

Judge Contact Information

1. Please enter your name and contact information.

Name: - Robert L. Spears

Email Address: - Robert.spears@uj.s.state.sd.us

Phone Number: -

Attorney Contact

2. Generally, how do you prefer attorney contact?

Email

3. How do you prefer to receive briefs?

U.S. Mail

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

Yes, via U.S. Mail

5. How do you prefer to receive proposed orders?

Odyssey file and serve

Civil Scheduling and Practice

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

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

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 Reporter and 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. The court must approve all extensions/modifications to any court order.

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. Please standard pretrial order for civil actions. For criminal cases, this is covered at arraignment.

[Joint Property Exhibit
Order for Civil Trial
Order for Divorce Trial](#)

13. Do you have a standard pretrial order?

Yes. See above.

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?

I make introductions, then turn it over to the attorneys

16. Do you require a pretrial brief?

Yes, in civil cases – see standard order

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?

No

Criminal Scheduling and Practice

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

Motions deadline/hearing dates-set by standard pretrial order by the Magistrate. I cover it at arraignment.

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

Email Court directly with cc: to other attorneys of record, if not done in open court

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)

None.

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

No

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, However I require they be turned off-at least use the ringtone/vibrate feature during court proceedings.

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

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?

I have a standard pretrial order in all divorce cases that must be followed.

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		X

Comments:

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

File the stipulation with the Court along with a proposed order of approval for my signature.

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

No

Courthouse

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

Separate tables for counsel - yes

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 – Yes. WiFi upon request. Ethernet ports are at counsel tables in ground floor courtroom. Bring your own cable.

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