

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: House Judiciary Committee
House Ways and Means Committee

FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523

RE: House Bill 184
Special Education – Judicial Actions – Attorney’s Fees and
Related Costs

DATE: January 22, 2020
(1/30)

POSITION: Oppose as drafted

The Maryland Judiciary opposes House Bill 184 as drafted. This bill would allow a court to award reasonable attorney’s fees and related costs and expert witness fees under Section 8-413 of the Education Article.

The provisions concerning an award of reasonable attorney’s fees and related costs and expert witness fees on page six are ambiguous. It is not clear if the court would be authorized to award these fees and costs to a prevailing party in the action before the administrative agency or on appeal to the court, or both. Additionally, the language is confusing in stating fees may not be awarded to a parent who did not accept a settlement offer within a certain time frame and obtained relief that was not more favorable than a settlement offer, but may be awarded to a parent who is a prevailing party who was substantially justified in rejecting a settlement offer.

cc. Hon. Eric Luedtke
Judicial Council
Legislative Committee
Kelley O’Connor