

THE ADVOCATE

YOUNG LAWYERS SECTION—MARYLAND STATE BAR ASSOCIATION

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Navigating the Initial Client Interview: Seven Tips for Criminal Defense Attorneys

By David J. Marquardt, Esq.

I still recall my first interview with someone accused of a serious crime. It was the summer before my third year in law school. I had an internship in Nevada City, California, a small, albeit lively town in the foothills of the northern part of the state. I wore a suit to work every day, even though the weather was sometimes hot and stifling. Not more than a week after I started, it was an especially hot day (at least 100 degrees) and I was scheduled to visit an inmate at the local detention center. The town was small enough that I could walk to the jail, and I chose to do so. This was my first mistake. By the time I arrived, I was noticeably sweating, my blue collared shirt was drenched, and my cheeks were flushed. The officers checking me in at the jail clearly noticed my amateurism and snickered as I handed them my identification and made my request. Since this was a relatively small jail, meetings took place in the jail cell. The cell block was laid out in a circle, while the officers monitored everything from a secure pod smack in the middle of the circle.

Drug crimes, especially those related to methamphetamine production, were a major problem for the local law enforcement, and many of the inmates had been accused of such offenses. The inmate I interviewed was no different. Although I was prepared, having reviewed the file, practiced my introduction and memorized all the questions I wanted to ask, I was still nervous. Additionally, I was being heckled by the other inmates, which made things even worse. I stumbled through the interview, not even asking half of the questions I had practiced or using my perfectly rehearsed introduction. Instead, I merely listened to the gentleman tell me his life story, and then admit to everything that he was accused of doing. He was completely dejected and thought his life was coming to an end. I ended the interview without giving him any helpful information or making him feel any better about his situation.

My first experience was an exercise in what NOT to do when meeting with a client for the initial consultation. Lawyers are paid to be good communicators. The majority of our time is spent communicating with others and, to be an effective defense attorney, we need to be able to connect with people who are different from us. This is especially true in the context of the first client meeting, which is inherently stressful, particularly for the client with whom you are seeking to connect.

Yet, for the majority of us, our communication skills are lacking. The following seven tips could have really helped me on that day:

1. Know the Importance of the First Meeting

Being accused of a crime is scary. Your client is going to have a lot of questions, as well

Lawyers are paid to be good communicators; making a good impression at the initial meeting is imperative.

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THE ADVOCATE

YOUNG LAWYERS SECTION
MARYLAND STATE BAR ASSOCIATION

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From the Chair

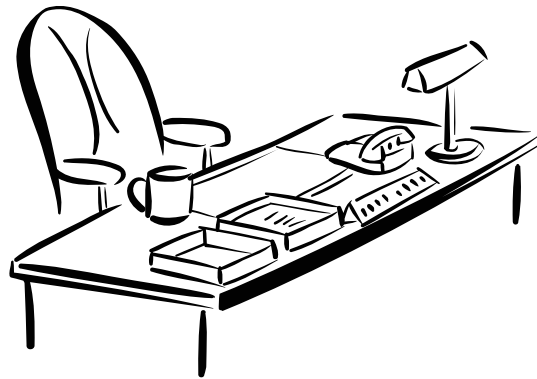
Dear Young Lawyers,

We are really excited about our Annual Charity Event benefiting the Woman's Law Center of Maryland -- a fantastic opportunity to give back to our legal service community. It is also a great way to network with many young and more experienced lawyers from throughout the State. Kimberly Neal and Sandy Popp have done quite a job planning this event!

As my term comes to an end, I have enjoyed reflecting on the year and all of our successful events, and I want to highlight a few. Over 40 young lawyers from all over the State attended our Open Meeting in the Fall. Greg Kirby and Matt Tidball did an amazing job planning that event. And in January, I enjoyed speaking to young lawyers who were interested in becoming more involved at Bar Headquarters. It is wonderful to meet so many new faces at these events throughout our community.

Our Public Service Committee, one of our most industrious committees on the Council, held a number of wonderful events, as did our Membership Committee. Of course, the Wills for Heroes committee threw several successful events of their own and we are looking forward to an almost-fully booked Baltimore County

event in May. And I would be remiss not to give a "shout out" to Bill Sinclair and Heather Pruger for taking on the positions of Advocate co-editors. These are difficult positions and they've done an amazing job.



The Annual Meeting will

be fantastic this year as always and I am looking forward to seeing you there. In the meantime, we are working hard to transition-in our new chair, Erek Barron, who will be launching a new Web site for the Section, www.yls.org.

Sincerely,

Marla Zide

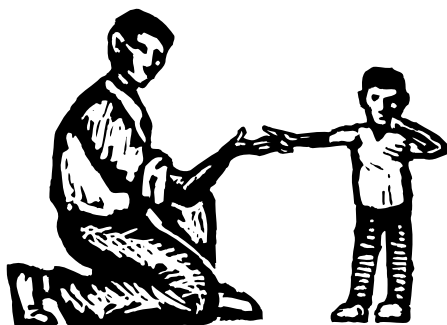
Medical-Legal Partnerships: *Keepin' Children's Health Here*

By Hope Tipton, Esq.

When Dr. Smith saw Billy during an acute care visit for wheezing, Billy's mom informed her son's pediatrician that their apartment had mold and was infested with cockroaches. She told Dr. Smith that she had tried to get her landlord to fix the problems, but his only concern was her rent each month. She said that her job was in jeopardy because she had missed several days of work due to Billy's worsening asthma, but would like to move to a new apartment with better living conditions. She explained to Dr. Smith that she did not know what to do about her problems with her housing and asked Dr. Smith if he could help her. Dr. Smith remembered attending a presentation by Project HEAL that discussed the rent escrow program and how doctors could address poor housing conditions for their patients. He quickly contacted Project HEAL and referred the family. Project HEAL resolved the poor housing conditions with the landlord; obtained Supplemental Security Income (SSI) benefits for Billy's asthmatic condition; and secured Billy's mom's job by assisting her with Family Medical Leave Act (FMLA) paperwork.

Project HEAL (Health, Education, Advocacy, and Law) is a medical-legal partnership (MLP) between Maryland Volunteer Lawyers Service (MVLS), The Johns Hopkins Children's Center (The Children's Center), and Kennedy Krieger Institute (KKI). Established in September 2003, Project HEAL is the only program in Maryland that offers on-site legal services and brief advice for patients as well as consultations and advocacy training programs for health care professionals in a clinical

setting. Project HEAL (Project) is managed by two MVLS staff attorneys, Maureen van Stone at KKI and Hope Tipton at The Children's Center. The Project addresses low-income children's health needs through an interdisciplinary team of pediatricians, clinicians, social workers, and attorneys. The Project serves a particularly vulnerable Baltimore population—low-income families and children with dis-



Project HEAL bridges the gap to offer low-income families "one-stop shop" comprehensive legal and medical care they need in a single, trusted place.

abilities—and helps families resolve landlord-tenant conflicts, access special education and related services, obtain public benefits, and address family law and estate planning issues.

Before Project HEAL, health care professionals at The Children's Center and KKI received minimal training in patient advocacy and did not have the tools or resources to address the unmet legal and social needs of their patients' families. Project HEAL now offers health care professionals advocacy training programs to address the social

determinants to poor health. Since its inception, Project HEAL has conducted over 410 advocacy training programs for more than 2,000 health care professionals within both medical institutions.

The first MLP was established in 1993 at Boston Medical Center. Nationwide, legal services providers and medical staff are now partnered in over 225 hospitals and clinics serving low-income communities in 37 states and the District of Columbia. Project HEAL and other MLPs address the nexus of poverty, poor health, and lack of legal advocacy in four ways: (1) treating patient's underlying health issues; (2) resolving their immediate legal problem; (3) helping health care professionals become more effective advocates for their patients; and (4) educating patients and families on their rights, responsibilities, and remedies under the law, in order to improve their ability to advocate effectively on their own behalf. This service delivery model reflects a true paradigm shift in medicine and law.

Unlike other community and agency settings, low-income families return over and over again to see their children's pediatrician and, in most cases, a pediatrician is in the best position to screen patients for legal and social issues. Project HEAL integrates attorneys into medical settings to reduce economic or social barriers to good health and helps patients navigate the complex legal systems that often hold solutions to problems associated with poverty, e.g., public benefits for hungry families, prevention of

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Medical-Legal Partnerships

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utility shut-off during the winter, and resolving poor housing conditions for sick children. Instead of treating health and legal problems in isolation, Project HEAL bridges the gap to offer low-income families “one-stop shop” comprehensive legal and medical care they need in a single, trusted place. To date, the Project attorneys have provided legal services to patients and families in more than 2,350 matters.

The Project attorneys are located in The Children’s Center and KKI and provide legal services to families and low-income children, adolescents, and young adults, many with disabilities. Low-income families often lack the expertise to navigate the special education process in the

public school system. Accordingly, children with disabilities often fall through the cracks in public schools and do not receive all of the necessary educational services they are entitled to under the law. Project HEAL addresses this overwhelming need by providing representation in a wide

Project HEAL continues to face an increasing demand for legal services and limited legal staff to respond.

range of special education matters to ensure that children with disabilities who receive services at The Children’s Center and KKI gain access to special education and related services, e.g., therapeutic and

counseling services.

Project HEAL continues to face an increasing demand for legal services and limited legal staff to respond. Each site is managed by one attorney, Ms. Tipton or Ms. van Stone. The Project primarily relies on volunteer law students from the University of Maryland School of Law and the University of Baltimore School of Law to assist with the Project. In March 2010, MVLS launched a signature *pro bono* partnership with OberlKaler, in an effort to expand the capacity of the Project. If you are interested in volunteering and would like to accept a Project HEAL case *pro bono*, please complete a volunteer application on our website (www.mvlslaw.org) or feel free to contact Ms. Tipton at 410-502-0058 or via email at htipton2@jhmi.edu. ❖

The Maryland State Bar Association Young Lawyers Section would like to thank the following sponsors for their generous support of our 20th Annual Charity Event, which was held on Friday, March 4, 2011 at the B&O American Brasserie & Hotel Monaco, Baltimore.

Platinum

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You fix the collar on your shirt and straighten out your suit jacket. It feels like you have been sitting on the cold leather couch next to the receptionist for hours. You pull out your portfolio to glance at the letter-perfect, one-page resume, printed on crisp paper, just one last time. Despite your impressive first year class rank and involvement in countless academic extracurricular activities, including law review and moot court, your head still spins with thoughts of self-doubt and your stomach is a ball of nerves. Your heart is pounding, your palms are sweating, but before you even have time to jump to your feet to begin pacing, the boardroom doors swing open and you are shuffled into the conference room to begin your interview.

Okay, perhaps I exaggerate just a bit, but for some, mastering the interview is a formidable task. I remember the stress, the uncertainty, and the busy schedule that inevitably accompanies the interview process. But, I bring you good news – I survived, and you will, too.

I recently finished my first year as an associate at my Firm, and I currently enjoy the honor and privilege of participating in my Firm's recruitment process. I have the opportunity to meet with countless aspiring lawyers full of enthusiasm for the law and curiosity about my Firm. I must say, transitioning from interviewee to interviewer is a humbling and eye-opening experience. As a relatively recent law school graduate myself, I can still empathize with the interviewee, while critically evaluating the quality of each interview. Using my unique position, I have crafted some interview tips, which are equally applicable to law students and young lawyers applying for legal positions.

Tip No. 1: Confident body language. Obviously, a good handshake and steady eye contact are musts. Sit up straight, do not slouch. Do not

Top 10 Interview Tips



By Lydia S. Hu, Esq.

cross your heel over your knee and lean back in the chair. Do not lean over the table at me. Simply walk in confidently, shake my hand, hold steady eye contact, and take a seat.

Before the interview process begins, try to think of three characteristics or traits you want to convey about yourself.

Try to find out whether you will meet with one interviewer at a time or multiple interviewers in a panel style. If it is a panel style, remember to make eye contact with each interviewer during the introduction. Continue to scan the interviewers while you answer questions. Most importantly, do not forget to smile.

Tip No. 2: Debbie Downer Need

Not Apply. Do not start off the interview with a complaint. Was there traffic? Is it raining? Are you tired today because you stayed up late preparing for this interview? Please do not tell your interviewer. Call your friends later and tell them, because they will care more than your interviewer. Make sure you keep it positive and light. Remember, you want the Firm to want you, and no one wants to work with a Debbie (or Donnie) Downer. Set the tone of the interview with positive upbeat comments from the start.

Tip No. 3: Google. Do your research about the interviewers and the Firm. This level of preparation will serve two purposes – it prepares you to shift the conversation back to the interviewer and it demonstrates that you are genuinely interested in the job. During all conversations, interview and non-interview, there will inevitably be some lag between statements. A great way to fill time is to ask the interviewer an informed question about interviewer's experiences or the Firm. After all, everyone enjoys talking about themselves and their jobs.

Tip No. 4: Know about the Grand Prix. I work in Baltimore, Maryland, and if you are from the area, then you know that the Grand Prix is coming to the city later this year. The roads are undergoing major reconstruction in anticipation of the race. I interviewed one out-of-state candidate who casually inquired about the race, and I was thoroughly impressed because he obviously took the time research Baltimore, which demonstrated that he was serious about the job. In general, be prepared to comfortably discuss the headline news. Nothing is a bigger turn-off than a candidate who is not in touch with current events.

Tip No. 5: You are a subject matter expert. The best interviewees are subject matter experts – and what is

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Top Ten Interview Tips

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the subject? Themselves. You know yourself better than anyone else, so show it off! Know your resume and know your writing sample inside and out. Before the interview process begins, try to think of three characteristics or traits you want to convey about yourself. Using these three traits, you can create a theme. Then, no matter what question is thrown at you, you know you can answer it by referencing that theme.

Tip No. 6: Breathe. Remember to speak slowly and let the interviewer ask some questions, too.

Tip No. 7: Pass the shovel, because you are not digging holes today. I loathe those terrible questions that hand you a shovel and ask you to dig a hole for yourself. These questions typically elicit negative information by asking you to identify your weaknesses or to speak negatively about someone or something. Unfortunately, there are some interviewers who relish the opportunity to ask these questions. I suggest you handle it by staying positive – never speak poorly or negatively about anyone or anything during your interview. “Cory Candidate, tell me why you are better qualified than the other applicants that I have interviewed today.” Hopefully, Cory has read this article and knows to flip the script. He answers, “While I have not had an opportunity to meet the other candidates for this position, I have no doubt that they are qualified for the job because I know your Firm interviews only the most competitive applicants, and I am honored to be among them. I am qualified for this job because my military background has trained me to handle stressful situations while maintaining clear judgment and my academic performance indicates that I can produce high caliber work.” That answer successfully acknowledges the other candidates without speaking negatively about

them, and refocuses the answer on Cory’s individual strengths.

Tip No. 8: Be Creative. It is okay to be creative with your answers, especially if you feel you have established a bond with the interviewer. The best way I can explain this is through a personal story. I once interviewed with a female senior associate for a summer job. As soon as I met her, I could tell she was a kindred spirit – totally decked out in the most gorgeous gray tailored suit, red patent leather shoes with small gold embellishments, and eye catching earrings that would make any fashionista stop and admire. I knew we could bond over our shared appreciation for quality designer suits and accessories. She asked the standard questions - What are your five-year goals? What areas of the law interest you? And then, she asked the perfect question. She asked “I have so enjoyed meeting you today, but I have dozens of candidates to interview. Why should I recommend you to the hiring committee over someone else?” I smiled and asked, “Do you like to shop?” She nodded affirmatively and I said, “So do I, and I bet you’re like me, and you have a great shoe collection. Think about your favorite pair of work shoes and why you like them. They are dependable. They combine style, flair, and comfort. They are great for a client meeting, the board room, the courtroom, and that after-work networking reception or Friday Happy Hour with friends. They get you from point A to point B, are never uncomfortable, and compliment all of your outfits. I would like to think that I’m like that favorite pair of shoes. I am accommodating and know how to be a supportive team player. I know my strengths in research, time management, and ability to handle many projects at once. I am comfortable in a variety of settings and I can transition from the boardroom to the courtroom and to dinner with clients. I will not let you down.” On that note, we concluded the interview. Did I get that offer? You bet. I think my answer set me apart, showcased my aptitude to

think on my feet, and demonstrated my ability to be creative and memorable.

Tip No. 9: “I’m not cocky, I’m confident. So when you tell me I’m the best, it’s a compliment.” Love him or not, Kanye West undoubtedly understands confidence. There is a fine line between confident and egotistical, but knowing your strengths and being able to competently discuss them is expected during an interview. This is not the time for modesty. So, how can you do that without going overboard? Talk in specifics. Use the facts. Use examples. Are you a great leader? Instead of telling me you are a natural born leader, tell me how you were elected the president of your collegiate legal fraternity and lead a group of 100 members to raise \$50,000 to benefit your organization’s philanthropy.

Tip No. 10: Thank you. Send a thoughtful thank you note as soon as possible. The time the interviewer spent with you was time she was not billing. Be thankful.

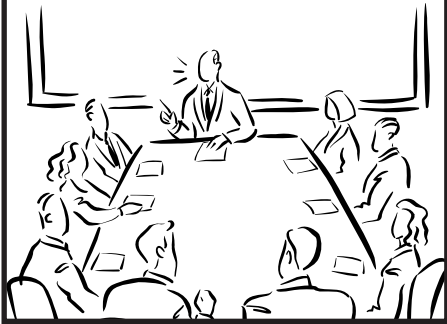
Incorporating these tips is easier said than done. Just like developing oral argument skills, practice makes perfect. Remember, the fact that you are selected for an interview is a testament to your academic success. In fact, you are presumed qualified! The interview only serves as a personality litmus test, so relax, be yourself, and have fun. Good luck! ❖

Ms. Hu is an Associate at Semmes, Bowen & Semmes in Baltimore, Maryland and can be reached at (410) 576-4756 or lhu@semmes.com. Her civil litigation practice focuses on insurance defense and products liability. She graduated magna cum laude from the University of Baltimore School of Law in May 2009.

This article originally appeared in The Defense Line, a publication of the Maryland Defense Counsel, and is being reprinted with permission.

What We Do, And How to Join Us

*Get Connected with the
Committees of the
Young Lawyers Section*



EDUCATION COMMITTEE

*Co-Chairs: Dolores Dorsainvil &
Sidney Butcher*

The Education Committee is committed to offering educational and professional development seminars to Maryland young lawyers. On October 20, 2010, the Education Committee hosted a seminar entitled, "Financial Planning for Young Lawyers – 10 Important Tips" where the guest speakers, Mr. Brian Pilger of Garrison Financial, LLC, spoke to young lawyers about financial strategies, and Billy Murphy, of The Murphy Firm located in Baltimore city, advised young lawyers on how to find good mentors. The event was well attended and provided an opportunity for young lawyers to network at the reception following the seminar.



Young lawyers attending the Financial Planning for Young Lawyers seminar.

On March 28, 2011, the Education Committee will offer a new panel discussion seminar on how to start your own law practice and tips on other practical considerations, including marketing and ethics. The guest speakers will include John Murphy, Chun Wright, William Buie, Paul Sandler, and J. Wyndal Gordon.



Brian Pilger advises young lawyers about financial strategies.

Please contact either of the Education Committee Co-Chairs with ideas for events or to become involved on this important committee. You may contact Dolores Dorsainvil at d_dorsainvil@hotmail.com or Sidney Butcher at sidney.butcher@gmail.com.

PUBLIC SERVICE COMMITTEE

*Co-Chairs: Michael Siri and
Gwendolyn Tate*

The Public Service Committee would like to thank the continued support of all the YLS members who have participated in our volunteer opportunities this year. In November, the Committee welcomed new faces and some returning volunteers to help feed Baltimore's hungry citizens at Our Daily Bread. Our annual Toys for Tots drive helped put perspective on the giving spirit in December. In January, the Committee supported two events. The first was the promotion of the University of Maryland School of Law's Blood Drive at Westminster Hall on January 19th. Shortly thereafter, during our biggest event of the year, the MSBA YLS sponsored a Polar Bear Plunge team that took to the chilly waters at Sandy Point Park on January

29, 2011. In February, the YLS Public Service Committee joined forces with the MSBA Public Awareness Committee to bring a new look to the Baltimore City DSS children's visitation rooms. Complete wrap-up and details of the Polar Bear Plunge and the DSS makeover will be in the next issue of *The Advocate*.

The Public Service Committee will continue its monthly service projects in March and May with the always popular Habitat for Humanity and in April we will celebrate the Earth with volunteer efforts at Patterson Park. Finally, we will wrap up the year at the annual meeting in June with our final project of the year. Watch your email for details on these opportunities and how you can get involved. For information contact Gwendolyn Tate at gst@lubbart.com or Michael Siri at siri@bowie-jensen.com.

WILLS FOR HEROES— PROTECTING THOSE WHO PROTECT US

Chair: Melody Tagliaferri Cronin

On Saturday, April 9, 2011, the MSBA YLS will sponsor a Wills for Heroes event at the James N. Robey Public Safety Training Center, 2200 Scott Wheeler Drive, Marriottsville, Maryland.

As many of you already know, Wills for Heroes is a free and easy service that provides Wills, Living Wills, and Health Care and Financial Powers of Attorney to first responders and their spouses/partners. The foundation was started in response to the tragic events of 9/11. Of the 403 first responders who died that day, most did not have a will in place. First responders risk their lives each day to make our communities safer. This program provides free wills and other estate planning documents to our local heroes in about one hour using a program supplied free-of-charge by LexisNexis.

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We are looking for twenty attorneys and two notaries (who can, but do not have to be, attorneys), who would like to spend their day giving something back to these brave men and women and their families.

You do not need to practice Trusts and Estates law to volunteer!! (But if you do, please let us know!) A mini-course will be given the morning of the event to familiarize you with all that you need to know. We will also have several attorneys who are well-versed in estate planning to answer any questions that may arise. You do need your own malpractice insurance in order to draft the estate documents!! This will not be provided for you.

For more information on this program, please visit the Wills for Heroes Foundation website at www.wills-forheroes.org. To sign up or for more information about this event, please e-mail Chad Spencer at chadgspencer@hotmail.com. Volunteers are selected on a first-come-first-serve basis, so be sure to respond immediately!

If you cannot volunteer at this event, please keep visiting the YLS page on the MSBA website for more updates. Events continue to be planned throughout Maryland. If you know of a local firehouse or police precinct that would be interested in hosting an event, please let us know that as well. Please contact Melody Tagliaferri Cronin at mtagliaferri@rosenbergmartin.com, with any suggestions.

3RD CIRCUIT

Baltimore County

*Christine Britton,
Circuit Representative*

On Friday, February 11, the Baltimore County Young Lawyers hosted a luncheon entitled "Meet the Newest Baltimore County District Court Judges" in Towson. Judges Leo Ryan, Marsha Russell, and Steve Wyman were the guest speakers. The event was open to all, had a great

turnout, and provided everyone in attendance with the opportunity to get to know these jurists. Another luncheon will be scheduled for April to meet the newest Baltimore County Circuit Court Judges. Please visit www.bcba.org for details.

Baltimore County also had its Charity Bull Roast on Sunday, March 6, 2011, The annual event hosted by the Young Lawyer's Committee was once again a huge success and raised a lot of money for its charity of choice, The Good Shepherd Center. There was excellent food, live music and, as always, amazing silent auction items, from clothing to golf to restaurant gift certificates and more.

5TH CIRCUIT

Carroll County

*Danie E. Engles,
Circuit Representative*

The Carroll County Bar Association has many wonderful events scheduled for this Spring and Summer. The quarterly Bar Association meeting was held on March 7, 2011 at the Courthouse Annex in Courtroom #8 at 5:00 p.m. Dinner followed this meeting at a local restaurant. The Bar Association is continuing to host happy hours at local businesses and held happy hours at O'Lordan's Irish Pub & Restaurant in Westminster on January 27 from 4:30 p.m. to 6:30 p.m. and at Johannson's Dining House in Westminster on February 24 from 4:30 p.m. to 6:30 p.m. As usual, these happy hours were open to members and guests.

The annual Carroll County Bar Association Golf Tournament is scheduled for September 16, 2011 at Oakmont Green Golf Course located in Hampstead, Maryland. Stay tuned for additional information regarding this tournament! If you have any questions, please contact Danie E. Engles at dengles@carroll-lawyers.com.

Riding the Circuit



6TH CIRCUIT

Frederick County

*Caryn Siegel Wetmore,
Circuit Representative*

Although we are only a few months into the New Year, 2011 has already been an eventful year for the Bar Association of Frederick County's Young Lawyers Section (BAFC YLS). The BAFC YLS started off the New Year on January 19 with its monthly brown bag lunch (which is held on the third Wednesday of every month). The attendees discussed and brainstormed future YLS events for 2011.

The BAFC YLS is looking forward to holding its First Annual Kickball Tournament in the Spring of 2011, and will continue to hold its Brown Bag "Lunch with the Judges" Series throughout the year. On February 1, the BAFC's new slate of officers and the BAFC YLS's new co-chairs, Jennifer Hubbell and Jodi Foss, started their term. On behalf of the BAFC YLS, we would like to congratulate all of the new BAFC officers. We wish them the best of luck in their new positions. In the near future and as the BAFC YLS continues to grow, the BAFC YLS hopes to coordinate YLS events with other county bar associations and young lawyer sections. If you have any questions related to the BAFC YLS please contact Caryn Siegel Wetmore at csw@eqkmrh.com. ❖



The OPPORTUNITY of *Pro Bono* Legal Service

by Shiva Z. Kashani, Esq.

There is a common desire among young members of the Maryland State Bar Association (“MSBA”) to want to “help people” and contribute to the “public good.” Please see Your Personal Statement, submitted with your law school applications, p. 1-3. Many members of the young lawyer community in Maryland are teetering on the edge of this issue, anxiously awaiting details of how we can bridge the gap between good intentions and good opportunities. Don’t let your lack of experience with *pro bono* service push you over the wrong side of the ledge.

I. Personal Fulfillment and Relationships

The personal fulfillment that may come with providing free legal assistance to a low-income resident with a non-fee generating case is very compelling. But, while personal satisfaction may not alone be enough to wake you up early on a Saturday morning to devote half of the day to the Legal Aid Bureau’s *Pro Bono* Day, *pro bono* service provides more than that. My involvement with the legal *pro bono* community has given me not only feelings of personal fulfillment, self-worth, and gratitude, and a sense of accomplishment, but also the extra bonus of the development of long-lasting and valuable professional and personal relationships.

II. Litigation Experience

As young lawyers looking forward to the next stages of our careers, we should constantly seek opportunities to gain knowledge and experience. This knowledge and experience will enable us to succeed in our firms and our communities. Many young lawyers are not aware of the benefits of *pro bono* service, which includes opportunities to learn about different areas of

A young lawyer can use his or her experience working in one pro bono program to explore a new area of practice that sparks his or her interest.

the law that will benefit not only your current practice, but also your future career; opportunities to practice client intake and other litigation skills; and valuable and unique opportunities to work with experienced mentoring attorneys.

Pro bono service, of course, takes many shapes and sizes involving different areas of practice and types of volunteer work. A young lawyer can use his or her experience working in one *pro bono* program to explore a new area of practice that sparks his or her interest. For example, although I am a civil defense litigator, I have worked with the Legal Services to the Elderly program of the Bar Association of Baltimore City, assisting low-income residents with non-fee generating legal issues. This *pro bono* program has given me the opportunity to learn to effectively draft wills and advanced directives. Service through these types of programs allows a young lawyer to experience different types of work and clients, which is something normally limited only to attorneys in a “general law” practice.

III. Skilled, Knowledgeable, and Friendly Mentors

Because different *pro bono* programs offer different opportunities, I am also involved with the Maryland Crime Victims Resource Center which assists crime victims by protecting their rights through hearings at the Criminal Injuries Compensation Board. Through this program, I have met senior, experienced, and highly skilled, knowledgeable, and friendly litigators whom I would not have met under other circumstances. I have found that many such lawyers are willing to contribute to the legal community and, through my interaction with them in a *pro bono* program, I now have sources of information, connections, referrals, and possible future employment opportunities.

IV. Client Referral Opportunities

Another highly compelling benefit of *pro bono* service is that it provides valuable referral opportunities for

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as expectations. Your client will want to know if you can get him or her out of jail, if you can be trusted, and if you have the experience and common sense to achieve his or her objectives. More than that, your client wants to have a good rapport and to feel a sense of safety, since you are the person who may be responsible for his or her future. That puts a lot of pressure on you.

For these reasons, making a good impression at the initial meeting is imperative. You must look and act the part of the defense attorney that your client is expecting to meet. That means being prepared, both to achieve your goals for the meeting and to facilitate your client's ability to accomplish his or her goals as well. In addition to wearing a suit and tie, knowing the charges and penalties your client is facing, and being aware of your full range of objectives, you must put yourself in your client's proverbial shoes to figure out what he or she is likely to want given the situation. This is not a time to "wing it," because your client will immediately know if you are unprepared.

2. Lay the Ground Rules

There are three things that you should discuss at the initial meeting, preferably at or toward the beginning of the conversation – confidentiality, fees, and your expectations of your client.

It is a good idea to explain to your client at the very beginning of the consultation the concept of confidentiality of communications, especially because the duty of confidentiality extends to the first interview. Additionally, your client may be apprehensive at first and this is a good way to break the ice. However you do it, be sure to hit the main points. Everything that your

client says to you remains confidential unless your client wants you to share the information with someone else. That duty of confidentiality is twofold. First, you have an ethical responsibility under the Maryland Rules of Professional Conduct to maintain confidentiality. Second, there are rules of evidence that prevent people from forcing you to disclose what is said. Stress to the client that he or she doesn't have to worry about you repeating anything that is said during your meeting. Finally, explain that the duty of confidentiality does not extend to situations where you receive information that clearly establishes that your client

There are three things that you should discuss at the initial meeting, preferably at or toward the beginning of the conversation – confidentiality, fees, and your expectations of your client.

is likely to commit a criminal or fraudulent act.

Second in importance is your discussion of fees. This is not because fees are the most important thing for you, the defense attorney, but rather because it is not a good idea to take a criminal case unless you and your client are both satisfied with the fee arrangement. If you take a case in which you feel you are undercompensated, then you may not feel the sense of allegiance to your client that criminal defense work requires. Consequently, it will be difficult for you to maintain focus and effectiveness in your work. Likewise, if your client feels as though he or she overpaid for your services, this will always strain your relationship. For these reasons, it is important to discuss fees during the initial meeting, and you should raise

the issue before your client does. That way, you maintain some control over the direction of the conversation. The Maryland Rules of Professional Conduct state that your fee must be reasonable, taking into account the time and labor involved, the novelty and difficulty of the question involved, the skill required to perform the legal service properly, the likelihood that acceptance of the case will preclude other employment by you, the fee customarily charged in the locale for similar legal services, the amount, the results obtained, the time limitations imposed by the circumstances and/or the client, the nature and length of the professional relationship between you and your client, your experience, reputation, and ability, and whether you fee is fixed or contingent, among other factors. Recall, however, that fees for criminal cases cannot ethically be contingent on the outcome.

Finally, you will want to discuss your expectations of your client. The big thing here is honesty. You can't effectively represent your client unless he or she is completely truthful in answering your questions. Other expectations may include being responsive, paying promptly, showing up for court, and anything else that will impact your ability to effectively represent your client.

3. Prepare for Unorthodox Situations

First meetings with criminal clients are always a little awkward. It's only natural when one person is faced with a life altering experience, while the other is at least partially responsible for the direction in which that experience heads. But there are other variables that can make the situation even more difficult.

Often, your client will be incarcerated

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ated, in which case the consultation will take place in an uninviting room at the jail. The good news is that the impersonal nature of jail meetings lends itself to focusing on the task at hand. Having a constant reminder of the severity of your client's situation tends to focus both you and your client. Your job is to know and prepare for meeting at the jail. Call ahead and find out the policy for legal visits. If you need to request a visit in writing, then do it far enough in advance that you don't waste a trip. Also realize that there are a lot of "moving parts" when it comes to your visit. You may have to check in, go through security, request a visit with your client, and comply with the jail's schedule, among other things. Sometimes the process can take hours, so block out enough time for your meeting.

If your client is lucky enough to be released following arrest, depending on the severity of the charges, he or she may have pre-release conditions to abide by. Again, it is your job to make sure these conditions are respected.

4. Let Your Client Talk

In my experience, it is a good idea to cede control to the client for a little while during the first meeting. However, it may be a good idea to preface this by first telling the client that you want to know more about him or her and generalities about the present situation. With respect to specifics, you may not want to know yet (or ever) whether your client is guilty. At this point, you need to know enough about the case to start preparing a defense. In other words, you want to know what evidence the prosecutors have and what they are going to say your client did.

Giving your client the floor for a little while allows him or her to vent frustrations, fears, angers, and anxieties. Additionally, it lets your client share the problem with you, the perceived problem solver. Many clients appreciate this opportunity, and it is a good way to build rapport between client and attorney.

5. Deal with the Difficult Questions

At some point in the conversation, your client will ask some difficult questions. What can you do for me? Am I going to jail, and for how long? Can you guarantee me a result? It doesn't pay to sugarcoat the answers to these questions. That doesn't mean you should be a heartless person who doesn't identify with your client's situation. Rather, you need to meet each question with the requisite consideration, without leading your client on. If the evidence weighs heavily against the defense, and significant jail time looks like a real probability, then it doesn't benefit your client to say that you think he or she will get probation before judgment. There is a fine line between convincing your client that you will fight for him or her by leaving no stone unturned or defense unexplored, and creating unjustified expectations.

Of course, it goes without saying that you can never guarantee any result, no matter how hard your client pushes you. This last point is so important that you should consider putting a "no guarantee" clause into your written fee agreement.

6. End the Interview

After you have answered all your client's questions and discussed everything that you came to discuss, end the interview with some last thoughts. Explain your role as defense attorney. This is your chance to convince your

client that you are the best choice as his or her attorney, and to justify your fee. Outline the legal process, including what has already happened and what your client should expect in the future. Concisely summarize your client's legal problem, meshing facts with the law, but avoiding any dispositional predictions. At this point, you likely do not yet know enough to make any recommendations on how to approach the end result. Finally, you should agree on the next steps in the process. Ask yourself who will do what by when, and then agree with your client on a course of action.

7. Remember to Empathize

Never forget, this case is not about you: It is about your client. You have a job and a profession because people who are accused of crimes need your help and expertise. Put yourself in your client's shoes. Ask yourself what you would look for in a criminal defense attorney, and then strive to be that person. Ignoring your client's feelings and situation is a sure way for your first interview to also be your last.

There is a common theme encompassing these seven tips – preparation. Nonetheless, no matter how prepared you are for all the different possibilities, something unexpected is bound to come up. This is where your effectiveness as a communicator comes into play. Studies show that results are not everything. At the end of the day, clients are happiest with the attorney who communicates with them, keeps them informed, and puts forth the extra effort required to be a successful criminal defense attorney. ❖

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Nonprofit
Organization
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Baltimore, MD
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The OPPORTUNITY of *pro bono* Legal Service

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young lawyers who are brave and hardworking enough to “hang their own shingle” and are working as solo practitioners, or those working at small firms and facing the pressure of bringing in clients. Not only may *pro bono* clients or their friends or families be potential future clients with other types of fee-generating cases, but the *pro bono* programs also refer fee-generating cases to the *pro bono* volunteers that they work with regularly.

V. Mentoring Law Students

Not all *pro bono* service requires a young lawyer to provide any “actual legal work” to a client. Rather, it can include such things as serving as a

mentor to law students. I am proud to have worked with the University of Baltimore Law School career development office as a mentor to several first year law students. My minimal time commitment has had a vast number of benefits, including allowing me to build relationships with future members of my legal community. Just as the relationships built with skilled, seasoned attorneys may lead to a future employment opportunity, the connections and contributions made at the local law school level are a unique opportunity, which we will see pay-off as our legal careers progress.

VI. Where to Begin

The MSBA, Maryland Legal Services Corporation, Maryland Bar Foundation, and the Court of Appeals of Maryland

together established the People’s *Pro Bono* Resource Center of Maryland in 1990. The Resource Center’s mission is to ensure equal access to justice to Maryland’s poor through volunteer legal services, accomplished by matching volunteer attorneys with legal service organizations dedicated to serving the unrepresented. If you are interested in getting involved in *pro bono* service, this is a great place to start. Additional information and details regarding the many programs available are online at www.msba.org/public/pro_bono.htm. ❖

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