



The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

December 2008

Dates to remember

Jan. 14

AABA Estates & Trusts Committee Meeting
Attorneys' Lounge
Circuit Court for Anne Arundel County
8:30 am

Jan. 20

AABA Family Law Committee Meeting
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm

Jan. 21

AABA Board of Trustees Meeting
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm

Jan. 28

AABA CLE: Bankruptcy
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:30 pm

March 13-15

AABA Bar Weekend
Nemacolin Woodlands Resort & Spa
Details to come



For meeting details, visit
www.aabar.org

AABA continues the tradition of giving

The time between Thanksgiving and New Year's is always a whirlwind. It is difficult to find time for yourself among holiday parties, family activities, shopping for gifts, and the daily demands of the practice of law. Despite these

President's Message
by Jonathan P. Kagan

time constraints around the holidays, members of the AABA continue to donate their time to support the Association's charitable activities, and those individuals deserve recognition for we all benefit from their efforts. The AABA's charitable activities not only assist those in need, but also help increase the profile and perception of attorneys in our community.

Thanksgiving

On a cold morning in the week prior to Thanksgiving, the AABA had several attorneys take time out of their schedules to hand out turkey baskets to residents at the Admiral Oaks community in Annapolis and through the Van Bokkelen Elementary School in Severn. **Gloria Wilson Shelton** deserves recognition for her work in organizing our volunteers. **Saul McCormick, John Gardner and Jim Garland** assisted in the effort. The AABA also thanks the long list of firms and attorneys who provided financial donations to make the Thanksgiving drive another annual success.

In these difficult economic times, the Angel Tree Program (sponsored by the Circuit Court, Office of the Clerk and the AABA) needed a lot of attorney support because of the large number of local children needing assistance. Many of our members supported the Program and donated gifts.

2008 Holiday Party

As I hacked into my clinched fists and threw another tissue into the

wastebasket, I thought fondly of my colleagues and friends in the AABA enjoying the annual Holiday Party in the lobby of the Severn Bank Building on Dec. 10.

Unfortunately, I was sick and was unable attend the event. As my partner, **Jon Brassel**, told guests in my absence, "Jon must really not feel well. He is not one to miss free food

and drink." Jon and several other sources report that the Holiday Party was a great success and more than 130 attorneys attended the event. The AABA thanks **Alan Hyatt** and **Severn Savings Bank** for sponsor-



Continued on page 5

Contents

Changes at the District Court.....3
Judge McKenna outlines new programs.

Wheelhouse takes on Skins v. Ravens.....7
Rivalry... real or imagined?

Practice Notes.....2
Classified Ads.....12

The Barrister

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Practice Notes...

Compiled by Hon. Philip Caroom

Personal injury - landlord/tenant - statutory duty: Where tenant was injured in fire set by third party, court erroneously granted summary judgment for landlord where landlord violated statutory duty to maintain safe emergency exit for fires, regardless of cause. Rivers v. Hagner Management Corp., – Md. App. – (10/29/08).

Evidence - what is a 'self-authenticating' document?: (An "oldie but goodie" entry.) Per Rule 5-902(a)(8), any notarized document is "self-authenticating," although other hurdles for admissibility may depend on its contents. Hartford Accident v. Scarlett Harbor Associates, 109 Md. App. 217, at 264 (1997).

Crimes - vehicular homicide - "operating": Facts-State charged truck driver with vehicular homicide due to his failure to mark or arrange removal of gravel accidentally spilled on roadway with fatal accident resulting. Holding- Although driver violated traffic provisions, this was not "operating" and could

not form basis for vehicular homicide. DiGennaro v. State, – Md. App. – (10/29/08).

Criminal procedure - shortcut to jury waiver: Where defendant acknowledged that he knew how a jury trial worked because he had a previous jury trial, this eliminated the need for more informational questions before jury waiver. Walker v. State, – Md. – 910/24/08).

All bar association members are invited to contribute Practice Notes as to any legal points or information which might be useful to other attorneys. These should be sent to: Attn.- Hon. Philip Caroom, Court House, P.O. Box 2395, Annapolis, Md. 21404 or by email to ctcaro44@aacounty.org.

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Changes in the District Court

by Hon. John P. McKenna, *Administrative Judge*

Things are changing in the District Court, but perhaps the more things change, the more they stay the same. Members of the bar should be aware that the District Court is implementing certain procedural changes which will affect your practices. Hopefully, these changes will make the District Court more efficient and user-friendly for lawyers, citizens, and anyone else who has business with the District Court for Anne Arundel County.

Judges' Courtroom Schedule

The District Court for Anne Arundel County now joins the growing number of jurisdictions which publish the schedule of judges' courtroom assignments. The schedule will be published on a monthly basis in the Anne Arundel Bar Association's newsletter, *The Barrister*. These schedules show by the judges' initials the assignment of each judge to each courtroom in the upcoming months as well as scheduled appearances of visiting or retired judges. These schedules may be subject to change due to contingencies such as sick leave, vacation schedules, or other unexpected changes in the schedule. Members of the bar are encouraged to review the schedules in case prepara-

tion. If counsel in criminal or serious motor vehicle matters wishes to pray a jury trial, the District Court encourages counsel to file the jury trial demand early and promptly so that the clerk's office may schedule another case on the date for which your case was originally scheduled. In civil matters, civil attorneys are encouraged to review the judges' schedule and as always, we urge counsel to begin settlement negotiations as early as possible so that more docket space is made available when a settled case falls out for trial. Unfortunately, since we do not receive notification as to the identity of the visiting judges until the day before scheduled court appearances, it is impossible to identify visiting judges on the schedule.

New District Court Bail Review Procedures

Previously, all bail reviews in the District Court for Anne Arundel County were conducted only at 2 p.m. in either two or three courtrooms depending upon the number of bails scheduled each day. Recently, the District Court has implemented a change in bail review procedure such that all bail reviews are now conducted in Courtroom 2 of the Annapolis District

Continued on page 4

The schedule will be published on a monthly basis in the Anne Arundel Bar Association's newsletter, The Barrister.

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District Court...

Continued from page 3

Members of the bar are again reminded that if a case is anticipated to require more than two hours of trial time, counsel should contact the clerk's office so that a specially set date is considered.

Court with roughly half of the bail reviews scheduled at 10:30 a.m. and the remaining half scheduled at 1:30 p.m. Generally, the 10:30 a.m. bail reviews are the cases processed through the Annapolis District Court Commissioner's Office, and the staggered start time of 10:30 a.m. is necessary in order for the Detention Center, Commissioner's Office, and clerk's office to gather the necessary information, record checks, and other information relevant to the bail review. The 1:30 p.m. bail reviews are generally the cases processed through the District Court Commissioner's Office at the Glen Burnie location. The bail review schedule is arranged such that the same judge may not always hear both the bail reviews in the morning and in the afternoon.

New Pre-Trial Settlement Conference Assignments

With the appointment of our three new judges, Judge Duden, Judge Reilly, and Judge Spencer are assigned to the Glen Burnie location, although our scheduling plans will involve some rotation so that the Glen Burnie and Annapolis judges spend a certain amount of time at each location. However, since Judge Duden and Judge Spencer have civil experience, they have volunteered to administer the pre-trial settlement conference program which we have for years conducted at the Glen Burnie location,

the site of the District Court's civil files. Members of the bar are again reminded that if a case is anticipated to require more than two hours of trial time, counsel should contact the clerk's office so that a specially set date is considered. In civil cases, Judge Duden and Judge Spencer will review the case for the appropriateness of a pre-trial settlement conference. Those conferences will generally be conducted in Glen Burnie. Counsel are encouraged to prepare for the settlement conferences so that the conference can be a meaningful opportunity to discuss settlement. Since the clerk's office devotes a considerable amount of time and effort to the scheduling of these conferences, often by repeated telephone calls to attorney's offices, these pre-trial settlement conference dates are scheduled generally with the agreement with counsel, and thus continuances will be scrutinized for the existence of true good cause. Only Judge Duden and Judge Spencer will have the authority to continue pre-trial settlement conferences.

Rule 3-507 Dismissals in Collection Cases

District Court Rule 3-507 provides for the dis-

Continued on page 5

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District Court...

Continued from page 4

missal of an action for lack of prosecution at the expiration of one year from the last docket entry. After the entry of the dismissal, the plaintiff may move within 30 days to vacate the order of dismissal for good cause shown. In the past, the District Court for Anne Arundel County has routinely granted motions to vacate 3-507 Dismissals and the "good cause" was perhaps not closely scrutinized. In many cases, the case remained dormant literally for several years resulting in the entry of multiple 3-507 dismissals followed by a plaintiff's motion to vacate. As a result of recent discussions in the District Court for Anne Arundel County, members of the bar, and particularly attorneys in collection cases, should be aware that the District Court will more closely scrutinize motions to vacate in Rule 3-507 cases to determine whether in fact good cause does exist to strike the Rule 3-507 dismissal. In the motions to vacate, counsel should set forth good cause to vacate the dismissal including a recitation of attempts to locate and serve the defendant with a summons and complaint or to otherwise explain the lack of activity in the case.

Continuance of Specially Set Cases

In criminal or serious traffic motor vehicle cases, the clerk's office of the District Court devotes a great deal of time and effort to specially set any case which is anticipated to require more than two hours of trial time. In specially setting such cases, the clerk's office contacts both the State's Attorney's office and counsel to reach an agreed upon date. When cases are specially set, sometimes for half a day or even a full day of trial, other cases are removed from the docket so that the specially set case may be heard. Recently, the clerk's office has informed the judges of the District Court that even though specially set trials are scheduled on agreed upon dates, counsel from time to time are requesting continuances due to conflicts. Members of the bar should be aware that although the court will grant a continuance whenever good cause exists for the continuance, the request for continuance in the specially set cases with agreed upon dates will be closely scrutinized so as to avoid the loss of docket time particularly when due to the nearness of the trial date, it is impossible for the clerk's office to schedule another case for that date. ■

President's Message...

Continued from page 1

ing the Holiday Party in conjunction with Greystone Grill who provided the food. The AABA looks forward to doing other events at that location in the future.

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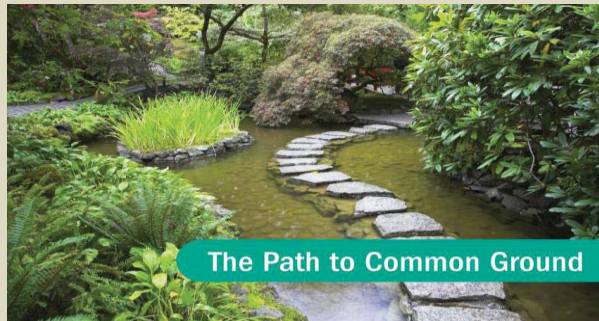
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Battle of the Beltway... from a distance

Now that most of the bar sports leagues are in hibernation, it seems time to move back to the professional sports world. I've recently been informed that there was a tackle football game between two local teams that many people seemed particularly interested in....

Now, in the interest of full disclosure, I admit that I am a dyed-in-the-wool Pittsburgh Steelers fan. Originally, I was going to use this fact to suggest some impartiality. But let's be honest, I don't think there are many Steelers fans that are ambivalent about the Ravens. Still, I will try to bring some levity to the situation. I'm not going to do the whole "Redskins fans are like this ..." and "Ravens fans are like this ..." because that whole thing is played out pretty badly. The fan bases are different, and I'll leave it at that. Pointing to this particular game, however,

my impression from listening to both sets of fans and talk radio is, Ravens fans care a little too much, Redskins fans too little.

Let's get this straight: this is not a rivalry. I don't care how close two teams are, if you only play a team once every five years, they aren't your rival. I understand

Baltimore folks are still bitter about their beloved Colts being Mayflowered away 25 years ago. And I'm sure some resent the Redskins for becoming the "local" team in the interim. But let's face it, you had a team stolen from you, and you stole someone else's team. And you've had your team for 13 years now. Let it go. It's even steven. Folks in the Middle East are envious of your grudge-holding ability.

On the other side, there was an unnatural ambivalence coming from the south side of the beltway that was mystifying. I guess Skins fans don't see it as the same degree of rivalry. On the one hand, they're right, for the reasons previously mentioned. On the other hand, the Redskins are (or were) still plausibly playoff contenders, and the chance to play a virtual home game to stay in the race should have been cause for a lot more enthusiasm than I sensed they had. Maybe Skins fans are a little gun-shy about their team taking

Continued on page 9

THE WHEELHOUSE

*Sports Commentary by
Jonathan Pasterick*

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still bitter about their
beloved Colts being
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Battle of the Beltway...

Continued from page 7

on some water recently. That said, the Skins made the playoffs two of the past three years based on improbable late-season runs, so I guess I just didn't get the defeatist mindset.

Anyway, since I am a ridiculous procrastinator, I wrote this after the game. Unfortunately for the Skins, their players mirrored their fans in the confidence department, and pretty much got manhandled by the Ravens, 24-10. Ed Reed terrorized the Skins offense all night, and the Skins just didn't have the toughness to compete with the Ravens. Apparently, the Skins didn't get the memo that the Ravens are a somewhat tough team. And while you can beat them, it won't be because they don't bring the intensity. So, in conclusion, the Ravens fans can crow (ha ha, get it? crow?) for the next five years, while Redskins fans await the Snyder spending smorgasbord that the off season invariably brings. 

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In order to avoid unnecessary expense while, at the same time, making sure that we have interpreters available when needed, you are asked to follow these guidelines...

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2. In your request and in any follow up, be sure to specify the language and if appropriate, the specific dialect required. Thus, it is not sufficient to request an interpreter in "Chinese" or "Pakistani" etc.

3. Tell us who the interpreter is needed for. If a defendant needs one, we will have to provide an interpreter for every court event. However, if the interpreter is only needed for a witness, then we may not need one for status conferences, pleas, motions, etc.

4. When you appear in court, please let the courtroom clerk know that you have an interpreter case, so that the judge may take that in consideration in handling the docket.

5. Check with the Assignment Office, well in advance of a court date to make sure that the request for interpreter has been brought to their attention and that an interpreter will be available. The Assignment Office can be reached at (phone) 410-222-1422 and (fax) 410-222-1413.

6. As the large majority of criminal cases do not actually end up in a full trial, we will not engage an interpreter for a lengthy period, unless we are reasonably sure that the case will actually be tried. When a case turns into a plea or a postponement at the last minute, the court still ends up paying the interpreter for a block of time that may have been unnecessary. Also, it is unfair for the interpreters to reserve time on their schedules without being compensated.

Furthermore, if a case really is going to be tried, it may be necessary to engage two interpreters to avoid fatigue and errors. Therefore, unless you specifically keep in touch with the Assignment Office regarding the status of your case, we will assume that you do not need an interpreter for more than two hours.

7. Feel free to contact me regarding any interpreter cases and I will assist in coordinating the interpreter needs for any case. ■

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Cook leads new Legal Studies Institute at AACC

Anne Arundel Community College has named Karen L. Cook, Esq., of Riva as acting director of the new Legal Studies Institute launched in July 2008.

Past president of the Anne Arundel Bar Association, Cook oversees seven full-time and 30 part-time faculty members, manages the institute and the Legal Studies Internship Program. The institute offers degree and certificate programs of study including a Law and Jurisprudence pre-law transfer program and the American Bar Association approved Paralegal Studies degree and certificate programs.

“Our future plans for the institute include offering additional credit courses to enhance our programs, providing advanced continuing education courses for paralegals, sponsoring annual conferences and forming more partnerships with county and state organizations, educational institutions and the judiciary to meet the community’s legal training and education needs,” Cook said.

A faculty member at AACC since 1999, she has taught mediation, business law, paralegal studies, criminal justice, criminal law, advanced legal research and writing. She continues to serve as a professor of paralegal and legal studies. Cook also acts as the college’s federal compliance manager.

Cook currently serves on the AABA board of trustees, chairs the Maryland State Bar Association Special Committee on Paralegals, is a member of the AACC Foundation Inc. board of directors and the Mediator Excellence Council of the Maryland Program for Mediator Excellence. She is an alumnus of the 2004 class of Leadership Anne Arundel and in 2006 won a teaching excellence award from the National Institute for Staff and Organizational Development.

Cook graduated magna cum laude with a Bachelor of Arts degree in English and Education from Montclair State University and cum laude with a Juris Doctor degree from California Western School of Law. She is a trained mediator. ■

“Our future plans for the institute include offering additional credit courses..., providing advanced continuing education courses for paralegals, sponsoring annual conferences and forming more partnerships with county and state organizations, educational institutions and the judiciary ...,”
Cook said.

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