

1226 North Carolina Ave NE
Washington, D.C. 20002
Edward Griffin
202.361.5246

February 25, 2018

Board of Zoning Adjustment
Government of the District of Columbia

VIA EFILE

MOTION TO STRIKE APPEARANCE OF UNLICENSED "ATTORNEY" MS.
DENISE PATTON PITTS

Re: Enclosure of deck area on existing 3 story Family Dwelling
Location: 1226 North Carolina Ave NE
Square: 1012 Lot: 0122
Zone: RF-1
DCRA Building Permit: B1612441
DCRA ZA Case: FY-17-39-Z
BZA App. No. 19593

Dear Board of Zoning Adjustment,

I am writing to inform you that Ms. Denise Patton Pitts is not an attorney licensed to practice in the District of Columbia, and I request that her appearance be struck in this matter, and that she be admonished not to attempt to practice law in the District of Columbia without a license. As the attached email from the D.C. Bar confirms, Ms. Pitts is not licensed to practice law in the District of Columbia. Exhibit 1.

The law of the District of Columbia requires that an attorney be licensed to practice in the District of Columbia. DC Court of Appeals Rule 49. Rule 49(a) states that "No person shall engage in the practice of law in the District of Columbia or in any manner hold out as authorized or competent to practice law in the District of Columbia

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EXHIBIT NO.72

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unless enrolled as an active member of the District of Columbia Bar, except as otherwise permitted by these Rules.”

Rule 49(b)(2) defines practice of law, which:

“means the provision of professional legal advice or services where there is a client relationship of trust or reliance. One is presumed to be practicing law when engaging in any of the following conduct on behalf of another:

(A) Preparing any legal document, including any deeds, mortgages, assignments, discharges, leases, trust instruments or any other instruments intended to affect interests in real or personal property, will, codicils, instruments intended to affect the disposition of property of decedents’ estates, other instruments intended to affect or secure legal rights, and contracts except routine agreements incidental to a regular course of business;

(B) Preparing or expressing legal opinions;

(C) **Appearing or acting as an attorney in any tribunal; . . .**”

Emphasis added.

This Board is a tribunal as defined in Rule 49(b)(2)(C). By appearing before this Board as an alleged attorney, Ms. Pitts is engaging in the unauthorized practice of law in violation of the law. Indeed, I have confirmed with Mr. Charles Davant, IV, Esq., Chair, Committee on Unauthorized Practice of Law, D.C. Court of Appeals that the Board of Zoning Adjustment of the District of Columbia constitutes a "tribunal" within the context of Rule 49(b)(2)(C).

Why should this Board prohibit unlicensed attorney’s from appearing before the Board as alleged attorneys?

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First, it is the rule of law. The rules for practicing law in the District of Columbia are prescribed by the judiciary—the D.C. Court of Appeals. This Tribunal should not allow participants to break the law or facilitate the breaking of the law.

Second, the purpose of the Rule is sound. The Court’s Rule 49 commentary describes the purpose of the Rule as:

- (1) To protect members of the public from persons who are not qualified by competence or fitness to provide professional legal advice or services;
- (2) To ensure that any person who purports or holds out to perform the services of a lawyer is subject to the disciplinary system of the District of Columbia Bar;
- (3) To maintain the efficacy and integrity of the administration of justice and the system of regulation of practicing lawyers; and
- (4) To ensure that that that system and other activities of the Bar are appropriately supported financially by those exercising the privilege of membership in the District of Columbia Bar.

Moreover, an attorney is not a mere “representative”, is a licensed and regulated professional and must be a member of the bar to practice in the District. Certainly, this Board has a liberal practice of allowing party’s to be represented by “representatives.” An attorney, however, is not merely a “representative.” An attorney is a licensed professional and is responsible for knowing and abiding by the law. Perhaps most importantly, a licensed attorney is subject to the disciplinary system of the District of Columbia Bar and maintaining the ethical standards required such as the duty of truth and candor to a tribunal, and can be disciplined for conduct such as fraud, false representations or harassment.

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Indeed, there is a certain presumption that a filing or representation made by a licensed attorney is compliant with the rules or at least non-frivolous. There is no such presumption with a person who falsely holds herself out as an attorney when she is not one. In fact, the opposite is true, since we must assume that if someone is going to make false representations about their qualifications to this Board, then they are likely to make other false representations as has happened in this case. Indeed, Ms. Pitts, as an unlicensed and unregulated "attorney," has now filed repeated frivolous, inaccurate and sanctionable motions in this matter.

This Board should make clear that it will not allow unlicensed attorneys to appear before it in violation of the law of the District of Columbia. Ms. Pitts is not licensed to practice law in the District of Columbia, and therefore her appearance in this matter must be struck and she should be admonished not to attempt to appear before the Board until, and if, she is properly licensed.

Sincerely,

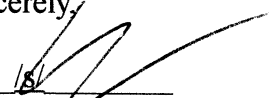
/s/ 

Edward Griffin

Certificate of Service

I hereby certify under penalty of perjury that I served a copy this statement on Ms. Charlene Patton, through her attorney, Denise Pitts, Law Offices of Robert Weed, 300 Garrisonville Road, Suite 201, Stafford, VA 22554, via US mail.

Sincerely,

/s/ 

Edward Griffin