

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ORDER 22-20

DC Affordable Law Firm

**Attorneys Providing *Low Bono* and *Pro Bono* Representation in the
Family Court, Probate Division, and Domestic Violence Unit**

WHEREAS, the Superior Court has the authority to approve special programs to allow individuals who are not members of the District of Columbia Bar to provide legal services to the public, pursuant to D.C. Court of Appeals Rule 49(c)(10); and

WHEREAS, the DC Affordable Law Firm ("DCALF") is a tax-exempt non-profit organization providing legal services to individuals with incomes between 200% and 400% of the Federal Poverty Level at no cost and at costs substantially below prevailing market rates (hereinafter, "*low bono*" representation); and

WHEREAS, each attorney employed at DCALF provides said *low bono* representation, as well as at least fifty (50) hours of *pro bono* representation annually, in the Superior Court of the District of Columbia Family Court and Probate Division, and Domestic Violence Unit, as well as in federal immigration courts; and

WHEREAS, DCALF provides representation to clients who are ineligible for free legal aid but also cannot afford market rates charged by private attorneys, in some cases through the use of lawyers who are not active members of the District of Columbia Bar, subject to court- approved conditions; and

WHEREAS, DCALF trains and supervises attorneys in partnership with the Georgetown University Law Center, University of the District of Columbia David A. Clarke School of Law, Arent Fox LLP, and DLA Piper LLP (US); and

WHEREAS, the Superior Court on May 10, 2016 in Administrative Order 16-06, March 22, 2018 in Administrative Order 18-05, and again on August 20, 2020 in Administrative Order 20-11 ordered that DCALF be designated as a specifically authorized court program for time periods of 18 months under D.C. Court of Appeals Rule 49(c)(10); and

WHEREAS, the Superior Court has reviewed DCALF's request to be designated once again as a specifically authorized court program pursuant to D.C. Court of Appeals Rule 49(c)(10) and the D.C. Court of Appeals Committee on Unauthorized Practice of Law does not object to the request;

NOW, THEREFORE, it is hereby,

ORDERED, that DCALF is designated as a specifically authorized court program under D.C. Court of Appeals Rule 49(c)(10); provided, however, that persons employed or affiliated with DCALF must comply with the terms of this Order to the extent their practice otherwise would violate Rule 49; and it is further

ORDERED, that a person employed or affiliated with DCALF may provide *pro bono* or *low bono* legal services under the following circumstances:

(i) Inactive Members of the D.C. Bar or the Bar of Another State or Territory.

Where the person (a) is an enrolled, inactive member of the District of Columbia Bar or of the bar of another state or territory; (b) is not disbarred or suspended for disciplinary reasons and has not resigned with charges pending in any jurisdiction or court; (c) is providing the legal services in affiliation with, but not as an employee of, DCALF; and (d) is supervised by an enrolled, active member of the District of Columbia Bar;

(ii) Active Members of the Bar of Another State or Territory.

Where the person (a) is a member in good standing in another state or territory; (b) is not disbarred or suspended for disciplinary reasons and has not resigned with charges pending in any jurisdiction or court; (c) is providing the legal services in affiliation with, but not as an employee of, DCALF; and (d) is supervised by an enrolled, active member of the District of Columbia Bar;

(iii) Employees of DCALF.

Where the person (a) is a member in good standing in another state or territory; (b) is not disbarred or suspended for disciplinary reasons and has not resigned with charges pending in any jurisdiction or court; (c) is employed by DCALF; (d) is supervised by an enrolled, active member of the District of Columbia Bar; and (e) has submitted the application for admission to the District of Columbia Bar within 90 days of commencing practice in the District of Columbia. Persons practicing under this subsection may do so until their application to the District of Columbia Bar is either granted or denied;

(iv) Law School Graduates Who Have Applied to the Bar and Taken the Bar Examination.

Where the person (1) has graduated from an ABA-accredited law school; (2) is providing the legal services in affiliation with DCALF; (3) has applied to the bar and taken the bar examination but has not yet been admitted to any bar; (4) has been certified by the dean of the law school from which he or she has graduated as being "of good character and competent legal ability" (as described in D.C. Court of Appeals Rule 48(b)(3)); (5) is trained and supervised by an enrolled, active member of the D.C. Bar in good standing who is affiliated with DCALF; and (6) gives notice to the public and on all pleadings that he or she is not admitted to practice law in any jurisdiction but is practicing under the supervision of a member of the District of Columbia Bar pursuant to the exception provided in D.C. Court of Appeals Rule 49(c)(10). Persons practicing under this subsection may do so until their bar application is either granted or denied.

And it is further,

ORDERED, that individuals practicing under this Order shall be subject to the D.C. Rules of Professional Conduct and the enforcement procedures applicable thereto to the same extent as if he or she were an enrolled, active member of the District of Columbia Bar; and it is further

ORDERED, that individuals practicing under this Order must provide the following disclosure after their name when it appears on pleadings, court filings, or discovery documents as well as business cards, letters, e-mails, web pages, or other business documents used in their practice under this Order:

“Not admitted to practice in the District of Columbia. Practicing in affiliation with the DC Affordable Law Firm, a specifically authorized court program under D.C. Court of Appeals Rule 49(c)(10).”

And it is further,

ORDERED, that individuals practicing under this Order will be exempt from Superior Court Rule 101(a)'s *pro hac vice* requirements; and it is further

ORDERED, that the status of DCALF as a specifically authorized court program and the effectiveness of this Order shall terminate on December 31, 2022 unless extended by the Court; and it is further

ORDERED, that this Order shall take effect immediately.

SO ORDERED.



August 12, 2022

Anita M. Josey-Herring
Chief Judge

Copies to:

Judicial Officers
Executive Officer
Clerk of the Court
Division Directors
District of Columbia Bar
Daily Washington Law Reporter Library
Gabrielle Mulnick Majewski, DC Affordable Law Firm, Executive Director

Rebecca Goldfrank, DC Affordable Law Firm, Legal Director
Charles Davant, IV, Chair, Committee on Unauthorized Practice of Law