

Rule 101. Attorneys: Appearance; Withdrawal; Appointment; Termination

(a) Who may practice.

(1) Bar membership. An attorney who is a member in good standing of the District of Columbia Bar may enter an appearance, file pleadings and practice in this Court.

(2) Representation by counsel. No person other than one authorized by this Rule shall be permitted to appear in this Court in a representative capacity for any purpose other than securing a continuance. No corporation shall appear in the Division except through an attorney authorized by this Rule. However, nothing in this Rule shall be construed to prevent any natural person from prosecuting or defending any action in the person's own behalf if the person is without counsel.

(3) Attorneys not members of the District of Columbia Bar.

(A) Appearances *pro hac vice*. An attorney who is a member in good standing of the bar of any United States Court or of the highest court of any state but who is not a member in good standing of the District of Columbia Bar, if granted permission by the Court, may enter an appearance, file pleadings, and participate in proceedings in this Court, *pro hac vice*, provided that a member in good standing of the District of Columbia Bar also enters an appearance in the case. The District of Columbia attorney shall be jointly responsible for the case, and shall sign all papers filed, including the motion to appear *pro hac vice* and certificate of service, and shall attend all subsequent proceedings in the action unless this latter requirement is waived by the judicial officer presiding at the proceeding in question.

(B) Request to appear *pro hac vice*. An attorney seeking permission to appear under subparagraph (a)(3)(A) shall (i) file a motion stating the attorney's name, address, telephone number, fax number, if any, the jurisdiction(s) where the attorney is admitted to practice, and the number of times in the current calendar year the attorney has received permission to appear under this Rule, certifying that the attorney has read, is familiar with, and will act in full compliance with the Domestic Relations Rules of the Court, and (ii) comply with District of Columbia Court of Appeals Rule 49(c). The attorney shall serve a copy of the motion on the District of Columbia Court of Appeals' Committee on Unauthorized Practice. Service shall be made by hand-delivery or mail and shall be proved by the filing of a certificate of the attorney showing the date and manner of service.

(4) State Attorneys General. A State Attorney General or the attorney general's designee, who is a member in good standing of the bar of the highest court in any state or any United States court, may appear and represent the state or any agency thereof, irrespective of (1)-(3) above.

(b) Entry of appearance. An attorney eligible to appear may enter an appearance in a domestic relations case by signing any pleading or other paper described in SCR-Dom Rel 5(a), filed by or on behalf of the party the attorney represents, or by filing a written praecipe noting the entry of the attorney's appearance and listing the attorney's office address, telephone number, fax number, if any, and Bar number.

(c) Withdrawal of appearance.

(1) Withdrawal by praecipe. An attorney may withdraw an appearance by filing a praecipe signed by the attorney and the attorney's client, noting such withdrawal, provided that (1) a trial date has not been set in the case, and (2) another attorney enters or has entered an appearance on behalf of the client, or the client states in writing that the client intends to represent himself or herself. The withdrawal shall not be grounds for a request for an extension of time or a continuance.

(2) Withdrawal by motion.

(A) Generally. Except where withdrawal is made by praecipe pursuant to subparagraph (c)(1) of this Rule, an attorney's appearance in an action may be withdrawn only by order of the Court upon motion by the attorney served upon all parties or their attorneys. The Court may deny the attorney's motion for leave to withdraw if the attorney's withdrawal would unduly delay trial of the case, be unduly prejudicial to any party, or otherwise not be in the interests of justice.

(B) Notice to client. Unless the client is represented by another attorney or the motion is made in open court in the client's presence, a motion to withdraw an appearance shall be accompanied by a certificate of the moving attorney listing the client's last known address and stating that the attorney has served upon the client a copy of the motion and a notice advising the client to obtain other counsel, or, if the client intends to represent himself or herself or to object to the withdrawal, to so notify the Clerk in writing within 10 days of service of the motion upon the client.

(C) Copy of order to client. Except where leave to withdraw has been granted in open court in the presence of the affected client, the Clerk shall send to the affected client by first class mail, postage prepaid, a copy of any order granting leave to withdraw.

(d) Appearances by inactive attorneys. An inactive member of the District of Columbia Bar may enter an appearance, file pleadings, and practice in a particular case if (1) the attorney is affiliated with a legal services or referral program; (2) the case is handled without a fee; and (3) the attorney files with this court, and the District of Columbia Court of Appeals' Committee on Unauthorized Practice a certificate that the attorney is providing representation in that particular case without compensation.

(e) Appointment of attorneys; compensation; termination.

(1) Appointment of attorneys. In any case where the Court deems it necessary or proper, it may appoint an attorney for a defendant who has appeared or answered. In a case involving custody of a minor child, the Court may appoint an attorney to appear on behalf of the child and represent the child's best interest as provided in D.C. Code § 16-918(b).

(2) How appointed.

(A) For defendant. A party seeking the appointment of an attorney to represent the defendant shall make the request by filing a praecipe. Upon the Court's determination that the request for appointed counsel should be granted, it shall notify the party that an order appointing counsel for the defendant shall take effect upon the payment of the fee, as determined by the Court. In cases within this paragraph in which the Court has allowed the party to proceed without prepayment of attorney fees, the order shall take effect upon docketing.

(B) For minor child. A party seeking the appointment of an attorney to represent a minor child shall make the request by motion served on all other parties. Upon the Court's determination that the request for appointed counsel should be granted, it shall issue an order appointing counsel for the minor child and apportioning payment of such fees as determined by the Court.

(3) Time for filing answer. Within 30 days of the date of appointment, unless for good cause shown the time is extended by order of the Court, the appointed attorney shall, if the defendant has already filed a written answer under oath, either adopt the defendant's answer by filing a praecipe so stating, or file a new answer signed by the defendant under

oath, or, if the defendant refuses to sign the new answer under oath, take such other action as the attorney deems appropriate.

(4) Termination of appearance. Notwithstanding any rule of Court, the appearance of any appointed or other attorney in any action under D.C Code Title 16, Chapter 9 shall be deemed to have terminated for all purposes upon completion of the case ending in a judgment, adjudication, decree, or final order from which no appeal has been taken when the time allowed for an appeal expires, and, if notice of appeal has been entered, upon the date of final disposition of the appeal. There shall be no action required of any person or attorney under this subparagraph, but the Court may suspend the termination of the appearance on its own motion, or on the motion of any party to the case prior to the expiration of the time for appeal.

COMMENT

Paragraph (e). Pursuant to D.C. Code § 16-918(a), paragraph (e) of this Rule provides that the Court may appoint an attorney for a defendant who has appeared or answered. While the statute is broad enough to encompass the appointment of an attorney for a defendant who has neither appeared nor answered, such an appointment would be necessary only in extraordinary circumstances. Where such circumstances exist, the Court should consider outlining the scope of representation expected.

Subparagraph (e)(2). Consistent with current practice, it is contemplated that in most cases, the amount ordered to be prepaid for appointment of counsel pursuant to subparagraph (e)(3) will be the minimum fee set by the Board of Judges of the Superior Court for such appointments.

Subparagraph (e)(3). Where an appointed attorney is unable to obtain the sworn signature of the defendant on an answer, subparagraph (e)(3) contemplates actions such as a request for appointment of a guardian ad litem or permission to withdraw the attorney's appearance in the case.