

HOUSE BILL 887

D1, C2

9lr2494
CF SB 587

By: **Delegates Smigiel, Dumais, Frank, Levi, McConkey, Shank, and Stocksdale**

Introduced and read first time: February 12, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Lawyers – Simultaneous Service As Counsel to Counties and Municipalities –**
3 **Prohibition**

4 FOR the purpose of prohibiting a lawyer from serving as legal counsel for a county in
5 the State while also serving as legal counsel for a municipal corporation in the
6 State; authorizing a certain court to issue a writ of mandamus to command a
7 person to comply with this Act; providing that a violation of this Act violates
8 certain ethical rules and is subject to the disciplinary authority of a certain bar
9 association; and generally relating to prohibited acts for lawyers in the State.

10 BY adding to
11 Article – Business Occupations and Professions
12 Section 10–603.1
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2008 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Business Occupations and Professions
17 Section 10–606
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2008 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 **10–603.1.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) A LAWYER MAY NOT SERVE AS LEGAL COUNSEL FOR A COUNTY IN**
2 **THE STATE WHILE ALSO SERVING AS LEGAL COUNSEL FOR A MUNICIPAL**
3 **CORPORATION IN THE STATE.**

4 **(B) ON APPLICATION OF THE ATTORNEY GENERAL, THE CIRCUIT**
5 **COURT IN THE COUNTY IN WHICH A VIOLATION IS OCCURRING HAS**
6 **JURISDICTION TO ISSUE A WRIT OF MANDAMUS COMMANDING A PERSON TO**
7 **COMPLY WITH THIS SECTION.**

8 10-606.

9 (a) (1) A corporation, partnership, or any other association that violates §
10 10-601 or § 10-602 of this subtitle is subject to a fine not exceeding \$5,000.

11 (2) An officer, director, partner, trustee, agent, or employee who acts
12 to enable a corporation, partnership, or association to violate § 10-601 or § 10-602 of
13 this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not
14 exceeding \$5,000 or imprisonment not exceeding 1 year or both.

15 (3) Except as provided in paragraphs (1) and (2) of this subsection, a
16 person who violates § 10-601 of this subtitle is guilty of a misdemeanor and on
17 conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1
18 year or both.

19 (b) A person who willfully violates any provision of Subtitle 3, Part I of this
20 title, except for the requirement that a lawyer deposit trust moneys in an attorney
21 trust account for charitable purposes under § 10-303 of this title, is guilty of a
22 misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or
23 imprisonment not exceeding 5 years or both.

24 **(C) A PERSON WHO VIOLATES § 10-603.1 OF THIS SUBTITLE SHALL BE**
25 **IN VIOLATION OF THE CONFLICT OF INTEREST PROVISIONS OF THE MARYLAND**
26 **LAWYERS' RULES OF PROFESSIONAL CONDUCT AND IS SUBJECT TO THE**
27 **DISCIPLINARY AUTHORITY OF ANY DULY ORGANIZED BAR ASSOCIATION IN THE**
28 **STATE.**

29 [(c)] **(D)** Except as provided in subsections (a) [and], (b), **AND (C)** of this
30 section, a person who violates any provision of this title is guilty of a misdemeanor and
31 on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1
32 year or both.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2009.