

Chapter 508

(Senate Bill 794)

AN ACT concerning

Legal Advice to Corporations – Clarification

FOR the purpose of altering an exception to the requirement that an individual be admitted to the Maryland Bar before the individual may practice law in the State by authorizing an individual who is admitted to the bar of any other state to provide legal advice to the individual's employer or the employer's organizational affiliates; defining certain terms; and generally relating to the provision of legal advice to employers by individuals not admitted to the Maryland Bar.

BY repealing and reenacting, without amendments,
Article – Business Occupations and Professions
Section 10–206(a)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 10–206(d)
Annotated Code of Maryland
(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Business Occupations and Professions

10–206.

(a) Except as otherwise provided by law, before an individual may practice law in the State, the individual shall:

- (1) be admitted to the Bar; and
- (2) meet any requirement that the Court of Appeals may set by rule.

(d) (1) **(I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) “AFFILIATE” MEANS A PERSON THAT, DIRECTLY OR INDIRECTLY THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH AN EMPLOYER.

(III) “CONTROL” MEANS THE POSSESSION, DIRECTLY OR INDIRECTLY, OF THE POWER TO DIRECT OR CAUSE THE DIRECTION OF, WHETHER THROUGH THE OWNERSHIP OF VOTING SECURITIES, BY CONTRACT, OR BY SOME OTHER MEANS, THE MANAGEMENT AND POLICIES OF A PERSON.

(2) Subject to paragraph ~~(2)~~ **(3)** of this subsection, this section does not apply to an individual **WHO IS ADMITTED TO THE BAR OF ANY OTHER STATE**, while giving legal advice **TO THE INDIVIDUAL’S EMPLOYER OR THE EMPLOYER’S ORGANIZATIONAL AFFILIATES** [to a corporation in this State if the individual is:

- (i) employed by the corporation; and
- (ii) admitted to the bar of any other state].

~~(2)~~ **(3)** An individual who gives legal advice under this subsection:

- (i) is subject to disciplinary proceedings as the Maryland Rules provide; and
- (ii) may not appear before a unit of the State government or of a political subdivision unless a court grants the individual a special admission in accordance with § 10-215 of this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, May 4, 2017.