

# NEWSLETTER

COMMITTED TO THE PRINCIPLES OF LEGAL EXCELLENCE, COMMUNITY SERVICE, AND INCREASED MINORITY PARTICIPATION IN THE PRACTICE OF LAW

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## JFB Board of Directors

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## FROM THE PRESIDENT'S DESK



**J. Franklyn Bourne**  
Bar Association  
30th Anniversary

### FROM SUCCESS ...TO SIGNIFICANCE

Almost thirty years ago, a group of young men and one woman gathered together in an effort to support each other in their chosen profession ... law.

Since they were few in number at the time and not yet openly welcome in the other bar associations, they decided to meet in search of camaraderie. One meeting lead to another, then another and, thereafter, a fellowship was "Bourne."

Established on May 6, 1977, the J. Franklyn Bourne Bar Association ("JFB") was created with a mission to:

- Ensure the continuation of African-Americans in the field of law.
- Safeguard and preserve the historical continuation of African-American lawyers in Montgomery and Prince Georges's counties.
- Aid new lawyers and give on-going support to members of the profession with continuing legal education programs and other seminars relating to issues specifically germane to the African-American community.

(Continued on page 2)

## BOURNE STANDING COMMITTEES

**Judicial Selection:** Gregory K. Wells & Vernell B. Arrington

**Membership:** Janelle Jordan & Judge Herman C. Dawson

**New Admittees:** Wennesa Snoddy & Judge Sheila Tillerson Adams

**Partners-in-Education:** Roger C. Thomas & Sharon Christmas Deberry

**Legislative Reception:** Traci Scudder & Colette R. Gresham

**Law School Outreach/BLSA:** Letoria Knight & Dennis Whitley

**Black History:** William Snoddy & Karren Pope-Onwukwe

**Community Service:** Maurene Epps Webb & J. Wyndal Gordon

**Montgomery County Committee:** Holly Reed

**Scholarship Golf Classic:** Judge Toni E. Clarke & Garland H. Stillwell

**Nominations & Elections:** M. Andree Green

**Solo & Small Firm / Young Lawyers:** Michael Worthy

**Founder's Day:** Elizabeth Hewlett

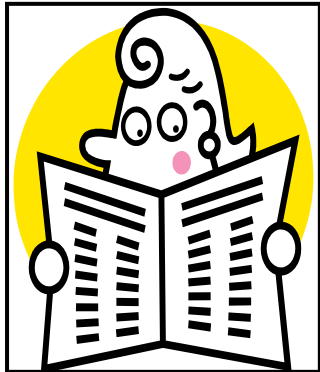
**Continuing Legal Education:** Judge Michele D. Hotten & Shelly Johnson

**Scholarship Awards:** Garland H. Stillwell & Shondriette Kelley

**Website/Newsletter/Mentoring:** Joel Braithwaite

**Lawyer's Referral:** Keith Parris

**Banquet:** Judge Hassan Ali El-Amin & Sharon Christmas Deberry



### JFB Newsletter Committee

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The **JFB Newsletter Committee** strives to insure that the *JFB Newsletter* provides a valuable resource to its members. But we need your help. The Newsletter Committee invites your participation as a Committee member or as a contributor. We welcome articles and information on topics of interest to JFB members. For further information, please contact **Joel Braithwaite**. (See above.)

## FROM THE PRESIDENT'S DESK (Cont.)

- Defend, protect and assist in the cultural, economic social and political development of the African-American community through the vehicle of the law.
- Educate and inform members of the general public, through seminars and other forums of their rights, responsibilities and legal issues affecting African-American.

If we were to be graded on our success in fulfilling the above mission, what would it be? Last year, I penned an article for the January 2006 issue of the JFB Newsletter entitled, "Is Bourne Still Relevant?" In that article, I examined our mission and asked if we had fulfilled our purpose. It was my conclusion then and it is now that we have more work to accomplish. Sure, JFB is by all accounts a successful bar association. We have been the breeding ground for many of our leaders today, and we have received numerous awards for well-done programs.

*No one can dispute our success, but are we significant?* If you hesitated before answering that question, I challenge you this year to recommit yourself to our association.

We must be the catalyst for change in our community and become significant in the lives that we touch.

Next year 2007 will commemorate JFB's 30<sup>th</sup> anniversary, please join me and the board of directors in the moving of our bar association: **"From Success ... To Significance - J. Franklyn Bourne Bar Association in the New Millennium."**

During the Civil Rights era, A. Philip Randolph was quoted as saying: "Rather we die standing on our feet fighting for rights than to exit upon our knees begging for life." Let us in the coming year, stand TALL.

Abigale Bruce-Watson, Esquire  
President, JFB Bar Association

## HIGH SCHOOL ORATORICAL CONTEST

The Maryland State Bar Association recently presented the J. Franklyn Bourne Bar Association with the 2006 Best Service to the Public Project Award for its annual bi-county High School Oratorical Contest.

In efforts to promote community outreach, the bar association sponsors an annual Oratorical Contest, the featured event in observance of Black History Month. High School 11th and 12th graders in Prince George's and Montgomery Counties present their essays on the chosen topic and compete for a \$1,000 scholarship and other prizes donated by generous participants, such as Models.

The topic for this year's Oratorical Contest will be "Strengthening Our Schools and Our Families: What Needs To Be Done?" The contest will be held on Saturday, February 24, 2007 from 10:00am-1:00pm in the Prince George's County Council Main Hearing Room. In the event of bad weather, the competition will be held at the same location on Saturday, March 3, 2007. The event is free to the public.

For further information, please contact Amirah Salaam, [Amirah.Salaam@mdcourts.gov](mailto:Amirah.Salaam@mdcourts.gov) or Shannon Weaver, [Shannon.Weaver@mdcourts.gov](mailto:Shannon.Weaver@mdcourts.gov).

Please check the JFB website for more information.

## ***KATRINA — HAVE WE FORGOTTEN?***

**“... for there is a time and a judgment for everything.” Ecclesiastes 8:6**

All Gulf Coast survivors face perplexing challenges in trying to rebuild their lives post Katrina. The battleground is vast and the combatants range from insurance companies to the federal government, from issues of property rights to issues of civil rights and the preservation of a historic culture.

Homeowners continue to battle with insurance companies to receive their insurance contracts benefits. In a situation where there is concurrent causation between high winds, torrent storms, and flooding, who is qualified to determine the proximate cause of property damage?

In efforts to mitigate the suffering and expense of it's property owners, Mississippi's Attorney General has filed suit to declare flood exclusions "void and unenforceable." Arguing insurers would be "unjustly enriched," he alleges that the insurers are "purposely and intentionally" denying claims "knowing full well that the State's citizens would be injured thereby." He further claims that insurer's "refusal to meet their contractual obligations to their policyholders will impose unnecessary and excessive costs upon the state and local governments and ultimately the taxpayers of the State of Mississippi."

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However, according to case law where the language is clear and unambiguous the issue of reasonable expectation of coverage is moot. In addition, "the majority of jurisdictions recognize the right of contracting parties to waive the efficient proximate cause and concurrent causation doctrines where permitted by law."

In June of 2006 the Army Corp of Engineers took responsibility for failing to construct and repair the levees to required standards. Has this admission led to proper restitution to the families? In East Baton Rouge a similar class action suit has been filed, asking the court to direct the Louisiana Insurance Commissioner to interpret the defendant insurers' homeowners insurance policies so as to cover losses due to water entering the City of New Orleans from breaches in designated flood walls.

Associations of lawyers, such as the New Orleans Coalition for Legal Aid & Disaster Relief, have joined to bring plaintiffs lawsuits. Class action pleadings filed in the US District Court in New Orleans target the Federal Government and the Corps of Engineers. The suit alleges "malfeasance, misfeasance and nonfeasance" in ensuring the competent design, construction, inspection, maintenance and operation of an entire navigable waterway system. However, admission of fault does not necessarily mean that the federal government has accepted liability. The federal government and the state of Louisiana may very well deem the neighborhoods annihilated by the breach of the levees condemned land, and justify their taking under the doctrine of eminent domain, which may be fought by a plaintiffs claim of inverse condemnation.

The reality of the situation is that the socio-economic demographics of New Orleans are now forever changed. We can only hope that it's coveted place in African American history, and arguably one of the last links to our African Heritage, will not be lost in the process. If you plan to visit New Orleans in February for Mardi Gras, the Jazz Festival in late April, or the Essence Festival in July, you will notice that the service jobs that were once held by a great number of those displaced after Katrina are now filled by the white middle class. It is almost as if the Congo Square and Louis Armstrong Park were named out of admiration rather than deep historical roots. Hopefully the Louisiana Museum of African American History located in the historic Treme neighborhood survives to tell the tale.

Some argue that the era of the civil rights movement has ended. While the people of New Orleans suffered, there was outrage, but no march on Washington, although, 15 to 20 Howard Law students stood in front of the White House for a week singing the civil rights anthem "We Shall Overcome" and other spirituals. Is this the era of social apathy? We gave money, we gave clothes, we gave band-aids. However, civil rights battles are still waging in the aftermath of Katrina.

In late 2005 a coalition of African American leadership organizations identified eight areas of concern and have taken steps to further those objectives. The NAACP and other civil rights organizations such as National Urban League have set initiatives to not only protect the voting rights of those one-way ticket holders who were displaced, but to ensure their receipt of priority jobs in the contracting and reconstruction efforts. The NAACP has also published a report on the state of housing in New Orleans one year after Katrina, and a policy oriented report on the challenges and opportunities facing the state of Mississippi one year after Katrina.

The Congressional Black Caucus Foundation (CBCF) raised funds amounting to about \$400,000.00 to aid Katrina Survivors, and on December 9, 2005, CBCF issued a \$290,000 grant to the New Orleans-based Community of Faith for Economic Empowerment (COFFEE).

There is still much work to be done, more rebuilding, and more healing. While you prepare for the holidays, think of how you have contributed to the relief efforts and to the ongoing civil rights movement. Legal battles still wage over the disbursement of funds donated during the relief effort, the enactment of policy to protect homeowners during times of disaster, legislating the right of return for displaced citizens, ensuring the availability of affordable housing, and protecting the property rights of those who have been displaced. How will you respond to the call for justice?

**Letoria G. Knight, Esquire**

## DID YOU KNOW?



National Bar Association's Mid-Winter Meeting – "Carrying the Torch – Leading By Example" will be held at the St. Kitts Marriott Resort & The Royal Beach Casino from January 10-14, 2007.

The Community Outreach Committee of the ABA is planning a day long series of seminars on real estate and probate issues for the benefit of members of Minority Bars. The Program will include a lunch and reception which will be complimentary to members of the Minority Bars. Look for more details on this event in the coming months.

Maryland Crime Victim's Resource Center has announced the creation of three new legal clinics to provide direct representation to victims of federal crime. For more information contact Bethany Strong Backes, at 301-952-1406 or 301-952-1049, toll Free: 1-877-VICTIM1 or on the web at [www.mdcrimevictims.org](http://www.mdcrimevictims.org).

The *JFB Newsletter* is published monthly except July. All rights are reserved but articles may be reprinted without permission, provided proper credit is given. JFB members receive this newsletter at no cost. Statements expressed herein are those of the authors and do not necessarily reflect the views of the **J. Franklyn Bourne Bar Association, Inc.** or its officers.

The *JFB Newsletter* invites letters and articles. Submissions should be sent by E-mail, in MS Word format, to [joel.braithwaite@gmail.com](mailto:joel.braithwaite@gmail.com). Editor reserves the right to shorten any submissions to meet space limitations. Deadline is the 29th of each month.

## KUDOS

Kudos to former JFB Past Presidents, **Judge Michele D. Hotten** and **Judge Toni E. Clarke** for being named civil coordinating judges for the Prince George's County Circuit Court. Judge Hotten and Clarke have updated Judge Thomas P. Smith's 1997 publication of "What Happened?! Or How to Get From Here To There...The Civil Saga Continues" to assist practitioners in navigating the civil world. Copies are available on our website.

Kudos to JFB Member **Youshea A. Berry** for being named as a Diversity Fellow in the ABA's General Practice, Solo and Small Firm Division.

Kudos to **Gregory K. Wells**, co-Chair of JFB's Judicial Selection Committee, for being selected for inclusion into the upcoming 2007 edition of The Best Lawyers in America in the specialties of Medical Malpractice Law, Personal Injury Litigation, Product Liability Litigation and Professional Malpractice Law. Inclusion in Best Lawyer is regarded – by both the legal profession and the public – as the highest form of professional accolade. Mr. Wells is also the Chair of the Maryland Sate Committee of the American College of Trial Lawyers. Well done Greg!

## FOCUS ON HEALTH — DEPRESSION AT CHRISTMAS

'Tis the season to be jolly - but what if you're feeling anything but jolly? Depression is common at this time of year, for many reasons. There's nothing like the festive season to force you to face the fact that life isn't always as joyful and triumphant as we're led to believe.

For those away from their families, in particular, Christmas and New Year can be a very isolated time. But even if you're surrounded by family and friends, this time of year can bring more than its fair share of stress, noise, anxiety and squabbles.

Add this to longstanding money worries, family conflicts, job problems or bereavement, and it's no wonder calls to helplines about depression and suicide rise by nearly ten per cent during the festive season.

The MSBA's Lawyer Assistance Program is a GUARANTEED confidential program that identifies impaired judges, lawyers, law student, and legal staff: assesses them; refers them to appropriate treatment, and supports and monitors their recovery. The LAP can be reached at 800-492-1964.

**J. FRANKLYN BOURNE BAR ASSOCIATION, INC.**  
P.O. Box 1121  
Upper Marlboro, MD 20773-1121

### ***Important Dates to Remember***

#### **General Membership Meeting**

Thurs., Jan. 18th, 6:30 p.m.  
Greenbelt Marriot  
6400 Ivy Lane  
Greenbelt, MD 20770

#### **Joint JFB, Prince George's & Montgomery Counties' Bar Associations Meeting**

Tues., February 13th, 5:30 p.m.  
U.S. District Courthouse  
6500 Cherrywood Lane  
Greenbelt, MD 20770

### **SAVE THE DATE** **2007 High School Oratorical Contest** **"Strengthening Our Schools and Our Families: What Needs To Be Done?"**

Sat., February 24, 2007 10:00 a.m.  
Prince George's County Admin. Building  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

### **WE ARE MOVING!**

General Membership meetings are being moved from the Greenbelt Community Center to Prince George's Community College, Largo Student Center, Room 232A. Parking is available in Lot B off of Largo Road (Route 202) and adjacent to Largo High School. Directions on website.

## ***SCHOLARSHIP DONATIONS***

Let's give the gift of charity – J. Franklyn Bourne Bar Association Scholarship Fund, Inc.

Money is like manure; it's not worth a thing unless it's spread around encouraging young things to grow... Thornton Wilder

In keeping with JFB's mission, the Scholarship Fund has been raising money and awarding scholarships to local area law students to help defray the cost of law school tuition. Please join with us in those efforts by making a donation to the Scholarship fund. Donations are tax deductible and any amount would be appreciated. Checks should be made payable to J. Franklyn Bourne Bar Association Scholarship Fund, Inc. and mailed to P.O. Box 1121, Upper Marlboro, MD 20773.

## ***ELECTION RESULTS***

**President:** Abigale Bruce-Watson,

E-mail: abigalebwatson@verizon.net

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**Corresponding Secretary:** Karren Pope-Onwukwe

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**Recording Secretary:** Sharon Christmas Deberry

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E-mail: Sharon.burrell@montgomerycountymd.gov

**Executive Officer:** Maurene Epps Webb,

E-mail: mewebb@co.pg.md.us

**Executive Officer:** Honorable Toni E. Clarke,

E-mail: tclarke@co.pg.md.us

## ***MEMBERSHIP INFORMATION***



**JFB** is committed to legal excellence, community service, and the advancement of African-American minorities in the legal profession. Our membership consists primarily of African-American attorneys who live and/or work in Montgomery and Prince George's Counties.

Membership classes are:

**Active:** Licensed to practice law in Maryland. Dues: admitted to the Bar for less than 5 years — \$25; all others — \$50.

**Associate:** Licensed in *any other jurisdiction*, who lives in Montgomery or Prince George's County. Dues: admitted to the Bar for less than 5 years — \$25; all others — \$50.

**Student:** Matriculated at a Washington metropolitan area law school or lives in Montgomery or Prince George's County and matriculated in any law school. Dues: \$5.

**New Admittees:** Admitted to practice in Maryland in the last 12 months. Dues waived.

For membership applications, contact Janelle Jordan & Judge Herman C. Dawson.