

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

871P0243

## HOUSE BILL NO. 1133

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to revise the circumstances when a prospective juror may  
2 be challenged for cause due to an attorney-client relationship.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 15-14-6.1 be amended to read as follows:

5 15-14-6.1. Challenges for cause may be taken on any of the following grounds:

- 6 (1) The prospective juror does not meet one of the qualifications required by § 16-13-10  
7 or is disqualified under that section;
- 8 (2) The prospective juror is related by consanguinity or affinity within the fourth degree,  
9 as defined by § 23A-20-30, to a party in the case;
- 10 (3) The prospective juror is a member of the family of a party or one of the attorneys in  
11 the case;
- 12 (4) The prospective juror has a relationship of guardian and ward, master and servant,  
13 employer and employee, landlord and tenant, or principal and agent with an attorney  
14 or a party in the case;
- 15 (5) The prospective juror is a partner or associate in business with an attorney or a party



- 1 in the case;
- 2 (6) The prospective juror is a surety on a bond or an obligation for an attorney or a party
- 3 in the case;
- 4 (7) The prospective juror, presently, has a relationship of attorney and client with one of
- 5 the attorneys in the case or has had such a relationship within one year previously.
- 6 The provisions of this subdivision do not apply to an attorney-client relationship
- 7 solely for purposes of tax preparation;
- 8 (8) The prospective juror is an officer, agent, or employee of a corporation, between
- 9 which corporation and an attorney in the case, the relationship of attorney and client
- 10 exists;
- 11 (9) The prospective juror is the spouse of an attorney in the case;
- 12 (10) The prospective juror is the spouse of any other prospective juror who would be
- 13 subject to a challenge for cause under this section;
- 14 (11) The prospective juror previously served as a juror or was a witness in a previous trial
- 15 between the same parties for the same cause of action;
- 16 (12) The prospective juror has a pecuniary interest in the outcome of the case, except an
- 17 interest as a member or citizen of a municipal corporation or other government unit;
- 18 (13) The prospective juror has knowledge of some or all of the material facts of the case
- 19 and has an unqualified opinion or belief as to the merits of the case;
- 20 (14) The prospective juror has a state of mind evincing enmity against, or bias to or
- 21 against a party in the case;
- 22 (15) Within two years prior to being summoned, the prospective juror served as a juror in
- 23 the county during a prior term of jury service pursuant to § 16-13-22;
- 24 (16) The prospective juror has a civil case pending in the county exclusive of small claims

1 actions;

2 (17) If a talesman, the prospective juror applied directly or indirectly to a sheriff, deputy  
3 sheriff, or coroner of the county to be summoned for jury duty;

4 (18) A challenge for actual bias showing the existence of a state of mind on the part of a  
5 prospective juror, in reference to the case or to a party, that satisfies the court, in the  
6 exercise of sound discretion, that the juror cannot try the issue impartially, without  
7 prejudice to the substantial rights of the party challenging.