

**MSBA State & Local Government Law Section  
Council Minutes  
August 23, 2007**

The Council met at *That=s Amore* in Columbia, Thursday, August 23, 2007 at 6:30 pm. Attending were: Chair Karen Federman Henry, Past Chair Ernest Crofoot, Diane Jones, Robert McDonald, Michael Subin, Laura Swisher, Charles Thompson, and Vice-Chair William Varga.

**Administrative Matters**

The Chair distributed an agenda to each attendee along with a packet which included: (1) a list and contact information for the Council members (Jay Liner (2006 - 2009) needs to be added to the list), (2) the current Section bylaws, (3) 2007-2008 budget information, (4) a list of MSBA-approved restaurants, and (5) the 2007-2008 MSBA Calendar of Events. A clean copy of the packet is attached to these minutes.

The Chair indicated that the current bylaws were approved at the MSBA Annual meeting and noted that the bylaws allow meetings to be conducted by conference calls, which will facilitate communications. The former Secretary/Treasurer will sign and date the bylaws, and a copy of the signed document will be transmitted to Bar Headquarters.

A brief discussion of future meetings followed. Some meetings will be face to face, while others will use the conference call feature. The Chair hopes to alternate business meetings with mini-programs (discussed below).

**Mini-Programs**

Discussion turned to the Section offering evening programs on particular topics, a practice that the Section used to follow, but that has not occurred in several years. The cost for each attendee would be about \$35. Chuck Thompson and Diane Jones agreed to work on an initial program addressing Brownfields, with speakers from the EPA and the State. This initial program is tentatively scheduled for December 12, 2007, at WSSC. A suggested starting time was 5:30 p.m.

Suggested topics for potential future mini-programs included: the IRS position affecting the employment status of municipal attorneys; *Kentucky v. Davis*, a case pending in the Supreme Court addressing whether a state=s income tax exemption limited to interest on in-state municipal bonds, but not extending to municipal bonds of other states, violates the dormant commerce clause; local government involvement in immigration matters;

preservation of rights of way; election matters; electronic record retention; and who is the Aclient@ when representing governmental entities. Some of these topics may be suitable for sessions of the Institute (see further discussion below).

## **Institute**

Discussion turned to scheduling the next all-day State & Local Government Law Institute, sponsored through MICPEL. At an earlier meeting, the Section Council had identified the following possible topics: Md. Rule 1.13, Ethics/who is the client; Municipal Finance (including review of audit letters); Legislative update; Case law developments; Cable franchises; and annexation.

Additional topics discussed at this meeting include: preserving rights of way; immigration; voting and redistricting; electronic discovery; spoliation of evidence and knowledge retention; telecommunications; decaying infrastructure; and County or City Attorney as an employee. Possible speakers include: Chuck Thompson re Md. Rule 1.13; Jeff Blomquist/Al Figinski re voting/redistricting; a representative from MML re legislative update; and Paul Grimm re electronic discovery.

The consensus was that the Institute be delayed until shortly after the 2008 session of the General Assembly to allow additional time for planning and to include any hot topics that might result from the session. The Chair will explore available dates with the MICPEL coordinator.

A general discussion followed regarding which programs should be included in the Institute and which might be better for the mini-programs.

## **Dinner Program & Curran Award**

The Section Council previously determined that it wanted to create a public service award to be named for the former Attorney General, Joseph Curran. The annual meeting could not accommodate all of the awards in 2007, so the first presentation of the Curran Award was delayed.

It was suggested that the Section sponsor a dinner program which would include a panel of lawyers who have served (or who currently serve) as counsel to the Governor. This program would target a larger audience than the mini-program sessions, and be similar to dinner programs sponsored by the Administrative Law Section. Bill Varga and Diane Jones offered to work on this program once a potential date can be determined. For planning time, it may need to be during the spring, but needs to avoid conflicting with the Institute and other Bar Association events. The group thought that May 2008 might work, as long as it is not

the same month as the Institute. The Chair will notify Bill Varga and Diane Jones once the new Institute date is identified. If more time is needed to plan the event, the program could be moved to the fall of 2008 and continue annually thereafter.

Alternative options for presenting the Curran Award are the mini-programs or the Institute, but those events draw smaller attendance, so the dinner meeting is probably the best choice.

**Web site**

The Chair encourages Section Council members to forward to her items if interest to lawyers representing government entities so that the information could be posted on the Section=s web site. The items can include articles, recent cases, and pending issues in the courts or before the legislature.

**Secretary/Treasurer Position**

Eric Blitz had indicated that, while he wished to remain on the Section Council, he would not be able to serve as the Secretary/Treasurer. Diane Jones volunteered to assume this role. A motion was made and unanimously adopted to declare the Secretary/Treasurer seat open, to name Diane to that position, and to place Eric in Diane=s current term (2007-2010).

**Adjournment**

The Chair announced that the next Section Council meeting will likely be by conference call at a time to be determined. The meeting adjourned at approximately 8:30 pm.

Approved \_\_\_\_\_

Secretary/Treasurer \_\_\_\_\_