

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegates Lee, Barkley, Bronrott, Dumais, Gutierrez, and Stern**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Bar Admission Requirements - Exemption - Representation Before Boards**
3 **or Commissions on Common Ownership Communities**

4 FOR the purpose of exempting a certain person representing a ~~person~~ common
5 ownership community in a dispute, hearing, or other matter before a board or
6 commission established to oversee certain common ownership communities from
7 the requirement of admission to the Bar of Maryland and other requirements of
8 the Court of Appeals; and generally relating to the exemption of a certain person
9 representing a ~~person~~ common ownership community before a board or
10 commission established to oversee certain common ownership communities from
11 bar admission and Court of Appeals requirements.

12 BY repealing and reenacting, without amendments,
13 Article - Business Occupations and Professions
14 Section 10-206(a)
15 Annotated Code of Maryland
16 (2004 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Business Occupations and Professions
3 Section 10-206(b)
4 Annotated Code of Maryland
5 (2004 Replacement Volume and 2005 Supplement)
6 (~~As enacted by Chapter 25 of the Acts of the General Assembly of 2005~~)

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

9 **Article - Business Occupations and Professions**

10 10-206.

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

13 (1) be admitted to the Bar; and

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

15 (b) This section does not apply to:

16 (1) a person while representing a landlord in a summary ejection
17 proceeding in the District Court of Maryland;

18 (2) a person while representing a tenant in a summary ejection
19 proceeding in the District Court of Maryland if the person is:

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

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

25 1. the person has training and experience;

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

27 3. the supervising lawyer's appearance is entered in the
28 proceeding;

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

31 (4) an officer of a corporation, an employee designated by an officer of a
32 corporation, a partner in a business operated as a partnership or an employee
33 designated by a partner, a member of a limited liability company or an employee

1 designated by a member of a limited liability company, or an employee designated by
 2 the owner of a business operated as a sole proprietorship while the officer, partner,
 3 member, or employee is appearing on behalf of the corporation, partnership, limited
 4 liability company, or business in a civil action in the District Court of Maryland if:

5 (i) the action:

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

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

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

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

13 2. provides the court a power of attorney sworn to by the
 14 employer that certifies that the designated employee is an authorized agent of the
 15 corporation, partnership, limited liability company, or sole proprietorship and may
 16 bind the corporation, partnership, limited liability company, or sole proprietorship on
 17 matters pending before the court; and

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

20 (iii) the corporation, partnership, limited liability company, or
 21 business does not contract, hire, or employ another business entity to provide
 22 appearance services; [or]

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

25 (6) ~~A PERSON WHILE REPRESENTING ANOTHER PERSON A DIRECTOR OR~~
 26 AN OFFICER OF A COMMON OWNERSHIP COMMUNITY WHILE REPRESENTING THE
 27 COMMON OWNERSHIP COMMUNITY IN A DISPUTE, HEARING, OR OTHER MATTER
 28 BEFORE A BOARD OR COMMISSION ESTABLISHED TO OVERSEE ONE OR MORE OF THE
 29 FOLLOWING COMMON OWNERSHIP COMMUNITIES, INCLUDING:

30 (I) A DEVELOPMENT SUBJECT TO A DECLARATION ENFORCED BY A
 31 HOMEOWNERS ASSOCIATION AS DEFINED IN § 11B-101 OF THE REAL PROPERTY
 32 ARTICLE;

33 (II) A RESIDENTIAL CONDOMINIUM AS DEFINED IN § 11-101 OF THE
 34 REAL PROPERTY ARTICLE; OR

35 (III) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §
 36 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2006.