

PGCBA NewsJournal

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

April 2011

PRESIDENT'S MESSAGE



Dear Colleagues:

As I am sitting in my office composing the April Bar Newsletter, it strikes me, after doing these for approximately a year and a half, that the articles are written about five weeks prior to the members of the Bar receiving their Newsletter. So I am wishing everyone Happy Holidays and a Happy New Year before Thanksgiving, and it seems like when I comment on events, they are long past.

In that vein, I want to thank Dave Simpson and Aaron Myers for their work on the Alan J. Goldstein Seminar on March 26th. We have a good advanced registration and I am sure it will be a successful event.

On behalf of the Bar Association, I want to congratulate the Honorable James P. Salmon on his retirement and his retirement gala which occurred on April 12th. I want to thank the following committee members who worked long and hard to make this event a success: Phil Zuber, Esquire, Erik Nyce, Esquire, Denise Bowman, Esquire, Jennifer Muskus, Esquire, Bruce Marcus, Esquire, Judge Sheila R. Tillerson Adams, Georgia Perry and Iris Wyvill.

I would also like to solicit comments from any members of the Bar in regards to the new voting procedures for the judicial candidates. The general comments that I have received are that it was very easy to use and largely a success. If anybody has any ideas or comments, the Bar Association and I would appreciate receiving them. Remember, we also have the Bar Elections coming up at the June meeting, so I am encouraging all members to consider running for a position on the Board of Directors. We will be voting for the Board members at the June meeting so please consider attending and casting your vote for your Board of Directors. If you cannot attend, please visit the Bar Office and vote before the meeting. Ballots will be available at the Bar Office after April 8, 2011.

Last but not least, I would like to congratulate Judge Thomas P. Smith on his retirement and thank him for all of his years of service, leadership,



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and dedication to the county which has been so appreciated by the members of the Bar.

I would encourage all of our members to support the upcoming events and to be an active member of our Bar Association. Without the members, our Association is nothing. My door is always open as is that of all of our Board members. We welcome all concerns, comments, and ideas.

Sincerely,
Nicholas E. Rattal

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*Thank you to Thecla Bethel, Scott Little
and Frank Morris for manning the phones
for our Legal Advice Line. The number of
calls continue to grow and we hope to see
that trend continue as we reach out to our
community. Please spread the word, the first
Tuesday of every month.*

COURT ANNOUNCEMENTS

Notice of Meeting Regarding Pre-Marking Exhibits Procedure

All attorneys who have practices that contain civil litigation before the Circuit Court for Prince George's County are invited to meet with the Circuit Administrative Judge Sheila R. Tillerson-Adams and Civil Coordinating Judge Leo E. Green, Jr. on **April 22, 2011 at 1:30 p.m.** in the Juror's Lounge (M2400) to learn of new forms, procedures, technology and pre-trial methods. The court is also interested in any new ideas the Bar may have relative to our operations and new technology.

-Judge Leo Green

In cases where the pre-trial Judge has indicated that the parties are to pre-mark their exhibits prior to a civil trial, the following is the procedure to follow:

- Attorney will call the Courtroom Clerks' Office (Lead Worker or Supervisor) to schedule an "Exhibit Marking Party" to have exhibits of 25 or more pre-marked. Telephone Number 301-952-5016
- When scheduling an "Exhibit Marking Party", a list of questions will be asked:
 - How many exhibits; Case #; Attorney's Name; Attorney's Telephone #: Attorney's Fax #; Trial Date.
 - Attorney will be instructed on how to prepare an Exhibit List. The Exhibit List is to be brought to the "Exhibit Marking Party".
 - The "Exhibit Marking Party" will be scheduled as close to the Trial Date as possible, preferably on a Tuesday, Wednesday or Thursday at 2:30 p.m.
- Once the information is received; a Scheduling Memorandum will be completed by the Lead Worker/Supervisor with the information received from the person scheduling the "Exhibit Marking Party".
- The Scheduling Memorandum along with a Fax Cover Sheet with a Sample of the Exhibit List is faxed to the Attorney.
- The Attorney is to bring all Exhibits with the Exhibit List to the "Exhibit Marking Party". The CRC /Lead Worker/Supervisor will mark all the Exhibits. Once marked the Attorney will retain all Exhibits until Trial.
- If the case is settled prior to Trial, the Attorney is to call the CRC's Office to cancel the "Exhibit Marking Party" and inform the Office of Calendar Management.

*Any questions, can be directed to Judge Green
at 301-952-3142 or leogreen@co.pg.md.us*

BRING YOUR PET TO WORK DAY | *Special Announcement by Albert W. Northrop*

In celebration of the arrival of spring, the Circuit Court, District Court, Orphans' Court and all state and county agencies in the courthouse have designated April 1 as "Bring Your Pet to Work Day." The invitation has been extended to attorneys who will appear in court that day as well.

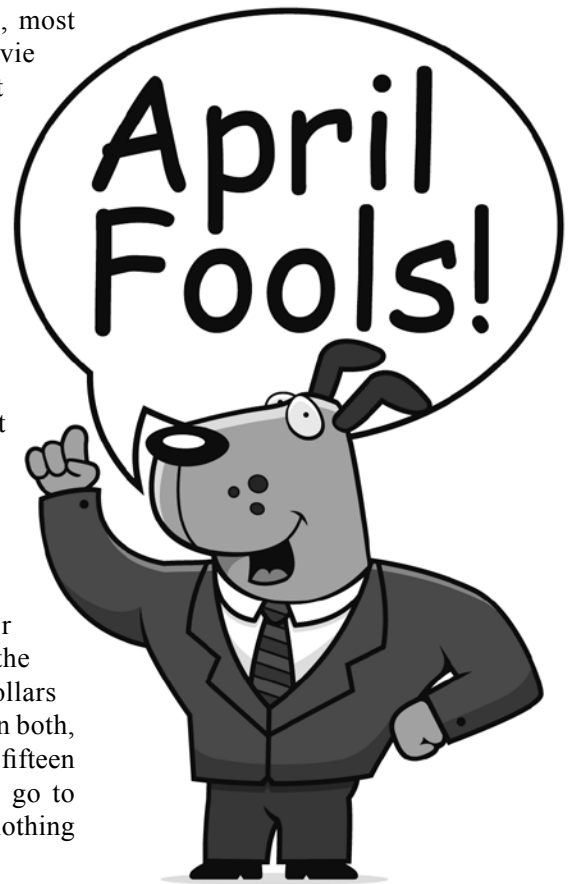
The event is not without limitations. Animals must weigh no more than 80 pounds and must be current in all of their vaccinations. All dogs and cats must be on a leash of fixed length. Rabbits and small mammals must be caged or boxed. Pets will not be allowed in the courtrooms unless they are adorned in proper court attire.

Each pet owner will be responsible for the immediate cleanup of any unfortunate "booboo." An exercise area will be designated in the front, river side, of the courthouse and at 3:30 there will be a pet costume contest adjacent to the exercise yard. Prizes

will be given for most original, most colorful, scariest, most like a movie theme, and for the pet that most resembles its owner.

In conjunction with Pet Smart, dog and cat treats will be available in the area in front of the courthouse, Main Street side, and at 4 pm there will be a stupid pet trick contest with prizes for first, second, third and last place. David Letterman has been invited to judge the stupid pet trick contest. As of this writing his agent hasn't responded.

There will be an entry fee for both the costume contest and the stupid pet trick contest of ten dollars (\$10.00). If your pet is entered in both, the total fee will be discounted to fifteen dollars (\$15.00). Proceeds will go to the non-profit "Animal Winter Clothing Project."



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THE RESOLUTION EXPERTS.®



The History Corner is a feature of the Prince George's County Bar Association's newsletter. It contains information related to the history of Prince George's County.

“Histories make men wise...”¹

This is the sixth part of a series of articles regarding the impact of one good man on the fabric and history of the Prince George's legal community as told through the eyes of some of the individuals who were touched by his life. The name of this individual is Arthur A. (Bud) Marshall, Jr. The series began with a firsthand account of his accomplishment by his close friend, Judge Vincent Femia. In Part III we added the voice of his oldest child, Patricia Marshall and the discussion included his family background. We have to interrupt the flow of the series because of the passing of Mr. Marshall on Thursday, January 13, 2011. This event did not mark the conclusion of the series because his service as the State's Attorney for Prince George's County for 24 years and his impact on the social and legal community of Prince George's County cannot be summarized with just a few pages.

Part VI

JOY

In an article appearing in March 2011 edition of the PGCBA NewsJournal Judge Michael Patrick Whalen, Coordinating Judge for Criminal Operations, Circuit Court of Prince George's County, discussed several of Bud Marshall's accomplishments and various aspects of his character. With his permission, I am again using some of his words as a bridge to this installment of the History Corner's series on Bud Marshall. Part VI also includes the word of Robert Charles Bonsib, Esquire, Ronald H. Cooper, Esquire, David Michael Simpson, Esquire, Judge Joseph Aloysius Dugan, Jr., Circuit Court of Montgomery County, Judge Terrence J. McGann, Circuit Court of Montgomery County and William J. Parker, Jr., Past President of the Prince George's County Bar Association.

“He was happiest at home with his wife, Sally, and their seven children and on the baseball field as the General Manager and Coach of his vaunted State's Attorney's Office softball team.”

As was highlighted in Part III of this series in the December 2010 Volume, Patricia Marshall, Bud Marshall's oldest child, said that their blended family became the Prince George's County version of the “Brady Bunch”. Bud Marshall's wife and family was the joy

of his life. However, besides his passion for excellence and justice was his love for the Prince George's County State's Attorney's Men's and Woman's Softball teams. They played in the Prince George's County Employee's Softball League and they were known as the “Marsh Hawks” (men's team) and “Bud's Babe's” (women's team). Up until 1981 the team was sponsored by the Office of the State's Attorney and thereafter they obtained their own sponsors, but they were still known as the teams from the Office of the State's Attorney. Bud Marshall was the coach and leader of the team and he had a full head of gray hair. He was affectionately called, “Coach” and “The Fox” which was short for “The Silver Fox”. His wife, Sally, was referred to as, “Mrs. “The Fox” by the team members. Robert Charles Bonsib, a very prominent criminal defense attorney, said that during the 1970's and 1980's the Prince George's County Office of the State's Attorney had a strong spirit and that the Marsh Hawks was its core. Robert Bonsib was hired by Bud Marshall six months after he graduated from the Columbus School of Law of the Catholic University of America in 1974. When he left the office in 1983 he was Chief of the Felony Trial Division. He said that his duties as a young lawyer included opening the mail and preparing coffee. But he was also given the opportunity to observe how

serious cases were put together for trial and he learned to try serious cases. He said that Bud Marshall was a great mentor to upcoming lawyers. More importantly, he said Bud Marshall made people feel good. In his words, “We worked hard and we played hard and we believed in what we were doing.” He said that Bud Marshall had high expectations of his staff. He viewed the entire staff, including secretaries and other support personnel, as essential to the operation of the SAO. The manner in which Bud Marshall conducted the business of the SAO and treated his staff created a strong sense of loyalty among the members of the staff and people developed bonds that remain to this day.

In terms of playing hard, Mr. Bonsib said that occasionally Bud Marshall recruited lawyers based on what position in the SAO softball team was weak. David Michael Simpson, another prominent criminal defense attorney, said that when he was interviewing for the position of Assistant State's Attorney Bud Marshall asked him about his sports background and if he would be willing to play a game with his team. Mr. Simpson said “yes” he would play for the team and within a very few days he was playing with the SAO softball team in Ocean City, Maryland. A few days after the game he was offered a position as an Assistant

State's Attorney. Judge Michael P. Whalen played semi-professional softball in the State of Massachusetts during the summers when he was home from college. Judge Whalen is pretty sure this is why he was hired within one week after his interview with Bud Marshall because this information was noted on his resume. He too played on the softball within a week after he was hired as a new lawyer. Ron Cooper, another prominent criminal defense SAO alumnus, said that like Robert Bonsib, when he joined the office as a young lawyer, among his other duties he made coffee, answered the telephone and talked to the press. He was an All-Conference and MVP baseball player in high school. He also played NCAA basketball at Albright College in Reading, Pennsylvania. He said all the members of the "Marsh Hawks" were attorneys, paralegals or law clerks in the SAO. They also had all been athletes before they joined the team. Bud Marshall also recruited for "Bud's Babes" and he had Judge Whalen send out recruitment letters for the women's softball team to other divisions within the courthouse and other agencies within the Prince George's County Government. In fact, JoAnne Douglas, Assistant Chief, Victim/Witness Unit, who has been a member of the SAO since 1981, said that the women's team was the league champion for three years in a row.

The members of the "Marsh Hawks" softball were also extraordinary. Judge Joseph A. Dugan, Jr, Circuit Court of Montgomery County was a pitcher. Judge Terrence J. McGann, Circuit Court of Montgomery County, played left field. Our own beloved and highly respected Judge Whalen played center field and first base. David Simpson played in the left field, Ron Cooper played in the outfield, and Judge Steven G. Chappelle, Circuit Court of Charles County, played in the center field. John McCarthy, the State's Attorney for Montgomery County, played on the team as a second baseman. Robert H. Harvey, Jr., a prominent criminal defense attorney in Calvert County,

played short-stop. William J. Parker, Jr., Past President of the Prince George's County Bar Association, played third base and also pitched. The games were played during the week and if one of the players was in court on a game day Bud Marshall would go into the courtroom and sit until the judge would release his player. He referred to the softball games as "mandatory office meetings" in the notices distributed to the SAO staff. Everyone in the SAO participated in the games. Beside the ballplayers, some staff members kept the score while others cheered the team on from the sidelines. The games were played on the fields at Watkins Park and the Prince George's County Fraternal Order of Police ball fields. Each team had their own specialized team shirts. After the games they would enjoy fellowship and a few beers at the FOP. Bud Marshall was the State's Attorney for Prince George's County for 24 years. Sandra O'Connor was the first woman elected to the position of State's Attorney in Baltimore County and in the State of Maryland. She held that position from January 1975 – December, 2006. There was a standing rivalry between the "Marsh Hawks" and the Baltimore County State's Attorney's Softball Team that continued well into the 1980's. The Baltimore County State's Attorney's Softball Team was the league champion of the Lawyers League for Softball in the Baltimore area for several years. However, according to William Parker, the "Marsh Hawks" won the Prince George's County championships numerous times and they were considered the "New York Yankees" of the County league. Consequently, the matchups of the Baltimore County Office of the State's Attorney Softball Team and the "Marsh Hawks" at Maryland State's Attorney's Conference in Ocean City, Maryland were legendary. In fact, two or three year in a row at the State's Attorney's Convention in Ocean City when the "Marsh Hawks" played the Baltimore County team Bud Marshall had Harry W. Kelley, Jr., Mayor of Ocean City, throw the first pitch. Every summer there would be a command performance between the teams. They had

team cheer leaders from both offices and after the game the losing team provided the "refreshments". During the week of the convention Bud Marshall would have a cookout at his house in Ocean Pines. At the end of the season he also gave the team a cookout at his farm and they would give themselves awards. Judge Dugan told me that the reason Bud Marshall he had such a love for the softball teams was because it enhanced camaraderie and was good for office morale.

Two of his players, Judge Dugan and Judge McGann, were very close friends and left the office to practice law together in College Park. Judge McGann's young son had a serious health condition and he found out that he could not get health insurance for his young son if he was in private practice. Bud Marshall found out about this situation and he hired Judge McGann and Judge Dugan back as part-time lawyers. At that time the Office of the State's Attorney handled child support cases. He allowed them to split a law clerk position and in this way Judge McGann could have health insurance for this son and they were still able to be engaged in the private practice of law. Bud Marshall did this on his own without any suggestion. He thought allowing them to handle paternity cases under these circumstances was the right thing to do.

To be continued.....

Bud Marshall will be buried with full military honors on Tuesday, May 10, 2011, at 11:00 AM, Ft. Myer Chapel, Ft. Myer, Virginia. Interment will be at Arlington Cemetery. Ft. Myer is adjacent to Arlington National Cemetery. Attendees should arrive at least 45 minutes early for security process review.

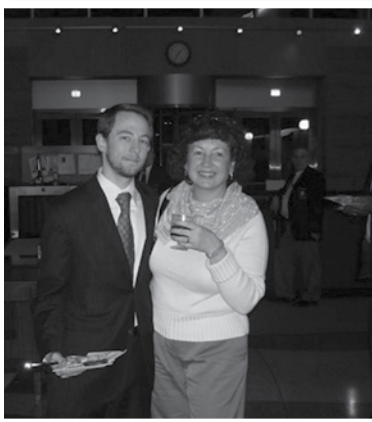
For additional information contact Arlington National Cemetery at (703) 607-8585.

1 Essay. Of Studies by Francis Bacon (1625)

JOINT MEETING

FEBRUARY 8, 2011





FRANK FORD'S LAST DEPOSITION | *Ron Karp*

On January 26, 2011 I went to the office of Francis J. Ford, Esq. for a day of depositions. For almost 40 years, off and on, I had been on the other side of the case from Frank. It started when I was a young plaintiff's lawyer in the early 70s and Frank was defense counsel for the old McLeay Lynch law firm.

Here is how we set up the deposition: Frank sent me a short letter indicating he wanted to take my client's deposition and to call him with some dates. He did not just send out Notices. It is fashionable these days for lawyers to argue about the order of depositions. Which party will get to go first? Some lawyers actually file motions and ask the court to determine the order of depositions.

When I called Frank we picked out some mutually convenient dates to depose both the plaintiff and the defendant. I suggested we knock them both out on the same day, which was fine with Frank. "Where do you want to do them?" I asked. Frank said it made no difference to him. "I will come to you if you want" he said. Frank had passed a half century practicing law and was 76 years old. In my mind he had seniority so I offered to come to his office. He said it made no difference to him. Having selected mutually convenient dates, he told me to just pick the date, time and place and let his office know. There was a complete absence of jockeying for an advantage.

When I arrived at Frank's office with my client and a young associate to watch the proceedings, Frank and his client came into conference room right on time and we got started. Frank said at the outset, "Let's go fast today. There is a huge ice storm coming and we don't want to get caught in it."

Throughout the depositions, Frank was as smooth as glass and was no different from the Frank Ford I had seen in action for decades. He knew the file inside out. (His office mate, Steve Nemeroff, told me Frank was usually in his office around 5 a.m.) He never asked one question too many, but was always thorough. He did not posture for his client. He had a total absence of swagger

and bravado. He did not pontificate or threaten to call the judge.

My experience of late with a new generation of litigators has sadly been different. Depositions are peppered with objections: "Asked and answered"; "Assumes facts not in evidence"; "Vague and ambiguous" and "Relevance". They seem to believe they are obligated to obstruct the deposition in any way possible in order to impress their client and gain some strategic advantage. All of this was never on Frank's radar screen. He knew what was important in deposition and at trial, and I wonder how many of new breed of "scorched earth" litigators would be able to stand in a courtroom with Frank.

Of course, I do not want to paint an entire new generation of lawyers with a broad brush, but spending a day with Frank was just so refreshing. He was so confident in his ability and comfortable in his skin. He knew civility was not a sign of weakness. Also on display was Frank's dry wit, which always kept the depositions light and which was never condescending. These were not star chamber proceedings.

When the depositions concluded we chatted a bit. Frank told me he was soon heading down to Key West and warmer weather. I brought a young associate to watch the depositions and Frank came over to talk with him and when he found out he was in his first year of practice, asked him if he was "ready to do this work for the next 50 years or so?" That was a generational gesture. New lawyers were not invisible people. Frank was welcoming him to the bar.

With the depositions over I walked out into the freezing night air and the sleet that Frank wanted us to avoid. The drive home was slow and bumper to bumper. I remember thinking that it was pleasure to spend time with a lawyer of Frank's caliber. A day spent on the merits of the case without any posturing or sniping. And as Steve reminded me, who had tried more cases than Frank? And who did it better?

On the day Francis J. Ford died, he was scheduled to go to trial. When the great master of the cello, Pablo Casals, was asked why he worked so late in his life he said: "My work is my life. I cannot think of one without the other. The man who works and is never bored is never old. Each day I am reborn. Each day I must begin again."

Of course, if I had known Frank was going to leave us in a few days, I would have given him a long hug good-bye. Not only because he was a great trial lawyer but because I was also saying good-bye to a generation of lawyers who had a grand work ethic and understood that civility and advocacy were never mutually exclusive.

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APRIL 12, 2011 BAR ASSOCIATION MEETING HONORING
JUDGE JAMES P. SALMON

MAY 2, 2011..... NATURALIZATION CEREMONY – COURTHOUSE

MAY 7, 2011..... FAMILY LAW SEMINAR – COURTHOUSE

MAY 31, 2011..... GOLF CLASSIC – LAKE PRESIDENTIAL

JUNE 7, 2011 ANNUAL MEETING – NEWTON WHITE MANSION

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