

# **Minutes**

## **Administrative Law Section Council**

### **January 22, 2004**

The January 22, 2004 meeting of the Administrative Law Section Council was called to order by Chair Jack Gohn at the Maryland State Bar Association Offices at 6:30 p.m. Also present were John Hardwicke, Hon. Joseph H. H. Kaplan, Hon. Glenn Harrell, Nathan Greenbaum, Jody Plymyer, Andrea Leahy-Fucke, Tim Meredith, Laura McWeeney, Bruce Martin, Yvette Diamond, Judy Showalter, Bob Drummer, and Tom Dewberry.

The meeting minutes of November 13, 2003 were approved and submitted.

**Chair's Report.** The Chair pointed out that over 250 members of the MSBA's Administrative Section participate on the Listserv. He encouraged its use for questions and announcements. The Chair has had a request from the ABA concerning interstate compacts. Specifically, whether anyone on the Section Council is interested in regulatory activity following the enactment of compacts in other states. If any member has an interest in this topic, let him know and he will put them in contact with the appropriate person at the ABA.

**Legislative Committee Report.** Bruce Martin presented information on a few bills of interest. Proposed Senate Bill 34 has not yet been filed. This MVA departmental bill is intended to make the OAH the final decision maker in all of its hearings. Several Open Meetings Compliance Board bills will be introduced this session. They are intended to close certain "loopholes" in the Open Meetings Act. It is anticipated that in the next week or two, more bills will be filed and copies will be distributed at the next meeting. Chief Administrative Law Judge Dewberry discussed the OAH's inclusion in the Omnibus Fee Act which will increase the fees charged for administrative hearings. Currently, no fees are charged for entitlement cases. There is also a waiver process available for those unable to pay the required fees.

No members believe a position should be taken on legislation at this time.

Tim Meredith suggested putting these bills on the Section website for questions and information. He informed the Council that unless the Board of Governors has taken a position on legislation, a Section may do so after notifying the Board of its intent.

**CLE Committee Report.** Michelle McDonald is discussing this matter with Kim

Barranco. A presentation focusing on judicial review of administrative action will be scheduled in April.

**Newsletter and Website Committee Reports.** Elyssa Levan has requested articles and input for the next newsletter which will be published electronically. Jody Plymyer requested new e-mail addresses.

**Public Education Committee Report.** Yvette Diamond has calculated the cost for the videos and DVDs. Michelle McDonald has requested \$5,000 in the budget. Yvette has identified the number of young people to interview and the timetable is developing. The Chair greeted ALJ Showalter and thanked her for her participation. She fills a gap in federal presence on the Section Council. Jody Plymyer informed the Section Council that the University of Baltimore meeting is set for Thursday, March 11 at noon in the Poe Room. Professor Rochvarg and his State administrative law class will be present. No program is needed this year. She is in discussion to set up a similar program at the University of Maryland. This event will probably not happen until next year.

**Spring Dinner and Annual Meeting Committee Reports.** The Chair will approach Judge Howe in the next few days to determine whether a Spring Dinner meeting is possible. Andrea Leahy-Fuchek reported that the Ethics Section is willing to do a joint project with us this year. The Council voted to pursue her idea for the Annual Meeting for a panel on slots and gaming regulation.

**OAH Report.** Judge Dewberry reported that the Governor has recommended in this year's budget that the administrative law judges receive a one pay grade increase which will put the OAH on a more competitive level with the District of Columbia office and may help retain experienced judges. The OAH has hired three new judges. Jody Plymyer will be moving the Attorney General's Office in the near future. Judge Dewberry also informed the Council of the new "rocket docket" practice for certain MVA cases. This process has been completed several times in the past and has been successful in clearing up a large number of cases.

**Membership Committee Report.** Nate Greebaum reported that Dick Romine has resigned from the Council. There is an opening that will be held open until the next meeting.

**New Business.** Judge Hardwicke announced his appointment as Executive Director of the National Association of Administrative Law Judges which will be headquartered at the University of Baltimore. He has some suggestions for Section assistance including assistance with the annual meeting in Baltimore in early November, assistance with the establishment of standards for administrative adjudicators and the

establishment of an National Ethics Committee Clearinghouse for questions. Judge Harrell suggested that this announcement would be appropriate for the Listserv.

**Schedule.** The next meeting will be held on Thursday, March 4.