

Wiley Rein and ACLU-MD Secure Favorable Ruling for Pro Bono Clients in Maryland Personal Information Civil Case

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Washington, DC – A team of lawyers from Wiley Rein LLP and the American Civil Liberties Union of Maryland (ACLU-MD) secured a favorable ruling yesterday on behalf of two individual plaintiffs, Carl Snowden and Marvenise Harris, in a civil case involving a violation of the “personal records” provision of the Maryland Public Information Act (PIA). After a two-day trial in the Circuit Court for Anne Arundel County, Judge Arthur Monty Ahalt found there was “clear and convincing evidence” that former Anne Arundel County Executive John Leopold violated a provision of the Act that guards against public officials’ creation and use of personal records for illegitimate reasons.

This pro bono representation, which began in March 2012, involves a suit on behalf of the ACLU-MD and a group of individuals against Anne Arundel County and two former County officials. In May 2015, the Maryland Court of Special Appeals reversed in substantial part a trial court decision dismissing claims asserted by the plaintiffs. The appeals court decided several important legal issues of first impression under the Act in favor of Wiley Rein’s clients. This case is the first to address the portions of the PIA that provide a private right of action, and the court’s opinion set an important precedent regarding the right of citizens to challenge the collection and

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improper use of personal records by government officials.

At trial following remand, Wiley Rein's attorneys presented testimony by seven witnesses, including several current and former police officials and two of the plaintiffs. Judge Ahalt held that Leopold violated the Act with respect to the two plaintiffs who testified at trial. He ruled against the plaintiffs who did not testify, and also found that a former Anne Arundel County police chief and the Anne Arundel County government not liable. Because the PIA permits an award of attorneys' fees to a prevailing party, Judge Ahalt directed the prevailing plaintiffs to submit their petition for attorneys' fees by April 15, 2016.

The Wiley Rein team included partners Richard A. Simpson and Charles C. Lemley and associates Karen L. Toto, Jennifer A. Williams, and Meredith G. Singer. ACLU of Maryland Legal Director Deborah Jeon and Senior Staff Attorney David Rocah were co-counsel on the case. Ms. Toto argued on behalf of the plaintiffs at a January 14, 2015 hearing before a three-judge appellate panel. Ms. Singer and Ms. Williams were lead counsel at trial, with Mr. Simpson also participating. Consistent with its usual practice in ACLU pro bono cases, Wiley Rein will donate any attorneys' fees that may ultimately be awarded on remand to the ACLU.