



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CIVIL DIVISION



HANDBOOK FOR PEOPLE WHO REPRESENT THEMSELVES IN CIVIL CASES

OPEN TO ALL
TRUSTED BY ALL
JUSTICE FOR ALL

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GENERAL QUESTIONS

WHY SHOULD I READ THIS HANDBOOK?

This handbook provides basic information about what happens in civil cases in the DC Superior Court. It explains some of your basic rights and responsibilities if you represent yourself in a civil case – either as a plaintiff or as a defendant.

For additional information, please go to the Civil Division's webpage: <https://www.dccourts.gov/superior-court/civil-division>. The Civil Actions Branch live chat feature is available at <https://www.dccourts.gov/services/civil-matters/requesting-over-10k>, Monday through Friday from 8:30 a.m. – 5:00 p.m. To access the feature, click the rectangular blue icon on the right-hand side of the screen.

You can find forms for many documents on the court's website: <https://www.dccourts.gov/services/forms>.

DOES THIS HANDBOOK COVER ALL KINDS OF CIVIL CASES?

No. If your claim is for \$10,000 or less and you are asking only for money, you must file your case in the Small Claims and Conciliation Branch, located at 510 4th Street, N.W., Court Building B, Room 120. Different rules and procedures apply to small claims cases. A separate handbook for these cases is available online: https://www.dccourts.gov/sites/default/files/matters-docs/Small_Claims_Handbook_Revised_May_2015.pdf. You may also call (202) 879-1120 for additional information about small claims cases.

The Landlord and Tenant Court generally handles cases in which landlords are trying to evict tenants. If you want more information about these cases, you can go to the Landlord and Tenant Clerk's Office in Room 110 in Court Building B at 510 4th Street, N.W. – or to the Landlord and Tenant Resource Center in Room 208 between 9 a.m. and noon, Monday through Friday.

Different procedures may apply in mortgage foreclosure cases. For more information, go to <https://www.dccourts.gov/sites/default/files/matters-docs/Notice-Mortgage-Foreclosure-Courtroom.pdf>.

DO I NEED A LAWYER TO REPRESENT ME?

An individual does not have to have a lawyer, but a corporation has to have a lawyer represent it in court. Almost everyone is better off with a lawyer. A lawyer can advise you about what your rights are. A lawyer can help you understand the court's rules and procedures, which are often hard for a non-lawyer to understand and follow.

If you cannot afford to hire a lawyer, you may be able to find one willing to represent you for free in the list at the end of this booklet or if you visit the DC Bar's website, www.lawhelp.org/dc.

CAN THE COURT APPOINT A LAWYER TO REPRESENT ME?

No. The court cannot appoint lawyers to represent people who cannot afford a lawyer in civil cases. Although the court can provide information about finding a lawyer, it is up to you to find a lawyer willing to represent you.

WHAT ARE MY RESPONSIBILITIES IF I REPRESENT MYSELF?

Everyone who comes to court must comply with the rules of court. In general, the same rules apply to parties who do not have lawyers as to parties who do have lawyers. The court expects self-represented parties to make themselves familiar with the court's rules. The judge cannot give you legal advice. However, the judge may provide basic information about how the court works and what the rules are.

WHAT ARE THE DC SUPERIOR COURT RULES OF CIVIL PROCEDURE?

The Rules of Civil Procedure are a detailed set of rules governing civil cases from start to finish. This handbook only summarizes parts of the Civil Rules that are most important or that come up frequently for people who do not have a lawyer.

A copy of the DC Superior Court's Rules of Civil Procedure is available online here: <https://www.dccourts.gov/superior-court/rules>.

HOW SHOULD I BEHAVE IN COURT?

In order to make a good impression when you are in front of a judge or jury, follow these simple rules:

- Arrive on time
- Check in with the court clerk
- After you check in with the clerk, sit quietly in the courtroom to wait for your case to be called
- Turn off your cell phone
- Do not wear a hat in the courtroom, unless it has a medical or religious purpose
- Do not eat, drink, or chew gum in the courtroom
- Do not read newspapers in the courtroom
- When your case is called, go up to the table you are assigned
- Act respectfully to the judge and the other party
- Listen to the judge's questions and do your best to answer them
- Wait your turn to speak
- Don't interrupt the judge or another party when they are speaking – you will get your chance
- Do not argue with the other party in front of the judge

Try to make arrangements so you don't have to bring your children into the courtroom. The court has a child care center in Room C-185 on the lower level of the Moultrie Courthouse for children aged 2 to 12. You can get forms for registering your child and more information online at: <https://www.dccourts.gov/jurors/arranging-child-care>. You may also call (202) 879-1684.

WHAT SHOULD I WEAR TO COURT?

Wear clothes that you would wear to an important occasion – like a job interview.

GETTING ANSWERS

WHERE CAN I GET MORE INFORMATION ABOUT HOW TO HANDLE MY CASE?

The Consumer Law Resource Center provides information about debt collection, home improvement, security deposit, used car or car repair, and other consumer-related disputes on Wednesday and Thursday mornings from 9:15 until noon. This Center is located in Room 208 in Court Building B, 510 4th Street, N.W. You can also get information about debt collection cases on Friday mornings in Room 5002 in the Civil Actions Branch Clerk's Office on the fifth floor of the Moultrie Courthouse.

Public libraries have some information about the law. They can also provide access to the Internet, where you can find more information.

CAN I CALL OR WRITE THE JUDGE IF I DON'T KNOW WHAT TO DO?

No. Court rules prohibit anyone, lawyers and non-lawyers, from calling or writing a judge or the judge's staff for assistance or guidance. Court rules also prohibit court employees from giving legal advice to anyone. That rule applies to employees in the Civil Actions Branch Clerk's Office and to the staff of individual judges. It also applies to people who work at the information booth on the first floor of the courthouse. The purpose of the rule is so that everyone is treated equally and both sides get a chance to be heard before the court makes a decision. Court employees may be able to provide basic information about procedures.

If you want the judge to do something, you must file a written motion and provide a copy to the other side. The procedures for filing a motion are explained later in this handbook.

The rules also strictly prohibit judges and their staff from discussing a case with only one side – communications that are sometimes called *ex parte* communications.

HOW DO I GET INFORMATION ABOUT WHAT IS HAPPENING IN MY CASE?

You can get information online about what documents and orders have been filed in individual cases. Visit court cases online at: <https://www.dccourts.gov/superior-court/cases-online>.

You can also come to the Civil Actions Branch Clerk's Office in Room 5000 at 500 Indiana Avenue, N.W.

FILING DOCUMENTS

HOW DO I FILE DOCUMENTS?

The Civil Actions Branch Clerk's Office is located in Room 5000, Moultrie Courthouse at 500 Indiana Avenue, N.W.

Although lawyers are required to file and serve documents electronically, self-represented litigants are not. However, the court encourages self-represented litigants to file electronically if they can. For more information about e-filing, go to <https://www.dccourts.gov/superior-court/e-filing>, or call File & Serve Xpress at (877) 433-4533.

WHEN CAN I FILE DOCUMENTS AT THE CLERK'S OFFICE?

You can file documents in Room 5000, Moultrie Courthouse, Monday through Friday from 8:30 a.m. to 5:00 p.m., and from 9:00 a.m. to 12 noon on Saturdays.

In addition, you can file them at any time in the deposit box provided for civil filings on the first floor in the lobby of the Moultrie Courthouse. It is advisable to check the following business day to determine if your documents have arrived in the Civil Actions Branch Clerk's Office by calling (202) 879-1133 or (202) 879-1134.

WHAT CAN I DO IF I CANNOT AFFORD THE FEES TO FILE DOCUMENTS?

The court allows you to file a complaint, motions, and other documents without paying the fees if you show that you cannot pay the fees without substantial hardship to you or your family. To get a waiver of these fees, you must submit an affidavit or declaration like Civil Actions Form 106A. You can find this form online at <https://www.dccourts.gov/services/judge-in-chambers/in-forma-pauperis-fee-waiver>.

You may be allowed to file papers without paying fees even if you have a job. If you show that you receive Temporary Assistance for Needy Families (TANF) or other public benefits, you can get a waiver without providing additional information. Otherwise, you may have to provide information about your income, assets, and expenses.

If you want to file a complaint without paying the filing fee, report to the Civil Actions Branch to complete the form. The form is sent to the Judge in Chambers for a decision. If you want a waiver of fees after you have filed, you have to get the waiver from the judge assigned to your case.

STARTING A CASE

HOW DO I SUE SOMEONE?

You have to prepare a document called a complaint and file it with the court. The person who files the case is called the "plaintiff." The person who the plaintiff sues is called the "defendant."

In the complaint, you have to explain what you think the person you are suing did wrong, and what you want the court to do about it. The complaint must contain a short and plain statement of the claim showing that you are entitled to money or some action by the defendant. You do not have to include detailed factual information, but it is not enough for you to say only that the defendant unlawfully harmed you.

If you want more than \$10,000 from the defendant, you must file your complaint in Room 5000 of the Moultrie Courthouse. That is also where you file cases seeking equitable relief, meaning that you want the court to order someone to do something (other than pay money) or not to do something.

WHAT DO I HAVE TO DO TO FILE A COMPLAINT?

You must file four documents and pay the filing fee, unless you get permission not to pay the fee because you cannot afford to do so.

The four documents you have to file are:

- (1) an original complaint that includes your name and address and the name and address of each defendant;
- (2) one copy of the original complaint for each defendant;
- (3) a summons form for each named defendant in the complaint; and
- (4) a Civil Case Information Sheet.

The complaint and subsequent papers must be on white paper, size 8-1/2" x 11."

Here is an example of what the top of the first page should look like:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

[Name and address of plaintiff(s)],	:
Plaintiff(s),	:
	:
v.	:
	:
[Name and address of defendant(s)],	:
Defendant(s).	:

COMPLAINT

If you do not have a lawyer, you must sign the complaint and include your address, email address, and telephone number. Your signature means that to the best of your knowledge, everything in the complaint is true and you are not filing your complaint to harass the other party. If a judge finds that you violated this commitment, the judge may impose monetary or other penalties. See Civil Rule 11.

If your contact information changes, you must notify the Court and the other side.

WHAT HAPPENS IF I NEED TO FIX SOMETHING IN MY COMPLAINT?

If you realize that you need to correct or add information, you have the right to change it one time without getting permission from the judge, as long as you do it within 21 days after you serve the defendant with the complaint or after the defendant responds. Otherwise, you need to file a motion asking the judge to allow you to amend your complaint. See Civil Rule 15.

HOW DO I GET A JURY TRIAL?

You will not get a jury trial unless you ask for it. If you are the plaintiff, you should include a demand for a jury trial in your complaint. Other parties must file a jury demand not later than 14 days after the service of the last document filed directed to the issue that the party wants a jury to decide. See Civil Rule 38(b)(1).

WHAT IS A SUMMONS?

A summons is the paper that gives a defendant formal notice of your case.

When you file a complaint, you must complete a summons for each defendant in the case. The Civil Actions Branch Clerk's Office provides a blank summons to the filing party. You must complete the summons, including the name and address of each defendant. In addition, you must print your name, address and telephone number in the lower left corner of the summons.

WHAT IS THE CASE INFORMATION FORM?

The clerk at the window provides a Case Information Form for the filing party to complete and file with the complaint. The Case Information Form lists the different categories of civil cases – for example, breach of contract, personal injury. You should check the category that describes the type of case you are filing.

WHAT IS THE CASE NUMBER?

When you file a complaint, the clerk assigns a Civil Action Number to the new case and stamps that number on the complaint and the summons. You need to have the case number for any future filings in the case or if you want to get information about the case.

WHO WILL DECIDE MY CASE?

A judge will decide your case. New cases are randomly assigned to one of the judges who handle civil cases. The judge to whom the case is assigned handles the case from beginning to end, unless the case is reassigned to a different judge.

WHAT IS AN INITIAL ORDER?

Once your case has been assigned to a judge, the Civil Actions Branch Clerk's Office prepares an Initial Order that it attaches to the original complaint and summons while the filing party waits at the window.

The Initial Order is a form generated by the computer that includes the following information:

- when you must file proof that you served each defendant
- when the defendant must file an answer to the complaint
- the name of the judge to whom the case is assigned
- the number and location of the courtroom of the judge to whom the case is assigned
- the time and date of the initial scheduling conference

You must serve the initial order on each defendant along with the complaint and summons.

HOW MUCH DOES IT COST TO FILE A NEW CASE?

It costs \$120.00 to file a complaint, unless you get permission not to pay the fee because you cannot afford it (see page 4 of this handbook). You have to pay this \$120.00 filing fee before the clerk gives you the copy of the complaint, summons and Initial Order to serve on each defendant.

Filing fees can be paid by cash, credit card (American Express, Discover, Visa or MasterCard), certified check, or by personal check, or money order made payable to: "Clerk, D.C. Superior Court." You must present a personal check in person with proper ID.

SERVING THE COMPLAINT

HOW DO I SERVE THE COMPLAINT ON THE DEFENDANT?

Serving the complaint, summons and Initial Order means that you provide a copy of these documents to each defendant.

You can serve a defendant in any of three ways: by using a process server, by certified or registered mail, or by first-class mail.

The first way to serve a defendant is by using a process server. A process server is a person who is 18 years of age or older and who is not a party to the case – for example, a friend or co-worker. See Civil Rule 4(c)(2). You do not have to hire a company to serve the papers, but if you do, you are required to pay the costs. The process server must give the complaint directly to the defendant, to a person over the age of 18 living at the defendant's residence, or to an agent authorized by appointment or law to receive service of process. See Civil Rule 4(e)(2). If you use a process server to serve the defendant, you must file an affidavit completed by the process server with

information about the process server and when and how the process server served the defendant.

You may also serve a defendant by mailing a copy of the complaint, summons and Initial Order by certified or registered mail, return receipt requested. See Civil Rule 4(c)(4). If you get back the “green card” signed by the defendant acknowledging receipt of the certified letter, you must file the green card or a copy to prove that the defendant was served.

The third way to serve a defendant is by mailing a copy of the complaint, summons and Initial Order by first-class mail, postage prepaid, to the defendant. The filing party must also include two copies of a Notice and Acknowledgment Form 1-A, available in the Civil Actions Branch Clerk’s Office (Room 5000), Moultrie Courthouse, and a return envelope, postage prepaid, addressed to the sender. See Civil Rule 4(c)(5). The filing party is responsible for filing the Acknowledgment Form, which must contain the defendant’s signature acknowledging receipt.

If you get a waiver because you cannot afford to pay court fees without substantial hardship, the court will try to serve a defendant by registered or certified mail. However, if this method of service is not successful, you are responsible for serving the defendant, except in exceptional circumstances. See page 4 of this handbook.

ARE THERE SPECIAL RULES FOR SERVING CERTAIN DEFENDANTS?

Yes. There are special rules for serving defendants that are organizations and not people.

Corporations and associations. To serve a corporation or association, you must mail a copy of the complaint, summons and Initial Order to a person authorized to accept service for that corporation or association. An authorized person means 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. See Civil Rule 4(h)(1). To find out who is designated as the authorized agent for service for a corporation, you can call or visit the DC Department of Consumer and Regulatory Affairs, Corporations Division. The telephone number is (202) 442-4430, and the address is 941 North Capitol Street, N.E., first floor, Washington, DC 20001.

Partnerships and unincorporated associations. If you sue a partnership or other unincorporated association, you generally have to serve the people who are partners or who make up the association. Those people must be sued and served like any other natural person. See Civil Rule 4(h)(1).

The District of Columbia and its officers or agencies. You can serve the District of Columbia and its officers or agencies 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. See Civil Rule 4(j)(3).

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, DC 20001.

The United States and its officers or agencies. The most common and easiest way to serve the United States and its officers or agencies is by sending a copy of the complaint, summons and Initial Order by registered or certified mail to (1) the civil process clerk at the Office of the United States Attorney, Moultrie Courthouse and (2) the Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, DC 20530. Other methods of serving the United States and its officer and agencies are explained in Civil Rule 4(i)(2) and (3).

HOW LONG DO I HAVE TO SERVE THE COMPLAINT?

You generally have 60 days from the date of filing to serve the complaint, unless you get an extension. See Civil Rule 4(m).

WHAT DO I DO IF I NEED MORE TIME TO SERVE THE COMPLAINT?

You can file a motion for an extension of time for service. However, you must file the motion **before** the end of the time period allowed for service.

WHAT SHOULD I DO AFTER I SERVE THE DEFENDANT?

You have to file proof of service. Proof of service consists of an affidavit or declaration under penalty of perjury that provides information about how service was made. Civil Rule 4(l) describes the information you must provide. You must file proof of service with the court within 60 days after you file your complaint.

WHAT HAPPENS IF I DO NOT SERVE THE DEFENDANT?

If you do not serve the defendant within the allowed time, or if you do not file proof that you served the defendant, your case will be dismissed. See Civil Rule 4(m).

If your case is dismissed for these reasons, you can file a motion to reinstate the case. You generally must file the motion within 14 days after the dismissal, and unless you got a waiver of fees (as explained on page 4), you must pay a \$20.00 filing fee. See Civil Rule 41(b)(3).

ANSWERING THE COMPLAINT

WHAT DOES THE DEFENDANT HAVE TO DO AFTER BEING SERVED?

The defendant usually has 21 days after being served with the complaint, summons and Initial Order to file an answer or a motion to dismiss the complaint. See Civil Rule 12(a)(1). If the defendant is the District of Columbia, it has 60 days to answer the complaint. The 21-day or 60-day period begins on the day the defendant is served with the summons. If the defendant does not specifically deny an allegation made in the complaint, the judge will treat that as an admission of the allegation. See Civil Rule 8(b)(6).

The defendant must file his answer or motion to dismiss with the court and provide a copy to the plaintiff. Motions to dismiss are discussed on page 14 of this handbook. If a defendant files a motion to dismiss, he or she does not have to file an answer unless the court denies the motion. If the court denies the motion, the defendant then has 14 days to file an answer. See Civil Rule 12(a)(4).

If the defendant thinks he or she has a claim against the plaintiff, the defendant may be able to file a counterclaim. If the counterclaim involves the same circumstances as the complaint, the defendant may have to choose between filing a counterclaim and losing the opportunity to do so at a later time. See Civil Rule 13.

WHAT HAPPENS IF THE DEFENDANT DOES NOT RESPOND?

If the defendant fails to answer or does not file a motion for extension of time to answer within this time period, the Clerk will enter a default against the defendant. A default generally means the plaintiff will win the case and needs to prove only the amount of the claim.

If the court says you defaulted, you may file a motion to remove the default. See Civil Rule 55(c). You must include with your motion a verified answer setting forth any defenses that you have to the complaint. See Civil Rule 55(c)(2). You must file the motion in the Civil Actions Branch Clerk's Office (Room 5000), Moultrie Courthouse and pay a \$20.00 fee – unless you got a waiver of fees (as explained on page 4).

WHAT DOES THE PLAINTIFF DO IF A DEFENDANT DEFAULTS?

Once the Clerk enters a default, the plaintiff has 60 days to do one of two things:

First, the plaintiff can request a default judgment from the Clerk by filing an affidavit or declaration (which are discussed on page 13 of this handbook) 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 21 days before requesting the default judgment. In addition, the plaintiff needs to prove the defendant is not in the military.

Second, the plaintiff can file a motion asking the judge to issue an order that gives you a default judgment. You must file the motion in Room 5000. See Civil Rule 55(b)(2).

You may need to request an *ex parte* proof hearing. At that hearing, you have an opportunity to prove that you were injured and what your damages are. See Civil Rule 55-II. The party seeking damages must bring proof of his or her damages. Even if the other side defaults, the defendant is entitled to notice of the hearing and a chance to challenge your evidence and to present its own evidence. You may request an *ex parte* proof hearing in Room 5000, Moultrie Courthouse.

If the judge agrees with you at the *ex parte* proof hearing, the court will enter a default judgment. A default judgment gives you the same rights as a judgment entered in your favor after a trial.

HOW DO I PROVE THAT THE DEFENDANT IS NOT IN THE MILITARY?

A federal law requires proof that the defendant who defaulted is not serving in the military before the judge can issue a final default ruling against the defendant. You must complete a form called the "Servicemembers Civil Relief Act Affidavit" verifying that the defaulting party is not in the military. This form is available in Room 5000, Moultrie Courthouse. See Civil Rule 55(b)(1). You may be able to get proof from a U.S. government database if you have the defendant's date of birth or Social Security number. If you have information that proves he or she is not in the military, you can submit an affidavit explaining how you know from your personal knowledge that the defendant is not in the military.

MOTIONS

WHAT IS A MOTION?

To ask a judge to make a ruling, you generally have to make a motion. A motion can be oral or written.

WHAT DO I DO TO FILE A WRITTEN MOTION?

All motions and related papers must contain the following information:

- the name of the court across the top
- the case name and number
- the judge's name and calendar number
- a title that clearly states the action you are requesting the judge to order
- a statement of the reasons why the judge should do what you want (referred to as points and authorities)
- a statement in your motion that you tried to get the opposing party to agree to what you are requesting in your motion (Civil Rule 12-l(a))
- your signature
- your address and telephone number
- a statement called a "certificate of service" confirming that you sent a copy to every party in the case
- a proposed order for the judge to sign

Here is an example of the format for a motion or document:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

[Name of plaintiff(s)],	:	
Plaintiff(s),	:	2018 CA 00XXXX
	:	Judge [name of judge]
v.	:	Calendar 11
	:	Next court date:
[Name of defendant(s)],	:	[next event]
Defendant(s).	:	

[TITLE OF MOTION]

Before you file a motion, you must try to get the opposing party to agree to the relief that you are requesting in any motion. See Civil Rule 12-1(a). If you do not try to get the other parties to agree, the judge can deny the motion for that reason alone. If the motion involves seeking information from the other party, there are special rules for meeting to try to resolve the dispute before going to the judge. See Civil Rules 26(h) and 37(a)(1)(A).

You must bring to the Civil Actions Branch Clerk's Office a copy of the motion for the Clerk and another copy for the judge (a "chambers copy"). See Civil Rule 5(d)(4).

You must also pay a filing fee of \$20.00, unless you got a waiver of fees (as explained on page 4). Parties may pay filing fees by cash, credit card (American Express, Discover, Visa or MasterCard), certified check, or by personal check, or money order made payable to: "Clerk, D.C. Superior Court." Personal checks are only accepted for cases filed in the Civil Actions Branch and must be presented in person with proper ID.

HOW DO I SERVE A MOTION?

You can serve a motion on the other side by mailing a copy. If you have Internet access and sign up at the Civil Actions Branch Clerk's Office, and the other side is represented by a lawyer, you can serve motions electronically.

WHAT DO I DO TO OPPOSE A MOTION?

If you oppose another party's motion, you must file a written response explaining the reasons for your opposition.

You must file and serve your opposition to a motion within 14 days after you receive it. See Civil Rule 12-1(e). If you receive the motion by mail, you have an additional 3 days to file and serve an opposition. See Civil Rule 6(d).

Your opposition must include:

- A statement of the reasons for your opposition
- A proposed order for the judge to sign
- A statement called a "certificate of service" confirming that you sent a copy to every party in the case

If you bring a paper copy of your opposition to the Civil Actions Branch Clerk's Office to file, you must also bring a copy for the judge, or you may mail the judge's copy directly to the judge's chambers.

WHAT IF I NEED MORE TIME TO FILE OR OPPOSE A MOTION?

If you need more time than the rules ordinarily allow, you must file a motion to request additional time from the judge. Before you prepare your motion, you should contact the other side and see if you can get them to agree to give you extra time. If the other side agrees, the motion should say in the title that it is a "consent motion." Judges usually grant consent motions.

If you want to extend another deadline that the judge set in an order in your case, you also need to file a motion to get the judge's approval, and you should say in the motion whether or not the other side agrees.

WHAT IS AN AFFIDAVIT?

An affidavit is a written statement that you sign before a notary public after you swear or affirm that the information in the statement is true.

Instead of filing an affidavit, you can file a declaration swearing or affirming under penalty of perjury that the facts stated in the document are true and correct. See Civil Rule 9-1(e). Verification by an individual party may be in the form set out in CA Form 101. At the end of the document, include the following statement: "I declare [or certify, verify, or state] under penalty of perjury that the foregoing is true and correct. Executed on [date]." Then sign the document.

DISCOVERY

HOW CAN I FIND OUT MORE ABOUT THE OTHER SIDE'S POSITION BEFORE TRIAL?

You have the right to get information directly from the other side about the issues in the case. This is called discovery. Two types of discovery more commonly used by people without lawyers are (1) asking the other side for significant documents, photographs, or videos and (2) sending a list of written questions for the other side to answer in writing under oath. Civil Rules 26 – 37 explain these and other types of discovery in detail. You can also talk to the judge at a hearing about getting information that you need before trial.

WHAT CAN I DO IF I THINK THE OTHER SIDE'S DISCOVERY REQUESTS ARE UNREASONABLE?

You can object to another party's discovery requests. You generally have 30 days to object, and you have to object in writing. If the other party wants to pursue the request, it must (with a few exceptions) schedule a face-to-face meeting with you to try to resolve the disagreement before the other party asks the judge to get involved. See Civil Rules 26(h) and 37(a).

If you are concerned about giving the other side personal or confidential information, you can ask for a protective order – a court order that allows the other side to use or disclose the information only for the case.

WHAT CAN I DO IF I NEED EVIDENCE FROM SOMEONE WHO IS NOT A PARTY TO THE CASE?

If you need testimony or documents from a person or organization that is not a party, and that person or organization will not cooperate voluntarily, you can subpoena a witness or the records. Civil Rule 45 contains the rules for subpoenas.

You can get a blank subpoena from the Civil Actions Branch Clerk's Office in Room 5000, Moultrie Courthouse, and you should complete it before serving it.

WHAT ARE EXPERT WITNESSES?

Expert witnesses are people with special training or experience who are allowed to give their opinions. In some cases, a party may need an expert witness to prove his or her case. Any party who may want to call an expert to testify at trial has to give notice to the other side – identifying the person and stating the substance of the opinion and summarizing the grounds for the opinion. See Civil Rule 26(a)(2).

BEFORE THE TRIAL

WHEN IS THE FIRST HEARING BEFORE THE JUDGE?

The first hearing before the judge is the Initial Scheduling Conference. This conference usually occurs within 90 to 120 days after the filing of the complaint. This time is necessary in order to make sure that the defendant will have been served. The date and time of the first court hearing are included in the Initial Order which is issued to the plaintiff when the complaint is filed.

All parties must appear in person, or have their lawyer attend on their behalf, at the Initial Scheduling Conference. See Civil Rule 16(b). The Initial Scheduling Conference usually is held on a Friday morning and lasts approximately 5 to 10 minutes. At this conference, the judge assigns the case to a track. The track determines the deadlines for filing motions, completing discovery, and scheduling an effort to resolve the case through settlement. The judge generally does not set a trial date at the Initial Scheduling Conference; scheduling the trial usually happens at the pretrial conference.

Some judges have additional written rules and procedures. They are available online: <https://www.dccourts.gov/services/civil-matters/general-orders-civil-cases>. You also can ask the judge at the Initial Scheduling Conference for a copy of any special rules and procedures.

WHAT IF I NEED THE JUDGE TO DO SOMETHING ABOUT AN EMERGENCY BEFORE THE TRIAL?

If you have a problem with the other side that you think the judge needs to deal with immediately, you can ask for an emergency order. The main purpose of an emergency order is to stop the other side from doing something that cannot be undone and that would hurt you in a way that cannot be fixed at trial by money or in another way. See Civil Rule 65.

You can get a form to request an emergency order in the Civil Actions Branch Clerk's Office in Room 5000.

CAN A DEFENDANT ASK THE JUDGE TO DISMISS THE CASE AT THE BEGINNING?

The defendant may believe that the plaintiff's claim or claims are false. That does not mean the judge can dismiss the case at the very beginning. Whether

allegations are true or false is determined at trial, and the judge cannot short-circuit the process by dismissing the case before each side has a chance to present evidence at trial.

However, if the defendant believes that the plaintiff would lose even if everything he or she says in his complaint were true, the defendant can file a motion to dismiss. See Civil Rule 12(b)(6). The judge may give the plaintiff an opportunity to provide more specific allegations that justify going forward with the case.

The defendant can also move to dismiss the case on other grounds – for example, because the judge does not have authority to hear the case or because the plaintiff did not serve him properly. See Civil Rule 12(b).

If the defendant counter-sues the plaintiff, the plaintiff has the option to move to dismiss the counterclaim.

WHAT SHOULD I DO IF THE OTHER SIDE CANNOT WIN AT TRIAL?

Either side can file a motion for summary judgment. See Civil Rule 56. Motions for summary judgment are usually filed after the case is ready for trial. The party seeking summary judgment must submit affidavits or other materials that establish that there is no genuine dispute of fact to be resolved at trial and that the judge or jury would have to return a verdict for that party at trial based on all the evidence. If the party seeking summary judgment submits such evidence, the opposing party must submit evidence that would permit a judge or jury to rule in its favor.

WHAT IS MEDIATION?

Mediation is your chance to have a neutral person help you to try to find a way to resolve your case in a way that is satisfactory to you and that does not involve the delays and burdens of a trial and possible appeal. In mediation, an experienced mediator helps the parties communicate their positions on issues and explores possible solutions or settlements. There is no charge for mediation. Mediation is one type of Alternative Dispute Resolution or “ADR.”

A mediation session is scheduled after all discovery is complete and the judge has decided any motions that could resolve the case. A specific date for the session will be scheduled by the judge at the Initial Scheduling Conference or later by the court’s Multi-Door Dispute Resolution Division.

At the Initial Scheduling Conference, the parties have the option to select two other types of ADR. In case evaluation, an experienced person provides the parties with a non-binding opinion about the likelihood of success at trial and the settlement value of the case. In arbitration, the arbitrator issues a written ruling for one side or the other after a hearing. If the parties select non-binding arbitration and a party is dissatisfied with the award, the party can request a trial. In binding arbitration, the arbitrator’s award resolves the case.

For more information, contact the Multi-Door Dispute Resolution Division – by telephone at (202) 879-1549, or in person at 410 E Street, N.W., Court Building C.

WHAT IS THE PRETRIAL CONFERENCE?

The judge holds a pretrial conference when a case is ready for trial and efforts to resolve it through mediation have failed. If the parties fail to reach a settlement in mediation, they select a date for the pretrial conference in the Multi-Door Dispute Resolution Division. In most cases, the pretrial conference is scheduled approximately 60 days after the last mediation session.

Civil Rule 16 tells people what they have to do in the weeks leading up to the pretrial conference – including meeting with the other side and filing a joint pretrial statement a week before the pretrial conference.

At the pretrial conference, the judge schedules the trial – usually 2-6 months after the pretrial conference. The judge also sets guidelines for the trial. The judge may also try to help the parties reach a settlement. Each party has to attend in person, unless the judge excuses them. If you fail to attend, the judge may dismiss the case, enter a default, or impose a fine. See Civil Rule 16-II.

THE TRIAL

WHAT HAPPENS AT THE TRIAL?

At the trial, each side has a chance to present evidence about its side of the story. You must be ready to present all the evidence you have that will convince a judge or a jury to decide in your favor. It is usually too late to present new information after the trial has ended.

A trial usually starts with opening statements where each party explains what he or she wants the court to do and summarizes the evidence he or she intends to present. Each party then presents evidence to convince the judge or jury to rule in his or her favor. The plaintiff presents evidence first because the plaintiff has the burden of proof. That means it is up to the plaintiff to prove that it is more likely than not that his claim is true. The defendant has the burden of proof on any counterclaim. The plaintiff may testify and call other witnesses to testify. The defendant gets to ask questions of the plaintiff and his or her witnesses. After the plaintiff presents his case, the defendant can call additional witnesses and present other evidence. The plaintiff has the right to question any witnesses the defendant calls. After all of the evidence is presented, each party may make closing arguments explaining why the judge should rule in his or her favor.

WHAT COUNTS AS EVIDENCE?

Evidence includes all of the things you tell or show the judge or jury to prove your case at trial. The kind of evidence you need depends on the kind of case. Ask yourself: what information will convince the judge or jury to do what I am asking?

Usually, a witness can testify only about what the witness saw or heard with his or her own eyes and ears. You can also use documents and photographs as evidence.

The judge decides what evidence the judge or jury will consider. The judge uses rules of evidence to decide what evidence can be considered. A party can object to another party's question to a witness or to a document the other party wants the judge or jury to consider. If the judge does not explain a ruling, you can ask for an explanation. The judge is not allowed to give either party advice about how to get specific evidence admitted or excluded.

The rules of evidence used in the Superior Court are not collected in one official book. However, with some exceptions, the Superior Court's rules are the same as the Federal Rules of Evidence, which are available online at <http://www.law.cornell.edu/rules/fre>.

HOW DOES THE JURY GET PICKED?

The basic rules for jury selection are in Civil Rules 47 and 48. Individual judges generally have additional rules and procedures for jury selection. Juries in civil cases usually have 8 jurors, and they must all agree on the verdict.

WHAT SHOULD I DO TO PREPARE FOR TRIAL?

Here is a checklist that may be helpful:

- Do you have a clear explanation of your case?
- Are you ready to address all the factors the court must consider in your type of case?
- Have you made sure all of the witnesses you need at trial will be at the courthouse?
- Do you have all of the documents you intend to use at trial?
- Have you prepared questions for each of your witnesses?
- Have you met with each of your witnesses?
- Have you prepared questions for each of your opponent's witnesses?
- Have you prepared your opening statement?
- Have you prepared your closing argument?

AFTER THE TRIAL

HOW DO I COLLECT MONEY THE LOSING PARTY IS SUPPOSED TO PAY?

It is up to the winning party to collect money that the judge ordered the losing party to pay in a judgment.

If you want to get money from the employer or bank of the losing party, you may apply for a writ of attachment. You apply for the writ of attachment in the Civil Actions Branch Clerk's Office (Room 5000), Moultrie Courthouse.

If you do not know whether the losing party has any money or property, you may request an oral examination to find out what assets the defendant has. You may request a date for an oral examination from the Civil Actions Branch Clerk's Office, Room 5000, Moultrie Courthouse.

WHAT CAN I DO IF I LOSE AT TRIAL?

The losing party – either the plaintiff or the defendant – may appeal any decision to the DC Court of Appeals. To begin the appeal, you must file a Notice of Appeal in the Civil Actions Branch Clerk’s Office (Room 5000), Moultrie Courthouse. You have to file the notice within 30 days after the docketing date of the judgment order. The Notice of Appeal form is available in the Civil Actions Branch Clerk’s Office (Room 5000), of the Moultrie Courthouse.

To appeal a decision by a magistrate judge, the losing party must file a motion for review under Civil Rule 73(b) within 14 days of the decision.



SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

Civil Actions Branch 500 Indiana Ave., N.W., Room 5000 Washington, D.C. 20001 Telephone: (202) 879-1133	Landlord & Tenant Branch 510 4th Street, N.W., Room 110 Washington, D.C. 20001 Telephone: (202) 879-4879	Small Claims & Conciliation Branch 510 4th Street, N.W., Room 120 Washington, D.C. 20001 Telephone: (202) 879-1120
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LEGAL SERVICE PROVIDERS

AARP - LEGAL COUNSEL FOR THE ELDERLY

601 E Street N.W.
 Washington D.C. 20049
Telephone Number: (202) 434-2170 or (202) 434-2120
Website: <http://www.aarp.org/states/D.C./D.C.-lce>
Hours of Operation: Monday- Friday: 9:00 am-5:00 pm
Services Offered: Landlord & Tenant, Collections, Small Consumer Cases (Public Utilities, Hearing Aids, Credit Card Debt, Banking, Student Loans), Consumer Fraud and Financial Abuse (Foreclosure, Debt Collection, Real Property Fraud), Public Benefits, Income Maintenance,
Eligibility: Must be 60 years of age or older or D.C. Residents who are 55 years of age or older with Social Security and Supplemental Security Income disability issues
Bilingual Services: Yes

BREAD FOR THE CITY LEGAL CLINIC

Website: www.breadforthecity.org

N.W. OFFICE: 1525 7th Street N.W.
 Washington, D.C. 20001
 Appointment Line Telephone Number: (202) 480-8950
 To schedule an appointment call Monday-Thursday: 8:30 am-5:00 pm
 Services Offered: HOUSING LAW (representation of tenants in landlord-tenant and subsidized housing cases), FAMILY LAW (representation of survivors of domestic violence in Civil Protection Orders and family law cases, representation of custodial and non-custodial parents in child support cases), and PUBLIC BENEFITS LAW (helping individuals facing problems with getting or keeping public benefits, like TANF, Food Stamps, and Medicaid).
Eligibility: Income based; D.C. Residency; D.C. Court Case
Bilingual Services: yes

S.E. OFFICE: 1640 Good Hope Road S.E.
 Washington, D.C. 20020
 Appointment Line Telephone Number: (202) 791-3982
 To schedule an appointment call Monday-Thursday: 9:00 am-5:00 pm
 Services Offered: HOUSING LAW (representation of tenants in landlord-tenant and subsidized housing cases), FAMILY LAW (representation of survivors of domestic violence in Civil Protection Orders and family law cases, representation of custodial and non-custodial parents in child support cases), and PUBLIC BENEFITS LAW (helping individuals facing problems with getting or keeping public benefits, like TANF, Food Stamps, and Medicaid).
Eligibility: Income based; D.C. Residency; D.C. Court Case
Bilingual Services: yes

CATHOLIC CHARITIES LEGAL NETWORK

924 G Street N.W.,
 Washington D.C. 20001
Telephone Number: (202) 350-4305
Spanish Telephone Number: (202) 772-4325
 (Do not leave a voice mail message)
Website: <https://www.catholiccharitiesD.C.org/gethelp/legal-services/>
Hours of Operation: Telephone Intake Hours
 Monday-Friday: 9:30 am-12:00 pm and 2:00 pm-4:30 pm
 Wednesday-Thursday: 4:30 pm-7:00 pm
Services Offered: Landlord & Tenant, Housing, Consumer Debt/Bankruptcy, Employment, Child Support, Child Custody, Domestic Violence, Public Benefits, Wills and Probate, Guardianship and Conservatorship
Eligibility: Income Based

COLUMBUS COMMUNITY LEGAL SERVICES

CATHOLIC UNIVERSITY OF AMERICA
 3602 John McCormack Road N.E.,
 Washington D.C. 20064
Telephone Number: (202) 319-6788
 (Must call first for intake process)
 (Intake closed April through mid-August)
Website: <http://www.law.edu/clinics/cle/clinics-columbus.cfm>
Hours of Operation:
 Monday-Friday: 9:00 am- 5:00 pm
Services Offered: Civil Practice, Family Law, Veteran, Estate Planning, Low Income Taxpayer
Eligibility: Income Based; D.C. Residency
 Advice only given after client is accepted into the program
Bilingual Services: Spanish (call first)

D.C. BAR PRO BONO CENTER PROGRAMS

<https://www.D.C.bar.org/pro-bono/index.cfm>

CONSUMER LAW RESOURCE CENTER

510 4TH Street, N.W.

Court Building B, Room 208 Washington, D.C.
20001

Telephone Number: (202) 508-1710

Website: <https://www.D.C.bar.org/for-the-public/help-for-individuals/consumer-law.cfm>

Hours of Operation: Wednesday: 9:15am–12 pm

Services Offered: Consumer Law including Debt Collection, Home Improvement/Independent Contractor Disputes, Security Deposit Refunds, Used Car/Car Repair Disputes, Utility Disputes and Consumer Protection Procedures Act Violations

Eligibility: None

Bilingual Services: Yes

LANDLORD AND TENANT RESOURCE CENTER

510 4TH Street, N.W., Court Building B, Room 208

Washington, D.C. 20001

Website: <https://www.D.C.bar.org/for-the-public/help-for-individuals/landlord-tenant.cfm>

Hours of Operation: Monday-Friday: 9:15 am-12:00 pm

Services Offered: Landlord & Tenant

Eligibility: D.C. Residency

LAW/HELP.ORG/D.C.

Website: <https://www.lawhelp.org/D.C.>

Services Offered: Civil Legal Information, Forms and Resources for D.C. Residents.

PROBATE RESOURCE CENTER

515 5TH Street, N.W., Court Building A, Rm. 319

Washington, D.C. 20001

Website: <https://www.dcbbar.org/pro-bono/volunteer/probate-resource-center.cfm>

Hours of Operation: Tuesdays; 12:30 p.m. – 4:30 p.m.

Services Offered: Assistance to unrepresented parties with large estate administration in D.C. including legal and court information and assistance with completing some forms

Eligibility: D.C. Residency

SMALL CLAIMS RESOURCE CENTER

510 4TH Street, N.W. Court Building B, Room 208

Washington, D.C. 20001

Telephone Number: (202) 508-1710

Hours of Operation: Thursday

9:15 am – 12:00 pm

Services Offered: Legal and court information related to D.C. Small Claims Law and Procedure

Bilingual Services: Yes

D.C. LAW STUDENTS IN COURT PROGRAM

430 Connecticut Avenue, N.W., Suite 214

Washington, D.C. 20008

Telephone Number: (202) 638-4798

Website: <http://www.D.C.lawstudents.org>

Walk-In Hours: Monday- Friday: 8:30am- 5:30 pm

Court Location

510 4TH Street, N.W., Court Building B, Rm. 210 Washington,
D.C. 20001

Hours of Operation: Tuesday-Friday for 9:30 am -1:00 pm

Services Offered: Landlord & Tenant, Housing Conditions, Consumer Law, Criminal, Juvenile

Eligibility: Income Based, D.C. Residency or D.C. Court Case

Bilingual Services: Spanish, French

GEORGE WASHINGTON UNIVERSITY THE JACOB BURNS COMMUNITY LEGAL CLINICS

2000 G STREET, N.W. WASHINGTON, D.C. 20052

Telephone Number: (202)-994-7463

(No Walk-Ins Accepted; Call First)

Website: <https://www.law.gwu.edu/clinics>

Hours of Operation: Monday-Friday: 9:00 am-5:00 pm
(Clinic closed from April through September)

Services Offered: Small Claims, Domestic Violence, Family Law, Criminal Appeals, Prisoner Reentry, Employment Law, Probate, Disability, Vaccine Injury, Health Insurance, International Human Rights, Small Business and Community Economic Development

Eligibility: Income Based; D.C. Residency

LEGAL AID SOCIETY OF THE DISTRICT OF COLUMBIA

Website: <http://www.legalaiddc.org>

Telephone Number: (202) 628-1161

NORTHWEST OFFICE

1331 H Street, N.W., Suite 350

Washington, D.C. 20005

Hours of Operation: Walk-in Hours - Monday 12:30 pm-
6:00 p.m. and Thursday 12:30 pm-4:00 pm

SOUTHEAST OFFICE

The Anacostia Professional Building

2401 Martin Luther King Jr. Ave, S.E., Suite 201

Hours of Operation: Walk-In Hours-Monday 10:00 am-
1:30 pm and Thursday 10:00 am-1:30 pm

Services Offered: Information, legal advice, or full representation in Consumer Law (Debt Collection Defense, Foreclosure Prevention); Domestic Violence; Family Law (Child Support, Child Custody, Divorce); Housing Law (Landlord-Tenant, Public Housing, Section 8/Housing Choice Vouchers); Immigration; and Public Benefits.

Eligibility: Income Based; D.C. Legal Problem or Court Case

Bilingual Services: Yes

NEIGHBORHOOD LEGAL SERVICES PROGRAM

64 New York Avenue, N.E.
 Washington D.C. 20002
 Telephone Number: (202) 832-6577
 Website: <http://www.nlsp.org>

Intake Hours: Monday, Wednesday and Friday

10:00 am-3:00 pm

All new cases must be screened for eligibility through the intake process

Services Offered: Free legal information, advice and representation for civil legal matters

Eligibility: Income Based; D.C. Residency

Bilingual Services: Spanish

FAR NORTHEAST OFFICE

4609 Polk Street, N.E .

Washington, D.C. 20019

Hours of Operation: Monday – Friday: 9:00 am – 5:30 pm

SOUTHEAST OFFICE

2811 Pennsylvania Avenue, SE

Washington, D.C. 20020

Bottom Floor of Hillcrest Dental Building

Hours of Operation: Monday, Wednesday and Friday

9:00 am-5:30 pm

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**MULTI-DOOR DISPUTE RESOLUTION CENTER**

410 E Street N.W., Court Building C, Room 105

Washington, D.C. 20001

Telephone Number: (202) 879-1549

Website: <https://www.D.C.courts.gov/services/mediation-matters>

Hours of Operation: Monday –Friday: 8:30 am – 5:00 pm

Services Offered: Helps parties settle Civil, Small Claims, Landlord & Tenant, Medical Malpractice, Tax, Probate and Family disputes through dispute resolution including mediation, arbitration, case evaluation and conciliation.

THE BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA**LAWYER REFERRAL SERVICE**

Telephone Number: (202)-296-7845

Website: <http://baD.C..org/public-services/lrs/>

Services Offered: Provides Referrals to Attorneys by Practice Area; Paid Referral Service; Standard Attorney Rates Apply

Eligibility: Online Survey; \$39.95 Referral Fee

TZEDEK DC

UD.C. David A Clarke School of Law

4340 Connecticut Avenue, N.W. Suite 319

Washington, D.C. 20008

Telephone Number: (202) 274-7386

Website: <https://www.tzedekD.C..org/>

Services Offered: Consumer Law (Debt Collection, Credit Reporting, Predatory Lending)

Eligibility: D.C. Residency, Income Based

UDC DAVID A. CLARKE SCHOOL OF LAW LEGAL CLINICS

4340 Connecticut Avenue, N.W. Room 445

Washington, D.C. 20008

Telephone Number: (202) 274-5073

(Call First)

Website: <http://www.law.uD.C..edu/>

Services Offered: Family Law, Health, Employment, Public Benefits, Estate Planning, Community Development, Criminal, Government Accountability, Housing, Consumer Law, Low Income Tax Matters

Eligibility: Income Based, D.C. Residency

UNIVERSITY LEGAL SERVICES PROTECTION AND ADVOCACY PROGRAM FOR D.C.

220 I STREET, N.E., SUITE 130

WASHINGTON, D.C. 20002

Telephone Number: (202) 547-0198

Website: <http://www.uls-D.C..org/Programs>

Hours of Operation: Monday-Friday: 9:00 am - 5:00 pm

Services Offered: Helps D.C. Residents with Developmental Disabilities, Physical Disabilities, Head Injuries, Mental Illness and Learning Disabilities and D.C. Rehabilitation Services Administration Clients

Eligibility: Limited to People with Disabilities

WASHINGTON LEGAL CLINIC FOR THE HOMELESS

1200 U Street, N.W.

Washington, D.C. 20009

Telephone Number: (202) 328-5500

(Call First)

Website: <http://www.legalclinic.org>

Services Offered: Provides Representation to the Homeless and Other Low-Income People in D.C. for Wrongful Evictions, Shelter Terminations, Public Assistance and Subsidized Housing, Credit and Other Consumer Law Matters, Veteran's Benefits, Discrimination, Probate, Health, Mental Health, Impounded Property and Family Law

LawHelp.org/DC

Understand your legal issue, solve your problem.

LawHelp.org/DC provides FREE information for D.C. residents in the following legal subject areas:

- » Landlord/Tenant
- » Public Benefits
- » Evictions
- » Employment
- » Immigration
- » Consumer
- » Divorce & Custody
- » Military & Veterans
- » Wills, Estates & Power of Attorney

Go to www.LawHelp.org/DC to find:

- » Referrals to free legal services programs
- » Information about your civil legal rights
- » Self-help court forms and interactive interviews
- » Links to social services and government agencies



LawHelp.org/DC/ced

LawHelp.org/DC/ced provides FREE information for small business and nonprofits in legal subject areas including:

- » IRS Compliance
- » Contracts
- » Risk Management
- » Start-up Information
- » Commercial Leases
- » Intellectual Property

Go to www.LawHelp.org/DC/ced to find:

- » Legal alerts on law changes
- » In-depth resource manuals on specific legal topics
- » Event calendars for trainings and brief advice clinics
- » On-demand webinars

