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September 16, 2011

Ms. Joyce Jones
15 Main Place
Apartment B
Cockeysville, MD 21030

Mr. Daniel M. Smith
27 S. Patterson Avenue
Baltimore, MD 21224

FILE COPY

Ms. Debra Burns
1313 Del Avenue
Baltimore, Maryland 21211

Mr. Michael Burns
1313 Del Avenue
Baltimore, MD 21211

Re: Jones v. Smith

Dear Ms. Jones, Mr. Smith, Ms. Burns and Mr. Burns:

Pursuant to the September 13, 2011 Order Appointing Counsel for Children signed by Judge Berger, I have been appointed as the attorney for Alex and Ali. Please be advised of the following guidelines, which shall be necessary for you to follow so long as I am involved in this matter:

1. No one may speak with the children about the subject matter of the case without my prior written permission.
2. The children are not to be quizzed about my meetings with them, what I have told them, or what they have told me. Also, no one shall monitor my telephone conversations with the children. This includes but is not limited to a parent being present, nearby, or listening on an extension.

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3. If the children have any questions regarding the litigation, the Court process, or the subject matter of the litigation, I shall answer them. No one is to be answering questions, or explaining the process to the children.

4. No one is to coach the children in any way, shape, or form. No one is to attempt to influence the children in any way, shape, or form. This includes, but is not limited to, the purchase of or promise of extraordinary gifts or trips for the children.

5. Each parent shall provide to me a list of no more than four (4) individuals (including name, address and telephone number) whom I may contact regarding each parties' relationship with the children. In preparing the list, it would be helpful to me if the individuals identified have seen the children in the presence of each party.

Should anyone have any questions regarding this matter, please do not hesitate to communicate with me. Please be advised that the children are my first and only concern. I hope that working together we can expeditiously and reasonably resolve this matter. Thank you.

Very Truly Yours

Christopher W. Nicholson

HOW TO REPRESENT CHILDREN

(A) Draft Initial letters

- (1) Write to both attorneys with
your scope of authority**

November 7, 2007

James Clapp, Esq.
200 N. Court Street
Frederick, MD 21701

and

Lorraine Prete, Esq.
19 N. Court Street
Frederick, MD 21701

Dear Colleagues;

I have been appointed to represent the minor child in Frank Smith vs Mary Smith. I will serve as the child's (BEST INTEREST or ATTORNEY ADVOCATE) attorney. I would appreciate seeing copies of all pleadings and discovery done thus far in the case and would ask the Plaintiff's attorney to get me copies if that will be convenient. If there are any other documents which either attorney feels necessary for me to review, please kindly forward copies.

In regard to the manner in which I handle cases on behalf of minors, please share this letter with your clients and specifically ask the parents to read this letter to my client. My office will be contacting the parents to schedule a meeting with the parents, and later with my client. I want to initially meet both parents at the same time to reiterate my thoughts contained in this letter and to answer any specific questions which they may have about my role in the case, the procedures I will follow on behalf of their son, etc. I will then meet with one parent for a one hour session to gather all of the information they wish to share with me. I generally prefer to meet with the Plaintiff first and thus, want Ms. Smith to meet with me to schedule the first appointment. Ms. Smith may have the appointment immediately following Ms. Smith's, or another which is convenient to her schedule, provided it is after his appointment. Within several weeks thereafter, I will be having a meeting with my client.

When I meet with Trenton, I will not be demanding to know who he wants to live with - it is also unlikely that the Judge demand such a "choice". I will be interested in knowing Trenton's hobbies and interests, how he is doing in school, and the like. Trenton can also ask me questions about what is going to happen in Court, what the Judge is like, etc.

James M. Clapp, Esq.
and
Lorraine M.B. Prete, Esq.
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I have a few "Rules" for the parents and lawyers in all my cases:

1. Neither lawyer is allowed to meet with or talk to my client about the case from this point on without my permission.
2. After the initial interviews with the parents, I will not speak to them without the permission of their attorneys (except regarding logistical matters or concerning questions from my client to them, etc).
3. The parents are not to "coach" Trenton or interfere in any way with him talking to me fully and honestly. I only want the my client to tell me the truth about things and do not want the parents advising him in any way. If Trenton has questions about Court, the parents can let me know and I will call my client or see him in my office.
4. If I send any mail to my client, the parents are not to read it, but should give it to Trenton to read. If he then WANTS his parents to see the letter, they can offer it, but I do not want the parents asking what was in the letter..... Similarly, my telephone conversations with my client are not to be monitored and the child is not to be "quizzed" about what they told me, or what I told them.
5. If Trenton wants to talk about the case, the parents are of course, allowed to answer questions or concerns, but not in a way which will make the child lean in favor of one parent or the other.
6. THE COURT DOES NOT GIVE A LOT OF WEIGHT TO WHAT A YOUNG MINOR CHILD WANTS - the Judges only want to make a decision about what is best for the child - in the JUDGE'S opinion. The decision may be what the child happens to want, but will be made by the Judge because the Judge thinks a particular solution is best, and not just because that is what the child wants..
7. *Each parent should prepare a list of potential witnesses for me to contact. I will need their names, addresses, telephone numbers, and a SHORT description of what each witness knows and can testify to.*

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and
Lorraine M.B. Prete, Esq.
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8. *I would also like each parent to provide me with a written explanation of why they think they are the better parent for this particular child, at this particular time, as well as a detailed idea of the type of visitation which the other parent should have. It would be very helpful to me if they can have those items, as well as the list of witnesses, when I meet with each parent at their personal interviews.*

If either of you or either of your clients have any questions at any time, please let me know. I also beg each of you to remember to send me all pleadings which are filed in the future and to include me in all discovery matters, including depositions. Also, please remind the Assignment Office to clear Court dates with me because most people tend to forget that the child's attorney must also be notified of all of these things.

Please call me at your earliest convenience so that I can have the benefit of each of your thoughts and positions on behalf of your clients.

I look forward to working with everyone and hope that we will be able to resolve this situation in an expeditious, reasonable manner keeping Trenton's needs foremost in mind.

Yours sincerely,

Keith N. Schiszik Esq.
DAY & SCHISZIK

NOTE: This letter should be modified depending on the age of the child and the specific role of the attorney (Best Interests vs Advocate). You might consider clarifying that the position you may take on behalf of your client depends on your assessment of the child's judgment. Remember, even if you are appointed to be an advocate, you may have to petition the Court that the child lacks "considered judgment". Do not BOX YOURSELF INTO a specific role in this letter - despite the Order of Appointment.

ARY ANNE DAY
ETH N. SCHISZIK

322 WEST PATRICK STREET
FREDERICK, MARYLAND 21701
(301) 662-8811
(301) 293-6012
FAX (301) 293-6168

HOW TO REPRESENT CHILDREN
(A) Draft Initial letters
(2) Write to CHILD'S therapist

November 7, 2007

Janet M. Carson, Psy.D.
44 North Thomas Drive Suite 112
Myersville, MD 21771

Dear Dr. Carson;

Enclosed is a copy of the Court Order which appoints me to serve as the child's attorney for Trenton Smith in his parent's pending custody/visitation action.

Please call me at your earliest convenience to discuss Trenton's treatment, etc. It will be my responsibility to determine whether or not patient/therapist privilege will be waived in any way for these proceedings. Until that decision is made, after consultation with you, I am advising the parents' attorneys, by copy of this letter, that neither they nor the parents are allowed to discuss your treatment, consultations, etc. with anyone other than me. Because privilege applies to your conversations with the child, and because this is in litigation, I believe that your "reports" to the parents will have to be greatly restricted. I would like to discuss this with you in more detail when we talk because I suspect that this may be a difficult line for you to walk.

I look forward to talking with you and working with you collaboratively to lessen the impact of the divorce on this child.

Yours sincerely,

Keith N. Schiszik, Esq.
Child's Attorney for Trenton Smith

Encl: Court Order

cc: James M. Clapp, Esq.

HOW TO REPRESENT CHILDREN

(A) Draft Initial letters

(3) Write to Guidance Counselor

November 7, 2007

Martina Roosevelt
Guidance Counselor
Rohrsville Elementary School
123 Main Street
Anytown, MD 77662

Re; Trenton Smith

Dear Ms. Roosevelt;

Enclosed is a copy of the Court Order which appoints me to serve as the child's attorney for Trenton Smith in a pending custody/visitation case. I understand that you are Trenton's Guidance Counselor. I hope that the parents will be focusing on their child's best interests and developmental needs throughout this matter, and hope to discuss your perceptions of my client's present status, needs, parental involvement, appropriateness, etc.

Please call me at your earliest convenience to share your thoughts. I will probably also want to talk with his teachers to learn their observations and receive any assistance which they might be able to provide to me at this time, so that I can do the best job possible on behalf of Trenton.

I look forward to talking with you and working with you collaboratively to lessen the impact of this situation on my client.

Yours sincerely,

Keith N. Schiszik, Esq.
DAY & SCHISZIK

Encl: Court Order

cc: James M. Clapp, Esq.
Lorraine M.B. Prete, Esq.