

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA
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SUPREME COURT
STATE OF SOUTH DAKOTA
FILED
NOV 13 2017
Shirley A. Johnson Lepp
Clerk

IN THE MATTER OF THE ADOPTION) RULE 17-12
TO THE APPENDIX OF SDCL CHAPTER)
16-17 RELATING TO THE BY LAWS)
OF THE STATE BAR OF SOUTH DAKOTA)

A hearing was held on November 7, 2017, at Pierre, South Dakota, relating to the proposed adoptions to the Appendix of SDCL Chapter 16-17 relating to the By-Laws of the State Bar of South Dakota and the Court having considered the proposed adoptions and oral presentation thereto and being fully advised in the premises, now, therefore, it is

ORDERED that the Appendix of SDCL Chapter 16-17 relating to the By-Laws of the State Bar of South Dakota be and they are hereby adopted to include the following:

Appendix of SDCL CHAPTER 16-17.

THE STATE BAR OF SOUTH DAKOTA

BY-LAWS OF

THE STATE BAR OF SOUTH DAKOTA

Section 34. Electronic Communications: Electronic communications, records, and signatures may be used in connection with all matters contemplated by the by-laws unless prohibited by law. The Bar Commissioners may use and rely upon electronic communications for all notices, waivers, consents, and action for all matters contemplated by the by-laws.

Section 35. Board Action (with less than required notice): Meetings and action of the Board of Bar Commissioners held with less than required notice may be held upon unanimous consent of the Board. Once unanimous consent is obtained, the Board may act upon majority vote of the Commissioners present at the meeting. A vote on the merits is deemed to be a waiver of the notice requirement.

Section 36. Action without a Meeting: Any action required by law or required by these by-laws to be taken at a meeting of the Board of Bar Commissioners or any action which may be taken at a meeting of the Board, may be taken without a meeting if all of the Commissioners consent in writing, which writing sets forth the action so taken and is signed by all the Commissioners. Such consent shall have the force and effect of a unanimous vote, and may be stated as such in any document, whether or not filed with the secretary of state of South Dakota.

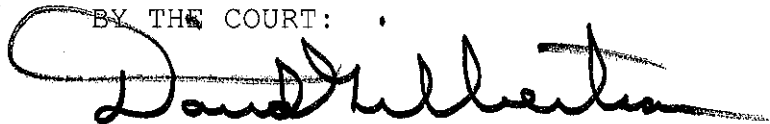
Section 37. Conflict of Interest: Each Bar Commissioner shall timely advise the Board of any conflict of interest. Upon notice and explanation of a conflict of interest, the Board may, by majority vote, exercise any of the following options:

- a. Require recusal of the Commissioner on the conflicted matter;
- b. Authorize the Commissioner to speak on the merits of the matter but refrain from voting;
- c. Waive the conflict and authorize the Commissioner to vote;
or
- d. Authorize action appropriate and consistent with the Board's fiduciary duties.

IT IS FURTHER ORDERED that this rule shall become effective immediately.


DATED at Pierre, South Dakota, this 13th day of November, 2017.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST



Clerk of the Supreme Court
(SEAL)