

**DISTRICT OF COLUMBIA  
OFFICIAL CODE**

**TITLE 16.  
PARTICULAR ACTIONS, PROCEEDINGS  
AND MATTERS.**

**CHAPTER 39.  
SMALL CLAIMS AND CONCILIATION PROCEDURE  
IN SUPERIOR COURT.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 39. SMALL CLAIMS AND CONCILIATION**  
**PROCEDURE IN SUPERIOR COURT.**

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# CHAPTER 39. SMALL CLAIMS AND CONCILIATION PROCEDURE IN SUPERIOR COURT.

## **§ 16-3901. PRACTICE; APPLICABILITY OF OTHER LAWS AND RULES OF COURT.**

All provisions of law relating to the Superior Court of the District of Columbia and the rules of the court apply to the Small Claims and Conciliation Branch of the court as far as they may be applicable and are not in conflict with this chapter or Chapter 13 of Title 11. In case of conflict, this chapter and chapter 13 of Title 11 control.

(Dec. 23, 1963, 77 Stat. 608, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(p)(2).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 16-3901.

1973 Ed., § 16-3901.

## **§ 16-3902. COMMENCEMENT OF ACTION; FORM OF STATEMENT; PREPARATION BY CLERK; NOTICE AND SERVICE; COSTS; DEFAULT; MEMORANDUM TO PLAINTIFF.**

(a) Actions shall be commenced in the Small Claims and Conciliation Branch by the filing of a statement of claim, in concise form and free of technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided, or its equivalent, and shall affix his signature thereto. The clerk of the Branch shall, at the request of an individual, prepare the statement of claim and other papers required to be filed in an action in the Branch, but his services are not available to a corporation, partnership, or association, in the preparation of the statements or other papers. A copy of the statement of claim and verification shall be made a part of the notice to be served upon the defendant named therein. The mode of service shall be by the United States marshal, as provided by law, or by registered mail or by certified mail with return receipt, or by a person not a party to or otherwise interested in the action especially authorized by the Clerk of the Small Claims and Conciliation Branch or appointed by the judge for that purpose.

(b) When notice is to be served by registered mail or by certified mail, the clerk shall inclose a copy of the statement of claim, verification, and notice in an envelope addressed to the defendant, prepay the postage with funds obtained from plaintiff, and mail the papers forthwith, noting on the records the day and hour of mailing. When the receipt is returned, the clerk shall attach it to the original statement of claim, and it constitutes prima facie evidence of service upon the defendant.

(c) When notice is served by a private individual, as provided by subsection (a) of this section, he shall make proof of service by affidavit before the clerk, showing the time and place of the service.

(d) When notice is served by the marshal, or by registered mail or by certified mail, the actual cost of service is taxable as costs. When notice is served by an individual, the cost of service, if any, is not taxable as costs.

(e) The statement of claim, verification, and notice shall be in the following or equivalent form:

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
SMALL CLAIMS AND CONCILIATION BRANCH

(Location of room in courthouse)

(Address of court)

Washington, D.C. \_\_\_\_\_

Plaintiff \_\_\_\_\_

Address \_\_\_\_\_ No. \_\_\_\_\_

vs. \_\_\_\_\_

Defendant

### STATEMENT OF CLAIM

(Here the plaintiff, or at his request the clerk, will insert a statement of the plaintiff's claim, and the original, to be filed with the clerk, may, if action is on a contract, express or implied, be verified by the plaintiff or his agent, as follows:) DISTRICT OF COLUMBIA, ss: \_\_\_\_\_ being first duly sworn on oath says the foregoing is a just and true statement of the amount owing by defendant to plaintiff, exclusive of all set-offs and just grounds of defense.

\_\_\_\_\_.

Plaintiff (or agent)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_.

Clerk (or notary public)

### NOTICE

To: \_\_\_\_\_

Defendant

\_\_\_\_\_  
Home address

\_\_\_\_\_  
Business address

You are hereby notified that \_\_\_\_\_ has made a claim and is requesting judgment against you in the sum of \_\_\_\_\_ dollars (\$\_\_\_\_), as shown by the foregoing statement. The Court will hold a hearing upon this claim on \_\_\_\_\_ at \_\_\_\_m. in the Small Claims and Conciliation Branch (address of Court).

You are required to be present at the hearing in order to avoid a judgment by default.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the clerk at once for assistance.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

[SEAL]

\_\_\_\_\_  
Clerk of the Small Claims and  
Conciliation Branch, Superior  
Court of the District of Columbia

(f) The foregoing verification entitles the plaintiff to a judgment by default, without further proof, upon

failure of defendant to appear, if the claim of the plaintiff is for a liquidated amount. If the amount is unliquidated, the plaintiff shall be required to present proof of his claim.

(g) The clerk shall furnish the plaintiff with a memorandum of the day and hour set for the hearing, not less than 5 nor more than 30 days from the date of the filing of the action. Where, in a case controlled by another statute, a greater or lesser time for hearing is specified by the other statute, that specified time is controlling. All actions filed in the Branch shall be made returnable therein.

(h) Where the defendant is the District of Columbia or an officer or agency thereof, the Clerk shall schedule the hearing for a day that is not less than 30 days from the date of the filing of the action, service of a copy of the action on the Corporation Counsel to be completed within 15 days of filing.

(Dec. 23, 1963, 77 Stat. 608, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(p)(3); Mar. 21, 1995, D.C. Law 10-230, § 2, 42 DCR 11.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-3902.

1973 Ed., § 16-3902.

##### *Legislative History of Laws*

Law 10-230, the "Small Claims Service of Process Act of 1994," was introduced in Council and assigned Bill No. 10-89, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 6, 1994, it was assigned Act No. 10-371 and transmitted to both Houses of Congress for its review. D.C. Law 10-230 became effective on March 21, 1995.

### **§ 16-3903. FEES AND COSTS; WAIVER.**

Fees for processing actions in the Small Claims Branch shall be set as the court prescribes. The judge sitting in the Branch may waive the prepayment of costs or the payment of costs accruing during the action upon the sworn statement of the plaintiff or upon other satisfactory evidence of his inability to pay the costs. When costs are so waived the notation to be made on the records of the Branch shall be "Prepayment of costs waived," or "Costs waived." The term "pauper" or "in forma pauperis" may not be employed in the Branch. If a party fails to pay accrued costs, though able to do so, the judge may deny him the right to file a new case in the Branch while the costs remain unpaid, and likewise deny him the right to proceed further in any case pending in the Branch.

(Dec. 23, 1963, 77 Stat. 610, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(p)(4); July 23, 1992, D.C. Law 9-134, § 104, 39 DCR 4066; Sept. 10, 1992, D.C. Law 9-145, § 104, 39 DCR 4895.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-3903.

1973 Ed., § 16-3903.

##### *Legislative History of Laws*

Law 9-134, the "Omnibus Budget Support Temporary Act of 1992," was introduced in Council and assigned Bill No. 9-485. The Bill was adopted on first and second readings on April 7, 1992, and May 6, 1992, respectively. Approved without the signature of the Mayor on May 29, 1992, it was assigned Act No. 9-219 and transmitted to both Houses of Congress for its review. D.C. Law 9-134 became effective on July 23, 1992.

Law 9-145, the "Omnibus Budget Support Act of 1992," was introduced in Council and assigned Bill No. 9-222, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 12, 1992, and June 2, 1992, respectively. Approved without the signature of the Mayor on June 22, 1992, it was assigned Act No. 9-225 and transmitted to both Houses of Congress for its review. D.C. Law 9-145 became effective on September 10, 1992.

### **§ 16-3904. SET-OFF OR COUNTERCLAIM; PLEADING; RETENTION OF JURISDICTION.**

If the defendant in an action pursuant to this chapter, asserts a set-off or counterclaim, the judge may require a formal plea of set-off to be filed, or may waive the requirement. If the plaintiff requires time to prepare his defense against the counterclaim or set-off, the judge may continue the case for that purpose.

When the set-off or counterclaim is for more than the jurisdictional limit of the Small Claims and Conciliation Branch, as provided by section 11-1321, but within the jurisdiction of the Superior Court, the action shall nevertheless remain in the Branch and be tried therein in its entirety.

(Dec. 23, 1963, 77 Stat. 610, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(p)(5).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-3904.

1973 Ed., § 16-3904.

**§ 16-3905. JURY TRIAL; DEMAND; ASSIGNMENT TO REGULAR BRANCH.**

In a case filed or pending in the Small Claims and Conciliation Branch in which a party entitled to a trial by jury files a demand therefor, the case shall be assigned to and tried in the regular branch of the civil division of the Court under the procedure provided for jury trials.

(Dec. 23, 1963, 77 Stat. 610, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(p)(4).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-3905.

1973 Ed., § 16-3905.

**§ 16-3906. PRE-TRIAL SETTLEMENT; TRIAL; PROCEDURE; DEFAULT; DISMISSAL OR NONSUIT; OTHER DISPOSITION.**

(a) On the return day specified by subsection (g) of section 16-3902, or at such later time as the judge sets, the trial shall be had. Immediately prior to the trial of a case pursuant to this chapter, the judge shall make an earnest effort to settle the controversy by conciliation. If he fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on the merits pursuant to subsection (b) of this section.

(b) The parties and witnesses shall be sworn. The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and is not bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications.

(c) If the defendant fails to appear, judgment shall be entered for the plaintiff by default as provided by section 16-3902(f), or under rules of court, or on ex-parte proof. If the plaintiff fails to appear, the action may be dismissed for want of prosecution, or a nonsuit may be ordered, or defendant may proceed to a trial on the merits, or the case may be continued or returned to the files for further proceedings on a later date, as the judge directs. If both parties fail to appear, the judge may return the case to the files, or order the action dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice requires.

(Dec. 23, 1963, 77 Stat. 610, Pub. L. 88-241, § 1.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 16-3906.

1973 Ed., § 16-3906.

**§ 16-3907. JUDGMENT; STAY; INSTALLMENT PAYMENTS; ENFORCEMENT.**

When judgment is to be rendered in an action pursuant to this chapter and the party against whom it is to be entered requests it, the judge shall inquire fully into his earnings and financial status and may stay the entry of judgment, and stay execution, except in cases involving wage claims, and order partial payments in such amounts, over such periods, and upon such terms, as seems just in the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied. Upon a

showing that the party has failed to meet an installment payment without just excuse, the stay of execution shall be vacated. When a stay of execution has not been ordered or when a stay of execution has been vacated as provided by this section, the party in whose favor the judgment has been entered may avail himself of all remedies otherwise available in the Superior Court of the District of Columbia for the enforcement of the judgment.

(Dec. 23, 1963, 77 Stat. 611, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 564, Pub. L. 91-358, title I, § 145(p)(6); Mar. 24, 1998, D.C. Law 12- 81, § 10(pp), 45 DCR 745.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-3907.

1973 Ed., § 16-3907.

##### *Legislative History of Laws*

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

### **§ 16-3908. JUDGMENT FOR WAGES; ORAL EXAMINATION; PAYMENT.**

When a judgment rendered in an action pursuant to this chapter is founded in whole or in part on a claim for wages or personal services, the judge shall, upon motion of the party obtaining judgment, order the appearance of the party against whom the judgment has been entered, but not more often than once each week for four weeks, for oral examination under oath as to his financial status and his ability to pay the judgment, and the judge shall make such supplementary orders as seems just and proper to effectuate the payment of the judgment upon reasonable terms.

(Dec. 23, 1963, 77 Stat. 611, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-3908.

1973 Ed., § 16-3908.

### **§ 16-3909. AWARD OF COSTS.**

In the action pursuant to this chapter, the award of costs is in the discretion of the judge, who may include therein the reasonable cost of bonds and undertakings, and other reasonable expenses incident to the action, incurred by either party.

(Dec. 23, 1963, 77 Stat. 611, Pub. L. 88-241, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-3909.

1973 Ed., § 16-3909.

### **§ 16-3910. OTHER RIGHTS OF JUDGMENT CREDITOR.**

Except as otherwise provided by this chapter or the rules of the court, a party obtaining a judgment in the Small Claims and Conciliation Branch is entitled to the same remedies, processes, costs, and benefits as are given or inure to other judgment creditors in the court.

(Dec. 23, 1963, 77 Stat. 611, Pub. L. 88-241, § 1; July 29, 1970, 84 Stat. 565, Pub. L. 91-358, title I, § 145(p)(7).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 16-3910.

