

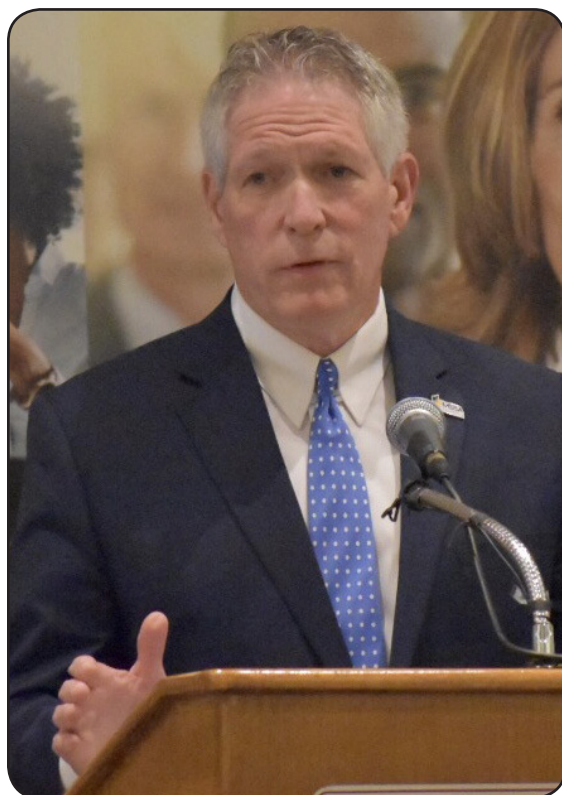
BAR BULLETIN

MARYLAND STATE BAR ASSOCIATION NEWSLETTER

JULY 15, 2018

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Truffer Installed as MSBA President

By Patrick Tandy

Baltimore County Circuit Court Judge Keith R. Truffer was installed as the 125th President of the Maryland State Bar Association (MSBA) on June 16, 2018, at the close of the MSBA Legal Summit & Annual Meeting. Truffer will lead the roughly 24,000-member Association for the next 12 months.

Truffer, a Baltimore native, opened his 20-minute address by describing his own professional journey, from the University of Baltimore School of Law to his more than three decades with the Towson law firm of Royston, Mueller,

McLean & Reid, LLP and, ultimately, his January 2016 appointment to the Baltimore County Circuit Court bench, before moving on to his priorities for the Association in the coming bar year.

"As you know by this time, the MSBA is undergoing a period of extraordinary change," said Truffer. "During the upcoming year, we want to build upon and accelerate the great strides we have initiated to secure the near and long-term health of the Association."

Instrumental to that health is a thorough review of MSBA's governance policies, some of which, he noted,

date back to the Association's founding in 1896. To address this need, Truffer announced the appointment of a brand-new Policy Review Committee, which will "undertake a comprehensive review of the MSBA's policies and practices, conduct research into and a comparison with the best practices in our industry and, ultimately, recommend such changes to our bylaws as are necessary to implement these best practices."

"In this way," he continued, "we can create a structure which best positions MSBA to meet the new challenges we face and take advantage of the new opportunities presented."

Looking ahead, Truffer voiced a need to also "be mindful of those challenges and opportunities which are on and beyond the horizon."

"We need to establish long-term priorities to guide our policies from year to year," he added. "We must make ourselves more anticipatory, and less reactive." To this end, he announced plans to create "a Strategic Vision Committee with a long-term focus and a broad vision to plot a course for the MSBA over the next five to 10 years."

"This Committee will define the MSBA's continu-

See Truffer Page 19

Leadership Academy Fellows Present on Cyberbullying

By Patrick Tandy

The MSBA Leadership Academy 2017-2018 Class of Fellows concluded their year by presenting their public service project, entitled "Being Smarter with Your Smartphone: Understanding Cyberbullying & Its Impact", to a distinguished audience that included Chief Judge Mary Ellen Barbera, Court of Appeals of Maryland, District Court Chief Judge John P. Morrissey, and incoming MSBA President Judge Keith R. Truffer.

The 12-month program is designed to assist lawyers in becoming better leaders, and offering opportunities for future leadership roles

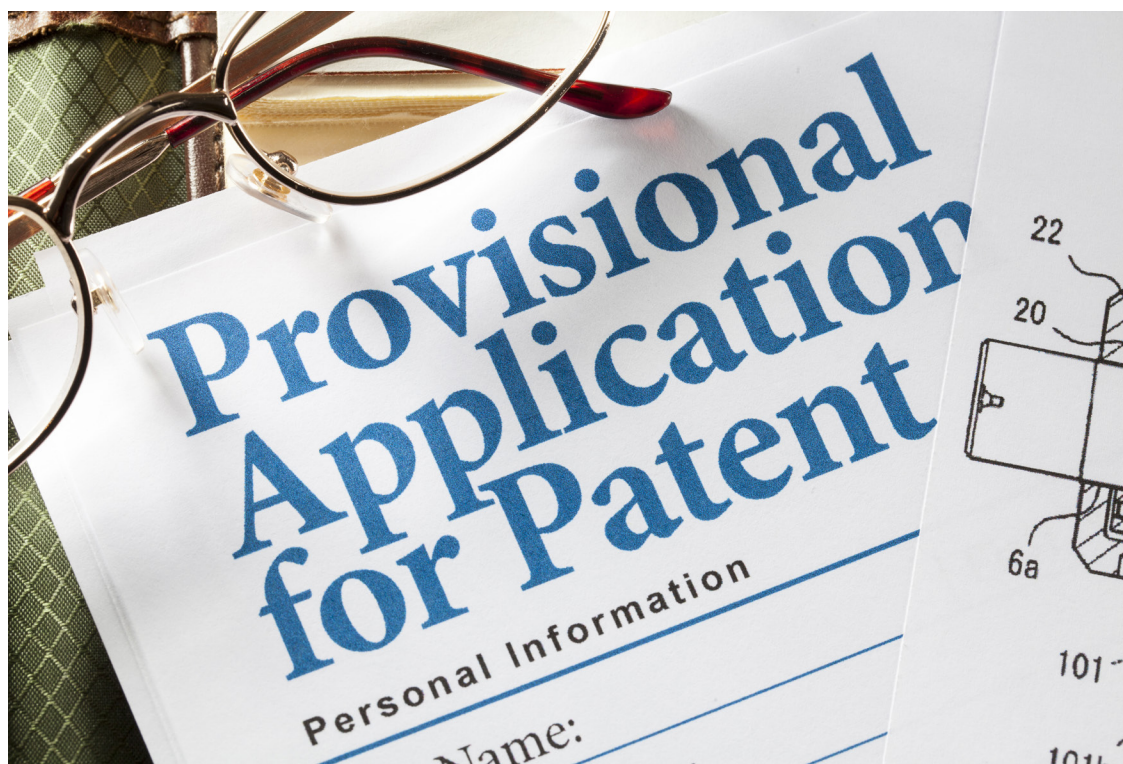
in the MSBA through mentorship and public service. This year's 15 Fellows fulfilled their public service requirements by developing a program designed raise awareness of cyberbullying and its consequences among high school students around the state.

Following the presentation, Leadership Academy Co-Chairs Jessica Quincosa and Judge Dana Middleton awarded certificates of completion of the program.

Leadership Academy alumni include, many among others, MSBA Past President Debra G. Schubert and current Secretary Deborah L. Potter.



United States Reaches 10 Millionth Patent Milestone



By David S. Taylor

The U.S. Patent & Trademark Office (“USPTO”) reached a milestone on June 19, 2018 by granting U.S. Patent No. 10,000,000 entitled “Coherent LADAR [laser detection and ranging] using intra-pixel quadrature detection” to Raytheon Company. The occasion was marked by a White House ceremony, at which President Donald J. Trump, Secretary of Commerce Wilbur Ross, and USPTO Director Andrei Iancu signed the patent. According to the USPTO’s website, the patent is further distinguished by being the first to receive a new patent cover design, which is only the second change to the patent cover to take place in the last 100 years.

It has been over 180 years since the USPTO issued U.S. Patent No. 1 under its current numbering system to John Ruggles for a “Locomotive Steam-Engine for Rail and Other Roads” on July 13, 1836. (The first U.S. patent, not numbered under the USPTO’s current system, was granted over two-and-a-quarter centuries ago on July 31, 1790 to Samuel Hopkins for an improvement in making pot ash and pearl ash. Mr. Hopkins’ patent was likewise signed by the president at the time, President George Washington.)

One remarkable aspect of the

lead-up to the issuance of U.S. Patent No. 10,000,000 has been the accelerating rate at which patents have been granted over the years. It took about 75 years from the grant of Mr. Ruggles’ U.S. Patent No. 1 in 1836 before U.S. Patent No. 1,000,000 was granted in 1911. The subsequent millionth-patent milestones occurred in the following years (with the number of years elapsed since the previous grant milestone in parentheses): 2,000,000 in 1935 (24 years from the grant of 1,000,000), 3,000,000 in 1961 (26 years), 4,000,000 in 1976 (15 years), 5,000,000 in 1991 (15 years), 6,000,000 in 1999 (8 years), 7,000,000 in 2006 (7 years), 8,000,000 in 2011 (5 years), 9,000,000 in 2015 (4 years), and 10,000,000 in 2018 (3 years). Over 300,000 utility patents (not including design patents and plant patents) have issued over the past year. If the rate of patent grants continues to accelerate at its current pace, U.S. Patent No. 20,000,000 should issue in about 30 years, around (and likely before) 2050. That is approximately one-sixth the amount of 180 years it took to grant the first ten million patents.

U.S. Constitution is the basis for the grant of patents (and copyrights). Article One, Section 8, Clause 8, provides that “[t]he Congress shall have power ... [t]o promote the progress of science and

useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” The patents laws are codified in Title 35 of the United States Code. Section 101 states that “[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” In addition to being “new and useful,” an invention must be non-obvious to be patentable.

The patent laws provide the owner of the patent with a right to exclude others from making, using, selling, offering to sell, and importing the patented invention, and from inducing others and contributing to the infringement of a patent. This exclusionary right is granted for a limited period (now 20 years from the earliest effective filing date, with patent-term adjustments available in some cases and subject to payment of maintenance fees). In return, as a *quid pro quo*, the inventor must disclose to the public in the patent how to make and use the invention. In other words, the inventor must “spill” his or her secrets. The information disclosed by the inventor is shared with the public through the publication of patent applications and granted patents. This sharing allows the

public to build upon the invention, thereby speeding the progress of scientific endeavor.

Without the promise of exclusivity, inventors would be forced to turn to secrecy (trade secrets) as the best protection for their inventions. However, trade secrets cannot protect an invention that can be reverse engineered. Thus, it can be (and has been) argued that without the patent system, there would be less incentive for individuals (and the corporations, universities, and

governmental entities for which they work) to innovate. And without incentive to innovate, we likely would be nowhere near ten million granted patents or the technological revolution that our society continues to enjoy.

David Taylor is a partner with the law firm of Berenato & White, LLC in its Bethesda office. The firm concentrates its practice in the area of intellectual property.

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Faculty will include Bar Counsel Lydia Lawless, former Bar Counsel Glenn Grossman, and representatives from Minnesota Mutual and TriBridge.



MSBA.org/Succession

DATELINE

JULY

16 The Monumental City Bar Foundation, celebrating its 20th anniversary in 2018, is pleased to announce their *25th Annual Scholarship Golf Classic*, at Bulle Rock Golf Course in Havre De Grace, Maryland. They remain dedicated to strengthening organizations in Baltimore City that continue to have a monumental impact on the lives of youth & community. For additional information and sponsorship details, please contact:

Ron Richardson at (410) 951-7168; rer@lawpga.com or Erica Lemon at (410) 951-7648; elemen@mdlab.org.

AUGUST

9 You are invited to the **MSBA's Animal Law Section** free mixer to honor service animals, mingle with past and present section members, and discuss the future of the section. The event will be held at Pratt Street Ale House, 206 West Pratt Street, Baltimore, MD from 6:00 p.m. - 9:00 p.m. This is a free event with a cash bar. For further details, contact

Angela Munro at angela@msba.org.

22-23 MSBA hosts a *CLE Institute* at University of Baltimore – Thumel Business Center, 11 West Mt. Royal Ave., Baltimore, MD 21201, where you can develop your skills and expand your brand. Do you want to deliver clear, compelling presentations at your next event or panel? The MSBA CLE Institute is designed to improve your speaking and presentation skills to engage and connect with your audience. **Apply by June 29!** Learn more and apply at <https://www.msba.org/product/msba-cle-institute>.

30 MSBA's Succession Planning Seminar equips lawyers with the tools they need to help clients and firms plan for the future. Attendees will gain expert insight on preparing for succession due to retirement and disability, sales & mergers, acquisitions, and more. Scheduled for 2:00 p.m. - 6:00 p.m. at College Park Marriott Hotel & Conference Center, 3501 University Blvd E, Hyattsville, MD. Check www.msba.org/succession to register and for more information.

MSBA Ethics Hotline

JULY

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Baltimore City
(443) 394-8800

ROBERT F. MILLER
Baltimore County
(410) 823-1800

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(301) 657-0734

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(202) 482-4772

AUGUST

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Baltimore City
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(301) 662-5155

MURPHY J. BURKE III
Baltimore County
(410) 559-8341

ARIANA W. ARNOLD
Baltimore City
(202) 806-2657

Members should address their written ethics inquiries to Patricia Weaver, Chair, Ethics Committee, 4800 Hampden Lane, Suite 700, Bethesda, MD 20814, or call (301) 951-9360, or e-mail tweaver@paleyrothman.com. Opinions of the Ethics Committee are available online at www.msba.org. Please consult the Rules and MSBA Ethics Opinion Website before calling.

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The Honorable Gerald Bruce Lee (Ret.) admirably served for nineteen years on the bench of the U.S. District Court for the Eastern District of Virginia. Prior to his appointment to the federal judiciary, Judge Lee served for over six years as a judge for the Fairfax Circuit Court, and before that, he was a trial lawyer representing individuals and businesses in complex civil disputes. Throughout his illustrious career, Judge Lee served his community on various boards and committees, including the Board of Directors of the Metropolitan Washington Airports Authority, as Chairman of the Virginia Judicial Conference Judicial Education Committee, and as a member of the Virginia Circuit Court Judges Benchbook Committee. Judge Lee now brings his record of excellence and achievement to The McCammon Group to serve the mediation, arbitration, special master, and judge pro tempore needs of lawyers and litigants in Maryland, DC, and Virginia.



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FROM THE BOARDROOM

MSBA's Annual Business Meeting of the membership occurred June 16, 2018 during the 2018 MSBA Legal Summit & Annual Meeting at the Clarion Fountains Hotel in Ocean City, Maryland. The Business Meeting featured a celebration of several achievements, including the graduation of the 2017/2018 Leadership Academy class, the appointment of the 2018/2019 Board of Governors, and the installment of the Hon. Keith Truffer as President of the MSBA. In addition, the members unanimously approved updated bylaws, which can be found on MSBA's website under the "About" tab.

In addition to the Annual Business Meeting of its membership, MSBA's Board of Governors ("Board") held two meetings; one on June 13, 2018 with the outgoing Board, and one on June 16, 2018, with the newly appointed Board.

The 2017/2018 Board has made tremendous progress implementing significant change at the MSBA, including upgrading infrastructure at the MSBA headquarters, launching a new website, delivering over 300+ programs, CLEs, and networking events for MSBA members, and much more. As such, it was only fitting that at their final meeting, Board members were asked to confirm various award winners to celebrate

their accomplishments during an important year of change. The awards discussed, and ultimately approved, included the Hon. Anselm Sodaro Award, and the Presidential Best Section Award. In addition to the awards, the meeting included a discussion and approval of the Pro Bono Resource Center's Board of Directors, and Maryland Legal Aid's Board of Directors. Finally, the Board discussed and approved support, in light of the ABA's request, for Federal Legislation H.R. 5082 - Practice of Law Technical Clarification Act of 2018.

In the Saturday, June 16, 2018 meeting, the newly appointed 2018/2019 Board got down to

business, by discussing and approving the MSBA's affiliation agreement with Access to Justice, and ratifying the 2018/2019 Fiscal Year Budget for the MSBA, which was developed and approved by the 2017/2018 Board at the Annual Retreat on May 11, 2018. In addition, the Board discussed the schedule for 2018/2019 Board meetings.

The next Board meeting will be held in September 2018. The date and location of that meeting will be finalized in the coming weeks, and posted on MSBA's "Board of Governors" page, which can be found on msba.org on the "Leadership" page under the "About" tab.

More information regarding MSBA governance can be found on the *Inner Workings* page of the website, which is located under the "For Members" tab. The *Inner Workings* page contains our latest *Inner Workings* newsletter, as well as links to MSBA's bylaws, the upcoming schedule for Board meetings, and the Agenda & Minutes from previous Board meetings.

Questions and/or comments regarding MSBA governance matters should be directed to feedback@msba.org.



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Additionally, free slots for a selection of MSBA CLE courses are available through PBRC. Volunteer attorneys are eligible for one of three (3) free slots in exchange for accepting a pro bono case referral from a recognized pro bono legal services program. To see currently available MSBA CLE courses, visit www.probonomd.org/msba-cle.

The list below illustrates the types of continuing legal education training programs offered. For a complete list, or to register for online trainings or select an MSBA CLE course, visit: www.probonomd.org/training.

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- Representing Consumers in District Court – Identifying Defenses and Affirmative Claims
- Advocating for Tenants in Baltimore City Rent Court
(Visit www.probonomd.org/training)

FEATURED MSBA Live CLE Training:

- 2018 Family Practice Update (August 9, 2018)
(Visit www.probonomd.org/msba-cle)

Additional PBRC On-demand Web-based CLE Trainings:

Copyright topics, including:

- Copyright & Art

Criminal Record Expungement topics, including:

- Criminal Record Expungement in Maryland

Elder Law topics, including:

- Estate Planning Basics for Low-Income Clients

Family Law topics, including:

- Family Law: Basics and Beyond

Foreclosure Prevention topics, including:

- Foreclosure Prevention Basics: What You Need to Know to Assist Struggling Homeowners

Immigration topics, including:

- How to Interview Undocumented Immigrants & Identify Immigration Defenses
- Custody, Guardianship, and Special Immigrant Juvenile Status
- Asylum Approved! How to Represent Asylum-Seekers

LGBTQ Law topics, including:

- Name Change & Gender Identity Petitions: Representing Transgender and Gender Non-conforming Clients Effectively

Medicaid topics, including:

- Medicaid Fair Hearings: Appealing Medicaid Service Denials

Nonprofit Law topics, including:

- Nonprofit Law

Property Law topics, including:

- Untangling Titles: Navigating Title Transfers, Deed Issues, and Estate Administration

Special Education Law topics, including:

- Special Education Law
- Special Education Due Process Hearings

Tax Sale Prevention topics, including:

- Helping Homeowners Avoid Tax Sale and Tax Foreclosure

Veterans Assistance topics, including:

- Veterans Benefits 101
- Representing Servicemembers in Discharge Upgrades

Utility Bills topics, including:

- Utility Bills Basic Training

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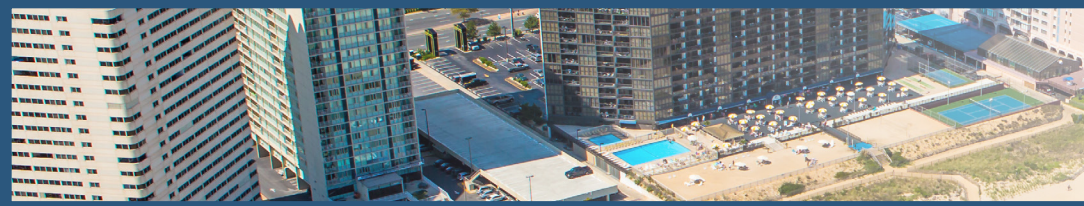
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INDIRA SHARMA
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Young Lawyers

NATHAN K. RISCH
Young Lawyers



The Journey of Two Lawyers

"The Journey of Two Lawyers" program featured former United States Attorney General Alberto Gonzales and Preet Singh Bharara, Distinguished Scholar, NYU School of Law & Host of Cafe's Stay Tuned with Preet, recounting their personal journeys through the legal profession to a packed house on the opening day of MSBA's Legal Summit & Annual Meeting. Incoming MSBA President Judge Keith R. Truffer moderated the discussion, which included a question-and-answer session with audience members.



General Sessions

Attendees learn and connect before, during and after general sessions.





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YLS Happy Hour

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President's Reception



Award Recipients

2018 MSBA AWARDS

ANSELM SODARO JUDICIAL CIVILITY AWARD – THE HONORABLE STUART R. BERGER

CHARLES H. DORSEY, JR. AWARD FOR EXCELLENCE IN LEGAL PROFESSIONALISM – GLENN M. GROSSMAN

PRESIDENTIAL BEST SECTION PROJECT AWARD

TO BENEFIT THE BAR – SOLO & SMALL FIRM PRACTICE SECTION

TO BENEFIT THE PUBLIC – DELIVERY OF LEGAL SERVICES SECTION

MARYLAND BAR FOUNDATION AWARDS

EDWARD F. SHEA, JR. PROFESSIONALISM AWARD – ROBERT K. ERDMAN, JR.

H. VERNON ENEY AWARD – THE HONORABLE J. FREDERICK MOTZ

J. JOSEPH CURRAN AWARD – THE HONORABLE ANDRE M. DAVIS

INDIVIDUAL MSBA SECTION AWARDS

Administrative Law Section

JOHN W. HARWICKE AWARD – ANDREW H. BAIDA

Alternative Dispute Resolution Section

ROBERT M. BELL AWARD – LOUISE PHIPPS SENFT

Business Law Section

JAMES J. HANKS LIFETIME ACHIEVEMENT AWARD – MARSHALL PAUL

STEVEN J. MANDELL SCHOLARSHIP AWARD – HERMAN BROWN

Consumer Bankruptcy Section

BELSKY AWARD – TIFFANY FRANC

Criminal Law Section

ROBERT C. HEENEY AWARD – THE HONORABLE LYNNE A. BATTAGLIA

Family & Juvenile Law Section

BEVERLY GRONER AWARD – MARYLAND COURT OF SPECIAL APPEALS CHIEF JUDGE PATRICK L. WOODWARD

Litigation Section

LITIGATOR OF THE YEAR AWARD – BRUCE MARCUS

Real Property Section

DISTINGUISHED MARYLAND REAL PROPERTY PRACTITIONER OF THE YEAR AWARD – RAYMOND G. TRUITT

Senior Lawyers Section

SENIOR LAWYER OF THE YEAR AWARD – JAMES L. THOMPSON

INAUGURAL MARYLAND JUDICIARY AND SENIOR LAWYER COMMITTEE AWARD – THE HONORABLE CHARLES E. MOYLAN, JR. (RET.)

Solo & Small Firm Practice Section

HJORTSBERG AWARD – MARY T. KEATING

Taxation Section

TAX EXCELLENCE AWARD – STEVEN M. GEVARTER

J. RONALD SHIFF MEMORIAL PRO BONO AWARD – JAMES P. LEITH

Young Lawyers Section

MELODY TAGLIAFERRI-CRONIN DISTINGUISHED SERVICE AWARD – MATTHEW B. STUBENBERG



Honoring Maryland's Pro Bono Heroes at MSBA Annual Meeting

By Dave Pantzer

Each year, during the annual MSBA business meeting in Ocean City, members of the Association pause to honor Maryland lawyers who have provided exemplary pro bono service during the previous year. Nominations for the Maryland Pro Bono Service Awards are collected each spring by the Pro Bono Resource Center of Maryland (PBRC), the pro bono arm of the MSBA.

On June 16, the 2018 awards were presented by Chief Judge Mary Ellen Barbera of the Maryland Court of Appeals, and Sharon E. Goldsmith, Executive Director of PBRC.

The **Judge Robert M. Bell Award** (honoring an individual who has gone above and beyond the average pro bono commitment for at least 5 years) was presented to Mary Anna Donohoe, of Montgomery County. Ms. Donohoe started volunteering with Homeless Persons Representation Project in 1988, staffing a clinic at a soup kitchen. She has volunteered once a month for thirty years, helping homeless persons with a broad swath of civil legal issues, including bankruptcy, consumer debt collections, employment, public housing, family law, and issues involving wills, trusts, and estates. Over her three decades as a volunteer, she has donated services with an estimated value of over \$158,000.

Charles Scheeler, senior counsel in the Baltimore office of DLA Piper, was selected for the **Distinguished Pro Bono Volunteer Award** (honoring an individual who has contributed in an outstanding way over a period of time or through extended service in a complex matter or case). Mr. Scheeler accepted the first vacatur case the Maryland Volunteer Lawyers Service (MVLS) Human Trafficking Prevention Project ever placed with a volunteer attorney. The case involved vacating 10 prostitution convictions for a survivor of human sex trafficking. Mr. Scheeler dedicated 7 months to the case, demonstrating sophistication in post-conviction law, and showing strong compassion and empathy in the representation.

The **Retired Pro Bono Volunteer Award** was awarded to Elva Tillman, of Baltimore City. Ms. Tillman has been volunteering with MVLS since 1992. Since her retirement from the Law Department for the City of Baltimore in early 2017, she has become a valuable addition to MVLS's Consumer Protection Project clinic. In 2017, she volunteered at 33 of the 52 clinics and assisted 72 clients. In addition, Ms. Tillman volunteers with Pro Bono Resource Center's Home Preservation Project.

The **Lee A. Caplan Award** (honoring a solo or small firm practitioner) was presented to Herbert A. Dubin of Mont-



2018 Maryland Pro Bono Service Awards presented at Ocean City - Front Row, from left: Sharon E. Goldsmith, Executive Director of PBRC; Maya Zegarra, immigration staff attorney at Ayuda; Madonna Lebling, solo immigration attorney; Mary Anna Donohoe, solo practitioner; Jane Santoni, member of Santoni, Vocci & Ortega, LLC; Herbert A. Dubin, solo practitioner. Back row, from left: Mary Price, General Counsel at Families Against Mandatory Minimums; Jane Murphy, Professor of Law at University of Baltimore School of Law; Christian Noble, solo immigration attorney; Chelsea Ortega, member of Santoni, Vocci & Ortega, LLC; Paul B. DeWolfe, Maryland Public Defender; Matt Vocci, member of Santoni, Vocci & Ortega, LLC.

gomery County. Since 2008, Mr. Dubin has provided over 1,400 hours of pro bono service, including helping 65 clients with family law cases. Mr. Dubin became a solo practitioner in 1983, and, at 77 years of age, brings a wealth of experience and a sense of balance as he serves clients and mentors newer volunteer attorneys.

Three immigration attorneys, Madonna Lebling, Christian Noble, and Maya Zegarra, were selected for the **Young Lawyers Section Alex Fee Memorial Award**. These three attorneys started out as University of Baltimore law student volunteers with Esperanza Center's Pro Bono Project. They consistently volunteered together at weekend legal clinics, and each has made an individual decision on how to serve with Immigration Legal Services. Mr. Noble signs up in January for an entire year of clinics; Ms. Lebling takes back-to-back pro bono clients to keep her skills sharp; and Ms. Zegarra acts as an ambassador, encouraging her membership organizations and colleagues to donate to and volunteer with the Pro Bono Project.

The **Law Firm Pro Bono Service Award** (honoring firms that innovate and encourage a significant percentage of the firm's attorneys to participate) was presented to Santoni, Vocci & Ortega, LLC, of Towson. In just over a year, the three members of this firm have accepted 34 consumer pro bono

cases from MVLS, and provided court-house counseling and services through PBRC and Civil Justice. The cases are both fast-paced and complicated, but these attorneys have accepted them without hesitation, often achieving advantageous settlements for their clients. Attorneys from the firm also help staff to unravel complicated legal issues, and assist by training and mentoring newer attorneys.

The Maryland Juvenile Lifer Parole Representation Project was selected to receive the **Herbert S. Garten Special Project Award** (honoring an individual, group, or firm that has initiated a special project that enhances the delivery of legal services for low-income persons). This working group includes Families Against Mandatory Minimums; the University of Baltimore Law School Juvenile Justice Project; Skadden, Arps, Slate, Meagher & Flom LLP; the Maryland Office of the Public Defender; the American Civil Liberties Union of Maryland; the Maryland Restorative Justice Initiative; the Catholic University of America Columbus School of Law Clemency Project; and the American University Washington College of Law Criminal Justice Clinic.

The parole process presents obstacles that prevent even model juvenile lifers from being considered for release. Legal representation is critical, but mostly unavailable. Since coming together in May 2017, the

group has recruited 50 pro bono attorneys, who are currently representing 28 clients. Present to receive the award were Professor Jane Murphy of the University of Baltimore Law School, Maryland Public Defender Paul B. DeWolfe, and Mary Price of Families Against Mandatory Minimums.

The **Non-Legal or Organizational Involvement Award** was awarded to Maryland Faith Health Network (MFHN). Understanding the impact that foreclosure, tax sale, and other housing instability has on the wellbeing of our communities, MFHN set about to provide knowledge and resources in these areas. They sought funding from the Maryland Department of Health to create presentations on advanced health care directives, to be provided through various places of worship. The project has created connections between faith leaders, who are often the ones consulted during life crises, and free services related to legal needs.

A video of the 2018 award presentation, as well as further information, is available at www.probonomd.org/awards.

Dave Pantzer is Director of Education, Outreach, and Technology for the Pro Bono Resource Center of Maryland.

2017-2018 MSBA Annual Report

Where we've been, where we're headed

It's been a year of change for the Maryland State Bar Association, as we renew our commitment to improving and building on the member services that have made us the voice of Maryland's legal community for more than 100 years.

A rebrand and new website. Powerful and effective leadership in Annapolis on behalf of the profession. New learning opportunities for every segment of the profession.

Read the 2017-2018 Annual Report online now to look back on all that we have accomplished together in the past year, as we begin the next chapter of the MSBA.



Read the report today at

[MSBA.org/AnnualReport](https://www.msba.org/AnnualReport)



Maryland State Bar Association

CONTINUING LEGAL EDUCATION

Opportunities

By Andrea Terry

The annual Family Practice Update is coming up on August 9th in Columbia. This must see program for Maryland family law practitioners will cover changes in the law over the last year that impact your practice. Attend and stay current! Also coming the week of September 24th is our 40 hour mediation training at the University of Baltimore, which is always in high demand and has limited seating, so go to msba.inreachce.com for more information and to register. Experienced trainers Ellen Kandell and Barbara Williams will lead you through learning the facilitative model of mediation, and this training complies with the requirements in Maryland Rule 17 for Circuit Court mediators.

LIVE IN-PERSON & WEBCASTS

■ **AUGUST 9, 2018.** *Family Practice Update.* Columbia, MD. Registration is open. *webcast

■ **AUGUST 22-23, 2018.** *CLE Institute.* Baltimore, MD. Registration is open.

■ **AUGUST 30, 2018.** *Succession Planning Seminar.* Hyattsville, MD. Registration is open.

■ **SEPTEMBER 24-28, 2018.** *40 Hour Mediation.* Baltimore, MD. Registration is open.

■ **OCTOBER 9, 2018.** *Advanced Real Property Institute.* Columbia, MD. Registration opening soon.

■ **NOVEMBER 12-16, 2018.** *Advanced Tax Institute.* Baltimore, MD. Registration opening soon.

NEW ONLINE, ON-DEMAND

■ *Hot Tips in Family Law: What NOT to Do!*

■ *ABLE, Special Needs Trusts and the New POMS*

■ *What is New in Handling Drinking and Driving Cases in Maryland*

■ *2018 Employment Law Institute*

■ *Issues in High Value Family*

Law Cases

■ *Fiduciary Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships*

■ *Adult Guardianships in Maryland—the New and Improved Process! 2018 Hot Tips in Workers' Compensation*

■ *Immigration Law Update: Creative Lawyering Strategies in Times of Uncertainty*

■ *Advanced Estate Planning Institute*

■ *2018 Hot Topics in Elder Law*

■ *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation*

VIDEO REPLAYS

■ **JULY 17, 2018.** *Advanced Estate Planning Institute.* Baltimore, MD.

■ **JULY 19, 2018.** *Advanced Estate Planning Institute.* Rockville, MD.

■ **JULY 24, 2018.** *Fiduciary Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships.* Baltimore, MD.

See CLE Page 19

RECENT PUBLICATION UPDATES—NOW AVAILABLE

Order your copies today
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APPELLATE PRACTICE FOR THE MARYLAND LAWYER, FIFTH EDITION

Editors: Paul Mark Sandler, James K. Archibald, and Steven M. Klepper

Appellate Practice for the Maryland Lawyer, Fifth Edition is the authoritative “how to” reference for Maryland attorneys who practice in the three appellate courts: the Court of Appeals of Maryland, the Court of Special Appeals of Maryland and the U.S. Court of Appeals for the Fourth Circuit. Distinguished members of the Bench and Bar, including the Chief Judges from all three appellate courts, along with editors Paul Mark Sandler, Andrew D. Levy and Steven M. Klepper, provide essential updated information and advice on how the appellate advocate should

effectively represent a client on appeal and properly proceed at the appellate level.

Updates for the *NEW 5th Edition* include—

- Highlights of Federal and Maryland Appellate Rules
- Conversations with Chief Judges of all three Appellate Courts
- Advice on Effective Brief Writing
- Steps on Preparing the Record Extract and Joint Appendix
- Amicus Briefs
- Review through Extraordinary Writs & Certified Questions by the Court of Appeals
- Sample Briefs
- and more

2018 REPLACEMENT PAGES—MARYLAND CRIMINAL PATTERN JURY INSTRUCTIONS, SECOND EDITION
MSBA Committee on Pattern Jury Instructions

The new 2018 *MJPI-Criminal Replacement Pages* replaces all pages

See **Publications Page 19**

MSBA LAWYER ASSISTANCE PROGRAM WELLNESS TIPSHEET

By Lisa Caplan

Everyone experiences personal or work related problems at some point. Early intervention is the key to resolving these concerns. Call the Lawyer Assistance Program for free, confidential assistance. The Lawyer Assistance Program is committed to providing assistance to lawyers, judges, law students and their families by offering assessment, referral, short-term counseling, and continued support to ensure long term success.

The Lawyer Assistance Program Can Make a Difference.

Our services include help for a broad range of problems and personal concerns such as:

- Wellness
- Depression
- Marital and Family Concerns
- Alcohol and Drug Abuse
- Stress and Burnout
- Prescription Drug Concerns
- Career Concerns
- Gambling
- Internet Addiction
- Sexual Addiction
- Compulsive Spending
- Eating Disorders

- Balancing Work and Family
- Bereavement

Referring to the Lawyer Assistance Program

If you are concerned about another lawyer you can make an anonymous referral to the Lawyer Assistance Program.

12 Step Support Meeting

We host a 12 Step Support meeting every Thursday from 6:30 p.m. – 7:30 p.m. at the Maryland Bar Center, 520 West Fayette Street, Baltimore, MD 21201.

Confidentiality

Federal and state law ensures the confidentiality of those who seek assistance through the Lawyer Assistance Program and those who have been referred to the Lawyers Assistance Program. In addition, Rule 8.3 in The Maryland Lawyers' Rules of Professional Conduct and Attorney Trust Accounts protects the confidentiality of lawyers using the program.

If you need assistance please contact:

Director: James Quinn, MS,
CCDC (443) 703-3041, jim@msba.org

Counselor: Lisa Caplan, LCSW-C (443) 703-3042, lisa@msba.org

Toll free: (800) 492-1964

Lisa Caplan is a Licensed Certified Social Worker at the clinical level (LCSW-C), has over 20 years' experience in her field, and extensive experience providing wellness workshops and working with lawyers and judges in the areas of mental health, substance abuse and trauma.

There's an App for That! *Through Form and Function, Apps are Making Lawyers More Productive*



By Tatia L. Gordon-Troy

There are more than six million apps available to smart phone and tablet users today, with nearly two million in the Apple App Store, and 3.6 million in Google Play, according to statista.com. When you hear someone say, "There's an app for that," believe it. However, among them are only a select few that stand out from the crowd, perform the way they were intended, and receive excellent reviews.

Today's law-related app technology is aimed at improving the efficiency of law practice. But this article will cover some non-law-related apps that lawyers should incorporate into their daily work routine to increase productivity and improve recordkeeping.



MileIQ

MileIQ tracks your mileage and allows you to classify your

trips for business or personal. It is so easy to use because it works in the background so you never need to think about it. Just jump in the car and go. Then check the app later to categorize your trips, record your mileage, and record what each trip is worth.

With MileIQ, you can:

- Classify your drives using default categories or develop your own;
- View what each trip is worth or request a detailed report at any time, which is emailed to you immediately;

- Track your trips for reimbursements and tax deductions. Personalize each drive, delete unwanted drives,

duplicate drives, and more.

MileIQ is free for up to 40 drives per month, and only \$5.99/month for unlimited trips. It has a 4.6 rating in the Apple App Store, and a 4.5 rating in Google Play.



Evernote Scannable

Evernote Scannable is the most convenient and easy-to-use app for scanning documents, such as receipts, business cards, contracts, briefs, checks, post-it notes, you name it. Scannable allows you to email a scanned document as a PDF or image, or save PDFs and images to your phone or cloud storage.

Scannable scans a document quickly and beautifully just by hovering your phone's camera over the document. You can even crop them in real time and resave. And there are no watermarks added to your documents and no prompts to upgrade after a certain amount of use.

Say goodbye to bulky, stationary scanners. PCMag.com named the app a PCMag Editors' Choice with 4.5 stars. The app has a 4.8 rating in the Apple App Store.



FAX by Alexey Bogdanov

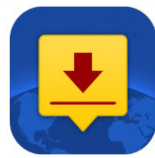
The FAX app for Apple devices simplifies faxing

like nobody's business! What a way to prove that the monstrosity sitting in your office, better known as a fax machine, is no longer needed. This app will let you send any document anywhere, anytime. You can even combine multiple documents into a single fax and preview your fax before sending.

I downloaded this app after I received a form from my doctor's office, which needed to be faxed. At first, I considered firing up the old fax machine I still have in my office, until I realized that I had terminated the land line in my office months ago. I went searching for a solution and to my amazement, this app worked like a charm.

Send any file and import documents from your DropBox, Google Drive, or any cloud drive. You can even track your sent documents using the app.

The FAX app requires in-app purchases. You can buy 250 credits for about \$9.99. One page takes about 10 credits to fax, which is about .40 cents. TechRepublic.com recommends this app, which has more than 11,000 ratings, most of which are five stars. This app has a 4.8 rating in the Apple App Store.



DocuSign

With 50 million users, a 4.9 rating in the Apple

App Store, and a 4.5 rating in Google Play, this app is worth a try. Use DocuSign to sign documents for free; but for a fee, you can also request signatures. You are limited to three free requests before you need to purchase different levels of access for a monthly fee. You can use email, Evernote, or any cloud drive to send documents.

DocuSign supports PDF, Word, Excel, and various image files, and it will notify you when a document has been signed.



Bitly

For many lawyers who are social media buffs and frequently

post on the go, the Bitly app is for you. Maintaining a social media presence is time consuming, so when this little app came along, it made capturing long URLs quick and simple when jumping on to Twitter, LinkedIn, or Facebook to post an event or a relevant article. Not only does Bitly shorten your links, it allows you to customize links, track clicks, and measure engagement. The app works great even though it shows only a 3.3 rating in the Apple App Store but a 4.3 rating in Google Play.

Remember, apps don't need to be designed solely for lawyers in order for lawyers to find them useful.

Tatia L. Gordon-Troy, Esq. is a member of the Maryland Bar and helps attorneys self-publish as a way to market themselves and their practices.

She runs her own firm, Ramses House Publishing LLC. Copyright ©2018. Ramses House Publishing LLC, www.publishingforlawyers.com.

The Maryland Hispanic Bar Association

Requests the pleasure of your company at our Twenty-Fifth Anniversary Gala and Dinner

Thursday, September 27, 2018
6:00 p.m. - 9:30 p.m.
Martin's Crosswinds
7400 Greenway Center Drive
Greenbelt, Maryland 20770

Keynote Speaker

VICTOR L. VELAZQUEZ

Executive Director

Maryland State Bar Association

Business/ Cocktail Attire

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R.S.V.P. by September 1, 2018

For tickets, sponsorship or information, please go to the MHBA website:

MarylandHispanicBar.com

or contact

Manny Fishelman at (917) 701-5867;

EFishelman@antezanalaw.com

Daniel Renart at (301) 383-1525;

Drenart@rghlawyers.com

Energy for Your Work Day

5 Productivity Snacks

By Haley Shaw

The three o'clock bewitching hour rolls around and your energy may be running low; however you still have a few more hours of work, a commute home, then your typical after-work activities (errands, running kids around, meeting up with friends, working out, etc.). Snacks that provide us with an endless amount of energy are a must. Below, I will lay out the top five productivity snacks to get you through your day. Whether you're driving to make an appointment, in and out of meetings, or "in-the-zone" at your desk, these snack selections will provide a convenient grab-n-go option no matter where you are.

Snack Choice 1: Rice Cakes with Peanut Butter and Fruit of Choice

Although rice cakes are a great low calorie option, they are a little more than refined carbohydrates (*which are quickly digested and converted into sugar*). That said, timing with rice cakes is key. Solely consuming rice cakes on an empty stomach can actually induce a spike in blood sugar. This might just leave you feeling sluggish and craving more foods. Try to pair rice cakes with a healthy fat and fruit choice. This will quickly switch over to one of the most convenient healthy grab-n-go snack options - especially pre workout. How so? When you pair a low calorie item (rice cakes) with fruit of choice (banana, apple, strawberry slices) and a healthy fat (peanut butter, avocado, hummus), the healthy fat will actually decrease hunger cues over time. This will help keep you full for a longer period of time, allowing you to take on the tasks needed to complete whatever job you are working on.

Remember:

Snack smart. Grab 2 rice cakes and top with 1-2 tbsp. peanut butter and your fruit of choice

Snack Choice 2: Protein Pancakes and Bites

One of my all time favorite snacks...protein pancakes and/or protein bites. Although you do have to make each item ahead, I recommend making a big batch of both, and storing in the refrigerator or freezer.

Trainer Hales Famous Protein Pancakes Recipe: (Yields 1 Serving; 3, 3-inch Pancakes)

Ingredients:

1/4 cup liquid egg whites or 1 whole egg
1 scoop Level-1 or Phormula-1 Protein Powder (any flavor)
Optional: 1 tbsp. coconut/almond or gluten free flour or 1/2 banana splash almond/coconut milk splash coffee (surprisingly really tasty)
cinnamon or pumpkin pie spice, to taste

Directions:

1. Combine all ingredients either in blender or mix by hand.
2. Spray pan with PAM and pour mixture into pan and cover with lid.
3. Flip over and enjoy!

Cinnamon Vanilla Breakfast Protein Bites (Yields 12 Bites)

Ingredients:

3/4 cups oats (gluten free)
1/2 cup PB2
2 Scoops Level-1 Vanilla Protein Powder
1 tsp cinnamon
1/4 cup regular peanut butter, melted
1/4 cup Walden Farms Calorie Free Syrup
1 tsp. vanilla extract

Directions:

1. Add oats, PB2, Vanilla Protein Powder, and cinnamon to a food processor and blend until well combined.
2. Add melted peanut butter, syrup and extract to flour mixture.
3. Using spoon, scoop out 1 oz. mixture and roll into balls. Place on parchment paper and freeze for 20-30 minutes.
4. Dust with additional cinnamon and vanilla protein powder if desired. Keep in fridge or freezer for up to 6 weeks.

Snack Choice 3: Protein Shake

Fizzique, Vital Proteins Collagen Peptides, 1st Phorm Level-1 Protein are few great protein drink options. Recently, I tried the latest craze—sparkling protein water. As a huge La Croix fan, instantly I became a fan for Fizzique Sparkling Protein Water. Time to dive into the importance of each type of protein:

Fizzique is a light and refreshing on-the-go protein drink option to kick-start your energy and satisfy hunger between meals. The 20g of healthy bubbles of protein will reduce cravings for a high carb snack. **1 Can= 80 Calories and 20g Protein**

One of the greatest things about collagen is that it's a simple supplement to integrate into a diet. Vital Proteins Collagen Peptides dissolve into hot or cold beverages, and Vital Proteins has a few options to choose from. Whether you're on-the-go and need the single serving stick packs, or a 32 oz tub to keep at the office, you can mix some up for an afternoon pick-me-up in coffee, BCAA's, hot tea, or flavored water. Individuals can benefit greatly from collagen supplements, as collagen is crucial for the maintenance of healthy bones, joints, cartilage, and other connective tissues.

1 Stick Packet= 35 Calories and 9g Protein

Whether your goal is weight loss or muscle gain, 1st Phorm Level-1 protein powder makes it easy to increase protein, or number of meals throughout the day. High in protein, low in carbohydrates and fats, makes this the perfect powder to mix into any liquid for a creamy, and delicious option. It is one of the best tasting meal replacement protein powders on the market, and leaves you feeling satisfied with no bloat, gas, burps, or upset stomach. **1 Scoop= 150 Calories, 24g Protein, 6g Carbohydrates, and 3g Fat.**



Snack Choice 4: KIND Bars

When searching for a nut or protein bar: compare protein to sugar content. Right now, grab your typical bar of choice. Check the protein to sugar ratio. Is the protein higher than sugar, or other way around? Commonly, you will find the sugar content higher than protein in bars and yogurt. Make sure to find a good bar where the protein content is higher than the sugar content. For example, KIND bar's new protein Crunchy Peanut Butter bar, contains 12g Protein, and 8g total sugar (includes added), which is a great ratio.

One time when sugars *can be* higher than protein is when purchasing a fruit and nut bar. Check out the ingredients. Make sure the bar states "whole fruit" instead of fruit juices (apple, banana, strawberry, etc.). For example, when you're craving something sweet, opt for PRESSED by KIND Fruit Bar or Fruit and Chocolate Bars. PRESSED By KIND Fruit Bar Mango, Apple, Chia contains 21g sugar and only 1g Protein. This is okay, because the ingredients are: mango, apple, chia seeds. That's it!

Remember:

Protein > Sugar
Natural Sugar > Added Sugar

Snack Choice 5: Turkey Jerky

Thankfully, you can now find turkey jerky everywhere—gas stations, grocery and convenience stores. Yes, it is higher in sodium; however, this is a great "last resort" snack option for a healthy, high protein, low carbohydrate treat.

Take these five productivity snack time choices to keep you full of energy. A little preparation goes a long way. Prepare ahead of time to keep your health on track throughout the workday.

If you had to choose one of the five snack choices outlined in this article, which one would you grab for your workday snack?

Haley Shaw owns Amp Up Fitness and works with MSBA to provide health and fitness content to members. You can contact Haley at haley@AmpUpFitness.com, or check out her website at www.AmpUpFitness.com.

Lee Ogburn, principal at Kramon & Graham, has been named a recipient of the Maryland Legal Aid Equal Justice Council's 2018 Executive Director's Award.

Chris Jeffries, Kramon & Graham trial lawyer, has been named a 2017 - 2018 MVP of the Maryland Defense Counsel for his work on the MDC Deposition Bootcamp Steering Committee.



Vijay Mani

Vijay Mani has been elected as Senior Counsel at Joseph Greenwald & Laake P.A.



James M. Dore

James M. Dore has been promoted to partner at Elville and Associates, P.C.



Hanna Sheehan

Hanna Sheehan has joined Maryland Volunteer Lawyers Service (MVLS) as a staff attorney for the organization's Adult Public Guardianship Program.

CLASSIFIEDS

SERVICES

ECONOMIST: Lost income, benefits and life-care plans valued for personal injury, wrongful death and employment cases. University professor with extensive experience.

DR. RICHARD B. EDELMAN, 8515 Whittier Boulevard, Bethesda, MD 20817. (301) 469-9575 or (800) 257-8626. References and vitae on request. Visa/MC. Please visit at: www.economic-analysis.com.



Send your latest news and updates to Lisa Muscara for inclusion in Et Alia:
lisam@msba.org.

Keating Receives 2018 Hjortsberg Award



The MSBA Solo & Small Firm Practice Section presented its 2018 David Hjortsberg Award to Mary T. Keating on June 15 during the MSBA Legal Summit & Annual Meeting in Ocean City, Maryland.

The purpose of the Hjortsberg Award is to acknowledge, com-

mend, and express appreciation for solo and small firm practitioners who raise the bar of professionalism, civility, intelligence, respect, and community commitment for all. With this year's Award, the Section recognized Keating's exemplary 30-year legal career, during which time

she has worked tirelessly on behalf of her clients, as well as mentored both law students and fellow attorneys. Keating is also Immediate Past President of the Maryland Employment Lawyers Association.



The Chesapeake Legal Alliance Seeks Executive Director

The Chesapeake Legal Alliance is a nonprofit organization whose mission is to use the law to protect and restore the Chesapeake Bay. They carry out that mission primarily through a network of volunteer attorneys who provide pro bono legal assistance to individuals, communities and organizations working towards protection and restoration of the

Bay and its watershed, but who cannot afford an attorney.

The Executive Director is the leader of the organization, and is the person primarily responsible for its operations, funding, and management. For a full description of the roles and duties of the Executive Director, please email info@chesapeakelegal.org.

TRUFFER...Page 1

ing role in shaping our profession while we serve our members and our community," he said.

Having laid that groundwork, Truffer turned to the subject of lawyer assistance, an issue "which, if nothing else, will have a lasting impact as a result from my service as President." Citing a pair of recent "groundbreaking" studies that found the legal profession to be roughly three times more susceptible to stress-related alcohol and substance abuse, Truffer emphasized the need for destigmatization of this disease, and the expansion of resources available to those afflicted

by it.

Using as a basis an August 2017 report issued by the American Bar Association's National Task Force on Lawyer Well-Being, Truffer noted that he has already initiated dialogue with various "stakeholders" throughout Maryland, including the MSBA Lawyer Assistance Program, the Maryland Judiciary, the Office of Bar Counsel, the Judicial Disabilities Commission, both of the state's law schools, and professional liability insurers.

"Each of these groups has a profound interest in combating the mental health issues of depression

and alcohol and drug abuse which afflict many of Maryland's lawyers, judges, and law students," he said. "It is my goal for the MSBA over the next year, in partnership with these stakeholders, to develop for Maryland a coordinated effort, consistent with the recommendations of the ABA's National Task Force to acknowledge the problems of alcohol addiction and substance abuse and to promote awareness thereof; to expand the availability of treatment for these conditions; to destigmatize and encourage those who need treatment; and to emphasize the confidentiality of

that treatment."

"To meet this challenge is both an act of humanity to those lawyers who need our help and critically necessary to meet our responsibilities to our community and to our profession," he summarized.

Truffer concluded by noting that MSBA has already "had to make many difficult choices as to its future course. In considering those decisions, there are voices among us who insist on looking backward, clutching on to what we have been, rather than looking to what we can be."

"With a full understanding

of our noble history and a deep appreciation for the contributions and sacrifices of so many who have made the MSBA the premier organization that it is, let me eliminate any ambiguity," declared MSBA's new President. "I stand with those who look forward – those who see change as an opportunity, rather than a peril."

Members also elected MSBA Officers for the 2018-2019 Bar Year, including: Dana O. Williams, MSBA President-Elect; Hon. Mark F. Scurti, MSBA Treasurer; and Deborah L. Potter, MSBA Secretary.

CLE...Page 14

■ **JULY 26, 2018.** *Fiduciary Litigation: Contested Wills, Trusts, Inter Vivos Transfers and Guardianships.* Rockville, MD.

■ **JULY 30, 2018.** *2018 Hot Topics in Elder Law.* Baltimore, MD.

■ **AUGUST 2, 2018.** *2018 Hot Topics in Elder Law.* Rockville, MD.

■ **AUGUST 7, 2018.** *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation.* Baltimore, MD.

■ **AUGUST 9, 2018.** *Pesky and Persistent Evidentiary Issues in Estate and Trust Litigation.* Rockville, MD.

■ **SEPTEMBER 18, 2018.** *Family Practice Update.* Baltimore, MD.

■ **SEPTEMBER 20, 2018.** *Family Practice Update.* Rockville, MD.

■ **DECEMBER 11, 2018.** *Advanced Real Property Institute.* Baltimore, MD.

■ **DECEMBER 13, 2018.** *Advanced Real Property Institute.* Rockville, MD.

PUBLICATIONS...Page 14

in the Second Edition and

- brings the Second Edition fully up to date with current developments in statutory and case law.
- includes 16 revised instructions to reflect legislative changes—including the extensive changes made to rape and sexual offense statutory provisions
- includes 6 brand new instructions—including a new post-verdict advice instruction, and
- updates and expands comments and notes on use.

Your purchase of the new 2018 Replacement Pages to the Second Edition also includes a link to conveniently download all of the jury instructions in electronic format, provided to save busy practitioners hours of time!

2018 REPLACEMENT PAGES—MARYLAND CIVIL PATTERN JURY INSTRUCTIONS, FIFTH EDITION

MSBA Committee on Pattern Jury Instructions

The NEW 2018 MPJI-Civil Replacement Pages for the Fifth Edition, replace all Pages in the Fifth Edition, and is Maryland's most authoritative source of impartial, accurate statements of the law, using easy-to-understand language.

The Replacement Pages—

- bring this valuable work up to date with brand new and revised instructions, updated commentary, new case law, and statutory references
- contain a valuable Instructions Table to assist you in determining instructions that are new, have been deleted or renumbered, and Update the Tables of Statutes, Cases.

Your purchase of the new 2018 Replacement Pages to the Fifth Edition also includes a link to conveniently download all the jury instructions in electronic format.

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The Honorable Kevin F. Arthur, Judge, Court of Special Appeals of Maryland

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