



# The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

January 2010

## Dates to remember

Jan. 18  
**Court & AABA offices Closed**  
Martin Luther King Holiday

Jan. 19  
**AABA Family Law Committee Meeting**  
Attorneys' Lounge  
Circuit Courthouse  
5 pm

Jan. 20  
**AABA Board of Trustees Meeting**  
Circuit Courthouse  
5:00 pm

Jan. 26  
**AABA CLE: "To Certiorari and Beyond!"**  
Circuit Courthouse  
5:30 pm - 7:30 pm  
*See page 15 for details*

Feb. 4  
**AABA CLE: The Judges' Perspective on Treatment Programs for Defendants**  
Circuit Courthouse  
5:30- 7:30 pm  
*See page 15 for details*

April 8  
**AABA CLE: Common Pitfalls, Current Law and Practical Advice for DUI Cases**  
Circuit Courthouse  
5:30 - 7:30 pm  
*See page 15 for details*



For meeting details, visit  
[www.aabar.org](http://www.aabar.org)

## Happy 2010!

**H**appy 2010! I hope the holidays and the beginning of the New Year were enjoyable for everyone. This month's president's message is a little different. I have decided to highlight William C. Mitchell, Jr., Esq., dedicated member of the AABA. We all see him in our travels around Annapolis. Much to my delight, I recently had the opportunity to sit down and chat with him.

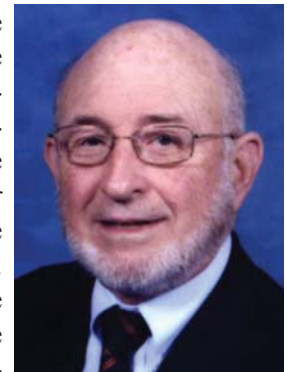
William C. Mitchell, Jr., was born in Trenton, NJ, in 1932. During World War II, his father was a builder and worked for the Farm Security Administration providing low interest loans to returning farmer vets in the areas of New Jersey, Delaware and Maryland. During the summers the Mitchell family would vacation in Benedict, Md., or on the Maryland Eastern Shore in Kent Narrows while his father did his farm appraising. Mr. Mitchell recounted that during these vacations he would work as a deck boy for local Maryland trot line crabbers.

Eventually, the Mitchell family found themselves settling in Baltimore County. He attended Loyola High School in Towson and graduated from Georgetown Prep in Garrett Park. He received his undergraduate degree from Catholic University and went on to earn his Juris Doctor from Catholic University Law School in 1956. He served in the United States Army and served in Korea during the early occupation.

Upon returning from Korea, his first job was working as a law clerk with Sam Schenker, Esq. in 1959. That same year he was hired by C. Bowie Rose, Sr., Esq. and went on to pass the bar in 1962. He was admitted to the Federal Bar in 1963.

Mr. Mitchell began practicing law as

a general practitioner and eventually the firm of Rose & Mitchell, PA was established. In later years, his practice has focused on Estates and Trusts, Probate, Real Estate law and Zoning. He has dedicated many years of hard work in the area of mediation. In the late 1980's he was appointed Chairman of the Fee Dispute Committee for the Maryland State Bar. In 1990, he and a number of colleagues under the initiative and leadership of the late Hon. James C. Cawood, Jr., were instrumental in establishing the Mediation/Settlement/Facilitator program in our Circuit Court. When Mr. Mitchell speaks of his successes in the area of mediation/settlement, you can hear the enthusiasm and dedication in his voice.



Bill Mitchell

Mr. Mitchell not only takes pride in his hard work in the mediation program, he is also

the co-chair of the Cawood Inns of Court Historic Trial Pupillage Group. I recently spoke with John Gardner, Mr. Mitchell's co-chair, regarding Bill Mitchell. According to Mr. Gardner, "[Bill Mitchell] is the most knowledgeable person I know. He is a traditionalist who is young at heart." Mr. Gardner added that you may see Bill and Priscilla perusing the streets of Eastport

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President's Message  
by Danielle M. Mosley

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## The Barrister

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# Practice Notes...

Compiled by Hon. Philip Caroom

### Criminal procedure - juror communication:

Reversal was required where judge, without consulting counsel, denied juror's request for excuse as a relative was near death. See *Harris v. State*, – Md. App. – (11/30/09).

### Criminal evidence - exclusionary rule - mere negligence:

Where police arrested defendant on a warrant which had been recalled but negligently was left on computer data-base, exclusionary rule did not apply as its purpose to deter deliberate police wrong-doing would not be deterred. *Herring v. United States*, – U.S. –, 129 S. Ct. 695; 172 L. Ed. 2d 496 (2009).

**Criminal evidence - "search incident" vs. catch-and-release:** Facts- Police notices smell of burnt marijuana, saw a pocket bulge, and seized mari-

juana packets from defendant, but released him and did not arrest him for two months. Holding- Because defendant was released, search could not be justified as "incident to lawful arrest." *Belote v. State*, – Md. App. – (10/13/09).

**Family law - alimony without divorce - corroboration:** FL Art., sec. 11-101 (a) permits a complaint for alimony without divorce; but, if one does not plead a separate cause of action for alimony as such and merely files for divorce, the Court may be obliged to deny the alimony along with the divorce if corroboration is insufficient. *Cruz v. Silva*, – Md. App. – (11/25/09).

**All bar association members are invited to contribute Practice Notes as to any legal points or information which might be useful to other attorneys. Send to: Attn.- Hon. Philip Caroom, Court House, P.O. Box 2395, Annapolis, Md. 21404 or to [ctcaro44@aacounty.org](mailto:ctcaro44@aacounty.org).**



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**Stephen Willett**  
President

# 2G Lawyers in the AABA

by Hon. Phil Caroom, *The Barrister* Committee

**M**ore than 1,100 lawyers now make up the Anne Arundel Bar Association, yet to my knowledge, only 20 second-generation (2G) lawyers-- and only two third-generation (3G) lawyers-- have joined lawyer-parents' practices. Why so few? Joke-writers might suggest a sinister answer: "The rest were hatched from petri dishes."

But *The Barrister* this month gets first-hand answers from some of the 2G and 3G lawyers.

## Nature or nurture: is biology destiny?

Many 1G lawyer- parents reportedly never urged their children to follow in their footsteps. But Vernon Frame may have been an exception. 2G Tara Frame reports that, from age 4, she would say, "When I grow up, I want to be a lawyer like my daddy. ...I think he whispered in my ear every night when I was asleep, 'You want to be a lawyer-- you want to be a lawyer!'"

A number of others-- 2G Rob Henley, 3G Ed Hartman, III, and 2G Ron Katz -- knew from childhood they would grow up to be attorneys. "I don't ever remember making a conscious decision to be a lawyer," Henley says.

But, for others, the decision came later: 2G Mickey McGuire began college imagining that he would be a veterinarian or marine biologist. Then realized that the work he enjoyed most involved formulating and supporting theses, in writing and orally. And, he realized that his father Jim McGuire regularly did this as an attorney and began to ask him about law practice.

## How 1G parents lured them in

For 2G Steve Krohn, it was quick: "When I passed the bar exam, my mother immediately offered me a job...with greater income than I had been earning!"

But, for others, years of role-modeling took place. "Whenever I visited the office growing up, it was a positive experience. Everyone who worked there was upbeat and busy," Hartman reports. According to Frame, her father "loved practicing law... He whistled out the door going to work in the morning and whistled coming in at the end of the day."

## Advantages and disadvantages

"I can't tell you how many people ask if I am related to Vernon Frame, the attorney. When I

would say that he is my father, people, including opposing counsel, insurance adjusters, and others involved in cases, ... they instantly became part of my network of colleagues," Frame reports.

Occasionally, the proliferation of same names can cause trouble if clients don't remember your first name, Krohn recalls. Plus, practicing with both parents, "we were not permitted under any circumstances to use the initials only when referring to our firm - 'Krohn, Krohn & Krohn.'"

Disadvantages also can occur when a parent persists in acting like a parent. Henley recounts, "My mom has had the same family photos in her office since 1985. There is one I have taken down at least twice and it keeps finding its way back, and she knows which one I'm talking about." On the other hand, Henley says, "The best part with my mom is I don't ever have to be hesitant about going to her with a 'dumb' question or problem."

McGuire, who works with a lawyer-father, lawyer-sisters, and bookkeeper-mother, adds, "I have found that [they] have used their insight [into my personality] to help me in times of need ... without me having to ask."

Some 2Gs report that family conflicts can

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**One common remedy involves drawing an invisible boundary between office and home...**



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# Generations...

*Continued from page 3*

spill over into the office. Says Katz, "We are very similar in our personalities and...used to clash

quite a bit [but now] our similarities help bring us together."

## 2G Lawyers in the county

At the risk of some unintentional omissions, here is at least a partial list of current AABA members who now or previously have practiced with lawyer-parents:

Marvin Anderson (2G) and Julia Anderson Reinhardt (3G)  
Sharon Asensio, Joe Asensio and Cheryl Asensio (2G)  
Leroy Bald and Jeffrey Bald (2G)  
James C. Cawood, Jr. and Robert Cawood (2G)  
Alan Cohen and Adam Cohen (2G)  
Gil Cochran and Drew Cochran (2G)  
Bill Corbin and Kim Aviles (2G)  
Evelyn Darden and Mark Darden (2G)  
Bill Ferris and Cristina Ferris (2G)  
Vernon Frame and Tara Frame (2G)  
Myer Grossfeld and Michael Grossfeld (2G)  
Edward Hartman, Jr. (2G) and Edward Hartman, III (3G)  
Emile Henault, Jr. and Emile Henault, III (2G)  
Suzanne Henley and Rob Henley (2G)  
Noah Hillman and Dick Hillman (2G)  
Joel Katz and Ron Katz (2G)  
Charlotte Krohn, Stan Krohn, Steve Krohn (2G) & Carolyn Krohn (2G)  
Dick May and Michael May (2G)  
Thomas McCarthy, Sr., Thomas McCarthy, Jr. and Brennan McCarthy (2Gs)  
Jim McGuire and Mickey McGuire, Page McGuire Linden and Molly McGuire Tardivo (2Gs)  
Barry Dalnekoff and Jennifer Merrill (2G)  
James Shuck and Jennifer Shuck Baldwin (2G)  
Barry Tate and Amy Tate (2G)  
Carl Tenner, Sr. and Carl Tenner, Jr. (2G)  
William Trevillian, Sr. and William Trevillian, Jr. (2G)

### Advice for those considering it

One common remedy involves drawing an invisible boundary between office and home: "During family time, you are not discussing the law or office matters and...in the office, family matters are left at the threshold," the McGuires have agreed.

Krohn sums up his advice, "A career choice should be made because it is what you want to do and not because a parent wants you too. I also suggest being thorough in agreeing on the ground rules, i.e. conflict resolution, addressing each other by first names in the office, etc." "Be patient and listen," Hartman adds.

There is one piece of wisdom on which all the 2Gs and 3Gs agree. In the words of Frame, "it is a truly special relationship to know your parent not only as a parent, but also as a colleague and a partner." ■

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# The Bowl Championship Series, Really!?

Today I write to you to talk about college football and the BCS. I know my readers (ok, my wife, who only reads this to see how weird I am) want to know, what about Tiger Woods? Well, he seems to be all over the news these days, but I will refrain from writing about him, for a few reasons. First off, this is a family column. Second of all, it seems like this may be the tip of the iceberg for El Tigre, especially since the only golf club he's probably touched in the past couple weeks was the one that was laced across his cheekbone. When he hits the links, things could get really interesting. Third of all, like Clark Griswold's Jelly-of-the-Month club, this will be the gift that keeps on giving all year round. I can write about Tiger in March, and my guess is that it will still be topical.

So back to the BCS. For those of you that don't know what that is, it stands for Bowl

Championship Series. Except it's not really a series, it's just a bunch of games. One game has no bearing on the next and each team in it just plays one game. Basically, until recently, there was never an "official" national champion in college football. After the season, various teams that had good records went to bowl games. The Big Four bowl games used to be the Rose Bowl, the Orange Bowl, the Sugar Bowl and the Cotton Bowl. Recently, the Fiesta Bowl replaced the Cotton Bowl in prestige. And by prestige, I mean they had a bigger stadium.

And there would be a lot of good games, but not always would the two best teams face each other, since some of the bowls had conference obligations. For example, the Rose Bowl had to take the Big Ten and Pac-10 champions every year. So even if, say, Ohio State and Miami were

*Continued on page 7*

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*And by prestige, I mean they had a bigger stadium.*

## THE WHEELHOUSE

*Sports Commentary by  
Jonathan Pasterick*

### MARYLAND PANEL

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## Meet the Member – Jim Chance

**Name:** Jim Chance

**Where do you work now:** Anne Arundel County Office of Law

**Family:** I live in Annapolis with my wife Lori and our sons Ian (7) & Sean (3).

**You were an actor before you practiced law, can you tell us about it?**

I actually practiced law for five years before getting a M.F.A. in Acting. I've only been acting outside courtrooms since 1990. That has taken me to theatres in 10 states and two other countries. For the last 10 years I've been strictly a local.

**What kinds of things did you do?**

Everything from All My Children and Guiding Light to Shakespeare's Twelfth Night and

Moliere's Tartuffe. In the 1990's I worked with consulting and law firms in California and New York while doing stage and TV work. Since 2000 I've worked exclusively with local theatres and a couple of Maryland filmmaker friends (including Doug Sadler, whose last feature debuted at the Sundance Film Festival).

**What made you decide to practice law full time?**

Student loans.

**Where did you go? How did your legal career progress?**

Since I was a kid I've been interested in public service. I joined a hometown (Easton) firm right out of law school in the 1980's. We represented the Talbot County government and private clients. Since 2001 I've worked for Anne Arundel County. Up until a couple of years ago my practice focused almost exclusively on land use and critical area law and policy.

**Do you still act now?**

Yes. I like to direct or act in one production a year. I just played Elwood P. Dowd in Harvey at the Bay Theatre Co. in Annapolis.

**How do the two professions compare?**

Law pays better.

**Anything else about you our members might find interesting?**

Probably not.

### AABA Quilting Project for the Lighthouse Shelter

The Light House Shelter is asking individuals and groups in the Anne Arundel community to make quilts to cover the beds in its new Homelessness Prevention and Support Center, which will open in the fall of 2010. You can read about the project at: <http://lighthousequilts.blogspot.com>

The AABA will be making a "Courthouse Steps" quilt in the colors of the Maryland State flag. It's a VERY easy pattern. If you've ever quilted, if you've never quilted, if all you've ever done was hold a scissors and cut a straight line, you've got what it takes to help with this project. You can do as much or as little as you want, work on your own or get together with others. You'll have lots of fun, so please contact Ilene Caroom directly for more information about how you can participate. Thanks! Ilene Caroom, 410-533-2832, [bcsho4@yahoo.com](mailto:bcsho4@yahoo.com)

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- Quoted from *Smith v. Continental Casualty Co.*, 289 F.Supp.2D 706 (D. Md. 2003)

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# Wheelhouse...


Continued from page 5

the two best teams in the nation, Ohio State had to play the Pac-10 champion in the Rose Bowl. So we were left debating at the end of many seasons who was truly the best team in the nation.

And this was unacceptable. Because if we can't officially crown a champion, there's no point playing the game at all right? So people clamored for a playoff system. But here was the problem: these bowls had been around forever and they allegedly generated money. Also, over the years, about 493 new bowls were added and given ridiculous names like the BlueBonnet Bowl and the Poulan WeedEater Bowl and the PapaJohns.com Bowl. And the NCAA just couldn't do away with these alleged cash cows. So, as is the NCAA's wont, they chose a wimpy, half-hearted compromise. They kept the bowls, but they took the Big Four bowls, jostled the matchups a tad and put the top two teams in the BCS rankings in one of the four bowls, to be rotated every year. This year it's the Rose Bowl,

and it pits Texas v. Alabama. And all the other bowls just get played as if anyone cares what happens in them.

Now, your next question might be: well Jonathan, what if there is a 3rd or 4th team that might be better than the top two? What if there are other teams that haven't even lost? Well, slow down there Andretti. The NCAA is a sports dictatorship, not some miracle worker. And even if the NCAA wanted some playoff system, how would they implement it? Where would they get an example of such a thing, except for the NFL, NBA, NHL, MLB, and every other level of NCAA football below 1-A?

So what we're left with is a change from "we're all winners!" to "we're all winners! (but really just this team is the winner.)" Unfortunately, since the NCAA's only interest is what will make it the most money that it doesn't have to share with its athletes, there's only one winner, and it won't be Texas or Alabama. 

---

**The NCAA is a sports dictatorship, not some miracle worker. ...Where would they get an example of such a thing, except for the NFL, NBA, NHL, MLB, and every other level of NCAA football below 1-A?**



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## To the AABA members regarding Civil DCM

*A letter from from Hon. Michelle Jaklitsch, Civil DCM Judge*

**To that end, the Court intends to more strictly enforce the timelines set forth in the Scheduling Orders and closely examine requests for modifications of Scheduling Orders.**

As you are likely aware, the Court has consistently completed a high percentage of cases within the eighteen (18) month case time standard. This year's result of ninety-eight (98) percent is its highest yet and the first year that the Court met the ninety-eight (98) percentile completion standard for civil cases. Attorney support of the Civil Differentiated Case Management (DCM) Plan and adherence to Scheduling Orders is essential in maintaining our Court's high level of success.

Although the vast majority of cases were completed within the eighteen (18) month time standard for non-domestic cases, of the cases that did not meet case time standards, the Court notes that there appears to be an increasing trend of postponements and continuances related to non-compliance with Scheduling Orders (e.g., late filings of dispositive motions, non-timely discovery requests, etc.) or modification of Scheduling Orders.

The Court strives to reach a balance between enforcing timelines and allowing flexibility where


necessary in order to achieve the effective disposition of justice. To that end, the Court intends to more strictly enforce the timelines set forth in the Scheduling Orders and closely examine requests for modifications of Scheduling Orders.

Scheduling Orders are produced after service upon any defendant (however, Amended Scheduling Orders are not generated merely by service upon additional defendants or the filing of an amended complaint). As such, the Court encourages prompt service upon all parties. Discovery should be initiated early in the litigation process to allow sufficient time for responses and for any discovery disputes to be resolved between counsel/parties or by the Court, if required. If discovery disputes cannot be resolved between counsel, attorneys should promptly file the appropriate motion (i.e., motion to compel or motion for sanctions). The same holds true for dispositive motions. Many dispositive motions are set for hearings on the Court's Complex Motions' Docket. Failure to timely file these motions can interfere with the Court's ability to set these hearings timely, conduct pretrial settlement conferences, and set trials.

Knowledge of and adherence to the DCM plan policies and procedures by the Court, the Bar, and litigants is the primary factor contributing to the Court's success. I encourage you to review the Court's DCM Plan and the Scheduling Orders in each of your cases to familiarize yourself with Court expectations and case specific timelines. The Court hopes to distinguish between requests that are due to unavoidable issues (e.g., extreme illness) and those that are merely due to a non-compliance with the original Scheduling Order (e.g. non-timely requests for discovery, late filing of dispositive motions, etc.). By implementing closer adherence to Scheduling Orders, the Court's goal is to promote timely settlement of cases where possible and greater access to trial dates when needed. With the assistance of counsel, I am confident that our Court can perform even more efficiently and continue to provide the effective and timely delivery of justice.

Sincerely,

*Michele D. Jaklitsch*, Civil DCM Judge



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# To the AABA members regarding Civil DCM

*A letter from from Hon. Michael Wachs, Family Law DCM Judge*

I would like to take this opportunity to wish everyone a Happy New Year and to share with you some of the Court's successes, as well as seek your assistance with several initiatives that will go into effect in all domestic cases starting in January 2010.

Our Court is proud to be recognized as one of the top performing Maryland courts in the area of expeditiously resolving domestic cases. According to the most recent Case Time Standards Report, our Court was successful in resolving 96% of newly filed domestic cases within one (1) year. Continued attorney support of our Court's Differentiated Case Management (DCM) Plan and policies is essential to guaranteeing continued success.

In particular, adherence to the timelines set forth in the Family Law Order for Scheduling Conference and Scheduling Order, and the prompt submission of proposed orders is vital. Failure to

abide by the Orders and failure to timely submit proposed orders negatively impacts the Court's efforts to effectively settle and schedule cases. The Bench intends to enforce timelines. Specifically, how this affects the Bar is as follows:

Discovery should be initiated early, which will provide ample time for responses to be provided and any disputes resolved. **Starting in January 2010, you will notice that the Court will begin to issue a revised Order for Scheduling Conference which will require that interrogatories and requests for production of documents be propounded within thirty (30) days of the Order.** Additional time to propound these discovery requests will only be granted upon a showing of good cause, either in writing to the Court or at the time of the Scheduling Conference. Counsel are also expected to timely file discovery related motions. Without a demonstration of good cause for untimely filing, motions to compel discovery and/or for sanctions may be rejected by the Court. Conversely, the Court is going to make a concerted effort to promptly resolve timely filed motions to compel discovery and/or for sanctions. Somewhat related to the discovery process, is the requirement that a 9-207 Statement (Joint Statement of Marital and Non-Marital Property) will need to be filed before the Court will schedule a date for a Merits hearing in any case in which a monetary award or other relief pursuant to Family Law 8-205 is sought.

Additionally, please note that requests for appointment of counsel for a minor child, custody evaluations, psychological evaluations, and

*Continued on page 11*

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**Failure to abide by the Orders and failure to timely submit proposed orders negatively impacts the Court's efforts to effectively settle and schedule cases. The Bench intends to enforce timelines.**

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# Joint Presentation of Anne Arundel Bar Association and Cawood Inn of Court

April 1, 2010

5:45 p.m. - 8:30 p.m.

Sheraton Annapolis  
173 Jennifer Road, Annapolis, MD 21401  
Phone: 410-266-3131  
Dress: Business Attire

Presentation: *U.S. v. Shipp* (1909) - Precedent-setting because:

- First and only criminal trial in U. S. Supreme Court History
- The genesis of federal habeas corpus actions in state criminal cases
- A pivotal turning point in asserting importance of the rule of law and need for independent judiciary

RSVP: Terry Brennan [tbrennan@brennan-law.us](mailto:tbrennan@brennan-law.us)  
Advance Payment: \$35.00 due before March 20, 2009  
At the Door: \$37.50

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All Star Cast for the Historical Trial, featuring AABA President Hon. Danielle Mosley and the James C. Cawood, Jr. Inn's own John K. Gardner, President-Elect of the AABA as "Uncle Walter." We expect an extremely large turnout so first-come, first-served as to reservations.

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James B. Astrachan, Esq.	Edward J. Gutman, Esq.
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Leslie G. Billman, Esq.	Mark F. Scurti, Esq.
Hon. John M. Glynn (Ret.)	Hon. Carol E. Smith (Ret.)

### MD and D.C. Panel

Hon. DeLawrence Beard (Ret.)	John Noble, Esq.
Jerome H. Berman, Esq.	Robert C. Park, Jr., Esq.
Henry C. Clarke, Jr., Esq.	N. Alfred Pasternak, Esq.
Daniel P. Dozier, Esq.	Joann Robertson, Esq.
Dena C. Feeney, Esq.	Sean J. Rogers, Esq.
Mary Ellen Flynn, Esq.	Hon. William J. Rowan, III (Ret.)
James M. Greenan, Esq.	Don F. Ryder, Jr., Esq.
William E. Hewitt, Jr., Esq.	Joel M. Savits, Esq.
Andrew L. Isaacson, Esq.	Linda D. Schwartz, Esq.
Erik C. Johnson, Esq.	Keith L. Seat, Esq.
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J. Bradford McCullough, Esq.	Theodore P. Stein, Esq.
Hon. Dennis M. McHugh (Ret.)	Hon. Ann N. Sundt (Ret.)
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# Judge Wachs...

Continued from page 9

Pendente Lite hearings should be made prior to or at the Scheduling Conference. Requests for such services made after the Scheduling Conference may only be considered by the Court if good cause is shown as to why the relief was not previously requested.

Incomplete discovery, untimely discovery motions, failure to file a 9-207 Statement, and late requests for services all have a direct impact on one of the Court's primary goals, that being to provide timely resolution of cases. Not only do they thwart the effectiveness of the Pre-Trial Conference, but they also interfere with the Court's ability to schedule a Merits hearing, which can then lead to re-setting the Pre-Trial Conference.

Counsel are strongly encouraged to review the Court's DCM Plan and the Order for Scheduling Conference and Scheduling Order in each of their cases and to familiarize themselves with Court's

policy and case specific timelines. I am optimistic that stricter adherence to these guidelines will allow for more effective Pre-Trials, and will allow parties better access to trial dates when a case cannot be resolved.

The Bench is always pleased when counsel assists the parties in reaching a resolution to their case without the necessity of a Merits hearing. As you are aware, this can lead to custom agreements that better address the unique needs of each family. When a case settles, counsel must submit their proposed Orders and/or Judgment of Absolute Divorce within fourteen (14) days, unless a shorter period is designated by the Court.

It is my hope that, with the cooperation of counsel in addressing these matters, the Court can even more effectively address the needs of the litigants and better utilize Court and attorney resources in 2010 and in all future years.

Finally, I wish to offer a personal thanks to all of the members of the Bar who practice domestic cases in our Court and for all of their cooperation to date and anticipated cooperation in the future. Should you have questions or concerns, related to domestic cases, please do not hesitate to contact me.

Sincerely,  
Michael Wachs, Family Law DCM Judge

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***The Bench is always pleased when counsel assists the parties in reaching a resolution to their case without the necessity of a Merits hearing.***

## DOES YOUR RETIREMENT PLAN STAND UP UNDER CROSS EXAMINATION?

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## Top 10 reasons why you should attend Family Law Committee meetings

10. Mentor program.
9. An opportunity to talk with your opposing counsel without screaming.
8. Refreshments.
7. Opportunity to mingle with the members of the bench.
6. Networking and interacting with other members of the bar.
5. Opportunity to see 10 year photos of fellow members of the bar.
4. Get the inside information on recent family law cases.
3. Monthly speakers on a variety of relevant family law topics.
2. A chance to visit the courthouse without a client in tow.

And the number 1 reason to attend the Family Law committee meetings is ....

An excuse to leave work an hour earlier on the 3rd Tuesday of every month.

## President's Message...

*Continued from page 1*

and Annapolis on St. Patrick's Day, stopping at various establishments to enjoy and spread cheer.

Mr. Mitchell joined the Anne Arundel Bar Association in 1962. At that time the Association was approximately 60 members strong with only a handful of women. Mr. Mitchell remembered that members would play golf every Wednesday afternoon. Meetings and CLEs were held in the basement of a local restaurant, on West Street, and the annual Crab Feast was held at the home of the Hon. George Sachse.

In 1964, Bill Mitchell became Treasurer of the AABA and served as such until 1978, and in 1982 he became the President of the association. I asked Mr. Mitchell what was the focus of his presidency. He responded that he made sure programs and events occurred in North County as well as South County. Also, during his tenure with the AABA, Mr. Mitchell worked with the Executive Director Search Committee that hired Doug Hofstedt.

I wanted to get a member's perspective on Mr.

Mitchell, so I spoke with Walter Childs. Like many who know Mr. Mitchell, Mr. Childs stated that Mr. Mitchell "...is a nice guy, easy going, steady, does not get riled up."

The law is not the only thing in Mr. Mitchell's life that keeps his juices flowing. He enjoys sailing and over the years has owned several power and sail boats. For 16 years he sailed as a first mate aboard a 65-foot log canoe out of City Dock. Over the years he has shared his love of sailing through teaching. I noticed a sparkle in this eye is when he spoke of Priscilla, his wife of nine years and his best "Buddy" of 34 years.

I really enjoyed speaking with Bill Mitchell. Sitting across from this distinguished man, I learned, laughed, and had fun! Mr. Mitchell is a kind, funny, learned and successful man. He made me feel like I had found a new friend. If you see him on the street, stop and talk to him, he has great stories to tell.

Until next month, enjoy the beginning of a new decade and I wish all of the members a happy and healthy New Year. ▣

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## BOND FOR PERSONAL REPRESENTATIVE

Lauren M. Parker, the Register of Wills presents information regarding the office procedure and the laws of intestacy on Bond for a Personal Representative. References include Maryland Rules 6-312, Estate & Trusts §6-102 and Gibber on Estate Administration 2.36 on 2-45 and 2-46.

-----  
Responsibilities of a Personal Representative - The Personal Representative of an estate has a fiduciary obligation to settle the estate and distribute the assets as promptly as possible, in accordance with the terms of the will or the laws of intestacy.

**When a Bond is required** - As a condition to the appointment, a personal representative shall file a required bond. This is even if a personal representative is excused from giving bond in the decedent's Will and/or a bond is waived by all interested persons. Every Personal Representative for a Regular Estate shall execute a bond with a surety approved by the Register.

**Bond Amount** - A bond shall be given in an amount which the Register or the Orphans' Court considers sufficient to secure the payment of the unsecured debts, the fees due to the Register and Maryland inheritance taxes payable by the Personal Representative.

**Setting a Bond** - The bond is based on the estimated value of: any property in the decedent's name alone or as tenants in common; unsecured debts; claims filed; probate fee; Maryland inheritances taxes due; and unknown debts (\$2,500).

**Surety** - The surety on the bond may be a corporation authorized to act as a surety in the State or one or more individuals approved by the Register. Bonding agencies must file an annual Certificate of Compliance.

**Liability of Co-Personal Representatives** - On a joint bond each of the co-personal representative is liable not only for his/her own acts but for the acts of his/her co-personal representative.

**When a Bond is not required** - A national banking association as defined in the Financial Institutions Article or a trust company serving as personal representative is not required to give a bond.

**Minimum Bond** - will be set for the maximum allowed for the lowest premium. The minimum nominal bond is usually and typically established by bonding company. The affidavit of the bonding company must be attached to the bond form. Average minimum bond cost-\$25,000 for approx. \$100.00/

**Nominal Bond** - A personal representative who is excused by the Will or by all interested persons from giving a bond shall file a Nominal bond that protects only the Register's fees, inheritance taxes and debts due by the decedent. It does not protect administrative expenses, Attorney's fees, Commissions or interested persons (heir). See Williamson v. National Grange Mutual, 166 MD App 150, 887 A.2d665 (2005)

**Bond of Personal Representative**- Unless exempted by law or excused from giving a bond, the Personal Representative shall file a bond in the full amount of the estate or a partial amount for minor's share for the benefits of all interested persons and creditors. Bond of Personal Representative protects all parties involved. Practice tip- investigate if there is any difference in cost for a Bond of Personal Representative. If little or no difference, opt for the Personal Representative bond as it protects all involved, including your Attorney's fees.

**Increasing the Bond** - The Register is an "interested person" for this purpose and has the authority to increase the penalty of a bond, at least to the extent necessary to protect the state's interest (i.e., taxes and fees).

**Verifying the Bond Amount** - The bond will be reviewed: (a) within three months after the appointment of the Personal Representative and (b) when the Inventory is filed. If needed, an increase of the bond amount is based on: Inventory total, Claims filed and Inheritance Taxes due.

**Decreasing the Bond Amount**- The Personal Representative can Petition the Orphans' Court to reduce bond for the following reasons: Administrative Account has been filed; Reduction in Asset value; Claims are satisfied; Paid probate fees; Paid inheritance taxes.

**Release of a Bond**: A bond shall not be required for any period following the final approval of the final administration account and can be released.

**Surcharging the Bond** - If the Personal Representative fails to fulfill their duties the Orphans Court can surcharge the bond. The Register will send a 30 day notice letter to the Personal Representative, Bonding Company and Creditors of the situation. The Orphans' Court will review the file and issue a surcharge order which is then filed with the insurance company for payment to the Register. Creditors must file their own action to collect from the insurance company.

For questions, please contact the Register of Wills Auditors at: Circuit Courthouse, 7 Church Circle, Annapolis, MD 21401; 410-222-1430; Hours 8am – 4:30pm

"It's my pleasure to provide information pertaining to the particulars of a Bond for Personal Representative to assist with the estate proceedings."

**Lauren M. Parker, Register of Wills**

## Anne Arundel County District Court Judges' Schedule

JPM = Judge McKenna    RCW = Judge Wilcox    EAR = Judge Reilly  
 DMM = Judge Mosley    TJP = Judge Pryal    SCPS = Judge Spencer  
 MBJ = Judge Johnson    JOL = Judge Legum    HRD = Judge Duden

	Monday	Tuesday	Wednesday	Thursday	Friday
GLEN BURNIE ANNAPOLIS	<h1 style="margin: 0;">FEBRUARY 2010</h1> <p style="margin: 0;">Revised January 7, 2010</p>				
GLEN BURNIE ANNAPOLIS	<b>1</b> SCPS, HRD, EAR 1/1 2/2 4/4 DMM, MBJ, JPM, JDL, TJP 1/2 3/3 4/4 2/1 5/5	<b>2</b> JPM, DMM, HRD, EAR 1/1 2/2 3/3 4/4 SCPS, MBJ, JDL, TJP 5/2 3/3 2/5 4/4	<b>3</b> JPM, SCPS, HRD, EAR 4/4 3/3 1/1 2/2 DMM, MBJ, JDL, TJP 2/1 4/4 3/3 1/2	<b>4</b> SCPS, HRD, EAR 3/3 2/2 4/4 DMM, MBJ, JPM, JDL, TJP 1/1 2/3 5/5 3/2 4/4	<b>5</b> SCPS, HRD, EAR 1/1 3/3 2/2 DMM, MBJ, JPM, JDL, TJP 1/1 2/4 3/3 5/5 4/2
GLEN BURNIE ANNAPOLIS	<b>8</b> SCPS, HRD, EAR 3/3 1/1 4/4 DMM, MBJ, JPM, JDL, TJP 5/5 1/1 2/3 4/4 3/2	<b>9</b> JPM, SCPS, EAR 1/1 3/3 2/2 JDL, DMM, TJP 3/2 2/3 4/4  HRD-SETT (GB)	<b>10</b> JPM, DMM, HRD 4/4 2/2 1/1 SCPS, JDL, VJ 4/4 2/2 3/3	<b>11</b> SCPS, HRD, VJ 3/3 2/2 1/1 DMM, JDL, TJP, EAR 2/2 3/3 4/4 1/1	<b>12</b> DMM, HRD, EAR, SCPS 2/0 0/0 0/0 0/0 JDL, TJP, JPM 0/0 0/0 2/0  <b>BENCH MEETING</b>
GLEN BURNIE ANNAPOLIS	<b>15</b> <i>PRESIDENTS' DAY</i>  <b>HOLIDAY</b>	<b>16</b> JPM, JDL, EAR 3/3 2/2 4/4 SCPS, DMM, TJP 2/2 3/3 4/4	<b>17</b> JPM, SCPS, HRD, EAR 3/3 4/4 2/2 1/1 DMM, JDL, TJP 1/2 4/4 2/1	<b>18</b> SCPS, HRD, EAR 1/1 3/3 2/2 DMM, JDL, TJP 2/3 3/2 4/4	<b>19</b> DMM, HRD, EAR 2/2 1/1 3/3 JPM, JDL, TJP 2/5 5/3 3/2
GLEN BURNIE ANNAPOLIS	<b>22</b> SCPS, HRD, EAR 4/4 1/1 2/2 DMM, TJP, JPM 2/3 5/5 3/2	<b>23</b> JPM, HRD, EAR 1/1 2/2 4/4 SCPS, TJP, DMM 2/2 4/4 3/3	<b>24</b> JPM, SCPS, HRD 4/4 2/2 3/3 DMM, TJP, EAR 3/2 4/4 2/3	<b>25</b> DMM, HRD, EAR, SCPS 1/1 2/2 3/3 4/4 MBJ, TJP, JPM 2/1 4/4 1/2	<b>26</b> DMM, HRD, VJ, SCPS 2/2 3/3 1/1 4/4 MBJ, TJP, JPM 4/4 3/2 2/3



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**CLE: “To Certiorari and Beyond!”, Jan. 26, 2010; 5:30-7:30 p.m.**

Have a case that needs to be appealed? Ever wonder how to properly prepare a record extract? Would you like to know what the appellate judges look for in oral argument? The AABA CLE Committee is pleased to present “To Certiorari and Beyond!”, discussing the nuts and bolts of appellate practice. This is a unique opportunity to hear from judges on both appellate courts, the Clerk of the Court of Special Appeals and a long-time appellate practitioner.

**Hon. Clayton Greene, Jr.**, Court of Appeals. Judge Greene was with the Public Defenders Office for 10 years, before he was appointed to the District Court in Anne Arundel County in 1988. In 1995, he was elevated the Circuit Court in Anne Arundel County. He sat on the Court of Special Appeals from 2002-2004, and has been on the Court of Appeals since 2004.

**Hon. Glenn T. Harrell, Jr.**, Court of Appeals. Judge Harrell was a partner at O’Malley, Miles and Harrell for 14 years, before he was appointed in 1991 to the Court of Special Appeals. He was elevated to the Court of Appeals in 1999. He has lectured frequently on administrative law, land-use law, and judicial ethics.

**Hon. Timothy E. Meredith**, Court of Special Appeals. Judge Meredith started as a law clerk to Judge Marvin H. Smith on the Court of Appeals, before moving to Corbin, Heller & Warfield in 1978. In 1984, the firm became known as Corbin, Warfield, Schaffer & Meredith, then Warfield, Meredith & Darrah, P.C., in 1995. In 2004, he was appointed to the Court of Special Appeals.

**Hon. Kathryn Grill Graeff**, Court of Special Appeals. Judge Graeff was an associate at Smith, Somerville, & Case, from 1986 to 1990, when she moved to the Office of the Attorney General. While there, she argued cases not only in the courts of appeal of Maryland, but also in the U.S. District Court for the District of Maryland, the U.S. Court of Appeals for 4th Circuit, and the U.S. Supreme Court. She was Chief of the Criminal Appeals Division, Office of Attorney General, from 2002-08, when she was appointed to the Court of Special Appeals.

**Leslie D. Gradet, Esq.** Clerk, Court of Special Appeals. Ms. Gradet spent two years in private practice, then five years as a legislative analyst with the Maryland Department of Legislative Reference. In 1986, she became Chief Deputy Clerk, Court of Special Appeals, and has been the Clerk of the Court of Special Appeals since 1988.

**Cynthia E. Young, Esq.** Ms. Young has had an appellate practice in Annapolis since 1981. She holds a Master’s Degree in writing from The Johns Hopkins University, and is featured in Appellate Practice for the Maryland Lawyer (2001 Edition), which includes a video of one of her oral arguments in front of the Court of Appeals. More than 40 cases that she has argued have been reported.

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**CLE: The Judges’ Perspective on Treatment Programs for Defendants, Feb. 4, 2010, 5:30-7:30 pm**

Come hear the perspective of county judges, prosecutors, probation agents, and treatment providers on treatment programs available before and after conviction in drunk driving and criminal cases.

**Hon. Paul A. Hackner**. Judge Hackner worked as both a state’s attorney and a public defender in Prince George’s County, and had a long career with several firms before his appointment to the District Court in Anne Arundel County. He was elevated to the Circuit Court bench in 2002 and is currently the Criminal Case Coordinating Judge.

**Hon. Eileen A. Reilly**. Judge Reilly was an Assistant State’s Attorney in Anne Arundel County from 1989-2008. She was the trial team leader of the felony drug unit for nine years, and was the lead prosecutor for adult drug court from 2005-2008, when she was appointed to the bench.

**Michelle Smith, Esq.** Ms. Smith has been with the Anne Arundel County State’s Attorney’s Office since 1995. In 2008, she became Chief of District Court after having been Deputy Chief for two years.

**Ginger Schroeder** has been with the Anne Arundel State’s Attorney’s Office since 1998 as a paralegal. She manages the District Court Drug and DUI Court programs for the SAO. She determines eligibility of Defendants, facilitates their entry into the appropriate programs and monitors their progress and eventual discharge (whether successful or unsuccessful from the programs).

**Rebecca Mitch McKee**, Executive Director and owner of Anne Arundel Counseling, Inc., is a Licensed Clinical Professional Counselor (LCPC), Nationally Certified Counselor (NCC), and Certified Mediator. Anne Arundel Counseling, Inc., offers Maryland State Certified DUI, Substance Abuse Treatment and Substance Abuse Education programs.

**Melanie Bowen**, Dept. of Parole and Probation. Ms. Bowen has been with P&P for over 15 years and has expansive experience with DDMP and substance abuse issues.

\*\*\*\*\*

**CLE: Common Pitfalls, Current Law and Practical Advice for DUI Cases, April 8, 2010; 5:30-7:30 pm**

This program is designed to provide the essential fundamentals necessary to handling driving under the influence cases. The topics to be discussed will range from dealing with the administrative consequences of MVA action to learning about the field sobriety tests. Those attending this program will have a better understanding of how to avoid the common pitfalls of driving under the influence cases. The speakers are former Assistant State’s Attorneys who can provide a unique perspective on these cases, having handled them as both prosecutors and defense attorneys.

**Greg Jimeno**, Jimeno and Gray, has concentrated in representing individuals in the areas of criminal defense, DWI / DUI defense and personal injury, since entering private practice. Mr. Jimeno has appeared in court and administrative hearings across the state to litigate matters for clients in all areas of the law. As a prosecutor, Mr. Jimeno attended the Anne Arundel County Police Academy Field Sobriety class and was certified by the National Highway Transportation Safety Administration to perform field sobriety tests.

**Frank Gray**, also of Jimeno and Gray, was a guest instructor at the Anne Arundel Police Training Academy while he was a prosecutor, where he instructed new police officers on DUI, DWI and drunk driving law as part of their police academy training. He is also certified by the National Highway Transportation Safety Administration to conduct field sobriety tests. Since leaving the State’s Attorney’s Office, his practice is primarily focused in the defense of state and federal criminal trial litigation and appellate practice.

\*\*\*\*\*

**Registration Form**

Programs are \$35 for AABA members, \$45 at the door, \$45 for non-members:

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