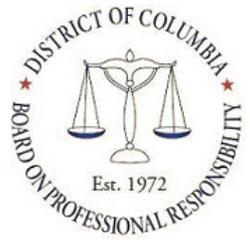


DISTRICT OF COLUMBIA COURT OF APPEALS
BOARD ON PROFESSIONAL RESPONSIBILITY



Issued
April 25, 2023

ADMINISTRATIVE ORDER 2023-1 :
: **This Order applies to all matters**
: **pending before the Board and its**
: **Hearing Committees***

PLEASE TAKE NOTICE THAT, effective immediately, the Board on Professional Responsibility is adjusting its operations in accordance with the March 31, 2023 Orders of the District of Columbia Court of Appeals and the Joint Committee on Judicial Administration for the District of Columbia, which lifted the requirement that all persons entering court buildings wear a face covering or mask.

Previously scheduled proceedings. Board oral arguments and Hearing Committee hearings that have already been scheduled to take place over Zoom, shall take place over Zoom, unless the respondent requests to hold the oral argument or hearing in person. Such request shall be filed with the Office of the Executive Attorney and served on Disciplinary Counsel at least fourteen days before the scheduled oral argument or hearing (unless a hearing is scheduled within fourteen days of this order, in which case the request shall be filed as soon as practicable). In considering any such request to convert a Zoom proceeding to an in-person proceeding, the Board or the Hearing Committee shall consider whether holding an in-person proceeding will unreasonably delay the resolution of the case.

*This Order supersedes [Administrative Orders 2020-1](#) and [2020-7](#).

Proceedings to be scheduled. Board oral arguments and Hearing Committee hearings in contested cases and reinstatement cases that have not yet been scheduled for a hearing, shall be scheduled for an in-person proceeding unless the respondent requests that the proceeding be held over Zoom. For Board arguments, the request to conduct the argument over Zoom, if any, shall be contained in the respondent's brief, immediately before the respondent's or counsel's signature. For Hearing Committee hearings in contested cases and reinstatement cases, the request to conduct the hearing over Zoom, if any, shall be made as soon as practicable, but no later than the date set for the pre-hearing conference. Such request shall be filed with the Office of the Executive Attorney and served on Disciplinary Counsel.

Limited hearings in negotiated discipline cases, and pre-hearing conferences in all cases will continue to be held over Zoom.

All proceedings held over Zoom shall continue to be live-streamed (audio and video) on the Board's or Hearing Committee's YouTube page. [Administrative Order 2020-6](#) shall apply to all proceedings held exclusively, or in part, over Zoom.

Late Requests/Unforeseen Circumstances. The Board or a Hearing Committee may consider a late request for a Zoom proceeding on a showing of good cause. If illness or other unforeseen issue makes in-person attendance impractical, the Board or a Hearing Committee may permit attendance via Zoom, where appropriate to avoid rescheduling the proceeding.

In-person participation by Board and Hearing Committee Members.

When Board oral arguments are held in person, a majority of the Board members eligible to participate in the case shall be present in person. Other Board members may participate in the oral argument via Zoom. Board Rule 13.6 will govern the participation of a Board Member who cannot be present at oral argument either in person, or via Zoom. Board Rule 13.6 (“Absent any objection from respondent made at or before the oral argument, any member of the Board not present at the oral argument may participate in the decision of the Board if the absent member listens to the recording of the argument.”).

When hearings are held in person, all Hearing Committee members are encouraged to be present in person. However, where this requirement would unreasonably delay the hearing schedule, one Hearing Committee member may participate in the hearing via Zoom. The Notice of Hearing Committee Assignment issued by the Office of the Executive Attorney will identify any Hearing Committee member who will participate in the hearing via Zoom. Nothing in this Order shall limit Board Rule 7.12, which provides in relevant part: “If during a formal hearing before a three-member Hearing Committee a committee member is unable to attend the entire hearing, the Hearing Committee may proceed with a quorum of two members or, upon the consent of the parties, the Hearing Committee member who is unable to attend the entire hearing may participate in the decision.” The quorum necessary to comply with Board Rule 7.12 may consist of one Hearing Committee member present in person, and one present via Zoom.

In-person appearance by witnesses. In accordance with Board Rule 11.4(a), witnesses who may be compelled to appear at a hearing in person shall testify in person, unless the party sponsoring the witness shows good cause why that witness should be permitted to testify via Zoom. Witnesses who may not be compelled to appear in person at a hearing will be permitted to testify via Zoom without requiring the sponsoring party to provide twenty-one days advance notice of the remote testimony. *See* Board Rule 11.4(a).

Public access to disciplinary proceedings. Members of the public will be able to attend proceedings in Courtroom II of the Historic Courthouse, 430 E Street, N.W., Washington, D.C. Also, where practicable, in-person proceedings will be live-streamed on the Board's or Hearing Committee's YouTube page.

Filing requirements. In order to file any document with the Board on Professional Responsibility, or any Hearing Committee, the filing party shall convert the document to a PDF and email it to casemanager@dcbpr.org. This includes all documents filed in pending cases, as well as Specifications of Charges, Petitions for Negotiated Discipline, Petitions for Reinstatement, and any other document filed with the Board or a Hearing Committee. The document shall be signed with an image of the filer's signature or an "/s" on the signature line. The "re" line of the transmitting email shall include the case name and Board Docket number. The body of the email shall include the title of the attached document, as well as the filer's name and phone number.

Documents received at or before **11:59 p.m.** shall be lodged for filing on the day received. Once a document has been accepted for filing, a stamped copy of the document will be emailed to the proper parties. If the document to be filed is too large to be sent by email, the filing party shall email casemanager@dcbpr.org to request further instructions. This Order relates to the manner of filing with the Board and Hearing Committees only. Filed documents must comply with all applicable Board Rules and/or applicable Board or Hearing Committee Order(s).

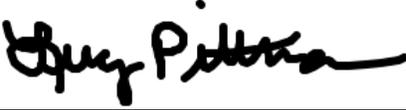
Miscellaneous. All Board or Hearing Committee reports and/or orders shall be served on the parties by email.

All parties and counsel are reminded of the obligation to provide an email address on documents filed with the Board or a Hearing Committee. *See* Board Rule 19.5(a).

Disciplinary Counsel shall serve a copy of this Order with any Specification of Charges, any response contesting a Reinstatement Petition (*e.g.*, a motion to dismiss or an Answer), as well as any motion seeking a Board order during a confidential disciplinary investigation (*e.g.*, a motion to compel a response to Disciplinary Counsel's inquiry).

To the extent that the content of this Order is inconsistent with any provision of any of the Rules of the Board on Professional Responsibility, this Order shall control over any such inconsistent Board Rule. The Board Rules Committee will monitor proceedings conducted pursuant to this Order to consider whether to amend the Board Rules or this Order.

BOARD ON PROFESSIONAL RESPONSIBILITY

By: 

Lucy Pittman
Chair