

DAKOTA COUNTY DISTRICT COURT CONTINUANCE POLICY

It is the policy of Dakota County District Court to provide judicial services without unnecessary delay in order to promote the efficient use of time and other resources of the Court, litigants, witnesses, jurors and others involved in court proceedings. Whenever possible, trial and hearing dates will be established to accommodate parties' and counsels' schedules. To ensure credible hearing dates and trial dates and the prompt disposition of all matters pending before the Court, all continuance requests will be closely scrutinized and granted only for good cause.

Criminal Proceedings

One continuance per proceeding may be granted by court administration staff in the following circumstances:

- Rule 5 and 8 appearance dates in felony and gross misdemeanor proceedings.
- Uncontested Omnibus Hearing dates upon agreement of the parties.
- Arraignment dates in misdemeanor proceedings.
- Pre-trial dates in misdemeanor proceedings upon agreement of the parties.

Continuance requests for contested Omnibus Hearing dates, Settlement Conference dates and trial dates, except in unusual circumstances, must be in writing and filed not later than 2 business days before the event for which rescheduling is requested. The request must include the reasons why a continuance is needed; whether and the number of times the matter has been continued previously and for what reasons; whether other parties agree with or oppose the request; and the date (that is available for all parties and the Court) to which the event should be rescheduled. Continuance Request and Order forms for this purpose will be available from Court Administration and on the First Judicial District Website (link to website).

Civil Proceedings (Except Expedited Litigation Track Proceedings)

One continuance per party may be granted by the assignment clerk with the consent of all parties and for good cause shown. Before a continuance is granted, all parties and the assignment office must agree on a new date. Subsequent requests for continuance must be made by motion before a presiding district court judge pursuant to Rule 122 of the Minnesota General Rules of Practice.

All Proceedings

All continuances are subject to the Minnesota Supreme Court Timing Objectives. All case dispositions will be accomplished within the timing objectives unless the Court grants an extension. In order to comply with the Minnesota Supreme Court Timing Objectives, it is expected that:

- Parties shall comply with deadlines established by Scheduling Orders.
- Parties shall comply with discovery and disclosure requirements and rules.

All requests for continuances that must be approved by a judge will be evaluated on a case by case basis to determine whether a continuance is justified and appropriate. Whenever possible the rescheduled date must be the soonest date available on the Court's calendar for that type of event. As a guide for practitioners, the following reasons generally will not be considered sufficient to justify a continuance:

- Counsel or the parties agree to a continuance.
- The case has not been previously continued.
- The case probably will settle if a continuance is granted.
- Unavailability of a witness who has not been subpoenaed.
- The failure to schedule a hearing on a pre-trial issue.
- A witness is on vacation or in training.

Information related to continuance requests regarding the source of and reason for each continuance request granted by the Court shall be maintained in the case record. Periodically, at the direction of the chief judge, court administrators shall review the continuance information contained in the case records by major case types to promote the consistent application of this policy. As necessary, the Court will work with bar representatives and court related agencies to resolve any organizational or systemic problems that cause cases to be rescheduled.