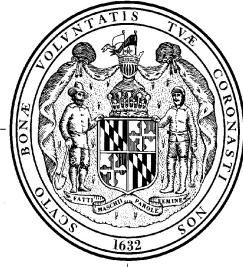


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April 13, 2007

The Honorable J. Frederick Motz
United States District Court
For the District of Maryland
101 West Lombard Street
Baltimore, MD 21201

Re: *L.J. v. Massinga*; Civil No. JFM-84-4409

Dear Judge Motz:

This letter responds to your letter dated February 27, 2007, in which you request a status report on the outstanding issues in the above-referenced matter.

Since counsel last spoke with the Court, plaintiffs' counsel forwarded a letter to defendants' counsel on April 9, 2007, informing the defendants that they intended to proceed with plans to file for a motion for contempt. The defendants were surprised and disappointed because we believed that substantial collaboration and efforts were underway.

Prior to April 9, 2007, counsel had engaged in communications and participated in meetings and a mediation session with Secretary Brenda Donald and Director Samuel Chambers, Jr. in the hope of reaching a consensus on issues related to the PIA, access issues, a monitor, attorneys' fees and healthcare.

Secretary Donald assumed leadership of DHR a little more than two months ago. Since that time she has made clear her intention to be open and transparent in addressing the issues facing the foster care system in Baltimore City, and she believes that she has embarked swiftly on a course of action that will move the Department and BCDSS in the right direction. Since taking the helm at DHR, Secretary Donald has taken a hands-on approach to the *L.J.* Consent Decree.

She immediately convened an *L.J.* workgroup to develop an implementation plan that would include benchmarks and strategies. The Secretary personally chairs the meetings, directs assignments and enforces deadlines. The Director of BCDSS and his senior staff, representatives from DHR Central, and SSA continue to develop, evaluate and refine the plan. The first workgroup meeting occurred on March 2, 2007 and meetings continue bi-weekly. In addition, the Secretary immediately met with plaintiffs' counsel to discuss her goals and priorities in regard to *L.J.* and to provide counsel the opportunity to give feedback and recommendations. At the conclusion of the meeting, the parties agreed to schedule a mediation session on outstanding issues.

At the same time, Mr. Chambers convened an internal workgroup. This workgroup acts as an internal monitor within BCDSS to address compliance issues. As a result of this effort, BCDSS has developed the *L.J.* STAT accountability system that utilizes real time data to make decisions related to the consent decree.

On March 13, 2007, Secretary Donald, Director Chambers and counsel participated in a mediation session on outstanding issues. The Secretary committed DHR to, among other things, providing certain management reports on a monthly basis without the need for a Public Information Act request. In addition, absent agreement on an expanded court monitor, the Secretary promised to permit plaintiffs' counsel to sit in on the Quality Assurance process for case reviews. Moreover, DHR agreed to move forward with the development of an ombudsman's office within BCDSS to focus on child welfare and foster care issues. Finally, the Secretary clearly expressed her interest in developing an implementation plan with enforceable benchmarks. In that regard, she agreed to explore options regarding the plan and the use of a monitor with the Governor's office.

On March 28, 2007, counsel, Mr. Chambers, and a DHR representative met to discuss health care issues. After a very productive meeting, we agreed to promptly convene a health care advisory group for a limited period of time to obtain input from expert sources so that DHR can develop the best health care model available within the fiscal constraints of the State. Secretary Donald has conferred with DHMH Secretary John Colmers, who has agreed to co-chair the "kick-off" meeting of the advisory group.

We believe that in the short time that the Secretary has been in office she has moved quickly to focus the Department's efforts towards improving outcomes for our children. The Department intends to continue to move forward with the initiatives it has begun in the past few months. We have invited the plaintiffs to participate in the development of enforceable benchmarks, and believe that the parties can effectively utilize the existing court monitor order.

Finally, I would like to bring to your attention a few unresolved issues that counsel continues to work on together. First, we have been in discussion regarding defendants' proposed protective order for the disclosure of certain records that will permit the defendants to release records without redaction. We have agreed to continue our discussions on the proposed order next week. In regards to attorneys' fees, on April 10, 2007, plaintiffs' counsel rejected the

defendants' offer and intends to proceed with plans to file a fee petition. On April 11, 2007, the defendants requested detailed billing reports to assist defendants' counsel in making an informed recommendation regarding the possibility of a higher offer. We expect that plaintiffs' counsel will be responding after they have had the opportunity to review and discuss our request. The remaining issue relates to our intention to file a motion to enter the appearance of Assistant Attorney General Carol Smith, a former attorney for the Legal Aid Bureau, as co-counsel for the defendants. On March 15, 2007, Catherine Shultz notified the plaintiffs' counsel of our proposal to do so and sought their agreement. On March 23, 2007, plaintiffs' counsel, citing Rule 1.9(a), stated that the defendants would need to file a motion requesting the Court's approval. We are preparing to file a motion.

We appreciate your ongoing consideration in this matter.

Sincerely,

/s/

Millicent Edwards Gordon
Counsel for Defendants

cc: David E. Beller, Esq.
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Gary S. Posner, Esq.