

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE ADOPTION)
OF A NEW RULE TO BE DESIGNATED)
AT SDCL 15-6-5(j)) RULE 09-05

A hearing was held on February 19, 2009, at Pierre, South Dakota, relating to the adoption of a new rule to be designated at SDCL 15-6-5(j) and the Court having considered the proposed adoption and oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 15-6-5-(j) be and it is hereby adopted to read in its entirety as follows:

SDCL 15-6-5(j). Service by electronic mail (email) to parties represented by attorney. Whenever under these rules service is required or permitted to be made upon a party represented by an attorney, such service may be made by email transmission pursuant to the following conditions:

- (1) The attorney upon whom service is made has the necessary equipment to receive such transmission;
- (2) Prior to the service, the attorney upon whom service is made has agreed in writing to accept service by email, or has served the serving party in the same case by email;
- (3) The time and manner of transmission comply with the requirements of §15-6-6(a), unless otherwise established by the court; and
- (4) The sending attorney by facsimile or mail sends a certificate of service specifying the items electronically served.

The signature or electronic signature on the email shall constitute a signature under §15-6-11(a). If within two days after the certificate of service is received, the attorney upon

Rule 09-05

whom service is made attests in writing that he or she did not receive the electronic mail submission, then service shall not have been deemed to have been made.

IT IS FURTHER ORDERED that the rule shall become effective July 1, 2009.

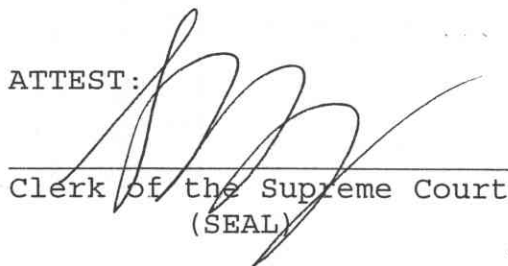
DATED at Pierre, South Dakota, this 30th day of March, 2009.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 30 2009


Clerk