

A subpoena is a court order that says a witness must come to court. You must pay a fee for the subpoena, and you must ask for it at least 10 days before your hearing date. If you don't have enough money to pay this (or any other) fee, contact your local legal aid office. They can give you forms that ask the court not to charge the fee.

DO I NEED A LAWYER IN COURT?

You don't need a lawyer in General District Court, but a lawyer can help you. If your dispute is serious, talk to a lawyer about representing you in court. Lawyers can help people reduce, or even wipe out, the amount owed. You may have defenses to the claim.

DO I HAVE TO GO TO COURT?

If you don't want to oppose the claim, you don't have to go to court. You won't be arrested if you do not go to court. If you don't go to court, and the other side does and proves its case, you will lose the case. If you lose, the judgment will include the amount you owe and the court filing fees. Sometimes, the judgment will include the other side's attorney's fees.

CAN I APPEAL FROM GENERAL DISTRICT COURT TO CIRCUIT COURT?

If you don't agree with the Judge's decision, you can appeal. You must go to the General District Court clerk's office within 10 days of the judgment and file a written Notice of Appeal. You also will have to post an appeal bond, of cash or property, within 30 days for the amount of the judgment and the cost of the appeal. You probably will need a lawyer to help with the appeal.

Adapted from materials created by Martin Wegbreit.

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WHAT HAPPENS IF A CREDITOR TAKES YOU TO COURT?

This pamphlet contains general information about your rights. Consult a lawyer if you have specific questions.

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CVLAS is a non-profit organization providing free legal advice, and representation to low income or elderly people in Central Virginia. Contact us Monday - Thursday 9-12 to see if you qualify for services.

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Central Virginia Legal Aid Society.



This brochure lets you know what you should do if you are being sued by a creditor in a General District Court in Virginia. If you are being sued in Circuit Court, you should contact your local Legal Aid office for help.

A person or business you owe money to is called a creditor. If a creditor wants to force you to pay a debt, they first must ask the court for a judgment. If a creditor gets a judgment, the creditor can take certain legal actions to collect the judgment.

HOW DOES A CREDITOR GET A JUDGMENT?

To get a judgment, a creditor must:

- File a lawsuit in court.
- Serve (legally deliver) you a copy of the court papers in a manner allowed by law.
- Go to court at the date and time of your hearing.
- Get a judgment from the court saying you must pay.
- Wait 21 days after the date of the judgment.

HOW MUST I RECEIVE THE COURT PAPERS?

Court papers must be served (legally delivered) on you. This may be done three different ways:

- Given to you in person, usually by a Deputy Sheriff.
- Given to a member of your household, usually by a Deputy Sheriff. The household member must be 16 or older. The person serving the court papers must explain what they are.
- Posted on your front door and then mailed to you by first class mail.

Court papers can be legally served on you, even if you never actually get them. If they were properly given to a household member

who didn't tell you about them, you still were legally served. If they were properly posted and mailed to you but you never saw them, you still were legally served. Both these things are unusual, but they do happen. You should tell household members to pay attention to court papers, and you should pay attention yourself.

WHAT DO PAPERS FROM THE COURT SAY?

Papers from the General District Court will tell you the date, time, and place of your court hearing. This hearing may be your only chance to dispute or oppose the claim against you. If you do not agree with the claim, go to the hearing. Get there early so you can find your courtroom and watch how the court handles other cases.

WHAT IF THE COURT IS FAR AWAY?

Under Virginia law, you can be sued anywhere in the state, even if you don't live there and had no dealings there. If this happens, you should ask the court to move, or transfer, the lawsuit. Do this even if you agree on the debt you owe. If the lawsuit is heard and judgment granted far away, any legal action to collect the judgment also will be far away. You could be forced to go far away if the creditor wants to ask questions (called debtor interrogatories) to help collect its judgment.

HOW DO I ASK FOR A TRANSFER?

To ask to transfer a lawsuit, you should write a letter to the court. Put the court's name and address in your letter, and your name and return address. Put the name of your case, your case number, and your hearing date in your letter. You can find this in-

formation on your court papers. Tell the court you "object to venue" and you move to transfer to your local court. Tell the court where you incurred the debt and where you now live. Sign and date your letter.

Copy your letter and save it. You may want to send your letter by certified mail, return receipt requested. Save the certified mail receipt and the green return receipt. Mail your letter so it will arrive before your hearing date. The court will notify you if the lawsuit is moved. If this happens your local court will tell you the date, time, and place of your new court hearing.

WHAT IF I CAN'T GO TO MY COURT HEARING?

If you can't go to General District Court on the date of your court hearing, you must ask the court for a new hearing date. This is called a "continuance." Different General District Courts have different rules for getting a continuance. To find out the rule for your court, call the Clerk's Office as soon as you know you can't go to court on the date of your court hearing. Ask to be told the rule to get a continuance, and follow that rule. In addition to calling the Clerk's Office, it's a good idea to write and/or fax a letter to the court explaining why you need a continuance.

WHAT SHOULD I DO IN COURT?

If you go to General District Court to dispute or oppose the claim against you, get prepared for your hearing in advance. Bring papers, receipts and witnesses that support your case. If a witness doesn't want to come to court, you can ask the Clerk to subpoena the witness.