

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE ADOPTION OF A  
NEW RULE TO BE DESIGNATED AS RULE VI  
OF THE RULES OF PROCEDURE OF THE  
JUDICIAL QUALIFICATIONS COMMISSION  
(APPENDIX TO SDCL 16-1A)

RULE 98-4

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A hearing having been held on February 20, 1998, at Pierre, South Dakota, relating to the adoption of a new rule to be designated as Rule 32 of the Rules of Procedure of the Judicial Qualifications Commission (Appendix to SDCL 16-1A), and the Court having considered the proposed new rule, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that the following new rule, to be added to the Appendix to SDCL 16-1A, be and it is hereby adopted to read in its entirety as follows:

**VI. JUDICIAL ETHICS COMMITTEE**

**1. Judicial ethics committee and opinions.**

(a) There shall be an ethics committee of the South Dakota judiciary consisting of two circuit court judges and one magistrate judge. The judicial members shall be selected at the annual judges association meeting. Each member shall serve for a term of three years from the date of the election. A chairperson shall be elected annually by a majority vote of the ethics committee.

(b) Opinions as to the propriety of any act or conduct and the construction or application of any canon shall be provided by the committee upon request from any justice, judge or magistrate, except as to matters relating to judicial campaigns which shall be the exclusive jurisdiction of the Special Committee created

RULE 98-4

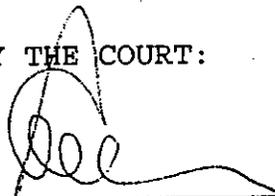
in Rule 30. If the committee finds the question of limited significance, it shall provide an informal opinion to the questioner. If, however, it finds the questions of sufficient general interest and importance, it shall render a formal opinion, in which event it shall cause the opinion to be published in complete or synopsis form with the names of the persons involved excised. Likewise, the committee may issue formal opinions on its own motion under such circumstances as it finds appropriate. All opinions shall be adopted by a majority vote of the members of the Committee. If a majority vote cannot be obtained, no opinion shall be issued.

(c) Both formal and informal opinions shall be advisory only; however, the Commission and the Supreme Court shall consider reliance by a justice, judge or magistrate upon the ethics committee opinion.

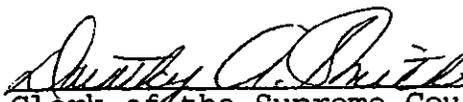
IT IS FURTHER ORDERED that this rule shall become effective April 1, 1998.

DATED at Pierre, South Dakota, this 5th day of March, 1998.

BY THE COURT:

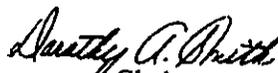
  
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Robert A. Miller, Chief Justice

ATTEST:

  
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Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

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Clerk