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June 1, 1994

Hon. William H. Ng
Clerk
District of Columbia Court of Appeals
500 Indiana Avenue, N.W.
Sixth Floor
Washington, D.C. 20001

Re: Proposed Amendment to Rule 46 - No. M-189-94

Dear Mr. Ng:

The District of Columbia Bar's Section on Courts, Lawyers and the Administration of Justice, including the Section's Court Rules Committee, submits these comments concerning the proposed amendment to Rule 46 of the Rules of the District of Columbia Court of Appeals. The proposed amendment would permit members of another bar in good standing for five years to be admitted to the bar of this Court, regardless of whether they have been active members of the other bar.

Among the District of Columbia Bar's sections is the Section on Courts, Lawyers and the Administration of Justice. The Section's Committee on Court Rules serves as a clearinghouse for comments on proposed changes to court rules. The views expressed in this letter represent only those of the Courts, Lawyers and the Administration of Justice Section of the District of Columbia Bar and not those of the Bar or its Board of Governors.

The Section opposes this change for the reasons stated in the letter dated January 14, 1994, to Chief Judge Rogers from Catherine B. Kelly, Chairman of the Committee on Admissions. The present requirement of active membership in another bar helps to ensure that an applicant seeking admission on the basis of experience in another jurisdiction has actually been practicing law and has the current competence and fitness expected of the member of a bar of this Court. Deletion of the "active" membership requirement would create a dangerous possibility that individuals with no recent experience practicing in any jurisdiction could become members of this Court's bar. The Section is aware of no sufficient reason for changing the current requirement.

Respectfully submitted,

Cochair, Section on Courts,
Lawyers and the Administration
of Justice

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