

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

\* \* \* \*

IN THE MATTER OF THE AMENDMENT OF SDCL)  
16-19-35.1 )

RULE 97-28

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A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-35.1, 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 16-19-35.1 be and it is hereby amended to read in its entirety as follows:

**16-19-35.1. Petition by board for temporary suspension.** The board may petition the Supreme Court to temporarily suspend an attorney from the practice of law or to impose restrictions or conditions on the attorney's practice pending full investigation and disposition, including but not limited to requiring the attorney to provide proof of professional negligence insurance or the posting of a fidelity bond, where the attorney poses a risk or danger to clients, clients' property, or the public, where the Board can demonstrate a substantial likelihood that the attorney will ultimately be disciplined, and where the charges under investigation, if ultimately proven, would likely result in a suspension or disbarment. The Board or Board counsel shall serve a copy of the petition upon the respondent attorney by registered or certified mail. The respondent attorney shall file with the Supreme Court a response within ten days of service and serve a copy of the response on the Board or Board counsel. The Supreme Court may schedule a hearing before the Court or order a hearing to be conducted by a referee. To the extent possible, these proceedings shall be conducted on an expedited basis. Thereafter, the Court may deny the petition, suspend the attorney pending formal proceedings as provided in this chapter, or impose such restrictions or conditions for the continuing practice of law upon the respondent attorney as the Court deems appropriate.

Further, where the Supreme Court determines that the petition for temporary suspension, and the affidavits or record filed in support thereof, establish a prima facie case meeting the requirements of this rule concerning temporary suspension, the Supreme Court may, in its discretion, enter such additional protective and remedial orders, including injunctive relief, as the Court deems appropriate in order to protect the public, clients, and money or property in which a client or third party may have an interest.

A temporarily suspended attorney shall not practice law or act as a legal assistant except as provided by §§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:



Robert A. Miller, Chief Justice

ATTEST:

  
Clerk of the Supreme Court  
(SEAL)

SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 17 1997

  
clerk