

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION OF)
A NEW RULE TO BE DESIGNATED AS)
SDCL 15-26A-2.1)

RULE 91-15

Pursuant to a hearing held on February 14, 1991, at
Pierre, South Dakota, relating to the adoption of a new rule to be
designated as SDCL 15-26A-2.1, 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 designated as
SDCL 15-26A-2.1, be and it is hereby adopted to read in its
entirety as follows:

15-26A-2.1.

- (1) Documents may be filed with the Supreme Court by facsimile transmission in cases of emergency, provided that prior permission has been granted by the clerk.
- (2) Such emergency filings shall be made in accordance with the provisions of § 15-6-5(d) and shall have the same effect as therein provided.
- (3) In cases where a facsimile has been transmitted and filed pursuant to this section, counsel must file the original, together with the appropriate number of copies, with the clerk within five business days of the date of the facsimile filing. Copies of all documents filed in accordance with this method of transmission shall be served within the time and in the manner

- provided for in this chapter unless otherwise directed by the Court.
- (4) Payment of facsimile transmission charges at the rate provided in § 15-6-5(d), photocopying charges as provided in §16-2-29.1(3), and other applicable fees shall be tendered with the original document. Transmission fees will be deposited into the state court automation fund.
- (5) Failure to timely comply with the foregoing requirements may result in the imposition of sanctions, including, but not limited to, the striking of the document received by facsimile transmission.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1991.


DATED at Pierre, South Dakota, this 26th day of February, 1991.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 26 1991


Clerk