

## **CONTINUANCE POLICY FOR WILLIAMSBURG/JAMES CITY JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT EFFECTIVE: December 1, 2016**

The Williamsburg/James City County Juvenile and Domestic Relations District Court believes that control of a strict calendar leads to a more expeditious and efficient administration of justice.

A continuance of any pending matter **shall** only be for good cause shown and with the approval of the Court.

All requests for continuance **shall** be in writing and state the basis upon which the continuance is being requested. If a continuance is requested, the counsel or parties requesting the continuance **shall** submit to the Court an order endorsed by all parties stating (1) whose motion the continuance is upon, (2) the specific reason for the continuance, and (3) the proposed new trial date that is available to the Court. The party making the request **shall** contact the Clerk's Office for available dates. All continuances in criminal cases **shall** be to a date certain. If the Court grants a continuance request, counsel will advise client of new date. Continuance requests made the day of court will be discouraged by the Court and will only be granted in extreme or unusual circumstances.

To prevent avoidable continuance requests, the Court adopts the following policies:

1. Criminal/Delinquency Cases:

All criminal cases shall be adjudicated within 120 days from the date of arrest. All delinquency cases shall be adjudicated within 120 days from the date of offense. If an attorney is retained and the court date is already set, consideration may be given by the Court for a continuance, but such request must be made in advance of the trial date.

2. Civil Cases:

Dates for civil matters are set by the Clerk's Office. If a continuance is sought in a civil matter, the request must be by agreement of all parties and be made prior to the hearing date. If a party does not agree to the continuance, the request must be made in the courtroom.

Towards helping those practicing before this Court and the public understand the goals of this policy, the following are examples of what may be bad and good reasons for a continuance request.

(1) BAD REASONS FOR A CONTINUANCE MAY INCLUDE BUT ARE NOT LIMITED TO:

- Assumption that a continuance will be granted because it is the first calling of a case
- The criminal defense attorney has had no time to meet with his/her client when he/she was appointed for noted representation more than 45 day prior to trial date
- The attorney had just met their client in court when the correct address and phone number is in the court file
- No time to subpoena defense witnesses when they were known by or provided to the attorney at least 14 days prior to court date
- The attorney was only notified about a necessary witness the day of court
- An involved police officer, deputy, trooper, or lab technician had training or vacation on the scheduled court date
- The request is for a "short term continuance" in order for the client to retain new counsel when new counsel has not yet been retained and noted his/her appearance to the Court
- Both parties have agreed to the continuance
- The last continuance request was not made by the attorney now asking for the continuance
- A continuance for any reason which will present speedy trial issues
- A criminal defendant is associating with the Drug Task Force -continuing the matter for any reason which will impact statutory time frames for trial, i.e. matters involving DSS which are time sensitive
- No valid reason is given other than the attorney "needs more time"
- Request because discovery is incomplete. This may not be considered a valid reason for a continuance when a discovery order is in place which indicates a date by which discovery is to be completed by the parties and the request for continuance is not accompanied by a motion to compel discovery. Please also note, in specific circumstances failure to complete discovery may nonetheless be considered a valid reason for a continuance.

(2) GOOD REASONS FOR THE COURT TO GRANT A CONTINUANCE REQUEST MAY INCLUDE BUT NOT BE LIMITED TO:

- Death, serious illness, or a personal or family emergency of any party, material witness, or counsel
- Short term continuance to finalize details of a possible plea agreement
- Short term continuance in order to allow new counsel to appear so long as new counsel has already noted an appearance to the Court and provided a date to reset the matter
- Client cannot be located despite diligent attempts
- Witness who was subpoenaed to court fails to appear
- Witness was subpoenaed, but not found to be served and time is needed to locate new address to resubpoena the witness
- A motion to compel discovery has been filed and is pending
- A criminal defendant was not transported to court when incarcerated
- A criminal defendant failed to appear for court
- A psychological evaluation or restoration to competency has been ordered