

LETTER TO THE EDITOR

I believe that a small portion of [the article] was not completely accurate. More specifically, the section on "Entry of a Confessed Judgment" states that if the pleadings are in correct order, the Clerk of Court will enter a judgment in favor of the plaintiff. It goes on to cite Maryland case law, which states that confessed judgment is not a judicial act, but a *pro forma* entry of a judgment by a clerk.

The procedures for the entry of a confessed judgment changed dramatically after July 1, 2010, when Rule 2-611 was amended by the Court of Appeals. The rule still permits the filing of a confessed judgment case and in subsection (a) of the Rule sets forth how they should be filed. The Court of Appeals added subsection (b) to the Rule, which provides as follows:

(b) Action by court. If the court determines that (1) the complaint complies with the requirements of section (a) of this Rule and (2) the pleadings and papers demonstrate a factual and legal basis for entitlement to a confessed judgment, the court shall direct the clerk to enter the judgment. Otherwise, it shall dismiss the complaint.

It is my belief that the new portion of the Rule changes the procedure so that the clerk can no longer enter a judgment, and that the judgment can only be entered upon order of court after reviewed by a judge of the pleadings that have been filed.

I also believe that this change in the procedure for entering a confessed judgment has a significant impact on how the court will look on post-judgment motions for modification. First, since court action is necessary for the judgment to be entered, it is no longer a *pro forma* action by the clerk, but is now a judicial act.

Second, if it is assumed that confessed judgments

EDITOR'S NOTE: The following letter is in reference to the "Confessions About Confessed Judgments" article that appeared in the November/December 2012 edition of the Maryland Bar Journal. The comments and opinions expressed herein belong to the author and are not necessarily those of the Circuit Court for Harford County or the Maryland State Bar Association.

are now judgments entered under the discretion of the court, an argument can certainly be made that modifications to those judgments should be governed by the provisions of Rule 3-534 and Rule 3-535, which generally control motions to alter or amend court judgments. While an argument can certainly be made that those rules were applicable anyway, it is my opinion, they clearly will be controlling the way the Rule is worded at this point in time.

There is also a question in my mind as to whether the fact that the judgment will now be entered by the court instead of the clerk will have any effect on the current case law, which provides that a confessed judgment is not a final judgment until it is served on the defendant.

I am not aware of any appellate cases that have dealt with these and other questions that may be raised by the modification to the Rule as set forth above, so I guess we will have to wait for guidance on the issues I have raised plus whatever other issues the creative legal minds of Maryland can come up with.

The Honorable William O. Carr
Administrative Judge,
Circuit Court for Harford County

Submit a "Letter to the Editor" to Patrick Tandy, 520 West Fayette Street, Baltimore, Maryland 21201, or e-mail ptandy@msba.org.

Project HEAL Wins National Charitable Services Award

At a banquet in Atlanta, Georgia on February 13, 2013, Project HEAL, a program of the Maryland Center for Developmental Disabilities at Kennedy Krieger Institute, was named a 2012 Program of Excellence as part of the Hospital Charitable Service Awards, a national program sponsored by Jackson Healthcare.

HEAL (which stands for Health, Education, Advocacy, and Law) is Maryland's only on-site medical-legal partnership and operates on Kennedy Krieger Institute's main campus in Baltimore with a small staff of attorneys and law students. It offers parents and children with disabilities free advocacy and legal services in special education matters, denial of public

benefits, simple family law, and housing matters.

HEAL and the other nine honorees received \$10,000 each to continue their service.

"Project HEAL is a bright light, within the hospital community, of programs that give back in impactful ways," said Charles R. Evans, the chairman of the awards program.

"This program is invaluable to the many families at Kennedy Krieger facing a variety of legal challenges with limited financial means," said Maureen van Stone, Director of Project HEAL at Kennedy Krieger. "The \$10,000 award will be instrumental in ensuring that we can help even more children to receive the education and services that they need."

According to statistics from the program, HEAL averages more than 80 cases a year. It also provides limited representation to more than 330 families per year and consults with more than 300 health care professionals per year.

Jackson Healthcare instituted the Hospital Charitable Service Awards in 2010 to identify leading community health service programs, share their stories, and make them models for other programs. This year's ten honorees were selected from a national pool of 191 nominees. Each nominee had to demonstrate excellence in the following five criteria areas: community impact, innovation, collaboration, transferability, and leading practice.

MSBA.org – Online Resource for Success

By Nicholas Clash

As MSBA prepares to make long overdue major changes to update both the look and functionality of the MSBA website, there is still a wealth of information available to Bar members on the site.

Here are some of the highlights of our member resources.

Member Benefits

The MSBA provides its members with discounted services or products that can help aid and support practitioners and their firm. There are many items listed on the member benefits page. Since many of the benefits are for MSBA members only, you will need to log in to get the pass code to benefit from some of these vendors. You can also get information on all the vendor benefits that the MSBA offers and contact information.

Law Office Management Assistance (LOMA)

This department is the help

desk for solo and small firm practitioners throughout the state. Questions can range from law practice management to technology. The LOMA department provides guidance and information to our members, especially to new or experienced solo and small firm practitioners. Contact the office at (410) 685-7878, ext. 3038. If LOMA cannot answer all your questions, LOMA can find someone who can. The department offers a wide range of informational packets and resource guides for solo and small firm practitioners. LOMA also provides law practice videos and helpful articles to help assist you with your law practice.

Legal Career Center

This is the centralized location where employers and lawyers meet online. Members can search and review thousands of legal positions. Members can also post their resume online for employers and recruiters

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Nominations are now being accepted for the 29th annual H. VERNON ENEY ENDOWMENT FUND AWARD. The award is presented by the Maryland Bar Foundation to an individual who has demonstrated outstanding leadership in working to improve government and the administration of justice. Nominees should exhibit the four principal characteristics which distinguished Mr. Eney's career: excellence in the law, bar leadership, community leadership, and enormous capacity for work.

The H. Vernon Eney Endowment Fund Award was created in 1984 as a tribute to Vernon Eney, whose selfless dedication resulted in significant changes in government at the state and local levels.

To nominate a judge, lawyer, government official, or volunteer to receive the 2013 Eney Award, send a letter and detailed description of the nominee's contributions and activities, by **May 3, 2013**, to Maryland Bar Foundation, H. Vernon Eney Award Committee, Maryland Bar Foundation, 520 West Fayette Street, Baltimore, Maryland 21201.

The award will be presented at the Maryland Bar Foundation Fellows Meeting to be held in connection with the Maryland State Bar Association's Annual Meeting on **June 13, 2013**, in Ocean City, Maryland.