

# **Postponement/Continuance Policy - First Judicial Circuit**

## **Dorchester-Somerset-Wicomico-Worcester Counties**

The purpose of this policy is to promote timely disposition and to avoid unnecessary delays in processing cases within the Courts of the First Judicial Circuit of Maryland. The policy reflects the Maryland Judicial Council's definitions of postponement as *a proceeding that was not held and is being rescheduled* and continuance as *a proceeding that has begun and is extended for additional day(s)*.

In considering all postponement or continuance requests, the Court shall carefully apply all relevant sections of the Maryland Annotated Code and the Maryland Rules of Procedure, review possible effects of a postponement or continuance on the parties and witnesses in the case, and evaluate future scheduling issues. The Court shall also consider Maryland Circuit Court Time Standards for processing cases (copy attached).

### **Requirements for Litigants in Making a Request for Postponement**

- Requests shall be made as soon as counsel/party is aware that a reason for postponement exists.
- Requests, except those involving an emergency, shall be made within five (5) days of the receipt of the assignment notice.
- Requests made prior to the hearing or trial date shall be made in writing, noting a copy has been forwarded to all counsel/parties.
- Requests shall include a statement that indicates the opposing party's/parties' position on the request for postponement.
- Requests shall also include two suggested dates that have been agreed upon by the parties and assignment office within the time limits of Maryland Circuit Court Case Time Standards.

On its own initiative, or if all parties are not in agreement to the postponement and/or dates for rescheduling the case, the Court may act upon the request *ex parte* or issue an order requiring the parties to attend a scheduling conference.

Postponement requests in criminal cases filed prior to a scheduled hearing or trial shall be acted upon by the County Administrative Judge or his/her designee. Postponement requests in a

criminal matter that takes the case beyond the limits of the *Hicks* rule shall be acted upon by the County Administrative Judge or his designee.

Postponement requests in civil cases shall be acted upon by the County Administrative Judge or the Judge or Master scheduled to hear the case.

All postponement requests will be considered in accordance with Rule 2-508 in civil matters as justice may require, or Rule 4-271 in criminal causes, for good cause shown.

Requests for postponements made by counsel as a result of a conflicting court date shall be accompanied by a copy of the assignment notice of the previously scheduled case. Requests for postponements based on conflicting court schedules or legislative duties will be considered and granted by the Court pursuant to the revised administrative order issued by the Court of Appeals and dated May 15, 1995 (copy attached).

In the event that a trial or hearing has commenced but cannot be concluded on the scheduled date(s) and time, the Judge or Master presiding is authorized to continue the matter to the next available date except in a criminal matter when a continuance would take the case outside the *Hicks* rule. Only the County Administrative Judge or his/her designee may continue the matter beyond the limits of the *Hicks* rule.

In CINA/TPR/Adoption cases, the matter shall be continued to the next day the court is in session and shall remain on the docket until the matter is concluded. The only exception is a case that is continued pending the receipt of additional evidence. If a case is continued pending the receipt of additional evidence, the matter shall be rescheduled as soon as possible.

When a child is detained or sheltered, except under extraordinary circumstances and as justice so requires, no postponement of the adjudicatory hearing will be granted due to conflict with the attorney's schedule if the postponement will result in a violation of statutory time requirements. It is expected that attorneys confirm their availability to attend all scheduled adjudication hearings prior to agreeing to represent a detained or sheltered child.

All other juvenile postponement requests shall be handled in accordance with the above policy.