

## **CONTINUANCE POLICY OF MCLENNAN COUNTY COURT AT LAW NO. 3**

It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all of its case types and dockets, the Court looks with strong disfavor on motions or requests to continue court events. To protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored.

Except in unusual circumstances, any continuance motion or request must be in writing and filed not later than 48 hours before the court event for which rescheduling is requested. Each continuance motion or request must follow Tex. R. Civ. P 251 *et seq.* or Chapter 29 of the Texas Code of Criminal Procedure.

The Court will grant a continuance only for good cause shown. Any party requesting a hearing on a motion for continuance must do so immediately upon filing or receiving the motion. Except in unusual circumstances, the hearing request should be directed to the Court Administrator in writing.

**As a guide to practitioners, the following will generally not be considered sufficient cause to grant a continuance:**

- The case probably will settle if a continuance is granted;
- Discovery has not been completed;
- New counsel has entered an appearance in the case or a party wants to retain new counsel;
- Unavailability of a witness who has not been subpoenaed;
- Plaintiff has not yet fully recovered from injuries when there is no competent evidence available as to when plaintiff will be fully recovered;
- A party or counsel is unprepared to try the case for reasons including, but not limited to, the party's failure to maintain necessary contact with counsel;

- The failure to schedule the hearing on a suppression motion on a timely basis unless the prosecution failed to comply with a discovery order;
- A police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date;
- Any continuance of trial beyond a second trial date setting.

**The following will generally be considered sufficient cause to grant a continuance:**

- Sudden medical emergency (not elective medical care) or death of a party, counsel, or material witness who has been subpoenaed;
- A party did not receive notice of the setting of the trial date through no fault of that party or that party's counsel;
- Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or possibly miscarriage of justice if the trial is required to proceed as scheduled;
- Unanticipated absence of a material witness for either party;
- Illness or family emergency of counsel.

Whenever possible, the Court shall hold the rescheduled court event not later than 30 days after the date from which it was continued, unless a specific amount of time is stated in the motion. As necessary, the Court shall work with bar representatives and court-related agencies to seek resolution of any organizational or systemic problems that cause cases to be rescheduled, but which go beyond the unique circumstances of individual cases.

/s/ Ryan A. Luna  
Judge, McLennan County Court at Law No. 3