

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 judicial circuits (map on following page), 44 circuit judges and 16 magistrate judges. Circuit court judges are elected by the voters within 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 37 Circuit Court Judges in 7 Circuits
have the following:**

- ▶ Original jurisdiction in all civil and criminal actions,
- ▶ Exclusive jurisdiction in felony trials, arraignments and all types of civil actions except areas of concurrent jurisdiction shared with magistrate courts, and
- ▶ 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 have limited jurisdiction but 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 magistrate presides. Clerk magistrates are not attorneys but are clerks who receive specialized training. They provide functions that need to be handled expeditiously. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

Magistrate Judges:

16 full-time in 7 circuits:

- * Are Committing magistrates for all courts

Conduct:

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

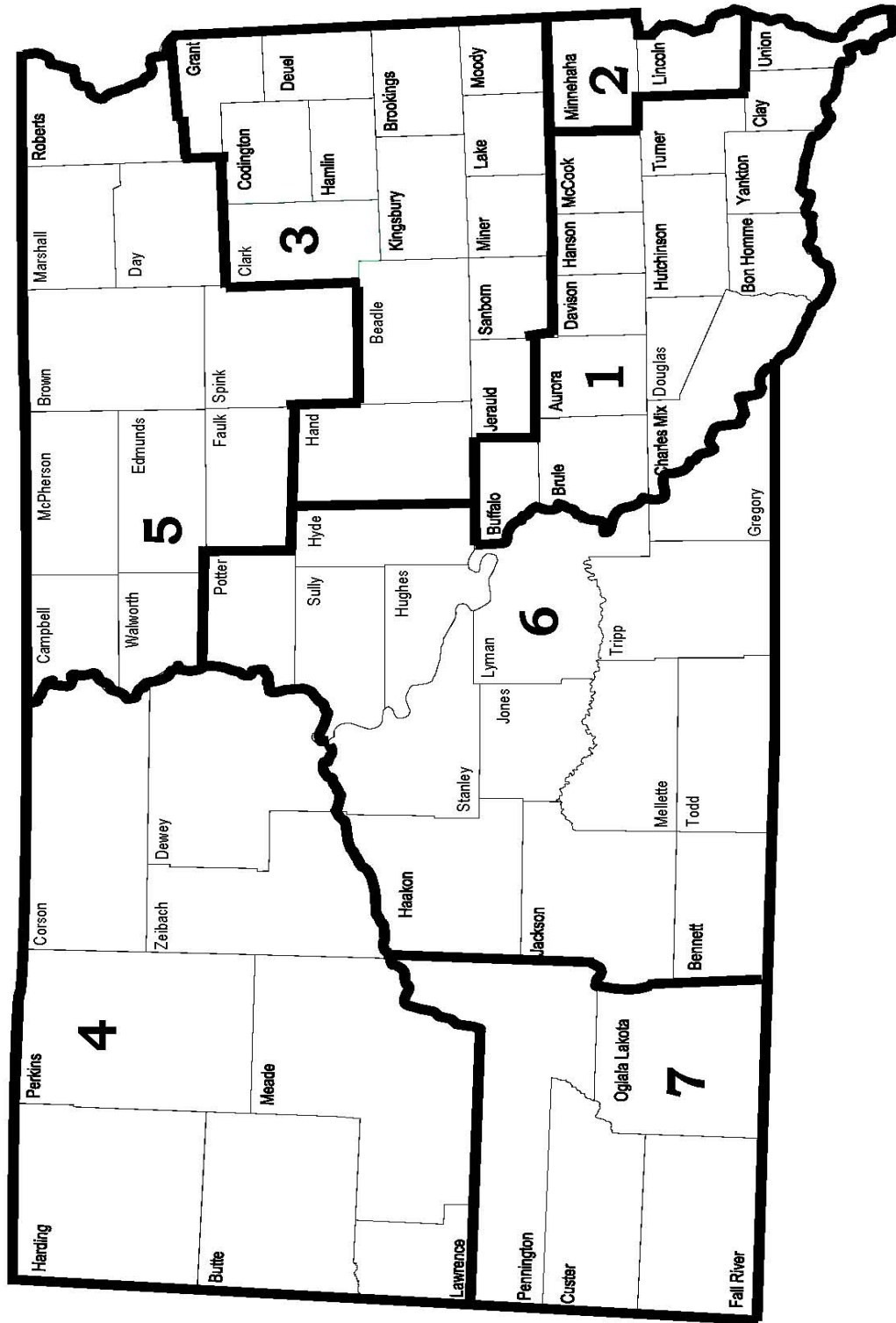
Clerk Magistrates (Specially-Trained):

Functions usually performed by clerks:

Concurrent jurisdiction with magistrate courts to:

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

South Dakota Judicial Circuits and Counties



**Table 3. South Dakota Unified Judicial System
Statewide Workload
Five-Year Caseload Filings**

| | FY2018 Filings | FY2019 Filings | FY2020 Filings | FY2021 Filings | FY2022 Filings |
|--|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Class 2 Misdemeanor Non-Contested ¹ Filings | 92,388 | 83,911 | 74,903 | 66,515 | 83,958 |
| Class 2 Misdemeanor Contested ¹ Filings | 21,868 | 29,265 | 26,433 | 26,756 | 16,451 |
| Class 1 Misdemeanor Filings | 21,724 | 22,027 | 20,559 | 19,629 | 18,238 |
| Felony & Extradited Filings | 11,586 | 12,318 | 12,536 | 13,572 | 12,560 |
| TOTAL CRIMINAL | 147,566 | 147,521 | 134,431 | 126,472 | 131,207 |
| Divorce Filings | 4,362 | 4,058 | 4,061 | 4,056 | 3,729 |
| Protection Order Filings | 4,571 | 4,549 | 4,223 | 4,072 | 4,205 |
| Modification Proceedings/UFSA Filings | 7,315 | 6,439 | 6,032 | 5,365 | 4,432 |
| Juvenile Dependency & Neglect Filings | 564 | 662 | 590 | 602 | 525 |
| Juvenile Delinquency & CHINS Filings | 4,134 | 4,457 | 4,573 | 3,756 | 3,213 |
| Juvenile Citations ² | 2,510 | 1,475 | 1,338 | 1,183 | 1,088 |
| Adoptions/Guardianships/Trusts/Term of Parental Rights Filings | 1,308 | 1,247 | 1,491 | 1,420 | 1,482 |
| Probate (Informal) Filings | 2,204 | 2,206 | 2,077 | 2,333 | 2,439 |
| Probate (Formal) Filings | 245 | 254 | 269 | 246 | 313 |
| Mental Illness & Drug & Alcohol Commitment Filings | 4,797 | 5,050 | 4,893 | 4,759 | 4,373 |
| Civil Filings | 13,311 | 14,138 | 12,949 | 13,021 | 11,786 |
| Small Claims Filings | 28,156 | 26,389 | 26,630 | 25,938 | 20,425 |
| Search Warrants | 3,825 | 4,246 | 4,173 | 4,646 | 5,108 |
| Administrative Appeals & Expungements | 171 | 173 | 203 | 216 | 199 |
| TOTAL CIVIL FILINGS | 77,473 | 75,343 | 73,502 | 71,613 | 63,317 |
| TOTAL CRIMINAL & CIVIL FILINGS | 225,039 | 222,864 | 207,933 | 198,085 | 194,524 |
| MISCELLANEOUS ACTIVITIES | | | | | |
| Supreme Court Appeals | 266 | 246 | 285 | 235 | 240 |
| Record Searches & Money Judgment Searches ³ | 183,436 | 217,147 | 220,367 | 217,607 | 348,637 |
| Passport Applications | 764 | 720 | 794 | 476 | 566 |
| Weddings | 610 | 535 | 416 | 376 | 438 |

¹ Includes petty offense filings and municipal ordinance violations.

² Beginning in FY2017, Juvenile Citations were included.

³ Includes PARS Searches and no-fee searches