

1 IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

2

3 PRINCE GEORGE'S COUNTY BAR ASSOCIATION

4

5

6 MEMORIAL SERVICE

7

8

9 Thursday, November 14, 2002

10

11 3:00 o'clock p.m.

12

13 Courtroom 300

14

15 Court House

16

17 Upper Marlboro, Maryland

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

Christine W. Fauntleroy
Official Court Reporter
P.O. Box 401
Upper Marlboro, MD. 20773

PROCEEDINGS

JUDGE WOODS: Friends, we are gathered here today, as we have for many, many years, to honor our colleagues and associate who have passed on.

We are honored today of course to welcome the family members, the friends and the guests that are here to remember. I am not going to go over the list of who we are going to honor. That is in your programs, and Judge Femia and Judge Wallace will take care of that.

It is my pleasure at this moment to introduce the president of the Prince George's County Bar Association, Judge Sean Wallace. Is he here?

JUDGE FEMIA: No, but I do a hell of an imitation. He is working.

JUDGE WOODS: I guess we will just have to recognize Judge Femia.

JUDGE FEMIA: Chief Judge Woods, Judge Kratovil from our District Court, fellow judges, Judge Harrell from our Court of Appeals, fellow retirees - the ones with the smiles, ladies and gentlemen.

As the chairman of the Memorial Committee, may I first tell you that Judge Wallace is not here because he is working. Somebody has to pay the rent, and that's his function.

1 The rest of us have gathered, as we have, as
2 Judge Woods said, for many years to engage in this
3 bitter sweet service. I say bitter sweet because we
4 are here memorializing fellow members of the Bar, but
5 sweet in that we do it and we remember them and
6 remember the good things they did.

7 To that end I have asked a number of people to
8 present the memorials, and I will now introduce
9 Arthur A. Budd Marshal to tell us about or memorialize
10 the memory of Jack deKowzan.

11 MR. MARSHALL: Thank you, Your Honor. If it
12 please the Court, Judge Woods, judges assembled. I am
13 moving slow but I'm moving. That's the important
14 thing.

15 John deKowzan, if you didn't know him, his
16 name was Jack. Jack was a friend to me at least, and
17 perhaps to many of you, and those of you who were ever
18 in the State's Attorney's Office while Jack was there
19 for some twelve years, as I recall, would remember what
20 he did.

21 There are a lot of people who have become
22 great trial attorneys and made a lot of money. Jack,
23 his niche in life, was a prosecutor's prosecutor. Many
24 of you don't know but he created a position really, I
25 guess, while he was in the office of what we call the

1 Principal Assistant State's Attorney.

2 He came to me, as I think Judge Femia has
3 pointed out in his resume, really from Baltimore, and
4 of course Jack died in Baltimore. Jack was from
5 Baltimore and had always been from Baltimore as far as
6 I was concerned and I think as far as he was concerned.
7 He was born and raised in Baltimore, died in Baltimore,
8 practiced law in Baltimore, went to the Maryland
9 State's Attorneys Association after leaving the State's
10 Attorney's Office in Baltimore City, and that's about
11 where I came into it.

12 Jack at that time was doing legislative work
13 for the Maryland State's Attorneys Association and at
14 that time I needed somebody who could do some
15 legislative work for Prince George's County State's
16 Attorney's Office because it was important that we
17 remove our lock, and Jack was instrumental in turning
18 around the salary scales of the Assistant State's
19 Attorneys.

20 I saw Terry McGann. He was probably
21 instrumental in getting him a pay raise, and he was
22 instrumental not only here in Prince George's County
23 but throughout the state in becoming a very active
24 participant in the programs of the State's Attorneys.
25 There were some other programs.

1 I hired Jack and I said, gee, "You're older
2 than I am, that's one good thing, you can coach first
3 base for the Marshall's Marshalls." And Jack took over
4 those responsibilities. But Jack was a person, as I
5 said, who was a friend.

6 There are some items of comments that I would
7 like to make, some of the personal matters, that I
8 really didn't know exactly when Jack was born. He was
9 79 years of age and he died back in June of this year,
10 June 19th.

11 As I have said, Baltimore through and through.
12 Graduated from high school in Baltimore, went to
13 Southern High School, went into the Reserves, went into
14 the Army Reserves, served as tank commander in the
15 Philippines, got out of the service as a captain,
16 stayed in the reserves, as he used to point out, and he
17 made bird colonel.

18 I think he always wanted to be a general. He
19 didn't quite make it. I always called him general, but
20 he didn't quite make it. He retired from the service,
21 from the Army.

22 He went to Mount Vernon School of Law in 1958
23 and came into my office ten years later, around 1968.
24 I know he stayed there until the first Monday in
25 January 1986, because that's when I left the office.

1 He handled trials. You didn't get away in my
2 office with just handling legislative matters. He
3 handled trials in our District Court and Circuit Court.
4 And one thing you knew from Jack was when he went into
5 the courtroom he was prepared.

6 I looked at the list of names here, and I
7 think there are six, all of whom are friends, but Jack
8 was a personal friend. We traveled to Colorado, I
9 guess probably twenty years ago -- I know his wife
10 Teresa is here -- probably thirty years ago, probably
11 1972, our families went out and spent a week together
12 in Colorado, as I recall.

13 Jack, when he left us, he had, as I recall,
14 had five children. Two of them were here with us
15 today, two daughters, some of who couldn't make it, but
16 his wife is here.

17 Jack is one of those people, as has been
18 pointed out, was through and through Baltimorian and
19 dedicated to the prosecutor's office in this state. I
20 would like to think that Jack right now is still
21 prosecuting cases up there, still wearing that white
22 hat, and I personally think that he is still on the
23 side of the good people where he is today.

24 I would like to introduce his wife Terri, who
25 is here; his daughter Terri, young Terri is here; Mary,

1 I believe is here. There is a young Jack. I haven't
2 seen him. There's a young Terri, a young Jack, when I
3 knew him at least, who couldn't make it today, but I
4 think we all miss Jack and I would ask at this time
5 that my remarks be spread upon the record of the
6 Circuit Court for Prince George's County in the Seventh
7 Judicial Circuit of Maryland.

8 JUDGE FEMIA: Thanks, Budd.

9 Ladies and gentlemen, I have just noticed for
10 the first time that though Karl Feissner is next in
11 alphabetical order, we have Leonard Lipshultz's
12 biography next. However, we will stick with the
13 alphabetical order.

14 We will ask if Mary Crawford would be kind
15 enough to come up and memorialize Karl.

16 MS. CRAWFORD: Thank you, Judge Femia. Karl
17 was a past president of our Bar Association for the
18 years 1982 and 1983, and our ceremony is particularly
19 important because it's a chance for the families to get
20 together and see the people that their loved ones
21 interacted with on a professional basis.

22 We attorneys make a lot of sacrifices in terms
23 of time, and our families share in those sacrifices.
24 So we want the family to realize that we appreciated
25 Karl and we share in your loss too.

1 So we are very happy to be joined here today
2 by his family. His wife Margaret is here today and
3 she's joined by their five children, John, Ralph,
4 Nancy, Elizabeth, Karen Marie, and two grandchildren,
5 Jimmy and Allison, and we welcome you.

6 Karl and Margaret married while he was still
7 in school, and their successful marriage lasted 44
8 years. As I said before, they had five children, three
9 of whom were only a year apart. So it was a very busy
10 household. Margaret worked at home taking care of the
11 children and she always made sure that Karl ate dinner.
12 I had occasion to interview some of Karl's law partners
13 and they told me that he frequently remarked that
14 Margaret made sure that dinner was waiting for him when
15 he came home, which was frequently late.

16 Karl was the energizer bunny before there was
17 the Energizer Bunny. He had boundless energy, and
18 Judge Garrity shared with me that he was the only
19 attorney that he knew that tried three cases in three
20 different jurisdictions in the same day. And that
21 pretty much epitomized his wonderful energy.

22 He was very generous with his time and with
23 his talents. One of the great loves of his life was
24 the volunteer fire department, and Karl was involved
25 with the volunteer fire department since the 1960s,

1 drafting legislation shortly after the riots to try and
2 get a cooperation agreement between the fire
3 departments of the different jurisdictions, and he
4 continued that love and that activity and the love of
5 firefighting really throughout the rest of his life.
6 He passed that love along to his son John, who is a
7 firefighter in Montgomery County.

8 I had the pleasure of meeting Karl on many
9 occasions, and most frequently in recent years I would
10 meet him at the University of Maryland mock trials
11 competition, where he would be a volunteer judge. He
12 was always so proud of his son's involvement in
13 firefighting, but he was always very proud of the young
14 people that he helped to coach and advise during the
15 mock trial championships. But that was just one of his
16 many activities.

17 He participated in helping indigent people at
18 the Takoma - Silver Spring Center. He helped in the
19 Make A Wish Foundation. He took food baskets at Easter
20 and Christmas to underprivileged families, and he
21 really just devoted himself to the community. That is
22 especially remarkable when you consider that as an
23 attorney he was unparalleled in his expertise, his
24 preparation for trial, his knowledge of the law.

25 And I would point out that Judge Chasanow, who

1 has a reputation for being a stickler, spoke of Karl
2 very, very highly, that he was always prepared, and he
3 called him a superb trial attorney, which indeed he
4 was.

5 When I first spoke with Margaret about
6 preparing my remarks about Karl, she told me that Karl
7 loved the law and it came first. But I thought that,
8 after I did the research and thought about what I knew
9 about Karl, that really it was people that came first
10 with him and it was people in the legal profession but
11 also people out in the community.

12 So we will remember him with fondness and
13 admiration for his many good qualities.

14 And, Your Honors, I would ask that these
15 remarks be entered into the record of the Court. Thank
16 you.

17 JUDGE FEMIA: Thank you, Mary.

18 Next I am going to call upon Mr. John Hone, a
19 partner in the firm of Lipshultz and Hone, to
20 memorialize Leonard Lipshultz, who was also a partner,
21 who passed away this year.

22 MR. HONE: Thank you, judge.

23 Judge Woods, other members of the bench, I
24 have come here today to speak of my friend and my
25 partner, Leonard Lipshultz, husband to Anna, father to

1 Stan, Frank, Gary and Mark, and a law partner to a
2 bunch of guys who admired and respected him.

3 Leonard's father back in the depression days
4 was known as the Watermelon King, and he sold his wares
5 on Main Avenue in D.C. Leonard, as a young man, drove
6 the truck up and down to Florida getting all the citrus
7 fruit up here for his dad. He later went into business
8 in a grocery store called Sonny's Market. He had a
9 restaurant.

10 He served in World War II, was injured and was
11 discharged. I know he would like to have me make note
12 that he was indeed a veteran, because he loved his
13 country too.

14 Later in life he decided to become a lawyer.
15 He went to and graduated from American University in
16 1956, and that same year he passed the bar, and became
17 a member of the bar of this state and of the District
18 of Columbia. His long services to the bars of both the
19 District of Columbia and Maryland have brought nothing
20 but honor and integrity to our profession.

21 I went to work for Lennie right out of law
22 school. I had never been in a courtroom in my life. I
23 had a lot of theories, I mean a lot of theories, but I
24 had absolutely no trial practice. And so my second
25 week on the job I had a trial. So I said to Lennie as

1 he is walking out for lunch one Saturday afternoon,
2 "What do I do?" He kept on walking and I kept on
3 following him, and he got in the elevator, the elevator
4 doors started to close, he said, "Sink or swim," and
5 I've been swimming ever since.

6 He taught me how to stand on my own two feet,
7 and I've told every single lawyer who comes into my
8 office and every single law clerk who does those exact
9 same words.

10 He was my mentor. He taught me everything I
11 know about the practice of law. I remember one case we
12 worked on for weeks and weeks late at night, and one
13 night I finally got tired. It was around midnight. I
14 said I've had it, I had to go home. He said okay,
15 let's call it quits for the night. He handed me a
16 yellow pad. We all know what those yellow
17 pads are.

18 I said to him, "What's this for?" He said,
19 "Well, when you are driving home tonight and when you
20 come to a stop light I want you to write a jury
21 instruction." That's the way Leonard was.

22 He did things in the courtroom I've never seen
23 any other lawyer do and he pulled it off. There are
24 hundreds and hundred of stories. I thought I would
25 share just a few of those with you.

1 Our firm was one of the early firms to begin
2 specializing in products liability law, and in one of
3 those early cases, after spending over four months in
4 trial, it was the night before closing argument, and
5 the issue in the case dealt with a seat track and seat
6 runners and whether or not they separated during the
7 course of the accident and whether or not the
8 manufacturer was responsible for that.

9 We had gotten a brand-new seat track and a
10 brand-new runner from the automobile manufacturer, and
11 along with all the lawyers from New York and experts
12 from all over the country, we tried for a long time
13 trying to pull those seat tracks and runners apart. No
14 one could do it. So we concluded, okay, well, this is
15 going to make a great prop for our closing argument.

16 So Lennie gets up in front of the jury the
17 next day, and comes that point in his closing argument,
18 he picks up the seat track and the runner all held
19 together and he says to them, "Ladies and gentlemen,
20 there is no way that this seat track and this seat
21 runner can come apart," and he has got one in each
22 hand. He looks back to the jury and he says, "Unless,
23 of course, you do what I just did." Well, they
24 returned a verdict in favor of his client.

25 At another trial that exhibits some other

1 aspects of Lennie's life, we bitterly contested with
2 the plaintiff, who was a quadriplegic, another products
3 liability case. Well, the judge -- that was federal
4 court -- agreed with us that the plaintiff's case ought
5 to be tossed out after the conclusion, and the judge
6 did.

7 The plaintiff's counsel were so angry they
8 raced out of the courtroom, leaving their client fully
9 flat on his bed, fully reclined and helpless. Leonard
10 walked over to this man that he had been bitterly
11 contesting for six weeks and said, "Can I get you
12 anything?" He got him a glass of water and asked if
13 there was anything else he could do, and assisted him
14 in whatever way he could.

15 Still another time Leonard was in a closing
16 argument -- I got to demonstrate this one. He used to
17 like to get up and kind of put his hands back on his
18 hair and kind of jiggle his clothes around and fix
19 everything and button his jacket and unbutton his
20 jacket and start to talk to the jury, and he would take
21 his glasses off at some key point and wave them around.
22 So on this occasion they were caught under his tie, so
23 when he had finished the majestic points of it he put
24 his glasses back on, and his tie was hanging on his
25 face. He also got a verdict in that case as well.

1 He had many a trial in this very court. He
2 knew many of the judges of this court. His fishing
3 buddies were Judge Jim Couch and Al Blackwell.
4 Between them they each claimed to have caught the
5 largest fish in Maryland history.

6 Judges that Leonard was close personal friends
7 with were Roz Bell, who shared office space with us,
8 Calvin Sanders and John McAuliffe, who he went to
9 school with, Stan Klavin and Paul Mannes, Leonard
10 Rubin, Bess Levine and Sherrie Krauser.

11 In fact, when he was a young boy -- and I
12 think I can get someone to testify to this who is in
13 the courtroom today -- he got in trouble as all young
14 boys do, and these young boys kind of hung around
15 together and all got in trouble. Today two of them
16 have been judges, Judge Jake Levin and Judge Irv
17 Levine, who, by the way, was the one who told Leonard
18 to go to law school because he had this wonderful gift
19 of gab.

20 In this courtroom, in this courthouse, there
21 was an expert who was traveling all through the country
22 doing terrible things in automobile product liability
23 cases to defendants, and Leonard did a grueling
24 cross-examination of him here to the extent that the
25 presiding judge told that expert never to come back

1 into this state and testify.

2 Well, my family experienced a major personal
3 problem. It was Leonard who came to my rescue. He
4 came to the rescue of all of us. Whenever we had
5 problems we would go to him. He was a strong reliable
6 and radiant person and influenced all of our lives.
7 His advice to us was always sound and always came from
8 his heart.

9 Whenever his synagogue needed help, Leonard
10 never hesitated to write out a check. Whenever a
11 neighbor needed help, he never hesitated to help.

12 He loved the Prince George's County Boys and
13 Girls Club. He was its president for several years and
14 its legal advisor for as many years as I could count.
15 He loved being involved in helping kids. He even
16 coached.

17 One of his favorite stories he always loved to
18 tell was the day when he got his team and he would say,
19 "Okay, I want all the infielders over here." A bunch
20 would go over there. "I want all the outfielders
21 Here." A bunch of kids would go there. "I want all
22 the pitchers and catchers over there."

23 When he was done there was one kid still
24 standing there, and he was confused because he had
25 covered all the positions. He turned to the young boy

1 and said, "What is it that you do?" The young kid
2 said, "I hit."

3 I have millions of memories of Leonard, and
4 our firm loves to sit around and talk about those
5 stories. And many of you here who knew him have
6 memories of him too. My wife says to me that she will
7 miss the twinkle in his eye, and I will too, and all
8 those who knew him will miss it as well. So if you
9 know of a time or can recall a memory, whether it was a
10 funny moment or just a recollection of his acts of
11 kindness, hang on to it and share it with others.

12 He was our mentor, our teacher, our partner,
13 and most of all he was our friend.

14 He was a father and partner to Stan and Frank.
15 He taught them to be good and honest lawyers. He was a
16 father to Gary and Mark and he taught them to be
17 upstanding citizens and to be successful in their
18 chosen careers. And as to Anna, his wife of nearly
19 sixty years, he loved her and cared for her more than
20 any other person on this earth.

21 We will miss him terribly.

22 Your Honor, I ask that these remarks be placed
23 on the record. Thank you.

24 JUDGE FEMIA: Thank you.

25 I am going to call on John Maloney to

1 memorialize his father, Walter, but Mike to all of us.

2 MR. MALONEY: Thank you, Judge Femia.

3 Judge Harrell, Judge Blackwell, of the Court
4 of Appeals; Judge Salmon and Judge Garrity of the Court
5 of Special Appeals; Judge Woods and members of the
6 Circuit Court, Judge Kratovil and members of the
7 District Court, friends and family.

8 My father, like most people, was many things.
9 He was a devoted husband and father, a talented lawyer
10 and labor judge, a vocal citizen activist, a
11 conscientious councilman, a devout church member and a
12 doting grandfather, and he was much more.

13 My father was a man of principle and
14 integrity, a man of high standards and courage, and a
15 man with a strong work ethic and an even stronger sense
16 of justice.

17 You can see from his biography that his
18 community, Prince George's County, played a large role
19 in his life. As a young lawyer in his thirties with
20 six small children, my father, along with others, was
21 fighting to basically overthrow a government. They
22 dared to try to eliminate the old entrenched
23 commissioner system of governance, and they succeeded.
24 So that now we have a modern form of government with an
25 executive and legislative branch and much more.

1 My father then led the writing of the charter
2 for the new county government and became the first
3 County Attorney as Prince George's County began its new
4 life. Few of us will alter entire governments or start
5 new ones in our lifetimes.

6 I tell that one story from my father's 71
7 years of accomplishments because it is symbolic of the
8 type of person he was, a person of high ideas who tried
9 to improve the current and future lives of people in
10 his community, a person who was not afraid to challenge
11 those who were in authority when they were wrong, a
12 person of initiative, who didn't take a poll
13 to determine what was the right course of action, and a
14 person of a strong sense of duty to do the thousands of
15 things that it takes to make a lasting and positive
16 change.

17 Throughout his legal career my father
18 practiced in many different areas, something that does
19 not seem to happen as much anymore. As a JAG officer
20 in France, he prosecuted and defended criminal cases
21 and became involved in NATO treaty matters. As a
22 private practitioner in the 60's, he handled a variety
23 of civil and domestic matters when he worked with Ted
24 Miazga, a past bar president, and later with former
25 Congressman Carlton Sickles and his brother.

1 My father didn't care much for the domestic
2 work, since it was often quite contrary to some of his
3 personal values.

4 He never forgot one case which he handled
5 where he represented a woman asking for a divorce based
6 upon abandonment. The woman was told to bring someone
7 to court to corroborate that she and her husband had
8 been living apart for some time. So of course the
9 woman brought her mother.

10 The mother testified appropriately that her
11 daughter and her daughter's husband were no longer
12 living as husband and wife, and added, "I know this
13 because he's been living with me for the past two
14 years."

15 He took over an Indian claims case against the
16 United States that his father, also a lawyer, had filed
17 in 1946. My father finally settled it in 1983.

18 And Judge Platt gets upset when our cases are
19 still pending after six months.

20 As a private citizen and as a county attorney
21 my father handled many appellate matters involving
22 important land use and election laws. He hired and
23 trained many of the future leaders of the bar in those
24 early years at the County Attorney's Office, including
25 Mike Connaughton, Ellis Koch, Virginia Criste, Karol

1 Patriatis, Bob Manzi and Judge Glenn Harrell.

2 My father told me that his favorite job was
3 when he worked as a lawyer with the National Labor
4 Relations Board because he could help make a difference
5 in the lives of working people living in the small
6 factory and manufacturing towns who didn't have much of
7 a chance when bargaining with the community's main
8 employer.

9 And later as an NLRB judge, he held firm when
10 the management's large law firms would accuse him of
11 being biased in favor of the union members who were
12 brave enough to take on the companies. My father just
13 felt he was being fair to people who spent their lives
14 working long hard days and hadn't experienced a whole
15 lot of fairness in their lives.

16 His rulings at the NLRB were reviewed and
17 almost always upheld by the Federal Circuit Courts of
18 Appeals and once by Judge Scalia and the Supreme Court.
19 Therefore, I must conclude that his rulings were always
20 correct, since we all know that appellate courts are
21 never wrong.

22 While he was working at the NLRB, my father
23 continued to fight for his community by writing zoning
24 briefs at night and on weekends to oppose developments
25 that were not in keeping with the residential

1 neighborhood of Beltsville and the surrounding area.

2 Who writes zoning briefs in their spare time?

3 Well, my father did, and that's why you don't go to
4 shop at a mega mall in Calverton or you don't go watch
5 the Redskins play in Laurel as was originally planned.

6 Instead of heading for the beach or the golf
7 course for his retirement years, my father headed to
8 Upper Marlboro to continue to be a voice for his
9 community as a county councilman, basically doing what
10 he had been doing for years. I would tease him that
11 the only difference that winning his elections made was
12 that now he had an office and computer in the CAB
13 building.

14 In his years as a councilman he continued to
15 oppose the status quo when the status quo wasn't good
16 enough. He asked the tough questions and looked out
17 for the County's interest when its money was being
18 wasted.

19 Most of us read about something wrong in our
20 community in the paper and say that's wrong and then
21 turn the page. My father didn't turn the page. With
22 his loyal and dear friend Andy Eppleman as his
23 assistant, and a great staff with Marilyn Pruitt and
24 Linda Morrow, my father continued to take on the strong
25 and powerful when the public good was being

1 sacrificed.

2 Many of his battles he didn't win. Nor did he
3 expect to. He fought them because it was the right
4 thing to do.

5 I know that my father would be quite happy
6 that his colleague in many civic zoning cases, Tom
7 Dernoga, is now carrying on his fights.

8 Like the rest of us, my father did have his
9 faults. He wasn't much on compromise, he had no sense
10 of style and he couldn't fake interest in something he
11 considered unimportant, and my father could be quite
12 oblivious to the more mundane matters in life.

13 I would like to take this occasion to
14 publicly apologize to all the people who drove behind
15 him on the Beltway for miles while he had his left turn
16 blinker on, to all the people in the grocery store in
17 the eight items or less line, while he had sixty items.
18 He wasn't being mean or selfish. He was just thinking
19 about weightier public concerns.

20 Time does not allow me to discuss many other
21 sides of my father, a student of history, a lover of
22 music and sports, an author of a book on old Catholic
23 churches, and an environmentalist.

24 What I will remember him for is the great
25 father that he was. He was a dedicated family man who

1 didn't go on golf weekends or out to happy hour. He
2 made it home for dinner most nights and he expected
3 everyone else without a good excuse to be there also.
4 It was through those dinner conversations that lessons
5 on responsibility and integrity were taught. As you
6 may guess, family dinners with six kids and my father
7 at the head of the table were chaotic and lively with
8 much activity and many opinions.

9 It will surprise no one that after a while my
10 brother Tim determined that his end of the table was
11 really the top and therefore it was he who was actually
12 at the head of the table. It was that kind of
13 household, and we loved it.

14 My father and mother made a great team raising
15 six unique children. We were never burdened with
16 whatever stresses they had of making ends meet, career
17 decisions or keeping the household activities
18 organized. We were taught that there is a right and a
19 wrong, and the fact that one of your friends is doing
20 something does not make it right. When you brought
21 your report card there was only one question: Did you
22 do your best?

23 We had many wonder vacations and educational
24 trips. My father was always there for little league or
25 class plays. He would take off an afternoon and go to

1 district court when a teen-age son was wrongly charged
2 with a traffic offense for leaving his keys in the car
3 while he played tennis next to the car. Still one of
4 Judge Casula's finest defense verdicts, I believe.

5 He was happiest when he was around his family,
6 especially his twelve grandchildren. He took the
7 grandchildren on the same type of out of town trips he
8 took the six of us. He supported his children and
9 grandchildren in their pursuits. I was fortunate
10 enough to have him work here in Upper Marlboro with me
11 the last seven years of his life, where he would
12 frequently come over and watch me try cases in front of
13 many members of the circuit court. For that I will
14 always feel blessed.

15 After one day of watching the families in
16 crisis that we see here on a daily basis in this
17 courthouse, I had lunch with my father and asked if he
18 wasn't quite relieved to have all his children graduate
19 college and doing well on their own. He was taken
20 back by the question, because it was what was expected.
21 He never lowered his standards.

22 My saintly mother was by my father's side for
23 46 years of challenges, controversies and a lot of
24 love. Her gentle touch was the perfect complement to
25 my father's steely determination. Any successes that

1 my father had or that we children experienced can be
2 traced to my mother's nurturing and support.

3 We were fortunate to have parents who loved
4 us and sacrificed for us and encouraged us. They
5 taught us to live a life based upon value and not
6 expediency. But mostly we were fortunate enough to
7 have examples in our mother and father of what a life
8 well-lived looks like. For that we will be eternally
9 grateful.

10 I would ask that this be made part of the
11 record.

12 JUDGE FEMIA: Thank you.

13 I apologize. You will note the ultimate
14 paragraph of Mike's bibliography, for which I am fully
15 responsible, the final sentence says he drafted the
16 county's human first relations code. Well, of course
17 that should have been first human relations code, but
18 if you think about it for a moment, Mike was into
19 humans first too. So I don't feel half as bad as I did
20 when I first read the mistake.

21 Now I call upon my dear colleague, Judge
22 Levin, to remember Marvin Miller, and I think all of us
23 can do that with a smile.

24 JUDGE LEVIN: If it please the Court, I've
25 been a lawyer for 53 years now and I've been coming to

1 these ceremonies for the past 20 years, and as I get
2 older, I've come to the conclusion that I have known
3 everybody that's been memorialized, and it's always a
4 traumatic occasion for me as an individual to listen to
5 the people that I have known. I've been given five
6 minutes by the letter I received from Judge Femia to
7 memorialize Marvin Miller.

8 I met Marvin 45 years ago, and in the next
9 five minutes I will attempt to impart to you the
10 individual that I have known and loved and respected
11 for the past 45 years.

12 Marvin was born in Bridgewater, Virginia, on
13 August 11, 1924. He was a graduate of Bridgewater
14 College and served in the Pacific Theater of the Army
15 in World War II. When he got out of the service he
16 enrolled in the University of Maryland Law School. He
17 graduated from this school in 1952.

18 After graduation he worked as an adjustor for
19 State Farm Insurance Company in Baltimore, Maryland.
20 He then went to work for a firm at that time run by a
21 lawyer named Vance Vaughn. This firm was located at
22 3415 Perry Street in Mount Rainier, and this was where
23 I first met Marvin. This firm that was run by Vance
24 Vaughn later became the law firm of Couch, Blackwell
25 and Miller. And after Judge Albert Blackwell and Judge

1 Jim Couch went on the bench Marvin moved -- well, he
2 moved -- Judge Blackwell and Couch moved from Perry
3 Street to Greenbelt, Maryland, right there at the
4 beltway. Then when Judge Blackwell and Judge Couch got
5 on the bench, Marvin moved the firm to Bladensburg,
6 where he was associated with Steve Markey and Keith
7 Parris.

8 Marvin was the president of our bar
9 association in the year of 1977, and at that time after
10 you were president of the bar association you
11 automatically became a representative from Prince
12 George's County to the Maryland State Bar Association,
13 which he served on for two years. At the time of his
14 death he was a member of the inquiry panel of the
15 Attorney Grievance Commission, which he served on for a
16 great number of years, and at the time of his death
17 also he was chairman of the Property Review Board of
18 Prince George's County.

19 Marvin in his long career was one of the
20 University of Maryland's most avid supporters in their
21 sports programs. He was a life member of the Terapins
22 Club and he was a supporter of all the sports that the
23 University of Maryland had. He was always present at
24 basketball games, women's and men's basketball games,
25 football games, soccer games. Whatever sport Maryland

1 promoted, he was there.

2 As one of State Farm Insurance Company's most
3 prominent trial lawyers, I'm reminded of two
4 experiences in the course of the time that I knew him
5 that he engaged in. He complained bitterly to me one
6 time about having a case in which he told the jury that
7 the case was only worth five dollars. He was really
8 upset when the jury returned a verdict in the sum of
9 \$7.50, and how was he going to explain this \$2.50
10 differential to State Farm Insurance Company. He
11 probably had to reduce his bill by \$2.50.

12 The second occasion that I remember Marvin
13 engaging in a trial in court was in a trial when a
14 plaintiff's lawyer spent about 40 minutes explaining to
15 a jury what this case was all about and what they
16 should do and then sat down. And Marvin got up and
17 said in his own inimicable way, "I'll tell you what
18 this case is all about," and with that he just drew a
19 dollar sign on the blackboard and sat down.

20 Marvin's wife Virginia was a member of a group
21 that I don't think is any longer in existence. We had
22 a group here called the Lawyers Wives of Prince
23 George's County.

24 Marvin had three children, two of whom are
25 here today, Lisa Deity, who is a music teacher in our

1 public schools, and Bryan Miller, who is active in
2 handgun control legislation. And he had a third son,
3 Michael Miller, who was a clerk here for one year in
4 our courthouse and subsequently went into the FBI,
5 where he was unfortunately killed in the line of duty.

6 Marvin to me was a good lawyer, a good friend
7 to all who knew him and a wonderful credit to his
8 profession. Thank you.

9 JUDGE FEMIA: I want to thank Jake. I want to
10 point out that the Lawyers Wives Association still is
11 very much functioning. If not, my wife has got a few
12 past evenings to explain.

13 Anyway, next I want to trot John Joyce out to
14 tell us something about Mr. Orem. Quite frankly, I
15 didn't know Mr. Orem. I think there a lot of young
16 lawyers like myself who did not know Mr. Orem. Then I
17 saw John come into the courthouse, realizing how really
18 old he is, this is why I didn't know him. I have to
19 listen to John to find out something about Mr. Orem.

20 John, where are you? Right in front of me.

21 MR. JOYCE: May it please the Court, ladies
22 and gentlemen.

23 You know, as I am listening to everyone talk,
24 it really is great to be back in this courthouse.

25 Almost 38 years ago I started practicing and it's --

1 the memories flood back, particularly talking about
2 Marvin. He was president of the Bar the year before I
3 was and we had a lot of time together both as Bar
4 presidents. I think where you start practicing law,
5 particularly with the experiences that I had with the
6 fine law firm and great colleagues and members of
7 the Bar, those are memories that never go away.

8 Great people, all of the people that have died
9 this past year, special people. Probably anybody here,
10 I don't know, under 60 years old may never have even
11 heard of Nick Orem, except I suppose some people might
12 think he must have been an incredibly prominent person
13 or prominent person in Prince George's County because
14 they named a school after him, Nicholas Orem Junior
15 High School. It was really named after Nick's father,
16 who was superintendent of schools, but he will take the
17 honor anyway, that's for sure.

18 I was very lucky to start practicing here in
19 the county in 1965 and lucky enough to start in a firm
20 that, again, many of you never heard of. It was a firm
21 started by a Marion Duckett in 1883. His son, Howard
22 Duckett, continued the firm afterwards. It became when
23 I started Duckett, Orem and Christie. We had our
24 building in Hyattsville.

25 When I started practicing, and particularly if

1 you start practicing with top quality attorneys, that
2 stays with you, and I was very fortunate to stay with
3 Nick and Bill Beckett, Bob Christie and others.

4 I quickly learned that Nick was then, in the
5 fifties, sixties and early seventies, the premier
6 zoning and land use attorney in the county. If you as
7 a developer or landholder coming into the county or
8 even right here in the county needed to get something
9 done at the county level through Parks and Planning, or
10 the zoning, anything dealing with zoning, Nick was the
11 go-to person.

12 Those times have changed. I expect Judge
13 Salmon may remember that back then you probably
14 wouldn't be arrested then if we ever wrapped hams and
15 bottles of liquor and carried them outwardly to the
16 commissioners, the park and planning commissioner and
17 the sanitary commissioner, and handed it to them.
18 Those days --

19 JUDGE SALMON: You are in the courtroom now.

20 MR. JOYCE: Has the statute of limitation run?

21 But that's how things were run, but it was run
22 in a way to get things done. And Nick was leading
23 that, but those of you who didn't know Nick may not
24 appreciate this, but those who know him do.

25 I particularly think of Karl Feissner and the

1 other attorneys that were in his firm at the time.
2 There were many of them, brand-new attorneys, Tom
3 Smith, Walter Laake, Andy Greenwald, all brand-new
4 attorneys or law clerks coming out of AU.

5 Nick loved his building that he owned on New
6 Hampshire Avenue. It was like a child to him, and
7 while he practiced law in the best way he could, he
8 also took care of that building on New Hampshire
9 Avenue. Karl was a tenant in our building for, I don't
10 know how many years, probably five or six years, maybe
11 more, and Nick made sure that that building stayed in
12 good shape.

13 As a brand-new associate I was the youngest
14 one at that time. That's for sure. My job was to make
15 sure that the parking lot was cleaned. Any plumbing
16 problems I had to take care of personally, because he
17 wouldn't hire anybody. That's for sure.

18 And then I know at one point that we had a
19 person that came to our firm, he was probably maybe two
20 or three years behind me, so he was the newest
21 associate. I knew when he came to our firm he was
22 going to go places, that's for sure, because one day as
23 a brand-new associate, and it was probably -- it had to
24 be in April of 1968 when the D.C. riots were going on,
25 and our building was right at the District line on New

1 Hampshire Avenue.

2 That day you could see the smoke coming up
3 from the District, and you could see the tanks going
4 down New Hampshire Avenue into the District. And Nick
5 Orem became very concerned about the safety of his
6 building. So late in the afternoon, he came to that
7 brand-new associate -- I think he had been there just a
8 few months -- and said to him, you know, "I'm very
9 concerned about the building, maybe the riots are going
10 to come out into Prince George's County," and there was
11 some concern about that. So he said to the associate,
12 you know, "What I would like you to do is stay here
13 tonight, sleep in the building, and if you see anything
14 happening, you know, call the police, or do something."

15 And the associate -- and that's why I said I
16 knew this attorney was going to go places. This
17 associate said to him -- now here's a brand-new
18 associate, said to Nick Orem, senior partner, "Mr.
19 Orem, I really don't want to stay in the building
20 tonight. I would be very afraid what was going to
21 happen and I'm not going to stay."

22 Jim Salmon remembers that because he was the
23 associate that was brave enough to tell the senior
24 partner I'm not staying the night.

25 But Nick loved the law, and what he was was a

1 tremendous mentor. As I said, those of us who were
2 fortunate enough to start practice with all of the
3 attorneys that we have talked about today are very
4 fortunate.

5 And, again, it is very nice to be back here in
6 Prince George's County. Thank you very much.

7 JUDGE FEMIA: Well, Judge Woods, I'm happy to
8 say that is all the presentations we have for this
9 year, unlike last year, and that's because, thank God,
10 we only lost six members.

11 I want to thank all the presenters for taking
12 us down -- it was a little bit -- but down memory lane.
13 I'm am sitting there laughing to myself remembering a
14 lot of the things that were brought up.

15 I would ask on behalf of all that the matters
16 be spread upon the record -- I make a motion that the
17 matters be spread upon the record.

18 JUDGE WOODS: The motion is granted.

19 JUDGE FEMIA: Thank you.

20 JUDGE WOODS: We do this, as you all know,
21 once a year to honor the members that we have lost in
22 the prior year. We have done it for years and years.
23 I am sure we will continue to do it.

24 Thank you all for coming. The Court does
25 direct in granting that motion that the remarks that

1 were made by each presenter honoring the member of the
2 bar that he was honoring be spread upon the record.
3 The court reporter will transcribe and send to the
4 families of the colleagues that we honor a copy of the
5 transcript so honoring that member.

6 Did you want to do something with those
7 plaques, Judge Femia?

8 JUDGE FEMIA: I am going to hand them out to
9 the family members present or to the representatives
10 present.

11 JUDGE WOODS: After we adjourn?

12 JUDGE FEMIA: After we adjourn.

13 JUDGE WOODS: Thank you.

14 (The proceedings were concluded.)

15 - - - - -

16

17

18

19

20

21

22

23

24

25