

JUDICIAL QUALIFICATIONS COMMISSION

The Judicial Qualifications Commission was created by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the Judicial Conference; three attorneys, appointed by the President of the State Bar; and two lay persons, appointed by the Governor. The four-year terms of the members are staggered to promote administrative continuity.

- Φ Receives and investigates complaints against justices or judges
- Φ Conducts confidential hearings to determine whether complaints are justified
- Φ Recommends to the Supreme Court censure, removal or retirement of a judge
- Φ Reviews applicants for vacancies on the Supreme Court or circuit court bench
- Φ Nominates two or more of the most qualified applicants to the Governor

Chart 2. JQC Complaints Received

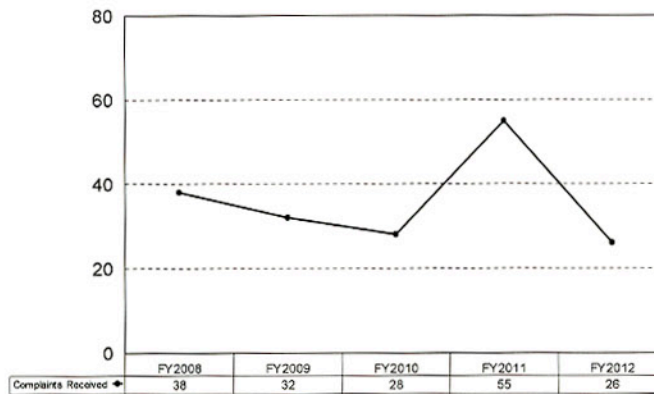


Chart 3. JQC Investigations of Applicants

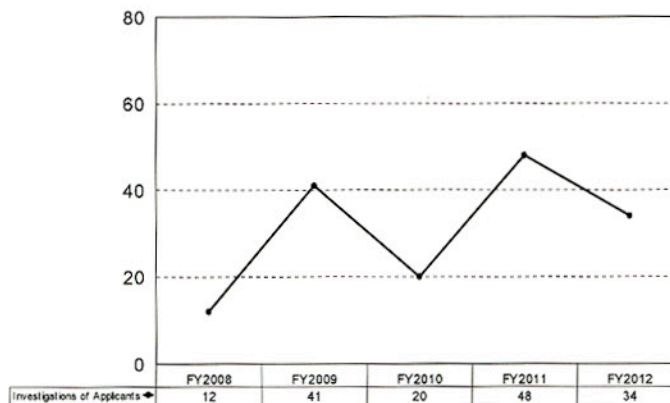


Table 3.
Judicial Qualifications Commission
Complaints Received and Dispositions

	FY2008	FY2009	FY2010	FY2011	FY2012
Oral Complaints/Inquiries (No action by JQC)	4	5	6	4	0
Written Complaints Received *	34	27	22	49	28
Complaints Disposed of **	32	32	20	55	26
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	6	4	6	20	1
Divorce/Child Custody/Child Support Issues	10	11	3	4	1
Protection Order Cases	0	0	1	0	3
Civil Trial Issues (Includes Decisions)	6	6	5	14	1
Criminal Trial Issues (Includes Sentencing)	6	2	3	2	8
Personal Conduct	1	0	1	3	1
Small Claims	5	3	3	4	1
Guardianship/Conservatorship	0	0	0	0	0
Unknown	0	1	0	2	1
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	3	2	4	7	4
On Bench Abuse of Authority	0	0	1	12	5
Lack of Demeanor/Decorum	7	4	1	5	3
Bias/Appearance of Bias	8	5	10	6	10
Unhappy with Result	16	16	6	19	3
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative)	6	5	7	7	9
b. Lack of Jurisdiction***	13	2	10	37	4
c. Resigned Due to JQC Investigation	0	0	0	2	0
d. Unsubstantiated	8	6	0	1	2
e. No Violation Found	5	16	0	2	8
2. Private Reprimand	0	3	3	1	0
3. Deferred Disciplinary Agreement	0	0	0	0	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	1	0
JQC Applicants					
Judicial Vacancies	1	4	1	3	3
Applicant Interviews	12	40	17	48	34
Investigation of Applicants	12	41	18	48	34

*Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

**Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

***JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.