

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

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IN THE MATTER OF THE AMENDMENT) RULE 19-11
TO APPENDIX A. SDCL CHAPTER 16-16)
REGULATIONS OF THE BOARD OF BAR)
EXAMINERS STATE OF SOUTH DAKOTA)

A hearing was held on February 20, 2019, at Pierre, South Dakota, relating to the amendment of Appendix A. to SDCL Chapter 16-16 and the Court having considered the proposed amendment, oral presentation relating thereto and being fully advised in the premises, now, therefore, it is

ORDERED that Appendix A. to Chapter 16-16 be and it is hereby amended to read as follows:

**APPENDIX A. TO CHAPTER SDCL 16-16 (IN PART)
REGULATIONS OF THE BOARD OF BAR EXAMINERS
STATE OF SOUTH DAKOTA**

(1) **Application for Admission to Practice Law.** Each applicant for admission to practice law shall file with the Secretary of the Board of Bar Examiners a written application, together with ~~five~~ one complete machine or photo copies thereof, in the form prescribed by the Board of Bar Examiners. Such application and copies thereof shall be postmarked on or before November 1 for the February examination and on or before ~~April~~ May 1 for the July examination and shall be accompanied by the fee prescribed in the applicable rules of court and a recent photograph of the applicant, and DCI and FBI fingerprint cards.

Each applicant for admission shall also file a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be postmarked on or before November 1 for the February examination and on or before ~~April~~ May 1 for the July examination and shall be accompanied by the fee prescribed by the National Conference of Bar Examiners.

(1.1) **Application for Admission Without Examination.** Each applicant for admission to practice law without examination shall file with the Secretary of the Board of Bar Examiners a written application, together with ~~five~~ one complete machine or

photo copies thereof, in the form prescribed by the Board of Bar Examiners. Such application and copies thereof shall be accompanied by the applicable fees, a recent photograph of the applicant, and DCI and FBI fingerprint cards.

Each applicant for admission without examination shall also file a request for preparation of a character report and application with the National Conference of Bar Examiners. Such request and application shall be accompanied by the fee prescribed by the National Conference of Bar Examiners.

(2) Application Forms and Payment of Fees. All fees shall be paid by money order or certified check. Payment by credit card or e-check will be allowed when the technology is developed. The applicant will be responsible for any service fee. The application form shall require each applicant to waive confidentiality and privacy rights in order to allow the Board of Bar Examiners to inquire into the applicant's moral character through examination of state, federal, police, court and security records.

(4.1) Examination Results. The Board of Bar Examiners' decision as to whether an applicant has passed or failed the examination is final and not subject to review.

(4.2) Post-Examination Review. For purposes of preparing for reexamination, an applicant who fails the MPT/MEE/ILQ may review the questions and the applicant's answers following the examination. The review must be scheduled within 30 days after May 15 for the February bar examination and November 15 for the July examination. Review will take place in the presence of the Secretary of the Board of Bar Examiners or the Secretary's designee at the Board's office in Pierre, South Dakota. Review of materials is subject to the NCBE's policy on release of MPT and MEE materials. Successful applicants may not review their MPT/MEE/ILQ answers.

(7.1) Law Student Registration. Applicants to law school and first- or second-year law students who intend to take the South Dakota bar examination following graduation may register with the Board of Bar Examiners on forms prescribed by the Board. The registration must be accompanied by the ~~\$50~~ \$100 South Dakota registration fee as well as the fee required by the National Conference of Bar Examiners' law student registrant program for an initial character report. Registration under the rule is not deemed an application for permission to take the bar examination.

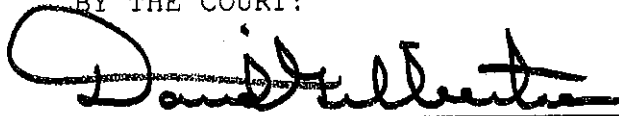
Rule 19-11

The Board of Bar Examiners shall review the registration and character report to identify character and fitness issues that may hinder or preclude later admission. The Board will report its findings to the registrant. The Board's findings are both preliminary and non-binding in nature. Additionally, the findings will not constitute permission to take the bar examination or a waiver of the consideration of facts or conduct that are either later discovered or occur after the Board's review under this rule.

IT IS FURTHER ORDERED that this rule shall become effective immediately.


DATED at Pierre, South Dakota, this 25th day of February, 2019.

BY THE COURT:



David Gilbertson, Chief Justice

ATTEST:



Clerk of the Supreme Court
(SEAL)

SUPREME COURT
STATE OF SOUTH DAKOTA
FILED

FEB 25 2019


Clerk