

# Judicial Qualifications Commission

## State of South Dakota

### Complaints Received and Dispositions

|   | FY2009 | FY2008 | FY2007 |
|---|--------|--------|--------|
| Written Complaints Received *   | 27     | 34     | 16     |
| Complaints Disposed of **   | 32     | 32     | 15     |
| Type of Cases:  |        |        |        |
| Prisoner Complaints (Includes Habeas Corpus)  | 4      | 6      | 7      |
| Divorce/Child Custody/Child Support Issues  | 11     | 10     | 4      |
| Protection Order Cases  | 0      | 0      | 0      |
| Civil Trial Issues (Includes Decisions)   | 6      | 6      | 0      |
| Criminal Trial Issues (Includes Sentencing)   | 2      | 6      | 1      |
| Personal Conduct  | 0      | 1      | 0      |
| Small Claims  | 3      | 5      | 2      |
| Guardianship/Conservatorship  | 0      | 0      | 2      |
| Unknown   | 1      | 0      | 0      |
| Nature of Claims in Complaints:   |        |        |        |
| Inappropriate Conduct/Abuse of Position   | 2      | 3      | 2      |
| On Bench Abuse of Authority   | 0      | 0      | 3      |
| Lack of Demeanor/Decorum  | 4      | 7      | 2      |
| Bias/Appearance of Bias   | 5      | 8      | 4      |
| Unhappy with Result   | 16     | 16     | 10     |
| Commission Dispositions:  |        |        |        |
| 1. Dismissal due to:  |        |        |        |
| a. Insufficient Evidence to Proceed (Unsigned Complaint, Complainant Uncooperative) | 5      | 6      | 3      |
| b. Lack of Jurisdiction***  | 2      | 13     | 2      |
| c. Resigned Due to JQC Investigation  | 0      | 0      | 0      |
| d. Unsubstantiated  | 6      | 8      | 4      |
| e. No Violation Found   | 16     | 5      | 6      |
| 2. Private Reprimand  | 3      | 0      | 0      |
| 3. Deferred Disciplinary Agreement  | 0      | 0      | 0      |
| 4. Public Censure   | 0      | 0      | 0      |
| 5. Recommendation for Suspension  | 0      | 0      | 0      |
| 6. Recommendation for Removal   | 0      | 0      | 0      |

\*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 the same 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.