

JUDICIAL QUALIFICATIONS COMMISSION

The authority for creation of the Judicial Qualifications Commission is granted by the South Dakota Constitution.

The seven-member commission is comprised of two circuit court judges, elected by the judicial conference; three members of the bar practicing law but no more than two of whom may be of the same political party and they must be appointed by a majority vote of the state bar commissioners; and two citizens, who are appointed by the Governor, who are not of the same political party. The term of office for a commission member is four years. No person may serve more than two terms as a member of the commission. The purpose of the Judicial Qualifications Commission is to:

- * Receive and investigate complaints against justices or judges
- * Conduct confidential hearings to determine whether complaints are justified
- * Recommend censure, removal or retirement of a judge to the Supreme Court
- * Investigate applicants for vacancies on the Supreme Court or circuit court bench
- * Nominate two or more of the most qualified applicants to the Governor

Chart 2. JQC Complaints Received

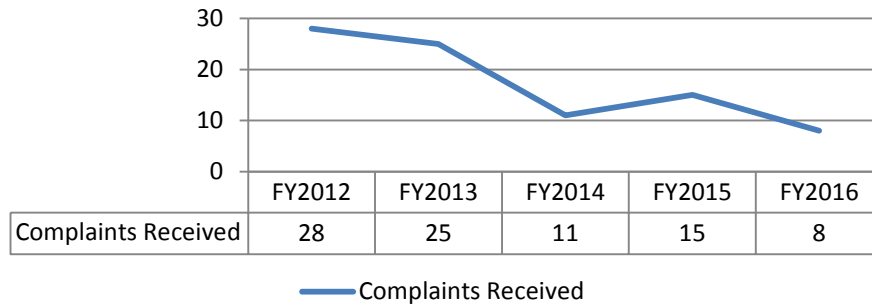


Chart 3. JQC Investigations of Applicants

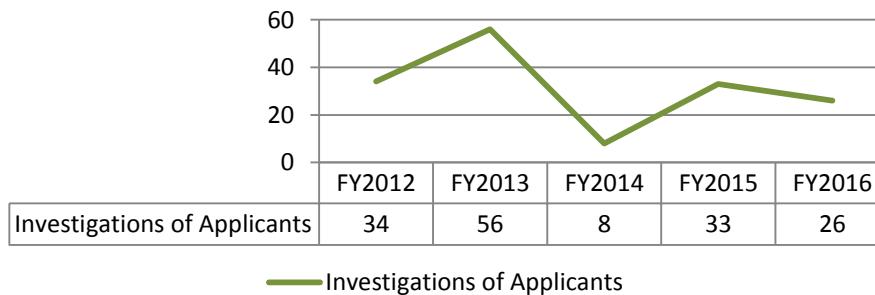


Table 3.
Judicial Qualifications Commission
Complaints Received and Dispositions

	FY2012	FY2013	FY2014	FY2015	FY2016
Oral Complaints/Inquiries (No action by JQC)	0	0	0	0	0
Written Complaints Received *	28	25	11	15	8
Complaints Disposed of **	26	22	12	14	7
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	1	14	7	2	0
Divorce/Child Custody/Child Support Issues	1	1	4	3	2
Protection Order Cases	3	1	0	2	1
Civil Trial Issues (Includes Decisions)	1	5	0	2	1
Criminal Trial Issues (Includes Sentencing)	8	1	7	3	2
Personal Conduct	1	1	0	1	1
Small Claims	1	1	1	2	2
Guardianship/Conservatorship	0	0	1	0	0
Unknown	1	0	0	0	0
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	4	18	8	6	1
On Bench Abuse of Authority	5	9	3	2	1
Lack of Demeanor/Decorum	3	4	1	3	1
Bias/Appearance of Bias	10	15	10	9	5
Unhappy with Result	3	9	3	1	1
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative)	9	12	0	0	0
b. Lack of Jurisdiction***	4	5	0	2	0
c. Resigned Due to JQC Investigation	0	0	0	0	0
d. Unsubstantiated	2	0	0	3	0
e. No Violation Found	8	9	11	8	6
2. Private Reprimand	0	2	1	0	1
3. Deferred Disciplinary Agreement	0	0	0	0	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal/Retirement	0	0	0	0	0
JQC Applicants:					
Judicial Vacancies	3	6	1	4	3
Applicant Interviews	34	56	8	33	26
Investigation of Applicants	34	56	8	33	26

*Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.

**Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.

***JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.