

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-60)

RULE 06-77

- - - - -
A hearing was held on October 3, 2006, at Sioux Falls, South Dakota, relating to the amendment of SDCL 15-26A-60, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-26A-60 be and it is hereby amended to read in its entirety as follows:

15-26A-60. Appellate procedure - Appellate procedure - Brief of appellant - Contents. The brief of the appellant shall contain under appropriate headings and in the order here indicated:

- (1) A table of contents, with page references.
- (2) A table of cases (alphabetically arranged), statutes and other authorities cited, with references to the pages of the brief where they are cited.
- (3) A jurisdictional statement setting forth the date and form of the judgment or order sought to be reviewed, and the date when the notice of appeal was filed. This statement must make it appear, in cases of appeal, that the order sought to be reviewed is appealable.
- (4) A concise statement of the legal issue or issues involved, omitting unnecessary detail. Each issue shall be stated as an appellate court would state the broad issue presented. Each issue shall be followed by a concise statement of how the trial court decided it, and a list of the most relevant cases not to exceed four, and the most relevant constitutional and statutory provisions.

- (5) A statement of the case and the facts. A statement of the case shall first be presented identifying the trial court and the trial judge and indicating briefly the nature of the case and its disposition in the trial court. There shall follow a statement of facts relevant to the grounds urged for reversal, modification, or other relief. The facts must be stated fairly, with complete candor, and as concisely as possible. Where it is claimed that a verdict, finding of fact, or other determination is not sustained by the evidence, the statement must set forth the particulars in which the evidence is claimed to be insufficient. Each statement of a material fact shall be accompanied by a reference to the record where such fact appears.
- (6) An argument. The argument shall contain the contentions of the party with respect to the issues presented, the reasons therefore, and the citations to the authorities relied on. Each issue shall be separately presented. Needless repetition shall be avoided.
- (7) A short conclusion stating the precise relief sought.
- (8) An appendix. The appendix shall include:
 - (a) the judgment, order or decision in question and any relevant written findings of fact and conclusions of law and memorandum decision;
 - (b) the statements of material facts and record citations required in SDCL 15-6-56(c)(1) and (2);
 - (c) any relevant portions of the pleadings, instructions, and transcripts;
 - (d) items enumerated in § 15-26A-65; and
 - (e) any other parts of the record to which the parties wish to direct the particular attention of the Court.

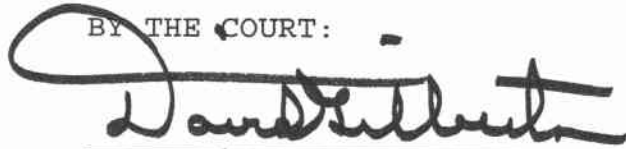
Any portion of a transcript or deposition included in the appendix shall be accompanied by a copy of the cover sheet which indicates the date(s) of the proceedings and the participants. Summaries, abstracts or narratives shall not be used. The pages of the appendix shall be separately numbered and the appendix shall contain a table of contents with page references. Sections of the appendix shall be tabbed and salient information highlighted.

(9) One copy of the brief filed by the appellant in any appeal from a judgment or order pursuant to chapter 26-8A shall be signed by the appellant and his or her attorney. The appellant's signature shall be omitted from the other copies of the brief that are served or filed. The copy of the brief signed by the appellant shall be filed under seal by the clerk of the Supreme Court and shall be subject to inspection only as permitted by the Court in keeping with the best interests of the child.

IT IS FURTHER ORDERED that this rule shall become effective January 1, 2007.

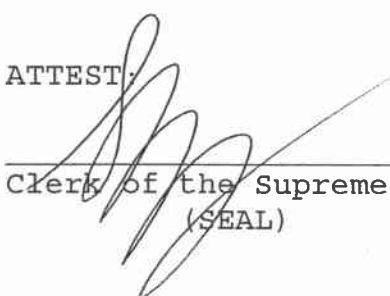
DATED at Pierre, South Dakota, this 14th day of December, 2006.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

DEC 14 2006


Clerk