

Judge M. Bridget Mayer
Circuit Court Judge
Sixth Judicial Circuit

Procedural and Courtroom Preferences
June 25, 2021

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://uj.s.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 M. Bridget Mayer
P.O. Box 1238
Pierre, SD 57501
(605) 773-5834 (Hughes County Clerk)
Bridget.mayer@uj.s.state.sd.us

Mona Weiger
P.O. Box 1238
Pierre, SD 57501
(605) 773-3971 (direct)
mona.weiger@uj.s.state.sd.us

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

3. **Court Reporter:**

- Mona Weiger is my court reporter. When she is not available, some proceedings may be recorded electronically. A court reporter will cover all jury trials.
- You must request in writing and pay for a transcript if you want one. Please direct all transcript requests to Mona.
- Mona does my scheduling as further detailed below.

4. **Scheduling:**

- I preside over Hughes County criminal cases and A & N matters.
- I preside over all matters in Lyman County and Juveniles in Tripp County;
- Routine matters should be scheduled on a regular court day with the clerk of court. If you are inquiring when a document will be signed by the Court, contact the clerk of court.
 - Routine criminal matters include initial appearances, arraignments, status hearings, and sentencings or dispositions. Routine civil matters include child support status hearings, uncontested probate and guardianship, default judgments, and temporary protection order advisory hearings. Any routine hearing may 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 Mona.
- Please be aware that if you schedule a lengthy hearing on a regular court day without notice and approval, I will likely continue it, even if witnesses have traveled long distances.
- 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.
- Mona will send out my standard scheduling order with deadlines on every case scheduled for trial or evidentiary hearing.
- If you need to leave early or arrive late because of *scheduling conflicts in other counties*, please let me know in advance.
- Telephonic, ITV or Zoom appearances must be approved in advance. Please direct the request to Mona.

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

- Emails to the Court may or may not be filed. If it is important to have that email in the record, please request the clerk to file it. I prefer you file motions and set it for hearing, in most matters, as no one likes to litigate cases via email communications.
- 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, then I will not know that 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 ask you for a Word version. PLEASE be cognizant for the amount of space you leave for me to enter my signature and date
- Contested or complex orders should be provided to me via email in Word, so I can revise and file. File proposed orders that you want in the record if refused or modified.
- 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 if 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.

- Please file all attachments to your documents in one scan rather than adding several separate scans. An index to the attachments would be helpful.
- Please do not blind cc your clients, as occasionally they try to email me directly.

7. **Motions and Briefs:**

- Motions, briefs, exhibits, and related documents should be e-filed in Odyssey. I like a courtesy email as well and briefs in WORD.
- I require pre-trial and pre-hearing briefs for most evidentiary issues, including suppression hearings.
- Briefs should always address the burden of proof and which party shoulders it. Briefs should include citation to the applicable statutes, rules, and controlling caselaw.
- 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.
- Pro hac vice counsel are expected to find and cite controlling and persuasive authority in this jurisdiction. I expect local counsel to be present at all hearings.
- 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 that you believe is relevant to your motion and why. I also prefer electronic or paper copies of lengthy documents prior to the proceeding.
- When emailing me, please include Mona, my court reporter at the above email address.

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 order a PSI, unless the state and defendant agree that none needs to be done or updated. 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 predraw the jury panel and provide counsel with the predraw list. Jurors will be called and replaced in the order of their predraw 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 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 (unless the spelling is common) and warn the witness against answering non-verbally or talking over you so the record is clear for the court reporter.
- If you object to a question or exhibit, state the legal objection/grounds. A more in-depth record may be created at the break.
- 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. Please 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 Mona or the clerk to call me out of chambers before court or on a recess so you can introduce yourself.

Thank you for serving our citizens with their legal needs. Thank you for your kindness, respect and patience with one another and the court.