DISTIRICT COURT CONTINUANCE POLICIES
For Judicial District 29A

By Authority of Rule 2 of the General Rules of Practice, the principles set out below are declared to be part of local rules of the District Court Division for Judicial District 29A. These policies are effective for civil and criminal cases.

(1)

Justice delayed is justice denied. Because continuances sometimes cannot be avoided, and because continuances sometimes serve the interests of all litigants in a case, no hard and fast rule about continuances is appropriate. But as a general principle the policy of the 29A District Court is that if, as practical matter, a calendared case can be heard, and any party wants it heard, it should be heard. Whether it is possible, as a practical matter, for a calendared case to be heard at a given session of Court depends on several factors, including whether there remains enough time in the session to complete the case if is its begun. The evaluation of the various facts is left to the sound discretion of the trial judge.

(2)

As a general policy, the District Court of District 29A should attempt to resolve a District Criminal Case within six (6) months of the initial court setting and resolve a District Civil case within twelve (12) months of the filing date. This policy recognizes that there may be legitimate reasons for not meeting these time goals and, therefore, recognizes that each Judge may determine whether good cause exists to support an additional continuance. The policy anticipates, however, that most cases should be resolvable within the time frames above. It is the policy of the 29A District Court that continuances should normally be for no longer than thirty (30) days absent exceptional circumstances. Consent by and between the parties is not, itself, a valid nor binding reason to support a continuance. The presiding judge has final authority whether to permit any continuance, including those by consent.

(3)

No one except a party to a case (or the attorney for the party) has standing to request, or object to, a continuance. In criminal cases, the parties are the Defendant and the State, and only the District Attorney speaks for the State. Victims, complainants, advocates, mediators, officers and other State witnesses can advise the District Attorney of their wishes and needs, but in the final analysis the only persons who can request, consent to, or object to a criminal case continuance are the Defendant's Attorney (or Defendant if pro se) and the District Attorney.

(4)

In Criminal Court, on the day that a defendant either waives appointed counsel or applies for counsel, if the defendant requests that the case be continued, the request should be granted. Likewise, if on that first day in court the State's witnesses are not present and the file does not show that the State's witnesses were notified to be there, and the Sate requests a continuance, the request should be granted. It is **not** the policy of the district that a case should be freely continued because it is the attorney's first appearance in court since being retained or appointed. Additionally, it is **not** the policy of the district that each side is entitled to an equal number of continuances.

(5)

An attorney of record who is involved in the hearing of a case in the Superior, Appellate or Federal Courts, or who is involved in a State or Federal administrative hearing, is entitled to a continuance. Such an attorney who, though not actively in a hearing, is on actual notice from the presiding authority to be available to the higher court, likewise has a valid ground for a continuance. As to an attorney who has matters merely pending in higher court, but who is not involved in either of the situations just mentioned, it is within the district court trial judge's sound discretion whether a given situation justifies a continuance.

(6)

A motion to continue a district civil matter should be made in writing and should be filed and served upon the opposing party and the Trial Court Coordinator at least seventy-two (72) hours prior to the scheduled court date if possible. A party making a motion to continue a civil matter shall make every effort to reduce any inconvenience to the opposing party. As with criminal matters, the presiding judge has final authority to grant or deny a continuance motion. Likewise, consent between the parties is not a binding reason for a continuance. Whether to continue the matter remains in the sound discretion of the presiding judge.

This the 3rd day of August, 2022.

Robert K. Martelle
Chief District Court Judge
Judicial District 29A