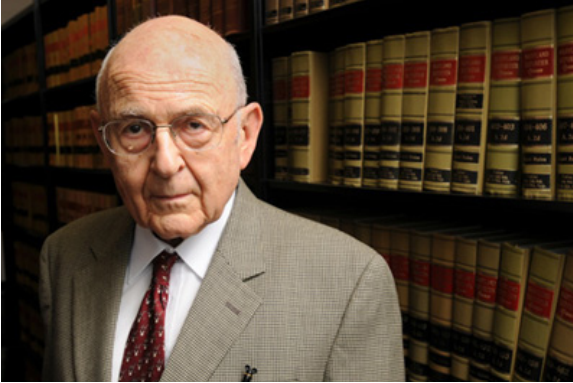


BROWN GOLDSTEIN LEVY

Mel Sykes



410.962.1030 x1347
mjs@browngold.com

Practice Areas

Appeals, Business Litigation, Trusts and Estates, General Practice

Profile

After many years as a solo practitioner sharing space with Brown, Goldstein & Levy, Mel Sykes decided to formalize his relationship with the firm in July 2008, when he became Of Counsel. The 2006 recipient of the Lifetime Achievement Award of the Maryland Fellows of the American College of Trial Lawyers and the Maryland State Bar Association Senior Lawyers Section's 2008 Senior Lawyer of the Year Award, Mel is a legend in the Maryland bar. He was also selected by his peers for inclusion in *The Best Lawyers in America* in the practice areas of Appellate Law and Trusts and Estates Litigation and in 2011 was chosen to receive the Bar Association of Baltimore City's Living Legal Legends Award. Mel was selected as "Baltimore *Best Lawyers* Appellate Practice Lawyer of the Year" for 2012. Only a single lawyer in each specialty area in each community is selected to be "Lawyer of the Year." Those selected have earned a high level of respect among other leading lawyers in the same communities and same practice areas for their abilities, their professionalism, and their integrity.

Mel's breadth of experience in the practice of law is unparalleled. He has handled cases involving patents, corporate law, constitutional issues, contracts, medical malpractice, products liability, municipal law, taxation, civil procedure, federal jurisdiction, conflict of laws, trusts and estates, health law, insurance, legal malpractice, admiralty and partnerships. He has argued over 200 cases in the Maryland appellate courts. According to a 2004 article in the *Daily Record*, Court of Appeals Judge Alan M. Wilner has characterized Mel as "one of the very rare breed of lawyers still around who can do everything well."

Mel has played a critical role in shaping Maryland law. For more than fifty years, he has served on the Court of Appeals of Maryland Standing Committee on Rules of Practice and Procedure. He has also served on the Governor's Commission to Revise the Annotated Code of Maryland (1970-78), the Governor's Commission to Study State Aid to Nonpublic Education (1971), the Governor's Commission to Revise and Recodify the Testamentary Laws (1968-69), the Maryland Constitutional Convention Commission (1966-67), the Baltimore City Charter Revision Commission (1962-63), the Legislative Council Committee on Revision of Condemnation Laws (1961-63), the State Commission to Revise Laws Relating to Public Service Commission (1953-55), the State Commission to Study the Judiciary (Reporter, 1953), the State Commission on Administrative Organization (Research Consultant, 1951-52), and the Maryland Department of Legislative Reference (Legislative Draftsman, 1949-50). He is also a founding member of the Ashburton Area Association and Baltimore Neighborhoods, Inc.

Drawing upon his wealth of experience, Mel takes great joy in mentoring younger lawyers. According to a 2004 article in the *Daily Record*, he has been encouraged in this regard by Judge Joseph F. Murphy of the Court of Appeals, who tells inexperienced lawyers, "Find out what cases Mel Sykes will be arguing, get a copy of the briefs, and watch him in action."

Mel is also a prominent member of the Baltimore Jewish community. He has served as Director of the Baltimore chapter

of the American Jewish Committee, Chairman of the Board of Trustees of Baltimore Hebrew College, Director of the Baltimore Jewish Council, and a member of the American Jewish Congress and Bnai Brith.

Education

Harvard Law School, LL.B., magna cum laude, 1948

Johns Hopkins University, A.B. with honors, 1943

Affiliations

- American Academy of Appellate Lawyers
- American College of Trial Lawyers
- American College of Trust and Estate Counsel
- American Law Institute
- American Bar Association
- American Bar Foundation
- Maryland State Bar Association
- Maryland Bar Foundation (Vice-Chairman of Fellows, 1979-81; Chairman, 1981-83)
- Bar Association of Baltimore City
- Baltimore City Bar Foundation
- Baltimore City Bar Library (Director, 1957-66; President, 1962-64)

Clerkship

Law Clerk, Honorable Morris A. Soper, U.S. Court of Appeals, Fourth Circuit, 1948-49.

Representative Cases

- *Hoffman v. Stamper*, 385 Md. 1, 867 A.2d 276 (2005) - Fraud, conspiracy, and Consumer Protection Act case against real estate speculator, appraiser, and mortgage lender in "flipping" schemes. Affirmed substantial compensatory economic damages; reversed Court of Special Appeals remand for further consideration of trial court's award of \$195,591 attorney fees; and remanded for further proceedings as to non-economic damages for one plaintiff, and punitive damages for all plaintiffs (which the trial court had withdrawn from the jury as to three defendants).
- *Georgia-Pacific Corp. v. Pransky*, 369 Md. 360, 800 A.2d 722 (2002) - Asbestos case. Affirmed judgment of \$9,188,000 in favor of "bystander" who contracted mesothelioma from brief exposure to asbestos containing joint compound used in remodeling basement. Statutory cap on non-economic damages did not apply because exposure to asbestos and inhalation of asbestos occurred before the cap was enacted.
- *(Keswick) Home for Incurables of Baltimore City v. University of Maryland Medical System Corporation*, 369 Md. 67, 797 A.2d 746 (2002) - Interpleader case involving claims of Keswick Home and University of Maryland Hospital to a testamentary trust amounting to approximately \$30,000,000 left to Keswick to construct a new building for "white patients who need physical rehabilitation," but if the terms of the bequest were "not acceptable" to Keswick, then to the University of Maryland Hospital without any racial restrictions. The Court of Appeals reversed the lower court and struck the discriminatory condition and awarded the corpus to Keswick; to give effect to the alternative disposition would have given force to the illegal condition, which the Court would not do.
- *Mayor and City Council of Baltimore v. Ross*, 365 Md. 351, 779 A.2d 380 (2001) - Employment law case. Reversed summary judgment against employee claiming right under governing legislation to preferential re-employment after her position was abolished.
- *Matthews v. Amberwood Associates Ltd. Partnership*, 351 Md. 544, 719 A.2d 119 (1998) (4-3 decision) - Tort case. Duty of landlord to social guests injured by pit bull in tenant's apartment. Judgment of Court of Special Appeals reversed, and judgment for plaintiffs reinstated - \$5,580,850 for wrongful death, \$354,147 in survival action; judgment for defendant notwithstanding verdict on claim for emotional distress of mother of child killed by pit bull reversed and judgment on verdict for \$350,000 (the statutory cap on claims for non-economic damages) on that claim ordered by Court of Appeals.
- *Chesapeake and Potomac Telephone Company of Maryland v. Director of Finance for Mayor and City Council of Baltimore*, 343 Md. 567, 683 A.2d 512 (1996) - Tax case, statutory interpretation. Sustained position argued as special counsel for Baltimore City: "gross sale price" of "sales for consumption" of electricity, on which tax was based, included charges that did not vary according to the amount of electricity consumed.

- *U.S. Gypsum Co. v. Mayor and City Council of Baltimore*, 336 Md. 145, 647 A.2d 405 (1994) - Jury awarded economic damages of \$17,208,807 against three defendants for cost of asbestos removal. Two defendants settled. Compensatory damages of \$8,333,183.81 against third defendant affirmed. Numerous legal issues including extent of manufacturer's duty to warn even after sale, chargeability of manufacturer with knowledge of "state of the art," and various evidentiary issues.
- *Marr v. Langhoff*, 322 Md. 657, 589 A.2d 470 (1991) - Dispute between legal professional service corporation and former shareholder over fee received after shareholder's departure. Reversed lower courts and awarded entire disputed contingent fee of \$812,027.22 to departed shareholder.
- *Board of Trustees of Employees' Retirement System of the City of Baltimore v. Mayor and City Council of Baltimore City*, 317 Md. 72, 562 A.2d 720 (1989) - Constitutional law case. Court adopted position argued as special counsel for Baltimore City sustaining ordinances requiring that City's Retirement Fund divest its holdings in companies doing business in South Africa. Issues include: right of individual members of retirement fund to intervene, permissibility of delegation of legislative power, impairment of contract, federal preemption, intrusion on federal government's foreign policy powers and scope of the interstate commerce clause.
- *Canada Life Assur. Co. v. Estate of Lebowitz*, 185 F.3d 231 (4th Cir) (1999) - ERISA case. Affirmed recovery on \$500,000 insurance policy on the life of a former U.S. Bankruptcy Judge who had returned to private practice and died before expiration of conversion period and while not yet covered by another policy. Required notice of right to convert held not adequately given.
- *Weston Builders and Developers, Inc. v. McBerry, LLC*, 167 Md. App 24, 891 A.2d 430 (2006) - Real property, contract, and civil procedure case. Judgment for developer reversed in suit by builder for specific performance of contract to sell building lots. Developer moved for dismissal of appeal as moot because lots sold to new purchaser at higher price and no appeal bond had been filed to stay execution of trial court judgment. Held, new purchaser took subject to builder's *lis pendens*, which persisted through appeal even if no appeal bond was filed. Trial court's conclusion that developer's suit was barred by accord and satisfaction also reversed.
- *Benadom v. Colby*, 81 Md.App. 222, 567 A.2d 463 (1989) - Trust case. Reversed trial court's interpretation of trust. Ruled that under clause of trust giving trustees the power to interpret the trust and decide issues of law, the decision of the trustees should be affirmed even if the court would have decided the issue differently, unless the decision of the trustees is arbitrary and capricious.
- *Legal Aid Bureau, Inc. v. Bishop's Garth Associates Ltd. Partnership*, 75 Md. App. 214, 540 A.2d 1175 (1988); *Legal Aid Bureau, Inc. v. Farmer*, 74 Md. App. 707, 539 A.2d 1173 (1988) - Sanctions against Legal Aid attorneys reversed in these two cases. Court spelled out applicability of Md.Rule 1-341.

Publications

- "Inter Vivos Transfers in Violation of the Rights of Surviving Spouses," 10 Maryland Law Rev. 1 (1949)
- "West's Maryland Law Encyclopedia Probate Forms" (pocket part), 1966
- "Of Men and Laws: Murphy, Cornford, Arnold, Potter, Parkinson, Peter, Maccoby and Gall," 38 Maryland Law Rev. 37 (1978)
- "A Modest Proposal For A Change in Maryland's Statutes Quo," 43 Maryland Law Rev. 647 (1984)
- Co-Author, Sykes and Tabor, "West's Maryland Law Encyclopedia Procedural Forms," 1964
- Co-Author, "Jewish Law (Mishpat Ivri): Cases and Materials," (Matthew Bender, 1999)
- Co-Translator, Elon, "Jewish Law: History, Sources, Principles" (Jewish Publication Society, 1994) (4 vols.)

Languages

French, German, Italian, Hebrew and Yiddish