

12F. AGREEMENT BETWEEN ATTORNEY GENERAL AND OFFICER OR EMPLOYEE.

THE ATTORNEY GENERAL, PRIOR TO THE DEFENSE OF AN OFFICER OR EMPLOYEE, SHALL REQUIRE THE OFFICER OR EMPLOYEE TO ENTER INTO AN AGREEMENT WHICH PROVIDES, AMONG OTHER THINGS:

(1) THE ATTORNEY GENERAL, IF HE DETERMINES IT APPROPRIATE, MAY REQUIRE THE OFFICER OR EMPLOYEE TO REIMBURSE THE STATE FOR ALL EXPENSES, INCLUDING COURT COSTS AND REASONABLE ATTORNEYS' FEES, IF IT IS JUDICIALLY DETERMINED THAT THE INJURIES COMPLAINED OF DID NOT ARISE OUT OF AN ACT OR OMISSION OF THE OFFICER OR EMPLOYEE OCCURRING DURING THE PERFORMANCE OF HIS DUTIES AND WITHIN THE SCOPE OF HIS EMPLOYMENT OR THAT THE ACT OR OMISSION OF THE OFFICER OR EMPLOYEE WAS MALICIOUS OR GROSSLY NEGLIGENT, AND THE DEFENSE OF SOVEREIGN IMMUNITY AS TO THE OFFICER OR EMPLOYEE IS NOT AVAILABLE. || ; BUT SUCH REIMBURSEMENT MAY NOT BE REQUIRED IF THE INFORMATION PROVIDED TO THE ATTORNEY GENERAL BY THE OFFICER OR EMPLOYEE WAS COMPLETE AND WAS NEITHER FALSE NOR MISLEADING. THESE COSTS CONSTITUTE A DEBT DUE THE STATE OF MARYLAND AND MAY BE COLLECTED BY APPROPRIATE JUDICIAL PROCEEDINGS.

(2) THAT, IF A JUDGMENT IS RENDERED AGAINST THE OFFICER OR EMPLOYEE, THE STATE, ITS AGENCY, BOARD, COMMISSION, OR DEPARTMENT THEREOF, IS NOT RESPONSIBLE FOR THE PAYMENT OF THE JUDGMENT, AND THE LEGAL REPRESENTATION BY THE ATTORNEY GENERAL, HIS ASSISTANTS, OR SPECIAL COUNSEL OF AN OFFICER OR EMPLOYEE IN NO MANNER CONSTITUTES AN OBLIGATION ON THE PART OF THE STATE TO PAY THE JUDGMENT OR A SETTLEMENT OF A CLAIM.

||(3) THAT, IF THE ATTORNEY GENERAL ELECTS TO ASSUME THE DEFENSE, THE OFFICER OR EMPLOYEE WAIVES ALL RIGHT TO BRING AN ACTION AGAINST THE ATTORNEY GENERAL, HIS ASSISTANTS, OR OTHER SPECIAL COUNSEL ALLEGING MALPRACTICE, AND THE OFFICER OR EMPLOYEE IS FULLY BOUND BY THE ACTS AND REPRESENTATIONS OF THE ATTORNEY GENERAL, HIS ASSISTANTS, AND SPECIAL COUNSEL UNTIL THE OFFICER OR EMPLOYEE ADVISES THE ATTORNEY GENERAL, HIS ASSISTANTS, OR SPECIAL COUNSEL, IN WRITING, TO TERMINATE THE REPRESENTATION OF THE OFFICER OR EMPLOYEE. ||

||(4) ||(3) THAT THE ATTORNEY GENERAL SHALL NOT COMPROMISE OR SETTLE ANY CLAIM WITHOUT THE WRITTEN CONSENT OF THE OFFICER OR EMPLOYEE. IF THE OFFICER OR EMPLOYEE DOES NOT CONSENT TO THE COMPROMISE OR SETTLEMENT, THE ATTORNEY GENERAL MAY WITHDRAW FROM THE REPRESENTATION SUBJECT TO THE APPROPRIATE RULES OF COURT; AND IN THAT EVENT THE STATE IS NOT RESPONSIBLE FOR ANY FURTHER COSTS WHATSOEVER.

12G. JUDGMENT FOR STATE OFFICER OR EMPLOYEE; BAD FAITH; UNJUSTIFIED PROCEEDING.