self-Help Center is pleased to have connected the client with representation, and Richard is happily pursuing a larger lawsuit based on the misconduct now.

The Future of JusticeReferrals.org


At this time, JusticeReferrals.org is limited to a few practice areas, including a variety of consumer law and wage claims. However, the website has the capacity to facilitate warm referrals in a variety of areas. Civil Justice is currently partnering with other organizations to expand JusticeReferrals.org to other underserved practice areas, such as civil rights, police misconduct, and immigration.

INNER WORKINGS @ MSBA pg. 1

THE NAME OF THE GAME
IS THE CLAIM pg. 2

TALK ABOUT THE CIRCLE OF LIFE pg. 4

How will you respond?



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