

ISSUES ON APPEAL

Issue 1: Did the Board of Bar Examiners correctly interpret SDCL 16-16-12.2(h), which permits admission to practice law in South Dakota without examination on condition that the rules of admission of the state of the applicant attorney are “substantially similar” to South Dakota’s, when it decided that the rules of Massachusetts and Minnesota were not “substantially similar” to those of South Dakota? The Board incorrectly decided that they were not, and therefore Amy Yanni is not entitled to admission to practice law in South Dakota without examination.

Issue 2: Whether the Board of Bar Examiners correctly interpreted SDCL 16-16-12.2, which permits the Board of Bar Examiners to impose “additional requirements” upon attorneys applying for admission without examination, when it decided that it could not impose “additional requirements” for applicants from the state of Minnesota? The Board incorrectly decided that, because the underlying Minnesota rules for admission without examination were not “substantially similar” to South Dakota’s, it could not impose additional requirements upon a Minnesota applicant short of requiring admission by examination pursuant to SDCL 16-16-6.