IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE PROPOSED AMENDMENT OF SDCL 15-15-9 (Supreme Court Rule 10-02) AMENDMENT OF SDCL 15-26A-69.1 AMENDMENT OF SDCL 15-26A-89 PROPOSED ADOPTION OF A NEW RULE IN RE: MEDICAL PRIVACY	)	**NOTICE OF SPECIAL RULES HEARING NO. 120**

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Petition for the amendment of existing sections of the South Dakota Codified Laws and Supreme Court Rule 10-02 having been filed with the Court, and the Court having determined that the proposed amendments and adoption of a new rule should be noticed for hearing, now therefore,

NOTICE IS HEREBY GIVEN THAT ON AUGUST 26, 2010, at 9:00 A.M., C.S.T., at the Courtroom of the Supreme Court in the Capitol Building, Pierre, South Dakota, the Court will consider the following:

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1. Proposed Amendment of SDCL 15-15-9 (Supreme Court Rule 10-02) The record of any hearing, court trial or jury trial conducted by or on behalf of the Unified Judicial System shall consist of the transcript prepared by an official court reporter or court recorder or freelance reporter on contract with the Unified Judicial System, the exhibits offered in evidence and jury instructions. This rule shall not apply to child support referee hearings.

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2. Proposed Amendment of 15-26A-69.1. Citation of official opinions of the Supreme Court.

(1) The initial citation of any published opinion of the

Supreme Court released prior to January 1, 1996, in a brief, memorandum, or other document filed with the court and the citation in the table of cases in a brief shall include a reference to the volume and page number of the South Dakota Reports or North Western Reporter in which the opinion is published. Subsequent citations within the brief, document, or memorandum shall include the page number and sufficient references to identify the initial citation.

(2) The initial citation of any published opinion of the Supreme Court released on or after January 1, 1996, in a brief, memorandum, or other document filed with the court and the citation in the table of cases in a brief shall include a reference to the calendar year in which the decision was announced, the court designation of "S.D.", and a sequential number assigned by the clerk of the Supreme Court. Citation to specific portions of the opinion shall be made to the paragraph number assigned by the clerk of the Supreme Court. A paragraph citation should be placed immediately following the sequential number assigned to the case. Subsequent citations within the brief, document, or memorandum shall include the paragraph number and sufficient references to identify the initial citation.

When available, initial citations shall include the volume and initial page number of the North Western Reporter in which the opinion is published.

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3. Proposed Amendment of SDCL 15-26A-89. When Member of Court Absent. Whenever any member of the court is not present at the oral argument of a case, such case shall be deemed submitted to such member of the court on the record, briefs, and recorded arguments. ~~and~~ When during the consideration of a case there is a change in the personnel of the court, the case shall be deemed submitted to the ~~new member or members on the record, briefs, and recorded arguments~~

~~of counsel~~ members of the court sitting on the case when the case was placed on the court's calendar.

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4. Proposed Adoption of a New Rule In Re: Medical Privacy

The production of a record of a health care provider, whether in litigation or a claim, does not waive any privilege which exists with respect to the record, other than for use in the litigation or claim in which it is produced. Any person or entity receiving such a record may not reproduce, distribute, or use it for any purpose other than the litigation or claim for which it is produced.

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Any person interested may appear at the hearing and be heard, provided that all objections or proposed amendments shall be reduced to writing and the original and ten copies thereof filed with the clerk of the Supreme Court no later than August 13, 2010.

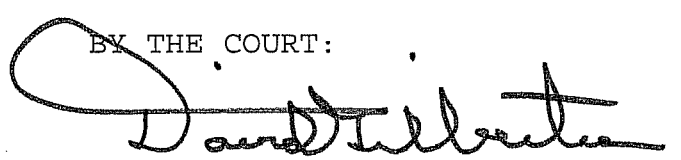
Subsequent to the hearing, the Court may reject or adopt the proposed rule or any rule germane to the subject thereof.

Notice of this hearing shall be made to the members of the State Bar by publication of this notice in the July and August 2010, State Bar Newsletters.

DATED at Pierre, South Dakota this 30th day of June, 2010.

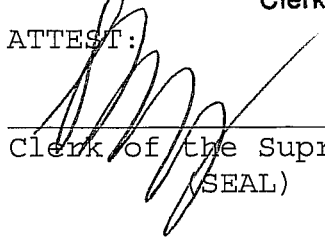
SUPREME COURT
STATE OF SOUTH DAKOTA
FILED
JUN 30 2010
Sheif A Johnson Legal
Clerk

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)