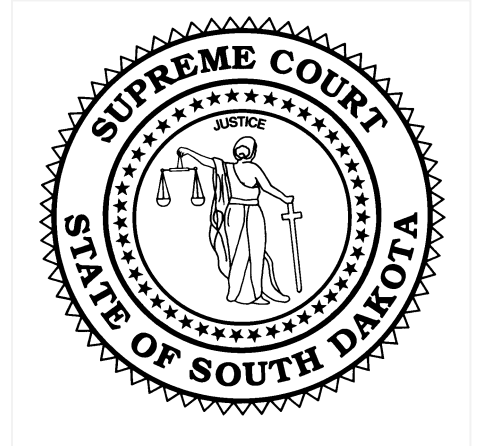


Unified Judicial System
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For Immediate Release-

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SUPREME COURT CONDUCTS ORAL ARGUMENTS VIA ZOOM

The unexpected appearance of COVID-19 in South Dakota has forced governmental entities to improvise in an attempt to remain operational. Total shut-downs have been avoided by cutbacks and adaptation to the crisis. The South Dakota Supreme Court is no exception.

Traditionally, the Supreme Court holds oral arguments either at its Courtroom in the State Capitol, at the USD School of Law or another public institution like a college. These arguments are open to the public as well as the press.

With the suggested restrictions on close contact between individuals caused by COVID-19, the traditional format followed by the South Dakota Supreme Court was not possible with health safety concerns being the top priority. Yet, the Court was unwilling to put the cases on an indefinite hold given the uncertainties of when normal life would resume.

In response, the Court held its five oral arguments for its April Term this past week using Zoom. The Justices were in separate rooms in Pierre, Rapid City, Vermillion and Sioux Falls. The attorneys who participated in the oral arguments did so from their offices located around South Dakota. In all other respects, the normal procedure for oral arguments was followed.

After three of the oral arguments, Chief Justice David Gilbertson inquired of the attorneys what they thought of the Zoom option. The responses were mixed. Some attorneys thought it was a better process as they did not have to leave their offices and travel to Pierre for the argument. One commented

the Zoom method was “blizzard proof.” Other attorneys said they thought the personal face-to-face contact that takes place with the Justices in the Court’s courtroom to be preferable.

After the five oral arguments, Chief Justice David Gilbertson indicated, “We did not voluntarily choose the Zoom option. However, it certainly was preferable to the options of cancellation or postponement. From the Justices’ point of view, we benefit the most from the interaction with the attorneys during the oral arguments, and that was successfully accomplished. At this point, I would suspect we would return to live oral arguments when safe to do so, but we now have the Zoom option if weather or other emergencies make a live oral argument not possible. Justice delayed is often justice denied, and this week it was not delayed.”

The South Dakota court system is no stranger to this type of communication. For the past 10 years, each county courthouse has been wired for closed-circuit television use. This is very frequently used for hearings where the judge is in one county and the parties are in another county. There are similar systems in some of the larger counties between the courthouse and the county jail. “With the volume of cases we now handle especially in our larger-populated counties, these forms of communication are essential for providing timely access to a judge,” commented Chief Justice Gilbertson.