

# Judge Vince Santini

## Policies on Motions For Continuance of Trial Settings

**Any continuance, regardless of its origin (Motion from any Counsel or Court reset), will be treated as a continuance for the purpose of this Standing Order because both parties gain the benefit of more time.**

- 1. Form:** A Motion for Continuance will be considered by the Court only if it is in writing, timely filed, and with sufficient cause supported by affidavit. Tex. R. Civ. P. 251.
- 2. Timing:** Absent an emergency, the Court will not consider any Motion for Continuance which is filed within 15 days of the first day of the trial docket.
- 3. Client Approval:** The second Motion for Continuance filed in a case must include a certification signed by the attorney or attorneys (in the case of an Agreed Motion for Continuance) which says:

I certify to the court that my client is aware of and agrees to the requested continuance.

Any subsequent Motions for Continuance (third or more) must include the client's signature on the Motion with the notation "AGREED" above that signature.

- 4. Settings:** Motions for Continuance which are not agreed must be set for submission.
  - "Uncontested" is not the same as "AGREED". Agreed Motions for Continuance need not be set for submission.
  - To qualify as agreed, the Motion must be signed by all parties.
  - Be aware that the fact that the parties have agreed to a continuance does not guarantee the Court will grant it.

**5. Description:** Motions for Continuance should state the bases for which a continuance is sought and how much time is needed.

For Example, a Motion for Continuance which states that there is a need for additional discovery but gives no amount of time for which the unstated discovery will be done leaves the Court with inadequate information to make a decision.

In contrast, a Motion which explains that there is another deposition needed which was not yet taken because the deponent, who is a material witness for x, y, or z reason was out of the country, but the deposition is now scheduled to occur in one month, and with time for transcription, reading, and signing, the parties need a 75 day continuance in a Motion which provides the Court with sufficient information to make a decision.