

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT OF SDCL)
16-19-67)

RULE 97-32

A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-67, 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 16-19-67 be and it is hereby amended to read in its entirety as follows:


16-19-67. Findings of fact, conclusions of law, and recommendation of investigating agency shall constitute a formal accusation. After investigation as provided in this chapter, the investigating agency may file with the Supreme Court, findings of fact, conclusions of law or conclusions pertaining to violations of applicable Rules of Professional Conduct, and a recommendation of disposition. Such filing constitutes a formal accusation against the respondent attorney. A copy of the formal accusation shall be served upon the respondent attorney by either registered or certified mail. Unless otherwise directed by the Supreme Court, the investigating agency shall continue to prosecute the formal proceedings. If the board makes a recommendation of suspension or disbarment, it shall also make a finding as to the qualifications of the accused attorney to act as a legal assistant and make a recommendation as to the restrictions or conditions of employment and supervision if the accused is allowed to act as a legal assistant under §§ 16-18-34.4 to 16-18-34.7, inclusive.

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