

# PGCBA NewsJournal

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

June 2012

## PRESIDENT'S MESSAGE



*Dear Colleagues*

It has been an honor and a privilege to represent you and the bar association for the past year. I have enjoyed being the face of lawyers and judges in Prince George's County throughout the State of Maryland. We are well respected and admired for our collegiality, especially the relationship between bench and bar. This is the last time I will have the honor of addressing you as President. While it has been a wonderfully rewarding experience, I will not miss the stress of the monthly newsletter deadlines.

When I started my term I articulated the goals of building upon the programs that we do best, improving the services to the membership and bringing in new and young members. By all accounts it has been a successful year. We reinstated Law Practice 101 with two successful programs and have now established it as a monthly event occurring the 1st Thursday of every month. A Brown Bag Lunch with the Judge's program was started. This event takes place the 3rd Thursday of every month and thanks to our newest young member, Benjamin Rupert, from the State Attorney's Office, we provided five of these informative sessions for our members. These lunches allowed us to introduce many of our members to the Lawyer's Lounge in the Duvall Wing. A Long-Range Planning Committee was established with Judge Nicholas Rattal and John Fredrickson as Co-Chairs. They have assumed the daunting task of determining the financial security of the bar and the direction in which the bar should move to insure its continued success.

Increasing sponsorship was another goal and though we have not reached the numbers we would like we have made significant gains. We were able to secure a sponsor for all of our meetings and are fortunate to have two sponsors for our Annual Meeting. These sponsorships are often the difference between financial success or failure of our membership meetings. I would ask that all members help us to secure sponsors for all of our future meetings.

We have tried to increase our partnering with other bar associations. We have traditionally partnered with the J. Franklyn Bourne Bar Association for the meeting in February. This year we invited the Montgomery County Bar Association to be our second partner in this venture. We hope to increase their involvement in following years. We also partner with the J. Franklyn Bourne Bar Association on the Golf Tournament. This is our biggest charity event and all proceeds go to Operation Homefront which supports the Wounded Warrior Program and the J. Franklyn Bourne Scholarship Fund which supports aspiring young students. This event requires an inordinate amount of work to put on and I want to recognize Judge Toni Clarke for her leadership role in this and her committee. This is an event that we hope will continue to grow to such



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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  
and the community by promoting justice, professional excellence,  
collegiality and respect for the law.

### Lawyers in Need

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

an extent that someday we may have to turn away golfers.

Our partnership with the Anne Arundel Bar Association at the MSBA annual meeting is entering its third year and we feel it has been extremely successful. It has allowed us to continue the traditional hospitality suite at the meeting while cutting our cost by about two-thirds. If you plan to attend the annual meeting this year in Ocean City, please plan on stopping by.

I would also like to say a few words about some of our tried and true events. We are presently offering three Saturday seminars and next year we will be adding a fourth. These are the Estates and Wills Seminar, the Goldstein Seminar, and the Family Seminar. The newest addition will be a Tort Seminar. These seminars draw attendees from many counties and are very popular. Attendance has been increasing every year and the quality and quantity of information provided

at these seminars is invaluable. We should be very proud of these events and the service they provide to all attorneys. A special thank you to the chairs of these committees: Benjamin Woolery, Todd Steuart, Lindsey Erdmann and Lisa Hesse. It is a task that they take on year after year and they are largely responsible for the success of these programs.

Unfortunately, I can only take a small amount of credit for these successes. We have been extremely fortunate to have an amazing Executive Director and a vigorously committed Board of Directors. Many thanks to my Executive Board and to all of our members who have always been consistent and unwavering in their support of the Prince George's County Bar Association and my Presidency.

Just four years ago, when I was elected to be Secretary of the Bar Association, I did not have the slightest clue what would be in store for me.

I certainly did not expect that when my term for President arrived I would simultaneously be holding political office in Charles County. I would like to thank my Board, for all of the extra help they have given me since I became President. Without a thought, they were willing to step in whenever they saw I had too much on my plate. A sincere thank you!

I take a lot of pride in proclaiming that our Association is strong, and I would like to believe that I played a role in it becoming stronger. We have intelligent and thoughtful leaders ready to take over the helm of the organization with new and fresh ideas. I am sure they will enjoy the same support and commitment from all of you that I have had. Thank you for all of your trust and confidence and I will miss being the leader of this organization very much (except for the newjournal deadlines).

Your President,  
Debra M. Davis, Esq.

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# MEMBER ANNOUNCEMENTS

## *Thank You!*

Law Day was celebrated at the PGCBA Bar Office with a free day of legal advice. Gerald Baker, Anthony Keder, Arnold Bruckner and Perry Becker graciously donated their time to answer the Lawyer Referral lines and give free legal advice to numerous citizens calling that day.

.....

## *An Evening with Senator Ben Cardin*

The J. Franklyn Bourne Bar Association and the Prince George's County Bar Association are co-hosting an evening with Senator Ben Cardin on June 21, 2012 at 6:30 p.m. It will be held at UFCW Local 400 located by the New Carrollton Metro Station.

.....

## *Legal Notice*

Laura Margulies & Associates, LLC is pleased to announce that Laura Margulies has been appointed as a chapter 7 panel trustee for the U.S. Bankruptcy Court for the District of Maryland, Greenbelt Division

## WELCOME NEW MEMBERS!

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

*No newsjournal July & August.  
Deadline for Sept. Journal is  
August 15, 2012.*

.....

*Brown Bag Lunch and Law Practice  
101 series will resume in September.*

.....

*Dues' invoices will be mailed mid-June  
and are due July 1, 2012.*

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# NATURALIZATION CEREMONY MAY 1, 2012



On Law Day, May 1, 2012 Judge C. Philip Nichols, Jr. convened a special session before the Court for naturalizing 46 United States citizens. The United States Marine Band Brass Quintet performed at this event. Judge Hassan El-Amin was the other presiding judge.

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## CONGRATULATIONS TO JOHN KUDEL WHO WILL BE INSTALLED AS THE PRESIDENT OF THE MARYLAND STATE BAR ASSOCIATION IN JUNE OF 2012



AND THANKS TO JOHN FOR HIS "OF COUNSEL" RELATIONSHIP  
WITH OUR LAW FIRM OVER THE LAST TWO DECADES.

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# THE FAMILY LAW SEMINAR

## MAY 5, 2012

The Family Law Seminar was held on May 5, 2012 at the Courthouse in Upper Marlboro. Lindsey Erdmann and Lisa Hesse were the organizers and as usual they did a great job. Over 60 people attended.

The booklet of information that this event produces is a valuable resource to all family practitioners. The PGCBA wants to thank all the speakers who gave their time and energy to this event: Judge Cathy

Serrette, Master Paul Eason, Master Mistey Metzgar, Jennifer Muskus, Master Thomas Rogers, and Master Judy Woodall. A special thank you to Mr. Thomas Jenkins and Mr. Raymond Watson, two very loyal bailiffs.



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## *We Moved!*

We are pleased to inform you that we moved our administrative offices from Riverdale to Greenbelt. Our new address is 6301 Ivy Lane, Suite 720, Greenbelt, MD 20770. If you are in the area, please feel free to stop by! Our various law clinics' locations did not change! These are our new telephone numbers:

**Attorney line:**  
(240) 391-6532

**Client Intake lines:**  
(240) 391-6370 & (240) 391-6395

**Foreclosure line:**  
(240) 391-6413

**Fax line:**  
(240) 391-6356

Last month we hosted a **Foreclosure Prevention Fair** in conjunction with the *Pro bono Resource Center of Maryland* (PBRC) and *Centro de Apoyo Familiar* (CAF) at our Riverdale location. Around fifty (50) homeowners came to seek information. We had several participants who came ready to provide assistance at the fair including fourteen (14) volunteer attorneys from PBRC, ten (10) housing counselors from CAF and representatives from three (3) banks – *Bank of America*, *Chase* and *City Mortgage*. We are grateful to all the participants who made this fair a success! Special thanks go to our CLS Legal Assistant **Oswaldo Perez** and **Angela Richardson Green, Esq.**, for organizing this event!

## ***Foreclosure Success Story***

Bowie homeowner's mortgage payments were delinquent because of lost of employment. Homeowner requested a modification to lower monthly payments but the bank stalled and delayed. **Flagstar Bank**, the lender, scheduled a sale on the home. The homeowners refused to give up and contacted CLS. Volunteer attorney **Mark Hunt** contacted the bank but despite repeated compliance with the bank



*Fair organizers, Damaris Frias from CAF and Oswaldo Perez from CLS*



*Various volunteer attorneys reviewing mortgage documents*



*Left-right: Oswaldo Perez and Angela Richardson Green, Esq., from CLS, Jennifer Larrabee, Esq. from PBRC, a Rep. from Chase Bank, Walkiria Pool from CAF, a Rep. from Bank of America, and Marvin W. Turner, U.S. HUD Director*



requirements, failed to achieve a positive result. Then the attorney wrote a detailed letter, which provided proof of compliance to many elected officials including Senators Mikulski, Cardin and Congressmen Hoyer, Cummings and Peters. The homeowners were thereafter given a trial modification that later resulted in a final modification. Our clients were able to keep their home and were exceedingly pleased with their CLS pro bono representative.

**Free Foreclosure Prevention Training for Lawyers**

The Pro Bono Resources Center (PBRC) provides training to attorneys who would like to help but lack knowledge and training. The training is in exchange for a pro bono commitment. PBRC also provides a listserv for attorneys to actively communicate with each other and discuss various foreclosure issues in real-time! For more information please visit [www.probonomd.org](http://www.probonomd.org).

**We Have Funding Available to Pay for Attorneys Fees!**

CLS continues to refer cases under our Family Law Judicare funding project made available by *Maryland Legal Services Corporation*. Attorneys receive \$80.00 per hour up to \$1,600.00 per case. Payment is made after the case is concluded. Due to increased funding from Maryland Legal Services Corporation, CLS is temporarily able to suspend our requirement of accepting one pro bono case for each Judicare case. This is temporary, so please contact Michael Udejofofor or Angela Wright at **301-864-4907** to get on the list!

*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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## *How To Make Supplements Work For You*

With summer approaching, everyone's thoughts turn to getting ready for body-baring season, and making fairly quick changes to their bodies. One of the first things most people do when considering ways to make a big change, is look to supplements. As I emphasized last month, proper nutrition and a specifically tailored fitness or workout routine is of primary importance in accomplishing any long term body metamorphosis – whether it be fat loss, weight loss, or the addition of muscle. And while supplements can give an added boost to a good nutrition and exercise plan, supplements are no magic bullet on their own. They have to be part of a integrated approach. And, you have to know which supplements are right for achieving your fitness goals. This month, I will discuss what supplements will work best for you depending on your body type and your specific goals, including sports specific goals. I've discussed the three main body types in previous issues, but for review purposes, I'll simply restate that the three main body types are ectomorphs, endomorphs, and mesomorphs. It's important to know which of these three groups you fall into, as this, considered together with your fitness goals, will help determine what supplements are appropriate for achieving your desired results.

First we'll look at individuals who are desirous of, but have difficulty achieving, additional muscle mass. These persons are usually ectomorphs, or "hard gainers". More often than not, when someone complains of being a hard gainer, he's of the male persuasion and he's naturally lean all year round. His goal is to gain some quality muscle, and the weight that comes along with this additional solid mass. Here's the prescription for hard gainers. For starters, these individuals need to increase their total caloric intake by about 1000-2000 calories per day. The key is that these should be quality calories from protein, and complex carbohydrates, not from Doritos, cake, and ice cream. This results in a greater consumption of food in terms of the number of meals consumed. After increasing caloric intake with quality foods, the next

thing to look at is supplementation. The best supplements for hard gainers is going to be to start with a solid multi-vitamin/ multi-mineral pill. On top of this we stack weight-gainer food supplements, and a product called "HMB".

A good multi-vitamin/multi-mineral supplement is necessary because intense weight training and cardio exercise can deplete the body of the nutrients that it needs to properly use the macronutrients one consumes. The hard gainer needs to ensure that he consumes a sufficient amount of both macronutrients and micronutrients (vitamins and minerals, etc) to encourage muscle growth. Weight-gainer products are essentially high calorie protein supplements supplying typically between 500-1000 calories per serving. In addition to protein, they contain added carbs and some fat. Be sure to choose ones which have low sugar content and mostly "good fats" added in (avoid those with 1/2 or more of the fats being saturated). These drinks (or bars) should be taken in addition to your regular meals as in-between meal snacks. Weight-gainer products help by providing the additional calories needed, while ensuring that they come from quality sources. HMB is a metabolite of an amino acid, leucine. In scientific studies, it's been shown to significantly increase muscle size and strength. This supplement is available in pill form and can and should be used in conjunction with all of the other products mentioned herein for hard gainers.

Next we turn to individuals who tend to carry an abundance of bodyfat, or endomorphs. Usually these people want to burn bodyfat and trim down. Again, the key to success for individuals desiring to lose fat and body weight associated with fat, is going to be a nutrition and exercise program tailored to address this particular goal. That means 30 -40 minutes of cardiovascular exercise 4-5 days per week and frequent, small meals that contain more protein than fat or carbohydrates. Six meals per day seems to work well, and at least two of them can be low-calorie meal replacement protein shakes or bars. The next step is to add supplements that encourage fat loss and efficient use of macronutrients.

Supplements that contain a combination of choline, carnitine, inositol, hydroxycitric acid, salicylin, and some form of caffeine such as

green tea extract have garnered much success in the fat loss arena. If you can find a product containing all of these ingredients, that would make things easier. However, there is no negative effect in combining products that contain the various ingredients, as long as you don't duplicate the stimulant ingredients like caffeine. I've mentioned previously that synephrine and chemically related compounds have proven to be extremely effective in promoting fat loss, however, these products have to be used with caution due to potential negative side effects in some individuals. Cayenne and ginger are also products that can be found in some weight loss products that work synergistically to speed up metabolism.

Healthy fats are also a powerful arsenal for those trying to lose weight. Healthy fats such as Omega-3 Fatty Acids ( EPAs and DHAs) which come from fish oil encourage the body to use other dietary and stored body fat as energy, preserving muscle mass during periods of intense training. As well, appetite suppressants such as Geranamine help stave off hunger while simultaneously speeding up one's metabolic rate. Suppression of hunger is important in weight and fat loss efforts as willpower may not always be sufficient.

For the individual who isn't necessarily trying to lose or gain weight/bodyfat and who simply seeks nutritional supplementation for the purposes of increasing sports performance, there are also supplements available to assist with this goal. Usually the person falling into this category is either going to be a mesomorph who is naturally muscular and relatively lean or an athlete who is looking only toward performance improvement.

Increasing endurance can enhance virtually any athletic performance. For this reason, Green Tea extract is a safe and reliable performance-enhancing supplement. Compounds in green tea called **catechins** have been shown to heighten endurance, in addition to assisting with fat-burning efforts. Green tea is often found stacked with other supplements, typically in fat burners. However, it is also available by itself, in pill or capsule form.

Another group of supplements whose greatest benefit is performance enhancement in virtually all sports activities are **Branched-Chain**

**Amino Acids, or BCAAs.** They have stood the test of time and have been used by all types of athletes for a very long time. BCAAs comprise three amino acids – **Leucine, Isoleucine** and **Valine**. They improve performance by providing an alternative energy source for almost all of the body’s tissues, including muscle. The effect is that athletes who consume BCAAs experience reduced breakdown of muscle tissue from intense exercise, delayed fatigue and a decreased likelihood of intense exercise suppressing their immune system. Such beneficial results allow the athletes to play more intensely, for longer periods of time, without suffering the negative effects of physical over-exertion.

Lastly, **creatine**, which is also an important supplement for those trying to add muscle, continues to be one of the best supplements for performance enhancement. Creatine is proven to provide increased strength, power and muscle mass. Another sports-specific benefit is that it has also been shown to increase speed, which is useful in an array of sports, from cycling, to swimming, and from basketball to track and field events.

Now that you know which supplements may best suit your particular fitness or sports-related needs, it is simply a matter of making a trip to your nearest Vitamin Store and initiating a nutritional and exercise program. Do not forget that, regardless of your goals, your body type must be taken into consideration when selecting the supplements that may best help you reach your health and fitness goals. And, no supplement regimen will give you optimal results if you aren’t eating properly and following a regular exercise program.

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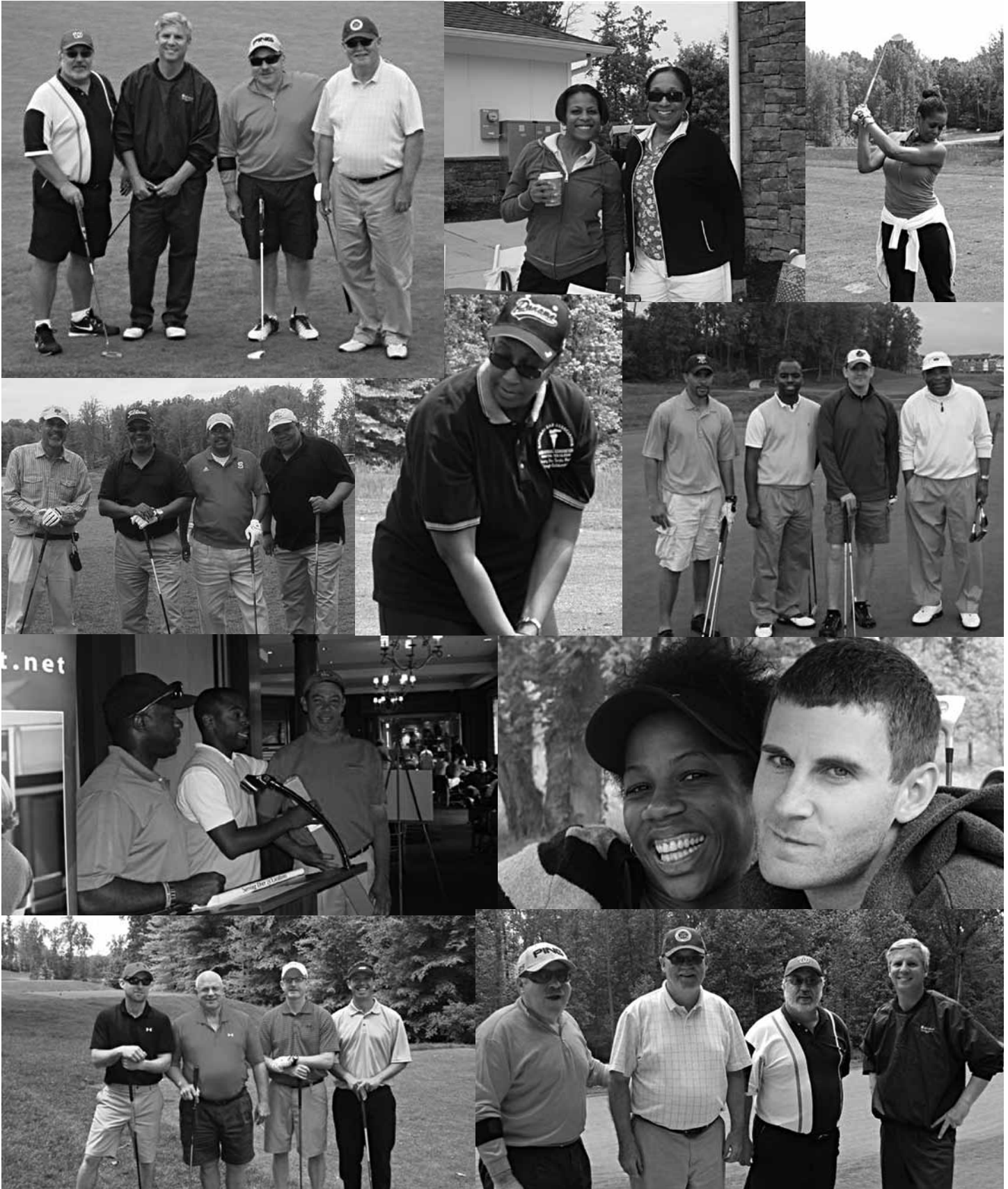
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**September 6, 2012**

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Law Practice 101

**September 20, 2012**

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**October 4, 2012**

Law Practice 101

**October 13, 2012**

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*Effective Direct & Cross  
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**October 18, 2012**

Brown Bag Lunch

**November 1, 2012**

Law Practice 101

**November 15, 2012**

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**November 15, 2012**

Memorial Service

**December 6, 2012**

Law Practice 101

**December 11, 2012**

Holiday Party

**December 20, 2012**

Brown Bag Lunch

**Bankruptcy Seminar Coming**

**January 26, 2013**

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**February 5, 2013**

Joint PGCBA & JFBBA Meeting  
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# BROWN BAG LUNCH SERIES: JURY SELECTION AND VOIR DIRE | *by Judge Nicholas Rattal*



I had the pleasure of speaking to fellow members of the Bar at a “Brown Bag” lunch concerning jury selection and voir dire. Every practicing attorney has theories as to what makes a good juror and what makes a bad juror. It has been my experience, for the most part, that you really don’t know. But in looking at, and speaking on this issue, there are certain rules and recent cases of which the practitioner needs to be aware.

I first bring to everyone’s attention §8-103 of the Courts and Judicial Proceedings Article which lists the qualifications for a juror. One of the most common misunderstandings is that a person who has been convicted of a crime is ineligible to sit as a juror. But that is not true. You had to have been convicted by a federal or state court of record of a crime punishable by imprisonment exceeding six (6) months and actually received an imprisonment for more than six (6) months. So it is not just the conviction, it is the time that the person has served.

There are three (3) rules which govern jury selection. Rule 4-311, Rule 4-312, and Rule 4-313. Rule 4-313 also includes the number of peremptory challenges each party gets. One of the anomalies of criminal jury selection is that in cases with multiple co-Defendants, the strikes stack or accumulate for the State except in the 4 and 4 situation, where no single charge carries 20 years. One of the common mistakes that you see in civil jury selection is when the parties are exercising their paper strikes, they strike jurors such as No. 18 where it will be impossible for that juror to be seated as a juror based on numbers alone. The parties need to be cognizant of how many jurors there are and how many challenges each party has.

Voir dire has recently been a hot topic with the Maryland Court of Appeals. Remember, Maryland recognizes limited voir dire which means the parties can only ask questions related to a cause challenge. A party may propose questions designed to identify a juror’s competency, impartiality, prejudice or bias. Since 2009 there have been five (5) important cases from the Maryland Court of Appeals regarding voir dire. Briefly, in Edwin Wright vs. State of Maryland, 411 Md. 503 (2009), the Court of Appeals found it was an abuse of discretion to pose a series of voir dire questions in quick succession without providing some means for the jurors to keep track of the questions and their answers because it does not provide the jurors a meaningful opportunity to digest and respond to each question, and therefore fails to assess whether jurors have biases that make them unqualified to serve on a particular case.





The next case was Charles F. Moore, Jr. vs. State of Maryland, 412 Md. 635 (2010). The Court held that when a witness will give testimony that is usually related to their occupation, status, category or affiliation, it would be appropriate upon request to pose the question of whether a juror might believe the witness merely based on the witness's occupation, status, category or affiliation. Denying such a request would be an abuse of discretion if the question would help to uncover a bias in a juror. The most interesting case was Jamal Charles and Dwayne Drake vs. State of Maryland, 414 Md. 726 (2010). In that case the court found it was improper to pose a voir dire question using the language such as "convict" or "guilty" more frequently than "not guilty" because it conveys to the jury that it should find the Defendant guilty. Here, the judge asked a CSI type question saying the word "convict" so much that it was found to be an abuse of discretion. In State of Maryland vs. Fabian Shim, 418 Md. 37 (2011), the Court of Appeals found that when a Defendant requests a general question, "Does any member of the jury panel have such strong feelings about the charges in this case that it would be difficult for you to fairly and impartially weigh the facts," the trial court should pose that question as it inquires into exposing a potential bias.

And lastly, in Ricky Shamar Washington vs. State of Maryland, 2012 Md. Lexis 151, the court held that only questions directly related to the facts and circumstances of the case are mandatory during voir dire, so asking a question about biases for military employees is not mandatory, and is not an abuse of discretion when the witness is not testifying in an official position because the employment is only a collateral issue in the case. It is only when a witness testifies in his official capacity that the question would be mandatory.

Remember the Batson case in jury selection. It is crucial to keep track of the race and sex of all the jurors, especially those who were struck by your opponent. Remember to keep good notes as to the juror's response, keep track of the number of strikes, and use some type of abbreviations. Another mistake I think lawyers make is that even though you are allowed to strike out the box, don't make a habit of it. If you don't want them on the jury, don't put them on to take them off later unless the number of strikes is a major issue. Lastly, don't over think. I think picking a jury is a lot of common sense and following your gut. Remember, it is not a science.

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