

(C) REPRESENTATION.

(1) UNLESS FULL REPRESENTATION IS PROVIDED UNDER A CONTRACT OF INSURANCE, THE ATTORNEY GENERAL SHALL DEFEND A CIVIL ACTION OR PROCEEDING UNDER THIS SUBTITLE AGAINST THE STATE OR ANY OF ITS UNITS.

(2) SUBTITLE 3, PART II OF THIS TITLE SHALL APPLY TO REPRESENTATION OF STATE PERSONNEL UNDER THIS SUBTITLE.

(D) JUDGMENT AGAINST STATE PERSONNEL.

(1) ANY STATE PERSONNEL WHO ACTS WITHIN THE SCOPE OF THE STATE PERSONNEL'S PUBLIC DUTIES AND WITHOUT MALICE AND GROSS NEGLIGENCE IS NOT LIABLE AS AN INDIVIDUAL FOR ANY DAMAGES THAT RESULT FROM TORTIOUS CONDUCT FOR WHICH IMMUNITY IS WAIVED UNDER THIS SUBTITLE, INCLUDING DAMAGES THAT EXCEED THE LIMITATIONS ON THE STATE'S WAIVER OF IMMUNITY.

(2) A JUDGMENT IN TORT FOR MONEY DAMAGES OBTAINED UNDER THIS SUBTITLE AGAINST STATE PERSONNEL, IN THE STATE PERSONNEL'S OFFICIAL CAPACITY, IS A JUDGMENT AGAINST THE STATE ONLY AND MAY NOT BE EXECUTED AGAINST THE STATE PERSONNEL INDIVIDUALLY.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ §§ 5-404(a)(2) and (3) and (b), 5-405, and 5-406(a)(3).

In subsection (d)(1) of this section, the word "and" is substituted for the former word "or", to clarify that the State personnel is exempted from liability only if the State personnel acted without malice and without gross negligence.

Defined terms: "Includes"; "including" § 1-101
"State personnel" § 12-101

12-108. COUNSEL FEES.

COUNSEL MAY NOT CHARGE OR RECEIVE FEES THAT EXCEED:

- (1) 20% OF A SETTLEMENT MADE UNDER THIS SUBTITLE; OR
- (2) 25% OF A JUDGMENT MADE UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ § 5-408.

In the introductory clause of this section, the former words "demand" and "collect" are deleted as unnecessary in light of the prohibitions against charging and receiving.