

# 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.

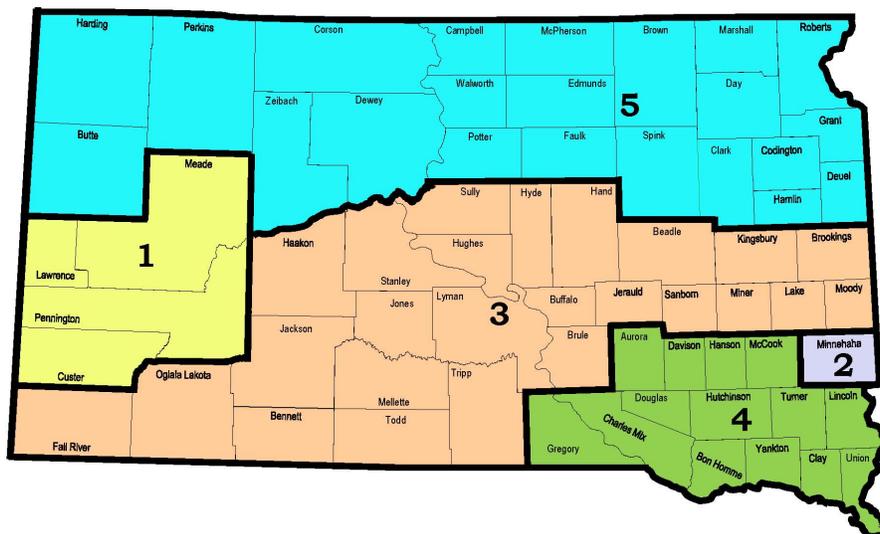
## Chief Justice and Four Justices

Duties and Responsibilities of the Supreme Court include:

- 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 authority over court practice and procedure;
- Administrative leadership for the legal and judicial system; and
- 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 Districts



## 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.

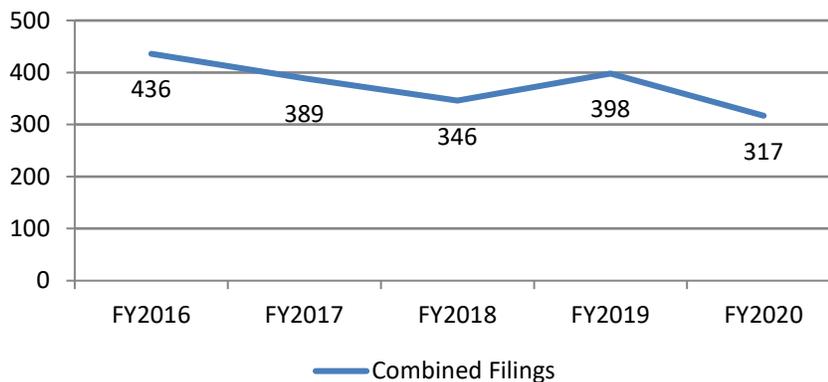
“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“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  
by Fiscal Year**



**Table 1. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR**

<b>Fiscal Year:</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>	<b>FY2020</b>
<b>FILINGS:</b>					
Appeals	298	271	244	276	244
Intermediate Appeals	83	29	25	31	24
Original Proceedings	30	66	56	60	31
Notice of Review	12	13	11	17	10
Certificates of Probable Cause	12	10	10	12	8
Reinstatements	1	0	0	2	0
Rehearings Granted	0	0	0	0	0
<b>COMBINED FILINGS</b>	<b>436</b>	<b>389</b>	<b>346</b>	<b>398</b>	<b>317</b>
<b>DISPOSITIONS:</b>					
Appeals / Original Proceedings	108/114	97/149	103/126	69/86	78/90
Orders of Dismissal/Dispositional Remands	103	97	96	102	108
Denial of Intermediate Appeals	28	20	21	23	18
Original Proceedings (by Order)	24	60	46	41	32
Dispositive Remand	0	1	2	1	0
Summary Dispositions	84	109	84	70	89
<b>COMBINED DISPOSITIONS</b>	<b>353</b>	<b>436</b>	<b>375</b>	<b>324</b>	<b>337</b>
<b>PENDING CASES:</b>					
Submitted and Pending	23	28	20	40	44
Ready for Submission	44	32	41	46	42
Not Ready for Calendar	120	107	80	95	88
Other (in Suspense)	3	4	6	3	5
<b>TOTAL PENDING CASES AT YEAR-END</b>	<b>190</b>	<b>171</b>	<b>147</b>	<b>184</b>	<b>179</b>
<b>ADMINISTRATIVE:</b>					
Hearings on Rules and Related Matters	2	3	2	2	2
Internal Procedure Rules Adopted or Amended	7	4	1	3	2
Supreme Court Rules Adopted or Amended	125	7	22	15	6
Administrative Conferences	22	21	21	22	25
<b>JUDICIAL:</b>					
Orders, Writs and Judgments Entered	1150	1145	1130	1200	1180
Bar Admissions (includes reciprocity)	96	91	106	108	92
Bar Admissions (pursuant to SDCL 16-18-2)	18	15	15	14	15
Oral Arguments (Actions/Submission)	32/42	26/36	22/29	30/36	35/51
Cases Submitted on Briefs	141/159	160/192	132/144	117/133	114/122
Case Conference Days	19	18	17	20	23
<b>LEGAL RESEARCH:</b>					
Appeals Screened	436	389	346	398	317
Cases That Briefs Were Received In	235	238	190	195	173
Per Curiams Assigned	37	31	30	24	23
<b>BAR ADMISSIONS:</b>					
Applications Processed	156	164	188	174	122
Bar Inquiries Answered	1350	1425	1475	1450	1450