

DISTRICT OF COLUMBIA COURT OF APPEALS

Banks v. Hoffman

Banks v. Hoffman · No. 20-CV-0318 · Decided January 29, 2026

SUMMARY

The en banc District of Columbia Court of Appeals considers whether the D.C. Council exceeded its authority under the Home Rule Act by enacting the District’s Anti-SLAPP Act. The court holds that the Act’s discovery-limiting provisions do not amend Title 11, directly conflict with it, or fundamentally alter the organization, jurisdiction, or powers of the District’s courts. The opinion emphasizes the Council’s broad legislative authority and construes the Home Rule Act’s Title 11 limitation narrowly.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Associate Judge Deahl; Chief Judge Blackburne-Rigsby; Associate Judge Beckwith; Associate Judge Easterly; Associate Judge Howard; Associate Judge Shanker
JURISDICTION	District of Columbia Court of Appeals
DECIDED	January 29, 2026
DOCKET	20-CV-0318
DISPOSITION	remanded
PROCEDURAL POSTURE	En banc appeal from the Superior Court of the District of Columbia involving a challenge to the District's Anti-SLAPP Act under the Home Rule Act.
STANDARD OF REVIEW	De novo review of the statutory and legal question whether the Anti-SLAPP Act exceeds the D.C. Council's authority under the Home Rule Act.
PRECEDENTIAL VALUE	published en banc opinion; precedential
PARTIES	Morgan Banks, et al. v. David H. Hoffman, et al., Sidley Austin LLP, Sidley Austin (DC) LLP, American Psychological Association, District of Columbia

TOPICS

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QUESTIONS PRESENTED

1. Whether the D.C. Council exceeded its authority under D.C. Code § 1-206.02(a)(4) by enacting the Anti-SLAPP Act's discovery-limiting provisions.
2. Whether the Anti-SLAPP Act impermissibly modifies Title 11 or divests the District of Columbia courts of their rulemaking authority under D.C. Code § 11-946.
3. Whether the Home Rule Act requires the court to apply the federal substantive-law/procedural-rule distinction when evaluating the Anti-SLAPP Act.

HOLDINGS

1. The D.C. Council did not exceed its authority by enacting the Anti-SLAPP Act because the Act does not alter the organization or jurisdiction of the District's courts, divest them of rulemaking authority, run directly contrary to Title 11, or fundamentally alter or micromanage court procedures.
2. The Anti-SLAPP Act does not modify or displace the Superior Court's procedural rules within the meaning of Title 11.
3. The Home Rule Act does not require the District of Columbia Court of Appeals to police the substantive-law/procedural-rule distinction used by federal courts applying Erie.

KEY QUOTATIONS

“We hold today that the Council does not run afoul of Section 1-206.02(a)(4) so long as (1) it does not affect the “organization and jurisdiction” of the District’s courts, which is what Section 1-206.02(a)(4) was principally meant to stave off; (2) it does not divest our courts of rulemaking authority, though we think this second point fairly fits within the first; (3) it does not alter or “run directly contrary to” Title 11 itself, see Woodroof, 147 A.3d at 784; and (4) it does not otherwise fundamentally alter our courts or seek to micromanage the day-to-day procedures that govern court proceedings.” (at 19-20)

“The Anti-SLAPP Act does not run afoul of the Home Rule Act by impermissibly intruding into Title 11 because it does not alter the structure or jurisdiction of the District’s courts; it does not divest us of our rulemaking authority; it does not run directly contrary to Title 11; and it does not bring about any other drastic alterations to our judiciary, or seek to micromanage our courts’ procedures, in any way that Congress sought to preclude the Council from doing when it passed the Home Rule Act.” (at 35-36)

FACTUAL BACKGROUND

The case concerns the District's Anti-SLAPP Act, which provides defendants with a special motion to dismiss claims arising from advocacy on issues of public interest. The Act stays discovery while the motion is pending, subject to a narrow exception for targeted discovery likely to enable the plaintiff to defeat the motion without

undue burden. The appellants contended that these discovery restrictions altered Superior Court procedures governed by Title 11 and therefore exceeded the D.C. Council's authority under the Home Rule Act.

PROCEDURAL HISTORY

A division of the District of Columbia Court of Appeals held that the Anti-SLAPP Act's discovery-limiting provisions intruded into Title 11 and violated the Home Rule Act. The court granted en banc review, vacated the division opinion by order, and held that the Council acted within its authority. The en banc court returned the case to the division to address the appellants' remaining challenges in light of the opinion.

DISPOSITION

remanded

REMAND INSTRUCTIONS

Return the case to the appellate division to address the appellants' remaining challenges in light of the en banc opinion.

CASES CITED

- Banks v. Hoffman, 301 A.3d 685 (D.C. 2023)
- Andrew v. American Import Center, 110 A.3d 626, 628-29 (D.C. 2015)
- Washington, D.C. Association of Realtors, Inc. v. District of Columbia, 44 A.3d 299, 303 (D.C. 2012)
- Woodroof v. Cunningham, 147 A.3d 777, 781-84 (D.C. 2016)
- Bergman v. District of Columbia, 986 A.2d 1208, 1225-26, 1230 (D.C. 2010)
- Price v. D.C. Board of Ethics & Government Accountability, 212 A.3d 841, 845 (D.C. 2019)
- Competitive Enterprise Institute v. Mann, 150 A.3d 1213, 1226-27, 1229-30, 1232-33, 1236, 1238 (D.C. 2016)
- Expedia, Inc. v. District of Columbia, 120 A.3d 623, 631 (D.C. 2015)
- In re C.L.M., 766 A.2d 992, 996-97 (D.C. 2001)
- Mellowitz v. Ball State University, 221 N.E.3d 1214, 1221-22 (Ind. 2023)
- People v. Warren, 671 N.E.2d 700, 710-11 (Ill. 1996)
- Berkson v. LePome, 245 P.3d 560, 564-65 (Nev. 2010)
- Massey v. David, Massey v. David, 979 So. 2d 931, 936 (Fla. 2008)
- Davis v. Cox, 351 P.3d 862, 875 (Wash. 2015) (en banc)
- Leiendecker v. Asian Women United of Minnesota, 895 N.W.2d 623, 637 (Minn. 2017)
- Oppedisano v. Holder, 769 F.3d 147, 150 (2d Cir. 2014)
- Fidelity & Deposit Co. of Maryland v. Stromberg Sheet Metal Works, Inc., 532 A.2d 676, 678 (D.C. 1987)
- Voss v. Commissioner of Internal Revenue, 796 F.3d 1051, 1059-60 (9th Cir. 2015)
- Abbas v. Foreign Policy Group, LLC, 783 F.3d 1328, 1333-34 (D.C. Cir. 2015)
- Tah v. Global Witness Publishing, Inc., 991 F.3d 231, 238-39 (D.C. Cir. 2021)

- *La Liberte v. Reid*, 966 F.3d 79, 87-88 (2d Cir. 2020)
- *Godin v. Schencks*, 629 F.3d 79, 88 (1st Cir. 2010)
- *Shady Grove Orthopedic Associates, P.A. v. Allstate Insurance Co.*, 559 U.S. 393, 398-99, 416 (2010)
- *Burlington Northern Railroad Co. v. Woods*, 480 U.S. 1, 5 (1987)
- *District of Columbia v. Sullivan*, 436 A.2d 364, 365-66 (D.C. 1981)
- *Coleman v. District of Columbia*, 80 A.3d 1028, 1035 n.9 (D.C. 2013)
- *Belcon Inc. v. D.C. Water & Sewer Authority*, 826 A.2d 380, 383 (D.C. 2003)
- *Medina v. Planned Parenthood South Atlantic*, 145 S. Ct. 2219, 2239 (2025)
- *Mitchell v. Forsyth*, 472 U.S. 511, 525 (1985)
- *Asylum Co. v. D.C. Department of Employment Services*, 10 A.3d 619, 631 (D.C. 2010)
- *Cipollone v. Liggett Group, Inc.*, 505 U.S. 504, 516 (1992)
- *Mulky v. United States*, 451 A.2d 855, 857 (D.C. 1982)
- *Peoples Drug Stores, Inc. v. District of Columbia*, 470 A.2d 751, 754 (D.C. 1983) (en banc)
- *McIntosh v. Washington*, 395 A.2d 744, 751 (D.C. 1978)