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NOTICE: CHANGES TO MARYLAND RULE 19-301.15

On July 18, 2024, the Standing Committee on Rules of Practice and Procedure submitted its 223rd Report to the Supreme Court of Maryland for consideration. Among the Committee's recommended Rule changes was an amendment to Rule 19-301.15(c), which governs the safekeeping of property, to replace the provision establishing an exception to the general rule that an attorney may not withdraw fees from the attorney's escrow account until they are earned with a provision that merely contained the general rule.

On November 13, 2024, the Supreme Court approved the Rule changes, which go into effect on July 1, 2025.

In the amended Rule 19-301.15, the prior provision in subsection (c) pertaining to informed consent will be replaced with the following language: "An attorney shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the attorney only as fees are earned or expenses incurred." The Rule change eliminates the ability of the client to agree to a different arrangement.

The changes to Rule 19-301.15 also include a stylistic change to Comment 1; the deletion of Comment 3; the renumbering of Comments 4, 5, and 6 to Comments 3, 4, and 5, respectively; and the addition of a cross reference following renumbered Comment 3.

The amendment to Rule 19-301.15 brings it into closer alignment with American Bar Association Model Rule of Professional Conduct 1.15. The Maryland Rule will no longer align with the District of Columbia's version of Rule 1.15.

The Office of Bar Counsel is providing this information as a courtesy in an effort to bring practitioners' attention to this upcoming Rule change. Attorneys should, as always, review relevant upcoming Rule changes and review the manner in which they handle fees and their retainer agreements to ensure compliance with the requirements of Rule 19-301.15(c) as amended.

For more information about the upcoming Rule changes, including the full text of the 223rd Rules Report, please refer to the Proposed Rules Changes and Recent Rules Orders section of the Maryland Courts website, available at <https://www.mdcourts.gov/rules/ruleschanges>.