

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Joint Resolution 16 (Delegate McDermott)
Rules and Executive Nominations

Hudson Family Farm

This joint resolution expresses regret to the Hudson family for the role that the State and the State university system may have played in the lawsuit against the Hudson family farm. It also expresses that the State of Maryland is committed to ensuring that farm families everywhere in the State do not fear their government, nor their tax dollars being used to destroy their way of life.

Fiscal Summary

State Effect: Compliance with this joint resolution does not materially affect State finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Background: In 2010, the University of Maryland, Baltimore (UMB) Environmental Law Clinic, the Assateague Coastkeeper, and the Waterkeeper Alliance filed suit against Perdue Farms and Alan and Kristen Hudson, who raise more than a half million chickens a year on their 293-acre farm located in Wicomico County, alleging that they were polluting the Pocomoke River. In its filing, the clinic argued there was evidence the farm was the source of high bacteria counts found in a drainage ditch that drains into the Pocomoke River. As a result of the suit, the Maryland Department of the Environment investigated the Hudson Farm and fined it \$4,000 and closed its inquiry.

The law clinic's *pro bono* work on the case was criticized when the Hudson's lawyer said the legal costs incurred defending the suit could bankrupt the farm. Critics also claimed that the Assateague Coastkeeper and the Waterkeeper Alliance had the funds to hire their own legal counsel, although supporters argued that the critics were mistaken. In response, the General Assembly debated during the 2010 session withholding funds from the law clinic and the *Joint Chairmen's Report* requested UMB to report on each legal case in the past two years in which the Environmental Law Clinic participated in a court action and provide a complete delineation of nonprivileged expenses associated with each case. In 2011, the Governor wrote a letter to the dean of the law school criticizing the case.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): *The Baltimore Sun*, Department of Legislative Services

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