Superior Court
of the
District of Columbia

CIVIL ACTIONS INFORMATION HANDBOOK

THE CIVIL DIVISION

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INTRODUCTION

The Civil Division launched an expansive effort in January, 1991 by initiating the Civil Delay Reduction Program. Several judges and court administrators worked tirelessly to implement this program in order to improve the quality of civil case processing in D.C. Superior Court. The goals of the Program were to reduce delay in the disposition of civil cases and to improve the pace of civil litigation. Through the use of Alternative Dispute Resolution (ADR) methods and continuing review of administrative processes, we continue to make remarkable progress in these areas. Approximately 87% of civil cases are disposed of within 18 months after initial filing which has greatly improved the pace of civil litigation. The division serves as a model for civil case processing across the nation and the world.

It is equally important to note that the Multi-Door Division has made significant contributions to the success of the Program. The Multi-Door Division is responsible for all Alternative Dispute Resolution programs which include mediation, case evaluation and arbitration. Many civil cases do not reach the trial stage because some type of ADR method has effectively disposed of the case. The Multi-Door Division is a vital partner in the Civil Division's efforts to maximize efficiency and effectiveness in civil case processing.

In May, 2001, the Civil Division was the first Court division to implement electronic filing for Civil I cases (complex civil cases such as medical malpractice, toxic tort and asbestos cases). In May, 2005, the division completed its transition to the Integrated Justice and Information System (IJIS) and enjoys phenomenal success in using the Courtview application. On October 23, 2006, e-filing of most Civil II cases began on a voluntary basis. On February 5, 2007, e-filing became mandatory in most Civil II cases. E-filing of Civil II cases will remain voluntary for pro se litigants unless they consent to e-filing. For more information on e-filing procedures, see www.casefilexpress.com.

As the Court continues to improve service and access to citizens, Chief Judge Lee F. Satterfield, judges and court administrators in the Civil Division recognize the need to disseminate important information concerning filing procedures associated with civil cases. This need is greatest among litigants who are not represented by counsel - pro se litigants. In order to address this need, the Division has compiled the "Civil Actions Information Handbook". This Handbook is written in simplistic terms to clarify procedures that are often perplexing to the first time filer. This document is a summary of the basic information needed to assist a pro se individual in the filing of a civil action. In January, 2007, the Civil Division established the Court's first Public Access System

(www.dccourts.gov/pa) which allows the public to view case docket information via the internet.

DO I NEED A LAWYER TO REPRESENT ME IN MY CIVIL CASE?

It is advisable to have a lawyer to represent you in civil proceedings before the Civil Actions Branch (located in JM-170 of the Main Courthouse, H. Carl Moultrie Building) of the Superior Court of the District of Columbia. A lawyer will be able to advise you about the legal process and your legal rights, and assist you in negotiating the Court's often-complex civil procedures. You may be able to obtain legal assistance by visiting the D.C. Bar's website, "**www.LAWHELP.org/D.C**."

Please note that Court employees are prohibited from giving legal advice. If you cannot afford a lawyer, there are several agencies available to provide legal assistance to parties. A list of agencies that are available to assist you have been included at the end of this brochure. The Civil Clerk's Office can also provide you with a list of these agencies upon request.

If you choose to proceed pro se (without an attorney), the judge will expect you to have knowledge of the civil rules and case law even though you are not an attorney. It is important to remember that you may lose a case simply by not actively pursuing your case (dismissal), by not answering the complaint (default), or not appearing at a scheduled court date.

This informational handbook provides a brief description of the D.C. Superior Court Rules of Civil Procedure. The package includes information on the filing and serving of the civil action (referred to as a complaint) and subsequent papers; the first event where parties appear before the assigned judge (the scheduling conference); Alternative Dispute Resolution (ADR) event; the pretrial conference (event where matters are addressed before trial); the trial; and post-trial proceedings. The appendix also includes a list of court fees. **The Civil Division's website address may be accessed by clicking on www.dccourts.gov. Information regarding the electronic filing in Civil I cases (e.g. asbestos, medical malpractice) and in Civil II cases may be located on the D.C. Bar's website, www.dcbar.org or www.dccourts.gov. Two (2) judges handle all Civil I cases but Civil II cases are distributed among twelve (12) individual calendar judges. Case docket information may be viewed by visiting www.dccourts.gov/pa.**

If you need more information on civil rules, you may obtain a copy of the rules by contacting Lexis/Nexis, 1275 Broadway, Albany, New York 12204, (800) 223-1940. You should call this company directly for information on subscription prices.

I. HOW DO I FILE A NEW COMPLAINT IN THE CIVIL CLERK'S OFFICE?

A. THE COMPLAINT

The Civil Clerk's Office, located in JM-170, accepts all complaints initiated to remedy, safeguard or enforce private rights. A complaint is a claim which states that a wrong has been done. It is filed by a party who is called the "plaintiff" and explains why the Court should rule in his or her favor. The "defendant" is the person who the plaintiff contends is the wrongdoer. All claims in which the monetary relief sought exceeds $5,000.00 must be filed in JM-170. This Office also accepts civil case filings requesting equitable relief, meaning that you are requesting the Court to prevent someone from doing something (for example, a temporary restraining order), or to order someone to perform some action. If your claim is $5,000.00 or less and a non-criminal matter, it must be filed in the Small Claims and Conciliation Branch (510 4th Street, N.W., Bldg. B, Room 120). If you want additional information about filing fees or other matters in Small Claims, you may call (202) 879-1120 or see SCR-Civ. 202.

The filing party must provide the clerk with: (1) an original complaint that includes the name(s) and address(es) of the plaintiff(s) and defendant(s); (2) one copy of the original complaint for each defendant listed on the complaint and 3) a summons form for each named defendant in the complaint. A Civil Case Information Sheet must also be presented at the time of the initial filing that indicates the type of case being filed and the amount of damages plaintiff is seeking. PRESENTLY ALL FILING FEES MUST BE PAID BY EITHER CASH, MONEY ORDER OR CASHIER'S CHECK. Only members of the D.C. Bar may pay filing fees by personal check. Money orders or cashier's checks should be made payable to: "The Clerk, D.C. Superior Court." **However, the Court may soon implement a payment system where litigants may pay by credit card. Check with the Clerk in JM-170.**

The complaint and subsequent papers must be on white paper, 8-1/2 x 11. "D.C. SUPERIOR COURT" must be indicated across the top of the first page. Pro se parties (parties representing themselves in Court proceedings without the assistance of an attorney) must sign the complaint and include their address and telephone number. You must provide a hand-written signature. A name affixed by a rubber stamp is not acceptable as a signature (SCR-Civ. 11).

The complaint and subsequent papers may be filed Monday through Friday from 8:30 a.m. to 5:00 p.m., from 9:00 a.m. to 12 noon on Saturdays, or at anytime in the deposit box provided for civil filings on the first floor in the lobby of the main courthouse building. The Court is not responsible for any lost valuables or documents. You should not leave cash with your documents. It is advisable to check the following business day to determine if your documents have arrived in the Civil Clerk’s Office. Personnel who work at the first floor Information Booth window will not be able to answer any questions regarding filing procedures. They are not Civil Division personnel. You may call the Civil Clerk's Office General Information Number at (202) 879-1133 during regular business hours if you need additional information.

B. THE SUMMONS

Whenever you file a new complaint with the Civil Clerk's Office, a summons must be completed for each defendant in the case. A summons is a paper that gives formal notice to the defendant(s) telling him or her to appear in Court to answer the complaint filed against him or her. The defendant will be given the time and place to appear in Court and be asked to answer the complaint in writing against him or her. The Civil Clerk's Office provides a summons to the filing party. The filing party must complete the summons(es) and include the names and addresses of all plaintiff(s) and defendant(s). In addition, the name, address and telephone number of the pro se party must be printed in the lower left corner of the summons.

The summons notifies the defendant that he or she is required to provide an answer to the complaint, either personally or through an attorney within 20 days of service. If the District of Columbia is named as a defendant, it must answer the complaint within 60 days of service. That answer must also be filed with the Court and a copy provided to the plaintiff. If the defendant fails to file an answer within the appropriate time frames, a default may be entered (See SCR-Civ.12 (a)). Please note that the District of Columbia government is allowed 60 days to answer a complaint rather than 20 days.

C. CASE INFORMATION FORM

The clerk provides a Case Information Form at the window to the filing party to complete and file with the complaint. The Case Information Form lists the different categories of civil cases. You should check the appropriate category (for example, breach of contract, personal injury) under which your particular case falls.

The clerk will review the complaint for amount of damages (ad damnum), the summons, and the Case Information Form for completeness. If the complaint is accepted for filing, the clerk assigns a Civil Action Number to the new case and stamps that number on the complaint, summons, and Case Information Sheet. **THIS CASE NUMBER IS EXTREMELY IMPORTANT BECAUSE IT WILL BE NEEDED IN ANY FUTURE INQUIRIES REGARDING YOUR CASE. On January 25, 2007, the Civil Division implemented the Court's first Public Access Program where you may view case docket information via the internet, see www.dccourts.gov/pa.** The clerk will then sign, date, and seal the summons, separate the original complaint and summons from the copies. The clerk will return a service copy to the filing party for service upon the defendant(s). The case is entered into the computer for random assignment to a judge assigned to one of several calendars.

D. INITIAL ORDER

Once the case has been assigned to a judge, the computer generates an Initial Order that the clerk will attach to the original complaint and service copy of the complaint while the filing party waits at the window. The Initial Order is a form generated by the computer that includes the

following information: the time limit for filing an answer to the complaint, the time period for filing proof of service, the judge's name to whom the case is assigned, the calendar number, the initial scheduling conference time and date, and the courtroom number and location. **THE INITIAL ORDER MUST BE SERVED UPON ALL DEFENDANTS ALONG WITH A COPY OF THE COMPLAINT AND SUMMONS.**

E. COURT FEES

The cost for filing a new complaint is presently $120.00. When the Initial Order is generated, the clerk prepares a financial transaction sheet for payment of the $120.00 filing fee. After payment of the required fee in JM-170, the filing party is given the service copy of the complaint, summons and Initial Order.

Parties may pay filing fees by cash, money order, or cashiers check. Presently, only attorneys who are members of the D.C. Bar may pay by personal check.

II. HOW MAY I SERVE THE COMPLAINT ON THE DEFENDANT(S)?

A. TIME PERIOD FOR SERVICE

Service of the complaint, summons and Initial Order means that you have provided the defendant(s) with a copy of your complaint. Most complaints in the Civil Actions Branch must be served upon the defendant(s) within sixty (60) days of the filing of the complaint. However, Collection and Subrogation complaints filed pursuant to SCR-Civ. 40-III must be served upon the defendant(s) within 180 days. In Civil Actions, collection cases are those in which the plaintiff seeks to recover a debt owed in an amount that exceeds $5,000.00. Subrogation cases are automobile accident cases where the plaintiff, or the insurance company on behalf of the plaintiff, is attempting to collect monetary damages in the amount that exceeds $5,000 (See revised SCR-Civ. 40-III). Collection and subrogation cases where the amount in controversy is less than $5,000 are filed in the Small Claims and Conciliation Branch.

All collection and subrogation cases as described above are assigned to a special calendar, called Calendar 18, and heard by a Magistrate Judge. In cases where one of the parties does not consent to the Magistrate Judge’s authority, the case will be assigned to a judge.

In all cases, a motion may be filed for an extension of time for service provided that it is filed prior to the end of the time period allowed for service. If the case is not served within the appropriate time frames, the case will be dismissed (See SCR-Civ. 4(m) and SCR-Civ. 40-III(b)).

B. METHODS OF SERVICE

There are three methods of service upon a defendant: process server, certified or registered mail, or first-class mail.

1. Process Server

Service may be done by a special process server. This person cannot be a party to the case and must be 18 years of age or older. The filing party bears the costs of special process service (SCR-Civ. 4(c)(2)).

If a special process server is used to complete service upon the named defendant(s), a notarized affidavit must be filed with the Civil Clerk's Office. The affidavit must state the case name and number, the process server's name and residential or business address, the time and place of service, and the fact that he or she is 18 years of age or older. The affidavit must also state that a copy of the complaint, summons and Initial Order was personally served upon the defendant(s).

If service is made upon a person other than the named defendant(s), the process server must include in the affidavit enough facts for the Court to determine that the person upon whom the service was made is eligible to receive service. For instance, the affidavit must state that a copy of the complaint, summons and Initial Order was delivered at the individual's home or usual place of abode with an adult residing in the home, or that a copy of the complaint, summons and Initial Order was delivered to an agent authorized by appointment or law to receive service of process (See SCR-Civ. 4(e)(2)).

2. Certified or Registered Mail

Service of process may also be completed by mailing a copy of the complaint, summons and Initial Order by certified or registered mail, return receipt requested (SCR-Civ. 4(c)(3)).

3. First-Class Mail

Service of process also may be made by mailing a copy of the complaint, summons and Initial Order by first-class mail, postage prepaid, to the person to be served. The filing party must also include two copies of a Notice and Acknowledgment Form 1-A, available in the Civil Clerk's Office(JM-170), and a return envelope, postage prepaid, addressed to the sender (SCR-Civ. 4(c)(4)). The filing party is responsible for filing the Acknowledgment Form, which must contain the defendant's signature acknowledging receipt.

C. SERVICE UPON SPECIFIC DEFENDANTS

1. Service upon a Corporation or Association

Service upon a domestic or foreign corporation or association must be completed by mailing a copy of the complaint, summons and Initial Order to a person authorized to accept service for that corporation or association (i.e. an officer, managing agent, general agent, or any other agent of the corporation or association authorized by appointment or law to receive service of process) (SCR-Civ. 4(h)(1)). To find out who is designated as the authorized agent for service on behalf of a corporation, you should call the Department of Consumer and Regulatory Affairs, Corporations Division, (202) 442-4430, located at 941 North Capitol Street, N.E., First Floor, Washington, D.C. 20001.

2. Service Upon a Partnership or Unincorporated Association

A partnership (an association of two or more persons who, as owners carry on a business for profit) or unincorporated association (voluntary group of persons without a charter formed to promote a common goal) cannot be served in the same manner as a corporation. Instead, some or all of the partners must be sued and served individually. They may be served as provided in "C" above (SCR-Civ. 4(h)(1)).

3. Service upon the United States and its Agencies

Service upon the United States and its agencies must be done by delivering a copy of the complaint, summons and Initial Order to (1) the United States Attorney for D.C.; (2) an Assistant United States Attorney; or (3) a clerical employee designated by the United States Attorney in a writing filed with the Clerk of the Court.

When you complete service by one of the ways above, you must ALSO send a copy of the complaint, summons and Initial Order by registered or certified mail to the Attorney General of the United States at Washington, D.C. (SCR-Civ. 4(i)(A) and (B).

Alternatively, service may be effected by sending a copy of the complaint, summons and Initial Order by registered or certified mail to the civil process clerk at the office of the United States Attorney.

4. Service upon the District of Columbia and its Officers or Agencies

Service upon the District of Columbia and its officers or agencies must be made by either delivering (by special process server) or mailing (certified or registered mail, return receipt requested) a copy of the complaint, summons and Initial Order to the Mayor of the District of Columbia (or designee) and to the Attorney General for the District of Columbia (formerly the "Office of the Corporation Counsel of the District of Columbia"). To determine the person designated by the Mayor for service of process, you should call (202)727-7306. For the Office of the Attorney General for the District of Columbia, you should 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.

D. BRINGING IN ADDITIONAL PARTIES IN YOUR CASE

If you feel that another party needs to be included in your case so that the judge can hear all relevant issues, the person(s) must be served within 100 miles from the place of the hearing or trial. (See SCR-Civ. 4(k)(1)(B), SCR-Civ. 14 and 19).

E. FILING PROOF OF SERVICE

Proof of service of the complaint must be filed with the Court within 60 days after the filing of the complaint for most civil cases (SCR-Civ. 4(m)), or 180 days after the filing of the complaint for collection and subrogation cases (SCR-Civ. 40-III). If the affidavit of service is not filed within the appropriate time frame, the complaint will be dismissed by the clerk.

III. FILING OF ANSWERS

The defendant has 20 days[1] after being served with the complaint, summons and Initial Order to file an answer to the complaint (SCR-Civ. 12(a)(1)), except that if the District of Columbia is named as a defendant, it must answer the complaint within 60 days of service. If the defendant fails to answer or does not file a motion for extension of time to answer within this time period, an entry of default against the defendant will be made by the clerk. An entry of default means that the defendant has failed to appear in the case to defend the allegations made against him or her.

Once **a default** is entered, the plaintiff within 60 days, must do one of the following:

1) request a default judgment from the clerk by filing a notarized statement referred to as an "affidavit" stating a specific amount in damages that is owed by the defendant. The plaintiff must also serve a copy of the affidavit on the defendant at least 20 days before you request the default judgment. In addition, the clerk will need a form referred to as a "Soldiers and Sailors

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[1] See SCR-Civ. 6 for computation of time.

Affidavit" verifying that the party against whom the judgment has been requested is not in the military. This form is available in the Judgment Office, JM-170 (See SCR-Civ. 55(b)(1)); or

2) file a motion in which you request that the judge issue an order that will give you a default judgment against the defendant. The motion must be filed in JM-170 (SCR-Civ. 55 (b)(2)); or

3) request that an ex parte proof hearing be scheduled by the Court so that the plaintiff can prove the amount of damages at a Court hearing (SCR-Civ. 55-II). In an ex parte proof hearing, the requesting party, must bring proof of his or her damages and if approved by the judge, may obtain a default judgment without the opposing side appearing at the hearing. The opposing party, however, will be notified by the Court of the ex parte proof hearing date. An ex parte proof hearing may be requested in the Quality Review Branch (formerly called the Civil Assignment Office), Room JM-130.

IV. FILING OF ALL MOTIONS AND RELATED PAPERS

All motions and related papers must contain the following: correct case name and number, the name of the court across the top, and the judge's name and calendar number. The title of the motion must clearly state the relief requested. The motion must be accompanied by the following:

(1) On a separate page, reasons and/or case law to support your motion (referred to as Memorandum of Points and Authorities);

(2) A proposed order for the judge to sign;

(3) A statement called a "Certificate of Service" that indicates the filing party has sent a copy to all opposing parties. This Certificate of Service must contain the filer's original signature, address, and telephone number;

4) Chambers copy for the assigned judge (See SCR-Civ. 5(e)). This copy may be deposited in the Civil Clerk's Office (JM-170) for forwarding to chambers. Please ensure that the judge's name and calendar number are placed on the motion for proper delivery; and

(5) Filing fee of $20. Parties may pay filing fees by cash, money order, or cashiers check. Presently, only attorneys who are members of the D.C. Bar may pay filing fees by personal check.

You must also try to get the opposing party to agree to the relief that you are requesting in any motion and include a statement in your motion that you have tried to get the opposing party's consent (SCR-Civ. Rule 12-I(a)). All motions and related papers must be

on 8-1/2 x 11-inch white paper and signed by the filing party with his or her address, and telephone number (SCR-Civ. 10-I).

Like complaints, all motions and subsequent pleadings may be filed Monday through Friday from 8:30 a.m. to 5:00 p.m., from 9:00 a.m. to 12 noon on Saturdays, in the Civil Clerk's Office (JM-170). When the Civil Clerk's Office is closed, filings may be deposited in the deposit box provided for civil filings on the first floor in the lobby of the main courthouse building after 5:00 p.m. Monday through Friday, after 12 noon on Saturdays and up to 12 midnight on Sundays. A time clock is available to indicate the date and time that the pleading is filed. The Court is not responsible for any lost valuables or documents. You should not leave cash with your documents. Personnel who work at the first floor Information Booth window will not be able to answer any questions regarding filing procedures. They are not Civil Division personnel. You may call the Civil Clerk's Office General Information Number at (202) 879-1133 during regular business hours.

For more information on general motions procedures, you may pick up materials from the Judgment Office window in JM-170.

A. OPPOSITIONS TO MOTIONS

If you wish to oppose a party's motion, the opposition must be accompanied by the following:

(1) On a separate page, reasons and/or case law to support your opposition (referred to as Memorandum of Points and Authorities);

(2) A proposed order for the judge to sign;

(3) A statement called a "Certificate of Service" that indicates the party filing the opposition has sent a copy to all opposing parties. This Certificate of Service must contain the filer's original signature, address, and telephone number; and

4) Chambers copy for the assigned judge. This copy may be mailed or delivered to the Civil Clerk's Office for forwarding to chambers (JM-170). Please ensure that the judge's name and calendar number are placed on the opposition for proper delivery.

It is important to remember that oppositions to motions must be filed and served within 10 days after receiving the opposing party's motion (SCR-Civ. 12-I (e)). If you receive the motion by hand delivery (i.e. by a special process server), begin to count on the following day the period of 10 days but do not include Saturdays, Sundays or legal holidays in your total of 10 days (See SCR-Civ. 6(a)). For example, if a motion is served on an opposing party on Friday, February 8, 2008, the opposition must be filed and served by

Monday, February 25, 2008 (excluding Saturdays, Sundays, and the legal holiday, February 18, 2008 - President's Day).

If you receive the motion by mail, you are allowed an additional 3 days to file and serve an opposition. In the example above, if the Certificate of Service indicates a mailing date for the motion of February 8, 2008, your opposition should have been filed and served by February 29, 2008 (See SCR-Civ. 6(e)).

V. THE INITIAL SCHEDULING CONFERENCE

The first Court hearing before the assigned judge is the Initial Scheduling Conference. This event usually occurs within 90 to 120 days after the filing of the complaint. The date and time are written on the Initial Order which is issued to the plaintiff when the complaint is filed. The plaintiff must provide a copy of the Initial Order to all defendants when serving the complaint and summons.

As of September 2, 2003, SCR-Civ. 16 (b) allows attorneys to forego appearing at the Initial Scheduling conference if certain requirements are met. Parties should review these changes carefully. If these requirements are not met, all counsel and unrepresented parties must attend the Initial Scheduling Conference, which normally occurs on a Friday and lasts approximately 5 to 10 minutes. At this Conference, the judge will set deadlines for filings of motions, completion of discovery, and a pretrial conference date (approximately 60 days after the ADR event). Parties should ask the judge whether he or she has any specific written guidelines pertaining to that calendar. The trial date is not scheduled by the judge until after the pretrial conference has occurred.

The Initial Scheduling Conference presents an opportunity for the parties to settle the case. If the parties do not settle, however, the judge will select a form of Alternative Dispute Resolution (ADR) by which parties may resolve a dispute without going to trial.

VI. ALTERNATIVE DISPUTE RESOLUTION (ADR)

Alternative Dispute Resolution (ADR) is used in the Court to allow parties the opportunity to resolve a dispute without going to trial. There are three types of ADR used in this Court that are described below:

If mediation is selected by the judge, a trained mediator is assigned to the case who assists the parties with the dispute. In the mediation session, the mediator helps the parties communicate their positions on issues and explores possible solutions or settlements.

If case evaluation is selected by the judge, a trained evaluator listens to informal presentations by the parties. Following the presentation, the evaluator discusses the strengths and weaknesses of each side's case. The evaluator provides the parties with a non-binding opinion as to the likelihood of success at trial and the fair settlement value of the case. The parties are given

an opportunity to discuss a settlement both before and after the evaluator gives his or her non-binding evaluation.

If arbitration is selected by the judge, the parties will choose the arbitrator and an alternate from a list provided in the courtroom. The parties also choose binding or non-binding arbitration. The arbitrator will schedule a hearing within 120 days of the scheduling conference. Each side will give a complete but informal presentation of his or her case. The arbitrator will rule on all motions, and for all practical purposes, act as the judge in the case. Following the hearing, the arbitrator will issue a written award for the plaintiff or defendant. If the parties select non-binding arbitration and either party is dissatisfied with the award, a new trial (or trial de novo) must be requested. However, the dissatisfied party must file the request for trial de novo with the Multi-Door Division (Building A, 515 5th Street, N.W., Police Memorial Entrance) within 15 days after filing of the arbitrator's award in Multi-Door. In binding arbitration, the arbitrator's award is converted into a final judgment.

For more information, you may receive a copy of the Arbitration Rules and the Mediation and Case Evaluation Procedures from the Multi-Door Division, Telephone Number, 202-879-1549.

VII. PRETRIAL CONFERENCE

The Pretrial Conference, which establishes the guidelines for the trial, is conducted only if the parties have failed to reach a settlement through ADR. In most civil cases, this event is scheduled approximately 60 days after ADR. If the parties fail to reach a settlement at ADR, they select a pretrial date at that time in the Multi-Door office.

The parties must meet three weeks prior to the scheduled pretrial hearing to discuss the case and reach an agreement on important issues in the case (revised SCR-Civ.16(c)). Two weeks before the pretrial, any motions related to the conduct of the trial must be filed with the Court, served on all parties, and delivered to the assigned judge. One week prior to the pretrial, the parties must file with the Court and deliver to the assigned judge a joint pretrial statement in accordance with revised SCR-Civ. 16(e). Any party who has objections to any submissions must make them at the same time that the joint pretrial statement is filed.

At the pretrial, the judge issues a pretrial order that outlines procedures for the trial.

VIII. TRIAL

At trial, the courtroom clerk will call the cases on the judge's calendar for that day. You must acknowledge your presence when called. If you are the plaintiff, you have the first opportunity to present relevant evidence in your case. In most instances, in order to win your case, you must prove your claim by a preponderance of evidence, which simply means that you have the burden of proving or convincing a judge or jury that it is "more likely than not" that your claim is true.

If you are the defendant, you will have an opportunity to question the plaintiff and his or her witnesses (cross- examination). Your examination should focus on the issues and demonstrate why the plaintiff's claim is not accurate. After cross-examination of the plaintiff and his or her witnesses, you then may offer your side of the story and present any relevant evidence and have your witnesses testify. The plaintiff may then ask questions of you and your witnesses.

IX. AFTER THE TRIAL

After the Court has heard all of the testimony in a non-jury trial, the judge will give his or her decision by issuing a written order. That order will indicate which party has won the case and the amount that can be recovered by the winning party. The judge also may make a partial ruling as to a specific issue and make a final ruling in the case at another time. If the judge chooses not to make a decision immediately after the trial, the parties will be so advised.

If the case has been heard by a jury, after all testimony has been given and jury deliberations concluded, the jury's verdict is read in Court and recorded by the courtroom clerk. The courtroom clerk then prepares a judgment order which will be issued after approval by the judge.

X. COLLECTING YOUR MONEY JUDGMENT

It is the winning party's responsibility to pursue collection of the money judgment authorized by the Court. If you are the winning party of a money judgment, you may apply for a Writ of Attachment on a judgment against your opponent's wages and/or bank account. A Writ of Attachment is a form issued by the Court that allows you to obtain monies from the defendant's wages and/or bank account. However, only one Writ of Attachment may be issued against a person's wages at a time. You must apply for the Writ of Attachment with the clerk in the Judgment Office (JM-170).

If the losing party does not have any bank accounts or monies available, you may request an oral examination to determine the whereabouts of his or her assets. You may obtain more information regarding the scheduling of an oral examination from the Quality Review Branch, Room JM-130, or call (202) 879-1750.

You can also issue a Writ of Fieri Facias (pronounced as “Fie-Fae”) to obtain sale of certain property of the defendant to collect the debt owed. However, your judgment must be filed and recorded with the Recorder of Deeds at 515 D Street, N.W., Washington, D.C., (202) 727-5374, before a Writ of Fieri Facias can be issued (D.C. Code §16-525). Please contact the Civil Clerk's Office (JM-170) at (202) 879-1133 if you wish additional information.

XI. WHAT CAN I DO IF I LOSE?

A. DISMISSAL FOR FAILURE TO SERVE

If the plaintiff's case is dismissed for failure to serve the complaint on the defendant(s), a Motion for Reinstatement of the case may be filed. You must file the motion in the Civil Clerk's Office (JM-170) and pay a $20.00 fee.

B. DEFAULT/DEFAULT JUDGMENT FOR FAILURE TO ANSWER

If you are the losing party and a default or default judgment has been issued against you, you may file a Motion to Vacate the Default or Default Judgment. This motion must be accompanied by a notarized answer setting forth any defenses that you have to the complaint. You must file the motion in the Civil Clerk's Office (JM-170) and pay a $20.00 fee.

C. APPEAL FROM A TRIAL

Either party may appeal a decision by the judge or jury. If you wish to file a Notice of Appeal in the Civil Clerk's Office (JM-170), the appeal must be done within thirty (30) days after the docketing date of the judgment order. The docketing date, the official recording date, is always stamped on the last page of the order. It costs $100.00 to file an Appeal (The District of Columbia Court of Appeals increased its fees on January 2, 2004). When filing a Notice of Appeal, you must file with the clerk an original and eight (8) copies. The Notice of Appeal form is available in the Civil Clerk's Office. Once the record of the proceedings is sent to the D.C. Court of Appeals, that Court maintains jurisdiction over the case until the issues under appeal are decided.

SOME ROUTINE COURT FEES

Filing a New Complaint	$120
Jury Demand	$---
Filing a Motion	$20
Motion to Reinstate after dismissal under Rule 41-I	$35
Writ of Attachment	$20
Writ of Fieri Facias	$20
Triplicate Certificate of Judgment	$20
Oral Examination	$20
Alias Summons[2]	$10
Notice of Appeal	$100
Certified Copy	$ 5

[2] **Request for another summons once the original summons has been issued.**

updated: 10/01/08

* Court Fee schedule presently in effect. Fees are subject to change. For e-filing procedures, visit **www.casefilexpress.com**.

STAFF ROSTER

Director of the Civil Division	879-1680
Deborah M. Taylor-Godwin, Esq. (Rm. JM-120)	
Deputy Director of the Civil Division	879-8334
Jon P. Peterson (Rm. JM-120)	
Civil Actions Branch Chief	879-1143
Derrick Monroe (Rm. JM-140)	
Quality Review Branch Chief	879-1794
Joy Jefferson (Rm. JM-130)	
Landlord & Tenant Branch Chief	508-1619
Tiffany Adams-Moore, Esq.	
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Small Claims Branch Chief	508-1611
Zabrina Dempson, Esq.	
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Note: Please call the Court's information line at (202) 879-1010 during inclement weather or other emergency conditions to determine the status of court operations.

updated: 10/01/08