

REVISOR'S NOTE: This section is new language added to conform to similar provisions in other titles of this article and to provide a convenient reference to this title.

Defined term: "Lawyer" § 10-101

GENERAL REVISOR'S NOTE:

I. Authority to regulate lawyers.

Although the General Assembly enacts some laws about lawyers and the practice of law, under Md. Declaration of Rights, Art. 8 and Md. Constitution, Art. IV, § 18 (a), the Court of Appeals has the ultimate authority and responsibility to regulate the legal profession. See generally Attorney General v. Waldron, 289 Md. 683, 687 - 703 (1981). As a result, the regulatory scheme of this title differs in some respects from the titles of this article that the Department of Licensing and Regulation administers. The most notable differences relate to the State Board of Law Examiners and the disciplinary provisions.

The State Board of Law Examiners, as an agency of the Court of Appeals, is responsible primarily for determining the qualifications of applicants. Some provisions on the Board exist only as rules of the Court, under the Rules Governing Admission to the Bar, and not as parts of the Code.

Similarly, the exhaustive disciplinary scheme for the legal profession exists by court rule, not legislative enactment. Thus, while criminal acts are included in this title, provisions for the discipline of lawyers are not included in the title.

II. Transferred provisions.

The Business Occupations Article Review Committee felt that several provisions more appropriately belonged in the Courts and Judicial Proceedings Article. Those provisions are former Art. 10, § 45, which provided for automatic termination of the appearance of an attorney at law in a case, and the third sentence of § 30, which protected certain Montgomery County employees from liability for assistance given in connection with the preparation of complaints.

The Committee also proposes to transfer, to the Estates and Trusts Article, the provisions of the first sentence of former Art. 10, § 30 that allowed a judge of the Orphans' Court in Prince George's County to practice law, and the second sentence of § 30, which allowed a judge of the Orphans' Court of Baltimore City to practice law before any court of the State except an Orphans' Court.

III. Deleted provisions.