

**Maryland State Bar Association
Administrative Law Section Council
Meeting Minutes
November 17, 2008**

Location: Tio Pepe's, Baltimore City, Maryland

In Attendance: Elissa Levan, Kathleen Chapman, Andy Baida, Bruce P. Martin, Andrea Leahy-Fuchek, Hon. Barbara Kerr Howe, Hon. Joseph H.H. Kaplan, Wayne Brooks, Thomas Dewberry, Robert Drummer, Jack Gohn, Michele McDonald, Laura McWeeney, Susan Shubin, Joel Smith.

Meeting

Meeting called to order at 6:20 p.m. by Elissa Levan

I. Approval of Minutes

Minutes of the September 11, 2008 meeting were unanimously approved.

II. Chair's Report

Elissa Levan acknowledged the Judge John Hardwicke's resignation from the Section. Judge Dewberry moved the creation of an award for significant contributions to administrative law to be named after Judge Hardwicke. The Section Council unanimously agreed. It was further agreed that Judge Hardwicke should be the recipient of the first award and that it be presented at the MSBA Summer meeting.

Jack Gohn and Judge Dewberry reported that the Section's participation with the Asper program at the University of Maryland Law School was successful and that a request was made to continue involvement next year. Andy Baida and Bob Drummer reported similar success at a George Washington University Law School program.

III. Announcements:

None.

IV. Treasurer's Report

Andy Baida reported that the available balance for Section meals was \$2,971 and \$761 for other items.

V. Committees

MICPEL – Joel Smith and Michele McDonald reported that the January 29, 2009 program, "The Maryland Administrative Procedure Act: 50 Years Strong", was on target.

The program will be in four parts: (1) Historical Overview of the Maryland APA by the Hon. Glen T. Harrell, Jr. and Hon. Dennis M. Sweeney; (2) Agency Rulemaking by the Hon. Robert A. Zarnoch; (3) Contested Case Provisions and Issues by Jack Tranter of Gallagher, Evelius & Jones and Sandra Barnes, Assistant Attorney General; and (4) Judicial Review under the APA by Joel Smith and Andy Baida.

Spring Dinner – The Section Council discussed the merits of the traditional Spring Dinner and decided to attempt a different approach for Spring 2009. In order to make the event less costly and therefore more accessible to members and potential members it was decided that instead of a sit down dinner the Section would host a Spring Happy Hour. Kathleen Chapman agreed to chair the event, which will tentatively be scheduled sometime in May.

Annual Meeting – The Section Council decided to propose a program for the MSBA Annual Meeting that would acknowledge the upcoming 20th anniversary of the legislation creating the OAH and recognize the invaluable contributions of Judge Hardwicke in the subsequent success of the OAH by presenting him with the first annual John W. Hardwicke Award for significant contributions to administrative law. Bruce Martin, Joel Smith, and Judge Dewberry agreed to serve on the committee.

Legislative – No report.

Public Education Outreach – No report.

Publication Committee – Bob Drummer agreed to edit the newsletter. Jack Gohn offered to write a significant article. Elissa Levan suggested looking to the OAG for advice and opinions that would be of general interest.

III. Membership Report

Committee Chair Nathan Greenbaum was unable to attend the meeting. In his absence it was noted that there are two or three empty seats on the Council and four members with expiring terms. It was suggested that Abigail R. Hopper, Deputy General Counsel for the Public Service Commission, and Carl Isler, of the WSSC, have expressed interest in Section Council membership.

IV. OAH Liaison report

Judge Dewberry reported that OAH ALJs have been provided with new laptops that will be used to digitally record hearings. The laptops will provide ALJs with the ability to work from remote locations by reviewing hearings they have conducted, accessing the OAH's document management system to work on decisions, and to read and respond to e-mail.

An OAH committee has been formed to develop a "How to" DVD for pro se litigants. Various Section Council members noted that it may be useful to look at a 1997

VHS effort by the Section in that regard: “How to Fight City Hall: A Guide to Administrative Hearings”.

Judge Dewberry noted that the OAH was likely to experience further budget cuts and possibly layoffs as the State’s budget situation worsens.

V. Old Business

None.

The next meeting was scheduled for January 7, 2009 at That’s Amore in Columbia.

Meeting adjourned at approximately 8:00 p.m.