



August 4, 1972

M's Ann Llewellyn McKenzie
Attorney at Law
500 Druid Hill Avenue
Baltimore, Maryland 21201

RE: Mary Emily Stuart v. Board of Supervisors
of Elections for Howard County et al.
No. 105 - September Term, 1972

Dear M's McKenzie;

The Court has granted the motion to advance case for argument in the above entitled case, to be heard during the September session of Court. You will be advised of the exact date of argument at a later date.

The appellees' brief is due to be filed on or before August 28, 1972 and the reply brief of the appellant is due on or before September 8, 1972.

Very truly yours,

James H. Morris, Jr.
Clerk

JHNjr/h

cc: M's Kathryn Scates Levedahl
M's Mary Ellen Brooke
Attorneys at Law
E. Stephen Derby, Esq.
Assistant Attorney General
Charles E. Hogg, Esq.

NO 105, 1972

FILED

Mary Emily Stuart

IN THE

v.

411 31 1972

COURT OF APPEALS

Board of Supervisors of
Elections for Howard
County et. al.

James H. Norris Jr., Clerk
Court of Appeals
of Maryland

OF MARYLAND

September Term 1972

No. 105

.. .. .

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

Lorraine Alice Underwood and Dennis Lichti Albrecht, by their attorney Selma W. Samols, move for leave to file brief amicus curiae in the above captioned case. The grounds of the motion are as follows:

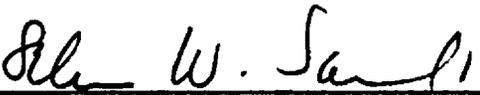
1. This action raises important legal questions in the area of women's rights, namely the right of a woman to retain her birth name as her legal name when she marries in the State of Virginia and subsequently moves to Maryland; the right of said married woman who, after becoming domiciled in the State of Maryland, to continue using her birth name as her legal name as a matter of right; and the right of said married woman to register to vote, own property and engage in all activities in said legal name.

2. Movants are marriage partners now domiciled in the State of Virginia. They plan to live in Maryland. Like appellant, Mary Emily Stuart, they were married in Virginia subsequent to the July 1, 1971 effective date of the new Constitution of Virginia, and like Ms. Stuart and her husband they had agreed the Lorraine Alice Underwood retain her birth name upon marriage, and like Ms. Stuart and her husband, movants have gone through no court proceedings in Virginia to change Ms. Underwood's name. Ms. Underwood, subsequent to her marriage has been permitted, with the express written approval of the Virginia State Board of Elections, to register to vote under her legal name of Lorraine Alice Underwood. Under the holding of The Circuit Court for Howard County in the above captioned case movants could not move to Maryland without jeopardizing Ms. Underwood's personal and property right in the use of her birth name as her legal name and without placing a costly monetary burden on her right to vote in said legal name.

3. Movants believe that they have a meritorious legal argument relating to (1) the application of Article IV, Section 1 of the Constitution of the United States requiring each State to give full faith and credit to "the public Acts, Records, and judicial Proceedings of every other State" and (2) the application of the First and Fifth Amendments to the Constitution of the United States concerned with the right of travel.

4. Movants further believe that they will deal with legal questions not covered by the parties hereto.

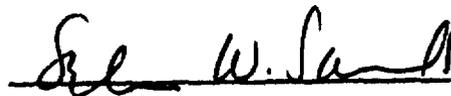
5. Movants, through their attorney Selma W. Samols, have orally obtained assurance from Katherine Scates Levedahl that attorneys for appellant have no objection to the filing of an amicus brief by movants.



Selma W. Samols
Attorney for Amicus Curiae
3720 Farragut Avenue
Kensington, Maryland 20795

Lorraine Alice Underwood
Dennis L. Albrecht
2910 S. Glebe Road, Apt. 306
Arlington, Virginia 22206

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed this 31 day of July, 1972, to Charles E. Hogg, Esq., 8335 Court Avenue, Ellicott City, Maryland, Attorney for Appellee, and to E. Stephen Derby, Assistant Attorney General and Francis B. Burch, Attorney General, One South Calvert Street, Baltimore, Md. 21202, Attorneys for Appellee, and to Ms. Ann Llewellyn McKenzie, 500 Druid Hill Avenue, Baltimore, Md. 21201, Ms. Kathryn B. Levedahl, 810 Loyola Drive, Towson, Maryland 21204, and to Ms. Mary Ellen Brooke, 1719 Gough Street, Baltimore, Md. 21231, Attorneys for Appellant.



Selma W. Samols
Attorney for Amicus Curiae

Mary Emily Stuart : IN THE
v. : COURT OF APPEALS
Board of Supervisors of : OF MARYLAND
Election for Howard :
County et. al. : September Term 1972
: No. 105
.. .. .

ORDER

Upon the foregoing Motion for Leave to File Brief Amicus Curiae, it is this 22nd day of August 1972,

ORDERED by the Court that Lorraine Alice Underwood and Dennis Lichti Albrecht may file brief amicus curiae, but not participate in oral argument. Counsel for amicus curiae shall furnish a copy of her brief to all counsel of record, and they shall serve upon her a copy of all motions or briefs hereafter filed.

Dennis Albrecht
Acting Chief Judge

Mary Emily Stuart

v.

Board of Supervisors of
Elections for Howard
County et. al.

FILED

SEP 31 1972

IN THE

COURT OF APPEALS

OF MARYLAND

September Term 1972

James H. Norris Jr., Clerk No. 105

Court of Appeals

.. .. of Maryland

**MOTION FOR AMICUS CURIAE TO PROCEED
WITHOUT PAYMENT OF FILING FEE AND
COSTS AND TO FILE A TYPEWRITTEN BRIEF**

Lorraine Alice Underwood and Dennis Lichti Albrecht, by their attorney Selma W. Samols, move to proceed without payment of filing fee and costs and to file a typewritten brief. The grounds of the motion are as follows:

1. Movants are marriage partners interested in achieving full equality for all women through the law. Movants have limited financial reserves because (1) Dennis Lichti Albrecht has high tuition expenses associated with his law studies at George Washington University National Law Center, (2) his wife Lorraine Alice Underwood is a member of the United States Womens Army Corps stationed at Fort Hamilton in Brooklyn, New York which necessitates costly weekend trips between New York and their home in Arlington, Virginia and (3) expenses associated with their recent marriage and honeymoon have depleted their savings.

2. Movants could not afford to proceed with an amicus curiae brief unless this Court allows them to proceed without payment of filing fee and costs and to file a typewritten brief.

Selma W. Samols

Selma W. Samols
Attorney for Amicus Curiae
3720 Farragut Avenue

Lorraine Alice Underwood
Dennis Lichti Albrecht
2910 S. Glebe Road, Apt. 306
Arlington, Virginia 22206

AFFIDAVIT

DENNIS LICHTI ALBRECHT, being duly sworn, says:

1. THAT he and his wife, Lorraine Alice Underwood, are citizens of the United States and have their marital domicile at 2910 South Glebe Road, Apartment 306, Arlington, Virginia 22206.

2. THAT his wife, Lorraine Alice Underwood, is a member of the United States Womens Army Corps and is stationed at Fort Hamilton in Brooklyn, New York which necessitates costly weekend trips between New York and their home in Arlington, Virginia.

3. THAT he has high tuition expenses associated with his law studies at George Washington University National Law Center.

4. THAT expenses associated with their recent wedding and honeymoon have depleted his savings and those of his wife.

Dennis Lichti Albrecht

DENNIS LICHTI ALBRECHT

Affiant

STATE OF MARYLAND)

SS:

COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that on this 31st day of July, 1972, before me, the Subscriber, a Notary Public of the State of Maryland, in and for the County of Montgomery, aforesaid, personally appeared DENNIS LICHTI ALBRECHT, and made oath in due form of law that the matters and facts set forth in the above Affidavit are true and bona fide as therein stated to the best of his information, knowledge and belief.

AS WITNESS my Hand and Notarial Seal.

Janet L. Lawson
Notary Public

My Commission Expires: July 1, 1974

Mary Emily Stuart : IN THE
v. : COURT OF APPEALS
Board of Supervisors of : OF MARYLAND
Elections for Howard :
County et. al. : September Term 1972
: No. 105
.. .. .

ORDER

Upon the foregoing Motion For Amicus Curiae To Proceed Without Payment of Filing Fee and Costs And To File a Typewritten Brief, it is this 2nd day of August, 1972,

ORDERED by the Court that Lorraine Alice Underwood and Dennis Lichti Albrecht are hereby granted leave to proceed without payment of filing fee and costs and to file ~~twenty (20) copies~~ twenty (20) copies of a typewritten brief on or before August 18, 1972.

Admit V. B. Bruce

Acting Chief Judge