



MSBA

BARBULLETIN

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2018 Solo Summit Tackles Wage Law, Marketing, Ethics and More



BY PATRICK TANDY

From e-discovery to employee wage issues, the 2018 Solo Summit offered more than 100 attendees vital knowledge for sole practitioners at every stage of practice on November 9 at Maryland Live! Casino & Hotel in Hanover, Maryland.

The daylong conference touched on marketing, courtroom and practice technology, and accounting best practices, among other topics.

Tatia Gordon-Troy, of Ramses House Publishing, LLC, presented two programs - "Getting Published: Writing to Position Yourself as an Expert" and "Nuts & Bolts of Social Media Marketing". Business development, she said, is especially critical for solo and small firm practitioners. "It's very important for them to figure out what exactly will work for them."

Publishing, noted Gordon-Troy, spotlights an attorney's knowledge and experience, and can help "catapult their business to a new level."

Presenter Melanie Glickson drew upon her 17-year career as an employment law sole practitioner to underscore the importance of proper payment and employee classification.

"There are a lot of traps for the unwary when it comes to independent contractor misclassification of exempt versus non-exempt workers," said Glickson.

Other Summit highlights included Bar Counsel Lydia Lawless's presentation on ethical considerations when marketing one's practice; Dave Pantzer (Pro Bono Resource Center of Maryland) and Siobhan Madison's (Civil Justice, Inc.) deep dive into expanding one's practice through limited scope representation; and Howard Metro's exploration of the "Rules, Ethics and Common Courtesy" that underlie career transitions.

The Summit also included a meeting of the MSBA Solo & Small Firm Practice Section, which hosted the event, as well as a post-Summit networking happy hour at Centerstage in Live! Casino. ●



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NOMINATIONS SOUGHT FOR ABA DELEGATES

PURSUANT TO THE PROVISIONS OF SECTION 6.4 of the Constitution of the American Bar Association, the Maryland State Bar Association is entitled to be represented by a total of seven delegates in the ABA House of Delegates. The terms of four MSBA delegates will expire at the conclusion of the ABA Annual Meeting on **August 13, 2019**. Of those four positions, one must be filled by a Young Lawyer Delegate, two are open to any member of the MSBA, and as a long-continued practice, one of these positions will be filled by MSBA's President-Elect.

The MSBA Board of Governors will elect the three delegates at its meeting to be held **May 10, 2019**. Each delegate will be elected to a two-year term.

The ABA House of Delegates has the ultimate responsibility for establishing the association's policies for administration of the association and its positions on professional and public issues. The House elects the ABA officers and board of governors. MSBA delegates to the ABA House of Delegates are expected to attend each House meeting and participate in its proceedings. The House of Delegates meets twice each year at the ABA Annual Meeting in July/August and at the ABA Mid-Year Meeting, typically held in February.

Any member of the MSBA who wishes to be considered for one of the three vacancies should submit his or her name and a brief autobiography and statement of interest to: Victor L. Velazquez, Executive Director, Maryland State Bar Association, 520 West Fayette Street, Baltimore, Maryland 21201, by March 22, 2019. Anyone who expresses an interest in these positions by submitting materials in accordance with these guidelines will be deemed nominated as a candidate.

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Patricia M. Weaver
Montgomery County
(301) 951-9360

January

J. Bradford McCullough
Montgomery County
(301) 657-0734

Hon. Joan Bossmann-Gordon
Baltimore City
(410) 878-8014

Robert F. Miller
Baltimore County
(410) 823-1800

Joshua G. Berman
Washington, D.C.
(202) 482-4772

Members should address their written ethics inquiries to Patricia Weaver, 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.



PRESIDENT'S MESSAGE



DECEMBER 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.

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.

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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

JANUARY

8 Tax Section members are invited to attend this bi-monthly meeting of the *Employee Benefits Study Group*. The Study Group generally meets at noon on the second Tuesday of January, March, May, September, and November. Each meeting is a roundtable discussion of timely employee benefits topics, and lunch is served. Meeting announcements and topics are e-mailed shortly before each meeting. If you would like to be added to the e-mail list, contact katrina.kamantauskas@holderlaw.com.

10 You are invited to honor Chief Judge Patrick L. Woodward Court of Special Appeals of Maryland, in celebration of his retirement. Starting at 5:30 p.m. at the Hilton Hotel, 1750 Rockville Pike, Rockville, MD 20852. Tickets are \$75 per person, and inquiries may be directed to levora.cherry@gmail.com.

17 Join the **MSBA Taxation Law Section** for their *Tax Controversy Study Group Meeting* from 9:00 a.m. - 10:15 a.m. at Rosenberg Martin Greenberg, LLP, 25 South Charles Street, Baltimore, MD 2120. Speaker Joseph Teti, IRS Appeals Officer will be discussing IRS Collection Appeals. To attend, please send a \$45 check made payable to Rosenberg Martin Greenberg, LLP to Rosenberg Martin Greenberg, LLP to the attention of Giovanni Alberotanza.

26 The **Maryland State Bar Association's Young Lawyers Section** and **Public Awareness Committee** WANT YOU to plunge for a great cause! Join them at Sandy Point State Park from 11:00 a.m. - 2:00 p.m. to for the *Polar Bear Plunge* and help raise funds to support the 7,782 athletes of Special Olympics Maryland. For more information, contact Amy Rappole at arappole@gmail.com.

Government Practice News



ABA Offers "Transitioning to Civilian Life" Resources

The decision to leave the service for civilian practice is significant. To complicate matters, that initial decision requires you to make many more decisions. What type of work do you want to do? Where? What are your goals in life and in your career? Once you answer those questions, the real work of finding a job begins. The Transitioning to Civilian Life: A Roadmap for Military Lawyers program offers practical advice for attorneys making this change.

Here you'll find résumé, cover letter, interviewing and networking tips from military lawyers who have successfully made the transition to civilian lawyer. You can even find tips for what to consider when looking at a compensation package.

Check www.americanbar.org/groups/government_public/resources/military_lawyers_conference/transitioning_to_civilian_life for additional details and resources. ●

From the Boardroom



BY ANNA SHOLL

The Board of Governors met on October 25, 2018 in conjunction with the 59th Annual Conference of Bar Presidents. MSBA President, Judge Keith R. Truffer opened the meeting by discussing the importance of the Conference of Bar Presidents, including its ability to join diverse groups of attorneys from across the state.

As part of his report, Judge Truffer gave the Board of Governors their first glimpse at an upcoming charity event. The event, which will take place in May 2019, will be the performance of a play written by Paul Mark Sandler, about the fictitious trial of Al Capone, allowing prestigious attorneys from across Maryland to add acting to their resumes. Proceeds from the play will benefit the Maryland Access to Justice Commission, which became part of the MSBA earlier this year. In addition, Judge Truffer welcomed two new Board of Governors at the meeting. James Brewer filled the vacancy in the 11th Circuit, and the Hon. Elizabeth Morris filled a vacancy in the 7th Circuit created when Debbie Potter was elevated to MSBA Secretary.

The primary business objective covered during the October 2018 meeting involved discussion of the revised Email Discussion List rules. Members of the Board of Governors received copies of all the comments obtained during the open comment period, and engaged in extensive discussion regarding revising the rules in light of these comments. The Board of Governors ultimately voted to give authority to the Executive Committee to adopt the final rules after the revisions discussed during the meeting were completed.

The Board of Governors also met shortly before Thanksgiving, on November 20, 2018. This meeting of the Board included some very distinguished guests, including Attorney General Brian Frosh, University of Maryland Francis King Carey School of Law's Dean, Donald Tobin, University of Baltimore School of Law's Dean, Ronald Weich, and Chair of the Maryland Access to Justice Commission, Ward

Coe, III. These distinguished guests provided the Board of Governors an overview of the Access to Justice Commission, as well as perspectives on why the Commission is important, and how joining with the MSBA will further its mission. In addition, Reena Shah, Executive Director of the Commission provided a presentation on the Commission's current work.

The meeting also had other exciting moments, including a demonstration of the new technology being designed to replace the existing Email Discussion List system. The new software, titled *MSBA Connect*, will have new features, including the ability to share documents and other attachments. Rollout of the new technology will be gradual, initially to a few test sections, before full rollout in mid-2019. Stay tuned for more details on this exciting development.

In addition, MSBA President, Judge Truffer, welcomed new Board of Governors members, Carl Schlaich, who filled the final vacancy on the Board, representing the 9th Circuit, Harford and Cecil Counties. ABA Delegate, Hon. Pamela J. Brown, also provided an update on events at the ABA, and noted that MSBA member Kevin Shepherd is running for Treasurer of the ABA. The November meeting adjourned to a meet & greet between MSBA Leadership, Board of Governors and the Maryland Access to Justice Commissioners.

The next Board of Governors meeting is scheduled for Tuesday, December 18, 2018 at the State House in Annapolis. For more information on the Board of Governors, including minutes from prior meetings and/or agendas for upcoming meetings, please visit the Leadership page under the "About" tab of the MSBA website. ●



MSBA Honors Bernadette Simmons' Thirty Years of Service

Please join us in congratulating Bernadette Simmons for her thirty years of service at the MSBA. Bernadette (aka "Bern" to other MSBA staff) is our most senior Member Services Specialist, and spends her days interacting with our members, answering their

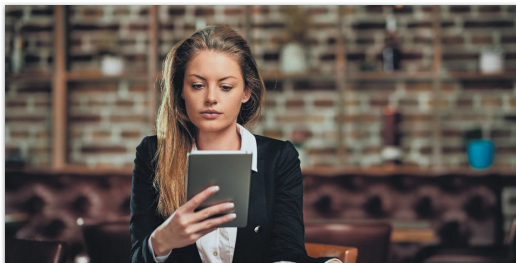
questions about membership, helping members sign up for events, and handling other member questions and concerns. Bern comes to work everyday with a smile on her face and a positive attitude, and is a valued member of the MSBA team.

Outside of the MSBA, Bern is a proud mother and a loving grandmother. Feel free to send Bern an email congratulating her for her dedicated service at bernadette@msba.org. ●

LinkedIn News Stories

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Join them and receive these useful articles and more in real time at msba.org/linkedin.



The 6 Email Newsletters That Will Help You Build Leadership Skills

Forbes contributor John Hall recommends these thought-provoking e-newsletters for “genuinely interesting ideas and advice that can actually boost your business.”



Compliance Tech Company Brings Together Law Students and AI

The tool’s concept involves taking “a general counsel in one bank from a siloed approach to compliance, based on one set of decisions, to an expert, crowdsourced approach,” co-founder and CEO Kayvan Alikhani said in a recent interview with Corporate Counsel.



Report: Litigation Down But Regulatory Proceedings on the Rise

A recent report shows that companies are facing less litigation, but more regulatory proceedings.



The Truth about the Billable Hour

In order to be profitable to your firm, you must make enough money from your billable hours not only to cover your salary and your overhead, but also to generate revenue for the firm.



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Don't Be Fooled by Fraudulent IP Services Solicitations

BY DAVID S. TAYLOR

Over the past several years, our firm has received numerous phone calls and emails from clients inquiring about letters, emails and other communications soliciting services relating to their intellectual property (“IP”), especially their U.S. and foreign patents, patent applications, trademark registrations, and trademark applications. The communications typically claim that a fee, usually quite high, is due. The communications sometimes come from what appears to be a governmental agency, such as the U.S. Patent & Trademark Office (“USPTO”). Often, the communications identify an upcoming deadline and include a dire warning that should the services not be performed or fees paid, the referenced IP will expire or go abandoned. Others

offer worthless services that are characterized as essential.

While not all of these solicitations are illegitimate, most of the time (almost always) we inform clients that the invoices that accompany them are scams, and instruct the clients to deposit them in the nearest wastebasket or shredder.

It should not be surprising that scammers have infiltrated the IP domain, given that they have permeated just about every aspect of all of our lives (and have become much more sophisticated than Nigerian princes wanting to transfer millions to our bank accounts). The scams are not always easy to detect, especially considering that maintenance of U.S. and foreign patents and trademark registrations often involves legitimate ongoing obli-

“Even illegitimate solicitations often include accurate identifying information.”

gations to file documents (such as trademark renewal applications and affidavits) and pay accompanying fees (e.g., renewal and maintenance) with the USPTO or an equivalent foreign agency. Indeed, even illegitimate solicitations often include accurate identifying information (such as patent numbers, registration numbers, issuance or registration dates, etc.) that the scammers obtained from online records of the USPTO, the World Intellectual Property Organization (WIPO), and foreign government agencies. The professional appearance of such solicitations, which sometimes include a seal

or are purported to be on behalf of what appears to be the USPTO or foreign agency, makes them appear legitimate. Fear over one’s IP unintentionally expiring or becoming abandoned should a payment not be received by a certain date can worry even the most skeptical clients.

Do IP owners fall for these scams? A December 2016 press release from the U.S. Department of Justice reported two men pleading guilty to a mass-mailing scam that targeted owners of U.S. trademark registrations and applications. The men admitted to stealing approximately \$1.66 million from U.S. trademark reg-

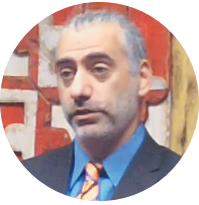
istrants and applicants through companies called Trademark Compliance Center (TCC) and Trademark Compliance Office (TCO). In August 2017, the “mastermind” of the scam (referred to as “a Porsche-driving trademark fraudster” by one online publication) was sentenced to 96 months in prison and was ordered to pay over \$1.5 million in restitution.

The USPTO website includes advice for helping IP owners identify scams (which the USPTO perhaps more diplomatically refers to as “misleading notices”) and distinguish them from authentic USPTO correspondence.

CONTINUED ON PAGE 19

PRO BONO PROFILE

PBRC PARTNER PROFILE:



A Conversation with Cory Zajdel Pro Bono Attorney

Which of PBRC's projects do you volunteer with?

I volunteer with the Consumer Protection Clinic in Baltimore City. The project helps people who are being sued by debt collectors for amounts of money between \$500 and \$15,000. We meet with people who can't afford an attorney, and give them advice about their case.

How does the project make it easy?

PBRC provides web-based training, as well as malpractice insurance. The project runs two days a week in Baltimore City, and you volunteer only when you are available. Also, as you start volunteering, you can sit down with a more experienced attorney for your first couple of times.

Do you have a favorite client story?

One of my clients from the clinic was being sued by a used car dealer who was representing himself. The dealer had provided fraudulent paperwork to the court, and was suing on a loan that was fully paid. After I talked with my client, did some digging with the MVA, and found the real documents, we went into court.

In the middle of the dealer's testimony, the judge saw that the dealer was lying and advised him, then and there, of his right to plead the fifth. At that point the dealer stopped the discussion, and the judgment was in favor of my client.

What do you like most about volunteering?

If I can help a client save even a couple of dollars, or negotiate a better settlement, or get them out of a debt completely, I love to do it. They're the most thankful clients that I've ever had.

Can you share something that most of your colleagues may not know about you?

I was a stand-up comedian before I was an attorney, and also during my first year or two in practice. I wrote and performed comedy up and down the East Coast from New York to Florida.

What message would you give to attorneys thinking about volunteering?

It's a huge honor to be a member of the bar, and we shouldn't take that responsibility lightly.

Every year we're required to submit the number of pro bono hours we gave. I think at the end of the year when people go to fill out that form, they look back and think, "Oh, I should have made more time."

So I say this year, make more time. Then next year, as you're filling out that form, you'll remember the names of the people that you helped. Someone will get a car loan because of you. Someone will get approved for a mortgage, or receive a security clearance from the federal government because a debt is absolved and a case isn't filed against them. You're changing people's lives when you volunteer at the Consumer Protection Clinic!

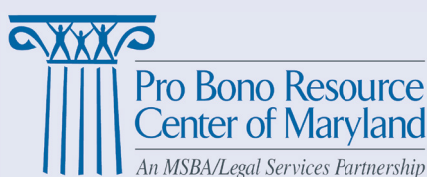


To see video footage from this interview, visit www.probonomd.org/consumerprotection.

PBRC's featured New Year's resolution!

Volunteering with the Consumer Protection Project

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2019 MSBA Legislative Preview

BY RICHARD A. MONTGOMERY III

Election 2018 - Massive Transition

With all 188 General Assembly seats on the ballot every 4 years, there are always going to be a few surprises here and there. And as is generally the case, there were several surprises in the Primaries, but relatively few in the General Election. At every election, there is always a certain degree of turnover in representation. But add to that reality an inordinate number of retirements, and incumbents seeking higher office, and the 2018 election cycle had a much higher degree of turnover than most would have anticipated two years ago. The result is that the legislative halls and committee hearing rooms of Annapolis will have a drastically different look and feel come January 9, 2019. For that reason, in this edition of the Legislative Preview, I will focus more than usual on new players in Annapolis, and their likely impact upon the legislative process in 2019.

From the President

December 15, 2018



Dear Members,

On the 9th of January, less than a month from now, the Maryland General Assembly will convene for its 439th annual session. This year, there will be an unusually large number

of changes in the composition of the Legislature due to numerous retirements and electoral upsets in the 2018 elections. It is sure to be a time of great activity as new and returning members adjust to the many changes, and work toward solving the pressing policy matters that have awaited them since the General Assembly adjourned in April.

As ever, MSBA Committee on Laws and the MSBA Legislative Office will monitor this coming year's legislation and, when appropriate, will make action recommendations to the MSBA Board of Governors (which is to say, to take a position which supports, supports with amendments, opposes, or monitors particular bills). The MSBA will keep you apprised of those actions on a regular basis.

The MSBA Legislative Office anticipates that several key issues of potential interest to the MSBA will come up during the 2019 session. These bills will likely inspire legislation introduced before the standing committees of the General Assembly, which may affect the practice of law or the administration of justice. Those issues include:

- **Juvenile Justice Reform**
- **Sexual Assault**
- **Body Attachments**
- **Contested Judicial Elections**
- **3D Printed Guns**
- **Marriage - Permissible Age**
- **Divorce - Mutual Consent**
- **Parole Reform**
- **Redistricting**

Should you have any questions concerning general legislative issues, or the MSBA's position on specific bills, please contact our Legislative Director, Richard Montgomery richard@msba.org, or our Legislative Assistant, Parker Wimberly parker@msba.org at (410) 269-6464.

Sincerely,

Keith R. Truffer

President

Governor

This may have been the quietest Maryland gubernatorial contest of my adult life. By final tally, Governor Hogan was re-elected by a margin of 12 points. Frankly, the race didn't feel even that close. This race for governor felt as though it was over before it began. As much as I hate political advertising, I read it, watch it, and listen to it very closely. To unseat a remarkably popular incumbent governor, a lot of breaks have to fall your way. But there's an adage in sports that sometimes you have to make your own breaks. Ben Jealous failed to do that.

As I mentioned in this space last year, as election season was truly just getting underway, Governor Hogan had an approval rating in the mid-to-high 60 percent range, placing him behind only Gov. Charlie Baker (R-Massachusetts) in the ranking of most popular governors in the US. (Interestingly, both are Republicans in overwhelmingly Democratic states.) Additionally, Gov. Hogan has managed one other feat, that could be considered 'dancing on the head of a pin,' in that he is a Republican who has occasionally criticized President Donald Trump publicly without becoming a presidential twitter target.

Other factors in the demise of Mr. Jealous' hope of winning the Governor's Mansion were that he was never able to make a case that the current governor has failed in his first term, or how he would address the many problems facing Maryland in a more effective way than the current governor. These problems were exacerbated by the fact that neither Mr. Jealous, nor his running mate for lieutenant governor, Susan Trumbull (of Montgomery County), had any prior government executive or legislative experience between them. Thus, neither could point to any track record of problem-solving in the public sector.

Even with unusually high turnout for this gubernatorial election in this heavily Democratic state, the fact is that much of the turnout was driven not by interest in the race for Governor, but the most eagerly anticipated midterm Congressional election in perhaps a generation. The electorate's overall satisfaction with the performance of Governor Hogan likely could not have been overcome by any challenger in 2018.

County Executives

One surprising outcome of the 2018 Maryland general election was that the remarkable popularity of Governor Hogan did not sustain Republican candidates in major county executive races across the State. Although I do not believe that the lack of GOP success at the county executive level would be attributable to any dissatisfaction with the GOP at the national level.

In Howard County, popular incumbent Allan

Kittleman was defeated by Calvin Ball III, the two-term Chair of the Howard County Council. Ball, long regarded as a rising star in Democratic Party circles, defeated Kittleman by a 53-47 margin. In Baltimore County, after an intense primary election battle with State Senator Jim Brochin, and two-term County Councilwoman Vicki Almond, former Delegate John Olszewski ("Johnny O") defeated Republican Al Redmer, Jr., the current Insurance Commissioner, by a margin of 58-42. In Anne Arundel County, Democratic challenger Steuart Pittman upset incumbent Steve Schuh by a 52-48 margin.

Attorney General

In terms of recent history, all of the "action" in the race for the office of Attorney General tends to occur in the primary election. However, the 2018 primary election for the office was not nearly as suspenseful as the 2014 primary, where then-State Senator Brian Frosh narrowly defeated then-Delegate Jon Cardin and went on to win the general election.

This time around, Attorney General Frosh ran unopposed in the primary, and faced off against Republican challenger, Craig Wolf, a former prosecutor, and wholesale wine and spirits executive. Much of the discussion in the debate between the two candidates seemed to focus upon the participation by Mr. Frosh's office in a number of lawsuits against the federal government, more specifically against certain actions by the Trump administration. Mr. Wolf argued that Maryland participation in these lawsuits was unnecessary, because other states had joined the federal court actions. However, AG Frosh countered that the decision to act in concert with other states was based on the need to protect the interest of Marylanders.

More widely known are participation by the Attorney General in multistate court actions relating to preservation of provisions of the Affordable Care Act (ACA), and allegations that President Trump has violated the Emoluments Clause of the US Constitution, by not divesting of his business interests that are profiting from continued business with foreign governments.

In another recent federal lawsuit, the State prevailed in a case where a panel of judges determined that the US Environmental Protection Agency (EPA) had failed to require the disclosure of dangerous chemical storage to first responders and communities near the storage sites in question.

However, a lesser-known action involves the Attorney General's involvement on behalf of the citizens to block a Trump administration settlement in an action involving the international distribution of downloadable schematics for the manufacture

Key Dates

General Assembly of Maryland
2019 Session – 439th Session

JAN.

- 9** **GENERAL ASSEMBLY CONVENES** *Swearing in of Members*
- 16** Inauguration of the Governor and the Lieutenant Governor
- 18** *10th Day* – Final date for the Governor to introduce budget bill
- 18** *10th Day* – Final Date for the Governor to introduce capital budget bill
- 18** *10th Day* – Final date for submission of Executive Orders reorganizing the Executive Branch of State Government; either Chamber may disapprove by resolution within 50 days
- 21** *13th Day* – Administration bills introduced in the Senate after this date referred to Senate Rules Committee
- 22** *14th Day* – **SENATE AND HOUSE BILL REQUEST GUARANTEE DATE**
- 30** Governor delivers the State of the State Address
- TBA** Election of the State Treasurer

FEB.

- 4** *27th Day* – **SENATE BILL INTRODUCTION DATE**
Senate bills introduced after this date referred to the Senate Rules Committee
- 7** Day before House Bill Introduction Date; “Hopper” will close at 5:00 P.M.
- 8** *31st Day* – **HOUSE BILL INTRODUCTION DATE**
House bills introduced after this date referred to the House Rules and Executive Nominations Committee
- 17** *40th Day* – “Green Bag” appointments submitted by Governor (Delivered on Friday, February 15)

MAR.

- 4** *55th Day* – Final date for introduction of bills without suspension of Rules
- 12** *63rd Day* – Committee Reporting Courtesy Date
Each Chamber’s committees to report their own bills by this date
- 18** *69th Day* – Opposite Chamber Bill Crossover Date
Each Chamber to send to other Chamber those bills it intends to pass favorably
Opposite Chamber bills received after this date subject to referral to Rules Committees (Senate Rule 32(c), House Courtesy Date)

APR.

- 1** *83rd Day* – Budget bill to be passed by both Chambers
- 8** *90th Day* – **ADJOURNMENT “SINE DIE”**

MAY

- 8** Final date for an extended session

and distribution of untraceable 3D-printed guns. The suit further alleges that the settlement violates the 10th Amendment to the Constitution by abridging a state’s right to regulate firearms. The attorneys general of Massachusetts, Connecticut, New Jersey, Pennsylvania, Oregon, New York, Washington, and the District of Columbia joined the suit.

(In the 2019 Session of the General Assembly, 3D-printed guns will be a hot topic.)

General Assembly

Senate

It will be a very long time before the Senate of Maryland looks as different to begin a new term as it will come January. With the stunning primary election defeat of two standing committee chairs, Thomas “Mac” Middleton (D-Charles Co. - Finance), and

Joan Carter Conway (D-Baltimore City - Education, Health & Environmental Affairs), and the retirement of Budget & Taxation chairman, Senator Ed Kasemeyer, Senate President Thomas V. Mike Miller has had to replace 75 percent of his key leadership team.

Senate Judicial Proceedings Committee

While many of the legislative-active Sections of the MSBA follow bills that may be assigned to virtually any of the 10 Standing Committees of the General Assembly, the bulk of the bills acted upon by the MSBA Board of Governors tend to be assigned to two Committees – the Senate Judicial Proceedings Committee (JPR) and the House Judiciary Committee (JUD). The JPR will have five new members this year, although only one of those new members is new to the General

Assembly – Senator-elect Katie Fry Hester, of District 9 in Howard County. One distinct ratio change is the proportion of Democrats/Republicans, and that of lawyers/non-lawyers. Last session both those ratios were 6/5, while in 2019, those numbers will become 7/4. That may not seem like a colossal difference, except for the reality that in JPR, a fair number of key bills previously passed or failed in the Committee by a vote of 6-5.

Senator Robert A. (Bobby) Zirkin (D-Baltimore Co.) returns as Chair of JPR, with Senator Will Smith (D-Montgomery) being elevated to serve as Vice-chair of the Committee (last year’s Vice-chair, Senator Delores Kelley has been appointed as Chair of the Senate Finance Committee). Of the new lawyer-legislator members on the

CONTINUED ON PAGE 10



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CONTINUED FROM PAGE 9

Committee, Senator Jill Carter (D-Baltimore City) previously served for four terms, all as a member of the House Judiciary Committee. Senator-elect Jeff Waldstreicher (D-Montgomery) served two terms on the House Judiciary Committee, before moving over to the Economic Matters Committee. Senator-elect Chris West (R-Baltimore Co), a former member of the MSBA Board of Governors, served on the House Health & Government Operations Committee.

So, while at first blush it might seem as though JPR might be slowed a bit from nearly half the Committee being “new,” I would expect that the Committee will congeal quickly under the leadership of Chairman Zirkin and Vice-chair Smith.

Senate Judicial Proceedings Committee (JPR) Roster

- Senator Robert A. Zirkin (D-Baltimore County), Chair
- Senator William C. Smith Jr. (D-Montgomery), Vice-Chair
- Senator Jill P. Carter (D-Baltimore City) *
- Senator Robert G. Cassilly (R-Harford)
- Senator-elect Katie Fry Hester (D-Howard) *
- Senator Michael J. Hough (R-Frederick)
- Senator Susan C. Lee (D-Montgomery)
- Senator Justin D. Ready (R-Carroll)
- Senator-elect Jeff Waldstreicher (D-Montgomery) *
- Senator-elect Mary L. Washington (D-Baltimore City) *
- Senator-elect Christopher West (R-Baltimore County) *

* denotes new member of JPR

House of Delegates

As of this writing it is difficult to assess the overall outlook for the Maryland House of Delegates, given that Standing Committee assignments of the 141-member body have not been completed. But as was the case with the Senate, primary election upsets and retirements (proportionately fewer than in the Senate) have led to uncommonly high turnover again in the House.

House Judiciary Committee

Perhaps the most notable difference in Annapolis in 2019 – at least in legal circles, will be

the absence of Delegate Joseph F. Vallario, Jr. as House Judiciary Committee Chairman. Delegate Vallario was first elected to the House of Delegates in 1974, and has served continuously in that Chamber ever since. He was appointed Chairman of the House Judiciary Committee going into the 1993 Session, by then-Speaker Clayton Mitchell. Delegate Vallario was defeated in the 2018 primary election by Ron Watson, a business management and IT consultant in Prince George’s County.

On a personal level, I remember the emergence of Chairman Vallario’s style in 1993 quite

Vallario’s tenure as Chairman were first, his unofficial phasing out of the Judiciary Committee’s Subcommittee system. While on paper those Subcommittees: Civil Law, Criminal Law, Family Law, and Juvenile Law nominally existed, the Chairman tended to rely upon a trusted group of advisers on the Committee that came to be known as the “back room.” Although not as nefarious as it might sound, it gave the Committee an informal structure, to which many advocates had difficulty adjusting. The second most notable feature of his time as Chairman was “The Drawer” where bills go to die. The

Judiciary Committee. Del. Clippinger serves as a prosecutor in Baltimore City. One of Delegate Clippinger’s very first pronouncements was that, as Chairman, he would restore a Subcommittee system to the House Judiciary Committee. Also, having served previously on the Judiciary Committee, where a fair number of members felt their votes didn’t really matter under Chairman Vallario’s system, I believe that Del. Clippinger will find an approach that will perhaps foster greater Committee morale.

Subcommittees

In the late ‘80s and early ‘90s,

stakeholder confidence in the Committee process.

Lawyers in the Legislature

When the 2018 Session of the General Assembly convened, there was a total of 39 lawyers among the body, nine in the Senate of Maryland and 30 in the House of Delegates. When the 2019 Session commences there will be an overall **increase of four in the number of attorneys**. There will remain nine lawyers in the Senate, but there will be 34 in the House.

Here is some very basic information about the new lawyers joining the General Assembly in 2019:

Lawyers Who Previously Served in the General Assembly

- **Senator Jill Carter:** served four terms in the House of Delegates, through 2014, all on the House Judiciary Committee; served as Chair of the Judiciary Committee Subcommittee on Juvenile Law; left the legislature to serve in the administration of Mayor Catherine Pugh of Baltimore City, as Director of the Office of Civil Rights and Wage Enforcement.
- **Delegate Jon Cardin:** served in the House of Delegates from 2003 through 2010, including his service as Chairman of the Ways & Means Election Law Subcommittee.

Lawyers Newly Elected to the General Assembly

House of Delegates

- **Dalya Attar, Baltimore City:** Assistant State’s Attorney, Baltimore City; previously in private practice
- **J. Sandy Bartlett, Anne Arundel County:** intellectual property attorney, and professor
- **Dan Cox, Frederick County:** private practitioner and agricultural advocate in Frederick County
- **Brian Crosby, St. Mary’s County:** Sr. Consultant Booz Allen Hamilton; MD National Guard, Infantry
- **Charlotte Crutchfield, Montgomery County:** former Assistant State’s Attorney; employment law practitioner

Lawyers in the 2018 Maryland General Assembly

Senate of Maryland (9).

Senate President Thomas V. Mike Miller, Jr. (D), Calvert & Prince George’s Counties; Robert Zirkin (D), Baltimore County; Brian Feldman (D), Montgomery County; Susan Lee (D), Montgomery County; Jeff Waldstreicher (D), Montgomery County; Will Smith (D), Montgomery County; Bob Cassilly (R), Cecil & Harford Counties; Chris West (R), Baltimore County; William Ferguson IV (D), Baltimore City,

House of Delegates (34).

Dan Cox (R), Carroll & Frederick Counties; Haven Shoemaker (R), Baltimore & Carroll Counties; Dana Stein (D), Baltimore County; Jon Cardin (D), Baltimore County; Vanessa Atterbeary (D), Howard County; Jen Terrasa (D), Howard County; Kathleen Dumais (D), Montgomery County; Sara Love (D), Montgomery County; Marc Korman (D), Montgomery County; Emily Shetty (D), Montgomery County; Charlotte Crutchfield (D), Montgomery County; Vaughn Stewart (D), Montgomery County; David Moon (D), Montgomery County; Joseline Pena-Melnyk (D), Anne Arundel & Prince George’s Counties; Geraldine Valentino-Smith (D), Prince George’s County; Erik Barron (D), Prince George’s County; C.T. Wilson (D), Charles County; Debra Davis (D), Charles County; Brian Crosby (D), St. Mary’s County; J. Sandy Bartlett (D), Anne Arundel County; Susan McComas (R), Cecil County; Johnny Mautz (R), Caroline, Dorchester, Talbot & Wicomico Counties; Kirill Reznik (D), Montgomery County; Samuel Rosenberg (D), Baltimore City; Dalya Attar (D), Baltimore City; Stephen Lafferty (D), Baltimore County; Curt Anderson (D), Baltimore City; Keith Haynes (D), Baltimore City; Charles Sydnor III (D), Baltimore City; Stephanie Smith (D), Baltimore City; Luke Clippinger (D), Baltimore City; Brooke Elizabeth Lierman (D), Baltimore City; Wanika Fisher (D), Prince George’s County

vividly. Joe’s first year as Chairman was my first year in the Legislative Office of Governor William Donald Schaefer, and all of the bills for which I was responsible were going to have to pass through the House Judiciary Committee. Some days went better than others, but by Sine Die the Chairman was no longer speaking to me. By the time the next Session rolled around, all was good again between us, and we had a productive, respectful relationship for the remainder of his long tenure.

Perhaps two of the most notable characteristics of Chairman

Maryland General Assembly has a very strong Chairman/Chairwoman system, under which the Presiding Officers give great deference to their Committee Chairs by allowing them to kill bills by keeping certain bills not to their liking, “in the drawer.” Joe had perhaps the deepest drawer of any Chairman in a generation in Annapolis.

Enter Chairman Luke Clippinger

After the defeat of Chairman Vallario in the primary, House Speaker selected Delegate Luke Clippinger (D-Baltimore City) as Chairman-designee of the

the Subcommittees of House Judiciary met after the morning floor sessions, but before Committee bill hearings. Often, the Subcommittees would invite stakeholders to the Subcommittee work sessions after the bill had received its public hearing. Occasionally, those work sessions resolved disagreements among stakeholders and led to compromise that might save a bill that might otherwise have died. Even if the new Subcommittee system is not quite as open as the old system, subcommittees, generally, provide an added layer of transparency that should enhance public and

- **Debra Davis, Charles County:** Charles County Commissioner; private practitioner
- **Wanika Fisher, Prince George's County:** prosecutor, and former legislative staffer
- **Sara Love, Montgomery County:** former Chair of the Board of ACLU-Maryland and Law Enforcement Action Partnership (LEAP)
- **Emily Shetty, Montgomery County:** former Senior Director of Federal Legislative Affairs for the Leukemia & Lymphoma Society
- **Stephanie Smith, Baltimore City:** Assistant Director, Baltimore Department of Planning
- **Vaughn Stewart, Montgomery County:** served on Montgomery County Community Development Advisory Committee
- **Jen Terrasa, Howard County:** 12-year member of the Howard County Council; Howard County Planning Board; mediator

In 2019, the General Assembly will attempt to reform Maryland's juvenile justice systems and structures in a manner consistent with their groundbreaking work over the past three years on the Justice Reinvestment Initiative (JRI), principally aimed at the adult offender population. The JRI was a truly bipartisan effort, whose broad goal was to enhance public safety by reducing corrections spending and reinvesting those savings in proven public safety strategies.

Maryland's juvenile services/juvenile justice system has been "reformed" many times in the State's history. The most recent wide-sweeping effort commenced in 1995, when both major political parties had become adherents of the "get tough on crime" approach. State around the nation, including Maryland, at least partially abandoned the "services" model of dealing with acute juvenile delinquency, opting instead for a more straight-forward punishment model. (Maryland even renamed the Department of Juvenile Services to become the Department of Juvenile Justice.) The unfortunate result, in Maryland and else-

where, was that more juveniles than ever before were being tried as adults, as were **younger** juveniles than ever before. This was the era that gave rise to "Scared Straight" programs throughout the nation.

Although the 2019 Session marks the start of a new term of the General Assembly, with many new members, I am optimistic that the bipartisan effort that led to the passage of the JRI will encourage and motivate the new legislature to lay a foundation for meaningful reform of the juvenile justice system in a manner that values the precepts of the JRI.

In past years, legislation related to juvenile offenders has been of great interest to Senate JPR Chairman Bobby Zirkin. Going into the 2019 session, newly selected House Judiciary Vice-Chair-designee, Delegate Vanessa Atterbeary has stated that juvenile justice reform will be one of her key priorities, as well.

Contested Judicial Elections

For anyone operating under the notion that the departure of Joe Vallario, a longtime opponent of attempts to abolish contested circuit court judicial elections

2018 Committee on Laws

Kevin Arthur
Craig Ballew
Kathleen Cahill
David Cahn
Gary Christopher
William Dunn
Susan Durbin
Gardner Duvall
Christy Fisher
Robert Hanley
Lawrence Hill
Katherine Howard
Kelly Iverson
Christopher Kehoe
John Kenney
David Lease
Jared Marx

Margaret McKee
Timothy Meredith
Elizabeth Morris
Robert Mueller
Richard Neuworth
Steven Platt
Nancy Purpura
Laura Rhodes
Lynn Robeson
Phillip Robinson
Steven Salant
William Sinclair
Margaret Teahan
David Weinstein
David Wildberger
Thomas Yost

Richard Montgomery III, Staff
Parker Wimberly, Staff

(the MSBA supports such legislation), means that such a bill will suddenly sail through the General Assembly, think again. Although Chairman Vallario was the most vocal, and most public opponent of such legislation, I am certain that there are probably many other members of the judicial committees in Annapolis who also oppose such legisla-

tion. Because bills to convert Maryland to a retention election state remained in the Chairman's aforementioned "drawer" many legislators were allowed to remain silent as to their position on the issue. Then again, perhaps with the high degree of turnover in the legislature, perhaps abolition of contested elections is an idea

CONTINUED ON PAGE 19

Issues for 2019

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Maryland General Assembly

State Senate

Senator	Dist.	Jurisdiction
Malcolm Augustine	47	Prince George's County
Jack Bailey	29	Calvert, Charles & St Mary's County
Pamela Beidle	32	Anne Arundel County
Joanne Benson	24	Prince George's County
Mary Beth Carozza	38	Somerset, Wicomico & Worcester Counties
Jill Carter	41	Baltimore City
Bob Cassilly	34	Cecil & Harford Counties
Adelaide Eckardt	37	Caroline, Dorchester, Talbot & Wicomico Counties
George Edwards	1	Allegany, Garret & Washington Counties
Sarah Elfreth	30	Anne Arundel County
Arthur Ellis	28	Charles County
Brian Feldman	15	Montgomery County
William Ferguson IV	46	Baltimore City
Jason Gallion	35	Cecil County
Melony Griffith	25	Prince George's County
Guy Guzzone	13	Howard County
Antonio Hayes	40	Baltimore City
Stephen Hershey Jr.	36	Carline, Cecil, Ken & Queen Anne's Counties
Katie Hester	9	Carroll & Howard Counties
Michael Hough	4	Fredick & Carroll Counties
J.B. Jennings	7	Baltimore & Harford Counties
Cheryl Kagen	17	Montgomery County
Delores Kelley	10	Baltimore County
Nancy King	39	Montgomery County
Katherine Klausmeir	8	Baltimore County
Benjamin Kramer	19	Montgomery County
Clarence Lam	12	Baltimore and Howard Counties
Susan Lee	16	Montgomery County
Cory McCary	45	Baltimore City
Thomas Miller Jr.	27	Calvert & Prince George's
Shirley Nathan-Pulliam	44	Baltimore City
Obie Patterson	26	Prince George's County
Douglas Peters	23	Prince George's County
Paul Pinsky	22	Prince George's County
Justin Ready	5	Baltimore & Carroll Counties
Edward Reilly	33	Anne Arundel County
Jim Rosapepe	21	Anne Arundel & Prince George's County
Johnny Ray Salling	6	Batimore County
Andrew Serafini	2	Washington County
Bryan Simonaire	31	Anne Arundel County
Will Smith	20	Montgomery County
Jeff Waldstreicher	18	Montgomery County
Mary Washington	43	Baltimore City
Chris West	42	Baltimore County
Ronald Young	3	Fredick & Washington County
Robert Zirkin	11	Baltimore County
Craig Zucker	14	Montgomery County

House of Delegates

Delegate	Dist.	Jurisdiction
Gabriel Acevero	39	Montgomery County
Christopher Adams	37B	Caroline, Dorchester, Talbot & Wicomico Counties
Curt Anderson	43	Baltimore City
Carl Anderton Jr.	38B	Wicomico & Worcester Counties
Steve Arentz	36	Caroline, Cecil, Kent, & Queen Anne's Counties
Lauren Arian	7	Balitmore & Hardord Counties
Dalya Attar	41	Baltimore City
Vanessa Atterbeary	13	Howard County
Heather Bagnal	33	Anne Arundel County
Ben Barnes	21	Anne Arundel & Prince George's Counties
Darryl Barnes	25	Prince George's County
Erek Barron	24	Prince George's County
J. Sandy Bartlett	32	Anne Arundel County
Kumar Barve	17	Montgomery County
Wendell Beitzel	1A	Garrett & Allegany County
Harry Bhandari	8	Baltimore County
Joseph Boteler III	8	Baltimore County
Regina Boyce	43	Baltimore City
Talmadge Bramch	45	Baltimore City
Tony Bridges	41	Baltimore City
Eric Bromwell	8	Baltimore County
Benjamin Brooks	10	Baltimore County
Jason Buckel	1B	Allegany County
Michael Busch	30A	Anne Arundel County
Alice Cain	30A	Anne Arundel County
Jon Cardin	11	Baltimore County
Edward Carey	31A	Anne Arundel County
Alfred Carr	18	Montgomery County
Andrew Cassilly	35B	Harford County
Mark Chang	32	Anne Arundel County
Lorig Charkoudian	20	Montgomery County
Nick Charles	25	Prince George's County
Brian Chisholm	31B	Anne Arundel County
Barrie Ciliberti	4	Carroll & Frederick Counties
Jerry Clerk	29C	Calvert & St. Mary's Counties
Luke Clippinger	46	Baltimore City
Frank Conaway Jr.	40	Baltimore City
Paul Corderman	2B	Washington County
Dan Cox	4	Carroll & Frederick Counties
Brian Crosby	29B	St. Mary's County
Charlotte Crutchfield	19	Montgomery County
Bonnie Cullison	19	Montgomery County
Dereck Davis	25	Prince George's County
Debra Davis	28	Charles County
Kathleen Dumais	15	Montgomery County
Eric Ebersole	12	Baltimore & Howard County
Jessica Feldmark	12	Baltimore & Howard County
Diana Fennell	47A	Prince George's County
Mark Fisher	27C	Calvert County
Wanika Fisher	47B	Prince George's County
David Fraser-Hidalgo	15	Montgomery County
Tawanna Gaines	22	Prince George's County
Jeff Ghrist	36	Caroline, Cecil, Kent, & Queen Anne's Counties
James Gilchrist	17	Montgomery County
Cheryl Glenn	45	Baltimore City
Robin Gramer Jr.	6	Baltimore County
Michele Guyton	42B	Baltimore County
Andrea Harrison	24	Prince George's County

House of Delegates (continued)

Delegate	Dist.	Jurisdiction
Wayne Hartman	38C	Wicomico & Worcester Counties
Keith Haynes	44A	Baltimore City
Anne Healey	22	Prince George's County
Shelly Hettleman	11	Baltimore County
Terri Hill	12	Baltimore & Howard County
Marvin Holmes Jr.	23B	Prince George's County
Kevin Hornberger	35A	Harford County
Seth Howard	30B	Anne Arundel County
Rick Impallaria	7	Baltimore & Harford Counties
Julian Ivey	47A	Prince George's County
Michael A. Jackson	27B	Calvert & Prince George's Counties
Jay Jacobs	36	Caroline, Cecil, Kent, & Queen Anne's Counties
Jay Jalisi	10	Baltimore County
Steve Johnson	34A	Cecil & Harford Counties
Adrienne Jones	10	Baltimore County
Anne Kaiser	14	Montgomery County
Ariana Kelly	16	Montgomery County
Ken Kerr	3B	Frederick & Washington County
Nicholaus Kipke	31B	Anne Arundel County
Trent Kittleman	9A	Howard County
Marc Korman (D-Incumbent)	16	Montgomery County
Susan Krebs	5	Baltimore & Carroll Counties
Carol Krimm	3A	Frederick County
Stephen Lafferty	42A	Baltimore County
Mary Lehman	21	Anne Arundel & Prince George's Counties
Robbyn Lewis	46	Baltimore City
Jazz Lewis	24	Prince George's County
Karen Lewis Young	3A	Frederick County
Brooke Elizabeth Lierman	46	Baltimore City
Mary Ann Lisanti	34A	Cecil & Harford Counties
Bob Long	6	Baltimore County
Lesley Lopez	39	Montgomery County
Sara Love	16	Montgomery County
Eric Luedtke	14	Montgomery County
Michael Malone	33	Anne Arundel County
Nino Mangione	42B	Baltimore County
Johnny Mautz	37B	Caroline, Dorchester, Talbot & Wicomico Counties
Susan McComas	34B	Cecil County
Maggie McIntosh	43	Baltimore City
Mike McKay	1C	Allegany & Washington County
Ric Metzgar	6	Baltimore County

Delegate	Dist.	Jurisdiction
Warren Miller	9A	Howard County
David Moon	20	Montgomery County
Matt Morgan	29A	Charles & St. Mary's Counties
Nick Mosby	40	Baltimore City
Charles Otto	38A	Somerset & Wicomico Counties
Julie Palakovich Carr	17	Montgomery County
Neil Parrott	2A	Washington County
Edith Patterson	28	Charles County
Joseline Pena-Melnyk	21	Anne Arundel & Prince George's Counties
Shane Pendergrass	13	Howard County
Jesse Pippy	4	Carroll & Frederick Counties
Elizabeth Proctor	27A	Calvert & Prince George's Counties
Lily Qi	15	Montgomery County
Pamela Queen	14	Montgomery County
Teresa Reilly	35B	Harford County
Kirill Reznik	39	Montgomery County
Mike Rogers	32	Anne Arundel County
April Rose	5	Baltimore & Carroll Counties
Samuel Rosenberg	41	Baltimore City
Sid Saab	33	Anne Arundel County
Sheree Sample-Hughes	37A	Dorchester & Wicomico Counties
Emily Shetty	18	Montgomery County
Haven Shoemaker	5	Baltimore & Carroll Counties
Stephanie Smith	45	Baltimore City
Jared Solomon	18	Montgomery County
Dana Stein	11	Baltimore County
Vaughn Stewart	19	Montgomery County
Charles Sydnor III	44B	Baltimore City
Kathy Szeliga	7	Baltimore & Harford Counties
Jen Terrasa	13	Howard County
Veronica Turner	26	Prince George's County
Kris Valderrama	26	Prince George's County
Geraldine Valentino-Smith	23A	Prince George's County
Jay Walker	26	Prince George's County
Alonzo Washinton	22	Prince George's County
Courtney Watson	9B	Carroll County
Ron Watson	23B	Prince George's County
Melissa Wells	40	Baltimore City
Jheanelle Wilkins	20	Montgomery County
C.T. Wilson	28	Charles County
William Wivell	2A	Washington County
Pat Young	44B	Baltimore City



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BY ANDREA TERRY

Join the Family and Juvenile Law Section for its first program focused on evidentiary issues in family law cases on December 19th in Columbia. Experienced faculty will explore examination and use of the lay witness, hearsay pitfalls and exceptions, authentication of common family law exhibits, use of experts and their reports, and more. Also, for the first time, the MSBA is offering a program in January on mindfulness for lawyers, and how practicing mindfulness can help you manage your work-life balance and deliver better service to your

clients. See the schedule below, and for more detail go to <http://msba.inreachce.com> for all upcoming live programs. If you cannot attend a live program, many are webcast concurrent with the live program, and you can find these programs available online, on-demand approximately 6-10 days after the live program. All video replays and online programming carry CLE credit just like the live programs. See below for details.

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

LIVE IN-PERSON & WEBCASTS

- **December 19, 2018.** *2018 Evidence and Family Law: Common Pitfalls and Practice Pointers*. University of Baltimore, MD. Registration is open. *webcast
- **January 16, 2019.** *Mindfulness as a Foundation for Ethical Lawyering*. Columbia, MD. Registration is open. *webcast
- **February 7, 2019.** *Family Law University*. Columbia, MD. Registration is opening soon.
- **March 20, 2019.** *Land Use Institute*. Columbia, MD. Registration is opening soon.
- **April 1, 2019.** *Finance for Lawyers*. University of Baltimore, MD. Registration is open. *webcast
- **May 9, 2019.** *Hot Tips in Workers' Compensation*. Columbia, MD. Registration is opening soon. *webcast

VIDEO REPLAYS

- **December 18, 2018.** Financial Elder Abuse – 2018 Update. Baltimore, MD.
- **December 20, 2018.** Financial Elder Abuse – 2018 Update. Rockville, MD.
- **January 22, 2019.** 2018 Evidence and Family Law: Common Pitfalls and Practice Pointers. Baltimore, MD.
- **January 24, 2018.** 2018 Evidence and Family Law: Common Pitfalls and Practice Pointers. Rockville, MD.
- **February 19, 2019.** Mindfulness as a Foundation for Ethical Lawyering. Baltimore, MD.
- **February 21, 2018.** Mindfulness as a Foundation for Ethical Lawyering. Rockville, MD.

NEW & RECENT PUBLICATION UPDATES

(All titles available in print and electronically)

NEW—Model Jury Selection Questions for Maryland Criminal & Civil Trials

Select your jury using the easy, practicable sets of questions (separate sets of questions for civil and criminal trials), generously endorsed by the Maryland Court of Appeals. See *Collins v. State*, 452 Md. 614 (2017).

The Maryland Rules of Evidence Pocket Edition, 2018

This easy-to-carry pocket guide allows you to have the rules of evidence at your fingertips.

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
- 2018 Succession Planning Seminar
- Advanced Storytelling and Persuasion Skills with David Mann
- Handling Collection Cases through Enforcement and Judgment
- Advanced Real Property Institute
- 2018 MSBA Immigration Law Section Fall Conference: Federal Court Litigation and SIJS Nuts and Bolts
- Financial Elder Abuse

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MSBA Lawyer Assistance Program Wellness TipSheet

My New Year's Resolution is...

BY LISA CAPLAN

It's that time of year again when about half of all Americans make a resolution for the New Year. Unfortunately, most of them will not be successful. Most people throw caution to the wind around the holidays and eat whatever they want, spend a lot of money, etc., and think about the consequences later.

I used to dread going to my exercise classes, yoga, or the gym right after the New Year because it was so crowded with people whose New Year's resolution is to work out and be healthy. We would always say, give it a few weeks and the New Year's resolution people will stop coming." So, why by the time February rolls around, do most New Year's resolutions fail?

Whether you have a goal to eat healthy, exercise, spend less, organize your home, etc., here are some tips to a successful New Year's Resolution:

1. Give some thought to why you are making a change and the motivation behind the change. Make a list with the reasons that are motivating you. Whatever the change, understanding why you want to change can help

you be successful.

2. Choose reasonable goals and write them down, share with your family and friends. Goals should be specific, measurable, achievable, pertinent and time limited. For example, I want to lose 5 lbs in 6 weeks to fit into my suits for work. Writing down your goals and sharing them makes you accountable and gives you support from people who care about you and can make success easier.
3. Be successful by not setting yourself up to fail. If you want to start exercising and you haven't been exercising at all, setting a goal to exercise five times a week is not likely to be successful. Setting a goal to exercise once or twice a week is much more manageable.
4. Schedule time on your calendar

to accomplish your goal. Everyone is busy, so we have to find the time for what is important to us, so set up a specific plan— set a time and place, and what you plan to do, etc. Think of it like this. If you have court on Monday at 9:00 a.m., you don't wake up and say, "Ah, I think I'll go to court tomorrow." No, you don't even think about scheduling something else over it. Plan your personal goals the same way and you will be successful.

5. Work on one change at a time, and give yourself several weeks for the new activity to gain traction and become a habit. Once it becomes a routine part of your life, move on to add to it, or incorporate another change.
6. The world is full of shades of gray and I know too many

lawyers who think things are "all or nothing." I have had many lawyers tell me that if they can't work out for two hours, or complete something, then they won't do it. Break it down into small pieces. Work out for 20 minutes; tackle part of a project, etc. Working out for 20 minutes can be more effective, and breaking projects down may produce a better product.

7. Keep track of your progress. This is why we make the goal measurable, so you can see your progress, as well as bumps in the road, and problem solve on how to move forward. You will see where you started and where you are going.
8. Be patient and kind to yourself. We all have ups and downs; so keep goals small and give yourself praise. When you hit a

bump in the road, it will make it easier to not give up but just move forward in a healthy way.

For assistance, please contact the Lawyer Assistance Program for **free, confidential counseling**.

Jim Quinn, Lawyer Assistance Director, (443) 703-3041, jim@msba.org; Lisa Caplan, LCSW-C, Lawyer Assistance Counselor, (443) 703-3042, lisa@msba.org. Toll Free 1(888) 388-5459. ●

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.



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OUR BIGGEST EVENT OF THE YEAR

LEGAL SUMMIT & ANNUAL MEETING

MARYLAND STATE BAR ASSOCIATION

June 12-15, 2019 | Ocean City, MD



KEYNOTE SPEAKER

Jeffrey Toobin
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Mock Trial Judges Needed

Are you interested in serving as a judge at Johns Hopkins University's Annual Blue Jay Invitational Mock Trial Tournament in January 2019? *You don't need any experience with undergraduate mock trial, just a passion for the law!*

When: January 26 & 27, 2019

Where: Johns Hopkins University campus in Baltimore, Maryland,

The competition consists of four rounds, with two rounds each day. You can volunteer to judge one or more of these rounds.

If you are interested in judging, please fill out the brief informational form online at:
<https://goo.gl/forms/jBMbsn-JlWa2n6cdF2>.

We appreciate any time that you can contribute towards volunteering at this tournament.



The Bar Associations Insurance Trust

The Bar Associations Insurance Trust was created in 1990, as a successor Trust to early renditions dating back to 1956, and is a joint venture between the Maryland State Bar Association and the Bar Association of Baltimore City. The purpose of the Trust is to provide excellent insurance benefits to its members at discounted prices by reliable carriers, provide an Advisory resource to members with insurance questions, and generate non-dues revenue to the Associations. The Trust is currently chaired by Aaron Kadish, Esq. The 12 Trustees of the Trust meet quarterly to oversee operations and to receive updates on new and expanding benefits. Over the years, the Trust has donated more than a million dollars to the respective Bar Associations.

Judge Michael Reed, of the Court of Special Appeals of Maryland, is Chairman of the Trust's Charitable Giving Committee. This Committee makes annual charitable gift recommendations to the Trustees, based upon requests for contributions from various law related charities. Once approved, the Trust then distributes these monies during the first quarter of each fiscal year.

The Trust is constantly evaluating the insurance services and benefits available to its members through the advisory and brokerage services of TriBridge Partners, LLC. TriBridge Partners is always looking for ways to improve these benefits. The Trust has popular life, disability and long term care insurance programs. TriBridge Partners, in consultation with the Trustees, evaluates other lines of insurance, such as computer fraud, professional liability and even pet insurance, on an ongoing basis.

The Bar Associations Insurance Trust is, above all else, a service organization, dedicated to serving the members of the Maryland State Bar Association and the Bar Association of Baltimore City.

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ET ALIA



Kristen Jones

Jeff Schwaber has succeeded Millard Bennett as the Stein Sperling’s Managing Partner, culminating a carefully crafted five-year transition plan.

Patricia A. Ursprung has joined Carney, Kelehan, Bresler, Bennett and Scherr LLP as an attorney with a practice focusing on education law.

Kristen Jones, Craig A. Enck, Jeffrey M. Lichtstein, and Adam D. Baker have joined Rosenberg Martin Greenberg, LLP.

Bonnie Sullivan, Executive Director of Maryland Volunteer Lawyers Service (MVLS), the largest provider of pro bono civil legal services to low-income Marylanders, has been recognized by the Women’s Law Center of Maryland with its prestigious Access to Justice Award.

Brian Barkley, President of Barkley and Kennedy, Chartered has been selected by the Rockville Chamber of Commerce as Citizen of the Year.

Baker Donelson has been recognized by the Leadership Council on Legal Diversity (LCLD) as a 2018 Compass Award winner. The award honors LCLD members who demonstrate their continued commitment to building more diverse organizations and a more inclusive legal profession through their participation in and support of LCLD’s mission and programs.



Craig A. Enck



Jeffrey M. Lichtstein



Adam D. Baker

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



Bonnie Sullivan pictured with (left to right) Michelle Siri, Katie Sullivan, Steven Sullivan, and Sandy Daniels.

NOMINATION AND ELECTION OF MSBA BOARD OF GOVERNORS 2018-2019			
DISTRICT	NUMBER OF GOVERNORS TO WHICH ENTITLED	CLASS I ELECTED ODD YEARS	CLASS II ELECTED EVEN YEARS
FIRST <i>Baltimore City</i>	7	5	2
SECOND <i>Dorchester Somerset Wicomico Worcester</i>	1	1	
THIRD <i>Caroline Kent Queen Anne’s Talbot</i>	1	1	
FOURTH <i>Calvert Charles St. Mary’s</i>	1		1
FIFTH <i>Prince George’s</i>	2	1	1
SIXTH <i>Montgomery</i>	7	1	6
SEVENTH <i>Anne Arundel</i>	3	2	1
EIGHTH <i>Baltimore County</i>	5	3	2
NINTH <i>Harford Cecil</i>	1		1
TENTH <i>Howard</i>	2	1	1
ELEVENTH <i>Carroll Frederick</i>	1		1
TWELFTH <i>Allegany Garrett Washington</i>	1	1	
YOUNG LAWYERS	3	2	1
<p>PURSUANT TO THE REGULATIONS governing the nomination and election of the MSBA Board of Governors, the membership is hereby notified that nominations are sought for all Districts which are listed under Class I of this chart. (Class II governors are elected in even-numbered years and Class I governors in odd-numbered years.) The MSBA bylaws require that all nomination petitions must be received by the Executive Director no later than 5:00 p.m. on February 12, 2019. If the election is necessary, ballots must be cast or postmarked no later than March 29, 2019, and received no later than April 3, 2019. If you are interested in being nominated by a local bar association or individual petitions, you may request a nominating petition from Victor L. Velazquez, Executive Director, MSBA, 520 West Fayette Street, Baltimore, Maryland 21201; (410) 685-7878 or (800) 492-1964; or victor@msba.org.</p>			

For example, the USPTO's and Federal Trade Commission's (FTC) websites indicate that official correspondence will indicate that it is from the "United States Patent and Trademark Office" in Alexandria, Virginia, and all emails will be from the domain "@uspto.gov." The websites also warn recipients not be misled by the use of names, emblems, and wording that may seem official, such as "United States," "U.S.," "Trademark," "Patent," "Registration," "Office," or "Agency" on the solicitations.

Examples of over sixty solicitations that the USPTO has identified as potentially misleading offers and notices are available on the USPTO website at the following link: uspto.gov/trademarks-getting-started/caution-misleading-notices. The examples include services relating to listing trademarks in catalogs, storing trademarks in databases, avoiding IP expiration, "publishing of the public registration of your patent," and even "protect[ing] your trademark from copyright infringement," whatever that means. WIPO's website includes over one hundred examples of invitations to pay fees that do not come from WIPO

and are unrelated to the processing of international applications under the Patent Cooperation Treaty (PCT). See wipo.int/pct/en/warning/pct_warning.html.

Since the USPTO's migration to the Internet, it has become easier to identify scams. For instance, patent maintenance fees and trademark registration renewal fees are typically collected online by the USPTO at the time the requisite documents, if any, are due. While the USPTO may send reminders to IP owners or their attorneys, the USPTO does not send the IP owner an invoice for pre-payment, particularly where there is counsel of record.

If you are not sure whether a solicitation is legitimate after considering the above-discussed indicators, it is always prudent to call an attorney and seek professional advice. In addition, the USPTO encourages IP owners receiving a misleading solicitation to file a consumer complaint with the FTC, and to keep the offer or notice and the envelope, as these may be requested later. ●

Mr. Taylor is an intellectual property attorney with Berenato & White, LLC.

Appellate Practice for the Maryland Lawyer: State and Federal, 5th Edition

Tailored for both expert practitioners and attorneys who rarely handle appeals in Maryland and federal courts, this book guides one through the entire appellate process both in state and federal courts, providing sample appellate submissions and tips on the standards of review, criminal appeals, appeals from administrative agencies, petitions for certiorari, the appellate brief, record extract (or joint appendix), and oral argument.

Pleading Causes of Action in Maryland, 6th Edition

The Sixth Edition is the authoritative reference for filing causes of action on civil actions on a broad range of subjects. It examines and analyzes cases, statutes, treatises and other reference sources on Maryland law and pleading, and has been revised to address evolving requirements in various areas of practice.

2018 Replacement Pages—Maryland Criminal Pattern Jury Instructions, 2nd Edition

Replaces all pages in the Second Edition, is updated with current developments in statutory and case law, new & revised instructions to reflect legislative changes and expanded comments and notes on use and allows you to download all instructions to save time.

2018 Replacement Pages—Maryland Civil Pattern Jury Instructions, 5th Edition

Replaces all pages in the Fifth Edition, and is Maryland's most authoritative source of impartial, accurate statements of the law, with brand new, revised and updated instructions, commentary, case law, and statutory references, and allows you to download all instructions.

Finality of Judgments & Other Appellate Trigger Issues, 3rd Edition

The Honorable Kevin F. Arthur, Judge, Court of Special Appeals of Maryland provides essential, updated information and advice as to the timing of appeals and the critical question—"when" is an order appealable.

Gibber on Estate Administration, 6th Edition

This edition significantly expands the treatise with thorough references to new case law and statutory amendments through 2017, reflects new rates and statutory amounts, and includes new and updated samples of all the official forms.

Domestic Violence Cases: Handling Them Effectively in Maryland District and Circuit Courts

Updated by the *House of Ruth Maryland Domestic Violence Legal Clinic and the Maryland State Bar Association Family and Juvenile Law Section*, this recent edition is the first major update since the *2003 Revised Edition*. It is designed to give the practitioner specific litigation skills and strategies in handling a domestic violence case, and includes sample pleadings and forms, and a convenient chart of resources with contact information.

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whose time has come. However, because any legislation to abolish contested judicial elections for circuit court judges requires an amendment to the Maryland Constitution, it's possible that no such legislation would be introduced in 2019, because, generally, the legislature acts on constitutional amendments in election years - which 2019 is not. Nevertheless, I'm guessing that at least one bill will be introduced this session in this area.

Sexual Assault

Given the recent history of failure of so many bills relating to sexual assault in the House Judiciary Committee, I strongly predict that 2019 will be a groundbreaking year for legislation addressing sexual assault, generally, but also toughening laws relating to sexual assault in the workplace and in educational institutions. Delegate Kathleen Dumais, who previously served as Vice-chair of the House Judiciary Committee, has been selected to serve as House Majority Leader,

beginning in 2019. I am certain that Majority Leader Dumais will continue to champion that cause, as will Senator Susan Lee in Senate Judicial Proceedings.

Body Attachments

If there was one issue that the General Assembly had "surrounded" in 2018 it was the issue of (civil) body attachments. There were many, many bills on the subject, but because there was insufficient consensus on rejecting what many regard as an archaic process, there will be more legislative activity in this area in 2019. Look for Senator Will Smith and Delegate Sandy Rosenberg to play lead roles in this area.

3D Printed Guns

Gun regulation and control is an area that the MSBA almost invariably avoids, because of the controversial nature of the subject within our membership. However, the issue of undetectable 3D, home manufactured guns is one that the MSBA will examine more closely. Due to the

manner of distribution of necessary manufacture components via the internet, no ostensible quality control requirements, and the lack of a means to require registration, this phenomenon goes beyond traditional gun control. There is pending federal litigation to block a Trump administration settlement which would have eased oversight of distribution of software necessary for the manufacture of 3D printed guns. Senator Will Smith has stated an intention to introduce legislation addressing Maryland's authority to regulate 3D printed firearms.

Other Likely Issues for 2019

- Marriage – Permissible Age
- Combating the Opioid Crisis
- Divorce – Mutual Consent
- Parole Reform
- Access to Maryland Courts Act
- Hate Crimes
- Health Care Mandate
- University of Maryland Governance
- Redistricting ●



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