

**MARYLAND STATE BAR ASSOCIATION
ADMINISTRATION LAW SECTION COUNCIL
Minutes – September 11, 2003 Meeting**

Members Present

Hon. Glenn Harrell, Richard Romine, Jody Plymer, Yvette Diamond, Susan Shubin, Del. Ken Masters, Jack Gohn, Hon. Patti Mitchell, Alyssa Levan, Hon. Barbara Howe, Robert Drummer, Jeff Krew, Hon. Joseph H. H. Kaplan, Judith Bressler, Andrea Leahy-Fuchek, Michelle MCDonald, Tim Meredith (Board of Governors).

The meeting was called to order by Chair, Jack Gohn. There are no minutes from the June 2003 meeting.

Treasurer's Report

The budget is fixed at the same amount as last year. Judge Howe explained the formula used by the Board of Governors to calculate the budget for each section/committee/council. If additional money is needed, approval must be obtained from the Budget and Finance Committee. Meals/Meetings are funded at \$3132; other expenses at \$83.

Chair's Report

Jack Gohn introduced Tim Meredith. Mr. Meredith is the Board of Governors representative for the section council. Judge Howe explained that Mr. Meredith could provide assistance if the council decided to seek additional funding from the Board of Governors.

The chairman observed that there was minimal activity over the summer months. He noted an administrative problem within the MSBA resulting in 3 section council members (Hon. Thomas Dewberry, Hon. Stephen Johnson, Jeffrey Krew) not receiving notice of the meetings. Initially, MSBA attributed this to the failure of the 3 members to pay section dues. In fact, section dues have been. Efforts to rectify the [administrative] notice problem are ongoing.

The current fiscal atmosphere in the public sector has resulted in a restriction of government initiatives. The chair expressed a desire to work with public notice and comment on the web site. However due to the fiscal limitations, this effort may be delayed.

Committee Reports

CLE/Spring Meeting/Annual Meeting (combined)

There was discussion of possible topics for CLE presentations. Michelle MCDonald proposed the topic of participation in judicial review - - mandamus and

certiorari. Members observed that the topic may not have the broad, practical appeal necessary to attract significant participation. There are administrative hearings not completed through OAH that can be appealed. It would be important to recognize/provide and understanding of the tools for appeal for processes that do not have the standard OAH record. An expanded topic – judicial review and alternate forms of judicial review was suggested as a topic. How to address discovery at OAH was also proposed.

Winter Program - Regarding the December/January program, members agreed that a topic must be important (legally/professionally), interesting (to a broad cross section of MSBA members) and worthy of attendance. There was discussion about the time slot for the program. The end of January was generally believed a better time period for the program. Judy Bressler emphasized the importance of a good location – easy roads and directions as an attendance draw.

Judge Harrell and the council generally agreed that “alternative judicial review” is a good topic. Other areas of interest might include: federal administrative practice; special education; home improvement issues; attorney fees/insurance coverage issues; fee-shifting statute; fundamentals for new admittees; a refresher course in the morning; how to process appeals; recent developments/review of cases; and the “Top Ten” from the Ocean City program.

Spring Program - Topics for the Spring program were explored, in general. Jody Plymer noted that there will be new OAH members as a result of retirement/resignation. She also advised that the OAH has a new, digital recording system with CDs. Yvette Diamond suggested that new MVA issues might be timely. New regulations and procedures are in place – to reduce identity theft issues. While it may cause delays initially, the new processes are designed to (ultimately) provide better service, and more secure transactions.

The Administrative Office of the Courts (Sally Rankin and Ron White) may be able to assist the council with the scripting and assembly of a new video designed to deter teen alcohol driving offenses. Yvette Diamond explained that until they experience the problem, most teens do not understand the administrative and court processes associated with DWIs. He noted that teen drivers have made comments (after conclusion of their hearing at MVA) expressing surprise at the amount of time and difficulty that result from DWIs. The emphasis should be on the life-ramifications, remedial classes and consequences of DWIs. A broad variety of individuals should be solicited for participation.

It was suggested that a strong, appealing person of celebrity – perhaps Juan Dixon, would be willing to narrate this type of video. Addition money might be needed for the actual video/CDs. However, the AOC will complete the

production and editing. It would be optimal to complete this type of project before high school proms and graduations.

The National Judicial College offers a product called "Courage to Live". This material might be useful from substantive and administrative standpoints. Ideas and methods may be derived from this material. In addition, form releases and similar documents (facilitating the use of minors in the production) might be available, in form. Other resources might be the OAH committee on this topic and the Students Against Drunk Drivers chapters. The Court TV program of "Choices and Consequences" – including the consequences of pranks and hazing is a production that is similar in nature to that being discussed by the council.

In terms of funding for this project, the Bar Foundation might be a source for a grant. The MSBA Budget and Finance committee would have to re-allocate money for additional council funding.

Baltimore City Bar Joint Program: Yvette Diamond noted that the council has received a request from the Baltimore City Bar Association for presentation of a cooperative program. This would be a 60-90 minute presentation. A reprise of the "Top Ten" might be a good topic. It was agreed to **table this discussion** until the next meeting.

Publications

There will be two newsletters this year. Alyssa Levan will assemble and publish the newsletters. The council will find the money to fund this effort. After discussion, it was generally agreed that electronic publishing is a better and less expensive method of distribution. Concern was expressed that electronic publishing might dilute the exclusivity or benefit of the newsletter to section members. Members suggested that there may be methods to restrict electronic access (of the newsletter) to section members only. This might be accomplished by use of an e-mail notification to section members, with a hyperlink. This is something that needs to be reviewed with John Anderson.

Jack Gohn also expressed a desire to expand the use of electronic distribution - such as posting the section council's minutes on the MSBA/ALSC web site. Susan Shubin suggested that a member skilled in this area might be able to facilitate electronic publication/posting of information.

The chairman suggested that an information officer might be a beneficial position within the section council. This position could coordinate electronic and paper publishing for the section council and maximize the use of the website. This individual would also provide the "contents" for the website, including past programs, minutes and information. In addition, the council's agenda could be published on the web, a less expensive manner than photocopying. It was suggested that this would ensure continuity and also help to create an archive.

Jody Plymer agreed to accept this position, should she be placed back into the council. It was agreed that using the MSBA website will reduce publication costs, thereby freeing additional monies for other projects.

Membership

Cathy Ward resigned from the section council, creating an vacancy in membership. By unanimous vote, Jody Plymer was voted in to fill the vacancy.

Old Business

There is apparently an inconsistency in various lists of Council Members. It is important that all lists reflect the same, accurate list of members.

Members with changes in their email addresses can provide such changes to John Anderson.

New Business

Committees for the Section Council were created and members volunteered/assigned to each. A master list of section committee membership will be provided.

Judge Eldridge is retiring. Jody Plymer agreed to obtain a photo for his retirement (before November 15). The Section Council has been solicited for a small contribution toward a Daily Record publication honoring Judge Eldridge. Councilmembers agreed that Jack Gohn could make a decision regarding the contribution.

Section Council Records - Jack Gohn explained that there is presently no central repository of ALSC minutes. Consequently the council's institutional memory is lacking. Members who have minutes from prior meetings are requested to provide copies of them to the Chair.

**The next meeting of the council is November 13, 2003.
The location will be determined – in the Columbia area**