

**UNIFIED JUDICIAL SYSTEM
COURT STRUCTURE**

SOUTH DAKOTA JUDICIAL SYSTEM

Supreme Court

Chief Justice and Four Justices

- 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 lower court practice and procedure
- Administrative control over Unified Judicial System
- Controls admissions to and disciplines members of the State Bar

Circuit Court

7 Presiding Judges and 34 Circuit Court Judges in 7 Circuits (FY2009)

- 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

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

Magistrate Judge

12 full-time, 1 part-time in 7 circuits (FY2009)

- Conducts:
- Committing magistrate for all courts
 - 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

SOUTH DAKOTA JUDICIAL SYSTEM

The South Dakota Unified Judicial System, as shown on the previous page, is comprised of two levels of courts having interrelated jurisdictions. The Supreme Court, in addition to its own areas of original jurisdiction, provides administrative leadership for the legal and judicial system, and serves as the state's appellate court. The circuit courts are the lower courts of original jurisdiction through which the bulk of criminal proceedings and civil litigation is processed. The circuit courts employ magistrate judges to assist in processing misdemeanor cases and less serious civil actions.

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.

In considering state issues and in making decisions about cases, the Court generally follows precedent -- that is, their own previous decisions, with some allowance for progressive change. They are further constrained by state and federal constitutions, state laws, and federal court decisions.

The court's judgment to affirm or reverse a lower court decision is based on a majority vote of the five justices. The responsibility for writing the majority opinion is assigned by lot, although each justice has an unrestricted right to prepare a dissenting or concurring opinion to accompany the majority opinion. The opinions are published on the UJS website at www.sdjudicial.com and in the Northwest Reporter.

The Supreme Court term extends the full calendar year. Sessions of Court are usually held in the Supreme Court Courtroom in the State Capitol, although special sessions may be held elsewhere in the state to allow South Dakota citizens to observe the Court at work. You may listen to "live" or archived oral arguments at www.sdjudicial.com.

Appointment and Membership

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 on page 3).

- Controlling admissions to and disciplining members of the State Bar. The discharge of these duties allows the Court to maintain control over the professional conduct of the attorneys who practice law in the state.
- Establishing a code of conduct which defines appropriate behavioral criteria for members of the legal community.
- Promulgating, reviewing, maintaining and publishing Supreme Court rules necessary to ensure the efficient and speedy administration of justice. Supreme Court rules become part of state law.
- Establishing administrative rules and regulations governing Unified Judicial System personnel.
- Appointing such personnel as may be appropriate to serve the needs of the state judiciary.

The Court's administrative responsibility is exercised through the power of the chief justice. SDCL 16-2-20 grants the chief justice extensive authority to take any action necessary to ensure the efficiency of the judicial process. The Court is assisted in this role by the state court administrator and staff, and by the presiding judges.