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**BARRISTER**

WINTER 2020

VOL 9 | NO 1

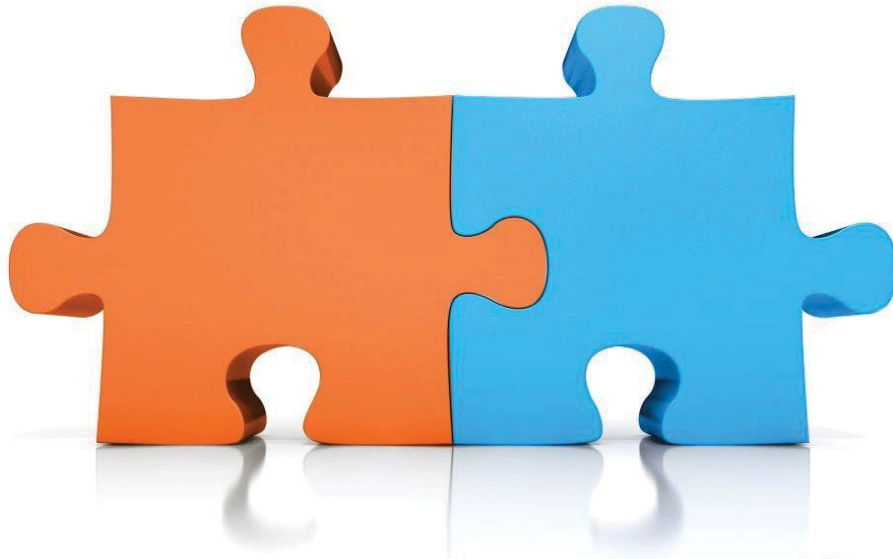


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# Table of Contents

*Winter 2020 Barrister*

5	MESSAGE FROM THE PRESIDENT	23	YLD ANNUAL PARTY FOR CHILDREN LIVING IN SHELTERS
6	YOUNG LAWYERS' DIVISION MESSAGE	24	YLD MIDDLE SCHOOL MOCK TRIAL PROGRAM
7	YLD MEMBER HIGHLIGHT	24	BABC LEADERSHIP OPEN HOUSE
9	FROM THE CHAIR OF THE BUSINESS LITIGATION COMMITTEE	25	SUPREME COURT GROUP ADMISSION
10	OPPORTUNITY ZONES: A BRIEF FORAY	25	PATHWAYS TO LEADERSHIP FOR WOMEN: THE 19TH AMENDMENT
12	DO YOU KNOW WHERE YOUR RESIDENT AGENT IS?	27	YLD PUBLIC SERVICE EVENT AT SPCA
13	NEW TAX LIEN SOL MAY ENCOURAGE MORE TAXPAYER-FRIENDLY RESOLUTIONS	27	BREAKFAST WITH THE BENCH WITH THE HON. LAWRENCE P. FLETCHER-HILL
13	THE IMPORTANCE OF ESTATE PLANNING FOR BUSINESS OWNER	28	CLE - THE NEW STANDARDS ARE HERE FOR MEDIATORS
14	BANKRUPTCY FOR THE SMALL BUSINESS OWNER	28	BLACK HISTORY MONTH PROGRAM - RACE, GENDER AND THE LAW
16	2020 PROTOCOL UPDATES FOR CIVIL LITIGATORS IN BALTIMORE CITY	29	BABC NOMINATING COMMITTEE REPORT
16	BALTIMORE CITY AFFORDABLE HOUSING	30	YLD NOMINATING COMMITTEE REPORT
18	OUR SUSTAINING MEMBERS	31	WELCOME NEW BABC MEMBERS
19	BABC ANNUAL HOLIDAY PARTY	32	CIRCUIT COURT FOR BALTIMORE CITY ASSIGNMENT OF JUDGES
21	ANNUAL NYC BUS TRIP		

# Message from the President

By *The Honorable Dana M. Middleton*



## The Intersection of Access to Justice and Alternative Dispute Resolution

Although several legal services entities provide representation to individuals with very little income, most have income restrictions, leaving most people to represent themselves, without much success. However, alternative dispute resolution (ADR) could be the mechanism to provide increased access to courts with fewer income restrictions. There are several benefits to using these tools. For

many individuals, mediation provides autonomy, self-determination and empowerment; for courts there is the lure of procedural and administrative reforms- reduced dockets and greater efficiency.<sup>1</sup> This article, highlights arguments for and against ADR, how it increases access to justice, and how attorneys can become more involved.

Access to Justice initiatives conducted research to determine how to make legal services more readily available to low income individuals.<sup>2</sup> At least thirty-eight (38) states have access to justice commissions to confront these issues.<sup>3</sup> The mission of the Maryland Access to Justice Commission is to “unite leaders to drive systemic reforms and make innovations to make the civil justice system accessible, user- friendly and fair for all Marylanders.” Due to the court-centered focus of most access to justice projects and research, the natural synergy of access to justice and ADR process is often overlooked.<sup>4</sup> However, the American Bar Association (ABA) expanded the meaning of access to justice to include access to resolution of issues that do not necessarily include court systems.<sup>5</sup> Therefore, when access to justice is defined more broadly, the use of mediation, arbitration, negotiation, and other alternatives is a natural solution to these problems.<sup>6</sup>

### How do pro se litigants benefit from ADR?

There are several advantages to ADR for the pro se litigant. First, they would benefit from the procedural informality involved as well as the focus on interests and resolutions, instead of victory and loss.<sup>7</sup> Second, the cost can be significantly less, when compared to traditional litigation. The average time that it takes to get to trial for civil cases, currently stands at nine months. Therefore, using ADR methods can

be much more efficient, saving time and money.<sup>8</sup> Some states utilize the mandatory mediation approach. This is the result of a number of states enacting statutes that require ADR processes in civil arenas such as small claims court, housing court and family court.<sup>9</sup> The Circuit Court for Baltimore City has three alternative dispute resolution programs for the civil non-domestic docket, and these options are thoroughly discussed on the Circuit Court website, [www.baltimorecity-court.org](http://www.baltimorecity-court.org). The options are Early Neutral Evaluation (ENE), Mediation, and Pre-trial Settlement Conference.<sup>10</sup> ENE is a process involving a retired judge who evaluates the strengths and weaknesses of a case, enhances direct communication between parties about their claims and supporting evidence, clarifies issues in the dispute. Mediation is also available in the Family Division of the Circuit Court. It may be ordered in cases where custody or visitation is at issue absent allegations of child abuse or domestic violence.<sup>11</sup>

In addition to mediation, many individuals are knowingly or unknowingly parties to arbitration agreements in consumer and employment contracts.<sup>12</sup> Several major arbitration providers have tried to make arbitration more accessible and cost effective. The American Arbitration Association has adopted several changes, including Due Process Protocol to be transparent about the processes that these individuals will face, as well as to ensure fairness for both sides. These protocols help increase access to justice by “ensuring principles of quality neutrals, cost effective dispute resolution, and fairness of the process.”<sup>13</sup> There are also special rules regarding fees in consumer cases, limiting the amount of money a consumer pays and puts most of the financial burden on the business party.

Despite multiple advantages of ADR, critics of “mandatory mediation” believe it imposes additional procedural hurdles on parties, resulting in an increased cost of litigation. Additionally, some scholars believe that ADR programs such as mediation are used improperly by judges in an effort to clear their dockets of “insignificant” or “minor” cases, instead of a more justified criteria.<sup>14</sup> They also suppose that the “poor will be denied access to the court system in order to accommodate larger, more complex cases involving those with power and money to access the courts.”<sup>15</sup> On the other hand, some hold the opinion that ADR, especially those programs under the supervision of the courts, would actually enhance the likelihood that the poor would be able to

1 See Nolan-Haley, Jacqueline, *Mediation, Self-represented Parties, and Access to Justice: Getting There From Here*, <http://fordhamlawreview.org/wp-content/uploads/2019/03/Nolan-Haley-final.pdf>. February 27, 2020, page 78. Jacqueline Nolan-Haley is a professor Law at Fordham University School of Law, and Director of Fordham ADR & Conflict Resolution Program.

2 See ABA Section of Dispute Resolution - Task Force on Access to Justice and Alternative Dispute Resolution, “Access to Justice through Alternative Dispute Resolution, White Paper”, [https://www.americanbar.org/groups/dispute\\_resolution/resouces/access-to-justice](https://www.americanbar.org/groups/dispute_resolution/resouces/access-to-justice), February 28, 2020, page 1.

3 *Id.*

4 *Id.*

5 *Id.*

6 *Id.*

7 *Id.* at page 2.

8 See Zimmerman, Tina Drake, *Representation in ADR and Access to Justice for Legal Services Clients*, *Georgetown Journal on Poverty Law & Policy*, Volume X, Number 2, (Summer 2003), page 182.

9 *Id.* at 181.

10 [www.baltimorecitycourt.org/court-divisions/civil/alternative-dispute-resolution/](http://www.baltimorecitycourt.org/court-divisions/civil/alternative-dispute-resolution/)

11 *Id.*

12 *Access to Justice through Alternative Dispute Resolution White Paper*; page 5. See Also, American Arbitration Association, *Consumer Due Process Protocol* (October 1, 2020); American Arbitration Association, *Employment Due Process Protocol* (November 14, 2011).

13 *Id.* at 6.

14 Drake Zimmerman, Tina. *Representation in ADR and Access to Justice for Legal Services Clients*, *Georgetown Journal on Poverty Law & Policy*, Volume X, Number 2, Summer 2003, page 185.

15 *Id.*



reach a more favorable outcome than they would in negotiations that occur just before court.<sup>16</sup> A solution for this concern is to require court review of settlements, before they become binding.<sup>17</sup> This would ensure some level of judicial involvement in the process.

Another concern that advocates have with mediation is that the mediator's desire to remain neutral may limit how much legal information they are willing to provide to either party during the process. If the mediator does not inform pro se litigants of the legal implications of a settlement then either party may unknowingly waive their rights.<sup>18</sup> However, they also accept as true that a judge, unlike a mediator, will provide more legal information to pro se claimants, and inform them of the rights they are giving up.<sup>19</sup>

There are things that can be done to improve the ADR experience for pro se litigants. Jacqueline Nolan-Haley sets forth some strategies for improving mediation for self-represented litigants. The judicial system can start by providing information about the mediation process, how it differs from adjudication, and what it means to consent to mediation.<sup>20</sup> Self-represented parties need substantive information about their legal rights and entitlements. Other proposals include pre-mediation counseling, limited scope representation, and non-lawyer advocates.<sup>21</sup>

### How can attorneys participate in ADR, and increase access to justice?

Professor Kristen M. Blankley suggests that instead of using limited scope representation for standard litigation services, attorneys should consider offering services to help clients settle cases, not prolong

16 *Id.*

17 *Id.*

18 *Id.* at 186.

19 *Id.*

20 See Nolan-Haley at page 7.

21 See *Access to Justice through Alternative Dispute Resolution White Paper* at pages 8-9.

them.<sup>22</sup> The ABA Task Force on Access to Justice and Alternative Dispute Resolution provides several examples of how limited scope representation can increase attorney participation in ADR.

Negotiation Services or "Settlement Counseling". The duties associated with settlement counseling entail factual investigation, generating settlement options, preparing for negotiations, and reviewing any resulting agreement.<sup>23</sup>

Mediation Services. In addition to the services mentioned Mediation representation might include the additional tasks of: attending mediation, preparing the client for mediation, drafting mediation communications, and reviewing mediated agreements. Additionally, acting as mediation counsel is also a good way for lawyers to engage in pro bono services.

Arbitration Services. The arbitration process is similar with the litigation process, but there are relaxed procedural rules and expert decision-makers.<sup>24</sup> Therefore, most lawyers should have the skills that clients need to act as arbitration counsel. Further, the shorter time frame and limitations on discovery and motion practice make this representation feasible for the attorney, and valuable to the client.<sup>25</sup>

Collaborative Practice- Collaborative lawyers and clients agree to work with the other collaborative lawyer and the other side to exchange information and resolve the case amicably.<sup>26</sup> If the collaborative process does not yield a solution, then the lawyers withdraw from the case and the parties are required to hire new lawyers for the litigation process.<sup>27</sup>

In conclusion, I hope this article provides creative strategies and insight for all of us to increase access to justice.

<sup>22</sup> *Id.* at page 8. See also, Kristen M. Blankley, *Adding by Subtracting: how limited Scope Agreements for Dispute Resolution Representation Can Increase Access to Attorney Services*, 28 Ohio St. J. on Disp. Resol. 659, 662 (2013).

<sup>23</sup> *Id.* at page 8.

<sup>24</sup> *Id.* at page 11.

<sup>25</sup> *Id.*

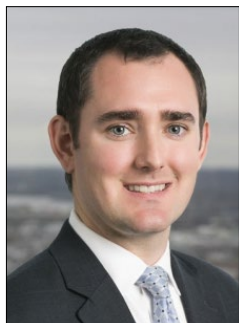
<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

## Young Lawyers' Division Message

By Joseph A. Pulver, Chair, Young Lawyers' Division

### What Can The Young Lawyers Division (YLD) Do For You?



According to the YLD bylaws a "young lawyer" is any member in good standing of the Association who, as of July 1, have not attained the age of 37, or regardless of age, who have been admitted to practice in Maryland for less than 5 years." Simple enough. However, many lawyers who would otherwise qualify may not feel like a "young lawyer" or may not understand the ben-

**Young  
Lawyers'  
Division**

efit of involvement in the YLD. There is no requirement to undertake an initiation process through the YLD before becoming an active member of the Association. So why might involvement in the YLD be right for you?

The stated objectives of the YLD include (i) fostering the discussion and interchange of ideas relative to the duties, responsibilities and problems of new members to the legal profession, and (ii) aiding and promoting the advancement of these newer mem-

bers. I have spoken in previous articles about the ways YLD involvement can help promote members advancement in the Association and in the profession, as well as the many opportunities to serve the community through the YLD.

An equally critical role of the YLD, and benefit to YLD members, is the

YLD's role as a forum for exchanging ideas relative to the duties, responsibilities and problems of young lawyers.

We are all extremely busy, and it is easy to get trapped in a bubble consisting of your co-workers and other legal professionals in your particular field of practice. YLD events bring together a variety of new and new-ish attorneys who have different practice areas and experiences. YLD events allow young lawyers to share and learn about different fields of law, employers and experiences in the legal profession. I have witnessed young lawyers use this knowledge to shape their decisions about future life and career choices. Not to mention, the connections you build through the YLD help to facilitate growth in your current practice area or facilitate a change to a different one. The YLD can help you figure out just how right things are for you in your current situation, or help you find out about different ways to thrive.

I also witnessed this year how the YLD is growing to help meet a need for

new attorneys with families, including events aimed at sharing ideas about how to grow and thrive as a young mother or father in the legal profession, without sacrificing your family commitments. The YLD also puts on events where young lawyers can get information and advice regarding financial planning, or learn how to manage stress and anxiety.

The YLD supports young lawyers by helping them to find their own answer to the question of what a young lawyer is and how they want to advance in the profession and in life – whether that be business development, charitable contribution, fraternity and comradery, or all of the above.

If you have ideas about ways the YLD can meet the needs of young lawyers that are not already being met, or if you would like to get involved in planning and facilitating future events, feel free to contact me at 301.429.7890, or Lauren Lake, your incoming Chair of the YLD, at llake@gfirlaw.com.

## Monthly YLD Member Highlight

**A**lan Dunklow, Assistant Attorney General, Office of the Attorney General, Opinions Division. Alan currently serves as the Treasurer of the YLD. He has performed this role very well, routinely presenting timely and accurate financial information to the Executive Committee and taking initiative to identify areas where the budget may need amendment in the future. But it is what Alan has done outside of his role as Treasurer that has particularly impressed me this year.

Alan is a former co-chair of the Public Education committee. During

his two year term as co-chair, he helped expand the mock trial program – a yearly program where the YLD and Association members coach local middle-school students and put on a mock trial before a sitting Baltimore City Circuit Court Judge. Alan and his past co-chairs have left a great blueprint for running a successful program. In addition, Alan has been actively engaged in providing assistance to the current co-chairs, while also providing them the room to take ownership of the program.

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# A message from the Chair of the Business Litigation Committee



Hi everyone. My name is Michael March and I am the chair of the Bar Association of Baltimore City's ("BABC") Business Litigation Committee.

After being appointed as the chair of the Business Litigation Committee I outlined two goals: 1. Develop a way to provide value to fellow bar members and 2. Expand our membership base by promoting inclusion, collective thought, and diversity.

To provide value to the legal community, the BABC Communications and News Journal Committee graciously provided us with the opportunity to showcase some of our best attorneys' thoughts, insights, and knowledge in their practice area. Following this message there are incredible articles by attorneys who

have real experience in their practice area. Put succinctly, the following writers have the ability to provide value to your practice.

To expand the membership base and develop a diverse and inclusive committee, I am relying on the only way I know how, free beer. On April 22, 2020, the Business Litigation Committee coupled with the BABC Young Lawyers' Division is hosting a happy hour at Little Havana Restaurant and Cantina. Little Havana is located at 1325 Key Highway, Baltimore, Maryland. The food and drinks are free. Please come out, meet the members, and help me understand how I can better serve our legal community. And maybe, just maybe, it will be warm enough outside to enjoy the harbor.

Thank you for reading.

**Michael March**

Associate Attorney, Rosenberg Martin Greenberg, LLP  
Mmarch@rosenbergmartin.com

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# Opportunity Zones: A Brief Foray

By: *Michael March, Esq.*

Who wants to read an article about taxes? Everyone groans. Who wants to read an article about how to pay less money in taxes? Everyone's eyes perk up. Listed below is a brief explanation of opportunity zones, the tax benefits they provide, and some of the issues investors and developers are currently experiencing.

## Introduction

The Tax Cuts and Jobs Act ("TCJA") provided the most expansive update to the tax code in nearly two decades. Of the many changes the TCJA provided, Section 1400Z-1 and 1400Z-2 of the Internal Revenue Code ("IRC") introduced tax deferral and other tax incentives for investing in opportunity zones.

An opportunity zone is a tract of land designated by the chief executive officer of the state and confirmed by the Secre-

tary.<sup>1</sup> Opportunity zones are generally located in economically disadvantaged areas. The purpose of offering tax incentives for investments in an opportunity zone is to spur economic activity in the area.

An individual with qualified capital gains can defer tax for five or seven years when that tax would otherwise be paid to the Internal Revenue ("IRS" or "the Service").<sup>2</sup> Just as important, the new property purchased in the opportunity zone receives a step up in basis to fair market value if held for ten years.<sup>3</sup>

For the non-accountants and tax attorneys out there, your eyes just glazed over. So, let's explore an example.

My restaurant in Fells Point.

I sell my restaurant in Fells Point for \$1,000,000. Five years

<sup>1</sup> 26 U.S.C. § 1400Z-1(b)(1)(A).

<sup>2</sup> 26 U.S.C. § 1400Z-2(b)(2)(B).

<sup>3</sup> 26 U.S.C. § 1400Z-2(c).

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ago, I spent \$250,000 to purchase the restaurant. Therefore, my gain, or the money I made from the sale of the restaurant, is \$750,000.<sup>4</sup>

Thereafter, I use my \$750,000 of gain to purchase an empty building in south Baltimore City. Fortunately for me, this building is located in an opportunity zone.<sup>5</sup> South and South West Baltimore City have the largest swaths of designated opportunity zones, but there are numerous plots throughout Baltimore City.<sup>6</sup>

Unfortunately, the purchase of the empty building is not the end of it. The Internal Revenue Code sections listed above have an extensive list of rules that must be followed to ensure preferential tax treatment can be obtained. However, even with guidance, many questions still remain.

<sup>4</sup> This is a simplified explanation of gain on sale of property. Technically, the adjusted basis of the property is used to determine the capital gains but digging in the weeds at this juncture is not advantageous.

<sup>5</sup> 26 U.S.C. § 1400Z-1 (The term qualified opportunity zone means a population census tract that is in a low income community that is designated as a qualified opportunity zone).

<sup>6</sup> A detailed map can be found at: <https://www.msba.org/content/uploads/sites/7/2019/01/Baltimore-OZ-MSBA-Jan-2019.pdf>

## Common Questions

What if I already own property in an opportunity zone?

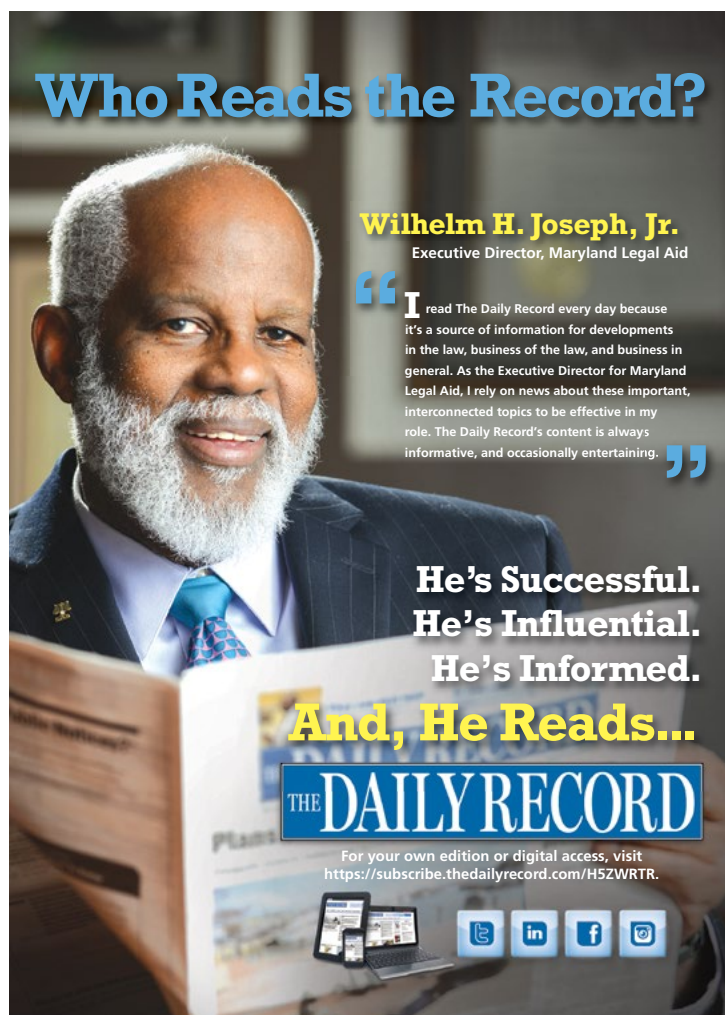
To obtain preferential tax treatment the property located in the opportunity zone must be acquired after December 31, 2017 (“the Acquired After rule”). Based on the most recent proposed regulations, if you already own property in an opportunity zone you still may be eligible for preferential tax treatment.

If executed correctly, a lease can satisfy the Acquired After rule. However, two general criteria must be met. First, the property must be leased after December 31, 2017. Second, substantially all of the use of the property must be in a qualified opportunity zone during the time in which the business leases the property.<sup>7</sup> It is interesting to note that the proposed regulations do not impose an original use or a substantial improvement requirement for the leased property.<sup>8</sup>

However, the proposed regulations impose two separate requirements for leased property. First, the lease must be a mar-

<sup>7</sup> Prop. Treas. Reg. § 1.120186-18, Fed. Reg. 83 FR 54279 (May 1, 2019).

<sup>8</sup> *Id* at 21.



## Who Reads the Record?





**Wilhelm H. Joseph, Jr.**  
Executive Director, Maryland Legal Aid

“I read The Daily Record every day because it's a source of information for developments in the law, business of the law, and business in general. As the Executive Director for Maryland Legal Aid, I rely on news about these important, interconnected topics to be effective in my role. The Daily Record's content is always informative, and occasionally entertaining.”

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ket rate lease. Second, if the lease is between related parties there cannot be a prepayment that exceeds 12 months.<sup>9</sup>

The foregoing makes it difficult to obtain advantageous tax treatment if you already own land in an opportunity zone, but it is still possible.

What is a substantial improvement?

Outside of the lease transaction described above, if an individual purchases property within an opportunity zone the qualified opportunity fund must “substantially improve” the property located in an opportunity zone within 30 months of acquisition.<sup>10</sup> A substantial improvement requires additions to the basis of property equal to the adjusted basis. However, what exactly is a substantial improvement is determined on an asset by asset basis.<sup>11</sup>

What exactly does this mean? Let’s go back to my example. The cost of the property I purchased in South Baltimore was \$750,000. I must allocate that cost to the land and the building. Assume the land is worth \$250,000 and the building is worth \$500,000. To satisfy the substantial improvement rule, within 30 months after the acquisition of the building, I must contribute \$500,000 to increase the basis of the property.<sup>12</sup> This now

<sup>9</sup> *Id.*

<sup>10</sup> 26 USC 1400Z-2(d)(2)(D)(ii).

<sup>11</sup> Prop. Treas. Reg. § 1.120186-18, Fed. Reg. 83 FR 54279 (May 1, 2019).

<sup>12</sup> This scenarios does not explore the possibility of the building being con-

sidered new use which would thus circumvent the 30 month rule.

becomes an accounting question, what constitutes an increase to the basis of property? Generally, anything that is a fixture or fixed to the building itself, constitutes an increase to the basis. For example, adding a new HVAC system to my empty building, a new kitchen, or installing new windows would increase the adjusted basis of the property and satisfy the requirement. However, items not fixed to the land would not increase the basis. For example, purchasing table and chairs for a restaurant, or desks for a commercial property would not qualify.

## Conclusion

The foregoing is a brief foray into the opportunity zone world. It is nowhere near extensive, exhaustive, nor does it provide all of the information needed to determine whether or not an opportunity zone investment is right for you. However, this should get the wheels turning.

*Michael March is an associate attorney at Rosenberg Martin Greenberg, LLP. His practice focuses on state and federal tax controversies, tax planning, and corporate litigation. When Michael is not working, he enjoys traversing federal hill, spending time with his wife and two children, and is still heartbroken from the Ravens loss to the Titans.*

considered new use which would thus circumvent the 30 month rule.

# Do You Know Where Your Resident Agent Is?

## The Importance of Checking Resident Agent Addresses to Confirm Where You Can Be Sued

**By: Nicholas Stewart, Esq.**

In connection with helping clients form companies, and navigate through certain lifecycle events, attorneys often assist with selecting a resident agent to accept service of process on behalf of the companies. This is required by law for companies to do business in the state. However, after this selection has been made, it is relatively rare for attorneys or their clients to revisit this choice to ensure it continues to make sense.

This can be problematic in an ever-changing world, which has seen corporation services companies that serve as professional resident agents for others (especially for those that do business in Maryland but do not have a physical presence here) move their offices. This includes one prominent corporation services company that recently relocated from Baltimore City to Baltimore County taking thousands of Maryland companies with it (some perhaps unwittingly).

According to state law on venue, a company must be sued in the county where it carries on a regular business or where

it maintains principal offices in the state. See Maryland Code, Cts. & Jud. Proc., § 6-201(a). As a result, to the extent a resident agent has moved to a different jurisdiction, the entities or businesses that use this agent as their sole address in Maryland are substantially more likely to be sued in the new jurisdiction.

This matters because there are significant differences in the docket, staffing and resources between some jurisdictions. As an example, the Circuit Court of Baltimore City offers access to a robust business and technology case management program, which is typically better suited for business disputes. Baltimore County, for example does not.

Taken together, it is advisable for attorneys and their clients to monitor and consider the address of their current resident agent. This is especially true for publicly traded clients, with the particularized risk of being sued in class action or shareholder derivative suits. If the resident agent has moved, the question becomes whether, and to what extent, this changes their risk profile and litigation expectations with potential Maryland corporate and shareholder litigation.



# New Tax Lien SOL May Encourage More Taxpayer-Friendly Resolutions with Comptroller

*By: Rebecca Sheppard, Esq. and Mary Lundstedt, Esq.*

A recent and relatively obscure amendment to Maryland tax law has the very real potential to dramatically facilitate more taxpayer-favorable resolutions between the Comptroller and delinquent taxpayers. Particularly in the context of offers in compromise involving older liabilities, the new law should motivate the Comptroller to be much more receptive to considering solid offers in compromise.

In Maryland, a tax lien is created once the tax collector files the notice of tax lien with the clerk of the circuit court in the county where the property subject to the lien is located.<sup>1</sup> Until 2019, such lien remained in effect until satisfied by the taxpayer—in other words, there was no statute of limitations applicable to a tax judgment lien in Maryland for any type of tax obligation. Indeed, in 2015, the Court of Special Appeals emphasized in *Comptroller of Maryland v. Shipe*, that “[t]he language in Tax-Gen. § 13-806 does not waive the State’s immunity and clearly indicates that a tax lien ‘continues to the date on which the lien is: (1) satisfied; or (2) released by the tax collector. . .’”<sup>2</sup>

However, on April 30, 2019, Maryland Governor Larry Hogan signed a law which amends the statutory language at issue in *Comptroller of Maryland v. Shipe*, adding new Tax-Gen. §

13-806(a)(2). Now, Tax-Gen. § 13-806 expressly provides that a lien arises on the date of notice that tax is due and continues until the earlier of: (1) the date on which the lien is satisfied, or released by the tax collector, or (2) 20 years after the date of assessment. This means that the state will have 20 years from the date of assessment to collect, before the tax lien disappears altogether (unless the lien is for unpaid inheritance tax).

This is a taxpayer-friendly development—particularly for those taxpayers who want to settle their Maryland income tax liability via an offer in compromise. Previously, without a statute of limitations, the Comptroller lacked any real incentive to accept a delinquent taxpayer’s offer to settle his or her income tax liability for less than the full amount owed. This is because, a solid offer in compromise typically offers the most amount of money that the taxing authority can realistically expect to collect within the statute of limitations. Now, the Comptroller has a clock to beat, and individuals attempting to settle their tax debt via an offer and compromise may now find that the Comptroller is much more motivated to consider their offer in compromise, rather than risk losing it all.<sup>3</sup>

If you have questions or concerns about Maryland tax judgment liens or offers in compromise, please contact Frost & Associates, LLC at 410-497-5947.

<sup>1</sup> Md. Code Ann., Tax-Gen. §13-807.

<sup>2</sup> Md. Ct. Spec. App., No. 0009, 02/03/15.

<sup>3</sup> Thus far, it is widely believed by tax professionals that the expirations should automatically occur; however, it would be prudent for taxpayers and/or their representatives to monitor the status to insure this happens.

## The Importance of Estate Planning for Business Owners

*By: Richard L. Adams, III, Esq.*

A proper estate plan is critical for everyone, especially for those that own business interests. At its core, estate planning is not only about the value of assets involved, but also the desire to control and ensure that your wishes are honored when you are no longer able to speak for yourself. Don’t let yourself be silent by failing to plan for the inevitable. With this in mind, the following documents should be in place for everyone:

**Last Will and Testament.** This document allows you to control how the assets held in your name alone will be distributed upon your death. You can also nominate Guardians of your minor children and name a Personal Representative of your choosing to handle your affairs.

As a business owner, your Will should also include clauses related to your business interests, so that you can smoothly transfer ownership. Membership interests in limited liability companies are treated as personal property in Maryland and should be transferred consistent with an underlying operating agreement.

Depending upon your type of business, an Operating Agree-

ment or a Partnership Agreement should also be in effect, so that every partner or member understands what will happen to the business when one someone passes away. It is important that these documents do not conflict with your estate planning documents, or they may likely end up in court and your wishes may not be honored at all.

**Personal Financial Powers of Attorney.** This document allows you to appoint someone else to handle your financial affairs on your behalf. It grants very broad powers to this attorney-in-fact, giving them the authority to basically do anything you could do financially, but with the duty to perform any actions in your best interest. You are also able to nominate a Guardian to manage your property if you can no longer do so.

As a business owner, you may want to use this document to grant authority to a business partner to manage the business in the event you are traveling or if you are unavailable. You can even create a “springing” Power of Attorney that will only come into effect upon a disability. A “Limited” Power of Attorney can also be used, where you can grant only specific authority to an agent.

Advance Medical Directive/Living Will. This document allows you to appoint someone else to make medical decisions on your behalf, in the event you are unable to do so. It also allows your agent to interact with your medical professionals, serving as a resource to you.

Other documents might include Trust Agreements or Deeds, depending upon your goals, with many such tools providing benefits associated with protecting business owners.

All of these documents should be routinely reviewed and updated, especially the business agreements. As your orga-

nization changes and grows, steps must be taken to properly preserve these assets. The bottom line is, if you are running a business, your success depends upon having the correct documents in place at the right time. Take the time to get your affairs in order.

*Richard L. Adams, III, Esq. is an associate with O'Byrne Law, LLC and focuses his practice in the areas of estate planning, elder law, Medicaid planning, estate, probate & trust administration, adult guardianship, and special needs planning.*

## Bankruptcy for the Small Business Owner

*By: Eric S. Steiner, Esq.*

Small business owners encounter unique challenges when they confront issues with debt. When revenue takes an unexpected downturn, often the small business itself does not have enough liquidity to meet its debt obligations, and it is frequently the principals who have guaranteed commercial loans or leases that are facing the brunt of collections. Small business owners may not have the resources to litigate disputes against their non-performing customers or suppliers, and a few of these can spell doom for the enterprise. However, with careful planning and consideration, the effects of small business insolvency can be mitigated through bankruptcy.

### Chapters of Bankruptcy Available to Small Businesses

Small businesses can choose to liquidate under Chapter 7 or reorganize under Chapter 11, with the decision typically driven by the amount of revenue that the business is generating. If the business continues to generate enough revenue to continue operations, it may be able to enter into a Chapter 11 plan of reorganization that would allow it to restructure secured debts and offload unsecured non-priority debts. If the business does not generate sufficient revenue, the small business owners can choose to liquidate the business under Chapter 7.

### Benefits of Bankruptcy

The automatic stay<sup>1</sup> is often a critical component of a bankruptcy. Generally effective upon filing, the automatic stay halts and prohibits collection activity against the small business to allow for an orderly reorganization or wind down and to allow creditors to be paid according to priority assigned by the Bankruptcy Code.<sup>2</sup>

Also important in small business cases is the bankruptcy discharge.<sup>3</sup> In a Chapter 7 liquidation, a business entity does not receive a bankruptcy discharge,<sup>4</sup> but Chapter 7 provides an orderly wind-down of the business and allows a bankruptcy trustee to sell assets of the business and distribute any proceeds to creditors. Because a sole proprietorship is not a distinct entity separate from

the individual, a sole proprietorship does receive a discharge in Chapter 7.5 In Chapter 11, the bankruptcy discharge is usually entered upon confirmation of the Chapter 11 plan.<sup>6</sup>

If a small business files under Chapter 11 to reorganize, it can continue to manage its own business and financial affairs as a debtor-in-possession<sup>7</sup> while it reorganizes its debt so that it can emerge from bankruptcy lean and profitable under its Chapter 11 plan of reorganization.<sup>8</sup>

### Personal Liability for the Principals of a Small Business

When a small business takes a commercial loan or enters into a commercial lease, often the principals of the business must personally guaranty the loan or lease. If the small business files for Chapter 7 or Chapter 11, it may be prudent for the principals of the small business to also file for Chapter 7 or Chapter 13 bankruptcy protection. In this context, it is important to note that individual debtors who have primarily non-consumer debt do not have to meet the Chapter 7 means test<sup>9</sup> and that taxes are considered non-consumer debt.<sup>10</sup>

### The Small Business Reorganization Act of 2019

Effective February 19, 2020, the Small Business Reorganization Act of 2019<sup>11</sup> ("SBRA") provides a simpler process for small businesses that wish to reorganize and do not have more than \$2,725,625 of debt (as of April 1, 2019).<sup>12</sup> The debtor must elect to proceed under the SBRA,<sup>13</sup> and once elected, only the debtor may file a plan of reorganization but must do so within 90 days of filing.<sup>14</sup> Unlike a traditional Chapter 11, no unsecured credi-

<sup>5</sup> *Id.*

<sup>6</sup> 11 U.S.C. § 1141.

<sup>7</sup> 11 U.S.C. § 1107.

<sup>8</sup> 11 U.S.C. § 1121, *et seq.*

<sup>9</sup> 11 U.S.C. § 707.

<sup>10</sup> See *In re Evans*, 334 B.R. 148 (Bankr. D. Md. 2004); see also *In re Durant*, 586 B.R. 212 (Bankr. D. Md. 2018).

<sup>11</sup> 11 U.S.C. § 1182, *et seq.*

<sup>12</sup> *Id.* at § 101(51D).

<sup>13</sup> *Id.* at § 1187.

<sup>14</sup> *Id.* at § 1189.

<sup>1</sup> 11 U.S.C. § 362.

<sup>2</sup> 11 U.S.C. § 507.

<sup>3</sup> 11 U.S.C. § 727.

<sup>4</sup> *Id.*

tors' committee is appointed,<sup>15</sup> and a standing trustee is appointed in every case who acts in a similar role as a Chapter 13 trustee.<sup>16</sup> Another distinction to a non-SBRA Chapter 11 is that the Court can confirm an SBRA Chapter 11 plan without the support of any class of claims as long as the plan does not discriminate unfairly and is deemed to be fair and equitable by providing that all of the debtor's disposable income is applied towards the plan.<sup>17</sup> Under the SBRA, the debtor also has the option of whether or not it wishes to be a debtor-in-possession<sup>18</sup> and there is no requirement to pay quarterly United States Trustee's fees which range from \$325.00 upwards.<sup>19</sup>

In order to streamline the new Chapter 11 process, within 60 days after filing the Court will schedule a status conference "to further the expeditious and economical resolution of a case under this subchapter."<sup>20</sup> Within 14 days before the status conference, the debtor must file with the court a report that details the "efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization."<sup>21</sup> A discharge under the SBRA

<sup>15</sup> *Id.* at § 1181.

<sup>16</sup> *Id.* at § 1183.

<sup>17</sup> *Id.* at § 1191.

<sup>18</sup> *Id.* at §§ 1184, 1185, 1186.

<sup>19</sup> 28 U.S.C. § 1930.

<sup>20</sup> 11 U.S.C. at § 1188.

<sup>21</sup> *Id.*

is entered after 3 years of payments are made except for debts on which the payment is due after the first 3 years of the plan but not longer than 5 years.<sup>22</sup>

A significant change under the SBRA is that the Chapter 11 plan can modify the rights of a creditor secured by the debtor's principal residence, provided that the loan secured by the residence was used for business purposes and not to purchase the residence.<sup>23</sup> This can be particularly useful for small businesses that have taken out commercial loans secured by the principals' home under an indemnity deed of trust, or who have used a home equity line of credit to fund their small business.

## Conclusion

Small business owners have unique challenges when they are unable to meet their debt obligations, and bankruptcy can provide a solution for both the small business and its principals.

*Eric S. Steiner, Esquire is the managing member of Steiner Law Group, LLC and focuses his practice on bankruptcy and commercial litigation. He has represented debtors, creditors, and bankruptcy trustees. He is the treasurer of the LGBTQ Bar Association of Maryland and a member of the Baltimore City Bar Association Solo & Small Firm Committee.*

<sup>22</sup> *Id.* at § 1192.

<sup>23</sup> *Id.* at § 1190.



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# 2020 Protocol Updates for Civil Litigators in Baltimore City

By: *Elizabeth Fitch, Esq.*

On December 3, 2019, the Circuit Court for Baltimore City hosted a panel lunch to present 2020 protocol updates. As a member of the Bar Bench Committee, I had the pleasure of attending. I'd like to thank the committee and the bench for coordinating this event. I'd also like to thank my law clerk, Ms. Maya Dolby, for her assistance with this article. Here are a few notable updates for civil litigators in Baltimore.

## Emergency Relief

All motions for temporary restraining orders shall be filed pursuant to Maryland Rule 15-504. For details, please visit the civil division's website at <http://www.baltimorecitycourt.org/clerks-office/civil-division/>. In short, emergency relief should be sought by following what I'll call the Four C's:

**Clerk's Office-** File the motions, affidavits, exhibits, proposed order, and complaint with the Clerk of the Court.

**Copies-** Two copies should be delivered to the Clerk and Magistrate Susan M. Marzetta.

**Call Chamber's-** Prior to filing, counsel should call Magistrate Marzetta to advise her office of the filing.

**Contact Opposing Counsel-** Remember to deliver your copies to opposing counsel and if appropriate, determine if the proposed date and time for the hearing is agreeable to both parties.

## Discovery Disputes

Attorneys are welcome to contact the administrative judge during depositions. In 2020, discovery disputes will be handled by Judge Emanuel Brown and Judge Marcus Z. Shar.

## DR

In 2020, the ADR director and deputy director will work together to broaden the ADR program.

## Trial and Administration

Foreclosure matters have a try by date of 24 months. The try by date for all other matters is 18 months. Worker's Compensation cases will be assigned to the civil short track. Medical malpractice cases will not be specially assigned. Instead, medical malpractice cases will be assigned on a case by case basis. Class actions will likely continue to go the same judge.

Chambers rotations will now be two months instead of three months. To find out where your hearing or trial is scheduled, call the civil assignment office at (410) 333-3755 or the DCM Coordinator at (410) 396-3045.

## Technology

Other than for asbestos matters, Baltimore City will not have e-filing in 2020.

Need audio-visual equipment? Don't worry! Some courtrooms are already equipped for audio-visual presentations. If your courtroom assignment does not already have equipment, arrangements can be made, subject to the approval of the judge at the start of trial.

*Elizabeth Fitch is an associate for the law firm of Silverman, Thompson, Slutkin, and White, LLC where she is a member of the Business Litigation department. Her practice focuses on complex business, commercial and fiduciary disputes. Ms. Fitch may be reached at [efitch@silvermanthompson.com](mailto:efitch@silvermanthompson.com).*

# Baltimore City Affordable Housing: Where are we and what's next?

By: *Drew Tildon*

Baltimore City is in the grips of an affordable housing crisis. There are approximately 14,000 people on the public housing waitlist—which has an average wait of five years—and on December 20, 2019, the Housing Authority of Baltimore City (HABC) stopped taking public housing applications altogether.<sup>1</sup> In a November 2019 interview, HABC President and CEO, Janet Abrahams, announced the decision, noting that some 2012 applicants were just then receiving housing placements

and the organization did not want to give residents “false hope.”<sup>2</sup>

In 2007, the Baltimore City Council passed Ordinance 7-474, which created Baltimore City's Inclusionary Housing Requirements. The legislation outlines a comprehensive plan which takes multiple steps toward increasing Baltimore's “extremely low,” “very low,” “low,” and “median” income housing options.<sup>3</sup> Most notable of the Ordinance's policies is a quota system requiring multi-family developments that receive “major public subsidies” and include thirty or more residential

<sup>1</sup> Housing Authority of Baltimore City, *Citing Overwhelming Demand, Housing Authority of Baltimore City will Stop Accepting New Public Housing Applications*, <https://www.habc.org/habc-information/about-us/news/habc-will-stop-accepting-new-applications/> (November 12, 2019).

<sup>2</sup> *Id.*

<sup>3</sup> Balt. City Code Art. 13 § 2B-21(b)(2).



units to make at least 20% of their units affordable.<sup>4</sup> Should the Housing Commissioner determine that the “major public subsidy” does not sufficiently offset the developer’s financial burden of meeting the 20% quota, the City steps in, granting a cash subsidy to make up the difference.<sup>5</sup>

The ordinance has been critiqued for a number of reasons, first and foremost: it’s not working. Because the City does not have the capital to subsidize affordable units, the mandate is effectively useless, as the City has no choice but to provide waivers.<sup>6</sup> This critique is supported by the fact that, as of 2015, only 32 affordable units had been created under the legislation, at a total cost to the City of \$2.2 million,<sup>7</sup> despite thousands of new apartments and condominiums.<sup>8</sup> Another critique notes that “taxing housing construction in order to get below-market-rate units makes no sense” and instead urges the City to eliminate various zoning tools including apartment bans, minimum lot size requirements, and expensive aesthetic design standards.<sup>9</sup>

Baltimore’s Inclusionary Housing Requirements are set to sunset on June 30, 2020.<sup>10</sup> This impending expiration will like-

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4 *Id.* at (c).

5 *Id.* at (d).

6 Michael Snidal & Gregory Friedman, *Baltimore must fund an inclusionary housing study*, The Baltimore Sun (Jul. 27, 2017, 11:55 AM), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0728-inclusionary-housing-20170727-story.html>.

7 Natalie Sherman, *Despite rule, few affordable units created in new developments*, The Baltimore Sun (Dec. 27, 2014), <https://www.baltimoresun.com/news/investigations/bs-bz-inclusionary-housing-20141227-story.html>.

8 Oscar Perry Abello, *Baltimore Council Will Try Again to Boost Inclusionary Housing*, Next City (December 12, 2017), <https://nextcity.org/daily/entry/baltimore-council-fix-inclusionary-housing-policies>.

9 Emily Hamilton, *Study: Affordable housing policy backfires in Baltimore, Washington region*, The Baltimore Sun (Sep. 25, 2019), <https://www.baltimoresun.com/opinion/op-ed/bs-ed-op-0926-inclusionary-housing-20190925-q5qeczy6tjc4zigizic2n5sjq-story.html>.

10 Art. 13, §2B Introductory Note.

ly prompt review and the proposal and implementation of alternative solutions. With that in mind, what potential changes should developers and property owners expect?

In the past, Baltimore City Councilman Bill Henry proposed a bill that would raise property recordation and transfer taxes to help fund affordable housing stipends. Henry has repeatedly introduced the legislation, which would increase the fees by 20% and 17% respectively, increasing the cost of real estate transactions.<sup>11</sup>

Additionally, as is noted above, some believe that inclusionary zoning is not an effective solution and that states and localities should instead prioritize the elimination of zoning devices that discourage the development of affordable housing. In early January, Maryland House Delegate Vaughn Stewart introduced a group of housing bills designed to serve just this purpose.<sup>12</sup> The legislation would legalize various multi-family homes in areas fulfilling criteria relating to jobs, transit access, and household income.<sup>13</sup> It would also override local zoning ordinances and likely change the face of qualifying neighborhoods through the addition of affordable housing options in the form of multi-family developments.<sup>14</sup>

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*Drew Tildon is a law clerk at Rosenberg Martin Greenberg, LLP, where she works with the land use and zoning practice group. Drew is also a second-year student at the University of Maryland, Carey School of Law. When she is not working or studying, Drew enjoys playing with her adorable pup, Manny.*

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11 Luke Broadwater, *Baltimore City Council considers tax hikes to pay for affordable housing*, The Baltimore Sun (Dec. 07, 2017), <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-affordable-housing-20171207-story.html>.

12 Kriston Capps, *Denser Housing Is Gaining Traction on America’s East Coast*, City Lab (January 3, 2020), <https://www.citylab.com/equity/2020/01/maryland-upzoning-bill-density-affordable-housing-zoning/604288/>.

13 *Id.*

14 *Id.*

# Sustaining Members

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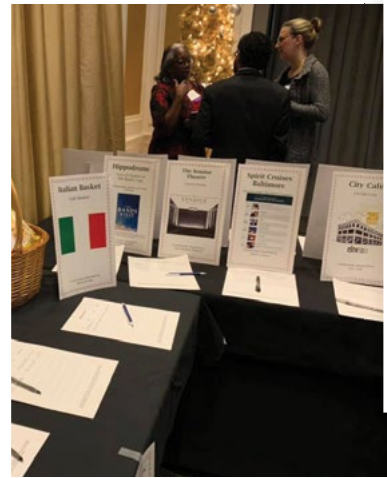
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# BABC's Annual Holiday Party

December 4, 2019

The 2019 Holiday Party was a joyous celebration of the holiday season with members and friends of the Association! Thanks to everyone who supported the silent auction to benefit the Young Lawyers' Division holiday party for children living in shelters, as well as other youth programs sponsored by the YLD.





# BABC's Annual Holiday Party

December 4, 2019





# The Bar Association of Baltimore City, Alliance of Black Women Attorneys and Baltimore Carroll Chapter of the Women's Bar Association Annual NYC Bus Trip

December 7, 2019

As always, the annual joint New York City Bus Trip was a fun-filled day!!





# The Bar Association of Baltimore City, Alliance of Black Women Attorneys and Baltimore Carroll Chapter of the Women's Bar Association Annual NYC Bus Trip

December 7, 2019



with presents, reindeer and sleigh bells, all with a heart for  
a tree found in the midst of the festivities.  
deliveries!

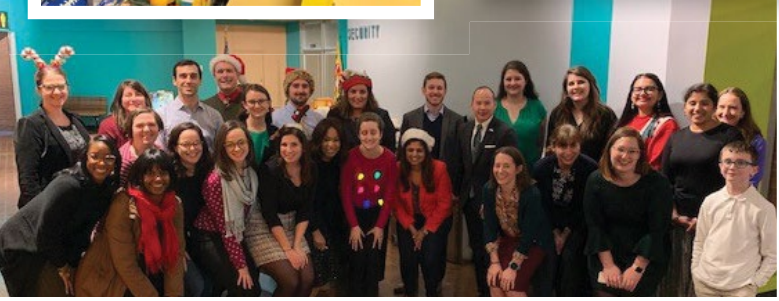
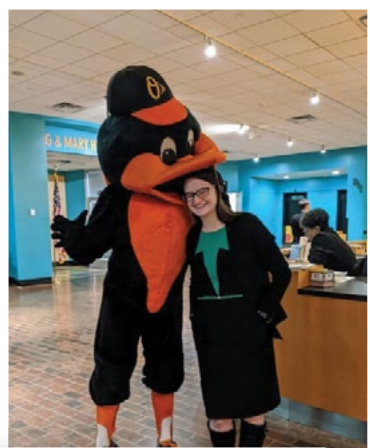
ROBERT FESTIVO



# YLD Annual Holiday Party for Children Living in Shelters

December 10, 2019

The YLD Public Service Committee planned and executed another wonderful Holiday Party for Children Living in Shelters at the Maryland Science Center. Thank you to all who donated their time, talents and money to make this another great event for the children.





## YLD Highlandtown & Francis Scott Key Elementary/ Middle School Mock Trial Program

December 13, 2019

The YLD Public Education Committee hosted its annual successful Mock Trial Program with students from Highlandtown and Francis Scott Key Elementary/Middle Schools. Thank you to all of our volunteers!



## BABC Leadership Open House

January 8, 2020

Thank you to all who attended our Leadership Open House! A special thank you to both our current and past Presidents and YLD Chairs for sharing their experiences as a leader.





# Supreme Court Group Admission

January 13, 2020

Great day in D.C. for the BABC's group admission to the Supreme Court. Congratulations to our new admittees to the Court: Samuel Cowin; Fraser Dachille; Kevin Finson; Alicia Gipe; Michele Hayes; Joseph Dugan; Natalie Krajinovic; Clare Maisano Bever; Gabriel Moreno; Sarah Nyren; Jessica Pak; and Angela Pallozzi. BABC President, The Honorable Dana Middleton, moved the admission of our group.



# Pathways to Leadership for Women: The 19th Amendment

January 13, 2020

**Pathways to Leadership for Women: The 19th Amendment.** Another phenomenal program presented by the BABC's Historical Committee chaired by Elva Tillman. Special thanks to our guest speaker, Elaine Weiss, author of "The Women's Hour: The Great Fight to Win the Vote."



# COURTING ART baltimore



**It's the 5th annual Courting Art Baltimore contest!** Courting Art Baltimore is an art contest open to all Baltimore City public high school students that promotes youth artwork, connects the legal community with the local community, and reduces stress and anxiety for litigants visiting the Eastside District Courthouse in Baltimore. Led by the Baltimore Bar Foundation, Inc., and the Bar Association of Baltimore City, Courting Art Baltimore has expanded over the last four years and increased the number of scholarships provided to students.

**The 2020 fundraising goal is \$30,000.**

Please consider donating to help the program grow for yet another year, so we can continue to support local students and beautify our courthouses.

**DONATE NOW** at [CourtingArtBaltimore.com](http://CourtingArtBaltimore.com) or by mail. Make checks payable to the Baltimore Bar Foundation, Inc., and list "Courting Art" in the memo line. Checks sent by mail should be sent to 111 N. Calvert Street, Suite 627, Baltimore, MD 21202. Corporate sponsorships are available. Please contact Brian D. Katzenberg, Esq., at [bkatzenberg@cosekaw.com](mailto:bkatzenberg@cosekaw.com) for more details or questions.

Please join us for an exhibition reception on **April 2, 2020**, at 6:00 p.m. at Baltimore City Community College. We also encourage you to join us for an artwork unveiling and awards reception on **May 13, 2020**, at 6:00 p.m. at the Eastside District Courthouse at 1400 E. North Avenue.



[courtingartbaltimore.com](http://courtingartbaltimore.com)

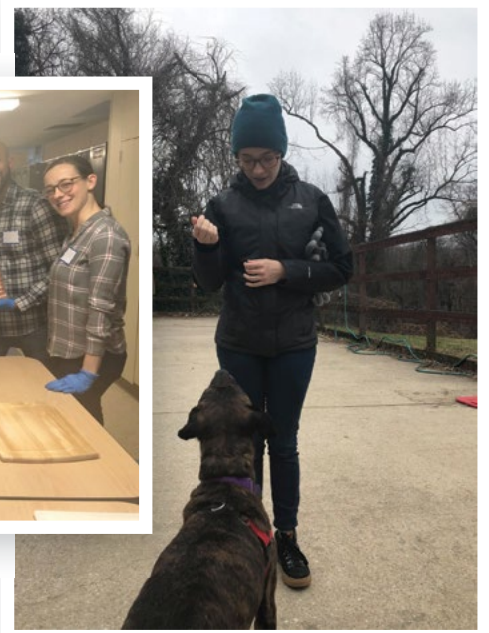
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Baltimore



# YLD Public Service Event at SPCA

January 18, 2020

Thank you to our volunteers!



# Breakfast with the Bench with the Honorable Lawrence P. Fletcher-Hill

January 22, 2020

There was a full house at the YLD's January Breakfast with the Bench with The Honorable Lawrence P. Fletcher-Hill, Circuit Court for Baltimore City. Thank you Judge Fletcher-Hill for a great presentation!



# CLE – The New Standards are Here for Mediators. What Do I Do Differently as a Mediator?

February 10, 2020

Thank you to everyone who came out to our CLE program on The New Standards for Mediators, What is it, and what do I do Differently as a Mediator? brought to you by the Alternative Dispute Resolution Committee chaired by James W. Motsay. Thank you to our speakers: Heather V. Fogg, Cynthia M. Jurrius, Esq., and Emmett J. Ward, M.A. from MACRO.



# Black History Month Program – Race, Gender and the Law

February 18, 2020

It was standing room only at the Black History Month Program, “Race, Gender and the Law,” on Tuesday, February 18, co-sponsored by the Bar Association of Baltimore City, Alliance of Black Women Attorneys, Monumental City Bar Association and the Baltimore Bar Library. The program included a special tribute to Hon. Solomon Baylor, first African-American member of the BABC, premier of the video African-Americans in the Law in Maryland, and a panel discussion featuring Hon. Robert M. Bell, Retired Chief Judge, Court of Appeals of Maryland, Professor Jose F. Anderson, University of Baltimore School of Law, Hon. Videtta A. Brown, Circuit Court for Baltimore City and ABWA President, Aaron DeGraffenreid, Esq., Baltimore City Law Department and MCBA President, Hon. Diana E. Smith, District Court of Maryland for Baltimore City, and Moderator, Hon. Lynn Stewart Mays, Circuit Court for Baltimore City. Another fantastic program organized by our Historical Committee, chaired by Elva E. Tillman. Special thanks to CRC Salomon for its technical support.







# BABC Nominating Committee Report



The Nominating Committee of The Bar Association of Baltimore City, comprised of Kelly Hughes Iverson, Chair, Robert D. Anbinder, Mary Cina Chalawsky, Lauren E. Lake, Divya Potdar, Valda G. Ricks and Fabian D. Walters, Jr., has nominated and recommends the following members of the Association for election to the offices and positions set opposite their names for fiscal year 2020-2021:

<b>President-Elect</b>	<b>Hon. Anthony F. Vittoria</b> <b>Circuit Court for Baltimore City</b>
<b>Vice President</b>	<b>Hon. Lynn Stewart Mays</b> <b>Circuit Court for Baltimore City</b>
<b>Treasurer</b>	<b>Myshala E. Middleton</b> <b>U.S Immigration and Customs Enforcement</b>
<b>Secretary</b>	<b>James W. Motsay</b> <b>Motsay and Lay Attorneys at Law</b>
<b>Elected Members</b>	<b>Erik Atas</b> <b>Zirkin and Schmerling Law</b>
	<b>Thomas H. Barnard</b> <b>Baker, Donelson, Bearman, Caldwell &amp; Berkowitz, PC</b>
	<b>Natasha M. Dartigue</b> <b>Office of the Public Defender</b>
<b>ABA Delegate</b>	<b>Hon. Michael W. Reed (two-year term)</b> <b>Court of Special Appeals of Maryland</b>

Darren L. Kadish, Kadish & Kadish, P.C., the current President-Elect of the BABC, will assume the office of President at the Association's Annual meeting to be held on May 21, 2020.

The Committee also nominated and recommends the following members of the Association to serve on the Board of Governors of the Maryland State Bar Association for the First District (Baltimore City) for a two-year term beginning June, 2020:

**Evelyn Lombardo Cusson**  
**United States Attorney's Office, District of Maryland**

**Ryan Dietrich**  
**Office of the Attorney General of Maryland**

**Hon. Dana M. Middleton**  
**Circuit Court for Baltimore City**

**George G. Tankard, III**  
**Yost Legal Group**

In addition to the nominations made by the Nominating Committee, 15 or more members of the Association may nominate candidates for any one or more of the above Bar Association of Baltimore City offices, provided such nominations be in writing and received by the Secretary of the Association, at Association headquarters, no later than 4:30 p.m. on Monday, March 16, 2020. Such written nominations must contain the name and written consent of each such candidate, must designate the office or offices for which such candidate is being nominated, and must be signed by the members of the Association making such nominations.

Nominations for a position on the Board of Governors of the Maryland State Bar Association, other than those nominated by the Nominating Committee, will be made in accordance with the procedures of the Maryland State Bar Association. The Young Lawyers' Division representatives on the BABC Executive Council are nominated and elected exclusively in the manner prescribed in the Bylaws of that Division.

Myshala E. Middleton  
Secretary





## YLD Nominating Committee Report

The Nominating Committee of the Young Lawyers' Division, comprised of Divya Potdar, Chair, Richard L. Adams, Aaron DeGraffenreidt, Michael J. March, Jr., Angela Pallozzi, Rachel Samakow, and Kerri L. Smith, has considered applicants for 2020-2021 Division Officers, Elected Member, and Members-At-Large and has submitted its nominating slate. In accordance with the By-Laws of the Young Lawyers' Division, you are hereby given notice of the nominations of the Nominating Committee:

Chair-Elect	Samuel R. Pulver Yost Legal Group
Treasurer	Monica Basche Brown, Goldstein & Levy, LLP
Secretary	James P. Robinson Goodell, DeVries, Leech & Dann, LLP
Elected Member	Natalie Amato Department of Law, Baltimore City
Members-at-Large	Sara El-Shall Kadish & Kadish, P.C.  Natalie Krajinovic John H. Denick & Associates, P.A.  Reba Letsa Baker, Donelson, Bearman, Caldwell & Berkowitz, PC

Current Chair-Elect, Lauren E. Lake, Gordon Feinblatt, LLP, will serve as Chair of the Young Lawyers' Division in 2020-2021.

The By-Laws of the Division provide that any Division member may seek a nomination to any one or more of the positions stated above, provided that the member submit to the Nominating Committee a petition of nomination which shall be signed by not less than 15 members of the Division. Petitions are due at Association headquarters no later than 4:30 p.m. on Monday, March 16, 2020. Nominating petitions are available at Association headquarters.

Samuel R. Pulver  
Secretary

# Welcome New BABC Members!

*Joined December 2019 - January 2020*

Elizabeth Ann Barry , Esq..... Regular Member  
 Matthew Bradford , Esq..... Regular Member  
 Patrick Burke , Esq..... Regular Member  
 Benjamin Alexander Chasen, Esq. .... Regular Member  
 Laura Elizabeth Collins , Esq. .... Regular Member  
 Martha Effinger , Esq. .... Regular Member  
 Jessica L Erler, Esq..... Regular Member  
 Julianna Brightman Felkoski ..... Law Student  
 Aaron D Fray , Esq..... Regular Member  
 Stuart Ryan Goldberg , Esq. .... Regular Member  
 John Goodridge, Esq..... Regular Member  
 Rebecca M. Guay..... Law Student  
 Brittany Gwynn Porter, Esq. .... Regular Member  
 Krystal Jarvis ..... Law Student

Karilyn Lorimer Lee ..... Regular Member  
 Andrew Barry Mason , Esq. .... Regular Member  
 Harrison Mont..... Regular Member  
 Taylor Ann Mooney..... Law Student  
 Lauren Rose Mullin , Esq. .... Regular Member  
 Alyson Parker Kierzewski , Esq. .... Regular Member  
 Jeffrey Peyton , Esq. .... Regular Member  
 Marysia Anne Pomorski , Esq..... Regular Member  
 Nicholas G. Pycha , Esq. .... Regular Member  
 Rhett William Reidpath , Esq. .... Regular Member  
 Saul Joseph Slowik ..... Law Student  
 Virginia Isabelle Sturgill..... Law Student  
 Victoria Szczawinski Trocchia ..... Law Student  
 Collin Wojciechowski , Esq..... Regular Member



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# Circuit Court for Baltimore City Assignment of Judges

Court	Assignment	Judge	CR / Chambers	Telephone
Admin	Judge At Large	Judge W. Michel Pierson, AJ (Ret.1-10-20)	234E/208E	396-4916 & 4917
Part 1	Domestic	Judge Jeannie J. Hong	F-3/122E	396-5140 & 5141
Part 2	Domestic	Judge Melissa K. Copeland	F-1/126E	396-5076 & 5077
Part 3	General Trial Court	Replacement Judge	TBD	396-4916 & 4917
Part 4	Juvenile	Judge Emanuel Brown, JICJ	A3401 (C-2)	443-263-2796
Part 5	General Trial Court	Judge Yvette M. Bryant	230E/252E	396-5102 & 5103
Part 6	General Trial Court	Judge Gregory Sampson	417M/407M	396-5070 & 5071
Part 7	Asbestos/Gen. Trial Crt.	Judge Pamela J. White	309M/303M	396-5056 & 5057
Part 8	Juvenile	Judge Dana M. Middleton	A3401 (C-3)	443-263-2799
Part 9	General Trial Court	Replacement Judge	TBD	396-4918 & 4919
Part 10	General Trial Court	Judge Jeffrey Geller	330E/330E	396-5008 & 5009
Part 11	General Trial Court	Judge Lynn Stewart Mays	228E/214E	396-5052 & 5053
Part 12	Domestic	Judge Charles J. Peters	F-4/124E	396-5080 & 5081
Part 13	Domestic	Judge Michael DiPietro, JICFD	F-2/120E	396-5060 & 5061
Part 14	General Trial Court	Judge Althea M. Handy	523E/529E	396-5054 & 5055
Part 15	General Trial Court	Judge Christopher L. Panos	329E/329E	396-5062 & 5063
Part 16	General Trial Court	Judge Anthony F. Vittoria	636M/636M	396-5112 & 5113
Part 17	General Trial Court	Judge Philip S. Jackson	400M/466M	396-5066 & 5067
Part 18	General Trial Court	Judge Cynthia H. Jones	406M/408M	396-5082 & 5083
Part 19	Asbestos/Gen. Trial Crt.	Judge Julie R. Rubin	509E/505E	396-5132 & 5133
Part 20	General Trial Court	Judge Marcus Z. Shar	600M/642M	396-5100 & 5101
Part 21	General Trial Court	Judge Yolanda Tanner	438M/436M	396-5074 & 5075
Part 22	General Trial Court	Judge Robert K. Taylor, Jr.	428M/426M	396-4020 & 4021
Part 23	Judge At Large	Judge Audrey J. S. Carrion (1-13-20)	225E/209E	396-5130 & 5131
Part 24	General Trial Court	Judge Kendra Y. Ausby	430E/432E	396-4627 & 4631
Part 25	Juvenile	Judge Robert B. Kershaw	A3401(C-1)	443-263-2793
Part 26	General Trial Court	Judge Lawrence Fletcher-Hill, JICC	113M/101M	396-6826 & 6843
Part 27	General Trial Court	Judge Sylvester Cox	231M/217M	545-3766 & 3767
Part 28	General Trial Court	Judge Melissa M. Phinn, JICCr	540E/550E	545-6235 & 6236
Part 29	General Trial Court	Judge Karen C. Friedman ***	404E/408E	396-3836 & 3837
Part 30	Asbestos/Gen. Trial Crt.	Judge Shannon E. Avery	226M/228M	545-0115 & 0116
Part 31	General Trial Court	Judge Barry G. Williams	528E/534E	545-3516 & 3517
Part 32	General Trial Court	Judge Jennifer B. Schiffer	203M/245M	545-0887 & 0888
Part 33	General Trial Court	Judge Videtta A. Brown	201E/205E	410-361-9311 & 9312
Part 34	General Trial Court	Judge Charles H. Dorsey	236M/234M	396-1118 & 1115
Part 35	General Trial Court	Judge John S. Nugent	434M/432M	396-1180 & 1190
Part 99	Visiting Judges	Judge Paul E. Alpert	255E	6-8057 & 1119
Part 98	Visiting Judges	Judge Pamela North	450M	6-5857

Effective January 1, 2020

\*\*\* Indicates temporary courtroom/chambers assignment.

CONTINUED ON NEXT PAGE



Court	Assignment	Judge	CR / Chambers	Telephone
Part 97	Visiting Judges	Judge Martin P. Welch	317M	6-8352
Part 96	Visiting Judges	Judge Dennis McHugh/Judge L. Daniels	JJC / Criminal/Civil	6-8057
Part 95	Visiting Judges	Judge John M. Glynn	237E	6-8057
Part 94	Visiting Judges	Judge Carol E. Smith/Judge Edward Hargadon	237E	6-8057
Part 93	Visiting Judges	Judge John C. Byrnes/J. Irma Raker	237E	6-8057
Part 92	Visiting Judges	Judge John Addison Howard	253E	6-8057
Part 91	Visiting Judges	Judge M. Brooke Murdock	509M	6-8343
Part 90	Visiting Judges	Judge Ellen M. Heller	237E	6-8057
Part 89	Visiting Judges	Judge Thomas J. S. Waxter	247E	5-3490
Part 88	Visiting Judges	Judge Louis Becker	237E	6-8057
Part 87	Visiting Judges	Judge Gale Rasin	134M	6-8057
Part 86	Visiting Judges	Judge Tealette Price/Judge Marcella Holland	JJC / 255E	6-8057/5-6090
Part 85	Visiting Judges	Judge Paul Smith	264E	6-8057
Part 84	Visiting Judges	Judge David Young	317M	6-8350
Part 83	Visiting Judges	Judge Angela Eaves	237E	6-8057
Part 82	Visiting Judges	Judge Stephen Sfekas	237E / 247E	6-8057
Part 81	Visiting Judges	Judge Dennis Sweeney	237E	6-8057
Part 80	Visiting Judges	Judge John Miller	237E	6-8057

\*\*\* Indicates temporary courtroom/chambers assignment.

## Forensic Economist

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