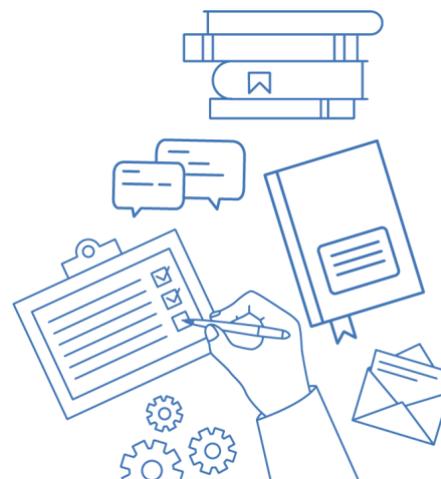


# Representative Conduct

Representatives of parties in CCB proceedings are expected to meet certain basic standards of conduct. If they conduct themselves in bad faith, the CCB may impose financial penalties or even ban them from representing parties in CCB proceedings.



## Chapter at a Glance

- **Standards of Conduct**
- **Bad-Faith Conduct**
- **CCB Bans for a Pattern of Bad-Faith Conduct**
- **Limits on Proceedings for Lawyers**

## Why You Need This Information

This chapter discusses the standards of conduct expected from representatives in a CCB proceeding as well as what happens if they fail to meet those standards.

## Quick Summary of Representative Conduct

- Representatives of parties in CCB proceedings are generally held to the same standards of conduct as parties and face similar penalties for failing to meet those standards.
- There are a few additional requirements that representatives in CCB proceedings are expected to meet.
- Regardless of conduct, attorneys have a strict limit on the number of new proceedings they can file. In any twelve-month period (not just calendar year), an individual lawyer can only file forty proceedings on behalf of claimants, and a law firm can only file eighty proceedings on behalf of claimants.

## HOW DID YOU GET HERE?

You're representing a party in a CCB proceeding, and you want to understand the expectations for representative conduct in CCB proceedings.

## WHAT IS A REPRESENTATIVE?

A representative is someone who officially acts for a party in a CCB proceeding. They can be a lawyer, a law student, or an authorized representative of a business entity.

**NOTE:** An individual representing themselves in a CCB proceeding is **not** considered a “representative.”

## Standards of Conduct

Representatives in CCB proceedings are held to the same standards of conduct as parties are. You can learn more in the “Standards of Conduct” section of the [Participant Conduct](#) chapter.

Representatives are expected to meet additional requirements:

- Requirements for all representatives
  - **Duties to the Board and the participants.** As a representative, you have a duty of candor and impartiality toward the CCB. You also have a duty of fairness toward all opposing participants, whether representatives or parties. If you are a lawyer, the CCB will consider [the rules of professional conduct of the District of Columbia](#) and the state in which you practice in assessing whether you have violated these rules.
  - **Notice of appearance.** If you were not the representative who filed the claim on the claimant’s behalf, then you must register for eCCB and request to link your eCCB user account with the appropriate party. Your eCCB registration must include your mailing address, email address, and phone number and your bar number from the state, district, or territory in which you are admitted to practice (if applicable).
  - **Request to withdraw.** If you want to withdraw as a representative, you must file a Request to Withdraw Representation form through eCCB.
- Requirements for law students
  - **Required qualifications.** You must qualify under the regulations governing law student representation. You can learn more about those qualifications in the [Representation](#) chapter.
  - **Supervising attorney.** You must have a supervising attorney for any proceeding in which you are representing a party. You can learn more about the supervising attorney requirement in the [Representation](#) chapter.
- Requirements for lawyers
  - **Bar admissions.** You must be a member in good standing of the bar of the highest court of a state, the District of Columbia, or any territory or commonwealth of the United States.
  - **Disbarment.** If you have been disbarred by any federal court or by the court of any state, the District of Columbia, or any territory or commonwealth of the United States, you are not permitted to represent participants in CCB proceedings. If you are a lawyer in an active or pending CCB proceeding and you are disbarred, you must report the disbarment to the CCB and withdraw your representation in all proceedings.

A representative who violates any of the standards of conduct or is otherwise found to be acting unethically or inappropriately before the CCB may be barred from representing participants in CCB proceedings for twelve months.

## Bad-Faith Conduct

Representatives in CCB proceedings are prohibited from acting in bad faith, just as parties are. If anyone in a CCB proceeding acts in bad faith, they may be subject to certain penalties. Bad-faith conduct includes making a claim, counterclaim, or defense or taking any actions in support of a claim, counterclaim, or defense for some inappropriate purpose, such as to harass someone, or without a reasonable factual or legal basis. It also includes intentionally destroying, altering, or withholding evidence.

The same processes and penalties for bad-faith conduct apply to both parties and representatives. You can learn more about bad-faith conduct and the CCB's process for making a bad-faith determination in the [Participant Conduct](#) chapter.

## CCB Bans for a Pattern of Bad-Faith Conduct

There are additional penalties for engaging in a pattern of bad-faith conduct within a twelve-month period. If the CCB decides that someone has acted in a pattern of bad faith, they will be banned from the CCB for twelve months from the finding of a pattern of bad faith. Parties found to have engaged in a pattern of bad faith may have any pending claims they have before the CCB dismissed **without prejudice**.

Representatives found to have engaged in a pattern of bad faith may be barred from participating in proceedings already pending before the CCB. The CCB will consider the hardship to the participants in their decision. If the CCB decides to bar a representative, it may amend the scheduling order or issue a stay to allow the affected party to find a replacement.

## Reporting Bad-Faith Conduct

Allegations of bad-faith conduct may be raised by the Board or by a party. The same processes for raising accusations and proving a pattern of bad-faith conduct apply for both parties and representatives. You can learn more about these processes in the [Participant Conduct](#) chapter.

## Limits on Proceedings for Lawyers

Sole practitioners and lawyers associated with a law firm can only file forty proceedings on behalf of claimants in any twelve-month period. Law firms can only file eighty proceedings on behalf of claimants in any twelve-month period. A proceeding counts toward this limit as soon as it's filed and no matter how it's resolved.

A proceeding still counts toward the limit if, for example,

- it's dismissed because it's not compliant,
- it's dismissed because it's unsuitable for the CCB,
- it's withdrawn, or
- the respondent opts out.

However, the limit only applies to new proceedings, so the following do not count toward the limit:

- amending an existing claim, and
- filing counterclaims in response to a claim.

If a lawyer files a claim in excess of the limit, the CCB will order them to withdraw from the proceeding. It may count as bad-faith behavior if a lawyer does anything for the sole purpose of getting around the limit.

If a lawyer or law firm exceeds the limit on the number of filings they can bring, the CCB may stay the proceeding for sixty days, which can be extended for good cause, so the claimant can retain another lawyer or representative.

These limits do not apply to law students, law clinics, or pro bono legal services organizations with a connection to the participating law student's law school. These limits also do not apply to business representatives, but the entity they represent is subject to the limits on claims filed by parties. You can learn more about those limits in the [Participant Conduct](#) chapter.

## Glossary

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- **Without prejudice:** The claim can be filed again in the future.