



The Circuit Court for Baltimore County

TOWSON, MARYLAND 21204

October 3, 1997

CHAMBERS OF
LAWRENCE R. DANIELS
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(410) 887-4307

Honorable S. Michael Pincus
Associate Judge
Circuit Court for Montgomery County
Judicial Center
15 Maryland Avenue
Rockville, Maryland 20850

Re: Covino v. DeRita
Baltimore County Circuit Court Case #C97-03996

Dear Judge Pincus:

I write to advise you of what would appear to be grossly unprofessional conduct on the part of two attorneys appearing in your court.

Mark McDermott, Esquire filed a complaint for adoption on behalf of Harris and Mary Leonard in the Circuit Court for Montgomery County in Case No. 12547. The complaint was prepared by Peter Wiernicki, Esquire, who, at the time, was an associate of Mr. McDermott's in the Law Firm of Joseph, Gajarsa, McDermott & Reiner. In the complaint for Adoption, Mr. McDermott alleged that the father of the adoptive child, Anthony Covino, Sr., had given his consent to the adoption by the Leonards. The Complaint further alleged that a copy of Mr. Covino's Consent to Adoption was attached to the Complaint as an exhibit with a parenthetical statement to the effect that the Consent would be provided at a later date.

As you are aware, you dismissed the Leonard's Complaint For Adoption. Subsequent thereto, Anthony Covino filed a Complaint For Child Custody in the Circuit Court For Baltimore County. At a recent hearing in that case, Peter Wiernicki was called to testify as a witness. Under oath, Mr. Wiernicki described the communications he had with Mr. Covino regarding the adoption of Mr. Covino's child. Though Mr. Covino

initially agreed to consent to the adoption, he soon recanted his oral consent. Thereafter, Mr. Covino vacillated between agreeing to sign a written consent and vigorously contesting the adoption. Mr. Wiernicki testified that just prior to the filing of the complaint in the Circuit Court, Mr. Covino had reiterated his lack of consent and desire to contest the adoption. Mr. Wiernicki also testified that Mr. McDermott was aware of all of his contacts with Mr. Covino prior to the filing of the Complaint For Adoption.

After Mr. Wiernicki was excused from the witness stand, I spoke with him in private. I advised him that, in my opinion, the representations which he and Mr. McDermott had placed in the Leonard's Complaint For Adoption were grossly misleading. No basis in fact existed for the allegation that Mr. Covino had consented to the adoption. Quite the contrary, Mr. Covino's last pronouncement prior to the filing of the Complaint was that he would not consent. Similarly, the statement in the Complaint that Mr. Covino's written consent would be supplied at a later time was little more than wishful thinking, let alone an expectation of his future conduct. At best, these allegations would appear to me to be inaccurate, misleading, and extremely sloppy lawyering; at worst, they are a fraud on the Court. Because I am not familiar with the lawyers in question or their firm, I will presume that these actions represent an aberration from otherwise competent legal practice. Nonetheless, this lapse in professional conduct disturbs me greatly. I would appreciate it if you circulate this letter among your colleagues. I recommend that your bench scrutinize most carefully pleadings filed by messieurs McDermott and Wiernicki to insure they comport with Maryland legal procedure and ethics.

Personal regards,



Lawrence R. Daniels

LRD/ja

cc: Mark T. McDermott, Esquire
Peter Wiernicki, Esquire