

HOUSE BILL 1619

D3, C2

8lr1364

By: **Delegates Wivell, McKay, and Parrott**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Nonattorney Representation – Corporations, Partnerships, LLCs,**
3 **and Sole Proprietorships**

4 FOR the purpose of altering the rules regarding when a certain nonattorney may appear
5 on behalf of a corporation, partnership, limited liability company, or sole
6 proprietorship in a civil action in the District Court of Maryland or an appeal from
7 the District Court of Maryland; and generally relating to nonattorney representation
8 in civil actions.

9 BY repealing and reenacting, without amendments,
10 Article – Business Occupations and Professions
11 Section 10–206(a)
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2017 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Business Occupations and Professions
16 Section 10–206(b)(4)
17 Annotated Code of Maryland
18 (2010 Replacement Volume and 2017 Supplement)

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

21 **Article – Business Occupations and Professions**

22 10–206.

23 (a) Except as otherwise provided by law, before an individual may practice law in
24 the State, the individual shall:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) be admitted to the Bar; and

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

3 (b) This section does not apply to:

4 (4) an officer of a corporation, an employee designated by an officer of a
5 corporation, a partner in a business operated as a partnership or an employee designated
6 by a partner, a member of a limited liability company or an employee designated by a
7 member of a limited liability company, or an employee designated by the owner of a
8 business operated as a sole proprietorship while the officer, partner, member, or employee
9 is appearing on behalf of the corporation, partnership, limited liability company, or
10 business in a civil action in the District Court of Maryland or an appeal from the District
11 Court of Maryland if:

12 (i) the action or appeal:

13 1. is based on a claim that does not exceed [the amount set
14 under § 4–405 of the Courts Article for a small claim action] **\$10,000**; and

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

17 (ii) in the case of a designated employee, the employee:

18 1. is not assigned on a full–time basis to appear in the
19 District Court on behalf of the corporation, partnership, or business;

20 2. provides the court a power of attorney sworn to by the
21 employer that certifies that the designated employee is an authorized agent of the
22 corporation, partnership, limited liability company, or sole proprietorship and may bind the
23 corporation, partnership, limited liability company, or sole proprietorship on matters
24 pending before the court; and

25 3. is not an individual who is disbarred or suspended as a
26 lawyer in any state; and

27 (iii) the corporation, partnership, limited liability company, or
28 business does not contract, hire, or employ another business entity to provide appearance
29 services;

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2018.