

THE
BAR ASSOCIATION OF MONTGOMERY COUNTY, MD

NEWSLETTER

Pride in Membership, Leadership in Justice

Volume 61, Issue 7

www.montbar.org

January 2014

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PRESIDENT'S MESSAGE

By Richard H. Melnick



Education is the most powerful weapon which you can use to change the world.

-Nelson Mandela

Happy New Year, everyone!

As we begin 2014, I look forward to all of us working together and communicating, as attorneys and members of this Bar Association, with a renewed resolve, civility, com-

passion, courage, and passion that leads us to achieve great success in our professional and personal lives. We are a strong community of attorneys who, through our association with one another, bring great value to our clients, one another, and our society.

Near the end of 2013, the world sadly lost Nelson Mandela, a man who exhibited great courage, vision, and leadership in overcoming unjust imprisonment and peacefully bringing people together in a conflict-ridden South Africa. There is much we can learn from the way Mr. Mandela approached his life that may positively impact our own lives. As noted in the above quote, education is paramount to bringing forth and fostering a free and peaceful society.

The BAMC is committed to, and participates in, educating young people and attorneys on numerous fronts. Through its "Creating an Improved Tomorrow" ("C-IT") Program, BAMC attorneys are enhancing classroom curriculum, seeking student viewpoints through an essay contest, and generating a dialogue that encourages young people in our high schools to be a part of our society's legal processes—rather than just being subject to them. In this regard, please visit <http://www.montbar.org/associations/12896/files/C-ITFlyer.pdf>, and make a tax-deductible contribution in an amount with which you are comfortable, in order to help fund scholarships to award C-IT contest winners as part of this educational effort. Also, if you have not been able to get involved in this year's activities, please contact me so that we can make you a part of C-IT in the future.

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BAR LUNCHEON SCHEDULE

NO January Bar Luncheon

February 4, 2014 –

Speaker: Douglas F. Gansler,
Attorney General of Maryland

March 11, 2014 April 1, 2014

Rockville United Methodist Church
112 W. Montgomery Ave., Rockville, MD
12:15p.m. - 1:00p.m.

If you have a dietary restriction and require a special meal, please contact Cindy at Cindy@barmont.org at least 1 week prior to the luncheon. Please indicate what type of dietary restriction you have.

BAR ASSOCIATION OF MONTGOMERY COUNTY ELECTION NOTIFICATION FOR OFFICERS AND EXECUTIVE COMMITTEE

In compliance with Article VII of the Bar Association Constitution, the membership is hereby notified that a General Election for new Officers and Executive Committee will be conducted.

If you are interested in running for any of the positions, please contact Julie Petersen (Julie@barmont.org) or Committee Chair Joe Fitzpatrick (joef@Debelius.com) by January 31st.

Schedule

Slate printed in March newsletter with invitation for petition

Mar. 14, 2014	Petition Deadline
Mar. 17, 2014	Ballots Emailed to Members
April 7, 2014, 2PM	Voting Deadline
April 25, 2014	Announcement of Results at the Annual Meeting

SAVE THE DATE

120th Annual Meeting & Law Day Celebration

Friday, April 25, 2014
8:00a.m.-2:30p.m.

Bar Association ... Main Line ... (301) 424-3454

Julie	Executive Director	(301) 424-3453	
	Julie@barmont.org		
Maria	Office Manager/LRS Supervisor	(301) 424-7040	
	MDelgado@barmont.org		
Cindy	Association Administrative Assistant	(301) 762-8376	
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Monika	(301) 424-6351	
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Monica	} Lawyer Referral Service Operator	(301) 279-9100	
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		lrs2@barmont.org	

Bar Foundation

Yesenia	CLE Seminars and Events Coordinator	(301) 340-2534
	montcle@barmont.org	

Pro Bono Program

Client Intake Lines	(301) 424-7651
.....	(301) 424-7652

The following staff listing is not for public information. It is for attorney use only.

Debbie , Program Administrator	(301) 762-5831
	debbie@mcbfprobono.org
Jennifer Office Administration / Client Coordination	(301) 424-2706
	jennifer@mcbfprobono.org
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 (301) 315-9400; Jeffrey W. Stickle, Co-Chair - (301) 294-2110

FOR LAWYERS WHO NEED HELP

Anyone aware of Attorneys who are having problems with stress, depression, overwhelmed with their practice, family issues, and related illnesses, including addiction, that interfere with their professional or personal lives, please call the Lawyer to Lawyer Committee. Committee members can assist Lawyers in finding confidential and effective programs to help them.

All calls are strictly confidential.

Deane A. Shure, Chair

(301) 762-8860 or deaneshure@gmail.com

Jeffrey M. Hamberger, Vice Chair

(301) 309-6444 or jmh@hambergerlaw.com

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CURRENT UPDATE

CIRCUIT COURT NOTES

On behalf of the Circuit Court, we wish you all a happy new year.

Progress Report on the Construction of the Court's Annex: 2014 will bring the completion and occupancy of the long-awaited annex, still contemplated by early spring. Courthouse visitors and staff may only enter the Circuit Court from the Maryland Avenue entrance or the T-level entrance, which can be accessed via the Executive Office Building. The Monroe Street entrance has closed for the next phase of lobby renovations.

Entry into the Circuit Court continues to be busy during peak times, particularly in the mornings. Complicating matters is the temporary loss of one public elevator as well as the long-term, though temporary, loss of the public parking lot across from the theaters on Maryland Avenue where a hotel and parking garage complex are being constructed. Please advise your clients to budget extra time to find parking and to gain access to the courthouse and courtrooms

LEGAL ETHICS HOTLINE

A.P. Pishevar ... 301-279-8773 ... ap@pishevarlegal.com

Christiane Sorel ... 301-299-1838 ... sorel@true-law.com

For a written confidential opinion, submit your written request, marked confidential, to Jeffrey M. Axelson, c/o Bar Association of Montgomery County, MD, 27 West Jefferson St., Rockville, MD 20850.

in order to be on time for hearings, trials and other scheduled events. The stairway between the 1st, 2nd and 3rd floors is nearing completion and will open soon easing access between those floors.

Thank for your continuing patience with the inconvenience necessitated by the both construction and renovations to the existing structure. Progress reports on the construction are posted regularly to Montgomery County's website at:

http://www6.montgomerycountymd.gov/mcgtmpl.asp?url=/content/dgs/dbdc/RegionalProjectPages/BethesdaProjects/judicial_center.asp

Court Administrator. We are very pleased to announce that the position of Court Administrator has now been filled.

We welcome Judy Rupp (No relation to Judge Nelson W. Rupp, Jr) to the courthouse family beginning December 9th. Judy comes to us with an education and background in business and law firm management and years of experience in staffing, training and development.

I also want to express my sincere thanks to our Assistant Court Administrator, Suzanne Schneider, who stepped up as Acting Court Administrator from the time of Pam Harris' departure. Suzanne assumed these duties through the critical budget season while fulfilling the requirements of her own job and also covering many of the duties of DCM Coordinator until David Egar was able to

(Continued on page 5)

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PRESIDENT'S MESSAGE, cont'd

(Continued from page 1)

Also, the BAMC's Leadership Development Academy, through its Co-Chairs **Casey Florance** and **Tom DeGonia**, recently hosted a forum to educate its Fellows. We thank **Aindrea Conroy** and **Keith Rosa** for moderating this leadership discussion, as well as Maryland Delegate Kathleen Dumais, Senator Nancy King, County Council President Craig Rice, County Executive Isaiah Leggett, Police Chief Thomas Manger, and Department of Corrections Director Arthur Wallenstein for their inspiring and thoughtful remarks as panel members.

In addition to the above, Nelson Mandela said: "I learned that courage was not the absence of fear, but the triumph over it. The brave man is not he who does not feel afraid, but he who conquers that fear." He further noted: "There is no passion to be found in playing small – in settling for a life that is less than the one you are capable of living." I thought of Mr. Mandela's quotes recently while addressing newly-minted attorneys being admitted to the Maryland Bar, who had just graduated from law school and passed the bar exam. By educating, serving as mentors to, and developing mutually-beneficial relationships with young attorneys, we create opportunities for ourselves in which we may: leverage their talents, allay some of our practice development fears, and optimize our own success. At the same time, we potentially reduce the fears young attorneys face from their student loan debt and uncertain career paths. Let's continue to implement programs that bring together new and experienced practitioners, as well as attorneys in complementary practice areas, to share skills and perspectives in ways that present synergy and value to us all.

The BAMC, through its Sections, Committees, and CLE programs, provides members with a wealth of educational, professional, networking, leadership, and community outreach activities. Please share your ideas with us, and be a part of planning and participating in events that you find relevant and meaningful. By communicating, and educating ourselves and others, we can conquer our fears, achieve success, live to our highest potential, and change the world.

OFFICE OF THE PUBLIC DEFENDER IS SEEKING PRIVATE ATTORNEYS TO APPEAR BEFORE DISTRICT COURT COMMISSIONERS

The Office of the Public Defender in Montgomery County is seeking qualified Maryland-barred private attorneys interested in representing indigent defendants at initial appearances before District Court Commissioners. Commissioners are judicial officers who determine conditions of pretrial release pursuant to Maryland Rule 4-216. These hearings are held 24 hours a day 7 days a week at the Montgomery County Detention Center on Seven Locks Road. Attorneys will be compensated by the State of Maryland. The exact remuneration, the official start date and the "rules of engagement" have yet to be decided. If you are able and willing, we will put you on the email list and disperse updated information as we get it. New Practitioners are welcome. Any attorney interested in being added to the list should send an email to tjarnagin@opd.state.md.us or msiegfried@opd.state.md.us.

SAVE THE DATE

Party Around the World – Thursday, March 6, 2014

To volunteer, please contact Mary Ellen Flynn at 301-563-6685.

To register, please see the insert in this issue.

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The attorneys of Bregman, Berbert, Schwartz & Gilday, LLC, located in Bethesda, Maryland, assist commercial and residential property owners, property developers, established and emerging businesses, consultants, entrepreneurs, technology businesses, individuals and many other clients in Maryland, Virginia, Washington, D.C. and throughout the metropolitan area. We are an AV-rated, full-service firm offering experienced and cost-effective representation in numerous areas, with special emphasis on the following areas:

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- Commercial transactions and litigation
- Corporate, business and employment law
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- General litigation
- Wills and estate planning and administration
- Mediation and arbitration

CURRENT UPDATE

(Continued from page 3)

come on board and pick up that mantle. We look forward to her continued guidance and sound judgment as Assistant Court Administrator.

Pre-Clearing Criminal Scheduling Dates. Counsel are encouraged to clear dates prior to hearing to expedite the scheduling process. Stand-ins for counsel whose line is entered in the case will be allowed only for schedules previously cleared. Assignment Office staff will be available during the week prior to the Scheduling Hearing and will be present in court beginning at 8:00 AM to allow clearing of dates prior to the case being called. The Assignment Office may not clear dates that are more than one week passed the DCM dates. In this instance, counsel must receive approval from the Administrative Judge.

Presumptive Rate for Court Appointed Attorneys in Guardianships is \$250 per hour.

Important Information Regarding

Temporary Initiative To Hold Bench Warrant And Body Attachment Hearings Via Video: To reduce the number of prisoners who need to be transported to and moved about the building during the final stages of renovation and construction, the Circuit Court has implemented the use of remote video from the Central Processing Unit to allow Bench Warrant and Body Attachment Hearings to be conducted in the same manner as Circuit Court Friday Video Bonds. These hearings will be noted on the docket as either "Video Bench Warrant" or "Video Body Attachment" Hearings. Counsel who wish to confer in person with their clients during hearings may do so by telephone, or if they prefer, will be granted access to their clients in the room at the Detention Center that has been temporarily reserved for these hearings. Please report to the CPU by 12:45 PM to be escorted into the Detention Center in time for the hearings, which begin at 1:30 PM.

Civil Cases: Please be reminded that

appearance by plaintiff's counsel or a self-represented plaintiff is required at all scheduling, status/pretrial, settlement conferences, and pretrial hearings regardless of whether the defendant(s) are served or the case is at issue. Further, a notice of contemplated dismissal under rule 2-507 for failure to obtain jurisdiction over a defendant, a pending motion to defer dismissal, or an order deferring dismissal do not excuse the attendance of plaintiff's counsel or a self-represented plaintiff. Failure to appear can result in the dismissal of the action.

Civil Track 3 Settlement Conferences: Court staff in the Assignment Office will contact counsel in advance of all Settlement Conferences in Track 3 civil cases to ensure that they are productive for all involved. Staff request information about the status of discovery, ADR, and note any unresolved motions. Cases with such issues are forwarded to the DCM Coordinator, who will work with the parties and make recommendations to the Court as to whether Settlement Conferences and Pretrial Hearings need to be moved to resolve issues or proceed. Counsel are urged to adhere to Scheduling Order deadlines or request their extension prior to their expiration. Finally, in those cases in which appearance will impose a significant hardship on a party or authorized representative, any motion granted to allow telephonic participation will require just that, participation by telephone, rather than mere availability. With these additions and the bar's continued support, the Circuit Court will be able to reach the civil caseload and other caseloads scheduled for trial predictably and promptly.

Attorney Signature on Pleadings. Please remember that pursuant to Rule 1-311 every pleading and paper of a party represented by an attorney must be signed by at least one attorney who has been admitted to practice law in the State of Maryland. This includes certificates of service. The clerk's office will return pleadings signed by non-attorneys.

Interpreters: Please remember, that if necessary, interpreters need to be cancelled at least two business days prior to a trial/hearing date. You may be charged a fee if a translator is not properly cancelled when no longer needed (a minimum of \$160).

(Continued on following page)

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(Continued from preceding page)

Review of the Family DCM Plan. A working group with representatives from the Montgomery County bar will examine the plan, including the services provided via the Family Division, to ensure their continued effectiveness and relevance in helping achieve resolution of the various issues giving rise to family law cases. Your input is invaluable and welcome; please contact David Egar, at 240-777-9358/degar@mcccourt.com or Madeleine Jones, Family Division Coordinator, 240-777-9061/mjones@mcccourt.com, to share your thoughts and suggestions with the working group.

John W. Debelius, Administrative Judge for Montgomery County, MD

CIRCUIT COURT FAMILY DIVISION

Evaluator Reports at Settlement/Status Hearings

Starting December 6th, an evaluator's oral report at the settlement/status hearing is the final report. At the settlement/status hearing, an "Order for Transcript of Court Evaluator Oral Report" will issue. This order will allow parties and attorneys of record to obtain a copy of the transcript of the oral report at the then-current copy cost for a 20 day turnaround. Parties can, of course, request a quicker turn-around, at the applicable (higher) copy cost. Parties who qualify for fee waiver will be provided a transcript at no or low cost.

This change was implemented to ensure that parties have more timely access to evaluator reports and to minimize discrepancies between the oral report and the written report.

Supervised Visitation

After three years without the service, the court now has the capability to offer supervised visitation pursuant to court order. This service is offered without cost to the parties. The structure is very similar to the court's former program. Each participating family will be scheduled for a maximum of six (6) visits conducted over three (3) months. Visitation will occur on a Saturday or Sunday at Visitation House, which is located at 150 Maryland Avenue, Rockville, Maryland. Each session will be two hours in length

A BALANCING ACT

This is the part of the newsletter that is here to help you de-stress and lead a more balanced life. Each month, our newsletter will give you a tip that you might implement.

What Can You Do For Your Practice at New Years?

First, you might celebrate what you accomplished in 2013! If it was a difficult year with not much to celebrate, see if you can find some good in it to celebrate.

Next, decide what's most important to accomplish in 2014. Make a list of things that would most benefit your practice and choose the most impactful one.

Make it happen. You'll have much to celebrate at the end of this year. Making strategic things happen in your practice reduces stress. Take the first step so you will get it done.

Remember that this can be a stressful time of the year so take care of yourself and let's make 2014 even better.

I wish you a good holiday season and New Year!

Geoff Gilbert, Esq. is an executive business coach to lawyers, accountants and corporate business executives. His background includes experience as a CPA at Ernst & Young and practicing law in Montgomery County for 15 years. Geoff also teaches stress classes at the University of Maryland in College Park. You can reach him at geoff@coachforexecutives.com.

(which includes child transfer and feed-back time).

Upon ordering, parties will proceed to Family Division Services for an intake interview. At the intake the following will occur:

- Parties will be interviewed.
- Program guidelines will be reviewed.
- Visitation dates and times will be scheduled.
- A supervised visitation observer will be assigned to the case.

A review hearing date, scheduled to occur approximately 120 days from the date of the order, will be set out in the court's referral order.

Supervised visitation observers are

Licensed Graduate Social Workers or Licensed Clinical Social Workers. To ensure continuity, one observer will be assigned to the entire course of visits for a family.

Custody/Access Mediation

The court's mediation program has been in operation since February 19, 2013. Each case ordered to mediation is scheduled for a three hour time slot at either 9:00 a.m. or 1:00 p.m. Mediation services are provided by a roster of mediators approved by the court. At the end of the mediation, results are reported on the record in front of a Family Division Master.

Between February 19, 2013 and

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CURRENT UPDATE

November 30, 2013, 148 matters were scheduled for mediation. Of that number, 134 (91%), proceeded to mediation, with a resulting resolution rate of 62%.

2014 Juvenile Bench/Bar Meeting Schedule

The following is a listing of bench bar meetings scheduled for Juvenile during 2014. These meetings are held in the old District Court Building, 27 Courthouse Square, Rockville, Maryland. Please note that there will be a change in location when the court moves into the new annex. A new location will be posted at that time.

Delinquency, Courtroom #19, 12:30 p.m. – 1:30 p.m.

Wednesday, February 19
Wednesday, April 23
Wednesday, June 18
Wednesday, October 1
Wednesday, November 19

Child Welfare, Courtroom #52, 12:30 p.m. – 1:30 p.m.

Monday, January 27

Monday, March 17
Monday, May 19
Monday, July 21
Monday, October 20

Madeleine Jones,
Family Division Coordinator

MCCC LAW LIBRARY – CHECK IT OUT

Is There Humor in the Law Library?

Inquiring minds need to know! Check out the MCCC Law library's a special collection of books on legal humor.

- *The Comic Blackstone*, a reprint of the 1870 book by Gilbert Abbott A Becket, with illustrations by George Cruikshank. Quote: "Every gentleman ought to know a little of the law, and perhaps, say we, the less the better."

- *Habeus Circus: Illegal humor*, by Alan Gerson, 2001. Deft, comic drawing of courtroom behavior.

- *Blackie the Talking Cat and Other Favorite Judicial Opinions*, by West editors, 1996. Real trial opinions on golf course hazards, banned books

and counterfeit bills passed at Disney World.


- *The Judge Who Hated Red Nail Polish and Other Crazy but True Stories of Law and Lawyers*, by Ilona Bray et al., 2010. Includes anecdotes, jokes and songs – such as the lament, "My Attorney Bernie" and the ditty, "Will Your Lawyer Talk to God For You?"

- *Justice Served: Quips, quotes and recipes*, by The Chief Shyster, n.d. Recipes for eating crow, etc, between quotes such as this lawyer motto, "Hell had no space, so I came back."

- *There's no Justice, Just Court Costs*, by Lawrence B. Fox, 2000. One a series of collections of humorous essays by Mr. Fox.

- *You May Not Tie an Alligator to a Fire Hydrant: 101 real dumb laws*, by Jeff Koon and Andy Powell, 2002. What-were-they-thinking legislation, from "Persons may not use a pogo stick on a city bus in Fairfax County, VA," to "Tennessee children may not play games on Sunday without a license."

(Continued on following page)



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(Continued from preceding page)

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Hours: M-F, 8:00 a.m.-5:30 p.m.
50 Maryland Avenue, Rockville MD
240-777-9120; lawlib@mccourt.com

LAWYER'S LITERARY CIRCLE

The following are the dates of our future meetings and the books which we will be discussing:

Thursday, January 23, 2014: *The Invisible Bridge*, by Julie Orringer. Amazon writes that “Andras Lévi, a Hungarian-Jewish architecture student, arrives [Paris, in 1937] from Budapest with a scholarship, a single suitcase, and a mysterious letter he promised to deliver; but when he falls into a complicated relationship with the letter’s recipient, he becomes privy to a secret that will alter the course of his – and his family’s – history.”

Thursday, February 20, 2014: *Giant*, by Edna Ferber.

BREAKFAST WITH THE COURT

Our next Breakfast will be to meet the **Honorable Gary E. Bair** on **Thursday, January 16, 2013** from **7:30 a.m. until 8:15 a.m.** in the **CLE Classroom at the Bar Building**. Join us as **“Judge Bair bares his views, past present and future on Family, Juvenile, and Criminal”**.

Don’t miss Breakfast with the Court on the third Thursday of each month from 7:30 a.m. – 8:15 a.m. at the Bar Building. This is a great opportunity to meet, ask questions to and get answers from a distinguished member from our Montgomery County Courts.

Save the Dates for all of our Breakfasts:

- January 16, 2014 – Honorable Gary E. Bair
- February 20, 2014– Honorable Cynthia Callahan
- March 20, 2014 – Honorable Joan E. Ryon.

Breakfast will be provided. The cost is \$20 per person (\$15 for new practitioners). Please arrive a few minutes early so everyone can get checked in on time and we can start promptly.

Erin Kopelman, Chair

March, 2014: *In the Shadow of the Banyan Tree*, by Vaddey Ratner

With some rare exceptions, all of our meetings are held in the offices of Miles & Stockbridge P.C., 11 North Washington Street, Suite 700, Rockville, Maryland 20850, and begin at 4:30 in

the afternoon. If any of your friends and associates would like to join our group, all they need to do is to show-up for any of our meetings – everyone is always welcome to attend and snacks are always served.

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LEGAL ETHICS ARTICLE

BILLING PRACTICES, REDUX

Question: *Are legal billing practices exempt from the Consumer Protection Act under the exclusion for the “professional services of a...lawyer?”*

The Maryland Consumer Protection Act, Title 13, Commercial Law Article, Maryland Code,

Annotated (“the CPA”), creates “...minimum standards for the protection of consumers...,” CL §§ 13-101, 105, and a private cause of action by a consumer who is “...subjected to a violation of this title...” CL § 13-401. The statute specifically adjures a liberal construction of its terms. CL § 13-105. For purposes of lodging a complaint with the appropriate Division of Consumer Protection, the consumer must prove the unfair or deceptive practice, but need not prove that s/he was “...misled, deceived, or damaged as a result of that practice.” CL § 13-302. In a private action, the consumer may not only recover damages to the extent of the actual injury suffered, but may also be awarded his or her reasonable legal fees. CL § 13-408. The same section of the CPA restates the special protection afforded health care providers.

And, yes, there is a specific, clear, and unequivocal exemption for enumerated “professional services,” including those of a medical practitioner or a lawyer, CL § 13-104, suggesting that the question posed is a bit of irrelevant nonsense. Enter the Maryland State Court of Appeals ruling in *Scull v. Groover Christie & Merritt, P.C.*, 71 (Md. 9-30-2013).

David Scull, an attorney residing in Bethesda, was a member of United Healthcare Select HMO (“the HMO”). His HMO plan included coverage for the cost of x-rays. After visiting an orthopedist to address a knee problem, he was referred to Groover Christie & Merritt, P.C. (“Groover”), who x-rayed the knee in question. Two years later he was billed \$121.00 by Groover, an amount that allegedly represented the balance remaining after the HMO paid its share. Following some back and forth communications among Scull, the HMOI, and Groover, Scull received another statement from Groover, billing him for the “balance” due of \$121.00. He paid the bill, only to receive a full refund for that amount three months later. He did not

negotiate the refund check. Four months later he brought suit against Groover in Montgomery County, Maryland for “balance billing” in violation of both Maryland State HMO laws and the CPA. Groover successfully moved to dismiss, and Scull amended the complaint to focus on the CPA’s application to the facts. The amended complaint was dismissed, and Scull appealed. The Court of Special Appeals affirmed the dismissal in a reported opinion. *Scull v. Groover Christie & Merritt, P.C.*, 205 Md. App. 567. 45 A.3d 925 (2012). Scull’s petition for certiorari was granted.

The Court of Appeals affirmed the dismissal in part, stating that “...there is not an implied private right of action under the HMO law,” but reversed and remanded the CPA count, holding “...that **medical billing is not a ‘professional service’ exempt from the Consumer Protection Act.** Accordingly, on remand Mr. Scull may pursue his claim under the Consumer Protection Act.” Emphasis added.

The issue before the Court of Appeals came down to “...whether GCM’s billing practices constitute ‘professional services’...” under the CPA. In reaching its decision, the Court of Appeals relied in part upon the statutory creation of a Health Education and Advocacy Unit (“HEAU”) within the Consumer Protection Division, CL § 13-4A, stating that the HEAU authority to report improper medical billing to the Consumer Protection Division for appropriate action establishes a clear distinction between professional medical services and medical billing practices. The Court of Appeals relied upon the Consumer Protection Division’s amicus brief describing its history of actions brought against health care providers. Further, the Court of Appeals looked to other Maryland statutes concerning “professionals,” as well as to other jurisdictions. In reaching its conclusion, the Court of Appeals rejected Appellee’s argument, based at least in part on *Hogan v. Maryland*

State Dental Association, 155 Md. App. 556, 843 A.2d 902 (2004) that the “professional services” exemption be read broadly. Instead, the Court of Appeals stated that

“[N]one of those decisions concerns medical practices – **or the billing practices of any profession, for that matter.** To the extent that they discuss the professional services exemption in the Maryland Consumer protection Act, they contain virtually no reasoning and are therefore of little assistance in resolving the question before us.

In sum, the exclusion in CL § 13-104 applies only to the actual professional services of a physician. The commercial aspects of a medical practice e, s compliance with laws concerning who may be billed and how, are not exempt from the Consumer Protection Act. When those billing practices involve unfair or deceptive practices, as defined in the Consumer Protection Act, the medical practice may be subject to a private action brought by a person injured by the violation.” Emphasis added.

The reference to “the billing practices of any profession” is deliberate, and sends a clear warning to all professionals who exaggerate their qualifications or experience in advertising (including on websites) or engage in any sort of false or deceptive business practices with regard to billings. Certainly the potential for an award of legal fees (under the CPA) should encourage legal professionals to take extra care with billing practices and statements.

Rule 1.5, “Fees,” The Maryland Lawyers’ Rules of Professional Conduct (“MLRPC”), addresses the reasonableness of fees, but with a focus on excessive fees. The comments and case law references following the Rule offer some guidance on avoiding excessive fees, but

(Continued on following page)

LEGAL ETHICS ARTICLE

(Continued from preceding page)

precious little on the commercial aspects of billing practices.

The *Scull* ruling appears to create an opening for action, by disgruntled [presumably former] clients, against lawyers who over-promise, over-bill, or have sloppy billing practices. The ruling offers no real guidance on the distinction between “professional services” and the “commercial aspects” of providing those services for hire. As legal billing practices continue their shift away from the hourly fee, it behooves all legal professionals to take particular care.

So, *are* legal billing practices exempt from the Consumer Protection Act under the exclusion for the “professional services of a...lawyer?”

The answer now appears to be that they are not exempt.

*Christiane E. Sorel, Committee Member
Jeffrey M. Axelson, Co-Chair
Samuel M. Shapiro, Co-Chair*

YOUTH COURTHOUSE PROJECT COMMITTEE



Judge Sharon Burrell addresses many intelligent questions regarding the legal system from a group of students from Takoma Park Middle School during a Youth Courthouse Project Courthouse Tour on November 26, 2013.

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STREAMING MEDIA VS. "CASTING" CONTENT, OR, "CAN I DO THAT TOO"?!?! GOOGLE'S \$35 CHROMECAST VS. APPLE TV



Until now, wirelessly displaying content on a large screen to clients, colleagues

or to any viewer not situated directly behind your computer monitor, has been a trial (pun intended) to all but Apple users. If you have a windows environment at work like so many attorneys who refuse to consider switching to Apple from Microsoft after years of PC use, Windows software purchases and often highly specialized MS configurations installed (at significant expense) within your law office, take a look at Google's

new \$35 Chromecast device: www.google.com/chromecast.

While Chromecast has only a handful of compatible apps as of this writing, (Netflix, YouTube and the awesome Chrome Browser most notably) more apps are on the fast track approaching release. Before long, you will be able to do just about anything with Chromecast you can now do with Apple TV, in terms of streaming or casting content. But, therein lies the real difference in these two industry giants.

For a few years now, for the current price of \$99, an Apple TV device (not an actual monitor or TV) has provided the ready ability to actually stream photos, documents, videos and sound to a large screen monitor or projector for display to a large audience. The beauty of this is simply that the stream can originate from your laptop, tablet, cell phone or computer... so long as the streaming device is one that was made by Apple.

Well now, Google's new Chromecast USB dongle device (it looks like little more than a fancy thumb drive) has positioned itself to fully challenge Apple's preeminence in the consumer industry of media streaming or casting.

What's the difference between streaming and casting media for large format viewing? Big diff! And for you cut to the chase readers, here's your takeaway: for the most part Google casts and Apple streams. Only yesterday I was online with Chromecast, and I can say without reservation, it's a far cry from the user friendly, multifunction Apple TV www.apple.com/appletv. But, stay tuned for updates as this exciting new product evolves, taking big bites out of Apple as it matures over the next couple of months...

The deadline for submission of copy for the newsletter is the 10th of the month for the following months' issue.

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NEW PRACTITIONER SECTION

Aindrea M. Conroy, Co-Chair
Kathryn E. Deckert, Co-Chair

NEW PRACTITIONER SECTION MEETING DATES

February 12, 2014 March 27, 2014
February 20, 2014 April 24, 2014
May 29, 2014

All meetings will be held at 5:30 p.m. in the CLE Classroom of the Bar Association building, 27 West Jefferson St., Rockville, MD.

Happy New Year! We hope everyone had a nice holiday season. Thank you again to everyone who donated toys and gift cards in support of the **Montgomery County Family Justice Center!**

On **January 21, 2014 from 6:00 to 8:30 p.m.**, we will be co-hosting a happy hour with the **Young Lawyers Division for the Maryland chapter of the Federal Bar Association**. It will be held at Brickside Food and Drink, located at 4866 Cordell Ave, Bethesda, MD 20814. So come out and enjoy some food and drinks and get to know some young lawyers from the Federal Bar Association.

Also, please be sure to put the following dates on your calendar:

On **Wednesday, February 12, 2014 from 5:30 p.m. to 7:30 p.m.**, the New Practitioner's Section will participate in our **annual community service project at MANNA** in Rockville, Maryland. We will be packing food boxes to be distributed at MANNA's local food centers during the month of February. All section members interested in participating should RSVP to Aindrea Conroy by email at: amc@eqkmrh.com. This has proved to be a popular service project in past years and there are a limited number of volunteer spots left, so be sure to RSVP

soon to ensure you will be able to participate!

On **Thursday, February 20, 2014 from 5:30 to 6:30 p.m.** in the CLE Classroom of the Bar Association building we will be joined by members of the **ADR Section**, including current Co-Chair Erik Johnson, who will be giving a presentation on the **"Nuts and Bolts of ADR."** The presentation will include the types of ADR available, tips for how to be more effective advocates for your clients through the process, as well as the upcoming changes to the Circuit Court's mediation procedures

CHAMBER CHATS

Happy New Year! This year's Chamber Chat will kick off with the **Honorable Marielsa A. Bernard** on **Thursday, January 30, 2014**. Judge Bernard has been on the Circuit Court bench since March 1, 2002. Prior to joining the Circuit Court bench, Judge Bernard spent her career in private practice until she became an Associate Judge for the District Court of Maryland, Montgomery County, on October 16, 1998. Bring you lunch, along with any questions, and take advantage of this opportunity to get to know a member of our Circuit Court bench in an informal setting. No R.S.V.P. is required, but it is appreciated for planning purposes only. The Chamber Chat is open to all members of the Bar, not just members of the New Practitioners Section. Judge Bernard's Chambers is located in the Circuit Court Building at 50 Maryland Avenue, Courtroom 12. Please gather in the lobby on the 7th floor shortly before 12:30 p.m. If you have any questions,

please feel free to contact me at (301) 838-3314 or jcornwell@steinsperling.com.

*Judy Cornwell, Chair
Chamber Chat Committee*

MENTOR/MENTEE COMMITTEE

Ask successful attorneys how they achieved their success and many responses will include mention of a mentor – someone who took a genuine interest in their professional and personal growth. Such responses remind us that success in the demanding practice of law requires, in addition to hard work, guidance from those with the experience to offer it. In this program, experienced attorney-mentors share their time, energy and wisdom with their mentees, and mentees receive invaluable advice on the practice of law, enjoy the special camaraderie of the Association, and begin what often can be a life-long relationship.

If you have practiced law for more than seven years, I invite you to volunteer to be a mentor in the BAMC Mentor-Mentee Program. Please share your experience and offer your guidance to us young attorneys who need it most and are eager to accept it. Likewise, if you have been practicing law for less than seven years and would like guidance from an experienced attorney and get involved in our community of attorneys, apply to get a mentor. Applications are available at: <http://www.montbar.org/displaycommon.cfm?an=1&subarticlenbr=164>, and can be submitted at any time to Jillian Morris at jmorris@robinclarklaw.com.

*Jillian Morris, Chair
Mentor-Mentee Committee*

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COMMITTEES & SECTIONS

ALTERNATIVE DISPUTE RESOLUTION SECTION

On **Thursday, February 20, 2014**, from 5:30 p.m. to 6:30 p.m., the ADR Section will be joining the New Practitioner Section for a presentation on the “**Nuts and Bolts of ADR.**” The presentation will include the types of ADR available, tips for how to be more effective advocates for your clients through the mediation process, as well as the upcoming changes to the Circuit Court’s mediation procedures. The joint program will be held in the downstairs CLE room of the Bar Association’s headquarters in Rockville. Please come join us. Happy holidays to all!

*Bob Baum, Co-Chair
Erik Johnson, Co-Chair*

BUSINESS LAW SECTION

On **January 28, 2014** from 5:30-7:30p.m. at the Bar Association Building (Classroom) in Rockville, the Business Law Section will be presenting “**Intellectual Property Law Issues for Business Lawyers.**” This program will be presented by John Ryan, Rachel Talay, and Tom Haasof of Thompson Hine LLP. Mr. Ryan, Ms. Talay, and Mr. Haasof will discuss the various types of intellectual property that exist in every business and what we can do to help our clients protect their own IP and avoid common problems relating to the IP of third parties. CLE credit will be available and a light dinner will be provided.

If you have any questions or suggestions regarding the Business Law Section, please do not hesitate to contact me.

Karen N. Shapiro, Chair

CIRCUIT COURT BENCH BAR COMMITTEE MEETING DATES

January 8, 2014 April 2, 2014
February 5, 2014 May 7, 2014
March 5, 2014 June 4, 2014

All meetings are open and any members of the BAMC are welcome to attend. Meetings are held on the 1st Wednesday of the month at 8:00 a.m. in the Administrative Judge’s Conference Room 309 on the 3rd floor of the Circuit Court building in Rockville

The Clerk of the Court, Loretta Knight, brings the following matters to your attention:

Release of Funds: The Order provided with the Request for Release of Funds from the Court Registry is to be specific. The order should contain the following wording:

“The principal balance of funds deposited in the registry of the court, plus any accrued interest and minus administrative costs, shall be promptly released to _____, and mailed to (if applicable) _____.”

Since the interest amount is obtained by the Clerk’s Finance Office from the bank statement, do not put a dollar amount for the interest in this order. If funds are to go to more than one party, please state how the funds, administrative costs and interest are to be divided.

Emergency/Rush Motions: If a Motion for Temporary Restraining Order or a Motion to Shorten Time is filed, it is strongly suggested that you walk the

docketed motion to the Duty Judge for a ruling. Please keep in mind the court receives numerous filings daily and the normal process could take several days before a ruling is made. Remember, a court employee does not walk filings through the system. Also, a Motion for Injunction must have a Certificate of Service and a Request for Hearing.

Maryland’s Unclaimed Property: In order to retrieve previously held registry funds from Maryland’s Unclaimed Property, the parties to the case should file a motion requesting the Clerk to retrieve the funds from Unclaimed Property. The motion should also request that upon receipt of the funds back into the court registry they be disbursed to the party that is entitled to the funds. The Order should include the following language:

“The principal balance of funds deposited in the registry of the Court, plus accrued interest and minus administrative costs, shall be promptly released to _____ and mailed to (if applicable) _____.”

Emergency or Inclement Weather: To find out if the Circuit Court is closed, there are various avenues. A designated phone number (240) 777-9399 which has a recorded message as to the status of the circuit court; the circuit court’s web site www.montgomerycountymd.gov/circuit (or Google the court) and listening to the various radio and television broadcasts.

The Clerk is constantly striving to improve the quality of service her depart-

(Continued on following page)

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COMMITTEES & SECTIONS

(Continued from preceding page)

ments provide. Please let her know of any concerns or suggestions you may have. Phone: 240-777-9464; email: lknight@mcccourt.com.

If you have any concerns to bring to the Committee's attention, please feel free to contact any Committee member or David C. Merkin at (301) 762-9200 or david@merkinlawgroup.com; or Michael A. Taylor at (301) 251-2772, mtaylorlaw@aol.com.

*David Merkin, Co-Chair
Michael Taylor, Co-Chair*

COLLABORATIVE LAW SECTION MEETING DATES

January 22, 2014 March 26, 2014**
February 26, 2014* April 23, 2014
 May 28, 2014

*to be held in the CLE Classroom

**CLE Seminar

Meetings will be held at 5:30p.m. on the 4th Wednesday of the month in the upstairs conference room of the Bar Association building, unless otherwise noted.

The Collaborative Section had an informative CLE on Ethics in December followed by a lively discussion. Thank you to our excellent presenters: Anne (Jan) White, Esq, Robin Taub, Esq, Sue Soler, LCSW-C, LICSW, and Debbie May, CPA, CRP, CDFA.

The next Collaborative Section meeting will be on **January 22nd** at 5:30pm in the upstairs conference room of the Bar Association building. Please join us for a discussion on the differences between mediation and the collaborative process, and how to help your potential clients choose the method that is best for them. As always we will have a delicious light dinner provided by Realtor Jeanne Koerber. All are welcome and you do not have to be a member of the section to join us.

*LJ Pelham, Co-Chair
Joan M. Weiss, Co-Chair*

COMMUNITY OUTREACH COMMITTEE

The Committee hopes everyone had a happy, safe and healthy holiday season. Thank you to everyone who donated toys and gift cards to the clients at the Family

Justice Center. Hopefully, the donations were a much needed relief to those families that received them during the holiday season.

The Bar Association and the Special Olympics are getting ready for the 2014 Winter Games season. Please stay tuned on the Special Olympics Listserv and look for additional specific information in the February newsletter about the sporting events for which we will need volunteer participation. We are looking forward to our continued relationship with the Montgomery County Chapter of the Special Olympics.

Not a member of the Special Olympics Listserv? To sign-up for the listserv, please contact Heather Collier, hcollier@draggalaw.com.

The Community Outreach Committee continues to volunteer the second Friday of every month at Shepherd's Table. Shepherd's Table provides basic services to those in need and specifically provides a dinner meal from 6:00 p.m. to 7:30 p.m.,

seven nights a week. Please contact Dan Shaivitz at ds@eqkmrh.com if you are interested in volunteering.

If you have any thoughts or comments for the Committee, please contact Heather Collier at hcollier@draggalaw.com or Rhian McGrath at rmcgrath@lercheary.com.

*Heather Collier, Co-Chair
Rhian McGrath, Co-Chair*

DISTRICT COURT BENCH BAR COMMITTEE

January 2, 2014 March 6, 2014
February 6, 2014 April 3, 2014

Meetings are held at 8:00 a.m. in the Judges Conference Room in the District Court Building, 191 East Jefferson St., Rockville, MD.

There are several topics of interest that the Bar should be aware of.

Ongoing Changes

1) **Implementation of *DeWolfe v. Richmond***: The topic that has generat-

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COMMITTEES & SECTIONS

ed a great deal of discussion is the new procedures that will be involved with implementing the *DeWolfe v. Richmond* decision. While last month there were new procedures that were adopted, they were not yet put into effect pending the finalization of the remand from the court of appeals to the trial court that heard the case. The legal status remains in limbo (as of early December) with the case still pending at the time of the December meeting. However, new procedures are moving forward so that once the opinion becomes operative, and the new procedures take effect, the Public Defenders office will be in a position to start representing arrestees when they are processed and have their first appearance with the commissioner.

2) Pending Docket Changes: The court is still planning the roll out of its new schedule in March. This is the implementation of the tentative docket scheduling that was published several months ago. The biggest change will be to try to expedite the handling of incarcerable traf-

fic cases that are taking too much time to resolve. Part of the success of the new calendar will depend on whether the new judge or judges that have been authorized will have been named and taken their place by March.

3) New Attorneys Fee Rule: This was also addressed last month and specific information on the new rule had been included in our report last month. The court wanted the Bar to know that it will not suffice to simply put in a statement as to the contingency percentage, without more. The court would still want to have some information to rely on in order to substantiate the award of attorney's fees.

New Landlord Tenant Form

There is a new landlord tenant form that has been revised from the existing form. The new form will be required to be used starting January 1, 2014. All Failure to Pay Rent cases after January 1, 2014, must be on the new form. The form is modified to conform to a new law regulating responsibility for utility payments

in rental units. In particular, if a tenant pays utility charges that are the Landlord's responsibility, the tenant must get credit, and the Failure to Pay Rent form will so provide.

Entry of Appearance

Members of the Bar should be aware that when entering their appearance, they must legibly print their name, address, phone number and other information from which the court will know their contact information. The court has been receiving handwritten entry of appearances where the name is illegible and there is no address or phone number. As was previously mentioned several times, everyone needs to put their Bar number on their pleadings so that the clerks will be able to access their information as well.

Lost and Found

The court has a number of items that parties and counsel inadvertently leave behind when they finish their
(Continued on page 18)



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Breakfast with the Court Registration Form

****Registration is also available on-line at www.montbar.org****

Don't miss Breakfast with the Court on the third Thursday of each month from 7:30 a.m. – 8:15 a.m. at the Bar Building. This is a great opportunity to meet, ask questions to and get answers from a distinguished member from our Montgomery County Courts.

We hope you can make it to our next Breakfast on **January 16, 2014** where the Honorable Gary E. Bair bares his views, past present and future on Family, Juvenile, and Criminal.

Save the Dates for all of our Breakfasts:

- January 16, 2014 – Honorable Gary E. Bair
- February 20, 2014 – Honorable Cynthia Callahan
- March 20, 2014 – Honorable Joan E. Ryon

Breakfast will be provided. The cost is \$20 per person (\$15 for new practitioners). More details of each breakfast to follow. Please arrive a few minutes early so everyone can get checked in on time and we can start promptly.

***Erin Kopelman, Chair
Breakfast with the Judges Committee***

~Cancellation Policy~

If you are unable to attend a seminar, please contact our office at least 24 hours prior to the scheduled CLE seminar. No refunds will be made if cancellation is less than 24 hours prior to the seminar.

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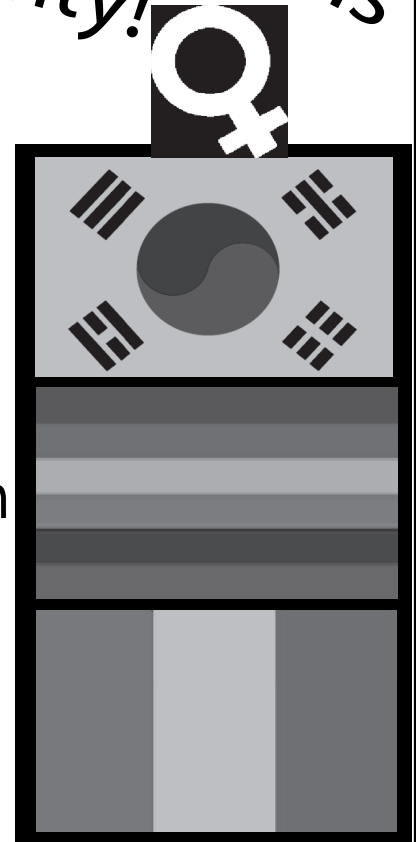
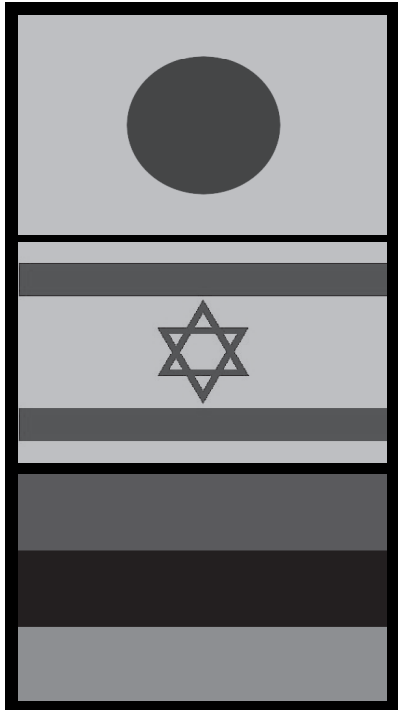
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COMMITTEES & SECTIONS

(Continued from page 15)

business in court. Obviously, any contraband or illegal substances or items will be confiscated and passed on to the police. Jewelry, cell phones, and other valuables, will be held by the bailiffs who will attempt to return them to the proper party. Other items left behind, or items whose owner cannot be identified, will be left in the Department of General Services Office located in Room 137 in the Rockville Courthouse. If you leave an item behind and want to retrieve it you should check in that office. At this time, there is no similar Lost and Found arrangement in Silver Spring.

Richard London, Co-Chair

EDUCATION LAW SECTION

January 10, 2014 March 14, 2014
February 14, 2014 April 11, 2014
May 9, 2014

Meetings will be held at 12:15p.m. on the 2nd Friday of the month in the

upstairs conference room of the Bar Association building.

David Bach, Co-Chair

Pat Hoover, Co-Chair

Bryan Utter, Co-Chair

ELDER LAW SECTION MEETING DATES

January 8, 2014 March 12, 2014
February 12, 2014 April 9, 2014
May 14, 2014

Meetings will be held on the 2nd Wednesday of the month from 8AM - 9AM in the upstairs conference room of the Bar Association building, located at 27 West Jefferson St., in Rockville, MD, unless otherwise noted.

The next meeting of the Elder Law Section will take place on **Wednesday, January 8, 2014.** Deborah Carter from the Montgomery County Department of Health and Human Services will discuss issues related to Medicaid determinations.

Morris Klein, Chair

EMPLOYMENT LAW SECTION

The Employment Law Section will meet in the Bar Conference room at 11:00 a.m. on the following dates:

January 14, 2014 March 4, 2014

Thanks to those of you who attending our meeting with Delegate Bill Frick. Please stay posted for details about our meeting in January about the new Maryland wage lien. Happy holidays to everyone!

Gwenn D'Souza, Co-Chair

Gregg Greenberg, Co-Chair

ESTATE & TRUST LAW SECTION MEETING DATES

January 28, 2014 March 17, 2014
February 24, 2014 April 28, 2014

Meetings will be held at Noon at the Shulman Rogers offices, located at 12505 Park Potomac Ave., 6th Floor, Potomac, MD, unless otherwise noted.

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COMMITTEES & SECTIONS

(Continued from page 14)

The topic of the January meeting will be a review of the **Heckerling Institute on Estate Planning**.

Jay Eisenberg, Chair

FAMILY LAW SECTION

SECTION MEETING DATES

- January 9, 2014
- February 6, 2014
- March 13, 2014
- April 3, 2014 **5:00pm in

Courtroom 1; (Family Law Masters' Roundtable)

**** Please note that all meetings are approximately 1 hour and will take place at 5:30pm in the CLE Classroom except as otherwise noted.*

The Family Law Section hopes that all of you had a joyous and restful holiday season. The annual Holiday Party was a huge hit as always! A special thank you goes out to Delaney McKinney, LLP for hosting and to Samantha Kravitz, Esq. for her efforts in coordinating the event. The food was fantastic, the company dynamic

and it definitely served to usher in a wonderful holiday season!

Our first Section Meeting of 2014, on **January 9, 2014** at 5:30 p.m. in the Bar Office CLE classroom, will be a great way to kick-start the New Year! **Master James A. Bonifant** will be joining us to share his perspectives from his first months on the bench, including dos and don'ts, and best practices in his courtroom. He will also answer questions from attendees.

Be sure to mark your calendars for the informative and exciting CLE seminars we have coming up in 2014, and be on the look-out for registration information:

Starting with our Breakfast CLE on February 27, 2014, join us for **"Presenting and Defending Alienation Cases."** Our speakers will be none other than John Lefkowitz, PhD; Michelle Sarris, LCSW-C; and Kathi Nardella, LCSW-C, Esquire – a very experienced panel of professionals – who will discuss the complicated issues of alienation and estrangement. Please join us as they tackle the issues surrounding some of our most difficult cases!

On **March 19, 2014** from 5:00-8:00 p.m. the section is presenting **"Modification of Alimony: How Deep is the Proverbial Rabbit Hole?"** Our speakers will be Judge Robert A. Greenberg; Kevin G. Hessler, Esquire, Dragga, Hannon, Hessler & Wills, LLP; Deborah E. Reiser, Esquire, Lerch, Early & Brewer, Chtd.; and John S. Weaver, Esquire, Law Office of John S. Weaver. Our Panel will discuss the relevant case law and past and recent reported cases on these issues. They will also provide insight into what, if any, facts or circumstances may be persuasive to a Court in each instance, as well as practice pointers to keep in mind when drafting agreements!

The annual **Rita Rosenkrantz Basic Family Law Training** classes will take place on May 6 and May 8, 2014, and we also have a great program in the works for the Annual Law Day Meeting this April.

Last, but certainly not least, our most popular CLE of the year is the **Annual Family Law Update** on May 14, 2014

(Continued on following page)



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COMMITTEES & SECTIONS

(Continued from preceding page)

from 5:00-8:00pm. Bryan Renehan, Esq. and Paul Reinstein, Esq. will present new family law cases and legislative updates from the past 12 months. This CLE is always helpful and it typically sells out!

Also for those of you who were unable to attend “The End of the Federal DOMA and the Effect on the States” – our Section’s first ever full-day CLE Symposium held in October – the video recording is now available online. Cost: \$125. Please visit www.montbar.org and Click the CLE tab OR go to this link: <http://www.montbar.org/displaycommon.cfm?an=1&subarticlenbr=536>.

We hope you had a lovely holiday season and we can’t wait to see you in 2014!

Kristina Badalian, Co-Chair

Kate McDonough, Co-Chair

Casey Florance, Co-Chair

IMMIGRATION LAW SECTION MEETING DATES

January 23, 2014 March 20, 2014
February 20, 2014 April 10, 2014

All meetings will be held at Noon in the upstairs conference room of the Bar Association building.

Our Section Activities are on the BAMC Website. Are you still reading the hardcopy newsletter like me? Did you know that all of this information is on the BAMC website? I didn’t.

- Go to the BAMC website: <http://www.montbar.org/> now.
- Click on the **Sections**.
- Click on **Immigration**.
- **Make it a Favorite**

Maria Glinsmann, Chair

JUVENILE LAW SECTION MEETING DATES

January 21, 2014 March 18, 2014
February 18, 2014 April 15, 2014
May 20, 2014

Meetings will be held at 5:00 p.m. on the 3rd Tuesday of the month in the upstairs conference room of the Bar Association building, located at 27 West Jefferson St., Rockville, MD, unless otherwise noted.

Corey Talcott, Chair

LAW FIRM MANAGEMENT SECTION MEETING DATES

January 16, 2014 April 17, 2014
February 20, 2014 May 15, 2014
March 20, 2014 June 19, 2014

Meetings will be held at 8:00 a.m. on the 3rd Thursday of the month at the offices of Hostetter Strent, 7201 Wisconsin Ave., Suite 675, Bethesda, MD, unless otherwise noted.

Amy Strent, Chair

LAWYER TO LAWYER COMMITTEE MEETING DATES

January 15, 2014 March 19, 2014
February 19, 2014 April 16, 2014
May 21, 2014

All meetings will be held on the 3rd Wednesday of the month at 5:00p.m. in the upstairs conference room of the Bar Association building, located at 27 West Jefferson St., Rockville, MD, unless otherwise noted.

Deane Shure, Chair

LEGAL ETHICS COMMITTEE MEETING DATES

January 23, 2014 April 24, 2014
February 20, 2014 May 22, 2014
March 20, 2014 June 26, 2014
July 24, 2014

All meetings will be held 4:30p.m. at the offices of Axelson, Williamowsky, Bender & Fishman, 401 N. Washington St., Suite 550, Rockville, MD 20850., unless otherwise noted.

Jeff Axelson, Co-Chair

Sam Shapiro, Co-Chair

MEMBERSHIP BENEFITS COMMITTEE MEETING DATES

January 23, 2014 March 20, 2014
February 19, 2014* April 16, 2014*
May 14, 2014

**will be held in the CLE Classroom*

All meetings will be held at 5:00p.m. in the upstairs conference room of the Bar Association building, unless otherwise noted.

Kate McQueen, Chair

PERSONAL INJURY LITIGATION SECTION MEETING DATES

January 31, 2014 February 28, 2014
March 28, 2014

Meetings will be held at Noon on the last Friday of the month in the upstairs conference room of the Bar Association building, unless otherwise noted.

Paul Chung, Co-Chair

Andre Forte, Co-Chair

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COMMITTEES & SECTIONS

REAL ESTATE SECTION

February 11, 2014 April 8, 2014
March 11, 2014 May 13, 2014
June 10, 2014

Meetings will be held on the 2nd Tuesday of the month at 8:00 a.m. at the offices of Shulman Rogers, located at 12505 Park Potomac Ave., 6th Floor, Potomac, MD 20854.

The January meeting will be held **Monday, January 27th** at 11:45 a.m. in the Sixth Floor Conference Center at Shulman Rogers' offices at 12505 Park Potomac Avenue, Potomac, MD 20854. Lunch will be provided.

Our January speaker will be **State Senator Brian Frosh**. As he has in past years, Senator Frosh has graciously agreed to provide the Section with a preview of legislation being considered by the General Assembly in 2014 which could impact Maryland real estate law.

*Matthew D. Alegi, Co-Chair
Alexis Peters, Co-Chair*

STRATEGIC PLANNING COMMITTEE MEETINGS

February 26, 2014 May 7, 2014

Meetings will be held at 5:30 p.m. in the upstairs conference room of the Bar Association building.

Brad S. Bernstein, Chair

TAXATION LAW SECTION

The Tax and Immigration Sections have rescheduled the CLE entitled **Tax Primer for Immigration Lawyers; Immigration Primer for Tax Lawyers to 5:30 pm to 7:30 pm on Thursday February 13, 2014** in the upstairs conference room of the Bar Association Building. The tax speakers will be **Chaya Kundra** and **Atif Aziz** of Kundra and Associates. The immigration speaker will be **Maria Glinsmann** of Glinsmann Immigration. **John Pontius** of Frost and Associates will be the moderator. More details on the CLE are available on the Bar Association's website, www.montbar.org, under the CLE tab.

A Guide for Worker Classification

Employers are required to withhold and pay Social Security and Medicare ("FICA"), as well as federal unemployment ("FUTA") taxes (collectively "Payroll Taxes") with respect to workers that are classified as "employees" under applicable Internal Revenue Service guidance. However, employers who hire independent contractors avoid these taxes. As a result, many employers are tempted to classify workers, often incorrectly, as independent contractors to reduce their taxes. As set forth below, misclassification of workers can result in significant exposure in the form of back taxes and penalties. This article does not address the state tax issues related to worker classification.

The IRS last estimated the tax gap between taxes owed and taxes collected for worker misclassification in 1984. The IRS estimated this tax gap to be \$1.6 billion per year based upon a finding that 15% of employers misclassified 3.4 million workers as independent contractors.

(Continued on following page)

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COMMITTEES & SECTIONS

(Continued from preceding page)

A 2012 Treasury Inspector General for Tax Administration (“TIGTA”) report found that misclassifying a worker with yearly earnings of \$43,007 could save the employer \$3,710 per year. Over the last three years, IRS audited over 6,000 employers and collected over \$10 million in taxes. These audits tend to focus on small businesses in the trucking, home health care, and construction industries.

As the IRS auditors continue to target worker misclassification it is important for employers to properly classify workers from the date of hire. For employers who have misclassified workers, they can seek relief from employment tax liability through Section 3509, Section 530 or through the Voluntary Classification Settlement Program. Starting in 2015, the Affordable Care Act will penalize employers with more than 50 employees if they fail to offer affordable health coverage to full time employees and their dependents. Accordingly, now is a good time for employers to review if they have properly classified their workers.

Worker Classification

While the IRS has defined certain workers as statutory employees and statutory non-employees, most workers are classified under the common law. In 1987, the IRS provided 20 common law factors for determining whether an individual is an employee or independent contractor. The primary factor is the amount of control the employer has over the worker. When the employer controls the daily work, the worker is more likely an employee. In 1996, the IRS streamlined the worker classification criteria to three factors; behavioral control, financial control and relationship of the parties. Behavioral control exists if the employer has the right to direct or control how the worker does the work. Financial control is present if the employer has the right to direct or control the business part (i.e. profit or loss) of the work. Relationship of the parties is based upon how the business and workers perceive the relationship.

Relief from Employment Tax Liability

If the IRS retroactively reclassifies independent contractors as employees, it is authorized to assess the employer with

federal employment taxes, penalties and interest. Fortunately, the IRS provides several forms of relief for taxpayers with employer tax liability.

For employers with reasonable cause who filed Forms 1099 for erroneously classified independent contractors, Section 3509 of the Internal Revenue Code reduces the tax rate to 20% of the employee’s portion of the FICA taxes. If the employer did not have reasonable cause, the rate increases to 40% of the employee’s portion of the FICA taxes. Section 3509 does not apply if the employer intentionally disregards the requirement to deduct and withhold employment taxes. Also Section 3509 does not provide relief for the employer’s portion of the FICA taxes or FUTA taxes. Going forward, the employer remains responsible for making Social Security, Medicare and federal unemployment tax payments for its employees.

Section 530 of the Revenue Act of 1978 as amended prevents the IRS from retroactively reclassifying independent contractors as employees. It provides employers with a safe harbor from employment tax liability if the taxpayer (1) had reasonable basis for not treating the workers as employees, (2) was consistent in its treatment of the workers as contractors, and (3) consistently filed all information returns (i.e. Forms 1099s) with the IRS. If the employer qualifies for Section 530 relief, it will continue to classify its workers as independent contractors. The major benefit is that the employer continues to avoid making Social Security, Medicare and federal unemployment tax payments for these independent contractors.

For taxpayers that have misclassified their workers as independent contractors, the IRS provides amnesty through the Voluntary Classification Settlement Program (“VCSP”). As a result, employers can resolve their past worker classification issues at a low cost by voluntarily reclassifying their workers or a class of workers. To be eligible for the VSCP, the employer must meet the following requirements: (1) consistently treated workers in the past as independent contractors, (2) filed all Forms 1099 for the workers for the previous three years, and (3) not currently under audit by the IRS, Department of Labor or a state agency concerning the classification of these workers. Note that if the IRS contacts an

employer based upon a worker filing Form SS-8, *Determination of Work Status*, it is not an audit for VCSP purposes.

There are many benefits of the VCSP. The taxpayer pays only 10 percent of the employment tax liability that would have been due for the most recent year had the workers been properly classified as employees. Interest and penalties are waived. Additionally the employer will not be subject to an employment tax audit for worker classification for prior years. Going forward the employer would be responsible for making Social Security, Medicare and federal unemployment tax payments for its employees.

Now Is the Time to Review Work Classification

As a result of the large tax gap in employment taxes based upon worker misclassification, the IRS will continue to make this issue a priority. The potential consequences of a misclassification are severe. It is important that employers review all worker classifications to reduce their potential audit exposure.

John Pontius, Co-Chair

Mark Schweighofer, Co-Chair

WORKERS COMPENSATION LAW SECTION MEETING DATES

January 9, 2014 March 13, 2014
February 13, 2014 April 10, 2014
May 8, 2014

Meetings will be held at 5:00 p.m. on the 2nd Thursday of the month at the offices of Meiselman, Salzer, Inman & Kaminow, located at 611 Rockville Pike, Suite 225, Rockville, MD.

Will Inman, Co-Chair

Jeff Stickle, Co-Chair

YOUTH COURTHOUSE PROJECT COMMITTEE MEETING DATES

January 8, 2014 March 5, 2014
February 5, 2014 April 2, 2014

Meetings are held on the 1st Wednesday of the month at 12:15 PM in the upstairs conference room of the Bar Association building.

Holly Reed, Co-Chair

Patricia Via, Co-Chair

The Montgomery County Bar Foundation Pro Bono Program seeks volunteers – whether experienced or newly barred attorneys – to join our panel. There are many county residents that are in great need of pro bono services. Your call to volunteer will make a difference to those without resources.

The Pro Bono Program provides two ways for county residents to receive **FREE LEGAL SERVICES** in civil cases – at a legal advice clinic or through the client intake line for referral to an attorney volunteer for direct representation. The legal advice clinics operate in four locations across the county (SEE BOX BELOW) and provide residents the opportunity to walk-in and meet with an attorney volunteer without scheduling an appointment. Eligible clients present their legal problems to an attorney and receive free immediate legal advice and/or referral to a non-profit or government social service agency that may be helpful. The client intake line operates out of the main office where the staff screens calls from potential clients. The Pro Bono Program staff conducts all screenings over the phone only. Cases referred to attorney volunteers include family law, debt collection, bankruptcy, limited employment, limited immigration, wills and power of attorney.

The Pro Bono Program currently is participating in three projects. First, we participate in the **Judicare Project**. Contested custody and complex family law cases are referred at a reduced fee to experienced family law attorneys. Attorneys can seek reimbursement of \$80 per hour with a cap of 20 hours per case.

The Pro Bono Program requires that the attorney must accept a pro bono case for each case accepted under the Judicare Project. Second, we have a working agreement with the **Collaboration Project of Maryland** for family law case referrals that include modifications. Third, we refer eligible clients with debt buyer cases to attorney volunteers for direct representation under the **Consumer Protection Project**.

The Pro Bono Program provides **FREE LEGAL TRAINING** to attorney volunteers. **The Rita Rosenkrantz Family Law Training** is available via webcast to attorneys for free in exchange for agreeing to accept a family law case. You can sign-up to begin the training at your convenience over the next 30 days. The most recent training was taped during the recent live class presentation held the 1st week of April 2013. Maryland barred attorneys in good standing can watch a preview of the training and then determine if they would like to proceed with the entire seminar. Please call Yesenia at 301.340.2534 to obtain the website and necessary code to watch the preview and to get the Pro Bono Program Training Agreement form. Attorneys participating in the training have the opportunity to immediately join a mentoring group hosted by an experienced family law attorney. The mentoring group meetings are your opportunity to ask questions about your case and learn from the attorneys participating in the group. Thank you to **Lindsay Parvis** and **Erik Arena** for leading our current mentoring group.

The PBRC also offers **FREE**

LEGAL TRAINING to attorneys in exchange for a pro bono commitment in several areas including the Consumer Protection Project and bankruptcy. Check the PBRC website, www.probonomd.org, for details.

The Pro Bono Program staff works daily to meet the challenges of connecting client and attorney. **WHEN THE STAFF CONTACTS YOU, PLEASE BE GENEROUS AND VOLUNTEER TO TAKE A PRO BONO CASE.** “You, the Volunteer Attorneys, are the Pro Bono Program.” What we do and what statistic we report depends entirely upon you. **JOIN YOUR COLLEAGUES IN SERVING YOUR COMMUNITY.**

Thank You Volunteer Attorneys!

On behalf of the Board of Directors of the Bar Foundation, we would like to extend a heartfelt thank you to the following attorneys for their time, dedication, and service for the month of November 2013. Taking a case or working at our evening clinics, their willingness to help far exceeds their names solely being mentioned below...simply ask our clients

Pro Bono / Judicare Case Referrals

Alibi, Kai L.	Martinez, Wanda*
CP of MD	Schwartz, Louise*
Ewan, Craig*	Proctor, Deidra*
Fernandez, Alex	Tabaku, Florian*
Graves, Carmiece*	Triantis, Ulysses*
Loloei Marsal, Ana*	Xu, Eva*

East County Service Center

Ingram, Shelly M.	Pugliese, Elizabeth
Montero, R. Manny+	Washington, Juan+

Gilchrist Center – Germantown

Parsons, James L.	Wahed, Lailuma S.
Pugliese, Elizabeth+	Washington, Juan+
Wagman, Robert	Whitfield, Lynette A.

Gilchrist Center – Wheaton

Akamigbo, Chijioke+	Shapiro, Sam
Jacobsen, Alisha+	Vega, David+
Konings, Priya	

TESS Community Center

Akamigbo, Chijioke+	Stevens, Jamie
Katrivanos, Nicolle	Vega, David+
Konings, Priya	Washington, Juan+
McDonough, Kathryn	

* = accepted more than 1 case
+ = Supervising Attorney

LEGAL ADVICE CLINICS

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6:00 PM - 8:30 PM

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1st and 3rd Wednesday of each month
6:00 PM to 8:30 PM

All attorney volunteers must be scheduled in advance into the clinics. Please call 301.762.5831 to add your name to the volunteer schedule for a clinic! The first half-hour of each clinic is for client registration; attorneys should arrive no later than one-half hour after the posted start time of a clinic.

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1st and 2nd Thursday of each month
5:30 PM - 8:30 PM

SPECIALTY BAR ASSOCIATIONS

BOURNE MONTGOMERY COUNTY COMMITTEE

On Thursday December 5, 2013, the new executive board for the J. Franklyn Bourne Bar Association was installed. The installation ceremony was presided over by the Honorable Alexander Williams, Jr., at the United States District Court for the District of Maryland located in Greenbelt, Maryland.

The 2013 - 2014 Executive Board consists of: President: Gerald Collins; President-Elect: Erek Barron; Treasurer: Sharon Kelsey; Corresponding Secretary: Andrew ("Mazi") Ndubisi Ucheomumu; Recording Secretary: Kimberly Lewis; Executive Officer: Vanita Taylor; Executive Officer: D. Michael Lyles; and Immediate Past President: Marylin Pierre.

Thank you to Marylin Pierre for a successful term as President. Also, special thanks to departing board members Mahasin El Amin and Troy Lowe for their service to the association.

On Friday December 20, 2013, the J. Franklyn Bourne Bar Association hosted its annual Holiday Party. This event was from 6:30 p.m. - 10:00 p.m. at the Country Club at Woodmore located at 12320 Pleasant Prospect Road in Mitchellville, Maryland. Thanks to those who were able to attend and make this a successful event!

The next J. Franklyn Bourne Bar Association Montgomery County Committee meeting will be held on **Saturday, January 4, 2014**, from 9:30 a.m. to 11:30 a.m. at the Bar Association for Montgomery County, 27 West Jefferson Street, Rockville, Maryland. Breakfast will be served.

The Bourne Montgomery County Committee usually meets on the first Saturday of the month. If you cannot attend the January meeting, please join us on **Saturday, February 1, 2014**.

For more information, contact our committee chair, Holly Reed, Esq. at (301) 587-9480 or hreedlaw@msn.com.

The next J. Franklyn Bourne Bar Association General Body Meeting will be held on **Thursday, January 16, 2014**, at 6:30 p.m. at UCFW Local 400, 4301 Garden City Drive, Lower Level, in Hyattsville, Maryland. Our meetings are free and we encourage you to invite your friends and colleagues to attend.

On **January 26, 2014**, the J. Franklyn Bourne Bar Association will be

co-sponsoring the Women's Legislative Briefing at the Universities at Shady Grove, 9630 Gudelsky Drive, Rockville, MD 20850 at 11:30 a.m.

Registration for this event will begin at noon with light refreshments. The conference will open with a keynote address followed by a panel discussion on Women's Issues in Congress. Seminars regarding legislation in the Maryland General Assembly will fill out the rest of the afternoon.

The cost is \$15.00. To purchase tickets in advance visit: <https://www.eventbrite.com/e/2014-womens-legislative-briefing-tickets-7705727037>.

For more information, contact Vanita Taylor, Esq. at (443) 263-8939.

If you have any questions about Bourne or any of our events, please contact Gerald Collins at (301) 655-4558 or gerald.collins@att.blackberry.net.

Gerald Collins, President

MONTGOMERY COUNTY WOMEN'S BAR ASSOCIATION

Please mark your calendars for a very special event. On **Wednesday, May 7, 2014** we will host the first ever *Leaders and Legends of the Montgomery County WBA*. The Rockville VisArts center is the setting for this gala event where we will recognize our chapter's past presidents and honor a few of the incredible women who have paved the way for us. Life was quite different for women attorneys decades ago. Through the courage, determination, and downright spunk of those few pioneering women, we today reap the benefits. In addition to recognizing our presidents and honorees, we will entertain you with our own special version of The View with glimpses into trails blazed, lessons learned, and what life was like for women attorneys "back when." This will be an evening you will not want to miss. Please let us know which Montgomery County WBA member you would like to receive recognition for her special impact on the history and making of our chapter. You may do this by completing our online nomination form at <http://www.surveymonkey.com/s/8KS9Z6T>. We are also gathering photos to prepare a special video presentation for that evening. If you have any photos or memorabilia to share, please contact Kristina Badalina at 301-869-1700 or kb@brpfamilylaw.com.

On December 3, 2013 the Women's

Bar Association of Maryland and the Montgomery County Bar Association hosted a dinner at the Bethesda North Marriott to celebrate the elevation of the Hon. Mary Ellen Barbera to Chief Judge of the Maryland Court of Appeals. This evening was especially momentous as it honored Judge Barbera who is so deserving of this recognition and because it marked the historic achievement of a woman taking the role of chief judge of the highest court in Maryland. Talk about blazing trails! Our heartfelt congratulations to you, Judge Barbera.

Our annual Holiday Party was held on Tuesday, December 10 at the home of Susan Oldham. In addition to the usual merriment and camaraderie, we received generous donations to support Rainbow Place of Rockville. Rainbow Place is an emergency shelter which lends assistance to women who are at the beginning stages of their transition out of homelessness by providing food, shelter, access to case management, and referrals to local social services and treatment programs. Many thanks to Susan Oldham for graciously opening her home to us once again, to our Holiday Party committee (Alicia Lucero, Leah Morabito, and Amanda Wargo) for creating a very special evening, and to all of you who generously contributed to our support of Rainbow Place.

Our chapter is launching a mentoring program in 2014 to provide guidance to women who have recently entered the practice of law in Montgomery County. The goal is to help them achieve success and meet their goals and aspirations. This is a wonderful opportunity for newer attorneys to learn from experienced members and to forge relationships between these attorneys and seasoned mentors. If you are interested in sharing your wisdom and experience as a mentor, please contact Wendy Satin at 301-762-1000 or wendysatin@plantasatinlaw.com or Sharon Johnson at 301-251-5510 or sjlaw51@aol.com.

To join the WBA go to the state web site at <http://www.wba-md.org/> and check Montgomery County as your chapter. *Dues are reduced for law students, government/public interest attorneys, and those admitted less than 5 years.*

Next Meeting Dates:

Tuesday, Jan. 14; 12:00 noon (Circuit Court Library)

Tuesday, Feb. 11; 12:30 via teleconference

Sharon Johnson, President

WHAT'S NEW ...

LEGAL ANNOUNCEMENTS

The Law Firm of **Ethridge, Quinn, Kemp, McAuliffe, Rowan & Hartinger** is pleased to announce that **Thomas E. Gross** joins the firm as an associate. **Thomas E. Gross** joins the firm following clerkships with the Office of the State's Attorney for Frederick County, Maryland, The Institute for Rural Research and Development, in New Delhi, India, and Arias & Munoz, in Managua, Nicaragua. "Tommy" is a general practitioner, focusing on Family, Criminal, and Civil Law. Born and raised in Frederick, Maryland, Tommy graduated from Governor Thomas Johnson High School, Mount Saint Mary's College & Seminary, and from the University of Baltimore School of Law. In addition to practicing law, Tommy coaches the University of Baltimore National Trial Team and the Governor Thomas Johnson Mock Trial team. The firm is also pleased to announce that **Elizabeth "Betty" Loggia** has joined the firm as "Of Counsel". Ms. Loggia will focus her practice in Estate Planning, Business, Corporate and Transactional Law. She will also continue her practice in civil litigation. Prior to joining Ethridge, Quinn, Ms. Loggia was in private practice as a sole practitioner for over 20 years. Ms. Loggia maintains strong ties to the legal community at large through Bar Association involvement and ongoing education. She has held leadership positions with the Women's Bar Association, and has received recognition from the community, including being named by The Daily Record as one of Maryland's Top 100 Women. Betty can be reached at egl@eqkmrh.com. The firm is located at 27 & 33 Wood Lane, Rockville, Maryland 20850, (301) 762-1696, and 100 N. Court Street, Frederick, Maryland 21701, (301) 698-8182, www.eqkmrh.com.

HooverLaw, LLC has relocated its offices to Suite 100 within the same nine story office building it occupies: HooverLaw, LLC 401 N. Washington Street, Suite 100, Rockville, MD 20850.

Melissa A. Kucinski is pleased to announce the opening of her own firm, serving clients in Maryland and the District of Columbia. Ms. Kucinski will offer litigation, collaborative law, and mediation services in family law cases, as well as representation of children in contested custody litigation, and consultation in international and cross-jurisdictional family matters. Ms. Kucinski is adjunct faculty at the George Washington University School of Law, and served as a consultant to the Hague Conference on Private International Law in the Netherlands. She received an award from the American Bar Association

Family Law Section in 2012 for her contributions to the field of family law, has been named a Superlawyer Rising Star for the past several years, and is published in a variety of law reviews on the topic of mediating cross-border family cases. She serves on several study and drafting committees for the Uniform Law Commission and its Joint Editorial Board for Uniform Family Laws. She is a long-standing member of the U.S. Department of State's Advisory Committee on Private International Law. Her firm address is: 3 Bethesda Metro Center, Suite 700, Bethesda, Maryland 20814, and she may be reached at (202) 713-5165 or melissa@mkfamilylawfirm.com.

Scott Mirsky and **Gene Policastri** are pleased to announce the opening of **Mirsky Policastri LLC**. The newly formed law firm is dedicated to the business and litigation needs of corporations, employers, architects and engineers in Maryland, Virginia, and the District of Columbia. The firm has significant experience in the areas of construction, employment, business and real estate litigation. Scott has over 15 years of experience in employment law, construction law and general litigation.

Gene has been a trial lawyer since 1989 and focuses on construction, real estate, and business litigation. The firm recently hired Joy Ceesay-Lamin as an Associate to their practice. The office is located at 600 Jefferson Plaza, Suite 440, Rockville, MD 20852. Please visit the website at mplawbiz.com or call 301-664-7710 for more information.

RENT/LEASE

BETHESDA – Furnished Office Sublet Downtown Bethesda - \$1,000/month/office – Office sublet available in downtown Bethesda high-rise office building. Sublet one furnished office (approx. 10' x 15') in law office suite, with a second office available later this fall. 3 blocks from Bethesda Metro. Great view and upscale environment. Includes pre-scheduled use of conference room. Telephone/Internet package, use of break room and work room included. Receptionist sits at front desk of suite 9-5 on weekdays. Minimum 4-month term, month-to-month thereafter. Asking \$1,000/month/office including utilities. Please email queries to

(Continued on following page)

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WHAT'S NEW ...

(Continued from preceding page)

office@pressdozierlaw.com or ask for Anna at (301) 913-5200.

BETHESDA – One windowed office in professional office suite, Class "A" building; share suite with CPA's, 7-day access; newly redecorated; \$750/month. Ideal for independent professional. Please call Allen at 301-718-4615 if interested.

BETHESDA – Three windowed offices available in downtown Bethesda law office: Reception, conference rooms, copier, etc., with suite of attorneys; definite referral opportunities; parking in building and next to large public parking garage, 1 block from Metro, workstations also available. Perfect for sole practitioner or small firm. Virtual office arrangements also available. Please contact Peggy at 301-961-6464 x3322 if interested.

GAITHERSBURG – Individual Offices and/or 2 Office Suite available. Ideal for an independent professional or a professional with an assistant. Access to copier, fax, conference room and DSL. Free parking and road signage available. Desirable location on Route 355. \$750-\$1,500/month. Call 301-987-2002 or email allenlawfirm@aol.com.

NORTH BETHESDA/ROCKVILLE – Large furnished windowed office with secretarial/admin work station in suite with other attorneys; located in Executive Condominium in walking distance of White Flint Metro and easy access to I-270 and Rockville Pike. Receptionist services, two conference rooms, photo copier, fax, DSL, free parking, kitchenette and law library available. Contact Larry Kent at 301-984-1212 or jlkent@kidwellkent.com.

ROCKVILLE – Complete Office Suite for rent to sole practitioner or small firm. Special rate to business, tax, or commercial practice. Three private offices, secretarial/reception area, storage room, and restroom.

Lovely second floor view of Route 355 and the Metro trains. Jackson Place South Office Condominium in front of Montgomery College. Lots of parking and easy access. Alan Zipp, CPA-Attorney, 301-340-0084.

ROCKVILLE – One part-time or satellite office in a beautiful penthouse suite in premium office building with outdoor terrace. One block from Circuit Court. Adjacent to the Rockville Metro Station. Full use of conference room, reception, copier and kitchen, and other amenities for a reasonable cost. Call Stanley at 301-340-3003.

ROCKVILLE – Walk to Courthouses and Metro. One block from Rockville Town Center. Two windowed office spaces available together or separate: 9 1/2 x 10 1/2+ and 13 x 9+. Plenty of free parking for tenants and guests. Includes use of conference room, waiting area, kitchenette. Copier-scanner-fax available and answering service at extra cost. Stop by anytime. Call 301-279-8773.

SILVER SPRING – Downtown – Two Law Offices Available – Two adjacent

windowed fully furnished 12' x 12' law offices for rent. Located in a 3,000 sq. ft fully renovated law suite office. All amenities including use of full kitchen, spacious conference room, fax and copier. Wired for high-speed internet and phone. Referrals among attorneys are common. 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.

SILVER SPRING – Office space with large window for rent in beautiful contemporary lawyer's suite in downtown Silver Spring. Conference room, Xerox, postage machine, and secretarial space available. Wired for internet and cable. Call 301-650-0078.

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WHAT'S NEW ...

litigation. Jury Trial experience necessary. Job responsibilities include trial practice in the District and Circuit Courts of Maryland and the Superior Court for the District of Columbia. Attorney with a portable practice a plus. Please send resume to Law Office of Mallon A. Snyder at mallonasnyder@gmail.com.

ASSOCIATE – Real Estate/Lending Transactional – Mid-size Bethesda, Maryland AV rated firm w/fast paced, growing real estate/lending/business/transactional practice has opening/unique opportunity for an attorney w/3-7 yrs. experience in real estate and lender representation matters. Please send resume w/cover letter expressing long-term interests and salary requirements to Selzer Gurvitch Rabin Wertheimer Polott & Obecny, P.C., 4416 East West Highway, 4th Floor, Bethesda, Maryland 20814; or by email: bkirkpatrick@sgrwlaw.com All responses held in strict confidence.

ATTORNEY – Business Law and Taxation Law – Miller, Miller & Canby, an established AV rated Rockville, Maryland law firm, seeks an experienced Business Law and Taxation Law Attorney. Interested attorneys must: (i) have in-

depth, broad-based experience in business law and taxation law; (ii) have portability of some existing clients; (iii) have client origination skills; and (iv) be a self-motivated, personable team player. Maryland bar is required. DC, VA and other bar admissions are a plus. Candidates with an advanced degree (MBA, MS, and LLM) and/or professional certifications (CPA and/or CFP) are preferred. Excellent long-term career opportunity for the right individual to lead the firm's Business & Tax Practice Group within the next 3-5 years. Compensation is commensurate with experience and credentials. Submit resume and salary requirements to: Kelley Hunt at KJHunt@mmcanby.com.

ATTORNEY – Litigation – One of Maryland's top rated law firms seeks an associate with 3 to 7 years experience in personal injury litigation. Must possess excellent research and writing skills, ability to take depositions, argue motions and successful jury trial experience. Would consider lateral partner with a portable practice and successful courtroom track record. Please respond to Internal Box J14-01, Bar Association of Montgomery County, MD, 27 West Jefferson St, Rockville, MD 20850.

YOU SHOULD HAVE RECEIVED YOUR 2013-2014 LEGAL DESK REFERENCE & LAWYER DIRECTORY

All members should have received the new membership directory. Any changes that were reported to BAMC staff after September 5th do not appear in this issue.

While we make every effort to ensure that the information is up to date, please note that we can only print the information that is provided to us.

If your photo appears pixelated in the directory, please provide a replacement photo at your earliest convenience.

If, after looking at your listing, you need to make updates, please send your current information to Monika at membership@barmont.org.

If you would like to provide an updated photo for next year, please email your updated photo to Cindy@barmont.org.

Extra copies are available for \$20 each. Please feel free to drop by the office during normal business hours with a check.

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MSBA NOMINATIONS AND ELECTIONS FOR BOARD OF GOVERNORS IN 2014

This is the annual announcement regarding the nomination and election process for vacancies on the Maryland State Bar Association Board of Governors occurring in June 2014.

Only Class II Governors can be nominated and elected in 2014, since it is an even numbered year. (Vacancies will be occurring in the First, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Districts, as well as 1 Young Lawyer Governor.)

SIXTH (Montgomery County) – Number of Governors to Which Entitled – 8; Class I – 2 (elected in odd years); Class II – 6.

- Nomination petitions must be filed with the MSBA Executive Director no later than 5:00 p.m., **Tuesday, February 11, 2014.**

- Ballots must be postmarked no later than **March 28, 2014.**

- If paper, ballots must be received by the Executive Director no later than **April 2, 2014.**

If you would like to receive an MSBA Nomination petition packet, please contact Maria in our BAMC office at 301-424-3454.

For more information regarding the MSBA and/or the Nomination and Election for Board of Governors, please visit the website at www.msba.org.

HELPING OPPORTUNITIES ...

Support Drug Court by helping a participant obtain stable employment and therefore restore their life, stay committed to recovery and become a productive member of the community. For further information please contact Austine Long, Drug Court Coordinator at (240) 777-9141.

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To reserve either room, simply contact Maria at 301-424-3454 or mdelgado@barmont.org.

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WHAT'S NEW ...

NEW MEMBERS

Daniel Creel, 48 Windbrooke Circle, Gaithersburg, MD 20879; tel.: 301-814-6668; dancreel@gmail.com

Matthew Gimovsky, 7474 Greenway Center Dr., #500, Greenbelt, MD 20770; tel.: 301-982-8631; fax: 301-982-8681; matthew.gimovsky.ko0e@statefarm.com

Maureen Glackin, 17251 Melford Blvd., Suite 108, Bowie, MD 20715; tel.: 301-383-1525; fax: 240-206-9207; mglackin@rgphlaw.com

Benson S. Goldstein, 1700 Rockville Pike, Suite 400, Rockville, MD 20852; tel.: 301-956-8324; bensongoldstein@gmail.com

Marc Hirschfeld, 1131 Kersey Rd., Silver Spring, MD 20902; tel.: 202-747-3570; fax: 202-747-3580; marc@plsdata.com

Melissa A. Kucinski, 3 Bethesda Metro Center, Suite 700, Bethesda, MD 20814; tel.: 202-713-5165; fax: 202-618-9638; melissa@mkfamilylawfirm.com

Raymond R. Mulera, 1395 Piccard Dr., Suite 110, Rockville, MD 20850; tel.: 301-208-1795; fax: 301-208-1855; ray@levinrosenstein.com

Gregg J. Steinbarth, 11411 Rockville Pike, Kensington, MD 20895; tel.: 301-881-5268; fax: 301-881-2730; steinbarthg@mac.com

Sahmra A. Stevenson, 51 Monroe Place, Suite 600, Rockville, MD 20850; tel.: 240-394-7191; fax: 240-235-4342; Sahmrasslaw@gmail.com

Do you need administrative support staff?

The Bar Association maintains a personnel listing that is available to our attorney members for \$25.

Please contact Maria at 301-424-7040 or MDelgado@barmont.org for information.



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STATE'S ATTORNEY'S ASSIGNMENTS

~ Updates to these schedules can be found in the Court Schedules section of the Bar Association website ~

STATE'S ATTORNEY OFFICE FOR MONTGOMERY COUNTY DISTRICT COURT SCHEDULE: JANUARY 2014

DATE	MONDAY	TUESDAY	WED	THURSDAY	FRIDAY
C-411	Harrison	Macvittie		Cardozo	Inderfurth/Garrett
C-412	Bagheri (T)	Costello		Morris	Turner
T-414	Turner	Adelguy (T)		Hermann	Harrison
T-413	Costello	Bagheri (T)		Lazzaro	Morris
T-55-301	Rigney (T)	Turner		Harrison	Hermann
T-55-302	Morris	Cardozo		Macvittie	Costello
C-55-401	Hermann	Lazzaro		Rigney (T)	Adelguy
C-402 A- L/M-Z	Larson	Ramirez	Weiss	Inderfurth/Garrett	Ramirez Wilanson
8:30 Dkt					
WEEK 2	13	14	15	16	17
C-411	Lazzaro	Weiss		King	Inderfurth/Garrett
C-412	Cardozo	Rigney (T)		Ramirez	Larson
T-414	Harrison	Cardozo		Macvittie	Lazzaro
T-413	Weiss	Lazzaro		Rubinstein	Bagheri (T)
T-55-301	Bagheri (T)	Harrison		Weiss	Rubinstein
T-55-302	Rigney (T)	King		Cardozo	Macvittie
C-55-401	Macvittie	Bagheri (T)		Harrison	Rigney (T)
C-402 A- L/M-Z	Costello	Hermann	Morris	Inderfurth/Garrett	Morris W/Castello
8:30 Dkt					
WEEK 3	20	21	22	23	24
C-411	Holiday	Bagheri (T)		Rigney (T)	Inderfurth/Garrett
C-412	Holiday	Lazzaro		Macvittie	Harrison
T-414	Holiday	Morris		Hermann	Ramirez
T-413	Holiday	Rigney (T)		Bagheri (T)	Rubinstein
T-55-301	Holiday	Hermann		Lazzaro	Macvittie
T-55-302	Holiday	Costello		Lazzaro	Morris
C-55-401	Holiday	Ramirez		Rubinstein	Castello
C-402 A- L/M-Z				Inderfurth/Garrett	
8:30 Dkt	Holiday	King	Cardozo		King
WEEK 4	27	28	29	30	31
C-411	Hermann	Ramirez		Costello	Inderfurth/Garrett
C-412	Rigney (T)	Macvittie		Hermann	Weiss
T-414	Cardozo	Hermann		Morris	Ramirez
T-413	Rubinstein	King		Weiss	Bagheri (T)
T-55-301	Macvittie	Costello		Han	Morris
T-55-302	Costello	Bagheri (T)		Ramirez	Han
C-55-401	King	Morris		Bagheri (T)	Macvittie
C-402 A- L/M-Z	Larson	Lazzaro	Harrison	Inderfurth/Garrett	Lazzaro
8:30 Dkt					

SAO JUVENILE SCHEDULE - JANUARY 2014

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Delinquency Ctrm (Duty Cases)				Barnes - a.m.	Barnes
Duty Courtroom/am				Burrows - p.m.	Burrows
Duty Courtroom/pm				PT's - Woodward	Burrows
Emergencies				Woodward	Woodward
Court Coverage				Simms	Woodward
Truancy				Simms	Woodward
Other					
Not Available					
Delinquency Ctrm (Duty Cases)				Hardy, Andrews	Hardy, Andrews
Duty Courtroom/am				Woodward	Woodward
Duty Courtroom/pm				Simms	Simms
Emergencies				Andrews	Andrews
Court Coverage				Hardy	Hardy
Truancy				Andrews	Andrews
Other					
Not Available				Burrows	Burrows
Delinquency Ctrm (Duty Cases)				Andrews - a.m.	Hardy
Duty Courtroom/am				Burrows - p.m.	Barnes
Duty Courtroom/pm				Woodward	Barnes
Emergencies				PT's - Hardy	Hinton
Court Coverage				Hardy	Burrows
Truancy				Barnes	Hinton
Other				Andrews	Burrows
Not Available					
Delinquency Ctrm (Duty Cases)				Robn's Birthday	Burrows
Duty Courtroom/am					Andrews - no.p.m.
Duty Courtroom/pm					Friday
Emergencies					Friday
Court Coverage					Friday
Truancy					Friday
Other					Friday
Not Available					Friday
Delinquency Ctrm (Duty Cases)				Woodward	Hinton
Duty Courtroom/am				Andrews	Burrows
Duty Courtroom/pm				Hardy	Burrows
Emergencies				PT's - Andrews	Burrows
Court Coverage				Andrews	Burrows
Truancy				Simms	Burrows
Other				Hinton	Burrows
Not Available				Mpassi	Burrows
Delinquency Ctrm (Duty Cases)					Burrows
Duty Courtroom/am					Burrows
Duty Courtroom/pm					Burrows
Emergencies					Burrows
Court Coverage					Burrows
Truancy					Burrows
Other					Burrows
Not Available					Burrows
Delinquency Ctrm (Duty Cases)				Hardy	Burrows
Duty Courtroom/am				Andrews	Burrows
Duty Courtroom/pm				PT's - Woodward	Burrows
Emergencies				Woodward	Burrows
Court Coverage				Hardy	Burrows
Truancy				Simms	Burrows
Other				Hinton	Burrows
Not Available				Woodward	Burrows
Delinquency Ctrm (Duty Cases)				Simms	Burrows
Duty Courtroom/am					Burrows
Duty Courtroom/pm					Burrows
Emergencies					Burrows
Court Coverage					Burrows
Truancy					Burrows
Other					Burrows
Not Available					Burrows

WE NEED VOLUNTEERS

The Family Law Self Help Center is in need of volunteer attorneys to help self represented litigants in family law matters with legal information and/or legal advice. If you have a desire to serve self represented litigants you can help in one of two ways:

1. Impromptu Volunteering: If you happen to be at the Courthouse between 12:00 pm and 2:00 pm and have a little time to spare, stop by and see one, or maybe two, clients. We almost always have clients waiting during lunch hours, and could use your assistance.

2. Scheduled Volunteering: If you have more time to spare or prefer a more structured arrangement, please contact our Bar liaison: Judi Bluefeld, (301) 279-7817, twosq@hotmail.com, or stop by and consult with the Center staff. In that way, we can let you know when the Center will be shorthanded, and can most use your valuable assistance.

Time that you volunteer at the Family Law Self Help Center can be counted as Pro Bono hours to the Court of Appeals.

JUDGES SCHEDULES

~ Updates to these schedules can be found in the Court Schedules section of the Bar Association website ~

District Court Judges' Schedule - January 2014

DATE	RV411	RV412	RV413	RV414	RV512	RV513 Bonds	RV514	SS401	SS402	SS301	SS302			
Wednesday Thursday Friday	1 2 3	HOLIDAY Sarsfield Everngam	HOLIDAY Wolfe Cho	HOLIDAY VJ Creighton	HOLIDAY Mitchell Moffett	HOLIDAY Everngam Sarsfield	HOLIDAY Simmons Wolfe	HOLIDAY Moffett Mitchell	HOLIDAY Creighton Simmons	HOLIDAY VJ VJ	HOLIDAY Cho Smith			
Monday Tuesday Wednesday Thursday Friday	6 7 8 9 10	Simmons Smith Everngam Hamilton Creighton	Wolfe Mitchell Creighton Sarsfield Simmons	VJ Moffett VJ VJ Smith	Sarsfield Everngam VJ VJ Moffett	Moffett Wolfe Wolfe Creighton Mitchell	Everngam Simmons Moffett Smith Everngam	CLOSED Creighton CLOSED Wolfe CLOSED	Creighton Sarsfield Smith Simmons Wolfe	Smith CLOSED CLOSED Mitchell Hamilton	VJ VJ VJ Moffett VJ	Mitchell VJ Mitchell Everngam Sarsfield		
Monday Tuesday Wednesday Thursday Friday	13 14 15 16 17	Wolfe Everngam Smith Cho Moffett	Smith Mitchell Hamilton Everngam Sarsfield	Creighton Hamilton Cho Moffett Smith	Hamilton Sarsfield Simmons Creighton Simmons	Everngam Wolfe Wolfe Sarsfield Everngam	Cho Moffett Creighton Simmons Wolfe	CLOSED Simmons CLOSED Mitchell CLOSED	Mitchell Cho Moffett Sarsfield Wolfe Cho	Sarsfield CLOSED Sarsfield Smith Mitchell	Moffett Creighton Everngam VJ VJ	Simmons Smith Mitchell Hamilton Creighton		
Monday Tuesday Wednesday Thursday Friday	20 21 22 23 24	HOLIDAY Hamilton Simmons Creighton Cho	HOLIDAY Creighton Moffett Smith Simmons	HOLIDAY Cho Everngam Sarsfield Smith	HOLIDAY Sarsfield Wolfe Hamilton Mitchell	HOLIDAY Wolfe Cho Moffett Sarsfield	HOLIDAY Everngam Cho Mitchell Wolfe	HOLIDAY Mitchell CLOSED Everngam CLOSED	HOLIDAY Simmons Mitchell Wolfe Everngam	HOLIDAY CLOSED VJ Cho Creighton	HOLIDAY Smith Hamilton VJ Moffett	HOLIDAY Moffett Sarsfield Simmons Hamilton		
Monday Tuesday Wednesday Thursday Friday	27 28 29 30 31	Wolfe Moffett Mitchell Smith Moffett	Hamilton Smith Everngam Simmons Sarsfield	Sarsfield Smith Creighton Moffett VJ	Creighton Cho Simmons Mitchell VJ	Simmons Everngam Smith Cho Smith	Smith Sarsfield Hamilton Creighton Everngam	CLOSED Wolfe CLOSED CLOSED CLOSED	Moffett Hamilton Cho Everngam Simmons	Cho CLOSED Wolfe Sarsfield Hamilton	Mitchell Simmons Sarsfield VJ Creighton	Everngam Creighton Moffett Hamilton Cho		
Date Prepared: Oct. 28, 2013 Date Revised: Dec. 11, 2013 * = Special Set Judges' Meeting: Jan. 15, 2014			HR303-SS 8 - VJ 15-VJ 29-VJ			LEAVE			SS402 6-Meters 13-Speed 20-Meters 27-Red Lights			ADMINISTRATIVE LEAVE ACTING ADMINISTRATIVE JUDGE 31-Everngam		

Circuit Court

Judges Schedule - 2014

2014		Criminal	Civil	Duty	Motions	Family	FamDuty	General	CINA	Delinq	JuvDuty	Drug Court	EAP Duty
	January												
1/6/2014	6th-12th wk 1045	McGann CM Mason PT	Burrell Dugan McCormick Algeo Rubin	Ryon	Albright	Salant Greenberg Johnson (Savage) Rupp	Bernard Ryon 8	Jordan Boynton McCally	Callahan	Quirk	Bair	Rupp	Greenberg
1/13/2014	13th-19th wk 1046	McGann PT Mason CM	McCormick Algeo Rubin	Dugan	Burrell	Callahan Salant Greenberg Bernard Johnson Ryon (Savage) Rupp	Boynton	Jordan McCally	Albright	Bair Quirk 17	Quirk	Quirk	Mason
1/20/2014	20th-26th wk 1047	McGann CM Mason PT	Burrell Dugan McCormick Algeo Rubin	Greenberg	Salant	Bernard Johnson Ryon (Savage) Rupp	Albright	Jordan McCally Boynton	Callahan	Quirk	Bair	Rupp	Dist Court
1/27/2014	27th-2nd wk 1048	McGann PT Mason CM	Burrell Dugan Rubin	Rupp	McCormick	Salant Greenberg Bernard Johnson Ryon (Savage) Callahan	Algeo Rupp 29	Jordan McCally Boynton	Albright	Bair Quirk	Quirk	Quirk	Albright

*Family Duty; CM=Criminal Motions; PT=Criminal PreTrial Jury Demand/Appeal Docket

Periodicals
 Postage
PAID
 at
 Rockville, MD

CR Bar Office Conference Room
LCR Lower Level BAMC Conference Room
C/S See Committee/Section Pages for Location

CLR CLE Classroom
CLE CLE Seminar—Call (301) 340-2534 to Register

JANUARY

1 ~ Holiday – Bar Offices Closed ~
 2 8:00a.m. C/S District Court Bench Bar Committee
 8 8:00a.m. C/S Circuit Court Bench Bar Committee
 8:00a.m. CR Elder Law Section Meeting
 12:15p.m. CR Youth Courthouse Project Committee
 9 5:00p.m. C/S Workers Compensation Section Meeting
 5:30p.m. CLR Family Law Section Meeting
 10 12:15p.m. CR Education Law Section Meeting
 13 5:00p.m. CR Executive Committee Meeting
 6:00p.m. C/S Specialty Bar Associations Committee
 14 11:00a.m. CR Employment Law Section Meeting
 15 5:00p.m. CR Lawyer to Lawyer Committee Meeting
 5:00p.m. CLR Leadership Development Academy
 (Judicial Leadership Program)
 16 7:30a.m. CLE Breakfast With The Judges
 8:00a.m. C/S Law Firm Management Section
 21 5:00p.m. CR Juvenile Law Section Meeting
 6:00p.m. C/S New Practitioner Section / Federal
 Bar Association YLD Happy Hour
 22 5:30p.m. CR Collaborative Law Section Meeting
 23 Noon CR Immigration Law Section Meeting
 4:30p.m. C/S Legal Ethics Committee Meeting
 5:00p.m. CR Membership Benefits Committee
 27 11:45a.m. C/S Real Estate Law Section Meeting
 28 Noon C/S Estate & Trust Law Section Meeting
 5:30p.m. CLE CLE Seminar – Business Law
 30 12:30p.m. C/S Circuit Court Chamber Chat
 31 Noon CR Personal Injury Litigation Section

FEBRUARY

3 5:00p.m. CR Executive Committee Meeting
 4 12:15p.m. ~ Bar Luncheon ~
 5 8:00a.m. C/S Circuit Court Bench Bar Committee
 12:15p.m. CR Youth Courthouse Project Committee
 6 8:00a.m. C/S District Court Bench Bar Committee
 5:30p.m. CLR Family Law Section Meeting
 11 8:00a.m. C/S Real Estate Law Section Meeting
 12 8:00a.m. CR Elder Law Section Meeting
 5:30p.m. C/S New Practitioner Section
 Community Service Project
 13 5:00p.m. C/S Workers Compensation Section Meeting
 5:30p.m. CLE CLE Seminar – Immigration Law /
 Taxation Law
 14 12:15p.m. CR Education Law Section Meeting
 18 5:00p.m. CR Juvenile Law Section Meeting
 19 5:00p.m. CR Lawyer to Lawyer Committee Meeting
 5:00p.m. CR Membership Benefits Committee
 20 7:30a.m. CLE Breakfast With The Judges
 8:00a.m. C/S Law Firm Management Section
 Noon CR Immigration Law Section Meeting
 4:30p.m. C/S Legal Ethics Committee Meeting
 5:30p.m. CLR New Practitioner Section Meeting
 24 Noon C/S Estate & Trust Law Section Meeting
 26 5:30p.m. CLR Collaborative Law Section Meeting
 5:30p.m. CR Strategic Planning Committee Meeting
 27 7:30a.m. CLE CLE Seminar – Family Law
 28 Noon CR Personal Injury Litigation Section

FRIENDS OF BILL W. LAWYER MEETING

For time and location of the meetings, please contact Dan Gaskill at (301) 279-7400.

CALENDAR