



University of Baltimore Law Forum

Volume 29
Number 2 *Spring/Summer* 1999

Article 1

1999

University of Baltimore Law Forum Volume 29 Number 2 (Spring 1999) Front Matter

Follow this and additional works at: <http://scholarworks.law.ubalt.edu/lf>



Part of the [Law Commons](#)

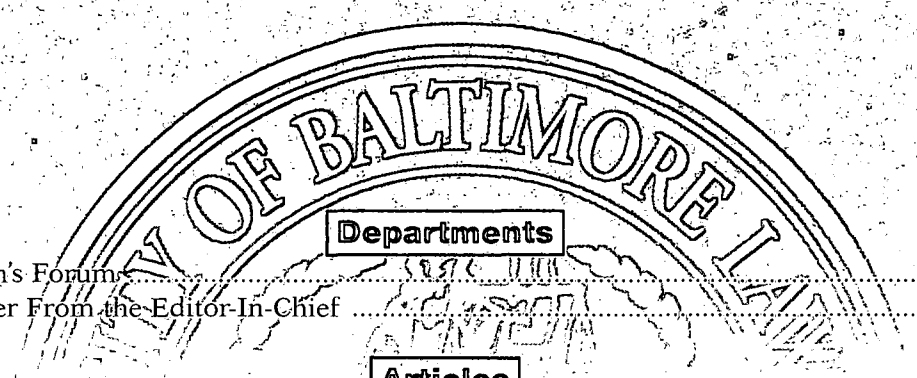
Recommended Citation

(1999) "University of Baltimore Law Forum Volume 29 Number 2 (Spring 1999) Front Matter," *University of Baltimore Law Forum*: Vol. 29: No. 2, Article 1.

Available at: <http://scholarworks.law.ubalt.edu/lf/vol29/iss2/1>

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 Forum by an authorized administrator of ScholarWorks@University of Baltimore School of Law. For more information, please contact snolan@ubalt.edu.

UNIVERSITY OF BALTIMORE LAW FORUM



Departments

Dean's Forum.....	2
Letter From the Editor-In-Chief	4

Articles

<i>Williams v. State</i> : The Constitutionality and Necessity of Sodomy Laws By Janet M. LaRue and Rory K. Nugent	6
The Legalization of Same-Gender Sexual Intimacy in Maryland By Dwight H. Sullivan, Michael Adams, and Martin H. Schreiber II	15
The New Math of Sentence Calculation after <i>Fields</i> , <i>Wickes</i> , and <i>Henderson</i> By David C. Wright, Stephen Z. Meehan, and Joseph B. Tetrault	25

Recent Developments

Select Cases.....	44
Select Maryland Legislative Summaries.....	79

VOLUME 29
ISSUE No. 2

**Senior
Editorial
Board**

Gregory P. Jimeno
Editor-In-Chief

John Magee
Managing Editor

Ruth-Ann Elise Lane
Articles Editor

Gwendolyn S. Lubbert
Manuscripts Editor

Holly A. Currier
Assistant Articles Editor

John E. Cox
Production Editor

Mariana D. Bravo
Recent Developments Editor

Sean Patrick Casey
Business Editor

Samuel N. Shapiro
Assistant R.D. Editor

**1999 Spring Staff
Associate Editors**
George E. Brown
Alexandra C. Clark
Sean E. Kreiger
Theo Ogune
Kimberly C. Pace
Holly A. Whittier

Staff Editors
Martha Arango
Kofi Asamoah
Anna R. Benshoof
Bryon S. Bereano
Anabelle Berges
Anne Bodnar
Brent Bolea
Catherine Bowers
Stacey E. Burnett
Adam Cizek
Melony Joe Ellinger
Bryson M. Filbert, III
Bret Frankovich
Jennifer Golub
Walter W. Green
George Mahaffey, Jr.
Cheryl F. Matricciani
John R. Muckelbauer
David Schmitz
Richard Dirk Selland
Joseph H. D. Solomon
Joshua Tearnan

Faculty Advisor
Professor Robert Lande

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW
ADMINISTRATION**

H. Mebane Turner
President of the University

Ronald P. Legon
Provost of the University

John A. Sebert
Dean of the School of Law

Paula Russo Baig
Assistant Dean for Admissions

Steven A. G. Davidson
Associate Dean for Academic Affairs

Karen Rae Hammer
Assistant Dean for Career Services

Tony W. Torain
Assistant Dean for Student Affairs

Nikhil M. Divecha
*Director of Finance and
Administration*

Donald H. Stone
*Director of Summer Abroad
Program in Comparative Law*

Martin A. Geer
Director of Clinical Programs

Emily R. Greenberg
Director of the Law Library

Byron L. Warnken
*Director of Judicial Internship
Program*

Odeana Neal
*Director of Attorney Practice
Internship Program*

Eric Easton
Director of Legal Skills Program

Walter D. Schwidetzky
Director of Graduate Tax Program

Leslie Metzger
*Assistant Director for Student
Support and Special Events*

Mortimer Sellers
*Director of Center for International
and Comparative Law*

University of Baltimore School of Law, 1420 N. Charles Street, Baltimore MD 21201. (410) 837-4493. Opinions published here are those of the writers and not necessarily those of the *University of Baltimore Law Forum*, its editors or staff, or the University of Baltimore School of Law. ©1999 University of Baltimore. Please cite this issue as 29.2 U. Balt. L.F. _ (1999).

The 1999-2000 academic year is off to an excellent start at the University of Baltimore School of Law. In August we welcomed another fine entering class -- 222 first-year day students and 81 first-year evening students. This is one of the largest entering classes we have had in recent years, and the second largest day first-year class in our history. Thus UB continues to attract fine students despite the thirty percent decline in law school applicants across the nation over the past seven years.

Like most law schools, we have faced a number of difficult challenges during the 1990s, including the imperative of improving our curriculum to more fully prepare our graduates for the practice of law in the 21st century, and the necessity of enhancing the technological infrastructure of the school (at great expense) to equip our students, faculty, and staff to compete successfully in a world of Pentium PCs and the internet. The faculty and administration -- and our students -- have worked very hard over the past six years to meet those challenges. With the important assistance of many of our alumni, we have achieved much success. Here is a brief summary of the most important.

- The employment percentage for the Class of 1998 was again well over the national average (92.2% as opposed to 89.9% nationally), and an outstanding 57 of our 304 graduates from that class were serving in judicial clerkships.

- Our curriculum has been improved by adding two new clinics (Community Development and Disability Law); greatly expanding our skills training courses (such as trial and pretrial advocacy; interviewing, negotiating and counseling; mediation skills; and planning and drafting courses); significantly increasing our international and comparative law offerings (including a new summer program at the University of Haifa, Israel, which will open in the summer of 2000); and creating twelve areas of concentration for our upper-class students to select.

- The excellent faculty, enhanced by highly competent new members, have always been fine teachers, they have become even more productive in their scholarship, and they continue to be leaders in law reform work in our state.

- In the past two years, we have greatly improved our infrastructure by upgrading all our PCs and installing the school's first "smart" classroom (with equipment that permits data from a PC, the internet, and other documents to be projected on a screen in front of the room). The collection and services of the Law Library have also been substantially improved.

These advances have been made despite the fact that the law school continues to be one of the least well financed law schools in the country. Our students pay tuition that is well over the national average for public law schools, as well as a much larger share of the cost of their legal education.

Thus we must seek others sources for funds to continue to improve the quality of legal education at UB. While we will continue to seek substantial increases in funding from the state in the next two years, we also must seek additional private support from our alumni and friends. Fall is the season when all organizations seek charitable contributions, and I ask you to be particularly generous this fall when asked for your support of the University and the School of Law.

On another important topic, I want to take this opportunity to congratulate the editors of Volume 29 of the *University of Baltimore Law Forum*, headed by Editor-in-Chief Gregory P. Jimeno, on their excellent work this year. The Board has introduced a new look for the *Law Forum*, and they have made arrangements to ensure that this and future editions of the *Law Forum* will be included on Westlaw. They also have a new website, the address of which appears on the cover of this issue.

As we thank the Volume 29 editors for their work, we also welcome the new editorial board for Volume 30, headed by Walter W. Green. They are already hard at work on the first issue of the next volume, and I am sure that they also will do an excellent job.

John A. Sebert
Dean and Professor of Law

Visit the
University of Baltimore Law Forum
website at:

www.ublawforum.com

Designed and hosted by:



**Expert providers of custom Technology Solutions
to the Legal Community**

**410.547.8596 • 1.888.90.LTECH
www.ltsweb.net • info@ltsweb.net
© 1999 Legal Technology Solutions, LLC**

The editorial board and staff of the *University of Baltimore Law Forum* have worked hard to ensure that Volume 29.2 continues to be interesting as well as informative. In addition to highlighting recent cases in what has become a *Law Forum* staple, the Recent Developments section of Volume 29.2 has expanded its coverage of the Maryland General Assembly by providing summaries of selected legislation. Finally, the articles. This issue continues a concept which began in Volume 28.1, bringing the readers two author's perspectives on the same issue. This volume's yin and yang section arose out of a recent decision in the Circuit Court for Baltimore City, *Williams v. State*. We invited Janet M. LaRue of the Family Research Counsel and Dwight H. Sullivan from the American Civil Liberties Union to express their views on *Williams* and sodomy laws in Maryland. Our third article, written by David C. Wright of PRISM, Inc. takes on the daunting task of sentence calculation.

With the publication of Volume 29.2, my tenure as Editor-In-Chief of the *University of Baltimore Law Forum* is brought to a close. With this in mind, I would like to acknowledge some of the people that have made this a rewarding and productive year. Often going above and beyond their respective job descriptions and being unafraid of change, the members of the Editorial Board worked together to create the best journal that they could.

The individuals who made up this committed team each had their own strengths and assets which they brought to their work on the *Law Forum*. First, my thanks go out to Production Editor John Cox who kept the journal on schedule during the year and never complained when the production schedule was altered, changing his normal routine. As Business Editor, Sean Casey not only brought with him a working knowledge of how student organizations are funded, but he also went above and beyond his traditional role to fulfill the duties of an associate editor. If there were any members of the Editorial Board who demonstrated the spirit of teamwork daily, it was Articles Editor Ruth-Ann Lane and Assistant Articles Editor Holly Currier. Ruth-Ann took the lead by following the work on the articles meticulously from selection to layout in order to guarantee that the articles were ready for publication, while Holly painstakingly edited and reviewed the articles prior to publication. Both Ruth-Ann and Holly did an outstanding job soliciting articles on various subjects that appealed to readers with varied interests. The effort they put forth resulted in the publication of articles that received high praise from judges, practitioners, professors, and students. Mariana Bravo, Recent Developments Editor, and Samuel Shapiro, Assistant Recent Developments Editor, focused on keeping *Law Forum* readers informed about new trends in the Maryland legal community. Mariana poured her heart and soul into editing the Recent Developments and supervising the associate editors. Meanwhile, Sam headed the extension of the Recent Development section to bring *Law Forum* readers expanded coverage of Attorney General's Opinions and recent legislation passed by the Maryland General Assembly.

Perhaps the two members of the Editorial Board with whom I worked the closest were Manuscripts Editor Gwendolyn Lubbert and Managing Editor John Magee. Gwen did so much more than her job title indicates. Starting with revising the mailing list to staying at school all hours of the night in order to get the journal out on time to figuring out how to lay out the journal in a new computer program, Gwen was determined to make the *Law Forum* a first-class journal. John Magee also showed this commitment. John was a trusted advisor with whom I consulted before making every major decision. With an even temper and an understanding of how to deal with people diplomatically, John made the journal a more memorable experience.

My gratitude would not be complete without thanking the unsung heroes of the *Law Forum* staff, the Associate Editors. Although not given the credit that comes with being a member of the Editorial Board, the journal truly could not operate without their efforts. These individuals gave up the opportunity to have their own piece published to spend countless hours pouring over the Recent Developments of the general staff in an effort to bring their cases to publishable quality.

There were many other people who went out of their way to ensure that the *Law Forum* was successful. Dean John Sebert provided enormous support of the *Law Forum* by continuing to provide funds, by offering his encouragement and suggestions, and by helping to get the *Law Forum* more involved in the law school community. I would again like to thank Nikhil Divecha and Professor Robert Lande, whose support and counseling helped the journal staff continue on the right course toward our goals.

Part of what made this such a busy year for the *Law Forum* were the numerous changes made to the appearance of the journal and to its accessibility. My thanks go out to our publisher, Bob Greenlee and his staff at Sir Speedy BWI who put many hours into the redesign of our cover. In addition, I would like to extend my thanks to the computer experts at Legal Technology Solutions, headed by Steve Stern, who ensured that our web site, www.ublforum.com, made it to the internet and became a research tool for practitioners.

Finally, I would like to wish my successor, Walter W. Green, the best of luck as he takes over the reigns of the *Law Forum*. Walter has demonstrated a dedication to ensuring that the *Law Forum* will continue to be an invaluable tool to the Maryland legal community. As Editor-in-Chief, Walter and other members of the Editorial Board of Volume 30, particularly new Articles Editor Cheryl Matricciani, have already made their presence felt by helping to edit and revise this issue of the *University of Baltimore Law Forum*.

Gregory P. Jimeno



The Editorial Board of Volume 29 of the *University of Baltimore Law Forum*
Front Row: Gwendolyn S. Lubbert, Ruth-Ann Elise Lane, Holly A. Currier, Mariana D. Bravo
Back Row: John E. Cox, John M. Magee, Sean Patrick Casey, Gregory P. Jimeno, Samuel N. Shapiro

Recent Developments Table of Contents

<i>Beynon v. Montgomery Cablevision Ltd.</i>	44
<i>Boswell v. Boswell</i>	47
<i>County of Sacramento v. Lewis</i>	51
<i>Degren v. State</i>	53
<i>Dupree v. State</i>	55
<i>Hopkins v. State</i>	58
<i>Johnson v. State</i>	61
<i>Kirwin v. Diamondback</i>	63
<i>Pappaconstantinou v. State</i>	66
<i>Somuah v. Flachs</i>	68
<i>State v. Bell</i>	71
<i>State v. Evans</i>	74
<i>Taylor v. State</i>	76

Maryland Legislative Summaries

<u>Business Regulation</u>	HB 190.....	79
<u>Commercial Law</u>	SB 554.....	80
<u>Courts & Judicial Proceedings</u>	HB 172.....	81
	HB 233.....	82
<u>Crimes & Punishment (Art. 27)</u>	SB 319.....	83
<u>Department of State Police (Art. 88B)</u>	HB 1129.....	84
<u>Estates & Trusts</u>	HB 434.....	85
	HB 758.....	86
	HB 759.....	87
<u>Family Law</u>	HB 233.....	82
	HB 388.....	89
	HB 738.....	90
	SB 480.....	91
<u>Health - General</u>	HB 139.....	92
<u>Human Relations Commission (Art. 49B)</u>	HB 315.....	93
<u>Insurance</u>	HB 139.....	92
	HB 177.....	94
<u>Labor & Employment</u>	SB 420.....	96
<u>Natural Resources</u>	HB 172.....	81
<u>State Finance & Procurement</u>	HB 751.....	97
<u>State Government</u>	HB 1.....	98
	HB 722.....	99
<u>Tax - General</u>	HB 177.....	94
	HB 190.....	79
<u>Transportation</u>	HB 722.....	99
	SB 505.....	100