



The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

May 2008

Dates to remember

Thursday Evenings
AABA Softball League
Truxton Park,
Annapolis
Games begin at 6:15 pm

May 20
AABA Family Law Committee Meeting
Topic: Issue Round Up (Contempt, Award of Attorneys' Fees, and Legislative and Case Law Update)
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm

May 21
AABA Board of Trustees Meeting
Attorneys' Lounge
Circuit Court for Anne Arundel County
5:00 pm

June 24
AABA Board of Trustees Meeting
Attorneys' Lounge
Circuit Court for Anne Arundel County
4:30 pm

June 24
AABA Annual Membership Meeting & President's Reception
Courtroom No. 1
Circuit Court for Anne Arundel County
5:00 pm
Presidents Reception to follow at the Annapolis Yacht Club See the enclosed flyer for details



For meeting details, visit
www.aabar.org

Busy spring and more to come

Spring has finally arrived and the AABA continues to be as active as ever.

Pub Quiz

The Pub Quiz at Galway Bay on April 7th drew 78 participants. As always, the questions were incredibly challenging and some of the answers were hilarious. The team from Hillman, Brown & Darrow tied at the end of regulation play with Meredith Team 1 (led by the Honorable Timothy Meredith). The tie-breaking question went in favor of HB&D who emerged victorious. Nearly \$1,000 was raised for Scholarships for Scholars.

Scholarship for Scholars

Speaking of which I had the pleasure of presenting our Association's Scholarship to Eric Robinson, a senior at Severna Park High School on April 28th

at the Chesapeake Arts Center in Brooklyn Park. Eric ranks second in his class, has been active in student government and for four years has been one of the leaders of Severna Park's, State Champion Mock Trial Team. He was a deserving recipient. On the topic of mock trial teams, congratulations to **Mark Snyder** for capturing his second State Championship as coach of the Severna Park team which recently defeated Park School. The number of hours that Mark has committed over the years to this worthwhile project is truly commendable.

Barristers' Ball

The annual Barrister's Ball was another success for us in April drawing nearly 150 attendees to Chartwell County Club. Judge Davis-Loomis and her husband, Bob wowed the crowd

with their festive masks. Our resident Mardi Gras aficionados, Marty and Fran Lessans were outstanding with

their capes and masks.

Needless to say it was an entertaining evening.

Auctioneer Ted Staples squeezed every dollar he could

from the crowd during the live auction. The Association raised \$11,035 for CASA.

AABA on Broadway

To wrap up the month of April our inaugural overnight Broadway trip was enjoyed by 51 people. A wonder-

ful play, fabulous hotel, and New York ambiance was combined with good camaraderie and companionship. Many people took advantage of the great restaurants, museums, and galleries, not to mention the shopping to create a special weekend. Based on the quick sellout and positive comments this should certainly become an annual outing.



Bar Foundation President Ted Staples, Community Service Chair Jessica Daigle, Paula McCormick and President Saul McCormick were all in attendance at the Barristers Ball.

Continued on page 4

Contents

E-fling Pilot Project Wrapped Up	3
Court challenges vendors.	
Welcome new members	7
New members join the association.	
Practice Notes	2
Classified Ads	12

The Barrister

Anne Arundel Bar Association

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Practice Notes...

Compiled by Hon. Philip Caroom

Criminal procedure - rule revisions - new discovery requirement: Eff. 7/1/08, the Court of Appeals Rules Com. approves revisions to many rules. Crim. discovery rules 4-262 & 4-263, particularly, expand obligations both of State and defense. District rule now incorporates more of traditional Circuit mandatory disclosures; Circuit rule now compels State to provide most witness statements, adds to exculpatory materials any facts contradicting witness statements or suggesting an interest in the outcome, changes discovery schedule, etc.

Active criminal counsel may wish to read the Md. Judiciary website, Rules Com. 158th report, filed 4/7/08, which shows new materials underlined. (Caution, with other Rules, it's over 300 pp.!) - *suggested by J. Mulford.*

Criminal law - identity theft - exception for creative thief: Construing CL Art., sec. 8-301 (c), liberally to favor defendant, the Court of Appeals decides that "identity of another" does not include a fictitious identity. So, until the 2009 General Assembly convenes, here is a free pass for the creative (unless the State charges theft by deception, generally). Ishola v. State, - Md. - (4/10/08).

Condominium law - insurance coverage: Maryland's condo. statute (RP Art., 11-114) does not require the condo. regime to have master insurance policy to replace individual owner's property, but only to cover common elements. Anderson v. Council of Unit Owners of the Gables on Tucker-

man Condominium, - Md. - (4/15/08). - *contributed by Kathleen Elmore, Esq.*

Family law - tort law - intentional interference with custody or visitation: The Court of Appeals here approves new tort of intentional interference with custody or visitation, which previously was recognized only in dictum. Interference must be "major and substantial," for example in the present case, taking the children to Egypt for two years. Khalifa v. Shannon, -Md. - (4/9/08).

Family law - statutory exceptions to automatic stay of bankruptcy: Do you assume that the automatic stay of a bankruptcy court must interrupt your family law action? Current statutes provide exceptions that permit ongoing actions, despite automatic stay for: divorce - *except as to property divisions or transfers*, paternity, domestic violence petitions, establishment of support obligations, collection of support obligations (including medical bills) from income, tax refunds, or property that is not "property of the estate." - *contributed by Carolyn Krohn, Esq. via AABA Fam. Law Com.*

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 to ctcaro44@aacounty.org. ■

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Electronic Filing Pilot Project concludes at Circuit Court

Court team challenges vendors to continue efforts

After more than three years of exhaustive study, the Circuit Court for Anne Arundel County has concluded that the dream of incorporating electronic filing into the local judicial system is still ahead of the actual technology that could make it an efficient and effective process for the courts, attorneys and citizens.


“We are one of the most technologically savvy courts in the state,” says Hon. Nancy Davis-Loomis. “When it comes to new technology, we are often the first to bring it online. We welcome all technology that enhances our service to the citizens of Anne Arundel County. Unfortunately, while we are ready for e-filing, e-filing technology is not yet ready for us.”

The Circuit Court for Anne Arundel County began its study of e-filing in 2004 and progressed through the steps of beginning a pilot program

to investigate the effectiveness of e-filing in Maryland. The pilot was approved in 2006 by the State Administrative Office of the Courts and from the outset, it was the stated goal of the pilot to establish a truly integrated electronic filing system.

During the last two years, court personnel, judges, information technology staff and others have pushed hard to make e-filing a reality in Anne Arundel County. As a pilot, the Circuit Court felt it was our responsibility to investigate the feasibility of e-filing from the perspective of all parties involved - attorneys, the court, information technology and the public.

“We learned a great deal about e-filing, and the bottom line is that in the e-filing world, integration can mean different things to different people,” says Davis-Loomis. “For e-filing to be effective in our county and we believe in any court, it must make filing for attorneys easier, but at the same time make the court’s case management and judicial communication easier as well. We will not compromise our standards; we have challenged e-filing vendors to push themselves to develop a product that will meet our needs. And I am sure they will.”

The Circuit Court’s efforts will continue as its personnel collaborates with the State Judiciary and shares what it has learned from the pilot project to move forward and will continue to look for technology that improves its service to the community. 

“For e-filing to be effective in our county and we believe in any court, it must make filing for attorneys easier, but at the same time make the court’s case management and judicial communication easier as well.....”

Hon. Nancy Davis-Loomis

The Law Offices of Julie Ellen Landau

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President's Message...

Continued from page 1

Back to School Backpacks

The sixth annual AABA Back to School Backpack Program kicks off this month. Over the past five years we have raised \$18,700 with this worthwhile fundraiser. The donations you make provide back-to-school backpacks to disadvantaged school children in Anne Arundel County. Our drive is operated in cooperation with the Anne Arundel County Back-To-School Program which identifies recipients and distributes the backpacks. Last year we raised \$3,595 which translates to several hundred backpacks filled with school supplies. I would like to see us top last year's effort. Check out the insert in this month's Barrister and be generous. Encourage your colleagues to make donations and maybe even challenge them to try to outdo your giving level. If **Kim DiPietro** or a member of her committee calls you about this program be sure to respond.

Annual Membership Meeting

Mark your calendars for Tuesday, June 24th for our annual membership meeting, which will be my swan song. Better yet, your new President **Jonathan Kagan** will be sworn in that day with a reception to follow at the Annapolis Yacht Club. It's always a good event, so don't miss it.

Rule of Law

Rather than journey back in time to search a lawyer/hero I want to take a look at a more current situation facing the world community. The theme for Law Day this year was "Perspectives on the Rule of Law." Recent events in Pakistan provide us with a clear example of how the rule imposed

by man can create havoc in a society governed by laws. On Nov. 3, 2007 Pakistani President Pervez Musharraf suspended Pakistan's constitution and detained justices and judges who refused to sign a loyalty oath to Musharraf. He shut down the country's Supreme Court just before it was to rule on the validity of his re-election.

In the capital city of Karachi, lawyers were brutally beaten, dragged through the streets and into police vans and jails. Their crime was publicly protesting against Musharraf's emergency order and the suspension of the constitution. Braving police and security forces the country's lawyers demonstrated against Musharraf. They boycotted judicial activities and refused to recognize the country's chief justice who was hand-picked by the President, after he removed the independent-minded Justice Iftakhar Chaudhry. Within a matter of days nearly 1,500 were arrested and jailed.

Continued on page 5

Mark your calendars
for Tues., June 24
for our annual
membership
meeting.



**AABA Crab Feast '08
and
Pre-Crab Feast
Golf Tournament**

Friday, Sept. 26



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President's Message...

Continued from page 4

The American Bar Association responded swiftly to the crisis in Pakistan, organizing a solidarity rally in front of the U.S. Supreme Court and presenting to the Pakistani government a petition signed by 13,000 lawyers urging restoration of the constitution and reinstatement of the dismissed judges and justices who refused to sign the presidential loyalty oath.

After months of pressure from inside the country as well as from the world community the newly elected prime minister of Pakistan on March 25, 2008, ordered the detained judges release and promised to reinstate Supreme Court Chief Justice Chaudhry. While this was clearly a positive first step and a victory for the rule of law, the state of emergency still needs to be lifted. In a recent statement, ABA President William Neukom stated that, "A judiciary that can apply the law without intimidation and outside interference is a central pillar of any just society."

Reflecting on the events in Pakistan makes me wonder how many of us would be willing to take to the streets in a similar circumstance. A great deal of courage is required to put your career and livelihood on the line and risk being jailed to stand up to a grave injustice. We are fortunate to not be faced with such a dramatic and extreme action by our government. However we are faced daily by editorials, letters to the editor, slanted journalism and other public attacks on our Courts and the rule of law. It is important to our society to positively foster the concept of the rule of law, not the rule of men.

"There can be no free society without law administered through an independent judiciary. If one man can be allowed to determine for himself what is law, every man can. That means first chaos, then tyranny. Legal process is an essential part of the democratic process." Justice Felix Frankfurter, *United States v. United Mine Workers* (1947).

I have to leave you with one final quote from one of my favorite books, *Anatomy of a Murder* by Robert Traver that was made into an equally enjoyable movie with a star studded cast.

"The law – and only the law – is what keeps our society from bursting apart at the seams, from becoming a snarling jungle. While the law is not perfect, God knows, no other system has yet been found for governing men except violence. The law is society's safety valve, its most painless way to achieve social catharsis; any other way lies anarchy." Paul Biegeler (Jimmy Stewart), *defense attorney (1959)*.

All AABA Members are invited to attend the
AABA Annual Membership Meeting
Tues., June 24

Circuit Court for Anne Arundel County, Courtroom No. 1
5:00 pm

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Anne Arundel County Team takes Mock Trial Championship


Severna Park High wins state title for the second time in three years

Severna Park High School won the 2007-08 Maryland State Bar Association Statewide High School Mock Trial Competition last

month. The victory marks the third time in three years a school in Anne Arundel County has won the competition. One hundred and thirty teams entered

the statewide competition. In the finals Severna Park High School won 56-54 against The Park School, in Brooklandville. Congratulations to AABA Member Mark Snyder, one of the SPHS coaches.

Mock Trial Info

The success of the Mock Trial program is dependent upon volunteer attorneys and judges who coach teams, and score competitions at local, regional, semi-final and final levels. Each year, several hundred attorneys, masters and judges across the state volunteer for this program. If you are interested in participating, contact the Fran Czjaka at the AABA, aaba@circuitcourt.org. 



Severna Park High School Mock Trial Team, 2007-08 State Champions

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AABA Annual Membership Meeting, June 24

All AABA members are invited to attend the AABA Annual Membership Meeting & President's Reception on Mon., June 24, 2008 at 5:00 p.m. in Courtroom #1 of the Circuit Court for Anne Arundel County, Annapolis.

The President's Reception will follow immediately at the Annapolis Yacht Club. Come to thank outgoing President Saul McCormick and to welcome

2008-2009 President Jon Kagan and our new officers.

The cost to attend the President's Reception is \$30 per person in advance; \$35 per person after June 18. No reservations are required to attend the Annual Meeting. Questions? Call the bar association office at (410)280-6950. 

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Welcome new members

The following applications were approved for membership in the AABA at the April Board of Trustees meeting:

David Bohannon

Office of the State's Attorney
University of Maryland, 2005

Michael Comeau

A.A. County Office of Law
University of Baltimore, 1981

Cynthia Shay

Gordon, Feinblatt
University of Baltimore, 1999

David Shineman

Stahl & Block
University of Baltimore, 1996

Tracey Parker Warren

Department of Veterans Affairs
University of Baltimore, 2002

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16th Annual Barristers' Ball
April 12, 2008
Chartwell Country Club, Severna Park



The evening's event featured a silent auction, live auction, a mask contest and dancing.



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(including three judge panels)

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Barristers' Ball Mardi Gras: An Encore



More than \$11,000 was raised for CASA.

The Anne Arundel Bar
Association's

ADR Committee & the Annapolis Mediators Guild Meeting

will be held

June 20, 2008

49 West, Annapolis
(in the backroom)
8:30 am



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CLE: Law Practice Management

June 3, 2008

5:30 – 7:30 p.m.

Circuit Court for Anne Arundel County, Attorney's Lounge

“Things I Wish I Knew When I First Hung Out My Shingle”

Please join attorney Chris Flohr for a presentation on Law Practice Management. This CLE is geared toward attorneys who are just starting out or who are thinking of opening a small firm practice. Topics include: business plans, marketing, getting clients, equipment, setting fees, office space, and resources available. Come and bring your questions and help guide the discussion.

Chris is partner is the small law firm of Blackford & Flohr, LLC located in Severna Park. In addition to his over eighteen years practicing criminal law, he is currently an Adjunct Professor at The University of Maryland School of Law where he teaches Law Practice Management. For further information, please visit the firm website: <http://www.bflawmd.com>

Registration Form

The seminar is \$35 for AABA members, \$40 for non-members and \$40 at the door

___ CLE: Law Practice Management

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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.

CIVIL APPEALS: Anne Arundel County attorney available for civil appeals. Broad range of experience in civil litigation. Former appellate experience. Nancy Knapp 410-544-2513.

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

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.

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.

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

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, 410-224-4547.

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--116 Cathedral St., Ste. D, 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.

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.