

# SUPREME COURT

The South Dakota Supreme Court is the state's highest court and the court of last resort for state appellate actions. The Supreme Court is comprised of the chief justice, who is the administrative head of the Unified Judicial System, and four justices who are entrusted to deliver the final judicial authority on all matters involving the legal and judicial system of South Dakota.

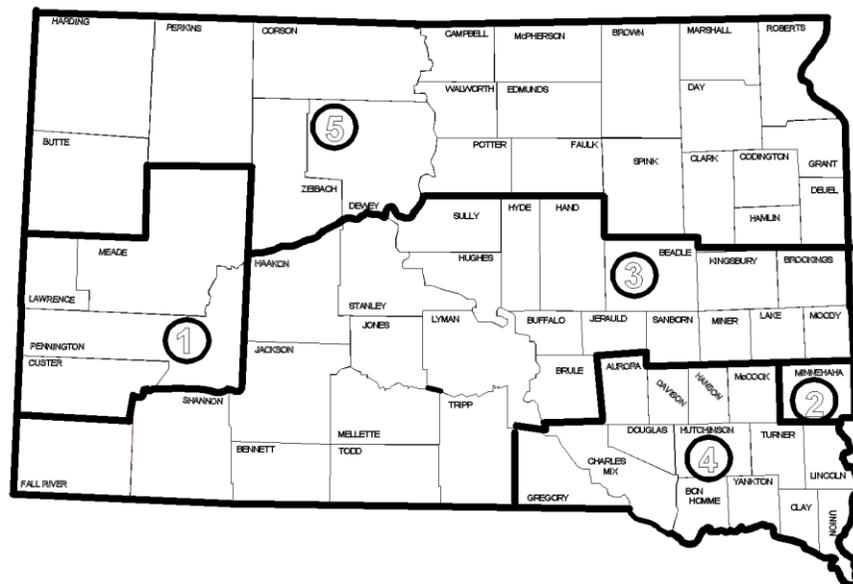
## *Chief Justice and Four Justices* Duties and Responsibilities of the Supreme Court

- Original jurisdiction in cases involving interests of the state
- Issues original and remedial writs
- Renders advisory opinions to Governor on issues involving executive power
- Appellate jurisdiction over circuit court decisions
- Rule-making power over court practice and procedure
- Administrative leadership for the legal and judicial system
- Controls admissions to and disciplines members of the State Bar

Pursuant to a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map below).

## South Dakota Supreme Court Appointment Districts

*Effective January 23, 2012*



## Supreme Court Workload

The workload of the Supreme Court is shown below and on the following page. The categories noted are those most commonly used within the Supreme Court.

“Intermediate Appeals” are appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

“Notice of Review” is filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

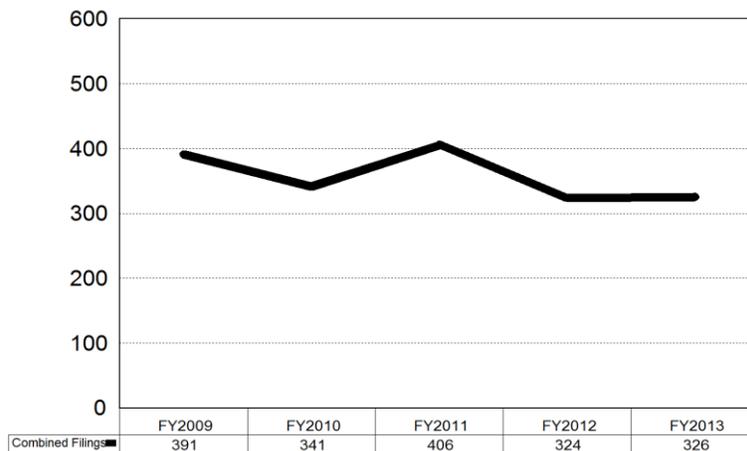
“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“Summary Dispositions” are appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

“Pending Cases” are cases which have been filed with the Court but in which no decision has been entered.

“Administrative, Judicial, Legal Research, Law Library and Bar Admissions” are all part of the workload within the Supreme Court.

**Chart 1. Supreme Court Caseload Comparison**



**Table 2. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR**

<b>Fiscal Year:</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>
<b>FILINGS:</b>					
Appeals	310	279	321	266	260
Intermediate Appeals	20	25	30	22	19
Original Proceedings	25	17	15	10	25
Notice of Review	16	4	29	12	9
Certificates of Probable Cause	20	14	11	14	12
Reinstatements	0	1	0	0	1
Rehearings Granted	0	1	0	0	0
<b>COMBINED FILINGS</b>	<b>391</b>	<b>341</b>	<b>406</b>	<b>324</b>	<b>326</b>
<b>DISPOSITIONS:</b>					
Appeals / Original Proceedings	130/141	120/140	85/90	123/129	120/123
Orders of Dismissal/Dispositional Remands	95	80	80	99	119
Denial of Intermediate Appeals	27	18	22	24	13
Original Proceedings (by Order)	41	31	18	29	26
Dispositive Remand	0	0	0	1	0
Summary Dispositions	92	75	121	119	93
<b>COMBINED DISPOSITIONS</b>	<b>396</b>	<b>344</b>	<b>331</b>	<b>401</b>	<b>374</b>
<b>PENDING CASES:</b>					
Submitted and Pending	27	35	33	48	31
Ready for Submission	38	37	45	40	33
Not Ready for Calendar	74	76	119	98	80
Other (in Suspense)	3	11	4	3	4
<b>TOTAL PENDING CASES AT YEAR-END</b>	<b>142</b>	<b>159</b>	<b>201</b>	<b>189</b>	<b>148</b>
<b>ADMINISTRATIVE:</b>					
Hearings on Rules and Related Matters	3	2	4	2	1
Internal Procedure Rules Adopted or Amended	3	2	1	1	1
Supreme Court Rules Adopted or Amended	12	11	35	27	8
Administrative Conferences	25	22	24	28	25
<b>JUDICIAL:</b>					
Orders, Writs and Judgments Entered	1095	1085	1195	1190	1185
Bar Admissions	97	88	103	91	129
Bar Admissions pursuant to SDCL 16-18-2	10	18	14	16	8
Oral Arguments (Actions/Submission)	57/63	63/69	45/55	35/77	42/47
Cases Submitted on Briefs	140/150	144/155	142/149	93/101	125/131
Case Conference Days	27	27	24	23	20
<b>LEGAL RESEARCH:</b>					
Appeals Screened	392	405	406	324	326
Cases Briefs Were Received In	213	210	211	233	218
Per Curiams Assigned	43	49	57	45	31
Circuit Judge Opinions Issued	6	14	0	0	0
<b>BAR ADMISSIONS:</b>					
Applications Processed	125	148	108	132	128
Bar Inquiries Answered	1300	1300	1300	1350	1200