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) **NOTICE OF RULES HEARING**
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) **NO. 159**
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NOTICE IS HEREBY GIVEN THAT ON November 9, 2026, at

10:00 A.M., C.T., at the Courtroom of the Supreme Court in the Capitol Building,
Pierre, South Dakota, the Court will consider the following:

Section 1. That §16-5-1.2 be amended as follows:

(1) First Circuit: Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Davison, Douglas, Hanson, Hutchinson, McCook, Turner, Union, and Yankton Counties;

(2) Second Circuit: Lincoln and Minnehaha Counties:

(3) Third Circuit: Beadle, Brookings, Clark, Codington, Deuel, Grant, Hamlin, Hand, Jerauld, Kingsbury, Lake, Miner, Moody, and Sanborn Counties;

(4) Fourth Circuit: Butte, Corson, Custer, Dewey, Fall River, Harding, Lawrence, Meade, Oglala Lakota, Pennington, Perkins, and Ziebach Counties;

(5) Fifth Circuit: Brown, Campbell, Day, Edmunds, Faulk, Marshall, McPherson, Roberts, Spink, and Walworth Counties; and

(6) Sixth Circuit: Bennett, Gregory, Haakon, Hughes, Hyde, Jackson, Jones, Lyman, Mellette, Potter, Stanley, Sully, Todd, and Tripp Counties. ~~and~~

~~(7) Seventh Circuit: Custer, Fall River, Oglala Lakota, and Pennington Counties.~~

Section 2. That § 16-6-1 be amended as follows:

The number of circuit judges of each of the judicial circuits established by § 16-5-1.2 is as follows:

- (1) First Circuit: Six circuit judges;
- (2) Second Circuit: Fourteen circuit judges;
- (3) Third Circuit: Six circuit judges;
- (4) Fourth Circuit: ~~Four~~ Twelve circuit judges;
- (5) Fifth Circuit: Four circuit judges; and
- (6) Sixth Circuit: Four circuit judges;
- ~~(7) Seventh Circuit: Eight circuit judges.~~

Section 3. That § 16-12B-1.1 be amended as follows:

The number of magistrate judges in the judicial circuits established by § 16-5-1.2 is fixed as follows:

- (1) First Circuit: Two full-time magistrate judges;
- (2) Second Circuit: Five full-time magistrate judges;
- (3) Third Circuit: Two full-time magistrate judges;
- (4) Fourth Circuit: ~~Two~~ Six full-time magistrate judges;
- (5) Fifth Circuit: One full-time magistrate judge; and
- (6) Sixth Circuit: One full-time magistrate judge; ~~and~~
- ~~(7) Seventh Circuit: Four full-time magistrate judges.~~

Explanation for Proposal

The proposal by the State Court Administrator's Office would combine the current Fourth and Seventh Circuits into a newly constituted Fourth Circuit. The proposal is not based on any other state or federal law.

The proposed effective date of this rule is January 1, 2027.

I. Background and Rationale

Currently, the UJS is divided into seven judicial circuits as the administrative organization of the circuit courts. The Fourth Judicial Circuit consists of Butte, Corson, Dewey, Harding, Lawrence, Meade, Perkins and Ziebach counties. The Seventh Judicial Circuit consists of Custer, Fall River, Oglala Lakota and Pennington counties. The proposed rule merges the counties into a new Fourth Judicial Circuit and reduces the numbers of judicial circuits from seven to six statewide. If adopted, the proposed revisions to the composition of the circuits would be the first since 1999.

Under the proposed rule all the current circuit and magistrate judges would be assigned to the new Fourth Judicial Circuit. After the merger, the location of the

current judicial positions will remain the same and each judge will retain their current office location.

The proposal is designed to strengthen the Unified Judicial System's ability to manage increasing caseloads, shifting population trends, and the evolving administrative needs of both rural and urban communities. It aims to position the courts for long-term stability and responsiveness. To that end, the proposal:

- Establishes a single administrative structure for managing circuit operations across the new twelve-county circuit, including clerk of courts offices and probation services.
- Creates efficiency and money savings by allowing the UJS to immediately repurpose three needed positions within our court system that would otherwise require a legislative budget request of more than \$300,000.
- By creating more standardization of court processes within our system, it is anticipated that there will be additional long-term opportunities to avoid future costs by re-distributing work from busier locations to less busy locations.
- Provides greater flexibility and expanded resources to assign judges where they are most needed across the new circuit.
- Allows work to be distributed more efficiently across a large and diverse geographic area.
- Responds proactively to population changes and movement within the affected counties.
- Allows the UJS to repurpose a duplicative administrative position to create a Chief Clerk of Courts position to streamline clerk operations and support workload distribution across the circuit.

While current operations function well, the demographic, geographic, and caseload trends within western South Dakota are shifting. The proposal is intended to anticipate future needs, not react after strain is already felt. Proactive restructuring helps avoid future disruptions and preserves long-term service quality.

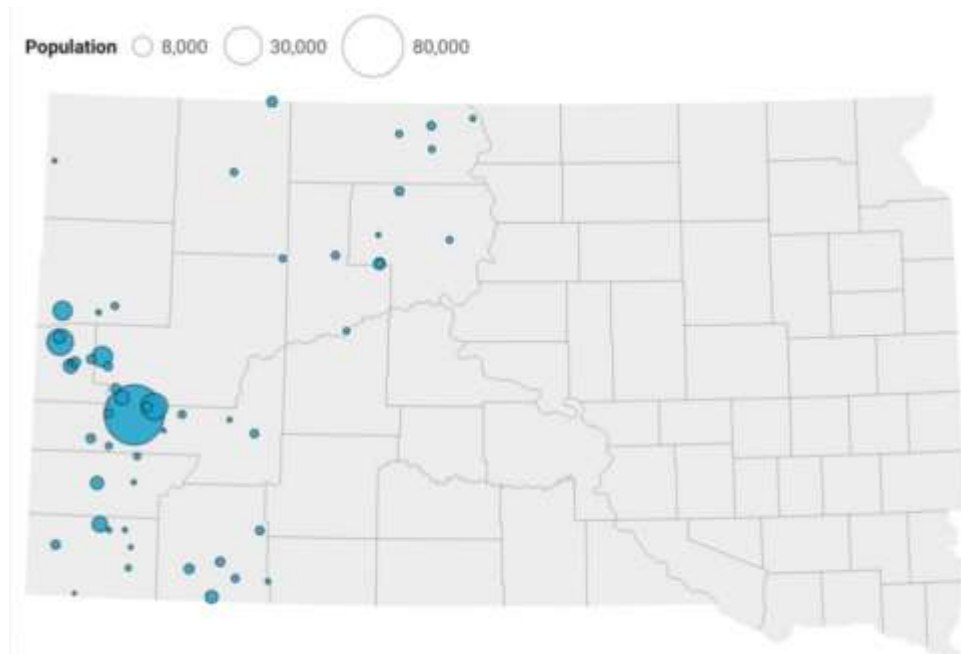
Key considerations identified for circuit boundaries:

- Changing demographics and population patterns
- Court caseload and trial activity
- Connected communities and trade areas
- Use and distribution of judges, clerks, court services staff, and other positions

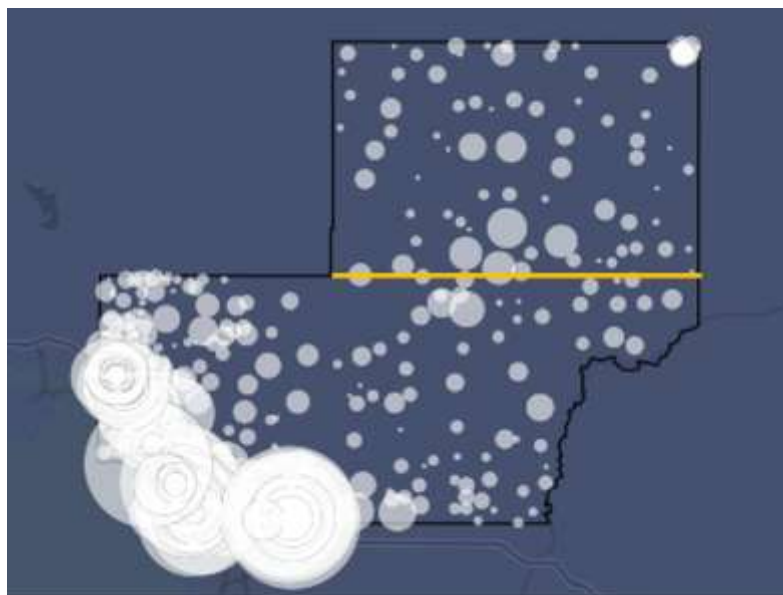
II. Population Distribution, Legal Services, and Filings

A. Population Distribution

Population in western South Dakota is concentrated primarily in the Rapid City area and extends through the northern Black Hills, with smaller population centers dispersed throughout the surrounding rural communities.

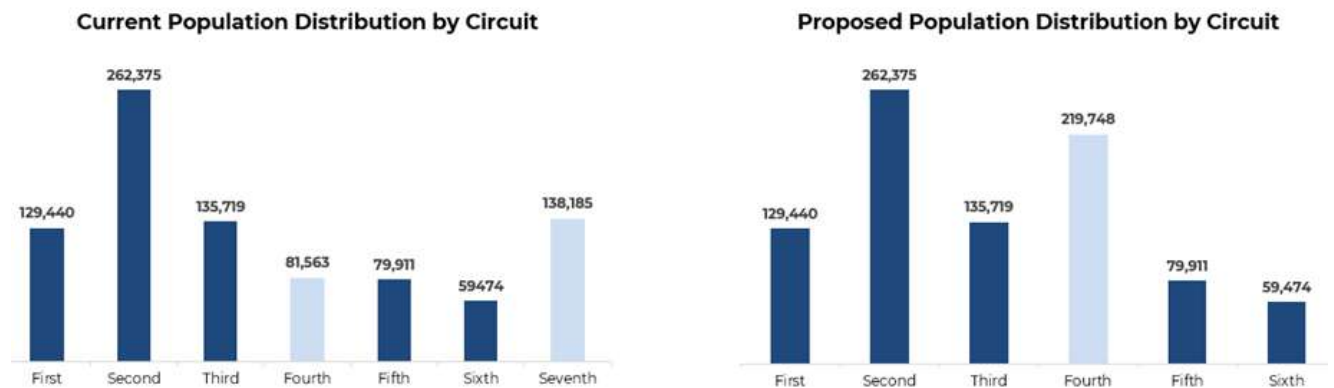


2020 Census block data show that approximately 96 percent of Meade County's population is concentrated south of the 44.60° N latitude line, shown in orange.



Circle size represents the population of each Census block.

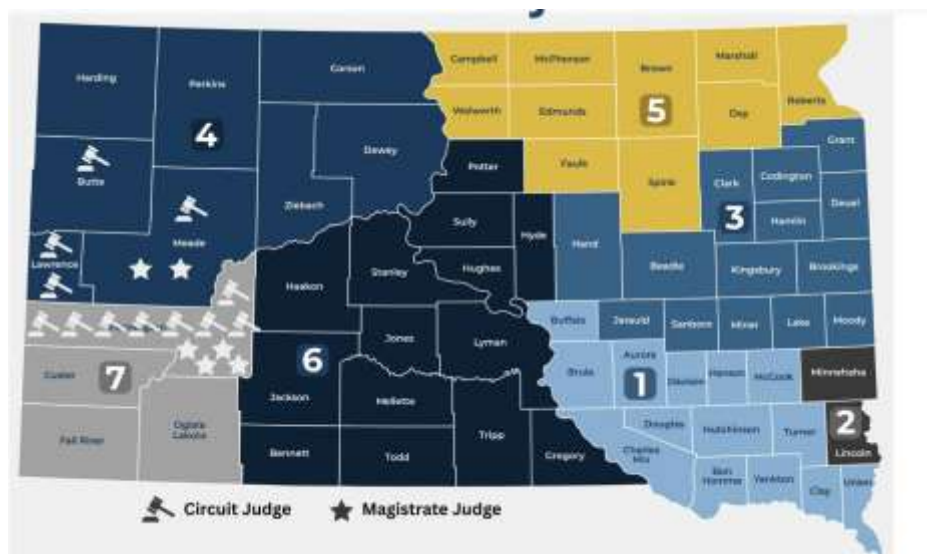
The Fourth and Seventh Circuits currently serve populations of 81,563 and 138,185, respectively. Under the proposed consolidation, the combined Fourth Circuit would serve 219,748 people. While this would make it one of the state's larger circuits by population, it would remain smaller than the Second Circuit, which serves 262,375 people.



B. Legal Services

Judicial Officers

The Fourth and the Seventh Circuits constitute the entirety of western South Dakota. Judge locations are primarily in and around the Black Hills and Rapid City area, with additional judicial resources available in the more rural part of the Fourth Circuit.

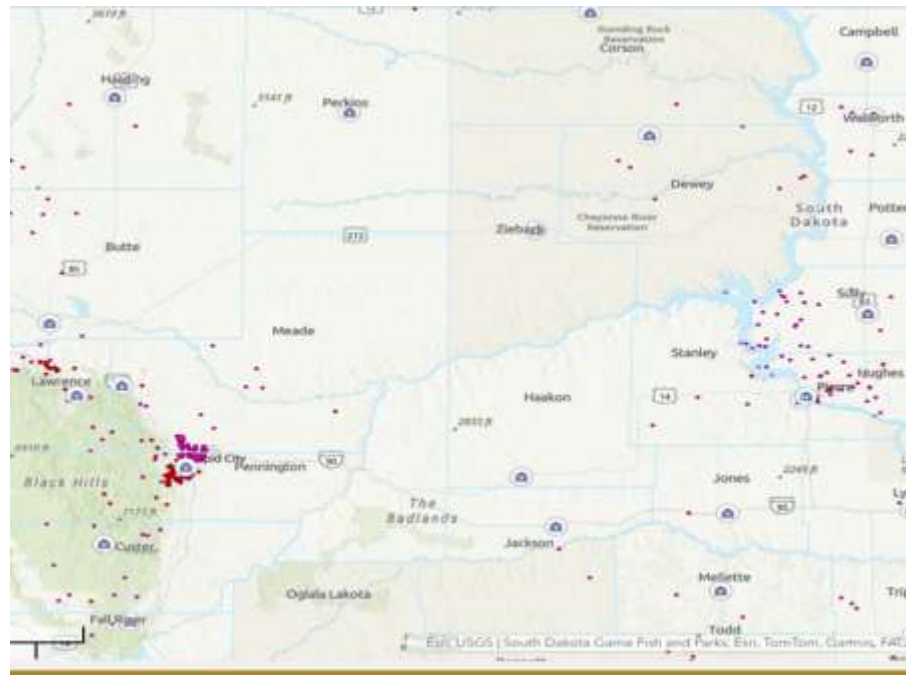


Each circuit judge is represented by the image of a gavel. Magistrate judges are represented by stars.

Active Attorneys

Active attorneys are clustered in and around Rapid City and the northern Black Hills, with substantially fewer attorneys dispersed throughout the more rural portions of the

Fourth and Seventh Judicial Circuits. As shown below, each dot represents one active attorney.

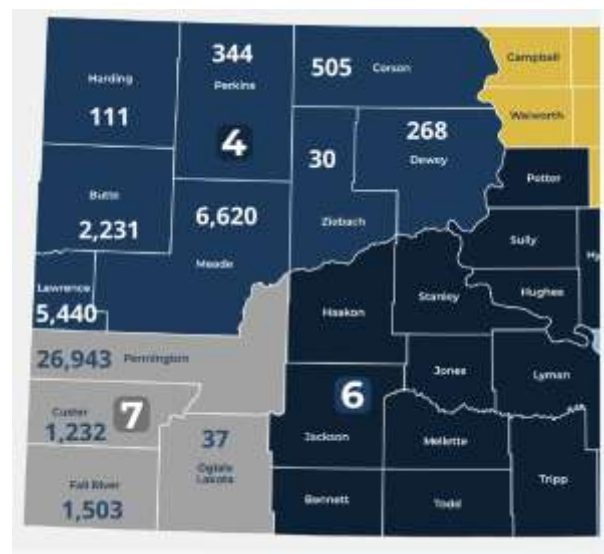


Each dot represents one active attorney.

C. Filings

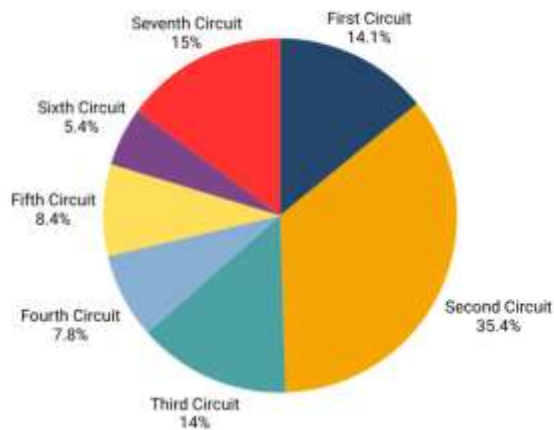
Current Filings by County

County filing data reflects a similar distribution of court activity, with a greater number of filings occurring in communities with the greater populations. Last year, Pennington County accounted for 26,943 filings, followed by Meade County with 6,620, Lawrence County with 5,440, and Butte County with 2,231 filings.



Current Filings by Circuit

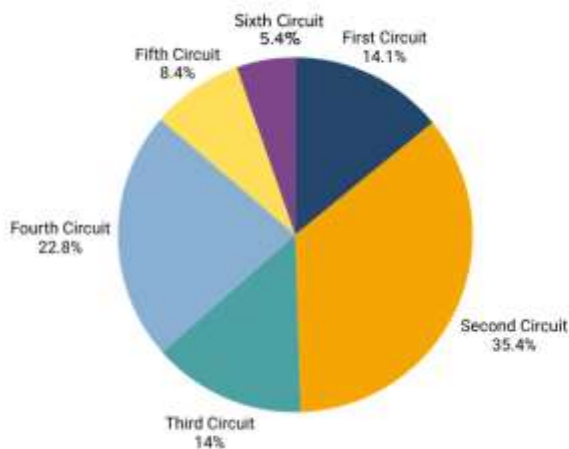
The Fourth Circuit currently accounts for 15,549 filings, or 7.8 percent of statewide filings, while the Seventh Circuit accounts for 29,715 filings, or 15 percent.



	Civil	Criminal	Total
First Circuit	8,096	19,917	28,013
Second Circuit	22,551	47,808	70,359
Third Circuit	8,575	19,190	27,765
Fourth Circuit	4,364	11,185	15,549
Fifth Circuit	4,339	12,291	16,630
Sixth Circuit	2,593	8,054	10,647
Seventh Circuit	8,683	21,032	29,715
Totals	59,201	139,477	198,678

Proposed Merger Filings by Circuit

Under the proposed consolidation, the combined Fourth Circuit would account for 45,264 filings, or 22.8 percent of statewide filings. Although this would make the Fourth Circuit the second-largest circuit by filing volume, its total filings would remain substantially below the Second Circuit, which accounts for 70,359 filings, or 35.4 percent of the statewide total.



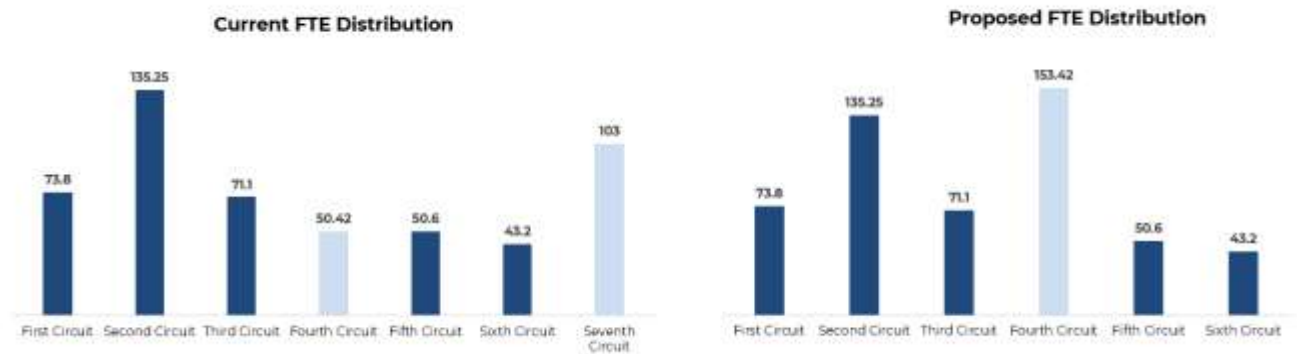
	Civil	Criminal	Total
First Circuit	8,096	19,917	28,013
Second Circuit	22,551	47,808	70,359
Third Circuit	8,575	19,190	27,765
Proposed Fourth Circuit	13,047	32,217	45,264
Fifth Circuit	4,339	12,291	16,630
Sixth Circuit	2,593	8,054	10,647

The new Fourth Judicial Circuit would become South Dakota's largest by geography; however, it will only be the second largest by filings and population. With that size comes the opportunity to modernize and streamline operations while preserving local accessibility and judicial presence.

III. Judicial Workload and Resource Distribution

A. FTE Distribution

The Fourth and Seventh Circuits currently have 50.42 and 103 FTE, respectively. Under the proposed consolidation, the combined Fourth Circuit would have 153.42 FTE, making it the largest circuit by FTE allocation, followed by the Second Circuit with 135.25 FTE.



B. Judge Distribution

The Fourth and Seventh Circuits currently have a combined 12 circuit judges and six magistrate judges. The proposed consolidation would not change the number of judges, but would place them within a single circuit, representing 29 percent of the state's judges. This distribution would be comparable to the Second Circuit, which has 14 circuit judges and five magistrate judges and represents 30 percent of the state's judges.

Current Distribution				Proposal			
	Circuit Judges	Magistrate Judges	Percent of Judges		Circuit Judges	Magistrate Judges	Percent of Judges
First Circuit	6	2	13%	First Circuit	6	2	13%
Second Circuit	14	5	30%	Second Circuit	14	5	30%
Third Circuit	6	2	13%	Third Circuit	6	2	13%
Fourth Circuit	4	2	10%	Fourth Circuit	12	6	29%
Fifth Circuit	4	1	8%	Fifth Circuit	4	1	8%
Sixth Circuit	4	1	8%	Sixth Circuit	4	1	8%
Seventh Circuit	8	4	19%	Totals	46	17	63
Totals	46	17	63				

C. Clerks FTE Distribution

Clerk staffing needs vary across counties within both circuits. Pennington County has the largest staffing deficit at 3.0 FTE, while several smaller counties show available capacity. Consolidation would provide greater opportunities to share clerk resources and redistribute work across the combined circuit in response to these differences.

County	FTE Allocated	FTE Surplus/Deficit
Butte (Fourth Circuit)	2.3	-.25
Corson (Fourth Circuit)	.62	+.08
Dewey (Fourth Circuit)	.58	+.29
Harding (Fourth Circuit)	.87	+.64
Lawrence (Fourth Circuit)	6.0	-.60
Meade (Fourth Circuit)	5.83	-.67
Perkins (Fourth Circuit)	.88	+.36
Ziebach (Fourth Circuit)	.50	+.34
Custer (Seventh Circuit)	2.0	+.58
Fall River/Oglala Lakota (Seventh Circuit)	3.0	+1.09
Pennington (Seventh Circuit)	27.0	-3.0

D. Probation Officer FTE Distribution

The Fourth Circuit is allocated 11.0 probation FTE and has a workload surplus of 2.73 FTE. The Seventh Circuit is allocated 27.0 probation FTE and has a workload surplus of 6.18 FTE.

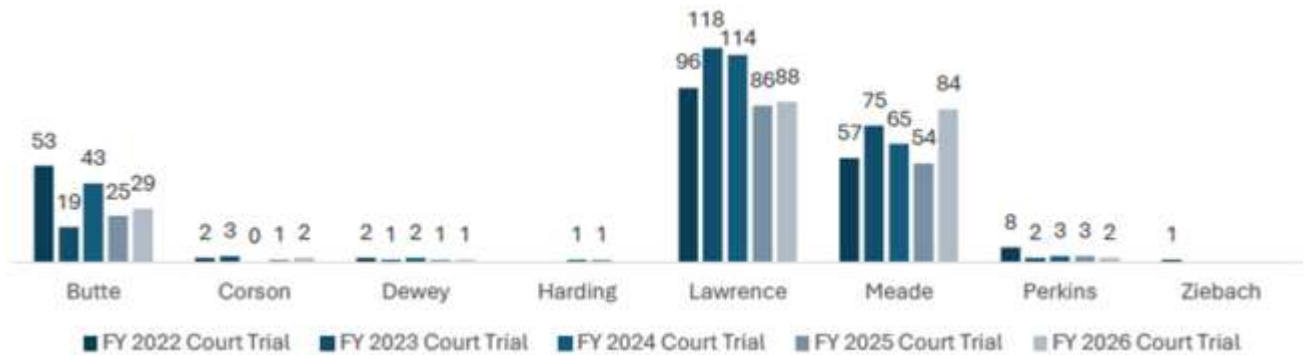
Circuit	FY25 Allocated FTE	FY25 FTE Surplus/Deficit
Fourth Circuit	11.0 FTE	+2.73
Seventh Circuit	27.0 FTE	+6.18

IV. Case Activity and Supervision

A. Trials

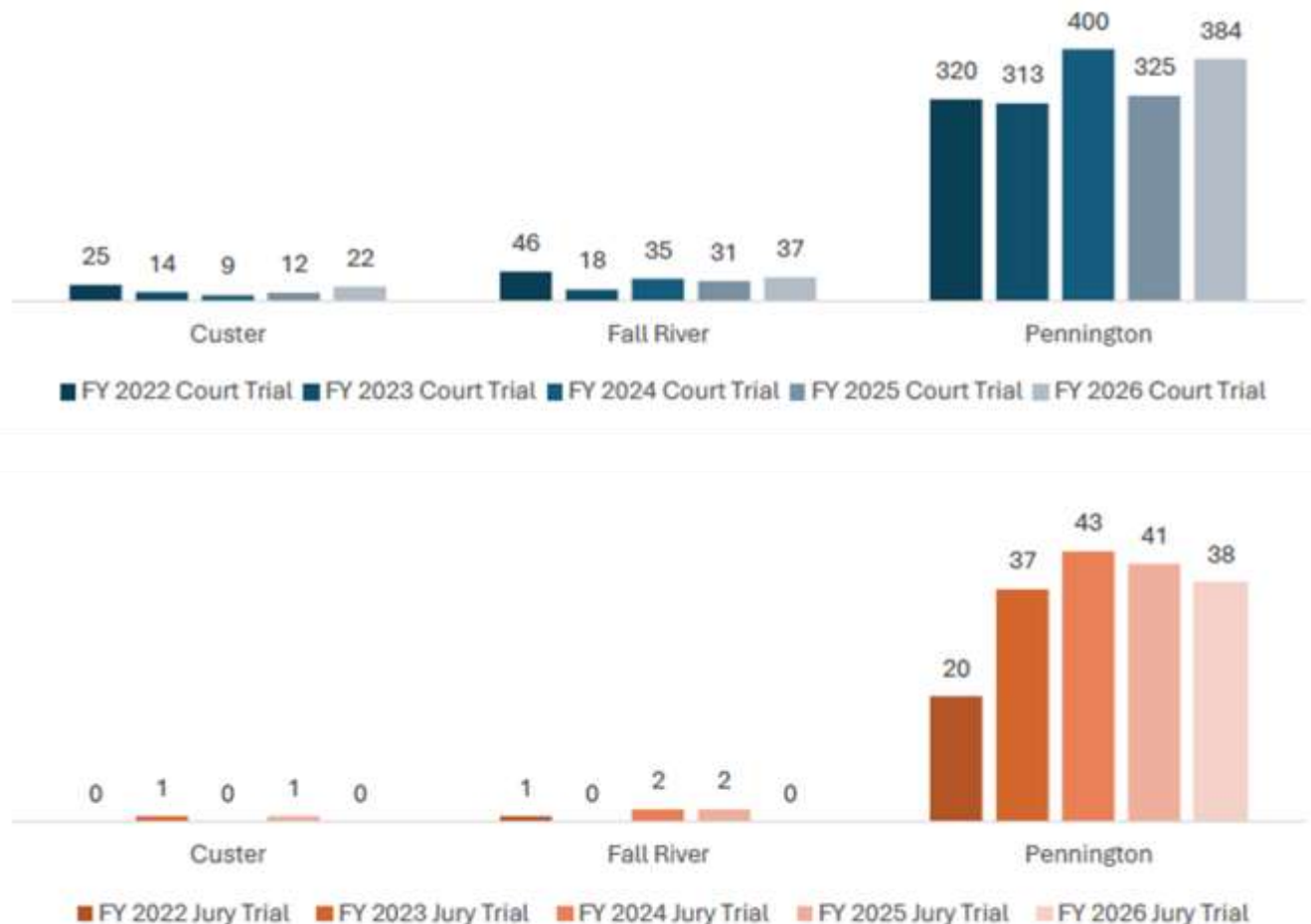
Fourth Circuit Trials

Trial activity in the Fourth Circuit is centered primarily in Lawrence and Meade counties, which consistently account for the largest number of court and jury trials. Butte County also has regular trial activity, while the remaining counties generally have substantially fewer trials. Across the five fiscal years shown, Lawrence County had the highest level of both court and jury trial activity.



Seventh Circuit Trials

Trial activity in the Seventh Circuit is driven largely by Pennington County, which consistently accounts for most of both court and jury trials. Custer and Fall River counties have comparatively lower levels of trial activity across the five fiscal years shown.



B. Supervision

On June 1, 2026, the Fourth Circuit supervised 474 adults on probation. Lawrence County accounts for the largest share, with 199 individuals under supervision, followed by Meade County with 147 and Butte County with 96.

Fourth Circuit	Adults Currently Being Supervised
Butte County	96
Corson County	11
Dewey County	11
Harding County	1
Lawrence County	199
Meade County	147
Perkins County	5
Ziebach County	4
Fourth Circuit Total	474

During that same time the Seventh Circuit supervised 1,040 adults on probation, with the substantial majority located in Pennington County. Pennington County accounts for 996 individuals under supervision, compared with 16 in Custer County and 4 in Oglala Lakota County.

Seventh Circuit	Adults Currently Being Supervised
Custer County	16
Fall River County	24
Oglala Lakota County	4
Pennington County	996
Seventh Circuit Total	1,040

**55 cases with probation supervision in both Fourth Circuit and Seventh Circuit active in last fiscal year.*

V. Effects of the Proposed Merger

A. Operations and Services Unchanged by Merger

Public Access

The proposal does not reduce public access or local services. It does not close clerks of court offices, reduce hours, eliminate judges' travel to counties, or relocate judges from their current duty stations.

This is not a precursor to reduced services or a way to replace in-person hearings with remote ones. There is no plan to reduce services, close offices, or limit in-person proceedings. Remote technology remains optional and supplemental, not a replacement for local access. The proposal supports maintaining regular judicial travel, not limiting it.

Rural Court Services

Rural identity and community relationships are central to the circuit's success and will remain so. The proposal does not alter the location or presence of judges, clerks, or staff, nor does it reduce local engagement. Streamlining administrative functions enhances support to rural counties rather than diminishing their character or autonomy. The merger provides opportunities to keep existing clerk's offices open in the most rural counties by shifting work rather than closing offices and relocating employees to busier counties.

Judicial Elections

While there may be concerns that a merger will distort judicial elections because Pennington County has more attorneys and a larger population, judicial elections will continue to be nonpartisan and governed by the same legal framework in place today. While circuit populations differ, every judicial candidate faces election every eight years. Circuit court judges facing judicial election must convince the voters of the counties and circuit they are the most qualified candidate. Many other circuits also have concentrated population centers that must be accounted for by judicial candidates.

Resource Allocation

The proposed merger is designed to prevent resources from being drawn away from smaller counties. First, smaller counties will retain the same level of judicial presence and services they have now. Second, a single administrative structure and flexible workload assignments ensure resources are distributed based on need across the entire circuit or redistributed to ensure smaller counties are able to maintain current staffing levels by bringing the work to them. Judges and staff will continue to work from their current duty locations, and regular travel schedules will remain in place. Nothing in the proposal changes those expectations. Any administrative adjustments are intended to support staff, not increase travel demands.

B. Immediate Administrative Changes

The most immediate changes would be to the administrative structure of the two circuits. The merged circuit would operate under one presiding judge, one circuit administrator, one chief court services officer, and one deputy chief court services officer. The presiding judge would be in Rapid City.

C. Long-Term Benefits

Over the longer term, the merger would allow resources currently divided between the Fourth and Seventh Circuits to be used more flexibly. Clerk work-sharing could be developed to redistribute work from larger counties to smaller counties with available capacity under the direction of the Chief Clerk of Courts. Probation resources could likewise be used more broadly to respond to the needs of a transient population, and

judicial resources could be used more efficiently by having the judges of the current Fourth and Seventh Circuits within a single circuit.

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Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and filed with the Clerk of the Supreme Court no later than October 26, 2026. Subsequent to the hearing, the Court may reject or adopt the proposed amendments of any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by electronic mail notification, by posting notice at the Unified Judicial System's website at <https://ujls.sd.gov/supreme-court/rules-hearings/> or the State Bar of South Dakota's website <https://www.statebarofsouthdakota.com>.

DATED at Pierre, South Dakota this 2nd day of October, 2026.

BY THE COURT:



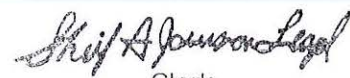
Steven R. Jensen, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

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Clerk