

THE BALTIMORE Barrister

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From left to right: Ryan Dietrich, President, Baltimore Bar Foundation;
James W. Motsay, President, Bar Association of Baltimore City; and
Sara El-Shall, Chair, Bar Association of Baltimore City Young Lawyers' Division

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Access to Justice and Civility

The President's Report

Jim Motsay, Esq., President, Bar Association of Baltimore City, Motsay and Lay



As I begin my time as your President, I look back at what this organization has done for the members of the bar, the courts and our community. I want to thank Judge Middleton for everything she did this past year. It was another good year. I also want to recognize all of our Past Presidents and what they accomplished in lifting this organization up and moving it forward.

Before I begin with how I see my Bar year, I want to discuss how I see our Bar. Recently, the Maryland State Bar Association chose to amend their By-Laws to limit our input as the largest local Bar Association. This was done over strenuous objection and sound rational opposition by our representatives of the MSBA Board of Governors (BOG) and our membership. The BABC is now capped at five representatives on the BOG.

I am not spending time in this article or in this coming year to rehash the events leading up to the amendments and the events of the day the vote was taken. Suffice it to say, that not only are we limited in our voice at the State Bar, but they have created a special class of representatives on the Board of Governors that they will select themselves. They are classifying these new BOG positions as diversity selections. However, as stated by the President of the State Bar at the Legal Summit early last month, they are not seeking input from the specialty bars. These are the bars that represent more diverse members. The State Bar has not defined what they mean by diversity – is it by sex, nationality, race, type of law one practices? If you are also a member of a specialty bar, you need to know that your voice is muted on the selection of these representatives.

The Bar Association of Baltimore City is a very diverse Bar in and of itself. So, I want this Bar, our Bar, to concentrate on continuing our growth and support of our members, the Courts, and our community. We are the oldest bar association in the State of Maryland, and the 5th oldest bar association in the United States of America. Our bar has been at the forefront of the law and in support of its members. We will continue this path. We will continue to work with other bar associations. However, with the latest actions of the State Bar, we will not be part of, or under an umbrella, that the State Bar is trying to create.

Every President is asked if they will have a theme for their year in office. This year, my theme will be two-pronged. I want to continue the successful work the Past Presidents have achieved on Access to Justice, and I want to include civility.

For Access for Justice, I am looking for us to reduce the number of cases that are available to help people in need of legal services. If you have ever handled cases from our Senior Legal Services, through our Lawyer Referral Program, or even through other programs statewide, such as Maryland Volunteer Lawyers Service, you understand the peo-

ple that need this assistance. There are currently opportunities to help in this area. With over 2000 members, we should be able to decrease the number of people needing legal services in our community. So, what I'm asking all of you to do during this year is to take one case through Senior Legal Services or the Maryland Volunteer Lawyers program. Consider signing up for our Lawyer Referral Program. This is an opportunity to build your business as this is not a free service.

On the issue of civility, which I do not see as a major problem but see it as an area we can always improve. I believe that we can do better as professionals and champions of what is right by reminding ourselves to be more civil in and out of the court system. I know Covid has played a very interesting part in our interaction with our colleagues; but certainly, we can adapt to those changes to make civility an important part of the treatment of other counsel, judges, and litigants. I think back to the days when we would attend depositions. Even if there were difficult questions asked during the deposition, when we finished and were packing up, we would stand around and chat with each other. Now, with many if not most of our matters being done remotely, that opportunity has been lost. Take a couple of extra minutes before you sign off to chat with opposing counsel. I look at some of the acerbic letters that are written and how attorneys complain about that type of interaction. It doesn't make you a better lawyer, and it doesn't make your position any more powerful. When you are faced with a difficult decision, take a breath, step back and come back to it. Respond in an appropriate, but civil manner. It's one thing to make your point, it's another thing to drive a stake. Let us not only speak when we are at a bar function or another type of event. Let us all work harder and monitor how we respond to each other, to the court, and to litigants.

The best way to get to know other attorneys is by joining a committee of our Bar Association. So, if you're not a member, join, select a committee, and participate. You can serve on more than one committee. Committees provide our members with valuable information and opportunities. Part of the value in being a member of the Bar Association of Baltimore City is that your CLEs are free. You do not have to pay for them as you do with other bar associations.

This year you have a strong slate of officers representing you. If you have an idea, a suggestion, or even a concern, please contact me. We are always looking to be better, and we can only be better with your help.

I thank all of you for your continued support in the programs and activities of YOUR Bar Association.

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Dear Summer, We are Going to Miss You But It's Time for Us to Grow.

Sara El-Shall, Esq., YLD Chair, Law Office of Sara El-Shall



First, thank you to James Robinson, the entire YLD Council, and everyone who has contributed and continues to support this wonderful organization. James provided exceptional and outstanding leadership which allowed the YLD to host events and programs as we continued to navigate the constant transitions from full on pandemic mode to re-opening. I am forever grateful to James for his mentorship these past few months and will certainly take him up on his

offer for advice moving forward.

Officially, this will be my last year as a young lawyer and while reflecting on what to say at the Annual Meeting and goals for the upcoming year, it struck me that I never expected to be here.

I didn't grow up in Maryland, no one in my family is a lawyer, and I didn't even think about becoming one until halfway through my undergraduate career. I'd hardly heard of Baltimore when I moved here and initially, I was not a fan. Baltimore reminded me of a bigger, better located, and less southern version of my hometown, Richmond, Virginia. However, 14 years later, I think it's safe to say Charm City officially charmed me and the YLD has been an essential aspect of my life that has resulted in Baltimore becoming my home.

Trying to understand the geography, history, and culture of a new place has always been important to me as has service and giving back to the community. The YLD is instrumental to my feeling connected to Baltimore. We do so much as an organization with a modest budget from CLEs, to happy hour networking events, helping students compete in mock trials, the annual holiday party for children living in shelters – there is truly something in this organization for everyone.

That's not to say we don't have room for improvement and more work to do. During the pandemic, a phenomenal woman attorney, mentor, and trailblazer introduced me to the book, *Finding Justice: A History of Women Lawyers in Maryland since 1642*. The book contains a 96-page list of women who were admitted to the Maryland Bar from 1902 to 2014. My mentor was admitted in 1978 and is on page 5. My name, Sara Mohamed Samy El-Shall, appears on page 90. It still gives me pause for thought to see my name in print in the publication and provides a glimpse of what it must have been like for our predecessors to fight for real change.

While it is important to continue our traditional staple events, I want to re-mix the "Best of YLD Hits" and I'm asking all of you to help us grow. We need more diversity in YLD leadership. In our continual pursuit to find justice, we must expand our outreach and impact. More involvement from public interest attorneys, law clerks, Legal Aid attorneys, assistant states attorneys, and assistant public defenders would add great value and perspective to the YLD. My personal goal is to meet someone new at every event or

program we have this upcoming year and would be thrilled if each of you joined me in this challenge. Obviously, we are a group of volunteers and more than anything I want us to have fun this year and include as many people as possible.

Our go-to events are great, but let's also spice things up a bit. For example, the Life and the Law Committee could host a Bollywood-themed dance class, or the Public Service Committee could partner with organizations we haven't worked with in a while such as CASA Maryland or Tahirih Justice Center. We can be more effective in reaching out to law students, collaborating with their organizational events, and getting them involved earlier. If COVID taught us anything, it's that our time is valuable, and we cannot waste it.

I wish you all a remaining happy, healthy, and joyful summer. For those of you who didn't pick-up on my hopefully subtle Jay-Z nod in the title of this article, let's return from the summer with an "Empire State of Mind." Our city benches proclaim Baltimore is the greatest city in America and I truly believe that the YLD can contribute to that aspiration. There's nothing we can't do. Let's hear it for Baltimore and inspire our community and future leaders to feel brand new.

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To Ride or Not to Ride: The Legal and Somatic Challenges of the Shared Economy

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



Many service animal handlers who actively collaborate with their partners on the public square know that, on one day, the shared economy or taxicab drivers can be great, and on another, the drivers can be rude. For example, the Honorable David S. Tatel of the United States Court of Appeals for the District of Columbia Circuit, who assumed “senior status” in May of 2022, departed his religious institution and planned to take a Lyft to the courthouse but was denied access

to that service due to the presence of his service dog.² While I felt upset for him to encounter this negative experience as someone who has committed his life to public service since the 1970s, I also found no shock that an access denial occurred. I pen this article as a lawyer with a sight-based disability who often relies upon the sharing economy for transportation while usually working with a service animal.³

I. Defining Disabilities

I live vicariously through Judge Tatel for more reasons than we are both swimmers. We first met when I was a law student working towards my *juris doctor*. I considered that mentorship to have a superior quality, as he is and was a distinguished jurist with a disability.

In 2023, sixty-one or more million U.S. citizens have a disability.⁴ According to the Centers for Disease Control and Prevention, one in every four Americans may fall within this legal classification⁵ triggering protections. The Americans with Disabilities Act of 1990 (“ADA”), as amended, defines a person with a disability in the sense of three possible circumstances. Congress intended that society broadly construe the ADA.⁶

Judge Tatel and I have a sight-based disease called retinitis pigmentosa, a rare genetic disorder. According to the Foundation Fighting Blindness, which has its headquarters here in Baltimore County, approximately one hundred thousand Americans suffer retinitis pigmentosa.⁷ Judge Tatel seems to have lost his vision more drastically in life from a specific form of this eye disease. By contrast, I could no longer read “standard print” by the ninth grade. As such, each of us is a person with a disability.

When I learned of Judge Tatel’s retirement, I also learned he had started a partnership with his first guide dog. (A specially trained and placed partner that qualifies as a service animal.) I admired that, at least for some of our high-level public policy leaders, there is still a sense of civility and kindness that governs. As I understand, Judge Tatel included a reference from his guide dog to the dog of the first family in his retirement correspondence.⁸ As public policy leaders and shapers, all of us must continuously work on modeling civility for the citizens that we serve.

II. Defining Service Animals

Under the updated 2010 Title II (state and local government) and Title III (places of public accommodations) regulations for the ADA, a “service animal” is defined as a dog “that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”⁹

Any animal that is not a dog is excluded from this service animal definition. Even among dogs, emotional support dogs or therapy dogs are not service animals for purposes of access provided for under Title II and Title III, nor are service animals in training. However, state law often addresses these important contributions to the service animal ecosystem with varied levels of access rights.

An interesting concern is whether certain breeds are excluded as service animals. In the 2010 regulatory update, the U.S. Department of Justice intentionally declined to institute breed-specific restrictions.¹⁰ The Court in *Sak v. City of Aurelia* allowed a preliminary injunction to be instituted against a city in Iowa whose ordinance prohibited pit bulls. The question arose if a pit bull, claimed and self-trained as a service animal, could be “banned.” The Court deferred to the Preamble issued by the U.S. Department of Justice as the “authoritative response” on the issue, providing that any dog, if individually trained and able to provide a specific task may act as a service animal.¹¹ In ADA litigation, facts as to tasks performed by a dog (organizational or self-trained) must generally be outlined in pleadings when alleging a service animal and an access denial of that service animal.

Because impersonating service animals has occurred, many jurisdictions in the United States have enacted criminal sanctions for impersonating a service animal. These so-called “sham service animal” laws prohibit a range of conduct from impersonating the equipment of a service animal, such as tags or harness, to impersonating a disability, and authorize civil fines to criminal penalties for violations.¹²

III. The Tech Innovation and Shared Economy Drivers-Mixed Results

Blind people, such as I, can achieve almost anything with the innovation society has witnessed. I think of the giants on whose shoulder I stand as an ADA-generation lawyer and consultant with a disability, who did not have the same technological benefits to help them combat societal bias. Yet, society is wisely or unwisely not allowing me to drive yet.

For many of us who are blind and have never driven, it seems like the overdue opportunity to drive, even if vicariously through a self-aware 1968 Ford Mustang. This form of transportation is accessible and inclusive could result in more opportunities for people with disabilities in aspects of daily life, such as employment, as well as in participation in the community.¹³ If a mixture of science fiction and real-world reports bear true, a notion exists that these futuristic vehicles are intermittently poised to “haunt” humans. I am more concerned that my self-aware vehicle will be as demanding as my third guide dog, Bowie.

These vehicles of the mid-twenty-first century also implicate a robust implementation of “smart cities” which are not yet as inclusive as they need to be for people with disabilities.¹⁴ Urban-centers and small municipalities have not yet even implemented accessible and usable websites, nevertheless inclusive “smart cities.”¹⁵ As I have long urged, dialogues and affirmative policymaking regarding this emerging technology must occur. Until then, our emerging options must be inclusive of people with disabilities. As a law student with a disability and then as a licensed lawyer with a disability, I know the difficulty of peregrinations of the public square, including long waits for taxicabs or state-funded services, such as Taxi Access in the State of Maryland.

I have valued all that the Shared Economy has provided to my personal and professional transportation, and yet, this option has its faults. So, I enthusiastically anticipate my self-aware vehicle. In the interim, it seems the perpetual problem that service animal handlers encounter access denials, suffering harms on a somatic and mental, basis as well as legal basis.

Shared Economy drivers have notable if innovative improvements when compared to the days when I was a young attorney and awaited taxicab drivers allegedly driving in their route to me. With my amazing iPhone that verbalizes apps and information to me, as some of my readers may have heard in the past at elevated speed, the app verbally informs me information, such as the distance that driver is away from me. This enables the handlers of service animals (or other people with disabilities) to be independent. Additional information, such as the make and the model of the vehicle indicated in the app can be a good descriptor, along with a “screenshot” I often capture for purposes of evidence, should an access denial occur.

Having disputed an access denial before the Maryland Public Service Commission, I personally witnessed a bent of that agency to side, as the regulator, with that who is regulated, namely in those days, taxicab drivers. That is sometimes called “regulatory capture.” All administrative agencies are at risk from this.¹⁶ I would hope that, with a more solid record that can be produced or subpoenaed into a hearing before an administrative law judge, hearings related to the Maryland Public Service Commission as to discriminatory drivers will be more productive. So, in theory, the long-term innovation in the Shared Economy should help, not hinder, the handlers of service animals in disputing access denials.

IV. A Settlement

Generally, a handler of a service animal cannot be denied access if a “no pets policy exists” even in the context of modes of transportation. This will concisely annotate one example of litigation filed by the advocacy community against Shared Economy drivers, who sometimes appear resistant to this legal requirement.

In *National Federation of the Blind v. Uber, Technologies, Inc.*, litigation was filed against Uber for failure to accommodate service animals under Title III. The U.S. District Court, Northern District of California, rejected the motion to dismiss filed by the company, ruling that the plaintiffs had a plausible claim under the public accommodation “travel services” category set forth in the Americans with Disabilities Act of 1990, as amended.¹⁷

The parties settled out of court through a nationally applied settlement. These are some terms of that settlement:¹⁸

- On a quarterly basis, Uber will transmit “or push” a reminder e-mail to active drivers as to the legal requirements to transport a service animal. That e-mail alert will possess a picture of a guide dog team, alleging this will help drivers to identify service animals.¹⁹
- Uber will update its licensing agreement with drivers to include the right to terminate its relationship with a driver if Uber “receives plausible complaints from riders on more than one occasion” as to access denials by a single driver.²⁰
- Among the complaints process and remedies set forth in that settlement agreement and release is a term providing for the account of a service animal handler to be credited \$25.00.²¹

The settlement agreement would be in effect for three-and-half years, or five years if a lack of substantial compliance is shown.²² In 2020, the NFB stated that, “NFB’s rideshare testing program has identified that though riders report cases of Uber and Lyft drivers knowingly discriminating against travelers with service animals, Uber and

Lyft continue to engage in a pattern of driver reeducation and multiple strikes, instead of the zero-strike driver termination policy for knowing denials as required in the settlement agreements.”²³ My experience has accorded with the post by the NFB in many regards:

- Most drivers I have had, who do an excellent job at driving Bowie and me, tell me they receive service animals; I am sure that bad actors among Uber and Lyft probably communicate as to service animals and their handlers. This would explain why sometimes rides will be randomly canceled, as the NFB noted in its post.²⁴
- In my experience of disputing the occasional access denial that seem to occur in cycles as the post suggests, I have never been aware of Uber or Lyft actually terminating a driver (as these companies should be doing).²⁵ Nor have I generally observed one of these companies credit a service animal handler at the amount hoped-for in the settlement agreement and release.
- I have also observed more recently where drivers will cancel a ride, perhaps based on a service animal or not, and that ride history will disappear from the app.

V. General Thoughts

If the best and the most educated among us suffer these traumatizing situations, I ponder this question: what happens to those not as less fortunate? I owe the giants in my career and life, who are blind, and who have opened doors for me, to lead innovatively our public policy realm. I will provide a few general thoughts and possible policy actions:

1. In my public voice, I often emphasize the wonders of our Republic that the Founders, men, and women, designed a federal system. I tend to advocate that the government located the closest to the people, this can often be the best. However, the risk of regulatory capture would seem to counterweigh against my belief.

- When I served as Chair of the Maryland Commission on Civil Rights, I tried to collaborate with the Maryland Public Service Commission on hosting a joint meeting of our Boards on the topic of common carriers and discrimination, attempting to address this instant access denial problem. Even as Past Chair, I would still collaborate as such, if we can work towards holding Shared Economy drivers accountable.
- To its credit, the Maryland Public Service Commission promulgated and issued a regulation on service animals, and in a then innovative step, website accessibility. Notably, it remains to be observed if this regulation has been wielded as an important state-based tool for addressing access denials.

2. The greatness of a republic is not its past wrongs but how it addresses those wrongs. Civil rights panoply, such as the ADA, has fundamentally changed but not resolved the way society integrates disability. While the law is a valuable tool, it is not the sole, always the most effective one, in achieving laudable goals of diversity, equity, inclusion, and accessibility.²⁶ As a critical approach, people of a range of dimensions of diversity providing leadership within the halls of power must be a measure for our success.

This must include lawyers with disabilities—not yet a visible reality. I urge the current Governor, who has a strong commitment to diversity, to appoint more lawyers with disabilities at elevated levels within agencies in Maryland. Specifically, it would seem that, to the extent the Maryland Public Service Commission can ensure it is not captured by the public utilities it regulates; this important agency requires Commissioners with disabilities.

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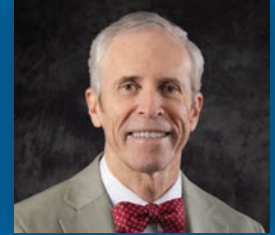
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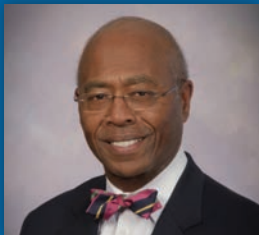
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MDEC Comes to Charm City!

*The Honorable Yvette M. Bryant, Circuit Court for Baltimore City
Andrew Gendron, Esq., Lewis Brisbois Bisgaard & Smith LLP*



It had been a quiet year for the Bench-Bar Committee; that is, until the very recent announcement that the Maryland Electronic Courts (MDEC) case management system will be implemented in Baltimore City roughly ten months from now, on Monday, May 6, 2024. Exactly when Baltimore City would implement MDEC – the last jurisdiction to do so – has been a frequently raised question over the past year. MDEC has been around since 2014 when its pilot program began in Anne Arundel County. With the actual launch coming after nearly a decade's wait, what may we expect?



Like the Case Management/Electronic Case Files (CM/ECF) and Public Access to Court Electronic Records (PACER) systems used in federal courts, MDEC allows lawyers and their staff to make most filings from the comfort of home or office. It also (for

better or worse) extends the filing day until 11:59 p.m.; that is, anything submitted *before* 11:59 p.m. will be considered filed that day. Unlike PACER, MDEC restricts electronic access to counsel of record (at least for now). This is unlikely to change any time soon.

Another difference between MDEC and the CM/ECF and PACER systems is that attorneys using MDEC must file a separate notice of appearance before the system will recognize them. Md. R. 20-106(a)(1). This is a requirement unique to electronic filing (and seemingly unnecessary, per Md. R. 20-201(f)). Those unfamiliar with Title 20 of the Maryland Rules should acquaint themselves with it before May 6 of next year. Another helpful resource is MDEC's Frequently Asked Questions page, which may be found at <https://www.mdcourts.gov/mdec/efilingattyfaqs>. A comprehensive user's guide (recommended beach reading this summer) may be found at <https://mdcourts.gov/sites/default/files/import/mdec/pdfs/manualh5.pdf>.

It remains to be known how and if Baltimore City courts will use MDEC to notify litigants of actions taken by the court. Jurisdictions differ on whether they use MDEC to provide notice of court action. For example, Baltimore County only sends notices and orders generated by its assignment office through MDEC; notice of other court action still arrives via an increasingly unreliable postal service. We encourage the City courts to take full advantage of MDEC to provide parties and their counsel prompt, reliable, and comprehensive electronic notice of court notices and orders.

MDEC can also eliminate doubt concerning service and actual notice of filings. Service takes place at the

same time as filing.¹ Any questions about service can be answered by clicking "View Filing Details" for a filing. This will display the filing receipt, who received electronic notice of the filing, and whether and when that party opened the email providing notice of the filing.

Over nine years after its inception, MDEC will come to Baltimore. Its arrival will be a welcome development. Inevitably, there will be some bumps along the way as practitioners and court personnel familiarize themselves with the system. We encourage all to be practitioners of not just the law, but of patience and empathy as well, and end on a positive note: MDEC's late arrival provides the benefit of years of experience with and adjustments to the system and process. Perhaps, some things are worth the wait.

¹Md. Rule 1-203(c), which allows an additional three days to respond when service is made via mail, does not apply when service is made through MDEC.

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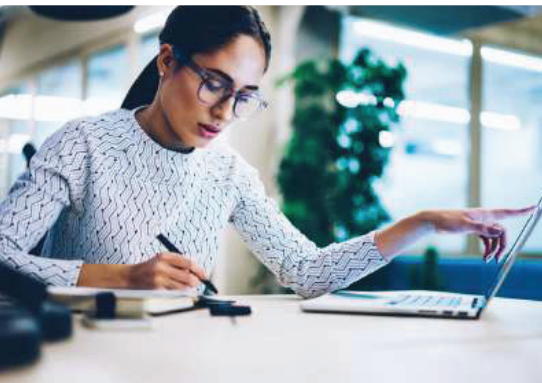
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Bar Association of Baltimore City Committee Reports 2022-2023

Alternative Dispute Resolution Committee

Alice Pinderhughes, *Chair*

The Alternative Dispute Resolution Committee of the Bar Association of Baltimore City had a very productive year. There was an organizational meeting by Zoom in October 2022 to plan the programs for the year. On February 15, 2023, the Committee had the pleasure of an in-person meeting hosted by Michael Gordon, Esquire, Wright, Constable & Skeen. During most meetings, Courtney Jackson-Mills would provide news from the Circuit Court for Baltimore City.

The Committee was able to offer two continuing legal education courses (“CLE”) this year. On April 20, 2023, there was a presentation entitled “Conducting Pre-Trial Settlement Conferences in Automobile Negligence Cases.” The moderator, James W. Motsay, Esquire, President of the Baltimore City Bar Association, led a lively discussion with Tara A. Barnes, Esquire, Rollins, Smalkin, Richards & Mackle, LLC; Suzanne V. Burnett, Esquire, Potter Burnett Law; and retired

judges from the Circuit Court for Baltimore City, Honorable W. Michel Pierson, and the Honorable Pamela J. White. There was a discussion of arbitration and mediation of a case without the medical bills, the negotiation of motor tort damages in the Circuit Court settlement conference, and early neutral evaluations to address non-economic damages with or without proof of medical bills. The Committee would like to express its sincere appreciation to the Honorable W. Michel Pierson and the Honorable Pamela J. White for taking time from their busy schedule to participate in the discussion.

The second CLE was held on May 16, 2023, and Mark Herman was the moderator for a very informative presentation on “Compelling Arbitration in Contracts of Adhesion.” The Committee had a discussion forum on diversity and ethics. These are topics that can be addressed next year.

Communications & News Journal Committee

Domonique Flowers, *Co-Chair*

Levi Zaslow, *Co-Chair*

The year 2022-2023 began with the Communications & News Journal Committee reviewing and editing the draft for the Summer 2022 issue of the Barrister which premiered at the end of August featuring on the cover some of the new leaders of the BABC. Shortly after this, we began receiving articles to be reviewed for the Fall 2022 edition and we set to edit them. The cover of the Fall 2022 edition featured many of the BABC Committee Chairs who joined together for a group picture down at the Clarence Mitchell Courthouse. As we began considering article submissions for the Winter 2022 edition, we also scheduled a meeting at the end of the year to review ideas on the new masthead for the cover of the Barrister. Due to time constraints, our communication meeting was moved to January 4, 2023. During this meeting we reviewed sample selections of the new masthead for the

Barrister as well as discussed whether we wanted to theme our issues per edition. Members in attendance were asked to fill out and submit the Article Submission Schedule Survey. Later in January 2023, members of the committee were invited to review different color palettes to be used for the redesign of the new BABC website. In February, the Winter 2023 edition was sent to BABC members which featured many of the BABC Past Presidents on the cover and contained several key articles concerning the direction of the BABC which were written by members of the Executive Committee. Much of the spring was dedicated to reviewing and editing a variety of articles which were then featured in the Spring 2023 edition. This came out in May 2023 and included Sustaining Members on the cover.

Courting Art Committee

Brian Katzenberg, *Co-Chair*

Carrie Williams, *Co-Chair*

Courting Art Baltimore hosted its seventh contest this past year. We broke our past, pre-pandemic record of entrants from Baltimore City Public high schools, and this year received 137 pieces of art for the opening exhibition. Additionally, twelve schools participated in the

contest, many of which had not participated previously. We hosted approximately one hundred people at the Eastside District Courthouse to celebrate the twenty finalists, provide \$1600.00 in gift cards, and award \$20,000.00 in scholarships to the top works.

Diversity Committee

The Hon. Kay N. Harding, *Co-Chair*

Alicia J. Gipe, *Co-Chair*

It has been a busy year for the committee by sponsoring two programs for the Bar Association of Baltimore City. In February 2023, the committee hosted a health and wellness program that discussed the leading causes of death amongst attorneys and judges, which was co-sponsored by the Health and Wellness Committee. We had guest panelists from LifeBridge Health and the MSBA’s Lawyer Assistance Program.

Closing out the busy year, in June 2023, the committee sponsored a seminar on Protecting Trans Clients in the Criminal Justice Sys-

tem. The speakers were Lauren Pruitt, Esq., Legal Director, FreeState Justice and Marianne Reyes Lima, Esq., Pretrial Detention Initiative, Office of the Public Defender. Clients from the Office of the Public Defender and Maryland Volunteer Lawyer Service offered personal testimonials about their experiences in the carceral system.

The Diversity Committee looks forward to hosting future educational trainings on topics of diversity, equity and inclusion and welcome feedback and suggestions from members of the Association.

Bar Association of Baltimore City Committee Reports 2022-2023

Family Law Committee

Barbara Greene, *Co-Chair*
Alice Pinderhughes, *Co-Chair*

The Family Law Committee of the BABC enjoyed another year of active participation by its increasing membership. Most months the committee hosted spirited discussions on Zoom on topics of concern to its members. The committee would like to express its sincere appreciation to Hon. Anthony DiPietro for streamlining and improving the process & efficiency of moving cases through the family law division in a timely manner. We are all enjoying the benefits of his efforts and appreciate his responsiveness to issues brought to his attention.

The committee meets the second Tuesday of each month at 12:30 p.m. between September and May. All meetings have been held by Zoom. The year began with a meeting between committee members and the judges and magistrates assigned to the family law docket. Committee members had the opportunity to express concerns as the judges and magistrates were able to either address those issues directly, discuss possible solutions, or give a perspective from the bench. The committee hosted Robin Travis, the newly appointed Associate Administrator of the Family Law Division, who gave a detailed description of how a case proceeds through the family court once it is

filed through its completion date. Ms. Travis has been a member of the staff for many years and her knowledge of the issues and expertise in case management is much appreciated by the members. We were thrilled to host a meeting with the new circuit court clerk, the Hon. Xavier Conway. This meeting was particularly well-attended and committee members had the opportunity to express their concerns particularly regarding the docketing process, impediments to the orderly flow of pleadings, and orders between litigants and the bench. We had an update on the implementation of MDEC in Baltimore City, as it is the last jurisdiction to adopt the electronic processing of documents. The committee hosted its annual legislative and case law updates which highlighted significant changes in the laws during the 2023 legislative session, including the addition of “irreconcilable differences” to the grounds for divorce and a reduction in the time for separation from one year to six months as of October 1, 2023.

Members are encouraged to pass along any issues of concern regarding family law and suggested topics for discussion in 2023-2024.

Government and Public Interest Lawyers Committee

Aaron Degraffenreidt, *Co-Chair*
Otis W. Freeman, *Co-Chair*

This year our committee successfully celebrated attorneys who have worked diligently in the public interest field throughout their career. The committee conducted numerous meetings to solicit nominations for the 2022-2023 GPIL Lawyer of the Year and to coordinate this event at the Ritz Carlton Residence. After much work, the Government & Public Interest Lawyer of the Year Reception was held on April 27, 2023 and featured as speaker United States Attorney Erek L.

Barron. This year’s recipient was Viola Woolums, Esq. This year had another wonderful attendance with excellent food and celebration.

The committee also submitted an article in *The Baltimore Barrister* which discussed Pro Bono Month. In this article, the committee discussed and highlighted legal services organizations where lawyers can volunteer their services. This article was published in the Fall edition.

Health and Wellness Committee

The Hon. Nicole Barmore, *Co-Chair*
Elizabeth Hafey, *Co-Chair*

This year the health and wellness committee collaborated with the diversity committee for a virtual panel on February 7, 2023, A Health and Wellness Talk: Protecting Your Health Against the Leading Causes of Death Amongst Lawyers and Judges. Co-Chair Elizabeth Hafey

published an article in the spring edition of *Barrister* titled *Jumpstart Your Wellness Routine This Spring*.

The committee also presented another virtual training on May 3, 2023. Lifesaving skills for health emergencies.

Historical Committee

Derek Van De Walle, *Chair*

MUSEUM DOCENTS: – The Historical Committee coordinates docent coverage at the Museum. The goal is to have a docent available Monday through Friday when the Courthouse is open, and the jury is available during lunch from 12:30 to 1:30 PM. Special tours are also available.

PRESENTATION: Exploring Maryland’s Native American & Indigenous Heritage. By Nicholas Brown, Acting to Chief Executive Officer, Prince George’s County Memorial Library System. It was held on November 1, 2023, via Zoom. Recording by CRC Salomon.

PRESENTATION: Stolen – a story about five free boys kidnapped into slavery and their astonishing odyssey home, by Richard Bell, Pro-

fessor of History, University of Maryland, College Park. It was held on December 1, 2023, via Zoom. Recording by CRC Salomon.

PRESENTATION: The Reckoning of Republican Allies, by Dominique Flowers, Esq. – discussion of the cooperative relationship between black and white post Reconstruction Republican leaders to understand the effect it had on the trajectory of black political participation in Baltimore between 1865 and 1908. It was held on January 26, 2022, via Zoom. Recording by CRC Salomon.

PRESENTATION: Challenges of African Americans in the Legal Profession, co-sponsored with University of Baltimore School of Law.

Bar Association of Baltimore City Committee Reports 2022-2023

Held at University of Baltimore on February 16, 2023.

PRESENTATION: Legal Scholars React to Dobbs Leak and Decision. Panel Discussion, with moderator Dean Renee Hutchins, with University of Maryland Francis King Carey School of Law and panelists Professor Kathleen Hoke with University of Maryland Francis King Carey School of Law; Michelle Daugherty, Executive Director with Women's Law Center of Maryland; and Stacie E. Tobin, Co-Manager, Litigation Division, Venable LLP. It was held on March 27, 2023, via Zoom. Recording by CRC Salomon.

PRESENTATION: Parliamentary America: The Least Radical Means of Radically Repairing Our Broken Democracy? by Maxwell Stearns,

Venable Baetjer, & Howard Professor of Law, University of Maryland Carey School of Law. It was held on April 3, 2023, via Zoom. Recording by CRC Salomon.

GREEN MOUNT CEMETERY TOUR: – The Committee sponsored a tour of the Green Mount Cemetery. The Tour was conducted by Baltimore Heritage. This has become an annual event. It was held on April 22, 2023, at Green Mount Cemetery.

SUBCOMMITTEE OF HISTORICAL COMMITTEE: ANNUAL MEMORIAL SERVICE for deceased members of the Bar Association of Baltimore City. Chaired by Judge Mark Scurti, held on January 12, 2022, via Zoom.

Long Range Planning Committee

James W. Motsay, *Chair*

The Long-Range Planning Committee was quite active this past Bar year. As we undertook a review of our Bylaws, we clarified noted conflicts in language of who is a member of the Executive Council. In addition, we discussed future endeavors of the Bar Association and the need for a Long-Range Plan was determined. We are making

arrangements to have this implemented through the ABA during the 2023–2024 Bar year. I thank all the members of the committee for the hard work, their review and input in updating our Bylaws. All work was approved by The Executive Council.

Pro Bono & Access to Legal Services Committee

Amy Petkovsek, *Chair*

We planned and implemented the spring 2023 pro bono day, at the middle branch fitness and wellness center in South Baltimore, on Saturday, April 1st, 2023. Over twenty volunteer attorneys attended, alongside partners from Maryland Legal Aid, Maryland Volunteer Lawyers Service, The Pro Bono Resource Center of Maryland, and Maryland Legal Services Corporation. The pro bono attorneys, all city bar members, gave free legal advice to forty-six individuals, in the areas of expungement, landlord/tenant issues, consumer, family law, and estates and trusts. There was a waiting line all day, and so many community members were interested that some had to be turned away at the end of the event. The location was really excited about the level of interest in free legal services, and they have asked that we return next year.

Professional Ethics Committee

James Astrachan, *Chair*

The members of the committee fielded confidential ethics questions from members of the City Bar. We provided a place where concerns could be discussed. We met our goal, which was to provide a resource to City Bar members. Also, we let it be known that a committee member could also discuss a matter with any other committee member, all of whom would respect the confidentiality of the matter.

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Former SLS Director Viola Woolums Receives Government and Public Interest Lawyer of the Year Award

April 27, 2023

Congratulations to our award recipient Viola Woolums. Thank you for your hard work and dedication. We wish you the best for your future endeavors. We'd also like to thank our guest speaker Erek Barron, the United States Attorney for the District of Maryland. Bravo to Aaron Degraffenreidt and Otis Freeman for organizing a wonderful event.



Breakfast with the Bar at Semmes, Bowen & Semmes

May 12, 2023

The Honorable Myshala E. Middleton and Law Firm Sponsorship Committee Chair Tom Waxter welcomed Semmes attorneys back to their old offices in downtown Baltimore with breakfast pastries.



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YLD Spring Awards Ceremony

May 24, 2023

Congratulations to Our YLD Award Winners Derek Van De Walle (YLD Rising Star Award), Gregory Waterworth (YLD Public Service Award), and Samuel Pulver (YLD Sustained Leadership Award)! Thank you for your dedication to the BABC and the community.



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Annual Golf Outing & Auction

June 12, 2023

A little rain didn't stop us from having a great time! The swings were swinging, the laughter was contagious, and the golf cannon added an extra thrill! A special thank you to our sponsors!





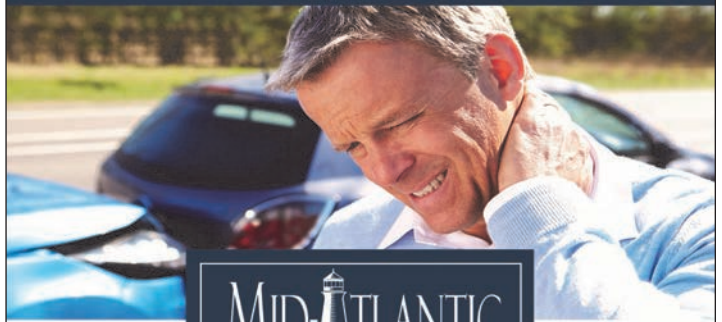
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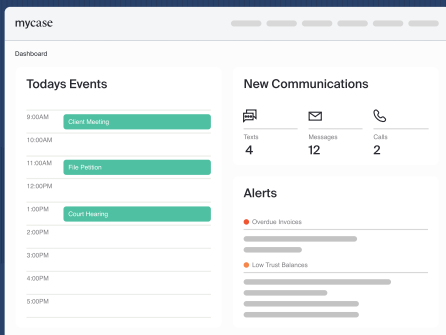
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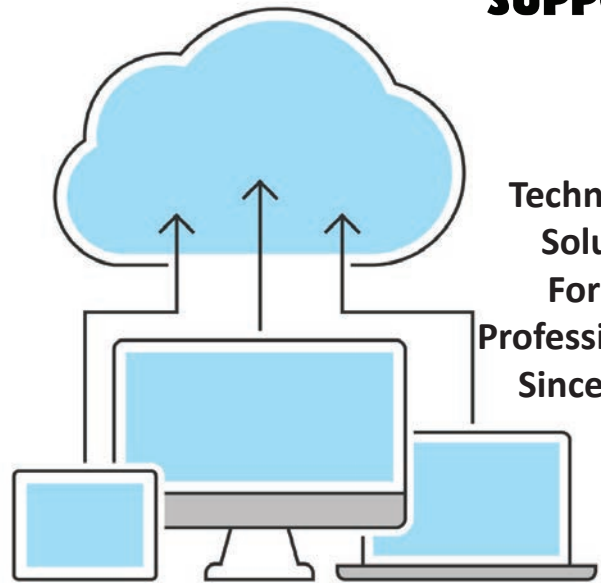
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YLD Membership Summer Kickoff Ice Cream Social

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The YLD met at Taharka Brothers Ice Cream for a little frozen fun.
Thanks Lauren Lake and Sarah Belardi for planning a year of great events.



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143rd Annual Meeting

June 20, 2023

A great night at the Annual Meeting as we honored the President of the BABC, BBF, and YLD Chair and welcomed the new officers for the 2023-2024 year. Thank you to our guest speaker, U.S. Senator Ben Cardin. A huge thank you to our 16 BABC honorees for fifty years of service to the legal profession and the community.





To Ride or Not to Ride...

Continued from page 7

3. Notably, a provision of the Maryland Code provides a misdemeanor for “interfering with a service animal.”²⁷ Regrettably, that falls at the Human Services Article and not within the Criminal Article, perhaps weakening the ability to use this as a sanction against bad actors. This provision concerns the sense of an access denial. As a positive but corollary development, the Criminal Article has been amended providing for protections for service animals from third parties who “willfully and maliciously” “interfere” with a service animal.²⁸ This is what is understood as attacks of service animals within the community resulting in harm.²⁹

I also know of no common carrier being penalized with points on their license for discriminating against a dimension of diversity. Presuming that is currently possible within Maryland law, perhaps that needs to be a remedy to service animal access denials. Because I have no knowledge of this happening, it is likely not yet a provision in the Maryland Code.

Disability leadership across agencies is key, and innovative forms of disability leadership should address the following steps:

- Amending the misdemeanor provision of a fine of \$500 found at the Human Services Article to be an actual criminal penalty impossible at the level of District Court of Maryland;
- Amending the requisite law and policy to provide the Maryland Department of Motor Vehicles with the power to levy driver license points for discrimination against service animal handlers and others who are historically marginalized.

In conclusion, I regret that Judge Tatel, my inspiration, had to be on the negative side of this pivotal point in our civil society. I am hopeful that, if some of the above-stated measures are followed, more successes in inclusion will be achieved.

¹Mr. Gary C. Norman, L.L.M., J.D. is a lawyer, consultant, and columnist with a disability serving a term on the Maryland State Bar Association Board of Governors. The opinions in this column represent those of Mr. Norman alone and do not reflect the opinions or positions of any of Mr. Norman’s employers or clients.

²Rachel Wiener, *Blind People say Ride Share Drivers Discriminate, Refuse to Take Guide Dogs*, WASH. POST, April 21, 2023, <https://www.washingtonpost.com/dc-md-va/2023/04/20/blind-ride-share-guide-dogs/>

³Since 2006, I have been blessed to be an active member of the bar community across three guide dogs: Mr. Langer, Pilot, and Bowie. Thank you to my two guide dog training organizations who have partnered me with these incredible animals.

⁴U.S. Centers for Disease Control and Prevention, *Disability Impacts all of us*, Infographic, <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html> (last visited Jan. 21, 2021).

⁵*Id.*

⁶Findings of the ADA Amendments Act of 2008, Pub. L. 110–325, 122 Stat. 3553 (Sept. 25, 2008).

⁷Foundation Fighting Blindness, *What is Retinitis Pigmentosa*, <https://www.fightingblindness.org/diseases/retinitis-pigmentosa>, (last visited July 15, 2023).

⁸See Ann E. Marimow, *Judge David Tatel on his Career in the Influential U.S. Court of Appeals for the District of Columbia Circuit*, WASH. POST, Jul. 8, 2021, https://www.washingtonpost.com/local/legal-issues/dc-judge-david-tatel-career/2021/07/07/bf48778e-c486-11eb-8c18-fd53a628b992_story.html (Jul. 12, 2023).

⁹Compare 28 C.F.R. § 35.104, with 28 C.F.R. Pt. 36.

¹⁰Compare 28 C.F.R. Pt. 35, Appx. A., with 28 C.F.R. Pt. 36.

¹¹*Sak v. City of Aurelia*, 831 Supp. 2d 1026, 1030–31, 1043–44 (N.D. Iowa 2011).

¹²Tiffany Lee, *Criminalizing Fake Service Dogs: Helping or Hurting Legitimate Handlers*, 23 Animal L. 325, 336–38 (2017).

¹³*Id.*

¹⁴Nathan Sykes, *Are Smart Cities an Opportunity or a Challenge for the Disabled?* Jul. 17, 2019, <https://bdtechtalks.com/2019/07/17/iot-smart-cities-accessibility-challenges/>.

¹⁵*Id.*

¹⁶Subcommittee on Administrative Oversight and the Courts, Committee on the Judiciary, U.S. Senate, *Protecting the Public Interest: Understanding the Threat of Agency Capture*, 111th Cong. 2d Sess. (Tuesday, Aug. 3, 2010), <https://www.govinfo.gov/content/pkg/CHRG-111shrg64724/html/CHRG-111shrg64724.htm>.

¹⁷*National Federation of the Blind v. Uber Technologies*, 103 Supp. 3d 1073 (N.D. Cal. 2017).

¹⁸Settlement Agreement and Release in *National Federation of the Blind v. Uber Technologies*, 314-CV-04086-NC (N.D. Cal. 2017), available at <https://nfb.org/images/nfb/documents/pdf/uber-and-lyft/uber-settlement.pdf>.

¹⁹I find this term interesting, with mixed helpfulness.

²⁰Uber is supposed rigorously to enforce this. I did not find a definition of the word, “plausible.”

²¹As I read that term, for this to happen, two precedent criteria govern. Most notably, the driver, in question, has to be terminated, which is obviously not a guarantee.

²²*Id.*

²³Valerie Yingling, *Uber, Lyft, and Service Animals: The Discrimination Continues*, National Federation of the Blind, April 13, 2020, <https://nfb.org/blog/uber-lyft-and-service-animals-discrimination-continues>.

²⁴*Id.*

²⁵*Id.*

²⁶I sincerely thank the current President and President-Elect of the Maryland State Bar Association for supporting me in championing that our diversity efforts at the bar must include accessibility.

²⁷Md. Code Ann., Human Services, § 7-705.

²⁸See Md. Code Ann., Criminal Law, § 10-626(b) (“A person may not willfully and maliciously: (1) kill a service animal or allow an animal that the person owns or over which the person has immediate control to kill a service animal; (2) injure a service animal or allow an animal that the person owns or over which the person has immediate control to injure a service animal; or (3) interfere with the use of a service animal or allow an animal that the person owns or over which the person has immediate control to interfere with the use of a service animal.”).

²⁹*Id.* I note and applaud the incredible work by the Animal Law Section of the Maryland State Bar Association for achieving the goal of this statutory provision. I worked on this provision as a young attorney with a guide dog, proposing bills in two different sessions of the Maryland General Assembly. This required the commitment and the persistence of an incredible woman in the law, Kimberly Fullerton, Esq. to actualize the needed protections.

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