

PGCBA NewsJournal

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

www.pgcba.com

January 2015



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PRESIDENT'S MESSAGE



*Dear
Colleagues,*

"We have a hunger of the mind which asks for knowledge of all around us, and the more we gain, the more is our desire; the more

we see, the more we are capable of seeing."
-Maria Mitchell

Whatever your New Year resolutions may be, I hope one will be expanding your knowledge of the law. "Knowledge has to be improved, challenged and increased constantly, or it vanishes" - Peter Drucker.

The Bar Association can make sure you keep such a resolution with its lineup of Brown Bag Lunches, Bench to Bar Series, and Seminars. Mark your calendar now to improve, challenge and increase your knowledge:

- January 8 Brown Bag Lunch
- January 22 Bench to Bar Panel Discussion
- January 31st Probate, Estates, Trust, and Elder Law Seminar
- February 5th Brown Bag Lunch
- February 19th Bench to Bar Panel Discussion
- March 5th Brown Bag Lunch
- March 19th Bench to Bar Panel Discussion
- March 28th Goldstein Seminar
- April 2nd Brown Bag Lunch
- April 16th Bench to Bar Panel Discussion
- May 7th Brown Bag Lunch

- May 21st Bench to Bar Panel Discussion
- May 30th Family Law Seminar
- June 9th Tort Seminar
- And watch for the date for the Bankruptcy Seminar

I hope a second resolution you adopt in the New Year is volunteering your time to one of the many community service and law projects that the Bar Association supports. The Bar Association can help you keep this resolution as well. Volunteer for Mock Trial, Law Links, or Christmas in April.

"Never underestimate your ability to make someone else's life better - even if you never know it." - Greg Louganis

Hope to see you keeping your New Year resolutions with the Bar Association.

Denise

NEXT BIG EVENT!

Retirement Celebration
for The Honorable
Alexander Williams, Jr.

Tuesday
February 10, 2015
Martins Crosswinds

See pages 14-15



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on Facebook!*

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.

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Abigale Bruce-Watson..... 301-952-0005

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OPEN

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Newsjournal

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Donnaka Lewis..... 301-952-2708
Hon. Ann Wagner Stewart..... 301-952-4017
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Administrative Law

Daniel F. Lynch..... 301-441-2420
Abigale Bruce-Watson..... 301-952-0005

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
Scott Carrington..... 301-952-2704
Benjamin E. Rupert..... 301-952-5158

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

OPEN

Labor & Employment

Jay P. Holland..... 301-220-2200

Law Practice Seminars (Bench to Bar)

Hon. Erik H. Nyce..... 301-952-4060
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

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Turner Sothoron..... 301-395-5239

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Coordinates with the State Pro Bono Standing

Committee

Alyssa Chang..... 301-353-0081

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

Hon. Clayton Aarons..... 301-389-3174

Prince George's County Court

Committee for Modernization of the Court Reporter's

Office

Hon. Clayton Aarons..... 301-389-3174

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.



COMMITTEE CHAIRS

We want your articles!

Submit them to
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month at
benwoolery@verizon.net

The McCammon Group is pleased to announce our newest Neutral



Hon. A. Michael Chapdelaine (Ret.)

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Circuit Court for Prince George's County, 7th Judicial Circuit of Maryland

The Honorable Michael Chapdelaine served the Circuit Court for Prince George's County as a Master for Domestic Relations for five years and as an Associate Judge for more than four years. Prior to his service on the bench, he enjoyed a successful private practice with an emphasis on family law. He is a past Member of the Board of Directors of the Bowie Chamber of Commerce and a Life Fellow of the Community Legal Services of Prince George's County. Since his retirement from the bench in 2011, he has been mediating and arbitrating family law disputes. He now brings this distinguished record of service and accomplishment to The McCammon Group to serve the mediation, arbitration, and special master needs of lawyers and litigants throughout Maryland, DC, and beyond.

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BROWN BAG LUNCH

January 8, 2015
12:00 PM

Lawyer's Lounge, 3rd Floor
Duvall Wing

Speaker: Judge Lisa Hall-Johnson

Topic: "The New Domestic Violence Statute and What is Required to Get a Protective Order in Maryland District Court"

February 5, 2015
12:00 PM

Lawyer's Lounge, 3rd Floor
Duvall Wing

Speakers: Judge DaNeeka Cotton and Sharon Y. Christmas-DeBerry, Trust Attorney

Topic: "Guardianship and Everything Attorneys Need to Know When Seeking Guardianship on Behalf of Clients"

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

Save the Date!

FEBRUARY 19, 2015
Bench to Bar Panel Discussion
4 PM
Courthouse
Topic: TBD

...followed by...

HAPPY HOUR
5:30 PM
at OTI

“EXPUNGING YOUR CRIMINAL RECORD”

SATURDAY, DECEMBER 6, 2014



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“HOLIDAY PARTY & AUCTION”

TUESDAY, DECEMBER 16, 2014



“HOLIDAY PARTY & AUCTION”

TUESDAY, DECEMBER 16, 2014



STAY INFORMED - KNOW THE LATEST

*The Prince George's County
Bar Association*

CONTINUING LEGAL EDUCATION (CLE) PROGRAM

**THE PROBATE, ESTATES, TRUST,
AND ELDER LAW SEMINAR (JANUARY 31ST)**

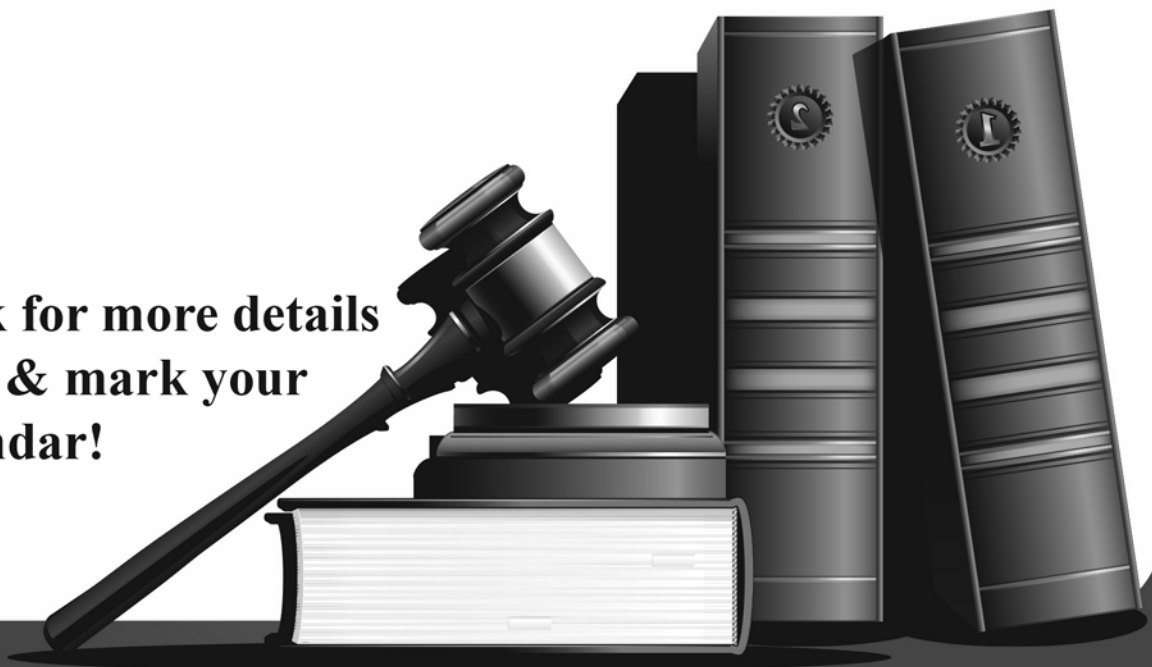
THE BANKRUPTCY SEMINAR (TBA)

THE GOLDSTEIN SEMINAR (MARCH 28TH)

THE FAMILY LAW SEMINAR (MAY 30TH)

TORT SEMINAR (JUNE 9TH)

**Look for more details
soon & mark your
calendar!**



Prince George's County Bar Association
Presents
The Probate, Estates, Trusts, and Elder Law Seminar

Saturday, January 31, 2015

8:30 AM Light Breakfast

9:00 AM – 1:00 PM

TOPICS

Brian R. Della Rocca, L.L.M. (Taxation)	Overview of the New Maryland Trust Act (effective January 1, 2015)
Brian Ritter & Benjamin Woolery	Maryland Medical Assistance Program in 2015
Drew Grigg Assistant State's Attorney Economic Crimes Unit	Financial Exploitation and Elder Abuse; Role of the Office of the State's Attorney
Judge Wendy A. Cartwright Orphans' Court	TBA
M & T Bank Representative	TBA

More Details to Follow

Committee Co-Chairs: Benjamin J. Woolery, Timothy O'Brien, &
Kathy Brissette-Minus

**Jury Assembly Room
Courthouse – Upper Marlboro**

**\$55.00 members until January 16, 2015, \$65 after
\$75.00 non-member until January 16, 2015, \$85 after
Includes printed materials and light breakfast**

Reservations Required

**Call 301-952-1442 to make your reservation using a credit card or
send a check to: PGCBA, 14330 Old Marlboro Pike, Upper Marlboro, Maryland 20772**



On December 8, 2014, at the Maryland Legal Services Corporation's (MLSC) Annual Awards Reception, Neal Conway, Executive Director, was awarded the William L. Marbury Outstanding Advocate Award.

This award is annually bestowed upon a non-attorney who has demonstrated outstanding service representing the rights and legal needs of low-income persons or by expanding access to justice for such persons. This year MLSC presented this award to Neal and Barbara A. Coleman of Maryland Legal Aid.



NEAL T. CONWAY – Recipient of the William L. Marbury Outstanding Advocate Award

Neal Conway came to Community Legal Services in 1994 after he retired from the U.S. Marine Band to devote his second career to serving his community. Although planning to stay for two years as an intake paralegal, Neal is completing his 20th year with CLS. Neal was appointed executive director in 2001. Under his leadership, CLS expanded from a staff of four to the present 13 members with a budget of over \$1 million serving the growing and diverse community of Prince George's County. Neal is quick to note and respond to needs for services. CLS runs successful courthouse family law clinics and foreclosure prevention clinics, serves the growing populations

of Latino immigrants and senior citizens and has added services to the underserved southern region of the county.

"I believe that success is measured by what we enable others to do for our community. Surround yourself with the best and brightest people, provide them the tools to work, encourage them, and then step back and watch success happen. Whether we are talking about our staff,

Dinner and Auction is fast approaching (date to be announced). CLS is accepting items to be auctioned. Typically items that have been donated in the past for this event include weekend getaways, wines, resort packages, sports tickets/packages and memorabilia items, luxury items such as handbags, upscale restaurant gift cards, retail gift cards, and the like. CLS also accepts cash donations which help to fund the event. Please submit your donations



our board of directors, our hundreds of volunteers or the thousands of people we help each year, bringing joy into their lives is the reason I come to work each day. As an Ordained Deacon for the Archdiocese of Washington working in Prince George's County, my work at Community legal Services is part of my family ministry providing a place for families in turmoil to turn for stability and support. When we serve others we often find many layers of need to be addressed. Each time we touch the life of another we create a ripple effect in our community. Each person we touch frees that person to touch the life of another. One day we will leave the stage for the last time. Who and how we enabled others to carry on our work will be the mark of our success."

ANNUAL AWARDS DINNER/AUCTION

The time for the CLS Annual Awards

early. Your generosity is appreciated and will help CLS to continue to fund the goal and mission of the organization—providing legal services to the indigent.

QUARTERLY TRAINING SEMINARS

This past fall CLS conducted a half-day training seminar for its volunteer attorneys. We received a number of requests for more in-depth training workshops on several topics in the area of Family Law. CLS plans to hold several seminars in 2015, each of which will focus on one specific topic such as spousal support, marital property, and pensions and retirement orders. Our volunteer attorneys will be emailed specifics about the workshops.

COURTHOUSE LEGAL CLINIC

CLS will continue to devote Friday afternoons to **foreclosure prevention**. The CLS legal clinic attorneys work in the Circuit Courthouse, Room 2435.

They provide assistance primarily on Family Law, Small Claims and Landlord/Tenant matters. The legal clinic is open exclusively to citizens who have mortgage servicing and imminent foreclosure issues from **1:00-4:00 p.m. every Friday**. Please contact Linda M. Gantt at **(301) 262-1212** for additional information.

Linda M. Gantt, Esq. is a staff attorney with Community Legal Services and she works on the Foreclosure Prevention Project. Community Legal Services of Prince George's County, Inc. is a non-profit organization established to provide quality civil legal services to low-income persons in Prince George's County. It does this through the generous contribution of legal advice and legal representation by members

of the private Bar. Additionally, CLS operates free legal clinics in the County. They are located in the in Circuit Court House, Langley Park and Suitland. For

more information about our services, please contact Nora C. Eidelman, at **240-391-6532, ext. 12**.

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AND JEFF HARDING FOR THEIR SUPPORT IN HELPING US HAVE A SUCCESSFUL
HOLIDAY PARTY.

DON'T FORGET TO USE YOUR GIFT CARD AS IT EXPIRES ON JUNE 16TH, 2015.

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2014 BEST OF THE NATIONAL LAW JOURNAL

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You Are Cordially Invited

Tuesday, February 10, 2015
6:30 to 8:30 p.m.



A Joyous Reception Celebrating a Career of Distinguished
Public Service and the Occasion of His Judicial Retirement

The Honorable Alexander Williams, Jr.

Where

**Martin's Crosswinds
7400 Greenway Center Drive
Greenbelt, Maryland 20770**

Event Partners

**The J. Franklyn Bourne Bar Association, Inc.
The Prince George's County Bar Association, Inc.**

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* **Ads:** Camera-Ready Artwork Required No Later Than COB Monday, January 19, 2015

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Full-Page Ads (Mono)	\$750.00	_____	\$ _____
Half-Page Ads (Color)	\$1,250.00	_____	\$ _____
Half-Page Ads (Mono)	\$500.00	_____	\$ _____
Business Card Ads (Mono)	\$300.00	_____	\$ _____
 Grand Total Enclosed			 \$ _____

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 Marlborough Professional Park
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 Upper Marlboro, Maryland 20772

For More Information Contact

Robin Hadden, Executive Director • rhadden@pgcba.com • (301) 952-1442

(*Consult your tax advisor for the appropriate treatment of payments made for this event.)

THE RICHMOND ATTORNEY'S PROGRAM — MARYLAND'S NEW PLAN FOR REPRESENTING INDIGENT DEFENDANTS AT PRETRIAL RELEASE PROCEEDINGS | *by Robin M. Earnest, Esq.*

During the Prince George's County Bar Association's membership meeting and, most recently, the District Court for Prince George's County's Meet and Greet, Chief Judge John P. Morrissey encouraged members to serve as counsel for indigent defendants through the court's *Richmond* Attorneys Program. At each event, Judge Morrissey heralded the Program as a great opportunity for either a seasoned attorney who wants to work an occasional shift, or a young attorney who would like to establish a criminal practice in a tough economic market.

This statewide Program began on July 1, 2014, in response to the Court of Appeals' constitutional 'right to counsel' decision in *Richmond v. DeWolfe*, 434 Md. 444 (2013). The Program compensates attorneys for representing indigent arrestees before a Commissioner. Statewide, over 2,500 attorneys have signed up, and the list is growing. Attorneys are staffed in 41 locations to ensure representation for an anticipated 153,000 arrestees. Because the District Court was only budgeted Program funds through July, 2015, the General Assembly will consider legislation for more permeant implementation measures in January, 2015. Accordingly, this article presents a discussion of the Program's current application and scheduling processes; as well as a few of District 5's unique facility protocols.

Application is simple; the basic Program requirements are set out on the court's website as follows: 1) good standing licensure in Maryland; 2) completion of the online application, anti-discrimination acknowledgement, and W-9 forms; and 3) viewing an online training video. Scheduling a shift may be less simple. Program office personnel announce the dates they will begin scheduling and then contact *Richmond* attorneys from an approved list, while also accepting calls or emails from interested attorneys. However, because of the small number

of personnel and the large number of interested lawyers, reaching office staff can be difficult as they attempt to place attorneys in 41 locations for three month shifts.

Maryland Rule 4-213.1(b)(1), governing the Program, contemplates that the attorney lists should be developed "after consultation with the State and local bar associations, and the Public Defender. . . ." As a by-product of that provision, a group of concerned members of the Maryland Criminal Defense Attorneys Association are reportedly considering forming a committee to articulate that organization's views regarding possible Program improvements and methods to ensure effective client representation. Meanwhile, the Maryland Appointed Attorneys Program Network provides valuable online training, resources, and a discussion group for *Richmond* attorneys.

One issue emerging in discussions focuses on District 5's unique facility protocols which, in relevant part, prohibit *Richmond* attorneys from having or bringing in "cellular telephones, electronic devices or recording devices of any kind. . . ." This can create difficulties as *Richmond* attorneys assigned to Prince George's County may lack the computers and cellphones necessary for proper client representation. Notably, computer access to Maryland Case Search is often needed to determine an arrestees' criminal history in accordance with release factors set out in Maryland Rule 4-216 (f). Further, use of a telephone can be helpful in corroborating job information, and communicating with the client's family members or employers regarding release.

Unlike other counties, in Prince George's the *Richmond* attorneys are in lockup with the arrestees at District 5's detention facilities. In the Upper Marlboro facility, hearings before Commissioners are conducted from the lockup area—hence the apparent reason for the above

restrictions. However, that the State's Attorneys (who are also housed there) do not have these restrictions seems to undermine their rationale. And in Hyattsville—where the Commissioners are in an entirely separate area—neither the restrictions nor being in lock-up seem warranted. The unintended effect of some of these facility Protocols may be to unduly burden an indigent arrestee's constitutional right to competent counsel under *Richmond*.

As the current Program was implemented as a twelve month, temporary, measure in response to the Court of Appeal's mandate in *Richmond*; perhaps the General Assembly's 2015 Session will see improvements. That having been said, because of a few unique protocols in Prince George's County, input from the *Richmond* attorneys themselves and the private bars they affiliate with could provide helpful insight on how to better implement the Program here so as to ensure an indigent's constitutional rights at pretrial release are given the appropriate level of respect.

Robin Earnest teaches Legal Research and Writing at UMD, and practices criminal defense law in Prince George's County.

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BREAKING THE FOURTH WALL: A LAWYER'S VIEW ON COMIC BOOKS AND MOVIES | *by Bryon S. Bereano*

Happy New Year to all! I hope that everyone had a wonderful holiday season. This time of year, people tend to look ahead at the possibilities that a brand new year brings us, but we also look back at what occurred in 2014. From a cultural stand point, 2014 can be summed up in one phrase, "I am groot." "Guardians of the Galaxy" was the highest grossing film in 2014, making \$772.1 million. The movie is so popular that the sequel has already been given a release date of May 5, 2017. That's two and a half years away. I am pretty sure some people have already started camping out for it. Many of you know that Guardians of the Galaxy is based on a Marvel comic book of the same name. 2014 was definitely the year of the comic book movies and the trend does not seem to be going away anytime soon. Most people know the basic Marvel comic characters: Iron Man, Thor, Captain America, the Hulk, and the X-Men. But what made the success of Guardians of the Galaxy so surprising was that it is a pretty obscure comic book series. The characters first appeared in the comics in 1969 and made additional appearances in the 1970's and some very brief appearances in the early 1990's. For the most part, however, the Guardians of the Galaxy were a no name group of comic book characters that are now generating almost a Billion dollars a year.

Now, I am by no means a comic book expert. Those of you that read my articles know that I usually will invite you to stop me in the halls of the courthouse to discuss the subject matter of my articles. If you stop me in the hallways to talk about comic books, I will be of no help to you because my interest in comic books only extends to the movies and is very recent. I never grew up a comic book fan. Now, that's not to say that I did not have other embarrassing interests as a youngster. I can remember going through a Dungeons and Dragons phase. My only experience with actual comic books was a friend giving me a few X-Men comics to read, but that phase lasted for about a

week. It used to be a stigma if you were a comic book fan but now, being a "nerd" is in and liking comic books makes you in the majority of society.

The numbers have backed this up. We have always had comic book movies. You can look throughout your life time and probably count two different versions of Batman movies, two different versions (or reboots) of the Superman franchise and X-Men movies have been around for a long time. However the comic book movie genre changed forever in 2008. Marvel Comic Books created what they call the Marvel Cinematic Universe. The Marvel Cinematic Universe is a grand plan to create a network of comic book movie films that all tie together in the same story. Also, it is just a brilliant plan to take the consumers money. In 2008 the first Marvel Cinematic Universe movie came out, the original Iron Man with Robert Downey, Jr. Iron Man was part of the phase one roll out of the Marvel Cinematic Universe that introduced the world to its most popular characters: the Hulk, Thor, Captain American and, along with Iron Man, would group together to form the Avengers. The Second phase of the Marvel Cinematic Universe continued the stories of the core group, plus introduced the already discussed Guardians of the Galaxy. All total, the 10 Marvel Cinematic Universe films that have come out from 2008-2014 have totaled \$7.1 Billion in revenue for the films alone. Yes, that is Billion with a "B." That does not even include the TV shows, "Agents of S.H.I.E.L.D" and the new "Agent Carter" that tie in with the movies. Being a comic book lover is no longer a joke. In fact, one of the reasons why I wrote on this subject is because I was feeling left out not knowing about the marvel universe and needed an excuse to be able to talk to the rest of society about the movies.


The brilliance of the Marvel Cinematic Universe is in its marketing. They plan out which movies and how many will come out in a given year so as to not

saturate the market and keep the demand high from the public. Plus, by tying in the TV shows with the movies and other short films and new comic books, there is a lot of merchandise you have to consume to stay caught up with the Universe which, of course, means more money for Marvel. I also personally feel that the Marvel Cinematic Universe has changed the way those movies are viewed. One of the unique features of a Marvel Cinematic Universe movie are the post credit scenes. It used to be that when the closing credits rolled, the movie was over. As a kid I can remember only a handful of movies where you stayed until after the credits to see if there was a bonus scene. The first one I can remember is "Ferris Bueller's Day Off". Some movies, like the Smokey and the Bandit movies featured out takes during the end of the film credits that were funny. However, now with movies from the Universe, you have to stay in your seat during the credits because you may get a mid-credit bonus scene that advances the story or gives you a hint as to what you will see in the next Marvel movie, or a post credit scene that does the same or you might get both. Also, Marvel movies tend to have cameos of other characters appear in films and also hide what are called "Easter eggs" or hidden gifts to devout fans of the comic books by way of references or objects that are placed in a particular scene. I feel like you have a whole generation of film goers who rush to see the movie in the theatre and then rush to get the DVD so they can slow down the movie and go over particular scenes with a fine tooth comb looking for these "Easter eggs."

Now, this is just a brief rundown of how comic book movies have taken over our culture and it is not going away anytime soon. There are eleven (11) more Marvel Comic Universe movies scheduled between now and 2019. This does even account for DC Comics' (which include some better known comic book characters like Batman and Superman) attempt to copy Marvel's success with

their own line of movies and TV shows. If you thought 2014 was the year of the comic book movie, just wait until 2015 when “Avengers: Age of Ultron” comes out in May and then “Superman vs. Batman” starring Ben Affleck comes out in 2016. Thankfully, if you want to get into the comic book movies, they seem to be running on cable all of the time or, of course, there is always Netflix.

I hope everyone has a safe start to the New Year and look back for a new article coming in February!


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FAMILY LAW, MATTERS: EASON'S GREETINGS - NEW YEAR, NEW BEGINNINGS

by Paul G. Eason, Family Law Magistrate

By the time this article hits the street, the Christmas decorations, in all likelihood, will have been taken down and put away, the Yule Tree tossed out for re-cycling, and the NFL Playoffs will determine which teams go to the Super Bowl. Possibly, God forbid, some New Year's resolutions may have already been broken. However, a New Year is upon us; it's 2015. We have a clean slate and a fresh start.

That got me thinking about drafting another list for Family Law Practitioners – not a bucket list but a “Best Practices and Business Development Guide” – a “two-fer” for you.

Let's start with a review of what gets lawyers in hot water with the disciplinary authorities.

A little perspective is in order. You have earned a college degree, graduated from law school, and passed the bar examination – all major accomplishments involving significant expenditures of time and treasure. You have decided to take the plunge and open a law office. Why would anyone engage in conduct that might subject them to discipline? It's crazy. Sadly, we all know attorneys who have been censured, suspended or disbarred – promising careers needlessly cut short and reputations sullied or destroyed. All from avoidable, self-inflicted wounds.

Some of the pressure on young lawyers which tempt them to cut corners is financial. Many attorneys have significant student loans to service and overhead to pay. The student debt, I understand. Banks were offering low interest loans with no risk to the financial institution because the loans were federally insured. There was literally no risk for the lender. Students took the bait and now it's time to pay the fiddler. It is in all likelihood too late to do anything about the student loans but the personal and professional overhead is within your control. You will not be tempted to accept a case that will require you to be in Upper Marlboro and

Ellicott City at the same time, or charge an unreasonable fee if you make it a goal to live within your means. That's on you and it does not happen by accident. It takes planning.

Allow me to digress - when I first hung out my shingle, back in the mid-eighties, I had to find and furnish an office but more importantly market my practice. I had not grown up in Prince George's County and knew no one here. Advertising was my only option to attract potential clients. I had to spend every available dime on self-promotion until the referrals came through.

I was initially reticent of placing an ad in the Yellow Pages because one was required to sign a contract for a year and I was told, erroneously, that if you did not keep your Yellow Pages bill current, the phone company could cut off your phone service. I started off with Val-Pak—one could purchase an ad/coupon for a specific zip code and if you were retained by one client that would typically pay for the mailing. Then there was The Merchandiser newspaper. Like Val-Pak, it also targeted a specific zip code. For a fee, an article was written about you promoting your legal acumen and having the appearance of a serious piece of objective journalism. Both approaches worked pretty well. Then there were the specialty Yellow Pages. I was in the Hispanic Yellow Pages and the Ethiopian Yellow Pages; since I did not know Amharic, I had to trust the salesman that the ad actually said what I wanted it to say. I was in the Red Book, a smaller version of the Yellow Pages published for individual communities. (e.g. the Bowie Red Book, the Greenbelt Red Book etc.) The ad rates were much less expensive precisely because the books were being distributed to a smaller audience.

Finally, one could find my ads, on the back of church bulletins, grocery carts, movie guides and on the Tastee Diner placemat. I was even talked into a radio ad on WHUR. Aren't you glad that Al Gore invented the internet? Now, you can market your

practice for a fraction of what it used to cost. All that you need is a web developer, a catchy domain name, and good graphics. You would be astounded by the number of unhappily married and separated folk who troll the internet all day and night looking for legal advice.

Affordability allows you to initially retain the client, but keeping the client and receiving referrals requires positive results. Contrarily, you may have beautiful offices, the latest technological gizmos and gadgets, expensive letterhead and stationary, but if you produce an inferior product and consistently receive poor results, your practice will not grow; it will wither and die.

A good outcome, like a great bargain, is in the eye of the beholder. It is the attorney's job to create reasonable expectations. Do not overpromise. Some results you can confidently predict, others, less so. Requests for alimony, attorney's fees, monetary awards, or contribution toward joint debt are quite speculative and case specific. Does your client present well? Who is your Judge or Magistrate? There are many variables.

The key to a successful practice and eventual prosperity is client referrals. They are free and unvarnished testimonials to your competence. Like a tsunami, client referrals will start out slowly but build gradually until the referrals become the primary source of new business. That should be the ultimate goal.

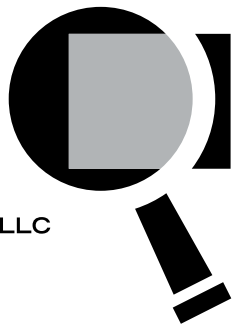
The following, are my ten suggestions honed over twenty years in the trenches, guaranteed to grow your business.

- Set realistic expectations initially regarding potential outcomes, the time it will take to schedule a final merits hearing, AND how much the client will be expected to spend.
- Invest in software (SASI Guidelines and Financial Statements) and ensure that your pleadings are neat and accurate.

continued on page 24

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FAMILY LAW, CON'T

continued from page 22

- Go over the Discovery process at your initial meeting and explain to the clients what they will be expected to do. Clients hate the Discovery demands as much as lawyers do.
- Be on time for everything, appointments, depositions, and hearings.
- Do NOT overbook yourself. Clients, Judges, and Magistrates hate waiting for lawyers who have scheduled themselves in two places at the same time.
- Return all phone calls and e-mails as quickly as possible.
- Provide your clients with copies of everything you produce on their behalf.
- Decline to represent clients you know will never be happy (Weatherly's Rule; "Avoid being the third lawyer.").
- Do not agree to represent potential clients if you suspect you will be "in over your head." If you know little to nothing about LLC's, stock options or racehorses, now is not the time to learn. Refer the client to an appropriate lawyer or associate yourself with seasoned co-counsel. Along the same lines, if your opponent is represented by a large and litigious law firm - the kind that likes to have associates send you "deficiency letters" every couple of days, maybe you should decline to accept the case. You will be "papered under" and miserable.
- Attend CLE's and make it your business to be familiar with all of the latest appellate rulings.

Assuming you have followed my suggestions and business is on the rise, let's discuss what to do to keep your clients happy and avoid disciplinary complaints. To that end, I was curious about whether Family Law practitioners have different ethical challenges than lawyers engaged in other specialties. So, I called Glen Grossman, Bar Counsel of the Attorney Grievance Commission, and posed that question to him. His answer was that the

complaints he receives generally apply to attorneys in all practice areas.

However, based on what I have read and observed, Family Law attorneys should scrupulously avoid the following:

- Charging an unreasonable fee.
 - o A \$5,000 fee for an uncontested divorce taken by default is unreasonable.
- Incompetent representation.
 - o Filing for an Absolute divorce before it is ripe is simple arithmetic and failing to ascertain if the opponent has any pension rights or other retirement accounts is malpractice.
- Lack of diligence.
 - o Not showing up in Court and tardiness. Propounding no discovery. Failing to meet with and prepare the client for trial. Not returning client calls and emails.
- Failure to maintain an IOLTA approved Trust account and/or commingling funds.
 - o Overdrawing the Trust account is a guaranteed Attorney Grievance referral and the bank will be the one who turns you in!
- Misappropriating funds.
 - o e.g. taking funds from the escrow account before you have earned it. Do not do it.

- Engaging in a sexual relationship with your client during the course of representation. This is a classic "no brainer."
- Not filing your taxes, not paying your taxes, and not forwarding the withholding you have deducted from your employees' pay checks to the IRS. In many cases, these are crimes.
- Failing to have a comprehensive, written retainer agreement.
 - o A provision that should be included in your retainer agreement and made clear to a client is who will be responsible for preparing (and paying for) a QDRO or Pension Order.
- Any conduct involving dishonesty, fraud, deceit or misrepresentation.
 - o Do not lie to your client or Bar Counsel and never sign your client's name without permission. It is forgery. Return all unearned fees immediately.

Suffice to say, successful lawyers are overwhelmingly ethical. The two qualities go hand-in-hand.

Resolve this year to be a zealous advocate who operates their practice within the bounds of the law!

Happy New Year to you and yours!



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Prince George's County Bar Association
PGCBA *NewsJournal*
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BENCH TO BAR PANEL DISCUSSION

January 22, 2015
4:00 PM
Courthouse

“Rules and Strategies in Taking/Defending Depositions”
Guest Speakers: Charles Spigelman, Esq. and Gian Ghiardi, Esq., and Michele Eddy, Court Reporter, Merrill Corporation

Guest Judge: The Honorable Leo Green,
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