

Chapter 129

(House Bill 523)

AN ACT concerning

Courts – Fee for the Special Admission of an Out-of-State Attorney – Janet L. Hoffman Loan Assistance Repayment Program

FOR the purpose of requiring the State Court Administrator to assess a certain fee for the special admission of an out-of-state attorney and to pay a certain portion of the fee into the Janet L. Hoffman Loan Assistance Repayment Program; requiring certain funds for the Program to be allocated to certain individuals; providing that funds for the Program include money paid to the Program from the assessment of a certain fee; and generally relating to funding for the Janet L. Hoffman Loan Assistance Repayment Program with fees paid for the special admission of out-of-state attorneys.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10–215
Annotated Code of Maryland
(2010 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 7–202
Annotated Code of Maryland
(2006 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 18–1502
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–1504
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Business Occupations and Professions

10–215.

(a) Subject to subsections (b) and (c) of this section, on a motion filed as required by rules adopted by the Court of Appeals, a court may grant special admission to practice law in a particular case to an individual who is:

- (1) admitted to the bar of another state; and
- (2) employed by a party in the case before:
 - (i) a court or other unit of the State government; or
 - (ii) a unit of a political subdivision of the State.

(b) A special admission to practice law may be granted only:

- (1) by the court hearing the case for which an individual requests the special admission; or
- (2) if the case is before a unit other than a court, by:
 - (i) the circuit court for the county where the unit has its principal office; or
 - (ii) any circuit court to which the case may be appealed.

(c) An individual may practice law under this section only in connection with the case for which the special admission is granted.

(d) An individual who practices law under this section is subject to disciplinary proceedings as the Maryland Rules provide.

Article – Courts and Judicial Proceedings

7–202.

(a) (1) (i) The State Court Administrator shall determine the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works.

(ii) The fees and charges shall be uniform throughout the State.

(2) The Comptroller of the State shall require clerks of court to collect all fees required to be collected by law.

(b) The clerk may not charge the State, any county, municipality, or Baltimore City any fee provided by this subtitle, unless the State, county, municipality, or Baltimore City first gives its consent.

(c) The clerk is entitled to a reasonable fee for performing any other service that is not enumerated in this subtitle or in §§ 3–601 through 3–603 of the Real Property Article.

(d) The State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under § 11–402 of the Human Services Article.

(E) THE STATE COURT ADMINISTRATOR SHALL:

(1) ASSESS A \$100 FEE FOR THE SPECIAL ADMISSION OF AN OUT-OF-STATE ATTORNEY UNDER § 10–215 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(2) PAY \$75 OF THE FEE TO THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM ESTABLISHED UNDER § 18–1502 OF THE EDUCATION ARTICLE.

[(e)] (F) If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by §§ 3–601 through 3–603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

Article – Education

18–1502.

(a) There is a program of loan assistance repayment known as the Janet L. Hoffman Loan Assistance Repayment Program in the State.

(b) The Office of Student Financial Assistance shall assist in the repayment of the amount of any higher education loan owed by an individual who:

(1) (i) Receives a graduate, professional, or undergraduate degree from:

1. A college or university in the State of Maryland; or
2. A school of law; or

(ii) Receives a Resident Teacher Certificate (RTC) from the Department after completing an alternative teaching preparation program approved by the State Superintendent;

(2) Obtains eligible employment;

(3) Receives an income that is less than the maximum eligible total income levels established by the Office, including any additional sources of income; and

(4) Satisfies any other criteria established by the Office.

(c) An applicant for assistance in the repayment of a commercial loan shall demonstrate to the Office that the commercial loan was used for tuition, educational expenses, or living expenses for graduate or undergraduate study.

(d) Assistance in the repayment of a loan from an entity set forth in § 18-1501(c)(2) of this subtitle shall require the approval of the Office.

18-1504.

(A) FUNDS FOR THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION SHALL BE ALLOCATED BY THE COMMISSION TO AN INDIVIDUAL WHO:

(1) HAS RECEIVED A GRADUATE DEGREE FROM A SCHOOL OF LAW; AND

(2) HAS SUBMITTED AN APPLICATION FOR THE JANET L. HOFFMAN LOAN ASSISTANCE REPAYMENT PROGRAM THAT THE COMMISSION DISAPPROVED DUE TO INSUFFICIENT FUNDS.

~~(a)~~ **(B)** Funds for the Janet L. Hoffman Loan Assistance Repayment Program shall [be]:

(1) BE provided on an annual basis in the State budget; AND

(2) INCLUDE MONEY PAID TO THE PROGRAM FROM THE FEE CHARGED FOR A SPECIAL ADMISSION OF AN OUT-OF-STATE ATTORNEY UNDER § 7-202(E) OF THE COURTS ARTICLE.

~~(b)~~ **(C)** If a federal matching grant loan program furnishes professional services in an eligible field of employment to low-income or underserved residents of the State, the Office may apply not more than 50 percent of the funds provided in the State budget for the Janet L. Hoffman Loan Assistance Repayment Program to the State's participation in the federal program.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, April 12, 2011.