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Promoting Public Interest Law and Pro Bono Service

May 17, 2019

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Via electronic mail

Laura M.L. Wait
Associate General Counsel
Superior Court of the District of Columbia
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Re: Proposed Amendments to the Superior Court Rules of Procedure
for the Landlord and Tenant Branch

Dear Ms. Wait:

Washington Council of Lawyers wishes to comment on the need to further revise Rule 11 of the proposed amendments to the Superior Court Rules of Procedure for the Landlord and Tenant Branch. As explained below, we believe that additional changes to the Rule are necessary to ensure that the rights of all litigants - whether or not represented by counsel - are protected.

Washington Council of Lawyers is a voluntary bar association that was founded in 1971. Our mission is to promote the practice of pro bono and public-interest law. Our membership reflects the diversity of the legal community. Our members include a broad range of lawyers, legal professionals, law students and others committed to increasing access to justice and advancing issues important to the public-interest community. We work to ensure that our justice system serves everyone, regardless of money, position, or power.

Consistent with our mission of enhancing access to justice and protecting the due process rights of unrepresented litigants, we wholeheartedly endorse the proposed additional amendments to Rule 11(b)(5) and the accompanying comment by The Legal Aid Society of the District of Columbia and other Civil Legal Counsel Projects Program participants. This proposal would ensure that continuances of initial hearings should be granted in order to permit pro se litigants the opportunity to obtain counsel.

Importantly, the proposed language would clarify that such continuances are granted with all rights of both parties preserved. The rights afforded citizens under our laws should not be subject to a game of "gotcha" nor dependent on knowing particular "magic words." Unrepresented parties should not bear the burden or the risk of failing to state that all rights are reserved for all parties.

In a division of the court where so many appear without representation, the proposed changes to Rule 11 are an essential step to building a legal system where everyone is treated fairly, and justice is administered to all. We urge the Rules Committee to adopt the additional changes to Rule 11 as proposed.

Sincerely,

A handwritten signature in black ink that reads "David Steib". The signature is written in a cursive style with a large, looped initial "D".

David Steib
President, Washington Council of Lawyers