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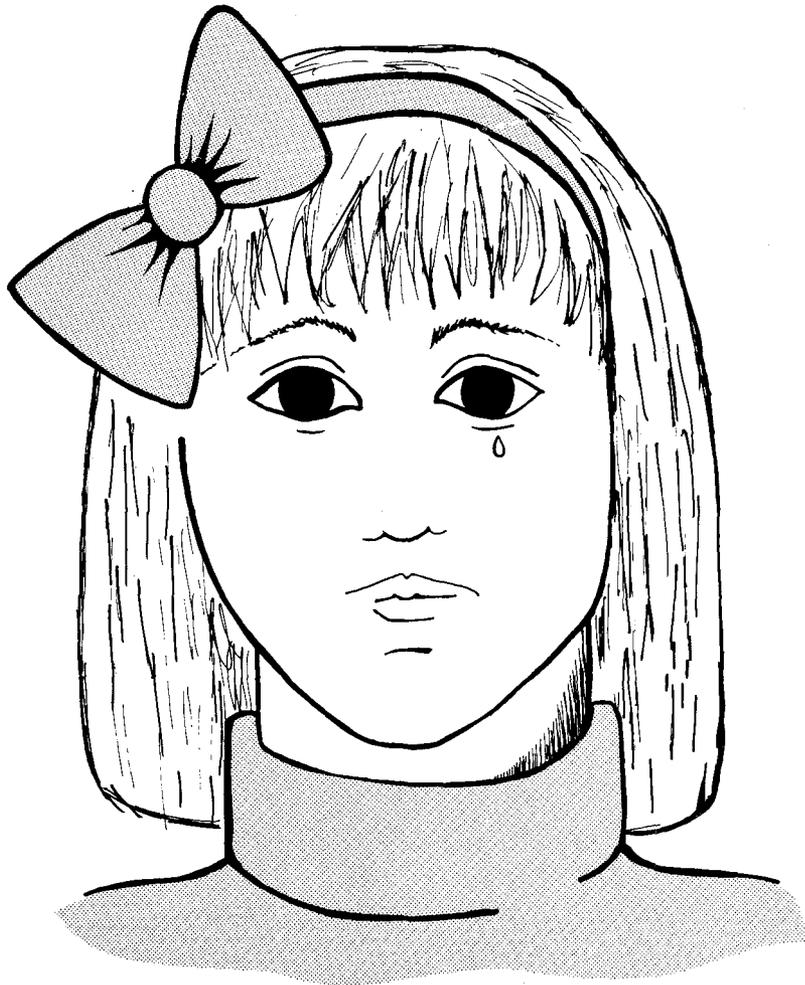
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Spring, 1986

Volume 16 Number 3

The University of Baltimore School of Law



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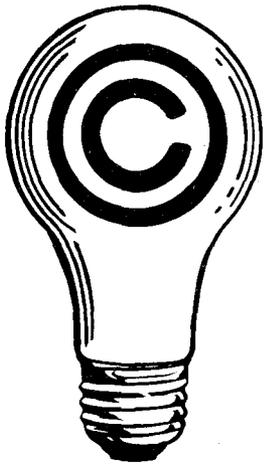
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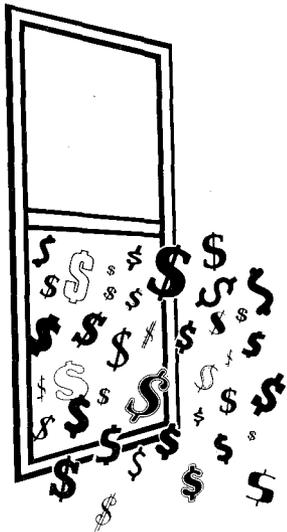
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The *Law Forum* would like to express our sincere gratitude and appreciation for the creative talents and generous donations of the following persons: Kim Zaccagnini, a graphic artist with Faulkner Advertising, for her cover illustration and the illustrations on pages 6, 11 and 18; Michael H. Burgoyne, a recent graduate of the University of Baltimore School of Law and former Recent Developments Editor of the *Law Forum*, for his photographic effort on page 35; and Michael Mallinoff for his photographic efforts on pages 28, 29 and the back cover.



## FROM THE BOARD

The question of whether copyright law should be governed solely by federal law or by federal and state law is a topic of considerable dispute. In "Idea Protection and the Copyright Clause: The Problems of Preemption," Laura Anne Moeller explores the federal copyright preemption statute and the idea-expression dichotomy. Ms. Moeller concludes that the joint protection of both the state and federal government is in the best interests of the public.

In "Recovery of Lost Future Wages for the Breach of an At Will Employment Contract," James Kevin MacAlister examines the issue of granting lost future wages for the breach of an at will employment contract. In this article, Mr. MacAlister discusses the uniqueness of at will employment, concluding that Maryland should not allow awards for the breach of an at will employment contract because to do so would be inconsistent with principles of contract law.

Child abuse is at the forefront of public concern. As more and more cases of child abuse are revealed, childhood, a time of supposed innocence and joy, has been shown to be, for some children, a period of torment filled with physical, emotional and sexual abuse. The courts, in prosecuting child abusers, have in recent years tried to ease the strain of children testifying in court by allowing testimony via closed circuit television. Patricia A. Cleaveland, in "Use of Closed Circuit Television for Victims of Child Abuse," discusses the difficulty of prosecuting a child abuse case and the use of closed circuit television in its prosecution. In particular, Ms. Cleaveland evaluates the constitutionality of the recently enacted Maryland closed circuit television statute, concluding that the statute is constitutional.

Patent law is a specialty in law which few general practitioners fully understand. However, as James R. Bell explains in "Counselling the Inventor Client," it is an area of law which all lawyers should acquaint themselves with in order to better represent their clients. Mr. Bell, a patent attorney, assists in this comprehension by promulgating guidelines to follow if a patent law question should arise.

The prosecution's burden in criminal cases to prove the defendant's guilt beyond a reasonable doubt has not always been constitutionally required. In "A New Attempt at Defining an Old Maxim," the Honorable Marvin B. Steinberg relates the adoption and application of this standard. Judge Steinberg further criticizes pattern jury instructions concerning reasonable doubt, proposing a jury instruction of his own which he feels is more beneficial to jurors in determining innocence or guilt.

In "Maryland Criminal Pattern Jury Instructions," Byron L. Warnken discusses the process of formulating pattern jury instructions, emphasizing the current drafting of the Maryland Criminal Pattern Jury Instructions. Professor Warnken, the Reporter for the Maryland Criminal Pattern Jury Instructions, also relates the difficulty in drafting such instructions. He concludes, however, that pattern jury instructions are beneficial to the judicial process.

In this issue there is also a Recent Developments section containing concise articles on recent decisional law of importance and interest to the legal community.

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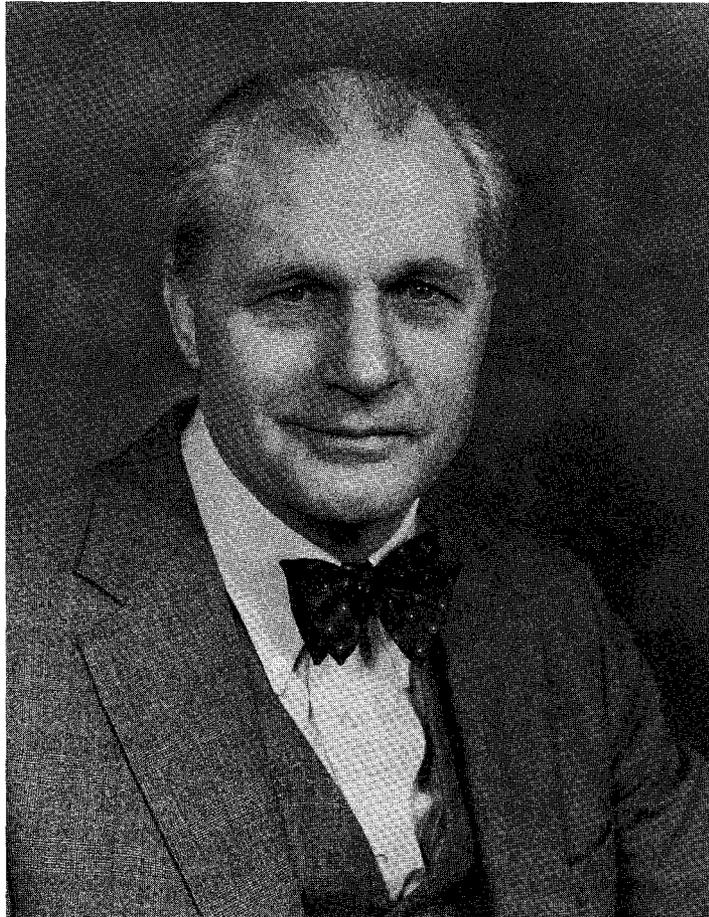
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**FROM  
THE  
PRESIDENT'S  
DESK**



H. Mebane Turner, President

The last fifteen years have been good to the University of Baltimore's School of Law. It has prospered, along with most of the nation's other law schools, from the "baby boom," increased opportunities for minorities, especially the attraction of the legal profession for women, and probably as important as any factor—the government's Guaranteed Student Loan Program. For most of these past fifteen years job opportunities in the field of law and its related fields have been available to graduates.

But things have begun to change in the last few years. Job opportunities are not as readily available, financial aid may become more difficult to attain, and certainly the baby boom which produced so many college graduates in the last twenty years has abated. Over the next fifteen years high school graduates in Maryland will drop from 60,000 per year to 40,000, and the same kind of drop is predicted for most of the east coast. Higher education is in for some challenging times, a period of readjustment that has not been experienced by our colleges and universities except, perhaps, in wartime.

Some general predictions are in order. The most prestigious and selective institutions will probably be the least affected. They need only to lower their admissions standards moderately and admit mostly those able to pay their tuitions. They may thus be able to weather this period of drop in the student age population relatively unaffected.

As financial aid diminishes, those institutions located in metropolitan areas may have a somewhat easier time than their less well located sister institutions. The opportunity for students to work their way through school with full- or part-time employment may become increasingly important, for the cost of education is unlikely to go down.

How will the University of Baltimore compete during the eighties and nineties?

First, concerning the University as a whole, we will attempt to take advantage of our location. It is convenient, can be made even more so, and affords students at both undergraduate and graduate levels the opportunity for employment while attending classes. Eighty-nine percent of all University of Baltimore students, for example, now work either full or part time.

Next, the University must make sure that its curriculum is relevant to the work environment. We must prepare our graduates to compete successfully in an increasingly competitive world. This means that our courses, whether in the liberal arts, law or business curriculums, must be up to date and relevant to the needs of our students. English literature or philosophy as courses of study are no less important than computer science, for example, for if a student does not know his/her literary heritage, or cannot choose in a complicated world between competing ideologies, then he/she will have a tough time making a go of life.

There is nothing new about what I'm saying. It's just a matter of degree. Our educational institutions are being placed under closer scrutiny. Society is asking how well are our students being prepared. "Value added" are buzz words being used frequently in educational circles.

The University of Baltimore must do all within its power to stay up to date. It will be limited only to the extent that the State of Maryland fails financially to support its institutions, or to the limits that the University's tuition and fee increases place a burden upon the student which makes the University, in turn, noncompetitive.

As to the School of Law, its "value added" is easy to compute. The Bar Exam, to a large degree, tells us how successful we have been in training our students. But that passing rate is also related to the competitiveness of our admissions standards. Keeping the law curriculum relevant will be easier to accomplish than maintaining admissions standards in a nationwide pool of decreasing applicants, assuming we continue to admit the same number of first-year students.

Several factors favor the University of Baltimore's law school. Our location and facilities are competitive. A recent increase in funding by the State has improved dramatically our library holdings. This certainly places us in a much stronger and competitive position. The faculty of the school is also dedicated and capable of meeting the challenges of the years ahead, a major asset.

What specifically can the School of Law do to improve or maintain its position over the next twenty years?

The new LL.M. in Taxation that will commence in academic year 1986-87 is one example. We will modestly reduce the size of the J.D. student body by the enrollment achieved in the tax program. Other such masters programs that would be relevant to and supported by our geographic area are being considered. A similar approach toward the J.D. enrollment would follow as enrollment in masters programs grows.

We must "market" our joint JD/MBA, JD/MPA and other opportunities. A law degree enhanced by complementary career alternatives offers a great academic training opportunity for the working world in general, not one that prepares just for the offices of local law firms.

The development of an endowment, income only from which may be used to attract and retain outstanding students, or to support those who are in need of financial assistance for one reason or another, is crucial. Our alumni have been very supportive to date. We must encourage such interest and increase it in the years to come.

And, obviously, we must recruit for the J.D. as effectively as possible. Our present students are the School of Law's best advocates. We must continually improve our ability to serve them, to prepare them to compete successfully in their chosen fields of endeavor. If we do so, then we trust our students and graduates will speak well on our behalf to prospective students.

In conclusion, the next twenty years will be competitive. State funds will be harder to come by. The student pool of applicants will diminish; financial aid and job prospects will be less available than in the past. But the opportunity for success is there for those schools that stay attuned to the market place, who work to make their enrollments and programs more relevant to their constituencies. We shall do our best to be among those institutions who successfully meet the challenges of tomorrow.

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