HOUSE BILL 1052

D3 4lr1437
CF SB 805

By: **Delegates Waldstreicher, Dumais, and Luedtke**
Introduced and read first time: February 6, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Maryland Uniform Collaborative Law Act

FOR the purpose of enacting the Maryland Uniform Collaborative Law Act; establishing requirements for a collaborative law participation agreement and the collaborative law process; specifying when a collaborative law process begins and concludes; establishing standards for the disclosure of information during the collaborative law process; authorizing parties to agree on the scope of confidentiality of collaborative law communications; establishing an evidentiary privilege for certain collaborative law communications and providing for certain waivers of and limited exceptions to the evidentiary privilege; authorizing a court or certain other body to enforce agreements that result from a collaborative process and to apply certain privileges under this Act; authorizing a tribunal to issue certain orders for a certain purpose during a collaborative law process; defining certain terms; making the provisions of this Act severable; providing for the construction and application of this Act; and generally relating to the Maryland Uniform Collaborative Law Act.

BY adding to
Article – Courts and Judicial Proceedings
Section 3–1901 through 3–1915 to be under the new subtitle "Subtitle 19. Maryland Uniform Collaborative Law Act"
Annotated Code of Maryland
(2013 Replacement Volume and 2013 Supplement)

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

Article – Courts and Judicial Proceedings

SUBTITLE 19. MARYLAND UNIFORM COLLABORATIVE LAW ACT.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

3–1901. DEFINITIONS.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "COLLABORATIVE LAW COMMUNICATION" MEANS A STATEMENT, WHETHER ORAL OR IN A RECORD OR VERBAL OR NONVERBAL, THAT:

(1) IS MADE TO CONDUCT, PARTICIPATE IN, CONTINUE, OR RECONVENE A COLLABORATIVE LAW PROCESS; AND

(2) OCCURS AFTER THE PARTIES SIGN A COLLABORATIVE LAW PARTICIPATION AGREEMENT AND BEFORE THE COLLABORATIVE LAW PROCESS IS CONCLUDED.

(C) "COLLABORATIVE LAW PARTICIPATION AGREEMENT" MEANS AN AGREEMENT BY PERSONS TO PARTICIPATE IN A COLLABORATIVE LAW PROCESS.

(D) "COLLABORATIVE LAW PROCESS" MEANS A PROCEDURE INTENDED TO RESOLVE A COLLABORATIVE MATTER WITHOUT INTERVENTION BY A TRIBUNAL IN WHICH PERSONS:

(1) SIGN A COLLABORATIVE LAW PARTICIPATION AGREEMENT; AND

(2) ARE REPRESENTED BY COLLABORATIVE LAWYERS.

(E) "COLLABORATIVE LAWYER" MEANS A LAWYER WHO REPRESENTS A PARTY IN A COLLABORATIVE LAW PROCESS.

(F) (1) "COLLABORATIVE MATTER" MEANS A DISPUTE, A TRANSACTION, A CLAIM, A PROBLEM, OR AN ISSUE FOR RESOLUTION DESCRIBED IN A COLLABORATIVE LAW PARTICIPATION AGREEMENT.

(2) "COLLABORATIVE MATTER" INCLUDES A DISPUTE, A CLAIM, AND AN ISSUE IN A PROCEEDING.

(G) "NONPARTY PARTICIPANT" MEANS A PERSON OTHER THAN A PARTY AND THE PARTY'S COLLABORATIVE LAWYER THAT PARTICIPATES IN A COLLABORATIVE LAW PROCESS.

(H) "PARTY" MEANS A PERSON THAT SIGNS A COLLABORATIVE LAW PARTICIPATION AGREEMENT AND WHOSE CONSENT IS NECESSARY TO RESOLVE A COLLABORATIVE MATTER.

(I) "PERSON" MEANS AN INDIVIDUAL, A CORPORATION, A BUSINESS TRUST, AN ESTATE, A TRUST, A PARTNERSHIP, A LIMITED LIABILITY COMPANY, AN ASSOCIATION, A JOINT VENTURE, A PUBLIC CORPORATION, A GOVERNMENT OR GOVERNMENTAL SUBDIVISION, AGENCY, OR INSTRUMENTALITY OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(J) "PERSON ELIGIBLE FOR RELIEF" INCLUDES:

(1) THE CURRENT OR FORMER SPOUSE OF A RESPONDENT;

(2) A COHABITANT OF A RESPONDENT;

(3) A PERSON RELATED TO A RESPONDENT BY BLOOD, MARRIAGE, OR ADOPTION;

(4) A PARENT, STEPPARENT, CHILD, OR STEPCHILD OF A RESPONDENT OR PERSON ELIGIBLE FOR RELIEF WHO RESIDES OR RESIDED WITH THE RESPONDENT OR PERSON ELIGIBLE FOR RELIEF FOR AT LEAST 90 DAYS WITHIN 1 YEAR BEFORE THE FILING OF A PETITION FOR RELIEF UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

(5) A VULNERABLE ADULT; AND

(6) A PERSON WHO HAS A CHILD IN COMMON WITH THE RESPONDENT.

(K) "PROCEEDING" MEANS:

(1) A JUDICIAL, AN ADMINISTRATIVE, AN ARBITRAL, OR ANY OTHER ADJUDICATIVE PROCESS BEFORE A TRIBUNAL, INCLUDING RELATED PREHEARING AND POSTHEARING MOTIONS, CONFERENCES, AND DISCOVERY; OR

(2) A LEGISLATIVE HEARING OR SIMILAR PROCESS.

(L) "PROSPECTIVE PARTY" MEANS A PERSON THAT DISCUSSES WITH A PROSPECTIVE COLLABORATIVE LAWYER THE POSSIBILITY OF SIGNING A COLLABORATIVE LAW PARTICIPATION AGREEMENT.

(M) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR ANY OTHER MEDIUM AND IS RETRIEVABLE IN PERCEIVABLE FORM.

(N) "RELATED TO A COLLABORATIVE MATTER" MEANS INVOLVING THE SAME PARTIES, TRANSACTION OR OCCURRENCE, NUCLEUS OF OPERATIVE FACT, DISPUTE, CLAIM, OR ISSUE AS THE COLLABORATIVE MATTER.

(O) "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A RECORD, TO:

(1) EXECUTE OR ADOPT A TANGIBLE SYMBOL; OR

(2) ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN ELECTRONIC SYMBOL, SOUND, OR PROCESS.

(P) "TRIBUNAL" MEANS:

(1) A COURT, AN ARBITRATOR, AN ADMINISTRATIVE AGENCY, OR ANY OTHER BODY ACTING IN AN ADJUDICATIVE CAPACITY THAT, AFTER PRESENTATION OF EVIDENCE OR LEGAL ARGUMENT, HAS JURISDICTION TO RENDER A DECISION AFFECTING A PARTY'S INTERESTS IN A MATTER; OR

(2) A LEGISLATIVE BODY CONDUCTING A HEARING OR SIMILAR PROCESS.

3–1902. COLLABORATIVE LAW PARTICIPATION AGREEMENT; REQUIREMENTS.

(A) A COLLABORATIVE LAW PARTICIPATION AGREEMENT SHALL:

(1) BE IN A RECORD;

(2) BE SIGNED BY THE PARTIES;

(3) STATE THE PARTIES' INTENTION TO RESOLVE A COLLABORATIVE MATTER THROUGH A COLLABORATIVE LAW PROCESS UNDER THIS SUBTITLE;

(4) DESCRIBE THE NATURE AND SCOPE OF THE MATTER;

(5) IDENTIFY THE COLLABORATIVE LAWYER WHO REPRESENTS EACH PARTY IN THE PROCESS; AND

(6) CONTAIN A STATEMENT BY EACH COLLABORATIVE LAWYER CONFIRMING THE LAWYER'S REPRESENTATION OF A PARTY IN THE COLLABORATIVE LAW PROCESS.

(B) THE PARTIES MAY AGREE TO INCLUDE IN A COLLABORATIVE LAW PARTICIPATION AGREEMENT ADDITIONAL PROVISIONS CONSISTENT WITH THIS SUBTITLE.

3–1903. BEGINNING AND CONCLUDING A COLLABORATIVE LAW PROCESS.

(A) A COLLABORATIVE LAW PROCESS BEGINS WHEN THE PARTIES SIGN A COLLABORATIVE LAW PARTICIPATION AGREEMENT.

(B) A TRIBUNAL MAY NOT ORDER A PARTY TO PARTICIPATE IN A COLLABORATIVE LAW PROCESS OVER THAT PARTY'S OBJECTION.

(C) A COLLABORATIVE LAW PROCESS IS CONCLUDED BY:

(1) A RESOLUTION OF A COLLABORATIVE MATTER AS EVIDENCED BY A SIGNED RECORD;

(2) A RESOLUTION OF A PART OF THE COLLABORATIVE MATTER, EVIDENCED BY A SIGNED RECORD, IN WHICH THE PARTIES AGREE THAT THE REMAINING PARTS OF THE MATTER WILL NOT BE RESOLVED IN THE PROCESS; OR

(3) A TERMINATION OF THE PROCESS.

(D) A COLLABORATIVE LAW PROCESS TERMINATES:

(1) WHEN A PARTY GIVES NOTICE TO OTHER PARTIES IN A RECORD THAT THE PROCESS IS ENDED;

(2) WHEN A PARTY:

(I) BEGINS A PROCEEDING RELATED TO A COLLABORATIVE MATTER WITHOUT THE AGREEMENT OF ALL PARTIES; OR

(II) IN A PENDING PROCEEDING RELATED TO THE MATTER:

1. INITIATES A PLEADING, A MOTION, AN ORDER TO SHOW CAUSE, OR A REQUEST FOR A CONFERENCE WITH THE TRIBUNAL;

2. REQUESTS THAT THE PROCEEDING BE PUT ON THE TRIBUNAL'S CALENDAR; OR

3. TAKES SIMILAR ACTION REQUIRING NOTICE TO BE SENT TO THE PARTIES; OR

(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (G) OF THIS SECTION, WHEN A PARTY DISCHARGES A COLLABORATIVE LAWYER OR A COLLABORATIVE LAWYER WITHDRAWS FROM FURTHER REPRESENTATION OF A PARTY.

(E) A PARTY'S COLLABORATIVE LAWYER SHALL GIVE PROMPT NOTICE TO ALL OTHER PARTIES IN A RECORD OF A DISCHARGE OR WITHDRAWAL.

(F) A PARTY MAY TERMINATE A COLLABORATIVE LAW PROCESS WITH OR WITHOUT CAUSE.

(G) NOTWITHSTANDING THE DISCHARGE OR WITHDRAWAL OF A COLLABORATIVE LAWYER, A COLLABORATIVE LAW PROCESS CONTINUES IF, WITHIN 30 DAYS AFTER THE DATE THAT THE NOTICE OF DISCHARGE OR WITHDRAWAL OF A COLLABORATIVE LAWYER REQUIRED BY SUBSECTION (E) OF THIS SECTION IS SENT TO THE PARTIES:

(1) THE UNREPRESENTED PARTY ENGAGES A SUCCESSOR COLLABORATIVE LAWYER; AND

(2) IN A SIGNED RECORD:

(I) THE PARTIES CONSENT TO CONTINUE THE PROCESS BY REAFFIRMING THE COLLABORATIVE LAW PARTICIPATION AGREEMENT;

(II) THE AGREEMENT IS AMENDED TO IDENTIFY THE SUCCESSOR COLLABORATIVE LAWYER; AND

(III) THE SUCCESSOR COLLABORATIVE LAWYER CONFIRMS THE LAWYER'S REPRESENTATION OF A PARTY IN THE COLLABORATIVE PROCESS.

(H) A COLLABORATIVE LAW PROCESS DOES NOT CONCLUDE IF, WITH THE CONSENT OF THE PARTIES, A PARTY REQUESTS A TRIBUNAL TO APPROVE A RESOLUTION OF THE COLLABORATIVE MATTER OR ANY PART OF THE COLLABORATIVE MATTER AS EVIDENCED BY A SIGNED RECORD.

(I) A COLLABORATIVE LAW PARTICIPATION AGREEMENT MAY PROVIDE ADDITIONAL METHODS OF CONCLUDING A COLLABORATIVE LAW PROCESS.

3–1904. EMERGENCY ORDER.

DURING A COLLABORATIVE LAW PROCESS, A TRIBUNAL MAY ISSUE EMERGENCY ORDERS TO PROTECT THE HEALTH, SAFETY, WELFARE, OR INTEREST OF A PERSON ELIGIBLE FOR RELIEF.

3–1905. APPROVAL OF AGREEMENT BY TRIBUNAL.

A TRIBUNAL MAY APPROVE AN AGREEMENT RESULTING FROM A COLLABORATIVE LAW PROCESS.

3–1906. DISCLOSURE OF INFORMATION.

(A) EXCEPT AS PROVIDED BY LAW OTHER THAN THIS SUBTITLE, DURING THE COLLABORATIVE LAW PROCESS A PARTY SHALL:

(1) ON THE REQUEST OF ANOTHER PARTY, MAKE TIMELY, FULL, CANDID, AND INFORMAL DISCLOSURE OF INFORMATION RELATED TO THE COLLABORATIVE MATTER WITHOUT FORMAL DISCOVERY; AND

(2) UPDATE PROMPTLY PREVIOUSLY DISCLOSED INFORMATION THAT HAS MATERIALLY CHANGED.

(B) PARTIES MAY DEFINE THE SCOPE OF DISCLOSURE DURING THE COLLABORATIVE LAW PROCESS.

3–1907. STANDARDS OF PROFESSIONAL RESPONSIBILITY AND REPORTING NOT AFFECTED.

THIS SUBTITLE DOES NOT AFFECT:

(1) THE PROFESSIONAL RESPONSIBILITY OBLIGATIONS AND STANDARDS APPLICABLE TO A LAWYER OR OTHER LICENSED PROFESSIONAL; OR

(2) THE OBLIGATION OF A PERSON TO REPORT ABUSE OR NEGLECT, ABANDONMENT, OR EXPLOITATION OF A CHILD OR AN ADULT UNDER STATE LAW.

3–1908. CONFIDENTIALITY OF COLLABORATIVE LAW COMMUNICATION.

A COLLABORATIVE LAW COMMUNICATION IS CONFIDENTIAL TO THE EXTENT AGREED BY THE PARTIES IN A SIGNED RECORD OR AS PROVIDED BY STATE LAW OTHER THAN IN THIS SUBTITLE.

3–1909. PRIVILEGE AGAINST DISCLOSURE FOR COLLABORATIVE LAW COMMUNICATION; ADMISSIBILITY; DISCOVERY.

(A) SUBJECT TO §§ 3–1911 AND 3–1912 OF THIS SUBTITLE, A COLLABORATIVE LAW COMMUNICATION IS PRIVILEGED UNDER SUBSECTION (B) OF THIS SECTION, IS NOT SUBJECT TO DISCOVERY, AND IS NOT ADMISSIBLE IN EVIDENCE.

(B) IN A PROCEEDING, THE FOLLOWING PRIVILEGES APPLY:

(1) A PARTY MAY REFUSE TO DISCLOSE AND MAY PREVENT ANY OTHER PERSON FROM DISCLOSING A COLLABORATIVE LAW COMMUNICATION; AND

(2) A NONPARTY PARTICIPANT MAY REFUSE TO DISCLOSE AND MAY PREVENT ANY OTHER PERSON FROM DISCLOSING A COLLABORATIVE LAW COMMUNICATION OF THE NONPARTY PARTICIPANT.

(C) EVIDENCE OR INFORMATION THAT IS OTHERWISE ADMISSIBLE OR SUBJECT TO DISCOVERY DOES NOT BECOME INADMISSIBLE OR PROTECTED FROM DISCOVERY SOLELY BECAUSE OF ITS DISCLOSURE OR USE IN A COLLABORATIVE LAW PROCESS.

3–1910. WAIVER AND PRECLUSION OF PRIVILEGE.

(A) A PRIVILEGE UNDER § 3–1909 OF THIS SUBTITLE MAY BE WAIVED IN A RECORD OR ORALLY DURING A PROCEEDING IF IT IS EXPRESSLY WAIVED BY EACH PARTY AND, IN THE CASE OF THE PRIVILEGE OF A NONPARTY PARTICIPANT, THE PRIVILEGE IS ALSO EXPRESSLY WAIVED BY THE NONPARTY PARTICIPANT.

(B) A PERSON THAT MAKES A DISCLOSURE OR REPRESENTATION ABOUT A COLLABORATIVE LAW COMMUNICATION THAT PREJUDICES ANOTHER PERSON IN A PROCEEDING MAY NOT ASSERT A PRIVILEGE UNDER § 3–1909 OF THIS SUBTITLE, BUT THIS PRECLUSION APPLIES ONLY TO THE EXTENT NECESSARY FOR THE PERSON PREJUDICED TO RESPOND TO THE DISCLOSURE OR REPRESENTATION.

3–1911. LIMITS OF PRIVILEGE.

(A) THERE IS NO PRIVILEGE UNDER § 3–1909 OF THIS SUBTITLE FOR A COLLABORATIVE LAW COMMUNICATION THAT IS:

(1) AVAILABLE TO THE PUBLIC UNDER TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE OR MADE DURING A SESSION OF A COLLABORATIVE LAW PROCESS THAT IS OPEN OR IS REQUIRED BY LAW TO BE OPEN TO THE PUBLIC;

(2) A THREAT OR STATEMENT OF A PLAN TO INFLICT BODILY INJURY OR COMMIT A CRIME OF VIOLENCE;

(3) INTENTIONALLY USED TO PLAN A CRIME, COMMIT OR ATTEMPT TO COMMIT A CRIME, OR CONCEAL AN ONGOING CRIME OR ONGOING CRIMINAL ACTIVITY; OR

(4) IN AN AGREEMENT RESULTING FROM THE COLLABORATIVE LAW PROCESS, EVIDENCED BY A RECORD SIGNED BY ALL PARTIES TO THE AGREEMENT.

(B) THE PRIVILEGES UNDER § 3–1909 OF THIS SUBTITLE FOR A COLLABORATIVE LAW COMMUNICATION DO NOT APPLY TO THE EXTENT THAT A COMMUNICATION IS SOUGHT OR OFFERED TO PROVE OR DISPROVE:

(1) A CLAIM OR COMPLAINT OF PROFESSIONAL MISCONDUCT OR MALPRACTICE ARISING FROM OR RELATED TO A COLLABORATIVE LAW PROCESS; OR

(2) ABUSE, NEGLECT, ABANDONMENT, OR EXPLOITATION OF A CHILD OR AN ADULT, UNLESS THE DEPARTMENT OF SOCIAL SERVICES FOR THE COUNTY IN WHICH THE CHILD OR ADULT RESIDES IS A PARTY TO OR OTHERWISE PARTICIPATES IN THE PROCESS.

(C) THERE IS NO PRIVILEGE UNDER § 3–1909 OF THIS SUBTITLE IF A TRIBUNAL FINDS, AFTER A HEARING IN CAMERA, THAT THE PARTY SEEKING DISCOVERY OR THE PROPONENT OF THE EVIDENCE HAS SHOWN THE EVIDENCE IS NOT OTHERWISE AVAILABLE, THE NEED FOR THE EVIDENCE SUBSTANTIALLY OUTWEIGHS THE INTEREST IN PROTECTING CONFIDENTIALITY, AND THE COLLABORATIVE LAW COMMUNICATION IS SOUGHT OR OFFERED IN:

(1) A COURT PROCEEDING INVOLVING A FELONY OR MISDEMEANOR; OR

(2) A PROCEEDING SEEKING RESCISSION OR REFORMATION OF A CONTRACT ARISING OUT OF THE COLLABORATIVE LAW PROCESS OR IN WHICH A DEFENSE TO AVOID LIABILITY ON THE CONTRACT IS ASSERTED.

(D) IF A COLLABORATIVE LAW COMMUNICATION IS SUBJECT TO AN EXCEPTION UNDER SUBSECTION (B) OR (C) OF THIS SECTION, ONLY THE PART OF THE COMMUNICATION NECESSARY FOR THE APPLICATION OF THE EXCEPTION MAY BE DISCLOSED OR ADMITTED.

(E) DISCLOSURE OR ADMISSION OF EVIDENCE EXCEPTED FROM THE PRIVILEGE UNDER SUBSECTION (B) OR (C) OF THIS SECTION DOES NOT MAKE THE EVIDENCE OR ANY OTHER COLLABORATIVE LAW COMMUNICATION DISCOVERABLE OR ADMISSIBLE FOR ANY OTHER PURPOSE.

(F) (1) THE PRIVILEGES UNDER § 3–1909 OF THIS SUBTITLE DO NOT APPLY IF THE PARTIES AGREE IN ADVANCE IN A SIGNED RECORD OR, IF A RECORD OF A PROCEEDING REFLECTS AGREEMENT BY THE PARTIES, THAT ALL OR PART OF A COLLABORATIVE LAW PROCESS IS NOT PRIVILEGED.

(2) THIS SUBSECTION DOES NOT APPLY TO A COLLABORATIVE LAW COMMUNICATION MADE BY A PERSON THAT DID NOT RECEIVE ACTUAL NOTICE OF THE AGREEMENT BEFORE THE COMMUNICATION WAS MADE.

3–1912. AUTHORITY OF TRIBUNAL IN CASE OF NONCOMPLIANCE.

(A) NOTWITHSTANDING THE FAILURE OF AN AGREEMENT TO MEET THE REQUIREMENTS OF § 3–1902 OF THIS SUBTITLE, A TRIBUNAL MAY FIND THAT THE PARTIES INTENDED TO ENTER INTO A COLLABORATIVE LAW PARTICIPATION AGREEMENT IF THE PARTIES:

(1) SIGNED A RECORD INDICATING AN INTENTION TO ENTER INTO A COLLABORATIVE LAW PARTICIPATION AGREEMENT; AND

(2) REASONABLY BELIEVED THEY WERE PARTICIPATING IN A COLLABORATIVE LAW PROCESS.

(B) IF A TRIBUNAL MAKES THE FINDINGS SPECIFIED IN SUBSECTION (A) OF THIS SECTION AND THE INTERESTS OF JUSTICE REQUIRE, THE TRIBUNAL MAY:

(1) ENFORCE AN AGREEMENT EVIDENCED BY A RECORD RESULTING FROM THE PROCESS IN WHICH THE PARTIES PARTICIPATED; AND

(2) APPLY THE PRIVILEGES UNDER § 3–1909 OF THIS SUBTITLE.

3–1913. UNIFORMITY OF APPLICATION AND CONSTRUCTION.

IN APPLYING AND CONSTRUING THIS UNIFORM ACT, CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH RESPECT TO ITS SUBJECT MATTER AMONG STATES THAT ENACT IT.

3–1914. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C.A. § 7001 ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE § 101(C) OF THAT ACT, 15 U.S.C.A. § 7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN § 103(B) OF THAT ACT, 15 U.S.C.A. § 7003(B).

3–1915. SHORT TITLE.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM COLLABORATIVE LAW ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to a collaborative law participation agreement that meets the requirements of § 3–1902 of the Courts Article, as enacted by Section 1 of this Act, on or after the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That the catchlines or captions contained in this Act are not law and may not be considered to have been enacted as a part of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.