

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 100 - STATE BOARD OF LAW EXAMINERS AND

CHARACTER COMMITTEES

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Rule ~~1-~~ 19-101. DEFINITIONS

In ~~these Rules~~ this Chapter and Chapter 200 of this Title, the following definitions apply, except as expressly otherwise provided or as necessary implication requires:

(a) ADA

"ADA" means the Americans with Disabilities Act, 42 U.S.C. §12101, et seq.

(b) Board

"Board" means the Board of Law Examiners of the State of Maryland.

(c) Court

"Court" means the Court of Appeals of Maryland.

(d) Code, Reference to

Reference to an article and section of the Code means the article and section of the Annotated Code of Public General Laws of Maryland as from time to time amended.

Drafters note: Do we need this?

(e) Filed

"Filed" means received in the office of the Secretary of

the Board during normal business hours.

(f) MBE

"MBE" means the Multi-state Bar Examination published by the National Conference of Bar Examiners.

(g) MPT

"MPT" means the Multistate Performance Test published by the National Conference of Bar Examiners.

(h) Oath

"Oath" means a declaration or affirmation made under the penalties of perjury that a certain statement or fact is true.

Cross reference: See Rule 1-304 for a form of oath.

(i) State

"State" means (1) a state, possession, territory, or commonwealth of the United States or (2) the District of Columbia.

Source: This Rule is derived from former Rules Governing Admission to the Bar (RGAB) 1.

REPORTER'S NOTE

This Rule is derived from former RGAB 1, with the addition of a cross reference to Rule 1-304 and other style changes.

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Rule ~~20-~~ 19-102. ~~THE STATE BOARD OF LAW EXAMINERS~~

(a) Appointment

There is a State Board of Law Examiners, the members of which shall be appointed by the Court. The Board shall consist of seven members, each of whom shall have been an attorney for at least five years. The terms of members shall be as provided in Code, Business Occupations and Professions Article, §10-202

(c).

Drafter's note: Should the members of the Board be not just attorneys but members of the Maryland Bar for at least five years? Compare Rule 16-811 b.1., relating to the trustees of the Client Protection Fund.

(b) Quorum

A majority of the authorized membership of the Board is a quorum.

~~(a)~~ (c) Authority to Adopt Rules

The Board may adopt rules to carry out the requirements of ~~these Rules~~ this Chapter and Chapter 200 of this Title and to facilitate the conduct of examinations. The Rules of the Board shall be published in ~~the Code, Maryland Rules~~ this Chapter,

following ~~these Rules~~ Rule 19-105.

~~(b)~~ (d) Amendment of Board Rules - Publication

Any amendment of the Board's rules shall be published at least once in a daily newspaper of general circulation in this State. The amendment shall be published at least 45 days before the examination at which it is to become effective, except that an amendment that substantially increases the area of subject-matter knowledge required for any examination shall be published at least one year before the examination. Contemporaneously with the publication the amendment shall be posted on the Judiciary website.

~~(e)~~ (e) Assistants

The Board may appoint the assistants necessary for the proper conduct of its business. Each assistant shall be an attorney admitted by the Court of Appeals and shall serve at the pleasure of the Board.

~~(d)~~ (f) Compensation of Board Members and Assistants

The members of the Board and assistants shall receive the compensation fixed from time to time by the Court.

~~(e)~~ (g) Secretary to the Board

The Court may appoint a secretary to the Board, to hold office during the pleasure of the Court. The secretary shall have the administrative powers and duties that the Board may prescribe.

(h) Fees

The Board shall prescribe the fees, subject to approval by the Court, to be paid by applicants under Rules ~~2~~ 19-202 and ~~7~~ 19-205 and by petitioners under Rule ~~13~~ 19-212.

Cross reference: See Code, Business Occupations and Professions Article, §10-208 (b) for maximum examination fee allowed by law.

Source: This Rule is derived as follows:

Section (a) is ~~derived from former Rule 7 h and 9 a~~ new.

Section (b) is new.

Sections (c) through (g) of the Rule are derived from former RGAB 20.

Section (h) is derived from former RGAB 18.

~~Section (b) is derived from former Rule 7 h and i.~~

~~Section (c) is derived from former Rule 9 c.~~

~~Section (d) is derived from former Rule 16.~~

~~Section (e) is derived from former Rule 17.~~

REPORTER'S NOTE

This Rule is derived from former RGAB 20 and 18, with style changes. Sections (a) and (b) are new and include the provisions of Code, Business Occupations and Professions Article, §10-202 concerning the compliance of the Board and quorum requirements.

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Rule ~~17-~~ 19-103. CHARACTER COMMITTEES

The Court shall appoint a Character Committee for each of the seven Appellate Judicial Circuits of the State. Each Character Committee shall consist of not less than five members whose terms shall be five years each, except that in the Sixth Appellate Judicial Circuit the term of each member shall be two years. The terms shall be staggered. The Court shall designate the chair of each Committee, and may provide compensation to the members.

Cross reference: See Rule 19-203 for the Character Review procedure.

Source: This Rule is derived from former ~~Rule 4 a and e~~ RGAB 17.

REPORTER'S NOTE

This Rule is derived from former RGAB 17, with the addition of a cross reference to the Rule concerning the character review procedure itself.

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Rule ~~22-~~ 19-104. ~~SUBPOENA POWER OF BOARD AND CHARACTER
COMMITTEES~~

(a) Subpoena

(1) Issuance

In any proceeding before the Board or a Character Committee pursuant to ~~Bar Admission Rule 5~~ 19-203 or ~~Bar Admission Rule 13~~ 19-212, the Board or Committee, on its own motion or the motion of an applicant, may cause a subpoena to be issued by a clerk pursuant to Rule 2-510. The subpoena shall issue from the Circuit Court for Anne Arundel County if incident to Board proceedings or from the circuit court in the county in which Character Committee proceedings are pending, ~~and the~~ . The proceedings ~~may~~ shall not be docketed in court.

(2) Name of Applicant

The subpoena shall not divulge the name of the applicant, except to the extent this requirement is impracticable.

(3) Return

The sheriff's return shall be made as directed in the

subpoena.

(4) Dockets and Files

The Character Committee or the Board, as applicable, shall maintain dockets and files of all papers filed in the proceedings.

(b) Sanctions

If a person is subpoenaed to appear and give testimony or to produce books, documents, or other tangible things and fails to do so, the party who requested the subpoena, by motion that does not divulge the name of the applicant (except to the extent that this requirement is impracticable), may request the court to issue an attachment pursuant to Rule 2-510 (j), or to cite the person for contempt pursuant to Title 15, Chapter 200 of the Maryland Rules, or both.

(c) Court ~~Rules~~ Costs

All court costs in proceedings under this Rule shall be assessable to and paid by the State.

Source: This Rule is ~~new~~ derived from former RGAB 22.

REPORTER'S NOTE

This Rule is derived from former RGAB 22 with style changes.

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Rule ~~19-~~ 19-105. CONFIDENTIALITY

(a) Proceedings Before ~~Committee or Board; General Policy or~~ Character Committee

Except as provided in sections (b), (c), and (d) of this Rule, the proceedings before the Accommodations Review Committee and its panels, a Character Committee, and the Board and the related papers, evidence, and information are confidential and shall not be open to public inspection or subject to court process or compulsory disclosure.

(b) Right of Applicant

(1) As used in this Rule, "applicant" means an applicant for admission to the Bar pursuant to Rule 19-202 or a petitioner pursuant to Rule 19-212.

~~(1) (2) Except as provided in paragraph (2) of this section,~~
an An applicant has the right to attend all hearings before a panel of the Accommodations Review Committee, a Character Committee, and the Board pertaining to his or her application and, except as provided in subsection (b)(3) of this Rule, to be informed of and inspect all papers, evidence, and information

received or considered by the panel, Committee or the Board pertaining to the applicant.

~~(2)~~ (3) This section does not apply to (A) papers or evidence received or considered by the National Conference of Bar Examiners, a Character Committee, ~~or~~ or the Board if the Committee or Board, without a hearing, recommends the applicant's admission; (B) personal memoranda, notes, and work papers of members or staff of the National Conference of Bar Examiners, a Character Committee, or the Board; (C) correspondence between or among members or staff of the National Conference of Bar Examiners, a Character Committee, or the Board; ~~or~~ (D) character reports prepared by the National Conference of Bar Examiners; or ~~(D)~~ (E) an applicant's bar examination grades and answers, except as authorized in Rule ~~8~~ 19-206 and Rule ~~13~~ 19-212.

(c) When Disclosure Authorized

The Board may disclose:

(1) statistical information that does not reveal the identity of an individual applicant;

(2) the fact that an applicant has passed the bar examination and the date of the examination;

(3) any material pertaining to an applicant that the applicant would be entitled to inspect under section (b) of this Rule if the applicant has consented in writing to the

disclosure; (4) any material pertaining to an applicant requested by

(A) a court of this State, another state, or the United States;

(B) Bar Counsel, the Attorney Grievance Commission, or the attorney disciplinary authority in another state;

(C) the authority in another jurisdiction responsible for investigating the character and fitness of an applicant for admission to the bar of that jurisdiction, or

(D) Investigative Counsel, the Commission on Judicial Disabilities, or the judicial disciplinary authority in another jurisdiction for use in:

(i) a pending disciplinary proceeding against the applicant as an attorney or judge;

(ii) a pending proceeding for reinstatement of the applicant as an attorney after disbarment; or

(iii) a pending proceeding for original admission of the applicant to the Bar;

(5) any material pertaining to an applicant requested by a judicial nominating commission or the Governor of this State, a committee of the Senate of Maryland, the President of the United States, or a committee of the United States Senate in connection with an application by or nomination of the applicant for judicial office;

(6) to a law school, the names of persons who graduated from that law school who took a bar examination and whether they passed or failed the examination;

Drafter's note: The bolded changes were approved at the November 18, 2011 Rules Committee meeting - they have not been adopted by the Court yet.

(7) to the Maryland State Bar Association and any other bona fide bar association in the State of Maryland; and

(8) to each entity selected to give the course on legal professionalism required by Rule ~~11~~ 19-210, the name and address of a person recommended for bar admission pursuant to Rule ~~10~~ 19-209;

~~(8)~~ (9) to the National Conference of Bar Examiners, the following information regarding persons who have filed applications for admission pursuant to Rule ~~2~~ 19-202 or petitions to take the attorney's examination pursuant to Rule ~~13~~ 19-212: the applicant's name and aliases, applicant number, birthdate, Law School Admission Council number, law school, date that a juris doctor degree was conferred, bar examination results and pass/fail status, and the number of bar examination attempts;

~~(9)~~ (10) to any member of a Character Committee, the report of any Character Committee or the Board following a hearing on an application; and

~~(10)~~ (11) to the Child Support Enforcement Administration,

upon its request, the name, Social Security number, and address of a person who has filed an application pursuant to Rule ~~2~~ 19-202 or a petition to take the attorney's examination pursuant to Rule ~~13~~ 19-212.

Unless information disclosed pursuant to ~~paragraphs~~ subsections (4) and (5) of this section is disclosed with the written consent of the applicant, an applicant shall receive a copy of the information and may rebut, in writing, any matter contained in it. Upon receipt of a written rebuttal, the Board shall forward a copy to the person or entity to whom the information was disclosed.

(d) Proceedings and Access to Records in the Court of Appeals

(1) Subject to reasonable regulation by the Court of Appeals, Bar Admission ceremonies shall be open.

(2) Unless the Court otherwise orders in a particular case:

(A) hearings in the Court of Appeals shall be open, and

(B) if the Court conducts a hearing regarding a bar applicant, any report by the Accommodations Review Committee, a Character Committee, or the Board filed with the Court, but no other part of the applicant's record, shall be subject to public inspection.

(3) The Court of Appeals may make any of the disclosures that the Board may make pursuant to section (c) of this Rule.

(4) Except as provided in ~~paragraphs~~ subsections (1), (2),

and (3) of this section or as otherwise required by law, proceedings before the Court of Appeals and the related papers, evidence, and information are confidential and shall not be open to public inspection or subject to court process or compulsory disclosure.

Source: This Rule is ~~new~~ derived from former RGAB 19.

REPORTER'S NOTE

This Rule is derived from former RGAB 19 with style changes. A definition of "applicant" has been added to make clear that this rule applies to original applicants and out-of-state attorneys applying by petition. The State Board of Law Examiners is recommending that more references to the National Conference of Bar Examiners be included in the Rule.