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The Attorney Grievance Commission at Forty

July 1, 2015 marks the fortieth anniversary of the founding of the Attorney Grievance Commission of Maryland. The first annual report of the Commission noted that the Maryland State Bar Association responded to the "critical need for a uniform and centralized grievance and disciplinary system" by recommending to the Court of Appeals the adoption of new "BV" Rules that would set forth a reformed disciplinary system. The report further stated:

"On July 1, 1975, the Commission's full authority and responsibility became effective and, since then, the Commission has become a totally structured operational body handling all disciplinary matters involving lawyers on a state-wide basis."

And so it remains today. The Court of Appeals recognized, as did the MSBA, that local and state bar grievance resolution was unsatisfactory and that a professional office devoted full time to attorney discipline was required to meet the challenge of public protection while maintaining the critical value of lawyer self-regulation. We continue to meet that challenge and our forty-year experience is undergirded by a jurisprudence as comprehensive as any in the nation.

Our beginnings were modest in scope, but undoubtedly our ultimate success was assured by the quality of the original participants. The names of the original members of the Commission and the various committees still resonate all these years later. George Solter was the Chairman. He remained active in grievance matters long after I started in 1981. The annual report described the rules committee to establish procedures for the newly created inquiry panels – Bill Beckett and Pete Moser, legendary figures at the Bar, were named to it and were later named Chairs of the Commission. Walter Black, Jr., later a United States District Judge, was the first chairman of the Review Board. Professors Michael Millemann and the late Abe Dash were part of the narrative: they addressed 137 lawyers at a seminar on "The Law of Attorney Misconduct." The first Bar Counsel, L. Hollingsworth "Holly" Pittman, was ably assisted by the only other attorney on the staff, John A. Howard, now a Baltimore City Circuit Judge. Space limitations prevent me from recounting all the luminaries who were there at the beginning, but my personal experience prevents me from omitting the names of the original investigators. Jim Kennedy, formerly of the FBI, Ken Watkins, former Montgomery County Chief of Police and Frank Walsh, who had worked with the MSBA as an investigator for its Grievance Committee, selflessly helped mentor a young lawyer who was finding his way in the thicket of attorney discipline.

There were a number of changes along the way, among them: the Code of Professional Responsibility was replaced by the Rules of Professional Conduct; trust account record-keeping rules were adopted; the offices were moved from Annapolis to Crownsville; we installed an

electronic case management system; and grew our staff to meet the need of a lawyer population about five times the size it was in 1975.

In 2001, the disciplinary system was overhauled. The Court of Appeals determined that cases were taking too long to process to a conclusion and that absence of dispatch was at odds with the public interest. The system put in place, and the one we still use, fosters the fair and expeditious resolution of complaints. The Inquiry Committee and the Review Board were eliminated; replaced with the peer review process and a much larger role for the Commission itself. Since that momentous change, the Commission has been led by only two Chairs: David Downes and Linda Lamone. Mel Hirshman's 29-year tenure as Bar Counsel provided stability as the Commission moved forward from its early years to the challenges of the 21st century. Their contributions to Maryland's disciplinary system cannot be overstated. While there have been changes, and there will be more to come, overall, the system has served the Bar and the public well and, I am certain, will continue to do so.

The Maryland disciplinary system's greatest strengths have been the dedication of the staff and the commitment of time and talent by faithful and uncompensated lawyers and laypeople of the Commission and by those who volunteer to serve on panels. This has been true from the first day to today. As we settle into our new home, back in Annapolis after a twenty-five year absence, I am confident that our future will be marked by this same dedication and loyalty to the values of those who were there at the beginning.

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