

The changes to the two Rules are submitted on an emergency basis in order to give the Court an opportunity to implement them in time for the next Bar admission ceremony in June 2011.

For the further guidance of the Court and the public, following the proposed changes to each of the two Rules is a Reporter's Note describing in further detail the reasons for the proposals. *We caution that the Reporter's Notes are not part of the Rules, have not been debated or approved by the Committee, and are not to be regarded as any kind of official comment or interpretation.* They are included solely to assist the Court in understanding some of the reasons for the proposed changes.

Respectfully submitted,

Alan M. Wilner
Chair

Linda M. Schuett
Vice Chair

AMW/LMS:cdc
cc: Bessie M. Decker, Clerk

MARYLAND RULES OF PROCEDURE

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Rule 11 of the Rules Governing Admission to the Bar of Maryland to add provisions concerning the development and approval of a course on legal professionalism, to require specification of certain structure and features in a course proposal, to modify provisions concerning the person or entity that conducts the course, to provide under certain circumstances for decertification of a conditionally admitted attorney who fails to take the course, to provide for the attorney's recertification under certain circumstances, to delete the provision concerning duration of the course requirement, to allow periodic evaluation of the course, and to make stylistic changes, as follows:

Rule 11. REQUIRED COURSE ON PROFESSIONALISM

(a) Course on Legal Professionalism -- Development and Approval

The Chief Judge of the Court of Appeals may designate a unit within the Judicial Branch, or any other qualified person or entity willing to undertake the responsibility, to develop for consideration and approval by the Court the structure and features of a course on legal professionalism, including (1) the course content, (2) recommended faculty and support staff, (3) the times and places at which the course will be given, (4)

estimated expenses for conducting the course, (5) a proposed fee, which shall be adequate to meet the estimated expenses, and (6) any other desirable and appropriate feature. The proposal shall require that the course be given at least twice each year, during the period between the announcement of the Bar examination results and the scheduled Bar admission ceremonies next following that announcement, in the number of locations determined from time to time by the Court. In its discretion, the Court may develop the structure and features of the course on its own.

(b) Course Presentation

The approved plan shall be implemented as directed by the Court of Appeals.

~~(a)~~ (c) Duty to Complete Course

Before admission to the Bar, ~~a person~~ an individual recommended for admission pursuant to Rule 10 shall successfully complete a course on legal professionalism approved by the Court of Appeals. For good cause shown, the Court ~~of Appeals~~ may admit ~~a person~~ an individual who has not completed the course, provided that the person represents to the Court that he or she will complete on condition that the individual complete the next regularly scheduled course. If the attorney does not successfully complete the next post-admission course, the Court shall enter a Decertification Order prohibiting the individual from practicing law in the State and shall mail, by first-class mail, a copy of the order to the individual. Mailing of the copy shall constitute service. The decertification shall remain in

effect until the Court, after having received satisfactory proof that the individual has successfully completed the course, enters a Recertification Order that restores the individual to good standing. The Clerk of the Court of Appeals shall send a copy of each Decertification Order and each Recertification Order to the Clerk of the Court of Special Appeals, the Clerk of each circuit court, the Chief Clerk of the District Court, and the Register of Wills of each county.

~~(b) Course and Faculty; Costs~~

~~The course and faculty shall be proposed by the Maryland State Bar Association and approved by the Court of Appeals. The Association shall give the course at least twice annually during the period between the announcement of examination results and the scheduled admission ceremony. The Association may charge a reasonable fee to defray the expenses of giving the course.~~

~~(c) (d) Duration of Requirement; Periodic Evaluation~~

~~The requirement set forth in section (a) shall remain in force for a period of ten years beginning January 1, 2001 and ending December 31, 2010. During that period the Court of Appeals shall evaluate the results of the course requirement to determine whether to extend the requirement. The Chief Judge of the Court of Appeals, from time to time, may appoint a committee consisting of one or more judges, lawyers, legal educators, bar association representatives, and other interested and knowledgeable persons individuals to ~~assist the Court in the evaluation~~ evaluate the course and make appropriate~~

recommendations to the Court.

Source: This Rule is new.

REPORTER'S NOTE

Proposed amendments to Rule 11 eliminate the "sunset" provision in the current Rule and make substantive changes in the operation of the Rule.

Section (a) allows the Court of Appeals to designate a qualified person or entity - which could be a unit within the Judiciary - to develop for the Court's approval a proposal for a course on legal professionalism that contains the listed structure and features. In its discretion, the Court itself may develop the course structure and features.

Section (b) provides for presentation of the course.

Section (c) carries forward the requirement in section (a) of the current Rule that each individual recommended for admission to the bar must complete the course on professionalism. In addition, a decertification provision is added to fill a gap in the current Rule. The new provision allows the Court to decertify an attorney who fails to successfully complete the next regularly scheduled post-admission course after the attorney was conditionally admitted to the Bar without having taken the course. Upon successful completion of the course, a Recertification Order is entered.

Section (d) provides a mechanism for evaluation of the course.

MARYLAND RULES OF PROCEDURE

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Rule 19 of the Rules Governing Admission to the Bar of Maryland to clarify that disclosure of the names and addresses of persons recommended for bar admission is permitted to the Maryland State Bar Association and to each entity selected to give the course on legal professionalism required by Rule 11 and to make stylistic changes, as follows:

Rule 19. CONFIDENTIALITY

. . .

(c) When Disclosure Authorized

The Board may disclose:

(1) statistical information that does not reveal the identity of ~~any~~ an individual applicant;

(2) the fact that an applicant has passed the bar examination and the date of the examination;

(3) any material pertaining to an applicant that the applicant would be entitled to inspect under section (b) of this Rule~~7~~ if the applicant has consented in writing to the disclosure;

(4) any material pertaining to an applicant requested by

(A) a court of this State, another state, or the United States~~7~~i

(B) Bar Counsel, the Attorney Grievance Commission, or the attorney disciplinary authority in another state~~7~~i

(C) the authority in another jurisdiction ~~that is~~ responsible for investigating the character and fitness of an applicant for admission to the bar of that jurisdiction, or

(D) Investigative Counsel, the Commission on Judicial Disabilities, or the judicial disciplinary authority in another jurisdiction for use in:

(i) a pending disciplinary proceeding against the applicant as an attorney or judge;

(ii) a pending proceeding for reinstatement of the applicant as an attorney after disbarment; or

(iii) a pending proceeding for original admission of the applicant to the Bar;

(5) any material pertaining to an applicant requested by a judicial nominating commission or the Governor of this State, a committee of the Senate of Maryland, or a committee of the United States Senate in connection with an application by or nomination of the applicant for judicial office;

(6) to a law school, the names of persons who graduated from that law school who took a bar examination and whether they passed or failed the examination;

(7) to the Maryland State Bar Association and to each entity selected to give the course on legal professionalism required by Rule 11, the name and address of a person recommended for bar admission pursuant to Rule 10;

~~(7)~~ (8) to the National Conference of Bar Examiners, the following information regarding persons who have filed

applications for admission pursuant to Rule 2 or petitions to take the attorney's examination pursuant to Rule 13: the applicant's name and aliases, applicant number, birthdate, Law School Admission Council number, law school, date that a juris doctor degree was conferred, bar examination results and pass/fail status, and the number of bar examination attempts;

~~(8)~~ (9) to any member of a Character Committee, the report of any Character Committee or the Board following a hearing on an application; and

~~(9)~~ (10) to the Child Support Enforcement Administration, upon its request, the name, Social Security number, and address of a person who has filed an application pursuant to Rule 2 or a petition to take the attorney's examination pursuant to Rule 13.

Unless information disclosed pursuant to paragraphs (4) and (5) of this section is disclosed with the written consent of the applicant, an applicant shall receive a copy of the information and may rebut, in writing, any matter contained in it. Upon receipt of a written rebuttal, the Board shall forward a copy to the person or entity to whom the information was disclosed.

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REPORTER'S NOTE

Although Rule 19, read in injunction with Rules 10 (b) and 11, appears to permit the State Board of Law Examiners to release to the Maryland State Bar Association and any entity selected to give the course on professionalism not only the names but also the addresses of persons recommended for bar admission, an amendment to Rule 19 is requested by the Board to eliminate any ambiguity that may exist.

Other changes are stylistic, only.