**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**RULE PROMULGATION ORDER 20-01**

(Amending Super. Ct. Civ. R. 101-103 and 201-205)

**WHEREAS,** pursuant to D.C. Code § 11-946, the Board of Judges of the Superior Court approved amendments to Superior Court Rules of Civil Procedure 101-103 and 201-205; and

**WHEREAS,** pursuant to D.C. Code § 11-946, the amendments to these rules, to the extent that they modify the corresponding federal rules, have been approved by the District of Columbia Court of Appeals; it is

**ORDERED**, that Superior Court Rules of Civil Procedure 101-103 and 201-205 are hereby amended and enacted as set forth below; and it is further

**ORDERED,** that the amendments shall take effect April 20, 2020, and shall govern all proceedings thereafter commenced and insofar is just and practicable all pending proceedings.

**Rule 101. Appearance and Withdrawal of Attorneys**

(a) ~~Who May Practice~~IN GENERAL.

~~(1) An attorney who is a member in good standing of the District of Columbia Bar may enter an appearance, file pleadings and practice in this Court.~~

~~(2) No person other than one authorized by this Rule shall be permitted to~~Except as provided by District of Columbia Court of Appeals Rules 48 and 49, only an active member of the District of Columbia Bar may appear in this ~~C~~court in a representative capacity for any purpose other than securing a continuance. ~~No corporation shall appear in the Division except through a person authorized by this Rule. However, nothing in t~~This ~~R~~rule ~~shall be construed to~~does not prevent a~~ny~~ natural person from prosecuting or defending any action ~~i~~on the person's own behalf ~~if the person is~~ without counsel.

~~(3) An attorney who is a member in good standing of the bar of any United States court or of the highest court of any state but who is not a member in good standing of the District of Columbia Bar may enter an appearance, and file pleadings in this Court, and if granted permission by the Court may participate in proceedings in this Court, pro hac vice, provided that such attorney joins of record a member in good standing of the District of Columbia Bar who will at all times be prepared to go forward with the case, and who shall sign all documents subsequently filed and shall attend all subsequent proceedings in the action unless this latter requirement is waived by the judge presiding at the proceeding in question. An attorney seeking permission to appear under this section shall file a praecipe indicating the attorney's name, address, telephone number, the jurisdiction(s) where the attorney is a member of a bar and the number of times the attorney has previously sought to appear under this Rule. Any attorney seeking to appear on a pro hac vice basis must comply with the restrictions prescribed in District of Columbia Court of Appeals Rule 49(c). The attorney shall also serve a copy of the praecipe on the District of Columbia Court of Appeals' Committee on Unauthorized Practice in the manner provided in SCR Civil 5. Proof of service shall be made by the filing of a certificate of the attorney showing the date and manner of service. Any member of the District of Columbia Bar who joins the attorney seeking special permission to appear shall also sign the praecipe and the certificate.~~

~~(4) An attorney who is employed or retained by the United States or one of its agencies who wishes to enter an appearance shall conform to the provisions of Rule 49(c) of the General Rules of the District of Columbia Court of Appeals.~~

~~(5) A State Attorney General or the attorney general's designee, who is a member in good standing of the bar of the highest court in any state or of any United States court, may appear and represent the state or any agency thereof, irrespective of (1)-(3) above.~~

(b) ~~Entry of Appearance~~ENTRY OF APPEARANCE.

(1) *In General*. ~~If,~~An attorney may enter an appearance on behalf of a party by:

(A) including the attorney's name on ~~after~~ the first pleading or ~~other~~ paper ~~is~~ filed on behalf of ~~any~~the party~~;~~, or

(B) ~~any additional attorney wishes to enter an appearance for that party, such attorney must~~ filinge a ~~praecipe~~ noticeng ~~the~~ enteringy ~~of~~ the attorney's appearance and listing the attorney's ~~correct~~ address, e-mail address, telephone number, and ~~Unified~~D.C. Bar number.

(2) *Nonacceptance.* The ~~C~~clerk ~~sha~~will not accept any paper signed by an attorney for filing unless the attorney is eligible to appear and has entered the attorney's appearance ~~as provided herein~~.

(c) ~~Withdrawal of Appearance~~WITHDRAWAL OF APPEARANCE.

(1) *Without Court Order.* ~~If a trial date has not been set, a~~An attorney may withdraw the attorney's appearance in a civil action by filing a ~~praecipe~~notice of withdrawal signed by the attorney and the attorney's client~~, noting such withdrawal, provided that~~if:

(A) a trial date has not been set; and

(B) another attorney enters or has entered an appearance on behalf of the client at that time.

(2) *Motion Required.*

(A) *In General.* ~~If a trial date has been set or if the client's written consent is not obtained, or if the client is not represented by another attorney, a~~An attorney may withdraw the attorney's appearance only by order of the ~~C~~court ~~up~~on motion by the attorney ~~served upon all parties to the case or their attorneys~~if:~~.~~

(i) a trial date has been set;

(ii) the client's written consent is not obtained; or

(iii) the client is not represented by another attorney.

(B) *Notice to Client.* Unless the client is represented by another attorney or the motion is made in open court in the client's presence, ~~a motion to withdraw an appearance shall be accompanied by a certificate of~~ the moving attorney must serve the client with a copy of the motion and a notice advising the client that:

(i) if the client objects to the attorney's withdrawal, the client must file an objection to the attorney's motion within 14 days after the motion is served; and

(ii) if the court grants the attorney's motion to withdraw, the client must obtain other counsel or proceed without an attorney.

(C) *Certificate.* The attorney must file, together with the motion, a certificate that includes:

(i) ~~listing~~ the client's last known address; and

(ii) a statement~~ing~~ that the attorney has served ~~upon~~ the client with a copy of the motion and ~~a~~the notice to the client required by Rule 101(c)(2)(B) ~~advising the client to obtain other counsel, or, if the client intends to represent himself or herself or to object to the withdrawal, to so notify the clerk in writing within 10 days of service of the motion upon the client~~.

(3) *Order.* ~~Except where~~Unless leave to withdraw has been granted in open court in the presence of the ~~affected~~ client, the court or clerk ~~shall~~must send to the ~~affected~~ client by ~~1st~~first class mail, postage prepaid, a copy of any order granting leave to withdraw. ~~In cases where (1) no new counsel has entered an appearance, and (2) the client has not notified the Clerk of the client's intention to represent himself or herself, the Clerk shall include with a copy of the order a notice instructing the client to arrange for 1 of the 2 foregoing actions with respect to appearance to be promptly accomplished.~~

(4) *Grounds for Denial.* The ~~C~~court may deny an attorney's motion for leave to withdraw if the withdrawal would:

(A) unduly delay trial of the case;~~,~~

(B) be unduly prejudicial to any party;~~,~~ or

(C) otherwise not be in the interests of justice.

(d) ~~Appearances by Attorneys in Pro Bono Cases~~APPEARANCE BY PRO BONO ATTORNEY. A~~n inactive member of the District of Columbia Bar who is affiliated with a legal services or referral program may appear, file pleadings and practice in any particular case that is handled without fee, upon filing with this Court, and the~~person practicing under District of Columbia Court of Appeals~~'~~ Rule 49(c)(9) must file a completed District of Columbia Court of Appeals Form 9 with the person's entry of appearance or first pleading or other paper~~Committee on Unauthorized Practice a certificate that the attorney is providing representation in that particular case without compensation~~.

(e) ~~Law Students~~LAW STUDENTS.

~~(1) *Practice.*~~

~~(A)~~ A~~ny~~ law student admitted to the limited practice of law ~~pursuant to Rule 48 of the General Rules of the~~under District of Columbia Court of Appeals Rule 48~~, and certified and registered as therein required,~~ may engage in the limited practice of law in accordance with that rule.~~ in the Superior Court of the District of Columbia, in connection with any case arising in the Civil Division, on behalf of any indigent person who has consented in writing to that appearance, provided that a "supervising lawyer," as hereinafter defined, has approved such action and also entered an appearance, and provided that the case would not generally be undertaken by a member of the bar on a contingent fee or retained basis as may be determined by the Court at any point in the litigation.~~

~~(B) In each case, the written consent and approval referred to above shall be filed in the record of the case.~~

~~(2) *Requirements and Limitations.*~~

~~(A) The law student must be enrolled in a clinical program. A clinical program for purposes of this rule shall be a law school program for credit of at least 4 semester hours held under the direction of a full-time faculty member of such law school, or an adjunct professor for a consortium of law schools, whose primary duty is the conduct of such program in which a law student obtains practical experience in the operation of the District of Columbia legal system by participating in cases and matters pending before the courts or administrative tribunals. A student need not be so enrolled if that student has satisfactorily completed a clinical program and is continuing in the representation of a program's client.~~

~~(B) The law student must be registered and certified by the Admissions Committee of the District of Columbia Court of Appeals as eligible to engage in the limited practice of law as authorized by the District of Columbia Court of Appeals General Rule 48.~~

~~(C) Certified law students shall not schedule more than 1 trial for any single date except on notice to and with permission of the Court.~~

~~(3) *Supervision.* The "supervising lawyer" referred to in this rule shall:~~

~~(A) Be a lawyer whose service as a supervising lawyer for the clinical program is approved by the law school by which the law student is enrolled and who is an active practitioner of law in this Court.~~

~~(B) Assume full responsibility for guiding the student's work in any pending case or matter or any case-related activity in which he or she participates, and for supervising the quality of that student's work.~~

~~(C) Assist the student in his or her participation to the extent necessary in the supervising lawyer's professional judgment to insure that the student participation is effective on behalf of the person represented.~~

~~(D) Sign each pleading, memorandum, or other document filed by the student, and appear with the student at each court appearance, except that a supervisor need not be present for a non-adversary matter so long as he or she is available to the Court within one-half hour after such supervisor's presence is requested by the Court.~~

~~(E) Not schedule more than 3 cases for trial on any given day for law students being supervised by him or her.~~

~~(F) No fee shall be paid to any supervising lawyer or law student under this rule. The Court shall be empowered, however, to permit clinical programs to receive fees, costs and penalties prescribed by law, so long as original eligibility requirements for representation are enforced.~~

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. In order to maintain consistency with the relevant appellate rules, the law student practice provisions and the provisions addressing the practice of law by attorneys not barred in D.C. have been replaced by references to District of Columbia Court of Appeals Rules 48 and 49. Subsection (c)(2), which addresses an attorney's withdrawal by motion, has been amended to clarify the contents of the motion and the notice to the client.

This rule does not apply to limited appearances entered in accordance with an administrative order of the Chief Judge.

**Rule 102. ~~Disciplinary Proceedings Against Attorneys~~[Deleted].**

~~Any judge, attorney, or other person who believes that a member of the bar of this court should be censured, suspended, or expelled from the practice of law at the bar of this court for a crime, misdemeanor, fraud, deceit, malpractice, professional misconduct or conduct prejudicial to the administration of justice may proceed against such member of the bar as provided in Rule XI of the Rules of the District of Columbia Court of Appeals Governing the Bar of the District of Columbia. Nothing herein shall be construed to deprive this court of any inherent disciplinary powers possessed by it.~~

COMMENT TO 2020 AMENDMENTS

This rule was deleted as unnecessary. Rule 2.15(B) of the Code of Judicial Conduct for the District of Columbia Courts addresses the obligations of judges to take action concerning professional misconduct by lawyers. District of Columbia Rule of Professional Conduct 8.3 addresses the obligations of lawyers to report professional misconduct. The court may impose sanctions against attorneys as described in the civil rules. Additionally, disciplinary proceedings against members of the D.C. Bar are governed by the District of Columbia Bar Rule XI.

**Rule 103. ~~Employees Not to Practice Law~~[Deleted].**

~~Neither the Clerk nor the Clerk's assistants, nor anyone serving as a law clerk or secretary to a judge of this Court, or employed in any other capacity in this Court, shall engage in the practice of law while continuing in such position.~~

COMMENT TO 2020 AMENDMENTS

This rule has been deleted because practice of law by court employees should be and is addressed by the D.C. Courts' Comprehensive Personnel Policies.

**Rule 201. Recording of Court Proceedings; Release of Transcripts; Restrictions on Use of Electronic Recording Devices, Photography, and Broadcasting**

(a) ~~All Proceedings Recorded~~ALL PROCEEDINGS RECORDED. All proceedings ~~shall~~must be ~~simultaneously~~ recorded ~~verbatim~~ by a court reporter ~~engaged by the court, by shorthand or mechanical means, or when permitted by rule of court~~or by a~~n electronic sound~~suitable recording device. Contents of official tapes that are made as a part of the record in a case will be treated in the same manner as official stenographic notes.

(b) ~~Obtaining Transcripts~~ORDERING TRANSCRIPTS.

(1) *In General*. Any person who has made suitable arrangements to pay the appropriate fee~~, shall be entitled to~~ may obtain a transcript of all or any part of any recorded proceedings in open court. ~~As used in this Rule, proceedings in open court shall constitute all recorded judicial proceedings in a non-jury case, and in a case tried by a jury shall constitute all recorded judicial proceedings except discussions in which the jury does not participate.~~

(2) *Jury Trials*.

(A) *Party or Judge*. In a case tried to a jury, any party to the proceedings who has made suitable arrangements to pay the fee specified,~~ or~~ any judge of the District of Columbia Court of Appeals, or any judge of this court~~, shall be entitled to~~may obtain a transcript of any part of the recorded proceedings, whether or not held in open court.

(B) *Non-Party*. In a case tried to a jury, prior to rendition of a verdict or discharge of the jury, a~~ny~~ person other than ~~a party to the proceedings~~one described in Rule 201(b)(2)(A) ~~shall~~must apply to the judge presiding over the trial for permission to obtain a transcript of any part of the recorded proceedings not held in open court. ~~In determining whether such an application should be granted in whole or in part, the presiding judge shall consider the parties' right to a fair trial and the public's interest in a free press.~~ If the judge grants the application, ~~T~~the ~~presiding~~ judge may impose terms and conditions for doing so~~condition the granting of such application upon such terms as may be appropriate, may sequester the jury, or may take such other approved procedures as seem necessary to insure a fair trial in the case~~. After rendition of a verdict or discharge of the jury, any person may obtain a transcript of any part of the recorded proceedings, whether or not held in open court~~all recorded proceedings shall be treated as proceedings in open court~~.

(3) *Proceedings in Open Court*. As used in this rule, "proceedings in open court" means:

(A) all recorded judicial proceedings in a non-jury case; or

(B) in a case tried by a jury, all recorded judicial proceedings except pretrial hearings on the admissibility of evidence, discussions in chambers, bench conferences, or other recorded proceedings in which the jury does not participate.

(c) ~~Endorsement on Transcript~~CERTIFICATION. Each transcript obtained in accordance with this rule ~~shall~~must include a certification by the court reporter.~~ bear the following endorsement upon its cover page:~~

~~"This transcript represents the product of an official reporter or transcriber, engaged by the Court, who has personally certified that it represents the testimony and proceedings of the case as recorded."~~

(d) ~~Transcript on Appeal~~TRANSCRIPT ON APPEAL.

(1) *In General*. Upon the completion of any transcript in a matter ~~to be brought before the appellate court~~on appeal, the reporter or transcriber ~~shall~~must notify the trial court and counsel that the transcript has been completed. ~~and will be forwarded to the Court of Appeals 5 days hence.~~ The ~~said~~ notice ~~shall~~must inform counsel that any objection~~s~~ to the transcript must ~~within the said~~be filed with the trial court within ~~5~~7 days after notice is given. ~~be presented to the trial court and~~

(2) *Service and Notice of Objection*. A party's objection to the transcript must be served on the opposing ~~counsel~~party in accordance with~~the manner prescribed in~~ Rule 5. ~~Objections raised by t~~The ~~C~~court on its own initiative~~sua sponte~~ may raise an objection to a transcript, but the court must give~~shall be made known to~~ the parties ~~who shall be given~~ notice and an opportunity to make appropriate representations ~~to the Court~~ before the objection~~s~~ ~~are~~is resolved.

(3) *Expedited Resolution*. The trial court must resolve an objection on an expedited basis. ~~All objections shall be resolved by the trial court on the basis of the best available evidence as to what actually occurred in the proceedings.~~

(e) ~~Security of Original Transcript~~SECURITY OF ORIGINAL TRANSCRIPT. In any case in which a transcript is ordered by any person, the reporter or transcriber ~~shall~~must deliver to ~~said~~the person a paper or electronic~~carbon~~ copy ~~or copies~~ of any transcript prepared. The original ~~of the~~ transcript bearing the required certificate, ~~shall~~must be filed by the reporter or transcriber with the ~~C~~clerk ~~of the Court~~ and ~~shall~~may not be changed in any respect except pursuant to rule or~~f~~ court order. ~~No change in any transcript may be made by the presiding judge except on notice to the parties to the proceeding. Where any changes are made in the transcription of proceedings the corrections and deletions shall be shown.~~

(f) ~~Private Reporters~~PRIVATE REPORTERS. Except as provided in ~~paragraphs~~ Rule 201(g) ~~and (h) of this Rule~~, only a court reporter who is a court employee, or who is under contract to the ~~C~~court to provide reporting services, is permitted to record proceedings held before a judge or ~~hearing commissioner~~magistrate judge.

~~(g) Electronic Recording Devices. The use of court operated electronic recording devices may be permitted by the Chief Judge of the Superior Court for the perpetuation of a record in any court proceeding without the presence of a court reporter during such proceeding.~~

(g~~h~~) ~~Restriction on the Use of Electronic Recording Devices~~RESTRICTION ON THE USE OF ELECTRONIC RECORDING DEVICES, PHOTOGRAPHY, AND BROADCASTING. No electronic audio or video recording equipment, other than that in the custody and control of official court reporters or court personnel in the performance of their official duties, may be used to record proceedings held before a judge or ~~hearing commissioner~~magistrate judge. No photographs, broadcasts, or recording is permitted inside the courthouse in connection with any civil proceeding, whether or not the court is in session.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. Provisions from former Rule 203 were incorporated into this rule. Based on the

amendment to section (a), former section (g), regarding electronic recording devices, was deleted as unnecessary.

COMMENT

Section (b)(2) requires that during trial persons other than parties apply to the court for transcripts of those portions of jury trials not held in open court. In this connection, see A.B.A. Standards on Fair Trial-Free Press § 3.1 and § 3.5.

For administrative rules concerning transcripts see Court Reporter Rules, District of Columbia Courts.

**Rule 202. Fees**

(a) ~~Court Fees~~COURT FEES. Court fees ~~shall be~~are as indicated below for actions in the Civil Division (CA)~~,~~ and for actions in the Small Claims and Conciliation Branch and the Landlord and Tenant Branch (SC & LT) ~~(where fee is applicable)~~.

| | CA | SC & LT |
|---|---|---|
| (1) INITIAL FILING FEES | | |
| Filing a new civil action | $120 | $.. |
| Filing a new landlord-tenant action | .. | 15 |
| Filing a new housing code enforcement action (CA Form 116) | 15 | .. |
| Filing a new small claims action | .. | |
| For Claims for Damages for $500 or Less | .. | 5 |
| For Claims over $500 and up to $2500 | .. | 10 |
| For Claims in excess of $2500 | .. | 45 |
| Filing intervening petition | 120 | 25 |
| Filing arbitration agreement and entering award | 120 | 25 |
| Filing jury demand | .. | 75 |
| Filing change of name case | 60 | .. |
| Filing petition to change birth certificate | 60 | .. |
| Filing petition to release mechanics' lien | 60 | .. |
| Filing petition to enter administrative order as judgment | 60 | .. |
| Filing for enforcement of foreign judgment | 60 | .. |
| Filing petition to perpetuate testimony (Rule 27) | 60 | .. |
| Filing a ~~Merit Personnel Action~~petition for review under Agency Rule 1 | 60 | .. |
| Filing an appeal from the Traffic Adjudication Appeals Board | 30 | .. |
| Filing counterclaim, crossclaim, or ~~3rd~~ third-party claim | 20 | 10 |
| Filing petition to serve subpoena (Rule 28-I) | 10 | .. |
| | | |
| (2) MISCELLANEOUS FEES | | |
| For issuing each alias summons or alias writ | 10 | 5 |
| For attachment before judgment (including issuing writ) | 20 | 10 |
| For filing motion (except motion under Rule 41-I) | 20 | 10 |
| For motion to reinstate after dismissal under Rule 41-I | 35 | 25 |
| For services of a judge as arbitrator | 120/hr | .. |
| For appointment of special process server | 5 | 5 |
| For each photocopy supplied by clerk, per page | .50 | .50 |
| For certified copy or true seal copy | 5 | 5 |
| For search of record, for each name searched | 10 | 10 |

| | | |
|---|---|---|
| (3) POST JUDGMENT FEES | | |
| For issuing attachment on judgment | 20 | 10 |
| For issuing writ of fieri facias or writ of execution | 20 | 10 |
| For issuing writ of replevin | 20 | .. |
| For writ of restitution | 20 | 10 |
| For oral examination of debtor | 20 | 10 |
| For issuing transcript of record | 10 | 5 |
| For making and comparing a transcript of record on appeal, per page | 1 | 1 |
| For issuing triple seal | 20 | 10 |
| For filing notice of appeal | 1005 | 1005 |

(b) ~~Marshal's Fees~~MARSHALS' FEES. The fees for service~~s~~ by the United States Marshals for process~~es~~ issued by the Superior Court ~~shall be~~are the same as those for ~~service of~~ process~~es~~ issued by the United States District Court for the District of Columbia.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. The United States Marshals Service's fees are listed in 28 C.F.R. § 0.114.

COMMENT

Attention is called to the provisions of D. C. Code 1981, § 15-713 which prohibit in any class of case return of a jury fee if demand for jury trial is withdrawn less than 3 days before the trial date.

**Rule 203. ~~Free Press--Fair Trial~~[Deleted].**

~~(a) No courthouse personnel, including among others, marshals, court clerks, law clerks, messengers, and court reporters, shall disclose to any person information relating to any civil proceeding that is not part of the public records of the court without specific authorization of the court, nor shall any such personnel discuss the merits or personalities involved in any such proceeding with any members of the public.~~

~~(b) No photographs, radio or television broadcasts, or tapes for public replay, shall be made inside the courthouse in connection with any civil proceeding, whether or not the court is in session. Contents of official tapes that are made as a part of the record in a case will be treated in the same manner as official stenographic notes.~~

~~(c) No attorney who has undertaken the representation of a litigant in a civil case, whether that case is in progress or imminent, shall release or authorize the release of information not in the public record for dissemination by any means of public communication which is likely to interfere with a fair trial or otherwise prejudice the due administration of justice. No statement shall be disseminated which contains an attorney's opinion as to liability of the parties, credibility of witnesses, motives of the other party, or similar matters bearing on the conduct of the litigation.~~

~~(d) In any case which is or is likely to become widely publicized, the court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the parties to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the court may deem appropriate for inclusion in such an order.~~

COMMENT TO 2020 AMENDMENTS

Former section (b) addressing photography and broadcasts has been moved to Rule 201(g). The other provisions in this rule have been deleted because 1) section (a) concerning statements by courthouse personnel about pending cases should be and is addressed in the D.C. Courts' Comprehensive Personnel Policies; 2) section (c) concerning public statements by attorneys is addressed in Rule of Professional Conduct 3.6; and 3) section (d) was unnecessary because courts have inherent authority to address matters of trial and courtroom management on a case-by-case basis.

**Rule 204. Administrative Searches and Inspections**

(a) SCOPE AND DEFINITION. This rule does not modify any statute regulating search or seizure. The term "property" as used in this rule includes documents, books, papers, and any other tangible objects. Nothing in this rule is intended to limit the authority of a duly authorized official to enter and inspect premises in emergency situations without warrant.

(b) ~~Authority to Issue Warrants~~AUTHORITY TO ISSUE A WARRANT. An administrative search warrant~~s (hereinafter denominated "warrant(s)")~~ authorized by this rule may be issued by a judge ~~of the Superior Court~~.

(c~~b~~) ~~Grounds for Issuance~~PROPERTY SUBJECT TO INSPECTION AND SEARCH. A warrant may be issued authorizing the administrative inspection or~~and~~ search of any property or premises, private, commercial, or public.

(d) OBTAINING A WARRANT.

(1) *Probable Cause*. Upon application of a law enforcement officer, attorney for the government, or person authorized to enforce laws or regulations relating to health, safety, or welfare, a judge may issue an administrative search warrant if there is probable cause to inspect or search the ~~P~~property ~~(including~~ or premises~~)~~ ~~is subject to administrative inspection and search, if there is probable cause to believe that:~~

~~(1) the property is subject to 1 or more statutes relating to the public health, safety or welfare;~~

~~(2) entry to said property has been denied to officials authorized by civil authority to enforce such statutes or regulations unless it be shown that special circumstances exist so that such prior denial of entry should not be required; and~~

~~(3) reasonable grounds exist for such administrative search and inspection~~.

(2~~c~~) *Application for Warrants*. Each ~~A~~application for an administrative search warrant, which may include depositions or affidavits of other persons containing allegations of fact supporting or tending to support those contained in the application, ~~shall~~must be in writing and sworn to by the applicant~~upon oath to a judge. It shall~~. The application must include:

(A) the name and title of the applicant; ~~and~~

(B) a statement of the facts demonstrating the prior inability of the applicant or other authorized official to enter ~~said~~the property or premises for purposes of administrative inspection;

(C) allegations of fact supporting such statements; and

(D) a request that a warrant be issued authorizing an inspection of ~~said~~the property or premises. ~~Depositions, affidavits, or other proof to support the allegations contained in the application shall be submitted. Such proof shall be on personal knowledge or in the absence thereof, shall demonstrate the reliability of the allegations and information. Applications for warrants shall be filed with the clerk and maintained in the Civil Miscellaneous Docket.~~

(e~~d~~) ~~Issuance and Contents~~CONTENTS OF THE WARRANT. ~~Upon application by a law enforcement officer, prosecutor, or person authorized to enforce laws or regulations relating to health, safety, or welfare, a judge may issue a warrant if the judge is satisfied that ground for its issuance exists or that there is probable cause to believe that it exists~~. An administrative search warrant ~~shall~~must contain:

(1) the name of the issuing court, the name and signature of the issuing judge, and the date of issuance;

(2) the names and affiliations or classifications of the persons to whom the warrant is addressed, at least one of whom ~~shall~~must be a member of the Metropolitan Police Department;

(3) a description of the premises, property, or objects to be inspected or searched, and, where authorized by law, the property or objects to be seized~~, if any~~, sufficient for certainty of identification;

(4) the hours during which the warrant may be executed; and

(5) a provision that the warrant be returned to the court on the next court day after its execution.

(f~~e~~) ~~Execution; Return~~EXECUTING AND RETURNING THE WARRANT.

(1) *Time of Execution.* An administrative search warrant ~~shall~~must not be executed more than 10 days after the date of issuance. ~~A~~The warrant may be executed on any day of the week except Sunday. The warrant must be executed during the hours of daylight unless, for good cause shown, the ~~C~~court specifies other hours.

(2) *Place of Execution.* An administrative search warrant may be executed anywhere within the District of Columbia.

(3) *Manner of Execution.* A person executing an administrative search warrant authorizing an ~~administrative~~ inspection ~~and~~or search of a dwelling, house, other building, or vehicle may break and enter any of these premises. ~~Such~~Before breaking and entering~~ry~~, ~~shall not be made until after such~~the person executing the warrant must:

(A) ~~makes an~~ announce~~ment of~~ the person's identity and purpose~~s~~; and ~~the person~~

(B) reasonably believe~~s~~ that admittance to the dwelling, house, other buildings, or vehicle is being denied or unreasonably delayed.

(4) *Noting the Time*. An officer executing an administrative search warrant must enter on its face the exact date and time it is executed.

(5~~4~~) *Inventory ~~and Return~~.* A person executing an administrative search warrant ~~shall~~must write and subscribe an inventory ~~return,~~ setting forth ~~the time of its execution and~~ any property seized ~~concomitant with its execution~~under it. ~~The return shall include the names and capacities of all persons participating in the inspection(s), the nature and scope of the inspection made by each, and the office or administrator from whom reports of the inspection(s) may be obtained.~~

(6) *Receipt*. A person executing an administrative search warrant must:

(A) give a copy of the warrant and the inventory ~~return shall be given~~ to the owner of the property or premises~~;~~, or

(B) ~~if present, or~~ if the owner is not present, leave a copy of the warrant and the inventory with~~to~~ an occupant, custodian, or other person present~~;~~, or if no person is present, ~~the person executing the warrant shall post a copy of the warrant and return on~~at the place, vehicle, or object inspected or searched.

(7) *Return*. A person executing an administrative search warrant must return a copy of the warrant—together with a copy of the inventory—to the court on the next court day after its execution. The person may do so by reliable electronic means. The return must include:

(A) the names and capacities of all persons participating in the inspection or search;

(B) the nature and scope of the inspection or search made by each person; and

(C) the office or administrator from whom reports of the inspection or search may be obtained.

~~(f) Filing of Papers: Disposition of Seized Property. A copy of the warrant shall be filed with the court on the next court day after its execution, together with a copy of the return. The warrant and return shall be maintained in the Civil Miscellaneous Docket.~~

(8) *Disposition of Seized Property*. Property seized ~~concomitant with~~in the execution of the warrant ~~shall~~must be kept as provided by law governing the person who made ~~said~~the seizure.

~~(g) Scope and Definition. This rule in no way limits the right of any person executing such warrant to seize property which the person may otherwise have a right to seize. As used in this rule, the term property includes documents, books, papers and any other tangible objects. Nothing in this rule is intended to limit the authority of a duly authorized official to enter and inspect premises in emergency situations without warrant.~~

COMMENT TO 2020 AMENDMENTS

This rule was amended and reorganized consistent with the stylistic changes to the federal civil rules and to Criminal Rule 41, which addresses search warrants in the criminal context.

COMMENT

See *Camara v. Municipal Court*, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967); *See v. Seattle*, 387 U.S. 541, 87 S.Ct. 1737, 18 L.Ed.2d 943 (1967) and D. C. Code § 11-941 (1973 Ed.).

**Rule 205. Change of Name or Gender Designation**

(a) ~~Application~~IN GENERAL. ~~Pursuant to D.C.Code 1973,~~In accordance with D.C. Code §§ 16-2501 to -2503 (2012 Repl. & 2019 Supp.), any person 18 years old or older~~,~~ ~~being~~ who is a resident of the District of Columbia and ~~desiring~~seeks ~~a change of name~~a declaration or order reflecting a change of name or gender designation, may file an application ~~in the Superior~~with the ~~C~~court ~~of the District of Columbia seeking such relief~~. ~~The application may include the applicant's spouse, if the spouse consents, the minor children of the applicant, and the minor children of the spouse, if the spouse consents. If the applicant is an infant, the application shall be filed by the infant's parent, guardian or next friend.~~

(b) APPLICATION FOR NAME CHANGE.

(1) *Content*. An application for name change ~~shall~~must be ~~verified~~signed under oath and ~~shall~~must include:

(A~~1~~). ~~.~~ the applicant's present name, social security number, and date of birth;

(B~~2~~). ~~.~~ the name desired to be assumed;

(C~~3~~). ~~.~~ the reasons for the name change ~~of name~~;

(D~~4~~). ~~.~~ the applicant's present residence and permanent domicile;

(E~~5~~). ~~.~~ the applicant's place of birth;

(F~~6~~). ~~.~~ the full names of applicant's parents;

(G~~7~~). ~~.~~ whether the applicant's name has been previously changed and, if so, the dates, places, and reasons ~~there~~for the previous name change;

(H~~8~~). ~~.~~ whether the applicant has ever been known by or used any other name not stated in this application, and, if so, what name and the dates, places, and reasons ~~there~~for being known by or using the other name;

(I~~9~~). ~~.~~ the applicant's occupation;

(J~~10~~). ~~.~~ whether the applicant has been the subject of a bankruptcy, receivership, or insolvency proceeding;

(K~~11~~). ~~.~~ whether the applicant has been convicted of a felony;

(L~~12~~). ~~.~~ whether any unsatisfied judgment or decree has been entered against applicant;

(M~~13~~). ~~.~~ the names and addresses of any creditors to whom the applicant is presently indebted;

(N~~14~~). ~~.~~ a certification by the applicant ~~(i)~~ that:

(i) the application has not been filed for any fraudulent or undisclosed purpose~~,~~ or status, past or present;~~,~~ and

(ii) ~~that the~~ granting ~~of~~ the application will not infringe ~~up~~on the rights of others relating to any partnership, corporation, patent, trademark, copyright, goodwill, privacy, or otherwise.

(2~~b~~) ~~Presentation of Application and~~ *Preliminary* ~~*Hearing*~~*Review*. At the time the application for name change is~~of~~ fil~~ed~~ing of an application for change of name, the ~~C~~court ~~shall~~must ~~(i) require the applicant to~~review the application to determine whether the applicant ma~~k~~de a prima facie showing of the applicant~~'~~s right to relief. If the applicant makes a prima facie showing, the court must:

(A~~i~~) set a date for the final hearing;~~,~~ and

(B~~ii~~) ~~inquire~~determine who, if anyone, is entitled to notice of the application and of the final hearing.

(3) *Notice of Final Hearing*.

(A) *In General*. The applicant must personally serve or send, by registered or certified mail, a ~~N~~notice of ~~said~~the final hearing~~, together with~~ and a copy of the application ~~shall within 10 days thereafter be served personally upon~~to the persons designated by the ~~C~~court ~~or shall be sent by the applicant or the applicant's attorney, by registered or certified mail to said persons~~.

(B) *Proof of Service by Mailing*. Proof of ~~said~~ service ~~of~~by mailing ~~shall~~must be shown by an affidavit ~~which shall set forth~~stating the names and addresses of each person to whom notice was given~~,~~ and the date of ~~said~~ mailing. ~~Said~~The affidavit ~~shall~~must be supported by proof of delivery by registered or certified mail~~the certified letter receipt~~.

~~(c) Publication. In addition to the notice prescribed pursuant to section (b) of this Rule, notice of the filing of the application, the substance and prayer thereof and the date of final hearing shall be published once a week for 3 consecutive weeks in a newspaper in general circulation in the District of Columbia. Publication shall be proved by affidavit of an officer or agent of the publisher stating the dates of publication with an attached copy of the notice as published.~~

(4~~d~~) *Final Hearing*. The court must hold ~~A~~a final hearing ~~shall be held on a date set by the Court~~on the application. Upon proof of notice as required in ~~sections~~Rule 205~~(b) and~~ (b~~c~~)(3)~~,~~ and after ~~making inquiry as to whether~~determining that all persons who appear to have an interest in the application have received proper notice, the ~~C~~court may enter an order changing the name of the applicant. If the applicant has been convicted of a felony, the ~~C~~court ~~shall~~must provide notice to appropriate law enforcement officials.

(c) APPLICATION FOR CHANGE OF GENDER DESIGNATION. The court must grant an order or declaration reflecting a change of gender designation if an applicant presents a statement from the applicant's healthcare provider as described in D.C. Code § 7-231.22 (2019 Supp.).

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. Former section (c) addressing publication was deleted to reflect elimination of that statutory requirement. *See* JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, D.C. Law 20-37, § 3(b), 60 D.C. Reg. 12145 (August 23, 2013). Also, the rule was updated to include applications for an order or declaration reflecting a change of gender designation under D.C. Code § 16-2503 (2019 Supp.).

**Rule 101. Appearance and Withdrawal of Attorneys**

(a) IN GENERAL. Except as provided by District of Columbia Court of Appeals Rules 48 and 49, only an active member of the District of Columbia Bar may appear in this court in a representative capacity for any purpose other than securing a continuance. This rule does not prevent a natural person from prosecuting or defending any action on the person's own behalf without counsel.

(b) ENTRY OF APPEARANCE.

(1) *In General*. An attorney may enter an appearance on behalf of a party by:

(A) including the attorney's name on the first pleading or paper filed on behalf of the party; or

(B) filing a notice entering the attorney's appearance and listing the attorney's address, e-mail address, telephone number, and D.C. Bar number.

(2) *Nonacceptance*. The clerk will not accept any paper signed by an attorney for filing unless the attorney is eligible to appear and has entered the attorney's appearance.

(c) WITHDRAWAL OF APPEARANCE.

(1) *Without Court Order*. An attorney may withdraw the attorney's appearance in a civil action by filing a notice of withdrawal signed by the attorney and the attorney's client if:

(A) a trial date has not been set; and

(B) another attorney enters or has entered an appearance on behalf of the client at that time.

(2) *Motion Required*.

(A) *In General*. An attorney may withdraw the attorney's appearance only by order of the court on motion by the attorney if:

(i) a trial date has been set;

(ii) the client's written consent is not obtained; or

(iii) the client is not represented by another attorney.

(B) *Notice to Client*. Unless the client is represented by another attorney or the motion is made in open court in the client's presence, the moving attorney must serve the client with a copy of the motion and a notice advising the client that:

(i) if the client objects to the attorney's withdrawal, the client must file an objection to the attorney's motion within 14 days after the motion is served; and

(ii) if the court grants the attorney's motion to withdraw, the client must obtain other counsel or proceed without an attorney.

(C) *Certificate*. The attorney must file, together with the motion, a certificate that includes:

(i) the client's last known address; and

(ii) a statement that the attorney has served the client with a copy of the motion and the notice to the client required by Rule 101(c)(2)(B).

(3) *Order*. Unless leave to withdraw has been granted in open court in the presence of the client, the court or clerk must send to the client by first class mail, postage prepaid, a copy of any order granting leave to withdraw.

(4) *Grounds for Denial*. The court may deny an attorney's motion for leave to withdraw if the withdrawal would:

(A) unduly delay trial of the case;

(B) be unduly prejudicial to any party; or

(C) otherwise not be in the interests of justice.

(d) APPEARANCE BY PRO BONO ATTORNEY. A person practicing under District of Columbia Court of Appeals Rule 49(c)(9) must file a completed District of Columbia Court of Appeals Form 9 with the person's entry of appearance or first pleading or other paper.
(e) LAW STUDENTS. A law student admitted to the limited practice of law under District of Columbia Court of Appeals Rule 48 may engage in the limited practice of law in accordance with that rule.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. In order to maintain consistency with the relevant appellate rules, the law student practice provisions and the provisions addressing the practice of law by attorneys not barred in D.C. have been replaced by references to District of Columbia Court of Appeals Rules 48 and 49. Subsection (c)(2), which addresses an attorney's withdrawal by motion, has been amended to clarify the contents of the motion and the notice to the client.

This rule does not apply to limited appearances entered in accordance with an administrative order of the Chief Judge.

**Rule 102. [Deleted].**

COMMENT TO 2020 AMENDMENTS

This rule was deleted as unnecessary. Rule 2.15(B) of the Code of Judicial Conduct for the District of Columbia Courts addresses the obligations of judges to take action concerning professional misconduct by lawyers. District of Columbia Rule of Professional Conduct 8.3 addresses the obligations of lawyers to report professional misconduct. The court may impose sanctions against attorneys as described in the civil rules. Additionally, disciplinary proceedings against members of the D.C. Bar are governed by the District of Columbia Bar Rule XI.

**Rule 103. [Deleted].**

COMMENT TO 2020 AMENDMENTS

This rule has been deleted because practice of law by court employees should be and is addressed by the D.C. Courts' Comprehensive Personnel Policies.

**Rule 201. Recording of Court Proceedings; Release of Transcripts; Restrictions on Use of Electronic Recording Devices, Photography, and Broadcasting**

(a) ALL PROCEEDINGS RECORDED. All proceedings must be recorded by a court reporter or by a suitable recording device. Contents of official tapes that are made as a part of the record in a case will be treated in the same manner as official stenographic notes.

(b) ORDERING TRANSCRIPTS.

(1) *In General*. Any person who has made suitable arrangements to pay the appropriate fee may obtain a transcript of all or any part of any recorded proceedings in open court.

(2) *Jury Trials*.

(A) *Party or Judge*. In a case tried to a jury, any party to the proceedings who has made suitable arrangements to pay the fee specified, any judge of the District of Columbia Court of Appeals, or any judge of this court may obtain a transcript of any part of the recorded proceedings, whether or not held in open court.

(B) *Non-Party*. In a case tried to a jury, prior to rendition of a verdict or discharge of the jury, a person other than one described in Rule 201(b)(2)(A) must apply to the judge presiding over the trial for permission to obtain a transcript of any part of the recorded proceedings not held in open court. If the judge grants the application, the judge may impose terms and conditions for doing so. After rendition of a verdict or discharge of the jury, any person may obtain a transcript of any part of the recorded proceedings, whether or not held in open court.

(3) *Proceedings in Open Court*. As used in this rule, “proceedings in open court” means:

(A) all recorded judicial proceedings in a non-jury case; or

(B) in a case tried by a jury, all recorded judicial proceedings except pretrial hearings on the admissibility of evidence, discussions in chambers, bench conferences, or other recorded proceedings in which the jury does not participate.

(c) CERTIFICATION. Each transcript obtained in accordance with this rule must include a certification by the court reporter.

(d) TRANSCRIPT ON APPEAL.

(1) *In General*. Upon the completion of any transcript in a matter on appeal, the reporter or transcriber must notify the trial court and counsel that the transcript has been completed. The notice must inform counsel that any objection to the transcript must be filed with the trial court within 7 days after notice is given.

(2) *Service and Notice of Objection*. A party’s objection to the transcript must be served on the opposing party in accordance with Rule 5. The court on its own initiative may raise an objection to a transcript, but the court must give the parties notice and an opportunity to make appropriate representations before the objection is resolved.

(3) *Expedited Resolution*. The trial court must resolve an objection on an expedited basis.

(e) SECURITY OF ORIGINAL TRANSCRIPT. In any case in which a transcript is ordered by any person, the reporter or transcriber must deliver to the person a paper or electronic copy of any transcript prepared. The original transcript bearing the required certificate, must be filed by the reporter or transcriber with the clerk and may not be changed in any respect except pursuant to rule or court order.

(f) PRIVATE REPORTERS. Except as provided in Rule 201(g), only a court reporter who is a court employee, or who is under contract to the court to provide reporting services, is permitted to record proceedings held before a judge or magistrate judge.
(g) RESTRICTION ON THE USE OF ELECTRONIC RECORDING DEVICES, PHOTOGRAPHY, AND BROADCASTING. No electronic audio or video recording equipment, other than that in the custody and control of official court reporters or court personnel in the performance of their official duties, may be used to record proceedings held before a judge or magistrate judge. No photographs, broadcasts, or recording is permitted inside the courthouse in connection with any civil proceeding, whether or not the court is in session.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. Provisions from former Rule 203 were incorporated into this rule. Based on the amendment to section (a), former section (g), regarding electronic recording devices, was deleted as unnecessary.

COMMENT

Section (b)(2) requires that during trial persons other than parties apply to the court for transcripts of those portions of jury trials not held in open court. In this connection, see A.B.A. Standards on Fair Trial-Free Press § 3.1 and § 3.5.

For administrative rules concerning transcripts see Court Reporter Rules, District of Columbia Courts.

**Rule 202. Fees**

(a) COURT FEES. Court fees are as indicated below for actions in the Civil Division (CA) and for actions in the Small Claims and Conciliation Branch and the Landlord and Tenant Branch (SC & LT).

| | CA | SC & LT |
|---|---|---|
| (1) INITIAL FILING FEES | | |
| Filing a new civil action | $120 | $.. |
| Filing a new landlord-tenant action | .. | 15 |
| Filing a new housing code enforcement action (CA Form 116) | 15 | .. |
| Filing a new small claims action | .. | |
| For Claims for Damages for $500 or Less | .. | 5 |
| For Claims over $500 and up to $2500 | .. | 10 |
| For Claims in excess of $2500 | .. | 45 |
| Filing intervening petition | 120 | 25 |
| Filing arbitration agreement and entering award | 120 | 25 |
| Filing jury demand | .. | 75 |
| Filing change of name case | 60 | .. |
| Filing petition to change birth certificate | 60 | .. |
| Filing petition to release mechanics' lien | 60 | .. |
| Filing petition to enter administrative order as judgment | 60 | .. |
| Filing for enforcement of foreign judgment | 60 | .. |
| Filing petition to perpetuate testimony (Rule 27) | 60 | .. |
| Filing a petition for review under Agency Rule 1 | 60 | .. |
| Filing an appeal from the Traffic Adjudication Appeals Board | 30 | .. |
| Filing counterclaim, crossclaim, or third-party claim | 20 | 10 |
| Filing petition to serve subpoena (Rule 28-I) | 10 | .. |
| | | |
| (2) MISCELLANEOUS FEES | | |
| For issuing each alias summons or alias writ | 10 | 5 |
| For attachment before judgment (including issuing writ) | 20 | 10 |
| For filing motion (except motion under Rule 41-I) | 20 | 10 |
| For motion to reinstate after dismissal under Rule 41-I | 35 | 25 |
| For services of a judge as arbitrator | 120/hr | .. |
| For appointment of special process server | 5 | 5 |
| For each photocopy supplied by clerk, per page | .50 | .50 |
| For certified copy or true seal copy | 5 | 5 |
| For search of record, for each name searched | 10 | 10 |

| | | |
|---|---|---|
| (3) POST JUDGMENT FEES | | |
| For issuing attachment on judgment | 20 | 10 |
| For issuing writ of fieri facias or writ of execution | 20 | 10 |
| For issuing writ of replevin | 20 | .. |
| For writ of restitution | 20 | 10 |
| For oral examination of debtor | 20 | 10 |
| For issuing transcript of record | 10 | 5 |
| For making and comparing a transcript of record on appeal, per page | 1 | 1 |
| For issuing triple seal | 20 | 10 |
| For filing notice of appeal | 100 | 100 |

(b) MARSHALS' FEES. The fees for service by the United States Marshals for process issued by the Superior Court are the same as those for process issued by the United States District Court for the District of Columbia.

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. The United States Marshals Service's fees are listed in 28 C.F.R. § 0.114.

COMMENT

Attention is called to the provisions of D. C. Code 1981, § 15-713 which prohibit in any class of case return of a jury fee if demand for jury trial is withdrawn less than 3 days before the trial date.

**Rule 203. [Deleted].**

COMMENT TO 2020 AMENDMENTS

Former section (b) addressing photography and broadcasts has been moved to Rule 201(g). The other provisions in this rule have been deleted because 1) section (a) concerning statements by courthouse personnel about pending cases should be and is addressed in the D.C. Courts' Comprehensive Personnel Policies; 2) section (c) concerning public statements by attorneys is addressed in Rule of Professional Conduct 3.6; and 3) section (d) was unnecessary because courts have inherent authority to address matters of trial and courtroom management on a case-by-case basis.

**Rule 204. Administrative Searches and Inspections**

(a) SCOPE AND DEFINITION. This rule does not modify any statute regulating search or seizure. The term "property" as used in this rule includes documents, books, papers, and any other tangible objects. Nothing in this rule is intended to limit the authority of a duly authorized official to enter and inspect premises in emergency situations without warrant.

(b) AUTHORITY TO ISSUE A WARRANT. An administrative search warrant authorized by this rule may be issued by a judge.

(c) PROPERTY SUBJECT TO INSPECTION AND SEARCH. A warrant may be issued authorizing the administrative inspection or search of any property or premises, private, commercial, or public.

(d) OBTAINING A WARRANT.

(1) *Probable Cause*. Upon application of a law enforcement officer, attorney for the government, or person authorized to enforce laws or regulations relating to health, safety, or welfare, a judge may issue an administrative search warrant if there is probable cause to inspect or search the property or premises.

(2) *Application for Warrants*. Each application for an administrative search warrant, which may include depositions or affidavits of other persons containing allegations of fact supporting or tending to support those contained in the application, must be in writing and sworn to by the applicant. The application must include:

(A) the name and title of the applicant;

(B) a statement of the facts demonstrating the prior inability of the applicant or other authorized official to enter the property or premises for purposes of administrative inspection;

(C) allegations of fact supporting such statements; and

(D) a request that a warrant be issued authorizing an inspection of the property or premises.

(e) CONTENTS OF THE WARRANT. An administrative search warrant must contain:

(1) the name of the issuing court, the name and signature of the issuing judge, and the date of issuance;

(2) the names and affiliations or classifications of the persons to whom the warrant is addressed, at least one of whom must be a member of the Metropolitan Police Department;

(3) a description of the premises, property, or objects to be inspected or searched, and, where authorized by law, the property or objects to be seized, sufficient for certainty of identification;

(4) the hours during which the warrant may be executed; and

(5) a provision that the warrant be returned to the court on the next court day after its execution.

(f) EXECUTING AND RETURNING THE WARRANT.

(1) *Time of Execution.* An administrative search warrant must not be executed more than 10 days after the date of issuance. The warrant may be executed on any day of the week except Sunday. The warrant must be executed during the hours of daylight unless, for good cause shown, the court specifies other hours.

(2) *Place of Execution.* An administrative search warrant may be executed anywhere within the District of Columbia.

(3) *Manner of Execution.* A person executing an administrative search warrant authorizing an inspection or search of a dwelling, house, other building, or vehicle may break and enter any of these premises. Before breaking and entering, the person executing the warrant must:

(A) announce the person's identity and purpose; and

(B) reasonably believe that admittance to the dwelling, house, other buildings, or vehicle is being denied or unreasonably delayed.

(4) *Noting the Time*. An officer executing an administrative search warrant must enter on its face the exact date and time it is executed.

(5) *Inventory.* A person executing an administrative search warrant must write and subscribe an inventory setting forth any property seized under it.

(6) *Receipt*. A person executing an administrative search warrant must:

(A) give a copy of the warrant and the inventory to the owner of the property or premises; or

(B) if the owner is not present, leave a copy of the warrant and the inventory with an occupant, custodian, or other person present, or if no person is present, at the place, vehicle, or object inspected or searched.

(7) *Return*. A person executing an administrative search warrant must return a copy of the warrant—together with a copy of the inventory—to the court on the next court day after its execution. The person may do so by reliable electronic means. The return must include:

(A) the names and capacities of all persons participating in the inspection or search;

(B) the nature and scope of the inspection or search made by each person; and

(C) the office or administrator from whom reports of the inspection or search may be obtained.

(8) *Disposition of Seized Property*. Property seized in the execution of the warrant must be kept as provided by law governing the person who made the seizure.

COMMENT TO 2020 AMENDMENTS

This rule was amended and reorganized consistent with the stylistic changes to the federal civil rules and to Criminal Rule 41, which addresses search warrants in the criminal context.

COMMENT

See *Camara v. Municipal Court*, 387 U.S. 523, 87 S.Ct. 1727, 18 L.Ed.2d 930 (1967); *See v. Seattle*, 387 U.S. 541, 87 S.Ct. 1737, 18 L.Ed.2d 943 (1967) and D. C. Code § 11-941 (1973 Ed.).

**Rule 205. Change of Name or Gender Designation**

(a) IN GENERAL. In accordance with D.C. Code §§ 16-2501 to -2503 (2012 Repl. & 2019 Supp.), any person 18 years old or older who is a resident of the District of Columbia and seeks a declaration or order reflecting a change of name or gender designation, may file an application with the court.

(b) APPLICATION FOR NAME CHANGE.

(1) *Content*. An application for name change must be signed under oath and must include:

(A) the applicant's present name, social security number, and date of birth;

(B) the name desired to be assumed;

(C) the reasons for the name change;

(D) the applicant's present residence and permanent domicile;

(E) the applicant's place of birth;

(F) the full names of applicant's parents;

(G) whether the applicant's name has been previously changed and, if so, the dates, places, and reasons for the previous name change;

(H) whether the applicant has ever been known by or used any other name not stated in this application, and, if so, what name and the dates, places, and reasons for being known by or using the other name;

(I) the applicant's occupation;

(J) whether the applicant has been the subject of a bankruptcy, receivership, or insolvency proceeding;

(K) whether the applicant has been convicted of a felony;

(L) whether any unsatisfied judgment or decree has been entered against applicant;

(M) the names and addresses of any creditors to whom the applicant is presently indebted;

(N) a certification by the applicant that:

(i) the application has not been filed for any fraudulent or undisclosed purpose or status, past or present; and

(ii) granting the application will not infringe on the rights of others relating to any partnership, corporation, patent, trademark, copyright, goodwill, privacy, or otherwise.

(2) *Preliminary Review*. At the time the application for name change is filed, the court must review the application to determine whether the applicant made a prima facie showing of the applicant’s right to relief. If the applicant makes a prima facie showing, the court must:

(A) set a date for the final hearing; and

(B) determine who, if anyone, is entitled to notice of the application and of the final hearing.

(3) *Notice of Final Hearing*.

(A) *In General*. The applicant must personally serve or send, by registered or certified mail, a notice of the final hearing and a copy of the application to the persons designated by the court.

(B) *Proof of Service by Mailing*. Proof of service by mailing must be shown by an affidavit stating the names and addresses of each person to whom notice was given and the date of mailing. The affidavit must be supported by proof of delivery by registered or certified mail.

(4) *Final Hearing*. The court must hold a final hearing on the application. Upon proof of notice as required in Rule 205(b)(3) and after determining that all persons who appear to have an interest in the application have received proper notice, the court may enter an order changing the name of the applicant. If the applicant has been convicted of a felony, the court must provide notice to appropriate law enforcement officials.
(c) APPLICATION FOR CHANGE OF GENDER DESIGNATION. The court must grant an order or declaration reflecting a change of gender designation if an applicant presents a statement from the applicant's healthcare provider as described in D.C. Code § 7-231.22 (2019 Supp.).

COMMENT TO 2020 AMENDMENTS

This rule was amended consistent with the stylistic changes to the federal civil rules. Former section (c) addressing publication was deleted to reflect elimination of that statutory requirement. *See* JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013, D.C. Law 20-37, § 3(b), 60 D.C. Reg. 12145 (August 23, 2013). Also, the rule was updated to include applications for an order or declaration reflecting a change of gender designation under D.C. Code § 16-2503 (2019 Supp.).

* * *

By the Court:

Date: 2/20/20

Robert E. Morin
Chief Judge

Copies to:

All Judges
All Magistrate Judges
All Senior Judges
Pamela Hunter, Acting Director, Civil Division
Library
Daily Washington Law Reporter
Laura Wait, Associate General Counsel