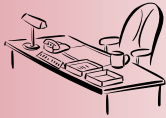


THE ADVOCATE

YOUNG LAWYERS SECTION—MARYLAND STATE BAR ASSOCIATION

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Marriage is more than “I Do.”

By Mark Scurti

Today, I write this article not single, not married, and definitely not alone. I entered into a civil union with my Partner/Spouse in Vermont on September 8, 2001. This was one of the happiest days of my life. Our family and friends were present as we exchanged civil union vows in front of a justice of the peace making it legal, at least in Vermont. When the opportunity came to go to California and actually get married, we decided to go forward and become a part of history with 4,036 others from 46 states and 11 foreign countries.

For 170 days I was married. I didn't get divorced, I didn't have a separation; my marriage was simply voided with the issuance of an opinion by the California Supreme Court on August 12, 2004. I was married in the City of San Francisco on February 24, 2004, the very day that President Bush announced his support of a federal amendment to the Constitution to deny me the right to ever get married in the United States. I triumphed at the thought of taking my vows on this particular day.

The whole issue of marriage for same sex couples is more than just symbolic. It is the ability of committed loving couples to become united legally, and to have the same benefits, responsibilities, and liabilities that come with marriage.

President Bush believes that all Americans are equal under the law and he only proposed the federal amendment because of renegade

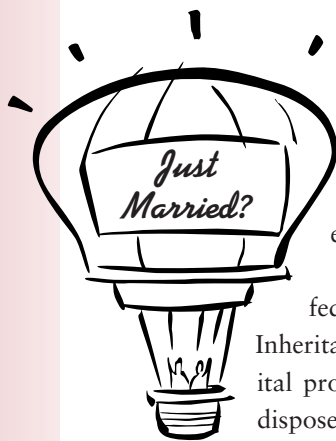
judges and politicians across the country trying to change the traditions of marriage and family. Mr. Bush's world is fine to live in, provided you are not gay. We are viewed and treated as second class citizens when it comes to equal protection, due process, and equality under the law.

Simply saying the words “I do” in marriage brings to bear over 1,100 federal laws and over 240 state laws that impact one's status as a spouse.

Inheritance rights, estate planning, custody and visitation, child support, marital property division in divorce, hospital visitation and access, the right to dispose of your spouse's body upon death and to make funeral arrangements, taxing consequences, titling of assets for protection, health insurance and pension benefits, rights to social security, immigration and naturalization status, spousal privilege, and the list goes on.

When I complete applications or am asked about my marital status I have no idea how to respond. My possibilities are: single, married (but legal status unknown because marriage is only recognized by the issuing state and not other states, let alone the federal government), not married (in a same sex relationship), civil unioned (which is not marriage, but marriage

The whole issue of marriage for same sex couples is more than just symbolic. It is the ability of committed loving couples to become united legally, and to have the same benefits, responsibilities, and liabilities that come with marriage.



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MARYLAND STATE BAR ASSOCIATION

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From the Chair

Colleagues:

When this edition of *The Advocate* reaches your mailbox, you will no doubt be settling down for the holidays. At the same time, our Section will be busy gearing up for a full plate of activities for the Spring. But as calendar year 2004 draws to a close, it's the perfect time to review our accomplishments as a Section.

In the last issue, I urged you to consider getting involved in the MSBA as a way to increase your career satisfaction. Many of you accepted our invitation to join in our panel discussion on "Alternative Career Paths in the Law" in October at Westminster Hall. Member-at-large Jonathan Kagan recruited a truly all-star panel of speakers to share their stories and tell us about the steps to becoming a judge, running for political office, and obtaining a faculty position. Many thanks to Judge Paul Grimm, Judge Jeannie Hong, Maryland Senator Phil Jimeno, Maryland Delegate Bobby Zirkin, Professor Steven Schwinn, and Karen Cook for a truly motivational program.

Throughout the Fall, our Membership Co-Chairs Tamara Goorevitz and Jan Berlage have organized our highly successful "Thirsty Thursdays" social hours to give us an opportunity to take a break and network with one another at terrific venues in Baltimore City, Anne Arundel County, and Baltimore County. New venues are being planned for the Spring.

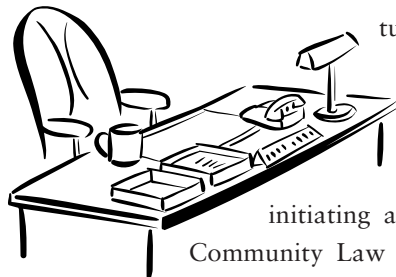
And how about Novemberfest? Co-chairs Michael Siri and Meredith O'Connor took our annual gala to a new level—straight to the top floor of Catalina's restaurant overlooking Baltimore's Inner Harbor. Our 14th Annual Novemberfest featured live jazz music, food and drinks, casino-style gambling and a raffle and silent auction to benefit the Maryland Mentoring Partnership. A good time was had by everyone for the benefit of a very worthy cause.

Education committee co-chairs Alice Chong and Scott Nelson have been hard at work coordinating our education programs for the year. In November, the Section sponsored a terrific program on legal research and the Internet in Baltimore. Attorney and law librarian Steven Anderson shared his best searching tips and favorite sites for free on-line legal research, as well as telling us how to make the most of our searches on Westlaw and Lexis.

Our new standing committee on Pro Bono Service has also been hard at work on a new series of "Pro Bono Road Shows," to bring *pro bono* opportunities to you at various locations around the State. Our Public Service committee has always championed volunteer projects to help the youngest and most vulnerable members of our community. This Spring, the committee will be initiating a new mentoring program in coordination with Community Law In Action. Our Resolutions Committee will be



Rachel Cohen, Esq., Chair



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Advising Your Clients About Charitable Giving

by Edwin G. Fee, Jr., Esq.

Studies have shown that professional advisors often are reluctant to bring up the subject of charitable giving with their clients. This is unfortunate, because those same studies indicate that many clients wish their advisors had discussed charitable giving with them. By advising your clients about charitable giving, you will provide them with a valuable service, and, ultimately, will promote more charitable giving.



There are many reasons why your clients might want to engage in charitable giving, and there are a number of ways in which they may pursue their charitable goals. A client may wish to create a legacy for himself or herself, to create a memorial for someone else, or to garner publicity (Ted Turner's billion dollar contribution to the United Nations comes to mind). A charitable gift also could be the result of altruism—a simple desire to do good.

You might think that tax incentives spur charitable giving, but the statistics do not necessarily support this assumption. For the past 30 years or so, individual charitable giving has been at the rate of just under 2% of personal income. During that time, however, there have been many significant changes in the federal income tax, gift tax, and estate tax. If charitable giving were driven by tax incentives, then presumably there would have been dramatic changes in the rate of giving over the years. Furthermore, although 75%

of Americans contribute to charity, 70% of Americans do not itemize deductions on their personal income tax returns. As a result, many people who give to charities receive no charitable deduction for doing so. In addition, less than 1% of estates actually pay any federal estate tax. Therefore, the estate tax charitable deduction is not the prime motivation behind charitable giving.

Whatever the reasons for charitable giving, there are many options concerning how to make charitable gifts. The simplest technique is a direct contribu-

Whatever the reasons for charitable giving, there are many options concerning how to make charitable gifts.

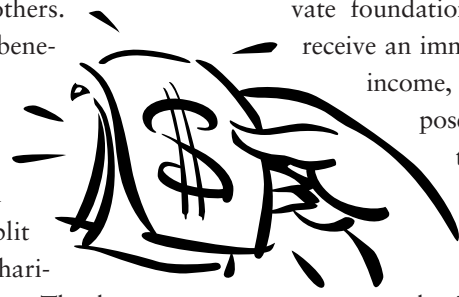
tion by cash or check. Many charities also will accept contributions of securities or other property. Another option is a charitable gift annuity. In this technique, a donor gives money or other assets to a charity, and in return the charity provides a lifetime income stream to the donor. The donor would receive an income tax deduction based on the value of the assets less the actuarial value of the income stream back to the donor.

A donor also could create a trust for the combined benefit of charities and the donor or others. Because this trust benefits charities and individuals, it is known as a split interest trust. An example of a split interest trust is a charitable remainder trust. The donor

would contribute assets to the trust, and the donor or others would receive a stream of income from the trust for a period of years or for life. Upon the end of the trust term, the assets would pass to one or more charities. Similar to the charitable gift annuity, the donor would receive an income tax deduction based on the value of the assets less the actuarial value of the income stream back to the donor or others.

Another type of split interest trust is a charitable lead trust. This trust is similar to a charitable remainder trust, but the interests of the charities and the individuals are reversed. The donor transfers assets to the trust, and one or more charities receive a stream of income for a term of years or for an individual beneficiary's lifetime. Upon the end of the trust term, the assets would pass to one or more individual beneficiaries designated by the donor. The donor would receive an immediate deduction (for income, gift, or estate tax purposes) based on the actuarial value of the stream of income to the charities. This technique has been used by many wealthy individuals (including Jacqueline Kennedy Onassis) to reduce the burden of estate taxes.

If a donor wishes to contribute substantial amounts to various charities, he or she might consider creating a private foundation. The donor would receive an immediate deduction (for income, gift, or estate tax purposes), but the foundation would not have to make immediate distributions of the entire amount to charities. This technique



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THE EDUCATION COMMITTEE

*Alice Chong and Scott Nelson,
Co-chairs*

On Thursday, November 4, 2004, the Maryland State Bar Association Young Lawyers Section, Education Committee sponsored a presentation entitled "Electing to Do Legal Research." The featured presenter was Steven Anderson, Esquire, Director of Research Services at Gordon, Feinblatt, Rothman, Hoffberger & Hollander, LLC. The presentation was attended by approximately twenty individuals who were schooled in the methods and manner in accessing free Internet research, the cost-effective use of private resources such as Lexis and Westlaw, and other business related research services. The Education Committee would like to thank Steve Anderson for his thoughtful and insightful presentation as well as Gordon, Feinblatt, Rothman, Hoffberger, and Hollander, LLC for the use of their offices for the presentation. Be on the lookout for future educational presentations and seminars in the upcoming months.

THE MEMBERSHIP COMMITTEE

*Jan I. Berlage and Tamara Goorevitz,
Co-chairs*

The Membership Committee sponsored three successful THIRSTY THURSDAYS in Baltimore City, Anne Arundel County, and Baltimore County. Thirsty Thursdays occur each third Thursday of the month at different locations throughout the state. Because of the holidays, there will be no Thirsty Thursday in December. The next Thirsty Thursday will be in January in Frederick County—keep an eye out for details in upcoming mailings. The Membership Committee is also working with the Young Professionals Section of the MACPA to

What We Do, And How to Join Us

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



host a joint event. Finally, the Membership Committee continues to work with the various practice sections of the MSBA to establish liaisons with those sections. Any one who is interested in serving as a liaison to a particular section should contact Jan Berlage at BerlageJI@ballardspahr.com. If you are interested in helping to plan events with the Membership Committee, please contact Tamara Goorevitz at tgoorevitz@fandpnet.com.

THE PRO BONO COMMITTEE

*Brent Phillips and Linda Springrose,
Co-chairs*

We are in the process of organizing *Pro Bono* Road Shows around the State, which will be combination *pro bono*/happy hour events. The idea is to showcase local providers and *pro bono* in general, in a relaxed atmosphere. Please be on the lookout for a Road Show in January in Montgomery County.

Also, please do not forget about the Alex Fee Memorial Award, which is awarded each year at the MSBA

Annual Meeting to a Young Lawyer for his or her *pro bono* activities. We will be announcing when applications for the award are available. Please be sure to nominate a worthy Young Lawyer for this prestigious award. We want to make sure that the Young Lawyers are well represented in the categories for the *pro bono* awards.

Finally, we could use some help on the *Pro Bono* Committee. If you're interested in helping, please email or call Linda Springrose at 410-230-3612 or lspringrose@fandpnet.com or Brent Phillips at 301-913-0184.

THE RESOLUTIONS COMMITTEE

*I. DeAndrei Drummond and
Michelle E. Stawinski, Co-chairs*

The Resolutions Committee will be hosting the YLS Open Meeting on Monday, March 14, 2004. The topic of this year's debate will be medical malpractice liability reform. The details, including the roster of speakers, will be announced in the coming months. If you are interested in helping to organize this debate, contact Committee Co-Chairs I. De Drummond at 301-952-3550 or Michelle E. Stawinski at 410-752-6000.

THE TECHNOLOGY COMMITTEE

*Mont Brownlee and S. Scott Tate,
Co-chairs*

The Technology Committee is busy updating and redesigning the YLS web site, which can be found at www.msba.org/sec_comm/yls. The goal of the redesign is to make the site more useful for all of our members. Recently, we have updated the Calendar of Events and posted back issues of *The Advocate*, which are now available to download in .pdf format. If you have an event that you would like to promote, email the details or the event flyer to Scott Tate at

continued on next page

What We Do, And How to Join Us

continued from page 5

ssstate@ober.com or Mont Brownlee at mxb@gdldlaw.com.

The redesigned site will also have a separate page for each committee, with a description of the Committee's activities, contact information, photographs, and other items. In order to implement this phase of the redesign, we will be working with other committee chairs. Check the site regularly for more updates! If you have suggestions for improving the site or wish to help us with the redesign, please contact Scott Tate of Mont Brownlee.

THE NOMINATING COMMITTEE

Bradford S. Bernstein, Co-chair

The committee is set and ready to go. I look forward to working with Stephanie Clark, Alan Freeman, Stephanie Cohen, Marnell Cooper, Linda Springrose, and Ruth-Ann Bennett.

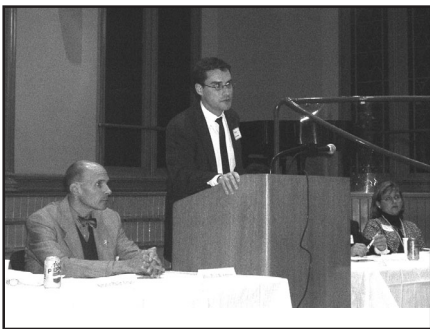
The Young Lawyers' Section for the Maryland State Bar Association is seeking applications for Officer positions (Chair-elect, Treasurer, and Secretary) for 2005-2006. Any current member of the Young Lawyers' Section who is interested in any of the positions may submit an application to:

Bradford S. Bernstein
Chair, Nominating Committee
MSBA Section of Young Lawyers
520 West Fayette Street
Baltimore, Maryland 21201

All applications must be received at Bar Headquarters no later than the close of business on Tuesday, January 18, 2005. Applicants should include a statement of interest, a resume, and a list of Bar activities. If you had any questions, please contact either Bradford S. Bernstein at 301-762-1600 or Gregory M. Dewart at 410-685-7878x3019. ❖

Open Meeting at a Glance

On October 18, 2004, the YLS welcomed section members to Westminster Hall for the Open Section Council Meeting. The evenings' program included excellent food and opportunity to mingle both before and



after the highlighted event, a panel discussion entitled "Alternative Career Paths in the Law: The Legislature, the Judiciary, and Faculty Positions." The programs panelists were the Honorable Paul W. Grimm, Magistrate Judge, United States District Court for the District of Maryland and Adjunct Professor at the University of

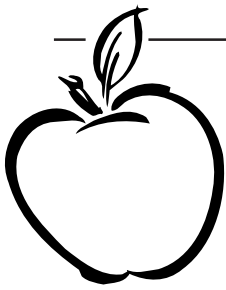
Maryland School of Law; the Honorable Jeannie J. Hong, District Court for Baltimore City; Maryland State Senator Philip Jimeno, Chair of



the Executive Nominations Committee and Member of the Judicial Proceedings Committee; Maryland Delegate Bobby Zirkin, Member of the Judiciary Committee; Professor Steven Schwinn, University of Maryland



School of Law; and Professor Karen Cook, Anne Arundel Community College and President of the Anne Arundel Bar Association. Those in attendance enjoyed an excellent overview on seeking careers outside the law in addition to learning how to balance a legal practice with other responsibilities in the legislature, the classroom, and the Bar. Members also learned tips on how to begin to look for opportunities and mentors to help get their career on the path to the Bench. The panel, moderated by Member-At-Large, Jonathan Kagan, who is also an adjunct professor, welcomed questions and inspired many in attendance. The Young Lawyers Section would like to thank the panelist for sharing their time and experiences with us. ❖



Lesson Plans

By John J. Handscomb

If you can deliver a closing argument to a jury and courtroom filled with strangers, could you teach a class on evidence to twenty-five college freshmen? While the careers of litigators and teachers seem diverse, they actually share many of the same skills: organization, communication, and the logical presentation of information.

For many lawyers, it may be more appropriate to consider teaching to be a dual career, as opposed to an alternative career, at least initially. Objective qualifications are typically not an issue; the juris doctorate degree is prima facie evidence of your ability to teach law. However, if you wish to teach at the primary or secondary levels, state certification is required, which requires additional schooling. Since most attorneys choose to teach at the college level, certification is not an issue. Subjective qualifications are still important and experience is preferred. The old job-hunting maxim applies: How do you obtain experience as a teacher if you can't get hired as a teacher without experience?

Many community colleges offer programs in jurisprudence, criminal justice, and paralegal education; these schools are the best source of employment for practicing lawyers. Unlike four-year schools, many classes are offered in the evening, which allows lawyers to keep their day jobs and teach in the evening. Additionally, adjunct faculty are widely used at community colleges,

typically accounting for up to half of the faculty. As an adjunct faculty member your required tasks outside the classroom are kept to a minimum. Faculty meetings are generally short and productive sessions, and as an adjunct you are not expected to conduct research or write academic papers.

Typically, the goal of a community college is to offer access to education to students who are as diverse as their goals. Some are recent high school graduates who choose community college as a less expensive alternative to a four-year institution. Some are currently employed in some aspect of the legal profession, (i.e. legal assistant, probation agent, or paralegal) and want to formally complete their education. Others are adults who simply want to continue their education without specific goals. Still others are college graduates who are considering law school and want to test the waters. Classes tend to be highly diverse in terms of age, race, and socio-economic status.

Like litigation, preparation is essential in the classroom. Unlike your jury, your students will ask you questions and theoretical knowledge will not be sufficient. For every hour spent in the classroom, an hour is spent preparing; from developing and reviewing lesson plans to grading papers and writing exams. Depending on the style of the teacher, the class can be less formal and there is often extensive class participation.

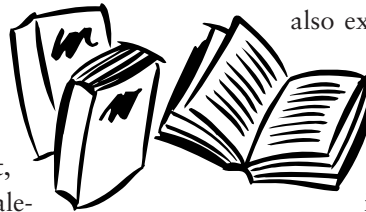
The benefits of teaching at a community college can be tremendous, but

not necessarily financially lucrative. Certainly, there is great satisfaction in helping a student learn the necessary knowledge and skill to further his or her career. Additionally, teaching provides a valuable opportunity to improve courtroom skills. Too many litigators overemphasize the minutia: memorizing opening statement, reading cross-examinations, and preparing phone book-sized trial notebooks. Teaching helps a litigator to develop the confidence to review the lesson plan and then present the information in an informed, relaxed style. It also exposes the lawyer to a diverse group of people that may resemble a jury pool. This translates into better litigation skills; if an attorney knows his case, he does not need to over prepare the details.

If successful, a community college adjunct can consider the transition to the world of full-time academia. Clearly, the financial benefits are an important consideration. However, an associate professor at a four-year institution may face stricter teaching requirements, mandatory research and publishing, and the political world of the tenure track. For many lawyers, this decision will mean giving up their primary career as an attorney.

Teaching at the community college level can be a win-win for both teacher and student. The teacher gains a genuine sense of accomplishment from his students and the benefit of improved litigation skills. In turn, the student gains practical insight into the "real world" of the legal profession from a practicing attorney. And who knows, you may just find your next paralegal sitting in the second row. ♦

John J. Handscomb is a principal at Franklin and Prokopik in Baltimore and teaches at Dundalk Community College.



Like litigation, preparation is essential in the classroom. Unlike your jury, your students will ask you questions and theoretical knowledge will not be sufficient.

NOVEMBERFEST 2004—ANOTHER SUCCESSFUL YEAR!

Meredith O'Connor and Michael W. Siri, Event Co-Chairs

After months of planning, the Maryland State Bar Young Lawyers Section 14th Annual Novemberfest Charity Gala was a huge success, drawing attorneys and other legal professionals from across the state to Catalina Restaurant at Harborview in Baltimore City. In an event that included casino gambling, music by jazz ensemble Synergy, and a silent auction to benefit this year's charity, Maryland Mentoring Partnership (MMP), and Novemberfest 2004 provided an opportunity to meet and mingle in an informal setting to members of Maryland's legal community.

With the skyline of Baltimore as the backdrop, Catalina's was an ideal location for the event. The large rooms allowed patrons to partake in the various casino tables, including blackjack, roulette, and craps, while



also making bids for the numerous silent auction items. Silent auction items were donated by businesses and restaurants throughout Maryland and included golf outings, a day at the Races for 20 people at Pimlico Race

Course, and a United States flag flown over the U.S. Capital donated by Congressman Ben Cardin.

The highlight of the evening was the announcement of the tricky tray raffle winners. Attendees exchanged their casino "winnings" for raffle tickets to a variety of items, including stays at area hotels, gift certificates for fine dining at local restaurants, and tickets to playhouses.

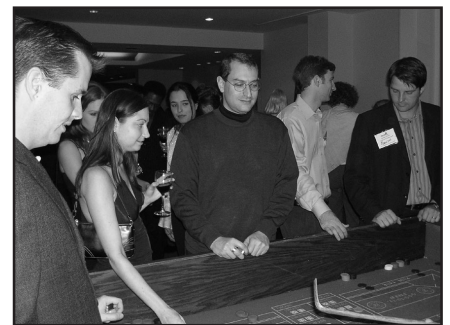


This year's Novemberfest was also fortunate to obtain sponsorships from law firms and other legal related companies. A special thanks to all the sponsors, including bronze level sponsors Goodell, DeVries, Leech, & Dann, LLP; Miles and Stockbridge; and OberlKaler; friends-in kind sponsors, Council, Baradel, Kosmerl and Nolan, P.A.; Gore Brothers Reporting; and Corbin & Hook Reporting. Without the help of each of the sponsors the event would not have been as successful as it was.

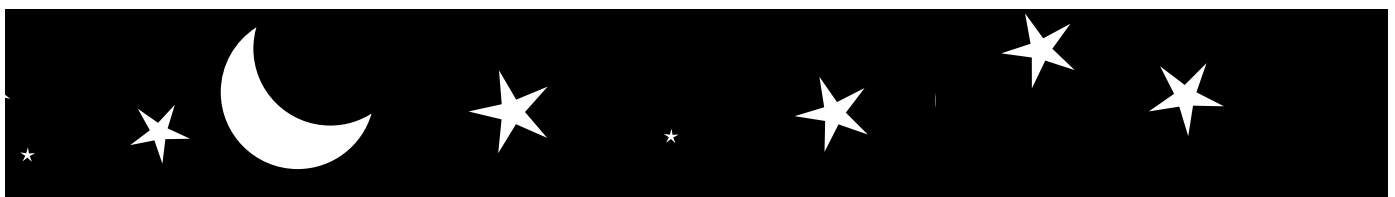
Also on hand for the evening were members of The Maryland Mentoring Partnership. In addition to receiving



proceeds from the event, MMP had the opportunity to sign up potential mentors as they mingled with the crowd. Founded in 1988, MMP is Maryland's largest, full-service youth mentoring organization. Through its comprehensive programs—Maryland State Mentoring Resource Center, the Community-Wide Recruitment Campaign, Project RAISE, and special initiatives—MMP serves as a resource, advocate, expert and provider of quality mentoring. For more information on the MMP or if you are interested in becoming a mentor for a child in need, visit their website at www.marylandmentors.org. ❖



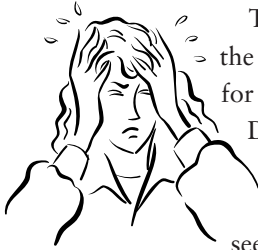
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The Advocate Revisited

How has the YLS changed over the years? What used to interest the Section Members? What was going on the last 20 years? Below are glimpses of some of the past issues of the Young Lawyers Section's award winning publication *The Advocate*.

Volume 10.3, Spring 1995: Editors Julia K. Evans and Harry B. Siegel highlighted the upcoming MSBA Annual Meeting program, "Managing Stress in the Workplace," with an article from Maureen Rowland.



They say laughter is the best medicine, and for brothers Steve and Daniel Stenson [from Empowerment Concepts], it also seems to be the prescription for success. Borrowing from Saturday Night Live's Hans and Franz, these brothers (calling themselves Sven and Olav) have developed a unique approach to teaching stress management techniques.

Sporting sunglasses and padded sweatshirts, Sven and Olav present

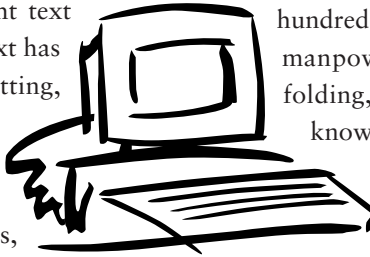
stress management seminars around the country to a variety of professionals and businesses. They flex their "muscles" and strut around the audience speaking "Schwarzenegerese." ...



Ah, how times have changed! But stress is still very much a part of a young lawyers' lifestyle. For tips on how to manage stress check out: <http://www.abanet.org/yld/about/writingguide.html#Stress>. Wonder how the brothers would handle the Governorator?

Volume 13.1, Summer 1997: Mike Oliver focused on "Making the Best Use of E-mail" in the article excerpted below:

Electronic mail is straight text in digital format. Straight text has no special coding, formatting, fonts or other style markers, so it is not subject to being infected with a virus. It can also include attachments, which are files in special word processing, graphic, or executable formats that are separated from the email by the software. Attachments, unlike the e-mail message itself, are in binary form and can be infected with a virus.



Certain types of e-mail (Netscape) can also include hyperlinks embedded in the e-mail, which bring in pages off of the internet and display them in the message viewer with rich format (fonts, colors, graphics, sound, etc.).

There are two basic issues with e-mail communications: security and authenticity.

...

Why is E-mail (and an Internet Connection) so important?

E-mail is the simplest, fastest method of mass delivery of information content. Try doing regular bulk mailings of 2,000 flyers with the US Post Office. Even at the best rates available this will cost several hundred dollars and lots of manpower time labeling, folding, and sorting (I know, I have personally done it). It takes days to get it together, and days to be delivered. Now do the same with an automated e-mail list server. It is done every day to millions of people, in a fraction of a second!

Most computer software delivery

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TOYS FOR TOTS

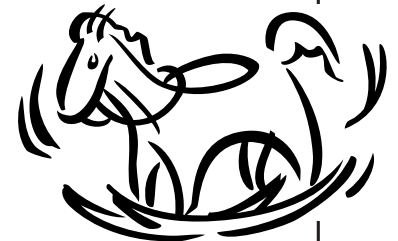
The YLS is currently collecting donations for the annual Toys for Tots drive.

Started by the United States Marine Corps Reserve, this charity has been collecting new toys to deliver to needy children since 1947. Help the YLS with this excellent charity by bringing your unwrapped, boxed toys to:

MSBA HEADQUARTERS

520 West Fayette Street • Baltimore, Maryland

Toys will be collected through December 10, 2004.



ABA Young Lawyers Update

This year's ABA Young Lawyer's Division Fall Public Service Conference happened at the Four Seasons Hotel in Austin, Texas from October 7, 2004 until October 9, 2004. The Conference was well attended and a great success. Six members from the Young Lawyer's Section Council represented the Maryland State Bar Association. The Conference events focused on expanding the YLD's strong tradition in public service. The YLD's special project "We the Jury" was unveiled. We the jury is an ambitious project designed to educate



middle school and high school students about the role of the jury in our legal system. Two volunteer attorneys come into classrooms, voir dire potential jurors, and seat a twelve-member jury including a number of alternates. The students then watch a videotape of a civil or criminal trial, deliberate, and reach a verdict. After lawyers select the jury, the teachers are responsible for administering the "trial" phase of the process. Students and teachers who participated in the program in Austin, spoke at the conference and enthusiastically expressed their experi-

ences in the program. Most of the students reported that the experience inspired them to consider a career in law. The purpose of the demonstration at the conference was to introduce the program to a national audience. It was the ABA's YLD goal that the demonstration would inspire each member of the audience to take the program materials back to his or her home state and establish the program. In addition to public service projects the conference had a number of sessions that focused on bar leadership, career planning and CLE courses. Further information regarding "We the Jury" and other events at the fall conference can be found at the ABA website at www.abanet.org. ❖

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3RD CIRCUIT

BALTIMORE COUNTY

*Adam T. Sampson,
Circuit Representative*

The Baltimore County Bar Association (BCBA) had a busy calendar of events planned for November and December and even more over the next couple of months.

Social Events

The BCBA planned a fall trip to the Kingsmill Resort in Williamsburg, Virginia November 5-7, 2004. The trip was a welcome revival of prior tradition. The annual Holiday Party was held on December 6th at the Stil beginning at 6 pm. As expected, the turnout was fabulous and the accommodations superb.

The Annual Black Tie Banquet will be held on January 31, 2004 and will once again take place at Martin's West. This year's event will begin at 6:30 pm. The BCBA looks forward to this event with great anticipation and welcomes all lawyers and judges. Contact the Bar Office at 410-337-9103 for tickets.

Charitable Events

On March 19, 2004, the BCBA

Young Lawyer's Committee, under the leadership of Rachael Letourneau, will sponsor a Casino Night at Grey Rock Mansion. Information pertaining to tickets and silent auction items may be obtained from the Bar Office.

The BCBA Young Lawyers, together with the Baltimore County Bar Library, hosted its Annual Holiday Party to benefit literacy on December 6, 2004 from 11 am to 2 pm in the Circuit Court Library. Donations of money and unwrapped books were provided to local children whose families could not otherwise afford books.

The BCBA Special Memoriam Service

The BCBA held a Memorial Service on November 18, 2004 to honor the following members of the Bar who passed away since November 2003: William T.S. Bricker; Hon. A. Own Hennegan; John E. Mudd; Herbert R. O'Connor, III; Richard D. Payne, Sr.; and Myron Wolfson.

CLE's

Members received the benefit of knowledge at the November CLE's, "Low Property Damage = Large Verdict," on November 17th and "How to Settle Your Domestic Case," on November 11th. Watch future mailings for 2005 educational programs.

HARFORD COUNTY

*Lawrence F. Kries, Jr.,
Circuit Representative*

On September 17, 2004, the HCBA held its annual Crab Feast at Rockfield Manor in Bel Air. The event was well attended and lasted well into the night. The annual Holiday Party, also at Rockfield Manor, was held on December 5, 2004 and, consistent with recent years, the event was sold out.

The HCBA is currently in the planning stages of a formal dinner dance to take place in April. More details to follow!

4TH CIRCUIT

HOWARD COUNTY

*Claude de Vastey,
Circuit Representative*

The YLS of the Howard County Bar Association is hard at work recruiting members and getting the group started. Kristen Rompf, Chair, is working with Kim Wharton, Executive Director, to organize events. The kick-off event will be a Happy Hour before the end of the year. For more information, contact Claude de Vastey at 410-313-2108 or cdevastey@co.bo.md.us.

5TH CIRCUIT

ANNE ARUNDEL COUNTY

Marla Zide, Circuit Representative

With the construction complete on West Street, it is promising to be a wonderful holiday season!

The YLS Thirsty Thursday in Annapolis on October 21, 2004 was a great success. All of the judicial law clerks were in attendance and it was a great mingling experience for all.

A Bar weekend, scheduled for February 11-13, promises to be a fun-filled event. For more information on the romantic Valentine's Day weekend in Charlottesville, VA, contact Fran Czajka for more information.

Look for more details on the Anne Arundel County Bar Association Follies. Karen Cook, current AABA president is encouraging attorneys to showcase their "non-legal" talents. More info to come!

Please be aware of the new rule in the District Court regarding postponement requests. The Honorable James W. Dryden, Administrative Judge, District Court Anne Arundel County, announced that any party requesting a postponement of a trial must submit the request no later than 14 days after receiving notice of the trial date.

continued on next page

The Honorable Ronald Silkworth has succeeded the Honorable Michael Loney as the Family Law Administrative Judge for the Circuit Court. Judge Silkworth intends to continue with Judge Loney's goals regarding Family Law Differentiated Case Management (DCM). Judge Silkworth hopes to encourage more litigators to settle their cases to the merits hearing. By involving judges and masters early in the litigation, at the Pre-Trial Settlement Conferences, Judge Silkworth hopes to achieve this goal.

6TH CIRCUIT

MONTGOMERY COUNTY

*Bradford S. Bernstein,
Circuit Representative*

The New Practitioner's Section's first Happy Hour was held on September 30, 2004, at Willie & Reid's in Bethesda. The event was a great success! Thank you to the law firm of Lerch, Early & Brewer, Chartered, for sponsoring the event by providing appetizers and drinks for the participants. Distinguished thanks to our President, John J. McCarthy, and to Jeffrey Van Grack and Arnold Spevack. The event was well attended by both seasoned practitioners and new practitioners.

The New Practitioner's Section, in conjunction with the Mentor/Mentee Committee, held another Happy Hour on November 18, 2004 at Polly Esther's in Rockville, MD by the Double Tree Hotel. The law firm of Strickler, Sachitano & Hatfield, P.A. sponsored this event.

It's that time again! Toys for Tots - we are collecting gifts for the Marine Corps Reserve Toys for Tots Campaign now through December 10, 2004. The Marine Corps informs us that the Marine Corps most often overlooked during

the gift drive is young teenagers. There is a need for sweatshirts, electronics, watches, backpacks, sports equipment, cosmetics and inexpensive jewelry.

Finally, on behalf of the members of the Bar Association of Montgomery County, we would like to thank the Chevy Chase Bank and the Chevy Chase Trust Department for their sponsorship of the 2004 Golf and Tennis Charity Classic.

FREDERICK COUNTY

*Jennifer M. Lichtenfield,
Circuit Representative*

The Young Lawyers Committee sponsored another fun filled happy hour on Thursday, October 14, 2004 at Brewers Alley. Look for other happy hour and activity information on the Bar Association web page at www.frederickbar.org and under the Young Lawyers Committee section of the website that is currently being constructed.

The Frederick County Bar Association sponsored The Second Annual Dinner With the Judges on October 21, 2004 at The Catocin Inn in Buckeystown, Maryland. Members of the bench in attendance included Chief Judge Bell as well as members of the Court of Appeals, Court of Special Appeals, and the benches of Frederick, Montgomery, Carroll, Washington, Allegheny, and Garrett Counties.

The Bar Association will be traveled to New York on November 20th for a fun filled day in the city and the Radio City Music Hall Christmas Spectacular featuring The Rockettes. The event was a great opportunity for members to get an early start on their holiday shopping!

The Frederick County Bar Association once again participated in the Salvation Army Thanksgiving Dinner on Tuesday, November 23 from 12-6 pm.

7TH CIRCUIT

PRINCE GEORGE'S COUNTY

*Marnell A. Cooper,
Circuit Representative*

The Honorable William D. Missouri, Administrative Judge for the 7th Judicial Circuit and for Prince George's County, has been elected Vice-Chair of the National Conference of State Trial Judges.

On Tuesday December 14, 2004 at 6:00 p.m., the Prince George's County Bar Association will be having its Membership Meeting/Holiday Party at the Newton White Mansion in Mitchellville.

8TH CIRCUIT

BALTIMORE CITY

Jason Hessler, Circuit Representative

The Baltimore City YLD received an Award of Achievement from the ABA for the Bar Exam Survival Kit. YLD members gave the survival kits, which included a stress ball, on the morning the first day of the exam. They were a hit among the tense exam takers.

UPCOMING EVENTS! On December 9th all are invited to join the City Bar at the Belvedere for a night of food, drink and music. This event is a great way to kick off the Holiday season and mingle with your friends in the Bar and on the Bench. Contact Baltimore City bar Headquarters for ticket information, 410-539-5936. Our annual party for children residing in homeless shelters will be held on December 14th at the newly renovated Maryland Science Center. To volunteer or make a donation, please contact Jason Hessler at 410-361-9825. Also, plans are underway to hold a Symposium on The Jury in the Spring, so be on the lookout for more details. ❖

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The Advocate Revisited

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will be internet only. It is very expensive to box, print, ship, and market software. It's even more expensive to ship updates, patches and fixes. Many computer companies only sell their products via the internet. So what? Well, computers are a lot like puzzles and all of the pieces have to fit together. To keep up to date so that your new scanner can communicate with your new printer, you have to keep all drivers, patches, bug fixes and other software updates current. The internet is the preferred method of delivery of these products, because the delivery cost is very low.

...

The world is slowly but steadily converting all of its hard copy data content into digital copies. As this progression continues, it will become less important to be able to fax copies of documents that are not in digital format. If you think this is a long way off, think again. For example, check out <http://www.tumbleweed.com/> where they have a product (Posta) that can use a simple Visioneer scanner and e-mail even hard copy documents to others, without the use of a fax machine at all. I have not tried it, but it is the sign of things to come.

Then again, some things haven't changed! Technology continues to amaze

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The YLS would like to congratulate all of those who are to be admitted into the Maryland Bar. Welcome and we hope to see many of you at future YLS functions.

Marriage is more than “I Do.”

continued from page 1

lite), or domestic partnered (which has no legal significance in Maryland).

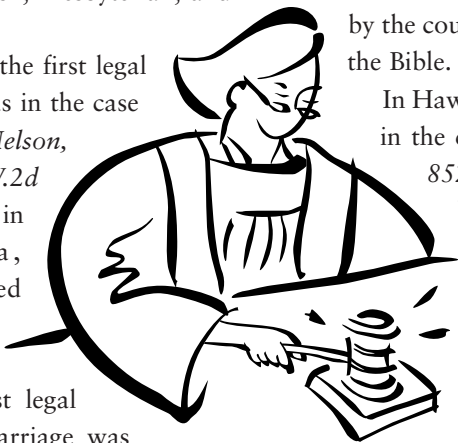
Over the years in my practice, I have seen horrendous situations where family members have taken advantage of our non-legal status and have denied access to a person’s dying partner in the hospital, from attending a funeral, from maintaining the residence (if it was not titled in their name), from insurance benefits and proceeds, and many other rights of a spouse.

Same sex marriages are not new: we can date them back to between the 5th and 14th Centuries when the Roman Catholic Church conducted special ceremonies to bless same sex unions. These were spiritual and not sexual unions. Up until 1686 marriage was strictly a civil ceremony for the Puritans in Massachusetts, as it had no religious connection.

The Unitarian Church in 1984 was the first to recognize and approve same sex ceremonies. Other religions followed shortly afterwards: Buddhist, Episcopalian, Reconstructionist Jewish, Reform Jewish, Presbyterian, and Quaker.

In 1971, the first legal challenge was in the case of *Baker v. Nelson*, 191 N.W.2d 185 (1971), in Minnesota, which ended in defeat.

In 1975, the very first legal same sex marriage was performed in Boulder, Colorado, when five same sex couples obtained marriage licenses. They were later revoked by the court. The same year, two men in Arizona were given a license, and it, too, was later voided by the courts.



Closer to home, in 1975, a Clerk in Montgomery County Circuit Court issued two women a marriage license, which was later voided. In 1984, in Berkeley, California, the city extended spousal benefits to live in same sex partners of its city employees. This marked the modern movement towards recognition of same sex relationships and the granting of basic benefits conferred upon those relationships. In 1989, the San Francisco Bar Association gave support to same sex marriages and encouraged the state of California to allow the marriages. This was later followed by the California Bar Association in 1990.

Recognizing same sex marriages would give business to attorneys in all areas of the law.

The next law suit came in 1990 in the case of *Dean v. District of Columbia*, 1992 WL 685364 (D.C. Super. 1992), judgment *aff'd* by 653 A.2d 307 (1995), which was a suit for the right to marry in the District of Columbia. The case was later rejected by the court citing a real legal source—the Bible.

In Hawaii in 1991, a suit was filed in the case of *Baehr v. Anderson*, 852 P.2d 44 (1993), which became the first suit to challenge to the Equal Rights Amendment of a state’s constitution.

In 1995, a marriage license was issued in Vermont but the city’s attorney refused to register it with the state. This action laid the foundation for the later law suit in 1997, *Baker v. State of Vermont*, 744 A.2d 864 (1999), which created today’s Civil Union in that state.

In response to the law suits and fearing a breakdown of the “traditions of marriage,” the Republican Congress in 1996 passed the Defense of Marriage Act, allowing states the right to not recognize same sex marriages from other jurisdictions.

Finally, in 2001, the landmark case of *Goodridge v. Dept. of Public Health*, 14 Mass. L. Rptr. 591, judgment *vacated* by 798 N.E.2d 941 (2003), which has led to Massachusetts being the only state in the country to allow for same sex marriages. Three years later on May 17, 2004, the first legally sanctioned same sex marriages were performed, and continue to be performed, as of this article. The Massachusetts court held that anything less than full marriage was in violation of the equal protection clause of its Constitution. An effort to stay the issuance of marriage licenses and to get a constitutional reform underway on the 2004 ballot has failed.

Attorneys should embrace the notion of same sex marriages for a number of reasons, primarily because it creates a whole new market of potential clients. Like our straight counterparts, we have legal needs. Recognizing same sex marriages would give business to attorneys in all areas of the law. There would be clear direction with respect to the division of property issues that is currently not addressed under the law. Issues involving children become clearer for the courts when deciding issues of access and custody. For example, my partner has 2 children. I am a legal stranger to them, yet they are very much a part of my life. If our marriage were recognized in Maryland, these children would be my step-children and entitled to benefits associated with that status.

Estate attorneys would be able to draft wills and powers of attorneys for

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Marriage is more than “I Do.”

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same sex couples without having to rely on “creative tax planning” and other complicated tools as they do currently.

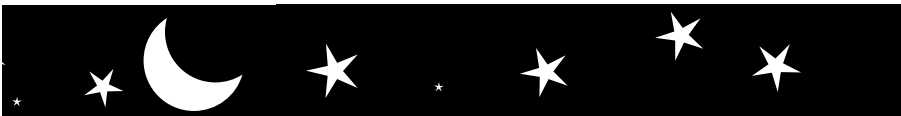
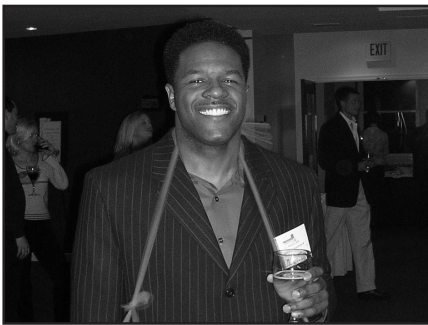
Based on the 2000 Census, there are an estimated 26 million gays and lesbians in the United States with over 594,000 couples identified as being in a same sex relationship. The estimated combined disposable income for these couples is over \$450 billion. The Census has identified over 3 million children living with gay/lesbian parents, and over 2 million gay/lesbian couples having children either from a prior heterosexual relationship or through adoption or surrogacy. It is projected that this number will increase to over 3.4 million by the end of 2004.

These numbers only reflect information from individuals who are able to self identify. There is a whole underground class of individuals and same sex couples who are afraid to be identified for fear of losing their jobs, their children, or being the victims of other forms of harassment and abuse.

It is ironic to think that I am a threat to the institution of marriage and that my getting married would prevent heterosexuals from entering into marriage on their own accord. If my getting married is a threat to you, as a heterosexual, then I suggest that you take a very deep look into your heart and determine what your marriage truly means to you. Then maybe you will be able to see what my marriage means to me. ❖

Mark Scurti is a Partner at Scurti and Gulling in Baltimore.

More photos from NOVEMBERFEST 2004



THE ADVOCATE

Say it here...

Do you have an area of expertise that your colleagues are always asking you about? Have you been trying to spread the word about your last *pro bono* case? Or do you just have an article that you would like to get published? *The Advocate* is your opportunity to shine!

The Editors of *The Advocate* are looking for “nuts and bolts” articles on different areas of law to share with the Section and *pro bono* experience pieces to let the Section know that interesting cases are waiting for them as they aspire toward their *pro bono* goals. If you are interested in submitting an article, or would like more information, contact Gwendolyn Tate at YLSAdvocate@msba.org

From the Chair

continued from page 2

sponsoring our next panel discussion to debate the hot topic of medical malpractice reform. These are just a few of the many things to come.

As 2004 draws to a close, I am pleased to say that our bar year is off to a great start. There is much more to do, and I hope that you will join us and take advantage of the many benefits of volunteering in the Young Lawyers Section. I look forward to seeing you soon.

Kindest regards,

Rachel S. Cohen
Chair

Rachel S. Cohen is an Assistant Attorney General for the Maryland State Retirement and Pension System, and is Chair of the Young Lawyers Section.

Advising Your Clients About Charitable Giving

continued from page 3

would permit the donor to spread the actual charitable distributions over a number of years. In the interim, the value of the assets in the foundation could grow.

A donor who likes the structure of a private foundation, but who has fewer assets to contribute, might consider a donor advised fund. Similar to a private foundation, this technique affords an immediate tax deduction, but the funds do not have to be distributed immediately to charities. The donor would determine when to make distributions and to which charities. Nevertheless, the donor would not have to worry about many of the administrative details of running a foundation.

Many community foundations can facilitate the creation of a donor advised fund. In addition, by recommending a community foundation, a professional advisor can foster charitable giving, without promoting a specif-

A donor who likes the structure of a private foundation, but who has fewer assets to contribute, might consider a donor advised fund.

ic charity. There are ten local community foundations in Maryland, stretching from Hagerstown to Salisbury. To learn more about local community foundations and the free resources that they provide to donors and their advi-

sors, visit the Maryland Community Foundations website at www.mdcommunityfoundations.org.

As the foregoing demonstrates, there are many ways to accomplish your clients' charitable giving goals. Studies also show that your clients are simply waiting for you to advise them about charitable giving. So do your clients a favor, and benefit charities at the same time—ask your clients about charitable giving. ❖

Edwin G. Fee, Jr. is a partner with the law firm of Whiteford, Taylor & Preston L.L.P., the Secretary of the MSBA Estate & Trust Law Section Council, and a member of the Baltimore Community Foundation Professional Advisors Council.

JOIN US AND GET INVOLVED!

Take advantage of the various committees and activities that the Young Lawyers Section has to offer. Tell us how you would like to get involved:

YES! Sign me up. (check all that apply):

- Activities committee.** This committee plans the Section's signature gala event, Novemberfest, as well as organizing various other events to benefit our membership throughout the year.
- Disaster Relief committee.** In conjunction with the ABA and FEMA, this committee provides emergency legal assistance to victims of federally-declared disasters.
- Education committee.** This committee sponsors educational programs targeted to be of value to our membership, including legal research, trial skills, and time management.
- Membership committee.** This committee wages a continuing campaign to increase the Section's membership by sponsoring socials and other events statewide.
- Pro Bono committee.** This committee works to increase pro bono representation by young lawyers statewide by promoting *pro bono* service, sponsoring

projects, and seeking expanded *pro bono* opportunities for lawyers in every specialty.

- Public Service committee.** This committee coordinates the Section's public service projects throughout the year, enabling us to give back to our community.
- Publications committee.** This committee publishes *The Advocate*, our award-winning quarterly. We need writers, editors and people who can contribute story ideas.
- Law Student projects.** This committee plans social and educational events to help our associate members bridge the gap from law school to practice.

Name: _____

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Clip and return this form to the MSBA Young Lawyers Section, Attn: Greg Derwart, Maryland Bar Center, 520 West Fayette Street, Baltimore, Maryland 21201, or email your interests and contact information to Greg Derwart at gderwart@msba.org.

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Calendar of Events

- 
- December 14th:** Prince George's County Bar Association Holiday Party at the Newton White Mansion
- December 14th:** Baltimore City YLD Annual Holiday Party at the Maryland Science Center
- January 18th:** YLS Officer Applications Due
- January 20th:** YLS "Thirsty Thursday" in Frederick County
- January 31st:** Baltimore County Annual Black Tie Banquet at Martin's West
- February 11-13th:** Anne Arundel County Bar Association weekend trip to Charlottesville, VA
- March 14th:** YLS Open Meeting on Medical Malpractice Liability Reform
- March 19th:** Baltimore County Young Lawyer's Committee Casino Night at Grey Rock Mansion

And watch your mailings for details on the *Pro Bono* Road Show in Montgomery County this January!