

**Department of Legislative Services**  
Maryland General Assembly  
2011 Session

**FISCAL AND POLICY NOTE**

Senate Bill 864 (Senators Brinkley and Shank)  
Judicial Proceedings

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**Sheriffs and Deputy Sheriffs - Practice of Law**

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This bill authorizes an individual who has been admitted to the Maryland Bar to practice law in one county while being employed as a sheriff or deputy sheriff in a different county.

The bill takes effect on July 1, 2011.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** None. The bill is not expected to materially affect local finances.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** In general, a person may not practice, attempt to practice, or offer to practice law in the State unless admitted to the Bar. Even if admitted to the Bar, a person is prohibited from practicing law while employed (1) as a sheriff or deputy sheriff; (2) in a jail or penitentiary as a warden, deputy warden, superintendent, or deputy superintendent; (3) as a bailiff; (4) as a clerk or deputy clerk of any court or an employee of a clerk; (5) as a register or deputy register of wills or an employee of a register of wills; or (6) as an officer or employee in a juvenile court.

The prohibition does not apply to (1) a lawyer employed as a part-time master for juvenile cases; or (2) an individual who is performing an affirmative duty required by law

or engaging in an activity related to a case in which the individual is a party or has a property interest.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Baltimore City; Kent, Montgomery, and Worcester counties; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 18, 2011  
ncs/kdm

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