

## President's Message

### **INSIDE THIS ISSUE**

**Community Legal**  
*Page 6*

**Get Healthy Today**  
*Page 7*

**Member  
Announcements**  
*Page 8*

**Pro Bono Award**  
*Page 9*

**Memorandum**  
*Page 10-11*

**Annual Meeting**  
*Page 12-13*

**Announcement**  
*Page 14*

**In Memoriam**  
*Page 15*

**Traffic School**  
*Page 16-17*

**PGCBA Directory**  
*Page 18-19*

**Employee Emails**  
*Page 20-21*

**Classified Ads**  
*Page 22-23*

At 66 years of age, I feel extremely privileged and proud to serve as the new President of the Prince George's County Bar Association, especially since, as a number of my fellow attorneys have pointed out to me, I am not only the oldest President of the Bar Association has ever had, but I am also the only one eligible to receive Social Security while holding office.

Over 30 years ago as a Law Clerk to the Honorable Ernest A. Loveless, Jr., I would go to the Lawyers' Lounge and see the pictures of all the previous Prince George's County Bar Association's Presidents and would think what an honor it must be to be the President of such a highly professional and well-respected organization.

Over the last three years, serving as an Officer in the Bar, I have learned how important it is to have the support and cooperation of not only the Officers and Board members, but of the general Bar membership in order to provide the needed services to the Bar members, the legal community and the citizens of Prince George's County.

Last year I was fortunate to have the mentoring of then President, John C. Fredrickson, who included me in the decision-making process and who was, and is, always available to answer questions, regardless of how complicated or time consuming they may be and who still serves on the Executive Committee. My personal "Thank You" John.

I am extremely appreciative of the members of the Prince George's County Bar Association who have stepped forward to serve as Officers, Board Members and Committee Chairpersons, as well as the members who serve on those committees. While there are too many people to list in this article, I wish to express a special thanks to President Elect, Garland H. Stillwell, Treasurer, The Honorable Nicholas E. Rattal, Secretary, Debra Davis and Erik H. Nyce, and Jennifer L. Muskus, all members of the Executive Committee.

Joining these members on the Board of Directors are Clayton A. Aarons, The Honorable Krystal Q. Alves, Bryon S. Bereano, Denise M. Bowman, Robin D. Bright, Arnold D. Bruckner, John D. Burns, Linda M. Gantt, Joseph L. Gibson, Jr., Michael O. Glynn, Alicia R. Lucero, Isaac H. Marks, Sr., John M. McKenna, Richard Allen Moore, II, Doyle Niemann, The Honorable Mark T. O'Brien, Michael R. Pearson, Ryan P. Richie, C. Todd Stuart, Joseph L. Wright and Parliamentarian The Honorable Gerard F. Devlin.

Each of these members takes considerable time away from home and practice to make sure that we have a very successful Bar Association and their selfless contribution is greatly appreciated.

Our Bar Office is managed by our Executive Director, Georgia J. Perry, who is not only a highly professional executive, but who never hesitates to utilize her cooking skills to provide various treats for our Board meetings. In addition to Mrs. Perry, the Bar Office staff includes Kathy Cooke and Becky Tippet, both of these ladies have extensive experience in dealing with the legal community.

# PGCBA NewsJournal

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## The Prince George's County Bar Association

Established 1902

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# PRESIDENT'S MESSAGE

Continued from page 1

While all of the people I have mentioned, plus many others, are willing to give their time, energy, and often financial support, the Prince George's County Bar Association must have the individual participation of its members to succeed.

It takes a real effort to get through law school and another huge effort to pass the Bar. Once you have overcome these high hurdles and are now members of one of the largest and well-respected Bar Associations in the State, it doesn't make sense not to attend the 4 or 5 General Membership Meetings each year. For a small sum you are able to interact with fellow attorneys and judges in a social setting. Since all of our meetings will be held at the beautiful Newton White Mansion, you will be able to meet new people and re-visit old friends while enjoying good food and beverage in a setting that is conducive to professional and social interaction.

Unless you come and meet the attorneys who are regularly active in Bar activities, you will never know what opportunity you may have missed or what lasting professional and social friendships you might have acquired.

Our first General Membership Meeting is Tuesday, October 7, 2008 at the Newton White Mansion. We will have an open bar for beer and wine, heavy hors d'oeuvres and a specials guests to help us celebrate our Traffic School program.

I am asking each member to make a personal pledge to yourself and to the Bar Association to join your fellow attorneys at this meeting and the several meetings that follow. Please show your support by calling the Bar Office at 301-952-1442, to reserve your space early.

See you on October 7th.

Respectfully submitted,

William J. Parker, Jr

## MARYLAND PANEL

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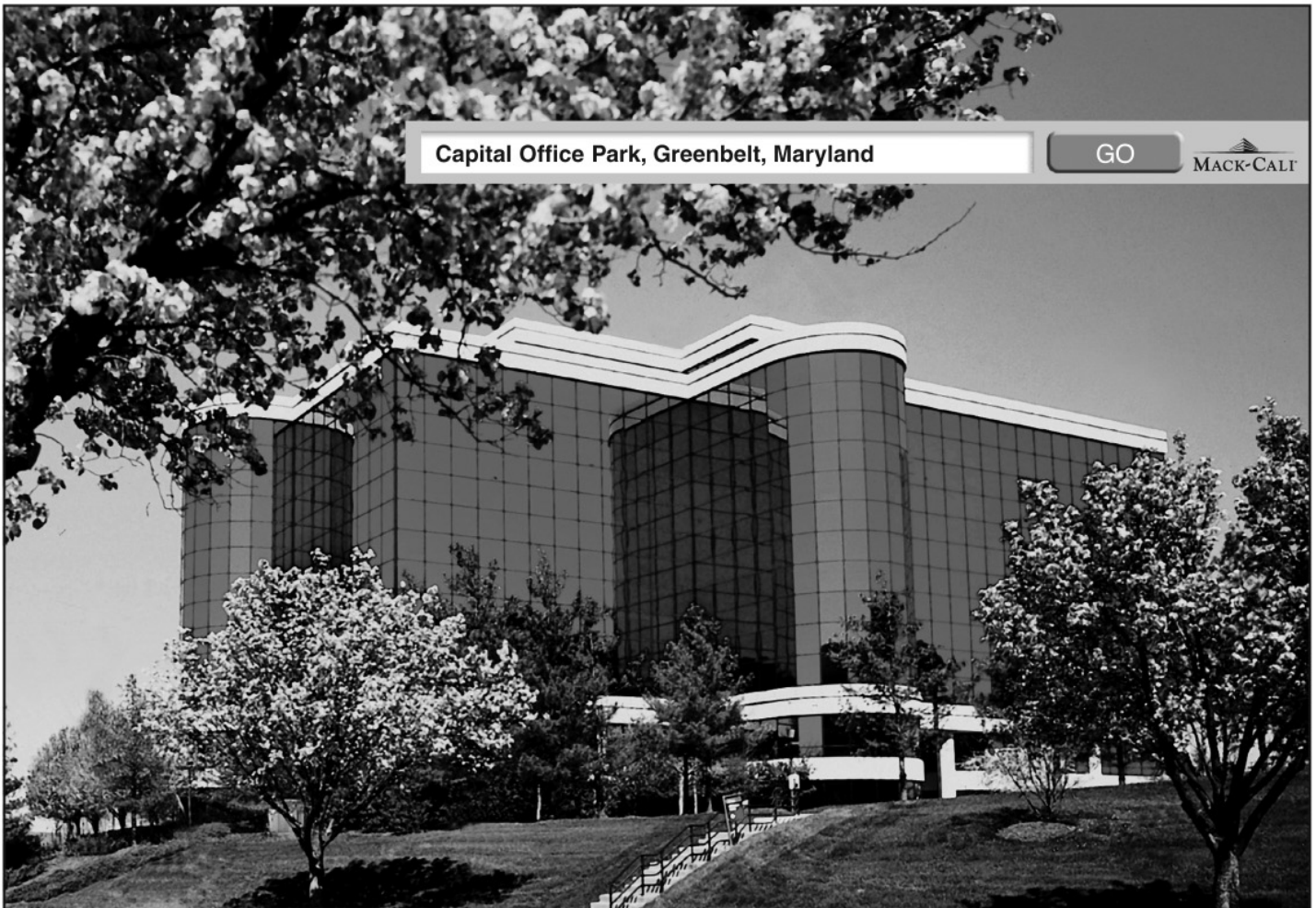
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**CLS HAS A  
NEW STAFF  
ATTORNEY**

We are pleased to present Darlene Wright Powell. She joined CLS on a part-time basis. She is staffing the courthouse clinic in Upper Marlboro and Oxon Hill legal Clinics. Ms. Wright Powell has over twenty-two years of legal experience and has been engaged in the private practice of law in Maryland and the District of Columbia for almost 2 decades. Additionally, she has had several gubernatorial appointments to the local and state boards and has served as counsel to Kaiser Permanente, and the Fidelity and Deposit Company of Maryland National Capital Park and Planning Commission. She earned a Bachelor of Science at Cornell University and a Jurisdoctorate from the University of Maryland School of Law. We are very glad to have her on board!

**CLS NEW BOARD OF  
DIRECTORS**

We take this opportunity to congratulate Prince George's County Bar Association outgoing president John Fredrickson Esq., for his promotion of pro bono legal services during his leadership as the Bars president. We also welcome him as he joins our CLS 2007-2008 Board of Directors. He joins the Board along with the following members: Hon. Paul Bauer Eason, President, Orlando Barnes, Esq., Vice President, Rush H. Seale, Treasurer, Jennifer Muskus, Esq., Secretary, Clayton A. Aarons, Esq., Jodi H. Blecker, Esq., Lt. Governor Anthony Brown, Lindsey K. Erdmann, Esq., Jeffrey M. Ford, Esq., Senator David Harrington, Judge Cathy Hollenberg Serrette, Michele LaRocca, Esq., Edith Lawson-Jackson, Esq., Hon. Karen H. Mason, Judge Nicholas E. Rattal, Ronald M. Rhine, Justin J. Sasser, Esq., Young S. Song, Esq., Monice A. Stephanson, Esq., Ayo M. Stevens, Esq., Judge Julia B. Weatherly.

**FORECLOSURE  
PREVENTION  
PRO BONO PROJECT**

We are pleased to announce that CLS will promptly start referring foreclosure cases to pro bono attorneys. This is in response to the initiative launched by Chief Judge Robert M.

Bell of the Maryland Court of Appeals due to the state's new foreclosure law, which gives delinquent borrowers more notice and time to react. We are working closely with the Pro Bono Resource Center of Maryland, which is coordinating the efforts to register attorneys and the Civil Justice Center, which is providing several foreclosure training sessions during the summer. For more information on training sessions, please visit <http://www.probonomd.org/>

**MD RAID RESPONSE**

A network of dozens of non-profit organizations which provide services to immigrant communities in Maryland have come together to create a response team when immigration raids take place. The plan is to provide legal assistance to the detainees as well as their families. Currently, they are recruiting immigration attorneys who are available to provide pro bono representation. But they are also in extreme need of family law attorneys to assist the families of detainees. Legal issues that arise involve emergency custody and guardianship, school and property issues, support, etc. A common scenario is children

of detainees left behind at school and no one is picking them up after school. Eventually a family member or friend steps in willing to become a custodial or guardian of the child. For more information on these efforts, please contact Kerry O'Brien from CASA de Maryland at [kobrien@casamd.org](mailto:kobrien@casamd.org) or myself at [eidelman@clspgc.org](mailto:eidelman@clspgc.org)

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 three free legal Clinics in the County. They are located in the in Circuit Court House, Oxon Hill, and Langley Park respectively. For more information about our services, please contact Nora C. Eidelman, at 301-864-4907, ext. 12.

CLS is Featured in the Catalogue for Philanthropy 2006-07. View our profile at: [http://www.catalogueforphilanthropy-dc.org/2007/community\\_legal\\_71641.htm](http://www.catalogueforphilanthropy-dc.org/2007/community_legal_71641.htm)

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## **STAYING HEALTHY WHILE TRAVELING**

Summer time vacations are particularly notorious for sabotaging all the hard-earned fitness you've acquired since your New Year's Resolution in January. But summer vacations and other business travel doesn't have to derail your fitness efforts. With proper planning and some important information that I'm about to give you right now, you can do all the vacation and business traveling you want, without compromising your healthy lifestyle habits. Now you can plan to vacation, and come back feeling even more energized and possibly even more fit.

First things first - no matter where you travel, you can incorporate exercise, especially if you're traveling to the beach. During travel to tropical or sunny destinations, explore the city on foot, walk the beach each morning before breakfast, play beach volleyball, or go on snorkeling and/or hiking excursions. You'll have so much fun engaging in these activities, you won't even feel like you're exercising. I like to go out first thing in the morning and find a destination at the other end of the beach that takes me about 15 minutes to walk or jog to each morning. Once you get to that destination, you have to get back right? Well there you have it. By ten a.m. you've already easily finished a 30 minute cardiovascular workout to start your day.

Not going to the beach? That's fine. Destinations such as Arizona have opportunities for hiking in addition to the spas. Southern cities such as Florida will have parks and nature trails that you can bike or walk. Even metropolitan destinations have great opportunities to get in your exercise in a fun and exciting way. Almost every city has a great staircase or stadium where you can hit the stairs (pretending you're Rocky). And if getting out to exercise just isn't your thing, be sure to call ahead and book a hotel that has a workout facility. If there's a gym at your hotel or resort, there's really no excuse for not getting in at least 30 minutes of exercise every day of your vacation.

So you're a late riser, you say, and your hotel has no gym, and to make matters worse, by the time you're done your business activities, it's too late to get outdoors and exercise. Have no fear, there are great "in-room" exercises you can do that will get you back home feeling like you didn't miss a beat. All you need is a

jump rope and a pair of lightweight dumbbells or an exercise tube. Exercise tubes and jump ropes are very light weight and easy to travel with. You can jump rope in your room for 2 minutes alternating with dumb bell or tube or body weight exercises for 5 consecutive intervals and you'll have gotten in an excellent workout that incorporates both cardio and weight training. For example, jump rope for two minutes then do a combination of dumbbell squats and shoulder presses for 15 repetitions. Then jump rope for two more minutes, followed immediately by bicep curls for 15 repetitions. Jump rope for two minutes and then do pushups for 15 repetitions. Jump rope for two minutes followed by 25 abdominal crunches. Then, as your last interval jump rope for two minutes followed by a combination set of bent-over dumb bell rows with triceps kickbacks. You repeat this entire cycle one more time, and you've gotten in a great workout in about 30-40 minutes. Trust me when I say your heart will be pumping and you'll break a mild sweat. And the best thing about this type of "in room" workout is that you can even do it while watching TV!

Now that you know how to get in your exercise in fun (or at least non-painful) ways, the other part of hitting the road without packing on the pounds consists of knowing what you should and shouldn't eat. First off, there's NO place where you can't eat. Smart meal choices can be found everywhere nowadays. Let's start with getting to where you're going. Flying? Not a problem. The key to getting off on the right foot when flying is to stay hydrated. Drink a liter of water if possible before you get on the plane. Long flights can dehydrate you and cause swelling and water retention. Although it sounds oxymoronic, drinking lots of water actually prevents you from retaining water. So skip the cocktail. Once on the plane, opt for water whenever your flight attendant offers you beverages. Snacks anyone? Well unless you're flying first class, snacks are all you'll be offered. If you have a choice between cheese and crackers, pretzels, or peanuts, always choose the peanuts. They have the least amount of carbohydrates and "bad" fats of all the choices. Plus they have the protein that your body needs to preserve its muscle. But an even better idea is to pack fruits such as sliced oranges and apples along with healthy snack bars such as Fiber One chewy snack bars. Unlike beverages, you can get these past security and onboard.

Taking a road trip? Kids want to stop at McDonald's? Not a problem. But here are the "must follow" rules: when given the choice of a burger and fries versus a

grilled chicken sandwich versus a grilled Chicken Caesar salad, choose the salad. It'll keep you satisfied for a few hours which is all you need before it's time for you to eat again. What's wrong with the chicken sandwich you might ask? The bun is packed with carbs that have hardly any nutritional value. So if you don't mind pulling off the bread, you can even have the grilled chicken sandwich. You say the spouse wants to stop at Starbucks for some caffeine? That's okay, too. Just be sure to make your drink either a skim or a skinny version and if you're tempted by their edible treats, try either the fruit salad or the turkey and swiss sandwich which is quite delicious and provides 26 grams of protein.

Are you going on a trip that will require you to be away from healthy food options for several hours? Perhaps it's a business convention where all that's available is what you can find in vending machines or the pastries and croissants served in the reception area? Well don't pack M&Ms to take with you. There are much healthier portable meals that can be carried in your purse or briefcase. Nowadays you can find easy-to-open packages of chicken, tuna, and even salmon in grocery stores and places like Target. An easy to open envelop of white Albacore in water provides a whopping 41 grams of protein and only five grams of "good" fats and only 220 calories. You can spoon this onto your plate during lunch break or take a quick trip to your room to eat in private. Heck, this is such a healthy food choice, you could even stand to put in on crackers and have a pretty good meal. These type of on-the-go, easy to eat meals are also perfect to pack when you go hiking, skiing, on a short boat cruise, or even to keep in the supply cabinet at your workplace. And when you tire of fishy choices, grab your Fiber One peanut butter bars, a pack of instant Quaker Weight Control Oatmeal (I've asked for hot water on a plane and eaten this as a great satisfying meal) or fresh fruit. All of these are portable, healthy, excellent meal options when on the go. Just remember to pack enough to consume one of these "mini-meals" about six times each day, or every 2-3 hours.

There's no reason you have to come back from vacation looking and feeling like you've just come back from a cruise. Challenge yourself. Find fun activities to engage in everyday. Always take the stairs up to your hotel room. Walk the beach each night after dinner, explore the city on foot. You'll be amazed when you return home and step on the scale to see that you've actually gotten trimmer while on vacation.

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The **Honorable Howard S. Chasanow** was honored as the first Recipient of the Lifetime Achievement Award from the Trial Lawyer's Association of Metropolitan Washington D. C. presented at the 53rd Annual Awards Dinner on May 10, 2008 at the National Press Club.

**THE LAW FIRM OF JOSEPH,  
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is pleased to announce that the following attorney has joined the Firm

**NAKIA V. GRAY**

who will be concentrating in the area of family law

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**THATCHER LAW FIRM, LLC**

Abbey G. Hairston, Esq., a nationally recognized employment lawyer, has become a partner at the Thatcher Law Firm in Greenbelt, Maryland. She will continue her employment and labor practice representing individuals and companies as well as school districts, colleges and universities.

**PRINCE GEORGE'S COUNTY BAR ASSOCIATION'S  
PROBATE, ESTATES & TRUSTS COMMITTEE**

***QUARTERLY MEETING***

**3:00 P.M. SEPTEMBER 11, 2008**

**ORPHANS' COURT**

Agenda \*

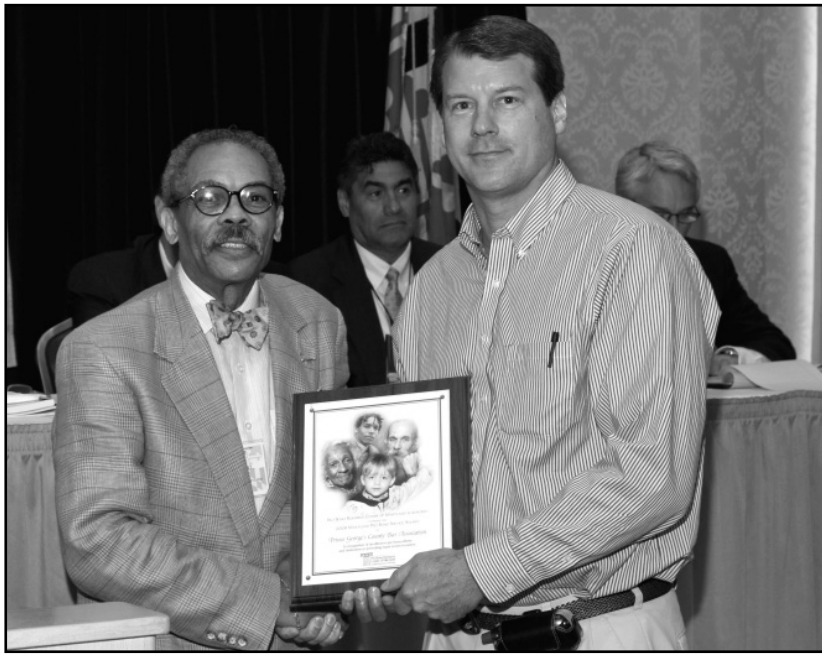
- A) Attorneys' Fees in Probate & Related Matters -differing opinions?
- B) Legislation for General Assembly of 2009
- C) CLE(s), and Articles for PGCBA NewsJournal
- D) Streamlining and standardizing adult guardianship procedures
- E) Other Business

(\* Agenda is subject to changes, especially if you have any good ideas)

Co-Chairs: Agnes Powell & Benjamin Woolery



# PRO BONO AWARD



*The ABA Standing Committee on Pro Bono and Public Service and the ABA Center for Pro Bono conferred on the Prince George's County Bar Association the 2008 Maryland Pro Bono Service Award in recognition of the Pro Bono Fair that the Bar held at the University of Maryland in October. The ABA commended Prince George's County Bar Association on its commitment to its community's poor and underserved. The ABA salutes those Bar Associations that make serving their communities one of their main goals. This award was given to Prince George's County Bar Association's President, John C. Fredrickson, at the Maryland State Bar Association Annual Meeting in Ocean City, July 11-14, 2008.*



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***CHIEF JUDGE***

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From: William D. Missouri  
Chief Judge

Re: Settlement of ADR cases

Date: July 9, 2008

Please be advised that attorneys engaging in Alternative Dispute Resolution (ADR) before the Prince George's County Circuit Court are required to notify the court if an ADR cases settles prior to the date and time it is scheduled to be heard by a retired/ADR judge. Failure to notify the court of a case settlement may result in the issuance of a show cause order and a subsequent hearing on the issue of reimbursement for the retired judges' non-productive time.

cc: Hon. Robert M. Bell  
Hon. Glenn T. Harrell, Jr.  
All Resident Judges

**SEVENTH JUDICIAL CIRCUIT OF MARYLAND**

**PRINCE GEORGE'S COUNTY**

**FROM THE CHAMBERS OF WILLIAM D. MISSOURI**

**CHIEF JUDGE**

To: Attorney's Practicing Before the Prince George's County Circuit Court

From: William D. Missouri  
Chief Judge

Re: Pre-trial statements pursuant to Rule 2-504.2(a)

Date: July 9, 2008

All are advised that the Circuit Court for Prince George's County, through the issuance of a scheduling order pursuant to Rule 2-504, has determined that pre-trial conferences will be scheduled for most civil cases on the court's docket. The scheduling of a civil case requires, pursuant to Rule 2-504.2(a), that "each party shall filed not later than five days before the conference a written statement addressing the matters listed in section B of the rule." The court, over the years, relaxed the requirement that a pre-trial statement be filed five days prior to the pre-trial conference, but that relaxed practice will cease effective September 1, 2008.

Effective September 1, 2008, all parties must comply with Rule 2-504.2(a) or be subject to sanctions by the court. The mandatory filing of a pre-trial statement will be enforced by all judges who are scheduled to hear pre-trial conferences in the Prince George's County Circuit Court.

cc: Hon. Robert M. Bell  
Hon. Glenn T. Harrell, Jr.  
All Resident Judges

# JUNE ANNUAL MEETING





# ANNOUNCEMENT

## CHILD SUPPORT INFORMATION CENTER OPENS IN THE CIRCUIT COURT FAMILY DIVISION

On June 30, 2008, the Family Division Child Support Information Center (the "Center") opened its doors to members of the bar and general public. The Center is located on the ground level of the Prince George's County Circuit Court in room M0408. This exciting and innovative addition to the Prince George's County Circuit Court Family Division will provide attorneys access to the Child Support Guideline software ("SASI"), Court Applications Portal ("CAP"), Court Connect, Maryland Case Search and Microsoft Word. The first of its kind in Maryland Courts, the

Center is modeled after the business center concept providing users remote access to their email accounts and fax retrieval services while visiting the court.

The Center maintains two computer stations exclusively for attorney use. These stations can be used between the hours of 8:00 am to 3:00 pm Monday through Friday. The stations are available on a first come first served basis and documents may be printed at a cost of .25 cents per page. Printed documents are available for immediate pickup in room M0423.

The Prince George's County Circuit Court Family Division welcomes you to the Center and invites your questions and comments. If you have questions, comments or need additional information, feel free to contact Indra Caudle at (301)952-4095.

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301 589-7113



PGCBA

**Traffic School Celebration  
October 7th, 2008  
Make your Reservation**

**JUDGE E. ALLEN SHEPHERD  
1937-2008**

I write this memorial of my friend and colleague Judge E. Allen Shepherd. Judge Shepherd was born on March 26, 1937 in Bridgeport, Connecticut. His death occurred on July 23, 2008 in Mitchellville, Maryland - and leaves behind his loving wife, Juanita, son Chuck, daughter Cindy, and 3 grandchildren

Judge Shepherd was raised in University Park, Maryland attending local schools and graduating from the University of Maryland. He was a graduate of the George Washington University School of Law. While attending school he served his country in the United States Naval Air Reserves from 1954 to 1962.

Although our roots were in University Park/College Park we did not become friends until my son, Kevin and Al's son, Chuck were in the same Boy Scout troop in Bowie. Al and I soon decided that we would start our own informal camping and hiking combine. We first met professionally when I tried my first case as a lawyer - defending a client accused of an armed robbery of the Palmer Drive-In Movie Theater. The case was prosecuted by Assistant State's Attorney E. Allen Shepherd and resulted in a conviction of my client. Over the next 10 + years we spent many days and hours backpacking the Appalachian and Big Blue Trail in Pennsylvania, Maryland, Virginia and West Virginia and camping in Vance's Cove near Wardensville, West Virginia. It was on the trail and around the campfire that I learned of Al's many positive character traits and legal wisdom. Our camping group of Al, John Pleisse, John Buchanan and others solved many legal problems around the camp fire on those trips - usually with the wise counsel of our friend and colleague.

**THE MAN**

Al Shepherd had a sincere belief in God and made that relationship a priority in his life. As a long time member of Hope Presbyterian Church in Mitchellville, he sang in the choir and served as an elder. Al's family was always a priority as the faithful husband to Juanita for 43 years and father of Chuck and Cindy and 3 grandchildren.

Al was a man of broad interests. It was not unusual to walk into his chambers as he was listening to his favorite classical music station and reading the London Times on the Internet while he was waiting for a verdict. He was an expert on many Civil War Battles as well as World War I and World War II. He

would regularly recount the batting averages of Oriole hitters as well as the ERA's of the pitchers - he did not like to miss an opening game. And, oh yes, he was an expert in ballistics - an expertise gained from his thorough preparation of many gun cases as a prosecutor and defense attorney.

**THE LAWYER**

It would be difficult to find a trial lawyer in the state who had a more diverse and deep experience. Al started his legal career in Baltimore as an insurance defense lawyer with the firm of Rollins, Smalkin, Westin and Andrews where he practiced law from 1963 until 1967. Thereafter, he was appointed assistant state's attorney in Prince Georges County where he served for 4 years from 1967 until 1971. Deputy States Attorney Vincent J Femia hired him and recounts that Al soon became the "go to guy" in the office and developed a reputation for his thorough preparation and tenacious advocacy. In 1971 he commenced the private practice of law where he successfully represented clients in criminal, family, personal injury, real estate and many other types of cases. He was regularly assigned the representation of the most difficult criminal cases including numerous first degree murder and capital punishment cases. In 1985 he was appointed the Public Defender for Prince Georges County. He served in that position until he was appointed to the District Court in 1991. During his practice Al became a mentor to numerous young lawyers who have gone on to successful careers as prosecutors, trial lawyers and judges. He launched the careers of numerous trial lawyers and current judges through his steady and wise mentoring

**THE JUDGE**

Al served as a District Court Judge until he was appointed to the Circuit Court in 1995 where he served until his retirement in 2007 when he reached the mandatory retirement age of 70. He was then recalled by the Court of Appeals and continued to try numerous and diverse cases. Judge Shepherd was predictably assigned the most difficult cases because of his breadth of experience. He was always available to assist his colleagues in grappling with complex legal and trial issues. As a Judge, Al continued his mentoring of lawyers, law clerks and newly appointed Judges.

Judge Shepherd was a court house fixture for 40 years. His presence will continue to exert wide influence through the many lawyers and judges he nurtured.

As a man, lawyer and judge he had many admirable character traits - among them - modesty, humility, honesty and diligence. Testimonies from current judges, trial lawyers and employees include the following -

- "quiet and thoughtful"
- "a lawyer's judge"
- "his door was not just open it was wide open"
- "enormous, grace, poise, dignity and humility under fire"
- "one of the greats of the bar and the bench"
- "the personification of what a judge should be"

Throughout his career Al was subjected to enormous public criticism from his unpopular clients, victims, victims' rights groups and the press. In the face of such criticism for just being an excellent lawyer, Al had the unique ability to rise above it all with humility and grace. Al was not defined by what the public said but by his faith in his Creator and his Lord Jesus Christ. That faith enabled him to achieve his life's work.

The Bar has lost a great lawyer, judge and friend but we are better off because of his lasting character and many disciples.

**MEDIATION  
ARBITRATION**

Judge Theresa A. Nolan  
*(Retired)*

**(410) 897-9644**

# TRAFFIC SCHOOL

## A CELEBRATION

### FOURTEEN YEARS OF PRINCE GEORGE'S COUNTY BAR ASSOCIATION TRAFFIC SCHOOL

The Prince George's County Bar Association Traffic School is in its 14th year of existence. The first class graduated in December of 1994 with a total of 26 students. Since then over 12,000 students have graduated from the class and the Bar Association has been able to fund numerous public service projects with the income generated by this worthwhile program.

The Prince George's County Traffic School was the brain child of Judge C. Philip Nichols of the Circuit Court. He in turn modeled the course on the DuPage County Bar Association's school in Illinois.

The course is a 6 hour program developed by the National Safety Council. It consists of lectures, films, student workbooks and testing. The course is administered by two Prince George's County police officers who have been certified by the National Safety Council and are accredited accident reconstructionists.

The course has two main goals: (1) train drivers in professional collision avoidance techniques through standardized classroom course; and (2) promote an attitude of mutual understanding, courtesy and cooperation so that driving is a civilized, pleasant, safe and successful activity for all concerned.

The idea of the school was first proposed at a Board of Directors' meeting in November of 1993. At this meeting the groundwork was set in place to investigate the various aspects of implementing a Traffic School run by the bar association. The initial committee looking into this consisted of Judge Nichols, Walter Laake, Debbie Johnston, Tim Sullivan, Mark Chandlee, and Joe Carey. Issues of length, instructors, where to hold the class, funding, the paper process thru the District Court, insurance, certification, personnel to run the program, and advertising were all addressed in the following months. By November of 1994, all the details had been worked out and the Traffic School was ready for its first class.

In addition to the people mentioned above some of the early contributors to the Traffic School were Pearl LaPlaca and Alicia Corle as Traffic School Administrators, Jerry Sullivan who prepared the early

computer program, Sam DeBlasis, who set up the Traffic School account, and the judges of the District Court who supported the implementation of the Traffic School.

The Traffic School continues to run under the auspices of the Prince George's County Bar Association. Kathy Cooke is the Coordinator of the program and Georgia Perry supervises its overall functioning. Judge Nichols is still very much involved and because of his continued dedication and support the program flourishes.



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**Prince George's County Bar Association Membership Meeting**

**Celebration  
of  
PRINCE GEORGE'S COUNTY BAR ASSOCIATION'S  
"TRAFFIC SCHOOL"  
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PROGRAM SUCH A SUCCESS**

**GUEST SPEAKER  
TBA**

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-----  
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# PGCBA DIRECTORY

## PGCBA OFFICES

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www.pgcba.com

## EXECUTIVE DIRECTOR & NEWSJOURNAL EDITOR

GEORGIA J. PERRY  
e-mail: gperry@pgcba.com

## COMMUNITY SERVICES SECTION

### Law Day

*Coordinates annual Law Day USA programs*

Sherrie L. Krauser ..... 301-952-5285  
Nicholas E. Rattal..... 301-952-3227

### Law Links

*Works through PGCBA to provide placement for summer jobs with area law firms for local high school students.*

Sheila Tillerson Adams ..... 301-952-3766  
Abigale Bruce-Watson..... 301-731-0005

### Law Related Education/Mock Trial Program

*Coordinates with school systems in conducting mock trial programs in area high schools and providing team coaches and judges from Association membership*

Sherrie L. Krauser ..... 301-952-5285  
Alicia Lucero..... 301-881-8895

### Lawyer Referral

*Coordinates Association's Lawyer Referral Service and provides information to public re: availability of legal services*

Gerald C. Baker..... 301-577-4600  
John M. McKenna ..... 301-474-0044

### Outreach

*Encourages positive perception of the legal professional as well as Association involvement in activities reaching out to less fortunate members of the community.*

### Outreach/Christmas in April Program

Maurene Epps Webb..... 301-952-5181  
Erik H. Nyce ..... 301-306-4300

### Public Service Projects

*Administers and oversees grant applications and funding*

Susan L. Bayly ..... 301-405-4943

### Speakers Bureau

*Receives requests from community groups, organizations and schools for information on law-related topics and provides a speaker based on the interest, background and experience of the attorney.*

Gerard Devlin ..... 301-262-1696

### Traffic School

*Oversees the operations of PGCBA's Traffic School.*

C. Philip Nichols, Jr ..... 301-952-3907

## MEMBER SERVICES SECTION

### Cooperative Guidance Program

*Coordinates attorneys volunteering to provide special legal assistance to other attorneys in specific area of concentration.*

John F. Calabrese ..... 301-699-1400

### Fee and Dispute Conciliation Program

*Mediates and conducts hearings resolving disputes between Bar members and their clients upon request and agreement of the parties, pursuant to ByLaws; Volunteers intercede upon request as conciliators with other members of the bar and encourage amicable resolution of a discovery and minor disputes.*

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

### Lawyers In Need

*Provide a confidential source of assistance for attorneys experiencing a personal or professional crisis*

James F. Flynn ..... 301-932-0700

### Memorial

*Coordinates tributes and service for departed members*

Vincent J. Femia..... 301-283-2817

### Solo Practitioner

*Addresses areas of concern for attorneys in sole practice or small partnership.*

Debra M. Davis..... 301-899-9400  
William J. Parker, Jr..... 301-952-1052

### Technology

*Provides an avenue for specialized assistance in areas of computerized court procedures, office management, legal research, and electronic communication*

Jay Creech ..... 410-867-3678

### Young Lawyers

*Coordinates professional and social activities of interest to new practitioners and newly admitted members.*

Ryan Richie ..... 301-952-1311

## ADMINISTRATIVE SECTION

### ByLaws/Parliamentarian

*As required, reviews ByLaws of Association and recommends and drafts changes to be submitted to membership; acts as Parliamentarian for all Association meetings.*

Gerard Devlin ..... 301-262-1696

### History

Carolyn Starks Saxon..... 301-952-3239

### Community Legal Services Liaison

*Interacts with PGCBA and Law Foundation for mutual benefits of both*

Cathy Hollenberg Serrette..... 301-952-3132

### Long Range/Strategic Planning

*Provides a forum for review of activities and goals of PGCBA; oversees implementation of Association's Strategic Plan.*

Elveta M. Martin ..... 301-952-5448

### MSBA Liaison

John Fredrickson..... 301-572-7900

### Member Meeting Programs

*Arranges topics, programs and speakers for membership meetings.*

Maurene Epps Webb..... 301-952-5181

### Membership & Admissions

*Encourages membership and participation in PGCBA; reviews applications for membership for conformance with ByLaws.*

Isaac Marks ..... 301-752-3234

### Newsletter

*Advisory board for topics and contributors for monthly newsletter*

Albert W. Northrop..... 301-952-3814

## Nominations & Elections

*Publishes vacancies for officers and directors; reviews qualifications of candidates; recommends nominees in compliance with ByLaws; oversees elections.*

John Fredrickson..... 301-572-7900

## **SOCIAL & SPECIAL COMMITTEES**

### Golf Tournament

Robin D. Bright..... 301-952-5228

### Hospitality Suite

John D. Burns..... 301-441-8780

### Sports Leagues

Jeffrey R. DeCaro..... 301-306-4300

## **PGCBA LAWYER REFERRAL SERVICE**

Lawyer Referral Service panel membership information available upon request to the Bar Association Offices  
Client Referrals to LRS...301-952-1440

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## **LITIGATION SECTION**

William C. Brennan, Jr 301 952-1400

*Committees within this section provide avenues for practitioners to improve their knowledge, quality and efficiency in matters relating to various aspects of the law; many of these committees present practice seminars and manuals and provide articles of general interests for publication in the monthly newsletter.*

### Administrative Law

Daniel F. Lynch..... 301-952-0100  
Abigale Bruce-Watson..... 301-731-0005

### Alternative Dispute Resolution

David M. Bulitt..... 301-220-2200

### Appellate Practice

David P. Sutton..... 410-547-1349  
Michael A. Wein..... 301-441-1151

### Bankruptcy Law

John D. Burns..... 301-441-8780

### Criminal Law

David Simpson..... 301-474-9634  
Richard A. Moore, II..... 301-952-3190  
Michael Pearson..... 301-952-3500

### Elder law

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Agnes C. Powell..... 301-982-0275  
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## Labor & Employment

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## Tort Law

Paul A. Turkheimer..... 301-699-5800

## Workers' Compensation

Debora Fajer-Smith..... 301-390-4900

## **PROFESSIONAL SERVICES SECTION**

### Alter Ego Program

*Designated member of Bar acts as a liaison for each Judge and Master to communicate matters of a sensitive or critical nature to a member of the bench in a confidential manner. List published periodically in newsletter.*

Ronald D. Schiff..... 301-952-4066

### Ethics and Professionalism

*Advises members upon the ethical propriety of contemplated professional conduct; recommends amendments to Rule 1230, Maryland Rules of Professional Conduct. Provides "Hotline" for instant ethics opinions, published monthly in newsletter. Provides Lawyers' Creed of Professionalism for maintenance of traditions of competence, courtesy and respect for the law as a profession and as a member of the Association.*

Steve Rosen..... 301-699-1400

### Judicial Selections

*Coordinates and oversees Bar vote on candidates for judicial appointment.*

Alexander Williams, III..... 301-982-8600

### Legislative

*Monitors legislation; refers bills of particular concern to Board of Directors for adoption of position to be communicated to Legislature.*

A. Robert Gardner..... 301-454-1670

## **MSBA BOARD OF GOVERNORS**

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# ARE ALL GOVERNMENT EMPLOYEE EMAILS PUBLIC RECORDS?

Suppose that a man suspects that his wife, a government employee, is having an affair with a co-worker. The man submits a written request to the government agency requesting copies of all “non-work” emails between his wife and her suspected lover for a six month time period. Must the agency produce the emails?

In Kentucky, a trial court recently said “yes.” Relying on Kentucky’s Open Records Act, which defines public records as “documentation regardless of physical form or characteristics, which are prepared, owned, used, in the possession of or retained by a public agency”, the court held that “[t]he public has a right to know the contents of non-work related emails transmitted through the state email system by state employees being paid with tax dollars during work hours.” *Justice and Public Safety Cabinet v. Stephen Malmer, et. al.*, No. 06-CI-1373 (Commonwealth of Kentucky, Franklin Cir Ct. Div. I Nov. 19, 2007), at <http://media.kentucky.com/static/images/common/decisioninemailsuit.pdf> Quoting the famous Justice Brandeis quip that “Sunlight is said to be the best of disinfectants,” the trial judge emphasized that public employees are accountable for utilizing government time and resources and that, therefore, private emails should not be passed through the government email system.

The case is currently on appeal, and although not precedent, the Kentucky trial court opinion is noteworthy because it highlights issues inherent in the use of email by government employees that the employees seem to overlook or simply ignore. This is no doubt due to the novelty, convenience, and immediacy of this relatively new mode of communication, which has advanced faster than rules, regulations, or training governing its use.

The Maryland Courts of Appeal have not had occasion to rule on the issue of whether all government employee emails are public record, but State appellate courts that have considered it have held that the purely private email of government employees is not subject to public disclosure. See *Pulaski County v. Arkansas Democrat-Gazette*, 370 Ark. 435 (2007); *Griffis v. Penal County*, 156 P.3d 418 (Ariz. 2007); *State of Florida v. City of Clearwater*, 863 So. 2d 149 (Fla. 2003). Each of these cases turned on the applicable definition of “public record” and

in each, the definition contained language (unlike the applicable Kentucky statute) that limited “public records” to those relating to government business. Relying on the applicable definition, the courts held that the private email messages at issue did not meet the definition of a “public record.”

These decisions make sense considering the definition of “public record”, but it seems that the more difficult question is what makes a particular e-mail message purely private, as opposed to related to government business? While an email message from a government employee to her spouse reminding him to pick up groceries may be purely private, what about private emails between an elected official and a subordinate when there is an allegation that the two are alleged to be engaged in an improper relationship? What about private emails between a county employee and an employee of a contractor working for the county?

The Supreme Court of Idaho has held that such emails must be disclosed to the public, even though Idaho’s definition of public records includes the limitation that the records be related to the conduct of government business. *Cowles Publishing v. Kootenai County Board of County Commissioners*, 159 P.3d 896, 900 (Idaho 2007). In the *Cowles Publishing* case, an elected official had defended his subordinate in the wake of allegations that she had mismanaged funds that had been set aside for a special juvenile court program. Subsequently, allegations surfaced that the two were romantically involved. Considering these facts, the Court held that the elected official’s reasons for defending his subordinate, “relate[d] to the conduct and administration of the public’s business” and affirmed a lower court decision which ordered that all emails between the two for the requested time period be released.

Similarly, in the *Pulaski County v. Arkansas Democrat Gazette* case, *supra*, although the Supreme Court of Arkansas held, generally, that purely private emails were not public record, it remanded the case to the trial court to conduct an in camera review of each email message. The trial court, on remand, reviewed each message and ordered that the messages be released, ruling that personal email exchanges between a County employee and an employee of a contractor hired by the County were

“indistinguishably intertwined” in the business relationship between the County and the contractor, therefore meeting the definition of public record. The County again appealed, but the Supreme Court, this time, affirmed the trial court ruling. *Pulaski County v. Arkansas Democrat Gazette*, 370 Ark. 433 (2007).

So where does Maryland stand on this issue? The Maryland Public Information Act, defines “public record” as any “documentary material” that is “made by a unit or instrumentality of the state government or of a political subdivision or received by the unit or instrumentality in connection with the transaction of public business.” Maryland Annotated Code, State Government Article (SG), § 10-611(g) (emphasis added). The record may be in “any form” including a “computerized record.” *Id.* at §10-611(g)(ii)(2). Although the statute does not explicitly mention electronic mail, it most certainly falls within the purview of “computerized record.” In addition, the Maryland Office of the Attorney General has opined that the Maryland Public Information Act “applies to an electronically stored email message or a hard copy of the message in the custody and control of a public officer or employee, if the message is related to the conduct of public business.” 81 Op. Atty. Gen. Md. 140 (1996).

Based on the statutory language defining “public record,” it is unlikely that a Maryland appellate court would rule that that purely private email is subject to public disclosure. In a somewhat analogous case dealing with phone records, the Court Appeals, relying on the statutory definition of “public record”, held that home telephone bills of the Governor and his family are not “public records.” *Office of the Governor v. the Washington Post*, 360 Md. 520 (2000). In that same case, however, the Court suggested that records of personal calls made by government officials from their office locations would qualify as public records, stating that “[a]lthough the content of such calls may be private, the bill from the telephone company to the state offices by state officials or employees on state telephones during their working hours, clearly falls within the definition of “public record” in the [Public Information] Act.” *Id.* at 538 n.8.

This leads back to the more difficult

questions of how does one differentiate private email from email made or received “in connection with the transaction of government business”? What if an email contains elements of both? Would a court allow redaction of the “private” text?

The problem with electronic mail (which is also what makes it so appealing) is that it is a written form of communication that often assumes the informality and tone of a phone call. When email messages of this type are released to others for view, no matter what the topic, the context is often lost or subject to misinterpretation by the innocent reader. Nonetheless, government employee emails containing such informal tone, slang, or personal comments would most likely be considered to be public records if the general topic and purpose of email is related to government business.

While it is difficult to predict how a Maryland appellate court would rule on any given set of facts, the Maryland Court of Appeals has long recognized that the Maryland Public Information Act “shall be broadly construed with the view toward public access.” Office of

the Governor, supra, 360 Md. 520, 535. Therefore, government employees in Maryland should heed the advice to draft their email messages in a professional tone and manner. More importantly, they should not assume that any email message that they send or receive through the government email system is safe from public view.

By: Heather L. Ashbury , Washington Suburban Sanitary Commission, Associate Counsel II.



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**ATTORNEY - PERSONAL INJURY**  
Joseph, Greenwald & Laake, P.A. is looking to expand its personal injury practice. This is a great opportunity for a highly self-motivated attorney with experience in personal injury and preferably with a portable practice.

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**BOWIE: LAW OFFICE IN BOWIE** has a furnished private office available. Full service includes conference rooms, kitchen, fax, DSL, and copier. Receptionist to answer your phone calls, schedule your appointments, and occasional light word processing. Please call Ashley Campbell (301) 390-6600.

**CLINTON: OFFICE AVAILABLE BRANCH AVENUE** and Woodyard Road. Stand-alone bldg. w/retail exposure. Private parking, private entrance. 1,000 to 3,000 s.f. available. Call Teris 443-534-3050.

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**LAUREL:** Laurel Personal Injury Firm - Shared office space; use of common area & copier; "A" rated space in new building on Main Street in the Historical District. Inquire to Robb@lawmcs.com.

**OFFICE FURNISHINGS:** Satellite Office being closed. All furniture and furnishings for sale including 10-foot conference table, desks, chairs, reception furniture, decorative items, etc. Call Carl (301) 292-4500.

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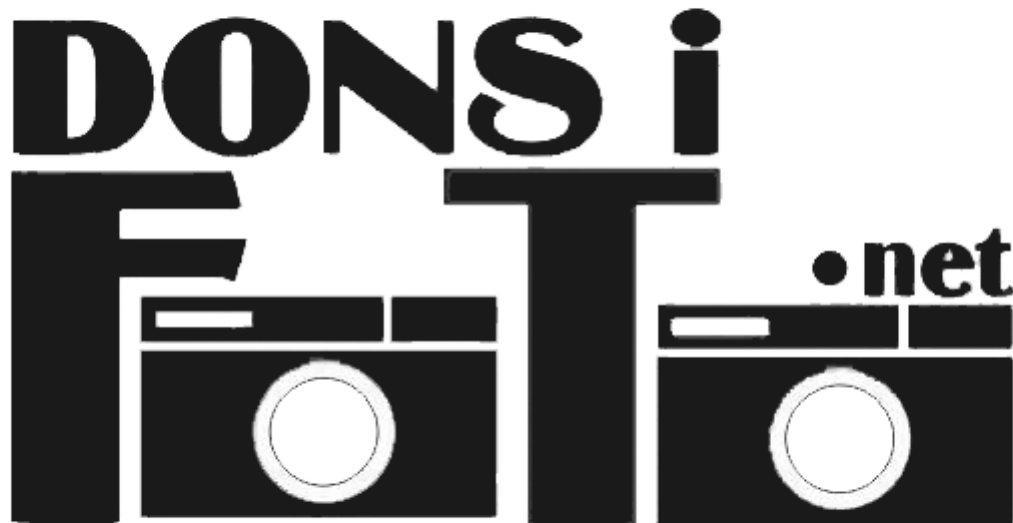
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