

**DC VOLUNTEER LAWYERS PROJECT
PROPOSAL TO ALLOW LAW FELLOWS TO PRACTICE UNDER THE
SUPERVISION OF THE DCVLP PENDING THEIR BAR ADMISSIONS**

The DC Volunteer Lawyers Project (the “DCVLP”) respectfully submits this proposal to allow Law Fellows waiting for bar admission to provide *pro bono* representation to low-income clients in the Domestic Violence Unit of Superior Court under the supervision of the DCVLP. The District of Columbia Court of Appeals Committee on Unauthorized Practice of Law states that it has no objections to this proposal, under certain conditions. A Proposed Administrative Order is attached.

The DCVLP. The DCVLP is a non-profit organization formed in 2008 for the purpose of increasing the number of lawyers providing *pro bono* representation to indigent clients in family law cases in the Superior Court of the District of Columbia. See www.dcvlp.org. On July 23, 2009, this Court issued Administrative Order 09-10 approving the DCVLP as a special program to provide legal services to the public under D.C. Court of Appeals Rule 49(c)(10), and on July 21, 2011, this Court issued Administrative Order 11-12, extending the DCVLP’s status as a special program under Rule 49(c)(10) for three years, until July 2014.

The DCVLP’s Law Fellow Program. In order to better serve our clients, the DCVLP has been fortunate to have Law Fellows practice with our organization. Law Fellows are recent law school graduates who are paid, either by their law school, a law firm or a private organization, to work for a nonprofit legal services organization for a specified period of time, generally from four to twelve months. The Law Fellows practicing with the DCVLP have contributed valuable services to our clients.

Beginning in 2011, the DCVLP entered into an agreement with the George Washington University Law School (“GW Law School”) to accept recent graduates as Law Fellows beginning August 1, 2011. The Fellows are paid a stipend by GW Law School to practice with the DCVLP, under our supervision. Starting in August 2011, four Law Fellows started working with the DCVLP under this agreement, performing legal research and also assisting attorneys representing petitioners seeking Civil Protection Orders (CPOs) in the Superior Court Domestic Violence Unit.

The DCVLP believes that these Law Fellows could perform a valuable service by representing petitioners in CPO cases, for two reasons. First, there is a continual shortage of attorneys available to represent petitioners in CPO cases. According to our partner, SAFE, which operates the Domestic Violence Intake Center at Superior Court, SAFE is, on average, able to obtain legal counsel for only 2-4 of the 20 clients who come to the Intake Center seeking help *each day*. Second, CPO cases typically are active for only two weeks, from the time a petition is filed until the time a hearing is scheduled, and thus, can be handled by a Law Fellow who is placed with our organization for a short time.

However, without specific authority from this Court, the Law Fellows will be unable to represent clients in court during their entire tenure with the DCVLP. This is because the Fellows started with the DCVLP in August 2011, after they took bar exams, and, under the terms of our agreement with GW Law School, their fellowships will end on December 31, 2011. However, the Fellows who pass a bar exam will not be admitted to a bar until December 2011, or January 2012, just as their fellowship is ending or has ended. Thus, in order to allow the Fellows to represent petitioners in CPO cases, we are

requesting an Administrative Order to permit Law Fellows to practice in the Domestic Violence Unit under the DCVLP's supervision.

Proposed Administrative Order Regarding Law Fellows. Our Proposed Administrative Order Regarding Law Fellows ("Proposed Administrative Order") is similar to the provisions of D.C. Court of Appeals Rule 48, Legal Assistance by Law Students, which permits law students to represent clients on a *pro bono* basis in any civil matter, and even in some criminal matters, in Superior Court. In order to practice under Rule 48, a law student must, *inter alia*, be enrolled in a clinical program offered by a law school and be supervised by an active member of the DC Bar.

The provisions of Rule 48 do not apply *per se* to Law Fellows, since they are recent law school graduates, and thus will not be practicing as part of a "clinical program" for credit, as contemplated by Rule 48. Instead, our Proposed Administrative Order mirrors the relevant provisions of Rule 48, as follows:

1. Training: in lieu of enrollment in a clinical program for law school credit (*cf.* Rule 48(a)(4)), the Law Fellows will be trained by the DCVLP.
2. Supervision: the Law Fellows will be supervised at all times by a staff member of the DCVLP who is an active member of the DC Bar in good standing. (*Cf.* Rule 48(e).) In addition, the Law Fellows will be teamed on all cases with an active member of the DC Bar in good standing.
3. Disclosure to clients and to the court: the Law Fellows will add the following disclaimer as an asterisk after their name when it appears on pleadings:

"Not admitted to practice in the District of Columbia. This Law Fellow is practicing in this Court under the supervision of the DC Volunteer Lawyers Project under D.C. Court of Appeals Rule 49(c)(10)."

The Law Fellows will also disclose to all clients at the start of representation, both in discussion with the client and in a written retainer agreement, that the Law Fellow has not yet been admitted to the bar of any state, and is not a member of the DC Bar.

4. Bar examination results: Law Fellows will submit to the DCVLP the results of the bar examination for which they sat prior to commencing their Law Fellowship. Any Law Fellow who does not achieve a passing result on the bar examination will no longer represent clients for the balance of his/her fellowship with the DCVLP. (*Cf.* Rule 48(c)(1)).
5. Certification: the dean of the law school from which the Law Fellow has recently graduated will provide a certification that the Law Fellow is “of good character and competent legal ability.” (*Cf.* Rule 48(b)(3).)

The DCVLP submits that the Proposed Administrative Order will allow Law Fellows to provide much-needed *pro bono* representation to low-income clients in CPO cases while ensuring that these clients receive the same level of protection and assurances of professional competence, training and supervision currently provided by D.C. Court of Appeals Rule 48 to clients represented by law students practicing as part of a clinical program.

CUPL Approval. The District of Columbia Court of Appeals Committee on Unauthorized Practice of Law (CUPL) has considered the DCVLP’s Proposed Administrative Order in. Jenny Brody, the Co-Executive Director of the DCVLP, and Tiffany Joly, the Legal Director of SAFE, appeared before the CUPL at its meeting on September 19, 2011, to explain the proposal and to answer questions. On November 23,

2011, the CUPL issued a letter (copy attached) stating that the Committee has no objections to the Proposed Administrative Order, under the conditions proposed by the DCVLP, above, for the fall of 2011. The CUPL also requested that the DCVLP report to the CUPL “in January 2011 [sic]¹ regarding the fall 2011 program, so that [the CUPL] may consider any issues that may have arisen and can consider a more permanent position on DCVLP’s fellows program going forward.” A copy of the Proposed Administrative Order, incorporating the CUPL’s conditions, is attached.

CONCLUSION

The DCVLP looks forward to expanding the number of low-income clients in CPO cases to whom it can offer high-quality *pro bono* representation by Law Fellows, if the Proposed Administrative Order is granted.

Respectfully Submitted,

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¹ The CUPL clearly intends for the DCVLP to report on the fall 2011 program in January 2012, not January 2011.