

BAR BULLETIN

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MARYLAND STATE BAR ASSOCIATION NEWSLETTER

FEBRUARY 15, 2018

Frederick Welcomes MSBA'S Velazquez



MSBA hosted a meet-and-greet with Executive Director Victor Velazquez for MSBA and Bar Association of Frederick County (BAFC) members on January 25, 2018, at La Paz Mexican Restaurant in Frederick. Approximately 75 people attended the event, designed to provide a social forum for bar members to interact and learn more about their bar associations.

BACF President Marshall Horman said that he is "excited by the movement toward" more collaborative and localized interactions between the State and Local Bars.

"So many [MSBA] events occur in the Baltimore-Washington corridor," said Frederick County Administrative Judge Julie Solt, an active member of both MSBA and BAFC. "Having something in Frederick makes it much easier for Western Maryland attorneys to come

and attend state bar functions."

"It's important that the State Bar is represented in all corners of the state," said Velazquez, "and our commitment is that we are going to be visiting every single county all year long to ensure that we are connecting to the local specialty bars and that we are connecting to

the attorneys that don't necessarily go to Baltimore, or the places where they think they would typically find the state bar."

Watch a video about the event at bit.ly/VelazquezFrederickVideo.

View more photos from the evening at bit.ly/VelazquezFrederickPhotos.



MD Bar Foundation Honors Legal Excellence

By Patrick Tandy

Each year, the Maryland Bar Foundation (MBF) - MSBA's philanthropic arm - awards roughly \$60,000 to Maryland organizations working to promote MBF's shared goals of improving the administration of justice, fostering integrity of the legal profession, and continuing legal education.

But MBF also takes time to recognize people whose efforts to those ends go above and beyond the norm.

On January 11, 2018, MBF honored five such individuals at its 25th Annual Professional Legal Excellence Awards Reception in College Park. This year's honorees included:

- **James Archibald, Esq.**, The Advancement of Professional Competence
- **Debbie Johnston, Esq.** (posthumously), The Steven P. Lemmey Legal Excellence Award for the Advancement of Public Service Responsibility
- **Laure Ruth, Esq.**, The Advancement of Advocacy of Justice
- **Hon. George Lipman**, The Advancement of the Rights of the Disadvantaged
- **Irwin Kramer, Esq.**, The Advancement of Public Understanding of the Law

"Many lawyers do lots of good work in the community and in the system of justice, but these are people that we think need to be recognized because they've gone so far above and beyond," said MBF President Natalie McSherry.

The more than 100 legal lumi-



naries in attendance included Chief Judge Mary Ellen Barbera, Court of Appeals of Maryland, who praised MBF for reminding the state's lawyers and judges "what a privilege it is to serve, what a noble profession [the law] is, and how important it is to the people we do serve."

Since 2000, MBF has awarded over \$400,000 in grants to nonprofits in support of projects that advance the MBF mission. Founded in 1965, the Maryland Bar Foundation is a non-profitable charitable corporation that, through its grants and contributions, works to foster and maintain the honor and integrity of the profession of the law; improve and facilitate the administration of justice; and promote the study of the law, the diffusion of legal knowledge, and the continuing education of lawyers. Learn more at www.marylandbarfoundation.org.

Enjoy a video from the Awards Reception at bit.ly/videoLEA.

View additional photos from the reception online at bit.ly/photosLEA.

Compensation Plan Considerations

By Charity Anastasio

Compensation plans still predominantly worship at the altar of fees collected in most law firms. But that should not be the only consideration when devising a compensation plan or considering a new position. Here are 17 factors that could contribute to a compensation plan and what it may mean for the firm:

Seniority. Some systems are predominantly seniority (“lock step systems”), but this can reward longevity as if it is equal when not all lawyers progress or perform equally. On the other hand, there is growing recognition that stability and heritage strengthen an organization.

Fees Collected. The most determinative factor in compensation, considered because it is easily measurable. Billable hour is falling out of favor in some research and firm structures recently, though it is still very common to find as a key factor in compensation plans. A healthy nuance is distinguishing those with a high realization rate, meaning those who have a high rate of collecting what they bill (and sometimes considered those who bill all of what they work and do not write down bills), instead of just those who bill the most overall.

Origination/Sales is also weighed heavily in most systems, sometimes perpetuating client hoarding, unproductive competitiveness. There is a continuing debate with formal origination credit systems as to when the credit should end for a senior lawyer. Ask When does the client become more the firm’s than the individual who originally brought the client in?

Client Retention. This factor may adhere to the lawyer responsible for client relations and/or the lawyer responsible for getting favorable results, even if work is delegated to others.

Practice Management. Management is essential for the longevity and resilience of a law firm and takes more time and skill as a firm grows. Sometimes it is split between a committee of three, each covering an aspect of management (financials, marketing, and leadership). Other

times all aspects of management are vested in one individual. Whichever structure, recognize that those managing will have fewer billable hours, but still contribute significantly to the success of the law firm.

Expertise or Specialization. The special knowledge and reputation as the expert in a particular niche or type of law can be of great value to a law firm.

Teaching, Writing, or Speaking. This can be a part of developing expertise, and may be recognized in that factor instead. It is also an avenue of networking and being active in the legal community and building the individual lawyer’s and the law firm’s reputation. Some firms give credit for this factor while others do not.

Training/Mentoring Internally. More and more the value of a skilled trainer is considered in compensation plans. The ability to teach others how to perform tasks better, analyze and develop protocols, learn technology and explain it, etc. may be viewed as practice management as well, when determining factors.

Team Spirit. Someone who appears to create harmony and collaboration is valued over someone who appears to have disinterest or distaste for the team perspective. Probably more consideration in a team oriented firm and less in a confederacy style firm. Trending upwards in consideration.

Productivity. A trending factor in compensation plans, those who can serve clients faster with lower overhead and staffing will be more profitable. This can be used to compare different locations, workgroups, individuals, or other factors. This factor awards the early adopters of new technology and makes the connection between efficiency and profitability explicit, incentivizing lawyers to learn to work smarter, not harder.

Profitability. Revenues generated compared to overhead and resources required to generate may be one aspect of this analysis. The other may be the time it takes a partner to collect and the realization rate of those accounts. Instead of only considering billable hours, this factor is considering if the billable

hours are then billed and collected successfully or not.

Quality. While some firms will view this as essential to the ethical practice of law, other client-centric firms view it as part of client satisfaction and therefore deem it a factor in determining compensation.

Pro Bono Work. While many firms have pro bono goals and programs, it is rarely a factor considered when determining compensation. Nonetheless, certain core values and goals could make this a factor considered.

Community Involvement and Bar Activities. This is similar to pro bono work in that it is often expected, but not always valued. But if it is part of a firm-wide rainmaking plan or fundamental to core values, it could carry weight. Some firms may penalize over-involvement if it does not match the firm goals or generate referrals.

Ownership. Usually ownership interests are separated from compensation. This factor is trending downward in consideration, though the allocation of ownership interests remains a sensitive and important issue.

Leadership. A firm must have leadership. This is usually seen as part and parcel of management, but it does not have to be. It is often inherent in the founders of the firm, but it may also be taught, and it should be a quality sought when hiring a successor.

Other Qualities. There may be other factors fundamental to the culture of the firm and the clients it serves that directly link to the firm’s vision, mission and values. These may have a place in the compensation plan considerations as well.

Does your firm need a revised compensation plan? Rate the importance of each of these and compare it to your current compensation plan. (Yes, even if you are a solo. You have a compensation plan, even if it only considers fees collected. A solo practice that wants to grow should think about having a compensation plan, to be competitive and connected to the firm’s values.) If it needs revisions, the next step is to be a force for change, but that is another story.

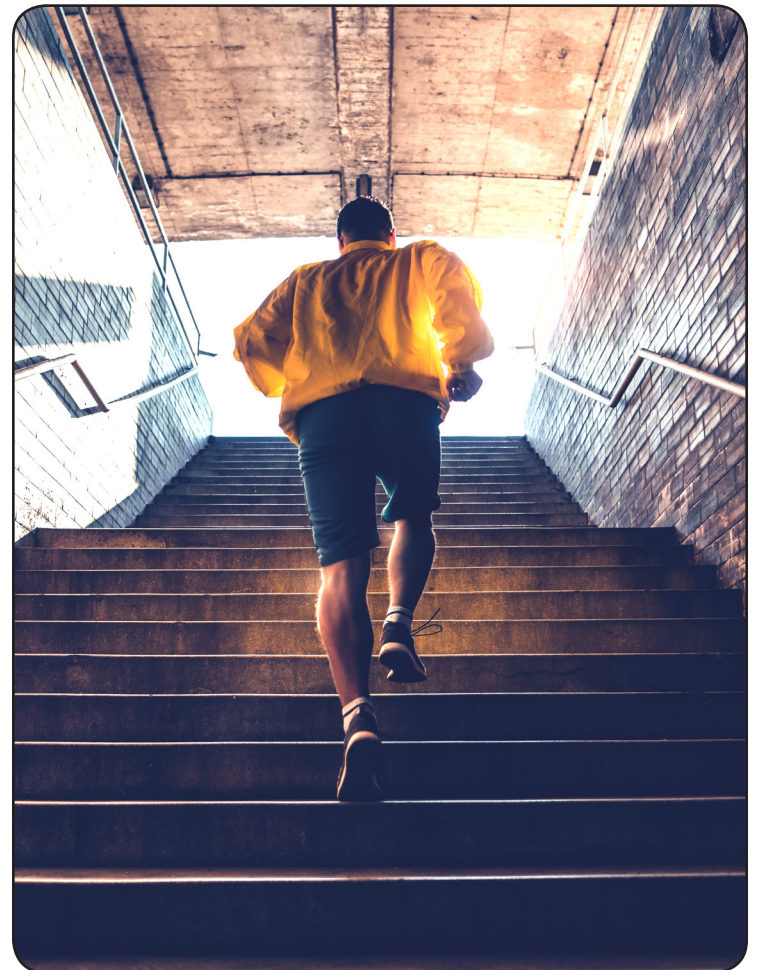
Motivational Tricks Fitness Enthusiasts Use to Stay Motivated

By Haley Shaw

We have all been there; you get home late from work, need to cook dinner and still get your workout in. Or the alarm buzzes and chirps in your ear in the wee hours of the morning, before a busy work day.

out; do it! Find an execution plan and follow through with it. If you know you cannot get to the gym until after work, pack up your workout clothes, gym shoes and post workout shake. This prior preparation will save you time and energy.

Working out in the morning?



How do the “fitness enthusiasts” do it? How do they stay motivated even with a full-blown schedule on their plate?

Here are 5 tricks the “fitness enthusiasts” use to hit their next fitness and health goals, which can help you accomplish your fitness and health goals too.

1. Get To Your Starting Point

If you’re thinking of working

Here are two options:

Option 1: Sleep in your workout clothes (sounds crazy, but it works).

Option 2:

Step 1: Set your clothes, shoes, head phones and phone all by each other.

Step 2: Set your alarm on your phone (which is by your gym clothes) and place across your room.

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7. Listen to your body. I tell my clients that your body will talk to you, and if it needs to slow down and you don't listen, it will slow down for you. This may come in the form of an illness or injury. If you feel tired, resting will help you accomplish more, where pushing on won't allow you to do your best.

8. Stay in the moment. Focusing

on the past and everything that has happened can cause depression, and focusing and worrying about the future can cause anxiety. The only thing you really have is right now. So that you don't miss out on what is going on now, pay attention to it.

9. BREATHE. As long as you are alive, you can breathe. Try this: take a deep breath through your nose,

filling yourself up from your feet to your head, hold, and release very slowly through your nose or mouth.

10. Call your Lawyer Assistance Program. Each person is unique and we can help you come up with a way to help you let go of the need to control.

Please contact the Lawyer Assistance Program for free, con-

fidential assistance. Jim Quinn, Lawyer Assistance Director, (443) 703-3041, jquinn@msba.org; Lisa Caplan, LCSW-C, Lawyer Assistance Counselor, (443) 7033042, lcaplan@msba.org. Toll free (800) 492-1964.

Lisa Caplan is a Licensed Certified Social Worker at the clinical level

(LCSW-C), has over 20 years' experience in her field, and extensive experience providing wellness workshops and working with lawyers and judges in the areas of mental health, substance abuse and trauma. Find more of her articles at www.msba.org/committees/lawyerassist/articles.aspx.

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Step 3: Alarm rings, you wake up and have to get up to turn the alarm off your phone. You see your clothes placed right in front of you and think, "Do I really want to put these away and be mad at myself, or go get my workout in and feel great afterwards?"

Your choice! Endorphins, gratitude, and lasting energy are at your fingertips.

2. Discover Your "Why"

What is your reason for embracing a healthier lifestyle? To gain confidence? Release stress? Training for an event? Improving quality of life? Aesthetic reasons? Lifestyle choice?

Discover your "why" to help

keep you striving to conquer your goals, even when times get tough, or energy levels are low. Whatever your "why" is, write it down.

Once you discover your "why", write your response down on a piece of paper, and post it somewhere you can see everyday.

The best advice I can give you— post your "why" in your trigger spots. Where do you find yourself struggling most? Is it your bathroom mirror? Closest where you once fit into those pair of jeans or dress? In the car? At the office? Wherever it is (and it can be more than one place) post it up!

3. Sign-Up For a Race, or Get Ready For An Event

Your chance has come. It's time

to sign-up for something you've been wanting to do like a 5K race, or get in shape for a wedding, cruise, special event you have coming up! Even better? Sign up for a race with a friend (or co-worker), and hold each other accountable during training. Take action today. Phone a friend, sign up for your race, write it on the calendar, and take the necessary action to get you to your overall goal.

4. Did Someone Say New Gear?

Walk into an athletic store: Dick's, Lululemon, Athleta or Nike and you will see the best dressed mannequins rocking the latest fitness fashion. Confidence starts from the inside out; however, when you're excited about wearing a new piece of clothing or set of shoes, instantly a

beam of confidence will shine from within. Amp up your life with a new piece of fitness clothing to help get you to your overall fitness goal(s).

5. If You Really Want It, You Will Just Do It

Nobody has time for excuses, yet everyone makes them! Irony right? Making excuses eats away at your brain, and can take longer to decide then actually taking action. If you want it, you will do it. No questions asked. Art Williams states, "Winners just do it. But what do they do? They do whatever it takes to get the job done. They do it – and do it – and do it – until the job gets done. And then they talk about how great it is to be somebody they're proud of. They talk about how great it is

to finally have achieved something unique – how glad they are that they didn't quit like everybody else – how wonderful it is to finally make a difference with their life."

These 5 tricks help fitness enthusiasts stay motivated. Use these tricks to be a winner in your life. Discover your "why", phone a friend, sign up for your race, book that special event, buy new gear, and plan ahead to get you to your starting point. The time is now. We are in this together.

Are you ready to take the necessary action to increase your overall health, happiness, energy, and confidence?

Grant from Abell Foundation helps Maryland Legal Aid expand *Lawyer in the Library* Program in Baltimore City



**LAWYER
IN THE LIBRARY**

A COMMUNITY LAWYERING PROJECT



MARYLAND
LEGAL AID

Human Rights and
Justice for All



ENOCH PRATT FREE LIBRARY

Maryland Legal Aid received a \$90,000 grant from the Abell Foundation to expand its Lawyer in the Library program in Baltimore City.

Initiated in 2015 in response to the civil unrest in Baltimore City, the Lawyer in the Library program places Maryland Legal Aid attorneys, paralegals, pro bono attorneys, law students, and other volunteers in public libraries to provide free civil legal assistance and criminal record expungements to low-income Marylanders. The first Lawyer in the Library program began at the Pennsylvania Avenue branch of the Enoch Pratt Free Library, near the epicenter of the 2015 unrest. While the program has grown dramatically over the past two years, Maryland Legal Aid still sends a team of advocates every

week to the Pennsylvania Avenue library to serve the civil legal needs of the community.

In addition to this initial location, Maryland Legal Aid hosts Lawyer in the Library clinics in the Pratt Library's Orleans Street and Waverly branches. In total, the program has assisted more than 2,000 Baltimore City residents since 2015. The Abell Foundation grant will enable Maryland Legal Aid to hire additional staff to run the program at four other Pratt Library branches, thus allowing the program to serve many more Baltimore residents in more neighborhoods.

Due to the popularity of its Lawyer in the Library program, Maryland Legal Aid has been able to broaden the initiative to other public library systems throughout

the state. The program allows staff and volunteers to offer more in-depth and targeted assistance to address many inter-related issues that clients face, including removing barriers to obtaining affordable housing, employment, subsistence income, and child custody.

"We are grateful to the Abell Foundation for their support of Maryland Legal Aid and the Lawyer in the Library program," said Wilhelm H. Joseph, Jr., Maryland Legal Aid's Executive Director. "This grant enables us to expand our reach to assist our most vulnerable neighbors in different areas of Baltimore City and to further solidify our partnership with the Enoch Pratt Free Library."

For more information, visit www.mdlib.org.