

Understanding Pleading Technicalities Under the DC Rental Act

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By Robert Donahue and Brian Dorwin

In Episode 3 of The DC Rental Act in Three Minutes, Offit Kurman attorneys Robert Donahue and Brian Dorwin break down one of the most consequential—and least understood—changes in the new law: how courts handle pleading technicalities.

They explain that, under the prior legal framework, any defect in a filing—no matter how small—required the court to dismiss the case. A missing attachment, an outdated form, or a minor clerical error could derail a case at any stage, including on the morning of a jury trial after months of preparation. This rigid “shall dismiss” standard created costly delays and forced landlords to restart cases from scratch for issues that often had no impact on the merits.

The Rental Act fundamentally reshapes this process. Judges now have discretion to determine whether a defect actually causes prejudice to either party. Instead of automatic dismissal, courts may allow amendments or permit the case to proceed when the issue is minor—such as a decade-old RAD form with a technical flaw. For landlords, this means fewer restarts, fewer duplicative filings, and more efficient resolution of disputes.

Robert and Brian emphasize that this shift—from shall dismiss to may dismiss—is one of the most practical improvements in the statute. It empowers judges to apply common sense, reduces unnecessary litigation costs, and allows attorneys to advocate more effectively when technical issues arise.