

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 16-19-74)

RULE 06-65

A hearing was held on February 16, 2006, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-74, and the Court having considered the proposed amendment, the correspondence and oral presentations relating thereto and being fully advised in the premises, now, therefore, it is:

ORDERED that SDCL 16-19-74 be and it is hereby amended to read in its entirety as follows:

SDCL 16-19-74. Imposition of identical reciprocal discipline-Grounds for other disposition.

Upon the expiration of thirty days from service of the notice issued pursuant to the provisions of § 16-19-72, the Supreme Court shall impose the identical discipline unless the board or the attorney demonstrates, or the Court finds that upon the fact of the record upon which the discipline is predicated it clearly appears:

- (1) That the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
- (2) That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the Court could not, consistent with its duty, accept as final the conclusion on that subject; or
- (3) That the misconduct established warrants substantially different discipline in this state;
- (4) That the attorney's conduct subject of discipline in another jurisdiction has been or is currently under investigation by the Board.

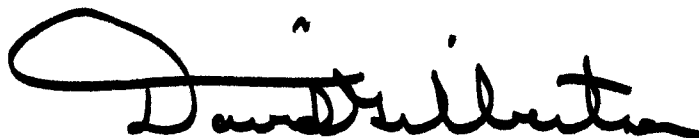
Where the Court determines that any of said elements exist, the Court shall enter such other order as it deems appropriate.

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IT IS FURTHER ORDERED that this rule shall become effective July 1, 2006.

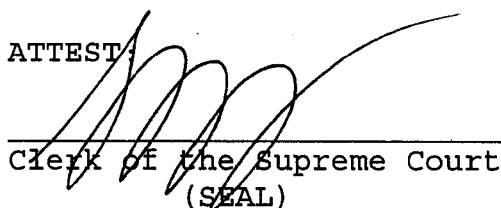
DATED at Pierre, South Dakota, this 17th day of March, 2006.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:


Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 17 2006


Clerk