

IN THE SUPREME COURT  
OF THE  
STATE OF SOUTH DAKOTA

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SUPREME COURT  
STATE OF SOUTH DAKOTA  
FILED

MAR 17 1997

*Maria J. Engel*  
Clerk

IN THE MATTER OF THE AMENDMENT OF SDCL)  
16-19-48 )

RULE 97-29

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A hearing having been held on February 21, 1997, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-48, 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 16-19-48 be and it is hereby amended to read in its entirety as follows:

**16-19-48. Transfer to inactive status of respondent pleading disability.** If, during the course of a disciplinary proceeding, the respondent claims to suffer from a disability by reason of mental or physical infirmity or illness, or an addiction to drugs or intoxicants, which makes it impossible for the respondent to make an adequate defense, the Supreme Court shall enter an order immediately transferring the respondent to disability inactive status until a determination is made of the respondent's capacity to continue to practice law in a proceeding instituted in accordance with the provisions of § 16-19-89. An attorney transferred to disability inactive status shall not (be permitted to) 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:

ATTEST:

*Maria J. Engel*  
Clerk of the Supreme Court  
(SEAL)

*Robert A. Miller*  
Robert A. Miller, Chief Justice