

PGCBA NewsJournal

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

April 2012

PRESIDENT'S MESSAGE



The Prince George's County Bar Association's mission is:

... to represent the legal profession and to serve its members and the community by promoting justice, professional excellence, collegiality and respect for the law.

Dear Colleagues

We are celebrating the 110th anniversary of our bar association this year. The membership today is much different than the membership when this organization was founded in 1902. I sit as the ninth female president in over one hundred years. That is certainly not the direction of the future of this organization as evidenced by the two outstanding women, Jennifer Muskus and Denise Bowman, who currently sit on the Executive Board already in line to become president. Not only has the membership changed over the years but the way we practice law is considerably different than it was just ten years ago. In more recent times the downturn in the economy is forcing even the largest and most stable law firms to downsize and otherwise reevaluate. This in turn causes our association to reevaluate its mission to its membership.

In our effort to achieve the goals set out in our mission and to stay relevant to an ever evolving membership we are challenged to continue to reevaluate. Every year the Board of Directors begins the year with a retreat where we spend hours brainstorming ideas and devising a plan for the upcoming year. Your Board of Directors has worked all year to keep our Bar Association relevant; to keep interest and to infuse our membership with new members and young members of the bar; to meet the needs of our current members and to add "value" to your membership. Some of the changes we have made are to increase the number of free events like the networking social events at Old Towne Inn. We have also increased educational events such as the Brown Bag Lunches held in the lawyers lounge at the courthouse in Upper Marlboro and the Law Practice 101 seminars. Our popular Goldstein Criminal Law and Family Law Seminars continue to keep our members abreast of new changes to the practice of law in these areas. The Board is working on adding two new seminars in the fall, one on bankruptcy and one on tort law. Details of these will be forthcoming.

Just last week we created a long range strategic planning committee Co-Chaired by Hon. Nicholas Rattal and John Fredrickson to address these and other issues. What will be some of the challenges facing our association and associations like ours in



INSIDE THIS ISSUE

Member Announcements
Page 4

PGCBA Community and Public Service Program Awards Solicitation
Page 5

Community Legal Service
Page 6

Get Healthy Today
Page 8

Brown Bag Lunch
Page 9

Golf Classic
Pages 10 & 11

In Memory of Judge William H. McCullough
Pages 14 & 15

Estates & Trust Article
Pages 16 - 19

Family Law Seminar
Page 20

Classified Ads
Page 23

Annual Meeting
Back Page

PGCBA NewsJournal

Published monthly (except Jul./Aug.) by

The Prince George's County Bar Association

Established 1902

Marlborough Professional Park

14330 Old Marlboro Pike

Upper Marlboro, MD 20772

Phone: 301-952-1442 Fax: 301-952-1429

Email: gerry@pgcba.com

Website: <http://www.pgcba.com>

2011-2012 OFFICERS

President

Debra M. Davis 301-627-3340

President Elect

Bryon S. Bereano 301-502-1972

Treasurer

Jennifer L. Muskus 301-449-7444

Secretary

Denise M. Bowman 301-292-3300

Immediate Past President

Hon. Nicholas E. Rattal 301-952-3227

DIRECTORS

Clayton Aarons	Isaac Marks
Sheila R. Tillerson Adams	Erik H. Nyce
William C. Brennan	Mark T. O'Brien
Robin D. Bright	Martin G. Oliverio
Arnold Bruckner	Michael Pearson
Manuel R. Geraldo	Patricia Moore Rosier
Nakia Gray	Benjamin E. Rupert
Walter W. Green	C. Todd Steuart
Jeffrey Harding	Ayo M. Stevens
Janet Hart	Benjamin Woolery
Alison Leonard-Leach	Joseph L. Wright
Gerard Devlin, Parliamentarian	

Executive Director & NewsJournal Editor

Georgia J. Perry 301-627-9017

Assistant Editor

Becky Tippett 301-952-1442

ANNUAL SUBSCRIPTIONS provided to PGCBA

Members at no cost as part of annual dues;

Non-Member subscriptions \$75 per year.

PUBLICATION DEADLINE 15th 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.

PGCBA Lawyer Referral Service

administered in-house by PGCBA

Call Josie Mattos **301-952-1440**

for information and Client Referrals.

PGCBA Traffic School

Georgia Perry, Executive Director

Email: gerry@pgcba.com

Telephone 301-952-8154

Law Office of Cheryl Chapman Henderson, LLC

www.HendersonLaw4God.com

Comprehensive Estate Planning for:

- Small, medium and large estates
- Asset protection and tax advantages
- Wealth preservation
- Beneficiaries with special and unique needs
- Second marriages
- Intergenerational gifting
- Veteran's & Medicaid Benefits

Probate and Trust Administration

- Ancillary estates
- Estate & Fiduciary tax issues
- Elder Law & Long-term care planning
- Home Visits

Admitted to practice in Maryland and DC

(301) 220-4463

4920 Niagara Road, Suite 200, College Park, Maryland 20740
cch@hendersonlaw4god.com

Quality Transcripts • On-Time Delivery • Reasonable Rates

- **Rush/ Daily Turnaround**
- **Realtime Reporting**
- **Rough Draft**
 - On-Site
 - Email
- **Video Depositions**
 - CD & DVD
 - Synchronization
- **Conference Facilities**



- **Videoconferencing Suite**
- **Free Manuscript/ Index**
- **Free CD/ Disk/ E-mail**
 - ASCII
 - WordPerfect
 - MSWord
 - E-Transcript™
- **Transcription Services**
 - Tape, CD & Video
- **24-Hour Scheduling**
 - By Phone or Online

For The Record, Inc. * 10760 Demarr Road * White Plains, MD 20695
301-870-8025 * 202-833-8503 * 800-921-5555
301-870-8333 fax * www.ftrinc.net * depo@ftrinc.net

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

PGCBA Mission Statement

...to represent the legal profession and to serve its members and the community by promoting justice, professional excellence, collegiality and respect for the law.

Lawyers in Need

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

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

Ethics Hotline

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

John R. Foran 301-441-2022
Steven Rosen 301-699-1400

Designated Conciliator Program

Martin G. Oliverio 301-513-0613
Gerald C. Baker 301-577-4600

the future? Will we need to move from interactive in person mixers to video conferencing? Is our mission relevant to how we will practice law five or twenty years from now? What role will social media have on the way our members interact? This committee is tasked with taking a hard look at where we are and where we are going so that we can better meet the needs of our members in the future.

If you have ideas you would like to share or are interested in being on the long range strategic planning committee contact Judge Rattal, John Fredrickson or our Executive Director Georgia Perry at the Bar Office.

The Daily Record recently announced this year's selection of Maryland's Top 100 Women. Three Prince George's County Bar Association members were honored. I was fortunate to be

one of those honored as were two members of the Prince George's County Judiciary; Seventh Judicial Circuit Court administrator and current Prince George's County Board member the Honorable Sheila R. Tillerson Adams and Circuit Court Judge Cathy Hollenberg Serrette. Congratulations to all the recipients and especially to the leaders from our community. All the recipients will be honored on May 7, 2012 from 5-8:30 p.m. for their leadership, community service and mentoring at the Meyerhoff Symphony Hall in Baltimore, Maryland. Tickets can be purchased online at the dailyrecord.com.

I would also like to remind all of our members that Board elections are coming up and there are 8 openings on the Board for the 2012-2013 Bar year. We also have an opening for Bar Secretary. This is a very important opening as the person elected to this position will eventually

be President of the association. Please consider putting your name on the ballot. This is a chance for you to have a say in the direction your bar takes in the future especially as this is the year the long range planning committee will be laying the groundwork for the future of our association. The deadline is April 13 to submit your application. Call Georgia at the Bar Office if you have any questions.

I hope to see many of you at the Annual Meeting coming up on June 5 at Newton White Mansion. It is the culmination of our Bar year with elections and awards and the passing of the gavel to the new President and the new Board. Let's show our enthusiasm and commitment to the bar by welcoming our new Board and President with record attendance on June 5, 2012.

Your President,
Debra M. Davis, Esq.

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.



David A. Carney, Esq.
Past President, Howard County
Bar Association



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, Eastern District of Arkansas



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



Patrick C. McKeever, Esq.
Past 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



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



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



Dispute Resolution and Prevention

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

MEMBER ANNOUNCEMENTS

Glad to be a member

As a newly minted member of the Prince George's County Bar Association and being a long in the tooth litigator in the Commonwealth of Virginia, I did not know what to expect both in the practice of law in the courthouse in Upper Marlboro nor of the professional and social activities in the PGCBA. I am delighted to say that my experiences to date in the Maryland judicial system, though limited, have been fabulous. Court personnel are courteous and helpful; judges professional and dignified; and typically maligned courthouse lunch fare delicious. The most pleasant surprise are the various social and professional programs offered by the PGCBA, from the "brown bag lunches" that are offered on a periodic basis (I plan on going to my first one this month), to the other various social events that provide an opportunity for professional and personal

collegiality. My only mistake in this process was not joining the PGCBA much sooner.

I look forward to practicing law in Maryland, and getting to know, professionally and socially, other members of the bench and bar in your (now our) jurisdiction.

by Robert J. Cunningham, Jr.

Bar Member Joins Bethesda Firm

Erek L. Barron, a member of the Prince George's County Bar Association since 2005, has joined the Washington, DC. firm of Whiteford Taylor & Preston. Mr. Barron will be practicing litigation law in the firm's new Bethesda office.

LAW PRACTICE

101

.....
APRIL 5, 2012
.....

TOPIC:

**"MOCK TRIAL-
DISTRICT COURT"**
.....

4:00 PM

**COURTHOUSE
UPPER MARLBORO**

WELCOME NEW MEMBERS!

PAULA MARIE MATTSON-SARLI
SINCLAIR PROSSER LAW, LLC

SHAUN WILLIAM ALLENDE
ATTORNEY AT LAW

AMY E. SCHAEFFER
CHASENBOSCOLO

THOMAS KIERNAN WEAVER
LAW OFFICE OF JEFFREY D. RADEN, LLC

EDWARD FRANCIS GLYNN III
JOEL ATLAS SKIRBLE & ASSOC.

MARIA ASPIAZU
PRICE BENOWITZ LLP

WILLIAM FRANCIS RENAHAN
ATTORNEY

ANTHONY D. FREEMAN
LAW OFFICE OF ANTHONY DAVID FREEMAN

JAMON BRANDON WIGGS
THE CW LAW GROUP

URSULA KOENIG BURGESS
REES BROOME, PC

JOSHUA PAUL GOYDEN
LAW OFFICE OF STEVEN D. KUPFERBERG

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

PGCBA COMMUNITY AND PUBLIC SERVICE PROGRAM 2012 Awards Solicitation

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

Bar members are invited to nominate programs which serve the Prince George's County community.* The organization must be a 501 (C) 3 to apply. Applications are available on our website www.pgcbacom. You may also contact Georgia Perry at gperry@pgcbacom if you would like an application mailed to an organization that you think would be interested.

SCHEDULE

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

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

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



PLANET DEPOS

Locally Owned and Operated

- > Lowest Prices Guaranteed
- > Local Offices in Annapolis, Baltimore, District of Columbia, Fairfax, McLean, Richmond and Rockville.

Complimentary Services

- > Conference Rooms ANYWHERE
- > Online Repository of Transcripts, Exhibits, Calendar, Invoices and Errata sheets
- > Video-to-Text Synchronization
- > 24/7 Customer Support



Bill, Joe and Nico DiMonte

COURT REPORTING, VIDEOGRAPHY
AND VIDEOCONFERENCING

888-433-3767 | SCHEDULING@PLANETDEPOS.COM



5K Run For CLS!!!

Proceeds will benefit Community Legal Services of Prince George's County, Inc. T-shirts provided to ALL Participants!!

Date: April 14, 2012
(Rain Date April 21)

Time: 8:00 am Registration; 9:00 am Race
Pre-register by April 7, 2012

Entry fees: \$25 for Pre-registration (\$20 is Tax Deductible)

\$30 for Race Day Registration (\$25 is Tax Deductible)

Mail checks to:

P.O. Box 374, Riverdale, MD 20738

Day of registration cash or checks ONLY

Online payments are available through paypal online at www.clspgc.org.

WB&A Trail at Glenn Dale

Community Center

11901 Glenn Dale Boulevard (Rte. 193)

Glenn Dale, MD 20769

Maryland IOLTA Honor Roll

The Maryland State Bar Association and Maryland Legal Services Corporation acknowledges with special appreciation Honor Roll Members. These financial institutions pay premium interest rates on IOLTA in support of civil legal services for low-income Marylanders.

American Bank – Montgomery & Prince George's Counties & Washington, DC

Sandy Spring Bank – Anne Arundel, Frederick, Howard, Montgomery & Prince George's Counties

TD Bank – Anne Arundel, Baltimore, Harford & Prince George's Counties

For a complete list of all financial institutions approved to accept IOLTA deposits, visit www.mlsc.org.

Free Foreclosure Prevention Training for Lawyers

The Pro Bono Resources Center (PBRC) is providing training to attorneys who

would like to help but lack knowledge and training. The training is in exchange for a pro bono commitment. PBRC also provides a listserv for attorneys to actively communicate with each other and discuss various foreclosure issues in real-time! You can visit their website for further details at www.probonomd.org. CLS provides advice and mentoring for volunteer attorneys on foreclosure law, defense and modification strategies. Please contact Angela Richardson Green at (301) 864-4907; extension 16, or email her at richardson@clspgc.org. If you need to refer a client facing foreclosure to CLS, please direct them to our Foreclosure Prevention line at (301) 864-8186. Spanish speakers may ask for our bilingual legal assistant Oswaldo Perez at this same number.

Family Law Training

The Family Law Clinic meets the first Tuesday of every month and is hosted by **Nakia Gray, Esq.** of *Joseph, Greenwald, & Laake, P.A.* These free monthly

trainings are for attorneys who have accepted/or will accept a pro bono case from CLS. Attorneys meet at her office and discuss their particular cases. The trainings are scheduled on the second Tuesday of every month, from 6:00 pm to 8:00 pm. To register for the trainings, please email Karin Dalichow, Esq. at dalichow@clspgc.org.

We Have Funding Available to Pay for Attorneys Fees!

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

Community Legal Services of Prince George's County, Inc. is a non-profit organization established to provide quality civil legal services to low-income persons in Prince George's County. It does this through the generous contribution of legal advice and legal representation by members of the private Bar. Additionally, CLS operates free legal clinics in the County. They are located in the in Circuit Court House and Langley Park. For more information about our services, please contact Nora C. Eidelman, at 301-864-4907, ext. 12.

METROPOLITAN PROCESS SERVICES (301) 929-6819

- * 24 Hour Cell (301) 252-0706
- * Unlimited Attempts
- * Rush Services within 48 hours
- * Court Filings Available
- * Scheduled Pickups
- * Skip Tracing

KARL STEPHENS

8719 Geren Road
Silver Spring, MD 20901
Serving MD, DC & VA

FRANK MAGUIRE, MS *Counseling Individual, Family & Military Veterans*

In Home Appointments Available
For Appointments
(301) 602-3794
Fax (301) 218-3480

801 Wayne Avenue, Suite 400
Silver Spring, MD 20910

frankmaguire@aol.com

**PICTURE
YOUR AD HERE!**

.....

**CALL THE BAR
ASSOCIATION
TO PLACE
YOUR AD TODAY!**

301-952-1442

DWI Services

- Pre-Trial Evaluations
- 26 Week DWI Program
- 6 Week DWI Program
- Intensive Outpatient

AOC/ADAA State of Maryland approved & Certified
Fully Confidential Alcohol & Drug Abuse Rehabilitation Programs

Patricia Harris, CEO, President
Henry McKinnon, MSW, JD

INSIGHT TREATMENT CENTERS

30 years of service to the community

4920 Niagara Rd, Ste 100
College Park, MD 20740

5210 Auth Rd, Ste 300
Camp Springs, MD 20746

301-423-0967

Offices are Metro Accessible
24 Hour Voice Mail: 202-907-4898

BRENNAN TITLE COMPANY

We have two settlement offices in P.G. County and are interested in expanding our services to include Attorneys who conduct R.E. Closing - Residential - Commercial

Merge your R.E. Production for less overhead/better bottom line.

Affiliate with us and completely eliminate your production costs.

Contact: John Brennan - Attorney direct at 301-261-8177
or E-mail JBrennan@btc-ann.com

MEMBER OF PRINCE GEORGE'S AND
ANNE ARUNDEL COUNTY
BAR ASSOCIATIONS



The Pros and Cons of a Quick Trim Detox Diet

Frequently people will evaluate the efficacy of some sort of quick weight-loss, detox diet. Typically, they will have a special engagement coming up like a class reunion or a beach vacation that's very quickly approaching. Other times they've simply gotten frustrated by not being able to lose their last ten to fifteen pounds, and hope that a detox diet will finally rid them of that nagging last bit of weight. The more popular detox diets that you'll hear of are the cabbage soup diet, the apple cider diet, and the Hollywood Diet. All of these quick trim diets promise the loss of 5-10 pounds within the time span of anywhere from a weekend to a week. While you may be able to lose up to ten pounds in a week, the more important questions are: A) is the diet healthy, B) will the lost weight stay "lost" for more than a week, and C) how hard will it be to actually stick to the diet plan.

All of the quick loss diets have one thing in common: near starvation for the time period that you are following the diet. The diets either require that you eat nothing but cabbage soup for a week straight, or that you survive on bottled "miracle drinks" as your sole source of sustenance for the same time period. Essentially, you are decreasing your caloric intake to somewhere between 500-1000 calories a day which will force you to lose weight. In addition to the special diet food that you are consuming, you're likely being instructed to drink roughly half a gallon to a gallon of water daily. Because there are 3500 calories to equate one pound of body weight, and you are reducing your caloric intake so drastically, you can lose about two pounds of bodyfat weight in a week using these quick trim detox diets. The other 3-8 pounds that you lose – those are simply water weight pounds that you're

shedding. The large amounts of water that you are consuming function to flush your body of toxins, as well as excess subcutaneous water that your body is holding on to. It's easy for an individual to be carrying up to ten pounds of excess water weight – especially women at certain times of the month. The loss of the excess water weight alone can be the difference between fitting into a certain outfit, or not. So really, the biggest loss that you will experience from the rapid weight loss diet is water weight, and that means that the lost weight is likely to be found again, as soon as you create an environment where your body is inclined to "hold onto" that weight again. For most people, that means as soon as you consume a good amount of sodium or starchy carbohydrates. Both sodium and starchy carbs act like sponges and absorb and hold onto excess water, causing bloating and increased fluid retention all over your body.

So, if you have a big event to attend in a week or you want to have the look of being ten pounds slimmer when you are on the beach, a quick-trim detox diet will in all likelihood do the trick for you if you follow the plan...virtually starving yourself and drinking lots of water. However, know that this is only a quick-fix, temporary solution. It's best used no more than two to three times a year, if you feel that you absolutely need to drop significant pounds really fast. However, know that without a subsequent modification of your diet, a couple days after that special event, virtually ALL of those pounds will come right back. As well, you have to be very careful to take a complete multi-vitamin with energy boosting ingredients when following one of these diets. Because not only are you depriving yourself of calories, you are also depriving yourself of essential nutrients that are important for proper functioning of your body's systems, and important for mental alertness. Even with vitamin supplementation, you will probably find that you are extremely tired and finding it somewhat difficult to focus if you have

a job requires you to pay attention... like lawyering. And no matter how tempting it may seem, or how excited you may be over the substantial weight loss experienced, you should NEVER stay on one of these diets for more than a week. It's simply not healthy, and it could even compromise your health to the point that serious damage occurs. If you use a quick-trim diet like the ones I've mentioned herein, after the week of dieting, switch to a normal reduced-calorie diet that includes solid foods consisting of proteins, fruits and vegetables, and sufficient amounts of fiber.

If you have more than a week...say three to four weeks, before your big event, then it's really better to follow a modified quick-loss diet plan that doesn't require you to survive on bottles of mystery beverage or cabbage soup. In three to four weeks, you can lose 6-15 pounds that will actually stay off for more than the weekend of your big event. If you get started towards your weight loss plan just a little sooner, you can assure that most of the weight loss you experience will be actual bodyfat and not just water. You will still need to substantially reduce your calories – to somewhere between 1200-2000 depending on your sex, age and current calorie consumption. Using myself as an example, I would reduce caloric intake to 1200 calories for about 4 weeks to lose twelve pounds. To do this, I'd eat five meals a day, with one of them consisting of a high protein protein-drink and one consisting of a medium sized fruit bowl. The other three meals would be something like a pack of tuna over a leafy green salad, an egg white omelet with veggies and low-fat cheese and a cup of berries, and the third meal might be a banana and oatmeal with a pack of roasted almonds or mixed nuts. Of course, I'd also drink between three liters and a gallon of water daily. The water is still helping to flush out toxins and excess subcutaneous water that would otherwise be trapped under my skin and within my fat cells. This type

of diet can be the thing that immediately follows your one week quick-trim detox diet if you want to extend the benefits of that rapid weight loss you've experienced. However, if you want a smarter approach to weight loss and you have a little more time to get the pounds off, this 3-4 week plan is a much better and much healthier approach. It'll be easier to stick to, and even if you have a sodium rich meal at the end of the diet, you won't wake up looking exactly like you did before the diet....which is what happens with the quick-trim diets.

There are always pros and cons of crash dieting and losing weight super fast with the fad diet of the moment. You have to weigh the pros against the cons and decide if this is a short cut you really want to take. It's always best not to wait until a week before some special occasion to set your sights on large amounts of weight loss. However, if you find yourself in that situation, be smart about it and remember to take supplements. Also remember to listen to your body....if you feel light-headed, dizzy, or foggy-brained, it's important to give your body some whole food nutrients right away. Not everyone can tolerate a drastically reduced-calorie diet. Even if you can only tolerate a few days of the crash diet, don't get discouraged and go out to your favorite burger joint. Instead, switch over to the reduced-calorie diet geared at gradually decreasing your weight over a few weeks, and add a high fiber pill or tea formula aimed at cleansing your colon over a 3 day period. You'll still experience a noticeable difference, and most importantly, you'll be safeguarding your health.

LOOKING FOR A LOCAL LAW FIRM FOR YOUR VIRGINIA CRIMINAL & TRAFFIC CASES?

Jonathan R. Oates is an attorney with Jezic, Krum & Moyse, LLC; with offices in Prince George's and Montgomery County.

Mr. Oates regularly practices criminal law in all Northern Virginia counties, including *Fairfax*, *Arlington*, *Alexandria*, *Prince William*, and *Loudoun*

Contact Jon with your Virginia referral/questions:

in Virginia at (703) 763-7708
or in Maryland at (240) 292-7200

JEZIC KRUM & MOYSE
ATTORNEYS AT LAW LLC

BROWN BAG LUNCH

April 19, 2012
12:30 PM

Lawyer's Lounge
3rd Floor
Duvall Wing

.....

Speaker:

Judge Nicholas
Rattal

.....

Topics:

"Jury Selection",
Dos and Don'ts
Judge's Thoughts
and the Law

.....

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

J. FRANKLYN BOURNE BAR ASSOCIATION AND
THE PRINCE GEORGE'S COUNTY BAR ASSOCIATION



GOLF CLASSIC

To Benefit the J. Franklyn Bourne Scholarship Fund and Operation Homefront

Lake Presidential Golf Course

3151 Presidential Golf Drive, Upper Marlboro, MD 20774

MONDAY, MAY 7, 2012

8:30 a.m. Tournament Shotgun Start

1:00 p.m. Golf Clinic

Early Bird Sign-Up by March 30, 2012 - \$125 single/\$450 foursome*

After March 30, 2012 - \$150 single/\$550 foursome*

***Must pay and sign-up as a foursome**

Fee includes: Range Balls, Prizes for 1st-2nd place, Prizes for Longest Drive & Closest to Pin, Continental Breakfast, Lunch, and other Golf Gifts

CLINIC: \$50 per person (includes awards ceremony and lunch)

*For questions, please contact Georgia Perry, 301-952-1442 or gperry@pgcba.com
or Joe Wright, 240-472-4533 or crimlawyer@yahoo.com*

Enclosed is a check in the amount of \$_____.

Please reserve _____ spots for May 7, 2012 Tournament _____ spots for the Golf Clinic.

Name: _____

Telephone: _____

Foursome to Include: _____

Firm/Address: _____

Foursome _____

Clinic Participants: _____

Return this form with check made payable to "J. Franklyn Bourne Scholarship Fund, Inc." and mail to Prince George's County Bar Association, 14330 Old Marlboro Pike, Upper Marlboro, Maryland 20772. A portion of your donation may be tax deductible. Consult your financial advisor for details.

J. FRANKLYN BOURNE BAR ASSOCIATION AND
THE PRINCE GEORGE'S COUNTY BAR ASSOCIATION



GOLF CLASSIC



MAY 7, 2012

To Benefit the J. Franklyn Bourne Scholarship Fund and Operation Homefront

Lake Presidential Golf Course

Rated #2 Golf Course in Maryland

3151 Presidential Golf Drive
Upper Marlboro, MD 20774

SPONSORSHIP OPTIONS

PLATINUM: \$4,000.00
(2) Foursomes
Embroidered Shirt/Jacket *
Presenting Sponsor (Awards)
Display signage at sign-in & dinner
Address golfers at dinner

GOLD: \$2,500.00
(2) Foursomes
Embroidered Golf Towels/Hats*
(1) Tee Sign
Special Recognition

SILVER: \$1,000.00
(1) Foursome
Golf Balls with Logo*
(1) Tee Sign

GENERAL SPONSORSHIP		
\$400.00	\$300.00	\$200.00
(2) Golfers	(1) Golfer	(1) Tee Box Sign
(1) Tee Box Sign	(1) Tee Box Sign	

*Sponsors Must Provide Logo

Contact: Georgia Perry, 301-952-1442, gperry@pgcba.com
Joseph Wright, 240-472-4533, crimlawyer@yahoo.com

BAR ASSOCIATION ANNOUNCES NEW GOVERNMENT AND DUES STRUCTURE | *by Al Northrop, Special Reporter*

To address concerns of declining participation in bar activities your Prince George's County Bar Association has announced a new governing structure with a new quarterly dues structure.

Effective today, April 1, the Association officers and directors will serve three month terms. This will not only inject new ideas more often it will also give a much greater number of members the opportunity to be directly involved in the ongoing running of your Association. Effective today a computer system will randomly select three candidates for each officer's seat and each Czar member seat. An on-line ballot will be e-mailed to each member and voting will take place May 15 and each three months thereafter. The first new quarterly crew will assume office June 1. The computer program is designed so that no one may serve more than one term in any three-year period.

The Board of Directors will be replaced by seven "Czars." They will include a Community Outreach Czar, a Motor Tort Czar, a Public Relations Czar and a Detention Center Liaison Czar.

A new division of the governing board will be created as well, the Enterprise Division. Our Past President, the Honorable Richard Sothoron, has agreed to help coordinate this division on a voluntary basis for the first six months. Said Richard "I've been looking for

years for an opportunity to regenerate the enthusiasm in this organization. In fact, with Spring Training as a catalyst I've been oiling up my softball glove. It's a Babe Ruth model, you know."

The Enterprise Division will have a Monthly Meeting Czar, a Social Activities Czar and a Sports Activities Czar. The Monthly Meeting Czar will be responsible for booking live entertainment.

To finance this new structure dues have been increased to \$150.00 per quarter. However, each officer and each regular board member will receive a monthly stipend of \$100.00 for their work. Enterprise Division Czars will receive a stipend based on fifteen percent of the net profits of their respective activities. An analysis by the U. S. Department of Labor with Mr. B. Madoff as consultant estimates that through service on the governing board, each member should get a double return on their dues every fourteen and a half years.

Note that since the judiciary would be prohibited from accepting the stipend, they have been excused from service on the governing board. Additionally, their quarterly dues have been reduced to \$140.00. Judge Green has dedicated his \$40.00 per year savings to be donated to the Prince George's County Recycling Center. Judge Dawson has indicated

that he will contribute his savings to the "Introduce Juveniles to Golf Foundation."

HAPPY
APRIL
FOOL'S
Day!!!



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:

VISA MasterCard
www.economic-analysis.com

**Security Clearance
Lawyers**

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

PERSONAL INJURY

Do Not Waste Your Valuable Time and Money

REFER IT OUT

Do you have clients who have been injured due to negligence?

Are you spending your valuable time trying to make sure that you have preformed a complete investigation, provided timely notice, retained the proper experts, prepared the correct pleadings, proved a prima facie case at trial and satisfied all of the liens?

If so, consider allowing us to work with you on your personal injury cases.

Our firm handles exclusively personal injury cases and by teaming up with us we can save you time, money and worry.

Consider a Rule 1.5 fee-sharing agreement

www.lawmcs.com

301.483.9960

319 Main Street · Laurel

McGOWAN & CECIL, LLC

Michael McGowan, J.Robb Cecil and Clint Rosso have in excess of forty five years combined experience advocating for our clients in thousands of personal injury matters.

IN MEMORY OF JUDGE WILLIAM H. McCULLOUGH

Chief Judge, Prince George's County Circuit Court

By Judge Arthur M. Monty Ahalt (Ret.)

William H. McCullough, 86, was Chief Judge of the Seventh Judicial Circuit. He was County Administrative Judge of the Prince George's County Circuit Court from 1975 until 1992. He retired at age 70 in 1995, died, after a brief illness on February 16, 2012 at his home with his family in Seat Pleasant. He had Pulmonary Fibrosis. Judge McCullough served the residents of the county for over 50 years as a lawyer and judge. A graduate of the George Washington Law School in 1950 he began practicing law with his father "Doc" McCullough in Mt. Rainier, Maryland with the firm of McCullough, Pace and McCullough. As a lawyer he was a lifetime member of the Prince George's Bar Association and instrumental in the formation of the Prince George's County Legal Aide Society. He Represented the Prince George's County Liquor Board.

He is survived by his wife Violet and his children, Aimee, Bill, Jr. (Anne), and Mary Beth Bates (Marty); seven grandchildren, Kristin, Joshua, Ben, Luke, Connor, Claire and Sophia; one great grandchild, Jacob; and his brother Richard (Minette).

In 1969 he was appointed as a Circuit Court Judge and elected to a 15 year term in 1970 and a second term in 1986. History records him as the 34th judge in the 7th Judicial Circuit. As a circuit court judge he handled numerous high profile cases, but history will remember him for serving on the panel of Judge's that disbarred former Maryland Governor and United States Vice President Spiro Agnew.

Judge McCullough is most remembered as the "Quiet Leader" of the Circuit Court for Prince George's County, Maryland and the 7th Judicial Circuit (Prince George's, Calvert, Charles and St. Mary's Counties). As the County Administrative Judge and Circuit Chief Judge, he successfully managed the growth of a court serving the 600,000 + residents of the county from 9 judges in a 50,000 square foot building

to 20 judges in a 400,000 square foot multi-court complex with over 25 court rooms. A steady stream of judges, county officials and lawyers made their way to his Chambers seeking his wise counsel and leadership. Judge McCullough was never one to insist on being addressed as "Judge" and would always encourage folks to just call him Bill- except in the court room of course. Socially, Bill and his wife Vi were sought after company for their joy of life and friendship. Bill earned his title of "twinkle toes" and "ol'blue eyes" while a child and in the Navy, but those traits followed him to the courthouse.

Judge McCullough was a mentor and teacher to his less experienced colleagues on the court and members of the bar - especially his law clerks of whom he took great pride. His law clerks - now all very successful lawyers and leaders themselves are - Jo Benson Fogel, Esq. 1969/1970; Alan Edward D'Appolito, Esq. 1970/1971; James G. Nolan, Esq. 1971; Thomas R. Callahan, Esq. 1972/1973; R. Brooke Bortner, Esq. 1974; Iris Aberbach, Esq. 1976/1978; Richard E. Schimel, Esq. 1978/1979; Andrew R. Polott, Esq. 1979/1980; Claudia Z. Springer, Esq. 1980/1981; Mary Eno, Esq. 1981/1982 ; Samuel J. DeBlasis, II, Esq. 1982/1983 ; Gregory K. Wells, Esq. 1983/1984 Kenneth F. Eichner, Esq. 1984/1985; Christopher Costabile, Esq. 1985/1986; Josephine Lynch, Esq. 1986/1987; Michael A. DeSantis, Esq. 1988/1989; Rita Kaufman Grindle, Esq. 1989/1990; John A. Bielec, Esquire 1991/1992; Melissa Ann Miller, Esq. 1992/1993; John T. Bergin, Esq. 1993/1994; George R. H. Johnson, Esq. 1994/1995.

Remembrances of some of his clerks; Sam DeBlasis II - "Law school taught me the basics about the law but Judge McCullough established for me a foundation to be a lawyer, a good lawyer"; Jo Benson Fogle - "My stories of his wonderful sense of humor masked when necessary by his

perfect judicial demeanor, his ability to deliver a 20 page opinion with findings of fact in full grammatically correct sentences from the bench with 1 page of notes, and his ability to raise the level of performance in whatever his endeavors, always come back to something about me and what I observed."

Upon his retirement Judge McCullough was provided a book celebrating his service and life and authored by Bill Butler the Court Administration Facilities Manager. In that book some of his colleagues comments reflect his everlasting impact on the court, the bar and the community.

Judge Jacob S. Levin(Ret.) - "The only thing I never understood about him - and this comes as a complete mystery to me- is that here is a man who has fought in our Fighting Navy during World War Two and yet doesn't believe in any type of cursing. Every time I would use a four-letter word in his presence, I either got a look or an admonition."

Judge C.Philip Nichols - " I've had the honor and privilege to practice before Judge McCullough and to have the opportunity to sit with him as a judge of this court. He's always brought the best of temperaments, the keenest of intellects and good judgment to every case he was assigned. I especially remember his kindness to me as a young lawyer in an extremely difficult rape case that I tried twenty years ago as a defense attorney. He was generous enough to remind the jury that a lawyer has a high calling, and the professional obligation to fully represent the interests of a party before the court no matter how difficult the facts."

Judge Darlene G. Perry (Ret.) - "Bill McCullough, as a lawyer, enjoyed a reputation for his honesty, his kindness, his collegiality and his hard work on behalf of his clients. As a judge he was emulated by all of those aspiring to be a judge and was a diffuser of controversy,

voice of reason, and a leader by all who came in contact with him. Bill McCullough enjoys life. He loves a party. Quick to laugh, he doesn't let a bad back stop him from dancing or playing golf. He has a quick wit and the ladies refer to him as "Ol' Blue Eyes" and "Twinkle toes", probably because of that ever-present charm and his dancing ability."

Judge Steven I. Platt (Ret.) - "The things I learned from Judge McCullough - His humor; his warm personality; his ability to see through almost every situation and get to the heart of it and understand what motivates people; and the ability to apply the law in a common sense manner that takes into account both the effect of the law, and what the judge does, on the people before him."

Judge Richard H. Sothoron, Jr. (Ret.) - Consistency was always a strong suit of Judge McCullough's in that his rulings were fair, his impartiality unrefuted and his dedication to the role of a Judge unquestioned. As a lawyer and a judge his temperament was that of a considerate and well mannered counselor whom the entire bar respected. And it was this respect that set him apart from others.

I remember Bill McCullough, the lawyer, as a principled lawyer. He wouldn't make an argument on the law unless the law clearly supported it. He wouldn't make an argument on the facts unless the facts clearly supported it. He would not cut corners to achieve a result for his client. He had a clear concept of justice, of fairness, truthfulness and credibility... and he made his clients conform. If they fell short of it, well, he'd help them deal with the consequences; but he would not change his advocacy to conform to their shortfalls. He was the glue that held together families, the communities and the people he represented. Good judges are made of good lawyers and good lawyers are made of good people.

www.chuckstopsforeclosures.com
Do your clients need to sell their property for less than they owe?

My first short sale was completed in 2009 while I was as a buyer looking for a bargain home. The bank thought I handled the transaction so well it strongly urged me to get a real estate license, so I became a full time realtor!

My primary focus is residential and commercial short sale transactions. I use secure web based tracking to keep all parties informed of the transaction status. If your client requires a short sale, I would urge you to refer them to me TODAY to see if they qualify. As you know, time is not your friend.

Best regards,
 Chuck Perry, BSEE,
 MSE, CDRS, CIAS,
 Realtor®



Scan this QR code for quick access to my daily short sale blog...



Exit Right Realty

8730 Cherry Lane
 Suite 16
 Laurel Maryland 20707
DIRECT: 301-915-5300

Phone: 301-362-4500
 Fax: 240-554-4154

E-mail: cperry@exitrightrealty.com
 Website: chuckperryrealty.com



RONALD I. WEINER, PHD, LLC

Specializing in Forensic Mental Health Services for over 40 years

SEX OFFENDER ASSESSMENT & TREATMENT SERVICES

COMPREHENSIVE PSYCHOSEXUAL RISK ASSESSMENT & TREATMENT PLANNING

WHITE COLLAR CRIME/FRAUD FORENSIC SENTENCING EVALUATIONS

DOMESTIC VIOLENCE ABUSER INTERVENTION PROGRAM

SEXUAL ADDICTION/SEXUAL DISORDERS OUTPATIENT TREATMENT PROGRAM

OTHER FORENSIC EVALUATIONS

RONALD I. WEINER, PHD, LLC

**801 ROEDER ROAD, SUITE 950
 SILVER SPRING, MD 20910**

301-949-4907

301-585-8740 (FAX)

WWW.RWEINERPHDLLC.COM

THE ORPHANS' COURT OF MARYLAND, THE BAR & LITIGANTS, AND THE COURT'S CLERK: A STATUTORY TRIANGULATION | by Benjamin Woolery

It is the hope in writing this essay that there can be an exploration of the triangulated relationship between first the judges of Maryland's orphans' courts, second those who litigate there and the lawyers who may help those litigants, and third the role(s) of the register of wills as "clerk" to any given "Orphans' Court." Some explorations can be thorough, covering the entire territory - this one will not be thorough, if for no other reason than the limitations imposed by just a few pieces of paper. The outline of this exploration is framed by statutes in Maryland's 'Estates & Trusts Article,' the "Maryland Lawyers Act" as making up Title 10 within Maryland's 'Business Occupations & Professions Article,' what are believed to be the most-pertinent Maryland Rules, and a couple of selected opinions from Maryland's appellate courts. By no means is this claimed to be an exhaustive listing of the authorities, binding or otherwise - as with any exploration, the end may be Christopher Columbus' "New World" or Commodore Scott's failed expedition to the South Pole (the latter being of benefit to posterity for its discoveries, even though the last three adventurers were found well-preserved on Antarctica about a year after they froze to death - your exploration(s) can be well-preserved too, though only on paper, for those who follow to build on even if your client's journey appears to end unsuccessfully itself).

Maryland's orphans' court is just like other trial courts of Maryland:

it has "the same legal and equitable powers to effectuate its jurisdiction, punish contempts, and carry out its orders, judgments, and decrees as a court of record with general jurisdiction in equity."

E & T Section 2-103. Its jurisdiction is limited, of course:

- (a) *Powers.* - The court may conduct judicial probate, direct the conduct of a personal representative, and pass orders which may be required in the course of the administration

of an estate of a decedent. It may summon witnesses. The court may not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred.

- (b) *Rule-making authority.* - The court may not establish rules of practice and procedure inconsistent with the Maryland Rules or with any statute.
- (c) *Rights of interested persons.* - An interested person may petition the court to resolve any question concerning an estate or its administration.

Estates & Trusts Section 2-102.

- (a) *In general.* - All property of a decedent shall be subject to the estates of decedents law, and upon the person's death shall pass directly to the personal representative, who shall hold the legal title for administration and distribution, without any distinction, preference, or priority as between real and personal property.
- (b) *Personal property.* - The court may determine questions of title to personal property not exceeding \$50,000.00 in value for the purpose of determining what personal property is property includable in an estate that is the subject of a proceeding before the court.

Estates & Trusts Section 1-301. This "property...upon the person's death" boundary can be slightly expanded in at least one set of circumstances:

...an equitable accounting of [the decedent's] finances prior to her death and during the period that appellee acted as her attorney-in-fact. The orphans' court has the power to order such an accounting because appellee's management of the decedent's finances prior to her death is relevant to appellee's duties as personal representative of the estate...

.....

Additionally, assuming there was mismanagement of the decedent's finances prior to her death, the recovery of such funds would go directly to the estate, not to appellant. The recovery of funds for the estate of a decedent ordinarily lies within the jurisdiction of the orphans' court...

Kroll v. Fisher, 182 Md. App. 55, 59, 62-63, 957 A.2d 205 (2008)(citations omitted). The necessary implication here is that some probate "disputes" can be outside the orphans' court's limited jurisdiction, apparently, and yet be brought before that court in the right circumstances.

As noted above with the reference to E & T Section 2-102 (c), "An interested person may petition the court to resolve any question concerning an estate or its administration." The term "interested person" as used "In the estates of decedents law" is defined at part (i) of Estates & Trusts Section 1-101 - **read this, tab it in your copy of the Article**, and be sure your client has standing from this Section or another provision of law before you file any paper for him or her.

Once you file papers for a client with the Register of Wills as "clerk" to the given Orphans' Court (E & T Section 2-201, and part (b) of Md. Rule 6-105) it's time to litigate:

The Maryland Rules for the summoning of a witness, and for depositions and discovery, apply to all actions.

E & T Section 2-104. And, once you get into the courtroom of the Orphans' Court, even the "Rules of Evidence" apply:

Title 5 of these rules applies to plenary proceedings in the court. In the interest of justice, the court may decline to require strict application of the rules in Title 5, except those relating to the competency of witnesses.

Md. Rule 6-462. Beware this reference

to the term “plenary proceedings in the court” - a corollary at Estates & Trusts Section 2-105 invites litigants to bounce matters back & forth between a County’s orphans’ court and its circuit court (see also E & T Section 2-106 (d), and “on the record” appeals to the appellate courts in Annapolis as compared to *de novo* appeals to the circuit court at Sections 12-501 and 12-502 of Maryland’s Courts & Judicial Proceedings Article).

Before we bring in the role of the Register of Wills as “clerk” to an orphans’ court, a couple more provisions should be noted. Any “document containing recitations of fact must be verified.” Part (c) of E & T Section 1-102. The form for this “affidavit” language is specific, as established within Estates & Trusts Section 1-102:

I do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing document are true and correct to the best of my knowledge, information, and belief.

(Compare Md. Rule 6-123) In practice, a “document” filed within the probate court can lack the “affidavit” language and still cause the matter raised therein to get before the court. Since the ultimate remedy for a false “affidavit” is a perjury prosecution, and they are seldom seen, two lessons may be taken from this.

First, since every matter in “probate” is either a “Regular Estate” or a “Small Estate,” a crucial step that exists at the beginning in each is the “List of Interested Persons” (Md. Rule 6-202 ‘List of interested persons’ for small estates, and Md. Rule 6-316 ‘List of interested persons’ for regular estates). Couple with this the Register’s justifiable reliance on “*the List*” for issuing the notice(s) required in order that the heirs are brought within the court’s jurisdiction (see E & T Sections 1-101 (i), 2-210, and 5-403 (a)) - if there is “*false*” information in a “List of Interested Persons,” it’s theoretically possible that the court never acquired *in personam* jurisdiction over a mis-identified heir in the first place, and so a given “probate” might go back to square one.

The second threshold lesson to be taken from this is that the Register has limited authority to screen documents containing “recitations of fact” (part (c) of E & T

Section 1-102), and a register of wills...shall not accept for filing any petition or paper requiring proof of service unless it is accompanied by (1) a signed certificate showing the date and manner of service as prescribed in Rule 6-125 or (2) a signed statement that, for reasons set forth in the statement, there is no person entitled to service. A certificate of service is prima facie proof of service.

Part (b) of Md. Rule 6-108 *Register of wills - acceptance of papers*; see also Rule 6 – 122(b). The point being, the Register of Wills is a clerk in Maryland law just like any other court’s clerk. We’ve been told by Maryland’s appellate courts of the limited role a clerk plays:

The only authority that a clerk has to refuse to accept and file a paper presented for filing is that contained in Md. Rule 1-323. As we noted, that Rule directs the clerk not to accept a paper requiring service “unless it is accompanied by ... a signed certificate showing the date and manner of making service.”

.....

In regard to receiving and filing papers, as in making docket entries, a clerk “acts only as a ministerial officer of the Court.” *Corey v. Carback*, 201 Md. 389, 402, 94 A.2d 629 (1953). The law requires the clerk, when requested in writing to do so, to “record any paper filed with his office and required by law to be recorded...” Md. Ann. Code Cts. & Jud. Proc. Article, Section 2-201 (a)(3). Thus, as stated in *McCray v. Maryland*, 456 F.2d 1, 4 (4th Cir.1972), “[c]lerical duties are generally classified as ministerial... and the act of filing papers with the court is as ministerial and inflexibly mandatory as any of the clerk’s responsibilities.” Except as otherwise expressly provided by law, therefore, the clerk has no discretion in the matter and no right to make a judicial determination of whether the paper complies with the Rules or ought to be filed. If the paper [1] has not been presented timely or [2] if it suffers from some other deficiency, it is subject to being stricken by the

court, usually upon motion of a party objecting to the paper, but so long as it is properly presented, the clerk must accept and file it...

Director of Finance v. Harris, 90 Md. App. 506, 602 A.2d 191, 193 & 194 (1992). Maryland Rule 6-108 is substantially the same in content as Md. Rule 1-323, and of course Title 1 of the Maryland Rules does not apply to the Orphans’ Court (Md. Rule 1-101). Chief Judge Wilmer put the clerk’s role into its proper context:

Under the old Rule, the clerk may have had some obligation to determine whether the certificate actually showed service on the “opposite party.” But, as noted, that obligation, if it ever did exist, has been eliminated. The clerk has neither the time, nor, in complex cases with multiple parties, the competence to determine whether a certificate of service is either accurate or complete. He or she cannot be expected to read through the file to determine the names and addresses of all parties entitled to service and then compare that information with what is stated in the certificate. The obligation of the clerk under the current Rule is simply to assure that there is, in fact, an admission, a waiver, or a certificate showing the date and manner of service. If such a certificate is attached to the paper, the clerk must file the paper, leaving it then to the parties or the court to deal with any deficiency.

Director of Finance, supra. So, having stated the limited role of the court’s clerk, this essay turns to provisions in the Maryland Code that would appear to be pertinent to this analysis.

As many in our local Bar Association know, “Each register shall devote his full working time to the duties of his office. He shall not practice law during the term of his office.” (Estates & Trusts Section 2-202) Since many equate the words “practice law” with “giving advice,” registers across Maryland and others find inconsistency between Section 2-202 and Estates & Trusts Section 2-212 (b):

Duties of registers. – The registers and designated employees of the

registers shall . . .

Assist and advise any person who requests assistance or advice in the preparation *of any forms* for administrative probate under this article.

(bold italics emphasis added). So, if a form exists for some aspect of probate proceedings that either are before the Orphans' Court, or will come before said court, and if the form is merely for "administrative probate," then the Register can be helpful in this way (conversely, for other Orphans' Court proceedings, like a "Caveat" or other "Judicial Probate" matter, or perhaps guardianship of a minor's person or property, the Register can neither "assist" nor "advise"). That the Register may "give advice" is also suggested by Section 2-203 of Estates & Trusts:

- (a) ...a register...may not ask for, take, or receive from a person a fee, commission, gratuity, gift, or reward for performing a service...
- (b) The service referred to in subsection (a) of this section includes:
 - (1) Giving advice...

Is "giving advice" the same as "the practice of law"? Stated differently, is "giving advice" broader than "the practice of law"? The Register **cannot** "practice law," certainly, so if we can define "practice law" then we know the Register can "assist and advise" as long as that 'assisting and advising' in the completion of forms for Administrative Probate does not fall within the Maryland Code's definition of "practice law"; "practice law" is not defined in the Estates & Trusts Article, but it is defined in the "Maryland Lawyers Act."

The term "Court" as used in the "Maryland Lawyers Act" does not include 'An orphans' court' (part (f)(2) of Section 10-101 within Maryland's Business Occupation & Profession Article). "Court" does include The Court of Appeals, The Court of Special Appeals, and "A circuit court," however. Id. Part (h) of Section 10-101 within the Business Occupations & Professions Article contains a thorough definition of "practice law," which notes implicitly that "giving advice" is different from "Giving legal advice" (emphasis added):

- (h) (1) "Practice law" means to engage in

any of the following activities:

- (i) Giving legal advice;
- (ii) Representing another person before a unit of the State government or of a political subdivision; or
- (iii) Performing any other service that the Court of Appeals defines as practicing law.

- (2) "Practicing law" includes:
 - (i) Advising in the administration of probate estates of decedents in an orphans' court of the State;
 - (ii) Preparing an instrument that affects title to real estate;
 - (iii) Preparing or helping in the preparation of any form or document that is filed in a court or affects a case that is or may be filed in a court; or
 - (iv) Giving advice about a case that is or may be filed in a court.

Part (h) of Section 10-101 within Maryland's Business Occupations & Professions Article. (Query: Why did the General Assembly expressly provide that "court" does not include "orphans' court" when the word "court" is used in the "Maryland Lawyers Act" at Title 10 of the Business Occupations & Professions Article, and then specifically state that "'Practicing law" includes...Advising in the administration of probate estates of decedents in an orphans' court"? A careful register will act just as the clerk of any other Maryland court would act and be sure no one under their supervision is giving "legal" advice when they 'assist and advise' citizens).

The easy analysis of the foregoing is to state that since **any** probate matter can end up in an appeal, either *de novo* to 'A circuit court' **or** 'on the record' to the appropriate court(s) in Annapolis through Sections 12-501 and 12-502 of the Courts & Judicial Proceedings Article, the Register can "give advice" about the 'administration of probate of estates of decedents' **and** 'help in the preparation of any form or document that is filed in a court or affects a case that is or may be filed in a court,' and even 'give advice about a case that is or may be filed in a court,' provided that none of the "Giving advice" amounts to "Giving legal advice" - what does "legal" mean, then?

Some annotations within the Maryland Lawyers Act may be instructive. Attorney Grievance Commission of Maryland v.

Shaw is cited for the following propositions:

- (a) the focus of the inquiry is whether the activity in question required legal knowledge and skill to apply legal principals and precedent;
- (b) even if trial work is not involved, it is still "practice of law" if there is the application of legal principals to problems of any complexity;

354 Md. 636, 732 A.d 876 (1999); see also, Attorney Grievance Commission of Maryland v. Hallmon, 343 Md. 390, 681 A.2d 510 (1996).

- (c) very acts of interview, analysis and explanation of legal rights constitute practicing law

Attorney Grievance Commission of Maryland v. James, 340 Md. 318, 666 A.2d 1246 (1995). (By the way, an argument can be made that, in Prince George's County, the Register as "clerk" can only provide "assistance or advice" in a Small Estate's administrative probate, part (c) of Section 10-603 within Maryland's Business Occupation & Professions Article).

Where does this analysis get us? Well, given that each Register is popularly elected, and thus inclined to feel an obligation to please each citizen that decides to proceed pro se (consciously or not), it'll be up to each Register's training of their employees and, perhaps, warning the citizens (with placards, or disclaimers, or otherwise) that they "really should seriously consider" hiring an attorney, or "at least" consulting one. So, this "practice of law" analysis doesn't get us very far.

Two "lines in the sand" for the Bar may have to be at (1) the "affidavit" requirement from Estates & Trusts Section 1-102 regarding "recitations of fact" and (2) Director of Finance v. Harris (i.e., "Madam Register, please forward the enclosed Petition to the Court since it contains the requisite 'certificate of service' and otherwise complies with the Maryland Rules."). In the first instance, be sure your client's own "recitations of fact" have an affidavit; move to strike your adversary's 'affidavit-less' pleading if it contains "recitations of fact" (Md. Rule 6-104). In some of these situations, whether the defect is an "affidavit" or something else, perhaps the file will just fail to move through the

court at all “as though the paper had not been filed” (see part (c) of Md. Rule 6-134).

One can always hope an adversary’s defective filing, like one lacking an “affidavit,” is effectively ignored “as though the paper had not been filed” (see part (c) of Md. Rule 6-134). Director of Finance v. Harris suggests that the litigants need to be “acting in good faith and with diligence” in pushing their pleadings forward (602 A.2d at 195) and, meanwhile, “the clerk...cannot be expected to read through the file” to ascertain what’s wrong and what’s right (602 A.2d at 194) – “... If the paper...suffers from some...deficiency, it is subject to being stricken by the court, usually upon motion of a party objecting to the paper...” (*id.*, emphasis added). So, ultimately the probate process is just like

any other adversarial system in Maryland’s law – Registers will continue to “give advice” about Administrative Probate forms, and we’ll hope they don’t cross the line into “giving **legal** advice.” But, **we know** the Registers should not give any assistance or advice on (1) Judicial Probate matters **at all**, or (2) **any** Administrative Probate matter for which the Registers have no “form” (“guardianship” matters should not see any advice given either since no Code provision allows for such “assistance and advice”). In probate, one would think the only other “ministerial” functions for the Registers would be items such as the “Notice of Service of Petition” called for by part (b) of Maryland Rule 6-122 for “*other petitions*” (see also, e.g., Md. Rules 6-414, 6-416, and 6-442) – in other words, that each front-line employee

within the Register’s office simply asks himself or herself

“Does this document I’ve just been handed contain a ‘Certificate of Service’ or otherwise comply with Maryland Rule 6-108, since I’m not supposed to take it and mark it ‘Filed’ with our Date Stamp device when it lacks what’s called for by that Rule?”

Since “uniformity” of practices and procedures across Maryland’s counties has been an on-going process given that, historically, the counties’ probate courts have been relatively autonomous compared to the District and Circuit courts, perhaps they’ll take their guidance from Chief Judge Wilner’s opinion in Director of Finance v. Harris.

B. Woolery (March 2012)

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

Family & Cosmetic Dentistry



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

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

UNITED CONCORDIA  DELTA DENTAL[®]
Insuring America’s Dental Health

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

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

SPRING!



**MAY 5, 2012
FAMILY LAW SEMINAR
See Flyer**

**MAY 7, 2012
GOLF CLASSIC
See Flyer**

**MAY 17, 2012
BROWN BAG LUNCH
Watch for Details**

**JUNE 5, 2012
ANNUAL MEETING
Newton White Mansion
See Flyer**

The 12th Annual
FAMILY LAW SEMINAR

*A Presentation of the Prince George's County Bar Association's Family Law Committee:
Lindsey Erdmann, Chair
Lisa Hesse, Co-Chair*

**FAMILY LAW POST TRIAL PRACTICE AND
PROCEDURE:**

**“ENFORCEMENT, MODIFICATIONS,
APPELLATE REVIEW AND MORE”**

SATURDAY, MAY 5, 2012

8:30 A.M. – 1:00 P.M.

JURY ASSEMBLY ROOM

COURT HOUSE, UPPER MARLBORO

PANEL OF JUDGES, MASTERS AND FAMILY LAW
PRACTITIONERS

Cost for Seminar & Materials:

\$45 Members until April 25, \$55 After

\$55 Non Members until April 25, \$65 After

Registration after May 1st: Bound Materials **NOT** Available-Copies of
material available at a later date.

Please register me for the 2012 Family Law Seminar. My check made payable to the
Prince George's County Bar Association is enclosed.

Name: _____

Phone: _____ Email: _____

Firm/Address: _____

Return form with check to Prince George's County Bar Association, 14330 Old Marlboro Pike,
Upper Marlboro, MD 20772. Phone: 301-952-1442 or email: gperry@pgcba.com



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

Speakers: Master Timothy Thurtle, Michael Malone, Esq. **When:** April 17, 2012 5:30 – 8:30 p.m.
Richard Trunnell, Esq., Jennifer Merrill, Esq.

Anne Arundel Community College
Center for Applied Learning Technologies (CALT) Building, Room 100
101 College Parkway
Arnold, Maryland 21012

* * * * *

LEG 379 Introduction to Conflict Coaching as an ADR Process - Discover the benefits of conflict coaching which combines dispute resolution and coaching principles. Examine and enhance your own style of conflict management. Gain insight into how conflict impacts the participants and build confidence in effectively handling conflicts. Applicable to all professionals seeking to improve their skills in resolving conflicts. *\$50.00 (\$55.00 if out-of-county resident)*

Speakers: Ed Modell, PCC **When:** April 10, 2012 6:00 – 8:15 p.m.
Merle Rockwell, ACC

Anne Arundel Community College
Careers (CRSC) Building, Room 253
101 College Parkway
Arnold, Maryland 21012

LEG 380 Federal Contracting: Hot Tips on Compliance: - Sharpen your understanding of applicable compliance requirements and examine pertinent federal statutes. Discussed and examined Standards of Conduct and other compliance programs. Gain a deeper understanding of the requirements of the Federal Acquisition Regulations. Learn many other cutting edge and helpful practical tips. *\$120.00 (\$125.00 if an out-of-county resident)*

Speakers: George G. Booker, Jr., Esq **When:** April 27, 2012 11:00 – 1:30 p.m.
Shomari B. Wade, Esq

Troutman Sanders LLP
401 Ninth Street N.W., Suite 1000
Washington, D.C. 20004

COMING SOON!

Interdisciplinary Collaborative Law
Tim Mummert, Esq., Anne Balcerzak, Esq.
May 17-19, 2012, 8:30 a.m. – 4:30 p.m.

For easy and fast registration, print out a registration form from the website below and fax it to (410) 777-4325 or email a PDF to edgable@aacc.edu.

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

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

**50 INSPIRING
YEARS**



Anne Arundel
Community College

LAWYER REFERRAL SERVICE REPORT: 2/15/12-3/15/12

NUMBER OF CALLS: 925

NUMBER OF REFERRALS: 602

TOP 5 AREAS OF LAW:

1. FAMILY
2. TORTS
3. REAL ESTATE
4. EMPLOYMENT
5. CONSUMER



ECONOMIC ANALYSIS / TESTIMONY

THE CENTER FOR FORENSIC ECONOMIC STUDIES

Personal Injury / Wrongful Death
Lost Profits Employment

CHAD L. STALLER, J.D., M.B.A., M.A.C.

JAMES MARKHAM, Ph.D., J.D., CPCU

BERNARD F. LENTZ, Ph.D.

STEPHEN H. ROSEN, Enrolled Actuary



Staller



Markham



Rosen



Lentz

202-530-8808

www.cfes.com cfes@cfes.com

ANGER MANAGEMENT

- Weekly Classes
- Court Ordered Treatment
- Individual Counseling
- Domestic Disputes

All services provided by Licensed Mental Health Professionals

301-423-0967

Patricia Harris, CEO, President

Henry McKinnon, MSW, JD

INSIGHT TREATMENT CENTERS

30 years of service to the community

4920 Niagara Rd, Ste 100
College Park, MD 20740

5210 Auth Rd, Ste 300
Camp Springs, MD 20746

Offices are Metro Accessible

24 Hour Voice Mail: 202-907-4898

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: 15th of month
preceding publication.

CONFERENCE ROOM RENTALS

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

POSITION - AVAILABLE

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

LAW FIRM REQ. ATTY. w/exper. In WC or PI or CR. Must be bilingual Eng./Span. Email resumes to naculi1975@gmail.com

ESTATE PLANNING ATTORNEY

- A perfect opportunity for a motivated attorney with 5-7 years estate planning and probate experience wanting to expand own client base with an AV-rated Columbia law firm. This position offers an opportunity to become a partner which will lead to succession of equity partner. Compensation limited only by your own productivity. Please email resume to jimwalsh@walshlaw.com.

OFFICE SPACE - AVAILABLE

BOWIE-IRRESISTIBLE TERMS:

Attractive Office. All amenities. Call Robert Law at (301) 464-3900.

DOWNTOWN SILVER SPRING SEVERAL LAW OFFICES AVAILABLE:

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. Professionally, 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.

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

GREENBELT/LANHAM: Approx 1000sf of office space for lease or sale. Street level office condo, on Greenbelt Road, near NASA. Plenty of parking, pre-wired for cable and phone. Perfect for small firm, second office or solo. Many possibilities with this space. Reasonable rate and negotiable. Email justin@jdslegal.com or call (301) 385-1099.

OFFICE SPACE - ROCKVILLE: 1-3 offices & 1 paralegal space in renovated

suite w/two small firms (7 other attys). Can rent all or part. Base rent approx \$900, depending on size of office and amenities selected. Large conf room, reception, eat-in kitchen. Free parking. Contact Laura, (301) 424-0094, or email LKR@LKRrhodesLaw.com. Address: 200-A Monroe St.

OFFICE SPACE, SLVR SPG: Busy location. Profess. Bldg. \$500. Free unlim parkg. Bilingual receptionist included - Jen (301) 789-2233

OFFICE SPACE FOR RENT -

COLUMBIA. 1-4 offices. Convenient to I-95 and Route 29. Collegial atmosphere. Share suite with four attorneys. Share reception area, conference rooms, kitchen, and file storage. Plug in and practice. Ample free parking. Please call (410) 312-5690 or email jimwalsh@walshlaw.com.

GREENBELT - 3 BEAUTIFUL

OFFICES w/ great amenities \$900/mo. each - Secretarial Space \$200/mo. Free Parking. Near 95/495/295. Call (301) 474-4468.

SERVICES

ECONOMIST: Dr. Richard Edelman. Lost Income Valuation. See Ad on page 12.

ECONOMIC DAMAGES

ANALYSIS: Comprehensive reports on damages in injury, death, commercial and employment matters. Call to discuss your case. The Center for Forensic Economic Studies, (202) 530-8808 / cfes@cfes.com / www.cfes.com



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

ADDRESS SERVICE REQUESTED

PRINCE GEORGE'S
COUNTY BAR ASSOCIATION

Annual Meeting

Tuesday, June 5, 2012

6:00 PM

at Newton White Mansion

*Elections &
Awards*

\$50.00 Person by May 25th,
\$60 after-RESERVATIONS REQUIRED

NAME _____

FIRM/ADDRESS _____

PHONE _____

CHECK ENCLOSED _____ YES _____ NO

TO PAY BY VISA OR MASTERCARD PLEASE CALL THE BAR OFFICE AT 301-952-1442.

*Return form with check to Prince George's County Bar Association, 14330 Old Marlboro Pike
Upper Marlboro, MD 20772. Phone: 301-952-1442 or email: gperry@pgcba.com*