



*Supreme Court*  
STATE OF SOUTH DAKOTA

*David Gilbertson*  
CHIEF JUSTICE

March 17, 2006

Mr. Thomas C. Barnett, Jr.  
Secretary-Treasurer  
State Bar of South Dakota  
222 East Capitol Avenue  
Pierre SD 57501

RE: February 16, 2006, Rules Hearing No. 110

Dear Mr. Barnett:

The Supreme Court held a rules hearing on February 16, 2006 and approved sixty-seven rule changes amending existing rules or enacting new rules. The majority of the changes are in the rules of civil procedure, however, there are additional changes in the provisions governing court records, appellate procedure, admission of attorneys, attorney discipline and the rules of evidence. Many of the changes in the rules of civil procedure bring our state rules into greater conformity with the corresponding federal rules. A number of changes have also been made to make our rules gender neutral.

All of the rule changes will take effect on July 1, 2006. The bench and bar should obviously familiarize themselves with *all* of the rule changes which can be found on the Unified Judicial System website at <http://www.sdjudicial.com/>. However, particular attention is drawn to the following:

1. **Appeal time in civil actions reduced from sixty days to thirty days.** This change can be found in the amendment of SDCL 15-26A-6. A transitional rule implementing the shorter appeal time has also been enacted at SDCL 15-26A-6.01. In essence, it provides that, where the steps triggering commencement of the time for filing a notice of appeal are completed before July 1, 2006, the time for filing a notice of appeal will remain sixty days. However, if those steps are not completed until on or after July 1, 2006, the time for filing the notice of appeal will be reduced to thirty days. Counsel involved in cases with possible appeals looming near the July 1 date should take special care in familiarizing themselves with these rule changes.

2. **Computation of time.** Amendments have been made to SDCL 15-6-6(a) to address the computation of time for certain filings when the clerk's office has been inaccessible or when Saturdays, Sundays, and legal holidays are a factor in the computation.
3. **Time for filing motions, affidavits and briefs.** Amendments have been made to SDCL 15-6-6(d) changing the time limits for filing motions and affidavits and adding time limits for filing briefs including briefs applicable to summary judgment motions. In regard to briefs on summary judgment motions, also see the amendment to SDCL 15-6-56(c).
4. **Depositions and Discovery.** Numerous changes have been made in the rules governing discovery, depositions, interrogatories and requests for admissions. Most of these changes bring the state rules into greater conformity with the corresponding federal rules. These changes can be found in the amendments to SDCL 15-6-26(b) through SDCL 15-6-37(d).
5. **Replacement of motion for directed verdict with motion for judgment as a matter of law.** Consistent with the federal rules, the motion for directed verdict is being replaced with the motion for judgment as a matter of law. Rules applicable to the new motion and the interplay between that motion and a motion for new trial can be found in the amendments to SDCL 15-6-50(a) through SDCL 15-6-50(d).
6. **Jury Instructions.** Procedures for requesting, settling, objecting to, and preserving error in jury instructions have been revised by amendments to SDCL 15-6-51(a) through SDCL 15-6-51(d).
- Claims for attorneys' fees.** Procedures and time limits for claiming attorneys' fees have been revised by amendments to SDCL 15-6-54(d).
8. **Notice of disciplinary proceedings in other jurisdictions.** Provisions requiring that the Disciplinary Board be notified of out-of-state disciplinary proceedings involving South Dakota attorneys have been added by amendments to SDCL 16-19-71 and SDCL 16-19-72.
9. **Preservation of error in evidentiary ruling.** SDCL 19-9-3 (Rule 103(a)), the rule on preservation of error in an evidentiary ruling, has been revised in a manner consistent with the corresponding federal rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Gilbertson", with a large, stylized initial "D" that loops around the first part of the name.

David Gilbertson  
Chief Justice