

Judge Contact Information

1. Please enter your name and contact information.

Name: - Vincent A. "Vince" Foley

Email Address: - vince.foley@ujs.state.sd.us

Phone Number: - 605-688-4200

Attorney Contact

2. Generally, how do you prefer attorney contact?

Email

3. How do you prefer to receive briefs?

Odyssey File and Serve(non-docketable)

4. Would you like to receive copies of pleadings and affidavits related to a brief or motion?

No

5. How do you prefer to receive proposed orders?

Email

Civil Scheduling and Practice

6. What is the preferred method for setting a civil motions hearing, other than in open court?

- To schedule short cause matters contact Clerk of Courts and all attorneys must agree to date; and
- To schedule litigated hearings, and trials email Court directly with cc: to other attorneys of record.

7. Do you want courtesy copies of the main statutes or cases relied upon in briefs or motions?

No

8. Who should be contacted to request/schedule a telephonic appearance?

Clerk of Courts

9. Do you require a motion or want some form of notice if the parties have stipulated to an extension of a deadline in a scheduling order?

No

10. Should stipulations between counsel on evidentiary issues and/or legal issues be submitted to you in writing?

No Response

11. What is the preferred method for scheduling a civil jury trial?

Email Court directly with cc: to other attorneys of record

12. Do you require pretrial conferences and what agenda do you have for pretrial conferences?

Yes

13. Do you have a standard pretrial order?

Yes

14. Do you have any requirements for court trials that are different from your jury trial expectations?

Yes

Briefs on outstanding issues prior to trial.

15. How do you conduct voir dire?

Initial questioning done by Court.

16. Do you require a pretrial brief?

In some cases, a pretrial brief will be required.

17. Do you require pretrial findings of fact and conclusions of law in a court trial?

In some cases, pretrial findings of fact and conclusions of law may be required in a Court trial.

18. Is there anything else you would like attorneys to know about how you conduct civil matters?

No Response

Criminal Scheduling and Practice

19. What is the preferred method for setting a criminal motions hearing, other than in open court?

Email Court directly with cc: to other attorneys of record

20. What is the preferred method for seeking a reset of a routine criminal court appearance?

Contact State's Attorney and reset by agreement of counsel

21. When a suppression motion is filed, do you require or request a pre-evidentiary brief to lay out the issues to be argued?

Yes

22. Do you have any standard sentences or sentencing policies of which attorneys should be aware?

Yes

23. If answer to previous question is yes, please provide examples. (e.g., no suspended imps in certain situations, fine paid in full on day of sentencing, etc)

I will generally allow find and costs to be scheduled. I often remand individuals upon conviction who I believe pose a risk of harm to themselves or others. I will allow the scheduling of the start of a period of jail incarceration. I generally allow liberal work release from the beginning of a jail sentence. Except in rare circumstances will I impose less restrictive security rules to countermand what the Sheriff's Department may have in place.

24. Is there anything else you would like attorneys to know about how you conduct criminal matters?

No contest pleas are not routinely approved.

Courtroom Protocol

25. Does the Court prefer that lawyers:

	Yes	No
a. Stand when addressing the court		X
b. Ask permission to approach an adverse witness		X
c. Ask permission to approach their own witness		X
d. Ask permission before moving about the well of the courtroom		X
e. Ask permission to publish an admitted exhibit to the jury		X

Comments:

26. Do you allow lawyers to have cell phones in your courtroom?

Yes

27. Do you mind if lawyers check email, etc while waiting in the gallery for their case to be called?

No

28. Is there anything else you would like attorneys to know about your preferred courtroom protocol?

While I ask that cell phones be muted, I understand that mistakes happen. However, repeat offenders may not receive the same deferential treatment. I am likely to interrupt or caution attorneys who fail to be mindful of the needs of the court reporter. Repeated demonstrations of lack of consideration will not be tolerated.

Domestic Cases

29. Are there any special issues that arise in your courtroom in domestic cases that you would like the Bar to be aware of?

No Response

30. Do you have a standard pretrial order?

Yes

31. Do you require:

	Yes	No
Pre-trial conference	X	
Pre-trial mediation	X	
Asset/Debt spreadsheet (if so, please provide a copy of the required form)	X	
Pre-trial brief	X	
Pre-trial submission of proposed Findings of Fact and Conclusions of Law		

Comments:

32. If the parties stipulate to temporary or final matters, how do you prefer attorneys proceed?

I prefer a written stipulation but understand that last minute settlement of issues may require and oral on the record stipulation.

33. Is there anything else you would like attorneys to know about how you conduct domestic cases?

Before a trial date will be given, the preliminary matters must be addressed. A trial date will generally only be given at the pre-trial conference.

Courthouse

34. Does your courtroom/courthouse have any of the following: (please list all applicable counties)

No Response

35. Is there anything not previously addressed that you would like attorneys practicing in your court to know?

No Response