

Rule 77. Conducting Business; Clerk’s Authority; Notice of an Order or Judgment

(a) WHEN THE SUPERIOR COURT IS OPEN. The Superior Court is considered always open for filing any paper, issuing and returning process, making a motion, or entering an order.

(b) CLERK’S OFFICE HOURS; CLERK’S ORDERS.

(1) *Hours.* The clerk’s office—with a clerk or deputy on duty to assist the public—must be open during normal business hours as set by the Chief Judge. When practicable, those hours will comport with the hours of operation posted on the Superior Court’s website.

(2) *Orders.* Subject to the court’s power to suspend, alter, or rescind the clerk’s action for good cause, the clerk may:

(A) issue process;

(B) grant applications under Rule 54-II(b);

(C) enter a default; and

(D) act on any other matter that does not require the court’s action.

(c) SERVING NOTICE OF AN ORDER OR JUDGMENT.

(1) *Service.* Immediately after entering an order or judgment, the clerk must serve notice of the entry, as provided in Rule 5, on each party who is not in default for failing to appear. The clerk must record the service on the docket. A party also may serve notice of the entry as provided in Rule 5.

(2) *Time to Appeal Not Affected by Lack of Notice.* Lack of notice of the entry does not affect the time to appeal or relieve—or authorize the court to relieve—a party for failing to appeal within the time allowed, except as allowed by the Rules for the District of Columbia Court of Appeals.

(3) *Who Can Perform the Clerk’s Function.* Nothing in this rule precludes a judge or magistrate judge or his or her authorized staff member from performing the function of the clerk prescribed in Rule 77(c).

COMMENT TO 2019 AMENDMENTS

Subsection (b)(2) was amended to reflect the amendment to Rule 54-II, which now permits the clerk to grant applications when the applicant receives Temporary Assistance for Needy Families, General Assistance for Children, Program on Work, Employment, and Responsibility, or Supplemental Security Income.

COMMENT TO 2018 AMENDMENTS

This rule has amended to conform to Civil Rule 77, except for the provision requiring all proceedings to take place in “open court.”