Magistrate Court – Business Rules

As of the _____ day of _____, 2016, the following changes will take place in Magistrate Court.

1. Cases will now be assigned to a specific Magistrate Judge as individual caseloads and will be handled by that judge until final disposition or a reassignment takes place.

2. Four unique Magistrate Judge schedules have been developed and shall provide a structured schedule of proceedings and will assist the Judges and staff in addressing individual caseloads. Unless a Judge has specifically requested himself/herself to be marked out of a full day or portion thereof, he/she is open for any scheduling times available during business hours, 8:00 a.m. to 5:00 p.m. of any particular day. The clerks will schedule how they see fit within those times, unless specifically marked out by that particular Judge. Further, if any Judge wishes to block out a time block for office time, that is his/her responsibility to do so, as well. It will not be assumed and will be free for scheduling unless otherwise specified.

3. Like matters will be set at scheduled times and will generally not be added to the 8:15, 9:00 or 10:00 morning court sessions. Motion hearings set pending a jury trial, show cause hearing, pleas and sentencings will each be set for a specific block of time.

4. 8:15 Court (Morning Court -Session 1) will be the session for initial appearances only. 9:30 Court (Order to Show Cause hearings) will be the session for probation officer or court initiated hearings alleging that a defendant has not been compliant with a particular sentence. Each Judge will have at least one Order to Show Cause hearing per week unless scheduling prohibits otherwise. 10:00 Court (Morning Court - Session -3) will remain the In-Custody Court Session. If a Judge has the 10:00 Court session, there shall not be anything scheduled one hour prior for that particular Judge, so that he/she may prepare for that particular docket. **As the calendar has been completed through October 2016 with 30 minutes prior, the one hour prior will begin November 2016.

5. Dispositional Conferences will still be scheduled at 1:00 with pleas and sentencing (FROM THAT DOCKET ONLY) taking place at 1:30. There will be a session from 2:30 to 5:00 pm each day, where status hearings, bond hearings, pleas and sentencings may all be scheduled.

6. Jury Trials will continue to be set one day per week for one Judge who will also preside over the motion hearings, pretrial conferences and final pretrial conferences for that specific track of cases.

7. Judge assignments will be done at the initial appearance (8:15 Court) in front of the Judge in which the defendant is set for initial appearance. Unless an affidavit is filed

removing that Judge or that Judge recuses from the case or a motion is filed to join cases, the case shall remain on the docket of the Judge that defendant is originally scheduled with.

8. Judge assignments will also come from the 10:00 In-Custody Court Session in the same manner that they are assigned from the 8:15 session. Further exception to In-Custody assignments will fall when there are preliminary hearings scheduled as a result of those initial appearances. As preliminary hearings are required to be set within 15 days of an In-Custody initial appearance, whatever Judge has a free block of time 15 days from the In-Custody preliminary hearing, that Judge will hear all prelims set as a result of that particular 10:00 session, whether or not he/she was the presiding Judge of the 10:00 session.

9. At anytime and in any court session, regardless of Judge assignment, if a case can be disposed of then that case shall be disposed of without further continuance.

10. Regarding out-of-town/out-of-state defendants, if a defendant appears in a court session and is given a future court date, that court date will not be the same day unless that defendant is from more that 4 hours away from Rapid City. This will be enforced by all Judges and clerks, with no exceptions made to in-town defendants.

11. The Clerk of Courts Office will no longer grant continuances **AFTER** the initial appearance. Any continuance requests after the initial appearance shall be submitted, in writing, to the assigned Judge.

12. The Clerk of Courts Staff may still grant 1 continuance of an initial appearance. For Court appearance required files, the continuance can be given for up to 1 week and shall be reset with the same Judge as originally set. For POA tickets, a one time continuance for up to 2 weeks can be given, but the file shall be reset with the same Judge as originally set.

13. When scheduling or rescheduling any type of hearing (Continued Initial Appearance, Preliminary Hearing, Dispositional Conferences), the case will be reset with the same Judge the case was originally set with unless that case has been reassigned, except as previously described regarding the In-Custody session and the 15 day preliminary hearing scheduling.

14. If co-defendants do not make their initial appearances on the same date/court session and are not assigned to the same Judge, they will be scheduled separately unless the Court is presented with a motion to consolidate the cases (so that they are in front of the same Judge). The same procedure will be handled with co-files as well.

15. When motions to consolidate are filed and granted by the Presiding Judge, the files will be transferred to the Judge assigned to the first pending case.

16. Show Cause Hearings will remain with the Sentencing Judge unless the Judge on the bench can dispose of the matter at that time.

17. Courtrooms will remain as set per the daily calendar.

18. There will NOT be any hearings set at 8:00 a.m. unless prior approval of the Judge is granted for scheduling and emergency purposes. (With the exception of the Final Pre-Trial conference, which will remain at 8:00 a.m. on the morning before trial).

19. During Court Sessions, cases will be called in the order that they appear on the docket, unless an emergency exist that would warrant a file being called out of order.

20. If a court-appointed attorney is not ready to submit his/her fees at the time of sentencing, that attorney will be responsible for submitting an order to the Court regarding attorney fees. The Clerk of Courts will no longer leave cases open or track fees when they are not submitted at sentencing.

21. Late motions for continuance (filed by pro se defendants or an attorney) will now become the responsibility of the filing party. Motions filed less than 4 days prior to the hearing should be walked through by the filing party as the Clerk of Courts Staff will no longer be tracking down these continuances. If a signed order granting the motion is not on file with the Court, the Judge will assume that the hearing is still on and all parties will be present. Clerks are no longer responsible for walking a Motion to a Judge or are they responsible fore the contents of an envelope left for a Judge.

22. If motion hearings (for cases set on the jury trial list) are not set in time to be scheduled according to that track of dates, a motion for continuance of the following dates (motion hearing, pretrial conference, final pretrial conference and jury trial) will need to be filed as a separate motion hearing date will not be given to accommodate for the late scheduling of the motion hearing.

23. Defendants are required to appear at Pre-Trial Conferences and the Final Show up Pre-Trial. These are not subject to written waiver of appearance and all judges must follow this same protocol. Because the Defendant is required to be present at the Pre-Trial hearing, Pleas may be taken during that block if a plea agreement is reached, preventing the Defendant for having to come back for a separate hearing.

24. Small Claims/Formal Magistrate cases shall be assigned by file number. Permanent assignments are - Judge Bogue-- numbers 2 &3; Judge Hyronimus - numbers 4&5; Judge Schuchmann, numbers 6&7 and Judge Tellinghuisen, numbers 8 &9. The numbers 0 and 1 will rotate on a yearly basis to the 2 Magistrates scheduled in Pennington County on a full-time basis.

25. Regardless of case assignment, Magistrate Judges will cover for each other in the event a Judge is out sick, out for appointments or out for annual leave. Any cases that can be disposed of during that time, should be without further continuance.

26. A recusal list will be retained by the scheduling clerk. That list will track recusals and reassignments for each Magistrate Judge.

27. Any changes or deviations from the above referenced rules will not be done without the prior approval of the Presiding Judge.

Dated this _____day of _____,2015.

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Craig A. Pfeifle, Presiding Judge
Seventh Circuit Court