

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

* * * *

IN THE MATTER OF THE AMENDMENT)
SDCL 16-19-29)

RULE 09-03

A hearing was held on February 19, 2009, at Pierre, South Dakota, relating to the amendment of SDCL 16-19-29 and the Court having considered the proposed amendment and oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that SDCL 16-19-29 be and it is hereby amended to read in its entirety as follows:

SDCL 16-19-29. Powers and duties of disciplinary board generally. The board shall exercise the powers and perform the duties conferred and imposed upon it by rule of the Supreme Court, including the power and duty:

- (1) To consider and investigate any alleged ground for discipline or alleged incapacity of any attorney called to its attention, or upon its own motion, and to take such action with respect thereto as shall be appropriate to effectuate the purposes of this chapter.
- (2) To appoint such personnel and legal counsel as may from time to time be required to assist in the performance of the functions and duties of the board.
- (3) To hold informal conferences.
- (4) To privately reprimand attorneys for misconduct.
- (5) To maintain permanent records of all matters processed and the disposition thereof.
- (6) To prosecute all disciplinary proceedings before the Supreme Court.

(7) To prosecute all proceedings before the Supreme Court to determine the incapacity of attorneys as set forth in §§ 16-19-88 to 16-19-91, inclusive.

(8) To hear applications for approval or complaints for revocation of approval of disqualified persons to act as legal assistants under subdivisions §§ 16-18-34.4(2) to 16-18-34.4(4), inclusive.

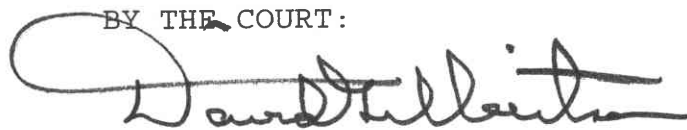
(9) To adopt internal rules of procedure not inconsistent with this chapter and to file the same with the clerk of the Supreme Court.

(10) Provided, however, that jurisdiction for complaints against members of the Judiciary for conduct that occurred prior to becoming a member of the Judiciary shall be vested with the Judicial Qualifications Commission.

IT IS FURTHER ORDERED that the rule shall become effective July 1, 2009.

DATED at Pierre, South Dakota, this 30th day of March, 2009.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

MAR 30 2009



Shif A. Johnson, Legal
Clerk