REAL ESTATE, HOUSING AND LAND USE SECTION

The District of Columbia Bar

SUMMARY OF PUBLIC STATEMENT

Re: Landlord & Tenant Task Force Report

The public statement takes the form of a letter signed by the current and two past chairs of the Real Estate, Housing and Land Use Section. The letter responds to an October 25 article, "Landlords' Lawyers Raise the Roof," which appeared in the Legal Times. The article reported on, among other things, the Landlord & Tenant Task Force Report approved by the D.C. Bar Board of Governors in 1998 and the Board's receipt and consideration, at its October 12, 1999 meeting, of commentary from the Rental Housing Committee of the REHLU Section.

The letter points out that the October 25 Legal Times article contains at least one inaccuracy. The article states or implies that the Rental Housing Committee and, indeed, the REHLU Section leadership, were asleep at the switch and did not raise concerns as to process or substance until early this year, several months after the Landlord & Tenant Task Force Report was submitted. To the contrary, both the Rental Housing Committee and the REHLU Section leadership voiced concerns about the composition of the Task Force when it was formed; these communications were ignored. Upon his election to chair the REHLU Section, Ed Bloom objected in writing and orally, directly to the D.C. Bar President. During the Task Force's deliberations, the Rental Housing the Committee more than once offered to provide input and expertise; the Committee was rebuffed. Finally, both the Committee and the Section leadership objected -- in writing -- to the D.C. Bar Board of Governors' receipt and approval of the Task Force Report, and transmittal to the D.C. Superior Court, without, in each instance, receiving and considering input and analysis from the standing organizations within the Bar which have substantive expertise in the field.

The article suggests or implies that this issue is raised by 9 lawyers pursuing a losing crusade, after the fact, to upset a disciplined process and a balanced result. Not true. We believe the Task Force when they say they considered, evaluated and rejected a number of alternatives in addition to those which were mentioned in the Task Force Report. Nevertheless, the Task Force Report does not set forth in any coherent manner any of those rejected alternatives, and does not present to the D.C. Superior Court a comprehensive understanding of the wide range of views within the Bar. A broader-based membership in the L&T Task Force, and a process that allowed for wide dissemination of a draft Report before its presentation to the Board of Governors, would have better ensured that the Report reflected views of all of the 1,200 dues-paying members of the REHLU Section, whom we represent.

On substantive points at issue in the L&T Task Force Report, reasonable minds may differ. We think, however, that the Superior Court should be permitted to evaluate as many opinions as are practicable. Without hearing from the REHLU Section and its Rental Housing Committee, the Court will not have that advantage.

WAS1 #758430 v1

REAL ESTATE, HOUSING AND LAND USE SECTION

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November 5, 1999

Legal Times
1730 M Street, N.W., Suite 802
Washington, D.C. 20036

Attn: Mr. Tom Schoenberg

Attn: Mr. Richard Barbieri, Editor in Chief

Re: Landlord & Tenant Task Force Report

Ladies and Gentlemen:

We are the current and immediate past chairs of the Real Estate, Housing and Land Use Section of the D.C. Bar. The Rental Housing Committee, cited in your October 25 article, "Landlords' Lawyers Raise the Roof," operates within the REHLU Section.

The October 25 article contains at least one inaccuracy. The article states or implies that the Rental Housing Committee and, indeed, the REHLU Section leadership, were asleep at the switch and did not raise concerns as to process or substance until early this year, several months after the Landlord & Tenant Task Force Report was submitted. To the contrary, both the Rental Housing Committee and the REHLU Section leadership voiced concerns about the composition of the Task Force when it was formed; these communications were ignored. Upon his election to chair the REHLU Section, Ed Bloom objected in writing and orally, directly to the D.C. Bar President. During the Task Force's deliberations, the Rental Housing the Committee more than once offered to provide input and expertise; the Committee was rebuffed. Finally, both the Committee and the Section leadership objected -- in writing – to the D.C. Bar Board of Governors' receipt and approval of the Task Force Report, and transmittal to the D.C. Superior Court, without, in each instance, receiving and considering input and analysis from the standing organizations within the Bar which have substantive expertise in the field.

Your article suggests or implies that this issue is raised by 9 lawyers pursuing a losing crusade, after the fact, to upset a disciplined process and a balanced result. Not true. We believe the Task Force when they say they considered, evaluated and rejected a number of alternatives in addition to those which were mentioned in the Task Force Report. Nevertheless, the Task Force Report does not set forth in any coherent manner any of those rejected alternatives, and does not present to the D.C. Superior Court a comprehensive understanding of the wide range of views within the Bar. A broader-based membership in the L&T Task Force, and a process that allowed for wide dissemination of a draft Report before its presentation to the Board of Governors, would have better ensured that the Report reflected views of all of the 1,200 dues-paying members of the REHLU Section, whom we represent.

The views expressed herein represent only those of the Real Estate, Housing and Land Use Section of the District of Columbia Bar and not those of the D.C. Bar or of its Board of Governors.

On substantive points at issue in the L&T Task Force Report, reasonable minds may differ. We think, however, that the Superior Court should be permitted to evaluate as many opinions as are practicable. Without hearing from the REHLU Section and its Rental Housing Committee, the Court will not have that advantage.

Very truly yours,

Henry J. Brothers II
Section Chair, 1999-2000

Karen Sprecher Keating
Section Chair, 1998-99

Edward A. Bloom
Section Chair, 1997-98

cc: Joan H. Strand
D.C. Bar President

D.C. Bar Board of Governors

Morris Battino
Chair, Rental Housing Committee

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