

Judge Contact Information

1. Please enter your name and contact information.

Name: - Janine Kern

Email Address: - janine.kern@uj.s.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 with hard copy also sent via U.S. Mail

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?

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?

Yes

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

Court via email

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

The pretrial conference will address non dispositive motions, issues involving admissibility of exhibits and jury instructions.

13. Do you have a standard pretrial order?

Yes, [Get the pretrial order form](#)

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

Yes

I may require the parties to submit proposed Findings of Fact and Conclusions of Law or briefs. The parties will be required to exchange witness and exhibit lists before trial.

15. How do you conduct voir dire?

I allow the parties to conduct voir dire. I direct the Plaintiff's counsel to begin their voir dire with questions regarding any potential conflicts with service and the length and nature of the case.

16. Do you require a pretrial brief?

Yes

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

Yes

In some cases I will direct that the parties submit their proposals after the evidence has been received. If the case is not complex or the legal issues well settled I may not require the submissions.

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

I will try to set pretrial deadlines that are realistic and acceptable to counsel.

Criminal Scheduling and Practice

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

Attorney conference call with Court Administration and all attorneys must agree to date

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?

No

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)

None.

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

1. With reference to jury instructions, pattern prior to jury selection instructions are given at the beginning of voir dire and preliminary instructions prior to opening statement. All instructions will be settled by the Court and Counsel prior to trial.
 2. If Counsel and the Court have substantive communications via e-mail copies may be filed. Likewise correspondence from Defendants to the Court will be placed in the file.
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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?

Do not talk to other persons in the gallery while waiting for your case to be called as this can be distracting to the Court. While there is no dress code for appearances in Court, Counsel may not wear blue jeans and conservative business attire is preferred.

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?

In all contested divorce actions the parties must: 1. Exchange witness and exhibit lists before trial. 2. Prepare a Joint Property List with each parties proposed valuations and desired distribution. 3. Submit to mediation as required by SDCL 25-4-56 unless the Court determines mediation is not appropriate. 4. In divorce cases involving children the parties will need to submit child support calculations. The Court will not simply waive child support even if the parties agree to do so. If the parents have stipulated to a shared parenting arrangement they will need to comply with all of the statutory requirements and must provide the Court with a shared parenting child support worksheet or set forth grounds for any deviation from the child support schedules.

30. Do you have a standard pretrial order?

Yes, [Get the Domestic pretrial order](#)
[Get Joint Property Exhibit \(pdf\)](#)
[Get Joint Property Exhibit \(excel\)](#)

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?

Notify the Court prior to hearing by e-mail or letter.

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

If the issues are not overly complex some or all of the pretrial requirements may be waived.

Courthouse

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

Separate tables for counsel - Pennington, Custer and Fall River. Courtrooms 1 and 2 in the Pennington County Courthouse have one large table which counsel must share.

Accessibility for attorneys, parties and witnesses who use wheelchairs - Pennington, Custer, and Fall River

Podium - Pennington, Custer, and Fall River

Microphone system - Pennington, Custer, and Fall River

Photocopier - Pennington, Custer, and Fall River

Screen for video presentation - Pennington, Custer, and Fall River

Computer or television for video presentations - Pennington, Custer, and Fall River

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

If Counsel or their staff have any questions do not hesitate to call or e-mail and I will be happy to try to assist.

