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MARYLAND STATE ARCHIVES

THE DAILY RECORD

## MARYLAND LAW

## THE COURTS



## Calling All Comments

## Court Records Committee Seeks Input

**T**he Ad Hoc Court Records Committee of the Maryland Judiciary is seeking written comments on its draft policy regarding the dissemination of court records, and will hold a public hearing on the topic next month. A copy of the draft proposal is posted on the judiciary's Web site: Go to [www.courts.state.md.us](http://www.courts.state.md.us) and click on "Public Hearing" at the upper right-hand corner. (The site can be accessed through The Daily Record Online, [www.mddailyrecord.com](http://www.mddailyrecord.com).)

The committee feels a policy is needed to ensure compliance with state and federal privacy laws in light of increased computerization of documents and increasing demands for access to such materials, according to court spokeswoman Sally W. Rankin.

The hearing will be held Wednesday, Dec. 13 at 7 p.m. at the Judicial Training Center in Annapolis. Those who wish to testify should call the Court Information Office in advance at (410) 260-1488.

Written comments will be accepted by the Court Information Office until Dec. 1.

## State Contractor Nailed; Lied About Record

ment fraud and was sentenced by a Baltimore County Circuit Court to 18 months in prison, suspended, and two years probation, Attorney General J. Joseph Curran Jr. announced this week.

Lawrence E. Slavin, who was hired to provide computer training for state employees, lied in his bid/proposal affidavit that accompanied a procurement with the state when he falsely swore that he had never been convicted of theft, Curran reported.

Last August, Baltimore County Circuit Court learned that in 1997, the state entered into a contract with Slavin's company, Belford Associates, that ran through June 30, 1998. But the signed affidavit, in which Slavin swore under penalty of perjury that he never been convicted for theft, was false.

Slavin had been convicted of felony theft in 1992 and was sentenced by the Harford County Circuit Court to 10 years in prison, suspended, five years probation, and ordered to repay more than \$100,000 in restitution.

"Mr. Slavin simply lied on his bid proposal, and that is illegal in Maryland," Curran said in a news release. "He can now add procurement fraud to his prior felony theft conviction."

## Two Convicted of Jobless Benefits Fraud

Two Baltimore men were convicted of unemployment insurance fraud during October after they concealed the fact that they were working while collecting unemployment benefits, the state's Department of Labor, Licensing and Regulation announced earlier this week.

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## 'May God Strike Me Dead,' He Said, And Other Tempting Courtroom Tales

*A Random Sample of Raconteurs Leaves Us Wondering — With War Stories Like These, Who Needs Lawyer Jokes?*

BY EARL KELLY

Daily Record Legal Affairs Writer

**B**ecause the recent presidential election put so many folks in a bad humor, it seemed like a good time to ask attorneys and judges about some of the lighter moments they've had in court.

Unlike exit polling, the selection process was less than scientific and consisted of grabbing anybody who looked like they could be made to talk.

State Sen. Walter M. Baker, D-Upper Eastern Shore, chairman of the Senate Judicial Proceedings Committee, practiced law on the Eastern Shore for nearly 40 years before retiring from it last year.

"I represented this young fellow one time who was charged with murder," Baker said. "His wife liked to drink, and she'd go and spend the day with this 70-year-old man, and they'd spend all day drinking."

After a period of this, the young husband went to the older man's house to confront him. He was banging on the man's door when the older man opened the door and dropped dead of a heart attack.

"My partner, Leonard Lockhart, was examining the medical examiner," Baker said. "He asked, 'Doctor, if a 70-year-old man had spent the afternoon with a young woman, chasing her around and drinking, would that be a strain on his heart?'"

"That would be a strain on any man's heart," the medical examiner said.

"The jury was out about 10 minutes and came back with 'not guilty,'" Baker said.

On another occasion Judge Edward D. E. Rollins Sr. appointed Baker to represent a criminal defendant on larceny charges.

"It was the first day of criminal session, and every room was filled," Baker said, "so the judge told me to take my client into his chambers and talk with him there."

"The judge called me later that afternoon and said, 'Walter, you didn't pick up my gold cigarette case, did you?'"

"So help me, my larceny client stole the judge's cigarette case," Baker said.

## As I was saying ...

Controlling difficult clients takes a range of talents, and 5-foot-3-inch attorney Rebecca A. Nitkin of Montgomery County has her own style.

"I had a client who was totally psycho, and I

had him in Judge [Martha G.] Kavanaugh's courtroom for sentencing on a very serious crime. The alleged victim was there, and my client went ballistic," Nitkin said.

"I was nine months pregnant and put him in a headlock and told him to shut up and read the statement," Nitkin said. "Just shut up and read."

"He finally calmed down, and I let him loose, and he started reading just as scripted," Nitkin said. "Good afternoon, your Honor ..."

With some judges, the client's behavior doesn't make much difference.

Howard County Deputy State's Attorney I. Matthew Campbell, who served in the Montgomery County State's Attorney Office, remembers one defendant in particular.

"Hobart Wilson, who is now deceased, was a paraplegic who had a problem with alcohol," Campbell said. "He got around on a creeper like mechanics use, and he'd always have a sharp knife with him at bars, and he'd have too much to drink and slash people on the legs."

"Wilson was in [Montgomery County] Circuit Court, and Judge Phillip Fairbanks sentenced him to 18 months," Campbell said. "Judge Fairbanks got up to leave, and Wilson asked, 'Can't I speak?'"

"Judge Fairbanks told him he could."

"Judge, you are one common son-of-a-bitch," Campbell said, reciting Wilson's statement.

"Very well," Fairbanks said, and he got up and left again," according to Campbell.

## Double or nothing?

Montgomery County Deputy State's Attorney John McCarthy recalled being an assistant public defender when his client, who suffered mental health problems, failed to appear for court.

"We were in District Court, and Judge William Miller asked me if there was any reason he shouldn't issue a bench warrant," McCarthy said.

"I looked at the file and said the only thing that came to mind, that my client was schizophrenic."

"Then would you like for me to issue two warrants?" Miller asked.

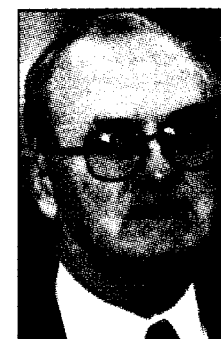
Senator Leo E. Green, D-Prince George's County, is vice chairman of the Judicial Proceedings Committee. He recalls representing a man charged with driving under the influence of alcohol.

"The man hauled horse manure for a living, and I argued that the smell of manure created the

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BAKER: HEARTACHE



GREEN: METHANE DEFENSE

# Tales

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smell of alcohol on him," Green said.

"The judge said, 'That was the sh—est argument I've ever heard,'" Green said. "But he thought enough of it to acquit my client."

Baltimore County Circuit Court Judge J. William Hinkel recalls a litigant at a post-conviction proceeding who had a way with words:

"You know, judge, if you're a blind man, you get a Seeing Eye dog to help you get through traffic. And if you're in legal trouble, you get a lawyer to help you get through the courts. Well, judge, my lawyer walked me right in front of a Mack truck."

Hinkel's colleague on the county circuit court, Judge Barbara Kerr Howe, remembers presiding over a case where a witness finished testifying with a flourish.

"If that isn't the truth, may God strike me dead," the witness said.

"The very moment he said that, the power went off and the courtroom was

pitch black," Howe said. "You could have heard a pin drop."

## The better part of valor

Attorney Marvin Ellin of Baltimore remembers a judge who must have thought the lights were out.

"I put a judge fast to sleep," Ellin said.

It was a complex multi-party case and involved a lot of scientific evidence because the plaintiffs said that a chemical company had polluted their wells.

"We had been talking day after day about testing

well water," Ellin said, "and I looked up, and the judge, who I'm not going to name, was fast asleep. The jury was looking at him with his head down on his chest.

"The insurance company attorney thought I should awaken him," Ellin said. "But I thought the best thing to do was to obey my cowardice."



ELLIN: SHHH...