



The Anne Arundel County BARRISTER

The Newsletter of the Anne Arundel Bar Association

February 2007

Dates to remember

Feb. 14
AABA Estates & Trusts Meeting
Attorneys' Lounge
Circuit Court for
Anne Arundel County
8:30 am

Feb. 16
AABAADR Committee Meeting
49 West Street Cafe,
Annapolis
8:30 am

Feb. 19
**Court Holiday:
Presidents' Day.**
Court and AABA offices
closed.

Feb. 20
**AABA Family Law
Committee Meeting**
Attorneys' Lounge
Circuit Court for
Anne Arundel County
5:00 pm

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

March 16-18
AABA Bar Weekend
Hotel Hershey
Hershey, Pa.
CLEs, networking
opportunities, golf... see the
enclosed flyer for details



For calendar updates, visit
www.aabar.org

'The Only Two Things In Life That Make It Worth Living,'

*Is guitars tuned good,
And firm, feeling women.
I don't need my name
In the marquee lights.
I got my song.
I got you with me, tonight.*

*Maybe it's time we got back
To the basics of love.
Luckenback, Texas 1977
Recorded by Waylon Jennings
& Willie Nelson.*

Luckenback is a tiny town "Deep in the Heart of Texas." It is 50 miles north of San Antonio and 50 miles west of Austin, by the banks of the Pedernales River, and had a peak population of 492 in 1904 per Wikipedia, the free on-line encyclopedia. Responding to an ad in the paper that read "Town - population 3 - for sale," a rancher named Hondo Crouch purchased Luckenback for the sum of \$30,000 in 1970. Hondo turned the town's dance hall into a country music Mecca for musicians and fans alike. (How do you have a dance with three people? Excuse me, Are you with him? May I cut in?)

I've never been to Luckenback and must have blinked when I drove past on my post-Bar Exam cross country trip back in '91. It was my turn to drive during that particular stretch of the trip that traversed the landscape of central and west Texas. Rolling hills, no trees, pick-up trucks and oil derricks for 600

miles from Dallas, past Buddy Holly's hometown of Lubbock, all to get to "Amarillo by Morning." So, I don't know exactly what Willie and Waylon are talking about, but I guess the song is just a metaphor for



kicking back and a suggestion to "Take it Easy." Sort of a polar opposite to the Eagles song, "Life in the Fast Lane," with the refrain of "everything, all the

time." The lyrics remind us that maybe it's better to concentrate on building relationships and slowing down the pace of life, than keeping up with the Jones.

The idea of living in a one traffic light town does have an appeal. Life without traffic jams or rush hours and lines at the supermarket would be nice. But then I think of weekend events such as cow-tipping and visits to Main Street

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President's Message by Tim Sheridan

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The Barrister

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Practice Notes...

Compiled by Hon. Philip Caroom

Family law - alimony - post-separation cohabitation: 1) Trial judge erred by refusing to consider post-separation "marriage-type relationship" by wife with third person as part of her "financial status" and "standard of living" factors. 2) There was insufficient evidence to permit a survivor benefits award when no evidence showed the value or cost of this. *Whittington v. Whittington*, — Md. App. — (1/4/07).

Family law - grandparents revisited: The Court of Appeals upholds grandparent visitation statute (FL 9-102), but implies additional requirement, as in 3rd party custody cases, that a) parents must be "unfit" or b) "extraordinary circumstances" must be found before trial court can override parents' presumptively appropriate decisions as to grandparent access. *Koshko v. Haining*, — Md. — (1/12/07).

Family law - Soldiers' & Sailors' Relief update: The current federal statute as to active military members (50 App.U.S.C.A. §§ 522(b)(2)(A, B)) provides that a civil court automatically must

grant at least a 90 day stay if member files appropriate motion with letter from commanding officer stating that military obligations prevent leave to attend court. Motion for further discretionary stay may be made on similar grounds. *Hernandez v. Hernandez*, 169 Md. App. 679 (2006).

Contracts - obligation to apply for financing: Where contract did not otherwise specify, a party complied with condition to seek financing by making a single application. *Meyers v. Kahoe*, 391 Md. 188 (2006).

Civil procedure - limitations: 1) Administrative order must be appealed within 30 days from filing, not receipt. *Centre Ins. v. JTW*, — Md. — (1/9/07). 2) Limitations for employee discharge claim began with date of discharge, not letter confirming it. *Haas v. Lockheed Martin*, — Md. — (1/9/07).

Criminal evidence - defendant's testimony in unrelated case: If defendant in upcoming criminal case testifies for co-defendant, State's use of cross-examination depends on: 1) limitation of cross to scope of direct and "matters affecting credibility," rather than becoming discovery deposition; and 2) entire testimony must be prefaced by Miranda-type warning. *Rollins v. State*, — Md. App. — (12/13/06).

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@aaccounty.org.

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When you have a conflict in your schedule

Nancy Baker, Circuit Court Postponement Coordinator

by Teja Rau, *The Barrister* Committee

Editor's Note: This is the second in a series of articles about Anne Arundel County courthouse employees. The information provided herein is not intended to be legal advice.

It happens to everyone at one time or another: the court sets a hearing date that conflicts with another one of your cases or your vacation plans. Perhaps your client is scheduled to have surgery on the date of the hearing. As the Anne Arundel County Circuit Court Postponement Coordinator, Nancy Baker deals with these issues, along with requests to appear via phone, on a daily basis.

Baker is part of Administrative Judge Manck's support staff and can be found on the fourth floor of the Circuit Court in Judge Manck's chambers. She processes civil, family, and criminal case postponement requests by making sure the motions

have all the necessary information before being sent to Judge Manck for a ruling. She took over the job approximately a year ago from the former coordinator Stephanie Montgomery, who is now Judge Mulford's administrative assistant.

Baker, however, is no stranger to the courthouse. She worked in the Court Clerk's department for 19 years. For 14 of those years, she served as the Assistant Supervisor of the courtroom clerks. Baker described the transition from courtroom clerk to postponement coordinator as being fairly easy. Although she misses being in the courtroom during the more interesting criminal trials, she likes dealing with all of the judges as the postponement coordinator.

The most common reasons for the postponement request tend to be trial conflicts or vacation conflicts. Beware though: if you are seeking to move a hearing date that you and the opposing counsel previously agreed upon, you must have a compelling reason to request the postponement. Once the motion has been ruled upon, Baker typically makes a courtesy call to the attorneys to let them know of the outcome.

For those with out-of-town clients, you can file a request to appear via phone for the more administrative hearings, such as scheduling conferences. The request must be in motion form. If granted, Baker provides information about Court Call. The party also can provide a number at which they can be reached at the appropriate time.

When she is not at work, Baker enjoys time with her three teenage children, husband, and dog at their home on the Eastern Shore. ■

The Perfect Postponement Request

- 1) Clear a new date with the Assignment Office and opposing counsel. This "tentative reset date" should be noted in the motion.
- 2) Make your request in motion form.
- 3) Include whether or not the opposing counsel/party objects to the postponement request and whether the tentative reset date has been cleared with them.
- 4) Provide a proposed order with the tentative reset date.
- 5) Contact Ms. Baker to let her know of the filing or if you are walking it through chambers, especially if filing at the last minute or the day of the hearing.

Free State

Bar Foundation honored for its outreach efforts

In October, the Anne Arundel County Bar Foundation was honored by the Volunteer Center for Anne Arundel County and the Coordinators of Volunteers of Anne Arundel County's at the 3rd



VCAAC President Susan Wyckoff, AABA President Tim Sheridan, and VCAAC Executive Director Fay Mauro.

Volunteer Project Hall of Fame Celebration. The Hall of Fame honors volunteer projects that are judged to have had the greatest impact in Anne Arundel County and the City of Annapolis.

Griff Hall, Executive Director of Leadership Anne Arundel, was the Keynote Speaker celebrating this year's inductees

into the Volunteer Project Hall of Fame.

The Bar Foundation was recognized for its community programs and volunteer projects such as: working with the YWCA to promote domestic violence awareness; an annual "Angel Tree" in the lobby of the County Circuit Court where attorneys and staff provide holiday gifts for 80+ children; annual participation in the Back-to-School Backpacks program; annually providing more than 300 Thanksgiving baskets; annual High School Essay Contests on First Amendment topics; an Adopt-a-School program to teach respect for the law, respect for others and for self; and the Family Waiting Room in the Circuit Court as a safe, supervised, fun place for kids.

The Bar Foundation was one of five project saluted during the celebration.

For information about the 2007 Volunteer Project Hall of Fame Celebration, please contact the Volunteer Center for Anne Arundel County at 410-897-9207. ■

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In memoriam

Bennett Crain, Jr.: 'A southern gentleman of impeccable character'

by C. Edward Hartman II

With the passing of Bennett Crain, Jr., on Sept. 3, 2006, the bar association has lost the epitome of the respected country lawyer.

Born Oct. 1, 1930, Bennett grew up on his family's farm in Charles County. He learned of law and politics from his lawyer father and of hard work from the chores of the farm during wartime. At Episcopal High School and the University of Virginia his southern attributes were molded into a classic, fun loving, southern gentleman of impeccable character and integrity. He was at the same time a fighter for his principles and caring for and gentle with his family, friends and associates.

His grandfather, Robert Crain, was a prominent Maryland legislator, who succeeded in having Route 301 connect the rest of the world to Southern Maryland. It and other Crain Highways were named in his honor, including the one in Glen Burnie.

After graduating from University of Maryland Law School, Bennett joined the Army Judge Advocate Corps for three years as a trial lawyer. After his release from the army he set up practice in Annapolis with Barham Gary on State Circle. Upon Gary's death in 1965, Bennett joined forces with the law firm of Fell and Hartman on Duke of Gloucester Street under the name of Hartman and Crain. His practice flourished until his retirement in 1993.

During his tenure in Annapolis, Bennett served as reporter for the Charter Board and worked tirelessly for adoption of the charter form of county government. Upon adoption of the charter in 1964, Bennett became County Solicitor under Joe Alton, but continued his ties with Hartman and Crain.

Bennett was president of the Southern Maryland Society, a member of the Annapolis Yacht Club, the Sailing Club of the Chesapeake and the Chesapeake Bay Yacht Racing Association. He was a part owner of, and active in, management of the Annapolis boat shows. Despite all of his activities and associations, he was able to cruise to the end extensively on his 41 foot sailboat, Landsend, on the Chesapeake and throughout the Bahamas and Caribbean Sea.

Bennett is sorely missed by his family and all who knew him. ■

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President's Message...

Continued from page 1

to see if the front window manikin display at the General Store has changed. For me the Norman Rockwell charm wanes, and I'm thinking that I'd be yearning for the bright lights, singing, "these little town blues...."

It is nice to have the option of the Big City nearby. A night at the Kennedy Center or Meyerhoff just might be more culturally stimulating than hanging out, "sucking down a chilli-dog outside the Tastee-Freeze." Twenty-five minutes from Annapolis can get you to see the Ravens, Redskins, Orioles, Terps and to the Metro to see the Nationals and Wizards if sports is your game. We have easy access to the Smithsonian, Little Italy and the National Aquarium. My point, if there has to be one, is that Anne Arundel County is a nice place to live and work. So while we have to hustle to meet our overhead, billing quotas and mortgages, at least we get to do all that in an area that has a lot to offer in terms of quality of life.

My Mom is one of those "firm, feeling women" that Waylon Jennings sings about. She provides a great example of how to live a spiritual life and focus on "the basics of love." I remember Valentine's Day in second grade, before I realized what a nightmare that day is to my gender. Think about it. If a guy does everything right, flowers, romantic dinner, jewelry, etc., that is what is expected. If you mess up anything, you are in the doghouse. Who made this deal?

Moving on, back in the second grade, I wanted to give a Valentine's card to four or five friends.

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She would make me write one out for everyone in the class, using my best penmanship. My favorite card was "Peas be my Podner," featuring the lasso wielding Cowboy and the pea pod on the front. Anyway, I got the message and some writer's cramp. She has turned her instructive attention to the next generation.

A devout Catholic, Mom presented my then five and four-year-old girls with mass cards commemorating the passing of Pope John Paul II and the installment of the new pope, Benedict XVI, in May 2005. For the uninitiated, a mass card is like a baseball card, with a picture on the front and stats on the back. My girls dutifully thanked their Grandma for the cards and went about their way. A week or two later as I'm reading the paper at the kitchen table, I overheard Riley say to her sister, "Hey Lily do you want to play hide the Popes

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So while we have to hustle to meet our overhead, billing quotas and mortgages, at least we get to do all that in an area that has a lot to offer in terms of quality of life.

President's Message...

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again?" Apparently, one sister hides the papal mass cards around the house in sofas and behind pictures, and the other sisters have to find them. It is not uncommon in my house, to reach for the remote in the Lazyboy cushion and come out with a Pope or two. Thanks Mom, you've got a heart the size of Texas.

According to Wikipedia, a popular saying in Luckenback Texas, is "Everybody is somebody in Luckenback." Easy to understand with a population less than one of our jury pools, but likely, they have to wait for the arrival of weekend tourists to have a jury trial there. You can go to Luckenback with Waylon and Willie and the boys if you'd like. I understand that Willie Nelson throws a big Fourth of July party there that sounds like fun. As for me, I'll import some Luckenback attitude but I'll stay in busy, beautiful Anne Arundel County nestled on the Bay, where I can "Kiss an Angel Good Morn-

ing," before "Working for the Man."

*So baby let's sell your diamond ring,
Buy some boots and faded jeans, and go away.
This coat and tie is choking me,
In your high society, you cry all day.
We've been so busy keeping up with the Jones,
Four-car garage, and we're still building on.
Maybe it's time we got back to
The basics of love.*

Luckenback Texas, written by Chips Moman and Bobby Emmons.

My buddy Paulie often would quote from the movie Blues Brothers and say, "I like both kinds of music. Country and Western." What do lawyers, judges, Reese's Pieces, and the lilt of Irish laughter all have in common? That's right! They will all be together **March 16-18 at Bar Weekend in Hershey, Pa.** Rock on! Don't change that dial! 

"Everybody is somebody in Luckenback."

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Bar Weekend registration open

Bar Weekend is set for **March 16-18** at the Hotel Hershey in Hershey, Pa. All AABA members are invited (guests welcomed too). Here's what you need to do to register:

1. Complete and return a Bar Weekend Registration Form to the AABA. All members were sent a brochure in the mail. A brochure can also be found on the AABA website: www.aabar.org.


2. Reserve your hotel room by calling the Hotel Hershey, 717-533-2171. Be sure to mention you are with the AABA Bar Weekend to receive our discounted room rate of \$169.

3. If you or your spouse/guest would like to spend time at the popular Chocolate Spa at the Hotel Hershey -- you should make your reservations **now**. Those Saturday slots fill up fast.. Call the main hotel number to make Spa reservations, 717-533-2171

If you have any questions, call the AABA office at 410-280-6950.

PBRC seeks board member

The Pro Bono Resource Center of Maryland (PBRC) is seeking a Board member who is committed to its mission of promoting equal justice through the recruitment, training and support of volunteers and serving as a resource for the legal community. Members are expected to support the organization through regular attendance at Board meetings; service on at least one committee; an annual financial contribution; and promotion of PBRC in the legal and business communities. PBRC strives to maintain racial, gender and geographic diversity.

Interested persons should submit their resumes to Thomas M. Meachum, Chairman, Committee on Appointments, Maryland State Bar Association, c/o Reese & Carney, LLP, 10715 Charter Dr., Suite 200, Columbia, MD 21044 or fax their resumes to 410-730-7729, no later than Feb. 28, 2007. 

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The following applications were approved for membership in the AABA at the November and December Board of Trustees meetings:

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