

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER CONTINUING PROFESSIONALISM COMMISSION

WHEREAS, Throughout the 1990s, members of the Maryland Bench and Bar had become increasingly aware of issues and repercussions of unprofessional behavior by lawyers, which spurred adoption of civility codes and, since 1992, a mandatory course in professionalism for all new admittees to the Maryland Bar; and

WHEREAS, The Conference of Chief Justices, in 1996, adopted a resolution that called for a study of lawyer professionalism and encouraged the High Court in each state to take a leadership role in evaluating the contemporary needs of the legal community with respect to lawyer professionalism and coordinating the activities of the bench and bar by establishing a Commission on Professionalism; and

WHEREAS, By Order dated April 25, 2002, a Professionalism Task Force was established to study the concept of professionalism within the Maryland Bench and Bar and to determine whether there was a consensus as to the qualities of professionalism and, if so, to describe its nature and scope; and

WHEREAS, The Task Force completed its work and, among other proposals, recommended the establishment of a Professionalism Commission, which recommendation was adopted by the Court of Appeals, on November 10, 2003; and

WHEREAS, The Professionalism Commission was established on February 14, 2004;
and

WHEREAS, The Commission explored the recommendations of the Professionalism Task Force, and on May 31, 2006 and May 30, 2007, respectively, filed its Final Report with the Court and a Revised Final Report and Recommendations, to which Addenda addressing civility in electronic communications and mentoring were added on July 18, 2007, and December 10, 2008; and

WHEREAS, On March 9, 2009, the Court of Appeals established a permanent Commission on Professionalism to guide and support the principles of professionalism for all judges and lawyers throughout Maryland, and directed that its structure and operation be defined by Administrative Order;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, and pursuant to the direction of the Court of Appeals, do hereby order this 7th day of April 2009, effective immediately:

1. Commission.
 - a. Composition. The Commission shall consist of 19 members appointed by the Chief Judge of the Court of Appeals.
 - b. Chair. The Chief Judge of the Court of Appeals, or the Chief Judge's designee, shall serve as Chair of the Commission.
 - c. Membership. The membership of the Commission shall include:
 - (i) One Court of Special Appeals Judge; two Circuit Court Judges, one of whom is assigned to the Family Division; and two District Court Judges;
 - (ii) Seven practicing attorneys, giving due regard to ethnic, gender, geographical and experiential diversity;
 - (iii) One member from each of the faculties of the University of Maryland

and the University of Baltimore Schools of Law;

(iv) A representative from the Attorney Grievance Commission;

(v) A representative from the Judicial Disabilities Commission;

(vi) A representative from the Judicial Ethics Committee;

(vii) Either a Clerk of Court or a person otherwise involved in the administration of the court system;

(viii) A judge from the United States District Court for the District of Maryland, designated by the District Court;

(ix) A reporter, chosen from the ranks of those appointed, who shall serve at the will of the Chair.

d. Terms. The following provisions shall govern member terms:

(i) The term of each member shall be for a maximum of three years; member terms shall be staggered so that the terms of at least six members expire each year; the initial terms of six members shall be one year; the initial terms of six members shall be two years; and the initial terms of seven members shall be three years;

(ii) A member may not serve more than two consecutive three-year terms, nor more than a total of six consecutive years;

(iii) At the end of a term, a member shall continue to serve until a successor is appointed;

(iv) A member who is appointed after a term has begun serves only for the remainder of the term and until a successor is appointed;

(v) A member may be removed before the expiration of his or her term by a two-thirds vote of the Commission.

e. Advisors. To the extent provided in the Judiciary's budget or other source of funds, the Commission may invite others to provide advice to, or otherwise participate in, the Commission's work, through invitations to public fora, appointment to subcommittees

or assignment of specific tasks, such as statistical and academic research.

f. Compensation. The members and advisors are not entitled to compensation, but to the extent provided in the Judiciary's budget, may be reimbursed for expenses in connection with travel related to the work of the Commission.

g. Officers. The Chair may designate officers, including a Vice Chair, and committee chairs as needed.

h. Staff. Subject to budgetary restrictions, the Chair is empowered to hire or contract for staff as the Chair deems necessary.

2. Meetings.

a. Scheduling. The Commission shall meet at the call of the Chair.

b. Quorum. At all meetings, 10 members shall constitute a quorum.

3. Functions.

a. Purposes. The primary tasks of the Commission are to explore, as well as to monitor, the implementation of the professionalism policies adopted by the Court of Appeals, examine ways to promote professionalism among Maryland judges and lawyers, and provide sustained attention and assistance to the task of ensuring that the practice of law remains a high calling, focused on serving clients and promoting the administration of justice, as well as the public good.

b. Mission. The mission of the Commission is to support and encourage members of the Judiciary to exhibit the highest levels of professionalism and to support and encourage lawyers to exercise the highest levels of professional integrity in their relationships with their clients, other lawyers, the courts, and the public to fulfill their obligations to improve the law and the legal system.

c. Duties. To carry out its purposes, the Commission shall:

(i) Continue to develop mechanisms to advance professionalism as an

- important core value of the legal profession and the legal process;
- (ii) Gather and maintain information to serve as a resource on professionalism for lawyers, judges, court personnel and members of the public;
 - (iii) Consider efforts by lawyers and judges to improve the administration of justice;
 - (iv) Monitor professionalism efforts in jurisdictions outside of Maryland;
 - (v) Plan, implement and monitor, as well as coordinate, professionalism efforts in the Bar, courts, law schools and law firms, with particular emphasis on professionalism training in the law schools;
 - (vi) Monitor the efforts of the Maryland State Bar Association and other associations and committees in carrying out the mandate of the Court of Appeals with respect to advancement of professionalism, with particular emphasis on the course on professionalism for new admittees, and submit periodic reports to this Court on those efforts;
 - (vii) Study continuing legal education in Maryland, and other jurisdictions, and report back to the Court of Appeals recommendations with regard thereto;
 - (viii) Make recommendations to the Court of Appeals and the Maryland State Bar Association, as well as the local and specialty bars, concerning additional means by which professionalism can be enhanced;
 - (ix) Consider whether the Commission could receive and review complaints;
 - (x) Supervise the implementation of those recommendations of the predecessor Professionalism Commission referred by the Court of Appeals;
 - (xi) Publicly acknowledge lawyers in acts of professionalism, at least yearly;

- (xii) Create and administer the mentoring program for young lawyers and recognize the efforts of lawyers engaging in the program;
- (xiii) Receive and administer gifts and grants and to make such expenditures as the Commission shall deem prudent in the discharge of its responsibilities.

4. Source of Funding. The Commission shall undertake efforts to determine possible sources of funding to include assessment of licensed attorneys.

5. Authority. Unless expressly authorized by statute, rule or otherwise, the Commission has no authority to receive complaints within the province of the Attorney General's Office, the Attorney Grievance Commission or the Commission on Judicial Disabilities, and shall refer any such complaints received to the appropriate Commission or Office.

6. Rescission of Prior Order. The Administrative Order, dated February 17, 2004, establishing a Professionalism Commission, is rescinded.

/s/ Robert M. Bell
Robert M. Bell
Chief Judge of the Court of Appeals

Filed: April 8, 2009

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland