

1 argument is that the -- while the language of Article 5,
2 Section 4 doesn't expressly say bar membership, the Court
3 should imply that that is what the framers meant. Because it
4 is inconceivable that an Attorney General could be elected
5 who would be unable to fulfill his duties by appearing in a
6 court of this State.

7 Because if the Attorney General is not a member of
8 the Bar, then how can the Attorney General appear before a
9 court of this State?

10 The answer to that is simple. The Constitution of
11 Maryland provides in Article 5, Section 3 that the Attorney
12 General has the power to appear in courts of this state. The
13 Attorney General does not need to be a member of the Bar of
14 Maryland to appear in courts in this State because the
15 Constitution expressly provides authority to the Attorney
16 General to do so. And the Constitution of course overrides
17 any state law statute to the contrary.

18 So this assumption that the meaning of practice law
19 must mean membership in the Bar of Maryland because otherwise
20 how could the Attorney General appear in court is simply
21 wrong. It fails to account for the primacy of the
22 Constitution in Maryland over a statute.

23 As to the Sparry case, the Sparry case doesn't deal
24 just with appearing in federal court or filing a federal
25 paper. The language of the Sparry decision deals with all

1 aspects of practicing law in the State of Florida. In fact,
2 what the Florida Bar was upset about was that Sparry had
3 opened an office in Florida. That he was meeting with
4 clients and giving them advice and talking to them about
5 their cases, all of which the Florida Bar contested
6 constituted the practice of law in Florida.

7 The Supreme Court said we agree, that is the
8 practice of law in Florida, but you cannot regulate that
9 because there is federal law that allows an attorney or a
10 non-attorney, in this case, to represent persons dealing with
11 patent prosecution actions. Just like in this situation
12 where there is a statute that specifically provides for
13 attorneys with the federal government to appear in cases in
14 Maryland. And not just appear in courts, but in state
15 courts.

16 And Plaintiff seems to limit that to removal of
17 cases from state courts, but there is no such limitation.
18 Federal attorneys appear in state courts all the time in
19 cases where the United States is a party and there is
20 concurrent jurisdiction in both the state and federal court.

21 And the United States has -- for instance in a
22 civil context, in an employment context there is concurrent
23 jurisdiction. And there be situations where a case would be
24 heard in a state court and an assistant U. S. attorney would
25 be appearing there. There is no requirement that they be a

1 member of the Maryland Bar to do so. That is provided for by
2 the federal statute.

3 And federal attorneys are subject to state ethic
4 rules. That is specifically provided for. And they are
5 subject to the exact same ethical rules of the State of
6 Maryland as any member of the Maryland Bar is. And that is
7 true in each state.

8 That is part of the federal regulation is that in
9 each state where a federal attorney goes to practice in a
10 specific case or matter, they are subjecting themselves to
11 the rules of that court and of that state.

12 Finally, I think it is important you mentioned that
13 part of the Attorney General's role in representing the State
14 of Maryland is appearing in federal court and dealing with
15 the State's position on federal lawsuits, federal statutes
16 and federal matters.

17 And to that extent the experience of Mr. Perez is
18 directly relevant and fits within the context of practicing
19 law as even the framers would have understood it in terms of
20 dealing with federal law and federal issues. Thank you, Your
21 Honor.

22 THE COURT: Thank you very much. Mr. Brockman, do
23 you have any additional comments?

24 MR. BROCKMAN: Briefly, Your Honor, if I may.

25 THE COURT: Sure.

1 MR. BROCKMAN: Just a few points of clarification.
2 First, Mr. Abrams brought up the COMAR provision permitting a
3 declaratory -- request for a declaratory ruling. We did
4 address it in our papers and I will just leave it at that.
5 It is at page 13, --- 6.

6 I think I can speak for all of us that relations
7 among counsel have been very collegial. I don't think
8 anybody meant to engage in innuendo or to cast dispersions.
9 And that is why the State has not pressed before Your Honor,
10 the Section 12-202 limitations defense.

11 But by way of clarification -- because Your Honor
12 raises a very important question, but how late could you
13 wait? How ignorant could you remain? May you remain under a
14 rock until November before bringing such a challenge?

15 No, there must be some limitation. The limitation
16 though in here is not in 12-202 I think, but in the equitable
17 concept of laches. And that is the argument that we continue
18 to press here today.

19 The language of 12-202 though refers to any act or
20 omission relating to an election. It needn't be I think an
21 act by the State Board or by the Plaintiff. And I can tell
22 the Court that our office would not be suggesting that the
23 change of treasurer form filed in 2002 started the clock
24 running.

25 Which date subsequent to that we chose would depend

1 -- it could be a number of dates. June 19th is an obvious
2 one. July 3rd is a possible one. July 13th, the date for
3 withdrawal of candidacies, is another; although I suggest
4 that July 13th comes too late because the act or omission
5 there is a failure to withdraw -- the effect of the act that
6 took place no later than July 3rd.

7 The reason I would say June 19th is related to
8 something else that is important to correct the record on.
9 The 5-301(b) determination made by the State Board is not
10 made on July 3rd. It is made at the time of filing or
11 shortly thereafter.

12 Ms. Lamone has supplied me with some information
13 that approximately 670 state candidates filed with the State
14 Board this year. And about 100 of those filed on the final
15 day.

16 So to wait until the final day to process all of
17 those would be an administrative burden that really would be
18 very difficult to handle given all the other tasks that have
19 to occur along the time line that we have described.

20 It would be made all that much more difficult if
21 the Board were required to look behind the oath that the
22 candidates swore out saying that that person was qualified
23 and had done such things as resided in the State for an X
24 number of years or practiced law in the State for 10 years.

25 And in fact, that has never been the State's

1 practice to look at those issues. As I said before, it looks
2 at a very narrow category of issues. The predecessor version
3 of Section 5-301 in -- I think it was Article 33, Section
4 4(a)-1 and another provision, which escapes me, make it clear
5 that the enumeration in 25-301(b)1 and 2 really is meant to
6 be --- but very --- category of things that the State Board
7 can look at.

8 I think that is all I have unless Your Honor has
9 any questions.

10 THE COURT: Thank you very much.

11 MR. BROCKMAN: Thank you.

12 THE COURT: I know that we have already gone back
13 and forth, but if anybody has anything that they forgot to
14 mention I will certainly give you the opportunity.
15 Mr. Abrams, anything else?

16 (No audible response.)

17 THE COURT: Well, thank you very much, counsel. I
18 appreciate the effort. I appreciate your arguments and on
19 the self-congratulatory aspect of this proceeding I will also
20 join in saying that from what I could tell of the file -- I
21 haven't actually had any physical contact with any of you,
22 but you certainly seemed to have worked with each other in a
23 collegial manner and professional manner and it makes a
24 difficult situation easier to have that happen rather than to
25 put the Court into the initial trouble I guess of having to

1 deal with antagonistic forces and trying to schedule
2 something on an expedited basis.

3 And recognizing that timing is a critical issue in
4 this case and not being naive enough to think my decision is
5 going to be the last word on the subject, I suspect that
6 perhaps you would as soon I be wrong, but quick about it than
7 to be right and give you a brilliant opinion six weeks from
8 now.

9 I am going to venture into that and I am going to
10 give you my oral opinion today. And I will look forward to
11 reading in the papers whether I was right or wrong.

12 We have several issues I guess and I want to
13 address them in some manner of order. The first question I
14 suppose from both perspectives, both the Defendants'
15 perspectives, is whether or not the action filed by
16 Mr. Abrams was timely under 12-202 of the Election Law
17 Article.

18 And that provision, as I think everybody
19 understands quite well, says that a quest for a judicial
20 challenge must be filed within 10 days after the act or
21 omission, or the act or omission became known to the
22 petitioner. And those two alternatives are all part of one
23 of the two options. And then the other option, which doesn't
24 really apply here, is seven days after the election results
25 are certified. So it is the earlier of the first two versus

1 the latter, which is the seven days.

2 And as I think I hinted in some of my questions, it
3 is not completely clear to me what the triggering event is in
4 this case; whether it is the filing by Mr. Perez of his
5 certificate of candidacy; whether it is the deadline by
6 which, as I suggested earlier, things are sort of crystal
7 clear as to who is in the running and who isn't; or whether
8 it is some event that might have happened even after that
9 between the 3rd of July and the 13th, which is the period
10 within which the candidacy could be withdrawn.

11 Now Mr. Abrams has suggested certainly in his
12 briefs and his arguments that it is incumbent upon the Board
13 to do more than it did in this case to review the application
14 of Mr. Perez and other candidates and determine the
15 qualifications.

16 The Board has indicated that for practical reasons
17 and also for reasons having to do with the manner in which
18 certain issues have to be adjudicated that the Board is not
19 able to make certain decisions.

20 They can look at the more ministerial things. They
21 can look at whether somebody is listed as a registered voter
22 and some of the other kind of more obvious qualifications.
23 But when it comes down to the concepts of domicile, for
24 instance, residence, if you will or a question of whether
25 somebody is "practicing law" that those are, as the Board has

1 mentioned in its brief, fact intensive and they are not as
2 susceptible to a quick yes or no answer.

3 I don't think anybody would question that if the
4 Constitution of Maryland said that in order to be eligible to
5 be Attorney General you have to be a member of the Maryland
6 Bar for at least 10 years, we wouldn't be here. And the
7 Board could have checked on that in about, you know, five
8 minutes online or calling the Court of Appeals or any other
9 way.

10 So I am not convinced that the clock in this case,
11 for purposes of 12-202, begins to run at any time prior to
12 the deadline for filing, which is July the 3rd.

13 I think that to the extent that there may have been
14 errors -- and I am using this in sort of a hypothetical
15 sense, if an error is committed and someone files a petition
16 that perhaps is inaccurate or wrong that until -- that is
17 sort of the closing bell, if you will, there are
18 opportunities for that to be repaired.

19 In theory, if Mr. Abrams' position were to hold
20 true, the Board could say Mr. Perez, you don't qualify
21 because you haven't been a member of the Bar for 10 years.
22 You have got to withdraw or we won't accept it. Or if there
23 are other methods by which that defect -- alleged defect
24 could be rectified.

25 So I am really not certain at all or certainly not

1 enough to grant a motion to dismiss. To say that the
2 triggering date for 12-202 is the filing, which as we
3 recognize could be done any time up to July the 3rd.

4 Therefore, I believe that 12-203 -- I am sorry, 12-
5 202 has been complied with in that the request for judicial
6 review or whatever we are calling this particular proceeding
7 -- judicial challenge has been filed within the statutory 10-
8 day period.

9 The next question is a matter of laches. Now
10 laches, as all of us who suffered through equity in law
11 school know, is a doctrine that is employed by an equity
12 court which would bar an action even though it might be filed
13 in a timely manner by statute, but it would be barred because
14 the claimant neglected to prosecute the matter in such a way
15 that it causes -- as a result of passage of time, it causes
16 the adversary to be prejudiced.

17 Now I certainly understand that, as Mr. Brockman
18 spelled out, that everything involving the electoral process
19 is on a very, very tight time line. And I recognize that
20 every day that passes creates the potential for greater
21 problems and greater expense to the State Board.

22 However, in large part those timing issues are not
23 triggered by anything that Mr. Abrams did or didn't do in
24 this case. I mean the fact of the matter is that there is
25 just a whole lot of stuff that needs to get done and a

1 relatively short period of time to do it.

2 So I can't really say that the Board has been
3 prejudiced at this point by anything that has happened in
4 this case other than the obvious inconvenience and heartburn
5 that is associated with having pending litigation.

6 And on the other prong of the analysis I am
7 certainly not convinced and I really don't find that
8 Mr. Abrams has in any way been dilatory in this case. Sure,
9 one could debate whether he could have served or had the
10 Defendant served in fewer than five days.

11 He in turn could have I guess, as he did, debated
12 whether the responses would have been filed any sooner and so
13 forth. But I think within the context of this case and given
14 the complicated nature of the issues and so forth, what he
15 did was certainly within reason. I don't think that there
16 was any dilatory conduct on his part.

17 I suppose -- although he didn't say it, I certainly
18 thought it as I was reading the pleadings, that if the
19 Defendants in this case were more anxious than they
20 apparently are to get this matter litigated quickly they
21 could easily have filed a response without waiting to be
22 formally served.

23 I mean the Defendants were aware of the pendency of
24 this matter and a quick line of entry of an appearance would
25 have sufficed and wouldn't have required that five-day

1 period. But I am quite certain, judging from the well-
2 drafted briefs in this case that those five days or so plus
3 the additional five days to file a response were very well
4 received -- I mean, you know, well utilized is what I meant
5 to say. And so I don't anybody has acted diligently at all.

6 And with the respect to the doctrine of laches I
7 likewise find that that does not apply in this case. And for
8 that reason, with respect to the motion to dismiss filed by
9 the State Board of Elections, and on behalf of the
10 Administrator, Ms. Lamone, the Court is going to deny that
11 motion to dismiss.

12 Which then brings me to the more difficult
13 question, at least in my mind, which is on the merits of the
14 action. The question -- and I think we need to be very clear
15 on the precise question that the Court is dealing with. The
16 question is not -- although we have sort of waltzed around
17 it, is not whether or not at this moment in time
18 Mr. Perez needs to be a member of the Maryland Bar. One
19 could debate that point.

20 You know, his counsel would say that Article 5,
21 Section 3 says that the AG is always entitled to come into
22 Court by statutory fiat or by constitutional fiat and that
23 all of the other lesser laws must step aside. But that is an
24 academic argument that I don't think there is any point in
25 engaging in because we know that he is a member of the

1 Maryland Bar at the moment and has been for approximately
2 five years.

3 So the real question and really I think the only
4 question in this case is whether under Article 5, Section 4,
5 the constitutional requirement that a candidate for Attorney
6 General have been both a resident for 10 years, which is not
7 a -- I mean, citizen I guess it says, and qualified voter
8 which is not an issue. Residency is also not an issue.

9 But the question is whether he has practiced law in
10 this State for at least 10 years. Now I don't know to what
11 extent it is or isn't contested. I suspect it really isn't a
12 matter of great controversy that Mr. Perez has practiced law,
13 as that term I think would be defined by courts in just about
14 every state and particularly Maryland, in that he has been
15 engaged in day-to-day activities that involve the giving of
16 legal advice, involved in either he, personally, or his
17 associates or delegates appearing in court, and his being
18 involved the daily interpretation of the law.

19 The question I really guess is whether that is in
20 Maryland or somewhere else? And so to I guess digress a
21 moment, I do think that as far as how the Court is handling
22 this matter, I am going outside the pleadings and I am going
23 to take into consideration -- just as I have Mr. Abrams'
24 affidavit, I am taking into consideration Mr. Perez'
25 affidavit so that I don't feel that if I read -- strictly

1 read the complaint that I would be in a position to grant
2 relief in this case simply on the pleadings.

3 So the question is do you have to be a Maryland Bar
4 member for at least 10 years because only a Maryland Bar
5 member can practice law in the State of Maryland?

6 And the answer -- the quick answer to that is no.
7 The quick answer is that you can practice law in the State of
8 Maryland without being a member of the Maryland Bar. And the
9 Court of Appeals, the Maryland Court of Appeals, I think has
10 made that clear in a somewhat different context no doubt, but
11 the proposition is still the same.

12 In the Kennedy case which has been cited in the
13 briefs. And the other case, which escapes me for the moment,
14 Bridges, the Attorney Grievance Commission and Bridges.

15 The Kennedy case stands for a proposition that you
16 can have essentially a federal practice in the State of
17 Maryland even if you are not a member of the Maryland Bar.

18 And the Bridges case involves a situation where an
19 attorney was admitted to the Maryland Federal Bar; in other
20 words, he was admitted to the United States District Court
21 for the District of Maryland. And he was deemed to have
22 "practiced law" in this State by handling approximately five
23 federal cases per year in Maryland.

24 The Court of Appeals in the Bridges case cited with
25 approval the Sparry vs Florida case, which is the Supreme

1 Court case that we have all been discussing and saying that
2 the Supreme Court in that case recognized "an attorney's
3 right to maintain a legal practice restricted to the federal
4 courts prior to admission to that state's bar."

5 Another case that surfaced in the pleadings is the
6 matter of RGS, which is again a Maryland Court of Appeals
7 case, which I think has some significance because Mr. Abrams
8 argues that you can't practice law in the State of Maryland
9 without being a member of the Maryland Bar because to do so
10 you would be engaged in the unauthorized practice of law.

11 The case of RGS, which parenthetically I am one of
12 perhaps few people in this room who know who RGS is because
13 he was a former law partner. But in the matter of RGS, the
14 Court found that a variety of activities that Mr. S was
15 involved in, which were clearly, in the Court's opinion, the
16 practice of law, were not unlawful practice of law because
17 the Court made a distinction between the definition of
18 "practice of law" as it pertains to the rules of professional
19 conduct versus the rule of admission to the bar, which is
20 what was involved in the RGS case.

21 In the RGS case, Mr. S was attempting to obtain
22 membership in the Maryland Bar without taking a full bar
23 exam. He wanted to take the attorney bar and in order to do
24 so you had to be "practicing law" for some period of time. I
25 don't recall precisely what it was.

1 And so the argument was well, the same sort of
2 circuitous argument. You can't practice law because it would
3 be unlawful and if it is unlawful it doesn't count and
4 therefore you haven't been practicing law. And the Court --
5 in that case the Court of Appeals says that -- the same
6 words, but they are distinct concepts.

7 And I think that -- what I thought was very
8 meaningful is that in that case the Court of Appeals said
9 that words may be given one meaning in one statute and an
10 entirely different meaning in a different statute determined
11 by the character in and the purpose of the legislation.

12 I also find it significant that the Court of
13 Appeals in that case cited with approval an Attorney
14 General's opinion, '68 opinion. And cited among other things
15 the provision of that opinion that recognized that the phrase
16 such as "practice of law" may mean different things in
17 different contexts and specifically as used in Article 5,
18 Section 4 of the Constitution relating to the qualifications
19 for the Office of AG, the phrase means -- this is quoting the
20 Court of Appeals.

21 The phrase "Means something quite different from
22 and much less restricted than the meaning of "practice of
23 law" for the purpose of Rule 14 or any unauthorized
24 practice."

25 So the argument that Mr. Perez could not have been

1 practicing in Maryland because by having done so he would be
2 engaged in unlawful practice I think is unavailing.

3 The other argument, which I must say was certainly
4 tempting and was one that gave me pause. And without asking
5 anybody to feel sorry for me, but I have spent the better
6 part of the weekend trying to figure out the answer to this.
7 Was how could the drafters or the framers of the Constitution
8 have imagined that someone appointed as Attorney -- or
9 someone elected as Attorney General would not be a member of
10 the Maryland Bar?

11 And obviously and certainly very interesting
12 historical tidbits that at the time when the Constitution was
13 drafted in 1864 and then again in 1867, the AG could not hire
14 or deputies could not hire assistants and so therefore, you
15 know, there was this very appealing logic that you wouldn't
16 have an Attorney General that couldn't go to court.

17 Well I took a read of the Maryland Law Review
18 article that was written by William H. Adkins the 2nd. And I
19 don't know where in the dynasty of Adkins he fits in, but
20 certainly a name that we all know in Maryland. That is a ---
21 Maryland Law Review.

22 And what I learned by reading that is that back in
23 that time we didn't have anything near what we have now by
24 way of a statewide uniform bar exam. And that it wasn't
25 until 1831 that any effort was made to establish uniformity

1 through the State. But that effort basically took place in
2 the form of each individual court admitting attorneys to
3 practice before it.

4 And that is why when I read Mr. Abrams' brief I had
5 noted that the words were used somewhere in his brief that
6 the courts of the state weren't in charge of admissions. I
7 don't remember the exact language, but I particularly noted
8 that it was a plural, which is clearly different than what we
9 know, which is that only one court is in charge of admissions
10 and that is the Court of Appeals.

11 And the reason for that -- and that quote was
12 certainly accurate, but I understand now the reason for it.
13 Is that in that day, well before the constitutional provision
14 that we are talking about and at the time of the
15 constitutional provision, anyone who wished to appear in a
16 court would have to gain admission to that court.

17 So if you wanted to go to Garrett County's Circuit
18 Court or whatever they called it at the time, you had to make
19 sure that the judge in Garrett County admitted you to
20 practice. And he or she -- well at the time it would have
21 been a he, no she -- no shes allowed at that time. But he
22 would have then been involved in the process of determining
23 whether you had the basic qualifications and the basic
24 integrity and ethics to participate in the proceeding in that
25 court.

1 And it wasn't until 1898 that there was a statewide
2 admitting process, which is the result of an evolution
3 because in the earlier days it was becoming burdensome, that
4 the Circuit judges simply didn't want to be involved in the
5 process of, you know, having an attorney come in and be
6 admitted.

7 And it wasn't until 1898, which is well after the
8 constitutional provision was initially launched in this case
9 that it became sort of a statewide precursor to their modern
10 bar exam. There was a three-lawyer board that was in charge
11 of an examination.

12 So that answered, at least in my mind, the issue
13 of, you know, how would these framers have envisioned an
14 Attorney General not being a member of the bar. Well it
15 would have meant simply that the Attorney General when he had
16 a case in one particular county or another would have gone to
17 the court and would have said I'm here, I have a case and I
18 would like to be admitted.

19 And as the article in the Law Review article says
20 "Upon application the courts were required to examine the
21 applicant upon the same day during a regular session thereof.
22 So it wasn't a diploma you put on your wall that you could
23 count on for the rest of your career, but you have to be
24 admitted presumably not more than once, but at least once on
25 the day that you went to court.

1 So that then eliminated the question that I have in
2 my mind as to whether there is some internal inconsistency or
3 whether there is an implicit requirement that the framers of
4 the Constitution meant when they worded the constitutional
5 provision the way they did.

6 And if we then sort of roll back to the basic
7 concept, that you look at a constitutional provision or any
8 statute for that matter, according to its plain language, the
9 plain language says absolutely nothing about being a member
10 of the bar because frankly that had a whole different import
11 back in that day than it may have now.

12 Unquestionably in the normal parlance, when we talk
13 about somebody practices law, we probably, as lay people,
14 would assume that means that he or she is admitted to that
15 state's bar.

16 But then in the same conversation that individual
17 could say well, I practice law, but only in the federal
18 courts. Or I practice law only in the patent office or in
19 some of the other special tribunal that exists.

20 And we recognize that saying practicing law and
21 being admitted to the bar are not the same. They are
22 actually separate concepts.

23 The argument that we should look at a statutory
24 provision consistently throughout the statute is certainly a
25 good one; although I would perhaps come to a different result

1 than Mr. Abrams, which is the framers in Section 4 say
2 nothing about being a member of the bar and then in the same
3 Constitution in the other section, which pertains to the
4 assistants -- I am sorry, the State's Attorney and then also
5 the provision having to do with circuit judges, specifically
6 say you have to be a member of the bar.

7 So I don't think that I am allowed to assume that
8 they didn't use that expression in Section 4 because they
9 assumed it meant the same thing. I think I have to come to
10 the opposite conclusion, which is if it meant the same thing,
11 they wouldn't have found it any more necessary to mention in
12 conjunction with a circuit judge or in conjunction with a
13 State's Attorney.

14 So the plain language I think leads me to the
15 inescapable conclusion that it simply requires that someone
16 have practiced for at least 10 years in the State of
17 Maryland, but that does not tantamount to being a member of
18 the Maryland Bar.

19 As I said, I think I already covered this, but just
20 to make sure I didn't forget, that I am not passing on the
21 question of whether you need to be a member of a bar at the
22 moment. I think that is somewhat of a point. The other -- I
23 guess somewhat more of an editorial comment than anything
24 else, is the question of do you interpret the statute
25 according to the passage of time, according to our current

1 understanding? And I think we certainly have to.

2 I think -- in my reading of some of the pleadings
3 or something I read that the Department of Justice didn't
4 even come into existence until some time after the
5 Constitution. I think it was 1870 that the Department of
6 Justice came into effect. And obviously the framers might
7 not have been aware of that in 1864.

8 But if we go back to a notion of reading that
9 statute the way the framers might have been reading it in
10 1864, I can't help but comment that you would have to be a
11 member of the bar. You would have to be a white male over
12 the age of 21.

13 And we certainly recognize that that is not the
14 requirement at the moment and we know why. But it doesn't
15 allow us I think to come to the conclusion that they were --
16 they meant to say something that they didn't say.

17 So I find that without going into the specific
18 facts, which I think are well laid out in Mr. Perez'
19 affidavit, that as a factual matter he has practiced law.
20 That as a legal matter that practice occurred in Maryland.
21 And accordingly that under Section 4 of Article 5 of the
22 Maryland Constitution he is eligible to stand for election as
23 Attorney General.

24 And accordingly I am going to grant Mr. Perez'
25 motion for summary judgment, deny Mr. Abrams' cross-motion

1 for summary judgment. And having denied the Board's motion
2 to dismiss I believe this makes this a final judgment, which
3 should be ready for the folks down on Rowe Boulevard.
4 And I will enter a final judgment.

5 Thank you very much. And I will see something in
6 the papers soon, I am sure. Good luck.

7 MR. BROCKMAN: Thank you, Your Honor.

8 MR. DANSICKER: Thank you, Your Honor.

9 MR. ABRAMS: Thank you, Your Honor.

10 THE CLERK: All rise.

11 (Whereupon, the hearing was concluded.)
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C E R T I F I C A T E

CompuScribe, hereby certifies that the attached pages represent an accurate transcript of the duplicated electronic sound recording of the proceedings in the Circuit Court for Anne Arundel County in the matter of:

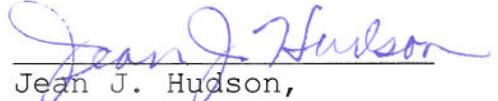
Civil No. C-2006-115383

STEPHEN N. ABRAMS

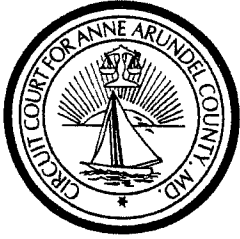
v.

LINDA H. LAMONE, et al.

By:



Jean J. Hudson,
Transcriber



Civil Hearing Sheet
IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY

Stephen Abrams
Plaintiff
(S. Abrams)

Case No. 02-C-06-115383 IJ

Date: July 31, 2006

VS

Linda Lamone, et al
Defendant
(W. Brockman - Lamone/Bd. of Elections
A. Dansicker & J. Treem - Thomas
E. Perez)

Clerk: B. Ward
Courtroom 3D

05 APR 2006 11:04

Case called for Hearing on Motions

In Open Court before Judge Paul A. Hackner

Counsel heard. Defendant, Linda Lamone, made Motion to Dismiss. Defendant, Thomas E. Perez, made Motion to Dismiss/Summary Judgment. Plaintiff, Stephen Abrams, made Counter-motion for Summary Judgment. Court placed Opinion on the record. Court denied Defendant, Linda Lamone's Motion to Dismiss. Court granted Defendant, Thomas E. Perez's Motion for Summary Judgment. Court denied Plaintiff, Stephen Abrams Cross Motion for Summary Judgment. Court declared that Defendant Perez is eligible to be a candidate for the Office of the Attorney General pursuant to Article V Section 4 of the Maryland Constitution.

Judge

Paul A. Hackner, Judge
Circuit Court for
Anne Arundel County

TRUE COPY.

TEST: Robert P. Duckworth, Clerk

RB DB

IN THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY

STEPHEN N. ABRAMS,

Plaintiff,

v.

LINDA H. LAMONE, et al.

Defendants.

Case No. C-06-115383

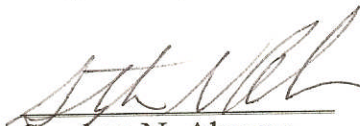
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NOTICE OF APPEAL

Pursuant to Maryland Rule 8-201(a), Plaintiff Stephen N. Abrams files this notice of appeal to the Court of Special Appeals of Maryland from the final judgment entered in this case on July 31, 2006.

Dated: August 4, 2006

Respectfully submitted,


Stephen N. Abrams

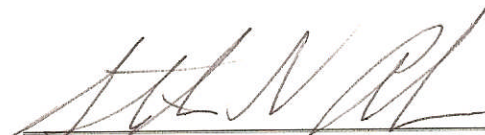
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 2006, a copy of the foregoing Notice of Appeal was sent by electronic mail in accordance with agreement of counsel to:

Andrew M. Dansicker, Esq.
Adansicker@stkgirlaw.com
Attorney for Defendant Perez

And

William Brockman
wbrockman@aog.state.md.us
Attorney for Defendants Lamone and State Board of Elections



Stephen N. Abrams, Esq.