

We attended the Belward Farm/Johns Hopkins appeal at the Court of Special Appeals in Annapolis today. Bottom line...it's impossible to predict what the judges will rule but I think it went well.

Here are some details from the hearing. The appeal was heard by a three judge panel...two men and one woman. Sorry, I didn't get the names. The younger male judge asked JHU's attorney if JHU thought they could build the biggest hospital on earth with a "ginormous" parking garage and still be within the parameters of the contract. The JHU attorney said yes.

The female judge asked if JHU felt they had a duty to honor the wishes of the donor and the JHU attorney said no...even though they are being sued for breach of donor intent! So, the judges seem to get it. The Hopkins officials don't give a rip about the intentions of the late owner, Elizabeth Banks.

The family's attorney, Carter Phillips, said that Ms. Banks agreed that some of the property may be leased out, such as the snack bar in an academic or medical building. Yet the university has interpreted that to mean that they can offer 99-year ground leases on the entire property. From what I understand, the university will not occupy any of the buildings on the farm...they will just collect the money. And they have not committed to limit the tenants to medical or science-related entities.

According to the master plan, only 40% of the tenants need to be "science-related" so 60% of the tenants could be anything.

The county was frustrated with Ms. Banks' refusal to sell her property to developers so they brought in JHU to convince her that she should sell her farm to the University for a Johns Hopkins campus on her property. She sold her farm to Hopkins for a fraction of its value in order to have a JHU campus. Then Hopkins wrote the contract with enough specificity to convince Ms. Banks that they would honor her wishes but enough ambiguity so they could do apparently what they intended all along...rip her off. They feel no duty to honor her wishes. I hope the judges are properly offended by Hopkins' lawyer's responses. And I hope they are mightily offended by the arrogance of Johns Hopkins University.

The judges could issue their opinion in the next month or it could be as long as a year or two. In the meantime, think good thoughts.

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