

SUPREME COURT

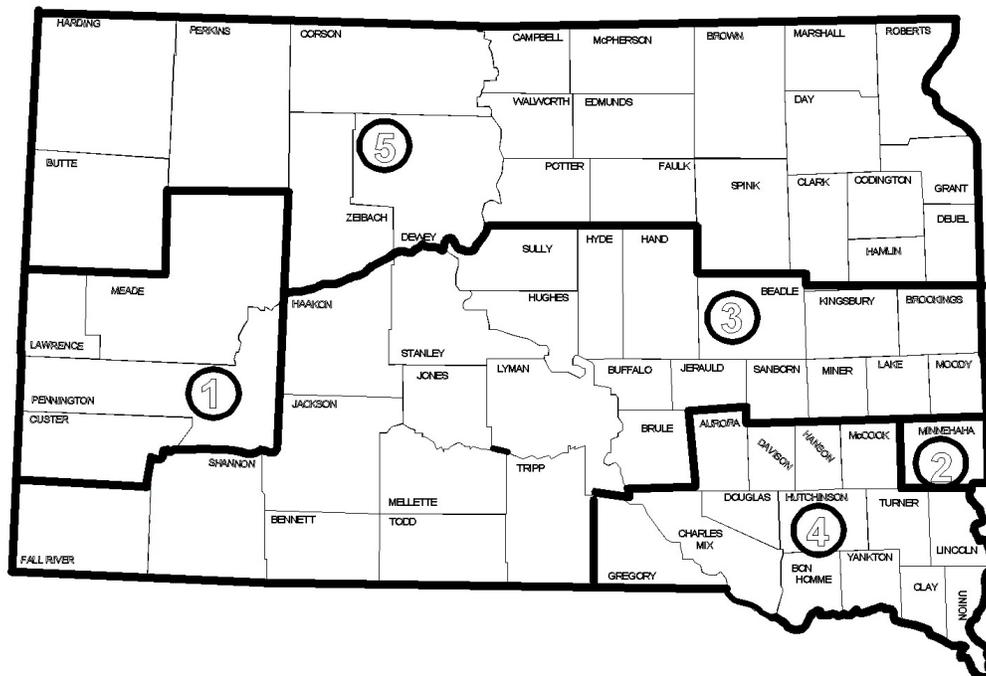
As the state's highest court and the court of last resort for state appellate actions, the chief justice and four justices comprising the South Dakota Supreme Court are the final judicial authority on all matters involving the legal and judicial system of South Dakota.

Chief Justice and Four Justices Duties and Responsibilities

- Original jurisdiction in cases involving interests of state
- Issues original and remedial writs
- Renders advisory opinions to Governor on issues involving executive power
- Appellate jurisdiction over circuit court decisions
- Rule-making power over court practice and procedure
- Administrative leadership for the legal and judicial system
- Controls admissions to and disciplines members of the State Bar

Under the terms of a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map 1 below).

Map 1. South Dakota Supreme Court Appointment Districts



STATE COURT ADMINISTRATOR'S OFFICE

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, the State Court Administrator is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts and is the liaison between the judicial branch and the other branches of state and local government. To ensure efficient and responsive operation, the State Court Administrator's Office provides centralized administrative assistance and support services to the entire Unified Judicial System. Detailed information about the seven divisions within the SCAO is available on our website at <http://ujis.sd.gov>.

- Assists in the formulation of fundamental policies, principles, and standards for court administration in South Dakota including initiating, researching, developing, implementing, and evaluating proposed policies, principles, and standards
- Facilitates cooperation, consultation, and exchange of information by and among the circuit courts, within the State Court Administrator's Office, the Supreme Court, and with national, state, local offices and organizations directly concerned with court administration, including tribal entities
- Fosters the use of the principles and techniques of modern management in the field of court and judicial administration
- Endeavors to improve administrative practice and procedure in, and to increase the efficiency and effectiveness of, all state courts in South Dakota

FINANCING THE JUDICIAL SYSTEM

The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts.

In addition to state funding, city and county governments are required by state law to pay for certain court-related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript and interpreter costs, and attorney fees for defense of the indigent. Counties are also required to provide operational facilities for the circuit court, magistrate court, clerk of court, and court services. Operational facilities include office space, courtrooms, jury rooms, and other space needed to support the court's operations. In addition, many counties maintain their own county law libraries, funded in part by a law library fee collected by the UJS on each civil filing made in circuit court.

CIRCUIT COURT

Circuit courts are the state's trial courts of general jurisdiction through which the bulk of criminal proceedings and civil litigation are processed. South Dakota has seven circuits (Map 2 on page 13), 41 circuit judges and 13 magistrate judges. Circuit judges are elected by the voters of the circuit where they serve. The judges must be voting residents of their circuit at the time they take office. In the event of a vacancy, the Governor appoints a replacement from a list of nominees selected by the Judicial Qualifications Commission.

7 Presiding Judges and 34 Circuit Court Judges in 7 Circuits (FY2010)

- Original jurisdiction in all civil and criminal actions
- Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts
- Appellate jurisdiction over magistrate court decisions

MAGISTRATE COURT

Magistrate courts assist the circuit courts in disposing of misdemeanor criminal cases and minor civil actions. These courts of limited jurisdiction make the judicial system more accessible to the public by providing a means of direct court contact for the average citizen. The jurisdiction of the magistrate court varies depending on whether a magistrate judge or a clerk (lay) magistrate presides. Clerk (lay) magistrates are not attorneys. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judge

12 full-time, 1 part-time in 7 circuits (FY2010)

- Committing magistrate for all courts
- Conducts:
- Preliminary hearings for all criminal prosecutions
 - Trials of criminal misdemeanor
 - Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000
 - Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000

Clerk Magistrate

Functions usually performed by clerks

- Concurrent jurisdiction with circuit courts to:
- Receive depositions
 - Issue warrants
 - Conduct certain preliminary hearings
 - Set bail
 - Appoint counsel
 - Accept pleas for Class 2 misdemeanors
 - Conduct hearings for petty offenses
 - Render judgments for uncontested small claims
 - Perform marriages