



MSBA

BARBULLETIN

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Leaders in the Legal Profession Gather in Cambridge



On October 25, 2019, the MSBA held its 60th Annual Conference of Bar Presidents and 12th Young Lawyers' Summit at the Chesapeake Hyatt in Cambridge, Maryland. Leaders from Local and Speciality Bars around Maryland, the MSBA Board of Governors, MSBA Leadership Academy Fellows and Young Lawyers from around the state came together to share ideas and learn best practices to grow their bars, engage young legal professionals, and plan for the future.

The conference kicked off with opening remarks from Taren Butcher and Amanda McCarthy, co-chairs of the Local & Specialty Bar Liaison Committee that hosts the conference. Thomas Lynch, President of Maryland Bar Foundation, a sponsor of the event, and MSBA President, Dana O. Williams, also delivered opening remarks.

After an innovative and engaging introduction of the various Bar leaders by Michelle Wilson, a member of the Local & Specialty Bar Liaison Committee, attendees heard from three speakers during plenary sessions. Up first was MaryBeth Hyland, SparkVision, LLC, a Millennial

Engagement expert, presented "Secret Sauce to Millennial Engagement: It's Not About Happy Hour and Avocado Toast," with the goal of assisting the various bars in engaging young legal professionals. Next, Steven Epler-Epstein presented practical advice for Bars looking to plan for the future during his session "Strategic Planning: Finding the Right Time and Approach." Finally, a panel comprised of MSBA Treasurer, M. Natalie McSherry, Hon. Dana Middleton, and Michelle Siri and moderated by Jamar Creech, provided the Bar leaders with tips on "How to Run an Effective Board Meeting."

In the afternoon, attendees

were invited to take part in break out sessions. During the break out session, "Workshopping Your Why," Bar leaders participated in a discussion to help them better communicate the value of their Bar association to existing and future members. In addition, during the Young Lawyers' Summit, attendees enjoyed a panel discussion on the "Benefits of Involvement in the MSBA to a Young Lawyer's Professional and Personal Development", and participated in a discussion with MSBA President, Dana O. Williams, and MSBA Executive Director, Victor Velazquez, on



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Trend Watch: Publicly-Funded Lawyers as Eviction Prevention



BY REENA K. SHAH, ESQ.

There's a trend afoot. More and more cities nationwide are using tax-payer dollars to provide lawyers to people who cannot afford them in civil cases involving basic human needs, especially in housing cases where eviction is threatened. While there is currently a right to legal representation for those who cannot afford to hire an attorney in criminal cases, where a person's liberty may be at stake, no such "right to counsel" exists in the civil cases, where people face similar high-risk of loss, including loss of housing, loss of custody of their children or even loss of country.

The reason for this trend is simple - it makes economic sense. By investing in lawyers on the front end, these jurisdictions are saving tax-payer expenditure on social services, healthcare and law enforcement on the backend. In New York City, a cost-benefit analysis showed that investing in legal representation for everyone facing eviction actually saved

the City \$27 million in homeless shelter costs alone. Following this analysis and at the heels of a sustained decade-long organizing and coalition-building effort, New York City became the first city to provide free legal representation in eviction cases to those who could not afford an

cities like San Francisco, Newark and Cleveland have followed suit to now provide public money for legal representation in eviction cases to those who cannot afford it.

A body of research now convincingly shows that legal representation is the single most

“A body of research now convincingly shows that legal representation is the single most important factor in the outcome of a case.”

attorney in 2017. Whereas before, tenants facing eviction were only represented in 1% of cases (and landlords conversely in over 97%), through this budget outlay, tenant representation rose to 27%, while the eviction rate fell significantly - by 24%. Realizing the cost-savings involved, other

important factor in the outcome of a case. One Maryland study found that in appeals where public benefits were denied, the rate of reversal for the unrepresented was 40 - 45%, whereas the rate of reversal for the represented

CONTINUED ON PAGE 17

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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/ethics. Please consult the Rules and MSBA Ethics Opinion Website before calling.

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Lawyer Wellness Push Leaves Legal Aid Behind

As BigLaw increasingly devotes resources to attorney wellness and mental health, legal nonprofit groups are struggling to provide help to their attorneys on much tighter budgets.



At the Supreme Court, Where Are the Women Advocates?

Even as the legal profession pledges to bolster diversity in its workforce, the number of female lawyers who argue before the U.S. Supreme Court is still low.



General Counsel Should Have Plan In Place for Unexpected Executive Departures

With the CEOs of WeWork, eBay and Juul resigning in the past week, it shows how general counsel must play a crucial role in finding a replacement when a CEO suddenly steps down or is forced out.



New High-Tech Way to Choose a Law School Debuts

New High-Tech Way to Choose a Law School Debuts. Read about how the this new questionnaire will help aspiring law students identify the law schools that are right for them.

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Retired Judge, Court of Appeals of Maryland

After over twenty years of distinguished judicial service, The Honorable Sally Adkins recently retired. Judge Adkins served admirably on three levels of the Maryland court system, most recently as a Judge of the Court of Appeals. Prior to her ascension to the Court of Appeals, Judge Adkins first served as an Associate Judge for the Circuit Court for Wicomico County and then as a Judge of the Court of Special Appeals. She enjoyed a successful general law practice before her appointment to the bench, and throughout her legal career Judge Adkins participated in numerous statewide and local bar associations and committees, including as a Past President of the Wicomico County Bar Association. Judge Adkins now brings this exemplary record of experience and dedication to The McCammon Group to serve the mediation, arbitration, and special master needs of lawyers and litigants in Maryland and beyond.



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Dateline

NOVEMBER

16 MYLaw presents *Trials & Tribulations In, On & Off the Court*. Trials & Tribulations is a wonderful event that raises funds to support fantastic programs for Maryland youth! Held once every 18 months, Trials & Tribulations has a storytelling component and silent auction. The storytelling piece is based on a new theme each year. This year's T&T is "In, On and Off the Court" and will focus on Sports and Entertainment Law. We hope you will join us for what we are sure will be a fun, heartwarming, and entertaining evening of networking, storytelling and auction bidding at The Horseshoe Casino! For more information and/or to buy tickets, please visit: www.msba.org/trials-tribulations

19 MSBA & the Howard County Bar Association Presents "Connections" beginning at 6:00pm at Xenia Greek Kouzina in Columbia, Maryland. Join us for a social & networking event, open to all attorneys (member & non-member) in Howard County for an opportunity to meet MSBA president Dana Williams, Esq., Howard County Bar Association President, George Hermine, Esq., and MSBA Executive Director Victor Velazquez. Mingle, network, and participate in a brief discussion on the value of being a member as well as things to come. For more information and/or to register for this complimentary event, please visit: www.msba.org/Connections-Howard

21 The MSBA Labor and Employment Law Section invites you to attend the *Maryland Federal and State Employment Law Update* beginning at 6:00pm at Sheraton Columbia Town Center Hotel in Columbia, Maryland. Learn about the most recent developments in state and federal employment law, including employment laws passed by the Maryland General Assembly during the last legislative session. The panel will also address recent developments at the Maryland Civil Rights Commission. Panel members include Gwendora Hughes, General Counsel for the Maryland Civil Rights Commission, plaintiffs' attorney Tonya Bana from Tonya Bana, LLC, and management attorney Tiffany M. Releford from Whiteford, Taylor & Preston, LLC. Richard Neuworth from Lebau & Neuworth, LLC will moderate this up-to-the minute update for the Maryland labor and employment law practitioner. For more information and/or to register, please visit: www.msba.org/Employment-Law-Update

21 The MSBA Taxation Section presents the *19th Annual Tax Professionals' Networking Night* beginning at 6:30pm at The Prime Rib at Live! Casino & Hotel in Arundel Mills, Maryland. More information and/or to register please visit: www.msba.org/Tax-Networking

21 The Construction Law Section Council is pleased to present a program on *AIA Contract Clauses and Claims* beginning at 6:00pm at Sheraton Columbia Town Center Hotel in Columbia, MD. The program will identify and discuss various aspects of the AIA contracts, particularly the A102 and A201, and how certain clauses operate in the face of real world issues that are common on projects. Discussion will be held on a variety of topics including changes, claims, notice, liquidated damages, substantial completion, consequential damage waivers and dispute resolution. For more information and/or to register, please visit: www.msba.org/AIA-Contract

28 Thanksgiving - Courts and MSBA Offices Closed

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From the Boardroom



The most recent MSBA Board of Governors meeting was held on Thursday, October 24, 2019 at the Chesapeake Hyatt in Cambridge, Maryland. The meeting was held on the eve of MSBA's 60th Conference of Bar Presidents and 12th Young Lawyers Summit.

During his report, MSBA President Dana O. Williams asked the Board to approve the appointment of Benjamin Meredith to a vacancy in the 7th District created by the resignation of the Hon. Elizabeth Morris. The request was met with unanimous approval. Mr. Meredith will serve the remaining term vacated by Judge Morris; his term will expire in June 2021.

In addition, President Williams shared his thoughts from his attendance at the Southern Conference of Bar Presidents. In sum, President Williams noted that other volunteer Bar Associations are facing similar trends as the MSBA. He noted that the MSBA's efforts to modernize and adopt strategic priorities are ahead of the other Bar Associations in terms of correcting these trends.

Following President Williams's report, Executive Director Victor Velazquez gave his report. He started by providing a summary of MSBA's recent marketing efforts to acknowledge the work that has been done on this front to reach more attorneys in a more meaningful way. In addition, he provided information on MSBA's market saturation compared to other voluntary Bar Associations and an update on the MSBA's renewal efforts for 2019-20. Compared to other similarly sized Bars, the MSBA is doing well in terms of market saturation, and is doing very well with respect to member renewals when compared to this time last year. That said, Executive Director Velazquez explained that the MSBA's goal for 2019-20 is to renew 100% of its members, and during the meeting the Board engaged in discussion on how it can assist in reaching that goal.

As part of his report, Executive Director Velazquez also offered thoughts on two new pilot

programs that could potentially assist the MSBA in adding new members. The two pilot programs were approved by the Board, and more details on these programs will be provided once they begin to rollout.

MSBA'S 2019-20 GOAL:

Renew 100% of its members

During the meeting, the Board also heard an update from ABA Delegate, Hon. Pamela Brown, and reviewed and approved recommendations for Board appointments provided by President-Elect, Hon. Mark Scurti.

The Board is scheduled to meet again on Tuesday, December 17, 2019 in the Senate Chamber in Annapolis, Maryland. ●

More information about the Board of Governors, including agendas and approved minutes can be found at www.msba.org/BOG.

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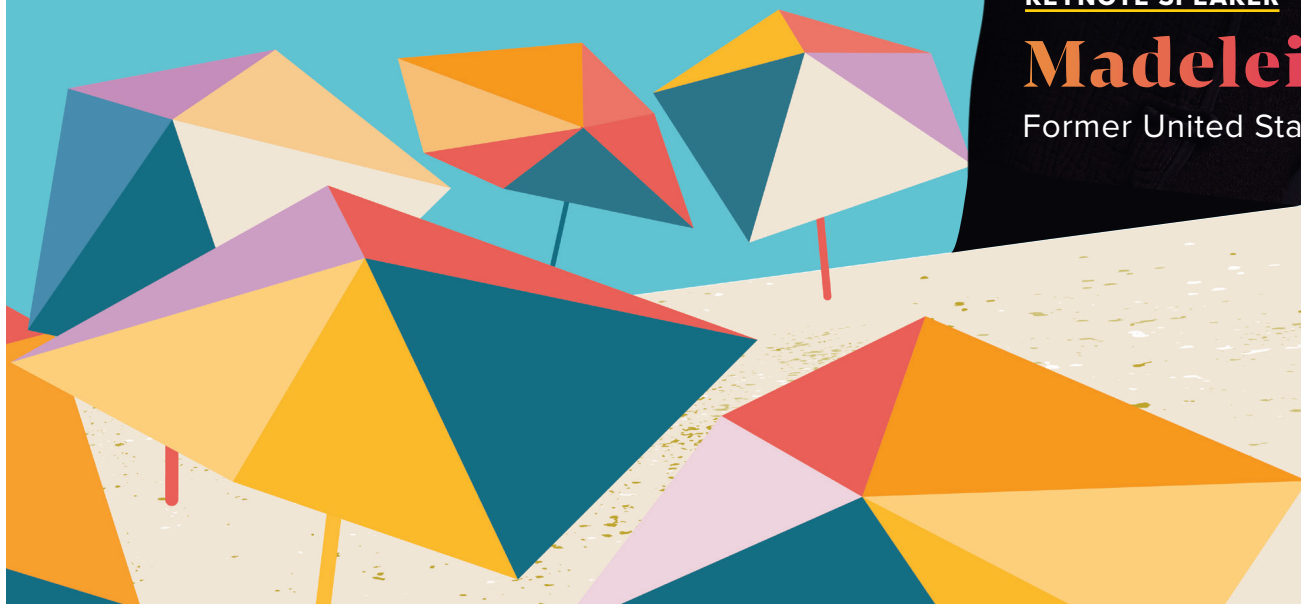
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KEYNOTE SPEAKER

Madeleine Albright

Former United States Secretary of State



PRO BONO PROFILE

PBRC PARTNER PROFILE:



Lu Carlson, Esq.
MSBA Member, PBRC Volunteer

Can you tell me a little bit about your practice?

I'm in the process of starting my own solo practice in estate planning, estate administration, and guardianship. My other areas of interest include elder law, disability rights, and adoption.

With which of PBRC's projects do you volunteer, and what do you do there?

I work with PBRC's Home Preservation Project, in their estate planning clinic. I work with low-income seniors to provide the three main estate planning documents – wills, powers of attorney, and advance directives. I help with whichever ones the client wants, and it's usually all three. So they walk out with an entire estate plan that we've just put together.

How does the project make it easy to volunteer?

All you have to do is show up. PBRC provides training ahead of time. There is a frequently asked questions booklet, and there are templates for all the documents. The clinic provides different language variations you can use, and they have mentors on site to answer any questions that arise. PBRC also brings in the clients, so you don't have to do that either. You just show up and you practice. And they feed you! It is so easy to volunteer with the project.

Have you found pro bono service to be beneficial as you start your solo practice?

Yes. Pro bono has given me a lot more experience and confidence. I'm helping people, and meeting other practitioners who are interested in helping people. So, it's a three-pronged benefit: helping people, meeting colleagues, and gaining experience.

The experience is important. I'm usually nervous when I've never done something before, but after I do it, I have much more confidence. I'll always have some questions, but with the on-site mentors, I can do the work.

How have the clinic mentors contributed to your experience?

Having a mentor present is vital. There are some questions that I don't have the answers to. I could eventually find out the answers, but because the mentors are there, the clients get a complete estate plan that day.

What has been your experience working with the clients?

I've loved all my clients through the estate planning clinic. At my first clinic, I was paired up with another attorney. I remember that client said, "You know, this was fun! I didn't think I was going to enjoy it, but this was really as fun as it could be." Every client I've met is a real character. I've really enjoyed it and the clients are all very kind and grateful for the help.

What keeps you coming back?

I love helping the clients, and each time I return, I get more experience. I enjoy meeting people. There are a lot of really great colleagues.

What do you think other attorneys should know about Pro Bono Resource Center?

PBRC will train you in just about anything - for free! All you have to do is volunteer a couple times, and you walk away with experience. And hopefully you volunteer more than a couple of times. I'm grateful to PBRC for the training, for the volunteer opportunities, and for the people I get to meet. Thank you! ●

PBRC's featured service opportunity

Volunteering with the Home Preservation Project
probonomd.org/homepreservation

For more information about volunteering in Maryland, contact:
Annie Speedie, PBRC Director of Programming:
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The Pro Bono Resource Center of Maryland will match your skills with a wide range of pro bono opportunities.

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AIA Contract Clauses and Claims

November 21, 2019 | 6 - 8:30 pm

Sheraton Columbia
10207 Wincopin Circle, Columbia, Maryland 21044

Panelists

Michael Schollaert
Paul Caiola
Lucas Webster

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The program will identify and discuss various aspects of the AIA contracts, particularly the A102 and A201, and how certain clauses operate in the face of real world issues that are common on projects.

The program includes a happy hour from 6:00 to 7:00 with two (2) complimentary drink coupons courtesy of the program sponsor, CRC Salomon.

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Recently Increased Debt Limit Qualification for Family Farmers under Chapter 12 of the United States Bankruptcy Code:

Making Chapter 12 More Accessible for Family Farmers

BY BUD STEPHEN TAYMAN

On August 23, 2019, the President signed the Family Farmer Relief Act of 2019 (the “FFRA”) into law. With enactment of the FFRA, the aggregate debt limits for family farmers to qualify for Chapter 12 bankruptcy were increased to \$10,000,000.00. Prior thereto, the aggregate debt limits were \$4,411,400.00. This 126.68% increase is effective for all bankruptcy cases filed on and after August 23, 2019.

The change in aggregate debt limits for a family farmer represents the latest congressional intervention on behalf of the American farm community in response to challenging economic conditions and to enable more family farmers to potentially qualify for Chapter 12. As evidenced by testimony at the June 25, 2019 hearing held before the Subcommittee on Antitrust, Commercial & Administrative Law of the House Committee on the Judiciary: “farmers are currently facing the fifth year of declining net farm income. ... In particular, prices are low, inputs are high, and current trade policies make the future uncertain,” testimony of Rep. Antonio Delgado (NY) (author of bill); “The increase in debt eligibility ... reflects the fact that land and equipment values have increased as well as the average size of U.S. farming operations,” testimony of Robert J. Keach for the American Bankruptcy Institute; and quoting the National Farmer’s Union that “the bill will help more family farmers avoid liquidation or foreclosure, allowing them to stay in operation.” House Report 116-82, 116th Congress, 1st Session.

Individuals, and corporations and partnerships (an “Entity”), may be family farmers. To qualify as a family farmer, a debtor must satisfy certain separate but intertwined tests, to wit: (1) the debt test, (2) the income test, and (3) the asset test. Which test applies to a specific case depends on whether the debtor is an individual or an Entity. The debt test applies to both an individual and Entity. The income test applies to individuals only. The asset test applies to Entities only. This article describes the debt test.

The debt test is found at §§101(18)(A) and (B) (ii) of the bankruptcy code:

1. The debt test is a two part test. Each part must be separately satisfied.
 - a. **Part 1:** The individual (or individual and spouse) or Entity must be engaged in a farming operation and have aggregate debts not exceeding \$10,000,000.00, and
 - b. **Part 2:** Not less than 50% of the aggregate noncontingent, liquidated debts must have arisen out of a farming operation owned or operated by the individual or Entity, exclusive of any debt for a principal residence or dwelling unit unless that debt arises out of the farming operation.
 - i. Note that the debt limits consist of *all* debts of the debtor, regardless of whether those debts are contingent, unmatured, contested, or unliquidated.
 - ii. However, Part 2 requires that at least 50% of the total of all of the debtor’s *noncontingent, liquidated debts* must have arisen out of the farming operation.
 - a. This means that at least 50% of the debtor’s aggregate debt must have arisen from the farming operation and that minimum 50% amount must be *noncontingent debt and completely liquidated to a sum certain*.
- c. The challenge will be to show that the debt test has been satisfied with debt arising from a qualifying farming operation. A farming operation includes, but is not limited to, farming, tillage of the soil, dairy farming, ranching, production or raising of crops, poultry, or livestock, and production of poultry or livestock products in an unmanufactured state. *See*, §101(21) of the bankruptcy code. Even though defined, to ascertain a farming operation is not intuitive. Generally, an operation will likely be found to be a farming operation if the operation is subject to the inherent risks of farming - whether it is a risk-laden enterprise in which bad weather or disease can have a devastating effect on the farmer’s business.
- d. Chapter 12 also applies to family fishermen. The qualification factors, similar to that of a family farmer, are beyond the scope of this article. However, the aggregate debt limit for a family fisherman to qualify for Chapter 12 is found at §§101(19)(A)(I) and (B)(ii)(II) of the bankruptcy code and is the amount of \$2,044,225.00. The aggregate debt limit for a family fisherman was not changed by the FFRA and remains the same. ●

Bud Stephen Tayman focuses his practice on all aspects of bankruptcy representation in bankruptcy cases filed under chapters 7, 11, 12, and 13. Mr. Tayman is board-certified in both consumer and business bankruptcy law by the American Board of Certification and is a sustaining member of the American Bankruptcy Institute. Mr. Tayman is also a member of the Councils of both the Consumer Bankruptcy Section and the Agriculture Law Section of the MSBA. Mr. Tayman maintains offices in Germantown, Maryland and may be reached at btayman@taymanlaw.com.

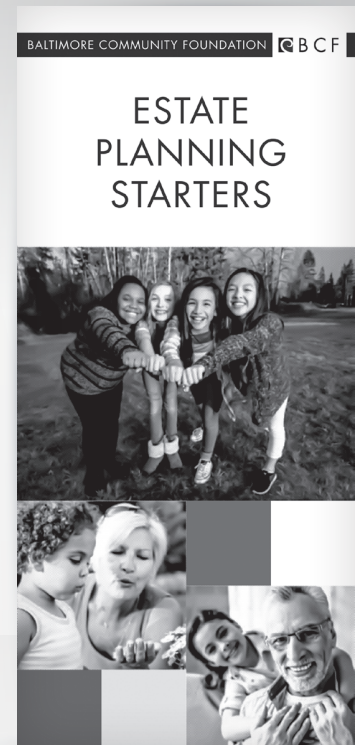


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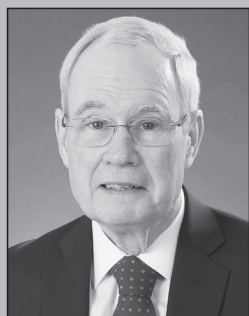


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Continuing Legal Education Opportunities

Learning & Publications Department:
Raising the Bar for Education

BY ANDREA TERRY, ESQ.

The second annual **MSBA CLE Institute** for new faculty development is coming up on December 11th and 12th at the University of Baltimore. Nationally recognized trainer Steve Hughes will return to Maryland to help interested applicants practice and hone their presentation skills, and have a chance to present at MSBA CLE programs. Also in December, the Section of Family

and Juvenile Law is excited to offer **Premarital Agreements – Drafting and Negotiating from the Estates/Trusts and Family Law Perspectives**, on Tuesday, December 3rd at the Loyola Graduate Center in Columbia, MD! Hear from experienced practitioners Linda Ravdin and

Stephanie Perry, who will review of the complete process for drafting premarital agreements. Learn the perspectives from both family and estates/trusts law - this is a must for family law or estate/trusts attorneys!



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

UPCOMING LIVE CLE PROGRAMS

Registration is open for:

- **Maryland Federal and State Employment Law Update** | November 21, 2019 | Columbia
- **Premarital Agreements – Drafting and Negotiating from the Estates/Trusts and Family Law Perspectives** | December 3, 2019 | Columbia
- **2019 Deposition Practice & Procedure** | December 5-6, 2019 | Baltimore
- **CLE Institute** | December 11-12, 2019 | Baltimore

Registration Opening Soon!

- **Financial Issues in Divorce presented by Risk Management Group** | January 30, 2020 | Columbia
- **Hot Tips in Family Law** | February 12, 2020 | Columbia
- **20 Hour Mediation Training** | April 21-23, 2020 | Columbia
- **2020 Employment Law Institute** | April 29, 2020 | Columbia
- **2020 Advanced Business Law Institute** | April 30, 2020 | Columbia

WEBINARS

- **New client intake deep dive: How to engage and evaluate potential clients more effectively and efficiently** | November 12, 2019 | 12:00 p.m. - 1:00 p.m.

For more information and to register go to: www.msba.org/calendar

VIDEO REPLAYS

- **2019 Criminal Law Update** | December 5, 2019, Rockville
- **Nuts and Bolts of Medicaid** | December 19, 2019, Rockville
- **Maryland's New Elective Share Law: Adjustments and Opportunities** | January 2, 2020, Rockville
- **How to Conduct an Effective Workplace Investigation** | January 9, 2020, Rockville
- **Advanced Real Property Institute** | January 16, 2020, Rockville
- **Premarital Agreements – Drafting and Negotiating from the Estates/Trusts and Family Law Perspectives** | February 6, 2020, Rockville

NEW ONLINE, ON-DEMAND

- **2019 Advanced Estate Planning Institute** - presented live on May 21, 2019
- **Hot Topics in Elder Law** - presented live June 5, 2019
- **2019 Using and Drafting Trusts in Estate Administration** - presented live on June 19,
- **2019 Family Practice Update** - presented live on August 22, 2019
- **2019 Handling Drinking and Driving Cases in Maryland** - presented live August 28, 2019
- **How to Conduct an Effective Workplace Investigation** - presented live October 3, 2019
- **Nuts and Bolts of Medicaid** - presented live October 10, 2019
- **2019 Criminal Law Update** - presented live on October 28, 2019
- **Maryland's New Elective Share Law: Adjustments and Opportunities** - presented live on November 4, 2019

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NEW & RECENT PUBLICATION UPDATES
(All titles available in print and electronically)

Now Available

Workers' Compensation Manual, 19th Edition — The *Workers' Compensation Manual* has been the authoritative workers' compensation reference for Maryland attorneys for more than three decades. The text provides clear and concise explanations of substantive law, while also emphasizing practical advice for lawyers at every stage of representation. The new *19th Edition* brings this Manual up to date with all of the most relevant development in workers' compensation law through September 2015 including current benefit amounts and helpful accident rate charts.

Civil Practice & Procedure in the District Court of Maryland, 2019 Edition—This new, updated book, published with the input and review of the District Court itself, provides the “nuts and bolts” for handling all aspects of a civil case in District Court. It is a handy, easy-to-follow guide for relatively new, experienced and all who practice in the District Court.

Maryland Will Contests—In this indispensable publication, the authors, Jeffrey E. Nusinov and Paul D. Raschke of Nusinov Smith LLP provide current procedural and substantive rules to navigate caveat litigation. *Maryland Will Contests* will enable the practitioner to contest or defend confidently a Maryland will. Topics covered include Orphans' Court Jurisdiction; Pleadings and Procedure; Grounds for Challenge; Problems of Proof; Caregivers, Gold Diggers, and Death-Bed Marriages; *In Terrorem* Clauses; Appeals; and Fees. The authors also provide invaluable sample petitions and interrogatories.

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Does Heavy or Binge Drinking Really Affect Emotional Development?

BY LISA CAPLAN, LCSW-C

It has long been believed that if someone starts drinking heavily or binge drinking, that they become emotionally stuck at the age they began drinking. For example, if you started drinking at 16 and you are now 30, the belief is that you are emotionally managing your life as a 16 year old. This belief applies to other drugs as well.

Whether you believe this or not, most people who go into recovery believe that they do not have the emotional or coping skills to manage their life and its inherent difficulties. Most people report starting to use or abuse substances as a teenager.

A teenager's brain is still developing and therefore very vulnerable to damage. Alcohol or drug use, whether daily or bingeing, can damage parts of the brain that impact behavior and learning, and the ability to manage your life in a productive way.



Teenagers report starting to drink and/or use other drugs to:

- Feel confident and secure
- Help overcome shyness
- Manage feelings of anxiety and depression
- Manage conflict
- Socialize easier
- Escape emotional pain
- Manage boredom and have fun
- Feel included
- Feel normal

Using alcohol or other drugs appears to “help” all of the above. It helps to “make everything better” because you don’t have to deal with the real problem. It makes you believe that all your problems don’t exist. Using helps the person live off the “high” or effects of alcohol or drugs, which allows them to not have to learn how to cope with these very real feelings and concerns. It gives you a false sense of handling your life. Instead of dealing with your concerns, you drink or use, which seems to make it all go away. You stuff the feelings down. Instead of trying to manage your life and relationships, you avoid concerns because you don’t have the skills to communicate how you feel or effectively work through problems.

Alcohol and drug use masks real problems and therefore when you stop using you have to learn coping skills which may include:

- Communication
- Assertiveness
- Listening
- Managing anger
- Recognizing dysfunctional behavior in yourself and others
- Coping with difficult people
- Managing a healthy relationship
- Managing conflict

Learning to manage your life in a healthy way can be very challenging when you are used to drinking or drugging away your concerns. It takes trying new behaviors and taking risks that may be uncomfortable, such as telling someone how you feel instead of laughing it off or ignoring it. Ignoring how you feel just builds resentment and anger.

For assistance, please contact the Lawyer Assistance Program for **free, confidential counseling**. We have a network of counselors throughout Maryland. Jim Quinn, Director, (443) 703-3041, jim@msba.org; Lisa Caplan, LCSW-C, Associate Director, (443) 703-3042, lisa@msba.org. Toll Free confidential line 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. In her free time she enjoys spending time with family and friends, paddle boarding, sailing, rock climbing and doing triathlons.



Publishing in Periodicals? Follow These Steps

BY TATIA L. GORDON-TROY, ESQ.

Getting published is a rewarding way to educate your readers, establish yourself as a thought leader, and gain free promotion. Submitting opinion pieces or letters to the editor to client-centric periodicals is a way to gain recognition; however, submitting articles for publication is better.

Could you simply post articles to your social media accounts such as LinkedIn and Facebook? Sure, you can, and that is a great way to build a following. But your ultimate goal should be to get in front of your ideal clients; and to do that, you need to be published beyond your own outlets. Getting your work published in periodicals that target your ideal client ensures that you'll have a better chance of reaching that audience with your message.

What to Write About

For most people, seeking ways to get published isn't a problem; the problem is figuring out what to write about. If you have no idea where to find your inspiration, ask yourself, "What does my ideal client need to know?" Then, try these approaches:

1. **"The FAQ Response"**—Collect the questions clients routinely ask you; write up your responses, then use those as a starting point for a more in-depth article.
2. The **"Who Cares" Factor**—If someone can benefit from your knowledge and experience, then it is worth sharing.
3. **Personal Experience**—Write based on firsthand knowledge or research. Provide anecdotes, advice, or ideas based on your experiences using actual examples.
4. **Your Own Records**—Review the last three to five memoranda of law or legal briefs that you drafted. What were the substantive topics you addressed? Are any of those areas of law ripe for a legal trade or industry publication?

Embrace Editorial Guidelines

Most, if not all, periodicals offer guidelines for submissions. Typically referred to as editorial guidelines, these instructions are posted to their websites or can be requested by sending an email to the editor. Editorial guidelines commonly address:

- Length of article: the minimum and maximum word count (an optimum number of words per article might also be listed)
- Editorial calendars, which include topics, themes, article types, and required submission dates broken down by publication date
- Copyright ownership (temporary or permanent)
- Inclusion of an author's biography and headshot
- Compensation (if any)
- And much more!

Where to Search

To find appropriate places for publishing your articles, you'll find these tips helpful:

- Google the publications you're interested in and check the website for its circulation and demographics.
- Find five to 10 publications that meet your needs. Many of these periodicals are constantly looking for submissions and fresh content to fill their pages, especially when they publish on a daily or weekly basis.
- Read and review several previous editions to get a feel for the types of articles that are typically included.
- Locate the executive or managing editor's name and contact information.
- Prepare and submit your article

pitch—a summary of the article you'd like to write for the publication. Be sure to explain why the periodical's audience would benefit from reading your article.

- If you are seeking a legal audience, contact your local bar or specialty bar associations. For a national legal audience, there are news sites such as Lawyerist, Above the Law, Attorney at Work, and Nolo. For a non-legal audience, try periodicals that are community based. Take a closer look at the ones delivered for free to your mailbox regularly.

Enter the 'No Ego' Zone

Make sure you comply with the editorial guidelines to maximize

CONTINUED ON PAGE 19

Congratulations to Trish Weaver, Chair of Paley Rothman's Appellate Practice Group:

Trish Weaver, Named to 2019 *Best Lawyers* for Appellate Practice

Paley Rothman, Received a National Tier 1 Ranking for Appellate Practice by *U.S. News-Best Lawyers*, 2019 *Best Law Firms*



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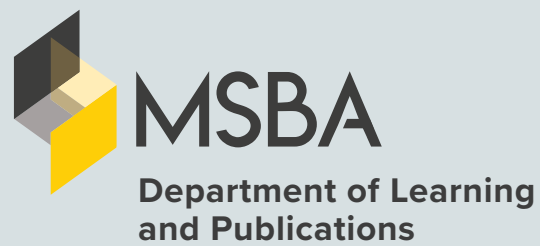
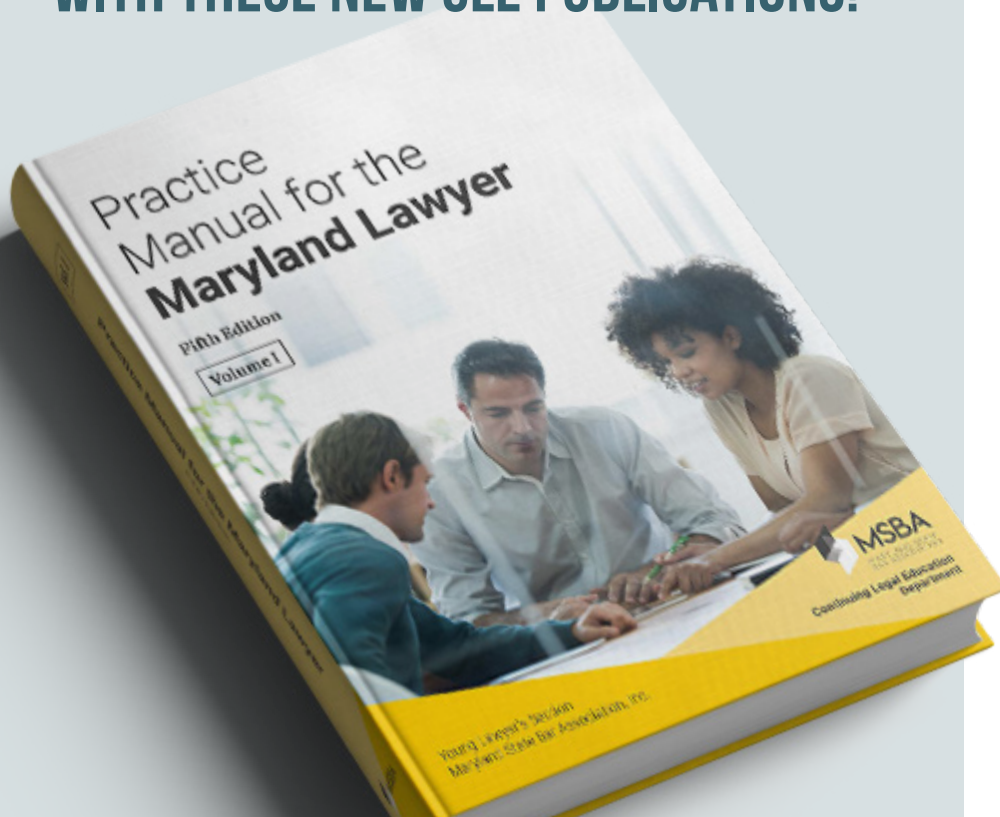
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Margaret Henn

Maryland Volunteer Lawyers Service (MVLS), the largest provider of pro bono civil legal services to low-income Marylanders, today announced the addition of **Margaret Henn** as the organization's new Director of Program Management. In this role, Henn will be responsible for overseeing day-to-day operations of MVLS' pro bono program, including the development of new strategies to recruit and retain volunteer attorneys, the management of grant reporting and contribution to outreach events.

Kramon & Graham, a leading law firm providing litigation, real estate, and transactional services, has earned top marks in the **2020 edition of Benchmark Litigation**, a leading legal guide that provides an in-depth analysis of commercial litigators in the United States. Focused exclusively on the U.S. litigation market, **Benchmark Litigation** rankings are the result of extensive interviews with private practice lawyers and in-house counsel. In addition, ten Kramon & Graham attorneys were singled out for recognition as Maryland Litigation Stars, including: Amy Askew, John Bourgeois, Geoffrey Genth, Andrew Jay Graham, Jean E. Lewis, M. Natalie McSherry, Lee H. Ogburn, Jeffrey H. Scherr, David J. Shuster, and James P. Ulwick.

Carney, Kelehan, Bresler, Bennett & Scherr LLP, a law firm headquartered in Columbia with offices in Annapolis, Westminster and Salisbury, received an Award for Chamber Excellence as 2019 Small Business of the Year from the Howard County Chamber of Commerce.

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Conference of Bar Presidents

CONTINUED FROM PAGE 1

strategies to engage and encourage increased participation of young lawyers in the MSBA. After a brief break, Friday's events concluded with a themed Dinner & Dance, where attendees came dressed as their "Worst Nightmare."

On Saturday morning, attendees enjoyed three additional pro-

grams. First, Timothy Maloney of Joseph Greenwalkd & Laake, delivered "2019's Entertaining Legislative Update." Two local speakers, including Paul Smail, Staff Litigation Attorney from the Chesapeake Bay Foundation and Dana Paterra, Park Manager of the Harriet Tubman Museum and Educational Center, provid-

ed insight into local history and issues facing the region.

The MSBA would like to thank the Local & Special Bar Liaison Committee, chaired by Taren Butcher and Amanda McCarthy, for their work on this event. ●



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Access to Justice

CONTINUED FROM PAGE 2

doubled to 70 – 80%. In another Maryland study looking at the impact of counsel on consumers sued by debt buyers, the rate of dismissals or judgments for the consumer dropped from 71% for the represented to 23% for the unrepresented. In yet another Maryland study, the rate of acquiring a protective order with counsel was 83%, but without counsel was 32%.

The nation-wide explosion of action to provide legal representation as a tool for eviction prevention and reduction was sparked by the seminal work of Pulitzer Prize winning Princeton sociologist, Matthew Desmond, who chronicled the wide-ranging impact of evictions on individuals and communities in his 2016 book, *Evicted: Poverty and Profit in the American City*. The attention and accolades the book received set-off a national conversation about housing as a basic human right, how mass evictions (much like mass incarceration) were more a cause of poverty, rather than a consequence, and how everything else falls apart without housing. The work put into sharp relief the scale of the national eviction scourge, noting that every year, people were evicted from their homes “not in the tens of thousands or hundreds of thousands, but by the millions.”

Maryland has dabbled with the idea of public funding in human needs cases for over a decade. In 2014, the Maryland General Assembly created a task force, which was staffed by a previous iteration of the Maryland Access to Justice

Commission. The task force recommended “ensuring low-income Marylanders have a right to counsel at public expense in those categories where human needs are at stake,” especially in domestic violence cases, citing a significant economic benefit. As a means to implement this recommendation, during the 2018 legislative session, the Maryland Access to Justice Commission advocated for an increase in funding for legal representation in domestic violence cases via federal funds that inured the state from the Crime Victims Fund. Separately, the Commission has also supported efforts and advocated for legal defense funds to help immigrants facing detention and/or deportation. Currently, Maryland boasts three jurisdictions with such legal defense funds, including Baltimore City, Prince George’s County and Montgomery County.

Currently, Baltimore City ranks second only behind Detroit for issues of homelessness, which in part are propagated by evictions. In 2017, Baltimore City Councilman Robert Stokes, along with Del. Sandy Rosenberg, pushed for a citywide litigation fund that would be used for legal representation in eviction cases for low-income defendants. While their efforts did not come to fruition in 2017, the national landscape on this issue has changed enough to warrant further conversation and action around making public funding for lawyers in eviction cases a reality in Maryland. ●

Dateline

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DECEMBER

3 The **MSBA Department of Learning and Publications** is excited to offer the newest presentation *Premarital Agreements – Drafting and Negotiating from the Estates/Trusts and Family Law Perspectives*, on Tuesday, December 3rd at the Loyola Graduate Center in Columbia, MD! For more information and/or to register please visit: www.msba.org/Premarital-Agreements

9 **Maryland Legal Services Corporation** presents its *Annual Awards* beginning at 6:00pm at Lord Baltimore Hotel in Baltimore, MD.

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- **Maryland Federal and State Employment Law Update** - November 21, 2019 | 6:00 p.m. - 8 p.m.
- **Premarital Agreements – Drafting and Negotiating from the Estates/Trusts and Family Law Perspectives** - December 3, 2019 | 8:30 a.m. - 1:30 p.m.

Publishing

CONTINUED FROM PAGE 14

your chances of having your article accepted. But remember that complying with the posted guidelines doesn't necessarily mean your article will be published as is. Changes to articles are made for numerous reasons—in-house style and punctuation are probably the more common reasons. Other more extensive changes can occur—from reorganizing paragraphs, to rewriting your intro, to cutting a chunk of text in order to make the article fit within a given space in the layout.

If the thought of having anyone make even minor changes to your writing without your approval makes your skin crawl, now would be the time to rethink this option because this calls for checking your ego at the door. Getting free promotion by publishing your articles in a periodical requires that you give up some control over what finally gets published.

No matter how you approach it, writing for promotional purposes is a long-distance run and not a sprint to the "more clientele" finish line. Stay focused. Write clearly and succinctly, write consistently and prolifically, and, above all, write to educate your audience. In the interim, be patient. ●

Tatia L. Gordon-Troy, Esq. is a member of the Maryland Bar and a regular contributor to MSBA publications. She edits, writes, and develops content for law firms and associations. Tatia runs her own publishing and marketing firm, Ramses House Publishing LLC, www.publishingforlawyers.com.

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Criminal Practice & Procedure in the District Court of Maryland, 2019 Edition—This new, updated book, published with the help and review of the District Court itself, provides the "nuts and bolts" for handling all aspects of a criminal case in District Court. It is a handy, easy-to-follow guide for relatively new, experienced and all who practice in the District Court.

Using & Drafting Trust in Estate Planning, 2019 Revised Edition—The 2019 Edition significantly revises Using & Drafting Trusts in Estate Planning. Much of this book focuses on specific trusts, what they are used for, how they fit into an estate plan, and the specific conditions governing each. The authors, experienced estate planning practitioners, have updated the book to include all of the relevant updated case law, IRS rulings, statutes, and regulations.


Civil Pre-Trial Practice, 2019 Revised Edition (with downloadable forms)—The essential reference to civil practice beginning with the initial contact with a potential client up to trial. The author provides the "nuts and bolts" for handling a lawsuit, including legal research, service of process, discovery, settlement negotiations, pre-trial motions and trial preparation.

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