

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT)  
OF SDCL 16-19-44 )

RULE 94-6

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Pursuant to a hearing held on February 18, 1994, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-44, the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto, if any, and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 16-19-44 be and it is hereby amended to read in its entirety as follows:

**16-19-44. Individual complaint filed with board or Supreme Court--Reference for investigation and report.** An individual may initiate an investigation of an attorney's conduct by filing a written complaint with the board in such form as the board may prescribe. The board shall proceed on such complaint in accordance with §§ 16-19-50 to 16-19-64, inclusive. In the alternative, an individual may initiate an investigation of an attorney's conduct by filing with the clerk of the Supreme Court a written complaint, sworn to by the complainant, setting forth in full all facts relied upon and all sources of information. A complaint that is frivolous and clearly unfounded on its face or even if true, does not raise an issue involving the Rules of Professional Conduct or other grounds for lawyer discipline, may be dismissed by the Supreme Court. In its discretion, the Court may ascertain whether the board has previously investigated the complaint and if so, the Court may order the board to file a report with the Court reporting the results of the board's investigation. Upon receipt of the report, the Court may determine whether further investigation is warranted and order further investigation or, if not warranted, may dismiss the complaint. In all other cases, upon the filing of such complaint, the Supreme Court shall refer the matter to either the board or the attorney general for investigation and a report pursuant to §§ 16-19-45 to 16-19-64, inclusive.

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1994.

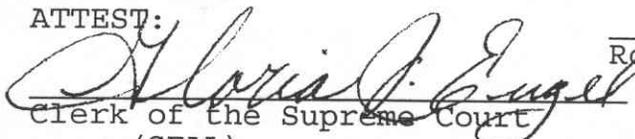
DATED at Pierre, South Dakota, this 15th day of March, 1994.

BY THE COURT:



Robert A. Miller, Chief Justice

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

PARTICIPATING: Chief Justice Robert A. Miller and Justices George W. Wuest, Frank E. Henderson, Richard W. Sabers and Robert A. Amundson.

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 15 1994

  
Clerk