

DAILY RECORD

LAND LAWYER

Lawyer Civility is Watchword For New MSBA President Howe

Judge Says She Sees the Need for Attorneys to Watch Their Behavior, But Resists Idea That Written Code Is the Only Answer to the Problem

BY JANE BOWLING

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Barbara Kerr Howe — who will add presidency of the Maryland State Bar Association to her lengthy list of credentials today as she takes the reins from outgoing President Robert T. Gonzales — sees on a daily basis how attorneys behave, or misbehave, from the bench of her Baltimore County courtroom.

And despite continuing publicity about lawyers' sometimes rude, sometimes bullying, treatment of opponents and others — all in the name of zealous advocacy, of course — she's hesitant to prescribe the quick fix proposed by many: a formal code to regulate lawyers' manners.

"It may seem absurd on its face that adopting a code is not automatically a good idea," Howe, administrative judge of Baltimore County's Circuit Court, plans to tell bar members today as MSBA caps its 101st Annual Meeting in Ocean City with her inauguration as its president.

"It may seem that it is as bad as speaking out against mom, apple pie and the American flag," she adds. "But there are those who believe that the creation of such a code may open an entirely new level of guidelines for sanctionable conduct that is already covered by rule and statute."

Howe — who will be the second woman to head the state's 17,000-plus member bar — plans to make professionalism and the need for attorney civility a primary focus of her tenure as MSBA president, but she's taking it on with the kind of circumspect, study-and-evaluate attitude one might expect from a judge.

She's hesitant to jump on the bandwagon of advocates for so-called "civility codes," like the one promulgated recently by the Bar Association of Baltimore City.

Instead, she plans to create a task force to gather information on the codes that have already been created, their effect on law practice and how judges use them to control the conduct of lawyers in their courtrooms.

"We already have in place Rules of Professional Conduct," Howe notes — and civility codes tend to be more aspirational in



Baltimore County Circuit Court Administrative Judge Barbara Kerr Howe plans to make attorney civility — and the question of whether it would be properly regulated by a written code — the focus of her presidency of the Maryland State Bar Association.

nature, without provision for sanctions if they are disobeyed. The result, according to Howe?

"My concern is that it will become another level of discipline or sanction in the hands of judges — that's not what the intent is."

With the existing Rules of Professional Conduct, and the attorney grievance system to enforce them already in place, lawyers know the ground rules and the penalty for non-compliance.

"There's a track record for all those things," says Howe.

She's also concerned that, assuming such codes are a good thing, a rush by local jurisdictions to adopt their own civility rules might further confuse matters for lawyers in practice in several jurisdictions.

"My question is whether it would be a good thing to have a

statewide code, instead of having it done piecemeal," Howe says.

She is, however, backing one effort to inspire lawyers to be

good to each other and the public — extending the one-day professionalism course that new bar admittees are now required to take to all Maryland lawyers.

"The current trend for some lawyers and law firms is that they consider themselves a business," Howe says. "While the practical aspects

of the practice of law should not be overlooked, perhaps it is better that lawyers are always mindful that they are professionals.

"The courtesy that you show each other in and out of the courtroom reflects on the personality, reputation and regard in which each of you are held by other members of your profession."

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Lawyer Civility

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Howe's other main focus during her leadership of the bar association will be increasing communication between the 23 individual practice sections and the policy-setting Board of Governors.

"Too often ... the sections have felt like step-children," Howe plans to tell bar members in her inauguration speech.

Each section already has a liaison to act as a go-between for its members and the governors, and Howe promises she'll be calling on those liaisons to report on their sections' activities when the board meets.

"They will know that their information is being reported directly to the board," she says, "and they will know how important that work is to this association."

Howe will also continue efforts spearheaded by Robert T. Gonzales for the

bar's Leadership Academy and hiring a law office management consultant who helps solo and small-firm lawyers choose and integrate new technologies into their practices.

Filling out the bar's officer ranks during Howe's term will be President-Elect Paul D. Bekman, Treasurer Charles M. Preston and Secretary James L. Thompson.

Howe, administrative judge for the Baltimore County Circuit Court since 1992, completed law school at the University of Maryland in 1969. She received her Bachelor of Arts degree from Randolph Macon Woman's College in 1959.

She was a judge for the Baltimore County District Court for three years starting in 1985 prior to joining the circuit bench as an associate judge.

She had previously been in private practice for 15 years and worked as a

zoning hearing examiner for Harford County.

Like her involvement with the courts, Howe's involvement with MSBA has been varied and long-lived.

Before serving as president-elect this past year, she served on the Board of Governors, the bar's policy-making body, from 1986-1988 and 1990-1992, serving on the executive committee for a year during each of those terms.

She has also served on the executive committee from 1993 to the present.

She was secretary of the organization from 1993-1994,

and served on its special committee on minorities in the legal profession 1987-1988.

She has also served on bar section councils for administrative law and general practice, serving as chair and in oth-

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er official positions over the years. She served two terms as liaison to the criminal law and practice section and on the bar's professionalism, pro bono, program and lawyer counseling committees.

Her American Bar Association credentials are nearly as long, showing service in the General Practice Section — including a term as chair of its professionalism committee — and the recent start of her three-year term on the ABA Standing Committee on Professionalism.

She has also served on the national bar's Standing Committee on Judicial Selection, Tenure and Compensation.

Howe is also active in the Baltimore County Bar Association and the Women's Bar Association.

Beyond the bars, Howe's involvement extends to membership on the special committee on gender equality and she currently chairs the Judicial Disabilities Commission, of which she's been a member since 1991.