



Help Yourself

Trials

In Landlord and Tenant Court

This information sheet describes what happens at trials. A tenant or landlord who would like more help 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.

■ **What happens at a trial?** If the tenant has defenses to the landlord's claims, the tenant can ask for a trial. At the trial, both the landlord and tenant can present evidence. This evidence may include documents, photographs, or testimony from witnesses. Either a judge or jury will hear the evidence and make a decision about whether the landlord or the tenant wins the case. At a trial, the landlord has the burden of proving his or her claim against the tenant. If the tenant has filed a counterclaim, recoupment, or setoff, the tenant has the burden of proving those claims. For more information on how to prove your case using evidence, please read the information sheet titled "Proving Your Case: Evidence and Subpoenas."

If a tenant asks for a trial, the landlord may ask the judge to require the tenant to pay rent to the court until the trial date. This is called a protective order. For more information on protective orders, please read the information sheet titled "Protective Orders."

■ **Who decides which side wins the trial?** A case can be decided in a trial by a judge (a bench trial) or a jury. The tenant and landlord both have the right to ask for a jury trial. In a *bench trial*, a judge will make all decisions at the trial, including whether the landlord or the tenant wins the case. In a *jury trial*, a judge will make decisions about some things, such as whether evidence can be admitted. A jury will listen to the evidence and decide whether the landlord or tenant wins the case.

■ **What are the differences between a bench trial and a jury trial?** There are important differences between a bench trial and jury trial that you should think about when you decide which type of trial you want. A bench trial usually is scheduled pretty quickly. The bench trial date may be a few weeks or a month or two from your first court date. Usually, you do not have to come back to court or file any documents with the court until your trial date.

A jury trial may not be scheduled for three or four months or more after your first court date. Before your trial date, you will have to come back for several court dates. You will have a scheduling conference, mediation, and pretrial conference. You also may have to file documents with the court or with the other party. If you miss a court date or fail to file a document, you may lose your case. If you do not have an attorney, it may be hard for you to do everything you have to do for a jury trial. Some people without attorneys choose a bench trial instead of a jury trial for this reason.

■ **When do I have to decide what kind of trial I want?** Unless you ask the judge for a continuance on your first court date, you will have to decide on that day whether you want a trial and what type of trial you want. If you do not ask for a jury trial at your first court date, you will not be allowed to change your mind later and ask for a jury trial. Once you ask for a jury trial, you cannot change your mind and ask for a bench trial unless the other side agrees with you.

If you are unsure about which type of trial you want, you can ask the judge to continue your case for two weeks. This will give you time to find an attorney or prepare the documents you need to file with the court. If you ask for a continuance, make sure to state "All Rights Reserved." This tells the court you may want to ask for a jury trial when you come back, even though it won't be your first court date.

■ **Is there a charge for a trial?** There is no charge for a bench trial. There is a \$75 fee charged by the court for a jury trial. If the \$75 fee will be a hardship for you, you can file an Application to Proceed Without Prepayment of Costs or Fees. You will appear in front of a judge who will decide whether to grant your request. If the request is granted, you will be able to ask for a jury trial and file papers with the court without paying the filing fees.

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■ **What can I do to get ready for my trial?** On your trial date, you should come to court ready to present evidence about your case. If you have witnesses, they must be at court and ready to testify. You also can bring documents, photographs, or other evidence to present to the judge or jury. Before your trial starts, the judge in Landlord and Tenant Court may ask you to meet with the other side to see if you can settle the case. The landlord and the tenant and their attorneys (if they have attorneys) will meet with a mediator, an independent and fair person who can help the landlord and tenant settle their case. For more information on mediation and settlement, please read the information sheet titled “Settlement and Mediation.”

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

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