

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.

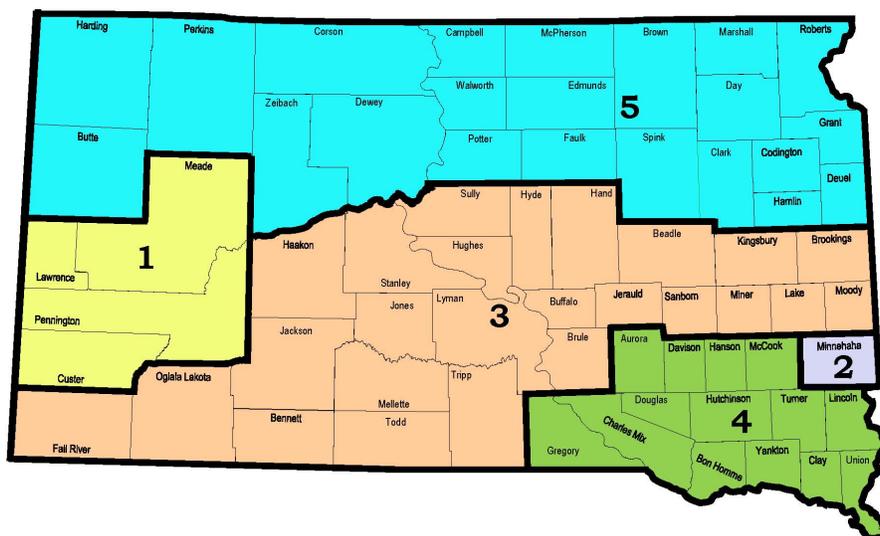
Chief Justice and Four Justices

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

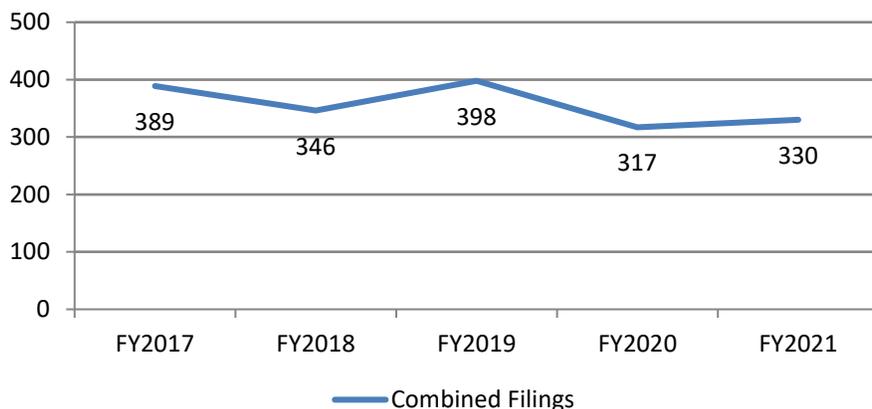


Table 1. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR

Fiscal Year:	FY2017	FY2018	FY2019	FY2020	FY2021
FILINGS:					
Appeals	271	244	276	244	242
Intermediate Appeals	29	25	31	24	36
Original Proceedings	66	56	60	31	34
Notice of Review	13	11	17	10	6
Certificates of Probable Cause	10	10	12	8	12
Reinstatements	0	0	2	0	0
Rehearings Granted	0	0	0	0	0
COMBINED FILINGS	389	346	398	317	330
DISPOSITIONS:					
Appeals / Original Proceedings	97/149	103/126	69/86	78/90	80/89
Orders of Dismissal/Dispositional Remands	97	96	102	108	98
Denial of Intermediate Appeals	20	21	23	18	22
Original Proceedings (by Order)	60	46	41	32	20
Dispositive Remand	1	2	1	0	0
Summary Dispositions	109	84	70	89	80
COMBINED DISPOSITIONS	436	375	324	337	309
PENDING CASES:					
Submitted and Pending	28	20	40	44	51
Ready for Submission	32	41	46	42	22
Not Ready for Calendar	107	80	95	88	89
Other (in Suspense)	4	6	3	5	5
TOTAL PENDING CASES AT YEAR-END	171	147	184	179	167
ADMINISTRATIVE:					
Hearings on Rules and Related Matters	3	2	2	2	3
Internal Procedure Rules Adopted or Amended	4	1	3	2	3
Supreme Court Rules Adopted or Amended	7	22	15	6	9
Administrative Conferences	21	21	22	25	24
JUDICIAL:					
Orders, Writs and Judgments Entered	1145	1130	1200	1180	1200
Bar Admissions (includes reciprocity)	91	106	108	92	95
Bar Admissions (pursuant to SDCL 16-18-2)	15	15	14	15	10
Oral Arguments (Actions/Submission)	26/36	22/29	30/36	35/51	34/41
Cases Submitted on Briefs	160/192	132/144	117/133	114/122	104/112
Case Conference Days	18	17	20	23	24
LEGAL RESEARCH:					
Appeals Screened	389	346	398	317	330
Cases That Briefs Were Received In	238	190	195	173	185
Per Curiams Assigned	31	30	24	23	29
BAR ADMISSIONS:					
Applications Processed	164	188	174	122	136
Bar Inquiries Answered	1425	1475	1450	1450	1450