

IN THE SUPREME COURT

OF THE

STATE OF SOUTH DAKOTA

* * * *

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

RULE 03-2

- - - - -

A hearing having been held on February 10, 2003, at Pierre, 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, if any, 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 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 therefor, and the citations to the authorities relied on. Each issue shall be separately presented. Needless repetition shall be avoided.

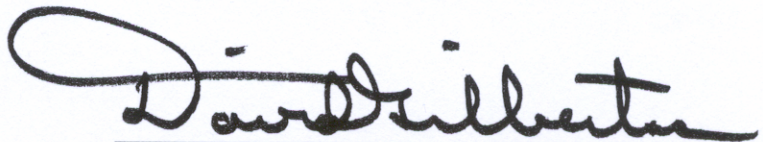
(7) A short conclusion stating the precise relief sought.

(8) Appendix, if any. Such appendix may include the judgment, order or decision in question, any relevant portions of the pleadings, instructions, findings or opinion, and any other parts of the record to which the parties wish to direct the particular attention of the Court, and items enumerated in § 15-26A-65. No appendix shall exceed twenty pages without prior approval of the Supreme Court. 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.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 2003.

DATED at Pierre, South Dakota, this 14th day of February, 2003.

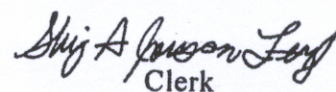
BY THE COURT:



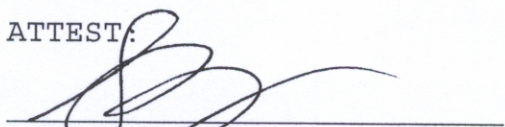
David Gilbertson, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 14 2003


Clerk

ATTEST:


Clerk of the Supreme Court
(SEAL)