

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26C-1)

RULE 23-10

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26C-1, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26C-1 is amended to read in its entirety as follows:

SDCL 15-26C-1. Electronic Filing.

~~(Text of section effective as to Supreme Court cases numbered 30000 and above on September 1, 2022.)~~

(1) ~~Effective upon further order of the Supreme Court entered after July 1, 2019, and except~~ Except as specifically exempted by these rules or court order, attorneys shall electronically file all documents, including petitions, notices of review, motions and briefs, and any appendices with the Supreme Court through the Odyssey® electronic filing system unless advance permission is granted by the court allowing paper filing or filing through any other method. Self-represented litigants may file electronically but shall not be required to file electronically.

(2) Registered users will receive electronic notice when documents are entered into the system. Registration for electronic filing constitutes written consent to electronic service of all documents filed in accordance with these rules.

(3) A document filed electronically has the same legal effect as an original paper document.

(4) The typed attorney or party name or electronic signature on a document filed electronically has the same effect as an original manually affixed signature.

(5) A party electronically filing a document that is not accessible to the public, in whole or in part, is responsible for redaction or designating the document as confidential or sealed before transmitting it to the Supreme Court. For any document containing information where redaction is required, in whole or in part, pursuant to chapter 15-15A or order of the Supreme Court or circuit court, the original unredacted document shall also be filed

electronically. It is the responsibility of the parties to seek advance approval from the Supreme Court for submitting a document as sealed or confidential if that document is not already declared confidential or sealed by existing law, court rules or order.

~~(Text of section effective as to Supreme Court cases numbered 29999 and below.)~~

~~(1) Effective January 1, 2014, except as specifically exempted by these rules or court order, attorneys shall electronically file briefs and any appendices with the Supreme Court unless advance permission is granted by the court allowing paper filing. Any other notices, petitions, pleadings, motions, or documents may be filed electronically at the discretion of the attorney. Electronic filing for self-represented litigants is discretionary for all filings with the Supreme Court. On a showing of good cause, an attorney required to file electronically may be granted leave of court to file paper documents with the Supreme Court.~~

~~(2) Documents filed electronically must be submitted by email attachment to SCCLerkBriefs@sj.s.state.sd.us. The number of the case shall appear in the subject line of the email.~~

~~(3) A document filed electronically has the same legal effect as an original paper document.~~

~~(4) The typed attorney or party name or electronic signature on a document filed electronically has the same effect as an original manually affixed signature.~~

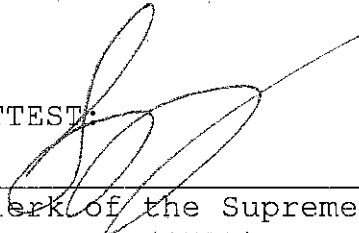
~~(5) A party electronically filing a document that is not accessible to the public, in whole or in part, is responsible for redaction or designating the document as confidential or sealed before transmitting it to the court. For any document containing information where redaction is required, in whole or in part, pursuant to chapter 15-15A or order of the court, the original unredacted document shall also be filed electronically.~~

IT IS FURTHER ORDERED that this rule shall become effective April 1, 2023.

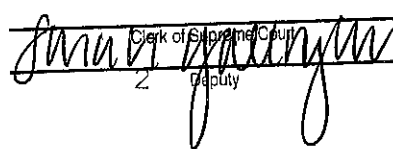
DATED at Pierre, South Dakota, this 27th day of February, 2023.


BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)

STATE OF SOUTH DAKOTA
In the Supreme Court
I, Shirley A. Jameson-Fergel, Clerk of the Supreme Court of South Dakota, hereby certify that the within instrument is a true and correct copy of the original thereof as the same appears on record in my office. In witness whereof, I have hereunto set my hand and affixed the seal of said court at Pierre, S.D. this
27 day of Feb, 2023.


Deputy
2


R. Jensen, Chief Justice

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 27 2023


Clerk