



Supreme Court

STATE OF SOUTH DAKOTA

Steven R. Jensen
CHIEF JUSTICE

December 16, 2021

Re: Release of Opinions

Historically, the South Dakota Supreme Court has publicly released its opinions on Thursday morning at 8 a.m. (CST) by placing the published opinion on the Unified Judicial System website. In special circumstances, or due to a holiday, the opinions are at times publicly released before Thursday. A copy of the opinion is mailed to counsel of record and the judge involved in the case on the day before its release. This often results in counsel of record receiving the opinion after it has been released publicly.

Effective January 1, 2022, the Court will be changing its opinion release procedure. Opinions will no longer be delivered to counsel of record or the judge involved in the case by postal mail. Instead, an opinion will be emailed electronically to the attorneys and judge involved in the case at 8:00 a.m. (CST) on the day of its release. Counsel of record may notify their clients of the Court's decision, but the participants in the case are otherwise expected to embargo the pre-released opinion until 10:00 am (CST). At 10:00 a.m. (CST) the opinion will be publicly available on the UJS website. South Dakota judges will also continue to receive an email with the released opinions at 10:00 a.m. Generally, opinions will continue to be released on Thursdays.

In addition, effective January 1, 2022, the Court will notify counsel of record and the judge involved in a case of any orders entered, including orders for summary disposition, by electronic email. Orders will no longer be delivered to counsel of record or the judge involved in the case by postal mail. Summary disposition orders will be placed on the UJS website at the time the orders are emailed to counsel of record and the judge.

The Court will continue to deliver opinions and orders to pro se litigants by postal mail unless an email address is provided.

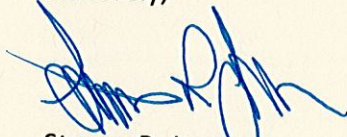
These changes are intended as a courtesy for the attorneys and parties involved in a case to receive notice and an opportunity to review the Court's opinion before it is released. The changes will also provide the parties with more immediate notice of orders entered by the Court.

In view of these changes, it will be imperative for counsel of record to include an email address on briefs and submissions to the Court. Counsel of record will also be expected to notify the Supreme Court Clerk of Court in writing of any changes to an email address while a case is pending with the Court.

Finally, the Court anticipates that during the calendar year 2022 it will expand the Odyssey File and Serve System to include filings and service of documents with the Court, including briefs. This will result in additional changes to the filing and service of documents. The Court will provide further updates to the Bar as it draws closer to the Appellate Odyssey implementation.

As we end the year, the Court wishes to express its appreciation for the professionalism and effective advocacy demonstrated in our courts every day by the members of the South Dakota State Bar. Best wishes to all of you as we enter 2022.

Sincerely,



Steven R. Jensen
Chief Justice