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Judicial Reception



Watch the video online at msba.org/MVLS-reception

n September 12, 2018, The Maryland Volunteer Lawyers Service (MVLS) brought together judges and magistrates from the Maryland Judiciary with their Board of Directors, staff, and attorney $volunteers\,at\,DLA\,Piper's\,Mount$

Washington, Baltimore office for an evening of networking. MSBA President Hon. Keith R. $Truffer\,addressed\,the\,crowd\,and$ spoke to the importance of legal representation in the courtroom.

Ensuring access to justice for Maryland's most vulnerable citizens is a lofty goal. Without the work of pro bono attorneys across the state, many Marylanders would not be able to defend their most basic rights. The Marvland Volunteer Lawyers Service (MVLS) is one of the organizations at the heart of this struggle.

During the event, MVLS also demonstrated their new online pro bono portal, which allows lawyers to easily sign up for volunteer opportunities online.

MSBA and Judicial Events™ Present 2018 Legends of the Boardroom

BY PATRICK TANDY

verlooking Baltimore's scenic Inner Harbor, roughly 100 attorneys packed the 15th floor of the Downtown Hyatt Regency on September 28, 2018, for a one-of-a-kind opportunity to learn from leading general counsel on hot-button issues facing their field.

The MSBA teamed up with Judicial Events[™] to present "2018 Legends of the Boardroom", which featured a powerhouse of in-house counsel who spoke to the "In's and Out's of the Corporate M&A", "Cyber Security and Compliance", "International Arbitration", and "A View from the

'C' Suite: What General Counsels Want You to Know About Billing!" Other event sponsors included Womble Bond Dickinson:

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VIDEO EXCLUSIVE



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PHOTOS

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EXECUTIVE DIRECTOR'S COLUMN

BY VICTOR L. VELAZQUEZ

he MSBA is an association with a rich history, and its ranks are filled with distinguished leaders in the legal profession. Its Past Presidents have been exceptional attorneys and leaders and also capable stewards for the organization. The current President, Hon. Keith R. Truffer, is focused on the future of the profession, the practice of law, and the vibrancy of this association. He's leading these efforts via his formation of a Strategic Vision Committee harnessing the feedback of more than three thousand attorneys, a Policy Review Committee focused on ways to best govern the association, $and \, the \, Legal \, Assistance \, Program \, statewide \, rollout$ which allows attorneys access in-person assistance for mental health, addiction or substance abuse concerns across the state, just to name a few.

In May 2017, the Board of Governors adopted 25 'foundational recommendations' to better position the MSBA for its future. Significant progress has been made in the 16-months since then. In the last fiscal year, the MSBA published eight authoritative books with another 12 planned for this fiscal year. This is the most new and revised editions ever produced by the MSBA in such a short period of time. We've begun modernizing and refreshing products, overhauled $the association \'s\, technology in frastructure\, to\, a\, cloud$ based environment, including a new accounting system, association management system, the first $iteration \, of \, a \, new \, mobile \, friendly \, website, held \, focus \,$ groups, initiated surveys, and have done a tremendous amount of listening as we concentrate efforts $on value, relevance \, and \, addressing \, the \, demographic$ and legal profession challenges being faced.

We not only launched a new look, (logo, branding, etc.) but we have begun reaching out to attorneys outside of our typical formats of email, this *Bar Bulletin*, and the soon to be relaunched *Bar Jour-*

66

Change is messy, disruptive, imperfect and yet, necessary.

nal. We have begun new social media and digital efforts, which have garnered the MSBA more new members this year than we have had in a decade. We have created a new online judicial nomination application system which significantly streamlines that process. We have welcomed the Access to Justice Commission to the MSBA family. We have added member benefits including a free online CLE worth up to \$200 in value if you renew online, (something you couldn't do on your mobile device prior to last year) and so much more.

We are leading this organization forward thanks to the efforts of and support of our President, Executive Committee and Board of Governors. We are clearly in a period of change at the MSBA, change necessitated by stark changes in membership trends, and the changing nature of how professionals consume information and derive value from professional associations. There is an entire segment of professionals that wants to engage with us very differently than the generations before them. While we work to enhance our value to our younger segments, we remain focused on remaining a home for the entire profession including our focus on the nearly one-third of membership that stands at 60 years old and above. We must properly serve all demographic and

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PRESIDENT'S MESSAGE



OCTOBER 2018

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



To watch his most recent message, select the "President's Messages" playlist from our YouTube channel at www.youtube.com/user/MDStateBar/playlists.



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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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Dateline

OCTOBER

18 The Bar Association of Baltimore City invites you to their Fifth Annual Senior Legal Services Fundraiser and Volunteer Recognition - Cabaret & Cabernet from 6:00 p.m. - 8:00 p.m. at the Francis King Carey School of Law-Westminster Hall. Find more information and purchase tickets online at www.baltimorebar.org/calendar/signup/MTM4.

20 Join MSBA's Young Lawyers Section Family Friendly Initiative Committee for Family Farm Day! All members and their families are welcome. Starting at 1:00 p.m. at Clark's Elioak Farm, 10500 Clarksville Pike, Ellicott City, MD. Activities include hay wagon rides, a cow train, a petting farm, pumpkin picking and much more! RSVP to Danielle Williamson at daniellewil-<u>liamso@gmail.com</u> by October 17, 2018 for free admission.

20 Please join the MSBA YLS Public Service Committee and the MSBA's Public Awareness Committee, as part of the One Bar | One Community Project, serving guests food at Our Daily Bread Employment Center, 725 Fallsway, Baltimore, MD, from 9:00 a.m. - 1:00 p.m. Our Daily Bread serves more than a quarter of a million meals to the hungry of Baltimore City each year. Please join us at Our Daily Bread to start your holiday season! Additional information at www.msba.org/ product/our-daily-bread-soup-kitchen.

25 The **Women's Law Center of Maryland** hosts their *An*nual Dinner & Awards Ceremony from 6:00 p.m. to 9:00 p.m. at The Grand Baltimore, 225 North Charles Street, Baltimore, MD to honor three exceptional award recipients who are making great strides in the areas of family law, women's rights, and access to justice in Maryland. Additional information and tickets are available online at www.wlcmd.org/get-involved/ $\underline{fundraising\text{-}events/annual\text{-}meeting\text{-}awards\text{-}ceremony}.$

26 Join **Pro Bono Resource Center of Maryland**'s online Litigation Lunch & Learn: Tips for Getting Social Media Evidence Admitted at Trial from 12:00 p.m. - 2:00 p.m. at Goodell DeVries, 1 South Street, 20th Floor, Baltimore, MD 21202. This is a one-hour skills training, followed by a one-hour mentoring roundtable, where attendees can bring up litigation questions they're currently facing (whether related to the presentation topic or not), and get input from the group.

Experienced litigators will be present during the second hour, and a light lunch will be provided. Participation is open to attorneys who have already accepted a pro bono commitment through PBRC within the past 12 months. More information and online registration available at https://probonomd.org/ event/litigation-lunch-learn-tips-for-getting-social-media-evidence-admitted-at-trial.

NOVEMBER -

9 Join MSBA for the 2018 Solo Summit at Live! Casino and Hotel, 7002 Arundel Mills Circle, Hanover, MD from 8:30 a.m. - 4:30 a.m. This year's conference will feature three tracks for attorneys at various milestones in their careers: "Start Your Practice", "Run Your Practice", and "Grow Your Practice." For additional information and to register, please visit www.msba.org/solosummit.

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From the Boardroom



On Monday, September 24, 2018, the Board of Governors held its first meeting since the June 2018 Legal Summit and Annual Meeting at Live! Casino & Hotel in Hanover, Maryland. The September meeting was originally scheduled for Thursday, September 13, $2018, but \, due \, to \, the \, threat \, of Hurricane \, Florence \, and \,$ Governor Hogan's State of Emergency declaration, the meeting was postponed.

Prior to the meeting, the Board of Governors had the opportunity to mix and mingle with several of this year's Section and Committee Chairs. The Chairs were present for an earlier Leadership Orientation with MSBA President, Hon. Keith R. Truffer, Executive Director, Victor Velazquez, and other MSBA staff.

Find photos of the Section and Committee Leadership Orientation at flickr.com/marylandbar.

Following the networking session, the meeting kicked off with an introduction from Judge Truffer and restatement of his vision for fiscal year 2018-19. As noted in his speech at the Legal Summit and Annual Meeting, one of his goals for this year is improving the mental health and well-being of legal professionals. To that end, the Executive Committee, Jim Quinn, Director of MSBA's Lawyer Assistance Program, and others have been working to expand

the program's services and offer free, confidential counseling services to all Maryland lawyers statewide. Judge Truffer announced the imminent rollout of expanded counseling services, the result of substantial work completed this summer.

Two actions were taken during the President's report. First, minutes were approved from the last BOG meeting in June. These minutes are now available on MSBA's website, on the Leadership page, under the "About" tab. In addition, the Board considered a nomination from the Carroll County Bar Association to fill the 11th District vacancy. The nominee, James Brewer, of the Law Offices of James F. Brewer, LLC in Westminster, was approved by the Board, and will serve as the representative for the 11th District (Carroll & Frederick Counties).

Following the President's report, Executive Director, Victor Velazquez presented his report, which included a discussion of the significant progress in all areas of the MSBA in keeping with the May, 2017board approved 'Foundational Recommendations'. In areas of new members, publishing, infrastructure, marketing amongst others. He also discussed the proposed changes to MSBA's email discussion list rules, review of the Bar Journal redesign in process, and costs associated with the MSBA's HO lease.

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How Private Practitioners can Promote their Business and Access to Justice through Limited Scope Representation

What is Limited Scope Representation?

Limited scope representation, which is also referred to as "unbundling" or "discrete task representation" is an arrangement whereby an attorney and a client agree that the attorney will perform some, but not all, aspects of a legal matter, and may or may not coach the client on others. It can range from merely consulting on a legal issue to obtaining assistance with document preparation, procedural information, strategy, legal briefing, or to have counsel appear in court for a single appearance or issue.

This arrangement is an alternative mechanism

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Judicial News

Rules Committee Issues Supplement to 196th Report

The Court of Appeals of Maryland Standing Committee on Rules of Practice and Procedure has issued this brief Supplement to its 196th Report. The Supplement comprises what essentially are style changes to the version of Rule 1-333 and the Appendix attached hereto included in Category Two of the Report, as well as a conforming amendment to Rule 2-415.

Read the Supplement to the 196th Report of the Rules Committee online at https://www.msba.org/content/uploads/ sites/7/2018/09/196thsupplement.pdf.

Maryland Hispanic Bar Association Celebrates Silver Anniversary



Find more photos of this event at flickr.com/marylandbar.

A veritable who's-who of the Maryland legal community joined the Maryland Hispanic Bar Association (MHBA) in celebrating its silver anniversary at the Asso-



ciation's 25th Annual Gala, held September 27, 2018, at Martin's Crosswinds in Greenbelt, MD.

Expounding a recurring theme of the evening - immigration – MSBA Executive Director and keynote speaker Victor Velazquez discussed his own professional and personal journeys, from childhood in Vieques, PR, and the mainland United States, through his battle with cancer and, finally, joining the state bar executive staff in early 2017.

Attendees included, among others, MHBA founder Mayda Colon Tsaknis; Jose Bahamonde-Gonzalez, Associate

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Government Practice News

Legal Skills Conference

October 26, 2018 **ABA Office** 1050 Connecticut Avenue, NW Washington, DC

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Expert panelists will provide practical information and strategies to sharpen your deposition, negotiation, writing and oral argument skills (this session features Tom Goldstein) at this interactive CLE conference.

Attendees will participate in exercises to practice their skills with faculty guidance. Former U.S. Solicitor General, Donald B. Verrilli, Jr. will give opening remarks on the importance of public service.

Learn more and register online at https://shop.americanbar. org/ebus/ABAEventsCalendar/ EventDetails.aspx?productId=337483357

MSBA Raises \$20K for Oyster Recovery Partnership

MSBA is proud to support the important work of organizations such as the Oyster Recovery Partnership (ORP), a non-profit dedicated to consensus-based and scientifically sustainable shellfish ecological restoration, aquaculture, and commercial fishery activities in Maryland waters. MSBA President Judge Keith R. Truffer, Young Lawyers Section (YLS) Immediate Past Chair Michael Hudak, and Lauren Lake of YLS presented ORP Executive Director Stephan Abel with acheckfor\$20K, which the Young Lawyers Section raised through its Annual Charity Event earlier this year, during ORP's 8th Annual Mermaid's Kiss Oyster Fest fund raiser on Sept. 20, 2018, at theBaltimore Museum of Industry.





Watch the video online at msba.org/oyster-recovery-video

PBRC PARTNER PROFILE:

A Conversation with Swapna Yeluri, Esq., Director of Pro Bono Programs at the Homeless Persons Representation Project



Can you tell me a little bit about who the Homeless Persons Representation **Project serves?**

HPRP helps people who are homeless or at risk of homelessness. Our Veterans Legal Assistance Project (VLAP) helps veterans receive needed income and benefits to afford housing, food, health care and other basic necessities. The project operates an in-person legal clinic at the Baltimore VA Medical Center, and also operates remote video-based clinics in other Maryland locations.

How does HPRP partner with PBRC?

PBRC is our biggest source of volunteer recruitment!PBRC advertises volunteer opportunities, registers volunteers, and records live trainings to offer as webcasts. PBRC and HPRP also partner with the University of Baltimore School of Law, MSBA, and Federal Bar Association to host an annual Veterans Legal Assistance Conference each spring.

What are some areas of law in which attorneys can volunteer with HPRP?

Volunteers in HPRP's VLAP project represent veterans in VA disability claims and military discharge upgrades. For information about HPRP's other Pro Bono Programs, visit www.hprplaw.org/work with us.

How did you connect with HPRP, and how long you have been there?

I worked with HPRP while I developed a veterans' project at another nonprofit. When this position opened up, I eagerly jumped for it. I've been with HPRP for 2 ½ years.

What do you find compelling about your work?

I am constantly amazed by the impact we can have on a client by simply listening to their situation, and the vast difference pro bono legal assistance can make in the circumstances of people experiencing poverty and homelessness.

Are there any timely opportunities you would like readers to know about?

As Veterans Day approaches, HPRP is seeking volunteer attorneys, law students or paralegals for VLAP. Law students and paralegals can help with intake, and attorneys can provide full case representation to veterans, or help with client intake.

What training and support is available to your volunteers, through HPRP and through PBRC?

HPRP provides malpractice insurance, training (including VAAccreditation), and extensive case supportto volunteers. Interested volunteers can view our online trainings through the PBRC's training site, or can attend alive training. Visit www.probonomd.org/ for-lawyers/training for more information.

Ms. Yeluri can be reached at hprpprobono@hprplaw.org, or by phone at 410-685-6589 x 14.

PBRC's featured training opportunity for Veterans Day:

Train today to volunteer with HPRP's Veterans Legal Assistance Project:

www.probonomd.org/for-lawyers/Training/#veterans



The Pro Bono Resource Center of Maryland will match your skills with a wide range of pro bono opportunities.

The Center welcomes new volunteers dedicated to addressing issues impacting low income families and their communities.

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Loneliness and Community

in the Legal Profession

BY DAVE PANTZER

uch has been written in recent months about loneliness in the legal profession.

One common theme in this discussion of "lawyer loneliness" is fear. A lawyer's errors can be costly, jeopardizing a client's rights. The pressure not to make mistakes provides a very real burden. But this burden can be compounded by another fear the lawyer's own fear of seeking help to avoid making mistakes.

In asking for help, a lawyer must navigate the twin challenges of client confidentiality and guarding one's own reputation. In a recent ABA Journal article, Rachel Lynn Foley, a solo bankruptcy practitioner in Missouri, explains the challenge, "Often $times\,we\,guard\,our\,thoughts\,and$ our questions because business is cutthroat and you do not wish to expose yourself or reveal you do not know as much as you think others think you should know."

While such pressures can emerge in any practice setting, they may strike newer attorneys and solos with particular ferocity, especially where they don't have astrong network of high-trust relationships with other attorneys. New attorneys and solos may feel more deeply than others that they stand alone in the battle.

But there are steps that can reduce the isolation lawvers feel. Mentors and relationships of trust can be found, even in the "cutthroat" world described by the Missouri solo. One surprising source of community,

experience, and confidence is pro bono service. Many legal services organizations, including my own. provide a variety of forms of mentoring, communities of trust, and opportunities to "learn by doing."

The Pro Bono Resource Center of Maryland is the pro bono arm of the MSBA, and as such, it exists in a context dedicated to fostering relationships and $communication \, among \, lawyers.$ PBRC is well known for providing high-quality live and web-based training to lawyers. Perhaps less well known are the ongoing service-learning clinics that allow lawyers to "dip a toe" into court $litigation\, or\, legal\, drafting, with\, a$ mentor on hand, and over time take more and more ownership. Three examples follow.

District Court Litigation

PBRC runs a variety of one-morning clinics in the District Courts for Baltimore City and Prince George's County. Volunteer attorneys can sign up to participate as a form of service-learning. At these clinics, which help low-income clients in rent court and consumer matters, the work is done by mentors (staff and experienced volunteers) and newer volunteers.

It might look like this: the $new volunteer watches \, an \, online \,$ training at home, and signs up to attend a few clinics. At the first clinic, the volunteer may just observe, or may participate. At the second clinic, the volunteer helps clients, but has access to ongoing help from the mentor. From then on, the volunteer continues to have help, but with growing experience and confidence, takes more ownership of the process.

These service-learning clinics, called the Tenant Volunteer Lawyer of the Day, and the Consumer Protection Clinic, can help low-income clients navigate confusing court processes, while seeking to maintain stable housing and avoid wage garnishment.

Estate Planning for Low-Income Seniors

Another service-learning example, which may be particularly attractive to newer attorneys building their own practices, exists in the estate planning clinics that PBRC runs in conjunction with Baltimore's Senior Legal Services program and Community Legal Services of Prince George's County.

Volunteers receive an online training called "Estate Planning Basics for Low-Income Seniors," and then participate at a clinic, drafting a variety of estate planning documents. New volunteers are paired with experienced attorneys, and the whole process happens in one day: pairs of attorneys meet with a client, listen and provide counseling, and draft documents on the spot.

Volunteers not only build their own practice skills, but they help clients who could not otherwise afford the service. For example, a client's only major asset may be a modest home, and the volunteer's service enables

Many legal services organizations provide a variety of forms of mentoring, communities of trust, and opportunities to "learn by doing."

the client to preserve this one asset for the client's family.

Getting Your Own Questions Answered

A new source of community, one designed to allow lawyers to ask for the specific help they need in a high-trust environment, is coming this fall, as PBRC launches a series of Litigation Skills Lunch & Learn events around the state. These events are freely available to any attorney who has trained through PBRC and taken a pro bono commitment (whether with PBRC or a partner organization) within the past year.

Each meeting will include a one-hour skills training, followed by a one-hour mentoring roundtable, where attendees can bring up litigation questions they're currently facing (whether related to the presentation topic or not), and get input from the group. The first event takes place on October 26 at Goodell DeVries in Baltimore, and will feature University of Baltimore law professor Michele Gilman, speaking on "Tips for Getting Social Media Evidence Admitted at Trial." After the talk, experienced litigators will be present, to help respond to any and all litigation questions attendees may have.

Nothing, perhaps, can fully alleviate the pressure of having significant responsibility for a client's rights. The confidence that comes from years of growth and experience makes it more manageable. But with the forms of professional community available through programs like PBRC, no one has to go it alone.

To join the PBRC community, and explore training and service-learning opportunities includingthosediscussedabove,visit www.probonomd.org/training.

Dave Pantzer is the Director of Education for the Pro Bono Resource Center of Maryland.



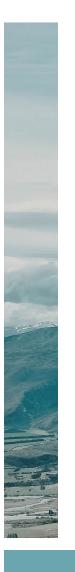
The Young Lawyers' Section of the Maryland State Bar Association is seeking applications for the position of Young Lawyers' representative to the MSBA Board of Governors

Two positions are currently available for a two-year term.

Any current member of the Young Lawyers' Section who is interested may submit an application to Jeff Bowman, Chair, Nominating Committee, MSBA Section of Young Lawyers, 520 West Fayette Street, Baltimore, Maryland 21201.

All applications must be received at Bar Headquarters no later than the close of business on Thursday, November 1, 2018. Applications should include a statement of interest, a resume, and a list of Bar activities.

If you have any questions, please contact either Jeff Bowman at (410) 268-2255 or Angela Munro at (410) 685-7878 ext. 3016.



November 9, 2018





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Business Contracts and ADR Provisions

BY KENNETH A. VOGEL

ttorneys who write and review contracts need to consider how to provide for possible future disputes. The contract provisions will determine the parties' rights and remedies. Addressing topics such as choice of law, choice of venue and who will decide the case are a normal part of contract drafting. Arbitration as a form of conflict resolution is frequently selected for business disputes.

Arbitration is a voluntary procedure. Parties agree to arbitration by contract, generally before the dispute arises. Or, the parties may agree to settle their differences by arbitration after the dispute arises, and waive going to court.

Arbitration is generally found in a business context. It is provided for in contracts which are either business-to-business (B2B). or an arbitration provision may be found in contracts between a business and a member of the public, business-to-consumer (B2C). In theory, contracts between businesses are between sophisticated parties with equal bargaining power. The business law attorney representing a small company and its vendors and customers can negotiate the terms of their contractual dispute resolution clauses up front. A mom and pop home improvement contractor might use an off the shelf form for all of its construction jobs, big and small. These forms should be reviewed by the business's attorney and discussed with the client. Mediation and/or arbitration clauses may be modified or entirely crossed out as the parties agree. If the contract is between parties of uneven bargaining power - a large corporation and its small business customers, for example, then there is not much negotiation that can take place either before or after the contract is signed. It's take-it or leave-it. The courts and legislatures will generally not interfere with B2B contracts.

On the other hand, contracts between a business and its con-

sumer customers, or contracts between a business and its employees, are much more likely to have legal restrictions imposed when the business can or cannot impose an arbitration provision on its consumer customers and its workers.

Many business to consumer contracts have mandatory arbitration clauses as the built-in dispute resolution method. These agreements might be for credit cards; employment; homeimprovement contractors: goods; travel tickets; or services, such as Uber or Lyft. Large companies write non-negotiable contracts. They pre-select the arbitration providers and impose a venue of the company's own choosing. Bank of America is not going to negotiate their dispute resolution procedures in their credit card agreements with each cardholder.

An attorney representing a small business should discuss with his or her client available options for different types of dispute resolution provisions. Should the parties require mediation as a pre-condition to arbitration or litigation? Is the nature of a dispute that might arise better resolved by an arbitrator or by a court? Arbitration may resolve the dispute faster than a court. It is also more confidential. On the other hand, arbitration may be more expensive than a court case because the parties have to pay the arbitrator. Most business contracts provide for the arbitrator cost to be split equally between the litigants. Some consumer contracts have the business shouldering more of the cost of arbitration as the quid pro quo of the consumer giving up his or her rights to $litigate, including \ to \ join\ in\ class$ action suits.

The arbitrator can be any person of the parties' choice. Individuals contracted with directly may act as arbitrators. Or, the parties might go to an ADR provider which maintains a roster of arbitrators, including lawyers, retired judges, architects, engineers and the like. The business attorney should consider what type of arbitrator would be best for his or her client. If the issues are complex, selecting an arbitrator who is a specialist in the subject matter may be preferable to trying a case before a judge, who is a generalist.

There is a large disparity in prices charged by arbitrators, both in terms of administrative fees, as well as the cost of the arbitrator him/herself. The pre-designated arbitration service can be changed upon mutual consent of the parties. For example, if the parties to a contract specify arbitration by AAA or JAMS, both reputable providers, the parties have a right to mutually agree to select a different arbitration service provider, even after the dispute arises. Arbitration is a contractual provision. The parties can agree to change the contract whenever they wish. It may be that parties in a construction dispute prefer someone with certain subject matter expertise. If the parties want an architect or a structural engineer to be $the\,arbitrator, some\,panels\,offer$ those specialists.

The Better Business Bureau (BBB) will mediate or arbitrate complaints both between consumers and vendors, and disputes between two businesses, if at least one of the companies is a member of the BBB. The parties may use BBB's services even if the use of BBB is not specifically required by their contract. BBB does not handle certain types of cases. Employment cases, discrimination allegations and $disputes\,between\,two\,individuals$ (not companies) are outside of BBB's mission. BBB offers both general mediation and binding arbitration, as well as informal conciliation and non-binding arbitration decisions. Specialty BBB programs currently consist of automobile warranty disputes (Autoline); moving and storage; manufactured housing; and marketing and advertising practices.

Attorneys should discuss

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FIRST MARYLAND Disability Trust

We recognize the importance of assisting individuals with disabilities regardless of age or disability.

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For the Individual's family, we offer a Third Party Special Needs Trust to help you plan for the future.

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- We provide a corporate alternative to the Individual Trustee, for both Pooled Trusts and Individual Trusts.

410-296-4408 ****** www.firstmdtrust.org

The First Maryland Disability Trust, Inc., a Non-Profit organization



WEINBERG & SCHWARTZ, L.L.C

Weinberg & Schwartz, L.L.C., is pleased to announce that Amos M. Whitney has been named Partner and Ethan T. Dellinger has joined the firm as Partner as of July 2018. Gauri K. Bayoumi joined the firm as an Associate Attorney in September 2017 and Jacquelyn L. Limsky joined the firm as an Associate Attorney in January 2018.

Weinberg & Schwartz, L.L.C. continues to practice in the area of Family Law including, but not limited to, Litigation, Settlement, Mediation, Collaborative Law, and Qualified Domestic Relations Orders (QDROs).

Community-based Solo and Small Firm Practitioners

Are Part of the Solution to Closing the Justice Gap

Twenty years ago, Civil Justice, Inc. (Civil Justice) started with the belief that lawyers in small and solo practices can do a lot of good for the community, while simultaneously doing well. The University of Maryland School of Law led in the development of Civil Justice to recruit and support solo and small firm lawyers to help the working poor more effectively obtain legal representation.

BY EDEN FORSYTHE

ivil Justice leverages the legal expertise and a sense of justice in community-based lawyers across Maryland to bring affordable representation to clients who cannot otherwise obtain legal services, either because they are not poor enough to be eligible for free legal services, or because no legal services program has

 $the\,resources\,to\,provide\,representation, or$ they lack the resources to pay the hourly rates charged by private attorneys.

From the beginning, Civil Justice saw three crosscutting themes in the legal profession that remain true today.

 $First is the \ realization \ that \ in \ Maryland,$ as for a large segment of the population

across the United States, there is no clear dividing line between those who can afford legal services and those who cannot. There are many struggling low and moderate-wage, working families, especially those who are just above the poverty guidelines for free legal services, who are unable to secure effective and affordable

representation for their legal problems.

For example, a family of four's income must not exceed \$56,000 to qualify for free legal services in Maryland for most types of civil cases, such as eviction proceedings. Those parameters mean that most families of four who make above the income guidelines must either handle serious legal problems on their own, or find funds to pay for legal representation.

The second realization is that private practice often is a part of public service. Many private attorneys already provide many types of free and low-fee legal services to the working poor, and participate in many additional forms of local community service and stewardship projects. In addition, many more private attorneys want to, and would consistently provide legal services to underserved clients and communities, if they economically could. Today, the Civil Justice network encompasses a wide range of practice areas and locations. Some members have previously worked for Maryland Legal Aid or other legal services organizations, and were drawn to the Civil Justice network because they wanted to continue incorporating public service as part of their private practice. $The same \, members \, also \, actively \, volunteer \,$ $with other legal\, organizations\, and\, provide$ mentorship to new attorneys.

Third is the recognition that unmet needs for civillegal services represent a gap in access to justice for the working poor. That gap has the potential to weaken and destabilize communities over time. It is a problem that, at a minimum, contributes to poverty in underserved communities, and prevents people from getting ahead.

These realizations helped Civil Justice define its mission of delivering legal services to the working poor through a network of community-based attorneys who care about access to justice. The model is rooted in the notion that access to legal ser $vices \, for \, the \, working \, poor \, is \, an \, important$ social good, and their unmet need can be

CONTINUED ON PAGE 18



66 Most families of four who make above the income guidelines must either handle serious legal problems on their own, or find funds to pay for legal representation.

Maybe Legal Marketing Hasn't Changed as Much as We Think it Has

BY KENNETH R. BESSER

 $arketing\,consultants\,often\,claim\,legal\,marketing\,in\,today's\,digital\,world\,is\,vastly\,different\,from\,legal$ marketing half a century ago. Therefore, almost any lawyer needs to have a professional marketing consultant to manage all their marketing for them. Probing this theory, however, may help refute it.

Whoever thinks legal marketing has changed significantly over the past fifty years is probablywrong. Why? Because, change is almost always a matter of definition and perspective.

We've Always Had to Get **Known in Order to Get Hired**

In an interview with the ABA's GPSoloeReport, Terrie S. Wheel $erstates, ``Gone are the \, days \, when \,$ clients will retain you before they learn how you think. Today, it's just the opposite. You need to show clients how you think if you want them to hire you!" Well, I don't know about you, but I've been hiring and using lawyers for 43 years now, and for as long as

 $that, neither In or anyone I've\, ever$ $known \, has \, hired \, a \, lawyer \, without \,$ first finding out how that lawyer thought about the legal services they needed.

Just the Media has Changed

What little change there has been over the past half-century revolves around the fact that, in those good old days and these new ones, lawyers had then and have now, different ways of getting found and then getting their thoughts probed. And, reciprocally, people had then and have now, different ways of $finding lawyers \, and \, probing \, their \,$ thoughts.

Back in the good old days,

legal marketing was very paper-based. Lawyers used busi $ness\,cards, tri-folded\,single\text{-}sheet$ brochures, Yellow Pages ads, $some \, printed \, new sletters, mailed$ announcements, "tombstone" ads, and maybe some seminars at their social service clubs or chambers of commerce meetings. They also bought and gave away a ton of advertising novelties. Who doesn't remember all the pads of paper, pencils, pens, key chains, calendars, and many other things lawyers would put in the hands of prospective clients directly or indirectly.

In the present digital age, successful lawyers still use those things. But now, they supplement their printed marketing materials and personal appearances with digital ones. Their new marketing tools include search-engine-optimized websites, blogs, social media pages, posts, tweets, $and we bin ars \, to \, market \, their \, law$ practices themselves by building and leveraging a nicely coordinated ensemble of multimedia marketing components.

Marketing is Still All about **Thought Leaders Building Relationships to Obtain and Maintain the Top of Mind Position in Prospects' Minds**

Regardless of the media they have used in both the past and the present, for any solo or small practice attorney's area of practice, the essence of their marketing has always been, still is, and will always be, all about building strong, genuine relationships with referral sources and prospects who then send clients, or become clients, and then, in turn, become additional new referral sources.

Like all other types of marketing, legal marketing has always required lawyers to build their thought-leadership positions and show rain brokers and prospective clients the lawyers being marketed have the competence and confidence needed to fulfill people's legal needs. This is called staking out the top of mind position in prospects minds.

Building thought leader relationships to obtain this top of mind position has almost always required having a strong and focused niche and a unique

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DEPARTMENTS



Continuing Legal Education Opportunities

BY ANDREA TERRY

Join the MSBA for its first presentation focused on transactions related to medical practices, with faculty from Gallagher, Evelius and Jones LLP on October 24th in Columbia, MD. Details related to hospital and physician affiliations, physician practice acquisitions, joint venture arrangements, and physician and medical staff issues will be covered. To register, go to msba.inreachce.com. If you cannot attend the live program, it will be webcast concur-

rent with the live program and you can find this and all our programs available online, on-demand approximately 6-10 days after the live program. All video replays and online programming carry CLE credit with the surrounding MCLE states just like the live programs. See below for details.



Additional information and online registration available at msba.inreachce.com

LIVE IN-PERSON & WEBCASTS

- October 24, 2018. Physician Affiliations. Columbia, MD. Registration is open. *webcast
- October 25, 2018. Financial Elder Abuse 2018 Update. Columbia, MD. Registration is open. *webcast
- November 12-16, 2018. Advanced Tax Institute. Baltimore, MD. Registration is open.
- **December 12, 2018**. The Cybersleuth's Guide to Fast, Free and Effective Investigative Internet Research. Columbia, MD. Registration is open. *webcast
- February 11-15, 2019. 2019 CLE by the Sea. Honolulu, HI. Registration is open at www. AlaskaBar.org/2019CLEbytheSea.

NEW ONLINE, ON-DEMAND

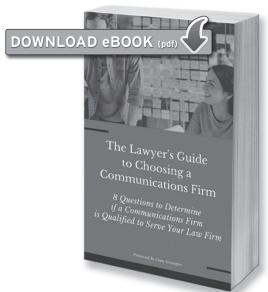
- Hot Tips in Family Law: What NOT to Do!
- ABLE, Special Needs Trusts and the New POMS
- What is New in Handling Drinking and Driving Cases in Maryland
- 2018 Employment Law Institute
- Issues in High Value Family Law Cases
- Fiduciary Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships
- Adult Guardianships in Maryland the New and Improved Process!
- 2018 Hot Tips in Workers' Compensation
- Immigration Law Update: Creative Lawyering Strategies in Times of Uncertainty
- Advanced Estate Planning Institute
- 2018 Hot Topics in Elder Law
- Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation
- Family Practice Update
- **CLE Institute with Steve Hughes**
- 2018 Succession Planning Seminar
- Advanced Storytelling and Persuasion Skills with David Mann
- Handling Collection Cases through Enforcement and Judgment

VIDEO REPLAYS

- November 6, 2018. Judgment Enforcement for Collection Attorneys. Baltimore, MD and Rockville, MD.
- November 27, 2018. 2018 MSBA Immigration Law Section Fall Conference: Federal Court ${\it Litigation\ and\ Special\ Immigrant\ Juvenile\ Status\ Nuts\ and\ Bolts.\ Baltimore, MD.}$
- November 29, 2018. 2018 MSBA Immigration Law Section Fall Conference: Federal Court Litigation and Special Immigrant Juvenile Status Nuts and Bolts. Rockville, MD.
- December 4, 2018. Physicians Affiliations. Baltimore, MD.
- December 6, 2018. Physicians Affiliations. Rockville, MD.
- December 11, 2018. Advanced Real Property Institute. Baltimore, MD.
- **December 13, 2018.** Advanced Real Property Institute. Rockville, MD.
- **December 18, 2018.** Financial Elder Abuse 2018 Update. Baltimore, MD.
- **December 20, 2018.** *Financial Elder Abuse 2018 Update.* Rockville, MD.

Your income should be passive, not your firm's marketing.

Hiring the right team can lead to more clients and more revenue.



You know case law... but are you media savvy? FREE e-BOOK for MSBA members

"The Lawyer's Guide to Choosing a Communications Firm"

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Pontius Tax Law, LLC 199 East Montgomery Ave., Suite 100 Rockville, MD 20850



John Pontius represents individual and business clients with sensitive and serious tax matters before the Internal Revenue Service and state taxing authorities. Mr. Pontius regularly represents businesses and individuals with complex tax issues in the following areas: FBAR examinations, offshore

disclosures, FATCA, tax planning, unfiled tax returns, release of tax liens and levies, trust fund recovery penalty, IRS and state audit examinations as well as Appeals, and penalty abatement. Since 2012, Mr. Pontius has served as the Co-Chair of the Tax Law Section for the Bar Association of Montgomery County. He is also an active member of the Tax Section of the Maryland State Bar Association. Before opening his firm in 2017, Mr. Pontius worked for seven years at tax controversy law firms in Maryland and in the international corporate tax group of KPMG in Virginia. In 2006, he began his legal career as a Judge Advocate in the U.S. Army.

> 240-283-7099 | www.pontiustaxlaw.com john.pontius@pontiustaxlaw.com



Lowering Your Anxiety by Tackling Procrastination

BY LISA CAPLAN

I have learned many things from working with attorneys, but one common message I hear is that when they procrastinate it leads to anxiety, which then leads to more procrastinating, and the cycle continues. This is definitely not unique to lawyers. It's easy to get caught up in this pattern, so here are some tips on how to get off the procrastination merry-go-round.

It makes sense that procrastination increases anxiety. We typically procrastinate on tasks that we are unsure of, because we don't know how or where to begin. When we feel uncertain we can become nervous, anxious and overwhelmed. Most people don't like uncertainty, but lawyers, especially those with type A personalities, have even less tolerance for uncertainty.

Tips to handle procrastination:

- 1. When thinking about how to get started, take a slow deep **breath** in through your nose as if you are filling yourself up from your feet to your head; hold for a few seconds, then exhale through your nose even slowerthanyouinhaled.Repeat a couple times. Breathing helps you to decompress and allows you to take a step back and navigate the project at hand.
- 2. Break things into manageable small pieces. Ask yourself, "What do I need to do first?" and initially focus on that. Then, later on, handle the next piece the same way.
- 3. Find a filing system for home and work that works for you. We often get overwhelmed by all the information, tasks, school notices, work deadlines, etc. Not everything has to be accomplished that day. You just need a way to remind yourself to take care of tasks at the right time. A technique that might be helpful comes from a book called **Getting Things Done**. This is how it works - get 31 $card board \, folders, (I\, like\, to\, use$ legal size envelopes so nothing can fall out) label them 1 st, 2 nd,3rd, one for each day of the month. Then, when something comes in that you need to add to your to do list, file it in the correct day's folder, based on the day you need to think about it. Reuse the folders the next month. Everyone is different,

- so adapt this tip to what works best for you.
- 4. Improve your decision making skills. If you are trying to resolve a problem, look at it in detail and maybe even write it down. List options of how to deal with it, listing the pros and cons of each option. After carrying it out, think about the outcome to determine how you might improve your process and move forward the next time. By going through this process, you can become more efficient in improving your decision making skills.
- 5. Increase independence in accomplishing goals. Sometimes we can be very independent in one area of our life, but rely on other people to help accomplish goals in other areas, because we don't always trust ourselves in making the right decision. To help you feel more confident, think about all the things you have accomplished, set small realistic goals, and find a mentor or role model. Becoming more confident and independent can help you avoid procrastinating.
- 6. When you notice yourself beginning to procrastinate, (and you know when that is happening) ground yourself. Pick up an object and using all your senses, describe the object

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The Breakdown of a **Nutrition Label**

BY HALEY SHAW

Understanding how to interpret a nutrition label may be your key to success for uncovering food sensitivities, losing weight, or making healthier food choices. Before your cart starts piling up with groceries, take a few minutes to explore the ins and outs of nutrition labels. Your health and your waistline will thank you.

At www.fda.gov/food/labelingnutrition/ucm274593.htm, the U.S. Food and Drug Administration lists the following label building skills to make it easier for you to use nutrition labels. These $tips\,will\,allow\,you\,to\,make\,quick,$ $informed\, choices\, that\, contribute$ to a healthy diet.

Start with Serving Size

The first place to start when you look at the Nutrition Label is the serving size, and number of servings in the package. The serving size on the food package influences the number of calories and all the nutrient amounts listed on the top part of the labe. Compare your portion size (the amount you actually eat) to the serving size listed on the panel. If the serving size is one cup and you eat two cups, you are getting twice the calories, fat and other nutrients listed on the label.

Check Out Total Calories

Calories provide our bodies with energy. This number signifies how many calories are in one serving. Make sure you take that $into \, account \, when \, assessing \, how \,$ many calories you have consumed. Eating more calories than we burn during a day can lead to weight gain. If you want to lose weight, look for foods that are low in calories but high in nutrients.

According to FDA's General Guide to Calories, 40 calories is $low; 100\,calories\,is\,moderate; 400\,$ calories or more is high.

Let the Percent Daily Values Be **Your Guide**

Use percent Daily Values (DV) to help evaluate how a particular food fits into your daily meal plan. Daily Values are average levels of nutrients for a person eating



2,000 or 2,500 calories a day. A food item with a 5 percent DV of fat provides 5 percent of the total fat that a person consuming 2,000 or 2,500 calories a day should eat. The percent DV are for the entire day, not just one meal or snack.

Depending on your goals, you may need more or less than 2,000 calories per day. For some nutrients, you may need more or less than 100 percent DV. Low is $considered\,5\,percent\,or\,less.\,Aim$ low in saturated fat, trans fat, cholesterol and sodium. 20 percent or more is considered high. Aim high in vitamins, minerals and fiber.

Limit These Nutrients

Health experts recommend keeping your intake of saturated fat, trans fat, added sugars, cholesterol, and sodium as low as possible to help reduce your risk of certain chronic diseases, like heart disease, some cancers, or high blood pressure.

Get Enough of These Nutrients

Eat more fiber, potassium, vitamin D, calcium and iron to maintain good health and help reduce your risk of certain health problems such as osteoporosis and anemia. For example, getting enough calcium may reduce the risk of osteoporosis, a condition $that \, results \, in \, brittle \, bones \, as \, one \,$ ages. Additionally, choose more fruits, vegetables, and grain products that contain dietary fiber to get more of these nutrients into your diet. Remember to aim high for percentage DV of the following nutrients: vitamins, minerals, and dietary fiber.

Additional Nutrients

You know about calories, but it is also important to know about these additional nutrients on the Nutrition Facts label.

A percentage Daily Value for protein is not required on the label. Eat moderate portions of lean meat, poultry, fish, eggs, low-fat milk, yogurt and cheese, plus beans and peas, peanut butter, seeds and soy products. The Recommended Dietary Allowance (RDA) of protein for adults is just 0.8 grams of protein per kilogram of body weight, per day.

Fats include, unsaturated, saturated, and transfat. Unsaturated fat, or "good fat," is often referred to as "heart-healthy" fat. Foods that contain this type of fat include avocados, nuts, eggs, fish, and vegetable oils.

Carbohydrates

There are three types of carbohydrates: sugars, starches and fiber. It is best to get your carbohydrates through whole-grain breads, cereals, rice and pasta plus fruits and vegetables. The total carbohydrate count on a nutrition label includes both fiber and sugar.

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The Business of Law

Remove Yourself from the Center of Your Law Firm: Think Like a CEO

BY TATIA L. GORDON-TROY

You're a solo practitioner and you run a lean practice. You rarely, if ever, seek help from others. In fact, you seem to prefer doing everything yourself: changing the ink in the copier, ordering office supplies, bookkeeping, mailing client invoices, emailing appointment reminders, making follow-up phone calls, completing client intake forms, or spending hours on the phone with your IT person every time your website crashes or your VOIP phone system suffers a glitch.

What's interesting is that no task mentioned above has anything to do with practicing law, but everything to do with running a business. A law practice is a business, for sure, which means it needs to be run like one, or it won't survive.

But what happens when you spend more time running the business, and not enough time practicing law? You suffer financially. What happens when you spend more time practicing law and not enough time running the business? You still suffer financially.

But there is an alternative to this perpetual catch-22 that has allowed you to nevertheless survive for the past few years. And, it's called becoming the CEO of your law firm, which requires a change in mindset, and a willingness to take some risks. And, it just might help you regain some semblance of your life.

No More Jack of All Trades

Becoming the CEO of your law firm entails removing yourself from the center of your law practice so you can concentrate on generating income. If you've been in practice for a few years, it is important to recognize just how much time you spend on non-lawyer tasks and how that time could be better spent earning your client's retainer.

Stop being the "jack of all trades" within your law practice, because "jacks" are oblivious to the amount of money they lose every day.

Delegate or Die

One of the first steps to be comingthe CEO of your law firm is to delegate non-lawyer tasks in order to maximize your time generating income through billable work, $networking, developing \, content,\\$ or planning and implementing a marketing strategy.

But with delegating comes risk-theriskofsomeoneelseperforming those coveted non-lawyer $duties\,more\,proficiently than\,you.$

And that's a risk you should be willing to take.

Hire an Assistant

Have you ever thought, "I could be paying someone else to do this," while in the throes of performing some mundane task? To put this in perspective, let's say your hourly rate is \$275. You arrive at your office anticipating a productive day. Instead, you spend an hour on IT problems, an hour answering the phone, and an hour filing $client \, documents \, in \, order \, to \, clear$ your desk of closed cases.

Would you pay someone \$275 an hour to perform those tasks? No, you wouldn't. For every hour you spend on non-billable work, you are not getting paid.

 $Hiring an \, assistant \, to \, perform \,$ those tasks at \$15 an hour would have allowed you to spend three hours on your client's case for which you would have earned \$780 versus, an unearned \$825. Sometimes, spending a little money can actually help you make more money.

If you're thinking that hiring an assistant goes against running a lean, mean, legal machine, consider this: the average time $spent \, on \, bill able \, tasks \, is \, 2.3 \, hours$ a day, according to a 2017 Clio Legal Trends Report, with office

Delegation Tip:

Find an in-person or virtual assistant, full-time or part-time, to relieve you of administrative duties such as:

- Answering the phone, ordering office supplies
- · Filing documents, mailing invoices
- Creating templates
- Scheduling consultations, emailing follow-ups
- · Updating your website, posting to social media

administration siphoning much of a lawver's time.

Bringing on an assistant can decrease your stress level and lead to a more efficient and wellpaid practice.

Outsource to Professionals

One thing that holds many solos back from outsourcing is cost the cost of hiring this person or paying for that service. But a CEO mindset views cost (a negative) as an investment (a positive). You will conclude that law practice is for lawyers while, bookkeeping is for bookkeepers, and HTML coding is for IT professionals.

Are you really sitting at your desk learning basic HTML when you could be drafting interrogatories? I know lawyers who have

Stop thinking that doing everythingyourself is more efficient. It's not. Being the CEO simply means taking control of your practice, rather than allowing your practice to have control over you. With the right mix of people and processes in place, you'll see that running a law firm can bring forth financial stability and enjoyment.

To learn more about virtual as $sistants, visit \underline{www.greatassistant.}$ com or www.freeeup.com. And for bookkeeping services, see www. bench.co or locally-owned www. lawfirmbookkeeper.com and www.support4B.com.

Tatia L. Gordon-Troy, Esq. is a member of the Marvland Bar and a regular contributor to the Bar Bulletin. She develops content and client outreach products for attornevs and law firms and runs her own publishing house, Ramses House Publishing LLC, www. publishingforlawyers.com.



66 Stop being the "jack of all trades" within your law practice, because "jacks" are oblivious to the amount of money they lose every day.



H. Russell Frisby, Jr.

Harvey S. Jacobs

M. Natalie McSherry

Anastasia L. McCusker

H. Russell Frisby, Jr., a Partner at Stinson Leonard Street, has been elected for a three year term to the ABA Board of Governors as a Delegate-at-Large from the ABA Section of Administrative Law and Regulatory Practice.

Harvey S. Jacobs, has announced his candidacy for the Maryland House of Delegates from Legislative District 15.

cipal at Kramon & Graham PA, has been elected chair of the Maryland Legal Services Corporation's board of directors. McSherry is the first woman in MLSC's 36-year history to hold this position.

Elizabeth Ysla Leight of Laurel, Maryland has been inducted as a Fellow to the American College of Employ-

Anastasia L. McCusker has

Rosenberg Martin Greenberg, LLP has elected Jennifer E. Zohorsky as a partner.

Andrew J. Perlmutter and Johnathan P. Llovd have become Principals of Passman & Kaplan, P.C., and Erik D. **Snyder** has become a Senior Associate of the firm.

James R. Benjamin, Jr. has joined Gordon Feinblatt LLC's Litigation, Business Law and EMERGE Teams as a Member.

Royal W. Craig has joined Gordon Feinblatt LLC's Technology & Intellectual Property Team as a Member.

Lauren E. Lake has joined Gordon Feinblatt LLC's Litigation Team as an Associate.

David Maher has joined the labor and employment practice at Kahn, Smith & Collins PA



Jennifer E. Zohorsky



James R. Benjamin, Jr.



Royal W. Craig



Royal W. Craig

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Executive Director's Message

CONTINUED FROM PAGE 2

practice segments which means we must begin to do things differently and also do different things in order to satisfy all.

The leadership of the MSBA recognizes the challenges presented by change. I've often said that change is messy, disruptive. imperfect and yet, necessary. There has not been a single instance where there has been change contemplated that has not been met by some number advocating for us to keep things as they have been. We understand that reaction and work to minimize the level of disruption, whileacknowledging that the foundational steps we're just beginning to take are taken because we needto evolve and be an organization of today and tomorrow.

This is my first column in the monthly Bar Bulletin. I've had my hands full navigating the landscape and situation we find ourselves in. I'm looking forward to sharing my thoughts each month in this, our Journal, and other outlets. I look forward to getting to know many more of you in the months and years to come. I'm honored to serve as your Executive Director.

Victor was recently honored serving as the keynote speaker at Maryland Hispanic Bar Association's (MHBA) 25th anniversary gala. He shared some personal details as he introduced himself to the guests, and focused on two important concepts, Resilience and Connectedness.



An abridged version of these comments can be found at www.msba.org/news







Find more photos of the 2018 Legends of the Boardroom at flickr.com/marylandbar.

Goodell DeVries; Levy, Mann, Caplan & Hermann & Polashuk, LLP; Wright, Constable & Skeen, LLP; McGuireWoods; Fedder and Garten, Professional Association; Nemphos Braue; Legal Technology Solutions, LLC; Safe

Harbor Discovery, LLC; and *The* Daily Record.

The MSBA CLE Department helps lawyers advance their practices and better serve their clients through a wide selection of CLE programs, delivered in a variety of ways, including live programs, online CLE, live webcasts, and MP3 downloads. MSBA also offers over 200 publications in the form of practice manuals, handbooks, program materials, forms on CD, and DVDs. MSBA CLE publications address more than twenty discrete areas of law practice, utilizing a volunteer corps of hundreds of experienced and respected practitioners, judges and professionals who unselfishly contribute their time

and expertise to help Maryland lawyers improve their practice and professionalism. Visit the MSBA CLE Department online at msba.inreachce.com to learn more.

M. Natalie McSherry, prin-

ee Benefits Counsel.

become a partner at Shapiro

Send your latest news and updates

to Lisa Muscara for inclusion in Et Alia:

lisam@msba.org.

From the Boardroom

CONTINUED FROM PAGE 4

Other officers also made reports. In his report, Treasurer, Hon. Mark F. Scurti, highlighted the work done to improve and modernize the financial systems, $with a \, quick \, demonstration \, of the \,$ new software. President-Elect, Dana O. Williams, reported on information obtained by the Executive Committee during the National Conference of Bar Presidents, and the ABA Annual Meeting. He noted that many other state Bars are facing similar challenges to those of the MSBA, including the aging of the legal profession, and the ability to engage with younger members of the legal profession. He noted that, like the MSBA, many Bars are focusing on improving their technology and ability to engage

legal professionals in both a personal and virtual setting.

In addition, three Committee $Chairs\, made\, presentations\, to\, the$ Board. Sidney Butcher, Co-Chair of the Judicial Appointments Committee presented the new and improved Judicial Application Portal, which allows for faster and more secure informa $tion\, sharing\, amongst\, Committee$ members. Chair of the Section Value Task Force, Mike Hudak, explained that the Task Force will work with Sections to facilitate $and\, curate\, substantive\, resources$ and tools for MSBA members. Benjamin Rosenberg, Chair of the Strategic Vision Committee, explained that his Committee will work to review survey data received from over 3,000 Maryland attorneys, as well as member feedback obtained during a series of town halls. The Committee will also review best practices of other similar organizations. Ultimately, based on review of this information, the Committee will recommend strategic priorities and objectives for MSBA for the next several years, in order to address three distinct concerns: the Public Interest, the health of the profession, and the health of MSBA as an organization.

The next BOG meeting is scheduled for Thursday, October 25, 2018 at the Gaylord National Resort & Conference Center.

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Dateline

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Presents their 18th Annual Tax Professionals' Networking Night from 6:30 p.m. - 9:00 p.m. at The Prime Rib at Live! Casino &

15 MSBA's Taxation Section

Hotel, 7000 Arundel Mills Cir, Hanover, MD 21076. Find more information and purchase tickets online at www.msba.org/

15 Join the MSBA's YLS Public Service Committee for the opportunity to say "Thank You" to our servicemen and women through Cards for Heroes. We will meet at MSBA Headquarters, 520 W. Fayette Street, Baltimore, MD 21201 at 6:00 p.m., and write cards to be mailed to those brave men and women overseas. Space is limited, but all are welcome. Please RSVP to Lauren Deutch at <u>Ldeutchesq@gmail.com</u> by November 8, 2018. Light food and beverages will be supplied.



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For questions & more information, please contact: Wanda Claiborne | 410-685-7878 | wanda@msba.org



Access to Justice

CONTINUED FROM PAGE 4

for delivering high quality legal services to well-prepared clients. It means a reduction in scope only, not in quality.

Limited Scope Representation falls within the Access to Justice Continuum that starts with Legal Information and Referral, progresses to Brief Advice and Self-Help Services, then Limited Scope Representation to finally, Full Legal Representation.

Why Practice Limited Scope Representation?

In these changing economic times, more and more mid-dle-class litigants are finding they can't afford to hire a lawyer for traditional full-service representation. Yet, this group of potentially savvy legal consumers can afford to pay for a discrete portion of the case. Presently, this is an unserved or underserved market of consumers that has the ability

to pay, but still does not receive the legal services they need and thus, are part of the masses who try to navigate the civil justice system on their own.

How Does Limited Scope Representation Increase Access to Justice?

In Maryland, we do not meet 80 percent of the demand for civil legal services.

Civil legal aid organizations, who serve low-income consumers, are chronically underfunded and turn away 3 of every 4 people who seek their assistance. Increasing access to justice for these consumers means increasing funding for civil legal aid.

However, the vast majority of litigants fall outside the civil legal aid umbrella and are middle-income litigants who must navigate the legal system on their own or not at all. These litigants

can afford to pay for some legal representation, but not the cost of full legal representation.

Despite the difference in economic class, the harms and downward spiral experienced by navigating laws and the civil justice system on one's own can be dire.

These middle-income consumers have houses, cars, and pensions to protect, property rights to defend, disputes with neighbors and homeowner associations, insurance disputes and consumer and employment claims, marital and child custody issues to be resolved, and a myriad of other legal issues which are important and valuable to them and from which they don't want to walk away. In an appropriate case, Limited Scope Representation can help them protect their property and other rights in an affordable and effective way.

How Can I Learn More About How to Build My Own Limited Scope Practice?

In 2016, the Maryland Access to Justice Commission hosted the first state-wide conference on Limited Scope Representation. We partnered with the MSBA Section on the Delivery of Legal Services and numerous other civil legal aid entities to provide full-day programming on how to build a limited scope practice in Maryland.

For links to additional resources about limited scope practice in Maryland, visit www.msba.org/limited-scope-resources.

Through Limited Scope Representation, private practitioners can meet the need of a paying market of underserved consumers, while increasing access to justice to those Marylanders who need a limited form of legal assistance.

What are the Current Rules Concerning Limited Scope Representation in Maryland?

Effective July 1, 2015, Maryland Courts instituted rule changes that permit limited appearance in court, provided that the lawyer informs the client of the extent and limits of the representation under a retainer agreement. Once the issue or proceeding for which the attorney entered a limited appearance has been completed, the attorney may withdraw by filing a notice, without the need for court action. The attorney is required to forward court notices to the client for their review and/or action until the attorney 's appearance is withdrawn to ensure that the client, who may be responsible for other aspects of the litigation, receives proper notice.

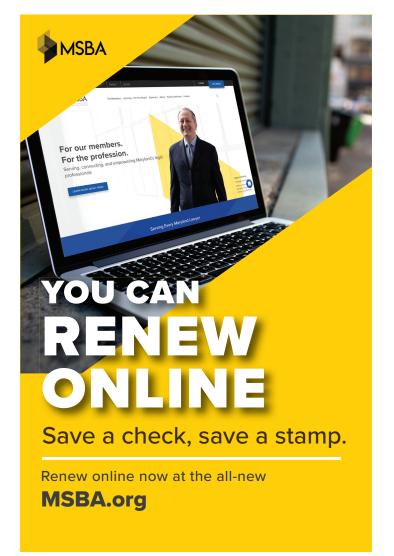
CONTINUUM OF LEGAL SERVICES

THINK CONTINUUM

LEGAL INFORMATION

SELF-HELP
SERVICES
LIMITED SCOPE
REPRESENTATION

FULL LEGAL REPRESENTATION



Hispanic Bar Association CONTINUED FROM PAGE 3

Dean for Professional Education at the University of Maryland Francis King Carey School of Law; MSBA President-Elect Dana Williams; Chief Judge Mary Ellen Barbera, Court of Appeals of Maryland; Chief Judge Patrick Woodward, Court of Special Appeals of Maryland; Maryland District Court Chief Judge John Morrissey; Bar Counsel Lydia Lawless; Maryland Attorney General Brian Frosh; and Montgomery County State's Attorney John McCarthy.

Community-based Practitioners

CONTINUED FROM PAGE 11

fulfilled through a network of solo and small law firms, affirmative litigation challenging business practices that keep people in poverty, in-house programs in economic justice funded through public-private partnerships, and collaboration with other nonprofit organizations.

For example, with a grant from the Maryland Department of Housing and Community Development, Civil Justice partners with solo and small firm practitioners to provide low-fee representation in foreclosure mediations, providing affordable and much-needed legal representation to homeowners who are at risk of losing their homes but are not eligible for free as-

sistance. With its Limited Scope Project, funded by the Judiciary's Access to Justice Department, Civil Justice trains and supports $solo\, and\, small\, firm\, practitioners$ in incorporating limited scope representation into their practices. The Project helps clients who cannot afford full legal representation to hire attorneys for assistance with the discrete legal tasks they are unable to do on their own. Civil Justice and its members also make use of fee-shifting statutes to bring affirmative claims against companies who prey on low and moderate-income consumers, workers, and tenants.

 $\label{thm:condition} The {\it Civil Justice model shows} \\ that lawyers, especially those in$

solo and small law firms, can be a part of the solution in closing the justice gap for working families. For those who are not eligible for free legal help, Civil Justice and its network of solo and small firm lawyers help to provide the representation they need to achieve amore just outcome. Collectively, closing the justice gap can have a lasting, positive impact not only on clients and their families, but $also\, on\, the\, communities\, in\, which$ they live. Community-based solo $and\,small\,firm\,attorneys\,can\,do\,a$ lot of social good, while making a living.

Eden Forsythe is the new Executive Director for Civil Justice, Inc.

Business Contracts

CONTINUED FROM PAGE 10

with their clients what type of dispute resolution provisions best meet their needs - mediation, arbitration or litigation. And, just as parties to business contracts regularly waive their rights to a jury trial, so may an aggrieved party contractually give up his or her day in court.

Kenneth A. Vogel, Esq. practices business law and civil litigation in Maryland and Washington, DC. Ken is also the Maryland and DC state representative for Construction Dispute Resolution Services, an international provider of mediation and arbitration services.

Anxiety

CONTINUED FROM PAGE 14

in as much detail as you can. For example, what does it feel like, what is the temperature, does it make any noise, does it have a smell, etc. Feedback from my clients is that they love this activity because all their attention is on the object, and that is very calming. This is a $mindfulness\,activity\,that\,helps$ you to step back and ground yourself. It gives you a break and clarity to then decide how to move forward.

7. Set realistic goals. I have been working with lawyers long enough to know that they can be very all or nothing. "I have to work out for an hour and a half orIdon't go." "I have to complete the entire project or I won't start it." This kind of thinking can lead to accomplishing a lot of nothing, and cause a lot of anxiety. Think balance and moderation, and break down projects and life changes, like exercise or eating healthy, into manageable pieces.

It can be helpful to have a master list of what you need to do, and another list where you $put \, 3 \, things \, to \, accomplish \, that \,$ day. You may have 150 things to do, but you will accomplish more if you break it down and not try to do too much.

8. Call your Maryland Lawyer Assistance Program. Everyone is different. Come talk with us to help get to the bottomofyourprocrastinating and help you move forward in

a healthy way.

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 Assis $tance\,Counselor, (443)\,703\text{-}3042,$ lisa@msba.org. Toll free (800) 492-1964.

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

I'm looking for tip sheet ideas! If you would like to learn more about a specific wellness topic please email me at lisa@msba. org, and share your topic ideas.

Legal Marketing

CONTINUED FROM PAGE 12

brand, and then marketing effectively and efficiently to build a particular lawyer's or firm's name recognition for that niche and brand. Lawyers obtained and maintained their top of mind position by getting themselves, or at least their names and images, in front of people over and over again until they were able to then build even more personal relationships, and then get hired as people's lawyers.

The Only Difference Now is We Live, Work, and Market in a **Digital World**

Now, in this digital world, to be recognized and sought after as a thought leader requires marketing using both paper and digital media.

And that's where professional marketing consultants see their own opportunity to create in lawyers' minds the need to use professional legal marketing services and obtain and maintain the top of mind position in lawyers' minds to hire them.

Most Solo and Small Firm Lawyers Thought They Could Not Afford Professional Marketing Help Decades Ago And They Still Do Not Think So

Most successful lawyers have always wanted to be recognized as thought leaders. Fifty years ago, practicing marketing on a large scale was as much a profession as practicing law, but most lawyers practiced on a small scale, worked only in their own locales, could not afford to pay marketing "Mad Men" to help them, and managed to market themselves fairly easily using paper and other physical media on a small scale.

Most contemporary lawyers do not know enough about marketing and growing a successful practice in this digital world. This does not mean, however, they cannot learn, in a short amount of time with just an optimal financial investment, all they need to know to build and use these digital tools and a few other doodads, and start marketing themselves in this digital age to complement their more traditional marketing methods.

Why should solo and small firm lawyers build and manage their own digital marketing themselves? Because, as has been $true\, over\, the\, past\, fifty\, years, most$ of solo and small firm lawyers have less money and more time to spend on marketing. Therefore, they need to market in this digital age without spending an exorbitant amount of money on "professional" marketers.

For example, while having a website with heavy search engine optimization is all the rage, DIY-marketing lawyers need not get sucked into long-term SEO and digital marketing contracts full of false promises regarding untraceable results. Rather, they should run for the hills if they are told, "Just sign here and we'll post a great search-engine-optimized website for you that will rank on the first page of Google, and clients will be calling you in droves without your having to do anything else." Why? Because while that may be appealing to some lawyers, it's almost never true.

 $While \, most \, solo \, practitioners \,$ and small firms need some help effectively drawing new clients to their practices, most of them do not need, and more importantly, cannot afford, to pay thousands of dollars to "expert" website developers and Google search engine optimizers. For most solo and small firm attorneys, the client acquisition costs of using "expert" marketers is just too high to make such a marketing plan financially successful.

Nonetheless, because so many resources comprise the integrated traditional and digital legal marketplace, most lawyers need at least a little help figuring out what really works for their unique situation. Still, because most lawyers are very smart people, many of them can learn how to do much of this themselves, including marketing, and don't need full-time or even full-service $professional\,help.\,For\,those\,who$ think they need a little assistance, with the right DIY mentality and alittle bit of additional education, training, and experience, most of them can take a little bit of help and go a long way all by their lonesome.

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Nutrition Labels

CONTINUED FROM PAGE 14

Fiber is a type of carbohydrate that takes a long time to digest and, thus, leaves you feeling full longer. Whole fruits, vegetables, and grains all contain fiber. If you subtract he grams of fiber from total carbohydrates, you will be left with total grams of carbohydrates per serving.

Simple carbohydrates, or sugars, occur naturally in foods such as fruit (fructose) and milk, (lactose) or come from refined sources such as table sugar (sucrose) or corn syrup. The American Heart Association (AHA) recommends limiting your daily sugar intake to 9 teaspoons for men, and 6

teaspoons for women. Added sugars were added to the Nutrition Facts label in 2018. The 2015-2020 Dietary Guidelines for Americans recommends consuming no more than 10 percent of daily calories from added sugars.

Check the Ingredient List

Foods with more than one ingre-

 $dient \, must \, have \, an \, ingredient \, list$ on the label. Ingredients are listed in descending order by weight.

Now that you understand how to read a nutrition label. you can make healthier and more informed decisions about the food products you are buying. For additional resources from the FDA, head to www.fda.gov. Haley Shaw owns Amp Up Fitness and works with MSBA to provide health and fitness content to members. You can contact Halev at Haley@AmpUpFitness.com or check out her website for offerings at www. AmpUpFitness.com.



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