

Administrative Law Section Council Meeting Minutes  
November 27, 2001

Present: Robert Drummer, Hon. Joseph Kaplan, Andrew Baida, Cathleen Ward, Hon. Patricia Mitchell, Hon. Barbara Howe, Kenneth Masters, Hon. Jody Plymyer, Laura McWeeney, Hon. Yvette Diamond, Michelle McDonald, Nathan Greenbaum, Jack Gohn, and Hon. Marc Nachman (Guest)

Location: D'Alessio's Restaurant, Baltimore.

Chair Jody Plymyer called the meeting to order at 6:20 p.m.

It was agreed that minutes may be circulated among the group by e-mail, as had been done with respect to the previous meeting. The minutes of that meeting, October 2, 2001, were approved as submitted.

Judge Mitchell gave the Treasurer's Report: \$3132 is available for meetings. \$448 is available for other purposes. If we have special projects for next year's budget, we should submit those requests by December 14, 2001.

There was a further discussion of minutes. It emerged that the Section maintains no repository of the minutes of previous meetings. It was also agreed that it would be well to have a permanent collection of such minutes, to serve as the institutional memory of the Section. Jack Gohn, current Secretary, was authorized to note in the minutes a request for minutes to be submitted directly to him for archiving.

The Chair's Report: 1) Chair Plymyer noted that members Robert Zarnoch and Nathan Greenberg were reelected by email vote of the Council to fill vacancies for the present year. If they desire to continue Council membership next year, however, they will need to be elected to new three-year terms at the general meeting in June 2002. 2) Chair Plymyer reported that she completed a survey sent by ABA to chairs of administrative law sections of state bar associations and forwarded the survey to the Council. 3) She also noted that we received a letter thanking us for our letter on behalf of the reappointment of Judge Hardwicke. 4) She mentioned tightened security at the Maryland Bar Center. 5) She also noted that there is a job opening at the Center for Medicare and Medicaid Services, GS 11 – 14, and that a notice was emailed to the Council. 6) Chair Plymyer reported that the MSBA has no record of amendments to the Section bylaws in 1994-5, only the 1976 version. 7) On January 7 there will be an MSBA meeting on lobbying. If Andrea Leahey-Fuchek or Bob Zarnoch is unable to attend, Jack Gohn offered to go.

Vice Chair Laura McWeeney reported that she had been unable to attend the Bar Presidents Conference in October, but she obtained the written materials. Judge Howe attended. The Conference is given every year by the Association's Board of Governors. There were 400 people in attendance this year. It is designed primarily for presidents of local bar associations and presidents-elect, but this year MSBA Section and Committee Chairs were invited.

Committee reports followed.

OAH Committee: Chair Plymyer gave a report. She does not know who the new Chief Judge will be, whether Judge Hardwicke or another. In the meantime, there are personnel changes at OAH. Laurie Bennett is the new Director of Quality Assurance, replacing Suzanne Fox, Jana Burch is the new Director of Operations, and Wayne Brooks is the Deputy Director of Operations. There was a threat to cut the budget, by half a million dollars, but it was averted. There is still no apparent progress on pay raises for ALJs. Chair Plymyer went to the last NAALJ meeting in Austin, Texas. It was reportedly a very nice meeting, concentrating on communications and teleconferencing and several OAH ALJs attended and made presentations.

Legislative Committee: Ken Masters reported that there are no developments yet. There is speculation that the effort to institute direct gubernatorial appointment of ALJs will be back.

Public Education Committee: Judge Diamond gave a report. Last meeting, there had been a discussion about projects for this year. Judge Diamond had had an idea of going to schools with ALJs and District Court Judges, and members of the bar, and coordinating through various entities, largely to discuss with young drivers the administrative and judicial procedures they may encounter. Judge Diamond has taken some exploratory steps and will be taking more. The idea will take some further refining before it is ready to implement.

Membership and Nominations Committee: No report.

Continuing Legal Education Committee: No report.

Lunch Program Committee: Chair Plymyer reported that a meeting is in the planning stages for the law school at the University of Baltimore on March 14, 2002.<sup>1</sup> The plan is to have groups of ALJs, lawyers, and judges from the Council meet with members of Professor Rochvarg's Maryland Administrative Law class, and have them find out a little bit about what these members of the administrative legal system do. Lunch will precede or follow the program. The Section Council and the Md. Ass'n of Adm. Adjudicators are invited to participate.

Spring Dinner Committee: Chair Plymyer reported in Judge Harrell's absence that he had explored the previously discussed idea of a field trip to the Supreme Court. It turns out that the Court requires considerable advance notice for groups. It was suggested we ask for next year. As an alternative for this year, it was agreed to see if we could arrange a tour of the Courts of Appeals Building in Annapolis, possibly coming in after the judges break from their conference at 4:00 p.m., followed by dinner in Annapolis. The consensus was to see if this can be done in the April-May time frame. Judge Harrell will be asked to explore this.

Annual Meeting Committee: Judge Mitchell gave a report. At the last Council meeting, there had been some thoughts floated, e.g. the impact of the events of September 11<sup>th</sup> on Administrative Law. Another suggestion came from Judge Mitchell's experience at the District Court Judicial Conference, where there was a presentation by Judge Hardwicke and the MVA

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<sup>1</sup> Note that the date of the meeting has since been changed to March 7, 2002, per a January 18, 2002 e-mail from Judge Plymyer to Section Council.

Administrator, Anne Ferro. Their presentation could be an interesting program, in light of the recent adoption of the .08 standard for legal intoxication.

There was no additional old business.

There was no new business.

The next meeting of the Council was tentatively set for February 7<sup>th</sup> at PF Chang's in Columbia.<sup>2</sup>

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Jack L. B. Gohn, Secretary

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<sup>2</sup> Note that the date of the meeting has since been changed to February 13 at That's Amore in Columbia, per the Chair's January 18, 2002 e-mail.