

# PGCBA NewsJournal

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

February 2011

## PRESIDENT'S MESSAGE



*Dear Fellow Bar Members,*

I want to remind all members of the April 12th Bar meeting honoring the career and service of Judge James P. Salmon. The meeting will be held at Newton White Mansion and there is limited seating available due to the size of the venue. Judge Salmon is a very popular and distinguished jurist who has connections throughout the whole state. As a result, the Bar Association is getting calls from all across the state from people wishing to attend. I just wanted to remind everybody that if you want to attend, please sign-up early. Also, please be prepared to make the payment when you make the reservation.

Find-A-Lawyer came due at the end of December. The LRS dues will be due by the end of January and parking permits expire the end of February. Each of these programs has been successful and useful to members of the Bar. If once again you need any information on any of these, please contact the Bar office at (301) 952-1442. The Bar is also seeking to rent our condo, which is next door to the office. If anyone knows anybody seeking a place to rent, please let them know of our condo's availability.

Even though the Bar calendar year has only four months left, there is still a lot of activities being planned including CLEs from the Bankruptcy Committee, the Criminal Law Committee, and the Appellate Committee.

I would encourage all of our members to support the upcoming events and to be an active member of our Bar Association. Without the members, our Association is nothing. My door is always open as is that of all of our Board members. We welcome all concerns, comments, and ideas.

Sincerely,

Nicholas E. Rattal  
President



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# PGCBA NewsJournal

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## The Prince George's County Bar Association

Established 1902

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Upper Marlboro, MD 20772

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...to represent the legal profession and to serve its members  
and the community by promoting justice, professional excellence,  
collegiality and respect for the law.

### Lawyers in Need

...an ad hoc program for members under some form of distress or disability which will assist in keeping files productive while help is obtained and assist with professional referrals. For help, call

James Flynn ..... 301-932-0700  
Robin Shell ..... 240-472-9919

### Ethics Hotline

Any member wishing to obtain an informal ethics opinion may call the Ethics Hotline

John R. Foran ..... 301-441-2022  
Steven Rosen ..... 301-699-1400

### Designated Conciliator Program

Martin G. Oliverio ..... 301-513-0613  
Gerald C. Baker ..... 301-577-4600

# TO ALL PRACTITIONERS IN THE DISTRICT COURT FOR PRINCE GEORGE'S COUNTY

All Attorneys who practice (both civil and criminal) before the District Court for Prince George's County are invited to meet with the judges of the District Court, the Clerk of the District Court, the supervisors of the civil and criminal divisions and other court personnel to make suggestions on how our operation may be made more efficient, what deficiencies may exist, and for new ideas to improve the way in which cases are being handled in Prince George's County. The meeting will be held at 3:00 p.m. on Wednesday, April 6, 2011 in Courtroom 357B, Courthouse, Upper Marlboro, Maryland. Please Join Us.

John P. Morrissey  
Associate Judge

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## ***We Have Funding Available to Pay for Attorneys Fees!***

Community Legal Services (CLS) is a non-profit organization providing free legal services to low-income persons in Prince George's County. We do this via our Lawyer Referral Program where pre-screened clients are assigned a volunteer lawyer for legal representation, our four (4) Law Clinics located in the Upper Marlboro courthouse, Langley Park and Suitland where clients receive free legal advice, and through our free Legal Seminars.

This month we want to bring to your attention our Lawyer Referral Program. Our pre-screened low-income clients do not pay the attorney but we have some limited amount of funding to pay for the attorneys' fees. This is our **Judicare** funding project. These funds are provided to us by our main funder the Maryland Legal Services Corporation (MLSC).

MLSC was established by the Maryland General Assembly in 1982 to raise funds and make grants to nonprofit organizations for the provision of civil legal assistance to low-income persons in Maryland. MLSC's principal funding source is the Interest on Lawyer Trust Account (IOLTA) program, also established by state legislation in 1982. Additional funding sources come from surcharges on court filing fees, which the state legislated in 1998 and increased in 2004 and 2010.

During these difficult economic times there is an increased need for pro bono representation while lawyers are also in need of 'paying' clients! While we still like to promote pro bono representation, we also want to provide some incentive to lawyers to provide representation to persons who would otherwise be unable to afford adequate legal counsel.

Under the **Judicare** funding project lawyers receive \$80.00 per hour up to \$1,600.00 per case. Cases referred involve family law matters including guardianship. We also refer domestic violence cases, except we will reimburse the attorney for a maximum



*Left to Right, Back: Angela Wright, Darielys Pinto, Neal Conway  
Front: our client and Nora Eidelman*



*Left to Right, Angela Wright, Darielys Pinto, our client, and Nora Eidelman*

of five (5) hours only. For more information please contact Darielys Pinto at 301-864-4907, ext. 11.

## ***Additional Support For Two Of Our Clients!***

During this past holiday season, we delivered something additional to legal assistance for two of our clients. We conducted a food-drive at our office and selected two deserving families to receive them. We thank our legal assistant **Angela Wright** who conceived the idea and organized the food-drive! Our clients were very happy and one in particular was overcome with emotion. We were very touched and humbled as well by their reaction.

*Community Legal Services of Prince George's County, Inc. is a non-profit organization established to provide quality civil legal services to low-income persons in Prince George's County. It does this through the generous contribution of legal advice and legal representation by members of the private Bar. Additionally, CLS operates free legal clinics in the County. They are located in the in Circuit Court House and Langley Park. For more information about our services, please contact Nora C. Eidelman, at 301-864-4907, ext. 12.*

# The 26<sup>th</sup> Annual Alan J. Goldstein Memorial Criminal Practice Seminar

Sponsored by the Prince George's County Bar Association's Criminal Law Committee

**Saturday, March 26, 2011**

8:30 a.m. to 1:00 p.m.

Jury Assembly Room, Courthouse, Upper Marlboro

## TOPIC I

1. Who can be an expert and what evidence requires expert testimony?
2. How has the Crawford decision affected expert testimony?
3. What is the status of Daubert?

Speaker: Hon. Paul Grimm, Chief Magistrate Judge,  
United States District Court for the District of Maryland

## TOPIC II

1. Caught on tape-Tips and tools to trip the testifier.
2. The use of audio, video, demonstrative and investigative tools to discredit witnesses in court proceedings.

(Speaker will present real examples of audio and video evidence to impeach witnesses)

Speakers: Robert C. Bonsib and Leonard R. Stamm

## TOPIC III

1. Use of cell phone and cell tower tracing.
2. How it works and what are its limitations.
3. Is it only a tool for prosecutors?

Speakers: Wes Adams, Chief of Homicide Division of Prince George's County  
State's Attorneys Office and Neal Carver, AT&T Asset Protection Manager

## TOPIC IV

1. 5<sup>TH</sup> Amendment update.
2. Discussion of pending Supreme Court decisions on confessions

Speaker: Andrew Jezic, Esq.

Criminal Defense Attorney and co-author of highly acclaimed  
*Maryland Law of Confessions*

## Cost for Seminar and Materials

\$45.00 for members by March 18, 2011, -\$55.00 After  
\$50.00 for non-members by March 18, 2011, -\$60.00 After

Presented by:

C. Todd Steuart  
David M. Simpson

To register call the Bar Office at 301-952-1442 or email [gperry@pgcba.com](mailto:gperry@pgcba.com)

Footnote: Judge Bell has requested all licensed attorneys to respond to a questionnaire reference any CLE programs attended in the last year. This information will be used in determining whether mandatory CLES should be instituted. This is a good reason to attend this seminar.

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*Bar Association Meeting*

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## ***What Makes Fiber So Fantastic?***

**W**e're hearing more and more talk about fiber and its benefits. It seems that fiber has been added to almost every food to make it healthier or to aid with weight loss. You see it in cereals, oatmeals, breads, even in sugar substitutes like Splenda. Exactly what is fiber? And what, you may ask, makes fiber so fantastic?

Well, fiber is a string of sugar molecules that are bonded together in such a way that they can not be digested. Because it can't be digested, fiber travels through the digestive tract, cleaning it out, and then exiting. And the carbohydrates which are consumed as fiber are calorie free! Fiber, is broken down into either soluble or insoluble types. The soluble type dissolves in water and has been linked with lowering the unhealthy type of cholesterol. You'll find this type of fiber in oatmeal, in pills and laxatives, and many diet drinks. Insoluble fiber cleans out your gut and is associated with a decreased risk of cardiovascular disease, making it considered "heart healthy". You'll often find this type of fiber in bread products, and fruits and vegetables.

The health benefits of a diet high in fiber are decreased bad cholesterol, improved glucose tolerance, and a decreased risk of all diseases associated with high cholesterol, as well as weight loss. The weight loss aspect from fiber is a result of both the cleaning out of the digestive tract, and the increased sense of fullness caused by fiber's bulky molecular structure. Fiber's bulky molecular structure makes you feel full faster and for a longer period of time, plus it slows the emptying of your stomach. Thus, you won't want to eat as much or as frequently when consuming sufficient amounts of fiber. For most adults, this amounts to approximately 25-30 grams daily.

Incorporating fiber into your diet is a lot easier than you might think. However, if you don't get enough fiber presently, you should slowly increase your intake until you are at the recommended levels. Start off by adding about 8 additional grams

per day for a week or two and then add an additional 5 grams per day for each week thereafter. It should take about 4 weeks to get up to 25-30 grams. Adding large amounts of fiber too rapidly can lead to unpleasant side effects such as constipation, bloating, and gastrointestinal discomfort. And you must remember as well that fiber absorbs water. So, as you increase your fiber intake, you must increase your water intake. As a rule of thumb, try to consume about 8 additional ounces of water with every 5 grams of fiber that you consume. So if you really haven't been consuming much fiber, and now you are consuming the recommended daily amount, then you should be drinking at least an additional liter and a half of water above what you regularly consume.

Here's how to easily increase the fiber in your diet. Start your day with a bowl of oatmeal. It's one of the best sources of soluble fiber. As a snack, eat nuts, seeds, fruits and vegetables which are naturally rich in fiber. When eating sandwiches, be sure to choose bread products that contain

at least 3 grams of fiber per serving so that your sandwich offers you 6 grams of fiber from the bread alone. When choosing a pre-packaged snack to satisfy your munchies, opt for popcorn instead of chips since popcorn consist basically of insoluble fiber. When consuming fruits, eat them rather than drink them. You want the meat and pulp of fruits which is where all of the fiber is stored. So despite the popularity of juicing, eat the whole fruit to access the fiber.

The best fruits and veggies for fiber include broccoli, corn, beans, apples, pears, bananas, and mushrooms. But you can also get in your daily dose of fiber by eating Fiber One bars, cereal, oatmeal, protein drinks with added fiber, whole grain bread products, and trail mixes. If you don't keep these foods at home presently, it's time to head out to the grocery store and stock your cabinets and refrigerators. It's so easy to add additional fiber to your diet and make huge improvements in your cholesterol levels and heart health.

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*“The PGCBA is glad to have you as our new members!”*

**If you have not renewed your LRS, you will be removed from the list  
on Friday, February 4th**

**PARKING PERMITS EXPIRE THE END OF FEBRUARY, 2011**



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Strategically located in Capital Office Park, the new JAMS Maryland Resolution Center features six conference rooms and can accommodate cases of all sizes. Just steps away from the United States District Court, it can be reached from exit 23 of the Capital Beltway and is adjacent to the METRO and MARC stations. Ample surface parking is available.

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# GOLF CLASSIC



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**8:30 a.m. Shotgun Start**

**1:00 p.m. Golf Clinic**

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Clinic Participants: \_\_\_\_\_

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A portion of your donation may be tax deductible. Consult your financial advisor for details.

# BAR ASSOCIATION LEADERSHIP OPPORTUNITIES

PGCBA's Nominating Committee, chaired by Immediate Past William J. Parker, Jr., is seeking candidates for the positions of Secretary and Directors (8) of the Prince George's County Bar Association.

The deadline for submitting applications is Friday, April 8, 2011. Elections will be held at the Bar Association's Annual Meeting on Tuesday, June 7, 2011.

Minimum qualifications for an officer position are delineated by the Bylaws. Generally, anyone who has been an Active PGCBA member in good standing for two years and has served on the Board OR as a chair or co-chair of a standing or special committee or section for two years may be a candidate for the office of Secretary.

Any active member currently in good standing may seek nomination as a candidate for a two-year term as a Director. The Board of Directors generally meets the first Tuesday of each month (depending upon scheduling) except for June and/or July, when the annual Retreat is held. The regular Board meeting schedule is determined by the President at the beginning of the new Bar year.

The Board of Directors manages the affairs of the PGCBA, and provisions of the PGCBA Bylaws state in part that a nominee for a directorship commits that he or she will serve as a member and Board liaison of at least one committee or section; miss no more than two Board meetings without good cause; and attend the Board's annual retreat.

Anyone who would like to be considered for the position of Secretary or Director is requested to fill out the Application for Bar Leadership form and email the form along with a brief summary of professional and bar activities to [gerry@pgcba.com](mailto:gerry@pgcba.com) prior to Friday, April 8, 2011. Please email a current picture as well.

Questions may be directed to Immediate Past President William J. Parker, Jr. (301-952-1052) or Georgia J. Perry (301-952-1442).

## APPLICATION FOR BAR LEADERSHIP

**To:** William J. Parker, Jr. Chair, Nominating Committee  
c/o Prince George's County Bar Association  
14330 Old Marlboro Pike, Upper Marlboro, MD 20772

**DEADLINE FOR SUBMISSION:**  
April 8, 2011

**From:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**I wish to be considered as a candidate for the office of Secretary [ ] Director [ ].**

**Please include a brief summary of professional and bar activities along with a current picture to**

**[gerry@pgcba.com](mailto:gerry@pgcba.com) NO LATER THAN FRIDAY, APRIL 8, 2011**

# 2011 CALENDAR

FEBRUARY 8, 2011 ..... JOINT MEETING WITH JFBBA – FEDERAL  
COURTHOUSE – GREENBELT  
MARCH 26, 2011 ..... GOLDSTEIN SEMINAR – COURTHOUSE  
APRIL 12, 2011 ..... BAR ASSOCIATION MEETING HONORING  
JUDGE JAMES P. SALMON  
MAY 7, 2011 ..... FAMILY LAW SEMINAR – COURTHOUSE  
MAY 31, 2011 ..... GOLF CLASSIC – LAKE PRESIDENTIAL  
JUNE 7, 2011 ..... ANNUAL MEETING – NEWTON WHITE MANSION

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# PRO BONO COMMITTEE | Janet Hart

In Maryland Rule (16-901) the Court of Appeals established the Local Pro Bono Committees. Pursuant to that rule, it is the goal of the Prince George's Pro Bono Committee to encourage, and perhaps guilt, attorneys into representing indigent individuals without remuneration.

Last year I took over the reins, as chair of the local Pro Bono Committee, from the very capable hands of Manuel Geraldo, Esq. The Committee members currently include The Honorable Cathy H. Serrette, The Honorable Krystal Quinn Alves, Manuel Geraldo, Esq., Assistant Public Defender Kirsten Downs, Assistant State's Attorney Carolyn Stark Saxon, Neal Conway and Nora Eidelman of Community Legal Services and County Attorney Bridgette Greer. The Committee has been meeting approximately every five or six weeks to strategize methods for enlarging the number of attorneys engaging in Pro Bono work.

It goes without saying, that current times are extremely difficult for most. While it is easy to wallow in our own difficulties, the Pro Bono Committee is working to encourage attorneys to volunteer to represent clients Pro Bono. Recently, the Committee has focused on reaching out to Government attorneys. It has been a common misconception between Government attorney that they are prohibited from, or at least discouraged from, engaging in Pro Bono cases. The Standing Committee of the Court of Appeals of Maryland on Pro Bono Legal Service,

as spearheaded by The Honorable Robert Bell, heartily disagrees. The Best Practices Manual for Local Pro Bono Committees from the Standing Committee specifically addresses strategies to encourage Government attorneys to become involved in Pro Bono cases.

In order to effectuate the aforementioned goal, the Local Committee sponsored a Pro Bono Luncheon on October 27, 2010 in the Upper Marlboro Courthouse. The luncheon was attended by Circuit Court judges, former Prince George's State's Attorney Glenn Ivey, Maryland Public Defender Paul DeWolfe, District Public Defender Brian Denton, Deputy District Public Defender Gary Ward, members of the Maryland legislature and attorneys from the State's Attorney's Office, Office of Law and Public Defender's Office. As the featured speaker, Sharon Goldsmith, Executive Director of Pro Bono Resource Center, outlined Pro Bono training and representation opportunities for Government attorneys.

During the summer of 2010 members of the Local Committee met with the State's Attorney's Office and County Attorneys Office to invite them to follow the lead of the Public Defender's Office in establishing a written policy for Pro Bono work within their respective offices. County Attorney Stephanie Anderson was remarkably responsive to the request. Ms. Anderson, who has worked on pro bono foreclosure cases, developed and implemented a Pro Bono policy for the Office of Law.

The next Committee goal is to present a Pro Bono Fair at the Joint Meeting of the Prince George's County Bar Association and the J. Franklyn Bourne Bar Association on February 8, 2011 at the Federal Courthouse in Greenbelt. We hope to have service providers, including Community Legal Services, Maryland Disability Law Center, CASA of Maryland and Pro Bono Resource Center, manning tables in the atrium prior to the meeting. This fair will offer an opportunity for attorneys to generally learn about service providers and volunteer to represent individuals in great need.

With the thought of February's Pro Bono forms looming, anyone who is interested in Pro Bono work, can call me at 443 994-7186 or stop by the Public Defender's Office, Suite 272B in the Upper Marlboro Courthouse.

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## LAWYER REFERRAL SERVICE REPORT: 12/15/10-01/15/11

**NUMBER OF CALLS: 521**

**NUMBER OF REFERRALS: 367**

### **TOP 5 AREAS OF LAW:**

- 1. FAMILY LAW**
- 2. REAL ESTATE**
- 3. TORTS**
- 4. CONSUMER**
- 5. EMPLOYMENT**





*The History Corner is a new feature of the Prince George's County Bar Association's newsletter. It will contain information related to the history of Prince George's County.*

## **"Histories make men wise..."<sup>1</sup>**

*This is the fourth part of a series of articles regarding the impact of one good man on the fabric and history of the Prince George's legal community as told through the eyes of some of the individuals who were touched by his life. The name of this individual is Arthur A. (Bud) Marshall, Jr. The series began with a firsthand account of his accomplishment by his close friend, Judge Vincent Femia. In Part III we added the voice of his oldest child, Patricia Marshall and the discussion included his family background. We have to interrupt the flow of the series because of the passing of Mr. Marshall on Thursday, January 13, 2011. This event will not mark the conclusion of the series because his service as the State's Attorney for Prince George's County for 24 years and his impact on the social and legal community of Prince George's County cannot be summarized with just a few pages. The series will continue, but we will take this opportunity to honor his memory in a different manner.*

### **Part IV**

On Friday, January 14, 2011, I opened my email and I read the following words from Joann Douglas, Assistant Chief, Victim Witness Coordinator Unit:

"It is with sadness that I announce the passing of Patricia Marshall's father, the former State's Attorney Arthur A. Marshall, Jr."

I was stunned and I could not move for a few minutes after I read the email. Then I remembered it was Friday. Judge Femia routinely presides over the arraignment docket for the Prince George's County Circuit Court every Friday of the week. I raced down to Courtroom 1410 and found Judge Femia sitting on the bench. The docket had just concluded and I was able to approach the bench and speak to him. Without me uttering a word he told me that lawyers had been streaming into the courtroom all that morning to talk to him. He said they all agreed that Bud Marshall was the "Standard" for excellence, integrity and service in the Prince George's County legal community.

On Monday, January 17, 2011, family and friends were invited to "Bud's Life Celebration at the Kalas Funeral Home in Edgewater, Maryland. I arrived at the location at approximately 2:30 PM. The parking lot was overflowing. The Prince George's County Police Department Honor Guard stood at attention at the entrance of the funeral home. The room inside was filled with family, friends, lawyers and judges. While this was a solemn occasion, it was permeated with the spirits of love and respect. Besides being a beloved husband, father, friend and State's

Attorney, Bud Marshall was a Korean War Hero and a recipient of the Purple Heart Medal. He was dressed in his soldier's uniform and an American flag lay draped across his casket. These words were in the document that was handed to each visitor:

**Arthur A. "Bud" Marshall, Jr.  
October 10, 1930 – January 13, 2011.**

### **A lifetime of service, to God, Family, Friends, country**

"My grandpa is my hero. What I'm basically saying is that, if you go to any place, anywhere in the United States, people all have heroes. And if you are asking how to identify these heroes I speak of, just look for the things my grandpa did and his character traits of friendly, trustworthy, strong, truthful, responsible, and, most of all, loving.

-Shealynn Zimmick

To laugh often and much; to win the respect of intelligent people and the affection of children; To earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to leave the world a bit better whether by a healthy child, a garden patch, or a redeemed social condition; to know even one life has breathed easier because you have lived. This is to have succeeded.

-Ralph Waldo Emerson

Bud Marshall will be buried with full military honors on Tuesday, May 10, 2011, at 11:00 AM, Ft. Myer Chapel, Ft. Myer,

Virginia. Interment will be at Arlington Cemetery. Ft. Myer is adjacent to Arlington National Cemetery. Attendees should arrive early at least 45 minutes early for security process review.

For additional information contact Arlington National Cemetery at (703) 607 8585.

1 Essay. Of Studies by Francis Bacon (1625)

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## CONFERENCE ROOM RENTALS

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PGCBA *NewsJournal*  
14330 Old Marlboro Pike  
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ADDRESS SERVICE REQUESTED

<p><b><u>FEBRUARY 28, 2011</u></b> Parking Permits Expire</p>	<p><b><u>MARCH 10, 2011</u></b> YOUNG LAWYERS HAPPY HOUR Meet &amp; Greet the Judges Old Towne Inn, 5:00 PM SPECIAL INVITED GUESTS NEW ADMITTEES TO THE BAR Call (301) 952-1442 for more details.</p>	<p><b><u>MARCH 26, 2011</u></b> GOLDSTEIN SEMINAR Ceremonial Courtroom 8:30 AM -1:00 PM</p>	
<p><b>MAKE YOUR RESERVATION NOW!</b> <b><u>APRIL 12, 2011</u></b> BAR ASSOC. MEETING HONORING JUDGE JAMES P. SALMON Newton White Mansion 6:00 PM</p>	<p><b><u>MAY 7, 2011</u></b> FAMILY LAW SEMINAR Ceremonial Courtroom 8:30 AM – 1:00 PM</p>	<p><b><u>MAY 31, 2011</u></b> GOLF CLASSIC Lake Presidential \$125 per person/ \$450 foursome</p>	<p><b><u>JUNE 7, 2011</u></b> ANNUAL MEETING Newton White Mansion 6:00 PM</p>



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