

Administrative Law Section Council
Meeting November 8, 2007 - Maryland State Bar Association Headquarters

Present for all or part of the meeting were Andrea Leahy-Fuckeck, Chair, Hon. Joseph H.H. Kaplan, Judith Plymyer, Judith Bresler, Andrew Baida, Chief Judge Thomas Dewberry, Linda Lamone, Michelle McDonald, Jack L. B. Gohn, Kenneth Masters, and Robert Drummer.

The Chair called the meeting to order at 6:45 p.m.

Minutes. The minutes of the September 19, 2007 meeting were considered. They were unanimously approved with the following corrections: a) Under "Approval of Minutes," substitute "were" for "was"; b) Under "In Attendance," substitute "Jack Gohn" for "John Gohn"; c) Under "announcements," substitute "Amanda Conn" for "Andrea Leahy-Fuckeck"; d) The "Committee Assignments" should be renumbered "IV," the "Membership Report" should be renumbered "V," the "OAH Liaison report" should be renumbered "VI," and "Old Business" should be renumbered "VII."

Chair's Report. Andrea Leahy-Fuckeck had sent out an e-mail urging more members to participate in the section, especially in providing articles for the section's newsletter, and options regarding MICPEL. As regards dates for the latter, we need to set up a date in March or April of 2008.

The Chair circulated a committee list, appended hereto, on which she requested corrections. Corrections proposed at the meeting included: a) Add Plymyer and Dewberry to Membership; b) Add Masters to the Legislative Committee. There was also a discussion of possible new Council members in the future.

The Chair circulated a membership list, appended hereto, on which she requested corrections. Corrections proposed at the meeting included: a) Plymyer should be listed as being with the Attorney General's Office assigned to the Maryland Department of Transportation rather than being from "MDOT Office of General Counsel"; b) Conn is now at the State Office of Planning in a policy role.

Spring Dinner. There had been an earlier decision to ask the Governor to speak. The Chair spoke to member Ralph Tyler, who was encouraging, and asked for suggested topics. There was also a discussion of obtaining other sections to co-sponsor the dinner with. The Section has already been approached by the State and Local Government section, with the understanding the Section would in turn co-sponsor a function of the State and Local Government section in the Fall. It was agreed we would also ask the Litigation section, the Business Law section, and the Labor and Employment Law section. It is understood that spring dates will drop out quickly on the Governor's

calendar, and that we shall give him his choice of date, probably at the very beginning of May.

Treasurer's Report. This item was initially deferred, as the Treasurer was absent. However, numbers effective as of the previous meeting were located. At that earlier time, the Council had available \$3,562, of which \$2,835 was allocated to meals, and \$727 was allocated to other purposes.

Membership. Discussion of this item was brief, as the Chair of the Committee was absent.

Office of Administrative Hearings. Judge Dewberry reported that there was a full complement of ALJs since March, with 60 judges, including four in management. Yvette Diamond and he moderated a panel for the National Association of Administrative Law Judges, with a discussion and showing of *Branded DUI*. Judge Dewberry made a presentation in Columbia to the Maryland Trial Lawyers Association on the new bad faith cancellation cases delegation to the Office. The cases will start coming in in February, and will involve final decisions. The Maryland Insurance Administration will start training ALJs.

Annual Meeting Program. Drummer presented the suggestion we might do a new play by Paul Handy, author of the Merryman play presented a year ago, this one on the subject of the Brown decision. Gohn presented the suggestion we reprise a recent presentation at the Wrangler's Club in which our Council's own Bruce Martin and Joel Smith debated the merits of proposed legislation expanding the scope of judicial review of agency hearings. Other suggested that the program might be improved with a judge and/or Professor Arnold Rochvarg.

Next Meeting. It was tentatively decided that the next meeting be held on January 9, at 6:30 p.m., at the Furnace Inn in Elkridge.

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

Respectfully submitted,

Jack L. B. Gohn, Acting Secretary