

THE BAR ASSOCIATION OF MONTGOMERY COUNTY, MD NEWSLETTER

Pride in Membership, Leadership in Justice

Volume 60, Issue 5

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November 2012

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PRESIDENT'S MESSAGE

By Daniel M. Kennedy, III



November is a month for giving thanks. We have a lot for which to be thankful, not the least of which is having a country in which the presidential election unfolds peacefully notwithstanding the dramatically different views that each candidate possesses regarding the direction of our government and its role in our lives. Express your thanks by ensuring you take the time to weigh in on the debate and VOTE. We owe it not only to ourselves and our grandchildren, but to the many before us who have sacrificed so much to provide for this dramatic expression of our liberty and freedom.

Our Association owes a debt of gratitude to the Co-Chairs of the 20th Annual Golf and Tennis Charity Classic, Alison Rind and David Shapiro. While they couldn't control the weather, they did deliver with a fun filled time for all. Manor Country Club had a crowd of BAMC members on the course, on the court, and wining and dining in and around the silent auction. The contribution from our members to the event and the numerous contributions of the sponsors, all of whom are more fully identified further on in the Newsletter, have ensured a productive fundraising event for the Bar Foundation. The camaraderie was the icing on the cake of a job well done.

As well, thanks are in order to Chris Roberts, Rhian McGrath and Heather Collier for their tireless

(Continued on page 4)

ADULT DRUG COURT GRADUATION

The Honorable Nelson W. Rupp, Jr., The Honorable Joseph M. Quirk and the Montgomery County Circuit Court invite you to attend the Adult Drug Court Graduation on November 14, 2012 at 4 p.m., Courtroom 1, Circuit Court.

WE ARE ACCEPTING DONATIONS TO BENEFIT THE MONTGOMERY COUNTY FAMILY JUSTICE CENTER CLIENTS

The Bar Association/Bar Foundation is collecting new, unwrapped toys for all ages and grocery store gift cards to benefit the clients of the Montgomery County Family Justice Center.* We would like to help spread a little joy to these families during this holiday season.

*The Mission of the Family Justice Center is to promote safety, well-being, and healing for victims of family violence.

Since opening its doors in 2009, more than 1700 clients have sought services provided by the MCFJC. In a desire to serve those clients and help support the wonderful work of the staff and volunteers of the MCFJC, the MCFJC Foundation continues to seek the community's support.

Donations will be accepted through December 14th at the Bar Association of Montgomery County, MD 27 West Jefferson St., Rockville, MD

BAR LUNCHEON SCHEDULE

November 6, 2012
December 4, 2012

February 5, 2013
March 5, 2013

April 9, 2013

Rockville United Methodist Church ~ 112 West 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. PLEASE NOTE ... We must receive your request in writing at least 1 week in advance of the luncheon so that we can accommodate you.

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

Julie	Executive Director	(301) 424-3453
	Julie@barmont.org	
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	MDelgado@barmont.org	
Cindy	Association Administrative Assistant	(301) 762-8376
	Cindy@barmont.org	
Monika	(301) 424-6351
	membership@barmont.org	
Marleni }	Lawyer Referral Service Operator	(301) 279-9100
	Lawyer Line	(301) 424-7040
	lrs1@barmont.org and 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
Gaby Office Administration / Client Coordination	(301) 762-8488
	gaby@mcbfprobono.org

FOR LAWYERS WHO NEED HELP

If you are aware of attorneys who are having problems with alcohol, drugs, stress, emotional problems and related illnesses that interfere with their professional or personal lives, please call the Lawyer-to-Lawyer Committee. Committee members are available to assist lawyers find confidential effective programs to suit their needs.

All calls are strictly confidential.

Deane A. Shure, Chair
Phone: (301) 762-8860
E-mail: deaneshure@gmail.com

FRIENDS OF BILL W. LAWYER MEETING

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

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CURRENT UPDATE

2011 JUVENILE BENCH/BAR MEETINGS SCHEDULE

DELINQUENCY
(Courtroom #19 / 12:30 p.m.)
Wednesday, November 21

CIRCUIT COURT NOTES

Progress Report on the Construction of the Court's Annex:

The Maryland Avenue entrance of the Judicial Center has been closed for the next stage of construction. Courthouse visitors and staff must now use the Monroe Street entrance or the T-level entrance, which can be accessed via the Executive Office Building. Signs have been posted to direct court visitors who normally enter from the Maryland Avenue/west side of the courthouse to the Monroe Street entrance.

Due to renovations, one elevator has been taken out of service for public access. Again, it may be helpful to advise clients and witnesses of the need to allow more time to be punctual for hearings, trials and other scheduled events. Thank

you for your patience with the inconvenience necessitated by both the construction and renovations to the existing structure, all of which are expected to be completed by August, 2013.

PLEASE NOTE THE FOLLOWING UPDATED INFORMATION REGARDING JUDICIAL ROTATIONS/TRANSITIONS OF TRACK 4 CASELOADS ANNOUNCED IN OCTOBER: Judicial assignments in the upcoming rotation have been revised due to the recently announced retirement of the Honorable Louse G. Scrivener in the spring of 2013. To ensure the availability of trial and plea judges for the criminal caseload throughout the rotation, the Honorable Terrence J. McGann will be assigned to

the Criminal rotation, while Judge Scrivener will remain in the Civil assignment until her retirement. **PLEASE NOTE THE CHANGES IN JUDICIAL ASSIGNMENTS IN THE TABLE on page 5.**

Rotation of judicial assignments will occur on **January 6, 2013**; adjustments of case assignments to facilitate transition of caseloads begin this month. **CIVIL TRACK 4** case events scheduled on or after January 6, 2013 will reflect the incoming rotation judge who will assume the civil calendar managed by the outgoing judge, with some adjustments to occur on a case by case basis due to the change in assignment noted above.

A stepped transition in the **CRIMI-**
(Continued on page 5)

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PRESIDENT'S MESSAGE, cont'd

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efforts in ensuring the successful first participation by the Bar Association of Montgomery County in the "Inspiration Walk" of the Special Olympics of Montgomery County. Georgetown Prep provided a delightful venue for the event. Gauging by the sheer volume of participants, we have established a legacy partnership with the Special Olympics that will be enduring as well as endearing. The turnout of not only our members, but of our families and friends, was apparent to all of those in attendance. It was truly a rich and rewarding experience not only for the athletes, but for the volunteers, as well. It was my good fortune to have the opportunity to share the day with all those in attendance, and I thank you for that opportunity. Again, thank you to all who were present for the occasion.

We have a truly energetic and dedicated Bar staff, ably directed by Julie Petersen, our Executive Director. Given the upheaval the last year's construction has had on their schedules, they should be quite thankful that the rehabilitation of 27 West Jefferson Street is complete. Come share in everyone's gratitude on November 5th when the Bar Association hosts an Open House for the "unveiling" of the improvements. We have outlasted the Rockville City Fire Marshall, at considerable expense. Please be present as we attempt to press the limits of the Fire Marshall's regulations regarding the building's attendance capacity for any one occasion.

As always, be mindful and grateful that there is a free lunch in town on the first Tuesday of the month at the

Rockville United Methodist Church. Our past President and the President of the MSBA, John Kudel, is the expected speaker on the occasion of our November hot turkey and cranberry

lunch. I would like to extend to each of you and your families a happy and healthy Thanksgiving. Please take care of yourselves and remember those who are unable to do so.

LAWYERS IN NEED OF ASSISTANCE

The stress of practicing law, especially litigation, coupled with economic hardship for many lawyers can contribute to a number of other problems. Whether alcohol, drugs, depression or burnout, the Lawyer to Lawyer Committee wants to reach out to those lawyers who are going through a difficult time.

This past year we were able to help, in particular, two members of our Bar who have been practicing for many years. Our Committee emphasizes absolute confidentiality. I have served on The Lawyer to Lawyer Committee for a number of years and I am convinced that Committee members have maintained the strictest confidentiality.

Whether it is a colleague, a friend, or perhaps someone you do not know, please contact me with a referral at my office number of 301-762-8860, ext. 301 or my cell number of 301-518-4950.

You can remain anonymous to the person you are calling about and if you prefer I won't divulge your identity to the other committee members.

I would like to reach out to as many Attorneys in need as possible. I ask that you keep us in mind whenever you perceive a potential problem.

Deane A. Shure, Chair, Lawyer to Lawyer Committee

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Practice Areas

Civil Litigation
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Criminal Law
Personal Injury Law

Office Locations

51 Monroe Street, Suite 1407
Rockville, MD 20850
(301)251-6600

8 W. 3rd Street
Frederick, MD 21701
(301)607-1231

Brian E. Barkley: bbarkley@barkenlaw.com
Daniel M. Kennedy, III: dkennedy@barkenlaw.com

Join us for the BAMC

Open House

**Monday, November 5, 2012
5:00 p.m. - 8:00 p.m.**

*Please RSVP to 301-762-8376
or Cindy@barmont.org*

CURRENT UPDATE

(Continued from page 3)

NAL TRACK 4 caseload will follow the same procedure used for the July 2011 judicial rotation. Beginning **October 8, 2012**, criminal cases filed on that date through **December 7, 2012 AND assigned to Track 4, will reflect the following incoming criminal/general rotation judges (cases will initially be assigned to Track 2 or 3 and will reflect a current assignment plea judge):**

Initially Track 2 or 3	If Track 4 is approved
Judge Bernard (651)	-> Judge Mason (638)
Judge Rubin (658)	-> Judge McGann (657)
Judge Greenberg (661)	-> Judge Boynton (656)
Judge McCormick (662)	-> Judge Jordan (665)
Judge Burrell (663)	-> Judge McCally (667)

This will allow the incoming judge to conduct the Pretrial Hearings occurring in early 2013 and address issues and motions, as well as handle the trial. All indictments and informations filed on December 10, 2012 or thereafter will be directly assigned to the incoming rotation of judges.

With rare exceptions, **TRACK 4** criminal cases that were filed before **October 8, 2012** and are pending trial on January 6, 2013 will move calendar fashion using the table below:

Current Track 4	Incoming Assignment
Judge Bernard (651)	-> Judge Mason (638)
Judge Rubin (658)	-> Judge McGann (657)
Judge Greenberg (661)	-> Judge Boynton (656)
Judge McCormick (662)	-> Judge Jordan (665)
Judge Burrell (663)	-> Judge McCally (667)

Exceptional cases may include: cases alleging crimes with a potential enhanced, life, or life w/out parole sen-

tences; violent or multiple victim sex offenses; cases in which substantive motions on forensic evidence/expert testimony or NCR/competency issues/motions *in limine* have already been litigated.

In early December, the five (5) judges currently in the Criminal/General Assignment will receive a listing of their Track 4 cases that are pending trial for review to identify any exceptional cases they will recommend to the Administrative Judge as cases they should carry forward through trial (and disposition). Subject to the Administrative Judge's approval, exceptional cases will stay with the current Track 4 judge for trial and disposition. Those cases approved by the Administrative Judge will take priority over other assignments in order to maintain existing trial dates.

Those pending Track 4 cases with a trial date already set that will be not carried by the current Track 4 judge will be transferred to the corresponding judge UNLESS the succeeding judge's calendar will not accommodate that trial date. Where this occurs, the first available judge in the order above will become the Track 4 judge. **PLEASE NOTE THAT THE TRACK 4 JUDGE IS ALSO THE PLEA JUDGE AND THEREFORE WILL CHANGE EFFECTIVE JANUARY 6, 2013 FOR SUCH CASES.**

ANY postponements or changes of the already scheduled trial date must be approved by the Administrative Judge and rescheduled ONLY in conjunction with the Assignment Office to avoid disruption of other assignments. Where the

judge's new rotation calendar will not allow a trial date within Hicks, that case will be scheduled before the succeeding judge in the criminal/general rotation as above, where that judge is also not available, the case will be assigned to the next judge who is available in the order above.

CRIMINAL TRACK 4 PLEA

POLICY:

1) Track 4 cases filed **prior to October 8, 2012** will continue to have available the current rotation of plea active judges.

2) Track 4 cases filed on **October 8, 2012 through December 7, 2012** will have available the current rotation of plea active judges PLUS THE TRACK 4 JUDGE (from the incoming rotation).

3) Cases filed on or after **December 10, 2012** will use the incoming rotation of judges consistent with Tracks 2 and 3 below.

Criminal Track 2 and 3 cases filed prior to December 10, 2012 have available the current rotation of active judges. **Beginning December 10, 2012**, 30 days prior to the rotation, the incoming rotation of judges will be assigned as plea judges in Track 2 and 3 cases, as well as Track 4 cases.

CRIMINAL TRACK 2 & 3 PLEA

POLICY:

1) Plea policy is unchanged. Plea active lists using the outgoing rotation of judges will be maintained for the cases filed up to **December 10, 2012**.

2) All active judges in the incoming criminal rotation will be available for plea agreements up to the Pre-Trial Hearing for cases filed on **December 10**,

(Continued on following page)

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(Continued from preceding page)

2012 and later. Consistent with the DCM plan, the designation of judges as plea active or inactive will begin no earlier than January 7, 2013, 4 weeks after assignments have begun.

3) PRE-INDICTMENT PLEA AGREEMENTS FILED BEFORE DECEMBER 10, 2012: Procedure is unchanged.

4) PRE-INDICTMENT PLEA AGREEMENTS FILED ON OR AFTER DECEMBER 10, 2012: May be filed before any plea active judge in the incoming rotation OR subject to certification that a written plea offer was extended on a prior date to any plea active judge available at that time. For cases filed on or after January 6, 2013, pre-indictment plea agreements may be scheduled before any plea active judge in the incoming rotation.

Civil cases: please be reminded that appearance by plaintiff's counsel or a self-represented plaintiff is required at all scheduling, status/pre-trial, settlement conferences, and pre-trial 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: We continue to work to make the Settlement Conferences in Track 3 civil cases more productive for all involved. Please be reminded that Court staff in the Assignment Office who contact counsel in advance of the Settlement Conference are now requesting additional information about the status of discovery, ADR, and noting 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

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 Motivates You?

What does motivation have to do with stress and having balance in your life? Everything. When you are motivated, the stress that occurs is usually the good kind. Finding out what motivates you is so important for so many reasons. When you are motivated, work is no longer "work". Instead, it's passion driven from a deeper place.

Here are some questions which might help you discover or increase your motivation:

- What area of your practice do you love?
- What is your ideal client?
- What working conditions are the best for you?
- What time of the day do you work the best?
- Are there parts of your work that don't motivate you that you could delegate or outsource?
- What colleagues and staff do you enjoy working with the most?

If you answer these questions and you have the discipline to move in a direction that takes the answers into account, you can substantially reduce your stress and add more balance to your life. You could have more fun at work and at home.

Could coaching help you get more motivated for your work?

Geoff Gilbert is a former practicing CPA at Ernst & Young and business attorney in Montgomery County. He now coaches Lawyers, CPA's and Executives to help them manage their practices better and teaches stress related courses at the University of Maryland in College Park. You can reach him through his website at www.executive-coach-for-lawyers.com.

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.

ADR: PLEASE notify the court-ordered mediator with whom you are scheduled for an ADR session at least 24 hours before any scheduled ADR session if your case settles. We have had several instances of court-appointed mediators who have been appointed by the Court to conduct ADR session(s) at the rate set by the Court, have cleared the time on their schedules to do so, spent time preparing in advance of the session only to have the parties fail to appear. On investigation, the parties had already settled and simply did not notify the Court or the mediator. The Court's deep pool of

experienced attorneys, former judges, and mediators will diminish if litigators do not exercise common professional courtesy in notifying the mediator that the appointment is no longer needed due to settlement.

COURT INTERPRETERS: As announced many times previously, court interpreters are in high demand in court proceedings throughout the State and particularly in Montgomery County. Staff interpreters must juggle the needs of multiple courtrooms every day; for many languages, the Clerk's Office must obtain contract interpreters for whom the cost must be paid, whether or not the interpreter is actually used. **In September, last minute cancellations of contractual interpreters cost the Clerk of the Court \$1,500 in cancellation fees in a single day.** In our present environment of extreme fiscal constraint, money spent when the court interpreter is not needed is an egregious waste of resources that are desperately needed. **PLEASE notify the Clerk's Office when you have requested an interpreter for**

CURRENT UPDATE

your client or a witness and your case has settled or the interpreter will not be needed for any hearing. As noted on the request, failure to inform that Clerk's Office that the requested interpreter is either no longer needed or not needed for a particular hearing may result in the costs of the interpreter being assessed against the party or parties who have requested this services.

Your comments and suggestions are always welcome.

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

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- **Practice Manual for the Maryland Lawyer**, 4th edition, 2 volumes, MSBA, 2012. This brand-new edition has both forms and commentary, arranged by subject.

- **Maryland Practice Forms**, 6th edition, MSBA, 2009, includes basic and more complex forms.

- **Maryland Civil Procedure Forms**, 2 volumes, LexisNexis with annual updates – Forms can be downloaded from a CD or Lexis.com.

- **Maryland Litigation Forms & Analysis**, 3 volumes, West Publishing, updated annually -- Lots of useful advice and commentary.

- **Maryland Criminal Procedure Forms & Analysis**, 2d edition, 2 volumes, West Publishing, 1999. This is an oldie, but goodie.

- **Maryland Family Law Forms**, MSBA, 2012. A compendium of the best of the MSBA family law forms.

- **Domestic Relations Forms with Practice Commentary**, LexisNexis, updated annually

- We also have specialized Maryland form books on estate planning, corporate practice and real estate in addition to general treatises such as **West Legal Forms**, **AmJur Pleading & Practice Forms** and **Rabkin & Johnson's Current Legal Forms**.

And remember that official Maryland court forms are available at: <http://www.courts.state.md.us/courtforms/index.html>

Remember – Find your answer fast at the Montgomery County Circuit Court Law Library

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

Kate Martin, Circuit Court Law Librarian

CIRCUIT COURT CUSTODY MEDIATION

The Court is accepting applications for the custody mediator roster.

The format is a single three-hour mediation conducted in the courthouse. There will be two time slots each mediation day, 9 - 12 and 1 - 4. Mediators will be compensated by the Court at a \$200 flat rate for three hours.

Mediators will be from the community, not court employees. They will be selected from the roster on a rotating basis. The Court knows that we are asking highly qualified mediators to work at a rate well below their normal hourly rate. We, and the litigants you will serve, greatly appreciate your willingness to assist us in providing custody mediation in this interim phase.

Please call Madeleine Jones (240-777-9061) with questions, and if you are willing to assist, please send the following in .pdf format to CustodyMediation@mcccourt.com:

1. A resume;
 2. Verification that you have the qualifications required by Maryland Rule 17-104(a) and (b);
 3. Acknowledgement that you are willing to serve as a custody mediator in this interim phase at the rate noted above.
- Madeleine Jones, Family Division Coordinator*

LAWYER'S LITERARY CIRCLE

Sometime in November we will be discussing *Unbroken*, by Laura
(Continued on following page)

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(Continued from preceding page)

Hillenbrand. The publisher writes that this book is a "World War II story of survival, resilience, and redemption... full of suffering, hope, resolve, humor, brutality, rebellion, triumph and tragedy." What else could you ask for? We are hoping

that Ms. Hillenbrand will be able to join us for the discussion, either in person or by telephone.

Anyhow, 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.

Jim Demma

You are cordially invited to attend

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FEATURE ARTICLE

NEW ETHICS OPINION PRECLUDES PRACTICE OF OFFERING (AND REQUESTING) LAWYER'S INDEMNIFICATION FOR CLIENT'S POTENTIAL LIENS

Since 2010, personal injury lawyers have struggled with new regulations intended to make sure that Medicare gets repaid for treating personal injury claimants. Anyone who pays a settlement to a Medicare beneficiary is required to report the settlement to Medicare. If they fail to report, they can be held responsible for satisfying Medicare's unpaid lien, even if they already paid the claimant.

The risk of responsibility for claimants' Medicare liens has fostered a common practice. Insurance companies and their counsel sometimes ask the plaintiff's lawyer to agree to indemnify the insurance company against any claim based on the plaintiff's bills or liens. This raises ethical questions that have been addressed in other jurisdictions. In a recent 2012 opinion, the Maryland Ethics Committee (the "Committee") dealt with it as well. Ethics Docket No. 2012-03.¹

The Committee opined that, not only is it unethical for a plaintiff's lawyer to execute an indemnity agreement for a client, it is unethical for the defense to request it as a condition of settlement. The opinion aligns Maryland with every other jurisdiction that has previously addressed the issue, and it offers concrete guidance on an issue that has complicated the settlement of personal injury claims.

The agreement before the Committee was the product of settlement negotiations

between a plaintiff and an insurance company. After the parties agreed upon a settlement amount, the defendant asked the plaintiff's lawyer to sign an indemnification agreement as a condition of settlement. The agreement had the plaintiff's lawyer "personally guarantee payment of all...claims [for medical bills, medical liens, and workers compensation liens], including possibly claims that the attorney, acting reasonably and in good faith, did not know about." The plaintiff's lawyer refused and requested an opinion from the Committee.

The Committee stated that it is unethical for one attorney to ask another to execute an agreement that "seeks to place on plaintiff's attorney personally, as a condition of settlement with the attorney's client, the risk that plaintiff did not make or will not make payments of medical bills, medical liens or workers compensation liens arising out of the accident or the action filed by plaintiff." The Committee relied principally upon Maryland Rules of Professional Conduct 1.8(e), 1.7(a)(2), and 1.15.

MRPC 1.8(e) provides that, absent exemptions for the payment of "costs and expenses of litigation," a lawyer "shall not provide financial assistance to a client." The Committee stated that "[b]ecause an attorney may not directly provide such financial assistance to a client, it follows that the attorney may not promise to provide such assistance indirectly."

The Committee noted that many other state ethics committees have ruled the same way when presented with similar agreements. It cited to ethics opinions by Illinois, Indiana, Missouri, and New York committees for the proposition that this

sort of agreement goes above and beyond "costs and expenses of litigation" and into the realm of unethical financial assistance.

MRPC 1.7 includes the provisions of the Rules dealing with conflicts of interest. Under the rule, a conflict exists when "a personal interest of the lawyer" may "materially limit" the lawyer's representation of a client. The Committee adopted the logic of several other state ethics committees in ruling that this type of indemnification agreement creates a personal interest that gives rise to a conflict of interest between lawyer and client. The Committee concluded that such an agreement would "undermin[e] the duties of independence and zealousness that the lawyer owes a client."

Under MRPC 1.15, lawyers are responsible for the safekeeping of property of clients and third persons entrusted to the lawyer. Citing a South Carolina ethics opinion, the Committee noted that Rule 1.15 "includes obligations to third parties under federal and state laws" and that lawyers "are ethically bound to disburse . . . funds to their clients consistent with their retainer agreements and the governing substantive law." According to the Committee, a broad indemnification agreement of the type presented here is inconsistent with this rule.

Finally, the Committee found the agreement to be inconsistent with MRPC 1.2(a), requiring lawyers to "abide by a client's decision whether to settle a matter." The Committee recognized that these indemnification agreements could neuter rule 1.2(a) by allowing defense counsel to make a settlement offer that sets the client's interests and those of the

(Continued on following page)

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(Continued from preceding page)

lawyer in opposition. The Committee cited a New York opinion noting that “the lawyer’s own...interests not to incur such liability could conflict directly with the lawyer’s duty to complete the settlement as the client has directed.”

While the Committee’s opinion is not novel, it clarifies the ethical obligations of Maryland lawyers in this common circumstance. It also illuminates subtle considerations that lawyers should keep in mind when negotiating settlements. The takeaway is that agreeing, or asking another lawyer to agree, to this type of indemnification as a condition of settlement is unethical. This will be so in any situation where the agreement constitutes a form of financial assistance to the client, creates a conflict of interest between lawyer and client, implicates the lawyer’s duty to protect funds, or affects the client’s ability to accept or reject a settlement offer.

¹Available at <http://tinyurl.com/8mh75jn>.

Legal Ethics Committee

Edward E. Sharkey, Committee Member

Jeffrey M. Axelson, Co-Chair

Samuel M. Shapiro Co-Chair

TECH TALK ... by Pat Hoover

I’m happy to write that I was one of the first to get my hands on the new iPhone 5 and I’ve been loving it. Apple delivered its new iPhone on September 21st. I have been putting in far too much time learning as much as possible about all the new iPhone features. The difference between it and the last one, the iPhone 4S, is not merely the larger display size. The iPhone 5 offers a lot more in addition to the bigger, better screen size. The new operating system - IOS 6, provides much faster phone and Web transmission, a new and far faster dual chip and a far better camera with excellent low light feature. It also has a much improved Siri voice command that nicely plays along with its new non-Google, GPS mapping feature. Some users have complained about the new map App, but I think it’s mostly fantastic. I encourage anyone who has not yet done so, to give iPhone a try.

The new iPhone 5 is quite simply a

great deal faster and performs better than the older model iPhone. That’s your takeaway from this tech note. It’s the much increased performance that justifies getting the iPhone 5, even if that means a new two year contract.

For those of you who have never tried the iPhone and are interested, you should know that both Verizon and AT&T are giving away older iPhones to those who’ll sign a two-year cell phone contract. The iPhone 4S is priced at \$100 and the iPhone 4 is actually free if you sign a new or renewed contract.

But, if you hate signing the two year commitment, and who doesn’t, you can still buy an iPhone—you’ll just have to pay large dollars to get one without a two year contract. So, this is definitely an option especially if you get your hands on an older model. Just take it to the cell phone store and they’ll get you signed up month to month.

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NEW PRACTITIONER SECTION

Aindrea Conroy, Co-Chair
Chris Roberts, Co-Chair

NEW PRACTITIONER SECTION MEETING DATES

November 13, 2012** February 19, 2013
January 15, 2013 March 19, 2013

April 16, 2013

**Fall Friendraiser

All meetings will be held on the 3rd Tuesday of the month at 5:30 p.m. in the CLE Classroom of the Bar Association building, 27 West Jefferson St., Rockville, MD, unless otherwise noted.

After many months of anticipation, the Bar Association's **First Annual Inspiration Walk and 5k for the Montgomery County Special Olympics** was held on October 14, 2012. The event was a great success, raising a substantial amount of money and support for the Montgomery County Special Olympics. It was a wonderful, fun-filled day from the Inspiration Walk that started the day, through the 5K and 1500 M races, up until the closing ceremonies. The amount of support for this amazing event was truly inspiring. We thank everyone who participated, whether through volunteering, running or donating. Everyone had a hand in making this event a great success!

Thank you to everyone who attended our first installment of the "Nuts and Bolts" featuring **Jack Quinn** of Ethridge, Quinn, Kemp, McAuliffe, Rowan and Hartinger and **Rhian McGrath** of Lerch, Early & Brewer. A special thanks to Jack and Rhian for delivering such a helpful, informative and insightful presentation on how to develop a law practice!

The fun didn't stop after Jack and Rhian's presentation: Our **Fall Mentor/Mentee Mixer**, held at Bar Louie was a smashing success! After the Mentors and Mentees caught up with each other, we

were joined by a great turn out from the rest of the Bar. If you are not yet a Mentor or Mentee and the happy hour piqued your interest, please read the below message from our Mentor/Mentee Commissioner and contact him to get involved!

If you missed any of these fantastic events in October, not to worry because this month is our **Fall Friendraiser Happy Hour!** The **Friendraiser** is one of our best events of the year. It will be held from **5:30pm – 8:30pm on Tuesday, November 13, 2012 at BlackFinn** located at 4901 Fairmont Avenue, Bethesda, MD 20814. There will be complimentary food and happy hour specials, so please come out (and bring a friend or five) and support the **Family Justice Center** by bringing a new, unwrapped toy, grocery store gift card, or other merchandise gift card for a child of any gender and age. Not only will you be donating to a great cause, you can also share some food, drink, and goodwill with your fellow New Practitioners. If you're not a New Practitioner, never fear: as always, we encourage all members of the Bar to attend our events. See you there!

CHAMBER CHAT

Our November Chamber Chat will take place on **Wednesday, November 28, 2012, at 12:30 p.m.**, hosted by the Honorable Sharon V. Burrell. Judge Burrell has been on the Circuit Court bench since October 21, 2008. Prior to joining the bench, Judge Burrell worked as an Associate County Attorney for Montgomery County. Judge Burrell is currently on the criminal rotation and will be moving to the civil rotation in January 2013. Bring your lunch, take advantage

of this opportunity to get to know a member of our Circuit Court bench in an informal setting, and bring your questions for Judge Burrell about practice in the Circuit Court. No R.S.V.P. is required, and please note the **Chamber Chat is open to all members of the Bar, not just members of the New Practitioners Section.** Judge Burrell's Chambers is located in the Circuit Court Building at 50 Maryland Avenue, 9th floor, Courtroom 2. If you have any questions, please feel free to contact Kathryn Deckert, Chamber Chat Committee Chair, at (301) 838-3330 or kdeckert@steinsperling.com.

MENTOR/MENTEE COMMITTEE

Ask successful attorneys how they achieved their success and many responses will include mention of a long-ago-past, "lucky" encounter with someone who took a genuine interest in that successful attorney's early 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 the Montgomery County Bar Association Mentor-Mentee Program, experienced attorney-mentors generously share their time, energy, and wisdom with their new-practitioner mentees. Through that generous sharing, mentees receive invaluable advice on the practice of law, enjoy the special camaraderie of the Montgomery County Bar 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 Montgomery County Bar Association 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, let this be the lucky moment that you look back upon and credit for your future successes. Submit your application to be a mentee today.

Mentor-Mentee pairing letters are mailed out on the first Monday of the month after a mentee application is received, and official pairings are for a term of 12-months. For more information about the program, or for an application to become a mentor or mentee, please contact Cliff Boan at cjb@eqkmrh.com.

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COMMITTEES & SECTIONS

ALTERNATIVE DISPUTE RESOLUTION SECTION

The ADR Section will be meeting at **8 a.m. on Wednesday, November 14, at First Watch in Rockville Town Square.** We will be discussing the changes being made to Title 9 and 17 of the Maryland Rules, ideas for the custody mediation program in the Circuit Court, and several upcoming ADR-related programs and presentations. Please RSVP to Erik Johnson at erik@creativedisputeresolutions.com if you plan to attend.

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

BUSINESS LAW SECTION

2012-2013 Section Meetings

November 13, 2012 February 20, 2013
December 12, 2012 March 20, 2013
January 16, 2013 April 17, 2013

All monthly section meetings will be held on the 3rd Wednesday (unless otherwise noted) of each month from 6:00 p.m. - 7:00 p.m. at a location to be determined

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and with topics to be announced. Continuing Legal Education Seminars will be held on dates and times that may not be 6:00 p.m. on the 3rd Wednesday of the month.

The BAMC Business Law Section extends its special thanks to George Lawler for speaking at our October meeting.

We are pleased to advise that we will be joining the Employment Law Section on **Tuesday, November 13, 2012 from 6:00 p.m. - 7:00 p.m. at the offices of Shulman Rogers**, for the presentation of "A Look at Non-Compete Agreements in Maryland, the District and Virginia" This program will be presented by Declan C. Leonard, managing partner of Berenzweig Leonard, LLP and Meredith S. Campbell, a Shareholder in the Employment and Labor Practice Group of Shulman Rogers. As always – thanks to our sponsors – a light dinner will be provided for the November 13, 2012 program.

If you have any questions or suggestions regarding the Section, please do not hesitate to contact either of us at any time.

*Marc Bergoffen, Co-Chair
Robert Gottschalk, Co-Chair*

CIRCUIT COURT BENCH BAR COMMITTEE

2012-2013 Committee Meetings

November 7, 2012 March 6, 2013
December 5, 2012 April 3, 2013
January 2, 2013 May 1, 2013
February 6, 2013 June 6, 2013

All meetings are open and any members of the BAMC are welcome to attend

the meetings. All meetings will be held on the 1st Wednesday of the month at 8:00 a.m. in the Administrative Judge's Conference Room, 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:

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) _____."

Proposed Orders: Please remember to submit proposed orders with all motions, oppositions and petitions. Having a proposed order submitted with the pleading eliminates confusion, any misunderstanding and speeds the process.

Interpreters: If you requested an interpreter for your case and it turns out the Interpreter is not needed, it is extremely important that you notify the Clerk of the Court as soon as possible. If the cancellation is done 48 business hours

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COMMITTEES & SECTIONS

in advance, we will not be charged the 2, 4 or 8 hour cancellation fee depending on the amount of time the court event was scheduled for. We must all work together to help reduce this waste of funds.

Reminder: The Administrative Office of the Courts encourages all parties in a case to have lengthy documents translated before the hearing, rather than expecting the interpreter of record to render a sight translation in open court.

The Clerk is constantly striving to improve the quality of service her departments give. Please let her know of any concerns or suggestions you may have. Phone: 240-777-9464; email: lknight@mccourt.com.

The Sheriff, Darren Popkin, would like to remind everyone that the Maryland Avenue entrance to the Circuit Court will be closed to staff and pedestrian traffic beginning September 10, 2012 for approximately six months. Signage will be posted directing everyone to the Monroe Street entrance. Lawyers are encouraged to use the Terrace Level entrance from the cafeteria and/or from 101 Monroe Street as there will be significant backup expected at the Monroe Street entrance, especially during the morning peak hours. Everyone is encouraged to ask their clients and staff to allow for extra time to gain entrance due to the closure.

In addition, almost the entire area of the atrium will be closed during this construction period. There will be a narrow walkway constructed to access the Criminal Clerk's Office, the Licensing Office and the Assignment Offices.

Space will be very limited on the Lobby level for waiting due to the Atrium Closure. The Sheriff would like to thank everyone in advance for their patience during this period of construction.

Finally, the construction will require the periodic closing of one courthouse elevator at a time. Therefore, additional time should be allotted for arrival to courtroom destinations.

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

2012-2013 Section Meeting Dates

November 1, 2012 February 7, 2013
January 3, 2013 March 7, 2013

April 4, 2013

Our regular Section meetings will be held on the first Thursday of each month at the Bar Building at 5:30 p.m. In addition to providing great food and collegial interaction, our Section almost always has an educational component to our meetings.

We had a really great turnout at our October 4th meeting and we want to thank everyone who attended and participated in the lively discussion. In particular, we want to thank Jeanne Koerber of RE/MAX for providing us with such yummy snacks! On **November 1st**, our

program will be on the use of mental health professionals as coaches in a collaborative process *whether for family or civil cases*. Our guest speaker will be Sue Soler, LCSW, and other coaches will be assisting with the presentation. Coaches are invaluable in situations when ineffective communication and/or emotion interfere with resolution.

Also in November, we are excited to bring to Montgomery County internationally known civil collaborative practitioner, Sherrie Abney, who will conduct a 3-day training in Civil Collaborative Practice. **SPACE IS EXTREMELY LIMITED AND THIS TRAINING IS FILLING UP SO DO NOT DELAY IN REGISTERING!** We expect this event to be "sold out" given the interest by members of our Bar over the past year. The training will be at the Bar Building in the CLE Classroom on November 15th, 16th and 17th. You may register at www.montbar.org.

On **December 6th, from 5:30 p.m. to 8:30 p.m.**, we will present our CLE on **"The Uniform Collaborative Law Act."** Guest speakers are Mary Pence, Barbara Burr, Paul Smollar and Anne "Jan" White. The signing of the UCLA into law in the District of Columbia this past April 2012 will affect many in our community, as many of us practice in D.C. and Maryland. In addition, the UCLA will be introduced as either a Rule or Statute in Maryland again this year. This program will explain what the passing of the UCLA means to our Collaborative practices, and will provide the information that all practitioners need to know to remain in compliance with the Act. The program will also detail the domestic violence screening requirements in the UCLA, provide tools for screening; and provide information on local agency resources. You may register at www.montbar.org.

If you have not done so already, we encourage you to read the article in last month's Newsletter on the Collaborative Project of Maryland. The Collaborative Project is a ground-breaking, state-wide nonprofit organization that provides clients of low and modest means access to Collaborative dispute resolution—including separation, divorce, and other

(Continued on following page)



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COMMITTEES & SECTIONS

(Continued from preceding page)

family transitions. The Collaborative Project links eligible parties with Collaborative attorneys on a pro bono or reduced- or subsidized-fee basis. For more information visit www.collaborativeprojectmd.org.

We look forward to a fun and productive year and we hope to see you in November!

You do not have to be collaboratively trained to attend our meetings.

Suzy Eckstein, Co-Chair

Darcy Shoop, Co-Chair

COMMERCIAL LITIGATION SECTION

2012-2013 Section Meeting Dates

November 27, 2012 March 12, 2013

January 8, 2013 May 14, 2013

Mary Lombardo, Co-Chair

Brad McCullough, Co-Chair

COMMUNITY OUTREACH COMMITTEE

A special event for the Special Olympics...last month's first-ever Inspiration Walk was a huge success! Thank you to all the participants, volunteers, and individuals who donated their time, energy and monetary contributions to this worthwhile cause. The Inspiration Walk was a massive undertaking and its success confirmed our future involvement with the Special Olympics! The walk/5K run saw more than 135 participants—most of whom were our Bar Association members along with their co-workers, friends and family! The event raised over \$10,000.00 for the Montgomery Chapter of the Special Olympics. The funds will be used to provide year-round sports and leadership programs through the Special Olympics for Montgomery County children and adults with intellectual and physical disabilities. We offer a special thanks to Georgetown Prep for hosting and providing volunteers. The Inspiration Walk was successful because of everyone's assistance, participation, and enthusiasm, without which we would have been left uninspired—Thank you for your inspiration! We are already looking forward to next year's Inspiration Walk!!!

The holiday season is right around the corner. The New Practitioner's Section will be joining us in the effort to

collect new, unwrapped toys for all ages and grocery store gift cards, and other merchandise gift cards to benefit the clients at the **Family Justice Center**. Please plan to bring a donation and attend the New Practitioners' Section **Fall Friendraiser Happy Hour!** It will be held from **5:30pm – 8:30pm on Tuesday, November 13, 2012 at BlackFinn** located at 4901 Fairmont Avenue, Bethesda, MD 20814. There will be complimentary food and happy hour specials, so please come out (and bring a friend or five) and support the Family Justice Center by bringing a new, unwrapped toy, grocery store gift card, or other merchandise gift card for a child of any gender and age. The Mission of the Family Justice Center is to promote safety, well-being, and healing for victims of family violence. Since opening its doors in 2009, more than 1700 clients have sought services provided by the MCFJC. In a desire to serve those clients and help support the wonderful work of the staff and volunteers of the MCFJC, the MCFJC Foundation continues to seek the community's support. Let's share some warmth and cheer with the members of our community who need our support this holiday season.

Can't make the Happy Hour but want to donate? Please drop off or mail your donation to Heather Collier, 110 N. Washington Street, Suite 300, Rockville, MD 20850 or Rhian McGrath, 3 Bethesda Metro Center, Suite 460, Bethesda, MD 20814. Donations will also be collected the Bar Association Building located at 27 West Jefferson Street, Rockville MD, 20850. We will receive donations through December 14th.

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

CRIMINAL LAW SECTION

2012-2013 Section Meetings

December 11, 2012 February 12, 2013

January 8, 2013 May 17, 2013*

**Happy Hour at a location TBA*

Meetings will be held on the 2nd Tuesday of the month at 5:30p.m. in the Conference Room of the Bar Association building, 27 West Jefferson St., Rockville, MD, unless otherwise noted.

Please join the Criminal Law Section for our first CLE of the year, **Appellate Law Roundup**, on **November 7th at 5:30 pm**. The **Honorable Gary Bair**, the **Honorable Mary Ellen Barbera** and Senior Assistant State's Attorney **Robert Hill** will be giving us a comprehensive roundup of the year in appellate law and legislation. Stay up to date on the latest case law and the newest criminal statutes that have been passed in the criminal arena. This exciting and comprehensive CLE is must for practitioners in the coun-



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COMMITTEES & SECTIONS

ty. It will be held in the 4th floor jury lounge of the Circuit Court building located at 50 Maryland Ave, in Rockville. For more information and how to sign up, see your latest bar newsletter or email Yesenia at Montcle@barmont.org.

*Carlotta Woodward, Co-Chair
Jessica Zarrella, Co-Chair*

DISTRICT COURT BENCH BAR COMMITTEE

The District Court Bench Bar Committee had its September and October meetings. There are a number of recent developments that would be of interest to attorneys.

The following information is provided to Bar Association members from the District Court:

Holiday Closings: Holiday closings are coming up due to Election Day and holidays. Courts will be closed on November 6, for Election Day. In addition, courts will be closed on November 12 for Veterans Day, and for days surrounding Thanksgiving, Christmas, and New Years. Including the regular holidays, courts will be closed on November 22 and 23, December 24 and 25, and December 31 and January 1.

Addresses for Defendants: This applies particularly in criminal and traffic cases. The court will not solely use the attorney's address as the address for the defendant. A good address is needed for the defendant in each case. An attorney who enters an appearance will also receive a copy of all notices, but it is necessary for the notices to go directly to the defendants in these matters.

Motions for Continuance: Attorneys

are not excused from appearing if they file a motion for continuance that is not ruled upon. The attorney must appear if there has been no ruling. It is not a good idea to file a last minute continuance unless an emergency arises. If it is necessary to file a last minute continuance, the attorney should check with the clerk's office, or the law clerks for the judges, to see if the motion has been ruled upon.

Criminal Summons: If a defendant is charged by criminal summons and has not received a copy of the charging papers, the defendant's attorney can not waive the personal appearance of a defendant at the preliminary inquiry, even if an attorney's appearance is in the file. The reason for this is that the Preliminary Inquiry notice tells the defendant to appear and be advised of the charges and get a copy of the charging papers. The attorney can waive the Preliminary Inquiry, but not personal service of the charging papers. If an attorney wants to accept service of the charging papers on behalf of the defendant, personal service on the defendant can be waived if the attorney in writing affirmatively waives any defense to lack of personal service of the charging papers on the defendant.

Passports: The court is in possession of passports in circumstances where a condition of bond requires the defendant to surrender their passport. It is necessary for attorneys or defendants to obtain possession of the passport back when it is no longer necessary to be held. After a period of time passes, the passport will be forwarded to the State Department, if the defendant does not appear in the clerk's office to pick up his or her passport.

New Civil Forms: Starting January 1, 2013 there is a new DC-CV1 civil complaint form. All parties are required to use the new civil complaint form beginning January 1, 2013. Complaints filed on old complaint forms will be rejected by the clerks.

Temporary and Interim Peace Orders and Protective Orders: There is new language now on temporary and interim peace orders and protective orders that will extend the expiration of the orders if they would otherwise expire on a day when court is closed. In those circumstances, the order will be extended until the next day that the court is open.

Civil Tort Cases: In situations where counsel has more than one case, the court would like counsel not to get over scheduled. If counsel has more than two cases which will be trials and not true preliminary matters, then the attorney should consider continuing all trials over the two which will proceed, or get another attorney from the firm to assist. Cases cannot proceed in the second courtroom that requires the same defense counsel who is

(Continued on following page)

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COMMITTEES & SECTIONS

(Continued from preceding page)

tied up in a case already in progress. Therefore, the court would like counsel to schedule no more than two cases which will proceed to trial on one docket.

Electronic Signatures: Although electronic signatures will be coming with electronic filing, they are not currently allowed in District Court.

Telephones and Electronic Devices: The court does not want attorneys or other persons in the courtroom using their electronic devices or cell phones in the courtroom. The only exception is if an attorney is using his electronic device in a case before the court. Otherwise, attorneys are to go outside of the courtroom to use their telephones or electronic devices.

Preliminary Hearings: Preliminary hearings are typically set at a bond hearing. If the defendant's counsel is waiving a preliminary hearing it should be done by the Wednesday before the Friday preliminary hearing. If it is waived in time, it is not necessary to show up. The court will still set a control date by which the State must dismiss, indict, or file information. The control date will be sent out to the parties as a means of giving notice of the preliminary hearing.

Miscellaneous Matters: Citations will be issued for school bus violations that are caught on camera. This is where someone fails to stop and yield to a school bus when required. These citations will be scheduled and posted on the same docket as the red light camera docket on Monday in Silver Spring.

Rocket Docket: The civil resolution conferences, otherwise known as the "rocket docket", will be reopened for additional attorneys. Requirements will be provided for firms that want to be considered.

Attorney Lounge: The new attorney lounge in the Rockville Courthouse is now furnished and open thanks to an anonymous donation from a member of the Bar Association. Stop by room 616 in the Courthouse to check it out.

Richard London, Chair

EDUCATION LAW SECTION

2012-2013 Section Meetings

December 14, 2012 February 8, 2013
January 11, 2013 March 8, 2013
April 12, 2013

Meetings will be held on the 2nd Friday of each month at 12:15p.m. in the Conference Room of the Bar Association building, located at 27 West Jefferson St., in Rockville. We invite all interested lawyers to join our forum.

Our Friday, October 12, 2012 we held our first fall "Brown Bag" meeting featured, **Dr. Judy Docca**. Dr. D Dr. Docca, who is a second term member of the Montgomery County School Board, spoke to our section about the Maryland State Board's regulations on suspensions, and other education law issues concerning Montgomery County Public Schools (MCPS). We would like to thank Dr. Docca for taking time out of her busy schedule to share important information about MCPS and state regulations.

If you missed the Ed Law October "Brown Bag" meeting, please register to attend our section's premier Fall CLE. The CLE Topic is: "What's Trending in Education Law" and it will take place on **Wednesday, November 7, 2012 from 5:30 p.m. to 8:30 p.m.** at Montgomery County Bar Bldg., located at 27 West Jefferson St. in Rockville.

Featured Experts for the topic are Pat Hoover Esq., of Hoover Law LLC, Diane Savit Esq. of Savit & Szymkowicz, LLP and Wayne D. Steedman Esq. of Callegary & Steedman, PA.

The experts will focus on the following areas:

1. Zero Tolerance: Is it still the norm?
2. IEP's, 504's, EMT's, etc.:
3. Administrative Hearings, State Complaints, Due Process and Expulsion Hearings.

Look for more details on this very informative CLE in the most recent edition of the Montgomery County Bar Newsletter. To register for the CLE, please visit our website or see the insert in this issue of the newsletter.

DUE TO THE FALL CLE, THERE WILL BE NO NOVEMBER BROWN BAG MEETING.

Pat Hoover, Co-Chair
Lynndolyn Mitchell, Co-Chair
Karen Smith, Co-Chair

ELDER LAW SECTION

2012-2013 Section Meeting Dates

November 14, 2012 March 13, 2013
December 12, 2012 April 10, 2013
January 9, 2013 May 8, 2013
February 13, 2013 June 12, 2013

Meetings will be held on the 2nd Wednesday of the month at 8AM in the upstairs conference room of the Bar Association building.

The Elder Law Section will meet on **Wednesday, November 14** at 8am at Bar Headquarters. Ron Landsman and Paul Lewis will present "Defending the Fiduciary - a Case Study."

Morris Klein, Chair

EMPLOYMENT LAW SECTION

2012-2013 Section Meeting Dates

November 6, 2012 February 5, 2013
November 13, 2012 March 5, 2013
April 2, 2013

Meetings will be held at 11AM in the upstairs conference room of the Bar Association building, unless otherwise noted.

Many thanks to Mark Zaid, Elizabeth Newman, and Eric Eisen on the informative Security Clearance CLE.

On **Election Day, November 6, 2012 at 11:00**, we will be hosting a brown bag discussion where Maryland State Delegate Thomas Hucker (District 20, Montgomery County) and Tom Gagliardo will present and answer questions relating to recent Maryland legislation affecting the employment law landscape as well as expectations for this coming legislative session.

We are joining the Business Law Section on **Tuesday, November 13, 2012 from 6:00 p.m. - 7:00 p.m. at the offices of Shulman Rogers**, for the presentation of "A Look at Non-Compete Agreements in Maryland, the District and Virginia" This program will be presented by Declan C. Leonard, managing partner of Berenzweig Leonard, LLP and Meredith S. Campbell, a Shareholder in the Employment and Labor Practice Group of Shulman Rogers. As always – thanks to our sponsors – a light dinner will be provided for the November 13, 2012 program.

Please hold the date for a CLE on lit-



NOVEMBER CLE Seminar

Registration Form



New Practitioner \$35.00 Member \$65.00 Non-Member \$120.00
(unless otherwise noted)

☐ **What Every Corporate and Employment Lawyer Should Know About Immigration and I-9 Compliance**

Friday, November 2, 2012

7:30-8:30 a.m. (Please Note: This is a morning program)

BAMC CLE Classroom, 27 West Jefferson Street, Rockville, MD 20850

Speaker: Denise Hammond, Esq. of Hammond Immigration Law, PC

The registration fees for this program are as follows
\$20 Member/Non-Member \$15 New Practitioner

This program is designed for Corporate and Employment practitioners of all levels of experience. The program will discuss the immigration implications that arise in specific corporate and employment representations including:

- What are the I-9, Employment Eligibility Requirements?
- Who is covered?
- What are the I-9 obligations and liabilities in mergers and acquisitions?
- What are the civil and criminal penalties for hiring unauthorized workers and for I-9 paperwork violations?
- What is E-Verify and what must federal contractors know?
- What is citizenship discrimination and what are the penalties?
- Tips for corporate clients on avoiding liability for I-9 violations and discrimination based on immigration status

☐ **Appellate Case Law/Legislative Round Up: The Year in Review**

Wednesday, November 7, 2012

5:30-7:30 p.m.

Montgomery County Circuit Court, Jury Lounge, 50 Maryland Avenue, 4th Floor, Rockville, MD 20850

Speakers: Judge Gary Bair of Circuit Court for Montgomery County, Maryland

Judge Mary Ellen Barbera of the Court of Appeals of Maryland

Robert Hill, Senior Assistant State's Attorney for Montgomery County, Maryland

Please come and join the Criminal Law Section's Continuing Legal Education Seminar on Legislative Roundup/Appellate Case Law Update. We are extremely honored to have The Honorable Gary Bair of the Circuit Court for Montgomery County, Maryland, The Honorable Mary Ellen Barbera of the Court of Appeals of Maryland, and Robert Hill, Senior Assistant State's Attorney for Montgomery County, Maryland as our speakers. Judge Bair and Judge Barbera will provide an update for the Appellate Case Law and Robert Hill will present a Legislative Update.

☐ **What's Trending in the Trenches of Education Law**

Wednesday, November 7, 2012

5:30-8:30 p.m.

BAMC CLE Classroom, 27 West Jefferson Street, Rockville, MD 20850

Speaker: Patrick Hoover, Esq. of HooverLaw, LLC

Diana Savit, Esq. of Savit and Szymkowicz, LLP

Wayne Steedman, Esq. of Callegary & Steedman, P.A.

This CLE will be an overview of the following topics:

- Zero Tolerance: Is it still the norm? The latest on school/student discipline - from grade school to grad school!
- IEP's, 504's, EMT's, etc.: What should you bring to the table? Get your Attorney Checklist and learn what you need to handle education law cases.
- Administrative Hearings, State Complaints, Due Process Hearings, Expulsion Hearings: How to be prepared for the unexpected.

In addition to School Discipline, School Meetings/Conferences and Appeal of School Decisions, Bullying and related matters of current interest will comprise a central theme in this presentation. You should attend this CLE if you have an interest in Education Law and want to stay up to date on the latest trends.

☐ **Cybersleuth's Guide to Effective Internet Research Strategies for Lawyers**

Thursday, November 8, 2012

5:30-8:30 p.m.

BAMC CLE Classroom, 27 West Jefferson Street, Rockville, MD 20850

Speaker: Ken Mitzkovitz of Detect, Inc.

Learn how you can use social media networks and on-line resources such as Google, Facebook, MySpace, and YouTube to conduct research and investigations to more competently represent your clients as well as to protect you and your identity on the web. Do not miss this CLE. This seminar has been presented to and was extremely well received at recent North Carolina Bar Association and Virginia Bar Association annual conventions.

☐ **Civil and Commercial Applications – 3 Day Collaborative Law Training!!**

Thursday, November 15, 2012 - 12:30-5:00 p.m.

Friday, November 16, 2012 - 9:00-5:00 p.m.

Saturday, November 17, 2012 - 9:00-5:00 p.m.

BAMC CLE Classroom, 27 West Jefferson Street, Rockville, MD 20850

Speaker: Sherrie R. Abney, Esq. of Global Collaborative Law Council

*The registration fees for this program are as follows
\$350 for members and \$405 for non-members*

Collaborative Law is a confidential, voluntary process which allows parties and their attorneys to resolve disputes without court intervention. Participants in the process have found that they are able to preserve important business and personal relationships and significantly reduce the amounts of time, stress, and monetary expense normally associated with litigation. In Maryland, throughout the United States, and around the world, the collaborative process has been widely used in family law and is being used ever increasingly in other civil matters including, but certainly not limited to, probate, employment, business, construction, and medical error.

In order to effectively participate in the collaborative process, lawyers must employ a skill-set different from those they normally use. The purpose of this training is to introduce collaborative skills and demonstrate how they are applied to the collaborative process in civil disputes (other than family law) as well as various other forms of interest-based negotiation. Attendees will build collaborative skills through participation in interactive lectures, group discussions, and role plays. This training will satisfy the requirements of the International Academy of Collaborative Professionals for practice as a collaborative lawyer.

The focus of day one is on the basic elements of the collaborative process. In order to be better prepared for group activities of the next two days, it is required that everyone without specific training in Civil Collaborative Law attend day one. During days two and three, participants will apply the knowledge they gain in day one as they work through the steps of the collaborative process in role plays, discussions regarding ethical problems, examination of various negotiation tools, and the application of collaborative skills to all areas of their practice. PLEASE NOTE: Even if you already have been collaboratively trained in the Family Law model, this training is different and will enhance the development of a Civil Collaborative Law practice.

The Trainer: Sherrie R. Abney is a collaborative lawyer, facilitator, mediator, arbitrator, collaborative trainer and adjunct professor of law at Southern Methodist University Dedman School of Law. She was co-founder and first chair of the Dallas Bar Association Collaborative Law Section and is past chair of the ADR Section of the Dallas Bar. As a founding director of the Global Collaborative Law Council, she served as Vice President of Education and Training for the organization from 2004 until 2012 and is currently Vice President in charge of Grants. Sherrie has presented and trained in Ireland, Australia, England, Uganda, Argentina, as well as many conferences in the U.S. and Canada. She serves on the Collaborative Law Advisory Council for the State Bar of Texas, and the Collaborative Law Committee of the DR Section of the American Bar Association. She is the author of Avoiding Litigation, A Guide to Civil Collaborative Law, and a text book entitled Civil Collaborative Law, the road less traveled. She has also published numerous articles on resolving civil disputes with Collaborative Law and interest-based negotiation.

☐ **Ten Things Every Lawyer Should Know About Immigration Consequences of Crimes**

Thursday, November 29, 2012

7:30-8:30 a.m. (Please Note: This is a morning program)

BAMC CLE Classroom, 27 West Jefferson Street, Rockville, MD 20850

Speakers: Rachel Ullman, Yang & Ullman, PC (immigration) and Gary Gerstenfield, Law Offices of Gary H. Gerstenfield (criminal defense)

*The registration fees for this program are as follows
\$20 Member/Non-Member; \$15 New Practitioner*

The speakers will focus on the immigration consequences from Maryland convictions involving: Theft, fraud, assault, sexual abuse of a minor, driving under the influence, and controlled dangerous substances. They will also address how to effectively use coram nobis petitions to combat immigration consequences of convictions.

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COMMITTEES & SECTIONS

igation skills on **January 10, 2013**. Details to follow.

*Gwenn D'Souza, Co-Chair
Gregg Greenberg, Co-Chair*

ESTATE & TRUST LAW SECTION

2012-2013 Section Meeting Dates

November 12, 2012 February 11, 2013
January 14, 2013 March 11, 2013
April 15, 2013

Meetings will be held at Noon at the offices of Shulman, Rogers, Gandal, Pordy & Ecker, P.A., located at 12505 Park Potomac Ave., 6th Floor, Potomac, MD.

Jay Eisenberg, Chair

FAMILY LAW SECTION

Update your calendars with the 2012-2013 Section meeting dates. Unless otherwise noted, all Section meetings will be held in the CLE Classroom of the Bar Building at 6:00 p.m.

November 27, 2012 February 26, 2013
December 11, 2012** March 26, 2013
January 22, 2013 April 23, 2013

****Holiday Party**

Thank you to Stephanie Fink, Hadrian Hatfield, Barry Fierst, and Camilla McRory for their interesting and informative discussion regarding the intersection of elder law issues and divorce. We are especially grateful for their wisdom and practice pointers in this complicated area of the law.

The next Family Law Section Meeting will be on **November 27, 2012** in the CLE Classroom in the Bar Building. In addition to our monthly busi-

ness meeting, **Marc Hirschfeld** of Precision Legal Services will be speaking on social media and the practical implications on your family law case.

Marc is a recognized authority in the area of electronic discovery and the use of electronically stored information in litigation. Marc will be discussing how social media has become one of the most important sources of discovery material for family law practitioners today. Most of us have dealt with some sort of Facebook or Twitter issue in the past few years and it is only getting more difficult as more users and features are added to social media sites. Marc will discuss issues surrounding the uses of social media in litigation, including admissibility and authenticity of the data. Most importantly, Marc will discuss the different kinds of hidden information that social media sites collect on its users and how to obtain such information in the family law context. In addition, Marc will demonstrate how to download your client's Facebook profile in one click.

Looking ahead: this year's **holiday party** will be on **December 11, 2012** at Delaney McKinney in Chevy Chase, MD.

On **December 13, 2012** and back by popular demand, Michelle Zavos, Esquire will discuss **domestic partnerships and same sex marriage in light of Port v. Cowan and Question 6**. This will be a morning CLE and will begin promptly at 8:00 a.m. in the CLE classroom.

Pro Bono

If you would like to volunteer for any of the Pro Bono Legal Clinics listed, please call Debbie at 301-762-5831 to be put on the schedule.

- **TESS Community Service Center**, 8513 Piney Branch Road, Silver Spring, MD 20901
1st & 3rd Wednesday of each month
Volunteers should arrive between 6:00-6:30 p.m.
- **East County Regional Services Center**, 3300 Briggs Chaney Road, Silver Spring, MD 20904
1st & 2nd Thursday of each month
Volunteers should arrive between 5:30-6:00 p.m.
- **Charles W. Gilchrist Center for Cultural Diversity**, 11701 Georgia Avenue, 1st Floor, Wheaton, MD 20902
2nd & 4th Wednesday of each month
Volunteers should arrive between 5:30-6:00 p.m.
- **UpCounty Regional Services Center**, 12900 Middlebrook Rd., Germantown, MD 20874
2nd & 4th Tuesday of each month
Volunteers should arrive between 6:00-6:30 p.m.

Check your e-mail for Family Law Section updates and reminders regarding the Fall 2012 Program and CLE schedule. The will of the people has won out and the forums have been retired for the new and improved Family Law Listserve, including a "reply" feature as well as the traditional "reply all"! To post a question to our learned group send an email to FamilyLawSection@list.barmont.org. This is a benefit of being a family law section member. No additional action is needed.

*Julie Christopher, Co-Chair
Kate McDonough, Co-Chair
Maureen Renehan, Co-Chair*

IMMIGRATION LAW SECTION

We have lots of opportunities this Fall for you to sharpen your legal skills and do it with other immigration friends.

Upcoming CLE's. Mark your calendar for these upcoming CLE's to be held at the Bar Building's CLE Classroom.

November 2, 2012 ~ 7:30 am - 8:30 am
What Every Corporate and Employment Lawyer Should Know About Immigration and I-9 Compliance
Speaker: Denise Cafaro Hammond

Thank you to Denise Hammond for preparing and presenting this CLE. This
(Continued on following page)

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COMMITTEES & SECTIONS

(Continued from preceding page)

topic is relevant not only to Immigration practitioners but also to Corporate and Employment Law practitioners.

November 29th ~ 7:30 AM - 8:30AM

Ten things that Every Lawyer Should Know About Immigration Consequences of Crimes

Speakers: Rachel Ullman, Yang & Ullman, PC (immigration); Gary Gerstenfield, Law Offices of Gary H. Gerstenfield (criminal defense)

The speakers will focus on the immigration consequences from Maryland convictions involving: Theft, fraud, assault, sexual abuse of a minor, driving under the influence, and controlled dangerous substances. They will also address how to effectively use coram nobis petitions to combat immigration consequences of convictions.

Upcoming AILA Web Seminar and Teleconferences. Mark your calendar for these upcoming AILA learning events being held locally at the Glinsmann Law Firm, 12

Russell Avenue in Gaithersburg. RSVP to info@glinlaw.com is required as space is limited. Seminars run from 2 pm to 3:30 pm.

11/1/2012 – Kellogg Language in PERM Cases

11/27/2012 – Immigration Options for Entrepreneurs

11/29/2012 – Working with the Extraordinary and Outstanding Immigrants: EB-1 Processing Issues

12/6/2012 – Current Trends in Employer Sanctions

12/11/2012 – And You Thought You Were Done: Advanced Issues for Ts & Us

Upcoming CLE's. Mark your calendar for these upcoming CLE's held at the Bar Building's CLE Classroom.

New Practitioners. I encourage new practitioners to join our meetings and CLE's even if you are not an Immigration Section member yet. You'll find that the Immigration Section is a small section of friendly and welcoming professionals who enjoy sharing their experience and talents.

What topics interest you? Are you

interested in presenting a CLE? Are you willing to be a Mentor? I invite you as colleagues to share with me your ideas on what we can do as a Section to serve our membership and our client. Please email me or call me and share with me your ideas on the topics you want to hear about or present.

Maria Glinsmann, Chair

LAWYER TO LAWYER COMMITTEE MEETING DATES

November 14, 2012 February 13, 2013

December 12, 2012 March 13, 2013

January 9, 2013 April 10, 2013

May 8, 2013

Meetings will be held at 5:00PM in the upstairs conference room of the Bar Association building, located at 27 West Jefferson St., in Rockville, MD.

Deane Shure, Chair

LAW FIRM MANAGEMENT SECTION MEETING DATES

November 15, 2012 March 21, 2013

December 20, 2012 April 18, 2013

January 17, 2013 May 16, 2013

February 21, 2013 June 20, 2013

Meetings will be held on the 3rd Thursday of the month at 8AM at the offices of Hostetter Strent LLC, located at 7201 Wisconsin Ave., Suite 675, Bethesda, MD.

Amy Strent, Chair

LEGAL ETHICS COMMITTEE MEETING DATES

November 20, 2012 March 19, 2013

December 18, 2012 April 16, 2013

January 15, 2013 May 21, 2013

February 19, 2013 June 18, 2013

Meetings will be held on the 3rd Tuesday of each month beginning at 4:30p.m. at the offices of Axelson, Williamowsky, Bender & Fishman, located at 401 North Washington St., in Rockville.

Jeff Axelson, Co-Chair

Sam Shapiro, Co-Chair

PERSONAL INJURY LITIGATION SECTION

2012-2013 Section Meeting Dates

January 25, 2013 March 29, 2013

February 22, 2013 April 26, 2013

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COMMITTEES & SECTIONS

Meetings will be held from Noon - 1PM in the upstairs conference room of the Bar Association building, unless otherwise noted.

On September 28, 2012, Mechanical Engineer Jeffrey Edwards of SEA Engineering provided a lively and informative presentation. SEA treated all those in attendance to lunch. Thanks to SEA for the great presentation and wonderful meal.

On October 26th, Charles J. Thorne, D.C., founding member of Multi-Specialty HealthCare LLC, provided a informative presentation on the spine, including a refresher course on the diagnosis and treatment of cervical, thoracic and lumbosacral injuries and issues involving such injuries at trial.

Please join us for our section CLE on **November 8th** at 5:30p.m. in the CLE Classroom of the Bar Association building for **Cybersleuth's Guide to Effective Internet Research Strategies for Lawyers**. Learn how you can use social media networks and on-line resources such as Google, Facebook, MySpace, and YouTube to conduct research and investigations to more competently represent your clients as well as to protect you and your identity on the web.

*Paul Chung, Co-Chair
Andre Forte, Co-Chair*

REAL ESTATE LAW SECTION

2012-2013 Section Meeting Dates

November 13, 2012	February 12, 2013
December 11, 2012	March 12, 2013
January 8, 2013	April 9, 2013

All meetings will be held at 8a.m. on the 2nd Tuesday of each month in the 6th floor conference room of the Shulman

Rogers offices, located at 12505 Park Potomac Ave., Potomac, MD.

Our November meeting will be held on our regularly schedule date, **Tuesday, November 13th**, at 8:00 a.m. in Shulman Rogers' Sixth Floor Conference Center, located at 12505 Park Potomac Avenue, Potomac, Maryland.

Our speaker will be **Scott Nadel, Esquire**, Chair of the MSBA Real Property Section Foreclosure Committee. Scott will be discussing Current Issues in Foreclosures. Bagels and coffee will be served.

We hope to see many of you there!

Please also mark your calendars for our December meeting, which will be held on **Tuesday, December 11th, 2012** at 8:00 a.m. in Shulman Rogers' Sixth Floor Conference Center, located at 12505 Park Potomac Avenue, Potomac, Maryland. Our speaker will be Morton A. Faller, Esquire. Mort will host a discussion on developments in title insurance claims over the last year.

Special thanks to Sugo, Park Potomac's newest restaurant, who graciously provided the food for our September social event. The veal meatball sliders and pizzas were a hit! For more information about Sugo, here is a link to their website: www.eatsugo.com.

*Matt Alegi, Co-Chair
Alexis Peters, Co-Chair*

STRATEGIC PLANNING COMMITTEE

2012-2013 Section Meeting Dates

November 14, 2012	March 20, 2013
January 16, 2013	May 15, 2013

Meetings will be held at 5:30 p.m. at

the offices of Shulman, Rogers, Gandal, Pordy & Ecker, P.A.

David Pordy, Chair

TAXATION LAW SECTION

2012-2013 Section Meeting Dates

November 7, 2012	February 6, 2013
December 5, 2012	March 6, 2013
January 2, 2013	April 3, 2013

May 1, 2013

Meetings will be held from 5:30-6:30PM on the 1st Wednesday of the month in the upstairs Conference Room of the Bar Association building.

Thank you to those who attended our last meeting to discuss potential topics for future meetings and CLEs. In our meeting estate tax compliance was mentioned as a possible future meeting topic. We are planning to have three joint CLEs in the winter/early spring with the Immigration, Business and Family Law Sections. We need speakers for upcoming meetings and CLEs. If you are interested in speaking on a tax topic, please contact John Pontius at (301) 424-7585.

For the joint CLE with the Immigration Law Section we are looking for speakers on compliance issues such as deductions, dependents, tax credits, employee/employer taxes, residency and departure from the US. For this CLE Chaya Kundra will be the speaker on Report of Foreign Bank and Financial Accounts ("FBARs").

For the joint CLE with the Business Law Section, we are looking for speakers on the following topics: corporate tax, sales and use tax, employment tax matters.

For the joint CLE with the Family Law Section, we are looking for speakers on innocent spouse relief.

This month please find tax guidance and commentary from the IRS and the private sector in the areas of payment options, state tax, self-employment tax and tax reform.

IRS Webinar Gives Guidance on Payment Options for Small Businesses, Individuals

If you have overdue taxes that are accruing interest and late filing and late payment fines, you may find borrowing money to pay tax liabilities to be a less expensive option.

A recent IRS webinar titled

(Continued on following page)

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COMMITTEES & SECTIONS

(Continued from preceding page)

"Payment Options—When You Owe the IRS," covers different options for payment of tax liabilities for individuals and small businesses.

Installment plan agreements are one option for taxpayers or small businesses owing less than \$50,000 and meeting other eligibility requirements. Based on the eligibility of the taxpayer, these agreements may include fees.

The majority of taxpayers will qualify for a streamlined installment agreement which requires less taxpayer financial information to be approved, with a maximum tax liability of \$50,000 and requires payment in full within 72 months.

This webinar is posted at <http://www.irsvideos.gov/>. The PDF document for the accompanying slideshow is available at http://www.visualwebcaster.com/files/88792/Powerpoint_Presentation.pdf.

Lost Sales Taxes From Online Sales Will Decline With Time

States that are losing out on sales taxes from online retailing will gradually make up some of that money as more electronic retailers charge the tax, accord-

ing to the National Retail Federation ("NRF").

The NRF's chief executive officer, Matthew Shay, predicted that trend in a conference call with reporters forecasting relatively healthy holiday sales for 2012—but added that the NRF supports federal legislation allowing states to require online retailers to collect sales taxes.

Shay told reporters that states are losing as much as \$25 billion annually in uncollected sales taxes, a number close to that cited by the National Governors Association and other groups pushing for legislation opening the door to greater collections. "That presumably is going to come down on an incremental basis until we get a federal solution," Shay said.

The reason, Shay said, is that retailers are working out deals with individual states to begin collecting sales taxes. Amazon is an example often cited by lobbyists and others close to the issue, as it has reversed its earlier opposition and has reached deals in California and New Jersey, for instance. But federal legislation is needed to avoid a "hodgepodge" of arrangements between retailers and states, he said.

Tax Court: World Bank Employee Liable for Failure to Pay Self-Employment Tax

A World Bank employee who did not pay self-employment tax was liable for penalties because he failed to show that he relied in good faith on a tax volunteer's advice that he did not have to pay the tax, the U.S. Tax Court held Oct. 2 (*Diaz v. Commissioner*, T.C., No. 20338-09, T.C. Memo. 2012-280, 10/2/12).

Judge James Halpern wrote that the taxpayer failed to show that he provided the volunteer with necessary and accurate tax information and relied in good faith on the volunteer's advice, particularly in light of the information the World Bank had provided to employees about their obligation to pay the tax.

In 2004, Humberto Diaz, a Chilean national, became a U.S. citizen while employed at the World Bank. The World Bank is an international organization exempt from employee tax withholding, and U.S. citizens employed by the World Bank are liable for self-employment tax in addition to regular income tax.

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COMMITTEES & SECTIONS

Congress Likely to Move Toward International Reform in Near Term, E&Y Panelists Say

Congress is likely to move toward significant reform of the international tax system in a near-term time frame, Ernst & Young LLP practitioners said Oct. 4th.

"I believe we will have major international reform and we will have it soon," Barbara Angus, a partner in E&Y's national tax practice, said at the accounting firm's 31st annual International Tax Conference. Her words come as lawmakers are expected to begin serious consideration of reform within the next several months, with detailed proposals for a territorial tax system already on the table.

As momentum grows, "the U.S. does need to move in the direction of a territorial system," Angus said on a panel discussing the outlook for tax legislation and the prospects for an overhaul of the tax system.

She noted proposals from House Ways and Means Committee Chairman Dave Camp (R-Mich.) and Sen. Michael Enzi (R-Wyo.), with Sen. Rob Portman

(R-Ohio) also expected to unveil a plan for a territorial tax regime.

IRS awards \$104 million to UBS tax case whistleblower

On September 11th U.S. tax authorities awarded \$104 million to a whistleblower in the UBS AG matter as the government seeks to deter U.S. persons from evading their tax obligations through undisclosed offshore accounts.

By way of background the IRS has a whistleblower award program under which it may pay awards (or, for amounts paid under Code Sec. 7623(a), rewards) to informers (known as "whistleblowers") for information about tax law violations. IRS has established a Whistleblower Office to administer the program. Administratively, claims under Code Sec. 7623(b) (involving individuals with more than \$200,000 gross income and/or an amount in dispute in excess of \$2 million) are handled by the Whistleblower Office. All other claims (i.e., those under Code Sec. 7623(a)) are handled by IRS's Informant Claims Unit. Any whistleblower (except certain feder-

al employees) is eligible for a reward/award. Generally, the amount of the reward/award ranges from at least 15 percent, to not more than 30 percent, of the additional taxes, interest, penalties, and fines collected by the IRS as a result of the whistleblower's information.

The IRS whistleblower office gathers information from people who want to alert the tax-collecting agency to tax misconduct. Over the years, the office has brought in hundreds of millions of dollars in tax revenue for the U.S. government that would not have been collected without tips from whistleblowers. But the office collected only \$48 million in tax revenues in fiscal year 2011, down from \$464 million in fiscal year 2010, the IRS reported to Congress in June. That was the lowest collection level since at least fiscal year 2004. The drop coincided with a decline in new whistleblower cases.

Republican Senator Chuck Grassley was the author of the whistleblower provisions that were enacted in 2006. The

(Continued on following page)

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COMMITTEES & SECTIONS

(Continued from preceding page)

Senator said in June that the IRS had been driving away whistleblowers.

The size of this award was unprecedented. In a statement the IRS confirmed that whistleblower Mr. Bradley Birkenfeld was awarded \$104 million, the largest payout made under the IRS' whistleblower program.

"The IRS believes that the whistleblower statute provides a valuable tool to combat tax non-compliance, and this award reflects the IRS's commitment to the law," said IRS spokeswoman Michelle Eldridge.

Senator Grassley, an Iowa Republican who helped write the law, said Mr. Birkenfeld's award is an important step, but urged the I.R.S. to build on the momentum it had generated. "If the IRS is serious about encouraging future whistleblowers, it needs to continue to honor the spirit and intent of the law and issue awards in a timely manner," Senator Grassley said.

John Pontius, Chair

WORKERS COMPENSATION LAW SECTION

2012-2013 Section Meeting Dates

November 8, 2012	February 14, 2013
December 13, 2012	March 14, 2013
January 10, 2013	April 11, 2013

Meetings will be held from 5:00 p.m. - 6:00 p.m. at the offices of Meiselman, Salzer, Inman & Kaminow, located at 611 Rockville Pike, Suite 225, in Rockville, MD.

Will Inman, Co-Chair

Jeff Stickle, Co-Chair

YOUTH COURTHOUSE PROJECT COMMITTEE

2012-2013 Section Meeting Dates

November 7, 2012	March 6, 2013
December 5, 2012	April 3, 2013
January 2, 2013	May 1, 2013
February 6, 2013	June 5, 2013

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

Patti Via, Co-Chair

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PRO BONO UPDATE

Debbie Craven, Program Coordinator

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 changing their current living situation and or financial circumstance and can benefit from free legal services. Your call to volunteer will make a difference to those without resources and in need of a lawyer.

The Pro Bono Program provides **FREE LEGAL SERVICES** to low-income county residents in civil cases. The Pro Bono Program provides two means for residents to receive free services – 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 non-profit or government social service agencies that may be able to help. The client intake line operates out of the main office where the staff screens calls from potential clients in need of a lawyer. 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 and 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 any time and watch the six hours of training at your convenience over the next 30 days. The most recent training was taped during the live class presentation held November 7 & 14, 2011. 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 training seminar. Please call Yesenia, CLE Coordinator, at 301.340.2534 to obtain the website, necessary coupon code to watch the preview, and 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 PRBC website, www.probonomd.org, for details regarding training and registration.

I would like to take a brief moment to thank Clarice and wish her well. Her wonderful support and kind words as I transition to Program Coordinator will always be remembered. Thank you for your hard work and positive contribution to the Pro Bono Program. It will not be forgotten.

You, the Volunteer Attorneys, are the Pro Bono Program – What we do depends upon you. I would like to call upon you to **please be generous and volunteer to take a case when you are contacted**.

Thank You Volunteer Attorneys! On behalf of the Board of Directors of the Bar Foundation, we thank the following attorneys for their time, dedication, and service for the month of September. They deserve to be recognized. 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. Thank you also to our wholly committed staff: Allexis, Gaby, and Jennifer for their many patient telephone calls, e-mails, administrative follow up and closing case files

Pro Bono / Judicare Case Referrals

Brown, Jabril*	Kurnot, Stacy S.*
Gointein, Evan*	Leatherman, Jennifer*
Hoover, Johnathan*	Melehy, Suvida
Hughes, Christina	Pierre, Marilyn*
Ingram, Shelly*	Pugliese, Elizabeth*
Jacobsen, Alisha L.*	Williamowsky, Samuel*

East County Service Center

Flaim, Sean M.	Oleck, Adrienne L.
Jacobsen, Alisha L.	Pugliese, Elizabeth
Montero, R. Manny+	Washington, Juan C.+

Gilchrist Center – Germantown

Amourgis, Edward	Pugliese, Elizabeth+
Ashkeboussi, Leila	Sahai, Kavita
Espinoza, Katherine C.	Wagman, Robert D.
Ingram, Shelly M.	Xu, Eva
Jacobsen, Alisha L.+	

Gilchrist Center – Wheaton

Bunker, Kate	Roger, Kristin M.
Marks, Jay+	Shapiro, Sam
Renner, Richard	Vega, David+
Robinson-Kourtesis, Cameron M.	Washington, Juan C.+

TESS Community Center

Auerbach, Kenneth D.	McDonough, Kathryn
Barham, Jeffrey J.	Smith, Jr., William C.
Borenstein, Sylvia F.	Steward, Rosalyn
Konings, Priya	Vega, David+
McDonough, John J.	Washington, Juan C.+

* = accepted more than 1 case
+ = Supervising Attorney

LEGAL ADVICE CLINICS

Charles Gilchrist Center for Cultural Diversity - Upcounty Service Center
12900 Middlebrook Road
Germantown, MD 20874
2nd and 4th Tuesday of each month
6:00 PM - 8:30 PM

TESS Community Service Center
8513 Piney Branch Road
Silver Spring, Maryland 20901
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.

Charles W. Gilchrist Center for Cultural Diversity-Wheaton Library
11701 Georgia Avenue, 1st Floor
Wheaton, Maryland 20902
2nd and 4th Wednesday of each month
5:30 PM to 8:30 PM

EAST County Regional Service Center
3300 Briggs Chaney Road
Silver Spring, MD 20904
1st and 2nd Thursday of each month
5:30 PM - 8:30 PM

SPECIALTY BAR ASSOCIATIONS

J. FRANKLYN BOURNE BAR ASSOCIATION, INC., MONTGOMERY COUNTY COMMITTEE

The next J. FRANKLYN BOURNE BAR ASSOCIATION, INC., Montgomery County Committee meeting will be held on **Saturday, November 3, 2012**, from 9:30 a.m. to 11:30 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 September meeting, please join us on **Saturday, December 1, 2012**. For more information, contact our committee chair, Holly Reed, Esq. at (301) 587-9480 or hreedlaw@msn.com.

The next Bourne General Body meeting will be held on **Thursday, November 15, 2012** at 6:30 p.m. at UFCW Local 400, Lower Level Meeting Room, 4301 Garden City Drive, Hyattsville, MD 20785. Please join us for an interesting and informative meeting. If you have any questions, please contact Mahasin El-Amin at mahasin.elamin@yahoo.com.

The **J. Franklyn Bourne Bar Association 28TH ANNUAL SCHOLARSHIP BANQUET** will be held on **Thursday, November 1, 2012** at Martin's Crosswinds in Greenbelt, Maryland. Attorney Judy Smith, the author of Good Self, Bad Self, a crisis management expert and the inspiration behind the hit television show, "Scandal", will be our featured speaker. For more information, please contact Marilyn Pierre at (301) 279-9020 or mpierrelaw@gmail.com.

For more information about any of the J. Franklyn Bar Association meetings and events, please go to www.Bournebar.org.

MONTGOMERY COUNTY WOMEN'S BAR ASSOCIATION

The annual WBA Normandie Farms dinner did not disappoint; it was a wonderful and inspiring evening. The recipients of the scholarship awards were all impressive young scholars who excel in their studies and their motivation to give back to our community. The recipients were: Sherri Weinstein (the Ann N. Sundt Award), Giovanni Miller (the Irma S. Raker award), Rutth Chambergo, Diem Bui, Ojong Romeo Ntui, and Desta Muleta. No one would doubt their ability to succeed in whatever field they decide to pursue.

In addition to the scholarship recipients, it was a night to recognize and honor our recently appointed Circuit Court and District Court Judges: Anne K. Albright, Jeanne Cho and Karla N. Smith. These women are outstanding additions to our Circuit and District Court benches. Their experience, impressive accomplishments as well as their temperament ensure that they will be assets in the years to come. Finally, we were treated to some words of wisdom from some of our senior judges, Patricia Mitchell, Louise Scrivener, and Mary Ellen Barbera. Who knew that the skill sets that we perfected while we were working mothers and multi-taskers could so be easily applied into the bench and help make one an outstanding jurist.

This evening was no happy accident and so I would like to thank those hard

working people who worked the tables and helped plan the event. A big thank you goes to Donna Van Scoy who's planning and behind the scene magic made the evening wonderful and appear flawless. I would like to thank the sponsors of the event: Andalman & Flynn, Del. Kathleen M. Dumais, Jo Benson Fogel, Hostetter Strent, Paley Rothman, Sachitano & Associates, Shulman Rogers, and Donna E. Van Scoy. In addition, I would like to thank those who made scholarship fund donations.

The MC-WBA tri-annual auction committee held its first organizational meeting on September 27, 2012 in Conference Room 220 on the second floor of the Circuit Court. The auction which is scheduled for March 23, 2013, is a tremendous undertaking and needs a legion of volunteers. If you were unable to make the meeting and want to help, please contact Lili Khozeimeh at LKhozeimeh@mccourt.com or Heather Collier at hcollier@draggalaw.com. They will be happy to find a something that fits your time and talents.

On **Saturday, November 17, 2012**, the Women's Bar Foundation will sponsor its annual **"Preparing for Success"** event for high school girls. This year the event will be held at the Rockville Campus of Montgomery College. We will again offer workshops for high school aged girls. The program is FREE, with the day beginning with a keynote speaker and concluding with a fashion show. Breakfast, lunch and snacks are provided, as well as raffle prizes throughout the day. If you are interested in helping out with the Fall Forum please call the Honorable Katherine Savage's Chambers at 240-777-9372; the Honorable Karla Smith's Chambers at 301-563-8856; Lili Khozeimeh, Esq. at 240-777-9119 or Rosalyn Tang, Esq. at 240-777-7323. It is a worthwhile endeavor for all.

Please join us at the next Executive Committee Meeting is on **November 13, 2012** at 12:30 by conference call.

Margaret Schweitzer, President

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

LEGAL ANNOUNCEMENTS

Mitchell I. Alkon is pleased to announce the establishment of **Alkon Law LLC** at 6110 Executive Blvd, Ste 300, Rockville, Maryland. Mr. Alkon, a former principal of Pasternak & Fidis PC, will continue in the practice areas of commercial and residential real estate, title and escrow, business and commercial transactions, and fiduciary law, as well as dispute resolution and litigation.

Maryland Delegate Kathleen Dumais, Vice Chair of the House Judiciary Committee, will become the first graduate of Mount Vernon College to receive The George Washington University's Distinguished Alumni Achievement Award. This award is the highest form of recognition given by the university and the GW Alumni Association to graduates. Delegate Dumais received her undergraduate degree (cum laude) from Mount Vernon College in 1980.

Houlon, Berman, Bergman, Finci, Levenstein & Skok, LLC is pleased to welcome **Emily B. Gelmann** as an associate in the Family Law Practice. Emily represents clients in all aspects of family law, including separation, divorce, custody, property, and support; she is also certified in Collaborative Law. Prior to joining Houlon Berman, Emily clerked for the Honorable Sylvester B. Cox in the Circuit Court for Baltimore City, Maryland. She received her J.D. from the University of Maryland School of Law where she graduated with honors and was awarded the Women's Bar Foundation Scholarship in 2010. While in law school she served as a District Court mediator through the Mediation Clinic. Emily is admitted to practice in Maryland and her application for waiver in to DC is pending.

Offit Kurman is honored to welcome **Ira E. Hoffman**. Mr. Hoffman's practice focuses on government contracts, export controls and other international issues, plus complex administrative and commercial litigation, including appeals. He counsels large and small companies alike on a wide range of government contracts issues, including compliance, and has extensive experience in bid protests, claims and disputes, and ADR. He is the editor of The Annotated Export Administration Regulations Desk Reference (West 2011), and also counsels clients on the EAR, the ITAR, OFAC sanctions, and the FCPA. He has adjudicated administrative cases in Federal tribunals, and litigated commercial cases in State and Federal trial and appellate courts. He has also taught international law at the George Mason University School of

Law and is currently an instructor and member of the Board of the Public Contracting Institute.

Pasternak & Fidis, P.C., a Bethesda law firm, is pleased to announce the addition of **Nathan Brill** as a new associate in the firm's Business, Real Estate and Litigation Group. Before joining Pasternak & Fidis, Mr. Brill completed a judicial clerkship with the Honorable Katherine D. Savage of the Circuit Court for Montgomery County, Maryland. Mr. Brill received his J.D., with honors, from Emory University's School of Law in Atlanta, Georgia. While in law school, Mr. Brill interned at the Coca-Cola Company and completed the Summer Honors Program at the Securities and Exchange Commission's Division of Enforcement. Mr. Brill is admitted to the bars of Maryland and DC.

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BETHESDA – Two 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.

CABIN JOHN/BETHESDA – One individual office in suite with two other lawyers. The office is a windowed office

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GAITHERSBURG – Individual Offices and/or 2 Office Suite – Copier, fax, voicemail, conference room, DSL and road signage available. Desirable location on Route 355. \$750-\$1,500/month. Call 301-987-2002 or email allenlawfirm@aol.com.

GAITHERSBURG – Kentlands Professional Suites. One office available for rent. Great location in the Kentlands. Free DSL service. Perfect for a sole practitioner. Please contact Ray at 301-330-6790 or Ray@mckenzie-legal.com.

ROCKVILLE/GAITHERSBURG – One windowed office available in new suite in five story office building located on the corner of Route 355 and Shady Grove Road. Share office suite with small family law firm. Space for your assistant available. Furnished or unfurnished. Great location, only ten minutes from the courthouse. Plenty of free parking. Use of reception area, conference room, kitchen and DSL. Reasonable rent. Call 301-926-8822 or email law@lustigudis.com.

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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 – Large bright windowed office with secretarial station and separate file area which can be used to accommodate additional staff members &/or filing available for rent September 1st. Law Office conveniently located in Rockville Town Center on the 5th Floor of a Class “A” Building. Amenities include use of spacious conference rooms, reception area, library and fully equipped kitchen. Fax Machine, photocopying, Internet and online research available at additional cost. Please contact Maryjo Lombardi, Administrator at MJL@awbflaw or call 301-738-7688 for further information.

ROCKVILLE – One furnished office on second floor of two-level office building that has a reception area, conference room, kitchen, copier, FAX machine and free recently renovated parking lot. Monthly rent is \$750.00. Walking distance to Circuit/District Courts, Rockville Town Center and Metro. Contact Benjamin A. Klopman at 301-424-0677.

ROCKVILLE – 1 or 2 offices and one paralegal space available in renovated suite with small firm & other attys. Can rent all or just one. Rent approx \$900, depending

on size of office chosen and amenities needed (reception, phones, copier, internet, etc.). Includes large conf room, reception area, copier/scanner workroom, and eat-in kitchen. Free parking, including for clients/guests. 200-A Monroe St. is walking distance to courts, Town Center, Rockville Metro (red line). Call Jennifer or Alan at 301-424-0094 or email ANL@LKRhodesLaw.com.

ROCKVILLE – One or Two windowed offices, with secretarial space available. Walking distance to courthouses/metro. Includes use of conference room, kitchenette, copier, fax machine. Indoor parking included. Contact 301-251-4010.

ROCKVILLE – 17 W. Jefferson St. – Up to 3,000 sq. ft. contiguous space available in very nice office suite. Formerly a title company with hardwood floor reception and several windowed offices. Also, individual and smaller spaces available in lawyer shared office environment. WiFi, VOIP and other amenities. Lots of parking available. Lowest rents in downtown Rockville. Next to District and Circuit Courts and Bar Association Building. Contact Johnny Garza at 301-340-8200.

ROCKVILLE – 7th Floor office with view on Route 355 with ample free parking, walking to Court and Metro, receptionist, conference room, kitchen, and available secretarial area. Call Kathy at 301-762-7200.

ROCKVILLE – Several window offices for rent in quiet, cathedral ceiling Rockville townhouse. Use of conference rooms, library, kitchen and spacious client waiting areas. Plenty of free parking. Digital copier use available. Short walk to Circuit and District Court. Practice law comfortably. Call 301-251-1600. Ask about our low introductory rate.

ROCKVILLE – Two (2) Townhouse Law Offices for rent \$500.00 / month – 1st floor office, 12' x 14', 2nd floor office, 15' x 22'. Reception area, library / conference room. Open parking. Contact Rick at 301-251-9120 or Rick.Paugh@verizon.net.

ROCKVILLE – Walk to Courthouses and Metro. One block from Rockville Town Center. Three window office spaces available together or separate; 9 1/2 x 10; 13 x 9; 13 x 12 1/2. Plenty of parking for tenants and guests. Includes use of conference room, waiting area, kitchenette. Copier/scanner/fax available and answering service at extra cost. Call 301-279-8773.

ROCKVILLE – Windowed office available on lobby level of 50 West Montgomery Ave. Easy walking distance to Rockville Town Center, District and Circuit Courts and Metro. Includes use of conference room, WIFI, receptionist services and free parking. Office furniture available. Copier available. \$750.00 per month. Contact Margaret 301-217-9388 or Margaret@michaelgradylaw.com.

ATTORNEY OPPORTUNITIES

ATTORNEY – Bethesda law firm seeks attorney with litigation experience to assist with overflow work for the months of December, 2012 to March 2013 (possibly longer) on a contract basis. DC and Maryland bar admission required. Please send resume to admin@sfelaw.com.

ATTORNEY – Personal Injury, Workers Compensation and/or Criminal/Traffic Defense – Law firm requires attorney with experience in PI, WC and/or CRIMINAL/TRAFFIC DEFENSE. Must be bilingual English/Spanish and member of MD bar. Email resume to naculi1975@gmail.com.

(Continued on following page)

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(Continued from preceding page)

ATTORNEY – Real Estate – Bethesda, MD, AV Rated law firm seeks experienced real estate attorney. Maryland bar admission, excellent academic credentials, experience in purchase, sale and financing transactions, and expertise in drafting transactional documents required. Experience in commercial leasing, condominium creation, and closings desirable. Portable client base desirable, but not required. Send resume and cover letter to HR@garsonlaw.com.

ATTORNEY – Real Estate – McMillan Metro, P.C. is expanding its real estate practice. Currently available is an exciting opportunity for an attorney with at least seven years of experience in commercial real estate transactions to include HOA, condominium, title and transaction work. Business transaction experience is a plus, which would include entity formations, shareholder agreements and other commercial documents. Candidate must seek to contribute and make a difference. Firm has existing and varied commercial, business, real estate, estate planning, estate administration and litigation practices, and offers camaraderie and an opportunity for personal and professional development. Candidate must be committed to business development and actively involved in the community to promote own and firm practice areas. Excellent client communication skills, ability to work as a team player, attention to detail and sound judgment are all qualities important to our Firm. See our Firm website: www.mcmillanmetro.com. Respond in confidence to: clarue@mcmillanmetro.com.

TRIAL ATTORNEY – In-House Litigation – Fidelity National Title Group, Inc., one of the largest providers of title

insurance in the world is seeking an experienced trial attorney to join its in-house litigation team. This practice group specializes in title insurance and related litigation. This position is located in Tysons Corner, VA and will represent our insured's in Maryland, Virginia and The District of Columbia. Candidates must have a minimum of ten to fifteen years active

litigation practice including "first chair" experience, excellent analytical and writing skills. Familiarity with mortgage, title, and real property law is considered valuable. Competitive salary and benefits package offered. Send resume, writing sample, references, and salary history to: kevin.reina@fnf.com Use "DC - Attorney" in the reference line of your email.

Lawyer Referral Service Panel Members

A few reminders are in order for those Bar members who serve on the Lawyer Referral Service Panel.

When clients call the Montgomery County Lawyer Referral Service to be referred to a lawyer, they expect to have a half-hour consultation in person with a lawyer at an office in Montgomery County. If you do not actually meet with the client, be sure to inform the staff at the Lawyer Referral Service by telephone ((301) 424-7040) or email. If you maintain a post office box for your address or have a satellite office, client meetings can be held in the offices at the BAMC building or in conference rooms at the Circuit Courthouse library. When a client calls and leaves a message on the attorney's phone, be sure to return the telephone call with one business day.

The LRS staff has asked that panel attorneys be accurate when signing up to serve on the panel and include only those areas of practice in which you would like referrals.

Betty Loggia, Chair, Lawyer Referral Service Committee

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WHAT'S NEW ...

NEW MEMBERS

Matthew Fogleman, Baltimore-Washington Law Center, 7240 Parkway Dr., 4th Floor, Hanover, MD 21076; tel.: 410-752-7474; fax: 410-752-0611; email: Fogleman@ewmd.com

Angela H. Hansen, 17 West Jefferson St., Suite 5, Rockville, MD 20850; tel.: 301-769-6846; fax: 240-556-0252; email: ahansenlegal@gmail.com

Anna G. Kornilova, 7200 Wisconsin Ave., Suite 800, Bethesda, MD 20814; tel.: 301-

654-0504; fax: 301-654-2801; email: AKornilova@linowes-law.com

Jessica L. Rosenthal, 12505 Park Potomac Ave., 6th Floor, Potomac, MD 20854; tel.: 301-945-9231; fax: 301-230-2891; email: jrosenthal@shulmanrogers.com

Brian J. Stief, 400 7th St., NW, Washington, DC 20024; tel.: 240-604-2552; email: bstief@gmail.com

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Our Open House!

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Monday, November 5, 2012 ~ 5:00 p.m. - 8:00 p.m.

~ Recognition ceremony to begin at 6:30 p.m. ~

*Please RSVP to
Cindy@barmont.org or 301-762-8376.*

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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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: NOVEMBER 2012

DATE	MONDAY	TUESDAY	WED	THURSDAY	FRIDAY
C-411	Han	Closed		Rubinstein	Ballard/Garrett
C-412	Adegbuyi	Closed		King	Mitchell
T-414	Rubinstein	Closed		Larson	Costello
T-413	Inderfurth	Closed		Michael	Han
T-SS-301	Mitchell	Closed		Riggins	Hermann
T-SS-302	King	Closed		Adegbuyi	Riggins
C-SS-401	Hermann	Closed		Inderfurth	Turner
C-402 ALB-Z		Closed		Ballard/Garrett	
8:30 Dkt	Andrews	Closed	Cardozo		Andrews/Cardozo
WEEK 2					
C-411	Court	King	14	Cardozo	Ballard/Garrett
C-412	Closed	Hermann		Rubinstein	Turner
T-414		Inderfurth		Michael	Adegbuyi
T-413		Costello		Turner	Costello
T-SS-301		Turner		Inderfurth	King
T-SS-302		Michael		Hermann	Michael
C-SS-401		Adegbuyi		Mitchell	Riggins
C-402 ALB-Z		Han	Larson	Ballard/Garrett	
8:30 Dkt					Larson
WEEK 3					
C-411	Inderfurth	20	21	Closed	Closed
C-412	Cardozo	King		Closed	Closed
T-414	Michael	Costello		Closed	Closed
T-413	Costello	Michael		Closed	Closed
T-SS-301	Riggins	Han		Closed	Closed
T-SS-302	Mitchell	Riggins		Closed	Closed
C-SS-401	Rubinstein	Larson		Closed	Closed
C-402 ALB-Z			Turner		Closed
8:30 Dkt	Andrews	Hermann			
WEEK 4					
C-411	Han	27	28	Cardozo	Ballard/Garrett
C-412	Inderfurth	Rubinstein		King	Larson
T-414	Larson	Riggins		Costello	Mitchell
T-413	King	Han		Hermann	King
T-SS-301	Turner	Inderfurth		Turner	Inderfurth
T-SS-302	Cardozo	Larson		Han	Hermann
C-SS-401	Hermann	Mitchell		Turner	Riggins
C-402 ALB-Z			Adegbuyi	Ballard/Garrett	
8:30 Dkt	Andrews	Michael			Michael

Revised: 9/19/12

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.

SAO JUVENILE SCHEDULE - NOVEMBER 2012

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Adjudicatory Ctrm -				1	2
Duty Cases				Bortnick	Woodward
Duty Courtroom/am				Binstock	Burrows
Duty Courtroom/pm				Binstock	Burrows
Emergencies				Hardy	Binstock
Court Coverage				Burrows	
Drug Court/Triunacy					
Other					
Not Available					
MONDAY	5	6	7	8	9
Adjudicatory Ctrm -	Binstock	HOLIDAY	Hardy	Bortnick	Woodward
Duty Cases					
Duty Courtroom/am	Hardy	HOLIDAY	PT's	Binstock	Burrows
Duty Courtroom/pm	Hardy	HOLIDAY	Woodward	Binstock	Burrows
Emergencies				Hardy	Binstock
Court Coverage	Woodward		Binstock	Burrows	
Drug Court/Triunacy					
Other					
Not Available	Bortnick				Tang
MONDAY	12	13	14	15	16
Adjudicatory Ctrm -	HOLIDAY	Hardy	Woodward	Bortnick	Binstock
Duty Cases					
Duty Courtroom/am	HOLIDAY	Woodward	PT's	Barnes	Burrows
Duty Courtroom/pm	HOLIDAY	Woodward	Binstock	Barnes	Burrows
Emergencies					
Court Coverage		Barnes	Hardy	Binstock	Woodward
Drug Court/Triunacy		Haynos	Burrows	Burrows	
Other					
Not Available					
MONDAY	19	20	21	22	23
Adjudicatory Ctrm -	Barnes	Hardy	Haynos	HOLIDAY	HOLIDAY
Duty Cases					
Duty Courtroom/am	Bortnick	Woodward	PT's	HOLIDAY	HOLIDAY
Duty Courtroom/pm	Bortnick	Woodward	Binstock	HOLIDAY	HOLIDAY
Emergencies					
Court Coverage	Haynos	Binstock	Barnes		
Drug Court/Triunacy					
Other					
Not Available	Burrows	Burrows	Burrows		
MONDAY	26	27	28	29	30
Adjudicatory Ctrm -	Woodward	Barnes	Hardy	Bortnick	Binstock
Duty Cases					
Duty Courtroom/am	Bortnick	Haynos	PT's	Woodward	Burrows
Duty Courtroom/pm	Bortnick	Haynos	Barnes	Woodward	Burrows
Emergencies					
Court Coverage	Hardy	Binstock	Haynos	Barnes	Woodward
Drug Court/Triunacy				Burrows	
Other	Tang	Tang	Tang	Tang	Tang
Not Available					

JUDGES SCHEDULES

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

District Court Judges' Schedule - November 2012

DATE		RV411	RV412	RV413	RV414	RV512	RV513 Bonds	SS401	SS402	SS301	SS302	HR303
Thursday	1	Creighton	Sarsfield	Mitchell	Moffett	Cho	Conroy	Hamilton	Evergam	Simmons	Smith	CLOSED
Friday	2	Cho	Simmons	VJ	Hamilton	Creighton	Wolfe	Sarsfield	Evergam	VJ	Moffett	CLOSED
Monday	5	Moffett	Wolfe	Conroy	Smith	Creighton	Evergam	Mitchell	Cho	Sarsfield	Hamilton	CLOSED
Tuesday	6	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY
Wednesday	7	Smith	Evergam	Moffett	Hamilton	Mitchell	Cho	Creighton	Simmons	Conroy	VJ	Sarsfield
Thursday	8	Evergam	Mitchell	VJ	Sarsfield	Simmons	Moffett	Conroy	Hamilton	Creighton	Cho	CLOSED
Friday	9	Smith	Sarsfield	VJ	VJ	Moffett	Mitchell	Simmons	Cho	VJ	Conroy	Hamilton
Monday	12	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY
Tuesday	13	Cho	Creighton	Conroy	VJ	Mitchell	Hamilton	Moffett	Simmons	Sarsfield	Smith	CLOSED
Wednesday	14	Smith	Conroy	Creighton	Evergam	Sarsfield	Mitchell	Hamilton	Cho	Simmons	Moffett	VJ
Thursday	15	Simmons	Conroy	Hamilton	Cho	Moffett	Sarsfield	Evergam	Smith	VJ	Creighton	CLOSED
Friday	16	Mitchell	Moffett	VJ	Simmons	Cho	Evergam	Sarsfield	Creighton	VJ	Smith	Hamilton
Monday	19	Hamilton	Evergam	VJ	Creighton	Conroy	Smith	Cho	Moffett	VJ	Simmons	CLOSED
Tuesday	20	Simmons	Creighton	VJ	VJ	Evergam	Cho	Smith	Hamilton	Conroy	Moffett	CLOSED
Wednesday	21	Evergam	Smith	Simmons	Cho	CLOSED	Cho	Conroy	Creighton	Hamilton	VJ	CLOSED
Thursday	22	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY
Friday	23	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY	HOLIDAY
Monday	26	Evergam	Moffett	VJ	VJ	Mitchell	Simmons	Sarsfield	Smith	VJ	Hamilton	CLOSED
Tuesday	27	Cho	Mitchell	VJ	Smith	Creighton	Hamilton	Evergam	Simmons	Moffett	Sarsfield	CLOSED
Wednesday	28	Simmons	Mitchell	Smith	VJ	Moffett	Sarsfield	Cho	Evergam	Hamilton	VJ	Creighton
Thursday	29	Creighton	Simmons	Cho	Mitchell	Hamilton	Evergam	Smith	Moffett	VJ	VJ	CLOSED
Friday	30	Moffett	Hamilton	Simmons	VJ	Smith	Mitchell	Evergam	Creighton	VJ	Cho	Sarsfield
Date Prepared: Sep. 10, 2012				RV514				SS402				
Date Revised: Oct. 2, 2012				1-Wolfe				5-Meters				
Date Revised: Oct. 4, 2012				8-Smith				12-Speed				
* = Special Set				15-Mitchell				19-Meters				
Judges' Meeting-Canceled				29-Sarsfield				26-Red Light				

Circuit Court

Judges Schedule - 2012

	2012	Criminal	Civil	Duty	Motions	Family	FamDuty	General	CINA	Delinq	JuvDuty	EAP Duty	Drug Court
		November											
11/5/2012	5th-11th	McCormick PT	Rupp	Mason	McCally	Algeo	Salant	Rubin	Quirk	Boynton	McGann	(Craven)	Adult
	wk 984	Greenberg CM	(Craven)		Albright	Callahan		Burrell	McCally	McGann 7&8	Callahan 9	Albright	Quirk
			Scrivener		Bair	(Thompson)		Bernard	Jordan 9	Callahan 9			
			Jordan		Scrivener	Savage							
			Quirk		Bair	Albright							
		Johnson CM											
11/12/2012	12th-18th	McCormick CM	(Craven)	Savage	Scrivener	Algeo	Rupp	Rubin	Boynton	McGann	Quirk	Rupp	Adult
	wk 985	Greenberg PT	Jordan		Bair	Salant		Burrell	Callahan		Boynton		Rupp
			Johnson			Callahan		Bernard	McCally 15 a.m.		Jordan		
			Quirk			(Thompson)		McCormick					
						McCally							
						Dugan							
						Mason							
						(Craven)							
						Albright							
						Bair							
11/19/2012	19th-25th	Burrell PT	Rupp	Johnson	McCormick	Algeo	(Thompson)	Bernard	McCann	Quirk	Boynton	Dist Court	
	wk 986	Rubin CM	(Craven)			Salant	Savage	Greenberg	McCally	Boynton	McGann		
			Scrivener			Callahan			Salant		Boynton 21		
			Jordan			McCally							
			Quirk			Dugan							
						Savage							
						Mason							
						(Craven)							
						(Thompson)							
						Albright							
						Bair							
11/26/2012	26th- 2nd	Burrell CM	Rupp	Jordan	Greenberg	Algeo	(Craven)	Bernard	Quirk	Boynton	McCann	Rubin	Adult
	wk 987	Rubin PT	Scrivener			Salant	Albright	McCormick	Callahan	McGann	Boynton		Quirk
			Johnson			Callahan					Bernard 26-28		
			Quirk			McCally							
						Dugan							
						Savage							
						Mason							
						(Thompson)							
						Bair							

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

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

NOVEMBER

1	5:30p.m.	CR	Collaborative Law Section Meeting
2	5:30p.m.	CLE	CLE Seminar – Immigration Law
5	5:00p.m.		Bar Association / Bar Foundation Open House
6	11:00a.m.	CR	Employment Law Section Meeting
	12:15p.m.		Bar Luncheon
7	8:00a.m.	C/S	Circuit Court Bench Bar Committee
	12:15p.m.	CR	Youth Courthouse Project Committee
	5:30p.m.	LCR	Leadership Development Committee
	5:30p.m.	CR	Taxation Law Section Meeting
	5:30p.m.	CLE	CLE Seminar – Criminal Law
	5:30p.m.	CLE	CLE Seminar – Education Law
8	5:00p.m.	C/S	Workers Compensation Law Section
	5:30p.m.	CLE	CLE Seminar – Personal Injury Law
12	Noon	C/S	Estate & Trust Law Section Meeting
	5:00p.m.	CR	Executive Committee Meeting
13	8:00a.m.	C/S	Real Estate Law Section Meeting
	5:30p.m.	C/S	New Practitioner Section Fall Fundraiser
	6:00p.m.	C/S	Business Law / Employment Law Meeting
14	8:00a.m.	C/S	ADR Section Meeting
	8:00a.m.	CR	Elder Law Section Meeting
	5:00p.m.	CR	Lawyer to Lawyer Committee Meeting
	5:30p.m.	C/S	Strategic Planning Committee Meeting
15	8:00a.m.	C/S	Law Firm Management Section
	9:00a.m.	CLE	CLE Seminar – Collaborative Law
16	9:00a.m.	CLE	CLE Seminar – Collaborative Law
17	9:00a.m.	CLE	CLE Seminar – Collaborative Law
20	4:30p.m.	C/S	Legal Ethics Committee Meeting
22	Thanksgiving Holiday ~ Bar Offices Closed		
23	Thanksgiving Holiday ~ Bar Offices Closed		
27	8:00a.m.	C/S	Commercial Litigation Section
	6:00p.m.	CLE	Family Law Section Meeting
28	12:30p.m.	C/S	Circuit Court Chamber Chat
29	8:30a.m.	CLE	CLE Seminar – Immigration Law

DECEMBER

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
	5:30p.m.	CR	Taxation Law Section Meeting
	5:30p.m.	CLE	CLE Seminar – Commercial Litigation
6	5:30p.m.	CLE	CLE Seminar – Collaborative Law
7	8:00a.m.	CR	Foundation Board of Directors Meeting
10	5:00p.m.	CR	Executive Committee Meeting
11	8:00a.m.	C/S	Real Estate Law Section Meeting
	5:30p.m.	CR	Criminal Law Section Meeting
	6:00p.m.	C/S	Family Law Section Holiday Party
12	8:00a.m.	CR	Elder Law Section Meeting
	5:00p.m.	CR	Lawyer to Lawyer Committee Meeting
13	8:00a.m.	CLE	CLE Seminar – Family Law
	5:00p.m.	C/S	Workers Compensation Law Section
14	12:15p.m.	CR	Education Law Section Meeting
18	4:30p.m.	C/S	Legal Ethics Committee Meeting
19	6:00p.m.	C/S	Business Law Section Meeting
20	8:00a.m.	C/S	Law Firm Management Section