

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 Sixty-Seventh Report to the Court recommending adoption on an emergency basis amendments to Rules 11 and 19 of the Rules Governing Admission to the Bar of Maryland; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes, making on its own motion certain deletions and additions to the proposed rules changes, and finding that an emergency does in fact exist with reference to the proposed rules changes, it is this 7<sup>th</sup> day of March, 2011,

ORDERED, by the Court of Appeals of Maryland, that the amendments to Rules 11 and 19 of the Rules Governing Admission to the Bar of Maryland be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that the rules changes hereby adopted by this Court shall take effect on March 7, 2011 and apply to all admissions to the Bar of Maryland on and after that date; 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

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Robert M. Bell

/s/ Glenn T. Harrell, Jr.

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Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

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Lynne A. Battaglia

/s/ Clayton Greene, Jr.

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Clayton Greene, Jr.

/s/ Joseph F. Murphy, Jr.

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Joseph F. Murphy, Jr.

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Sally D. Adkins

/s/ Mary Ellen Barbera

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Mary Ellen Barbera

\* Judge Adkins declined to sign the Rules Order.

Filed: March 7, 2011

/s/ Bessie M. Decker

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Clerk  
Bessie M. Decker

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, provide that the Rule remains in effect until January 1, 2016, to require a certain evaluation prior to expiration of the Rule, 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; Evaluation

~~The requirement set forth in section (a) This Rule shall remain in force for a period of ten years beginning January 1, 2001 and ending December 31, 2010 effect until January 1, 2016. During that period Prior to that date, the Court of Appeals shall evaluate the results of the course requirement to determine whether to extend ~~the requirement~~ this Rule. The ~~Chief Judge of the~~ Court of Appeals, 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 and make~~

appropriate recommendations to the Court.

Source: This Rule is new.

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, 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<sup>7i</sup>

(B) Bar Counsel, the Attorney Grievance Commission, or the

attorney disciplinary authority in another state~~ri~~

(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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