Amicus Curiarum

VOLUME 26
ISSUE 5 MAY 2009

A Publication of the Office of the State Reporter

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ATTORNEYS - DISBARMENT - PRACTICING LAW DURING SUSPENSION - UNDER THE CIRCUMSTANCES, DISBARMENT IS THE APPROPRIATE SANCTION WHERE AN ATTORNEY WAS SUSPENDED FROM THE PRACTICE OF LAW IN MARYLAND AND WILLFULLY AND DELIBERATELY PRACTICED LAW DURING THE PERIOD OF SUSPENSION WITHOUT ANY VALID EXCUSE OR JUSTIFICATION

Facts: Bar Counsel filed two petitions for disciplinary or remedial action against Charles M. Shryock, III, which were addressed in one opinion.

After Charles M. Shryock, III was indefinitely suspended from the practice of law in Maryland on October 2, 2005, he acted as a real estate broker using a license he had obtained years before. Although Shryock had closed his law office, he used his attorney trust account to deposit money related to his real estate business and other personal matters, and made disbursements from the account using checks with the designation "CHARLES M. SHRYOCK III, ESQ., MD/IOLTA ATTY TRUST ACCT."

Bar Counsel filed one complaint on July 13, 2007, charging that Shryock continued to use his attorney trust account while suspended from the practice of law and knowingly failed to respond to Bar Counsel's lawful demand for information. Specifically, Bar Counsel alleged that Shryock violated Maryland Rules of Professional Conduct 5.5(b)(2) (unauthorized practice of law), 8.1(b) (failure to respond to Bar Counsel's lawful demands), and 8.4(a), (c), and (d) (misconduct). The hearing judge in the Circuit Court for Prince George's County, found that Shryock violated Rules 5.5(b)(2), 8.1(b), and 8.4(a).

The second complaint involved Shryock operation of his real estate business known as "Shryock Realty." A real estate agent associated with Shryock Realty, Andrew Jackson, was the successful bidder on a foreclosed property. After the purchase, Jackson discovered there was a pending contract for sale on the property and decided it would be best to allow the contract for sale to go to settlement. Although Shryock denied acting as an attorney, he prepared two legal documents, an Assignment of Interest in Real Property and Consent Order of Dismissal, for

Jackson's use in negotiating with the property trustee.

After the trustee rejected Jackson's negotiations, the trustee proceeded to have the Court ratify the sale and filed a Petition to Order Resale of Property at Sole Risk and Expense of Defaulting Purchaser at First Foreclosure Sale. Shryock produced a response to the trustee's actions, under Jackson's signature, for filing with the court. Additionally, Shryock filed a Motion to Intervene by Interested Person because he felt that both he and Jackson would eventually lose a substantial amount of money if the property were resold at auction. When Shryock's Motion to Intervene was denied, Shryock filed a Notice of Appeal on behalf of Jackson and Shryock. Both appeals were eventually dismissed.

Because of Shryock's participation in the real estate transaction, Bar Counsel alleged that Shryock continued to practice law while suspended. Specifically, Bar Counsel alleged that Shryock violated Rules 1.8 (conflict of interest), 4.3 (dealing with unrepresented persons), 5.5(a) (unauthorized practice of law), and 8.4(a), (b), (c), and (d) (misconduct). At the hearing, Bar Counsel withdrew its allegations regarding violations of Rules 1.8 and 4.3. The hearing judge in the Circuit Court for Prince George's County found that Shryock prepared several documents in the underlying foreclosure action and that he violated Rules 5.5(a) and 8.4(a). The hearing judge did not find that Shryock's act of preparing and filing the notice of appeal constituted a violation of Rule 5.5(a); nor did the hearing judge find that Shryock's unauthorized practice of law violated Rules 8.4(b), (c) and (d).

Held: Disbarment. The Court of Appeals held that Shryock's involvement in the foreclosure constituted the practice of law and that a reasonable person could conclude that he was acting as Jackson's attorney when speaking with the trustee. Furthermore, Shryock's activities in preparing or helping in the preparation of documents filed on behalf of Jackson constituted the practice of law. Thus, the hearing judge erred in concluding that Shryock's filing of the appeal was not the practice of law.

Additionally, the hearing judge erred in not finding a violation of Rules 8.4(b) and (c). Rule 8.4(b) provides that it is professional misconduct for a lawyer "to commit a criminal act that reflects adversely on the lawyer's honestly, trustworthiness or fitness as a lawyer in other respects." Shryock's conduct was both deliberate and willful, and dishonesty and unfitness to practice law are reflected in his knowledge that he was not authorized to practice law.

Furthermore, Rule 8.4(c) provides that it is professional misconduct for a lawyer to "engage in conduct involving dishonesty, fraud, deceit or misrepresentation." First, the evidence does not support the theory that Shryock had a right to intervene in the foreclosure proceedings or represent Jackson; thus, the Motion to Intervene was baseless and nothing more than a shield to cover the truth as to Shryock's involvement. Also, he possessed the requisite intent for a violation of Rule 8.4(c) because he misrepresented the truth in his conversations with the trustee.

Because there was no reasonable basis on which Shryock could have thought that his conduct was lawful, his continuing to practice law was a criminal act in violation of Rules 8.4(b) and (c), and ordinarily these violations would constitute a violation of Rule 8.4(d), but Bar Counsel failed to except to the hearing judge's failure to find a violation of Rule 8.4(d). Based on the intentional misconduct and lack of justification or valid excuse, the Court held that the appropriate sanction is disbarment.

University System of Maryland v. Kevin Mooney and Teresa Mooney, No. 38, September Term 2008. Opinion by Battaglia J., filed February 20, 2008.

http://mdcourts.gov/opinions/coa/2009/38a08.pdf

COMMERCIAL LAW - FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES

Facts: Kevin and Teresa Mooney agreed to lend Chesapeake Cable, LLC ("Chesapeake") the sum of $250,000 in exchange for two promissory notes and a Security Agreement, which assigned Chesapeake's accounts receivable to the Mooneys in the event that Chesapeake were to default on the loan. Kevin Mooney, whose affidavit states he was a "member" of Chesapeake, signed the Security Agreement both as a lender and as a borrower. The Mooneys subsequently notified Chesapeake of its default under the Security Agreement for failure to make timely payments on the loan. The letter further advised that the Mooneys planned to take possession of Chesapeake's accounts receivable and to notify account debtors to make subsequent payments to the Mooneys. The Mooneys also alleged in their complaint that they notified the University System of Maryland (the "University") that, because the University was an account debtor for $43,005.00 for cable services rendered by Chesapeake, the University was to make payment to the Mooneys, although the University has disputed receipt of that letter. The University, thereafter, issued a check for $43,005.00 to Chesapeake as opposed to the Mooneys, and the Mooneys filed a complaint against the University in the Circuit Court for Prince George's County, alleging that the University violated Section 9-406 (a) of the Commercial Law Article, Maryland Code (1975, 2002 Repl Vol.), "by making the Check payable to Chesapeake Cable only and by mailing the Check to Chesapeake Cable instead of the Mooneys."

The circuit court judge granted the University's Motion to Dismiss, concluding that because there was no written contract between the Mooneys and the University, the claim was, in essence a tort claim requiring the Mooneys to go through the procedures set forth in the Maryland Tort Claims Act. The Mooneys appealed to the Court of Special Appeals, which in an unreported opinion concluded that, because the suit was not an action in tort, but instead "a suit brought under Maryland's UCC to enforce the Mooneys' alleged security interest in the monies due Chesapeake under its contract with [the University]," the judgment of the circuit court, based on the theory that the suit was an action in tort, could not stand.

After another hearing on the motions, the circuit court

judge granted the University's Motion to Dismiss, concluding that "there is no express waiver of Sovereign Immunity under Title 9 of the [Commercial Law Article]." The Mooneys again appealed to the Court of Special Appeals, which, in a reported opinion, stated that the appropriate question was not whether the University had waived sovereign immunity under the Commercial Law Article, but whether the Mooneys, as secured parties whose debtor was in default, could enforce the debtor's contractual rights against the University and whether the University had waived sovereign immunity with respect to the debtor's contractual rights. *Mooney v. University System of Maryland*, 178 Md.App. 637, 641-42, 943 A.2d 108, 110 (2008). The intermediate appellate court then concluded that the University had waived sovereign immunity and that the Mooneys could enforce Chesapeake's contractual rights. In order to determine when the contract was terminated, as well as whether the Mooneys gave proper notice to the University of the assignment, the court vacated the judgment of the circuit court and remanded for further proceedings.

Held: Reversed and remanded with instructions to affirm the judgment of the Circuit Court for Prince Georges County. The Court of Appeals held that the Mooneys, as assignees of accounts receivable due under a contract with the University, were required to exhaust available administrative remedies before seeking judicial relief, which they failed to do. The Court considered the statutory framework in the State Finance and Procurement Article to determine whether the administrative remedy provided therein was exclusive, primary or concurrent and noted that there arises "a rebuttable presumption that in the absence of specific statutory language indicating otherwise, an administrative remedy was intended to be primary," *Bell Atlantic of Maryland, Inc. v. Intercom Systems Corp.*, 366 Md. 1, 12, 782 A.2d , 791, 797 (2001), which was not rebutted in the present case. The Court rejected the any contention that the administrative remedy could be concurrent, because under Section 15-211 of the State Finance and Procurement Article, the agency was given authority to entertain "all appeals arising from the final action of a unit. . . " on a claim for the breach, performance, termination or modification of a contract. The Court also concluded that the Mooneys as assignees come within the meaning of a "person who has been awarded a procurement contract" in Section 15-217 of the State Finance and Procurement Article. As a result, the Mooneys were subject to conditions precedent to the invocation of judicial remedies to which the assignor would be subject, including the exhaustion of administrative remedies.

Independent Newspapers, Inc. v. Zebulon J. Brodie, No. 63, September Term 2008, filed February 27, 2009. Opinion by Battaglia, J.

http://mdcourts.gov/opinions/coa/2009/63a08.pdf

CONSTITUTIONAL LAW - FIRST AMENDMENT/DISCOVERY – INTERNET USERNAME

Facts: Zebulon Brodie filed a two-count complaint in the Circuit Court for Queen Anne's County, alleging defamation and conspiracy to defame against Independent Newspapers, Inc., and three John Doe defendants known only by their usernames. The allegations of defamation involved two series of statements made on the Centreville Eyesores Internet Forum, hosted by Independent Newspapers: the first concerning the burning of Brodie's former home by the developers to whom Brodie sold the property; the second regarding the cleanliness of Brodie's Dunkin' Donuts establishment. After both parties filed motions for summary judgment, Independent Newspapers filed a motion to quash/motion for a protective order to shield it from Brodie's request to discover identifying information about forum participants. The trial judge then granted Independent Newspapers motion for summary judgment, dismissing it from the case under the Federal Communications and Decency Act, 47 U.S.C. § 230(c)(1) (2000), but denied the motion to quash/protective order. Independent Newspapers, thereafter, filed a motion for reconsideration, arguing that under the First Amendment, at minimum, the trial judge should have considered the validity of the defamation claim before compelling discovery of the participants' identities. The judge granted Independent Newspapers motion in part, and denied it in part, holding that "the piety of the First Amendment requires ensuring that Plaintiff has stated a valid claim for defamation." The judge then dismissed Brodie's defamation action premised on the statements regarding the burning of Brodie's former home, because those statements referred to the developer to whom Brodie sold the home, but denied the motion with respect to statements made about the Dunkin Donuts, ordering Independent Newspapers to comply with Brodie's discovery request. After another motion to quash/protective order was denied, Independent Newspapers appealed, and the Court of Appeals granted certiorari on its own initiative.

Held: The Court reviewed the record and determined that Brodie had not identified the appropriate forum participants in his complaint. The Court held that Independent Newspapers could not be compelled to release identifying information about the three named defendants, because they only had made statements about Brodie's former house, which the judge had determined to be non-actionable,

and that, likewise, Independent Newspapers could not be compelled to release information about participants who had made the Dunkin' Donuts statements, because they had not been sued.

For guidance of the trial courts when future cases arise, however, the Court suggested a process to balance First Amendment rights with the right to seek protection for defamation, citing with approval the test from *Dendrite Int'l, Inc. v. John Doe No. 3*, 775 A.2d 756 (N.J. Super. Ct. App. Div. 2001). Thus, when a trial court is confronted with a defamation action in which anonymous speakers or pseudonyms are involved, it should, (1) require the plaintiff to undertake efforts to notify the anonymous posters that they are the subject of a subpoena or application for an order of disclosure, including posting a message of notification of the identity discovery request on the message board; (2) withhold action to afford the anonymous posters a reasonable opportunity to file and serve opposition to the application; (3) require the plaintiff to identify and set forth the exact statements purportedly made by each anonymous poster, alleged to constitute actionable speech; (4) determine whether the complaint has set forth a prima facie defamation per se or per quod action against the anonymous posters; and (5), if all else is satisfied, balance the anonymous poster's First Amendment right of free speech against the *strength* of the *prima facie* case of defamation presented by the plaintiff and the necessity for disclosure of the anonymous defendant's identity, prior to ordering disclosure.

Joan L. Floyd v. Mayor and City Council of Baltimore, et al., No. 56, September Term 2008, filed February 19, 2009. Opinion by Battaglia, J.

http://mdcourts.gov/opinions/coa/2009/56a08.pdf

CONSTITUTIONAL LAW - SPECIAL TAX DISTRICTS – QUORUM REQUIREMENTS

Facts: Joan Floyd challenged the validity of a Supplemental Tax imposed by the Charles Village Community Benefits District Management Authority Board, arguing that the Board did not have the requisite quorum, on April 11, 2006, when the 2007 Supplemental Tax rate was approved for submission to the Board of Estimates. Specifically, she contended that three of the ten Board members present at the April 11, 2006 meeting were ineligible to vote. The trial court entered judgment in favor of the defendants and the Court of Special Appeals affirmed.

Held: The Court of Appeals affirmed and held that the Authority is a public corporation, not subject to the quorum requirements of the Corporations and Associations Article and that at the April 11, 2006 Board meeting at which the Supplemental Tax was approved for submission to the Board of Estimates, there were ten voting members, a sufficient number to approve the Tax.

Brandon Justin Jackson v. State of Maryland, No. 99 and *Victor Antonio Glascoe v. State of Maryland*, No. 98, September Term, 2008. Opinion filed April 8, 2009 by Harrell, J.

http://mdcourts.gov/opinions/coa/2009/99a08.pdf

COURTS AND JUDICIAL PROCEEDINGS - CONCURRENCE OF A MAJORITY OF A PANEL - COURT OF SPECIAL APPEALS - WHERE ONE JUDGE ON A THREE-JUDGE PANEL OF THE COURT OF SPECIAL APPEALS DIED AFTER ARGUMENT IN A CASE, BUT BEFORE AN OPINION WAS FILED, A MAJORITY DECISION REACHED BY THE REMAINING TWO JUDGES ON THE PANEL IS VALID - IN SUCH A CASE, THERE IS A "CONCURRENCE OF A MAJORITY OF A PANEL," THEREBY SATISFYING THE REQUIREMENTS OF SECTION 1-403(b) OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

Facts: Two cases were consolidated here. In the first, Brandon Jackson was convicted by a jury, sitting in the Circuit Court for Kent County, for distribution of cocaine and related charges. He appealed to the Court of Special Appeals. A three-judge panel of that court heard argument in his case. Before the panel filed its decision, however, one of the assigned judges died. The remaining two judges, agreeing on the outcome and reasoning, filed an unreported opinion affirming Jackson's convictions. Jackson filed in the intermediate appellate court a Motion to Recall Mandate and Motion to Reconsider, asserting that the opinion was a nullity. After a new judge was assigned to the panel, the panel denied Jackson's motions in a reported opinion. *Jackson v. State*, 182 Md. App. 588, 959 A.2d 84 (2008). In doing so, the panel held that two judges, in agreement, may decide lawfully an appeal, despite the intervening death of the other judge on the three-judge panel. The Court of Appeals granted Jackson's Petition for a Writ of Certiorari. *Jackson v. State*, 406 Md. 443, 959 A.2d 792 (2008).

In the second case, Victor Glascoe was convicted by a jury, sitting in the Circuit Court for Prince George's County, for robbery and related handgun offenses. Glascoe's appeal to the intermediate appellate court was heard by the same three-judge panel that heard Jackson's appeal. The panel affirmed, in an unreported opinion, despite the intervening death of one of the judges on the panel. The Court of Appeals granted Glascoe's Petition for a Writ of Certiorari, *Glascoe v. State*, 406 Md. 443, 959 A.2d 792 (2008), which raised the same question as in Jackson's case.

Held: Affirmed. Maryland Code (2006 Repl. Vol.), Courts and Judicial Proceedings Article, § 1-403(b) provides that cases in the Court of Special Appeals shall be heard by panels of "not

less than three judges" and that "[a] quorum of a panel consists of one less than the judges designated to sit on the panel." The statute requires "[t]he concurrence of a majority" of a panel for the panel to render a decision on an appeal. The Court of Appeals observed that the statutory language, however, does not elucidate whether the death (or vacation of office) of a panel member who heard an appeal causes the initial panel to dissolve, such that the remaining judges, if less than three, may not render a valid decision, even where the remaining judges are of like mind as to the reasoning and outcome. Accordingly, the Court concluded that Section 1-403(b) is ambiguous.

To resolve this ambiguity, the Court looked to the legislative history and circumstances surrounding the 1983 amendments to Section 1-403. The Court emphasized that the statute, previous to the 1983 amendments, required panels of not less than three judges to decide, as well as hear, appeals in the Court of Special Appeals and required that a quorum could not consist of less than three judges. Those requirements, the Court noted, were amended out of the statute in 1983, following the death of a judge on that court. The Court of Appeals concluded that the 1983 amendments were designed to "to remove the requirement that the Court of Special Appeals *decide* cases by a panel of three judges." *Department of Human Resources v. Howard*, 397 Md. 353, 361 n.13, 918 A.2d 441, 446 n.13 (2007). Accordingly, the Court held that Section 1-403(b) allows for two judges of a three-judge panel, when in agreement, to decide an appeal, notwithstanding the death of the third judge. The decisions rendered in Petitioners' cases were valid under Section 1-403(b).

Dion G. Tucker v. State of Maryland, No. 35, September Term 2008, Opinion filed February 20, 2009 by Battaglia, J.

http://mdcourts.gov/opinions/coa/2009/35a08.pdf

CRIMINAL LAW - PROCEDURE – CROSS-RACIAL IDENTIFICATION JURY INSTRUCTION

Facts: Petitioner, Dion G. Tucker, who is African-American, was indicted for burglary and theft after being identified as the perpetrator by a white victim. The trial primarily concerned the victim's identification of Tucker as the perpetrator. After the close of evidence, Tucker proffered a cross-racial identification jury instruction, which the trial judge agreed to give. The State then asked the trial judge to modify the instruction by adding a final sentence—"There is no particular reason to think that cross-racial identification applies to eyewitnesses in actual criminal cases."—a purported quote from *Smith v. State*, 388 Md. 468, 484, 880 A.2d 288, 297 (2005), which the State asserted accurately summarized the Court of Appeals' holding. The trial judge added the sentence over Tucker's objection, and Tucker was convicted. Tucker noted an appeal to the Court of Special Appeals, arguing, *inter alia*, that the inclusion of the sentence was an improper statement of the law. After the Court of Special Appeals affirmed Tucker's conviction, the Court of Appeals granted Tucker's petition for certiorari to address whether the cross-racial identification jury instruction was a correct statement of the law in Maryland.

Held: The Court of Appeals held that the last sentence of the jury instruction was an incorrect statement of the law on cross-racial identification. Specifically, the Court held that the phrase pulled by the State from *Smith* not only misquoted *Smith*, but also mischaracterized the law of cross-racial identification by taking the sentence out of its context. Because the trial judge stated the law incorrectly in his jury instruction, and the Court of Appeals could not say that the error was harmless, it reversed the conviction and remanded for a new trial.

State of Maryland v. Michael Raheem Duran, No. 73, September Term 2008. Opinion filed March 11, 2009 by Battaglia, J.

http://mdcourts.gov/opinions/coa/2009/73a08.pdf

CRIMINAL LAW - INDECENT EXPOSURE - SEX OFFENDER REGISTRATION

Facts: Michael Raheem Duran pled guilty, under an agreed statement of facts, to three counts of indecent exposure. At sentencing, the State asked that Duran register as a sex offender, a request to which Duran took objection. After the Circuit Court Judge ordered Duran to register as a sexual offender, Duran appealed to the Court of Special Appeals, which, in a reported opinion, concluded that Duran was not required to register as a sexual offender, because "indecent exposure is not one of the enumerated crimes requiring registration" and because the elements of the crime of indecent exposure "do not contain reference to a sexual offense against a minor, and do not contemplate conduct that by its nature involves a sexual offense," and vacated that condition of probation requiring registration as a sex offender. *Duran v. State*, 180 Md.App. 65, 85-86, 92, 948, A.2d 139, 150-51, 154 (2008).

Held: The Court of Appeals affirmed. The Court held that because indecent exposure was not a statutorily enumerated crime requiring registration and was not a crime "that by its nature is a sexual offense," under Section 11-701 (d)(7) of the Criminal Procedure Article, Maryland Code (2001, 2006 Supp.), Duran was not required to register. The Court also concluded that registration could not be characterized as "treatment" and that the appropriate remedy was to strike the condition of probation that Duran register as a sex offender.

State of Maryland v. Marvin Williamson, No. 75, September Term 2008, Opinion filed April 10, 2009 by Battaglia, J.

http://mdcourts.gov/opinions/coa/2009/75a08.pdf

CRIMINAL LAW - POST CONVICTION RELIEF – 10-YEAR STATUTE OF LIMITATIONS

Facts: Petitioner Marvin Williamson was convicted of murder on June 25, 1968, and was sentenced to life in prison. On July 31, 2007, nearly 40 years after sentencing, Williamson filed a Petition for Post-Conviction Relief. The State moved to dismiss the petition, in part, under the 10-year statute of limitations contained in Section 7-103 (b)(1) of the Criminal Procedure Article, Maryland Code (2001, 2007 Supp.), which became effective October 1, 1995. The judge granted the State's motion, holding that the 10-year statute of limitations applied to petitioners convicted before 1995, as well as those convicted after, and that Williamson had only ten years after 1995 to file a petition. Williamson appealed to the Court of Special Appeals, which reversed and remanded, holding that no time-limit applied to persons convicted before October 1, 1995.

Held: The Court of Appeals affirmed the Court of Special Appeals and remanded to the Circuit Court, rejecting the State's contention that the 10-year period began on October 1, 1995, and holding that "[t]he limitations period, therefore, has absolutely no application to individuals sentenced before October 1, 1995."

Thomas W. Nodeen, et ux. v. Anja Sigurdsson, No. 84, September Term 2008, filed April 7, 2009, opinion by Greene, J.

http://mdcourts.gov/opinions/coa/2009/84a08.pdf

FAMILY LAW - VENUE – MARYLAND RULE 2-327(c)

Facts: In July of 2006, the Circuit Court for Anne Arundel County awarded custody of Hampton Wade Price, IV ("Wade") to the his paternal aunt and her spouse ("the Nodeens"). In June of 2007, Wade's biological mother, Anja Sigurdsson ("Mother") filed a "Complaint for Modification of Child Custody Order" in the Circuit Court for Calvert County. The Nodeens filed a preliminary motion to dismiss or to transfer for improper venue, asserting that the modification complaint properly, or more conveniently, should be handled in the Circuit Court for Anne Arundel County. The Circuit Court for Calvert County granted the Nodeens' motion and ordered the action transferred to the Circuit Court for Anne Arundel County.

On appeal, the Court of Special Appeals vacated the order of the Circuit Court for Calvert County. The intermediate appellate court noted that the Circuit Court for Anne Arundel County had both jurisdiction and venue in the original custody action and had continuing jurisdiction over the July 11, 2006 custody order. It concluded, however, that Anne Arundel County was not an appropriate venue for the modification complaint because the modification complaint amounted to a new "action" within the meaning of Md. Code (1973, 2006 Repl. Vol.), §§ 6-201 and 6-202 of the Courts and Judicial Proceedings Article. We disagree with that rationale.

Held: There can be more than one appropriate venue in which an action may be filed. When that is the case, a plaintiff is entitled to select the forum in which to bring his or her action. *Leung v. Nunes*, 354 Md. 217, 224-25, 729 A.2d 956, 959-60 (1999); *Wilde v. Swanson*, 314 Md. 80, 93-94, 548 A.2d 837, 843-44 (1988). When a trial court considers motion to transfer an action under Maryland Rule 2-327(c), the court must employ a balancing test whereby it weighs the convenience of the parties and witnesses along with the interests of justice. *Odenton Development v. Lamy*, 320 Md. 33, 40, 575 A.2d 1235, 1238 (1990). Although the court generally has wide discretion in deciding whether to grant such motion, it is an abuse of that discretion for the court to disturb a plaintiff's choice of venue when the balance does not weigh strongly in favor of the proponents of the transfer. *See Leung*, 354 Md. at 224, 729 A.2d at 959-60 ("Commentators on Rule 2-327(c) have recognized that 'due

consideration must . . . be given to the plaintiff's selection of forum, and this selection will not be altered solely because it is more convenient for the party moving to be in another forum.'") (quoting P.V. Niemeyer & L. M. Schuett, *Maryland Rules Commentary*, 215-16 (2d ed.)).

The evidence presented in this case does not support the Circuit Court for Calvert County's conclusion to transfer Mother's action to Anne Arundel County pursuant to Maryland Rule 2-327(c). When, "at best, the balancing of factors produces an equipoise, the plaintiff['s] choice of forum controls." *Leung*, 354 Md. at 229, 729 A.2d at 962. Accordingly, we hold that the Circuit Court for Calvert County erred in granting the Nodeens' motion to transfer. Judgment of the Court of Special Appeals affirmed.

Lynne Parry, Personal Representative of the Estate of Mark Parry, Deceased, et al. v. Allstate Insurance Co., No. 83, September Term, 2008, Opinion filed April 6, 2009 by Harrell, J.

http://mdcourts.gov/opinions/coa/2009/83a08.pdf

INSURANCE – WORKERS' COMPENSATION – THIRD PARTY TORT FEASOR – REDUCTION IN UM/UIM BENEFITS PAYABLE, TO EXTENT OF UN-REIMBURSED WORKERS' COMPENSATION BENEFITS RECOVERED BY RECIPIENT, IS REQUIRED UNDER MD. CODE, INS. § 19-513, AND DOES NOT CONFLICT WITH STATUTORY ELECTION OF REMEDIES UNDER MD. CODE, LAB. & EMPL. § 9-901

Facts: On 27 December 2001, Officer Mark Parry's police vehicle (with him at the wheel) was struck in Baltimore County by a vehicle driven by Cesar Humberto Meza. Parry was on duty with the Baltimore County Police Department at the time. As a result of the accident, Officer Parry was transported to a hospital, where he received medical care for his injuries suffered in the collision. He succumbed to those injuries on 21 January 2002. During this period of medical care, Officer Parry incurred medical expenses totaling $168,169.87.

Acting on its initiative immediately after Officer Parry's accident, Baltimore County, as Officer Parry's employer, initiated the necessary steps to pay the expenses of his medical care. The County notified the County's Workers' Compensation Claims Management Unit ("CMU"), which assigned a case manager to handle the necessary paperwork on behalf of the County so that Officer Parry's medical expenses would be covered under the County's workers' compensation benefits. The CMU, through an intermediary, had Lynne Parry, Officer Parry's wife, sign an Authorization for Release of Medical Information form, which enabled the CMU to provide benefits to cover the cost of all medical bills incurred by Officer Parry as a result of the accident.

On 11 January 2002, based on its internal handling of the situation, the CMU notified the Baltimore County Police Department that it was accepting Officer Parry's claim and authorizing the payment of the expenses for his medical care. All of Officer Parry's medical expenses subsequently were paid by the County (or its insurer).

At the time of the accident, Meza held an automobile liability insurance policy with GEICO with third-party coverage of $20,000/$40,000. Under their private insurance policy with Allstate, Officer Parry and his wife ("the Parrys") had

underinsured/uninsured motorist ("UM/UIM") coverage of $100,000. The Parrys settled their claim against Meza for the $20,000 limit under his GEICO policy. On behalf of her late husband's estate, herself, and their three minor children, Mrs. Parry filed a claim for UM/UIM benefits with Allstate. Mrs. Parry demanded $80,000 from Allstate, representing the limit of the UM/UIM policy coverage minus the payment received from GEICO. In response, Allstate filed in the Circuit Court for Baltimore County a declaratory judgment action under Md. Code, Cts. & Jud. Proc. Art. § 3-406 (2006 Repl. Vol. & Supp. 2008) seeking a declaration that Allstate's liability for UM/UIM benefits under the Parrys' policy should be reduced by the benefits paid for Officer Parry's medical expenses by the County (or its insurer) under its workers' compensation obligation. After a bench trial, the Circuit Court agreed with Allstate, concluding that, after the reduction, Allstate had zero liability to the Parrys. In an unreported opinion deciding Ms. Parry's appeal, the Court of Special Appeals affirmed.

Held: Judgment affirmed. Md. Code, Lab. & Empl. Art. § 9-901 (2008 Repl. Vol.) grants persons injured on the job a choice of remedies when their injury is caused by a third party tortfeasor who is not their employer. That section provides:

> When a person other than an employer is liable for the injury or death of a covered employee for which compensation is payable under this title, the covered employee or, in case of death, the personal representative or dependents of the covered employee may:
>
> (1) file a claim for compensation against the employer under this title; or
>
> (2) bring an action for damages against the person liable for the injury or death or, in case of joint tort feasors, against each joint tort feasor.

When the injured employee elects, under subsection (2), to bring a third party tortfeasor action, but cannot be made whole because the third party tortfeasor is either uninsured or underinsured, the employee may invoke the UM/UIM benefits provided in his or her insurance policy to attempt to bridge the difference (subject, of course, to policy limits).

Under Md. Code, Ins. Art. § 19-513 (2006 Repl. Vol. & Supp. 2008), however, the amount of benefits payable under UM/UIM policy coverage is to be reduced to the extent of funds the employee received in workers' compensation benefits for which the

provider of those benefits has not been reimbursed. Ins. § 19-513(e) provides specifically:

> (e) Reduction due to workers' compensation benefits. Benefits payable under the coverages described in §§ 19-505 and 19-509 [the section providing for UM coverage] of this subtitle shall be reduced to the extent that the recipient has recovered benefits under the workers' compensation laws of a state or the federal government for which the provider of the workers' compensation benefits has not been reimbursed.

The Parrys contended that the $100,000 in UM/UIM coverage benefits in their policy with Allstate should not be reduced by the $168,169.87 paid by the County (or its insurer) for Officer Parry's medical expenses because the Parrys independently never filed for or sought workers' compensation benefits. The Parrys argued that the trial court erred in ruling that they "recovered" workers' compensation benefits in excess of their UM/UIM policy benefits because, otherwise, the County's paying for Officer Parry's expenses on its initiative undermines the Parrys' ultimate statutory election of remedy under Lab. & Empl. Art. § 9-901. Allstate countered that the statutory reduction under Ins. Art. § 19-513(e) applies regardless of whether the employee formally seeks workers' compensation benefits.

The Court agreed with Allstate's position. The Court found that the operative language of the substantively indistinguishable predecessor section to Md. Code, Ins. § 19-513(e) was described by this Court in an earlier case as "plain and unambiguous." Applying the "plain and unambiguous" standard here, the Court found that, under Ins. § 19-513(e), which states that UM/UIM benefits "shall be reduced," insurers are required to reduce PIP and UM/UIM benefits payable under such policies to injured employees by the amount of workers' compensation benefits paid for which the provider of the workers' compensation benefits has not been reimbursed. The Court found the Parrys' assertion—that the County's payment of workers' compensation benefits on the County's initiative undermined the Parrys' election of Lab. & Empl. Art. § 9-901 remedies—unpersuasive because the Parrys could have sought to recover UM/UIM benefits from Allstate had their UM/UIM policy limits not been less than what the County (or its insurer) paid in workers' compensation benefits without reimbursement, a point the Parrys could have considered in making their Lab. & Empl. Art. § 9-901 election of remedies.

Joseph Sheppard Rogers, Trustee v. P-M Hunter's Ridge, et al., No. 76, September Term 2008. Opinion filed March 18, 2009 by Battaglia, J.

http://mdcourts.gov/opinions/coa/2009/76a08.pdf

REAL PROPERTY - EASEMENTS

Facts: Petitioner Joseph Sheppard Rogers sued P-M Hunter's Ridge to enforce the terms of an express easement created between his parents and P-M Hunter's Ridge's predecessors in interest. Under the terms of the original deed, the servient estate holder purportedly had an option to provide the dominant estate holder, the Rogers, with a roadway easement either by providing a private road, traveling directly across its property to Landover Road, or by providing a public road, connecting to another public road, eventually leading to Landover Road. The placement of utility easements pursuant to subsequent declarations to the original deed were also in question. For more than 35 years of ownership by P-M Hunter's Ridge's predecessors in interest, the Rogers accessed their property by private road traveling directly between their property and Landover Road. In 2004, Hunter's Ridge acquired the property, closed the private road and provided the Rogers with a temporary access road leading to 75th Avenue (a public road) and then to Landover Road, with plans to create a permanent public road between the Rogers parcel and 75th Avenue. The Rogers sued, asking a judge of the Circuit Court for Prince George's County to declare that the roadway and utility lines could not be moved. The Circuit Court Judge, interpreting the plain meaning of the deed and subsequent declarations, held that P-M Hunter's Ridge had an option to move the roadway and could freely move the utility lines. The Court of Special Appeals affirmed in both respects.

Held: The Court of Appeals vacated and remanded. With respect to the roadway, the Court of Appeals held that the lower courts had failed to consider that the subsequent use of a right of way, which had been granted in general terms and had been defined, fixed and used in that location "over a long period of time," could become "as definitely established as if the grant or reservation had so located it by metes and bounds." Accordingly, the Court remanded for additional fact finding on this issue. With respect to the location of the utility easements, the Court affirmed the lower courts, holding that no issue of subsequent use arose, because it was undisputed that the Rogers never hooked into the utility easements.

John Grady, et al. v. Darin Donell Brown, No. 85, September Term, 2008. Opinion filed on April 7, 2009 by Raker, J. (retired).

http://mdcourts.gov/opinions/coa/2009/85a08.pdf

TRANSPORTATION - NEGLIGENCE AS A MATTER OF LAW - BOULEVARD RULE

Facts: This case arose from a motor vehicle accident which occurred on Falkirk Road near the intersection of Gittings Avenue in Baltimore City. Petitioners alleged that respondent was negligent as a matter of law for encroaching on the favored roadway and for failing to grant petitioner the right-of-way in time to avoid a collision. Respondent testified that he yielded the right-of-way by stopping at the curb line first, proceeding to inch forward, and then stopping for a second time without his car protruding beyond the vehicle parked on Falkirk Road and situated to respondent's left. Respondent also testified that he was stopped when the accident happened.

The jury found in favor of the defendant and the trial court denied petitioners' motion for judgment notwithstanding the verdict. Petitioners noted a timely appeal to the Court of Special Appeals, which affirmed the trial court. The Court of Appeals granted certiorari.

Held: The Court of Appeals affirmed. Applying the Boulevard Rule, which is codified in several sections of the Transportation Article of the Maryland Code (1977, 2006 Repl. Vol.), including §§ 21-403, 21-404, and 21-705(c), the Court held that the trial court did not err in refusing to hold that respondent was negligent as a matter of law, despite respondent entering on the roadway upon which petitioner traveled. The Court reasoned that the crux of the Boulevard Rule is that the unfavored driver yield the right-of-way to the favored driver. In this case, the jury believed respondent's version of events and concluded that respondent stopped and yielded the right-of-way and that the accident was caused instead by petitioner Grady's fear that respondent might not do so.

COURT OF SPECIAL APPEALS

Theodore Dorsey v. State of Maryland, No. 2993, September Term, 2007. Opinion filed on March 30, 2009 by Hollander, J.

http://mdcourts.gov/opinions/cosa/2009/2993s07.pdf

CRIMINAL LAW - INQUIRY INTO VALIDITY OF JURY VERDICT - RULE 5-606 - IMPEACHMENT OF JURY VERDICT - JURY DELIBERATIONS - DEFENDANT'S FAILURE TO TESTIFY - HEALTH GENERAL ARTICLE §§ 4-305(b)(3); 4-306(b)(7); PUBLIC SAFETY ARTICLE § 6-310; EXCLUSIONARY RULE.

Facts: A jury in the Circuit Court for Frederick County convicted Theodore Randolph Dorsey, appellant, of second degree arson, in violation of Maryland Code (2002, 2006 Supp.), § 6-103 of the Criminal Law Article ("C.L."). The conviction arose from an automobile fire that occurred on September 2, 2006, involving a vehicle that belonged to appellant's girlfriend, Elizabeth Anderson.

Dorsey and Anderson met for dinner at a restaurant in Frederick on September 2, 2006. After dinner, Anderson left her car at the restaurant, because she had been drinking; appellant drove her home. Late that night, Anderson's car was set afire, at a location approximately six to ten minutes from the restaurant. State Deputy Fire Marshal K. Arthur McGhee determined that the fire was an arson. No fingerprints, footprints, tire tracks, gasoline cans, or other physical evidence linked appellant to the scene.

At trial, McGhee testified as an expert in the cause of fires and fire investigation. Moreover, he testified that he has been an emergency medical technician since 1981, and had seen burn injuries on "[t]oo many [occasions] to count." McGhee questioned appellant about the fire on September 5, 2006. Appellant told McGhee that, after he dropped off Anderson, he went to several bars with a friend, Dale Williams, and got into a fight. During the altercation, Dorsey "got hit in the face with a bottle." He explained that the bottle "broke [and] cut his face." McGhee recalled that, at the time of questioning, appellant had "four inch by four inch medical gauze taped to the [left] side of his face and his left hand and wrist area [were] covered in gauze." He opined that appellant had sustained burn injuries to his hand and face.

The court received into evidence photographs of the injuries

to appellant's face and hands, which were taken on September 15, 2006. Under one of the photographs, McGhee had written: "Suspect'e [sic] right hand (apperars [sic] to be a burn injury)." Under another he wrote: "Suspect's injury to left hand (apperars [sic] to be burn injury)."

Dale Williams testified that he saw appellant on the morning of September 2, 2006, around noon on September 3, 2006, and at some point after September 3, 2006. Williams recalled that appellant had no injuries on September 2, 2006. But, on September 3, 2006, Williams "saw bandages" on appellant's "face and hands." He described appellant's skin as "kind of pinkish."

John Allen Turner, a constable with the Frederick County Sheriff's Office who had known appellant for about seven years, testified that he saw appellant at Advanced Urgent Care in Frederick on September 8, 2006. He said: "Well, he had what appeared to be, was like pink, more or less burns or spots on his face. . . . And then his hand was wrapped and his wrist on his left." Turner added that, when he asked appellant what happened, appellant stated "that he got in a fight with a grill and that was it."

The State sought to offer appellant's medical records from Advanced Urgent Care, dated September 8, 2006. Defense counsel objected, and the court heard argument regarding the admissibility of the evidence. Defense counsel argued:

> [W]hat we really have is evidence that should never have gotten into the prosecution's hands in the first place if it wasn't properly subpoenaed and Urgent Care released it without the consent of Mr. Dorsey then he can't testify to it and that's why I'm going to move to preclude him from being able to do so.

Moreover, defense counsel insisted that the State had to prove that it had written procedures in place when it issued the subpoena. Relying on the Maryland Confidentiality of Medical Records Act, Md. Code (2005 Repl. Vol., 2007 Supp.), § 4-301 to 4-309 of the Health-General Article ("H.G."), he asserted: "[T]he plain reading of the statute would require that before you enter those medical records [the State] has to produce written guidelines of [the] office's procedures and unless that's met I don't think that that comes in." As to compliance with the Health Insurance Portability and Accountability Act, Pub. Law 104-191, 110 Stat. 1936 (1996) ("HIPAA"), defense counsel argued: "HIPAA is, is a quagmire of information to try to, to figure out how to comply with it . . . ." But, he maintained that "the

whole purpose of that reform was to enhance the confidentiality of medical records . . . ."

The State countered that, under H.G. § 4-306, appellant's authorization was not required for disclosure. The prosecutor also claimed that the subpoena was issued pursuant to § 6-310 of the Public Safety Article. *See* Md. Code (2005, 2007 Supp.), § 6-310 of the Public Safety Article ("P.S.").

The court overruled the objection. Therefore, appellant's medical records were admitted. They provided, in part:

> HISTORY OF PRESENT ILLNESS (PHYSICIAN): L side of face and L hand were burned 6 days ago when his gas grill ignited with a fireball. He has been using Zim's wound cream on his face and blister pads on his hand. The burn on his face is looking much improved. His hand has several open wounds and one large deflated blister.

Appellant did not testify or call any witnesses. The court instructed the jury, in part: "The Defendant has an absolute constitutional right not to testify. The fact that the Defendant did not testify must not be held against the Defendant. It must not be . . . even considered by you in any way or even discussed by you during your deliberations."

After the jury returned a guilty verdict, appellant moved for a new trial. He alleged, *inter alia*, that the jury engaged in misconduct because it considered appellant's failure to testify. Regarding the alleged jury misconduct, appellant asserted:

> After the jury was polled and allowed to leave the courtroom, this Honorable Court indicated it would speak to the jurors. Counsel waited in the hallway until the jurors left and asked to speak with them. One juror spoke with Counsel and indicated that despite the Court's instruction, the jury wanted to hear from the Defendant and that this fact was a dispositive one.

At a motion hearing on January 16, 2008, appellant's counsel proffered the information he had obtained about the jurors' deliberations. He argued that Md. Rule 5-606(b) did not preclude the court from hearing testimony from an investigator about jury misconduct. He also insisted that the medical records were inadmissible because there was no proof of a written policy guarding their confidentiality.

The court ruled, in part: "I read [Rule] 5-606 as being an absolute prohibition for the Court inquiring into what mental processes juries go through in the jury room."

Held: The circuit court did not err or abuse its discretion in denying appellant's motion for new trial under Md. Rule 5-606(b), based on appellant's claim that, during jury deliberations, the jury improperly considered defendant's failure to testify. Under Rule 5-606(b), appellant was not entitled to present testimony about "any matter or statement occurring during the course of the jury's deliberations." Asking the jurors directly about their deliberations, or asking a third party to provide hearsay testimony about the jury deliberations, would have constituted an inquiry into the validity of the verdict.

Moreover, the court did not err in admitting the medical records as evidence. Under P.S. § 6-310(b)(2), the State Fire Marshal had authority to issue a subpoena requiring the production of documents relating to any matter that was the subject of an arson investigation, including medical records, even if the State Fire Marshal did not have written procedures governing such matters. The provisions of H.G. § 4-306(b)(7) do not control when the Fire Marshal issues a subpoena under P.S. § 6-310.

Under the Health General Article, a law enforcement agency must have written procedures before a health care provider is *required* to produce documents in response to a subpoena. But, pursuant to H.G. § 4-305(b)(3), a health care provider may *voluntarily* comply with a subpoena issued by a government agency performing its lawful duties, even if the agency lacks written procedures. Even if appellant's medical records were obtained by the Fire Marshal in violation of the Health General Article, however, the Health General Article does not contain an exclusionary rule as a remedy.

Motor Vehicle Administration v. Michael Glenn Baptist, No. 2791, September Term, 2007. Opinion filed on March 30, 2009 by Hollander, J.

http://mdcourts.gov/opinions/cosa/2009/2791s07.pdf

TRANSPORTATION ARTICLE, §§ 16-205.1(b); 16-404.1; 21-902; DRIVER'S LICENSE; INTERLOCK IGNITION SYSTEM PROGRAM.

Facts: On November 9, 2007, Montgomery County Police stopped Michael Baptist on suspicion of driving under the influence of alcohol. Baptist consented to a breath test, which indicated that he had an alcohol concentration of .20 grams of alcohol per 210 liters of breath. Accordingly, appellee was under the influence *per se*, *see* TR § 11-174.1, and was subject to a license suspension under § 16-205.1(b)(1)(i)(2)(A) of the Transportation Article ("TR") of the Maryland Code (2006 Repl. Vol., 2007 Supp.). That section provides that, for a first offense, the driver's license of a person whose alcohol concentration is .15 or more shall be suspended for a period of 90 days.

On the same date, the police issued Baptist an "Order of Suspension," which stated: "[Y]ou are hereby notified that your Maryland Driver's License/Privilege will be suspended effective on the **Forty-sixth (46)** day from the above 'Issue Date' because . . . you submitted to a test indicating an alcohol concentration of .15 or more." In addition, the police provided Baptist with written notification that, in lieu of suspension, or a request for a hearing on the suspension, Baptist could elect to participate in the MVA's Program for one year, pursuant to TR § 16-205.1(b)(3)(vii), if he met certain eligibility requirements and completed enrollment in the Program within thirty days from the date of the Order of Suspension, i.e., by December 9, 2007. These requirements included installation of the interlock device in appellee's vehicle; his election of the Program, in writing; and surrender of appellee's driver's license, in exchange for the issuance of a new license by the MVA, restricting appellee to driving vehicles equipped with an ignition interlock device.

The interlock device was installed on November 26, 2007. Baptist then went to the MVA on December 24, 2007, because he did not receive anything in the mail from the MVA. But, because the lines were too long, he left. In the meantime, because Baptist did not timely complete the requirements for election and entry into the Program, the statutorily mandated 90-day license suspension took effect on December 25, 2007. On January 2, 2008, some three and a half weeks after expiration of the thirty-day

deadline, Baptist sought an interlock restricted license from the MVA. At that time, he was informed that his 90-day license suspension was already in effect.

On January 4, 2008, through counsel, appellee filed in the Circuit Court for Montgomery County a "Complaint for Injunctive Relief to Place Plaintiff in Interlock Program." Also on January 4, 2008, appellee's counsel filed a "Petition for Temporary Restraining Order (Immediate Stay of Suspension)," stating that Mr. Baptist would face "severe hardship" if he were required to wait for the MVA's answer or for the case to be fully litigated, because he could not go to work "to support himself and his family." Appellee also stated: "Since Mr. Baptist is already in the Ignition Interlock Program and already has the device installed in his car, there is no danger to the community in having him drive."

In addition, on January 4, 2008, appellee filed a "Certificate of Immediate Service," indicating that both the Petition and the Complaint had been faxed to Jonathan Acton, II, Esquire, Assistant Attorney General and Principal Counsel to the MVA. Appellee also filed a "Line," stating: "Kindly process this so that I can walk it to the duty judge when it is ready." At approximately 3:00 p.m. on January 4, 2008, Baptist's counsel called Thomas Liberatore, MVA's Manager of Driver Wellness and Safety, and faxed his assistant a copy of the pleadings. As a result, on January 7, 2008, appellee's counsel filed an "Amended Certificate of Immediate Service," advising that the original Certificate of Service was incorrect. He averred that the documents had been faxed "to the Administrative Assistant for Thomas Liberatore, an executive at the Motor Vehicle Administration," and not to Acton, as had been represented in the original Certificate of Service. According to appellee, Assistant Attorney General Dore Liebowitz was given a copy, "presumably by Mr. Liberatore."

The circuit court duty judge telephoned Liberatore on January 4, 2008, seeking to hold an immediate proceeding over the telephone. Therefore, Mr. Liberatore requested assistance from the Office of the Attorney General. According to appellant, it was at that point that MVA's counsel reviewed, for the first time, the available documents and a copy of Baptist's driving record.

Thereafter, MVA's counsel participated in an unrecorded telephone call with the court. The MVA's lawyer argued that the MVA's action in suspending Baptist's license was proper because he had failed a breath test and had also failed to comply with

the requirements for participation in the Program. According to the MVA, at the conclusion of the telephone call the court ruled that Baptist's driving privileges should not be suspended, he should be enrolled in the Program, and he should receive a restricted driver's license. The court signed an Order to that effect on January 7, 2008, granting the Petition for a TRO; Staying the Suspension of Baptist's driver's license; ordering the MVA to enroll appellee in the Ignition Interlock Program; and ordering the MVA to issue appellee a restricted license.

Held: The circuit court erred when it ordered the MVA to enroll a licensee in the Interlock Ignition System Program, because the driver failed to timely comply with the requirements for participation. Further, the proceedings below were patently flawed. Among other things, the court issued an injunction after an unrecorded, twenty-minute telephonic hearing, without affording the MVA the opportunity for a trial on the merits. In addition, the Court had no idea as to the basis for the court's ruling, in contravention of Rule 15-502(e), which states: "The reasons for issuance or denial of an injunction shall be stated in writing or on the record."

ATTORNEY DISCIPLINE

By an Order of the Court of Appeals of Maryland dated April 6, 2009, the following attorney has been suspended for thirty (30) days by consent, effective immediately, from the further practice of law in this State:

CYNTHIA JORDAN
*

By an Opinion and Order of the Court of Appeals of Maryland dated April 14, 2009, the following attorney has been disbarred from the further practice of law in this State:

RALPH T. BYRD
*

By an Opinion and an Order of the Court of Appeals of Maryland dated April 15, 2009, the following attorney has been indefinitely suspended from the further practice of law in this State:

RALPH EDWARD HALL, JR.
*

By an Opinion and Order of the Court of Appeals of Maryland dated April 17, 2009, the following attorney has been suspended for sixty (60) days from the further practice of law in this State:

LOUIS PETER TANKO, JR.
*

The following attorney has been replaced upon the register of attorneys in the Court of Appeals of Maryland as of April 27, 2009:

EPHRAIM C. UGWUONYE
*

Return to TOC

JUDICIAL APPOINTMENTS

On March 12, 2009 the Governor announced the appointment of Master DANIEL P. DWYER to the Circuit Court of Washington County. Judge Dwyer was sworn in on April 3, 2009 and fills the vacancy created by the retirement of the Hon. Frederick C. Wright, III.

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