

WHAT IS THE CASE ABOUT?

A civil case is a lawsuit in which one person or business asks for money or property from another. A suit by a bank or loan company to collect payments which were not made on time; a suit by a doctor or hospital to collect overdue bills; a suit by a landlord for rent or to get the apartment back - these are examples of civil cases. They are very different from criminal cases, where the state is on the other side, or where a fine, jail, or prison sentence may result.

Civil cases in the General District Courts of Virginia are usually begun by a court paper which may be called a "complaint," "warrant in debt," "summons in unlawful detainer," or "warrant in detinue." The paper is generally served by a sheriff, by giving it directly to the person sued, or by posting the paper at the door of the residence of the person sued.

Whatever it is called, the court paper in a civil case tells you who is asking for the money or property; how much money, or what property he or she wants; what gives him or her the right to ask for it (for example, a contract, open account, or lease); and when and where you are supposed to go for the hearing of the case.

DO YOU HAVE TO GO TO COURT?

If you have received a paper to go to General District Court for a hearing of a civil case, you do have to appear in Court if you want to dispute the claim, and you think you have a defense.

If you don't dispute the claim, and you don't think you have a defense, you don't have to show up, but you should realize that the person who sued you may get a judgment against you in your absence.

WHAT HAPPENS IF YOU DISPUTE THE CLAIM?

If you do dispute the claim, you must show up on time on the Return Date - this is the date on the upper right hand side of the court paper.

When your case is called on the return date, you should tell the judge that you are disputing the claim, and that you want a trial date. The case will not usually be tried if you appear on the return date and dispute the claim. Instead, the judge will give you another date when you must come back with your witnesses for a trial. Also, if you can't tell from the court papers exactly why you are being sued, or if you need further information to help you with your defense, you should tell the judge that you want the person who sued you to file a "bill of particulars." This is a paper which will explain to you exactly why you are being sued. The judge will order this at your request, and will give the person who sued you a certain amount of time to file the bill of particulars.

The person who sued you can also ask the judge to make you file something called a "grounds of defense." This is a statement that you will have to file with the court that explains to the court why you don't think you owe the money. The judge will give you a certain amount of time to file your grounds of

defense. You must file your grounds of defense with the court by the date that the judge tells you or you will be in "default." What this means is that the person who sued you could get a judgment against you without your even having a chance to have a trial or tell your side.

On the trial date, be sure to bring any papers or receipts that relate to the claim, and any witnesses that can speak for you. If you want a witness who will come voluntarily, you can ask the Clerk's office of the General District Court for a subpoena ordering that witness to come. You will need to ask for the subpoena at least ten days before the trial date.

A lawyer will be a big help in defending you in a civil case. If you have a serious dispute, it will be worthwhile to consult a lawyer, and probably have him or her represent you in court.

WHAT IF YOU LOSE?

If the person who sued you proves his or her claim and you don't have a defense, or if you don't show up, he or she will get a judgment against you. A judgment is the judge's final decision. If you lose, you will be ordered to pay the court costs, and sometimes the lawyer's fees also. The total will collect interest from the date of judgment until the date it is paid.

CAN YOU APPEAL?

If you disagree with the decision in General District Court, you can appeal the case to the

Circuit Court for a complete new trial by signing an appeal form in the clerk's office within 10 days of the date of the judgment. To complete the appeal, however, you must also post a bond in an amount set by the court, (usually the amount of the judgment and the cost of the appeal). The amount of the bond may be very high. This may restrict your ability to appeal. In cases that do not involve a landlord's suit to obtain rent and possession of the leased property, you may be able to obtain a waiver of the bond if you can prove that you are "indigent", or low income. You will probably need a lawyer in the Circuit court, where procedure is more complicated.

This pamphlet contains general information about your rights. If you have a specific question consult:

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**HAVE YOU BEEN SUED IN
GENERAL DISTRICT COURT?**



**Designate United Way #8141
CFC #69086**

KNOW YOUR RIGHTS

