

## **Rule 11. Proceedings by the Court**

(a) **BEGINNING OF SESSIONS.** At the beginning of each session, 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) *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; and

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

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

(4) *All Other Cases.* The clerk must present all other cases to the court, including cases where the plaintiff seeks a money or non-redeemable judgment by default or where ex parte proof is otherwise required under Rule 14. 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.

(5) *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.

(c) **PLAINTIFF'S FAILURE TO APPEAR.** If, in any case, the plaintiff fails to appear without prior notice, 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 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).