

Rule 101. Appearance and Withdrawal of Attorneys

(a) Who May Practice.

(1) 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) 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 a person 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) 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 may enter an appearance, and file pleadings in this Court, and if granted permission by the Court may participate in proceedings in this Court, pro hac vice, provided that such attorney joins of record a member in good standing of the District of Columbia Bar who will at all times be prepared to go forward with the case, and who shall sign all documents subsequently filed and shall attend all subsequent proceedings in the action unless this latter requirement is waived by the judge presiding at the proceeding in question. An attorney seeking permission to appear under this section shall file a praecipe indicating the attorney's name, address, telephone number, the jurisdiction(s) where the attorney is a member of a bar and the number of times the attorney has previously sought to appear under this Rule. Any attorney seeking to appear on a pro hac vice basis must comply with the restrictions prescribed in District of Columbia Court of Appeals Rule 49(c). The attorney shall also serve a copy of the praecipe on the District of Columbia Court of Appeals' Committee on Unauthorized Practice in the manner provided in SCR Civil 5. Proof of service shall be made by the filing of a certificate of the attorney showing the date and manner of service. Any member of the District of Columbia Bar who joins the attorney seeking special permission to appear shall also sign the praecipe and the certificate.

(4) An attorney who is employed or retained by the United States or one of its agencies who wishes to enter an appearance shall conform to the provisions of Rule 49(c) of the General Rules of the District of Columbia Court of Appeals.

(5) 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 of any United States court, may appear and represent the state or any agency thereof, irrespective of (1)-(3) above.

(b) Entry of Appearance.

(1) If, after the first pleading or other paper is filed on behalf of any party, any additional attorney wishes to enter an appearance for that party, such attorney must file a praecipe noting the entry of the attorney's appearance and listing the attorney's correct address, e-mail address, telephone number and Unified Bar number.

(2) The Clerk shall not accept any paper signed by an attorney for filing unless the attorney is eligible to appear and has entered the attorney's appearance as provided herein.

(c) Withdrawal of Appearance.

(1) If a trial date has not been set, an attorney may withdraw the attorney's appearance in a civil action by filing a praecipe signed by the attorney and the attorney's

client, noting such withdrawal, provided that another attorney enters or has entered an appearance on behalf of the client at that time.

(2) If a trial date has been set or if the client's written consent is not obtained, or if the client is not represented by another attorney, an attorney may withdraw the attorney's appearance only by order of the Court upon motion by the attorney served upon all parties to the case or their attorneys. 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.

(3) 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 1st class mail, postage prepaid, a copy of any order granting leave to withdraw. In cases where (1) no new counsel has entered an appearance, and (2) the client has not notified the Clerk of the client's intention to represent himself or herself, the Clerk shall include with a copy of the order a notice instructing the client to arrange for 1 of the 2 foregoing actions with respect to appearance to be promptly accomplished.

(4) The Court may deny an attorney's motion for leave to withdraw if the withdrawal would unduly delay trial of the case, be unduly prejudicial to any party, or otherwise not be in the interests of justice.

(d) Appearances by Attorneys in Pro Bono Cases. An inactive member of the District of Columbia Bar who is affiliated with a legal services or referral program may appear, file pleadings and practice in any particular case that is handled without fee, upon filing 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) Law Students.

(1) *Practice.*

(A) Any law student admitted to the limited practice of law pursuant to Rule 48 of the General Rules of the District of Columbia Court of Appeals, and certified and registered as therein required, may engage in the limited practice of law in the Superior Court of the District of Columbia, in connection with any case arising in the Civil Division, on behalf of any indigent person who has consented in writing to that appearance, provided that a "supervising lawyer," as hereinafter defined, has approved such action and also entered an appearance, and provided that the case would not generally be undertaken by a member of the bar on a contingent fee or retained basis as may be determined by the Court at any point in the litigation.

(B) In each case, the written consent and approval referred to above shall be filed in the record of the case.

(2) *Requirements and Limitations.*

(A) The law student must be enrolled in a clinical program. A clinical program for purposes of this rule shall be a law school program for credit of at least 4 semester hours held under the direction of a full-time faculty member of such law school, or an adjunct professor for a consortium of law schools, whose primary duty is the conduct of

such program in which a law student obtains practical experience in the operation of the District of Columbia legal system by participating in cases and matters pending before the courts or administrative tribunals. A student need not be so enrolled if that student has satisfactorily completed a clinical program and is continuing in the representation of a program's client.

(B) The law student must be registered and certified by the Admissions Committee of the District of Columbia Court of Appeals as eligible to engage in the limited practice of law as authorized by the District of Columbia Court of Appeals General Rule 48.

(C) Certified law students shall not schedule more than 1 trial for any single date except on notice to and with permission of the Court.

(3) *Supervision.* The "supervising lawyer" referred to in this rule shall:

(A) Be a lawyer whose service as a supervising lawyer for the clinical program is approved by the law school by which the law student is enrolled and who is an active practitioner of law in this Court.

(B) Assume full responsibility for guiding the student's work in any pending case or matter or any case-related activity in which he or she participates, and for supervising the quality of that student's work.

(C) Assist the student in his or her participation to the extent necessary in the supervising lawyer's professional judgment to insure that the student participation is effective on behalf of the person represented.

(D) Sign each pleading, memorandum, or other document filed by the student, and appear with the student at each court appearance, except that a supervisor need not be present for a non-adversary matter so long as he or she is available to the Court within one-half hour after such supervisor's presence is requested by the Court.

(E) Not schedule more than 3 cases for trial on any given day for law students being supervised by him or her.

(F) No fee shall be paid to any supervising lawyer or law student under this rule. The Court shall be empowered, however, to permit clinical programs to receive fees, costs and penalties prescribed by law, so long as original eligibility requirements for representation are enforced.