

Judge Contact Information

1. Please enter your name and contact information.

Name: - Tony L. Portra

Email Address: - Tony.Portra@uj.s.state.sd.us

Phone Number: - 605-626-2443

Attorney Contact

2. Generally, how do you prefer attorney contact?

Email

3. How do you prefer to receive briefs?

Email with hard copy also sent via U.S. Mail

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 with hard copy also sent via U.S. Mail

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 Administration 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 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?

No

10. Should stipulations between counsel on evidentiary issues and/or legal issues be submitted to you in writing?

No

11. What is the preferred method for scheduling a civil jury trial?

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

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

Yes

Discuss any remaining evidentiary issues, including motions in limine, and the status of settlement negotiations

13. Do you have a standard pretrial order?

No

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?

The attorneys conduct voir dire. The court only discusses employment and medical issues at the beginning.

16. Do you require a pretrial brief?

No

I find them helpful, but they are not required.

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?

I normally would like to meet with the attorneys prior to court to outline the issues and discuss whether any of them have or can be resolved.

Criminal Scheduling and Practice

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

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

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

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)

I will let the attorneys know up front if I will not accept a plea agreement. Defendants normally will get 30 days to report to jail. Defendants may make a payment schedule for fines and other costs with the Clerk of Court. I rarely deviate from a mandatory minimum sentence, and I take probation violations very seriously.

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

No Response

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?

Make sure all phones are in silent mode.

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?

No

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?

Provide me with a written stipulation and order.

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

I will meet with the attorneys before the hearing to see if any issues have or can be resolved so as to avoid unnecessary contentious testimony. I will normally meet with the children in chambers without the attorneys present as long as the children are old enough to do so. I have a therapy dog that I can use when I meet with children if I am given advance notice to have the dog present.

Courthouse

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

Separate tables for counsel - Yes - Brown, Spink, Faulk

Accessibility for attorneys, parties and witnesses who use wheelchairs - Yes - Brown and Spink

Podium - Yes - Brown

Microphone system - Yes - Brown, Spink, and Faulk

Photocopier - Yes - Brown, Spink, and Faulk

Free internet access or law library for visiting lawyers - Yes - Brown

Screen for video presentation - Yes - Brown

Computer or television for video presentations - Yes - Brown, Spink, and Faulk

35. Is there anything not previously addressed that you would like attorneys practicing in your court to know?

I have an open door policy.