

**BALTIMORE COUNTY BAR ASSOCIATION
CONTINUING LEGAL EDUCATION PROGRAM**

November 13, 2007

Evidence Update

I. Resolving “Privilege” Issues

Ehrlich v. Grove, 396 Md. 550, 914 A.2d 783 (2007)
(*In camera* review of allegedly privileged documents)

II. Admissibility of “Business” Records

Hall v. The University of Maryland Medical System Corp.,
398 Md. 67, 919 A.2d 1177 (2007)
 (“Pathologically germane” entries in a hospital record)

Owen-Illinois, Inc. v. Armstrong, 326 Md. 107, 604 A.2d 47
(1992)
(Business record excluded as *unreliable*)

III. Applying the *Frye-Reed* Standard to Expert Testimony

Montgomery Mut. Ins. Co. v. Chesson, et al., 399 Md. 314,
923 A.2d 939 (2007), overruling 170 Md. App. 551, 907 A.2d
873 (2006) (Doctor’s testimony concerning mold-related
illnesses not admissible without a *Frye-Reed* analysis)

Clemons v. State, 392 Md. 339, 896 A.2d 1059 (2006)
(Comparative bullet lead analysis does not satisfy the
Frye-Reed standard)

Giddens v. State, 148 Md. App. 407, 812 A.2d 1075 (2002)
(Distinguishing “unpopular opinions” from opinions based
upon “unpopular” scientific tests)

**Prepared by
Chief Judge Joseph F. Murphy, Jr.
Court of Special Appeals**