

PGCBA NewsJournal

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

March 2012

PRESIDENT'S MESSAGE



Dear Colleagues

Spring is here! What a great time to catch up with what's happening with your bar association. It's that time again for you to vote for a board of directors and for a secretary. There are 8 positions for board members and 1 secretary position. Our bylaws provide that we elect a Secretary every year who will move up the ranks to be President in four years. If you are interested in a leadership position in our association, an application is available on

line at www.pgcba.com, in the March newsjournal and from the bar office. The minimum qualifications to run for a seat on the board and the expectations of a board member are spelled out in the application.

Check out the lawyer referral service (LRS). It is a great resource for solo and small firms or for other attorneys looking to build a practice. The Bar office refers over 500 calls per month in various areas of the law. For a small fee of One Hundred Fifty Dollars per year, the bar office will receive calls on your behalf and forward them to you in your specific practice areas. In turn you agree to pay a small fee back to the bar association but only if you retain the clients. For more information about joining the panel of lawyer referral attorneys go to the web page at www.pgcba.com.

Attendance at Traffic School have picked up thanks to the judges who refer defendants to the program and to Judge Nichols for spearheading the project to ensure the continued support of the program. A portion of these funds are used to fund the association's charitable contributions throughout the community every year. In fact, we will be soliciting applications for those funds in the next few months.

The Brown Bag Lunch seminars have been a huge success. Ben Rupert has coordinated the project in the lawyers lounge in the court house. Judge Weatherly, and Judge Green have already presented before standing room only crowds. Judge Pearson will lead the next presentation and discussion on March 15, 2012. The topic will be "The 5 Key Components to Effective Courtroom Litigation." These informal



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PGCBA Mission Statement

...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

...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

seminars with our judges are FREE to all members. So don't miss this great opportunity. This is also a great chance for you to find the lawyers lounge!

Lastly, calling all criminal law practitioners, don't miss the Alan Goldstein Seminar on March 31, 2012. Todd Steuart and the criminal law committee is bringing together some of the top legal minds in the criminal field to discuss Maryland's Confession Laws, (John Maloney, Esq. and Andrew Jezic, Esq.); Advanced Cross-Examination, (Leonard Stamm, Esq.); and Developments in Hearsay and Confrontation Clause, (Professor Lynn McLain, from the University of Baltimore School of Law). This event is always well attended so be sure

to sign up early. More details on our website and in the March newsjournal.

We are also co-sponsoring a golf tournament in with the J. Franklyn Bourne Bar Association on May 7, 2012. There is a break for early bird sign-up so don't delay. The Young Lawyers Happy

Hour is coming up on March 15, 2012 at Olde Town Inn. All new admitees to our organization are welcome. Join us as we continue to keep you engaged and to expand services to our members. Until next month.....

Your President,
Debra M. Davis, Esq.

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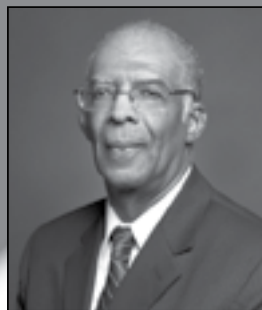
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Hon. Henry L. Jones, Jr. (Ret.)
Retired Magistrate Judge,
United States District Court, Eastern District of Arkansas

After more than 30 exemplary years on the Federal bench, Judge Jones has recently retired. Notably, Judge Jones completed hundreds of settlement conferences during his judicial service. A graduate of Yale University and the University of Michigan Law School, he enjoyed a broad civil litigation practice as a Partner at Walker Hollingsworth & Jones, P.A. in Little Rock, AR, prior to his judicial career. Judge Jones recently relocated from Arkansas to the Metropolitan Washington DC area where he is now available to serve your private mediation and arbitration needs throughout the mid-Atlantic and beyond.



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Rick Jaklitsch and Debbie Potter

are pleased to announce that

Suzanne Vetter

has joined their firm.

Suzanne joins the firm after serving a judicial clerkship with the Hon. Laura Kiessling of the Circuit Court for Anne Arundel County. She is trying a variety of personal injury cases including auto and truck crashes.

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BAR ASSOCIATION LEADERSHIP OPPORTUNITIES

Positions Available: Secretary – Director

PGCBA's Nominating Committee, chaired by Immediate Past Judge Nicholas E. Rattal, is seeking candidates for the positions of Secretary and Directors for the Prince George's County Bar Association Board.

The deadline for submitting applications is 5:00 p.m. Friday, April 13, 2012. Elections will be held at the Bar Association's Annual Meeting on Tuesday, June 5, 2012.

Minimum qualifications for an officer position are delineated by the By-laws. 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 second 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:

- 1. he or she will serve as a member and Board liaison of at least one committee or section;**
- 2. miss no more than two Board meetings without good cause and;**
- 3. 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 return the form, together with a brief summary of professional and bar activities, with a current photo through email to the Bar Association office, at gerry@pgcba.com prior to the Friday, April 13, 2012 deadline. Questions may be directed to Immediate Past President Judge Nicholas E. Rattal at 301-952-3227, or to Georgia Perry at 301-952-1442.

APPLICATION FOR BAR LEADERSHIP

TO: Honorable Nicholas E. Rattal **DEADLINE FOR SUBMISSION:**
C/O Prince George's County Bar Association, Inc. **5:00 p.m. April 13, 2012**
14330 Old Marlboro Pike, Upper Marlboro, MD 20772-2840

Applicant: _____

Firm: _____

Address: _____

Please check a box: Secretary [] Director []

Please email the form, a brief summary of professional and bar activities with a current photo

TO GPERRY@PGCBA.COM NO LATER THAN FRIDAY, APRIL 13, 2012

(PHOTOCOPIES OF THIS FORM ARE ACCEPTABLE)

THIS APPLICATION IS ALSO AVAILABLE AT WWW.PGCBA.COM

PGCBA COMMUNITY AND PUBLIC SERVICE PROGRAM 2012 AWARDS SOLICITATION

The PGCBA is soliciting applications for its Community and Public Service Project Awards. Awards are financed by the profits received from the PGCBA's Traffic School Program. Since the program's inception in 2000, the PGCBA has awarded over \$85,000 to numerous community, public service and other charitable projects benefiting the citizens of Prince George's County.

Bar members are invited to nominate programs which serve the Prince George's County community.* The organization must be a 501 (C) (3) to apply. Applications are available on our website www.pgcba.com or you may use the one printed in this newsjournal. You may also contact Georgia Perry at gperry@pgcba.com if you would like an application mailed to an organization that you think would be interested. The Public Grants Committee, under the leadership of Manuel Geraldo will review all applications. Awards will be announced in July 2012.

SCHEDULE

March 15, 2012 – Begin advertising the availability of the community service funds.

March 15, 2012 – The application process will be opened and the committee will begin to receive applications.

May 18, 2012 – The application process will be closed and no applications will be accepted after 5:00 PM on the 18th of May.

July 15, 2012 – The recipients of the community service funds will be announced.

**APPLICATION FOR COMMUNITY SERVICE FUNDS
from the
PRINCE GEORGE'S COUNTY BAR ASSOCIATION***

***Name of Organization: (Must be a 501 (C) (3) organization)** _____

Description of Organization including duration, goals, objectives, location and scope of service: _____

The amount of community service funds you are seeking: _____

Budget for the funds: _____

Description of the specific community service project for which you are seeking funding: _____

A description of the target population which the project will serve: _____

*** Completed applications must be submitted no later than 5:00 p.m. May 18, 2012. Awards will be made available by July 15, 2012.**

*****CONTINUED ON NEXT PAGE*****

PGC_HOTSPOT WIRELESS ACCESS



The Prince George's County Circuit Court Wi-Fi Service is a free wireless internet service provided to the citizens and visitors to the Courthouse. Access to the Wi-Fi Service is available in the law Library, Jury Assembly, Duvall 2nd Floor Courtroom Hallway, 1st and 2nd Floor Breezeway (Connecting the Duvall and Marbury building), Marbury Expansion Hallway 1st & 2nd Floor and Cafeteria.

These hotspots do not require the user to obtain a prior passcode. The "Hot Spots" will allow access for one hour per log in.

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A BROWN BAG LUNCH WITH JUDGE LEO E. GREEN, JR.

10 Things You Should Know About Our Civil System in Prince George's County

1. We truly attempt to be lawyer friendly. From start to finish our efforts are to make it easier for attorneys not harder. Help us by putting your email address on your appearance and after your address in every pleading.

2. You set the trial date for trials lasting one or two days. Two day trials must begin on Monday or Tuesdays. One day trials begin only on Mondays, Tuesdays and Wednesdays. Just talk with opposing counsel, fill out the forms which are on the web www.princegeorgescountymd.gov and follow the directions.

3. Cases from start to finish must be completed within 18 months. The "try by date" is eighteen months from the date the plaintiff files the lawsuit. Please remember that if you file motions, you should consult the current chambers assignment which can be found at www.princegeorgescountymd.gov. Please remember that if it is a dispositive motion, you must send the judge a courtesy copy of your motion and if you are responding to a dispositive motion, you should also send the judge a courtesy copy of your response.

4. Pre-trial dates can be changed by you. Calendar Management gives you a pre-trial date. This may be changed and rescheduled with the consent of both counsel for sixty days from the set pre-trial date. Again, have all counsel agree to a new date, fill out the form on the web www.princegeorgescountymd.gov and follow the directions. Have a particular scheduling order problem, file a motion or request a phone conference with the Civil Coordinating Judge.

5. Interpreters!!! If your client, a witness or someone involved in the case needs an interpreter, please file the request for interpreter which can be found on the web at www.princegeorgescountymd.gov and follow directions. Just noting that you need an interpreter

on the pre-trial statement and having the Judge check the box on the pre-trial report does not get an interpreter. The earlier you request an interpreter the better as some languages are more difficult than others.

6. Communication between your office and the court is needed as trial approaches. If Calendar Management or the Civil Coordinating Judge's Chambers calls you, return the call and tell us if the trial is in fact going forward and your best time estimate. If we can eliminate the need to call jurors it makes life easier for the potential jurors and their families.

7. Unless you are specifically assigned or in a Track 5 case, the day before trial and we like them before 3:00 p.m.; you should fax to the Civil Coordinating Judge's chambers **301-780-8063**, your voir dire, suggested verdict sheet and all jury instructions. If you are asking for a pattern civil jury instruction, just give the appropriate cite and the name of the jury instruction. If you are asking for a special instruction, please mark it, Plaintiff/Defendant Special Instruction Number. Remember to give the appropriate legal authority for the instruction.

8. Come to court prepared to present your exhibits. Know the order you are going to present them to the clerk. If you have more than 25 exhibits, you need to pre-mark the exhibits and you should call **301-952-5016** for the procedure and follow the civil clerk's direction.



9. All civil trials begin at 8:45 a.m. We pick civil juries first in our county. Please arrive prior to 8:45 a.m. as most judges will be on the bench at 8:45 a.m. Judges do not want to pick a civil jury behind the criminal juries. Many times one judge will pick the jury and then transfer the case to another judge who is handling pre-trial conferences. Inform both the judge picking the jury and the trial judge immediately of any scheduling difficulties.

10. At the end of the trial, just after the jury has been discharged determine who is keeping the evidence that has been presented. A good practice is to ask the clerk for a list of the exhibits presented during the course of the trial.

Finally, as the Civil Coordinating Judge, I am always available. On a daily basis my staff is answering your questions and we find great satisfaction in helping counsel. If something is not going right in your case, you may request a phone conference with me. The appropriate way to request such a phone conference is to email me with opposing counsel receiving immediately your email. Generally it is easier to send it both to me and my executive administrative assistant. Our emails are legreen@co.pg.md.us and lmhester@co.pg.md.us. Generally all phone conference calls are set at 3:45 p.m. and 4:00 p.m. If you think we should be doing something different or have a suggestion, simply email me.

Leo E. Green, Jr.
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Best regards,
Chuck Perry, BSEE,
MSE, CDRS, CIAS,
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Wonderful Water

It's easy to forget to consume an adequate amount of water in winter months, but your body needs to be properly hydrated even when it's cold outside. Water is one of the most essential components of the human body, affecting numerous functions of the body. This is something that does not change with the seasons. Water is necessary to regulate body temperature, it cushions and protects vital organs, and acts within the cells to transport nutrients and dispel waste. Without water, it would be impossible for a human to survive for more than one week.

The human body loses water daily, just by the performance of basic, every day activities. It's actually recommended that the average adult female consume 2.7 liters of water daily and that the average adult male consume 3.7 liters daily. This is just to replace fluids lost that are necessary for the healthy function of the body's internal organs. Active adults require even more than this, depending on the duration of their exercise sessions and the ambient temperature in which they are exercising. It may seem hard to believe, but an adult can lose a quart of water or more in just one hour of intense exercise. Because water composes 75% of all muscle tissue, and 10% of all fatty tissue, the loss of substantial fluid can have a recognizable effect on the body. Athletes who are dehydrated even minimally can notice diminished athletic performance. More pronounced dehydration can lead to muscle fatigue, and loss of coordination. In a severely dehydrated state, a person can suffer heat exhaustion and even heat stroke – even if they are not exercising. You may also suffer other non-exercised induced symptoms of dehydration such as cramps, constipation, and headache when your body is not adequately hydrated.

I've heard people say that they don't like the "taste" of water, or that it's too difficult to drink 3 liters of water every day. Well, that's an easy problem to get around. If you can drink 3 liters of soda or other beverage daily, then you can make water a palatable substitute. One thing you can do is add flavored tea packs or other water enhancements to your water. There are all kinds of portable water enhancers available that add flavor, as well as other nutrients to your water. Typically they come in small, easy to carry pouches and can easily be poured into your water or water bottle. As well, there are water products available such as Vitamin Water, Smart Water, etc that come in a variety of flavors. Drinking water really is just something you have to get into the habit of doing. Once you commit to doing it, by taking steps such as keeping a liter of water on your desk, you'll find that you can drink a lot more water than you thought you could.

Keep in mind too that all of the "water" that your body requires doesn't have to be pure water, or even a liquid per se. Tea, lemonade, smoothies, and fruit juices count towards the water intake minimums that the human body requires for proper functioning. In fact, even certain foods such as soups, fruits and vegetables can help to meet the body's water needs. What's important is to try to monitor how much fluid you are consuming. You want most of it to be either plain water or a flavored water beverage or a clear liquid such as iced tea or lemonade. Having a minimum of 16 ounces of water or iced tea with every meal will get you halfway to your daily goal. And if you keep one bottle of water on your desk that you drink over the course of the day, you almost entirely meet your body's daily fluid requirements. Eat a few pieces of fruit and some veggies each day and have a glass of water at bedtime, and you're there!

You also want to listen to your body to help you determine if you are properly

hydrated. If you are feeling thirsty, you are probably already slightly dehydrated. So drink a glass of water the moment your throat or mouth feels a little dry. And if you know you will be engaging in moderate levels of exercise, start hydrating yourself the day before by consciously drinking 8 ounce quantities every few hours, plus drink at least 16 ounces while exercising and 16 ounces immediately after exercising. If you take medications or supplements, instead of taking in just enough water to get your meds down, drink an entire 16 ounces of water each time you take your medications. These are all steps that will ensure that you maintain proper levels of hydration for your body to function optimally. One easy way you can monitor your hydration levels is by paying attention to your urine color. Yes, this may seem a little weird, but you should always take notice of its color. It should always be a pale yellow, and if you are very well hydrated it will be nearly colorless. First thing in the morning and for a couple hours after taking supplements, the color will be darker, however. But this will easily tell you what your state of hydration is.

Athletes should keep in mind that they lose even greater amounts of fluid when exercising and often lose more than just water. It's also possible to lose electrolytes and sodium during fairly long bouts of exercise. While it may sound like a good thing to sweat out sodium, the body does need to maintain a certain balance of sodium, and so if you notice salt stains or white rings and spots on your workout clothing, that means that the sweat you excreted contained high amounts of sodium. To prevent water intoxication, if you're losing high levels of sodium in your sweat, you should replenish during and after exercise with a sports drink (that restores electrolytes) instead of water.

I'm actually feeling just a bit thirsty right now. So let's break and drink to your health!

**BROWN BAG
LUNCH**

March 15, 2012
12:30 PM

Lawyer's Lounge
3rd Floor
Duvall Wing

.....

Speaker:
Judge Michael
Pearson

.....

Topics:
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CHRISTMAS IN APRIL | *Maurene Epps-Webb*

Christmas in April is a nonprofit organization in Prince George's County whose mission is to renovate or improve the housing of the elderly and/or disabled residents of the County with limited funds. As you know, members of our Bar Association have volunteered with Christmas In April for over twenty years. Although Erik Nyce and I have decided we cannot be house captains for the program this year, volunteers are still very much needed since the program has 83 homes to renovate!

The event is scheduled for the last Saturday in April – April 28, 2012 – and generally lasts from 8:00am until 12:00 pm. It may go a little longer, depending upon the amount of work needed at the selected home. If you can wield a broom, rag, paint brush, lawnmower, or hammer WE NEED YOU! We will also accept your donations, made payable to

Christmas In April, PG. Please give me a call, as soon as possible, at 301-952-5181 or email at mewebb@co.pg.md.us if you're interested in volunteering or donating.

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Saturday, March 31, 2012

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

Jury Assembly Room, Courthouse, Upper Marlboro

TOPIC I

Nuts and Bolts of Maryland's Confession Laws

**Speakers: John Maloney, Deputy State's Attorney Montgomery County
Andrew Jezic, Esq.**

TOPIC II

Advanced Cross-Examination

Speaker: Leonard Stamm, Esq.

TOPIC III

**Significant Developments in Hearsay and Confrontation Clause with a
Sprinkling of Character Evidence and Impeachment**

Speaker: Professor Lynn McLain, University of Baltimore School of Law

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**\$45.00 for members by March 23, 2012, -\$55.00 After
\$55.00 for non-members by March 23, 2012, -\$65.00 After**

Presented by:

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Assisted by David M. Simpson, Esq.

.....

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MENU CHANGES FROM JUDGE FEMIA

February 21, 2012

To my dear friends and colleagues at the bar:

As most of you know that for the last thirty-one years I've been presiding over what we euphemistically refer to as CA's--which really is the Circuit Court's forum for handling appeals and jury trial prayers from the District Court. Also, if you practice in that environment, you realize that I almost never stray from my way of handling cases. Everyone knows with a high level of probability how I'll treat the cases before me. Also, if you've been around for more than a little while you know that whenever I believe that it has become necessary for me to tweak my "ways", I attempt to make the practicing bar well aware of any anticipated change before it comes to pass. (If memory serves, my last "spasm" was in 2004 and dealt with drunk drivers.) Well, my friends, I have a "tweak" coming on. This letter is my effort to spread the word just as far as I can.

Those who have been in attendance in courtroom 1410 over the last month or so have heard me announce a new way that I intend to handle driving without or while suspended or revoked. It has always been my belief that our community is much better off forcing drivers to get reinstated as lawful licensees than collecting fines and jail time. To that end I have always given drivers so charged ample time to do what is necessary—pay tickets, take tests, deal with out of state problems, make an arrangement with non-support, make a deal with attorneys holding judgments, or whatever--to get back a valid driving status. But problems have arisen and they are becoming more acute since such offenses constitute about 30% of my docket.

I usually allow defendants three to six months between plea and sentence (depending on the complexity of their problems) to get straight with their State. What has been happening is that about 70-80% of those defendants are taking

advantage of the situation and doing nothing to help themselves. They beg for more time and usually I give it to them. No more. Constant continuances swell my dockets artificially. But more important is the fact that continuances increase the workloads of both the criminal clerks' office and calendar management—neither of which offices need more work—the SAO and the PD's office. It's sad that the conscientious have to suffer along with the "not so," so there is really no other way for me to do this.

So here's the "tweak." If on the status date (or the "will call" date) the defendant has:

1. Straightened out his or her license— PBJ and costs;
2. Wants to or has spent a night in jail—PBJ, no costs and a warning that that doesn't clear up his or her license problems;
3. G-G, \$100.00 and costs;
4. That ever-popular "trial" selection.

This tweak will be imposed on all cases prayed or appealed on or after the Ides of March 2012. Of course, as always, I will respect and impose any agreements between counsel.

Now on another subject--and I offer this merely as a "heads up" so as to avoid counsel's being embarrassed by clients. Those of you who practice regularly in the CA court know, Ms. Connie Loureiro represents the State, not for legal matters, but for informational purposes. Those who know Ms. Loureiro know she is extremely conscientious and a well prepared paralegal. Well now she has even greater resources with a laptop in the courtroom. Not only is she prepared on the facts of the cases, she can also look up the motor vehicle records, the jail records, the defendant's records and the starting times of races at the various tracks in Maryland. So just as a word to the wise, it's probably in the defendant's best interest that he or she not be caught lying to the court and embarrassing him or herself and counsel in the bargain. Though I'm not of a mind to institute it just yet, if the lying, which now seems to be endemic, continues on apace, I might be inclined to add a tier to my dispositions which doubles the punishment for liars--just a thought for the moment.

Trusting this finds each of you in good health and spirits, I remain

Very truly yours,
Vincent J. Femia

STEPHEN J. DUNN

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LEG 376 Bankruptcy Issues for Non-Bankruptcy Attorneys: (In Partnership with Anne Arundel Bar Association) Explore common reasons businesses and individuals file for bankruptcy and how to avoid them. Gain information on how to handle difficult bankruptcy issues. Examine automatic stays: when they should be filed and what to do when they are violated. Gain information and assess the credibility of business bankruptcies. *\$35.00 (\$40.00 if an out-of-county resident)*

Speakers: Carolyn Krohn, Esq.
Sean Logan, Esq., Lisa Stevens, Esq.

When: March 27, 2012 5:30 – 7:45 p.m.

LEG 378 Complex Issues for Best Interest Attorneys: (In Partnership with Anne Arundel Bar Association) Learn vital information on how to handle procedural and discovery difficulties. Gain a working knowledge on handling cases where the BIA is appointed to represent multiple siblings. Explore the difference between a BIA and a child advocate. Thoroughly discuss and examine ways to ensure you are paid and many other issues. *\$35.00 (\$40.00 if an out-of-county resident)*

Speakers: Master Timothy Thurtle, Michael Malone, Esq.
Richard Trunnell, Esq., Jennifer Merrill, Esq.

When: April 17, 2012 5:30 – 8:30 p.m.

Center for Applied Learning Technologies (CALT) Building
Room 100
101 College Parkway
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* * * * *

LEG 377 Mediator Ethics: Quality of Process* Explore the ethical challenges involved in the mediation process including the role of the mediator, questions about the competency of the parties and the implication of abuse allegations. Review and recognize ethical issues involving candor of the mediator, conduct of the parties and many more. *\$50.00 (\$55.00 if an out-of-county resident)*

**This course satisfies Title 17 continuing education requirements and MPME mandate for continuing education in ethics training.*

Speaker: Jim Sauer, Esq.

When: May 16, 2012 5:30 – 7:45 pm

Careers (CRSC) Building, Room 253
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*For questions, please contact Georgia Perry, 301-952-1442 or gperry@pgcba.com
or Joe Wright, 240-472-4533 or crimlawyer@yahoo.com*

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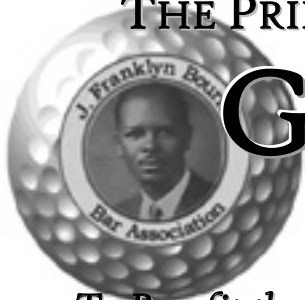
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