

JUDGE CHRISTINA L. KLINGER
Circuit Court Judge
Sixth Judicial Circuit

Procedural and Courtroom Preferences
Revised April 3, 2024

<https://ujs.sd.gov/uploads/docs/ChristinaKlinger.pdf>

1. **6th Circuit Rules and Policies:** The 6th Circuit has rules and policies regarding notices of hearing, briefing, non-release of bond money posted by third parties, court appointed counsel, media, and other matters. Go to http://ujs.sd.gov/Sixth_Circuit/ and click “Local Forms and Policies.” Those rules and policies apply to all courts in the Sixth Circuit, and the preferences herein are intended as a supplement to those documents.

2. **Contact Information:**

Judge Christina L. Klinger
P.O. Box 1238
Pierre, SD 57501
(605) 773-5833 (Hughes County Clerk)
Christina.klinger@ujs.state.sd.us

Jessica Paulsen
P.O. Box 1238
Pierre, SD 57501
(605) 773-8227 (direct)
jessica.paulsen@ujs.state.sd.us

My chambers are located on the third floor of the Hughes County Courthouse.

3. **Court Reporter:**

- Jessica Paulsen is my court reporter.
- You must request and pay for a transcript if you want one. Please direct all transcript requests to Jessica Paulsen.

4. **Scheduling:**

- I preside over matters in Mellette County, Jones County, and Hughes County felony cases. I also preside over the Sixth Circuit Treatment Court.
- Routine matters should be scheduled on a regular court day with the clerk of court.
 - Routine criminal matters include initial appearances, arraignments, and most non-evidentiary hearings, sentencing or dispositions. Routine civil matters include child support status hearings, uncontested probate and guardianships, default judgments, and temporary protection order advisory hearings. Any routine hearing should be scheduled with the clerk of court in the appropriate county.

- All trials, evidentiary hearings, and other hearings which will take longer than fifteen minutes are not routine matters and should be scheduled directly with Jessica Paulsen. Please be aware that if you schedule a lengthy hearing on a regular court day without notice and approval, it will be continued at the time of the hearing, even if witnesses have traveled long distances.
- I do not receive notice of e-filings. If you file a motion that you would like heard by the Court, it is your responsibility to contact the clerk or Jess Paulsen to schedule a time for the hearing and provide all service required in a timely manner. Motions must be filed before you will receive a hearing date.
- If you are inquiring when a document will be signed by the Court, contact the clerk of court.
- The initial hearing on a temporary protection order is an advisory hearing, not an evidentiary hearing. If the respondent wants a hearing on the request for permanent protection order, it will be scheduled at a later date and the temporary protection order extended to the date of trial.
- Jessica Paulsen will send out my standard scheduling order with deadlines on every case scheduled for trial. The scheduling order includes an informational conference, which is intended to address unanticipated issues and organization of the trial. The informational conference is not intended to address substantive issues filed by motion. A hearing to address substantive issues filed by motion should be scheduled with Jess Paulsen.
- Telephonic, ITV, zoom, or other electronic appearances must be approved in advance. Please direct the request to Jessica Paulsen.

6. **E-filing, Orders, and Findings/Conclusions:**

- Do not provide me with courtesy copies of your filings unless I specifically request them.
- Emails to the Court may or may not be filed. Do not assume that your email will make it into the file or be responded to immediately. If it is important to get into the record, file a motion and set it for hearing. It is your responsibility to request a hearing date from Jess Paulsen after you have filed a motion or request.
- I do not receive electronic notice of all filings. If you are asking me to rule on a default or stipulated order without hearing, then you must properly e-file a proposed order. If you do not file the proposed order, I will not know the case is awaiting decision.
- Uncontested orders and court-appointed attorney vouchers should be e-filed in Odyssey as a proposed order. I prefer to sign routine orders in Odyssey because they are tracked by the system and cannot fall through the cracks. If I want to make changes, I will make the change on odyssey or ask you for a Word version.

- File proposed orders that you want in the record, and each will be refused or modified. Do not file a proposed order on a motion until after a hearing has been held or the parties have agreed on the order. Any order submitted prior to a hearing or without agreement of the parties will be denied and the party will be required to resubmit the order as a proposed document again after the hearing.
- Proposed findings of fact and conclusions of law should be provided to me via email in Word so I can revise and file. File proposed findings and conclusions that you want in the record and each will be refused or modified. If you are requested by the Court to provide findings and conclusions, the proposal should reflect the decision. If you want to file additional findings and conclusions to preserve the record, that should be done in a separate filing on Odyssey and the document title must be clearly marked as the party's proposal.

7. **Motions and Briefs:**

- Motions, briefs, exhibits, and related documents should be e-filed in Odyssey. File the exhibits as part of the brief. Do not file exhibits as attachments.
- I require pre-trial and pre-hearing briefs for most evidentiary issues, including suppression hearings. *Sixth Circuit Rule 2 applies to all briefs.*
- Motions and briefs should always address the burden of proof and which party shoulders it. Briefs should include citation to the applicable statutes, rules, and controlling case law.
- All lawyers are expected to know and comply with their ethical obligations under South Dakota Rule of Professional Conduct 3.3(a) before signing their name to a brief.
- If you submit a deposition or other lengthy document in support of a motion, cite to the specific line and page and highlight that portion you believe is relevant to your motion and why.
- You are required to contact Jess Paulsen to schedule a motion for hearing. Motions must be filed before you will be given a date and time for hearing.
- Criminal cases - Motion for Continuance – Before making a motion for continuance, you are required to contact the adverse party to determine whether there is an objection to a continuance. Any request for continuance must be made by filing a Motion For Continuance and Order Regarding Motion for Continuance as a proposed order on Odyssey. A motion and order are attached to my preferences for convenience. A continuance must be requested at least 48 hours prior to the hearing date unless there are unique circumstances or an emergency basis for the continuance. The Court will consider and rule on the motion or will schedule a date for a hearing to be held on the motion for continuance. Unless pre-approved by the Court, a motion for continuance will not be heard on a regular court date regardless of whether the case is scheduled for a separate appearance on the calendar.

- Judgment of Convictions and all proposed criminal orders should be shared between the parties prior to submission to the Court. If there is no disagreement, the document should be filed as a proposed document in odyssey. If there is a disagreement, both parties should file their proposed document in odyssey and email a copy to me. The Court will contact the parties if further action is needed.
- Do not file a proposed order on a motion until after a hearing has been held or the parties have agreed on the order. Any order submitted prior to a hearing or without agreement of the parties will be denied and the party will be required to resubmit the order as a proposed document again after the hearing.

8. **Pleas/Sentencing:**

- Defendants in drug cases will normally be ordered to submit to a urinalysis before sentencing pursuant to their bond conditions.
- Presentence investigation reports are common practice in the Sixth Circuit in felony cases. Generally, I will not order a PSI for class V or VI felonies. If a suspended imposition of sentence is requested or the state will argue aggravating circumstances, a PSI may be ordered. If your client intends to plead guilty to a felony and request sentencing on the same day, I appreciate knowing that in advance along with the parties' request for a SIS or intent to make aggravating circumstances arguments.
- Defendants sentenced to jail or penitentiary time should be prepared to be remanded immediately.

9. **Jury Selection:**

- The clerk will pre-draw the jury panel and provide counsel with the pre-draw list upon request of each party. Jurors will be called and replaced in the order of their pre-draw number. We will seat twelve plus preemptories and alternate(s).
- I will generally address statutory qualifications but allow counsel to conduct the majority of voir dire.

10. **Courtroom Practices:**

- All attorneys making an appearance in court are expected to dress in business professional attire. Blue jeans are not permitted if you are making an appearance.
- All persons are expected to stand quietly when the judge and the jury are entering and leaving the courtroom out of respect to the judicial process.
- I do not require that lawyers and clients stand when addressing the Court.

- Please ask your witness to spell his or her name and warn the witness against answering non-verbally or talking over you so the record is clear.
- If you object to a question or exhibit, state your legal objection and do not give a speech.
- Lawyers may use their cell phones and laptops/tablets for work purposes as long as they are on silent mode and not causing a disruption and they notify law enforcement in the courtroom that they will be using the device.
- Audio or video recording of proceedings is prohibited without a court order.

11. **Miscellaneous:**

- If you are a lawyer whom I've never met, feel free to ask Jessica Paulsen or the clerk to call me out of chambers before court or on a recess so you may introduce yourself.

STATE OF SOUTH DAKOTA)

IN CIRCUIT COURT

:SS

COUNTY OF HUGHES)

SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)

Plaintiff,)

Case no. _____

vs.)

MOTION FOR CONTINUANCE

AND ORDER REGARDING

MOTION FOR CONTINUANCE

_____,)
Defendant.)

This Motion for Continuance from the _____ (*hearing and date*) being made (check one):

- Jointly
- By the State without opposition
- By the State with opposition
- By the Defendant without opposition
- By the Defendant with opposition

Number of Prior Requests: _____ Prosecution _____ Defense

Does the Other Party Object? _____

A continuance is requested for the following reasons: _____

The following efforts have been made to address the issues set forth above: _____

The plan to further address the issues and have the case ready for trial is: _____

Next Court date requested: _____

It is expected the case will be ready for trial on or about: _____ (*if date is unknown, include approximate amount of time, i.e. days, weeks months*)

This _____ day of _____, 20____.

_____ In signing this motion on behalf of my client, I certify to the Court that

I have spoken with my client about the motion, have explained to my client the effect of the 180-day waiver and the right to a Speedy Trial under the Sixth Amendment, and have obtained my client's consent to file the motion and consent that the delay will be excluded from counting under SDCL 23A-44-5.1 and the Sixth Amendment.

_____ I hereby consent to a Motion for Delay being filed on my behalf. I understand that this Defendant motion means that the delay requested is excluded from counting under SDCL 23A-44-5.1 (trial Within 180 Days of First Appearance) and the Sixth Amendment (right to a Speedy Trial).

_____ In signing this motion, I represent to the court that I have been unable to locate and/or communicate with my client but that I have attempted to do so to no avail.

_____ If delay is requested by the Prosecution, is Prosecution requesting the extent of the Prosecution/State delay be excluded from counting under SDCL 23A-44-5.1?

_____ Yes _____ No If yes, reason for requested exclusion:

ORDER ON MOTION FOR CONTINUANCE

Upon consideration of the foregoing Motion for Continuance, it is hereby ORDERED and ADJUDGED that the same is:

- GRANTED and NEXT HEARING & DATE: _____
- DENIED
- HEARING ON MOTION TO CONTINUE TO BE HEARD ON: _____

Basis for order/comments: _____

Dated

BY THE COURT:

CHRISTINA L. KLINGER
Circuit Court Judge