

Rule 17. Parties Plaintiff and Defendant; Capacity

(a) Real party in interest. Every action shall be brought in the name of the real party in interest. A personal representative, guardian, trustee, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in that person's own name without joining the party for whose benefit the action is brought; and when an applicable statute so provides, an action for the use or benefit of another shall be brought in the name of the United States or the District of Columbia. No action shall be dismissed on the ground that it is not brought in the name of the real party in interest until a reasonable time has been allowed after objection for curing the defect, and any such revision shall have the same effect as if the action had been commenced in the name of the real party in interest.

(b) Capacity to sue or be sued. The capacity of an individual, other than one acting in a representative capacity, to sue or be sued shall be determined by the law of the individual's domicile. The capacity of a corporation to sue or be sued shall be determined by the law under which it was organized. In all other cases capacity to sue or be sued shall be determined by the law of the District of Columbia, except (1) that a partnership or other unincorporated association, which has no such capacity by the law of the District of Columbia, may sue or be sued in its common name for the purpose of enforcing for or against it a substantive right existing under the Constitution or laws of the United States, and (2) that the capacity of a receiver appointed by a court of the United States to sue or be sued in a court of the United States is governed by Title 28, *U.S.C.* §§ 754 and 959(a).

(c) Representation of minors or incompetent persons. Whenever a minor or incompetent person has a representative, such as a general guardian, committee, conservator, or other like fiduciary, the representative may sue or defend on behalf of the minor or incompetent person. A minor or incompetent person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The Court shall appoint a guardian ad litem for a minor or incompetent person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the minor or incompetent person. Where a substantial question of incompetency is raised, and after an opportunity for all parties to be heard, the Court shall appoint a guardian ad litem for a person not otherwise represented in an action or shall make such other order as it deems proper for the protection of the person.