

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

FEB 27 2023

Shif A. Johnson
Clerk

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 15-26A-87.3)

RULE 23-08

A hearing was held on February 16, 2023 at Pierre, South Dakota, relating to the amendment to SDCL 15-26A-87.3, and the Court having considered the proposed amendment and oral presentation relating thereto, now, therefore, it is

ORDERED that SDCL 15-26A-87.3 is amended to read in its entirety as follows:

SDCL 15-26A-87.3. Motion for attorney fees--Contents, form, and filing of motion.

A motion for appellate attorney fees in actions where such fees may be allowable must comply with the following requirements:

- (1) The motion must be accompanied by a verified, itemized statement of legal services rendered, said statement to be exclusive of costs allowable under § 15-30-6;
- (2) The motion must be served and filed prior to submission of the action on its merits; and
- (3) ~~An original and fifteen copies of the~~ The motion and itemized statement, together with proof of service thereof, must be submitted for filing.

Consideration of a motion for attorney fees will be held in abeyance until such time as the action is considered on its merits.

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: *[Signature]*
Clerk of the Supreme Court
(SEAL)

[Signature]
STATE OF SOUTH DAKOTA
In the Supreme Court
Steven R. Jernstedt, 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 21 day of Feb, 2023.

[Signature]
Deputy