



PGCBA NEWSJOURNAL

Newsletter of the Prince George's County Bar Association, Inc.

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President's Message



Dear Colleagues:

I hope this Newsletter finds all of our members in good spirits and with increased business. I want to thank all of our members who responded to and who submitted their ballots for the Prince George's County Seat on the Court of Special Appeals. In mentioning that I want to once again highlight the fact that the Board of Directors of the Bar Association has approved Amendments to both Article VIII and Article XI of the ByLaws on how the Bar Association would recommend potential judicial candidates. There is going to be a vote on these proposed Amendments at the June meeting. I would ask all members to please look at the April Newsletter as to the wording of these Amendments. The Board of Directors and the Committee to Review the ByLaws have worked long and hard to try to make the Bar's recommendation on candidates a more meaningful voice in the Selection Committee.

The "Brown Bag" lunches have started and we are hoping for increased attendance at each session. The early feedback that the Bar Association has received has been very positive. The Alan J. Goldstein Seminar once again was a huge success. We had over 100 attorneys present and the speakers were both interesting and informative. I would like to call members' attention to the elections for the Bar Association at the June meeting. This Newsletter contains a list of the candidates. I would encourage all members to please vote for their selections. It seems that we have now more people interested in joining the leadership of the Bar Association, which is a positive sign for the future. I would also at this time

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PRESIDENT'S MESSAGE

Continued from page 1

like to thank the Honorable Sherrie L. Krauser and Alicia Lucero on all their work and continued unwavering support for the mock trial program and congratulate St. Mary's Ryken on their win. I wish them good luck as they represent the 7th Circuit at the state competition.

In closing, I will once again say to please feel free to call either myself, members of the Executive Committee, Board of Directors Committee, or Section Chairs of any concerns, comments or ideas you may have regarding our Association.

Sincerely,

Nicholas E. Rattal
President



MARYLAND PANEL

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David A. Carney, Esq.

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David A. Carney, Esq.
Past President, Howard County Bar Association

A leader in the bar and business community, David Carney's distinguished legal career has included a wide range of disputes including land use, real estate, condemnation, construction, contracts, and family law. He is a past President of the Howard County Bar Association, and is a former Member of the Board of Governors of the Maryland State Bar Association. He has served Howard County in numerous capacities including Assistant State's Attorney, Chairman of the Economic Development Advisory Council, Member of the Board of Directors of the Economic Development Authority, and as General Counsel of the Chamber of Commerce. David will continue his law practice at Carney, Kelehan, Bresler, Bennett & Scherr, LLP, but now also joins The McCammon Group to serve the mediation, arbitration, and special master needs of lawyers and litigants throughout Maryland and beyond.



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Time to Thank Our Volunteers!

We thank all the volunteers who make it possible for CLS to deliver legal services to the low-income communities in our County – from the

attorneys who provide legal representation, to those who provide free legal advice at our clinic, to the volunteer interpreters, to interns, and to a recent volunteer legal assistant, Omar Gonzalez.

LEGAL ASSISTANT

Omar Gonzalez volunteers at our CLS clinic located in the courthouse in Upper Marlboro. He began volunteering at the beginning of March 2010. He is fluent in English and Spanish and assists our staff legal assistant, Michael Udejofofor. Michael says of Omar, “he has learned a lot in short amount of time; he is an ongoing person, and is very pleasant and professional with clients, and has been of great help to us at the clinic.” He learned about the services we provide through one of our volunteer attorneys, Ryan Thomas, for whom he also interns as a legal assistant. Omar states he enjoys volunteering at the clinic because he sees it as a great opportunity to give back to the community. He is only 23 years old and full of great aspirations. He was born in Washington, DC to parents from El Salvador. He graduated from Northwestern High school, and went to IONA College, New York, and received a Bachelor’s of Arts in Criminal Justice, and a minor in Political Science. He is in the process of applying to several law schools, including Catholic University, Georgetown and University of Southern California. He states he is pursuing a law profession because he sees it as a vehicle to provide access to justice to individuals who are unable to because of fear or lack of knowledge about the law. As for his long-term goals, he would like to serve on the Bench, and eventually, become a Supreme Court judge. He believes this is very possible, and is fully confident that

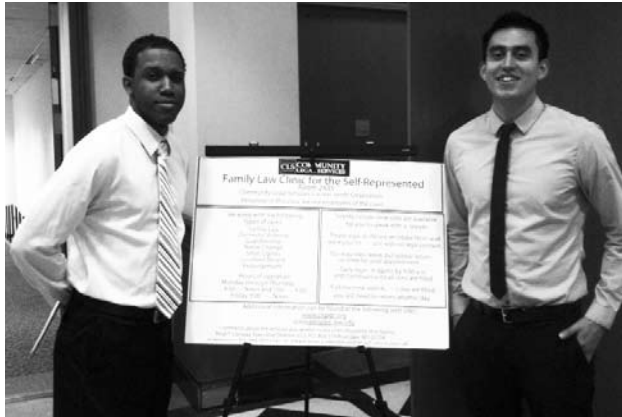
his generation can bring lasting positive changes to the world.

INTERPRETERS

We are grateful to our volunteer interpreters who facilitate the communication between our clients and volunteer attorneys: Maria Barrera, Cecilia Bowen, Jorge Bustios, Alexia Martinez, Maria Wickeling, Tara Cuneo, Johny Bustos (2 cases), Frinne Guevara, and **Jacob Crider**, of whom our volunteer attorney Cherie M. King wrote “He was available, on time, and very professional. He was also very pleasant to work with. I would recommend him for any other matters for CLS.”

INTERNS

We thank Parkdale Highschool students, who are also siblings, Ismael Villalta and Alexandra Villalta who volunteered at our courthouse clinic to fulfill their community hours.



Michael Udejofofor & Omar Gonzalez

ATTORNEYS WHO PROVIDED FREE LEGAL ADVICE AT OUR COURTHOUSE CLINIC

We are grateful to the following attorneys who volunteered to provide legal advice during the same period of time at our CLS Clinic in the Upper Marlboro Courthouse (room 2435M; for more information contact Michael Udejofofor at 301-952.3010): Jeane Aelion, James Thomas, Diana Wyles, Lisa Butler, Sean R. Day, Shanee Mayor, Steve Stair, Ryan Thomas, Janell Bell, Harold Boyd, Anthony Hayes Davis, III, Anu Kemet, Sharon

Primus Theodore, Ayo Stevens, Lorenzo Randle, Jumoke Oladapo, Adria Johnson, James Thomas, Greg Milton

VOLUNTEER ATTORNEYS WHO TOOK CASES FOR LEGAL REPRESENTATION

We are very grateful to the following volunteer attorneys who accepted cases via our **Lawyer Referral Program** (pro bono and reduced fee cases) to provide legal representation for our low income clients from mid-February to mid-April (62 cases combined!): Dontrice Hamilton (3 cases), Robin Gaillard, Sidney Reid (2 cases), Shayla Settlers, Shanice Adams (2 cases), Rosa Sobhraj (6 cases), Debra Saltz, Charles Ashurst (2 cases), Darlene Wright Powell, Anthony Hayes Davis, III, Cherie King, James Thomas, Kelly Hebron (2 cases), Diana Wyles, Jeana Harbison, Janell Bell, Bruce Goodman, Raymond Vanzego.

Via our Family Law Training Clinic mentored by Barbara Jorgenson, Esq., in our last training titled, “Maryland Child Support Guidelines”: Sandra Guzman, James Thomas, Debra Saltz, Jeana Harbison, Shayla Settlers, Ronan Gulstone, Diana Wyles.

Domestic Violence cases via our Langley Park Clinic: Rosa Sobhraj (3 cases) and Julia Cohen.

Foreclosure cases via our CLS Foreclosure Prevention Project: Tabitha Brown, Robert Carney, Hyacinth Clarke (3 cases), Angela Dawkins, Phillip Diamond (2 cases), Harold Ezratty, Amir Gibbs, Amir Guerami (3 cases), Matthew Killoran (3 cases), Leslie Lobos, Anthony McFarlane, David Sandler, Misty Wilks, Donya Zimmerman, Marialisa Miller.

If we mistakenly failed to mention your name, please report it to us so that we may give you proper credit in our next column.

SPECIAL FUNDING TO PAY FOR ATTORNEYS FEES

CLS continues to refer cases under our Judicare funding project made available

by Maryland Legal Services Corporation. Attorneys receive \$80.00 per hour up to \$1,600.00 per case. Cases referred involve family law matters including guardianship. We also refer domestic violence cases, except we will reimburse the attorney for a maximum of five (5) hours only. Attorneys accepting cases under this program are required to participate in our **Pro Bono Program** as well. For more information please contact Darielys Pinto at 301-864-4907, ext. 11.

Community Legal Services of Prince George's County, Inc. is a non-profit organization established to provide quality civil legal services to low-income persons in Prince George's County. It does this through the generous contribution of legal advice and legal representation by members of the private Bar. Additionally, CLS operates free legal clinics in the County. They are located in the Circuit Court House and Langley Park. For more information about our services, please contact Nora C. Eidelman, at 301-864-4907, ext. 12.

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THANK YOU TO BENCH AND BAR

Recently, an opposing client filed a grievance against myself and my colleague, L. Jeanette Rice. Said litigant was kind enough to bolster the local economy by paying the postage to have her complaint personally mailed to everyone in the County Bar Association.

Summarily, her complaint was dismissed by the grievance commission. We would very much like to thank all of our friends and colleagues that called, wrote, or otherwise provided their support.

With reputations restored, we continue to practice family, criminal, bankruptcy and contract law in Bowie.

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Annual Meeting

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MEMBER ANNOUNCEMENTS

ChasenBoscolo Injury Lawyers is pleased to announce the addition of four new talented associates to the firm's growing staff in Greenbelt.

- **Tiffani Sterrette** graduated from the University of Maryland School of Law in 2008 and served as a Law Clerk to the Honorable Judge David W. Young, Circuit Court of Maryland in Baltimore City. Ms. Sterrette is a member of the American Bar Association, the Maryland State Bar Association, the Alliance of Black Women Attorneys and the National Bar Association. She will work in ChasenBoscolo's negligence department.
- **Joseph M. Yahr**, Esquire, graduated from the Washington and Lee University School of Law in 2008. Mr. Yahr is a member of the Maryland State Bar Association and the Maryland Association for Justice. He will be working in the firm's Maryland Workers' Compensation department.
- **Jason Zappasodi**, Esquire, graduated from the University of Maryland School of Law in 2008 and served as a Law Clerk to the Honorable Dennis M. Sweeney, Circuit Court of Maryland in Baltimore City. Mr. Zappasodi is a member of the American Bar Association, the Maryland State Bar Association and the Bar Association of Baltimore City. He will be working in the firm's Maryland Workers' Compensation department.
- **Amy Schaeffer** graduated Cum Laude at the University of Baltimore School of Law in 2009 and served as a Law Clerk to the Honorable Shirley M. Watts, Circuit Court of Maryland in Baltimore City. Ms. Schaeffer is a member of the Maryland State Bar Association and is involved with the Maryland Network Against Domestic Violence. She too will be working in ChasenBoscolo's Maryland Workers' Compensation department.

The Metropolitan Washington Council of Governments (COG) <http://www.mwcog.org/doingbusiness/cogbid> has released its Request for Qualifications for General Legal Support. COG is seeking a "full service" legal firm with strong knowledge and experience in several areas. The successful firm will provide legal support and render opinions on a variety of issues. Please contact ckalish@mwcog.org or call 202-962-3222 for more information.



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A special thank you to Judge Thomas Love, for hosting the first Brown Bag Lunch which was held in the new Lawyer's Lounge. We greatly appreciate his support of this program.

The next Brown Bag Lunch will be hosted by Judge John Morrissey on the 27th of April at noon in the Lawyer's Lounge. The topic is personal injury. All members are welcome.



GOTTA GO GREEN

Everyone knows that vegetables are good for you. Why else would your parents have told you “eat all of your vegetables” when you were a kid. Sure, protein is great, and carbohydrates have their uses, but no other food packs more punch than the things growing from God’s green earth. What, you might ask, makes veggies such a super food? Well, there are so many benefits, I couldn’t address them all in just one article. So, I’ll just stick to the most common benefits that are easiest to comprehend.

Let’s talk first about appearances. Because while everyone wants to have a healthy functioning body, most people are concerned about the benefits of proper diet and nutrition because of what it can do for them visually. The most wonderful thing about vegetables (as far as your appearances go) is that they are often considered a “free” food. That doesn’t mean you can walk out of the grocery store without paying for them. What this does mean is that while they are very nutrient dense, they have an amazingly low calorie density. In layman’s terms, this means that you can virtually eat as much of these foods as you want, without worrying about storing any excess calories that might be converted to fat. That’s because most vegetables (with the exception of starchy ones like corn and beets) have a biochemical constitution where the body actually uses just about as much energy consuming these foods as the food itself actually contains. The body uses energy to consume and process foods. In most cases, foods contain way more calories than the number of calories (i.e. energy) that are used

to process it. Vegetables are the only exceptions to this rule. There is one caveat, though....when we speak of this wonderful benefit that vegetables have, we mean “vegetables in the raw”. This doesn’t mean the veggies have to be raw, but they can not be embellished with cheese, butter, olive oil, salad dressing, sauces, etc. So go ahead and steam, boil, or microwave your veggies if you don’t want to eat them raw, but do avoid the “additives”. This way, you can eat broccoli and salad by the bagfuls. And you won’t gain a pound!

Consumption of vegetables is also a great way to include in your diet an often neglected, but essential component to good health - fiber. Vegetables, a good source of bulk, help slow digestion and thereby, regulates blood sugar levels. This benefit of fiber gives you a two-in-one. The fiber contained in the veggies will aid in elimination which is contraindicated for fat storage, and allow for increased absorption of vitamins, minerals, and amino acids which are all needed for tissue repair and growth. Additionally, the bulk contained in vegetables prevent highs and lows that come with uncontrolled blood sugar levels. When your blood sugar levels are properly regulated, you don’t get a burst of energy followed by a “crash”, as is the case with some high carbohydrate, low fiber foods.

Other than subtracting from your waistline, veggies boast various other benefits that are just short of miraculous. For one, vitamins are a powerhouse of antioxidant chemicals called phytochemicals. Vegetables produce phytochemicals to protect themselves during growth. The benefit to us is that these same antioxidant chemicals also protect us against many ailments. For example, the lycopene in tomatoes is proven to provide a

reduced risk of heart attack when consumed frequently. As well, studies have shown lycopene to reduce the risk of certain cancers, especially prostate cancer. The carotenoids found in carrots are a strong protectant against certain types of cancer and are an important nutrient for eye health.

Red vegetables are best known for harboring lycopene, whose benefits include a reduced risk of diabetes and osteoporosis. Lycopene also aids in muscle recovery and is found in beets, red onions, red peppers, radishes, red potatoes, and of course in tomatoes. Orange and yellow veggies are high in Vitamin C and beta-carotene. Beta carotene is converted to Vitamin A in the human body, one of the most important of all nutrients. Both Vitamin C and beta carotene assist in warding off cancer, promoting heart health, boosting the immune system, and aiding in muscle recovery. The veggies containing these nutrients includes butternut squash, carrots, pumpkins,

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sweet potatoes, yellow bell peppers, and yellow tomatoes. Green veggies contain huge amounts of the B vitamin folate, which is essential for the growth of new muscle cells and is involved in nitric acid production. These healthy green vegetables include broccoli, asparagus, brussel sprouts, artichokes, “greens” (all varieties), spinach, zucchini, and watercress. And finally, there are the white veggies which are known for their high allixin content. Allixin, a phytochemical found in the onion family, is stellar at maintaining healthy testosterone levels and inhibiting cortisol production (cortisol is bad if you’re trying to retain muscle mass). Allixin also aids in preventing cardiovascular disease. To include these beneficial, multi-taskers in your diet, try consuming cauliflower, garlic, mushrooms, onions, turnips, white potatoes, shallots, or parsnips on a daily basis.

Similarly, there is a group of phytochemicals called indoles which are found in cruciferous vegetables (such as cabbage and broccoli) which provide unique benefits by stimulating enzymes that make estrogen less effective. What this means is that indoles can assist in the decreased storage of bodyfat and the increased production of muscle mass. Broccoli, for this very reason, is a main staple of bodybuilders and fitness competitors when dieting for competitions. To sum up this particular benefit of phytochemicals, suffice it to say that these micronutrients, acting as antioxidants, protect various organs (and skin) against damage and attack by outside influences (such as pollution and harmful sunrays), and aid in repair of muscle tissues.

Now that you know the benefits of going green (or at least getting in as much green as possible), you need to know how to best extract the invaluable

nutrients contained in vegetables. First, you need to be certain to always select fresh, ripe vegetables from your grocer. Fresher, ripe vegetables maintain more of their nutritious benefits than vegetables that are wilted or under/over ripe. And while fresh is always preferred over canned and sometimes over frozen, this is true only if the fresh vegetables are truly fresh. If they’ve traveled across the country after being picked and then they’ve sat on the produce shelves for several days, then frozen would be a better option. If the produce in your grocery store doesn’t look particularly fresh, opt for frozen. In many cases, it’s just as good as the “fresh” goods available at most supermarkets. This is because frozen foods are often “flash frozen” which means that soon after being picked, they’re quickly frozen to preserve most of their nutritional value. And the frozen foods maintain almost all of the nutrients they possessed at the time they were frozen.

Further, veggies don’t have as long a shelf life as meats and other macronutrients. While you can probably store cooked meat for a little over a few days, it’s really best to replenish veggies every 2-3 days, to ensure that they retain their maximum nutrient value. Also, most vegetables require refrigeration. Some exceptions, however, include artichokes, tomatoes, and potatoes. These vegetables actually maintain

their nutritional value best when stored in a dry, room temperature area such as the kitchen counter.

Finally, preparation of your nutritious, delicious vegetables also plays a critical role in determining how much of the highly touted benefits you’re actually receiving. Again, most vegetables are in an optimal state for maximum nutrition extraction when you eat them raw. Some exceptions are tomatoes, corn, and carrots which are actually more nutritious when cooked. This is especially true of tomatoes (Tomato paste and tomato sauce used in cooking dishes such as pasta have very high lycopene values - much more than raw tomatoes). But for the other vegetables, you want to cook them as little as possible. Steaming is preferred over boiling, as the nutrients (many of which are water soluble) have a tendency to leach out of the vegetables and into the water when you using boiling as the method of preparation for veggies. In a similar fashion, microwave ovens have a way of damaging some of the nutrients contained in the food.

So the next time you’re desirous of a snack that packs a punch in numerous ways, reach for something green....or red, or yellow. Just make sure it’s not candy.

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CANDIDATE PROFILE *FOR THE POSITION OF SECRETARY*



Jennifer Muskus has been a member of the Prince George’s County Bar Association since 2003 and has served on the Board of Directors since 2007. Jennifer practices family law with the law firm of Muskus & Muskus, LLC in Fort Washington, Maryland. She is a member of the Women’s Bar Association of Maryland, Co-Chair of its Judicial Selections Committee and Past President of the Prince George’s County Chapter. She is a member of the Professionalism Committee of the Maryland State Bar Association and a Leadership Academy Fellow. She is a member of the Maryland Association for Justice. Jennifer serves as Secretary on the Board of Directors of Community Legal Services and is a Board Member of Resource Connections of Prince George’s County. Jennifer’s community service includes participation with the Maryland Disability Law Center and its Children’s Education Project and through her membership with

the Prince George’s County Chapter of the Women’s Bar Association she has served as speaker at National Adoption Day and participates yearly at mentoring events at the Thomas J. S. Waxter Detention Center in Laurel, Maryland. In October of 2008, Jennifer participated on the Steering Committee of a Pre-Release Conference for Women of the Maryland Correctional Institution for Women, Women Moving Forward.

CANDIDATE PROFILES *FOR THE POSITIONS OF DIRECTOR*



Sonya O. Gomes joined the Prince George’s County Bar Association immediately after being sworn in to the Maryland State Bar. She earned her B.S and J.D. from the Pennsylvania State University. Sonya spent her final semester in law school as a law clerk in the Prince George’s County Office of the Public Defender. Upon graduation, she served as law clerk to the Honorable Nicholas E. Rattal. In 2009, she joined the Prince George’s County Office of the State’s Attorney. She currently serves as the county’s Young Lawyers liaison to the Maryland State Bar Association. Her community service activities include *Wills for Heroes* and *Stories from my Father, Preserving Maryland Families In Spite of Incarceration: Through Literacy and Storytelling* at the Jessup Correctional Institution.



Patricia Moore, who has practiced law for over thirty (30) years, is a partner with the Law Offices of Rosier & Associates, concentrating in real estate, corporate/finance, family, and entertainment law. In addition to private practice, she has served as both in-house counsel to several Fortune 500 corporations and as a government attorney with the U.S. Securities and Exchange Commission.

She is currently the President of the Washington Bar Association Legal Fund, Inc., and serves on the Board of the National Bar Association. Ms. Moore has/had many professional affiliations, including among others: The National Bar Association (former Vice President), the Washington Bar Association (former Vice President), Prince George’s County Bar Association (former Director), the J. Franklyn Bourne Bar Association, Maryland State Bar Association, GWAC, Monumental Bar Association, District of Columbia Bar Association, Sam Carey Bar Association, Leadership Greater Washington, and the National Investment Manager’s Association. Ms. Moore received her J.D. from the University of Denver College of Law.

CANDIDATE PROFILES *FOR THE POSITIONS OF DIRECTOR*

Judge Sheila Tillerson Adams graduated from Morgan State University in 1979 with a Bachelor of Science Degree in Psychology. She received her Jurist Doctorate from Howard University School of Law in May, 1982, and a Master of Laws in Taxation from Georgetown University Law Center in May, 1987. Judge Adams was admitted to the Maryland Bar June 1983, the Federal Bar July 1983, and the Supreme Court May 1992. She has worked in the Domestic Law Unit at the Legal Aid Bureau in Baltimore City, the Office of the State's Attorney for Prince George's County, Maryland and the Office of Law for Prince George's County, Maryland where she served as Deputy County Attorney from 1988 to 1993. In 1993, Judge Adams was appointed to the District Court of Maryland and elevated to the Circuit Court for Prince George's County, Maryland in 1996. She currently chairs the Building Committee, the Security Committee and the Continuity of Operations Committee for the Court. Judge Adams has co-chaired the Law Links Committee of the Prince George's County Bar Association for numerous years.



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Robin D. Bright has served on the Board of Directors for the Prince George's County Bar Association since 2002. She is a member for the J. Franklyn Bourne Bar Association, Maryland State Bar Association, and Women's Bar Association. In 1998, Ms. Bright joined the Office of the State's Attorney for Prince George's County, Maryland and, in 2006 served as an Assistant State's Attorney in Calvert County, Maryland. After serving as General Counsel for a nationally known food service corporation, Ms. Bright returned to public service and is currently an Associate County Attorney in Prince George's County, Maryland's Office of Law. Prior to graduating from the University of Maryland at Baltimore School of Law, Ms. Bright received a Master of Arts degree in Business Administration from Bowie State University and Accounting degree from Niagara University in 1992 and 1988, respectively. Before attending law school, Ms. Bright was an Accountant for 10 years. Ms. Bright is admitted to practice law in both federal and state courts of Maryland and is a resident of Prince George's County, Maryland.



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William Brennan is a partner in the law firm of Brennan Sullivan & McKenna, LLP. His practice is principally focused on state and federal criminal defense, professional responsibility representation, and complex civil litigation. Mr. Brennan has practiced law in Prince George's County for over 30 years. He has been a member of the Prince George's County Bar Association since 1977 and has just complete a one year appointed term on the Prince George's County Bar Association Board. He is a member of the Maryland and District of Columbia Bars, the U.S. District Courts for Maryland and the District of Columbia, the U.S. Courts of Appeals for the District of Columbia, 1st, 4th, 6th, and Federal Circuits and the United States Supreme Court. He is a member of the American Bar Association, the Maryland State Bar, the National Association of Criminal Defense Lawyers, and the Maryland Criminal Defense Attorney's Association. Mr. Brennan is co-founder of the Marlborough Chapter of the American Inns of Court. Mr. Brennan is currently a voting member of the Practitioner's Advisory Group to the U.S. Sentencing Commission

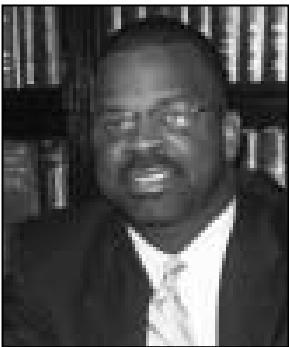


CANDIDATE PROFILES *FOR THE POSITIONS OF DIRECTOR*



Arnold Bruckner was admitted to the D. C. Bar in 12/1971 and the Maryland Bar in 12/1972 and have practiced continuously since then. He has done extensive litigation and transactional work, having started three law firms ranging from solo practice to as many as fifteen people. That experience taught me to be able to see other points of view and consider what might work more efficiently or effectively in many situations. During that time, He represented the Prince George's County Bar Association in their Judicare Program, served over 12 years as chairman of the Bar Association's original Lawyer Referral Program, which won an award from the Maryland State Bar Association as the best in the state, served on the original Board of Directors for the first Maryland Volunteer Lawyers Service, the Maryland State Bar Association Travel Committee, two years as Chair of the Unauthorized Practice of Law Committee, twenty-seven years on the Attorney Grievance Committee Inquiry Panel and subsequent Peer Review Panel, have taught and am still teaching the Maryland State Bar Association Professionalism Course for all but 4 of the sessions since its inception. He also helped draft and implement the Bar Association's Pro Bono Program, including making it an integral part of the Lawyer Referral Program, and served on the Board of Directors of this bar association more times that he can recall. He also regularly volunteers for the Mock Trial judging and have participated for many years on the "Ask A Lawyer Program" which has been held on Law Day. For the last two years he has been volunteering for ADR in Prince George's and Howard County. He feels he is aware of the needs of the bar and its members and can be helpful in contributing ideas for continuing improvement and support.

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Bruce A. Johnson, Jr. is the founder and owner of The Law Offices of Bruce A. Johnson, Jr., LLC. The Law Offices of Bruce A. Johnson, Jr., LLC provides legal services in the areas of criminal, business and real estate to individuals and corporate clients in Maryland, Virginia and the District of Columbia. Mr. Johnson attended Shippensburg University, receiving a Bachelor's degree in Criminal Justice in 1989. He also attended the University of Maryland School of Law, where he received his Juris Doctor in 1992. Mr. Johnson earned an MBA from John Hopkins University in May 2000. After law school, Mr. Johnson clerked for the Honorable J. James McKenna in Montgomery County Circuit Court. After clerking, he worked in the Prince George's County State's Attorney's Office as an Assistant State's Attorney for nearly five years. Afterwards, Mr. Johnson joined a prestigious D.C. law firm as an associate attorney where Mr. Johnson practiced business litigation and criminal defense in the state and federal courts of Maryland, Virginia, and the District of Columbia. During the period 1995-2000, Mr. Johnson also served in the Army JAG Corps Reserves. He also served on judicial and CLE committees of the J. Franklyn Bourne Bar Association. Mr. Johnson has been a member of the Prince George's County Bar Association for the past eight (8) years. Mr. Johnson would like to use his skills and experience to serve the bar, its members, and our community.

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Walter W. Green has been a member of the Prince George's County Bar Association since 2001. A native of Prince George's County, Walter is the principal of the Law Offices of Walter W. Green in College Park, Maryland. Walter concentrates his practice in real estate litigation, estate and probate litigation, appellate practice, insurance claims litigation, and business litigation. Walter is appointed to the Peer Review Committee of the Attorney Grievance Commission of the State of Maryland and has served as a volunteer Alternative Dispute Resolution Mediator in the District Court of Maryland for Prince George's County. Walter is a graduate of the University of Baltimore School of Law and is a member of the Maryland State Bar Association.

CANDIDATE PROFILES *FOR THE POSITIONS OF DIRECTOR*

Lisa Hall Johnson received her J.D. from Duke University School of Law, where she received the Duke Law Advocacy Award, was the first African-American woman to serve as the chairperson of the Moot Court Board, and served as staff editor of the Duke Environmental Law and Policy Forum. During law school, Ms. Hall Johnson completed judicial internships with the Honorable Andre M. Davis, United States District Court in Baltimore, Maryland, and with the Honorable Sherrie L. Krauser of the Circuit Court of Maryland in Prince George’s County. Currently, Mrs. Hall Johnson is an associate at Dickstein Shapiro LLP in the Insurance Coverage Practice Group focusing primarily on complex commercial litigation; and insurance coverage investigation, counseling, and negotiation. She started her legal career as an associate at McDermott Will and Emery, and then served as an Assistant State’s Attorney with the Prince George’s County Office of the State’s Attorney. Mrs. Hall Johnson’s professional and bar activities include membership in the Prince George’s County Bar Association (“PGCBA”), Maryland State Bar Association (“MSBA”), Black Women’s Bar Association, the J. Franklyn Bourne Bar Association, and the American Bar Association, among others. After serving as a MSBA Leadership Academy Fellow in 2008, Mrs. Hall Johnson was selected to serve on the MSBA Leadership Academy Committee, the MSBA Public Awareness Committee, and the MSBA Committee on Appointments. Ms. Hall Johnson plans to increase her involvement in the PGCBA by serving as the MSBA Young Lawyers liaison to the PGCBA; and, with your support, as a PGCBA Director.



C. Todd Stuart became interested in the practice of law during high school being around his attorney father, Cal Stuart. He worked as a bailiff during the summer months and during Holiday breaks while attending college to learn more about life in the court house scene

Todd graduated Cum Laude from St. Mary’s College, Southern Maryland in 1994 and Cum Laude from the University of Baltimore School of Law in 1997.

Upon graduation he started his legal career clerking for The Honorable William D. Missouri, from 1997 to 1998.

From 1998 to 2005 Todd served as an Assistant State’s Attorney in Prince George’s State’s Attorneys Office.

In 2005 he joined with his father’s practice forming Stuart & Stuart with offices in Prince George’s and Calvert counties and as well as the law firm’s title company, Atlantic Coast Title, Inc.

He was elected to the Prince George’s Bar Association Board in June of 2008. He has served as the Board liaison to the Criminal Law Committee and has been an active member of the Goldstein Seminar. Todd would like to continue his association with the Board and with the Criminal Law Committee.



Jeffrey Harding is a longtime partner at Sasscer, Clagett & Bucher and is a current member of the Board of Directors of the Prince George’s County Bar Association. He has served many terms as a Board Member, beginning in 1986. He is a former Assistant State’s Attorney for Prince George’s County, where he served as a senior trial attorney in the Homicide Unit. Mr. Harding is married with three children, is a former Marine and black belt martial arts instructor.



CANDIDATE PROFILES *FOR THE POSITIONS OF DIRECTOR*



Ben Woolery was admitted to the Court of Appeals of Maryland (1988), the U.S. Dist. Ct. for Md. (1989), Bar of the Dist. Of Columbia (1989), U. S. Supreme Court (1995) and the U. S. Fourth Circuit Ct. of Appeals (1996). He is currently a member of the Maryland State Bar Association’s Elder Law Section Council. He has been in private practice since 1988 with a wide variety of practice areas in the Maryland and federal trial and appellate courts with a focus on “Elder Law” clients. Mr. Woolery is life member of the “Maryland Bar Foundation” and is chair of the City of Bowie Ethics Commission. He serves as a peer review member of the Maryland Attorney Grievance Commission and has been co-chair of the PGCBA Probate, Estates & Trusts Committee since 2003.

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Monica M. Haley-Pierson has been a member of the firm of Knight, Manzi, Nussbaum & Laplaca since 1997. She graduated from the University of Maryland School of Law in 1989 and was admitted to the Maryland Bar that same year. She has been a member of the Prince George’s County Bar Association since 1990 and is a member of the American Bar Association. Her Pro Bono Activities include working with disabled adults offering Pro Se Clinics through the Calvert County Bar Association and being a co-panelist, co-presenter at the PGCBA family seminar since 2005.

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Richard Allen Moore, II, is a longtime member of the bar association and the board of directors. He earned a Bachelor of Arts degree in History, with honors, from Morgan State University in 1978. He also graduated from the Catholic University Columbus School of Law in 1985. Following law school, Richard served as law clerk to the Honorable Audrey E. Melbourne of the Seventh Judicial Circuit of Maryland. He worked as an associate with Knight, Manzi, Brennan, Ostrom & Ham, P.A., until his appointment as an assistant state’s attorney for Prince George’s County State’s Attorney’s Office in 1991. There he served in several capacities including Chief of the Felony Trials Unit and Assistant Chief of the Homicide Unit until his departure last year. He currently is engaged in private practice.

The Elder Law Section of the Prince George's County Bar Association, created in 2002, held its inaugural meeting on April 10, 2003 at the Doubletree Hotel in Largo. Founding organizers of the section were Karren Pope-Onwukwe and Jacqueline D. Byrd, who in August of 2002, petitioned then Bar President Sean Wallace to start the section, saying that elder law was an area of law that general practitioners needed to understand and use effectively in their practices. President Wallace agreed, and plans began to create the section.

The speaker for the first meeting was Carole Taliaferro, who was at the time the Prince George's County Medicaid Waiver Coordinator. Dazzling speakers through 2006 included Jason Frank, elder law attorney and author of the text *Elder Law in Maryland*; Jack Schwartz, then Director of Health Policy Development in the office of the

Maryland Attorney General's Office, Catherine Bouchard, Prince George's County Trust Attorney, Lynn Skerpon, then the Prince George's County Register of Wills, Agnes Powell, Co-Chair of Estate and Trusts Section of the Prince George's County Bar, and Dr. Matthew McDonald, geriatric psychologist.

Meetings subjects included, among other topics, *Psychological and cognitive issues with elderly clients, Intersection of taxes and elder law, nursing home negligence and malpractice issues, Maryland and Medicaid, and Advance directives.*

Elder Law continues to be a very active, growing and important element of today's legal practice. It is certain to become even more necessary as, even now, the fastest growing part of our population is people over 85. Questions are rampant everywhere

we go. Queries about Long term care insurance, asset preservation planning, Medicare changes in the new Health Care Law, sibling battles surrounding caring for mom or dad, where will all the boomers house their aging parents and elder financial abuse are just a few examples. Most of the "word on the street" is just plain wrong, and lawyers need to help provide correct information.

For various reasons, the Elder Law Section has been less active since 2006, and has been merged with the Estates and Trust Section, co-chaired by Agnes Powell and Benjamin Woolery. The Estates and Trust Section meets the second Thursday of every 3rd month (March, June, September and December.) The next meeting is scheduled for June 10th at 3 P.M. in the lawyer's lounge at the Prince George's Courthouse.

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TRAPS FOR THE CLIENT CREATING JOINT ACCOUNTS *By Suzanne Duvall*

Often an older client-depositor will add the name of another person to a bank or credit union account, creating a jointly-titled account, without understanding the legal results. Typically the oldest child or the one who lives locally caring for the older client is the one whose name is added. The client's intent may be solely to have the child assist with paying bills or monitoring investments as the client ages and is less able to do so (in essence, a "poor man's" power of attorney over the account), not necessarily to leave the account proceeds at death to that one child or person. It is very unlikely the bank or credit union employee will explain the legal implications when this is done.

PRE-1993 LAW

In the original landmark cases, the Maryland Court of Appeals determined that generally joint accounts with right of survivorship or Pay on Death ("P.O.D.") accounts are ineffective to pass title to the survivor at death. The exceptions were for an account which was actually given during life (requiring a donative intent and physical delivery by the donor) or an account titled in a trust format (i.e., in trust for A and B, payable to the survivor). See Whalen v. Milholland, 89 Md. 199, 43 A. 45 (1899); Milholland v. Whalen, 89 Md. 212, 43 A. 43 (1899) (A completed gift requires acceptance by the donee, but that appears to be presumed if he or she is aware of the account).

Application of the completed gift concept to joint accounts made the older client's intent to make the gift essential. The Maryland Court of Appeals considered whether the bank presents the joint account form to the older client or he or she directs the bank how to title the account (contrast Whalen v. Milholland, 89 Md. at 204 (bank imposed form – no gift); with Milholland v. Whalen, 89 Md. 212, 43 A. 43 (depositor requested trust form – completed gift)).

Case law evolved so that the account provisions did not have to expressly include trust language for the account to be considered held in trust so as to effectively pass to the survivor; that depended on the donor's intent. Barker v. Aiello, 84 Md. App. 629, 581 A.2d 462 (1990). In Cooper v. Bikle, 334 Md. 608, 640 A.2d 1120 (1994), the Court of Appeals held in the alternative that if the account was titled "joint tenants with right of survivorship", the survivor became the sole owner because the original depositor's rights were extinguished at death under rudimentary property law principles.

The intent requirement, in turn, meant that the presumption where physical delivery existed or the account was in trust could be rebutted by evidence that the client intended the account to be "for convenience only" (solely to assist with bill paying or to monitor investments). Generally, the

challenger had the burden of rebutting the presumption. However, the burden shifted if the person added to the account had a confidential relationship with the original depositor. Hartlove v. Maryland School for the Blind, 111 Md. App. 310, 681 A.2d 584 (1996). If the presumed required intent is rebutted, the account belongs to the decedent's estate or a constructive trust is imposed. Ebert v. Ritchey, 54 Md. App. 388, 458 A.2d 891 (1993); Potts v. Emerick, 293 Md. 495, 445 A.2d 685 (1982). Sometimes the courts considered the withdrawal of funds from the account for the use of the person added to the account a breach of fiduciary duty. See Hartlove, supra.

At death, the survivor named on the account frequently would close the account, withdrawing the funds or reopen it in his or her name. The bank or credit union would simply honor the joint account designation. The result was often litigation by the decedent's other children/ legatees or heirs based on circumstantial evidence, which could be hard to find given limited record retention or bank or other financial institution mergers.

CURRENT LAW

Effective October 1, 1993, Section 1-204 of the Financial Institutions Article of the Annotated Code of Maryland ("the Code") eliminates the Milholland result and generally makes

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multiple-party accounts (including joint accounts) effective in transferring them to the survivor(s) at the original depositor's death. (See Sections 1-204(8)(i)-1 and 1-204(7)). These provisions apply to joint accounts, P.O.D. accounts, or trust accounts; more specifically, checking and other demand deposit accounts, negotiable order of withdrawal or other savings accounts, share draft accounts, and certificated or uncertificated time deposit accounts. However, it does not apply to brokerage accounts.

An exception exists if the only reason the child or other person named on the account is authorized to draw funds is that they are a "convenience person". A "convenience person" is someone "authorized to draw upon funds in the account either under a power of attorney or if the account agreement appoints the other person as "agent of a party" "for the convenience of the party". (See Sections 1-204(8)(ii) (6) and 1-204(5).)

Section 1-204(f) states that any party, including a "convenience person" can withdraw funds from the account during the older client's lifetime, unless the account agreement restricts it. It is unlikely a financial institution will subject itself to the burden of such a restriction. There may be a cause of action against the "convenience person" for breach of fiduciary duty if the withdrawals are used for his or her benefit, not for the elderly client who created the account. Unfortunately, this may not be discovered until after death creating statute of limitations restrictions.

Section 1-204(c)(3)(ii) makes these provisions applicable to an account established before 1993 only if the financial institution sent written notice of the provisions to the account holder or the account agreement expressly provides that. Query if litigation

ensues, who has the burden of proof regarding whether the notice was sent. An express amendment to an existing account seems unlikely. Prior law should apply to a pre-1993 account absent the requisite notice or express provision.

These provisions appear to eliminate the possibility of rebutting the presumption that the older client's intent was to pass the account to the survivor named on the account. The "convenience only" argument appears to be limited to the exception for a specific agency provision in the account agreement or for a person acting under a power of attorney. However, in an unreported opinion, Goldman v. Shulman, No. 1030 (2005) dealing with joint accounts with right of survivorship opened after October 1, 1993, the Court of Special Appeals in part held that discovery by an estate's attorneys using subpoenas to the banks was not improper because while the creation of a joint account creates a presumption, the Estate could prove that a joint tenancy was not intended, giving as an example a "convenience" account.

Where there are several parties on an account and at the death of one, another withdraws all funds, the other survivor has a claim for his or her share. See Stanley v. Stanley, 175 Md. App. 246, 927 A.2d 40 (2007) cert. granted 401 Md. 172, 931 A.2d 1095 (Table Sept. 12, 2007 No. 270, Sept, Term 2007).

JURISDICTION

Section 1-301 of the Estates and Trusts Article of the Code grants the Orphans' Court jurisdiction to determine questions of title to personal property for purposes of determining whether it is properly includable in the estate (i.e., a probate asset). As of October 1, 2009, the minimum value of the property

for such a determination is raised from \$20,000 to \$50,000 (presumably applicable to each account).

Section 1-401 of the Estates and Trusts Article of the Code provides that a provision in an "account agreement" as defined under Section 1-204 of the Financial Institutions Article shall be effective according to the latter and not be "considered testamentary". Section 1-401 may preclude the Orphans' Court from making the determination whether a bank or credit union account is a probate asset. This seems to be an odd result at least if the statutory exception for a "convenience person" applies (i.e., that the child or other person added is designated as an agent in the account agreement or acting under a Power of Attorney).

Additionally, Section 1-101(r) of the Estates and Trusts Article of the Code excludes property which passes to another person by the terms of an instrument or by operation of law from the definition of "property".

Presumably, this means that the Circuit Court must make such determinations. There is also a threshold issue of standing; must such an action be brought by the personal representative or can any "interested person" do so?

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CONCLUSION

If an elderly client adds the name of one child to a bank or credit union account without fully understanding the ramifications, this can defeat the intended estate plan in whole or large part. For many elderly clients, bank or credit union accounts may constitute their only assets. Any attorney with whom the elderly client consults for estate planning should determine what accounts the client has and how each is titled. The attorney needs to carefully explain to the client the result of adding

someone's name to an account either in the context of existing accounts or to caution the client about future action. While the failure to do so might constitute malpractice, ironically, the personal representative with standing to assert that may be the very child named on the account (see Noble v. Bruce, 349 Md. 730, 709 A.2d 1271 (1998), stating in dicta that a personal representative may be able to assert a claim for malpractice in representing a testator, but that damages may be limited to the attorney's fee).

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*“The PGCBA is glad to have you as
our new members!!”*



Aaron Myers

Andrew Jezic

Judge Murphy

Judge Paul Grimm



left to right: Andrew Jezic, Judge Murphy, Bill Brennan, Judge Whalen and Dave Simpson.

The 25th Annual Goldstein Seminar was held on March 27, 2010. There were over 90 people in attendance. It continues to be one of the most well attended events that the Bar Association sponsors. A special thank you to Dave Simpson, Judge Michael Pearson and Todd Steuart for working so hard to insure the success of this program. We would like to especially acknowledge Judge Michael Pearson as he is stepping down as a member of this committee. He has worked very hard for many years on this event and he will be greatly missed.

PROPOSED BYLAW CHANGE *by: William C. Brennan, Jr.*

Under the current by-laws, there is no official mechanism for the Prince George's County Bar Association to participate (as an entity) in the judicial selection process. The procedure currently in place (Article XI: Judicial Recommendations) allows the prospective judicial candidates to submit their names for an anonymous vote by the entire membership (the so-called "popularity contest"). The results of that secret ballot are then forwarded to the Judicial Nominating Commission and the Governor's Office. Beyond that confidential membership vote, the Prince George's County Bar Association makes no other endorsement concerning the fitness of prospective judicial candidates.

Other specialty bar associations such as, for example, the Woman's Bar Association, the Hispanic Bar Association or the J. Franklyn Bourne Bar Association, typically have committees that interview prospective candidates and make recommendations to both the Commission and the Governor. The Board of Directors of the Prince George's County Bar Association is recommending to its membership that the by-laws be amended to allow for the results of both the secret membership vote and committee recommendations be forwarded to the Commission and the Governor. The proposal would retain the election process but add a standing committee (with staggered three year terms) appointed by the president that would interview prospective candidates and make recommendations. The board believes that such a two tiered process would allow the Prince George's County Bar Association to play a more meaningful role in the judicial selection process.

A majority of the Board of Directors believes that the secret membership vote could be viewed as nothing more than a popularity contest and may work to the disadvantage of worthy judicial candidates who may not be as well known to the majority of voting members. Adding a committee to interview prospective candidates would allow competent candidates who may not be as "popular" as others, to obtain an endorsement from the Prince George's County Bar Association. Thus, the endorsement of the Prince George's County Bar Association sent to the Judicial Nominating Commission and the Governor's Office would be based not only on popularity but also on having been interviewed by the Judicial Selections Committee.

The Board of Directors of the Prince George's County Bar Association (11 in favor, 2 opposed, 2 abstentions) is in favor of this amendment. The text of the amendment follows:

PROPOSED BYLAW AMENDMENT:

APPROVED: _____

It is resolved that Article VIII: Committees and Sections of the ByLaws of the Prince George's County Bar Association, Inc. shall be amended as follows:

The following additional language shall be inserted in the first paragraph and shall read as follows:

The President of the PGCBA shall appoint the Chair and Vice-chair and the members of the Judicial Selections Committee. Committee Members shall be appointed to serve a three (3) year term. After the first term, three (3) Committee Members, including the Chair of the Judicial Selections Committee, shall be appointed to serve an additional three (3) year term, three (3) Committee Members, including the Vice-chair of the Judicial Selections Committee, shall be appointed to serve an additional two (2) year term and three (3) Committee members shall be appointed to serve an additional one (1) year term. The members shall act until the next annual meeting of the members of the PGCBA or until successors are appointed. Nothing shall prevent any member from being re-appointed. Committee Members shall, at the commencement of their appointment onto the Committee, acknowledge in writing that they are not nor do they intend to become judicial applicants during their term on the Committee. The President of the PGCBA shall not make appointments onto the Judicial

Selections Committee if the President is a Judicial Applicant or anticipates being a Judicial Applicant within the term of their authority to appoint Committee Members. In that event, the Vice President, or the next highest Executive Officer, shall have the authority to make appointments onto the Judicial Selections Committee.

The following additional language shall be inserted in the second paragraph and shall read as follows:

The Executive Committee, upon a majority vote of those members present at an Executive Committee meeting shall upon Motion of the President or Chair of the Judicial Selections Committee have the authority to remove from the Judicial Selections Committee any member for cause including refusal or failure to assume or perform duties as a Committee Member and/or failure to maintain membership in the Bar in good standing.

The following additional language shall be inserted in the third paragraph and shall read as follows:

Designation of Standing Committees: The two (2) standing committees shall be designated as follows:

1. The Law Library Committee.
2. The Judicial Selections Committee. The Judicial Selections Committee shall have the authority and powers designated in Article XI.

PROPOSED BYLAW AMENDMENT:

APPROVED: _____

It is resolved that Article XI: Judicial Recommendations of the ByLaws of the Prince George's County Bar Association, Inc. shall be amended as follows:

The following additional language shall be inserted as the first paragraph and shall read as follows:

Judicial Selections Committee: The Judicial Selections Committee shall be composed of no fewer than 9 members selected from the general membership. The Committee shall be empowered to interview candidates for judicial appointments. The Committee shall be empowered to make endorsements on behalf of the PGCBA. The Committee shall be empowered to present a plan to the Board of Directors for approval of proposed rules and regulations for training committee members, the form of interviews, questions to be asked in the interviews, confidentiality of the applications received from the Administrative Office of the Court, whether ratings shall be disclosed to the candidates, the rating system, the policy on Recusal and the form of the letter to the Judicial Nominating Commission or the Governor. No work shall be initiated or undertaken regarding the proposed rules and regulations without the approval of the Board of Directors. The Judicial Selections Committee shall consider the results of the secret written ballot recommendation for judicial appointments as made by the Active and Honorary members of the PGCBA in making its endorsement.

REVOCABLE/LIVING TRUSTS AND PRIVACY *by: George E. Meng*

There are a number of ways for one to plan their estates so that there will be no need for probate. For example, many people, especially spouses, hold their property in joint names with a right of survivorship. Any such property is not subject to probate. Or, one might designate a beneficiary or provide for payment or transfer on death. In such event, the property will pass directly to the beneficiary without probate. Another way to avoid probate would be to transfer your property into a revocable or living trust that you control while alive and direct in the trust document how your assets are to be distributed upon your death. This article addresses an important privacy issue related to revocable trusts.

In some states, probate is an expensive process and is to be avoided for that reason alone. I suspect that a survey of people who have chosen to use a trust for the distribution of their estate would show that their primary reason for doing so was to avoid probate. Whether one should plan to avoid probate in Maryland for reasons of expense is beyond the scope of this article. However, in such a survey, I expect that the second most popular reason people chose to handle the distribution of their estates through a trust was for reasons of privacy. That is because the probate process is a public

one. It starts with the filing of a Petition for Probate and a Will, if there is one. Probate files are available at the Register of Wills office to be reviewed by anyone. Many of the details of the family and the decedent's assets are available through an Inventory and periodic accountings.

Most revocable trust documents include provisions similar to the ones found in *Johnson v. Johnson*, 184 Md. App. 643 (2009). The Johnson trust provided: "The Trustee shall not be required at any time to file any account in any court, nor shall the Trustee be required to have any account judicially settled." It also stated that the Trustors' express intent was to create a private trust; and finally it provided: "Trustors direct that only the information concerning the benefits held for or distributable to any particular beneficiary be revealed to such beneficiary and that no person shall be entitled to information concerning benefits held for or distributable to any other person." This kind of provision would seem to provide the kind of privacy one would expect. Typically, these trusts provide for income and a measured amount of principal to be distributed to the surviving spouse for life with the ability to distribute additional principal if appropriately necessary and then upon the death of the surviving spouse to distribute the remainder, if any, to children,

grandchildren, or others.

When the Johnsons established their trust, it provided that the husband and wife would be co-Trustees. When Mr. Johnson died, his wife Catherine became sole Trustee and the Trust was divided into 2 parts. For the first part, Catherine was entitled to all the income and potentially all of the principal. For the first part she also had a power of appointment to control distribution of the remainder upon her death through her Will. As to the second part, she had the same rights to principal and income but her power of appointment was limited to distribution under her Will to one or more children or other descendants. If she didn't exercise that limited power, distribution would be to her husband's son, James, if he were alive. Under the first part, James' interest is contingent upon Catherine not using all the principal or exercising the power of appointment. Under the second part, James' interest is vested

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but subject to divestment if he doesn't survive or all the principal is used for Catherine. Simply put, there might not be anything left to distribute to James when Catherine dies.

Catherine is still alive. Even so, James requested an accounting more than once without any response. He then filed suit. Catherine claimed what most attorneys would have argued - the court's ordering an accounting would contravene the specific terms of the Trust and would be contrary to Maryland case law which indicates that a Settlor's intent is controlling. The Court of Special Appeals, I believe, surprised many by finding that a trustor cannot, by including limitations in the Trust instrument, circumscribe the trustee's duty to account to beneficiaries. So, despite all desires for privacy and Catherine's argument that it really isn't any of James business, the Court determined that "James is entitled to request an accounting and Catherine is required to provide it."

So, according to the Court of Special Appeals, privacy is out the window as to beneficiaries even if they might never get a dollar. Note, however, that a Petition for Writ of Certiorari was

granted and the case was argued before the Court of Appeals on January 8, 2010 #63 September Term 2009.

In *Johnson*, the Court did not directly address a beneficiary's right to obtain a copy of the Trust document or other documents relevant to an accounting. However, it is difficult to imagine a situation wherein a person would be entitled to an accounting but not have a similar right to obtain copies of other relevant documents.

While it is true that the *Johnson* decision only affects privacy as it relates to a very limited group of people - the beneficiaries -, I find it rare that a client mentions privacy as a motivating factor except when they are concerned about it is related to beneficiaries.

For those of you who provide estate planning advice to clients who are considering the use of a Trust, it would be wise to review *Johnson* and keep an eye out for the decision from the Court of Appeals.

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