

11. By the time they were served, all three defendants had already received -- five days earlier -- copies of the pleadings I had filed. Furthermore, four days before all three defendants were served, the Court's order denying the TRO and setting a response date had been summarized and quoted in press reports [Gazette article, etc.]. Indeed, on July 14, 2006, Mr. Perez and his campaign were familiar enough with the lawsuit to use it on the campaign website as a fundraising tool. In a post to the website at 5:32 p.m. on July 14, the Perez campaign stated: "In the next few days, Tom will file his response with the court." The response was not filed, however, until 11 days later. The Perez campaign portrayed the issue as having been already decided, ("Attorney General Joe Curran has already ruled Tom eligible and qualified to run . . ."), and took the opportunity to label me as a cog in "the right-wing dirty tricks machine." See <http://www.tomperez.org/node/306> (Exhibit 2, printed on July 28, 2006)
12. Based on the Court's order, defendants' time to respond was Tuesday, July 25, 2006. However, in an attempt to move this case forward quickly, on Friday, July 21, 2006 I spoke with Donna Duncan at the State Board of Elections and was given the name of the attorney in the Attorney General's office who she believed would be handling this case. I also called the law offices of Schulman, Treem, Kaminkow, Gilden & Ravenell, P.A., and asked for the attorney who was representing Mr. Perez. I made that call because I had heard that "the Schulman firm in Baltimore" was representing Mr. Perez. Both Mr. Dansicker and Mr. Brockman were able to communicate with me prior to their formal responses because of the telephone calls that I initiated.

13. The following additional exhibits are attached to the Affidavit of Stephen N. Abrams: a) Exhibit 3 is a true and accurate copy of the note to Joeseeph Pusateri, Exigent Services, Inc., the private process server I retained, dated July 17, 2006; b) Exhibit 4 is a true and accurate copy of the FAX I sent to Judge Michael E. Loney at 2:26 p.m. on July 13, 2006 which he signed and returned to me by FAX later that afternoon; c) Exhibit 5 is a true and accurate copy of the Filing Instructions, Principal Political Party Candidates (Republican and Democratic Parties) to appear on the Maryland 2006 Gubernatorial Primary Election Ballot, given to me by the State Board of Elections in Annapolis; d) Exhibit 6 is a true and accurate copy of 91 Opinions of the Attorney General 145 (2006) received by the Montgomery County Board of Education on July 12, 2006; e) Exhibit 7 is a true and accurate copy of the Statement of Organization for Maryland Campaign Accounts for the Candidate Committee formed to support candidate Thomas E. Perez for both State and Local Candidacies, known as Friends of Tom Perez, dated January 25, 2002; f) Exhibit 8 is a true and accurate copy of documents filed by Thomas Perez when he filed for the office of Attorney General which was received by the State Board of Elections on June 19, 2006; g) Exhibit 9 is a true and accurate copy of page 1 of Defendants Montgomery County Board of Education, et. Al. Answer to Amended Complaint in Eisenberg, et. Al. v. Montgomery County Public Schools, received by the United States District Court for the District of Maryland, Southern Division on August 5, 1999; h) Exhibit 10 is a true and accurate copy of the search results from an archive search for articles in the Baltimore Sun using the parameters "Tom Perez" and "Attorney General" for the period between June 16, 2006 and July 13, 2006 which I conducted on baltimoresun.com; i) Exhibit 11 is a true and accurate copy of search results from an archive search for articles in the Washington Post using the parameter "Tom Perez Attorney General" which covers the period May 16, 2006 through July 13, 2006, which I conducted on washingtonpost.com;

I SOLEMNLY SWEAR AND AFFIRM UNDER PENALTIES OF PERJURY THAT THE MATTERS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Dated July 28, 2006



Stephen N. Abrams, Esq.

IN THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY, MARYLAND

----- x
STEPHEN N. ABRAMS, :
 :
Plaintiff, :
 :
v. :
 :
LINDA H. LAMONE, et al., :
 :
Defendants. :
----- x

COPY

Civil No. C-2006-115383

Annapolis, Maryland

July 31, 2006

HEARING

WHEREUPON, proceedings in the above-entitled matter commenced.

BEFORE: THE HONORABLE PAUL A. HACKNER, Judge

APPEARANCES:

FOR THE PLAINTIFF:

STEPHEN N. ABRAMS, Pro Se
2290 Dunster Lane
Rockville, MD 20854

FOR THE DEFENDANT, THOMAS PEREZ:

ANDREW M. DANSICKER, Esq.
JOSHUA R. TREEM, Esq.
Suite 1800, World Trade Center
401 East Pratt Street
Baltimore, MD 21202

FOR THE DEFENDANTS, STATE BOARD
OF ELECTIONS AND LINDA A LAMONE:

WILLIAM FERRIS BROCKMAN, Esq.
Office of Attorney General
20th Floor
200 St. Paul Place
Baltimore, MD 21223

I N D E XPAGEDefendants State Board of Elections
& Linda Lamone's Motion to Dismiss:

| | |
|---|----|
| Argument by William Ferris Brockman, Esq. | 5 |
| Argument by Stephen N. Abrams, Pro Se | 14 |

Defendant, Thomas Perez' Motion to Dismiss
and/or Motion for Summary Judgment:

| | |
|---|----|
| Argument by Andrew M. Dansicker, Esq. | 19 |
| Argument by Stephen N. Abrams, Pro Se | 33 |
| Further Argument by Andrew M. Dansicker, Esq. | 47 |
| Argument by William Ferris Brockman, Esq. | 51 |

| | |
|--------------------------------|----|
| Ruling - Judge Paul A. Hackner | 53 |
|--------------------------------|----|

KEYNOTE: "----" Indicates inaudible in transcript.

1 MR. BROCKMAN: Good afternoon, Your Honor. Will
2 Brockman, Assistant Attorney General, for Defendants, State
3 Board of Elections and the State Administrator of Elections,
4 Linda Lamone. My name is spelled B-r-o-c-k-m-a-n.

5 THE COURT: All right. Good afternoon, sir. You
6 can have a seat. We have several matters to address this
7 afternoon and they are as I recall -- and I hope that I have
8 them all. If you find that I am missing something, let me
9 know, but we have -- of course there was a complaint for
10 injunction and declaratory relief that Mr. Abrams has filed,
11 to which the Defendants, Lamone and the State Board have
12 filed a motion to dismiss.

13 The Defendant, Perez has filed a motion to dismiss
14 and/or for summary judgment. And then Mr. Abrams has filed a
15 counter-motion for summary judgment. So those are the things
16 we are going to address today, is that correct? All right.

17 So I don't have a particular preference for how we
18 start, but I would think that it may chronologically make
19 more sense to begin with the State Defendants' motions if you
20 would like to address those. And you are welcome to be where
21 you are or if you want to come up that is fine, wherever you
22 are more comfortable.

23 MR. BROCKMAN: Thank you, Your Honor. May it
24 please the Court. My portfolio today here is rather brief.
25 The interest of the State Board of Elections in this matter

1 is limited to two issues really. First, to emphasize the
2 need for a swift resolution of election disputes like this
3 one because of the fast moving time frames that characterize
4 the elections process, especially at this stage of the
5 process.

6 And secondly, to respond to some of the suggestions
7 made in Mr. Abrams' papers about whether or not the State
8 Board or the State Administrator has a duty to engage in, you
9 know, fact intensive or inquiries -- or inquiries involve
10 intensive legal analysis before deciding whether to accept
11 the candidacy of -- an application for candidacy.

12 In our papers we have gone through the statutorily
13 prescribed deadlines and emphasized the way in which the time
14 line is both short and has very strict and short deadlines
15 interposed across that time line.

16 I won't repeat those here. What I would like to do
17 with Your Honor's indulgence is to talk a little bit about
18 where we are presently because the State Board and Local
19 Boards of Elections have made extraordinary efforts to comply
20 with their responsibilities. And in some cases those have
21 resulted in reaching deadlines before the statute requires.

22 So for instance the certification of the content
23 and arrangement of the ballot required by Section 9-207 of
24 the Election Law Article was completed by July 22nd for all
25 but two of the counties. That was a Saturday and the same

1 day 12 of the counties received the ballots and the remainder
2 were sent on the 24th, that Monday, and would have been
3 received presumably the 25th.

4 Ballot approvals from 22 counties that occurred by
5 last Friday displayed the ballots in the local jurisdictions
6 that occurred beginning on either July 24th or July 26th, the
7 --- jurisdiction.

8 The printing of the ballots began then July 27th
9 and today at the latest. And that means that now more than
10 400,000 ballots have been ordered printed of course at a cost
11 of forty cents per ballot. So I think that works out to
12 \$160,000 if my math is right.

13 Presently, the audio is being recorded. It will be
14 used for the touch speed voting system and that has already
15 been forwarded to the recording studios as of last Thursday.

16 Screen shots are being prepared for the touch
17 screen system. Many of those will be reproduced in specimen
18 (sic) ballots posted by local jurisdictions.

19 There are 600 different ballot styles being used in
20 this election across the State based on the different
21 candidacy combinations that you had in the different
22 jurisdictions.

23 Prince George's County has about 95. Baltimore
24 City has about 65. Montgomery County also about 65. So this
25 whole process has been well under way since July 19th, the

1 last day of which there could have been a change in the list
2 of those who had registered for a candidacy.

3 It requires the utilization of extra staff working
4 long hours. And the contract hiring of a ballot programmer,
5 who has been working since July 18th and will continue to
6 work until sometime on Wednesday by the terms of her
7 contract. She is a highly specialized programmer and one
8 might imagine given the Federal America Vote Act and all the
9 changes that are going on across the country in terms of
10 implementing new voting machines and that sort of thing, she
11 is in high demand.

12 And so the reason she is leaving Wednesday is to
13 begin work in another state. So to find her services or
14 similar services after Wednesday will be extremely difficult.
15 She won't return to Maryland until after the primary on
16 September 12th.

17 And all of this is to say nothing about the work of
18 the local Boards of Elections, which if anything carry an
19 even heavier duty. The burden that they are asked to perform
20 during this process, including the proofing process of
21 ballots, is extraordinary.

22 They have been working weekends and the evenings.
23 So the suggestion in Mr. Abrams' brief that there has been no
24 prejudice to the State and that a laches defense therefore
25 would not apply I think is refuted by the actual facts on the

1 ground.

2 In our motion we also relied on Section 12-202 of
3 Election Law Article to suggest that the limitations period
4 for this action had run. Mr. Abrams has since submitted an
5 affidavit that attests that he was on vacation in Egypt,
6 London and Atlantic City for roughly three-and-a-half of the
7 five or six weeks pertinent to this litigation.

8 And further attested that he did not become aware
9 of Mr. Perez' candidacy until July 5th, I believe. So his
10 July 13th filing would be within the 10 days permitted by
11 Section 12-202.

12 That is not to say that the deadlines aren't
13 important; they are, as Your Honor is aware having presided
14 over another election dispute less than a month ago or just
15 over a month ago.

16 THE COURT: It seems like just yesterday.

17 MR. BROCKMAN: It seems like just last Tuesday that
18 it was argued in the Court of Appeals. It was. But the --
19 that brings up yet another issue that as swiftly as the
20 litigation can progress in the Circuit Court and the Election
21 Law Article throughout ask that the courts help in the
22 elections process in that regard.

23 The appeals process takes time as well. And by the
24 time -- Your Honor ruled June 30th I believe. July 25th the
25 Court of Appeals ruled. If we waited that long this time --

1 there will be ballots shipped to our service men overseas,
2 all sorts of work done in this process will have to be undone
3 or redone, depending on the resolution. That is all in
4 regard to the point about the need for a swift resolution in
5 these proceedings.

6 THE COURT: Well, let me just make sure I
7 understand your position as it is today. Do you still
8 maintain that the petition or complaint filed on Mr. Abrams
9 was untimely as far as the 10-day period or have you been --

10 MR. BROCKMAN: Under Section 12-202 I think it is
11 not clear that it is, so I wouldn't rest on that argument.
12 That is in light of his affidavit.

13 The other thing I would like to address briefly is
14 to respond to the suggestion that he has made suggesting that
15 the State Board or the State Administrator failed in an
16 obligation to investigate the circumstances surrounding
17 Mr. Perez' legal practice when it accepted his application
18 for candidacy for the Attorney General position.

19 And we provided in our papers examples of the very
20 fact intensive kinds of inquiries that are required if every
21 single qualification for office had to be investigated by the
22 City Board or by the City Administrator or by local boards in
23 the cases where the candidate files with the local board.

24 Domicile is one such question. Duration of
25 residency is another. Here, I think Mr. Perez' counsel will

1 probably ably discuss the many issues involved in the
2 question of whether the Article 5, Section 4 requirement of
3 having practiced law in the State of Maryland for 10 years
4 has been satisfied.

5 But it is not a simple question and it is not one
6 that the State Board is either equipped to answer or asked to
7 answer. Instead what the State Board is asked to do when it
8 certifies a candidacy is to make sure that the candidate has,
9 as they are required to do, paid a filing fee, that they are
10 of the right party of affiliation, that they are a registered
11 voter and that they have complied with the campaign finance
12 disclosure requirements.

13 Those are all of the things that are within the
14 State Board's knowledge. They know whether the check was
15 paid -- was handed over. They know the registered voter
16 status of the candidate. And they know campaign finance
17 filings. That is all within their records.

18 We have provided the Court with the Attorney
19 General's opinion dating back I think close to 20 years to
20 Senator Kiddelman where the Attorney General's Office
21 explained the limited role performed at the local boards and
22 the State Board investigating qualifications for office of a
23 candidate.

24 So it is not only the statute which --- just those
25 two areas of inquiry -- it says including those two areas of

1 inquiry, but then Article 1, Section 33 -- I believe it is
2 maybe Section 30. Section 30 in the construction statutes
3 portion of our code says that including is to be read by way
4 of illustration, not by way of limitation unless the context
5 requires otherwise.

6 Here, the context does require otherwise. and it
7 would be infeasible to require that the State Board do more
8 than it as a matter of practice does. In that sense the
9 statute should be read with the construction provided by the
10 candidate --- generous -- I beg your forgiveness for any
11 mistakes in pronunciation.

12 But like the two enumerated categories and like
13 filing fees and so on, the Board does look into those things
14 and it did do so here. It is not required to go beyond that.
15 Instead what it is entitled to do is to -- excuse me, rely on
16 the oath that is sworn out by the candidate and by every
17 candidate that they meet the qualifications of office.

18 There was such an oath and such a certification
19 made by Mr. Perez and the State Board was entitled to rely on
20 it. I said the long standing interpretation of the Attorney
21 General is also the long standing practice of the State Board
22 which is entitled to deference under the Sussman vs. Lamone
23 decision.

24 And the final point I would like to make is that
25 the relief requested by Mr. Abrams to enjoin the State

1 Defendants quote "From placing Defendant, Perez' name on the
2 ballot because of the delay of this litigation is almost now
3 undoing -- it is undoing what has already been done. And as
4 each day passes it becomes much more costly and difficult to
5 do that.

6 Adverting again to the case that Your Honor
7 presided over a month ago, this is the second time in roughly
8 a month that election litigation was delayed by the elected
9 decisions of the litigant to take leisure --- but the State
10 Board and the elections process don't have -- they are not
11 afforded that luxury of leisure.

12 And so it is important that these things be
13 resolved. I think given Mr. Abrams' concession as I read it
14 in his papers that Mr. Perez' law practice as a federal
15 attorney, had he been a member of the Maryland Bar, would
16 have sufficed to meet the practice in law standard of the
17 Constitution.

18 It seems that the position reduces to a question --
19 well a position that Maryland Bar membership for 10 years is
20 sufficient and necessary. And I believe that Mr. Perez'
21 position will be that it is neither necessary for 10 years
22 nor sufficient.

23 Membership in the Bar for 10 years would not
24 necessarily mean that that person practiced law in Maryland
25 for 10 years. Unless Your Honor has further questions?

1 (Mr. Brockman away from the microphone.)

2 THE COURT: --- Thank you. Mr. Abrams, do you want
3 to address the motion one at a time or would you --

4 MR. ABRAMS: Yes, I would like to address this one
5 first and respond, if I may, Your Honor.

6 THE COURT: All right. Yes, sir.

7 MR. ABRAMS: May it please the Court. At the
8 outset I want to acknowledge the extreme helpfulness that I
9 have received from this Court in pursuing this litigation.
10 And also acknowledge the cooperation I have had from all
11 counsel in this case to try to pursue it.

12 I take a few exceptions to what counsel for the
13 State Board and Ms. Lamone states and that is why I wanted to
14 take the time now to address those.

15 I appreciate the concession that he made in his
16 statement which concurs with the conversation that he and I
17 had prior to coming in here. And that was whether with my
18 affidavit filed there was any question as to the timeliness
19 of my filing and my read of the statute of requiring actual
20 knowledge.

21 I don't think he is contesting that. It is an
22 important point and I wanted to raise it now because that
23 goes right to the issue of whether there has been unnecessary
24 delay on the part of this Plaintiff in pursuing what we all
25 agree is a very important issue. One that needs to be

1 resolved on the merits. One that needs to be resolved in an
2 expeditious fashion.

3 But one that also needs to be resolved with the
4 Court lending its view of proper statutory interpretation
5 rather than reliance on an administrative decision.

6 I may be wrong in what my expectation of what
7 certification meant as an administrative practice of the
8 State Board. That's something that can be argued either
9 today or on another day as to what ought to be the standard.

10 But I am not wrong in my interpretation nor has the
11 State Board addressed in any way whether in fact the
12 appropriate forum in the first instance for a person
13 considering candidacy to resolve the issue of their
14 qualifications was on an ad hoc procedure or was through a
15 procedure laid out in COMAR related to the State Board.

16 In my memorandum in opposition to the motion to
17 dismiss I made reference to what I thought a reasonable
18 person would conclude if confronted with the question of how
19 do I determine whether I meet the qualifications?

20 And in doing that I relied on the following because
21 I'm a candidate myself. If I had any question, as a
22 candidate, as to whether I met the qualifications stated in a
23 form handed to me by the State Board of Elections, the first
24 I would go to to find out whether I met that qualification
25 would be the State Board.

1 And in fact COMAR contemplates that. Under COMAR
2 Chapter two, petition for declaratory ruling, a procedure is
3 laid out. For an interested person, and I presume a
4 candidate would be considered an interested person, "may
5 petition the State Board for a declaratory ruling on the
6 manner in which the Board would apply any of the following to
7 a person or property on the facts set forth in the petition."

8 I submit, Your Honor, that complying with the
9 qualifications stated by the State Board when handing the
10 packet of information a candidate needed to apply where it
11 states very clearly additional qualification, 10 years
12 practice in Maryland. That would have been the logical place
13 and the logical procedure to use to get that determined.

14 Now why is that important? Well it is important
15 for the following reason. The determination that would be
16 made under that declaratory judgment would have been a
17 determination by the State Board of Elections.

18 I think it is clear that they would have consulted
19 their attorney in helping them resolve that. That attorney
20 being the Office of Attorney General.

21 But I think it is also clear that what would have
22 been submitted back to the party inquirer would not have been
23 an opinion -- an official opinion of the Attorney General,
24 but rather a response from the State Board as outlined in
25 COMAR.

1 That finding by the State Board would have been
2 binding on the State Board in any further proceeding, but not
3 precluded judicial relief if the interest party felt
4 aggrieved. And COMAR spells right out that the interested
5 party didn't take that up -- that judicial relief is not
6 precluded.

7 And I would submit would not be precluded to me
8 either as an interested party in seeking immediate judicial
9 redress for determination on that administrative decision.

10 Now that process wasn't followed here. And the
11 question is whose fault was that? It certainly wasn't my
12 fault. Okay. I would submit it probably wasn't the State
13 Board's fault either.

14 Mr. Perez is the one who chose to seek the opinion
15 directly from the Attorney General and I am not sure
16 procedurally where he necessarily thought that was the
17 appropriate way to followup in this case.

18 It might be a distinction without a difference on
19 the merits, but it certainly isn't a distinction without a
20 difference as it relates to the question of whether laches
21 should apply in this case on an issue that raises serious
22 public policy considerations on the merits.

23 All of the things that counsel talks about. About
24 the disruption that could occur without timely resolution are
25 unfortunate. But is another provision in the State

1 Constitution as it relates to the qualification of a
2 candidate for Attorney General. And that is the rule of the
3 Governor who also has a certifying rule.

4 If the issue of qualification isn't decided now it
5 could very easily come back up again. But then in a time whe
6 the context of that decision would be much more egregious and
7 detrimental not only to the elections process, not only the
8 Elections Board, but to the citizens of Maryland.

9 Because uniquely the circumstances -- as I read
10 that constitutional provision, the Governor who will make
11 that decision is Governor Erhlich under any scenario, win or
12 lose the next election.

13 That being the case I can list all sorts of
14 scenarios of rather discomfoting potential results if the
15 issue on the merits isn't resolved earlier. And under that
16 basis I would think -- and I am putting forward the laches
17 argument, which is an equitable ductor, really shouldn't
18 apply in this case where the decision on the merits is so
19 imperative. Thank you, Your Honor.

20 THE COURT: Thank you, Mr. Abrams. Mr. Brockman,
21 do you want -- have any further comment on your motion or
22 should we move onto the next item?

23 MR. BROCKMAN: If I may, I will reserve my comments
24 until Mr. Dansicker has had a chance.

25 THE COURT: All right. sure. All right. So we

1 will move onto the motion to dismiss and/or for summary
2 judgment filed on behalf of Mr. Perez. And who is going to
3 argue that, Mr. Dansicker?

4 MR. DANSICKER: Yes, Your Honor.

5 THE COURT: All right.

6 MR. DANSICKER: Good afternoon, Your Honor. May it
7 please the Court. We appreciate the Court being able to act
8 in such a quick fashion to be able to hear this case on only
9 a couple of days notice.

10 Your Honor, this case is really an attempt to
11 eliminate a choice for Maryland voters. To take away their
12 ability to choose a potentially eligible candidate for the
13 Office of Attorney General, by asking this Court to apply an
14 improperly narrow interpretation of the constitutional
15 language of Article 5, Section 4.

16 There are several fundamental problems with this
17 argument. First of all -- and I will go into each of these
18 in a little bit of detail. First of all, the plain language
19 of the Constitution does not support the Plaintiff's
20 argument.

21 The Plaintiff's argument in a nutshell is if you
22 are not admitted to the Bar for 10 years, then you could not
23 have practiced law for 10 years and therefore you are not
24 eligible to run for the Office of Attorney General.

25 The problem with that argument in looking at the

1 plain language of the Constitution is that the Constitution
2 says nothing about having to have been admitted to the Bar of
3 the State for 10 years.

4 In fact in Plaintiff's memorandum in opposition
5 Plaintiff concedes on page eight that there is no expressed
6 requirement in the language of the Constitution regarding
7 membership in the Bar as it relates to a candidate for the
8 Office of Attorney General.

9 THE COURT: Just so we are completely precise
10 because your words are undoubtedly going to come back in some
11 written form, you mean membership in the Maryland Bar.

12 MR. DANSICKER: Correct, Your Honor. Yes. When we
13 compare the language of the qualification section of the
14 Constitution to other sections of the Constitution dealing
15 with the qualifications for State's Attorney or for Judge
16 those sections expressly state that the candidate must have
17 been admitted to the Bar.

18 Also when comparing Article 5, Section 4 to the
19 Constitutions in many other states, the framers in all those
20 states, as we pointed out in our brief, use specific language
21 to say what they meant. They said admitted to practice for
22 10 years or a member of the Bar for 7 years. They didn't
23 just say practice law for 10 years.

24 To the extent that the Court needs to look at the
25 legislative history -- and we believe that the plain language

1 in a comparison of various provisions of the Constitution
2 make that unnecessary, but to the extent that the Court does
3 need to look at the legislative history, we believe the
4 legislative history is clear, that there is no requirement
5 that a candidate for Attorney General be admitted to the
6 Maryland Bar for 10 years.

7 In fact the legislature considered such language
8 and rejected it which would have required admission to the
9 Maryland Bar.

10 Finally a fundamental problem with the Plaintiff's
11 argument is that the practice of law in Maryland is not
12 limited by the Maryland statute concerning the practice of
13 law. In this situation, unlike in most cases, there is a
14 federal statute which allowed Mr. Perez to practice law in
15 the State of Maryland as a federal attorney at the Department
16 of Justice.

17 That statute has been -- that type of statute has
18 been upheld by the Supreme Court, which has said that where
19 there is a federal statute allowing a person to effectively
20 practice law in a state, that statute trumps any kind of
21 state statute requiring bar membership. And that is exactly
22 what the Supreme Court held in the Sperry case, which we will
23 go into in a little detail.

24 Ultimately Your Honor, the complaint itself is a
25 very narrow complaint. The only issue raised in the

1 complaint is whether Mr. Perez was required to have been
2 admitted to the Maryland Bar for 10 years in order to be a
3 candidate and be eligible for the Office of Attorney General.

4 So because the issue raised in the complaint is so
5 narrow, we believe that the Court does not necessarily need
6 to even get to the affidavit of Mr. Perez or any other
7 evidence and can decide this case as a motion to dismiss on
8 the law by interpreting the language of the Constitution to
9 find that there is no requirement that a person be admitted
10 to the Maryland Bar for 10 years in order to be a candidate
11 for Attorney General.

12 If the Court finds that, then the Court can dismiss
13 the case without even getting to any kind of summary judgment
14 standard because it fails to state a cause of action.

15 The plain language of Section 4 simply states
16 "practice law in this State for at least 10 years." And the
17 Court of Appeals has repeatedly said the starting point of
18 any type of constitutional interpretation is the actual words
19 themselves.

20 Nowhere does it say admitted to practice law in
21 this State for at least 10 years or a member of the Bar of
22 this State for at least 10 years. There is numerous
23 terminology and phrases that the framers could have used if
24 that is what they wanted to use, but they didn't. And
25 framers in other states drafting constitutions in the same