



The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

February 2008

Dates to remember

Feb. 15
AABA ADR Committee Meeting
49 West Cafe, backroom
8:30 am

Feb 19
AABA Family Law Committee Meeting
Topic: Children's Counsel, New Rules
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm

Feb 20
AABA Board of Trustees Meeting
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm

March 1
AABA CLE: Torts
Jury Assembly Room
Circuit Court for Anne Arundel County
9:00 am- Noon
See the enclosed flyer for details.

March 26
AABA CLE: Family Law
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm
See the enclosed flyer for details.

April 7
Pub Quiz
Galway Bay, Annapolis

April 12
Barristers' Ball & Silent Auction
Chartwell Country Club
Severna Park

For meeting details, visit
www.aabar.org

Beating the winter doldrums

With the winter doldrums lingering over us, replete with short days and long cold nights, there is no reason to not have a positive attitude. After all, pitchers and catchers report this month (to the uninformed – baseball spring training kicks off).

Free Torts CLE

Once again our Association continues with its usual active schedule. CLEs on Estate Planning and the New Trust Account Rules were just offered. On Sat., March 1 the in-depth **Torts Seminar** sponsored by McGowan & Cecil and moderated by J. Rob Cecil will be held at the Circuit Court Jury Assembly Room. It is FREE to all members in good standing and will run from 9:00

President's Message by Saul McCormick

a.m. to 12:00 noon and includes lunch. Registration is mandatory and you must be on the list by Feb. 26 in order to attend. Past Tort Seminars sponsored by McGowan & Cecil have been well received by attendees. If your practice handles personal injury cases this is a can't miss event. For those with family law interests there will be a seminar offered on March 26 at the Courthouse entitled "Monetary Award/Marital Property". Contact the AABA office to register for these programs.

Upcoming events

On the social front we have the annual **Barrister's Ball** to raise funds

for CASA which is scheduled for April 12 at Chartwell Country Club

in Severna Park. This is always a popular venue with good food and entertainment and great auction items



Pat Smith and AABA President Saul McCormick were among the people who went on the get away weekend to New Orleans.

all going to support a worthwhile cause. Register early and don't miss out on the beautiful jewelry, household goods, restaurant gift certificates, vacations, and a wide range of sports tickets.

We have also sold out our overnight Broadway trip on April 26. This is our first venture for an overnight trip to New York and it is looking like it will be very successful. Another **Pub Quiz** is on the horizon, scheduled for April 7 at 7:30 pm at Galway Bay. The last one sold out early and unfortunately

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The Barrister

Anne Arundel Bar Association

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Practice Notes...

Compiled by Hon. Philip Caroom

Civil procedure - open-ended damages prayer:

Where complaint sought damages "in excess of \$100,000," trial judge erred by giving plaintiff a judgment above \$100,000 after default order. Rule 2-305 requires pleading to specify "the amount sought." *Hoang v. Hewitt Ave. Assoc.*, – Md. App. – (12/7/08).

Civil procedure - summary judgment affidavit's sufficiency- unjust enrichment: 1) Affidavit that referred to a document, but did not attach or quote it, did not suffice to resist summary judgment motion.

2) Unjust enrichment claim here is distinguished from subrogation where plaintiff acted on behalf of third party. It does make a difference! *Hill v. Cross Country Settlements*, – Md. – (11/30/07).

Criminal law - recodification - statutory construction: When legislature recodified offense of "unauthorized removal of property" (now, Crim. Law Art., sec. 7-203), it did not change elements of statute. "Plain meaning" rule should not be invoked to render parts of statute superfluous. *Allen v. State*, – Md. – (11/7/07). PC TO REVIEW CASE

Guardians and personal representatives - transitional expenses: A guardian, upon the death of the disabled person, may not pay his own guardianship compensation before transferring the balance of the estate. Instead, the estate should be opened and the expense should be submitted to the personal representative. *Battley, personal rep. v. Banks*, – Md. App. – (12/19/07).

Family law - absconding parent's later request for unsupervised visits: (UNREPORTED

BUT INSTRUCTIVE) Facts- Father absconded with two-year old son to Turkey, who later was returned via international compact action. Trial court, after father's later compliance with two years visitation supervised by armed guard, held that his cooperation with this arrangement constituted a "material change" and permitted unsupervised visitation. Holding- Trial judge erred in finding material change but properly could permit unarmed supervisors. *Roosevelt v. Corapcuiglu*, CSA- unreported 10/25/07.

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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A snapshot of the 2007 criminal plea and sentencing stats

Maryland circuit court criminal cases state-wide are closed with guilty pleas 94.3 percent of the time, according to the 2007 report of the Maryland Commission on Sentencing. This should come as no surprise to local criminal attorneys.

But some other statistics from the Commission's recently-published report may raise eyebrows:

- ABA-binding pleas now have risen to 52.9 percent of all criminal cases.
- But the approach most likely to result in a sentence below the sentencing guidelines range is a guilty plea with no agreement. From two most recent years' data, no-agreement sentences fell below the guidelines an averaged 42 percent of the time, while plea-agreement

sentences fell below the guidelines only about 10 percent of the time.

Counsel may speculate whether these differences result from the bargains' benefit in harder cases, from the pleas' ease with less culpable clients, or from the purely-contrite presentation of the bargainless defendant. ■

DOMESTIC REFERRALS

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P. Gregory Hilton, Esq.
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*Barristers' Ball &
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President's Message...

Continued from page 1

we had to turn away people because of space constraints. Be sure to get your team registered ASAP. The cost is \$30 per person and includes a buffet dinner. The proceeds from this event



*AABA Members
and guests visited
New Orleans in
January*

go to support Scholarship for Scholars.
One final note on social events; for those

who did not go to New Orleans you missed a helluva' party.

Law Day Planning Underway

Every year our Association, along with similar groups across the country, celebrates Law Day on May 1. This year is special because it is the 50th anniversary of the first Law Day held on May 1, 1958. President Dwight D. Eisenhower understood the relationship between the rule of law and a free society. He stood up for that rule of law in 1957 when he ordered federal troops into Little Rock, Arkansas to enforce school integration. President Eisenhower established Law Day to be "a day of national dedication to the principle of government under law."

Challenges to the idea of equal justice
Continued on page 5

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President's Message...

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under law persist at home and abroad. Today when the world is faced with two contrasting ideologies – the rule of law and the rule of terror, celebrating Law Day becomes more than observing our traditional values. It becomes an affirmation of our legal traditions that has made this country a beacon of hope for those living under tyranny.

Fifty years ago when President Eisenhower first proclaimed Law Day we were locked in a cold war conflict with the Soviet bloc. Since then much has changed. We have seen the fall of the Soviet Union and the end of apartheid in South Africa, yet the underlying contrast between transparency and totalitarianism remains. Persevering throughout has been the rule of law, a system based on fair, publicized, stable laws, enforced with equality by knowledgeable lawyers and judges. This rule of law is only as effective as the confidence that the community has in the legal system.


As lawyers we all realize we do not have a monopoly on the rule of law. It exists to serve all citizens in communities throughout the United States and beyond. The rule of law is our heritage to which we remain committed.

Gloria Wilson Shelton is once again chairing our local Law Day program. She will need help with the various events that will be offered. If she calls, don't say no, step up and offer your assistance. Or better yet, call her (410-269-4984) or e-mail her (gshelton@maif.com) and volunteer your time.

Hero/Lawyer Belva Ann Lockwood

"I have not raised the dead, but I have awakened the living; and if I have not been able to walk on water the progressive spirit of this age may soon accomplish this feat. The general effect of attempting things beyond us, even though we fail, is to enlarge and

Continued on page 6



Stephen Willett
President

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President's Message...

Continued from page 5

liberalize the mind. With work and school I soon abandoned the miracles, but few undertakings were so great that I did not aspire to them.” - Belva Lockwood

And aspire she did. Belva Ann Lockwood was a Washington D.C. attorney. Her “firsts” include:

- The first woman to run for President of the United States (1884 and 1888).
- The first woman admitted to practice before the U.S. Supreme Court.
- The first woman to practice in the Federal Courts.
- Winning what was then the largest award paid to a Native American tribe by the U.S. Government.

Born in upstate New York in 1830, Lockwood's first career was as a teacher and headmistress of various schools. She relocated to Washington D.C. in 1866 and opened a private co-educational school. During her time in Washington she became involved in equal rights, suffrage, temperance and peace organizations.

At the age of 38 she sought admission to law school. She was denied admission without explanation at Georgetown and Howard universities. The Columbian College law department denied her admission because her presence “would be likely to distract the attention of the young men.” Ultimately, she and 14 other women were admitted to the newly formed National University Law School. Once

admitted the faculty and male students created a series of obstacles for the female students, including denying them access to lectures. Lockwood persevered and completed her course of studies but was denied the right to participate in graduation or receive a diploma. Only one other female student, Lydia Hall, completed the course of study. Lockwood spent the next year trying to gain admission to the bar of the Superior Court of the District of Columbia, without her diploma. Finally in 1873 she wrote to the *ex officio* president of the National University, President Ulysses S. Grant, demanding her diploma. Grant relented and signed the diploma which was delivered to her and she was admitted to the D.C. bar. Lockwood was the only female member of her class to receive a diploma.

Continued on page 7

Finally in 1873 she wrote to the ex officio president of the National University, President Ulysses S. Grant, demanding her diploma. Grant relented and signed the diploma which was delivered to her and she was admitted to the D.C. bar.

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President's Message...


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Lockwood developed a legal practice focusing on claims against local government administrative agencies and became quite successful and respected in the legal community. In order to litigate claims against the U.S. Government she had to be admitted to practice in the Federal Courts. At the time, women were not permitted to practice there. Belva Lockwood devoted the next five years of her life waging a battle against this barrier. When her efforts through the legal system failed, she used her experience lobbying Congress on suffrage issues to convince key Congressmen to introduce and eventually pass Federal legislation allowing women to be admitted to practice law in the Federal Courts. President Rutherford B. Hayes signed the bill on February 15, 1879, and on March 3, 1879 Belva Ann

Lockwood became the first woman admitted under the new law to practice before the U.S. Supreme Court.

With this admission to the Federal bar Lockwood's legal career flourished. She continued to fight for women's rights, running twice for President (albeit with some disagreement and criticism from leaders of the National Suffrage Movement). By the late 1880s she was actively involved in the international peace movement. She was a member of the editorial board of the periodical, *The Peacemaker* and was a representative of the Universal Peace Union at the first international Peace Congress held in Paris and later events held throughout Europe. Lockwood participated in the establishment of the International Peace Bureau in Switzerland and served as secretary of its bureau in Washington. She served on the nominating commission for the Nobel Peace Prize and at the age of 83 was selected as dean of 20 ambassadors to the Women's Convention in Budapest, Hungary.

Belva Lockwood was a trailblazer for women in the legal field who championed civil rights, equal justice and international peace. She aspired to these lofty goals and was not afraid to undertake them.

"Life shrinks or expands in proportion to one's courage" - Anais Nin 

She continued to fight for women's rights, running twice for President (albeit with some disagreement and criticism from leaders of the National Suffrage Movement).

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early to start
thinking about
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Upper Marlboro, MD 20772
Phone: 301-952-0100
E-mail: bbereano@kmdl-law.com

Amber Lynn Bryant

1121 Lake Heron Dr., #1B
Annapolis, MD 21403
Phone: 240-338-0229
E-mail: Bryant.amber@gmail.com

Philip Culpepper

Adelberg, Rudow, Dorf & Hendler
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Raymond Dubicki

Law Offices of Robert Fuoco
105 Padfield Rd.
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Kristen Lipuma

Houlon, Berman, Bergman, Finci & Levenstein
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Andrew Sindler

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Master McCarthy retires

Master in Chancery James D. McCarthy Jr. retired from the court on Jan. 28, 2008 after serving 12 years as a Master, more than 17 years in the Office of the Public Defender and private practice.

Watch for a profile of Master McCarthy in an upcoming issue of *The Barrister*.



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Anne Arundel Bar Association

TORTS SEMINAR

Saturday, March 1, 2008

9:00 a.m. -12:30 p.m.

Anne Arundel County Circuit Court Jury Assembly Room

Moderator: J. Robb Cecil, Chair AABA Torts Section

The Line Up

| | |
|-------------|--|
| 9:00-9:15 | Coffee |
| 9:20-9:30 | Introduction |
| 9:30-9:55 | Bankruptcy & Personal Injury - John Burns, Esq. |
| 10:00-10:25 | Wrongful Death and Survivor Claims - Michael McGowan, Esq. |
| 10:30-10:55 | A View from the Bench – Torts – Hon. Paul Harris, Anne Arundel County Circuit Court |
| 11:00-11:25 | First Party Bad Faith – Sean Edwards, Esq. |
| 11:30-12:00 | Torts and Ethic Issues - Melvin Hirshman, Esq. |
| 12:00 | Lunch |

The program is FREE to all members in good standing, but registration is required. All members MUST be on the registration list by Feb. 26, 2008 in order to attend.

This program is sponsored by McGowan & Cecil, LLC

Name: _____

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ECONOMIST: Lost income for personal injury, wrongful death, employment and discrimination cases. Valuations of small businesses and pensions for divorce and contract disputes. University Professor with extensive experience. Dr. Richard B. Edelman, 8515 Whittier Blvd, Bethesda, MD 20817. 301-469-9575 or 1-800-257-8626. Visit www.economic-analysis.com. VISA/MC.

CONSUMER PROTECTION ISSUES: Car Dealer Fraud, Wrongful Repossessions, Foreclosure Rescue Scams, Predatory Lending, Debt Collection Harassment, Consumer Protection Act. Contact Peter A. Holland, The Holland Law Firm, P.C. at 410-280-6133, www.hollandlawfirm.com.

IMMIGRATION: Political weakness prevented changes in US law until 2009. Many immigrants can still seek legal status under existing law. Family, Employment, Deportation. 20+ years experience. Alan Freedman, 410-224-5457.

INTELLECTUAL PROPERTY: Questions about Copyrights, Trademarks, Patents & Trade Secrets answered at www.copyrights-attorney.com or contact Douglas Clark Hollmann -- LawEur@aol.com -- 410-263-6161 -- 60 West St., Ste 220, Annapolis, MD 21401 -- admitted MD, NY & DC State & Federal Courts.

APPEALS: Court of Appeals, Court of Special Appeals, circuit courts and administrative agencies. Brief writing - oral argument. Unbundled services and appellate consulting. Teri Spradlin-Dahn at Rifkin, Livingston, Levitan & Silver, LLC, 225 Duke of Gloucester, Annapolis. 410-269-5066.

EXPERT WITNESS AND LITIGATION Support Services: Over 30 years experience in business, commercial and taxation matters. John P. McKim, Certified Public Accountant/Accredited Business Valuation 410-263-1204.

SPECIAL EDUCATION AND STUDENT DISCIPLINE: Dedicated to protecting and advancing the rights of children with disabilities in Maryland school districts. Accepting referrals in matters involving (1) Educational Rights for students with Autism/Aspergers Disorder, Learning Disabilities, Speech/Language/Hearing/Visual Impairments, AD/HD or other disabilities, (2) Bullying/Harassment, and (3) Discipline/Suspensions/Expulsions. Contact Eric S. Wellens, Esq. 410-647-1493. www.WellensLaw.com.

BILLING/BOOKKEEPING: PCLaw, Quickbooks, Amicus Attorney and more. Flexible, experienced, on/off site. Call DataSure at 410-271-3976.

POLYGRAPH EXAMINATIONS: Criminal/civil/pre-employment, APA/MPA Certified. Retired M.S.P. Kelley Investigative Security Services. 410-778-0531 or 410-708-3330.

NATIONAL SECURITY, CLEARANCE APPEALS and Federal Contracts Matters. Representation of Clients in matters involving NSA and the Intelligence and Defense Communities including defense of security clearance/SCI revocation or denial; adverse personnel actions; Foreign Ownership, Control or Influence (FOCI) issues; Inspector General investigations; new business startup; and business issues. Contact Dennis J. Sysko, Esquire at 410-768-9300 or djsysko@henault-sysko.com

EMPLOYMENT

ASSOCIATE ATTORNEY: Established general practice Severna Park Law firm seeking computer literate Associate Attorney with 2-5 years experience for our Family Law/Divorce Practice. Salary commensurate w/ experience. Fax resumes in confidence to: 410-544-3842.