

August 3, 1972

NO 105, 1972

Selma W. Samols
Attorney at Law
3720 Farragut Avenue
Kensington, Maryland 20795

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

Dear M's Samols:

We enclose herewith copies of two
Orders of Court filed August 2, 1972 in the above
entitled case granting the motions of Lorraine
Alice Underwood and Dennis Lichtl Albrécht to
proceed as amicus curiae.

Very truly yours,

James H. Norris, Jr.
Clerk

JHNjr/h

Encl. (2)

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

FILED

MARY EMILY STUART,

AUG 2 1972

IN THE

Appellant

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

COURT OF APPEALS

v.

:

OF

BOARD OF SUPERVISORS OF

:

MARYLAND

ELECTIONS FOR HOWARD COUNTY,
et al,

:

:

#105
1972T,

Appellees

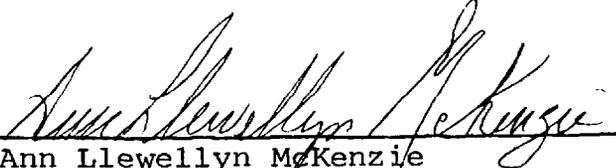
o o o o o o o o

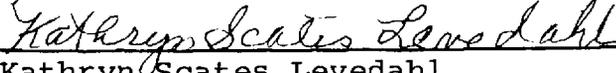
MOTION TO ADVANCE
CASE FOR ARGUMENT

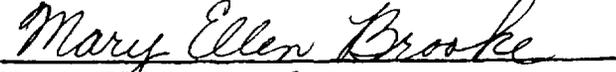
MARY EMILY STUART, the Appellant in the entitled cause, by her attorneys Ann Llewellyn McKenzie, Kathryn Scates Levedahl, Mary Ellen Brooke and Arold H. Ripperger, moves, pursuant to Rule 845.c of the Maryland Rules of Procedure, that this case be scheduled for argument in advance of its regular order on the docket, and assigns the following reasons for this Motion:

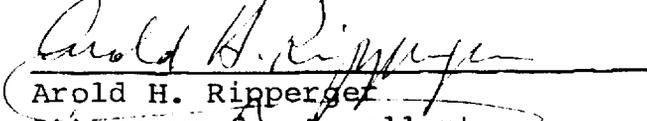
1. that this appeal directly concerns the election laws of the State of Maryland and the Appellant's right to vote in her own name at the next General election, which is scheduled to be held on Tuesday, November 7th, 1972;
2. that the numerical position of this case on the docket is such that the hearing on this appeal would not be held until after November 7th, 1972; and
3. that unless this case is scheduled for argument in advance of its regular turn, Appellant will be injured irrepar-

ably and will lose all her rights in the premises, especially her right to vote at the General election aforesaid.


Ann Llewellyn McKenzie


Kathryn Scates Levedahl


Mary Ellen Brooke


Arnold H. Ripperger
Attorneys for Appellant

I hereby certify, that on this 1st day of August, 1972, a copy of the foregoing Motion and of the Order proposed to be passed pursuant to said Motion was mailed to the following:
Charles E. Hogg, Esquire, 8335 Court Avenue, Ellicott City, Maryland and to E. Stephen Derby, Assistant Attorney General, land 21043, and Francis B. Burch, Attorney General, One South Calvert Street, Baltimore, Maryland, 21202, Attorneys for Appellee, and to Emma Clarke, American Civil Liberties Union, 156 Fifth Avenue, New York, New York 10010, Attorney for Amicus Curiae.


Arnold H. Ripperger

Of Counsel for Appellant

MARY EMILY STUART,

Appellant

v.

BOARD OF SUPERVISORS OF
ELECTIONS FOR HOWARD COUNTY,
et al,

Appellees

:
:
:
:
:
:
:

IN THE
COURT OF APPEALS
OF
MARYLAND

o o o o o o o

ORDER

The foregoing Motion to Advance Case for Argument having been read and considered, it thereupon this 31 day of August, 1972, by the Court of Appeals of Maryland, is

ORDERED that the entitled case be, and it hereby is scheduled to be argued ~~on~~ *in the September session*; briefs of the Amici Curiae shall be filed by the date heretofore ordered in these proceedings; that Appellees' briefs shall be filed on or before August 28th, 1972; and that the Appellant's reply brief and appendix, if any, shall be filed on or before *September 8*

, 1972.

William K. Bames
Acting Chief Judge



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:

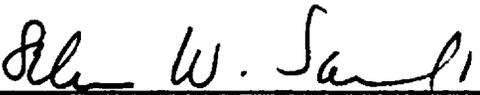
1. This action raises important legal questions in the area of women's rights, namely the right of a woman to retain her birth name as her legal name when she marries in the State of Virginia and subsequently moves to Maryland; the right of said married woman who, after becoming domiciled in the State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

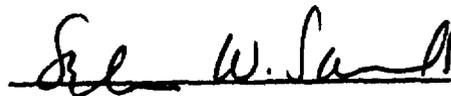
5. Movants, through their attorney Selma W. Samols, have orally obtained assurance from Katherine Scates Levedahl that attorneys for appellant have no objection to the filing of an amicus brief by movants.



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.

Annal B. Bane
Acting Chief Judge

Mary Emily Stuart

v.

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

FILED

JUN 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 MONGOMERY)

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

July 31, 1972

American Civil Liberties Union
156 Fifth Avenue
New York, N. Y. 10010

Attn: M's Brenda Feigen Fasteau

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

Dear M's Fasteau:

We enclose herewith a copy of an
Order of Court dated July 29, 1972 filed in the
above entitled case.

Very truly yours,

James H. Morris, Jr.
Clerk

JHNjr/h
Encl.

cc: M's Ann Llewellyn McKenzie
M's Kathryn Scates Levedahl
M's Mary Ellen Brooks
Attorneys at Law
E. Stephen Derby, Esq.
Asst. Atty. General
Charles E. Hogg, Esq.



IN THE
COURT OF APPEALS OF MARYLAND

September Term, 1972

No. 105

FILED

JUL 28 1972

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

MARY EMILY STUART,

Appellant,

v.

BOARD OF SUPERVISORS OF
ELECTIONS for HOWARD COUNTY,
et al.,

Appellees.

MOTION TO FILE BRIEF AMICUS CURIAE AND
FOR EXTENSION OF TIME WITHIN WHICH
TO FILE AMICUS CURIAE

TO THE HONORABLE, THE JUDGE OF SAID COURT:

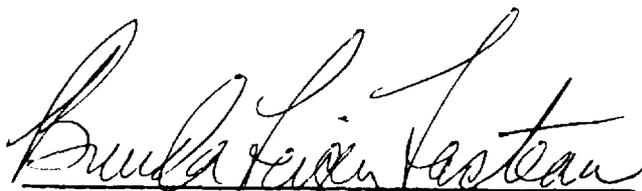
The American Civil Liberties Union, having special knowledge and experience in this area, requests permission for leave to file a brief amicus curiae and for permission to extend the date of filing from the 1st day of August, 1972 to and including the 18th day of August, 1972.

The American Civil Liberties Union has spoken with counsel for Appellant and she is agreeable to our motion.

Chief attorney for Appellee is out of town but his deputy expressed no objection.

Since the brief for Appellee is not due until August 28, granting the permission to file a brief amicus curiae with the 17 day extension requested herein will not serve to delay the Court's review of this case.

Respectfully submitted,



Brenda Feigen Fasteau
American Civil Liberties Union
156 Fifth Avenue
New York, N.Y. 10010
(212) 675-5990
Ruth Bader Ginsburg

July 26, 1972

IN THE
COURT OF APPEALS OF MARYLAND

September Term, 1972

No. 105

MARY EMILY STUART,

Appellant,

v.

BOARD OF SUPERVISORS OF
ELECTIONS for HOWARD COUNTY,

Appellees.

ORDER GRANTING AMICUS CURIAE
AND EXTENSION OF TIME WITHIN WHICH
TO FILE AMICUS CURIAE

This matter having come on before the Court in the motion of amici, the Court, being advised in the premises, FINDS: that said motion should be granted.

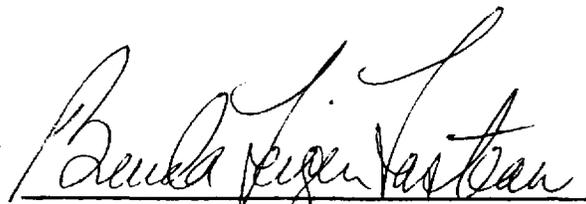
It is, therefore, ordered that the American Civil Liberties Union be granted leave to file a brief amicus curiae and that the date of filing be extended from 1st day of August, 1972 to and including the 18th day of August, 1972.

Done this 29th day of July, 1972.

William K. James
~~acting~~ Associate Justice ~~Chief Judge~~
Maryland Court of Appeals
Maryland

CERTIFICATE OF SERVICE

I, Brenda Feigen Fasteau, of counsel for amicus curiae, hereby certify that I have this day served counsel for appellant and counsel for appellees with a copy of the within and foregoing Motion to File Amicus Curiae and for Extension of Time Within Which to File Amicus Curiae by mailing a copy of same to counsel in properly addressed stamped envelopes as follows: Ann Llewellyn McKenzie, 500 Druid Hill Avenue, Baltimore, Maryland 21201; Kathryn Scates Levedahl, 810 Loyola Drive, Towson, Maryland 21204; Mary Ellen Brooke, 1719 Gough Street, Baltimore, Maryland 21231; E. Stephen Derby, Asst. Atty Gen., One South Calvert St., Baltimore, Maryland 21202; Charles E. Hogg, Attorney for the Board of Supervisors of Elections for Howard County, Ellicott City, Maryland 21043.



Brenda Feigen Fasteau
American Civil Liberties Union
156 Fifth Avenue
New York, N.Y. 10010
(212) 675-5990

[Handwritten initials]

June 28, 1972

The Women's Law Center
525 St. Paul Street
Baltimore, Maryland 21202

Attention: M's Emma Clarke

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

NO. 105, 1972

Dear M's Clarke:

We enclose herewith copies of two
Orders of Court filed today in the above entitled
case.

Very truly yours,

James H. Morris, Jr.
Clerk

JHNjr/h

Encls. (2)

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

[Handwritten mark]

95
FILED

IN THE
COURT OF APPEALS

Mary Emily Stuart

v.

Board of Supervisors of JUN 21 1972
Elections for Howard
County et. al.

James H. Norris, Jr., Clerk
Court of Appeals September Term 1972
of Maryland
No. 105

.....

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

The Women's Law Center, by its attorney Emma Clarke, moves for leave to file brief amicus curiae in the above-captioned case. The grounds of the motion are as follows:

1. This action raises an important legal question in the area of women's rights, namely the right of a married woman to retain her maiden name for voting purposes, and more particularly the operation, effect and Constitutionality of Art. 33 §3-18, Annotated Code of Maryland (1971 Replacement Volume).

2. Movant is a non-profit unincorporated association of women lawyers, law students and others interested in achieving full equality for all women through the law. Movant has received numerous requests for legal advice from women with problems similar to Appellant, has researched the specific question and its ramifications on other areas of women's rights and has thus acquired substantial background and knowledge which may be of assistance to the court. The serious legal questions in this case of first impression in the State of Maryland require consideration of relevant facts and authorities and a point of view based upon the interest of women in general, which the parties may not be in as good a position to provide the court as an organization such as movant with a background of specialization and devotion to the interest of women's rights in all areas of the law.

3. Movant, through its President Kathleen O'Ferrall Friedman, Esq., has orally obtained assurance from E. Stephen Derby, assistant Attorney General, that attorneys for Appellee have no objection to the filing of an amicus brief by movant. Appellant, through her attorney, Katherine Scates Levedahl has similarly expressed consent.

Emma Clarke

Emma Clarke
Attorney for Amicus Curiae
The Women's Law Center
525 St. Paul St.
Baltimore, Md. 21202

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed this 20th day of June, 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.



Emma Clarke
Attorney for Amicus Curiae

Mary Emily Stuart

v.

Board of Supervisors of
Elections for Howard
County et al.

IN THE

COURT OF APPEALS

OF MARYLAND

September Term 1972

No. 105

.....

ORDER

Upon the foregoing Motion for Leave to File Brief Amicus Curiae, it is this 28th day of June, 1972.

ORDERED by the Court that the Women's Law Center 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.

William K. Barnes

Acting Chief Judge

AS

FILED

Mary Emily Stuart

:

IN THE

v.

JUN 21 1972

COURT OF APPEALS

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

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

:

OF MARYLAND

September Term 1972

:

No. 105

.. .. .

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

The Women's Law Center, by its attorney Emma Clarke, moves to proceed without payment of filing fee and costs and to file a typewritten brief. The grounds of the motion are as follows:

1. Movant is a non-profit unincorporated association of women lawyers, law students and others interested in achieving full equality for all women through the law, whose total assets are \$209.75 from voluntary contributions and dues.

2. Movant 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.

Emma Clarke

Emma Clarke
Attorney for Amicus Curiae
The Women's Law Center
525 St. Paul St.
Baltimore, Maryland 21202

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed this 20th day of June, 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.



Emma Clarke

Attorney for Amicus Curiae

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

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 28th day of June, 1972.

ORDERED, by the Court that the Women's Law Center is hereby granted leave to proceed without payment of filing fee and costs and to file ~~XXXXXXXXXXXXXXXXXXXX~~ twenty (20) copies of a typewritten brief.

Ann M. Barnes

Acting Clerk

Judge