

IN THE SUPREME COURT 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 Two Hundred and Twenty-Second Report to the Supreme Court of Maryland, recommending amendments to Rules 2-512, 4-312, 19-102, 19-206, and 19-711 of the Maryland Rules of Procedure, and

The Rules Committee having submitted to the Court its Two Hundred and Twenty-Third Report, recommending, *inter alia*, proposed new Rules 2-510.2, 2-640, 3-510.2, and 3-640 and amendments to Rules 2-510, 2-633, 2-641, 2-645, 2-646, 2-647, 3-510, 3-633, 3-641, 3-645, 3-646, and 3-647, all as posted for comment on the website of the Maryland Judiciary; and

This Court having considered the proposed Rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, making on its own motion certain deletions from and additions to the proposed Rules changes, and finding that exigent circumstances exist with respect to the effective date of new Rule 16-310 and amendments to Rules 19-102 and 19-206, it is this 13<sup>th</sup> day of September, 2024

ORDERED, by the Supreme Court of Maryland, that new Rule 16-310 be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 19-102, 19-206, and 19-711 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 2-512 and 4-312 be, and they are hereby, rejected; and it is further

ORDERED that proposed new Rules 2-510.2, 2-640, 3-510.2, and 3-640 and the proposed amendments to Rules 2-510, 2-633, 2-641, 2-645, 2-646, 2-647, 3-510, 3-633, 3-641, 3-645, 3-646, and 3-647 be, and they are hereby, remanded to the Standing Committee on Rules of Practice and Procedure for further study; and it is further

ORDERED that new Rule 16-310 and the amendments to Rules 19-102 and 19-206 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 October 1, 2024 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that the amendments to Rules 19-711 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, 2025 and, insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Matthew J. Fader  
Matthew J. Fader

/s/ Shirley M. Watts  
Shirley M. Watts

/s/ Brynja M. Booth  
Brynja M. Booth

/s/ Jonathan Biran  
Jonathan Biran

\* /s/ Steven B. Gould  
Steven B. Gould

/s/ Angela M. Eaves  
Angela M. Eaves

/s/ Peter K. Killough  
Peter K. Killough

\*Justice Gould declined to approve for adoption amendments to Rule 19-711.

Filed: September 13, 2024

/s/ Gregory Hilton  
Clerk  
Supreme Court of Maryland

Pursuant to the Maryland Uniform Electronic Legal  
Materials Act (§§ 10-1601 et seq. of the State  
Government Article) this document is authentic.



Gregory Hilton, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 16- COURT ADMINISTRATION

CHAPTER 300 – CIRCUIT COURTS – ADMINISTRATION AND CASE  
MANAGEMENT

ADD new Rule 16-310, as follows:

Rule 16-310. PILOT PROGRAM FOR EXPANDED VOIR DIRE

In anticipation of potential changes to Rules 2-512 and 4-312 to identify allowing “the parties to obtain information that may provide guidance for the use of peremptory challenges” as an appropriate purpose for juror voir dire (“expanded voir dire”), the Supreme Court of Maryland may create a pilot program to implement use of expanded voir dire for that purpose in a representative sample of circuit courts around the State. The purposes of the pilot program shall include, but not necessarily be limited to, gathering information and experience that may be used to: (1) study the effects of expanded voir dire on the effectiveness and efficiency of jury selection, case management, juror satisfaction, public perception of the trial process, court operations, and related concerns; (2) develop guidance and education to assist courts, attorneys, and litigants in the implementation of expanded voir dire statewide; and (3) inform efforts of the Standing Committee on Rules of Practice and Procedure and the Supreme Court to consider whether amendments to Rules 2-512 and 4-312 are appropriate.

This Rule 16-310 shall sunset on January 1, 2026.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 100 – STATE BOARD OF LAW EXAMINERS AND CHARACTER  
COMMITTEES

AMEND Rule 19-102 by deleting a provision from subsection (c)(2) linking Board Rules to Title 19, Chapter 200 of these Rules; by adding a provision to subsection (c)(2) concerning the location of Board Rules; by adding a clarifying provision to section (d) concerning the location of amendments to Board Rules; and by making a stylistic change, as follows:

Rule 19-102. STATE BOARD OF LAW EXAMINERS

(a) Appointment

There is a State Board of Law Examiners. The Board shall consist of seven members appointed by the Court. Each member shall be an attorney admitted and in good standing to practice law in Maryland. The terms of members shall be as provided in Code, Business Occupations and Professions Article, § 10-202(c).

(b) Quorum

A majority of the authorized membership of the Board is a quorum.

(c) Authority

(1) Generally

The Board shall exercise the authority and perform the duties assigned to it by the Rules in this Chapter and Chapter 200 of this Title, including general supervision over the character and fitness requirements and procedures set forth in those Rules and the operations of the character committees.

(2) Adoption of Rules

The Board may adopt rules to carry out the requirements of this Chapter and Chapter 200 of this Title. The Rules of the Board shall ~~follow Chapter 200 of Title 19~~ be posted conspicuously on the Board's page of the Judiciary website.

(d) Amendment of Board Rules—Posting

Any amendment of the Board's rules shall be posted on the Board's page of the Judiciary website at least 45 days before the amendment is to become effective.

(e) Professional Assistants

The Board may appoint the professional assistants necessary for the proper conduct of its business. Each professional assistant shall be an attorney admitted and in good standing to practice law in Maryland and shall serve at the pleasure of the Board.

Committee note: Professional assistants primarily assist grading the bar examination. Section (e) of this Rule does not apply to the secretary and director or to administrative staff.

(f) Compensation of Board Members and Assistants



The members of the Board and assistants shall receive the compensation fixed by the Court.

(g) Secretary and Director to the Board

The Court may appoint an individual to serve as the secretary and director to the Board. The individual shall hold office at the pleasure of the Court. The secretary and director shall be a member of a Bar of a state. The secretary and director shall have the administrative powers and duties prescribed by the Board and shall serve as the administrative director of the Office of the State Board of Law Examiners.

(h) Fees

The Board shall prescribe the fees, subject to approval by the Court, to be paid by applicants under Rules 19-205, 19-206, 19-207, and 19-210 and by petitioners under Rule 19-216.

Cross reference: See Code, Business Occupations and Professions Article, § 10-208(b) for maximum examination fee allowed by law.

Source: This Rule is derived as follows:

Section (a) is new.

Section (b) is new.

Sections (c) through (g) are derived from former Rule 20 of the Rules Governing Admission to the Bar of Maryland (2016).

Section (h) is derived from former Rule 18 of the Rules Governing Admission to the Bar of Maryland (2016).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 200 – ADMISSION TO THE BAR

GENERAL ADMISSION

AMEND Rule 19-206 by revising the deadline in section (b) so that it is established by the Board and not fixed by Rule, by revising the filing deadlines in section (c), by adding a Committee note following section (c), by adding language to section (c) permitting submission of satisfactory evidence of a law degree, by revising section (d) so that the filing deadline is established by the Board instead of fixed by Rule, and by making stylistic changes, as follows:

Rule 19-206. NOTICE OF INTENT TO TAKE THE UBE IN MARYLAND

(a) Filing

An applicant may file a Notice of Intent to Take the UBE in Maryland if the applicant:

- (1) meets the pre-legal educational requirements of Rule 19-201 (a)(1);
- (2) unless the requirements of Rule 19-201 (a)(2) have been waived pursuant to Rule 19-201 (b), meets the legal education requirements of Rule 19-201 (a)(2), or will meet those requirements before the first day of taking the UBE in Maryland; and

(3) contemporaneously files, or has previously filed, a completed ~~character questionnaire~~ Character Questionnaire pursuant to Rule 19-205 that has not

been withdrawn pursuant to Rule 19-205 (f), and the applicant has not withdrawn or been denied admission pursuant to Rule 19-204.

The Notice of Intent shall be under oath, filed on the form prescribed by the Board, and accompanied by the prescribed fee.

(b) Request for Test Accommodation

An applicant who seeks a test accommodation under the ADA for the bar examination shall indicate that request on the Notice of Intent to Take the UBE in Maryland, and shall file with the Board an “Accommodation Request” ~~on~~ in a form prescribed by the Board, together with the supporting documentation that the Board requires. The form and documentation shall be filed no later than the deadline ~~stated in section (d) of this Rule~~ established by the Board for filing the Notice of Intent to Take the UBE in Maryland. The Board may reject an accommodation request that is (1) substantially incomplete or (2) filed untimely. The Board shall notify the applicant in writing of the basis of the rejection and shall provide the applicant an opportunity to correct any deficiencies in the accommodation request before the filing deadline for the current examination or, if the current deadline has passed, before the filing deadline for the next administration of the examination.

Committee note: An applicant who may need a test accommodation is encouraged to file an Accommodation Request as early as possible.

Cross reference: See Rule 19-208 for the procedure to appeal a denial of a request for a test accommodation.

(c) Verification of Legal Education

Unless the requirements of Rule 19-201 (a)(2) have been waived pursuant to Rule 19-201 (b), the applicant shall aver under oath that the applicant has met, will meet, or will be unqualifiedly eligible to meet those requirements prior to the first day of the applicant taking the UBE in Maryland. No later than the ~~first day of September following~~ first day of July preceding an examination taken in July or the ~~fifteenth day of March following~~ first day of February preceding an examination taken in February, the applicant shall cause the Board to receive an official transcript or other satisfactory evidence that reflects the date of the award to the applicant of a qualifying law degree under Rule 19-201, unless the official transcript already is on file with the Board's administrative office.

Committee note: "Other satisfactory evidence" normally consists of a letter from the law school dean or other authorized law school official certifying the date of graduation or unqualified eligibility where the law school transcript is unavailable, such as a late graduation or a financial hold on the transcript.

(d) Time for Filing

~~An applicant who intends to take the examination in July shall file the Notice of Intent to Take the UBE in Maryland no later than the preceding May 20. An applicant who intends to take the examination in February shall file the Notice of Intent to Take the UBE in Maryland no later than the preceding December 20.~~ An applicant who intends to take the UBE in Maryland shall file the Notice of Intent to Take the UBE by the appropriate deadline established by the Board through its rule-making authority pursuant to Rule 19-102 (c)(2).

Upon written request of an applicant and for good cause shown, the Board may

accept a Notice of Intent to Take the UBE in Maryland filed after that deadline. If the Board rejects the Notice of Intent to Take the UBE in Maryland for lack of good cause for the untimeliness, the Board shall transmit written notice of the rejection to the applicant. The applicant may file an exception with the Court within five business days after notice of the rejection is transmitted.

(e) Withdrawal of Notice of Intent to Take the UBE in Maryland or Absence from Examination

If an applicant withdraws the Notice of Intent to Take the UBE in Maryland or fails to attend and take the examination, the examination fee shall not be refunded. The Board may apply the examination fee to a subsequent examination if the applicant establishes good cause for the withdrawal or failure to attend.

Source: This Rule is derived from former Rule 19-204 (2018).

MARYLAND RULES OF PROCEDURE

TITLE 19 – ATTORNEYS

CHAPTER 700 – DISCIPLINE, INACTIVE STATUS, RESIGNATION

AMEND Rule 19-711 by adding new subsection (b)(3) pertaining to allegations of misconduct by an attorney who is a candidate for public office, by making conforming amendments to subsection (b)(4), by updating internal references, and by making stylistic changes, as follows:

Rule 19-711. COMPLAINT; INVESTIGATION BY BAR COUNSEL

(a) Who May Initiate

Bar Counsel may file a complaint on Bar Counsel's own initiative, based on information from any source. Any other person also may file a complaint with Bar Counsel. Any communication to Bar Counsel that (1) is in writing, (2) alleges that an attorney has engaged in professional misconduct or has an incapacity, (3) includes the name and contact information of the person making the communication, and (4) states facts which, if true, would constitute professional misconduct by or demonstrate an incapacity of an attorney constitutes a complaint.

(b) Review of Complaint

(1) Generally

Bar Counsel shall make an inquiry concerning every complaint that is not facially frivolous, unfounded, or duplicative.

(2) Declining Complaint

If Bar Counsel concludes that a complaint is without merit, does not allege facts which, if true, would demonstrate either professional misconduct or incapacity, or is duplicative, Bar Counsel shall decline the complaint and notify the complainant. Bar Counsel also may decline a complaint submitted by an person who provides information about an attorney derived from published news reports or third party sources where the complainant appears to have no personal knowledge of the information being submitted.

(3) When Attorney is a Candidate for Election

(A) Definitions

For purposes of this Rule, (i) “election” means a general election, primary election, or special election in Maryland or elsewhere, whether arising under the Code, Election Article, a city ordinance, or an equivalent source, and

(ii) “candidate” means an individual who files a certificate of candidacy for a public office.

Committee note: Although in this Rule “election” is broadly defined to include local elections in small municipalities and elections in other jurisdictions, nothing in this Rule imposes a duty on Bar Counsel to determine the existence of a candidacy that cannot be readily discerned from the State Board of Elections website, the complainant’s completed complaint form, or well-publicized media coverage in the State.

(B) Generally

If a complaint is received or initiated by Bar Counsel less than 90 days before an election in which the attorney is a candidate, all action in the matter shall be stayed until the attorney’s candidacy is finally determined unless:

(i) the complaint is declined pursuant to subsection (b)(2) of this Rule;  
(ii) Bar Counsel is proceeding in accordance with Rule 19-732;  
(iii) the attorney submits a written waiver of the stay to Bar Counsel; or  
(iv) seven Commission members present or participating by remote electronic means determine that the stay should be lifted because: (a) deferring action could put an individual or the public at risk from the attorney's past or potential future misconduct that is within the purview of the Commission and the risk could be avoided or mitigated by prompt investigation or (b) prompt investigation is necessary to preserve evidence. Upon a determination by the Commission to lift the stay in whole or in part, Bar Counsel shall proceed as directed by the Commission.

Cross reference: See *Attorney Grievance Commission v. Pierre*, 485 Md. 56 (2023).

Committee note: When subsection (b)(3) of this Rule applies, all action on a complaint is stayed prior to any notification by Bar Counsel to the attorney. The Committee recognizes that the complainant or other individual may make the existence of the complaint public despite the stay. Subsection (b)(3)(B)(iii) addresses the circumstance in which the attorney has been made aware of the existence of a complaint and wishes to decline the stay.

(4) After Attorney Response

Unless a complaint is declined for one of the reasons set forth in subsection (b)(2) of this Rule or the action is subject to a stay pursuant to subsection (b)(3) of this Rule that has not been lifted or expired, Bar Counsel ordinarily shall obtain a written response from the attorney who is the subject of a complaint and consider other appropriate information to assist in evaluating the merits of the complaint. If Bar Counsel determines based upon



such evaluation that an insufficient basis exists to demonstrate misconduct or incapacity or that the overall circumstances do not warrant investigation, Bar Counsel may close the file without approval of the Commission. Otherwise, subject to subsection ~~(b)(5)~~(b)(6) of this Rule, Bar Counsel shall (A) docket the complaint, (B) notify the complainant and explain in writing the procedures for investigating and processing the complaint, (C) comply with the notice requirement of section (c) of this Rule, and (D) conduct an investigation to determine whether there exists a substantial basis to conclude the attorney committed professional misconduct or is incapacitated.

~~(4)~~(5) If Complaint Declined or Closed

If a complaint is declined or closed by Bar Counsel, allegations made in the complaint may not be used in any disciplinary proceeding against the attorney. If additional information becomes known to Bar Counsel regarding a complaint that was declined or closed before docketing, the earlier allegations may be reopened.

Committee note: In this Rule, “docket” refers to the process of listing a complaint on the docket of active investigations maintained by Bar Counsel, rather than on a docket maintained by the clerk of a court. Before determining whether a complaint is frivolous or unfounded, Bar Counsel may contact the attorney and obtain an informal response to the allegations.

~~(5)~~(6) Pending Civil or Criminal Action

If Bar Counsel concludes that a civil or criminal action involving material allegations against the attorney substantially similar or related to those alleged in the complaint is pending in any court of record in the United States, or that substantially similar or related allegations presently are under investigation by

a law enforcement, regulatory, or disciplinary agency, Bar Counsel, with the approval of the Commission, may defer action on the complaint pending a determination of those allegations in the pending action or investigation. Bar Counsel shall notify the complainant of that decision and, during the period of the deferral, shall report to the Commission, at least every 90 days, the status of the other action or investigation. The Commission, at any time, may direct Bar Counsel to proceed in accordance with subsection (b)(1) or ~~(3)~~(4) of this Rule.

(c) Notice to Attorney

(1) Generally

Except as otherwise provided in this section, Bar Counsel shall notify the attorney who is the subject of the complaint that Bar Counsel is undertaking an investigation to determine whether the attorney has engaged in professional misconduct or is incapacitated. The notice shall be given before the conclusion of the investigation and shall include the name and contact information of the complainant and the general nature of the professional misconduct or incapacity under investigation. As part of the notice, Bar Counsel may demand that the attorney provide information and records that Bar Counsel deems appropriate and relevant to the investigation. The notice shall state the time within which the attorney shall provide the information and any other information that the attorney may wish to present. The notice shall be served on the attorney in accordance with Rule 19-708.

(2) Exceptions

Bar Counsel need not give notice of investigation to an attorney if, with the approval of the Commission, Bar Counsel proceeds under Rule 19-737, 19-738, or 19-739.

(d) Time for Completing Investigation

(1) Generally

Subject to ~~subsection (b)(5)~~ subsections (b)(3) and (b)(6) of this Rule or unless the time is extended pursuant to subsection (d)(2) of this Rule, Bar Counsel shall complete an investigation within 120 days after docketing the complaint.

(2) Extension

(A) Upon written request by Bar Counsel and a finding of good cause by the Commission, the Commission may grant an extension for a specified period. Upon a separate request by Bar Counsel and a finding of good cause, the Commission may renew an extension for a specified period.

(B) The Commission may not grant or renew an extension, at any one time, of more than 60 days unless it finds specific good cause for a longer extension.

(C) If an extension exceeding 60 days is granted, Bar Counsel shall provide the Commission with a status report at least every 60 days.

(3) Sanction

For failure to comply with the time requirements of section (d) of this Rule, the Commission may take any action appropriate under the circumstances, including dismissal of the complaint and termination of the investigation.

**RULE 19-711**

Source: This Rule is derived in part from former Rule 16-731 (2016) and is in part new.