

Judge Contact Information

1. Please enter your name and contact information.

Name: - Robert Gusinsky

Email Address: - robert.gusinsky@ujc.state.sd.us

Phone Number: - 605-394-2571

Attorney Contact

2. Generally, how do you prefer attorney contact?

Email

3. How do you prefer to receive briefs?

Email

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

Yes, via email with hard copy also sent via U.S. Mail

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?

Contact Court Administration and attorney may schedule with notice to other attorney

Attorney's should to find dates that work for everyone, unless an attorney is being unresponsive or unreasonable.

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?

Court Administration

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?

Yes

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

Yes

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

File a motion for scheduling and set for a motions hearing

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

Yes

I follow the local rule for the seventh circuit. No pretrial conference for a divorce or custody case.

13. Do you have a standard pretrial order?

No

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

Yes

I require a trial brief and proposed findings of fact and conclusions of law. No trial brief is necessary for divorce and custody cases.

15. How do you conduct voir dire?

I only ask the jurors regarding their availability for the duration of the trial.

16. Do you require a pretrial brief?

Yes

Except in divorce and custody cases.

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

Yes

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

Stipulations regarding the admission of trial exhibits must be in writing.

Criminal Scheduling and Practice

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

Contact Court Administration and attorney may schedule with notice to other attorney

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?

No

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)

No Response

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

No Response

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?

No movement in the well by attorneys whose case is not active. Nor should attorneys come and go through any of the side doors (except the main courtroom door) while a hearing is in progress. Attorneys can re-position during breaks while the next case is called. Such movement is distracting and disrespectful to the attorneys wishing to be heard.

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?

No

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 | X | |

Comments:

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

Provide a written stipulation with a proposed Order.

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

I do not have a format for the asset/debt spreadsheet, except that both parties must generate only one such spreadsheet, and indicate on that spreadsheet the asset, its value if agreed on, each party's proposed value if there is no agreement, and to whom the asset or debt should be assigned (either by agreement or each party's preference).

Courthouse

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

Separate tables for counsel - No

Accessibility for attorneys, parties and witnesses who use wheelchairs - Yes

Podium - Yes

Microphone system - Yes

Photocopier - Yes

Free internet access or law library for visiting lawyers - No

Screen for video presentation - Yes

Computer or television for video presentations - Yes

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

No Response