



Initial Return Dates

Your First Day in Court

This information sheet describes what to expect on the first court date in a Landlord and Tenant Court case. The first court date is called the *Initial Return Date*. A tenant or a landlord who would like help understanding the Initial Return Date can visit the Landlord Tenant Resource Center or talk to another lawyer. There is information at the end of this sheet on where to find legal help.

■ **How do I know when I need to go to Landlord and Tenant Court?** The plaintiff (landlord) is required to have someone serve (or deliver) court papers to the defendant (tenant). The court date should be written or stamped on the court papers where it says “SUMMONS—TO APPEAR IN COURT.” Initial hearings are scheduled for 9 a.m. at District of Columbia Superior Court, Building B, Room 109, 510 4th Street NW, Washington, DC 20001.

If you are not sure whether a case has been filed or you do not have copies of your court papers, you can check with the Landlord and Tenant Clerk’s Office in room 110.

■ **Do I have to go to court on the court date?** Yes. If you are a tenant and you do not go to court or are late, your landlord may be able to evict you without any court hearings. If you are the landlord and you do not go to court or are late, your case may be dismissed.

If you are a tenant, you should go to court even if you paid the rent or the landlord promised to dismiss the case against you. You can call the Landlord and Tenant Clerk’s Office at 202-879-4879 the day before your hearing to see if the case is still scheduled for court.

■ **What happens on the first court date?** Roll call is the first part of the day. Make sure you are seated in the courtroom by 9 a.m. The judge will come into the courtroom at 9 a.m. and explain how the process works. If you do not speak English or are deaf or hard of hearing, make sure you tell the courtroom clerk before the announcement begins.

After the judge finishes the announcement, the clerk will read the names of all of the people who are scheduled to appear in court that day. You must answer “here” or “present” and state

your name when it is called. Make sure to speak loudly so the clerk can hear you. Make sure you can hear the clerk clearly. If you cannot hear, raise your hand and let the clerk know. If you miss your name and fail to answer, you may lose your case. If you do not hear your name, let the clerk know after roll call that you are there by lining up toward the front of the courtroom along the wall near the windows. The clerk will let you know when to come forward.

■ **What happens after roll call?** There are three things you can do after roll call: 1) talk to a lawyer or law student about your legal rights and to see if there is an attorney who can help you in court that same day, 2) wait in the courtroom for your case to be called, or 3) meet with the opposing party on your own or with a mediator to try to settle the case.

If you want to settle your case with a mediator, the court provides trained mediators. You may sign up to meet with a mediator in the courtroom.

If you do not want to or are unable to settle the case, your case will be called again later in the day in front of the judge.

■ **How long should I expect to be in court?** It depends. Many people are able to finish their cases and leave by early afternoon or sooner, but others will be in court all day. You should make arrangements with your job or for child care in case you need to be in court all day. If you think you need to leave before your case is finished, speak to the courtroom clerk to explain your situation and see if your case can be called before the judge more quickly.

If you leave before your case is finished, you may lose the case just because you are not there when the case is called before the judge.

Help Yourself Initial Return Dates

■ What should I do when my case is called before the judge?

First, state your name and whether you are the plaintiff (landlord) or the defendant (tenant). The judge will probably begin by asking questions to both the landlord and the tenant about the case. The judge will want to know why the landlord is trying to evict the tenant. The judge also will want to know whether the tenant has any defenses. A *defense* is a legal reason the landlord should not be allowed to evict the tenant.

If the tenant does not have any defenses, the judge may give the landlord a judgment for possession of the property. A *judgment for possession* means the landlord has the legal right to evict the tenant. Under some circumstances, the judge also might award a judgment for back rent to the landlord. If the tenant has defenses, the case will usually be scheduled for trial on another day.

Remember, many people feel nervous when they talk to a judge. Even if you are nervous, or do not like the judge's decision, it is important to be calm and respectful. If you feel the judge is not giving you a chance to tell your side of the story, you can politely ask the judge for permission to speak. Do not interrupt the judge.

■ **What should I do if I can't appear in court on my scheduled court date?** You should immediately call the Landlord and Tenant Clerk's Office at 202-879-4879 and explain why you cannot appear in court. Be sure to leave a phone number where you can be reached. Ask the clerk to put a note on your file. Ask the clerk for his or her name and write it down.

You also should call the attorney for the landlord or tenant on the other side of your case to tell him or her that you cannot appear in court. If the landlord or tenant does not have an attorney, call the landlord or tenant directly.

If you have time to come to court before your court date, you can file a notice with the court explaining why you cannot come to court on the original date and requesting a new date. You should keep a copy of what you file for yourself and send a copy to

the attorney for the landlord or tenant on the other side of your case, or to the landlord or tenant directly, if he or she does not have an attorney.

If you do not receive a phone call from the clerk with a new court date within 24 hours after the missed court date, you should immediately call or go to the Landlord and Tenant Clerk's Office to find out what happened in your case.

■ **What if I am running late to court?** You immediately should call the Landlord and Tenant Clerk's Office at 202-879-4879 and tell the clerk. Be sure to leave a phone number where you can be reached, if possible. Ask the clerk to put a note on your file. Ask the clerk for his or her name and write it down.

When you get to court, make sure to let the courtroom clerk know as soon as you arrive. If the clerk is still calling roll call, wait and see if your name is called. If do not hear your name or roll call is over when you arrive, let the clerk know you are there by lining up toward the front of the courtroom along the wall near the windows. The clerk will let you know when to approach.

Finding Legal Help

Visit www.LawHelp.org/DC for more information, including how to contact free legal services providers, or visit the Landlord Tenant Resource Center.

Landlord Tenant Resource Center
Superior Court of the District of Columbia
510 4th Street NW
Building B, Room 115
Washington, DC 20001

Telephone: 202-508-1710

Open 9:15 a.m. to noon, Monday through Friday,
except legal holidays

The D.C. Bar Pro Bono Program provides general information only. This is not legal advice. You can only obtain legal advice from a lawyer. If you need legal advice for a specific situation, contact an attorney. We make every effort to keep the legal education materials up-to-date, but laws change frequently. Therefore, the D.C. Bar Pro Bono Program does not guarantee the accuracy of this information.