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PRESIDENT'S MESSAGE BY PILAR C. NICHOLS



Happy Spring! I hope that everyone has been enjoying the warmer weather and getting some time in the sun. For those of you that escaped the cold with spring break trips – welcome back to reality! I was lucky to get away and enjoy unplugged time with my family, but the sharp dive back into an alarm clock, deadlines, court appearances, and emails was brutal, as I'm sure it was for many of you.

As I write this, we are preparing and gearing up for Law Day. I hope that you are able to join in on the CLEs, an opportunity for service, and festivities we have lined up. Our CLE's this year are FANTASTIC! We kick off the week on April 29 with a stellar panel including Tom DeGonia II, Judge McAuliffe, Judge McCullough, Kate McQueen, Jeremy Rachlin, and Adam Van Grack, who will address conflicts of interests in various practice areas. Tuesday, our favorite Wisconsin tax guru, Eric Rollinger, will give tax tips for attorneys with law offices of all sizes. Immediately following, Paul Griffin, part of the trial and appellate team of *Breona C. v. Rodney D.*, will present on how the case changed the how contempt can and cannot be used in family and other civil cases. Wednesday kicks off with a bang as Tim Maloney presents his always entertaining and hilarious legislative update. Capping off our week of CLEs, David Kay, Jordan Savitz, Andrew Schwartz, and Ray Sherbill will impart their knowledge on navigating compliance with the Corporate Transparency Act. Wanda, Cindy, Tricia and the entire staff have spent countless hours working on the details that make Law Week possible and I'm extremely grateful to all of them.

Thursday evening, following our day of service, the Leadership Academy will host a gathering at Tommy Joe's in Bethesda that promises to be a fun opportunity to socialize and network. Admission includes drinks, appetizers, and the chance to win some great raffle prizes. Members are encouraged to bring non-members to this event.

I am very much looking forward to our annual meeting and luncheon. New this year is an auction to support the Bar Foundation, made possible by the generosity of BAMC members and local vendors. Auction items include experiences, gift cards, jewelry, and other treasures that are sure to delight. Bidding begins at 11:30am and will close at 12:30pm; winners will be announced during the luncheon so be sure to get there early.

As always, the planning committee will debut their hilarious Law Day video. I can't wait to see who makes a cameo appearance and

(Continued on page 4)



130TH ANNUAL MEETING AND LAW WEEK CELEBRATION

EDUCATIONAL PROGRAMS

Monday, April 29th
Tuesday, April 30th
Wednesday, May 1st
12:30 p.m. - 1:30 p.m.
1:30 p.m. - 2:30 p.m.
(Virtual)

DAY OF SERVICE

Thursday, May 2nd
(Shepherd's Table)

ANNUAL MEETING LUNCHEON AND AWARDS

Friday, May 3rd
12:30 p.m. - 2:15 p.m.
(Bethesda)

HAPPY HOUR Honoring the Outgoing BAMC President

Sponsored by
The New Practitioner Section
Friday, May 19th
2:15 p.m.
(Bethesda)

New This Year!
Auction to raise funds for the
Bar Foundation | Friday 11:30 a.m.

Details on Pages 13-14

Bar Association Staff

Wanda	Executive Director	(301) 424-3453
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Maria	Office Manager/LRS Supervisor	(301) 424-7040
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Bar Foundation Staff

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	Tricia@barfoundationmc.org	

Pro Bono Program

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

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

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	Guadalupe@barfoundationmc.org	
Sabrina	Case Manager	(301) 762-8488
	Sabrina@barfoundationmc.org	

FOR LAWYERS WHO NEED HELP

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

All calls are strictly confidential.

William E. Hewitt, Jr., Co-Chair

(301) 424-8520 / billhewittjr@verizon.net

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(240) 423-6847 / alisha@jacobsenattorney.com

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CIRCUIT COURT NOTES

James A. Bonifant,
Administrative Judge

CRIMINAL PLEA AGREEMENTS

Even if a plea agreement is reached, attorneys are expected to continue to prepare for trial until the plea is accepted by the Court. Filing a plea memo is not a reason to stop preparing for trial. Witnesses should not be released until the plea is accepted by the Court. Stating a plea was not accepted at the last minute is not justification for postponement.

RESPONDING TO THE COURT'S REQUEST FOR CASE STATUS

Due to the Court's backlog, it is imperative for the court to obtain an accurate assessment of the status of your case prior to trial. Surprisingly, emails from chambers or court staff have gone unanswered. Please respond as soon as possible to any emails received.

You will receive an email from Family Division Services (mccfamilycasestatus@mdcourts.gov) or the Civil/Criminal Case Managers (Nicole Pulliam — nicole.pulliam@mdcourts.gov or Annalese Bell — annalese.bell@mdcourts.gov) approximately three weeks prior to your scheduled trial. Thereafter, you may receive emails from the chambers of the assigned judge. You must

respond to these emails to advise as to the posture of your case and provide the information requested.

INTERPRETER REQUEST

The need for Court interpreters is on the rise. This includes the Court's staff interpreters and contract interpreters. Attorneys must notify the Court when they know an interpreter is needed. It is equally important that attorneys notify the Court when there is no longer a need for an interpreter.

If an interpreter is needed for a scheduled Court hearing and/or trial, please complete and submit a Request-for-Interpreter form (CC-DC-041) as soon as possible. Requests for interpreters should be submitted to the Court no less than thirty (30) days before the proceeding for which the interpreter is needed. The sooner the Court is aware that an interpreter is needed, the Court will be in a better position to accommodate the request and avoid a possible postponement.

Additionally, notify the Court at once when you learn an interpreter is no longer needed. Staff interpreters are often needed for more than one hearing occurring at the same time. The Court needs to avoid the expense of contract interpreters who are compensated when they report whether they are needed, or not.

Interpreters provide a valuable and needed service to the

LEGAL ETHICS HOTLINE

Heather Sweren ... hrs@brpfamilylaw.com ... 301-869-1700
Adam VanGrack ... avangrack@lvglawfirm.com... 301-291-5027

For a written confidential opinion, submit your request, marked confidential to one of the Co-Chairs, David Gavin, Jessica M. Hall, Heather Sweren or Adam VanGrack, c/o Bar Association of Montgomery County, MD, 27 West Jefferson St., Rockville, MD 20850.

Court. Their work is demanding and too often overlooked by those who rely upon their assistance. Please keep the Court informed of the need for an interpreter and when they are no longer needed. More importantly, take a moment and thank the interpreters for their help when you get a chance.

FAMILY MEDIATION

If you believe that your case may benefit from facilitation or mediation services at any point during its pendency, please call Anne Hurwitz at 240-777-9076 or Marianne Hendrik at 240-777-9343.

CIRCUIT COURT HEARING AND TRIAL TIME ESTIMATES

When providing the court with estimates for hearing and trial time, please be sure to provide an accurate estimate and err on the side of caution. When trial time is underestimated it results in the need to set further hearings or additional trial days and it disrupts the already double and triple booked trial calendars. Your cooperation is appreciated.

ARRIVAL TIMES – CRIMINAL PRE-TRIAL AND 4-215/ SCHEDULING HEARINGS

A reminder to the Criminal Bar the importance of arriving on time to the Thursday and Friday Criminal Pre-Trial and 4-215/Scheduling Hearings. There is a lot of time and effort put into coordinating transportation and/or virtual appearances of Defendants' being held at the jail. To avoid delay and keep the docket running smoothly, please be on time.

Please Note

Please check the Circuit Court website for up-to-date information on the status of court operations. www.montgomerycountymd.gov/cct/

DISTRICT COURT NOTES

Sherri Koch,
Administrative Judge

Congratulations to our six recent Mental Health Court graduates. If you have not had an opportunity to attend a mental health court commencement ceremony, I urge you to do so. All of the problem-solving courts commencements are up-lifting and I invite you to attend any of them. They do not disappoint.

A few changes to share in District Court – all intended to streamline our processes. We are adding a Failure to Pay Rent Docket on Wednesday mornings in R412. This addition should allow us to set cases in sooner. We are also asking landlords to please have your dismissals in ahead of time so that we do not have to call them on

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WHAT COMES AFTER THE SETTLEMENT?

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(Continued from page 1)

what they have come up with this year. All I know so far is that there will be no green suit this year (sorry Steve, I had to!). A heartfelt thank you to the entire committee for their hard work and to Planet Depos for their work filming the chaos.

Of course, the highlight of our luncheon is our keynote speaker, United States Pardon Attorney, Elizabeth G. Oyer. In lieu of a traditional keynote speech, this year will feature an interactive experience, designed as a conversation, affording opportunities for questions from attendees. Don't miss the chance to learn about how Ms. Oyer and her staff, who more than doubled since her appointment to the Department of Justice, work to address the thousands of second chance requests received annually, in addition to the voluminous backlog of requests it inherited. I am looking forward to hearing about

how she is implementing her mission to administer a more transparent and humane office, where every petitioner, regardless of the decision, receives an answer, and for those denied, to receive the rationale. To offer insight into Ms. Oyer's approach to managing her office, allow me to share an excerpt from a February 2024 Bloomberg Law article in which she expressed her philosophy: "I was a public defender for 10 years before this," Oyer said. "What I learned in that position is you cannot promise people results, but you can promise them a fair process." Ms. Oyer is a true champion of justice, and the BAMC is honored to have her as our keynote speaker.

Thank you all for your daily efforts to support and grow the Bar, and for bringing your energy to Bar events and helping to shape our agenda. My door is always open.

Lawyers' Literary Circle

On **Thursday, May 23rd**, we will be discussing *The Boys in the Boat*, by Daniel James Brown, and then on **Thursday, June 20th**, the book will be *The Art Thief: A True Story of Love, Crime, and a Dangerous Obsession*, by Michael Finkel. What else could you ask for?

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

Please contact me if you wish to join, or you just need to show-up at one of our meetings. I can guarantee that you will experience a very enjoyable time being a part of our group; and snacks are always served.

For additional information, please contact Jim Demma at 301-517-4809 or jdemma@milesstockbridge.com.

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 Jenna Davis, Drug Court Coordinator at (240) 777-9141.

BA MC 2024
BAR ASSOCIATION
OF MONTGOMERY COUNTY

LEADERSHIP ACADEMY FELLOWS

Don't Miss...

BUILDING A BETTER BAR

A Night of Networking and Camaraderie

Thursday, May 2, 2024 | 5:30 p.m. - 8:00 p.m.

Tommy Joe's
7940 Norfolk Avenue - 2nd Floor | Bethesda, MD 20814

Street Parking | Garages Available | Metro Accessible

Current members are invited to attend and bring non-member guests!

Drinks, appetizers, and raffle prizes!
\$20 advance | \$25 at the door

Tickets
<https://barmont.org/event/LeadershipSurvey>

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the docket. Please file them in MDEC by 3:00 p.m. on Tuesdays. In addition, for those **last-minute dismissals**, we are asking attorneys to arrive in court at 8:30 a.m. and let the clerk know that a case is a dismissal; we will remove the case and it will not be called on the record. Hopefully this process will decrease the size of the docket. This is the same procedure that we used prior to Covid.

Please familiarize yourself with the recent case from the Supreme Court of Maryland: *Westminster Management, LLC, et al v. Tenae Smith et al*. The Court addresses rent pursuant to Real Property 8-401.

Please remember the procedures for recalling arrest warrants. Attorneys who file motions to recall arrest warrants must have the consent of the State's Attorney's office for recall. In addition, the attorney must agree to accept service. Once the court signs the order and the summons is issued, the attorney must pick up the summons within two weeks of it being issued otherwise an arrest warrant will reissue.

When filing motions to continue in civil cases, please put available dates for trial in your motions. Preferably these will be dates you have cleared with opposing counsel so that cases can be resolved as soon as possible. Any motion that does not include possible trial dates will be denied. All motions to continue should be filed as soon as counsel becomes aware of a conflict.

There are many requests for remote hearings that either do not have a reason or do not fall into the Judiciary guidelines for a remote hearing. Each one of these motions is decided on a case-by-case basis. Any information that you think the court should consider should be in the motions. A reminder that all court filings must be done through MDEC and all motions must include an order.

I also invite anyone to review the District Court Admin-

istrative Regulations. They can be found on the Maryland Courts website at www.mdcourts.gov/sites/default/files/import/district/selfhelp/admin_regulations.pdf.

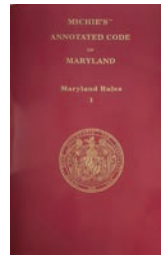
Every month, there is a District Court Bench Bar Committee meeting via Zoom, and all are welcome to attend. It is the best way to get updates from the judges and clerk's office and ask those questions you have been waiting to ask.

CIRCUIT COURT LAW LIBRARY

Teresa Sites, Law Librarian I

Looking for where to locate current and historical Maryland Rules of Procedure in print, on databases and online? Here's a guide to Maryland Court Rules resources available at the Montgomery County Circuit Court Law Library—read on to learn more.

Seeking Current Court Rules?



Our collection has three copies of the Rules in print, updated semi-annually. These maroon books are located with our

Michie's Annotated Code of Maryland sets. Use Rules indexes to browse areas of law and relevant federal court rules. We also offer *Maryland Advance Court Rules Service* pamphlets alongside our Rules volumes. These include Rules updates and a discussion of related case law. If you are interested in learning more about the Rule-making process, consider attending the Standing Committee on Rules of Practice and Procedure meetings. Details for these meetings are on the Judiciary website at: mdcourts.gov/rules. A guide to past meetings can be found at: mdcourts.gov/rules/rulesnews.

If you would like to access current Rules online, one option is using our research



Geoff Gilbert, Esquire

What Motivates You To Do Great Work For Your Clients?

I ask this question because it's good for us as attorneys to know why we work so hard for our clients. For some, it is our duty to serve the public. For some, we believe that our clients rights are being trampled. For others, it could be that we know and like our clients and want to do a great job for them. All three can apply. I'm sure you know of others.

In an age of specialization, doing the same type of work repeatedly can become stale to us. We lose the skip in our step when we don't stay in touch with what motivates us to do great work. In helping attorneys who feel tired and in some cases burnt out, what motivates them can be getting back in touch with those aspects of their work that matter to the public or the client.

To increase motivation, it's important to spend time with your family, to plan in advance and go on vacations and to have activities we love outside of our practices. Hence, the title of this column is "A Balancing Act" which is what Julie Peterson suggested when she asked me to start writing for our Bar Newsletter many years ago.

Another activity that can help our motivation is regular exercise and movement. Our bodies were not made to sit at a desk all day and interventions such as exercise, taking a walk, meeting a friend (or client) can turn a day into an adventure and refresh us for our work.

The combination of staying in touch with what motivates us about our work and activities outside of work can result in you being refreshed to take on your work and the day.

What Motivates You To Do Great Work For Your Clients?

computers in the library to search on our Lexis and Westlaw databases. Or, if you are doing research from home, you might visit the Gateway to Maryland Law website at mdcourts.gov/lawlib/research/gateway-to-md-law. This website is maintained by the Thurgood Marshall State Law Library and provides the unannotated text of the Rules as well as the Maryland Code.

Looking for Historic Rules?

Stop by our information desk if you would like assistance doing

historic Rules research. We offer many, though not all, superseded Maryland Rules in print in our historic collection. Our Rules collection dates back until 1970 and these volumes are located on the second floor near our historic Maryland Code. You can also find a selection of superseded Rules on Westlaw and Lexis.

Additional resources include:

- The Thurgood Marshall State Law Library's scanned collections of superseded court Rules and local Rules at

(Continued on following page)

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mdcourts.gov/lawlib/research/gateway-to-md-law/scanned-collections.

- The Maryland Archives' records of early law at: msa.maryland.gov/megafile/msa/speccol/sc2900/sc2908/html/codes.html.

- The Maryland Courts' public library toolkit. For guides on historic Rules research, check out section 11B at: mdcourts.gov/lawlib/using-library/for-librarians/public-library-toolkit.

Consulting Secondary Sources?



The library offers several resources that cite to the Rules. The *Maryland Law Encyclopedia*, a resource available on Westlaw

and in print near our Code sets, provides references to Rules, Code, and case law on a variety of topics. One Lexis sample

forms book, *Maryland Civil Procedure Forms*, corresponds to the Rules.

Looking for in-depth analysis of Maryland Rules? You might consult *Maryland Rules Commentary* by Linda Schuett and Paul Niemeyer that provides annotations on select civil court procedures. It is an instructive resource for historical research, when sourcing relat-

ed Rules, and seeking other legal citations. This book is accessible on Lexis as well.

Whether you are looking for Rules or another topic, we invite you to explore the Law Library!

Treatise Yourself!

What we're reading:

- The Complete Cartoons of the New Yorker edited by Robert Mankoff

- What Alice Forgot by Liane Moriarty

- Born a Crime: Stories from a South African Childhood by Trevor Noah

Remember—Find the answer fast at the Circuit Court Law Library

mocolawlibrary@mdcourts.gov
 240-777-9120
 8:00am - 5:00pm, M-F

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RESUME

SUMMARY OF QUALIFICATION

- Dedicated and self-motivated legal services and inventory management
- Excellent communications, organizational and interpersonal skills
- A contributing member in many areas of the organization
- Proficient in Word, Excel and Internet. Applied experience

EMPLOYMENT HISTORY

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Correcting Mistakes and the Maryland Attorneys' Rules of Professional Conduct

Everyone makes mistakes. However, it is extremely important for attorneys to carefully evaluate all actions to discover whether a mistake has occurred and, if a mistake has been made, **attorneys must act promptly and directly to attempt to correct the mistake as best as possible.**

Importantly, pursuant to Maryland Attorneys' Rule of Professional Conduct ("MARPC") 19-301.4/1.4 (Communication), since the attorney is also required to keep the client reasonably informed about the status of the matter, the attorney cannot 'bury' his or her head in the sand when a mistake is made during the course of representation and the attorney needs to explain the effect of the mistake "to the extent reasonably necessary to permit the client to make

informed decisions regarding the representation." MARPC 19-301.4/1.4 (a)(2) and (b).

In *Attorney Grievance Comm'n of Md. v. Woolery*, Misc. Docket AG No. 15, September Term 2016, an attorney was reprimanded for making the mistake of selling an estate's expensive tractor (valued at \$10,000) for \$500 while having been appointed the personal representative of an estate. While the Court acknowledged that the actions taken by the attorney in selling the tractor for far less than its value was indeed a mistake, the Court stressed two instances where the attorney violated MARPC 19-301.1, 19-301.3, 19-308.4(a) & (d) and was reprimanded for his actions. *Id.*

The *Woolery* Court stated that a reprimand was appropriate

not merely because a mistake was made by the attorney (the attorney failed to ascertain the ownership or approximate value of the tractor prior to selling it), but because when "promptly informed of the tractor's ownership and value," the attorney failed to attempt to "rectify his error." *Id.* Thus, it is likely that if the attorney in question had merely acted to rectify the mistake immediately upon being informed of the problem, then the attorney might have avoided a professional conduct violation. As noted by the Court, "A mistake in the practice of law is not necessarily professional misconduct. However, **once aware of a mistake that harms another and given the opportunity to mitigate it, a lawyer who decides to do nothing may be**

guilty of misconduct." *Id.* (emphasis added)

In another case, *Attorney Grievance Comm'n of Md. v. Walker-Turner*, 428 Md. 214, 51 A.3d 553 (2012), an attorney was reprimanded for making the mistake of not appearing for a trial while being outside the courtroom on the phone with his client. In this case, the Court similarly acknowledged that mistakes – such as being in the wrong area of the courthouse – happen. However, the Court believed that the attorney "incompetence" at issue stemmed from that the fact that nothing was done by the attorney after learning that his case had been called, that he had failed to appear, and that a default judgment had been entered against his client. The Court stated, in

(Continued on following page)



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(Continued from preceding page)
part, that sanctions were appropriate because, “[h]ad [the attorney] acted earlier to confirm what happened in the courtroom when the case was called and he was not present on 26 January 2007, he and his clients would have been spared the consequences that followed.” Rather, upon realizing his mistake, instead of acting to rectify the mistake with the Court, the attorney assumed the problem would merely resolve itself, since he believed that had “settled” the case the day before trial. Despite attempts to eventually rectify the default judgment against the client, the judgment appeared on the client’s credit report. The Court expressed that “These actions show a lack of diligence in his representation of his clients and, thus, violate [MARPC] 1.3.” *Id.* at 228.

Additionally, the *Walker-Turner* Court also found misconduct because the attorney failed to timely inform his clients of his mistake. As noted by the Court, “An attorney is required to keep his/her client informed reasonably as to the status of a matter undertaken by the attorney. [MARPC] 1.4(a)(2). The attorney must explain the matter to the extent reasonably necessary

to allow the client to make informed decisions about the course of the representation. [MARPC] 1.4(b). [The attorney] did not inform timely [the client] that a judgment was entered against him ... because of his failure to appear at the trial or ascertain the actual disposition of the case. Because of the failed communication, [the client] was not able to make informed decisions as to the best course to correct [the attorney’s] earlier failures. **[The attorney’s] self-inflicted period of oblivion as to the existence of the judgment is the reason for his failure to communicate properly with his clients.**” *Id.* at 231 (emphasis added). If the attorney had acted to correct his mistake, and had timely informed his client of his mistake, the attorney may have been spared a professional conduct violation finding.

In another case, *Attorney Grievance Comm’n of Md. v. Slate*, 457 Md. 610, 180 A.3d 134 (2018), an attorney was sanctioned for failing to disclose during the bar application process certain information related to a past civil litigation action where he was a party. In this case, the attorney maintained that he made a mistake by omitting information in his bar applica-

tion about that action. However, when the attorney was provided with multiple opportunities to rectify the “mistake,” the attorney failed to do so. In fact, when confronted with the existence of the missing information, the Court noted that the attorney compounded the problem by “falsely affirm[ing] under oath that all of the facts in his bar application remained correct,” “not supplement[ing] his bar application with the trial court’s opinions or the findings therein,” not “disclos[ing] the trial court’s opinions or the findings therein during the character interview, and not “disclos[ing] the information during a meeting with the co-chairs of the Character Committee for the Fourth Appellate Judicial Circuit (‘the Character Committee’).” *Id.* Succinctly, the attorney failed to correct what the attorney claimed to be a bar application “mistake.” The Court concluded that the violation finding was not “because he merely made a ‘mistake,’” but rather **because of the attorney’s continued “concealment” of the information that was left out of the attorney’s application.** *Id.*

Timely actions to correct a professional responsibility mistake are important. Not

only could such immediate corrective actions eliminate a MARPC violation in its entirety; but such actions are also mitigation factors in determining sanctions for a MARPC violation. See *Attorney Grievance Comm’n of Md. v. Reno*, 440 Md. 414, 103 A.3d 565 (2014) (“Mitigating factors include ... timely good faith efforts to make restitution or to rectify consequences of the misconduct.”). Ultimately, in legal practice, as in any profession, mistakes happen. However, prompt and direct action to attempt to correct such mistakes are important to not only avoiding a determination of a professional conduct violation but also as to any determination as to the severity of the sanctions if a violation is found.

A warning given by former President Barak Obama to those not wishing to engage on the issue of climate change is appropriate here: Sticking your head in the sand is not going to protect you from the coming storm.

Co-Authors

Theodore B. Kiviat, Esquire
Adam VanGrack, Esquire

Committee Co-Chairs

P. David Gavin, Esquire
Heather Sweren, Esquire

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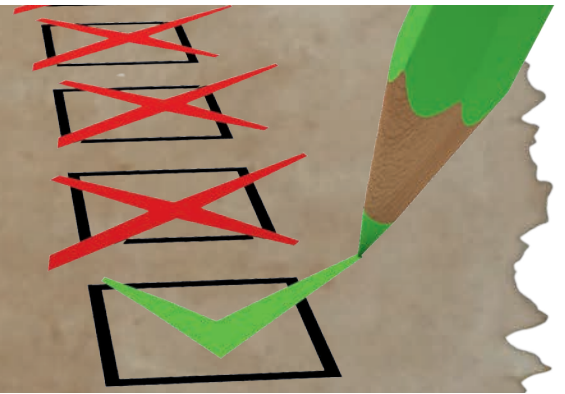
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Diversity Committee
Magistrate Lena Kim

WHICH BOX DO YOU PICK?



"If I am a Mongolian, then so was Jesus, because we came from the same land" declared George Shishim, originally born in Lebanon. As stated in my February article, "... the [United States] Census Bureau excludes countries in two geographical areas in Asia – Central Asia and West Asia/'Middle East' and places them under the race category of White." Many groups have in fact unsuccessfully lobbied for a Middle East and North Africa" (MENA) category in the U.S. Census for the past 30 years. Countries in West Asia/ Middle East include *Afghanistan, Armenia, Azerbaijan, Bahrain, Cyprus, Georgia, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Palestine, Qatar, Saudi Arabia, Syria, Turkey, United Arab Emirates, and Yemen*. Countries in Central Asia include *Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan*. This fact brings up several questions: 1) How did this race classification happen? 2) Why does it matter? 3) What is the current impact on this race classification?

In answer to the first question, it is important to look back at the historical context of the United States. As explained more thoroughly in the February article, in the early 1900s to 1920s, all Asian immigrants were denied U.S. citizenship and naturalization, prevented from marrying Caucasians, and prevented from owning land. This was the backdrop of the 1909 landmark Californian court case, *United States v. George Shishim*, where as a Lebanese immigrant, Shishim refused to be categorized as "Chinese/Mongolian" and claimed to be white. Simultaneously, the Arab immigrant community raised money and fought in courtrooms and through newspapers to prove their "whiteness." As a result, U.S. citizenship was expanded to allow for Lebanese, Syrians, and all Arabs, distancing them from the discriminatory practices that would remain against Asians in the United States until 1952.

The lack of separate racial classification by the U.S. Census Bureau matters because diversity and inclusion is most effective, not when color blind or muddled into one color, but when the dynamic palette of colors is recognized and respected.

The U.S. Census Bureau estimates there are around 1.8 million Arab Americans in the United States, whereas the Arab American Institute (AAI) puts that figure closer to 3.7 million. As the AAI explains, the undercounting of Arab Americans "has served as a barrier to representation, education, health, and employment for the community" in numerous ways. Writer Arwa Mahdawi points out that it affects "the availability of foreign language ballots at polling places; research grants for ethnic-specific diseases; and protection against discrimination." When the catastrophic terror event from September 11, 2001 occurred, the race classification mattered even more considering that many under the MENA category went through considerable persecution and racial profiling, but the data was unclear because there was no separate race classification to gather data and statistics.

The lack of a separate racial category matters even today in topics like affirmative action through the recent Supreme Court decisions in *Students for Fair Admissions v. Harvard*, 600 U.S. 181 (2023).

Until the MENA race category is separately established and/or a separate specialty bar association is created in Maryland, the Asian Pacific American Bar Association of Maryland (APABA-MD) has the perspective that the term "Asian Pacific" encompasses a broader and more inclusive definition of all of Asia (including East Asians, South Asians, Central Asians, West Asians/ the Middle East) and Pacific Islanders. So, as a celebration of our diversity, it is important to note this year's past celebrations: Happy Nowruz (Persian New Year) on March 19 & Happy Holi (Festival of Colors) on March 25, and Eid Al-Fitar (the end of Ramadan) on April 10. We also invite everyone to celebrate at the Asian Pacific American Bar Association of Maryland gala on May 8, 2024 from 6pm-9pm at VisArts as we honor Asian Trailblazers in the Judiciary in Maryland!



ADMINISTRATIVE LAW SECTION

John Henderson, Co-Chair
Javaneh Pourkarim, Co-Chair

Happy spring! We hope you are taking the time to get out and enjoy the blossoms and warmer weather. In March, we held our ever popular MVA training. We want to thank the panelists and everyone who attended and contributed to the vibrant discussion and successful event. We are planning next year's agenda, so please feel free to message us with your ideas and/or if you wish to volunteer with the section in any capacity.

We will be concluding this season with a final regularly scheduled meeting on **May 1st, 2024, held on Zoom at 5:30 p.m.**

We are always looking for volunteers and welcome newcomers. If you wish to get involved with the Administrative Law Section, please contact us at john.henderson@maryland.gov or javaneh.pourkarim@maryland.gov

Volunteering with the Section is a great way to network, learn, and make lifelong friends. We hope you will join us soon.

ADR-COLLABORATIVE LAW SECTION

Bob Baum, Co-Chair
Laura Duncan, Co-Chair
Ken Vogel, Co-Chair

MEETING DATES

May 21, 2024

Our lunch meetings take place from 12:00 noon to 1:00 p.m. on the 3rd Tuesday of the month via conference call or zoom. ALL BAMC Members, ADR and Collaborative colleagues are invited to participate. The phone number is (717) 275-8940 and the pin number is provided to our Listserv members via email. **Our next conference call is on May 21st at Noon**, and we'd like to hear from our section members who are either interested in serving as a Co-Chair in the future or who would like to contribute their expertise and materials via an upcoming ADR CLE.

CIRCUIT COURT BENCH BAR COMMITTEE

Heather Collier, Co-Chair
Meg Rosan, Co-Chair

MEETING DATES

May 1, 2024 June 5, 2024

Our Committee meets at 8:00 a.m. on the first Wednesday of each month, from September to June. Our next meeting will be on **Wednesday, May 1, 2024, via Zoom**. Our last meeting of the bar year will take place **in person on June 5, 2024**. Attendance is not limited to Committee members. All attorneys in good standing are welcome and encouraged to attend the Bench Bar Committee meetings. If you are not on the Committee, please contact either of us for the location of the specific meeting you wish to attend.

Court Status

The Court is working diligently to efficiently adjudicate all pending cases. Please carefully monitor the court's website and email blasts to the Bar Association from the Court and Judge Bonifant, particularly in criminal and family law matters, as the Court is implementing several policies and procedures to prioritize the settlement and/or adjudication of matters set on these dockets.

Court Security

The Court, in coordination with the Sheriff's Office, is regularly assessing security features and protocols in the courthouse

and making enhancements. Please carefully monitor the newsletter and the court's website for updates in security protocols. If you ever have a concern about a security issue in the courthouse before, during or after any Court appearance, do not hesitate to contact the Sheriff's office.

MDEC

Any attorneys with questions about MDEC should review Title 20 of the Maryland Rules, and the Policies and Procedures Manual on the Maryland Courts website: mdcourts.gov/mdec and mdcourts.gov/mdec/efilingatty (the right-hand side of the page has multiple resources).

If you have questions or concerns to bring to the our attention, please contact us at:

Heather: (301) 907-2804 or hscollier@cfvlaw.com

Megan: (301) 656-1177 or mrosan@bulmandunie.com

CRIMINAL LAW SECTION

Teresa Casafranca, Co-Chair
Isabelle Raquin, Co-Chair

MEETING DATES

May 1, 2024

Meetings will be held at 12:30 p.m. on the 1st Wednesday of the month via Zoom.

Our last training of the year will be on **May 22, 2024**, at 5p.m. in the bar building, regarding **How to Preserve the Record for Appellate Review**.

A must-attend for all criminal trial attorneys. Panelists will include **Chief Judge Barbera**, Retired from the Supreme Court of Maryland, **Judge Bair**, Retired from the Circuit Court for Montgomery County and former Solicitor General for the State of Maryland, and **Carrie Williams**, Partner at Goodell DeVries and former Division Chief of the Criminal Appeals Division at the Office of the Attorney General.

This last training will be followed by a Happy Hour at WOB!

DISTRICT COURT BENCH BAR COMMITTEE

Richard London, Co-Chair
David Moyse, Co-Chair

MEETING DATES

May 15, 2024 June 19, 2024

Meetings will be held at 8:00 a.m. on the 4th Wednesday of the month via Zoom.

ELDER LAW SECTION

Lillian Hummel, Chair

MEETING DATES

May 15, 2024

Meetings will be held at Noon on the 2nd Wednesday of the month via Zoom.

On **May 15th, Tanya Harper**, Program Supervisor at Montgomery County DHHS, MA LTC Unit, will give us an **annual update from their office regarding applications and redeterminations**.

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FAMILY LAW SECTION

Morgan Appel, Co-Chair
Bianca Pinnock, Co-Chair

Summer is finally just around the corner! We want to hear from you about how we can support you and your practice of family law. We encourage you to contact us, and we will share comments with your permission and do our best to accommodate your requests. Please address all comments, questions, or concerns to:

appel@mhwhfamilylawyers.com
bpinnock@shulmanrogers.com

MEETING DATES

• **Thursday, May 16, 2024, at 5:30 p.m.** **Kristina Badalian, Annemarie Wall, and Pilar Nichols** will present on the role of the Best Interest Attorney.

All Family Law Section Meetings are approximately 1 hour long and will take place via Zoom at 5:30 p.m.

CLE'S

How to Prepare an Expat Client for Their Overseas Relocation

Tuesday, May 14, 2024

12:30 p.m. to 1:30 p.m.

Location: Virtual via Zoom

Speaker: Melissa Kucinski

This brown bag lunch program will share advice for Expat Clients to consider BEFORE moving overseas with their family and advice to Expat Clients living in the United States but wanting to return home. The issue-spotting program will help you pinpoint a variety of

international complications for your clients, ranging from separation/divorce, financial/property/support, custody, agreement validity and enforcement, and jurisdiction, among other things.

2024 FAMILY LAW UPDATE (FLUP 2024)

Wednesday, June 12, 2024

5:00 p.m. to 8:00 p.m.

Location: Virtual via Zoom

Speakers: **Maureen Glackin** and **Paul Reinstein**, Reinstein, Glackin & Herriott, LLC; and **Heather Sweren**, Brodsky Renahan Pearlstein & Bouquet, Chartered.

This program will present new Maryland family law cases, court rules, and legislative updates from the past 12 months. The speakers will discuss the most recent case law developments impacting family law practice area, including such topics as agreements, alimony, attorneys' fees, child custody, child support, CINA cases, domestic violence/protective orders, marriage – annulment, monetary award/equitable distribution, and trustee's fees allocation, as well as other issues. They will also address the impact of any recent rules and legislation on the practice of family law. The materials alone are "must have!" This CLE is always highly informative, well-attended, and helps you maintain your edge – don't miss it!

Please contact John Weaver (john@zfamilylaw.com) with any ideas for a Family Law CLE.

IMMIGRATION LAW SECTION

Benjamin Hu, Co-Chair
Raju Mahajan, Co-Chair

MEETING DATES

May 15, 2024 June 19, 2024
Meetings will be held at Noon via Zoom.

Join us on **May 15th at noon** for a webinar on Prosecutorial Discretion for Dismissal at Immigration Court. Details and webinar links to follow by email.

If you are interested in hosting a Lunchtime Seminar and sharing your field of experience, please reach out to either of us at raju@rajulaw.com or benjamin.hu@bhulaw.com.

JUVENILE LAW SECTION

Janet Friedman, Co-Chair
Shawn Michael, Co-Chair

MEETING DATES

May 8, 2024 July 10, 2024
Sept. 4, 2024

Meetings are held bi-monthly at 12:15p.m. at World of Beer, unless otherwise noted. Specific meeting information will be sent through the listserv.

Our next section meeting is scheduled for **Wednesday, May 8th at 12:30 p.m.** at **World of Beer** (Rockville).

We kindly appreciate any suggestions for meeting topics and/or guest speakers of interest you may have for future meetings.

LAW FIRM MANAGEMENT SECTION

Amy Strent, Chair

MEETING DATES

May 23, 2024 June 20, 2024
July 18, 2024
Meetings will be held at 8:00 a.m. via Zoom.

LAWYER ASSISTANCE COMMITTEE

Bill Hewitt, Co-Chair
Alisha Jacobson, Co-Chair

MEETING DATES

May 8, 2024
Meetings will be held on the 2nd Wednesday of the month at 5:30 p.m. via Zoom.

LEGAL ETHICS COMMITTEE

David Gavin, Co-Chair
Jessica Hall, Co-Chair
Heather Sweren, Co-Chair
Adam VanGrack, Co-Chair

MEETING DATES

May 16, 2024 June 20, 2024
Meetings will be held at 4:30p.m. on the 3rd Thursday of the month via Zoom.

NEW PRACTITIONER SECTION

Elizabeth Farley, Co-Chair
Katelyn Holbrook, Co-Chair

Thank you all so much for joining us for our Chamber Chat with Judge Leibowitz! It was a great turnout, and it was wonderful seeing so many of you!

The New Practitioner Section has a busy month of May! We will be sponsoring two events during Law Week. First, please join us for the **Legislative Update with Tim Maloney** on **May 1st from 12:30 – 1:30 p.m.** Registration is required at (<https://tinyurl.com/yx6uf7x6>). Second, the New Practitioners Section will be hosting a **Happy Hour at Law Day** on **May 3rd**. The Happy Hour will begin immediately after the con-

(Continued on page 15)

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CLE SPRING 2024

LEARN. ADVANCE. SUCCEED.

Tuesday, May 14, 2024

12:30 p.m. - 1:30 p.m.

Virtual

PREPARING AN EXPAT CLIENT FOR THEIR OVERSEAS RELOCATION

This issue-spotting program will help you pinpoint a variety of international complications for your clients, ranging from separation/divorce, financial / property / support, custody, agreement validity and enforcement, jurisdiction, among other things.

Speaker: Melissa A. Kucinski, MKFL:
International Family Law

WE NEED YOUR CLE IDEAS!

Please forward to
Tricia@BarFoundationMC.org
301.340.2534



Wednesday, May 22, 2024

5:00 p.m. - 6:00 p.m.

In-person Bar HQ Classroom

HOW TO PRESERVE THE RECORD FOR APPELLATE REVIEW

A must-attend for all criminal trial attorneys. Panelists and moderators will include Chief Judge Barbera, (ret.) of the then-Maryland Court of Appeals, Judge Gary Bair, (ret.) from the Circuit Court for Montgomery County and former Solicitor General for the State of Maryland, Carrie Williams, Partner at Goodell DeVries and former Division Chief of the Criminal Appeals Division at the Office of the Attorney General, Isabelle Raquin, Partner at RaquinMercer LLC, and Teresa Casafranca, Assistant State's Attorney.

Register online at
www.barmont.org/page/131

DON'T MISS THE 2024 FAMILY LAW UPDATE

Wednesday, June 12, 2024
5:00 p.m. - 8:00 p.m.
via Zoom

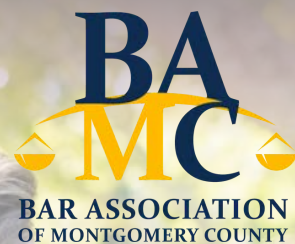
FLUP '24 will present new family law cases and legislative updates from the last year. The materials alone are a "must have!" This CLE is always highly informative, well-attended, and will help you maintain your edge!

Speakers:

Maureen Glackin and Paul Reinstein | Reinstein, Glackin & Herriott, LLC

Heather Sweren | Brodsky Renehan Pearlstein & Bouquet, Chartered





REGISTER NOW

<https://barmont.org/event/2024AnnualMeeting>



**BAMC
DAY OF SERVICE**
Thursday, May 2, 2024

**Shepherd's
Table**



**LUNCHEON AND
AWARDS**

Friday, May 3, 2024
12:30 p.m. - 2:15 p.m.

Keynote Speaker
ELIZABETH "LIZ" G. OYER
Pardon Attorney
United States
Department of Justice



**New Practitioners Section
Happy Hour**

Immediately following
the luncheon

ANNUAL MEETING & LAW WEEK CELEBRATION

APRIL 29, 2024 - MAY 3, 2024

Fundraising Auction

to benefit the

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Friday, May 3rd | 11:30 a.m. - 12:30 a.m.
(prior to the Annual Meeting/Luncheon)



130th

ANNUAL MEETING & LAW WEEK CELEBRATION

APRIL 29, 2024 - MAY 3, 2024

5 Great Virtual CLE Programs, One Low Price!

Monday, April 29, 2024 | 12:30 pm - 2:30 pm
Sponsored by: The Ethics Committee

CONFLICTS OF INTEREST

Everybody Can Have Them!

Join us for this important topic. Questions about conflicts are frequent on the Legal Ethics Hotline; moreover, issues involving conflicts often result in litigation and bar complaints. The panel will address conflicts in many areas of practice, including criminal, general civil, corporate, guardianship, family, and estates/trusts.

Tuesday, April 30, 2024 | 12:30 pm - 1:30 pm
Sponsored by: The Family Law Section

TOP TEN TAX TIPS FOR ATTORNEYS WITH PRACTICES

Whether you are thinking of starting a solo career, in a small, medium or large law firm, this informative one hour program will shed light on the things that can save you and your clients money!

Tuesday, April 30, 2024 | 1:30 pm - 2:30 pm
Sponsored by: The Family Law Section

LITIGATING CONSTRUCTIVE-CIVIL-CONTEMPT CASES IN THE POST-BREONA C WORLD

In *Breona C v. Rodney D*, 253 Md. App. 67 (2021) the then-Court of Special Appeals upended the manner in which constructive-civil-contempt cases are handled in Maryland. Hear from Paul Griffin, one of the attorneys who litigated *Breona C*, as well as several other contempt appeals, as he explains how contempt can and can't be used in child-custody and other civil cases.

Monday, April 29, 2024 | 12:30 pm - 2:30 pm
New Practitioners Section

2024 LEGISLATIVE DEVELOPMENTS

Don't miss this fast paced summary of everything lawyers need to know about legislation enacted in the 2024 session of the General Assembly

Monday, April 29, 2024 | 12:30 pm - 2:30 pm
Ethics Committee

CORPORATE TRANSPARENCY ACT: NAVIGATING COMPLIANCE CHALLENGES AND IMPLEMENTING TOOLS TO MANAGE THEM

A can't miss program highlighting key CTA problem areas for lawyers and clients, and ways three area law firms are managing them.

Registration Link

barmont.org/event/2024AnnualMeeting



(Continued from page 11)
clusion of the Annual Meeting Luncheon.

If you have not already done so, we encourage you to register for all of the great events that Law Week has to offer!

The **Leadership Academy Fellows** are hosting their annual program on **May 2nd from 5:30 p.m. – 8:00 p.m.** at **Tommy Joe's** in Bethesda. The event is called **Building a Better Bar – A Night of Networking and Camaraderie**. Many members of the New Practitioners Section are Fellows this year so let's show our support!

If you have any comments, suggestions, concerns please do not hesitate to contact either of us at:

lfarley@bulmandunie.com
keholbrook@lercheary.com

REAL ESTATE LAW SECTION

Jamie Hamelburg, Co-Chair
Wendy Pullano, Co-Chair

Our final meeting of the Bar year will be on **May 14th** at 8:00 a.m. via zoom. Our speaker will be **Douglas Bregman, Esquire**, of Bregman, Berbert, Schwartz & Gilday, LLC.

SOLO & SMALL FIRMS SECTION

Meredith Hill, Co-Chair
Ryan Wilson, Co-Chair

Our last meeting of the Bar year will be held on **May 8th** at Noon via Zoom.

TAXATION LAW SECTION

Chaya Kundra, Chair

Please join us at Noon on **May 15th** via Zoom for the last meeting of the Bar year. The meeting link will be distributed through the listserv.

On April 11, 2024, the IRS published its 2024 Dirty Dozen campaign initiatives in IR-2024-105. The purpose again was to alert taxpayers as to risk of losing money, personal information, data, plus. This year's list consisted of the following categories:

- (1) Syndicated conservation easements
- (2) Micro-captive insurance arrangements
- (3) Schemes to park money offshore with false promises of not having to report to the US.
- (4) Maltese retirement arrangements through the tax treaty with Malta
- (5) Digital assets including convertible virtual currency and cryptocurrency, stablecoins and non-fungible tokens (NFTs). Promoters will again say these assets are untraceable and undiscoverable by the IRS which is not true.
- (6) Reporting digital asset income: gain & sale even when paid as compensation.
- (7) Eye on compliance

To report an abusive tax scheme or a tax return prepar-

er, people should use the online Form 14242 – Report Suspected Abusive Tax Promotions or Preparers, or mail or fax a completed Form 14242 and any supporting material to the IRS Lead Development Center in the Office of Promoter Investigations.

WORKERS COMPENSATION LAW SECTION

Ron Rubloff, Co-Chair
Jeff Stickle, Co-Chair

Our next section meeting will be held on **May 17, 2024 at Noon**. This will be a hybrid meeting, which will be held both by Zoom (link will be circulated to the section via email) and in person at McCarthy Wilson LLP, 2200 Research Blvd., Suite 500, Rockville. **The Hon. Maureen Quinn**, Chair of the Maryland Workers' Compensation Commission, will be attending to discuss CompHub, Commission updates, and hot tips for practitioners. We will also hold a roundtable discussion of current cases.

Recent reported cases:

In the Matter of Zukowski, 260 Md.App. 220 (2024), the Appellate Court held that when an offset against benefits applies, the attorney fees are calculated from the actual amount due after taking into account the statutory offset, not from the Commission's award.

In Ledford v. Jenway Contracting, Inc., 259 Md.App. 534 (2023), the Appellate Court held that in the case of a work-related death, a non-dependent daughter was still precluded by the

exclusive remedy rule from bringing a wrongful death claim.

In the legislature:

Several bills this past session have made it to the Governor's desk. HB584/SB476, "Caring for Public Employees in the Safety Professions - CAPES Act", was passed by both houses. This would add thyroid, ovarian, and colon cancer to the list of presumption cancers in Md. Code, Lab. & Empl. §9-503. Also to the Governor is HB669/SB843, amends §§9-505 and 9-650 to include for consideration the higher-frequency 4,000 hertz when calculating hearing loss, and removes the requirement that tinnitus be considered to be a part of a compensable hearing loss.

The following did not make it past committee: HB190/SB1069, which proposed a PTSD presumption for first responders; HB915/SB789, which would have required the Uninsured Employer's Fund to adhere to payment deadlines; HB1285/SB931, which would have authorized certain licensed social workers to register as rehabilitation practitioners and to provide evaluation services for workers' compensation claims related to permanent impairments involving a behavioral or mental disorder, HB1050/SB919, which would have extended the period of reopening of claims by 60 days; and HB1145/SB844, which would have altered the requirements for a finding of presumption hypertension in certain first responders, including pre-employment exams and prescription of medication for the hypertension.



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The deadline for submission of copy for the newsletter is always the 10th of the month for the following months' newsletter, unless the 10th falls on a weekend ... then, it is the Friday prior to the 10th.

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 Jenna Davis, Drug Court Coordinator at (240) 777-9141.

Family Ties and Trade Secrets

By Raymond Van Dyke, Esquire

Family businesses are often fraught with internecine power struggles, and the squabbles among potential successors can destroy the business. The show *Succession* amply demonstrates this.

In a recent Appellate Court for Maryland case, *Timothy Ingram, et al. v. Cantwell-Cleary Co., Inc.* (Md. App. Dec. 22, 2023), after a family feud in the Century-old company, a disgruntled son schemed to take the business away from his mother and siblings. Key employees removed trade secrets and confidential business information and joined the son in a competing company (collectively “Defendants”). The new company, Cleary Packaging, Inc., with customer lists, pricing information, vendor pricing, profit margins and other trade secrets taken, immediately competed in various packaging supplies sectors. Plaintiff Cantwell-Cleary sued the parties on various grounds, including breach of contract, civil conspiracy and misappropriation of trade secrets.

The lengthy case hinged on several issues, including what constituted a “misappropriation” of a trade secret under the Maryland Uniform Trade Secrets Act (MUTSA). Defendants’ argument that customer lists and pricing information cannot constitute a trade secret was readily dismissed. Indeed, most trade secret litigation involves such confidential and valuable information having economic value, e.g., for car dealerships the very confidential client list is critical. Even information memorized by the Defendants can be considered trade secrets if confidential.

The further argument that Plaintiff did not take “reasonable efforts” to maintain the secrecy of the trade secrets were belied by numerous documents signed by the Defendants and

company policies contrary. Indeed, many of the protective measures were breached by the Defendants in obtaining the company confidences and trade secrets in the days leading up to the departure of Defendants from Plaintiff’s company. Misappropriation was amply established under these circumstances.

Another issue before the Court was the damages determination at trial. Here, the Court chided the trial court’s adoption of Plaintiff’s damages expert, particularly finding that the expert did not properly demonstrate that the damages were caused by the misappropriation. For example, the expert’s analysis included damages computed from past gross sales, lost sales to customers who did NOT follow Defendants to the new competing company, and other factors. As such, since the claimed loss was not demonstrably “attributable to the appropriation of the trade secret,” this predicate was not made, and the case was remanded for a proper computation of the damages.

On remand, the Appellate Court noted that the trial court’s damages determination should instead be based on the Defendant’s gross sales re-

ceived from diverted customers due to the trade secret misappropriation, and the application of Plaintiff’s profit margin to the diverted sales.

Also, the trial court expert established a three-year period of damages, which the Court questioned since it was possible that the Defendants could perhaps discover the confidential information on their own over a shorter period of time. In other words, the requisite durational period for damages under MUTSA is limited to “the period of time that the information would have remained unavailable to the defendant in the absence of appropriation.” Despite rather flagrant theft, the doctrine of trade secret law does condone independent discovery (absent fraud). Plaintiff thus must show a sufficient causal relationship, over a particular period of time after the misappropriation (to be determined), regarding the losses incurred due to the misappropriation. In other words, your expert cannot generally allege damages.

The issue of misappropriation, however, is not in question. Plaintiff did a good job of protecting their trade secrets and confidences: Non-Compete Agreements, employee handbooks and other materials

were sufficiently binding on the Defendants. Computer security is good to a point. Here, documents were deleted and information easily copied by those Defendants, who possessed the authority to act for Plaintiff, on the days leading up to their departure. Tiered computer security permissions to restrict access would help, and could be modified pursuant to the circumstances.

Just as with the Roy family in *Succession*, the parties here were plagued by intrigue. The Defendant son’s antagonism toward his mother is the stuff of Aeschylus and other Greek tragedians, and the death of the patriarch drove the personalities.

For family businesses or any business that has confidential and valuable information or data critical to the company, whether a customer list or a chemical formula, take measures to protect that secret or it will be lost. The Appellate Court has affirmed that the scope of trade secret protection is broad in Maryland. To the extent a valuable resource can be patented, that option is also available. Consult an intellectual property attorney if you have any questions on these subtle issues.



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The Honorable Hiram E. Puig-Lugo recently retired after twenty-four years of distinguished service on the bench of the Superior Court of D.C., where he notably served three years as the Presiding Judge of the Family Court. Prior to his appointment to the bench, Judge Puig-Lugo was a staff attorney with the Public Defender Service for the District of Columbia and a trial attorney with the U.S. Department of Justice Civil Rights Division Criminal Section. He is a Past President of the National Council of Juvenile and Family Court Judges and the 2021 recipient of their President's Award for Extraordinary Leadership. Fluent in Spanish and proficient in Portuguese, Judge Puig-Lugo has not only contributed internationally through legal education projects but also serves as an adjunct faculty member at the Georgetown University Law Center in the American Law for Foreign-Trained Lawyers LLM Program. Judge Puig-Lugo now brings this exemplary record of dedication and leadership to The McCammon Group to serve the mediation and arbitration needs of lawyers and litigants in D.C. and beyond.

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PRO BONO PROGRAM

By Debbie Craven,
Program Coordinator

Volunteer attorneys are the core of the Pro Bono Program. If you are someone who is empathic, able to listen with open ears, and helpful to those in need, you would surely be a great fit for our Program. There are many county residents that are in great need of pro bono services. If you would like to learn more about attorney volunteer opportunities with the Pro Bono Program, please stop by our office or contact me directly at 301.762.5831.

JOIN YOUR COLLEAGUES IN SERVING YOUR COMMUNITY. A significant factor to our success is the awesome panel of volunteer attorneys that make an important impact. Thank you to our devoted volunteers at our evening legal clinics and those of you that move forward with direct legal representation. Your support allows our grant funded Pro-

gram to fulfill our mission and serve low-income persons who could not otherwise obtain civil legal services.

If you are interested in learning about family law, 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 will have one year to complete your commitment. Please contact Tricia Rust, our Seminar and Events Coordinator, at Tricia@BarFoundationMC.org if you are interested in obtaining the most recent webcast.

The Pro Bono Resource Center (PBRC) coordinates live and webcast training programs for volunteer lawyers and other advocates in a variety of substantive law areas in exchange for a pro bono commitment. Check out the PBRC website, www.probonomd.org, for details.

The Pro Bono Program participates in the **Judicare Proj-**



Cheers to our Volunteers! Thank you for making the pledge to make a difference in the lives of others. Thank you to following wonderful attorneys for their time, dedication, and service for the month of March 2024

Baez-Ortiz, Roberto
Bedoya, Emily
Best-James, Raylynn
Bluefeld Amick, Judith
Canto, Jose+*
Chimah, Bernadette+
Cooper, Caroline
DeNobile, Kathleen+
Faerberg, David
Granderson, Samantha
Hoffpauir, Norma
Koh, Debra+

Koh Friedman, Patricia+
Njogu, Regina*
Price, Daryl+
Renner, Richard
Symonds, Elizabeth
Terenzini, Eden+
Thabit, Yahya+
Umeh, Kaosy+
Walker, Beutrice+
Washington, Juan+
Weon, Kim

*Accepted more than one case
+Supervising Attorney

ect. The Judicare Family Law Project, a partnership between MLSC and the Administrative Office of the Courts, provides payment to private lawyers to serve low-income Marylanders who could not otherwise afford representation in contested family law cases. Case

types include custody, divorce and other contested family law matters. Attorneys can seek reimbursement of \$120 per hour with a cap of 35 hours per case. (\$4,200.00). If you would like additional information regarding the Judicare project, please contact me directly.



Making a Difference One Pro Bono Client at a Time!

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For more information
Contact Debbie Craven:
Debbie@BarFoundationMC.org | 301.762.5831



APABA-MD

**Marianne Hendricks,
Board of Directors**

We are working with the University of Maryland and University of Baltimore law schools to match law students with attorney mentors. Please let us know if you are interested in serving as a mentor. APABA-MD membership is not required.

APABA-MD's Annual Gala is scheduled for **May 8, 2024** at Vis-Arts in Rockville. Sponsorship opportunities are available. For more information please visit <http://bit.ly/APABA2024GALA> (case sensitive, please use uppercase letters). We look forward to seeing you there!

J. FRANKLYN BOURNE BAR ASSOCIATION, Montgomery County Committee

**Sara Furlow, Co-Chair
Raynna Anyangwe, Co-Chair**

The Montgomery County Committee meetings are on the 1st Saturday of the month from 9:30 a.m. - 11:30 a.m. The May Membership Mimosa Meeting

will take place on **Saturday, May 4, 2024** at 9:30 a.m. at the Bar Association of Montgomery County Bar Building, 27 W. Jefferson Street, Rockville, MD 20850. Hot breakfast will be served. Guests interested in learning more about the Montgomery County Committee are encouraged to attend. For more information, you may contact either of us at mococommittee@bournebar.org.

The Montgomery County Committee meetings are open to all attorneys and law students interested in being part of the J. Franklyn Bourne Bar Association.

J. Franklyn Bourne Bar Association's General Body Meetings are on the 3rd Thursday of the month. The next General Body meeting will be **Thursday, May 16, 2024** at 6 p.m. Location TBD. For more information, you may contact President Bradley Farrar at president@bournebar.org.

J. Franklyn Bourne Bar Association Juneteenth Membership Drive hosted by Judge Herman and Paula Dawson will take place on **Saturday, June 14, 2024** at 4 p.m. - 8 p.m.

This event is free for all dues paying members. The price for non-financial members and guests is \$40. Further event details will appear in the J. Franklyn Bourne Weekly Blast.

To remain connected with the J. Franklyn Bourne Bar Association, please visit our website at www.bournebar.org.

SIMON E. SOBELOFF JEWISH LAW SOCIETY

**Richard Schimel,
Program Chair**

JUDICIAL RECEPTION: Due to a scheduling conflict, the date of our annual **Montgomery County Judicial Reception** has been changed to **Thursday, May 23, 2024** from 5:00 p.m. until 6:30 p.m. in the 3rd Floor Atrium of the Circuit Court for Montgomery County. Judges and judicial clerks are our guests. Register at sobeloff.org and clicking on the "Upcoming Events" drop-down menu. Those who registered for the original date need not re-register. There will be free admission for members with payment of annual membership dues.

SUMMER CHARITY PICNIC:

On **Sunday, August 4, 2024** from 2:00 p.m. until 6:00 p.m., we will hold our annual Fundraising Barbecue at the home of Board Member Sharon Diamant. The food and beverages will be free to all participants. We are requesting a donation of a minimum of \$20.00 per person to contribute to the Emergency Response Fund of IsraAID, which coordinates humanitarian activities in shelters housing evacuees from Israel's Gaza border region. Those responding will be provided with the picnic address by return email. Spouses of members are welcome. A Kosher grill and Kosher accompaniments will be provided for those that wish to respect dietary laws.

SAVE THE DATE: On the evening of **Thursday, September 19, 2024, Pennsylvania Supreme Court Justice David N. Wecht** will speak about the systematic elimination of Jewish lawyers in Germany during the period of the Third Reich, based upon the November 2018 release of the book *Lawyers Without Rights: The Fate of Jewish Lawyers in Berlin after 1933*. More details will follow.

Notice for Summary Ejectment Suits in Maryland

By Husein Kagalwala, Esquire

This article explains the current law regarding written notice that a landlord must provide to tenant before filing a complaint for summary ejectment in failure to pay rent case. This article explains the law governing residential properties only.

There are two types of residential properties in Maryland, viz covered properties and other properties. If the tenant lives in a covered property, then the landlord must comply with federal law before filing a suit for summary ejectment, else the landlord is required to comply with the state law. The court may dismiss the landlord's

complaint, if proper notice, as required by federal or state law, is not provided to the tenant.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law No. 116-136, §4024 defines Covered Property. The section 8 housing vouchers, federally subsidized housing, public housing, etc. are included in the definition of covered properties. If the tenant is living in a covered property, then the landlord is required to give a thirty-day notice prior to filing a complaint for summary ejectment in failure to pay rent case.

The landlord must check whether the property is a cov-

ered property prior to giving notice to tenant. If the property is not a covered property, then state law applies, and the landlord is required to give a ten-day notice to the tenant instead of a thirty-day notice. There is no form for a thirty-day notice. However, for a ten-day notice the state law requires the landlord to provide the notice only on the form created by the Maryland Judiciary. If the ten-day notice is not provided on the Maryland Judiciary form, then the court may dismiss the landlord's complaint.

The landlord may serve the ten-day notice by first-class mail; or by affixing it to the door

of the leased premises; or by email, text message, or through an electronic tenant portal — only if the tenant has elected to receive notices by electronic delivery. In the complaint, the landlord must state when and how the ten-day notice was provided to the tenant. The court may dismiss the complaint if the landlord does not properly serve the notice on the tenant.

To conclude, if a tenant lives in a covered property, then the landlord must give a thirty-day notice, else the landlord must give a ten-day notice prior to filing a complaint for summary ejectment in failure to pay rent cases.

LEGAL ANNOUNCEMENTS

Z Family Law is excited to announce that **Ridhika Kartan** has joined the firm. Ridhika has been helping families for nearly a decade, first as a social worker, before earning her J.D. and transitioning into the field of family law. She is passionate about connecting with clients and seeing them through some of the most difficult times of their lives, and her even-keeled nature provides her clients with much-needed calm in the midst of uncertainty. Ridhika is licensed in Maryland. Z Family Law looks forward to continuing to help clients create new beginnings with the guidance of our outstanding new team member. Z Family Law, LLC is located at 51 Monroe St., Suite 1501, Rockville, MD 20850, (301) 388-5528, www.zfamilylaw.com.

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or call 301-519-2801. Looking forward to having you here!

ROCKVILLE — Professional office in Jackson Place South Office Park, in front of Montgomery College on Route 355. One or two offices or an entire suite is available. Use of conference room and wi-fi. Perfect for small firm or solo practice. CPA-Tax Attorney across the hall for professional networking. Contact Alan at 301-340-0084.

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ATTORNEY OPPORTUNITIES

ASSOCIATE — Houlton, Berman, Finci & Levenstein, LLC, an established litigation law firm headquartered in Greenbelt is seeking a litigation associate attorney (family law and criminal law) with 0 to 5 years of experience. Qualified applicants should be self-motivated; have exceptional legal writing ability; exhibit excellent time-management, organization and communication skills; and have strong attention to detail. Great opportunity for growth. MD bar admission is required, DC bar admission is a plus. Competitive salary commensurate with experience. Please forward cover letter and resume to julie@houltonberman.com.

ASSOCIATE — MD/DC — Rothstein and Associates, counsel to Paragon Title & Escrow Company, is expanding its ser-



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ASSOCIATE — Real Estate Settlements — MD/DC — Paragon Title & Escrow Company is looking for an industrious Attorney with a passion for Real Estate Settlements. Our forward-thinking Real Estate Title Company, is seeking a highly motivated attorney with significant experience in real estate settlements, including a strong understanding of the GCAAR Contract and all addenda. Experience in commercial real estate closings is a plus. The candidate will conduct Real Estate Settlements and provide transactional support in all phases of the process to our staff, clients, real estate agents and vendors. Excellent communication, negotiation, and client services skill are a must, along with the ability to manage multiple projects efficiently and with precision. MD and DC Bar Admission Required. Competitive compensation and benefits package. Please submit your resume in confidence to Randy Rothstein at randy@paragontitle.com.

ATTORNEY — Fierst & Fink, P.C. has an opening for an attorney who has experience

or a dedicated interest in estate planning, special needs planning, and probate administration and law. We are a small but extremely busy firm. Salary is commensurate with experience. If you are interested in the position, please send your resume to sfink@fierstfink-law.com.

ATTORNEY — Family Law — Z Family Law, a fast-growing, entrepreneurial law firm, is seeking an experienced attorney to join our team. We see every family law matter as an opportunity to help our clients reimagine their lives for the better, and are looking for an attorney who can hit the ground running to provide our clients with outstanding representation and exceptional client service. The ideal candidate can develop case strategy, supported by rules and caselaw, is excellent at legal research and writing, has a true passion for courtroom advocacy, and is committed to continuing legal education. Teamwork is at the heart of everything we do at Z Family Law, and our new attorney will work closely with other lawyers, paralegals, legal assistants, and a dedicated client care team to support and advocate for our clients as they create new beginnings. We believe in pay equity and value each team member. Therefore, our compensation package is based on skill and experience, offering a competitive salary along with bonus opportunities. Send resume in confidence to firmadmin@zfamilylaw.com. For more information, visit www.zfamilylaw.com.

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Elise R. Randall
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Rockville, MD 20850
elise.randall@gmail.com

tion, personal injury, family law, and criminal defense. Candidates must be licensed to practice law at least in the state of MD and have 3-5-years' experience. Proficiency in the Spanish language is a must. Candidates must also have excellent client communication skills, strong writing, and analytical skills. In addition, candidates must have the ability to work as a team player, pay attention to detail, and have sound judgment. Finally, candidates must be proficient in AILA Link, Westlaw, Lexis, Microsoft Word, Excel, and Outlook. Benefits:

We strive to offer an environment that provides our employees with the right balance between work and personal life. We offer a comprehensive benefits package including: medical, dental, and life insurance; 401(k); bonus structure based on performance and results; paid holidays; paid vacation and personal days; casual Friday; and positive, friendly, and helpful atmosphere with a family like culture. All interested candidates should submit their resume to: afatemi@fatemilaw.com. Please no phone calls.

The deadline for submission of copy for the newsletter is always the 10th of the month for the following months' newsletter, unless the 10th falls on a weekend ... then, it is the Friday prior to the 10th.

~ For the most up-to-date revisions, please visit the Court Schedules section of the BAMC website ~

STATE'S ATTORNEY OFFICE FOR MONTGOMERY COUNTY
DISTRICT COURT SCHEDULE: MAY 2024

	MONDAY	TUESDAY	WED	THURSDAY	FRIDAY
WEEK 1	6	7	8	9	10
RV-411	CR Varunok/Adcock	AM Tr. – Snyderman		CR Snyderman/Ayuk	CR Hanson/Tripp (Restit. PM)
RV-412	AM/PM Tr. – Ayuk	-		MHC – Rodriguez	AM/PM Tr. – Adcock
RV-413	AM/PM Tr. - Rosenthal	AM Tr. - Salamin		AM Tr. – Varunok	AM/PM Tr. - Rowedder
RV-414	AM/PM Tr. – Boyer	AM Tr. - Kim		-	-
Nolle/513	-	-		-	Rosenthal
RV-612	-	Comp AM - Rodriguez DUI PM- Varunok		-	DV - Thomas/Wenzel
SS-301	AM/PM Tr. – Frechter	AM Tr. – Dombroski		AM/PM Tr.– Richardson	-
SS-302	-	-		DV - Thomas/Wenzel	AM/PM Tr. – Dombroski
SS-401	CR Richardson/Rowedder	AM Tr. - Hanson		CR Rosenthal/Kim	CR Salamin/Boyer
8:30 Dkt	Chung	Kramer	Chung	Kramer	Kramer
WEEK 2	13	14	15	16	17
RV-411	CR Kim/Adcock	AM Tr. – Tripp		CR Tripp/Snyderman	CR Richardson/Dombroski
RV-412	AM/PM Tr. – Salamin			MHC – Mooney	AM/PM Tr. – Rosenthal
RV-413	AM/PM Tr. - Richardson	AM Tr. - Snyderman		AM Tr. – Varunok	AM/PM Tr. - Kim
RV-414	AM/PM Tr. – Dombroski	AM Tr. - Boyer		-	-
Nolle/513		-		-	Salamin
RV-612		Comp AM - Rodriguez DUI PM- Adcock		-	DV - Thomas/Wenzel
SS-301	AM/PM Tr. – Hanson	AM Tr. – Frechter		AM/PM Tr – Hanson	-
SS-302		-		DV - Thomas/Wenzel	AM/PM Tr. – Ayuk
SS-401	CR Rosenthal/Varunok	AM Tr. - Rowedder		CR Salamin/ Boyer	CR Frechter/Rowedder
8:30 Dkt	Kramer	Chung	Kramer	Chung	Chung
WEEK 3	20	21	22	23	24
RV-411	CR Adcock/Varunok	AM Tr. – Salamin		Criminal Snyderman/Rowedder	Criminal Kim/Richardson
RV-412	AM/PM Tr. – Snyderman	-		MHC – Rodriguez	AM/PM Tr. – Varunok
RV-413	AM/PM Tr. - Rosenthal	AM Tr. - Richardson		AM Tr. – Rosenthal	AM/PM Tr. – Adcock
RV-414	AM/PM Tr. – Ayuk	AM Tr. - Kim		-	-
Nolle/513		-		-	Snyderman
RV-612		Comp AM - Rodriguez DUI PM - Varunok		-	DV - Thomas/Wenzel
SS-301	AM/PM Tr. – Frechter	AM Tr. – Rowedder		AM/PM Tr – Tripp	-
SS-302		-		DV - Thomas/Wenzel	AM/PM Tr. – Boyer
SS-401	CR Boyer/Hanson	AM Tr. - Dombroski		Criminal Frechter/Dombroski	Criminal Salamin/Ayuk
8:30 Dkt	Chung	Kramer	Hanson	Kramer	Kramer
WEEK 4	27	28	29	30	31
RV-411	HOLIDAY	AM Tr. – Snyderman		Criminal Snyderman/Rosenthal	Criminal Tripp/Salamin
RV-412				MHC – Mooney	AM/PM Tr. – Adcock
RV-413		AM Tr. - Frechter		AM Tr. – Rowedder	AM/PM Tr. – Varunok
RV-414		AM Tr. - Boyer		-	-
Nolle/513		-		-	Ayuk
RV-612		Comp AM - Rodriguez DUI PM- Adcock		-	DV - Thomas/Wenzel
SS-301		AM Tr. – Richardson		AM/PM Tr – Tripp	-
SS-302				DV - Thomas/Wenzel	AM/PM Tr. – Kim
SS-401		AM Tr. - Rowedder		Criminal Ayuk/Dombroski	Criminal Frechter/Hanson
8:30 Dkt		Kramer	Hanson	Kramer	Kramer

4/5/24

Circuit Court

**Periodicals
Postage
PAID
at
Rockville, MD**



CALENDAR

CC - Conference Call | **CR** - Bar Office Conference Room | **LCR** - Lower Level BAMC Conference Room

C/S - See Committee/Section Pages or Listserv Messages for Location | **CLR** - CLE Classroom

CLE - CLE Seminar — Call Tricia at 301-340-2534 for information | **ZOOM** - Remotely

MAY

1	8:00AM	Zoom	Circuit Court Bench Bar Committee Meeting
	12:30PM	Zoom	Annual Meeting Educational Program (Legislative Update)
	12:30PM	Zoom	Criminal Law Section Meeting
	1:30PM	Zoom	Annual Meeting Educational Program (Corporate Transparency Act)
	5:30PM	Zoom	Administrative Law Section Meeting
2	5:30PM		~ Building a Better Bar Event - Leadership Academy ~
3			~ Annual Meeting & Law Day Celebration ~
8	Noon	Zoom	Solo & Small Firms Section Meeting
	12:15PM	C/S	Juvenile Law Section Meeting
	5:30PM	Zoom	Lawyer Assistance Committee Meeting
9	8:30AM	Zoom	Commercial Litigation Section Meeting
13	5:00PM	Zoom	BAMC Executive Committee Meeting
14	8:00AM	Zoom	Real Estate Law Section Meeting
	12:30PM	Zoom	CLE: Preparing an Expat Client for their Overseas Relocation
15	8:00AM	Zoom	District Court Bench Bar Committee Meeting
	Noon	Zoom	Elder Law Section Meeting
	Noon	Zoom	Immigration Law Section Meeting
	Noon	Zoom	Taxation Law Section Meeting
16	4:30PM	Zoom	Legal Ethics Committee Meeting
	5:30PM	Zoom	Family Law Section Meeting
17	Noon	C/S	Worker's Compensation Law Section Meeting
21	Noon	CC	ADR-Collaborative Law Section Meeting
	5:30PM	Zoom	BFMC Diversity Committee Meeting
22	5:00PM	CLE	CLE: Appellate Preservation Training
	5:00PM		Past President's Dinner
	5:30PM	Zoom	BFMC CLE Committee Meeting
23	8:00AM	Zoom	Law Firm Management Section Meeting
27			~ Bar Association / Bar Foundation Offices Closed ~
28	12:30PM	CLE	CLE: Tax 101
29	5:30PM		Bar Leaders Dinner
30	8:00AM	CLR	Committee/Section Chair Orientation

JUNE

3	5:00PM	Zoom	BFMC Board of Directors Meeting
5	8:00AM	Zoom	Circuit Court Bench Bar Committee Meeting
10	5:00PM	Zoom	BAMC Executive Committee Meeting
12	5:00PM	CLE	CLE: Family Law
19	8:00AM	Zoom	District Court Bench Bar Committee Meeting
20	8:00AM	Zoom	Law Firm Management Section Meeting
	4:30PM	Zoom	Legal Ethics Committee Meeting
25	12:30PM	CLE	CLE: Tax 101
26	5:30PM	Zoom	BFMC CLE Committee Meeting

Information Regarding Scheduled Committee/Section Meetings

The 2023-2024 committee and section meetings are currently being scheduled both in-person and virtually at the preference of the Chair/Co-Chairs. Any change to the original schedule will be announced through the groups' listserv.

Please watch your email for listserv messages regarding your committee and/or section meetings.