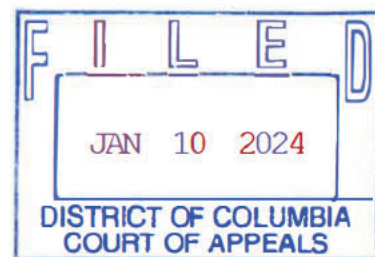


District of Columbia Court of Appeals



No. M281-23

BEFORE: Blackburne-Rigsby, Chief Judge, and Beckwith, Easterly, McLeese, Deahl, Howard, and Shanker, Associate Judges.

ORDER

(FILED – January 10, 2024)

In September 2023, the court issued a public notice (attached) about possible rule changes on four unrelated topics. The comment period has closed, and the court has decided to adopt the changes reflected in the September 2023 notice, with some relatively minor revisions, as noted below.

1. Proposed Amendments to the Rules Governing the Bar

The court received no comments relating to this topic and therefore adopts the proposed amendments as sent out for comment, with minor technical changes.

2. Amendments to the Rules Governing Waiver of Fees, Costs, or Security

The Legal Aid Society of the District of Columbia submitted a comment largely supporting the proposed amendments, but it and another commenter made a few helpful technical suggestions. The court adopts the proposed amendments as sent out for comment, with minor technical changes.

3. D.C. App. R. 4(a)(6) and (b)(5)/calculation of days.

The court sent out for comment a proposed amendment adding a sentence to the end of R. 26(c) saying, “Rule 26(c) also does not apply to notices of appeal filed under Rules 4, 5, or 6.” One commenter suggested that it was potentially ambiguous or overbroad to say that R. 26(c) “does not apply” to notices of appeal. The court agrees with that comment, and adopts the proposed amendment with the underlined

revision: “Rule 26(c) also does not apply in determining the timeliness of notices of appeal filed under Rules 4, 5, or 6.”

4. Naming Respondents in OAH Cases

The court sent out for comment a proposed amendment to R. 15 to (1) make clear that the Office of Administrative Hearings [OAH] should not be named as a respondent; and (2) to incorporate the following statutory language: “Only the parties before [OAH] or any other party permitted to participate by the reviewing court shall be parties in any such proceeding for judicial review.” Some conforming changes were also proposed to Rule 15(c), which governs service, and Rule 17(a), which governs filing of the record in agency cases.

One commenter expressed the view that the phrase “parties before [OAH]” is unclear. The court concluded that any ambiguity in that statutory phrase would best be addressed through litigation rather than through the rulemaking process. The court therefore adopts the proposed amendments as sent out for comment.

Clean and track-changes versions of the rules as amended are attached to this order. These amendments will go into effect sixty days from the date of this order.

PER CURIAM

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

Rule I	Organization of the D.C. Bar
Rule II	Membership
Rule III	Officers
Rule IV	Board of Governors
Rule V	Public Statements
Rule VI	Meetings of the Bar
Rule VII	Referendum Procedure
Rule VIII	Disbursements
Rule IX	Bylaws
Rule X	Rules of Professional Conduct
Rule XI	Disciplinary Proceedings
Rule XII	Clients' Security Trust Fund
Rule XIII	Arbitration
Rule XIV	IOLTA Verification
Rule XV	Amendment
Rule XVI	Effective Date of Rules

Rule I. Organization of the Bar of the District of Columbia

Preamble

The District of Columbia Court of Appeals in the exercise of its inherent powers over members of the legal profession does hereby create, as an official arm of the Court, an association of members of the Bar of the District of Columbia to be known as the District of Columbia Bar, and pursuant to its statutory authority governing admissions to the Bar promulgates the following rules for the government of the Bar and the individual members thereof:

Section 1. Creation of Association

All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the “District of Columbia Bar” subject to the provisions of the Rules hereinafter set forth.

The words “D.C. Bar” or “the Bar” wherever used in these Rules mean the District of Columbia Bar.

The words “the Court” wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words “Secretary of the Bar” and “Board of Governors” wherever used in these rules refer to elected officials of the Bar.

The words “the Bylaws” refer to the Bylaws of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the courts of the District of Columbia in carrying out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards; (e) to safeguard the proper professional interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for and publish information about the practice of law, the science of jurisprudence and law reform, and the relationship of the Bar to the public; and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. See Bylaws; *District of Columbia Bar Membership Manual*. Residence in the District of Columbia shall not be a condition of eligibility to membership.

Section 2. Mandatory Course for New Admittees

The Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice. Within twelve months after admission to the Bar, all members shall, in accordance with procedures established by the Bar, complete such course and certify compliance with this requirement. Failure to complete the course or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in the District of Columbia. The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in this Section. The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended for noncompliance.

Section 3. Classes of Membership

The members of the District of Columbia Bar shall be divided into at least 4 classes known respectively as “active” members, “judicial” members, “inactive” members, and “retired” members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have submitted a written request to the Bar requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges who are eligible for temporary judicial assignment, and are not engaged in the practice of law, shall be classified as judicial members, except that if a member’s terms and conditions of employment require that the member be eligible to practice law, then the member may choose to be an active member. Inactive members in good standing and judicial members who are no longer a judge may change their classification to that of an active member by submitting a written request with the Bar for transfer to the class of active members and by paying the license fees required of active members. Judicial members who are no longer a judge shall be classified as active members if they engage in the practice of law in the District of Columbia. Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of inactive or judicial membership may be substituted for one year of active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of Columbia or elsewhere for a total of 25 years. Except as provided for in Rule 49(c), no judicial, inactive, or

retired member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section 4. License Fees

The District of Columbia Court of Appeals shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of license fees to be paid annually by members in the various classes of membership. All license fees shall be paid to the Bar and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on license fees. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the license fees ceiling shall not be subject to referendum under Rule VII.

Non-payment of license fees may result in suspension and the inability to practice law in the District of Columbia.

Section 5. Resignation and Reinstatement

A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

Section 6. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have registered with the Bar and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

Rule III. Officers

The officers of the Bar shall be a President, a President-Elect, a Secretary, and a Treasurer, who shall be nominated and either elected or appointed in the manner provided in the Bylaws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year. The officers shall receive no compensation for their services.

The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

Rule IV. Board of Governors

The affairs of the Bar shall be managed and directed by a Board of Governors consisting of the officers of the Bar and the Immediate Past-President of the Bar, and fifteen members elected by the members of the Bar in the manner prescribed by the Bylaws. The Treasurer-Elect shall be among the fifteen elected, non-officer members of the Board of Governors and shall serve as an at-large member of the Board after completing a year of service as Treasurer. The Board may also appoint non-voting members in a manner prescribed by the Bylaws. The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws.

Rule V. Public Statements

No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.

Rule VI. Meetings of the Bar

There shall be an annual meeting of members of the Bar in a manner prescribed by the Bylaws. Special meetings of members of the Bar shall be called in a manner set forth in the Bylaws.

Rule VII. Referendum Procedure

Section 1. Board May Initiate

The Board of Governors may at any time, by the affirmative vote of 2/3 of the Board, refer to the active members of the Bar for determination by member ballot, any question of Bar policy.

Section 2. Members May Initiate by Petition

The Board of Governors shall submit for determination by member ballot any question of Bar policy, including proposals for changes in the Rules or Bylaws, whenever directed so to do by a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

Section 3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar publication, and shall control the action of the Bar, the Board of Governors, the officers, and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It

shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be transmitted to the Clerk of the Court and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the Bar's total disbursements.

Rule IX. Bylaws

Bylaws not inconsistent with these Rules may be established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule XII. Clients' Security Trust Fund

Rule XV. Amendment

Section 1. Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by petition of the Board of Governors. Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

RULES GOVERNING THE DISTRICT OF COLUMBIA BAR

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Preamble

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All persons admitted to practice law in the District of Columbia are hereby organized as an association to be known as the "District of Columbia Bar" subject to the provisions of the Rules hereinafter set forth.

The words "D.C. Bar" or "the Bar" wherever used in these ~~rules~~ Rules mean the District of Columbia Bar.

The words "the Court" wherever used in these Rules mean the District of Columbia Court of Appeals unless the context requires otherwise.

The words "Secretary of the Bar" and "Board of Governors" wherever used in these rules refer to elected officials of the Bar.

The words "the By-laws"Bylaws" refer to the ~~By-laws~~ Bylaws of the Bar.

The Bar may, for the purpose of carrying out the purposes for which it is organized, sue and be sued, enter into contracts, acquire, hold, encumber and dispose of real and personal property.

Section 2. Purposes

The purposes of the Bar shall be (a) to assist the legal profession in maintaining high standards of the practice of law in the District of Columbia; (b) to aid the ~~Court~~ courts of the District of Columbia in carrying ~~on~~out and improving the administration of justice; (c) to promote access to justice and enhance the delivery of legal services to those in need; (d) to foster and maintain on the part of those engaged in the practice of law high ideals of integrity, learning, competence in public service, and high ethical standards~~-of conduct~~; (e) to safeguard the proper professional ~~interest~~interests of the members of the Bar; (f) to encourage the formation and support the activities of volunteer bar associations; (g) to provide a forum for ~~the discussion of subjects pertaining to~~and publish information about the practice of law, the science of jurisprudence ~~-and~~ law reform, and the ~~relations~~relationship of the Bar to the public~~, and to publish information relating thereto~~; and (h) to carry on a continuing program of legal research and education in the technical fields of substantive law, practice and procedure; and make reports and recommendations thereon; to the end that the public responsibility of the legal profession may be more effectively discharged.

Rule II. Membership

Section 1. Persons Included in Membership

All members of the Bar of the District of Columbia Court of Appeals shall be members of the District of Columbia Bar subject to due compliance with the conditions and requirements of such membership. See Bylaws; District of Columbia Bar Membership Manual. Residence in the District of Columbia shall not be a condition of eligibility to membership.

~~**Section 2. Periodic Registration of Attorneys** Every attorney who engages in the practice of law within the District of Columbia as defined in Rule 49(b) of the general Rules of the Court [exclusive of those described in Rule 49(c)] shall on or before July 1 of every year file with the Secretary of the Bar a registration statement setting forth his or her current residence and office addresses, email address, telephone number, other state jurisdictions in which he or she is admitted to practice including date of admission, and such other information as the Court may from time to time direct. In addition to such registration statement, every attorney shall file a supplemental statement with the Secretary of any change in the information previously submitted within thirty days of such change. An attorney who becomes newly subject to these rules shall file such a registration statement within three months, or by the following July 1, whichever is later.~~

~~Any attorney who has filed a registration statement or supplement thereto in accordance with paragraph (1) above shall, upon request, be provided by the Secretary of the Bar with an acknowledgement of the receipt thereof.~~

~~Any attorney who fails to file any registration statement or supplement thereto in accordance with the requirements of paragraph (1) above shall, after due notice from the Secretary of the Bar, be summarily suspended from membership by the Board of Governors and thereby shall be barred from practicing law in the District of Columbia until he or she be reinstated as provided under § 8 of this Rule.~~

~~An attorney who has retired or is not engaged in practice as defined in Rule 46H of the General Rules of the Court shall advise the Secretary of the Bar in writing or through such electronic means as the District of Columbia Bar may provide on its web site, that he or she desires to assume inactive status and to discontinue the practice of the law. Upon the filing of such notice, that attorney shall no longer be eligible to practice law but shall continue to file registration statements for 5 years thereafter in order that he or she may be located in the event any complaint is made about his or her conduct while he or she was engaged in practice.~~

~~Upon the filing of a notice to assume inactive status, an attorney shall be removed from the roll of those classified as active unless and until he or she requests and is granted reinstatement to the active roll.~~

Section 3. Mandatory Course for New Admittees

~~(a) —~~ The ~~District of Columbia~~ Bar shall establish and administer a course on the District of Columbia Rules of Professional Conduct and on District of Columbia practice ~~to be presented at least six times per year.~~

Within twelve months after admission to the ~~District of Columbia~~ Bar, all members ~~admitted after July 1, 1994,~~ shall, in accordance with procedures established by the Bar, complete ~~the~~ such course ~~described in paragraph (1) and shall~~ and certify compliance with this requirement ~~in accordance with procedures established by the Bar.~~

~~(b) Any attorney admitted after July 1, 1994, who fails. Failure to complete the course described or otherwise satisfy any related requirements may result in suspension from the Bar and an inability to practice law in paragraph (1) within twelve months after admission to the District of Columbia. Bar shall receive written notice of noncompliance from the District of Columbia Bar. Any attorney who fails to comply within sixty days after issuance of such notice of noncompliance shall be suspended from membership in the District of Columbia Bar.~~

~~(c) Any member otherwise in good standing who is suspended for failure to complete the course described in paragraph (1) shall be reinstated as a member of the District of Columbia Bar upon completion of the mandatory course and fulfillment of such other administrative requirements as the Board of Governors may impose.~~

~~(d) The District of Columbia Bar shall report annually to the District of Columbia Court of Appeals on the course described in paragraph (1).~~ this Section. The report shall address, among other things, the curriculum, the faculty, the number of presentations, attendance, and the number of attorneys suspended ~~under paragraph (3) above~~ for noncompliance.

Section 43. Classes of Membership

The members of the District of Columbia Bar shall be divided into ~~3~~ at least 4 classes known respectively as ~~"active"~~ "active" members, ~~"judicial"~~ "judicial" members, ~~"inactive"~~ "inactive" members, and ~~"inactive"~~ "retired" members. The class of inactive members shall be limited to those persons who are eligible for active membership but are not engaged in the practice of law in the District of Columbia and have ~~filed with the Secretary of~~ submitted a written request to the Bar ~~written notice~~ requesting enrollment in the class of inactive members. Judges of courts of record, full-time court commissioners, U.S. bankruptcy judges, U.S. magistrate judges, other persons who perform a judicial function on an exclusive basis, in an official capacity created by federal or state statute or by administrative agency rule, and retired judges who are eligible for temporary judicial assignment, and are not engaged in the practice of law, shall be classified as judicial members, except that if a ~~member's~~ member's terms and conditions of employment require that ~~he or she~~ the member be eligible to practice law, then the member may choose to be an active member. ~~Any inactive member.~~ Inactive members in good standing and ~~any~~ judicial member ~~members~~ members who ~~is~~ are no longer a judge may change ~~his or her~~ their classification to that of an active member by ~~filing with the Secretary of the Bar~~ submitting a written request to the Bar for transfer to the class of active members and by paying the ~~dues~~ license fees required of active members. ~~A judicial member.~~ Judicial members who ~~is~~ are no longer a judge shall be classified as ~~an~~ active ~~member~~ members if ~~he or she engages~~ they engage in the practice of law in the District of Columbia. ~~No Retired members are those persons who have retired from the practice of law (except, as provided in D.C. App R. 49, on a pro bono basis), or who are totally disabled and unable to practice law, and who have certified that (a) they have been an active member of the Bar for five years (two years of any combination of inactive or judicial membership may be substituted for one year of active membership to satisfy this requirement); and (b) they have been engaged in the practice of law in the District of Columbia or elsewhere for a total of 25 years. Except as provided for in Rule 49(c), no judicial or, inactive, or retired member shall be entitled to practice law in the District of Columbia or to hold office or vote in any general election or vote on other business conducted by the District of Columbia Bar.~~

The Board of Governors may, after consultation with the Court, create additional classes of membership and establish the required qualifications for such classes.

Section 5. ~~Membership Dues~~ 4. License Fees

~~Every member shall pay dues in an amount not to exceed a ceiling set by the~~ The District of Columbia Court of Appeals. shall set a ceiling for annual license fees payable by any member. The Board of Governors shall determine the amount of ~~dues~~ license fees to be paid annually by members in the various classes of membership. All ~~dues~~ license fees shall be paid to the ~~Treasurer of the~~ Bar and shall constitute a fund for the payment of the expenses of the Bar. The Board of Governors may make recommendations to the Court concerning the amount of the ceiling on ~~membership dues~~ license fees. If such a recommendation is made, it shall be published by the Court, and the members of the Bar shall have 60 days, or such other period as the ~~court~~ Court may direct, in which to comment. Recommendations by the Board of Governors for an increase in the ~~dues~~ license fees ceiling shall not be subject to referendum under Rule VII.

Non-payment ~~Section 6. Penalty for Nonpayment of Dues; Late Charges~~

~~If the annual dues of any member remain unpaid at the expiration of 90 days from the time when such dues are due and payable, the membership of such member~~ license fees ~~may be suspended by the Board of Governors~~ result ~~in the manner provided in the By laws. The Board of Governors, by appropriate provision in the By Laws, may impose a reasonable late charge to offset the costs of notifying members that their dues have not been timely paid. If the late charge is not timely paid, the membership of such member may be suspended by the Board of Governors in the manner provided in the By laws. No person whose membership is so suspended for nonpayment of dues shall be entitled~~ suspension and the inability ~~to practice law in the District of Columbia during the period of such suspension.~~

Section 7. ~~Voluntary~~ 5. Resignation and of Membership

~~Whenever a member of the District of Columbia Bar who is in good standing and not under investigation as provided in Rule XI §7, files with the Secretary of the Bar and with Disciplinary Counsel in writing or through such electronic means as the District of Columbia Bar may provide on its web site, notice of such member's election to discontinue the practice of law in the District of Columbia, and to terminate his or her membership in the Bar, such person shall, upon written notice of the acceptance of such resignation from the Secretary after consultation with Disciplinary Counsel, cease to be a member of the District of Columbia Bar, and his or her name shall be removed from the membership register.~~

~~Section 8. Reinstatement~~

~~Reinstatement of an attorney following a suspension from membership by the Board of Governors under § 2(3) or § 5 of this Rule, or following the assumption of inactive status under §2(4), or a resignation under § 6 [§7], shall be governed by rules promulgated by the Board of Governors after consultation with the Board on Professional Responsibility of this Court. In an appropriate case, the Board of Governors may reinstate an attorney to membership nunc pro tunc.~~

~~Section 9.~~ A member's resignation from and reinstatement into the Bar shall be governed by procedures prescribed by the Bar, which shall include consultation with the Office of Disciplinary Counsel.

Section 6. Notice to the Clerk

The Secretary of the Bar shall forward forthwith, to the Clerk of this Court, the names of those attorneys who have ~~filed registration statements~~ registered with the Bar and those whose membership status has been changed in any way pursuant to the provisions of this Rule.

Rule III. Officers

~~Section 1. Nomination and Election~~

The officers of the Bar shall be a President, a President-~~elect~~ Elect, a Secretary, and a Treasurer, who shall be nominated and either elected ~~respectively~~ or appointed in the manner provided in the ~~By-laws.~~ Bylaws. Only active members of the District of Columbia Bar shall be eligible to serve as officers of the Bar. The term of office of each officer shall be one year ~~and until the election and qualification of his or her successor, except in the case of interim officers appointed as provided in the By-laws to hold office until the next annual meeting of the Bar.~~ The officers shall receive no compensation for their services.

The duties of the officers and the process for filling vacancies shall be set forth in the Bylaws.

~~Section 2. Duties of Officers~~

~~President: The President shall preside at all meetings of the Bar and at all meetings of the Board of Governors. The President shall appoint and announce as soon as possible after the annual meeting of the Bar in each year the membership of all committees for the ensuing year, the appointment of which shall not have been otherwise provided for. The President shall be a member ex officio of every standing committee and every special committee.~~

~~President elect: The President elect shall perform the duties of the President during any absence or temporary disability of the President, and, at the expiration of the one year term of office of the President, the President elect shall succeed to the office of President.~~

~~Vice president: The Vice president, if one is required and chosen pursuant to § 3 of this Rule, shall perform the duties of President elect in the event of the President elect's succeeding to the office of the President under § 3 of this Rule, or by reason of the death, permanent disability, or resignation of the President elect on or after January 1st of the year of his or her term of office.~~

~~Secretary: The Secretary shall act as secretary at all meetings of the Bar, the Board of Governors, and the Executive Committee, and shall keep a record of all of the proceedings thereof. The Secretary shall notify officers and members of the committees of their election or appointment.~~

~~The Secretary shall prepare and maintain a register of all members of the District of Columbia Bar and, subject to direction of the Board of Governors, shall send out notices of all elections and meetings. The~~

~~Secretary also shall perform all other duties assigned to him or her by these Rules, or by the By laws, or by the Board of Governors.~~

~~Treasurer: The Treasurer shall receive, collect, and safely keep, and, under the direction of the Board of Governors disburse, all funds of the Bar and render reports of receipts and disbursements as required. The Treasurer shall assist the Executive Committee in preparing the annual budget. The Treasurer shall furnish a surety bond at the expense of the Bar in such amount as may be required by the Board of Governors.~~

~~Section 3. Vacancies in the Offices of President and President Elect~~

~~President: In the event of the death, permanent disability, or resignation of the President prior to the expiration of his or her term of office, the President elect shall have the option of succeeding to the office of the President and serving the remainder of the term of the President and, subsequently, the presidential term for which he or she was elected. If the President elect declines to succeed to the office of the President, he or she shall nonetheless serve as President for the term of which he or she has been elected, but in the event of such declination, the Board of Governors shall elect one of its members to serve as President for the remainder of the term, and the following year the person so elected shall serve as past president. Such person shall resign his or her position on the Board, and the vacancy so created shall be filled as provided by the Rules and the By laws.~~

~~President elect: If a vacancy occurs in the office of the President elect through succession at any time, or occurs on or after January 1st by reason of death, permanent disability, or resignation, the Board shall elect one of its members to assume the duties of President elect for the remainder of the term. Such person shall have the title of Vice president, but not succeed to the office of President. In the event of the death, permanent disability, or resignation of the President elect prior to January 1st, a special election shall be held to fill the vacancy. Until the election process is completed, the Board may elect one of its members to serve temporarily as Vice president.~~

~~Section 4. Delegation of Duties~~

~~Any duties imposed by these Rules or by the By laws of the Bar upon the Secretary or Treasurer may be performed under the supervision of such officers, respectively, by assistants or by employees of the Bar.~~

Rule IV. Board of Governors

~~Section 1. Composition of Board~~

The affairs of the Bar shall be ~~manage~~managed and directed by a Board of Governors consisting of the officers of the Bar and the ~~immediate past president~~Immediate Past-President of the Bar, ~~who shall be ex officio members of the Board,~~ and fifteen members elected by the members of the Bar in the manner prescribed by the ~~By laws.~~

~~Section 2. Term. Qualifications. Nomination and Election~~

~~Of the 1st~~Bylaws. The Treasurer-Elect shall be among the fifteen elected, non-officer members of the Board of Governors, ~~5 and~~ shall be elected for a term of 1 year, ~~5 for a term of 2 years, and 5 for a term of 3 years. As each such term expires each newly elected~~serve as an at-large member ~~shall be elected for a term of 3 years; provided, however, that~~of the Board after completing a year of service as Treasurer. The Board may also appoint non-voting members

~~in each case Board members shall continue to serve until their successors shall be elected and shall qualify. No person shall be eligible to serve on a manner prescribed by the Board of Governors unless he or she is an active member of the Bar. No person shall be eligible to election to the Board of Governors for more than 2 consecutive 3 year terms.~~

Section 3. Functions

Bylaws. The Board of Governors shall have general charge of the affairs and activities of the Bar in accordance with these Rules and the Bylaws.~~It shall have authority to fix the time and place of the annual meeting of members of the Bar; to make appropriations and authorize disbursements from the funds of the District of Columbia Bar in payment of the necessary expenses of the Bar; to engage and define the duties of employees and fix their compensation; to receive, consider and take action on reports and recommendations submitted by committees, and the assembly of members of the Bar at any annual or special meeting; to arrange for publication of an official Bar bulletin or journal; to conduct investigations of matters affecting the Bar; to fill vacancies, however arising, in the membership of the Board of Governors, or in any office, subject to the limitations of Rule III, section 3, and in such case the person appointed to fill such vacancy shall hold office until the completion of the next regular election; and to adopt By laws and regulations, not inconsistent with these rules, for the orderly administration of the Bar's affairs and activities.~~

Rule V. Executive Committee

Section 1. Number of Members, Selection

~~There shall be an Executive Committee consisting of the President, the President elect, the immediate past president and 4 additional members selected annually by the Board of Governors from among their number.~~

Section 2. Chairman, Minutes of Meetings

~~The President shall preside at meetings of the Executive Committee and the Secretary shall keep minutes of its proceedings. The minutes of each meeting of the Executive Committee shall be immediately distributed to the members of the Board of Governors following such meeting.~~

Section 3. Powers

~~The Executive Committee may exercise all the powers and perform all the duties of the Board of Governors between the meetings of the Board, except the Executive Committee shall not, unless otherwise authorized by the Board of Governors, (a) amend the By laws, (b) make rules for regulations governing nominations or elections, or (c) initiate the taking of any referendum or poll of members of the Bar. The Executive Committee shall perform such duties as the Board of Governors may from time to time prescribe.~~

Section 4. Public Expressions Statements

No opinion of the Bar on any matter involving legislation of major public interest or concern or of major importance to the members of the Bar shall be publicly expressed unless authorized by the Board of Governors.

Section 5. Meetings

~~The Executive Committee shall meet at the call of the President, or upon call of the Secretary upon written application of 3 members upon 24 hours' notice. Five members shall constitute a quorum. Action of a majority of the members present at a meeting shall constitute action by the Committee.~~

Rule VI. Meetings of the Bar

Section 1. Annual Meeting

~~There shall be an annual meeting of members of the Bar during the month of June in each year. The Board of Governors shall determine the time and place of the annual meeting, and shall arrange therefor a suitable program. Reports of officers and reports of proceedings of the Board of Governors subsequent to the last previous annual meeting shall be presented to the meeting.~~

~~Section 2.~~in a manner prescribed by the Bylaws. ~~Special Meetin~~Special meetings of the members of the Bar ~~may~~shall be called ~~by the Board of Governors or the President;~~ and shall be called by the Secretary whenever he or she receives a petition signed by not less than 3% of the active members of the Bar requesting such meeting and specifying the purpose thereof, and the meeting shall be convened accordingly as promptly as possible and not later than 30 days after the Secretary receives such petition. The census of the Bar shall be determined as of the first business day of the calendar year in which the petition is submitted. It shall be the duty of the Board of Governors to fix the time and place of every special meeting, to make suitable arrangements therefor, and to cause the Secretary to give notice thereof to the members. Such meetings shall be limited to the purposein a manner set forth in the ~~notice.~~Bylaws.

Section 3. Quorum

~~One hundred active members present at any annual or special meeting shall constitute a quorum. No member shall be entitled to be represented by proxy. For purposes of this Rule, "present" shall include in person attendance, virtual/electronic attendance, or a combination thereof so long as all attendees can hear each other and participate meaningfully during such meeting.~~

Section 4. Notice

~~Notice of the time and place of every annual meeting of members shall be mailed by the Secretary to each active member of the Bar or published in the official bulletin of the Bar at least 30 days prior to the meeting.~~

~~Notice of the time, place and purpose of every special meeting of members shall be mailed by the Secretary to each active member of the Bar or published in the official bulletin of the District of Columbia Bar at least 10 days prior to the meeting.~~

Section 5. Recommendations to Board of Governors

~~The members present at any annual or special meeting of members of the Bar, herein also referred to as the "assembly" may consider and by vote of the active members present adopt, subject to any limitations contained in the By laws, any proposal pertinent to the purposes of the Bar; provided that every such proposal that is adopted shall constitute a recommendation from the assembly to the Board of Governors, and shall be referred accordingly by the presiding officer to the Board of Governors for such action as the Board of Governors may deem proper, except as otherwise required in the case of a direction for a referendum under the provisions of Rule VII, or in the case of a proposal for amendment of these rules under the provisions of Rule XIV.~~

Rule VII. Referendum Procedure

Section 1. ~~Governors~~Board May Initiate

The Board of Governors may at any time, by the affirmative vote of ~~2/3~~two-thirds of ~~its membership~~the Board, refer to the active members of the Bar for determination by ~~mail~~member ballot, any question of Bar policy.

Section 2. ~~Assembly~~Members May Initiate by Petition

The Board of Governors shall, ~~in like manner~~, submit for determination by ~~the active members of the Bar, any question of Bar policy, including proposed changes in the rules or By laws of the Bar, whenever directed to do so by resolution adopted at any annual or special meeting of the Bar by the affirmative vote of not less than 200 active members, provided that no such resolution directing the Board of Governors to propose changes in the rules shall be effective unless adopted at 2 consecutive meetings of the assembly.~~

Section 3. ~~Members May Initiate by Petition~~

~~The Board of Governors shall, in like manner, submit for determination by the members of the Bar,~~member ballot any question of Bar policy, including proposals for changes in the ~~rules~~Rules or ~~By laws~~Bylaws, whenever directed so to do by a petition signed by not less than 3% of the active members of the Bar, based on the census of the Bar as of the first business day of the calendar year in which the petition is submitted.

Section ~~4~~3. Procedure

Ballots for use in any such referendum shall be prepared, distributed, returned, and counted in accordance with regulations prescribed by the Board of Governors. The result of a referendum, as determined by a majority of the votes cast, when duly ascertained shall be published by the Board of Governors in the official Bar ~~bulletin~~publication, and shall control the action of the Bar, the Board of Governors, the officers, and committees.

Rule VIII. Disbursements

The Board of Governors shall make necessary appropriations for disbursements from the funds in the treasury to pay all necessary expenses of the Bar, its officers, employees, and committees. It shall be the duty of the Board of Governors to cause proper books of account to be kept and to procure an annual audit thereof by a certified public accountant. At each annual meeting of the Bar, the Board of Governors shall present a financial statement showing assets, liabilities, receipts, and disbursements of the Bar. A copy of such statement shall be ~~filed promptly with~~transmitted to the Clerk of the ~~District of Columbia Court of Appeals~~ and published in an official publication of the Bar prior to the annual meeting. The copy of the financial statement ~~filed with~~transmitted to the Clerk of the Court shall be accompanied by a detailed statement reflecting all significant components of the ~~Bar's~~Bar's total disbursements.

Rule IX. ~~By laws~~ Bylaws

~~By laws~~ Bylaws not inconsistent with these Rules may be ~~promulgated~~ established by a majority vote of the voting members of the Board of Governors at a meeting with at least two-thirds of the voting Board members in attendance.

Rule XII. ~~Clients'~~ Clients' Security Trust Fund

Rule XV. ~~Amendment Section 1.~~ Amendment of Rules

Proposals for amendment of these Rules may be presented to the Court by ~~(a)~~ petition of the Board of Governors; ~~or (b) petition of the assembly in respect of changes approved by referendum as provided in Rule VII.~~ Hearing upon such a petition will be pursuant to notice in such manner as the Court may direct.

Section 2. Amendment of By laws

~~The provisions of the By laws of the District of Columbia Bar shall be subject to amendment or abrogation by a resolution adopted by a majority vote of the voting members of the Board of Governors at a meeting with at least two thirds of the voting members of the Board members in attendance.~~
