

STATE OF SOUTH DAKOTA
THIRD JUDICIAL CIRCUIT COURT
314 Sixth Avenue, Brookings, South Dakota 57006

TIM D. TUCKER
Presiding Judge
(605) 688-4202

ANTHONY W. BENNING
Administrator
(605) 688-4621

Counties
*Beadle, Brookings, Clark
Codington, Deuel, Grant
Hamlin, Hand, Jerauld
Kingsbury, Lake, Miner
Moody and Sanborn*

THIRD CIRCUIT POLICY – 04-10-P

Inclement Weather Closings

Under the existing Supreme Court and State Court Administrator policies, offices can only be closed by order of the Governor, the Supreme Court, county commissions or presiding judge of the circuit. It is apparent that some of the courthouses will not close no matter how inclement the weather. Other counties close at the discretion of the county commissioners.

Because of the disparate county policies, and because weather conditions vary with the location, the authority to determine the appropriateness of closing is hereby delegated to Judges Roehr and Timm in Codington and Grant County, Erickson for Beadle County, Tucker for Lake County, Stoltenburg for Deuel County. The circuit court administrator shall determine the appropriateness of closing for all other counties and if the designated judges are not available.

As a general policy, closing should not be authorized unless the county closes the courthouse. On occasion, however, it may be appropriate to close the clerks and court service offices despite the fact that the county refuses to close. The determination should be one of common sense and the decision to close should be made only if the immediate safety of employees is at stake.

If a magistrate judge is unable to reach a courthouse due to inclement weather, the circuit judge assigned to that county will be responsible for the calendar, either by presiding over the matters scheduled or rescheduling court.

Dated this 16 day of January, 2013.



Tim D. Tucker
Presiding Judge
Third Judicial Circuit

Adopted 11/00
Affirmed 2/04
Replaced 10-27-2009
Replaced 1- -2013