

IN THE IOWA DISTRICT COURT, SIXTH JUDICIAL DISTRICT OF IOWA

SIXTH JUDICIAL DISTRICT COURT

IN RE:

2015 AUG -4 PM 3: 32)

CONTINUANCE POLICY

LINN COUNTY, IOWA)

FOR CIVIL CASES)

MISC. NO. 78

ADMINISTRATIVE
ORDER

To help the district court address issues of delays in case processing, bumping cases, scheduling credible trial dates, and similar issues affecting the court's ability to manage its caseload effectively, the court requested and received the assistance of a consultant from the National Center for State Courts. The consultant conducted on site interviews with judges, court staff, county attorneys, public defenders and private attorneys to identify problem areas and potential solutions. The consultant also examined court performance and weighted workload statistics to identify points in the processing of cases where bottlenecks and delays most often occur.

After conducting his study of case processing in civil, family law, criminal and juvenile cases, the consultant issued a preliminary report with recommendations which the consultant reviewed with the judges at a June 8, 2015 meeting in Cedar Rapids. One of the key recommendations of the report is that the judges need to adopt and implement a uniform, written continuance policy to foster credible trial dates for both the bar and the court and to improve case processing times.

The district court judges and the district associate and associate juvenile judges have discussed the consultant's recommendations and unanimously voted to adopt the attached written continuance policy for civil cases.

IT IS HEREBY ORDERED:

The attached policy labelled "Sixth Judicial District Continuance Policy for Civil Cases" is now the official district policy for determining decisions on civil continuance requests in the district. This policy shall become effective immediately.

To monitor compliance with the policy, the district court administrator is instructed to develop a system for measuring continuance rates for family law cases and all other civil cases and to report the results periodically to the judges.

Dated this 4th day of August, 2015.



**PATRICK R. GRADY, CHIEF JUDGE
SIXTH JUDICIAL DISTRICT OF IOWA**

SIXTH JUDICIAL DISTRICT CONTINUANCE POLICY FOR CIVIL CASES

It is the mission of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, counsel, litigants, and other case participants. As part of its efforts to achieve this mission, the Court is hereby adopting a strict continuance policy where it will look with disfavor on motions or requests to continue court events. To protect the credibility of scheduled trial dates, the court especially discourages continuances of trials.

This policy is being introduced in conjunction with other procedural changes that will hopefully lead to fewer requests for continuances in civil cases. It applies to all civil cases except small claims cases and juvenile cases.

Except in exigent or other unusual circumstances, any continuance motion or request must be in writing and filed not later than seven days before the court event for which rescheduling is requested. Each continuance motion or request must state reasons and be signed by the attorney. The motion must contain sufficient specific information and/or be supported by sufficient evidentiary materials to allow the court to determine whether there is good cause and whether the alleged cause for the continuance grows out of the fault or negligence of the moving party. In all civil cases set for trial, the motion must be approved in writing by the party making the request as required by Iowa Rule of Civil Procedure 1.910(2).

The Court will grant a continuance only for good cause shown. For purposes of this policy, good cause is equated to “any cause not growing out of the fault or negligence of movant, which satisfies the court that substantial justice will more nearly be obtained if the case is continued.” Iowa R. Civ. P. 1.911(1) (2015). On a case-by-case basis, the Court will evaluate whether sufficient cause justifies a continuance. For example, the following will generally not be considered sufficient cause to grant a continuance:

- Counsel or the parties agree to a continuance;
- The case has not previously been continued;
- 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; or
- Unavailability of a witness who has not been subpoenaed.

Examples of sufficient cause to grant a continuance would generally include the following:

- Sudden medical emergency (not elective medical care) or death of a party, counsel, or material witness who has been subpoenaed;
- 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; or

- Illness or family emergency of counsel.

Unless and until a motion to continue is granted, parties are required to appear for the scheduled court event. The filing of a motion to continue in and of itself does not excuse any requirement for appearance by the attorneys and/or parties.

Any grant of a continuance motion or request by the Court shall be ruled upon in writing by the Court, with an indication of who requested it and the reasons for granting it. Whenever possible, the Court will reset the continued matter for the earliest available date on the calendar. Unless the court determines any new date for the continued matter should be scheduled after consultation with counsel for the parties, the court will select a new date for the continued matter and will require the parties and attorneys to conduct the continued matter on that date.

Information about the source of each continuance motion or request in a case and the reason for any continuance granted by the Court shall be documented by the court. The district court administrator will maintain statistics on the court's continuance rate for the purposes of evaluating the effectiveness of the continuance policy. 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.