

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 1996

Robert A. Miller
Clerk

IN THE MATTER OF THE ADOPTION OF A)
NEW RULE TO BE ADDED TO SDCL 15-26A)

RULE 96-5

Pursuant to a hearing held on February 15, 1996, at Pierre, South Dakota, relating to the adoption of a new rule concerning the filing of motions for attorney fees on appeal, 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 SDCL 15-26A, be and it is hereby adopted to read in its entirety as follows:

15-26A-____. Motion for attorney-fees--Contents, form and filing of motion. A motion for appellate attorney fees in actions where such fees may be allowable must comply with the following requirements:

- (1) the motion must be accompanied by a verified, itemized statement of legal services rendered, said statement to be exclusive of costs allowable under § 15-30-6;
- (2) the motion must be served and filed prior to submission of the action on its merits, and
- (3) an original and fifteen copies of the motion and itemized statement, together with proof of service thereof, must be submitted for filing.

Consideration of a motion for attorney fees will be held in abeyance until such time as the action is considered on its merits.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1996.

DATED at Pierre, South Dakota, this 27th day of February, 1996.

BY THE COURT:

ATTEST:

Glenn J. Engel
Clerk of the Supreme Court
(SEAL)

Robert A. Miller
Robert A. Miller, Chief Justice

By: Dorothy A. Smith, Deputy