

Rule 11. Proceedings by the Court

(a) **BEGINNING OF SESSIONS.** At the beginning of each session or each hour at which an initial hearing is scheduled, the court must provide an introductory description of the procedures and legal framework governing cases brought in this branch.

(b) **CASES SCHEDULED FOR INITIAL HEARING.**

(1) *In General.* The clerk must determine whether parties are present or absent in the cases scheduled for initial hearings. A plaintiff who seeks a money or non-redeemable judgment must notify the clerk when the case is called.

(2) *Reservation of Rights.* If an initial hearing is continued for any reason, the rights of all parties are automatically reserved until the next scheduled hearing.

(3) *Entry of Default.* The clerk must enter a default against the defendant in any case scheduled for an initial hearing if:

(A) the plaintiff or the plaintiff's attorney is present;

(B) neither the defendant nor the defendant's representative is present;

(C) there is no question as to the validity of service on the defendant;

(D) the complaint alleges facts sufficient, if true, to entitle the plaintiff to possession of the premises; and

(E) the court verifies that the complaint meets all requirements of D.C. Code § 16-1501 and § 42-3505.01 (2022).

(4) *Dismissal.* The clerk must dismiss the case without prejudice for want of prosecution if the plaintiff fails to participate in the initial hearing, either personally or through counsel.

(5) *All Other Cases.* The clerk must present all other cases to the court. At the initial hearing, the court must:

(A) ascertain the status of the case;

(B) explore the possibilities for early resolution through settlement or alternative dispute resolution techniques;

(C) determine a reasonable time frame for bringing the case to conclusion; and

(D) in cases involving self-represented defendants alleged to be in arrears in the payment of rent, specifically ask the defendant:

(i) whether the defendant failed to pay the rental amount alleged to be due by the plaintiff; and

(ii) if the rent has not been paid, the defendant's reasons for not paying it.

(6) *Setting a Case for Trial.* If the case remains unresolved, the court must set a non-jury trial date, or in the case of a defendant wishing to request a jury trial under Rule 6, the court may continue the matter for 2 weeks for the filing of a verified answer, except for good cause. Nothing in this rule should be construed to limit the parties' ability to consent to further proceedings.

(7) Unless otherwise ordered by the court, mediation must be scheduled at least 10 days before the trial.

(c) **PLAINTIFF'S FAILURE TO PARTICIPATE.** If, in any case, the plaintiff fails to participate without prior notice, in a hearing other than an initial hearing, the court may dismiss the action without prejudice for want of prosecution or continue the case for further proceedings.

(d) **CONTINUANCES BY AGREEMENT.** On joint application of all parties, the clerk may continue any hearing other than a trial.

COMMENT TO 2023 AMENDMENTS

Subsection (b)(2) has been amended to clarify that parties' rights are automatically reserved if an initial hearing is continued. New subsection (b)(3)(E) requires that, in a case scheduled for an initial hearing, the court verify that the complaint meets applicable requirements before a default is entered against the defendant. Subsection (b)(5) (former subsection (b)(4)) has been amended to remove superfluous language. The remaining subsections have been redesignated accordingly. New subsection (b)(7) provides for scheduling pretrial mediation in advance of trial.

COMMENT TO 2019 AMENDMENTS

This rule has been amended to be consistent with the stylistic changes to the civil rules and to accommodate technological changes. The default judgment provisions have been moved to Rule 14. Subsections (b)(4) and (b)(5) and section (c) include provisions previously found in Rule 12, but subsection (b)(4) has been modified to be more consistent with Civil Rule 16(b)(3).