

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

PRINCE GEORGE'S COUNTY BAR ASSOCIATION

MEMORIAL SERVICE

FOR

GEORGE A. BRUGGER

RICHARD A. KRAMER

STANLEY S. PICKETT

RICHARD C. RICE

DANIEL I. SHERRY

JOHN E. SMATHERS

THURSDAY, NOVEMBER 16, 2006

3:00 P.M.

COURTROOM 3400

COURTHOUSE

UPPER MARLBORO, MARYLAND

Mona Smith

Official Court Reporter

M E M O R I A L T R I B U T E S

	P a g e
George Albert Brugger (By Nancy Sleppicka)	3
Richard Alan Kramer (By Darin Levine)	9
Stanley Sinclair Pickett (By Martin Oliverio)	16
Richard Cromwell Rice (By C. Michael Walls)	22
Daniel L. Sherry (By Dan Palumbo)	28
John E. Smathers (By Mike McGowan)	32

1                   THE BAILIFF: The Circuit Court of Prince George's  
2 County is now in session with the Honorable Chief Judge  
3 Graydon S.McKee III, Chief Judge of the Seventh Judicial  
4 Circuit presiding. You may be seated.

5                   JUDGE MCKEE: Good afternoon, ladies and gentlemen.  
6 I have down in these notes that I'm supposed to recognize  
7 Judge Harrell, but I don't see Judge Harrell. But it might  
8 have a lot to do with the weather we have outside, as I'm  
9 sure that many people are having the same difficulty.

10                  But we do recognize Judge Salmon, Judge from the  
11 Court of Special Appeals, and two distinguished retired  
12 jurists are with us today. Thank you very much.

13                  We welcome all of you here today because as we  
14 gather, as we have for so many years, to honor our  
15 colleagues, associates, and friends that have passed on, this  
16 Court is honored to welcome the family, the friends, and the  
17 guests of those who used to be with us and who we are paying  
18 tribute to today: GEORGE BRUGGER, RICHARD KRAMER, STANLEY  
19 PICKETT, RICHARD RICE, DANIEL SHERRY, and JOHN SMATHERS.

20                  The Court recognizes John Fredrickson,  
21 President-elect of the Prince George's County Bar  
22 Association.

23                  MR. FREDRICKSON: Thank you, Your Honor. Judges of  
24 the Courts, ladies and gentlemen, members of the Bar, invited  
25 guests, and family members, my name is John Fredrickson. I'm

1 the President-elect of the Prince George's County Bar  
2 Association. I'm here in stead of Archie Palmore who has  
3 been unable to make it at this time, again, probably due to  
4 the weather. We gather here each year to recognize and honor  
5 and celebrate the lives of past members, members who have  
6 passed away. It is my distinct privilege to greet you here  
7 today as several of the members who have passed recently in  
8 this last year were friends of mine. In fact, I worked and  
9 was partners with George Brugger.

10 With that said, I would like to turn over the  
11 proceedings to the Honorable Judge Vince Femia, who is the  
12 chair of the Memorial Committee. Judge Femia.

13 JUDGE FEMIA: Mr. Fredrickson, Judge McKee, fellow  
14 judges, ladies and gentlemen, my function here today is  
15 limited in that I will introduce those people who have agreed  
16 to come up and memorialize our departed colleagues.

17 Before doing that, however, I would like to  
18 acknowledge two people who are with us and who are not  
19 mentioned in the program, but really should be. And that's  
20 Ms. Monica McKinnon, who is Executive Director of the Bar  
21 Association, and Ms. Cathy Cook, who also works at the Bar  
22 Association. These ladies actually do the work. I blow the  
23 whistle and they make the train run, and they never get  
24 acknowledged, but I want them to be acknowledged here today.  
25 I want you folks to know that they have put a lot of time and

1 effort into this.

2 That said, I'm going to call upon Ms. Nancy  
3 Sleppicka, and she is going to memorialize George Brugger.

4 MS. SLEPPICKA: Good afternoon, Chief Judge,  
5 Justices of the Circuit Court, former justices, friends and  
6 relatives. I'm here this afternoon to help us all remember  
7 and celebrate the life of George A. Brugger. Many of you who  
8 knew George, knew him as one of the most well respected and  
9 accomplished land-use lawyers in the state of Maryland. His  
10 outstanding reputation was recognized not only in Prince  
11 George's County, but throughout the state and in many parts  
12 of the country.

13 I started working with George Brugger in 1978 as a  
14 law clerk, thereafter joining the firm as an associate  
15 attorney and later becoming one of his partners. I knew him  
16 as a wonderful mentor: demanding, creative, full of energy,  
17 a man of vision.

18 His curricula vitae is similar to that of many  
19 overachieving Washington lawyers. A graduate of Georgetown  
20 Law School, Department of Justice clerkship, early employment  
21 with a K Street Association, and then the founding of his own  
22 law firm.

23 George's legal and professional accomplishments and  
24 accolades were many. He was admitted to practice before the  
25 U.S. Supreme Court, the Fourth Circuit, and all the courts in

1 the State of Maryland. He was president of the Prince  
2 George's County Bar Association in 1981 to 1982. Many of you  
3 may remember the president-elect that year was Karl Feissner,  
4 the secretary was Jack Kelly, and the treasurer was Theresa  
5 Nolan, and the immediate past-president was Sam Ianni. We're  
6 so happy that Teresa Nolan is still around to join us, but,  
7 unfortunately, the others are not.

8 George's legal and professional accomplishments and  
9 accolades were many. Other than president of the Prince  
10 George's County Bar Association, he was chairman of the  
11 American Bar Association Committee on land-use regulations,  
12 member of the Board of Governors of the Maryland State Bar, a  
13 member of the State Judicial Nominating Commission, among the  
14 few.

15 As co-chair of the Joint Bar Committee for the  
16 Southern Division of the Federal Court, George worked  
17 tirelessly to bring a Maryland Federal Court to the  
18 Washington suburbs. He and James Thompson of Miller, Miller  
19 & Canby finally succeeded in convincing the Fourth Circuit to  
20 add the Southern Division of the Federal District Court.  
21 George was instrumental in making sure that it was located  
22 right here in Prince George's County.

23 Not only was his legal profession important to him,  
24 but also the business community that he lived in. He was  
25 chairman of the Prince George's Economic Development

1 Commission for many years. A member of Governor Glen  
2 Denning's Transition Team, and confidant of many county  
3 executives, active in the Urban Land Institute and the  
4 Greater Washington Board of Trade.

5 I would also like to share with you a look beyond  
6 his curricula vitae, to help you better understand the George  
7 Brugger that I knew, George selected Georgetown Law School  
8 after scoring in the top 1 percent nationwide of the LSAT law  
9 school entrance exams. He worked with the Department of  
10 Justice during the Kennedy and Johnson Administrations.  
11 George often remarked how fortunate he was to be involved at  
12 the Justice Department during such a dynamic time in  
13 Washington politics.

14 By 1969 George had moved into private practice with  
15 the old line Prince George's firm of Beatty & McNamee, and by  
16 1972, George had become a partner establishing his roots in  
17 the practice of administrative law.

18 In 1975, George, together with his partner Jack  
19 Fossett, left Beatty & McNamee and set up their own firm --  
20 Fossett and Brugger, Chartered. George served as president  
21 and Jack as treasurer and secretary. In the early days,  
22 their officer titles were probably their most substantial  
23 assets. But they believed in themselves and knew if they  
24 worked hard enough, they could make a go of it in the area of  
25 business and real estate law.

1                   Someone else believed in them too; Al Smith, the  
2 irascible founder of Citizens Bank of Maryland. He was an  
3 excellent judge of character. With his no-nonsense business  
4 attitude, Mr. Smith had founded a bank committed to investing  
5 in Prince George's County businesses. George told me that  
6 when he and Jack went to see Mr. Smith, they had no idea what  
7 to expect that day. They were not wealthy. They did not  
8 have a lot collateral to offer, but Mr. Smith had worked with  
9 both Jack and George in various legal matters and he believed  
10 in them. He told them that what he wanted was their personal  
11 commitment to making their business succeed. With that,  
12 George and Jack had their bank financing, and Fossett &  
13 Brugger was in business.

14                  They operated out of cardboard boxes during those  
15 first few weeks, so the story goes. Their first client  
16 through the door was Eddie Perkins who, along with his many  
17 partners, including Albert Small and Ted Lerner, were  
18 beginning a new office park along that big road they were  
19 building, that new Beltway. The area is known today as  
20 Capital Office Park and including the landmark Greenbelt  
21 Marriott Hotel.

22                  George's expertise, and that of the firm, was the  
23 large complex zoning case and land-use case, many of which  
24 you've heard of over the years: The Greenbriar Community,  
25 the Laurel Lake Community, North Ridge, Metro View at New

1 Carrollton, and Chapman's Landing down in Charles County, just  
2 to name a few.

3                   In 2005, Fossett & Brugget celebrated 30 years as a  
4 premier business and real estate law firm in Prince George's  
5 County and the state of Maryland. And George lived to see  
6 that 30-year anniversary. The 15th, that is yesterday,  
7 marked the 31st year of the founding. This achievement was a  
8 personal tribute to his commitment and his strong leadership  
9 and his determined character.

10                  But you cannot accurately define his tenure at  
11 Fossett & Brugger without describing Jack Fossett. In many  
12 ways, they were polar opposites. Jack and George were the  
13 perfect compliment to each other. George was the larger than  
14 life, out front, and gregarious rainmaker. Jack was the  
15 even-kneed, frugal manager. Both were brilliant managers,  
16 and excellent mentors.

17                  George and Jack were two sides of the same coin;  
18 the yin and the yang of law partners; the Odd Couple of  
19 Prince George's legal practice back in those years. But in  
20 that match up of opposites, there was magic.

21                  Jack retired in 2000, but George was eager as ever  
22 to tackle new land-use challenges throughout the state of  
23 Maryland. Bill Shipp, John Fredrickson, and I greatly  
24 enjoyed those last years with George debating the latest  
25 environmental inverse condemnation theory or how

1 to tackle a particularly delicate zoning and community  
2 relations issue.

3 George the lawyer; George the leader. George was  
4 larger than life. He was a towering, impeccably dressed man  
5 with a distinguished silvery head of hair and a piercing  
6 gaze. His strong intellect, quick wit, and sense of humor  
7 were in constant evidence. George demanded excellence. He  
8 believed that the practice of law was not a job, but a  
9 profession.

10 He expected every member of the firm, from his  
11 fellow principals to the college interns, to be dedicated to  
12 providing the absolute best legal representation for every  
13 client within the firm. No exceptions. If you fell short,  
14 you would hear about it, but that's only because George  
15 expected no less of himself.

16 George Albert Brugger, one of Prince George's  
17 County's finest lawyers, died December 4th, 2006, of  
18 complications from cancer. He left behind his loving wife,  
19 Ann Brugger, who is here with us today; his son Mark Brugger;  
20 two daughters, Laura and Linda; three sisters, Trina Leonard,  
21 who is here with us today, Lisa Wagner and Louise Caldwell; a  
22 brother and a stepmother; and numerous stepchildren,  
23 grandchildren, step-grandchildren, nieces and nephews.  
24 George will be greatly missed, but his legacy lives on.  
25 Thank you.

1                   JUDGE FEMIA: Thank you, Nancy. I call upon Darin  
2 Levine. Darin will tell us something about the memory of  
3 Rick Kramer.

4                   MR. LEVINE: Thank you. Thank you for the  
5 opportunity, because it's positively an honor to talk about  
6 and recount Rick Kramer. I started with Rick Kramer in  
7 January of 1994, and up until a few months ago, I basically  
8 practiced my entire professional career with Mr. Kramer. I  
9 couldn't be more proud and more lucky to have associated  
10 myself with so fine an individual and attorney and member of  
11 this Bar.

12                  I remember the day that I interviewed with  
13 Mr. Kramer. One of the things that struck me so very much,  
14 that I remember it to this day, is the fact that he  
15 introduced me to just about everyone who worked with him in  
16 the office. And I would meet a secretary who had been with  
17 him for eight years and a law partner who had been with him  
18 for ten years. I think the most junior person who had the  
19 least amount of seniority in spending time with Rick Kramer  
20 was probably, maybe five years at the least.

21                  That impressed me from the start that he was able  
22 to engender such phenomenal loyalty from the staff and  
23 colleagues that he worked with. That rang through today  
24 because having had the pleasure of working with him for so  
25 long, many of those folks that I met that day, 13 years.

1 ago, worked through this year with him. The staff loyalty,  
2 combined with, which I'll discuss in a little bit, the client  
3 loyalty, and the relationships that he was able to form, were  
4 outstanding.

5                   What I learned is that working with him, being a  
6 client, being a colleague, you really wound up becoming a  
7 part of the Kramer family in one form or another, honestly.  
8 By that I mean many of his clients are here today, and they  
9 were like brothers and sisters to him. They were like  
10 members of his family. I've had clients who have been  
11 clients of his twice as long as I've known him call up on the  
12 phone just wanting to recount their feelings about him, that  
13 he would really get to you on such a personal level, that  
14 everything he did about his practice transcended just about  
15 the law. He became involved in your life.

16                   To understand this or to explain it a little bit  
17 better, even in court in any fashion or form, if we were  
18 waiting for the court to begin and we're near or with  
19 opposing counsel, Rick just couldn't resist engaging opposing  
20 counsel no matter who they were, and finding out anything  
21 about them on a personal level, no matter who it is.

22                   And that type of human approach to everything is  
23 even more evident if any of you have ever had the pleasure of  
24 sharing a meal out in a public restaurant with him, because  
25 he could not help but interact and somehow have a meaningful

1 experience with people working there. It just was beyond him  
2 to stay quiet and stay at his table and not be social and be  
3 that type of warm human being.

4 Rick Kramer as a lawyer, I don't want to use too  
5 many superlatives, other than he really -- there are plenty  
6 of brilliant attorneys. There are plenty of hard working  
7 attorneys, and Rick has always been amongst them. But Rick  
8 was always the type of attorney that had the self-confidence  
9 to cut through the BS. He would not play games. He would  
10 think outside the box and think creatively and always,  
11 without fail that I can think of, find a way to make it  
12 happen.

13 By that, I mean if you're talking about any kind of  
14 transaction, any kind of litigation, if the parties were at  
15 an impasse, he would find a way to make it work so that both  
16 could accept it, like a mediator, except for the fact that,  
17 of course, he was a zealous advocate for our clients. But he  
18 would always just find a way to make it work. That was more  
19 common than not. That, to me, was a gift.

20 Mr. Kramer, to the best of my knowledge, he worked  
21 in all three of what I think are, at least commonly or  
22 perhaps uncommonly, known as the Luzenski Buildings in Oxon  
23 Hill throughout the 1970s and 1980s. We finally moved. He  
24 decided to, and it was a wonderful move, to move the law  
25 practice to LaPlata, Maryland. He liked the idea of

1 thinking of himself, or being referred to, as a country  
2 lawyer and all the positive things that come with that. Of  
3 course, he really wasn't a country lawyer. He had more  
4 experience and more depth of knowledge in the field of real  
5 estate than most attorneys will have the good fortune to  
6 learn and acquire in a lifetime.

7 Mr. Kramer had many admirable traits that members  
8 of the Bar would admire and respect, that I pass upon now,  
9 which one of the first being civility. I never in my career  
10 witnessed Mr. Kramer lose his temper in a court of law or  
11 transaction with a client or anybody. He always treated his  
12 fellow colleagues and everybody he dealt with, with the  
13 utmost of civility.

14 I share that with you only because it has been on  
15 my mind knowing I was going to be here and having been in  
16 this courthouse only a week ago where I found another member  
17 of this Bar treating the Court with disrespect. That is just  
18 to distinguish a polar opposite. It is as far a cry from  
19 Mr. Kramer as anyone who has ever had the pleasure of knowing  
20 him would understand or expect. And I think he was able to  
21 advance client concerns and just advance things that much  
22 better because of the way he would treat colleagues, clients,  
23 and anybody around him.

24 Getting back to the feeling of being a member of  
25 the family, believe me when I say anybody who had the

1 pleasure of working with him worked through to the very end  
2 of the closing of the office; all for the benefit and with  
3 the thoughts of being loyal to Rick Kramer and doing whatever  
4 they could in any form to help him and to honor him. Not one  
5 person did I know in his struggle with cancer give up at any  
6 point. The dedication was phenomenal to see.

7 I do want you all to know, for those of you who  
8 knew Mr. Kramer, that he was stricken with cancer in late  
9 February and immediately brought to surgery to remove one  
10 tumor in particular that was the size of an orange. And then  
11 it went on during an entire series of chemotherapy, radiation  
12 treatments, surgical treatments. He finished his entire  
13 course of treatment. And the only reason I bring this up is  
14 to share with you his courage and determination. It looked  
15 like he had beat it. I just want you to know that.

16 He did phenomenal through this course of treatment.  
17 He finished it and had many wonderful reports from his  
18 doctors. It had been my hope, of course, and pleasure to  
19 have him come back and continue his practice. While we all  
20 know today that didn't occur, you should know that he fought  
21 a good fight. He truly did. It was all because he loved the  
22 practice of law so much and wanted nothing more than to  
23 continue that practice.

24 On a personal level, I could not think of a mentor  
25 who would have shared, been so giving of time, so giving in

1 every way, sharing tools that I hope I will continue to work  
2 on from now on and so forth. He shared everything needed to  
3 assist someone, assist someone like myself in a successful  
4 practice of law. But much more than to be able to practice  
5 with dignity and devotion the way members of the Bar should,  
6 he taught everyone around him something about being human and  
7 how to treat your fellow man.

8                   He is survived by, amongst his widow who is here,  
9 his mother who is here today, his niece is here today. And I  
10 would mention that because his niece said something at his  
11 funeral that I will never forget. His niece brought up the  
12 fact that just being in his presence and being around him  
13 made you want to be better. It made you want hopefully  
14 something to rub off, and you should be at the top of your  
15 game, and that's what he inspired. It wasn't a scary thing,  
16 but it was an inspiring thing. He inspired loyalty. He  
17 inspired devotion. He inspired you just wanting to be better  
18 because he was so impressive in so many different ways.

19                   When I say impressive as an attorney, I'll give you  
20 one more example. Early on in my first few years with  
21 Mr. Kramer, I did an awful lot of research, which I  
22 particularly enjoyed. And the way it would go, because  
23 Mr. Kramer had an encyclopedic memory, which you can't  
24 fathom, he'd say, "Darin there was a case. There was a case  
25 within the last five years. So maybe if it was 1995, I would

1 start my search in 1990. And it was specific performance,  
2 and time is of the essence, and this is what it stood for.  
3 Go find it."

4 I would look, and I can't tell you how 19 out of 20  
5 times, so to speak, and he would say I think it's the Hart  
6 case, maybe it was the Hart case or maybe it was, you know,  
7 Bart, but the point is, maybe it wasn't five years ago, it  
8 was six years ago, just about every time, how he recalled  
9 that case in the case law jurisprudence of Maryland was  
10 beyond my comprehension. If he read something once, he would  
11 remember it and that is just a genetic gift. He had many of  
12 them.

13 But he was just an incredibly impressive person,  
14 and yet it has always been a tremendous honor to know him and  
15 work with him and to be a part of his family, because that's  
16 the way he made you feel and that's the way he felt himself.

17 So I thank you for the opportunity to talk about  
18 such a fine member of the Bar. Thank you.

19 JUDGE FEMIA: Thank you, Darin. Next we had  
20 scheduled to present Sandy Berman who was going to present  
21 for Stanley Pickett, a classmate of mine in graduate school.  
22 Now, Sandy has come down with the single worse malady that  
23 can occur to a lawyer. He's lost his voice. The equivalent  
24 of a dentist dropping his drill. Well, in his place Martin  
25 Oliverio is going to present for Stanley.

1                   MR. OLIVERIO: Thank you, Judge. Thank you.  
2 Supposedly Sandy has laryngitis, but these remarks I'm going  
3 to make at first are what Sandy had prepared and some of the  
4 remarks were made at Mr. Pickett's funeral. I'm a little  
5 curious about the laryngitis because the first line out of  
6 his eulogy is, "The two things we fear most," in this order,  
7 "are of public speaking and death." And I think he still  
8 hasn't gotten over the public speaking part completely, so  
9 that's maybe why I'm really standing here and not Sandy.

10                  But I know for those of you who don't know that  
11 Sandy Berman and Stanley Pickett, they go way back. They may  
12 go back to the '60s, from what I understand, and they were  
13 very, very close friends.

14                  From the words of Sandy Berman, "If you aspired to  
15 emulate a person of substance, of style, of intellect, of  
16 good character, that person would be Stan. He was a loving  
17 husband, a doting father, a lawyer's lawyer, and embracer of  
18 life, and a loyal friend. Stan's love for his wife, Vivian,  
19 was to the end unequivocal. He learned from her. He grew  
20 and he changed as a person from what she gave to the  
21 relationship. Her values and judgments were solid and seldom  
22 subject to question."

23                  That sounds to me like she ran the house. That's a  
24 good thing.

25                  "He devoted himself in her time of illness and in

1 the valor of her fight against cancer. Last September when  
2 Vivian died, his heart broke. If truth be told, he never  
3 fully recovered. He told Sandy so within the last week. I  
4 don't think anyone will ever forget his care and attention to  
5 her every need during her struggle. It was admirable and  
6 unforgettable.

7 "Stan was the father of three children, his twin  
8 daughters, Stacy Pickett Trimble and Stephanie Wickberg, who  
9 are seated next to Mr. Berman there, and their younger sister  
10 Shannon. As a parent he was a strict and demanding parent.  
11 When the twins were young, he would tell them that patience  
12 is a virtue. He had his rules in the house, and some of  
13 those rules were no pets, no parties, no foolishness, no boys  
14 in the house, no messing with his daughters.

15 "He allowed some exceptions. You could have good  
16 pets, such as enough Oscars, snake heads, and large fish to  
17 fill two 110 gallon tanks and two 55 gallon tanks in the  
18 kitchen. But, of course, the girls had dad wrapped around  
19 their fingers, because by the time the girls were five, a lot  
20 of those rules had changed.

21 "When the girls turned twelve, he had lost all  
22 control over them. And by the time Shannon was born, it was  
23 four women to one. He was outnumbered, outsmarted, and out  
24 of power. With the passage of time, there were five dogs and  
25 a cat, constant parties, many boys, and a lot of foolishness.

1 There was even a little messing with his daughters.

2 "As he did with his wife Vivian, he learned and  
3 changed as a result of his daughters. He embraced their  
4 success, their education, the social nature of their  
5 personalities, and he valued their judgments. He felt very  
6 blessed when Stacy and Stephanie got married, and he loved  
7 and bonded with his sons-in-law. Stan was the grandfather of  
8 four lovely grandchildren. The grandchildren call him Big  
9 Daddy.

10 "As a lawyer, Stan read constantly. He lectured  
11 and he thrived on learning and retaining information both  
12 within and without real estate planning. He researched for  
13 vacations and visits to new cities. He always gave a reason  
14 and sound response to almost any question of law that you  
15 could put forth. He was so well read and his powers of  
16 retention were remarkable. Lawyers within and without the  
17 firm constantly called upon him for advice and assistance.  
18 He was a recognized expert in his fields of taxation and  
19 estate planning.

20 "Stan embraced life and he enjoyed many of the  
21 following: He loved good food, sharp clothing, art,  
22 antiques, classic furniture, modern furniture, big fast black  
23 cars, travel, photography, porcelains, china, entertainment,  
24 the trappings of success, an occasional Manhattan, hot fudge  
25 sunday at the Prime Rib, a cigarette, a good laugh, and a

1 good hug.

2 "He was a loyal friend, and he was a friend that  
3 you knew would be there for you no matter what the  
4 circumstances. He was the kind of friend that you were  
5 certain of in every cell of your body. He was the kind of  
6 friend that you could comfortably say I love you to and he  
7 could say it back, and no one would look at you strangely or  
8 question the sincerity. He was the kind of friend that is  
9 a-once-in-a-lifetime friend, one where there were shared  
10 values, shared time, shared dreams, and shared trusts. He'll  
11 be missed by all of us."

12 I met Stan Pickett by chance. I was attending  
13 night school, law school, while fulfilling another career,  
14 and I met his daughter Stacy. I right away latched onto her  
15 because she was the best notetaker and she was willing to  
16 provide the notes to me. So over the course of the four  
17 years of night school, we became friends. And after we  
18 passed the Bar, I was doing some part-time legal work and I  
19 kept in touch with Stacy as friends. I knew she was working  
20 for her father in Greenbelt.

21 There came an occasion where I had this messed up  
22 estate that I needed help with. And I initially thought of  
23 her father. I had never met the man, so I went in there with  
24 my file and I got to meet him, and right away he was the most  
25 engaging guy I've ever met. He was open and warm and

1       welcoming. And from that day on, we just struck up a  
2       relationship.

3               Before I joined his firm in 2004, I was still a  
4       member of the police department, and luckily his house was in  
5       my patrol area. So, luckily, on Sunday nights, I would  
6       happen to come in at dinnertime and I was invited to stay for  
7       dinner, and that's how our relationship evolved. Stan was  
8       always open to me. He would give me the keys to his office.  
9       I had use of his library, and we became very good friends.  
10      Before he was my boss, he was my friend. When he became my  
11      boss, he was my friend.

12               Stan has many accomplishments. He graduated from  
13       Georgetown Law School in 1962. He obtained his LLM in  
14       taxation in 1963. He was on many committees and chairs of  
15       many committees. He was the chairman for the Plan Gifts  
16       Committee for Doctors Community Hospital and the District of  
17       Columbia State Planning Council. It just goes on and on.  
18       And Stan was one of these guys that I wish I could be in this  
19       regard. It was funny, because after he died, his daughter  
20       Stacy came up to me and we looked at each other like two lost  
21       lambs who were going to be running his firm. And she said,  
22       "Who is going to answer our questions?" Because Stan was our  
23       library, basically. He was our instant message. "What do  
24       you know about this?" And he knew the answer.

25               But one thing he did before he gave you the answer,

1 he always -- I know he knew the answer, but he was trying to  
2 teach me it's in a book somewhere and this is where you find  
3 it and this is where you look for it. So he wouldn't just  
4 blurt out the answer to me. Stan would pull all of these  
5 books. And some of them were so old, and he would just show  
6 me everything and how it related to the other and we found  
7 the answer. It was an answer he knew, but he was teaching me  
8 a greater lesson. He was teaching me and his daughter how to  
9 be better lawyers; that you can find it. I didn't need him.  
10 He wasn't going to be there forever. Unfortunately, I didn't  
11 think it was going to be that soon.

12 But Stan, aside from all of his professional  
13 accolades, he did more in the Orphans Court probably than in  
14 this Court, but whenever I go to the Orphans Court, from the  
15 staff I've never heard anything bad said about Stan and what  
16 kind of a gentleman he was. And I think the people that knew  
17 him will attest to that. He was such a gentleman.

18 I talked to one of the auditors, and he said you  
19 know what I liked about him most is when we were wrong, he  
20 wouldn't tell you you were wrong, he would teach us the right  
21 thing so when we had the next account or whatever came  
22 through the door, he basically schooled us and taught us what  
23 was right and didn't do it in a demeaning way; he was very  
24 professional. I think that's very profound. Because if you  
25 can have any type of reputation in this business, and that's

1 if someone can say he was always a gentleman, I think that's  
2 one of greatest compliments that can be paid.

3 I just want to wrap it up and say that, you know,  
4 as and associate of Stan's, but more importantly as his  
5 friend, he's going to be missed. I know his family misses  
6 him. We miss his guidance. We miss just his presence in the  
7 office. It's never going to be the same in that office. I  
8 think he left us in good hands to move forward, but, you  
9 know, that empty chair is just always going to have a  
10 profound effect on all of us. I thank you for your time.  
11 Thank you.

12 JUDGE FEMIA: Thanks, Marty.

13 MR. OLIVERIO: Thanks, Judge.

14 JUDGE FEMIA: Now we're going to move north in the  
15 county to Judge Nichols' stomping grounds, Laurel, to call  
16 upon C. Michael Walls to say a few words about Richard Rice.  
17 I think every one of us has the same memory of Richard  
18 striding down the hall, and he'd grab your hand like a clam.  
19 He had the damndest handshake of any human being I ever knew.

20 MR. WALLS: He did. Thank you. Thank you, Judge  
21 McKee. Thank you, Judge Femia for inviting me to speak here  
22 today. It is truly my privilege to tell you about Dick Rice.  
23 I first met Dick back in 1978. I had begun as a law clerk at  
24 Jim and Barbara Maher's office over on Compton Avenue in  
25 Laurel. Dick was just a few doors down practicing law in an

1 office with Ed McClellan.

2                   Later on when I finished law school, about 1982  
3 that was, my wife and I decided to make our home in the  
4 Historic District of Laurel. We were fortunate enough to  
5 find a house directly across the street from Dick and  
6 Marianna Rice. It was truly, truly a lucky thing for us.  
7 Because over the past 20 something years, I got to know Dick  
8 as a colleague and as a friend, and, of course, as a  
9 neighbor.

10                  And as Martin spoke about Mr. Pickett, I think  
11 you'll find that most of the people that knew Dick would  
12 describe him as a gentleman, a true traditional gentleman.  
13 Whether that was in the courtroom, in the hallway here of the  
14 courthouse, in his office, or at a dinner party, or even a  
15 chance encounter on the street, Dick was truly a gentleman.

16                  He was born in 1932 up in Baltimore. He grew up  
17 there. He got his undergraduate degree in English from Johns  
18 Hopkins. And after that, he did a two-year stint in the  
19 United States Army.

20                  He went to law school at the University of Maryland  
21 in 1960 and received his law degree. And after that, Dick  
22 came down from the big city to the little town of Laurel to  
23 work for Ernie Cory and Jim Boss. He did that for a little  
24 while, and then he went to work for the Attorney General's  
25 Office where, among other departments, he worked for the

1 Department of Natural Resources for a time. He then went  
2 into private practice with Bob Ahlstrom.

3 It was during that time Dick taught business law at  
4 Prince George's Community College. Back in 1986, I had the  
5 pleasure of practicing law in the same office as Dick and  
6 Jean Garner on Main Street in Laurel when I first opened my  
7 practice. And we did that for about three years until 1989.  
8 Dick then moved on to share an office with Jerry Kunes on  
9 Route 1, and that's where his office was when he died in  
10 January.

11 Throughout Dick's legal career, he also was  
12 actively involved in community affairs. Dick, in 1978, was  
13 elected to the Laurel City Council and served as a liaison to  
14 the City's Planning Commission. In fact, he was serving up  
15 until the time of his death members of the community as a  
16 member of the City of Laurel's Ethics Commission. Dick was  
17 always actively involved in legal issues and local politics.  
18 In addition to that, he was active at the Laurel American  
19 Legion Post and served as a judge advocate for that group.  
20 He was a member of the St. Mary of the Mills Catholic Church  
21 and member of the Knights of Columbus.

22 I think if Dick were here, he would say that he was  
23 equally as proud of his role as a father and as a husband as  
24 he was of his legal career. He and Marianna were married for  
25 over 42 years. Together they raised four sons, all of whom

1 are very successful in their professions, due in large part  
2 to what I think was a stable, loving, and nurturing  
3 environment that the two of them were able to provide.

4 I don't know how many people that knew Dick, anyone  
5 in the room, knew that one of Dick's passions was writing  
6 short stories. He was very passionate about that. I guess  
7 he was one of us who just can't satisfy our creative needs  
8 here in the courtroom, and he found an outlet in writing. He  
9 even went as far as getting one of his stories published,  
10 Marianna told me last night. Something called "Sister Mary  
11 Francis." It was about an elementary school kid whose vivid  
12 imagination often got him into trouble. He told Marianna it  
13 was not an autobiographical, but we have our doubts. He was,  
14 as I said, very passionate about his writing, and he was as  
15 proud of that accomplishment in that field as he was his  
16 legal career.

17 As Judge Femia indicated, Dick was a physically  
18 imposing man of six foot four. He was also very physically  
19 active, whether there was splitting wood around the house or  
20 taking walks around town or playing squash and tennis with  
21 his friends on a weekly basis. He never lost his kind  
22 heartedness to his friends, his family, or his colleagues, or  
23 his clients. And it was his sense of humor that I will also  
24 remember, that very almost exaggerated laugh and that knee  
25 slap at the end of a story that he would tell.

1           But I think what I remember most about Dick was his  
2 keen interest in people that he encountered each and every  
3 day. It didn't matter who they were or where they were or  
4 what they were doing. As his son, Grahame said at the  
5 funeral service, "My father was just interested in what they  
6 had to say, what they were up to, and what they may want to  
7 share with him."

8           And I know Dick's interest in people was often  
9 displayed in our neighborhood. I particularly enjoyed  
10 working, doing just about anything in front of the house  
11 directly across from Dick and Marianna's house. Usually it  
12 wouldn't be more than ten or fifteen minutes before you would  
13 see Dick strolling across the street just to find out what  
14 was going on, just to catch up. He would talk and we would  
15 joke and laugh and tell war stories.

16           I learned an awful lot from that front yard advice  
17 and counsel that I got from Dick Rice, and I think he enjoyed  
18 it too. It had nothing to do with what I did or what I said,  
19 but I think it was that he genuinely enjoyed engaging other  
20 people, communicating, and interacting with them on a  
21 substantial level. And that certainly is something that we  
22 often neglect to do with our busy lives. That's something  
23 that we could learn from Dick.

24           Like I said, I certainly did learn a lot about what  
25 Dick had to say during our front yards sessions, but what

1 I remember most was not what he said, but the way he said it.  
2 He was quiet, he was unassuming, and very casual in his  
3 demeanor and his direction. And that has served as a  
4 guideline for me, and I try to engage that and do that every  
5 day. And it's difficult for me. And I think it's difficult  
6 for a lot of people. But it seemed to come natural for Dick.

7 He was always a gentleman, a gentleman lawyer. And  
8 I think he could serve as a fine example to many young  
9 members of our profession today. My opinion is that there  
10 are too few people like Dick Rice around today. Our  
11 profession lost a true gentleman when Dick died back in  
12 January ~~at~~ 73. And I feel fortunate to have known Dick for  
13 the last 20 years, and I miss him greatly. And as lawyers, I  
14 think we can be proud of the example that Dick set in both  
15 his professional and his personal life.

16 Judge Femia, thank you for giving me the pleasure  
17 of being here today. Thank you.

18 JUDGE FEMIA: You scared me there. I thought maybe  
19 I was getting a little late on my memorials. Actually, he  
20 didn't die in '73. He died this year.

21 MR. WALLS: I meant to say at age 73.

22 JUDGE FEMIA: At age 73, yes. That scares me even  
23 worse. He had no business dying that young.

24 Next I'm going to call upon Dan Palumbo to remember  
25 a gentleman that not everybody in the room will recall, but

1 those of us who are old enough to have lost our hair or  
2 turned gray remember Dan Sherry. Actually, I remember Dan  
3 when he practiced out in Bowie as a practitioner, not just a  
4 lawyer. I remember him as a practitioner. And Dan has  
5 agreed to come up and tell us something about Dan Sherry, the  
6 kind of guy that we don't want to forget. He was long a  
7 member of the Bar.

8 MR. PALUMBO: Thank you, Judge Femia, Your Honors.  
9 To get a little sense of Dan Sherry, I want to read a little  
10 bit to you of his background. Dan was born in Brooklyn, New  
11 York, on September 1, 1924. He grew up in Brooklyn and  
12 enrolled there in the Pratt Institute in 1941, and he wanted  
13 to become a chemical engineer, but, unfortunately, World War  
14 II intervened, and he served in the Army as a medic from 1943  
15 to 1946.

16 When he got back, he finished his degree in  
17 chemical engineering, and in 1949 came to Washington, D.C.,  
18 to find work. He worked at various jobs, including driving  
19 a taxi cab while he put himself through law school at  
20 American University in 1954. Dan originally started out  
21 as a patent lawyer, but decided that he wanted to go into  
22 litigation. So he honed his litigation skills in  
23 D.C. Superior Court doing pro bono cases in criminal  
24 cases.

25 Ultimately, he joined the firm of Reeves, Robinson,

1 and Duncan, and remained until the early '60s, and then  
2 decided he wanted to go out in business. So he went out in  
3 business for a couple of years, and decided that actually he  
4 liked being a lawyer better and came back in 1963. He and  
5 his wife, Ruth, moved to Bowie, or I should say the wilds of  
6 Bowie at that point in time, because there really was nothing  
7 but woods. In fact, Dan told me a story that he decided  
8 where he was going to buy his property by parking the car on  
9 the shoulder of the road at Route 50 and walking, and at the  
10 point in time that he would no longer hear the car where he  
11 stopped, that's the lot he bought.

12 In 1967 he opened up a practice in Prince George's  
13 County. And he had been associated with Judge David Ross and  
14 Judge Theresa Nolan. I even think, Judge Krauser, he was  
15 affiliated with your father at one point in time. In 1969  
16 Dan was named the attorney for Prince George's Community  
17 College where he served for over 25 years. He was active in  
18 community affairs. He was a past president of Temple Solel  
19 for two years, past King Lion and a 25-year member of Bowie  
20 Lion's Club, and member of the Bowie Chapter of DAV, and past  
21 president of the National Capital Association of B'nai  
22 B'rith, a member of the Jewish War Veterans, and in 1996 he  
23 was named Bowie Senior Citizen of the Year.

24 He is survived by his wife of 55 years, Ruth and  
25 his son, David, and his five daughters, Ellen, Diane, Carla,

1 Blythe, and Susan, and his 14 grandchildren.

2 I first met Dan Sherry in 1990. So I met him at  
3 the very end of his legal career. At the time, he was a  
4 founding member of the Bar Association's Labor and Employment  
5 Subcommittee. We became friends, and I had the privilege of  
6 helping him wind his practice down in the early '90s.

7 You know, you go to law school and you learn about  
8 legal principles, but it's not until you meet somebody like  
9 Dan that your education in law becomes complete. And I'm not  
10 talking specifically about his legal knowledge, which was  
11 very impressive, but more of his knowledge of people. At the  
12 time I met him, his office was across the street from  
13 Gray's Store, just off of 450, next to the Pizza Hut. And we  
14 would go to the Pizza Hut and we would just spend hours  
15 talking.

16 And in talking with Dan, you truly got an image of  
17 the evolution of his legal practice from the '50s, '60s, into  
18 the '70s and '80s. And during that time, you got the  
19 impression and you understood from him how seriously he took  
20 the practice of law; how much he viewed it as a profession;  
21 how important virtues like honor, truthfulness, collegiality,  
22 how important those things were to him. In fact, he viewed,  
23 those qualities as eroding in time in the legal profession,  
24 and ultimately told me the reason he was going to stop  
25 practicing law is because a handshake no longer meant

1 anything.

2 Truly his passions were family and God, the  
3 practice of law, and blackjack. I didn't know him long  
4 enough to know where the blackjack came in, although I do  
5 know when to double-down now.

6 Dan was one of the unique lawyers whose practice,  
7 and for the most part it was a solo practice, his practice  
8 was completely integrated with the community. Almost all of  
9 his clients were from Bowie. They were either individual or  
10 small business clients. His one major institutional client  
11 was Prince George's Community College. As I indicated  
12 earlier, in 1969 Dan was name counsel for the community  
13 college.

14 At that point in time, the community ledge was  
15 simply a part of the Board of Education. But through the  
16 exemplary leadership of Dr. Bickford, who is here today, and  
17 with not a little bit of help from Dan Sherry's legal  
18 abilities and energy, the community college has grown from  
19 back in 1969 of essentially evening classes in local high  
20 schools to an institution that services 40,000 people a year,  
21 has a budget of over \$50 million, and is both locally and  
22 nationally renowned.

23 I think if you were to ask Dan Sherry what his  
24 proudest legal achievement would be, I think it would be his  
25 association with Prince George's Community College. It's

1 kind of funny, because as I'm talking to you now, I can hear  
2 his voice in my head telling me to sit ~~down~~ and shut up. I'm  
3 rambling.

4 So I'm going to conclude by saying that Dan Sherry  
5 knew how to practice law the right way. He lived life the  
6 right way. And there are a number of people who admired him,  
7 myself among them, and he has been missed. Although he  
8 passed away this year, unfortunately he had been ill for a  
9 number of years and actually has not practiced. I think he  
10 last practiced in '96. So he has been missed and he will  
11 continue to be missed.

12 Thank you, Judge Femia.

13 JUDGE FEMIA: Michael, where are you lurking?  
14 There you are. I call on Mike McGowan to make the next  
15 memorial. I will tell you, you know, I prepare these  
16 memorials, so you can blame problems on me, but preparing  
17 this last memorial for this young man was one of the --  
18 believe me, amongst the ones we're memorializing today, I  
19 have classmates, I have close friends, but this one, even  
20 though I was not real close to Johnny, this one was tough  
21 when you consider how young this man was. To pass on at this  
22 age is just very, very tough for an old goat like myself to  
23 memorialize. So I'll make Mike McGowan do it.

24 MR. McGOWAN: Normally going after five lawyers  
25 would be very difficult to do. There's not much left to be

1 said, but luckily I have John to talk about. As I look  
2 around the courtroom, and particularly up on the bench,  
3 there's a lot of us that have our own memories of John. He  
4 truly, truly loved his life. His mother, Mrs. Smathers, is  
5 here, and one of his six sisters, Luanne Tano, is here today.  
6 John, as a person -- most people didn't know John in all  
7 aspects of his life. He had a lot of different dimensions  
8 and they were contradictory. When we first hit on one of our  
9 big cases together -- we knew each other for 26 years. We  
10 were partners for six years. And when John got a \$4.1  
11 million verdict and the money eventually came in: buying a  
12 car? No. Buying the house? No. Paying off his mother's  
13 mortgage? Yes. That's all he cared about. Now, the car and  
14 the house came later, but he took care of that first, and  
15 that was the thing he cared the most about was his mother and  
16 his six sisters.

17 John clerked. He went to St. John's. He grew up  
18 in Prince George's County. He went to St. John's and  
19 graduated in 1976. He graduated from Catholic in '80 and  
20 Catholic Law School in '84. He followed his clerkship with  
21 Judge Melbourne. John didn't know this, but he got hired  
22 because Judge Melbourne and Joan thought he was the cutest of  
23 all the candidates. I never told John. They told me later  
24 that I got hired because swimming was my family sport, and  
25 they thought I would look cute in a bathing suit. Mind

1 you that was 23 years ago.

2 John as a lawyer, as a State's Attorney, had a lot  
3 of favorite stories. John had all the qualities that have  
4 been described here today. He was a man of his word. If he  
5 told you something, he meant it. He was dependable.

6 Anything you needed, he was generous. But one of the most  
7 remarkable things about him is he was truly funny. He could  
8 make you laugh no matter what. And one of his favorite  
9 stories, as a prosecutor, towards, I think it was his sixth  
10 or seventh year, he started to get bored. He got to be very  
11 good at what he was doing. So he not only wanted the juries  
12 to come back with convictions, but he wanted to set time  
13 limits on it. So he actually told a jury on a particularly  
14 bad case that he wanted them to come back not only guilty,  
15 but within five minutes, and the jury did that. So I think  
16 that was right up next to when one of the jurors at the  
17 conclusion of the case passed a note up and asked him for his  
18 phone number.

19 John gave that all up in 1991. He had prosecuted a  
20 lot of substantial cases. I think the rock-throwing case was  
21 the Destiny Morris case, and it was when the young woman was  
22 severely injured when someone threw a big rock off the  
23 overpass. People knew John successfully prosecuted that  
24 case, but what they didn't know, up until the time he died,  
25 he was on a regular basis in contact with the family

1 constantly. They would call him and he would speak with them  
2 and he would go see them.

3                   But in any case, in 1991 he enlisted and he went in  
4 as an enlisted man. He did not want to go in as an officer,  
5 which he could have. His dad had fought in World War II, so  
6 he wanted to follow in his footsteps and give his military  
7 service. So John gives up his practice as an assistant  
8 State's Attorney, he goes in as an enlisted man, and he tells  
9 a story. On his first day, the drill sergeant has his file.  
10 He has all of the files of all of the new candidates. He's  
11 looking at John and he's see he's a lawyer, and he's  
12 wondering why is this lawyer here as an enlisted man. And he  
13 goes to him, "Smathers, you're a lawyer. Did you lose every  
14 single one of your cases?" And John went on successfully  
15 there. When he came home after a couple of years, he was in  
16 private practice and we formed our practice together.

17                   When Iraq Freedom Operation came available, he  
18 actually, instead of trying to get out of it, he actually did  
19 everything he could to go, which he did. He is one of the  
20 most highly decorated reserve soldiers. He had three. He  
21 had one Army Medal of Commendation, he had three bronze  
22 stars, he had two Purple Hearts. He died exactly two years  
23 to the month from when he was is seriously injured. He was  
24 actually on his last assignment in Iraq when they came under  
25 fire. The individual sitting beside him got shot and killed,

1 and John fractured severely his ulna and his radius and  
2 injured his knee and broke his nose.

3                   During the two years he was home, he had multiple  
4 operations. He had several on his nose. He had to have his  
5 arm re-operated on. He had to have his knee re-operated on,  
6 and just a couple of months before he passed away, we were in  
7 the emergency room with uncontrolled bleeding from his nose.  
8 But he never ever complained. He never complained about his  
9 service. He never complained about all he gave up. He  
10 absolutely loved going over there and giving his time.

11                  The one thing he did say when he got home is, we  
12 were out having a beer, and he said, "I'm never leaving the  
13 United States again." I mean, he truly, truly loved the  
14 United States. He loved Prince George's County. He loved  
15 the judges on this bench. And he would tell stories about  
16 all of them, and a lot of them have shared his experiences  
17 with him. But thank you very much.

18                  JUDGE FEMIA: Well, that's it for another year.  
19 Again I give you my annual injunction that you are all to  
20 stay healthy because if you don't, I'll write your memorial.  
21 Keep that in mind. I would like to turn it back over to  
22 Mr. Fredrickson to wrap it up.

23                  MR. FREDRICKSON: Thank you, Judge Femia, for your  
24 service to the Committee and to the Bar Association over the  
25 years. Thank you on behalf of everyone who attended, on

1 behalf of all the members of the Bar Association. I thank  
2 you for your attendance. It was wonderful hearing the  
3 thoughts and memorials that we did today. And I would like  
4 at this time to ask Chief Judge McKee to enter into the  
5 record of the Court the memorials that we heard today.

6 JUDGE MCKEE: President-elect Fredrickson, Judge  
7 Femia, the ladies from the Prince George's County Bar  
8 Association Administrative Office, Judge Salmon, Judge Ahalt,  
9 Judge Kinkle, and all of you very honored guests, the judges  
10 of the Circuit Court for Prince George's County are grateful  
11 to the Prince George's County Bar Association and members of  
12 the Committee that have prepared these memorials and have  
13 made it possible for us to have these type of ceremonies for  
14 our fallen comrades.

15 The lawyers of this country are in fact the  
16 guardians of our democracy. They are the ones that stand and  
17 defend the rule of law. Without them, we would not have a  
18 rule of law like we have. It is most appropriate that we  
19 take a few moments to honor those guardians that have at last  
20 gone to rest.

21 Many of us have enjoyed the pleasant and warm and  
22 personal relationships that we have had with the  
23 guardians.

24 The Court directs that all of the memorials that  
25 were presented today be spread upon the permanent record

1 of this Court and that a copy of these records be made  
2 available and sent to the families of those that have gone  
3 before us.

4 In conclusion, Mr. Bailiff, in honor of those  
5 guardians, we ask that you now announce adjournment of the  
6 Court.

7 THE BAILIFF: All rise. Circuit Court for Prince  
8 George's County now stands adjourned.

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