
By: **Delegates Lee, Barkley, Bronrott, Dumais, Gutierrez, and Stern**

Introduced and read first time: February 10, 2006

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2006

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

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

16 BY repealing and reenacting, with amendments,
17 Article - Business Occupations and Professions
18 Section 10-206(b)
19 Annotated Code of Maryland
20 (2004 Replacement Volume and 2005 Supplement)
21 (~~As enacted by Chapter 25 of the Acts of the General Assembly of 2005~~)

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

1 **Article - Business Occupations and Professions**

2 10-206.

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

5 (1) be admitted to the Bar; and

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

7 (b) This section does not apply to:

8 (1) a person while representing a landlord in a summary ejectment
9 proceeding in the District Court of Maryland;

10 (2) a person while representing a tenant in a summary ejectment
11 proceeding in the District Court of Maryland if the person is:

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

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

17 1. the person has training and experience;

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

19 3. the supervising lawyer's appearance is entered in the
20 proceeding;

21 (3) an insurance company while defending an insured through staff
22 counsel;

23 (4) an officer of a corporation, an employee designated by an officer of a
24 corporation, a partner in a business operated as a partnership or an employee
25 designated by a partner, a member of a limited liability company or an employee
26 designated by a member of a limited liability company, or an employee designated by
27 the owner of a business operated as a sole proprietorship while the officer, partner,
28 member, or employee is appearing on behalf of the corporation, partnership, limited
29 liability company, or business in a civil action in the District Court of Maryland if:

30 (i) the action:

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

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

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

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

4 2. provides the court a power of attorney sworn to by the
5 employer that certifies that the designated employee is an authorized agent of the
6 corporation, partnership, limited liability company, or sole proprietorship and may
7 bind the corporation, partnership, limited liability company, or sole proprietorship on
8 matters pending before the court; and

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

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

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

16 (6) A PERSON WHILE REPRESENTING ANOTHER PERSON IN A DISPUTE,
17 HEARING, OR OTHER MATTER BEFORE A BOARD OR COMMISSION ESTABLISHED TO
18 OVERSEE ONE OR MORE OF THE FOLLOWING COMMON OWNERSHIP COMMUNITIES;
19 INCLUDING:

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

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

25 (III) A COOPERATIVE HOUSING CORPORATION AS DEFINED IN §
26 5-6B-01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

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