IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER APPROVING UPDATED ADMINISTRATIVE AND PROCEDURAL GUIDELINES OF THE ATTORNEY GRIEVANCE COMMISSION OF MARYLAND

WHEREAS, Maryland Rule 19-702(h)(1) provides that the Attorney Grievance Commission of Maryland ("the Commission") has the power and duty to "recommend to the Court of Appeals the adoption of procedural and administrative guidelines and policies consistent with" Title 19, Chapter 700 of the Maryland Rules; and

WHEREAS, the Commission has recommended the adoption of amendments and additions to its existing Administrative and Procedural Guidelines, in part for the purpose of updating references to the applicable Rules currently set forth in Title 19, Chapter 700 following the Court's adoption of the Rules in that Chapter, effective July 1, 2016, to supersede former Title 16, Chapter 700; and

WHEREAS, the updated Administrative and Procedural Guidelines recommended by the Commission have been presented to and considered by the Court,

NOW THEREFORE, it is, this 20th day of February 2018, ORDERED, by the Court of Appeals of Maryland, that the updated Administrative and Procedural Guidelines of the Attorney Grievance Commission of Maryland are hereby approved and adopted in accordance with Maryland Rule 19-702(h)(1).

/s/ Mary Ellen Barbera

Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: February 20, 2018

Bessie M. Decker

Bessie M. Decker
Clerk
Court of Appeals of Maryland

Attorney Grievance Commission of Maryland

Administrative and Procedural Guidelines

ADOPTED - AUGUST 14, 2001

[Amendments Adopted - May 8, 2002; April 10, 2003; January 1, 2004; June 16, 2004; April 4, 2008; February 15, 2018]

Section 1. DEFINITIONS

1.1. The terms used in these Guidelines have the same meaning as those in Maryland Rules, Title 19, Chapter 700-Discipline, Inactive Status, Resignation (Maryland Rules 19-701, *et seq.*).

1.2. The following terms have the meaning set forth hereunder, except as expressly otherwise provided or as may result from necessary implications:

a. "Commission Counsel" means Bar Counsel, Assistant Bar Counsel and attorneys appointed pursuant to Maryland Rule 19-702(h)(6).

b. "Complainant" means the person who has filed, *pro se* or through an attorney, with the Office of Bar Counsel a complaint that the Respondent has committed an act of misconduct or that he or she is incapacitated. Bar Counsel may be designated complainant if the Office of Bar Counsel initiates a complaint pursuant to Maryland Rule 19-711.

c. "Complaint" means all written communications filed by a Complainant with the Bar Counsel containing allegations that the Respondent has committed an act of misconduct or that Respondent is incapacitated. The term also includes written allegations by Bar Counsel prior to the filing of a statement of charges that the Respondent has committed an act of misconduct or that the Respondent is incapacitated.

d. "Peer Review Meeting" means a meeting of the Peer Review Panel as set forth in Maryland Rule 19-720.

e. "Recommendation" means the recommendation made by the Peer Review Panel to the Commission pursuant to Maryland Rule 19-720(e).

f. "Respondent" means the attorney who is the subject of a disciplinary or incapacity investigation and/or disciplinary proceedings. In the event the Respondent is represented by counsel, references to Respondent include Respondent's counsel except where the context does not permit.

g. "Rules of Professional Conduct" means the Maryland Attorneys' Rules of Professional Conduct, set forth in Title 19, Chapter 300 of the Maryland Rules.

Section 2. PURPOSE and POLICIES

2.1. These guidelines are adopted by the Commission with the approval of the Court of Appeals.

2.2. Commission Guidelines shall be read in conjunction with the Maryland Rules. In case of conflict, the Maryland Rules shall prevail.

2.3. No member of the Commission nor any partner or associate in a law firm of a member of the Commission shall represent a Respondent or a Complainant during their term on the Commission.

2.4. No member of the Peer Review Committee shall represent a Respondent during their term on the Peer Review Committee. No member of the Peer Review Committee shall represent a Complainant in connection with any complaint made to the Attorney Grievance Commission. If a partner or associate in a law firm of a member of the Peer Review Committee represents a Respondent or Complainant in connection with disciplinary proceedings, the member shall not participate directly or indirectly in the proceedings.

2.5. No member of the Commission or Peer Review Committee shall participate as a member of the Commission or the Peer Review Committee with respect to any complaint which may be filed against him or her.

2.6. Any member of the Peer Review Committee may be removed by the Commission under the following circumstances:

(a) Upon receipt of notice that a member has failed to comply with these guidelines and/or the Maryland Rules, the Commission shall send a letter to that member and said letter shall:

(1) Set forth the manner in which the member has allegedly failed to comply, and

(2) Require that member to show cause why the member should not be removed.

(b) Upon receipt of notice that a member has been subject of a disciplinary sanction pursuant to the Maryland Rules, the Commission shall send a letter requiring the member to show cause why the member should not be removed.

(c) The member's response shall be in writing and shall be returned to the Commission within fifteen (15) days from the date of the Commission letter. The Commission will consider any evidence supplied by the member and make a decision.

2.7 A member of the Peer Review Committee who is the subject of an open docketed complaint shall not serve on a Peer Review panel until the final resolution of the complaint.

2.8 No person shall be deemed ineligible to serve on the Peer Review Committee solely on account of such person's race, color, religion, age, sex, marital status, national origin, physical or mental disability, familial status, genetic information, gender identity or expression, sexual orientation, or any other characteristic protected by State or federal law.

Section 3. <u>COMMISSION</u>

3.1. Pursuant to Maryland Rule 19-702(g), the presence of seven (7) members of the Commission constitutes a quorum for the transaction of business. The concurrence of seven (7) members is required for all actions, including all decisions, taken by the Commission other than adjournment of a meeting for lack of a quorum.

3.2. The Chair shall preside at all meetings of the Commission and shall perform duties prescribed by the Maryland Rules and these Guidelines. The Treasurer and Secretary shall be

members of the Commission and shall be elected by the Commission.

3.3. The Vice-Chair shall perform the duties of the Chair in his or her absence and shall perform other duties as the Chair or the Commission directs.

3.4. The Treasurer and the Office of Bar Counsel shall be custodians of all funds of the Commission. The Treasurer shall account to the Commission for receipts and expenditures at each meeting of the Commission and shall perform other duties as the Chair or the Commission directs. The Treasurer shall have special responsibility to supervise accounting for funds, finances and budgetary procedures and to cause the next annual budget of the Commission to be prepared and submitted to the Commission for its approval on or before April 30 each year.

3.5. The Secretary shall keep a record of Commission proceedings, shall be the custodian of all Commission records and shall perform such other duties as the Chair or the Commission directs. The Secretary has special responsibility to cause each Annual Report of the Commission to be completed and approved by the Commission on or before September 1 each year.

3.6. Funds of the Commission shall be deposited in an appropriately insured bank or banks selected by the Commission from time to time. Any funds not needed for current expenditures shall be invested in time deposits or certificates of deposit with federally insured banks and savings and loan associations to the extent such deposits are insured, or in securities guaranteed by the United States Government.

3.7. Withdrawal from general checking accounts, savings accounts, certificates of deposit or securities shall be made by check, withdrawal voucher, endorsement or other document as required, signed by any two of the Chair, Vice-Chair, Treasurer, Bar Counsel and the Office Manager.

3.8. The Commission, upon the recommendation of Bar Counsel, shall determine from time to time the funds needed for payroll and other expenses. The Commission shall direct that necessary

funds be withdrawn from the general accounts or investments for deposit into the office account. The Chair or the Treasurer has authority to make or direct to be made interim disbursements from the general account or investments for purposes of investment and for expenses, if there is a need for the funds prior to the next meeting of the Commission. Any withdrawal without Commission authority shall be reported to the Commission at its next meeting.

3.9. The Commission, on the recommendation of the Treasurer, shall approve annually on or before April 30 a proposed budget for the fiscal year beginning July 1 next ensuing and shall submit the same to the State Court Administrator for review and approval by the Court of Appeals. Bar Counsel, under supervision of the Treasurer, shall draft the proposed annual budget. Justification of all budgeted items shall accompany the budget. The Executive Secretary shall assist in the preparation of the budget with respect to the specific fiscal requirements of the Commission and the Executive Secretary.

3.10. The Commission, on the recommendation of the Treasurer, shall determine on or before each April 30 the rate of assessments to be required from each attorney for Disciplinary Fund operations during the next fiscal year and shall submit the rate proposed along with the budget to the State Court Administrator for approval by the Court of Appeals.

3.11. The Treasurer, from data supplied him or her by Bar Counsel, shall submit to the Commission monthly statements showing receipts and available funds and by category of expense the following: The annual budgeted amount, year-to-date expenditures, percentage of annual budget expended to date, amount expended during the preceding month and percentage of total expended during the preceding month.

3.12. The Commission shall employ a Certified Public Accountant to perform accounting and auditing services as the Commission may from time to time direct. The Accountant shall conduct an annual audit of the Disciplinary Fund to be completed no later than August 20 for the preceding

year.

3.13. The Commission shall require that those persons authorized to withdraw funds of the Commission from any account shall be bonded and the Commission shall fix the amount of the bonds and determine the surety.

3.14. The Commission shall meet regularly at least ten times each year at a time and place determined by the Chair or Commission from time to time.

3.15. Special meetings may be called by the Chair or by any four (4) members, provided reasonable notice is given to all members by mail, telephone, or electronic mail.

3.16. Robert's Rules of Order (most recent edition) shall govern the conduct of all meetings.

3.17. Reimbursement of members of the Commission and Peer Review Committee for reasonable travel, parking, meals, postage, copying, telephone and other expenses directly attributable to their duties shall be subject to the approval in a manner specified by the Commission consistent with the standards and guidelines promulgated by the State Court Administrator and the Court of Appeals.

3.18. Pursuant to Maryland Rule 16-806, the Commission and Bar Counsel are subject to the following Maryland Judicial Branch policies of general application:

a. Policy Prohibiting Discrimination, Harassment and Retaliation;

b. Policy on Accommodations of Disabilities;

c. Policy on Religious Accommodation;

d. Policy on Employment of Relatives; and

e. Policy on Confidentiality.

3.19. Salaries and benefits accruing to all employees shall be established by the Commission on the recommendation of the Bar Counsel as to his or her staff and on the recommendation of the Executive Secretary as to his or her staff and shall be consistent with the standards and guidelines promulgated by the State Court Administrator and the Court of Appeals and with the annual budget or an amendment to the budget.

3.20. Subject to the approval of the Commission, the Bar Counsel and the Executive Secretary shall establish policies as to hours of work, holidays, annual and sick leave and the duties of employees hired by each of them consistent with the standards and guidelines promulgated by the State Court Administrator and the Court of Appeals.

3.21. Subject to approval of the Court of Appeals, the Commission shall determine the location of its offices and shall lease or otherwise procure office space.

3.22. Furniture, equipment and services shall be obtained by Bar Counsel and the Executive Secretary, subject to general approval by the Commission consistent with the standards and guidelines promulgated by the State Court Administrator and the Court of Appeals.

3.23. Policy decisions, the nature and extent of record keeping, methods of processing Complaints and office procedures shall be established by the Commission and implemented by Bar Counsel and the Executive Secretary under the supervision of designated members of the Commission.

Section 4. BAR COUNSEL DUTIES AND RESPONSIBILITIES

4.1. Bar Counsel may employ the personnel provided annually in the budget or an amendment to the budget.

4.2. Bar Counsel may discharge any employee hired by Bar Counsel.

4.3. Bar Counsel shall prepare and maintain an up-to-date office manual, which shall contain, in addition to material selected in the discretion of Bar Counsel, all policies adopted from time to time by the Commission, all forms used by Bar Counsel, the Peer Review Committee and the Commission as well as specific procedures for processing complaints.

4.4. Bar Counsel shall maintain a confidential record and file for each Complaint. Each Complaint file shall have a docket indicating the date and nature of each action taken thereon. Bar Counsel also shall maintain a confidential alphabetical data base of the names of attorneys against whom Complaints are filed referenced to the Complaint number. Statistical data shall be accumulated in a manner prescribed by the Commission. All records shall be maintained in a secure location and shall be handled with confidentiality.

4.5. Upon request of Bar Counsel, the Commission may order that a complaint be placed on the Deferred Docket. Such complaint must be one that is based upon the allegations of a pending civil complaint, pending disciplinary action in another jurisdiction, pending criminal matter or is a complaint against an attorney who is the subject of a pending disciplinary case in the Court of

Appeals. Bar Counsel shall inform the Commission within thirty (30) days of the notice to Bar Counsel of the resolution of the criminal, civil or disciplinary matter and the Commission may then order the case removed from the Deferred Docket.

4.6. Complaint files shall be destroyed pursuant to the following schedule:

a. Complaints dismissed by Bar Counsel pursuant to Maryland Rule_19-711(b)(2): 3 years from the date of the last action on the file.

b. All other dismissed Complaints: 3 years from the date of the last action on the file.

c. Complaints dismissed with a warning: 6 years from the date of the last action on the file.

d. In all other cases, the files shall not be destroyed. For purposes of this section, destruction of paper files after such files have been transferred to computer storage is permitted immediately after such transfer.

4.7. In addition to the duties of Bar Counsel specified in the Maryland Rules and in these guidelines, Bar Counsel shall conduct his or her office in accordance with policies established by the Commission from time to time.

4.8. Bar Counsel shall report in the manner prescribed by the Commission at each Commission meeting on the status of all pending Complaints and Charges.

4.9. Bar Counsel shall give special attention to all cases which are not being processed with reasonable dispatch and shall regularly report thereon to the Commission or Commission Chair.

4.10. Bar Counsel shall assure that Complaints and records of investigations are kept confidential in accordance with the provisions of Maryland Rule 19-707.

4.11. Complaints shall be in writing, shall identify the Respondent and the Complainant, and shall be sufficiently clear to apprise the Respondent of the misconduct alleged or the basis for an allegation that the Respondent is incompetent. Bar Counsel may provide assistance to persons desiring to file a Complaint and may furnish forms for that purpose.

4.12. Bar Counsel may, but is not required, to investigate any Complaint which does not meet

the requirements of these Rules.

4.13. In addition to other methods of investigation, Bar Counsel may request the Respondent or any other Attorney who may have knowledge of pertinent facts to provide information either orally or in writing concerning the matter under investigation. It is the duty of every Attorney to respond promptly to any requests from Bar Counsel for information, except to the extent that the same is privileged, in which event the Attorney shall specifically assert the privilege involved. Failure to comply with the requirements of the last sentence of this Section may constitute a violation of Maryland Rule 19-308.1.

4.14. Before the conclusion of any investigation, Bar Counsel shall provide the Respondent with the name and address of the Complainant and the general nature of the alleged professional misconduct or incapacity under investigation unless, with the approval of the Commission, Bar Counsel proceeds under Maryland Rule 19-737, 19-738 or 19-739. Ordinarily, the Respondent shall be provided with correspondence from the Complainant which alleges misconduct on the part of the Respondent.

4.15. Upon completion of Bar Counsel's investigation, Bar Counsel shall take such action as is set forth in Maryland Rule 19-714 within thirty (30) days unless an extension of time is approved by the Chair of the Commission.

4.16. At least once each month, Bar Counsel shall submit to the Commission those complaints which, pursuant to Maryland Rule 19-715, Bar Counsel has determined should be dismissed or dismissed with a warning. If the Commission rejects Bar Counsel's recommendation that the complaint be dismissed or dismissed with a warning or rejects the language of the warning, it shall direct Bar Counsel to proceed in another manner consistent with the Rules.

4.17. At least once each month, Bar Counsel shall submit to the Commission those complaints in which the Respondent and Bar Counsel have agreed to Reprimands. Unless the time is extended by the Commission Chair for good cause, [w]ithin forty-five (45) days of the submission by Bar

Counsel of each Reprimand, the Commission shall approve the Reprimand, recommend amendment(s) to the Reprimand as a condition of approval, or disapprove the Reprimand. Only one extension may be granted, not to exceed thirty (30) days. Within thirty (30) days of the recommended amendment(s), Bar Counsel shall notify the Commission of the acceptance, rejection or modification of the amendment(s). If the Commission disapproves the Reprimand, it shall direct Bar Counsel to proceed in another manner.

4.18. Unless the time is extended by the Commission Chair for good cause, [w]ithin forty-five (45) days of the submission to the Commission of a Conditional Diversion Agreement, the Commission shall take such action as it deems appropriate pursuant to Maryland Rule 19-716. Only one extension may be granted, not to exceed thirty (30) days.

4.19. For purposes of this Guideline, submission of a complaint to the Commission shall mean submission to the Executive Secretary of the complaint file or such parts of the file as Bar Counsel shall deem necessary for the Executive Secretary to complete the report required pursuant to Section 5.3 of these Guidelines. Said submission, if practicable, shall be made no less than twenty (20) days prior to the Commission meeting.

4.20. Unless the time is extended by the Commission Chair for good cause, within ninety (90) days of the receipt by Bar Counsel of the direction from the Commission to file charges against a Respondent, Bar Counsel shall file a Petition for Disciplinary Action or Remedial Action in the Court of Appeals.

Section 5. EXECUTIVE SECRETARY

5.1. The Commission may select an attorney to serve as Executive Secretary. That attorney shall be a member of the Maryland Bar for no less than five (5) years. The Executive Secretary shall not represent any Respondent and shall not represent a Complainant with respect to any complaint made to the Attorney Grievance Commission.

5.2. The Executive Secretary shall have each of the powers and duties as are set forth in Maryland Rule 19-702 (e) and in the position description on file with the Commission.

5.3. The Executive Secretary shall prepare and present at each Commission meeting a written report summarizing each file presented to the Commission pursuant to Maryland Rules 19-714 and 19-720. The Executive Secretary shall include in his/her report a recommendation of approval or disapproval of the action sought to be taken by the Commission and the reasons therefor. A copy of each report shall be provided to each member of the Commission, if practicable, no later than ten (10) days before the Commission meeting.

5.4. The Executive Secretary shall copy each recommendation of each Peer Review Panel and provide same to each member of the Commission, if practicable, no later than ten (10) days prior to the Commission meeting.

5.5. A. The Executive Secretary may destroy files in his/her possession on the following schedule:

1. Complaints dismissed or terminated by the Commission pursuant to Maryland Rule 19-715(b): 60 days after notification to the Respondent of the dismissal or termination.

2. Complaints dismissed with a warning pursuant to Maryland Rule 19-715(c): sixty (60) days after the Commission issues the warning to the Respondent pursuant to Maryland Rule 19-715(c)(2).

3. Complaints that have been reviewed by a Peer Review Panel that have not

resulted in the filing of Charges, Reprimands or Conditional Diversion Agreements: sixty (60) days from the date of the last action on the file by the Executive Secretary.

4. Complaints that have resulted in Conditional Diversion Agreements: One (1) year from the termination of the Agreement pursuant to Maryland Rule 19-716(i), unless the Conditional Diversion Agreement is revoked, in which case the file shall be destroyed one (1) year from the date of the last action on the file by the Executive Secretary or one (1) year from the date of a final order of the Court of Appeals, whichever is later.

5. Complaints that have resulted in Reprimands pursuant to Maryland Rule 19-717: One (1) year from the date of the last action on the file by the Executive Secretary.

6. Complaints that have resulted in Charges being filed: One (1) year from the date of the final order of the Court of Appeals.

7. All other complaints: One (1) year after the date of the last action on the file by the Executive Secretary.

B. Bar Counsel's file destruction policies as set forth in Administrative and Procedural Guideline 4.6, shall not be affected by subsection "A" set forth above.

Section 6. PEER REVIEW PROCEDURES

6.1. The meeting of the Peer Review Panel shall occur within sixty (60) days after the appointment of the Panel. If the Panel determines that the meeting cannot be held within sixty (60) days, the Panel Chair shall seek an extension of time from the Commission Chair. If the Commission Chair grants an extension of time within which to hold the panel meeting, said extension shall not be for a period greater than sixty (60) days. Within fifteen (15) days of the Commission Chair's approval of the extension, the Chair of the Panel shall report to the Commission Chair the date, time and location of the Panel Meeting. If the Chair of the Panel fails to so inform the Commission Chair or the Panel Chair determines that the meeting cannot be held within the extended period of time, the Peer Review Chair shall be so notified by the Commission Chair and a new Panel shall be appointed pursuant to Maryland Rule 19-719.

6.2. Except under extraordinary circumstances, the Panel shall not hear from any person other than the Respondent, Complainant and Bar Counsel, unless Bar Counsel or the Respondent has requested, in writing, at least ten (10) days prior to the Panel Meeting, that the Panel hear from such person(s). The Panel need not grant such request(s).

6.3. At the commencement of the Peer Review Meeting, the Panel Chair shall state:

a. That the meeting is held pursuant to Maryland Rules 19-719 and 19-720 and that it is informal in nature.

b. That there is and shall be no record of the proceedings.

c. That the Bar Counsel, Respondent and each Complainant present are permitted to explain their positions and to offer such information and documents as the Panel finds relevant.

d. That the Panel is not bound by the rules of evidence, that any questioning of the Respondent and the Complainant(s) shall be at the Panel's discretion and that the panel shall respect all lawful privileges.

e. That if the Panel determines that the Statement of Charges has a substantial basis, it shall take such action as is permitted by Maryland Rule 19-720(c)(2).

f. That if the Respondent has not filed a timely response to the Statement of Charges and is not present, the Panel may accept as true, the information provided by Bar Counsel and/or the Complainant.

g. That the meeting is confidential and that nothing which transpires during the course of the meeting shall be disclosed except by members of the Panel consistent with their obligations pursuant to the Maryland Rules.

6.4. The Panel Chair, in consultation with the other members of the Panel, shall determine when the meeting is concluded. Upon the conclusion of the meeting, the Panel shall meet in private to deliberate.

6.5. If the Panel determines, by a majority vote of its members, that the Statement of Charges has a substantial basis and there is reason to believe that the Respondent has committed professional misconduct or is incapacitated, it shall take such action as is set forth in Maryland Rule 19-720 (c)(2). If the Panel determines that the Respondent should be reprimanded or that the parties should enter into a Conditional Diversion Agreement, it shall so inform the parties at the conclusion of the meeting. If the Respondent and Bar Counsel rejects the Panel's determination that the Respondent should be reprimanded, the Panel shall not make said recommendation to the Commission. If the Respondent agrees to the Panel's determination that the Respondent should be reprimanded, the Panel shall make said recommendation to the Commission with the contents of the proposed reprimand executed by Respondent. If the Respondent or Bar Counsel rejects the determination that a Conditional Diversion Agreement be adopted, the Panel shall not made said recommendation to the Commission. If the Respondent and Bar Counsel agree to a disposition of a reprimand or to a Conditional Diversion Agreement, then the contents of the reprimand or Conditional Diversion Agreement shall be presented to the Panel, and if satisfactory to the Panel,

the recommendation of the Panel to the Commission shall include and incorporate the contents of the reprimand or Conditional Diversion Agreement. The Panel may allow up to ten (10) working days for the parties to present to the Panel an executed proposed reprimand or Conditional Diversion Agreement. If the parties fail to present an executed proposed reprimand or Conditional Diversion Agreement within ten (10) working days, the Panel shall not recommend a Conditional Diversion Agreement but may recommend a reprimand with the agreement of Respondent, or take such other action as it deems appropriate consistent with the Rules and these Administrative and Procedural Guidelines.

6.6. The recommendation of the Peer Review Panel and any dissent from said recommendation shall be in writing and directed to the Commission within the time set forth in Maryland Rule 19-720(c)(3). The Panel shall forward to the Commission with its recommendation and any dissent all documents provided to it. Upon receipt of the recommendation the Commission shall provide a copy of it and any dissent to Bar Counsel and the Respondent. The recommendation of the panel shall contain its recommendation for action on each complaint addressed by the panel and shall state:

a. In the case of a recommended dismissal, the reason for the dismissal.

b. In the case of a recommended dismissal with a warning, the nature of the misconduct for which the Respondent should be warned and the Rule or Rules of Professional Conduct determined to have been violated by the Respondent.

c. In the case of a recommended reprimand, the nature of the misconduct for which the Respondent should be reprimanded and a copy of any proposed reprimand executed by the Respondent, and when both parties are in agreement, by Respondent and Bar Counsel.

d. In the case of a recommended Conditional Diversion Agreement, a copy of a proposed Conditional Diversion Agreement executed by the Respondent and Bar Counsel.

e. In the case of a recommendation that a Petition for Disciplinary or Remedial Action be filed, a brief description of the Respondent's alleged misconduct.

f. In the case of any determination that the Respondent is incapacitated, the nature of such incapacity.

g. In the case of a recommendation that a Petition for Disciplinary or Remedial Action be filed, the Panel may, but need not, designate the Rules of Professional Conduct violated by the Respondent.

h. The Executive Secretary shall receive the recommendation of the Peer Review Panel on behalf of the Commission.

6.7. Bar Counsel shall serve a copy of this section of the Administrative and Procedural Guidelines with the Statement of Charges on the Respondent.

6.8. Forms used by the Peer Review Committee shall be prepared in consultation with and shall be approved by the Chair of the Peer Review Committee and by the Commission. All forms used by Bar Counsel shall be approved by the Commission in advance of use.

Section 7. POST PEER REVIEW PROCEDURES

7.1. Unless the time is extended by the Commission Chair for good cause, [w]ithin forty-five (45) days of the receipt of a recommendation by a Peer Review Panel, the Commission shall take such action on the recommendation as is permitted pursuant to Maryland Rule 19-720(f). Only one extension may be granted, not to exceed thirty (30) days.

7.2. If the Commission rejects the recommendation of a Peer Review Panel that a complaint be dismissed or dismissed with a warning, the Commission may take any other action that could be recommended by the Peer Review Panel pursuant to Maryland Rule 19-720(e).

7.3 If the Commission rejects the recommendation of a Peer Review Panel that the Respondent be reprimanded, it may dismiss the complaint, dismiss the complaint with a warning or it may direct Bar Counsel to file a Petition for Disciplinary or Remedial Action. If the Commission determines that a Reprimand is appropriate but rejects the text of the reprimand proposed by the Peer Review Panel, it shall notify the Respondent and Bar Counsel of any amendment(s) to the Reprimand required as a condition for approval. If, within thirty (30) days of the Commission's determination, either party rejects the amendment(s), the Reprimand will be deemed rejected and the Commission shall dismiss the complaint, dismiss the complaint with a warning or direct Bar Counsel to file a Petition for Disciplinary or Remedial Action.

7.4 If the Commission rejects the recommendation of a Peer Review Panel that the parties enter into a Conditional Diversion Agreement, it may dismiss the complaint, dismiss the complaint with a warning or it may direct Bar Counsel to file a Petition for Disciplinary or Remedial Action. If the Commission determines that a Conditional Diversion Agreement is appropriate but rejects the text of the Agreement proposed by the Peer Review Panel, it shall notify the Respondent and Bar Counsel of any amendment(s) to the Agreement required as a condition for approval. If, within thirty (30) days of the Commission's determination, either party rejects the amendment(s), the Conditional Diversion Agreement will be deemed rejected and the Commission shall dismiss the complaint, dismiss the complaint with a warning or direct Bar Counsel to file a Petition for

Disciplinary or Remedial Action.

7.5 If a warning is proposed by the Commission after a Peer Review Panel has made its recommendation to the Commission and said warning is rejected by the Respondent, the Commission shall:

a. dismiss the complaint, or

b. direct Bar Counsel to file a Petition for Disciplinary or Remedial Action, or

c. direct Bar Counsel to determine whether a Conditional Diversion Agreement can be effected pursuant to Maryland Rule 19-716. If a Conditional Diversion Agreement is rejected by either party, the Commission shall act as is set forth in sections a. or b. herein.