

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
TO RULE 1.8(e) OF THE RULES OF)
PROFESSIONAL CONDUCT)
)

A hearing was held on February 18, 2025, at Pierre, South Dakota, relating to the amendment of the Rules of Professional Conduct Rule 1.8 - Conflict of Interest: Current Clients, Specific Rules, Rule 1.8(e), and the Court having considered the proposed amendment and written and oral presentation relating thereto, now, therefore, it is

ORDERED that Rule 1.8(e), be amended to read in its entirety as follows:

Rule 1.8 - Conflict of Interest: Current Clients, Specific Rules.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except that:

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter; and

(2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client; and

(3) A lawyer representing an indigent client pro bono, a lawyer representing an indigent client pro bono through a nonprofit legal services or public interest organization, and a lawyer representing an indigent client pro bono through a law school clinical or pro bono program may provide modest gifts to the client for food, lodging, transportation, and other expenses incidental to the representation. The lawyer:

(i) May not promise, assure or imply the availability of such gifts prior to retention or as an inducement to continue the client-lawyer relationship after retention;

(ii) May not seek or accept reimbursement from the client, a relative of the client or anyone affiliated with the client; and

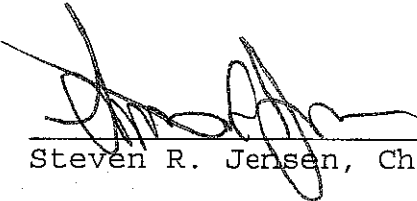
(iii) May not publicize or advertise a willingness to provide such gifts to prospective clients.

Financial assistance under this rule may be provided even if the representation is eligible for fees under a fee-shifting statute.

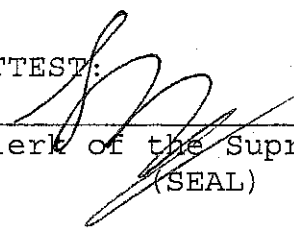
IT IS FURTHER ORDERED that this rule shall become effective immediately.

DATED at Pierre, South Dakota, this 5th day of March, 2025.

BY THE COURT:


Steven R. Jensen, Chief Justice

ATTEST:

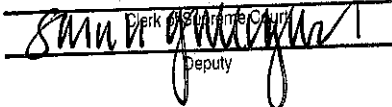

Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

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Clerk

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this 5 day of MARCH, 2025.


Deputy