



MARYLAND STATE BAR ASSOCIATION, INC.
ANNUAL REPORT 2011/2012



MSBA MISSION STATEMENT

Our mission is to effectively represent Maryland's lawyers,
to provide member services and to promote professionalism,
diversity in the legal profession, access to justice,
service to the public and respect for the rule of law.

MARYLAND STATE BAR ASSOCIATION, INC.

ANNUAL REPORT 2011/2012

Volume XXI

MSBA is pleased to present its membership with a brief overview of the year 2011/2012, highlighting its many activities, events and accomplishments.

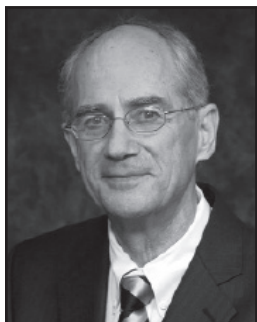
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Cover: MSBA Headquarters Conference Room
Mural depicting an artistic rendition of the
Maryland State flag.

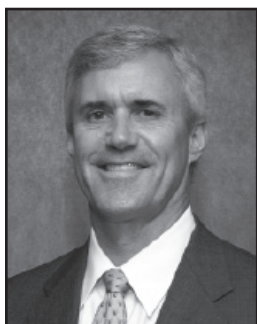
2011/2012 MSBA EXECUTIVE COMMITTEE



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John P. Kudel
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Tenth District



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*Chair, Young Lawyers
Section*

PRESIDENT'S MESSAGE

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HAVING HAD THE OPPORTUNITY TO REVIEW PRESIDENTS' MESSAGES FROM PAST YEARS, it is manifest that this column is meant to be an MSBA catalog of achievements during the past year. If you have read any of my messages this year you already know that my main goal has been to have our membership think about some of the major legal issues confronting our state and country rather than relating "ribbon-cutting" events, even though it doesn't hurt to reflect periodically upon them.

Last spring's Long-Range Planning Conference in Columbia really set the stage for 2011-2012. The message that came through from that conference loud and clear was the need for CHANGE, a re-awakening, a fresh look at what we were about.

In order to facilitate that, the first item of MSBA business was to enforce rotation rules regarding the various Committee chairs, as well as a 10-20 percent rotation within the Committees themselves, along the lines of first-in, first-out.

A particular thrust at involving our talented Young Lawyers was also made. The overall intention was to have our highly successful Leadership Academy graduates move into Young Lawyers' Committees if age-appropriate, and into MSBA Committees if the graduates were no longer eligible for Young Lawyers – additionally, to provide for young lawyer presence on all Committees. Our semi-autonomous Sections were also encouraged along those lines. A special agreement was reached to have young lawyer representation on all Section Leadership Councils.

An effort to achieve greater communication and accountability has been implemented to have Board of Governor liaisons actively attending and reporting their Section or Committee developments and concerns to the Board of Governors. The use and development of videoconferencing by Sections and Committees has also been encouraged. Merrill LAD Court Reporting has kindly permitted the free use of their facilities throughout the state to further this goal.

Following up on the successful statewide courthouse cellphone program, the MSBA is very close to achieving a one-card MSBA ID to access all of the state's courthouses, no matter which state venue is being accessed.

In keeping with our Articles of Incorporation and goal of active legislative and civic involvement, the MSBA launched a new Law Reform Committee wherein our membership suggests changes to laws, unlike the Laws Committee, which vets bills proposed by the Legislature.

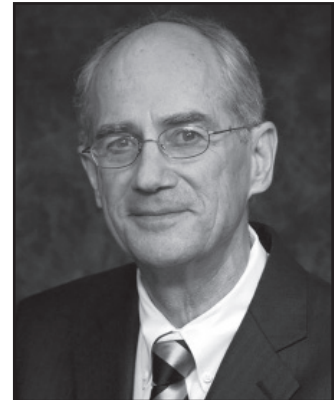
Our Board of Governors, refusing to be circumscribed by the hobgoblin of "controversy" when significant civil rights were at issue, virtually unanimously supported the Same Sex Marriage Bill.

We also broke new ground with a Voir Dire Instruction Committee, intended to achieve some uniformity mirroring our highly successful Jury Instructions Committee.

After several years of study, a By-Law Agreement resulting in some direct Section representation on the Board of Governors was achieved and will be presented for membership approval at the Annual Meeting in June.

Our CLE programming has continued to blossom and our pro bono work carries on unabated, but access to justice is still beyond the reach of a large percentage of our citizenry. Funding is the fulcrum, but it requires a societal foundation and should not and cannot rest entirely on the shoulders of lawyers and litigants as it does at present. I have suggested punitive damages as a potential source for that funding since I suspect it will not be coming from the State's general funding.

All in all, I recognize that I am merely scratching the surface of all that our 24,000 members are accomplishing, but hopefully the sense of renewal is everywhere palpable, and none of it would be possible without the superb stewardship of our Executive Director, Paul Carlin, and his industrious cadre of overachievers that keep us moving forward. As Chief Servant of our organization, please accept my grateful "Thank You!"



Henry E. Dugan, Jr.

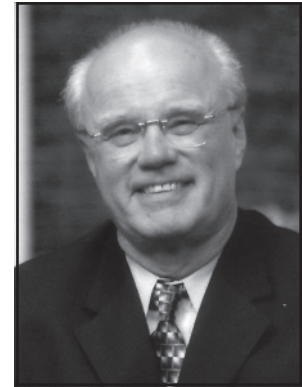
2011/2012 MSBA BOARD OF GOVERNORS

4	Henry E. Dugan, Jr. <i>President</i>	John K. Gardner <i>Seventh District</i>	Hon. Lynn K. Stewart <i>First District</i>
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	Charles O. Fisher, Jr. <i>Eleventh District</i>	Mary Alice Smolarek <i>First District</i>	

EXECUTIVE DIRECTOR'S MESSAGE

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THIS MARKS THE 20TH ANNIVERSARY OF THE *ANNUAL REPORT* IN THIS FORMAT. THOSE who recall the Transaction Reports before 1992 know what an improvement this brief, attractive *Annual Report* is versus its letter-sized, 200-page predecessor, which was issued twice a year. However, even in this attractive, abbreviated form, some members wonder why we are still sending out paper through the mail rather than switching to a totally electronic format. Change is coming in most regards, but I believe running parallel for awhile is not a bad idea. After all, although our membership directory has been online for six years now, the *Maryland Lawyers' Manual*, the most comprehensive directory of lawyers, law firms, and government in Maryland, is still one of our top member benefits, despite its theft. This single resource contains, among other things, listings of all the lawyers admitted to practice in Maryland and all MSBA members listed geographically, as well as the most succinct listing of law firms in the state.



Paul V. Carlin

The MSBA has registered consistent growth over the years. In 1992, when this *Annual Report* format debuted, the Association had 15,300 members. As the lawyer population in Maryland has increased over the years to a current total of 36,532, our voluntary professional membership organization has reached 24,400 members, which is the highest number of members ever. Our percentage of membership has remained in the 67-70 percent range for the past three decades. Our sister bars in the Mid-Atlantic region do not enjoy the same support of their members as does the MSBA. For instance, the voluntary bar association in the District of Columbia only has 3-4,000 members, while the mandatory D.C. Bar now has over 96,600 members. Less than 50 percent of Pennsylvania's admitted lawyers are members of the Pennsylvania Bar Association, and the percentage in New Jersey is only about 25 percent. And while the MSBA is the fifth-largest voluntary bar association in the country, I believe we are able to interact and build personal relationships with our members. I have a hard time believing that any of the 35 mandatory state bars can match these personal connections, e.g. California State Bar with 232,000 members!

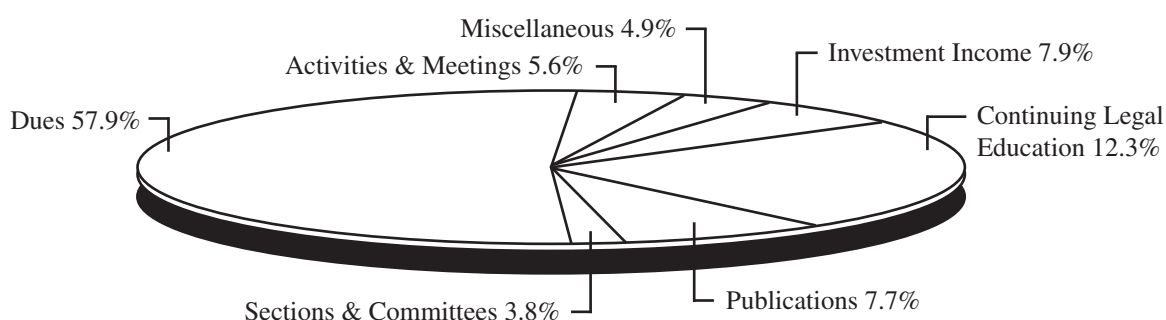
Our growth and stability can be attributed to many reasons. Take our array of practical membership benefits for one, and the density of our membership within our compact geography allowing for high meeting activity for another. Consider our leadership and professional staff as well. And perhaps not to be overlooked are our low dues. The top level of our dues is only \$125, which for the last five years has remained the lowest annual dues of any state bar association in the nation. What an absolute bargain, especially when compared to not only other lawyer groups but also to most other occupational groups, which charge up to three times as much without their members enjoying the level of median income of most lawyers. Add to this the fact that MSBA has not raised the dues since 1990 – that's 22 years without an increase, a rather singular statistic. Most of the western state bars charge over \$400 dues, with Alaska being highest at \$620.

How has this been achieved? I believe that the answer is found in the good stewardship of our members' monies. Our professional management team and our Budget & Finance Committee foster stability, prudence, consistency, and moderation. The MSBA's financial plan does not lurch year to budget year, but rather follows consistent formats, judicious budgeting, and constant new initiatives to find new monies and cut spending. Although fresh initiatives arrive each year, we have not created new departments with many new employees. Another powerful force is the ability of the MSBA, our leaders, and staff to maintain personal connections with many of our members. Our members join and remain members for personal and professional development and also for business development. I like to think that the MSBA maintains a focus on the five factors of creating a sustainable, competitive, organizational culture as listed in a recent *Forbes* magazine article: behaviors, relationships, attitudes, values, and environment.

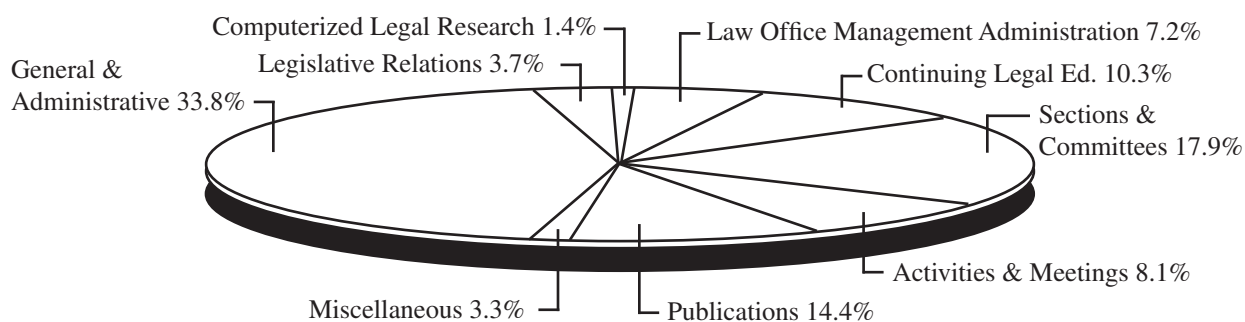
But like most things, "the times are a'changin'." The MSBA never stands still. While the staff is as busy as ever picking all the low-hanging fruit after learning about available new programs and systems, we are also diligently planning and upgrading our services where and whenever possible. We have revised our website at least three times and are currently involved in another evaluation to eliminate inefficiencies and make navigation easier with fewer clicks. We have initiated a new videoconferencing capability with the generosity and assistance of Merrill LAD Reporting to save our members much travel time for our Committee and Section meetings. Our Young Lawyers Section ingeniously created new apps for mobile phones so that the Rules of Professional Conduct, the Rules of Evidence, and the Code of Civility are readily available to our lawyers' smartphones, which are "on" all the time. And the connectivity of new social media is now making e-mail obsolete! We are also achieving much more efficiency with our association banking procedures after performing an RFP with the many banking competitors in the area. The free computerized legal research tool arranged through Fastcase continues to be a powerful resource for our members. We are dedicated to helping members solve problems and remaining relevant to their needs. Thank you for your continued support and for our mutual efforts to help our members and the public.

2010/2011 MSBA FINANCIAL HIGHLIGHTS

6 Revenue	2010	2011	
Dues	2,751,365	2,769,154	57.9 %
Activities & Meetings	278,489	266,865	5.6 %
Sections & Committees	181,035	180,108	3.8 %
Publications	378,779	366,705	7.7 %
Continuing Legal Education	111,701	588,630	12.3 %
Investment Income	328,371	379,751	7.9 %
Miscellaneous	197,114	232,424	4.9 %
Total	4,226,854	4,783,637	100.0 %



Expenses	2010	2011	
Activities & Meetings	420,813	374,053	8.1 %
Sections & Committees	783,603	830,775	17.9 %
Publications	675,880	667,497	14.4 %
Legislative Relations	167,826	172,913	3.7 %
Computerized Legal Research	65,624	65,321	1.4 %
Continuing Legal Education	72,856	476,436	10.3 %
General & Administrative	1,544,839	1,567,256	33.8 %
Law Office Management Admin.	335,318	335,193	7.2 %
Miscellaneous	156,661	152,895	3.3 %
Total	4,223,420	4,642,339	100.0 %



2011/2012 MSBA BOARD ACTIONS AND HIGHLIGHTS

- ☐ APPROVED new Section CLE guidelines to promote uniformity and consistency in continuing-legal education programs 7
- ☐ APPROVED three new membership benefits:
 - ◆ Rocket Matter – Cloud-based practice management service
 - ◆ Clio – Cloud-based practice management service
 - ◆ Sure Payroll – A software payroll program for small firms
- ☐ APPROVED governance compromise proposal to add three new Board seats representing MSBA's substantive law Sections
- ☐ SUPPORTED legislation granting same-sex couples the right to legally marry in Maryland
- ☐ APPROVED free videoconferencing services, via court reporting agency Merrill LAD, to MSBA Sections and Committees
- ☐ OPPOSED legislation empowering Commission on Judicial Disabilities to remove judges from the bench based on their interpretation of the law
- ☐ APPROVED new uniform Courthouse ID program in cooperation with the Maryland Sheriffs Association
- ☐ SUPPORTED recommendations by the Judicial Compensation Commission and legislation for increased compensation for Maryland Judges
- ☐ SELECTED Board representatives to Legal Aid Bureau, the Maryland Volunteer Lawyers Service, and the Pro Bono Resource Center of Maryland
- ☐ SELECTED recipients of the Sodaro Judicial Civility Award and Presidential Best Section Projects

2011 MSBA ANNUAL MEETING

JUNE 8-11, OCEAN CITY, MARYLAND

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MSBA President Henry E. Dugan, Jr. delivers his installation speech to MSBA members



Attendees stay abreast of the latest law-related goods, technologies and services in the Exhibitor Hall



Honoring the latest appointees to Maryland's Judiciary with the New Judges Reception



These steamed specialties are in demand at the annual Crab Feast at Hooper's



The Citizenship Law-Related Education Program (CLREP) educates children on the importance of the law in their lives with its entertaining Children's Hour



Attendees, including Immediate Past President Thomas D. Murphy, left, tackle MSBA's annual 5k and 10k Sun Run challenge

SECTIONS

ADMINISTRATIVE LAW

Jack L. B. Gohn, Chair

The Section added several new members to its Section Council and began planning ways to make its website more informative and of greater value to its membership. It was active in deliberations over the future of Continuing Legal Education within the Association and has been focused on the developing mortgage foreclosure mediation responsibilities of the Office of Administrative Hearings. The Section will sponsor a program entitled “*The Response Movie: Combatant Status Review Tribunals at Guantanamo: Habeas Corpus and Due Process (Or Lack Thereof)*” at the MSBA Annual Meeting.

ALTERNATIVE DISPUTE RESOLUTION

Craig T. Distelhorst, Chair

This Section presented a number of amendments to the Court of Appeals Rules Committee’s ADR Subcommittee’s proposed revision of Title 17, et al, governing ADR, with most of them accepted by the Rules Committee. It also presented seminars, held an all-day annual planning retreat, neutrally facilitated by MACRO Deputy Director Lou Gieszl, and hosted its Annual Spring Dinner Event, featuring a panel discussion entitled “Legislative Dispute Resolution Among Democrats, Republicans, and Independents – Is It Possible and How Do We Implement?” The Section will present a program on international mediation at the MSBA Annual Meeting.

ANIMAL LAW

Nathan Herschler, Chair

This Section partnered with the L.L.M Executive Board at the American University Washington College of Law to host a presentation by State Senator Jamin B. (Jamie) Raskin on proposed legislation in the Maryland General Assembly. It also collaborated with the University of Maryland Student Animal Legal Defense Fund for a panel discussion on tort damages and animals. The Section continued to produce and disseminate an informative newsletter and comment on proposed legislation in the Maryland General Assembly and, in April, hosted the Third Annual Animal Law Symposium at Westminster Hall in Baltimore. It will host a panel entitled “The Continuing Fight Against Animal Cruelty” at the MSBA Annual Meeting.

BUSINESS LAW

Kenneth B. Abel, Chair

This Section supported the compromise proposal to amend the MSBA’s Bylaws to add to the MSBA Board of Governors three new members elected by the MSBA’s Substantive Law Sections. It advanced legislation in the Maryland General Assembly that will clarify and update the Maryland Limited Liability Company Act. The Section hosted the 2012 Business

Law Institute, featuring eight continuing legal education panels as well as Baltimore Ravens’ President Richard W. Cass discussing the Business of Baltimore Ravens Football, in April, while several of the Section’s committees produced free one to two-hour webinars for Section membership on substantive law topics of interest throughout the year. It will sponsor a program entitled “Legal Ethics – Riddles for Transactional Lawyers and Answers to Auditors’ Inquiry Letters” at the MSBA Annual Meeting.

CONSTRUCTION LAW

Tracy L. Steedman, Chair

This Section created a *Maryland Construction Law Deskbook*, written and edited exclusively by Section Members, as a signature event in its inaugural year as a recognized Section. It also held a number of events, including: a “hot topics” happy hour in September; a well-received Government Contracts Litigation discussion panel and dinner, co-sponsored by the MSBA Litigation Section, in November; a discussion and meeting regarding Maryland Occupational Safety & Health (MOSH) Actions in the Construction Industry in January; a lunch seminar on the Nuts & Bolts of Mechanic’s Liens in March, and a CLE program surrounding the new *Construction Law Deskbook*. The Section also: held a joint meeting with the Virginia State Bar’s Construction Law and Public Contracts Section in Bethesda in April; provided basic construction law training for the Judicial Conference; held meetings by videoconference in several locations to accommodate members from all areas of the state; and produced a tracking report of hundreds of relevant bills pending in the Maryland, as well as annual and quarterly case-law updates. It will present a Basics of Construction Law program and a joint presentation with the Environmental Law Section at the MSBA Annual Meeting.

CONSUMER BANKRUPTCY

Richard S. Stolker, Chair

This Section was the first to utilize videoconferencing services (provided by Merrill LAD, at no charge to MSBA) for Section meetings so that members could attend the meeting at one of various locations. It provided: free education programs for its members through monthly brown bag luncheons held, via videoconference, in Baltimore, Rockville, and Greenbelt; an active electronic discussion group; and its electronic newsletter, *The Hanging Paragraph*, as well as online video seminars of sample pleadings and other materials, via the Section’s homepage. The Section also sponsored CLE courses on general bankruptcy matters and worked closely with the staff of the United States Bankruptcy Court by coordinating focus group discussions to assist the Court with unrepresented debtors in bankruptcy and supporting the Bankruptcy Court’s pro bono assistance program, the Debtor Assistance Project, and also provided coverage for bankruptcy clients whose attorneys became unavailable because of health, disciplinary, or other circumstances. It will present a program tailored for general practitioners at the MSBA Annual Meeting.

2011/2012 MSBA SECTIONS AND COMMITTEES

10 CORRECTIONAL REFORM

Alison Y. Leonard-Leach and Booth Ripke,

Co-Chairs

This Section was featured in the *Maryland Bar Journal* with various articles penned by members of the Section. It also advocated for the bill on parole for lifers and the recent decision of the Court of Appeals regarding representation for defendants at bail hearings.

CRIMINAL LAW & PRACTICE

Matthew Campbell, Chair

This Section sponsored a program focused on the practice of criminal law in the District Court open to all interested practitioners; supported legislation to increase the number of offenses for which police officers may elect to initiate charges by issuing citations instead of making arrests; and also continued to work for the repeal of Maryland's death penalty by lobbying legislators and offering testimony. It continued its sponsorship of the annual award given in memory of Robert C. Heeney to recognize deserving criminal law practitioners for outstanding contributions to the practice of criminal law and the improvement of the administration of justice in Maryland, presented this year to Professor Byron Warnken. The Section will present a panel discussion on eyewitness identification at the MSBA Annual Meeting.

DELIVERY OF LEGAL SERVICES

Yoanna X. Moisesides, Chair

This Section, with the support of the University of Maryland Francis King Carey School of Law and Health Care Program and the Maryland Bar Foundation, finalized publication and began online distribution of the revised *Guardianship and Its Alternatives: A Handbook on Maryland Law*. It continued to work with other Sections, Legal Services organizations, and the Judiciary to ensure wide distribution. The Section also co-sponsored the 13th Annual Maryland Partners for Justice Conference and supported the National Lawyer Referral Conference.

ELDER LAW

William J. Gering, Chair

This Section continued to monitor regulations and laws affecting the rights of elder citizens, while expanding its scope into areas affecting people with disabilities, regardless of age. It sponsored a special needs study group to examine various ways to assist disabled people with applications for social security supplemental income and disability income in addition to medical assistance. The Section hosted a

presentation by Paul Ballard on the new MOLST form and its implementation for Section members in November; held a joint meeting with the Maryland chapter of the National Association of Elder Law Attorneys and met with members of the legislature to discuss pending legislation of interest to the Section in February in Annapolis; and held a joint meeting with the Health Law Section on "Accountable Care Organizations" in March. It continued to provide continuing education, working through MSBA, and sponsored its annual statewide legal clinic on Law Day.

ENTERTAINMENT & SPORTS LAW

Jason C. Brino and Pamela K. Riewerts, Co-Chairs

This Section continues to devise and pursue membership outreach initiatives to increase its membership base while continuing to provide education and other programming of interest to its existing members.

ENVIRONMENTAL LAW

M. Trent Zivkovich, Chair

This Section sponsored environmental law-related programs, one which included a keynote address given by the Secretary of the Maryland Department of the Environment. It also provided opportunities for its members to interact and network with colleagues during events such as its Annual Dinner and a service-oriented program. The Section sponsored a panel discussion with representatives from the MDE, EPA, the building industry, and the agricultural community on the Chesapeake Bay TMDL. It will co-sponsor a panel discussion with the Construction Law Section at the MSBA Annual Meeting.

ESTATE & TRUST LAW

Sharon J. Ritter Beall, Chair

This Section commented on, or assisted with, numerous legislative items in the estate and trust law area, primarily the proposed Maryland Trust Code (co-sponsored with the Maryland Bankers Association), and also including codification of the Slayer's Rule, defining funeral expenses, updating provisions of the Principal & Income Act, and increasing the small estate eligibility threshold. It conducted a survey of the commission rates charged by trustees in judicial sales across the state and will publish the results. The Section also met regularly with representatives of the Maryland Association of Judges of the Orphans' Court and the Registers of Wills to study and pursue legislation and other matters of interest to the practice of estate and trust law. It supported a series of CLE courses and will present a program at the MSBA Annual Meeting.

2011/2012 MSBA SECTIONS AND COMMITTEES

FAMILY & JUVENILE LAW

Walter A. Herbert, Jr., Chair

This Section's Education Committee presented such programs as "Family Law Update", "Divorce Tax Workshop", "Hot Tips in Family Law", and offered its "Marital Property Workshop" in Cambridge and Hagerstown. The Section's legislative efforts included advocating for the marriage equality act and for the creation of a Task Force to consider all aspects of child custody law. It continued to publish its newsletter, *Family Law News*, on a quarterly basis, while the Rules Subcommittee, established to review the Maryland Rules which impact family law matters, continued its work.

HEALTH LAW

Christopher P. Dean, Chair

This Section conducted educational programs regarding the Attorney General's Health Education and Advocacy Unit and the ongoing implementation of Health Insurance Exchanges as a result of the Patient Protection and Affordable Care Act of 2010. It hosted Bar Counsel for the Attorney Grievance Commission to raise awareness on professional responsibility and conducted a program on the crime fraud exception to the attorney-client privilege. The Section plans to conduct its usual review of Maryland legislation affecting health care providers and will sponsor a program entitled "Get Your Health Care Reform On – A Handicapper's Guide to State and Federal Health Care Reforms Affecting Maryland" at the MSBA Annual Meeting.

IMMIGRATION

Marco V. Rodriguez, Chair

This Section demonstrated its commitment to community service by volunteering, in conjunction with the Pro Bono Resource Center of Maryland and the K.I.N.D. organization, at several daylong workshops to benefit children in need of special juvenile immigrant status. It continued to communicate with and advise the Motor Vehicle Administration on proper implementation and interpretation of the laws regarding issuance of licenses for noncitizens, and it will present an educational program focusing on the intersection of labor and employment law and immigration law matters at the MSBA Annual Meeting.

INTELLECTUAL PROPERTY

Kathryn Miller Goldman, Chair

This Section produced two webinars, including "The America Invents Act – the New Patent Law" and "New Generic Top-

Level Domain (gTLD) Registration Procedures with ICANN – Potential Trademark and E-commerce Ramifications".

It continued to publish its online newsletter, distributed its *Annual IP Law Update* on DVD, and coordinated submission of articles to the March 2012 issue of the *Bar Bulletin* and to the September/October 2012 issue of the *Maryland Bar Journal*. The Section continued to maintain its own stand-alone website, featuring its members-only section that includes both publications and presentation materials and recordings from its educational programs, available for download to its members. It continued to offer its members the opportunity to connect socially with two "Chair's Happy Hours" – one in Baltimore and one in Rockville – and it will present an educational program entitled "Recent Developments in Intellectual Property" at the MSBA Annual Meeting.

JUDICIAL ADMINISTRATION

Richard L. Flax, Chair

This Section continued its joint effort with the Family & Juvenile Law Section focusing on the issue of self-represented litigants (SRL). It evaluated numerous legislative bills that may specifically relate to judicial administration, submitting recommendations supporting, opposing, or abstaining from a position to the MSBA, and also reviewed proposed and implemented Rules from the Court of Appeals Standing Committee on Rules of Practice and Procedure. The Section supported the Maryland Judiciary Professionalism Commission's Mentoring Program for New Admittees through active participation of several members as Mentors. It will once again co-sponsor a program with the Continuing Legal Education Committee at the MSBA Annual Meeting.

LABOR & EMPLOYMENT LAW

Thomas J. Gagliardo, Chair

This Section conducted seminars in Frederick and Salisbury on the Maryland statute prohibiting employment discrimination. It continued to publish a quarterly newsletter that keeps members abreast of legal developments in Maryland, in federal courts, and in administrative agencies. The Section, for the first time in its history, endorsed a bill in the Maryland General Assembly that would restore the tax treatment of compensatory damages to the status quo prior to 1996 when such damages became taxable unless they result from physical injury (compensatory damages in employment cases occur most often in the absence of physical injury). Its annual dinner featured a discussion of social media's impact on employment law issues, and the Section will present a program on wrongful discharge at the MSBA Annual Meeting.

2011/2012 MSBA SECTIONS AND COMMITTEES

12 LEGAL EDUCATION & ADMISSION TO THE BAR

Eric B. Easton, Chair

The Section continued to review and rule on Rule 16 applications for student practitioners and also prepared revised Policy and Practices regarding Rule 16 to clarify the eligibility of externship programs for approval; as of March 8, that document was under consideration by the Standing Committee on Rules of Practice and Procedure of the Court of Appeals. It also invited Professors Judith Welch Wegner of North Carolina University School of Law and Peter A. Joy of Washington University (St. Louis) School of Law to speak on the future of legal education at the Section's annual dinner.

LITIGATION

M. Natalie McSherry, Chair

This Section provided a number of educational programs focusing on practice in the Circuit Courts of Maryland, and the Section's Appellate Practice subcommittee sponsored several other programs, including a joint effort with the newly formed Construction Law Section of the MSBA. Its Newsletter, *The Litigator*, published in both electronic and hard copy format, continued to keep Section members informed of developments and topics of interest, as well as activities and programs. The Section presented an evening program on Attorney Trust Accounts and will present a program on settlement agreements and releases, as well as trucking law and appellate practice, at the MSBA Annual Meeting.

NEGLIGENCE, INSURANCE & WORKERS' COMPENSATION

John Noble, Chair

This Section hosted CLE programs, including the January program "How to Rate Psychiatric Conditions Under the AMA Guidelines", which had a panel consisting of two psychiatrists, a workers' compensation commissioner, and a Circuit Court judge. It monitored proposed legislation and will present the outreach program dealing with pain management at Solo Day at the MSBA Annual Meeting.

REAL PROPERTY, PLANNING & ZONING

Lila Shapiro-Cyr, Chair

This Section produced its Advanced Real Property Institute, featuring a keynote speech by Federal Reserve Board Governor Sarah Bloom Raskin, in October. It continued to have strong attendance and great programming for its regular

monthly Commercial Real Estate Discussion Groups, and, in the interest of making the Section's electronic publication, *Ground Rules*, more timely, began publishing articles as they are submitted and accepted. The Section also formed a committee to focus more acutely on continuing legal education programming and will present a panel of Maryland judges, moderated by the Honorable Glenn T. Harrell, Jr., Court of Appeals, discussing issues of import to real property practitioners at the MSBA Annual Meeting.

SENIOR LAWYERS

Rob Ross Hendrickson, Chair

This Section, open to MSBA members age 60 and over, held bimonthly noontime meetings, providing members with lunch, followed by a short business meeting and an interesting speaker, ranging from former Governors to a U.S. Senator, the serving Attorney General, and book authors. It sought to publicize its activities and encourage as many as possible to attend Section programs by both e-mails and notes to members. The Section will bestow its "Senior Lawyer of the Year" at a special dinner held in May.

SOLO & SMALL FIRM PRACTICE

Philip T. Cronan, Chair

This Section sponsored two "Hanging Out a Shingle" programs and held its 13th Annual Solo and Small Firm Conference in November at the BWI Hilton. It authored several practice management-specific articles for the May/June 2012 *Maryland Bar Journal* and also produced a webinar on Personnel Issues for Solo and Small Firm Practitioners. The Section also celebrated its 26th anniversary and increased its membership for the 14th consecutive year. It will co-sponsor, in conjunction with the Negligence, Insurance & Workers' Compensation Section, the 12th Annual Solo Day at the MSBA Annual Meeting.

STATE & LOCAL GOVERNMENT LAW

Robert S. McCord, Chair

The Section continued to review and share concerns regarding legislation that may impact state, county, and municipal governments. It also continued to actively explore collaborations with other organizations comprised of counsel for governing bodies in order to develop a process for sharing concerns regarding proposed regulations at every level. The Section carried on its work providing opportunities for state and local government attorneys to share experiences through virtual conferences and live meetings.

TAXATION

Todd Bornstein, Chair

This Section continued to staff its U.S. Tax Court Pro Bono Program, provided valuable input into tax legislation pending before the Maryland General Assembly, and worked closely with MSBA on tax-related CLE materials. It provided an opportunity for members to mingle with their tax and accounting colleagues, as well as state and federal tax officials, at the Section's annual Tax Networking Night in November; presented an evening of networking and discussion with the Consumer Bankruptcy Law Section in December; and sponsored a tax policy Symposium at the University of Maryland Law School, in which speakers discussed current issues with the federal income tax system, focusing on recent tax policy decisions and their effects, in March. The Section will host its annual Irving Shulbank Memorial Dinner and program in May, at which it shall recognize outstanding lawyers through its Tax Excellence and J. Ronald Shiff Memorial Pro Bono Awards. It will present "Do Ask, Do Tell (Unless You are Telling the IRS)", a program examining the treatment of same-sex couples by the IRS, Maryland, and other jurisdictions while considering the numerous planning issues and opportunities faced by same-sex couples and their legal counsel, at the MSBA Annual Meeting.

YOUNG LAWYERS

Erek L. Barron, Chair

This Section executed this year's technology theme by creating the first-ever mobile application from a Bar Association; completely remodeling the Section website; and turning the Section publication, *The Advocate*, into a first-rate online newsletter. It continued its longstanding community service with the One Bar, One Community project, topping it off with the 21st Annual Charity Event in support of Believe in Tomorrow National Children's Foundation in March. The Section will present a panel discussion, "Technology in the Courtroom", at the MSBA Annual Meeting.

STANDING COMMITTEES

BUDGET & FINANCE

Sara H. Arthur, Chair

This Committee oversees MSBA'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

Marshall B. Paul, Chair

This Committee assesses Maryland's continuing legal education environment and is currently evaluating MSBA's role in continuing to provide quality legal education at competitive prices for its members.

ETHICS

Christine Pham, 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 provides oral advice on the interpretation and application of the Rules through the operation of a telephone "hotline" service, announcing the volunteer names each month in the *Bar Bulletin* and on the website.

JUDICIAL APPOINTMENTS

Alan Bussard, Donna McBride and Edwin "Ted"

H. Staples, II, Co-Chairs

This Committee, made up of local and at-large members, receives and reviews a copy of each judicial application for every judicial vacancy statewide, and contacts references; assigns the application to a Committee member for the preparation of a summary and presentation to the Committee; then conducts an in-person interview of each applicant; and votes on the applicant's qualifications. It then submits the Committee's confidential findings to the Judicial Nominating Commission (JNC) and the Governor for consideration (some JNCs request and receive an oral presentation from the Committee Chairs prior to their interviews of the applicants). The Committee provides each JNC with its peer evaluation of each applicant's qualifications, which stands as the MSBA's formal position with regard to that applicant for a period of two years.

LAWS

Paul H. Ethridge, Chair

This Committee prepares the MSBA Legislative Program, which sets forth the Association's positions on such legislative issues as the regulation of the legal profession, the administration of justice, and the independence of the judiciary, for consideration by the Board of Governors. It reviews all bills filed during the state legislative session, recommends positions on bills of interest to the Association, and presents the Association's positions on bills through written and/or oral testimony during the session. The Committee also assists in amending proposed legislation and securing passage of bills supported by the MSBA.

2011/2012 MSBA SECTIONS AND COMMITTEES

14 LAWYER ASSISTANCE PROGRAM

Hon. William G. Simmons and Jay D. Miller, Co-Chairs

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

Scott G. Patterson, Chair

This Committee held the 52nd Annual Bar Presidents' Conference in October at the Lancaster Marriott at Penn Square in Lancaster, Pennsylvania, which brought together MSBA's Board of Governors, bar presidents, presidents-elect, and executive directors from all of the local and specialty bar associations across our state.

MEMBERSHIP

Richard Henderson Gibson, Jr. and Chad G. Spencer, Co-Chairs

The Membership Committee focused on two events to bring the benefits of the MSBA to the maximum number of Maryland attorneys – a “Speed Networking” Event in Columbia, co-sponsored with the Young Lawyers Section, and the co-sponsored Leadership Academy Anniversary CelebrationI – as well as a non-member mailing to attorneys in Maryland, Virginia, and the District of Columbia, in an attempt to gain additional membership. It also worked continually towards two other recurring events: presentations at local and specialty bars to increase membership in the MSBA, as well as programs performed in conjunction with the Maryland law schools to encourage students to participate early in their legal career.

PATTERN JURY INSTRUCTIONS

Hon. Irma S. Raker, Chair

The Criminal Pattern Jury Instruction Committee completed the Second Edition, expected to be published in spring 2012. The Civil Pattern Jury Instruction Committee will issue a supplement in June 2012 and is planning a Second Edition for June 2013.

PLANNING

Michael W. Siri and John Murphy, Co-Chairs

This Committee focused on the Final Report of the MSBA Planning Committee Retreat held in March 2011 and worked towards expanding and executing the recommendations made as part of the report. It has chosen to specifically analyze and provide recommendations on the following issues: Developing Leadership and Energizing the MSBA; Attorney 101: Helping New Attorneys with their Careers; Making the MSBA the “State Bar”; and 2020: Projecting Future Issues for the MSBA. It will provide recommendations for each of these issues in a final report to the MSBA Board of Governors prior to the end of the current bar year.

PROFESSIONALISM

Keith R. Truffer, Chair

This Committee promotes professionalism in Maryland's legal community and supports the Court's mandatory professionalism course.

PROGRAM

Alice S. Chong and Jerald B. Lurie, Co-Chairs

This Committee planned educational programs on current topics, which included opportunities for social interaction, for MSBA's Mid-Year Meeting held in February in Panama. It is planning MSBA's Annual Meeting, which will feature substantial law and practice programs in June in Ocean City. The Committee continues to seek opportunities to make all of its programming timely, relevant, innovative, and instructional to address the needs of the various MSBA Sections and Standing and Special Committees.

PUBLIC AWARENESS

Jason Hessler, 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, through which 250 volunteer attorneys go out into the community and educate the public about the law. The Committee also sponsored its May Law Day program, a lawyer/student/teacher conference highlighting its special Positive Messaging Video and Poster Competition on “No Courts, No Justice, No Freedom,” in conjunction with CLREP. It also hosted, through a partnership with the Young Lawyers Section, nine community service projects as part of the One Bar, One Community project.

2011/2012 MSBA SECTIONS AND COMMITTEES

RESOLUTION OF FEE DISPUTES

William C. Mitchell, Jr., Chair

This Committee is composed of an Executive Council consisting of a Chairman and seven Vice Chairmen, and includes a membership of over 100 members, who volunteer to act as Client Representatives and Arbitrators. Its Executive Council meets about four times per year to vote on the disposition of cases. The Committee currently has 16 active cases. In the past 12 months, nine disputes have been settled: two in favor of the client and seven in favor of the attorney.

RULES OF PRACTICE

Phillip Tyson Bennett, Chair

The principal function of the Committee on Rules of Practice is to follow the proceedings of the Court of Appeals' Committee on Rules and to serve as the liaison between the MSBA and the Committee on Rules. This year, at least one member of the MSBA Committee attended each meeting of the Court of Appeals' Rules Committee and reported back to MSBA leadership as appropriate. The Committee chair also attended an evening event sponsored by the Young Lawyers Section; the event was designed to inform some of the Association's younger members about the Committee and to solicit interest in serving on an MSBA Committee.

SPECIAL COMMITTEES

APPOINTMENTS

Elizabeth A. Conklyn, 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

Eun Jeannie Cho, Chair

This Committee reaches out to Maryland's Asian-American lawyers and maintains an active electronic discussion group.

CITIZENSHIP/LAW-RELATED EDUCATION

*Hon. Diane O. Leasure and Shannon McClellan,
Co-Chairs*

This Committee promotes law-related education in Maryland schools to educate students about the law and legal system and presents the statewide High School Mock Trial Competition, in which over 50,000+ students have competed. Other programs include the Law Links High School internship project, Baltimore City Teen Court, and

the Law and Government Summer Center. It also provides teacher training and produces curriculum, publications, videos, and computer software in law-related education, conflict resolution, and violence prevention. The Committee, in conjunction with MSBA's Public Awareness Committee, sponsored the MSBA's Law Day Conference highlighting the theme: No Courts, No Justice, and No Freedom in April, and also partnered with the Civics & Law Academy Committee and the Maryland Judiciary Public Awareness Committee to implement three Civics & Law Academies. It also partnered with the Baltimore City Council to implement a Page program to teach young people about local government.

CIVICS & LAW ACADEMY

Hon. Pamela J. Brown, Chair

This Committee promotes educational events that teach Maryland high school students about the law, government, and civil society. The Academy is a partnership of the Maryland State Bar Association, Maryland Judiciary, the Citizenship Law Related Education Program, and the Maryland Public School System.

COURTHOUSE CONSTRUCTION

Hon. Marcella A. Holland and Hon. Robert B.

Kershaw, Co-Chairs

This Committee is addressing some of the numerous problems facing Baltimore City's Mitchell Courthouse.

DISASTER PLAN

Jessica K. Pitts, Chair

This Committee has been working on the development of a disaster planning course for lawyers and legal administrators.

EDITORIAL ADVISORY

Courtney A. Blair, 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*, now also available to members online, continues to feature new legal theme issues. The *Bar Bulletin* continues to offer members a broad range of legal and substantive topics as well as practical information relevant to Maryland lawyers.

IMMEDIATE RESPONSE

Cleaveland D. Miller, 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.

2011/2012 MSBA SECTIONS AND COMMITTEES

16 INVESTMENTS

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.

LAW REFORM

Donald L. DeVries, Jr., Chair

This Committee is dedicated to promoting reform in the law through a proactive role in the development of laws in Maryland. Additionally, the Committee seeks to identify much-needed new laws, problems with existing laws, such as unintended consequences, and laws that have become obsolete.

LEADERSHIP ACADEMY

Lisa A. Hall Johnson, Chair

The Leadership Academy, designed to nurture and develop talented young lawyers who have been identified from a competitive pool of applicants as having superior leadership potential, commemorated its 15th anniversary in March with a Leaders and the Law Event, where those that have been instrumental in making this program successful were honored and acknowledged. The Committee also made key revisions and updates to the trainings that the Fellows receive in their mandatory training sessions each month. This year's Fellows class addressed the needs of the growing elder community and those that care for them by coordinating an Elder Law Symposium as their public service project.

PAST PRESIDENTS

Thomas C. Cardaro, Chair

This Committee met in October 2011 to discuss several issues that are of importance to the MSBA, including: future plans for Bar Headquarters location; the establishment of a Special Committee on Law Reform; the relationship of the MSBA with the American Bar Association; and the announcement of the participation of several of our members in affiliated national organizations. It plans to follow up on these topics with a later meeting.

VETERANS' AFFAIRS & MILITARY LAW

Michael P. May, Chair

This Committee serves as a resource for attorneys and members of the military community who are facing issues pertaining to all aspects of veterans' affairs and military law, including military justice, the law of armed conflict, homeland security, environmental law and legal assistance which encompasses family, landlord-tenant and contracted matters. It focuses its current efforts on three fundamental areas in particular: establishing a venue for discussing, exploring and informing the Association on substantive veterans' affairs and military law issues; exploring the impact the Base Realignment and Closure Act (BRAC) will have on Maryland and how the legal community can assist; and providing legal assistance to veterans, military members and their families. The Committee sponsored two trainings on providing legal representation to veterans and continues its role as the proponent of the annual BG Philip Sherman Award, given to an MSBA member that exemplifies selfless service and commitment to providing legal services to military members and veterans.

VOIR DIRE

Paul Mark Sandler, Chair

This Committee's goals include developing model *voir dire* questions for trials in Maryland courts; developing representative jury questionnaires; and reviewing the Maryland Rules on *voir dire* to consider proposing changes in the Rules. The Committee is composed of over 40 members and has several subcommittees.

MSBA MEMBERSHIP SERVICES

- Advance – Document Specialists
- American Bar Association Publications
- Annual Meeting & Exhibit Show
- Annual Report
- Bar Bulletin
- Car Rentals (Avis, Budget & Hertz)
- Cloud Based Practice Management
(Clio & RocketMatter)
- Conference Calling (Infinite Conference Calling)
- Courthouse Identification Badges
- Credit Card Processing (Law Pay)
- Electronic Bar Briefs
- Ethics Hotline
- Fastcase (Free Online Legal Research)
- Financial Services (Bank of America Credit Card,
Credit Line and Professional Services Account)
- Hanging Out a Shingle Seminar
- Law Day
- Law Office Management Administration (LOMA)
- Lawyer Assistance Program (LAP)
- Legal Career Center (Job Target)
- Legal Education and Legal Publications
- Legislative & Governmental Relations
- Life, Disability & Dental Insurance
- Magazine Subscriptions
- Mailing Lists
- Maryland Bar Journal
- Maryland Lawyers' Manual
- Media Relations
- Mentor Program
- Mid-Year Meeting
- Office Supplies (Office Depot)
- On-Line Services
 - Ethics Opinion Index
 - Member Directory
 - Electronic Discussion Lists
 - Update Member Information
- Payroll Services (SurePayRoll)
- Postini ® E-mail & Virus-Filtering Services
- Professional Liability Insurance (Minnesota Lawyers
Mutual)
- Public Awareness Brochures
- Publications/Newsletters
- Section Memberships
- Shipping (FedEx)
- Solo & Small Firm Conference
- T-Mobile Service
- Travel Programs
- Websites (EsqSites 123.COM)

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