Managing the Case

Attorney Grievance Hearings

01 OPEN | 02 SCHEDULE | 03 RULE | 04 HEAR | 05 CLOSE

ROLE REMINDER

Understand your role and operate within the confines of your role. Walk through the rules that apply to the proceeding, even if you are a veteran. Manage the case, develop the record, resolve factual disputes, file findings. Do not recommend sanctions. The Supreme Court decides under Md. Rules 19-727 and 19-741.

01 OPEN *first file review*

☐ **Designation order**	Read the Supreme Court order naming the hearing judge and clerk.
☐ **Caption + posture**	Confirm respondent, charges, service, and whether the respondent has appeared or answered.
☐ **Recusal · stay · ripeness**	Elevate recusal or stay issues at once. Stay may be appropriate when an underlying case is a condition precedent.
☐ **Ticklers set**	Calendar answer, scheduling order, 120-day hearing window, and 45-day FOFCOL deadline.
☐ **Working record file**	Pleadings, orders, admitted exhibits, witness list, transcript status, proposed-findings folder.

02 SCHEDULE *service, answer, and order*

☐ **Answer due**	15 days after service unless the Supreme Court specifies another time. Md. Rule 19-724.
☐ **Defenses in the answer**	Service objections and defenses belong in the answer, not a preliminary motion.
☐ **Scheduling order**	Judge's obligation: enter within 15 days after the date on which an answer is due, after consultation with Bar Counsel and the attorney. Md. Rule 19-722.
☐ **Order contents**	Discovery scope and completion, expert designation, motion deadline, pretrial and exhibit exchange, hearing dates.
☐ **Alternative service**	If requested, make a clear order and preserve the proof-of-service record.

03 RULE *motions, default, discovery*

☐ **Permitted motions**	Md. Rule 19-725(c): discovery, pre-hearing procedural matters, or matters arising at the hearing.
☐ **Not permitted**	Motions to dismiss, motions for summary judgment, and motions for judgment. The circuit judge may not dismiss the petition.
☐ **Default**	No timely answer: treat the failure as a default and apply Md. Rule 2-613. Default does not eliminate the need for proof, a sufficient record, and detailed findings.
☐ **Discovery sanctions**	If sanctions are entered for discovery or default failures, state the sanctions and what remains open, including mitigation if applicable.
☐ **Peer-review materials**	Confidential. Not discoverable.

Managing the Case · back

Hearing control, proof burdens, post-hearing handoff

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04 HEAR *proof burdens and the record*

☐ **Bar Counsel: averments**	Clear and convincing evidence.
☐ **Bar Counsel: aggravators**	Clear and convincing evidence.
☐ **Respondent: defenses**	Affirmative defenses, mitigation, or extenuation by a preponderance.
☐ **After Bar Counsel rests**	If Respondent moves for judgment, identify the motion as not permitted under Md. Rule 19-725(c), preserve the record, and state reasons.
☐ **Complainant testimony**	Before the hearing closes, the judge may permit complainant testimony about the effect of the alleged misconduct, subject to cross-examination.
☐ **Remedial-action evidence**	Attorney may offer; Bar Counsel may respond.
☐ **Rules of evidence**	Non-jury civil trial rules apply unless Title 19 says otherwise.
☐ **Hearing logistics**	Witness order, exhibit volume, de bene esse depositions, remote testimony, experts, interpreters, objections.

05 CLOSE *then write*

☐ **Before leaving the bench**	Confirm exhibits, witness list, transcript order, and proposed-FOFCOL schedule.
☐ **Proposed findings**	Ask for proposed findings in Word if useful. Maintain independent factual findings and legal conclusions.
☐ **Extension**	Request from the Supreme Court before a deadline becomes a crisis. Do not rely on party consent.
☐ **File the statement**	No later than 45 days after hearing conclusion. Md. Rule 19-727(e).
☐ **Move to Writing Findings and Conclusions**	Structure, credibility, rule-by-rule conclusions, aggravation and mitigation findings.

IF A DEADLINE IS AT RISK

Ask early. Make the extension request concrete with a proposed date and the reason the record needs more time. The Supreme Court controls the Title 19 deadlines.

CITATIONS · RULE · WHY IT FIRES

Md. Rule 19-722	Order designating judge and clerk. Judge enters scheduling order within 15 days after the answer is due.
Md. Rule 19-723	Service of the petition on the respondent.
Md. Rule 19-724	Answer due in 15 days after service unless the Supreme Court orders otherwise. Defenses and objections belong in the answer.
Md. Rule 19-724(c)	No timely answer: court treats failure as a default; Rule 2-613 applies. Proof and detailed findings still required.
Md. Rule 19-725(c)	Permitted motions; dismissal and summary-judgment motions are not permitted.
Md. Rule 19-727(d)	Hearing completed within 120 days after service on the attorney of the Rule 19-722 designation order.
Md. Rule 19-727(e)	Written statement filed within 45 days after the hearing.
Md. Rule 19-741	Supreme Court determines sanction.