

**Maryland State Bar Association  
Administrative Law Section Council  
Meeting Minutes  
December 6, 2011**

**Location:** Donna's Restaurant, Columbia, Maryland, 6:30 p.m.

**In Attendance:** Rachael Barnett, Judy Bresler, Janet Brown, Sandra Brushart, C. William "Bud" Clark (Board of Governors Representative), Thomas Dewberry, Robert Drummer, Will Dubois, Jack Gohn, Bruce Martin

**Meeting**

**I. Approval of Minutes**

Minutes of the October 14, 2011 meeting were unanimously approved, with the addition of Scott Oakley and Robert Drummer in attendance.

**II. Chair's Report**

Jack Gohn reported that Scott Oakley has attended the "speed dating" event hosted by the MSBA to put us in touch with potential new Council members. But as Scott was not present at this meeting, he could not provide additional information.

There is no update on the CLE rules at this time.

**III. Treasurers' Report**

Rachael Barnett reported that the Council has \$1305 remaining in its budget for meals and a \$1900 balance in the "other" category, for a total of \$3,233.

**IV. Committee Reports**

**A. Membership**

See info about "speed dating" above.

**B. Legislative**

Bruce Martin reported that he has no information on any bills having to do with administrative law which may be introduced this coming session.

Jack Gohn reported that the MSBA's Law Reform Committee (on which he sits) is looking for noncontroversial ways to improve our laws, and he would like to propose removing circuit court-level review from appellate judicial review process. After an agency has made a ruling, circuit courts are not set up to do an appellate review. Many circuit court judges do not like doing these appeals. Will Dubois will assist him with drafting this proposal, which they will then take back to the Council for discussion.

### C. **OAH**

Tom Dewberry reported that Maryland sponsored this year's national conference on central panels for administrative hearings. There are 27 states and three cities (D.C., Chicago, and New York City) which have central panels. This is an annual conference which has been held every year since 1975. The chief administrative law judge and highest management attend these conferences which usually address practical topics such as the latest technology as well as substantive topics. Representatives from 21 states and D.C. attended this year's three-day conference which was held in Annapolis. Glen Harrell and Arnie Rochvarg were on a panel that discussed Judicial Review of Administrative Law Decisions by Central Panels

Tom Dewberry also reported on the Governor's Task Force on foreclosure mediation. The Task Force is considering recommending a bill to allow for pre-file foreclosure mediations if agreed to by both parties. The Task Force will make final recommendations to the Governor at the end of the year.

### D. **Spring dinner/Hardwicke award/ MIPEL Program**

Should we do a spring dinner or a MICPEL "nuts and bolts" program for new attorneys? Several suggestions were that we do a "Q & A" of a panel of ALJ's or that we do a "moot court" of oral arguments. It was suggested that a whole day program would be too long and that a ½ day would be sufficient. The number of attorney who practice before OAH is quite limited, with the majority, doing MVA hearings. Other topics suggested were: "how to try MVA cases before OAH," a program on foreclosures, the view of ALJs of things that "work" and things that do not "work." The program should not be restricted to OAH hearings since there are other administrative hearings such as zoning hearings and public service commission hearings. It was suggested that the program could be done in the fall, but since there was no consensus on a topic, it was decided to wait until the Public Education Committee began to act for the year.

Suggestions for the Hardwicke award were: lunch with a speaker or presentation at the annual meeting. Possible candidates for this "lifetime achievement" award were discussed. Bruce Martin and Bob Drummer agreed to be the committee to make a recommendation for the program and the candidate.

### E. **Annual Meeting**

The Administrative Law section presentation at the annual meeting will be on June 14, 2012. Tom Dewberry has been working on the program. He has suggested showing the film, "The Response," a 2009 film by Sig Libowitz, a D.C. lawyer, actor, writer and producer, based on the actual transcripts of the Guantanamo Bay military tribunals. Sig Libowitz has agreed to be part of a panel discussion after the film. Tom would like to have someone from the JAG corps to present the other side.

### F. **Education and Public Outreach**

There was no report since Judge Leasure was not in attendance this evening.

### G. **Publications and Technology**

John Gabel has been investigating the Council's contracting with an independent web designer to create a new web page instead of the existing MSBA website. He has determined that this project would cost between \$1000 and \$2000. The Council decided to use the existing MSBA website for

the time being while we continue to explore other options. Council members were advised to tell John which features we would like to have on our present webpage and he will contact John Anderson at MSBA to determine what is feasible.

**V. Old Business**

A question had arisen in regard to whether a person who serves on the OAH Advisory Council may appear before an ALJ at OAH. Tom Dewberry reported that there is a staff advisory opinion, which discusses whether a person who serves on the council may practice before OAH.

**VI. New Business**

Bud Clarke reported that the MSBA is investigating the use of video-conferencing so members may participate in meetings by this means.

The MSBA has added three new seats to the Board of Governors; two are for representatives of the largest section and one for a representative of the remaining sections. The designated individuals shall not have been a member of the board of Governors within the two previous years. It is likely that the position will rotate among the committees.

**VII. Meeting adjourned at approximately 8:30 p.m.**

Next meeting: The meeting will be held on January 3, 2012. Jack Gohn will send out a notice of the location.

Respectfully submitted,  
Janet Klein Brown, Secretary