

KENNETH A. VOGEL
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LAW PRACTICE

Alternative Dispute Resolution: Private mediator and arbitrator of business and construction disputes. Maryland District Court volunteer mediator on large claim and small claim dockets.

Civil rights compliance: Employment, fair housing and disabilities law, detailed below. Experience interacting with self-represented parties and people of diverse cultures and races.

Employment law: Advise businesses on interviewing and hiring procedures; writing and editing training manuals; policies and procedures (wage and hours etc.); employee and manager training (safety, alcohol beverage serving laws, sexual harassment training); internal investigations of allegations of sexual harassment and hostile work environment; wage and hours claims; unemployment insurance claims; workplace compliance with state and local laws; employment and independent contractor agreements; covenants not to compete etc.

Fair Housing: Successfully concluded litigation against a developer whose re-zoning application for a large office building threatened adjacent low-income housing. Well-versed in federal and state fair housing laws.

Disabilities law: Advise businesses on compliance with the Americans with Disabilities Act (ADA), state and local laws. Formulate reasonable accommodations for employees who may be partially disabled or restricted due to injury or pregnancy, as well as general public access to facilities.

Business Law: Represent restaurants and other small businesses on a wide variety of matters including entity regulatory compliance such as building code issues; historic preservation; permitting; licensing; regular reporting to and practice before state agencies. Interact with clients' tax advisors for organization planning and structure. Represent psychology practices on issues such as patient confidentiality; counselor-client and clinic disputes; licensing for half-way houses.

Estate administration: Probate before the D.C. Register of Wills and the Maryland Orphan's Courts. Administrative estate tax appeals.

Litigation - contract and torts: Business disputes with an emphasis on construction and real estate matters. Represent property owners, contractors and architects. Breach of contract; delay damages; professional malpractice against architects. Litigate business torts including breaches of fiduciary duty, negligence and fraud. Recent litigation includes quiet title; adverse possession; lien priority; contractor/property owner disputes; architectural malpractice.

Real Estate: Landlord-tenant issues; affordable housing; financing instruments including loan documentation; loan defaults; personal guarantees; UCC filings; title issues and claims; secured liens; easements; land-use planning. Typical issues include licensure status, quality of workmanship and building code compliance.

Transactions: Partnership and joint venture agreements; commercial leases - both office and retail; business sales and liquidation.

Bankruptcy: Adversary proceedings in the US Bankruptcy Courts in MD and DC for both creditors and debtors.

Trademark: Prosecute applications before the US Patent and Trademark Office for a variety of products and services. Litigated before the US Trademark Trial and Appeal Board.

Other Business Legal Representation: Corporate work for companies that produce television shows, including writing talent contracts; technology companies which import Ukrainian steel; mine chromium ore in Turkey; develop turbine engine combustors; create plant food and others.

BUSINESS ACTIVITIES

Business activities include: residential, office and retail brokerage; property management; construction management and development. My notable projects as a developer include: single family houses; multi-family apartment buildings; office buildings; a shopping center in Gambrills, Anne Arundel County; the headquarters for the Maryland Higher Education Commission (Annapolis, MD); Methadone Clinic development (Annapolis, MD); The Jackie Robinson School for Excellence in Education (DC public special education school); a residential care facility for developmentally impaired adults (ICF-MR); alcohol treatment centers; half-way houses for adult alcoholics in recovery.

EMPLOYMENT

Bar-Adon & Vogel, PLLC and Metro Legal Solutions ®
Attorneys and Counselors-at-law
Admitted to practice law in State and Federal courts in Maryland and Washington, D.C.

Vogel Realty, Inc.
Real Estate Broker's licenses in Maryland, Washington, DC and Virginia
Vogel Builders, Inc. (previous)

Construction Dispute Resolution Services, LLC.
Maryland and Washington DC State Director

General contractor and construction manager, specializing in small to mid-size residential and commercial renovations and new home construction.

BAR ADMISSIONS

United States Supreme Court
District of Columbia Court of Appeals
U.S. District Court for the District of Columbia
U.S. Court of Appeals for the District of Columbia
Maryland Court of Appeals
U.S. District Court for the State of Maryland
U.S. Court of Appeals for the 4th Circuit

EDUCATION AND TRAINING

Duke University, Durham, NC
AB in Political Science, cum laude
Oxford University, New College, Oxford
Duke Marine Lab, Beaufort, NC, Marine Biology

Washington College of Law, American University
J.D.

University of Santa Monica, Santa Monica, CA
Masters level studies in Psychology
Consciousness, Health and Healing

ADR Training as a mediator and arbitrator includes classes provided by the Maryland Courts; State and County Bar; Construction Dispute Resolution Services; and Mediation Matters. Course work in Mediation; Collaborative Law; ADR in Maryland Circuit Courts; Theory, Practice and Rules of Arbitration; Advanced Alternative Dispute Resolution; and Dispute Review Boards.

Construction courses in Construction Business Management, Construction Estimating and Solar Energy.

PROFESSIONAL ASSOCIATIONS

Bar Associations:

American Bar Association
Maryland State Bar Association
District of Columbia Bar Association
Montgomery County Bar Association
Bar Foundation Bar Leaders (2019 inductee)
Simon E. Sobeloff Law Society

Montgomery County Bar Association: ADR Section (co-Chair 2015 to present), Commercial Litigation Section, and Real Estate Section. Past Bar Leadership Service includes the Continuing Legal Education Committee. Section memberships have included Employment, District Court Bench-Bar and Intellectual Property law.

Maryland State Bar Association leadership positions: Construction Law Section Council (2012 - 2015) and the Alternative Dispute Resolution Section Council (2009-2012).

Greater Capital Area Association of Realtors®
Prior Committees: Professional Standards; Contract and Clauses
District of Columbia Association of Realtors®
Prior Committee: Public Policy
Property Management Association
International Council of Shopping Centers

Previous business memberships include the National Association of Home Builders; the Suburban Maryland Home Builder's Association; the Apartment and Office Building Association; the California and Merced Chambers of Commerce; and the California Restaurant Association.

LEGAL PUBLISHED ARTICLES

Articles may be found online at <http://www.metrolegalsolutions.com/articles.html>

“Remember the Ladies: Women and the Vote”
Maryland Bar Journal, Voting Rights edition, Fall 2019 (pub. pending)

“Laws for Claws: Regulating Maryland's Exotic Cats”
with Barylak, Carson H.
Bar Bulletin (MD), Animal Law edition, September 2019

“Arbitrate the Bastard!: Waiving Arbitration Provisions”
Bar Bulletin (MD), Construction Law edition, February 2019

“I Didn’t Sign It!: Compelling Non-Signatories to Contracts into Arbitration”
Bar Bulletin (MD), Alternative Dispute Resolution edition, November 2018

“Business Contracts and ADR Provisions”
Bar Bulletin (MD), Solo and Small Firm Practice edition, October 2018

“Religious Options for Conflict Resolution”
Maryland Bar Journal, Faith-Based Legal Systems edition, Sept/Oct 2018

“Accidental Arbitration”
Bar Bulletin (MD), Business Law edition, June 2018

“Doe Hunting: A How to Guide for Uncovering John Doe Defendants in Anonymous Online Defamation Suits”, with Shuntich, Savanna L.
The Computer & Internet Lawyer, CCH/Wolters Kluwer, Vol. 35, No. 3, March 2018
re-print of MD Bar Journal (content updated)

“Doe Hunting: A How to Guide for Uncovering John Doe Defendants in Anonymous Online Defamation Suits”, with Shuntich, Savanna L.
Maryland Bar Journal, The First Amendment edition, July/August 2017

“Conflicts of Use; Conflicts of Representation”
Maryland Bar Journal, Solo and Small Firm Practice edition, March/April 2017

“Psychologists As Expert Witnesses: A Legal Retrospective”
Maryland Bar Journal, Maryland Legal History edition, November/December 2016

“Binding Mediation?”
Montgomery County Bar Newsletter, September 2016

“What’s the Scoop on Binding Mediation?”
Bar Bulletin (MD), September 2016

“A Perfect Hand: Arbitrating New Home Warrantees”
Bar Bulletin (MD), September 2016

“Judges Don’t Make House Calls”
Maryland Bar Journal, Construction Law edition, Jan/Feb 2016

“Psychology of Resolving Construction Disputes”
Bar Bulletin (MD), May 2013

“Alternative ADR for Construction Disputes: A Litigator’s Perspective”
Maryland Bar Journal, Mediation edition, March/April 2012

“Mediating Home Improvement Construction Disputes
MD State Bar ADR Section Newsletter, 2009

“Bringing Peace to the House: Mediating Home Improvement Disputes”
ACResolution magazine (Association for Conflict Resolution), Fall 2008

LEGAL PROGRAM PRESENTATIONS

“Communications in Negotiation”
Hood College, Delaplaine School of Business
MGMT 582 Negotiation and Conflict Resolution, guest speaker
September 9, 2019

“Inside the Mind of the Mediator”
Baltimore City and Baltimore County Bar Associations joint ADR Section
Continuing Legal Education Program
April 9, 2019

“Beyond Mindfulness”
Maryland Judiciary Mediation and Conflict Resolution Office (MACRO)
Maryland Mediators Convention, Continuing Legal Education Program
December 7, 2018

“Keep Your Project Out of Court! A Construction Owner’s Guide to Alternative Dispute
Resolution”
Construction Owners Association of America, Virginia Chapter, Fall Workshop,
September 20, 2017

“Sports Arbitration”
Bar Association of Montgomery County, Law Day CLE
April 22, 2016

“Advanced Alternative Dispute Resolution”
Bar Association of Montgomery County
Mediator CLE training per MD Rule §17-205
March 10, 2016

“What Do Clients Want? Representing Architects, Contractors and Developers, Straight
from the Source”
Maryland State Bar Association, Construction Law Section CLE Program
February 25, 2015

“Construction Contracts, General Conditions, Risks and Damages”
Maryland State Bar Association Annual Meeting, Continuing Legal Education
June 12, 2014

“Practical Issues in Construction Law: Technical Defenses to Construction Claims”
Maryland State Bar Association Annual Meeting, Continuing Legal Education
June 13, 2013

“Recent Legislative Developments Affecting Construction”
Maryland State Bar Association, Construction Law Section CLE
January 30, 2013

“Mediator Mindfulness”
Maryland State Bar Association, ADR Section Professionalism CLE program
with Rachel Wohl, Esq., Executive Director of MACRO
March 13, 2012

“Advanced Construction ADR- Commercial Disputes”
Maryland State Bar Association, ADR and Construction Law Sections joint
Continuing Legal Education program
June 9, 2011

“How to Save Time and Money Using Alternative Dispute Resolution”
Maryland State Bar Association, ADR Section webinar
January 26, 2010

“The Use of Mediation and Arbitration to Resolve Disputes and Lawsuits”
Joint program with the Maryland State Bar ADR and New Practitioners Sections
January 20, 2010

“New Tricks for Old Mediators: Alternative Methods of Structuring Mediation”
Maryland Judiciary Mediation and Conflict Resolution Office (MACRO)
Maryland Mediators Convention
December 5, 2008

“A Trial Lawyer’s Guide to Successful Alternative Dispute Resolution”
Montgomery County Bar Association Law Day
May 2, 2008

“County & Municipal Laws & Regulation”
Montgomery County Bar Foundation
April 28, 1998

“Sale of a Business: Tax Matters For The General Business & Corporate Lawyer & CPA”

Joint Program with the Montgomery County Bar Foundation and the Maryland Association of Certified Public Accountants, CLE/CE class

December 10, 1996

“Real Estate Tax”

Montgomery County Bar Foundation CLE

April 18, 1996

“Use of Psychological Expert Witnesses in Criminal Evaluation and Sentencing”

Montgomery County Bar Foundation, CLE Class

April 17, 1996

“Use of Psychological Expert Witnesses in Personal Injury Litigation”

Montgomery County Bar Foundation, CLE class

April 11, 1996

Updated September 10, 2019