

## 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 circuits (Map on Page 15), 41 circuit judges and 13 magistrate judges. Circuit judges are elected by the voters of 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 (FY2012)*

- Φ Original jurisdiction in all civil and criminal actions
- Φ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts
- Φ 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 of limited jurisdiction 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 (lay) magistrate presides. Clerk (lay) magistrates are not attorneys. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

### **Magistrate Judge**

*12 full-time, 1 part-time in 7 circuits (FY2012)*

- Φ Committing magistrate for all courts

Conducts:

- Φ Preliminary hearings for all criminal prosecutions
- Φ Trials of criminal misdemeanor
- Φ Trials of civil actions if the debt, damage, claim or value of the property involved does not exceed \$12,000
- Φ Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000

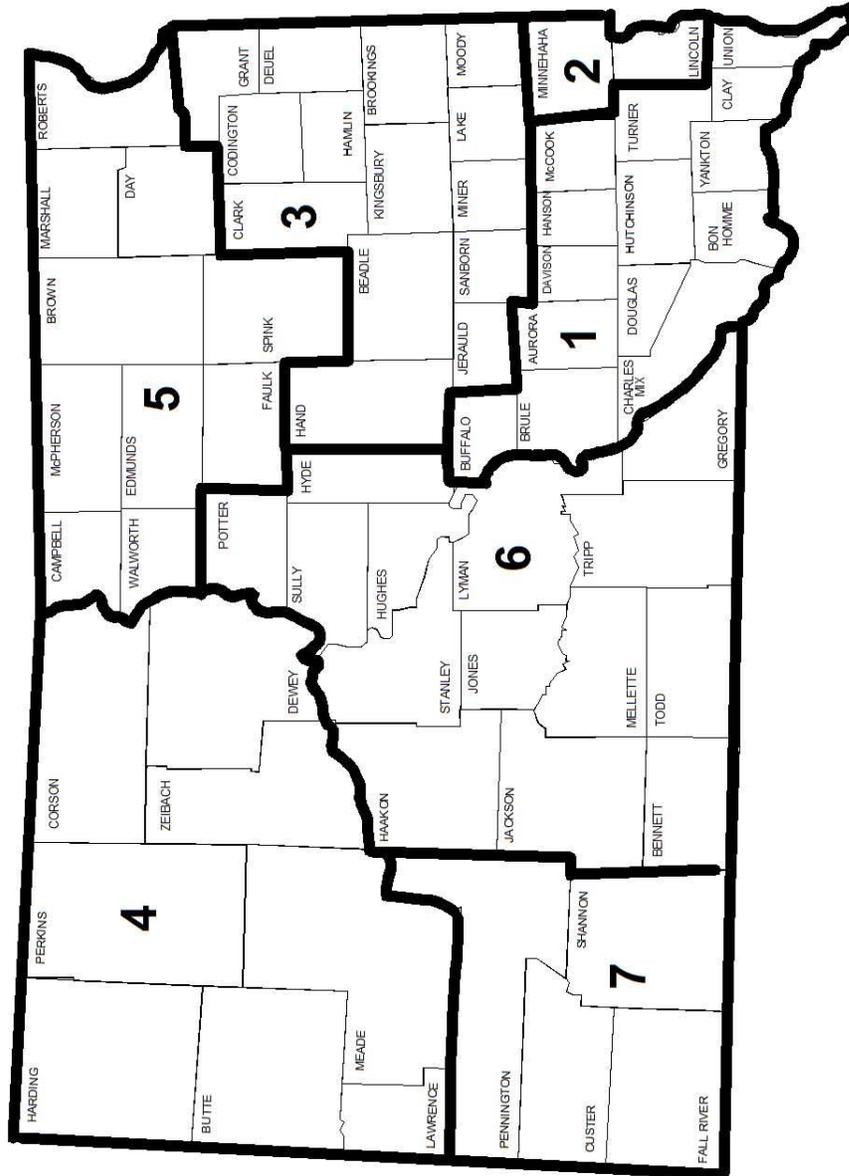
### **Clerk Magistrate**

*Functions usually performed by clerks*

Concurrent jurisdiction with circuit courts to:

- Φ Receive depositions
- Φ Issue warrants
- Φ Conduct certain preliminary hearings
- Φ Set bail
- Φ Appoint counsel
- Φ Accept pleas for Class 2 misdemeanors
- Φ Conduct hearings for petty offenses
- Φ Render judgments for uncontested small claims
- Φ Perform marriages

# South Dakota Unified Judicial System



**Table 4. South Dakota Unified Judicial System  
Statewide Workload**

	FY2008 Filings	FY2009 Filings	FY2010 Filings	FY2011 Filings	FY2012 Filings <sup>1</sup>
Class 2 Misdemeanor Non-Contested	106,613	104,008	95,533	84,610	90,606
Class 2 Misdemeanor Contested	32,647	30,609	29,432	28,243	26,988
Class 1 Misdemeanor Filings	22,613	21,896	20,141	19,929	21,690
Felony & Extradited Filings	5,797	5,745	6,126	6,456	7,225
<b>TOTAL CRIMINAL</b>	<b>167,670</b>	<b>162,258</b>	<b>151,232</b>	<b>139,238</b>	<b>146,509</b>
Divorce/Annulment/Separation	4,268	4,567	4,548	4,575	4,153
Protection Order Filings	4,437	4,523	4,578	4,460	4,649
Modification Proceedings/UISFA Filings	5,241	7,572	6,876	6,994	6,058
Juvenile Dependency & Neglect Filings	991	1,034	1,045	1,032	858
Juvenile Delinquency Filings	10,796	9,493	8,921	8,159	7,265
Adoptions/Guardianships/Trusts Filings	1,866	1,551	1,452	1,622	1,392
Probate (Informal) Filings	2,125	2,050	2,044	2,255	2,324
Probate (Formal) Filings	347	330	355	312	376
Mental Illness/Drug & Alcohol Commitments	3,693	4,330	4,000	4,246	3,918
Civil Filings	18,463	18,556	17,009	16,999	16,523
Small Claims Filings	31,569	32,274	33,567	31,971	28,594
Administrative Appeals Filings	353	400	422	450	369
<b>TOTAL CIVIL FILINGS</b>	<b>84,149</b>	<b>86,680</b>	<b>84,817</b>	<b>83,075</b>	<b>76,479</b>
<b>TOTAL CRIMINAL &amp; CIVIL FILINGS</b>	<b>251,819</b>	<b>248,938</b>	<b>236,049</b>	<b>222,313</b>	<b>222,988</b>
<b>MISCELLANEOUS ACTIVITIES</b>					
Supreme Court Appeals	279	309	294	322	266
Child Support Receipts	5,356	4,290	3,176	2,547	1,790
Record Searches & Money Judgment Searches <sup>2</sup>	140,553	123,581	121,494	147,225	142,853
Search Warrants	747	730	706	969	1,053
Record Merges	34,048	27,190	18,393	12,685	7,455
Passports	2,555	1,389	1,124	1,165	843
Weddings	1,055	894	884	879	707

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

<sup>2</sup> Criteria changed in FY2009 for tracking record searches