

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF)
SDCL 16-3-5.1)

RULE 09-08

A hearing was held on August 26, 2009, at Pierre, South Dakota, relating to the amendment of SDCL 16-3-5.1 and the Court having considered the proposed amendment and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 16-3-5.1 be and it is hereby amended to read in its entirety as follows:

SDCL 16-3-5.1. Court rules--Filing of notice of rule changes proposed by Supreme Court-- Publication Hearing--Combined notices--Rules governing internal operation effective on filing.

Any new rule, amendment, or repeal of existing rules or statutes relating to the administration of the courts, the number and composition of circuits and judges assigned to the circuits, to pleading, practice, or procedure, or to the admission, disbarment, discipline and reinstatement of attorneys to practice the profession of law may be adopted by the Supreme Court.

A proposed new rule, amendment or repeal shall be filed in the office of the clerk of the Supreme Court together with a discussion of the proposed change which shall include:

- a) the identity of the proponent or proponents of the change,
- b) a detailed explanation of the change and the reasons for the change,
- c) an analysis of the state or federal rule or statute that the change is based upon, if any,
- d) a comparison of the change with federal rules or local federal rules on the same subject, if any, and an explanation of any differences, and,

e) an analysis of how the change affects existing rules or statutes.

The clerk of the Supreme Court shall give thirty days' notice of an intention to adopt, amend, or repeal rules in a publication of general circulation among the active members of the State Bar of South Dakota, or post notice at the Unified Judicial System's website at <http://www.sdjudicial.com/> and the State Bar of South Dakota's website at <http://www.sdbar.org/>, or such other notice as the Court may order. The notice shall fix a time and place when any person interested may appear and be heard with reference to the adoption, amendment, or repeal of rules.

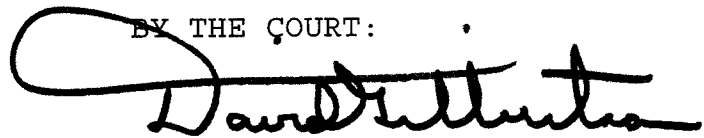
Notice of adoption of several rules, amendments, or repeals of rules may be given at one time and in one notice.

All other rules adopted by the Supreme Court concerning its internal operations under its constitutional or statutory rule-making power shall be filed with the clerk of the Supreme Court and unless otherwise ordered shall become effective when so filed without further notice.

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


DATED at Pierre, South Dakota, this 24th day of September, 2009.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP 24 2009


Clerk