

# SOUTH DAKOTA OFFICE OF INDIGENT LEGAL SERVICES

---

Monday, January 27, 2025, 2 p.m.

## Members Present

- Betsy Doyle
- Eric Erickson
- Dean Neil Fulton
- Heather Lammers Bogard
- Dick Travis
- Judge Rank
- Judge Long

## Guests

- Chris Miles

## **Call to Order**

Dean Fulton opened the meeting at 2pm and established a quorum.

## **Approval of Minutes of Prior Meeting**

**Motion:** A motion to approve the minutes was moved by Mr. Travis and seconded by Mr. Erickson. The motion carried.

## **Update on Budget Hearing and Legislation**

Dean Fulton and Mr. Miles provided updates regarding the Indigent Legal Commission's legislative budget hearing. Dean Fulton and Mr. Miles discussed the commission's creation, the task force's history, and the significance of its work. Dean Fulton reported progress on hiring and requested to reprogram funds from operations to personnel services due to higher-than-expected salary demands from applicants. No legislation related to the Public Defender's Office has been introduced yet this year, but discussions on future expansions will likely surface in the coming years.

## **Update on Handling Appeals**

Dean Fulton informed the commission that the office is four days away from taking cases. Mr. Miles confirmed that a letter had been shared with Mr. Sattizahn outlining their plan for taking new cases. He emphasized the importance of having resources available for indigent services, with a focus on ensuring smooth operations when new cases come in, particularly with lead time for transcripts and protocols. He also mentioned efforts to limit cases to avoid overwhelming the office.

Mr. Miles also updated the commission on recent work on the appellate protocols document, which has been shared with Ms. Doyle for review. Ms. Doyle asked if Pennington County had been contacted regarding their process. Mr. Miles confirmed that he has plans to meet with Eric Witcher to gather insights and make any necessary adjustments.

Ms. Doyle also inquired about intermediate appeals, particularly motions to suppress, and the process for handling cases outside the established criteria. Mr. Miles confirmed that intermediate appeals and certain other cases would remain with trial counsel, and any cases outside the criteria would involve consultation with the

# SOUTH DAKOTA OFFICE OF INDIGENT LEGAL SERVICES

---

circuit judge for potential reassignment. He noted plans to meet with Judge Houwman, Judge Gusinsky, and court administration to formalize processes for notifications and appointments.

Dean Fulton asked if protocols had been shared with presiding judges, and Mr. Miles committed to working with Mr. Sattizahn to ensure the information is distributed. Ms. Sarah Thorne from the Attorney General's office offered her assistance with protocols and resources, and Mr. Miles confirmed he would reach out if needed once the office begins taking on cases.

## **Rules Promulgation**

Dean Fulton noted ongoing behind-the-scenes discussions and highlighted progress on substantive language drafts, which Mr. Miles has been drafting. Dean Fulton has been working with the Chief Justice and Mr. Sattizahn. He emphasized a cautious approach regarding rules development, and suggested holding off on rule implementation until there is more certainty and alignment with judges, focusing instead on advancing trial-level representation before addressing broader rulemaking.

## **Public Comment**

There was no public comment.

## **Adjourn**

**Motion:** Judge Long made the motion to adjourn, and it was seconded by M. Travis. The motion carried.

The meeting adjourned at 2:20 pm