

IN THE TERRITORIAL COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

MEMORANDUM AND ORDER

Several members of the Bar have adopted the practice of writing letters to the Clerk of the Court, or simply calling the Clerk's Office, to request continuances. In some instances, the request relates to a specific case already set down for a hearing. In other instances, counsel have simply written to the Court to the effect that he or she would be off-island for a certain period of time, therefore requesting that no cases be set for that period of time.

All counsel in this judicial division are hereby put on notice that the Rules of this Court set forth procedures to follow for continuances. As a result, requests for continuances will not be considered in the Territorial Court, Division of St. Croix unless they are filed in compliance with the Rules of this Court.

The Federal Rules of Civil Procedure made applicable to this Court, 5 V.I.C. App. IV, Rule 7, require all requests for continuances to be by motion and in writing, along with the reasons for said request for continuance. Specifically, it is provided that:

"An application to the court for an order shall be by motion which, unless made during a hearing or trial, shall be made in writing, shall state the particularity the grounds therefor, and shall set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion." 5 V.I.C. App. I, Rule 7(b)(1).

In addition, 5 V.I.C. App. IV, Rule 35 provides:

"Moving papers, including proof of service on all motions, shall be filed at least 2 days prior to the day of hearing in order that the motion may be placed on the calendar. All ex parte applications shall be forwarded to the office of the clerk for presentation to the court."

By this order, the Judges of the Territorial Court, Division of St. Croix, are putting all counsel on notice of these Rules. It will be the policy of all judges in this Division of the Territorial Court not to consider requests for continuances which are not filed in compliance with the Rules of the Territorial Court and the Federal Rules of Civil Procedure as made applicable to this Court, 5 V.I.C. App. IV, Rule 7. While it is recognized that certain unforeseen circumstances may arise, it should be understood that except for extraordinary or emergency circumstances, a request for continuance will not be considered unless the Rules of Court are adhered to.

The undersigned also feels compelled to comment upon a practice that has become far too common, and that is the policy of some attorneys who have considered scheduled court appearances to be of lesser importance than many other matters, such as closings, administrative hearings, and the concerns of general day-to-day law practice. Counsel appearing in the Territorial Court, Division of St. Croix, should be aware that the only scheduling conflict that will be considered as a valid reason for a motion for a continuance and for not complying with the Rules of the Court will be a conflict as a result of another court matter. Attempts will be made to schedule cases so that counsel will have sufficient notice to prepare his or her daily calendar. However, the judges want counsel to be aware that if scheduling conflicts arise, they should be brought to the Court's attention as soon as such conflict becomes known, and not at the last minute at the convenience of counsel.

Accordingly, it is this ~~17~~ day of April, 1980, ORDERED that all requests for continuances must be filed by written motion in compliance with the Rules of this Court and the Federal Rules of Civil Procedure; and it is further

ORDERED that except for extraordinary circumstances, no motion for a continuance will be considered by the Court unless submitted in writing at least 2 days prior to scheduled hearings as required by 5 V.I.C. App. IV, Rule 35; and it is

finally

ORDERED that any motion for a continuance based upon a conflict in other scheduled matters shall be considered only if brought to the attention of the Court as soon as such conflict becomes known to counsel.

DATED: April 17th 1980


Raymond L. Finch, Judge of
the Territorial Court