

Maryland State Conference of NAACP
Branches

Plaintiff

v.

Maryland State Police

Defendant

* * * * *

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.: 03-C-07-011022

OPINION AND ORDER

On August 22, 2014, the Defendant (hereinafter MSP) moved this Court to reconsider its decision that the Plaintiff (hereinafter NAACP) is entitled to attorney’s fees and costs under the MPIA. The NAACP filed its opposition to MSP’s motion on September 19, 2014.

This Court has reviewed the Motion and Opposition, the Court’s March 18 Order, and the notes taken and oral argument on this Motion on October 14, 2014.

DISCUSSION

The basis of the motion appears to be that the MSP believed this Court’s decision on entitlement was a “very close call.” Quite the contrary. This Court believed the NAACP had prevailed on the first two mandatory factors i.e., the public interest and the nature of the NAACP’s interest. The only “very close call” was on the issue of the “reasonableness” *vel non* of MSP’s denial of the records. As this Court indicated, the MSP prevailed by only the slightest of margins on this particular issue.

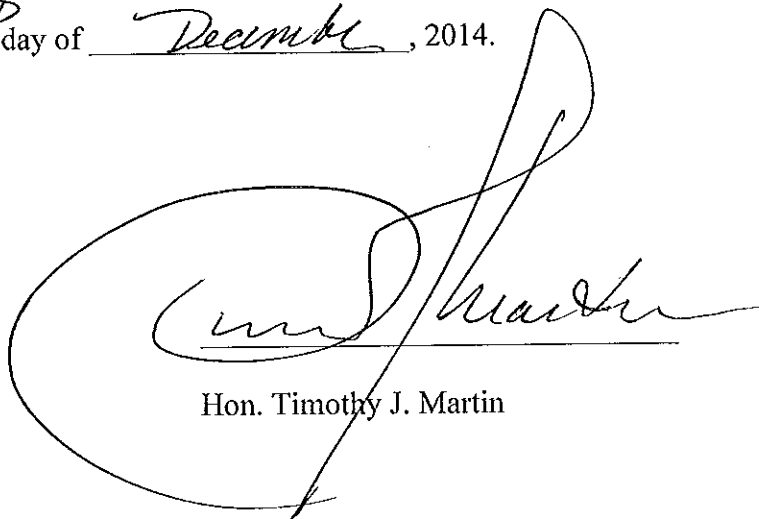
The MSP also argues that this Court, by its two statements regarding the Court’s discomfort vis-à-vis the obligation of the NAACP to underwrite its counsel’s efforts, must have assumed that the NAACP would have to strike a check to its counsel for its efforts in this case. The Court did not assume this fact but regrettably was not as clear as it had intended.

In the Court’s added comments, the Court remarked that it felt that the case produced a significant, precedential ruling in the Court of Appeals that advanced the twin causes of civil

rights and government accountability. This was significant to the Court. Counsel for the ACLU and Venable are providing pro bono services to the NAACP. The Court understands that in cases involving fee shifting statutes, such as the one in the instant case, the receipt by the NAACP of pro bono representation by its counsel is not a valid reason to deny a petition for fees/costs. (See *Martin v. Heckler* and the cases cited by NAACP). As the NAACP points out, the very existence of the attorney-client relationship suffices to entitle prevailing litigants (here the NAACP) to receive a fee award. (See *Alexander* and *Shapiro* cited by the NAACP).

This Court regrets any confusion it may have caused by the inclusion of those two remarks. However, the decision of entitlement was made on the basis as indicated and not on any assumption the MSP believes this Court may have made. As this Court has already stated, the NAACP is entitled to fees and costs. The determination of how much is described in the Court's Opinion and Order filed contemporaneously herewith.

It is so ORDERED this 23RD day of December, 2014.

A large, stylized handwritten signature in black ink, appearing to read 'Timothy J. Martin', is written over a horizontal line. The signature is highly cursive and loops around the line.

Hon. Timothy J. Martin