IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)	RULE 21-07
ARTICLE IV, SECTION 4.5 OF THE)	
APPENDIX TO SDCL CHAPTER 16-17)	

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 - The State Bar of South Dakota Bylaws be and it is hereby amended to read in its entirety as follows:

Article IV, Section 4.5 of the Appendix to SDCL Chapter 16-17 - The State Bar of South Dakota Bylaws

- 4.5. Membership Fees. The State Bar may annually impose upon the Members approved State Bar dues ("Dues"), CLE Fee, and Client Assistant Fee (collectively "Membership Fees"). Membership Fees will be set to meet the State Bar's financial obligations. The Bar Commission may set the Membership Fees based upon membership type or other criteria. The Executive Director will assess Membership Fees on a calendar-year basis. Members must pay the Membership Fees in advance each January 1st.
 - a. **Approval.** The Supreme Court must approve Membership Fees proposed by the Bar Commission before the Executive Director may assess them on the Members.
 - b. Active Member Dues. Active Member Dues are:
 - i. Calendar Year of Admission. Waived for newly admitted Members the calendar year of admission unless, in a prior year, that Member was a member of another state bar or practiced law in another state or jurisdiction without mandatory bar membership; in either of those cases, the newly admitted Member will pay Dues based on years in practice specified in Paragraph 4.5.b.ii, or 4.5.b.iii, below.

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- 2nd 4th Calendar Years after Admission Year. \$190\$290, except Members electing Emeritus Status will pay \$100\$125.
- 5th Calendar Year after Admission Year and Thereafter. \$315\$415, except Members electing Emeritus Status will pay \$100\$125.
- c. Inactive Member Dues. Inactive Member Dues are \$100 \$125.
- d. Continuing Legal Education. Each Active Member, except Supreme Court Justices, Circuit Court Judges, Magistrate Judges, and Members electing Emeritus Status, must pay a \$100\$125 Continuing Legal Education program fee ("CLE Fee").
- Client Assistance Fund. The State Bar may charge each e. Active Member, after the calendar year of admission, a Client Assistance Fund fee of \$25 ("Client Assistance Fee"). The State Bar will hold this fee in a separate Client Assistance Fund. The State Bar will charge the Client Assistance Fee whenever the fund balance is less than \$80,000 and will continue to charge the fee until the Client Assistance Fund balance reaches \$100,000. The State Bar will not charge the Client Assistance Fee when the fund balance is \$100,000 or greater. Federal Judges, Supreme Court Justices, Circuit Court Judges, and Magistrate Judges will be exempt from the Client Assistance Fee. The Bar Commission may use the Client Assistance Fund to pay premiums on a group insurance policy should the Commission determine that the purchase of such coverage would be an appropriate use of the fund.
- f. Failure to Pay. The Bar Commission may suspend any Member who does not pay the Membership Fees when due, and upon suspension, that Member will not be in good standing with the State Bar. A suspended Member may, at any time within five years of the suspension date, be reinstated upon payment of all delinquent and current Membership Fees ("Delinquent Fees") together with any penalties imposed by the Bar Commission. Penalties imposed by the Bar Commission may not exceed double the Delinquent Fees amount ("Delinquency Penalty"). After five years, a Member may only be reinstated as specified in Paragraph 4.3.

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ATTEST:

IT IS FURTHER ORDERED that this rule shall become effective January 1, 2022.

DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:

Steven R. Jensen, Chief Justice

apreme Court Clerk of (SEĀL)

SUPREME COURT STATE OF SOUTH DAKOTA FILED