

## South Dakota Unified Judicial System

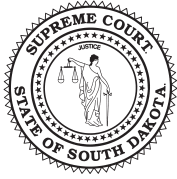
*Our mission:*  
**Justice for All**

*Our vision:*  
**We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.**

## *Members of the South Dakota Supreme Court*



Justices of the Supreme Court, left to right: Hon. Glen A. Severson, Sioux Falls, Second District, Hon. Lori S. Wilbur, Sioux Falls, Fourth District, Hon. Steven L. Zinter, Pierre, Third District, Hon. John K. Konenkamp, Rapid City, First District, and Hon. David Gilbertson, Chief Justice, Lake City, Fifth District.



State of South Dakota  
Unified Judicial System  
Office of the State Court Administrator



Telephone: (605) 773-3474  
FAX: (605) 773-5627

500 East Capitol Avenue  
Pierre, SD 57501-5070

October 15, 2011

The South Dakota Unified Judicial System (UJS) received a ten percent reduction to our base budget statewide beginning July 2011, and even though we had to re-prioritize our initiatives, we remain committed to accomplishing many aspects of our Strategic Plan. The enclosed Annual Report highlights many of those accomplished values the UJS has focused on. Major 2010 and 2011 accomplishments include implementing professional and leadership development programs, a Drug Court Symposium, cameras in the courtroom rule, court interpreter study, and a court collections project as well as many staffing and recruitment opportunities.

In light of the budget reductions, we continue to reduce costs, strive to be environmentally friendly, and utilize many technological advancements. With that in mind, the printed Annual Report has been condensed with the entire contents still being available on our website at <http://ujis.sd.gov>. As in the past, the annual report consists of statistics regarding the operation and caseload of the Supreme Court, circuit courts, and magistrate courts in South Dakota as well as an overview of our expenditures, revenues, programs and services.

South Dakota realized nearly 223,000 civil and criminal matters, which are down slightly, however, felony and extradited criminal filings and adoptions, guardianships and trust civil filings have seen increases, which also translate to the highest amount of judicial needs. Another area that continues to see increases in judicial need is those cases that involve self-represented litigants.

Throughout this past year, the UJS has achieved significant steps toward the implementation of our new case management system. Many, many hours have been spent on configuration and conversion and I am very pleased to report six counties will be entering a pilot phase this month. We are looking forward to many changes to the entire UJS over the next few months and years.

I hope this report and our website are valuable resources for you and tell a meaningful story about our court system and the women and men who diligently work every day to bring justice to the citizens of South Dakota.

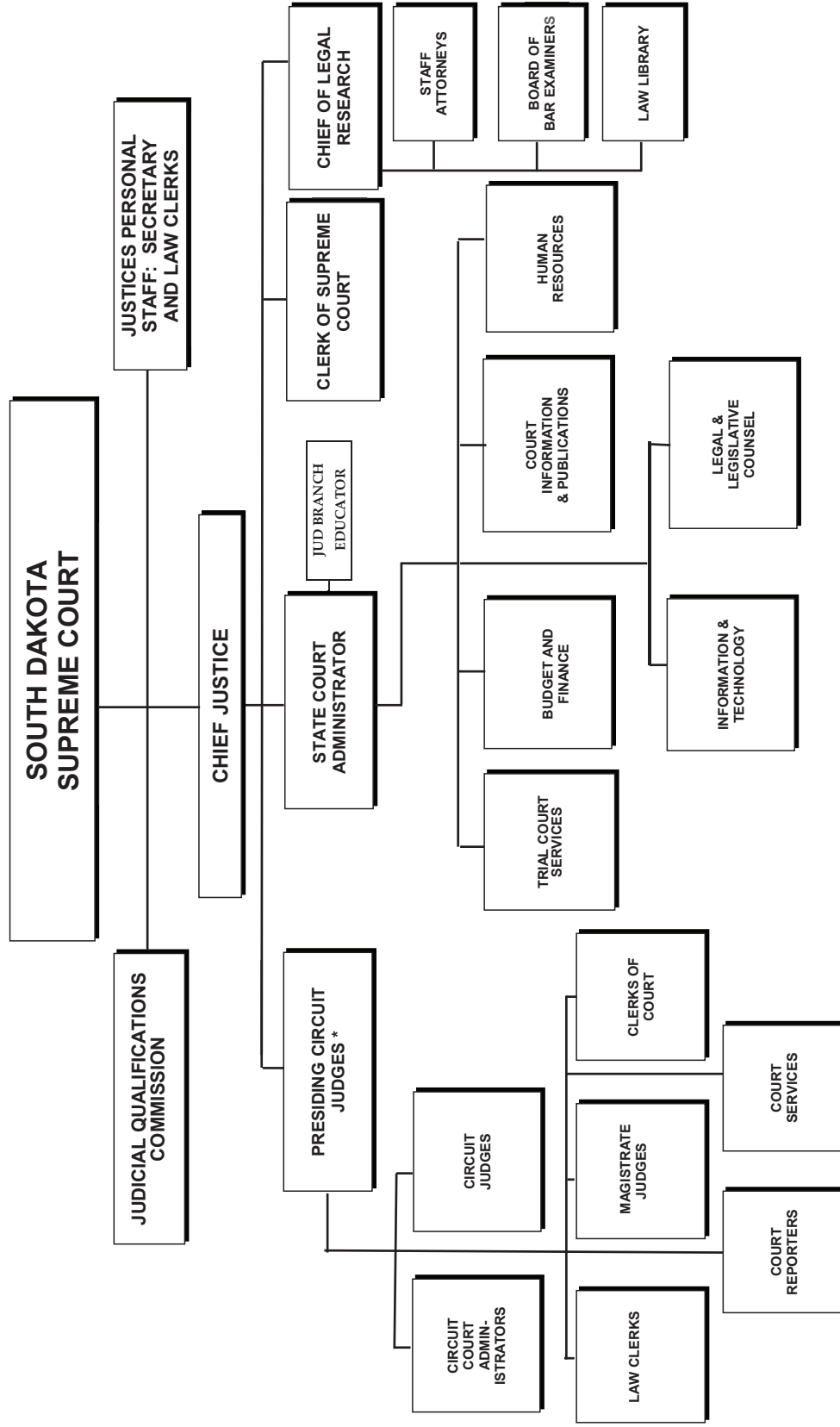
Sincerely,

A handwritten signature in cursive script that reads "Patricia Duggan".

Patricia Duggan  
State Court Administrator

***Our Mission:*** Justice for All  
***Our Vision:*** We are stewards of an open, effective, and accessible court system, worthy of the public's trust and confidence.

Table 1.  
SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM  
Organizational Chart



\* One presiding judge for each circuit.

SOUTH DAKOTA JUDICIAL SYSTEM  
**UJS Strategic Plan**  
Created: October 2009

## Key UJS Philosophical Values

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### **Fairness & Impartiality**

We will interpret and apply the rule of law in a manner that is unbiased and that provides equal protection to all who seek our services.

### **Respect**

We will encourage respect for the law, the administration of justice, and the people we interact and work with each day. We will promote and exemplify high standards of cooperation and courtesy to those within and outside the UJS.

### **Competence**

We will continue to develop our technical and academic knowledge. We will strive for a standard of excellence in all we do through accurate, timely, reliable, consistent, and efficient performance.

### **Judicial Independence**

We will uphold the principle that our courts should not be subject to improper influence from the other branches of government, or from private or partisan interests.

### **Integrity**

We will conduct business in accordance with the highest ethical and legal standards. We will strive to maintain a reputation of honesty, reliability, and trustworthiness in all our activities.

### **Service**

We will provide equal access to the judicial process to anyone who needs our services. We will offer assistance, act with sincerity in our activities, and encourage cooperative efforts to achieve our mission.

PAAC is the Supreme Court's Planning and Administrative Advisory Council. PAAC conducted a survey of UJS employees, judges and justices, and the South Dakota Bar Association. After the results were analyzed, PAAC recommended the Strategic Plan to the Supreme Court. It exists to provide leadership to the Supreme Court, Circuit Courts, and the State Court Administrator's Office on best practices and consistent business policies that affect internal court operations, resources, and priorities; to advise them on long-term statewide planning for the UJS; and to recommend system-wide responses to changing expectations of the judicial environment, such as future trends, technological developments, economic and societal patterns, and shifting demographics. PAAC will work in concert with the Supreme Court's Technology Council and the Presiding Judges' Council to offer recommendations that will allow the UJS to anticipate and address those areas in a clear, active, and well-coordinated manner.

## Six Focus Areas of UJS

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To make our vision a reality, we will achieve results in the following areas:

**1. Technology.** We will seek to acquire modern resources that will provide technical options, solutions, and resolutions for UJS offices, other justice system agencies, and the public. This includes a new case management system, networking capabilities, e-filing and electronic document management.

**2. Staffing Recruitment and Retention.** Our most valuable asset is our employees. We will evaluate our existing compensation and classification system to ensure equitable treatment of our employees, fair wages, and satisfactory working conditions. We will continue to provide personal and professional development opportunities to all judges and staff.

**3. Budget & Resource Management.** The UJS will provide open and accountable administration of all resources available to it. We will explore alternative and additional funding options. We will evaluate current business practices to determine where efficiencies can be gained, without sacrificing effectiveness.

**4. Small and Rural Courts Issues.** We will assess the need for improved physical access to court facilities; uniformity and availability of services; workload distribution options; and the impact of serving rural areas of our state.

**5. Access to Justice.** We will form partnerships with diverse individuals, organizations, and communities; identify resources; demystify the courts; and develop user-friendly instructional pamphlets and forms to assist our customers in using the court system.

**6. Public Trust & Confidence.** It is our responsibility to ensure that the public has confidence in our work and trust that we are operating efficiently, effectively, and without bias or prejudice. We will be leaders in the effort to educate the citizens we serve about the judicial process.

\* \* \* \* \*

**Each year, we will move forward in these Six Focus Areas by:**

- Reviewing our strategies against the changing environment and against our mission, vision, goals, and values, and adjusting as needed;
- Evaluating the prior year's programs and performance;
- Making budget and resource allocation decisions within the context of the strategic plan; and
- Conducting operational reviews of administrative practices, procedures, rules, and organizational structures to identify changes that improve the quality of service, control costs, streamline procedures, and to promote access to justice.

## 2010-2011 Major UJS Accomplishments

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### **Technology**

- Configuration and development of Odyssey system
- Added content to our UJS Intranet: Wellness site, Judges' Benchbook
- Social Media Guidelines/updated Email & Internet policy

### **Staffing Recruitment & Retention**

- Orientation for 1 circuit judge, 1 magistrate judge, 1 Clerk of courts
- Promotions of 5 deputy clerks to Clerk, and 1 Clerk to Circuit Administrator
- Revised Safety and Personal Security handbooks, pushed to intranet
- Court Reporter and I/T programmer recruitment fairs
- Professional & Leadership Development Programs:
  - Deputy Clerks (9 participants)
  - Court Management Program (20 to graduate May 2011)
  - Leadership Institute – Phase 1 (6 employees), Phase 2 (24 graduates +7 new)
  - Book Chat (2 books completed)

### **Budget & Resource Management**

- Negotiated and planned implementation for 10% budget reduction
- Reorganized Annual Report and other publications
- Developed new budget process to streamline projections using 5 year averages
- Child Support Referee review (8 CSRs observed), new database in development

### **Small & Rural Courts Issues**

- Remote receipting project, other workload shifting arrangements
- Analyzing magistrate workloads

### **Access to Justice**

- Drug Courts Organizational Review, plus Symposium evaluated
- Drug Court Rule adopted to allow ex parte communications
- Cameras in Courtroom Rule adopted
- Interpreter committee developing recommendations

### **Public Trust & Confidence**

- Training on iCivics program

### **On-going/Pending Matters Include:**

- Odyssey development and pilot plans
- Jury data improvement (addresses and county info)
- Collections of money owed pursuant to Court orders
- Fee and cost increases for next year
- UJS Personnel Rules revisions
- Shift to on-site training and mentoring for new hires

# SUPREME COURT

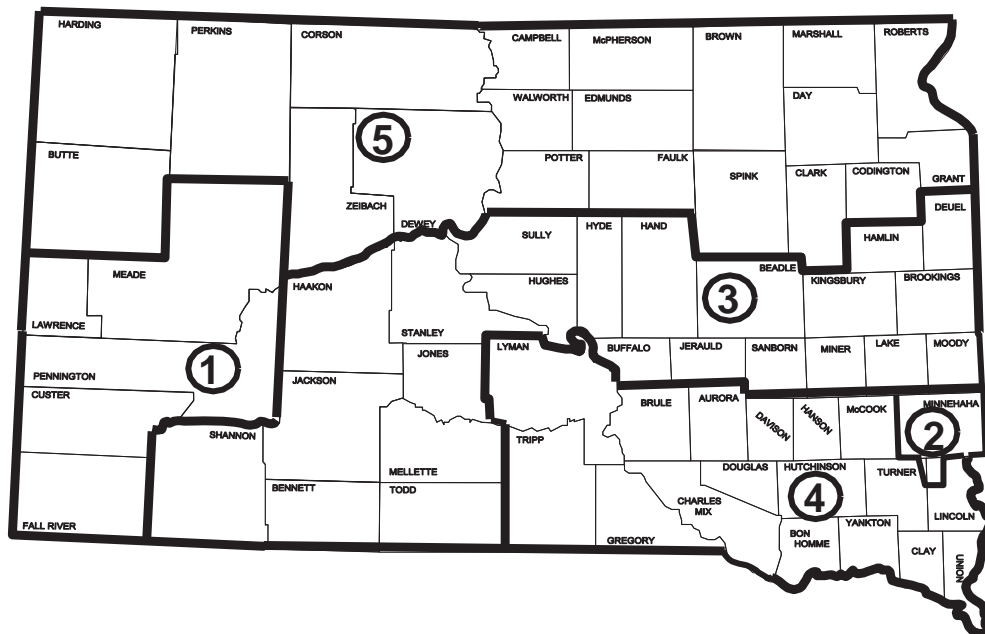
As the state's highest court and the court of last resort for state appellate actions, the chief justice and four justices comprising the South Dakota Supreme Court are the final judicial authority on all matters involving the legal and judicial system of South Dakota.

## *Chief Justice and Four Justices* Duties and Responsibilities

- Original jurisdiction in cases involving interests of state
- Issues original and remedial writs
- Renders advisory opinions to Governor on issues involving executive power
- Appellate jurisdiction over circuit court decisions
- Rule-making power over court practice and procedure
- Administrative leadership for the legal and judicial system
- Controls admissions to and disciplines members of the State Bar

Under the terms of a 1980 constitutional amendment, Supreme Court justices are appointed by the Governor from a list of nominees selected by the Judicial Qualifications Commission. All who sit on the Supreme Court must be licensed to practice law in the state and permanent justices must be voting residents of the district from which they are appointed at the time they take office (Map 1 below).

**Map 1. South Dakota Supreme Court Appointment Districts**





## Supreme Court Workload

The Supreme Court workload information is shown on Pages 6 and 7. The categories shown are those most commonly used within the Supreme Court.

“Intermediate Appeals” are appeals made during the progress of a case in circuit court. Intermediate appeals are accepted at the discretion of the Supreme Court.

“Notice of Review” is filed by an appellee (party against whom an appeal is taken) seeking review of a judgment or order entered in the same action from which an appeal has been taken. A notice of review is a separate filing but not a separate disposition since it is disposed of as part of the original appeal.

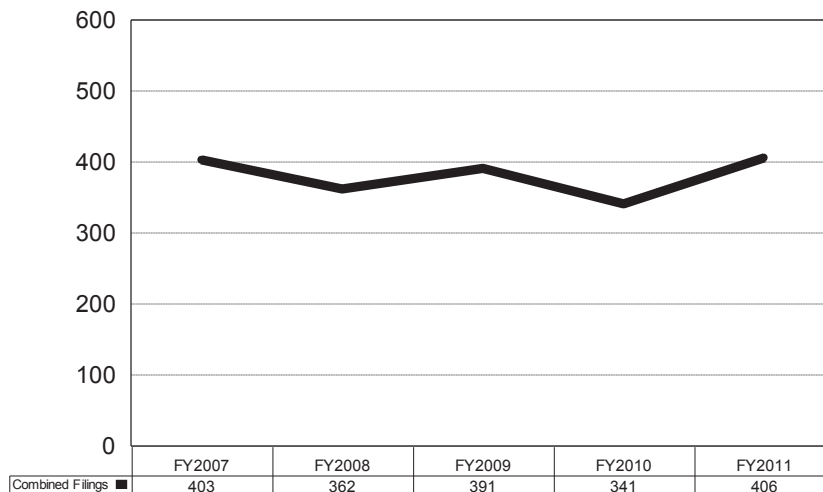
“Certificates of Probable Cause” are required before an appeal can be brought in a habeas corpus case.

“Summary Dispositions” are appeals that have been summarily affirmed or reversed on established grounds set forth in SDCL 15-26A-87.1. In these proceedings the Court, on its own motion, may affirm or reverse the judgment or order from which the appeal is taken. The Court must be unanimous in its decision to render a summary disposition, and the decision is set out in an order or memorandum opinion. The term “expedited appeal” is sometimes used because it usually takes less time to process appeals under this rule.

“Pending Cases” are cases which have been filed with the Court but in which no decision has been entered.

“Administrative, Judicial, Legal Research, Law Library and Bar Admissions” are all part of the workload within the Supreme Court.

**Chart 1. Supreme Court Caseload Comparison**





**Table 2. SUPREME COURT CASELOAD COMPARED BY FISCAL YEAR**

<b>Fiscal Year:</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>
<b>FILINGS:</b>					
Appeals	282	279	310	279	321
Intermediate Appeals	46	29	20	25	30
Original Proceedings	40	17	25	17	15
Notice of Review	12	12	16	4	29
Certificates of Probable Cause	23	24	20	14	11
Reinstatements	0	1	0	1	0
Rehearings Granted	0	0	0	1	0
<b>COMBINED FILINGS</b>	<b>403</b>	<b>362</b>	<b>391</b>	<b>341</b>	<b>406</b>
<b>DISPOSITIONS:</b>					
Appeals / Original Proceedings	124/134	120/140	130/141	120/140	85/90
Orders of Dismissal/Dispositional Remands	78	80	95	80	80
Denial of Intermediate Appeals	24	18	27	18	22
Original Proceedings (by Order)	34	31	41	31	18
Dispositive Remand	0	0	0	0	0
Summary Dispositions	112	75	92	75	121
<b>COMBINED DISPOSITIONS</b>	<b>382</b>	<b>344</b>	<b>396</b>	<b>344</b>	<b>331</b>
<b>PENDING CASES:</b>					
Submitted and Pending	49	35	27	35	33
Ready for Submission	38	37	38	37	45
Not Ready for Calendar	77	76	74	76	119
Other (in Suspense)	9	11	3	11	4
<b>TOTAL PENDING CASES (6/30/2010)</b>	<b>173</b>	<b>159</b>	<b>142</b>	<b>159</b>	<b>201</b>
<b>ADMINISTRATIVE:</b>					
Hearings on Rules and Related Matters	2	2	3	2	4
Internal Procedure Rules Adopted or Amended	1	2	3	2	1
Supreme Court Rules Adopted or Amended	11	11	12	11	35
Administrative Conferences	22	22	25	22	24
<b>JUDICIAL:</b>					
Orders, Writs and Judgments Entered	1080	1085	1095	1085	1195
Bar Admissions	109	88	97	88	103
Bar Admissions pursuant to SDCL 16-18-2	24	18	10	18	14
Oral Arguments (Actions/Submission)	59/67	63/69	57/63	63/69	45/55
Cases Submitted on Briefs	174/184	144/155	140/150	144/155	142/149
Case Conference Days	27	27	27	27	24
<b>LEGAL RESEARCH:</b>					
Appeals Screened	402	362	392	405	406
Cases Briefs Were Received In	222	213	213	210	211
Per Curiams Assigned	55	43	43	49	57
Circuit Judge Opinions Issued	15	6	6	14	0
<b>LAW LIBRARY:</b>					
Volumes Updated	1000	1000	1000	500	500
Volumes Removed	200	200	200	600	600
<b>BAR ADMISSIONS:</b>					
Applications Processed	130	125	125	148	108
Bar Inquiries Answered	1300	1300	1300	1300	1300

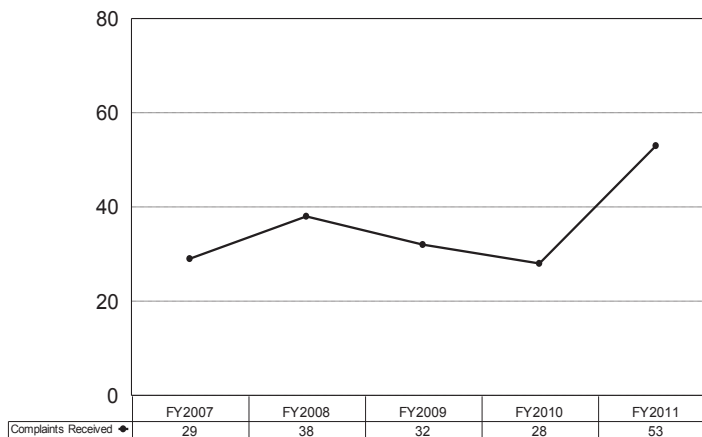
# JUDICIAL QUALIFICATIONS COMMISSION

The Judicial Qualifications Commission was created by the South Dakota Constitution.

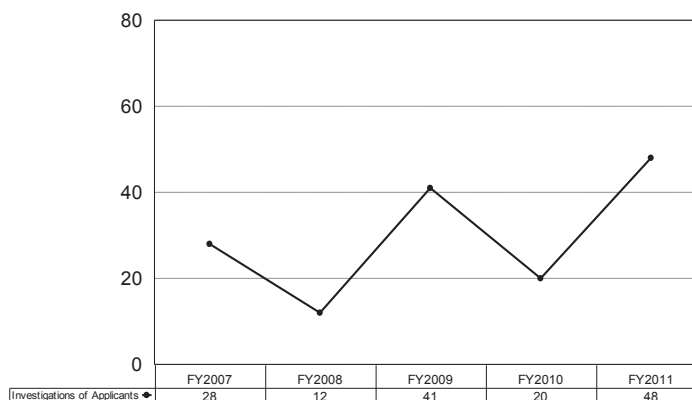
The seven-member commission is comprised of two circuit court judges, elected by the Judicial Conference; three attorneys, appointed by the President of the State Bar; and two lay persons, appointed by the Governor. The four-year terms of the members are staggered to promote administrative continuity.

- Receives and investigates complaints against justices or judges
- Conducts confidential hearings to determine whether complaints are justified
- Recommends to the Supreme Court censure, removal or retirement of a judge
- Reviews applicants for vacancies on the Supreme Court or circuit court bench
- Nominates two or more of the most qualified applicants to the Governor

**Chart 2. JQC Complaints Received**



**Chart 3. JQC Investigations of Applicants**



**Table 3.**  
**Judicial Qualifications Commission**  
**State of South Dakota**  
**Complaints Received and Dispositions**

	<b>FY2011</b>	<b>FY2010</b>	<b>FY2009</b>	<b>FY2008</b>	<b>FY2007</b>
Oral Complaints/Inquiries (No action by JQC)	4	6	5	4	15
Written Complaints Received *	49	22	27	34	16
Complaints Disposed of **	55	20	32	32	15
Type of Cases:					
Prisoner Complaints (Includes Habeas Corpus)	20	6	4	6	7
Divorce/Child Custody/Child Support Issues	4	3	11	10	4
Protection Order Cases	0	1	0	0	0
Civil Trial Issues (Includes Decisions)	14	5	6	6	0
Criminal Trial Issues (Includes Sentencing)	2	3	2	6	1
Personal Conduct	3	1	0	1	0
Small Claims	4	3	3	5	2
Guardianship/Conservatorship	0	0	0	0	2
Unknown	2	0	1	0	0
Nature of Claims in Complaints:					
Inappropriate Conduct/Abuse of Position	7	4	2	3	2
On Bench Abuse of Authority	12	1	0	0	3
Lack of Demeanor/Decorum	5	1	4	7	2
Bias/Appearance of Bias	6	10	5	8	4
Unhappy with Result	19	6	16	16	10
Commission Dispositions:					
1. Dismissal due to:					
a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative)	7	7	5	6	3
b. Lack of Jurisdiction***	37	10	2	13	2
c. Resigned Due to JQC Investigation	2	0	0	0	0
d. Unsubstantiated	1	0	6	8	4
e. No Violation Found	2	0	16	5	6
2. Private Reprimand	1	3	3	0	0
3. Deferred Disciplinary Agreement	0	0	0	0	0
4. Public Censure	0	0	0	0	0
5. Recommendation for Suspension	0	0	0	0	0
6. Recommendation for Removal	1	0	0	0	0
JQC Applicants					
Judicial Vacancies	3	1	4	1	4
Applicant Interviews	48	17	40	12	28
Investigation of Applicants	48	18	41	12	28

*\*Written Complaints Received, Type of Cases and Nature of Claims in Complaints reflect complaints received in that fiscal year.*

*\*\*Complaints Disposed of and Commission Dispositions reflect some complaints received in that fiscal year but not disposed of until the following fiscal year and some complaints that were both received and disposed of in this fiscal year.*

*\*\*\*JQC does not have the authority to direct a judge to take legal action or to review a case for judicial error, mistake or other legal grounds. Those functions are for the State Supreme Court. Therefore, allegations stemming from a judge's ruling or exercise of discretion do not provide a basis (jurisdiction) for JQC action.*

## STATE COURT ADMINISTRATOR'S OFFICE

Under supervision of the Chief Justice, who is the administrative head of the Unified Judicial System, the State Court Administrator is the non-judicial officer who implements the rules and policies of the Supreme Court as they apply to the operations and administration of the courts and is the liaison between the judicial branch and the other branches of state and local government. To ensure efficient and responsive operation, the State Court Administrator's Office provides centralized administrative assistance and support services to the entire Unified Judicial System. Detailed information about the seven divisions within the SCAO is available on our website at <http://ujis.sd.gov>.

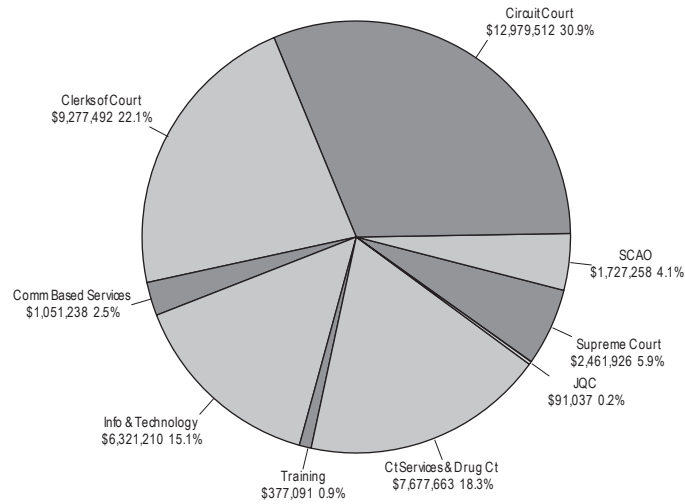
- Assists in the formulation of fundamental policies, principles, and standards for court administration in South Dakota including initiating, researching, developing, implementing, and evaluating proposed policies, principles, and standards
- Facilitates cooperation, consultation, and exchange of information by and among the circuit courts, within the State Court Administrator's Office, the Supreme Court, and with national, state, local offices and organizations directly concerned with court administration, including tribal entities
- Fosters the use of the principles and techniques of modern management in the field of court and judicial administration
- Endeavors to improve administrative practice and procedure in, and to increase the efficiency and effectiveness of, all state courts in South Dakota

## FINANCING THE JUDICIAL SYSTEM

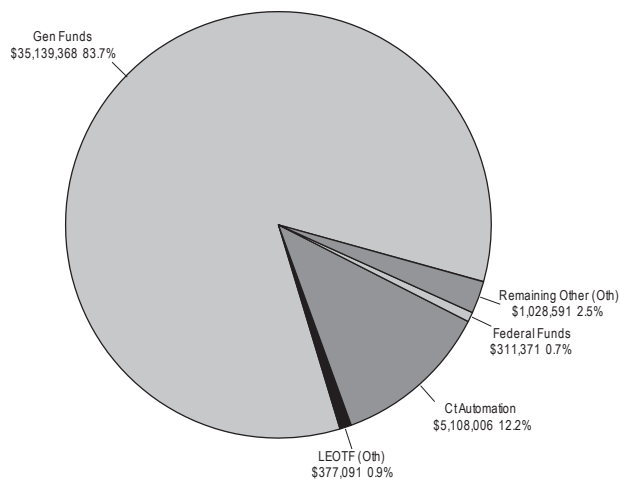
The State Court Administrator's Office manages the fiscal operations of the Unified Judicial System. This office prepares and submits the annual budget, administers the annual operating budget, and manages a uniform accounting system for the receipt and disbursement of all funds handled by circuit and magistrate courts.

In addition to state funding, city and county governments are required by state law to pay for certain court-related expenses. Each county is responsible for supporting court operations by paying all jury and witness fees, transcript and interpreter costs, and attorney fees for defense of the indigent. Counties are also required to provide operational facilities for the circuit court, magistrate court, clerk of court, and court services. Operational facilities include office space, courtrooms, jury rooms, and other space needed to support the court's operations. In addition, many counties maintain their own county law libraries, funded in part by a law library fee collected by the UJS on each civil filing made in circuit court.

## Chart 4. FY2011 Expenditures by Program



## Chart 5. FY2011 Expenditures by Fund Source



## 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 circuits (Map 2 on page 13), 41 circuit judges and 13 magistrate judges. Circuit judges are elected by the voters of 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 34 Circuit Court Judges in 7 Circuits (FY2011)*

- 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 of limited jurisdiction 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 (lay) magistrate presides. Clerk (lay) magistrates are not attorneys. Both magistrate judges and clerk magistrates are appointed by the presiding judge.

### **Magistrate Judge**

*12 full-time, 1 part-time in 7 circuits (FY2011)*

- 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

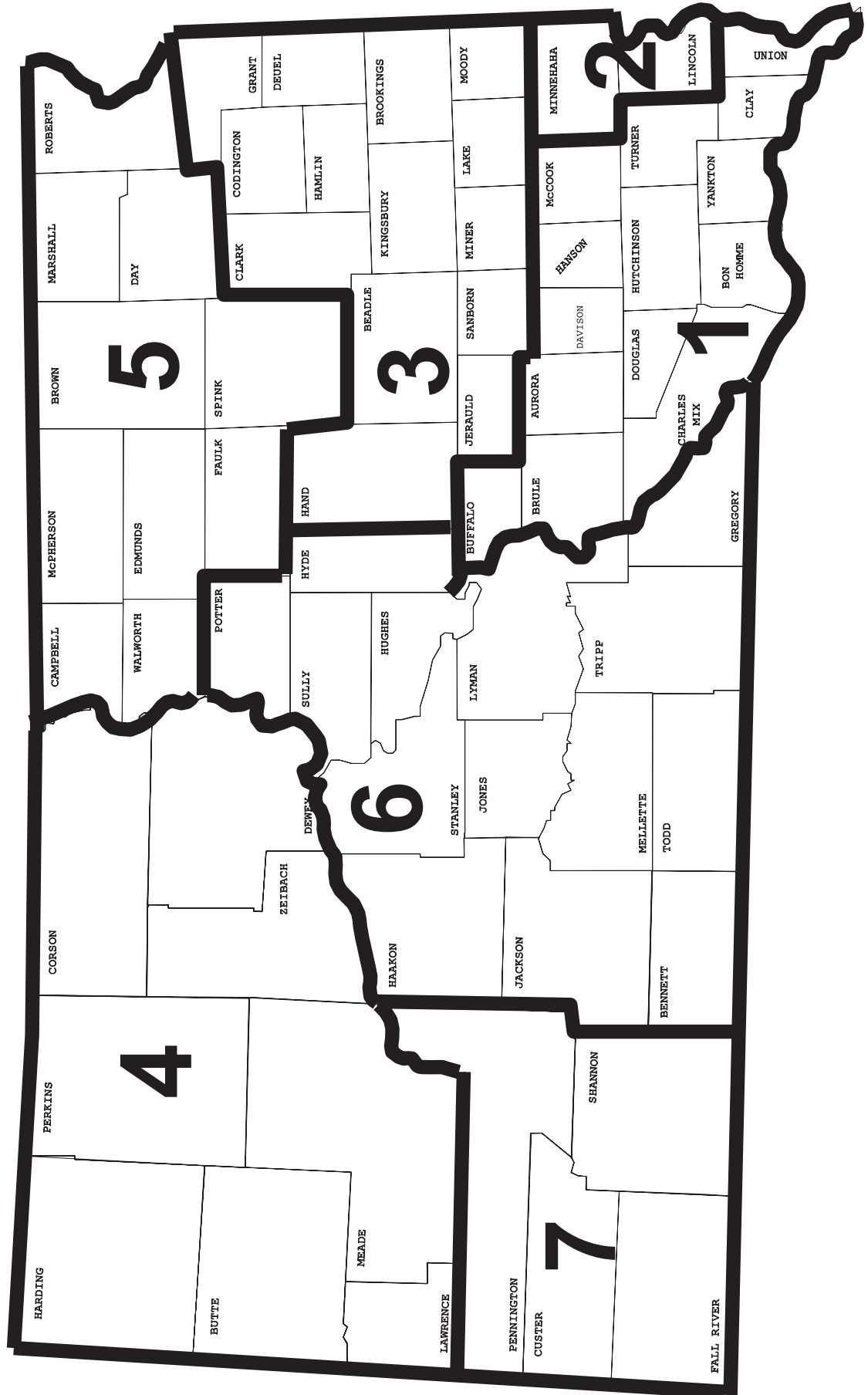
### **Clerk Magistrate**

*Functions usually performed by clerks*

Concurrent jurisdiction with circuit 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

## Map 2. South Dakota Judicial Circuits and Counties





**Table 4. South Dakota Unified Judicial System**  
Statewide Workload

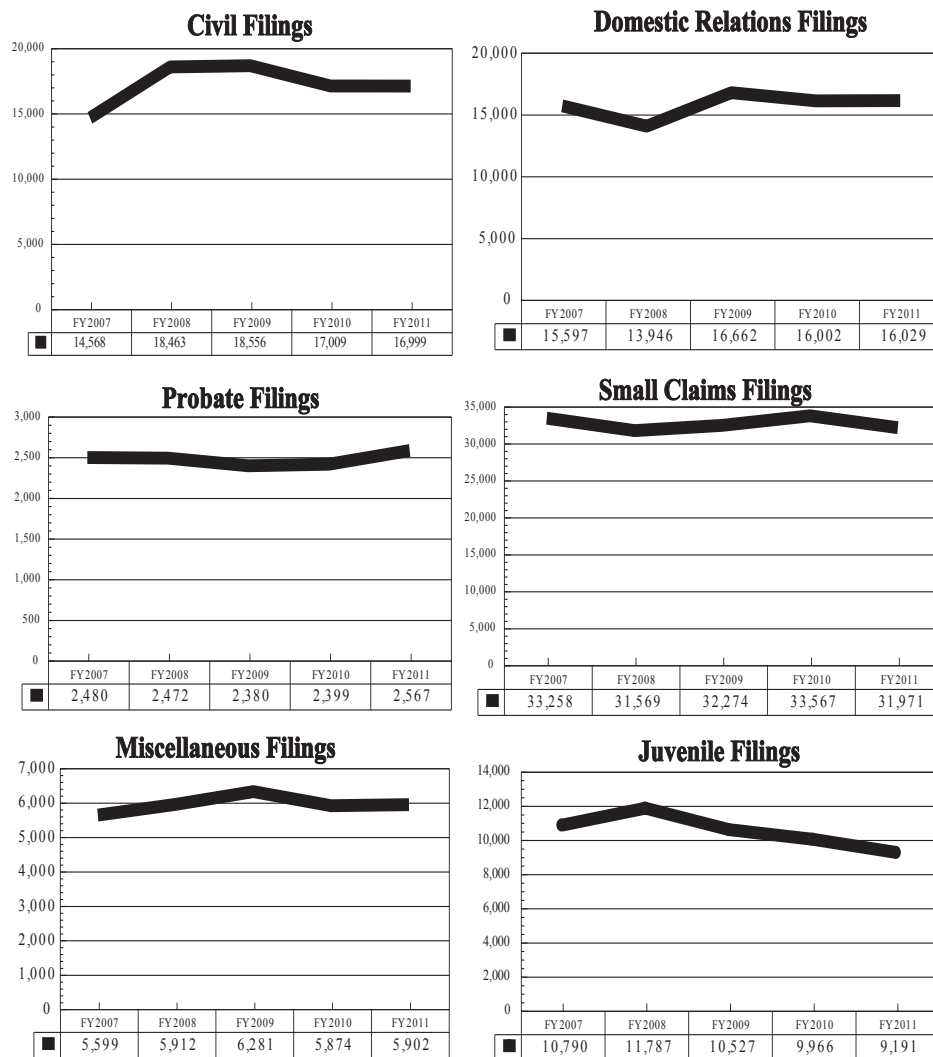
	FY2007 Filings	FY2008 Filings	FY2009 Filings	FY2010 Filings	FY2011 Filings
Class 2 Misdemeanor Non-Contested	106,865	106,613	104,008	95,533	84,610
Class 2 Misdemeanor Contested	33,068	32,647	30,609	29,432	28,243
Class 1 Misdemeanor Filings	23,464	22,613	21,896	20,141	19,929
Felony & Extradited Filings	5,660	5,797	5,745	6,126	6,456
<b>TOTAL CRIMINAL</b>	<b>169,057</b>	<b>167,670</b>	<b>162,258</b>	<b>151,232</b>	<b>139,238</b>
Divorce/Annulment/Separation	4,208	4,268	4,567	4,548	4,575
Protection Order Filings	4,085	4,437	4,523	4,578	4,460
Modification Proceedings/UIFSA Filings	7,304	5,241	7,572	6,876	6,994
Juvenile Dependency & Neglect Filings	849	991	1,034	1,045	1,032
Juvenile Delinquency Filings	9,921	10,796	9,493	8,921	8,159
Adoptions/Guardianships/Trusts Filings	1,944	1,866	1,551	1,452	1,622
Probate (Informal) Filings	2,116	2,125	2,050	2,044	2,255
Probate (Formal) Filings	362	347	330	355	312
Mental Illness/Drug & Alcohol Commitments	3,353	3,693	4,330	4,000	4,246
Civil Filings	14,568	18,463	18,556	17,009	16,999
Small Claims Filings	33,258	31,569	32,274	33,567	31,971
Administrative Appeals Filings	302	353	400	422	450
<b>TOTAL CIVIL FILINGS</b>	<b>82,270</b>	<b>84,149</b>	<b>86,680</b>	<b>84,817</b>	<b>83,075</b>
<b>TOTAL CRIMINAL &amp; CIVIL FILINGS</b>	<b>251,327</b>	<b>251,819</b>	<b>248,938</b>	<b>236,049</b>	<b>222,313</b>
<b>MISCELLANEOUS ACTIVITIES</b>					
Supreme Court Appeals	286	279	309	294	322
Child Support Receipts	6,940	5,356	4,290	3,176	2,547
Record Searches & Money Judgment Searches <sup>1</sup>	153,234	140,553	123,581	121,494	147,225
Search Warrants	714	747	730	706	969
Record Merges	56,141	34,048	27,190	18,393	12,685
Passports	2,217	2,555	1,389	1,124	1,165
Weddings	941	1,055	894	884	879

<sup>1</sup>Criteria changed in FY2009 for tracking record searches

## Civil Caseload

The following charts compare various types of civil (non-criminal) and juvenile case-load filings for the past five fiscal years.

**Chart 6. Civil Caseload Comparison**



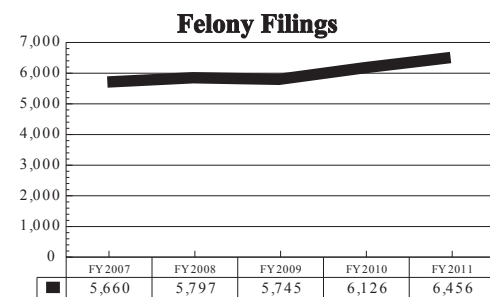
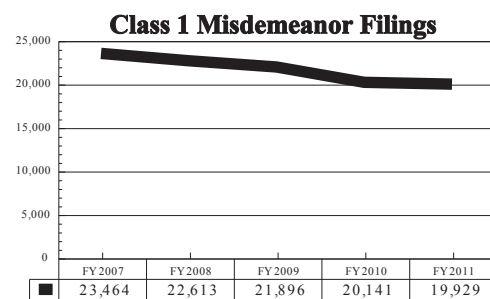
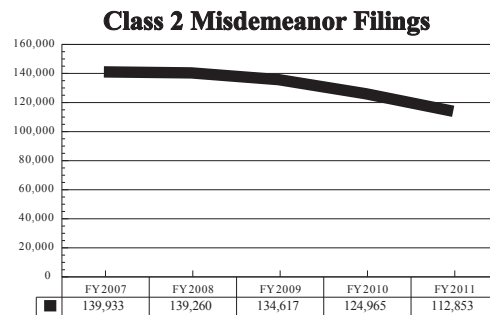
\* Miscellaneous Filings include Adoptions, Guardianships, Trusts, Mental Illness, Drug & Alcohol Commitments and Administrative Appeals.

## Criminal Caseload

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The charts below compare criminal case filings for the past five fiscal years.

**Chart 7. Criminal Caseload Comparison**



## RECEIPTS

Chart 8 below shows various types of receipts for the past five fiscal years. (See *Appendix A* for definitions of receipt categories and the website for further receipt information by county and circuit).

**Chart 8. Selected Receipts Compared  
Court-Appointed Attorney Repayment, Cash Fees and Restitution**

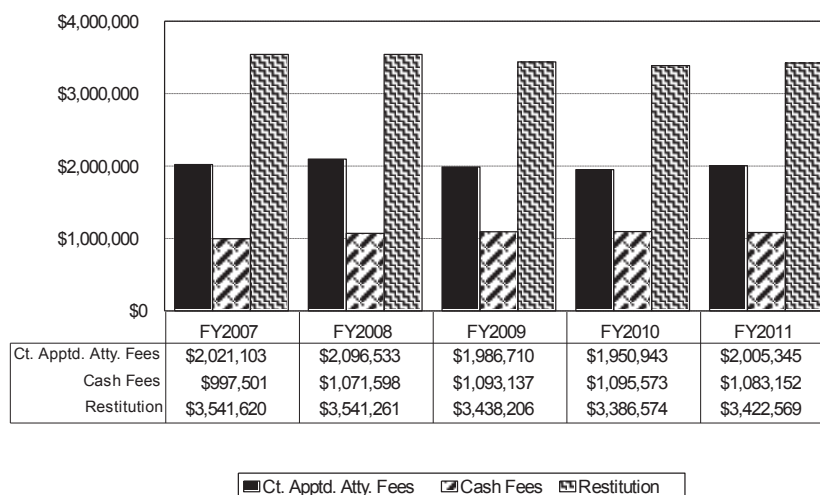
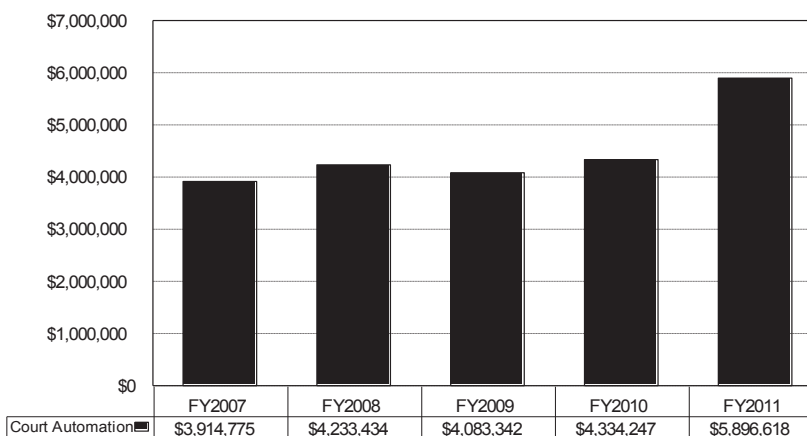


Chart 9 below shows court automation receipts for the past five fiscal years. Court Automation is a surcharge assessed on all criminal prosecutions and civil actions to fund court automation costs including development of the new statewide case management system.

**Chart 9. Selected Receipts Compared  
Court Automation**



**Table 5. CLERK OF COURT RECEIPTS AND DISBURSEMENTS COMPARISON**

	FY2007	FY2008	FY2009	FY2010	FY2011
<b><u>RECEIPTS</u></b>					
BONDS/UNDERTAKINGS/NO-INT TRUSTS	9,180,374	6,656,632	5,969,704	6,659,305	5,146,458
CITY FINES	1,305,177	1,218,300	1,168,420	1,011,000	928,253
CITY COSTS	8,861	10,412	10,770	8,602	6,142
CITY FORFEITURES	4,808	4,391	3,779	2,884	1,404
CITY PENALTIES	10,842	362	30	20	1,739
COUNTY FINES	24,895	13,555	8,208	7,794	5,917
COUNTY COSTS	236	816	356	237	69
COUNTY FORFEITURES	0	0	0	0	0
COUNTY PENALTIES	0	50	0	75	0
STATE FINES	9,982,519	10,119,207	9,748,551	9,193,693	8,829,633
STATE COSTS	780,569	820,345	790,899	749,188	640,764
STATE FORFEITURES	432,366	481,907	436,191	279,820	278,718
STATE PENALTIES	721,532	923,098	738,030	722,291	542,889
LIQUIDATED COSTS	4,012,434	5,101,649	5,028,560	4,661,907	4,228,198
COURT AUTOMATION FUND	3,914,775	4,233,434	4,083,342	4,334,247	5,896,618
VICTIM COMPENSATION - SURCHARGE	329,218	326,474	314,180	290,377	262,147
CASH FEES	997,501	1,071,598	1,093,137	1,095,573	1,083,152
DIVORCE FEES	135,575	132,550	138,600	141,460	142,088
LAW LIBRARY FEES	158,091	171,445	172,548	168,659	164,792
POSTAGE (SMALL CLAIMS)	199,729	211,255	221,872	241,663	231,643
PETTY OFFENSE	271,890	253,081	329,201	357,137	317,517
RESTITUTION	3,541,620	3,541,261	3,438,206	3,386,574	3,422,569
COURT APPOINTED ATTORNEY FEES *	2,021,103	2,096,533	1,986,710	1,950,943	2,005,345
NSF CHECK CHARGES	11,090	11,144	10,680	10,180	8,088
PASSPORT FEES	66,510	65,185	35,050	27,975	23,550
MARRIAGE FEES	18,820	18,040	16,960	17,660	17,560
ADULT COMPACT FEES	0	0	0	0	12,700
DRUG TEST FEES AND MONITORING FEES	46,027	228,738	481,307	693,610	805,114
MODIFICATION FEES	0	0	0	64,550	68,555
CHANGE OF VENUE	5,462	5,028	6,952	5,496	6,892
CHILD SUPPORT	1,769,147	1,309,787	989,201	670,725	474,901
CIVIL PASS THROUGH	72,003	94,965	94,986	82,320	115,123
ALIMONY	462,389	425,579	363,903	300,354	296,755
INTEREST-BEARING TRUST FUNDS	348,318	82,138	23,339	1,938,056	447,244
OTHER	217,811	192,992	175,178	114,311	168,683
<b><u>TOTAL RECEIVED</u></b>	<b>\$41,051,691</b>	<b>\$39,821,952</b>	<b>\$37,878,850</b>	<b>\$39,188,686</b>	<b>\$36,581,219</b>
<b><u>DISBURSEMENTS</u></b>					
BOND REFUNDS	8,194,905	6,260,106	6,019,146	7,611,646	5,258,425
REMITTED TO STATE	8,869,877	10,417,495	10,383,233	10,458,128	11,650,591
REMITTED TO CITY	867,398	805,396	772,719	667,640	611,549
REMITTED TO COUNTY	15,517,563	16,079,424	15,439,558	14,664,113	14,008,812
CHANGE OF VENUE	5,462	5,028	6,952	5,496	6,892
RESTITUTION	3,459,260	3,669,351	3,390,465	3,397,542	3,467,736
POSTAGE (SMALL CLAIMS)	199,729	211,255	221,872	241,664	231,643
CHILD SUPPORT	1,769,147	1,309,787	989,200	670,725	474,901
CIVIL PASS THROUGH	72,003	94,965	94,986	82,320	115,123
ALIMONY	462,389	425,579	363,903	300,355	296,755
INTEREST-BEARING TRUST FUNDS	33,685	485,953	98,692	1,531,402	520,120
OTHER	212,615	182,488	162,005	129,399	162,364
<b><u>TOTAL DISBURSED</u></b>	<b>\$39,664,032</b>	<b>\$39,946,828</b>	<b>\$37,942,731</b>	<b>\$39,760,429</b>	<b>\$36,804,911</b>

\* The "Court Appointed Attorney Fees" included on this page include only those amounts collected by the Unified Judicial System. These amounts do not include payments made directly to county auditors or treasurers, city collection agents, or sums recovered by counties pursuant to a statutory lien.

\*\* Reduction in child support collection reflect statutory changes shifting collection responsibilities to Department of Social Services effective October 1, 1998.

# DISBURSEMENTS

Charts on this page illustrate the volume of receipts disbursed by clerks of court.

**Disbursements to cities** are primarily city fines collected by the court system. The amount remitted to the cities is 65% of the total city fines, forfeitures, and penalties and 100% of city costs. The remaining 35% is remitted to the state general fund.

**Disbursements to the state** include liquidated costs and the 35% of city fines mentioned above.

**Disbursements to counties** include state fines -- including funds returned to school districts in accordance with Article VIII, § 3, of the South Dakota Constitution -- costs, and forfeitures, and various fees for civil filings.

Chart 10. FY2011 UJS Selected Disbursements

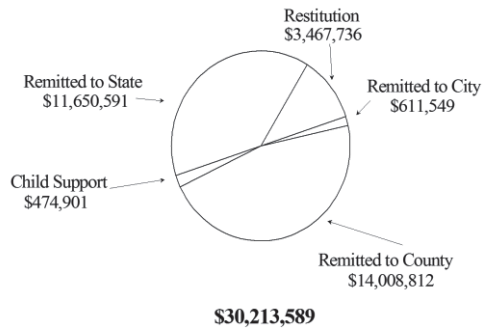


Chart 11. UJS Selected Disbursements Compared

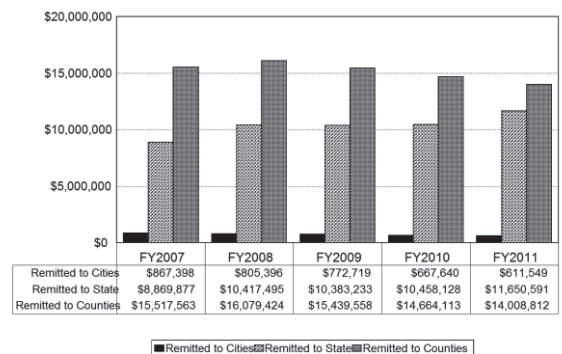
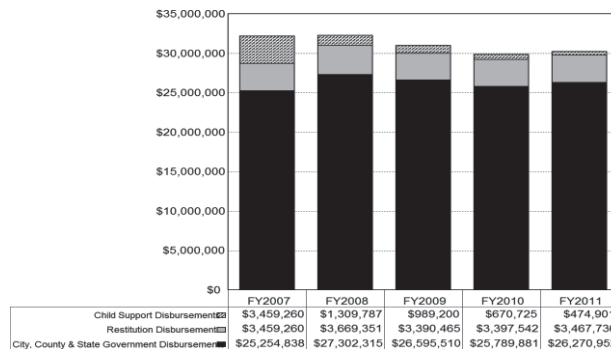


Chart 12. UJS Selected Revenue Disbursements



**Table 6. Court Services Activities - FY2007 to FY2011**

<b>SERVICE CATEGORIES</b>	<b>FY2007</b>	<b>FY2008</b>	<b>FY2009</b>	<b>FY2010</b>	<b>FY2011</b>
<b>Juvenile Service:</b>					
PHSCS	643	702	673	652	588
90-Day Diversion Services Added	860	851	840	719	648
Placed on Probation During	2,777	3,096	2,832	2,915	2,800
Active Probation Cases at End of FY	1,838	2,110	1,903	1,995	2,173
Restitution Collected	\$284,920	\$260,279	\$299,184	\$278,268	\$238,321
<b>Case Services Monitoring:</b>					
Placed in Program During FY	676	399	602	561	454
Active Cases at End of FY	404	236	364	336	361
Interstate Compact Cases-In	18	19	22	17	17
Interstate Compact Cases-Out	11	17	28	41	40
<b>Intensive Probation:</b>					
Placed In Program During FY	176	187	188	216	193
Transferred In	N/A	N/A	N/A	2	16
Transferred Out	N/A	N/A	N/A	9	16
Successfully Completed Program	93	96	91	92	85
Failed Program and sent to DOC	77	78	94	82	108
Failed Program (Other)	10	5	5	14	15
Active Cases at End of FY	107	115	113	134	119
<b>Adult Service, Misdemeanor:</b>					
PSI Reports	143	272	287	264	227
Placed on Probation	422	671	638	815	675
On Probation at End of FY	607	749	718	1094	1066
Restitution Collected	\$1,010,723	\$1,207,203	\$1,445,333	\$1,386,646	\$1,495,989
<b>Adult Service, Felony:</b>					
PSI Reports	2,657	2,628	2,483	2,354	2,477
Placed on Probation	1,522	1,580	1,686	1,466	1,573
On Probation at End of FY	3,582	3,629	3,684	3,557	3,599
Restitution Collected	\$2,245,978	\$2,073,779	\$1,693,688	\$1,721,661	\$1,688,256
<b>Adult Service, Drug Court:</b>					
Drug Court Participants	N/A	9	19	18	24
Drug Court Sessions	N/A	41	50	52	52
<b>Case Services Monitoring Program (F&amp;M):</b>					
Placed in Program	1,417	1,581	1,519	1,193	1,365
Active Cases at End of FY	1,106	1,229	1,307	1,470	1,626
<b>Adult Interstate Compact Caseload (F&amp;M):</b>					
Total Placed on Probation - In & Out	348	329	368	350	342
On Probation at End of FY	899	851	822	785	782



**PROBATION SUPERVISION COSTS**  
**Trial Court Services Department**  
**FY 2011**  
**(Personal, Operating, Community Based, &**  
**Juvenile Home Based Services)**

**105 Court Services Officers**

Juvenile Probationers as of 6/30/2011

2,710

Adult Probationers as of 6/30/2011

7,073

**Total**

**9,783**

588 Juvenile Social Histories (avg 11 hours per report)

2,477 Adult Felony Pre-Sentence Investigations (avg 11 hours per report)

227 Misdemeanor Pre-Sentence Reports (avg 3 hours per report)

**FY 2011 Expenditures (actual)**

Personal Services

\$7,072,098

Operating Services

401,022

Community Based Services

637,396

Juvenile Home Based Services

420,848

**Total**

**\$8,531,364**

Cost per Court Services Officer hour = \$39.06

Cost for Felony Pre-Sentence Investigation = \$429.66

Cost per Social History = \$429.66

Cost for Misdemeanor Pre-Sentence Investigation = \$117.18

**Total Cost of Prepared Reports for FY 2011**

**\$1,343,508**

**Cost for Supervision for FY 2011**

**\$7,187,856**

# **Average Cost of General Probation Supervision Per Day FY 2011**

## **ADULT**

- Intensive Probation (currently in 2 locations) \$12.50 per day
- High Supervision Probationer (1.62 hours per month) \$2.92 per day
- Medium Supervision Probationer (1.17 hours per month) \$2.11 per day
- Low Supervision Probationer (0.44 hours per month) \$ .79 per day
- Administrative Supervision Case (0.27 hours per month) \$ .49 per day
- Case Service Monitoring Case (0.09 hours per month) \$ .16 per day

## **JUVENILE**

- Intensive Probation (currently in 11 locations) \$15.63 per day
- High Supervision Probationer (1.78 hours per month) \$3.21 per day
- Medium Supervision Probationer (1.63 hours per month) \$2.94 per day
- Low Supervision Probationer (0.71 hours per month) \$1.28 per day
- Administrative Supervision Case (0.33 hours per month) \$ .59 per day
- Informal Diversion Case (0.23 hours per month) \$ .41 per day
- Case Service Monitoring Case (0.10 hours per month) \$ .18 per day

**Average Cost of Supervision - All Categories**

**\$2.83 per day**

## APPENDIX A

### **Definitions of Receipt Categories**

#### **Bonds/Undertakings/Non-Interest Trusts/Prepaid Court Appointed Attorney Fees:**

Bonds are posted in conjunction with a criminal case. This money is either forfeited, used to pay subsequent fines and costs, or returned to the defendant or depositor. Undertakings are posted in civil cases and appeals. Non-interest trusts are posted until the legal owner is determined or located. Court appointed attorney fees are posted as pre-payment for future CAAF costs incurred.

#### **City/County Fines/Penalties:**

Fines/penalties collected for city/county ordinance violations. City/county fines/penalties are paid into the city/county general fund (65%) and state general fund (35%) for services provided by the Unified Judicial System.

**City/County Costs:** Costs levied in conjunction with city/county fines as reimbursement to the city/county for an identifiable amount spent by the city/county in prosecuting a case. These funds are paid into the city/county general fund.

**City/County Forfeitures:** Forfeitures of bail bonds posted for violations of city/county ordinances. These funds are paid into the city/county general fund (65%) and state general fund (35%).

**State Fines/Penalties:** Fines/penalties collected for violation of state laws. These fines/penalties are paid to the county treasury for eventual transfer to the school district of the county in which the violation occurred.

**State Costs:** Money collected in conjunction with state fines to cover county costs. These are deposited in the county general fund.

**State Forfeitures:** Forfeitures of bonds posted for violations of state law. This money is paid into the county general fund.

#### **Court Automation Fund:**

**–Court Automation Surcharge:** A surcharge is assessed on all criminal prosecutions and civil actions to fund court automation costs. The following is the court automation fee schedule effective March 1, 2010:

Civil actions, probate proceedings, other judicial proceedings	\$40.00	All Class 2 misdemeanors (violation of state law)	\$23.50
Small claims where the amount in controversy is \$0 to \$3,999.99	\$12.00	All violations of county or municipal ordinances	\$17.50
\$4,000 to \$12,000	\$16.00	All violations of administrative rules with criminal penalties	\$17.50
All felony criminal cases	\$61.50	All appeals, original actions or other actions filed with the Supreme Court	\$50.00
All Class 1 misdemeanors	\$41.50		

**–Fax Filing Fees:** A fee of \$1 per page (\$10 minimum) for incoming fax filings. A fee of \$1 per page (\$5 minimum) for outgoing transmission of any opinion, record, or paper from an active or inactive file in the clerk's custody.

**–Record Searches:** A Fee of \$15 for each name search of court records if the search is being conducted for a person who is not a party to a pending state or federal action. A fee of \$5 for each name search of court records if the search is being conducted in conjunction with a pending state court or federal court action and the person making the records search request so certifies.

**–Web Judgment Searches:** A Fee of \$4 for each name or date search for civil judgments and \$1 per judgment card.

**–Non-Resident Attorney Admissions:** A \$100 portion of the \$200 admission fee. The other \$100 portion is paid to the state bar.

**Victim Compensation Surcharge:** A charge of \$2.50 assessed against a defendant in any criminal action which resulted from a violation of state law or county or municipal ordinance (except parking violations), and which is used to assist crime victims to recover some of the costs they incurred as a result of the crime.

**Liquidated Costs:** A \$40.00 surcharge assessed for all criminal convictions. Thirty dollars is deposited into the law enforcement officers training fund, six dollars into the court-appointed attorney and public defender payment fund, two dollars goes to the court appointed special advocates fund (CASA), one dollar into the 911 telecommunicator training fund, and one dollar into the abused and neglected child defense fund. The money is paid into the State Treasury for distribution (SDCL 23-3-53.)

**Cash Fees:** Fees charged for filing various civil actions. This money is paid into the county general fund.

**Divorce Fee:** A \$50 fee for filing a divorce action. Half of the fee is deposited in the county domestic abuse program fund and the remaining half in the county general fund.

**Law Library Fee:** A fee of \$2.00 or \$5.00 charged in addition to the civil case filing fee and used to support the county law library.

**Petty Offense Judgment:** A judgment of \$20 assessed for minor state violations designated as petty offenses. The money is deposited in the county treasury.

**Restitution:** Money which the court collects from a defendant to reimburse the victim for monetary loss caused by the crime. The money is paid to the victim.

**Court-Appointed Attorney Fee:** Costs recovered from defendants to reimburse the county general fund for payment of the defendant's court-appointed attorney. The money is paid to the county treasury.

**NSF Charge:** Thirty dollars charged to a person who issues to the state or a political subdivision a check or other draft that is not honored by the person's bank.

**Adult Compact Fees:** Fifty dollars charged to all South Dakota supervised felony and applicable misdemeanor cases/clients who request a transfer of their probation supervision to another state.

**Drug Test/Monitor Fees:** Fees charged to probationers to cover the cost of drug testing or monitoring while on probation.

**Change of Venue:** Fees or fines collected to be paid to another county court.

**Child Support:** Payments ordered by the court from one party in a divorce action to the other party as financial support for the children involved. Effective October 1, 1998, all child support payments made as a result of a new or modified court order will be processed through the South Dakota Department of Social Services.

**Civil Pass Through:** Payments collected in conjunction with a civil case and forwarded to the legal recipient.

**Passports:** Fees collected for processing U.S. passport applications. These funds are paid into the state general fund.

**Trust Fund:** Interest-bearing money deposited with a clerk pending a decision regarding ownership.

**Other:** Collections that do not fit any of the foregoing categories.

## **APPENDIX B**

<http://ujis.sd.gov>

Visit the UJS website for information on:

Bench Personnel by Judicial Circuit
Court Appointed Attorney Costs
Expenditures & Repayment for Court Appointed Attorney Costs
Civil Caseload Detail
Protection Order Filings
Abuse & Neglect Petitions
Criminal Caseload Detail
DUI Cases
Traffic Violations Summary
Insufficient Funds
Failure to Maintain Financial Responsibility Arrests (No proof of insurance)
Tobacco Violations
Court Services Detail