

MEMORANDUM FROM DISTRICT COURT

DISTRICT 5 POSTPONEMENT POLICY

By Administrative Orders previously adopted by the Court of Appeals, procedures have been established for the resolution of conflicts in case assignments among the various courts, and the responsibilities of counsel and the court have been enumerated when a postponement has been requested. Pertinent provisions of those Administrative Orders provide:

1. If counsel accepts a case knowing that there is a conflict with the scheduled hearing date, counsel should not expect to be granted a continuance.
2. If a conflict arises after counsel enters an appearance, counsel shall make every effort to obtain coverage by a partner or associate before requesting a continuance. A request for continuance shall include a statement of compliance with this rule.
3. When counsel accepts a case which creates a conflict, a continuance may be granted only in the judge's discretion and under extraordinary circumstances. In the exercise of that discretion, the judge shall first assure that all parties, witnesses, and counsel in the case can be notified of the continuance sufficiently in advance of the trial date to avoid undue inconvenience; that the case has not been continued an unreasonable number of times; and that the continuance would not otherwise impede the proper administration of justice.
4. Except in certain enumerated circumstances, when there is a conflict between hearing or trial dates, priority shall be given in accordance with the earliest date on which assignment for hearing or trial was made.

In order to implement the above Orders, and in an effort to promote the prompt and efficient scheduling and disposition of cases filed in the District Court of Maryland for Prince George's County, the following guidelines will also apply, effective October 1, 2008:

All requests for postponements must be in writing and signed by a party or, if represented, by his or her attorney, and contain a certificate of service on opposing parties and/or counsel. To be assured of prompt consideration of a motion for postponement, counsel should include a proposed order when submitting the motion.

A request for postponement shall be made as soon as the reason for the request is known, and sufficiently in advance of the trial date to minimize inconvenience to parties and witnesses.

Generally, priority among conflicting hearing or trial dates will be given to the date first set. Court hearings will take priority over administrative hearings.

When a request for postponement is based upon a conflict in counsel's trial schedule, a copy of the notice illustrating the conflict shall be attached to the postponement request.

When a request for postponement is based upon any other conflict, the party seeking a postponement shall, to the extent possible, attach supporting documentation evidencing the conflict (e.g. travel itinerary, doctor's note, etc.) Unless good cause exists, a case shall not be postponed if the party's scheduling conflict arose after the trial date was set by this Court.

The party requesting a postponement shall notify the opposing party or counsel, and to the extent practicable, seek their consent, and shall advise the court of the opposing party's position regarding the postponement.

A party requesting a postponement may not assume that it will be granted, even if the opposing party does not object, and all parties must appear on the scheduled trial date unless the court instructs otherwise.

A party who has been advised of the right to counsel, either by a judge or by a commissioner, is not entitled to a postponement unless there is a meritorious reason for a postponement.

Specially set cases and cases set by agreement of counsel will not be postponed unless extraordinary cause exists for a postponement.

All parties, witnesses and counsel shall bring their calendars to court, so that cases continued in open court may be rescheduled without conflict.

Trial dates will be assigned by the clerk of the court in accordance with Maryland Rule 3-102. All parties and counsel are expected to be cognizant of this rule when filing a case, pursuant to subsection (c) of Rule 3-102. A postponement of the case may not be granted if some, but not all of the defendants in the case have been served, if the request for postponement is made less than ten (10) days prior to the trial date.

Postponements will be considered on a case-by-case basis, and in light of the exigency which exists at the time of the request. Further, the time management standards implemented by the Administrative Office of the Courts will affect consideration of the request. The following types of cases are to be concluded within the time frame indicated: small claims civil - 90 days from the date of service; large claims civil - 250 days from the date of service; payable traffic and must-appear traffic case - 120 days from the date of service; DUI and criminal cases - 180 days from the date of service. Counsel are to be cognizant of the time standards when preparing the case for trial and are to be mindful of those standards when requesting a postponement.

THOMAS J. LOVE
Administrative Judge