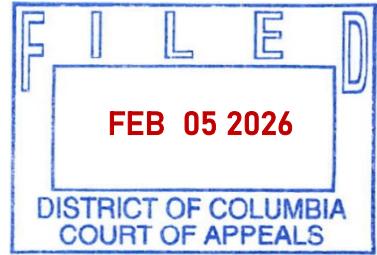


**District of Columbia
Court of Appeals**



No. M293-26

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

O R D E R

(FILED – February 5, 2026)

In July 2023, the District of Columbia Courts established the Civil Legal Regulatory Reform Task Force. The Courts directed the Task Force to explore ways that nonlawyers could help to close the gap in access to justice among low- and middle-income District of Columbia residents by providing civil legal services.

In July 2025, the Task Force completed its report, which is attached. The Task Force made three primary recommendations: (1) the Courts should establish a framework for Community Justice Worker (CJW) programs; (2) the Court should direct further study of the idea of adopting a Licensed Legal Practitioner (LLP) program; and (3) the Courts should encourage organizations to develop and seek approval of innovative approaches to allow people who are not members of the D.C. Bar, including nonlawyers, to provide legal services, pursuant to Rule 49(c)(10) of the Rules of the District of Columbia Court of Appeals.

The Courts sent the Task Force's report out for public comment. The courts received approximately 200 comments, all but four of which are generally supportive of the recommendations in the Task Force's Report. Commentators do suggest a number of revisions. After reviewing the comments and in consultation with the Superior Court of the District of Columbia, this court has decided to:

- adopt the proposal to establish a framework for CJW programs, with some relatively minor revisions as noted below;

- adopt the proposal to further study the possibility of also establishing an LLP program; and
- adopt the proposal to encourage the use of D.C. App. R. 49(c)(10) to develop other innovative approaches to improve the ability of civil litigants to obtain assistance with their legal problems.

Attached below are (1) a clean version of new D.C. App. R. 49(c)(14), which will establish a framework for CJW programs; and (2) a marked-up version that shows the revisions the court has adopted to the rule as proposed by the Task Force.

The new rule will be effective as of April 6, 2026.

I. CJW Programs

A. Supportive Comments

The Courts received comments supporting adoption of the Task Force's CJW proposal from a wide range of organizations and numerous individuals. Many of the supportive comments emphasize points already made in the Task Force's Report. Of particular note, however: (1) some comments are from individuals who have been personally unable to get civil legal assistance to address important issues; (2) some comments are from individuals who express an interest in acting as CJWs; (3) some of the organizational comments from legal-service providers (LSPs) go into to some detail about how they would undertake to train and use CJWs; and (4) a number of the comments present significant additional empirical information about the scope of the access-to-justice crisis and the success of innovative programs to address the crisis.

B. Unfavorable Comments

One organization raises concerns about permitting CJWs to handle DV, "high-stakes" family law, and immigration cases. We conclude, however, that adequate protections will exist through the approval process and the LSPs' judgments about where CJWs can be helpful and how to train and supervise them.

The unfavorable comments from individuals are (1) a comment opposing the proposal because the proposal is contrary to current rules; (2) a comment expressing the view that the proposal would legitimize a two-tier justice system and that the access-to-justice problem could better be addressed by (a) establishing through judicial decisions a legal right to counsel in civil cases; and (b) requiring attorneys to make greater pro bono efforts; and (3) a comment expressing the view that it would be unfair to lawyers and contrary to the public interest to permit less well-qualified individuals to practice law. We were not persuaded by these objections. The CJW program would be implemented through changes to the current rules. It is unclear on what basis the courts could create a right to representation in all civil cases or where public funds would be found to finance such a right. It is widely understood that it would not be possible to solve the access-to-justice crisis solely through increased pro bono efforts. We see no unfairness to current lawyers in permitting limited practice of law under a CJW program. Finally, the empirical evidence strongly supports the conclusion that properly operated CJW programs can provide quality representation.

C. Revisions

The Courts received a number of suggestions from those who generally support the CJW proposal about possible revisions to the proposed rule. In response, we have decided to make the following relatively minor revisions to the rule. The changes are noted in the marked-up version of the rule as adopted by this court.

1. Interaction with student-practice rules. One commenter suggests that, to avoid confusion, law students who serve as CJWs should be required to notify their law school and that law students should not serve as CJWs during a period when they are authorized to practice under the student-practice rule, D.C. App. R. 48. We have adopted that suggestion in new D.C. App. 49(c)(14)(F).

2. Supervision. One commenter suggests that the rule should clarify whether supervision is for compliance with all ethical rules governing lawyers or only those governing CJWs. We agree with that suggestion and have added language to R. 49(c)(14)(C)(i) and (L) indicating that the latter is intended.

3. Attorney-client relationship and privilege. Several commenters raise a question as to whether a person represented by a CJW would also be a client of the supervising attorney and the LSP for whom the supervising attorney works. In response, we have added language to R. 49(c)(14)(M)(iv)

to make explicit that the duty of confidentiality extends not only to the CJW but also the supervising attorney and the LSP.

4. Limits in the court’s approval orders. One commentator suggests that the rule clarify that CJWs are also limited by what the court’s approval order provides. We agree with this suggestion and have added language to R. 49(c)(14)(G) to implement it.

5. Attorneys who resign with disciplinary charges pending. One commentator suggests excluding attorneys who resign with disciplinary charges pending. We agree with this suggestion and have revised R. 49(c)(14)(E) accordingly.

6. Other minor revisions. We have also made several other minor changes, including using the defined term “D.C Bar member,” adding some clarifying language to two of the permissible tasks listed in R. 49(c)(14)(G), and adding that the disclaimer required by R. 49(c)(14)(J) must be prominent.

D. Other Topics.

1. Non-profit organizations that are not LSPs. Several commentators suggest permitting non-profit organizations that are not LSPs to independently establish their own CJW programs. We decided not take that step at the present, but we note that such non-profit organizations would be able to work jointly with LSPs in the operation of CJW programs.

2. Mandatory reporters. Two commentators raise a concern about the interaction between CJWs’ duty of confidentiality and mandatory reporting statutes. *See, e.g.*, D.C. Code §§ 4-1321.02 (requiring listed persons to report child abuse, among other things), 22-3020.52 (generally requiring reporting of child sexual abuse); 34 U.S.C. § 20341 (requiring covered individuals to report child abuse on federal land or in federally operated or contracted facilities). CJWs who are subject to such statutes will need to consider that issue. We note, however, that there are some potentially applicable exceptions to mandatory reporting. *See, e.g.*, D.C. Code §§ 4-1321.02(b)(2) (providing exception for mandatory reporters “[e]mployed or supervised by a lawyer who is providing representation” or “with whom a prospective client is seeking representation” “in a criminal, civil, including family law, or delinquency matter” “if the basis for belief

arises solely in the course of that representation” or “seeking that representation”), 4-1321.02(b)(3) (excepting certain counselors), 22-3020.52(c)(1) (excepting persons employed by lawyer providing representation “in a criminal, civil, or delinquency matter” if “the basis for the knowledge of belief arises solely in the course of that representation”), 22-3020.52(c)(3) (excepting certain counselors).

3. Special consideration given to unrepresented litigants. Several commenters raise the question whether persons represented by CJWs would be accorded the “special care” given in some circumstances to unrepresented persons. *E.g., White v. United States*, 146 A.3d 101, 109 n.4 (D.C. 2016). We have concluded that that issue should not be addressed by court rule but rather would need to be resolved through judicial decision.

4. Data collection. A number of commentators have suggestions about types of data that should be collected in order to assess CJW programs. We have decided not to address that issue by court rule. Rather, that topic will be addressed in the context of the application and approval procedures for CJW programs.

5. Facilitation, monitoring, and assessment. By separate administrative order, the court intends to designate an entity with responsibility to facilitate, monitor, and assess CJW programs.

II. Further Study of LLPs

About a dozen commenters specifically address the Task Force’s recommendation for the further study of LLP programs. All of the comments received are supportive of further study, except that one commenter recommends going ahead now with an LLP program at least on a pilot basis. The court has determined not to establish a pilot LLP program now but rather to continue to study LLP programs. A separate administrative order will provide the framework for such further study.

III. Encouraging other programs under D.C. App. R. 49(c)(10)

All of the commenters to address the issue support the Task Force’s recommendation that the Courts encourage organizations to develop and seek

approval of innovative approaches to allow people who are not members of the D.C. Bar, including nonlawyers, to provide legal services, pursuant to D.C. App. R. 49(c)(10).

Attached below are (1) a clean version of new D.C. App. R. 49(c)(14) and (2) a marked up version that shows the revisions the court has adopted to the rule as proposed by the Task Force.

PER CURIAM

Clean Version of D.C. App. R. 49(c)(14):

D.C. App. R. 49(c)(14): *Community Justice Worker Programs.*

A. Community Justice Workers. Pursuant to a court-approved program as provided in this Rule, persons who are not D.C. Bar members, including nonlawyers, may engage in the limited practice of law under the supervision of a D.C. Bar member who is employed by an eligible organization that provides free or low-cost legal services to residents of the District of Columbia.

B. Eligible Organizations. An organization may apply to operate a community justice worker (“CJW”) program if the organization (i) is a non-profit organization that is tax-exempt under section 501(c)(3) of the federal Internal Revenue Code; and (ii) provides free or low-cost legal services to residents of the District of Columbia.

C. Court Approval. An eligible organization that seeks to operate a CJW program must submit an application to the Chief Judge of the District of Columbia Court of Appeals.

(i) Application. The application must contain the following information:

- the eligibility criteria for CJWs;
- the area or areas of practice in which CJWs will work;
- a list of the legal tasks that CJWs will be permitted to perform;
- a description of the training that the organization will provide to CJWs, including substantive training, training on applicable procedures, and training on compliance with the ethical obligations of CJWs (specifically including the obligation to avoid conflicts of interest);
- a description of the manner in which CJWs will be supervised by a D.C. Bar member or members employed by the applicant;

- a description of the applicant's procedures for receiving and addressing any complaints about the performance of a CJW;
- a representation that CJWs will be covered by the applicant's legal malpractice insurance;
- a representation that the applicant will obtain written informed consent, as required by D.C. App. R. 49(c)(14)(K), from clients to be represented by a CJW; and
- a representation that attorneys who supervise CJWs will be informed of their obligation to do so as required by D.C. App. R. 49(c)(14)(L).

(ii) Approval Process. The Chief Judge of the District of Columbia Court of Appeals, or a judicial officer designated by the Chief Judge, shall determine whether to approve or deny an application. The court may request additional information from an applicant. If an application is approved, an order shall issue to that effect. Applications that are approved shall be available to the public.

D. List of Approved CJWs. If an application is approved, the applicant must provide the Chief Judge of the District of Columbia Court of Appeals or a designate with a list of all CJWs that the applicant has approved to serve as a CJW. The applicant shall keep that list current. Such lists shall be available to the public.

E. Ineligible Persons. An attorney who has been disbarred, resigned while disciplinary charges were pending, or is currently suspended may not serve as a CJW.

F. Law Students. A law student who intends to serve as a CJW must provide written notice to the student's law school before beginning such service. A law student may not serve as a CJW during a period when the student is authorized to practice under D.C. App. R. 48.

G. Permissible Tasks for CJWs. To the extent authorized by a court-approved program, a CJW may perform the following tasks:

- (i) assisting clients in understanding and navigating court and administrative proceedings;

- (ii) assisting with written discovery;
- (iii) writing, signing, and filing legal documents on behalf of clients;
- (iv) providing advice about legal rights, remedies, defenses, options, and strategies;
- (v) attending depositions to provide support and assistance;
- (vi) advocating for clients' rights;
- (vii) participating in mediation;
- (viii) preparing and executing settlement agreements;
- (ix) assisting in preparing for evidentiary hearings and trials;
- (x) attending court and administrative proceedings to provide support and assistance; and
- (xi) representing clients in court, including making representations on behalf of a client, answering questions from the court on behalf of a client, and making legal arguments on behalf of a client.

H. Prohibited Tasks. Except as authorized by statute, other rules, or other sections of this Rule, e.g., D.C. App. R. 49(c)(2), a CJW may not take or defend a deposition or conduct an evidentiary hearing or trial on behalf of a client.

I. Appearances in administrative or judicial proceedings. A CJW who seeks to represent a client in a judicial or administrative proceeding must file a written appearance containing the following information:

- (i) the CJW's name and contact information;
- (ii) the name and contact information of the organization with whom the CJW is affiliated;
- (iii) the name and contact information of the supervising D.C. Bar member;
- (iv) a statement that the CJW is not a D.C. Bar member and is providing assistance pursuant to this Rule and under the supervision of a D.C. Bar member or members.

J. Disclaimer. CJWs may not hold themselves out as authorized to generally engage in the practice of law. In any written documents or materials relating to their work as CJWs, CJWs must give prominent notice that they are not D.C. Bar members and that they are authorized to provide legal assistance solely pursuant to this Rule and under the supervision of a D.C. Bar member.

K. Informed Consent. Before a CJW may provide legal assistance to a client, the client must sign a written informed-consent agreement that explains that:

- (i) the CJW is not a D.C. Bar member (and, where applicable, is not a lawyer);
- (ii) the CJW is authorized to provide legal assistance solely pursuant to this Rule and under the supervision of a D.C. Bar member;
- (iii) the CJW may not receive compensation from the client; and
- (iv) the attorney-client privilege extends to the activities of the CJW.

L. Supervision. An organization that utilizes CJWs and the attorneys who supervise CJWs must make reasonable efforts to ensure that the CJWs comply with the ethical obligations listed in D.C. App. R. 49(c)(14)(M). *Cf. also* D.C. App. R. 49(b)(9) (defining “Supervise” in context of supervision of attorneys); D.C. R. Prof. Conduct 5.1(b) (supervision of other lawyers), 5.3(b) (supervision of nonlawyer assistants). The name, bar number, and contact information of the supervising D.C. Bar member shall appear on every pleading submitted on behalf of the client receiving assistance from the CJW.

M. Ethical Obligations.

- (i) A CJW may engage in the practice of law only as permitted under Rule 49(c)(14) or as otherwise authorized by statute or court rule.
- (ii) A CJW must exercise care in determining the extent to which a client may be assisted within the scope of the CJW’s authority.
- (iii) A CJW must provide competent and zealous advice and assistance to clients, act with reasonable diligence, reasonably consult with clients, keep clients reasonably informed, and consult as appropriate with the attorney supervising the CJW’s work.

(iv) A CJW, an attorney supervising a CJW, and the organization that utilizes the CJW must preserve and protect the confidences and secrets of clients and prospective clients to the same extent as is required for lawyers under Rules 1.6 and 1.18 of the District of Columbia Rules of Professional Conduct.

(v) A CJW must avoid conflicts of interest pertaining to client matters, as is required for lawyers under Rules 1.7 through 1.10 of the District of Columbia Rules of Professional Conduct.

(vi) A CJW must comply with the requirements of Rule 1.16 of the District of Columbia Rules of Professional Responsibility, which governs declining and terminating representation.

(vii) A CJW owes a duty of candor to courts and administrative agencies, as is required for lawyers under Rule 3.3 of the District of Columbia Rules of Professional Conduct.

(viii) A CJW must comply with the requirements of Rule 4.1 of the District of Columbia Rules of Professional Conduct, which governs truthfulness in statements to others.

(ix) A CJW must not make or sponsor a false or misleading communication about the CJW's qualifications or services.

(x) A CJW may not engage in misconduct that is prohibited for lawyers by Rule 8.4 of the District of Columbia Rules of Professional Conduct.

N. CJWs are subject to discipline pursuant to the procedures established in Rule XI of the District of Columbia Bar Rules.

Marked-up version of D.C. App. R. 49(c)(14):

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- a description of the manner in which CJWs will be supervised by a D.C. Bar member or members employed by the applicant;
- a description of the applicant’s procedures for receiving and addressing any complaints about the performance of a CJW;

-- a representation that CJWs will be covered by the applicant's legal malpractice insurance;

-- a representation that the applicant will obtain written informed consent, as required by D.C. App. R. 49(c)(14)(K), from clients to be represented by a CJW; and

-- a representation that attorneys who supervise CJWs will be informed of their obligation to do so as required by D.C. App. R. 49(c)(14)(L).

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