

3812 APPEARANCES AND REPRESENTATION

3812.1 In any appeal before the Commission, a party may be represented as follows:

- (a) Any person may be represented by an attorney or other person who may provide legal services in accordance with § 3812.8;
- (b) An individual or a beneficiary of a trust may appear on his or her own behalf;
- (c) A trustee, receiver, executor, or administrator may appear on behalf of a trust or estate;
- (d) A guardian, next friend of a minor, or other person authorized by statute to do so may represent another person;
- (e) An individual may appear on behalf of a corporation, limited liability company, or other business entity if the individual is an executive, director, officer, manager, proprietor, general partner, or other authorized decision-maker for the entity; or
- (f) A tenant or a group of tenants may be represented by a tenant association, whether incorporated or not; provided, that:
 - (1) A statement is filed with the Commission or has been filed in the record that each tenant consents to the representation and that the association consents to represent the tenant;
 - (2) Neither the tenant nor the tenant association has revoked consent to the representation; and
 - (3) The association is represented by an attorney or other person who may provide legal services in accordance with paragraph (a) or by a member of the tenant association selected by its members through a process that can be documented in accordance with § 3812.5.

3812.2 Any individual who wishes to appear in a representative capacity before the Commission shall file a written notice of appearance stating the individual's name, local address, telephone number, District of Columbia Bar identification number, if applicable, email address if the party is consenting to service by email in accordance with § 3803.3(c), and the name of each party for whom the appearance is made. Written notice may be filed concurrently with a notice of appeal or any other pleading.

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- 3812.3 An attorney or other representative of record who is served with any documents related to a matter before the Commission, but who does not wish to or is no longer representing the party before the Commission, shall immediately notify the party of the service and, if the attorney or representative has entered an appearance before the Commission, shall file a motion to withdraw in accordance with § 3813.
- 3812.4 An attorney or other representative may limit the scope of his or her appearance by specifying in the notice of appearance the date, time period, activity, or subject matter for which the appearance is made. A limited appearance shall terminate automatically, notwithstanding § 3813, upon the date or end of the time period specified, or upon the filing of a notice of completion with the Commission and service of the notice upon all parties.
- 3812.5 Any person appearing before or transacting business with the Commission in a representative capacity may be required by order of the Commission to establish the authority to act on behalf of the represented party by affidavit, written authorization, bylaws of an organization, or other proof the Commission may deem sufficient.
- 3812.6 A party who appears on his or her own behalf as provided in § 3812.1(b) may be assisted by a family member or close personal friend if the party is incapable of presenting his or her case because of a language barrier or physical, mental, or intellectual disability.
- 3812.7 Nothing in this section shall prohibit the provision of technical assistance by a non-profit community service agency or the Office of the Tenant Advocate.
- 3812.8 A person may be represented by an attorney or other person who may provide legal services if the attorney or provider is:
- (a) An active member in good standing of the District of Columbia Bar or is otherwise authorized to practice law pursuant to Rule 49(c) of the Rules of the District of Columbia Court of Appeals (“D.C. App. R.”);
 - (b) Admitted to practice before the highest court of any state upon the granting by the Commission of a motion to appear *pro hac vice*; or
 - (c) A law student or recent graduate who is practicing under the supervision of an attorney and who is admitted to practice in the District of Columbia in compliance with D.C. App. R. 48, with or without being enrolled in a clinical program.
- 3812.9 An attorney wishing to appear *pro hac vice* in accordance with § 3812.8(b) shall file a motion in which the attorney shall, under penalty of perjury, make all declarations required for admission *pro hac vice* in the Courts of the District of

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Columbia under D.C. App. R. 49(c)(7) and declare that the attorney has read the rules of the Commission in this chapter.

- 3812.10 A law student or recent graduate wishing to appear as an attorney in accordance with § 3812.8(c) shall:
- (a) Meet all requirements of D.C. App. R. 49(b) and (c);
 - (b) Have the consent and oversight of a supervising attorney assigned to the law student;
 - (c) Sign a notice of appearance in the case with the supervising attorney and file such notice with the Commission;
 - (d) Have the written permission of the client, which must be filed in the record;
 - (e) Not file any paper unless the law student and supervising attorney sign it;
 - (f) Not appear at any proceeding without the supervising attorney present; and
 - (g) Comply with any limitations ordered by the Commission.
- 3812.11 An attorney who has appeared *pro hac vice* before the Office of Administrative Hearings pursuant to 1 DCMR § 2833 or the Rental Accommodations Division pursuant to § 3819 of this title may appear before the Commission in the same matter without filing a new motion or notice to so appear.
- 3812.12 An individual whose practice or appearance before the Rental Accommodations Division or the Office of Administrative Hearings has been restricted shall be subject to the same restriction before the Commission.
- 3812.13 The Commission may disqualify or deny, temporarily or permanently, the privilege of appearing or practicing before the Commission to any individual who is found by the Commission, after notice and an opportunity to respond, either to be lacking in the requisite qualifications to represent others or to have engaged in unethical, improper, or unprofessional conduct; provided, that any individual who is appearing or practicing before the Commission who willfully misleads the Commission or its staff by a false statement of fact or law shall be disqualified permanently.
- 3812.14 An attorney who fails to comply with the provisions of the Rules of Professional Conduct may be referred to the Office of Disciplinary Counsel of the District of Columbia Bar or may be disqualified from appearing before the Commission.

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- 3812.15 An individual appearing before the Commission who is or has ever been a member of the District of Columbia Bar or the bar of any state shall be subject to the standards of conduct for an attorney under this section, regardless of whether that person appears as a non-attorney representative; provided, that nothing in this subsection shall prohibit an individual, receiver, or beneficiary from appearing *pro se* in accordance with § 3812.1(b).
- 3812.16 In the event of any conflict between this section and D.C. App. R. 48 or 49, the D.C. App. R. shall control. If the D.C. App. R. would permit an individual to appear before a tribunal but this section would not, the individual may appear unless that individual's practice or appearance has been specifically restricted for other reasons or the individual fails to make any required filings with the Commission. Except to the extent permitted by § 3812.1, which is promulgated pursuant to D.C. App. R. 49(c)(5), which allows District agencies to regulate non-attorney practice, an individual not authorized to practice law in the District of Columbia may not appear in a representative capacity before the Commission.

SOURCE: Notice of Final Rulemaking published at 33 DCR 1336, 1343-45 (March 7, 1986); as amended by Notice of Final Rulemaking published at 33 DCR 2656, 2657 (May 2, 1986); as amended by Final Rulemaking published at 68 DCR 012634 (December 3, 2021).