


Government of the District of Columbia  
Office of the Chief Financial Officer



**Fitzroy Lee**  
Acting Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Fitzroy Lee  
Acting Chief Financial Officer 

**DATE:** March 29, 2022

**SUBJECT:** Fiscal Impact Statement – Pro Bono Legal Representation Expansion  
Amendment Act of 2022

**REFERENCE:** Bill 24-298, Committee Print as provided to the Office of Revenue  
Analysis on March 3, 2022

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**Conclusion**

Funds are sufficient in the fiscal year 2022 budget and proposed fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill.

**Background**

The bill allows<sup>1</sup> employees to provide pro bono legal representation before any District of Columbia court, District of Columbia agency, federal court, or federal agency if:

- The matter does not involve a claim against the District of Columbia;
- The District of Columbia or, in a criminal proceeding, the United States, is not a party;
- The District of Columbia does not have a direct or substantial interest in the matter;
- The employee has not participated personally and substantially in the matter as an employee;
- The representation is expressly authorized by the employee's personnel authority;
- The representation does not violate federal or District law or any applicable rules of professional conduct; and

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<sup>1</sup> By amending The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1161.01 et seq.).

- The employee is acting in the employee's personal capacity, not receiving compensation for the legal representation, and is providing legal representation in affiliation with a covered organization.<sup>2</sup>

Employees may provide legal representation with or without compensation to the employee's parent, spouse, domestic partner, or child, or for any estate for which the employee serves as a guardian, executor, administrator, trustee, or other personal fiduciary. An employee may also provide legal representation without compensation to another District employee who is the subject of a personnel action. Each District personnel authority must establish procedures by which employees may request approval to participate in pro bono legal representation.

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2022 budget and proposed fiscal year 2023 through fiscal year 2026 budget and financial plan to implement the bill. District personnel authorities can implement procedures for employees to request approval for participation in pro bono legal representation without additional resources.

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<sup>2</sup> Covered organizations include non-profit organizations located in the District that provide legal services to individuals with limited means at no charge or for a nominal fee and other non-profit organizations that serve individuals with limited means or small businesses located in the District of Columbia. Covered organizations also include law schools located in the District conducting experiential clinical courses in which students provide legal services to individuals with limited means.