

THE BALTIMORE Barrister

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BABC Sustaining Members: **Front Row:** The Honorable Myshala E. Middleton, Robert Ferguson, Esq., Divya Potdar, Esq., The Honorable Lynn Stewart Mays, George Tankard, Esq. **Back Row:** Robert Anbinder, Esq., Kerri Smith, Esq., The Honorable Anthony F. Vittoria, Valda Ricks, Esq.

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New Year, Same Commitment

The President's Report

The Honorable Myshala E. Middleton, President, Bar Association of Baltimore City



The month of April is National Volunteer Month where volunteers are honored and encouraged to continue to help others. I want to thank you for your volunteerism over the years to the Bar Association of Baltimore City and for the time you have provided to many different organizations across our Community.

Last month, I had the opportunity to hear Justice Eaves speak to a few new admittees. She reminded us that volunteering is not just for

those who we might impact. It is also for ourselves. It helps us to become a full part of the community. It helps us to recognize the true joy in giving, and it allows us to repay our community for what it has given to us.

There are many organizations who welcome and need volunteers on a continuous basis. If you are looking to volunteer your legal services contact Pro Bono Resource Center (PBRC), Maryland Volunteer Lawyer Services (MVLS), Maryland Legal Aid, and BABC's very own Senior Legal Services (SLS). You can also volunteer your time with Our Daily Bread, The Maryland Food Bank, My Sister's Place, Read Partners, Cylburn Arboretum, and so many others.

But seniors are one of our most vulnerable populations and most cherished. The Bar Association for Baltimore City and the Baltimore Bar Foundation joined in 1991 to create Senior Legal Services (SLS). Senior Legal Services represents clients who are 60 years and older in the areas of estate planning, housing, consumer issues, elder abuse, neglect, and financial exploitation, just to name a few. You can submit your request to volunteer through the BABC website.

Thank you for your commitment to BABC and to serving the residents of Baltimore City!




The Bar Association of Baltimore City's
Diversity Committee Presents

Protecting Trans Clients in the Criminal Justice System

**June 21, 2023
Noon - 1:30 p.m.
via Zoom**

Moderator
Hon. Kay N. Harding
Associate Judge
District Court of Maryland

Speakers
Lauren Pruitt, Esq.
Legal Director
FreeState Justice

Marianne Reyes Lima, Esq.
Pretrial Detention Initiative
OPD

Clients from the Office of the Public Defender and Maryland Volunteer Lawyers Service offer personal testimonials about their experiences in the carceral system.

This program will address and examine how transgender clients are treated in the criminal justice system, particularly how they are housed. Participants will learn best practices to assist and advocate for transgender clients.

This program is FREE for BABC members and non-members. Register at www.baltimorebar.org/calendar.

The Baltimore Bar Foundation, Inc.
presents

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This full-day program is designed specifically for attorneys planning to open their own firm.

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The Honorable John Nugent, Circuit Court for Baltimore City
The Honorable Mark Scurti, District Court for The State of Maryland
The Honorable Anthony Vittoria, Circuit Court for Baltimore City
James Astrachan, Esq., Goodell, DeVries, Leech & Dann, LLP
Damien Banks, Esq., The Banks Law Firm
Cynthia L. Leppert, Esq., Law Office of Cynthia Leppert, LLC
Divya Potdar, Esq., Diva Law
Tom Yost, Esq., The Yost Legal Group

**Friday, May 12, 2023
7:45 a.m. - 5:00 p.m.**

This program is presented live at
Goodell, DeVries, Leech & Dann, LLP
One South Street, Baltimore, MD 21202

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For more information contact:
Karen Fast at kfast@baltimorebar.org
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This program is sponsored by:

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Price includes breakfast, lunch, and networking reception.

The YLD is Springing into Action

Young Lawyers' Division Update

James P. Robinson, Esq., YLD Chair, Goodell, DeVries, Leech & Dann, LLP



The YLD ended March with a bang. First, on March 28th, the Membership and Mentoring Committees held a Bowling Happy Hour at Mustang Alley's. The turnout was fantastic and included many new faces. Additionally, on March 30th, the CLE Committee held a remote CLE concerning Maryland's recent adoption of the Climate Solutions Now Act of 2022, which featured Danielle Stager Zoller, Esq., of Gordon Feinblatt, LLC. Thank you to the

committee co-chairs for organizing these great events!

And the YLD had more events in April. On April 19th, the Membership Committee hosted a Happy Hour and Trivia Contest at the Brass Tap in Mt. Vernon. And on April 20, the CLE Committee hosted a virtual CLE concerning Maryland's marijuana laws and the General Assembly's legislative package regarding recreational marijuana. Both events were a huge success!

Spring is also the YLD's award season. The YLD Awards Committee is currently accepting nominations for the YLD's three annual awards: The Public Service Award; The Rising Star Award; and The Sustained Leadership Award. The Public Service Award is presented to a member of the YLD who has dedicated significant time and energy to public service activities and/or other community service. The Rising Star Award is presented to a member of the YLD who

has recently made significant contributions to the BABC and who shows promise as a future YLD leader. And The Sustained Leadership Award is presented to a member of the YLD who has made significant contributions to the YLD through sustained service in a leadership capacity. If you wish to nominate a YLD member for these awards, nomination forms are available on the BABC's website (<https://www.baltimorebar.org/awards>). Completed forms must be submitted to the BABC (info@baltimorebar.org) no later than April 17, 2023. The award recipients will be honored at the YLD's annual Spring Social and Awards Ceremony, which will be held in May.

Finally, I want to take this opportunity to bid farewell to Viola A. Woolums, Esq., the Director of Senior Legal Services, who left the BABC for another employment opportunity. Senior Legal Services is a joint program of the Bar Association of Baltimore City and the Baltimore Bar Foundation that provides free legal advice, services, and representation to Baltimore City residents aged sixty (60) and older. Viola had served as the Director of Senior Legal Services since 2019 and managed the office's day-to-day operations, grants, fundraising efforts, and community involvement. Her tenure was significantly impacted by the pandemic, which disproportionately affected SLS's client base. But Viola overcame the logistical obstacles created by the pandemic and ensured that the City's senior residents continued to receive free legal services. Thank you, Viola, for all your hard work and best of luck with your future endeavors. You'll be missed!



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Yesterday a Water Fountain, Today a Website: Discrimination by One is Discrimination by All

Gary C. Norman, Esq.,¹ Norman Access and Conflict Resolution Consultants Group



“Men at times are masters of their fates. The fault, dear Brutus, is not in our stars but in ourselves, that we are underlings.” (Act I, Scene 6, Line 140 in *Julius Cesar* by William Shakespeare)²

Disability provides society a quantifiable and qualitative benefit, not an undesirable loss. To inure these benefits, society may need to engage in affirmative measures. Yet “[t]o summarize, in a society founded on institutional structures that naturally produce

polarization, and in a time when a technological revolution has allowed for a kind of selective segregation to re-emerge, it will take more than legislation ‘to transform the jangling discords of our nation into a beautiful symphony of brotherhood.’”³ I wonder if our society could finally evolve to understand that our strength exists in our commonality, particularly, our common mortal frailty.

As an example of bias that seems intractable in society against a dream for brotherhood, there seems to be resistance in places of public accommodations – at least some – in recognizing the benefits of accessibility, inclusion, and usability. I concisely annotate a case example. A disabled “tester” and her self-appointed effort to safeguard civil rights by people with disabilities has been certified to the Supreme Court of the United States.

I. Value of Literature

Inspiration and wisdom can be found in literature. Specifically, “. . . words have the power to convey thoughts, arouse emotions, and motivate action.”⁴ Therefore, lawyers (disability or not) who have honor to shape public policy or have a role in advancing the zeitgeist of a society should consult literature for its lessons. I recall the first occasion I studied Ms. Harper Lee’s famous and impactful opus: *To Kill a Mockingbird*.⁵

I read Ms. Lee’s opus when in secondary school. Back then, in my home village, my graduating class had few African Americans students. I cannot embody the experience of African Americans or the defendant in Ms. Lee’s opus, only my own experiences of bias as a blind person, including, within places of public accommodation. About the same time that I studied the opus by Ms. Lee,⁶ I vaguely learned of a new law called the Americans with Disabilities Act of 1990.

Regrettably, not all view public policy questions in an inclusive way. Nor do many people nowadays learn valuable lessons from the opuses created by human geniuses. Perhaps this is why society seems regularly to regress into darkness. Both African Americans and people with disabilities seem to forget their common struggles, their overlapping support, and most of all, that discrimination by one group will inevitably reemerge for the other.⁷

II. A Note on the ADA

I view that law provides, “. . . one of several forms of persuasion (a social sanction) which, when used wisely, can nudge individual members of society into molding their private behavior, in their own self-interest, to conform to societally promulgated goals.”⁸

Congress intended that society broadly construe the Americans with Disabilities Act.⁹ Yet, the federal judiciary has held contrary to the

goal of inclusion.¹⁰ To implement this needed restatement of American values and policy, President Obama signed into law the ADA Amendments Act of 2008.¹¹ The U.S. Department of Justice promulgated a Final Rule in 2016, harmonizing this update with Title II and Title III regulatory requirements.¹² Another article could well discuss the body of policy related to how a civil society should expansively define disability.

The Americans with Disabilities Act prohibits discrimination based on disability. Title I covers employment. Title II covers state and local governments. A concept borrowed by the Civil Rights Act of 1964, public accommodations extend protections by people with disabilities in our common experiences of life, such as visiting a bistro or visiting a hospital.¹³

Section 12182(a) of Title 42 of the United States Code provides, “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” Discrimination under Title III includes where a public accommodation fails to make reasonable modifications to its policies or procedures in order to make its services or goods available to the disabled.¹⁴ It also occurs when a place of public accommodation fails in undertaking necessary steps to ensure disabled persons are not denied services or segregated due to a lack of auxiliary aids or services.¹⁵ For many of us, a question still inanely exists if websites and other web-based platforms are places of public accommodation under Title III.¹⁶

For any basis of affirmative rights, the Atticus in each of us must inquire upon two questions. What is the enforcement mechanism? What is the remedy? Complaints for violations or alleged violations under Title III of the ADA may be filed with the United States Department of Justice, who investigates, then possibly prosecutes these alleged violations.¹⁷ Private right of action with limited remedies consisting of declaratory relief, injunctive relief, and attorney fees also exists under Title III. With no need to first exhaust administrative remedies at a federal agency.¹⁸ In what admittedly blurs the lines among these two mechanisms are our so-called self-appointed ADA guardians who “test” for compliance.

I argue apriority that if disabled people were more enfranchised and more the economic life of the community, these much dramatized “testers” probably would not find a compunction to engage in their tactics. Nor would they have the extra time to check the compliance of places of public accommodation that should be “disability friendly” by now in the first instance. Now comes one of these self-appointed ADA guardians, Ms. Debra Laufer, a “. . . familiar . . .” “. . . advocate for disabled persons.” who “has filed hundreds of other ADA-related suits in federal courts from coast to coast.”¹⁹

III. Case Pending Docket at the United States Supreme Court

Certainly, as an ordered society, our third branch of government, the courts, is one of the most important and perhaps the most powerful through its wielding of the pen, even if it does not possess “the power of the purse” nor that of Marshall abilities possessed by the executive branch.²⁰ The judiciary must be a major way in which a society resolves disputes even among parties I may not favor, such as

members of the business community who fail to ensure their websites are not only accessible but usable. At issue before the future term of the Supreme Court will be whether individuals with disabilities have standing to sue a place of public accommodation under the Americans with Disabilities Act of 1990, as amended, if they have no intention of actually visiting the establishment.²¹

Let us start by exploring Baltimore, Maryland. As a municipality, it is imperfect as to accessibility. In *Laufer v. Naranda Hotels, LLC*, the Fourth Circuit Court of Appeals held that a tester of a hotel's Title III compliance has standing to sue the hotel for failing to abide by Title III regulations, even when the tester had no intent to ever visit the hotel. This "tester" alleged she visited third-party vendor websites (such as orbit.com, expedia.com, and priceline.com) to monitor the compliance of Naranda's Sleep Inn & Suites Downtown Inner Harbor in Baltimore, Maryland. Ms. Laufer claimed that upon review of the websites, none provided sufficient accessibility information for Naranda's property or allowed reservations of accessible guest rooms at the hotel, in violation of Title III. Of the Americans with Disabilities Act of 1990, as amended, resulting in an informational injury." Specifically, the court held that allegations of an "informational injury" alone will suffice to establish Article III standing regardless of if she ever had plans to visit Baltimore.²² Dismissal of tester cases for lack of standing has often assumed, or finding of fact, that the tester's only motive for returning to an establishment was to evaluate for compliance, not to use the goods and services offered by the establishment. In *Harty v. W. Point Realty, Inc.*, for example, the Second Circuit Court of Appeals determined that the plaintiff lacked Article III standing to sue a hotel operator for noncompliance with Title III of the ADA related to a claim of lack of accessibility of the website.²³ The tester failed to show an interest in actually using the information missing on the website (i.e., to make meaningful choices for travel), and thus failed to establish an informational injury.

At another, if different, Federal Circuit "bite of an apple, by Ms. Debra Laufer, a woman with multiple disabilities,²⁴ the Court of Appeals for the First Circuit overturned and vacated the decision by the Federal District Court. The court found that "Laufer's feelings of frustration, humiliation and second-class citizenry" were "'downstream consequences' and 'adverse effects' of the informational injury she experienced."²⁵ The court stated, "As a pure informational injury, Laufer was not given information she personally had a right to under the ADA and its regulations, causing her precisely the type of harm Congress and the regulation sought to curb – the unequal ability to know what accommodations a person with disabilities can take advantage of."²⁶ The court based its decision on a 1982 decision,²⁷ *Havens Realty Corp. v. Coleman*,²⁸ in which the United States Supreme Court held that a Fair Housing Act tester had standing to sue an apartment complex for racial discrimination, even though the tester had no intention of actually renting an apartment. It is this decision by the First Circuit Court of Appeals that has been accepted for certiorari before the United States Supreme Court.²⁹

In its petition to the high court, the petitioner, Acheson Hotels, indicated that Ms. Laufer has filed six hundred federal lawsuits since 2018 against hotel owners and operators. The petition posits that a split in the Federal Circuit Court of Appeals exist, asserting that an informational injury, even if this exists, that causes no adverse effects does not support standing.³⁰ Argument has not yet been scheduled in the case.³¹

I argue that alternatives exist, obviating the need for these self-appointed guardians. The United States Department of Justice must receive the resources to prosecute more cases, hiring lawyers with disabilities affirmatively to do so. From a public policy stance, state and federal legislation could be enacted to deputize lawyers with and without disabilities to address the consistent lack of accessibility and

usability in society, with an emphasis on out-of-court settlements and compliance monitoring.

IV. Commentary

The statesman, John Dickenson, once stated that, "What concerns all, should be considered by all; and individuals may injure a whole society, by not declaring their sentiments."³² The perspectives in this article do not represent neutral ones – nor is it meant to be. Specifically, social-contract theories and contractarian ethical theories generally claim that social institutions and laws are necessary and that members of a society receive societal benefits in exchange for burdens, such as paying taxes and following the law. I have been under the impression that, within our great republic, people with disabilities also constitute "members" of "society," being entitled to these benefits and also these burdens. Evidently, the burdens must be experienced by the disabled but not corresponding benefits. Claims by some bad actors in the business community that a lawsuit mill of disabled people and their plaintiff lawyers are coming for a place of public accommodation has provided me a realization and a valuable piece of learning.³³

For all the progress society has achieved in many ways; intellectual and societal darkness is only put in abeyance. Yesterday, African Americans could not drink from as simple a public service as a water fountain. They were despised or feared doing so. Today, people with disabilities, the voiceless among the voiceless, are maligned for wanting to advocate to access the common activities of public life. Certainly, it does not help when these "testers," do the valuable task of reporting on non-compliance but never actually visit the places on which they report. However, I comment on the evident need of some in our society to conjure myths or stories overdramatizing these questionable tactics. Regrettably, it is easy to overlook the fact that too many places of public accommodation—in physical or digital form—are not disability inclusive.

Let us return to Ms. Lee's opus. Often myths or stories have no bearing in fact but rather a sign that the majority forces in society do not comprehend a form of fundamental change or inclusion of a formerly voiceless group. Arguably, Ms. Lee's opus shows that, "Fear and terror are as much a part of the human experience as are joy and hope."³⁴ Both the African American character and what has been argued as the disabled character, Arthur ("Boo") Radley in, *To Kill a Mockingbird*, are such voiceless and maligned members of a small community. Arguably, on January 6, 2021, one witnessed the worst of society and the hatreds of the past engage in an unsuccessful coup, overtaking our beloved U.S. Congress and its grounds. Ms. Lee's opus draws upon societal hatred towards both groups, showing that our struggle for civil rights, not to mention humane treatment are inextricably related.³⁵

Boo is this community recluse, the subject of great fear or even tension within the community. He has an apparition like quality in the novel. He may be argued as falling on the "autism spectrum."³⁶ Whether he is a misfit or a person on the "autism spectrum," all of us should learn from this opus and the value – sometimes hidden to the rest of society but not to children – as to the disabled.³⁷ Point of view and symbolism serve as platforms in the novel recognizing that the several social divisions within adult society, including as to the disabled, are both irrational and destructive.

Atticus' children befriend Boo.³⁸ Since he has limited communication abilities, which can be a trait of autism in some individuals, he demonstrates remarkable skills with craftsmanship making the children representation of his friendship and kindness.³⁹ In turn, for basic humanism of those children, Boo saves one of the children of Atticus.

In holding concern as to claims by places of public accommodation somehow, they are maligned by those disabled people making a

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Jumpstart Your Wellness Routine This Spring

Elizabeth Hafey, Esq., Health & Well-Being Committee Co-Chair



“Wellness is the freedom to move fluidly through the cycle of being human. Wellness is thus not a state of being; it is a state of action.” - Emily Nagoski, PhD, and Amelia Nagoski, DMA, *Burnout: The Secret to Unlocking the Stress Cycle* (2020).

The spring is a good time to intentionally slow down, pause, and reflect on your wellness and well-being. The pandemic has only increased the need to focus on these two things. As lawyers we tend to get busy—to the point of exhaustion and overwhelm—and remain busy, without an end in sight. We toil away at our briefs, trial prep, negotiations, rarely pausing to take care of ourselves. We may devote time every evening to our families, or perhaps over the weekends. But it never ends.

We cannot discuss wellness without discussing stress, particularly because life as a lawyer can be stressful. That leads me to the above quote from *Burnout*, one of my favorites from that book, which provides great insight into burnout and how to combat it. The book discusses the difference between stress and stressors. The stressors activate the stress response and stress is the “neurological and physical shifts that happen in your body when you encounter one of these [stressors].” Emily Nagoski, PhD, and Amelia Nagoski, DMA, *Burnout: The Secret to Unlocking the Stress Cycle* (2020). We may not be able to rid of the stressors (e.g., internal stressors, such as body, image, anxiety over the future, etc., and external stressors, such as work, family, obligations, etc.) in our lives, but we can learn to navigate the stress they create better.

The goal here is to provide you practices that you can begin to implement today to reduce stress and achieve wellness. Perhaps you already focus on wellness. Perhaps you have no idea where to begin. Either way, it cannot be overstated that engaging in wellness (or self-care) activities promotes a higher state of wellbeing. Below are some ideas to jumpstart or fortify your own wellness routine:

1. Daily Movement

Movement leads to good health. Daily movement is also necessary for one’s mental and emotional health. In fact, exercise has been the one critical element proven to stop the stress response. As the Nagoski sisters write in *Burnout*, “Physical activity is the single most efficient strategy for completing the stress response cycle.”

How can you incorporate more movement into your daily life? Perhaps set an alarm for every hour to get up from the desk and walk to the kitchen or to another co-worker’s office, or if you work from home, around the block. Prioritize movement every day and you will feel better, have more energy, and reduced stress!

2. Prioritize Sleep and Rest

As lawyers, our lives can be frantic and non-stop, often neglecting ourselves in the process. We spend hours working on a project, assignment, or preparing for trial. We place sleep on the back burner. Research is well-settled on the importance of sleep. It is imperative for our health and well-being. “Good sleep is essential for maintain our baseline mental health, as one night of sleep deprivation can dramatically affect mood the next day. Chronic exposure to poor sleep quality

is associated with depression, anxiety, and other conditions.” Sleep 101: Why Sleep Is So Important to Your Health, Erica Jansen (Mar. 2, 2020) (available at <https://sph.umich.edu/pursuit/2020posts/why-sleep-is-so-important-to-your-health.html>). According to *Burnout*, it is a “universal need.” Quality sleep can help to recharge and maintain equilibrium for your emotional and mental health.

Rest is likewise key to good health. It improves concentration, productivity, and overall good physical and emotional health. Lawyers also do not prioritize rest. We do not take our vacation days or holidays, or we use these days to “catch up” on work, projects, or assignments that we have been unable to finish during the “normal” working hours. We may rest when on vacation, if we take a vacation.

How do we define rest? Unlike sleep, rest is more difficult to define and will look different for everyone. It can also both be active (e.g., walking, exercising) and passive rest (e.g., breathing, meditation, journaling, etc.). “Rest is, quite simply, when you stop using a part of your brain that’s used up, worn out, damaged, or inflamed, so that it has a chance to renew itself.” Emily Nagoski, PhD, and Amelia Nagoski, DMA, *Burnout: The Secret to Unlocking the Stress Cycle* (2020).

Some more examples of rest include: going for a walk outside; taking short breaks during the work day; setting boundaries or saying no to an activity; meditating; breathing exercises; journaling; reading, among many, many others.

3. Practice More Presence through the Breath or Meditation

A lawyer’s life is full of to-do lists and deadlines, always moving from one task to another, because there is so much to do. Consequently, staying present is challenging. This spring, I encourage you to enjoy the changing season, slow down, and savor your surroundings. A good way to practice more presence is through breathing exercises and/or meditation.

Slowing down, focusing on the inhale and exhale, has immense power to slow down the mind, keep you present, and grounded in your body. Breathing exercises evoke relaxation and calm. A few examples include the 5-5-7 or box breathing technique. Inhale for 5 counts, hold for 5 counts at the top of the breath, and exhale for 7 counts. Another good example is one known as the “box” breathing technique. Inhale for 4 counts, hold for 4 counts, exhale for 4 counts, hold at the bottom of the breath for 4 counts. An even simpler exercise is focusing on your breath and breathing normally for a few minutes.

Meditation also evokes relaxation and helps reduce stress. According to Cassie Holmes, PhD, *Happier Hour: How to Beat Distraction, Expand Your Time, and Focus on What Matters Most* (2022), “Meditation is the practice of ignoring distractions and bringing your attention to the present moment. It increases mindfulness, which is defined as a ‘state of being attentive to and aware of what is taking place in the present.’”

For some, meditation can seem daunting. For others, it might feel too unconventional. Holmes writes that research “has shown that mindfulness is linked to improved health, physical health, behavioral regulation, and interpersonal relationships.” And it does not require significant periods of time.

If you want to start meditating, start small by spending a few minutes at a time, even if only 1 to 3 minutes. Even five minutes of med-

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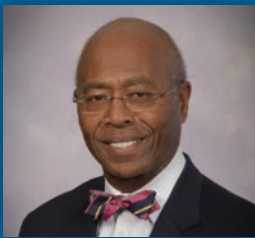
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Getting the Most Out of Judicial Interviews

Michelle K. Wilson McGlawn, Esq.



So, you think you want to be a judge. What steps have you taken to prepare, plan and engage in the judicial interview process? Let me start by sharing that I am not a judge and have no immediate plans or interests to become one. However, I have spent most of my almost 20-year legal career surrounded by judges and judicial applicants. For 15 years, I was a prosecutor in Baltimore City and an Assistant Attorney General in the Maryland Office of the Attorney General. Both of those career experiences provided

me with extensive exposure to the Baltimore City bench and also to the larger state of Maryland judicial system. Additionally, this year I serve as the co-chair of the judicial nominating committee for the Bar Association of Baltimore City, a committee I have been a member of for many, many years. I have at various times during my career served as a member of the judicial nominating committees for several local and specialty bar associations, which allowed me to observe judicial candidates from jurisdictions around the state. These experiences in addition to speaking with former applicants and now judges, as well as speaking with members of the local nominating commissions frame these suggestions. These are only suggestions, please take them as you will.

Preparation

Why do you want to be a judge on the court of your choice? Typically, this softball question is the first question asked at various judicial interviews. This question will be asked repeatedly, and the responses received sometimes demonstrate a lack of preparation or thought. Candidates have stated “I think I will be good at it”, or “Someone told me I would make a good judge”, or “I can afford at this time in my career for a pay cut.” While all these responses may be true, these are not the best responses and will leave the committee members in the room feeling hollow. Remember the committee members are looking to see character, temperament, and commitment to the betterment of the bench. Self-serving and self-absorbed responses leave the members feeling like you may not be the best candidate. Remember to put your best foot forward and that this is a time to demonstrate why your experiences along with your desire make you the best choice. Prepare also means to practice your interview long before you walk into or log onto a ZOOM meeting with the committee members.

Plan

If you are a civil litigator with no criminal experience, family experience or vice versa what steps have you taken to prepare to be a judge and hear those types of cases? While some people in the room are looking for someone with experience in all areas, that is usually not likely or practical. Rather, most practicing lawyers have an area of specialty and have spent most of their career focused in that area. But there are ways around a lack of direct experience. Have you studied other areas, taken CLEs, observed courts, studied the rules, taken on pro bono cases (if possible), or spoken with judges already on the bench especially those with a similar background to learn how they navigated a lack of experience in a particular area(s). Committee members appreciate a candidate who has decided they want to be a judge and planned and prepared to be one. Someone who enters the interview room and understands their own application and can demonstrate how their skill set will translate to being a judge.

Engaged in the Process

So you want to be a judge and serve the citizens in your community, but have you been engaged with your local community or with your local legal community? I have heard candidates say, “I haven’t been involved in bar associations because I am a parent or have been busy in my career.” However, the candidate has forgotten the interview room is filled with local bar association members who also have careers, families, and a life outside that room and that they are volunteering their services in support of their local bar associations. There is no requirement for judicial candidates to be involved in their local bar association (it helps), but being involved in your church, a community organization, a cause close to your heart, and/or a group involving your children, makes your application even stronger.

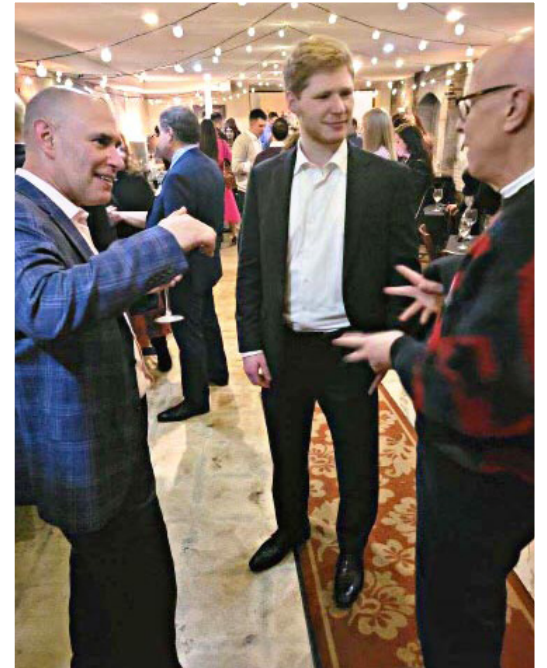
Finally, honesty is the best policy. As you prepare, plan, and engage in the process remember that many applicants and now judges have had “issues” within their applications and their lives. Issues, like bankruptcy, attorney grievance complaints, tax or credit issues are some of the most common issues but being honest about the experience and how you have grown from it are in my opinion the best way to address and move forward through the application process. I believe the best judges have been those with real human life experiences and “issues”.

Good luck through the process.

YLD-MAJ New Year's Happy Hour

January 19, 2023

We had a wonderful turnout at the New Year Happy Hour! Hosted by the BABC's Young Lawyers' Division and Maryland Association for Justice. We hope everyone who attended had a great time celebrating the start of 2023 with fellow friends and colleagues. Thank you to our sponsor, Direct Mortgage Loans.



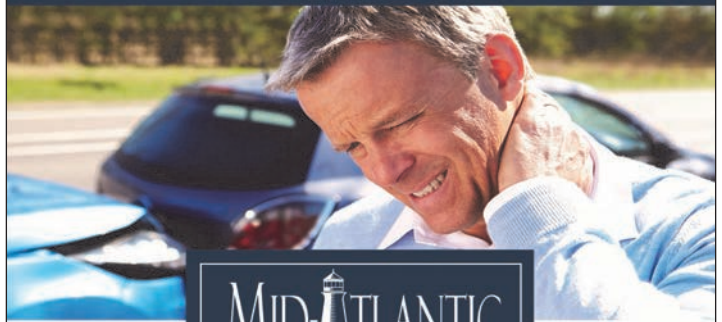
**We weren't there
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Bruno in the slipper
incident of 1992.**

But we were in the room 30
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merged with a competing
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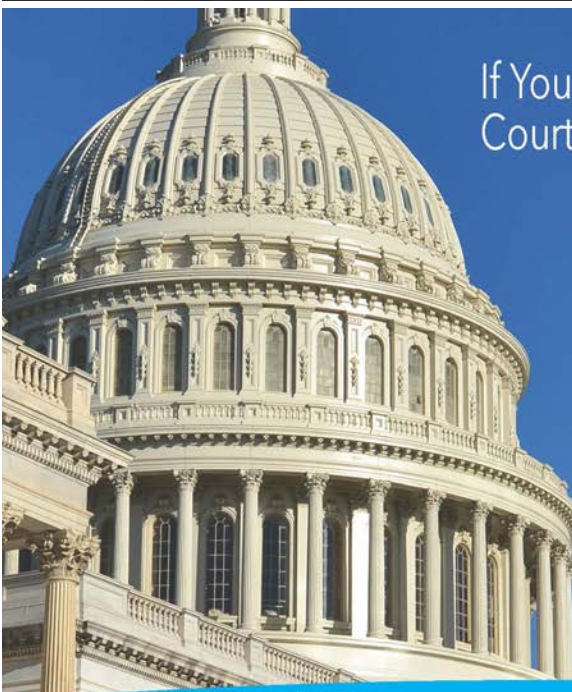
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YLD Family Skate Date

January 28, 2023

What a great day where BABC families got to come out and spend the day skating and drinking hot cocoa. Thanks to Lauren Lake and Sarah Belardi for another fun social event as well as our sponsor, The Kurrle Team, First Home Mortgage.





SAVE THE DATE

THE BAR ASSOCIATION OF BALTIMORE CITY ANNUAL MEETING


The Grand
225 N. Charles Street
Baltimore, MD 21202

June 20, 2023
Reception: 5:00 p.m.
Dinner: 6:00 p.m.

Registration Opening Soon!



Members: \$80
YLD: \$70
Non-Members: \$90



**BAR ASSOCIATION OF BALTIMORE CITY
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JOIN OUR DISTRICT COURT JUDGES FOR PRACTICE TIPS ON TAP

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Join us for an informal discussion where you can pose questions to the judicial panel about courtroom practices and procedures. Mix and mingle with the Bench and Bar in a casual setting to discuss topics including, civil and criminal issues, and top tips for success for young lawyers.

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The Honorable James H. Green

The Honorable Rachel E. Skolnik

The Honorable Nicole E. Taylor

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Battle of the Bars: A Charity Trivia Night for Bar Associations in Maryland

March 8, 2023

The Honorable Myshala Middleton, Alicia Wilson, Derek Van der Walle, and BABC Executive Director Karen Fast spent the evening in Annapolis representing the BABC in the Battle of the Bars. Although we did not win, proceeds from the event supported the Maryland Food Bank.



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Baltimore Bar Foundation Spaghetti Opera Night

March 23 & 24, 2023

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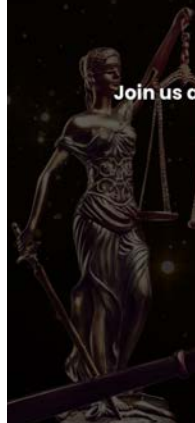
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Refreshments will be provided



YLD Bowling Night

March 29, 2023

The YLD did it again with another fabulous event at Mustang Alley's. Members enjoyed happy hour and had a strike or two. There was too much fun to spare! BABC Gold Sponsor CRC Salomon sponsored the event.



Sustaining Member Cooking Class At Schola

April 3, 2023

If you are not a Sustaining Member, you are missing out on exclusive events. Members made homemade tortellini and fettuccine, enjoyed some Italian wines, a great meal and a lot of laughs. It's never too late to become a Sustaining Member.

Special shout out to Divya Potdar, BABC Membership Chair, who set the night up and made it a success.

Thanks Divya for all you do!





Investiture of Darrin L. Kadish

April 18, 2023

Congratulations to BABC Past President The Honorable Darrin L. Kadish on his investiture to the District Court of Baltimore City. As always, the BABC bestowed him with a crystal gavel.



YLD Happy Hour and Trivia Night

April 19, 2023

The YLD held a Happy Hour at the Brass Tap followed by a Trivia Night. Not only did the team excel, but they WON!



Annual Senior Legal Services Law Day

April 22, 2023

Senior Legal Services presented on a variety of topics to over 100 seniors at the Annual Senior Legal Services Law Day at the Middle Branch Fitness and Wellness Center. Thanks to The Honorable Myshala Middleton for kicking off the program.



Yesterday a Water Fountain...

Continued from page 7

fuss, I emphasize scholar Ahearn's statement, "Perhaps closest of all to Dickinson's view of man and society, however, is that of Edmund Burke. For, both viewed civil society as a partnership which includes man's relationship to God and which is directed toward the development of man's higher nature."⁴⁰ When I think of the common good, this does not include an unbridled belief in factions or capitalism. I think upon and hope that the sign of a good society is one that continuously evolves and encompasses the qualitative and quantitative value of all regardless of immutable characteristics. Let us be more like curious children willing to learn as to those who may seem scary at first, and be not like the ignorant white citizens of Maycomb in Ms. Lee's remarkable novel.

Value-based outcome of having civil rights regulations, such as those implemented in accordance with the Americans with Disabilities Act of 1990, as amended, have historically been presumed as a positive. These have shifted society towards the inclusion of those with disabilities. Hence, proponents of these regulations and regulatory guidance, such as me, would argue their benefits should be and can be quantified as societal positives. However, many of these have not been quantified financially in terms of overall positive impact upon the public. This opens the door to bad actors to claim accommodating the disabled is burdensome or somehow not worth the effort. In grappling with this ignorance, I often look to the 1963 speech of Dr. King or to his *Letter from A Birmingham Jail* for inspiration as well as for a personal loadstone.⁴¹

The words of Dr. King that, "I have a dream of a day in which the sons of former slaves can sit down with the sons of former slave owners at the table of brotherhood" has always resonated with me as a student of oratory. As a lawyer with a disability, who has witnessed forms of discrimination, not unsimilar to those faced by African Americans, I have a similar hope for nineteen percent of Maryland's population. Namely, that people with disabilities can be a part of the public space, such as enjoying the simple act of having a piece of pie and a cup of black coffee.⁴²

In conclusion, discrimination by one is discrimination by all. Lawyers who care as to disability inclusion, should participate in representing people with disabilities as they seek this simple experience of daily living. Namely, all of us should be able to enjoy dinner and the websites and QR codes that now support our occasions to convene with family and with friends. In striving for these basic human rights, let us, as lawyers with disabilities, remember and honor the civil rights struggles of the past and the present by other groups.

¹Mr. Norman is a lawyer, a consultant, and a columnist. Among his other identities, he is a blind person partnered with his third guide dog. This column does not represent the views of any of his clients nor of any employer at which he works.

²William Shakespeare 1564-1616, Julius Caesar (N.Y. Dover Publications 1991)

³Al Sturgeon, *From Integration to Multiculturalism: Dr. King's Dream Fifty Years Later*, 13 Pepp. Disp. Resol. L.J. 483, 493-94 (2013) (citing A Call to Conscience: The Landmark Speeches of Dr. Martin Luther King, Jr. 86 (Clayborne Carson & Kris Shepard eds., 2001))

⁴Hon. Edward D. Re, *Legal Writing as Good Literature*, St. John's L. Rev. (Winter 1985), Vol. 59 No. 2, Art. 1

⁵Lee, Harper, *To Kill a Mockingbird* (40th Anniversary ed. New York: HarperCollins Publishers, 1999).

⁶*Id.*

⁷See e.g., Gary C. Norman, *A New Path Forward for Disability Inclusion*, Maryland Daily Record, Mar. 16, 2023, <https://thedailyrecord.com/2023/03/16/a-new-path-forward-for-disability-inclusion/> (This column discussed, in a multiple-layered way, diversity, equity, inclusion, and accessibility, particularly focusing on personhood descriptions at conferences or meetings. Accessibility, inclusion, and usability of meetings is a topic about which I care deeply as a public policy facilitator and public policy leader. In addition, this column emphasizes similarly situated forms of bias.)

⁸Calvin Woodard, Symposium: *To Kill a Mockingbird, Listening to the Mockingbird*, 45 Ala. L. Rev. 563, 581 (Winter 1994)

⁹Findings of the A.D.A. Amendments Act of 2008, Pub. L. 110-325, 122 Stat 3553 (Sept. 25, 2008)

¹⁰Brian D. Pedrow & Christopher T. Cognato, *Final ADA Amendments Act Expand Coverage*, Aug. 18, 2016, <https://www.ballardspahr.com/alertspublications/legalalerts/2016-08-18-final-ada-amendments-act-regulations-expand-coverage>

¹¹*Id.*

¹²Pedrow & Cognato *Id.*

¹³42 U.S.C. §§ 12181-12189 (2021)

¹⁴*Id.* At §12182(a)

¹⁵*Id.*

¹⁶Frank C. Morris, Jr. *Will Apps Become the Next Disability Lawsuit Target?* Tech Crunch, Mar. 20, 2016, <https://techcrunch.com/2016/03/20/will-apps-become-the-next-disability-lawsuit-target/> 6 P.M.

¹⁷Brook M. Mixon, *ADA Title III: Accommodating Disabilities or Encouraging Lawsuits?* 78 Ala. Law. 270, 271 (July 2017)

¹⁸*Id.*

¹⁹*Laufer v. Acheson Hotels, LLC*, 50 F.4th 259, 265 (1st Cir. Oct. 5, 2022)

²⁰See generally David Adler, *Federalist 78, Foundation for Marbury v. Madison*, Dec. 18, 2021, <https://www.thinkwry.org/post/federalist-78-foundation-for-marbury-v-madison> (Last visit April 9, 2023)

²¹*Acheson Hotels, LLC v. Laufer*, Oyez, <https://www.oyez.org/cases/2023/22-429> (last visited Apr 10, 2023).

²²Steve Lash, *ADA Lawsuit Against Hotel Revived, Fourth Circuit Finds Standing*, Md. Daily Record, Feb. 15, 2023, <https://thedailyrecord.com/2023/02/15/testers-ada-lawsuit-against-baltimore-hotel-revived-4th-circuit-finds-standing/>

²³28 F.4th 435 (2d Cir. 2022).

²⁴I am not impressed with Ms. Laufer. Although her motives seem well-intended, she demonstrates a thought posited in this column. If society had deeply committed itself to the inclusion it promised in the Americans with Disabilities Act of 1990, as amended, so-called "testers" like Ms. Laufer would not have this level of free time available to them to be persistent, even pervasive, plaintiffs. To be fair, these testers unfortunately blur the line between established mechanisms of enforcement for anti-discrimination law. That is the executive branch and individual rights of action are blurred through her self-appointed efforts.

²⁵*Laufer v. Acheson Hotels LLC*, supra note 19 at 275.

²⁶*Id.* at 275.

²⁷*Id.* at 271.

²⁸455 U.S. 363, 373-74, 102 S.Ct. 1114, 71 L.Ed.2d 214 (1982)

²⁹*Acheson Hotels, LLC v. Laufer*, supra note 21.

³⁰Amy Howe, Court Takes Up Civil Rights "Tester" Case, SCOTUS News (Mar. 27, 2023), <https://www.scotusblog.com/2023/03/court-takes-up-civil-rights-tester-case/> (Last visited April 10, 2023)

³¹*Id.*

³²Gregory S. Ahearn, *John Dickinson and American Constitutionalism, The Spirit of American Constitutionalism, John Dickason's Fabius Letters*, Humanitas (1998), Vol. 11, No. 2 (Citing John Dickinson, *The Letters of Fabius*, in Paul L. Ford, ed., *Pamphlets on the Constitution of the United States* (New York: DaCapo Press, 1968), 163-216)

³³Lauren Markham, *The Man who Filed Over 180 Disability Lawsuits*, N.Y. Times Mag. (July 21, 2021), <https://www.nytimes.com/2021/07/21/magazine/americans-with-disabilities-act.html> ("To the extent that serial litigation over the A.D.A. has received attention — mostly in local papers and on television — it's common for litigants like Dytch to be cast as enemies of the small business.")

³⁴Debra Kendrick, *Our Instinct is to Blame the Diagnosis, not the Cause*, Columbus Dispatch, Dec. 22, 2012, <https://www.dispatch.com/story/opinion/cartoons/2012/12/23/our-instinct-is-to-blame-the-diagnosis-not-the-cause/24029280007/>

³⁵See generally Nakisha Pugh, *Exploring the Intersection of Black History and Disability Inclusion*, U.S. Department of Labor Blog, Feb. 23, 2021, <https://blog.dol.gov/2021/02/23/exploring-the-intersection-of-black-history-and-disability-inclusion> (last visited April 9, 2023).

³⁶See generally Gillian Sauer II, *Maycomb's Usual Disease: A Practical Application to Disability Studies in To Kill A Mockingbird*, https://shareok.org/bitstream/handle/11244/329539/Sauer_URA_2021.pdf?sequence=1&isAllowed=y (last visited April 9, 2023).

³⁷*Id.*

³⁸*Id.*

³⁹*Id.*

⁴⁰Ahearn, supra note 32.

⁴¹See *A Call to Conscience* supra note 3.

⁴²It is even better if people with disabilities can own the coffeehouse that purveys these treats. Alas, that is a different column.

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



Divya Potdar

Enjoy the Perks of Being a Sustaining Member

Being a member of the Bar Association of Baltimore City provides you with a wide variety of benefits. We have educational programs and a quarterly news journal to help hone your legal skills; referral services to increase your client base; and an anonymous ethics hotline if you encounter any issues in your practice. We have several pro-bono opportunities, an annual Supreme Court admission, and fun social events like our Crab Feast, Past Presidents' Luncheon, and numerous happy and yappy hours.

Over the last couple of years, the BABC Membership Committee has focused not only on increasing regular membership, but also encouraging members to upgrade their membership to become **Sustaining Members**. The Committee (with the help of the Bar Office) has provided several benefits for **Sustaining Members** including recognition in all BABC print and electronic publications, a special ribbon on name badges at all BABC functions, a highly coveted lapel pin, a printed version of *The Baltimore Barrister*, and two exclusive events.

The **Sustaining Members** have been treated to various worldly gastronomic events. In the fall of 2022, the **Sustaining Members** enjoyed a French wine and food pairing at Marie Louise Bistro. In the spring of 2022, their commitment to the Bar was honored with a five course German beer and food pairing at Guilford Hall Brewery. This spring the **Sustaining Members** enjoyed an Italian pasta making class at Schola, paired with Chiantis, Montepulciano, and cold Proseccos and Peronis. The **Sustaining Members** were able to enjoy all these complimentary, private, social events while supporting small businesses in Baltimore City.

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Jumpstart Your Wellness Routine...

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itation per day can help reduce stress. See Robin Berzin, M.D., *State Change: End Anxiety, Beat Burnout, And Ignite a New Baseline of Energy and Flow* (2022) ("Studies show that as little as five minutes of meditation per day can cut stress"). This will bring immense joy to your daily life. You will be happier and more grounded, and will become a better, well-rounded attorney.

4. Create a Morning or Evening Routine

The legal profession is an intense profession. Although it comes with immense joy, it entails immense pressure. We often feel frantic and overwhelmed. We immediately start and end our days with this energy, constantly on the go. It becomes a never-ending cycle. Reading this one may feel like there is not sufficient time to implement any of the above strategies. But one of the best ways to do so is by creating routines in the morning and/or evenings where you can, at least, bring some pause before rushing into the day or at the end of the day.

How do you create a morning or an evening routine? Start with what feels good to you. Consider what makes you feel at peace,

grounded, and happy. Consider what makes you feel energized in the morning. Also consider what makes you feel prepared and excited to begin the day. Choose a routine you can implement quickly for yourself and that will be sustainable. Again, start small. Set aside 5 or so minutes every day to get into your routine. None of this is not meant to be overwhelming.

The legal profession is a noble one, but it can be draining. Take good care of yourself. Prioritize your own wellness and well-being. Learn ways to de-stress and cope with the demands of the profession and your clients. Whatever you choose to do have fun with the process. Engaging in self-care (or wellness) practices should not add more stress to your life; rather, it should bring more ease and joy into your daily world, all of which will mitigate the stress caused by the undeniable stressors of the profession.

Elizabeth Hafey co-chairs the Health & Well-Being Committee for BABC with The Honorable Nicole Barmore. She works at Axion, Inc. Elizabeth is also a modern dancer, certified yoga instructor, and wellness coach. You can check out her website here: www.elizabethhafey.com.

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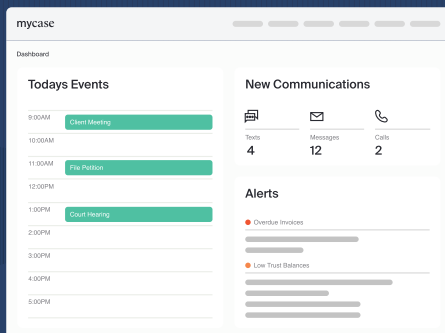
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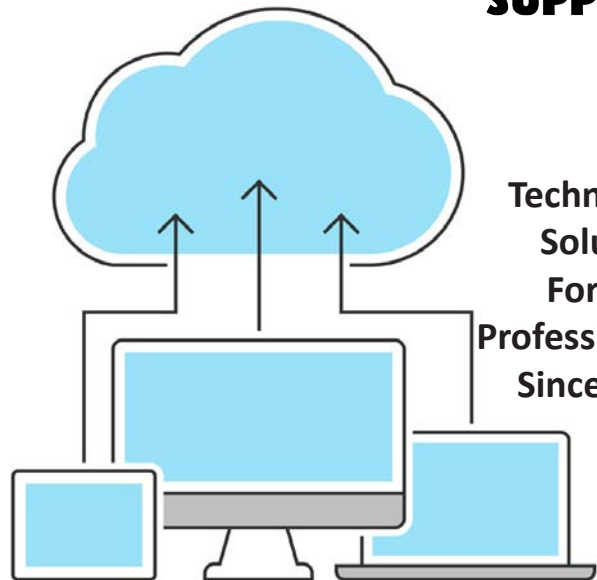
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