

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

TP 27,583

In re: 2934 Bellevue Terrace, N.W.

Ward Three (3)

OXFORD HOUSE –BELLEVUE
Tenant/Appellant

v.

BLAINE ASHER
Housing Provider/Appellee

ORDER ON MOTION FOR SPECIAL APPEARANCE

June 10, 2003

BANKS, CHAIRPERSON. On April 14, 2003, counsel for the Appellant filed a motion for special appearance. The motion stated that counsel is admitted to the bar of Washington state, but not the District of Columbia. Counsel is a federal government attorney with eight years of litigation experience prior to his current federal position, and he obtained permission from his current employer to represent the Tenant pro bono. The counsel for the Appellee did not file an opposition to the motion.

THE COMMISSION'S ORDER

The Commission does not have a specific rule on pro bono representation. However, when an issue arises where there is no Commission rule, pursuant to 14 DCMR § 3828 (D.C. Reg. Feb. 6, 1998), we refer to the rules of the District of Columbia Court of Appeals (DCCA). However, that court does not have a specific rule on pro bono representation. Therefore, this motion is treated as a motion for special appearance pursuant to the Commission's rule, 14 DCMR § 3812.4(b) (1991) provides:

“A person may be represented in any proceeding before the Commission by one (1) of the following:

...

- (b) An attorney admitted to practice before the highest court of any state upon the granting by the Commission of a motion for special appearance.

Counsel represented that he is admitted to practice in Washington state, and based on the Commission’s rule, § 3812.4(b), the Commission grants the motion for special appearance by counsel for the Tenant.

The Commission desires to encourage pro bono representation, however, pro bono counsel must follow all rules related to processing appeals. The filings of the pro bono counsel for the Tenant do not comply with the Commission’s rules. Specifically, rule, 14 DCMR § 3809.1 (1991) provides: “The Commission shall continue the caption of the case as determined by the Rent Administrator in accordance with § 3905, but shall designate the appellant and appellee.” Two pleadings, the motion for special appearance and the motion for stay pending appeal, filed by pro bono counsel do not have the names of the parties in the caption, nor their designations, required by § 3809.1. Moreover, counsel did not strictly adhere to THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass’n et al. eds., 17th ed. 2000) (Bluebook) for the citations in the motion by not indicating the year with each rule cited. Accordingly, the Commission recommends that pro bono counsel obtain a copy of the Commission’s rules from the Office of Documents, 441 4th Street, N.W., Suite 520, Washington, D.C., (202) 727-5090,

and use The Bluebook format for citations. Failure to follow the Commission's rules and the Bluebook may result in the Commission's sua sponte reconsideration of this order.

SO ORDERED.



RUTH R. BANKS, CHAIRPERSON

CERTIFICATE OF SERVICE

I certify that a copy of the ORDER ON MOTION FOR SPECIAL APPEARANCE was served by priority mail, with delivery confirmation, postage prepaid, this ___ day of June, 2003, to:

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