

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Fifty-First Report to the Court recommending the adoption of proposed new Rules 16-205, 16-506, 16-819 and new Appendix: Maryland Code of Conduct for Court Interpreters; amendments to Rules 1-303, 1-322, 1-361, 2-311, 2-510, 2-532, 2-533, 2-534, 2-652, 3-115, 3-303, 3-311, 3-325, 3-401, 3-421, 3-509, 3-510, 3-535, 3-601, 3-643, 3-711, 4-212, 4-231, 4-243, 4-266, 4-312, 4-340, 4-341, 4-342, 4-343, 4-346, 4-351, 4-402, 4-502, 4-504, 4-512, 4-631, 5-412, 5-606, 7-203, 7-206, 8-202, 8-205, 8-301, 8-306, 8-411, 8-422, 8-602, 9-105, 9-203, 11-118, 16-307, 16-309, 16-405, 16-713, 16-714, 16-722 (a) and (h), 16-723, 16-724, 16-735, 16-742, 16-743, 16-751, 16-753, 16-760, 16-772, 16-774, 16-775, 16-781, 16-811 and Forms 1-332, 4-504.1, and 4-508.1; and the deletion of Rule 5-604 of the Maryland Rules of Procedure; and amendments to Rules 12, 13, 14, and 15 of the Rules Governing Admission to the Bar of Maryland, all as set forth in that Report published in the *Maryland Register*, Vol. 29, Issue 16, pages 1230 - 1280 (August

9, 2002); and

This Court, by Rules Order filed October 31, 2002, having adopted, with certain additions and deletions made on the Court's own motion, the rules changes proposed in the One Hundred Fifty-First Report, except the proposed amendments to Rules 9-105, 16-713, 16-714, 16-722 (a), 16-724, 16-742, 16-753, 16-760, 16-772, 16-775, 16-781, and 16-811 of the Maryland Rules of Procedure and Rules 12, 13, 14, and 15 of the Rules Governing Admission to the Bar of Maryland, all of which were deferred for further consideration by the Court, and

The Rules Committee, by a Supplement to the One Hundred Fifty-First Report dated October 23, 2002, having submitted to the Court proposed amendments to Rules 7-201, 16-724, 16-753, and 16-811; and

This Court having considered at open meetings, notices of which were posted as prescribed by law, all those proposed rules changes, together with the comments received, having made certain amendments to the proposed rules changes on its own motion, and finding that an emergency exists with references to certain of the proposed rules changes, it is this 6th day of November, 2002

ORDERED, by the Court of Appeals of Maryland, that

amendments to Rules 7-201, 16-724, 16-753, and 16-811 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 9-105, 16-713, 16-714, 16-722 (a), 16-742, 16-760, 16-772, 16-775, and 16-781 of the Maryland Rules of Procedure and Rules 12, 13, 14, and 15 of the Rules Governing Admission to the Bar of Maryland be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that the rules changes hereby adopted by this Court, except the amendments to Rule 9-105, shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after November 6, 2002, and insofar as practicable, to all actions then pending; and it is further

ORDERED that the amendments to Rule 9-105 hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 2003, and insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

Robert M. Bell

/S/ John C. Eldridge

John C. Eldridge

/s/ Irma S. Raker

Irma S. Raker

/s/ Alan M. Wilner

Alan M. Wilner

/s/ Dale R. Cathell

Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

Filed: November 6, 2002

/s/ Alexander L. Cummings

Clerk
Court of Appeals of Maryland

MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 800 - MISCELLANEOUS

AMEND Rule 16-811 to reflect the renaming of the Clients' Security Trust Fund of the Bar of Maryland as the Client Protection Fund of the Bar of Maryland, to provide for the designation of an employee of the Fund to perform certain duties, to provide for judicial review pursuant to the Rules in Title 7, Chapter 200, to renumber provisions, to make certain stylistic changes, and to limit a certain provision concerning advice from the Court of Appeals, as follows:

Rule 16-811. ~~CLIENTS' SECURITY~~ CLIENT PROTECTION FUND OF THE BAR OF MARYLAND

~~a. Promulgation of Rule~~

~~This Rule, to be known as the "Clients' Security Fund Rule of the Court of Appeals of Maryland," is promulgated pursuant to Chapter 779, Laws of Maryland (1965).~~

~~Cross reference: See Code, BOP §§10-310 et seq.~~

~~b. a. Creation Name, Operation, and Purpose of Trust Fund~~

~~1. Creation Name~~

~~A trust fund, to be known as the "Clients' Security Trust Fund of the Bar of Maryland, promulgated pursuant to Chapter 779, Laws of Maryland (1965), shall be changed to the "Client~~

Protection Fund of the Bar of Maryland" (~~hereinafter referred to as "the trust fund"~~), is hereby authorized and created (the "Fund").

Cross reference: See Code, Business Occupations and Professions Article, §§10-310 et seq.

2. Operation

The ~~trust fund~~ Fund shall be operated and administered in accordance with this Rule by nine trustees, appointed as hereinafter provided. The trustees shall be known as the "Trustees of the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland."

3. Purpose

The purpose of the ~~trust fund~~ Fund shall be to maintain the integrity and protect the good name of the legal profession by reimbursing, to the extent authorized by this Rule and deemed proper and reasonable by the trustees, losses caused by defalcations of members of the Bar of the State of Maryland or out-of-state attorneys authorized to practice in this State under Rule 15 of the Rules Governing Admission to the Bar, acting either as attorneys or as fiduciaries (except to the extent to which they are bonded).

~~c.~~ b. Appointment and Compensation of Trustees and Officers

1. Number

There shall be nine trustees appointed by ~~this~~ the Court of Appeals, eight to be members of the Bar of this State, and one who shall not be a member of the Bar.

2. Appointment

One trustee who is a member of the Bar of this State shall be appointed from each of the seven appellate judicial circuits. The eighth trustee who is a member of the Bar and the trustee who is not a member of the Bar shall be appointed at large. Each appointment shall be for a term of seven years.

3. Officers

The trustees shall from time to time elect from their membership a ~~chairman~~ chair, a treasurer, and such other officers as they deem necessary or appropriate.

4. Removal

A trustee may be removed by the Court at any time in its discretion.

5. Vacancies

Vacancies shall be filled by appointment by the Court for the unexpired term.

6. Compensation

The trustees shall serve without compensation, but shall be entitled to reimbursement from the ~~trust fund~~ Fund, if no other source of funds is available, for their expenses reasonably incurred in performance of their duties as trustees, including transportation costs.

~~d.~~ c. Powers and Duties of Trustees

1. Additional Powers and Duties

In addition to the powers granted elsewhere in this Rule, the trustees shall have the following powers and duties:

(i) To receive, hold, manage, and distribute, pursuant to this Rule, the funds raised hereunder, and any other monies that may be received by the ~~trust fund~~ Fund through voluntary contributions or otherwise.

(ii) To authorize payment of claims in accordance with this Rule.

(iii) To adopt regulations for the administration of the ~~trust fund~~ Fund and the procedures for the presentation, consideration, recognition, rejection and payment of claims, and to adopt bylaws for conducting business. A copy of ~~such~~ the regulations shall be filed with the Clerk of ~~this~~ the Court of Appeals, who shall mail a copy of them to the clerk of the circuit court for each county and to all Registers of Wills.

(iv) To enforce claims for restitution, arising by subrogation or assignment or otherwise.

(v) To invest the ~~trust fund~~ Fund, or any portion thereof, in such investments as they may deem appropriate, and to cause funds to be deposited in any bank, banking institution or federally insured savings and loan association in this State, provided however, that the trustees shall have no obligation to cause the ~~trust fund~~ Fund or any portion thereof to be invested.

(vi) To employ and compensate consultants, agents, legal counsel and employees.

(vii) To delegate the power to perform routine acts which may be necessary or desirable for the operation of the ~~trust fund~~ Fund, including the power to authorize disbursements for routine

operating expenses of the ~~trust fund~~ Fund, but authorization for payments of claims shall be made only as provided in section ~~h~~ h (Claims) of this Rule.

(viii) To sue or be sued in the name of the ~~trust~~ Fund without joining any or all individual trustees.

(ix) To comply with the requirements of Rules 16-713 (e), 16-714 (b), 16-724 (a), and 16-753.

(x) To designate an employee to perform the duties set forth in Rules 16-724 (a) and 16-753 and notify Bar Counsel of that designation.

~~(x)~~ (xi) To perform all other acts necessary or proper for fulfillment of the purposes of the ~~trust fund~~ Fund and its efficient administration.

2. Report and Audit - Filing

At least once each year, and at such additional times as the Court of Appeals may order, the trustees shall file with ~~this~~ the Court of Appeals a written report, which shall include the audit made pursuant to subsection 3 of section ~~j~~ i (Powers of Court of Appeals - ~~Audits~~ Arrange Audit) of this Rule of the management and operation of the ~~trust fund~~ Fund.

~~e.~~ d. Meetings and Quorum

1. Time

Meetings of the trustees shall be held at the call of the ~~chairman~~ chair or a majority of the trustees, and shall be held at least once each year, upon reasonable notice.

2. Number

Five trustees shall constitute a quorum. A majority of the trustees present at a duly constituted meeting may exercise any powers held by the trustees, except to the extent that this Rule provides otherwise.

~~f.~~ e. Payments to Fund

1. Definition

In this section, "local ~~Bar Association~~ bar association" means (A) in Baltimore City, the Bar Association of Baltimore City; or (B) in each county, the bar association with the greatest number of members who are residents of the county and who maintain their principal office for the practice of law in that county.

2. Payment Required as Condition of Practice; Exception

Except as otherwise provided in this section, each lawyer admitted to practice before ~~this~~ the Court of Appeals or issued a certificate of special authorization under Rule 15 of the Rules Governing Admission to the Bar, shall, as a condition precedent to the practice of law (as from time to time defined in Code, Business Occupations and Professions Article) in this State, pay annually to the treasurer of the ~~trust fund~~ Fund the sum, including ~~any~~ all applicable late charges, ~~this~~ the Court may fix. The trustees may provide in their regulations reasonable and uniform deadline dates for receipt of payments of assessments or applications for change to inactive/retired status. A lawyer on inactive/retired status may engage in the practice of law without payment to the ~~trust fund~~ Fund if (A) the lawyer is on

inactive/retired status solely as a result of having been approved for that status by the trustees and not as a result of any action against the attorney pursuant to Title 16, Chapter 700 of these Rules and (B) the lawyer's practice is limited to representing clients without compensation, other than reimbursement of reasonable and necessary expenses, as part of the lawyer's participation in a legal services or pro bono publico program sponsored or supported by a local ~~Bar Association~~ bar association, the Maryland State Bar Association, Inc., an affiliated bar foundation, or the Maryland Legal Services Corporation.

3. Change of Address

It is the obligation of each lawyer to give written notice to the trustees of every change in the lawyer's resident address, business address, or telephone numbers within 30 days of the change. The trustees shall have the right to rely on the latest information received by them for all billing and other correspondence.

4. Due Date

Payments for any fiscal year shall be due on July 1st of each such year.

5. Dishonor

If any check to the ~~trust fund~~ Fund in payment of an annual assessment is dishonored, the treasurer of the ~~trust fund~~ Fund shall promptly notify the attorney of the dishonor. The attorney shall be responsible for all additional charges assessed

by the trustees.

~~g.~~ f. Enforcement

1. List by Trustees of Unpaid Assessments

As soon as practical after January 1, but no later than February 15 of each calendar year, the trustees shall prepare, certify, and file with the Court of Appeals a list showing:

(i) the name and account number, as it appears on their records, of each lawyer who, to the best of their information, is engaged in the practice of law and without valid reason or justification has failed or refused to pay (a) one or more annual assessments, (b) penalties for late payment, (c) any charge for a dishonored check, or (d) reimbursement of publication charges; and

(ii) the amount due from that lawyer to the ~~trust fund~~ Fund.

2. Notice of Default by Trustees

(i) The trustees shall give notice of delinquency promptly to each lawyer on the list by first class mail addressed to the lawyer at the lawyer's last address appearing on the records of the trustees. The notice shall state the amount of the obligation to the ~~trust fund~~ Fund, that payment is overdue, and that failure to pay the amount to the ~~trust fund~~ Fund within 30 days following the date of the notice will result in the entry of an order by the Court of Appeals prohibiting the lawyer from practicing law in the State.

(ii) The mailing by the trustees of the notice of default

shall constitute service.

3. Additional Discretionary Notice

In addition to the mailed notice, the trustees may give any additional notice to the lawyers on the delinquency list as the trustees in their discretion deem desirable. Additional notice may include publication in one or more newspapers selected by the trustees; telephone, facsimile, or other transmission to the named lawyers; dissemination to local bar associations or other professional associations; posting in State court houses; or any other means deemed appropriate by the trustees. Additional notice may be statewide, regional, local, or personal to a named lawyer as the trustees may direct.

4. Certification of Default by Trustees; Order of Decertification by the Court of Appeals

(i) Promptly after expiration of the deadline date stated in the mailed notice, the trustees shall submit to the Court of Appeals a proposed Decertification Order stating the names and account numbers of those lawyers whose accounts remain unpaid. The ~~trustee~~ trustees also shall furnish additional information from their records or give further notice as the Court of Appeals may direct. The Court of Appeals, on being satisfied that the trustees have given the required notice to the lawyers remaining in default, shall enter a Decertification Order prohibiting each of them from practicing law in the State. The trustees shall mail by first class mail a copy of the Decertification Order to each lawyer named in the order at the lawyer's last address as it

appears on the records of the trustees. The mailing of the copy shall constitute service of the order.

(ii) A lawyer who practices law after having been served with a copy of the Decertification Order may be proceeded against for contempt of court in accordance with the provisions of Title 15, Chapter 200 (Contempt) and any other applicable provision of law or as the Court of Appeals shall direct.

(iii) Upon written request from any Maryland lawyer, judge, or litigant to confirm whether a Maryland lawyer named in the request has been decertified and has not been reinstated, the trustees shall furnish confirmation promptly by informal means and, if requested, by written confirmation. On receiving confirmation by the trustees that a Maryland lawyer attempting to practice law has been and remains decertified, a Maryland judge shall not permit the lawyer to practice law in the State until the lawyer's default has been cured.

5. Payment

Upon payment in cash or by certified or bank official's check to the ~~trust fund~~ Fund by a lawyer of all amounts due by the lawyer, including all related costs that the Court of Appeals or the trustees may prescribe from time to time, the trustees shall remove the lawyer's name from their list of delinquent lawyers and, if a Decertification Order has been entered, request the Court of Appeals to rescind its Decertification Order as to that lawyer. If requested by a lawyer affected by the action, the trustees shall furnish confirmation promptly.

6. Bad Check; Interim Decertification Order

(i) If a check payable to the ~~trust fund~~ Fund is dishonored, the treasurer of the ~~trust fund~~ Fund shall notify the lawyer immediately by the quickest available means. Within 7 business days following the date of the notice, the lawyer shall pay to the treasurer of the ~~trust fund~~ Fund , in cash or by certified or bank official's check, the full amount of the dishonored check plus any additional charge that the trustees in their discretion shall prescribe from time to time.

(ii) The treasurer of the ~~trust fund~~ Fund promptly (but not more often than once each calendar quarter) shall prepare and submit to the Court of Appeals a proposed interim Decertification Order stating the name and account number of each lawyer who remains in default of payment for a dishonored check and related charges. The Court of Appeals shall enter an interim Decertification Order prohibiting the practice of law in the State by each lawyer as to whom it is satisfied that the treasurer has made reasonable and good faith efforts to give notice concerning the dishonored check. The treasurer shall mail by first class mail a copy of the interim Decertification Order to each lawyer named in the order at the lawyer's last address as it appears on the records of the trustees, and the mailing of the copy shall constitute service of the order.

7. Notices to Clerks

The Clerk of the Court of Appeals shall send a copy of a Decertification Order and rescission order entered pursuant to

this Rule to the ~~clerk~~ Clerk of the Court of Special Appeals, the clerk of each ~~Circuit Court~~ circuit court, the Chief Clerk of the District Court, and the Register of Wills for each county.

~~h.~~ g. Treasurer's Duties

1. Separate Account

The ~~trust fund~~ Fund shall be maintained by the treasurer in a separate account.

2. Disbursements

The treasurer shall disburse monies from the ~~trust fund~~ Fund only upon the action of the trustees pursuant to this Rule.

3. Bond

The treasurer shall file annually with the trustees a bond for the proper execution of the duties of the office of treasurer of the ~~trust fund~~ Fund in an amount established from time to time by the trustees and with such surety as may be approved by the trustees.

4. Other Duties

The treasurer shall comply with the requirements of Rules ~~16-713 (e)~~, 16-714 (b), ~~16-724 (a)~~, and 16-753.

~~i.~~ h. Claims

1. Power of Trustees

The trustees are invested with the power to determine whether a claim merits reimbursement from the ~~trust fund~~ Fund, and if so, the amount of such reimbursement, the time, place, and manner of its payment, the conditions upon which payment shall be made, and the order in which payments shall be made. The

trustees' powers under this section may be exercised only by the affirmative vote of at least five trustees.

2. No Rights in Fund

No claimant or other person or organization has any right in the ~~trust fund~~ Fund as beneficiary or otherwise.

3. Exercise of Discretion - Factors

In exercising their discretion the trustees may consider, together with such other factors as they deem appropriate, the following:

(i) The amounts available and likely to become available to the ~~trust fund~~ Fund for payment of claims.

(ii) The size and number of claims which are likely to be presented in the future.

(iii) The total amount of losses caused by defalcations of any one attorney or associated ~~groups~~ group of attorneys.

(iv) The unreimbursed amounts of claims recognized by the trustees in the past as meriting reimbursement, but for which reimbursement has not been made in the total amount of the loss sustained.

(v) The amount of the claimant's loss as compared with the amount of the losses sustained by others who may merit reimbursement from the ~~trust fund~~ Fund.

(vi) The degree of hardship the claimant has suffered by the loss.

(vii) Any negligence of the claimant which may have contributed to the loss.

4. Additional Powers of Trustees

In addition to other conditions and requirements the trustees may require each claimant, as a condition of payment, to execute such instruments, to take such action, and to enter such agreements as the trustees may desire, including assignments, subrogation agreements, trust agreements and promises to cooperate with the trustees in making and prosecuting claims or charges against any person.

5. Investigation of Claims - Assistance

The trustees may request individual lawyers, bar associations, and other organizations of lawyers to assist the trustees in the investigation of claims.

~~j.~~ i. Powers of Court of Appeals

1. To Change Rule

~~This~~ The Court of Appeals may amend, modify, or repeal this Rule at any time without prior notice, and may provide for the dissolution and winding up of the affairs of the ~~trust~~ Fund.

2. Judicial Review

A ~~claimant~~ person aggrieved by a final determination of the trustees ~~denying his~~ with respect to a claim may, ~~within 15 days thereafter,~~ file exceptions in the Court of Appeals. ~~The~~ seek judicial review of the determination pursuant to Title 7, Chapter 200 of these Rules. On any judicial review, the decision of the trustees shall be deemed prima facie correct and ~~the~~ exceptions shall be denied affirmed unless ~~it is shown that~~ the decision was arbitrary, ~~or~~ capricious, ~~or~~ unsupported by

substantial evidence on the record considered as a whole, ~~or was not within~~ beyond the authority vested in the trustees, ~~or was~~ made upon unlawful procedure, or ~~was~~ unconstitutional or otherwise illegal. ~~In any case in which the Court does not deny the exceptions, it may, with or without a hearing, vacate the decision of the trustees and remand the matter thereto for further proceedings, including where appropriate the taking of additional evidence, as may be specified in the Court's remand order.~~ Any party, including the Fund, aggrieved by the judgment of the circuit court may appeal the judgment to the Court of Special Appeals.

3. Arrange Audit

The trustees shall arrange for auditing of the accounts of the ~~trust fund~~ Fund by state or private auditors, and ~~this the~~ Court of Appeals may at any time arrange for such an audit to be made. The cost of any such audit shall be paid by the ~~trust fund~~ Fund if no other source of funds is available.

4. ~~Interpret Rule~~ Administrative Advice

The trustees may apply to ~~this the~~ Court of Appeals, in its nonadjudicatory, supervisory capacity, for interpretation of this Rule and for advice as to their powers and as to the proper administration of the trust Fund. ~~Any final order issued by this Court in response to any such application shall finally bind and determine all rights with respect to the matters covered therein.~~

Source: This Rule is in part derived from former Rule 1228 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-724 for conformity with recent legislation and to change the designation of the person upon whom service may be made under certain circumstances, as follows:

Rule 16-724. SERVICE OF PAPERS ON ATTORNEY

(a) Statement of Charges

A copy of a Statement of Charges filed pursuant to Rule 16-741 shall be served on an attorney in the manner prescribed by Rule 2-121. If after reasonable efforts the attorney cannot be served personally, service may be made upon the ~~treasurer~~ employee of the Clients' Security Trust designated by the Client Protection Fund of the Bar of Maryland pursuant to Rule 16-811 c 1 (x), who shall be deemed the attorney's agent for receipt of service. The ~~treasurer~~ Fund's employee shall send, by both certified mail and ordinary mail, a copy of the papers so served to the attorney at the address maintained in the ~~Trust~~ Fund's records and to any other address provided by Bar Counsel.

(b) Service of Other Papers

Except as otherwise provided in this Chapter, other notices and papers may be served on an attorney in the manner provided by Rule 1-321 for service of papers after an original pleading.

Committee note: The attorney's address contained in the records of the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland may be the attorney's last known address.

Cross reference: See Rule 16-753 concerning service of a Petition for Disciplinary or Remedial Action.

Source: This Rule is in part derived from former Rule 16-706 (BV6) and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-753 for conformity with recent legislation and to change the designation of the person upon whom service may be made under certain circumstances, as follows:

Rule 16-753. SERVICE OF PETITION

A copy of a Petition for Disciplinary or Remedial Action filed pursuant to Rule 16-751, and the order of the Court of Appeals designating a judge pursuant to Rule 16-752, shall be served on an attorney in the manner prescribed by Rule 2-121 or in any other manner directed by the Court of Appeals. If after reasonable efforts the attorney cannot be served personally, service may be made upon the ~~treasurer~~ employee of the Clients' Security Trust designated by the Client Protection Fund of the Bar of Maryland pursuant to Rule 16-811 c 1 (x), who shall be deemed the attorney's agent for receipt of service. The ~~treasurer~~ Fund's employee shall send, by both certified mail and ordinary mail, a copy of the papers so served to the attorney at the address maintained in the ~~Trust~~ Fund's records and to any other address provided by Bar Counsel.

Source: This Rule is in part derived from former Rule 16-709 (BV9) and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW
IN CIRCUIT COURT
CHAPTER 200 - JUDICIAL REVIEW OF ADMINISTRATIVE
AGENCY DECISIONS

AMEND Rule 7-201 to add certain language concerning the Client Protection Fund of the Bar of Maryland, as follows:

Rule 7-201. GENERAL PROVISIONS

(a) Applicability

The rules in this Chapter govern actions for judicial review of (1) an order or action of an administrative agency, where judicial review is authorized by statute, and (2) a final determination of the trustees of the Client Protection Fund of the Bar of Maryland.

(b) Definition

As used in this Chapter, "administrative agency" means any agency, board, department, district, commission, authority, commissioner, official, the Maryland Tax Court, or other unit of the State or of a political subdivision of the State and the Client Protection Fund of the Bar of Maryland.

Committee note: Regarding the inherent power of a court, in the absence of a statute authorizing judicial review, to review actions by an administrative agency that are arbitrary, illegal, capricious, or deny a litigant some fundamental right, see Criminal Injuries Compensation Board v. Gould, 273 Md. 486, 501

(1975), Board of Education of Prince George's County v. Secretary of Personnel, 317 Md. 34, 44 (1989), and Silverman v. Maryland Deposit Insurance Fund, 317 Md. 306, 323-326 (1989).

Source: This Rule is derived from former Rule B1.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-713 (e) for conformity with recent
legislation, as follows:

Rule 16-713. PEER REVIEW COMMITTEE

. . .

(e) Procedure for Appointment

Before appointing members of the Peer Review Committee,
the Commission shall notify bar associations and the general
public in the appropriate circuit and consider any applications
and recommendations that are timely submitted. The Commission
shall prepare a brief notice informing attorneys how they may
apply to serve on the Peer Review Committee and deliver the
notice to the Trustees of the ~~Clients' Security Trust~~ Client
Protection Fund of the Bar of Maryland, who at least once a year
shall send a copy of the notice to each attorney who is required
to pay an annual fee to the Fund.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-714 (b) for conformity with recent
legislation, as follows:

Rule 16-714. DISCIPLINARY FUND

. . .

(b) Collection and Disbursement of Disciplinary Fund

The treasurer of the ~~Clients' Security Trust~~ Client
Protection Fund of the Bar of Maryland shall collect and remit to
the Commission the sums paid by attorneys to the Disciplinary
Fund.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-722 (a) for conformity with recent legislation, as follows:

Rule 16-722. AUDIT OF ATTORNEY ACCOUNTS AND RECORDS

(a) Action for Audit

Bar Counsel or the ~~Clients' Security Trust~~ Trustees of the Client Protection Fund of the Bar of Maryland may file a petition requesting an audit of the accounts and records that an attorney is required by law or Rule to maintain. The petition may be filed in the circuit court in any county where the attorney resides or has an office for the practice of law. If the attorney has no established office and the attorney's residence is unknown, the petition may be filed in any circuit court.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-742 (b) for conformity with recent
legislation, as follows:

Rule 16-742. PEER REVIEW PANEL

. . .

(b) Composition of Panel

The Peer Review Panel shall consist of at least three members of the Peer Review Committee. A majority of the members of the Panel shall be attorneys, but at least one member shall not be an attorney. If practicable, the Chair shall appoint to the Panel members from the circuit in which the attorney who is the subject of the charges has an office for the practice of law or, if there is no such office, the circuit in which the last known address of the attorney, as reflected on the records of the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland, is located.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-760 for conformity with recent legislation, as follows:

Rule 16-760. ORDER IMPOSING DISCIPLINE OR INACTIVE STATUS

. . .

(e) Duties of Clerk

On the effective date of an order that disbars, suspends, or places the respondent on inactive status, the Clerk of the Court of Appeals shall strike the name of the respondent from the register of attorneys in that Court and shall certify that fact to the Trustees of the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland and the clerks of all courts in this State.

. . .

(h) Conditions

An order entered under this Rule may impose one or more conditions to be satisfied by the respondent, whether as a condition precedent to reinstatement or a condition of probation after reinstatement, including a requirement that the respondent:

(1) demonstrate, by the report of a health care professional or other proper evidence, that the respondent is mentally and physically competent to resume the practice of law;

(2) upon reinstatement, engage an attorney satisfactory to Bar Counsel to monitor the respondent's legal practice pursuant to section (i) of this Rule;

(3) prove that every former client has been reimbursed for any part of fees paid in advance for legal services that were not completed;

(4) satisfy any judgment or reimburse the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland for any claim that arose out of the respondent's practice of law;

(5) make restitution to any client of any sum found to be due to the client;

(6) limit the nature or extent of the respondent's future practice of law;

(7) pay all costs assessed by the order and any mandate of the Court of Appeals;

(8) participate in a program tailored to individual circumstances that provides the respondent with law office management assistance, lawyer assistance or counseling, treatment for alcohol or substance abuse, psychological counseling, or specified courses in legal ethics, professional responsibility, or continuing legal education;

(9) issue an apology; and

(10) take any other corrective action that may be reasonable and appropriate.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-772 (d) for conformity with recent
legislation, as follows:

Rule 16-772. CONSENT TO DISCIPLINE OR INACTIVE STATUS

. . .

(d) Duty of Clerk

When an attorney has been disbarred, suspended, or placed
on inactive status under this Rule, the Clerk of the Court of
Appeals shall strike the name of the attorney from the register
of attorneys in that Court and shall certify to the Trustees of
the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of
Maryland and the clerks of all courts in this State that the
attorney's name has been so stricken.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-775 (e) for conformity with recent
legislation, as follows:

Rule 16-775. RESIGNATION OF ATTORNEY

. . .

(e) Duty of clerk

When the Court enters an order accepting an attorney's
resignation, the Clerk of the Court of Appeals shall strike the
name of the attorney from the register of attorneys in that Court
and shall certify that fact to the Trustees of the ~~Clients+~~
~~Security Trust~~ Client Protection Fund of the Bar of Maryland and
the clerks of all courts in this State.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 700 - DISCIPLINE AND INACTIVE STATUS OF ATTORNEYS

AMEND Rule 16-781 (1) for conformity with recent legislation, as follows:

Rule 16-781. REINSTATEMENT

. . .

(1) Duties of Clerk

(1) Attorney Admitted to Practice

Upon receiving a reinstatement notice authorized by section (e) of this Rule, or on the effective date of an order or notice that reinstates a petitioner admitted by the Court of Appeals to the practice of law, the Clerk of the Court of Appeals shall place the name of the petitioner on the register of attorneys in that Court and shall certify that fact to the Trustees of the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland and to the clerks of all courts in the State.

(2) Attorney Not Admitted to Practice

Upon receiving a reinstatement notice authorized by section (e) of this Rule, or on the effective date of an order or notice that reinstates a petitioner not admitted by the Court of Appeals to practice law, the Clerk of the Court of Appeals shall remove the petitioner's name from the list maintained in that Court of non-admitted attorneys who are ineligible to practice

law in this State, and shall certify that fact to the Board of Law Examiners and the clerks of all courts in the State.

. . .

MARYLAND RULES OF PROCEDURE

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Bar Admission Rule 12 for conformity with recent legislation, as follows:

Rule 12. ORDER OF ADMISSION; TIME LIMITATION

When the Court has determined that a candidate is qualified to practice law and is of good moral character, it shall enter an order directing that the candidate be admitted to the Bar on taking the oath required by law. A candidate who has passed the Maryland bar examination may not take the oath of admission to the Bar later than 24 months after the date that the Court of Appeals ratified the Board's report for that examination. For good cause, the Board may extend the time for taking the oath, but the candidate's failure to take action to satisfy admission requirements does not constitute good cause. A candidate who fails to take the oath within the required time period shall reapply for admission and retake the bar examination, unless excused by the Court.

Cross reference: See Code, Business Occupations and Professions Article, §10-212, for form of oath. See also Maryland Rule 16-811 ~~f e~~ (~~Clients' Security~~ Client Protection Fund of the Bar of Maryland - Payments to Fund) and Maryland Rule 16-714 (Disciplinary Fund), which require persons admitted to the Maryland Bar, as a condition precedent to the practice of law in this State, to pay an annual assessment to the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland and the Attorney Grievance Commission Disciplinary Fund.

Source: This Rule is in part derived from former Rule 13 and is in part new.

MARYLAND RULES OF PROCEDURE
RULES GOVERNING ADMISSION TO THE
BAR OF MARYLAND

AMEND Bar Admission Rule 13 for conformity with recent
legislation, as follows:

Rule 13. OUT-OF-STATE ATTORNEYS

. . .

Cross reference: See Code, Business Occupations and Professions
Article, §10-212, for the form of oath. See also Maryland Rule
16-811 ~~f e~~ (~~Clients' Security~~ Client Protection Fund of the Bar
of Maryland - Payments to Fund) and Maryland Rule 16-714
(Disciplinary Fund), which require persons admitted to the
Maryland Bar, as a condition precedent to the practice of law in
this State, to pay an annual assessment to the ~~Clients' Security~~
~~Trust~~ Client Protection Fund of the Bar of Maryland and the
Attorney Grievance Commission Disciplinary Fund.

. . .

MARYLAND RULES OF PROCEDURE
RULES GOVERNING ADMISSION TO THE
BAR OF MARYLAND

AMEND Bar Admission Rule 14 for conformity with recent
legislation, as follows:

Rule 14. SPECIAL ADMISSION OF OUT-OF-STATE ATTORNEYS

. . .

Committee note: The Committee has not recommended a numerical limitation on the number of appearances pro hac vice to be allowed any attorney. Specialized expertise of out-of-state attorneys or other special circumstances may be important factors to be considered by judges in assessing whether Maryland litigants have access to effective representation. This Rule is not intended, however, to permit extensive or systematic practice by attorneys not licensed in Maryland. The Committee is ~~primarily~~ concerned primarily with ~~assuring~~ ensuring professional responsibility of attorneys in Maryland by avoiding circumvention of Rule 13 (Out-of-State Attorneys) or *Kemp Pontiac Cadillac, Inc. et al v. S & M Construction Co., Inc.*, 33 Md. App. 516 (1976). The Committee also noted that payment to the ~~Clients' Security Trust~~ Client Protection Fund of the Bar of Maryland by an attorney admitted specially for the purposes of an action is not required by existing statute or rule of court.

. . .

MARYLAND RULES OF PROCEDURE
RULES GOVERNING ADMISSION TO THE
BAR OF MARYLAND

AMEND Bar Admission Rule 15 for conformity with recent
legislation, as follows:

Rule 15. SPECIAL AUTHORIZATION FOR OUT-OF-STATE ATTORNEYS TO
PRACTICE IN THIS STATE

. . .

(f) Special Authorization Not Admission

Out-of-state attorneys authorized to practice under this
Rule are not, and shall not represent themselves to be, members
of the Bar of this State, except in connection with practice that
is authorized under this Rule. They shall be required to make
payments to the Clients' Security Trust Client Protection Fund of
the Bar of Maryland and the Disciplinary Fund.

. . .

MARYLAND RULES OF PROCEDURE
TITLE 9 - FAMILY LAW ACTIONS

CHAPTER 100 - ADOPTION; GUARDIANSHIP TERMINATING PARENTAL RIGHTS

AMEND Rule 9-105 to conform to statutory changes pertaining to notice to parents of persons for whom a guardian is to be appointed and to make a certain stylistic change, as follows:

Rule 9-105. SHOW CAUSE ORDER; DISABILITY OF A PARTY; OTHER NOTICE

. . .

(b) Persons to be Served

(1) In Adoption Proceeding

(A) Subject to paragraphs (1)(B), (1)(C), (1)(D), and (1)(E) of this section, if the petition seeks adoption, the show cause order shall be served on (i) the person to be adopted, if the person is 10 years old or older; (ii) the parents of the person to be adopted; and (iii) any other person the court directs to be served.

(B) If the parental rights of the parents of the person to be adopted have been terminated by a judgment of guardianship with the right to consent to adoption, service shall be on the guardian instead of the parents.

(C) If an attorney has been appointed to represent a parent or the person to be adopted, service shall be on the attorney instead of the parent or person to be adopted.

Cross reference: See Rule 9-106 (a) concerning appointment of attorney.

(D) If a person to be adopted has been adjudicated to be a child in need of assistance in a prior juvenile proceeding and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve the show cause order on the person's parent by both certified mail and private process at the addresses specified in Code, Family Law Article, §5-322 (b) and at any other address actually known to the petitioner as one where the parent may be found, the court shall order notice to that parent by publication ~~as to that parent~~ pursuant to section (c) of this Rule.

(E) The show cause order need not be served on a person who has executed a written consent pursuant to Rule 9-102.

(2) In a Guardianship Proceeding

(A) Subject to paragraphs (2)(B), ~~and (2)(C), and (2)(D)~~ of this section, if the petition seeks guardianship, the show cause order shall be served on (i) the parents of the person for whom a guardian is to be appointed and (ii) any other person that the court directs to be served.

(B) If an attorney has been appointed to represent a parent or the person for whom a guardian is to be appointed, service shall be on the attorney instead of the parent or person for whom a guardian is to be appointed.

~~(C) The show cause order need not be served on: (i) a parent of a person for whom a guardian is to be appointed if the~~

If a person for whom a guardian is to be appointed has been adjudicated to be a child in need of assistance in a prior juvenile proceeding and the court is satisfied by affidavit or testimony that the petitioner has made reasonable good faith efforts to serve the show cause order on the person's parent by both certified mail and private process at the addresses specified in Code, Family Law Article, §5-322 (b) and at any other address actually known to the petitioner as one where the parent may be found; or (ii) a person who has executed a written consent pursuant to Rule 9-102, the court shall order notice to that parent by publication pursuant to section (c) of this Rule.

(D) The show cause order need not be served on a person who has executed a written consent pursuant to Rule 9-102.

(c) Method of Service

Except as otherwise provided in this Rule, the show cause order shall be served in the manner provided by Rule 2-121. If the court is satisfied by affidavit or testimony that the petitioner or a parent, after reasonable efforts made in good faith, has been unable to ascertain the identity or whereabouts of a parent entitled to service under section (b) of this Rule, the court may order, as to that parent, that the show cause order be published at least one time in one or more newspapers of general circulation published in the county in which the petition is filed and, if different, in the county of that parent's last known address. When a show cause order is published, unless the court orders otherwise, the show cause order shall identify the

individual who is the subject of the proceeding only as "a child born to" followed by the name of any known parent of the child and shall set forth the month, year, county, and state of the child's birth, to the extent known.

Cross reference: See Code, Family Law Article, §5-322 (e), setting forth the efforts necessary to support a finding that a reasonable, good faith effort has been made by a local department of social services to locate a parent.

. . .