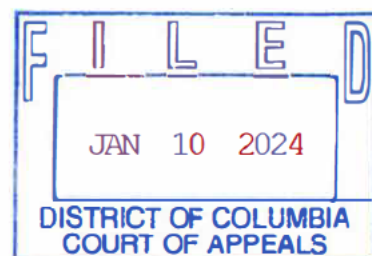


**District of Columbia
Court of Appeals**



No. M281-23

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

ORDER

(FILED – January 10, 2024)

In September 2023, the court issued a public notice (attached) about possible rule changes on four unrelated topics. The comment period has closed, and the court has decided to adopt the changes reflected in the September 2023 notice, with some relatively minor revisions, as noted below.

1. Proposed Amendments to the Rules Governing the Bar

The court received no comments relating to this topic and therefore adopts the proposed amendments as sent out for comment, with minor technical changes.

2. Amendments to the Rules Governing Waiver of Fees, Costs, or Security

The Legal Aid Society of the District of Columbia submitted a comment largely supporting the proposed amendments, but it and another commenter made a few helpful technical suggestions. The court adopts the proposed amendments as sent out for comment, with minor technical changes.

3. D.C. App. R. 4(a)(6) and (b)(5)/calculation of days.

The court sent out for comment a proposed amendment adding a sentence to the end of R. 26(c) saying, “Rule 26(c) also does not apply to notices of appeal filed under Rules 4, 5, or 6.” One commenter suggested that it was potentially ambiguous or overbroad to say that R. 26(c) “does not apply” to notices of appeal. The court agrees with that comment, and adopts the proposed amendment with the underlined

revision: “Rule 26(c) also does not apply in determining the timeliness of notices of appeal filed under Rules 4, 5, or 6.”

4. Naming Respondents in OAH Cases

The court sent out for comment a proposed amendment to R. 15 to (1) make clear that the Office of Administrative Hearings [OAH] should not be named as a respondent; and (2) to incorporate the following statutory language: “Only the parties before [OAH] or any other party permitted to participate by the reviewing court shall be parties in any such proceeding for judicial review.” Some conforming changes were also proposed to Rule 15(c), which governs service, and Rule 17(a), which governs filing of the record in agency cases.

One commenter expressed the view that the phrase “parties before [OAH]” is unclear. The court concluded that any ambiguity in that statutory phrase would best be addressed through litigation rather than through the rulemaking process. The court therefore adopts the proposed amendments as sent out for comment.

Clean and track-changes versions of the rules as amended are attached to this order. These amendments will go into effect sixty days from the date of this order.

PER CURIAM

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

Rule I	Organization of the D.C. Bar
Rule II	Membership
Rule III	Officers
Rule IV	Board of Governors
Rule V	Public Statements
Rule VI	Meetings of the Bar
Rule VII	Referendum Procedure
Rule VIII	Disbursements
Rule IX	Bylaws
Rule X	Rules of Professional Conduct
Rule XI	Disciplinary Proceedings
Rule XII	Clients' Security Trust Fund
Rule XIII	Arbitration
Rule XIV	IOLTA Verification
Rule XV	Amendment
Rule XVI	Effective Date of Rules

Rule I. Organization of the Bar of the District of Columbia

Preamble

The District of Columbia Court of Appeals in the exercise of its inherent powers over members of the legal profession does hereby create, as an official arm of the Court, an association of members of the Bar of the District of Columbia to be known as the District of Columbia Bar, and pursuant to its statutory authority governing admissions to the Bar promulgates the following rules for the government of the Bar and the individual members thereof:

Section 1. Creation of Association

All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the “District of Columbia Bar” subject to the provisions of the Rules hereinafter set forth.

The words “D.C. Bar” or “the Bar” wherever used in these Rules mean the District of Columbia Bar.

The words “the Court” wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words “Secretary of the Bar” and “Board of Governors” wherever used in these rules refer to elected officials of the Bar.

The words “the Bylaws” refer to the Bylaws of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the courts of the District of Columbia in carrying out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards; (e) to safeguard the proper professional interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for and publish information about the practice of law, the science of jurisprudence and law reform, and the relationship of the Bar to the public; and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. See Bylaws; *District of Columbia Bar Membership Manual*. Residence in the District of Columbia shall not be a condition of eligibility to membership.

Section 2. Mandatory Course for New Admittees

The Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice. Within twelve months after admission to the Bar, all members shall, in accordance with procedures established by the Bar, complete such course and certify compliance with this requirement. Failure to complete the course or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in the District of Columbia. The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in this Section. The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended for noncompliance.

Section 3. Classes of Membership

The members of the District of Columbia Bar shall be divided into at least 4 classes known respectively as “active” members, “judicial” members, “inactive” members, and “retired” members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have submitted a written request to the Bar requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges who are eligible for temporary judicial assignment, and are not engaged in the practice of law, shall be classified as judicial members, except that if a member’s terms and conditions of employment require that the member be eligible to practice law, then the member may choose to be an active member. Inactive members in good standing and judicial members who are no longer a judge may change their classification to that of an active member by submitting a written request with the Bar for transfer to the class of active members and by paying the license fees required of active members. Judicial members who are no longer a judge shall be classified as active members if they engage in the practice of law in the District of Columbia. Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of inactive or judicial membership may be substituted for one year of active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of Columbia or elsewhere for a total of 25 years. Except as provided for in Rule 49(c), no judicial, inactive, or

retired member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section 4. License Fees

The District of Columbia Court of Appeals shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of license fees to be paid annually by members in the various classes of membership. All license fees shall be paid to the Bar and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on license fees. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the license fees ceiling shall not be subject to referendum under Rule VII.

Non-payment of license fees may result in suspension and the inability to practice law in the District of Columbia.

Section 5. Resignation and Reinstatement

A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

Section 6. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have registered with the Bar and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

Rule III. Officers

The officers of the Bar shall be a President, a President-Elect, a Secretary, and a Treasurer, who shall be nominated and either elected or appointed in the manner provided in the Bylaws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year. The officers shall receive no compensation for their services.

The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

Rule IV. Board of Governors

The affairs of the Bar shall be managed and directed by a Board of Governors consisting of the officers of the Bar and the Immediate Past-President of the Bar, and fifteen members elected by the members of the Bar in the manner prescribed by the Bylaws. The Treasurer-Elect shall be among the fifteen elected, non-officer members of the Board of Governors and shall serve as an at-large member of the Board after completing a year of service as Treasurer. The Board may also appoint non-voting members in a manner prescribed by the Bylaws. The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws.

Rule V. Public Statements

No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.

Rule VI. Meetings of the Bar

There shall be an annual meeting of members of the Bar in a manner prescribed by the Bylaws. Special meetings of members of the Bar shall be called in a manner set forth in the Bylaws.

Rule VII. Referendum Procedure

Section 1. Board May Initiate

The Board of Governors may at any time, by the affirmative vote of 2/3 of the Board, refer to the active members of the Bar for determination by member ballot, any question of Bar policy.

Section 2. Members May Initiate by Petition

The Board of Governors shall submit for determination by member ballot any question of Bar policy, including proposals for changes in the Rules or Bylaws, whenever directed so to do by a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

Section 3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar publication, and shall control the action of the Bar, the Board of Governors, the officers, and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It

shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be transmitted to the Clerk of the Court and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the Bar's total disbursements.

Rule IX. Bylaws

Bylaws not inconsistent with these Rules may be established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule XII. Clients' Security Trust Fund

Rule XV. Amendment

Section 1. Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by petition of the Board of Governors. Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

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Preamble

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All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the "District of Columbia Bar" subject to the provisions of the Rules hereinafter set forth.

The words "D.C. Bar" or "the Bar" wherever used in these ~~rules~~ Rules mean the District of Columbia Bar.

The words "the Court" wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words "Secretary of the Bar" and "Board of Governors" wherever used in these rules refer to elected officials of the Bar.

The words "the ~~By laws~~ Bylaws" refer to the ~~By laws~~ Bylaws of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the ~~Court~~ courts of the District of Columbia in carrying ~~on~~out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards ~~of conduct;~~ (e) to safeguard the proper professional ~~interest~~ interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for ~~the discussion of subjects pertaining to~~and publish information about the practice of law, the science of jurisprudence ~~and~~ law reform, and the ~~relations~~ relationship of the Bar to the public, ~~and to publish information relating thereto;~~ and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. See Bylaws; District of Columbia Bar Membership Manual. Residence in the District of Columbia shall not be a condition of eligibility to membership.

~~**Section 2. Periodic Registration of Attorneys** Every attorney who engages in the practice of law within the District of Columbia as defined in Rule 49(b) of the general Rules of the Court [exclusive of those described in Rule 49(c)] shall on or before July 1 of every year file with the Secretary of the Bar a registration statement setting forth his or her current residence and office addresses, email address, telephone number, other state jurisdictions in which he or she is admitted to practice including date of admission, and such other information as the Court may from time to time direct. In addition to such registration statement, every attorney shall file a supplemental statement with the Secretary of any change in the information previously submitted within thirty days of such change. An attorney who becomes newly subject to these rules shall file such a registration statement within three months, or by the following July 1, whichever is later.~~

~~Any attorney who has filed a registration statement or supplement thereto in accordance with paragraph (1) above shall, upon request, be provided by the Secretary of the Bar with an acknowledgement of the receipt thereof.~~

~~Any attorney who fails to file any registration statement or supplement thereto in accordance with the requirements of paragraph (1) above shall, after due notice from the Secretary of the Bar, be summarily suspended from membership by the Board of Governors and thereby shall be barred from practicing law in the District of Columbia until he or she be reinstated as provided under § 8 of this Rule.~~

~~An attorney who has retired or is not engaged in practice as defined in Rule 46H of the General Rules of the Court shall advise the Secretary of the Bar in writing or through such electronic means as the District of Columbia Bar may provide on its web site, that he or she desires to assume inactive status and to discontinue the practice of the law. Upon the filing of such notice, that attorney shall no longer be eligible to practice law but shall continue to file registration statements for 5 years thereafter in order that he or she may be located in the event any complaint is made about his or her conduct while he or she was engaged in practice.~~

~~Upon the filing of a notice to assume inactive status, an attorney shall be removed from the roll of those classified as active unless and until he or she requests and is granted reinstatement to the active roll.~~

Section 3. Mandatory Course for New Admittees

~~(a) — The District of Columbia Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice ~~to be presented at least six times per year.~~~~

~~Within twelve months after admission to the District of Columbia Bar, all members ~~admitted after July 1, 1994,~~ shall, in accordance with procedures established by the Bar, complete ~~the~~such course described in paragraph (1) and shall and certify compliance with this requirement ~~in accordance with procedures established by the Bar.~~~~

~~(b) Any attorney admitted after July 1, 1994, who fails. Failure to complete the course described or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in paragraph (1) within twelve months after admission to the District of Columbia. Bar shall receive written notice of noncompliance from the District of Columbia Bar. Any attorney who fails to comply within sixty days after issuance of such notice of noncompliance shall be suspended from membership in the District of Columbia Bar.~~

~~(c) Any member otherwise in good standing who is suspended for failure to complete the course described in paragraph (1) shall be reinstated as a member of the District of Columbia Bar upon completion of the mandatory course and fulfillment of such other administrative requirements as the Board of Governors may impose.~~

~~(d) The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in paragraph (1); this Section. The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended under paragraph (3) above for noncompliance.~~

Section 43. Classes of Membership

The members of the District of Columbia Bar shall be divided into ~~3~~at least 4 classes known respectively as ~~"active"~~ members, ~~"judicial"~~ members, ~~"inactive"~~ members, and ~~"inactive"~~"retired" members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have ~~filed with the Secretary of~~submitted a written request to the Bar ~~written notice~~ requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges who are eligible for temporary judicial assignment, and are not engaged in the practice of law, shall be classified as judicial members, except that if a ~~member's~~member's terms and conditions of employment require that ~~he or she~~the member be eligible to practice law, then the member may choose to be an active member. ~~Any inactive member. Inactive members~~ in good standing and ~~any~~ judicial ~~member~~members who ~~is~~are no longer a judge may change ~~his or her~~their classification to that of an active member by ~~filing with the Secretary of the Bar~~submitting a written request ~~to the Bar~~ for transfer to the class of active members and by paying the ~~dues~~license fees required of active members. ~~A judicial member. Judicial members~~ who ~~is~~are no longer a judge shall be classified as ~~an~~ active ~~member~~members if ~~he or she engages~~they engage in the practice of law in the District of Columbia. ~~No Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of inactive or judicial membership may be substituted for one year of active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of Columbia or elsewhere for a total of 25 years. Except as provided for in Rule 49(c), no judicial~~or, inactive, or retired member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section 5. ~~Membership Dues~~ 4. License Fees

~~Every member shall pay dues in an amount not to exceed a ceiling set by the~~ The District of Columbia Court of Appeals. shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of ~~dues~~ license fees to be paid annually by members in the various classes of membership. All ~~dues~~ license fees shall be paid to the ~~Treasurer of the Bar~~ and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on ~~membership dues.~~ license fees. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the ~~court~~ Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the ~~dues~~ license fees ceiling shall not be subject to referendum under Rule VII.

Non-payment ~~Section 6. Penalty for Nonpayment of Dues; Late Charges~~

~~If the annual dues of any member remain unpaid at the expiration of 90 days from the time when such dues are due and payable, the membership of such member~~ license fees ~~may be suspended by the Board of Governors~~ result ~~in the manner provided in the By laws. The Board of Governors, by appropriate provision in the By Laws, may impose a reasonable late charge to offset the costs of notifying members that their dues have not been timely paid. If the late charge is not timely paid, the membership of such member may be suspended by the Board of Governors in the manner provided in the By laws. No person whose membership is so suspended for nonpayment of dues shall be entitled~~ suspension and the inability ~~to practice law in the District of Columbia during the period of such suspension.~~

Section 7. ~~Voluntary~~ 5. Resignation and of Membership

~~Whenever a member of the District of Columbia Bar who is in good standing and not under investigation as provided in Rule XI §7, files with the Secretary of the Bar and with Disciplinary Counsel in writing or through such electronic means as the District of Columbia Bar may provide on its web site, notice of such member's election to discontinue the practice of law in the District of Columbia, and to terminate his or her membership in the Bar, such person shall, upon written notice of the acceptance of such resignation from the Secretary after consultation with Disciplinary Counsel, cease to be a member of the District of Columbia Bar, and his or her name shall be removed from the membership register.~~

Section 8. Reinstatement

~~Reinstatement of an attorney following a suspension from membership by the Board of Governors under § 2(3) or § 5 of this Rule, or following the assumption of inactive status under §2(4), or a resignation under § 6 [§7], shall be governed by rules promulgated by the Board of Governors after consultation with the Board on Professional Responsibility of this Court. In an appropriate case, the Board of Governors may reinstate an attorney to membership nunc pro tunc.~~

~~Section 9.~~ A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

Section 6. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have ~~filed registration statements~~ registered with the Bar and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

Rule III. Officers

~~Section 1. Nomination and Election~~

The officers of the Bar shall be a President, a President-~~elect~~ Elect, a Secretary, and a Treasurer, who shall be nominated and either elected ~~respectively~~ or appointed in the manner provided in the ~~By laws.~~ Bylaws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year ~~and until the election and qualification of his or her successor, except in the case of interim officers appointed as provided in the By laws to hold office until the next annual meeting of the Bar.~~ The officers shall receive no compensation for their services.

The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

~~Section 2. Duties of Officers~~

~~President: The President shall preside at all meetings of the Bar and at all meetings of the Board of Governors. The President shall appoint and announce as soon as possible after the annual meeting of the Bar in each year the membership of all committees for the ensuing year, the appointment of which shall not have been otherwise provided for. The President shall be a member ex officio of every standing committee and every special committee.~~

~~President elect: The President elect shall perform the duties of the President during any absence or temporary disability of the President, and, at the expiration of the one year term of office of the President, the President elect shall succeed to the office of President.~~

~~Vice president: The Vice president, if one is required and chosen pursuant to § 3 of this Rule, shall perform the duties of President elect in the event of the President elect's succeeding to the office of the President under § 3 of this Rule, or by reason of the death, permanent disability, or resignation of the President elect on or after January 1st of the year of his or her term of office.~~

~~Secretary: The Secretary shall act as secretary at all meetings of the Bar, the Board of Governors, and the Executive Committee, and shall keep a record of all of the proceedings thereof. The Secretary shall notify officers and members of the committees of their election or appointment.~~

~~The Secretary shall prepare and maintain a register of all members of the District of Columbia Bar and, subject to direction of the Board of Governors, shall send out notices of all elections and meetings. The~~

~~Secretary also shall perform all other duties assigned to him or her by these Rules, or by the By laws, or by the Board of Governors.~~

~~Treasurer: The Treasurer shall receive, collect, and safely keep, and, under the direction of the Board of Governors disburse, all funds of the Bar and render reports of receipts and disbursements as required. The Treasurer shall assist the Executive Committee in preparing the annual budget. The Treasurer shall furnish a surety bond at the expense of the Bar in such amount as may be required by the Board of Governors.~~

~~Section 3. Vacancies in the Offices of President and President Elect~~

~~President: In the event of the death, permanent disability, or resignation of the President prior to the expiration of his or her term of office, the President elect shall have the option of succeeding to the office of the President and serving the remainder of the term of the President and, subsequently, the presidential term for which he or she was elected. If the President elect declines to succeed to the office of the President, he or she shall nonetheless serve as President for the term of which he or she has been elected, but in the event of such declination, the Board of Governors shall elect one of its members to serve as President for the remainder of the term, and the following year the person so elected shall serve as past president. Such person shall resign his or her position on the Board, and the vacancy so created shall be filled as provided by the Rules and the By laws.~~

~~President elect: If a vacancy occurs in the office of the President elect through succession at any time, or occurs on or after January 1st by reason of death, permanent disability, or resignation, the Board shall elect one of its members to assume the duties of President elect for the remainder of the term. Such person shall have the title of Vice president, but not succeed to the office of President. In the event of the death, permanent disability, or resignation of the President elect prior to January 1st, a special election shall be held to fill the vacancy. Until the election process is completed, the Board may elect one of its members to serve temporarily as Vice president.~~

~~Section 4. Delegation of Duties~~

~~Any duties imposed by these Rules or by the By laws of the Bar upon the Secretary or Treasurer may be performed under the supervision of such officers, respectively, by assistants or by employees of the Bar.~~

Rule IV. Board of Governors

~~Section 1. Composition of Board~~

The affairs of the Bar shall be ~~manage~~managed and directed by a Board of Governors consisting of the officers of the Bar and the ~~immediate past president~~Immediate Past-President of the Bar, ~~who shall be ex officio members of the Board,~~ and fifteen members elected by the members of the Bar in the manner prescribed by the ~~By laws.~~

~~Section 2. Term. Qualifications. Nomination and Election~~

~~Of the 1st~~Bylaws. The Treasurer-Elect shall be among the fifteen elected, ~~non-officer~~ members of the Board of Governors, ~~5 and~~ shall be elected for a term of 1 year, 5 for a term of 2 years, and 5 for a term of 3 years. ~~As each such term expires each newly elected~~serve as an at-large member ~~shall be elected for a term of 3 years; provided, however, that~~of the Board after completing a year of service as Treasurer. The Board may also appoint non-voting members

~~in each case Board members shall continue to serve until their successors shall be elected and shall qualify. No person shall be eligible to serve on a manner prescribed by the Board of Governors unless he or she is an active member of the Bar. No person shall be eligible to election to the Board of Governors for more than 2 consecutive 3 year terms.~~

~~Section 3. Functions~~

~~Bylaws. The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws. It shall have authority to fix the time and place of the annual meeting of members of the Bar; to make appropriations and authorize disbursements from the funds of the District of Columbia Bar in payment of the necessary expenses of the Bar; to engage and define the duties of employees and fix their compensation; to receive, consider and take action on reports and recommendations submitted by committees, and the assembly of members of the Bar at any annual or special meeting; to arrange for publication of an official Bar bulletin or journal; to conduct investigations of matters affecting the Bar; to fill vacancies, however arising, in the membership of the Board of Governors, or in any office, subject to the limitations of Rule III, section 3, and in such case the person appointed to fill such vacancy shall hold office until the completion of the next regular election; and to adopt By laws and regulations, not inconsistent with these rules, for the orderly administration of the Bar's affairs and activities.~~

~~Rule V. Executive Committee~~

~~Section 1. Number of Members, Selection~~

~~There shall be an Executive Committee consisting of the President, the President elect, the immediate past president and 4 additional members selected annually by the Board of Governors from among their number.~~

~~Section 2. Chairman, Minutes of Meetings~~

~~The President shall preside at meetings of the Executive Committee and the Secretary shall keep minutes of its proceedings. The minutes of each meeting of the Executive Committee shall be immediately distributed to the members of the Board of Governors following such meeting.~~

~~Section 3. Powers~~

~~The Executive Committee may exercise all the powers and perform all the duties of the Board of Governors between the meetings of the Board, except the Executive Committee shall not, unless otherwise authorized by the Board of Governors, (a) amend the By laws, (b) make rules for regulations governing nominations or elections, or (c) initiate the taking of any referendum or poll of members of the Bar. The Executive Committee shall perform such duties as the Board of Governors may from time to time prescribe.~~

~~Section 4. Public Expressions Statements~~

~~No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.~~

Section 5. Meetings

~~The Executive Committee shall meet at the call of the President, or upon call of the Secretary upon written application of 3 members upon 24 hours' notice. Five members shall constitute a quorum. Action of a majority of the members present at a meeting shall constitute action by the Committee.~~

Rule VI. Meetings of the Bar

Section 1. Annual Meeting

~~There shall be an annual meeting of members of the Bar during the month of June in each year. The Board of Governors shall determine the time and place of the annual meeting, and shall arrange therefor a suitable program. Reports of officers and reports of proceedings of the Board of Governors subsequent to the last previous annual meeting shall be presented to the meeting.~~

~~Section 2. in a manner prescribed by the Bylaws. Special Meeting~~ Special meetings of the members of the Bar ~~may~~shall be called by the Board of Governors or the President; and shall be called by the Secretary whenever he or she receives a petition signed by not less than 3% of the active members of the Bar requesting such meeting and specifying the purpose thereof, and the meeting shall be convened accordingly as promptly as possible and not later than 30 days after the Secretary receives such petition. The census of the Bar shall be determined as of the first business day of the calendar year in which the petition is submitted. It shall be the duty of the Board of Governors to fix the time and place of every special meeting, to make suitable arrangements therefor, and to cause the Secretary to give notice thereof to the members. Such meetings shall be limited to the purpose in a manner set forth in the ~~notice.~~ Bylaws.

Section 3. Quorum

~~One hundred active members present at any annual or special meeting shall constitute a quorum. No member shall be entitled to be represented by proxy. For purposes of this Rule, "present" shall include in person attendance, virtual/electronic attendance, or a combination thereof so long as all attendees can hear each other and participate meaningfully during such meeting.~~

Section 4. Notice

~~Notice of the time and place of every annual meeting of members shall be mailed by the Secretary to each active member of the Bar or published in the official bulletin of the Bar at least 30 days prior to the meeting.~~

~~Notice of the time, place and purpose of every special meeting of members shall be mailed by the Secretary to each active member of the Bar or published in the official bulletin of the District of Columbia Bar at least 10 days prior to the meeting.~~

Section 5. Recommendations to Board of Governors

~~The members present at any annual or special meeting of members of the Bar, herein also referred to as the "assembly" may consider and by vote of the active members present adopt, subject to any limitations contained in the By laws, any proposal pertinent to the purposes of the Bar; provided that every such proposal that is adopted shall constitute a recommendation from the assembly to the Board of Governors, and shall be referred accordingly by the presiding officer to the Board of Governors for such action as the Board of Governors may deem proper, except as otherwise required in the case of a direction for a referendum under the provisions of Rule VII, or in the case of a proposal for amendment of these rules under the provisions of Rule XIV.~~

Rule VII. Referendum Procedure

Section 1. ~~Governors~~Board May Initiate

The Board of Governors may at any time, by the affirmative vote of ~~2/3~~two-thirds of ~~its membership~~the Board, refer to the active members of the Bar for determination by ~~mail~~member ballot, any question of Bar policy.

Section 2. ~~Assembly~~Members May Initiate by Petition

The Board of Governors shall, ~~in like manner~~, submit for determination by ~~the active members of the Bar, any question of Bar policy, including proposed changes in the rules or By laws of the Bar, whenever directed to do so by resolution adopted at any annual or special meeting of the Bar by the affirmative vote of not less than 200 active members, provided that no such resolution directing the Board of Governors to propose changes in the rules shall be effective unless adopted at 2 consecutive meetings of the assembly.~~

~~Section 3. Members May Initiate by Petition~~

~~The Board of Governors shall, in like manner, submit for determination by the members of the Bar, member ballot any question of Bar policy, including proposals for changes in the rules~~Rules or ~~By laws~~Bylaws, whenever directed so to do by a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

Section ~~4~~3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned, and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar ~~bulletin~~publication, and shall control the action of the Bar, the Board of Governors, the officers, and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be ~~filed promptly with~~transmitted to the Clerk of the ~~District of Columbia Court of Appeals~~ and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement ~~filed with~~transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the ~~Bar's~~Bar's total disbursements.

Rule IX. ~~By laws~~ Bylaws

~~By laws~~ Bylaws not inconsistent with these Rules may be ~~promulgated~~ established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule XII. ~~Clients'~~ Clients' Security Trust Fund

Rule XV. ~~Amendment Section 1.~~ Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by ~~(a)~~ petition of the Board of Governors; ~~or (b) petition of the assembly in respect of changes approved by referendum as provided in Rule VII.~~ Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

~~Section 2. Amendment of By laws~~

~~The provisions of the By laws of the District of Columbia Bar shall be subject to amendment or abrogation by a resolution adopted by a majority vote of the voting members of the Board of Governors at a meeting with at least two thirds of the voting members of the Board members in attendance.~~

Rule 10. The Record on Appeal.

(a) Composition of the Record on Appeal. The following items constitute the record on appeal:

- (1) the original papers and exhibits filed in the Superior Court;
- (2) the transcript of proceedings, if any; and
- (3) a certified copy of the docket entries prepared by the Clerk of the Superior Court.

(b) The Transcript of Proceedings.

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporter Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court stating that no transcript will be ordered.

(2) Unsupported Finding or Conclusion. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion. See *Cobb v. Standard Drug Co.*, 453 A.2d 110 (D.C. 1982).

(3) Partial Transcript. Unless the entire transcript is ordered:

(A) the appellant must, within the 10 days provided in Rule 10(b)(1), file a statement of the issues that the appellant intends to present on the appeal and must serve on all other parties a copy of both the transcript order or certificate required by Rule 10(b)(1) and the statement;

(B) if any other party considers it necessary to have a transcript of other parts of the proceedings, it must, within 10 days after service of the transcript order or certificate and statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the other parties, the designating party may within the following 10 days either order the parts or move in the Superior Court for an order requiring the appellant to do so.

(4) Payment. At the time of ordering, a party must make satisfactory arrangements with the Court Reporter Division for paying the cost of the transcript, except when the party is proceeding under Rule 10(b)(5).

(5) Transcript in Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, or Under the Prevention of Child Abuse and Neglect Act.

(A) In all civil cases in which the appellant has been granted a waiver of fees, costs, or security under Rule 24, except those governed by Rule 10(b)(5)(C), a request for the preparation of transcripts must be made, on motion with notice, to the appropriate motions or trial judge. See Rule 24(h); D.C. Code § 15-712(h); *Hancock v. Mutual of Omaha Ins. Co.*, 472 A.2d 867 (D.C. 1984).

(B) In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, see D.C. Code § 11-2601 et seq., the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. A copy of the notice and of the docket entries will be transmitted by the Clerk of the Superior Court to the Court Reporter Division for preparation of the transcript. The transcript prepared will include pretrial hearings on motions, voir dire, openings, the testimony and evidence presented by the parties, closings, the charge to the jury, the verdict, and sentencing, as well as any other proceeding in the case designated by counsel pursuant to Rule 10(b)(1)(A).

(C) In cases where counsel for the appellant has been appointed under the Prevention of Child Abuse and Neglect Act, see D.C. Code § 16-2304, counsel must secure vouchers for the preparation of transcripts from the Finance Office and submit them to the trial judge for approval.

(c) Statement of the Evidence When The Proceedings Were Not Recorded or When a Transcript is Unavailable. If the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be served upon all other parties, who may serve objections or proposed amendments within ten days after being served. The statement and any objections or proposed amendments must then be submitted to the trial judge for settlement and approval. As settled and approved, the statement must be included by the Clerk of the Superior Court in the record on appeal.

(d) Agreed Statement as the Record on Appeal. In place of the record on appeal as defined in Rule 10(a), the parties may prepare, sign, and submit to the trial judge a statement of the case showing how the issues presented by the appeal arose and were decided in the Superior Court. The statement must set forth only those facts averred and proved or sought to be proved that are essential to the court's resolution of the issues. If the statement is accurate, it — together with any additions that the trial judge may consider necessary to a full presentation of the issues on appeal — must be approved by the trial judge and must then be certified to this court as the record on appeal. A copy of the agreed statement may be filed in place of the appendix required by Rule 30.

(e) Correction or Modification of the Record.

(1) If any difference arises about whether the record truly discloses what occurred in the Superior Court, the difference must be submitted to and settled by that court and the record conformed accordingly.

(2) If anything material to any party is omitted from or misstated in the record by error or

accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:

(A) on a stipulation of the parties; or

(B) by the Superior Court before or after the record has been forwarded.

(3) All other questions as to the form and content of the record must be presented to this court.

Rule 11. Transmission of the Record.

(a) Appellant's Duty. An appellant filing a notice of appeal must comply with Rule 10(b) and must do whatever else is necessary to enable the Clerk of the Superior Court to assemble and forward the record. If there are multiple appeals from a judgment or order, the Clerk must assemble a single record.

(b) Duties of Reporter, Director of the Court Reporter Division, and Clerk of the Superior Court.

(1) Reporter's Duty to Prepare and File a Transcript. The reporter must prepare and file a transcript as follows:

(A) Upon receiving an order for a transcript, the reporter must enter at the bottom of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the Clerk of the Superior Court.

(B) If the transcript cannot be completed within 60 days of the reporter's receipt of the order, the reporter may request that this court grant additional time to complete it. The Clerk must note on the docket the action taken and notify the parties.

(C) When a transcript is complete, the reporter must file it with the Director of the Court Reporter Division.

(2) Duties of the Director of the Court Reporter Division. If all transcript ordered or designated for appeal has not been completed within the 60-day time period, the Director of the Court Reporter Division must retain the partial transcript until the transcription of all proceedings has been completed. When completed, the transcript must be placed in chronological sequence, with the pages properly renumbered, and filed with the Clerk of the Superior Court.

(3) Duties of the Clerk of the Superior Court.

(A) When the record is complete, the Clerk of the Superior Court must prepare an index that reasonably identifies and numbers the documents constituting the record, and promptly send 4 certified copies of that index and the original reporter's transcript, if any, to the Clerk of this court. The Clerk of the Superior Court must retain all other parts of the record for the parties to use in preparing the papers on appeal, subject to call by this court. In cases where a party has been granted a waiver of fees, costs, or security, see Rule 24, the Clerk of the Superior Court must prepare and submit 2 copies of the record to the Clerk of this court.

(B) In appeals where reporter's transcript is filed after the transmittal of the certified index, the Clerk of the Superior Court must forward the transcript as a supplemental record on appeal promptly after the Director of the Court Reporter Division files it.

(c) Record for a Preliminary Motion in the Court of Appeals. If, before the record is forwarded, a party files in this court a motion for dismissal, summary reversal, summary affirmance, release pending appeal, stay or injunction pending appeal, additional security on a supersedeas bond, or

for any other relief, the Clerk of the Superior Court, upon order of this court, must transmit a preliminary record containing the notices of appeal, the order appealed from, and those parts of the record designated by any party.

Rule 24. Waiver of Fees, Costs, or Security (In Forma Pauperis).

(a) In General. The standards governing eligibility for waiver are listed in D.C. Code § 15-712(a).

(b) Appeals from the Superior Court.

(1) Prior Approval. A party who was granted a waiver of court fees, costs, or security in the Superior Court, or who was determined by the Superior Court to be eligible for court-appointed counsel under D.C. Code § 11-2601 et seq. (criminal proceedings) or D.C. Code § 16-2304 (Family Court proceedings), may proceed on appeal without paying fees, costs, or security.

(2) Applications to be Filed in the Superior Court.

(A) Except as stated in Rule 24(b)(1), a party to a proceeding in the Superior Court who seeks to take an appeal without paying fees, costs, or security must file in the Superior Court within the time for filing an appeal:

(i) A notice of appeal containing the information prescribed in Form 1 or Form 2; and

(ii) An application to waive court fees, costs, or security pursuant to Superior Court Rule of Civil Procedure 54-II.

(B) If the Superior Court grants the waiver, the party may proceed on appeal without paying fees, costs, or security.

(C) If the Superior Court denies the waiver in whole or in part, the party may request a hearing under Superior Court Rule of Civil Procedure 54-II(j)(2). If, after the hearing, the Superior Court denies the waiver in whole or in part, the party may file in this court an application to proceed on appeal without paying fees, costs, or security. See Form 7. The application must include the signed declaration contained in Form 7 and:

(i) The notice of appeal and a copy of the application to waive court fees, costs, or security filed in the Superior Court, and the order of the Superior Court stating the reasons for its denial or partial denial; and

(ii) A statement of the reasons the party believes the Superior Court's denial was in error and any additional evidence showing that the party is unable to proceed without substantial hardship to the party or to the party's dependent.

(3) Applications to be Filed in the Court of Appeals. If a party seeks to proceed on appeal without paying fees, costs, or security after having filed a notice of appeal and paid the required fees, the party must file with this court an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7.

(c) Petitions for Review of Agency Decisions. When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to this court, a party may file in this

court, along with the petition for review, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7. The waiver application and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.

(d) Petitions for Extraordinary Writs. A party who files a petition for an extraordinary writ and who seeks to proceed without paying fees, costs, or security must file, along with the petition, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7.

(e) Timing for Deciding Waivers.

(1) Within 5 calendar days after receiving a completed waiver application, the court must decide whether to approve the application. The Clerk, if authorized, may grant waiver applications.

(2) If, within 5 calendar days after receiving a completed application, the court has not ruled on the waiver application, the application will be deemed approved.

(3) The deadlines in Rule 24(e)(1) and (2) do not apply where the court requires additional information under D.C. Code § 15-712(b)(1). See D.C. Code § 15-712(c)(1)(C).

(f) Denial of Waiver Application. If a waiver application is denied by this court, the court shall state the reasons for the denial or partial denial in writing. A party who is denied a waiver in whole or in part may request a hearing on the matter in accordance with D.C. Code § 15-712(c)(3)(A). A hearing under this rule must be held no later than 14 days after the court receives the hearing request. If, after the hearing, the waiver application is denied, the party must pay the required filing fee within the time specified in the final order of denial.

(g) Merits of Appeal or Petition. In considering a waiver application, the court must not consider the merits of the appeal or petition.

(h) Motion for Free Transcripts or Other Documents.

(1) Civil Cases. A party in a civil case who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared and explaining the basis for the motion. See D.C. Code § 15-712(h); Rule 10(b)(5)(A), (C); Super. Ct. Civ. R. 54-II(k). The Superior Court must grant the motion unless the request is frivolous. D.C. Code § 15-712(h). In making this determination, the Superior Court must resolve doubt about the frivolousness of the request in favor of the applicant. The Superior Court may order that only those portions of the transcripts or other documents necessary to resolution of the appeal or petition be provided.

(2) Criminal Cases. In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, D.C. Code § 11-2601 et seq., the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. See Rule 10(b)(5)(B) (outlining applicable

procedures). In any other criminal case, a defendant who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared. Such a motion will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government and will be addressed under the procedures established in Rule 10(b)(5)(B).

(i) Confidentiality

(1) The court must keep confidential an application and any financial information submitted by the applicant pursuant to this rule or Superior Court Rule of Civil Procedure 54-II, except to the court, the litigant, persons authorized by the litigant, or by court order. The application must not be served on the other party.

(2) Motion for Access.

(A) Any person seeking access to an application or any financial information provided to the court by an applicant may file a motion, with notice given to the litigant who filed the application, supported by a declaration showing good cause for why the confidential information should be released to the movant.

(B) Any person who is granted access to the application or any financial information under this rule shall not reveal any information contained in the application, or any financial information, except as otherwise authorized by law or court order.

(3) The court's decision on an application for a waiver shall not be confidential.

(j) Special Rules Governing Appeals Proceeding Without Payment of Fees, Costs, or Security. For rules specially governing appeals proceeding without payment of fees, costs, or security, see Rules 10(b)(5), 11(b)(3), and 30(f).

Rule 30. Appendix to the Briefs.

(a) Appellant's Responsibility.

(1) Contents of the Appendix. The appellant must prepare and file an appendix to the briefs containing:

(A) the relevant docket entries in the proceeding below;

(B) the relevant pleadings, charge, findings, or opinion;

(C) the judgment, order, or decision in question; and

(D) other parts of the record to which the parties wish to direct the court's attention.

(2) Excluded Material. Memoranda of law filed in the Superior Court should not be included in the appendix unless they have independent relevance. Parts of the record may be relied on by the court or the parties even though not included in the appendix.

(3) Time to File; Number of Copies. The appellant must file 4 copies of the appendix with the brief and must serve one copy on counsel for each party separately represented.

(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix. The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 20 days after the Clerk has notified the parties that the record is filed, serve on all other parties a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. Any other party may, within 10 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the court's attention. The appellant must include the designated parts in the appendix. The parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the court. This paragraph applies also to a cross-appellant and a cross-appellee.

(2) Costs of the Appendix. Unless the parties agree otherwise, the appellant must pay the cost of the appendix. If the appellant considers parts of the record designated by another party to be unnecessary, the appellant may advise that party, who must then advance the cost of including those parts. The cost of the appendix is a taxable cost. If any party causes unnecessary parts of the record to be included in the appendix, the court may impose the costs of those parts on that party. Appropriate sanctions may also be imposed, after notice and opportunity to respond, against a party or counsel who unreasonably increases litigation costs by including such material in the appendix.

(c) Format of the Appendix. The appendix must begin with a table of contents identifying the page at which each part begins. The pages of the appendix must be numbered consecutively. The relevant docket entries must follow the table of contents, and other parts of the record must follow

chronologically. When pages from the transcript of proceedings are placed in the appendix, the date of each transcript and the page numbers must be listed on a separate page of the appendix immediately before the included pages. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) should be omitted.

(d) **Reproduction of Exhibits.** Exhibits designated for inclusion in the appendix may be reproduced in a separate volume, or volumes, suitably indexed. Four copies must be filed with each copy of the appendix, and one copy must be served on counsel for each separately represented party. If a transcript of a proceeding before an administrative agency, board, commission, or officer was used in a Superior Court action and has been designated for inclusion in the appendix, the transcript must be placed in the appendix as an exhibit.

(e) **Appeal on the Original Record Without an Appendix.** For good cause shown, the court may excuse a party from the requirements of producing an appendix, or any part thereof, and permit an appeal to proceed on the original record with any copies of the record, or relevant parts, that the court may order the parties to file.

(f) **Appendix in Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, or Under the Prevention of Child Abuse and Neglect Act.** No appendix is required in cases in which a party has been granted a waiver of fees, costs, or security or counsel has been appointed to represent the party. In such cases, however:

(1) The appellant:

(A) must file with the brief 4 copies of any opinion, findings of fact, and conclusions of law, whether written or set forth orally in the transcript, that relate to the issues raised on appeal; and

(B) may, but is not required to, file with the brief 4 copies of any additional portions of the record to be called to the court's attention.

(2) The appellee may file with the brief 4 copies of any portions of the record to be called to the court's attention that were not furnished by the appellant.

(3) A copy of this document must be served on counsel for each party separately represented.

Rule 10. The Record on Appeal.

(a) Composition of the Record on Appeal. The following items constitute the record on appeal:

- (1) the original papers and exhibits filed in the Superior Court;
- (2) the transcript of proceedings, if any; and
- (3) a certified copy of the docket entries prepared by the Clerk of the Superior Court.

(b) The Transcript of Proceedings.

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10-(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporter Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court stating that no transcript will be ordered.

(2) Unsupported Finding or Conclusion. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion. See *Cobb v. Standard Drug Co.*, 453 A.2d 110 (D.C. 1982).

(3) Partial Transcript. Unless the entire transcript is ordered:

(A) the appellant must, within the 10 days provided in Rule 10-(b)(1), —file a statement of the issues that the appellant intends to present on the appeal and must serve on all other parties a copy of both the transcript order or certificate required by Rule 10-(b)(1) and the statement;

(B) if any other party considers it necessary to have a transcript of other parts of the proceedings, it must, within 10 days after service of the transcript order or certificate and statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the other parties, the designating party may within the following 10 days either order the parts or move in the Superior Court for an order requiring the appellant to do so.

(4) Payment. At the time of ordering, a party must make satisfactory arrangements with the Court Reporter Division for paying the cost of the transcript, except when the party is proceeding under Rule 10-(b)(5).

(5) Transcript in ~~In Forma Pauperis~~ Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, and—or Under the Prevention of Child Abuse and Neglect Act ~~Appeals~~.

(A) In all civil cases in which the appellant ~~is proceeding on appeal in forma pauperis~~ has been granted a waiver of fees, costs, or security under Rule 24, except those governed by Rule 10(b)(5)(C), a request for the preparation of transcripts must be made, on motion with notice, to the appropriate motions or trial judge. See Rule 24(h); D.C. Code § 15-712(h); *Hancock v. Mutual of Omaha Ins. Co.*, 472 A.2d 867 (D.C. 1984).

(B) In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, see D.C. Code § 11-2601 et seq. ~~(2001)~~, the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. A copy of the notice and of the docket entries will be transmitted by the Clerk of the Superior Court to the Court Reporter Division for preparation of the transcript. The transcript prepared will include pretrial hearings on motions, voir dire, openings, the testimony and evidence presented by the parties, closings, the charge to the jury, the verdict, and sentencing, as well as any other proceeding in the case designated by counsel pursuant to Rule 10-(b)(1)(A).

(C) In cases where counsel for the appellant has been appointed under the Prevention of Child Abuse and Neglect Act, see D.C. Code § 16-2304-~~(2001)~~, counsel must secure vouchers for the preparation of transcripts from the Finance Office and submit them to the trial judge for approval.

(c) Statement of the Evidence When The Proceedings Were Not Recorded or When a Transcript is Unavailable. If the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be served upon all other parties, who may serve objections or proposed amendments within ten days after being served. The statement and any objections or proposed amendments must then be submitted to the trial judge for settlement and approval. As settled and approved, the statement must be included by the Clerk of the Superior Court in the record on appeal.

(d) Agreed Statement as the Record on Appeal. In place of the record on appeal as defined in Rule 10-(a), the parties may prepare, sign, and submit to the trial judge a statement of the case showing how the issues presented by the appeal arose and were decided in the Superior Court. The statement must set forth only those facts averred and proved or sought to be proved that are essential to the court's resolution of the issues. If the statement is accurate, it — together with any additions that the trial judge may consider necessary to a full presentation of the issues on appeal — must be approved by the trial judge and must then be certified to this court as the record on appeal. A copy of the agreed statement may be filed in place of the appendix required by Rule 30.

(e) Correction or Modification of the Record.

(1) If any difference arises about whether the record truly discloses what occurred in the Superior Court, the difference must be submitted to and settled by that court and the record conformed

accordingly.

(2) If anything material to any party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:

(A) on a stipulation of the parties; or

(B) by the Superior Court before or after the record has been forwarded.

(3) All other questions as to the form and content of the record must be presented to this court.

Rule 11. Transmission of the Record.

(a) Appellant's Duty. An appellant filing a notice of appeal must comply with Rule 10-(b) and must do whatever else is necessary to enable the Clerk of the Superior Court to assemble and forward the record. If there are multiple appeals from a judgment or order, the Clerk must assemble a single record.

(b) Duties of Reporter, Director of the Court Reporter Division, and Clerk of the Superior Court.

(1) Reporter's Duty to Prepare and File a Transcript. The reporter must prepare and file a transcript as follows:

(A) Upon receiving an order for a transcript, the reporter must enter at the bottom of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the Clerk of the Superior Court.

(B) If the transcript cannot be completed within 60 days of the reporter's receipt of the order, the reporter may request that this court grant additional time to complete it. The Clerk must note on the docket the action taken and notify the parties.

(C) When a transcript is complete, the reporter must file it with the Director of the Court Reporter Division.

(2) Duties of the Director of the Court Reporter Division. If all transcript ordered or designated for appeal has not been completed within the ~~60-day~~60-day time period, the Director of the Court Reporter Division must retain the partial transcript until the transcription of all proceedings has been completed. When completed, the transcript must be placed in chronological sequence, with the pages properly renumbered, and filed with the Clerk of the Superior Court.

(3) Duties of the Clerk of the Superior Court.

(A) When the record is complete, the Clerk of the Superior Court must prepare an index that reasonably identifies and numbers the documents constituting the record, and promptly send 4 certified copies of that index and the original reporter's transcript, if any, to the Clerk of this court. The Clerk of the Superior Court must retain all other parts of the record for the parties to use in preparing the papers on appeal, subject to call by this court. In cases where a party has been ~~permitted to proceed on appeal in forma pauperis~~ granted a waiver of fees, costs, or security, see Rule 24, the Clerk of the Superior Court must prepare and submit 2 copies of the record to the Clerk of this court.

(B) In appeals where reporter's transcript is filed after the transmittal of the certified index, the Clerk of the Superior Court must forward the transcript as a supplemental record on appeal promptly after the Director of the Court Reporter Division files it.

(c) Record for a Preliminary Motion in the Court of Appeals. If, before the record is forwarded, a party files in this court a motion for dismissal, summary reversal, summary affirmance, release

pending appeal, stay or injunction pending appeal, additional security on a supersedeas bond, or for any other relief, the Clerk of the Superior Court, upon order of this court, must transmit a preliminary record containing the notices of appeal, the order appealed from, and those parts of the record designated by any party.

Rule 24. ~~Proceeding Without Prepayment~~ Waiver of Fees, ~~and~~ Costs, or Security (In Forma Pauperis).

(a) In General. The standards governing eligibility for waiver are listed in D.C. Code § 15-712(a).

(b) Appeals from the Superior Court.

(1) Prior Approval. A party who was ~~permitted to proceed in forma pauperis~~ granted a waiver of court fees, costs, or security in the Superior Court, or who was determined by the Superior Court to be eligible for court-appointed counsel under D.C. Code § 11-2601 et seq. ~~(2001)~~ ~~(Criminal proceedings)~~ or D.C. Code § 16-2304 ~~(2001)~~ (Family Court proceedings), may proceed on appeal ~~in forma pauperis~~ without paying fees, costs, or security ~~further authorization.~~

(2) ~~Motions~~ Applications to be Filed in the Superior Court.

(A) Except as stated in Rule 24-~~(a)~~(1), a party to a proceeding in the Superior Court who ~~desires~~ seeks to take an appeal without ~~the prepayment of~~ paying fees, costs, or security must file in the Superior Court within the time for filing an appeal:

(i) A notice of appeal containing the information prescribed in Form 1 or Form 2; and

(ii) An application to waive court fees, costs, or security pursuant to Superior Court Rule of Civil Procedure 54-II ~~A motion and affidavit containing the information prescribed in Form 7a and Form 7b, showing an inability to pay fees and costs or to give security therefor.~~

(B) If the Superior Court grants the ~~motion~~ waiver, the party may proceed on appeal without ~~prepaying or giving security for fees, and costs, or security.~~

(C) If the Superior Court denies the ~~motion~~ waiver in whole or in part, ~~that court must issue an order in writing stating the reason for its denial. Within 10 days after entry of the order denying the motion,~~ the party may request a hearing under Superior Court Rule of Civil Procedure 54-II(j)(2). If, after the hearing, the Superior Court denies the waiver in whole or in part, the party may file in this court an application ~~motion~~ to proceed on appeal without paying fees, costs, or security. See Form 7 ~~in forma pauperis.~~ The ~~motion~~ application must include the signed declaration contained in Form 7 and:

(i) ~~A copy of the motion, affidavit, and~~ The notice of appeal and a copy of the application to waive court fees, costs, or security filed in the Superior Court, and ~~any~~ the order of the Superior Court stating the reasons for its denial or partial denial; and

(ii) A statement of the reasons ~~why~~ the party believes the Superior Court's denial was in error and any additional evidence showing that the party is unable to proceed without substantial hardship to the party or to the party's dependent. ~~If no affidavit was filed in the Superior Court, the party must include with the motion an affidavit containing the information prescribed in Form 7b.~~

(3) ~~Motions~~ Applications to be Filed in the Court of Appeals. If a party ~~desires~~ seeks to proceed on appeal without paying fees, costs, or security ~~in forma pauperis~~ after having filed a notice of appeal and paid the required fees, the party must file with this court an application to waive court costs, fees, or security ~~motion to proceed in forma pauperis~~, see Form 7a, and sign the declaration contained ~~an affidavit containing the information prescribed~~ in Form 7b.

~~(b)~~ (c) Petitions for Review of Agency Decisions. When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to this court, a party may file in this court, along with the petition for review, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7. The waiver application and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.

~~—(1) Petition for Review; Motion and Affidavit.~~ ~~When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to the Court of Appeals, a party may file in this court, along with the petition for review, a motion to proceed on appeal in forma pauperis, see Form 7a, and an affidavit containing the information prescribed in Form 7b.~~

~~—(2) Timing.~~ ~~The motion, affidavit, and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.~~

~~(e)~~ (d) Petitions for Extraordinary Writs. A party who files a petition for an extraordinary writ and who ~~desires~~ seeks to proceed without paying fees, costs, or security ~~in forma pauperis~~ must file, along with the petition, an application to waive court costs, fees, or security ~~motion to so proceed~~, see Form 7a, and sign the declaration contained ~~an affidavit containing the information prescribed~~ in Form 7b.

(e) Timing for Deciding Waivers.

(1) Within 5 calendar days after receiving a completed waiver application, the court must decide whether to approve the application. The Clerk, if authorized, may grant waiver applications.

(2) If, within 5 calendar days after receiving a completed application, the court has not ruled on the waiver application, the application will be deemed approved.

(3) The deadlines in Rule 24(e)(1) and (2) do not apply where the court requires additional information under D.C. Code § 15-712(b)(1). See D.C. Code § 15-712(c)(1)(C).

(f) Denial of Waiver Application ~~In-Forma-Pauperis Motions.~~ If a waiver application ~~motion to proceed in forma pauperis~~ is denied by this court, the court shall state the reasons for the denial or partial denial in writing. A party who is denied a waiver in whole or in part may request a hearing on the matter in accordance with D.C. Code § 15-712(c)(3)(A). A hearing under this rule must be held no later than 14 days after the court receives the hearing request. ~~the Clerk must notify the parties of the denial, and If, after the hearing, the waiver application is denied, the petitioner party~~ must pay the required filing fee within the time specified in the final order of denial.

(g) Merits of Appeal or Petition. In considering a waiver application, the court must not consider the merits of the appeal or petition.

(h) Motion for Free Transcripts or Other Documents.

(1) Civil Cases. A party in a civil case who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared and explaining the basis for the motion. See D.C. Code § 15-712(h); Rule 10(b)(5)(A), (C); Super. Ct. Civ. R. 54-II(k). The Superior Court must grant the motion unless the request is frivolous. D.C. Code § 15-712(h). In making this determination, the Superior Court must resolve doubt about the frivolousness of the request in favor of the applicant. The Superior Court may order that only those portions of the transcripts or other documents necessary to resolution of the appeal or petition be provided.

(2) Criminal Cases. In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, D.C. Code § 11-2601 et seq., the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. See Rule 10(b)(5)(B) (outlining applicable procedures). In any other criminal case, a defendant who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared. Such a motion will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government and will be addressed under the procedures established in Rule 10(b)(5)(B).

(i) Confidentiality

(1) The court must keep confidential an application and any financial information submitted by the applicant pursuant to this rule or Superior Court Rule of Civil Procedure 54-II, except to the court, the litigant, persons authorized by the litigant, or by court order. The application must not be served on the other party.

(2) Motion for Access.

(A) Any person seeking access to an application or any financial information provided to the court by an applicant may file a motion, with notice given to the litigant who filed the application, supported by a declaration showing good cause for why the confidential information should be released to the movant.

(B) Any person who is granted access to the application or any financial information under this rule shall not reveal any information contained in the application, or any financial information, except as otherwise authorized by law or court order.

(3) The court's decision on an application for a waiver shall not be confidential.

(e) Special Rules Governing ~~In-Forma-Pauperis~~ Appeals Proceeding Without Payment of Fees, Costs, or Security. For rules specially governing ~~in-forma-pauperis~~ appeals proceeding without payment of fees, costs, or security, see Rules 10-(b)(5), 11-(b)(3), and 30-(f).

Rule 30. Appendix to the Briefs.

(a) Appellant's Responsibility.

(1) Contents of the Appendix. The appellant must prepare and file an appendix to the briefs containing:

(A) the relevant docket entries in the proceeding below;

(B) the relevant pleadings, charge, findings, or opinion;

(C) the judgment, order, or decision in question; and

(D) other parts of the record to which the parties wish to direct the court's attention.

(2) Excluded Material. Memoranda of law filed in the Superior Court should not be included in the appendix unless they have independent relevance. Parts of the record may be relied on by the court or the parties even though not included in the appendix.

(3) Time to File; Number of Copies. The appellant must file 4 copies of the appendix with the brief and must serve one copy on counsel for each party separately represented.

(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix. The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 20 days after the Clerk has notified the parties that the record is filed, serve on all other parties a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. Any other party may, within 10 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the court's attention. The appellant must include the designated parts in the appendix. The parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the court. This paragraph applies also to a cross-appellant and a cross-appellee.

(2) Costs of the Appendix. Unless the parties agree otherwise, the appellant must pay the cost of the appendix. If the appellant considers parts of the record designated by another party to be unnecessary, the appellant may advise that party, who must then advance the cost of including those parts. The cost of the appendix is a taxable cost. If any party causes unnecessary parts of the record to be included in the appendix, the court may impose the costs of those parts on that party. Appropriate sanctions may also be imposed, after notice and opportunity to respond, against a party or counsel who unreasonably increases litigation costs by including such material in the appendix.

(c) Format of the Appendix. The appendix must begin with a table of contents identifying the page at which each part begins. The pages of the appendix must be numbered consecutively. The relevant docket entries must follow the table of contents, and other parts of the record must follow

chronologically. When pages from the transcript of proceedings are placed in the appendix, the date of each transcript and the page numbers must be listed on a separate page of the appendix immediately before the included pages. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) should be omitted.

(d) **Reproduction of Exhibits.** Exhibits designated for inclusion in the appendix may be reproduced in a separate volume, or volumes, suitably indexed. Four copies must be filed with each copy of the appendix, and one copy must be served on counsel for each separately represented party. If a transcript of a proceeding before an administrative agency, board, commission, or officer was used in a Superior Court action and has been designated for inclusion in the appendix, the transcript must be placed in the appendix as an exhibit.

(e) **Appeal on the Original Record Without an Appendix.** For good cause shown, the court may excuse a party from the requirements of producing an appendix, or any part thereof, and permit an appeal to proceed on the original record with any copies of the record, or relevant parts, that the court may order the parties to file.

(f) **Appendix in ~~In Forma Pauperis~~, Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, and/or Under the Prevention of Child Abuse and Neglect Act Appeals.** No appendix is required in cases in which a party has been ~~permitted to proceed granted a waiver of fees, costs, or security in forma pauperis~~ or counsel has been appointed to represent the party. In such cases, however:

(1) The appellant:

(A) must file with the brief 4 copies of any opinion, findings of fact, and conclusions of law, whether written or set forth orally in the transcript, that relate to the issues raised on appeal; and

(B) may, but is not required to, file with the brief 4 copies of any additional portions of the record to be called to the court's attention.

(2) The appellee may file with the brief 4 copies of any portions of the record to be called to the court's attention that were not furnished by the appellant.

(3) A copy of this document must be served on counsel for each party separately represented.

Rule 26. Computing and Extending Time.

(a) Computing Time. The following rules apply in computing any period of time specified in these rules or in any order of this court or applicable statute:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days, unless an applicable statute or order of this court expressly provides otherwise, or unless the period is stated in calendar days.

(3) Include the last day of the period unless it is a Saturday, Sunday, legal holiday, or — if the act to be done is the filing of a paper in court — a day on which the weather or other conditions cause the Clerk’s office to be closed.

(4) As used in this rule, “legal holiday” includes New Year’s Day, Martin Luther King, Jr.’s Birthday, Presidents’ Day, District of Columbia Emancipation Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or by the District of Columbia.

(b) Extending Time. For good cause, the court may extend the time prescribed by these rules to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time:

(1) to file a notice of appeal (except as authorized in Rule 4) or an application for allowance of appeal; or

(2) to file a petition for review; or

(3) for doing any act when the time for doing the act has been prescribed by statute.

(c) Additional Time After Certain Kinds of Service. When a party is required or permitted to act within a prescribed period after a paper is served on that party, 5 calendar days are added to the prescribed period unless the paper is delivered on the date of service stated in the proof of service. For purposes of this Rule 26 (c), a paper that is served electronically is treated as delivered on the date of service stated in the proof of service. Rule 26(c) does not apply when an order of this court prescribes the time in which a party is required or permitted to act. Rule 26(c) also does not apply in determining the timeliness of notices of appeal filed under Rules 4, 5, or 6.

Rule 26. Computing and Extending Time.

(a) Computing Time. The following rules apply in computing any period of time specified in these rules or in any order of this court or applicable statute:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days, unless an applicable statute or order of this court expressly provides otherwise, or unless the period is stated in calendar days.

(3) Include the last day of the period unless it is a Saturday, Sunday, legal holiday, or — if the act to be done is the filing of a paper in court — a day on which the weather or other conditions cause the Clerk’s office to be closed.

(4) As used in this rule, “legal holiday” includes New Year’s Day, Martin Luther King, Jr.’s Birthday, Presidents’ Day, District of Columbia Emancipation Day, Memorial Day, Juneteenth National Independence Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or by the District of Columbia.

(b) Extending Time. For good cause, the court may extend the time prescribed by these rules to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time:

(1) to file a notice of appeal (except as authorized in Rule 4) or an application for allowance of appeal; or

(2) to file a petition for review; or

(3) for doing any act when the time for doing the act has been prescribed by statute.

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Rule 15. Review of Agency Orders.

(a) Petition for Review; Joint Petition.

(1) Review of an agency order or decision is commenced by filing with the Clerk of this court an original and six copies of a petition for review. If their interests make joinder practicable, two or more persons may join in a petition for review.

(2) Unless an applicable statute provides a different time frame, the petition for review must be filed within 30 days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed. In the event the time prescribed by statute is less than 11 days, intermediate Saturdays, Sundays, and legal holidays, as defined in Rule 26 (a), are excluded in the computation unless the statute expressly provides otherwise. If the order or decision is made out of the presence of the parties and notice thereof is by mail, the petitioner will have 5 additional days from the date of mailing.

(3) Except in cases involving review of a decision of the Office of Administrative Hearings, which are governed by Rule 15(a)(4), the petition must:

(A) name each party seeking review either in the caption or the body of the petition — using such terms as “et al.,” “petitioners,” or “respondents” does not effectively name the parties;

(B) name the agency as a respondent; and

(C) specify the order or decision or part thereof to be reviewed.

(4) In cases involving review of a decision of the Office of Administrative Hearings, the petition must name each party seeking review, as required by Rule 15(a)(3)(A), and specify the order or decision or part thereof to be reviewed, as required by Rule 15(a)(3)(C). Only the parties before the Office of Administrative Hearings and any other party permitted to participate by this court shall be parties in this court. See D.C. Code § 2-1831.16(h). The petition may not name either the Office of Administrative Hearings or the Administrative Law Judge from the Office of Administrative Hearings as a respondent. See *id.*

(5) Filing may be accomplished by mail addressed to the Clerk, but filing will not be deemed timely unless the petition is, in fact, received by the Clerk within the prescribed time.

(6) If the petitioner is a corporation or other entity, the petition must be signed by counsel. A petition not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party.

(7) If a timely petition for review is filed by a party, any other party to the proceeding before the agency may file a cross-petition for review within 14 days after the petition was filed, or within 30 days of the date of the challenged order or decision, whichever period expires later.

(8) Form 5 is a suggested form of a petition for review.

(b) Termination of the Time for Filing a Petition for Review. If a party timely files a petition for rehearing or reconsideration in accordance with the rules of the agency, the time to petition for review as fixed by section (a)(2) of this rule runs from the date when notice of the order denying the petition is given.

(c) Service of the Petition. The Clerk must serve a copy of the petition for review on each respondent agency and on the Office of the Attorney General for the District of Columbia or other counsel representing any agency respondent. At the time of filing, the petitioner must:

(1) serve, or have served, a copy on each party admitted to participate in the agency proceedings, except for any agency respondent; and

(2) file with the Clerk a list of those so served.

(d) Intervention. A party to the agency proceeding who wants to intervene in this court must, within 30 days from the date the petition is filed, serve upon all parties to the proceeding, and file with the Clerk, a copy of a notice of intention to intervene, in which case the party will be deemed an intervenor without the necessity of filing a motion. Any other person who wants to intervene must file a motion to intervene with the Clerk within 30 days of the date on which the petition for review is filed, unless the time is extended by order of the court for good cause. A copy of the motion must be served on all parties. The motion must contain a concise statement of the interest of the moving party and the grounds for intervention, and must state on which side the party seeks to intervene.

(e) Fees. When filing any separate or joint petition for review, the petitioner must pay the Clerk all required fees.

(f) To the extent applicable, Rule 25.1 (Emergency and Expedited Cases) governs review of certain agency orders or decisions.

Rule 17. Filing of the Record.

(a) Agency to File; Time for Filing; Notice of Filing. A respondent agency must file the record within 60 days after being served with a petition for review. In cases involving the review of a decision of the Office of Administrative Hearings, the Office of Administrative Hearings must file the record within 60 days of the issuance of an order directing the filing of the record. The court may shorten or extend these deadlines for good cause. The Clerk must notify all parties and intervenors that the record has been filed.

(b) Filing – What Constitutes.

(1) The agency must file:

(A) the original or a certified copy of the record on review or parts designated by the parties;
or,

(B) if a partial record is filed, a certified list adequately describing all documents, transcripts, exhibits, and other material constituting the record on review.

(2) The parties may stipulate in writing that no record or certified list be filed. The date when the stipulation is filed with the Clerk is treated as the date when the record is filed.

(3) The agency must retain any portion of the record not filed with the Clerk. All parts of the record retained by the agency are a part of the record on review for all purposes and, if the court or a party so requests, must be sent to the court regardless of any prior stipulation.

Rule 15. Review of Agency Orders.

(a) Petition for Review; Joint Petition.

(1) Review of an agency order or decision is commenced by filing with the Clerk of this court an original and six copies of a petition for review. If their interests make joinder practicable, two or more persons may join in a petition for review.

(2) Unless an applicable statute provides a different time frame, the petition for review must be filed within 30 days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed. In the event the time prescribed by statute is less than 11 days, intermediate Saturdays, Sundays, and legal holidays, as defined in Rule 26 (a), are excluded in the computation unless the statute expressly provides otherwise. If the order or decision is made out of the presence of the parties and notice thereof is by mail, the petitioner will have 5 additional days from the date of mailing.

(3) Except in cases involving review of a decision of the Office of Administrative Hearings, which are governed by Rule 15(a)(4), ~~The~~ the petition must:

(A) name each party seeking review either in the caption or the body of the petition — using such terms as “et al.,” “petitioners,” or “respondents” does not effectively name the parties;

(B) name the agency as a respondent; and

(C) specify the order or decision or part thereof to be reviewed.

(4) In cases involving review of a decision of the Office of Administrative Hearings, the petition must name each party seeking review, as required by Rule 15(a)(3)(A), and specify the order or decision or part thereof to be reviewed, as required by Rule 15(a)(3)(C). Only the parties before the Office of Administrative Hearings and any other party permitted to participate by this court shall be parties in this court. See D.C. Code § 2-1831.16(h). The petition may not name either the Office of Administrative Hearings or the Administrative Law Judge from the Office of Administrative Hearings as a respondent. See id.

(5) Filing may be accomplished by mail addressed to the Clerk, but filing will not be deemed timely unless the petition is, in fact, received by the Clerk within the prescribed time.

(6) If the petitioner is a corporation or other entity, the petition must be signed by counsel. A petition not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party.

(7) If a timely petition for review is filed by a party, any other party to the proceeding before the agency may file a cross-petition for review within 14 days after the petition was filed, or within 30 days of the date of the challenged order or decision, whichever period expires later.

(8) Form 5 is a suggested form of a petition for review.

(b) Termination of the Time for Filing a Petition for Review. If a party timely files a petition for rehearing or reconsideration in accordance with the rules of the agency, the time to petition for review as fixed by section (a)(2) of this rule runs from the date when notice of the order denying the petition is given.

(c) Service of the Petition. The Clerk must serve a copy of the petition for review on ~~the~~ each respondent agency and on the ~~Corporation Counsel of~~ Office of the Attorney General for the District of Columbia or other counsel representing ~~the~~ any agency respondent. At the time of filing, the petitioner must:

(1) serve, or have served, a copy on each party admitted to participate in the agency proceedings, except for ~~the~~ any agency respondents; and

(2) file with the Clerk a list of those so served.

(d) Intervention. A party to the agency proceeding who wants to intervene in this court must, within 30 days from the date the petition is filed, serve upon all parties to the proceeding, and file with the Clerk, a copy of a notice of intention to intervene, in which case the party will be deemed an intervenor without the necessity of filing a motion. Any other person who wants to intervene must file a motion to intervene with the Clerk within 30 days of the date on which the petition for review is filed, unless the time is extended by order of the court for good cause. A copy of the motion must be served on all parties. The motion must contain a concise statement of the interest of the moving party and the grounds for intervention, and must state on which side the party seeks to intervene.

(e) Fees. When filing any separate or joint petition for review, the petitioner must pay the Clerk all required fees.

(f) To the extent applicable, Rule 25.1 (Emergency and Expedited Cases) governs review of certain agency orders or decisions.

Rule 17. Filing of the Record.

(a) Agency to File; Time for Filing; Notice of Filing. ~~The~~ A respondent agency must file the record within 60 days after being served with a petition for review. In cases involving the review of a decision of the Office of Administrative Hearings, the Office of Administrative Hearings must file the record within 60 days of the issuance of an order directing the filing of the record. The court may shorten or extend ~~this time~~ these deadlines for good cause. The Clerk must notify all parties and intervenors that the record has been filed.

(b) Filing – What Constitutes.

(1) The agency must file:

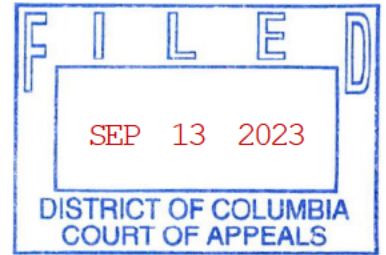
(A) the original or a certified copy of the record on review or parts designated by the parties;
or,

(B) if a partial record is filed, a certified list adequately describing all documents, transcripts, exhibits, and other material constituting the record on review.

(2) The parties may stipulate in writing that no record or certified list be filed. The date when the stipulation is filed with the Clerk is treated as the date when the record is filed.

(3) The agency must retain any portion of the record not filed with the Clerk. All parts of the record retained by the agency are a part of the record on review for all purposes and, if the court or a party so requests, must be sent to the court regardless of any prior stipulation.

**District of Columbia
Court of Appeals**



No. M281-23

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, AliKhan, and Shanker, Associate Judges.

NOTICE

(FILED – September 13, 2023)

This court is considering amending its rules on four unrelated topics. First, the D.C. Bar has proposed amendments to the Rules Governing the District of Columbia Bar that are primarily directed at moving some of the current content of those rules to the Bar’s Bylaws, so that future changes on matters of internal Bar organization will be possible without requiring this court to amend its rules. The Bar’s proposal is attached. With minor non-substantive revisions as indicated, the court is sending that proposal out for public comment.

Second, the D.C. Council has enacted legislation amending the statute relating to parties who seek to proceed in court without payment of fees, costs, or security. D.C. Code § 15-712. The court is sending out for public comment amendments intended to make the court’s rules consistent with the new provisions. The new statute and draft amendments to D.C. App. R. 10, 11, 24, and 30 are attached.

Third, D.C. App. R. 4(a)(6) (governing notices of appeal in civil cases) and (b)(5) (governing notices of appeal in criminal cases) provide that if a judgment/order is signed or decided outside the presence of the parties, the judgment/order is not considered entered (for purposes of calculating the appeal period) until the fifth day after the Superior Court

Clerk makes an entry on the docket reflecting the mailing of notice. The rules then cite *Singer v. Singer*, 583 A.2d 689 (D.C. 1990) (per curiam). That case holds that, in calculating the five-day period under what is now D.C. App. R. 4(a)(6), intervening Saturdays, Sundays, and holidays do not count. 583 A.2d at 691.

After *Singer* was decided, D.C. App. R. 26, which generally governs calculation of time, was amended. Rule 26(a)(2) provides for excluding intervening Saturdays, Sundays, and holidays when calculating periods of less than 11 days. Rule 26(c) also provides, however, that calendar days should be used when adding five days if “a party is required or permitted to act within a prescribed period after a paper is served on that party.” The court is considering amending Rule 26(c) by adding a sentence at the end providing that Rule 26(c) does not apply to notices of appeal filed under Rules 4, 5, or 6. The full text of R. 26, with the draft amendment highlighted, is attached.

Fourth, D.C. App. R. 15(a)(3)(B) requires petitioners in agency cases to “name the agency as a respondent.” D.C. Code § 2-1831.16(h), however, provides that, in cases involving the Office of Administrative Hearings (OAH), “[n]otwithstanding any other provision of law, neither the Office nor an Administrative Law Judge shall be a party in any proceeding brought by a party in any court seeking judicial review of any order of the Office, or of any order of an agency head or governing board, commission, or body of an agency that decides any appeal from any order of the Office. Only the parties before the Office or any other party permitted to participate by the reviewing court shall be parties in any such proceeding for judicial review.”

The court is sending out for public comment a draft amendment to Rule 15 (1) to state that OAH should not be named as a respondent, and (2) to include the statutory language about parties before the agency being parties in this court. Some conforming changes are also proposed to Rule 15(c), which governs service, and Rule 17(a), which governs filing of the

record in agency cases. The pertinent rules and draft amendments are attached.

This notice is published to afford interested parties an opportunity to submit written comments concerning the amendments under consideration. Comments must be submitted by November 13, 2023. Comments may be submitted electronically to rules@dcappeals.gov, or in writing, addressed to the Clerk, D.C. Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001. All comments submitted pursuant to this notice will be available to the public.

PER CURIAM

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March 6, 2023

Honorable Anna Blackburne-Rigsby
Chief Judge
District of Columbia Court of Appeals
430 E Street NW
Washington, DC 20001

*Re: Proposed Amendments to District of Columbia Court of Appeals Rules
Governing the Bar*

VIA E-MAIL

Dear Chief Judge Blackburne-Rigsby:

On behalf of the District of Columbia Bar Board of Governors (the “Board”), pursuant to Rule XV, Section 1 of the D.C. Court of Appeals Rules Governing the Bar (the “Rules”), I am writing to petition the Court to amend the Rules as set forth in the attached memorandum and accompanying appendices.

As you are aware, in the fall of 2020, the Board, in conjunction with the D.C. Bar Regulations/Rules/Board Procedures Committee (the “Committee”), began a comprehensive review of the D.C. Bar Bylaws. This process spanned approximately 18 months and resulted in revised Bylaws that were approved by the Board and took effect on July 1, 2022. Subsequently, the Committee carefully considered appropriate amendments to the Rules in light of the revised Bylaws in an effort to make the Rules and Bylaws more “user-friendly” for the members, to minimize redundancy, and to ensure consistency between the two governing documents.

The attached memorandum sets forth the background and history of this effort at the Bar, describes the Committee and Board processes, and contains a summary and rationale for the revised Bylaws and proposed amendments to the Rules. We have included several appendices that provide additional detail regarding the various changes in both documents. I hope you will find these materials helpful in the Court’s review of the Board’s petition.

Please feel free to reach out to me or the Bar's General Counsel, Erum Z. Mirza at emirza@dcbar.org, with any questions or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read 'E. Jakovic', is written over a faint rectangular stamp.

Ellen M. Jakovic, President
District of Columbia Bar

Enclosures

cc with enclosures (via e-mail):

D.C. Bar Board of Governors

Robert J. Spagnoletti, Chief Executive Officer, D.C. Bar

Mark Salzberg, Chair, Regulations/Rules/Board Procedures Committee, D.C. Bar



To: District of Columbia Court of Appeals
The Honorable Anna Blackburne-Rigsby, Chief Judge

From: D.C. Bar Board of Governors
Ellen M. Jakovic, President

Re: Proposed Amendments to District of Columbia Court of Appeals
Rules Governing the District of Columbia Bar

Date: March 6, 2023

I. INTRODUCTION AND BACKGROUND

The District of Columbia Bar (“D.C. Bar” or “Bar”) is governed by the District of Columbia Court of Appeals Rules Governing the Bar (“Rules”) and the D.C. Bar Bylaws (“Bylaws”). The Rules went into effect and the Bar came into existence on April 1, 1972. The Bar adopted its first set of Bylaws several months later, on or about January 1, 1973. Since then, the Bylaws developed organically and have been pieced together over time based on the developing needs of a growing organization. The Bylaws built on provisions originally set forth in the Rules and, in some instances, included operational details in reaction to emerging governance and membership matters. Over time, the Rules and Bylaws were modified on an as-needed basis, but the documents were never reviewed globally or in concert with one another, leading to inconsistencies, inefficiencies, redundancies, loopholes, and misinterpretations. Indeed, for nearly 50 years there was no comprehensive review of the Rules and the Bylaws by the D.C. Court of Appeals (“Court”), the Bar, or any of their committees.

The Rules authorize the D.C. Bar Board of Governors (“Board”) to amend its Bylaws in a manner consistent with the Rules. The D.C. Bar Regulations/Rules/Board Procedures Committee (“Committee”) was established in 1999 by the Board and it is charged with reviewing the Rules, Bylaws, and other Bar procedures and policy statements, as requested by the Board. If appropriate, the Committee recommends changes to the Board. With regard to the Bylaws revision, the Committee’s goal was to review the Rules and Bylaws from several vantage points and to make recommended changes to the Board in consideration of the following:

- the Bar’s relationship with the Court;
- the unique needs of the Court, the Bar, and the Bar’s members;

- the Bar’s desire to conform with best practices and to streamline its governing documents;
- outstanding inconsistencies and confusion between the Rules and the Bylaws; and
- ease of administration of the Bar’s policies and procedures.

In November 2020, the Committee¹ began reviewing the Bylaws. Among its first steps was to evaluate and consider whether it should engage an external consultant to help facilitate its work – the first of its kind in Bar history. The Committee considered three different consultants and unanimously agreed to engage Nancy Sylvester, a Certified Professional Parliamentarian, to provide professional consulting services.

The Committee met almost monthly between November 2020 and February 2022. Over the course of 13 meetings, the Committee worked through draft language and content for the revised Bylaws, engaged in substantive discussion and debate on options and alternatives developed by staff and Ms. Sylvester, and offered their own recommendations regarding language, principles, and approaches. Additionally, throughout the duration of the project, the Committee and Executive Office staff provided multiple updates to the Board in 2021 and 2022.

The Committee reaffirmed that *Robert’s Rules of Order Newly Revised* (“*Robert’s Rules*”) is the desired and appropriate parliamentary authority for the Bar. *Robert’s Rules* describes an organization’s bylaws as the instrument that informs and “defines the primary characteristics of the organization” and prescribes how the organization functions. Ultimately, the bylaws include all the rules that an organization considers so important that they cannot be changed without notice and the assent of a specified large majority. In addition, according to *Robert’s Rules*, an organization’s bylaws cannot be suspended or waived.

The Committee recognized the following best practices when analyzing the existing Bylaws and developing the revised content:

- bylaws can be a vehicle to codify and memorialize an organization’s established, historical practices and procedures;
- when drafted properly, bylaws become “evergreen” and require infrequent amendments;

¹ Several volunteer leaders and D.C. Bar staff members contributed significantly to this effort including members of the Regulations/Rules/Board Procedures Committee: Marina S. Barannik, Christopher A. Glaser, Megan K. Hall, and Barbara M.R. Marvin, along with D.C. Bar Immediate Past President Chad T. Sarchio, President Ellen M. Jakovic, Past President Geoffrey M. Klineberg, and Board of Governors member June Kress; D.C. Bar Chief Executive Officer Robert J. Spagnoletti, D.C. Bar General Counsel Erum Z. Mirza, Karen R. Savransky (Director, Legal Affairs and Compliance), Leith R. Alvaro (Manager, Archiving and Indexing), David Chu (Director, Membership), and Sabrina M. Fletcher (Manager, Membership).

- bylaws should be empowering and should not be unduly restrictive; and
- bylaws should be readable and enforceable and provide flexibility without ambiguity.

The Committee adopted the following principles and goals to guide their work:

- create Bylaws that are an exemplar of good construction and adhere to best practices;
- develop an empowering and user-friendly document;
- remove administrative details from the Bylaws and migrate that content to other documents;
- define the roles and responsibilities of the Bar, the Board, committees, staff, and the membership;
- maintain and strengthen the fiscal integrity of the Bar; and
- provide governance guardrails and appropriate organizational flexibility.

On April 12, 2022, the Board approved the attached revised Bylaws (Appendix B) and the *District of Columbia Bar Membership Manual* (“Membership Manual”) (Appendix C) as recommended by the Committee.² In connection with the approval of the Bylaws and Membership Manual, the Board now petitions the Court to consider and approve several amendments to the Rules.³ The primary purposes of the proposed amendments to the Rules are to minimize redundancy and ensure consistency between the Rules and Bylaws.

The Rules, like the Bylaws, have been amended mostly in an *ad hoc* manner over the last five decades. There has never been a concerted and comprehensive review of the Rules in conjunction with the Bylaws. The Board seeks the Court’s approval of a number of amendments to the Rules. The proposed amendments can be grouped into one of the following categories: (a) editorial changes, some of which are to make consistent certain nomenclature across the Rules and Bylaws (*e.g.* changing “dues” to “license fees”), (b) removing administrative or other details from the Rules regarding membership requirements or Board functions and attributes that more appropriately reside in the Bylaws or Membership Manual, and (c) adding or revising content in the Rules to reflect actual Board and membership procedures.

II. EXPLANATION OF PROPOSED RULE AMENDMENTS

As a general matter, the Bylaws are the appropriate governing document to address specifics regarding Membership, Officers, Board of Governors, Executive Committee, and the Meetings of the Bar. The Board believes that having a single source of authority with an appropriate amount of detail on these topics will greatly diminish the likelihood of inconsistencies

² Appendix A provides a detailed summary of the revised Bylaws and the Board’s rationale in making those changes.

³ The Board’s proposed amendments to the Rules are attached to this memorandum in Appendix D (redline / tracked changes) and Appendix E (clean).

between the Rules and Bylaws, and minimize the need for duplicative, repeated changes to multiple documents. Additionally, the proposed amendments to the Rules will make it easier for D.C. Bar members to locate applicable rules and requirements regarding their membership and other procedures related to the Board and the Bar. These changes will also afford the Bar and the Board some flexibility in addressing basic governance issues, organizational concerns, as well as administrative and other matters related to membership. To be clear, the Rules will always take precedence over the Bylaws and the Membership Manual, and the Bar and the Board continue to be subject to the Court’s authority as set forth in Rule I.

A. Rule I (Organization of the Bar)

The proposed amendments to Rule I are editorial and include the addition of two items to the Bar’s enumerated purposes in the body of Section 2. Those items are “to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia” and “to promote access to justice and enhance the delivery of legal services to those in need.” The addition of these purposes to the Rules will make identical the Bylaws provisions concerning the same topic.

B. Rule II (Membership)

The Board proposes a number of amendments to Rule II and will address its recommendations in order of the current sections of Rule II in turn below.

- Section 2. Periodic Registration of Attorneys

The Board recommends deleting this section in its entirety from the Rules. Article III, Section 3.05 of the Bylaws sets forth members’ requirements to file an annual registration statement with the Bar.

- Section 3. Mandatory Course for New Admittees

The Board recommends editorial changes to streamline and simplify this section. Additional detail that is marked for deletion from this section now appropriately resides in Article III, Section 3.05 of the Bylaws.

- Section 4. Classes of Membership

The Board recommends editorial changes to clarify and update the defined classes of D.C. Bar membership and proposes the addition of a “retired” class to reflect a category of membership that has been established by the Bar. The Board also recommends that the Rules authorize the

Board to create additional classes of membership and establish the required qualifications for such classes, after consultation with the Court. This additional authority would enable the Board – and the Bar – to meet the needs of a growing and evolving membership, the profession itself, and the public. The Board’s authority in this regard would be limited in that it could act only after consultation with the Court.

- Section 5. Membership Dues

The Board recommends changing the title of this section to “License Fees” and replacing each instance of “membership dues” or “dues” with “license fees” throughout the Rules. This change has been implemented in the revised Bylaws. The reasoning here is that “dues” tend to be applicable in situations where membership is voluntary. By contrast, the term “license fees” is more accurate since it indicates that the payment is required (*i.e.* mandatory) in order to maintain a member’s license and admission to the Court. Recent First Amendment jurisprudence supports this distinction. Additional editorial and clarifying changes are proposed to this section as well.

- Sections 6. Penalty for Nonpayment of Dues; Late Charges

The Board recommends deleting this section from the Rules based upon the proposed addition in the preceding section: “Non-payment of license fees may result in suspension and the inability to practice law in the District of Columbia.” Additional detail that is marked for deletion from this section now appropriately resides in Article III, Section 3.05 of the Bylaws.

- Section 7. Voluntary Resignation of Membership

The Board recommends deleting this section in its entirety from the Rules because this topic is fully and appropriately addressed in the Membership Manual.

- Section 8. Reinstatement

The Board recommends renaming this section “Resignation and Reinstatement” and providing simply that “A member’s resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.” These topics are now fully addressed in the Membership Manual.

C. Rule III (Officers)

Rule IV (Board of Governors)

Rule V (Executive Committee)

Rule VI (Meetings of the Bar)

The Board proposes amendments that will greatly simplify and streamline the content of Rules III through VI. The Board recommends that these sections retain only the necessary, fundamental language related to these topics. Because the majority of the existing content in these Rules pertains to Board-related details and membership meetings, those details are now properly set forth in the Bylaws.

- Article IV of the Bylaws covers the Board of Governors and addresses the following related topics in sufficient detail: composition, term, duties, vacancies, meetings, voting, and the Executive Committee.
- Article V of the Bylaws includes provisions regarding Officers of the Bar.
- Article III, Section 3.09 of the Bylaws sets forth the requirements for meetings of the membership.

With regards to Rule V (Executive Committee), almost all of this content has been migrated to the Bylaws, with one exception. The Board recommends retaining language regarding “Public Expressions” as it is and making it the sole content of Rule V, which should be renamed “Public Statements.” Due to the challenges posed against unified bars across the country, the Board believes it would be prudent to retain this explicit limitation on the Bar’s ability to make public statements in the Rules.

D. Rule VII (Referendum Procedure)

The Board proposes modest, editorial changes to Rule VII and one substantive deletion to reflect the actual referendum procedures as demonstrated over the course of the Bar’s 50-year history. The Board recommends deleting the section which permits an assembly-initiated referendum. To our knowledge, this process has never been used, nor is it one that would likely be utilized now or in the future given the size of the membership and the manner in which membership meetings are conducted. Additionally, the other two referendum procedures – Board-initiated or member petition – provide ample opportunity for referenda to be brought before the membership.

E. Rule VIII (Disbursements)

The Board proposes minor, editorial changes to reflect the actual practice of “transmitting” the Bar’s disbursement and financial information to the Court versus “filing” that information with the Court.

F. Rule IX (Bylaws)

The Board proposes an editorial change to replace “promulgated” with “established” to indicate that Rule IX relates to the vote required to create the original Bylaws after the creation of the D.C. Bar.

G. Rule XV, Section 2 (Amendment of Bylaws)

The Board recommends that the Court delete this section from the Rules because the provision governing Bylaw amendments exists appropriately in Bylaws Article X. *Robert’s Rules* states, “The bylaws should always prescribe the procedure for their amendment, and such provision should always require at least that advance notice be given in a specified manner, and that the amendment be approved by a two-thirds vote.” To avoid redundancy and inconsistency, it would be appropriate for this provision to reside only in the Bylaws. The redline below reflects the changes made to Rule XV, Section 2 followed by the final language approved by the Board for Bylaws Article X (Amendments):

~~These provisions of the By-laws of the District of Columbia Bar may shall be amended at any regular or special meeting subject to amendment or abrogation by a resolution adopted by a majority vote of the voting members of the Board by a two-thirds vote of the members of the Board of Governors present and voting, provided that notice of the amendment has been submitted in writing to the Board with the agenda of the-at a meeting-with at least two-thirds of the voting members of the Board members in attendance.~~

These Bylaws may be amended at any regular or special meeting of the Board by a two-thirds vote of the members of the Board of Governors present and voting, provided that notice of the amendment has been submitted in writing to the Board with the agenda of the meeting.

Final Approved Language in Bylaws:

These Bylaws may be amended at any regular or special meeting of the Board by a two-thirds vote of the members of the Board of Governors present and voting,

provided that notice of the amendment has been submitted in writing to the Board with the agenda of the meeting.

The Bylaws are the appropriate governing document to set forth how they may be amended. Having an identical provision in the Rules would be redundant and unnecessary – and worse, could cause confusion and inconsistency between the Bylaws and the Rules. Therefore, the Board recommends that Rule XV, Section 2 be deleted in its entirety.

III. CONCLUSION

For the foregoing reasons, the Board recommends that the Court amend the Rules as set forth in detail above and in the accompanying Appendices D and E.

Appendix A

APPENDIX A

SUMMARY OF REVISED BYLAWS

A. Name (Article I)

The Board added a new revised Article I (Name), in accordance with the recommended structure for bylaws in *Robert's Rules* as follows:

The name of the organization is the District of Columbia Bar (“D.C. Bar” or “Bar”).

For context, the Preamble and Rule I, Section 1 of the District of Columbia Court of Appeals Rules Governing the Bar (“DCCA Rules”) provide:

Preamble

The District of Columbia Court of Appeals in the exercise of its inherent powers over members of the legal profession does hereby create, as an official arm of the Court, an association of members of the Bar of the District of Columbia to be known as the District of Columbia Bar, and pursuant to its statutory authority governing admissions to the Bar promulgates the following rules for the government of the Bar and the individual members thereof:

Section 1. Creation of Association

All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the “District of Columbia Bar” subject to the provisions of the Rules hereinafter set forth.

The Bar’s previous Bylaws did not contain any language specifically identifying the name of the organization. Based on *Robert's Rules* and existing content in the DCCA Rules, the Board added a simple Article I, reciting the name of the organization and noting any shortened version in a parenthetical.

B. Purposes (Article II)

The Bylaws contain a new revised Article II (Purposes), in accordance with the recommended structure for bylaws in *Robert's Rules* as follows:

- (a) To assist the legal profession in maintaining high standards of the practice of law in the District of Columbia;
- (b) To aid the courts of the District of Columbia in carrying out and improving the administration of justice;

- (c) To promote access to justice and enhance the delivery of legal services to those in need;
[NEW]
- (d) To foster and maintain high ideals of integrity, learning, competence in public service, and high ethical standards;
- (e) To safeguard the proper professional interests of the members of the Bar;
- (f) To encourage the formation and support the activities of voluntary bar associations;
- (g) To provide a forum for and publish information about the practice of law, the science of jurisprudence and law reform, and the relationship of the Bar to the public; and
- (h) To carry on a continuing program of legal research and education in the technical fields of substantive law, practice, and procedure, and make related reports and recommendations thereon, so that the legal profession may discharge its responsibilities to the public more effectively.

With the exception of (c) listed above, the wording of the foregoing content was taken almost verbatim from DCCA Rule I, Section 2:

The purposes of the Bar shall be to aid the Court in carrying on and improving the administration of justice; to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high standards of conduct; to safeguard the proper professional interest of the members of the Bar; to encourage the formation and activities of volunteer bar associations; to provide a forum for the discussion of subjects pertaining to the practice of law, the science of jurisprudence and law reform, and the relations of the Bar to the public, and to publish information relating thereto; to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure, and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

The Bar's previous bylaws did not contain any language specifically identifying the purpose(s) of the organization. Based on *Robert's Rules* and existing content in the DCCA Rules, the Board added a revised Article II, listing the several purposes of the Bar and setting them forth as specified above in items (a) through (h).

C. Membership and License Requirements (Article III)

The Bylaws include a revised Article III (Membership and License Requirements), in accordance with the recommended structure for bylaws in *Robert's Rules* – with some variation, comprised of the following sections:

Section 3.01	District of Columbia Bar Membership Manual
Section 3.02	Classes of Membership and Qualifications
Section 3.03	Special Legal Consultants Category
Section 3.04	Additional Classes
Section 3.05	Membership Requirements
Section 3.06	Change in Membership Class, Resignation and Reinstatement
Section 3.07	Membership Status and CEO Discretion
Section 3.08	Notices and Deadlines
Section 3.09	Meetings of the Membership

These topics are also addressed in DCCA Rules II (Membership) and VI (Meetings of the Bar). Structurally, this revised Article centralizes the various topics concerning membership classes, membership and license requirements, notices and deadlines, and meetings of the membership. It also introduces the power of the Board to create additional classes of membership and grants the Chief Executive Officer (“CEO”) limited authority and discretion in certain administrative aspects of an individual’s membership. Several substantive changes comprise this Article, as listed below.

- Section 3.01 (District of Columbia Bar Membership Manual) establishes a companion document to the revised Bylaws that has the full force and authority of the Bylaws, while providing for a more stream-lined process for amending the companion document. This will enable the staff, with oversight by the Executive Committee, to make changes that are more operational and administrative in nature with regard to membership procedures.
- Section 3.04 (Additional Classes) authorizes the Board to create additional classes of membership and establish the requirements for any such class.
- Section 3.07 (Membership Status and CEO Discretion) grants the CEO limited authority to make changes to a member’s official record or require other action be taken in the event of a Bar error or omission, or other good cause shown. This is intended to provide the CEO some discretion in permitting rare exceptions in instances where members can demonstrate some type of hardship, need, or other extenuating circumstances.
- Section 3.09 (Meetings of the Membership) more clearly sets forth the parameters regarding annual and special meetings of the Bar, minutes, and required notice.

D. Board of Governors (Article IV)

The Bylaws include a revised Article IV (Board of Governors), in accordance with the recommended structure for bylaws in *Robert's Rules*, comprised of the following sections:

Section 4.01	Composition
Section 4.02	Term
Section 4.03	Duties
Section 4.04	Vacancies
Section 4.05	Meetings
Section 4.06	Quorum
Section 4.07	Voting
Section 4.08	Action in Lieu of a Meeting
Section 409	Executive Committee

The topics covered in Article IV are also addressed in Rules IV (Board of Governors) and V (Executive Committee) of the DCCA Rules. Article IV now includes all of the various topics concerning the Board generally, its meetings, the conduct of its business, and its Executive Committee. Several substantive changes were made, as listed below:

- Section 4.01 (Composition) introduces the role of a Treasurer-Elect, redefines the non-voting members as “public members who are not members of the Bar”, and provides for the appointment of a Secretary by the President from among the elected members, subject to approval by the Board. Beginning with the elections this year, the Treasurer-Elect will be elected in a manner similar to the President-Elect, and that individual will serve a three-year term, as Treasurer-Elect in Year 1, Treasurer in Year 2, and an at-large, voting member of the Board in Year 3.

This change achieves a balance among the interests of: (a) allowing the members to vote for a particular officer; (b) attracting individuals interested in the duties specific to the role of a board treasurer; (c) providing for continuity and retaining institutional knowledge within the Board regarding the Bar’s finances; and (d) creating the opportunity for an individual to gain an understanding of the Bar and its finances before their year of service as Treasurer.

- Section 4.02 (Terms) aligns the start of Board members’ terms with the start of the fiscal year, instead of at the close of the Bar’s annual meeting.

- Section 4.03 (Duties) largely repeats, with editorial revisions, the existing “Functions” set forth in DCCA Rule IV, Section 3. The revised duties are as follows, with new items noted in *italics*:
 - (a) *To evaluate whether the needs of the organization’s members are being met;*
 - (b) *To develop a long-range strategic plan for the organization and measure its progress;*
 - (c) To request, receive, consider and take action on reports and recommendations;
 - (d) To ensure the organization accurately reports its finances, approve the annual budget, monitor the organization’s financial condition, and review the outside audit;
 - (e) To fix the time and place of the annual meeting of members of the Bar;
 - (f) To arrange for publication of an official Bar bulletin or journal;
 - (g) To conduct investigations of matters affecting the Bar;
 - (h) *To authorize, when appropriate, public statements on major issues of public interest or concern, or of major importance to Bar members;*
 - (i) To adopt Bylaws and regulations, not inconsistent with the Rules, for the orderly administration of the Bar’s affairs and activities; and
 - (j) *To appoint, actively support, and work in partnership with the Chief Executive Officer, providing information and clear direction and evaluating the Chief Executive Officer’s performance in carrying out the board’s directives and goals to best serve the membership and the public.*

The additions at (a), (b), and (j) are in line with best practices for bylaws generally to set forth the Board’s duties with regard to its members, organizational strategy, and relationship with staff through the CEO. The new item described in item (h) has been added to make clear and refer to the Board’s ability to issue public statements, within the requirements of the referenda and any other applicable restrictions on the Bar.

- Section 4.04 (Vacancies) is consistent with its predecessor language. This revised section expressly provides for a process for filling a vacancy on the Board for a non-voting member. Based on this and other new language, the provisions for special elections were no longer necessary and thus deleted.
- Section 4.05 (Meetings) revises the provision concerning special meetings and adds flexibility to the conduct of regular and special meetings by permitting electronic meetings and electronic attendance for in-person meetings. Based on the revisions to hold special meetings electronically, the provisions for emergency meetings were no longer necessary and thus deleted.

- Sections 4.06 through 4.08 simplify and more clearly set forth the quorum, voting requirements, and when and how the Board may take action in lieu of a meeting. For example, Section 4.06 requires a majority of the voting members of the Board to establish a quorum instead of the current requirement of nine members to begin a meeting, and 11 for action on a matter.

E. Officers of the Bar (Article V)

The Bylaws include a new revised Article V (Officers of the Bar) comprised of the following sections:

- Section 5.01 Officers
- Section 5.02 Qualifications
- Section 5.03 Appointment of Secretary [new]
- Section 5.04 Terms
- Section 5.05 Duties
- Section 5.06 Vacancies
- Section 5.07 Other (ABA Delegates)

The topics covered in Article V are also addressed in DCCA Rule III (Officers). The following substantive changes were made:

- Section 5.03 (Appointment of Secretary), as noted above with regard to the Treasurer-Elect role, the Bylaws permit the appointment of a Secretary by the President for a one-year term from among the elected Board members, subject to approval by the Board. This process will add some efficiency to the general election process and give interested members an opportunity to serve as an officer for one year during their three-year term and lend the benefit of that experience to their successors and the Board.
- Section 5.04 (Terms) aligns the start of Officers’ terms with the start of the fiscal year, instead of at the close of the annual meeting. It includes a three-year “term limit” for the appointed Secretary.
- Section 5.05 (Duties) incorporates revisions to streamline and clarify the duties of the President, President-Elect, Treasurer, and Secretary currently set forth in DCCA Rule III, Section 2. The introductory paragraph expressly authorizes officers to assign certain administrative duties to the CEO or Bar staff so designated by the CEO. It also includes language signaling possible limits to the President and President-Elect’s *ex officio* committee membership.

The duties included for a “Vice-president” in the existing Rules were omitted from the revised Bylaws because the revised language related to vacancies rendered any provisions for special elections and a Vice-president obsolete.

- Section 5.06 (Vacancies) streamlines and more clearly describes the process for filling the following vacancies: President, President-Elect, Treasurer, Treasurer-Elect, and Secretary.

F. Nominations and Elections (Article VI)

The Bylaws include a new revised Article VI (Nominations and Elections) comprised of the following sections:

- Section 6.01 Nominations Committee
- Section 6.02 Duties of the Nominations Committee
- Section 6.03 Nominations by Petition
- Section 6.04 Notifying Bar Members of Nominations
- Section 6.05 Voting
- Section 6.06 Voting Eligibility
- Section 6.07 Election Returns and Results

The topics in this Article are also addressed in DCCA Rule III (Officers). Several editorial and administrative changes were made to this content, along with two substantive changes described below.

- Section 6.01 (Nominations Committee) excludes the President (along with the President-Elect) from serving on the Nominations Committee to create a seat for an additional non-Board member of the Committee. This change contemplates greater ownership and accountability for the Nominations Committee to fulfill its duties, without relying on or being influenced by incumbent Board officers.
- Section 6.02 (Duties of the Nominations Committee) provides that the slate of candidates will be delivered to the Secretary in accordance with a schedule determined by the Board or Executive Committee. This provides flexibility for the Board and Bar staff and no longer establishes deadlines for the election process by counting back from the annual meeting.

G. Committees (Article VII)

This revised Article streamlines the content pertaining to the formation and duties of Board and Bar committees. The new structure includes a section describing the powers that the Board may assign to committees, a second section describing the duties of select Board committees, and a third section providing for a general authorization enabling the Board to create additional

committees. The prior provisions regarding this topic included unnecessary detail (and a description of 16 different committees) that is more appropriately contained in a committee charter or other governance document.

H. Chief Executive Officer (Article VIII)

The Bylaws include a new Article VIII (Chief Executive Officer) which provides:

Section 8.01. Chief Executive Officer. The Chief Executive Officer (“CEO”) shall be appointed by and serve at the pleasure of the Board. The CEO shall have general and active control over the Bar’s operations and personnel, be responsible for the administration of the Bar’s finances, and perform other duties incident to a chief executive officer of an organization that are not inconsistent with applicable law, the Rules, or these Bylaws.

In accordance with best practices, this language defines in simple terms the Board-CEO relationship and the CEO’s duties with respect to the organization as a whole.

I. Parliamentary Authority (Article IX)

As recommended in *Robert’s Rules*, the Bylaws set forth the Bar’s parliamentary authority in a stand-alone article, which provides:

The rules contained in the latest edition of *Robert’s Rules of Order Newly Revised* shall govern the Bar in all cases to which they are applicable and in which they are not inconsistent with the Rules, these Bylaws, the Membership Manual, or any special rules of order of the Board.

J. Amendments (Article X)

In accordance with *Robert’s Rules*, the Bylaws now include a stand-alone article that addresses the vote and notice required to amend the Bylaws:

These Bylaws may be amended at any regular or special meeting of the Board by a two-thirds vote of the members of the Board of Governors present and voting, provided that notice of the amendment has been submitted in writing to the Board with the agenda of the meeting.

Currently, the language governing the vote required to amend the Bylaws is set forth in Section 2 of DCCA Rule XV¹:

The provisions of the By-laws of the District of Columbia Bar shall be subject to amendment or abrogation by a resolution adopted by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting members of the Board members in attendance.

The Bylaws now require a two-thirds vote of the members present and voting instead of “a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting members of the Board members in attendance”. Thus, rather than a heightened quorum requirement, the Bylaws now include a notice requirement and employs a greater than majority (2/3) vote for the Board to amend the Bylaws. Practically, this changes the voting requirements to approve a Bylaws amendment as follows:

	<u>Existing Rule</u>	<u>Bylaw</u>
Minimum attendance required to vote on an amendment to Bylaws	14	11
Number of votes needed to approve amendment	8	8
Maximum number of total votes assuming 20 voting members present and voting	20	20
Number of votes needed to approve amendment	11	14

K. Indemnification (Article XI)

No substantive changes were made to the indemnification provisions as they were set forth in the Article VII of the previous Bylaws.

L. Other Topics (Article XII)

The Board approved the addition of a new article to cover additional, administrative or miscellaneous topics which may need to be incorporated over time. This article defines the Bar’s fiscal year.

¹ As set forth in the accompanying memorandum, the Board recommends that Section 2 of Rule XV be deleted in its entirety from the Rules.

Appendix B

**District of Columbia Bar
BYLAWS**

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19 **DISTRICT OF COLUMBIA BAR**

20 **BYLAWS**

21 **Article I**

22 **Name**

23 **Section 1.01. Name.** The name of the organization is the District of Columbia Bar (“D.C. Bar”
24 or “Bar”).

25
26 **Article II**

27 **Purposes**

28
29 **Section 2.01. Rules Governing the Bar.** The Bar is responsible for the management and
30 regulation of all persons admitted to practice law in the District of Columbia and is governed by
31 the District of Columbia Court of Appeals Rules Governing the District of Columbia Bar
32 (“Rules”), these Bylaws, and the D.C. Bar Membership Manual.

33
34 **Section 2.02 Purposes.** The purposes for which the Bar is organized are:

- 35
36 (a) To assist the legal profession in maintaining high standards of the practice of law in the
37 District of Columbia;
- 38
39 (b) To aid the courts of the District of Columbia in carrying out and improving the
40 administration of justice;
- 41
42 (c) To promote access to justice and enhance the delivery of legal services to those in need;
- 43
44 (d) To foster and maintain high ideals of integrity, learning, competence in public service, and
45 high ethical standards;
- 46
47 (e) To safeguard the proper professional interests of the members of the Bar;
- 48
49 (f) To encourage the formation and support the activities of voluntary bar associations;
- 50
51 (g) To provide a forum for and publish information about the practice of law, the science of
52 jurisprudence and law reform and the relationship of the Bar to the public; and
53

54 (h) To carry on a continuing program of legal research and education in the technical fields of
55 substantive law, practice, and procedure, and make reports and recommendations thereon;
56 to the end that the public responsibility of the legal profession may be more effectively
57 discharged.

58 **Article III**

59 **Membership and License Requirements**

60 **Section 3.01 District of Columbia Bar Membership Manual.**

61 In addition to the membership and license provisions and requirements contained in the Rules and
62 these Bylaws are the provisions and requirements contained in the *D.C. Bar Membership Manual*
63 (“Membership Manual”) which shall have the same weight and authority of these Bylaws. The
64 provisions and requirements contained in the Membership Manual may not be suspended.
65

66 The Membership Manual shall be amended upon the recommendation of the Chief Executive
67 Officer of the D.C. Bar and shall take effect unless the Executive Committee raises a written
68 objection to the recommendation no later than two weeks after receiving written notice of such
69 amendment.
70

71 **Section 3.02 Classes of Membership and Qualifications.**

72 All attorneys admitted to the Bar of the District of Columbia Court of Appeals shall be members
73 of the District of Columbia Bar subject to compliance with the conditions and requirements of
74 such membership. Residence in the District of Columbia shall not be a condition of eligibility to
75 membership in the Bar.
76

77 The members of the District of Columbia Bar shall be divided into four classes: Active, Inactive,
78 Judicial, and Retired.
79

80 (a) **Active.** Active members are eligible to engage in the practice of law in the District of
81 Columbia. Active members are eligible to hold office and vote in any election or other
82 business conducted by the District of Columbia Bar.
83

84 (b) **Inactive.** Inactive members are those eligible for Active membership but who are not
85 engaged in the practice of law in the District of Columbia and who have provided notice
86 to the Bar of enrollment in this class of membership.
87
88

89 Except as authorized by other Court rules, Inactive members shall not practice law in the
90 District of Columbia. Inactive members shall not be eligible to hold office or vote in any
91 general election or other business conducted by the District of Columbia Bar.

92 (c) **Judicial.** Judges of courts of record, full-time court commissioners, U.S. bankruptcy
93 judges, U.S. magistrate judges, other persons who perform a judicial function in an
94 exclusive basis, in an official capacity created by federal or state statute or by
95 administrative agency rule, and retired judges who are eligible for temporary judicial
96 assignment, and are not engaged in the practice of law, shall be classified as Judicial
97 members, except that if a member's terms and conditions of employment require that they
98 be eligible to practice law, then the member may choose to be an Active member.

99
100 Judicial members shall not be eligible to practice law in the District of Columbia or to hold
101 office or vote in any general election or vote on other business conducted by the District of
102 Columbia Bar.

103
104 (d) **Retired.** Retired members are those persons who have retired from the practice of law
105 (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled
106 and unable to practice law, and who have certified that (1) they have been an Active member
107 of the Bar for five years (two years of any combination of Inactive or Judicial membership
108 may be substituted for one year of Active membership to satisfy this requirement); and (2)
109 they have been engaged in the practice of law in the District of Columbia or elsewhere for
110 a total of 25 years.

111
112 Retired members shall not be eligible to hold office or vote in any general election or other
113 business conducted by the District of Columbia Bar.

114
115 **Section 3.03 Special Legal Consultants Category.**

116 Special Legal Consultants licensed by the Court are not members of the Bar but are subject to the
117 same conditions and requirements under the applicable Rules, Bylaws, and Membership Manual
118 as Active members of the Bar. These persons may render legal services in the District of Columbia
119 as permitted by Court rules and are subject to specific limitations noted therein.

120 Special Legal Consultants are exempt from the Mandatory Course requirement and shall not be
121 eligible to hold office or vote in any election or other business conducted by the District of
122 Columbia Bar.

123 **Section 3.04 Additional Classes**

124 The Board of Governors shall have the authority to create additional classes of membership and
125 promulgate the required qualifications for such classes.

126

127 **Section 3.05 Membership Requirements.**

128 **(a) Annual Registration Statement and Change of Information.**

129 1. **Annual Registration.** On or before July 1st, all Active, Inactive, and Judicial members of
130 the Bar shall be required to file annually with the Bar a registration statement in an
131 electronic form as required by the Bar.

132
133 In addition, all members of the Bar are required to file with the Bar any changes in the
134 information previously submitted on the registration statement within 30 days of the
135 change. Failure to timely submit changes may result in a member's automatic
136 administrative suspension.

137
138 Newly admitted members shall file such a registration statement within three months of
139 their admission date as authorized by the Court.

140
141 2. **Failure to Register.** Any member who fails to file the required registration statement shall
142 be suspended from membership. Suspended members shall not engage in the practice of
143 law in the District of Columbia until they complete the reinstatement requirements set forth
144 in the Membership Manual or unless otherwise authorized by D.C. App. R. 49.

145
146 **(b) Fees.**

147 1. **License Fee and Late Fee.** All Active, Inactive, and Judicial members Special Legal
148 Consultants shall pay an annual license fee to remain in good standing. All membership
149 license fees shall be determined and approved by the D.C. Bar's Board of Governors and
150 shall not exceed a ceiling set by the District of Columbia Court of Appeals.

151
152 All license fees are due on or before July 1st unless otherwise published by the Board of
153 Governors. License fees are non-refundable once payment has been remitted.

154
155 All members whose annual license fee has not been received by the Bar by July 15th will
156 be assessed and required to pay a late fee in addition to the full amount of the annual license
157 fee due for the annual license year.

158
159 The D.C. Bar's annual license year shall run concurrently with its Fiscal Year.

160
161 2. **Reinstatement Fees.** The Bar shall have the authority to assess and collect reinstatement
162 fees.

163
164 3. **Suspension for Nonpayment of License Fee and/or Late Fee.** Any member whose
165 annual license fee and/or assessed fees associated with their membership invoice (including
166 the late fee and/or returned payment fee) remains unpaid by September 30th shall be

167 automatically administratively suspended. Except as otherwise provided in D.C. App. R.
168 49, a member whose membership has been administratively suspended for nonpayment of
169 the annual license fee and/or failure to pay other late and/or assessed fees shall not be
170 entitled to practice law in the District of Columbia during the period of administrative
171 suspension.

172
173 **(c) Mandatory Course on the District of Columbia Rules of Professional Conduct and**
174 **District of Columbia Practice (“Mandatory Course” or “Course”).**

175 1. **The Mandatory Course for New Admittees.** Attorneys admitted to the District of
176 Columbia Bar after July 1, 1994 are required to complete the Mandatory Course within
177 twelve months of admission to the Bar.

178
179 Newly admitted attorneys of the Bar who have not completed the Mandatory Course
180 requirement within twelve months of admission shall be sent a notice of noncompliance to
181 the attorney’s preferred email address in their official Bar record.

182 2. **Suspension of New Admittees for Failure to Complete the Mandatory Course.** Newly
183 admitted attorneys of the Bar who have not completed the Course within 60 days of the
184 issuance of the 12-month Notice of Noncompliance shall be automatically suspended and
185 shall be sent a Notice of Suspension to the attorney’s preferred email address in their
186 official Bar record.

187
188 3. **Annual Report.** The Bar shall provide a written report annually to the Court concerning
189 the Course, its curriculum and faculty, number of presentations, attendance, and the
190 number of attorneys suspended for failure to comply with section (2) above.

191

192 **Section 3.06 Change in Membership Class, Resignation, and Reinstatement.**

193 These topics are addressed fully in the Membership Manual.

194

195 **Section 3.07 Membership Status and CEO Discretion.**

196 The Chief Executive Officer may, in their discretion, authorize a change to a member’s official
197 record or require other action be taken, including, but not limited to, retroactive reinstatement, to
198 address a matter arising under this Article or the Membership Manual due to an error or omission
199 on the part of the Bar, or upon other good cause shown, and upon such terms and conditions they
200 deem appropriate.

201 **Section 3.08 Notices and Deadlines.**

202 (a) **From the Bar to Members.** All notices shall be sent to the member’s preferred email
203 address contained in the member’s official Bar record. Notices of administrative

204

205 suspension shall be sent in writing by first class U.S. mail and by email to the preferred
206 email address contained in the member's official Bar record.
207

208 (b) **From the Bar to the District of Columbia Courts.** The Bar shall provide written
209 notice to the clerks of the D.C. Court of Appeals and/or the D.C. Superior Court of any
210 suspensions arising under this Article.
211

212 (c) **Deadlines.** The applicable deadline for any date in this Article that may fall on a
213 weekend or District of Columbia holiday shall be the next regular business day.
214

215 **Section 3.09 Meetings of the Membership.**

216 (a) **Annual Meeting, Minutes and Required Notice.** Each year there shall be an annual
217 meeting of members of the Bar. The Board of Governors shall determine the time and place
218 of the annual meeting and shall arrange therefor a suitable program. The Annual Meeting
219 shall be held in-person, electronically, or both, as prescribed by the Board of Governors,
220 provided all attendees can contemporaneously communicate with each other during the
221 meeting.
222

223 Minutes of the Annual Meeting shall be approved by the Board of Governors.
224

225 Notice of the time and place of every annual meeting of members shall be provided to each
226 Active member of the Bar or published in an official Bar publication at least 30 days prior
227 to the meeting.
228

229 (b) **Special Meetings, Minutes and Required Notice.** Special meetings of the members of
230 the Bar may be called by the Board of Governors or the President. The Secretary shall call
231 a special meeting whenever they have received a petition signed by not less than three
232 percent of the Active members of the Bar requesting such meeting. Such petition shall
233 specify the purpose of the meeting, and the meeting shall be convened accordingly as
234 promptly as possible and not later than 30 days after the Secretary receives such petition.
235 The census of the Bar's Active members shall be determined as of the first business day of
236 the calendar year in which the petition is submitted.
237

238 Minutes of any special meeting shall be approved by the Board of Governors.
239

240 The Board of Governors or the President shall fix the time and place of every special
241 meeting, make suitable arrangements therefor, and cause the Secretary to give notice
242 thereof to the members. Such meetings shall be limited to the purpose set forth in the notice.
243 Special meetings shall be held in-person, or electronically, or both, as prescribed by the

244 Board of Governors, provided all attendees can contemporaneously communicate with
245 each other during the meeting.

246
247 Notice of the time, place and purpose of every special meeting of members shall be
248 provided to each Active member of the Bar or published in an official publication of the
249 District of Columbia Bar at least 10 days prior to the meeting.

250
251 (c) **Quorum and Vote.** One hundred Active members present at any annual or special meeting
252 of the membership shall constitute a quorum. No member shall be entitled to be represented
253 by proxy. Only Active members in attendance at the time a vote is taken, in person or
254 electronically, at an annual or special meeting of the membership may participate in any
255 vote taken at that meeting. Action by a majority of the members present and voting shall
256 constitute action by the membership.

257
258 **Article IV**
259 **Board of Governors**
260

261 **Section 4.01. Composition.** The Bar’s Board of Governors (BOG or Board) shall consist of no
262 more than 23 members as follows:

263 (a) Twenty Active D.C. Bar members, including the Officers, the Immediate Past-President,
264 and the Treasurer-Elect, all of whom shall be voting members; and

265
266 (b) Three non-voting members, who shall not have been admitted to practice law in any
267 jurisdiction.

268 **Section 4.02. Term.** All voting and non-voting members of the Board shall serve a three-year
269 term or until their successors take office as prescribed in these Bylaws. The term of all Board
270 members shall begin at the start of the fiscal year. Board members may not be elected to and may
271 not serve more than two consecutive three-year terms.

272 **Section 4.03. Duties.** The Board shall have general charge of the affairs and activities of the Bar.
273 It shall have the authority:

- 274 (a) To evaluate whether the needs of the organization’s members are being met;
- 275 (b) To develop a long-range strategic plan for the organization and measure its progress;
- 276 (c) To request, receive, consider and take action on reports and recommendations;
- 277 (d) To ensure the organization accurately reports its finances, approve the annual budget,
278 monitor the organization’s financial condition, and review the outside audit;
- 279 (e) To fix the time and place of the annual meeting of members of the Bar;

- 280 (f) To arrange for publication of an official Bar bulletin or journal;
- 281 (g) To conduct investigations of matters affecting the Bar;
- 282 (h) To authorize, when appropriate, public statements on major issues of public interest or
283 concern, or of major importance to Bar members;
- 284 (i) To adopt Bylaws and regulations, not inconsistent with the Rules, for the orderly
285 administration of the Bar's affairs and activities; and
- 286 (j) To appoint, actively support, and work in partnership with the Chief Executive Officer,
287 providing information and clear direction and evaluating the Chief Executive Officer's
288 performance in carrying out the board's directives and goals to best serve the
289 membership and the public.

290
291 **Section 4.04. Vacancies.** In the event of a vacancy of a voting member of the Board and
292 excluding the President, President-Elect, Treasurer, and Treasurer-Elect, the voting Board
293 member's position shall be filled by the Board candidate receiving the next highest number of
294 votes in the most recent regular annual election, subject to Board approval. In the event the Board
295 does not approve, or such candidate is unable to serve, the position shall be filled by the candidate
296 receiving the next highest number of votes in order, down to the candidate receiving the lowest
297 number of votes, subject to Board approval. If this process still results in a vacancy, or in the event
298 of a vacancy of a non-voting member of the Board, the President, in consultation with the Chief
299 Executive Officer and Chair of the Committee on Nominations, shall appoint an individual to fill
300 that position, subject to Board approval.

301 **Section 4.05. Meetings.**

302 (a) **Regular Meetings.**

303 The Board of Governors shall hold up to eight regular meetings per fiscal year. The dates and
304 locations of the Board's regular meetings shall be announced by the Board no later than June 30 of
305 the prior fiscal year. The Board may with good cause change the date and location of any regularly
306 scheduled meeting without required notice to the Bar membership.

307
308 Reasonable written notice of the time, place, and if applicable, technology platform of such
309 meetings, shall be provided to all members of the Board, required Committee Chairs, the Office
310 of Disciplinary Counsel, Board on Professional Responsibility, and to the presidents of the
311 voluntary bar associations who shall be invited to attend all meetings of the Board.

312
313 Any transactional business that is within the power of the Board may be conducted during a regular
314 meeting whether specified in the meeting notice or not provided two-thirds of the voting members
315 of the Board present and voting approve the addition of the unspecified matter to the agenda.

316

317 (b) **Special Meetings.**

318 In addition to regular meetings, a special meeting may be called by the President, the Executive
319 Committee, or five voting members of the Board. Reasonable written notice of the time, place,
320 and if applicable, technology platform of such meetings, as well as subjects to be covered, shall be
321 provided to all members of the Board and all required parties.

322
323 Any transactional business that is within the power of the Board may be conducted during a special
324 meeting whether specified in the meeting notice or not provided two-thirds of the voting members
325 of the Board present and voting approve the addition of the unspecified matter to the agenda.

326
327 (c) **Electronic Meetings.**

328 Board meetings may be held in person or electronically, as long as all attendees can simultaneously
329 hear each other and participate during the meeting. The President, the Board of Governors, or the
330 Executive Committee shall determine whether to hold a meeting electronically.

331
332 (d) **Electronic attendance at meetings.**

333 Board members may, subject to the President's discretion, participate in an in-person meeting
334 electronically or other means by which all attendees can simultaneously hear each other and
335 participate during the meeting.

336
337 **Section 4.06. Quorum.** A majority of the voting members of the Board shall constitute a
338 quorum.

339 **Section 4.07. Voting.** There shall be no proxy voting allowed. Voting members of the Board
340 must be in attendance, in person or electronically, at the meeting at the time a vote is taken for
341 their vote to count. Action by a majority of the members present and voting shall constitute action
342 by the Board. All votes shall be recorded in writing by the Secretary.

343
344 **Section 4.08. Action in Lieu of a Meeting.** The Board may take an official action in between
345 regular meetings when the President, the Board of Governors, or the Executive Committee
346 determines that such an action is necessary prior to the next regular meeting, and also determines
347 that calling a special meeting is either not feasible or unnecessary.

348
349 The proposed action in lieu of a meeting shall be presented to the Board in writing and a time limit
350 for voting specified. Voting shall take place as prescribed in such writing.

351

352 **Section 4.09. Executive Committee.**

353 (a) **Members.** The Executive Committee shall consist of the President, the President-Elect,
354 the Immediate Past President, and four additional Board members annually appointed
355 by the President and approved by the Board of Governors.

356
357 (b) **Meetings.** The Executive Committee shall meet at the call of the President, or upon call of
358 the Secretary upon written application of three members of the Committee, upon one
359 day's notice. Five members shall constitute a quorum. Action by a majority of the
360 members present and voting at a meeting shall constitute action by the Committee.
361 Members may, subject to the President's discretion, participate in an in-person meeting
362 electronically or other means by which all attendees can simultaneously hear each other
363 and participate during the meeting. The President shall preside over the meetings of the
364 Executive Committee.

365
366 (c) **Minutes of Meetings.** Minutes of each meeting of the Executive Committee shall be
367 taken and distributed to the members of the Board of Governors within a reasonable
368 period following such meeting. Minutes of the Committee shall be part of the permanent
369 records of the Board of Governors.

370
371 (d) **Powers, Duties, and Exceptions.** The Executive Committee may exercise all the
372 powers and perform all the duties of the Board of Governors between meetings of the
373 Board, but only to the extent that action taken is not contrary to the instructions of the
374 Board of Governors. The Executive Committee shall perform such duties as the Board of
375 Governors may from time to time prescribe.

376
377 The Executive Committee shall not amend the Bylaws, make rules or regulations
378 governing nominations or elections, or initiate the taking of any referendum or poll of
379 members of the Bar.

380

381 **Article V**
382 **Officers of the Bar**

383
384 **Section 5.01. Officers.** The officers of the Bar shall be a President, a President-Elect, a Secretary,
385 and a Treasurer.

386
387 **Section 5.02. Qualifications.** Only Active members of the Bar shall serve as officers of the Bar.

388

389 **Section 5.03. Appointment of Secretary.** The President, at the beginning of the fiscal year, shall
390 appoint a voting member of the Board of Governors to serve as a Secretary, subject to the approval
391 of the Board.

392
393 **Section 5.04. Terms.** The officers shall serve for one year or until their successors are appointed
394 or elected, and their term of office shall begin at the start of the fiscal year; provided however that
395 the Secretary shall serve no more than three consecutive years in that office.

396
397 **Section 5.05. Duties.** The officers shall perform the following duties in addition to any other
398 duties that may be prescribed under the authority of these Bylaws, other governing documents,
399 and by the parliamentary authority adopted by the Bar. Officers may assign certain administrative
400 duties of their office to be carried out by the Chief Executive Officer or their designee. Officers
401 shall receive no compensation for their services.

402 (a) The President shall preside at all meetings of the Bar and of the Board of Governors, shall
403 be an ex-officio member of all committees unless otherwise provided in these Bylaws, and
404 shall remain on the Board as the Immediate Past President for the fiscal year following
405 their year of service as President.

406
407 (b) The President-Elect shall perform the duties of the President during any absence or
408 temporary disability of the President, be an ex-officio member of all committees unless
409 otherwise provided in these Bylaws and succeed to the office of President at the start of the
410 fiscal year following their year as President-Elect.

411
412 (c) The Secretary shall be the legal custodian of the records of the Bar and take the minutes
413 of the proceedings of the meetings of the Bar and of the Board.

414
415 (d) The Treasurer shall keep correct and complete records of account showing accurately at all
416 times the financial condition of the Bar; furnish, at meetings of the Board, or whenever
417 requested, a statement of the financial condition of the Bar; and be the legal custodian of
418 all moneys, notes, securities, and other valuables that may from time to time come into the
419 possession of the Bar. The Treasurer shall also work with the Treasurer-Elect to help
420 prepare them for their year as Treasurer. The Treasurer shall remain on the Board as an at-
421 large member for the fiscal year following their year of service as Treasurer.

422
423 **Section 5.06. Vacancies.**

424 (a) **President and President-Elect.**
425 If a vacancy occurs in the office of the President, the President-Elect shall succeed to the office of
426 the President and serve the remainder of the term of the President and, subsequently, the
427 presidential term for which the President-Elect was elected.

428 If a vacancy occurs in the office of the President-Elect, the Board shall elect one of its voting
429 members to assume the duties of President-Elect for the remainder of the term. In the event of
430 such vacancy, at the next Bar election, there shall be an election for the offices of President-Elect
431 and President.

432

433 **(b) Treasurer and Treasurer-Elect.**

434 If a vacancy occurs in the office of the Treasurer, the Treasurer-Elect shall succeed to the office of
435 the Treasurer and serve the remainder of the term of the Treasurer and, subsequently, the Treasurer
436 term for which the Treasurer-Elect was elected.

437

438 If a vacancy occurs in the office of the Treasurer-Elect, the Board shall elect one of its voting
439 members to assume the duties of Treasurer-Elect for the remainder of the term. In the event of
440 such vacancy, at the next Bar election, there shall be an election for the offices of Treasurer-Elect
441 and Treasurer.

442

443 **(c) Secretary.**

444 If a vacancy occurs in the office of the Secretary, the President shall appoint a voting member of
445 the Board of Governors to fill the vacancy, subject to the approval of the Board.

446

447 **Section 5.07. Other.** The President and President-Elect shall serve as Delegates to the House of
448 Delegates of the American Bar Association. At the close of the President's term, the President
449 shall continue in their office of President only to fulfill their service as Delegate if so required by
450 the American Bar Association until the close of the ABA Annual Meeting in that calendar year.
451 In the event that the President or President-Elect is unable to attend a meeting of the House of
452 Delegates or is serving as a Delegate by reason of another election or appointment, the President
453 shall, subject to Board approval, appoint an active member of the Bar to fill the vacancy.

454

455

Article VI

456

Nominations and Elections

457

458 **Section 6.01. Nominations Committee.** The President, with the approval of the Board, shall
459 appoint a Nominations Committee for a one-year term. The Nominations Committee shall consist
460 of eight Active members of the Bar who are not members of the Board and the Immediate Past
461 President who shall serve as an ex officio member. The President and President-Elect shall not
462 serve as members of the Nominations Committee. Active members appointed by the Board shall
463 serve on the Nominations Committee for no more than two consecutive terms. Members having
464 served on the Nominations Committee in a fiscal year shall not be eligible to be nominated for any
465 position on the ballot for the election in that same fiscal year.

466 **Section 6.02. Duties of the Nominations Committee.** The Nominations Committee shall
467 prepare a list of eligible candidates for voting positions on the Board of Governors, to be elected
468 by eligible D.C. Bar members. The Nominations Committee shall deliver its slate of candidates
469 to the Secretary in accordance with a schedule determined by the Board or the Executive
470 Committee. The Nominations Committee shall also deliver a list of eligible candidates for the
471 three non-voting positions of the Board of Governors to be elected by the Board.

472
473 (a) **President-Elect:** The Nominations Committee shall nominate at least two but no more
474 than three Active D.C. Bar members for the office of President-Elect.

475
476 (b) **Treasurer-Elect:** The Nominations Committee shall nominate at least two but no more
477 than three Active D.C. Bar members for the seat of Treasurer-Elect.

478
479 (c) **Board of Governors:** The Nominations Committee shall nominate at least two but no more
480 than three Active D.C. Bar members for each Board vacancy to be filled in the subsequent
481 election.

482
483 (d) **American Bar Association (ABA) Delegates:** The Nominations Committee shall
484 nominate at least one more nominee than the total number of vacancies to be filled but not
485 more than two eligible D.C. Bar members for each vacancy as delegates to the American
486 Bar Association to be filled at the ensuing election. This is separate from the two ABA
487 Delegate positions filled by the President and President-Elect of the Bar.

488
489 Additionally, the Nominations Committee shall nominate at least two but no more than
490 three eligible D.C. Bar members, to comply with ABA delegate requirements for one
491 elected delegate to be admitted to practice in their first bar within the past five years, or
492 who must be less than 36 years old at the beginning of their term. Eligible nominees shall
493 be separately slotted on the ballot and shall run against each other for one delegate position.

494
495 **Section 6.03. Nominations by Petition.** Except for the offices of the President and the President-
496 Elect, nominations may be made by a written petition that has been signed by at least one-half
497 of one percent (0.5%) of the Active members of the Bar, based on the census of the Bar as of the
498 first business day of the calendar year in which the petition is submitted. Nominating petitions
499 shall be filed with the Secretary no later than 14 calendar days after the announcement of
500 nominations. Such petitions shall be submitted on the official form provided by the Bar and in
501 accordance with procedures established by the Board of Governors. At a minimum, nominating
502 petitions must contain legible handwritten eligible member signatures accompanied by the
503 member's license number.

504

505 **Section 6.04. Notifying Bar Members of Nominations.** The Secretary shall, no later than five
506 business days after receiving the slate from the Nominations Committee, announce the list of the
507 nominations for the ensuing election.

508

509 **Section 6.05. Voting.** Voting shall be by secret ballot. Ballots shall contain the names of all
510 nominees, in random order, for the respective positions.

511

512 **Section 6.06. Voting Eligibility.** Eligible voters shall include all Active members in good
513 standing as of the close of business on the second Monday in April.

514

515 **Section 6.07. Election Returns and Results.** The President shall be present when the voting
516 results are received and shall certify the voting results. The President shall preside over challenges
517 made to the elections process and may exercise the discretion to elevate any such challenge to the
518 Board whose decision shall be final.

519

520 The candidates receiving the highest number of votes for their respective offices shall be declared
521 duly elected. The certified voting results shall be published by the Bar on its website.

522

523

Article VII

524

Committees

525 **Section 7.01. General.** The Board may form standing committees and may delegate to such
526 committees any of its powers, except the power to (a) elect or remove Board members or Board
527 committee members; (b) approve the dissolution, merger or reorganization of the Bar or its
528 affiliated entities, or distribution of the Bar's assets or that of its affiliated entities; (c) amend the
529 Bylaws; or (d) any such other matters as the Board may determine by a majority vote of the voting
530 members of the Board. Any committee to which powers of the Board are delegated shall consist
531 solely of members of the Board.

532

533 The Board may also form special committees that shall not have powers of the Board but shall
534 report to and advise the Board of Governors.

535

536 Unless otherwise provided in a particular committee's Board-approved governance document, a
537 quorum of any committee shall be a majority of the members of the committee. Action of any
538 committee shall be by majority vote of the members of the committee present and voting. The
539 composition of all committees, as well as the duties and terms shall be subject to Board approval.
540 Committee members shall serve at the pleasure of the Board.

541

542 **Section 7.02. Standing Board Committees.** The Standing Board Committees shall include the
543 Audit Committee, Budget Committee, and Finance Committee.

544
545 (a) The Audit Committee shall provide independent oversight of the Bar’s financial reporting,
546 internal controls and audit functions; and in so doing, shall have the authority to retain and
547 discharge independent auditors to perform an annual audit and present their findings and
548 recommendations to the Board. The Immediate Past President and Treasurer shall not serve
549 on the Audit Committee.

550
551 (b) The Budget Committee shall oversee the preparation of an annual proposed budget which
552 it recommends to the Board for approval. The President-Elect shall serve as the Chair of
553 the Budget Committee.

554
555 (c) The Finance Committee shall oversee the Bar’s financial matters by monitoring, reviewing
556 and reporting on the Bar’s financial and investment operations. The Finance Committee
557 shall select the Bar’s investment advisors and determine whether to take action on the
558 advisors’ recommendations. The Immediate Past President shall serve as the Chair of the
559 Finance Committee.

560
561 **Section 7.03. Other Bar Committees.** The Board shall also establish other committees it deems
562 appropriate and necessary.

563 **Article VIII**

564 **Chief Executive Officer**

565
566 **Section 8.01. Chief Executive Officer.** The Chief Executive Officer (“CEO”) shall be appointed
567 by and serve at the pleasure of the Board. The CEO shall have general and active control over the
568 Bar’s operations and personnel, be responsible for the administration of the Bar’s finances, and
569 perform other duties incident to a chief executive officer of an organization that are not inconsistent
570 with applicable law, the Rules, or these Bylaws.

571 **Article IX**

572 **Parliamentary Authority**

573
574 **Section 9.01. Parliamentary Authority.** The rules contained in the latest edition of *Robert’s*
575 *Rules of Order Newly Revised* shall govern the Bar in all cases to which they are applicable and in
576 which they are not inconsistent with the Rules, these Bylaws, the Membership Manual, or any
577 special rules of order of the Board.

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Article X Amendments

Section 10.01. Amendments. These Bylaws may be amended at any regular or special meeting of the Board by a two-thirds vote of the members of the Board of Governors present and voting, provided that notice of the amendment has been submitted in writing to the Board with the agenda of the meeting.

Article XI Indemnification

Section 11.01. Mandatory Indemnification.

(a) The Bar shall indemnify any person who was or is a party or is threatened to be made a party to any action, suit or proceeding, whether civil, criminal, administrative, or investigative (other than an action by or on behalf of the District of Columbia Bar), because he or she is or was an officer of the Bar, a member of the Board of Governors, an elected or appointed official of a Community, a member of a Committee of the Bar, a member of the Board on Professional Responsibility or its hearing committees or a monitor appointed either by the Court or the Board on Professional Responsibility, a practice monitor appointed by the Practice Management Advisory Service pursuant to a diversion agreement encompassed by Rule XI of the Rules Governing the District of Columbia Bar, a member of or an arbitrator appointed by the Attorney/Client Arbitration Board, a trustee of the Clients' Security Fund, a paid employee of the Bar (including an employee of the Office of Disciplinary Counsel and the Board on Professional Responsibility) under the following circumstances:

- (1) where they have been successful on the merits or otherwise in defense of any such action, suit or proceeding, and
- (2) where they have settled the action or been unsuccessful on the merits and neither the Board nor an appropriate court has determined that the expenses have resulted from fraud, corruption, actual malice, or intentional wrongdoing on the part of the person claiming indemnification.

The indemnification under this section shall cover expenses (including attorney's fees) actually and necessarily incurred by such person in connection with the defense and/or good faith settlement of such action, suit, or proceeding.

(b) Any indemnification under paragraph (a) of this Section shall be made by the District of Columbia Bar only as authorized in the specific case by the Board upon its

617 determination that indemnification is appropriate. The Board shall make that
618 determination and authorization by a majority vote of a quorum consisting of
619 disinterested members. The Board shall have the right, as a condition of granting
620 indemnification, to approve in advance the choice of counsel as well as any settlement
621 by the person requesting indemnification. The Board shall not unreasonably withhold
622 its approval.

623

624 **Section 11.02. Advancing Expenses.**

625 When an action covered by Section 11.01 above is pending or threatened, the District of Columbia
626 Bar shall advance expenses (including reasonable attorney's fees) incurred by a person eligible for
627 indemnification, upon (a) such terms and conditions as the Board, by a majority vote of a quorum
628 of disinterested members, deems appropriate and (b) receipt of a promise by such person to repay
629 such advances if it shall ultimately be determined that he or she is not entitled to be indemnified
630 by the Bar as authorized under this Article.

631

632 **Section 11.03. Non-Exclusivity of Indemnification Under Article XI.**

633 The indemnification provided by this Article shall not be deemed exclusive of any other rights to
634 which any person seeking indemnification may be entitled under any Bylaw, agreement, vote of
635 the Board or members of the Bar, or otherwise.

636

637 **Section 11.04. Insurance.**

638 The District of Columbia Bar may purchase and maintain insurance on behalf of any person who
639 is or was an officer of the Bar, a member of the Board of Governors, an elected or appointed
640 official of a Community, a member of a Committee of the Bar, a member of the Board on
641 Professional Responsibility or its hearing committees or a monitor appointed either by the Court
642 or the Board on Professional Responsibility, a practice monitor appointed by the Practice
643 Management Advisory Service pursuant to a diversion agreement encompassed by Rule XI of
644 the Rules Governing the District of Columbia Bar, a member of or an arbitrator appointed by
645 the Attorney/Client Arbitration Board, a trustee of the Clients' Security Fund, a paid employee
646 of the Bar (including an employee of the Office of Disciplinary Counsel, the Board on
647 Professional Responsibility, and the D.C. Bar Pro Bono Center) against any liability asserted
648 against them and incurred by them in any such capacity or arising out of their status as such.

649

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Article XII

651

Other Topics

652 **12.01. Fiscal Year.** The Fiscal Year of the D.C. Bar shall begin on July 1st and end on June 30th
653 of the following calendar year.

654
655 **PROVISOS to the D.C. BAR PROPOSED BYLAWS REVISION**
656
657

658 *Provided*, That this revision shall become effective on July 1, 2022.
659

660 *Provided*, That during fiscal year 2022-23, the Nominations Committee shall nominate at least two
661 but no more than three Active D.C. Bar members for (a) the office of Treasurer and (b) the seat of
662 Treasurer-Elect for service during fiscal year 2023-24.
663

664 *Provided*, That during fiscal year 2023-23, there shall be an election for both the office of Treasurer
665 and the seat of Treasurer-Elect for service during fiscal year 2023-24. The winner of the election
666 for Treasurer shall serve a two-year term as follows (i) as Treasurer in their first year and (ii) as a
667 non-voting member of the Board in their second year.
668

669 The winner of the election for Treasurer-Elect shall serve a three-year term as follows: (i) as
670 Treasurer-Elect in their first year; (ii) as Treasurer in their second year; and (iii) as a member of
671 the Board in their third year.
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678 **Approved by the Board of Governors on April 12, 2022.**

Appendix C

District of Columbia Bar Membership Manual

Section 3.01 of the D.C. Bar Bylaws (Revised) provides:

In addition to the membership and license provisions and requirements contained in the Rules and these Bylaws are the provisions and requirements contained in the D.C. Bar Membership Manual (“Membership Manual”) which shall have the same weight and authority of these Bylaws. The provisions and requirements contained in the Membership Manual may not be suspended.

The Membership Manual shall be amended upon the recommendation of the Chief Executive Officer of the D.C. Bar and shall take effect unless the Executive Committee raises a written objection to the recommendation no later than two weeks after receiving written notice of such amendment.

A. FEES

- 1. License Fee and New Admittees.** Newly admitted members will be invoiced for the annual license fee the same month in which they are admitted. All annual license fees are due within 30 days of the invoice date. Persons who are sworn into the Bar between July 1 and December 31 shall pay the full amount of the annual license fee. Persons who are sworn in between January 1 and April 30 shall pay one-half the amount of the annual license fee. Any person who is sworn in after April 30 shall not be required to pay any license fees until the following annual license year.

Newly admitted members of the Bar who have not paid the required annual license fee within 60 days of the original invoice date shall be assessed a late fee. Newly admitted members of the Bar who have not paid the required annual license fee and/or assessed fees associated with the invoice (including the late fee and/or returned payment fee) within 90 days of the original invoice date shall be automatically administratively suspended.

- 2. Date of Receipt.** The date of receipt of the license fee and/or late fee shall be determined by the actual date of receipt of a payment. If payment is remitted by mail, delivery service or commercial carrier, the date of receipt shall be the postmark or ship date, as applicable.

B. MANDATORY COURSE

- 1. Additional Requirements for the Mandatory Course.** Any admitted member of the Bar who has been Inactive or Retired, or has voluntarily resigned or been suspended for 5 years or more preceding a request to change their class of membership to Active or

District of Columbia Bar Membership Manual

39 Retired, must complete the Mandatory Course even if they may have already previously
40 completed the Course.

41
42 If a member reinstates as Inactive (or is allowed to reinstate for resignation) and later
43 requests a change to Active membership, the Mandatory Course will be required if it is
44 determined that the member held any status other than Active for the 5-year period
45 immediately preceding the request.

46 47 **C. CHANGE OF MEMBERSHIP CLASS**

- 48
- 49 **1. License Fee and Change of Membership.** Members who elect to change their class of
50 membership to Active on or before December 31 shall be required to pay the full annual
51 license fee due for the annual license year less the amount previously paid during that
52 year. Members who elect to change their class of membership to Active after December
53 31 and before July 1 shall be required to pay one-half of the annual license fee for the
54 annual license year less the amount previously paid during that year.
55
 - 56 **2. Active to Inactive.** Active class members in good standing may change their class of
57 membership to that of Inactive by providing notice to the Bar through such means as the
58 Bar provides electronically on its website or otherwise requires, requesting a transfer to
59 the class of Inactive membership.
60
 - 61 **3. Inactive to Active.** Any Inactive class member in good standing may change their class
62 of membership to that of Active class member by providing notice to the Bar through such
63 means as the Bar provides electronically on its website or otherwise requires, requesting
64 a transfer to the class of Active membership, and by paying the license fees required of
65 Active class members.
66
 - 67 **4. Judicial Class Ineligibility.** Any judicial class member who is no longer a judge may
68 change their class of membership to that of an Active member by providing notice to the
69 Bar through such means as the Bar provides electronically on its website or otherwise
70 requires, requesting a transfer to the class of Active membership and by paying the license
71 fees required of Active class members.
72
 - 73 **5. Retired.** A member in good standing who has retired from the practice of law (except, as
74 provided in D.C. App R. 49, on a pro bono basis), or who is totally disabled and unable to
75 practice law may elect the class of Retired membership by providing notice to the Bar
76 through such means as the Bar provides electronically on its website or otherwise requires.
77 Such member must certify that (a) they have been an Active class member of the Bar for
78 five years (two years of any combination of Inactive or Judicial membership may be

District of Columbia Bar Membership Manual

79 substituted for one year of Active membership to satisfy this requirement); and (b) they
80 have been engaged in the practice of law in the District of Columbia or elsewhere for a
81 combined total of 25 years.

82
83 Retired members are required to provide the Bar with their contact information for the 5-
84 year immediately following their becoming a Retired member.

D. RESIGNATION

- 87
88 1. Any member of the D.C. Bar who is in good standing, not under investigation pursuant to
89 Rule XI, and who provides notice to the Bar through such means as the Bar provides
90 electronically on its website or otherwise requires of their election to discontinue the
91 practice of law in the District of Columbia and to terminate their membership in the Bar,
92 shall cease to be a member of the District of Columbia Bar only after consultation and
93 approval by the Office of Disciplinary Counsel. This review process requires a minimum
94 of 30 days during which time such member shall remain subject to all requirements of Bar
95 membership and must remain in good standing.

96
97
98 Such members shall be required to provide the Bar with their contact information for the
99 5-year period immediately following their resignation.

E. REINSTATEMENT

- 100
101
102
103 1. **Office of Disciplinary Counsel.** All reinstatement requests must be approved by the Office
104 of Disciplinary Counsel (ODC) in advance of a member's reinstatement.
- 105
106 2. **Effective Date.** Reinstatement shall be effective when all conditions have been met and
107 shall be effective as of the date of receipt by the Bar of the notice of approval from the
108 Office of Disciplinary Counsel.
- 109
110 3. **Failure to File Registration Statement. Admission After Non-Registration.**
111 Any admitted member of the Bar who fails to file a registration statement with the D.C.
112 Bar may request reinstatement upon:
- 113 (a) completion of the required reinstatement form provided on the Bar's website;
 - 114 (b) submission of the registration statement;
 - 115 (c) payment of the required annual license fee for the annual license year of
116 reinstatement;
 - 117 (d) payment of the required registration fee; and proof of completion of the Mandatory

District of Columbia Bar Membership Manual

118 Course if such member was admitted after July 1, 1994, and has not yet completed
119 the course, or such member was admitted before July 1, 1994, but has been
120 suspended for five years or more and has not yet completed the course.

121 Such registration shall be effective retroactively, as of the date of such original eligibility.

122 **4. Failure to Pay Required Annual License Fee.**

123 Any member who has been administratively suspended for failure to pay the required
124 annual license fee may request reinstatement of membership upon:

- 125 (a) completion of the required reinstatement form provided on the Bar's website;
- 126 (b) payment of the required annual license fee for the year of reinstatement;
- 127 (c) payment of the required reinstatement fee, ; and
- 128 (d) proof of completion of the Mandatory Course if such member was admitted after
129 July 1, 1994, and has not yet completed the course, or such member was admitted
130 before July 1, 1994, but has been suspended for five years or more and has not yet
131 completed the course.

132 **5. Failure to Pay Other Fees.**

133 Any member who has been administratively suspended for failure to pay the required
134 assessed late fee and/or returned payment fee shall be reinstated upon:

- 135 (a) completion of the required reinstatement form provided on the Bar's website;
- 136 (b) payment of the required assessed late fee and/or returned payment fee by April 30th
137 of the annual license year in which the suspension occurred; and
- 138 (c) proof of completion of the Mandatory Course if such member was admitted after
139 July 1, 1994, and has not yet completed the course, or such member was admitted
140 before July 1, 1994, but has been suspended for five years or more and has not yet
141 completed the course.

142 If the request for reinstatement from suspension for nonpayment of the late fee and/or
143 returned payment fee is received after April 30th of the annual license year in which the
144 suspension occurred, the member shall be reinstated in accordance with procedures listed
145 above in Section E.4.

146

147 **6. Reinstatement of New Admittees Suspended for Failure to Complete the Mandatory** 148 **Course**

149 Newly admitted attorneys of the Bar suspended for failure to complete the Mandatory
150 Course shall be reinstated upon:

- 151 (a) completion of the required reinstatement form provided on the Bar's website;
- 152 (b) proof of completion of the Mandatory Course;
- 153 (c) payment of any required outstanding license fee; and/or

District of Columbia Bar Membership Manual

- 154 (d) payment of a reinstatement fee; and
155 (e) submission of a statement that the member is not suspended, temporarily
156 suspended, or disbarred by any disciplinary authority.
157

7. Reinstatement of Retired Class Members or Resigned Persons.

158 Any member who has elected the Retired class of membership or who has been approved
159 to voluntarily resign their membership may request a change in their membership class or
160 reinstatement to Active, Inactive, or Judicial membership upon:
161

- 162 (a) completion of the required reinstatement form provided on the Bar's website;
163 (b) payment of the annual license fee for the current annual license year;
164 (c) payment of a reinstatement fee; and
165 (d) proof of completion of the Mandatory Course if such member was admitted after
166 July 1, 1994 and has not yet completed the course, or such member has not been
167 in the Active class of membership for five years or more.
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172 **Approved by the Board of Governors April 12, 2022.**

Appendix D

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

Rule I	Organization of the D.C. Bar
Rule II	Membership
Rule III	Officers
Rule IV	Board of Governors
Rule V	Executive Committee
Rule VI	Meetings of the Bar
Rule VII	Referendum Procedure
Rule VIII	Disbursements
Rule IX	By-laws
Rule X	Rules of Professional Conduct
Rule XI	Disciplinary Proceedings
Rule XII	Clients' Security Trust Fund
Rule XIII	Arbitration
Rule XIV	IOLTA Verification
Rule XV	Amendment
Rule XVI	Effective Date of Rules

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

Rule I. Organization of the Bar of the District of Columbia

Preamble

The District of Columbia Court of Appeals in the exercise of its inherent powers over members of the legal profession does hereby create, as an official arm of the Court, an association of members of the Bar of the District of Columbia to be known as the District of Columbia Bar, and pursuant to its statutory authority governing admissions to the Bar promulgates the following rules for the government of the Bar and the individual members thereof:

Section 1. Creation of Association

All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the "District of Columbia Bar" subject to the provisions of the Rules hereinafter set forth.

The words "D.C. Bar" or "the Bar" wherever used in these ~~R~~Rules mean the District of Columbia Bar.

The words "the Court" wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words "Secretary of the Bar" and "Board of Governors" wherever used in these rules refer to elected officials of the Bar.

The words "the Bylaws~~By laws~~" refer to the Bylaws~~By laws~~ of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the courts of the District of Columbia ~~Court~~ in carrying ~~on~~out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical ~~standards-of-conduct~~; (e) to safeguard the proper professional interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for and publish information about the ~~discussion of subjects pertaining to~~ the practice of law, the science of jurisprudence and law reform, and the relations^{hip} of the Bar to the public, ~~and to publish information relating thereto;~~ and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure~~;~~; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. Residence in the District of Columbia shall not be a condition of eligibility to membership.

~~Section 2. Periodic Registration of Attorneys~~

~~(1) Every attorney who engages in the practice of law within the District of Columbia as defined in Rule 49(b) of the general Rules of the Court [exclusive of those described in Rule 49(c)] shall on or before July 1 of every year file with the Secretary of the Bar a registration statement setting forth his or her current residence and office addresses, email address, telephone number, other state jurisdictions in which he or she is admitted to practice including date of admission, and such other information as the Court may from time to time direct. In addition to such registration statement, every attorney shall file a supplemental statement with the Secretary of any change in the information previously submitted within thirty days of such change. An attorney who becomes newly subject to these rules shall file such a registration statement within three months, or by the following July 1, whichever is later.~~

~~(2) Any attorney who has filed a registration statement or supplement thereto in accordance with paragraph (1) above shall, upon request, be provided by the Secretary of the Bar with an acknowledgement of the receipt thereof.~~

~~(3) Any attorney who fails to file any registration statement or supplement thereto in accordance with the requirements of paragraph (1) above shall, after due notice from the Secretary of the Bar, be summarily suspended from membership by the Board of Governors and thereby shall be barred from practicing law in the District of Columbia until he or she be reinstated as provided under § 8 of this Rule.~~

~~(4) An attorney who has retired or is not engaged in practice as defined in Rule 46II of the General Rules of the Court shall advise the Secretary of the Bar in writing or through such electronic means as the District of Columbia Bar may provide on its web site, that he or she desires to assume inactive status and to discontinue the practice of the law. Upon the filing of such notice, that attorney shall no longer be eligible to practice law but shall continue to file registration statements for 5 years thereafter in order that he or she may be located in the event any complaint is made about his or her conduct while he or she was engaged in practice.~~

~~(5) Upon the filing of a notice to assume inactive status, an attorney shall be removed from the roll of those classified as active unless and until he or she requests and is granted reinstatement to the active roll.~~

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

Section 32. Mandatory Course for New Admittees

(a) — The ~~District of Columbia~~ Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice ~~to be presented at least six times per year.~~

Within twelve months after admission to the ~~District of Columbia~~ Bar, all members ~~admitted after July 1, 1994,~~ shall, in accordance with procedures established by the Bar, complete the such course and described in paragraph (1) and shall certify compliance with this requirement. Failure to complete the course or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in the District of Columbia—in accordance with procedures established by the Bar.

(b) — ~~Any attorney admitted after July 1, 1994, who fails to complete the course described in paragraph (1) within twelve months after admission to the District of Columbia Bar shall receive written notice of noncompliance from the District of Columbia Bar. Any attorney who fails to comply within sixty days after issuance of such notice of noncompliance shall be suspended from membership in the District of Columbia Bar.~~

(c) — ~~Any member otherwise in good standing who is suspended for failure to complete the course described in paragraph (1) shall be reinstated as a member of the District of Columbia Bar upon completion of the mandatory course and fulfillment of such other administrative requirements as the Board of Governors may impose.~~

The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in this Section. paragraph (1). The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended for noncompliance under paragraph (3) above.

(d)

Section 43. Classes of Membership

The members of the District of Columbia Bar shall be divided into at least 34 classes known respectively as "active" members, "judicial" members, ~~and~~ "inactive" members, and "retired" members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have submitted a written request to filed with the Secretary of the Bar ~~written notice~~ requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges ~~who are eligible for temporary judicial assignment,~~ and are not engaged in the practice of law, shall be classified as judicial members, except that if a member's terms and conditions of employment require that he or she be eligible to practice law, then the member may choose to be an active member. Any inactive member in good standing and any judicial member who is no longer a judge may change his or her classification to that of an active member by submitting a written request with ~~filing with the Secretary of the Bar a written request~~ for transfer to the class of active members and by paying the dues required of active members. A judicial member who is no longer a judge shall be

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

classified as an active member if he or she engages in the practice of law in the District of Columbia. Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of Inactive or judicial membership may be substituted for one year of Active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of Columbia or elsewhere for a total of 25 years. Except as provided for in Rule 49(c), ~~No~~ judicial, ~~or inactive, or retired~~ member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section ~~54.~~ License Fees ~~Membership Dues~~

~~Every member shall pay dues in an amount not to exceed a ceiling set by t~~The District of Columbia

Court of Appeals shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of license fees~~dues~~ to be paid annually by members in the various classes of membership. All ~~dues~~license fees shall be paid to the ~~Treasurer of the~~ Bar and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on license fees~~membership dues~~. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the ~~e~~Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the dues ceiling shall not be subject to referendum under Rule VII.

Non-payment of license fees may result in suspension and the inability to practice law in the District of Columbia.

~~Section 6. Penalty for Nonpayment of Dues; Late Charges~~

~~If the annual dues of any member remain unpaid at the expiration of 90 days from the time when such dues are due and payable, the membership of such member may be suspended by the Board of Governors in the manner provided in the By laws. The Board of Governors, by appropriate provision in the By Laws, may impose a reasonable late charge to offset the costs of notifying members that their dues have not been timely paid. If the late charge is not timely paid, the membership of such member may be suspended by the Board of Governors in the manner provided in the By laws. No person whose membership is so suspended for nonpayment of dues shall be entitled to practice law in the District of Columbia during the period of such suspension.~~

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~~Section 7. Voluntary Resignation of Membership~~

~~Whenever a member of the District of Columbia Bar who is in good standing and not under investigation as provided in Rule XI §7, files with the Secretary of the Bar and with Disciplinary Counsel in writing or through such electronic means as the District of Columbia Bar may provide on its web site, notice of such member's election to discontinue the practice of law in the District of Columbia, and to terminate his or her membership in the Bar, such person shall, upon written notice of the acceptance of such resignation from the Secretary after consultation with Disciplinary Counsel, cease to be a member of the District of Columbia Bar, and his or her name shall be removed from the membership register.~~

Section 85. Resignation and Reinstatement

A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

~~Reinstatement of an attorney following a suspension from membership by the Board of Governors under § 2(3) or § 5 of this Rule, or following the assumption of inactive status under §2(4), or a resignation under § 6 [§7], shall be governed by rules promulgated by the Board of Governors after consultation with the Board on Professional Responsibility of this Court. In an appropriate case, the Board of Governors may reinstate an attorney to membership nunc pro tunc.~~

Section 96. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have registered with the Bar ~~filed registration statements~~ and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

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Rule III. Officers

Section 1. Nomination and Election

The officers of the Bar shall be a President, a President-~~e~~Elect, a Secretary, and a Treasurer, who shall be nominated and either elected or appointed ~~respectively~~ in the manner provided in the By-laws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year. ~~and until the election and qualification of his or her successor, except in the case of interim officers appointed as provided in the By laws to hold office until the next annual meeting of the Bar.~~ The officers shall receive no compensation for their services.

- The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

Section 2. Duties of Officers

~~President: The President shall preside at all meetings of the Bar and at all meetings of the Board of Governors. The President shall appoint and announce as soon as possible after the annual meeting of the Bar in each year the membership of all committees for the ensuing year, the appointment of which shall not have been otherwise provided for. The President shall be a member ex officio of every standing committee and every special committee.~~

~~President-elect: The President-elect shall perform the duties of the President during any absence or temporary disability of the President, and, at the expiration of the one year term of office of the President, the President-elect shall succeed to the office of President.~~

~~Vice president: The Vice president, if one is required and chosen pursuant to § 3 of this Rule, shall perform the duties of President-elect in the event of the President-elect's succeeding to the office of the President under § 3 of this Rule, or by reason of the death, permanent disability, or resignation of the President-elect on or after January 1st of the year of his or her term of office.~~

~~Secretary: The Secretary shall act as secretary at all meetings of the Bar, the Board of Governors, and the Executive Committee, and shall keep a record of all of the proceedings thereof. The Secretary shall notify officers and members of the committees of their election or appointment.~~

~~The Secretary shall prepare and maintain a register of all members of the District of Columbia Bar and, subject to direction of the Board of Governors, shall send out notices of all elections and meetings. The Secretary also shall perform all other duties assigned to him or her by these Rules, or by the By laws, or by the Board of Governors.~~

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~~Treasurer: The Treasurer shall receive, collect, and safely keep, and, under the direction of the Board of Governors disburse, all funds of the Bar and render reports of receipts and disbursements as required. The Treasurer shall assist the Executive Committee in preparing the annual budget. The Treasurer shall furnish a surety bond at the expense of the Bar in such amount as may be required by the Board of Governors.~~

~~Section 3. Vacancies in the Offices of President and President Elect~~

~~President: In the event of the death, permanent disability, or resignation of the President prior to the expiration of his or her term of office, the President elect shall have the option of succeeding to the office of the President and serving the remainder of the term of the President and, subsequently, the presidential term for which he or she was elected. If the President elect declines to succeed to the office of the President, he or she shall nonetheless serve as President for the term of which he or she has been elected, but in the event of such declination, the Board of Governors shall elect one of its members to serve as President for the remainder of the term, and the following year the person so elected shall serve as past president. Such person shall resign his or her position on the Board, and the vacancy so created shall be filled as provided by the Rules and the By laws.~~

~~President elect: If a vacancy occurs in the office of the President elect through succession at any time, or occurs on or after January 1st by reason of death, permanent disability, or resignation, the Board shall elect one of its members to assume the duties of President elect for the remainder of the term. Such person shall have the title of Vice president, but not succeed to the office of President. In the event of the death, permanent disability, or resignation of the President elect prior to January 1st, a special election shall be held to fill the vacancy. Until the election process is completed, the Board may elect one of its members to serve temporarily as Vice president.~~

~~Section 4. Delegation of Duties~~

~~Any duties imposed by these Rules or by the By laws of the Bar upon the Secretary or Treasurer may be performed under the supervision of such officers, respectively, by assistants or by employees of the Bar.~~

Rule IV. Board of Governors

~~Section 1. Composition of Board~~

The affairs of the Bar shall be managed and directed by a Board of Governors consisting of the officers of the Bar and the immediate ~~past~~ President of the Bar, ~~who shall be ex officio members of the Board,~~ and fifteen members elected by the members of the Bar in the manner prescribed by the By-laws. The Treasurer-Elect shall be among the fifteen elected, non-officer members of the Board of Governors and shall serve as an at-large member of the Board after completing their year of service as Treasurer. The Board may also appoint non-voting members in a manner prescribed by the Bylaws. -

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

~~Section 2. Term, Qualifications, Nomination and Election~~

~~Of the 1st elected members of the Board of Governors, 5 shall be elected for a term of 1 year, 5 for a term of 2 years, and 5 for a term of 3 years. As each such term expires each newly elected member shall be elected for a term of 3 years; provided, however, that in each case Board members shall continue to serve until their successors shall be elected and shall qualify. No person shall be eligible to serve on the Board of Governors unless he or she is an active member of the Bar. No person shall be eligible to election to the Board of Governors for more than 2 consecutive 3 year terms.~~

~~Section 3. Functions~~

The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws.

~~It shall have authority to fix the time and place of the annual meeting of members of the Bar; to make appropriations and authorize disbursements from the funds of the District of Columbia Bar in payment of the necessary expenses of the Bar; to engage and define the duties of employees and fix their compensation; to receive, consider and take action on reports and recommendations submitted by committees, and the assembly of members of the Bar at any annual or special meeting; to arrange for publication of an official Bar bulletin or journal; to conduct investigations of matters affecting the Bar; to fill vacancies, however arising, in the membership of the Board of Governors, or in any office, subject to the limitations of Rule III, section 3, and in such case the person appointed to fill such vacancy shall hold office until the completion of the next regular election; and to adopt By laws and regulations, not inconsistent with these rules, for the orderly administration of the Bar's affairs and activities.~~

Rule V. Public StatementsExecutive Committee

~~Section 1. Number of Members, Selection~~

~~There shall be an Executive Committee consisting of the President, the President elect, the immediate past president and 4 additional members selected annually by the Board of Governors from among their number.~~

~~Section 2. Chairman, Minutes of Meetings~~

~~The President shall preside at meetings of the Executive Committee and the Secretary shall keep minutes of its proceedings. The minutes of each meeting of the Executive Committee shall be immediately distributed to the members of the Board of Governors following such meeting.~~

~~Section 3. Powers~~

~~The Executive Committee may exercise all the powers and perform all the duties of the Board of Governors between the meetings of the Board, except the Executive Committee shall not, unless otherwise authorized by the Board of Governors, (a) amend the By laws, (b) make rules~~

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~~for regulations governing nominations or elections, or (c) initiate the taking of any referendum or poll of members of the Bar. The Executive Committee shall perform such duties as the Board of Governors may from time to time prescribe.~~

~~Section 4. Public Expressions~~

~~No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.~~

~~Section 5. Meetings~~

~~The Executive Committee shall meet at the call of the President, or upon call of the Secretary upon written application of 3 members upon 24 hours' notice. Five members shall constitute a quorum. Action of a majority of the members present at a meeting shall constitute action by the Committee.~~

Rule VI. Meetings of the Bar

There shall be an annual meeting of members of the Bar in a manner prescribed by the Bylaws. Special meetings of members of the Bar shall be called in a manner set forth in the Bylaws.

~~Section 1. Annual Meeting~~

~~There shall be an annual meeting of members of the Bar during the month of June in each year. The Board of Governors shall determine the time and place of the annual meeting, and shall arrange therefor a suitable program. Reports of officers and reports of proceedings of the Board of Governors subsequent to the last previous annual meeting shall be presented to the meeting.~~

~~Section 2. Special Meetings~~

~~Special meetings of the members of the Bar may be called by the Board of Governors or the President; and shall be called by the Secretary whenever he or she receives a petition signed by not less than 3% of the active members of the Bar requesting such meeting and specifying the purpose thereof, and the meeting shall be convened accordingly as promptly as possible and not later than 30 days after the Secretary receives such petition. The census of the Bar shall be determined as of the first business day of the calendar year in which the petition is submitted. It shall be the duty of the Board of Governors to fix the time and place of every special meeting, to make suitable arrangements therefor, and to cause the Secretary to give notice thereof to the members. Such meetings shall be limited to the purpose set forth in the notice.~~

~~Section 3. Quorum~~

~~One hundred active members present at any annual or special meeting shall constitute a quorum. No member shall be entitled to be represented by proxy. For purposes of this Rule, "present" shall include in person attendance, virtual/electronic attendance, or a combination thereof so long as all attendees can hear each other and participate meaningfully during such meeting.~~

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~~Section 4. Notice~~

~~Notice of the time and place of every annual meeting of members shall be mailed by the Secretary to each active member of the Bar or published in the official bulletin of the Bar at least 30 days prior to the meeting.~~

~~Notice of the time, place and purpose of every special meeting of members shall be mailed by the Secretary to each active member of the Bar or published in the official bulletin of the District of Columbia Bar at least 10 days prior to the meeting.~~

~~Section 5. Recommendations to Board of Governors~~

~~The members present at any annual or special meeting of members of the Bar, herein also referred to as the "assembly" may consider and by vote of the active members present adopt, subject to any limitations contained in the By laws, any proposal pertinent to the purposes of the Bar; provided that every such proposal that is adopted shall constitute a recommendation from the assembly to the Board of Governors, and shall be referred accordingly by the presiding officer to the Board of Governors for such action as the Board of Governors may deem proper, except as otherwise required in the case of a direction for a referendum under the provisions of Rule VII, or in the case of a proposal for amendment of these rules under the provisions of Rule XIV.~~

Rule VII. Referendum Procedure

Section 1. Board~~Governors~~ May Initiate

The Board of Governors may at any time, by the affirmative vote of 2/3 of the Board's~~the Board's~~ membership, refer to the active members of the Bar for determination by mail-member ballot, any question of Bar policy.

~~Section 2. Assembly May Initiate~~

~~The Board of Governors shall, in like manner, submit for determination by the active members of the Bar, any question of Bar policy, including proposed changes in the rules or By laws of the Bar, whenever directed to do so by resolution adopted at any annual or special meeting of the Bar by the affirmative vote of not less than 200 active members, provided that no such resolution directing the Board of Governors to propose changes in the rules shall be effective unless adopted at 2 consecutive meetings of the assembly.~~

Section 3~~2~~. Members May Initiate by Petition

The Board of Governors shall , in like manner, submit for determination by the member ballots of the Bar, any question of Bar policy, including proposals for changes in the R~~R~~ules or By-laws, whenever directed so to do by a petition signed by not less than 3% of the active members of

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the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

Section ~~42~~ 43. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar ~~bulletin~~publication, and shall control the action of the Bar, the Board of Governors, the officers and committees.

~~Rule VIII.~~ Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be ~~filed-transmitted to promptly with~~ filed-transmitted to the Clerk of the District of Columbia Court of Appeals and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement transmitted to ~~filed-with~~ the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the Bar's total disbursements.

Rule IX. By-laws

By-laws not inconsistent with these Rules may be ~~promulgated~~established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule X. Rules of Professional Conduct

Rule XI. Disciplinary Proceedings

Rule XII. Clients' Security Trust Fund

Rule XIII. Arbitration

Rule XIV. IOLTA Verification

PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules Governing the Bar* submitted by the D.C. Bar Board of Governors (redline version)

Rule XV. Amendment Section 1. Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by (a) petition of the Board of Governors; or (b) petition of the assembly in respect of changes approved by referendum as provided in Rule VII. Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

~~Section 2. Amendment of By laws~~

~~The provisions of the By laws of the District of Columbia Bar shall be subject to amendment or abrogation by a resolution adopted by a majority vote of the voting members of the Board of Governors at a meeting with at least two thirds of the voting members of the Board members in attendance.~~

Rule XVI. Effective Date of Rules

The District of Columbia Bar Rules shall take effect on April 1, 1972, on which date the association shall be deemed to have come into existence.

Appendix E

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
Governing the Bar** submitted by the D.C. Bar Board of Governors

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

Rule I	Organization of the D.C. Bar
Rule II	Membership
Rule III	Officers
Rule IV	Board of Governors
Rule V	Executive Committee
Rule VI	Meetings of the Bar
Rule VII	Referendum Procedure
Rule VIII	Disbursements
Rule IX	Bylaws
Rule X	Rules of Professional Conduct
Rule XI	Disciplinary Proceedings
Rule XII	Clients' Security Trust Fund
Rule XIII	Arbitration
Rule XIV	IOLTA Verification
Rule XV	Amendment
Rule XVI	Effective Date of Rules

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
Governing the Bar submitted by the D.C. Bar Board of Governors**

Rule I. Organization of the Bar of the District of Columbia

Preamble

The District of Columbia Court of Appeals in the exercise of its inherent powers over members of the legal profession does hereby create, as an official arm of the Court, an association of members of the Bar of the District of Columbia to be known as the District of Columbia Bar, and pursuant to its statutory authority governing admissions to the Bar promulgates the following rules for the government of the Bar and the individual members thereof:

Section 1. Creation of Association

All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the "District of Columbia Bar" subject to the provisions of the Rules hereinafter set forth.

The words "D.C. Bar" or "the Bar" wherever used in these Rules mean the District of Columbia Bar.

The words "the Court" wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words "Secretary of the Bar" and "Board of Governors" wherever used in these rules refer to elected officials of the Bar.

The words "the Bylaws" refer to the Bylaws of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the courts of the District of Columbia in carrying out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards; (e) to safeguard the proper professional interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for and publish information about the practice of law, the science of jurisprudence and law reform, and the relationship of the Bar to the public; and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
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Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. Residence in the District of Columbia shall not be a condition of eligibility to membership.

Section 2. Mandatory Course for New Admittees

The Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice. Within twelve months after admission to the Bar, all members shall, in accordance with procedures established by the Bar, complete such course and certify compliance with this requirement. Failure to complete the course or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in the District of Columbia. The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in this Section. The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended for noncompliance.

Section 3. Classes of Membership

The members of the District of Columbia Bar shall be divided into at least 4 classes known respectively as "active" members, "judicial" members, "inactive" members, and "retired" members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have submitted a written request to the Bar requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges, and are not engaged in the practice of law, shall be classified as judicial members, except that if a member's terms and conditions of employment require that he or she be eligible to practice law, then the member may choose to be an active member. Any inactive member in good standing and any judicial member who is no longer a judge may change his or her classification to that of an active member by submitting a written request with the Bar for transfer to the class of active members and by paying the dues required of active members. A judicial member who is no longer a judge shall be classified as an active member if he or she engages in the practice of law in the District of Columbia. Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of Inactive or judicial membership may be substituted for one year of Active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of

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Columbia or elsewhere for a total of 25 years. Except as provided for in Rule 49(c), no judicial, inactive, or retired member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section 4. License Fees

The District of Columbia Court of Appeals shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of license fees to be paid annually by members in the various classes of membership. All license fees shall be paid to the Bar and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on license fees. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the dues ceiling shall not be subject to referendum under Rule VII.

Non-payment of license fees may result in suspension and the inability to practice law in the District of Columbia.

Section 5. Resignation and Reinstatement

A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

Section 6. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have registered with the Bar and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
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Rule III. Officers

The officers of the Bar shall be a President, a President-Elect, a Secretary, and a Treasurer, who shall be nominated and either elected or appointed in the manner provided in the Bylaws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year. The officers shall receive no compensation for their services.

The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

Rule IV. Board of Governors

The affairs of the Bar shall be managed and directed by a Board of Governors consisting of the officers of the Bar and the Immediate Past-President of the Bar, and fifteen members elected by the members of the Bar in the manner prescribed by the Bylaws. The Treasurer-Elect shall be among the fifteen elected, non-officer members of the Board of Governors and shall serve as an at-large member of the Board after completing their year of service as Treasurer. The Board may also appoint non-voting members in a manner prescribed by the Bylaws. The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws.

Rule V. Public Statements

No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.

Rule VI. Meetings of the Bar

There shall be an annual meeting of members of the Bar in a manner prescribed by the Bylaws. Special meetings of members of the Bar shall be called in a manner set forth in the Bylaws.

Rule VII. Referendum Procedure

Section 1. Board May Initiate

The Board of Governors may at any time, by the affirmative vote of 2/3 of the Board, refer to the active members of the Bar for determination by member ballot, any question of Bar policy.

Section 2. Members May Initiate by Petition

The Board of Governors shall submit for determination by member ballot any question of Bar policy, including proposals for changes in the Rules or Bylaws, whenever directed so to do by a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
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Section 3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar publication, and shall control the action of the Bar, the Board of Governors, the officers and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be transmitted to the Clerk of the District of Columbia Court of Appeals and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the Bar's total disbursements.

Rule IX. Bylaws

Bylaws not inconsistent with these Rules may be established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule X. Rules of Professional Conduct

Rule XI. Disciplinary Proceedings

Rule XII. Clients' Security Trust Fund

Rule XIII. Arbitration

Rule XIV. IOLTA Verification

Rule XV. Amendment Section 1. Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by (a) petition of the Board of Governors; or (b) petition of the assembly in respect of changes approved by referendum as provided in Rule VII. Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

Rule XVI. Effective Date of Rules

The District of Columbia Bar Rules shall take effect on April 1, 1972, on which date the association shall be deemed to have come into existence.

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**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
Governing the Bar** submitted by the D.C. Bar Board of Governors

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

Rule I	Organization of the D.C. Bar
Rule II	Membership
Rule III	Officers
Rule IV	Board of Governors
Rule V	Executive Committee
Rule VI	Meetings of the Bar
Rule VII	Referendum Procedure
Rule VIII	Disbursements
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Rule XII	Clients' Clients' Security Trust
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**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
Governing the Bar submitted by the D.C. Bar Board of Governors**

Rule I. Organization of the Bar of the District of Columbia

Preamble

The District of Columbia Court of Appeals in the exercise of its inherent powers over members of the legal profession does hereby create, as an official arm of the Court, an association of members of the Bar of the District of Columbia to be known as the District of Columbia Bar, and pursuant to its statutory authority governing admissions to the Bar promulgates the following rules for the government of the Bar and the individual members thereof:

Section 1. Creation of Association

All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the “District of Columbia Bar” subject to the provisions of the Rules hereinafter set forth.

The words “D.C. Bar” or “the Bar” wherever used in these Rules mean the District of Columbia Bar.

The words “the Court” wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words “Secretary of the Bar” and “Board of Governors” wherever used in these rules refer to elected officials of the Bar.

The words “the Bylaws” refer to the Bylaws of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the courts of the District of Columbia in carrying out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards; (e) to safeguard the proper professional interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for and publish information about ~~the practice of law, the science of jurisprudence-~~ and law reform, and the relationship of the Bar to the public; and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
Governing the Bar submitted by the D.C. Bar Board of Governors**

Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. See Bylaws; *District of Columbia Bar Membership Manual*. Residence in the District of Columbia shall not be a condition of eligibility to membership.

Section 2. Mandatory Course for New Admittees

The Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice. Within twelve months after admission to the Bar, all members shall, in accordance with procedures established by the Bar, complete such course and certify compliance with this requirement. Failure to complete the course or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in the District of Columbia. The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in this Section. The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended for noncompliance.

Section 3. Classes of Membership

The members of the District of Columbia Bar shall be divided into at least 4 classes known respectively as ~~“active”~~ members, ~~“judicial”~~ members, ~~“inactive”~~ members, and “retired” members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have submitted a written request to the Bar requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges who are eligible for temporary judicial assignment, and are not engaged in the practice of law, shall be classified as judicial members, except that if a ~~member's~~ member's terms and conditions of employment require that ~~they~~ the member be eligible to practice law, then the member may choose to be an active member. ~~Any~~ inactive members in good standing and ~~any~~ judicial members who ~~is~~ are no longer a judge may change their classification to that of an active member by submitting a written request with the Bar for transfer to the class of active members and by paying the license fees required of active members. ~~A judicial member~~ Judicial members who ~~is~~ are no longer a judge shall be classified as ~~an active member~~ members if they engage in the practice of law in the District of Columbia. Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of ~~Inactive~~ inactive or judicial membership may be substituted for one year of ~~Active~~ active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of Columbia or elsewhere for a total of 25 years. Except as provided for in Rule

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
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49(c), no judicial, inactive, or retired member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section 4. License Fees

The District of Columbia Court of Appeals shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of license fees to be paid annually by members in the various classes of membership. All license fees shall be paid to the Bar and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on license fees. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the license fees ceiling shall not be subject to referendum under Rule VII.

Non-payment of license fees may result in suspension and the inability to practice law in the District of Columbia.

Section 5. Resignation and Reinstatement

A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

Section 6. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have registered with the Bar and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
Governing the Bar submitted by the D.C. Bar Board of Governors**

Rule III. Officers

The officers of the Bar shall be a President, a President-Elect, a Secretary, and a Treasurer, who shall be nominated and either elected or appointed in the manner provided in the Bylaws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year. The officers shall receive no compensation for their services.

The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

Rule IV. Board of Governors

The affairs of the Bar shall be managed and directed by a Board of Governors consisting of the officers of the Bar and the Immediate Past-President of the Bar, and fifteen members elected by the members of the Bar in the manner prescribed by the Bylaws. The Treasurer-Elect shall be among the fifteen elected, non-officer members of the Board of Governors and shall serve as an at-large member of the Board after completing ~~their~~^a year of service as Treasurer. The Board may also appoint non-voting members in a manner prescribed by the Bylaws. The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws.

Rule V. Public Statements

No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.

Rule VI. Meetings of the Bar

There shall be an annual meeting of members of the Bar in a manner prescribed by the Bylaws. Special meetings of members of the Bar shall be called in a manner set forth in the Bylaws.

Rule VII. Referendum Procedure

Section 1. Board May Initiate

The Board of Governors may at any time, by the affirmative vote of 2/3 of the Board, refer to the active members of the Bar for determination by member ballot, any question of Bar policy.

Section 2. Members May Initiate by Petition

The Board of Governors shall submit for determination by member ballot any question of Bar policy, including proposals for changes in the Rules or Bylaws, whenever directed so to do by a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
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Section 3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar publication, and shall control the action of the Bar, the Board of Governors, the officers, and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be transmitted to the Clerk of the ~~District of Columbia Court of Appeals~~ and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the ~~Bar's~~ Bar's total disbursements.

Rule IX. Bylaws

Bylaws not inconsistent with these Rules may be established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule X. Rules of Professional Conduct

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Rule XII. ~~Clients'~~ Clients' Security Trust Fund

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Rule XV. Amendment Section 1. Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by ~~(a)~~ (a) petition of the Board of Governors; ~~or (b) petition of the assembly in respect of changes approved by referendum as provided in Rule VII.~~ Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

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The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the courts of the District of Columbia in carrying out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards; (e) to safeguard the proper professional interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for and publish information about the practice of law, the science of jurisprudence and law reform, and the relationship of the Bar to the public; and (h)

**PROPOSED AMENDMENTS to the *District of Columbia Court of Appeals Rules*
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to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

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The Board of Governors shall submit for determination by member ballot any question of Bar policy, including proposals for changes in the Rules or Bylaws, whenever directed so to do by

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a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

Section 3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar publication, and shall control the action of the Bar, the Board of Governors, the officers, and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be transmitted to the Clerk of the Court and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the Bar's total disbursements.

Rule IX. Bylaws

Bylaws not inconsistent with these Rules may be established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule X. Rules of Professional Conduct

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Rule XV. Amendment Section 1. Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by petition of the Board of Governors. Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

Rule XVI. Effective Date of Rules

The District of Columbia Bar Rules shall take effect on April 1, 1972, on which date the association shall be deemed to have come into existence.

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Rule 10. The Record on Appeal.

(a) Composition of the Record on Appeal. The following items constitute the record on appeal:

- (1) the original papers and exhibits filed in the Superior Court;
- (2) the transcript of proceedings, if any; and
- (3) a certified copy of the docket entries prepared by the Clerk of the Superior Court.

(b) The Transcript of Proceedings.

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10-(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporter Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court stating that no transcript will be ordered.

(2) Unsupported Finding or Conclusion. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion. See *Cobb v. Standard Drug Co.*, 453 A.2d 110 (D.C. 1982).

(3) Partial Transcript. Unless the entire transcript is ordered:

(A) the appellant must, within the 10 days provided in Rule 10-(b)(1), —file a statement of the issues that the appellant intends to present on the appeal and must serve on all other parties a copy of both the transcript order or certificate required by Rule 10-(b)(1) and the statement;

(B) if any other party considers it necessary to have a transcript of other parts of the proceedings, it must, within 10 days after service of the transcript order or certificate and statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the other parties, the designating party may within the following 10 days either order the parts or move in the Superior Court for an order requiring the appellant to do so.

(4) Payment. At the time of ordering, a party must make satisfactory arrangements with the Court Reporter Division for paying the cost of the transcript, except when the party is proceeding under Rule 10-(b)(5).

(5) Transcript in ~~In Forma Pauperis~~ Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, and or Under the Prevention of Child Abuse and Neglect Act Appeals.

(A) In all civil cases in which the appellant ~~is proceeding on appeal in forma pauperis~~ has been granted a waiver of fees, costs, or security under Rule 24, except those governed by Rule 10 (b)(5)(C), a request for the preparation of transcripts must be made, on motion with notice, to the appropriate motions or trial judge. See Rule 24(h); D.C. Code § 15-712(h); Hancock v. Mutual of Omaha Ins. Co., 472 A.2d 867 (D.C. 1984).

(B) In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, see D.C. Code § 11-2601 et seq. ~~(2001)~~, the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. A copy of the notice and of the docket entries will be transmitted by the Clerk of the Superior Court to the Court Reporter Division for preparation of the transcript. The transcript prepared will include pretrial hearings on motions, voir dire, openings, the testimony and evidence presented by the parties, closings, the charge to the jury, the verdict, and sentencing, as well as any other proceeding in the case designated by counsel pursuant to Rule 10-(b)(1)(A).

(C) In cases where counsel for the appellant has been appointed under the Prevention of Child Abuse and Neglect Act, see D.C. Code § 16-2304-~~(2001)~~, counsel must secure vouchers for the preparation of transcripts from the Finance Office and submit them to the trial judge for approval.

(c) Statement of the Evidence When The Proceedings Were Not Recorded or When a Transcript is Unavailable. If the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be served upon all other parties, who may serve objections or proposed amendments within ten days after being served. The statement and any objections or proposed amendments must then be submitted to the trial judge for settlement and approval. As settled and approved, the statement must be included by the Clerk of the Superior Court in the record on appeal.

(d) Agreed Statement as the Record on Appeal. In place of the record on appeal as defined in Rule 10 (a), the parties may prepare, sign, and submit to the trial judge a statement of the case showing how the issues presented by the appeal arose and were decided in the Superior Court. The statement must set forth only those facts averred and proved or sought to be proved that are essential to the court's resolution of the issues. If the statement is accurate, it — together with any additions that the trial judge may consider necessary to a full presentation of the issues on appeal — must be approved by the trial judge and must then be certified to this court as the record on appeal. A copy of the agreed statement may be filed in place of the appendix required by Rule 30.

(e) Correction or Modification of the Record.

(1) If any difference arises about whether the record truly discloses what occurred in the Superior Court, the difference must be submitted to and settled by that court and the record conformed

accordingly.

(2) If anything material to any party is omitted from or misstated in the record by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:

(A) on a stipulation of the parties; or

(B) by the Superior Court before or after the record has been forwarded.

(3) All other questions as to the form and content of the record must be presented to this court.

Rule 11. Transmission of the Record.

(a) Appellant's Duty. An appellant filing a notice of appeal must comply with Rule 10-(b) and must do whatever else is necessary to enable the Clerk of the Superior Court to assemble and forward the record. If there are multiple appeals from a judgment or order, the Clerk must assemble a single record.

(b) Duties of Reporter, Director of the Court Reporter Division, and Clerk of the Superior Court.

(1) Reporter's Duty to Prepare and File a Transcript. The reporter must prepare and file a transcript as follows:

(A) Upon receiving an order for a transcript, the reporter must enter at the bottom of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the Clerk of the Superior Court.

(B) If the transcript cannot be completed within 60 days of the reporter's receipt of the order, the reporter may request that this court grant additional time to complete it. The Clerk must note on the docket the action taken and notify the parties.

(C) When a transcript is complete, the reporter must file it with the Director of the Court Reporter Division.

(2) Duties of the Director of the Court Reporter Division. If all transcript ordered or designated for appeal has not been completed within the ~~60-day~~60-day time period, the Director of the Court Reporter Division must retain the partial transcript until the transcription of all proceedings has been completed. When completed, the transcript must be placed in chronological sequence, with the pages properly renumbered, and filed with the Clerk of the Superior Court.

(3) Duties of the Clerk of the Superior Court.

(A) When the record is complete, the Clerk of the Superior Court must prepare an index that reasonably identifies and numbers the documents constituting the record, and promptly send 4 certified copies of that index and the original reporter's transcript, if any, to the Clerk of this court. The Clerk of the Superior Court must retain all other parts of the record for the parties to use in preparing the papers on appeal, subject to call by this court. In cases where a party has been ~~permitted to proceed on appeal in forma pauperis~~ granted a waiver of fees, costs, or security, see Rule 24, the Clerk of the Superior Court must prepare and submit 2 copies of the record to the Clerk of this court.

(B) In appeals where reporter's transcript is filed after the transmittal of the certified index, the Clerk of the Superior Court must forward the transcript as a supplemental record on appeal promptly after the Director of the Court Reporter Division files it.

(c) Record for a Preliminary Motion in the Court of Appeals. If, before the record is forwarded, a party files in this court a motion for dismissal, summary reversal, summary affirmance, release

pending appeal, stay or injunction pending appeal, additional security on a supersedeas bond, or for any other relief, the Clerk of the Superior Court, upon order of this court, must transmit a preliminary record containing the notices of appeal, the order appealed from, and those parts of the record designated by any party.

Rule 15. Review of Agency Orders.

(a) Petition for Review; Joint Petition.

(1) Review of an agency order or decision is commenced by filing with the Clerk of this court an original and six copies of a petition for review. If their interests make joinder practicable, two or more persons may join in a petition for review.

(2) Unless an applicable statute provides a different time frame, the petition for review must be filed within 30 days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed. In the event the time prescribed by statute is less than 11 days, intermediate Saturdays, Sundays, and legal holidays, as defined in Rule 26 (a), are excluded in the computation unless the statute expressly provides otherwise. If the order or decision is made out of the presence of the parties and notice thereof is by mail, the petitioner will have 5 additional days from the date of mailing.

(3) Except in cases involving review of a decision of the Office of Administrative Hearings, which are governed by Rule 15(a)(4), ~~The~~ the petition must:

(A) name each party seeking review either in the caption or the body of the petition — using such terms as “et al.,” “petitioners,” or “respondents” does not effectively name the parties;

(B) name the agency as a respondent; and

(C) specify the order or decision or part thereof to be reviewed.

(4) In cases involving review of a decision of the Office of Administrative Hearings, the petition must name each party seeking review, as required by Rule 15(a)(3)(A), and specify the order or decision or part thereof to be reviewed, as required by Rule 15(a)(3)(C). Only the parties before the Office of Administrative Hearings and any other party permitted to participate by this court shall be parties in this court. See D.C. Code § 2-1831.16(h). The petition may not name either the Office of Administrative Hearings or the Administrative Law Judge from the Office of Administrative Hearings as a respondent. See *id.*

(5) Filing may be accomplished by mail addressed to the Clerk, but filing will not be deemed timely unless the petition is, in fact, received by the Clerk within the prescribed time.

~~(6)~~ If the petitioner is a corporation or other entity, the petition must be signed by counsel. A petition not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party.

~~(7)~~ If a timely petition for review is filed by a party, any other party to the proceeding before the agency may file a cross-petition for review within 14 days after the petition was filed, or within 30 days of the date of the challenged order or decision, whichever period expires later.

~~(8)~~ Form 5 is a suggested form of a petition for review.

(b) Termination of the Time for Filing a Petition for Review. If a party timely files a petition for rehearing or reconsideration in accordance with the rules of the agency, the time to petition for review as fixed by section (a)(2) of this rule runs from the date when notice of the order denying the petition is given.

(c) Service of the Petition. The Clerk must serve a copy of the petition for review on ~~the each~~ respondent agency and on the Corporation Counsel of Office of the Attorney General for the District of Columbia or other counsel representing ~~the any agency respondent~~. At the time of filing, the petitioner must:

(1) serve, or have served, a copy on each party admitted to participate in the agency proceedings, except for ~~the any agency respondents~~; and

(2) file with the Clerk a list of those so served.

(d) Intervention. A party to the agency proceeding who wants to intervene in this court must, within 30 days from the date the petition is filed, serve upon all parties to the proceeding, and file with the Clerk, a copy of a notice of intention to intervene, in which case the party will be deemed an intervenor without the necessity of filing a motion. Any other person who wants to intervene must file a motion to intervene with the Clerk within 30 days of the date on which the petition for review is filed, unless the time is extended by order of the court for good cause. A copy of the motion must be served on all parties. The motion must contain a concise statement of the interest of the moving party and the grounds for intervention, and must state on which side the party seeks to intervene.

(e) Fees. When filing any separate or joint petition for review, the petitioner must pay the Clerk all required fees.

(f) To the extent applicable, Rule 25.1 (Emergency and Expedited Cases) governs review of certain agency orders or decisions.

Rule 17. Filing of the Record.

(a) Agency to File; Time for Filing; Notice of Filing. ~~The~~ A respondent agency must file the record within 60 days after being served with a petition for review. In cases involving the review of a decision of the Office of Administrative Hearings, the Office of Administrative Hearings must file the record within 60 days of the issuance of an order directing the filing of the record. The court may shorten or extend ~~this time~~ these deadlines for good cause. The Clerk must notify all parties and intervenors that the record has been filed.

(b) Filing – What Constitutes.

(1) The agency must file:

(A) the original or a certified copy of the record on review or parts designated by the parties;
or,

(B) if a partial record is filed, a certified list adequately describing all documents, transcripts, exhibits, and other material constituting the record on review.

(2) The parties may stipulate in writing that no record or certified list be filed. The date when the stipulation is filed with the Clerk is treated as the date when the record is filed.

(3) The agency must retain any portion of the record not filed with the Clerk. All parts of the record retained by the agency are a part of the record on review for all purposes and, if the court or a party so requests, must be sent to the court regardless of any prior stipulation.

Rule 24. ~~Proceeding Without Prepayment of~~ Waiver of Fees, and Costs, or Security (In Forma Pauperis).

(a) In General. The standards governing eligibility for waiver are listed in D.C. Code § 15-712(a)(1)(A)-(D).

~~(a)~~ (b) Appeals from the Superior Court.

(1) Prior Approval. A party who was ~~permitted to proceed in forma pauperis~~ granted a waiver of court fees, costs, or security in the Superior Court, or who was determined by the Superior Court to be eligible for court-appointed counsel under D.C. Code § 11-2601 et seq. ~~(2001)~~ € ~~(criminal proceedings)~~ or D.C. Code § 16-2304 ~~(2001)~~ (Family Court proceedings), may proceed on appeal ~~in forma pauperis~~ without paying fees, costs, or security ~~further authorization.~~

(2) ~~Motions~~ Applications to be Filed in the Superior Court.

(A) Except as stated in Rule 24-~~(ab)~~ (1), a party to a proceeding in the Superior Court who ~~desires~~ seeks to take an appeal without ~~prepayment of~~ paying fees, costs, or security must file in the Superior Court within the time for filing an appeal:

(i) A notice of appeal containing the information prescribed in Form 1 or Form 2; and

(ii) An application to waive court fees, costs, or security pursuant to Superior Court Rule of Civil Procedure 54-II.

(B) If the Superior Court grants the ~~motion~~ waiver, the party may proceed on appeal without ~~prepaying or giving security for~~ fees, and costs, or security.

(C) If the Superior Court denies the ~~motion~~ waiver in whole or in part, ~~that court must issue an order in writing stating the reason for its denial. Within 10 days after entry of the order denying the motion,~~ the party may request a hearing under Superior Court Rule of Civil Procedure 54-II(j)(2). If, after the hearing, the Superior Court denies the waiver in whole or in part, the party may file in this court ~~a motion~~ an application to proceed on appeal without paying fees, costs, or security. See Form 7 ~~in forma pauperis~~. The ~~motion~~ application must include the signed declaration contained in Form 7 and:

(i) ~~A copy of the motion, affidavit, and~~ The notice of appeal and a copy of the application to waive court fees, costs, or security filed in the Superior Court, and ~~any~~ the order of the Superior Court stating the reasons for its denial or partial denial; and

(ii) A statement of the reasons ~~why~~ the party believes the Superior Court's denial was in error and any additional evidence showing that the party is unable to proceed without substantial hardship to the party or to the party's dependent. ~~If no affidavit was filed in the Superior Court, the party must include with the motion an affidavit containing the information prescribed in Form 7b.~~

(3) ~~Motions-Applications~~ to be Filed in the Court of Appeals. If a party ~~desires-seeks~~ to proceed on appeal without paying fees, costs, or security~~in forma pauperis~~ after having filed a notice of appeal and paid the required fees, the party must file with this court an application to waive court costs, fees, or security~~motion to proceed in forma pauperis~~, see Form 7a, and sign the declaration~~an affidavit~~contained~~ing the information prescribed~~ in Form 7b.

~~(b)~~(c) Petition for Review of Agency Decisions. When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to this court, a party may file in this court, along with the petition for review, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7. The waiver application and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.

~~(1) Petition for Review; Motion and Affidavit.~~ ~~When review of an order or decision in a proceeding before an agency of the District of Columbia proceeds directly to the Court of Appeals, a party may file in this court, along with the petition for review, a motion to proceed on appeal in forma pauperis, see Form 7a, and an affidavit containing the information prescribed in Form 7b.~~

~~(2) Timing.~~ ~~The motion, affidavit, and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.~~

~~(e)~~(d) Petitions for Extraordinary Writs. A party who files a petition for an extraordinary writ and who desires to proceed without paying fees, costs, or security~~in forma pauperis~~ must file, along with the petition, an application to waive court costs, fees, or security~~motion to so proceed~~, see Form 7a, and sign the declaration contained in Form 7~~an affidavit containing the information prescribed in Form 7b~~.

(e) Timing for Deciding Waivers.

(1) Within 5 calendar days after receiving a completed waiver application, the court must decide whether to approve the application. The Clerk, if authorized, may grant waiver applications.

(2) If, within 5 calendar days after receiving a completed application, the court has not ruled on the waiver application, the application will be deemed approved.

(3) The deadlines in Rule 24(e)(2)(1) and (2) do not apply where the court requires additional information under D.C. Code § 15-712(b)(1). See D.C. Code § 15-712(c)(1)(C).

(f) Denial of In Forma Pauperis Waiver Application. If a waiver application~~motion to proceed in forma pauperis~~ is denied by this court, the court shall state the reasons for the denial or partial denial in writing. A party who is denied a waiver in whole or in part may request a hearing on the matter in accordance with D.C. Code § 15-712(c)(3)(A). A hearing under this rule must be held no later than 14 days after the court receives the hearing request.~~the Clerk must notify the parties of the denial, and~~ If, after the hearing, the waiver application is denied, the petitioner party must pay the required filing fee within the time specified in the final order of denial.

(g) Merits of Appeal or Petition. In considering a waiver application, the court must not consider the merits of the appeal or petition.

(h) Motion for Free Transcripts or Other Documents.

(1) Civil Cases. A party in a civil case who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared and explaining the basis for the motion. See D.C. Code § 15-712(h); Rule 10(b)(5)(A), (C); Super. Ct. Civ. R. 54-II(k). The Superior Court must grant the motion unless the request is frivolous. D.C. Code § 15-712(h). In making this determination, the Superior Court must resolve doubt about the frivolousness of the request in favor of the applicant. The Superior Court may order that only those portions of the transcripts or other documents necessary to resolution of the appeal or petition be provided.

(2) Criminal Cases. In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, D.C. Code § 11-2601 et seq., the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. See Rule 10(b)(5)(B) (outlining applicable procedures). In any other criminal case, a defendant who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared. Such a motion will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government and will be addressed under the procedures established in Rule 10(b)(5)(B).

(i) Confidentiality

(1) The court must keep confidential an application and any financial information submitted by the applicant pursuant to this rule or Superior Court Rule of Civil Procedure 54-II, except to the court, the litigant, persons authorized by the litigant, or by court order. The application must not be served on the other party.

(2) Motion for Access.

(A) Any person seeking access to an application or any financial information provided to the court by an applicant may file a motion, with notice given to the litigant who filed the application, supported by a declaration showing good cause for why the confidential information should be released to the movant.

(B) Any person who is granted access to the application or any financial information under this paragraph shall not reveal any information contained in the application, or any financial information, except as otherwise authorized by law or court order.

(3) The court's decision on an application for a waiver shall not be confidential.

(j) Special Rules Governing ~~In Forma Pauperis~~-Appeals Proceeding Without Payment of Fees,

Costs, or Security. For rules specially governing ~~in forma pauperis~~ appeals proceeding without paying fees, costs, or security, see Rules 10-(b)(5), 11-(b)(3), and 30-(f).

Rule 26. Computing and Extending Time.

(a) Computing Time. The following rules apply in computing any period of time specified in these rules or in any order of this court or applicable statute:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days, unless an applicable statute or order of this court expressly provides otherwise, or unless the period is stated in calendar days.

(3) Include the last day of the period unless it is a Saturday, Sunday, legal holiday, or — if the act to be done is the filing of a paper in court — a day on which the weather or other conditions cause the Clerk’s office to be closed.

(4) As used in this rule, “legal holiday” includes New Year’s Day, Martin Luther King, Jr.’s Birthday, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or by the District of Columbia.

(b) Extending Time. For good cause, the court may extend the time prescribed by these rules to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time:

(1) to file a notice of appeal (except as authorized in Rule 4) or an application for allowance of appeal; or

(2) to file a petition for review; or

(3) for doing any act when the time for doing the act has been prescribed by statute.

(c) Additional Time After Certain Kinds of Service. When a party is required or permitted to act within a prescribed period after a paper is served on that party, 5 calendar days are added to the prescribed period unless the paper is delivered on the date of service stated in the proof of service. For purposes of this Rule 26 (c), a paper that is served electronically is treated as delivered on the date of service stated in the proof of service. Rule 26–(c) does not apply when an order of this court prescribes the time in which a party is required or permitted to act. [Rule 26\(c\) also does not apply to notices of appeal filed under Rules 4, 5, or 6.](#)

Rule 30. Appendix to the Briefs.

(a) Appellant's Responsibility.

(1) Contents of the Appendix. The appellant must prepare and file an appendix to the briefs containing:

(A) the relevant docket entries in the proceeding below;

(B) the relevant pleadings, charge, findings, or opinion;

(C) the judgment, order, or decision in question; and

(D) other parts of the record to which the parties wish to direct the court's attention.

(2) Excluded Material. Memoranda of law filed in the Superior Court should not be included in the appendix unless they have independent relevance. Parts of the record may be relied on by the court or the parties even though not included in the appendix.

(3) Time to File; Number of Copies. The appellant must file 4 copies of the appendix with the brief and must serve one copy on counsel for each party separately represented.

(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix. The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 20 days after the Clerk has notified the parties that the record is filed, serve on all other parties a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. Any other party may, within 10 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the court's attention. The appellant must include the designated parts in the appendix. The parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the court. This paragraph applies also to a cross-appellant and a cross-appellee.

(2) Costs of the Appendix. Unless the parties agree otherwise, the appellant must pay the cost of the appendix. If the appellant considers parts of the record designated by another party to be unnecessary, the appellant may advise that party, who must then advance the cost of including those parts. The cost of the appendix is a taxable cost. If any party causes unnecessary parts of the record to be included in the appendix, the court may impose the costs of those parts on that party. Appropriate sanctions may also be imposed, after notice and opportunity to respond, against a party or counsel who unreasonably increases litigation costs by including such material in the appendix.

(c) Format of the Appendix. The appendix must begin with a table of contents identifying the page at which each part begins. The pages of the appendix must be numbered consecutively. The relevant docket entries must follow the table of contents, and other parts of the record must follow

chronologically. When pages from the transcript of proceedings are placed in the appendix, the date of each transcript and the page numbers must be listed on a separate page of the appendix immediately before the included pages. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) should be omitted.

(d) **Reproduction of Exhibits.** Exhibits designated for inclusion in the appendix may be reproduced in a separate volume, or volumes, suitably indexed. Four copies must be filed with each copy of the appendix, and one copy must be served on counsel for each separately represented party. If a transcript of a proceeding before an administrative agency, board, commission, or officer was used in a Superior Court action and has been designated for inclusion in the appendix, the transcript must be placed in the appendix as an exhibit.

(e) **Appeal on the Original Record Without an Appendix.** For good cause shown, the court may excuse a party from the requirements of producing an appendix, or any part thereof, and permit an appeal to proceed on the original record with any copies of the record, or relevant parts, that the court may order the parties to file.

(f) **Appendix in ~~In Forma Pauperis~~, Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, and/or Under the Prevention of Child Abuse and Neglect Act Appeals.** No appendix is required in cases in which a party has been ~~permitted to proceed granted a waiver of fees, costs, or security in forma pauperis~~ or counsel has been appointed to represent the party. In such cases, however:

(1) The appellant:

(A) must file with the brief 4 copies of any opinion, findings of fact, and conclusions of law, whether written or set forth orally in the transcript, that relate to the issues raised on appeal; and

(B) may, but is not required to, file with the brief 4 copies of any additional portions of the record to be called to the court's attention.

(2) The appellee may file with the brief 4 copies of any portions of the record to be called to the court's attention that were not furnished by the appellant.

(3) A copy of this document must be served on counsel for each party separately represented.

Rule 10. The Record on Appeal.

(a) Composition of the Record on Appeal. The following items constitute the record on appeal:

- (1) the original papers and exhibits filed in the Superior Court;
- (2) the transcript of proceedings, if any; and
- (3) a certified copy of the docket entries prepared by the Clerk of the Superior Court.

(b) The Transcript of Proceedings.

(1) Appellant's Duty to Order. Within 10 days after filing the notice of appeal, the appellant, unless proceeding on appeal as specified in Rule 10(b)(5), must:

(A) order from the reporter a transcript of such parts of the proceedings not already on file as the appellant considers necessary, and identify for the Court Reporter Division any transcript already prepared that is to be included in the record on appeal; or

(B) file a certificate in this court stating that no transcript will be ordered.

(2) Unsupported Finding or Conclusion. If the appellant intends to urge on appeal that a finding or conclusion is unsupported by the evidence or is contrary to the evidence, the appellant must include in the record a transcript of all evidence relevant to that finding or conclusion. See *Cobb v. Standard Drug Co.*, 453 A.2d 110 (D.C. 1982).

(3) Partial Transcript. Unless the entire transcript is ordered:

(A) the appellant must, within the 10 days provided in Rule 10(b)(1), file a statement of the issues that the appellant intends to present on the appeal and must serve on all other parties a copy of both the transcript order or certificate required by Rule 10(b)(1) and the statement;

(B) if any other party considers it necessary to have a transcript of other parts of the proceedings, it must, within 10 days after service of the transcript order or certificate and statement of the issues, file and serve on the appellant a designation of additional parts to be ordered; and

(C) unless within 10 days after service of that designation the appellant has ordered all such parts, and has so notified the other parties, the designating party may within the following 10 days either order the parts or move in the Superior Court for an order requiring the appellant to do so.

(4) Payment. At the time of ordering, a party must make satisfactory arrangements with the Court Reporter Division for paying the cost of the transcript, except when the party is proceeding under Rule 10(b)(5).

(5) Transcript in Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, or Under the Prevention of Child Abuse and Neglect Act.

(A) In all civil cases in which the appellant has been granted a waiver of fees, costs, or security under Rule 24, except those governed by Rule 10(b)(5)(C), a request for the preparation of transcripts must be made, on motion with notice, to the appropriate motions or trial judge. See Rule 24(h); D.C. Code § 15-712(h); *Hancock v. Mutual of Omaha Ins. Co.*, 472 A.2d 867 (D.C. 1984).

(B) In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, see D.C. Code § 11-2601 et seq. , the notice of appeal will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. A copy of the notice and of the docket entries will be transmitted by the Clerk of the Superior Court to the Court Reporter Division for preparation of the transcript. The transcript prepared will include pretrial hearings on motions, voir dire, openings, the testimony and evidence presented by the parties, closings, the charge to the jury, the verdict, and sentencing, as well as any other proceeding in the case designated by counsel pursuant to Rule 10(b)(1)(A).

(C) In cases where counsel for the appellant has been appointed under the Prevention of Child Abuse and Neglect Act, see D.C. Code § 16-2304, counsel must secure vouchers for the preparation of transcripts from the Finance Office and submit them to the trial judge for approval.

(c) Statement of the Evidence When The Proceedings Were Not Recorded or When a Transcript is Unavailable. If the transcript of a hearing or trial is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement must be served upon all other parties, who may serve objections or proposed amendments within ten days after being served. The statement and any objections or proposed amendments must then be submitted to the trial judge for settlement and approval. As settled and approved, the statement must be included by the Clerk of the Superior Court in the record on appeal.

(d) Agreed Statement as the Record on Appeal. In place of the record on appeal as defined in Rule 10 (a), the parties may prepare, sign, and submit to the trial judge a statement of the case showing how the issues presented by the appeal arose and were decided in the Superior Court. The statement must set forth only those facts averred and proved or sought to be proved that are essential to the court's resolution of the issues. If the statement is accurate, it — together with any additions that the trial judge may consider necessary to a full presentation of the issues on appeal — must be approved by the trial judge and must then be certified to this court as the record on appeal. A copy of the agreed statement may be filed in place of the appendix required by Rule 30.

(e) Correction or Modification of the Record.

(1) If any difference arises about whether the record truly discloses what occurred in the Superior Court, the difference must be submitted to and settled by that court and the record conformed accordingly.

(2) If anything material to any party is omitted from or misstated in the record by error or

accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:

(A) on a stipulation of the parties; or

(B) by the Superior Court before or after the record has been forwarded.

(3) All other questions as to the form and content of the record must be presented to this court.

Rule 11. Transmission of the Record.

(a) Appellant's Duty. An appellant filing a notice of appeal must comply with Rule 10(b) and must do whatever else is necessary to enable the Clerk of the Superior Court to assemble and forward the record. If there are multiple appeals from a judgment or order, the Clerk must assemble a single record.

(b) Duties of Reporter, Director of the Court Reporter Division, and Clerk of the Superior Court.

(1) Reporter's Duty to Prepare and File a Transcript. The reporter must prepare and file a transcript as follows:

(A) Upon receiving an order for a transcript, the reporter must enter at the bottom of the order the date of its receipt and the expected completion date and send a copy, so endorsed, to the Clerk of the Superior Court.

(B) If the transcript cannot be completed within 60 days of the reporter's receipt of the order, the reporter may request that this court grant additional time to complete it. The Clerk must note on the docket the action taken and notify the parties.

(C) When a transcript is complete, the reporter must file it with the Director of the Court Reporter Division.

(2) Duties of the Director of the Court Reporter Division. If all transcript ordered or designated for appeal has not been completed within the 60-day time period, the Director of the Court Reporter Division must retain the partial transcript until the transcription of all proceedings has been completed. When completed, the transcript must be placed in chronological sequence, with the pages properly renumbered, and filed with the Clerk of the Superior Court.

(3) Duties of the Clerk of the Superior Court.

(A) When the record is complete, the Clerk of the Superior Court must prepare an index that reasonably identifies and numbers the documents constituting the record, and promptly send 4 certified copies of that index and the original reporter's transcript, if any, to the Clerk of this court. The Clerk of the Superior Court must retain all other parts of the record for the parties to use in preparing the papers on appeal, subject to call by this court. In cases where a party has been granted a waiver of fees, costs, or security, see Rule 24, the Clerk of the Superior Court must prepare and submit 2 copies of the record to the Clerk of this court.

(B) In appeals where reporter's transcript is filed after the transmittal of the certified index, the Clerk of the Superior Court must forward the transcript as a supplemental record on appeal promptly after the Director of the Court Reporter Division files it.

(c) Record for a Preliminary Motion in the Court of Appeals. If, before the record is forwarded, a party files in this court a motion for dismissal, summary reversal, summary affirmance, release pending appeal, stay or injunction pending appeal, additional security on a supersedeas bond, or

for any other relief, the Clerk of the Superior Court, upon order of this court, must transmit a preliminary record containing the notices of appeal, the order appealed from, and those parts of the record designated by any party.

Rule 15. Review of Agency Orders.

(a) Petition for Review; Joint Petition.

(1) Review of an agency order or decision is commenced by filing with the Clerk of this court an original and six copies of a petition for review. If their interests make joinder practicable, two or more persons may join in a petition for review.

(2) Unless an applicable statute provides a different time frame, the petition for review must be filed within 30 days after notice is given, in conformance with the rules or regulations of the agency, of the order or decision sought to be reviewed. In the event the time prescribed by statute is less than 11 days, intermediate Saturdays, Sundays, and legal holidays, as defined in Rule 26 (a), are excluded in the computation unless the statute expressly provides otherwise. If the order or decision is made out of the presence of the parties and notice thereof is by mail, the petitioner will have 5 additional days from the date of mailing.

(3) Except in cases involving review of a decision of the Office of Administrative Hearings, which are governed by Rule 15(a)(4), the petition must:

(A) name each party seeking review either in the caption or the body of the petition — using such terms as “et al.,” “petitioners,” or “respondents” does not effectively name the parties;

(B) name the agency as a respondent; and

(C) specify the order or decision or part thereof to be reviewed.

(4) In cases involving review of a decision of the Office of Administrative Hearings, the petition must name each party seeking review, as required by Rule 15(a)(3)(A), and specify the order or decision or part thereof to be reviewed, as required by Rule 15(a)(3)(C). Only the parties before the Office of Administrative Hearings and any other party permitted to participate by this court shall be parties in this court. *See* D.C. Code § 2-1831.16(h). The petition may not name either the Office of Administrative Hearings or the Administrative Law Judge from the Office of Administrative Hearings as a respondent. *See id.*

(5) Filing may be accomplished by mail addressed to the Clerk, but filing will not be deemed timely unless the petition is, in fact, received by the Clerk within the prescribed time.

(6) If the petitioner is a corporation or other entity, the petition must be signed by counsel. A petition not bearing the necessary signature will be stricken unless omission of the signature is corrected promptly after being called to the attention of counsel or the party.

(7) If a timely petition for review is filed by a party, any other party to the proceeding before the agency may file a cross-petition for review within 14 days after the petition was filed, or within 30 days of the date of the challenged order or decision, whichever period expires later.

(8) Form 5 is a suggested form of a petition for review.

(b) Termination of the Time for Filing a Petition for Review. If a party timely files a petition for rehearing or reconsideration in accordance with the rules of the agency, the time to petition for review as fixed by section (a)(2) of this rule runs from the date when notice of the order denying the petition is given.

(c) Service of the Petition. The Clerk must serve a copy of the petition for review on each respondent agency and on the Office of the Attorney General for the District of Columbia or other counsel representing any agency respondent. At the time of filing, the petitioner must:

(1) serve, or have served, a copy on each party admitted to participate in the agency proceedings, except for any agency respondent; and

(2) file with the Clerk a list of those so served.

(d) Intervention. A party to the agency proceeding who wants to intervene in this court must, within 30 days from the date the petition is filed, serve upon all parties to the proceeding, and file with the Clerk, a copy of a notice of intention to intervene, in which case the party will be deemed an intervenor without the necessity of filing a motion. Any other person who wants to intervene must file a motion to intervene with the Clerk within 30 days of the date on which the petition for review is filed, unless the time is extended by order of the court for good cause. A copy of the motion must be served on all parties. The motion must contain a concise statement of the interest of the moving party and the grounds for intervention, and must state on which side the party seeks to intervene.

(e) Fees. When filing any separate or joint petition for review, the petitioner must pay the Clerk all required fees.

(f) To the extent applicable, Rule 25.1 (Emergency and Expedited Cases) governs review of certain agency orders or decisions.

Rule 17. Filing of the Record.

(a) Agency to File; Time for Filing; Notice of Filing. A respondent agency must file the record within 60 days after being served with a petition for review. In cases involving the review of a decision of the Office of Administrative Hearings, the Office of Administrative Hearings must file the record within 60 days of the issuance of an order directing the filing of the record. The court may shorten or extend these deadlines for good cause. The Clerk must notify all parties and intervenors that the record has been filed.

(b) Filing – What Constitutes.

(1) The agency must file:

(A) the original or a certified copy of the record on review or parts designated by the parties;
or,

(B) if a partial record is filed, a certified list adequately describing all documents, transcripts, exhibits, and other material constituting the record on review.

(2) The parties may stipulate in writing that no record or certified list be filed. The date when the stipulation is filed with the Clerk is treated as the date when the record is filed.

(3) The agency must retain any portion of the record not filed with the Clerk. All parts of the record retained by the agency are a part of the record on review for all purposes and, if the court or a party so requests, must be sent to the court regardless of any prior stipulation.

Rule 24. Waiver of Fees, Costs, or Security (In Forma Pauperis).

(a) In General. The standards governing eligibility for waiver are listed in D.C. Code § 15-712(a)(1)(A)-(D).

(b) Appeals from the Superior Court.

(1) Prior Approval. A party who was granted a waiver of court fees, costs, or security in the Superior Court, or who was determined by the Superior Court to be eligible for court-appointed counsel under D.C. Code § 11-2601 et seq. (criminal proceedings) or D.C. Code § 16-2304 (Family Court proceedings), may proceed on appeal without paying fees, costs, or security.

(2) Applications to be Filed in the Superior Court.

(A) Except as stated in Rule 24(b)(1), a party to a proceeding in the Superior Court who seeks to take an appeal without paying fees, costs, or security must file in the Superior Court within the time for filing an appeal:

(i) A notice of appeal containing the information prescribed in Form 1 or Form 2; and

(ii) An application to waive court fees, costs, or security pursuant to Superior Court Rule of Civil Procedure 54-II.

(B) If the Superior Court grants the waiver, the party may proceed on appeal without paying fees, costs, or security.

(C) If the Superior Court denies the waiver in whole or in part, the party may request a hearing under Superior Court Rule of Civil Procedure 54-II(j)(2). If, after the hearing, the Superior Court denies the waiver in whole or in part, the party may file in this court an application to proceed on appeal without paying fees, costs, or security. See Form 7. The application must include the signed declaration contained in Form 7 and:

(i) The notice of appeal and a copy of the application to waive court fees, costs, or security filed in the Superior Court, and the order of the Superior Court stating the reasons for its denial or partial denial; and

(ii) A statement of the reasons the party believes the Superior Court's denial was in error and any additional evidence showing that the party is unable to proceed without substantial hardship to the party or to the party's dependent.

(3) Applications to be Filed in the Court of Appeals. If a party seeks to proceed on appeal without paying fees, costs, or security after having filed a notice of appeal and paid the required fees, the party must file with this court an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7.

(c) Petition for Review of Agency Decisions. When review of an order or decision in a

proceeding before an agency of the District of Columbia proceeds directly to this court, a party may file in this court, along with the petition for review, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7. The waiver application and petition for review must be filed within the time permitted for seeking review of the agency order or decision to be reviewed.

(d) **Petitions for Extraordinary Writs.** A party who files a petition for an extraordinary writ and who desires to proceed without paying fees, costs, or security must file, along with the petition, an application to waive court costs, fees, or security, see Form 7, and sign the declaration contained in Form 7.

(e) **Timing for Deciding Waivers.**

(1) Within 5 calendar days after receiving a completed waiver application, the court must decide whether to approve the application. The Clerk, if authorized, may grant waiver applications.

(2) If, within 5 calendar days after receiving a completed application, the court has not ruled on the waiver application, the application will be deemed approved.

(3) The deadlines in Rule 24(e)(2)(1) and (2) do not apply where the court requires additional information under D.C. Code § 15-712(b)(1). *See* D.C. Code § 15-712(c)(1)(C).

(f) **Denial of Waiver Application.** If a waiver application is denied by this court, the court shall state the reasons for the denial or partial denial in writing. A party who is denied a waiver in whole or in part may request a hearing on the matter in accordance with D.C. Code § 15-712(c)(3)(A). A hearing under this rule must be held no later than 14 days after the court receives the hearing request. If, after the hearing, the waiver application is denied, the party must pay the required filing fee within the time specified in the final order of denial.

(g) **Merits of Appeal or Petition.** In considering a waiver application, the court must not consider the merits of the appeal or petition.

(h) **Motion for Free Transcripts or Other Documents.**

(1) **Civil Cases.** A party in a civil case who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared and explaining the basis for the motion. *See* D.C. Code § 15-712(h); Rule 10(b)(5)(A), (C); Super. Ct. Civ. R. 54-II(k). The Superior Court must grant the motion unless the request is frivolous. D.C. Code § 15-712(h). In making this determination, the Superior Court must resolve doubt about the frivolousness of the request in favor of the applicant. The Superior Court may order that only those portions of the transcripts or other documents necessary to resolution of the appeal or petition be provided.

(2) **Criminal Cases.** In all cases in which the appellant has been permitted to proceed in the Superior Court under the Criminal Justice Act, D.C. Code § 11-2601 et seq., the notice of appeal

will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government. *See* Rule 10(b)(5)(B) (outlining applicable procedures). In any other criminal case, a defendant who has been granted a waiver of court costs, fees, or security may file a motion in the Superior Court requesting that free transcripts or other documents be prepared. Such a motion will be considered by the Superior Court as encompassing an order for the preparation of the reporter's transcript at the expense of the government and will be addressed under the procedures established in Rule 10(b)(5)(B).

(i) Confidentiality

(1) The court must keep confidential an application and any financial information submitted by the applicant pursuant to this rule or Superior Court Rule of Civil Procedure 54-II, except to the court, the litigant, persons authorized by the litigant, or by court order. The application must not be served on the other party.

(2) Motion for Access.

(A) Any person seeking access to an application or any financial information provided to the court by an applicant may file a motion, with notice given to the litigant who filed the application, supported by a declaration showing good cause for why the confidential information should be released to the movant.

(B) Any person who is granted access to the application or any financial information under this paragraph shall not reveal any information contained in the application, or any financial information, except as otherwise authorized by law or court order.

(3) The court's decision on an application for a waiver shall not be confidential.

(j) Special Rules Governing Appeals Proceeding Without Payment of Fees, Costs, or Security. For rules specially governing appeals proceeding without paying fees, costs, or security, see Rules 10(b)(5), 11(b)(3), and 30(f).

Rule 26. Computing and Extending Time.

(a) Computing Time. The following rules apply in computing any period of time specified in these rules or in any order of this court or applicable statute:

(1) Exclude the day of the act, event, or default that begins the period.

(2) Exclude intermediate Saturdays, Sundays, and legal holidays when the period is less than 11 days, unless an applicable statute or order of this court expressly provides otherwise, or unless the period is stated in calendar days.

(3) Include the last day of the period unless it is a Saturday, Sunday, legal holiday, or — if the act to be done is the filing of a paper in court — a day on which the weather or other conditions cause the Clerk’s office to be closed.

(4) As used in this rule, “legal holiday” includes New Year’s Day, Martin Luther King, Jr.’s Birthday, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans’ Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday by the President or the Congress of the United States, or by the District of Columbia.

(b) Extending Time. For good cause, the court may extend the time prescribed by these rules to perform any act, or may permit an act to be done after that time expires. But the court may not extend the time:

(1) to file a notice of appeal (except as authorized in Rule 4) or an application for allowance of appeal; or

(2) to file a petition for review; or

(3) for doing any act when the time for doing the act has been prescribed by statute.

(c) Additional Time After Certain Kinds of Service. When a party is required or permitted to act within a prescribed period after a paper is served on that party, 5 calendar days are added to the prescribed period unless the paper is delivered on the date of service stated in the proof of service. For purposes of this Rule 26 (c), a paper that is served electronically is treated as delivered on the date of service stated in the proof of service. Rule 26(c) does not apply when an order of this court prescribes the time in which a party is required or permitted to act. Rule 26(c) also does not apply to notices of appeal filed under Rules 4, 5, or 6.

Rule 30. Appendix to the Briefs.

(a) Appellant's Responsibility.

(1) Contents of the Appendix. The appellant must prepare and file an appendix to the briefs containing:

(A) the relevant docket entries in the proceeding below;

(B) the relevant pleadings, charge, findings, or opinion;

(C) the judgment, order, or decision in question; and

(D) other parts of the record to which the parties wish to direct the court's attention.

(2) Excluded Material. Memoranda of law filed in the Superior Court should not be included in the appendix unless they have independent relevance. Parts of the record may be relied on by the court or the parties even though not included in the appendix.

(3) Time to File; Number of Copies. The appellant must file 4 copies of the appendix with the brief and must serve one copy on counsel for each party separately represented.

(b) All Parties' Responsibilities.

(1) Determining the Contents of the Appendix. The parties are encouraged to agree on the contents of the appendix. In the absence of an agreement, the appellant must, within 20 days after the Clerk has notified the parties that the record is filed, serve on all other parties a designation of the parts of the record the appellant intends to include in the appendix and a statement of the issues the appellant intends to present for review. Any other party may, within 10 days after receiving the designation, serve on the appellant a designation of additional parts to which it wishes to direct the court's attention. The appellant must include the designated parts in the appendix. The parties must not engage in unnecessary designation of parts of the record, because the entire record is available to the court. This paragraph applies also to a cross-appellant and a cross-appellee.

(2) Costs of the Appendix. Unless the parties agree otherwise, the appellant must pay the cost of the appendix. If the appellant considers parts of the record designated by another party to be unnecessary, the appellant may advise that party, who must then advance the cost of including those parts. The cost of the appendix is a taxable cost. If any party causes unnecessary parts of the record to be included in the appendix, the court may impose the costs of those parts on that party. Appropriate sanctions may also be imposed, after notice and opportunity to respond, against a party or counsel who unreasonably increases litigation costs by including such material in the appendix.

(c) Format of the Appendix. The appendix must begin with a table of contents identifying the page at which each part begins. The pages of the appendix must be numbered consecutively. The relevant docket entries must follow the table of contents, and other parts of the record must follow

chronologically. When pages from the transcript of proceedings are placed in the appendix, the date of each transcript and the page numbers must be listed on a separate page of the appendix immediately before the included pages. Omissions in the text of papers or of the transcript must be indicated by asterisks. Immaterial formal matters (captions, subscriptions, acknowledgments, etc.) should be omitted.

(d) **Reproduction of Exhibits.** Exhibits designated for inclusion in the appendix may be reproduced in a separate volume, or volumes, suitably indexed. Four copies must be filed with each copy of the appendix, and one copy must be served on counsel for each separately represented party. If a transcript of a proceeding before an administrative agency, board, commission, or officer was used in a Superior Court action and has been designated for inclusion in the appendix, the transcript must be placed in the appendix as an exhibit.

(e) **Appeal on the Original Record Without an Appendix.** For good cause shown, the court may excuse a party from the requirements of producing an appendix, or any part thereof, and permit an appeal to proceed on the original record with any copies of the record, or relevant parts, that the court may order the parties to file.

(f) **Appendix in Appeals Proceeding with Waiver of Fees, Costs, or Security, Under the Criminal Justice Act, or Under the Prevention of Child Abuse and Neglect Act.** No appendix is required in cases in which a party has been granted a waiver of fees, costs, or security or counsel has been appointed to represent the party. In such cases, however:

(1) The appellant:

(A) must file with the brief 4 copies of any opinion, findings of fact, and conclusions of law, whether written or set forth orally in the transcript, that relate to the issues raised on appeal; and

(B) may, but is not required to, file with the brief 4 copies of any additional portions of the record to be called to the court's attention.

(2) The appellee may file with the brief 4 copies of any portions of the record to be called to the court's attention that were not furnished by the appellant.

(3) A copy of this document must be served on counsel for each party separately represented.

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Council of the **DISTRICT OF COLUMBIA**

📖 Code of the District of Columbia

§ 15-712. Waiving court fees and costs.

(a) In any noncriminal suit, action, proceeding, or appeal, any District of Columbia court:

(1) Shall grant a full waiver of payment of fees and costs or security for a litigant if the litigant submits an application with a declaration stating that:

(A) The litigant, or if the litigant is asserting a claim on behalf of the dependent, the litigant's dependent, receives financial assistance from one or more of the following programs established under District law:

(i) Close Relative Caregiver Pilot Program, established pursuant to [§ 4-251.22](#);

(ii) D.C. HealthCare Alliance, established pursuant to [§ 7-1405\(a\)](#);

(iii) General Assistance for Children, established by [§ 4-205.05a](#);

(iv) Grandparent Caregivers Program, established pursuant to [§ 4-251.02\(a\)](#);

(v) The "Home First" Program, established pursuant to [§ 7-1131.04\(8\)](#);

(vi) Interim Disability Assistance, established by [§ 4-204.07](#);

(vii) Permanent Supportive Housing, established pursuant to [§ 4-753.01\(b\)\(4\)\(A\)](#);

(viii) Program on Work, Employment, and Responsibility, established by [§ 4-205.72\(a\)](#);

(ix) Rapid Re-Housing Program, established pursuant to [§ 4-753.01\(b\)\(4\)\(B\)](#);

(x) Rent Supplement Program, established by to [§ 6-226\(a\)](#);

(xi) Targeted Affordable Housing, established pursuant to [§ 6-226\(c\)\(3\)](#); or

(xii) Temporary Assistance for Needy Families, established by [§ 4-202.01](#);

(B) The litigant, or if the litigant is asserting a claim on behalf of the dependent, the litigant's dependent, receives financial assistance from one or more of the following programs established under federal law:

(i) Child Care Subsidy Program, established pursuant to 42 U.S.C. § 9857 *et seq.*;

(ii) Domiciliary Care for Homeless Veterans, established pursuant to Chapter 20 of Title 38 of the United States Code;

(iii) Free and Reduced-priced Meals, established pursuant to 42 U.S.C. §§ 1758(b)(1), 1766(c)(4), 1772 (a)(6), and 1773(e)(1)(A);

(iv) Head Start Program, established pursuant to 42 U.S.C. § 9831 *et seq.*;

(v) Health Care for Homeless Veterans, established pursuant to Chapter 20 of Title 38 of the United States Code;

(vi) Homeless Veteran Community Employment Services Program, established pursuant to Chapter 20 of Title 38 of the United States Code;

(vii) Housing Choice Voucher Program, established pursuant to 42 U.S.C. § 1437f;

(viii) Low Income Home Energy Assistance Program, established pursuant to 42 U.S.C. § 8621 *et seq.*;

(ix) Medicaid, established pursuant to 42 U.S.C. § 1396 *et seq.*;

(x) Project-Based Section 8 Rental Assistance, established pursuant to 42 U.S.C. § 1437f;

(xi) Public Housing, established pursuant to 42 U.S.C. § 1437 *et seq.*;

(xii) Qualified Medicare Beneficiary Program, established pursuant to 42 U.S.C. § 1396d;

(xiii) Section 202 Supportive Housing for the Elderly Program, established pursuant to 12 U.S.C. § 1701q;

(xiv) Section 811 Housing for Persons with Disabilities Program, established pursuant to 42 U.S.C. § 8013;

(xv) Special Supplemental Nutrition Program for Women, Infants and Children, established pursuant to 42 U.S.C. § 1786;

(xvi) Supplemental Nutrition Assistance Program, established pursuant to 7 U.S.C. § 2013;

(xvii) Supplemental Security Income, established pursuant to 42 U.S.C. § 1381 *et seq.*;

(xviii) Supportive Services for Veteran Families, established pursuant to Chapter 20 of Title 38 of the United States Code;

(xix) Social Security Disability Insurance, established by 42 U.S.C. § 423;

(xx) U.S. Department of Housing and Urban Affairs – Veterans' Affairs Supportive Housing (HUD-VASH) Program, established pursuant to Chapter 20 of Title 38 of the United States Code;

(xxi) Veterans Affairs Supportive Housing, established by 42 U.S.C. § 1437f(o)(19); or

(xxii) Veterans' Pensions or Pensions to Surviving Spouses and Children under Chapter 15 of Title 38 of the United States Code;

(C) The litigant's monthly income does not exceed 200% of the federal poverty guidelines issued by the United States Department of Health and Human Services; or

(D) The litigant is represented free of charge by a legal services or other nonprofit organization whose primary purpose is to provide legal services to low-income clients, or a legal clinic operated by a law school located in the District that provides legal services to low-income clients; and

(2) May grant a full or partial waiver of payment of fees and costs or security for a litigant not otherwise eligible for a waiver pursuant to paragraph (1) of this subsection if that litigant submits a declaration or other proof satisfactory to the court that the litigant is unable to proceed without substantial hardship to themselves or their dependent.

(b) The court may:

(1) Require additional evidence in support of an application for a waiver of payment of fees and costs or security if:

(A) An application is submitted pursuant to subsection (a)(2) of this section;

(B) There is good cause to believe that the information submitted by the litigant is inaccurate or misleading; or

(C) The litigant has undergone a change in circumstances; and

(2) Delegate to the clerk of the court the authority to grant waivers of payment of fees and costs or security under this section; except, that the decision to deny an application, or to grant a partial waiver, shall be made by a judge.

(c)(1)(A) If a completed application is presented to the court, within 5 calendar days after receiving the application, the court shall decide whether to grant a waiver of payment of fees and costs or security; except, that, when a completed application is presented to a judge in open court, the judge shall rule on the application immediately.

(B) If, within 5 calendar days after receiving a complete application, the court has not ruled on the application, the litigant shall be granted a full waiver of payment of fees and costs or security.

(C) The deadlines described in this paragraph shall not apply where the court requires additional information under subsection (b)(1) of this section.

(2) If the court denies an application or grants only a partial waiver, the court shall state the reasons for the denial or partial grant in writing or in open court only to the litigant.

(3)(A)(i) Any litigant who is denied a waiver or granted only a partial waiver may request a hearing on the matter, at which time the litigant shall be allowed to present additional evidence.

(ii) The court shall hold a hearing requested pursuant to this subparagraph no later than 14 calendar days after receiving the request.

(B) In any hearing requested pursuant to subparagraph (A) of this paragraph, the court shall provide a mechanism to permit a litigant to submit or testify to financial information confidentially.

(4) An incomplete application made pursuant to this section shall be returned to the litigant with notice from the court as to which information is missing from the application and without prejudice to the litigant to resubmit a complete application.

(5) In considering an application for waiver of payment of fees and costs or security pursuant to this section, the court shall not consider the merit of the underlying suit, action, proceeding, or appeal.

(d)(1) The court shall keep an application and any financial information provided by a litigant confidential except to the court, the litigant, persons authorized by the litigant, or by court order.

(2)(A) Any person seeking access to an application or financial information provided to the court by a litigant may file a motion, with notice given to the litigant who filed the application, supported by a declaration showing good cause for why the confidential information should be released to the movant.

(B) Any person who is granted access to an application or financial information under this paragraph shall not reveal any information contained in an application or financial information except as otherwise authorized by law or court order.

(3) The court's decision on an application for a waiver shall not be confidential.

(e) The court shall not impose a fee for:

(1) Submitting an application for a waiver of payment of fees and costs or security under this section;

(2) Filing any papers related to filing an application for a waiver of payment of fees and costs or security, unless the court has already considered and denied a previous application for a waiver by the litigant in the same suit, action, proceeding, or appeal; or

(3) Filing any motions, papers, or documents submitted simultaneously with an application for a waiver of payment of fees and costs or security unless and until the court considers and denies the application for a waiver of payment of fees and costs or security.

(f)(1) For all persons granted full waivers of payment of fees and costs or security, and where ordered by the court when granting partial waivers of payment of fees and costs or security, the clerk shall attempt service of the complaint in a manner prescribed by the court's rules and record the date and method of service on the docket.

(2) For the purposes of this subsection, the term "complaint" means the summons, a copy of the complaint, the initial order setting the case for an initial scheduling and settlement conference, any addendum to that order, and any other order directed by the court to the parties at the time of filing. The term "complaint" does not include a petition filed in the Family, Tax, or Probate Division of the Superior Court of the District of Columbia.

(g) On motion, the court may, in its discretion, appoint a person to serve witness subpoenas. Witnesses shall be subpoenaed without prepayment of witness fees, and the same remedies shall be available as are provided for by law in other cases.

(h)(1) A litigant who has received a full waiver of fees and costs or security, or where permitted by the court in a partial waiver of payment of fees and costs or security, may file a motion requesting free transcripts or other documents explaining the basis for the motion.

(2) The court shall grant a motion filed pursuant to paragraph (1) of this subsection unless the court determines that the reason for the request is frivolous. In making this determination, the court shall resolve any doubt about the frivolousness of the request in favor of the litigant.

(3) In granting a motion filed pursuant to paragraph (1) of this subsection, the court may limit the transcripts or other documents provided to the litigant to those transcripts or other documents that are necessary for resolution of the suit, action, proceeding, or appeal.

([Dec. 23, 1963, 77 Stat. 536, Pub. L. 88-241, § 1](#); [July 29, 1970, 84 Stat. 554, Pub. L. 91-358, title I, § 144\(14\)](#); [Apr. 7, 1977, D.C. Law 1-107, title II, § 202, 23 DCR 8737](#); [Mar. 20, 1998, D.C. Law 12-60, § 703, 44 DCR 7378](#); [Apr. 20, 1999, D.C. Law 12-241, § 8, 46 DCR 905](#); [Apr. 20, 1999, D.C. Law 12-264, § 24, 46 DCR 2118](#); [Feb. 23, 2023, D.C. Law 24-246, § 2, 69 DCR 14603.](#))

Prior Codifications

1981 Ed., § 15-712.

1973 Ed., § 15-712.

Emergency Legislation

For temporary amendment of section, see § 4 of the General Public Assistance Program Termination Emergency Amendment Act of 1997 (D.C. Act 12-72, May 12, 1997, 44 DCR 2989).

Section 7 of D.C. Act 12-72 provided for the application of the act.

For temporary amendment of section, see § 703 of the Fiscal Year 1998 Revised Budget Support Emergency Act of 1997 (D.C. Act 12-152, October 17, 1997, 44 DCR 6196); and § 703 of the Fiscal Year 1998 Revised Budget Support Congressional Review Emergency Act of 1997 (D.C. Act 12-239, January 13, 1998, 45 DCR 508).

Section 2002 of D.C. Act 12-152 provided for the application of the act.

For temporary amendment of section, see § 8 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 8 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 8 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 8 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

Section 17 of D.C. Act 12-552 provided for the retroactive application of the act.

Section 18 of D.C. Act 13-19 provided for the retroactive application of the act.

Temporary Legislation

Section 4 of [D.C. Law 12-21](#) substituted “General Assistance for Children Programs” for “General Public Assistance Programs” in (b).

Section 8(b) of [D.C. Law 12-21](#) provided that the act shall expire on the 225th day of its having taken effect.

[D.C. Law 12-59](#), in (b), substituted “General Assistance for Children” for “General Public Assistance.”

Section 2001(b) of [D.C. Law 12-59](#) provided that the act shall expire after 225 days of its having taken effect.

Section 2002 of [D.C. Law 12-59](#) provided that the act shall apply as of October 1, 1997.

Section 8 of [D.C. Law 12-230](#) substituted “Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility” for “Aid to Families with Dependent Children” in (b).

Section 18(b) of [D.C. Law 12-230](#) provided that the act shall expire after 225 days of its having taken effect.

References in Text

Title XVI of the Social Security Act, referred to in subsection (b) of this section, is title XVI of the Act of August 14, 1935, ch. 531, as added by the Act of October 30, 1972, 86 Stat. 1465, Pub. L. 92-603, § 301, which is classified to 42 U.S.C. § 1381 et seq.

Editor's Notes

Section 2002 of [D.C. Law 12-60](#) provided that the Act shall apply as of October 1, 1997.

PUBLICATION INFORMATION

Current through

Aug. 2, 2023

Last codified Emergency Law:

[Act 25-215 effective Aug. 2, 2023](#)

Last codified D.C. Law:

[Law 25-32 effective July 20, 2023](#)

Last codified Federal Law:

[Public Law 115-334 approved Dec. 20, 2018](#)

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