

## 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), 43 circuit judges and 15 full-time magistrate judges and 1 part-time magistrate judge. 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 36 Circuit Court Judges in 7 Circuits (FY2016)*

- \* 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
- \* 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 Judge**

*15 full-time and 1 part-time in 7 circuits (FY2016)*

- \* Committing magistrate for all courts

#### Conducts:

- \* 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
- \* Small claims proceedings if the debt, damage, claim, or value of the property involved does not exceed \$12,000

### **Clerk Magistrate**

*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
- \* Perform marriages



**Table 4. South Dakota Unified Judicial System  
Statewide Workload  
Five-Year Caseload Filings**

	FY2012 Filings	FY2013 Filings	FY2014 Filings <sup>2</sup>	FY2015 Filings	FY2016 Filings
Class 2 Misdemeanor Non-Contested <sup>1</sup> Filings	88,336	83,889	79,972	88,747	92,154
Class 2 Misdemeanor Contested <sup>1</sup> Filings	26,988	20,779	25,241	23,576	22,291
Class 1 Misdemeanor Filings	21,173	20,645	20,518	20,979	22,055
Felony & Extradited Filings	8,234	9,023	9,413	10,392	10,800
<b>TOTAL CRIMINAL</b>	<b>144,731</b>	<b>134,336</b>	<b>135,144</b>	<b>143,694</b>	<b>147,300</b>
Divorce Filings	4,153	4,591	4,646	4,479	4,447
Protection Order Filings	4,649	4,399	3,995	4,352	4,647
Modification Proceedings/JIFSA Filings	6,058	7,017	7,561	7,059	7,376
Juvenile Dependency & Neglect Filings	858	698	600	608	659
Juvenile Delinquency & CHINS Filings	7,265	6,442	6,191	5,733	4,381
Adoptions/Guardianships/Trusts Filings	1,392	1,268	960	869	1,554
Probate (Informal) Filings	2,324	2,239	2,183	2,321	2,108
Probate (Formal) Filings	376	255	256	261	253
Mental Illness & Drug & Alcohol Commitment Filings	3,918	3,902	4,297	4,730	5,005
Civil Filings	16,523	15,603	13,062	13,590	13,699
Small Claims Filings	28,594	26,553	25,852	28,903	27,701
Search Warrants	1,131	1,367	2,065	3,055	3,711
Administrative Appeals & Expungements	369	394	202	133	235
<b>TOTAL CIVIL FILINGS</b>	<b>77,610</b>	<b>74,728</b>	<b>71,870</b>	<b>76,093</b>	<b>75,776</b>
<b>TOTAL CRIMINAL &amp; CIVIL FILINGS</b>	<b>222,341</b>	<b>209,064</b>	<b>207,014</b>	<b>219,787</b>	<b>223,076</b>
<b>MISCELLANEOUS ACTIVITIES</b>					
Supreme Court Appeals	266	260	290	282	298
Record Searches & Money Judgment Searches	142,853	178,953	189,172	201,333	153,499
Passport Applications	843	871	829	962	629
Weddings	707	906	765	787	824

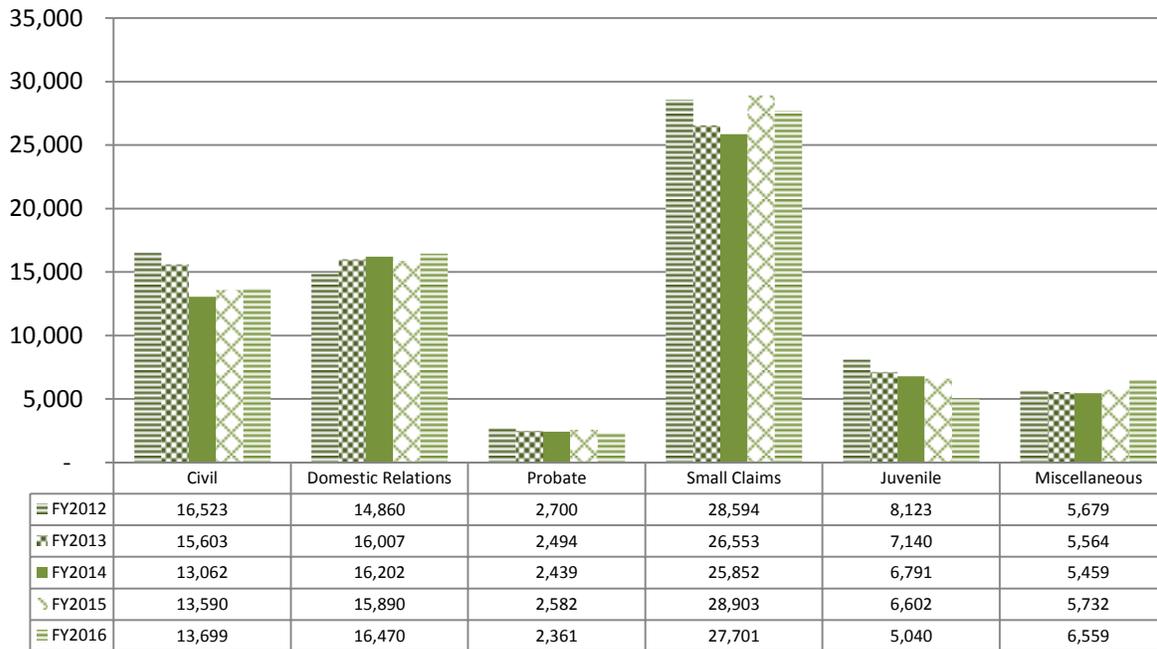
<sup>1</sup> Includes petty offense filings and municipal ordinance violations.

<sup>2</sup> Beginning FY2014 statewide caseload filings reflect data from the new Odyssey Case Management System.

## Civil Caseload

The following chart compares various types of civil (non-criminal) and juvenile caseload filings for the past five fiscal years.

**Chart 6. Civil Caseload Comparison**

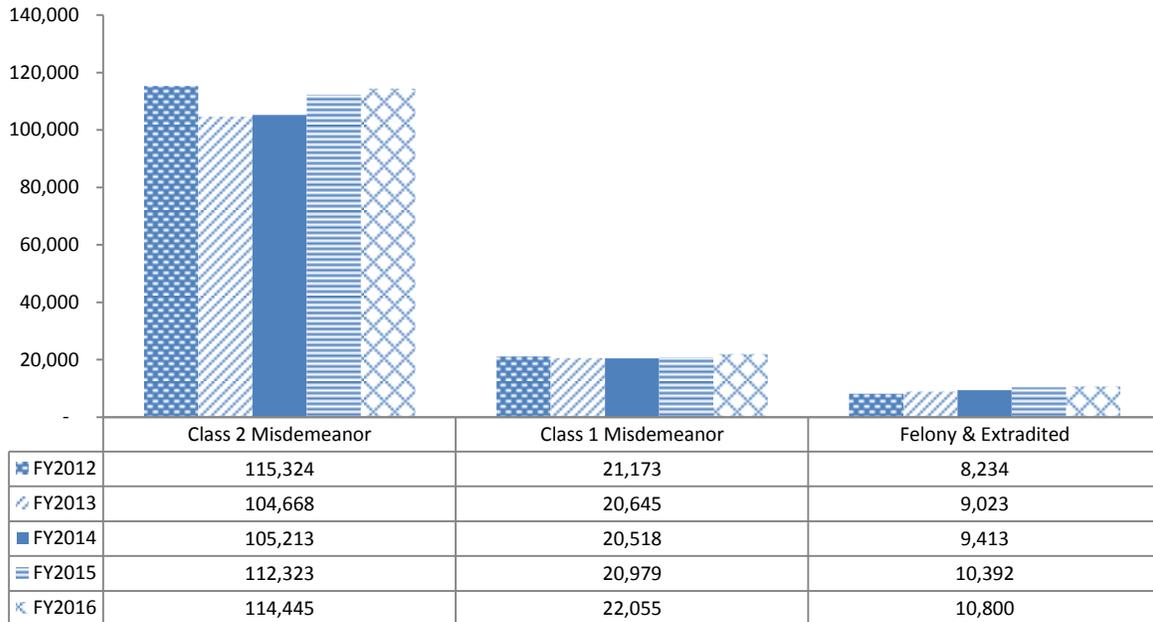


## Criminal Caseload

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The following chart below compares criminal case filings for the past five fiscal years.

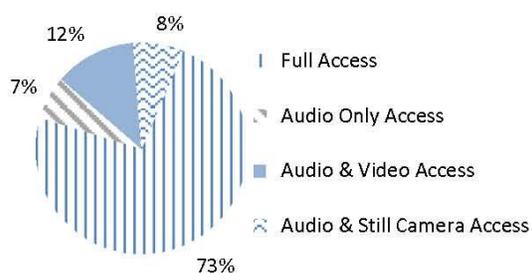
**Chart 7. Criminal Caseload Comparison**



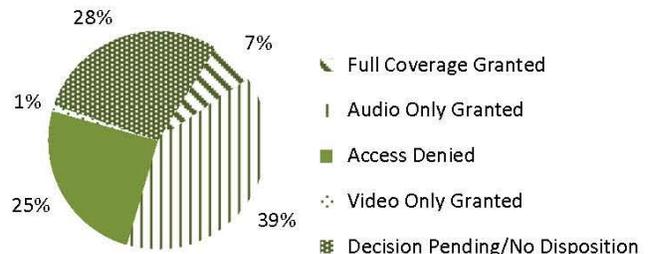
**Table 5. Expanded Media Coverage Summary Statewide  
South Dakota Unified Judicial System  
FY2011 through FY2016 Combined**

CIRCUIT	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	TOTALS
<b># of Requests Received</b>	<b>17</b>	<b>58</b>	<b>14</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>105</b>
<b>Request Type:</b>								
Full Access	9	50	7	1	4	0	6	77
Audio Only Access	1	0	6	0	0	0	0	7
Audio & Video Access	4	7	0	0	0	2	0	13
Audio & Still Camera Access	3	1	1	1	1	1	0	8
<b>Decision:</b>								
Full Coverage Granted	0	5	2	0	0	0	0	7
Audio Only Granted	8	27	2	0	1	3	0	41
Access Denied	5	11	1	2	1	0	6	26
Video Only Granted	0	1	0	0	0	0	0	1
Decision Pending/No Disposition	4	14	9	0	3	0	0	30

**Request Type**



**Decision**



The Supreme Court of South Dakota adopted court rules effective July 1, 2011, that allowed for the expanded media coverage of the trial courts in South Dakota. Under these rules expanded media coverage, consisting of audio, still photo or video coverage, is allowable when parties and the court all agree that such coverage should be permitted. In addition, audio only coverage of a proceeding is allowed when the court determines that such audio coverage is appropriate, even though all parties have not consented to expanded media coverage. Under either option certain proceedings are not subject to expanded media coverage, such as juvenile hearings and portions of other proceedings closed by state law. The judge also retains the power to terminate coverage if such action is determined appropriate. The Supreme Court has permitted expanded media coverage of its proceedings since 2001. Information above is a summary of the requests in the trial courts since 2011.