

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 2493

September Term, 2015

HENRY STEVENSON-PEREZ

v.

LANA PAULS

Krauser, C.J.,
Nazarian,
Moylan, Charles E., Jr.
(Senior Judge, Specially Assigned),

JJ.

PER CURIAM

Filed: October 31, 2016

*This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Henry Stevenson-Perez, appellant (“the father”), filed the instant appeal from an order of the Circuit Court for Montgomery County, dated February 2, 2016, ordering him to pay attorney’s fees to Lana Pauls, appellee (“the mother”), that the mother incurred in connection with defending various claims made by the father in this child custody case.¹ Because the father did not file exceptions to the magistrate’s findings and recommendation with respect to attorney’s fees, he has waived his right to appeal the court’s order. Accordingly, we affirm the order of the circuit court.²

At the conclusion of the hearing before the magistrate on the mother’s motion for attorney’s fees, the magistrate placed on the record his findings and his recommendation that the mother be awarded attorney’s fees in the amount of \$37,671.50. The father was

¹ We note that, throughout his brief, the father mistakenly refers to a December 14, 2015, ruling as that which awarded attorney’s fees. The court’s order awarding attorney’s fees to the mother is dated January 14, 2016 and was entered on February 2, 2016.

The circuit court’s order dated December 14, 2015 (and entered on December 16, 2015) denied the father’s motion to vacate dismissal of a motion that he filed seeking compensatory damages from the mother. The father noted an appeal from that order, which was designated as Appeal No. 2852, September Term, 2015, and was consolidated with the present appeal. The father presents no question in his brief nor any argument regarding the December 14, 2015, order. Accordingly, there is nothing for us to review. *See Klauenberg v. State*, 355 Md. 528, 552 (1999) (stating that an appellate court need not consider “arguments not presented in a brief or not presented with particularity[.]”)

² In his brief, the father raises issues relating to an order of the circuit court dated October 27, 2015, dismissing his motion to modify custody for failure to prove a change in circumstances. That order was the subject of a separate interlocutory appeal filed by the father on November 9, 2015, and designated as Appeal No. 1970, September Term 2015. On May 18, 2016, that appeal was dismissed by this Court pursuant to Md. Rule 8-602(a)(7). Accordingly, any issues raised with respect to the circuit court’s order dismissing the father’s motion to modify custody are not currently before us for review.

provided with a copy of Md. Rule 9-208, and was advised by the magistrate that if he wished to file exceptions to the recommendation, he was required to “follow the rule to the letter of the law.”

Md. Rule 9-208(f) provides:

Within ten days after recommendations are placed on the record or served pursuant to section (e) of this Rule, a party may file exceptions with the clerk. . . . Exceptions shall be in writing and shall set forth the asserted error in particularity. Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.

The father did not file exceptions to the magistrate’s findings and recommendations in compliance with the rule. Instead, he filed a “Motion for a Hearing of Judicial Review” of the magistrate’s ruling, which did not set forth any error with respect to the recommendation for attorney’s fees. The motion asserted only that there was evidence there was a change in circumstances that violated the visitation order that was in effect, and that the magistrate’s interpretation of the evidence “serves to perpetuate a complete abrogation of all parental privileges and contact with the Minor Child[.]” The circuit court denied the motion, noting that it was “not exceptions to the [magistrate’s] ruling . . . as those recommendations dealt with the issue of attorney fees only.” The court then issued an order awarding attorney’s fees to the mother in the amount recommended by the magistrate, and it is that order which is the subject of this appeal.

As we understand the contentions set forth in the father’s brief with respect to the order awarding attorney’s fees, he asserts that (1) it was the duty of the court to “scrutinize the pertinent court records” to find evidence to support the father’s motion to modify custody, and therefore, the magistrate erred in finding that the father’s failure to introduce

any evidence in support of his motion amounted to a lack of substantial justification; (2) the magistrate erred in finding that the father’s reliance on the advice of the “Self-Help Family Law Center” in preparing his motions was not proof of “substantial justification” for filing the motions; and (3) the magistrate abused his discretion in recommending that the mother be awarded attorney’s fees because he failed to consider the financial status and needs of each party.

“[I]n all cases lacking timely exceptions, any claim that the master’s findings of fact were clearly erroneous is waived.” *Miller v. Bosley*, 113 Md. App. 381, 393 (1997). Accordingly, because exceptions to the magistrate’s findings and recommendations regarding the award of attorney’s fees were not filed in accordance with Md. Rule 9-208(f), the father’s challenge to the circuit court’s order has been waived. *See also Green v. Green*, 188 Md. App. 661, 674 (2009) (“[T]he factual findings that the circuit court adopted from the master’s findings, because no timely exceptions were filed, cannot be reviewed.”) We are aware that the father is proceeding *pro se*, but we note that “[p]*ro se* parties must adhere to procedural rules in the same manner as those represented by counsel.” *Department of Labor, Licensing & Regulation v. Woodie*, 128 Md. App. 398, 411 (1999) *see also Tretick v. Layman*, 95 Md. App. 62, 68 (1993).³

Even if the father had not waived his argument with respect to the magistrate’s findings and recommendations regarding attorney’s fees by failing to file exceptions, we

³ We also note that the father had previously filed exceptions that complied with Rule 9-208 (f), to earlier findings and recommendations of the magistrate.

would find no error. We reject the first argument outright. It is not the role of the presiding judge to assist a party in the presentation of their case, even if the party is proceeding *pro se*. See, e.g., *Tretick*, 95 Md. App. at 69. Furthermore, as we stated in an unreported opinion in a previous appeal filed by the father from an earlier order awarding attorney’s fees to the mother, even if the father relied on advice he received from the “Self-Help Family Law Center,” it does not necessarily follow that he therefore had “substantial justification” for bringing his claims. Finally, it is clear from our review of the record that the magistrate properly considered the applicable statutory factors, including the financial status and needs of both parties.⁴ We see no error in the court’s findings and no abuse of discretion in the award of attorney’s fees.⁵

**JUDGMENT OF THE CIRCUIT COURT
FOR MONTGOMERY COUNTY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**

⁴ See Maryland Code (1984, 2012 Repl. Vol.), Family Law Article, § 12-103(b).

⁵ “The standard of review for the award of counsel fees and costs in a domestic case is that of whether the trial judge abused his discretion in making or denying the award.” *Steinhoff v. Sommerfelt*, 144 Md. App. 463, 487 (2002) (citations omitted). Further, “[w]e review a circuit court’s determination whether a party maintained or defended an action in bad faith or without substantial justification under a clearly erroneous standard.” *Toliver v. Waicker*, 210 Md. App. 52, 72 (2013) (citation omitted), *cert. denied*, 432 Md. 213 (2013).