

## 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 14 full-time magistrate judges and 1 part-time magistrate judge. 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 (FY2015)*

- \* 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**

*14 full-time and 1 part-time in 7 circuits (FY2015)*

- \* 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



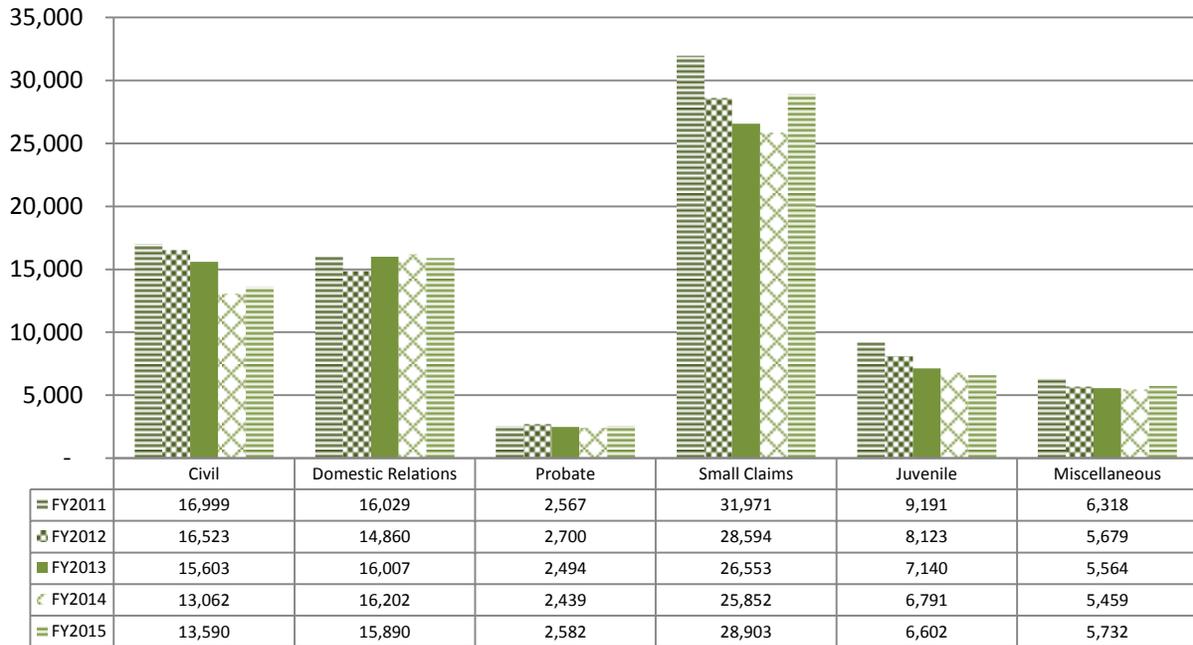
**Table 4. South Dakota Unified Judicial System  
Statewide Workload  
Five-Year Caseload Filings**

	FY2011 Filings	FY2012 Filings	FY2013 Filings	FY2014 Filings <sup>2</sup>	FY2015 Filings
Class 2 Misdemeanor Non-Contested <sup>1</sup>	84,788	88,336	83,889	79,972	88,747
Class 2 Misdemeanor Contested <sup>1</sup>	28,243	26,988	20,779	25,241	23,576
Class 1 Misdemeanor Filings	20,196	21,173	20,645	20,518	20,979
Felony & Extradited Filings	7,702	8,234	9,023	9,413	10,392
<b>TOTAL CRIMINAL</b>	<b>140,929</b>	<b>144,731</b>	<b>134,336</b>	<b>135,144</b>	<b>143,694</b>
Divorce/Annulment/Separation	4,575	4,153	4,591	4,646	4,479
Protection Order Filings	4,460	4,649	4,399	3,995	4,352
Modification Proceedings/UJFSA Filings	6,994	6,058	7,017	7,561	7,059
Juvenile Dependency & Neglect Filings	1,032	858	698	600	608
Juvenile Delinquency Filings	8,159	7,265	6,442	6,191	5,733
Adoptions/Guardianships/Trusts Filings	1,622	1,392	1,268	960	869
Probate (Informal) Filings	2,255	2,324	2,239	2,183	2,321
Probate (Formal) Filings	312	376	255	256	261
Mental Illness/Drug & Alcohol Commitments	4,246	3,918	3,902	4,297	4,730
Civil Filings	16,999	16,523	15,603	13,062	13,590
Small Claims Filings	31,971	28,594	26,553	25,852	28,903
Search Warrants	1,045	1,131	1,367	2,065	3,055
Administrative Appeals & Expungements	450	369	394	202	133
<b>TOTAL CIVIL FILINGS</b>	<b>84,120</b>	<b>77,610</b>	<b>74,728</b>	<b>71,870</b>	<b>76,093</b>
<b>TOTAL CRIMINAL &amp; CIVIL FILINGS</b>	<b>225,049</b>	<b>222,341</b>	<b>209,064</b>	<b>207,014</b>	<b>219,787</b>
<b>MISCELLANEOUS ACTIVITIES</b>					
Supreme Court Appeals	322	267	261	279	273
Record Searches & Money Judgment Searches	147,225	142,853	178,953	189,172	201,333
Passports	1,165	843	871	829	962
Weddings	879	707	906	765	787

## Civil Caseload

The following chart compares various types of civil (non-criminal) and juvenile caseload filings for the past five fiscal years.

**Chart 6. Civil Caseload Comparison**

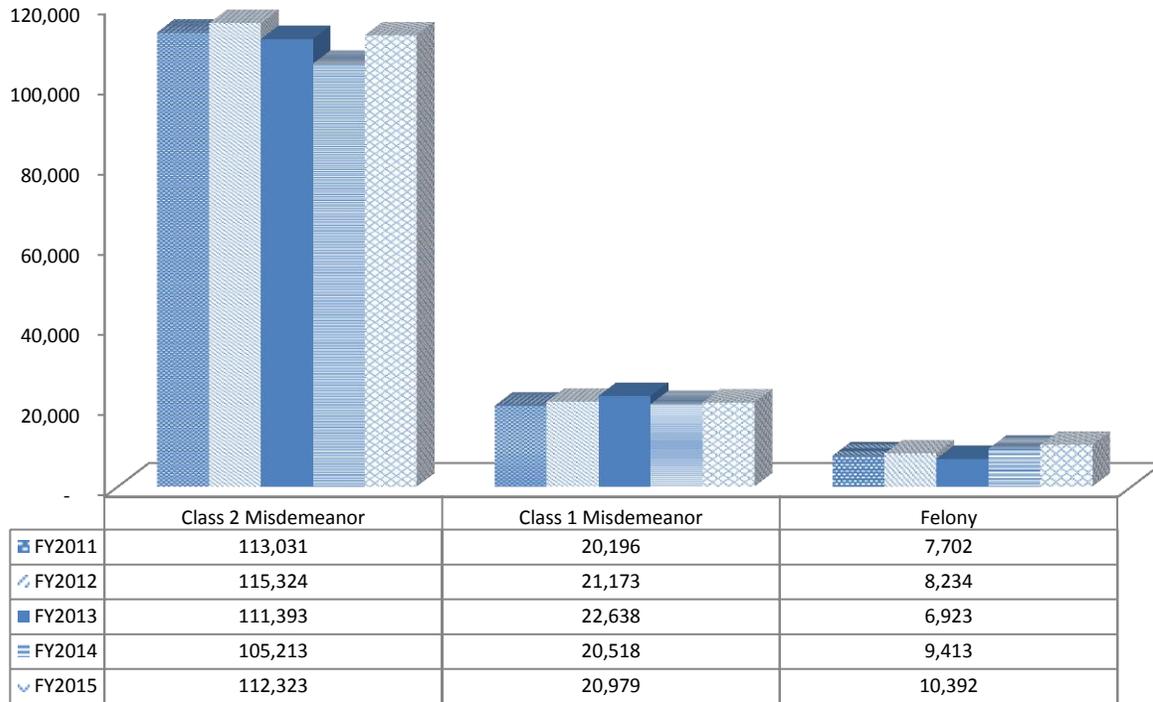


## Criminal Caseload

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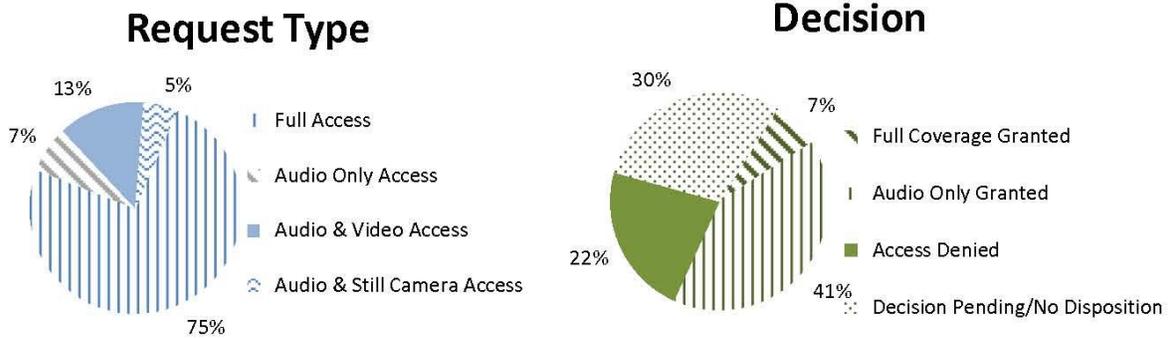
The following chart below compares criminal case filings for the past five fiscal years.

**Chart 7. Criminal Caseload Comparison**



**Table 5. Expanded Media Coverage Summary Statewide  
South Dakota Unified Judicial System  
FY2011 through FY2015 Combined**

CIRCUIT	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	TOTALS
<b># of Requests Received</b>	<b>17</b>	<b>55</b>	<b>14</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>5</b>	<b>98</b>
<b>Request Type:</b>								
Full Access	9	48	7	1	3	0	5	73
Audio Only Access	1	0	6	0	0	0	0	7
Audio & Video Access	4	7	0	0	0	2	0	13
Audio & Still Camera Access	3	0	1	0	1	0	0	5
<b>Decision:</b>								
Full Coverage Granted	0	5	2	0	0	0	0	7
Audio Only Granted	8	27	2	0	1	2	0	40
Access Denied	5	9	1	1	1	0	5	22
Decision Pending/No Disposition	4	14	9	0	2	0	0	29



The Supreme Court of South Dakota adopted court rules effective July 1, 2011, that allowed for the expanded media coverage of the trial courts in South Dakota. Under these rules expanded media coverage, consisting of audio, still photo or video coverage, is allowable when parties and the court all agree that such coverage should be permitted. In addition, audio only coverage of a proceeding is allowed when the court determines that such audio coverage is appropriate, even though all parties have not consented to expanded media coverage. Under either option certain proceedings are not subject to expanded media coverage, such as juvenile hearings and portions of other proceedings closed by state law. The judge also retains the power to terminate coverage if such action is determined appropriate. The Supreme Court has permitted expanded media coverage of its proceedings since 2001. Information above is a summary of the requests in the trial courts since 2011.