
PGCBA NewsJournal

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

December 2010

PRESIDENT'S MESSAGE



Dear Fellow Members of the Bar,

It is hard to believe that we are nearing the end of 2010. The years go quicker and quicker and the Bar events seem to be upon us before we know it. In less than a month, the Holiday Party will be here and in fewer than three months, the joint meeting with J. Franklyn Bourne Bar Association takes place.

I had the opportunity of going to the Maryland State Bar Board of Governors and Bar Presidents meeting on behalf of our Association. The big bar associations, which includes Prince George's, had a separate meeting and there was a successful and meaningful exchange of information. Everyone seems to agree that the members' needs are changing and the bar associations have to respond accordingly. The task is to identify the needs of the various groups that make up our membership and find ways within budget constrictions to supply the services and support our members want. It was interesting to see the different plans that each Bar Association has for the future. There is a movement to do electronic newsletters and to be more computer and e-mail oriented. For me the result of these discussions was the realization that bar associations cannot remain static, they have to keep up with changes in the legal world as well as with changes within their own associations.

I would like to thank the Honorable Vincent J. Femia for organizing the memorial service this year. He has been a valuable and indispensable member of our Association. So on behalf of myself, and the Association, once again thank you.

I wish to encourage everyone to attend the Holiday Party at Newton White. It was a huge success last year and I hope to see many members of the Bar Association there again this year. I would ask everybody to keep their future calendars open for our February Joint Meeting with the J. Franklyn Bourne Bar Association.

I would like to wish everyone a happy, healthy holiday and New Year. In closing, I would encourage all of our members to support the upcoming



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PRESIDENT'S MESSAGE

Continued from page 1

events and to be an active member of our Bar Association. Without the members, our Association is nothing. My door is always open as is that of all of our Board members. We welcome all concerns, comments, and ideas. I am looking forward to seeing everyone at the Holiday Party. Remember there will not only be great food and good company but a fun, silent and live auction.

Sincerely,

Nicholas E. Rattal
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The History Corner is a new feature of the Prince George's County Bar Association's newsletter. It will contain information related to the history of Prince George's County.

“Histories make men wise...”¹

This is the third installment of a series regarding the impact of one good man on the fabric and history of the Prince George's County legal community as told through the eyes of some of the individuals who have been touched by his life. The name of this individual is Arthur A. (Bud) Marshall, Jr. The primary voice in this series has been his friend, the beloved Judge Vincent Femia. This installment will include the voice of his oldest child, Patricia Marshall.

Part III

During the Battle of Pork Chop Hill in the Korean War Bud Marshall sustained a gunshot wound to his leg and he was transported to Walter Reed Hospital in Washington, DC for treatment and rehabilitation. During his stay he made the acquaintance of two people that would become key figures in his life: Edward T. Conroy and Elinor Gibbs. During the war Edward T. Conroy threw himself on a phosphorus grenade and saved his company. This unselfish act of bravery costs him his arm. He and Bud Marshall were patients together at Walter Reed Hospital and they became fast friends. They also both met their future wives at the hospital. Mary Conroy served as a nurse and Elinor Gibbs served as a dietitian. In later years Mr. and Mrs.

Conroy moved to Bowie, Maryland. They were one of the first families to purchase what is known as a “Levitt” home and move into “New Bowie”. They became involved in local politics. Edward T. Conroy was elected to the position of State Senator and Mary Conroy was elected to the position of State Delegate. They were a force in Bowie and Maryland politics for several years. Bud Marshall married Elinor Gibbs and he completed his legal education at Georgetown University. He and Mrs. Marshall settled in Seabrook, Maryland and they became the proud parents of four children: Patricia, Arthur III, James and Jeane. Mrs. Marshall was active in efforts to bring kindergarten to Prince George's County and in 1963 their

oldest child, Patricia, was one of the children enrolled in one of the first kindergarten classes in Prince George's County. Bud Marshall and his wife were members of the Prince George's Young Democrats and he was the founder and past president of the Lanham-Bowie Democratic Club. This was the first racially integrated political organization in Prince George's County. As leader of his community association he led the drive to build a swimming pool in Seabrook. It was the first integrated pool in Prince George's County. He also served as Trustee of the Lanham Methodist Church.

Prior to his election as State's Attorney for Prince George's County in 1962 he was

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engaged in the practice of law with Zip Nana. At the time of his election he became the first full time State's Attorney for Prince George's County. During his first term of service he implemented a plan of action that radically changed and enhanced the Office of the State's Attorney. He was able to expand his original part-time staff to five full time and four part-time prosecutors. He initiated a program in which he and his staff participated in the training of law enforcement officers in Prince George's County. In his campaign brochure for re-election after his first term of office, his list of accomplishments included waging war against illegal gambling practices, crackdown on ticket fixing, demanding and obtaining tighter building code protection for homeowners, and stricter enforcement of drug-use laws. He also lobbied for and achieved an enlarged Prince George's County Police Department. In his re-election campaign literature Bud Marshall referred to himself as a "Public Servant" and a "Fighting State's Attorney."

In 1986 Bud Marshall moved his family from Seabrook to Upper Marlboro so that he could be closer to his job. In April, 1968, he received an emergency telephone call at work to come home. Prior to this date Mrs. Marshall had been experiencing severe headaches. He raced home to the aid of his wife but she passed away in his arms as results of a medical condition.

He gathered the emotional and spiritual strength to soldier on with the responsibilities of the Office of the State's Attorney and the care and rearing of four children.

According to Patricia Marshall, a few months later, Assistant State's Attorney (ASA) Robert Woods, who later became Judge Robert Woods, decided to leave the Office of the State's Attorney (SAO) because her father implemented a policy that all ASA's had to be full time employees. Robert Woods was a part-time employee and he also was engaged in private practice. Before Robert Woods left the SAO he took all the secretaries out to lunch and Bud Marshall took Robert Wood's private practice secretary, Sally Zimmnick, to lunch. This was the beginning of a relationship that culminated in their marriage on September 27, 1969. At the time of their marriage Sally Zimmnick was the mother of three children, Laura, Michael and Stacey. She embraced Bud Marshall's four children and he embraced her three children. She said their blended family became the Prince George's County version of the "Brady Bunch". Sally Marshall became a full time wife and mother. She took on the care of a dedicated, public servant husband, seven children, two dogs, two cats, a partially blind horse and assorted other pets. She was also an active member of the Prince George's County Wives Club.

When Bud Marshall completed his service as State's Attorney for Prince George's County the office had grown to over 40 full time lawyers. Bud Marshall SAO Alumni includes 25 judges and several Brahmins of the Prince George's County Bar Association. Additionally, his policies of inclusion, fairness and good government tore down social walls in Prince George's County.

TO BE CONTINUED...

Note: On October 10, 2010, Bud Marshall celebrated 80 years of life.

1 Essay. Of Studies by Francis Bacon (1625)

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



Happy Holidays and Thank You!

We wish each one of you happy holidays and thank the members of the bar for the legal advice and representation you

provided to all our clients in FY 2010! It is because of you and our dedicated personnel that we were able to bring assistance to over 9,160 people!

We recognize the following attorneys who provided legal representation to our clients, as well as the attorneys who volunteered at our law clinics to provide free legal advice. Ahead, we share one of the success stories for this year.

Provided legal representation:

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screened for financial eligibility and was approved! One of our dedicated volunteer attorneys, **Shanee Major**, took her case for legal representation. In court, Ms. Major obtained an order benefiting our client granting her an absolute divorce, joint legal custody of the children with physical custody for our client, child support, half of any equity of the marital house when sold, and half of her spouse's retirement.

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Special Needs Trusts- Kathy Brissette-Minus

Update on "Guardianship of Person &/or Property of Minor in Orphans' Court"

Benjamin Woolery

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Have Your Turkey and Stuffing Too: Eating Smart Through the Holidays

The average American will gain between three and seven pounds during the holiday season. Having fallen victim to this statistic in prior years, you may think that gaining pounds during the holiday season is unavoidable. And when you consider the typical holiday menu - turkey, stuffing, casseroles, pies, and cakes - can anyone really expect to indulge without gaining at least a few pounds? The answer to that question is an unequivocal yes! You can have your stuffing and eat it too, all without gaining more than perhaps a pound. How to do it? Easy...first off, you can't tell anyone who'll be eating your cooking that you will be "modifying" the traditional recipes. What they don't know won't hurt them, and they'll never know if you don't tell them... promise. If you're doing the cooking, this is what you need to do to prepare scrumptious AND healthy Holiday meals that no one will suspect is "healthy cuisine".

Turkey

If you typically slather your turkey in tons of butter or deep fry it, that's not only the recipe for a spare tire, but it will also likely clog a few arteries. So let's revamp the cooking of the bird. It is possible to prepare a beautiful juicy and golden turkey while slashing calories at the same time. Typically, I'll massage three tablespoons of pure olive oil into my turkey after pricking the skin all over with a fork. That way, the oil and your seasonings will sink into the turkey and the turkey will stay juicy and moist. Add two cups of water to your roasting pan and you can baste the turkey with the juice created from the water, olive oil, and seasonings. I've prepared my bird in this heart-healthy fashion for years and no one has ever accused the turkey of being dry or bland. Just be sure to massage in plenty of your favorite seasonings during your rub down of the turkey.

If you want other new healthy turkey recipes, Eating Well publishes new recipes every year including one for an herb-roasted turkey and a lemon garlic roasted turkey with white wine

gravy. Just log onto [www. Eatingwell.com](http://www.Eatingwell.com). These healthy recipes provide delicious turkey dishes at only 155-180 calories and no more than 6 grams of fat per serving.

Some additional tips for cutting calories and fat include removing/avoiding visible fat, limiting dark meat, and most important - watching your portion size. One portion should be about 4-5 ounces. That means that the serving should be the size of your hand while balled into a fist or the size of a deck of cards. Have turkey as your source of meat for the holidays and skip ham and/or prime rib. Turkey is a great source of protein, iron, zinc, potassium, and B vitamins.

Stuffing

If you want to be able to eat stuffing during the holidays, without feeling like you're the one who's been stuffed, you'll have to substitute your traditional recipe made with butter and fatty sausage for a healthier version using chopped veggies, broth, and lean chicken or turkey sausage. Additionally, it will be key to replace white bread as the main ingredient with whole wheat bread or brown rice. Eating Well also has posted a cornbread and sausage stuffing recipe made with sweet Italian sausage, onion, celery, cornbread, and chicken broth which boasts only 237 calories and 9 grams of fat per serving. This is a substantial reduction from the traditional stuffing recipe which typically contains 260 calories and fifteen whopping grams of fat. Plus, remember that stuffing is a "side dish". So only have a small serving measured out at about 4 tablespoons. If you fill up on turkey and veggies, you won't feel the need to stuff yourself with additional servings of stuffing.

Side Dishes

Your side dishes don't have to be macaroni and cheese, lasagna, creamy mashed potatoes, and the like. Healthy side dishes that everyone will enjoy include steamed fresh green beans sprinkled with garlic and sprayed with non-fat butter flavored spray, wild and brown rice, and baked sweet potatoes. Sweet potatoes are a much better choice than mashed white potatoes since sweet potatoes are naturally creamy and sweet, needing no whipping agents or butter to be added. Baked sweet potatoes can be topped with cinnamon, Healthy Balance butter flavored spread, and just a pinch of brown sugar.

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Desserts

The holidays just wouldn't be the holidays without dessert, and having said that, dessert is undeniably the finishing ingredient to any holiday meal. The key to your success will be in choosing which dessert to partake of. There is pecan pie, apple pie, pumpkin pie, sweet potato pie, chocolate cake, cheesecake, brownies, and of course, those cute little cookies. Just keep this in mind: desserts with natural ingredients like fruit are always better than those made primarily from flour ingredients. That means go for the apple pie and sweet potato pie instead of the cakes and cookies. Pumpkin pie is typically only about 180 calories per serving (without eating the back crust portion) while pecan pie will cost you a whopping 480 calories!

Final Tips for a No Gain Holiday Meal

Following the suggestions above for preparing healthy recipes and opting to choose healthier desserts will slash calories dramatically and help you in your quest to wake up each morning weighing the same thing you weighed when you went to bed the night before. In total these modifications can save you as much as 600 calories, bringing your total consumption of calories down to about 1700 calories for your entire meal.

In addition, there are other things that you should do earlier in the day to "prepare" for your holiday meal, as well as holiday parties and outings. First, don't think that you'll "save" calories by skipping breakfast and lunch. This will only cause you to be super hungry at dinner and more likely to over-eat. Instead, have a light breakfast of one packet of oatmeal (try Quaker Weight Control instant Oatmeal) and an orange or small banana. The

MEMBER ANNOUNCEMENTS

ATTENTION ALL PROSPECTIVE JUDICIAL CANDIDATES

As you know the Prince George's County Bar Association, through a by-law change, is now planning to interview prospective judicial candidates. If you wish to be interviewed by the Prince George's County Bar Association, check the "Other" box and write in "Prince George's County Bar Association" when submitting your judicial application. Without this preauthorization, the Bar Association will not have your information packet and it will be very difficult for the members of the commission to make an informed decision.

Please once again remember to check the "Other" box to allow the Prince George's County Bar Association to receive a copy of your information packet.

If you have any question about this, please do not hesitate to contact the Prince George's County Bar Association at (301) 952-1442.

THANK YOU TO BRUCE JOHNSON FOR MANNING THE PHONES FOR OUR LEGAL ADVICE LINE. THE NUMBER OF CALLS CONTINUE TO GROW AND WE HOPE TO SEE THAT TREND CONTINUE AS WE REACH OUT TO OUR COMMUNITY. PLEASE SPREAD THE WORD, THE FIRST TUESDAY OF EVERY MONTH .

FIND A LAWYER WILL RENEW JANUARY 1, 2011

PARKING PERMITS EXPIRE THE END OF FEBRUARY, 2011

Lawyer Referral Service renewal forms will be mailed in early December. Members need to return the application along with payment by 1/31/11.

oatmeal will create a feeling of fullness for several hours plus it has added fiber to move food through your digestive tract, and is lower in calories and sugar than ordinary oatmeal. Or you can opt for a breakfast consisting of ½ cup of unsweetened apple sauce and a half of a small bagel, plus scrambled eggs (preferably 3 egg whites). Healthy breakfasts such as these will get your metabolism started for the day and keep you from feeling like you're starving 3 hours later. As a second meal, before going out to your holiday party or sitting down for a dinner, have a sliced apple or pear and a fiber packed granola or protein bar such as a Fiber One bar. Again, the fiber will keep you feeling full and continue to push your food through your intestinal system throughout the day. Drink lots of water throughout the day prior to your big holiday meal - aim for half a gallon or 8 glasses of water. Have a glass first thing in the morning upon rising, and then again with your first and second meal, and then one

more before you head out or sit down to eat. This way, you're already halfway done with your 8 glasses for the day!

If you'll be heading out to holiday parties, take with you either a small bag of pretzels or a cup of non-fat yogurt. Eat this in the car upon arriving at your destination to turn off your appetite. Although you've had a healthy breakfast and second meal, if it's been a couple hours since you've eaten, you may feel like you're on a hunger strike while shopping at a grocery store. Having something small like yogurt or pretzels will nullify that feeling. Then, while at your party, only eat desserts or hors d'oeuvres that are super appealing to you. Don't try items just to be trying them...be picky!

If you'll be having your holiday meal at home, try to find an hour prior to dinner time where you can squeeze in some

exercise. Go for a 30 minute walk or jog, or get the family members together for a game of basketball. Anything you do to get your metabolism elevated right before your meal will keep your calorie burning mechanism revved during dinner so that more of what you eat is burned up. Lastly, watch what you consume during dinner. Avoid high sugar drinks like pure fruit juices AND alcoholic beverages. Cut your juice drinks by diluting them with ½ portion of water. Most juice drinks are so sweet, they'll still be sweet enough when diluted. If you need more than water, juice, or iced tea, have only one glass of wine.

Follow these tips and you'll wake up after the holidays feeling healthy and happy that you won't have to have your pants let out for the New Year.

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E**DISCOVERY** – SHOULD I CARE? | *Judge Arthur M. Monty Ahalt (Ret.)* and Judge Steven I Platt (Ret.)**

Introduction

The Information Age has finally arrived with all of its magnificent efficiencies and productivity changing ways. People and businesses conduct many of their necessary activities with some interface with technology – probably more that you think. If a computer, be it laptop or desktop, is in the house or office many of the activities are in some way recorded on a hard drive. If the computer is connected to a network or the Internet things become more complicated. Like it or not the world we live in has changed. No longer are we a paper based society. All of our activities revolve around a computer and its hard drive.

But we still think and act in terms of our paper world. And our paper world is a replication of the physical world we see feel and touch hundreds of times a day. So we are accustomed to organizing our information by sight. We have books on book shelves, book shelves in libraries, documents in files, files in file cabinets and on and on. Yet inch by inch, almost imperceptibly, our physical world is being replaced by a digital world. Ask yourself what you are now doing on a computer that 10 years ago you did with paper?

The Basics

So when you think of a law suit you have to train yourself to think in terms of the computer not paper. This will require most of us to go back to school. Fortunately, the basics are not that complex. The forensics are very complex, but learning enough to know what the right questions to ask is not complex. It does however; require some effort and sufficient curiosity and motivation to learn about a subject you might have instinctively not cared about earlier in your career. You used to have to think like a detective in the paper world. Now you have to think like a detective in the digital world.

Dispute Resolution

The Dispute Resolution World, whose most visible and conspicuous inhabitants are lawyers, judges, and other neutrals, is not an exception to the general rule. All of us need to adapt. That means we need to explore the digital world to the extent necessary to operate efficiently, economically, and ethically in a world that is not completely familiar to us. There is no going back.

Lawyers representing clients including government agencies and contractors need to understand the professional and ethical obligations which not only they, but their clients, have to retain, maintain, disclose and produce when required, electronic information and documents. Furthermore, counsel needs to know that these obligations can arise even before litigation is formally filed. Counsel also have a continuing professional duty which can include monitoring their clients compliance with the standard for doing so. These standards are continually being developed by the courts through rules and by case law.

The federal and state judiciaries are addressing these issues both by promulgating Rules of Procedure and through both Appellate court and Trial Court opinions. The Trial Courts are coping and at times proactively engaging in preventative law measures by requiring early pre-trial case management conferences which specifically address e-discovery protocols and by the appointment of Special Masters when these problems are not prevented. It is important that counsel, the court and perhaps most importantly the Special Masters appointed by the Courts to wade through the complexities of the e-discovery processes, protocols and perhaps even some of the forensics actually know the latest rulings in the field of e-discovery, but also the everyday realities of the practice of law. That means they know for example that the law requires “reasonable efforts” not perfection and that some errors are almost inevitable due to the volume and complexity of the stored electronic information. The Special Master should also know that the increasing number of motions for sanctions are not all meritorious and that many of these filings needlessly drive up the cost and time of litigation. The Special Master should also recognize and be familiar with the term “Claw-back Agreement”, Privilege and other concepts spanning the modern practice of law in the digital world and era.

Conclusion

If you are a lawyer who represents clients in court you will be making a very big mistake if you do not read Craig Ball’s collection of articles setting forth the duties and obligations of counsel. Your professional life could depend on it. See www.craigball.com. Not only is Craig

one of the foremost authorities on the subject of eDiscovery, he is a world class persuader who has the gift of being able to communicate highly technical material in a simple, plain yet persuasive way. We would compare him to the immortal Professor Irving Younger. Yet Craig is just a regular guy and good friend who loves lawyers, judges and his fellow man. The ABA maintains a list of EDD resources on the web at <http://www.abanet.org/tech/ltrc/fyidocs/ediscovery.html>

This article as well as other related articles can be found on:
www.virtualcourthouse.info.

** Judge Ahalt is currently recalled as a Circuit Court Judge and serves private parties as a mediator and arbitrator in personal injury, commercial, real estate, construction and electronic deiscovery disputes. www.montyahalt.com*

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 COURTHOUSE
 FEBRUARY 8, 2011 – JOINT MEETING WITH JFBBA - FEDERAL
 COURTHOUSE-GREENBELT
 MARCH 26, 2011 – GOLDSTEIN SEMINAR-COURTHOUSE
 MAY 7, 2011 – FAMILY LAW SEMINAR – COURTHOUSE
 JUNE 7, 2011 – ANNUAL MEETING – NEWTON WHITE MANSION

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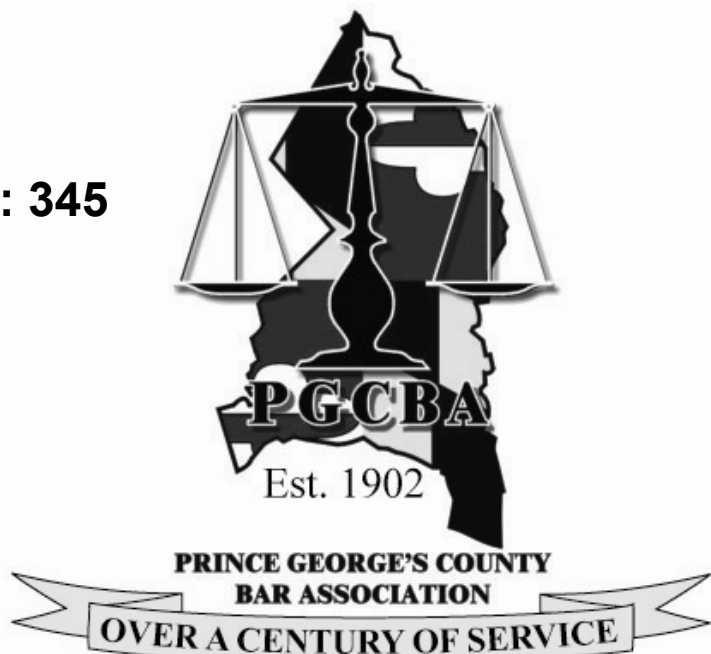
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<p><u>FEBRUARY 28, 2011</u> Parking Permits Expire</p>	<p>SAVE THE DATE <u>MARCH 29, 2011</u> GOLDSTEIN SEMINAR Ceremonial Courtroom 8:30 AM -1:00 PM</p>	<p>SAVE THE DATE <u>MAY 7, 2011</u> FAMILY LAW SEMINAR Ceremonial Courtroom 8:30 AM – 1:00 PM</p>



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