

PGCBA NewsJournal

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

www.pgcba.com

September 2014



INSIDE THIS ISSUE

Bar Directory
Page 2

Member Announcements
Page 4

Membership Meeting
Page 5

**Article by Robert Bonsib
and Megan Coleman**
Pages 6 - 10

More Upcoming Events
Page 11

**Elder Law
Committee Article**
Page 12

Law Links 2014
Page 13

Community Legal Service
Page 14

**Breaking the Fourth Wall
by Bryon Bereano**
Page 16

**Article by Hon. Lisa
Hall Johnson**
Pages 18-20

Judge Femia's Menu
Page 21

Annual Meeting
Pages 22-23

Tort Law Committee Article
Page 24

Circuit Court Law Library
Page 25

Law Library Legal Mobile App List
Pages 26-27

Classified Ads
Page 31

Happy Hour
Back Page

PRESIDENT'S MESSAGE



Dear Colleagues,

I am truly honored to serve as the President of the Prince George's County Bar Association.

Thank you to all the members that took the time to participate in the membership survey answering what you as a member look for from the Bar Association. We asked, we heard, and we have responded. Committees of the Bar Association have been specially structured to provide activities encompassing all aspects of the legal profession. There are committees to satisfy every member's interest -- substantive areas of law, new practitioners, member services, bench to bar, outreach to the community, social activities, sports activities and much more.

The programs, events, and calendar for the coming year were developed to meet what the members indicated they wanted to continue, wanted changed or sought from membership. This is some of what you will experience as a member in the coming year:

- Continuing legal education opportunities that will include seven Bench to Bar panel discussions, eight Brown Bag Lunch discussions; and the continuation of the five annual legal seminars of criminal law, tort law, domestic practice, appellant practice, and probate, estates, trusts and elder law. The first Brown Bag Lunch discussion will be held September 4 in the Lawyers' Lounge beginning at noon. The topic is "Update on Search and Seizure Law". The first Bench to Bar panel discussion will be held September 18 at 4:00 p.m. in the Courthouse. The

discussion will be moderated by the District Court Judge Erik Nyce and will be on the topic of "Expert Witnesses – When You Need Them and the Applicable Rules."

- A monthly NewsJournal that will strive to provide articles on substantive law and procedure, news of special seminars, meetings, special events information, and news of interest to members of the Bar Association.
- The continuation of the four General Membership Meetings, including the exciting Annual Holiday Auction. The first General Membership Meeting will be held October 14 at the Newton White Mansion and the guest speaker will be Chief Judge of the District Court John P. Morrissey. A special election year General Meeting has been added to the calendar. On November 13 the Honorable Thomas V. Mike Miller will be providing a special post-election report to the members of the Bar Association

cont'd on page 3

NEXT BIG EVENT

General Membership Meeting

October 14, 2014

6:00 PM

**Featured Speaker:
Chief Judge John Morrissey**
See page 5.

PGCBA NewsJournal

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

Published monthly (except Jul./Aug.) by the PGCBA

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.

PGCBA OFFICES

MARLBOROUGH PROFESSIONAL PARK
14330 OLD MARLBORO PIKE
UPPER MARLBORO, MD 20772
Office: 301-952-1442
Fax: 301-952-1429
www.pgcba.com

EXECUTIVE DIRECTOR

ROBIN B. HADDEN
rhadden@pgcba.com

PGCBA LAWYER REFERRAL SERVICE

ELIZABETH ANDERSON
301-952-1440
LRS@PGCBA.COM

PGCBA TRAFFIC SCHOOL

ROBIN HADDEN
301-952-8154
rhadden@pgcba.com

NEWSJOURNAL
ROBIN B. HADDEN
EDITOR
rhadden@pgcba.com

ASSISTANT EDITOR
VERONICA POPE
301-952-1442
vpope@pgcba.com

2014- 2015 OFFICERS

President: Denise M. Bowman

President Elect: Hon. Joseph Wright

Treasurer: Jeffrey Harding

Secretary: Walter Green

Immediate Past President: Jennifer Muskus

DIRECTORS

Clayton Aarons, Jason DeLoach, Manuel Geraldo, Giancarlo Ghiardi, Hon. Robin D. Gill Bright, Nakia Gray, Llamilet Gutierrez, Jennifer King, Donnaka Lewis, Hon. Ereky Nyce*, Byron Richardson, Benjamin Rupert*, Elsa W. Smith, C. Todd Stuart, Ann Wagner-Stewart, Donnell Turner, Magistrate Judy Woodall, Benjamin Woolery, Hon. Gerard Devlin, Parliamentarian
**Appointed to the Executive Committee by the President*

COMMUNITY SERVICES SECTION

Law Day
OPEN

Law Links

Hon. Sheila R. Tillerson Adams 301-952-3766
Abigale Bruce-Watson 301-731-0005

Law Related Education/Mock Trial Program

Magistrate Judy L. Woodall 301-952-5838

Lawyer Referral

Gerald C. Baker 301-577-4600
John M. McKenna 301-474-0044
Perry Becker 301-262-4400
Arnold Bruckner 301-441-3600

Public Service Projects

Manuel Geraldo 202-544-2888
Hon. Cathy H. Serrette 304-952-3132

Speakers Bureau

Hon. Gerard Devlin 301-262-1696

Traffic School

Hon. C. Philip Nichols, Jr 301-952-3907

MEMBER SERVICES SECTION

Mentoring Program

Donnell Turner 301-952-3500

Fee and Dispute Conciliation Program

William Renahan 301-351-7531

Memorial

Hon. William D. Missouri 301-952-5225

Solo Practitioner

Jennifer Muskus 301-449-7444

Technology

Jay Creech 410-222-7888

Young Lawyers

Benjamin E. Rupert 301-952-5158
Llamilet Gutierrez 301-699-2812
Jennifer A. King 301-352-4950

ADMINISTRATIVE SECTION

By-Laws/Parliamentarian

Hon. Gerard Devlin 301-262-1696

History

Carolyn Starks Saxon 301-952-3239

Community Legal Services Liaison

Hon. Cathy Hollenberg Serrette 301-952-3132

MSBA Liaison

Bryon Bereano 301-502-1972
Jeffrey Harding 301-627-5500

Membership & Admissions

Clayton Aarons 240-398-3174

Newsjournal

Benjamin Woolery 301-262-3600
Clayton Aarons 301-398-3174
Byron Richardson 301-952-5238

Bar Nominations & Elections

Jennifer Muskus 301-449-7444

Sponsorships

Giancarlo M. Ghiardi 301-982-8617

SOCIAL & SPECIAL COMMITTEES

Golf Tournament

Hon. Toni Clarke 301-298-4056
Hon. Joseph Wright 301-298-4055

Hospitality Suite

Board Officers

Sports Leagues

Jeffrey R. DeCaro 301-352-4950

Auctions

Elsa W. Smith 301-358-4340
Nakia Gray 301-220-2200
Llamilet Gutierrez 301-699-2812
Donnaka Lewis 301-952-2708
Ann Wagner Stewart 301-952-4017

LITIGATION SECTION

Administrative Law

Daniel F. Lynch 301-952-0100
Abigale Bruce-Watson 301-731-0005

Alternative Dispute Resolution

Alyssa Chang 301-353-0081

Appellate Practice

Michael A. Wein 301-441-1151

Bankruptcy Law

John D. Burns 301-441-8780

Brown Bag Lunches

Benjamin E. Rupert 301-952-5158
Nakia Gray 301-220-2200

Criminal Law

Todd Steuart 301-322-2000

Probate, Estates, Trusts & Elderlaw

Benjamin J. Woolery 301-262-3600
Kathy Brissette-Minus 301-883-8710
Timothy O'Brien 301-220-2200

Family Law

Lisa Hesse 301-262-6000
Alphonso Hearn 301-772-0248

Federal Practice

Robert C. Bonsib 301-441-3000

Immigration Law

Joseph Trevino 301-441-3131

Juvenile Law

Gregory Powell 301-864-6969

Labor & Employment

Jay P. Holland 301-220-2200

Law Practice Seminars (Bench to Bar)

Erik Nyce 301-352-4950
Llamilet Gutierrez 301-699-2812
Jennifer King 301-352-4950

Tort Law

Giancarlo Ghiardi 301-982-8617
Robert Clark 301-572-5000

Workers' Compensation

Debora Fajer-Smith 301-220-2200

PROFESSIONAL SERVICES SECTION

Alter Ego Program

Hon. Joseph L. Wright 301-699-2728

PGCBA Liaison to Seventh Judicial Circuit YLS

Benjamin E. Rupert 301-952-5158

Prince George's Pro Bono Com. Rep. Coordinates with the State Pro Bono Standing Committee

Alyssa Chang 301-353-0081

Prince George's County Criminal Justice Coordinating Com. Rep.

Clayton Aarons 877-308-3250

Prince George's County Court

Committee for Modernization of the Court Reporter's Office
Clayton Aarons 240-389-3174

TELEPHONE NUMBER FOR CLIENT REFERRALS FOR PRO BONO LEGAL SERVICES

Phone 240-391-6370/240-391-6395

Lawyers in Need

James Flynn 301-932-0700
Robin Shell 240-472-9919

Ethics Hotline

John R. Foran 301-441-2022

Designated Conciliator Program

William Renahan 301-351-7531

Annual subscriptions provided to PGCBA Members at no cost as part of annual dues;
Non-Member subscriptions \$75 per year.

Publication Deadline 10th of preceding month. Approved advertising accepted; rates submitted upon request. Statements or opinions expressed herein are those of the authors and do not necessarily reflect those of the Prince George's County Bar Association, its Officers, Board of Directors or the Editor. Publishing an advertisement does not imply endorsement of any product or service offered.

PRESIDENT'S MESSAGE, CON'T

at the Equestrian Center in Upper Marlboro.

- Expansion of the social activities of the Bar Association will include thematic Happy Hours at the Olde Towne Inn (free to members) immediately following the Bench to Bar discussions and four Young Lawyers' Happy Hours (also free to members). Please join us on September 18 for the "Meet the Judges' Law Clerks" Happy Hour at the Olde Towne Inn. In addition, the calendar is filled with activities and events that members have indicated are high on the priority of the Bar Association including Law Day activities; sports leagues & tournaments; Memorial Service; and law-related activities for students

(the Mock Trial Program and Law Links).

- The continuation of special services for Bar Association members at the Courthouse Law Library include computer assisted legal research, practice material, MICPEL audio & videotapes, FAX services, interlibrary loans, fee-based copy machine, TV/VCR and TV/DVD reservations. Further, members will continue to receive the benefits of the Lawyer's Lounge through your Bar Association membership: a comfortable lounge area, reasonable priced copier and fax machine, private conference room with conference table that seats 8 with telephone conference call capability, wall -mounted television with

(basic) cable viewing (e.g., CNN), and a private restroom.

- As well, members can benefit from the special courthouse parking permits, Alter Ego Program, Lawyer Referral Service, Mentor Program, Ethics Hotline & Opinions, Fee Disputes Arbitration, Attorney/Client Mediation, Member input on candidates for Judicial Selections, Lawyers In Need Assistance Program, and use of the Bar Association's conference room.

So now I ask you, as a member, to come join the excitement, attend the events and enjoy the benefits of your membership.

Denise



CONGRATULATIONS!

**TO THREE OF OUR BAR ASSOCIATION
MEMBERS APPOINTED TO THE DISTRICT COURT
FOR PRINCE GEORGE'S COUNTY BY
GOVERNOR O'MALLEY.**

CLAYTON ANTHONY AARONS

BRIAN CHARLES DENTON

ANN LOUISE WAGNER-STEWART

MEMBER ANNOUNCEMENTS

WELCOME NEW MEMBERS!

ANDRES KEVIN O'CONNELL
ROSENBERG & FAYNE, LLP

ROBIN M. EARNEST
LAW OFFICE OF ROBIN M. EARNEST

HARMON L. (WOODY) COOPER
SEDGWICK LLP

CAMILLA I. MCFARLANE
OFFICE OF THE PUBLIC DEFENDER

NATASHA M. KHALFANI
KHALFANI LAW, LLC

KENNETH DAVID WILCOX
ROBERT A. ADES AND ASSOCIATES, PC

SAHMRA APRIL STEVENSON
ROBERT A. ADES & ASSOCIATES, PC

MICHAEL EDWARD LYONS
LAW OFFICE OF MICHAEL E. LYONS, P.C.

ELLYN M. RIEDL
JOSEPH, GREENWALD & LAAKE

TAMARA ADRIANA O'CONNELL
JOSEPH, GREENWALD & LAAKE

JACK A. GOLD
KARP, FROSH, WIGODSKY & NORWIND, PA

MATTHEW JAMES FOCHT
JOSEPH, GREENWALD & LAAKE, PA

HEATHER JEAN KELLY
LAW OFFICE OF HEATHER J. KELLY, LLC

MATTHEW JAMES GANNETT
LAW CLERK FOR JUDGE SEAN WALLACE

ABBY VEXLER UZUPIS
DeCARO, DORAN, SICILIANO,
GALLAGHER, AND DeBLASIS, LLP

CYNTHIA M. WEISZ
DeCARO, DORAN, SICILIANO,
GALLAGHER, AND DeBLASIS, LLP

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

FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE
FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE

BROWN BAG LUNCHES

September 4, 2014

12:00 PM

**Lawyer's Lounge 3rd Floor
Duvall Wing**

Speaker: Honorable Michael P. Whalen

Topic:

"Update on Search and Seizure Law"

October 2, 2014

12:00 PM

**Lawyer's Lounge 3rd Floor
Duvall Wing**

Speaker: Honorable Tiffany H. Anderson

Topic:

"2014/2015 Legislative Update"

FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE
FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE • FREE



**MEMBERSHIP
MEETING
OCTOBER 14, 2014
6:00 PM**

**GUEST SPEAKER:
CHIEF JUDGE JOHN MORRISSEY
NEWTON WHITE MANSION**

**\$50 MEMBERS UNTIL OCTOBER 6, \$60 AFTER
\$60 NON MEMBERS UNTIL OCTOBER 6, \$70 AFTER
RESERVATIONS REQUIRED**

.....PLEASE RSVP BY OCTOBER 6, 2014.....

ENCLOSED IS A CHECK IN THE AMOUNT OF \$ _____

FIRM/ADDRESS: _____

NAME: _____

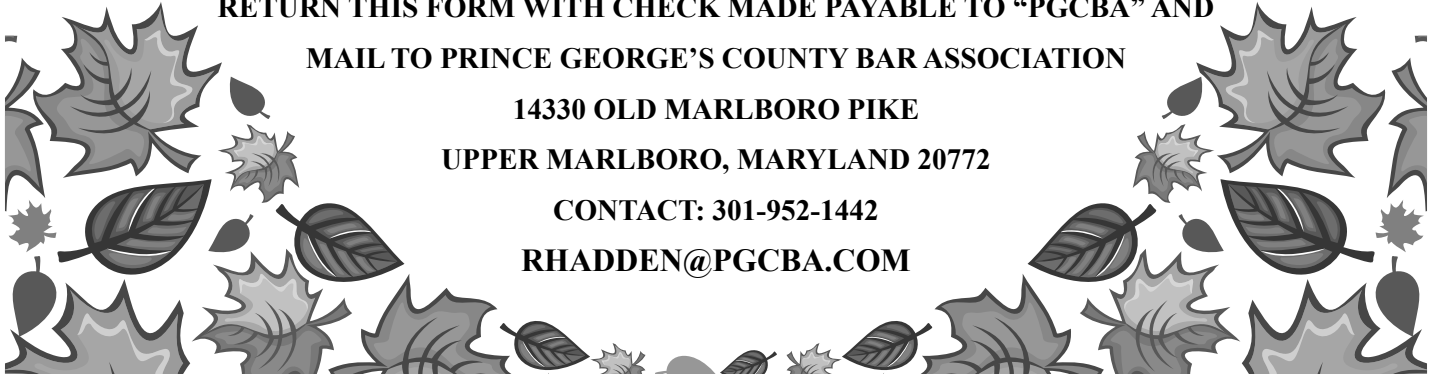
TELEPHONE: _____

PLEASE RESERVE _____ SPOTS

**RETURN THIS FORM WITH CHECK MADE PAYABLE TO "PGCBA" AND
MAIL TO PRINCE GEORGE'S COUNTY BAR ASSOCIATION**

**14330 OLD MARLBORO PIKE
UPPER MARLBORO, MARYLAND 20772**

**CONTACT: 301-952-1442
RHADDEN@PGCBA.COM**



A QUICK REFERENCE TO THE USE OF PRIOR CONVICTIONS

by Robert C. Bonsib, Esq. and Megan E. Coleman, Esq.



This article provides a quick guide to what prior convictions may be used for impeachment purposes, a review of what factors the court must consider in determining whether a prior conviction may be used for impeachment purposes, and discusses selected issues in appellate decisions relevant to Maryland Rule 5-609.

In *State v. Westpoint*, 404 Md. 455, 473-79 (2008), the Court of Appeals (COA) highlighted some of the issues presented when the question before the trial court is related to the proper use of prior convictions noting that in *Prout v State*, 311 Md. 348, 358-63 (1988), it observed that it is difficult to draw distinct lines on what crimes may be used to impeach. The Maryland law on this subject may be generally summarized as holding that to be admissible for impeachment purposes a conviction must be either a felony at common law or a *crimen falsi* and thus infamous, or a lesser crime bearing upon the witness's credibility. Stated another way, crimes, other than those that are infamous, whether misdemeanors or statutory felonies, fall into the class of lesser crimes and may or may not reflect on one's tendency to be truthful. If the crime being offered to impeach says nothing about the likelihood of the witness's propensity to be truthful under oath, it is irrelevant on that issue and should not be admitted. If the prior conviction passes this relevancy test, then the trial court must determine if its probative value outweighs its prejudicial effect. In other words, because evidence is legally admissible does not necessarily require its admission. Only if the trial judge, in the exercise of his/her discretion, feels that the prior conviction rationally

carries probative value on the issue of truth and veracity of the witness, should the evidence be admitted.

In *Jackson v. State*, 340 Md. 7-5, 712-13 (1995), the COA noted the three-part test analysis that is applicable under Rule 5-609.

First, a conviction must fall within the eligible universe to be admissible. This universe consists of two categories: (1) infamous crimes, and (2) other crimes relevant to the witness's credibility. Md. Rule 5-609(a).

Second, if the crime falls within one of these two categories, the proponent must establish that the conviction is less than fifteen years old. Md. Rule 5-609(b).

Finally, the trial court must weigh the probative value of the impeaching evidence against the danger of unfair prejudice to the defendant. Md. Rule 5-609(c).

The COA continued that with respect to impeachment, it has said that impeachment with a prior conviction can be used "to assist the fact finder in measuring the credibility of the defendant," *Ricketts v. State*, 291 Md. 701, 703 (1981), at the same time preventing "a jury from convicting a defendant based on his past criminal record, or because the jury thinks the defendant is a bad person." *Jackson*, 340 Md. at 715. The COA further reminded that it has imposed limitations on the use of past convictions "in an effort to discriminate between the informative use of past convictions to test credibility, and the pretextual use of past convictions where the convictions are not probative of credibility but instead merely create a negative impression of the defendant," because:

The danger in admitting prior convictions as evidence to impeach the defendant stems from the risk of prejudice. The jury may improperly infer that the defendant has a history

of criminal activity and therefore is not entitled to a favorable verdict. Such evidence may detract from careful attention to the facts, despite instructions from the court, influencing the jury to conclude that if the defendant is wrongfully found guilty no real harm is done. Where the crime for which the defendant is on trial is identical or similar to the crime for which he has been previously convicted the danger is greater, as the jury may conclude that because he did it before he most likely has done it again. The net effect of such evidence is often to discourage the defendant from taking the stand.

Thus, the role of the trial judge takes on added importance. It becomes his function to admit only those prior convictions which will assist the jury in assessing the credibility of the defendant. The trial judge must weigh the probative value of the convictions against the prejudice to the defendant in asserting his defense.

Id. at 715-16, quoting *Ricketts v. State*, 291 Md. 701, 703-04 (1981).

To begin the discussion, we must first identify those offenses that fall into the universe of offense that may be impeachable. The following Guide provides a quick index as to which offenses pass Step One as to the first test of impeachment admissibility.



ECONOMIST

- Personal Injury
- Wrongful Termination
- Wrongful Death
- Discrimination

Valuation of Business, Securities and Pension Funds for Divorce and Business Cases
University Professor with Extensive Experience

Dr. Richard B. Edelman
8515 Whittier Boulevard • Bethesda, MD 20817
1-800-257-8626 301-469-9575

References and Vita on request- Visit at:
www.economic-analysis.com



PRIOR CONVICTIONS, CONT'D

STEP ONE: Is it an Impeachable Offense?

A QUICK REFERENCE GUIDE TO IMPEACHABLE OFFENSES

Arson	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Assault	No	<i>State v. Duckett</i> , 306 Md. 503, 512 (1986)
Assault on a Police Officer	No	<i>Thurman v. State</i> , 211 Md.App. 455 (2013)
Assault with Intent to Murder	No	<i>Thurman v. State</i> , 211 Md.App. 455 (2013) <i>Fulp v. State</i> , 130 Md.App. 157 (2000)
Burglary	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Conspiracy to Distribute Drugs	No	<i>Wallach v. Bd. Of Ed.</i> , 99 Md. App. 386, 391-92 (1994)
Disorderly Conduct	No	<i>Morales v. State</i> , 325 Md. 330, 339 (1992)
Drug Distribution (and PWID)	Yes	<i>Summers v. State</i> , 152 Md.App. 362, <i>cert. denied</i> , 378 Md. 619 (2003) <i>State v. Giddens</i> , 335 Md. 205, 217 (1994)
Drug Manufacturing	Yes	<i>Carter v. State</i> , 80 Md.App. 686, 693 (1989)
Drug Possession	No	<i>Morales v. State</i> , 325 Md. 330, 339 (1992) <i>Lowery v. State</i> , 292 Md. 2, 2 (1981) <i>Cason v. State</i> , 66 Md.App. 757, 774 (1986)
Embezzlement	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)
Failure to Register as a Sex Offender	No	<i>Correll v. State</i> , 215 Md. App. 483 (2013)
False Pretense	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)
False Statement	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)
Fleeing from a Police Officer	No	<i>Thurman v. State</i> , 211 Md.App. 455 (2013)
Fraud	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)
Forgery	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)

Indecent Exposure	No	<i>Ricketts v. State</i> , 291 Md. 701 (1981)
Manslaughter	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Mayhem	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Murder	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Obstruction of Justice	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)
Perjury	Yes	<i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)
Prostitution	No	<i>Mathews v. State</i> , 68 Md.App. 282 (1986)
Rape	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Resisting Arrest	No	<i>Banks v. State</i> , 213 Md.App. 195 (2013)
Robbery	Yes	<i>Facon v. State</i> , 144 Md. App. 1, <i>reconsideration denied, cert. granted and reversed</i> , 375 Md. 435 (2002) <i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Sex Offense 3 rd Degree	No	<i>State v. Westpoint</i> , 404 Md. 455 (2008)
Sodomy	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Theft	Yes	<i>Cure v. State</i> , 421 Md. 300, 324 (2011) *common law felony
Traffic Offenses	No	<i>Morales v. State</i> , 325 Md. 330, 339 (1992)
Treason	Yes	<i>State v. Duckett</i> , 306 Md. 503, 512 (1986) <i>Garitee v. Bond</i> , 102 Md. 379 (1905) <i>Fulp v. State</i> , 130 Md.App. 157 (2000) <i>Prout v. State</i> , 311 Md. 348, 360 (1988)

cont'd on next page...

PRIOR CONVICTIONS, CONT'D

What is a “conviction” and what may the jury learn about the conviction

A conviction includes:

- A plea of nolo contendere followed by a sentence, whether or not the sentence is suspended
- Evidence of juvenile adjudication may be admissible under the Confrontation Clause to show bias, *see Davis v. Alaska*, 415 U.S. 308 (1974) and Courts Article § 3-8A-23

The jury may hear about the conviction only as to:

- The name of the crime
- The time and place of conviction
- The sentence received

The jury may not be told the underlying details of the prior conviction. *State v. Giddens*, 335 Md. 205, 222 (1994)

STEP TWO: Additional Prerequisites to the Admissibility of an Impeachable Conviction

Rule 5-609 provides threshold bars to the admissibility of a prior conviction. A prior conviction is NOT admissible if it is:

- More than 15 years old
- Pending an appeal (or the time for noting an appeal or filing an application for leave to appeal has not expired)
- Reversed on appeal
- Pardoned
- Stricken and a probation before judgment is entered (*See Molter v. State*, 201 Md.App. 155 (2011))

STEP THREE: The Probative Value of the Prior Impeachable Conviction Must Outweigh the Danger of Unfair Prejudice to the Witness or Objecting Party

Rule 5-609 does not provide a *per se* ground for admissibility simply because the prior conviction is within the category of potentially admissible convictions. Even in those instances where the prior conviction passes Steps One and Two, the trial court must still conduct a balancing test to determine whether the probative value of the prior impeachable conviction is outweighed by its potential unfair prejudice

to the defendant or a witness. In addressing how the trial court conducts this weighing process, the COA identified five factors for trial judges to consider when weighing the probative value of a past conviction against its prejudicial effects:

- 1) The impeachment value of the prior crime;
- 2) The length of time since the conviction and the witness's subsequent history;
- 3) The similarity between the past crime and the charged crime (the similarity between the prior conviction and the crime for which a defendant is being tried does not *per se* preclude impeachment with that conviction. *Facon v. State*, 144 Md.App. 1, 47, 48, 796 A.2d 101 (2002), *rev'd on other grounds*, 375 Md. 435, 825 A.2d 1096 (2003)).
- 4) The importance of the witness's testimony to the case, and the relative need for the evidence relevant to the witness's credibility; and
- 5) The risk of unfair prejudice, which is particularly high if the witness sought to be impeached is the accused, *King v. State*, 407 Md. 682, 704-06 (2009), and the prior conviction is for a crime similar to that for which the accused is on trial.

See Prout v. State, 311 Md. 348, 364 (1998), *Jackson v. State*, 340 Md. 705, 717 (1995), *Cure v. State*, 421 Md. 300, 329-31 (2011).

An example of an instance when the trial court failed to properly conduct such a weighing occurred in *Beales v. State*, 329 Md. 263, 273-75 (1993) wherein the COA concluded that the trial court did not adequately conduct a balancing of a 14-year-old theft conviction in terms of the light it might shed on the witness's truthfulness against its potentially unfair prejudice to Beales' defense. It noted that the trial court's elliptical remarks did not sufficiently demonstrate that it assessed the relative weights of probative value and prejudicial danger. First, the trial court focused largely on the proper form of the impeaching question, rather

than on its possible impact. Second, the trial court insisted that the State had a “right” to inform the jury of the witness' conviction, a word that suggests obligatory admissibility of the evidence, rather than discretionary admissibility based on the balancing test. Third, the trial court admitted the evidence knowing only that the witness had been convicted of theft, but not knowing when he had been convicted. The witness testified that his conviction was fourteen years old only at the very end of the exchange, after the trial court had ruled. The remoteness of a prior conviction is a critical factor to be weighed in the balance. Here it was not.

As the COA noted as even more compelling, the Rule places a cap of fifteen years on prior convictions used to impeach. Had the witness's conviction been sixteen years old, it would have been barred altogether by the Rule. The trial court's failure to ascertain the vintage of the conviction before deciding the question indicates strongly that it adhered to the former law of impeachment permitting *per se* use of convictions of infamous crimes no matter how remote. The COA was concerned as the trial court let in the evidence solely because the witness had been convicted of theft, a *crimen falsi* and an infamous crime, as was proper under the old impeachment statute. The record thus demonstrated that the trial court did not appropriately apply the Rule. At the trial, the prosecution and the defense presented dramatically different accounts of the incident leading to Beales' arrest. The relative validity of those accounts depended largely on the credibility of the witnesses. The witness was a primary defense eye-witness, the observer closest to the scene of the altercation. His credibility was tainted, to a degree that the COA noted it could not specify without speculating, by evidence that he was a convicted thief. The State in its closing argument reminded the jury of that fact by saying: “Judge [the witness]. He told you he was convicted of theft. Why is that important? Not because he did it, but because he's been [Beales's] friend for ten years and maybe he's not telling the truth.” Reviewing the record before it, the COA held that it could not say,

PRIOR CONVICTIONS, CONT'D

beyond a reasonable doubt that evidence of the [witness'] theft conviction did not sway the jury that found Beales guilty of battery.

A REMINDER WHEN THE CONVICTION COMES IN

While criminal law practitioners understand the limitation the law provides concerning the use that may be properly made of prior convictions, the jury needs to be instructed (assuming as we all are told we must, that limiting instructions have a real effect in the real world) that the conviction may be considered only with regard to the witness' credibility.

The Maryland Pattern Criminal Jury Instructions provide a pattern instruction as to this issue.

MPJI-Cr 3:22 -Impeachment by Prior Conviction

A. Defendant

You have heard evidence that the defendant has been convicted of a crime. You may consider this evidence in deciding whether the defendant is telling the truth, but for no other purpose. You must not consider the conviction as evidence that the defendant committed the crime charged in this case.

B. Witness

You have heard evidence that [defendant] has been convicted of a crime. You may consider this evidence in deciding whether the witness is telling the truth, but you cannot consider this evidence for any other purpose.

PRESERVATION OF THE PRIOR CONVICTION ISSUES

Does the election not to testify fail to preserve a ruling that a prior conviction is admissible? In *Brown v. State*, 373 Md. 234, 243 (2003), the COA held that when a defendant elects to testify and, in doing so, testifies affirmatively on direct examination to the existence of a prior conviction in order to "draw the sting out" of that conviction, he or she waives his or her right to appellate review of the merits of the trial judge's prior *in limine* determination that the prosecution may use the conviction for impeachment purposes.

The holding was revisited by the COA in *Cure v. State*, 421 Md. 300, 321-23 (2011), in which the COA held that when a defendant elects to testify and, in doing so, testifies affirmatively on direct examination as to the existence of a prior conviction in order to "draw the sting out" of that conviction, he or she does not waive necessarily his or her right to appellate review of the merits of the trial judge's prior *in limine* determination that the prosecution may use the conviction for impeachment purposes.

The limited setting as to when this applies occurs where (1) the State makes clear that it intends to offer the conviction if the defendant testifies, (2) the defendant makes a clear objection to the evidence, (3) the court makes a definitive ruling, intended to be final, that the evidence will be admitted, and (4) the defendant testifies and, to blunt the force of the conviction, reveals it on direct examination.

Here the prosecutor stated explicitly that "[t]he State would like to bring that up" (referring to the arson conviction), satisfying the first prong. As to the second prong, defense counsel made a clear objection during argument on the motion *in limine*, stating "Yes, Your Honor, and certainly we would object" to the trial judge's ruling "I'd let [the prior arson conviction] in." Fulfilling the third prong, the court made an unequivocal and definitive ruling allowing the use of the prior arson conviction for impeachment, but not the prior attempted murder conviction, offering nothing that would lead a reasonable person to believe that the trial judge would reconsider his decision on the motion. Moreover, when defense counsel advised Cure, before he elected to testify, that his prior conviction would be admissible for impeachment purposes, the trial court made no attempt to revisit the issue. Finally, satisfying the fourth prong, Cure testified to the conviction under direct examination in the defense case-in-chief in an obvious attempt to blunt its force. Thus, the COA concluded that Cure did not waive the opportunity to seek appellate review of the admissibility of his prior arson conviction for impeachment purposes.

An example of where *Cure* may not be applicable occurred in *Dallas v. State*, 413 Md. 569, 573-76 (2010). The COA instructed that there are the times when a trial court can and, therefore, should decide a motion *in limine* involving a Rule 5-609 issue before the defendant makes the election. For example, when it is clear that a prior conviction is ineligible for impeachment under Rule 5-609, the court need not hear the defendant's testimony to know how to rule on a motion to exclude that proposed impeachment evidence. Similarly, the trial court certainly can recognize when the risk of unfair prejudice of the proposed impeachment evidence far outweighs its probative value, no matter how the defendant might testify. Moreover, the court may be satisfied that it has a sufficient basis upon which to make an *in limine* ruling without hearing the defendant's direct testimony if the court has learned, through other means, how the defendant is likely to testify. For example, a court may hear admissions that the defense makes during the defense's opening statement, or the court may accept a proffer of the defendant's direct testimony. In any of these circumstances, fairness to the defendant argues in favor of the trial court's ruling on the motion before the defendant elects to testify or remain silent.

However, in *Dallas*, the COA indicated that it remained for it to decide whether the trial court abused its discretion in deferring its ruling on his motion *in limine* seeking to prohibit the State from impeaching him with evidence of his prior felony drug convictions.

During the lengthy discussion on the subject, the trial court explained that, in light of the similarity between the pending charges and the prior convictions, it was necessary to await Dallas' testimony before deciding whether the probative value of the proposed impeachment evidence outweighed the danger of unfair prejudice. To be sure, the trial court was aware that the defense to the felony charge was to

cont'd on next page...

PRIOR CONVICTIONS, CONT'D

concede the possession of the cocaine and marijuana the police found on Dallas but deny that the cocaine was for distribution. Yet, the court could not be certain what Dallas's testimony would be until the court heard it. The COA noted that the trial court, not unreasonably, envisioned that, had Dallas taken the stand, he might not have confined his testimony (consistent with counsel's opening statement) to a denial of an intent to distribute the drugs found in his possession; he might instead have testified that he had never before distributed illegal drugs. Had his testimony been consistent with defense counsel's opening statement, then the trial court might have decided that evidence of the prior convictions carried a risk of unfair prejudice. Had Dallas testified more expansively, the trial court might have decided that the State should be permitted to impeach him with the prior convictions. Given the plausibility of either scenario, the court was not required

to rule on the motion without first hearing Dallas' direct testimony.

CONCLUSION

Whether seeking to use a prior conviction to challenge the credibility of a witness or defendant or whether seek to bar the use of a prior conviction, not only is it critical to be prepared to address the various factors, but the specific factual framework of the issues and defenses in the case are likely to determine the trial court's determination as to the admissibility and use of a prior conviction.

Robert C. Bonsib, Esq. is a partner and Chair of the PGCBA Federal Practice Committee and Megan E. Coleman is an Associate at MarcusBonsib, LLC in Greenbelt, MD and both concentrate their practice in the defense of state and federal criminal matters.

Email: robertbonsib@marcusbonsib.com or megancoleman@marcusbonsib.com

Website: robertbonsib.com

STEPHEN J. DUNN

ATTORNEY AT LAW

FEDERAL WORKERS' COMPENSATION (OWCP)
U.S. MERIT SYSTEM PROTECTION BOARD (MSPB)
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)
OFFICE OF PERSONNEL MANAGEMENT (OPM)
DISABILITY RETIREMENT

110 West Road, Suite 445
Towson, MD 21204-2364
Phone (410) 321-8368
Fax (410) 321-1599

208 East Market Street
York, PA 17401-1249
Phone (717) 845-7301
www.sdunnlaw.com



KINSEY LAW GROUP, P.C.

REPRODUCTIVE LAW & ESTATE PLANNING

Building and Protecting Families

301-968-1630

Assisted Reproduction * Surrogacy * Donors

Estate Planning * Wills * Trusts

Upper Marlboro * Bethesda

www.kinseylawgroup.com * nicole@kinseylawgroup.com

COMMITTEE CHAIRS;

WE WANT YOUR ARTICLES!

Submit them to
Ben Woolery
before the 10th
of the month at
[benwoolery@
verizon.net](mailto:benwoolery@verizon.net)





Save the Date!

SEPTEMBER 18, 2014

Bench to Bar Panel Discussion

4 PM

Courthouse

Topic: "Expert Witnesses - -When You Need
Them and the Applicable Rules"

.....

OCTOBER 23, 2014

Bench to Bar Panel Discussion

4 PM

Courthouse

Topic-TBA

.....

OCTOBER 23, 2014

Happy Hour

5:30 PM

Olde Towne Inn

Night Out with

Government Attorneys

.....

OCTOBER 30, 2014

Young Lawyers Happy Hour

5:30 PM

Location-TBA

FINANCIAL EXPLOITATION OF THE ELDERLY AND SENIOR RIGHTS | *Kenneth A. Grigg, Esq*

All of us recognize the signs of physical abuse and neglect of the elderly: bruises, broken bones, and persons left in their own feces and urine. Many of us do not see the warning signs of financial abuse of our Seniors: cash missing from bank accounts, reverse mortgages on homes exploited by family members, and large credit card bills run up in the name of a Senior citizen by caretakers, family members, or con artists who gain access to the personal and financial information of the elderly.

There are some actions the elderly, their family members, and trusted friends can take to protect the elderly from financial exploitation. With the help of the Prince George's County Bar Association, Adult Protective Services, and the State's Attorney's Office, we can prevent Senior financial abuse. The banks now have to report suspected instances of financial exploitation of seniors to the State's Attorney. These reports combined

with citizen complaints, and reports from Adult Protective Services, can lead to criminal prosecution of family members, caretakers, and scam artists for exploitation of seniors. The Bar can help by providing legal services to the elderly which can take the form of wills, estate planning, medical directives, powers of attorney, and in some cases, appointment of guardians to manage the financial affairs of the vulnerable among us.

On October 7, 2014, there will be an Elder Law Event from 10-12 noon at the Senior Service Center on Allentown Road in Temple Hills, Maryland. There will be presentations on the mental health of Seniors under our Elder Abuse Prevention Series. Attorneys who are conversant with these issues are needed to meet with Seniors who have signed up for free, fifteen minute consultations and referrals to pro bono attorneys to provide them with legal advice on financial exploitation issues. Please contact Ben Rupert, Assistant

State's Attorney at (301) 952-5158 if you wish to volunteer two hours of your time to address the financial exploitation of our Seniors.

Kenneth A. Grigg, Esq.
Office of the State's Attorney for Prince George's County, MD

ECONOMIC VALUATIONS

Pushkin & Pushkin, Inc.

Actuaries & Consultants since 1979

- Pension Divorce Valuations
- 401(k) Marital Tracings
- Wrongful Death & Personal Injury Analyses
- Actuarial Valuations
- Expert Testimony
- Loss of Earnings Studies

www.pushkinandpushkin.com

Member of the National Association of Forensic Economics

Pushkin & Pushkin, Inc.
30 E Padonia Rd, Ste 406 • Timonium, MD 21093
Baltimore: 410.561.1945 • Washington: 301.951.9430



SUBMISSION
DEADLINE:
10TH OF
THE MONTH

.....

The deadline for
submissions is
September 10th
for the October
Newsjournal.



Anne Arundel Counseling

MD State Certified

~ NOW OPEN ~

AAC - Prince George's County

4333 Northview Drive, Bowie, MD 20716
410-768-5988 (p) - 410-768-5989 (f)
www.annearundelcounseling.com
Glen Burnie - Annapolis - Edgewater
Kent Island - Bowie

“Clinical & forensic professionals dedicated to comprehensive evaluation, education & treatment.”

Our Services:

MD State Certified: DWI/DUI Programs
Substance Abuse Education & Treatment
MVA Approved & Court Approved
Anger Management ~ Domestic Violence
Sexual Offender Evaluation, Education & Treatment
Shoplifting/Theft Prevention Program
Prostitution/Solicitation Program
Customized Programming Available
Mental Health Counseling/Therapy
Psychiatric Evaluations & Treatment

LAW LINKS 2014

Thank you to all who helped make it a success!





We hope each of you had a delightful summer! Please take a moment and review the upcoming events. We hope that you will partake in some of them.

WILLS FOR HEROES

A **Wills for Heroes** event to benefit the **Prince George's County Fire Department**, is scheduled for September 27, 2014. The *Wills for Heroes Foundation* is a national non-profit organization that provides free wills, advance directives and powers of attorney to first responders, including police officers, firefighters, paramedics, corrections and probation officers. The event will be held at the Prince George's County Fire Department, Company No. 43 Fire Hall, located at 16408 Pointer Ridge Drive, Bowie, MD 20716

Volunteer attorneys and bilingual persons are needed. If you would like to volunteer, please contact Maryland Wills for Heroes coordinator, Sarah Cline at (301) 945-9245 or scline@shulmanrogers.com. The event is sponsored by the *Maryland State Bar Association's Young Lawyers Section*, as an affiliate of the *Wills for Heroes Foundation*, and *CLS*, which will provide malpractice coverage to all members in good standing of the Maryland Bar

Training Seminar for CLS Volunteer Attorneys – Mark your calendars!

On October 1, 2014, CLS will hold our first yearly **Training Seminar for CLS Volunteer Attorneys**. All attorneys who take cases from CLS for representation or volunteer to provide legal advice at any of our clinics are requested to participate. The faculty will include experienced attorneys, Magistrates and Judges of the Circuit Court.

Topics will include: **General**: CLS Guidelines for Volunteer Attorneys, Know

your Courthouse; **Family law**: Procedural – Case Management Start to Finish, Pleadings – What, how and why, Property Division – Homes, Pensions (QDRO's), Alimony, Child Support, Discovery, Protective Orders, Peace Orders, Best Interest Attorneys, Recent Legislation; **Potpourri**: Professional Liability, Body and Mind – taking care of you Lunch Presentation

Seating is limited, so please register early. Payment can be made by visiting the CLS website and clicking on "Donate" at the bottom right corner of the home page or visit: <http://www.clspgc.org/>. Your registration fee includes a continental breakfast and lunch. Please call or email Linda Gantt, Esq., for further information at 240-391-6532 or lganttlaw@aol.com.

Pro Bono Services Day Information Workshop

Sponsored by the NAACP, Community Legal Services and *Pro Bono Resource Center of Maryland*

County residents can meet with attorneys and receive information on consumer credit awareness, wage and labor disputes, and police accountability and also discuss issues of foreclosure, loan modification, and bankruptcy (related to foreclosure).

Date/Time:
Saturday, October 18, 2014, 10:00-2:00
Location:
Greenbelt Library, Greenbelt, Maryland
Sponsors:

Community Legal Services, NAACP Legal Redress Committee Pro Bono Resource Center, Maryland Volunteer Lawyers Service

We Have Funding Available to Pay for Attorneys Fees!

CLS continues to refer cases under our **Family Law Judicare Program**. Funding for this program is 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.

Please contact Michael Udejiofor or Angela Wright at 240-391-6532 to be added to the list!

Success Story

A divorced father of two boys was seeking custody of the boys because he felt the mother kept them over medicated. He thought that if he was more involved in their lives, the boys would not need so many medicines and doctor appointments. At about the same time, it appeared the mother became tired of caring for the boys and one day she just dropped the boys off at the father's house and did not return for them. CLS referred the case to a volunteer attorney. The attorney was able to obtain an emergency hearing for change in custody so the boys would not miss school. The order was entered and the attorney filed a motion for child support immediately. The mother owned her own business and forwarded her business and personal tax returns to the attorney. She claimed a very low personal and business income in her tax filings. Upon studying her bank records and the tax returns the attorney noticed the figures did not match up. When the child support hearing was held, the attorney was able to impute her actual income and not the figure projected in the taxes. If the number had been based from her taxes, our client would have received around \$200.00 per month. Due to the imputation, our client was awarded around \$800.00 per month in child support for the boys.

Community Legal Services of Prince George's County, Inc. is a non-profit organization established to provide quality civil legal services to low-income persons in Prince George's County. It does this through the generous contribution of legal advice and legal representation by members of the private Bar. Additionally, CLS operates free legal clinics in the County. They are located in the Circuit Court House, Langley Park and Suitland. For more information about our services, please contact Nora C. Eidelman, at 240-391-6532, ext. 12.

CREATIVE DISPUTE RESOLUTIONS, LLC

*Mediation, Arbitration, and Other ADR Services
Throughout Maryland and Washington, D.C.*

Our retired judges and experienced attorneys serve as
mediators and arbitrators for all types of disputes:

- | | | |
|-------------------|---------------|-------------------|
| * Domestic | * Commercial | * Employment |
| * Personal Injury | * Malpractice | * Construction |
| * Contracts | * Real Estate | * Probate/Estates |
| * Workers' Comp | * Elder Law | * Insurance |

*Please contact us or visit our website for a complete list of our
mediators and arbitrators and their practice areas.*

Visit our new ADR Center:

51 Monroe Street, Suite 1102, Rockville, MD 20850
(301) 977-8002; www.creativedisputeresolutions.com

**RENT THIS
2 BLOCK AD
2¼ X 4¼**

**CALL THE BAR
ASSOCIATION AT
301-952-1442.**



Multi-Specialty HealthCare

Over 25 years of Orthopaedic, Medical, and Physical Rehabilitative
Care for Personal Injury and Workers' Compensation Cases

*40+ Doctors on Staff | 25+ Locations | Medically Managed Cases
Regional MRIs | Work Rehabilitation Facility | Attorney Portal
Spanish Speaking Capabilities*



*Learn more about
our Attorney Portal at
mshclegal.com/portal.*

**OVER 25 LOCATIONS
In The Following Counties:**

*Anne Arundel · Baltimore · Baltimore City
Cecil · Charles · Harford · Howard
Montgomery · Prince George's*

*Proud Platinum Sponsor of MAJ
Silver Sponsor of the TLA-DC*

24-Hour Appointment Line 1-800-631-7587

www.MSHCLegal.com
www.multi-specialty.com

BREAKING THE FOURTH WALL: A LAWYER'S VIEW ON POP CULTURE | *by Bryon S. Bereano*

As you have hopefully noticed with this month's NewsJournal, our fearless President, Denise Bowman made a real effort to liven up and modernize the content of the PGCB Newsletter. While I applaud her efforts, I am not sure that allowing me the opportunity to write a monthly column about movies, television and pop culture was the best way to achieve that goal, but it's too late now! As some of you might remember from my president's messages all those years ago (two), I am a big fan of *The Wire* and *Game of Thrones* and I tried, with mixed results, to tie references to those shows to legal practice tips. The monthly goal of this column will be more focused on straight entertainment. We as lawyers spend a lot of time with work and when the work day ends, we are taking care of the demands of our families. Hopefully, somewhere in between you get a few minutes to unwind with a book, a movie or a television show.

This month's American Bar Association (ABA) Journal came out with a list of twelve (12) movies with pivotal lessons featuring lawyers. The list was as follows: *Absence of Malice* (1981), *Anatomy of a Murder* (1959), *And Justice for All* (1979), *The Castle* (1997), *I am Sam* (2001), *Legally Blonde* (2001), *Malice* (1993), *My Cousin Vinny* (1992), *Philadelphia* (1993), *A Time to Kill* (1996), *True Grit* (2010), and *The Verdict* (1982). Of that list I have seen only six of those films. (Yes, that includes *Legally Blonde*. I'm not embarrassed. It is a good movie). In fact, when I was in law school at the University of Baltimore, our Trial Advocacy professor regularly showed scenes from *The Verdict*, to demonstrate certain points he was trying to make. Another movie that was referenced in law school during my Civil Procedure class was "A Civil Action." (Just to date myself, we actually read the book then because the movie with John Travolta had yet to come out). This list is certainly not exhaustive. Some notable exceptions include *To Kill a Mockingbird* and *A Few Good Men*.

Many of you probably have a favorite movie in which the law or a courtroom scene plays a prominent role. The 1990's were dominated by John Grisham books that were turned into movies. From the aforementioned *A Time to Kill*, to *The Firm* with Tom Cruise, to *The Rainmaker*. Sadly, the movie adaptations from the books got worse and worse. Hollywood always seems to enjoy making legal dramas into films. One of my favorite legal movies is *Sleepers* (1996) with a killer cast of Brad Pitt, Robert DeNiro, Dustin Hoffman, and Kevin Bacon. (Also an excellent movie if you are playing six degrees of Kevin Bacon). The courtroom scenes are certainly not perfect; having a priest lie under oath is a bit far-fetched, but the drama is pretty good. That's the thing I find about movies that are legal dramas--as lawyers, we know that trials, as shown on the screen, are not necessarily realistic. Take *Philadelphia* for example. Such a great movie and Denzel Washington is just amazing in the film, but when has a lawyer even been able to just give a closing argument in court, when he is really supposed to be arguing against the defense's motion? Movies that are legal dramas give lawyers that hope, that maybe once, in a legal career, you will have an opportunity to have your own movie moment in trial, at an administrative hearing or while researching for a motion. (In the interest of full disclosure, I may have made reference to *A Few Good Men* in my closing argument before a recent administrative Trial Board.)

I am not sure what happened but the 1990's really seemed to be the heyday for movie legal dramas. In researching this column, only two movies from 2000 until now really stood out as good movie legal dramas, *Michael Clayton* with George Clooney and *The Lincoln Lawyer*, which may have started the whole "McConaissance." It seems that from 2000 on, if you wanted good legal drama, or really any legal drama, you have to look for it on TV. We have always had legal dramas on television, from the

famous Perry Mason and his moments, to *Matlock* and my personal favorite "LA Law." However, we seem to be in a golden age of legal dramas right now with *Suits*, the ever present *Law & Order* and its infinite reruns, the *Good Wife* (which my mom tells me is good) and *Scandal*. Who here hasn't had their twitter or Facebook feed taken over by comments on *Scandal* on Thursday nights during television season? Again, especially with TV, the legal dramas tend to focus more on the "drama" than the legal aspect, but they can be very entertaining and a great escape from everyday life. I hope that this article has encouraged you to do some of your own research and maybe the next time you have a free evening you will do some searching around Netflix or Amazon Prime or wherever you watch your movies and television and you'll find your own favorite legal drama.

Feel free to stop me in the halls of the courthouse and share with me your own favorite legal drama or tell me what movies and television shows I forgot to mention. You can also talk to me about other shows that have nothing to do with the law. In fact, by the time this article comes out, I might be able to have a semi-intelligent conversation about "Bachelor: In Paradise," but just know that if you ask, I will tell you that I only know the show because my wife watches it. Next month: Music. I will reveal the Song of the Summer (spoiler alert, it is not an easy decision and it might involve Iggy Azalea) and I will list the top ten musical artists who have had run-ins with the law. (I think Chris Brown may make the list).



PGCBA

*Rent our
Conference Room.*

.....

**Members:
\$15 per Hour**

**Non-Members:
\$30 per Hour**

**Large Conference Table
Seating for 15
Wi-Fi
Free Accessible Parking**

.....

Call 301-952-1442

Rare opportunity for Associate Attorney

If you are looking for a rare opportunity to join an established firm, known for getting results for its clients – now is your chance. The Jaklitsch Law Group is seeking a motivated associate attorney for our fast-paced, busy practice. Litigation experience preferred, to be able to handle own caseload from intake to settlement/trial. We will consider any level of experience, seeking that right person to join our firm.

We offer a competitive compensation package including excellent benefits and a 401(k) with a matching contribution.

Applicants should submit resume in confidence to: Attorney Search, The Jaklitsch Law Group, 14350 Old Marlboro Pike, Upper Marlboro, MD 20772 or to Debbie@jaklitschlawgroup.com.

No phone calls please.

The Jaklitsch Law Group

“The Big Dogs from the Small Firm”

Spotlight: Debbie Potter

Congratulations to **Debbie Potter** on her appointment to the **Maryland State Bar Association** Executive Committee.

In addition, Debbie has been working hard in the courtroom. Two recent verdicts stand out....

Court: Circuit Court for Prince George’s County

Medical Costs: \$41,749

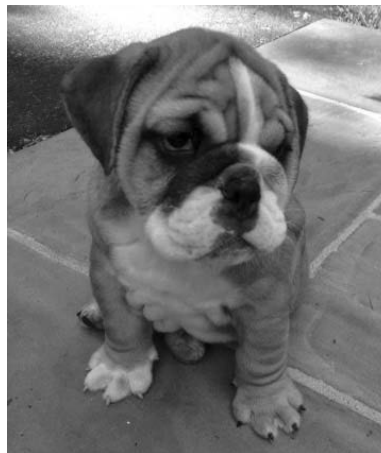
Jury Verdict: \$329,500

Court: Circuit Court for Calvert County

Medical Costs: \$6,631

Jury Verdict: \$306,000

If you have questions about a personal injury case, please don’t hesitate to call.



Since we are the Big Dogs from the Small Firm... meet Hank, Debbie’s new puppy. He is an English Bulldog. He likes to chew shoes....

The
Jaklitsch
Law Group

14350 Old Marlboro Pike,
Upper Marlboro
301.627.8700
www.JaklitschLawGroup.com

TEN TIPS FOR HANDLING A DOMESTIC VIOLENCE OR PEACE ORDER CASE | *by Hon. Lisa Hall Johnson*

Petitions for protective orders and petitions for peace orders are increasingly common in our jurisdiction. In fact, in June 2014 the Prince George's County District Court resolved over 400 protective order and nearly as many peace order cases. This exceeds any other jurisdiction in Maryland. The volume of these cases is so great that there are two District Court courtrooms dedicated to these matters each day, being Courtroom 164 in Upper Marlboro and Courtroom 1 in Hyattsville, and four courtrooms following a holiday weekend. These litigants are living with challenging circumstances and the benefits or consequences of these orders can have a huge impact on their lives. Counsel handling these cases provide valuable assistance to their clients. In addition, counsel will gain courtroom experience and clients that may need additional legal services.

While most protective order and peace order hearings are not extensive, there are important issues to consider when handling these matters. When in doubt, always refer to the relevant authority. MD Code Ann. Family Law § 4-501 *et. seq.*; MD Code Annot., Cts & Jud. Proc. § 3-1501 *et. seq.* In addition, I have provided ten tips to assist counsel who handle these matters.

1. The person eligible for relief under a protective order is different than the person eligible for relief under a peace order. Protective orders provide a remedy to domestic violence, therefore a protective order is appropriate if the parties are married, divorced, in an intimate relationship and residing in the same home together for ninety days within the past year, related by blood or marriage, or have a child in common. All others must seek a peace order.

2. Clear and convincing evidence is required for a final order, for now. While court is open, a petitioner may

seek a temporary order. If court is closed, a petitioner may file for an interim order with the commissioner. Once the commissioner grants an interim order, there are two additional steps. The petitioner will have a hearing to determine whether a temporary order will be issued, usually the next day that the court is open. The hearing for the temporary order can be *ex parte*. If the temporary order is granted there will be a hearing on the final order, after the respondent is served. If both parties are present at the temporary hearing and both parties consent, they can waive the temporary hearing and proceed to the final hearing.

Currently, the standard of proof required for a temporary order is reasonable grounds. Md. Code Ann., Fam. Law. § 4-505. In contrast, the evidentiary standard increases to clear and convincing evidence at the final hearing for both the protective order and the peace order. However, beginning October 1, 2014, clear and convincing evidence is no longer required for a final order. Senate Bill 333 and House Bill 307 were passed and subsequently signed into law on April 14, 2014. As a result, the new standard at the final hearing will be a preponderance of the evidence.

3. The period of time relevant in a peace order hearing is more limited than the period of time that may be considered during protective order hearing. For a peace order, the relevant period of time is thirty days from the filing of the petition. For a protective order, the court can consider past incidents of abuse. Counsel should be prepared to limit testimony and evidence in a peace order hearing to what is alleged to have occurred within thirty days. Anything beyond that is not relevant in a peace order hearing.

4. Unless the file indicates that there has been service, the court will continue the hearing. The court must rely on the information that is provided by the sheriff's

office regarding service. There may be instances where a respondent has been served, but the court has not been notified. The court is working diligently with the sheriff's office, and all relevant parties, to address those discrepancies. Still, the court must rely on what is reflected in the file. If the court file does not indicate that the respondent has been served, the case will be continued for service. At this point, to minimize the inconvenience to the petitioner in a protective order matter, counsel should consider whether to request a waiver of appearance. This ensures that the petitioner does not have to appear until the respondent has been served. Waivers of appearance are only permissible in protective order matters. A petitioner in a peace order matter must appear at each scheduled court date, even if the respondent has not been served. In any event, a respondent must be served with a temporary protective order within six months of filing and a respondent must be served with a temporary peace order within thirty days of filing; otherwise, the petition is dismissed by the court for untimely service.

5. Only certain parties may request a protective order on behalf of minor child or vulnerable adult. You may be approached by a potential client who is concerned for a child or vulnerable adult and wishes to seek relief on their behalf by obtaining a protective order. Pursuant to the statute, only the State's Attorney, Department of Social Services, a person related to the child or vulnerable adult by blood, marriage, or adoption, or an adult who resides in the home, may seek a protective order on behalf of a minor or vulnerable adult. Md. Code Ann., Family Law 4-501 (o)(ii).

6. A peace order will be granted where there is evidence of a prohibited act, AND evidence that some violation is likely to occur in the future. Before a court may grant a petition for a peace order, the court must make two findings. The

court must first find that the respondent has caused the petitioner serious bodily harm, placed petitioner in fear of imminent serious bodily harm; or that there has been an act of assault, rape or statutory sexual offense, false imprisonment, harassment, stalking, trespass, or malicious destruction of property. Next, the court must also find that the respondent is likely to commit a prohibited act against the petitioner in the future. Thus, there may not be a basis for a peace order if the litigants are complete strangers and respondent committed a prohibited act, but there is no reason that the two will meet again. The protective order statute does not explicitly require that second prong, thus one violation of a prohibited act is sufficient for a protective order.

7. The list of prohibited acts that give rise to a peace order is broader than the list of prohibited acts that give rise to a protective order. To grant a petition for a peace order, the court must determine whether the respondent has caused serious bodily harm, placed petitioner in fear of imminent serious bodily harm; or committed an assault, rape or statutory sexual offense, false imprisonment, stalking, statutory abuse of a child or vulnerable adult. Note that neither harassment, trespass, nor malicious destruction of property are prohibited acts that give rise to a protective order, although they do provide a basis for a peace order. In addition, counsel should always be aware of changes in the relevant statutes, including additions and deletions in the laws defining these prohibited acts. For example, the peace order statute

lists harassment as a prohibited act. The legislature has recently enacted a law creating a separate offense of harassment – revenge porn. Thus, if the harassment alleged in a peace order matter is essentially revenge porn, counsel for the respondent may argue that the peace order statute does not explicitly include this behavior as a prohibited act, since there is now a separate criminal violation for this conduct that is not mentioned in the peace order statute.

8. Have a clear position regarding what relief you are seeking. Both parties should have a position regarding relief, should be prepared to establish why that requested relief is appropriate, and should understand the implications of the relief sought.

It is important that counsel for the petitioner give some thought and advice to the client regarding the relief sought, so that counsel can offer suggestions to the court if the petition is granted. Counsel for the petitioner should know whether the petitioner is interested in seeking to have the respondent vacate the home or requesting custody of the children and/or pets, the petitioner's position on visitation, and whether the petitioner is requesting possession of a vehicle. Counsel should also know whether the petitioner is seeking emergency maintenance, and if so why, in what amount, and for what period of time. For example, if the petitioner requests no contact, counsel should be prepared to offer suggestions to the court regarding how the petitioner would like

to handle visitation, how the litigants will address any future issues involving the children, and how or where emergency maintenance will be paid.

If you represent the respondent and the order is granted, be prepared to advocate for the appropriate relief as well. Counsel for the respondent should have a position regarding possession of the home and vehicle, custody, visitation, and emergency maintenance. If the respondent is ordered to vacate, counsel should be prepared to indicate where the respondent will live and where visitation with the children can occur. Likewise, if the respondent is ordered to vacate, be prepared to provide an address that the court can use to contact the respondent if there is a modification or if a petition for contempt is filed.

Further, counsel should be mindful that issues regarding custody, child support, visitation and maintenance are best handled in the Circuit Court, Family Division. Thus, even if a protective order is granted, the District Court's role is limited in addressing these issues. As such, even when a protective order is granted, the court may not grant custody, child support, visitation and/or maintenance for the entire year. All of these outcomes should be considered by counsel and discussed with the client so that counsel can offer useful insight to the court as the court considers these issues.

9. Consider whether shielding will be beneficial to your client. Since many employers review court records including protective order and peace order matters

cont'd on next page...

**PICTURE YOUR
AD HERE**

**1 BLOCK
2 1/4 X 2 1/4
CALL 301-952-1442**

**METROPOLITAN
PROCESS SERVICES**
(301) 252-0706
www.metroprocess24.com

- Skip Tracing
- Unlimited Attempts
- Rush Service within 48 hours
- Court Filings Available
- Scheduled Pickups

KARL STEPHENS
8719 Geren Road
Silver Spring, MD 20901
Serving DC, MD and VA

**Security Clearance
Lawyers**

**McAdoo Gordon &
Associates, P.C.**
202-293-0534
www.mcadoolaw.com

TEN TIPS, CONT'D

when considering whether to extend an offer of employment or whether to promote an employee, a client may benefit from having the matter shielded from public view. Md. Code Ann., Fam. Law §4-512; CJP 3-1510. Currently, only the respondent can request to have a protective order or peace order file shielded if the petition was denied or dismissed at any stage. At this time, consent orders are not eligible to be shielded.

However, after October 1, 2014, either party can request shielding. Also, after October 1, 2014, orders entered by consent become eligible to be shielded. If you represent a litigant in a protective order or peace order matter, consider whether the matter is eligible to be shielded. The forms are straightforward and a short hearing will be held. If the matter is eligible to be shielded, this could prove to be a beneficial result for your client.

10. When seeking an extension of a protective order, be mindful of the timing. A petitioner may file for an extension of a final protective order for up to six months. Pursuant to appellate authority, the order must be in effect when the motion to extend is filed, and the hearing must be held before the order expires. See *LaValle v. LaValle*, 432 Md. 343 (2013). The petitioner must show good cause for the extension. Note that, after *LaValle*, the legislature passed a law giving the court some additional time to hold the hearing. Pursuant to these changes, the court must hold a hearing to extend a final peace order or a final protective order within thirty days after the motion to extend is filed if it is filed during the term of the order. Further, pursuant to this new legislation, if the court schedules the hearing after the original expiration date of the order, the court must extend the order until the hearing.

In addition to these ten tips, I will provide one bonus suggestion. Counsel and litigants should be punctual. This is a good rule to follow no matter the type of proceeding. However, the consequences

of tardiness in a protective order or peace order matter could prove to be dispositive. If the petitioner fails to appear, the petition will be dismissed. If the respondent fails to appear once he or she has been served, the court will proceed on ex parte proof. Since many of these cases advance on an expedited basis, you may not have an opportunity to enter your appearance prior to court. Thus, if you are running late, be sure to contact the court in a timely manner.

I hope you will consider representing clients in these matters. These are worthwhile cases that present an opportunity for growing your practice, and the results may be life altering for your clients. While there are many other considerations, these ten tips will be useful

to anyone handling domestic violence and peace order matters.

Lisa Hall Johnson
Associate Judge
District Court of Maryland for Prince George's County



INSIGHT TREATMENT CENTERS

Pre-Trial Evaluations
Weekend DWI programs
Spanish Speaking Classes

6-Week DWI Education Program
Anger Management/Domestic Violence
Intensive Outpatient Program


MVA Maryland approved
Fully confidential Alcohol and Drug Abuse Rehabilitation Services

301-423-0967 Patricia Harris, CEO, President **301-423-0967**
Henry McKinnon, JD, LCSW

Convenient Office Locations

4920 Niagara Rd. Ste 101
College Park, MD 20740

4710 Auth Place, Ste 690
Camp Springs, MD 20746


Kim S. Haskell, D.D.S., P.A. 

Family & Cosmetic Dentistry

Children · Adults · Seniors · Tooth Colored Fillings · Dentures
Root Canals · TMJ Treatment · Implant Crowns

A dental practice that cares with a gentle approach and a commitment to excellence.

- Voted Among Top Dentists by Washingtonian Magazine -

We Proudly Accept:
UNITED CONCORDIA  **DELTA DENTAL**
Insuring America's Dental Health

14414 Old Mill Rd. #101 · Upper Marlboro, MD 20772
301-627-6646 · www.haskelldental.com

VINCENT J. FEMIA
15454 Old Marshall Hall Road
Accokeek, MD 20607-9633
November 30, 2013

301-283-2817
301-283-0199 (fax)
vjfemia@verizon.net

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

My Dear Fellow Members:

As most of you are aware, I am, at the direction of Judge Shelia R. Tillerson Adams, still processing the CA docket. The way I handle DUI cases has not changed over the last thirty-two years of handling the docket or indeed over the last forty-one years of my being a judge. However because we've lost certain resources and, as Judge Bill McGrath used to say, the "price of pork chops is up", I thought it to be in order to update by written menu to reflect today's circumstances. Ergo, beginning with the March 10, 2014 cycle...

FIRST OFFENDERS WANTING A PBJ MUST:

Impaired: (plea to b*)

- a) One night in jail and a \$100.00 fine** or
- b) Traffic school*** and a \$200.00 fine or
- c) A \$500.00 fine.

Under the Influence, .08-.19: (plea to a)

- a) One night in jail and a \$100 fine**
- b) Traffic school*** and a \$500.00 fine or
- c) A \$1,000.00 fine.

Under the Influence, .20-.29 (plea to a)

- a) Two nights in jail and a \$100.00 fine** or
- b) A \$1,000.00 fine.

Under the influence, .30 and up: (plea to a)

- a) Five days in jail or
- b) Completion of the 28 day Calvert County DWI program.***

SUBSEQUENT OFFENDER***** WITHIN TEN YEARS: (On plea all are found guilty)

- a) 2nd offense-6 months in jail, all but 7 consecutive days suspended.
- b) 2nd offense-30 days in jail, all but 7 consecutive days suspended.

- a) 3rd offense-6 months in jail all but 14 consecutive days suspended.
- b) 3rd offense -30 days in jail all but 14 consecutive days suspended.

- c) 4th or more offense, one half of the stated maximum in jail.

All cases come with court costs assessed, which at this writing adds \$145.00 to your clients' fees.

All probationary periods are for one year, unpapered and unsupervised.

I remember having varied from this menu in '82. It would be a serious mistake for counsel to rely on my repeating this conduct.

As always, I honor all agreements between state and defense. Such agreements always take precedence over my menu.

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

Very truly yours,
Vincent J. Femia

The parade of stars:

* A no-blow is a b.

** A client who goes directly from the courtroom or has previously spent the night(s) in

Jail will have the fine and costs waived.

*** I will accept as "traffic school" the county run school or any other AOC approved

Program of driver improvement or alcohol awareness.

**** I will accept any AOC approved residential treatment program with a duration of 28 or more
Days.

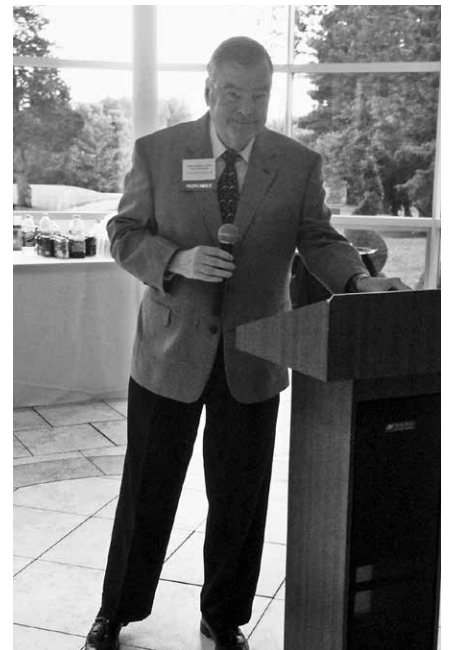
P.S. I want to remind counsel that I need an executed "Waiver of Rights" form (available on counsel's table) from each defendant offering a plea to aailable offense. Thanks.

P.S.S. Also I want to remind counsel that if you are asking for a BW recall or a continuance before me and the intended resetting date will take the case beyond Hicks, I must have Hicks waiver (also available on counsels' table) executed by the client. And again, I thank you.

ANNUAL MEETING

June 10, 2014

Newton White Mansion



ANNUAL MEETING

June 10, 2014

Newton White Mansion



NUTS AND BOLTS OF THE MARYLAND UNINSURED MOTORIST SETTLEMENT PROCEDURES STATUTE | by *Giancarlo M. Ghiardi*

Section 19-511 of the Maryland Insurance Code sets forth a statutory mechanism for personal injury claimants to accept a liability policy limits offer, and to also proceed with an uninsured motorist lawsuit. Section 19-511 sets forth procedures to be followed by claimants. The procedures were enacted to facilitate settlements, consistent with the purpose of uninsured motorist coverage and the broader goal to enable recovery for injured victims.

Section 19-511 is triggered when an injured person receives a policy limits written offer from the liability insurer (or an authorized agent). The injured person is then obligated to send by certified mail written notice of the offer to any uninsured motorist insurer. The uninsured motorist insurer then has 60 days after receipt of the notice to either provide written

consent to acceptance or written refusal to acceptance of the settlement offer. If the uninsured motorist insurer refuses to allow acceptance, then that carrier has a statutory obligation to pay the amount of the settlement offer within 30 days and this preserves their subrogation rights. The carrier assumes the risk that a claim will not be found worth the liability policy limits. This payment serves as an advance against any future recovery.

Section 19-511(f) is a newer provision and allows for an uninsured motorist insurer to provide written consent to acceptance of the settlement offer and maintain any right to raise liability issues.

Under this statutory scheme, an injured person is able to execute a Release in favor of the liability insurer and its insured without prejudicing any claims against the

uninsured motorist carrier. In the recent case of Brethren Mutual v. Buckley, 437 Md. 332, 86 A. 3d 665 (2014), the Court of Appeals held that a claimant's execution of a General Release of all Claims did not extinguish plaintiff's uninsured motorist claims. Brethren was on notice of the settlement, gave a written waiver of subrogation, and the Court reasoned that to rule in favor of Brethren would defeat the purpose of the uninsured motorist statute. In another recent case, Morse v. Erie, 217 Md. App 1, 90 A. 3d 512 (2014), The Court of Special Appeals held that a failure to comply with Section 19-511 raises a right of the uninsured motorist insurer to disclaim coverage whether or not there is a showing of prejudice.

Primary Source: Maryland Annotated Code, Insurance Section 19-511.

What can you expect from The McCammon Group?

Quality, Results, Value.

From personal injury to complex commercial disputes and everything in between, our highly trained Neutrals stand ready to assist you with all of your mediation and arbitration needs.



Hon. Dale R. Cathell (Ret.)
Former Judge, Court of Appeals of Maryland



Hope B. Eastman, Esq.
Past President, The College of Labor and Employment Lawyers



Morton A. Faller, Esq.
Past President, Bankruptcy Bar Assoc. for the Dist. of Maryland



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



John Henry Lewin, Jr., Esq.
Post President, Bar Association of Baltimore City



Patrick C. McKeever, Esq.
Post President, Montgomery County Bar Association



Hon. James L. Ryan (Ret.)
Retired Associate Judge, Montgomery County Circuit Court



John E. Sandbower, III, Esq.
Best Lawyers in America, ADR Section



Hon. J. Frederick Sharer (Ret.)
Former Judge, Court of Special Appeals of Maryland



Dispute Resolution and Prevention

For a complete list of our services and Neutrals throughout MD, DC, and VA, call 1-888-343-0922 or visit www.McCammonGroup.com



Hon. Thomas P. Smith (Ret.)
Retired Associate Judge, Prince George's County Circuit Court



Kenneth L. Thompson, Esq.
Fellow, American College of Trial Lawyers



Hon. Alexander Williams, Jr. (Ret.)
Retired Judge, United States District Court

Information from the Prince George's County Circuit Court Law Library



New Titles! New Editions! At the Prince George's County Circuit Court Law Library

*The Prince George's County Circuit Court Law Library presents a list
of new materials acquired during Summer 2014.*

Feel free to visit the Library and review any materials, new or old.

New titles at the Law Library - Summer 2014

BOOKS

ALM Experts, Mid-Atlantic Directory, 2014 ed.
KF 195 .E96 M525 2014 RESERVE

Bankruptcy Law Fundamentals, 2014 ed.
KF 1507 .B349 2014

Criminal Procedure Handbook, 2014 ed.
KF 9619 .C37 2014 RESERVE

Federal Criminal Code and Rules, 2014 revised ed.
KF 9606.99 .D567 2014 RESERVE

Foolproof: An Attorney's Guide to Communication, 2014
K 181 .D53 2014

Legal Information Buyer's Guide and Reference Manual, 18th
ed., 2014
KF 1 .L435 2014

Marital Property Law, Revised 2nd ed., 2014
KF 524 .M37 2014

Michie's Index to the Code of Maryland Regulations, 2014 ed.
KFM 1240 .M53 2014 RESERVE

Physicians' Desk Reference, 65th ed.
RS 75 .P5 2010 RESERVE

Search and Seizure Checklists, June 2014 ed.
KF 9630 .Z9 S42 2014 RESERVE

Trial Handbook for District of Columbia Lawyers, 2014 ed.
KFD 1738 .A1 T75 2014 RESERVE

CD-ROMS

Commercial Arbitration - Forms, 2014
Kept at Reserve Desk

Pattern Discovery: Motor Vehicles, 3rd ed., 2014
Kept at Reserve Desk

Search and Seizure Checklists, June 2014
Kept at Reference Desk

Williston on Contracts – Forms, 2014
Kept at Reserve Desk

APPS FOR LEGAL RESEARCH AND NEWS

With the growing use of mobile devices, many free and paid apps have been developed for consumer use. Below is a list of legal apps compiled by the Circuit Court for Prince George's County Law Library which you may find useful. The list includes apps for iPads, iPhones, Blackberries, and Android devices. Pricing information may vary. These apps and more have been provided by the UCLA School of Law, Hugh & Hazel Darling Law Library at <http://libguides.law.ucla.edu/mobilelegalapps>.

ABA Journal is a free app for that provides breaking legal news and articles featured in the ABA Journal. The app may be downloaded from the iTunes App Store.

The American Arbitration Association's mobile app provides ready access to AAA rules, codes, and protocols, as well as contact information for AAA offices worldwide. The app is free and may be downloaded from the iTunes App Store for use on iOS devices and from Google Play for use on Droid devices.

The American Lawyer is a free app that provides instant access to recent issues of

American Lawyer every month. The app may be downloaded from the iTunes App Store for iOS devices or Google Play for Droid devices.

The **Bloomberg** app provides you with current information about news, stock quotes, market trends analysis, and more. The app is free and may be downloaded from the iTunes App Store, Google Play, and Blackberry App World.

Cite Checker: Your Guide to Using The Bluebook is published by Wolters Kluwer. It provides explanations of *Bluebook* rules and illustrates the application of rules with examples. The app is \$2.99 at both the iTunes App Store and Google Play.

Court Directory by Bloomberg BNA provides information about federal, state, and territorial courts in the United States. The app provides listings for state and federal court administrators, contact information for clerks and courts, information about the official reporters for case law in each state, and more. It is available for \$9.99 from the iTunes App Store.



Fastcase is a next-generation, Web-based legal research service that provides access to U.S. cases and statutes. This application is free, but you will need to register an account to save favorites and a customized search history. The app may be downloaded from the iTunes App Store and Google Play.

The **Fed Courts** app provides access to the federal rules, local rules for all U.S. federal courts, and PACER. In addition, the app provides turn-by-turn directions to any federal courthouse in the U.S. The app is \$2.99 and may be downloaded from the iTunes App Store and from Google Play.

ISCOTUSnow is a mobile app that offers you the latest information and media on cases currently pending in Supreme Court of the United States, as well as those decided in the preceding term. Developed by Chicago-Kent College of Law's Illinois Institute of Technology, it may be downloaded from the iTunes App Store and from Google Play.

Lawyers.com is a mobile app powered by LexisNexis Martindale-Hubbell. With the app, users can search for attorneys or law firms from 160 countries. The app is free and may be downloaded from the iTunes App Store.

Legal Edge is a legal news app that helps users keep informed about current legal developments in the United States. The app was developed by JD Supra and subject areas include, among others, real estate, banking and finance, immigration, insurance, consumer protection, taxes, bankruptcy, intellectual property, health law, labor and employment, legal marketing. The app may be downloaded from the iTunes App Store.

The **NPR News** app is a free app that allows you to follow local and national news, listen to your favorite NPR programs when you like, and more. The app may be downloaded from

ARBITRATION AND MEDIATION SERVICES

CHRISTOPHER R. DUNN, ESQUIRE
17251 Melford Boulevard
Suite 200
Bowie, Maryland 20715
Phone: 301/352-4962
Email: cdunn@decarodoran.com
www.decarodoran.com



EXPERIENCED ATTORNEY WITH MORE THAN
26 YEARS IN PRACTICE

Personal Injury	Premises Liability	Professional Malpractice
Products Liability	Insurance Coverage	Employment Law
Construction	Contracts	Commercial

Hourly Rates Available Upon Request

APPS FOR LEGAL RESEARCH AND NEWS, CONT'D

the iTunes App Store for use on iOS devices and from Google Play for use on Android devices.

The **NYTimes** app allows you to access the latest news articles and photos that appear on NYTimes.com. It may be downloaded from the iTunes App Store for use on iOS devices and from Google Play for use on Android devices.

Nolo's Plain English Law Dictionary is a great alternative to the Black's Law Dictionary mobile application. The application may be downloaded from the iTunes App Store for use on iOS devices, and from Google Play for use on Droid devices.

OpenRegs is an app that provides convenient access to regulations published in the Federal

Register. It is available for download from the iTunes App Store.

RateDriver app, a unique app that allows users to research law firm billing rates in major U.S. markets. The data available in the app is derived from actual attorney invoices and is based on a statistical model from the recently published Real Rate Report, which identifies the top five statistical drivers of any lawyer's rate. It is available for download from the iTunes App Store, Google Play, and Blackberry App world for \$4.99 (the free app is a 60-day free trial).

Reuters News Pro is a free mobile app whose features include world, business, and market news, optimized for easy reading on

mobile devices. The app is available for use on iPhones, iPod Touch devices, Blackberry smartphones, and the Android. Information for downloading the app on these devices may be found on the Reuters website, <http://www.reuters.com/tools/mobile>.

The **Wolfram Lawyer's Professional Assistant** is a legal reference tool that provides access to a dictionary of legal terms, statutes of limitations for each state in the U.S., a tool for calendar calculations, a variety of calculators, and crime rate and demographic data. The app is compatible for use on all iOS devices. The app sells for \$4.99 and may be downloaded from the iTunes App Store.

Need a referral for Virginia or DC criminal/traffic cases?



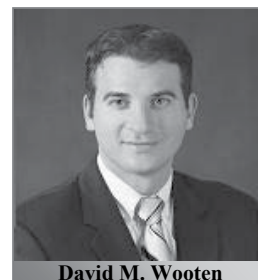
Jonathan R. Oates

Virginia criminal attorney, **Jonathan Oates**, has tried two first-degree murder cases before a jury. Jon has handled hundreds of criminal and traffic cases in all northern Virginia jurisdictions, and regularly meets clients in our Falls Church office. Jon is fluent in Spanish.

His cell is (202) 320-4160.

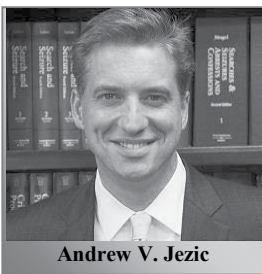
Washington, DC criminal attorney, **David Wooten**, has tried many felony cases before a jury, including a recent acquittal in a sex offense case in Maryland. David is fluent in Spanish, having served in the Peace Corps for two years in Ecuador.

His cell is (202) 770-8006.



David M. Wooten

Law Offices of Jezic, Krum & Moyse, LLC



Andrew V. Jezic

In 2011 and 2013, **Andrew Jezic**, a former prosecutor in Montgomery County, was selected to the list of best criminal lawyers by *Washingtonian* magazine. From 2011-2014, Mr. Jezic has been recognized as a *Super Lawyer*. He has tried 85 cases before a jury. Andy is co-author of the treatise, *Maryland Law of Confessions*, published by West, and is fluent in Spanish. He handles serious felony cases in D.C.

His cell is (240) 687-2986.

Phone: (240)-292-7200
(703)-763-7708

Offices in Prince George's
County, Washington, DC and
Falls Church, VA

Visit Jezicfirm.com

Open on weekends
Free consultations



In Partnership with Anne Arundel Bar Association

LEG 521 - Understanding the New Legislative Changes for Protective Orders: Learn and discuss all of the major developments in domestic violence law during the past legislative session including, but not limited, to the recent changes in lowering the burden of proof. Learn the changes to the shielding laws and new criminal implications. Gain valuable insight on recent changes in response to *LaValle v. LaValle*, 432 Md. 343 (2013). Hear from seasoned practitioners and members of the District Court bench. \$55.00 (add'l \$10.00 if out of county resident)

Speakers: Hon. Thomas Pryal & Deena Hausner, Esq.

When: October 1, 2014; 6 - 8:30 pm

LEG 519 - Tips and Tricks to Effectively Resolve E-Discovery and Computer Forensic Issues: Focus on solutions to the difficulties, issues, and decisions that attorneys face in competently and cost-effectively handling e-discovery. Learn what you must and cannot do in getting evidence admitted and excluded and much more. Tips for project management for both requesting parties and producing parties. Gain insight when handling technical difficulties from computer forensic experts. \$55.00 (add'l \$10.00 if out of county resident)

Speakers: Marc Hirschfeld, Esq. & Dawn Blanche

When: October 23, 2014; 6 - 8:30 pm

Where: Room 100, Center for Applied Learning Technologies (CALT) Building (for both of above)

Sponsored by the Bar Association of Frederick County

LEG 518 - Business Law for Non-Business Lawyers: Make sure you have all the facts so you can confidently advise clients on which business entity is in their best interest through panel discussions and role play. Learn the rules to raising capital for small and medium size businesses. Gain insight on fiduciary duties and learn how to avoid the pitfalls of business dissolution. \$65.00 (incls. \$10.00 out of county resident fee)

Speakers: Frank R. Goldstein, Esq., Janice Rockwell, Esq.
Jeffrey McEvoy, Esq. & Dave S. Greber, Esq.

When: October 14, 2014; 4 - 7 pm

Where: Delaplaine Visual Arts Center, 40 S. Carroll St., Frederick, Maryland

Mediation Seminars and Trainings

LEG 505 - Mediation and Conflict Resolution Training*

This interactive 40 hour course will prepare you to mediate a variety of cases. The skill-based instruction includes a review of conflict theory, negotiation techniques, communication and problem solving skills. Through role plays participants will practice simulated mediation scenarios as well as learn ethical guidelines, conflict styles, strategic listening, agreement writing and the rules/statutes governing mediation in the Circuit Courts and in other mediation venues. \$850.00 (\$860.00 if an out-of-county resident)

**This course fulfills the requirements for Rule 17 of the Maryland Rules of Procedure for Alternative Dispute Resolution. This course is approved for 40 CEUs from the Maryland Board of Social Work Examiners*

Speakers: Tara Taylor, M.P.A.
Toby Treem Guerin, J.D.

When: Sept. 18-20; 3:30 pm (Thurs.)
Sept. 25-27; 3:30 pm (Thurs.)

Where: Room 219, Cade Center for Fine Arts (CADE) Building

101 COLLEGE PARKWAY ARNOLD, MD 21012 410-777-7323

FOR REGISTRATION, SPEAKER AND SEMINAR INFORMATION, VISIT WWW.AACC.EDU/LEGALSTUDIES/CLE

PLEASE CALL NOW !

The value of a personal injury case is significantly impacted by what work is done during the first 30 days

Do not Fall prey to the complexities of a personal injury case

The sooner you contact us, the more value we can add to your client's case

Consider a Rule 1.5 fee-sharing agreement

WE EXCLUSIVELY REPRESENT THE INJURED

- MOTOR VEHICLE ACCIDENTS
- TRUCKING ACCIDENTS
- SLIP AND FALL
- CONSTRUCTION ACCIDENTS
- WORKER'S COMPENSATION
- WRONGFUL DEATH
- SOCIAL SECURITY/DISABILITY

Licensed in Maryland and the District of Columbia

MCGOWAN & CECIL, LLC

www.Lawmcs.com

410.551.2300

301.483.9960

**COMPLETE
LEGAL
ADVERTISING
SERVICE**



THE Sentinel NEWSPAPERS

Accurate • Reliable • Flexible • Best Rates
Experience • County Wide Coverage
Prompt Service • Community-Oriented

Contact Sherry Sanderson at 301-838-0788
Prince George's County & Montgomery County

JENNIFER FAIRFAX

Adoption Law • Reproduction Law • Surrogacy • Donor Agreements
Domestic, Second Parent and Relative Adoptions



827 Woodside Parkway
Silver Spring, MD 20910
301.221.9651
fax: 301.589.2339
jfairfax@jenniferfairfax.com
www.jenniferfairfax.com



Fellow of the
AMERICAN ACADEMY OF
Assisted Reproductive Technology Attorneys



Fellow of the
AMERICAN ACADEMY OF
Adoption Attorneys

Member of RESOLVE Mid-Atlantic Region • Licensed in Maryland and the District of Columbia



*Have you paid your
2014/2015
Bar Dues and
renewed
your
Parking Permit?*

**Call the
Bar Office
at
301-952-1442**



THE CENTER FOR
FORENSIC ECONOMIC STUDIES

Research • Analysis • Litigation Support

productivity s-corp
employee stock options
Kackzkowski v. Bolubasz
MCARE fringe
household services
DAMAGES
personal maintenance cost of capital
ERISA front pay hedonic damages
McClinton v. White
life expectancy mitigation

We've been helping clients tell
their damages story since 1980.
Call us to discuss how we can
help put the pieces of your
damages case together.

www.cfes.com
cfes@cfes.com
800.966.6099

RONALD I. WEINER, PHD, LLC

Specializing in Forensic Mental Health Services for over 40 years

SEX OFFENDER TREATMENT SERVICES
FOR ADULTS & JUVENILES

COMPREHENSIVE PSYCHOSEXUAL RISK ASSESSMENTS

POLYGRAPH EXAMINATIONS

WHITE COLLAR CRIME/FRAUD
FORENSIC SENTENCING EVALUATIONS

SEXUAL ADDICTION/SEXUAL DISORDERS OUTPATIENT
TREATMENT PROGRAM

COMPETENCY EVALUATIONS

RONALD I. WEINER, PHD, LLC
801 ROEDER ROAD, SUITE 425
SILVER SPRING, MD 20910
301-949-4907 (PHONE) 301-585-8740 (FAX)
WWW.RWEINERPHDLLC.COM

CLASSIFIED ADS

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,
4 lines \$25, each additional line \$5

Internal Box Responses \$5 add'l.

Post-publication billing;
automatic renewal each month
until notification of cancellation.

Deadline for Submission: 10th of
month preceding publication.

CONFERENCE ROOM RENTALS

UPPER MARLBORO: CLOSE TO COURTHOUSE - PGCBA Bar Office Conference Room (Wifi now available) 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.**

Lawyer's Lounge Conference Room-Courthouse - available for members to rent at \$15 per hour. Call (301) 952-1442 to schedule.

OFFICE SPACE - AVAILABLE

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

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

OFFICE SPACE: FULL TIME & OCCASSIONAL USE OPTIONS:

GREENBELT - Great location at Beltway Exit 23 (Kenilworth Ave.), between U. of MD and NASA. Bus stop in front, near METRO and U.S. District Court. Easy access to all venues. Fully furnished, full time offices, as well as for use on a part time basis. Amenities. Ample free parking, ground level, 24/7 access. Call Ken Folstein @ (301) 982-3080.

BOWIE TOWN CENTER OFFICE PARK: Great location! Ready to move-into office condo. Three offices, reception, storage, and powder room. Lease \$1500/mo. plus utilities. Sale \$205,000. Owner will consider lease with option to buy. Call Andy MacPherson - W.F. Chesley Real Estate, LLC. (301) 509-5169.

LA PLATA-OFFICE SPACE TO SHARE. Full time or casual. Call W. Ticer (301) 392-1011.

DOWNTOWN SILVER SPRING TWO LAW OFFICES AVAILABLE. Two adjacent windowed fully furnished 12' x 12' law offices for rent. Located in a 3,000 sq. ft fully renovated law suite office. All amenities including use of full kitchen, spacious conference room, fax and copier. Wired for high-speed internet and phone. Referrals among attorneys are common. Professional, friendly and relaxed environment. Ample parking in the area. One block from the District courthouse. Metro accessible. Email

smcooper@stevencooperlaw.com or call (301) 587-9170 for appointment.

OFFICE CONDO FOR LEASE IN THE MARLBOROUGH LAKESIDE OFFICE CONDOMINIUM. 1017sf unit inc two secretarial stations/recept area, three offices, bathroom and kitchenette. Within walking distance of PG County Courthouse \$1342.00 per mo. Contact Colleen @ (240) 304-6519 or (301) 780-9020 ext 3

POSITION AVAILABLE

ATTORNEY VACANCY: Well established Prince George's County law firm seeking a highly motivated attorney for personal injury litigation associate position. Fluency in Spanish required, and litigation experience a plus. Must be a member of both Maryland and District of Columbia Bars. Send resume and salary requirements to jchazen@mrrlaw.net

WALDORF LAW FIRM SEEKING A SPANISH-SPEAKING ATTORNEY. Having their own clients is preferred. Please fax resumes to (301) 843-8464.

SERVICES

ECONOMIST: Dr. Richard Edelman. Lost Income Valuation. See Ad on page 6.

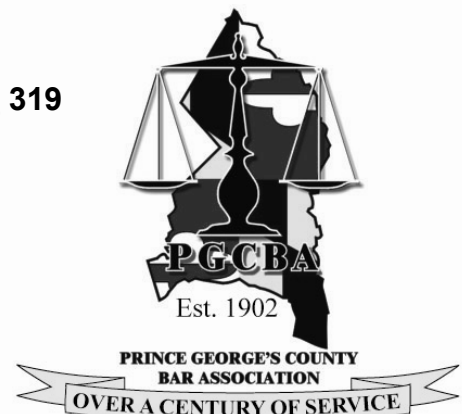
LAWYER REFERRAL SERVICE REPORT: 07/15/14-08/15/14

NUMBER OF CALLS: 565

NUMBER OF REFERRALS: 319

TOP 5 AREAS OF LAW:

- 1. TORTS**
- 2. FAMILY**
- 3. REAL ESTATES**
- 4. CRIMINAL**
- 5. EMPLOYMENT**



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

ADDRESS SERVICE REQUESTED

Happy Hour

September 18, 2014
5:30 PM
at OTI

Meet the Judges' Law Clerks

Sponsored by Planet Depos



PLANET DEPOS®
We Make It Happen » Anywhere™
COURT REPORTING, VIDEOGRAPHY, VIDEOCONFERENCING
AND INTERPRETATION SERVICES

FREE TO ALL MEMBERS!



**Maryland Criminal Jury Instructions and Commentary,
Third Edition**
David E. Aaronson

Get comprehensive Maryland Criminal Jury Instructions and a Criminal Law Handbook - all in one place

Maryland Criminal Jury Instructions and Commentary combines over 260 pattern jury instructions with exceptionally thorough and detailed commentary. Given its depth and scope, it is both an essential part of any Maryland prosecutor or defense attorney's library as well as an invaluable resource for judges, and has been cited by the Court of Appeals and the Court of Special Appeals in recent cases.

This publication provides a clear explanation of Maryland criminal law and related aspects of criminal procedure and evidence, making it an excellent starting point for preparation and trial of both nonjury and jury offenses. Turn to *Maryland Criminal Jury Instructions and Commentary* for insight into such frequently litigated areas as:

- Unlawful homicide
- Drunk driving offenses
- Narcotics and controlled dangerous substances
- Sexual offenses
- Weapons offenses
- Evaluation of evidence (also applicable in civil cases)

Price: \$220
2 volumes, hardbound,
updated annually with
supplements

Includes a searchable
CD-Rom of jury
instructions and
commentary

**Order Today! Call 800.223.1940
or visit www.lexisnexis.com/MDRULE**