

DISTRICT OF COLUMBIA RENTAL HOUSING COMMISSION

RH-SF-09-20,098

In re: 2480 16th Street, NW

Ward One (1)

**RUDOLPH DOUGLAS, KOW HAGAN, ROBERT EBEL, TY MITCHELL,
ELEANOR JOHNSON, & PETER PETROPOULOS**
Tenants/Appellants/Cross-Appellees

v.

DORCHESTER HOUSE, ASSOCIATES, L.L.C.
Housing Provider/Appellee/Cross-Appellant

ORDER ON SECOND MOTION TO WITHDRAW

April 10, 2015

SZEGEDY-MASZAK, CHAIRMAN. On January 30, 2015, B. Marian Chou (Ms. Chou) filed “Tenants’ Counsel’s Motion to Withdraw as Attorney on Appellate Issues Except Attorney [sic] Fees” (First Motion to Withdraw). The Commission issued an Order on February 19, 2015 denying the First Motion to Withdraw, explaining that Ms. Chou had failed to comply with the relevant regulations governing an attorney’s withdrawal from representation, at 14 DCMR § 3813.1-3 (2004). *See infra* at 2. On March 25, 2015, Ms. Chou filed a “Second Motion to Withdraw as Represented Tenant’s [sic] Counsel, Except Attorney [sic] Fees” (Second Motion to Withdraw).¹ The only opposition to the Second Motion to Withdraw was filed by Tenant Eleanor Johnson (Ms. Johnson’s Opposition) on April 1, 2015.

¹ In accordance with the Commission’s Order dated February 6, 2014, Ms. Chou represents Tenants Kow Hagan, Robert Ebel, Ty Mitchell, Eleanor Johnson, and Peter Petropoulos (collectively, the Dorchester Tenants), in the above-captioned matter. Tenants of 2480 16th St., NW v. Dorchester House Assocs., LLC, RH-SF-09-20,098 (RHC Feb. 5, 2014).

On April 2, 2015, the Commission convened for a hearing in the above-captioned case. Rather than addressing the merits of the parties' respective notices of appeal,² the hearing instead provided each party with an opportunity to address pending preliminary matters, particularly the Second Motion to Withdraw. *See* Hearing CD (RHC Apr. 2, 2015).

I. **THE SECOND MOTION TO WITHDRAW**

The regulations governing an attorney's withdrawal from a case provide the following, in relevant part:

3813.1 If an attorney or other person representing a party wishes to withdraw from a case pending before the Commission, a written motion for application to withdraw shall be filed.

3813.2 The motion shall state whether the party consents to or opposes the motion and whether the party will be unrepresented or will have substitute representation. A copy of the motion shall be served on the party and the party advised that he or she has the right to oppose the motion.

3813.3 The motion shall state the specific reasons for withdrawal and shall state whether the absence of representation will prejudice the rights of the party.

14 DCMR § 3813.1-.3 (2004).

The Commission's review of the Second Motion to Withdraw reveals that Ms. Chou complied with 14 DCMR § 3813.1, requiring a written motion for application to withdraw as counsel. *See* Second Motion to Withdraw.

The Commission observes that the Second Motion to Withdraw only partially complies with 14 DCMR § 3813.2: Ms. Chou provided that, at most, Ty Mitchell and Peter Petropoulos consent to her withdrawal, while at least Eleanor Johnson opposes the withdrawal. *See* Second

² The Commission notes that three (3) notices of appeal were filed in this case, as follows: (1) an August 1, 2011 Notice of Appeal filed by the Dorchester Tenants; (2) an August 2, 2011 Notice of Appeal filed by Tenant Rudolph Douglas in his individual capacity; and (3) an August 25, 2012 Notice of Appeal filed by Dorchester House Associates, LLC (Housing Provider).

Motion to Withdraw at 2; *see also* Ms. Johnson's Opposition. The Second Motion to Withdraw does not indicate whether Kow Hagan consents or opposes the motion, and provides that Robert Ebel has died.³ *See id.* The Second Motion to Withdraw does not provide whether the tenants will be unrepresented or will have substitute representation. *Id.* The Commission is satisfied that a copy of the Second Motion to Withdraw was served on all of the tenants represented by Ms. Chou, except for Robert Ebel (*see supra* at n.3); the Commission's review of the motion does not reveal that it advises the tenants that they have the right to oppose the motion. *Id.* at 4.

Ms. Chou's representations to the Commission at the April 2, 2015 hearing were largely repetitive of the contents of the Second Motion to Withdraw: she was unable to provide written consent to her withdrawal from any of her clients, but she stated that she did not believe that Peter Petropoulos or Ty Mitchell opposed the withdrawal. *See* Hearing CD (RHC Apr. 2, 2015). No representations were made at the hearing from any party regarding whether the Represented Tenants would be unrepresented or would have substitute counsel. *Id.*

Finally, the Commission is satisfied that the Second Motion to Withdraw complied with 14 DCMR § 3813.3, requiring that a motion for withdrawal state the reasons for the withdrawal, and whether the absence of representation will prejudice the parties. Ms. Chou provided that a lack of response and cooperation in obtaining consent to continue providing legal services to the Dorchester Tenants in the appellate proceedings before the Commission constituted a "breakdown of the attorney/client relationship." Second Motion to Withdraw at 1-2.

Additionally, Ms. Chou provided the following three (3) reasons for her withdrawal:

- (1) a situation has arisen such that continued representation for her [sic] under the circumstances has been rendered impossible,
- (2) the Appellant[s] and Ms.

³ The Commission is issuing a separate Order on this same date, April 10, 2015, addressing the implications of the death of Tenant Robert Ebel.

