

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 1997

William J. Engel
Clerk

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IN THE MATTER OF THE AMENDMENT OF SDCL)
16-19-65)

RULE 97-30

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-65, and 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 16-19-65 be and it is hereby amended to read in its entirety as follows:

16-19-65. Consent by attorney to disbarment
--Contents of affidavit. An attorney who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to the board an affidavit in the following form:

IN THE SUPREME COURT
OF THE STATE OF SOUTH DAKOTA

In Re:

_____)
_____) RESIGNATION
(Name)_____)

State of _____)
_____) SS
County of _____)

I, _____, being duly sworn on oath, depose and say that my business address is _____
(Building No. and Name, if any, or Box No.),
_____(Street address, if any),
_____(City), _____(State), _____(Zip Code); that my residence address is _____
(No. Street), _____(City), _____
(State), _____(Zip Code), and that I hereby tender my resignation from membership in the State Bar of South Dakota and request and consent to my removal from the roster of those admitted to practice before the courts of this state and from membership in the State Bar.

I am aware that there is pending against me a formal complaint concerning alleged misconduct and/or that complaints, allegations or instances of alleged misconduct by me are under investigation by the State Bar Disciplinary Board and that such complaints, allegations and/or instances include:

(Brief description of alleged misconduct, including designation of provisions of the South Dakota Rules of Professional Conduct and statutes, if any, violated - and incorporation by reference of any formal complaint in a pending disciplinary proceeding.)

I do not desire to contest or defend against the above-described complaints, allegations or instances of alleged misconduct. I am aware of the rules of the Supreme Court and of the bylaws and rules of procedure of the State Bar of South Dakota with respect to admission, discipline, resignation and reinstatement of members of the State Bar, including SDCL 16-19-80. I understand that I shall not be permitted to practice law or act as a legal assistant within the state of South Dakota except as provided by §§ 16-18-34.4 to 16-18-34.7, inclusive. I understand that any future application by me for reinstatement will be treated as an application by one who has been disbarred for misconduct, and that, on such application, I shall not be entitled to a reconsideration or reexamination of the facts, complaints, allegations or instances of alleged misconduct upon which this resignation is predicated.

Dated at _____, this _____ day of _____, 19__.

(Signature of Attorney)

Subscribed and sworn to before me this _____ day of _____, 19__.

Notary Public

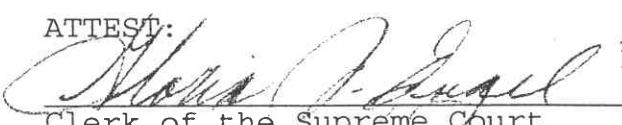
My Commission Expires: _____

IT IS FURTHER ORDERED that this rule shall become effective July 1, 1997.

DATED at Pierre, South Dakota, this 17th day of March, 1997.

BY THE COURT:

ATTEST:


Clerk of the Supreme Court
(SEAL)


Robert A. Miller, Chief Justice