

Judge Contact Information

1. Please enter your name and contact information.

Name: - Gregory J. Stoltenburg

Email Address: - gregory.stoltenburg@ujls.state.sd.us

Phone Number: - 605-688-5705

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?

No

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?

No

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?

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?

No

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?

No

15. How do you conduct voir dire?

Preliminary questions are asked by the Court to the jurors as to statutory reasons for recusal. E.g. pending legal matters with one of the attorneys or their firm.

16. Do you require a pretrial brief?

No

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

No

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

Proposed Orders should be submitted via e-mail in a Word format. As far as divorce trials, I require that the parties submit a joint property list with each side having a column proposing the value to be assigned and to whom they want the property to be assigned and a blank column for the Court to use. Other than that requirement, I don't normally issue pre-trial Orders on divorces. If there is an issue that needs to be resolved prior to trial, please advise the court asap to see if it can be resolved informally or if we need to have a hearing to resolve the issue. With that said, if both parties stipulate to a scheduling Order on discovery, identification of witnesses, exhibits etc., please present to me for review and I will sign it. Counsel should also review SDCL 25-4-56 relating to custody/visitation disputes. The statute requires mediation, subject to specific exceptions. Allocation of the cost of mediation is 50/50, unless otherwise Ordered. If the parties are unable to agree on a mediator, each party should submit a name and reasons for selection of their proposed mediator via e-mail and I will make a determination on the appointment. I do not require custody evaluations or home studies, but do entertain motions to require the same, depending upon the circumstances. It probably goes without saying, but mediation to resolve other issues is also highly encouraged.

Criminal Scheduling and Practice

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

Schedule with States Attorney office. If more time is needed than my regularly scheduled motion dates, confer with States Attorney office and contact the court via e-mail to schedule.

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)

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 Response

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?

Advise the court via e-mail of any security/safety issues prior to trial or a hearing.

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)		
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?

If negotiations result in a settlement of issues on the day of the hearing and agreement has not yet been reduced to writing, an oral entry of the agreement should be made in open court with the clients present. If reduced to writing and signed by the parties, no court record needs to be made.

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

As far as divorce trials, I require that the parties submit a joint property list with each side having a column proposing the value to be assigned and to whom they want the property to be assigned and a blank column for the Court to use. Other than that requirement, I don't normally issue pre-trial Orders on divorces. If there is an issue that needs to be resolved prior to trial, please advise the court asap to see if it can be resolved informally or if we need to have a hearing to resolve the issue. With that said, if both parties stipulate to a scheduling Order on discovery, identification of witnesses, exhibits etc., please present to me for review and I will sign it. Counsel should also review SDCL 25-4-56 relating to custody/visitation disputes. The statute requires mediation, subject to specific exceptions. Allocation of the cost of mediation is 50/50, unless otherwise Ordered. If the parties are unable to agree on a mediator, each party should submit a name and reasons for selection of their proposed mediator via e-mail and I will make a determination on the appointment. I do not require custody evaluations or home studies, but do entertain motions to require the same, depending upon the circumstances. It probably goes without saying, but mediation to resolve other issues is also highly encouraged.

Courthouse

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

Separate tables for counsel - yes-Brookings and Moody

Accessibility for attorneys, parties and witnesses who use wheelchairs - yes-Brookings and Moody

Podium - yes-Brookings and Moody

Microphone system - yes-Brookings and Moody

Photocopier - limited availability-Brookings and Moody

Free internet access or law library for visiting lawyers - yes-Brookings No-Moody

Screen for video presentation - Unknown-contact court administrator

Computer or television for video presentations - yes-Brookings and Moody

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

No Response