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TO: Roger Weinberg
Awards Committee Chair
Maryland Trial Lawyers Association

Fax Nos. (410) 246-2145

FROM: Paul Bland

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bc: Jon Pels — 301/986-5571

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April 10, 2007

*Via Facsimile – No. (410) 246-2145
And Via Overnight Mail*

Roger Weinberg
Awards Committee Chair
Maryland Trial Lawyers Association
120 W. Fayette Street, Suite 711
Baltimore, MD 21201

Dear Mr. Weinberg:

I would like to nominate Jon D. Pels and Lawrence Anderson of the Bethesda firm of Pels, Anderson LLC for the honor of the Maryland Trial Lawyers Association 2007 Trial Lawyer of the Year Award. Having had the great honor of receiving this award in 2001, I am very conscious of its importance and thus it is with great pleasure that I made this nomination.

I apologize for the delay in submitting this nomination, but I have been traveling and wrapped up in an intense litigation schedule the last week. I appreciate the MTLA extending the deadline for me, and hope and ask that you not hold its lateness against the nominee.

Mobile Home Litigation

Several years ago, Jon Pels and Larry Anderson learned that literally thousands of mobile homes in Maryland were not installed in a safe manner. Most Counties in Maryland did not inspect for proper stabilizing devices for mobile homes. Stabilizing devices comprise footers to the frost line to hold the home up and ground anchors and hurricane tie-down straps to hold the home down. Because of this, most retailer installers of mobile homes in Maryland failed to have footers to the frost line or proper ground anchors/straps. As a result of these practices, many homes were damaged as homes settled, and from the differential movement from frost heave. It cost a lot more money to install these homes properly and because the purchase price included installation, the retailer installers had huge incentives to do it the cheapest way possible.

When various Maryland mobile home residents began to discover that something was the matter with their homes, they tried to get a number of different Maryland lawyers to take on their cases. Repeatedly, they were turned down, as various lawyers felt that the cases were too difficult or too expensive or too small to be financially worthwhile. Jon Pels and Larry Anderson became interested in the cases, though. They climbed underneath homes with experts and inspected the problems, investigated the practices in a number of different parks, interviewed scores of residents and mobile home owners, and struggled with lax state agencies who all-too-often did little to effectively regulate the parks.

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These problems were particularly intransigent because of the vulnerable population effected. As one court said in certifying a class in one of these cases, "Defendant's improper activities have been directed toward a large number of low-income producing, uneducated persons to such an extent that the cost of pursuing individual litigation to seek recovery against a well-financed adversary is not feasible."

Jon Pels and Larry Anderson have settled two of these cases already. These settlements resulted in millions of dollars of cash compensation for homeowners and, importantly, changed the installation practices of retailer installers throughout the State of Maryland and the building inspection practices of the respective counties as it relates to mobile homes. Now, far more counties have a specific inspection for the stabilizing devices including footers to ensure that they meet the building codes.

Jon Pels and Larry Anderson advanced significant costs and time in these cases to prevail. The firm advanced over approximately \$200,000 in expert witness fees to help win the first of these cases, and Jon Pels has spent the better part of the last four years working these cases. The risk was significant to a small firm, with only five attorneys. The mobile home owners had no money to advance for fees or costs and the case was taken on a contingency which made it undesirable for most lawyers. The legal issues were also complex, because the area of mobile home building codes was murky at best before this litigation. For example, Pels handled one contested class certification hearing that lasted nearly five hours and involved testimony from experts on both sides and state and county officials.

In its decision approving their first settlement, the Court stated:

I think that [Pels, Anderson & Lee] here has taken on a difficult challenge and . . . I think all of the difficulties and all of the challenges described by Mr. Pels are very accurately stated.

I want to say again that it has been an interesting experience for me. This is the first class action that I have been involved with I guess on either side of the bench, and I appreciate having the opportunity to work with fine counsel. . . . It is, unfortunately, not every day that you get good lawyers in the courtroom, and this is a really very impressive collection and I appreciate all of your efforts. Thank you very much counsel.

I really do consider very favorably the fact that this was a risky undertaking [by Pels, Anderson & Lee] to begin with, one that I could easily understand why a lot of attorneys would have passed on the case.

Transcript from *Ellerbe v. Chesapeake Mobile Homes*, C-2002-82562 (Judge Hackner, Circuit Court for Anne Arundel County, October 28, 2004).

The upshot is that Jon Pels and Larry Anderson have not only recovered millions of dollars for many clients already, with the prospect of further recoveries to come, but they have led to substantial changes in the way these homes are installed throughout the state, to the great benefit of the mostly low-income persons who live in these homes.

Other Issues

On March 29, 2007, Jon Pels and Larry Anderson won an important ruling with respect to the new Bankruptcy Act in *In re: Barbaran*, 06-00457, from the Bankruptcy Court for the District of Columbia.

Judge Teel was one of the first Bankruptcy Judges to rule on the new credit counseling requirement following the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005. In 2006, Judge Teel issued an important decision in *In re Mills*, 341 B.R. 106 (D.D.C. 2006). This case, which was followed by a number of other bankruptcy judges throughout the country, stands for the proposition that a debtor must obtain the required debtor's certificate/counseling no later than the day before the filing of a debtor's bankruptcy petition. This holding adversely impacted many consumers because, as most debtors' attorneys can attest, debtors often wait until the last minute to contact an attorney because they do not want to file bankruptcy and often try to exhaust other options first, among other reasons. Thus, a number of homeowners likely endured foreclosures upon based upon this oddly worded section of the new bankruptcy act, as it was interpreted in Judge Teel's opinion in the *Mills* case.

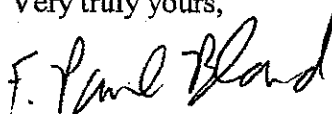
Just a short time ago, Judge Teel revisited his opinion in *In re: Mills*, at the behest of arguments made by Pels, Anderson, LLC. These arguments had not been advanced by the debtor's counsel in *Mills*. Judge Teel was persuaded by Pels, Anderson, LLC that Congress failed to accord the term "date" (in the clause "date of filing the petition") its usual meaning of calendar day, and instead intended the term "date" to mean the moment of the filing of the petition. Judge Teel held that "Congress used the term 'date' to refer to the moment of the filing of the petition, as it is used in various other provisions of the Bankruptcy Code, not as a trap to the prevent the unwary (and otherwise qualified debtors) from obtaining title 11 relief." Judge Teel expressly withdrew his prior holding and directed that his contrary holding on this specific point in *Mills* should no longer be followed in this district unless and until ordered otherwise by an appellate court. His new opinion brings consistency to the bankruptcy courts in Maryland, Virginia, and the District of Columbia, and may well aid debtors in other areas.

Finally, Jon Pels has undertaken significant pro bono work and at one point for a two year period agreed to take one case per month from the Montgomery County Bar Association. He has served as a member on the Pro Bono Committee and to date this year has successfully handled three pro bono cases.

Conclusion

It is a great honor to nominate Jon Pels and Larry Anderson for this prestigious award, and I hope that you will give them close consideration.

Very truly yours,



F. Paul Bland, Jr.

bcc (via fax): Jon Pels (301) 986-5571