

Judge Contact Information

1. Please enter your name and contact information.

Name: - Mark Salter

Email Address: -

Phone Number: - 605.367.5920

Attorney Contact

2. Generally, how do you prefer attorney contact?

U.S. Mail

3. How do you prefer to receive briefs?

Email

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?

Contact Court Administration and attorney may schedule with notice to other attorney

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?

Yes

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?

Attorneys can schedule a trial with court admin only after a pretrial conference to ensure discovery is completed or nearly completed.

12. Do you require pretrial conferences and what agenda do you have for pretrial conferences?

Yes

Determine the status of discovery; discuss anticipated issues that will require a pretrial or trial ruling.

13. Do you have a standard pretrial order?

Yes

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 use the strike-down method by assembling the correct number of necessary qualified jurors on one side of the courtroom gallery. Additional jurors on the other side. I work through questions about statutory qualifications, time commitments and basic bias issues before turning questioning over to the attorneys. Because I cannot hear the answers of the prospective jurors from the bench, I remain in the gallery section, sitting near the prospective jurors to rule on cause challenges. Those excused are replaced with additional jurors from the other side of the gallery. Only after both sides have passed for cause and executed their peremptory challenges do I call the jury to be empaneled in to the jury box.

16. Do you require a pretrial brief?

In court trials.

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

In instances where I write a decision, I designate it to be a memorandum decision and order. I indicate that the necessary findings of fact and conclusions of law are included within it, but I indicate in my order that counsel can propose additional or different findings and conclusions within 14 days.

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

Counsel must maintain high professional standards and act with civility and respect at all times. There is nothing less persuasive and counterproductive for an advocate than engaging internecine arguments with opposing counsel.

Criminal Scheduling and Practice

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

Criminal trials are set with court admin and are backed up with other trials. Counsel in cases involving experts, out of state witnesses or very serious allegations likely to take a long time for trial should contact me to set a priority jury trial.

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?

Yes

22. Do you have any standard sentences or sentencing policies of which attorneys should be aware?

Yes

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)

If a party is attempting to prove a fact to be considered at sentencing (e.g. a prosecutor seeking to demonstrate the existence of uncharged conduct), there must be evidence for the assertion. Argument of counsel is not evidence. Counsel should not be reluctant to call witnesses at sentencing in order to provide factual support for their arguments if it concerns a disputed matter.

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

As with civil trials, the attorneys must be professional and civil. Prosecutors should remain cognizant of their roles as ministers of justice and exercise their discretion responsibly. Defense lawyers litigating pretrial motions, particularly those raising constitutional issues, should thoroughly research their arguments and be prepared to answer questions about their positions at motions hearings.

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?

I am flexible for large volume sessions of court, but counsel are expected to meet their obligations of observing the customs of courtroom decorum while waiting for their case to be called. If a client is non-compliant with basic rules of decorum (i.e. disruptive, wearing a hat, etc), I expect counsel to proactively assist in restoring and preserving decorum, particularly if my attention is focused for the moment on another case.

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?

No Response

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?

Memorialize it in a stipulation, present it to the court with a proposed order.

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

Counsel must maintain high professional standards and act with civility and respect at all times. There is nothing less persuasive and counterproductive for an advocate than engaging internecine arguments with opposing counsel.

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

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?

Attorneys should use ELMO systems to publish exhibits and are expected to be proficient (or have proficient people with them) to use all methods of technology.