

An Overview of UJS

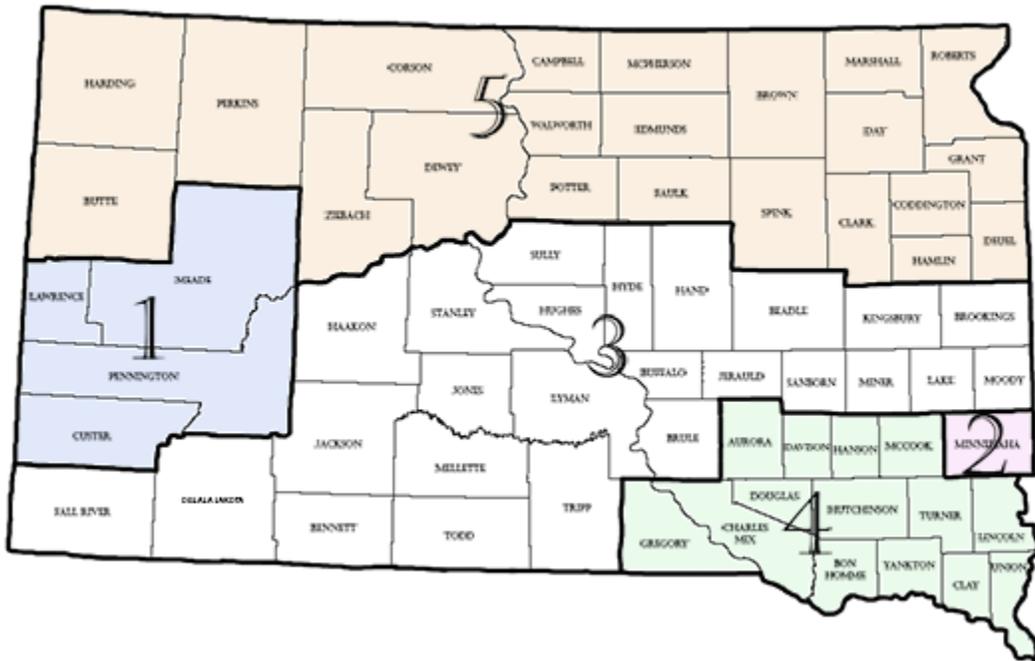
Supreme Court, Circuit courts of general jurisdiction, and Lower courts of limited original jurisdiction.

The Supreme Court

The Supreme Court is the state's highest court. It consists of a chief justice and four associate justices who are appointed to the office by the Governor from five appointment districts. The map below shows the Supreme Court appointment districts.

South Dakota Supreme Court Appointment Districts

Effective January 23, 2012



Justices are retained in office or rejected from office on a nonpolitical ballot in the general election three years after appointment and every eight years thereafter. From among themselves the justices select a chief justice who serves as the administrative head of the Unified Judicial System.

As the state's highest court and court of last resort, the Supreme Court's primary function is that of an appeals court. Parties seeking to change an adverse circuit court decision appeal to the Supreme Court. The Court then examines the circuit court proceedings and determines whether the circuit

court's decision was correct. On occasion, the Supreme Court also has the authority to issue original or remedial writs and advise the Governor on issues concerning the Governor's executive powers.

In addition to its judicial functions, the Supreme Court administers the statewide unified court system. Administratively, the Court prepares and submits an annual budget for the entire system. It generally supervises the work of the circuit courts to secure the prompt disposition of cases. It appoints court personnel. The Supreme Court also makes rules covering practice and procedure, administration of the courts, terms of courts, admissions to the bar, and discipline of the members of the bar.

Circuit Courts

The counties forming the state of South Dakota are divided into seven judicial circuits. There are forty-one circuit judges serving in the seven circuits. Judges are elected in a non-political election for eight-year terms by voters in the circuit each represents or appointed by the Governor. The Chief Justice of the Supreme Court appoints one judge in each circuit to act as the presiding circuit judge. Presiding judges supervise and administer operations within their circuits.

The circuit courts are the general trial courts of the Unified Judicial System. These courts have original jurisdiction in all civil and criminal cases. They are the only court where a criminal felony case can be tried and determined as well as a civil case involving more than ten thousand dollars in damages. Circuit courts also have jurisdiction over appeals from magistrate court decisions.

Magistrate Courts

The third tier of courts in South Dakota's unified system consists of magistrate courts presided over by lay magistrates or magistrate judges. Magistrate judges must be licensed attorneys, while lay magistrates must be high school graduates.

Generally, magistrate courts assist the circuit courts in processing minor criminal cases and less serious civil actions. Whether presided over by a lay magistrate or a magistrate judge, magistrate courts, as well as the circuit courts, perform marriages, receive depositions, issue warrants, conduct certain preliminary hearings, set bail, appoint counsel, accept pleas for class 2 misdemeanors, and hear non-contested civil and small claims actions where the amount of money or damage does not exceed twelve thousand dollars.

Magistrate courts presided over by magistrate judges share additional authority with the circuit courts. These courts may conduct preliminary hearings in all criminal cases, act as committing magistrate for all purposes, and conduct misdemeanor trials. Magistrate judges may also decide temporary protection orders, try civil cases where claims do not exceed twelve thousand dollars, and try small claims cases not exceeding twelve thousand dollars.