

IN THE COURT OF APPEALS OF MARYLAND

The 1984 Maryland Judicial Conference having requested the Judicial Ethics Committee to study, review, and develop "one clear and comprehensive set of standards to govern judicial conduct," and the Judicial Ethics Committee having prepared a proposed Code of Judicial Conduct and having caused the proposed Code to be published in the Maryland Register, Volume 13, Issue 4, pages 373-382 (February 14, 1986); and

The Judicial Ethics Committee having requested the Maryland State Bar Association to review the proposed Code and a Special Committee of the Bar Association having reviewed the proposed Code and having submitted recommended changes to the proposed Code and the Ethics Committee having incorporated many of these changes into its final report; and

The 1986 Maryland Judicial Conference having considered the final report including the proposed Code and the Conference having added one amendment to the proposed Code; and

The Court having considered at open meetings, notices of which were posted as pre-scribed by law, all proposed Canons, Commentary, and Committee Notes, together with comments received from interested parties and certain amendments subsequently submitted by the Judicial Ethics Committee, and the Court having on its own motion amended certain of the proposed Canons, it is this 21st day of November, 1986,

ORDERED, by the Court of Appeals of Maryland, that the proposed Maryland Code of Judicial Conduct including the Commentary and Committee Notes are hereby adopted in the form attached hereto; and it is further

ORDERED that Rule 1231 (Canons and Rules of Judicial Ethics) is amended to read: "RULE 1231 MARYLAND CODE OF JUDICIAL CONDUCT" and the current Canons and Rules of Judicial Ethics under Rule 1231 are replaced by the Maryland Code of Judicial Conduct in the form attached hereto; and it is further

ORDERED that new Rule 1233 (Financial Disclosure Statement) which is substantially identical to current Ethics Rules 8 and 14 c. of the Canons and Rules of Judicial Ethics be, and it is hereby, adopted on an emergency basis in the form attached hereto; and it is further

ORDERED that this Code and new Rule 1233 shall take effect on July 1, 1987 and that the Maryland Code of Judicial Conduct and new Rule 1233 shall govern the conduct of judges from and after said date; provided, however, that the Canons and Rules of Judicial Ethics as set forth in Maryland Rule 1231 shall continue in full force and effect and shall govern the conduct of judges until July 1, 1987; and judges shall continue on and after July 1, 1987 to be subject to discipline for violations of the Canons and Rules of Judicial Ethics occurring prior to July 1, 1987; and it is further

ORDERED that a copy of this Order be published in the January 2, 1987 issue of the Maryland Register.

Robert C. Murphy

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Lawrence F. Rodowsky, Jr.

James F. Couch, Jr.

John F. McAuliffe

William H. Adkins, II

Filed: November 21, 1986

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

* Judges Eldridge and Cole declined to sign the Order.

IN THE COURT OF APPEALS OF MARYLAND

The 1986 Maryland Judicial Conference having recommended that the Court adopt a Code of Judicial Conduct as proposed by the Judicial Ethics Committee and the Court after various amendments having adopted the proposed Code of Judicial Conduct governing the conduct of judges and as a result thereof the Judicial Ethics Committee having prepared a proposed Code of Conduct for Judicial Appointees and having caused the proposed Code to be published in the Maryland Register, Volume 14, Issue 20, pages 2131-2136 (September 25, 1987); and

The Judicial Ethics Committee having requested the Maryland State Bar Association to review the proposed Code and the Board of Governors of the Bar Association having reviewed the proposed Code and having recommended adoption of the proposed Code except for a modification of the provisions relating to the practice of law by part-time judicial appointees; and

The 1988 Maryland Judicial Conference having considered the final report of the Judicial Ethics Committee including the proposed Code and the Maryland Judicial Conference having recommended to the Court the adoption of the proposed Code; and

The Court having considered at an open meeting, notice of which was posted as prescribed by law, all proposed Canons, Commentary, and Committee Notes, and the Court having on its own motion amended certain of the proposed Canons, it is this 14th day of October, 1988,

ORDERED, by the Court of Appeals of Maryland, that the proposed Maryland Code of Conduct for Judicial Appointees including the Commentary and Committee Notes are hereby adopted in the form attached hereto; and it is further

ORDERED that Rule 1232 (Code of Conduct for Masters, Examiners, Auditors, Referees and District Court Commissioners)) is amended to read: "RULE 1232 MARYLAND CODE OF CONDUCT FOR JUDICIAL APPOINTEES" and the current Standards and Rules for Judicial Appointees under Rule 1232 are replaced by the Maryland Code of Conduct for Judicial Appointees in the form attached hereto; and it is further

ORDERED that new Rule 1234 (Financial Disclosure Statement – Judicial Appointees) which is provided for in current Rule 1232 be, and it is hereby, adopted on an emergency basis in the form attached hereto; and it is further

ORDERED that this Code and new Rule 1234 shall take effect on January 1, 1989 and that the Maryland Code of Conduct for Judicial Appointees and new Rule 1234 shall govern the conduct of judicial appointees from and after said date; provided, however, that the Standards and Rules for Judicial Appointees as set forth in Maryland Rule 1232 shall continue in full force and effect and shall govern the conduct of judicial appointees until January 1, 1989; and judicial appointees shall continue on and after January 1, 1989 to be subject to discipline for violations of the Standards and Rules for Judicial Appointees occurring prior to January 1, 1989; and it is further

ORDERED that a copy of this Order be published in the November 4, 1988 issue of the Maryland Register.

Robert C. Murphy
John C. Eldridge
Harry A. Cole
Lawrence F. Rodowsky, Jr.
John F. McAuliffe
William H. Adkins, II
Albert T. Blackwell, Jr.

Filed: October 14, 1988

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

The Court having received the June 2, 1988 letter of the Judicial Ethics Committee recommending adoption of a proposed rule change as set forth in that letter; and

This Court having considered the proposed rule change at an open meeting; notice of which was posted as prescribed by law, and finding that an emergency does in fact exist with reference to the proposed rule change, it is this 15th day of June, 1988

ORDERED, by the Court of Appeals of Maryland, that the proposed change to Canon 4C(1) of the Maryland Code of Judicial Conduct (Rule 1231) be, and it is hereby, adopted in the form attached to this Order; and it is further

ORDERED, that Canon 4C(1) of the Maryland Code of Judicial Conduct as amended shall take effect on June 15, 1988 and shall govern the conduct of the Judges from and after said date, and it is further

ORDERED that a copy of this Order be published in the next issue of the Maryland Register.

Robert C. Murphy
John C. Eldridge
Harry A. Cole
Lawrence F. Rodowsky, Jr.
John F. McAuliffe
William H. Adkins, II
Albert T. Blackwell, Jr.

Filed: June 15, 1988

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

The Court having been advised that the Maryland Judicial Conference, in formal session on May 2, 1992, recommended adoption of proposed amendments to Canons 2 and 3 of the Maryland Code of Judicial Conduct, as well as amendments to the commentary accompanying these Canons, as set forth in the Conference's letter to this Court dated May 13, 1992, and

This Court having considered the proposed amendments at an open meeting held on December 16, 1992, it is this 11th day of January, 1993

ORDERED, by the Court of Appeals of Maryland, that the proposed amendments to Canon 2 and Canon 3 of the Maryland Code of Judicial Conduct (Rule 1231) together with the amendments to the commentary accompanying these Canons, be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED, that these amendments to the Maryland Code of Judicial Conduct shall take effect on February 1, 1993 and shall govern the conduct of the Judges of this State from and after said date, and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

Robert C. Murphy

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Lawrence F. Rodowsky, Jr.

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Howard S. Chasanow

Robert L. Karwacki

Robert M. Bell

Filed: January 11, 1993

Alexander L. Cummings

Clerk

Court of Appeals of Maryland

* Judges Eldridge and McAuliffe would not adopt the proposed amendments and accompanying commentary to Canons 2 and 3.

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Twenty-Ninth Report to the Court recommending deletion of Rule 1227 and adoption of proposed new Rules 1227, 1227A, 1227B, 1227C, 1227D, 1227E, 1227F, and 1227G of the Maryland Rules of Procedure, all as set forth in that Report published in the Maryland Register, Vol. 22, Issue 5, pages 351-363 (March 3, 1995); and

The Rules Committee having submitted to the Court proposed revisions to the One Hundred Twenty-Ninth Report in light of comments received from the bench, as set forth in the Supplement to the One Hundred Twenty-Ninth Report dated March 14, 1995; and

This Court having considered at open meetings, notices of which were posted as prescribed by law, all those proposed rules changes, together with comments received, it is this 9th day of May, 1995

ORDERED, by the Court of Appeals of Maryland, that Rule 1227 be, and it is hereby rescinded effective July 1, 1995, and it is further

ORDERED, that new Rules 1227, 1227A, 1227B, 1227C, 1227D, 1227E, 1227F, and 1227G be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED, that the rules changes hereby adopted by this Court shall govern the Commission on Judicial Disabilities, the courts of this State, and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all complaints, proceedings, and actions filed or commenced on or after July 1, 1995, and insofar as practicable, to all complaints, proceedings, and actions then pending; and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

Robert C. Murphy

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Lawrence F. Rodowsky

Howard S. Chasanow

Robert L. Karwacki

Robert M. Bell

Irma S. Raker

Filed: May 9, 1995

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

* Judge Eldridge declined to sign the Rules Order for reasons set forth in the attached dissenting opinion.

Eldridge, J., dissenting:

I have declined to sign the order revising the rules concerning the Commission on Judicial Disabilities. There are two provisions of revised Rule 1227 with which I disagree.

First, Rule 1227(d) requires that a complaint concerning a judge must be in the form of an affidavit. Such a requirement is not normally found in the law concerning complaints against members of other professions or occupations. For example, Maryland Code (1981, 1994 Repl. Vol.), § 14-401 of the Health Occupations Article, dealing with complaints against physicians, contains no requirement that a complaint be in the form of an affidavit. In fact, there is no statutory requirement that a complaint against a physician even be in writing. We should not promulgate rules making it more difficult to complain about a judge than it is to complain about members of other

(continued...)

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professions. The average citizen, in attempting to make a complaint against a judge, is likely just to send a letter to the Commission. I see no reason why this should be insufficient; the additional requirement of an affidavit is not necessary. We should not be erecting barriers to the making of complaint against judges.

My second disagreement relates to the provision of new Rule 1227(g) that a judge's erroneous decision "alone" does not constitute sanctionable conduct. While ordinarily this may be true, there may arise situations where an erroneous decision is of such a nature so as to constitute sanctionable conduct.

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Thirty-First Report to the Court recommending thereby proposed new Rule 1206, certain proposed new forms, and certain proposed amendments to existing rules, some of which proposed rules changes are recommended to be adopted on an emergency basis and all as set forth in that Report published in the Maryland Register, Vol. 22, Issue 23, Pages 1780-1790 (November 10, 1995); and

The Rules Committee having delivered to this Court a Supplement to the One Hundred Thirty-First Report, transmitting thereby certain amendments to the proposed rules changes and certain additional proposed rules changes recommended to be adopted on an emergency basis; and

This Court having considered the proposed emergency changes at an open meeting, notice of which was posted as prescribed by law, and finding that an emergency does in fact exist with reference to certain of the proposed rules changes, it is this 21st day of November, 1995,

ORDERED, by the Court of Appeals of Maryland, that the proposed amendments to Rules 4-406 and 7-202 be, and they are hereby adopted in the form previously published; and it is further

ORDERED, that the amendments to Rules 4-343, 4-348, 1231, 1232, 1233, and 1234 and to Form 904-S in the Appendix of Forms, be, and they are hereby adopted in the form attached to this Order; and it is further

ORDERED, that consideration of the proposed amendment to Rule 2-421, proposed new Rule 1206, and the Form Interrogatories proposed for inclusion in the Appendix of Forms be, and it is hereby deferred, pending expiration of the comment period and further study by the Court; and it is further

ORDERED, that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after the 1st day of December, 1995, and insofar as practicable, to all actions then pending; and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

Robert C. Murphy
John C. Eldridge
Lawrence F. Rodowsky
Howard S. Chasanow
Robert L. Karwacki
Robert M. Bell
Irma S. Raker

Filed: November 21, 1995

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Thirty-Second Report to the Court recommending ... the transfer and renumbering, without readoption, of ... the rules in Chapter 1200, and the rules in the Maryland District Rules, Chapter 1200; the inclusion of the transferred rules in Title 9, Chapter 200, Title 11, and Title 16; and the adoption of amendments to certain other rules, all as set forth in that Report published in the Maryland Register, Vol. 22, Issue 24, pages P-1 - P-131 (November 24, 1995); and

This Court having considered at open meetings, notice of which was posted as prescribed by law, all of those proposed rules and forms changes, together with the comments received and certain further amendments subsequently submitted by the Rules Committee, and having on its own motion made certain additions, deletions, and amendments to certain of the proposed rules, it is this 5th day of June, 1996

* * * *

ORDERED that ... Chapter 1200 of the Maryland Rules of Procedure and the Maryland District Rules, Chapter 1200, be, and they are hereby, transferred, without readoption, and renumbered as rules in Title 9, Chapter 200, Title 12, and Title 16 of the Maryland Rules of Procedure, that certain internal references in the transferred rules be corrected, and that transferred Rule 16-803 be renamed, all in the form annexed to this Order; and it is further

ORDERED that the aforesaid transfer, renumbering, correction of internal references in certain transferred rules, and renaming of Rule 16-803 are intended solely to conform the transferred rules to the new numbering system and shall not supercede or otherwise affect law that is the subject of the transferred rules, whether that law was enacted or decided before or after the transfer of these rules; and it is further

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ORDERED that the transfer of certain rules without readoption and the rules changes hereby adopted by this Court shall govern the courts of this State, and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after the January 1, 1997, and insofar as practicable, to all actions then pending; and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

Robert C. Murphy
John C. Eldridge
Lawrence F. Rodowsky
*Howard S. Chasanow
Robert L. Karwacki
Robert M. Bell
Irma S. Raker

Filed: June 10, 1996

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

* Judge Chasanow declined to approve the adoption of [certain enumerated] rules.

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Thirty-Third Report to the Court recommending thereby proposed new Rule 923 to be adopted on an emergency basis, proposed new Rule 11-501, and proposed amendments to Rules 16-106, 1-202, 1-203, 2-509, 4-265, 16-104, 16-304, 2-125, 3-125, 16-109, 2-327, 2-613, 2-632, 3-632, 2-645, 3-645, 4-243, 4-311, 4-312, 4-327, 4-331, 6-210, 6-302, 6-317, 7-112, 7-207, 8-112, 8-504, 8-206, 8-205, 8-501, 8-602, BU11, BV1, BV18, 1228, 1231, and 1232 and Rules 1.7 and 8.4 of the Maryland Lawyers' Rules of Professional Conduct, all as set forth in that Report published in the *Maryland Register*, Vol. 23, Issue 19, pages 1349-1367 (September 13, 1996); and

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This Court having renumbered Rules BU11, BV1, BV18, 1228, 1231, and 1232 as Rules 16-611, 16-701, 16-718, 16-811, 16-813, and 16-814, respectively, by Rules Order filed June 10, 1996, effective January 1, 1997, and published in the *Maryland Register*, Vol. 23, Issue 14, pages P-1 - P-108 (July 5, 1996); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all of those proposed rules changes, together with the comments received, making certain deletions and additions to the proposed rules changes on its own motion, and finding that an emergency exists with reference to certain of the proposed rules changes, it is this 10th day of December, 1996,

* * * *

ORDERED that the proposed amendments to the rules that have been renumbered as Rules 16-611, 16-701, 16-718, 16-811, 16-813, and 16-814 be, and they are hereby, adopted in the form attached hereto; it is further

ORDERED that the rescission [sic] of Rule 923, the adoption of new Rule 11-501, and the amendments to Rules 16-106, 1-202, 1-203, 2-509, 4-265, 16-104, 16-304, 2-125, 3-125, 16-109, 6-210, 6-302, 6-317, 16-611, 16-701, 16-718, 16-811, 16-813, and 16-814 hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 1997, and insofar as practicable, to all actions then pending; and it is further

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ORDERED, that a copy of this Order be published in the next issue of the *Maryland Register*.

*Robert M. Bell
*John C. Eldridge
Lawrence F. Rodowsky
*Howard S. Chasanow
Robert L. Karwacki
*Irma S. Raker
Alan M. Wilner

Filed: December 10, 1996

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

* Judges Bell, Eldridge, Chasanow and Raker declined to approve the adoption of amendments to [certain enumerated] rules.

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Thirty-Fifth Report to the Court recommending adoption, on an emergency basis, of amendments to Rules 1227A and 16-804 of the Maryland Rules of Procedure; and

This Court having considered the proposed changes at an open meeting, notice of which was posted as prescribed by law, and finding that an emergency does in fact exist with reference to the proposed rules changes, it is this 10th day of December, 1996,

ORDERED that by the Court of Appeals of Maryland, that amendments to Rules 1227A and 16-804 be, and they are hereby, adopted in the form attached to this Order; it is further

ORDERED that the amendments to Rule 1227A hereby adopted by this Court shall govern the Commission on Judicial Disabilities, the courts of this State, and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after December 10, 1996, and insofar as practicable, to all actions then pending; and it is further

ORDERED that the amendments to Rule 1227A hereby adopted by this Court be, and they are hereby, rescinded effective January 1, 1997; and it is further

ORDERED that the amendments to Rule 16-804 hereby adopted by this Court shall govern the Commission on Judicial Disabilities, the courts of this State, and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after January 1, 1997 and insofar as practicable, to all actions then pending; and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

Robert M. Bell
John C. Eldridge
Lawrence F. Rodowsky
Howard S. Chasanow
Robert L. Karwacki
Irma S. Raker
Alan M. Wilner

Filed: December 10, 1996

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Forty-Sixth Report to the Court recommending adoption, on an emergency basis, of amendments to Rules ... 16-813, and 16-814 ... of the Maryland Rules of Procedure; and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, and having made certain additions and deletions to the proposed amendments on its own motion, and finding that an emergency does in fact exist with reference to certain of the proposed rules changes, it is this 5th day of October, 1999.

ORDERED, by the Court of Appeals of Maryland, that the amendments to the above referenced rules be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED, that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after October 5, 1999 and insofar as practicable, to all actions then pending; and it is further

ORDERED, that a copy of this Order be published in the next issue of the Maryland Register.

Robert M. Bell
John C. Eldridge
Lawrence F. Rodowsky
Irma S. Raker
Alan M. Wilner
Dale R. Cathell
Glenn T. Harrell, Jr.

Filed: October 5, 1999

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Forty-Seventh Report to the Court recommending ... amendments to Rules ... 16-814 ..., all as set forth in that Report published in the Maryland Register, Vol. 27, Issue 1, Pages 21-44 (January 14, 2000); and

This Court, by Rules Order filed May 9, 2000, having adopted, with certain amendments made on the Court's own motion, the rules changes proposed in the One Hundred Forty-Seventh Report, except ... the proposed amendments to Rules ... 16-814, which were held for further consideration by the Court; and

This Court having considered at open meetings, notices of which were posted as prescribed by law, all those proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 6th day of June, 2000,

ORDERED that the proposed amendment to Rule 16-814 be, and it is hereby, adopted in the form previously published; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after October 1, 2000 and insofar as practicable to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell
John C. Eldridge
Lawrence F. Rodowsky
Irma S. Raker
Alan M. Wilner
Dale R. Cathell
Glenn T. Harrell, Jr.

Filed: June 6, 2000

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

This Court's Standing Committee on Rules of Practice and Procedure having submitted its One Hundred Fiftieth Report to the Court recommending the adoption of proposed amendments to Rules ... 16-813 ... , all as set forth in that Report published in the *Maryland Register*, Vol. 28, Issue 23, pages 2028 - 2051 (November 16, 2001); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all those proposed rules changes and making certain amendments to the proposed rules changes on its own motion, it is this 8th day of January, 2002

ORDERED, by the Court of Appeals of Maryland, that the amendments to Rules ... 16-813 ... be, and they are hereby adopted in the form previously published; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after February 1, 2002, and insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell
John C. Eldridge
Irma S. Raker
Alan M. Wilner
Dale R. Cathell
Glenn T. Harrell, Jr.
Lynne A. Battaglia

Filed: January 8, 2002

Alexander L. Cummings
Clerk
Court of Appeals of Maryland

IN THE COURT OF APPEALS OF MARYLAND

The Judicial Ethics Committee and this Court's Standing Committee on Rules of Practice and Procedure jointly having submitted to the Court of Appeals the Report of the Judicial Ethics Committee and One Hundred Fifty-Third Report of the Rules Committee, transmitting thereby the proposed rescission of current Rules 16-813 and 16-814 and the adoption in their place of new Rules 16-812.1 (Judicial Ethics Committee), 16-813 (Maryland Code of Judicial Conduct), and 16-814 (Maryland Code of Conduct for Judicial Appointees) of the Maryland Rules of Procedure; proposed amendments to Rules 4-327, 5-605, 16-815, 16-816, and 17-105 of the Maryland Rules of Procedure; and proposed amendments to Rules 3.5 and 8.2 of the Maryland [Lawyers'] Rules of Professional Conduct, all as set forth in that Report published in the *Maryland Register*, Vol. 31, Issue 15, pages 1151 - 1181 (July 23, 2004); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all of the proposed rules changes, together with the comments received, and making certain deletions and additions to the proposed rules changes on its own motion, it is this 2nd of December, 2004

ORDERED, by the Court of Appeals of Maryland, that current Rules 16-813 and 16-814 be, and they are hereby, rescinded, effective July 1, 2005; and it is further

ORDERED that new Rules 16-812.1, 16-813, and 16-814 be, and they are hereby, adopted in the form attached to this Order; and it is further

ORDERED that amendments to Rules 4-327, 5-605, 16-815, 16-816, and 17-105 and Rules 3.5 and 8.2 in Appendix: Maryland Rules of Professional Conduct be, and they are hereby, adopted in the form previously published; and it is further

ORDERED that new Rules 16-812.1, 16-813, and 16-814 shall take effect on July 1, 2005 and that new Rule 16-813 (Maryland Code of Judicial Conduct) shall govern the conduct of judges from and after said date and new Rule 16-814 (Maryland Code of Conduct for Judicial Appointees) shall govern the conduct of judicial appointees from and after said date; provided, however, that the Maryland Code of Judicial Conduct set forth in current Rule 16-813 shall continue in full force and effect and shall govern the conduct of judges until July 1, 2005, and judges shall continue on and after July 1, 2005 to be subject to discipline for violations of that Code occurring prior to July 1, 2005; and further provided that the Code of Conduct for Judicial Appointees set forth in current Rule 16-814 shall continue in full force and effect and shall govern the conduct of judicial appointees until July 1, 2005, and judicial appointees shall continue on and after July 1, 2005 to be subject to discipline for violations of that Code occurring prior to July 1, 2005; and it is further

ORDERED that all other rules changes hereby adopted by this Court shall govern the courts of this State and all parties and their attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2005 and insofar as practicable, to all actions then pending; and it is further

ORDERED that a copy of this Order be published in the next issue of the *Maryland Register*.

Robert M. Bell
Irma S. Raker
Alan M. Wilner
Dale R. Cathell
Glenn T. Harrell, Jr.
Lynne A. Battaglia
Clayton Greene, Jr.

Filed: December 2, 2004

Alexander L. Cummings
Clerk
Court of Appeals of Maryland