

MARYLAND STATE BAR ASSOCIATION, INC.

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## ANNUAL REPORT 2007/2008

### Volume XVII

MSBA is pleased to present its membership with a brief overview of the year 2007/2008, highlighting its many activities, events and accomplishments.

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*Cover:* MSBA Headquarters Conference Room  
Mural depicting an artistic rendition of the  
Maryland State flag.

2007/2008 MSBA EXECUTIVE COMMITTEE



Alison L. Asti  
*President*



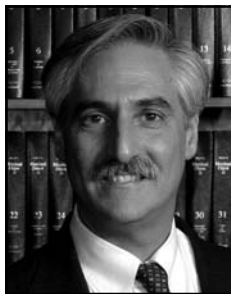
Katherine Kelly Howard  
*President-Elect*



Thomas C. Cardaro  
*Secretary*



John P. Kudel  
*Treasurer*



Douglas M. Bregman  
*Sixth District*



Edwin H. "Ted" Staples, II  
*Seventh District*



Caroline A. Griffin  
*Eighth District*



Michael W. Siri  
*Chair, Young Lawyers  
Section*

## PRESIDENT'S MESSAGE

I AM PLEASED TO PROVIDE YOU WITH THE MARYLAND STATE BAR ASSOCIATION'S (MSBA) 2007/2008 Annual Report. As you can see from the Report, the MSBA remains a strong, fiscally-sound, well-managed and active organization, recently listed in the *Baltimore Business Journal Book of Lists* as the largest association in the Baltimore area. The MSBA's membership exceeds 23,000 – an all-time high – and it boasts more than 33 Committees and 27 Sections, including three new Sections, Animal Law, Entertainment and Sports Law and Intellectual Property, this year. Its strength is attributable to the hard work and commitment of its Executive Director, Paul Carlin, each of its Directors and its staff, and also to the dedication of the lawyers who lead and participate in the more than 500 Committee and Section meetings each year. The Annual Report contains summaries of the activities of these Committees and Sections this year, which I encourage you to review.

The MSBA is recognized throughout the country for its innovative programs and its strong relationships with the bench, the bar, the law schools and the legislature. It has been an honor and privilege to be able to lead this great organization this year!

I want to take this opportunity to thank the MSBA staff and the lawyers throughout the State who have proven to me their commitment to our mission and the rule of law, and are an example of professionalism at its best. I wish to take a moment to highlight a few of our projects this year.

The Youth-at-Risk Committee, Co-Chaired by Dawna Cobb and Susan Leviton, held a "Teen Court" Law Day Program in April in cooperation with the Citizenship Law-Related Education Program and the Public Awareness Committee. This conference trained high school students, teachers and lawyers in an effort to expand Teen Courts in all Maryland jurisdictions. We are hopeful that Teen Courts will take hold and keep our kids on the right path in the future.

Our Rule of Law Conference, which will be held in late May, is a joint effort with our courts, with the assistance of Judge Irma Raker. It will bring together noted speakers and individuals from the medical profession, public safety, legislative and executive branch, lawyers and judges, business, religion, community, education and other segments of our State to discuss the importance of the Rule of Law in their daily lives. Hopefully, these decision-makers and opinion-leaders will carry the message forward in their business and personal lives, and expand the message of the importance of the Rule of Law in our society.

The Long Range Planning Committee, Chaired by Judge Lynne Battaglia, is working on an ambitious two-year plan to prepare the MSBA for the future. The Committee's work will address four areas: Technology, CLE, Access to Legal Services and Relevance of the Bar. The CLE Committee, Chaired by Harriett Cooperman, will continue to work with MICPEL to upgrade its technological capabilities so that it is more convenient for all of us to include CLE in our busy lives.

Our Membership Committee, Chaired by Kathy Meredith, has adopted new member benefits and programs, including the ESQ123 website-creation service and Affiniscap law firm merchant credit card services. The Committee also established programs for reduced-fee law school student membership and free MSBA Annual Meeting registration for new admittees. Our Disaster Preparedness Committee, Chaired by Danny O'Connor, will continue to work toward making sure that we have considered all necessary plans to keep our practices, the bar and our system of justice functioning smoothly in the event of an unforeseen emergency.

Our new Past Presidents' Committee, a valuable resource to the MSBA, plans to establish programs that use their unique knowledge and experience. The past presidents of the MSBA have served as an inspiration to me for many years, and I hope they will do so for future bar leaders in the years to come.

Our Courthouse Committee, Chaired by Judges Robert B. Kershaw and Marcella A. Holland, continues to seek solutions to the problems of our aging courts, in Baltimore City and elsewhere. This Committee hopes to give the upgrade of the security systems, technological systems and physical structures of the courthouses throughout our State, where the public is first exposed to our justice system, the priority it deserves.

The MSBA has continued to work closely with our local and specialty bars, to better coordinate our activities and resources. The Bar Presidents' Conference continues to grow, and the relationships made are invaluable to bar leaders throughout the State.

I am proud that I will be able to turn over the Presidency of the MSBA to Katherine Kelly Howard, a seasoned bar leader who is respected throughout the State, in June. Although it will be an historic event to have a woman as President of the MSBA for two consecutive years, I am most pleased at the natural transition of our bar leadership. Kathy will have the honor of hosting the Southern Conference of Bar Presidents in Annapolis in September, a great opportunity to show off our great bar association and our State! Congratulations to Kathy, and my personal best wishes for a great bar year!



**Alison L. Asti**

## 2007/2008 MSBA BOARD OF GOVERNORS

4	<b>Alison L. Asti</b> <i>President</i>	<b>C. Drew Fritch</b> <i>First District</i>	<b>Master Jane E. Cairns Murray</b> <i>Ninth District</i>
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	<b>Douglas M. Bregman</b> <i>Sixth District</i>	<b>Frank M. Kratovil, Jr.</b> <i>Third District</i>	<b>Timothy H. Sheridan</b> <i>Seventh District</i>
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	<b>J. Allan Cohen</b> <i>First District</i>	<b>Hon. Mary Beth McCormick</b> <i>Sixth District</i>	<b>Harry C. Storm</b> <i>Sixth District</i>
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	<b>Maury S. Epner</b> <i>Sixth District</i>	<b>John J. Murphy, III</b> <i>Young Lawyers</i>	<b>Keith R. Truffer</b> <i>Eighth District</i>
	<b>Suzanne K. Farace</b> <i>Eighth District</i>	<b>Thomas D. Murphy</b> <i>Sixth District</i>	<b>Carl S. Silverman</b> <i>Parliamentarian</i>
	<b>Edwin G. Fee, Jr.</b> <i>Eighth District</i>		

## EXECUTIVE DIRECTOR'S MESSAGE

### FINDING THE PULSE OF THE LEGAL PROFESSION

WHAT ARE THE MAJOR CONCERNS OF LAWYERS AND THE LEGAL PROFESSION? What are their opinions about the profession, their careers and their professional associations? To attempt to assess these questions, the American Bar Association (ABA) has been conducting "The Pulse of the Legal Profession" Surveys each year since 2000. The ABA initiated this effort to stay abreast of emerging issues and changing needs of the legal profession. They do these inquiries to develop and position ABA programs and services and also to stabilize a dwindling ABA lawyer membership base which reached its high point in 1994 – unlike the MSBA, which increases its membership by 2-3 percent each year. I give credit to the ABA for staying on task for the last six years to probe the opinions of America's lawyers about these issues. Each year, more than 1,000 lawyer members and non-members are surveyed, which include new admittees, experienced lawyers, solo practitioners, those from mega-firms, in-house counsel and from the public sector. Interestingly, no one listed in the thick ABA Directory of Leaders is surveyed.



**Paul V. Carlin**

The top emerging concern among those surveyed in the 110-page 2006 Report was the prohibitive cost of litigation, which spans all practice settings and career stages. Other serious concerns were the declining loyalty between lawyers and law firms, the increasing competition between firms, the eroding public perception of lawyers, decreasing civility among lawyers and decreasing loyalty of clients to law firms. Another noted concern expressed by two-thirds of those surveyed was the independence of the judiciary and the increasing politicization of the law. Although there was also a decline in career satisfaction, it must be quickly noted that the decline was from 86 percent to 84 percent when asked "if you are proud to be an attorney." More than two-thirds find the practice of law to be intellectually stimulating and feel they are contributing to the greater good. Half state that their work/life balance is a concern at their firms, and less than half say that pro bono efforts are encouraged.

In terms of relevance, state bar memberships – like the MSBA – are the most important in all categories except large firms and in-house counsel. Lawyers in the public sector, small firms (2-20 lawyers), medium firms (21-100 lawyers) and solo practitioners rate their state bar membership as more relevant and important than the ABA membership. This is not surprising when you consider the direct local benefit that state and local bar associations provide their members.

In regards to surveys, the MSBA has conducted many amongst its members as a data-gathering starting point in its planning activities. The MSBA's landmark Stress and Dissatisfaction Survey in 1988 garnered headlines in *The New York Times* and *USA Today*, as well as locally, and highlighted a high degree of dissatisfaction of Maryland lawyers with the practice of law and their careers. However, subsequent surveys in 1998 and 2005 show a remarkable increase in satisfaction among our members. The MSBA also conducted a 2005 Survey of Minorities in the Legal Profession. Our Planning Committee has maintained a steady effort to grapple with the trends in the legal environment and to assess our greatest strengths, weaknesses and opportunities. We have held very successful Planning Retreats in 1995, 1999, 2000 and 2005.

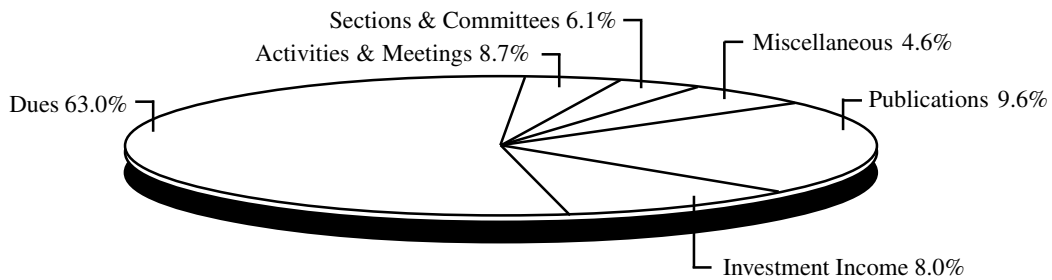
In this Association year, Judge Lynne Battaglia is chairing an active Planning Committee and focusing on four distinct areas: Access to Legal Services, the Use of Technology, the Relevance of the MSBA and Minimum Continuing Legal Education. The four subcommittees of the Planning Committee are seriously engaged in evaluating their topics, and an excellent report should emerge.

As they say, life goes on while planning continues. The MSBA has been very supportive of creating many new Sections when members show an interest in new areas such as Entertainment and Sports Law, Animal Law, Consumer Bankruptcy, Intellectual Property and Immigration Law. The MSBA Membership Committee and the staff have added and promoted new member benefits such as website creation for members and a better credit-card-payment-for-legal-services program.

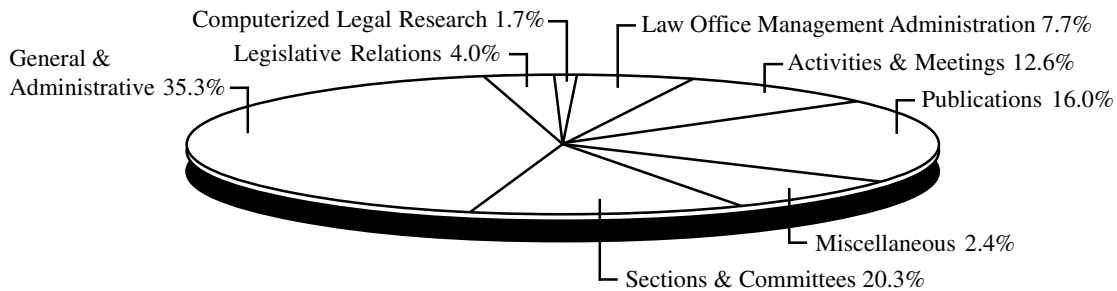
The annual dues for MSBA membership, which have not been raised since 1990, remain the lowest of any state bar association in the country, and this fact, along with a great array of membership benefits, no doubt attributes to the steady growth of the MSBA membership base. Thank you for your continuing loyalty and support of the MSBA.

## 2006/2007 MSBA FINANCIAL HIGHLIGHTS

6 Revenue	2006	2007	
Dues	2,512,554	2,607,035	63.0 %
Activities & Meetings	346,974	360,999	8.7 %
Sections & Committees	251,421	253,780	6.1 %
Publications	419,215	396,597	9.6 %
Investment Income	185,002	332,054	8.0 %
Computerized Legal Research	3,750	---	--- %
Miscellaneous	209,575	189,351	4.6 %
<b>Total</b>	<b>3,928,491</b>	<b>4,139,816</b>	<b>100 %</b>



Expenses	2006	2007	
Activities & Meetings	427,877	503,539	12.6 %
Sections & Committees	827,121	815,530	20.3 %
Publications	570,336	640,182	16.0 %
Legislative Relations	146,470	160,339	4.0 %
Computerized Legal Research	5,730	69,079	1.7 %
General & Administrative	1,362,484	1,413,996	35.3 %
Law Office Management Admin.	275,561	309,847	7.7 %
Miscellaneous	106,125	96,798	2.4 %
<b>Total</b>	<b>3,721,704</b>	<b>4,009,310</b>	<b>100 %</b>



## 2007/2008 MSBA BOARD ACTIONS AND HIGHLIGHTS

- SUPPORTED sitting judges facing circuit court contests in General Election
- APPROVED 2008 final legislative program
- JOINED ABA in condemnation of Pakistan's suspension of its Constitution and Rule of Law, its arrest of 1,500 lawyers and its detention of eight Supreme Court judges
- OPPOSED proposal to change Maryland Rules to expand use of cameras in the courtroom.
- APPROVED two new member benefits:
  - ◆ ESQsites123.com (creating member websites)
  - ◆ Law Firm Merchant Account with Affiniscape (credit card payments from clients).
- JOINED Sister State Bars in proposing an ABA Compact for Long-Term Care
- SELECTED Board representatives to Legal Aid Bureau, Inc., Maryland Volunteer Lawyers Service, and the Pro Bono Resource Center of Maryland, Inc.
- SELECTED recipients of the Sodaro Judicial Civility Award and the Presidential Best Section Project Awards

7

## 2007 MSBA ANNUAL MEETING

JUNE 13-16, OCEAN CITY, MARYLAND

8



*MSBA President Alison L. Asti (center) attends the President's Reception with (from left) her daughter Tracey Bienemann, son Daniel Bienemann, MSBA Immediate Past President Edward J. Gilliss and his wife Barbara*



*Attendees get the scoop on the latest law-related goods and services in the exhibit hall*



*Attendees learn about the latest developments in their substantive law fields, practice tips and new laws in the various educational seminars*



*All the seafood you can eat at the annual Crab Feast at Hooper's*



*The Honorable J. Joseph Curran, former Attorney General of the State of Maryland, addresses Solo Day attendees*



*Attendees unwind at the Mardi Gras-themed Welcoming Reception*

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### SECTIONS

#### ADMINISTRATIVE LAW

*Andrea Leahy-Fuckeck, Chair*

This Section monitored legislation affecting administrative law practice and continued its public outreach to law students by organizing several meetings between Section members and law students at both the University of Maryland and the University of Baltimore to discuss careers in administrative law. It sponsored educational forums and produced materials to promote discussion and enhance the skills of practitioners on new issues in administrative law. The Section held its annual spring dinner meeting in conjunction with the State & Local Government Law Section and will present a program at MSBA's Annual Meeting.

#### ALTERNATIVE DISPUTE RESOLUTION

*Thomas J. Dolina, Chair*

This Section sponsored ADR-related workshops and various MICPEL ADR courses. It provided programs for MSBA's Leadership Academy and continued to participate in ADR programs for law students. It monitored ADR legislation proposed before the 2008 Legislature and enhanced communication among members through its Section web-link and listserv.

#### ANIMAL LAW

*Joan Epstein, Chair*

This Section offered programs on issues relating to marine mammals and the link between animal abuse and violence against humans. Its legislative subcommittee revised, proposed and offered testimony to the Legislature in support of a bill to include pets in Domestic Protective Orders. The Section contributed articles written by its members for special Animal Law issues of the *Maryland Bar Journal* and the *Bar Bulletin*. It was also selected as an honoree for the Humane Society of Baltimore County's Black Tie Event this June.

#### BUSINESS LAW

*Eric G. Orlinsky, Chair*

This Section, in conjunction with the Real Property, Planning & Zoning Section, completed the 2007 *Report on Lawyers' Opinions in Business Transactions*, a useful tool for state business and real estate law practitioners now available on MSBA's website under the Section's link. It completed its first membership survey in an attempt to increase the value of Section membership

and is revamping its website, examining ways to provide richer Section content through the website and, potentially, CLE webcasting. The Section has established satellite video-conference meeting locations for each of its Council meetings in Montgomery County this year, enabling it to reach out and engage colleagues in the DC suburbs. It is planning its first stand-alone Annual Section Fall Meeting in 2008 to offer CLE along with a Section dinner.

#### CONSUMER BANKRUPTCY

*Michael G. Wolff, Chair*

This Section continued to provide free educational training for its members through monthly brown bag luncheons and has a very active listserv where members discuss substantive areas of new law. It held two MICPEL courses on general bankruptcy matters and the new Maryland foreclosure law and maintains a library of sample pleadings and other materials available to members on its MSBA website link.

#### CORRECTIONAL REFORM

*Hon. Angela Eaves, Chair*

This Section is concerned about the pretrial detention of defendants charged with nonviolent offenses who cannot afford bail money, particularly when less-onerous, non-financial alternatives exist for pretrial release. It investigated both public and private-sector resources to determine the kinds of assistance available before and after release from prison. The Section continued its review of the social, economic and legal problems faced by former prisoners upon their release from incarceration.

#### CRIMINAL LAW & PRACTICE

*John J. McCarthy, Chair*

This Section's meetings focused on everything from the new proposed Maryland Criminal Discovery Rules and Mandated Videotaping of Confessions to an update on the Maryland Sentencing Guidelines, a presentation on Community Re-Entry and a 2008 legislative update presented by Senator Brian Frosh and Delegate Joseph Vallario. It held a joint meeting with the Litigation Section in April featuring "Everything You Need to Know About Expert Witnesses" and presented its esteemed annual Heeney Award in May. The Section will present a panel of experts discussing the recent Baltimore County case on the admissibility of fingerprint evidence at MSBA's Annual Meeting.

9

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### 10 DELIVERY OF LEGAL SERVICES

*L. Tracy Brown, Chair*

This Section focused on barriers to accessing justice due to limited English proficiency, developing a brochure to inform non-English speakers about the availability of interpreters for court proceedings and the process for requesting an interpreter that will be distributed through courthouses and community organizations. It worked with the Administrative Office of the Courts and the Maryland Legal Services Corporation to facilitate launching the new Judicare program. The Section surveyed its members to determine their interests and priorities, expanded membership of the Council, increased monitoring of legislation, sponsored a regional lawyer referral conference and co-sponsored the ninth Maryland Partners for Justice Conference.

### ELDER LAW

*Jason A. Frank, Chair*

This Section revised and republished a brochure promoting the 60+ Program, highlighting the estate-planning document assistance the program offers to those meeting Legal Aid's income guidelines at significantly-reduced fees. It then distributed the brochures to local bar associations across the state. The Section also advocated for Medicaid Level of Care and uniform power of attorney legislation before the Legislature and reviewed, recommended and approved a resolution supporting the New York State Compact for Long-Term Care.

### ENTERTAINMENT & SPORTS LAW

*Cheryl L. Slay, Chair*

This Section gained Section status last June during MSBA's Annual Meeting and plans to seat its Section Council and complete its by-laws by the end of 2008. The Section will continue to provide education and other programming of interest to its members.

### ENVIRONMENTAL LAW

*Frank R. Levi, Chair*

This Section sponsored educational programs for its members and held its Annual Dinner in the spring. It also held its autumn kayak trip at Quiet Waters State Park and its April tree-planting. The Section implemented an outreach program to the area law schools and Section members addressed the University of Baltimore School of Law's students on careers in environmental law. It also assisted in the production of the May/June 2008 "Protecting the Environment" issue of the *Maryland Bar Journal*.

### ESTATE & TRUSTS LAW

*Richard F. Lindstrom, Chair*

This Section sponsored a series of MICPEL courses, evaluated their effectiveness and used this data to develop new courses and materials enabling it to continue presenting its members with quality programs on the laws relating to estate and trust planning and administration. It works with the Maryland Association of Judges of the Orphans' Court, the Registers of Wills and the estate tax unit of the Maryland Comptroller's office to exchange information and discuss problems in practices or court rules. The Section devoted much time and effort to the passage of the Uniform Power of Attorney Act in the 2008 Legislative session after thoroughly reviewing and debating the provisions of the Act, and it continues to examine the Uniform Trust Code section by section, making revisions to establish a Maryland version of the Uniform Trust Code, which it hopes to introduce in the 2009 legislative session.

### FAMILY & JUVENILE LAW

*Marc B. Noren, Chair*

This Section continued its proactive role in legislative matters, devoting an enormous amount of time to family law legislation, and took a leading role in promoting a comprehensive custody statute for the first time in Maryland. It continued to sponsor MICPEL programs and produce its high-quality newsletter and is revamping its page(s) on MSBA's website. The Section devoted special effort in reaching out to its members and local bar groups this year, including the posting of a survey for Section members on its listserve.

### HEALTH LAW

*Robin J. Seigel, Chair*

This Section focused on educational programming for Section members, including one entitled "Non-Competes and Other Restrictive Covenants in the Health Care Arena", held jointly with the Student Health Law Organization of the University of Maryland School of Law, which attracted a record turnout both in numbers in attendance and distance traveled to attend. Its winter program, "What to Do When Your Client Receives a Complaint from the Board of Physicians", was also well-attended and informative, and its spring program featured provider reimbursement/billing issues for lawyers and the Section's traditional legislative wrap-up. The Section will present "Health Law Hot Topics and Red Flags for Non-Health Lawyers" at MSBA's Annual Meeting.

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### INTELLECTUAL PROPERTY

*Larry J. Guffey, Chair*

This Section – in its first year of existence – increased its membership from 151 in July 2007 to 370+ in February 2008, thanks to its Membership Committee’s aggressive recruiting efforts. It expanded its services and benefits, creating MSBA’s first, stand-alone Section website that includes a searchable (e.g., searchable by the type of IP services that a prospective client or another attorney might be seeking) members’ pictorial database, a dynamic IPS calendar of events and links to the podcasts of past IPS educational seminars. The Section wrote articles for the January/February IP issue of the *Maryland Bar Journal* and the March IP issue of the *Bar Bulletin* and planned four educational seminars for its members: “Theft of Intellectual Property: Forensic Traces to Make Cases”; “Protecting Your Marks on the Internet”; “ITC Investigations on the Importation of Infringing Products”; and “Round Table Discussion of Licensing Issues”.

### JUDICIAL ADMINISTRATION

*Hon. Lynne A. Battaglia, Chair*

This Section engaged in a number of projects impacting the administration of justice, including collecting and collating data from Maryland’s Circuit Court judges in response to *voir dire* surveys to assist both courts and practitioners by providing a source for attorneys to consult in order to learn what different jurists in different jurisdictions expect during their jury-selection process. It submitted a “scratch draft” of a proposed Maryland Telephone Testimony Rule, which was accepted and approved by the MSBA Trial Subcommittee of the Rules Committee, and evaluated 24 legislative bills, submitting recommendations supporting, opposing or abstaining from a position to MSBA. It continues work on its masters’ survey and has undertaken a “Raising the Bar” project to educate the Bar on the Maryland rules of civil procedure.

### LABOR & EMPLOYMENT LAW

*Glendora C. Hughes, Chair*

This Section held a Fall Dinner Meeting, issued fall and winter newsletters to its members and presented its Employment Law Institute through MICPEL in the spring. The Section will present a program at MSBA’s Annual Meeting.

### LEGAL EDUCATION & ADMISSIONS TO THE BAR

*Barbara Lauren, Chair*

This Section reviewed applications from out-of-state law students under Maryland Rule 16, which permits students enrolled in approved programs to appear in Maryland courts under supervision of a Maryland attorney. It also fine-tuned this process by agreeing to put in any letter granting Rule 16 status language informing the applicant that the approval is only for a specified time period (i.e., summer, fall semester or spring semester). The Section also held its annual dinner program in the spring.

### LITIGATION

*Rachel T. McGuckian, Chair*

This Section teamed up with the Taxation, Criminal Law and Young Lawyers Sections to produce interesting programs on a variety of topics across the state and co-sponsored a program on e-discovery with the University of Baltimore School of Law. It took its annual all-star appellate road show, starring Judges Glenn Harrell and Alexander Wright, Jr., and addressing issues faced by practitioners in the Maryland appellate courts, to Frederick County. The Section also devoted substantial time and effort, with the endorsement of MSBA’s Board of Governors, to support an amendment to the Maryland Constitution that would replace contested elections for circuit court judges with retention elections.

### NEGLIGENCE, INSURANCE & WORKERS’ COMPENSATION

*Mitchel M. Gordon, Chair*

This Section reviewed and responded to numerous legislative bills regarding revisions to the Workers’ Compensation Code and to the law of negligence and other matters. It sponsored a seminar on pending legislative bills in Annapolis relative to workers’ compensation and negligence matters, a seminar dealing with AMA Guidelines in workers’ compensation cases and will present a program on Solo Day at MSBA’s Annual Meeting dealing with minimizing and maximizing damages in catastrophic cases by way of opening and closing arguments.

11

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### 12 REAL PROPERTY, PLANNING & ZONING

*Michael S. Swanenburg, Chair*

This Section continued its educational programs, including its Advanced Real Property Institute held in October in Baltimore, and its monthly Real Estate Discussion Group Luncheons. It broadcast its Real Estate Discussion Group meetings to all Section members via on-demand webcasting, benefiting those unable to attend in person, and cosponsored a five-week evening series providing substantive education for less-experienced practitioners with MICPEL. The Section established relationships with both state law schools and their respective real estate law clubs, including a mentor/mentoree program that provides exposure and guidance to those interested in pursuing a career in real estate. It also supported the work of its various committees to provide real property practitioners with current information and forums for discussion and education.

#### SENIOR LAWYERS

*Victor W. Fuentealba, Chair*

This Section continued its highly successful bimonthly meetings featuring interesting speakers and delicious lunches. It published two issues of its newsletter, *Pearls of Wisdom*, to keep members informed about issues of interest to senior lawyers. The Section featured a dinner honoring Melvin Sykes, Esq., as the "Senior Lawyer of the Year" in May, which it hopes will become an annual event, with increased participation by members of the bar of all ages. It will present a program of interest at MSBA's Annual Meeting.

#### SOLO & SMALL FIRM PRACTICE

*Steven G. Tyler, Chair*

This Section continues to grow in number, becoming the fifth-largest MSBA practice Section. It held its ninth Annual Solo and Small Firm Conference in November, featuring "The Paperless Office", with national expert Ross Kodner, which is still available online; this sellout event was podcast and webcast this year.

#### STATE & LOCAL GOVERNMENT LAW

*Karen Federman-Henry, Chair*

This Section seeks to provide a common meeting ground and impartial forum for members of the Bar engaged in dealing with problems of state and local government in any capacity, and fosters a better understanding of the law relating to municipal corporations and other public bodies. It conducted a mini-program in December regarding the acquisition of contaminated property, featuring a panel of well-qualified speakers from the U.S.

Environmental Protection Agency and the Maryland Department of Business and Economic Development. The Section broadened its visibility by joining the Administrative Law Section in sponsoring a spring dinner, and after a three-year hiatus, reinstated the State and Local Government Institute, which provides an array of programs that focus on the areas of concern for state and local government practitioners, in May. The Section will continue its efforts to offer mini-programs, the Institute and networking opportunities with other Sections and Committees of the MSBA.

#### TAXATION

*James W. Dawson, Jr., Chair*

This Section stepped up its efforts to work with the Maryland General Assembly and Comptroller's Office to provide assistance and guidance on proposed tax legislation and policies and sponsored a Tax Policy Symposium at the University of Baltimore School of Law in December. It provides constant communication with its members through its listserve and website and its members are active in numerous study groups, including the State Tax Study Group, begun as a pilot project to utilize video conferencing for its annual meetings to expand participation to other parts of the state. It continues to publish *Tax Talk*, its quarterly newsletter, and works with MICPEL to provide timely educational programs on subjects that are relevant to tax practitioners. The Section held its annual events, Tax Networking Night and The Shulbank Dinner, and presented its esteemed Tax Excellence Award and the J. Ronald Shiff Memorial Pro Bono Award to two dedicated tax practitioners. The Section continues to focus on ways to address the expanding Maryland tax code, service its members and expand its pro bono efforts.

#### YOUNG LAWYERS

*Michael W. Siri, Chair*

This Section organized its 17<sup>th</sup> Annual MSBA Charity Event, "Mardi Gras for Mentoring", held in March in Baltimore's historic Fell's Point, with all proceeds going to benefit the Maryland Mentoring Partnership. It also continued its strong tradition of public service by organizing a book drive to help supplement an inner city public school's library, raising several thousand dollars for the Maryland Special Olympics in the Maryland State Police's Polar Bear Plunge and collecting toys for the annual Toys for Tots program. The Section, in partnership with the Pro Bono Resource Center, created a mentorship program whereby young attorneys were partnered with more-experienced attorneys to handle a pro bono matter.

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### COMMITTEES

#### BUDGET & FINANCE

*Debra G. Schubert, Chair*

This Committee oversees the Association's finances and budget and reviews budget requests from Sections, Committees and other entities to prepare an annual 700+ line-item budget for the Board of Governors' approval. It makes recommendations to the Board regarding budget amendments, suggests financial policies and develops long-range fiscal plans.

#### CONTINUING LEGAL EDUCATION

*Harriet E. Cooperman, Chair*

This Committee presents programs in conjunction with the University of Maryland School of Law and the University of Baltimore School of Law and meets with MICPEL to review programs, plans and MICPEL publications and sponsors a program at MSBA's Annual Meeting.

#### ETHICS

*Paul D. Raschke, Chair*

This Committee issues written opinions on the proper interpretation of the Rules of Professional Conduct, which are indexed and available on MSBA's website. It also publishes an opinion in each issue of the *Maryland Bar Journal*. The Committee also provides oral advice on the interpretation and application of the Rules through the operation of a telephone "hotline" service. It announces the volunteer names each month in the *Bar Bulletin* and on the website.

#### JUDICIAL APPOINTMENTS

*Jerald B. Lurie and Rachel T. McGuckian, Co-Chairs*

This Committee receives and reviews a copy of each application for judicial appointment, contacts references, assigns the application to a local member for the preparation of a summary and presentation to the Committee, then conducts an interview of each applicant and votes on the applicant's qualifications. It submits the findings to the Judicial Nominating Commission and the Governor for consideration. The purpose of this Committee is to provide the Judicial Nominating Commission with peer evaluation of an applicant's qualifications.

### LAWS

*Michael J. Baxter, Chair*

This Committee prepares the MSBA Legislative Program, which sets forth the Association's positions on legislative issues of interest to Maryland lawyers, such as tort reform, judicial elections and independence and regulation of the legal profession. It submits the Program to the Board of Governors for its consideration and approval. The Committee reviews all of the bills that are filed, recommends positions on those impacting the practice of law and the administration of justice, delivers the Association's positions on bills during the legislative session through written and/or oral testimony and works with legislators in amending proposed laws.

#### LAWYER ASSISTANCE PROGRAM

*Hon. William G. Simmons, Chair*

This Committee continues to expand its services, offering comprehensive lawyer assistance to help members who have problems with alcohol, drugs, depression, stress and wellness issues. It receives over 100 referrals to assist judges, attorneys and others in the legal community who have trouble in their professional or personal lives each year. It holds monthly core group meetings and quarterly business meetings to identify, facilitate and support those experiencing problems.

#### LOCAL & SPECIALTY BAR LIAISON

*Mary T. Keating, Chair*

This Committee sponsored the 2007 Conference of Bar Presidents in October at the Rocky Gap Resort in Allegeny County, attracting bar leaders from across the state. It presented programs on professionalism and civility, the new rules governing attorney trust accounts, the Youth-at-Risk/Teen Court project and lunch speaker Ed O'Brien, founder of Street Law. The Committee offered bar leaders the opportunity to share their experiences and ideas in breakout sessions and to laugh and bond during a high-energy presentation on effective communication skills, and all participants enjoyed the Halloween party, showcasing most creative costumes.

13

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### 14 MEMBERSHIP

*Kathleen Howard Meredith, Co-Chairs*

This Committee focuses on recruitment and retention of members, communication within and outside the organization and provision of tangible benefits to MSBA members. It has three subcommittees to address these areas: Communications/Technology, External Member Recruitment, and Member Participation/Internal Recruitment and Retention. The Committee introduced two new membership benefits this year: ESQsites 123.com, which creates member websites, and the Law Firm Merchant Account with Affiniscape, offering credit card payments from clients.

### PATTERN JURY INSTRUCTIONS

*Hon. Irma S. Raker, Chair*

This Committee has spent the past year preparing the 2007 Supplement and working on a Second Edition. It has organized itself into nine subcommittees and is systematically reviewing, and rewriting and editing as necessary, the 188 criminal pattern jury instructions and accompanying notes on use and comments.

### PLANNING

*Hon. Lynne Battaglia, Chair*

This Committee is examining, through four subcommittees, four different areas: Access to Legal Services, the Use of Technology, the Relevance of the MSBA and Minimum Continuing Legal Education.

### PROFESSIONALISM

*Rignal W. Baldwin, Jr., Chair*

This Committee conducted the required Rule 11 course for new admittees in November/December 2007, with more than 60 judges and attorneys volunteering their services as faculty members and observers. The Committee conducted a faculty-training session in April to refine the curriculum and to expand the faculty base and actively recruits attorneys and judges interested in joining the course's faculty.

### PROGRAM

*Edwin H. "Ted" Staples, II, and Andrew Radding, Co-Chairs*

This Committee planned innovative social and educational programs for MSBA's Mid-Year Meeting held in Playa Del Carmen in Mexico in February, which was a success. It is planning MSBA's Annual Meeting in Ocean City in June, which will be replete with innovative, comprehensive and practical programs for practitioners in every area. The Committee has devoted untold hours

in preparation to this program, which will feature scores of speakers on topics relevant to the various MSBA Sections and Committees.

### PUBLIC AWARENESS

*Hon. Pamela J. Brown, Chair*

This Committee enhances the public's understanding of the law through community education and outreach. It presents MSBA's two most successful, ongoing public service projects: its series of 24 public awareness legal information guides, which are disseminated to the public free of charge, and its Speakers' Bureau, where 250 volunteer attorneys go out into the community and educate the public about the law. The Committee also sponsored its Law Day program, a lawyer/student/teacher conference on "Youth-at-Risk/Teen Court" in April in conjunction with MSBA's Youth-at-Risk Committee and CLREP.

### RESOLUTION OF FEE DISPUTES

*William C. Mitchell, Jr., Chair*

The Committee investigated a number of fee-dispute cases this year, closing and settling many of them through arbitration hearings. It works to resolve active cases through mediation or binding arbitration. The Committee receives about five inquiries for fee-dispute assistance each week, primarily through phone calls to MSBA Headquarters and hits on the Association's website from disgruntled clients. If there is a reasonable basis to believe the complaint has merit, a file is opened and referred to a Committee member who, appointed as "Client Representative", reviews the complaint, talks to both sides in the dispute and attempts to mediate a solution. Over 100 volunteers across the state actively participate in this program, with administrative assistance from MSBA's staff.

### RULES OF PRACTICE

*Paul H. Ethridge, Chair*

This Committee, the liaison between MSBA's membership and the Standing Committee on the Rules of Practice and Procedure, monitors all of the meetings of the Rules Committee and requests input from MSBA Sections and Committees so the Association's voice is heard on proposed Rules changes at Rules Committee meetings on any proposed Rules changes. This Committee fosters a closer relationship between the Rules Committee and MSBA, which is important because the Rules Committee has welcomed the Association's presence and input at their meetings and sub-committee meetings. It plans to continue this close relationship with the Standing Committee on Rules.

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### SPECIAL COMMITTEES

#### ANTI-DISCRIMINATION MATTERS

*Hon. Robert B. Kershaw, Chair*

This Committee examines the professional and practice application of the Maryland statute prohibiting discrimination on the basis of sexual orientation in the workplace, places of public accommodation and housing.

#### APPOINTMENTS

*Thomas M. Meachum, Chair*

This Committee publicizes vacancies on the boards of directors for the Maryland Volunteer Lawyers Service, the Pro Bono Resource Center of Maryland and the Legal Aid Bureau, interviews interested candidates and makes recommendations to the MSBA Board of Governors.

#### ASIAN-AMERICAN BAR

*Hyun Kyong Kim, Chair*

This Committee reaches out to Maryland's Asian-American lawyers and has an active listserve.

#### CITIZENSHIP LAW-RELATED EDUCATION

*Hon. Diane O. Leasure, Chair*

This Committee promotes law-related education in Maryland schools to educate students about the law and celebrated 25 years of presenting the statewide high school Mock Trial competition, in which 36,000+ students have competed. Its programs include the Law Links High School internship project, the Baltimore City Teen Court, Maryland Summer Center for Law and Government and several peer-conflict mediation initiatives. It also produces curriculum, publications, videos and computer software in law-related education, conflict resolution and violence prevention and provides teacher training. The Committee, in conjunction with MSBA's Youth-at-Risk and Public Awareness Committees, sponsored MSBA's Law Conference in April, "Teen Courts – A Success Story for Maryland Youth".

#### COURTHOUSE CONSTRUCTION

*Hon. Marcella A. Holland and Hon. Robert B. Kershaw, Co-Chairs*

This Committee sought to address some of the numerous problems facing the Baltimore City Mitchell Courthouse.

#### DISASTER PLANNING TASK FORCE

*Danny B. O'Connor, Chair*

This Committee drafted a disaster plan for lawyers as a guide so lawyers will be prepared in the event a disaster strikes and explored ways to implement it in the state.

### EDITORIAL ADVISORY

*Elizabeth Mary Kameen, Chair*

This Committee continues to oversee production of the *Maryland Bar Journal* and the *Bar Bulletin*, updating members on information and timely issues impacting the legal profession. The *Journal*, which was named top state bar magazine in the country for large bar associations in 2002, continues to feature new legal theme issues. The *Bar Bulletin* also offers legal themes and provides members with a broad range of legal news and substantive topics.

### IMMEDIATE RESPONSE COMMITTEE

*Thomas D. Murphy, Chair*

This Committee has not been called upon to take any action this year, but remains vigilant and prepared to do so in the event that it becomes necessary to respond to any unjustified criticisms.

### INVESTMENT

*Cleaveland D. Miller, Chair*

This Committee oversees MSBA's prudent investment of Association assets. The investment objective is to earn a fair return while ensuring that sufficient funds are always available for the smooth operation of MSBA functions.

### LEADERSHIP ACADEMY

*Hon. Diane O. Leasure and Hon. Barbara Kerr Howe, Co-Chairs*

This Committee welcomed a new class of Fellows into the MSBA Leadership Academy and served as mentors to prepare the attorneys for future leadership roles in their bar association and their profession. This Committee receives support from MSBA, the Maryland Bar Foundation, corporations, individuals and law firms. The Fellows benefit from a host of leadership-training programs so they will be poised to take the next step in helping MSBA remain one of the leaders in our nation's legal arena.

### MINORITIES IN THE LEGAL PROFESSION

*Anthony I. Butler, Chair*

This Committee researched, drafted and published the 2005 Minority Report, an update of the 1987 *Report and Recommendations of the Conference on Minorities in the Legal Profession*, which provides a comprehensive overview of the current status of the state's attorneys of color. The Committee actively implemented many of the recommendations included in the Report.

15

## 2007/2008 MSBA SECTIONS AND COMMITTEES

### 16 PARALEGAL COMMITTEE

*Karen L. Cook, Chair*

This Committee continues its work to educate the MSBA membership about the paralegal profession and understand how this committee can best address the needs of both attorney and paralegal members. Its activities this year include: (1) updating the Special Committee on Paralegals website, (2) creating and utilizing the committee listserve, (3) devising a survey – to be mailed electronically to all members this spring – to assess the utilization of paralegals in the legal community and the specific needs of paralegals and attorneys who use paralegals, (4) developing CLE in conjunction with MICPEL on E-Discovery, and (5) preliminarily discussing the issue of regulation of the paralegal profession and continuing to study the trends and developments in paralegal regulation nationwide.

### PAST PRESIDENTS' COMMITTEE

*Hon. J. Michael Conroy, Jr., Chair*

This Committee was created to serve as a resource to the current MSBA leadership and offer its experience and input when called upon to do so.

### PUBLIC PROTECTION

*Mark Franklin Scurti, Chair*

This Committee seeks to stop scam artists from taking advantage of the poor, the elderly and the disadvantaged. It coordinates efforts with the Attorney Grievance Commission, the Attorney General's Office and the State's Attorney's Offices throughout Maryland.

### TRAVEL

*Lisa Lynn Mervis and Hon. Susan M. Souder, Co-Chairs*

This Committee assists the Association in arranging travel plans for MSBA members, including the MSBA Mid-Year Meeting.

### YOUTH-AT-RISK

*Susan P. Leviton and Dawna M. Cobb, Co-Chairs*

This Committee worked in conjunction with MSBA's Public Awareness Committee and CLREP to sponsor the Association's Law Day Conference on Youth-at-Risk/Teen Court, a gathering to encourage the use of teen courts in Maryland jurisdictions where one does not exist. It invited Chief Judge Robert M. Bell, Maryland Court of Appeals, to deliver the keynote address, then veteran teen court volunteers, attorneys, judges and court personnel presented concurrent sessions on restorative justice, understanding the juvenile justice system, starting a teen court, and using teen court for traffic offenses, followed by a mock teen court trial enactment.