



ADVANCE SHEET – ISSUE 90

Need Not Be Present To Win

The Library recently received a request from an office manager to resign the membership of the individual that she worked for. She told me that he did not come to the Library and she saw no reason why he should maintain a membership. There were times in the past when I had received such a call, so I was poised to provide my answer as to why this individual should continue their membership, when she told me who it was she was calling about. It turns out that not only did their attorney use the Library, but they did so on average of two or three times a week. She was right about one thing, however, and that is that it had been several years since I remembered seeing this particular attorney at the Library. Although the memory of what the individual looked like might be receding into the past, their telephone and fax numbers as well as their e-mail address were indelibly committed to my memory, owing to the frequency of their use.

For years, the late Sam Culotta would come to the Bar Library and he and I would sit down and formulate a Westlaw search to find cases on the area of the law he was researching. We would print out a list of cases we had found and he would then go off and pull the corresponding volumes from the shelves. Mr. Culotta, even in his eighties, knew the importance of making technology work for you.

Well, I imagine that most of you are not in your eighties, but I would invite you to take to heart the lesson of Mr. Culotta and to utilize all tools at your disposal to enhance your practice capabilities. Although I would never tell anyone not to come to the Bar Library, I would tell them that if there are times when it is difficult or inconvenient to come, your opportunity to avail yourself of the resources that the Library has to offer has not been foreclosed. I look forward to the day when your telephone and fax numbers as well as your e-mail address, have also been committed to my memory.

Although the possibilities are almost limitless, let me recap just some of the remote uses of the individual who did not “come to the Library.” 1) M.V.A. requests. Need to know what vehicles an individual owns, their insurance carrier, their driving record, or just their address? No need to come to the Library, just give us a call or send us an e-mail. We are, at the risk of braggadocio, faster and cheaper than anyone you are going to find. 2) Westlaw searches of databases not in your plan. We have perhaps one of the most extensive Westlaw plans you are going to encounter. We have in fact, added databases at the request of several firms who wanted access to them, but did not want to incur the not insubstantial expense of

searching outside of their plans. Why would anyone, except for West, want you to do so. Again, I reiterate, “just give us a call or send us an e-mail.” 3) Forwarding copies of the table of contents or material from various legal treatises. When I first started at the Library over thirty years ago, there were more legal publishers than you could keep up with. Over the course of time, much like the old pac-man game, they have been gobbled up by the two mega legal publishers that remain today. Why buy it from them when you can borrow it from us, and, to help in the process of determining what it is you want to borrow “just give us a call or send us an e-mail.”

If you can think of it, we can do it. Although your presence is always appreciated, it is by no means required. Just ask that guy who is still a member, that guy who, by the way, called just this morning.

I would like to wish everyone a happy and wonderful Hanukkah, Christmas and Kwanzaa and a happy and healthy new year.

Joe Bennett

If You Can & Thank You

For many, the end of the year is a time for reflection, to take stock of where we are and where it is we would like to go. This year I hope you might take just a few seconds to consider the Library and the role that it has played in your professional life and the role that it continues to play not just for yourself, but for other members of the bench and bar. During my time here at the Library I have encountered people who to this very day, overwhelm me with their generosity. From the Library’s Board of Directors to those that take part in its continuing legal education and lecture series, to its members, so many have given and continue to give, allowing the Library not just to survive, but to thrive, to remain a vital part of the local legal community.

The Library’s members, who exhibit their support through their memberships, contributions to the Library’s Capital Improvement Fund, and myriad other ways, are the defining element of the Library. For this, I am so very grateful. To them, and to others who may be reading this, I ask that you think of the Library yet again as we come to the end of the year. If you can give more, whether it be a year end contribution, the transference of some stock (simply call your broker and instruct them to transfer stock to “Charles Schwab and Company, for the Library Company of the Baltimore Bar, account number 1162-6963”), or remembering the Library in your will (bequests should refer to “The Library Company of the Baltimore Bar”), in the fine tradition of, among others, Orville Horwitz, Esquire, Nathan Patz, Esquire, Ms. Kai-Yun Chiu, or Franklin I. Freeman, Esquire, it would greatly help an institution that has striven to do nothing more than serve the Bench and Bar for the whole of its existence. Please remember in deciding how much to give that the Library is a 501(c)(3) organization.

If there is something that might be near and dear to your heart as it were, such as the Library’s Honorable Harry A. Cole Self-Help Center or Library

improvements throughout the Courthouse, such as the signage replacement project, you may designate that your contribution be used for a particular purpose.

Thank you so much.

Joe Bennett

1840

On Monday, March 30, 1840, various members of the Baltimore Bar took their seats in the County Courtroom on the second floor of the Courthouse which occupied the southwest corner of Lexington and Calvert Streets, and heeded the call of George William Brown in the establishment of a law library. “The founding of the Baltimore Bar Library was the first occasion when the city’s legal profession made an organized effort to improve the education of its members, and thereby to refine the quality of their representation of clients and to maintain the highest standards of service to the Bench and the Public.” (From “Untold Tales Of The Baltimore Bar Library” by the Honorable James F. Schneider)

1840 was, like most years, full of historic events. I thought it might be interesting to take a look at the world that our Library was “born” into.

For any of us who have ever had a tooth ache, or needed a filling or other work done on our mouth, we can be grateful, as well as take municipal pride, in the fact that on February 1, 1840, the Baltimore College of Dental Surgery, the first dental college in the country, was founded. Nine days later, on February 10, Queen Victoria would marry her cousin, Prince Albert of Saxe-Coburg and Gotha. He would live another twenty-one years, Queen Victoria, another sixty-one. On June 20, Samuel Morse filed a patent for the telegraph, making the country, and eventually the world, a much smaller place.

1840, like 2016, was a presidential election year. William Henry Harrison would be elected the Ninth President of the United States and serve a grand total of thirty days. The Bar Library, I am proud to report, has now passed the 64,480 day mark. Another triumph/celebration of the American political process was the publication that year of Alexis de Tocqueville’s “Democracy in America.”

On December 7, David Livingstone would leave Britain for Africa. It would be thirty-one years later that he would be asked that famous question by Henry Morton Stanley.

The year was also one of comings and goings. Father Damien or Saint Damien of Molokai, as well as Pyotr Ilyich Tchaikovsky; Auguste Rodin; and Claude Monet would be born, while Niccolo Paganini and George Bryan “Beau” Brummell would die.

It was a most memorable year. It was 1840.

2017

Lectures; wine and cheese receptions; continuing legal education series; movies; art exhibits; musical events, the Bar Library is no longer the place to come just to do legal research. It is flat out, just the place to come. Although we traditionally dial things back a little around the holiday season and in January and February (even south of the Mason Dixon Line winter seems to intrude rather rudely – January 23, 2016 = 29.2”), this does not mean that we are not busy planning for the year to come.

In February (we have our fingers crossed about the weather), as part of Black History Month, the Bar Library will be welcoming Dr. Freeman A. Hrabowski, III, President of the University of Maryland, Baltimore County, a position he has held since May 1992. Dr. Hrabowski has transformed a commuter university into a research institution recognized as one of the most innovative in the country. Under his adept leadership, UMBC was ranked the #1 Up and Coming University in the USA for six consecutive years (2009, 2010, 2011, 2012, 2013, and 2014) by “U.S. News and World Report” magazine.

Dr. Hrabowski has authored and co-authored numerous books, “Beating the Odds: Raising Academically Successful African American Males” (1998); “Overcoming the Odds: Raising Academically Successful African American Young Women” (2001); and “Holding Fast to Dreams: Empowering Youth from the Civil Rights Crusade to STEM” (2015). He has been called one of America’s Best Leaders, one of the 100 Most Influential People in the World, and one of America’s 10 Best College Presidents.

In April, Bar Library favorite and renowned Mencken authority Ms. Marion Rodgers will be returning to the Library for a look at “Mencken on Religion.”

“Treatise on the Gods” (1930) was H. L. Mencken’s survey of the history and philosophy of religion, and was intended as an unofficial companion volume to his “Treatise on Right and Wrong.” The first and second printings were sold out before publication, and eight more printings followed. Its first edition received a major 5-column review in the “New York Times,” and the Marxist literary critic Granville Hicks called it “the best popular account we have of the origin and nature of religion.” However, the Protestant theologian Reinhold Niebuhr, writing in the “Atlantic Monthly,” claimed that “It is only in dealing with moral and social issues that Mencken achieves the heights of complete detachment, and in this case the detachment is that of a cynic rather than that of a scientist.” By the end of its first year “Treatise” had sold thirteen thousand copies.

“I am quite convinced that all religions, at bottom, are pretty much alike. On the surface they may seem to differ greatly, but what appears on the surface is not always religion. Go beneath it, and one finds invariably the same sense of helplessness before the cosmic mysteries, and the same pathetic attempt to resolve it by appealing to higher powers.”— From “Treatise on the Gods.”

H. L. Mencken is perhaps best known for his scathing political satire. But politicians, as far as Mencken was concerned, had no monopoly on self-righteous

chest-thumping, deceit, and thievery. He also found religion to be an adversary worthy of his attention and, in "Treatise on the Gods," he offers some of his best shots, a choreographed cannonade.

Ms. Rodgers has spoken at the Library on five previous occasions, most recently in March of this year on the relationship between Mencken and the famous African-American author, journalist, and social commentator, George Samuel Schuyler. Ms. Rodgers presentations are so "top notch" that as soon as she finishes one we begin thinking about what we can have her speak on next.

On May 18, the Bar Library will celebrate the life of the Honorable Simon Ernest Sobeloff. In 1931, Sobeloff became the United States Attorney for the District of Maryland, a position he would hold until 1934. Subsequent to that, he was selected to be the Baltimore City Solicitor and special Counsel to the Baltimore City Housing Commission. In 1952, Judge Sobeloff was appointed to the position of Chief Judge of the Maryland Court of Appeals, where he served until 1954. Judge Sobeloff was the first Jewish Judge to sit on the Maryland Court of Appeals.

President Eisenhower appointed Judge Sobeloff to serve as Solicitor General of the United States in 1954, and to the United States Court of Appeals for the Fourth Circuit in 1956, where he would serve until his death in 1973, in the capacity of Chief Judge from 1958 until 1964.

On the night of May 18, a portrait of Judge Sobeloff will be unveiled and placed on the Library's wall of honor, along with a framed copy of one of his speeches. Numerous members of Judge Sobeloff's family are expected to attend including his grandson Michael S. Mayer, a Professor in the Department of History at the University of Montana, who is scheduled to speak, along with various other dignitaries. A wine and cheese reception will follow the ceremony honoring Judge Sobeloff.

In addition to these events, we are planning to host a return engagement by Professor Jonathan White of Christopher Newport University, most likely in March, but still somewhat tentative as far as the details of what he will be speaking on. Dr. White who has spoken at the Library on numerous occasions was last here in June 2015 when he presented "Lincoln on Law, Leadership, and Life."

Continuing legal education classes will continue to be offered here at the Library, including "Trials and Evidence: What You Need to Know to Succeed in Court" (See below), and a multi-part review of search and seizure law by one of our Board Members, the legendary Judge Charles E. Moylan, Jr.

Finally, a new series here at the Library, "Lunch With A Judge" will continue on January 11 with the Honorable Robert B. Kershaw and "Juvenile Justice – Prologue to Practice." The Honorable Audrey J. S. Carrion will be coming to the Library on March 8 for "When is discovery appropriate in business litigation – case law update and a view from the bench." On May 10, the Honorable Charles J. Peters will be speaking on a topic related to the criminal law (details to follow).

Just a little of what's coming in 2017. Hopefully, when the clock is getting ready to ring in 2018 (am I rushing things or what), we can all look back (Lord willing), and in the words of Francis Albert Sinatra, say, "It was a very good year."

Recent Acquisitions

On September 7, 2011, Professor William Fischel, John J. Delaney, Esquire and Professor Robert Nelson took part in the Library's lecture series presenting "The Law Of Zoning: Issues & Developments." Professor Fischel, who was and is a professor in the Dartmouth College Economics Department has recently published "Zoning Rules!: The Economics Of Land Use Regulation." In the preface to the work Professor Fischel writes:

"Zoning has shaped American cities since 1916, when New York City adopted the first comprehensive ordinance. The title of this book expresses my thesis that zoning should be thought of as an active force rather than a background rulebook that is occasionally glanced at by developers and public officials. When landowners have plans to change the use of their property, they must first consult the rules in the local zoning ordinance. The rules are not immutable, but neither are they paper tigers that crumble at the whim of developers."

Wallace E. Oates, Distinguished University Professor Emeritus Department of Economics, University of Maryland states "Fischel's new book is the definitive work on the economics of land use regulation. In an engaging manner, Fischel lays out the history, motivation, structure, and impact of municipal zoning in the United States. It's all here."

It is here as well, part of the Library's Horwitz Collection, one of the Library's thirty day circulating collections.

"American Ulysses: A Life of Ulysses S. Grant" by Ronald C. White provides an in-depth biography of a man Frederick Douglas said "In him the negro found a protector, the Indian a friend, a vanquished foe a brother, an imperiled nation a savior." Theodore Roosevelt said "Mightiest among the mighty dead loom the three great figures Washington, Lincoln, and Grant."

"Certain to be recognized as the classic work on Ulysses S. Grant, "American Ulysses" is a monumental examination of one of the most compelling figures in American history."

- General David H. Petraeus (Ret.)

"In this thorough and engaging new book, Ronald C. White restores Ulysses S. Grant to the pantheon of great Americans. As a soldier and a president, Grant rendered his nation invaluable service, and White's epic biography is invaluable as well."

- Jon Meacham, Pulitzer Prize winner and best selling author

"In the generations after his death in 1885, Grant's reputation as a general and president spiraled downward until a current generation of biographers and historians has persuasively resurrected it. "American Ulysses" represents a culmination of that process."

- James McPherson, Pulitzer Prize winning author of "Battle Cry of Freedom" "American Ulysses" is part of the Library's Horwitz Collection.

1930 & 1937

"Alex, what is the year that the Honorable Lawrence F. Rodowsky and the year the Honorable Joseph H. H. Kaplan were born."

The Honorable Lawrence F. Rodowsky was born November 10, 1930. He attended St. Bernard School; Loyola High School; Loyola College, A.B., 1952; and the University of Maryland School of Law, LL.B., 1956. He was admitted to the Maryland Bar in 1956. Prior to his appointment to the Maryland Court of Appeals in 1980, Judge Rodowsky was a Partner with Frank, Bernstein, Conaway & Goldman, an Assistant Attorney General in the Maryland Attorney General's Office; and a law clerk to the Honorable W. Calvin Chesnut of the United States District Court for the District of Maryland.

Judge Rodowsky retired from the Court of Appeals on November 10, 2000, his seventieth birthday. Since his retirement, Judge Rodowsky has been sitting as a Senior Status Judge with the Court of Special Appeals as well as conducting private mediations.

Judge Rodowsky served on the Bar Library's Board of Directors from 1994 until 2012. I am grateful for his service and very grateful that it afforded me the opportunity to get to know him. It is ironic that one of my most vivid memories of being sworn into the Maryland Bar in January 1985, was looking up at those imposing figures in the red robes and thinking how one judge in particular looked the most "fearsome" of all. I thought to myself "I bet he's really quite mean." It was Judge Rodowsky. Oh brother, talk about missing the mark. Over the course of almost thirty years as neighbors, the Judge's office being right next to the Library, I discovered one of the nicest people you are ever going to meet. A true Baltimorean, a true gentleman, in every sense of the word. I cannot believe that it has been over sixteen years now when I was part of a conversation with Judge Rodowsky and Judge Paul Alpert when Judge Rodowsky said something along the lines of "Well, tomorrow I shall assume the status of constitutional senility." Just as I was off the mark, so too was he. Judge Rodowsky has continued to serve the People of the State of Maryland with distinction these past sixteen years. We are appreciative of his work and certainly of the man that he continues to be.

The Honorable Joseph H. H. Kaplan was born on January 2, 1937 in Brooklyn, New York. He attended the Johns Hopkins University, A.B., 1957 and then the University of Chicago Law School, J.D., 1960 where he was the editor of the law review, 1959-1960. Judge Kaplan was a law clerk to Chief Judge Frederick W. Brune of the Maryland Court of Appeals, 1960-1961. He was admitted to the Maryland Bar in 1961.

Judge Kaplan served on the Supreme Bench (now Circuit Court) from 1977-2006, in the capacity of Administrative Judge from 1984-1999, and Chief Judge from 1999-2006. Before assuming his place on the bench, Judge Kaplan was a Partner at Venable, Baetjer & Howard, which he joined in 1962.

“We can thank Judge Kaplan for keeping the Lucas Collection in Baltimore, for his support of school funding, his calmness during the Savings and Loan Crisis. He set the standard for how judges and lawyers should respect the public and each other. He has advanced the cause of civility by example. He has done more than any other Judge in the last century to restore the beauty of our courts of justice, from the Law Museum, to the artglass skylights, to the renovation of Courtroom 400, to the courtrooms on the second floor of Courthouse East. Judge Kaplan saved the old Supreme Bench Courtroom on the sixth floor and had it restored to use for his hearings.” (From “Untold Tales Of The Baltimore Bar Library” by the Honorable James F. Schneider)

Judge Kaplan served on the Bar Library’s Board of Directors from 1977 until 1995, in the capacity of Board President from 1979 until 1983.

One of my fondest memories of Judge Kaplan is when I would encounter him on the street during the Savings and Loan crisis, a time at which much responsibility was posited with him and the pressures of each and every decision must have been so great. Yet, in the midst of it all, he would take time to stop and talk to a very humble assistant librarian as if I were the managing partner of the largest firm in the state. He was always attentive, he was always solicitous and he was always kind.

A dear friend of mine, the late Joe Kaufman once told me that you couldn’t be a good lawyer if you weren’t a good person. How much more so is this true for members of the bench. Two extraordinary gentlemen, two extraordinary judges. To Judge Rodowsky, to Judge Kaplan, thanks for everything and happy belated and early birthdays.

Trials and Evidence: What You Need to Know to Succeed in Court

(A monthly series featuring leading experts in the field of trial practice and procedure.)

Place: Baltimore Bar Library’s Brown Room – 100 N. Calvert Street – Room 504

Presenters: ***Honorable Paul William Grimm***, Judge of the United States District Court for the District of Maryland

Honorable Benson Everett Legg, Former Chief Judge of the United States District Court for the District of Maryland

Rignal W. Baldwin, Esquire, Partner, Baldwin Law LLC

Paul Mark Sandler, Esquire, Partner, Shapiro Sher Guinot & Sandler

R.S.V.P.: Registrations may be made by telephoning the Bar Library at 410-727-0280 or by e-mail to jwbennett@barlib.org. Seating for this event will be limited. In order to guarantee a space, it is strongly suggested that you register early.

Cost: \$25.00 Per Session – \$150.00 For Entire Series - Free For Judges, Judicial Law Clerks & Students.

Credit: Please inquire as to C.L.E. credit for particular states.

Sponsor: The Library Company of the Baltimore Bar.

Schedule of Programs

<u>Program</u>	<u>Date</u>
1. Recapitulation- Opening Statement, Direct Examination, and Cross-Examination	November 10, 2016 12:00 P.M. - 1:00 P.M.
2. Voir Dire	December 8, 2016 12:00 P.M. – 1:00 P.M.
3. Focus Groups, Mock Trials, and Jury Selection	January 19, 2017 12:00 P.M. – 1:00 P.M.
4. Ethical Minefields and Standards of Professionalism for Trial Lawyers	February 9, 2017 12:00 P.M. – 1:00 P.M.
5. Closing Arguments	March 9, 2017 12:00 P.M. – 1:00 P.M.
6. The Art of Persuasion	April 13, 2017 12:00 P.M. – 1:00 P.M.
7. Summary of Course Including Q & A	May 17, 2017 12:00 P.M. – 1:00 P.M.