



2018

## University of Baltimore Law Review, Volume 48, Issue 1, Fall 2018

Follow this and additional works at: <https://scholarworks.law.ubalt.edu/ublr>



Part of the [Law Commons](#)

### Recommended Citation

(2018) "University of Baltimore Law Review, Volume 48, Issue 1, Fall 2018," *University of Baltimore Law Review*: Vol. 48 : Iss. 1 , Article 1.

Available at: <https://scholarworks.law.ubalt.edu/ublr/vol48/iss1/1>

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Review by an authorized editor of ScholarWorks@University of Baltimore School of Law. For more information, please contact [hmorrell@ubalt.edu](mailto:hmorrell@ubalt.edu).

# UNIVERSITY OF BALTIMORE LAW REVIEW



---

The University of Baltimore comprises: (1) the Yale Gordon College of Arts and Sciences, which awards the B.A., B.S., M.A., M.S., and M.F.A. degrees in addition to graduate certificates; (2) the School of Law, which awards the Juris Doctorate, the LL.M. in Taxation, and the LL.M. in the Law of the United States degrees; (3) the Merrick School of Business, which awards the B.S., M.B.A., and M.S. degrees, as well as undergraduate and graduate certificates; and (4) the College of Public Affairs, which awards the B.A., B.S., M.A., M.S., M.P.A., and D.P.A. degrees, as well as undergraduate and graduate certificates. The University's classrooms, libraries, and social and administrative buildings are located in midtown Baltimore.

The University of Baltimore and its School of Law opened in 1925. On September 1, 1970, the University of Baltimore School of Law merged with and acquired what was previously known as the Mount Vernon School of Law of Eastern College, which was founded in 1935.

The University of Baltimore School of Law has both a day and an evening division. The day division offers a full-time, three-year program leading to the Juris Doctorate degree upon satisfactory completion of 87 semester hours of work. The evening division has a four-year Juris Doctorate degree program also requiring satisfactory completion of 87 semester hours. In addition, the School of Law offers an LL.M. in Taxation program and an LL.M. in the Law of the United States program.

The University of Baltimore is regionally accredited by the Middle States Association of Colleges and Schools. The School of Law is accredited by the American Bar Association and holds membership in the Association of American Law Schools.

In the winter term of 1971, the School of Law created the *University of Baltimore Law Review*. Editor in Chief Richard H. Mosse and Managing Editor Larry M. Polsky led a staff of nine founding members: Joseph L. Bocchini Jr., Vaughn C. Brennan, John P. Coale, Bruce W. Haupt, Michael J. Kananack, Gerald B. Lascher, Keith E. Mathews, Claudette A. Pelletier, and Paul W. Rosenbaum.

Today the *University of Baltimore Law Review* is an established scholarly legal journal, edited and published by students at the University of Baltimore School of Law under the direction of a student Editorial Board. The *University of Baltimore Law Review* has published forty-seven volumes to date.

Communications concerning subscriptions, business matters, and permission to reprint materials contained in the *Law Review* should be addressed to Business Editor, *University of Baltimore Law Review*, University of Baltimore School of Law, 1420 N. Charles St., Baltimore, MD 21201-5779; 410-837-4489; or UBLawReview@ubalt.edu. Back issues can be ordered from William S. Hein & Co., Inc., 1285 Main St., Buffalo, NY 14209, 800-828-7571; they are available in electronic format through HeinOnline, <http://heinonline.org>.

The *Law Review* invites the submission of articles. Manuscripts submitted for publication should conform to *The Bluebook, A Uniform System of Citation* (20th ed. 2015).

The views expressed in this volume are those of the authors and do not necessarily reflect the policies or opinions of the *Law Review*, its editors and staff, or the University of Baltimore.

#### **ATTENTION LAW REVIEW ALUMNI**

In an ongoing effort to increase and facilitate communication between *University of Baltimore Law Review* alumni and current members of the journal, we ask that all alumni contact the *University of Baltimore Law Review* at UBLawReview@ubalt.edu and provide the following information: name, year(s) on *Law Review*, address, phone number, email address, and current employment.

Copyright © 2018 by the *University of Baltimore Law Review*. All rights reserved.

## SCHOOL OF LAW

### *Administrative Officers*

Kurt L. Schmoke, President, University of  
Baltimore, B.A., J.D.  
Ronald Weich, Dean, School of Law, B.A., J.D.  
Dionne L. Koller, Associate Dean of Academic  
Affairs, B.A., M.A., J.D.  
Adeen Postar, Law Librarian, B.A., J.D., MLIS  
Stephen J. Wilson, Assistant Dean for Finance  
Administration, B.S., M.B.A.  
Victoria Schultz, Associate Dean for Administration,  
B.A., J.D.

### *Faculty*

Professor José F. Anderson, B.A., J.D.  
Assoc. Professor Barbara A. Babb, B.S., M.S., J.D.  
Assoc. Professor John Bessler, B.A., J.D., M.F.A.  
M.ST.  
Professor Fred B. Brown, B.S., J.D., LL.M.  
Professor Philip J. Closius, B.A., J.D.  
Assoc. Professor Gilda Daniels, B.A., J.D.  
Senior Fellow, Gloria Danziger, B.A.,  
M.Phil, J.D.  
Assoc. Professor J. Amy Dillard, B.A., J.D.  
Assoc. Professor Gregory Dolin, B.A., J.D.,  
M.D.  
Professor Emeritus Eric Easton, B.S., J.D.,  
Ph.D.  
Clinical Fellow Jessica Emerson, B.A., M.S., J.D.  
Professor Garrett Epps, B.A, M.A, J.D, LL.M.  
Staff Attorney, Innocence Project Clinic, Brianna  
Ford, B.A., J.D.  
Professor Emerita Wendy Gerzog, B.A., M.A.,  
J.D., LL.M  
Venable Professor Michele E. Gilman, B.A., J.D.  
Professor Nienke Grossman, B.A., J.D.,  
LL.M.  
Dean Julius Isaacson Professor of Law Steven P.  
Grossman, B.A., J.D., LL.M.  
Professor Daniel L. Hatcher, B.B.A., J.D.  
Professor Cassandra Jones Havard, B.A., J.D.  
Assoc. Professor Michael Hayes, B.S., J.D.  
Dean Joseph Curtis Professor of Law F. Michael  
Higginbotham, A.B., J.D., LL.M.  
Professor William Hubbard, B.A., J.D.  
Assoc. Professor David Jaros, B.A., J.D., M.P.P.  
Professor Margaret Johnson, B.A., J.D.  
Assoc. Professor Elizabeth Keyes,  
B.A., M.P.A., J.D.  
Ass't Professor Robert Knowles, B.A., J.D.  
Assoc. Dean Dionne L. Koller, B.A., M.A.,  
J.D.  
Professor Emerita Rebecca Korzec, B.A., J.D.  
Venable Professor of Law Robert H. Lande, B.A.,  
J.D., M.P.P.  
Professor Kenneth Lasson, A.B., J.D., M.A.  
Professor Jaime Alison Lee, B.A., J.D.  
Ass't. Professor Matthew Lindsay, B.A., M.A., J.D.  
Professor John A. Lynch, Jr., B.A., J.D., LL.M.  
Clinical Fellow Zina Makar, B.S., J.D.  
Assoc. Professor James Maxeiner, B.A., J.D., LL.M.  
Visiting Professor Eugene Mazo, B.A., M.A.,  
D.Phil., J.D.  
Ass't Professor Hugh McClean, B.A., J.D., LL.M.  
Clinical Fellow Nicole McConlogue, B.A., J.D.  
Professor Audrey McFarlane, B.A., J.D.  
Dean Joseph Curtis Professor Emerita Lynn McLain,  
B.A., J.D.  
Clinical Fellow Lila Meadows, B.A., MHS, J.D.  
Professor DLA Piper Professor of Law Michael I.  
Meyerson, B.A., J.D.  
Clinical Fellow Nickole Miller, B.A., J.D.  
Assoc. Professor Nancy M. Modesitt, B.A., J.D.  
Laurence M. Katz Professor of Law Jane C. Murphy,  
B.A., J.D.  
Assoc. Professor Odeana R. Neal, A.B., J.D.  
Professor Max Oppenheimer, B.S., J.D.  
Ass't Professor Natalie Ram, A.B., J.D.  
Professor Emeritus Arnold Rochvarg, B.A., J.D.  
Professor Robert Rubinson, B.A., J.D.  
Professor Elizabeth J. Samuels, A.B., J.D.  
Professor Walter D. Schwidetzky, B.A.,  
M.B.A., J.D., LL.M.  
University of Maryland Regents Professor Mortimer  
Sellers, A.B., J.D., B.C.L., D.Phil.  
Professor Emeritus Stephen J. Shapiro, B.A., J.D.  
Professor Amy E. Sloan, B.A., J.D.  
Judge-in-Residence Professor Frederic N. Smalkin,  
B.A., J.D.  
Low Income Tax Clinic Director John Snyder, III,  
B.A., J.D.  
Practitioner-in-Residence Lisa Sparks, B.A., J.D.  
Assoc. Professor Colin Starger, B.A., J.D.  
Professor Donald H. Stone, B.A., J.D.  
Clinical Fellow Blair Thompson, B.A., J.D.  
Professor Charles Tiefer, B.A., J.D.  
Clinical Fellow Shanta Trivedi, B.A., J.D.  
Clinical Fellow Komal Vaidya, B.S., J.D.  
Professor Angela M. Vallario, B.S., J.D., LL.M.  
Professor Emeritus Byron L. Warnken, B.A., J.D.  
Professor Kimberly Wehle, B.A., J.D.  
Dean Ronald Weich, B.A., J.D.  
Professor Barbara Ann White, B.A., M.A., Ph.D.,  
J.D.

### *Adjunct Faculty*

Hon. Steven Adler, B.A., J.D.  
Adina Amith, J.D.  
Anthony Ashton, B.A., J.D.  
James B. Astrachan, B.S., J.D., LL.M.  
Hon. Lynne Battaglia, B.A, M.A, J.D.  
Benjamin Beasley, B.M., J.D.  
Michael Belsky, B.A., J.D.  
Michael W. Bender, LL.M.  
E. Todd Bennett, B.A., J.D.  
Laurie Bennett, J.D.  
Michael Berman, B.A., M.A., J.D.  
Jeffrey Bernstein, B.A., J.D.  
Leslie Billman, B.A., J.D.  
Carol A. Bittner, B.A., J.D.  
H. Allen Black, III, B.S., J.D.  
Jerry Bodman, B.A., J.D.  
Wade Boswell, B.A., J.D.  
J. Michael Brennan, A.B., J.D.  
Jennifer Burroughs, B.A., J.D.  
Russell Butler, B.A., J.D.  
Kathleen Cahill, B.A., J.D.  
Louise Carwell, B.A., J.D.  
Maria Ellena Chavez-Ruark, B.S., M.B.A., J.D.  
Ronald Cherry, B.A., J.D.  
Caroline D. Ciraolo, J.D.  
Martin J. Clarke, B.A., J.D.  
Eileen Coen, B.S., J.D.  
Jule Colin, J.D.  
Joanne Colvin, B.A., J.D., M.L.I.S.  
Amanda S. Conn, B.A., J.D.  
William J. Cook, B.A., J.D.  
Hon. Albert Copperthite, B.A., J.D.  
Kaitlin Corey, B.A., J.D.  
Claudia Cortese, B.A., J.D.

Paul Cucuzella, B.S.B.A., J.D., M.A.  
Claudia Diamond, J.D.  
Neil Dilloff, B.A, J.D.  
Erin Murphy Ehman, B.A., J.D.  
Arturo Estrada, B.B.A., J.D.  
Charles Fax, B.A., J.D.  
Michael Flannery, J.D.  
Karen A. Ferretti, J.D  
Hon. Lawrence Fletcher-Hill, A.B., J.D.  
Hon. Maurice B. Foley, B.A., J.D., LL.M.  
Nancy Forster, B.A., J.D.  
Jason Frank, B.A., J.D.  
Steve Gevarter, J.D.  
Diane Glauber, B.A., M.P.A., J.D.  
Elizabeth Green, J.D.  
Bonnie Greenberg, J.D.  
Lawrence S. Greenberg, B.A., J.D.  
Murphy Hartford, B.A., J.D.  
Hadrian N. Hatfield, J.D.  
Jermaine D. Haughton, B.A., J.D.  
Richard Heinecke, J.D.  
Hon. John Alvin Henderson, B.A, J.D., LL.M.  
Jeffrey C. Herwig, B.A., J.D.  
Joshua Hoffman, J.D.  
Donald Jodrey, J.D.  
Jeffrey Jacobson, J.D.  
Ellery Johannessen, B.A., J.D.  
Cheryl Jones, J.D.  
William H. Jones, J.D.  
William W. Kanwisher, B.A., J.D.  
Jennifer L. Kent, B.S., J.D.  
Rima Kikani, B.A., J.D.  
Brian Kim, B.A., J.D.  
Jay Knight, B.A., J.D.  
Ari J. Kodeck, B.S., J.D.  
James Paul Krawczyk, Jr., B.S., J.D.  
Jeremy R. Krum, J.D.  
Sheldon H. Laskin, B.A., J.D., LL.M.  
Gregory Lawrence, B.S., J.D.  
John Leovy, B.A., M.A., J.D.  
Deborah Levi, B.A., J.D.  
Cheri Levin, A.B., J.D.  
Robert Lidston, A.B., M.A., Ph.D., J.D.  
Joan Little, B.A., J.D.  
Adam Lippe, J.D.  
Mary Jo Livingston, J.D.  
Richard C. Loeb, B.A., J.D.  
Bruce P. Martin, B.A., J.D.  
Robert S. McCord, B.A., J.D.  
Jeremy M. McCoy, B.A., J.D.  
Patricia McLane, B.A., M.A., J.D.  
Adam Meehan, J.D.  
Michelle Mendez, B.A., J.D.  
Ronald V. Miller, Jr., B.S., J.D.  
Julianne Montes de Oca, J.D.  
Michael Moran, B.A., J.D., LL.M.  
Judith Moran, B.S., M.S., J.D.  
Erin Murphy, B.A., J.D.  
Hon. Joseph Murphy, Jr., A.B., J.D.  
Pierce Murphy, B.A., J.D.  
Renee Nacrelli, J.D.  
Alan Nemeth, B.S., J.D.  
Michele Nethercott, B.A., J.D.  
Patrick O'Malley, J.D.  
Albert Palewicz, B.A., J.D.  
Bradford Peabody, B.A., J.D.  
Linda T. Penn, B.S., J.D.  
Adeen Postar, Law Librarian, B.A., J.D., MLIS  
Christopher Rahl, B.A., J.D.  
Ira Rainess, B.A., J.D.  
Stacey Rice, B.A., J.D.  
John Richowsky, B.A., M.A., Ph.D., J.D.  
George F. Ritchie, J.D.  
Stuart Rombro, B.A., J.D.  
Delegate Samuel I. Rosenberg, B.A., J.D.  
Brian Saccenti, J.D.  
Mercedes Salvania, A.A., LL.B., LL.M.  
Tamara D. Sanders, B.A., J.D.  
Christopher Schoen, J.D.  
Hon. Mark F. Scurti, B.A., M.A., J.D.  
Ren Serey, J.D.  
Hon. Stephen Sfekas, B.S.F.S, M.A., J.D.  
Marc E. Shach, B.S., M.B.A., J.D.  
Denise O. Shaffer, B.A., J.D.  
Daniel Shemer, J.D.  
Daryl J. Sidle, J.D.  
Ephraim R. Siff, J.D.  
Charles L. Simmons, B.S., J.D.  
Andrew Sindler, B.A., J.D.  
John Singer, B.A., M.A., J.D.  
Andrew G. Slutkin, B.S., J.D.  
Roxanne Smalkin, B.A., J.D.  
Norman L. Smith, J.D.  
Patricia Smith, B.A., M.A., J.D.  
John B. Snyder III, J.D.  
Frank Spector, B.A., J.D.  
Michael Spekter, J.D.  
Donna Starr-Deelen, B.A., J.D., M.A., Ph.D., LL.M.  
Andrew T. Stephenson, J.D.  
Larry Strauss, B.A., J.D., LL.M.  
Hon. Stephen Swift, B.A., J.D.  
Mark Talty, J.D.  
Hayley Tamburello, B.A., J.D.  
Hon. Nicole Taylor, A.A., B.S., J.D.  
Jamaal Thomas, B.A., J.D.  
Hon. Hope Tipton, B.A., J.D.  
Jeffrey C. Toppe, J.D.  
Michael Torres, J.D.  
Frank Totten, B.A., J.D.  
Marie Vasbinder, J.D.  
Thiruvendran Vignarajah, B.A., M.A., J.D.  
Ryan Walburn, B.A., J.D.  
Amanda Webster, B.S., J.D.  
Cheri P. Wendt-Taczak, B.A., J.D.  
Nicole M. Whitaker, B.A., J.D.  
M. Hamilton Whitman, Jr., B.A., J.D.  
Carrie J. Williams, J.D.  
Michelle K. Wilson, J.D.  
Mildeen G. Worrell, B.A., J.D., LL.M.  
Hon. Paula Xinis, B.A., J.D.  
Daria Zane, B.S., J.D.

## GRADUATE TAX PROGRAM

### *Governing Committee*

Darlene Brannigan Smith, Dean, Robert G. Merrick  
School of Business, Ph.D.      Walter Schwidetzky, Professor of Law, B.A.,  
B.A., J.D., LL.M.  
Fred B. Brown, Director, Graduate Tax Program      John Sigler, Assoc. Professor of Accounting,  
and Assoc. Professor of Law, B.S., J.D., LL.M.      A.B., M.S., M.B.A., J.D.

### *Faculty*

Assoc. Professor Fred B. Brown, B.S., J.D., LL.M.      Assoc. Professor John N. Sigler A.B., M.S.,  
Professor Walter D. Schwidetzky, B.A., M.B.A.,      M.B.A., J.D.  
J.D., LL.M.

### *Adjunct Faculty*

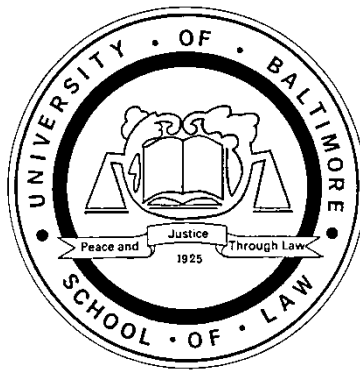
Michael Bender, J.D.      Sheldon Laskin, B.A., J.D., LL.M.  
Kevin Bress, J.D., M.S.      Jeffrey A. Markowitz, B.S.  
Hon. Howard A. Dawson      Darren Mills, J.D.  
Caroline Ciralo      Scott Moeves, B.A., J.D.  
Robin Denick, B.A., J.D., LL.M.      Stuart Rombro, J.D.  
Arturo Estrada, J.D.      Christopher Schoen, J.D.  
Hon. Maurice B. Foley, B.A., J.D., LL.M.      Daryl J. Sidle, B.A., M.A., J.D.  
Steve Gevarter, J.D.      John Snyder, III, J.D.  
Elizabeth Green, J.D.      Larry Strauss, J.D., M.S.T.  
Jonathan Greenstein, J.D.      Hon. Stephen Swift, J.D.  
Samuel D. Handwerker, M.S., LL.M.      Karen Syrylo  
Jeffrey Jacobson, J.D.      Mildreen Worrell, B.A., J.D., LL.M-Tax  
Katrina C. Kamantauskas-Holder, B.A., M.A., J.D.

## LL.M. IN THE LAW OF THE UNITED STATES

### *International Legal Education Committee*

Dean Joseph Curtis Professor of Law F. Michael      Professor Steven P. Grossman, B.A., J.D., LL.M.  
Higginbotham, A.B., J.D., LL.M.      Professor Odeana Neal, A.B., J.D., M.A.  
Professor Nienke Grossman, B.A., J.D., LL.M.      Professor Emeritus Stephen J. Shapiro, B.A., J.D.

# UNIVERSITY OF BALTIMORE LAW REVIEW



## ARTICLES

Solving Millennial Marriage Evolution

*Kathleen E. Akers  
& Lynne Marie Kohm*

Current Controversies in the Use of DNA in  
Forensic Investigations

*Samuel D. Hodge, Jr.*

Hearsay and Abuse: Where Past Is Present

*The Hon. Andrea M. Leahy  
& Jared A. McClain, Esq.*

## COMMENTS

You're Fired! Special Counsel Removal Authority  
and the Separation of Powers

*Adrianne C. Blake*

Medical Marijuana Use in Federally Subsidized  
Housing: The Argument for Overcoming Federal  
Preemption

*Sarah Simmons*

# UNIVERSITY OF BALTIMORE LAW REVIEW

---

VOL. FORTY-EIGHT

FALL 2018

NUMBER ONE

---

## ARTICLES

Solving Millennial Marriage Evolution

*Kathleen E. Akers & Lynne Marie Kohm* 1

Current Controversies in the Use of DNA in  
Forensic Investigations

*Samuel D. Hodge, Jr.* 39

Hearsay and Abuse: Where Past Is Present

*The Hon. Andrea M. Leahy & Jared A. McClain, Esq.* 67

## COMMENTS

You're Fired! Special Counsel Removal Authority  
and the Separation of Powers

*Adrienne C. Blake* 93

Medical Marijuana Use in Federally Subsidized  
Housing: The Argument for Overcoming Federal  
Preemption

*Sarah Simmons* 117