

---

**By: Senator Ferguson**

Requested: July 11, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Pro Se Litigation - Allowable Assistance**

3 FOR the purpose of allowing certain individuals who do not meet the requirements to  
4 practice law in the State to assist pro se litigants in certain legal matters under  
5 certain circumstances; requiring the Court of Appeals to adopt certain rules that  
6 govern training requirements of certain individuals and that establish certain  
7 pleading forms; defining a certain term; and generally relating to providing legal  
8 assistance to pro se litigants.

9 BY repealing and reenacting, with amendments,  
10 Article - Business Occupations and Professions  
11 Section 10-206  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Courts and Judicial Proceedings  
16 Section 1-201  
17 Annotated Code of Maryland  
18 (1995 Replacement Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Business Occupations and Professions**

22 10-206.

23 (a) IN THIS SECTION, "PRO SE LITIGANT" MEANS AN INDIVIDUAL WHO  
24 APPEARS IN A COURT ON THE INDIVIDUAL'S OWN BEHALF WITHOUT  
25 REPRESENTATION BY AN ATTORNEY.

26 (B) Except as otherwise provided by law, before an individual may practice law in  
27 the State, the individual shall:

28 (1) be admitted to the Bar; and

2

1 (2) meet any requirement that the Court of Appeals may set by rule.

2 [(b)] (C) This section does not apply to:

3 (1) a person while representing a landlord in a summary ejectment  
4 proceeding in the District Court of Maryland;

5 (2) a person while representing a tenant in a summary ejectment proceeding  
6 in the District Court of Maryland if the person is:

7 (i) a law student practicing in a clinical law program at a law school  
8 accredited by the American Bar Association with the in-court supervision of a faculty  
9 member; or

10 (ii) employed by a nonprofit organization receiving grants from the  
11 Maryland Legal Services Corporation and:

12 1. the person has training and experience;

13 2. the person is supervised by a lawyer; and

14 3. the supervising lawyer's appearance is entered in the  
15 proceeding;

16 (3) an insurance company while defending an insured through staff counsel;

17 (4) (i) an officer of a corporation, an employee designated by an officer of  
18 a corporation, a partner in a business operated as a partnership or an employee  
19 designated by a partner, or an employee designated by the owner of a business operated  
20 as a sole proprietorship while the officer, partner, or employee is appearing on behalf of  
21 the corporation, partnership, or business in a civil action in the District Court of  
22 Maryland if the action:

23 1. is based on a claim that does not exceed the amount set  
24 under § 4-405 of the Courts Article for a small claim action; and

25 2. is not based on an assignment, to the corporation,  
26 partnership, or business, of the claim of another;

27 (ii) an employee designated under subparagraph (i) of this paragraph:

28 1. may not be assigned on a full-time basis to appear in the  
29 District Court on behalf of the corporation, partnership, or business;

30 2. shall provide the court a power of attorney sworn to by the  
31 employer that certifies that the designated employee is an authorized agent of the  
32 corporation, partnership, or sole proprietorship and may bind the corporation,  
33 partnership, or sole proprietorship on matters pending before the court; and

34 3. may not be an individual who is disbarred or suspended as a  
35 lawyer in any state;

3

1 (iii) a corporation, partnership, or business may not contract, hire, or  
2 employ another business entity to provide appearance services under subparagraph (i) of  
3 this paragraph; [or]

4 (5) an individual who is authorized by a county employee to represent the  
5 employee at any step of the county's grievance procedure; OR

6 (6) A TRAINED INDIVIDUAL EXPLAINING COURT PROCEDURES TO A  
7 PRO SE LITIGANT OR FILING PREAPPROVED COURT FORMS ON BEHALF OF A PRO SE  
8 LITIGANT IN:

9 (I) A SMALL CLAIM ACTION THAT MEETS THE REQUIREMENTS OF  
10 § 4-405 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE;

11 (II) A BANKRUPTCY ACTION; OR

12 (III) AN ACTION FOR:

13 1. ADOPTION OF A CHILD;

14 2. ALIMONY;

15 3. ANNULMENT OF A MARRIAGE;

16 4. DIVORCE;

17 5. CUSTODY OR GUARDIANSHIP OF A CHILD;

18 6. VISITATION OF A CHILD;

19 7. LEGITIMATION OF A CHILD;

20 8. PATERNITY; OR

21 9. SUPPORT OF A CHILD.

22 [(c)] (D) (1) In this subsection, "practice patent law":

23 (i) means to perform professional services that the Patent and  
24 Trademark Office requires to be performed by an individual registered to practice before  
25 that Office; and

26 (ii) includes preparing a copyright application or assignment and  
27 submitting it to the Copyright Office of the Library of Congress.

28 (2) While there is a Patent and Trademark Office in the State, an individual  
29 may practice patent law in the State if the individual is:

30 (i) authorized to practice law in any other state; and

31 (ii) registered to practice patent law before the Patent and Trademark  
32 Office.

33 (3) Unless otherwise authorized under this title, an individual who practices  
34 patent law under this subsection may not:

4

1 (i) appear as an attorney at law in a court; or

2 (ii) practice law generally in the State.

3 [(d)] (E) (1) Subject to paragraph (2) of this subsection, this section does not  
4 apply to an individual while giving legal advice to a corporation in this State if the  
5 individual is:

6 (i) employed by the corporation; and

7 (ii) admitted to the bar of any other state.

8 (2) An individual who gives legal advice under this subsection:

9 (i) is subject to disciplinary proceedings as the Maryland Rules  
10 provide; and

11 (ii) may not appear before a unit of the State government or of a  
12 political subdivision unless a court grants the individual a special admission in accordance  
13 with § 10-215 of this subtitle.

14 **Article - Courts and Judicial Proceedings**

15 1-201.

16 (a) (1) The power of the Court of Appeals to make rules and regulations to  
17 govern the practice and procedure and judicial administration in that court and in the  
18 other courts of the State shall be liberally construed. Without intending to limit the  
19 comprehensive application of the term "practice and procedure," the term includes the  
20 forms of process; writs; pleadings; motions; parties; depositions; discovery; trials;  
21 judgments; new trials; provisional and final remedies; appeals; unification of practice and  
22 procedure in actions at law and suits in equity, so as to secure one form of civil action and  
23 procedure for both; and regulation of the form and method of taking and the admissibility  
24 of evidence in all cases, including criminal cases.

25 (2) THE COURT OF APPEALS SHALL ADOPT RULES THAT:

26 (I) GOVERN TRAINING REQUIREMENTS FOR INDIVIDUALS WHO  
27 ASSIST PRO SE LITIGANTS UNDER § 10-206 OF THE BUSINESS OCCUPATIONS AND  
28 PROFESSIONS ARTICLE; AND

29 (II) ESTABLISH APPROPRIATE PLEADING FORMS TO BE USED BY  
30 PRO SE LITIGANTS IN ACTIONS FOR:

31 1. ADOPTION OF A CHILD;

32 2. ALIMONY;

33 3. ANNULMENT OF A MARRIAGE;

34 4. DIVORCE;

35 5. CUSTODY OR GUARDIANSHIP OF A CHILD;

36 6. VISITATION OF A CHILD;

5

1                               7. LEGITIMATION OF A CHILD;

2                               8. PATERNITY; OR

3                               9. SUPPORT OF A CHILD.

4               (b) Except for the District Court, other courts may by rule regulate terms of court  
5 for purposes other than the return of process and may make other rules of practice and  
6 procedure subject to and not inconsistent with any rule of the Court of Appeals. However,  
7 except for a rule regulating terms of court, every rule shall be adopted pursuant to the  
8 limitations and procedures prescribed by the Maryland Rules, unless authority to adopt  
9 rules is expressly granted by public general law.

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 1996.