

A HWG LLP Guide to Getting Admitted to the D.C. Bar and Avoiding the Unauthorized Practice of Law

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INTRODUCTION

This is a review and summary of the D.C. Bar admissions process and tips for avoiding the unauthorized practice of law authored by HWG LLP's Legal Ethics and Malpractice Group. Our ethics team—all experienced litigators—assists lawyers, law graduates, and law students with the process of applying for admission to the D.C. Bar and represents lawyers who have found themselves the subject of an investigation regarding the unauthorized practice of law.

This document is an effort to distill a complicated procedure into a practical step-by-step process.¹ This guide describes the admissions process from start to finish and provides suggestions for completing the application. We also provide suggestions for avoiding the unauthorized practice of law in D.C.—governed by D.C. Court of Appeals Rule 49—and highlight some common pitfalls.²

Please note that all sections below were updated in February 2025, so be sure to check whether there have been any changes to Rules 46 and 49 since this document was last revised.³

PART 1

GETTING ADMITTED TO THE D.C. BAR (RULE 46)

I. About the Committee on Admissions

D.C. Court of Appeals Rule 46(a) requires the court to appoint the Committee on Admissions, a standing committee of at least seven D.C. Bar members. One D.C. Bar member must serve as counsel to the Committee. Committee terms are for three years. If a vacancy arises before the end of a member's term, the successor will serve the unexpired term. A member shall not be appointed to serve longer than two consecutive three-year terms unless the court makes an exception. Members are immune from civil suit for conduct in the course of their

¹ On May 13, 2021, D.C. Court of Appeals Rule 46—the rule governing admission to the D.C. Bar—underwent a major overhaul, modifying a series of longstanding provisions. Order, No. M-273-21, 2 (D.C. May 13, 2021). This guide incorporates those amendments, which took effect on July 12, 2021 (sixty days after the court's May 13, 2021 order). The Rule was subsequently updated, with non-substantive changes, effective June 10, 2024. *See generally* D.C. App. R. 46 (effective June 10, 2024).

² On November 13, 2024, the D.C. Court of Appeals amended Rule 49. Order, No. M-283-24, 2 (D.C. Nov. 13, 2024). This guide incorporates those amendments, which took effect on January 13, 2025 (sixty days after the court's November 13, 2024 order). This included a change that provides the director of the D.C. Court of Appeals Committee on Admissions additional discretion to permit lawyers admitted in other states to continue practicing in D.C. after an initial 365-day period while an application for admission is pending with the Bar. D.C. Bar, *D.C. Court of Appeals Amends Rule 49* (Nov. 22, 2024), <https://www.dcbar.org/news-events/news/d-c-court-of-appeals-amends-rule-49> (last visited Jan. 21, 2025).

³ This document does not create an attorney-client relationship between our firm and the reader. Individual situations vary widely, and we recommend that anyone with questions or concerns seek representation and advice from counsel familiar with their particular circumstances.

official duties. Shela Shanks is currently the Director of the Committee on Admissions and the Unauthorized Practice of Law. She is the person to email to request an extension of the 365-day period for practicing while one's D.C. Bar application is pending pursuant to Rule 49(c)(8), which is discussed in more detail below.

II. Admission by Examination, D.C. Rule 46(c)

D.C. Court of Appeals Rule 46(b)(1)(B)(i) provides that admission to the D.C. Bar may be based on “examination in this jurisdiction,” with Rule 46(c) governing the rules for admission by exam.

A. Eligibility

If you seek to gain admission to the D.C. Bar by taking the D.C. Bar exam, you must meet one of two eligibility requirements.

1. If you have graduated with or have completed all requirements for graduation with a J.D. or LL.B. degree from an ABA-approved law school, you are eligible to take the D.C. Bar exam, provided that your law school was ABA-approved at the time your degree was conferred.⁴ You may take the D.C. Bar exam if your degree was conferred before the first day of the Bar exam or is expected to occur within three months of the first day of the exam.⁵ You must submit a certification demonstrating your graduation from an ABA-approved school with the required degree in order to be admitted to the D.C. Bar.⁶
2. If you graduated from a law school that is not ABA-approved, you are eligible to take the D.C. Bar exam after completing at least twenty-six credit hours of study in an ABA-approved law school, with all twenty-six credits earned in topics “substantially concentrated” on subjects tested on the Uniform Bar Examination (“UBE”).⁷ Those credit hours may be earned through remote instruction courses that meet the ABA’s definition of “distance education course.”⁸

In addition, you must take the Multistate Professional Responsibility Examination (“MPRE”) and receive the minimum passing score required by the Committee on Admissions

⁴ D.C. App. R. 46(c)(3).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* R. 46(c)(4).

⁸ ABA Standards and Rules of Procedure for Approval of Law Schools 2024-2025 at ix (Am. Bar Ass’n 2024) (“‘Distance Education Course’ means one in which students are separated from all faculty members for more than one-third of the instruction and the instruction involves the use of technology to support regular and substantive interaction between the students and all faculty members, either synchronously or asynchronously.”).

(the “Committee”).⁹ The minimum passing MPRE score is currently 75 for the D.C. Bar.¹⁰ You can take the D.C. Bar exam before receiving the required MPRE score, but you will not be admitted to the D.C. Bar without receiving that score.¹¹

You are permitted to take the D.C. Bar exam up to four times.¹² After that, you may not attempt to take the D.C. Bar exam again absent a showing of extraordinary circumstances.¹³

B. Application and Payment

Applications for admission by the July 2025 exam are accepted from March 1, 2025 through 5pm Eastern Time on March 31, 2025.¹⁴ Applications for admission by the February 2025 exam were accepted from November 1, 2024, through 5pm Eastern Time on November 21, 2024, with *no late filing period*.¹⁵ Requests for accommodations are due at the time of the application (for the February 2025 exam, no later than November 21).¹⁶

The application must be accompanied by payment or proof of payment.¹⁷ As of December 20, 2024, the fee for the February 2025 and July 2025 administrations of the exam is \$405 for a first-time applicant, plus an additional NCBE investigation fee.¹⁸ Application fees are not refundable or transferable.¹⁹

C. Exam

The D.C. Bar exam is held on successive days in February and July of each year.²⁰ The D.C. Bar administers the UBE, which is developed by the National Conference of Bar Examiners

⁹ D.C. App. R. 46(c)(5).

¹⁰ *Frequently Asked Questions*, D.C. COURT OF APPEALS, <https://admissions.dcappeals.gov/faq> (last visited Jan. 21, 2025) (“FAQs”).

¹¹ *Id.*

¹² D.C. App. R. 46(c)(13).

¹³ *Id.*

¹⁴ *July 2025 Bar Exam Announcement*, D.C. COURT OF APPEALS, <https://admissions.dcappeals.gov/allnews.action> (last visited Jan. 21, 2025).

¹⁵ *Bar Exam Fees*, D.C. COURT OF APPEALS, <https://admissions.dcappeals.gov/bar-exam-fees> (last visited Jan. 21, 2025).

¹⁶ *Id.*; *See infra* Part 1, Section III for more detail on the D.C. Bar application.

¹⁷ D.C. App. R. 46(c)(2)(B).

¹⁸ *Bar Exam Fees*, *supra* note 16.

¹⁹ *FAQs*, *supra* note 11.

²⁰ D.C. App. R. 46(c)(1).

(“NCBE”). The UBE includes a written component and a multiple-choice component.²¹ The written component of the exam has two parts: the Multistate Essay Examination and the Multistate Performance Test.²² The multiple-choice component consists of the Multistate Bar Examination (“MBE”).²³ In order to earn a transferable UBE score, you are required to take both the written and multiple-choice components of the exam in a single administration of the exam.²⁴

You should carefully review the instructions on your D.C. Bar application and should also review the instructions posted on the Committee’s website. If you fail to comply with those instructions, you risk being dismissed from the exam room or having your score invalidated.²⁵

D. Determining Pass/Fail Status

After the exam is administered, the NCBE will convert applicants’ raw scores on the written and multiple-choice components of the exam into scaled scores.²⁶ You must earn a combined UBE scaled score of at least 266 to pass the D.C. Bar exam.²⁷

The Director of the Committee on Admissions and the Unauthorized Practice of Law (currently Shela Shanks) will notify each successful and unsuccessful applicant of their written component scaled score, MBE scaled score, and combined UBE scaled score in writing. After that notice, an alphabetical list of successful applicants is made publicly available.²⁸ Generally, applicants who take the February administration of the exam will receive their results in May, and applicants who take the July exam will receive their results in October.²⁹

Exam scores are not adjusted after the list of successful applicants is published, but unsuccessful applicants—those who received a scaled score below 266—may submit a request to review their graded written component answers.³⁰ You should not, however, communicate with Committee members or exam graders about *any* applicant’s performance on the exam, including your own performance.³¹

²¹ *Id.* R. 46(c)(7)(A).

²² *Id.*

²³ *Id.*

²⁴ *Id.* R. 46(c)(7)(B).

²⁵ *Id.* R. 46(c)(6).

²⁶ D.C. App. R. 46(c)(8).

²⁷ *Id.* R. 46(c)(9)(A).

²⁸ *Id.* R. 46(c)(10).

²⁹ *FAQs*, *supra* note 11.

³⁰ D.C. App. R. 46(c)(11).

³¹ *Id.* R. 46(c)(14).

III. Tips for Filling Out Your D.C. Bar Application

Compiling the information required for the D.C. Bar application takes considerable time and effort. You should begin your application as soon in advance as possible so that you can locate the necessary information. The D.C. Bar asks for driving records, prior residences, transcripts, current and former employers, and other information which you may not currently have in your possession. As early as your 3L year, it is best to start collecting your previous addresses, work history, driving records, and records of any court cases. Gathering that information will take longer than you think, and the last thing you want to be doing when you are starting your first full-time job after law school is scrambling to put together the necessary information.

Even if you are not yet ready to officially begin your application, you can review the application questions by visiting <https://admissions.dcappeals.gov/home>, clicking on the “Information & Applications” tab, and reviewing the “Application for Admission by Examination.”³² Since April 16, 2021, the application has made clear that in the context of mental health and dependency, “[t]he mere fact of treatment, monitoring or participating in a support group” is not only not a basis for denial of an application, but “does not need to be reported.”³³ You are also no longer required to list your voluntary bar memberships nor debts under \$500.³⁴ Reviewing this application as early as possible can help you to understand the specific information you will be asked to find and report so that you can plan accordingly.

When you fill out your D.C. Bar application, candor is critical. D.C. Rule of Professional Conduct 8.1(a) states that “[a]n applicant for admission to the Bar . . . shall not . . . [k]nowingly make a false statement of fact.” The D.C. Bar application requires detailed information about your previous employment, residence, discipline history, and more, some of which may seem unrelated to your ability to function effectively as a lawyer. Comment [1] to D.C. Rule 8.1 makes clear, however, that “[l]ack of materiality does not excuse a knowingly false statement of fact.”³⁵ When answering each application question, begin by reading the question carefully to ensure that you understand precisely what information you are being asked to provide. Pay specific attention to date ranges and explanatory notes. Then, provide all information which

³² Once you begin working on your application, be sure to fill out and submit all required forms. *See infra* Part 1, Sections VII.B–D for more information.

³³ *Character & Fitness*, D.C. COURT OF APPEALS, <https://admissions.dcappeals.gov/browseform.action?applicationId=240&formId=240&startNew=true> (last visited Jan. 21, 2025).

³⁴ *Id.* (You must report any “debt of \$500 or more that has been more than 90 days past due within the past three years that was not resolved in bankruptcy.”).

³⁵ D.C. Rules of Pro. Conduct R. 8.1 cmt. [1].

arguably falls within the purview of that question. When the question is unclear, err on the side of disclosure—this is not the time to parse words to your advantage.

Before submitting your application, take care to ensure you have not unintentionally omitted information. Although D.C. Rule 8.1 only prohibits “knowingly” making false statements, you do not want to be put in the position of arguing with the Bar about whether a misstatement was intentional. Some of the requested information can be difficult to recall. For example, the application asks for “every permanent or temporary physical address where you have resided for a period of one month or longer” and all “employment and unemployment information” from either the last ten years or since age eighteen, whichever period is shortest.³⁶

Do not just rely on your own memory when answering these questions. Look through your records, including old resumes, applications, and tax documents. Seek out assistance from close friends or family members or even use creative strategies like looking through pictures or social media posts from the relevant periods to help jog your memory. Again, even though it might seem irrelevant that you spent a summer in college working at an ice cream parlor, this type of information must be included if called for by the question.

Spending extra time ensuring the accuracy of your application is far preferable to dealing with a delay in processing as the result of an error. In D.C., it is your character and fitness application which poses the final barrier to admission, as the character and fitness review is conducted after you are notified that you passed the Bar examination.³⁷ Only once that review is successfully completed, will you be certified for admission. Until you are admitted, you must carefully comply with all ethical rules to avoid the unauthorized practice of law.³⁸

IV. Admission by Reciprocity, D.C. Rules 46(d)–(e)

Admission by reciprocity can take a couple forms. You are eligible for admission through score transfer if you have attained a scaled score of at least 266 on a single UBE exam administration and graduated from an ABA-approved law school, or received at least twenty-six credit hours from an ABA-approved law school in subjects tested on the UBE exam.³⁹ You must also have passed the MPRE with a scaled score of at least 75.⁴⁰ You must apply within five years

³⁶ *Residences*, D.C. COURT OF APPEALS, <https://admissions.dcappeals.gov/browseform.action?applicationId=240&formId=240&startNew=true> (last visited Jan. 21, 2025).

³⁷ See *FAQs*, *supra* note 11.

³⁸ See D.C. App. R. 49(a); *infra* Part 2.

³⁹ *Id.* R. 46(d)(3).

⁴⁰ *General Instructions on How to Apply for Admission Without Examination by UBE Score Transfer*, D.C. Court of Appeals, <https://admissions.dcappeals.gov/browseform.action?applicationId=241&formId=393&startNew=true> (last visited Jan. 21, 2025).

of attaining the UBE score.⁴¹ The D.C. Court of Appeals no longer permits members of another bar to apply for admission to the D.C. Bar based on an MBE score.⁴² As of January 2025, the non-UBE states were California, Delaware, Florida, Georgia, Hawaii, Louisiana, Mississippi, Nevada, South Dakota, Virginia, and Wisconsin. Check the NCBE website (ncbex.org) for changes in the future.

Alternatively, a lawyer admitted to practice and in good standing in another state or territory for at least three years prior to the filing of an application for membership in the D.C. Bar is eligible for admission by motion.⁴³

All applicants, even those admitted to another bar, are subject to full character and fitness review.

V. Special Legal Consultants, D.C. Rule 46(f)

The District of Columbia recognizes a special category for lawyers admitted in a foreign country who are not admitted in the United States: the Special Legal Consultant.⁴⁴ A person licensed to practice as a Special Legal Consultant may open an office in D.C. and may offer legal advice regarding the law of the country where they are admitted. But Special Legal Consultants may *not* hold themselves out as members of the D.C. Bar, may not independently provide legal advice or prepare legal instruments regarding U.S. law, and may not represent clients in court proceedings (unless admitted *pro hac vice*).

Foreign attorneys may be admitted as Special Legal Consultants by filing an application demonstrating that they (1) are admitted in a foreign country and are in good standing, (2) are of good moral character, (3) intend to practice as a Special Legal Consultant and maintain an office in the District of Columbia, and (4) are at least twenty-six years old.⁴⁵ The application must include a certificate of good standing (with an authenticated English translation) and a summary of the law and customs of the foreign country “that relate to the opportunity afforded to members of the Bar of this court to establish offices for the giving of legal advice to clients in such foreign country.”⁴⁶ The court may, in its discretion, consider these customs in deciding whether to admit

⁴¹ D.C. App. R. 46(d)(3)(B).

⁴² *See id.* R. 46(e)(3)(B)(i)–(iv).

⁴³ *Id.* R. 46(e)(3)(A). (Note that requirement was five years of admission to another bar until July 12, 2021. *See* Order, No. M-273-21 (D.C. May 13, 2021).).

⁴⁴ *See id.* R. 46(f).

⁴⁵ *Id.* R. 46(f)(1).

⁴⁶ *Id.* R. 46(f)(2).

an application.⁴⁷ The Court of Appeals can waive these requirements in special circumstances.⁴⁸ Special Legal Consultants must be careful not to hold themselves out as attorneys or as members of the D.C. Bar.

VI. Diploma Admission

The District of Columbia does not generally have a “diploma privilege”—the ability to obtain a law license without taking the Bar exam and based solely on graduating from an ABA-approved law school. But as a result of COVID-19, the D.C. Court of Appeals issued an emergency “exam waiver,” effectively creating a one-time diploma privilege for 2019 and 2020 graduates who met certain requirements. The requirements are codified in D.C. Court of Appeals Rule 46-A. As of the date of this publication, the deadline to apply for the diploma privilege has passed, and the privilege is not available to new applicants.

VII. Character and Fitness Questionnaire/Supplement

A. Procedure

Pursuant to D.C. Rule 46(g), when you apply for admission to the D.C. Bar, you have the burden of showing by clear and convincing evidence that you possess the good moral character and general fitness to practice. What that means is that you must fill out your D.C. Bar application, which will include a character and fitness questionnaire. Once you have submitted a completed application, the Committee may determine if it can certify you for admission without any hearing. If not, the Committee will notify you that you must appear for an informal hearing.⁴⁹ If the Committee is unwilling to certify you after an informal hearing, it will notify you of “the adverse matters on which the Committee relied in denying certification” and “the choice of withdrawing the application or requesting a formal hearing.”⁵⁰ At that point, you have 30 days to request a formal hearing. If you fail to do so, your application will be deemed withdrawn.

B. Character and Fitness Issues

D.C. Rule 46(h)(1) lists factors, among others, the Committee must consider in determining whether you possess good moral character and general fitness:

(A) misconduct in employment;

⁴⁷ *Id.* R. 46(f)(5).

⁴⁸ *Id.* R. 46(f)(3).

⁴⁹ D.C. App. R. 46(i).

⁵⁰ *Id.*

- (B) acts involving dishonesty, fraud, deceit, or misrepresentation;
- (C) abuse of legal process, including the filing of vexatious lawsuits;
- (D)-(E) neglect of financial responsibilities or professional obligations;
- (F) violation of a court order, including child support;
- (G)-(H) evidence of mental health disorder that impairs fitness to practice law or substance use disorder;
- (I) denial of admission to the bar in another jurisdiction on character and fitness grounds;
- (J) disciplinary action by attorney disciplinary agency or other professional agency;
- (K) material information omitted from or misrepresented in the application; and
- (L) evidence that you have not demeaned yourself uprightly in any court or when interacting with a court, an opposing party, or during the application process.

D.C. Rule 46(h)(2) lists factors the Committee will consider in assigning weight and significance to the above-mentioned conduct:

- (A)-(B) your age at the time of the conduct as well as the recency of the conduct;
- (C) the reliability of information concerning the conduct;
- (D) the seriousness of the conduct;
- (E) the factors underlying the conduct;
- (F) the cumulative effect of the conduct or information;
- (G)-(H) evidence of rehabilitation and your positive contributions to the community since the conduct;
- (I) your candor and comportment in the admissions process; and
- (J) materiality of any omissions or misrepresentations.

C. Questions

In D.C., the character and fitness questions are a portion of your Bar application. The Character and Fitness questionnaire is available on the Committee's website here:

<https://admissions.dcappeals.gov/browseform.action?applicationId=240&formId=240&startNew=true>. Specific Character and Fitness questions include the following:

1. Applicant Information. For example, full name, Social Security number, birth date, etc.
2. Contact Information. Mailing address and phone number.
3. Attorney Discipline. For example, have you ever been disbarred, suspended, censured, or otherwise reprimanded or disqualified as an attorney?
4. Attorney Complaint. Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as an attorney, including any now pending?
5. Unauthorized Practice of Law. Have you ever been the subject of any charges, complaints, or grievances (formal or informal) alleging that you engaged in the unauthorized practice of law, including any now pending?
6. Sanction or Disqualification. Have sanctions ever been entered against you, or have you ever been disqualified from participating in any case?
7. Professional Complaint. Have you ever been the subject of any charges, complaints, or grievances (formal or informal) concerning your conduct as a member of any other profession, or as a holder of public office, including any now pending?
8. Education. For example, have you ever been dropped, suspended, warned, placed on scholastic or disciplinary probation, expelled, requested to resign, allowed to resign in lieu of discipline, otherwise subjected to discipline, or requested to discontinue your studies by any college or university?
9. Employment Actions. Have you ever been disciplined, suspended, laid off, permitted to resign (in lieu of termination), or terminated from any job?
10. Licenses. Have you ever been denied a license or had a license revoked for a business, trade, or profession?
11. Professional Discipline. Have you ever been suspended, censured, or otherwise reprimanded or disqualified as a member of another profession, or as a holder of public office?
12. Bond. Has any surety on any bond on which you were the principal been required to pay any money on your behalf?
13. Conduct or Behavior. Within the past five years, have you exhibited any conduct

or behavior that could call into question your ability to practice law in a competent, ethical, and professional manner?

14. Condition or Impairment. Do you currently have any condition or impairment (including, but not limited to, substance abuse, alcohol abuse, or a mental, emotional, or nervous disorder or condition) that in any way affects your ability to practice law in a competent, ethical, and professional manner? Note: In this context, “currently” means recently enough that the condition or impairment could reasonably affect your ability to function as a lawyer.

The mere fact of treatment, monitoring, or participating in a support group does not need to be reported, nor is it a basis upon which admission is denied.

15. Defense or Explanation. Within the past five years, have you asserted any condition or impairment as a defense, in mitigation, or as an explanation for your conduct in the course of any inquiry, any investigation, or any administrative or judicial proceeding by an educational institution, government agency, professional organization, or licensing authority; or in connection with an employment disciplinary or termination procedure?

The purpose of this inquiry is to allow jurisdictions to determine the current fitness of an applicant to practice law. The mere fact of treatment, monitoring, or participation in a support group is not, in itself, a basis on which admission is denied; jurisdictions’ bar admission agencies routinely certify for admission individuals who demonstrate personal responsibility and maturity in dealing with fitness issues. The National Conference of Bar Examiners encourages applicants who may benefit from assistance to seek it.

16. Legal Proceedings. For example, have you ever been a named party to any civil action? If yes, include a copy of the associated pleadings, judgments, final orders, and/or docket report. Note: Family law matters (including divorce actions and continuing order for child support) should be included here.
17. Financial Responsibility. For example, have you ever had a credit card or charge account revoked that was not resolved in bankruptcy?
18. Character References. Provide complete information for at least six references, preferably persons who have known you for a minimum of five years. You are encouraged to include one reference from every locality where you have lived during the last ten years.
19. Additional Information. This is an opportunity to “provide additional information”

or “further explain any of your previous responses.”⁵¹

Again, please see the entire Character and Fitness application for all questions. As noted above, it is important to approach each part of the application with care and candor. You do not want to inadvertently omit something that could raise a question about your honesty.

D. Additional Application Requirements

After completing the Character and Fitness portion of your application, you will need to finalize your application by submitting an authorization and release, as well as a declaration that you have met all education requirements. If you graduated or plan to graduate from an ABA-approved law school, only a signed declaration is necessary to satisfy the educational requirement. If you do not have a J.D. from an ABA-approved law school, you must upload the following:

1. Declaration of Graduation from a non-ABA-approved law school;
2. Declaration of Completion/Anticipated Completion of 26 Credit Hours at an ABA-approved law school;
3. Copy of Diploma from a non-ABA-approved law school;
4. Copy of Official Transcripts from a non-ABA-approved law school;
5. Copy of Official Transcripts from an ABA-approved law school;
6. Copy of Course Descriptions from an ABA-approved law school.⁵²

You must also pay the filing fee. It is important to remember that even if the Character and Fitness portion of your application is complete, the D.C. Bar will not consider your application to be finalized until you have paid the fee and submitted all required documentation. You *must* do so by the stated deadline as the D.C. Bar is extremely unlikely to accept a late filing. If you have any doubt as to whether your application is complete, you may call the D.C. Committee on Admissions to confirm at 202-879-2710 or contact the appropriate individual by email: <https://admissions.dcappeals.gov/contact>.

E. Supplement

If there are any major inconsistencies between your D.C. Bar application and a prior application (e.g., law school application, other graduate school application, or another bar

⁵¹ *Character & Fitness*, supra note 34.

⁵² *Bar Exam Instructions*, D.C. COURT OF APPEALS, <https://admissions.dcappeals.gov/appinfo.action?id=1> (last visited Jan. 21, 2025).

application), or if you omitted something from your D.C. Bar application accidentally, you may wish to supplement your application. Additionally, while your application is pending, you must supplement your application to supply additional or changed information in response to the questions (e.g., you move and have an additional address). If the supplement is something that may impact the Committee's view concerning whether you are fit to practice law (e.g., you omitted past criminal conduct that was ultimately sealed but have decided to reveal it, or you are adding a recent DUI), you should consult counsel for further guidance.

The mechanics of supplementing your application are fairly straightforward. You are able to amend your application online by clicking the "amend application" button.

Additionally, you may receive an inquiry from the Committee. In those circumstances, you must respond to the inquiry. We suggest you seek the advice of counsel if you receive such inquiry.

F. Hearing

As noted above, the Committee may request an informal hearing. We suggest that you seek the advice of counsel if the Committee requests any hearing. If the Committee refuses to certify you after the informal hearing, you will be given thirty days to request a formal hearing.⁵³ Once you do that, the Director of the Committee will give you no less than ten days' notice of the following:

- A. The date, time, and place of the formal hearing;
- B. The adverse matters upon which the Committee relied in denying admission;
- C. Your right to review in the office of the Director those matters in the Committee file pertaining to your character and fitness upon which the Committee may rely at the hearing; and
- D. Your right to be represented by counsel at the hearing, to examine and cross-examine witnesses, to adduce evidence bearing on moral character and general fitness to practice law and, for such purpose, to make reasonable use of the court's subpoena power.⁵⁴

Additionally, the formal hearing will be private unless you request that it be public.⁵⁵ While the hearing will be formal, the Committee is not bound by the rules of evidence and may consider

⁵³ D.C. App. R. 46(i)(2).

⁵⁴ *Id.* R. 46(i)(3)(A).

⁵⁵ *Id.* R. 46(i)(3)(B).

evidence other than testimony.⁵⁶ The Committee may also take depositions.⁵⁷ The formal hearing will be recorded, and you may request a transcript at your expense.⁵⁸

After the formal hearing, the Committee shall serve you a copy of its findings and conclusions.⁵⁹ You will have fifteen days to withdraw your application unless the Committee extends this time. If you do not withdraw your application, the Committee will deliver its findings and conclusions to the court for its approval. The Committee will also serve you with a copy.

G. Review by the Court

Review by the D.C. Court of Appeals is governed by D.C. Rule 46(j). After receipt of a Committee report, if the court decides to deny admission, the court shall issue an order to you to show cause for why the application should not be denied. Proceedings under this Rule shall be heard by the court on the record made by the Committee. The court will not review any other actions by the Committee absent a “showing (A) of extraordinary circumstances for instituting such review; and (B) that an application for relief has previously been made in the first instance to the Committee and been denied by the Committee, or that an application to the Committee for the relief is not practicable.”⁶⁰

VIII. Getting Admitted: The Swearing-In Process

Once your application is complete and the Committee has deemed you fit for admission (i.e., the members have evaluated your character and fitness), the Committee will certify you for admission. You will receive an email from the Committee, informing you of the Committee’s decision and detailing next steps. There are two main things you must do. First, you must complete the Supplemental Questionnaire (<https://bit.ly/2HGjRD1>) in which you will report any changes to your status since you applied for admission. A “yes” response to any item requires additional review by the Committee before you complete the swearing-in process. If you answer “no” to all of the questions, you may continue with the swearing-in process. The Declaration on the Supplemental Questionnaire must be signed and dated on the day you submit your oath.

Second, you must complete the swearing-in process (i.e., perform your oath). Pursuant to D.C. Court of Appeals Administrative Order No. 3–18, you have the option of performing your oath in absentia (<https://bit.ly/2rcrGFk>). If you are applying for admission without sitting for the

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* R. 46(i)(3)(C).

⁶⁰ *Id.* R. 46(j)(2).

D.C. Bar exam (e.g., through a UBE score transfer), you must wait three days from the date you receive the email from the Committee to complete the oath. You can have the oath administered by a notary or anyone authorized to administer oaths in any U.S. jurisdiction or territory.⁶¹ Alternatively, you may use a Declaration (below) in lieu of notarization.⁶² You must complete the oath within 150 days of the date of the email you receive.⁶³

Per Rule 46(l)(1), the oath is as follows: “I, _____, do solemnly swear (or affirm) that as a member of the Bar of this court, I will demean myself uprightly and according to law; and that I will support the Constitution of the United States of America.”

Per Rule 46(l)(2), the following declaration may be used in lieu of notarization:

“I declare, under penalty of perjury under the laws of the District of Columbia, that I have taken the oath quoted in this declaration.

Signed on the __ day of ____, 20__ at __(city)_, (state), (country)_____.

Printed name _____

Signature _____”

You must scan both the Supplemental Questionnaire and the executed Attorney Oath of Admission as a PDF titled: “Oath_Last Name_First Name” and email it to the address stated in the correspondence. You will receive a confirmation email when the documents have been accepted. For questions related to the swearing-in process, you should contact the Office of Admissions: coa@dcappeals.gov.

The email you receive from the Committee will also describe steps for registration with the D.C. Bar. There are three steps that the email will outline: 1) complete registration statement; 2) manage your license; and 3) complete the mandatory course.

1. **Complete Registration Statement.** You will receive an email from the D.C. Bar inviting you to submit your Registration Statement, which will result in the creation of your official Bar ID (attorney license number) and membership record.
2. **Manage Your License.** After receiving your Registration Statement, the D.C. Bar will provide you with an attorney license number and instructions on how to manage your license via email. Via mail, you will receive a new member kit,

⁶¹ *Id.* R. 46(k)(2), (l).

⁶² D.C. App. R. 46(k)(2).

⁶³ *Id.*

including your Bar Identification Card.

3. **Complete the Mandatory Course.**⁶⁴ Once you are sworn in and registered, you have twelve months to complete a mandatory course on the D.C. Rules of Professional Conduct and Practice. The D.C. Bar offers an on-demand video presentation of the course as well as two in-person presentations that coincide with the twice-yearly in-person swearing-in ceremonies. More information about the mandatory course can be found here: <https://www.dcbar.org/for-lawyers/mandatory-course> or 202-626-3488 (D.C. Bar CLE Department). You will be administratively suspended if you do not complete the course in a timely manner.

For additional information about attorney registration, license, or the mandatory course, contact Member Services at memberservices@dcbar.org or 202-626-3475.

Once you submit your oath, you will receive an “Oath Confirmation” letter, which will inform you that you have completed the process with the Committee and note that you may now hold out that you are entitled to practice law in D.C. It will remind you to register with the D.C. Bar, manage your license, and complete the mandatory course.

IX. Maintaining Admission: Staying a Member in Good Standing of the D.C. Bar

A. Take the D.C. Bar’s Mandatory Course

Once you’ve been admitted to the D.C. Bar, it’s important to be cognizant of the requirements to remain in good standing.⁶⁵ Within twelve months after admission to the D.C. Bar, all members must take a mandatory course on the D.C. Rules of Professional Conduct and D.C. Practice.⁶⁶ The course is administered by the D.C. Bar’s Continuing Legal Education Program and is now offered as an on-demand, online video presentation.⁶⁷ Two in-person presentations of the course are also held; they coincide with the in-person swearing-in

⁶⁴ See *infra* Part 1, Section IX.A for more information.

⁶⁵ A D.C. Bar member is considered in “good standing,” where they are licensed to practice law in D.C., has paid all license fees, and is not currently suspended for disciplinary or administrative violations. D.C. Bar, *Membership Statuses*, <https://www.dcbar.org/for-lawyers/membership/membership-classes-fees> (last visited Jan. 21, 2025); see generally Rules Governing the Bar, D.C. Court of Appeals; D.C. Bar Bylaws (amended June 13, 2023); D.C. Bar Membership Manual (effective June 5, 2023).

⁶⁶ Rules Governing the Bar, D.C. Court of Appeals, R. II § 2(2). For example, if a member’s swearing-in date was September 15, 2025, they will be in compliance if the course is completed by September 30, 2026. D.C. Bar, *Mandatory Course*, <https://www.dcbar.org/for-lawyers/mandatory-course> (last visited Jan. 21, 2025).

⁶⁷ For more information on the Mandatory Course, visit <https://www.dcbar.org/for-lawyers/mandatory-course>. The 2025 cost of the program is \$229. D.C. Bar, *Mandatory Course Overview*, <https://www.dcbar.org/for-lawyers/mandatory-course> (last visited Jan. 21, 2025).

ceremonies at the D.C. Court of Appeals.

Admittees who do not timely complete the course will receive a Notice of Noncompliance, after which they will have a sixty-day grace period to complete the course or face administrative suspension. The course covers the following topics:⁶⁸

- D.C. Rules of Professional Conduct
- *Pro Bono* Obligations and How to Fulfill Them
- D.C. Disciplinary System and Regulation of Attorney Conduct
- D.C. Bar Non-Disciplinary Programs for the Regulation of Attorney Conduct
- D.C. Court Practice and Administrative Practice

B. Pay Your Annual Dues

Finally, every member of the D.C. Bar must pay annual dues to the Bar.⁶⁹ The current annual dues, effective July 1, 2024 through June 30, 2025, are \$341 for active members, \$212 for inactive members, \$154 for judicial members, and \$341 for special legal consultants.⁷⁰ Non-payment of license fees may result in suspension and the inability to practice law in D.C.⁷¹

⁶⁸ *Id.*

⁶⁹ Rules Governing the Bar, D.C. COURT OF APPEALS, R. II § 4.

⁷⁰ D.C. Bar, *Membership Statuses*, <https://www.dcbat.org/for-lawyers/membership/membership-classes-fees> (last visited Jan. 21, 2025).

⁷¹ Rules Governing the Bar, D.C. COURT OF APPEALS, R. II § 4.

PART 2

AVOIDING THE UNAUTHORIZED PRACTICE OF LAW (RULE 49)

I. D.C. Rule 49 and D.C. Rule 5.5

D.C. does not codify who must be admitted to the D.C. Bar in its Rules of Professional Conduct but instead does so in the D.C. Court of Appeals' Rules. Those rules cover all manner of topics—e.g., when a party may take an appeal, how to file and serve briefs, the posting of bonds on appeal—and codify, in Rule 49, D.C.'s primary unauthorized practice of law rule.

Rule 49 requires that, unless an enumerated exception applies, a lawyer must join the D.C. Bar in order to provide legal services *while physically present* in the District of Columbia.⁷² The commentary to the rule makes clear that a lawyer whose principal place of business is located in D.C. must therefore still join the D.C. Bar even if that lawyer never advises on D.C. law or any matter in the District and disclaims any knowledge of D.C. law.⁷³ Conversely, a lawyer who is *not* a member of the D.C. Bar may advise on D.C.-based transactions and D.C. law, just so long as the lawyer *never* enters into D.C. in connection with the representation.⁷⁴

D.C. has an additional unauthorized practice of law rule codified in D.C. Rules of Professional Conduct Rule 5.5. Most jurisdictions use Rule 5.5 to codify something akin to D.C.'s Rule 49, but D.C. uses Rule 5.5 for much more limited purposes. D.C.'s Rule 5.5 thus provides only that (1) D.C. lawyers may not violate other jurisdictions' unauthorized practice of law rules, and (2) D.C. lawyers may not assist non-D.C. Bar members in violating D.C.'s Rule 49.⁷⁵

II. Exceptions to the D.C. Bar Admission Requirement

Rule 49 contains several subparts, including: Rule 49(a), a general prohibition on practicing law “in the District of Columbia” without admission to the D.C. Bar; Rule 49(b), a set of definitions; and Rule 49(c), a set of exceptions to the general rule. These exceptions allow an individual to practice in D.C. without admission to the D.C. Bar.⁷⁶ Below, we describe these exceptions and focus on those that we think merit particular discussion.

⁷² One of these exceptions, Rule 49(c)(13), applies when practice in D.C. is on an incidental and temporary basis. The focus of this guide is not on temporary practice in D.C.

⁷³ D.C. App. R. 49(c)(13) cmt.; *id.* R. 49(b)(3) cmt.

⁷⁴ *Id.* R.49(b)(3) cmt.

⁷⁵ D.C. R. Pro. Conduct 5.5.

⁷⁶ D.C. App. R. 49(c).

- **Rule 49(c)(1): U.S. Employee.** This subsection allows a person to “provide legal services to the United States as an employee of the United States and may hold out as authorized to provide those services.”⁷⁷

- **Rule 49(c)(2): Practice Before Certain U.S. Government Agencies.** This subsection permits lawyers to provide legal services “in or reasonably related to a pending or potential proceeding in any department, agency, or office of the United States or of the District of Columbia” without joining the D.C. Bar, as long as the services are authorized by statute or by an agency, department, office, or tribunal rule that “expressly permits *and regulates* practice before” the agency, department, office, or tribunal. Numerous federal agencies have statutes or rules that provide for practice before them, including the Commerce Department and the Federal Communications Commission.

The person must give prominent notice on all business documents that they are not a D.C. Bar member and that their practice is limited to the services authorized by this exception.⁷⁸ An appropriate disclaimer is “Not admitted in the District of Columbia. Practice limited to matters before U.S. government agencies.” *See* Section III below for additional information about disclaimers.

This exception can be combined with the other exceptions provided for in Rule 49(c), except for those covered by subsections (c)(1), (c)(4), (c)(8), and (c)(13).

- **Rule 49(c)(3): Practice Before Federal Courts.** This subsection allows a person to provide, from a location in D.C., legal services, in or relating, to a proceeding in any federal court if that person has been or reasonably expects to be admitted to practice in that court. The person must give prominent notice on all business documents that they are not a D.C. Bar member and that their practice is limited to the services authorized by this exception.⁷⁹ An appropriate disclaimer is “Not admitted in the District of Columbia. Practice limited to matters before U.S. courts.” *See* Section III below for additional information about disclaimers.

This exception can be combined with the other exceptions provided for in Rule 49(c), except for those covered by subsections (c)(1), (c)(4), (c)(8), and (c)(13). Note that by local rule, this exception is not available to those who wish to practice before the United States District Court for the District of Columbia.

⁷⁷ *Id.* R. 49(c)(1).

⁷⁸ *Id.* R. 49(c)(2).

⁷⁹ *Id.* R. 49(c)(3)(B).

- **Rule 49(c)(4): D.C. Employee.** This subsection allows a person to provide legal services to the D.C. government for the first 365 days of employment as an attorney for the District of Columbia when that person is admitted in another U.S. jurisdiction.⁸⁰

- **Rule 49(c)(5): Labor Negotiations and Arbitrations.** This subsection allows a person to provide legal services related to negotiation of, or a grievance arising under a collective bargaining agreement between a labor organization and an employer, including arbitration of a grievance, as long as the recipient of the services does not reasonably expect that the services are being provided by a D.C. Bar Member. This exception does not authorize a person to appear in any court, or in any department, agency, or office of the United States or the District of Columbia.⁸¹

- **Rule 49(c)(6): In-House Counsel.** This subsection allows a person to serve as in-house counsel and provide legal services only to their employer or its organizational affiliates if the employer understands that the person is not a D.C. Bar Member. In-house counsel must abide by the D.C. Rules of Professional Conduct and is subject to the jurisdiction of D.C. courts. This exception does not authorize a person to appear in any court, or in any department, agency, or office of the United States or the District of Columbia.⁸²

- **Rule (c)(7): Pro Hac Vice in D.C. Courts.** This subsection allows a person to provide legal services in or reasonably related to a proceeding in the D.C. Court of Appeals or D.C. Superior Court and hold out as authorized to provide those services, if the person has been or reasonably expects to be admitted *pro hac vice*. No person may apply for admission in more than five cases pending in D.C. per calendar year, absent good cause shown to the court.⁸³ If a person has an office in D.C., they cannot be admitted *pro hac vice* to practice before a D.C. court unless they qualify under another exception in Rule 49(c).⁸⁴ The rule contains additional *pro hac vice* requirements. It is also worth noting that the court has discretion to grant or deny applications for admission *pro hac vice*.⁸⁵

- **Rule (c)(8): While Bar Application is Pending.** This subsection provides a limited exception for attorneys admitted in another U.S. jurisdiction to practice law in D.C., and hold out as authorized to do so, for 365 days from the start of the practice, provided that the following additional requirements are met:

⁸⁰ *Id.* R. 49(c)(4).

⁸¹ *Id.* R. 49(c)(5).

⁸² *Id.* R. 49(c)(6).

⁸³ *Id.* R.49(c)(7)(A)(v).

⁸⁴ *Id.* R.49(c)(7)(A)(iv).

⁸⁵ *Id.* R. 49(c)(7)(C).

1. The person's first application to the D.C. Bar is pending as of the date the person begins the practice of law in D.C.;⁸⁶
2. The person is supervised by a D.C. Bar member on each client matter, and the D.C. Bar member agrees to be jointly responsible for the quality of the work on each client matter; and
3. The person gives prominent notice in all business documents that the person is not a D.C. Bar member and the person's practice is supervised by one or more D.C. Bar members.⁸⁷

With regard to the requirement above, the following disclaimer provides such notice: “*Admitted in [State(s)] only. Practicing under the supervision of D.C. Bar members.” or “*Not admitted to the D.C. Bar. Practicing under the supervision of D.C. Bar members.”⁸⁸ Do not include the terms “admission pending” or “application pending” in your disclaimer.⁸⁹ See Section III below for additional information about disclaimers.

The period of supervised practice is limited to 365 days from the date on which the individual begins the practice of law in D.C., with that period subject to extension for good cause shown.⁹⁰ A request for an extension must be submitted in writing to the Director of the Committee on Admissions at least 14 days before the 365-day period expires (though this can be waived upon good cause). The current Director of the Committee is Shela Shanks; you can email your extension request to Ms. Shanks at SShanks@dcappeals.gov. Once the request has been submitted, the applicant may continue to practice under Rule 49(c)(8) until the Director has rendered a decision on the request.⁹¹

- **49(c)(9): *Pro Bono* Legal Services.** This subsection allows a person to provide *pro bono* legal services, and hold out as authorized to do so, in certain circumstances. First, someone who is admitted in another U.S. jurisdiction or was previously admitted in D.C. or another U.S. jurisdiction⁹² can provide *pro bono* services. The person cannot be employed by the

⁸⁶ This rule previously allowed for a 90-day grace period between the start of the practice of law in D.C. and the date by which an application to the D.C. Bar had to be submitted. The current version of Rule 49(c)(8) makes clear that an attorney licensed in another jurisdiction cannot practice law in D.C. until *after* their application for admission has been submitted to the D.C. Bar.

⁸⁷ *Id.* R.49(c)(8)(A).

⁸⁸ See *id.* R. 49(c)(8) cmt.; *infra* Part 2, Section III for additional information regarding use of disclaimers.

⁸⁹ *Id.* R.49(c)(8) cmt.

⁹⁰ D.C. App. R. 49(c)(8)(B).

⁹¹ *Id.*

⁹² The person cannot have been disbarred or suspended for disciplinary reasons or have resigned with charges pending in any jurisdiction or court. *Id.* R. 49(c)(9)(A)(ii).

Public Defender Service or a non-profit organization that provides *pro bono* legal services. The person must provide the *pro bono* services in affiliation with either a D.C. non-profit organization that routinely provides such services or with the legal *pro bono* program of the person's employer, if the employer is not a law firm. The person must be supervised by a D.C. Bar Member on each *pro bono* matter and give prominent notice in all business documents concerning each *pro bono* matter that the person is not a D.C. Bar Member and person's work on the matter is supervised by a D.C. Bar Member; and the first paper filed in a D.C. court must identify the supervising D.C. Bar Member and that Member's contact information.⁹³ See Section III below for additional information about disclaimers.

Second, law school graduates who have not yet been admitted to a bar can provide *pro bono* legal services in conjunction with the Public Defender Service or a non-profit organization that provides such services, and hold out as authorized to provide such services, for 365 days from the start of practice. The person must have graduated with a J.D. from an ABA-approved law school and must have applied to take the bar exam in a U.S. jurisdiction, or if the person failed the bar exam, the person is eligible to re-sit and timely applies for the next administration of the exam within the 365-day period. The person must be trained and supervised on each *pro bono* matter by a D.C. Bar member who is affiliated with the Public Defender Service or the D.C. non-profit organization. The person must give prominent notice in all business documents that they are not authorized to practice law in any jurisdiction but are practicing under the supervision of a D.C. Bar Member.⁹⁴ See Section III below for additional information about disclaimers.

- **49(c)(10): Authorized Court Programs.** This subsection allows a person to provide legal services as part of a program that has been expressly authorized by the D.C. Court of Appeals or the Superior Court of D.C. if the person complies with all requirements that the authorizing court has imposed for the program.⁹⁵

- **49(c)(11): Organizations in Small Claims or Landlord-Tenant Disputes.** This subsection allows an officer, director, or employee of a corporation or partnership to provide legal services on behalf of the organization (i) in an attempt to settle a small claims or landlord-tenant dispute, (ii) in an appearance in the Landlord and Tenant Branch of the D.C. Superior Court solely for the purpose of entry of a consent judgment, or (iii) in a pending or potential proceeding in which the organization is to be a defendant in the Conciliation Branch of the Civil Division of the D.C. Superior Court. The first instance does not permit the person to appear in

⁹³ *Id.* R. 49(c)(9)(A).

⁹⁴ *Id.* R. 49(c)(9)(C).

⁹⁵ *Id.* R. 49(c)(10).

court. The latter two instances require that the person files a declaration that they authorized to bind the organization in settlement or trial.⁹⁶

- **49(c)(12): Practice in ADR Proceedings.** This subsection allows a person to provide legal services in or reasonably related to a pending or potential alternative dispute resolution (“ADR”) proceeding if the person is admitted to practice law in another jurisdiction or court; provides these services in no more than five ADR proceedings in D.C. per calendar year (excluding *pro bono* proceedings); and does not otherwise practice law in D.C. or hold out as authorized to do so (unless another Rule 49(c) exception applies).⁹⁷

- **49(c)(13): Incidental and Temporary Practice.** This subsection allows a person to provide legal services in D.C. on an incidental and temporary basis, if the person does not maintain an office or other systematic and continuous presence in D.C. or use a D.C. address for the practice of law, and if the services are reasonably related to a pending or potential proceeding in a jurisdiction in which the person is admitted or authorized to appear, or the services arise out of, or are reasonably related to, the person’s practice in a jurisdiction in which he or she is admitted.⁹⁸

III. “Prominent Notice”/Disclaimers

As noted above, several exceptions to Rule 49(a) require that you give notice of your bar status in “all business documents.”⁹⁹ You can provide the required notice by using an appropriate disclaimer. Your disclaimer should be both prominent and consistent. In order to be prominent, the disclaimer should be an appropriate font size and should appear in proximity to your name or title so as to draw the reader’s attention to the disclaimer. Consistency is also important. Be sure to use the same language across all business documents.

“Business documents” is defined in Rule 49 and broadly covers not only formal papers but also emails, letters, website biographies, and social media.¹⁰⁰ Essentially, anything externally-facing that lists your employment or otherwise identifies you as an attorney and uses a D.C. address must include a compliant disclaimer. Thus, you should include your disclaimer in your email signature block, your LinkedIn page or other social media, your law firm biography, your business cards, and on any legal papers that contain your signature.

⁹⁶ *Id.* R. 49(c)(11).

⁹⁷ *Id.* R. 49(c)(12).

⁹⁸ *Id.* R. 49(c)(13).

⁹⁹ See *supra* Part 2, Section II for discussion of the exceptions to Rule 49(a).

¹⁰⁰ See D.C. App. R. 49(b)(8).

IV. How to Avoid a UPL Investigation as a Recent Law School Graduate

This section provides practical steps for how to properly use the (c)(8) “While Bar Application is Pending” exception to Rule 49 and avoid an investigation into whether you have engaged in the unauthorized practice of law. As discussed above, to use this exception, you must be admitted to practice law in another U.S. jurisdiction and you must submit an application for admission to the D.C. Bar *prior to* the date that you start practicing law in D.C.¹⁰¹ You are authorized to practice in D.C. for 365 days from that date, and you can request an extension at least 14 days before that period concludes.¹⁰² You must provide prominent notice through an appropriate disclaimer like those suggested above. The disclaimer should not say “admission pending” or “application pending.”

The most common sequence we see for law graduates is as follows: You graduate from law school in May, take the bar exam in a jurisdiction other than D.C. in July, and begin working at a firm in September/October before you have learned whether you have passed the bar exam and/or been formally admitted in a jurisdiction. If you fall into this camp, you are not a lawyer at the time you start working at a firm because you have not been admitted in any jurisdiction.

Accordingly, you must refer to yourself as “Law Clerk.” You should not refer to yourself as an “Associate.” You should add the title “Law Clerk” to your signature block and on any website (e.g., LinkedIn) that lists your employment. Once you are admitted to the bar in another jurisdiction, you must submit an application for admission to the D.C. Bar *before* you may commence practicing law in D.C. as an “Associate.” Once you are admitted in a jurisdiction—i.e., you are licensed to practice somewhere—you may use the title “Associate*” and must include an appropriate disclaimer, preceded by an asterisk (*), provided that you have submitted your D.C. bar application.

Additionally, when listing your current employment on your D.C. Bar application, be sure to accurately list your title for the correct time period—i.e., Law Clerk prior to submitting your application and Associate only thereafter.

Here is an example to illustrate these points: After taking the New York exam in July, Dave starts working at a D.C. law firm on September 1. Dave learns he passed the New York Bar exam and is formally admitted to the New York Bar on December 1. On December 15, Dave submits his application for admission to the D.C. Bar. But when Dave is asked to describe his employment from September 1 through the present, he lists, “Associate.” Yet Dave was not an “Associate” until December 15, *after* he submitted his bar application in D.C. That mischaracterization launches a UPL investigation. Dave could have avoided this problem by

¹⁰¹ *Id.* R. 49(c)(8)(A)(i). Note that under previous versions of Rule 49(c)(8), applicants had 90 days from the date that they began practicing in D.C. to submit an application for admission to the D.C. Bar. Under the current rule, no such grace period exists, and an applicant must submit an application for admission *prior* to commencing practice in D.C.

¹⁰² *See supra* p. 21.

correctly referring to himself on the application as a “Law Clerk” from September 1 – December 15; and then by filing a supplement to the application showing his title change to “Associate” from December 15 – present.¹⁰³ Once Dave is admitted to the D.C. Bar, he can remove the asterisk from his “Associate*” title and the disclaimer that he is not licensed to practice in D.C.¹⁰⁴

Because Dave mistakenly referred to himself as an “Associate” on his D.C. Bar application both before he was ever a lawyer and before he submitted his application, he now needs to defend himself in a UPL investigation. That is no small undertaking and involves, among other things, answering the following questions:

1. *State whether in the last 10 years, you have, for or on behalf of another person:*
 - a) *offered legal advice,*
 - b) *prepared a legal document,*
 - c) *prepared or expressed a legal opinion,*
 - d) *appeared as counsel in any tribunal,*
 - e) *prepared any legal claim or demand,*
 - f) *prepared any written documents containing legal argument or interpretation,*
 - g) *provided advice or counsel as to how any of the foregoing activities might be done, or*
 - h) *furnished or referred any attorney or attorneys to do the foregoing activities.*
2. *If you have done any of the activities in Paragraph 1 in the last 10 years, state whether such activities were performed in, or from a location within, the District of Columbia, or in connection with a legal proceeding in the District of Columbia.*
3. *If you have done any of the activities in Paragraph 1 in the last 10 years, in, or from a location within, the District of Columbia, please describe the nature of your practice.*

¹⁰³ From the time Dave is licensed to practice in New York until he is admitted in D.C., he should continue to use the disclaimer wherever his name appears, i.e., “*Admitted in New York only. Practicing under the supervision of D.C. Bar members.”

¹⁰⁴ Imagine instead that Dave is licensed in New York and practices in New York for two years. He then moves to D.C. in January, but does not submit his bar application until March. Because Dave was not in compliance with Rule 49 (because he did not submit his bar application prior to beginning to work in D.C.), his title from January until he submits his application in March should be “Law Clerk” and not “Associate.*”

4. *If you have done any of the activities in Paragraph 1 in the last 10 years, in, or from a location within, the District of Columbia, or in connection with a legal proceeding in the District of Columbia, state the date you began performing such activities.*
5. *State the date you applied for admission to the District of Columbia Bar.*
6. *Identify all jurisdictions in which you are a member in good standing of the bar and the dates you were admitted to such bars.*
7. *Identify all the job titles you have held in the last 10 years and the location of your office in each job.*
8. *Provide copies of any letterhead, business cards, or website listings you have used in the last 10 years, that identify you using the terms associate, counsel, attorney, lawyer, Esq., law firm, J.D. or similar terms and that use a Washington, D.C. address.*
9. *Identify any exception to the general prohibition of D.C. Court of Appeals Rule 49(a) that you contend applies to you, along with a detailed explanation of why such exception applies and whether any portion of your practice in the last 10 years, has not fit within any such exception.*
10. *Provide any other information or documents that you feel bear on whether you have engaged in the unauthorized practice of law or held yourself out as authorized to practice law in the District of Columbia in violation of Rule 49.*
11. *Identify any steps you intend to take to comply fully with Rule 49 in the future.*

Note that if you are not currently in compliance with Rule 49—for example you have yourself listed as an Associate on your firm’s website, but you have yet to apply to the D.C. Bar—you need to rectify your mistake. To get back in good standing, you need to answer the UPL questions listed above, satisfy the Committee on the Unauthorized Practice of Law that you are now in compliance with the rules, and convince the Committee that your error was not egregious. It can take several months for the UPL Committee to confirm your compliance. It is only then that you go back into the queue for the Committee on Admissions. The UPL Committee has also credited applicants who were not in compliance with Rule 49, fixed the noncompliance, and then wrote a self-report letter to the UPL Committee that answers the questions highlighted above. We recommend you seek the advice of counsel if you fear you are out of compliance with Rule 49.
