

CIVILITY & ADVOCACY: NOT MUTUALLY EXCLUSIVE
BALTIMORE COUNTY BAR ASSOCIATION
Professionalism & Young Lawyers Committees
April 25, 2017

SPEAKERS:

The Honorable Vicki Ballou-Watts, *Associate Judge, Circuit Court for Baltimore County*
The Honorable Keith R. Truffer, *Associate Judge, Circuit Court for Baltimore County*
Mary R. Sanders, Esquire, *Turnbull, Nicholson & Sanders, P.A.*
Drake C. Zaharris, Esquire, *Pessin Katz Law*

A. LAWYER TO LAWYER

1. Bad behavior in depositions, inappropriate interruptions, bullying opposing counsel, and how to handle/manage/negate that.
2. Being nasty does not establish you as a hard hitting attorney.
3. Lying is NEVER your best option.
4. If another attorney refuses to speak to you on the phone and will only accept things in writing – something is broke – reevaluate your approach.
5. Raising your voice or arguing with the other attorney is not productive. Remember your goal is to work things out in a win/win situation – not a lose/lose.
6. Personal slights or innuendos about opposing counsel is never ok. Remember we are all working towards the same goals.
7. Never forget the Goal!
8. How to deal with opposing counsel who personally takes on his/her client's position/becomes too emotionally invested.
9. Engaging in settlement negotiations with an attorney who digs in and acts childish in response, i.e. "No, no, no" or "It's my way or the highway."
10. You need to file an emergency petition and know opposing counsel is in trial elsewhere – do you hold off on filing as professional courtesy?
11. Opposing counsel is a friend – balancing being an adversary with your personal friendship.
12. New rules on specialization and what young lawyers should be saying about their "expertise."

B. LAWYER TO COURT

1. Misconduct in the courtroom, including intimidating witnesses and counsel, being disrespectful to judges.
2. When your client wants you to be a “pitbull” or act more aggressively.
3. How to handle it when the presiding Judge or Magistrate is out of line.
4. Dealing with the self-represented litigant.

C. QUESTIONS

February 10, 2015

①

VIA EMAIL AND REGULAR MAIL

[REDACTED]
[REDACTED]
[REDACTED]
Baltimore, Maryland 21201-4120

Re:

Dear Ms. [REDACTED]:

We are horrified that Mr. [REDACTED] concerns are whether or not to file taxes together and not whether or not Ms. [REDACTED] has a bed to sleep in that is not saturated in urine due to her degenerating health, incontinence and husband who wants to wash his hands of her desperately needed healthcare. Shame on you both. At least Mr. [REDACTED] is consistent in only looking after his own financial concerns while consistently ignoring Ms. [REDACTED] minimal requirements for basic care and hygiene.

Let us know what Mr. [REDACTED] intends to do to assure that his severely disabled wife, whose health is degenerating because of the lack of basic care, does not live in filth and then we will respond to your tax concern.

Thank you. I remain,

Very truly yours,

[REDACTED]

Cc: Ms.

[REDACTED]
[REDACTED]
Towson, Maryland 21204

Phone (410) [REDACTED]
Fax (410) [REDACTED]

Email [REDACTED]

Re: Settlement



[REDACTED]
Fri 5/20/2016 8:25 PM

To: [REDACTED]

Cc: Mary Sanders; [REDACTED]

[REDACTED] just go on vacation and enjoy. I got this! I think this guy is watching pornography and smoking a blunt while sending these emails. That could be the only explanation why is still engaging in this behavior on a Friday night. Bon voyage! I got this !

[REDACTED]
Attorney At Law
[REDACTED]
[REDACTED]

Towson, Maryland 21204
[REDACTED]

March 11, 2015

VIA EMAIL & U.S. MAIL

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: [REDACTED]
Circuit Court for Carroll County
[REDACTED]

Dear [REDACTED]

I am in receipt of your letter of March 10, 2015. As I am concerned by, and do not wish to encourage, your obvious practice of generating unnecessary and unjustified paper in the case (apparently for no reason other than to generate charges to your client for the same) I will not indulge a long explanation here; however, you may be assured that Mr. [REDACTED] conduct which gave rise to your letter, did *not* constitute any violation of the Court's Order and/or the parties' agreement, a fact of which your client is certainly aware.

If further exploration of these circumstances is necessary, I trust the same will occur at trial and I look forward to the opportunity to demonstrate that, yet again, your client seeks nothing but to generate what is actually non-existent controversy between the parties and that you seize upon that to generate unnecessary and unjustified fees in the case.

Thank you for your attention to this matter.

Very truly yours, [Signature]

[REDACTED]
cc: Mary R. Sanders, Esquire (w/o enclosure)
[REDACTED]

[REDACTED]

[REDACTED]

Attorneys At Law

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

July 28, 2016

VIA EMAIL AND FACSIMILE

Mary Roby Sanders, Esquire
Turnbull, Nicholson & Sanders, P.A.
29 west Susquehanna Avenue
Suite 202
Towson, Maryland 21204

Re: [REDACTED]
[REDACTED]

Dear Mary:

I have received your Entry of Appearance in the above-captioned matter, along with a voice mail advising that you have the title company's check, which was presumably safeguarded in the office safe of [REDACTED]. Obviously, neither you, me, nor either of our clients can cash said check. In addition, it is the subject of litigation at the present time.

I realize that this is a highly contentious matter and that Ms. [REDACTED] has recruited you in order to avoid Mr. [REDACTED] suggested settlement offer. This case originated in 2014 and continues without any resolution; although, at one point, but for Judge Turnbull, had he waited to leave for lunch, we would have a settlement on the record. I realize you have a client who believes she needs an additional day or two in Court in order to elicit sympathy. I also realize you have a duty to zealously represent Ms. [REDACTED].

My client is literally poverty stricken. Neither of them may have any appreciable assets, other than the check you have in your possession and the retirement asset of your client. I am enclosing with this letter the latest draft Joint Statement for your review and eventually your comments, additions or deletions.

This matter is scheduled for a three (3) day Trial, beginning November 1, 2016. No matter what any well intended Judge determines, these parties will have no more money than they have at this present time.

Mary Roby Sanders, Esquire
July 28, 2016
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Yesterday, you left me a voice message and requested a response to the title company's check. Although I never released Mr. [REDACTED] from maintaining the check, I certainly hold you and your firm to the same high regard as I did [REDACTED]. I am sure you will safe keep the check until a final decision is made with regard to how it is to be negotiated. When and if [REDACTED] allows you to discuss settlement or any other aspect of this case, I am always available to discuss this case with you, preferably by telephone.

Sincerely,

[REDACTED]
[REDACTED]

[REDACTED]
Enclosure

cc: [REDACTED]