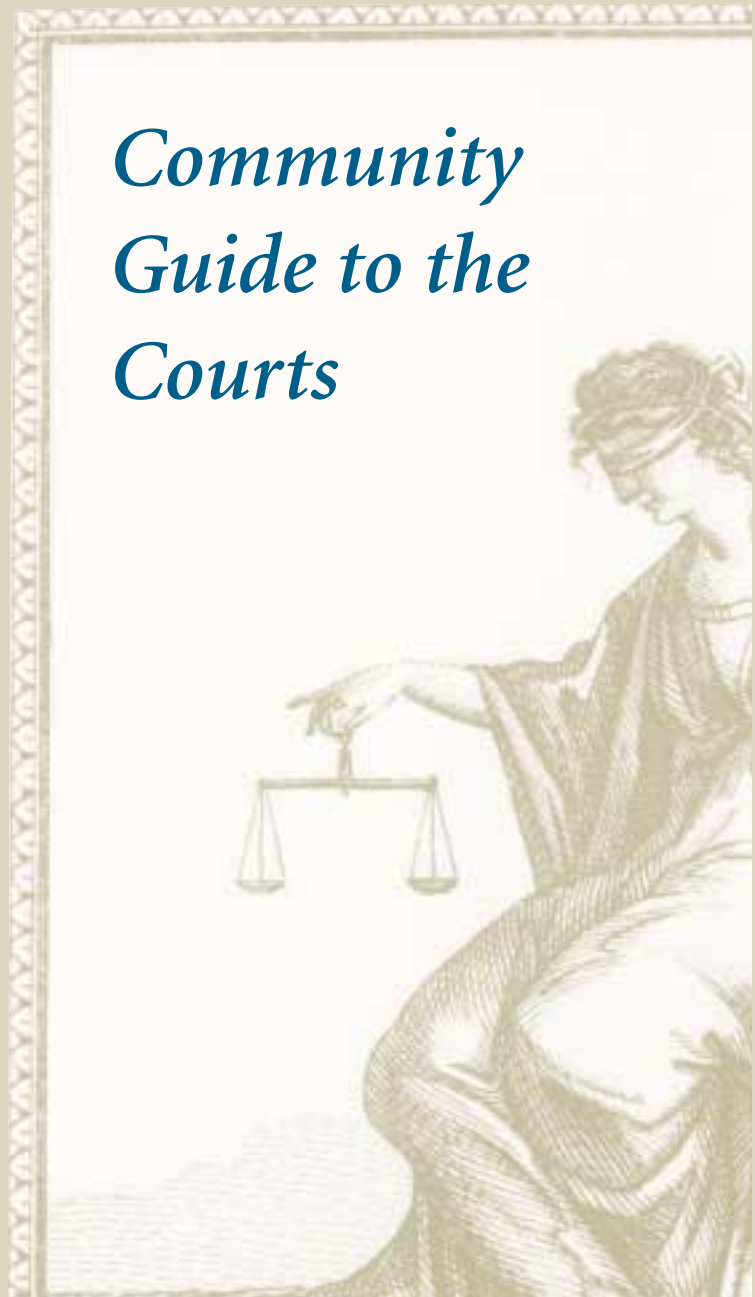




# *Community Guide to the Courts*



**Council for  
Court Excellence**



*Improving Justice for the Community*



# COMMUNITY GUIDE TO THE COURTS

Describing the State and Federal Courts in  
the District of Columbia, Maryland, and Virginia

COURTHOUSE

Published by  
**THE COUNCIL FOR COURT EXCELLENCE**

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## FOREWORD

When *Community Guide to the Courts*, formerly known as *A Citizen's Guide to the Courts*, was first printed, it was the tenth educational publication produced by the Council for Court Excellence as a public service to the Metropolitan Washington Community. The first edition of this guide, published in 1989, was also the Council's first public education booklet describing the local and federal courts in the Washington Metropolitan area, and explaining in simple terms the court process for typical civil, criminal, and juvenile cases.

The Court Guide has been updated and is being republished to serve two purposes: 1) to give practical information to members of the community involved or interested in the court system; and 2) to provide an educational supplement to those learning about the judicial branch of government. The content and orientation of this publication is in plain language in keeping with the Council for Court Excellence's commitment to increase public awareness about the courts, and to encourage greater public understanding of and support for the justice system.

## 2008 EDITION ACKNOWLEDGEMENTS

Many organizations and individuals contributed to the development of this Guide. The Council for Court Excellence would like to take this opportunity to formally acknowledge those involved. The Council especially thanks the GEICO Philanthropic Foundation for its generous contribution to underwrite this publication and for its support for many years of Council for Court Excellence community education publications.

Like the previous edition, the Court Guide underwent numerous drafts and was reviewed by many people in and outside the courts. The Council is indebted to the many justice system officials and Council for Court Excellence Board members who generously contributed their knowledge and time to the Court Guide.

Special thanks are extended to the following court officials who reviewed previous drafts of the Court Guide and

provided constructive suggestions and updates: Nancy Mayer-Whittington, Clerk, U.S. District Court for the District of Columbia; and Duane B. Delaney, Clerk, Superior Court of the District of Columbia.

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## GENERAL INTRODUCTION

*Community Guide to the Courts* in the Washington, D.C. Metropolitan Area is a comprehensive guide to the various courts in the District of Columbia, Maryland, and Virginia. The purpose of the *Community Guide* is to set forth the structure of the court systems, state and federal, and to describe the functions and roles of the judicial branch of government. The Guide has the following objectives:

1. To provide the public with a working knowledge of their state and federal court systems;
2. To help the public understand the functions of the various courts;
3. To describe the typical process for civil, criminal and juvenile cases;
4. To assist the public with locating courthouses, understanding everyday legal terms, and, when necessary, finding a lawyer.

The first section provides a basic introduction to the judiciary and the purposes of courts. Section I also contains an overview of court structure, types of law such as criminal and civil, and the role of juries in the court system. Sections II, III and IV describe the court systems in the District of Columbia, Maryland, and the Commonwealth of Virginia, respectively. Each of these sections provides information on the jurisdiction of the trial court and the appeals process. Section V is a summary description of the Federal Court system. Included in this section are references to the principal federal courts located in the District of Columbia, Maryland and Virginia.

Sections VI, VII, and VIII provide descriptions of typical civil, criminal, and juvenile court actions. The final sections include useful information for locating a lawyer, obtaining legal advice, the locations of the state and federal courts in the Washington D.C. region, and a glossary of terms. Throughout the Guide, legal terms that appear in italics are defined in this glossary.

Whether you are a participant in the court system or a student of the judiciary, the *Community Guide to the Courts* provides an easy-to-understand description of state and federal courts and many legal procedures.

*Throughout the Guide, legal terms that appear in italics are defined in the Glossary, beginning on page 32.*

# THE JUDICIAL BRANCH OF GOVERNMENT

At both state and federal levels, the government is organized into three separate and co-equal branches—Legislative, Executive, and Judicial. Each branch of the government has a specific role. The Legislative branch is responsible for making the laws; the Executive branch carries out or enforces the laws; and the Judicial branch (the court system) interprets the laws and decides disputes about the laws. Courts serve many purposes and functions in the American system of government. The most obvious purpose is to interpret or apply the law. In a larger sense, their purpose is to do justice, to settle disputes peacefully, and to assure that everyone has an equal opportunity to prove their case or defend a lawsuit filed against them.

## TYPES OF COURTS

In both the federal and state court systems, there are basically two types of courts with which citizens come into contact: trial courts and appellate courts. In addition to these general types, there are numerous other courts in the state system that perform a specialized role, such as small claims courts, juvenile courts, and housing courts. The federal court system also has certain specialized courts such as bankruptcy and tax courts, which handle only certain types of legal disputes.

### Trial Courts

The function of a trial court is to receive and consider *evidence* in a case and make judgments based on the facts and underlying law and *legal precedent*. This may result in the awarding of monetary damages in a civil case or imposing sentences in criminal cases.

Trial courts at the state level may be divided into courts of *limited jurisdiction* and courts of *general jurisdiction*. Depending on provisions found in the individual state constitution and laws, courts of *limited jurisdiction* rule on minor civil matters and minor violations of the criminal law. Courts of *general jurisdiction* are empowered to con-

sider more significant civil and criminal cases. Many courts of *general jurisdiction* also review appeals from courts of *limited jurisdiction*.

In the federal system, trial courts are called United States District Courts. District courts primarily hear cases involving violations of federal law. More information on district courts is provided in Section V, The Federal Court System.

### Appellate Courts

The principal function of an appellate court is to review a trial court's actions and decisions, and to decide whether the trial judge properly followed the law and *legal precedent*. In criminal or civil cases where a jury is used, the appellate court may have to decide whether the jury's decision was proper, given the facts presented and the underlying law in the case.

Appellate courts do not necessarily decide which party won a trial, nor do they conduct a new trial. Rather, appellate court judges review the earlier trial and determine whether or not it was fair, according to the law.

In more than 35 of the 50 states, appellate courts are divided into intermediate appellate courts and courts of





last resort. Both Maryland and Virginia have intermediate appellate courts; the District of Columbia does not. A party in the case who does not accept the decision of the intermediate appellate court may seek an appeal to the state court of last resort.

Courts of last resort are the highest level courts in the state judicial system. Their judicial decisions are final, except in cases involving laws of the United States and the United States Constitution, which can be considered in federal courts and may be appealed to the United States Supreme Court. In most states, such as the Commonwealth of Virginia, the court of last resort is called the Supreme Court; in Maryland and the District of Columbia the highest state court is called the Court of Appeals.

Appellate courts of the federal system are called United States Circuit Courts. They hear *appeals* from the United States District Courts and also may review administrative agency decisions. Decisions in the federal circuit courts are final, except when reviewed by the United States Supreme Court.

## **SPECIALIZED COURTS**

Specialized trial courts found in the state court system vary widely across the 50 states. Such terms as justice of the peace courts, small claims, traffic, landlord/tenant, juvenile, and domestic relations each describe a different form of specialized trial courts. Two of the most common specialized courts, small claims and juvenile, are described below.

### **Small Claims Court**

Small claims courts have several main features: they are usually quick and simple for people to use, and the types of civil cases they consider must be for monetary damages below a certain dollar limit.

In Maryland, Virginia, and the District of Columbia, the small claims court is part of a larger trial court of *general jurisdiction*. A small claims case begins when a person or business files a *complaint*, which is a brief statement or claim against another party. The person or business being sued in the small claims case is called the *defendant*. The defendant in a small claims case must be given a copy of the complaint, statement, or claim filed against them by the other party.

Usually the small claims *defendant* is not required formally to answer the claim before the trial; during the trial the *defendant* will be able to explain his/her side of the case. In small claims court cases, it is essential that both parties be present in court at the designated time and place of the trial. If not, the small claims judge may rule against the absent party by entering what is called a *default judgment*. Court rules in small claims cases are less formal than in other civil or criminal trials. Each side merely presents its case before the judge, who acts as a referee and makes a ruling or decision. In most small claims cases, it is not necessary for a party to have an attorney, and many people choose to represent themselves.

In the District of Columbia, the Small Claims Court is part of the Civil Division of the D.C. Superior Court. As of 2007, monetary awards in the D.C. Small Claims Court are limited to less than \$5,000. Claims involving amounts greater than \$5,000 are heard by the Civil Actions Branch within the Civil Division of the D.C. Superior Court.

Small claims cases in Maryland are decided by the District Court and involve claims of \$5,000 or less.

In Virginia, each general district court has a small claims division. In cases heard within the small claims division of general district courts in



Virginia, people must represent themselves and cannot be represented by lawyers. The small claims division has jurisdiction over civil cases which involve a monetary dispute of \$2,000 or less.

## Juvenile Court

Juvenile courts are specialized state or county courts that consider violations of law by persons under age 18. If a *juvenile* is accused of committing a crime, being a *delinquent*, or felt to be in need of special court-ordered supervision or services, the youth's case usually will be heard in a juvenile court.

The term *delinquent* refers to a juvenile who has been found by the juvenile court to have committed an act that would be a crime if committed by an adult. A “*child-in-need-of services*” (CHINS), or a “*person-in-need-of services*” (PINS), is a juvenile whom the court determines has committed certain improper acts which, if committed by an adult, would not be considered a criminal offense—such as truancy or habitually running away from home.

Juvenile courts differ from other trial courts in several important ways. Juvenile court hearings are not usually open to the public. The court seeks to protect the privacy of the juveniles coming before the court. Second, juvenile courts traditionally have an objective to rehabilitate or treat, rather than punish, young persons who come before this court. The welfare of the child and the family are the primary concerns of the juvenile court proceedings. In other respects, juvenile courts have similar requirements and provide similar safeguards as other trial courts. Juvenile courts do not, however, conduct jury trials. Juvenile cases are heard by a judge or judicial officer. Also, depending on state law, juveniles who are alleged to have committed serious crimes (murder, rape, armed robbery, etc.) may be tried

as an adult in criminal court and not have their case heard in the juvenile court. State laws differ on the age at which a juvenile may be charged as an adult.

## TYPES OF LAW

There are two general types of cases decided by courts: criminal and civil. One of the main objectives of criminal law is to protect the public against harm by punishing and deterring criminal activity. Civil law can essentially be defined as all laws other than criminal laws. Civil law usually involves private parties and questions of compensation to the injured party for damages. Criminal law usually involves an accused and a victim.

### Criminal Law

In a criminal case, the *prosecutor* decides whether there is sufficient *evidence* to file formal *charges* against a person accused of breaking the law. Whether the person charged, called the *defendant*, will be prosecuted in federal or state court depends on the type of crime he/she is accused of committing and where the crime occurred.

Most crimes are prosecuted in either a state or local trial court, but certain crimes, such as mail fraud, bank robbery, racketeering, and certain drug offenses, are defined by the U.S. Congress as federal crimes and are prosecuted only in federal district courts.

The *prosecutor*, as the state's attorney often is called, represents the interests of the victim and society. In general, the prosecuting attorney's obligation, as the attorney for the state, is to prosecute the *defendant* in accordance with the law.

The *defendant* has the constitutional right to an attorney, and, if he/she cannot afford one, the judge will appoint one. The defense attorney representing the *defendant* also may be “retained” and paid by the *defendant*.





For those who are accused of a crime but cannot afford a private attorney, defense attorneys are either “public defenders” or a private attorney appointed by the court. Defense counsel represent the defendant in all criminal proceedings and ensure that the *defendant’s* constitutional and statutory rights are protected.

If the *defendant* is convicted, the judge will impose a sentence under federal or state law, which may include a fine, *restitution*, *probation*, *incarceration*, community service, or a combination of these.

### Civil Law

In a civil case, or lawsuit, an individual, a partnership, a corporation, etc., may sue another for a variety of reasons. These lawsuits may seek monetary damages for such acts as breaking a contract, injuries caused by a car accident, or for other negligent or intentional misconduct by another party.

The *party* who initiates the civil lawsuit is usually called the *plaintiff* while the *party* who is sued is called the *defendant*.

There are many ways civil lawsuits may proceed within the court. Often the *parties* may settle the case before there is a trial. When a trial is held, a jury may decide the result. In civil trials where no jury is used, the judge will decide the result. Each side in a civil lawsuit may or may not have lawyers to represent them in court, but most do. It is very rare for either the *plaintiff* or the *defendant* in a civil suit to be sent to jail.

### JURIES

*Juries* are a key part of the American judicial system. A *jury* may be defined as a number of persons, selected from the citizens of the community, who are sworn in a court of law to hear certain

matters of fact, and to decide the truth based upon the *evidence* laid before them.

The U.S. Constitution guarantees that most criminal defendants are entitled to a trial by a jury. The defendant can *waive* this right and have the trial heard before a judge or other judicial officer without a jury. In most civil cases, either party may request a trial by jury.

### Petit Jury

A petit jury is a group of 6 to 12 citizens who are sworn to determine the facts of a case. In a trial, they listen to *testimony* and consider *evidence* then reach a *verdict* based on the facts presented.

In a civil trial, the jury will be asked to find or decide for the *plaintiff* or the *defendant*. In a criminal case, the jury must decide whether, under the applicable law, the *accused* is guilty or not guilty. For criminal trials, a unanimous *verdict* is necessary to convict.

### Grand Jury

A grand jury may be used to hear evidence in the initial stages of the most serious criminal proceedings in state and federal courts, or to investigate and report on certain topics.

Grand juries in the Federal, District of Columbia, and Maryland court systems have up to 23 members, while those in the Virginia Court system have 7 members. The grand jury’s role is to hear *evidence* presented by the *prosecutor*, and issue *indictments* where it finds *probable cause* to believe that (1) a crime was committed and (2) the *accused* committed the crime.

The grand jury rarely hears *evidence* from the *defendant*, and never from the defense attorney. The proceedings of a grand jury are secret. While the rules may vary from state to state, generally a decision to issue an *indictment* requires a majority vote.

## Jury Service

Prospective jurors, for both petit and grand juries, are selected to serve in the states or federal judicial districts where they reside. Prospective jurors are selected, by some courts, from voter registration lists. Other courts utilize driver licenses, taxpayers' lists, or some combination of these public lists.

Once a person is selected from these lists, he or she can be "called" or summoned for jury service. From this "pool" of qualified citizens, a petit jury is selected through a process called *voir dire*.

At the beginning of a trial, prospective petit jurors are called into the courtroom and questioned by the judge and, in some courts, also by the attorneys for each side. An attorney can object to the selection of a juror on a specifically stated ground that he or she feels will hinder the ability of the juror to be unbiased and objective. These objections are termed *challenges for cause* and can be requested by an attorney for an unlimited number, but must be approved each time by the judge. Court rules may provide that each attorney also has a limited number of challenges to the selection of a juror, which the attorney can request without giving a specified reason. These objections are termed *peremptory challenges* and may vary in number, according to the severity of the specific case the jury will hear.

Specific terms of jury duty differ from state to state and may vary within a state from county to county. Over the past several years, many jurisdictions have adopted One Day/One Trial Jury Service in which citizens called for petit jury serve for the length of one trial or one day, whichever is longer. Prince George's and Montgomery Counties in Maryland and the District of Columbia have one day/one trial jury service. In the County of Fairfax, Virginia, a citizen

serves on petit jury duty one day or one trial each week for a period of two or three weeks. In Arlington County, Virginia, a citizen who is summoned for jury duty is "on call" for approximately two weeks.

Because the length of jury service varies from place to place, it is suggested that you contact the court in the community in which you live if you have questions about their specific jury term or jury service.

### *District of Columbia*

Unlike other state systems, a single pool for grand and petit jurors serves both the D.C. Superior Court and the U.S. District Court for the District of Columbia. Jurors are selected from several lists, including lists of taxpayers, registered voters, and a list from the Department of Motor Vehicles.

### *Maryland*

Juries used in the Circuit Court are called petit juries. There are no jury trials in the lower court, called the District Court of Maryland. For any type of case in the District Court in which the law allows a jury trial (such as civil cases in which the monetary dispute is greater than \$10,000 or criminal cases in which the defendant faces a lengthy jail sentence), a jury trial must be demanded prior to the beginning of the trial. In this way, the case can be transferred from the District Court to the Circuit Court.

### *Virginia*

In Virginia, jury trials are conducted only in the Circuit Court. In criminal cases in the Circuit Court, an accused who enters a plea of not guilty is entitled to a jury trial. An accused may *waive* his/her right to a jury trial with the permission of the court. In civil cases in the Circuit Court, most *equity* cases are heard by a judge without a jury. Other

civil cases may be heard by the judge or, at the request of any party, by a jury. Members of a Circuit Court petit jury are selected from a master list prepared by jury commissioners appointed by the circuit court. The master list is developed by a random selection of citizens residing in the city or county served by the court.



# THE DISTRICT OF COLUMBIA COURT SYSTEM

In the District of Columbia, cases involving civil disputes or violations of D. C. law are conducted in the state trial court, called the Superior Court of the District of Columbia. Appeals from the District of Columbia Superior Court are heard by the District of Columbia Court of Appeals.

In D. C. Superior Court, most adult criminal cases are prosecuted by the federal government. This means that for most criminal cases, the Office of the US. Attorney for the District of Columbia prosecutes the case. However, in cases involving juveniles or where the District of Columbia government is a party, the District is represented by the Office of the Attorney General of the District of Columbia.

## DESCRIPTION OF THE COURTS

### District of Columbia Superior Court

The D.C. Superior Court includes the following major divisions: Civil, Criminal, Family Court, Domestic Violence Unit, Probate, Tax, Social Services, Special Operations, Multi-Door Dispute Resolution, and the Crime Victims Compensation Program. Most of these divisions are further divided into branches.

#### *Civil Division*

The Civil Division of the D.C. Superior Court hears many types of civil cases (but not family matters) and is divided into four branches dealing with the processing of different types of civil cases: the Civil Actions Branch, the Quality Review Branch, the Landlord and Tenant Branch and the Small Claims and Conciliation Branch. The Civil Actions Branch is responsible for all civil cases with a monetary dispute of greater than \$5,000.

The Civil Action Branch also hears cases requesting *injunctive relief* (meaning that you are requesting that the Court enter an order to prevent some-

one from doing something or to require the performance of some action). The Small Claims and Conciliation Branch deals with any monetary dispute involving a request for damages less than \$5,000. The Landlord and Tenant Branch decides cases where landlords sue for repossession of their property for nonpayment of rent or other alleged violations of leases.

#### *Criminal Division*

Any criminal case in the D.C. Court System involving an adult is heard in the Criminal Division of the D.C. Superior Court. This court division is also divided into several branches that handle *felonies*, serious *misdemeanors*, traffic matters, or special proceedings concerning such matters as fugitive cases, mental competency hearings, special writs, and warrants, as well as motions to seal arrest records.

The Criminal Division of the Superior Court also hears cases involving major violations of city ordinances and serious criminal traffic offenses, such as reckless or drunk driving.

In the District of Columbia, most minor traffic violations are handled by adjudicative services at the D.C. Department of Motor Vehicles.



## ***Family Court***

The Family Court of the D.C. Superior Court covers a wide range of family-related matters, including cases involving child abuse and neglect, *juveniles*, domestic relations, domestic violence, paternity and support, mental health and retardation and adoptions.

The Family Court has six branches: the Domestic Relations Branch, the Juvenile and Neglect Branch, the Paternity and Child Support Branch, the Marriage Bureau Branch, the Mental Health and Mental Retardation Branch, and the Counsel for Child Abuse and Neglect Branch.

The Family Court Self-Help Center provides people who do not have an attorney with free general legal information in family law issues such as divorce, custody, visitation, and child support. The Center cannot provide legal advice, nor can it represent anyone in court, but it can provide information related to your legal rights, obligations, and options; they can help you decide which paperwork is most appropriate and how to complete the necessary forms; explain the court process and what you can expect in court; and the office can refer you to other clinics and programs that may be able to provide additional assistance and resources.

The Family Court Central Intake Center (CIC) is the main location for filing most family court cases and claims (except marriage licenses and applications, which are handled by the Marriage Bureau Branch). The CIC also provides information to the public regarding family court cases.

The Domestic Relations Branch handles case filings submitted to the CIC which are related to divorce, annulment, legal separation, custody, visitation, standby guardianship, foreign *judgments*, and *subpoenas*, adoption, and termination of parental rights.

The Counsel for Child Abuse and Neglect (CCAN) Branch administers available legal services for child abuse and neglect cases, maintains a list of attorneys available to represent children, parents, and caretakers in child abuse and neglect cases, and provides training for these attorneys. The CCAN office can also help determine whether adults are financially eligible to receive a court-appointed attorney.

The Mental Health and Mental Retardation Branch deals with matters of hospitalization, continued treatment, and ongoing care of persons with mental illness, mental retardation, or persons in need of mental health services.

The Paternity and Child Support Branch handles cases seeking paternity and child support.

The Juvenile and Neglect Branch processes cases involving matters of juvenile delinquency and child abuse and neglect.

The Family Treatment Court is a special joint program that provides mothers and female caretakers whose children are the subject of a child neglect case with substance abuse treatment. This twelve month program is residential and is court supervised, voluntary, and comprehensive in its approach, providing services for affected children as well as treatment for the mother/ caretaker.

## ***Social Services Division***

The Social Services Division of the Family Court administers the *juvenile probation* system for the District of Columbia, provides court supervision, and court-supervised alternatives to incarceration. Additionally, the Social Services Division provides supportive social services to youth within the court system. From the time a *juvenile* first comes in contact with the court until he/she completes probation or is committed to the D.C. Department of Youth

Rehabilitation Services, the Social Services Division is responsible for providing the appropriate juvenile social services. The goal of the Division is to assist in the rehabilitation of youth through social services and probation supervision.

Juvenile Intake Services deals with delinquency cases during the time period from arrest until the first court appearance.

The Juvenile Drug Court is a full substance abuse treatment program which includes the judge, defense attorneys, probation officers, case managers, families, and others in the treatment process. The goal of the eight to twelve month program is to promote healthy living choices for non-violent juveniles with substance abuse problems and for their families.

The Juvenile Diagnostic and Probation Supervision Branch consists of Juvenile Diagnostic Teams which work together with judges and *juvenile* offenders to evaluate and recommend the most suitable services and decision (called *disposition* in *juvenile* cases) for each individual's circumstances. The Juvenile Diagnostic Teams also provide individual and family counseling and other related services for *juveniles* who are under the court's supervision prior to receiving a ruling, or disposition, from the judge. These services are provided so that *juvenile* offenders and their families can improve their quality of family life and work towards a responsible role in their community.

## ***Domestic Violence Unit***

The Domestic Violence Unit hears cases in which one person is seeking a protection order against someone who is related to them by blood, legal custody, marriage, having a child in common, past or present romantic relationship, or a person with whom they have lived. The Domestic Violence Unit also



hears cases involving violations of protection orders and all *misdemeanor* criminal cases involving an *intrafamily offense*. Judges in the Domestic Violence Unit may also hear related divorce, custody, visitation, paternity and support cases involving the same parties, and some related civil actions. The Court runs two Domestic Violence Intake Centers, which offers resources for those seeking protection orders. There are no filing fees for the Domestic Violence Unit.

### ***Crime Victims Compensation Program***

The Crime Victims Compensation Program was created to help innocent victims of violent crime and their families to cope with crime-related expenses and personal issues such as funeral and burial costs, medical and mental health costs, lost wages, loss of support and services, clean up of a crime scene and, for victims of domestic violence, the cost of temporary shelter. A “victim advocate” can also help crime victims receive assistance in filing paperwork, obtaining additional services, finding support groups or counselors and handling other victim-related issues.

### ***Probate and Tax Division***

Under the overall administrative direction of the Register of Wills, who serves as Clerk of the Probate and Tax Division, this division of the D.C. Superior Court supervises the administration of *estates* of deceased persons, minors, adults in need of protection, certain trusts, receiverships for individuals, and assignments for the benefit of creditors. The Register of Wills is charged by law with the responsibility of protecting the rights of all persons who may be interested in the administration of a decedent’s *estate*, whether as heirs, beneficiaries under wills, creditors, or debtors.

Typically, unless a person brings a particular concern to the court’s attention, *estates* in the District of Columbia are “unsupervised,” which means that the court does not have a role unless it is notified of a problem. In estates that are supervised by the court, the Register of Wills works to ensure that all transfers of property adhere to the District of Columbia Code and the Superior Court Rules.

As the name suggests, the Small Estates Branch of the Probate and Tax Division is responsible for assisting citizens in handling estates of persons dying with assets generally less than \$40,000.

The Interventions and Trusts Branch handles administrative support for estates of incapacitated adults, trusts subject to court supervision and other fiduciary proceedings.

Several other administrative units also exist within the Probate and Tax Division.

### ***Special Operations Division***

The Special Operations Division of the D.C. Superior Court is responsible for the operations of the Juror Office, the Office of Court Interpreting Services, the Appeals Coordinator’s Office, the Child Care Center, and the Judge-In-Chambers. During normal court business hours, a judge is always on duty as the Judge-In-Chambers to handle any emergency matters that may arise.

The Juror Office manages juror services and processes jurors under the one trial/one day jury service, obtaining information relative to the size of the panels, and randomly selecting and dispersing petit juror panels to the courtrooms. This division also selects and swears in grand jurors.

The Office of Court Interpreting Services either provides, or assists parties seeking to contract for, foreign language, sign language, or other language interpreters for court proceedings as mandated by local and federal law.

The Appeals Coordinator's Office is responsible for the coordination of filings of trial court records in appeals to the D.C. Court of Appeals.

The Child Care Center provides child care supervision and educational services to the children of jurors, witnesses, defendants, and plaintiffs. Child care services are provided at no charge to parents and guardians engaged in court business.

### ***Multi-Door Dispute Resolution Division***

The Multi-Door Dispute Resolution Division of the D.C. Superior Court provides a variety of methods to assist D.C. residents in resolving their dispute either prior to or following the filing of an official court case through *mediation*, *arbitration*, case evaluation, and *conciliation*. Programs for mediation and arbitration of domestic relations disputes also exist.

## **DISTRICT OF COLUMBIA COURT OF APPEALS**

Similar to a state Supreme Court, the D.C. Court of Appeals is the highest court for the District of Columbia. The majority of the D.C. Court of Appeals cases are appeals from the D.C. Superior Court. The court also may review cases from the D.C. Office of Administrative Hearings, D.C. administrative agencies, boards and commissions of the D.C. government, and mayoral orders and administrative rulings.

## **DISTRICT OF COLUMBIA COURT SYSTEM**

DISTRICT OF COLUMBIA COURT OF APPEALS  
(Court of Last Resort)  
9 Judges

DISTRICT OF COLUMBIA SUPERIOR COURT  
(Trial Court of General Jurisdiction)  
59 Judges and  
24 Magistrate Judges

# MARYLAND COURT SYSTEM

Maryland's trial courts of limited jurisdiction are the District Court and the Orphan's Court. There are 24 District Courts—one in each of the state's 23 counties and one in Baltimore City. There are also 24 Orphan's Courts. The Circuit Courts, located in each of the 24 jurisdictions, are the courts of general jurisdiction. In Maryland, criminal trials are prosecuted by the "State's Attorney."

The Court of Special Appeals is the intermediate appellate court in Maryland, and the Court of Appeals is the highest court in the state. Geographically, there are seven appellate circuits and eight judicial circuits in the state.

## DESCRIPTION OF THE COURTS

### District Court

Maryland District Courts have exclusive jurisdiction over all civil claims involving disputes over amounts up to \$2,500. In civil cases involving amounts between \$5,000 and \$25,000, the District Courts and Circuit Courts share jurisdiction (called *concurrent jurisdiction*). Landlord-tenant cases, motor vehicle violations, *replevin actions*, criminal cases classified as misdemeanors, some felonies (such as felony theft cases where no jury trial is requested), and small claims cases (those involving \$5,000 or less) are heard in the District Court. The District Courts of Maryland also hear bail and preliminary hearings for any crime charged in Maryland.

The District Court also presides over a significant number of criminal *misdemeanors* cases and some *felonies*, violations concerning motor vehicles, including driving under the influence of alcohol (DUI) and driving on a revoked and/or suspended license, which are jailable offenses. Most of the cases considered by the District Court are traffic matters and landlord/tenant disputes.

Maryland law does not provide for jury trials in the District Court. If a person who has the right to a jury trial requests a jury trial, the case must be heard by the Circuit Court. There are separate District Courts for Montgomery County (District 6) and Prince George's County (District 5). In Montgomery County the District Court, instead of the Circuit Court, hears juvenile cases.

### Orphan's Court

The Orphan's Court handles wills, estates, and other *probate* matters, as well as some matters involving guardianship of minors and their property. There are twenty four Orphan's Courts in Maryland: one for each of the 23 counties plus Baltimore City. There are three judges who sit on the Orphans' Court in Baltimore City and in each of the counties, with the exception of Harford County and Montgomery County, where circuit court judges sit as judges of the Orphans' Court.



## Circuit Court

The Circuit Court hears criminal, juvenile (except in Montgomery County) civil cases, and appeals from the District Court. The Circuit Court also hears cases (civil or criminal) in which one of the parties has requested a jury trial.

Civil cases filed usually involve child custody, divorce issues, and all civil disputes in which the amount being sought exceeds \$25,000. The Circuit Court also shares jurisdiction with the District Court in disputes between \$5,000 and \$25,000. Criminal cases heard in the Circuit Courts are the more serious felony offenses.

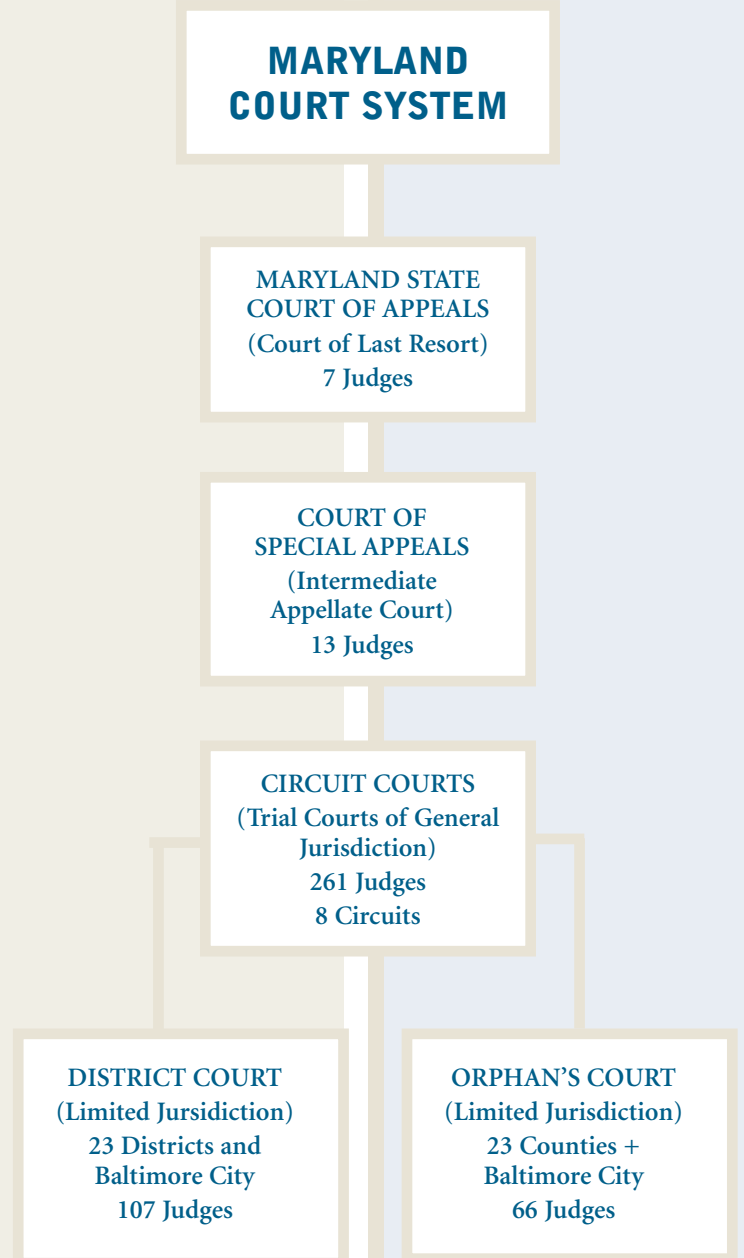
The Circuit Courts hear cases that are *appealed* from the District Court (civil and criminal) and from administrative agencies.

## Court of Special Appeals

The Court of Special Appeals, located in Annapolis, the state capital, hears *appeals* from the Circuit Courts. Generally, the Court of Special Appeals handles any appeal from a circuit court or an orphans' court, except for appeals in criminal cases in which the defendant has been sentenced to death. Judges on this court usually sit in panels of three to consider and decide cases. Under special circumstances, all 13 judges on the Court of Special Appeals will listen to a case together. When this occurs it is referred to as an *en banc* hearing.

## Court of Appeals

The Court of Appeals, Maryland's highest court, also is located in Annapolis. The Court's seven judges hear *appeals* from the Court of Special Appeals, although they may also decide to review an *appeal* directly from a Circuit Court.



# THE VIRGINIA COURT SYSTEM

Virginia has 32 District Courts, which are the trial courts of limited jurisdiction. They are divided into general district courts, juvenile and domestic relations courts, and combined district courts. There are 31 Circuit Courts spread across the Commonwealth. These are the trial courts of general jurisdiction. In Virginia, criminal trials are prosecuted by the “Commonwealth’s Attorney.”

The two highest courts in Virginia are located in Richmond, the state capital. The Court of Appeals is an intermediate appellate court and the Supreme Court is the highest state court.

## DESCRIPTION OF THE COURTS

### District Court

In most parts of Virginia, the District Court is separated into two parts, the general district court, and the juvenile/domestic relations court. The City of Falls Church has a Combined District Court (District 17), which handles the functions of both a general district court and a juvenile/domestic relations court. There are no jury trials in District Courts in Virginia.

### General District Court

The General District Court hears civil cases where the amount in dispute is up to \$15,000. In Virginia, the District and Circuit Courts share authority, or have *concurrent jurisdiction*, over cases involving amounts between \$4,500 and \$15,000. General district courts may also hear cases involving *unlawful detainer* suits (also called eviction suits), even if the amount of rent requested exceeds \$15,000. In criminal cases, the General District Court listens to *misdemeanors*, including Driving-While-Intoxicated (DWI) cases, holds preliminary hearings in *felony* cases, and conducts civil involuntary mental commitment hearings.

There are General District Courts in each city and county in the state of Virginia.

### Juvenile and Domestic Relations District Court

The Juvenile and Domestic Relations District Court hears cases involving delinquency, juvenile traffic violations, *children in need of services* and/or supervision, and children who may have been abused or neglected. This court also listens to cases involving adults accused of child abuse or other offenses or abuse against members of their own family (except murder), as well as cases involving child support, visitation, parental rights and custody disputes. In addition, this court sometimes hears cases involving abandoned children, foster care and entrustment agreements, court-ordered rehabilitation services, and court consent for certain medical treatments.

There are Juvenile and Domestic Relations District Courts in each city and county in Virginia.

### Circuit Court

The Circuit Court hears civil and criminal cases, and all *appeals* from lower courts. The Circuit Court hears all *equity* matters, such as divorce cases, disputes concerning wills and estates, and controversies involving property. The Circuit Courts have exclusive original jurisdiction over monetary claims exceeding \$15,000.

In criminal matters, the Circuit Court hears all *felonies* and offenses that may be punished by commitment to the state penitentiary. This court also hears *appeals* from General District Courts (civil and criminal) and from Juvenile and Domestic Relations District Courts. Appeals from these courts are heard *de novo*, meaning that they are tried from the beginning as though there had been no prior trial. Circuit Courts may also listen to *appeals* from administrative agencies.

There are Circuit Courts in each city and county in Virginia.

### Court of Appeals

The Court of Appeals determines *appeals* in domestic relations cases and in criminal matters other than *capital* crimes, meaning those subject to the death penalty. It also hears *appeals* from decisions made by administrative agencies. The Court consists of 11 judges, who listen to cases in panels of at least three judges per case.

### Supreme Court

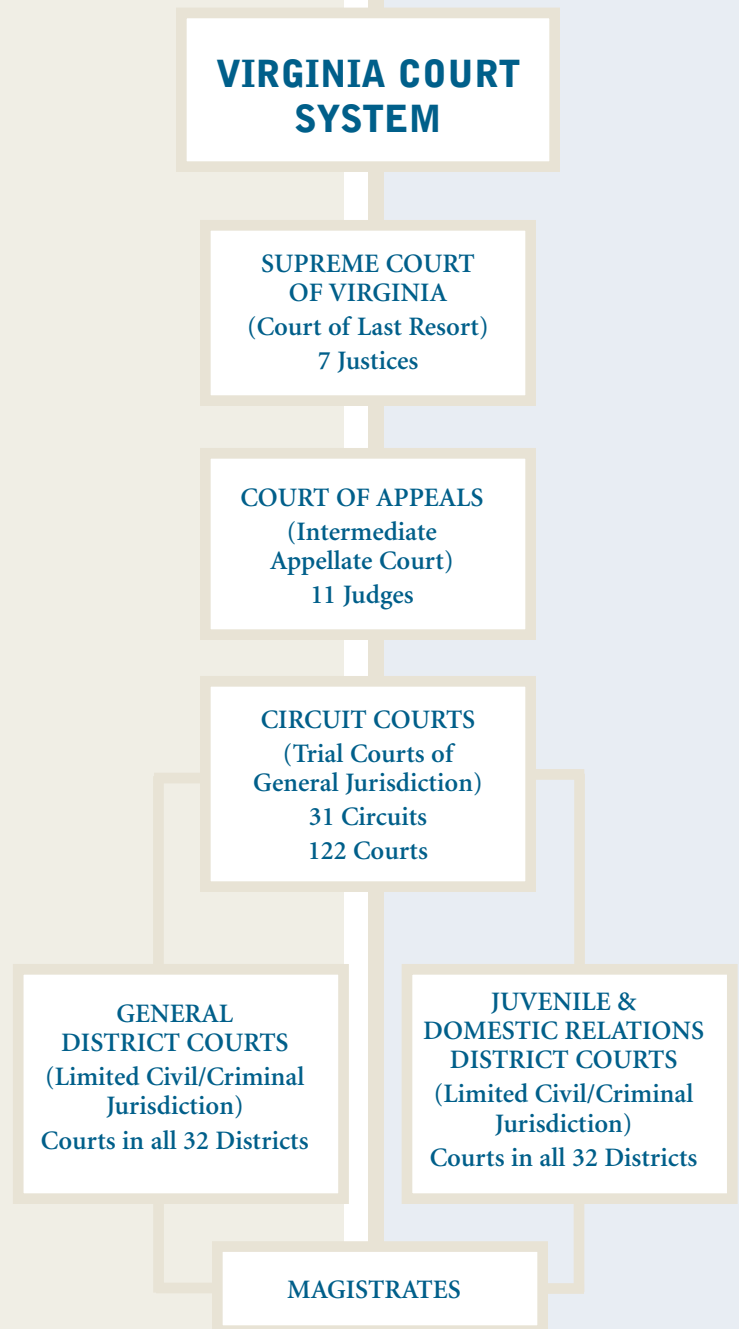
The Supreme Court reviews decisions from lower courts when *appeals* have been allowed. In addition, it hears *appeals* from judgments and findings of the State Corporation Commission. The Supreme Court may choose to hear an *appeal* directly from the Circuit Court or administrative agencies. The Supreme Court consists of seven justices.

### Magistrates

Many times, a person's first contact with the judicial system of the Commonwealth comes through the office of the Magistrate. The main function of the magistrate is to provide an unbiased review of complaints brought to the office by police officers, sheriffs, deputies, and citizens.

The duties of a magistrate include issuing various types of processes such as arrest warrants, summonses, bonds, search warrants, subpoenas, and civil

warrants. One of the principal duties of a magistrate is conducting bond hearings to set bail when a person has been charged with a criminal offense. A magistrate may also accept prepayments for traffic infractions and minor misdemeanors.



# THE FEDERAL COURT SYSTEM

The United States District Courts are the federal trial courts for most matters. There are also specialized federal trial courts that consider specific types of cases, such as bankruptcy, tax claims, international trade, and certain claims against the federal government and its agencies.

Federal cases are tried in U.S. District Courts. If appealed, cases go from the District Courts to the Circuit Courts of Appeals. The last appeal for a federal case is to the United States Supreme Court.

## DESCRIPTION OF THE COURTS

### General Structure

Federal courts hear all cases that arise under federal law. Federal law covers such matters as antitrust, labor relations, income taxes, bankruptcy, social security, and civil rights. Federal courts also hear cases involving the U.S. Constitution or treaties, disputes between two states, or cases in which the United States is a party.

In addition, a case may be heard in federal court if the *plaintiff* and *defendant* are from different states (including the District of Columbia, even though it is not a state) and the amount being sought by the *plaintiff* is more than \$75,000. This is called *diversity jurisdiction*, and was designed to allow a citizen of one state to avoid being subject to the biases of a court in a different state by having the case heard in a neutral federal court. Like state systems, the federal court system is divided into district courts, appellate courts, and a court of last resort.

### U.S. District Court

In a U.S. District Court case, a judge sits with or without a jury, depending on the nature of the case and the wishes of

the parties. If there is a jury, the jury determines the facts of the case; otherwise, the facts are determined by the judge based on the *testimony* and other *evidence*.

There are 94 federal districts in the United States and its territories, including at least one district in each state, the District of Columbia, and Puerto Rico. *Appeals* from the District Courts are heard by the U.S. Court of Appeals for the federal Circuit in which the District Court is located.

Bankruptcy courts are separate from U.S. District Courts, but each of the 94 federal districts handles bankruptcy filings.

### U.S. Circuit Court of Appeals

The United States is divided geographically into 13 circuits, including one just for the District of Columbia, with one court of *appeals* in each circuit. These courts hear appeals from U.S. District Courts located in the same circuit and from federal administrative agencies, which conduct their own hearings. Additionally, there is a Court of Appeals for the Federal Circuit, located in Washington, D.C., which hears *appeals* in patent cases, certain international trade cases, and some cases involving damage claims against the United States.



The federal Circuit Courts of Appeals review the transcript of the proceedings, including the trial conducted in the District Court, as well as legal briefs, and decides if the trial judge applied the law correctly and fairly. Usually, three appellate judges sit on a panel, and at least two must agree for a decision to be reached. On rare occasions, the Circuit Court will agree to hear an *appeal en banc*, meaning that all the judges on the court will hear the *appeal*, rather than the usual panel of three judges.

### U.S. Supreme Court

The Supreme Court of the United States, consisting of the Chief Justice and eight Associate Justices, hears a limited number of *appeals* from the federal Courts of Appeals and from the highest state courts. Except in very rare cases, the Supreme Court has the choice or discretion to review and select which cases it will hear. Those who wish to appeal a lower court ruling will file a *writ of certiorari* (Latin for “to be informed”) with the Clerk of the U.S. Supreme Court.

The writ seeks to persuade the Court that the appeal should be heard because the trial and appellate courts previously hearing the case did not properly and fairly apply the law, or that there was an error in the trial’s procedure.

Cases accepted by the Supreme Court generally involve new or unresolved questions of federal law affecting people throughout the country, interpretations of federal statutes, or the federal Constitution.

## FEDERAL COURTS IN THE WASHINGTON, D.C., METROPOLITAN AREA

### District of Columbia

There are several federal courts located in the District of Columbia, which have the same *general jurisdiction* as federal courts throughout the United States. The most prominent of these are the U.S. District Court for the District of Columbia, which has jurisdiction over both civil and criminal cases; the U.S. Court of Appeals for the District of Columbia Circuit; the U.S. Court of Appeals for the Federal Circuit; and the U.S. Supreme Court.

Other federal courts in D.C. include the U.S. Claims Court, which hears claims against the United States; the U.S. Bankruptcy Court for the District of Columbia; the U.S. Tax Court; and the U.S. Court of Military Appeals.

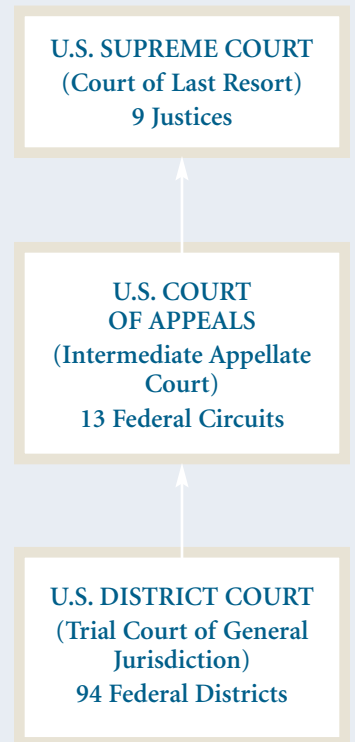
### Maryland

The U.S. District Court for the District of Maryland, which serves the entire state of Maryland, is located in Baltimore. There is also a division of this court located in Greenbelt, Maryland.

### Virginia

The U.S. District Court for the Eastern District of Virginia, which serves the Northern Virginia suburbs, has four divisions: Alexandria, Newport News, Norfolk, and Richmond. The U.S. Court of Appeals for the Fourth Circuit, which serves Maryland, Virginia, West Virginia, North Carolina, and South Carolina, is based in Richmond.

## FEDERAL COURT SYSTEM



# CIVIL ACTION

In a civil court case, an individual, corporation, partnership or some other legal entity brings a lawsuit against another individual or legal entity. Usually each party in a civil case is represented by an attorney. The party who begins a civil case is the “plaintiff” and the party against whom the case is brought is called the “defendant.” Although an actual civil trial is very similar to a criminal trial, the events prior to trial are different.

## DESCRIPTION OF A TYPICAL CIVIL CASE

### Pleadings

The *summons* and *complaint* are the legal documents that start a lawsuit. These documents, along with the defendant's *answer*, are called the *pleadings*. All pleadings are filed with the particular court that is being asked to decide the civil case.

### *Summons and Complaint*

A lawsuit begins when one party, the *plaintiff* has served a *summons* and/or *complaint* on the *defendant*. The *summons* informs the *defendant* that a lawsuit has been filed. A *summons* will also say what court the suit was filed in, and tell how many days the *defendant* has to respond to the *complaint*.

In a civil case the *complaint* lays out the facts to show that the *defendant* wronged the *plaintiff* and states the legal reason why the plaintiff is entitled to recovery. The *complaint* must be filed in a court that has jurisdiction over the particular type of case. A copy of the *complaint* must be delivered or *served* to the *defendant*.

### *Answer*

The *defendant* must provide the court with an *answer*, which responds to the major accusations made in the *complaint* and their validity. The *answer* may include denials or defenses to the accu-

sations made by the *plaintiff*. The *defendant* may also include within the *answer* a *counterclaim* against the *plaintiff*, to which the *plaintiff* must then *reply*.

### *Third-Party Defendant*

Additionally, the defendant can make a *cross-claim* against another defendant, or a *third-party* claim against someone who is not already in the case. This can occur if the defendant believes that someone else is responsible for the plaintiff's damages.

The third party must then *answer* and make *cross-claims* or *counterclaims*.

## Discovery

### *General Information*

After the *pleadings* are filed in a civil case, *discovery* usually is undertaken by each side to the dispute. The purpose of *discovery* is to prepare a case in the most thorough and informed manner possible. Each party may seek to obtain as much information as is practical, which avoids surprises during trial.

The party from whom *discovery* is sought has the right to object to producing the information requested. This is done by stating to the party seeking *discovery*, in writing, the nature of and grounds for the objections. The party seeking *discovery* may ask the court to require that the information be produced, but the court may decide not to demand the information.

Disclosure may be accomplished by various means, depending on the nature of the evidence sought. The mechanisms for *discovery* include *depositions*, *interrogatories*, and demands for documents or other physical evidence.

### **Depositions and Affidavits**

A *deposition* is the oral *testimony*, under oath, of a person with knowledge of the facts of the case. The person may or may not eventually be called to testify as a *witness* at trial. The *deposition* is generally taken at the offices of one of the attorneys. Usually present are the *deposition witness*, the attorneys for both sides, and a “reporter.”

The reporter prepares a word-for-word transcript of the questions asked by the attorneys and the responses given by the *witness*. A *deposition* preserves the *testimony* of a *witness* so that if he or she is unable to give testimony in court, the *deposition* may be entered into *evidence* at trial.

In pre-trial proceedings, written *affidavits* frequently are taken, which state facts important to the proceedings. These *affidavits* are sworn by the persons making them and may provide useful information about the lawsuit. However, unlike *depositions*, *affidavits* are not admissible at trial.

### **Interrogatories**

*Interrogatories* are written questions prepared by one party and served upon the other party, who must prepare written answers.

### **Demand for Physical Evidence**

A party who wants to examine physical evidence or documents may request that such evidence be produced for *discovery* and inspection. Requests for physical or mental examinations may also be made by the attorneys.

## **Motions**

After the initial *pleadings* are filed, the parties may file *motions* requesting that the court order that something be done or not be done (for example, case dismissal).

## **Trial**

If the case is not disposed of during the pre-trial stages, a trial date will be set. In certain types of civil cases, the parties have a right to a jury trial. If that right exists, the first step is the selection of the jury. In a jury trial, the jury determines the facts while the judge determines the law. If neither party demands a jury or if the case is one in which there is no right to a jury trial, the judge decides issues of fact and applies the law.

A civil trial is similar to a criminal trial except that it might not have a jury. First, the *plaintiff* presents its case using *witness testimony* and *evidence*, and then the *defendant* has an opportunity to present opposing *evidence*.

The attorneys directly examine their own *witnesses* and cross-examine the *witnesses* called by the other side. The *plaintiff* in a civil case has to prove his case using a legal principal the law calls a *preponderance of the evidence*. In a criminal case the prosecution must prove guilt *beyond a reasonable doubt*, a much higher standard.

## **SETTLING DISPUTES OUT OF COURT**

### **General Introduction**

The best known alternative to *litigation* is negotiation, which has existed for centuries. The two sides simply sit down and discuss their disagreement and work the problem out. People negotiate all the time—any bargain and any joint decision usually involves negotiation.

In recent years, there has been a growing interest in alternatives to

lengthy and costly trials and courtroom *litigation*. Resolving disputes out of court can cut the cost and delay of lawsuits and can resolve disputes in a way that can be less hostile. People can choose to use these methods before or after starting formal court actions. The collective name given to these techniques of avoiding litigation is *Alternative Dispute Resolution*, or *ADR*.

### **ADR Programs**

Some examples of ADR processes include: mediation, community conferencing, arbitration, settlement conferences, early neutral case evaluation, and consensus building.

Cases are often resolved quickly through ADR and parties are often satisfied with the process and outcome. It is still a good idea to have a lawyer look at any agreement that results from ADR, especially if no lawyer was involved in the process.

*ADR* is used in many commercial, labor law, family, and community disputes between businesses, individuals, and governments. Many schools also have conflict resolution programs to resolve arguments between students or, sometimes, between students and teachers. Several dispute resolution techniques are explained below. In addition to these, a Summary Jury Trial—an abbreviated trial involving a panel of six jurors who render an advisory, non-binding decision—is being employed in some courts.

### **Arbitration**

One technique used to resolve disputes without going to court is *arbitration*. Often, two companies or individuals who sign a contract will agree that any dispute that arises out of the contract will be decided by a neutral arbitrator. A baseball umpire is a good example of an arbitrator: the players

may not always like the umpire's decision, but they agree with the rules of the game and usually accept the decision. *Arbitration* may also be part of a formal trial court program of *alternative dispute resolution*.

## Mediation

*Mediation*, another ADR technique, is used when the parties agree that someone might help them resolve their conflict. The parties and their lawyers typically meet with a neutral party who is trained to assist them in settling their dispute. *Mediation* differs from *arbitration* in that the arbitrator has the authority to actually make a decision, while the mediator does not.

The parties involved in the dispute choose how much power to give to the mediator or dispute resolver and often choose who that person will be. *Mediation* allows parties to participate in drafting the agreement to resolve the dispute. In mediation, usually no agreement is reached unless all parties agree.

## ADR Programs in DC

The District of Columbia has a wide range of voluntary ADR options available. As mentioned previously, the D.C. Superior Court includes the Multi-Door Dispute Resolution Division. Its goal is to assist parties to reach agreements that meet their interests, preserve relationships, and help them to save time and money. Multi-Door *mediators* and dispute resolution specialists can provide ADR services in a wide range of cases, including civil, small claims, family, probate, tax assessment, landlord and tenant, and child protection.

Any resident of the District of Columbia, whether or not they have filed a case with the Superior Court, is eligible to Multi-Door's services free of charge. Any dispute may be taken to the Community Information and Referral Program, and family disputes should be

taken directly to the Family Mediation Program. Commonly, civil and small claims issues are filed with the Court before participating in mediation.

For more information, call the Multi-Door Dispute Resolution Division at (202) 879-1549, visit their office, or go to their website at: [www.dccourts.gov/dccourts/superior/multi/](http://www.dccourts.gov/dccourts/superior/multi/).

## ADR Programs in Maryland

The Maryland Mediation and Conflict Resolution Office (MACRO) is an agency which works closely with the court system to provide ADR resources for the state. MACRO, together with Maryland Courts, encourages innovative dispute resolution programs and works to promote the appropriate use of ADR in every field. ADR processes are available in most of Maryland's courts.

All Maryland Circuit Courts have family mediation programs for custody and visitation cases.

Additionally, some Circuit Courts also have mediation programs for marital property issues in divorce cases as well as certain other kinds of civil cases, such as contract cases, personal injury cases, and employment cases.

Maryland District Courts offer alternative dispute resolution programs for cases filed in that court, and all programs are free to participants.

Information about the availability of ADR services, both within and beyond the courts is available from MACRO at 410-841-2260 or its website, [www.marylandmacro.org](http://www.marylandmacro.org).

## ADR Programs in Virginia

The Department of Dispute Resolution Services is Virginia's centralized dispute resolution resource office and is part of the Virginia Judicial Branch. *Mediation* is not mandatory in Virginia, but state law authorizes judges

to refer certain civil matters to a dispute resolution orientation session, which is an informational meeting to allow both parties to learn about mediation and consider the possibility and appropriateness of their case for the mediation process.

It is possible to opt out of the orientation session, and it is free. Also, even if parties participate in the orientation session, they can choose not to pursue an ADR-facilitated resolution to their case. Many, but not all courts in Virginia offer ADR processes.

The Office of the Executive Secretary of the Supreme Court of Virginia awards mediation contracts to mediators around the state. Mediation contracts have been successful at introducing mediation to the courts, encouraging judges to refer appropriate cases to a dispute resolution orientation session, and providing no-cost mediation services to users of the Virginia court system.

Many courts in the Virginia court system run successful and innovative ADR programs. For more information about ADR programs in your local court, contact the court directly or the Department of Dispute Resolution Services at 804-371-6064 or visit their website at [www.courts.state.va.us/drs/](http://www.courts.state.va.us/drs/).



# CRIMINAL ACTION

When a crime is committed, not only is the victim harmed, but the community is harmed. Therefore, in criminal cases, the government brings the *charges* against the *accused*, and an attorney representing the government *prosecutes* the case. In Maryland and Virginia, the prosecutor is a member of the local District Attorney's office. In the District of Columbia, an Assistant U.S. Attorney or an Assistant DC Attorney General prosecutes the case.

A private citizen may be involved in a criminal case in a number of ways—as the victim of a crime, in which case he/she will play a key part in the prosecution; as a witness called by either the defense or the prosecution to testify during a criminal trial; or as a juror.

Defendants in criminal cases have many important rights guaranteed them by the U.S. Constitution. Not the least of these rights is the presumption that they are innocent until their guilt is either admitted or proven beyond a reasonable doubt in a court of law. In a criminal case, the defendant also has the constitutional right to representation by an attorney. Defendants may hire their own private attorneys or, if a defendant lacks the financial ability to hire a private attorney, the judge will appoint one with no cost to the defendant.

## CRIMINAL PROCEDURE

In the state and federal criminal justice systems there is a prescribed process criminal cases go through from the time of *arrest* to the time of *sentencing*. This process can be divided into five stages: *arrest*, *formal accusation*, *arraignment*, *trial*, and *sentencing*. At many points during this process a criminal case can be dismissed or settled (what is called *plea bargaining*).

Because many *defendants* agree to plead guilty before trial, only a small percentage of criminal cases actually are tried in court before a judge and jury.

### Arrest Procedure

The *arrest* procedure involves the formal *arrest*, the *booking* and the preparation of the charging document.

### Arrest

The criminal justice process usually begins when a person is arrested because there is reason to believe that a crime has been committed, or because a warrant has been previously issued ordering the person's *arrest*. A warrant also can be issued following an *indictment* by a grand jury or an *information*, which is a charging document filed by the prosecuting attorney that alleges wrongdoing.

In some cases, where only minor violations or *misdemeanors* are charged, the *accused* will be released from the police precinct after being issued a *citation release* specifying the date and the time to appear in a designated court. For more serious crimes, the *accused* will be brought to a holding facility (local police station, precinct house, or courthouse, depending upon the area) to be processed.





### **Booking**

The *accused* is fingerprinted during the *booking* process and an attempt is made to determine the individual's true identity and criminal history. During the time it takes to obtain the criminal history, the individual may be interviewed about such things as employment, family, address, and other roots in the community. This information, along with the criminal record, is later made available to the judge and the attorneys for use at the *defendant's* initial appearance and bail hearing before a court.

### **Complaint**

A *complaint* or an *information*, are the legal documents informing the *defendant* of the charges that have been filed against him or her. The factual basis for the *complaint* is provided, under oath, by the arresting police officer based on information from the complaining *witness*.

### **Initial Appearance**

After the *complaint*, or *information* has been drafted based upon the *prosecutor's* decision to file *charges* against the *accused*, the *complaint* or *information* is sent to the *arraignment* section of the court. The *accused* then appears before the court for the first time. This initial appearance may have different names in different jurisdictions. But, during this stage, the *accused* is called before a judge or magistrate and formally advised of the *charges*. Also, during this initial appearance, the judge determines whether or not to release the *accused* pending trial or the disposition of the charge(s).

If the judge decides not to detain the *accused*, the *defendant* is released either on bail ("collateral" paid by the defendant to the court to insure the defendant's appearance at the trial, when the money or property will be returned), or on his/her own recognizance (*Release on Own Recognizance-ROR*), or to some

third party's custody. At this hearing the judge also will make sure that the defendant has legal counsel. If the *defendant* cannot afford counsel, the judge will appoint an attorney to represent the *accused* during all proceedings related to the charge(s).

### **Preliminary Hearing**

When a felony *complaint* is filed with the court, a judge has an opportunity to decide whether or not there is "*probable cause*" to believe that the *accused* committed the crime. If the judge decides that there is no *probable cause*, the *charges* will be dropped. Otherwise, where the case involves a serious crime, a grand jury will be asked to decide if there is sufficient *evidence* to bring the *defendant* to trial. If the *accused* waives the right to a preliminary hearing, the case will go directly to the grand jury.

### **Indictment**

An *indictment*, the formal accusation or charge, is made by the grand jury in felony cases. The grand jury is a group of citizens who hear *evidence* from the prosecution and decide whether there is *probable cause* to believe that a crime has been committed and that there is *probable cause* to believe that the *accused* committed the crime. The grand jury proceedings are secret and only the prosecuting attorney is allowed to present *evidence*.

If the grand jury believes that there is *probable cause* that a person committed the crime, it returns an *indictment*. If the grand jury finds that there is insufficient *evidence* to *charge* a person, it may choose not to return an indictment. If an *indictment* is returned, the defendant will be *arraigned* in the appropriate court, depending on the seriousness of the *charge*.

If the grand jury concludes that the *felony charges* are not justified, the prosecutor still can decide that *misdemeanor charges* should be brought. The *prosecu-*

tor will issue an *information* rather than an *indictment*. The prosecutor may simply file it with the court, and the judge will rule on the ability of the prosecution to bring the case to trial.

## Arraignment

*Arraignment* proceedings occur in criminal court after the grand jury issues an *indictment*. The *accused* is formally informed of the *charges* and asked to enter a plea—guilty or not guilty. The accused also may plead *nolo contendere*, which has a very similar legal effect as a guilty plea. If the *defendant* pleads not guilty at *arraignment*, the judge will decide whether to place the *defendant* in detention until trial, or to release the *defendant* on bail or personal recognizance.

In many cases the prosecutor will offer the *defendant* the opportunity to plead guilty to a less serious criminal charge. This practice, known as “plea bargaining,” has developed partly in response to the practical problems of prosecuting large numbers of cases. The *defendant* pleading guilty must do so voluntarily and the judge must interview the *defendant* in open court and on the record, to determine whether the plea is voluntary.

The court usually schedules a *pre-trial conference* or status hearing to be held with the judge, defense attorney, and *prosecutor* present. Prior to this conference, the parties can engage in plea bargaining, or the prosecutor could decide to dismiss the charge(s). If a negotiated outcome cannot be reached, the case is assigned a trial date.

## Pre-Trial Motions and Hearings

Often a judge will hold a court hearing to determine whether the *arrest* and/or seizure of evidence was proper or statements made to police were made voluntarily. The defense attorney desiring such a hearing must make a *motion*

requesting that it be held. This hearing generally is conducted prior to the trial and is known as a pre-trial hearing.

The most common pre-trial motions concern questions about whether certain *evidence* should be kept out of the trial. Unconstitutionally obtained *evidence* may not be considered at the trial by the judge or the jury. Therefore, when the defense attorney believes that *evidence* to be used against the *defendant* was illegally obtained, the attorney will file a motion asking the judge to keep that evidence out of the trial. Attorneys for both sides may make motions seeking some legal remedy or clarification prior to, during, and after the trial.

## Trial

If the case is not dismissed or resolved during the pre-trial stages and the *defendant* does not plead guilty, the case will go to trial. Depending on the charge and the wishes of the *defendant*, the trial may be heard by a jury or by a judge without a jury.

A jury is selected according to the *voir dire* process, as explained in the previous section on jury service. The jury hears the facts of the case and examines the *evidence* and must decide whether or not the facts support a conclusion that the *defendant* committed the crime. In a criminal case the jury must unanimously agree that the *defendant* is guilty of the charge *beyond a reasonable doubt*.

## Sentencing

If the judge or jury reaches a *verdict* of guilty, or if the *defendant* has pleaded guilty to the charge, the *defendant* will be sentenced. A defendant who is convicted of a *misdemeanor*, after trial or by a plea of guilty, sometimes is sentenced by the judge immediately. If a guilty *verdict* is reached in a *felony* case, a future date will be set by the judge for a sentencing hearing.

Depending upon the state or federal law violation, there is a range of *sentences* for *felonies* and *misdemeanors*. The judge determines the appropriate *sentence* after hearing from the prosecutor, the defense attorney, the defendant, and sometimes the crime victim and, after considering a pre-sentence investigation report. The judge is under no obligation to follow the recommendations of the report.

If a *defendant* who is convicted of a *felony* has one or more prior *felony convictions*, or if the *conviction* is for certain crimes, state and federal laws often provide for mandatory minimum prison *sentences* of varying lengths. These *sentences* depend on the seriousness of the crime and the *defendant's* prior criminal record.

# JUVENILE PROCEEDINGS

Juvenile delinquency hearings are similar to adult criminal trials except that the proceedings are closed to the public and a jury is not present. A juvenile has many of the same rights in court as an adult—the right to a trial in court, the right to have any charges proved beyond a reasonable doubt, the right to exclude anything found during an illegal search of the juvenile’s person or home, and the right to a lawyer. Also, juveniles do not need to answer questions at any time or place—including the police station—if their lawyer is not present.

## JUVENILE PROCEDURE

### Pre-Trial Proceeding

After *arrest*, a *juvenile* who is being detained will be held in a *juvenile* facility rather than an adult jail. If the *juvenile* is released, the youth will be given a date to return to court to speak to a juvenile court intake officer. This officer will interview the *juvenile* and can suggest that the case be dismissed. After the interview, a date will be set for a *hearing*.

If detained overnight, the *juvenile* will be taken to court the next day for the *hearing*. At the *hearing*, the judge will explain the *charges* and will set a *trial* date. The judge will also decide whether the *juvenile* should be held until the *trial* or released under the supervision of his/her parents or a third party.

### Alternatives to Trial

Many *juvenile* cases are disposed of without going to *trial*. One method is called a Consent Decree. This is usually offered to a first-time arrestee when charged with a minor offense. If offered a Consent Decree, the *juvenile* is placed on voluntary *probation* without any admission or mention of guilt. If the *juvenile* avoids trouble during the period of *probation*, the *charges* will be dismissed. However, if the *juvenile* gets in more trouble, the *charges* will be rein-

stated and the youth will have to stand *trial*.

Another possibility is that the *charges* may be dropped if the *juvenile* successfully completes what is known as a Diversion Program. In this instance, the case does not go to trial. The *juvenile* is asked to return the stolen property, pay for destroyed property, participate in some type of volunteer work, attend/participate in a treatment program, or do whatever else the judge suggests to address the wrongdoing.

A final alternative to *trial* is pleading guilty. In this situation, a *trial* is not needed because the *juvenile* admits to the act for which he/she has been charged.

### Trial

At *trial*, the prosecution will present its case against the *juvenile*. As in an adult trial, the prosecution must prove *beyond a reasonable doubt* that the *juvenile* is guilty of the offenses for which he/she is charged. In a *juvenile trial*, the judge makes the decision as to whether the juvenile is *guilty* (sometimes called “involved”) or *not guilty* (sometimes called “not involved”). If found guilty (or involved), the *juvenile* will appear before the judge again for a disposition hearing. *Disposition* is another word for sentencing.



## Disposition

The juvenile court judge has a wide range of dispositional alternatives from which to choose in cases involving *juveniles*. The judge's choice depends largely on the individual's prior record, social history, physical and mental condition, and family circumstances. The facts and circumstances of the acts for which the individual was convicted also are considered by the judge, including the seriousness of the offense and other factors that help the judge determine the best *disposition* for the *juvenile*.

If the *juvenile* is placed on *probation* under the supervision of a *probation* counselor, the *juvenile* and his/her parents must cooperate with the *probation* counselor and obey the conditions of probation made by the court at the time of *disposition*. The parents may also be ordered by the court to participate in counseling programs or to receive other treatment that the court may indicate. Under certain circumstances, parents or guardians violating conditions contained in the court order may be subject to contempt-of-court charges. *Probation* violations by the *juvenile* may result in coming back before the judge who can heighten probation supervision or commit the *juvenile* to the custody and supervision of the relevant *juvenile* rehabilitation agency.



# HOW TO FIND A LAWYER

There are many sources to use in finding a lawyer. The recommendations of friends and associates are often useful. It is a good idea to ask these people first. Depending on the nature of the civil or criminal case and available financial resources, you may want an attorney from a private law firm, or you may want to contact a law school clinic, a legal aid organization, or the bar association of your city or state. These groups probably will not recommend one lawyer over another, but will give you a list of competent lawyers for you to use in selecting one for your case.

Lawyers are also listed in various telephone directories, and many advertise in the "Professional Directory" sections of local newspapers.

## GENERAL LEGAL INFORMATION AND ADVICE

The District of Columbia Bar, to which attorneys who practice in D.C. must belong, offers some helpful services to the public, including a legal information helpline, which is an automated system of recorded messages that gives basic information on more than 30 legal topics, finding an attorney, and the availability of free legal services in the District of Columbia. This helpline is open around the clock, and the information is available in both English and Spanish. The helpline number is (202) 626-3499.

The D.C. Bar Pro Bono Program also holds an advice and referral clinic, which is free and open to the public. To learn the hours and locations of this and other public clinics and legal resource centers in the District of Columbia, visit the D.C. Bar website at: [www.dcbbar.org](http://www.dcbbar.org) or call (202) 737-4700 or toll-free 1 (877) 333-2227. The D.C. Bar website provides helpful information about local programs, public legal advice clinics, court-sponsored resources and other legal resources which may be helpful to those with legal questions or concerns.

The District of Columbia Bar's Pro Bono Program Advice and Referral Clinic may be reached at (202) 331-4365.

Listed below by area—D.C., Maryland, and Virginia—is contact information for legal aid organizations, followed by a list of organizations that provide legal referral services.

## Lawyer Referral Services

The following is a listing of lawyer referral services for the District of Columbia, Maryland, and Virginia. These organizations provide counseling from a specialist to help identify whether there really is a legal problem and what type of assistance might be best. If an attorney is needed, the lawyer referral service will refer you to the appropriate lawyer, who will provide consultation for a fee. Additional fees for additional services are arranged between you and the lawyer.

### In the District of Columbia:

BAR ASSOCIATION OF THE DISTRICT OF COLUMBIA LAWYER REFERRAL SERVICE  
(202) 296-7845  
Web: [www.badc.org/](http://www.badc.org/)

### In Maryland:

ANNE ARUNDEL BAR ASSOCIATION (ANNE ARUNDEL COUNTY)  
(410) 280-6961  
Web: [www.aabar.org/find.html](http://www.aabar.org/find.html)

**BAR ASSOCIATION OF BALTIMORE CITY (STATEWIDE)**  
(410)539-3112

Web: [www.baltimorebar.org](http://www.baltimorebar.org)

**BALTIMORE COUNTY LAWYER REFERRAL SERVICE (BALTIMORE COUNTY)**  
(410) 337-9100

Web: [www.bcba.org/](http://www.bcba.org/)

**BAR ASSOCIATION OF MONTGOMERY COUNTY LAWYER REFERRAL SERVICE**  
(301) 279-9100

Web: [www.montbar.org/](http://www.montbar.org/)

**CARROLL AND FREDERICK COUNTIES LAWYER REFERRAL AND INFORMATION SERVICE**

(CARROLL, FREDERICK AND WASHINGTON COUNTIES)  
(410) 857-1451 or toll-free (800) 649-1090 (In state only)

**HOWARD COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE (HOWARD COUNTY)**  
(410) 313-2030

Web: [www.howardcountybar.org/](http://www.howardcountybar.org/)

**PRINCE GEORGE'S COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE**

(PRINCE GEORGE'S, CALVERT, CHARLES AND ST. MARY'S COUNTIES)  
(301) 952-1440 or (301) 952-1441 or toll-free 1 (866) 757-7785

### **In Virginia:**

**VIRGINIA LAWYER REFERRAL SERVICE**  
(804) 775-0808

Web: [www.vsb.org/vlrs.html](http://www.vsb.org/vlrs.html)

**FAIRFAX BAR ASSOCIATION LAWYER REFERRAL AND INFORMATION SERVICE**  
(702) 246-3780

Web: [www.fairfaxbar.org](http://www.fairfaxbar.org)

**ALEXANDRIA BAR ASSOCIATION LAWYER REFERRAL SERVICE**  
(703) 548-1105

Web: [www.alexandriabarassoc.com](http://www.alexandriabarassoc.com)

**ARLINGTON BAR ASSOCIATION LAWYER REFERRAL SERVICE**  
(703) 228-3390

Web:

[adams.patriot.net/ncrouch/lrs.html](http://adams.patriot.net/ncrouch/lrs.html)

## **Legal Assistance for Low-Income Individuals**

The following is a list of organizations that provide free or low-cost legal services for persons who meet low-income eligibility requirements. If you need a lawyer but feel that you cannot afford to pay, there are programs that will evaluate your income and offer legal assistance if you qualify.

### **In the District of Columbia**

**NEIGHBORHOOD LEGAL SERVICES PROGRAM**

Web: [www.nlsp.org/](http://www.nlsp.org/)

Northeast/Northwest Office  
(202) 682-2700

Southeast/Southwest Office  
(202) 678-2000

**LEGAL AID SOCIETY OF THE DISTRICT OF COLUMBIA**

Northwest Location and Information  
(202) 628-1161

Southeast Location (202) 436-3077

**AARP LEGAL COUNSEL FOR THE ELDERLY**

601 E Street, NW  
Washington, DC 20049  
(202) 434-2170

**ARCHDIOCESAN LEGAL NETWORK**  
924 G Street, NW

Washington, DC 20001  
(202) 772-4325

### **In Maryland**

**MARYLAND LEGAL AID SOCIETY**  
(410) 951-7777 or toll-free (800) 999-8904 Web: [www.mdlab.org/](http://www.mdlab.org/)

**MARYLAND VOLUNTEER LAWYERS SERVICE**

(410) 547-6537 in Baltimore or toll-free (800) 510-0050

Web:

<http://www.mvlslaw.org/index.htm>

### **In Virginia**

**VIRGINIA LEGAL AID SOCIETY**  
Toll-free 866-534-5243 Web:

[www.vlas.org/](http://www.vlas.org/)

# DIRECTORY OF THE COURTS IN THE WASHINGTON, D.C., METROPOLITAN AREA

## FEDERAL COURTS:

### DISTRICT OF COLUMBIA

#### SUPREME COURT OF THE UNITED STATES

1 First Street, N.E.  
Washington, D.C. 20543  
Supreme Court Information  
(202) 479-3000  
Public Information Office  
(202) 479-3211  
Web: [www.supremecourtus.gov/](http://www.supremecourtus.gov/)

#### UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Office of the Clerk (202) 216-7000  
Web: [www.cadc.uscourts.gov/](http://www.cadc.uscourts.gov/)

#### UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

The National Courts Building  
717 Madison Place, N.W.  
Washington, D.C. 20439  
Office of the Clerk (202) 633-6550  
Web: [www.fedcir.gov/](http://www.fedcir.gov/)

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States Courthouse  
333 Constitution Avenue, N.W.  
Washington, D.C. 20001  
Office of the Clerk (202) 354-3000  
Web: [www.dcd.uscourts.gov/](http://www.dcd.uscourts.gov/)

### MARYLAND

#### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Baltimore Division  
101 W. Lombard Street  
Baltimore, MD 21201  
Office of the Clerk (410) 962-2600  
Greenbelt Division  
6500 Cherrywood Lane  
Greenbelt, MD 20770  
Office of the Clerk (301) 344-0660  
Web: [www.mdd.uscourts.gov/](http://www.mdd.uscourts.gov/)

### VIRGINIA

#### UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

U.S. Courthouse  
1100 East Main Street  
Richmond, VA 23219  
Office of the Clerk (804) 916-2700  
Web: [www.ca4.uscourts.gov/](http://www.ca4.uscourts.gov/)

#### UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division  
401 Courthouse Square  
Alexandria, VA 22314  
Office of the Clerk: (703) 299-2100  
Web: <http://www.vaed.uscourts.gov/>

## STATE COURTS:

### DISTRICT OF COLUMBIA COURT SYSTEM

#### DISTRICT OF COLUMBIA COURTS

Main (202) 879-1010  
Web: [www.dccourts.gov](http://www.dccourts.gov)

#### DISTRICT OF COLUMBIA COURT OF APPEALS

Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001  
Court Information (202) 879-2700  
Office of the Clerk (202) 879-2725  
TTY (202) 626-8843

#### SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Moultrie Courthouse  
500 Indiana Avenue, N.W.  
Washington, D.C. 20001  
Information (202) 879-1010  
Office of the Clerk (202) 879-1400  
TTY (202) 879-1232  
Interpreting Services  
(202) 879-4828  
Civil Division (202) 879-1133  
Criminal Division (202) 879 1373  
Family Court (202) 879-1633  
Multi-Door Division (Mediation)  
(202) 879-1549  
Probate Division (202) 879-1499  
Social Services Division/ Juvenile  
Probation (202) 508-1900  
Small Claims (202) 879-1120  
Tax Division (202) 879-1737  
Landlord and Tenant  
(202) 879-4879

### MARYLAND COURT SYSTEM

#### MARYLAND COURT OF APPEALS

Court of Appeals Building  
361 Rowe Boulevard  
Annapolis, MD 21401  
Court information (410) 260-1500  
or toll-free (800) 926-2583  
TTY (410) 260-1554  
Web:  
[www.courts.state.md.us/coappeals/](http://www.courts.state.md.us/coappeals/)

#### MARYLAND COURT OF SPECIAL APPEALS

Court of Appeals Building  
361 Rowe Boulevard  
Annapolis, MD 21401  
Office of the Clerk (410) 260-1450  
Web:  
[www.courts.state.md.us/cosalist.html](http://www.courts.state.md.us/cosalist.html)

#### CIRCUIT COURT FOR MONTGOMERY COUNTY

Judicial Center  
50 Maryland Avenue  
Rockville, MD 20850  
Court information (301) 217-7063  
Office of the Clerk (240) 777-9400  
Web:  
[www.courts.state.md.us/montgomery.html](http://www.courts.state.md.us/montgomery.html)

#### CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

Courthouse  
14735 Main Street  
Upper Marlboro, MD 20772  
Court Information (301) 952-3655  
Civil Department (301) 952-3240  
Criminal Department (301) 952-3344  
Juvenile Department (301) 952-4330  
Web:  
[www.courts.state.md.us/pgeorges.html](http://www.courts.state.md.us/pgeorges.html)

#### DISTRICT COURT OF MARYLAND

District #6 (Montgomery County)  
(2 locations)  
District Court Building  
27 Courthouse Square  
Rockville, MD 20850-2325  
Information (301) 279-1500 or  
toll-free (800) 944-1341  
Traffic/Criminal (301) 279-1565  
TTY (301) 279-1286  
and  
8552 Second Avenue  
Silver Spring, MD 20910-3405  
Information 301-563-8500 or  
toll-free 800-944-1341  
TTY 301-563-8501  
Toll-free Number 1-866-873-9785  
Web: [www.courts.state.md.us/district/directories/courtmap.html#montgomery](http://www.courts.state.md.us/district/directories/courtmap.html#montgomery)

#### DISTRICT COURT OF MARYLAND

(2 locations)  
District # 5 (Prince George's County)  
Courthouse, Bourne Wing  
14735 Main Street  
Upper Marlboro, MD 20772  
Office of the Clerk (301) 952-4080 or toll-free 800-943-8853  
Information (301) 699-2766  
TTY (301) 952-3719



and  
4990 Rhode Island Avenue  
Hyattsville, MD 20781  
Information (301) 699-2766 or  
toll-free (800) 943-8853  
TTY (301) 699-2686  
Web:  
[www.courts.state.md.us/district/directories/courtmap.html#princegeorges](http://www.courts.state.md.us/district/directories/courtmap.html#princegeorges)

**ORPHAN'S COURT FOR  
PRINCE GEORGE'S COUNTY**  
Courthouse  
5303 Chrysler Way  
Upper Marlboro, MD 20773  
Information (301) 952-3790  
Web:  
[www.co.pg.md.us/Government/JudicialBranch/orphans.asp?h=20&s=&n=70](http://www.co.pg.md.us/Government/JudicialBranch/orphans.asp?h=20&s=&n=70)

**REGISTER OF WILLS FOR  
MONTGOMERY COUNTY**  
Judicial Center, Room 322  
50 Maryland Ave.  
Rockville, MD 20850  
(240) 777-4600  
[www.registers.state.md.us/county/montgomery.html](http://www.registers.state.md.us/county/montgomery.html)

## **VIRGINIA COURT SYSTEM**

**VIRGINIA SUPREME COURT**  
Supreme Court Building  
100 North 9th Street  
Richmond, VA 23218-1315  
Court information (804) 786-2251  
Web:  
[www.courts.state.va.us/scov/cover.htm](http://www.courts.state.va.us/scov/cover.htm)

**VIRGINIA COURT OF APPEALS**  
109 North 8th Street  
Richmond, VA 23219-2321  
Office of the Clerk (804) 371-8428  
Web:  
[www.courts.state.va.us/coa/coa.htm](http://www.courts.state.va.us/coa/coa.htm)

**CIRCUIT COURT FOR THE CITY OF  
ALEXANDRIA**  
520 King Street  
Alexandria, VA 22314  
Office of the Clerk (703) 838-4044  
Web:  
[www.courts.state.va.us/courts/circuit/Alexandria/home.html](http://www.courts.state.va.us/courts/circuit/Alexandria/home.html)  
Circuit Court for Arlington County  
1425 North Courthouse Road, Suite 6700  
Arlington, VA 22201  
(703) 228-4367  
Web:  
<http://158.59.15.28/arlington/intro.html/>

**ARLINGTON COUNTY JUSTICE CENTER**  
Arlington, VA 22201  
Office of the Clerk (703) 228-7010  
Criminal Division (703) 228-4399  
Web: [www.courts.state.va.us/courts/circuit/Arlington/home.html](http://www.courts.state.va.us/courts/circuit/Arlington/home.html)

**CIRCUIT COURT FOR FAIRFAX COUNTY**  
4110 Chain Bridge Road  
Fairfax, VA 22030  
Court Information (703) 246-4111  
Information Line (703) 691-7320  
Web: [www.fairfaxcounty.gov/courts/circuit/](http://www.fairfaxcounty.gov/courts/circuit/)

**ALEXANDRIA CITY GENERAL  
DISTRICT COURT**  
520 King Street, Second Floor  
Franklin P. Backus Courthouse  
Alexandria, VA 22320  
Traffic (703) 838-4041  
Criminal (703) 838-4030  
Civil (703) 838-4021  
Web:  
[www.courts.state.va.us/courts/gd/Alexandria/home.html](http://www.courts.state.va.us/courts/gd/Alexandria/home.html)

**ALEXANDRIA CITY JUVENILE AND  
DOMESTIC RELATIONS DISTRICT  
COURT**  
P.O. Box 21461  
520 King Street  
Alexandria, VA 22320  
Court Information (703) 838-4141  
Web:  
[www.courts.state.va.us/courts/jdr/Alexandria/home.html](http://www.courts.state.va.us/courts/jdr/Alexandria/home.html)

**ARLINGTON COUNTY GENERAL  
DISTRICT COURT**  
17th Judicial District  
Arlington County Justice Center  
1425 North Courthouse Road,  
Suite 2400  
Arlington, VA 22201  
Court Information (703) 228-7900  
Web:  
[www.courts.state.va.us/courts/gd/Arlington/home.html](http://www.courts.state.va.us/courts/gd/Arlington/home.html)

**ARLINGTON COUNTY JUVENILE AND  
DOMESTIC RELATIONS DISTRICT  
COURT**  
17th Judicial District  
Arlington County Justice Center  
1425 North Courthouse Road,  
Suite 4100  
Arlington, VA 22201  
Court information (703) 228-4495  
Web:  
[www.courts.state.va.us/courts/jdr/Arlington/home.html](http://www.courts.state.va.us/courts/jdr/Arlington/home.html)

**FAIRFAX COUNTY GENERAL  
DISTRICT COURT**  
19th Judicial District  
4110 Chain Bridge Road  
Fairfax, VA 22030  
Office of the Clerk (703) 246-2153  
Traffic Division 703-246-3764  
Criminal/Civil Divisions 703-691-7320  
Web:  
[www.fairfaxcounty.gov/courts/gendist/](http://www.fairfaxcounty.gov/courts/gendist/)

**FAIRFAX COUNTY JUVENILE AND  
DOMESTIC RELATIONS DISTRICT  
COURT**  
19th Judicial District  
4000 Chain Bridge Road  
Fairfax, VA 22030  
Court Information (703) 246-3367  
Web: [www.fairfaxcounty.gov/courts/jdr/](http://www.fairfaxcounty.gov/courts/jdr/)

**CITY OF FAIRFAX GENERAL  
DISTRICT COURT**  
10455 Armstrong Street Room 304  
Fairfax, VA 22030  
Office of the Clerk (703) 385-7866 or  
(703) 385-7867  
Web:  
[www.courts.state.va.us/courts/gd/Fairfax\\_City/home.html](http://www.courts.state.va.us/courts/gd/Fairfax_City/home.html)

**FALLS CHURCH CITY DISTRICT COURT**  
300 Park Avenue  
Falls Church, VA 22046  
General District Court (including Civil)  
(703) 248-5098  
Juvenile and Domestic Relations  
District Court (703) 248-5099  
Traffic/Criminal Court (703) 248-5096  
Small Claims Court (703) 248-5157  
Web:  
[www.courts.state.va.us/courts/combined/Falls\\_Church/home.html](http://www.courts.state.va.us/courts/combined/Falls_Church/home.html)

# GLOSSARY OF LEGAL TERMS

**ACCUSED:** A person charged with committing a crime.

**ACQUITTAL:** A finding of not guilty.

**ACTION:** The proceeding or dispute that is before the court for resolution.

**AFFIDAVIT:** A sworn written statement by a party involved in a case.

**ALTERNATIVE DISPUTE RESOLUTION (ADR):** An alternative to courtroom litigation.

**ANSWER:** A formal court document in which the defendant responds to and disputes each of the plaintiff's allegations.

**APPEAL:** A request by the losing party to take the case to a higher court. The appeals court does not actually retry the case, but focuses on possible legal errors made by the trial court.

**ARBITRATION:** The process whereby parties to a dispute decide that a third-party, not the court, will determine the outcome, thereby avoiding the litigation process.

**ARRAIGNMENT:** A criminal proceeding in which the accused is brought before the judge, told the charges against him/her and asked to plead guilty or not guilty.

**ARREST:** The taking into custody of a person suspected of committing a crime.

**BEYOND A REASONABLE DOUBT:** The standard in a criminal case necessary for the jury to declare the defendant guilty. It requires that the evidence is so conclusive it removes all reasonable doubts from the minds of the jurors.

**BOOKING:** The process of photographing, fingerprinting, and getting information from a suspect following arrest.

**CAPITAL CRIME:** A crime punishable by death.

**CHALLENGE FOR CAUSE:** An objection to the selection of a particular juror for a stated reason.

**CHARGE:** An accusation made against the accused that he/she committed a specified crime.

**CHILD IN NEED OF SERVICES (CHINS):** A juvenile who has committed certain action which, if committed by adults, would not be considered criminal offenses; for example, truancy.

**CITATION RELEASE:** The process of releasing the accused from police custody in cases involving minor criminal violations, with a court date scheduled at which he/she must appear.

**COMPLAINT:** The formal document which one party files with the court to begin a civil lawsuit. It states the facts of the case and the action which the filing party wishes the court to take. In criminal cases the complaint is a written statement of the charges against a person and the facts that constitute the charges.

**CONCILIATION:** The adjustment and settlement of a dispute in a friendly, unantagonistic manner. Used in courts before trial with a view towards avoiding trial and in labor disputes before arbitration.

**CONCURRENT JURISDICTION:** Jurisdiction exercised by different courts, at the same time, over the same subject-matter, and within the same territory. Litigants may, in the first instance, resort to either court indifferently.

**CONVICTION:** A decision made by a judge or a jury in a criminal case that the defendant is guilty beyond a reasonable doubt of the crime for which he/she has been tried.

**CROSS-CLAIM:** A claim by one party against a co-party, not against persons on the opposite side, arising out of the original complaint.

**COUNTER-CLAIM:** A claim which a defendant makes against the plaintiff.

**DAMAGES:** Money awarded by the court to the party who suffered injuries or a loss due to the unlawful acts or negligence of another.

**DEFAULT JUDGMENT:** A "default" occurs when a defendant does not plead in a civil suit within the time allowed, or fails to appear at the trial. A judgment entered against the defendant because of this omission or failure is called a "default judgment."

**DEFENDANT:** A person who has been charged with committing a crime and is now on trial for that crime, or a party against whom a civil complaint has been filed.

**DELINQUENT:** A juvenile who has committed an act which would be a crime if committed by an adult.

**DE NOVO:** Anew, or a second time. A "trial de novo" is a second trial.

**DEPOSITION:** The testimony of a witness not taken in court, but taken under oath in preparation for a trial.

**DISCOVERY:** The pre-trial process through which each party is informed of the evidence that the other party will be using to support his/her case in the trial.

**DISMISSAL:** The decision by the judge to end a case.

**DISPOSITION:** The sentencing or other final settlement of a criminal case.

**DIVERSITY JURISDICTION:** A method of having a case heard in a "neutral" federal court rather than in a state court, if the two parties are from different states.

**EN BANC:** A hearing in which all of the judges of an appellate court participate.

**EQUITY:** Civil disputes that do not involve monetary awards. Equity also is defined as justice administered according to fairness, as contrasted with the strictly formulated rules of common law.

**ESTATE:** The degree, quantity, nature, and extent of interest which a person has in real and personal property. In its broadest sense, the social, civic, or political condition or standing of a person.

**EVIDENCE:** Testimony and objects presented in court by the prosecution and the defense to support their case.

**FELONY:** A serious crime punishable by one year or more in a prison and/or a fine. Felonies include crimes such as murder, rape, burglary, and robbery.

**FORMAL ACCUSTATION:** Formal charge of wrongdoing brought against a defendant in a criminal case. The sixth Amendment of the US Constitution states, that the defendant in a criminal case has the right to be "informed of the nature and cause of the accusation," made against him/her.

**GENERAL JURISDICTION:** A court that hears controversies of all types, seeking different legal rights and remedies.

**GUILTY:** A statement made by the accused that he/she committed a crime or a verdict made by the court that the accused committed the crime.

**HEARING:** An (in)formal proceeding similar to a trial, with one or more issues to be agreed upon or determined.

**INCARCERATION:** Detention of a person in jail or prison. People are most commonly incarcerated upon suspicion (or conviction) of committing a crime.

**INDICTMENT:** A written accusation made by a grand jury charging a person with committing a crime.

**INFORMATION (MISDEMEANOR COMPLAINT, FELONY COMPLAINT):** A document filed by the prosecutor explaining the unlawful actions of the accused and formally charging him/her with committing a crime.

**INJUNCTIVE RELIEF:** A court-ordered act or prohibition against an act or condition which has been requested, and sometimes granted, in a petition to the court for an injunction.

**INTAKE CENTER:** A system for screening cases and referring individuals involved in disputes.

**INTRAFAMILY OFFENSE:** An act punishable as a criminal offense committed by an offender upon a person: (a) to whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has shared a mutual residence; or (b) with whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship.

**INTERROGATORIES:** Written questions given by one party in a lawsuit to the other party in the suit which must be answered under oath.

**JUDGMENT:** Final decision of a lawsuit made by the judge or jury.

**JURY:** A Petit Jury is a group of citizens who have been selected to hear the evidence for a legal case presented in court and decide the truth according to the law and the facts presented. A Grand Jury is a group of citizens selected to investigate certain causes or consider indicting against persons accused of committing a crime.

**JUVENILE:** Generally, any person under the age of 18 years.

**LEGAL PRECEDENT:** An adjudged case or decision of a court considered as an example or authority for an identical or similar case or a similar

# GLOSSARY OF LEGAL TERMS

question of law. Courts attempt to decide cases on the basis of principles established in prior cases. (See STARE DECISIS)

**LIMITED JURISDICTION:** A court's power over an action governed by statute; some courts have limited authority or power and the limitation is in terms of the nature of the case, the amount of controversy, or the type of crime committed.

**LINE-UP:** A police process where suspects are lined up to be identified by a witness.

**LITIGATION:** A case or lawsuit; the process of settling a dispute between two or more parties.

**MEDIATION:** A process used when the parties agree that a third-party could help them resolve their conflict and not, necessarily, be binding on the parties.

**MIRANDA WARNING:** Requirement of the police to inform a suspect taken into custody of his/her right to an attorney and that he/she has the right to refuse to answer any questions asked by the police.

**MISDEMEANOR:** A crime that is less serious than a felony and is punishable by one year or less in jail and/or a fine; for example, petty theft and most traffic violations.

**MISTRIAL:** A trial that is terminated before a verdict is reached either because the jury cannot decide the guilt or innocence of the accused or because of some error found in the trial.

**MOTION:** A written or oral request to the judge asking him/her to make a decision or take a specific action.

**MOTION TO DISMISS:** A motion before the trial made on the basis of insufficiency of the pleading, of process, etc.

**MULTI-DOOR TECHNIQUE:** An effort to transform the courthouse into a dispute resolution center offering citizens a variety of options; for example, arbitration and mediation.

**NOLO CONTENDERE:** "I will not contest it," is a plea to a crime that does not admit guilt but has the same result as a guilty plea.

**NOT GUILTY PLEA:** A statement given by the accused asserting that he/she did not commit the crime.

**OBJECTION:** An action taken by one of the attorneys during the trial in which that attorney disagrees with some statement of procedure during the trial.

**OFFENDER:** A person who has been convicted of a crime.

**ON NOTICE MOTION:** A motion where advance notice is required to be given to the other party.

**OVERRULE:** A judge's decision on an objection in which he does not allow the objection.

**PARTY:** A person, organization, or government actively involved in the prosecution or defense of a legal proceeding.

**PEREMPTORY CHALLENGE:** An objection to the selection of a juror for which a specific reason does not need to be given.

**PLAINTIFF:** The person who starts and files a civil action.

**PLEA:** A formal statement made by an accused person either denying or admitting that he/she committed the crime of which he/she is accused.

**PLEADING:** A written statement of fact and law filed by both parties in civil suit which outlines the petitioner's argument or the respondent's answer to these charges.

**POST-TRIAL MOTION:** A motion permitted after a trial such as a motion for a new trial and a motion for relief from judgment.



**PRELIMINARY HEARING:** A pre-trial hearing to determine if there is enough evidence to present to a grand jury.

**PREPONDERANCE OF THE EVIDENCE:** Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proved is more probable than not.

**PRE-TRIAL CONFERENCE:** An informal conference between the attorneys for both sides to clarify the issues and to attempt to work out a settlement with the judge as a moderator.

**PROBABLE CAUSE:** The amount of proof that amounts to a reason to believe that a crime was committed and that the trial should take place or charges move forward.

**PROBATE:** Proving the validity of a will. Also, all the matters and proceedings pertaining to administration of estates, guardianships, etc.

**PROBATION:** Status of a convicted person who is allowed their freedom after conviction subject to the condition that for a stipulated period they shall conduct themselves in a manner approved by a special officer to whom they must make periodic reports.

**PROSECUTOR:** The lawyer employed by the government in a criminal case; an Assistant U.S. Attorney or for the District of Columbia, the Assistant Attorney General.

**PUBLIC DEFENDER:** An attorney employed by the government to represent defendants who cannot afford to pay for a lawyer.

**REASONABLE DOUBT:** The amount of doubt present in the minds of the jurors which entitles the defendant to acquittal; a doubt for which you can give a reason.

**REBUTTAL:** The evidence given to explain, counteract, or disprove facts given by the opposite party.

**RELEASE ON OWN RECOGNIZANCE (ROR):** The release of an accused person by a judicial officer without the need of bail upon the written promise of the accused that he/she will return to court when ordered to do so.

**REPLEVIN ACTION(S):** Action whereby the owner or person entitled to repossession of certain goods may recover those goods from one who has wrongfully taken them.

**REPLY:** The plaintiff's answer to the defendant's counterclaim.

**RESTITUTION:** An order from the judge in a criminal case that requires that the offender pay the victim for damages the victim has suffered as a result of the crime.

**SELF-INCRIMINATION:** A defendant's giving of testimony against himself that might subject him to criminal liability.

**SENTENCE:** The accused's punishment after being convicted of a crime.

**STARE DECISIS:** To adhere to precedents and not to unsettle things which are already established.

**STATEMENT OF CLAIM:** The means by or through which the claimer obtains possession of a privilege or a thing.

**SUBPOENA:** A command to appear at a certain time and place to give testimony upon a certain matter.

**SUMMARY JURY TRIAL:** An abbreviated trial involving a panel of six jurors who render an advisory, nonbinding decision.

**SUMMONS:** A notice sent to a person that a court action has been taken against him/her and that he/she must appear in court to answer to these charges.

**SUSTAIN:** The decision on an objection by a judge to support it and prevent the other party from continuing that line of questioning or introduce that evidence..

**TESTIMONY:** Statements made in court by witnesses who are under oath to tell the truth.

**THIRD-PARTY CLAIM:** A complaint filed by the defendant against a person not presently a party in the lawsuit.

**TRIAL:** A hearing before a judge and sometimes a jury where evidence is presented to decide in criminal cases whether or not the accused committed the crime, and in civil cases whether evidence and the law are in favor of the plaintiff or defendant.

**UNLAWFUL DETAINER:** Keeping possession of a property without a right, such as after a lease has expired, after being served with a notice to quit (vacate, leave) for non-payment of rent or other breach of lease, or being a "squatter" on the property.

**VERDICT:** The decision of the judge or jury at the end of a trial that the accused is either not guilty or guilty of the charges.

**VICTIM:** An individual against whom an offense of civil or criminal law, or an attempted offense, was committed.

**VOIR DIRE:** The process of selecting a jury.

**WAIVER:** The intentional giving up of a right.

**WITNESS:** A person who is called to testify, in either an oral or written statement, to what he/she has seen, heard, or knows about concerning the facts in a criminal or civil case.

**WRIT OF CERTIORARI:** An order to the lower court to convey a record of a case to the appellate court and to certify it as accurate and complete.

# ORGANIZATIONAL RESOURCES

The Council for Court Excellence wishes to acknowledge the resources used in the development of this 2007 publication, and suggests readers contact the following organizations for more information.

THE ADMINISTRATIVE OFFICE OF THE U.S.  
COURTS OFFICE OF PUBLIC AFFAIRS  
Washington, D.C. 20544  
202.502.2600  
Web: [www.uscourts.gov](http://www.uscourts.gov)

THE ADMINISTRATIVE OFFICE OF THE  
MARYLAND COURTS  
The Courts of Appeal Building  
Annapolis, MD 21401  
301.974.2141

OFFICE OF THE EXECUTIVE SECRETARY FOR  
THE SUPREME COURT OF VIRGINIA  
100 North 9 th Street, 3 rd Floor  
Richmond, VA 23219  
804.786.6455

EXECUTIVE OFFICE OF THE DISTRICT OF  
COLUMBIA COURTS  
500 Indiana Ave., N.W.  
Suite 1500  
Washington, D.C. 20001  
202.879.1700

NATIONAL CENTER FOR STATE COURTS  
Court Statistics and Information  
Management Project  
300 Newport Ave.  
Williamsburg, VA 23187-8798

*Listed below are several organizations  
that offer educational pamphlets on  
specific subject areas:*

THE AMERICAN BAR ASSOCIATION  
Public Education Division  
750 North Lake Shore Drive  
Chicago, IL 60611  
Publications include:  
*Law and the Courts*  
*Landlord and Tenants*  
*The American Lawyer*

EDITORIAL RESEARCH PROJECTS  
1414 – 22 nd Street, N.W.  
Washington, D.C. 20037  
202.296.4880

Publications include:  
*Juvenile Justice*  
*The Federal Courts*  
*Grand Juries*  
*Access to Legal Services*

Federal Judicial Center  
Dolley Madison House  
1520 H Street, N.W.  
Washington, D.C. 20005

# ABOUT THE COUNCIL FOR COURT EXCELLENCE

Formed in Washington, DC in January 1982, The Council for Court Excellence is a nonprofit, nonpartisan civic organization. The Council works to improve the administration of justice in the local and federal courts and related agencies in the Washington metropolitan area and in the nation. The Council accomplishes this goal by:

- Identifying and promoting court reform,
- Improving public access to justice, and
- Increasing public understanding and support of our justice system.

The Council is governed by a volunteer Board of Directors composed of members of the legal, business, civic, and judicial communities. The Council is unique in bringing together all of those communities in common purpose to address court reform and access to justice needs. The Board accomplishes the work of the Council through direct participation in Council committees. The Council employs a small staff to assist the Board in meeting the objectives of the organization.

Financial support comes from the members of the Board, businesses, law firms, individuals, foundations, and occasionally government.

The Council for Court Excellence has built a substantial record of success in the major court reform initiatives it has undertaken. The Council has been the moving force behind adoption of the one day/one trial jury system in the DC Superior Court, modernization of the jury system, reform of the District of Columbia probate laws and procedures, expansion of crime victim rights, improvement in court handling of child neglect and abuse cases, and proposing methods to speed resolution of civil cases by the DC trial and appellate courts. To improve the public's access to justice and increase their understanding of our justice system, the Council over the years has published and disseminated over 350,000 copies of plain-language booklets and other materials explaining a wide variety of court systems.



**Council for  
Court Excellence**



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