

Structure and Operation of the District of Columbia Attorney Discipline System¹

The **D.C. Court of Appeals** (“the Court”) has the authority to impose discipline on members of the D.C. Bar who have committed a crime, breached the Attorney’s Oath of Office, or violated the [D.C. Rules of Professional Conduct](#). The **D.C. Board on Professional Responsibility**, an independent arm of the Court, administers the attorney discipline system. The **D.C. Bar**, a separate independent arm of the Court, does not impose discipline on its members and plays no role in the discipline system. Thus, it is not correct to refer to a “D.C. Bar Board or Committee” in the context of disciplinary proceedings.

The **Office of the Executive Attorney** assists the Board in administering the discipline system, acts as the clerk’s office of the discipline system, and supports the volunteer adjudicators on the Board and Hearing Committees.

The **Office of Disciplinary Counsel** prosecutes cases involving alleged misconduct, much like a prosecutor in a criminal case. After conducting an investigation, Disciplinary Counsel may file a Specification of Charges or initiate other appropriate resolutions, including dismissals, diversions, informal admonitions, and negotiated discipline. A **Respondent** is an attorney whose conduct has become subject to a disciplinary investigation or charges.

Charges of attorney misconduct are heard by a three-member **Hearing Committee** (two members of the D.C. Bar, and one non-attorney (“public member”)). Hearing Committee reports are reviewed by the **Board on Professional Responsibility** (seven members of the D.C. Bar and two public members). All Hearing Committee and Board members are volunteers.

Available Sanctions

Non-suspensory sanctions (in order of increasing severity): Informal Admonition (by Disciplinary Counsel), Board Reprimand, Public Censure (by the Court).

Suspension from practice for up to three years. Reinstatement is automatic at the end of the period of suspension, unless the Court has ordered that the respondent prove his or her fitness to practice prior to reinstatement.

Disbarment, which is a suspension with the ability to apply for reinstatement after five years.

¹ The system is described in more detail in its governing rule, [D.C. Bar Rule XI](#).

Hearing Committee Proceedings

When Disciplinary Counsel files charges, the case is heard by a **Hearing Committee** in an adversary proceeding. Disciplinary Counsel bears the burden of proving the charges by “clear and convincing evidence,” a higher standard than the “preponderance of the evidence” that applies in most civil trials, but lower than the “beyond a reasonable doubt standard” in criminal trials. The respondent may be represented by counsel, cross-examine Disciplinary Counsel’s witnesses, and present witnesses and evidence in defense of Disciplinary Counsel’s charges.

Hearings are held in-person in Courtroom II of the D.C. Historic Courthouse, 430 E. Street, N.W. or on Zoom, and are live-streamed on the Hearing Committee [YouTube channel](#). Video recordings of hearings are not provided to members of the public, but transcripts are available upon request.

Following the presentation of evidence, the Hearing Committee decides whether it can make a **preliminary, non-binding determination** that Disciplinary Counsel has proven at least one of the charged rule violations. **This is not the Hearing Committee’s final decision**; the Hearing Committee can reach a different decision when it issues its report.

TIPS At this point in the hearing, it is correct to state that the Hearing Committee has (or has not) made a preliminary, non-binding decision that Disciplinary Counsel has proven at least one rule violation.

It is **not correct** to state that the Hearing Committee has decided that the respondent violated (or did not violate) the rules.

If the Hearing Committee makes a preliminary, non-binding decision that Disciplinary Counsel has proven at least one rule violation, the Hearing Committee receives evidence in aggravation of sanction from Disciplinary Counsel and/or mitigation of sanction from the respondent.

After considering the evidence and post-hearing briefs, the Hearing Committee issues a **report and recommendation** containing findings of facts, a recommendation whether Disciplinary Counsel has proven any of the charged rule violations, and if so, a sanction recommendation.

The Hearing Committee does not “impose” a sanction. Its report and recommendation is not final, as it is subject to review by the Board and the Court.

TIPS It is correct to state that the Hearing Committee has issued a report concluding that Disciplinary Counsel has proven (or has not proven) certain rule violations, and has recommended a sanction. The report will be reviewed by the Board on Professional Responsibility.

It is **not correct** to state that the Hearing Committee determined that the respondent violated certain rules and should be sanctioned.

Board Proceedings

If either party takes exception to the Hearing Committee report, the parties may file briefs and present oral argument to the Board. Oral arguments are held in-person in Courtroom II or over Zoom, and are live-streamed on the Board's [YouTube channel](#). Following review of the parties' briefs and oral argument, the Board issues its own **report and recommendation or order**.

Board orders: If the Board determines that Disciplinary Counsel *has not proven* any rule violations, it may dismiss the charges. If the Board determines that Disciplinary Counsel *has proven* any of the charged rule violations, it may issue a Reprimand, or direct Disciplinary Counsel to issue an Informal Admonition. Board orders are final unless Disciplinary Counsel or the respondent appeals to the Court.

Board reports: If the Board determines that Disciplinary Counsel *has proven* any of the charged rule violations, it may issue a report and recommendation recommending that the Court issue a Public Censure, a period of suspension of up to three years, with or without conditions, or disbarment. **Those recommendations are not final and must be reviewed by the Court.**

TIPS It is correct to state that the Board has issued a report concluding that Disciplinary Counsel has proven certain rule violations, and has recommended a sanction. The Board's report is not final, and is subject to review by the Court of Appeals.

It is correct to state that the Board has issued an order dismissing the charges against the respondent. That order is final unless appealed to the Court of Appeals.

It is **not correct** to state that a Board *report* is a determination that the respondent violated certain rules and should be sanctioned.

Court Proceedings

The Court of Appeals reviews Board recommendations and appeals of Board orders. The parties may file briefs and present oral argument to the Court. The Court may impose any of the forms of discipline discussed above. The Court's decisions are typically released on Thursday mornings, and are posted on the [Court's website](#).