

Indigent Legal Services

Budget Hearing

FISCAL YEAR 2026

Dean Neil Fulton

Chair

Commission on Indigent Legal Services

Chris Miles

Chief Defender

Office of Indigent Legal Services



Purpose & Impact

The SD Office of Indigent Legal Services is projected to save counties approximately **\$2.1 million** by centralizing and managing **appellate cases** previously handled by individual counties, while also saving the state taxpayers approximately **\$600,000**.



Effective, efficient, and consistent indigent defense services.



Centralized and monitored indigent defense services statewide.



Systemized and streamlined case processing.



Focused **training** on important criminal defense functions.

Duties & Responsibilities

Commission on Indigent Legal Services

Explore	funding mechanisms for indigent defense services.
Advocate	for resources and policies to ensure effective representation statewide.
Monitor	compliance with established standards.
Establish	compensation rates for court-appointed counsel.
Collect and Analyze	data concerning public defense services.

Office of Indigent Legal Services

Hire	or contract for professional, technical, and support personnel.
Establish	an administrative office.
Supervise	all employees of the office.
Assist	the commission in its duties.
Develop	strategic plans to inform the commission and expand the office’s scope.



Staffing Achievements

Chief Defender Applicants

Sioux Falls, SD	5
Tabor, SD	1
Rapid City, SD	5
Pierre, SD	1
Salem, SD	1
Tea, SD	1
Out of State	3
Total Applicants	17

Deputy Chief Defender Applicants

Sioux Falls, SD	4
Rapid City, SD	2
Pierre, SD	2
Out of State	1
Total Applicants	9

Successfully hired two experienced criminal defense attorneys with a demonstrated commitment to public defense.

Recruitment and hiring efforts focused on candidates with strong research and writing skills.

Onboarded first attorney January 13, 2025.

Onboarding second attorney February 17, 2025.



FY25 Funding Level

Chief Defender began November 12, 2024.

Minimal expenditure in FY25 as the office is newly established and remains in the early stages of development.

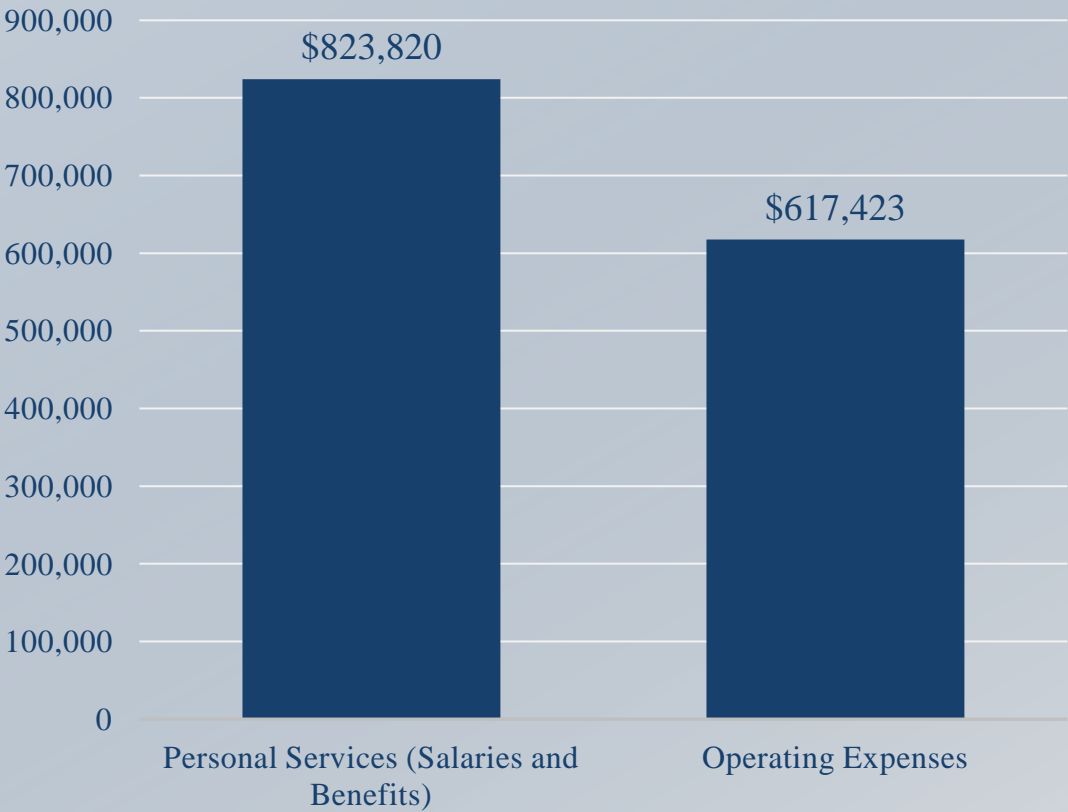
Initial expenditures have primarily focused on salaries, computer hardware, and office equipment.

FY26 ILS Request – \$1,441,243

FY26 Gov Recommended – \$1,441,243

ILS Requested Increase = \$0.00

FY25 Budget = \$1,441,243



Request to Transfer Funds Between Budget Categories

Overview of Request

The Office of Indigent Legal Services seeks approval to transfer **\$35,000** from the **Operating Expenses** budget to the **Personal Services** budget. Because the increase to personal services is fully offset by a reduction in operating expenses, the budget request is **net zero**.

ILS respectfully requests the JCA to consider this request in a **motion sheet** when setting the Office of Indigent Legal Services budget.

Basis for Request

Current allocation for legal research subscriptions exceeds actual need.

- The actual cost for legal research subscriptions in FY26 will be \$8,829.
- Reducing the funds allocated to legal research subscriptions will not impact quality of representation or limit accessibility to necessary research tools.

Higher attorney salaries to enhance recruitment and retention.

- Current salary levels are not competitive, impacting the ability to attract and retain experienced legal professionals.
- Increasing the funds allocated to salaries will enable the office to provide equitable and consistent pay across the team, improving employee satisfaction.



Building a Foundation for Success



Develop and evolve office logistics and appellate protocols.



Build a team of additional attorneys and support staff.



Collaborate with counties, UJS, and trial level attorneys.

Case Intake to Begin February 2025



SD Office of Indigent Legal Services will accept appellate case appointments in February 2025.



Initial caseload will consist of direct appeals from South Dakota's 2nd and 7th Judicial Circuits.



Opportunities to integrate feedback and optimize the appointment procedure.

CONTACT INFORMATION

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