

District of Columbia Superior Court

CIVIL DIVISION

Small Claims and Conciliation Branch



Case Management Plan

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Purpose

All cases filed in the Civil Division, Small Claims and Conciliation Branch (Small Claims Branch) of the Superior Court of the District of Columbia are to be determined in a just, speedy and inexpensive manner in accordance with the Superior Court Rules of Procedure for the Small Claims and Conciliation Branch. The purpose of this case management plan is to give parties a broad understanding of case management in the Small Claims Branch within the scope of the rules. It details the actions the Court takes to monitor and control the progress of a case, from initiation through final disposition, and to ensure prompt resolution consistent with the individual circumstances of the cases. Specifically, the case management plan provides court staff and the public with information about the procedures used to ensure efficient and effective case processing in the Small Claims Branch. This plan is not a substitute for the advice of a lawyer. The law can be very complicated, and it is not possible to address every situation in one document. Parties are strongly encouraged to talk to a lawyer to help protect their legal rights. The [Superior Court Rules of Procedure for the Small Claims and Conciliation Branch](#) can be accessed on the Courts' website for more information.

Performance Measures

In 2005, the District of Columbia Courts' policy making body, the Joint Committee on Judicial Administration, adopted a set of nationally recognized measures to assess and report on the Courts' performance of timely and efficient resolution of cases. Performance measures set benchmarks the D.C. Courts must achieve in order to deliver justice effectively and enhance accountability to the public.

Performance assessments allow the Court leadership to monitor operational efficiency and assess how well the Court is doing in achieving its goals. In order to assess the Courts' performance and monitor cases, the Age of Active Pending Caseload, Time to Disposition, and Trial Date Certainty performance reports have been adopted.

Age of Active Pending Caseload

The Age of Active Pending Caseload report measures the length of time a case is pending before the Court from the date of filing to the time of measurement. This report is used in conjunction with the Time to Disposition report to monitor the caseload. Tracking these reports allows the Court to monitor and focus attention on cases approaching the Courts' time standards. Excludable time, defined as periods of case inactivity beyond the Courts' control, is not included in the Age of Active Pending Caseload Report.

Time to Disposition

The Time to Disposition Report measures the number of cases disposed or resolved within the Courts' established timeframes. This report assesses the time it takes the Court to process cases. It is used to observe trends and to assure the effective use of resources. Excludable time is not included in the Time to Disposition Report.

Excludable Time

The Court has defined events that constitute excludable time for the Age of Active Pending Caseload and Time to Disposition reports. These are events that prevent movement of the case to disposition and are out of the Court's control.

The excludable events for Small Claims cases are:

- Interlocutory appeal from stay entered to stay lifted
- Bankruptcy stay entered to stay lifted
- Military stay entered to stay lifted
- Other stays that preclude any activity in case to stay lifted
- Ancillary proceedings that preclude all other activity in case to resolution of ancillary proceeding
- *Qui Tam* cases during period of seal to seal lifted
- Drayton stay entered to stay lifted

Time to Disposition: Performance Standards

Case Type	Disposition Standard
Small Claims Jury Cases	98% within 270 days
Small Claims Non-Jury Cases	98% within 365 days

Trial Date Certainty

The Trial Date Certainty Report is a case processing measure that assesses whether cases disposed of by trial are tried on the first trial date on which they are set, or if they are continued one or more times before the trial actually begins. *See Administrative Order 08-14.* Setting credible trial dates encourages proper preparation by all parties, furthers the interests of litigants and the public in timely justice, helps to assure effective calendaring of cases and utilization of resources, and promotes high quality justice. The report also provides reasons for continuances to assess trends and monitor trial performance goals. The Civil Division's goal is to dispose of 85% of Small Claims jury and 90% of Small Claims bench cases within two trial settings.

Caseflow Management

Consistent intervention by the Court ensures proper caseflow. For that reason, every open case must have a future hearing date. Consistent scheduling of events increases the level of judicial attention and case control necessary to achieve the Courts' performance goals. In order to achieve its performance goals the Division has implemented case processing techniques to monitor and control the progress of cases through resolution. These techniques include:

- Early and continuous electronic caseload monitoring;

- Differentiated case management plans; and
- Alternative Dispute Resolution (ADR)

The Civil Division has implemented electronic caseload inventory reports that monitor on a monthly basis the Division's clearance rates. Clearance rates are calculated as the number of outgoing cases as a percentage of the number of incoming cases. Clearance rates measure whether the Court is processing its incoming caseload timely to minimize a backlog of cases. Other reports provide data for trials held, pending motions, matters taken under advisement and cases without a future event. These reports are monitored frequently by the Judges and Court administrators to manage and control caseflow and ensure accurate case activity reporting. The Civil Division is able to identify emerging areas of concerns and pinpoint areas for development by continuously monitoring caseloads.

The Civil Division's differentiated case management (DCM) plan provides for the assignment of Small Claims cases with a jury demand to a "Small Claims track" with deadlines for each action to be taken in a case through the pre-trial conference. Given the expedited process, Small Claims cases without a jury demand are not assigned a track. However, a Small Claims case that is certified to the Civil Actions Branch pursuant to Superior Court Small Claims Rule 8 is subject to the Superior Court Rules of Civil Procedure and placed on an appropriate track.

If a jury demand is properly filed in a Small Claims case, the case is certified to the Civil Actions Branch for trial on an expedited basis pursuant to Superior Court Small Claims Rule 6. The case would then be assigned to the "Small Claims track" at the scheduling conference held by that judge. The track is customized with standardized time periods to exchange witness lists, complete discovery, file motions, complete ADR, and hold a pretrial/settlement conference before the Judge. This plan encourages meaningful pretrial conferences before Judges. Most trial dates are established only after pretrial conferences are held and all ADR efforts have been completed. This process assists Judges with continuous case control and scheduling firm trial dates.

In addition to early judicial intervention, the Division uses ADR methods such as mediation and arbitration to attempt to resolve cases as early as possible. Mediation is held for all Small Claims cases prior to trial and is usually held at the initial hearing. With the assistance of trained ADR professionals provided by the Multi-Door Dispute Resolution Division, most civil cases are resolved prior to trial through ADR.

Judicial Assignment

A Magistrate Judge is assigned to the Small Claims Courtroom by the Chief Judge on an annual basis. An Associate Judge or Magistrate Judge provides support to the assigned Magistrate Judge as needed. A written consent signed by all parties must be filed prior

to the commencement of a hearing before the Magistrate Judge. If all the parties do not consent to a Magistrate Judge, the case is assigned to an Associate Judge.

Case Types in the Small Claims Branch

The Small Claims and Conciliation Branch has exclusive jurisdiction of any action within the jurisdiction of the Superior Court which is only for the recovery of money, if the amount in controversy does not exceed \$10,000.00, exclusive of interest, attorney fees, protest fees, and costs. An action which affects an interest in real property may not be brought in the Small Claims Branch. *See* D.C. Code § 11-1321.

An action seeking damages above \$10,000.00, affecting an interest in real property or equitable relief should be filed in the Civil Actions Branch located in the Moultrie Courthouse, 500 Indiana Avenue, N.W., and Room 5000. A lawsuit for the possession of real property must be filed in the Landlord and Tenant Branch located at 510 4th Street N.W., Court Building B, Room 110.

Small Claims case types are assigned at case initiation based upon the monetary amount requested in the case. The case number consists of the year the case is filed followed by the case type and then a sequential number, i.e. (2016 SC1 0001). When a jury demand is filed in a case, the case type changes to SCJ.

Small Claims Case Types

Case Type	Amount of the claim	Filing Fee
SC1	\$500.00 and less	\$5.00
SC2	\$500.01 and up to \$2,500.00	\$10.00
SC3	\$2,500.01 and up to \$10,000.00	\$45.00
SCJ	\$0.01 up to \$10,000.00	\$75.00

Legal Assistance

An individual person may file a complaint in the Small Claims Branch on his or her own behalf without the assistance of an attorney. A person who is not an attorney may not file a case on behalf of another person or a business. A business that files a claim in the Small Claims Branch must have an attorney.

The clerk's office can answer basic questions about how to fill out forms, provide an instruction sheet describing how to serve documents, and give other basic information. The clerk's office cannot give legal advice.

Parties who want legal assistance should seek it prior to the scheduled court date to be prepared for the hearing date. All parties are expected to understand and follow the Small Claims procedures and rules. The resources below are available to assist with Small Claims matters. These resources are coordinated by the D.C. Bar Pro Bono Center and are not staffed by court employees. Each resource should be contacted directly to confirm their hours of operation and procedures.

Legal Services for Self-Represented Parties

Resource	Services Provided	Hours of Operation and Contact Information
Small Claims Resource Center	Legal information to unrepresented plaintiffs and defendants related to Small Claims law and procedure in the District of Columbia.	Thursdays 9:15 a.m. – 12:00 p.m. 510 4 th Street N.W., Building B, Room 208, Washington D.C., 20001
Consumer Law Resource Center	Free information for unrepresented consumers with consumer law matters governed by D.C. Law, including debt collection, home improvement/independent contractor disputes, security deposit refunds, Small Claims cases, used car or car repair disputes, utility disputes, and violations of the Consumer Protection Procedures Act	Wednesdays 9:15 a.m. – 12:00 p.m. 510 4 th Street N.W., Building B, Room 208, Washington D.C., 20001
Consumer Law Court-Based Legal Services	Same-day assistance to eligible low-income defendants	Wednesdays Small Claims Courtroom B-119
The D.C. Bar Legal Information Help Line	Automated system of recorded messages giving basic information on more than 30 legal topics, finding an attorney, and the availability of free legal services in D.C.	202-626-3499 24 hours a day, 7 days a week in Amharic, Chinese, English, French, Korean, Spanish, and Vietnamese.

Clerk's Office Information

The Small Claims and Conciliation Branch is located at 510 4th Street N.W., Building B, Room 120, Washington D.C., 20001. The hours of operations are Monday through Friday, from 8:30 a.m. to 5:00 p.m., Wednesday evenings from 6:30 p.m. to 8:00 p.m., and Saturday mornings from 9:00 a.m. to 12:00 p.m. No court hearings are scheduled on Wednesday evenings or Saturday mornings.

The clerk's office may be contacted via telephone, email and internet chat during normal business hours.

Public Information Line

(202) 879-1120

Internet Chat-Line:

<https://www.dccourts.gov/services/civil-matters>

Note: The Chat Line icon is on the right of the screen.

Email Address:

smallclaimsdocket@dcsc.gov

Customers leaving internet chat messages and email messages after normal business hours will receive a response the next business day.

Case Management System

The Small Claims Branch does not retain paper records. When a party files a document, the clerk scans the document and saves an electronic copy in the Court's case management system. All documents are returned to the filer by the clerk prior to the filer leaving the office except for bulk cases and documents. Bulk cases and documents (6 or more documents or cases) are dropped off at the bulk filing window and returned to the filer within 3 business days. Filers are responsible for keeping all original documents until the conclusion of the case, including any appeal or the expiration of the time for appeal.

Court Cases Online

Dockets for Civil Division cases, including Small Claims cases, are available for viewing through [Court Cases Online](#) on the Court's website. Images of documents can also be viewed on a computer. The cost for copies of documents is \$.50 (fifty cents) per page. It is the responsibility of each party to provide the case number to receive case information or documents. There is a \$10.00 fee for the clerks to perform a case number search.

Filing Fees

Filing fees can be paid by cash, certified check, credit card, debit card or money order, payable to: "Clerk, D.C. Superior Court." All customers of the District of Columbia Courts are able to pay for their transactions with a personal check or money order up to \$5,000. Any funds presented above \$5,000 will have to be with a certified check, cash or money order. There is a 4.5% transaction fee for the use of a credit or debit card.

All [filing fees](#) may be accessed on the internet.

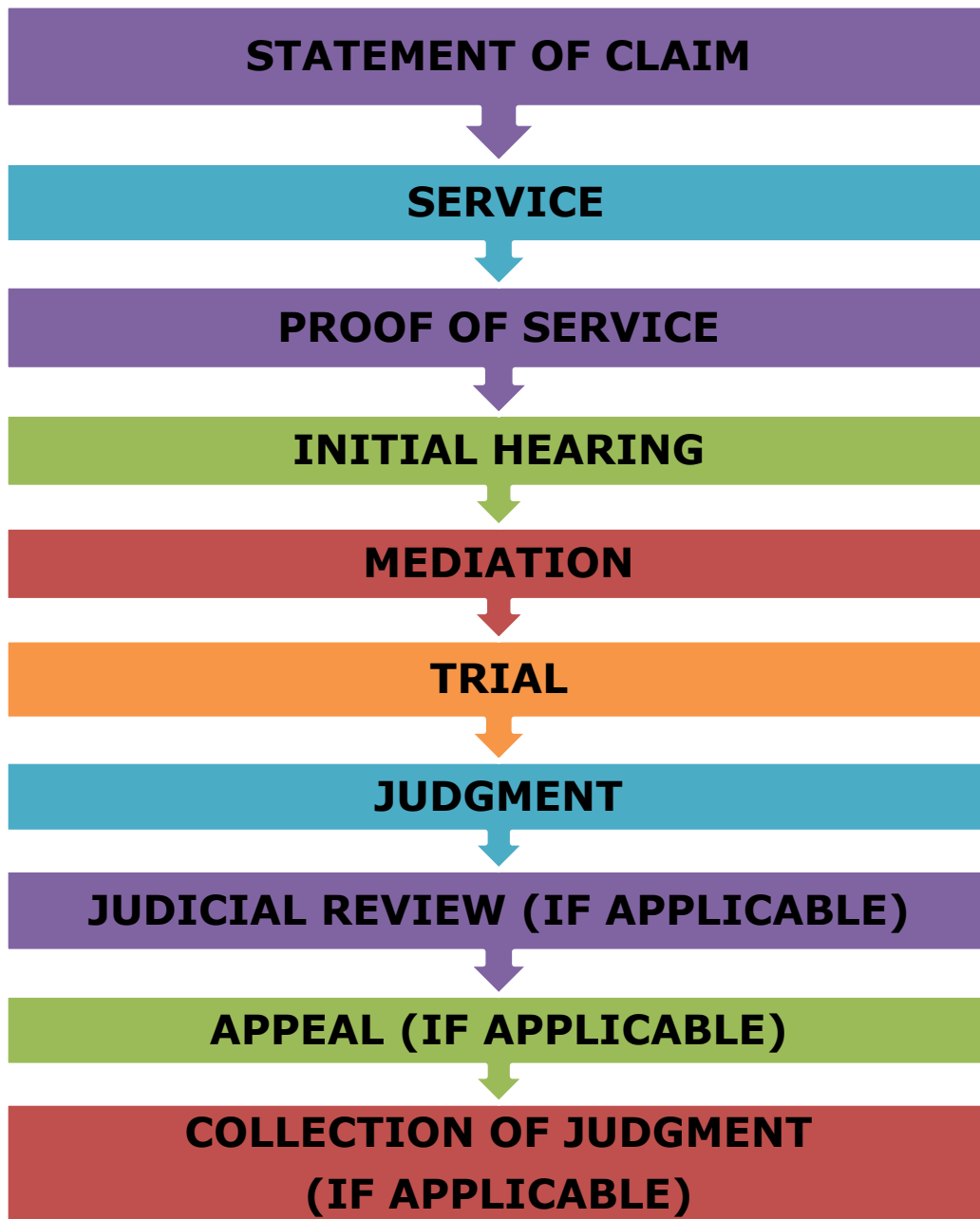
Waiver of Court Costs

If a party is unable to pay court costs, fees, or security without substantial hardship, the Court may waive the requirement to prepay court costs. *See* Super. Ct. Civ. R. 54-II. To request that the Court waive prepayment of court costs, an [Application to Proceed without Prepayment of Costs, Fees, or Security Form 106A](#) must be filed with the clerk, and must be approved by the Judge. If approved, the prepayment of court costs will be waived, however it does not completely waive the responsibility to pay court costs. In rare circumstances, a Judge could order the party to pay the court costs at the end of the case. If the request is denied, all court costs must be paid by the filing party.

The Lifecycle of a Small Claims Case

The following is a brief description of the lifecycle of a typical Small Claims case. The remainder of this plan explains how the Court manages each stage in the lifecycle of a Small Claims case.

Small Claims and Conciliation Branch Case Flow



Filing a Case

When filing a claim, the plaintiff must submit the following to the clerk:

1. The original [Statement of Claim](#) form and one additional copy for each defendant and service address
2. The [Information Sheet](#)
3. The Confidential Form

The forms can be filed in person or by mail. Attorneys filing 6 or more cases or documents must submit their documents in person to the clerk in the bulk filing room, located in Room 122.

The plaintiff must be 18 years of age to file a case. However, a minor or an incompetent person can only sue through a representative, a next friend or a guardian ad litem. Super. Ct. Civ. R. 17; Super. Ct. Sm. Cl. R. 2. Representatives, next friends, and guardians' ad litem are people who, under the law, can act for the minor or incompetent person. Corporations and partnerships that file a claim in the Small Claims Branch must have a lawyer. Super. Ct. Sm. Cl. R. 9.

Small Claims Branch [forms](#) are available online and in the clerk's office. Links to many forms are provided throughout this case management plan.

Statement of Claim Form

The Statement of Claim must contain a simple but complete statement of the plaintiff's claim and be accompanied by a copy of any contract, promissory note, or other instrument on which the claim is based. Super. Ct. Sm. Cl. R. 3.

All plaintiffs must sign the Statement of Claim form, including self represented plaintiffs (parties who do not have a lawyer) and give their address and telephone number. All signatures must be handwritten not stamped, except where provided by rule or statute. Super. Ct. Civ. R. 11.

A [Sample Statement of Claim](#) form is available to assist with completing the Statement of Claim form.

Information Sheet

The plaintiff must complete and file a Small Claims Information Sheet. The Information Sheet lists the different case types and the monetary amount in controversy. The plaintiff should check the box next to the appropriate case type (for example, breach of contract, personal injury) and the sum of money for which they are suing. If known, the plaintiff must also note if an interpreter is needed, and if they are suing a healthcare provider. To file a medical malpractice suit against a healthcare provider, the plaintiff must give the healthcare provider notice of the suit not less than 90 days prior to filing the Statement of Claim. *See* D.C. Code § 16-2802.

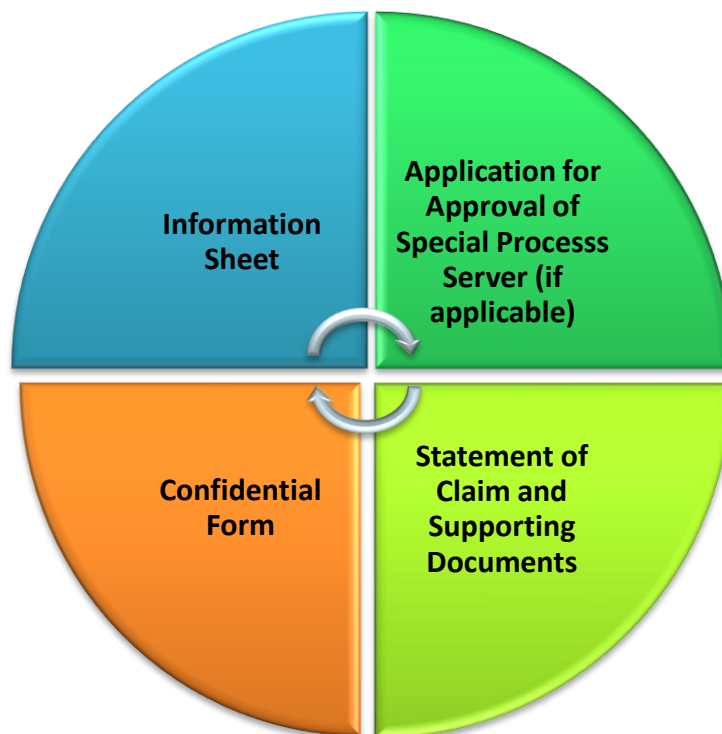
A [Sample Information Sheet](#) is available to assist with completing the Information Sheet.

Confidential Form

The Confidential Form is used to collect identifying information that will be entered into the case management system to consolidate identities and related cases in the case management system pursuant to Administrative Order 15-14. All parties are required to provide the date of birth, driver's license and email address on this form to be entered into the secured case management system. The information is kept confidential and the form is shredded after the information is entered into the secured database. Parties are required to update the form with identifying information that becomes available after the case is filed.

If the Statement of Claim form is accepted for filing, the clerk will assign and affix a case number and court date to the Statement of Claim. If the Statement of Claim form is not accurate the clerk will inform the party. If the documents are received by mail and the Statement of Claim is not acceptable for filing, all documents will be returned with a form indicating the reason that the Statement of Claim was not accepted.

Filing a Case



Serving the Defendant

The defendant(s) must be served with a copy of the Statement of Claim, verification, notice, any order granting a motion for extension of time to serve the defendant(s), and any attachments or other order directed by the Court by certified mail or special process server. Super. Ct. Sm. Cl. R. 4. (Note that the Statement of Claim, verification, and notice are usually included together on the Statement of Claim form).

The documents must be served on the defendant(s) within sixty (60) days of filing. However, for collections and insurance subrogation cases, service must be made within ninety (90) days of filing. Examples of collections cases include those cases where the plaintiff is suing to collect on a commercial loan debt, credit card debt, medical bill debt, student loan debt. Insurance subrogation cases are cases in which an insurance company is suing on behalf of their insured after an automobile incident.

Special Process Server

A special process server can serve the defendant for the plaintiff. A special process server must be any competent person who is at least 18 years of age and not a party to or otherwise interested in the case. The person does not need to be a professional process server. The plaintiff must complete and file an [Application for Approval of Special Process Server](#). The fee to file an Application to Approve a Special Process Server is \$5.00. The Small Claims Clerk's Office does not provide the names of professional process servers. The application must list the proper name(s) of the individual(s) serving the documents and may list multiple names of persons who may attempt to serve the documents. If the Process Server serves the Statement of Claim on the defendant before being approved by the clerk's office, service will not be valid, and the plaintiff will need to file an application to have the process server approved and serve the defendant again.

Certified mail

The defendant can also be served by certified or registered mail, return receipt requested, with or without restricted delivery. *See* Super. Ct. Sm. Cl. R. 4 (b) (2). Restricted delivery is a service offered by the United States Postal Service to deliver the mail only to the named person listed on the certified mail card and receive a signature from that person. There are additional fees for restricted delivery of the mail.

Only the Small Claims Clerk's office can mail the Statement of Claim with supporting documents by certified or registered mail. The clerk's office will serve the documents by certified mail without restricted delivery unless otherwise requested by the filer. The current [filing fees](#) for certified or registered mail with or without restricted delivery are located on online.

Serving a Business

To serve a corporation, partnership, or association within the United States, and unless an applicable law provides otherwise, service should be accomplished either:

- (1) in the manner prescribed by District of Columbia law, or the state law for serving process in an action brought in courts of general jurisdiction in the state where service is made; or
- (2) by delivering a copy of the required materials to an officer, a managing or general agent, or any other agent authorized by appointment or by law to receive service of process and – if the agent is one authorized by statute and the statute so requires – by also mailing a copy of each to the defendant. Super. Ct. Sm. Cl. R. 4 (g).

To find out the name of an authorized agent that accepts service on behalf of a corporation, call the D.C. Department of Consumer and Regulatory Affairs, Corporate Division at (202) 442-4400 or (202) 442-4432 between 8:30 a.m. and 4:30 p.m., visit them at 1100 4th Street, S.W., Washington, D.C., 20024 on Monday, Tuesday, Wednesday and Friday between 8:30 a.m. and 4:30 p.m. and Thursday between 9:30 a.m. and 4:30 p.m. or search their [website](#).

Serving the District of Columbia and its agencies

There are specific rules for serving the District of Columbia, an agency or officer of the District of Columbia, or another government entity. Super. Ct. Sm. Cl. R. 4 (h). For example, the District of Columbia must be served by delivering or mailing copies of the required materials to the Mayor of the District of Columbia (or designee) and the Attorney General of the District of Columbia (or designee) (formerly the “Office of the Corporation Counsel of the District of Columbia”).

To find out who is authorized to accept service of process for the Mayor, call (202) 727-2643 and for the Office of the Attorney General for the District of Columbia, call (202) 727-6295. The address for the Office of the Attorney General for the District of Columbia is 441 4th Street, N.W., 6th Floor South, Washington, D.C. 20001. The address for the Mayor’s Office is 441 4th Street, N.W., Room 1010 South, Washington, DC 20001.

Proof of Service

If the defendant is served by certified or registered mail, the green return receipt card must be received by clerk’s office from the U.S. Postal Service at least seven (7) days before the initial court date. Super. Ct. Sm. Cl. R. 4 (k). The parties should call the clerk’s office two business days before their scheduled court date or check the website (<http://www.dccourts.gov/pa>) to confirm that proof of service has been filed.

If the returned certified mail is marked “REFUSED” a refusal notice will be sent to the defendant informing them that they must appear for the hearing date. On this date, the Judge will make a decision on service of the Statement of Claim.

If the defendant is served by a special process server, an [Affidavit of Service](#) must be filed seven (7) days before the initial court date. Super. Ct. Sm. Cl. R. 4 (k). If the defendant is a business, the [Affidavit of Service on a Corporation](#) form must be filed.

If proof of service is not received by the Court before the 60 or 90 day period for service expires, the case may be dismissed. To avoid dismissal of the case, the plaintiff may file a [Motion](#) to extend the time for service. *See* Super. Ct. Sm. Cl. R. 4 (m).

If the Court grants an extension of time in which to serve the defendant, the court will issue a written order. The plaintiff must then ask for an alias statement of claim from the clerk’s office. Then the defendant must be served with: (1) the alias notice of statement of claim obtained from the clerk’s office, which includes notice of the next hearing date, and a copy of the original statement of claim, verification, and notice; (2) a copy of the order granting an extension of time to serve; and (3) any attachment or other order directed by the Court. Super. Ct. Sm. Cl. R. 4 (m) (3).

Late Return of Service

If the defendant was served and proof of service is filed, but it was not filed at least seven (7) business days before the initial scheduled court date, this is considered a late return of service. If the case has not been dismissed, the plaintiff may request a new court date by filing a [Praecipe](#). The clerk’s office will send the plaintiff and defendant notice of the new court date. There is no fee to reschedule the court date, also known as a “reset”. The plaintiff does not need to serve the defendant again.

Insufficient Service

If service by certified or registered mail is insufficient (e.g., the party moved, the forwarding address expired, the mail is unclaimed, etc.) the case will not be heard by the Court on its scheduled date and the plaintiff must request to ‘re-issue’ the Statement of Claim. The clerk will process an [Alias Notice of Statement of Claim](#). There is a \$5.00 fee for the issuance of an Alias Notice of Statement of Claim, plus the cost for service.

Answer, Counterclaim, Set-off, Cross-claim, Third Party Claim

The defendant is not required to file an answer, plea or defense in writing, except if the defendant wants to assert a counterclaim against the plaintiff or a set-off. Also, if the defendant wants to assert a cross-claim against a co-party or a third-party claim, the claim must be filed in writing. There is no limit on the monetary amount for a counterclaim or set-off. The hearings are usually scheduled for the same date as the initial hearing. The fee to file a counterclaim, cross-claim or third-party claim is \$10.00. There is no fee to file a set-off.

Jury Demand

Any party may demand a jury trial (as to any issue that is triable of right by a jury). To demand a jury trial, the party must file the written demand and serve it on the other parties at or before the initial hearing. For good cause, the Court could extend the time period in which a party may file a jury demand. If the jury demand is being made by the defendant, the defendant must also file a verified answer setting out the facts on which the defense is based.

When a party properly makes a timely demand for trial by jury, the case is certified to the Civil Actions Branch for trial on an expedited basis. The case will not proceed in the Small Claims Branch. The case is assigned to a Civil II Associate Judge and remains subject to the Rules of Procedure for the Small Claims and Conciliation Branch. Super. Ct. Sm. Cl. R. 1 (a) (2), 6. An initial scheduling conference is scheduled and notice of the initial scheduling conference is mailed to all parties. The case action type for a jury demand is changed to "SCJ". All documents for a small claims jury demand case must be filed in the Small Claims Branch, even after it has been certified to an Associate Judge. The fee to file a jury demand is \$75.00.

Cases Certified to Civil Actions in the Interest of Justice

With the approval of the Presiding Judge of the Civil Division, and when the interests of justice require, the Court may certify any action brought in the Small Claims Branch to the Civil Actions Branch for further proceedings. Super. Ct. Sm. Cl. R. 8. Any action certified to the Civil Actions Branch pursuant to Rule 8 is subject in all respects to the Superior Court Rules of Civil Procedure. Super. Ct. Sm. Cl. R. 1 (a) (3).

Hearings

Initial Hearing

All Initial Hearings are scheduled 21-30 days from the date the case is filed. The initial hearings are set to begin at 9:00 a.m. in the Small Claims Branch Courtroom 119, located at 510 4th Street, N.W., Court Building B. The Judge presiding in the Small Claims courtroom gives an opening statement to the parties to explain what will happen in Court that day and the basic laws and procedures governing cases brought in the Small Claims Branch. After the opening statement, the clerk calls all of the cases scheduled for an initial hearing that day. If both parties are present, the parties are referred to mediation. The initial hearings for all collection and subrogation cases are scheduled on Wednesdays.

Mediation

Mediation is used by the Court to allow parties the opportunity to settle their case without going to trial. It is mandatory that all parties attend mediation during the first

hearing and before going to trial. In the mediation session, a trained mediator helps the parties explain their claim(s) and defense(s) and discuss possible solutions or settlement. Everything discussed in mediation is confidential.

If an agreement is reached in mediation, the mediator will prepare a settlement agreement on a praecipe form to be signed by all parties. For collection and insurance subrogation cases the defendant can also meet with the plaintiff's attorney without a mediator to attempt to settle the case. If the case is settled the attorney will prepare the settlement agreement to be signed by all parties. All agreements are filed in Court and a copy is provided to all parties prior to leaving Court.

Continued Initial Hearing

If the Initial Hearing is continued by the parties or Court, a continued initial hearing is scheduled to be heard in the courtroom at 9:00 a.m. usually within 21-30 days. An initial hearing can be continued in Court or by consent of all parties. A party can request a hearing to be continued via telephone, motion or orally in Court. The Judge considers all continuance requests on the date of the scheduled hearing. The clerk may continue any case once as a matter of course for up to 30 days if the defendant received notice of the trial less than seven (7) days before the trial date, or if the parties have mutually agreed to a continuance. Super. Ct. Sm. Cl. R. 7. If a continuance is ordered by the Court, the clerk will give a notice to the parties showing the date and time to which the case was continued. If the party is not present in Court, the party is responsible for contacting the clerk's office to find out whether the continuance was approved.

Further Initial Hearing

If the initial hearing is removed from the docket because the defendant was not served or proof of service was not received by the Court at least seven (7) days before the initial hearing, the plaintiff may request another initial hearing. A further initial hearing will be scheduled for 9:00 a.m. usually within 21-30 days and notice is sent to the parties.

Hearing on Alias Summons

If the plaintiff has not been able to serve the defendant and needs to attempt service again, the plaintiff can request an Alias Notice of Statement of Claim. The Clerk's Office will prepare the Notice and schedule a hearing on alias summons for 9:00 a.m. within 21-30 days. The plaintiff must serve the defendant in a timely manner and file proof of service at least seven (7) days before the court date.

Ex-Parte Proof Hearing

An ex parte proof hearing is generally scheduled after a default has been entered. The plaintiff is expected to prove the allegations contained in the complaint and damages before a judgment can be entered. The hearing is usually scheduled within 21-30 days upon request of the plaintiff or by the Judge. Notices of the new date are mailed to all parties.

Motion Hearing

[Motions](#) should be filed in writing in the clerk's office. When a motion is filed, a hearing date is scheduled within 21 to 60 days. If the party is unrepresented (does not have a lawyer), then the clerk's office will send notice of the motion to the opposing party and note the date and method of service on the record. Parties who are represented by counsel are expected to serve written motions in accordance with Super. Ct. Civ. R. 5 and Super. Ct. Sm. Cl. R. 13 (b) (2). A party can also make an oral motion in Court that will be heard immediately in the courtroom upon approval by the Judge, or the Judge may direct the party to file a written motion in the clerk's office that will be scheduled for another date. The fee to file a motion is \$10.00.

Oral Examination Hearing

If the prevailing party or judgment creditor is not aware of the losing party's assets (including bank accounts) or place of employment, an oral examination hearing may be requested to determine the whereabouts of the assets or place of employment. A subpoena can be filed by the judgment creditor fourteen (14) days after the judgment has been docketed. Super. Ct. Civ. R. 62; Super. Ct. Sm. Cl. R. 2. The [subpoena form \(pro se\)](#) and [subpoena form \(for attorneys\)](#) can be found on the court's website. The fee to file a Subpoena for Oral Examination is \$10.00. The hearing is scheduled within 21 to 60 days from the date of filing. At the hearing, the judgment creditor and judgment debtor complete an oral exam questionnaire concerning the judgment debtor's assets in the mediation center with a mediator. If the judgment creditor is satisfied with the answers to the questionnaire the hearing is concluded. If the judgment creditor is not satisfied with the answers, a hearing will be held before the Judge.

Status Hearing

A status hearing may be scheduled by a Judge to inquire about the status of a case including actions to be taken by parties, bankruptcy stays, and service of process. Notice of the status hearing date is provided to all parties.

Bench Warrant Hearing

If a party does not appear for a hearing, the Judge can enter a bench warrant to apprehend the party for failure to appear. If a bench warrant is issued, the party who requested the bench warrant must return to the clerk's office to complete the Bench Warrant Authorization process. The party must take the form and pay a fee of \$130.00 to the U.S. Marshal's Office at 555 4th Street N.W., 6th Floor, Washington D.C., 20001. The U.S. Marshal's Office will not serve documents outside of the District of Columbia.

The U.S. Marshal's Office will execute the bench warrant, and the party will be contacted to appear in Court for the bench warrant hearing. A bench warrant is generally issued when a party fails to appear for an oral examination hearing.

The bench warrant hearing is scheduled when the party is escorted to courthouse by the U.S. Marshal's Office for failure to appear. The clerk contacts the other party to notify them that the party has been apprehended and inquire whether they can appear in Court within two hours. If they cannot appear within a reasonable time, the hearing will be continued and a notice is provided to the parties.

Trial

If no agreement is reached in mediation, the mediator will schedule a date for the parties to return to court for a trial.

On the trial date, it is expected that all parties have adequate information to proceed with the trial. After the trial, the Judge renders a decision based upon the information and evidence provided during the trial.

Jury trials are not scheduled in the Small Claims Branch courtroom. If a demand for a jury trial is properly filed, the trial is held in the assigned Associate Judge's courtroom.

Appeal Process

The appeal process for the Small Claims Branch is based upon the Judge that renders the decision.

If a Magistrate Judge renders the decision, the party must file a motion for judicial review pursuant to Super. Ct. Civ. R. 73 in the Small Claims Clerk's Office. The motion for judicial review must be filed and served within fourteen (14) days after entry of the order or judgment. The filing fee for motions is \$10.00. The motion will be reviewed by the Presiding Judge of the Civil Division or any other Associate Judge designated by the Chief Judge to conduct such reviews. The Judge who evaluates the Motion for Judicial Review will mail a copy of their order to all parties.

If the Presiding Judge or other Associate Judge who conducts this review denies the motion for judicial review, and the party wishes to appeal that decision, the party must file an Application for Allowance of an Appeal to the District of Columbia Court of Appeals, located at the Historic Courthouse 430 E Street N.W., Washington D.C., 20001. This application must be filed in the District of Columbia Court of Appeals within three (3) days from the date of judgment. D.C. Code § 17-307. The Court of Appeals may be reached by telephone at (202) 879-2700. The fee to file an Application for Allowance of an Appeal is \$10.00. If the Application for Allowance of an Appeal is granted by the Court of Appeals, then an additional fee of \$100.00 must be paid.

If the original decision was rendered by an Associate Judge, rather than a Magistrate Judge, and the party wishes to appeal it, the party must file an [Application for Allowance of Appeal](#) from the Small Claims Branch within business three (3) days from the date of the judgment, with the Court of Appeals.

Servicemembers Affidavit

The Servicemembers Civil Relief Act ("SCRA"), 50 USCS § 3901, *et seq.*, provides that in any civil action or proceeding in which the defendant does not make an appearance, before entering a judgment, the Court must require the plaintiff to file an affidavit stating whether or not the defendant is in military service and showing necessary facts to support the affidavit or if the plaintiff is unable to determine whether or not the defendant is in military service. 50 USCS § 3931.

In order to better comply with the requirements of the SCRA, the Court has created a [Servicemember's Civil Relief Act Affidavit](#) (CA 114) and amended Super. Ct. Civ. R. 55 and 55-II to require the use of Form CA 114 in all proceedings in the Civil Division in which a default has been entered.

A separate affidavit must be filed for each defendant named in the Statement of Claim and against whom a default has been entered. The search results required for the form must be conducted not more than 30 days before the filing of the affidavit. The [instructions](#) for filling out Form CA 114 are found on the Court's website.

Judgment Collection

The Superior Court does not collect or pay the judgment award to the winning party. The winning party must collect the money judgment that was ordered by the Judge. Legal Action to execute on a judgment cannot be issued until fourteen (14) days have passed after the judgment has been entered on the Courts' official record. Super. Ct. Civ. R. 62; Super. Ct. Sm. Cl. R. 2.

Certified Copy of Judgment

The judgment creditor (the party to whom the debt is owed) can request a certified copy of a judgment to present to the judgment debtor (the party that owes the debt) and obtain the judgment debtor's signature upon payment of the judgment. To have a judgment marked paid and satisfied, the judgment creditor can file the receipt of the Certified Copy of Judgment or a Praecipe requesting the judgment to be marked paid and satisfied. The clerk can prepare a certificate for verification of a judgment that is paid and satisfied. The fee for a Certified Copy of a Judgment is \$5.00. There is no fee to file the receipt or praecipe to mark a judgment paid and satisfied.

Writ of Attachment

Fourteen (14) days after a judgment is docketed in a case, the judgment creditor can file a [Writ of Attachment \(Wages\)](#) to attach the judgment debtor's wages and a [Writ of Attachment \(Other Than Wages\)](#) to attach money, property or credits owed to the judgment debtor that are held by a third party, usually from a financial institution. The fee to file a Writ of Attachment is \$10.00.

The Writ of Attachment can only be issued against property located in the District of Columbia, an employee of the District of Columbia or on a Federal or District of Columbia government agency. It must list a District of Columbia address or government agency but can be mailed to an institution or agency outside of the District of Columbia, as long as the property is located in the District of Columbia or with a government agency.

A Writ of Attachment must be served by an individual other than the party or an interested person. The clerk's office does not serve Writs of Attachment unless the judgment creditor has been approved to proceed without prepayment of costs, by the Judge. The clerk's office will issue the writ by certified mail if the prepayment of costs is waived.

Proof of service of the Writ of Attachment must be filed in the clerk's office. The garnishee (the person required by court order to seize property belonging to a debtor) is required to file an answer to the Writ of Attachment within ten days after the writ is served. The judgment creditor must obtain a Judgment of Condemnation to retrieve property attached pursuant to the Writ of Attachment for Other than Wages. A Judgment of Condemnation is prepared by the clerk and can only be issued upon proof of service of the Writ of Attachment. The fee for a Judgment of Condemnation is \$5.00.

If the Writ of Attachment for Other than Wages attaches exempt property of the judgment debtor, the judgment debtor can file a [Motion for Exemption](#). A hearing on the motion will be set no later than seven (7) days after the filing of the motion, unless the moving party requests a later date or the parties otherwise agree. Super. Ct. Civ. R. 69-I; Super. Ct. Sm. Cl. R. 2. The fee to file the motion is \$10.00.

Writ of Fieri Facias

Fourteen (14) days after a judgment is docketed in a case, a judgment creditor can file a Writ of Fieri Facias to attach goods and chattels such as money in a cash register (till tap), business assets or other personal property held by the judgment debtor. The Writ of Fieri Facias and a Process Receipt and Return form is completed by the clerk. The judgment creditor must take these forms to the U.S. Marshal's Office for execution. The judgment creditor may be required to provide an indemnity bond and an advance deposit to cover the U.S. Marshal's Office estimated out-of-pocket expenses. The judgment creditor should accompany the U.S. Marshal's Office in executing the writ. The U.S. Marshal's Office files proof of execution of the Writ of Fieri Facias. The U.S. Marshal will not execute on property located outside of the District of Columbia. The fee to file a Writ of Fieri Facias is \$10.00. There is also a fee of \$110.00 required for execution on Writs of Fieri Facias and tendered directly to the US Marshal's Office.

Certified Copy of Judgment - DMV

To record a judgment with the District of Columbia Department of Motor Vehicles, in cases involving an automobile accident, the judgment creditor can request a Certified Copy of Judgment for DMV. The clerk prepares the DMV certificate and mails the certificate to DMV by regular mail. There is a \$5.00 fee for a Certified Copy of Judgment - DMV.

True Test Certificate for Recording with the Recorder of Deeds

To record a judgment with the Recorder of Deeds for the District of Columbia, the judgment creditor can request a True Test for Recording with the Recorder of Deeds. The clerk prepares the True Test Certificate. The judgment creditor files the True Test Certificate with the Recorder of Deeds. There is a \$5.00 fee for a True Test Certificate for Recording with the Recorder of Deeds.

Triple Certificate

To file a judgment in a foreign jurisdiction, the judgment creditor can request a Triple Certificate. The clerk prepares the Triple Certificate and forwards it to the Chief Judge for signature. It takes three to five business days to receive a Triple Certificate. The clerk either mails the Triple Certificate to the judgment creditor or calls the judgment creditor to pick up the certificate when it is ready, pursuant to the request of the judgment creditor. The judgment creditor is responsible for filing the Triple Certificate with the foreign jurisdiction along with any other required documents. There is a \$10.00 fee for a Triple Certificate.

Foreign Judgment

A judgment creditor (the party for whom judgment was entered) can file a request to file a foreign judgment. A foreign judgment is a judgment that was entered in the United States, but not within the jurisdiction of the District of Columbia. A party might file this because they wish to have the foreign judgment docketed within the District of Columbia for enforcement purposes. The filing fee for the foreign judgment is determined by the judgment amount requested, and the case will be assigned a case number and type (SC1, SC2, or SC3) based on this amount. See D.C. Code § 15-352 for more information.