

# PGCBA NewsJournal

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

March 2011

## PRESIDENT'S MESSAGE



*Dear Fellow Members of the Bar:*

I cannot believe that winter already seems to be coming to an end. Thankfully this year seems mild in comparison to last year. As we turn the corner to spring, the Bar Association has a number of activities to look forward to before the summer hiatus. We have the Bar Association meeting honoring the career of Judge James P. Salmon on April 12th. This event has had an amazing showing of interest from members of the local bar and members of the Maryland Bar from all across the state. Keep in mind that we also have the traditional Alan J. Goldstein Seminar on March 26th at the Courthouse. Please sign up early to avoid the late fee.

The Courthouse version of March Madness is going on as well. Just like the NCAA tournament, the Courthouse hosts the circuit mock trial championships. Each year members of the Bar and the judiciary who participate are impressed by the intelligence and preparation of the youngsters involved. I would like to thank the Honorable Sherrie L. Krauser and the Honorable Tiffany Hanna Anderson for their running of this fine program.

I also want to encourage any members who have not participated in the Lawyer Referral Service to sign up as our numbers lately have been on the upswing with the increase in the number of potential clients who have been referred. On a different note, I want to encourage the members of our Association to attend the Maryland State Bar Association Annual Meeting June 8th through June 11th in Ocean City, Maryland. I had the pleasure of attending last year's meeting to represent our Association. Some of the other jurisdictions had much larger turnouts, so if anybody has any free time and wants to take some very interesting CLE classes, it is a good opportunity.

Members please be aware that the notice has gone out for candidates for the two vacant judge positions in the Circuit Court. Once those candidates are announced we will be putting the ballot together. It will then be uploaded to a website with a secure password which we will send to our members via email. Once you receive this information you can go online and cast your vote. The site will keep track of who voted but not who they voted for and will provide us with a daily and/or weekly tally. This is the first time we



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# PGCBA NewsJournal

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## The Prince George's County Bar Association

Established 1902

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...to represent the legal profession and to serve its members  
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### Lawyers in Need

...an ad hoc program for members under some form of distress or disability which will assist in keeping files productive while help is obtained and assist with professional referrals. For help, call

James Flynn ..... 301-932-0700

Robin Shell ..... 240-472-9919

### Ethics Hotline

Any member wishing to obtain an informal ethics opinion may call the Ethics Hotline

John R. Foran ..... 301-441-2022

Steven Rosen ..... 301-699-1400

### Designated Conciliator Program

Martin G. Oliverio ..... 301-513-0613

Gerald C. Baker ..... 301-577-4600

will have used on line voting but it should make the entire process much easier. If you have any questions once you receive the website and password information don't hesitate to call the Bar Office.

I would encourage all of our members to support the upcoming events and to be an active member of our Bar Association. One way to be an active member is to run for a seat on the Board. We have seven vacancies plus the position of Secretary. Please think about submitting your application. The deadline is April 8, 2011. If you have never served on the Board or if it has been awhile since you served please consider doing so. 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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## *Updates on Our Clinic in The Circuit Courthouse*

**O**ur beloved staff attorney **Charles R. Ashurst** has left CLS to open his new private practice! Mr. Ashurst

began his employment with CLS in February 2007 working in our Family Law Clinic for The Self Represented. We are grateful to Mr. Ashurst for the years of dedication and hard work to bring assistance to thousands of clients providing legal advice to them in our courthouse clinic! During his time of employment with CLS, Mr. Ashurst accepted multiple numbers of cases on a pro bono basis. We cheer him and wish him much success with this new private practice! He deserves it!

It took two attorneys to fill his spot. We welcome attorney **Linda M. Gantt** who has joined our staff. Mrs. Gantt is well known and respected in the legal community. Mrs. Gantt has been one of our volunteers for some time. She is President of the Board of the Family Crisis Center, a Board Member of the Prince George's County Bar Association, and a member of the Women's Bar Association. Mrs. Gantt works in our clinic on Mondays and Fridays.

CLS staff attorney **Angela Richardson Green** expanded her work with us and works in our courthouse clinic on Tuesdays and Thursdays while maintaining her Monday and Friday schedule with us to manage our Foreclosure Prevention Project.

Attorney **Darlene Wright Powell** continues to staff our courthouse clinic every Wednesday. Additionally, Ms. **Wright Powell** staffs our Suitland Family Law Clinic every Friday.

Volunteer attorneys continue to work in our courthouse clinic to provide legal advice to an overflow of clients who would be turned away without this wonderful help. Volunteering in the clinic provides a good opportunity for attorneys to build their private practice! We have an office space to accommodate one volunteer attorney. We can schedule only one attorney at the time. To schedule a time to volunteer, please

contact our legal assistant **Omar Gonzalez** at 301-952-3010.

We have two new interns at CLS. **Dominica Omoruyi, Esq.**, and **Josiane Vieillesse**. We welcome them! Ms. **Omoruyi** is a new attorney joining the bar just last month. She will be working with us until the end of June. Ms. **Omoruyi** works in our courthouse clinic on Wednesdays and in our Riverdale office on Thursdays and Fridays. Gradually she will take on some cases while learning about the Prince George's Family Division.

**Josiane Vieillesse** has several years of administrative work experience. We are delighted she will work with us until the summer to help us with administrative tasks and to obtain some additional experience as she searches for other opportunities.

## **Bankruptcy Training**

Along with the U.S. Bankruptcy Court, District of Maryland and other organizations, **CLS** is co-sponsoring two Consumer Bankruptcy Training Seminars:

**March 18, 2011** ~ Federal Courthouse ~ **Greenbelt, MD**

**April 15, 2011** ~ Federal Courthouse ~ **Baltimore, MD**

The panelists will consist of Judges and local bankruptcy experts. To register, please contact **Kia T. Elmore**, Recruitment & Training Coordinator at the Pro Bono Resource of Maryland at 1-800-396-1274 or [kelmor@probonomd.org](mailto:kelmor@probonomd.org). The other sponsoring entities are MSBS Consumer Bankruptcy Section, Bankruptcy Bar Association of Maryland, Maryland Volunteer Lawyers Service, Pro Bono

Resource Resource Center of Maryland, Civil Justice, Inc., and Montgomery County Bar Association

## **Maryland IOLTA Honor Roll**

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*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 in 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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# The 26<sup>th</sup> Annual Alan J. Goldstein Memorial Criminal Practice Seminar

Sponsored by the Prince George's County Bar Association's Criminal Law Committee

**Saturday, March 26, 2011**

8:30 a.m. to 1:00 p.m.

Jury Assembly Room, Courthouse, Upper Marlboro

## TOPIC I

1. Who can be an expert and what evidence requires expert testimony?
2. How has the Crawford decision affected expert testimony?
3. What is the status of Daubert?

Speaker: Hon. Paul Grimm, Chief Magistrate Judge,  
United States District Court for the District of Maryland

## TOPIC II

1. Caught on tape-Tips and tools to trip the testifier.
2. The use of audio, video, demonstrative and investigative tools to discredit witnesses in court proceedings.

(Speaker will present real examples of audio and video evidence to impeach witnesses)

Speakers: Robert C. Bonsib and Leonard R. Stamm

## TOPIC III

1. Use of cell phone and cell tower tracing.
2. How it works and what are its limitations.
3. Is it only a tool for prosecutors?

Speakers: Wes Adams, Chief of Homicide Division of Prince George's County  
State's Attorneys Office and Neal Carver, AT&T Asset Protection Manager

## TOPIC IV

1. 5<sup>TH</sup> Amendment update.
2. Discussion of pending Supreme Court decisions on confessions

Speaker: Andrew Jezic, Esq.

Criminal Defense Attorney and co-author of highly acclaimed  
*Maryland Law of Confessions*

## Cost for Seminar and Materials

\$45.00 for members by March 18, 2011, -\$55.00 After  
\$50.00 for non-members by March 18, 2011, -\$60.00 After

Presented by:

C. Todd Steuart  
David M. Simpson

To register call the Bar Office at 301-952-1442 or email [gperry@pgcba.com](mailto:gperry@pgcba.com)

Footnote: Judge Bell has requested all licensed attorneys to respond to a questionnaire reference any CLE programs attended in the last year. This information will be used in determining whether mandatory CLES should be instituted. This is a good reason to attend this seminar.

## *Clarification or Correction of Certain Provisions in the Estates and Trusts Article*

This article addresses several miscellaneous Code provisions in the Estates and Trusts Article of the Annotated Code of Maryland for which statutory or other clarification or technical correction would be helpful.

### **1. Title 3 - Surviving Spouse's Elective Share**

Section 3-203 of the Estates and Trusts Article of the Annotated Code of Maryland (hereinafter "the Code") allows the surviving spouse to take an elective share against the Will. Subsection (d) provides that the net estate and the property allocable to the surviving spouse's share "shall be valued as of the date or dates of distribution." Section 3-208(b)(2) allows the other legatees under a Will to pay the surviving spouse in cash (or other property) valued as of the date of the election. (See *Nassif v. Green* No. 1175 (Md. App., 2/2/2011).) This works well if the Estate or legatee(s) has sufficient liquid assets. However, if the Estate is composed of stocks or real property and the economy is depressed, with values falling, the only apparent way to calculate the elective share under the statute is to sell the stocks or real property at a loss. If the specific asset is distributed, then the valuation will be at the date of distribution, which should be after the date of Orphans' Court approval of the Account; however, the value on the date of distribution will not be known when the Account is being prepared. The statute could use some adjustment to personal an Estate or legatees without sufficient liquid assets to cash out the surviving spouse.

### **2. Titles 5 and 6 - Miscellaneous Administration Issues**

#### A. Title 5

The Registers of Wills require different manners of proof of death with the Petition for Probate to open an Estate. For example, in Prince George's County a death certificate is required; whereas, in Montgomery County a secondary source, such as a published obituary, will suffice. Often it can take an unreasonably long time for the funeral home to get the death certificate issued. There should be uniform acceptance of reliable secondary sources of proof either by way of an Attorney General Opinion or statutory clarification.

Although Subtitle 6 uses the term "Small Estate" as the heading and defines the term, there is no comparable use of the term "Regular Estate", except in the statutory form for the Petition for Probate in Section 5-206. A technical correction or another definitional reference seems appropriate

Once a personal representative is named, there is no statutory provision instructing him to notify the Register of Wills if he moves from the State, which would, in turn, require him to name a resident agent. Similarly, there is no provision for the situation in which the resident agent decides to resign or moves from the State. Inasmuch as the Personal Representative or resident agent is often a layperson who does not engage an attorney, these omissions can adversely impact the probate of the Estate. Some clarification regarding requirements and mechanisms would be helpful.

#### B. Title 6.

Section 6-102 does not provide a clear mechanism to increase a bond if the amount of assets determined after the Estate is opened exceeds the amount shown on the Petition for Probate. This can be accomplished by an interested person (including the Register of Wills) filing a Petition; however, it may be missed. Additionally, it may not warrant an increase unless the asset increase is significant; some guidance would be beneficial.

Once a Personal Representative is appointed and granted Letters of Administration, it would appear that a person asserting that he or she should have been appointed instead should have to file a Petition for Removal of the former pursuant to Section 6-306 of the Code. This is the way the Register of Wills for Prince George's County applies the statutes. However, the Montgomery County Register of Wills recently simply converted an Estate into a Judicial Probate and scheduled a hearing, without any Petition for Removal, but only a Petition for Probate; this was after the decedent's only daughter was granted Letters of Administration to serve as Personal Representative. A statutory or other clarification appears to be in order.

### **3. Title 7 - Attorney's Fees and Personal Representative's Commissions.**

This area of the law causes great concern because of the decision in *Atty. Grievance Comm's v. Owrutsky*, 322 Md. 334, 587 A.2d 511 (1991), in part holding that an attorney who receives fees without prior Court approval can be disbarred. No one appears to be very concerned for attorneys practicing in this area and there is much needed clarification. The guidance provided is primarily restrictive, not designed to clarify matters for the honest attorney. (Granted that the reported cases in which suspension or disbarment are imposed usually involve factually abusive situations by the attorney.)

One issue is whether Sections 7-601 and 7-602 prevent an attorney from receiving a retainer when he or she is engaged when the funds used are the personal assets of the person seeking to open the Estate and be appointed as Personal Representative. This problem is exacerbated when the client lives out of state so collection of any fees will ultimately come from the Estate, which could prove to be illiquid or insolvent (for example, if the primary or only asset is real property).

Additionally, Section 7-602(b) allows for attorney's fees for administering the Estate which are "fair and reasonable in light of all circumstances". Section 7-602(c) provides that such attorney's fees are considered in allowing a reasonable charge for overall administration of the Estate, including the personal representative's commission under Section 7-601. Section 7-601(b) provides a ceiling on the amount of personal representative's commissions. This may result in a disincentive to the personal representative engaging an attorney to assist him.

One commentator notes that the courts have begun considering Certified Public Accountant's fees for preparing the Federal Estate Tax Return in determining allowable personal representative's commissions (A.J. Gibber, *Gibber on Estate Administration*, Fifth Edition at 6-11.) Query whether C.P.A. fees for preparation of the decedent's Final Income Tax Returns and Fiduciary Income Tax Returns for the Estate will also be considered. Unlike Section 7-602(c)

relating to attorney's fees, there is no comparable statute suggesting reduction of personal representative's commissions for accountant's fees. Presumably the



rationale is that an Estate attorney could also prepare the tax returns for the Estate. However, again this provides a disincentive to the personal representative to engage professionals who would best administer the Estate. In many instances, even with the assistance of professionals the personal representative still has considerable work and the commission is not necessarily commensurate with the time involved, especially if the Estate is primarily composed of real property needing effort to maintain or sell or securities held individually.

Another issue concerns the difference between litigation fees and fees for the Estate administration by an attorney. Section 7-603 provides that an attorney is entitled to "his necessary expenses and disbursements" regarding litigation. This should be clarified to make it clear that fees are also allowed and are considered separately from the Section 7-602 fees. Clearly, the fees for an attorney litigating a case should not be considered in determining the reasonableness of fees to probate the Estate; only the reasonableness of the fees considering time needed for and difficulty of the litigation should be considered. In most cases, the attorney can protect himself or herself by filing a

Petition for approval to bring the litigation and for payment of fees not to exceed an estimated amount. However, this may be difficult if the statute of limitations is running on the litigation.

Application of Section 7-604 in the context of an Estate in which there has been or is litigation is also uncertain and the provision is applied inconsistently by the various Registers of Wills. For example, I recently had two Estates, one in Prince George's County and the other in Montgomery County. The first Estate involved wrongful death proceeds as the sole asset and the only heir was the decedent's mother. The Prince George's County Circuit Court had approved a settlement, including the contingent attorney's fee award for the litigator. Although the Section 7-602 attorney's fees for Estate administration were well below the Section 7-601(b) ceiling and the only heir signed a Consent, the Prince George's County Register of Wills required that I file a Petition for approval of my fees because the litigation fees of the other attorney (already approved by the Circuit Court) plus my fees would exceed the Section 7-601 "cap". This resulted in additional legal fees for the Estate for preparing the Petition. Arguably, the probate asset is the settlement amount net of the litigator's fees which are

specifically ordered to be paid to the attorney in the Order; assuming arguendo that is correct, perhaps those fees should not require Orphans' Court approval because they are not being paid from probate assets. Query as to what happens if the Circuit Court approves the fees as part of the settlement, but the Orphans' Court does not.

Under almost identical circumstances the Montgomery County Register of Wills was satisfied with the sole heir's consent where the litigation fees had already been approved by the Circuit Court. Presumably, this was because the Judges in Montgomery County sit in both capacities (as Orphans' Court Judges and Circuit Court Judges). There should be written guidance to make clear that where there are separate attorneys engaging in the litigation in the Circuit Court and the Orphans' Court probate that all fees must be approved by the Orphans' Court; in the instance of an Estate with one heir or legatee who is also the personal representative who engaged the litigator and will be aware of his fees, the rationale between having the Circuit Court and Orphans' Court approval of Section 7-603 fees appears to be form over substance and there is a waste of Estate assets in requiring a Petition for approval of fees under those circumstances, despite the consent.

**ECONOMIC ANALYSIS / TESTIMONY**

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# MEMBER ANNOUNCEMENTS

## EIGHT ATTORNEYS FROM JOSEPH, GREENWALD & LAAKE RECOGNIZED AS 2011 SUPER LAWYERS

**G**REENBELT, MD, February 11, 2011—Joseph, Greenwald & Laake (JGL), a prominent law firm servicing suburban Maryland and Washington, DC, announced today that eight of its attorneys—Andrew Greenwald, Barbara Jorgenson, David Bulitt, Burt Kahn, Walter Laake, Timothy Maloney, Steve Pavsner and Cary Hansel—have been selected as 2011 Super Lawyers. In addition, attorney Regina Demeo was listed as a Rising Star. Super Lawyers is a rating service of outstanding lawyers from more than 70 practice areas who have attained a high degree of peer recognition and professional achievement. The selection process is multi-phased and includes independent research, peer nominations and peer evaluations.

“Being recognized on the prestigious Super Lawyers list has been a great accomplishment for these attorneys and the firm,” said JGL Managing Director Burt Kahn. “It is a testament to the efforts they put forth toward helping their clients, and the success they have created for the firm.”

The Super Lawyers listing is published in Super Lawyers magazine, which reaches 13 million readers throughout all 50 states.

### About Joseph, Greenwald & Laake, P.A.

Joseph, Greenwald & Laake (JGL) has been providing legal counsel to clients in Maryland and Washington, DC for more than forty years. The firm has more than 35 attorneys, primarily practicing in the areas of medical malpractice, family law, bankruptcy, business law, labor and employment law, estate planning, civil litigation, criminal defense, workers’ compensation and personal injury. The firm has offices in Greenbelt and Rockville, Maryland. For more information, visit [www.jgllaw.com](http://www.jgllaw.com).



### FELLOW OF THE AMERICAN COLLEGE OF TRIAL LAWYERS

**C**hristopher R. Dunn, a partner at the law firm of DeCaro, Doran, Siciliano, Gallagher & DeBlasis in Bowie, Maryland, has been admitted as a Fellow of the American College of Trial Lawyers. The distinction of being chosen to this select organization is limited to less than one percent of all trial lawyers nationwide. Mr. Dunn will be inducted at the 2011 Spring Meeting of the ACTL in San Antonio, Texas.



### FELLOW OF THE AMERICAN BAR ASSOCIATION BOARD OF GOVERNORS OF THE COLLEGE OF WORKERS’ COMPENSATION LAWYERS

**J**oseph Greenwald & Laake announced today that Debora Fajer-Smith, Chair of the firm’s Workers’ Compensation group, has been chosen by the America Bar Association Board of Governors of The College of Worker’s Compensation Lawyers to be a Fellow of the College. An induction dinner will take place in Boston on April 9, 2011.

Ms. Fajer-Smith has spent 25 years dedicated to her area of law and serving the disabled and the injured. Election as a Fellow represents recognition by colleagues that she has distinguished herself as an outstanding professional with sustained contribution to the field, with the highest level of standards of integrity, professionalism and character.

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# GET HEALTHY TODAY | *Edith Lawson-Jackson*



## *Got Energy?*

**S**o you say you'd love to add exercise to your daily regime but by the time you leave the office, you're completely out of gas. You get in your car with every intention to go home and change for the gym, but once you get home, you're just too exhausted to do anything but lay on your couch. Is this you??? In all likelihood, you're no sloth. Rather, your diet is the likely villain. Unfortunately, most of us don't consume enough of the right calories to keep us energized throughout the day without experiencing sugar highs and lows. We eat only when we feel hungry because that's what we're supposed to do to keep from getting fat (this is an old wives tale, of course) and we often skip meals in an effort to keep our stomachs flatter and smaller which should lead to greater weight loss right? Wrong. It's this exact behavior that leads to you feeling tired, unfocused, and drained of energy at the end of the work day. If by some miracle you manage to make it into the gym after a day of consuming just one large meal, you're so drained halfway through your workout that you feel lightheaded and sick. Trust me, there's a better way.

There is a way to make it into the gym, or to the track, running trails, or basketball court at the end of the day while maintaining your energy, and emerging afterwards feeling refreshed. The key to staying motivated to exercise is keeping the amount of sugar in your blood stable. That sounds real simple doesn't it? Well, it is. You just have to give some thought to what you're eating throughout the day and do a small amount of planning. Keeping the amount of sugar in your blood will in turn keep your energy levels stable. So, this can be accomplished most easily by eating several small meals throughout the day. Several means five or six, not three. And the several small meals should consist primarily of complex carbohydrates and protein. Complex carbohydrates help to keep your blood sugar level stable because they are digested and absorbed slowly into the blood and thus don't require your pancreas to produce much insulin. Refined

carbohydrates, such as doughnuts, cake, pies, candy, and other sugary foods are absorbed very quickly which triggers the pancreas to produce large amounts of insulin. While this reaction will give you an immediate burst of energy, your energy levels will drop off very quickly and you'll be dragging, and in need of another "fix" in about an hour or so. As well, the amount of sugar in your blood impacts the levels of serotonin in your brain. Serotonin helps to regulate mood which can prevent you from feeling tired and depressed. A sugar spike from simple carbohydrates will make you feel good temporarily, then drop off, leaving you feeling tired and unmotivated. This is yet another reason to stay clear of simple carbohydrates as much as possible.

To avoid the "crash and burn" problem associated with unregulated blood sugar levels, think about what you need to bring along to the office with you each day to get you through with ample energy stores to complete all post-work activities. When you hear "complex carbohydrates", think vegetables, fresh fruit, beans, whole grain crackers, and whole grain bars or cereals. Be sure to eat a light breakfast everyday either at home or as soon as you get into the office to get your blood sugar levels on the right track. A small whole grain bagel or a high fiber cereal such as Fiber One is an excellent choice. A few hours later, you may want to consume a banana or a medium sized apple. Follow that with some protein like yogurt or a chicken breast, and broccoli and a baked potato. Then your last meal before leaving the office could be a granola bar or a meal replacement bar that has a balance of protein and complex carbohydrates. So that's four meals that you need to get in before you get your workout in if you work the traditional 9-5 shift. That leaves two, or at least one, for after the workout. If you happen to be a morning person though, and prefer to work out in the morning before work, then just have a light energy drink or some juice in the morning prior to your workout. Don't try to workout with food on your stomach first thing in the morning. However, you'll need to get your first solid food meal in just after your workout. I've found a good post-workout morning meal choice to be something like the Starbuck's reduced fat turkey bacon and egg white muffin (which happens to be whole grain as well).

Remember to stay hydrated too. You need to drink at least a liter of water before you even head to the gym or track. And then at least another liter or two while engaging in exercise. Water keeps you hydrated which is important because dehydration can sap your energy. Even if you find yourself needing a bathroom break every forty-five minutes, the increased hydration, energy boost, and elimination of toxins from your system will make the frequent bathroom breaks well-worth it. And lastly, try to avoid caffeine as much as possible for the same reason - too much caffeine acts as a diuretic and can dehydrate you. So if you must consume coffee, try your best to limit it to one cup a day and try to compensate by consuming additional water.



Follow these guidelines and you'll definitely have enough energy to get through the day and through your workout too. No more good intentions that get wasted on your living room sofa . . .tonight, you're hitting the gym!

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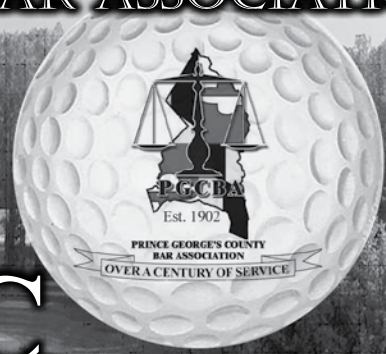
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*The History Corner is a new feature of the Prince George's County Bar Association's newsletter. It will contain information related to the history of Prince George's County.*

## **“Histories make men wise...”<sup>1</sup>**

*This is the fifth 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 V**

#### **LEGACY**

One of the definitions of the term “Legacy” is gift; truly Arthur A. (“Bud”) Marshall, Jr. was a gift to his family and friends, the citizens of Prince George's County and the legal profession of the State of Maryland. In another article appearing in this edition of the PGCBA NewJournal Judge Michael Patrick Whalen, Coordinating Judge for Criminal Operations, Circuit Court of Prince George's County, discusses several of Bud Marshall's accomplishments and various aspects of his character. With his permission, I am using some of his words as a bridge to this installment of the History Corner's series on Bud Marshall. Part V continues with the voices of Judge Howard S. Chasanov (Ret). Court of Appeals of Maryland, Judge Vincent Femia, (Ret) Circuit Court of Prince George's County, Edward Garrison Neal, Esquire, Judge James H. Taylor (Ret) Circuit Court of Prince George's County, and Judge Alexander Williams, Jr., United States District Court for the District of Maryland (Southern Division)

**“Bud Marshall was inclusive decades before the common meaning of the term was even known in Upper Marlboro.”**

Judge Taylor and Bud Marshall applied for a position as Assistant State's Attorneys in Prince George's County in 1961. His application was not favorably received and nor was Bud Marshall's. Thereafter, Bud Marshall ran for the office of State's

Attorney for Prince George's County and won the election in 1962. Judge Taylor said, “The election of Bud Marshall was one of the best things that happened in Prince George's County. In the early 1960's Upper Marlboro was racially segregated. Bud Marshall was a vibrant, bright young man from the State of New York who was not imbued with the prejudices existing in Prince George's County at that time. He had served in the Korean War shortly after President Truman integrated the military services in 1948. He was an officer during the Korean War and he was close to the soldiers in the unit. These experiences and his upbringing in the State of New York exposed him to a culture that was not familiar to Prince George's County. He brought with him the idea that if a person earned their way they should be rewarded. He opened the position of the Office of the State's Attorney and he diversified the staff. “

The first staff Bud Marshall hired after his election was comprised of Edward P. Camus, Howard S. Chasanow, Vincent J. Femia, Lloyd James, Richard Painter and James H. Taylor. Howard S Chasanow was the first Jewish lawyer to serve as an Assistant State's Attorney and James H. Taylor was the first African American to serve as an Assistant State's Attorney in Prince George's County. Thereafter, the Civil Rights Act of 1964 was enacted into law. It outlawed major forms of discrimination against African Americans and women, which included racial segregation in schools, in the workplace and in public accommodations. During this time it was the practice of Bud

Marshall to have lunch meeting with his staff attorneys. One day he decided to take his staff of attorneys to the restaurant in the Marlboro Hotel which was then located at the corner of Governor Oden Drive and Main Street (this spot is currently occupied by a parking lot across the street from the County Administration Building (CAB). Assistant State's Attorney James H. Taylor was in the group assembled by Bud Marshall to have lunch at the Marlboro Hotel. Judge Femia recounts that as they entered the restaurant one of the hostess made the following comment, “I knew integration was coming; just didn't figure that you boys were bringing it.” Thereafter, Bud Marshall and his assistants enjoyed lunch at just about every eating establishment in Upper Marlboro. Additionally, Judge Taylor said that Bud Marshall's election to the Office of State's Attorney for Prince George's County and his concept of good government and what was the right thing to do in various situations made it acceptable to hire Black people in other offices in Prince George's County. Bud Marshall also hired Carmen D. Tidler, Jacqueline Byrd-Tillman and Andrew Yslas as Assistant State's Attorney's. Assistant Tidler and Yslas were the first Hispanic Assistant State's Attorney's in Prince George's County and Jacqueline Byrd -Tillman was the first African American woman Assistant State's Attorney.

**“He had other assets as well, intelligence, compassion when it really counted, a strong will and uncommon loyalty.”**

Judge Howard S. Chasanow recounted a kindness Bud Marshall bestowed upon him which provides insight into another aspect of Bud Marshall's character. Judge Chasanow was raised in Prince George's County and he grew up in Greenbelt, Maryland when it was a community of government housing. He said a family had to make less than \$3200 per year and work for the government to be eligible for this housing. He worked hard to acquire his education and he was awarded scholarships and grants to attend college. He graduated from University of Maryland, BA, 1958, University of Maryland School of Law, 1961 and Harvard Law School LLM, 1962. In January, 1963 he was sworn in as an Assistant State's Attorney for Bud Marshall. He had served in the US Army Reserves before he joined the Office of the State's Attorney and in 1967 he switched to the US Air Force Reserve Unit to get a commission. To his surprise he was re-activated by the US Air Force with the 113th Tactical Fighter Wing and he was required to serve an eighteen (18) month term with the military. Bud Marshall held his position while he was fulfilling his military commitment. This act of kindness was unusual because of the limited number of authorized Assistant State's Attorney positions in the office at that

time. Judge Chasanow satisfied his military commitment and resumed his duties as an Assistant State's Attorney upon his return home. Judge Chasanow worked for the Office of the State's Attorney for Prince George's County from 1963 – 1969. He served as an Assistant State's Attorney and Deputy State's Attorney during that time.

**“Over the years he put forward a constant array of top flight- trial prosecutors for whom high profile murder, rape or other violent crimes were and everyday trial occurrence.”**

Edward Garrison Neal worked for Bud Marshall as an Assistant States' Attorney from 1970 – 1976. He was Chief of the Criminal Division and he described Bud Marshall as the “Consummate Prosecutor.” He said Bud Marshall was well educated and knew the difference between a person who had made a mistake and person who committed a grievous crime. He respected the law and he would allow a person to argue as to why a case should be handled in a particular manner. He would listen and render an opinion. He trained his attorneys to be prepared; if you were prepared he had your back and it didn't make a difference if a citizen, judge or a politician disagreed with

your position. He did not make decisions for political reasons; he made decisions based on what he thought was right. He said Bud Marshall had a keen sense of ethics.

Finally, Judge Alexander Williams described Bud Marshall as an outstanding State's Attorney during a critical era in history. He was State's Attorney during the turbulent 1960's and the drastic changes in demographics in Prince George's County in the 1970's. He said there was a lot of emotion and turmoil during this period. He was the man in charge of the law during the era of protest, the desegregation of the public school system and political change. He said that what he particularly admired about Bud Marshall was that he had an eye for talent. Many of the leading lawyers and judges were hired and trained by Bud Marshall.

To be continued...

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

1 Essay. Of Studies by Francis Bacon (1625)



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Judge Howard S. Chasanow (Ret.) has expanded his ADR practice by teaming with JAMS to open a Maryland Resolution Center. Judge Chasanow is a former Trial Judge and Judge of the Court of Appeals of Maryland. He was named by *Best Lawyers* the 2010 Lawyer of the Year for ADR in Washington D.C. and he also received a Maryland Tier 1 ranking for ADR in the 2010 *U.S. News and World Report* Best Law Firm Rankings.

Strategically located in Capital Office Park, the new JAMS Maryland Resolution Center features six conference rooms and can accommodate cases of all sizes. Just steps away from the United States District Court, it can be reached from exit 23 of the Capital Beltway and is adjacent to the METRO and MARC stations. Ample surface parking is available.

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# ARTHUR A. (“BUD”) MARSHALL, JR. | *Hon. Michael Patrick Whalen*

Arthur A. (“Bud”) Marshall, Jr.  
October 10, 1930 – January 13, 2011

My words will not do justice to him but justice was what Arthur A. (“Bud”) Marshall, Jr., was all about. As the Prince George’s County, Maryland, State’s Attorney from 1962 to 1986, there was no more able a prosecutor or prosecutors office in Maryland, or, arguably, anywhere for that matter. Bud died last week after a long illness at age 80. His death will be mourned by many and the impact of his presence as State’s Attorney in this area will be celebrated for as long as the Courthouse in Upper Marlboro stands. He possessed uncompromising integrity, a highly competitive nature, and he was a matchless motivator of young prosecutors. If you worked hard for him, he was your biggest promoter. He had other assets as well, intelligence, compassion when it really counted, a strong will and uncommon loyalty. And his philosophy was simple: If you were wronged, he was for you; if you committed the wrong, he was against you, aggressively and relentlessly. As his hire, you had better “suit up” to get the job done or find another job. Moreover, if you had an aversion to strong policies or personal accountability, his office was not the place for you—trying cases had to be your calling and not just your job. Over the years he put forward a constant array of top-flight trial prosecutors for whom high profile murder, rape or other violent crimes were an everyday trial occurrence. His office served as the breeding ground for twenty-five current and retired Judges, and the number of prominent trial lawyers who got their start with Bud is beyond count.

Bud was a Rutgers graduate and a war hero—he was wounded in the Korean conflict as a young 1st Lieutenant at the battle of Pork Chop Hill while trying to extract three of his men who had been pinned down by enemy gunfire. He was portrayed by Martin Landau in the 1959 film, *Pork Chop Hill*. He spent a year recovering from his injuries at Walter Reed Army Hospital and then went to Georgetown Law School on the GI bill. Notable among his many accomplishments was his selection as the National District Attorney Association’s Outstanding Prosecutor of the year in 1975 following his prosecution of Arthur Bremer for shooting former Alabama Governor and presidential candidate George Wallace. As noteworthy was his decision to personally prosecute every criminal accused of murdering a Prince George’s County police officer

during the length of his tenure in office. Less well known was his role in forming the first integrated political club in Prince George’s County—the Lanham-Bowie Democratic Club—and for hiring the first person of color outside of Baltimore City as a prosecutor in his office, the Honorable James H. Taylor. Bud Marshall was inclusive decades before the common meaning of this term was even known in Upper Marlboro. If you bump into Judge Taylor or the Honorable Vincent J. Femia, just ask them. Marshall, Taylor, and Femia worked together to open professional and other opportunities earlier closed to many others. The stories of how they did it are fascinating.

Bud served his profession in nearly every capacity as well, including two stints as President of the Maryland State’s Attorneys Association and as a long time Board Member and Vice-President of the National District Attorneys 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.

Bud Marshall had his detractors as most strong States Attorneys do, and he endured the strains associated with holding elective office with an ever changing electorate and continually shifting political alliances. Yet even his detractors would admit that if it was a family member of theirs who was the victim of a terrible crime, it would be Bud Marshall or one of his disciples they would want to try the case, and as for politics, Bud Marshall held his own for much longer than most. There may have been a few men of equal stature but, in my view, none who surpassed him.

*The writer, the Hon. Michael Patrick Whalen, was a former softball player, Assistant and Deputy State’s Attorney under Marshall.*

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# BAR ASSOCIATION LEADERSHIP OPPORTUNITIES

PGCBA's Nominating Committee, chaired by Immediate Past William J. Parker, Jr., is seeking candidates for the positions of Secretary and Directors (8) of the Prince George's County Bar Association.

The deadline for submitting applications is Friday, April 8, 2011. Elections will be held at the Bar Association's Annual Meeting on Tuesday, June 7, 2011.

Minimum qualifications for an officer position are delineated by the Bylaws. Generally, anyone who has been an Active PGCBA member in good standing for two years and has served on the Board OR as a chair or co-chair of a standing or special committee or section for two years may be a candidate for the office of Secretary.

Any active member currently in good standing may seek nomination as a candidate for a two-year term as a Director. The Board of Directors generally meets the first Tuesday of each month (depending upon scheduling) except for June and/or July, when the annual Retreat is held. The regular Board meeting schedule is determined by the President at the beginning of the new Bar year.

The Board of Directors manages the affairs of the PGCBA, and provisions of the PGCBA Bylaws state in part that a nominee for a directorship commits that he or she will serve as a member and Board liaison of at least one committee or section; miss no more than two Board meetings without good cause; and attend the Board's annual retreat.

Anyone who would like to be considered for the position of Secretary or Director is requested to fill out the Application for Bar Leadership form and email the form along with a brief summary of professional and bar activities to [gperry@pgcba.com](mailto:gperry@pgcba.com) prior to Friday, April 8, 2011. Please email a current picture as well.

Questions may be directed to Immediate Past President William J. Parker, Jr. (301-952-1052) or Georgia J. Perry (301-952-1442).

## APPLICATION FOR BAR LEADERSHIP

**To:** William J. Parker, Jr. Chair, Nominating Committee  
c/o Prince George's County Bar Association  
14330 Old Marlboro Pike, Upper Marlboro, MD 20772

**DEADLINE FOR SUBMISSION:**  
April 8, 2011

**From:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

**Address:** \_\_\_\_\_

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**Please include a brief summary of professional and bar activities along with a current picture to**

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# 2011 CALENDAR

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APRIL 12, 2011 ..... BAR ASSOCIATION MEETING HONORING  
JUDGE JAMES P. SALMON  
MAY 7, 2011..... FAMILY LAW SEMINAR – COURTHOUSE  
MAY 31, 2011..... GOLF CLASSIC – LAKE PRESIDENTIAL  
JUNE 7, 2011 ..... ANNUAL MEETING – NEWTON WHITE MANSION

## LAWYER REFERRAL SERVICE REPORT: 01/15/11-02/15/11

**NUMBER OF CALLS: 686**

**NUMBER OF REFERRALS: 468**

### **TOP 5 AREAS OF LAW:**

- 1. FAMILY LAW**
- 2. REAL ESTATE**
- 3. EMPLOYMENT**
- 4. CONSUMER**
- 5. BANKRUPTCY**



## TO ALL PRACTITIONERS IN THE DISTRICT COURT FOR PRINCE GEORGE'S COUNTY

All Attorneys who practice (both civil and criminal) before the District Court for Prince George's County are invited to meet with the judges of the District Court, the Clerk of the District Court, the supervisors of the civil and criminal divisions and other court personnel to make suggestions on how our operation may be made more efficient, what deficiencies may exist, and for new ideas to improve the way in which cases are being handled in Prince George's County. The meeting will be held at 3:00 p.m. on Wednesday, April 6, 2011 in Courtroom 357B, Courthouse, Upper Marlboro, Maryland. Please Join Us.

John P. Morrissey  
Associate Judge

### Classified Advertising Rates Per Month

#### PGCBA Members:

2 lines (minimum) \$15, 3 lines \$19,  
4 lines \$23, each additional line \$4

#### Non-Members:

2 lines (minimum) \$17, 3 lines \$21,  
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Internal Box Responses \$5 add'l.

Post-publication billing;  
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Deadline for Submission: 15th of  
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# CLASSIFIED ADS

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## CONFERENCE ROOM RENTALS

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**UPPER MARLBORO: CLOSE TO COURTHOUSE - PGCBA's Conference Room is available for Hourly Rentals -** Schedule your next committee meeting, deposition, arbitration, mediation or client/attorney conference by calling (301) 952-1442. **Members: \$15 per hour; Non-Members \$30 per hour.** In addition the Lawyer's Lounge Conference Room is available for **members** to rent at \$15 per hour. Call 301-952-1442 to schedule.

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## POSITION - AVAILABLE

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**ATTORNEY** – Civil Litigation-Admin. Law. Knight, Manzi, Nussbaum & LaPlaca, P.A. seeks a highly-motivated litigation associate with 1 to 3 years experience with civil and/or administrative law background. Some trial experience, together with excellent academic, writing and communication skills, required. This position presents an excellent opportunity to join a dynamic practice with one of the area's premier law firms. Firm has existing, varied commercial, business, municipal and real estate litigation practice. MD Bar required; DC Bar a plus. All replies held in strict confidence. Send cover letter, resume and salary requirements by fax to Mary Campbell, 301-952-8973 or email: [mcampbell@kmmnl-law.com](mailto:mcampbell@kmmnl-law.com)

**THE LAW FIRM OF JOSEPH, GREENWALD & LAAKE, PA** is looking to expand its business, tax and transactional practice in Suburban Maryland. The firm, now in its fifth decade of operation, has experienced steady growth over the last decade from its primary location in Greenbelt, Maryland, and in its new offices in Rockville, Maryland. The Firm is seeking partner-level attorney(s) with practices that provide the full array of transactional services to business clients. Ideal candidates will have annual portable business of \$500K+. This is an attractive opportunity to join a growing, successful law firm that is committed to the development of this practice area. All replies will be strictly confidential. Call or e-mail David Bulitt at (301) 220-2200 or [dbulitt@jgllaw.com](mailto:dbulitt@jgllaw.com).

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## OFFICE SPACE - AVAILABLE

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**BOWIE-IRRESISTIBLE TERMS-** Attractive Office. All amenities. Call Robert Law at 301-464-3900.

**BOWIE:** Furnished, single office in 3 office suite. Optional internet, fax and reception services. Call (301) 325-3322 for more information.

**UPPER MARLBORO:** Furnished office with parking, library, phone, fax. Walking distance to courthouse. Call Ed O'Connell (301) 627-7700

**UPPER MARLBORO:** 992 square foot office space available. Recently completely remodeled, walking distance of the courthouse. Bright, airy, 3 large rooms with reception area. Call (301) 952-1442 for more information or email [gperry@pgcba.com](mailto:gperry@pgcba.com)

**UPPER MARLBORO: For Lease** Approximately 2729 sq. ft. of office space at 14803 Pratt Street, the one story portion of an attractive brick building almost adjacent to the courthouse and very near the County Administration Building.

Building occupied by lawyers for many years. Floor plan well suited to accommodate several attorneys and staff. Conference Room/Library and Kitchenette.

Free parking on premises.

Contact owner, Lansdale Sasscer, at (301) 627-2584 or by mail at 14507 Elm Street, Upper Marlboro, MD 20772, for details.

**ROCKVILLE:** Ideal for solo or local offices. 2 large offices and 2 support staff offices. Share library, conference room, reception, kitchen. Free parking. Very reasonable. Rent all or part (240) 498-4150.

**ROCKVILLE OFFICE SPACE:** Suite overlooking golf course with 2 offices and reception/secretarial space. Ideal for solo practitioner or 2 attorney practice. Free parking, shared kitchen area and telephone system in place. Five minutes from Courthouse. Call 301-340-2400 for details.

**OFFICE SPACE FOR LEASE: IN LARGO, MD (INGLEWOOD OFFICE PARK)** We offer support for your company so that you can concentrate on growing your business. Free Parking, 3 Conference Rooms with web and conference call ability, Copier, Scanner & Fax, Kitchen, Professional Guest Reception, Wired for digital phones, T-1 access, Mail processing & package receipt, Voicemail (accessibility 24/7), Private telephone number, Call forwarding during non-business hours, Personal mailbox and Internet services.

For more information or to schedule a viewing please contact Tanya Miller at (301) 925-7092 / [tmiller@acsacp.net](mailto:tmiller@acsacp.net)

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## VIRTUAL OFFICE SPACE: (STARTING AT \$400/MONTH)

This includes conference room access, MD business address, mail processing, professional guest reception, copier usage, Professional telephone receptionist service 9:00am – 5:00pm Monday – Friday. For more information please contact Tanya Miller at (301) 925-7092 / [tmiller@acsacp.net](mailto:tmiller@acsacp.net)

**GREENBELT/LANHAM:** Between 500 and 1900 sq. feet of office space available for lease of sale. Beautiful street level office condo. Great Prince George's County location on Greenbelt Road near NASA. Plenty of parking, pre-wired for cable and phone. Perfect for small firm, second office, or even solo. Many possibilities with this space. Email [justin@jsdlegal.com](mailto:justin@jsdlegal.com) or call 301-385-1099.

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## CONFERENCE ROOM AVAILABLE

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**CONFERENCE ROOMS AVAILABLE FOR HOURLY RENTAL:** (Inglewood Office Park) 1300 Caraway Court, Largo, MD 20774. Schedule your next meeting here at the beautiful ACS Executive Suites. State of the art Conference Rooms equipped with web and conference call ability. For more information or to schedule a viewing please contact Tanya Miller at (301) 925-7092 / [tmiller@acsacp.net](mailto:tmiller@acsacp.net)

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## SERVICES

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**ECONOMIST:** Dr. Richard Edelman. Lost Income Valuation. See Ad on page 10.

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Prince George's County Bar Association  
PGCBA *NewsJournal*  
14330 Old Marlboro Pike  
Upper Marlboro, MD 20772

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| <p><b><u>NEW PARKING PERMITS<br/>ARE AVAILABLE AT THE<br/>BAR OFFICE</u></b></p>   | <p><b><u>MARCH 10, 2011</u></b><br/><b>YOUNG LAWYERS HAPPY HOUR</b><br/>Meet &amp; Greet the Judges<br/>Old Towne Inn, 5:00 PM<br/><b>SPECIAL INVITED GUESTS<br/>NEW ADMITTEES TO THE BAR</b><br/>Call (301) 952-1442 for more details.</p> | <p><b><u>MARCH 26, 2011</u></b><br/><b>GOLDSTEIN SEMINAR</b><br/>Jury Assembly Room<br/>8:30 AM -1:00 PM</p>             |   |
| <p><b>MAKE YOUR<br/>RESERVATION NOW!</b><br/><b><u>APRIL 12, 2011</u></b><br/><b>BAR ASSOC. MEETING<br/>HONORING<br/>JUDGE JAMES P. SALMON</b><br/>Newton White Mansion<br/><b>6:00 PM</b></p> | <p><b><u>MAY 7, 2011</u></b><br/><b>FAMILY LAW<br/>SEMINAR</b><br/>Jury Assembly Room<br/>8:30 AM – 1:00 PM</p>   | <p><b><u>MAY 31, 2011</u></b><br/><b>GOLF CLASSIC</b><br/>Lake Presidential<br/>\$125 per person/<br/>\$450 foursome</p> | <p><b><u>JUNE 7, 2011</u></b><br/><b>ANNUAL MEETING</b><br/>Newton White Mansion<br/><b>6:00 PM</b></p> |



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