

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 421

(Delegates Otto and McDermott)

Environmental Matters

Judicial Proceedings

Somerset County - Deputy State's Attorney - Private Practice

This emergency bill repeals a prohibition against the deputy State's Attorney for Somerset County engaging in the private practice of law.

Fiscal Summary

State Effect: None.

Local Effect: None. The bill does not materially affect Somerset County finances.

Small Business Effect: None.

Analysis

Current Law: The State's Attorney and deputy State's Attorney for Somerset County are prohibited from engaging in the private practice of law.

Background: In general, eight counties statutorily prohibit their deputy State's Attorneys from engaging in the private practice of law. **Exhibit 1** contains the statutory prohibitions in the Maryland Code on the private practice of law for State's Attorneys, deputy State's Attorneys, and assistant State's Attorneys.

Exhibit 1
Statutory Prohibitions on the Private Practice of Law for
State's Attorneys and Deputy State's Attorneys*

<u>County</u>	<u>State's Attorney</u>	<u>Deputy State's Attorney</u>	<u>Assistant State's Attorney</u>
Allegany	Y	N	N
Anne Arundel	Y	Y (Criminal Law)	Y (Criminal Law)
Baltimore County	Y	Y	N
Calvert	Y	N	N
Caroline	Y	N/A	N/A
Carroll	N	N	N
Cecil	Y	N	N
Charles	Y	Y	Y (Criminal Law)
Dorchester	Y	N	N
Frederick	Y	Y	N
Garrett	N	N	N
Harford	Y	N	N
Howard	Y	N	N
Kent	Y	Y	Y
		(Only with the approval of the county commissioners)	(Only with the approval of the county commissioners)
Montgomery	Y	Y	Y
Prince George's	Y	Y	Y
Queen Anne's	Y	N	N
St. Mary's	Y	N	N
Somerset	Y	Y	N/A
Talbot	Y	N	N
Washington	Y	N	N
Wicomico	Y	N/A	N
Worcester	Y	N	N

*The Maryland Annotated Code, the Maryland Constitution, and the Baltimore City Charter are silent as to whether State's Attorneys in Baltimore City are authorized to engage in the private practice of law.
Source: Department of Legislative Services

Additional Information

Prior Introductions: None.

Cross File: None designated, however, SB 383 (Senator Mathias – Judicial Proceedings) is identical.

Information Source(s): Somerset County, Judiciary (Administrative Office of the Courts), State's Attorneys' Association, Department of Legislative Services

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ncs/kdm

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