

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 judicial circuits (map on following page), 41 circuit judges and 13 magistrate judges. Circuit court judges are elected by the voters within 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 (FY2013)

- * 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 have limited jurisdiction but 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 magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judge

13 full-time in 7 circuits (FY2013)

- * 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

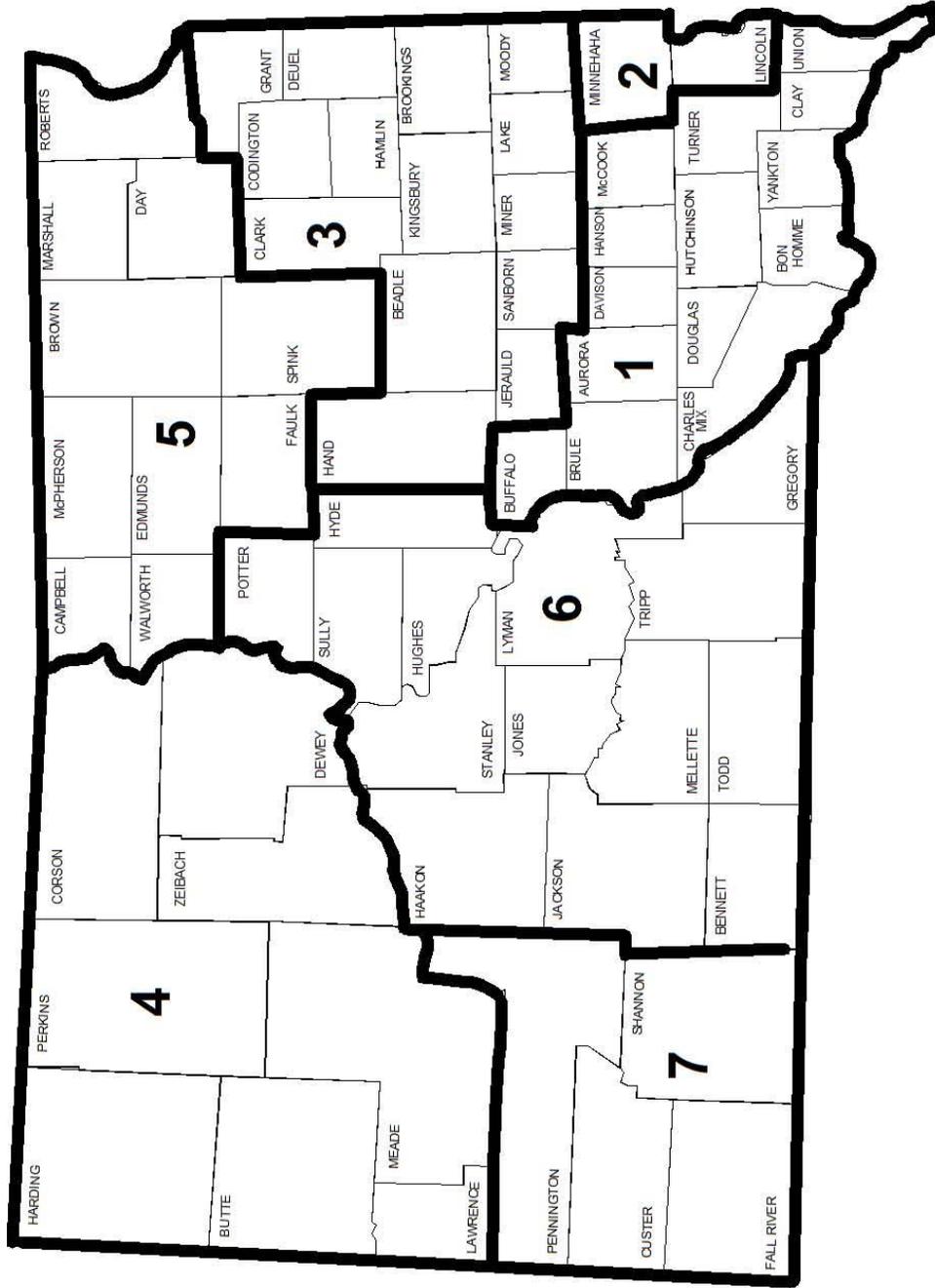
Clerk Magistrate

Functions usually performed by clerks

Concurrent jurisdiction with magistrate 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

South Dakota Unified Judicial System



**Table 4. South Dakota Unified Judicial System
Statewide Summary
Five-Year Caseload Filings**

	FY2009 Filings	FY2010 Filings	FY2011 Filings	FY2012 Filings ¹	FY2013 Filings
Class 2 Misdemeanor Non-Contested	104,008	95,533	84,610	90,606	90,683
Class 2 Misdemeanor Contested	30,609	29,432	28,243	26,988	20,778
Class 1 Misdemeanor Filings	21,896	20,141	19,929	21,690	22,720
Felony & Extradited Filings	5,745	6,126	6,456	7,225	6,856
TOTAL CRIMINAL	162,258	151,232	139,238	146,509	141,037
Divorce/Annulment/Separation	4,567	4,548	4,575	4,153	4,591
Protection Order Filings	4,523	4,578	4,460	4,649	4,399
Modification Proceedings/UIFSA Filings	7,572	6,876	6,994	6,058	7,017
Juvenile Dependency & Neglect Filings	1,034	1,045	1,032	858	698
Juvenile Delinquency Filings	9,493	8,921	8,159	7,265	6,442
Adoptions/Guardianships/Trusts Filings	1,551	1,452	1,622	1,392	1,268
Probate (Informal) Filings	2,050	2,044	2,255	2,324	2,239
Probate (Formal) Filings	330	355	312	376	255
Mental Illness/Drug & Alcohol Commitments	4,330	4,000	4,246	3,918	3,902
Civil Filings	18,556	17,009	16,999	16,523	15,603
Small Claims Filings	32,274	33,567	31,971	28,594	26,553
Administrative Appeals Filings	400	422	450	369	394
TOTAL CIVIL FILINGS	86,680	84,817	83,075	76,479	73,361
TOTAL CRIMINAL & CIVIL FILINGS	248,938	236,049	222,313	222,988	214,398
MISCELLANEOUS ACTIVITIES					
Supreme Court Appeals	309	294	322	267	261
Child Support Receipts	4,290	3,176	2,547	1,790	811
Record Searches & Money Judgment Searches ²	123,581	121,494	147,225	142,853	178,953
Search Warrants	730	706	969	1,053	1,367
Record Merges	27,190	18,393	12,685	7,455	6,882
Passports	1,389	1,124	1,165	843	871
Weddings	894	884	879	707	906

¹ Effective FY2012, statewide workload filings reflect information from both the new Odyssey Case Management System where available and the existing legacy systems.

² Criteria changed in FY2009 for tracking record searches.

* Projected Population Inc(Dec) for State of South Dakota from 2010 to 2020 is (8.4%).

* Source: South Dakota Data Center. Preliminary population projections for South Dakota.