

**THIRD JUDICIAL DISTRICT
DISTRICT-WIDE CONTINUANCE POLICY**

The Third Judicial District recognizes that it is the responsibility of the Court to supervise the progress of each case from filing to disposition, regardless of the type of disposition. The Court is committed to treating its litigants equitably, to the timely disposition of cases and to promoting the public trust and confidence in the Court as a judicious, fair, and well-timed institution.

This District is also keenly aware of the effect of the budgetary crisis and cuts that have been levied against many of those who make our system of justice work for all. These cuts have made it all the more imperative that everyone involved in the court system must make every effort to work effectively together, respecting each participant's role and respective limitations, all in an effort to maintain the aforementioned public trust in the Court system as a whole.

The Continuance Policy has been developed to ensure that requests for continuances are processed in a time-sensitive and consistent manner throughout the Judicial District, to provide clear expectations to attorneys and litigants that they must be prepared for hearing and avoid unnecessary delays in case processing, to ensure that events scheduled are meaningful and to provide direction to Court staff that are responsible for processing requests for continuances.

The provisions of this policy are not applicable to misdemeanor arraignment hearings.

**CONTINUANCE POLICY FOR HEARINGS OTHER THAN JURY OR COURT
TRIALS**

POLICY:

1. Continuance Requests Shall Be In Writing

All requests for continuances must be submitted to Court Administration and all parties in writing within fourteen (14) days after notice of the hearing date has been given. Continuance requests submitted after that time may be denied due to lack of timely submission.

2. Continuance Request Processing

Court Administrators, or their designees, shall process all requests for continuances. Court Administration may seek guidance or direction from the presiding judge when granting or denying continuances requests. Every action taken shall be recorded in the Court file.

3. Continuance Request Format

All written continuance requests shall include:

- A) The reason for the continuance;
- B) When the need for the continuance was discovered;
- C) Measures taken to avoid the request for a continuance;

- D) Notice to all parties and whether or not the opposing party agrees or disagrees with the request

NOTE: A joint request that comes before the Court Administrator or presiding judge that contains adequate reason(s) for the needed relief will be given due deference.

4. Attorney Conflicts

In order to avoid unnecessary continuances, all attorneys must have their calendars available in court when future matters are scheduled in open court. Attorneys shall submit their request for continuances in writing as noted in Section 1 above when an unavoidable attorney scheduling conflict does occur.

Court Administration shall review the following factors when making decisions about continuances related to scheduling conflicts:

- A) Priorities determined by statutory or case law or previous court order;
- B) Priorities determined by nature of the case, e.g., hardship to victims, parties and witnesses
- C) Priorities determined by difficulty in scheduling, e.g. interpreter cases and out of state witnesses, etc.;
- D) Date cases were scheduled;
- E) Age of cases and previous continuances
- F) The availability of Public Defenders.

5. Blind Scheduling of Hearings

For hearings that are scheduled outside of the courtroom without the input of attorneys as to their availability, the request to RESCHEDULE such a hearing shall be liberally granted and not construed as a request for a continuance.

Court Administration in each county is encouraged to contact each other to arrive at an amicable resolution to attorney scheduling conflicts. This is particularly important in the current crisis caused by the lack of funding for public defenders. When there is no clear delineation of which matter is more of a priority, Court Administration may request that the presiding judge on each case discuss the matter and provide direction to Court Administration.

6. Emergency Continuance Requests

Parties requesting emergency continuances for illness, unavoidable family crisis, accident, weather, etc., shall, if possible, present their request in written form by fax or email in order to create a record for later review. IF necessary, requests may be made by phone with a written request to follow. Emergency requests shall contain the information set out in Section Three.

7. Short Notice Scheduling

There are instances where notice of appointment of counsel and scheduling of a hearing occurs with very little—less than 48 hours---notice to the attorneys. Every effort will be made to avoid

scheduling in this matter. However, when such short notice scheduling must be done, the Court Administrator shall first attempt to make phone contact with the attorney's office that is about to be appointed on the file and will verify not only the appointment but the attorney's availability for the hearing date and time. This phone call will then be followed up by written notice by fax or email.

8. Aggrieved Parties

Parties aggrieved after Court Administration has made a determination regarding a continuance request must make a subsequent request in the form of a motion.

CONTINUANCE POLICY FOR JURY OR COURT TRIALS

POLICY:

1. Continuance Requests Shall Be In Writing

All requests for continuances must be submitted to Court Administration and all parties in writing at least 30 days PRIOR to the trial date. Continuance requests submitted after that time may be denied due to lack of timely submission.

Any continuance request on a case where there has been a demand for a speedy trial shall be made in writing with the defendant's affirmation that s/he has reviewed this request and agrees with the request. The written request must be signed by the defendant.

All other Policy Sections 2-8 above are reinstated herein as the policy of this District when requesting a continuance for a jury or court trial.

Unanimously approved by the Third Judicial District Judges: August 8, 2008