

THE BALTIMORE Barrister

SUMMER 2024

VOL 14 | NO 3



Natasha Dartigue, President, Baltimore Bar Foundation;
Hon. Teresa Epps Cummings, President, Bar Association of Baltimore City;
Rachael Samakow, Chair, Young Lawyers' Division

The McCammon Group

is pleased to welcome our newest Neutral



Hon. Christopher Panos (Ret.)

Retired Associate Judge, Circuit Court for Baltimore City

The Honorable Christopher Panos has joined The McCammon Group after eleven years of dedicated service as an Associate Judge on the 8th Judicial Circuit Court for Baltimore City. He previously served as an Associate Judge for the District Court of Baltimore City and as a Special Master for the Family Division of the Circuit Court for Baltimore. Prior to his tenure on the bench, Judge Panos enjoyed a successful career in civil litigation including family law, bodily injury, and commercial matters. He is a Life Fellow of the Maryland Bar Foundation and a Fellow of the Baltimore City Bar Foundation. Judge Panos' memberships include the International Association of LGBTQ+ Judges, Maryland State Bar Association, and Bar Association of Baltimore City. Judge Panos co-chaired the BABC Bench-Bar Committee and chaired the BABC Family Law Committee. Additional memberships have included the MSBA Standing Committee on Professionalism and the MSBA Family and Juvenile Law Section Council. Judge Panos now brings this exemplary record of excellence and experience to The McCammon Group to serve the mediation and arbitration needs of lawyers and litigants in Maryland and beyond.

For a complete list of our services and Neutrals throughout MD, DC, and VA, call (888) 343-0922 or visit www.McCammonGroup.com

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The Baltimore Barrister

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THE BAR ASSOCIATION OF BALTIMORE CITY

Executive Photos

FOR THE BABC MEMBERS ONLY DIRECTORY

The photographs will be taken at the courthouse and there will be no cost for you unless you choose to purchase the headshots. The BABC will receive the photos and load them onto your portal and directory.

If you already have a professional headshot, please send it to Sarah Zhang. Contact information below.

JRussell has over 90 years of combined professional portrait photography experience and is the nation's leading executive portrait studio.

JRussell will be reaching out to coordinate appointments. If you have any questions, please feel free to reach out to the BABC.

Contact BABC: 410-539-5936 x101 or szhang@baltimorebar.org

We are One. One City. One Profession. One Bar.

*Hon. Teresa Epps Cummings, President, Bar Association of Baltimore City
(Excerpts from Annual Meeting Speech)*



As we are coming off the heels of the June 2024 Annual Meeting and as we embark upon the new bar year, there are a number of people that I must thank. First, I must thank Immediate Past President, James Motsay for his leadership of the BABC for the 2023-2024 bar year. Mr. Motsay led with patience, compassion, and commitment. His love of the BABC was and is quite evident and I look forward to continuing to lean on him for guidance as I embark upon my bar year.

I must also thank the Honorable Justice Shirley M. Watts, Supreme Court of Maryland, for introducing me at the Annual Meeting. Her thoughtful and personalized introduction was indicative of someone who always pays attention to the details, no matter how small. I am also sending a thank you shout-out to Renée Hutchins Laurent, Dean, University of Maryland Francis King Carey School of Law, for her rousing and inspirational speech wherein she reminded us that leaning into transition is a wonderful opportunity for growth. Regarding my path to leadership of the BABC, thank you to the Honorable Judge Michael W. Reed, Appellate Court of Maryland, for indoctrinating me into the BABC when I answered the call to co-chair the Pro Bono committee and thank you to the Honorable Associate Judge Darren Kadish, District Court of Maryland, who subsequently called upon me to chair the Membership committee. Thank you to the past presidents who have been and continue to be just a phone call away. And, finally, thank you to everyone who attended the Annual Meeting.

The Bar Association of Baltimore City is an organization of legal professionals committed to providing quality legal education, advocacy, and services to its members; promoting professionalism, equality, and diversity among its members; fostering collegiality; advancing the public image of the profession and providing law-related services and education to the public; and exercising leadership on a local, state, and national level to advance these goals.

The paragraph above is the mission statement of the BABC and along those lines, my theme for the year is, “We are One. One City. One Profession. One Bar.” I want us to focus on unifying across practice areas, number of years in practice, race, age, sex, and anything else that tends to separate us. I want us to all commit to One. One hour per week. One day per month. One CLE per quarter. Commit to encouraging one new member to join. Commit to one committee. Whatever your one looks like, commit to it because I believe that once you actively commit to that one thing and see all the benefits that active participation in the bar provides, that one thing will turn into two, three and so on. The bar association was, is and always will be necessary and if the entire membership is active and we are all working toward a common goal, we can become an even stronger organization.

The BABC was founded in 1879 and, obviously, many things have changed since 1879. I am planning for us to take a deep dive review of the history of the BABC. Are there programs, CLEs, advocacy measures, law-related services, and/or collegiality workshops from the past that we should resurrect? Because to quote the famous poet Maya Angelou, “You can’t really know where you are going until you know where you have been.” A review of the Bylaws is also in order, again understanding that with an evolving profession, city, and world, we need to be certain that the bylaws reflect that evolution. During the past bar year, we began the discussion and investigation into drafting a long-range plan. We will complete that plan this bar year making sure that it encompasses all the tenets contained in the mission statement.

I want us to be certain that our website, social media presence, technical applications used for virtual meetings, CLEs, social gatherings, and civic activities are meeting the needs of the membership. As a working wife and mom, I fully understand the dynamics of Work Life Balance so we need to be creative in planning activities that will allow us to continue to incorporate our families into our bar life. And, in terms of our giving back to the City, there are several opportunities for all of you to get involved in advancing the public image of the profession by providing law-related services and education to the public. To quote Governor Wes Moore from his 2024 Juneteenth FaceBook post, “Acts of compassion, generosity and empathy build a stronger more unified community.” So, along those lines please join us: (1) at the annual Crab feast, which benefits the bar but also allows us to support a local business; (2) in the fall when the Bar Association of Baltimore City sponsors, in conjunction with the Circuit Court for Baltimore City, its Annual National Adoption Day Celebration. On National Adoption Day, come spend a Saturday morning putting smiles on the faces of the children who are finding their forever home; (3) volunteer for the YLD’s Holiday Party for Children Living in Shelters and/or when the call goes out for donations, donate; (4) assist with Senior Law Day (sponsored by Senior Legal Services), which is a free event open to all Baltimore City seniors, and/or (5) solo practitioners endeavoring to grow your book of business, become a Lawyer Referral and Information Service panelist. Information about the programs listed and all other BABC programs can be found on the BABC website. Please lend your time and pour your talents into breathing new life into these standing programs because these programs allow us, as attorneys, to play a vital role in supporting this great City.

We are here to serve you, but it is a partnership. And the more that each of us deposits into the BABC, the more that we will receive in return. I would be remiss if I did not also thank an essential component of any bar year—the committee chairs and co-chairs. Thank you in advance to all of you who have agreed to serve (their names and committees are all listed on the website) because with your help, I know that we are going to have a significantly meaningful bar year. And remember: We are One. One City. One Profession. One Bar.

The BABC, A Place to Belong

Young Lawyers' Division Update

Rachel Samakow, Esq., Chair, Young Lawyers' Division, Bar Association of Baltimore City



Hello fellow attorneys, colleagues, friends.

I am absolutely honored to be continuing in my role as YLD Chair, and I can think of no better way to enjoy my last year as a YLD member than with an extended term on this board. I want to take a moment to congratulate the YLD on an incredible bar year. From the programs they created this year, the events

they put on, the excitement they generated for our members, they did an incredible job and I'm so proud to be part of this team.

I've been a member of the BABC since 2013, having joined a few months after starting my legal career with Chesapeake Employers' Insurance Company.

I remember at the time trying to get my bearings as a young lawyer. I was a new lawyer, in the world of workers compensation, which for those of you who don't practice in that area, your first couple months are spent between learning a completely different language of acronyms and medical jargon, and the other half of the time on web MD learning what the medical terms mean. I remember my Jewish grandmother making a comment along the lines of, "see, you see Rachy, you could have been a doctor."

The BABC was the first place as a young lawyer I was made to instantly feel like I belonged. I remember being introduced to people around the room, and various members of the YLD making a point to get to know me, learn about what I was interested in, and help me find my place in the YLD. I was truly amazed by what these young lawyers were accomplishing. They spoke on panels, they created programs, they cultivated the relationships with sponsors; they were involved. They created and took advantage of opportunities for young lawyers to be an impactful part of the legal community.

This is my hope for the YLD this year, to continue providing a platform for young lawyers to be active and thoughtful members of our legal community.

And that's my plan. I took on the role of YLD chair three weeks after giving birth to my son Alex. He was so excited for me he was speechless. Granted, he lacks the capacity for speech, but still. And while admittedly I was very nervous about what the balance of handling a newborn, returning to work, and being YLD Chair was going to look like, I realized I didn't need to be. I realize I have

very limited space here, so I'll wrap up. To the current YLD board, the incoming YLD board, the BABC staff, and my own personal BABC mentors, thank you. I didn't need to be nervous about taking on the Chair position because of you. So, I'd like to say thank you again, and it is an absolute privilege to work with you.



Price

\$350
/ Person

Registration

Registration fee for guests is \$125.

Fees Include

- ✔ Supreme Court Admission Fee
- ✔ Breakfast at the Supreme Court
- ✔ Swearing-In
- ✔ Oral Arguments
- ✔ Group Photo
- ✔ Supreme Court Lecture
- ✔ Group Lunch

Wednesday, November 6, 2024

Registration is limited to 12 applicants.

Completed applications are due no later than August 30, 2024.

To obtain an application package, contact the BABC office at info@baltimorebar.org, or call 410-539-5936.

Register on www.baltimorebar.org/calendar/

***To qualify for admission to the Supreme Court, you must have been admitted to the practice of law for three years prior to the date of application.**

Beyond Wills: A Primer on Non-Testamentary Transfers in Estate Planning

Derek M. Van De Walle, Esq.,¹ Baltimore City Department of Law



Estate planning is not the simplest of tasks, but neither is proceeding through probate. Because you won't be around to oversee your own estate through probate, it's crucial to get things right the first time (and, maybe, only) time.

Estate planning almost always includes the execution of a last will and testament. In order to be effective, a will must be in writing, signed by the testator (or by someone for the testator in the testator's physical presence and at the testator's express direction), be attested and signed by at least two credible witnesses.² Additionally, the testator must be 18 years or older and legally competent.³ Even after completing this step, your testamentary intent may not be as lucid as you think it is. The Supreme Court of Maryland recognized this truth long ago:

'Wills,' it has been said, 'are hard to be understood; often, without legal advice, they are unintelligible, and with it, are of doubtful construction. Many testators fail to make themselves understood.'⁴

Generally, probate is not free. A fee will be assessed to open an estate, and the amount of the fee varies depending on the value of the estate. The fee scale starts at \$100 for estates over \$50,000 but less than \$100,000 (there is no fee for any estate valued at less than \$50,000), and the fee increases in increments based on the value of the estate.⁵ The calculation to determine the value of a probate estate is reflected in Section § 2-206(b)(3) of the Estates and Trusts Article.⁶ Other expenses must be considered when opening an estate, including the costs and fees charged by the Register of Wills,⁷ commissions for the personal representative,⁸ and attorney's fees.⁹ Finally, Maryland imposes an Inheritance Tax at a rate of 10% of the value of the gift.¹⁰ It applies only to gifts to collateral heirs, and so gifts to certain heirs, such as grandparents, parents (including stepparents), spouses, children (including stepchildren), and siblings are exempt from the tax.¹¹

The Maryland General Assembly and our own common law provide mechanisms to avoid the time and expense of probate. These non-probate, or non-testamentary transfers, are discussed in turn below. Note that this condensed outline is not meant to be exhaustive, nor should it supplant a proper estate plan. Indeed, an estate plan should be tailored to the individual's needs and unique circumstances. At the very least, this article will start the reader thinking about estate planning if you have not done so already.

Life Insurance and Pension and Retirement Accounts.

Among the best-known forms of non-testamentary transfers are life insurance policies, pension plans, and retirement accounts. In a life insurance policy, one or more beneficiaries are designated to receive the proceeds of the policy upon death of the insured.¹² Upon proof of death, the proceeds will be paid directly to the beneficiary,¹³ and any premiums that were paid after death must be refunded.¹⁴

Maryland does not require that a spouse be named as a beneficiary.¹⁵ In fact, the beneficiary may be any relative of the insured by blood, legal adoption, or connection by marriage, as well as "a person that appears to the insurer to be equitably entitled to the benefits because the person is a named beneficiary or has incurred expenses for the maintenance, medical attention, or burial of the insured."¹⁶ Although

the estate itself can be named as a beneficiary, for the proceeds to pass outside of probate, the insured's estate or personal representative of that estate should *not* be named as the beneficiary.

The beneficiary can be changed at any time before death, and it is important to continually revise and update the beneficiary as needed. The proceeds of a life insurance are generally exempt from claims of creditors, so long as the beneficiary is a spouse, child, or dependent relative.¹⁷ Generally, life insurance proceeds received by a beneficiary are not included in gross income and do not have to be reported on taxes. Further, life insurance proceeds are not subject to the Maryland Inheritance Tax, except for certain non-exempt persons or unless the proceeds are paid to the estate.

The benefits under a pension or retirement account (either qualified or individual) can also pass outside of probate, and doing so can avoid delay caused by the probate process. Similar to life insurance proceeds, the distributions are generally exempt from claims of creditors if they are made payable to a trustee.¹⁸ However, distributions from a pension or retirement account are generally taxable.

Transfer-on-Death (TOD) and Payable-on-Death (POD) Accounts.

Any checking, savings, or certificate of deposit account can be designated as a transfer on death or payable-on-death ("POD") account so that a properly-designated beneficiary will receive the funds in the account upon the account holder's death.¹⁹ The beneficiary does not have any rights to the money in the account until the account holder's death,²⁰ and the money can only be claimed by the beneficiary upon proof of the account holder's death.

Transfer-on-Death (TOD) registration for vehicles.

In Maryland, an owner of a vehicle can register a beneficiary to take ownership of the vehicle upon the death of the owner.²¹ This is done through the Motor Vehicle Administration at a cost of \$20.00. The designation of a beneficiary does not affect ownership of the vehicle, and the beneficiary can be removed or changed at any time.²² In order to designate a beneficiary, the vehicle must be titled in Maryland and must have only one owner. Further, only one beneficiary can be named. In the event that the vehicle is subject to a lien, the beneficiary will need to satisfy the lien upon transfer, as the rights of creditors are not affected by the designation of a beneficiary.²³ Once a beneficiary is designated, a corrected title will be delivered to the vehicle owner.

Joint Ownership of Real Property and Life-Estate Deeds.

Real property can be passed without a will by including specific language in a deed. You may recall from your first-year property course that real property owned in a "joint tenancy" will automatically pass to the surviving owner(s) when one owner dies. The same basic system applies for real property owned in a "tenancy by the entirety," which applies only to married couples.

Real property can also be passed outside probate through the use of a "life estate" deed. A life estate deed grants ownership of real property to another person for the duration of the other person's life but in which the grantor retains the right to possess, use, and enjoy the property during the grantor's lifetime. A life estate deed has the advantage of being time-tested and allows the grantor to retain control over the real property. Further, because the real property is removed from the

probate estate, it is generally excluded from creditor claims. However, real property passed by life estate deed is still subject to the Maryland Inheritance Tax.

Interests in Limited Liability Companies and Partnerships.

Until recently, the status of passing one's interest in a limited liability company or partnership stood in the penumbra of testamentary planning. In *Potter v. Potter*, a dispute arose over whether a decedent's interest in a limited liability company passed according to the operating agreement for the limited liability company or through intestate succession.²⁴ If the former, then the decedent's ex-spouse acquired the interest, if the latter, then the decedent's surviving spouse inherited the interest. Ultimately, the Appellate Court of Maryland held that the provision of the operating agreement leaving the decedent's interest to his former spouse was ineffective because the operating agreement was not executed in compliance with the will requirements of Est. & Trst. § 4-102.²⁵

The General Assembly was quick to respond by passing H.B. 342 (2021) and S.B. 261 (2021), which were signed into law on May 12, 2022. Presently, an interest in a limited liability company or partnership may be passed via an operating agreement or partnership agreement, respectively:

Transfers on death pursuant to an operating agreement of a limited liability company or a partnership agreement of a general or limited partnership are effective according to the operating agreement or partnership agreement and are not to be considered testamentary.²⁶

Thus, a principal in a limited liability company or a partnership can pass their interest in the entity to another upon death by including specific language in the operating agreement (if a limited liability company) or the partnership agreement (if a partnership). Note that such provisions may include rights as to the *profits* only. Certain management rights, such as voting rights, may best be reserved to other principals who are familiar with the operating of the entity.

Transfer-on-Death Securities.

In Maryland, an owner of certain securities can register a beneficiary to take ownership of the securities upon the owner's death.²⁷ The beneficiary is designated through a beneficiary form "by the words 'transfer-on-death' or the abbreviation 'TOD', or by the words 'pay on death' or the abbreviation 'POD', after the name of the registered owner and before the name of a beneficiary."²⁸ A transfer-on-death registration is nontestamentary and is effective by the contract between the owner and the registering entity.²⁹ Designating a beneficiary does not, however, limit the rights of creditors of security owners against any beneficiary or other transferee.³⁰

Trusts.

"Put not your trust in money, put your money in trust."³¹ The Maryland Trust Act is codified in Title 14.5 of the Estates and Trusts Article and governs the creation, maintenance, and termination of trusts. A "trust exists where the legal title to property is held by one or more persons, under an equitable obligation to convey, apply, or deal with such property for the benefit of other persons."³² Although pages could be spent on trusts, this topic is covered only superficially. A trust may be created during the lifetime of the settlor or by a will.³³ Note that a revocable trust (an inter vivos trust in which the grantor retains the power to revoke the trust) does not avoid the Maryland Inheritance Tax, and any income earned by the trust before distribution is also taxed.

* * *

These non-probate tools are not designed to replace the probate process, and probate cannot, and should not always be avoided. Avoiding

probate in certain circumstances can, however, streamline the process of transferring assets after death.

A Call for Service.

The Pro Bono Resource Center ("PBRC") offers an estate planning clinic for low-income homeowners through its Home Preservation Project. The clinic is held monthly, sometimes twice a month and occasionally on weekends, at locations in and around Baltimore City. At a typical clinic, a volunteer attorney assists one or two individuals (one in the morning and one in the afternoon) to draft a will, a power of attorney, and an advance medical directive (or "living will"). The client leaves the clinic with fully executed versions of these documents.

Because the client must be below a specific income level in order to take part in the clinic, they do not have the means of hiring private lawyers to prepare these documents. Thus, the clinic provides a service to individuals who otherwise may have been financially precluded from estate planning services and need to preserve their homes for future generations.

By participating in the clinic, you will provide immediate benefits to the client because the client walks away with something tangibly executed estate planning documents. Volunteering also provides long-term benefits to the community by facilitating the transfer of assets to subsequent generations and by preserving wealth in under-resourced communities. Finally, by engaging in pro bono work, you will diversify your knowledge of the law and enhance your skills as an attorney.

The PBRC provides free training and on-site staff to serve as mentors and assist with the process, and volunteer attorneys are covered by the PBRC's malpractice insurance. If interested in participating in one of these clinics, you are encouraged to email Allison Harris, Esq., the Director of the Home Preservation Project, at aharris@probonomd.org. Whether or not you have estate planning experience, the PBRC provides an opportunity to help others, adhere to our professional responsibility,³⁴ while preserving wealth and assets in minority communities.

¹William & Mary Law School, J.D. (2017); University of Michigan, B.A. (2014). Mr. Van De Walle is an Assistant City Solicitor in the Baltimore City Law Department, and volunteers his time with the Pro Bono Resource Center to draft wills, powers of attorney, and advance medical directives for low-income residents of Baltimore City. The author thanks Carl E. Eastwick, Esq. and Elizabeth A. Fitch, Esq. (Semmes, Bowen & Semmes) for their advice and input for this article. Any errors in the article are those of the author alone.

²Md. Code Ann., Est. & Trst. § 4-102(b). All statutes referenced hereinafter are to the Maryland Code, Annotated, unless otherwise noted.

³Est. & Trst. § 4-102(a).

⁴*Brown v. Ramsey*, 7 Gill 347, 352 (1848).

⁵If the value of the probate estate is

At least	but is less than	the fee is
\$0	\$50,000	\$0
\$50,000	\$100,000	\$100
\$100,000	\$500,000	\$200
\$500,000	\$1,000,000	\$1,000
\$1,000,000	\$2,500,000	\$2,000
\$2,500,000	\$5,000,000	\$5,000
\$5,000,000	\$7,500,000	\$7,500
\$7,500,000	\$10,000,000	\$10,000
\$10,000,000	-----	\$10,000 plus
		0.02% of excess over \$10,000,000

Est. and Trst. § 2-206(b)(2).

⁶Est. and Trst. § 2-206(b)(3) (The value of a probate estate is the amount, as reflected in the administration accounts filed in the proceedings, that equals the sum of (1) the value of all inventories filed in the proceedings; (2) all principal and income receipts; and (3) all increases realized on a disposition, other than a distribution to beneficiaries, of any probate asset; less all decreases realized on a disposition, other

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2024-2025

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2024-2025

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The generous support of Sustaining Members of the Bar Association of Baltimore City greatly assists this bar association in fulfilling its mission and achieving further growth and success. The unwavering dedication of these members ensures the BABC will continue its long and distinguished tradition of service to our legal community and the public. If you are interested in becoming a Sustaining Member, please contact Karen Fast at kfast@baltimorebar.org.

The Bar Association of Baltimore City Welcomes New Members who have joined from May 1, 2024, through June 30, 2024.

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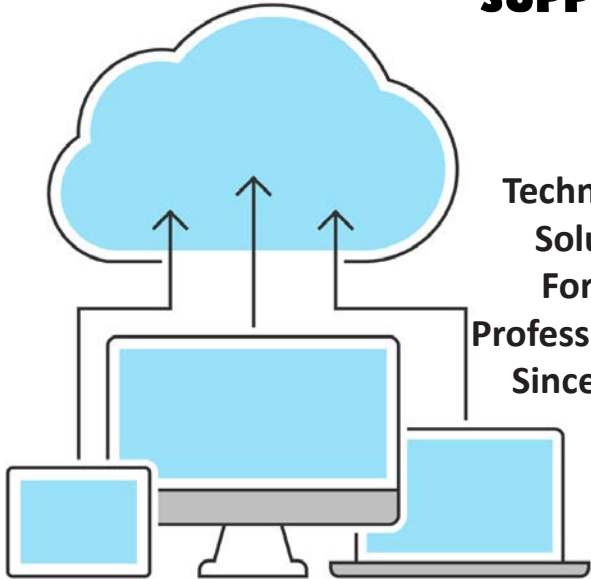
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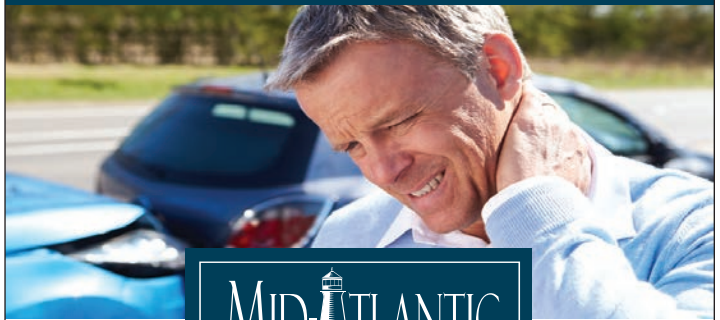
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Bar Association of Baltimore City Committee Reports 2023-2024

Standing Committees

Bench Bar

The Bench-Bar Committee reinstated regular monthly meetings with published agendas and reviewed and approved minutes, and conducted two CLEs: one (in conjunction with Family Law) concerning

the MDEC rollout; and a second providing the views of the four chairs of the circuit court divisions and the administrative judge of the circuit court on practicing in a post-COVID world.

Communications & News Journal

The Publications Committee published four issues of The Barrister. Each issue contained articles on substantive legal topics, including the law of sepulcher, the Maryland SAFE Act, the REDEEM Act, and preventing the unauthorized practice of law.

We also added new features like Baltimore Bar Foundation Message, Members Spotlight, Blast from the Past, and Around the Office, and “Meet” members of the Bar features.

Continuing Education

During the 2023-24 bar year, the committee planned and thought through the mission and the process for the committee, meeting twice.

1. We helped the Executive Director and the President to monitor the potential imposition of Md. CLEs, while taking a neutral position. Advising on what future CLE structure should be at the City Bar.

- We proposed that CLEs be more clearly structured during the bar year, such as to when they occur, i.e. date and time.
- We explored whether we should try to hold a half-day CLE on a theme, perhaps as to be led by the comm.

- We pondered, without a recommendation, if some small fee should be charged for certain CLEs.
- 2. The Chair connected them to other states where this mandatory CLE has been imposed, i.e. Washington, D.C.
- 3. The Chair penned one of his columns at the Maryland Daily Record on the issue of mandatory CLEs but not in his capacity at BABC or at the MSBA. He served, however, as an outspoken opponent whenever he could at the MSBA BOG.

Events

The Events Committee worked actively during the 2023-2024 bar year to host fun social and networking events for the BABC membership. Some of the highlights of the year include:

- The End of Summer Members’ Reception was held at The Sky bar at the Lord Baltimore Hotel on September 21, 2023.
- The annual Crab Feast was held on October 4, 2023, at Jimmy’s Famous Seafood.
- A Group Admission to the Supreme Court of the United States occurred on November 7, 2023.
- The Past Presidents’ Luncheon was held on November 21, 2023, at The Lord Baltimore Hotel.

- The Annual Holiday Party was held on December 6, 2023, at Zander’s and included a silent auction which benefitted the Young Lawyers’ Division’s Holiday Party for Children Living in Shelters.
- Baseball Night was held on May 13, 2024, as members watched the Orioles take on the Blue Jays at Camden Yards.
- The Annual Meeting of the Bar Association of Baltimore City, held in conjunction with the Annual Meetings of the Young Lawyers’ Division and the Baltimore Bar Foundation, was held on June 20, 2024, at the Renaissance Baltimore Harborplace Hotel.

Judicial Selections

The Judicial Selections Committee interviews judicial candidates seeking appointment to open positions on the trial courts in Baltimore City and for appellate court seats designated for Baltimore City. The Committee provides its evaluations and recommendations for consideration to the Trial Courts Judicial Nominating Commission for

Commission District 14. Our committee consisted of 15 members, including two co-chairs. This year, we held 14 interviews and provided 15 recommendations for three vacancies on the Circuit Court for Baltimore City.

Membership

Over the last couple years, the BABC Membership Committee has focused not only on increasing regular membership, but also encouraging members to upgrade their membership to become Sustaining Members. The Committee (with the help of the Bar Office) has provided several benefits for Sustaining Members including: recognition

in all BABC print and electronic publications, a special ribbon on name badges at all BABC functions, a highly coveted lapel pin, a printed version of The Baltimore Barrister, and two exclusive events each bar year.

The Sustaining Members have been treated to various worldly gas-

Bar Association of Baltimore City Committee Reports 2023-2024

tronomic events. In the fall of 2023, the Sustaining Members were treated to a Greek cooking class at Schola in Canton. The attendees had ‘Fun with Phyllo’ and learned how to make spanakopita and baklava while sharing laughs and sips of wine from the Greek isles. The previous year Schola hosted an exclusive Sustaining Members pasta making class.

In the spring of 2024, Sustaining Members were invited to attend an Orioles game. Although the Orioles vs. Blue Jays game did not end with a win, the Sustaining Members scored with complimentary tickets to the game, snacks, drinks, and frozen treats.

The Membership Committee has brought back the joint bar association happy hour to celebrate the beginning of a new bar year. The popular decade long tradition involved several local and specialty bars gathering at a Fells Point bar to welcome new members and catch up with old friends at the end of the summer. The event was brought back post Covid, in 2022, and was held at the Maryland Club in Mt. Vernon.

Professional Ethics

In addition to staffing the ethics hotline, we presented three seminars:

1. **“How Best to Meet the Press?”** – providing guidance to lawyers who must not only contend with courts of law, but must also consider the client’s need to win in the “Court of Public Opinion.” Panelists included WBAL’s Jayne Miller, and former journalists-turned-lawyers, Judge John Kuchno and Robert Anbinder;
2. **“AI Ethics: The Intelligent Use of Emerging Technology”** – given the rapid emergence of artificial intelligence, this webinar

helped lawyers harness their power to enhance legal services informed without compromising ethical standards. Panelists included MyShingle’s Carolyn Elefant, Jim Astrachan, Jared Jaskot, and David Pantzer;

3. **“Your Money or Your License?”** – considering the trouble lawyers have in managing their clients’ money, or dealing with billing and other financial issues, Irwin Kramer provided a crash course on avoiding the pitfalls that cost lawyers their money and their licenses.

Substantive Committees

Estates & Trusts

The E&T Committee had a busy and productive year. In the Fall of 2023, the Committee hosted its Annual State of the Orphans’ Court luncheon. There was a significant turnout of local practitioners to learn from the Orphans’ Court Judges about current issues relevant to the administration of estates in the City. In the Winter of 2024, the Committee held a joint happy hour with the Family Law Committee, sponsored by Vallit Advisors, at Mt. Washington Tavern, where we socialized and learned from one another. Efforts began on our

“bootcamp” training session on estate administration, which is to begin in Fall 2024 and which is intended to qualify for CLE credit. Most importantly, our members reaffirmed their belief in the Committee, and its limited scope focus on estate and trust administration and probate-related issues so as to maintain our niche within the greater Baltimore estate and trust world and to avoid becoming redundant of existing associations.

Family Law

In September 2023, we hosted a planning meeting. In October 2023, we hosted an update on adultery and limited divorces. In November 2023, we had a Meet the Family Law Judges and Magistrates. In December 2023, we hosted a Meeting with Clerk of the Court, Xavier Conaway. In January 2024, we hosted another meet the new Family Law Judges meeting. In February 2024, Parent Coordinator Erika Slater hosted The Who, What, When and How of Parent Co-

ordination. In March 2024, we hosted a Tips and Tricks - Get Ready for MDEC. In April, Sally Gold and Dana McKee hosted Pre-nups & Post-nups, Why, When & How. In May 2024, there was no meeting and in June 2024 we hosted Improving Outcomes for Families with Structured Co-parenting. On May 9, 2024, the Family Law Committee and the Estates and Trust Committee held a joint Happy Hour at Mt. Washington Tavern.

Personal Injury Litigation

The Personal Injury Committee held several planning meetings with participating members to determine which educational programs would best serve our members. We then put on two very well attended programs.

The first program was held on April 24, 2024, on the topic of Visual Presentations in the Courtroom. The speakers for this program in-

cluded Baltimore City Circuit Court Judge Erik Atas, Christina “Tina” Billiet and Justin Wallace.

Our second program, entitled The Nuts & Bolts of District Court Practice,” was held on June 18, 2024. Speakers for the second program included Judge Mark Scurti of the District Court for Baltimore City as well as attorneys Eric Schloss and Laura Simmons.

Bar Association of Baltimore City Committee Reports 2023-2024

Special Committees

Diversity Committee

It has been a busy year for the committee. In March 2024, the committee sponsored an encore program on Implicit Bias in the Workplace, Courtroom and Beyond. In addition, the committee began a member spotlight campaign to highlight the diversity within our BABC membership.

The Diversity Committee looks forward to hosting future educational trainings on topics of diversity, equity and inclusion and welcome feedback and suggestions from members of the Association.

Historical Committee

The Historical Committee had a productive year, planning and hosting eight events over the 2023-2024 Bar year.

The year kicked off with two “Thursday’s at the Museum” events. On September 28, 2023, Professor John Bessler from the University of Baltimore School of Law discussed his book, *Private Prosecution in America*. On November 30, Professor Dean Smith joined us from High Point University in North Carolina to share insights from his article, “The Real Story Behind the Nation’s First Shield Law: Maryland, 1894-1897.”

October 21 saw the Historical Committee embark on its annual trip to Green Mount Cemetery. Guided by Baltimore Heritage, attendees toured the gravesites of prominent Baltimoreans, including Etta Maddox, the first woman admitted to practice law in Maryland.

On November 1, the Historical Committee held a poignant Memorial Service to honor the Baltimore lawyers and judges we lost over the past two years, followed by a reception. Kudos to Judge Mark Scurti and his sub-committee for planning this heartfelt event.

The new year continued with two cornerstone events. On February 7, the Committee hosted its annual Black History Month event at the Mitchell Courthouse. Esteemed panelists Dana P. Moore, (Chief Equity Officer, Baltimore City), Ebony Thompson (Baltimore City Solicitor), and Professor José Anderson (University of Baltimore School of Law) captivated an audience of approximately 70 people with a discussion on Baltimore City’s past and present initiatives on racial equality. Lunch was catered by the Black-owned Next Phaze Cafe, with special thanks to Kendrick McLeod and Bradley Pough for their planning and moderation.

Then, March 7 featured the annual Women’s History Month event, also at the Mitchell Courthouse. Catherine Curran O’Malley (Executive Director, Women’s Law Center), Professor Margaret E. Johnson (University of Baltimore School of Law), and Melodie Hengerer (Baker Donelson) explored the impact of Dobbs on menstruation, organ and tissue donation, and legislative efforts in Maryland to protect women’s and reproductive rights. The event was complemented by lunch from the woman-owned The Empanada Lady, and organized by Diane Bristow, with Alicia Gipe moderating.

Our annual Constitutional Law Seminar, held on April 30, featured Jim Astrachan, who discussed Second Amendment jurisprudence including the recent Bruen decision.

The Historical Committee wrapped up the year with a grand dedication of the Museum of Baltimore Legal History in honor of Judge James Schneider. Dr. Ed Papenfuse, former Maryland State Archivist, delivered the keynote address, with remarks from Administrative Judge Audrey J.S. Carrión, Alicia Gipe (President, Courthouse and Museum Foundation, Inc.), and Derek Van De Walle (Chair, Historical Committee). The event recognized the dedicated docents and concluded with a reception in the Kaplan lobby.

Several of these events were co-hosted with other organizations, including the Monumental City Bar Association, the Alliance of Black Women Attorneys, and the Library Company of the Baltimore Bar.

The Museum of Baltimore Legal History celebrated a stellar year, thanks to the dedicated efforts of docents Keosha Brinkley, John Connolly, Megan Easter, Rosalind Heid, Elva Tillman, and Derek Van De Walle. The Museum welcomed over 500 guests between July 2023 and June 2024, and several tours were given for grand juries and high school groups.

Finally, in collaboration with the Courthouse and Museum Foundation, Inc., and Baltimore Heritage, the Historical Committee also produced two “Five Minute History Videos,” showcasing the Museum and the Clarence M. Mitchell, Jr. Courthouse.



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Government and Public Interest Lawyers Reception

May 2, 2024

Congratulations to Amy Petkovsek, this year's recipient of the Government & Public Interest Lawyer of the Year Award! Amy is an incredibly active member-at-large of the BABC and this year, is Chair of the Pro Bono Committee. Through her efforts to forge paths and opportunities for the Baltimore City community, it is hard not to notice and appreciate the changes she's made in the lives of those around her. We are incredibly honored to have her here at the BABC and to be able to award her as this year's recipient.

A big thank you to Aaron Degraffenreidt and Otis Freeman for organizing this event. Thank you to McGuireWoods LLP for hosting us. And lastly, thank you to Judge Katie O'Malley for speaking at this event.



The BABC at the Ball Game

May 13, 2024

BABC night at the Orioles game was a home run! A great time for Sustaining Members, Members, and guests. We hit this one out of the park!



Dedication of The Honorable James F. Schneider Museum of Baltimore Legal History

April 13, 2024

On May 15th, the Baltimore Courthouse and Law Museum Foundation, Inc., the Historical Committee of the Bar Association of Baltimore City, and The Library Company of the Baltimore Bar co-hosted a Dedication of The Honorable James F. Schneider Museum of Baltimore Legal History. Remarks were given by Edward C. Papenfuse, Jr. (former Director, Maryland State Archives), Chief Judge Audrey J. S. Carrión, Courthouse Foundation President Alicia Gipe, and BABC Historical Committee Chair Derek Van De Walle.

A reception with hors d'oeuvres and refreshments followed in the Kaplan Lobby.



Baltimore Bar Foundation Golf Tournament

May 20, 2024

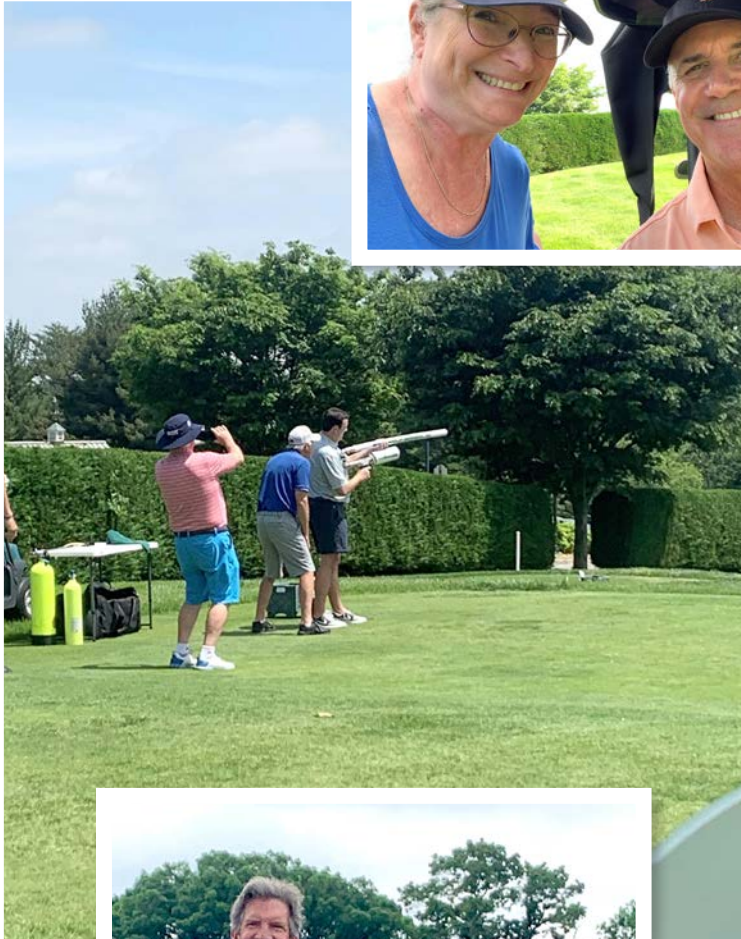
Thank you to everyone who came out to this year's Baltimore Bar Foundation Golf Outing and made it a blast!

And thank you to the sponsors who made this event possible.

The sun was shining, the company was fantastic and the greens were rolling.

The Foundation was able to raise over \$13,000 which can be used next year for grants given to legal programs in Baltimore City. We can't wait to see you all again next year for another round of fun on the fairways!







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YLD Spring Social

May 23, 2024

Thank you to everyone who came out to this year's Bar Association of Baltimore City Young Lawyers Division Spring Social!

Congratulations to this year's award recipients: Kiernan Waters, YLD Public Service Award; Jacob Dorfman, YLD Rising Star Award; and James Robinson, YLD Sustained Leadership Award.

And a huge thank you to our keynote speaker, the Honorable Anthony Vittoria!



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Ryan's 50 Mile Run to Benefit the Baltimore Bar Foundation

June 16, 2024

Baltimore Bar Foundation President, Ryan Dietrich completed a 50-mile run throughout Baltimore City to promote the 50th Anniversary of the Foundation. He hit the road at 5:00 am and stopped at 50 legal points of interest. He completed his run at 5:00 pm. Ryan, you're amazing! If you want to support Ryan, you can still sponsor the run. To donate, contact Karen Fast at kfast@baltimorebar.org.



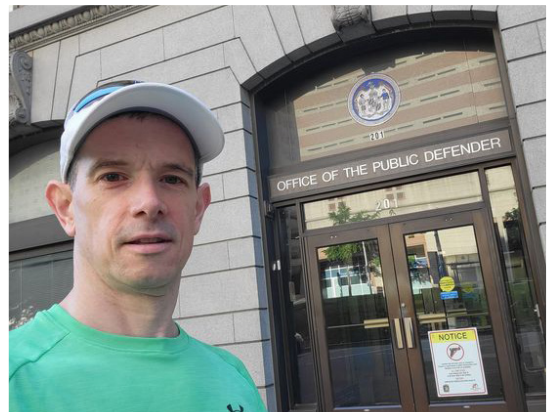
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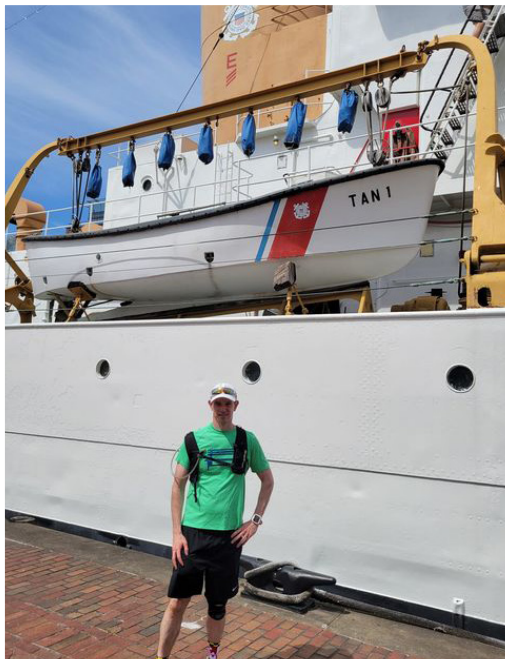
Stop 21: Camden Yards Sports Complex, 333 W Camden Street, mile 12.32



Stop 22: John R. Hargrove, Sr. Courthouse
700 East Patapsco Ave., mile 18.81



Stop 23: Fort McHenry, War of 1812 Civil War
2400 East Fort Ave, mile 23.77



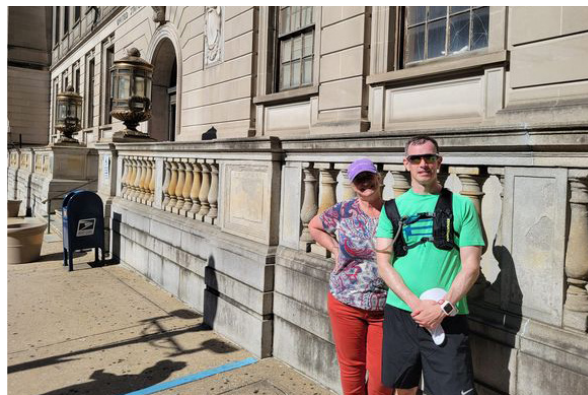
Stop 30A, Bonus Stop: USCGC Roger
B. Taney, Pier 5, mile 28.35



Stop 32:
Fells Point,
Frederick
Douglass,
1417 Thames
Street, mile
29.38



Stop 37: Memorial Stadium,
900 East 33rd Street, mile 36.09



Stop 50: Bar Association of Baltimore City, Baltimore
Bar Foundation, 111 N. Calvert Street, mile 50.5

144th Annual Meeting of the Bar Association of Baltimore City, Baltimore Bar Foundation and the Young Lawyers' Division

June 20, 2024

On June 20th, the BABC, BBF & YLD had their Annual Meeting. James Motsay passed the BABC Presidency to Hon. Teresa Epps Cummings, Ryan Dietrich passed the BBF Presidency to Natasha Dartigue, and Rachel Samakow is stepping up again as YLD Chair! Renée Hutchins Laurent, Dean of the University of Maryland Francis King Carey School of Law, provided the keynote address, and we honored our 50-year members and new Foundation Fellows. We were proud to present Kamil Ismail with the Fellows Award this year.





MSBA Legal Summit

June 3 – 5, 2024

We were excited to be in the Exhibitors Showcase at the MSBA Legal Summit and to cohost the Barrister Bar Nights Cocktail Receptions.

The Maryland Bar Executives crushed it with the Orange Crush Station. Thank you, Planet Depos for your sponsorship! A good time was had by all.



Save the Dates

October 13

Tailgate Party - Battle of the Bars
to raise money for the YLD kids
Living in Shelters Holiday Party.

October 17

Senior Legal Services Cabaret & Cabernet

November 14

Baltimore Bar Foundation presents
Trial By Jury.

November 23

National Adoption Day.

November 26

Past Presidents' Luncheon

Beyond Wills *continued from page 7*

er than a distribution to beneficiaries, of any probate asset.)

⁷See Fees from the Office of the Register of Wills, available at <https://registers.maryland.gov/main/fees.html>.

⁸Unless the will provides a larger amount of compensation upon, a commission for a personal representative may not exceed nine percent (9%) if the value of the estate is not over \$20,000, or, if the value of the estate is over \$20,000, then \$1,800 plus 3.6% of excess over \$20,000. Est. and Trst. § 7-601(b).

⁹An attorney is entitled to reasonable compensation for legal services rendered by him to the estate and/or the personal representative." Est. and Trst. § 7-602(a).

¹⁰Md. Tax-Gen. § 7-204(b).

¹¹Md. Tax-Gen. § 7-203.

¹²Ins. § 16-212(a)(1).

¹³Ins. § 16-211(a).

¹⁴Ins. § 16-211(b).

¹⁵Community property states (Arizona, New Mexico, California, Texas, Idaho, Washington, Louisiana, Wisconsin, Nevada) require the surviving spouse to receive at least 50% of the proceeds.

¹⁶Ins. § 16-212(b)(1).

¹⁷Ins. § 16-111(a). This exclusion does not apply if the proceeds of a life insurance policy were pledged by the insured as security for the debt. Ins. § 16-111(c).

¹⁸Est. & Trst. § 11-105(e).

¹⁹Est. & Trst. § 1-401(a); Fin. Inst. § 1-204(a), (b)(10).

²⁰Fin. Inst. § 1-204(b)(11).

²¹Trans. § 13-115(a).

²²Trans. § 13-115(c).

²³Trans. § 13-115(h).

²⁴250 Md. App. 569 (2021).

²⁵*Id.* at 599.

²⁶Est. & Trst. § 1-401(c).

²⁷Est. & Trst. §§ 16-101; 16-104; 16-107.

²⁸Est. & Trst. § 16-105.

²⁹Est. & Trst. § 16-109(a).

³⁰Est. & Trst. § 16-109(b).

³¹Oliver Wendell Holmes, Sr., *The Autocrat of the Breakfast Table*, Ch. II. (1858).

³²*Long Green Valley Ass'n v. Bellevalle Farms, Inc.*, 432 Md. 292, 315 (2013).

³³Est. & Trst. § 14.5-401.

³⁴Md. Rule 19-306.1(a) ("An attorney has a professional responsibility to render *pro bono publico* legal service.").

YLD Rosé Your Way into Summer

June 25, 2024

On June 25th the YLD Rosé'd their way into Summer. The final happy hour of the season proved to be a success thanks to sponsor, Planet Depos. Onto our next year led by YLD Chair Rachel Samakow and The Hon. Teresa Epps Cummings!





*The Bar Association of Baltimore City
invites you to our*

ANNUAL CRAB FEAST



6526 HOLABIRD AVENUE
BALTIMORE, MD 21224

WEDNESDAY, OCTOBER 9
6 P.M. - 8 P.M.

Join us for Crabs, Pit Beef,
Ribs, Fried Chicken, Pasta
and more!

\$90 EARLYBIRD PRICE BY SEPTEMBER 30

\$95 OCTOBER 1 - 8

\$105 OCTOBER 9

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ALWAYS A SELL-OUT - REGISTER EARLY!

Sponsored by:

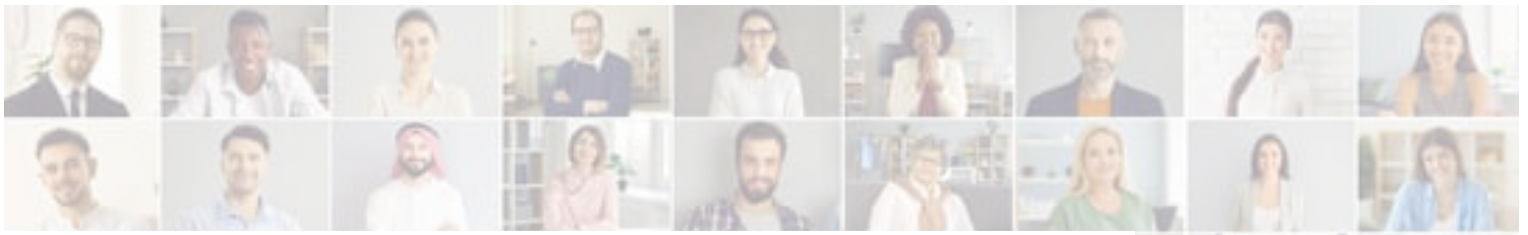


The Bar Associations
Insurance Agency Inc.

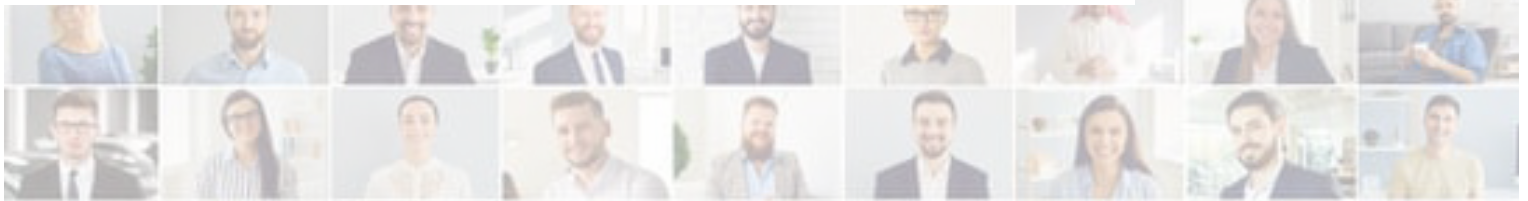


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