

# South Dakota Commission on Indigent Legal Services

June 30, 2025

## Members Present

- Betsy Doyle
- Joe Kippley
- Dean Neil Fulton
- Rep. David Kull
- Heather Lammers Bogard
- Judge Larry Long
- Judge Bobbi Rank
- Senator Jim Mehlhaff

## Excused

- Dick Travis

## Guests

- Chris Miles

## **Call to Order**

Dean Fulton opened the meeting at 10am and established a quorum.

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

**Motion:** A motion to approve the minutes was moved by Judge Long and seconded by Mr. Kippley. The motion carried.

## **Case Handling Update**

Mr. Chris Miles provided an update on office operations, noting recent outreach across judicial circuits and coordination with public defense stakeholders to support case activity and establish relationships. The office currently manages 18 appointed cases and will begin accepting statewide appointments on July 1. Communications have gone out to attorneys in several circuits with guidance for transitioning cases, and a new attorney will begin July 9. The case management system is live, and a move to a new office is underway.

Mr. Miles explained that core staff will work from the Sioux Falls office, while others will operate remotely. He anticipates caseloads will remain under 25 annually, in line with historical norms, and is exploring contract models for conflict counsel as needed. Future satellite offices may be considered, depending on demand and logistics.

Commission members discussed possible legislative interest in transferring indigent defense costs from counties to the state and acknowledged mixed feedback from the private bar—particularly in rural areas where appointment work is a significant income source. Mr. Miles emphasized that the office aims to complement, not replace, local counsel and suggested a dedicated team could help manage high-cost cases in underserved counties.

## **Rules Draft Review**

Mr. Miles is reaching out to colleagues in other states to learn how they handle appellate cases where conflicts of interest prevent the primary office from providing representation. He noted that this is occurring most often in A&N cases. When unable to represent all clients, the office is exploring options to contract with outside counsel and is considering what a potential agreement with an attorney in Pierre might look like, likely using a flat-rate or fixed contract model.

It was suggested that coordination with local public advocates' offices may be an option. Mr. Miles shared that he has had initial discussions and is continuing to evaluate the best approach moving forward. He welcomed any recommendations for attorneys who may be interested in assisting with appellate work.

## **Update on Rules Promulgation**

The Commission discussed preliminary rule drafts related to attorney qualifications, appointment procedures, and billing oversight. The conversation included clarification that while the office will maintain a list of qualified attorneys, judicial officers retain appointment authority. Members noted the operational realities in rural areas, including limited attorney availability and travel burdens, and discussed how the rules might interact with those circumstances.

Discussion also addressed how the minimum qualifications would apply to attorneys already providing court-appointed services, particularly in areas with limited coverage. Considerations included the potential for local discretion, the structure of the application and panel process, and how to support continuity in representation without creating unnecessary administrative barriers.

The Commission reviewed statutory provisions assigning the office a role in auditing billing submitted by appointed attorneys. It was noted that the purpose of this audit function includes system monitoring and data collection. Members also discussed how the audit process may be structured and communicated as part of overall administrative responsibilities.

*Senator Mehlhaff joined the meeting during the discussion on draft rules.*

## **Future Meetings**

Unified Judicial System staff will distribute scheduling polls to coordinate the next meetings, which will occur on a bimonthly basis. Dean Fulton expressed a wish to have one in-person meeting at the Sioux Falls office location sometime this fall.

## **Public Comment**

There was no public comment.

## **Adjourn**

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

The meeting adjourned at 10:55am.