

Best Practices for D.C. Bar Communities Public Statements

(Approved September 17, 2025)

1. Public statements should be drafted in a manner consistent with their intended audience and maintain a consistent writing style

Community public statements can take a variety of forms - from simple press releases to amicus briefs submitted before the United States Supreme Court. All public statements, however, should have language and content that is tailored to suit the primary audience of the public statement. For more formal public statements such as amicus briefs, public statements should follow the specific rules issued by the court. Public statements that are drafted for the general public should avoid legal jargon and be written as clearly as possible; a term that is unfamiliar or technical should be defined clearly the first time it is used. Paragraphs should be kept to a reasonable length and be concise, with a clear topic sentence for each.

2. Public statements should be legally and factually supported

All public statements should be well-supported both legally and factually. For factual claims, Communities should use trusted authorities, provide full citations and conduct a final fact-check before issuing the public statement. For legal claims, public statements should explicitly cite to the statutory or precedential basis for the claim and verify that it is based on good law.¹

3. Public statements must be approved unanimously

Public statements must be approved unanimously by all members of the applicable Community's steering committee participating in the vote. This can be mentioned in the public statements themselves to strengthen their persuasive value. Public statements should include a point of contact for further information like a public statements representative from the Community steering committee or the author of the public statement.²

¹ "Every public statement shall fairly and accurately set forth the facts underlying the points of view expressed" and "providing high quality and legally accurate analysis." Policies and Procedures II D 2 (2nd) and E 1.

² "For purposes of determining whether unanimity has been reached, members of the steering committee who abstain or recuse themselves are not considered to be participating in the vote. A member should abstain or recuse himself if the member has a conflict of interest that affects the member's objectivity in performing the member's responsibilities. In recusing or abstaining themselves from participating in the vote, members of the steering committee and members of the community participating in drafting the public statement are encouraged to be mindful of the D.C. Rules of Professional Conduct, particularly Rules 6.4 and 1.7, and the responsibility of a member to disclose when the member knows that the interests of a client, which need not be identified, may be materially benefited." Policies and Procedures II E n 1.

4. Public statements should state the Community's mission

Public statements should state the mission of the authoring Community as explicitly as possible and identify how the public statement advances the Community's goals. Ideally, the discussion should provide context that links the public statement's content to the Community's broader objectives, demonstrating relevance and purpose.³

5. If any steering committee member does not participate in the process, this should be clearly noted

In most cases, steering committee members that abstain or recuse themselves due to a conflict of interest, including those holding judicial positions or federal appointments, should not participate in the public statement process. If this is applicable, it should be noted somewhere in the public statement with broad language that protects the privacy of the individual or individuals involved - for example, "steering committee members abstaining or recusing themselves because of a conflict of interest did not participate in preparing this public statement." See 2 above.

6. Public statements should explicitly state that the views expressed in the public statement do not reflect the views of the D.C. Bar

All public statements must include the following disclaimer which makes clear that the public statement is not being issued by the D.C. Bar:

*"The views expressed herein are presented on behalf of the [Name] Community, a voluntary association of individuals, most but not necessarily all of whom are members of the D.C. Bar. The D.C. Bar itself made no monetary contribution to fund the preparation or submission of this [brief or statement]. Moreover, the views expressed herein have been neither approved nor endorsed by the D.C. Bar, its Board of Governors, or its general membership."*⁴

³ A public statement "addresses a subject matter within the Community's special expertise ... reflecting the interests of the Community's membership." Policies and Procedures II E.

⁴ Policies and Procedures II E.

7. Public statements should discuss issues involving the law, the legal profession, or the mission of the Community.

Communities should focus on issuing public statements regarding topics on which their members have special expertise and which enhance access to justice, improve the legal system, or contribute to the legal profession.

8. Steering committees should strive to consult all relevant stakeholders before issuing a public statement

While steering committee members can provide unique expertise, it is important to recognize that everyone also has biases and blind spots. Communities should not only strive to consider the perspectives of everyone on the steering committee, but also do their best to incorporate the voices of those who are not on the steering committee. Before issuing a public statement, time permitting, steering committees should solicit feedback from as many sources as possible, including other Community members, subject matter experts, and non-lawyers.

Model Procedure for Public Statements

a. **A steering committee member circulates a draft public statement.** Any participating member of the steering committee should be able to propose a public statement. Public statements should be proposed by circulating a draft public statement. Before advancing a draft for broader discussion or approval, the proposing member and the steering committee should also consider whether the public statement advances the Community's mission.

b. **Members of the steering committee provide feedback on the draft.** At this stage, participating members of the steering committee can suggest changes and provide feedback. The steering committee can also solicit the perspectives of stakeholders who are not steering committee members.

c. **Announce and hold vote.** The chair or co-chairs of the steering committee announce a vote will be taken on the public statement. The chair or co-chairs (or whoever is in charge of communications for the steering committee) should then announce to the entire committee that a vote is being held and hold a vote on the public statement.

d. **Submit to the Communities Committee.** If the steering committee unanimously votes in favor of the public statement, the public statement can then be submitted

to the Communities Committee through the Communities Office for review. After receiving comments from the Communities Committee and other Communities of the Bar, the steering committee considers incorporating changes to the public statement and resubmitting the public statement to the Communities Committee for approval and publication.

The foregoing was drafted by Nadia Robles-Osorio and Jack Ross-Pilkington, 2025 D.C. Bar Communities Leadership Fellows representing, respectively, The Columbus Law School of the Catholic University of America and The Georgetown University Law Center with input from the Subcommittee on Public Statements of the D.C. Bar Communities Committee. The best practices were approved by the D.C. Bar Communities Committee on September 17, 2025.