



The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

November 2008

Dates to remember

Nov. 18

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

Nov. 19

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

Dec. 10

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

Dec. 10

AABA Board of Trustees Meeting
Location: TBD
4:30 pm

Dec. 10

AABA Holiday Party
Location: TBD
5:00 pm



For meeting details, visit
www.aabar.org

Good luck Tim, but not goodbye

As many of you may know, Tim Sheridan, the Civil Case Administrator at the Circuit Court, has accepted the post as Court

Administrator for the Circuit Court for Baltimore County in Towson. "I'll be Robert Wallace with-

out the bowtie," Tim explained. For the last 8 ½ years, he has served the judges and attorneys of Anne Arundel County as the Civil Case Administrator and an active member of the Bar Association. Prior to working at the courthouse, Tim was in private practice in the Law Offices of Marvin Mandel in Annapolis. Tim said he will miss working directly with the local attorneys in civil cases, as well as the great staff and judges in the Circuit Court. He also is going to miss the Wednesday basketball games at the recreation center and his daily chats with the Hon. J. Michael Wachs who is just down the hall.

For approximately the last six years, Tim has been an active member of the Board of Trustees and served as President of the Bar Association in 2006. Most notably since 2000, Tim has been Commissioner of the Softball League which has been superbly and successfully run under his leadership. While Tim is heading to Towson, he is still committed to staying connected with Anne Arundel County. He and his family will continue to live in Millersville and they have no plans to move. Tim will continue to serve on the Board of Trustees as the MSBA Board of Governors Liaison to Anne Arundel County. For those softball players, Tim coordinated a smooth transition with

Doug Hofstedt who was the commissioner for many years prior to Tim's tenure. We are very fortunate to have Doug's help with the league.

President's Message
by Jonathan P. Kagan

On behalf of the Association, I want to thank Tim for his work and dedication to the

members of our bar over years and let him know that he will be missed around the courthouse. We congratulate Tim and wish him the best suc-



cess on his new endeavor.

Fall Dinner

On Oct 23, the Association held a Fall Dinner at the Doubletree Hotel at which Congressman John P. Sarbanes, from the First Congressional District,

Continued on page 4

*Rig Baldwin,
Rep. John
Sarbanes,
AABA President
Jonathan Kagan
and Jon Brassel.*

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The Barrister

Anne Arundel Bar Association

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Practice Notes...

Compiled by Hon. Philip Caroom

SPECIAL
CRIMINAL LAW
EDITION


Criminal procedure -discovery - State's omission: Facts- In rape case, only eyewitnesses were defendant and victim with disputes both as to intercourse and consent. State did not disclose forensic rape-kit nurse as expert, but suggested she was "only a fact witness." Holding- Because actual expert testimony was offered without advance disclosure, reversal and new trial were required. *Hutchinson v. State*, – Md. – (10/8/08). *Editor's note:* This case preceded the discovery rule change.

Criminal procedure -discovery - State's omission: Facts- For trial of adult co-defendant, defense counsel sought access to sealed juvenile court records of juv. co-defendant's plea and related statement of facts. Trial judge denied access. Holding- Reversed and remanded for new trial. Per U.S. Supreme Court precedent, juv. confidentiality "must fall before the right of [a criminal defendant] to seek out the truth...[in] defending himself." *Samie v. State*, 181 Md.App.59 (2008).

Criminal procedure - counsel waiver - possible penalties: Although Rule 4-215(a)(3) constitutes a checklist which trial judge must complete before permitting defendant to discharge counsel and represent himself, failure properly to advise defendant of maximum penalties was harmless error where ultimate convictions and sentences were not involved in the bad advice. *Brye v. State*, 181 Md.App. 105 (2008).

Criminal evidence - Kucharzyk revisited: Although central state witness recanted pretrial identification of defendant at trial, Kucharzyk doctrine (as to possible insufficiency of self-contradictory testimony) did not prevent conviction here. *Brown v. State*, – Md.App. – (10/2/08).

Criminal evidence - investigatory stop - escalation to arrest: Facts- Officers observed defendant as pedestrian and suspected he had just bought drugs. They pulled their car across the alley he in which he was walking. Holdings - 1) Initial investigatory stop, pulling car across defendant's path, was not an "arrest" and, therefore, did not require probable cause. But 2), when defendant ran away, this escalated prior suspicion to probable cause sufficient to justify subsequent arrest. *Dick v. State*, – Md.App. – (9/12/08).

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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Law clerks tie up Courthouse in Crab Bowl III

by Tim Sheridan

The overcast sky did not dampen the spirit of the Circuit Court Law Clerks in the third pre Crab Feast touch football game, known as the Crab Bowl. The Clerks playing under the moniker “Barely Legal” squared off against Mean Machine, a team consisting of Circuit Courthouse staff and former law clerks, Jong Kim and Shontel Smith. The judicial understudies were well prepared for the game of 7 on 7 football on a 60-yard field alongside the Bay at Sandy Point.

On the first play from scrimmage, quarterback Kemp Hammond (Judge Davis -Loomis) signaled for a play action pass out of the shotgun formation. He faked a hand off to half back Jodi Foss (Judge Silkworth) that froze the secondary for a split second. That was all the time that speedy Tom Simmons (Judge Mulford) needed to get behind the defense and Hammond dropped the pass over the safety hitting Simmons in stride for the first

score of the game.

The law clerks enthusiasm spilled over to the defensive side of the ball as well. On a key third down play, linebacker Devon Doane, (Judge Wachs & Tulane Law) rudely slammed the Mean Machine receiver to the turf short of the first down. When asked about the play after the game, Miss Doane said, “If you cross into my zone, expect to get jacked up.” Defensive end Matt Chalker, (Judge Loney), kept Mean Machine quarterback Jim Kafchinski in check with his blitzing schemes, but the wily Kafchinski still was able to find the end zone twice. Tight end, Laurie Soistman, a family law paralegal, added a touchdown for Mean Machine on an eight yard crossing pattern. The



MVP Tom Simmons

Continued on page 6

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President's Message...

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spoke to approximately 90 members and guests. Regardless of political affiliation, the members in attendance said they enjoyed the program at which Congressman Sarbanes shared his insights and observations after his first two years in office as a freshman congressman. He shared his observations on the power of special interests and the influence of the President.



Paul Weber, Jonathan Kagan and Hon. Nancy Davis-Loomis at the Navy Tailgate.

Claire Buchner and the Hon. Dick Duden deserve a special thank you as the Social Division Co-chairs for organizing this very successful event.

Navy Tailgate
David Katz, Chair of the New Lawyers Committee, headed up a new initiative this year and organized a Navy tailgate on Saturday, Nov. 1, when Navy played Temple. We had approximately

Navy Tailgate

30 members and guests attend the tailgate on a beautiful sunny Fall Saturday. For those who stayed until the end of the game, they got to see a great come-from-behind win by Navy in overtime. Everyone who attended enjoyed the event and



Navy Tailgaters Jeffrey Bowman, Brooke Hytoritz, Jon Kagann

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President's Message...


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overwhelmingly the consensus was the tradition should continue for following years. Look out for this event next year.



Navy Tailgaters Eric Haversack, Jon Kagan and Matt Kunka

Bar Weekend

Make sure to mark your calendars for the next Bar Weekend to be held at Nemaocolin Woodlands Resort in Pennsylvania (www.nemaocolin.com), March 13-15, 2009. Brochures with all of the details will be coming in the next month. 

Notice from the Register of Wills

When filing your Accountings in an Estate matter, please remember to attach or include with your Accounting, a Verification Oath signed by the Personal Representative and a Notice reflecting the requirements of Rule 6-417(d). Having these attached to your pleadings will speed up your review by the Orphans' Court.

When filing for Counsel Fees in an Estate matter, remember to attach or include with your Notice of Petition for Allowance of Counsel Fees stating that there is a 20 day time period to file written exceptions and request a hearing. You must also file a Certificate of Service for the Petition and Notice as well. Having these attached to your pleadings will speed up your review by the Orphans' Court. Both forms are available on the AABA website at www.aabar.org

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Crab Bowl...

Continued from page 3

final score was 28 all.

Simmons was selected as the game MVP and the inscribed game ball was awarded to Hammond. Barely Legal team spokeswoman, Sarah Valenta (Judge Jaklitsch) stated "The Law Clerks are a tight crew with a strong social conscience. Our goal is to be remembered as the greatest Clerk class ever. So we let

those losers score a few touchdowns as a way to give back to the greater legal community. It's all about respect." A good time was had by all. █



Barely Legal (left) and the Mean Machine (right)

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A night in the gutters

As promised, I made my way out on a recent Tuesday to the Greenway Bowling Alley in Odenton to watch our Bar's finest roll some balls. I vaguely recall participating in this league a few years back, but given that I stunk and seemed to get worse as the league went on, I gracefully bowed out after one season.

The first thing that struck me was the camaraderie in the league. All the players really seemed to get along with each other and pull for each other, even opponents. There was genuine excitement for each others good performances. But enough of the cheery stuff.

From what I gathered, there are about three basic ways that all the bowlers rolled the ball. All of them have positives and negatives. I broke them down as follows:

1. The Pro Spinner. Practiced by the best bowlers. Looping sideways spin, aiming for the

one-two pocket. Positives: best way for consistent results. Can psych out opponents. Negatives: none really, which is why pro bowlers use it. Possible negative is that people will expect you are really good and it can put a lot of pressure on you to produce. Kind of like the guy that hits 300 yards off the driving range then shoots a 115 in regulation.

Employed by: Robert Davis, Greg Jimeno and Cindy Warboy. Not coincidentally, the highest averages in the league.

2. The Cluster Bomber. Throws straight at the 1 pin as hard as humanly possible. Positives: Lots of collateral damage. One hit pin tends to take out a lot of other pins. Sometimes, you can even disintegrate a pin. Negatives: Need to be extremely accurate, because that ball is going in one direction really fast. If you miss, the next 3 lanes are in play. Employed by: Seth Pack and Warren Davis (who actually hit a 7-10 split with one of his heaters).

3. The Backspin Flick. The finesse pitchers of the group. They stress accuracy over power. They don't really follow through, they just flick the release and let the laws of gravity do the rest. Positives: Easy to control. Builds suspense when the ball is careening down the lane at speed of senility. The backspin is quite mesmerizing, especially on a ball with swirls. Negatives: No collateral damage. Leaves a lot of splits that are very difficult to pick up. Employed by: Bill Roessler, Sarah Cline. ■

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2008 Softball Champions North County

Correction: Here is the actual North County Lawyer League Softball Champions. The team pictured in October issue was identified as North County, but was actually Hartman and Egeli, the runner up.



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Meet the Member: Sue Ford

This is a new mini feature to introduce you to your colleagues in the AABA. If you want to nominate a friend or yourself to be profiled, just email us at aaba@circuitcourt.org. Suggestions for questions are welcomed as well.

Nominate a friend to be featured in "Meet the Member," aaba@circuitcourt.org

Name: Susan T. Ford
Age: Very young
Undergraduate School: University of Maryland, College Park
Law School: University of Baltimore
Marital Status: Happily married
Area of Practice: Land Use, Environmental Law
Most recent hobby: Attempting to find a martini I like.
Farthest I've been from Anne Arundel County in the past year and why: Sudley Castle in Cheltenham, England, to see Henry VIII's last wife's crypt.

Last vacation taken: San Francisco on a college scouting mission with my teenage daughter. (Wait, was traveling with a teenager a vacation?)


Favorite book read this year: "Coming Home" by Rosamund Pilcher

Biggest life influence and why: My father's long ago advice – "Life is not a dress rehearsal, enjoy it!"

There's this thing about me that most people don't know....I'm a balletophile

When I'm not hard at work, you're most likely to find me... Coaching field hockey at Annapolis High.

If I hadn't become an attorney... I would have been: A French teacher

When I stop being an attorney I'm going to be a... blue water sailor and writer of beach novels. 

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Meet the Member: Rob Erdmann

Name: Robert Erdmann

Age: 35

Undergraduate School: Univ. of Maryland

Law School: University of Maryland

Marital Status: I am married to my beautiful wife Lindsey.

Area of Practice: Litigation; Family Law; Landlord Tenant Law; Contracts; Real Estate Law

Most recent hobby: Gardening and running, although running seems more of a punishment than a hobby

Farthest I've been from Anne Arundel County in the past year and why: I went to Charleston, South Carolina on vacation.

Last vacation taken: Myrtle Beach, SC

Favorite book read this year: The novel Code to Zero by Ken Follett

Biggest life influence and why: I have had two major life influences. The first major life influence has been and continues to be my

mother. Throughout my life, my mother taught me, by example, the meaning of sacrifice by putting the needs of my sister and I ahead of her own. The second major influence in my life would be the time I served in the United States Navy. The United States Navy taught me the meaning of humility, sacrifice, and putting ones own needs and wants aside for the greater good of the country and society as a whole.

There's this thing about me that most people don't know... I like NASCAR and Formula One racing.

When I'm not hard at work, you're most likely to find me... pulling weeds in the garden.

If I hadn't become an attorney, I would have been... A meteorologist. I have always had a fascination for the weather and its impact on the world. When I stop being an attorney, I'm going to be: very old, hopefully lying on a beach. ■

Brassel Baldwin Kagan & May is pleased to announce the following additions to the firm:

Michael R. Osborn, Esq. Mr. Osborn previously served as a Judge Advocate in the United States Marine Corps and then worked several years with the Baltimore firm of Miles & Stockbridge. As a Marine, Mr. Osborn was a Chief Prosecutor, Chief Defense Counsel, Head of Legal Assistance, Deputy Director-Appellate Defense Division, and Military Judge. At Miles & Stockbridge, he was a member of the toxic tort defense team, with a concentration in asbestos defense. Mr. Osborn also serves as Director, Legal Division, Maryland Defense Force, an all-volunteer group that provides free legal services to Maryland Army and Air National Guard members and their families. Mr. Osborn is a 1980 graduate cum laude of Gonzaga University School of Law.

Jennifer Alexander, Esq. Ms. Alexander is a 2001 graduate of the University of Maryland School of Law. While in law school, Ms. Alexander worked at Brassel & Baldwin as a Law Clerk from 2000-01, and as an Associate from 2001 until 2003. In 2003, Ms. Alexander joined the Anne Arundel County State's Attorney's Office as an Assistant State's Attorney. Ms. Alexander was recently assigned to the Violent Crimes Trial Team in the Circuit Court where she handled murder, attempted murder, armed robbery and handgun cases, as well as other felony violent crimes.

Jeffery Bowman, Esq. Mr. Bowman graduated from Brown University in Providence, Rhode Island, in 2004 with a B.A. in Modern American History. He received his J.D. from the University of Baltimore School of Law in 2007. Prior to joining the firm, Mr. Bowman served as law clerk to the Honorable Thomas G. Ross, in the Circuit Court for Queen Anne's County. He was admitted to the Maryland State Bar in December of 2007. Mr. Bowman's area of concentration is civil litigation.

Jolene Kesler, J.D. Ms. Kesler graduated cum laude from the University of Baltimore School of Law in 2008, where she served as an Associate Comments Editor to the University of Baltimore Law Review and as a member of the University's Trial Team. While in law school, Ms. Kesler clerked at several law offices in Baltimore, including: Silverman, Thompson & White; the United States Attorney's Office; and Tydings & Rosenberg



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FOR RENT: 130 sq. ft. furnished office near West St. library. Shared kitchen, conference room, bath and plenty of parking. Reception service and copier available. \$575 includes utilities. 410-266-6592

DOWNTOWN ANNAPOLIS: Office for rent. Cathedral St. Use of copier, fax, conference room, telephone line. Cochran, Cochran & Chhabra, 410-268-5515.

GREENBELT: One or two offices in shared space available, each w/ or w/out support staff station. Use of conference room, kitchen, copier, etc. included. \$750/mo. each 301-513-0500

TURN-KEY EXECUTIVE OFFICES: 1419 Forest Dr., Annapolis. Offices, conference room, full function phone system w/ answering, high speed internet, ample, free parking. Call 410-267-6407.

GLEN BURNIE TOWN CENTER, Conference Room, Office Equipment, Mailbox, Sign, 1 block from Courthouse, \$200/mo. 410-766-4858.

2 PRIVATE EXEC SUITES for rent near Double T Diner in Annapolis. 2nd Flr walkup - share entrance with accounting firm. 100 SqFt \$475 & 120 SqFt \$525 - includes utilities and DSL. Gene@AllianceTax.com or 443-782-6707.

ONE TO FOUR ROOM OFFICE SUITES available directly across from the Circuit Court. 410-269-6720.

OFFICE FOR RENT: Inner West Street, reasonable rent and utilities, excellent for a professional. One large office and one small office, parking. Call 410-267-0227.

SERVICES

IMMIGRATION: Significant reforms likely 2009 after US elections. New opportunities to become legal. Family, Employment, Citizenship, Deportation. 22 years experience. Alan Freedman, 410-224-4547.

PATENTS, TRADEMARKS, COPYRIGHTS, TRADE SECRETS. William Ramsey, 410-740-2225. billramsey1@comcast.net

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.

TITLE SERVICES: Attorney owned title company available to assist w/ all commercial & residential transactions. Absolute Title Group 410-590-0404, catward@absolutetitlegroup.com

CERTIFIED APPRAISALS of Stamp Collections, Postal Covers and Cards. Members American Philatelic Society. County Stamp Center Annapolis, MD 410-757-5800 - www.stampcenter.com

C.P.A. - Clients with back taxes, delinquent tax returns, audits and other IRS problems. MYOB and Quickbooks support. Call J.E. Leanos & Co., CPA's, 410-269-6640.

STATE ADMINISTRATIVE LAW: Retired Administrative Law Judge after 18 years with OAH. Available for consultations or referrals involving MVA, Special Education, Home Improvement, Child Abuse/Neglect Registry, Medical Assistance, Food Stamps and appeals of any other State agency actions. Call The Office of A. Michael Nolan at 410-530-8794, email: amnolan@amnolanlaw.com.

NSA, CIA, DOD/DOHA, & MILITARY SECURITY CLEARANCE APPEALS: Representation of federal employees, contractors and military personnel facing denial or revocation of security clearances or SCI access. Pre-application counseling and security questionnaire preparation assistance. Company security officer briefings by former Intelligence Community officer & instructor. Mark F. Riley, Esq., 410-280-9615, www.SecurityClearanceAppeals.com

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

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.

ADOPTION: Available to consult, assist in, and handle referrals in all types of adoptions. John Greene, Annapolis, 410-268-4500. www.families thru adoption.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.

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.

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.

EMPLOYMENT/MISC.

PARALEGAL seeking permanent or contract position with AA County law firm: Paralegal Certificate from AACC. Three years experience in med. mal. Proficient in Word and Excel. Dependable, organized and efficient. Excellent communication skills. Contact Ellen Daney 410-919-3861, efdaney@yahoo.com