



PGCBA NEWSJOURNAL

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

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President's Message



Dear Fellow Members of the Bar,

What an amazing event – the Judge Missouri retirement. The turn out was overwhelming and fun was had by all. On behalf of the Bar, I, once again, want to thank and congratulate Judge Missouri and wish him and his wife many, many happy healthy years.

I want to remind members of the Amendment to the By-Laws providing for interviews of judicial candidates. **The Bar Association will no longer be sending out ballots by mail.** Members will now vote online. Each member will be notified by e-mail when the election process starts. So I am reminding members that when there is a judicial vacancy, do not be expecting an envelope with a ballot from the Bar Association. A further reminder is that in order for this process to work, all members must submit an accurate e-mail address to the Association. If any members have changed their e-mail address and have not notified the Bar Office, please do so immediately.

As part of the By-Laws, as President, I appointed the members for the judicial interview committee. Each successive year, three of these members will go off and the current Bar President will appoint three as per the By-Laws. The just appointed members of the committee are: The Honorable William B. Spellbring, Jr., Chairman; Maurene Epps Webb, Esquire, Vice Chair; Jeffrey Harding, Esquire; Linda Gantt, Esquire; Dave Simpson, Esquire; Angelia Rowe Gardner, Esquire; Alexander Williams, III, Esquire; Steve Vinick, Esquire; and Jennifer Muskus, Esquire. I wish to thank these members for volunteering to serve and look forward to hearing their recommendations in the future.

A further reminder is that the Memorial Service will be held on November 18th and the Holiday Party on December 14th. I am asking for all members to support these events.

The Bar Association received a letter from the Honorable Lynn A. Battaglia in regard to the Court of Appeals starting a Pilot Mentoring Program for New Admittees to the Bar. Each county is asked to submit a list of members who are willing to mentor new lawyers. To be eligible to mentor, you must have a minimum of seven years experience and be a

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PRESIDENT'S MESSAGE

Continued from page 1

current, active member of the Maryland Bar. You must aver that you have read The Ideals of Professionalism. The mentor may not be employed by the same employer as the mentee and the applicant cannot be subject to any disciplinary sanctions. Any member wanting further details of the requirements, please contact the Bar Association. I am asking for membership to support this worthwhile program.

I want to welcome Josephine Mattos to our office as she has taken over the Lawyer Referral Service (LRS) responsibilities from Ryan Thompson. I am asking all members of the Bar to cooperate with her and say hello when you are in Upper Marlboro. Josephine and her family moved here from Oklahoma. Her husband is active Navy and they reside at Patuxent River Naval Air Station. I also want to welcome Patricia Kyriss to the office. Patricia will be working two days a week starting in October. Patricia comes to us after 31 years at the Prince George's County Community College. She and Becky will now share one full time position. Welcome aboard to both Josie and Tricia.

In closing, I would encourage all of our members to support the upcoming events and be active members of our Association. Your participation is sorely needed. My door is always open as is that of the Board members. We welcome all comments, concerns and ideas. I am looking forward to a successful 2010-2011 year as President of the Bar Association.

Sincerely,
Nicholas E. Rattal

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A true trial lawyer, Ken Thompson has represented plaintiffs and defendants alike in matters ranging from personal injury and mass tort litigation to governmental relations and complex commercial matters. A Fellow of the prestigious American College of Trial Lawyers, he has been listed in *Best Lawyers in America*, *Maryland Super Lawyers*, and was recognized by *The Daily Record* for "Leadership in the Law." Well known for his service to the community and the Bar, Ken is on the Board of Trustees of Good Samaritan Hospital and the Baltimore City Bar Foundation. He will continue his law practice at DLA Piper's Baltimore office, but now also joins The McCammon Group to serve the mediation and arbitration needs of lawyers and litigants throughout Maryland and beyond.



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"Histories make men wise..."¹

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.

This is the beginning of a series regarding the impact of one good man on the fabric and history of the Prince George's legal community as told through the eyes of some of the individuals who were touched by his life. The name of this individual is Arthur A. (Bud) Marshall, Jr. The series will begin with a first-hand account of his accomplishment by his friend, Judge Vincent Femia.

A CONVERSATION WITH JUDGE VINCENT FEMIA

Judge Vincent Femia is a respected and beloved member of the Prince George's County Bar Association. The following article is based on a series of conversations I had with Judge Femia about his background and memories as a lawyer in Prince George's County, Maryland. He also wrote portions of the article.

Judge Femia was born in Philadelphia,

Pennsylvania. The day after graduating from Haverford Senior High School in Haverford, Pennsylvania he moved to Washington, D.C. to take up a position as a fingerprint searcher for the F.B.I. He attended night school at George Washington University from which he graduated in 1959 with a B.A. degree in accounting.

At 4:30 in the afternoon of June 23, 1954, his first full day on the job as a fingerprint searcher, he boarded the #40 streetcar outside of the old FBI Ident building for his ride home to his lodgings in Mt. Pleasant. Also riding that streetcar was a young lady by the name of Elizabeth Ward Bell, a name card searcher for the F.B.I. They were married on June 23, 1957 at 4:30 pm. She is a stickler for details. Fifty-three years later, they are the proud parents of three adult children and 6 grandchildren. For the past 36 years, Judge Femia and his wife have resided in Accokeek, Maryland.

Upon graduating from GWU, with an undergraduate degree in accounting, Judge Femia literally walked across the campus quad and began attending George Washington University Law School, from which he graduated in October, 1961.

In January, 1960, he passed the certified public accounting examination in the State

of Maryland. He sat for the July, 1961 bar examination and he was admitted into the Maryland State Bar Association in October, 1961.

From 1957 – 1961 he clerked for Leonard C. Collins, his former professor of law in undergraduate school, in Mr. Collins' Washington, DC law office. In late 1961, he opened his own law practice in the Glassmanor Apartments across the street from the Eastover Shopping Center in Oxon Hill, Maryland, located in Prince George's County. His business partner was Howard L. Stern.

In 1962 Judge Femia embarked upon a course of action that would change the direction of his professional career. Because of his accounting background, he was asked to run for election as Treasurer for Prince George's County on the "Independent Democrat Ticket". The other candidates on the ticket included Arthur A. (Bud) Marshall, Jr. running for the office of State's Attorney and Gladys Spellman running for the office of County Commissioner. The members of the ticket were young, political upstarts outside of the established political spectrum. Judge Femia's primary campaign plank was that the office of Treasurer should be abolished and replaced with a professional

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finance officer to be a county employee. Gladys Spellman's election as County Commissioner launched her political career and in November, 1975 she was elected to the US House of Representatives. In November, 1980, she developed a medical condition which prevented her from completing her term in office. A special election in the spring of 1981 was held and Steny Hamilton Hoyer, then President of the Maryland State Senate, assumed the position as the representative from the 5th Congressional District in the US Congress. Judge Femia lost his bid to be County Treasurer, but he accepted a position with Bud Marshall.

On January 7, 1963, Bud Marshall was installed as the State's Attorney for Prince George's County. He hired Edward P. Camus, Howard S. Chasanow, Vincent J. Femia, Lloyd James, Richard Painter and James H. Taylor to serve as Assistant State's Attorneys. Bud Marshall's 24 years of service as the State's Attorney literally and figuratively changed the substance and complexion of the Office of the State's Attorney in Prince George's County.

To be continued.....

¹ Quotation taken from an essay entitled "Of Studies" by Francis Bacon, written in 1625.

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DRAFTING AN ARBITRATION PROVISION-THE VIRTUALCOURTHOUSE WAY

by Judge Arthur M. Monty Ahalt (Ret.)

VirtualCourthouse provides a fresh new approach to arbitration. An approach which provides flexibility and cost savings not available through AAA, JAMs, National Arbitration Forum. Have you noticed that arbitration has become more time consuming and more expensive as each year passes. How has that happened when the whole notion, 50 years ago was, for Arbitration to reduce the cost and time of litigation? Well, one observation would lay the blame at the foot of trying to provide too many rules to cover too many possibilities. Take a look at any major ADR provider's rules - in many cases they are more involved than a court's rules of procedure.

Here is how the unaware gets caught up in that dilemma. Client engages a lawyer to draft a contract. Lawyer suggests to client that it is best to insert a provision in the contract agreeing to arbitrate any dispute. Client is aware of all of the horror stories about the cost of litigation and says "by all means keep me out of court". Lawyer inserts a provision which says - "Any dispute

between the parties will be arbitrated in accordance with the rules of the American Arbitration Association." Two years go by and the parties have a major disagreement. One party looks up the AAA rules and finds out that the AAA rules require the claim to be filed with AAA. The parties now have no choice about how much will be charged or who the arbitrator will be. AAA's panel of neutrals are not competitively formed. AAA restricts the number of neutrals - never a good idea as that type of activity keeps prices high and many highly qualified neutrals off of AAA panels. They have agreed to a dispute resolution service that provides little flexibility - many would say more expensive than court. Many attorneys find the AAA administrative process to be cumbersome, unwieldy and time consuming.

What then is the best way to draft an arbitration provision in a contract? The first order of business is to understand the legal territory. Generally speaking, arbitration agreements are enabled by Federal and

State law-the Federal Arbitration Act or the Uniform Arbitration Act. Both Federal and State Acts provide similar provisions, although there are significant differences in some special areas. Both Acts are similar in that they provide for:

1. Enforcement of agreements to arbitrate;
2. The appointment of an arbitrator where the parties cannot agree;
3. The subpoena of witnesses;
4. The confirmation of awards by judgment in court.

When drafting an arbitration provision in a contract the important items to consider are:

1. Administration Cost
2. Identity of the neutral
 - a. Greatest number of qualified neutrals to select from
 - b. Closed panels increase costs and are anti-competitive
 - c. Allowing the parties the opportunity to agree on a neutral

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• Some folks will maintain that these provisions are not strong enough to make sure that they stay out of court. But, stay out of court at what price. If the parties or anyone wants to be truly adversarial than the matter ought to be in the court system. Arbitration at all costs is not very wise. It is very common these days for cases to start in court and end up in arbitration after discovery and court ordered mediation

have taken place. The court system with its rules and procedures while allowing adversaries to be adversaries still is based on the underpinnings of sound fair minded judges.

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Rev. 7/28/2010

Judge William D. Missouri Retires Administrative Judge for Prince George's County, 7th Circuit, Has Served on Bench for Quarter-Century

Chief Judge William D. Missouri, administrative judge of the Prince George's County Circuit Court and the 7th Circuit, retired Sept. 3 after more than 25 years on the bench.

Judge Missouri was appointed to the Prince George's County Circuit Court by Gov. William Donald Schaefer in December 1987, and was elected to a 15-year-term in November 1988. Gov. Robert L. Ehrlich reappointed Judge Missouri in November 2003, and he was then re-elected for a second term in November 2004.

Judge Missouri was named county administrative judge in October 1992. He was appointed administrative judge for the 7th Circuit, and has served in that capacity since May 1997. As the county administrative judge, he is responsible for the daily operations of the Circuit Court in Prince George's County, including the supervision of judges, officers and employees, the assigning of judges to cases, and the court's budget. As administrative judge for the 7th Circuit, Judge Missouri is also responsible for the administration of the courts within the judicial circuit, including the supervision of Calvert, Charles and St. Mary's counties' administrative judges.

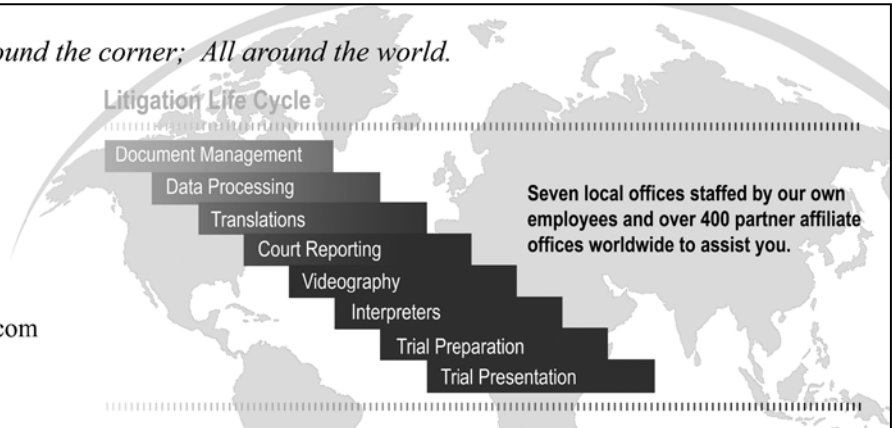
Before joining the Circuit Court, from 1985 through 1987, Judge Missouri served on the District Court of Maryland, sitting in Prince George's County. He served as that District's administrative judge from 1987 until his appointment to the Circuit Court.

"Judge Missouri has been an invaluable asset and a superlative leader for the Maryland Judiciary, serving the citizens of this State in many important capacities during his long and distinguished career," said Chief Judge Robert M. Bell of the Maryland Court of Appeals. "On behalf of the Judiciary, I express profound gratitude for Bill's extraordinary and selfless service to the people of Maryland, and in particular for his stewardship of the Prince George's County Circuit Court and the 7th Circuit."



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2010 – 2011 CALENDAR

NOVEMBER 18, 2010 – MEMORIAL SERVICE – CEREMONIAL COURTROOM

DECEMBER 14, 2010 – HOLIDAY PARTY-NEWTON WHITE MANSION

JANUARY 29, 2011 – ESTATES, TRUSTS & PROBATE/ ELDER LAW SEMINAR –
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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