

THE BAR ASSOCIATION OF MONTGOMERY COUNTY, MD

BARMONT.ORG

CONTENTS

- 3 Current Update
- 8 Julie's Farewell
- 10 A Balancing Act
- 14 Client Alert
- 15 Find A Lawyer
Registration Form
- 16 Zoom Meetings
- 18 Wild Animal Law
- 19 Committees/
Sections
- 22 Pro Bono
- 23 Specialty Bar
Associations
- 24 Rent/Lease Ads
- 24 Attorney
Opportunities
- 25 Techlectic
- 30 Circuit Court
Judges Schedule
- 27 Judges Schedules
- Back Calendar

PRESIDENT'S MESSAGE

By Thomas M. DeGonia, II



As you read this, my hope is that you and your family are safe and well. As we all struggle with the challenges presented by the pandemic, it has become clear its impact is not just a temporary setback, it is a generational event. We are faced with fundamental changes in the way we conduct our lives and the manner in which we practice law.

More than ever, engagement is critical to our personal, practice and our association's success. While the courthouse doors have been closed, we have been busier than ever. I want to express my appreciation to our members who are participating on workgroups and committees with the Circuit Court and District Court. They are working on issues from electronic filing and physical security to creative ways to address backlogs and triage cases when we reopen.

Heather and I especially want to recognize the members of the Executive Director Search Committee: Callie Carnemark, Paul Chung, Paul Kemp, Pilar Nichols, Keith Rosa and Reveal Walters. They reviewed a mountain of resumes, spent hours checking references and days on Zoom meetings and interviews. Their experience and insights were invaluable in selecting our next Executive Director.

After a nation-wide search and interviews with several candidates from near and far, one candidate emerged as the unanimous choice, Wanda Claiborne. Many of you may recognize her from the Maryland State Bar Association in her role as the Director of Conferences and Events. I can assure you she is far more than her title may suggest. She has over 20 years of experience in bar associations, served in leadership positions with the National Association of Bar Executives, and holds many other professional certifications. More importantly, she has the skill, passion and personality to keep our association on course and help guide us into the future. Wanda will officially join us on June 15th. Stay tuned for more information about her and opportunities to meet her.

While we are all physically distant, the BAMC continues to serve as a common resource for our members. Benefits like our Lawyer Referral Service remain active. Our sections, the Family Law Section in particular, continue to provide CLEs. Other sections continue to meet virtually to share information and address how the developing circumstances are impacting their practice areas.

In addition to the New Practitioner's virtual trivia night, which was a huge success, there are other opportunities for you to stay connected. The Foundation made a renowned chef available to

(Continued on page 4)

Congrats To Our New Officers and Executive Committee Members

President:

Thomas M. DeGonia, II

President-Elect:

Keith J. Rosa

Treasurer:

Steven B. Vinick

Treasurer-Elect:

Honorable Amy J. Bills

Secretary:

LaSheena M. Williams

Executive Committee:

Honorable Bibi Berry

Joshua I. Bienstock

Heather S. Collier

Aindrea M. Conroy

Honorable Jill R. Cummins

Sara M. Donohue

Erin L. Kopelman

Samantha H. Kravitz

Megan N. Rosan

Andrew L. Schwartz

George E. Simms, III

Rosalyn Tang

Updated Pictures Are Being Accepted for the Next Directory

If you don't particularly like your photo that appeared in the last issue of the Legal Desk Reference & Lawyer Directory, don't worry. You can send a jpg file to Cindy (Cindy@barmont.org) for inclusion in the 2020-2021 issue. Please make sure to send a high resolution file by July 1st.

Before Netflix, Terps Take On Tigers in Captivity

Carson Barylak and Kenneth Vogel

Before Netflix's *Tiger King* gripped viewers nationwide and overtook social media discussions, officials in Montgomery County, Maryland recognized the inherent danger of exotic animal displays and updated county and city codes accordingly.

Animals used for entertainment and profit, including those exhibited in circuses and other traveling shows, are subjected to cruel and well-documented "training" practices, physical abuse, and confinement in extremely small enclosures devoid of enrichment. These animals are otherwise denied proper care. In addition to harming the animals used for display, traveling shows might place people at risk by bringing dangerous, wild animals into close-proximity with the public. Big cats and other deadly animals commonly used in such displays can harm people through both by direct, physical injury and by the transmission of zoonotic diseases.

Acknowledging these dangers, the Gaithersburg City Council approved an ordinance in February 2020 to prohibit the exhibition of exotic animals in traveling acts, and to extend the restriction to dangerous species such as tigers, lions, bears, chimpanzees and elephants (Gaithersburg, Md. Mun. Code § 4-101). With the support of the City's offices of Neighborhood Services and Animal Services, the ordinance passed the Council by a 3-2 vote. While Takoma Park led municipal efforts to eliminate circus cruelty in Maryland, banning the keeping of certain exotic animals for performances decades ago, Gaithersburg is emblematic of a modern wave of circus restrictions.

In late 2017, the Montgomery County Council took a similar step to limit the exploitation of exotic animals countywide—

becoming the first county in Maryland to take such a stand. Enacting a measure to prohibit the use of exotic animals like tigers (as well as certain other dangerous mammals and reptiles) in traveling shows or circuses (Montgomery Cnty. Mun. Code § 5-204), county officials acknowledged changing public perceptions about the humane treatment of animals, as well as the critical importance of protecting constituents from dangerous wild animals. Moreover, Council Members recognized that circuses and other traveling shows have evolving business models and can in fact succeed without hazardous wildlife displays.

Notably, although restricting the display of dangerous exotic animals might seem intuitive to some of us—after all, Montgomery County residents widely supported the Council's 2017 measure—efforts to better protect animals and communities from the dangers of traveling shows have not been as successful elsewhere in Maryland. In the same year, a Baltimore County Council bill was withdrawn in the face of circus industry opposition. This outcome further reinforces the importance of the steps taken in Montgomery County, which is now the state's leader in protecting circus animals.

These local measures highlight the role of municipalities as trailblazers in advancing animal protection and management policies. In this regard, they are serving as Justice Brandeis's proverbial "laboratories of democracy," implementing progressive measures to address citizens' growing demands for improved treatment of non-human animals, changing preferences and attention to personal safety, and acknowledgment that at least some communities may feel that consumer behavior should reflect its social costs.

This city- and county-level progress is driven by gaps in state- and federal-level regulatory frameworks and, in turn, drives improvements to those higher-level systems.

The Gaithersburg City measure was necessary in part because the Montgomery County code exempts the county fairgrounds, which are located in Gaithersburg, explicitly acknowledging the City's authority to determine how best to regulate exotic animals there. Thanks to the City Council's action, dangerous wildlife will not be on display at this year's county fair.

Montgomery County, in turn, took action to address what some see as a loophole in state law concerning exhibition of dangerous exotic animals in traveling shows. Specifically, the state's restrictions on the possession and display of dangerous exotic animals exempt circuses that hold a federal exhibitor license and which remain within Maryland for fewer than ten days. Because traveling circuses regularly cross state lines, such a restriction—though advanced relative to those of many other states, thanks to a careful 2014 update (Md. Code Ann., Crim. Law §10-621)—does not guarantee Montgomery County residents that potentially deadly, sometimes imperiled, and frequently inhumanely managed exotic animals will not under any circumstances be brought to their community for public shows. The state legislature, in turn, tightened its own standards for possession and display of big

cats and other dangerous, wild animals in part to address lax and poorly enforced standards at the federal level.

Local policy reforms like those established in Montgomery County in recent years have set the stage for federal legislators to modernize statutes and affecting captive exotic animals nationwide. Congress is now considering the *Traveling Exotic Animal and Public Safety Protection Act (TEAPSPA)*, H.R.2863/S.2121, which would restrict the exploitation of animals in circuses across the U.S.—a critical role for the federal government given the fundamentally interstate nature of traveling circuses.

Montgomery County's leadership in modernizing policies concerning traveling animal exhibits ensures that animals and communities will be better protected locally. That message about the importance of such action will be shared far beyond Montgomery County and the City of Gaithersburg.

Carson Barylak, Esq. is a Campaigns Manager at the International Fund for Animal Welfare (IFAW). She works to advance policies protecting wild animals, including animals in captivity.

Kenneth Vogel, Esq. practices business law and civil litigation in Maryland and Washington, DC. He is also the Maryland and DC state representative of Construction Dispute Resolution Services, an international provider of mediation and arbitration services.