

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT) RULE 21-09
APPENDIX TO SDCL CHAPTER 16-18,)
THE RULES OF PROFESSIONAL CONDUCT,)
RULE 1.2. SCOPE OF REPRESENTATION)
AND ALLOCATION OF AUTHORITY BETWEEN)
CLIENT AND LAWYER)

A hearing was held on August 24, 2021, at Pierre, South Dakota, relating to the amendment of Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer 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 amendment of the Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer be and it is hereby amended to read in its entirety as follows:

Appendix to SDCL Chapter 16-18, the Rules of Professional Conduct, Rule 1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.

(a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle a matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial and whether the client will testify.

(b) A lawyer's representation of a client, including representation by appointment, does not constitute an endorsement of the client's political, economic, social or moral views or activities.

(c) A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

Rule 21-09

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

(e) Notwithstanding subsection (d), a lawyer may counsel or assist a client regarding conduct expressly permitted by South Dakota Cannabis laws, even if the same conduct violates federal law, but the lawyer must inform the client that the conduct violates federal law and advise the client about the legal consequences under federal law of the client's proposed course of conduct.

IT IS FURTHER ORDERED that this rule shall become effective immediately.

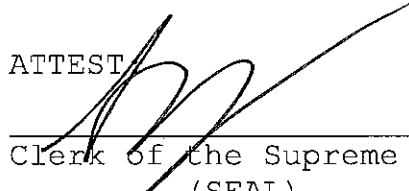
DATED at Pierre, South Dakota, this 1st day of September, 2021.

BY THE COURT:



Steven R. Jensen, Chief Justice

ATTEST



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

SEP -1 2021



Shief A. Johnson
Clerk