

Our e-news is a monthly newsletter on current legal issues, recent events at Astrachan Gunst Thomas, P.C., and contains editorial and promotional content.



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Wednesday, March 10, 2010

The Contest Question in our last e-news edition was: [How many Maryland firms have 100 percent of its partners named as SuperLawyers?](#) [How many firms have more than 1 partner for IP named a Super Lawyer?](#)

Congratulations to William Stokes for answering with "I am going to go out on a limb and say that AGT is unique in SuperLawyer status. Congratulations. No other law firm in Maryland has more than one partner in IP as a SuperLawyer."

You could be a winner. Check out our new question below...very far below, at the very bottom (almost).



what's going on?

[State House Policy on Reporters Credentialing](#)

Jim Astrachan, working on behalf of the Maryland/D.C./Delaware Broadcasters Association, has been working with other members of the Fourth Estate to create a credentialing policy that will allow reporters who report on the business of the Maryland Legislature to be credentialed in a way acceptable to both the media and the State. This effort was the subject of an article in the March 6, 2010 edition of the [Daily Record](#), in which Jim quoted throughout. Of particular interest is how to recognize new media, such as bloggers, as credentialed reporters.

19th Annual MSBA Young Lawyers Section Charity Event

Julie Carolan and AGT Alum Meredith Martin are again co-chairing the MSBA Young Lawyers Section Charity Event to be held on Thursday, March 25, 2010 at 6:00 PM at the Havana Club, located at 600 Water Street in Baltimore. This year's event benefits the Homeless Persons Representation Project, Inc., a non-profit organization providing legal services and systemic advocacy on behalf of people who are homeless or at risk of homelessness. Click here for more information and to purchase tickets:

<http://www.msba.org/departments/commpubl/barbrief/March10/2010CharityEventLetter.pdf>.

Use of Cell Phones and Other Electronic Devices in Maryland Courthouses

Jim Astrachan has also been working with the Broadcasters and other members of the press to ask the Rules Committee of the Maryland Judiciary to exempt reporters from the proposed ban on cell phones and electronic devices in Maryland court houses. Jim and other lawyers representing media have testified before the Committee and are preparing a proposed credentialing policy to submit to the Rules Committee before its April meeting.

Julie Rubin Appointed to Board of Directors for Baltimore Humane Society

It has been a winter of appointments for Julie. First, she was appointed by Governor Martin O'Malley to the Maryland Commission on Judicial Disabilities. Then Julie was elected to the Board of Directors for the Baltimore Humane Society. Julie isn't allowed to bring home any more pets, but if anyone else wants a pet, call Julie. BHS has plenty of furry critters that need good homes.

Restrictive Covenants Seminar

Julie will be presenting a webinar in conjunction with the MSBA on April 14 at 8:30 a.m. entitled, "Protecting Your Client's Business Interests: Understanding and Maximizing Legal Protection Through Restrictive Covenants, Trade Secret Law and Common Law Employment Duties." This webinar will examine all forms of restrictive covenants, including non-competition, non-solicitation, and non-disclosure agreements, and will give specific instruction on enforceability and best drafting practices. This presentation will also address the intersection of restrictive covenants, common law employment duties and trade secret law, and the remedies available for breach of these laws and agreements. Members of the MSBA Intellectual Property Section or the Solo and Small Firm Practice Section may register for free; all others may attend for a small program fee of \$25. If you would like to attend, you may reserve your spot at <https://www1.gotomeeting.com/register/767568952>.

Frank Morgan Appointed Vice President of Maryland Million, Ltd.

Frank Morgan has been elected Vice President of Maryland Million, Ltd. Frank has been a member of the Board of Directors of Maryland Million since August 2007 and is looking forward to taking a more active leadership role with the organization. The Maryland Million, founded by Jim McKay and other horse owners and breeders 25 years ago, is Maryland's biggest day at the races next to the Preakness. In the fall of each year, Maryland Million sponsors a day of racing with total purses in excess of \$1 Million restricted to the offspring of Maryland stallions. For further information about the Maryland Million, or legal issues related to the horse industry, contact Frank at 410.783.3524.

FTC Endorsement Guides Presentation

On June 8, 2010 Jim Astrachan will present the latest version of "Ads That Shouldn't Have Run" to the members of the Philadelphia Chapter of the Business Marketing Association. This updated version includes important information on the FTC's new Endorsement Guides concerning the use of endorsements and testimonials in advertising. These new rules are a must-know for anyone in the advertising industry. If you are interested in bringing this presentation to your marketing or advertising-related group, contact Shannon D. Lancaster at slancaster@agtlawyers.com.

Maryland Association of CPAs

On May 21, 2010, at 8:30 a.m. Jim Astrachan will present to the Maryland Association of CPAs Business Valuation and Litigation Support Committee on issues regarding the valuation of intellectual property.



Celebrity Endorsements: An Eagle's Eye

By: James B. Astrachan

I read with one eye closed that California Congressman Joe Baca was dropping his effort to honor Tiger Woods with the Congressional Gold Medal. This followed revelations that Mr. Woods has engaged *in seriatim* in extra marital affairs. Baca's statement regarding his initial support of the award of the Medal highlights the reasons Tiger has endeared himself to advertisers and consumers.

<http://www.agtlawyers.com/resources/articles/2010%20articles/Tiger%20Woods.pdf>

New Legislation, Old Litigation Strategy

By: Peter Gunst

In 2005, Congress passed the Energy Policy Act, establishing a national renewable fuel program. It subsequently amended the Act through the Energy Independence and Security Act of 2007. Yes, Congress actually managed to pass two bills despite its normal condition of gridlock. In legislating a national renewable fuel program based upon blending ethanol with gasoline, Congress used a carrot-and-stick approach directed toward refiners, importers and blenders. Each year, the Environmental Protection Agency is to determine what percentage of transportation fuel must be renewable fuel. Then, each obligated party is responsible for meeting that percentage. That is the stick.

<http://www.agtlawyers.com/resources/articles/2010%20articles/SSDA%20Article%20February%202010.pdf>

Talk Ain't Cheap: When Running Your Mouth Runs You Afoul of the Law

By: Julie R. Rubin

My heart fell as I cut into the pie only to see the interior ooze in to fill the void. The recipe said to take it out of the oven after 30 minutes, but it didn't look quite done to me. The surface of the cake jiggled too much, but the recipe (as though reading my mind) assured me it would "firm up." I didn't want to overcook it, so I followed the instructions and took it out against my intuition to give it another 10 minutes in the oven. I should have trusted my instincts. Dammit. What a waste of beautiful Valrhona chocolate. And what was I going to serve for dessert at tonight's party? My husband picked at the cooked edges as the dogs looked on with their "I haven't eaten for days" faces when the phone rang.

Page 22 of <http://www.smartceo.com/content/digitalba0310>

<http://www.agtlawyers.com/resources/articles/2010%20articles/SmartCEO%20March%2010.pdf>

Reflections on *The Real Truth About Obama*

By: Charles F. Morgan

Six months have passed since the Fourth Circuit abandoned its 32-year old standard for granting or denying a preliminary injunction. How has the federal court in the District of Maryland adjusted to the change, and in particular, what has been the effect on intellectual property litigation?

<http://www.agtlawyers.com/resources/articles/2010%20articles/Obama.pdf>



**Finally! Here's the Contest Question.....
(The first right answer wins a \$25 Gift Certificate to Borders!)**

**Name three reasons why NABISCO lost the exclusive
right to call its cereal SHREDDED WHEAT.**

Submit your answer to Shannon Lancaster at slancaster@agtlawyers.com

Contest Rules:

1. When you enter, you agree to these rules.
2. Multiple entries are permitted, but only one prize to an entrant, 'cause that's all we're giving.
3. We can announce you as the winner in a future newsletter. If you are a known celebrity or an Oscar[®] winner, we will use your photo. Oh yes, we will. If you are a competitor who reads our newsletter, we may or may not use your name. If you are a convicted felon, we probably will not. We may even change your name. At any rate, do you really want the association?
4. There will be ONLY ONE winning entry. Unless we change our minds.
5. All decisions are final.
6. No purchase necessary.
7. Void where prohibited. You know what that means. If not, you need to call us before you plan a contest.
8. If you can't afford to pay the income tax associated with the award of a prize, NO BAILOUTS.

Good Luck!



Attention Event Planners!

Astrachan Gunst Thomas, P.C. not only protects, we teach.

Our attorneys lecture nationally and teach at the University of Maryland School of Law and the University of Baltimore. If you have an event, conference or meeting coming up and need an engaging speaker to discuss intellectual property, business, or employment and management issues relevant to your business or industry, please contact Shannon Lancaster at slancaster@agtlawyers.com for seminar planning and topic details.

The Law of Advertising

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<http://bookstore.lexis.com/bookstore/product/10267.html>

WHAT'S IN A DESIGN?



More than meets the eye!

We think of it as the minutia that can spoil the best laid plans. These primers, written with need-to-know information that lawyers and non-lawyers can understand, are essential to smart advertising, marketing, and public relations agencies. They are great material to hand out to current and new employees.

Order online:

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Contact: slancaster@agtlawyers.com

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