



NEWSLETTER

October 2021

President's Message

By: Cristine Evans LoVetro, BAFC President

As you read through this Newsletter, you will come across a message to all of us from Stephen LeRoux. Stephen's words are gracious and sincere, but one line in particular really resonated with me, "This is an important Bar Association for what we do and what we represent." I have contemplated this frequently since receiving Stephen's message and I invite you to do the same.

It is very easy to get caught up in the day-to-day business (and busyness) of our legal profession. Our schedules are often jam-packed with meetings and hearings and clients and litigants and trying to squeeze as much work as possible into each day. While we understand that much of what we do professionally may have significant legal consequences on others, I think it is important to stop and remind ourselves that what we do personally also has a significant impact on our community.

I attended the "Assembling for Stephen Fundraiser" last weekend. (Magistrate Joanie Raymond has a great article in this Newsletter about the event in case you missed it.) There were many aspects of the gathering that were both powerful and humbling. What we witnessed that day was a testament to the professional and personal interactions that Stephen has with others. The crowd that came forward to support him consisted of Bar members, friends, restaurant workers, judges/magistrates, neighbors, clients, business owners, children, politicians, deputies, courthouse clerks, police officers, doctors, and family members. The common thread weaving all of these random individuals together is the respect and affection that we have for this one lawyer, this one guy.

What Stephen showed us through that event is that the "good" that we put out into the world comes back to us through the lives we touch. Maybe we do not realize it when we are in the throes of practicing law and investing long hours to win cases with our brilliant legal arguments, but civility and kindness matter. The manner in which we respect and care for one another matters. The way we carry ourselves as we interact with everyone around us – in court, at the grocery store, when we are stuck in traffic – it all matters.

Our behavior, whether professional or personal, has a ripple effect on the Frederick community of which we are a part. Prevailing in court, while certainly preferable, is secondary to the personal "imprint" that we leave behind. Please take a moment to consider how your actions are positively contributing to our legal community. What are you doing to make a favorable impact on our Frederick community? What does our Bar Association represent to you?

I look forward to seeing all of you on Tuesday, October 5th and hearing your answers to these questions! Natalie McSherry, MSBA President, will be our speaker. We will continue to observe safety protocols by wearing masks in the public areas of the Delaplaine and maintaining distance in the meeting room. See you then!



Photo: Past BAFC President, Janice Rockwell, and Past YLS Chair, Detric Kemp, at the 2020 Gleaning Event.

BAFC 2nd Annual Gleaning Event

The BAFC seeks volunteers to help harvest fruits and vegetables for food banks, homeless shelters, soup kitchens, and other food providers throughout Maryland on **Saturday, October 16, 2021 from 9-11:30a.**

THIS IS A FAMILY-FRIENDLY EVENT organized by the BAFC YLS. Volunteers will meet at First Fruits Farm, Inc., located at 20431 Middletown Road, Freeland, MD 21053 at 8:45am. There will be plenty of space and jobs to allow for social distancing. With a mid-October gleaning date, the BAFC will likely help harvest cabbage, greens, turnips or potatoes, apples, and/or pumpkins!

If you are interested in serving as a volunteer, please go to [Liability Waiver](#) to sign-up and fill out the liability waiver for each person attending. Please email bafcyls@gmail.com with any questions. The BAFC encourages participants to wear their yellow BAFC Quarantine 2020 t-shirt if you have one! To learn more about this project and organization, check out <https://www.firstfruitsfarm.org/>.

Member Updates

Melissa Bender announces the creation of **Simplified Legal and Business Solutions, LLC** which provides litigation support such as document drafting, discovery, deposition and trial preparation as well as family law mediations (both Court ordered and private). Please contact Melissa via email at sbsllcmd@gmail.com if you have any projects or cases where you need assistance.

Congratulations to **Scott Morrison** for being named **Trust Clerk for the Circuit Court of Frederick County**. Scott joins fellow BAFC member **Lorraine Prete** in this important roll!

Section Updates

Family Law Section

The **Family Law Section** has scheduled the following meetings:

- **Wednesday, October 20, 2021, at 5pm via Zoom:** Paul Berman, Ph.D. Rebecca Snyder, Ph.D., Lisa Fishberg, Esq., and Erin Kopelman, Esq., will present the results of a more than a yearlong workgroup project regarding the use of Brief Focused Assessments in contested custody cases. They will discuss 10 proposed processes and the methodologies for Brief Focused Assessments that you can apply to cases to avoid the need for a full custody evaluation when one is not needed or appropriate.

For more information about the Family Law Section, please contact Carin Golze at Carin@WinikLaw.com.

Young Lawyers Section

The **Young Lawyers Section** will hold its annual **New Lawyer/Law Clerk Happy Hour** event at Rockwell Brewery, located at 880 N East St STE 201, Frederick, MD 21701, on **Thursday, October 7, 2021, from 5:00 p.m. to 7:00 p.m.** We will welcome the new class of judicial law clerks and new practitioners to the Bar Association of Frederick County. The YLS has reserved a private outdoor (partially covered) section of the brewery. **The YLS requires an RSVP this year** to plan for food (a.k.a Friscos) and beverages! Please RSVP by Friday, October 1st [here](#). We look forward to seeing you on Oct. 7th!

See "ad" above for the **Gleaning Event** on **October 16th** that YLS is organizing for BAFC members, families, and friends. **Sign up today!**

For more information about the Young Lawyers Section, please contact April Dixon (Inskeep) or email bafcyys@gmail.com.

Business Law Section

For more information about the Business Law Section, please contact Chairperson Rebekah Lusk at rlusk@lusk-law.com.



****To support you during the COVID-19 pandemic, we are offering remote deposition services, including both teleconference and mobile videoconference.**

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A Special Message from one of our own

Colleagues (or as Alan would say “brothers and sisters”):

Our Bar President Cristine LoVetro delivered to me a giant card and many donations made at this year’s Bar Picnic, for which I will never be able to fully express my gratitude. I continue to be overwhelmed by your support and generosity. It means so much to know that I have so many people behind me in this fight, and your donations bring me peace of mind.



I am proud to be a member of this bar association. I’ve always enjoyed attending and dressing up for our events, which almost always includes an aspect of giving to a cause. I know we pride ourselves on the civility which we show one another but your support of me goes far beyond that. This is an important bar association for what we do and what we represent. I’m glad to be part of it, and I’m glad that you’re part of it. Thank you.

Humbly,
Stephen LeRoux

We’re on Facebook! Follow us at [The Bar Association of Frederick County, MD](https://www.facebook.com/TheBarAssociationofFrederickCountyMD) for updates, reminders, photos, and announcements.

RECENT EVENTS

BREWFEST with YLS

On Saturday, September 11, 2021, the Young Lawyers Section volunteered at the 10th Annual Brewfest on the Farm at Milkhouse Brewery. YLS members (and their family/friends) filled over 20 volunteer spots. It was a great day - beautiful weather, lots of food options, good music, and some great beers. Our volunteers contribute to the success of the event annually, and we thank each of you for your continued support! In return for our volunteer efforts, Milkhouse owner and former Frederick Bar member Tom Barse (and his family) will donate to Hospice of Frederick County to support Camp Jamie.



BAFC ANNUAL GOLF TOURNAMENT



The Annual Golf Tournament was held at Musket Ridge Golf Club on September 9th. Five teams ventured out with hopes of winning the “Charlie Frey Cup.” The forecast of rain never materialized, and golfers enjoyed some great weather and much-deserved time away from the office. This year, the winning team and the last place team (a/k/a winner of the dreaded “Green Tees” award) were only

separated by seven strokes.

With a six under, score of 66, Kelly Lynch, Andrew Nichols, Eric Hartlaub and Steve Slater turned in the best score and hoisted the trophy! The winning efforts were followed with a score of 68 by Brian Barkley, Ed Goudry, Mike Moore and Paul Kemp. Coming in third place with score of 69, was Charlie Smith, Marshall Horman and Mary Anne Day.

The team of Kyle Kane, Cyrus Jaghoory, Ian Bartman and Janice Rockwell and the team of Judge Bigham, Dave Kindermann and Anne-Herbert Rollins tied with a score of 73. After a card match review, the team of Kyle Kane, Cyrus Jaghoory, Ian Bartman and Janice Rockwell were declared the winners of the Green Tees!

This year’s closest to the pin on the par threes were Kelly Lynch, Charlie Smith and Brian Barkley, who also had the closest to the pin at 6’6”.

Thank you to everyone who participated and made it to this year’s tournament. **A special thank you to Marshall Horman for organizing the event again this year!** We hope to see everyone back next year, plus those that couldn’t make it this year!



BAFC ANNUAL PICNIC



On the beautiful evening of Thursday, September 9th, about 50 members of the BAFC gathered at retired BAFC member Tom Barse's Stillpoint Farm for the first time for an in-person social event since the holiday party in 2019! With the event being outside it was so nice to see faces that we've only seen from the nose up or on the computer screen for over a year!

P.I.G.S. was on-hand to provide delicious barbeque chicken and pork along with all the mouth-watering sides and pies while Milkhouse Brewery kept everyone's thirst satiated. We welcomed the law clerks so that they could start making connections within the Frederick legal community. Members signed a gigantic card for member Stephen LeRoux and donated cash and gift cards to continue to show our support for Stephen during this challenging time*. An end of summer rainstorm (that only rained on half the tin roof for about 20 minutes before moving on) and a rainbow even made an appearance!

It felt so good to talk and catch up that even after the dark clouds and the brief rain scared some people away we had to turn off the lights and pack up the leftovers in order to convince some members it was time to head home. Thank you to everyone that came and we look forward seeing you again next year!

**Editor's Note: The BAFC will continue to have a donation jar at all in-person events to show our continued support for Stephen, including at the monthly luncheons. If you would prefer to give via the Go Fund Me site please do so [here](#).*



ARTICLES OF INTEREST

Assembling for Stephen Fundraiser

By: Magistrate Joanie Raymond, BAFC President 2019-2020

I often said during my tenure as Bar President that we are so fortunate to have a Bar full of caring, giving, generous lawyers who give back to the community. This statement was once again proven true September 25, 2021 when more than 200 people gathered to raise money for Stephen LeRoux, one of our own.



As you all are aware, Stephen has been diagnosed with Stage IV colon cancer. He had to, in effect, shutter his solo law practice and focus 100% on his fight to beat cancer. Our legal community stepped up and stepped in and have done everything they could to help Stephen do just that: lawyer landlords forgave a lease, lawyers took over cases, one lawyer conducted one of Stephen's mediations and gave him the fees earned, lawyers donated money without question at the very beginning to help meet the immediate bills, lawyers continued to donate through the GoFundMe site. Our fellow bar members have sent cards, texts, food, bad dad jokes, gift certificates and cards to Stephen. A small group of our lawyers got on Zoom calls with Stephen's friends every Monday to help a create and put on a fundraiser for Stephen.

This event never would have happened without the core group of organizers of Carin Golze, Alex Hutt and Jeff Keiholtz. Each brought something different to the planning and our hearts went into planning this event. Cyrus Jaghoory immediately volunteered to play at the event. (Someone please talk to him about renewing his membership – he obviously loves Frederick!) The State's Attorney's and Public Defender's Office showed their support in person and in ticket sales. Numerous bar members reached out to the community and into their pockets to obtain AMAZING bucket raffle items, bar members helped set up, tear down, serve food and SPENT MONEY at the fundraiser. Even our Executive Director, Maegan Cooper, and our current President, Cristine LoVetro, were there all day from start to finish selling tickets, carrying around items, helping wherever needed. Maegan's daughter, Lyla Cooper, decided almost 2 weeks ago that she wanted to make rubber band loom bracelets for anyone in attendance, enlisting a friend to help one day after school. The morning of the event, her sister, Jocelyn, was up early making all the bracelets she could and she made a special one just for Stephen.

The event on September 25 was a resounding success. The day raised over \$18,000.00 for Stephen in addition to all the money already donated to Stephen and the over \$19,000.00 raised through the GoFundMe. However, more than the money, the day was a day of collaborative service to our brother – a day of lifting each other up. While Stephen's situation is sad and scary, the day was joyful for the most part because we worked together as a team to support our own. Days like Saturday show what makes our Bar Association stand apart from others.

I am sharing just a few photos of a day few will ever forget where we all came together in love and service and grew closer for it. Thank you to every single person that helped make the Assembling for Stephen Fundraiser a success. I love you all and am proud to call you my legal family.



Be Careful with Your Social Media!

By: Al Frederick, Eccleston & Wolf

The Court of Appeals in the matter styled *Attorney Grievance Commission v. Vasiliades*, Miscellaneous Docket AG No. 10, September Term 2020, in a case decided on August 16, 2021, disbarred a lawyer for a variety of misdeeds. Included amongst the misdeeds was the lawyer's inappropriate use of social media. As noted by the Court:

Respondent does not argue that his posts were related to legitimate advocacy. We also agree with the hearing judge that the contents of Respondent's posts, replete with racial, homophobic, and sexist remarks, conveyed inappropriate bias and were prejudicial to the administration of justice. The "casual usage of racial epithets in hip-hop music" and various cultural circles does not mollify the prejudicial impact of biased terminology for purposes of a Rule 8.4(e) violation.

*Respondent argues that his social media activities at issue were not conducted while he was "acting in a professional capacity" *** Respondent's social media accounts contain profile biographies that advertised his Law Firm's website and contact information. *** The offending posts are interspersed between other posts advertising his legal services and providing legal information." Slip Opinion at 33, 34.*

The Court had previously hinted at taking social media posts seriously In *R e Gingi*. The Court has now sent a clear message to the Bar that inappropriate activity on social media, at least if it is linked to one's professional activity, will be seriously viewed and the consequences for using that platform to convey information and opinion that is not publicly appropriate should be very carefully reviewed and considered by lawyers. It is unclear whether content of that nature might be sanctionable even absent a link to the attorney's firm or professional life.

Justice for All Fund Grants

Give online today at:

<https://www.frederickcountygives.org/Giving-Your-Way/Explore-Funds?fn=Bar+Association+of+Frederick+County+Justice+for+All+Fund>

Donations can also be made by writing a check to **The Community Foundation of Frederick County** with the notation **"Justice For All Fund"**. Mail donation to 312 E. Church St., Frederick, MD 21701.

PRACTITIONERS OF THE BAR – An occasional series of profiles of former Frederick County attorneys

By: Tom Slater, BAFC Historian

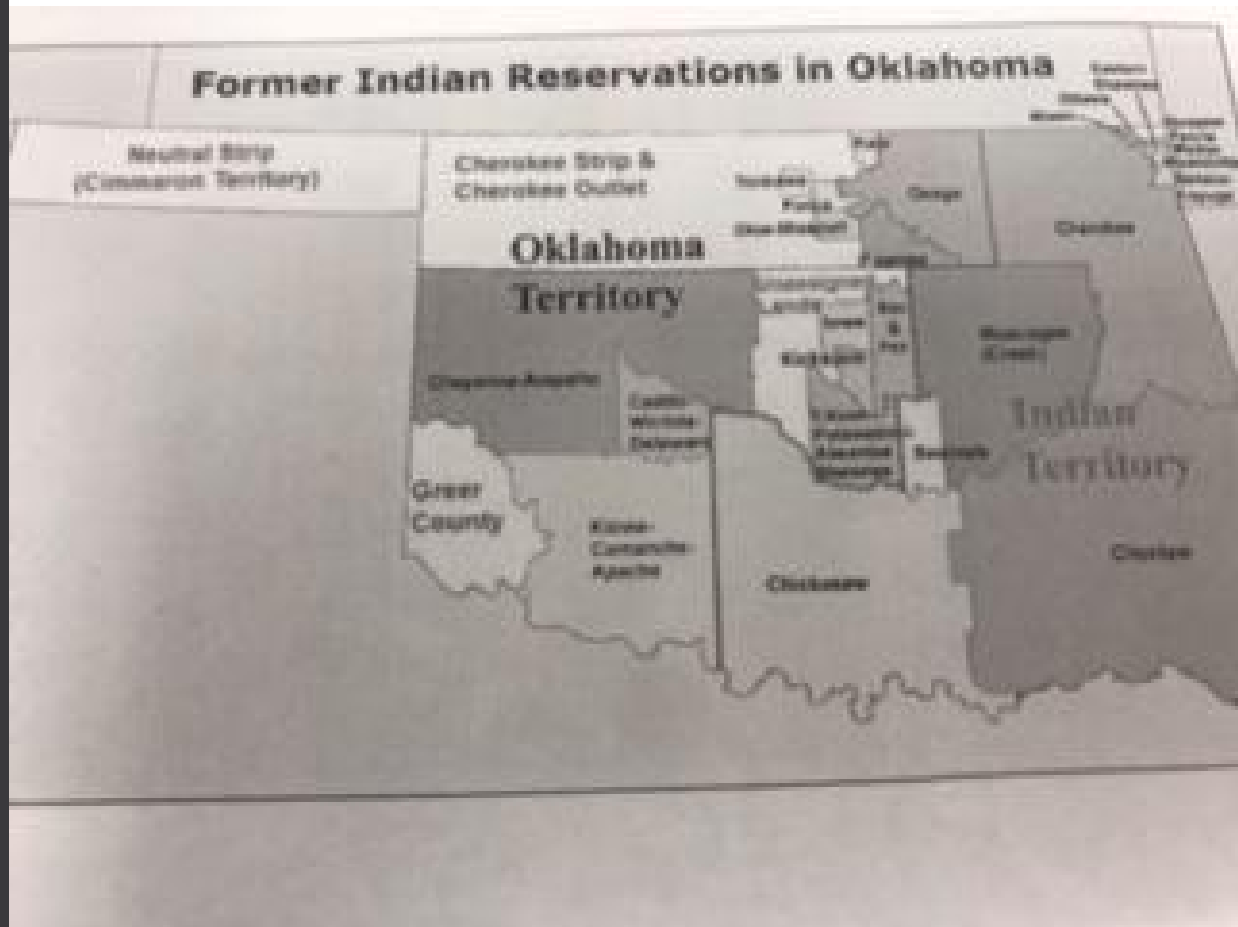
I thought, now that I have cut back my practice a bit at the ripe old age of 77, that I would write an occasional column on some of our former members. My first subject, Henry Dorsey Etchison, was completely unknown to me until I started reading Chris Haugh's fascinating blog, "Stories In Stone" about those buried in Mt. Olivet Cemetery. All of what follows is entirely the product of Chris's great research and none of mine. The photos are from the The Frederick News-Post. Last month marked the 154th year since Mr. Etchison's birth on September 19, 1867 in Frederick City.



Henry Dorsey Etchison's father owned a furniture store at 10 South Market Street. The Etchison building is still in existence to the immediate right of the old Citizen's National Bank building on the southeast corner of Market and Patrick Streets. Etchison graduated from Dickinson College in Carlisle, Pennsylvania. He studied law under Charles Van Swearingen Levy in Frederick. He became a member of the bar in 1889 and was appointed as an examiner in equity in 1892. His law career, however, was put on hold when he was appointed by the Secretary of the Interior during Grover Cleveland's administration to become the land commissioner of the Cherokee Strip in Oklahoma in 1893. The Cherokee Strip was one of the last open pieces of land in the west after the Cherokees, as a result of their support for the Confederacy, lost their land to the Union. After the Cherokee Strip officially opened for settlement in 1893, Henry Etchison was charged with handling the numerous claims and homestead ownership disputes in the territory.

After he resumed the practice of law in Frederick in early 1895, Etchison had a long and lucrative career accumulating one of the best libraries in Frederick. He was known for his oratorical skills. His office was located at 116 N. Court Street, near where Janice Rockwell's office is now located. While he never held elective office, Henry Etchison was an ardent Democrat and the Democratic nominee for Congress in the 6th congressional district twice. He ran unsuccessfully for the Maryland State Senate and was a strong supporter of President Woodrow Wilson. He served for a time as attorney for the Frederick County Board of Commissioners, and for four years he served as an appointed Deputy Register of Wills for Frederick County. He was an active Methodist and

involved in numerous fraternal and civic activities. In 1916 he accompanied the famous Buffalo Bill Cody as Cody visited Frederick. Etchison died at age 72 on December 1, 1939 and is buried in Mt. Olivet Cemetery.



Plaintiff's Tip – Photos of Property Damage are Admissible at Trial in Maryland in the Discretion of the Trial Judge

By: Steve Campen, Campen & Manganaro

Many of us have been faced with the dilemma in which the damage to our client's vehicle appears to be relatively minimal. Thus, we know if the photos of the damage are admitted at trial, the defense is going to argue the minimal impact could not have caused serious injury to the plaintiff. On the other hand, if there is significant property damage, we want the pictures in evidence so we can argue the opposite – that if the force of metal on metal could create so much damage, what could it have done, and did do, to the plaintiff's human body. In *Mason v. Lynch*, 388 Md. 37, 878 A.2d 588 (2005), the Court of Appeals essentially ruled that turnabout is fair play and that it was not an abuse of discretion for the trial judge to have allowed the defense to admit photos of the vehicles involved.

Two observations regarding the case: 1) the decision is still discretionary in the trial judge and so, if you do not want the photos in evidence, be ready to make your objection or file a motion in limine to keep them out; and 2) if the photos show minimal damage to the vehicles, be ready to rebut the argument. This can be done in a couple of ways: A) often, particularly with big trucks and SUVs, and with the existence of modern bumpers, minimal damage appears to have been done but there has been substantial damage to the underside of the vehicle. Thus, obtain the repair reports and bills and be ready to put them into evidence, either through a stipulation with defense counsel or by calling the mechanic as an expert in your case to testify to the extent of the damage;

and B) use the medical records and your expert health care provider(s) to establish the nature of your client's injuries and to describe the fact that serious and permanent injury can be done to the human body absent significant force being applied. This is self-evident in that we often seriously injure ourselves by stepping off a curb incorrectly and spraining or fracturing our ankle or other body parts. In the most serious of injury cases, you may want to hire a biomechanical engineer to further testify as to that concept; but those guys are expensive, so make sure the case justifies the expense and that your client authorizes the expense.

As always, happy hunting!

Thank you for supporting the **Justice For All Fund** last month: *Ian Bartman*

Events

- **October 5, 12p: Monthly Luncheon Meeting.** Delaplaine Arts Center. Our speaker will be MSBA President Natalie McSherry. Thank you to our sponsor Planet Depos!
- **October 7, 5-7p New Lawyer/Law Clerk Happy Hour.** Rockwell Brewery. **The YLS requires an RSVP this year** to plan for food (a.k.a. Friscos) and beverages! Please RSVP [here](#) by Friday, October 1st.
- **October 16, 9-11:30a BAFC 2nd Annual Gleaning Event.** First Fruits Farm, Freeland, MD. Sign up [here](#).
- **October 20, 5pm via Zoom: Family Law Section meeting.** Speakers: Paul Berman, Ph.D. Rebecca Snyder, Ph.D., Lisa Fishberg, Esq., and Erin Kopelman, Esq. See "Section Updates" in this newsletter for more details.

Save the Date

o **November 5: 62nd Annual Conference of Bar Presidents.**
Virtual.

o **November 9, 12p: Monthly Luncheon Meeting.** Delaplaine Arts Center. **Please note meeting is the 2nd Tuesday due to Election Day on 1st Tuesday.**

o **November 23, 12-6pm BAFC Annual Thanksgiving Dinner**

with the Salvation Army. We will again be providing food and packaging dinners for those in need in our community. All meals will be "carry out only" like in 2020. Watch your email for more information towards the end of October!

[Full Calendar of Events](#)

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From the District Court

Due to the current situation at the Detention Center, and to assist them with the outbreak and their containment measures, effective immediately no inmates will be transported from FCADC to Court without prior written approval of a Judge.

Consequently, the District Court will be altering our remote hearing practice to accommodate this reduced transportation. If an inmate is represented by Counsel a Motion for Remote Proceeding should be filed in advance to notify the Court that the Defendant wishes to appear remotely. If Counsel is unable to file this motion prior to a hearing, or does not wish to consent to a remote hearing, the Court will find good cause to postpone the hearing until after transportation from the Detention Center resumes, which is tentatively scheduled for October 8th. Pro se incarcerated Defendants will automatically be scheduled for remote hearings, to the best of the Court and the Detention Center's ability.

Thank you for your continued flexibility as we navigate through safely maintaining court operations during the pandemic. If you have any questions, please contact Laura Sassano, Administrative Office Specialist for the Frederick County District Court at (301) 600-2005 or Laura.Sassano@mdcourts.gov.

Article Request

The University of Baltimore Law Forum ("Law Forum") is currently accepting articles for our Spring 2022 publication.

Law Forum in the **only** law journal in the country that focuses solely on issues in Maryland and provides both practitioners and the community with information on the changes in Maryland law. We are hoping this year that members of the Bar Association of Frederick County will participate in this year's publication.

Article proposals may be submitted to the *Law Forum* Articles Editors, Erin Winkelmeyer and Craig Snyder, at ublawforumarticles@outlook.com by **Friday, December 10, 2021 for Spring 2022 publication** Articles are continuously accepted. We are accepting articles across *all practice areas* for our Spring publication.

All proposals should include a half to one-page abstract and contact information, including phone number.

Willing to Take a Pro Bono Case?

The Pro Bono Resource Center has a website called Statewide Opportunities (www.probonomd.org/statewide-opportunities) that shows users a database of pro bono service opportunities, trainings, public interest jobs, etc. around the state. The database can be filtered by county, as well as by specific types of opportunities. For example if you [click here](#), you will see only those opportunities that exist in Frederick County, OR that are statewide, remote, or online.

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STAY CONNECTED

