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THE UNIVERSITY OF BALTIMORE LAW FORUM

A PUBLICATION OF THE UNIVERSITY OF BALTIMORE SCHOOL OF LAW

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UNIVERSITY OF BALTIMORE LAW FORUM

Volume 35

Fall 2004

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*Staff Editor only for Summer 2004.

To the Maryland legal community:

I wish to congratulate the editors of the *University of Baltimore Law Forum* for another outstanding issue. The *Law Forum* has a 35-year history of contributing to the discussion and development of law in the State of Maryland, as does the School of Law. The School of Law creates an environment that fosters outstanding scholarship such as *Law Forum* by fostering a vibrant community of scholars and activists whose work impacts regionally, nationally, and globally. I would like to highlight a few activities at the School of Law this fall 2004 that illustrate this vibrancy.

We began the academic year by welcoming our returning students and the faculty and staff who have enjoyed a summer respite, and by welcoming our new students—incoming first-year J.D. students, students transferring from other schools, and new LL.M. candidates. We also welcomed new faculty members—Patience Crowder, Dan Hatcher, Tova Kasdin, Jim Kelly, James Maxeiner, and Will Tress, as well as new members of the administrative staff. The University welcomed Wim Wiewel, our new Provost and Senior Vice President, as well as Larry Thomas, the new Dean of the Yale Gordon College of Liberal Arts.

In addition to new faces, we welcomed physical changes to the School of Law. There is a new teaching and collaborative learning space, a new public reference area, more efficient administrative office spaces in the Law Library, and wireless Internet connectivity throughout the Angelos Law Center. Moreover, we have commenced the renovation of the Venable Baetjer Howard Moot Court Room, and during the winter break we will renovate at least one classroom.

This fall, in keeping with our tradition of scholarly and public service activities, staff and faculty organized speaker events covering topics from white collar crime to homeland security and student organizations fundraised for causes ranging from internships in

public interest law, to breast cancer, to the Lawyers' Campaign Against Hunger.

Moreover, faculty members have been recognized for their contributions to the scholarly and legal communities that are an integral part of the School of Law. Professor Elizabeth Samuels recently received an Angel of Adoptions Award, from Congressman Albert Wynn, for her scholarship and lobbying efforts to make adoption records more accessible. Professor F. Michael Higginbotham has been designated by the University System of Maryland as a Wilson Elkins Professor for his nationally-recognized scholarship and teaching. Additionally, Professor Jane Murphy was recognized with the President's Faculty Award by University of Baltimore President Robert Bogomolny at the September 14th convocation.

While we have much to accomplish and a challenging road ahead of us, these and other markers of our success remind us that we — faculty, students, alumni, staff, and friends — play an important role in realizing the vision of the University of Baltimore School of Law as a dynamic institution that provides access and excellence in educating lawyers and leaders, and generating doctrine and solutions that will shape the future of our society. Overall, we are beginning to understand and instill a new sense of **Pride** in the University of Baltimore School of Law; an increased **Visibility** of the accomplishments of the School and its students, faculty, staff and alumni; a higher level of **Involvement** in our programs and activities; and a renewed commitment to **Investment** in our future. As always, I invite your input, ideas, and capital – fiscal and human – as we forward our mission of access and excellence in training the future leaders and social engineers of the legal profession in the local, regional, national, and world communities.

Sincerely,

Dean Gilbert Holmes

To the Maryland legal community:

It is with tremendous pride that I introduce the new face of the *University of Baltimore Law Forum*.

As many of our readers may be aware, this journal has overcome a number of obstacles in recent years. The previous editorial board, under the tireless leadership of Brenda Taylor, accomplished the admirable feat of publishing three previously unpublished volumes electronically and four volumes in print. Thanks to that effort, the journal is now current for the first time in three years. While the focus of the last board was necessarily on publishing in quantity, the current editorial board is committed to marked improvement in the quality of the *Law Forum*. In this, the first of two volumes we will publish in the 2004-05 academic year, we hope this commitment is evident.

In volume 35, we have the great fortune of publishing an important article co-authored by two distinguished members of the Maryland Bar. In *Hearsay, Confrontation, and Forfeiture by Wrongdoing: Crawford v. Washington, a Reassessment of the Confrontation Clause*, the Honorable Paul W. Grimm and Professor Jerome E. Deise, Jr., advocate for the adoption of a “forfeiture by wrongdoing” exception to the hearsay rule in Maryland equivalent to that provided by the Federal Rules of Evidence. In the 2004 legislative session, Governor Robert L. Ehrlich, Jr., introduced a bill proposing the adoption of such a rule that was defeated amid concerns about the constitutional rights of defendants. As the incidence of witness intimidation in criminal cases is reaching epic proportions across the State, and particularly in Baltimore City, it is hoped that this article eases those concerns and encourages members of the General Assembly to reconsider this bill in the coming 2005 legislative session. The support of our readership in this effort is greatly appreciated.

This volume additionally features a number of “Recent Development” articles discussing developing trends in Maryland law.

These articles are written by the journal's staff editors, and selected by the editorial board for publication based on the quality of scholarship and impact of the decision reported. The selection process is highly competitive, and we congratulate the authors of these articles for their achievements.

Finally, the "Forum Faces" feature of the current volume highlights the extraordinary career of the Honorable Clayton Greene, Jr., who was recently appointed to the Court of Appeals of Maryland. Judge Greene has served at every level of the state judiciary, and brings a wealth of knowledge and experience to the job that is rivaled only by his long-standing commitment to the community.

In assisting the journal in making some notable changes this year, we owe debts of gratitude to many. Most notably, we thank our esteemed faculty advisor, Professor Barbara Ann White, for her unqualified support. We also owe thanks to Dean Gilbert Holmes, Dean Tony Torain, Dean Stephen Wilson, and Ms. Karen Taylor. We are eternally grateful to our graphic designer, Ms. Clara Teufel, who helped us invent our new, modern face. Last, but certainly not least, we thank you, the members of the Maryland Bar, for your continued suggestions and support as we endeavor to reach our goal of becoming the finest legal journal in the State of Maryland.

Sincerely,

Bryan C. Hughes
Editor-in-Chief