

47.

(A) (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CIVIL ACTION " DOES NOT INCLUDE:

(I) A PROCEEDING BEFORE THE ATTORNEY GRIEVANCE COMMISSION; OR

(II) AN ATTORNEY DISCIPLINARY PROCEEDING BEFORE A CIRCUIT COURT OR THE COURT OF APPEALS.

(3) "LAWYER COUNSELING COMMITTEE" MEANS A COMMITTEE THAT IS:

(I) A STANDING COMMITTEE OF THE MARYLAND STATE BAR ASSOCIATION;

(II) RECOGNIZED BY THE COURT OF APPEALS OF MARYLAND; AND

(III) COMPOSED OF ATTORNEYS AND THOSE LAY PERSONS NECESSARY TO CARRY OUT ITS FUNCTIONS.

(B) FOR PURPOSES OF THIS SECTION, A LAWYER COUNSELING COMMITTEE EVALUATES AND PROVIDES ASSISTANCE TO ANY ATTORNEY IN NEED OF TREATMENT AND REHABILITATION FOR SUBSTANCE ABUSE OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION THAT ADVERSELY AFFECTS AN ATTORNEY'S ABILITY TO PRACTICE LAW IN ACCORDANCE WITH THE RULES AND PROCEDURES ADOPTED BY THE COURT OF APPEALS OF MARYLAND.

(C) THE PROCEEDINGS, RECORDS, AND FILES OF A LAWYER COUNSELING COMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE INTO EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF MATTERS THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE LAWYER COUNSELING COMMITTEE.

(D) NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW OR RULE TO THE CONTRARY, A MEMBER OF A LAWYER COUNSELING COMMITTEE WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF JURISDICTION OF A LAWYER COUNSELING COMMITTEE IS NOT CIVILLY LIABLE OR SUBJECT TO ANY DISCIPLINARY PROCEEDING FOR ANY ACTION AS A MEMBER OF THE LAWYER COUNSELING COMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE LAWYER COUNSELING COMMITTEE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1987.

Approved April 29, 1987.