
By: Senator Madden

Requested: September 7, 1995

Introduced and read first time: January 10, 1996

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Lawyers - Attorney Grievance Commission and Continuing Legal Education**

3 FOR the purpose of altering the composition of the Attorney Grievance Commission of
4 Maryland; requiring the Maryland Court of Appeals to designate a Chairman of the
5 Commission; providing for the selection, terms, and removal of members of the
6 Commission; specifying the procedure for filling certain unscheduled vacancies on
7 the Commission; requiring certain continuing legal education; providing for the
8 construction of this Act; providing for the effective date of this Act; and generally
9 relating to lawyers.

10 BY repealing and reenacting, without amendments,
11 Article - Business Occupations and Professions
12 Section 10-101(a) and (b)
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1995 Supplement)

15 BY adding to
16 Article - Business Occupations and Professions
17 Section 10-503 and 10-504
18 Annotated Code of Maryland
19 (1995 Replacement Volume and 1995 Supplement)

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

22 **Article - Business Occupations and Professions**

23 10-101.

24 (a) In this title the following words have the meanings indicated.

25 (b) "Admission to the Bar" means, unless the context requires otherwise,
26 authorization by the Court of Appeals to practice law in the State.

2

1 10-503.

2 (A) THE ATTORNEY GRIEVANCE COMMISSION OF MARYLAND IS COMPOSED
3 OF 13 MEMBERS.

4 (B) OF THE 13 MEMBERS OF THE COMMISSION:

5 (1) TWO SHALL BE LAWYERS APPOINTED BY THE GOVERNOR WITH THE
6 ADVICE AND CONSENT OF THE SENATE OF MARYLAND;

7 (2) FOUR SHALL BE LAWYERS ELECTED BY THE MEMBERS OF THE
8 MARYLAND BAR IN ACCORDANCE WITH A PROCEDURE ESTABLISHED BY THE
9 ADMINISTRATIVE OFFICE OF THE COURTS; AND

10 (3) SEVEN SHALL BE NONLAWYERS APPOINTED BY THE GOVERNOR
11 WITH THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND.

12 (C) THE TERM OF EACH MEMBER OF THE COMMISSION IS 4 YEARS AND
13 TERMINATES ON JUNE 30 OF THE YEAR IN WHICH THE TERM IS SCHEDULED TO
14 TERMINATE.

15 (D) AFTER JUNE 30, 1999, A LAWYER VACANCY THAT OCCURS ON THE
16 COMMISSION SHALL BE FILLED:

17 (1) BY THE GOVERNOR, IF THE VACANCY IS FOR A LAWYER MEMBER
18 OF THE COMMISSION WHOM THE GOVERNOR PREVIOUSLY APPOINTED; OR

19 (2) BY THE MEMBERS OF THE MARYLAND BAR, IF THE VACANCY IS FOR
20 A LAWYER MEMBER OF THE COMMISSION WHOM THE MEMBERS PREVIOUSLY
21 ELECTED.

22 (E) A MEMBER OF THE COMMISSION IS NOT ELIGIBLE FOR REAPPOINTMENT
23 OR REELECTION TO THE COMMISSION FOR THE TERM IMMEDIATELY AFTER THE
24 EXPIRATION OF THE TERM IN WHICH THE MEMBER SERVES ONE FULL TERM OF 4
25 YEARS.

26 (F) THE COURT OF APPEALS MAY REMOVE A MEMBER OF THE COMMISSION
27 AT ANY TIME.

28 (G) THE COURT OF APPEALS SHALL DESIGNATE A CHAIRMAN OF THE
29 COMMISSION.

30 10-504.

31 (A) EACH LAWYER ADMITTED TO THE BAR SHALL COMPLETE 30 HOURS OF
32 CONTINUING EDUCATION EVERY 2 YEARS, AS SPECIFIED BY THE BOARD.

33 (B) DURING EACH REPORTING PERIOD, EACH LAWYER ADMITTED TO THE
34 BAR SHALL INCLUDE, AS PART OF THE 30 HOURS OF CONTINUING EDUCATION
35 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:

36 (1) 2 HOURS IN LEGAL ETHICS; AND

37 (2) 2 HOURS IN PROFESSIONALISM.

1 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act may
2 not be construed to alter the term of any member of the Attorney Grievance Commission
3 of Maryland who is serving on the Commission on June 1, 1996.

4 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of members of
5 the Attorney Grievance Commission of Maryland serving on June 1, 1996, end as follows:

- 6 (1) one in 1996;
- 7 (2) three in 1997;
- 8 (3) three in 1998; and
- 9 (4) three in 1999.

10 SECTION 4. AND BE IT FURTHER ENACTED, That:

11 (1) On or before January 1, 1997, the Governor shall appoint five nonlawyer
12 members to the Attorney Grievance Commission of Maryland; and

13 (2) The initial terms of the five nonlawyer members of the Commission
14 appointed by the Governor under paragraph (1) of this Section shall be as follows:

- 15 (i) two shall be appointed for a term of 4 years;
- 16 (ii) two shall be appointed for a term of 3 years; and
- 17 (iii) one shall be appointed for a term of 2 years.

18 SECTION 5. AND BE IT FURTHER ENACTED, That:

19 (1) In 1996, the Governor may not appoint, and the members of the
20 Maryland Bar may not elect, a lawyer to fill the lawyer vacancy scheduled to occur on the
21 Attorney Grievance Commission of Maryland on June 30 of that year;

22 (2) In 1997:

23 (i) the members of the Maryland Bar shall elect a lawyer to fill one of
24 the two lawyer vacancies scheduled to occur on the Commission in that year; and

25 (ii) the Governor may not appoint a lawyer to fill the second lawyer
26 vacancy scheduled to occur on the Commission in that year;

27 (3) In 1998, of the two lawyer vacancies scheduled to occur on the
28 Commission in that year:

29 (i) the members of the Maryland Bar shall elect a lawyer to fill one
30 lawyer vacancy; and

31 (ii) the Governor shall appoint a lawyer to fill one lawyer vacancy; and

32 (4) In 1999, of the three lawyer vacancies scheduled to occur on the
33 Commission in that year:

34 (i) the members of the Maryland Bar shall elect a lawyer to fill each of
35 two lawyer vacancies; and

4

1 (ii) the Governor shall appoint a lawyer to fill one lawyer vacancy.

2 SECTION 6. AND BE IT FURTHER ENACTED, That:

3 (1) In 1997, the initial term of the lawyer member of the Attorney Grievance
4 Commission of Maryland elected by the members of the Maryland Bar in that year is 3
5 years;

6 (2) In 1998:

7 (i) the initial term of the lawyer member of the Attorney Grievance
8 Commission of Maryland elected by the members of the Maryland Bar in that year is 4
9 years; and

10 (ii) the initial term of the lawyer member of the Attorney Grievance
11 Commission of Maryland appointed by the Governor in that year is 4 years; and

12 (3) In 1999:

13 (i) of the two lawyer members elected by the members of the
14 Maryland Bar to the Commission in that year, the initial term of one member shall be 4
15 years and the initial term of one member shall be 3 years; and

16 (ii) the initial term of the lawyer member appointed by the Governor
17 to the Attorney Grievance Commission of Maryland in that year shall be 4 years.

18 SECTION 7. AND BE IT FURTHER ENACTED, That if the actual number of
19 lawyer vacancies that occur on the Attorney Grievance Commission of Maryland in any of
20 the years 1996 through 1999 exceeds the scheduled number of lawyer vacancies on the
21 Commission in that year for which the Governor may make an appointment, or the
22 members of the Maryland Bar may conduct an election, under Section 5 of this Act:

23 (1) the Governor and the members of the Maryland Bar alternately shall
24 appoint or elect a lawyer to each additional lawyer vacancy that occurs in that year; and

25 (2) the Governor shall appoint the first additional lawyer vacancy in that
26 year.

27 SECTION 8. AND BE IT FURTHER ENACTED, That except as this Act
28 otherwise provides concerning the composition of the Attorney Grievance Commission of
29 Maryland, this Act may not be construed to amend or repeal Chapter 1100, Subtitle BV
30 of the Maryland Rules.

31 SECTION 9. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 1996.