



D I S T R I C T O F C O L U M B I A B A R  
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SUMMARY

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The proposed public statement is a letter to the D.C. Court of Appeals urging acceptance of the change to Rule II, Section 4, recommend by the Board of Governors. That change would restore eligibility for judicial membership in the D.C. Bar to judges on the Boards of Contract Appeals. The statement assumes that the proposed change includes Board of Contract Appeals judges authorized by the District of Columbia Code as well as those authorized by federal and state statute.

The proposed public statement explains that Board of Contract Appeals judges are appointed pursuant to the Contract Disputes Act, 41 U.S.C. § 601 *et seq.* Pursuant to that Act, they have concurrent jurisdiction over contract disputes with the U. S. Court of Federal Claims. It further explains that the BCA judges may grant ant relief available in the U.S. Court of Federal Claims on a contract dispute and that the decisions of BCA judges are not subject to review or change by any agency official. The decisions of BCA judges are final unless either the contractor or the Government takes an appeal to the U. S. Court of Appeals for the Federal Circuit. The statement provides additional examples of the Congressionally mandated judicial independence enjoyed by BCA judges.

The statement also explains that judges on the D.C. Board of Contract Appeals are appointed pursuant to Title I, D.C. Code § 1-1189.1 and that their contract dispute decisions are appealable to the Court of Appeals for the District of Columbia and that their decisions on bid protests are appealable to the D.C. Superior Court.

The statement expresses the Section's recommendation that the proposed change to Rule II be accepted because the BCA judges perform true judicial functions on an exclusive basis in an official capacity created by federal statute. However, if the proposed change does not include Board of Contract Appeals judges authorized by the D.C. Code, the statement recommends that the proposed change be amended to include those judges as well as Board of Contract Appeals judges appointed pursuant to federal and state statutes.