



Commission on Indigent Legal Services

Statutory Responsibilities Overview

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OVERARCHING MISSION

“The Commission shall oversee indigent representation services in South Dakota to ensure the effective assistance of counsel where there is a right to counsel under state or federal law.”



PERSONNEL DECISIONS



Appoint a Chief Defender to head the Office of Indigent Legal Services.

- Appointed by a majority vote of the Commission.
- Need to determine hiring process for this position.
- Appointed to four-year terms and subject to reappointment by the Commission.
- May remove the Chief Defender by a two-thirds vote during a term.

FUNDING



- Explore mechanisms for the state to ensure adequate funding for indigent representation services statewide, including state and local government sharing the costs of such services.
- Advocate for resources and policies necessary to ensure effective indigent representation.
- Distribute \$3 million dollars in one-time funding to assist counties.

RULES PROMULGATION

Chapter 1-26:

- Minimum training standards to provide indigent defense
- Maximum caseloads for attorneys
- Procedures to handle conflict cases
- Establish hourly rates and travel reimbursement rates for attorneys appointed or contracted by the Office of Indigent Legal Services
- Audit and monitoring process for attorney billings
- Provide for data collection from state and local systems





FUTURE DIRECTION

- Commission approves the expansion of the Office of Indigent Legal Services to additional case types beyond the initial cases of criminal appellate, habeas corpus appeals, and abuse or neglect of a child appeals.
- Strategic planning
- Oversee training statewide for attorneys handling indigent defense
- Budget approval
- Office locations
- Joint powers agreements with state agencies for administrative support.

FUTURE MEETINGS

- The Commission shall hold meetings at the call of the Chairperson or at the request of a majority of its members.
- **NOTE:** It may be beneficial to try and calendar out meetings for the next several months given scheduling challenges.



CONTACT INFORMATION

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