



MARYLAND STATE BAR ASSOCIATION, INC.
ANNUAL REPORT 2012/2013



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 2012/2013

Volume XXII

MSBA is pleased to present its membership with a brief overview of the year 2012/2013, highlighting its many activities, events, and accomplishments.

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Bryan Nichols, *Editor*

Maryland State Bar Association, Inc.

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

2012/2013 MSBA EXECUTIVE COMMITTEE



John P. Kudel
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Michael J. Baxter
President-Elect



Hon. Pamela J. Brown
Secretary



Debra G. Schubert
Treasurer



Sara H. Arthur
Seventh District



Marla Zide
Young Lawyers Section



Keith R. Truffer
Eighth District



Elizabeth Morris
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Section*

PRESIDENT'S MESSAGE

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IT IS WITH GREAT PLEASURE THAT I PRESENT TO YOU THE 2012-2013 *ANNUAL REPORT* of the Maryland State Bar Association. Over the years, Presidents have used this column as an opportunity to highlight the achievements of the Association during the year and to bring members up to date on its activities.

I am happy to report that the Association is fiscally sound and continues to grow in size, with over 25,000 members for the first time in its history. Our organization boasts membership in 28 substantive law Sections ranging from Animal Law to Real Property. Members in these Sections meet on a regular basis to exchange ideas and discuss issues of mutual interest. Each Section is represented on the Board of Governors by a Board liaison who is responsible for ensuring that communication between the Section and the Board is constant and reliable. Similarly, we are fortunate to have the benefit of 34 Special and Standing Committees which meet on a regular or as-needed basis, and provide the Association with necessary assistance and guidance in such matters as Judicial Selections and Disaster Preparedness, or to provide counsel on the Association's investments.

This year saw a change in our governance when we amended our bylaws to allow three additional seats on our Board of Governors. For the first time, Sections now have designated seats on the Board. The first seats will go to Business Law, Criminal Law, and Administrative Law. Each Governor will serve a one-year term, and the seats will rotate so that every Section will have the opportunity to be represented on the Board. Part of what makes this Association so remarkable is that all work is done on a purely volunteer basis, and I am honored to share this year with such an involved and giving group of members. I encourage you to review this Report in its entirety and to visit the Association's website for more information on the activities of our Sections and Committees.

At the Annual Meeting last June, the membership voted to increase the dues for the first time in 22 years. At \$150 per year, the MSBA still has one of the lowest dues among all voluntary Bars in the country. The additional revenue has allowed us to move forward with much-needed and long-overdue projects like the redesign of our website, which should debut sometime in 2014, and the implementation of video conferencing.

This year, the MSBA joined with the Judiciary to oppose the sunset provision of the law permitting the surcharge on filing fees in civil cases. This surcharge has been one of the major funding mechanisms for legal assistance to low-income individuals. If the surcharge were allowed to sunset, the Maryland Legal Services Corporation would lose 40 percent of its available funds – about six million dollars.

Currently, talks are underway with the Deans of the State's two law schools to devise solutions to the problem of the oversupply of graduating law students and the staggering debt they have amassed with the undersupply of available legal jobs. Both the Deans and the MSBA have agreed to meet with regularity in the coming months to discuss ways to solve this problem. A first step may involve introducing classes directed at teaching law students the fundamentals of running a law office, setting up an escrow account, interviewing techniques and appropriate lawyer advertising. In addition, everyone agrees that enhancement to mentoring must be included in any long-term solution to the problem.

During my Installation Speech in June, I promised to make Professionalism, Civility, Courtesy, and Respect the cornerstones of my year as President. I was given several opportunities to spread the message of Civility and Professionalism, most notably in remarks I made before the Court of Appeals as I moved the admission of new admittees in August. I am pleased to report that my message was always well-received, and quite often others vowed to also make Professionalism and Civility a part of their daily dialogue. Along the way – primarily in my monthly columns, but also in speeches, meetings, and almost every encounter with lawyers and the public – I tried to share some personal stories that I hoped would illustrate my commitment to achieving the proper balance between work and family. I was surprised by the number of emails and letters I have received from members who said they read the columns and were going to make a conscious effort to spend more time with their loved ones.

Perhaps the single most satisfying moment of my year came when I participated in the Polar Bear Plunge on January 26 at Sandy Point State Park. The entire Executive Committee, together with the Young Lawyers, plunged into the Chesapeake Bay and raised over \$10,000 for Special Olympics. It was cold, but the experience was unforgettable. If every member of the MSBA donated one dollar, we could easily raise over \$30,000 for this worthy cause. I hope that "The Plunge" can become an MSBA tradition and that all members can experience the gratification of participating and/or donating.

I would like to conclude this Message by taking a moment to thank several people who made this year memorable and rewarding for me. First, I would like to thank our Executive Director, Paul Carlin. Our western Pennsylvania roots allowed us to share a common bond which is hard to explain to others but easy for us to understand. To me, Paul has been more than an Executive Director; he has been a mentor and a friend. I would also like to thank the staff of the Association for the truly remarkable job they do each and every day. They are smart, loyal, and fully dedicated to serving our members. I would also like to thank the members of the Executive Committee who assisted me with most of the decision-making which is the responsibility of the President, and of course, I would like to thank the members of the Board of Governors for their tireless efforts throughout the year. Finally, I would like to thank the members who gave many hours of their time to the critical work of the Committees. I will leave this Association in the very capable hands of my colleague and friend, Mike Baxter. I can assure you, he will serve this Association well. Thank you for this opportunity of a lifetime. It has been a true honor.



John P. Kudel

2012/2013 MSBA BOARD OF GOVERNORS

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John P. Kudel
President

Michael J. Baxter
President-Elect

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Secretary

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Sixth District

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Sixth District

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Eighth District

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Third District

Marla Zide
Young Lawyers

Carl S. Silverman
Parliamentarian

EXECUTIVE DIRECTOR'S MESSAGE

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THE MSBA IS A VOLUNTARY MEMBERSHIP ORGANIZATION. It is the professional organization of Maryland's lawyers. Each year, our 140 Committees, Sections, subcommittees and affiliated organizations hold hundreds of meetings to discuss important developments in the law and how it affects the practice of law.

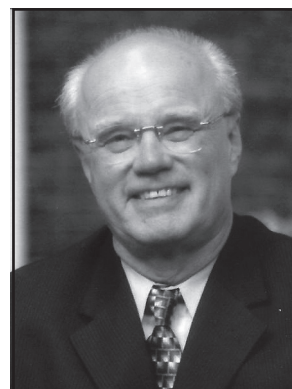
In early January of each year, the MSBA Laws Committee hosts a Legislative Workshop primarily for our Sections, which are active with the Maryland Legislature in describing what new laws or changes with the law might mean to predominantly legislative members who are non-lawyers. The day is arranged by our Director of Governmental Relations, Richard A. Montgomery, his Assistant, Carol Tuohey, and our Laws Committee Chair, Paul H. Ethridge. This year, 35 volunteers attended a three-hour session. Senator Joseph Getty of Carroll County provided excellent comments about how volunteers can be more effective in Annapolis.

It struck me how important their attention and efforts are. They are participating in a civic duty that should involve all of our citizens, but, in particular, lawyers. I remember hearing former Court of Appeals Judge Lawrence Rodowsky relate that, when the Maryland Legislature first convened after the American Revolution, its first matters of business concerned the Oaths of Office for the Governor, followed by the Legislature, then the Judiciary and then, remarkably, the Officers of the Court, Lawyers! That's how closely related to the fabric of our communities, and to the operation of our government, lawyers were considered. We certainly have heard many times about the predominance of lawyers at the Constitutional Convention in Philadelphia and how knowledgeable and contemplative they were while drafting this grand experiment of a new government. John Adams, our first lawyer US President, when considering the phrase "Life, Liberty and Pursuit of Happiness," believed that the greatest happiness for our new country came from the pursuit of virtue and the opportunity to perform our civic duty to make this new government successful. "The purpose of government," he noted, "provides the greatest quantity of human happiness."

Such thinking certainly continued more than 100 years later, when the MSBA was created in 1896 and our very first President was the Chief Judge of our Court of Appeals, James McSherry of Frederick. Perhaps more striking and less well known is the fact that, in 1922, Albert Ritchie was the President of the MSBA while at the same time serving as Maryland's Governor. While many of our recent Governors have been lawyers and MSBA members, they have not been as active with our organization.

Many Maryland Judges are MSBA members (about 70 percent) and active with the MSBA. During my tenure with the MSBA, four of our Presidents have been sitting judges. However, the world has definitely been changing over the last few decades. While lawyers strive to uphold the traditions of our profession – a field of learning, rigorous training and discipline, dedicated to service with profit being only incidental – the law has become quite a business. More and more, it is the forces of the marketplace which have dictated our activities. A society needs the presence of significant groups whose authority is not determined by the marketplace and their own self-interest.

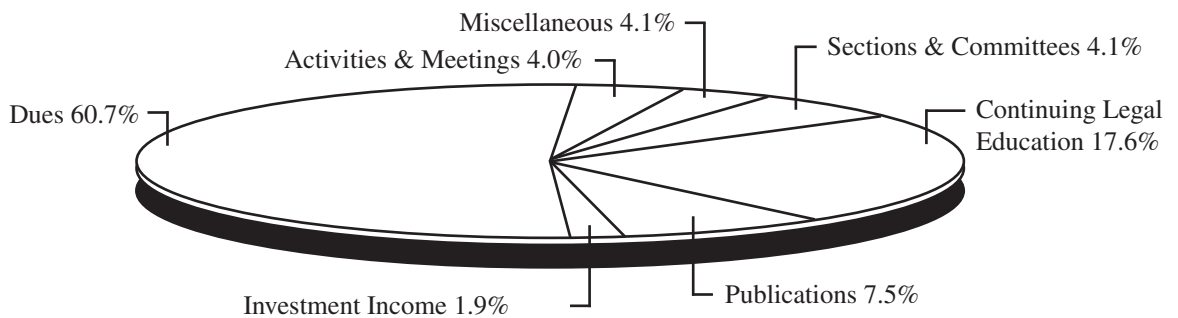
The law in our community is much like water and air for all in that community. While the field of law is populated with lawyers, they do not own the law. As it was more than 200 years ago, lawyers provide much of the glue and consistency that holds a community together. They bolster a civil society where disputes can be resolved in a peaceful, predictable manner. Not only do our lawyers perform this role in their daily practices, but they also volunteer enormous amounts of their time to the activities of their bar associations, as exemplified by our members' involvement in the work of the legislature. John Adams would not be pleased to learn that only 17 percent of the Maryland Legislature is currently composed of lawyers, but he would certainly endorse the serious activity by the MSBA in monitoring and reviewing the thousands of bills that are considered in each legislative session every year. Bar Associations as community institutions provide such excellent opportunities to their members to discharge their self-proclaimed professional responsibility and public service. Thank you for your membership, your support, and your involvement.



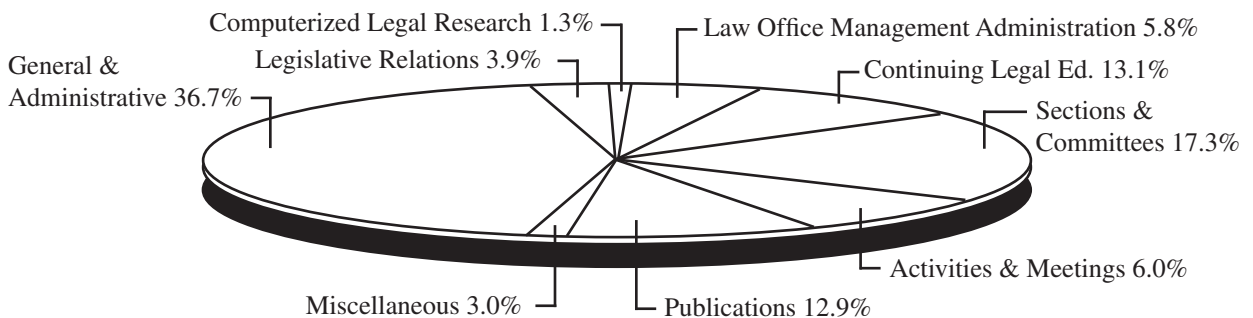
Paul V. Carlin

2011/2012 MSBA FINANCIAL HIGHLIGHTS

6 Revenue	2011	2012	
Dues	2,769,154	2,821,269	60.7 %
Activities & Meetings	266,865	187,385	4.0 %
Sections & Committees	180,108	190,023	4.1 %
Publications	366,705	349,771	7.5 %
Continuing Legal Education	588,630	815,529	17.6 %
Investment Income	379,751	88,914	1.9 %
Miscellaneous	232,424	192,001	4.1 %
Total	4,783,637	4,644,892	100.0 %



Expenses	2011	2012	
Activities & Meetings	374,053	286,171	6.0 %
Sections & Committees	830,775	817,336	17.3 %
Publications	667,497	609,796	12.9 %
Legislative Relations	172,913	183,295	3.9 %
Computerized Legal Research	65,321	61,283	1.3 %
Continuing Legal Education	476,436	622,302	13.1 %
General & Administrative	1,567,256	1,736,877	36.7 %
Law Office Management Admin.	335,193	276,358	5.8 %
Miscellaneous	152,895	143,333	3.0 %
Total	4,642,339	4,736,751	100.0 %



2012/2013 MSBA BOARD ACTIONS AND HIGHLIGHTS

- ☐ OPPOSED the sunset provision of the law permitting the surcharge on filing fees in civil cases, a major source of funding for legal services, and supported an increased share from Maryland's Abandoned Property Fund 7
- ☐ MONITORED the development of the Judiciary's electronic case management program (MDEC)
- ☐ OPPOSED proposals in the American Bar Association's House of Delegates to permit non-lawyer ownership of law firms
- ☐ CONTINUED support of the Civics and Law Academy Program in Maryland High Schools
- ☐ APPROVED Annual Audit by Ellin & Tucker
- ☐ EVALUATED surplus generated by Attorney Grievance Commission's annual assessment
- ☐ IMPLEMENTED bylaw amendment adding three Section-represented seats to the Board of Governors
- ☐ 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
- ☐ RAISED over \$10,000 for Special Olympics Maryland through participation in the 17th Annual Maryland State Police Polar Bear Plunge at Sandy Point State Park

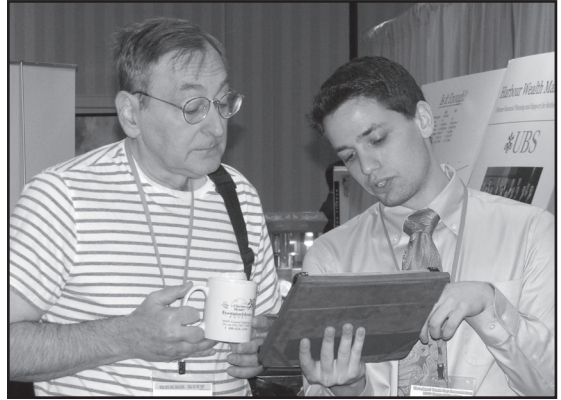
2012 MSBA ANNUAL MEETING

JUNE 13-16, OCEAN CITY, MARYLAND

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MSBA President John P. Kudel delivers his installation speech to MSBA members



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



The latest appointees to Maryland's Judiciary are honored with the New Judges Reception



Members enjoy a feast of seafood and Eastern Shore specialties 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 annual Children's Hour



Past President Thomas D. Murphy, left, Immediate Past President Henry E. Dugan, Jr., middle, and MSBA President John P. Kudel pose for a picture at the President's Reception

SECTIONS

ADMINISTRATIVE LAW

Michele J. McDonald, Chair

This Section published a quarterly newsletter and sponsored a full-day CLE program entitled “Every Move You Make: Successful Strategies for Practicing Administrative Law”, featuring the Hon. Glenn Harrell, Court of Appeals of Maryland, as well as state and federal administrative law practitioners, and the Hon. Lynne Battaglia, Court of Appeals of Maryland, presenting “Are You Smarter than a Law Clerk? (Administrative Law Version)”. It continues to work on developing an instructional video for *pro se* litigants in circuit court, and will sponsor a program entitled “Referendums and Initiatives – the Right to Petition or Not”, concerning the use of state-wide ballot questions and the referendum process, at the MSBA Annual Meeting.

ALTERNATIVE DISPUTE RESOLUTION

David A. Simison, Chair

This Section remained active in the update to Title 17 of the Maryland Rules of Civil Procedure governing ADR, providing testimony to the Court of Appeals before adoption of the Rule changes, many of which incorporated language and provisions promoted by the Section. It collaborated with other ADR Practitioner Organizations (CMM and MCDR) to offer three statewide Mediator Forums. The Section also offered programs for its membership on the changes to Title 17 as well as the adoption of the Maryland Mediator Confidentiality Act by the Maryland General Assembly; continued its conversations with MACRO, CMM, MCDR and ACR-MD regarding mediation areas of overlap; expanded its social media presence on Facebook and created a Twitter feed; sponsored a Spring Training entitled “Lessons from Poe: Detecting the Inner Mediator”; and bestowed its Annual Chief Judge Robert M. Bell Award. It will present three programs - one on Collaborative Law, one on ADR Choices for Litigators (in conjunction with the Litigation Section), and one in conjunction with the Animal Law Section - at the MSBA Annual Meeting.

ANIMAL LAW

Stacey Evans, Chair

This Section revived its equine law subcommittee (chaired by past Section Chair Jan I. Berlage) and executed a Memorandum of Understanding with the newly founded Mid-Atlantic Lyceum, to support each other with respect to the Mid-Atlantic Journal on Law and Public Policy, a division of the Lyceum. It continued to comment on proposed legislation in the Maryland General Assembly and, in April, hosted the Fourth Annual Animal Law Symposium at Westminster Hall in Baltimore. The Section also elected a law student from the University of Baltimore School of Law and from the University of Maryland Francis King Carey School of Law to its Section Council. It will present an educational program at the MSBA Annual Meeting.

BUSINESS LAW

William E. Carlson, Chair

This Section collaborated with the Maryland Department of Assessments and Taxation, the Department of Business and Economic Development, and the Department of Information Technology for the launch of the “Maryland Made Easy” online-filing initiative for the electronic filing of Articles of Incorporation and other entity filings. It advanced legislation in the Maryland General Assembly that supports online filing and improves SDAT services, fine-tunes the Maryland General Corporation Law, and creates the ability of corporations, LLCs, and other entities to “convert” into other entities without the need for mergers. The Section, in April, hosted the 2013 Business Law Institute, featuring ten continuing legal education panels as well as an address by Black Entertainment Television Founder Robert L. Johnson, while several of its 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 to familiarize Maryland lawyers with the “Maryland Made Easy” online filing system at the MSBA Annual Meeting.

CONSTRUCTION LAW

Michael J. Pappas, Chair

This Section, now in its second year, teamed with the MSBA CLE Department in March to create the Maryland Construction Law Institute, a regional full-day conference of focused CLE based upon the Section’s Maryland Construction Law Deskbook, written and edited exclusively by Section Members. It also held a number of events, including: a discussion and dinner, co-sponsored by the MSBA Litigation Section, in November, featuring the Hon. Paul W. Grimm speaking about the admissibility of opinion testimony in construction cases; a legislative night in January in Annapolis, featuring Maryland Senator Brian Frosh, members of the Maryland Department of Transportation, and members of the Governor’s office of Legislative Affairs discussing transportation issues and public private partnerships; a dinner seminar in February with the Baltimore County Bar Association Real Property and Zoning Section on the Basics of Construction Law; and a joint networking event with the Virginia State Bar’s Construction Section in May. The Section also produced a tracking report of hundreds of relevant bills pending in the Maryland General Assembly, as well as annual and quarterly case-law updates. It will present a program on the practical issues of Construction Law at the MSBA Annual Meeting.

CONSUMER BANKRUPTCY

Antonio Aquia, Chair

This Section worked to overhaul certain Local Rules used in the United States Bankruptcy Court for the District of Maryland, modifying about 20 Local Rules in an effort to make the Bankruptcy practice more efficient and easier to manage, which it plans to submit to the Bankruptcy Bench soon.

2012/2013 MSBA SECTIONS AND COMMITTEES

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Booth M. Ripke, Chair

This Section studied and supported reforms in the juvenile justice system. It co-sponsored a Bar presentation on concerns and conditions for the detention of children pre-trial who are being charged as adults. The Section advocated for passage of legislation that would remove certain children charged as adults from the adult pretrial detention system. It also supported legislation to prohibit or restrict the shackling of pregnant prisoners and detainees in Maryland.

CRIMINAL LAW & PRACTICE

Hon. Jeannie Eun Kyung Cho, Chair

This Section sponsored a program focused on the practice of criminal law in the District Court open to all interested practitioners; reviewed and sought comments on legislation with an impact criminal laws; 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. The Section will present a panel discussion on social media, led by the Hon. Paul W. Grimm, at the MSBA Annual Meeting.

DELIVERY OF LEGAL SERVICES

Yoanna X. Moisesides, Chair

This Section provided support to revise the Guide to Legal Services, an overview of low and no cost civil legal services in Maryland. It also co-sponsored the Annual Maryland Partners for Justice Conference and supported the National Lawyer Referral Conference.

ELDER LAW

Camilla O. McRory, Chair

This Section, at the request of the Public Awareness Committee, revised, updated, and rewrote the text of the Nursing Home Admission Contracts in Maryland legal information brochure, published by the MSBA. Its Section Council members continued to work closely with Maryland Senator Delores G. Kelley and the state's Department of Health and Mental Hygiene to revise Maryland Medical Assistance eligibility rules, so that certain standard payments made routinely and regularly by Maryland residents, are treated as exempt "transfers," to enhance Medical Assistance benefits for Maryland citizens. The Section also presented a CLE program entitled "Asset Management and Medical Decision Making"; its annual February meeting with State Legislators in Annapolis; and a joint meeting with the Animal Law Section on service animals and related topics of mutual interest to the members of the two Sections. It will present a program entitled "It Takes a Village", on the interdisciplinary nature of an Elder Law practice, at the MSBA Annual Meeting.

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

John E. Griffith, Jr., Chair

This Section hosted programs involving Secretary Richard Hall of the Maryland Department of Planning; the lawyers in the Hudson Farm Clean Water Act Citizen Suit; and Chief Counsel Fred Wagner to the Federal Highway Commission on the Inter-County Connector. It also presented a panel on environmental issues relevant to construction law. The Section meets approximately six times a year and performs a service project, typically in conjunction with the MSBA Annual Meeting.

ESTATE & TRUST LAW

Deborah A. Cohn, Chair

This Section continues its work with the General Assembly in proposing, reviewing, and testifying on legislation that affects the practice of estates and trusts law in Maryland. Its Section Council has been working to codify Maryland trust law into a comprehensive trust act and to clarify the law concerning inheritance by posthumously conceived children. The Section also worked to expand the availability of modified administration and protect trust assets from claims of a grantor's creditors in limited circumstances, and held periodic meetings with the Registers of Wills, Orphans' Court judges, Comptroller's Office, and Attorney General's Office to review common concerns regarding legislative developments, estate and inheritance tax matters, guardianships, and estate and trust administration. It continued its educational programs, including its newsletter, the Advance Estate Planning Institute, the Advanced Tax Institute and numerous CLE and study group programs.

FAMILY & JUVENILE LAW

Dorothy R. Fait, Chair

This Section, in conjunction with the American Academy of Matrimonial Lawyers and the University of Baltimore School of Law, presented a two-session "Family Law 101" program for new practitioners in September, and also presented its CLE program "Marital Property Workshop" to lawyers who practice in St. Mary's County in December. It supported legislation to reduce the waiting period of divorce to six months, and legislation to allow parties to file for divorce if they are living separate and apart in the same house. The Section also advocated for the creation of a Commission to study all aspects of custody for the purpose of proposing legislation in this area. It continued to publish its newsletter, *Family Law News*, on a quarterly basis.

2012/2013 MSBA SECTIONS AND COMMITTEES

HEALTH LAW

Carolyn Jacobs, Chair

This Section conducted educational programs regarding the Maryland Health Benefit Exchange, Accountable Care Organizations, and physician transactions. Its members also participated in a mentor/mentee program at the University of Maryland Francis King Carey School of Law. The Section reviewed Maryland legislation affecting health care providers and will sponsor a program entitled “Health Law for the Non-Health Care Lawyer” at the MSBA Annual Meeting.

IMMIGRATION

Naima M. Said, Chair

This Section partnered with Kids In Need of Assistance (KIND) to educate family practitioners and court personnel in Anne Arundel County on representing abused and neglected children in removal proceedings. Its members volunteered twice a month at the University of Maryland Francis King Carey School of Law’s Immigration Clinic to consult with indigent noncitizens in removal proceedings, and volunteered in February with a pro bono project that consults with the underserved noncitizen population in Harford County. The Section also worked with the Baltimore Immigration Court for the first time to create a Pro Bono Panel so experienced immigration litigators can serve unrepresented, indigent clients in the Baltimore Immigration Court. It organized its first CLE conference, and will present a joint panel with the Labor & Employment Section at the MSBA Annual Meeting.

INTELLECTUAL PROPERTY

Jed R. Spencer, Chair

This Section provided publication opportunities in its Annual IP Law Update on DVD and hosted a webinar entitled “Royalty Rates in IP Licensing Transactions”. It 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. The Section also continued to offer its members opportunities to connect socially at the “Chair’s Happy Hours”. It will present an educational program entitled “The Current State of Intellectual Property Law” at the MSBA Annual Meeting.

JUDICIAL ADMINISTRATION

Hon. Julia B. Weatherly, Chair

This Section reviewed the proposed changes to the laws and rules of procedures. Its Pro Se Project is finalizing a report on the challenges of attorneys handling contested matters with self-represented litigants. The Section will present an educational program entitled “Are You Smarter than a Law Clerk”, hosted by the Hon. Lynne A. Battaglia, Court of Appeals of Maryland, at the MSBA Annual Meeting.

LABOR & EMPLOYMENT LAW

Jonathan R. Krasnoff, Chair

This Section helped organize, chair, and staff the Employment Law Institute CLE sponsored by the MSBA in April. Its Council, in conjunction with local bar associations, conducted seminars in Rockville and Salisbury on the Maryland case law, statutes, and regulations addressing the issue of whether individuals are properly classified as employees or independent contractors. The Section also sponsored a brown bag lunch with the Baltimore EEOC Administrative Law Judges and continued to publish its quarterly newsletter keeping members abreast of legal developments in Maryland and federal labor law. It, in conjunction with the Immigration Law Section, will present a program and panel discussion of topical issues concerning immigration law in the employment context at the MSBA Annual Meeting.

LEGAL EDUCATION & ADMISSION TO THE BAR

A.J. Bellido de Luna, Chair

This Section continued to review and rule on Rule 16 applications for supervised law student practice in Maryland courts; a subcommittee of the Standing Committee on Rules of the Court of Appeals of Maryland held a hearing on revisions in the procedures that the Section Council will use to receive and evaluate Rule 16 applications.

LITIGATION

James E. Dickerman, Chair

This Section provided a number of educational programs focusing on practice in the Appellate Courts of Maryland, and the Section’s Appellate Practice subcommittee sponsored several other programs, including joint efforts with the Construction Law Section and the Young Lawyers Section. 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 a nuts and bolts program on arguing motions for summary judgment; an evening program on Appellate practice and procedure; and a dinner with the judges program featuring all of the appellate judges in Maryland. It will present a program on litigation stress management, as well programs on alternative dispute resolution and appellate practice, at the MSBA Annual Meeting.

2012/2013 MSBA SECTIONS AND COMMITTEES

12 NEGLIGENCE, INSURANCE & WORKERS' COMPENSATION

Frank L. Lipshultz, Chair

This Section hosted CLE programs, including the March program "Frye Reed Hearings", which featured a panel consisting of attorneys for defense and plaintiff who have argued these motions. It also monitored proposed legislation and held an outreach program with the Workers' Compensation Commissioners, which included updates from the Commission as well as a question-and-answer period regarding the interactions between the commission and attorneys. It will present an outreach program dealing with Comparative Negligence in Maryland and how it may affect cases at Solo Day at the MSBA Annual Meeting.

REAL PROPERTY, PLANNING & ZONING

Sara H. Arthur, Chair

This Section produced the Advanced Real Property Institute in October and the Land Use Institute in April. Its Commercial Real Estate Discussion Groups monthly luncheons in Baltimore continued to have strong attendance and great programming. The Section also revamped its newsletter, *Ground Rules*, as a blog featuring monthly postings in order to make it more relevant for members; added a new subcommittee, the Condominium and HOA Committee; and resurrected its "Basics of Real Estate Transactions Evening Series". It will present its Distinguished Practitioner's Award 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, a short business meeting, and an interesting speaker, ranging from former Governors, a former newsperson, Congresswomen, a U.S. Senator, the serving Attorney General, and book authors. It sponsored a spirited debate on the unresolved Comparative vs. Contributory Negligence issue, which was filmed and subsequently published on the MSBA website. The Section will bestow its "Senior Lawyer of the Year" at a special dinner in May.

SOLO & SMALL FIRM PRACTICE

Adele Lois Abrams, Chair

This Section sponsored three "Hanging Out a Shingle" programs and brought back its Solo and Small Firm Conference, held in November at the BWI Hilton. It, in conjunction with the Young Lawyers Section, also held a very successful Networking Event at the Sheraton in Columbia, which included a short but lively panel of experienced practitioners discussing the most important lessons to learn about starting and running a solo practice.

STATE & LOCAL GOVERNMENT LAW

Kimberly A. Millender, Chair

This Section continued to review and share concerns regarding legislation that may impact state, county, and municipal governments, as well as attorneys. It remains committed to exploring opportunities to provide cost-effective educational programs for state and local government attorneys through virtual conferences and live meetings.

TAXATION

Brian L. Oliner, 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 also provided its members with an opportunity to mingle with tax and accounting colleagues, as well as state and federal tax officials, at the Section's annual Tax Networking Night in November, and held an open educational meeting to discuss the tax implications of pending cases before the U.S. Supreme Court that will decide the constitutionality of the federal Defense of Marriage Act in April. The Section also continued working on a project to post decisions of the Maryland Tax Court on the Section's webpage. It will host its annual Irving Shulbank Memorial Dinner and program, where it will recognize outstanding lawyers through its Tax Excellence and J. Ronald Shiff Memorial Pro Bono Awards, in May, and will present a program, "Do Ask, Do Tell (Unless You are Telling the IRS)", 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

Elizabeth S. Morris, Chair

This Section kicked off this bar year's theme, professional development, by collaborating with the Pro Bono Resource Center of Maryland, the University of Maryland, and the University of Baltimore to create a new program, the Pro Bono Connection, as a means of providing information to young lawyers on how to use pro bono opportunities to gain valuable legal experiences. Its focus on professional development included increased nuts and bolts programs such as practicing before Appellate and Administrative Courts as well as collaborating with the CLE Department to create a new CLE program, "New Maryland Lawyer 7.0". The Section continued its longstanding commitment to community service with the One Bar, One Community project, through which volunteers operated a legal hotline for those impacted by Superstorm Sandy, and also hosted its 22nd Annual Charity Event in support of the Maryland Volunteer Lawyers for the Arts. It will present an program, "Evidence Refresher", featuring the Hon. Paul W. Grimm and the Hon. Joseph F. Murphy, former Chief Judge, Maryland Court of Special Appeals, at the MSBA Annual Meeting.

STANDING COMMITTEES

BUDGET & FINANCE

Sara H. Arthur, Chair

This Committee reviews budget requests from the various Sections, Committees, and other programs related to the MSBA and submits a final budget for the Board of Governors' approval. It also makes recommendations to the Board of Governors regarding budget amendments, financial policies, and long-range fiscal plans.

CONTINUING LEGAL EDUCATION

Marshall B. Paul, Chair

The Committee oversees the operations of the MSBA's CLE Department, working with the Department's administrative team to help assure that timely, relevant and quality continuing legal education is delivered to MSBA members through programs, publications, and online materials.

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 the MSBA's website, and some of which may be published in the *Maryland Bar Journal*. It assigns three of its members to provide hotline advice to MSBA members regarding ethical issues that may arise in daily practice, announcing the volunteer names each month in the *Bar Bulletin* and on the website. The Committee has noted, along with a decrease in the number of requests for written opinions, a marked increase in the number of hotline inquiries, particularly related to multi-jurisdictional practice, online advertising, cloud computing, and outsourcing services. It will collaborate with the Office of Bar Counsel on a panel presentation at the MSBA Annual Meeting.

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 18 months.

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.

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 are experiencing a broad range of problems and personal concerns such as: alcohol, drugs, mental health, stress, family, and wellness issues. It receives more than 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 53rd Annual Bar Presidents' Conference in October at Turf Valley in Ellicott City, Maryland, 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 three major undertakings to bring benefits of the MSBA to the maximum number of Maryland attorneys: an effort to grow MSBA's membership through a non-member mailing to attorneys in Maryland, Virginia, and the District of Columbia; the second annual Speed Networking Event, scheduled for May; and putting on presentations at local and specialty bars throughout the state to increase the awareness of benefits that the MSBA offers.

2012/2013 MSBA SECTIONS AND COMMITTEES

14 PATTERN JURY INSTRUCTIONS

Sara H. Arthur, Chair

The Criminal Pattern Jury Instruction Committee published its Second Edition in the fall of 2012. The Civil Pattern Jury Instruction Committee issued a supplement in 2013, and will publish its Second Edition in 2014.

PLANNING

Michael W. Siri and John J. Murphy, III, 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: Attorney 101: Helping New Attorneys with their Careers; and Law Practice 2020: The Changing Face of the Practice of Law. The Committee's Attorney 101 subcommittee focused on developing a regional seminar to assist younger or less-experienced attorneys with the difficulties related to the practice of law, while its Law Practice 2020 subcommittee focused on the use of technology by members and the use of technology within the MSBA; additionally, a third subcommittee focused on whether Maryland lawyers should be able to become certified or specialized in specific areas of the law. 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

Hon. Robert B. Kershaw and Barry M. Nudelman, Co-Chairs

This Committee promotes professionalism in Maryland's legal community.

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 Costa Rica. 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 "Realizing the Dream: Equality for All," 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.

RESOLUTION OF FEE DISPUTES

Frank F. Hertsch, 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 15 active cases. It has settled five disputes in the past 12 months: three in favor of the client and two in favor of the attorney.

RULES OF PRACTICE

Phillip Tyson Bennett, Chair

This Committee's principal function 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.

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

Hon. Jeannie Eun Kyung 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 more than 56,000+ students have competed; other programs include the Law Links High School Internship, Baltimore City Teen Court, and the Baltimore City Council Page Program. It also provides teacher training and produces curriculum and publications in law-related education, conflict resolution, and bullying/sexual harassment prevention. The Committee, in conjunction with MSBA's Public Awareness Committee, sponsored the MSBA's Law Day Conference highlighting the theme "Realizing the Dream: Equality for All", and also partnered with the Civics & Law Academy Committee and the Maryland Judiciary Public Awareness Committee to implement three Civics & Law Academies.

CIVICS & LAW ACADEMY

Hon. Pamila J. Brown, Chair

This Committee, a partnership between MSBA, the Maryland Judiciary, CLREP, and the Maryland Public School System, engages young people of high school age in learning about law and civil society. It conducted three Civics & Law Academies around the state, in Cecil, Harford, and Anne Arundel Counties, with more than 300 students and teachers from local high schools participating in the sessions. The Academy featured more than 25 lawyers and judges presenting interactive sessions designed to develop civic competency and a deeper understanding of the law and legal rights while providing participants with a minimum of four hours of focused instruction on topics such as Law and Justice; Rights and Responsibilities; Free Speech, School Speech, and Protected Speech; and Power and Empowerment. The Committee also funded additional Academies, through grants provided by the Maryland Bar Foundation, to the Frederick County Bar and the Baltimore County Bar.

COURTHOUSE CONSTRUCTION

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

This Committee is addressing some of the numerous problems facing courthouses in Baltimore City. It is assisting the courts in developing plans for an additional, new courthouse to house the Circuit Court's criminal division and some units of the District Court.

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*, also available to members online, continues to feature new legal theme issues, while 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

Rachel T. McGuckian, 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.

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. It also 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. Johnson Hall, Chair

The Leadership Academy continued with its mission of nurturing and developing diverse groups of young lawyers who have been identified from a competitive pool of applicants as having superior leadership potential. After celebrating its 15th Anniversary last bar year, the Committee recommitted itself to providing superior mentoring and monthly leadership training. This year's Fellows class focused their public service project on raising awareness regarding the importance of environmental law and the impact that environmental issues have on natural resources in Maryland.

2012/2013 MSBA SECTIONS AND COMMITTEES

16 PAST PRESIDENTS

Thomas D. Murphy, Chair

This Committee met in the fall and the spring of the bar year. The Committee continues to discuss issues of importance to the MSBA, including the future plans for the Bar Headquarters, the recent inclusion of Sections to membership on the Board of Governors, the continued participation of Past Presidents in the American Bar Association House of Delegates, and the National Conference of Bar Presidents.

VETERANS' AFFAIRS & MILITARY LAW

Michael G. Comeau, Chair

This Committee installed a full slate of officers and council members, and as of March 1, its membership has grown 70 percent, from 71 to 121. A partnership was established with the Maryland Department of Veterans' Affairs; Maryland Secretary of Veterans' Affairs Edward Chow, Jr., spoke at a Committee meeting, consequently launching a robust veterans lawyer referral program as a result. The Committee collaborated with the newly established Task Force to study the concept of a Veterans' Court; the Maryland General Assembly has asked for a report from the Task Force by December 1, 2013. The Committee is in constant contact with veterans groups, pro bono projects, and other interested individuals, committees, and government agencies involved in military and veterans affairs with a focus on serving the Maryland veteran and military community.

VOIR DIRE

Paul Mark Sandler, Chair

This Committee formed the following subcommittees: Tort Law; Business and Commercial Law; Wills, Trusts and Estates; Real Property; Criminal Law; and Style. It plans to send its first report to the MSBA Board of Governors recommending proposed voir dire questions for use in criminal trials. The 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.

- Advance – Document Specialists
- American Bar Association Publications
- Annual Meeting & Exhibit Show
- Annual Report
- Bar Bulletin
- Bar Brief – Weekly E-Newsletter
- Car Rentals (Avis, Budget & Hertz)
- Courthouse Identification Badges
- Credit Card Processing (Law Pay)
- Ethics Hotline
- Ethics Opinions
- 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
- Minnesota Lawyers Mutual Liability Insurance
- 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
- Practice Management Software
 - Clio (Cloud-based)
 - RocketMatter (Cloud-based)
 - EasySoft
- Public Awareness Brochures
- Publications/Newsletters
- Section Memberships
- Shipping (FedEx)
- Solo & Small Firm Conference
- T-Mobile Service
- Travel Programs
- Websites (EsqSites 123.COM)
- Wednesday Webinars

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