

State Bar of South Dakota

NEWSLETTER
APRIL 2021



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OF YOUR LIFE.

- CHIEF JUSTICE STEVEN JENSEN

FULL INTERVIEW WITH CHIEF JUSTICE JENSEN ON PAGE 20

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State Bar of South Dakota

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PRESIDENT'S CORNER

Terry G. Westergaard

The 2021 legislative session recently ended. As always, it was a busy session with multiple issues. The State Bar had four priorities going into the 2021 legislative session. Those priorities were to:

1. Correct an incorrect statutory reference in the Uniform Limited Liability Company Act;
2. Effectuate legislation to provide immunity for assisting lawyers and judges in getting help for substance abuse, addictions, and mental illness;
3. Assist the Unified Judicial System in obtaining an increase in salaries for Justices and Judges; and
4. Obtain a transfer of some of the one-time money available this fiscal year to the Commission on Equal Access to Our Courts (“CEAC”) for the benefit of legal services in South Dakota.

All four of those priorities were met with the passage of:

- SB 75 – An Act to correct an error in a statutory cross-reference within the Uniform Limited Liability Company Act;
- SB 95 - An Act to provide protection for actions assisting an impaired lawyer or judge;
- SB 139 – An Act to increase the base salary for certain judges;
- SB 64 – An Act to revise the General Appropriations Act for fiscal year 2021; and
- SB 195 – An Act to appropriate money for the ordinary expenses of the legislative, judicial, and executive departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools.

The passage of these Bills would not have been possible

without the assistance of many, including all the lawyers who are currently serving in the legislature. Special thanks must be given to Senator Michael Diedrich and Representative Mike Stevens who were prime sponsors of SB 75, Senator Timothy Johns and Representative Mike Stevens as prime sponsors of SB 95, Senator Lee Schoenbeck and Representative Steven Haugaard as prime sponsors of SB 139, and Senator Jean Hunhoff who spearheaded the effort to obtain a transfer of \$250,000 to the CEAC through the appropriations process and SB 64.

In addition to the legislators that supported the Bar’s legislative priorities, the Bar is grateful for the support and assistance of Chief Justice Steven Jensen, State Court Administrator Greg Sattizahn, and our contract lobbyists, Lindsey Riter-Rapp and Bob Riter, during the 2021 legislative session.

Thanks to the entire bar staff for their efforts during session. Andy Fergel and Beth Overmoe had primary responsibility for the lobbying efforts. This month I highlight Andy. Many of our members already know him but hopefully the interview will provide a little more information about our Executive Director.

Andy has worked for the State Bar for three years. Here is my conversation with Andy.

TERRY: First, why did you apply for a position with the State Bar and what keeps you here?

Andy: I applied to be Executive Director of the State Bar of South Dakota because I am proud to be a lawyer and wanted the opportunity to partner with the Bar’s member attorneys, the Bar Commission,

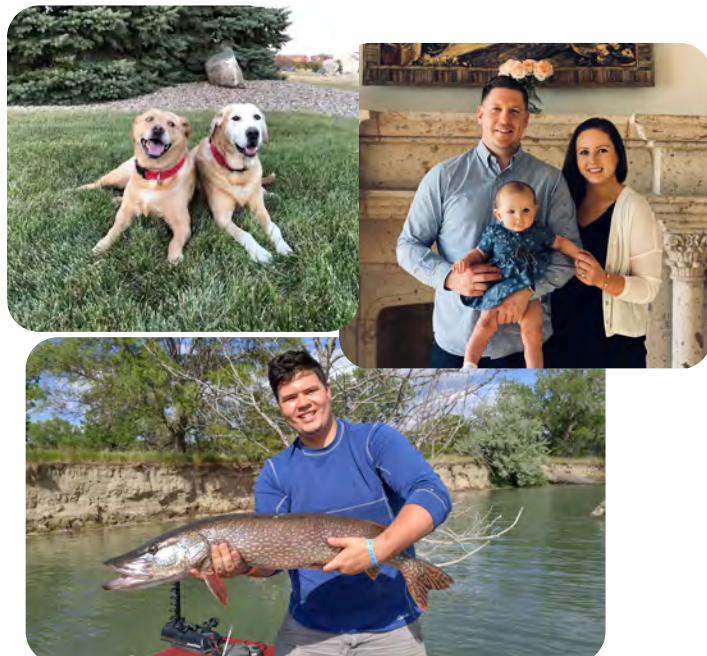
and Bar staff to support lawyers in obtaining personal and professional satisfaction in the practice of law. In addition, after reading the Bar's strategic plan, I found the stated vision, values, and goals aligned with the direction I thought the bar should be going and I wanted to be intimately involved in its implementation. What keeps me here is the fact that I am getting to do the work I wanted to, and I am getting to do it with a dedicated and highly competent staff, great member attorneys, and a supportive Bar Commission.

TERRY: What did you do before you became the Executive Director for the State Bar?

Andy: Prior to joining the Bar staff I had experience as a private practitioner, State's Attorney for Corson County, Administrative Law Judge for the Department of Social Services, Deputy State's Attorney for Hughes County, Unit Chief and Prosecutor for the South Dakota Insurance Fraud Prevention Unit, General Counsel for the South Dakota Division of Insurance, and Chief Legal Counsel for the South Dakota Department of Revenue.

TERRY: What do you enjoy doing when you are not in the office?

Andy: I enjoy spending time with family: wife Shirley, son Caelan, daughter Taylor, son-in-law Joseph, granddaughter Leighton Jo, and our dogs Chase and Gauge.



I also enjoy spending time with our extended family and friends, especially if that time includes outdoor recreational activities like hunting or fishing. But since



September 1st of 2020, Shirley and I have been having the most fun being first time grandparents to Leighton Jo. We spend a lot of time looking at pictures and snapchat of Leighton and I know her parents are probably tired of our demands for facetime sessions with her.



TERRY: Where do you live?

Andy: Shirley and I live about 5 miles out of Pierre in a family friendly subdivision called Pheasant Run. Though we are now empty nesters.



TERRY: Would you say you are more of an introvert or extrovert, and why?

Andy: The tests indicate I am an introvert. I like to do a lot of things that provide solitude. However,

I do like spending time with friends, family, and colleagues, and those that I know well might say I am an extrovert.

TERRY: What is your favorite holiday?

Andy: My favorite holiday is Thanksgiving because it is a time to celebrate the blessings of the past year and reflect on what we are grateful for while being surrounded by friends, family, and fabulous food.



TERRY: What are some of your favorite things?

MOVIES: **Spinal Tap, Napoleon Dynamite, The Outlaw Josie Wales**

BAND/MUSICIAN: **Eagles/Chris Stapleton**

VACATION SPOT: **Alaska**

COLOR: **Green**

ICE CREAM FLAVOR:

Vanilla

MEAL TO EAT: **Shirley's fried rice**

RESTAURANT IN PIERRE: **Guadalajara Mexican Restaurant**

SEASON OF YEAR: **Fall**

TERRY: One final question for me to keep in mind when I stop in to the State Bar office in Pierre. How do you take your coffee/favorite beverage?

Andy: I take my coffee black.



ATTORNEY VOLUNTEERS

- **EMILY VASES**
- **KALEB PAULSON**
- **MALLORY SCHULTE**
- **JIM DE SAIX**
- **EDDIE HRUSKA**
- **RAMON ORTIZ**
- **NICOLE GRIESE**

The USD Veterans Legal Education Group ("VLEG") would like to thank the attorneys who volunteered during the Veterans Legal Clinics on March 19-20, 2021, in Brookings and Sioux Falls. Special thanks to the State Bar of South Dakota Young Lawyers Section and Veterans Committee for their support in planning and supporting the two-day event. We helped 31 veterans at the clinics this year, bringing the total number of veterans and their families served since 2016 to 417.

THANK YOU!



by: *Caroline A. Srska*
YLS President

Procrastination: The Cautionary Tale of Carrie Srstka.

I decided to write this month's article on procrastination – and true to form, I left it to the last minute. Each month, my lovely friend Tracie Bradford kindly reminds me of the deadline to submit my article. This month, the deadline was March 26. So here I am, on March 26, deciding I better get started.

After gathering my thoughts, I made a cup of tea and sat down on the couch with my laptop ready to get started. Right away, however, I noticed my laptop was about to die, so I got up to find my battery. Lady Bird, my fur baby, followed me around as I was searching for my battery, so of course I had to take a break and give her a few pets and kisses. Upon giving Lady Bird a sufficient amount of attention, I noticed my sink was full of dirty dishes. I thought to myself, I'll quickly rinse them and put them in the dishwasher and then get back to my article. But first I need to empty the dishwasher.

Okay, now I'm ready to get going on my article – once I reheat my cup of tea and find that pesky computer charger.

Did you know in a recent survey that 95% of people admit to procrastinating and about a quarter of them believe it's a chronic, defining characteristic? One of the world's top reported goals is to "stop procrastinating." In fact, the word *procrastination* comes from the Latin *pro*, which means forward, forth, in favor of; and *crastinus*, which means "of tomorrow." So, procrastinators are in favor of tomorrow.

Recently, I read an article on some strategies to help you combat procrastination:

1. Make a To-Do list.
2. Prioritize your To-Do list.
3. Prioritize your schedule and time for each task.
4. Take on your hardest tasks during your most efficient time of day.
5. Set achievement goals for yourself.
6. Take advantage of task and time management apps.

Studies show that people voluntarily delay tasks even though they know it is not in their best interests, but choose to do it anyway. That fact rings true for me today – but, you are sitting here reading my article – I got it done! And as Scarlett O'Hara famously said, "After all, tomorrow is another day."

Switching gears, this is a big month for the Young Lawyers Section. We are pleased to announce our annual Bootcamp will take place on Friday, April 23, 2021, in both Rapid City and Sioux Falls! We have worked hard to put together these bootcamps and I'm confident they are going to be great. Look for the agendas in the newsletter for more information! Please RSVP to Anthony Sutton at anthony@janklowabdallah.com (Sioux Falls), and Arman Zeljkovic at Arman.Zeljkovic@pennco.org (Rapid City). Come join your peers and stay connected with the developments in the profession.

Much thanks to the delightfully funny (and patient) Tracie Bradford for helping me with my article this month!

Fellows of the South Dakota Bar Foundation

Many South Dakota lawyers have risen to the challenge of making the SD Bar Foundation a favorite charity. Such generosity deserves public acknowledgement. Therefore, the Bar Foundation Board of Directors has created a “Fellows” program to not only make such acknowledgement, but also to provide an opportunity for more of our members to participate and determine their personal level of professional philanthropy. Participation can be on an annual basis or by pledge with payments over a period of time. All contributions made to the “Fellows” program will be deposited in the Foundation’s endowment account managed by the SD Community Foundation – famous for low management fees and excellent investment returns. Donations to the endowment are tax deductible and a perpetual gift to our profession and the educational endeavors and charities the Foundation supports.

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(cumulative, including pledges & testamentary gifts)

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- * James E. Smith

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- * Robert C. Riter, Jr.
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- * Laura Clark Rowe
- * Thomas Eugene Simmons
- * Jason R.F. Sutton
- * Barry R. Vickrey



Our Profession. Our Responsibility.

Dean's List: News from the Law School



by: *Neil Fulton*
Dean
USD
Knudsen School of Law

Recruiting students is a perpetual challenge. Our recruiting goals include keeping great South Dakota students at home for law school, attracting talented students from neighboring states and beyond, attracting enough students to meet expanding legal needs, diversifying our classes, and keeping our entering credential high. Despite having so many moving parts, recruiting and admissions is one of the most enjoyable and exciting parts of life at the Law School. When I get the chance to talk to potential or admitted students about their motivations and goals, I am always reminded how much I love the law. It is important and hard work, but it is a blast.

The recruiting landscape faces dramatic change in coming years, however. Demographics suggest that beginning in 2025 we face a sharp drop in the number of high school graduates. One report suggests that the Dakotas, Iowa, and Nebraska face declines of 10-15% in students matriculating to college. Minnesota faces a decline of between 7-10%. This is a nationwide trend, with only Texas and a few Mountain West states seeing probable increases. There is a lot to unpack in the causes and impact of that decline. For the Law School and legal profession, however, the impact is clear. A dramatic decrease in the number of students going to college means there are fewer students to attend law schools. Pair this with a corresponding generational exodus by Baby Boomers (and even some of my fellow Gen X-ers) from law firms and other legal careers by Baby Boomers over the same window and suddenly the future is stark. Will we have enough lawyers?

Unless we act decisively, collectively, and sustainably to attract more young people to the profession, the answer may be “no.” Actions to fight this ebb tide need to start from a couple premises. First, attracting students to law school is more effective the earlier students are exposed to the possibility to a career in law. Second, to fight these trends and produce the lawyers we need, we will need

to attract students from more places and backgrounds. In other words, we need to expose more students to the law earlier.

I am excited to report on a start to that collective work. On April 14th the Law School and a group of volunteers will host the first “law camp” to introduce high school and targeted college students to careers in the law. The program will be conducted over a half-day program via Zoom to allow widespread participation. The goal is for students to see a variety of ways to work as lawyers and in careers related to the law. Presenters will include private practitioners and public lawyers, judges and court staff, law enforcement, and representatives from postsecondary education institutions around the state. Presenting a variety of paths into and through the law will hopefully make more students think about careers they had not before. Hopefully some students interested in the law will have their interest strengthened and some will consider careers in the law who have not before. Including career options beyond lawyers alone has the benefit of generating interest in all the professions that make the legal system go and should produce a few more lawyers from among students who may not initially think they are “up to” being lawyers initially but realize that they are along the way. An increase in students pursuing careers connected to the law, if not going to law school directly, is also good for our profession and South Dakota.

This is an idea that has succeeded in other settings. USD's medical school long ago started a scrubs camp to expose students to medical careers. It has produced programs in individual high school dedicated to medical professions and an annual, multi-day, statewide conference. Connecticut has robust, in person, law camps for both high school and junior high students. Their camp provides information to students, builds mentorship connections, and allows students to try their hands at mock trial advocacy. Both programs have produced increases in the number of students exploring the respective career paths. We are obviously a long way from that at the start, but we will be able to track students who participate in law camp, continue contact with them, and begin the process of boosting student interest in legal careers. This is a generational, transformative project so it will take time; it is exciting to take the first steps, however.

In addition to boosting our raw numbers, I hope that

law camp helps us boost our allocation of lawyers. It will definitely target students in smaller communities. It helps to get students from smaller communities near some of the mid-sized South Dakota towns thinking about law school to then place them in those communities. It is easier to get a student to go practice in Pierre, Huron, or Aberdeen if they grew up in Miller like I did. Building connections with those students in high school, and keeping them connected with their regional legal communities, is imperative to meet the legal needs of our “small big towns.”

Law camp is exciting, but it is only a first step. Coming years and coming demographic changes will challenge all of us. The future of our profession will hinge on working together to identify, recruit, train, and place our next generation of talented lawyers in South Dakota and beyond. Neither I nor the Law School alone has all the answers or tools to meet that challenge. I am confident that we can and will work together as a profession to do so.

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Sioux Falls Convention Center

Wednesday, June 16th

1 PM

Ethics
ALPS

Agenda
TBA

Brought to you by The State Bar of South Dakota, The Committee on Continuing Legal Education and





JUSTICE SQUAD

Thank you to the following attorneys for accepting a pro bono or reduced rate case from Access to Justice, Inc., this month! You are now a member of the the A2J Justice Squad - an elite group of South Dakota lawyers who accept the responsibility to defend justice, uphold their oath and provide legal representation to those who need it.

AMY BARTLING JACOBSEN

LYNDSAY DEMATTEO

RYAN KOLBECK

JIM CRAIG

ERIC HARDY

ANONYMOUS MINNEHAHA COUNTY ATTORNEY

AND MUCH THANKS TO:

DENISE LANGLEY

KYLE KRAUSE

STEVE HUFF

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BETH BALOUN

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Browse agendas on the following pages for

- Keynote: Rashmi Airan
- ALPS/Ethics
- General Counsel 101
- Early Bird
- Up in Smoke! Changes to SD Marijuana Laws
- Transactional Work
- Ethical Leadership

June 16 - 18, 2021
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& Sheraton Hotel

ANNOUNCEMENTS

Woods, Fuller, Shultz & Smith, P.C.
is pleased to announce that

Heath R. Oberloh

has joined the firm.

Woods, Fuller, Shultz & Smith, P.C.
300 S. Phillips Avenue, Suite 300
Sioux Falls, SD 57104

Telephone: (605) 336-3890
Facsimile: (605) 339-3357

Heath.Oberloh@woodsfuller.com

www.WoodsFuller.com

Woods, Fuller, Shultz & Smith, P.C.
is pleased to announce that

Jordan D. Veurink

has joined the firm.

Woods, Fuller, Shultz & Smith, P.C.
300 S. Phillips Avenue, Suite 300
Sioux Falls, SD 57104

Telephone: (605) 336-3890
Facsimile: (605) 339-3357

Jordan.Veurink@woodsfuller.com

www.WoodsFuller.com

Vriezelaar, Tigges, Edgington, Bottaro, Boden & Lessmann, L.L.P.
is pleased to announce that

T. Cody Farrens

has joined the firm as a Partner.

Vriezelaar, Tigges, Edgington, Bottaro, Boden & Lessmann, L.L.P.
613 Pierce Street
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State Bar of South Dakota

President
Terry G. Westergaard
PO Box 2670
Rapid City, SD 57709
(605) 343-1040
twestergaard@bangsmccullen.com

President Elect
William C. Garry
200 East 10th St., Ste. 200
Sioux Falls, SD 57104
(605) 336-0828
wgarry@cadlaw.com

Executive Director & Sec/Treas
Andrew L. Fergel
111 W. Capitol Ave. #1
Pierre, SD 57501
(605) 224-7554
andrew.fergel@sdbar.net

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Dear State Bar of South Dakota Members:

As President-Elect, it is my privilege to fill vacancies on State Bar Standing and Special Committees for the 2020-2021 Association year. To assist our Appointments Committee with this important process, please complete the following survey to indicate your desire to *join or retain* your appointment to our State Bar Committees.

This survey also provides you the opportunity to join Sections of the Bar. State Bar Sections are self-governing and do not require presidential appointment but indicating your desire to join the Sections through this survey provides us with the information we need in order to add you to the Section's community on the State Bar website and notify Section leadership of your affiliation with the Section.

Requests for appointment should be made electronically, beginning on **March 1, 2021** at:

<https://www.surveymonkey.com/r/9675XXQ>

Requests must be received by **April 15, 2021** for consideration. In addition to your request, we hope that you will encourage any other interested members to fill out the electronic application.

Thank you in advance for your assistance. Although there are a limited number of vacancies to fill, I will give each application thorough consideration. If you would like to discuss this process or application process, please feel free to contact Elizabeth Overmoe at (605) 929-5980, or elizabeth.overmoe@sdbar.net.

The Appointments Committee and I look forward to hearing from you and thank you for your assistance in this important process for our State Bar.

Sincerely,

Bill Garry
President-Elect
State Bar of South Dakota

PRESENTER:

CARRIE G. SANDERSON, DIRECTOR

SOUTH DAKOTA CENTER FOR THE PREVENTION OF CHILD MALTREATMENT

REGISTER HERE



APRIL 21ST, 2021
12:30PM-1:30PM CST

ACES IN THE COURTROOM:

HOW CHILDHOOD ADVERSITY IMPACTS THE LEGAL SYSTEM

Adversity in childhood and the justice system are inextricably linked. Adverse childhood experiences can lead to a lifetime of health and social problems, including higher propensity to be involved with the criminal justice system. Additionally, children involved with civil court proceedings including custody disputes, divorces, and abuse and neglect cases have the potential to be traumatized by the legal process. A trauma-informed court system can assist with identifying children in need of trauma-focused services and reducing the re-traumatization of children within the court system. Learn about the impact of adverse childhood experiences for children in South Dakota and how the legal profession can help build resiliency for children and families.



Young Lawyers Section 2021 Bootcamp Agenda

Friday, April 23, 2021

Rapid City Location: Pennington County Administration Building (first floor)

Morning Agenda

- 9:15-9:30: Registration
- 9:40-9:45: Welcome
- 9:45-10:45: E-Discovery: What you don't know and what you should know
(Colleen Zea – Computer Forensic Resources, Inc.)
- 10:45: 10:50: Break
- 10:50-11:55: Ethics in Review: Obligations for Lawyers
(Neil Fulton, Dean of USD School of Law)

Lunch

- 12:00-12:55: Sponsored Lunch – Judges' Panel
(Justice Scott P. Myren, Judge Jane Wipf Pfeifle, and Judge Michael W. Day)

Afternoon Agenda

- 12:45-12:55: Registration
- 12:55-1:00: Welcome
- 1:00-2:00: Criminal Law Panel: The basics, advanced strategies, and everything in between
(Jennifer Albertson – Federal Public Defender's Office, Ellery Grey – Grey & Eisenbraun Law, Gina Nelson – United States Attorney's Office, Lara Roetzel – Pennington County State's Attorney's Office)
- 2:00-2:30: #Fit2PracticeSD
(Tracey Dollison-Decker – Pennington County State's Attorney's Office)
- 2:30-2:40: Break
- 2:45-3:45: ADR Panel: What Mediators want you to know
(Judge Daneta Wollmann, Linda Lea Viken – Viken Law Firm, Bob Morris – Morris Law firm)

RSVP to Arman Zeljkovic (Arman.Zeljkovic@pennco.org)

Options to attend both in person and via Zoom

***** Social Distancing to be followed; Masks or Face coverings encouraged**



Young Lawyers Section 2021 Bootcamp Agenda

Friday, April 23, 2021

Sioux Falls Location: Lumber Exchange Building, 101 S. Reid Street

Morning Agenda

- 9:00-9:15: Registration
- 9:15: Welcome
- 9:20-10:20: Criminal Law Panel: The basics, advanced strategies, and everything in between
(Jennifer Mammenga – US Attorney’s Office; Crystal Johnson – Minnehaha County State’s Attorney’s Office; Clint Sargent – Meierhenry Sargent; Melissa Fiksdal – Jeff Larson Law)
- 10:20-10:35: #Fit2PracticeSD (Tony Teesdale – Ribstein & Hogan Law Firm)
- 10:35-10:45: Break
- 10:45-11:45: E-Discovery: What you don’t know and what you should know
(Colleen Zea – Computer Forensic Resources)

Lunch

- 12:00-12:55: Sponsored Lunch – Judges’ Panel (Judge Karen Schreier, Retired Chief Justice David Gilbertson, Judge Camela Theeler)

Afternoon Agenda

- 12:45-12:55: Registration
- 12:55: Welcome
- 1:00-2:00: Lawyer’s Panel: Tips and tricks from practitioners of different areas
(Jennifer Bunkers – Boyce Law Firm; Cesar Juarez – Lynn, Jackson, Shultz & Lebrun; Brendan Reilly – Davenport Evans; Beth Roesler – Goosmann Law Firm)
- 2:00-2:15: #Fit2PracticeSD (Tamara Nash, SD Attorney General’s Office/US Attorney’s Office)
- 2:15-2:25: Break
- 2:25-3:25: ADR Panel: What Mediators want you to know
(Bill Garry – Cadwell Sanford; Lon Kouri – May & Johnson; Mike McKnight – McKnight Mediations; Marilyn Trefz – Redwood Mediation & Law)

RSVP to Anthony Sutton (anthony@janklowabdallah.com)

Options to attend both in person and via Zoom

****** Social Distancing to be followed; Masks or Face coverings encouraged***

Getting to know the Chief Justice

Chief Justice Steven Jensen has been serving in his new role as Chief Justice of the Supreme Court now for three months. The State Bar reached out to Chief Justice Jensen to see if he would be willing to answer a few questions to allow our members get to know him a little more. He graciously accepted the invitation. Our questions and the Chief's answers follow. Thank you Chief Justice Jensen for taking the time to contribute to our monthly State Bar Newsletter.

Chief Justice Jensen, please tell us about Steven Jensen the man, as opposed to the lawyer, judge, or justice.

I grew up on a farm near Wakonda. I was fortunate to have parents that passed on their values of faith, hard work, and treating others with respect. I have been married to my wife, Sue, for 30 years. We have three children--Rachel, Ryan and Andrew. Ryan and Andrew are completing their education. Rachel married her husband, Blake, a few years ago, and they had twin girls in October 2019. Playing with Bethany and Dorsey has become one of my favorite past times! I also enjoy traveling, reading, watching and playing sports (watching more than playing these days), and spending time with family and friends.

Chief Justice Jensen, what type of undergraduate degree do you hold and why did you pursue that area of study?

I was a political science/history major in college. I had designs of becoming a foreign service agent, but coming from a small South Dakota High School in the 80s my foreign language exposure was limited to a little Norwegian I heard my grandmother speak. I decided I should probably find another career.

What inspired you to become a lawyer?

When I was a junior in college, I interned for U.S. Senator Charles Grassley. His legislative director was a lawyer who mentored me during the experience. I remember him talking about the role of the rule of law in our society and discussing the good things lawyers can do and accomplish. By the end of the internship, I knew I wanted to be a lawyer.

Before becoming a judge, you were in private practice.

What did you enjoy most about being a practitioner?

I practiced primarily in civil litigation for 14 years. I really enjoyed developing the theories and legal arguments in a case, and then, of course, the opportunity to try them out in front of the judge or jury. I also valued the relationships with clients. I represented a number of small to mid-sized companies. I enjoyed learning about their businesses and attempting to solve problems that arose for them. One of the things I miss most about the practice of law are the people I worked with. I had a couple of great mentors in my law firm. I look back and think about how fortunate I was to watch and learn from these gifted lawyers early in my career.

What moved you to pursue becoming a judge and justice?

I did not start practicing law with the goal of becoming a judge. As I continued in my practice and watched judges, I realized that judicial service really fit my disposition and personality. I planned to practice a few more years, but when a circuit judge position opened in Elk Point, so I would not need to move, I decided to apply.



Chief Justice Jensen, you have been Chief Justice now for three months and have been through your first legislative session as Chief Justice. What can you tell us about your experience thus far and have there been any surprises?

Session started three days after I began as Chief, so I am still getting my feet under me. I have benefitted from retired Chief Justice Gilbertson's leadership,

as he left things in great shape when he retired. He was also willing to spend time with me over the last few months, passing on his years of knowledge and experience. His willingness to do so has kept most of the surprises to a minimum thus far. We also have a fantastic group of professionals in the State Court Administrator's Office and the Supreme Court. Their work and assistance has already proved invaluable.

How do you view the relationship between the UJS and State Bar of South Dakota?

The UJS and State Bar have had a great relationship and have been able work together on issues that impact the bench and bar. Recently, we have collaborated in developing programs to assist lawyers or judges struggling with addiction or mental health. The State Bar also assisted in our recent successful effort with the Legislature to increase judicial salaries. Last year, a Supreme Court-appointed commission began working on a plan to address sexual harassment in the legal profession in South Dakota. The State Bar has assisted in developing the recommendations from the Commission and will play an important role in the implementation of these recommendations. I believe these types of collaborative projects are extremely important as we continued to work to improve the legal profession.

Is there anything you think the bench and bar should work on together that are not being explored right now?

I could see benefit in being more intentional

in developing programs to enhance bench-bar relationships. One example would be holding a bench-bar conference. I attended a bench-bar conference a number of years ago in Iowa when I was still practicing. It was extremely insightful for lawyers to hear from judges about their perspective on various topics in this type of setting. Lawyers were also able to address issues that would be more difficult to discuss with judges while sitting in the courtroom or in chambers.

What advice would you give a young person that is considering becoming a lawyer?

I would tell young people considering becoming a lawyer that practicing law is hard, but you have a tremendous opportunity to make a difference in people's lives. A lawyer needs to be lifetime learner, with a desire to continue to grow as a professional. You also need to realize that practicing law can consume your life. Don't lose sight on the need to continue developing the physical, emotional, spiritual, and relational aspects of your life.

What is the number one piece of advice you give lawyers appearing before the Supreme Court for oral argument?

Don't just provide a recitation of the facts, law and legal issues. This is your opportunity to speak directly to the Court and tell us about the factual and legal arguments that are most important to your case and that you want to make sure we understand before you leave the Courtroom.

ATTORNEYS - OATH OF ATTORNEY

I do solemnly swear, or affirm, that:

I will support the Constitution of the United States and the Constitution of the State of South Dakota;

I will maintain the respect due to courts of justice and judicial officers;

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land;

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law;

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with a client's business except from that client or with the client's knowledge or approval;

I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice.



YOUNG LAWYERS SECTION STATE BAR OF SOUTH DAKOTA

PRESIDENT

CAROLINE SRSTKA
2000 52nd Street North
Sioux Falls, SD, 57104
(605) 367-5880
Caroline.Srstka@state.sd.us

PRESIDENT-ELECT

OLE OLESEN
130 Kansas City Street Ste 310
Rapid City, SD, 57701
(605) 394-2181
Ole.Olesen@pennco.org

SECRETARY/TREASURER

ANTHONY SUTTON
PO Box 2348
101 S Main Ave. #100
Sioux Falls, SD 57101-2348
(605) 338-4304
anthony@janklowabdallah.com

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THE YOUNG LAWYERS SECTION SEEKS NOMINATIONS FOR THE YOUNG LAWYER OF THE YEAR AWARD

Members of the South Dakota Bar Association are invited to submit nominations for the 2021 South Dakota Young Lawyer of the Year. The Young Lawyer of the Year Award will be presented at the State Bar Convention. Please consider nominating a South Dakota Young Lawyer for this award.

In order to be considered for the award, the nominee must be a member of the State Bar of South Dakota in good standing and must not have (1) reached the age of 36 years by June 16, 2021, or (2) been admitted to practice in SD or any other state(s) for more than 10 years. Past recipients of the award and lawyers currently serving on the Young Lawyers Board are ineligible for consideration. Nominees should exemplify the following characteristics:

1. *Professional excellence;*
2. *Dedication to serving the legal profession and the Bar;*
3. *Service to their community; and*
4. *A reputation that advances legal ethics and professional responsibility.*

Nominating attorneys should submit a brief letter in support of their nominee to Ole Olesen at Ole.Olesen@pennco.org by Friday, May 28, 2021. The letter should detail the reason(s) for the nomination and how the nominee meets the above-mentioned characteristics. We sincerely look forward to receiving your submissions. Thank you in advance.



Rashmi Airan

State Bar

Opening Keynote



Join Rashmi as she shares her life-changing story to illustrate the multitude of factors that influence our choices both in business and at home. She will set forth the business discipline necessary for decision-making and uncover the mental process of problem solving that leads to organizational cultures with integrity.



*Sioux Falls
Convention Center*

Rashmi Airan is an internationally recognized corporate and motivational speaker, a “recovering lawyer and investment banker,” a woman leader and an entrepreneur. Due to a life-changing and humbling experience that resulted in a six-month sentence to Federal prison for conspiracy, Rashmi now shares her story to create a culture of conversation around ethics, diversity and inclusion, and resilience in all aspects of our lives. Her clients include Coca-Cola (India), Hershey’s, SHRM, the FBI, Sotheby’s Int’l, MGM Resorts, Georgia Institute of Technology, and Columbia Law School.

Rashmi Airan, a first-generation immigrant of Indian parents and the oldest of three daughters, was raised with high expectations to achieve. Rashmi was previously a very successful lawyer who graduated with honors from Columbia Law School. She lives in Miami with her two teenage kids.

General Counsel 101

June | 16 | 2021

1pm-4pm

Sioux Falls
Convention Center

*John Richter,
Nicole Tupman,
Matt Roby
Co-Chairs*

A primer on the role of General Counsel, and a discussion on the tools and skills necessary to succeed and excel!

1:00-1:50pm **Observations from the State's Perspective**

Mark Miller, General Counsel to Governor Kristi Noem

Jeff Hallem, Investment Counsel Staff, formerly of the Attorney General's Office

Karla Engle, Department of Transportation General Counsel

Moderators: Katie Hruska, Deputy General Counsel to Governor Kristi Noem, and Renee Gallagher, USD Law Student

2:00-2:50pm **The View from City Hall**

Justin Johnson, City Attorney for the City of Mitchell

Joel Landeen, City Attorney for the City of Rapid City

Stacy Kooistra, City Attorney for the City of Sioux Falls

Moderators: TBD

3:00-4:00pm **The Life of Private In-House Counsel**

Amy Koenig, VP of Governance, Deputy General Counsel, Corporate Secretary at Black Hills Corp.

Kristina Schaefer, General Counsel and Chief Risk Officer at First Bank & Trust

*David Stoo*s, Associate Corporate Counsel at Sanford Health

Moderators: Nicole Tupman, Assistant General Counsel at Midco, and Josey Blare, USD Law Student

Brought to you by The State Bar of South Dakota and The Committee on Continuing Legal Education

BAR CONVENTION THURSDAY CLES

8 am

Sioux Falls Convention Center

*Up in Smoke! Changes
to SD Marijuana Laws*

OR

*Transactional
Work*



**MARK
YOUR
CALENDAR**

Agenda's will be posted in the
May Newsletter!

Inside and Outside



Counsel

Playing Together in the Corporate Sandbox

By Nicole Tupman
Midcontinent Communications
& Joseph Wiltse
Ballard Spahr, LLP

are clear and I try to discuss those boundaries up-front with outside counsel. If your inside counsel has not discussed those boundaries, please ask!

In engaging outside counsel, inside and outside counsel need to work together to ensure that they are playing together collaboratively in the corporate sandbox. This inside/outside counsel article series focuses on the relationship between inside and outside counsel and aims to provide tips to both inside and outside attorneys. Last month's article provided an overview of one attorney's in-house practice. This month's article focuses on inside and outside counsel working efficiently together to advance their mutual client's interests.

Joe Wiltse serves clients in a wide variety of corporate and business matters as an attorney at Ballard Spahr LLP in Sioux Falls, including representation in mergers, acquisitions, private equity and securities offerings, real estate, and risk management. Nicole Tupman is Assistant General Counsel at Midco and maintains a general practice touching upon almost every subject taught in law school. You may notice an unusually frank discussion in this article because Joe and Nicole practiced together at Ballard Spahr before Nicole went to the "light" (or "dark," depending on your view) side.

Joe to Nicole: What are your concerns when working with an outside attorney?

I hear from my business leaders (usually jokingly . . . I think) that Legal is a cost center that specializes in saying "no" to additional revenue opportunities. When I bring in outside counsel, I am concerned that my business leader may see me as adding yet more legal expense or imposing new ways of saying "no." Additionally, and especially with new outside counsel, I want to ensure that boundaries between inside and outside counsel

Joe to Nicole: How can outside counsel help ease your concerns and, more generally, be sensitive to the role of inside counsel?

When getting to know a new corporate client, outside counsel can openly discuss with the inside attorney how to operate within the company, including the following: (1) a basic organizational chart on who inside is making the ultimate legal or business decision; (2) how inside counsel prefers communications and if inside counsel wants business leaders on communications; (3) how to bill the new client; and (4) work product expectations. I find it especially endearing when outside counsel offers a free meeting, preferably on-site, to discuss a new representation partnership.

Nicole to Joe: What are your thoughts or questions in working with inside counsel, especially a new client?

I truly enjoy working with inside counsel, particularly in a broad-based capacity where we are involved with more than just one or two narrow issues. Generally, inside counsel engages us initially for a specific need—whether that is an M&A deal, an IP issue, or something else, so many times the engagement and questions are more narrowly focused. However, no matter what the initial engagement is, my first questions always revolve around learning a new client's business, such as how it works, how it fits in the marketplace, and most importantly what are the challenges the client is facing or immediate needs they have (whether business or legal). I view my role as outside counsel to not be just another attorney you use for "X" type of deals or issues, but to be an advisor and partner in the growth

of your company. In order to do that, and to be able to give practical advice tied to the realities of the client's business, I need to know about the client. Having a good relationship with inside counsel is key to that insight and relationship. Ideally, I want inside counsel to think of me as essentially another in-house counsel, because I know the ins and outs of the company's business and needs.

Nicole to Joe: I know that outside counsel have billable hours, but how do I communicate your value to my client when my client is already paying my salary?

We know you are under pressure to deliver an ever-increasing value to your client, and we also know your client may continually push you as to "why?" you are adding these additional legal costs. Didn't they hire you to avoid having to pay outside attorneys? We know in order to justify that cost, both you and your client need to see the value for the money they are paying. Sometimes the answer is easy—someone in our firm has a unique expertise that your client needs, and expertise generally comes with a price tag. Often, we find inside counsel whose role has expanded within their organization, and they need assistance in handling contract review, drafting, or a variety of other small matters in order to allow them to focus on high-priority matters. This time-value ratio is something that we see quite frequently, where there just aren't enough hours in the day for the inside legal team to handle all work, but not enough work to justify an additional, inside hire.

Outside counsel can also help get out of the bubble that may have formed within your organization, and can be a great source of issue spotters with deep or specialized knowledge related to various company issues, all without the internal pressures or politics that working directly within an organization may bring. And the best thing—you only pay for what your company uses, so you can be the go-to counsel for your client that only uses us when and if needed. The fact that we likely have better malpractice insurance doesn't hurt your cause either.

Joe to Nicole: Speaking of billing, what do you like to see on your bills? What are your pet peeves about outside counsel bills?

I like to see the specific matters that you worked on broken out by topic. For example, if you work on an

asset purchase agreement, easement, and employment policy for me in one day, I prefer to see separate line items for each of those three items with the time spent on each task. I know it's more work for outside counsel, but it helps me "assign" your time and cost internally to the specific projects for which you are engaged. Some corporate clients even "bill" various business departments for work completed by outside counsel.

I do have a pet peeve about bills. I do not like to see a bill where every or almost every time entry contains "Conference with N. Tupman about XYZ issue." If it is ok with your inside counsel, a more general "Strategize about XYZ" without using our name on every line may help smooth over any concerns of overstepping into inside counsel's role or adding unnecessary cost.

Nicole to Joe: How can I reduce my outside counsel bills?

The most important thing is to set goals, define what you need, and then lay out where we fit into that picture. Doing so allows us to find the right lawyer for the specific need, spend less time with back and forth emails or calls, and more efficiently handle your matters. It also ensures that we don't spend time working on matters that can be handled internally and that we don't duplicate efforts. In addition, either having one point of contact within the firm that acts in an outside general counsel type role to direct and coordinate can help keep things simple. But truthfully, the best way is to ask us to get creative with billing options. Fixed fees or negotiated rates can be a great way to have some certainty or reduce costs, as I know that can be a concern when budgeting. I am also willing to attend board meetings, have initial consultations, and provide other resources free of cost that can add real value. We have guides, checklists, sample clauses or contracts, handbooks, or other resources that we are willing to provide that give you "more" than just the billable hours on the bill.

Joe to Nicole: Do you have any ideas of how outside counsel can reduce billing?

On larger files and engagements, often a less experienced attorney is doing the heavy lifting of drafting, document review, due diligence, research, etc. While I respect the managing or relationship attorney's need to understand the advice and work being provided by the less experienced attorney, sometimes it is easier

for inside counsel if we can work directly with the less experienced attorney. For example, I recently worked with a firm on a larger litigation matter where we had an established relationship with the partner, but we needed the specialized expertise of a tax law associate. The partner introduced me to the associate and was copied on all emails, but I otherwise worked directly with the associate. The partner's flexibility reduced our bills and respected my time in allowing me to directly contact the associate instead of going through the partner. The exposure of the associate in working directly with inside counsel can also be a good learning experience for the associate and showcases the firm's depth of expertise.

Joe to Nicole: Do you have other ideas on how outside counsel can improve the lives of inside counsel or reduce the workload of inside counsel?

I enjoy the webinars, blogs, and materials prepared and shared by outside counsel, especially if the webinar comes with CLE credit. Part of my daily work includes reviewing a variety of blogs and legal news sites to keep updated on the wide variety of legal matters that I am required to understand in my general practice role. Those "value add" items are helpful and can be a good way for a firm to train its less experienced attorneys in drafting those items.

Also, getting to know your client and its inside attorneys is essential. The initial meeting that I mentioned earlier is a great start, but a periodic lunch, coffee, or drinks does wonders to cement the relationship between inside and outside counsel. For example, we have an out-of-state law firm that makes a habit out of visiting us on-site on a yearly basis for a free update on federal regulatory law. All of our attorneys and lead regulatory business leaders attend. That meeting reaffirms our relationship, allows the outside attorney to understand our needs better, and provides an opportunity for the firm to gently sell its expertise for new areas of engagement.

Nicole to Joe: Do you have any technology resources that can make my life easier as inside counsel?

Truthfully, more than I even know how to use, but I probably shouldn't admit that. For example, we have a system called "Ballard360" that is this whole custom suite of tech applications that gives our clients 24/7 access to project status, budget, and billing information; allows for easy review and exchange of documents, or

a place to access all of their documents or records we maintain; and even allows for documents to be auto-generated for the client!

It's actually a really impressive system that can be tailored for each individual client and really allows inside and outside counsel to have one "portal" to work seamlessly together. The program has literally saved our clients millions in fees and has been recognized by The National Law Journal, Financial Times, The American Lawyer, and BTI Consulting. It's pretty cool.

More generally, I encourage inside counsel to discuss with their outside counsel what technology options are available for inside counsel's general use and for assistance in due diligence and e-discovery.

Joe to Nicole: How do you like outside counsel to engage with your business leaders?

Ever mindful of the costs of outside counsel, I want to know when outside counsel is directly working with a non-attorney, business leader. We have some outside counsel that have become such great partners that our business leaders go directly to outside counsel for their expertise on a particular issue without going through the internal legal department. It's a nice gesture and deference to inside counsel for outside counsel to check with inside counsel prior to providing the requested advice to the business leader. That heads-up allows me to budget more accurately for outside legal expenses.

Nicole to Joe: Inside counsel are often providing business advice to their clients. When you're working with inside counsel or our business leaders, how are you providing business advice when asked?

This really depends on the relationship, as some clients want us to provide options A, B, or C, the legal risks associated with each option, and then leave it to their team to decide. However, I find most clients want us to be more practical, and we understand that drafting a 5, 10, or 20 page memo (this is why I can't do litigation) that the business leaders won't actually read isn't helpful. We try our best to provide the options and legal risks, but with practical advice based upon how things work in the real business world and upon our experience, and that actually gives you an answer of what we would do under the circumstances. Sometimes you may not like that answer, because you think the cost of compliance is

higher than the risk, but that's why God invented CYA letters.

Joe to Nicole: Any last pet peeves or advice for outside counsel?

Please do not bill for an information flyer, blog post, email, etc. about a new legal development that you put together and sent out to multiple clients, especially if I did not request the advice. I have seen that happen multiple times with outside counsel and it sours the relationship.

Inside counsel work hard to develop strong working relationship with business leaders. Deferring to inside counsel in a meeting with business leaders helps inside counsel preserve those relationships.

Nicole to Joe: Any last pet peeves or advice for inside counsel?

My only pet peeve is inside counsel not contacting us for help when they need it. So my advice is to be proactive and look for opportunities to tell outside counsel what you want and need, what you value and what you don't, and what makes you happy or unhappy (even if you just send them this article). Don't be afraid to pick up the phone. We aren't there to make you look bad or get you fired so we can get more work—we are there to partner with you and make you look like the rockstar you are.

We hope that you enjoyed this article. If you have any questions, please do not hesitate to contact Joe at wiltsej@ballardspahr.com or Nicole at nicole.tupman@midco.com. Next month's article focuses on real estate and a conversation between inside attorney Eric Hanson at Homestead Title and outside attorney Rod Tobin at Siegel Barnett & Schutz LLP.



Join us for a legislative review through the public sector lens! The panelists for the 2021 legislative review will be Bob Wilcox from the SD Association of County Commissioners, Dave Pfeifle from the SD Public Assurance Alliance, and Yvonne Taylor from the SD Municipal League.

REGISTER Here!

Legislative Review

When: May 4, 2021 12:00 PM – 1:00 PM CST

THE FUN ROOM
FUN FOR EVERYONE



**BACK BY POPULAR
DEMAND**



JUNE 16 & 17, 2021

DON'T MISS IT!

**CHECK YOUR MAY NEWSLETTER
FOR LOCATION AND TIMES!**



6:30AM
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17TH

SIoux FALLS
CONVENTION
CENTER



Early Bird

Stanton Anker, Chair

- SUPREME COURT UPDATE
- POWER ACT
- LEGISLATIVE UPDATE
- LAWYERS ASSISTANCE
- + MORE TO BE ANNOUNCED!

*brought to you by the CLE
Committee and The State Bar*

BOARD OF BAR COMMISSIONERS

Minutes, February 18, 2021

Meeting Held by ZOOM

President Terry Westergaard called the meeting to order at 9:00 a.m. on Thursday, February 18, 2021. Present were: President Westergaard, President Elect Bill Garry, Commissioners Aasen, Christensen, Dougherty, Ginsbach, Hruska, Kempema, Pickar, Pilcher, Roby, Skjoldal, Trefz, and Wurgler. Also present were Secretary-Treasurer Andrew Fergel, Assistant Director Nicole Ogan, and Strategic Plan Coordinator Beth Overmoe.

Minutes of January 29, 2021 Bar Commission Meeting: President Elect Garry made a motion to approve the minutes of the January 29, 2021 Bar Commission meeting. The motion was seconded by Commissioner Aasen. Motion passed.

Executive Director's Report: Executive Director Fergel updated the Commission on this year's legislative session to date and the items he and staff have been working on since the January 29, 2021 Bar Commission meeting.

Bar Dues and CLE Fees: Bar staff presented the Bar Commission with several options for increasing bar dues and CLE fees to become effective beginning in calendar year 2022. After the presentation by staff, a motion was made by Commissioner Hruska to present a resolution to the membership at the annual meeting in June that would increase active member dues by \$100.00, CLE fees by \$25.00, and inactive member dues by \$25.00, to become effective January 1, 2022. Commissioner Hruska's motion included the provision that the increase in inactive member dues would come with the added benefit for inactive members to attend CLEs offered by the State Bar of South Dakota free of charge. The motion was seconded by President Elect Garry. After discussion, the motion passed.

Update on Association Health Care Plan for State Bar Members and their Firms: President Westergaard gave an update on where the Bar is in the process of exploring the implementation of an Association Health Care Plan for State Bar members and their firms. President Westergaard reported that he has had a conversation with the South Dakota Division of Insurance related to specific aspects of the Bar's application for approval of the plan.

There being no other business before the Commission, President Westergaard adjourned the meeting.

Respectfully submitted,

Andrew L. Fergel
Secretary-Treasurer

**Proposed Amendment of Article IV, Section 4.5 of the Appendix to
SDCL Chapter 16-17 – The State Bar of South Dakota Bylaws**

- 4.5. **Membership Fees.** The State Bar may annually impose upon the Members approved State Bar dues (“Dues”), CLE Fee, and Client Assistant Fee (collectively “Membership Fees”). Membership Fees will be set to meet the State Bar’s financial obligations. The Bar Commission may set the Membership Fees based upon membership type or other criteria. The Executive Director will assess Membership Fees on a calendar-year basis. Members must pay the Membership Fees in advance each January 1st.
- a. **Approval.** The Supreme Court must approve Membership Fees proposed by the Bar Commission before the Executive Director may assess them on the Members.
 - b. **Active Member Dues.** Active Member Dues are:
 - i. **Calendar Year of Admission.** Waived for newly admitted Members the calendar year of admission unless, in a prior year, that Member was a member of another state bar or practiced law in another state or jurisdiction without mandatory bar membership; in either of those cases, the newly admitted Member will pay Dues based on years in practice specified in Paragraph 4.5.b.ii, or 4.5.b.iii, below.
 - ii. **2nd – 4th Calendar Years after Admission Year.** ~~\$190~~\$290, except Members electing Emeritus Status will pay ~~\$100~~\$125.
 - iii. **5th Calendar Year after Admission Year and Thereafter.** ~~\$315~~\$415, except Members electing Emeritus Status will pay ~~\$100~~\$125.
 - c. **Inactive Member Dues.** Inactive Member Dues are ~~\$100~~\$125.
 - d. **Continuing Legal Education.** Each Active Member, except Supreme Court Justices, Circuit Court Judges, Magistrate Judges, and Members electing Emeritus Status, must pay a ~~\$100~~\$125 Continuing Legal Education program fee (“CLE Fee”).
 - e. **Client Assistance Fund.** The State Bar may charge each Active Member, after the calendar year of admission, a Client Assistance Fund fee of \$25 (“Client Assistance Fee”). The State Bar will hold this fee in a separate

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Ethical Leadership

with Rashmi Airan

Jennifer Williams - Chair



Learn the principles of ethical leadership



Create a culture of integrity and courage



Plan for reputational risk and implement accountability and authenticity



Create an active commitment to ethical decision-making



Create the safe space for vulnerable conversations at home and work

Thursday, June 17th - 1pm to 4pm



Rashmi Airan

Rashmi will explore how organizational culture is directly connected to reputational risk and brand. The session will uncover the human performance principles and adversity management tools necessary to help any executive when the inevitable crisis presents itself. The session will also provide real value and challenge existing norms. The issues of ethics is constantly evolving and ever changing, thus requiring constant recalibration.

Rashmi believes her vulnerability will inspire her leaders to let down their guard in a confidential environment to explore issues of ethics and integrity. Energized by her openness, we will be able to discuss real-life challenges that are faced daily.



Unsure If You Need to Report a Situation to Your Malpractice Insurer? Here's a Checklist That Might Help.

Mark Bassingthwaighe, Esq.
Risk Manager, ALPS
mbass@alpsnet.com

Here at ALPS, all of us who work in claims and risk management periodically take calls from lawyers unsure if they need to report a claim. While we view reaching out for assistance in working through this important decision as a good thing, we also recognize that some lawyers will choose not to if for no other reason than they are afraid that doing so might have negative repercussions. If you ever find yourself facing a situation of concern, and are hesitant to reach out to your insurer, the following short checklist of things to think about may prove useful. Hopefully, it will help you decide for yourself if a report needs to be made.

- ✓ **What to report** - **All claims, regardless of the merits of the allegations.** A claim is often defined as any demand for money or services to include but not limited to demand letters, being served with a lawsuit, or the institution of an alternative dispute resolution process. **And all potential claims.** Think about any actual or alleged wrongful act, which is typically defined as any error, act or omission in professional services that you know or reasonably should know could be the basis of a claim or suit covered under your policy.
- ✓ **When to report** - Malpractice policies, which are claims-made and reported policies, generally require **timely, if not immediate, notice** of all claims and potential claims, and again, regardless of the merits of the allegations. Unlike occurrence-based policies, **notice is what triggers coverage**, not the underlying act, error or omission that is the basis of the claim. If you are aware of an actual or potential claim, the time to report has arrived.
- ✓ **How to report** - Many policies require that notice

be **in writing**. Regardless, notice is intended to let the insurer know the basics of what the issues are. Briefly detail the specific misstep that occurred or is being alleged, identify the client and provide the relevant date. Notice can be as short as a paragraph, depending on what the error or the potential error was.

- ✓ **Why report** - Failing to timely report a claim in accordance with the contractual obligations set forth in your malpractice policy is similar to trying to hide awareness of a claim while applying for coverage or reapplying for continuous coverage. **The consequences of not doing so**, which include the possible loss of coverage for the claim and/or rescission of your policy, **can be severe**.
- ✓ **Remember that you have a contractual obligation to cooperate with your insurer** - While the specific language of cooperation clauses will differ between insurers; all provide that you must cooperate with them in the defense of the claim or suit. Of particular importance is this. **You don't want to make any payments, admit any liability, settle a claim, assume any obligation, or incur any expense absent your insurer's prior consent.** Stated another way, trying to resolve a claim on your own before finally deciding to report it is a bad idea.

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▶ Thomas J. Welk, Boyce Law Firm, Sioux Falls, SD

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Learn more about how ALPS can benefit your firm at

www.alpsinsurance.com/sdlawyer

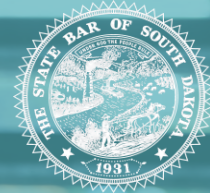
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AMERICAN BAR ASSOCIATION
STATE DELEGATE REPORT
SOUTH DAKOTA
Dick Travis
dtravis@mayjohnson.com

2021 Virtual Midyear Meeting

The American Bar Association held its 82nd Midyear Meeting virtually on Wednesday, February 17 - 22, 2021. The conference had 4,000+ virtual registrants that included association members, law students, and state and local bar leaders from across the country. There were interactive wellness sessions including meditation, spin classes, yoga and workouts, as well as fantastic networking opportunities including a book discussion hosted by the ABA President. There were dynamic speakers and presentations which allowed for discussion regarding the important issues facing our profession, country, and system of justice.

Highlights included the Nominating Committee Meeting which featured the [candidates](#) seeking offices of the Association. The candidates provided remarks and answered questions from the membership. In addition, the Spirit of Excellence Luncheon provided an all-star event that celebrated the efforts, leadership, and accomplishments of lawyers for their outstanding achievements in the practice of law, and for their contributions and commitment to promoting a more racially and ethnically diverse legal profession. The biographies of each of the 2021 honorees is available via the [Commission on Racial and Ethnic Diversity in the Profession's webpage](#).

The House met on Monday, February 22, 2021. Nomination results for Board of Governors members were announced. The Association President Patricia Lee Refo of Arizona, President-Elect nominee Deborah Enix-Ross of New York and the Honorable Nathan L. Hecht, Chief Justice of the Supreme Court of Texas, and President of the Conference of Chief Justices, each gave compelling remarks to the House. The House voted on an array of topics and issues including, civil rights and social justice, criminal justice, disability rights, domestic and sexual violence, homelessness and poverty, international law, student loan forgiveness, legal education, sexual orientation and gender identity, uniform acts, and the well-being of the legal profession. In addition, the House Committee on Issues of Concern to the Legal Profession presented a well-received panel presentation entitled : ["Is There a Case for a Structural Reform of the US Supreme Court?"](#)

The [Daily Journal](#) of actions of the House, and the [Select Committee](#) Report which provides you with video links to the remarks of Association Officers, as well as a more comprehensive summary of the newly adopted policies and all other activities and issues that were addressed at the House meeting can be found on the [House of Delegates' webpage](#).

There are many new and innovative things happening at the ABA for 2021. Please visit the [ABA Homepage](#) to see the most current news. Your commitment to the Association makes a difference. All ABA Members are encouraged to advocate for the Association and help increase awareness about the [value of membership](#). Become an ABA Ambassador by using these [tools and resources](#) and help grow our community.

The ABA continues to address many of the issues and needs arising from the Covid-19 Pandemic. "Practicing Law in the Pandemic and Moving Forward: Results and Best Practices from a Nationwide Survey of the Legal Profession," will be released later this month and can be found on the [Practice Forward Webpage](#). The survey was conducted by the Coordinating Group on Practice Forward in the Fall of 2020 to learn about the current and future expectations of practicing lawyers as well as their concerns, needs and goals moving forward. The survey addresses how the pandemic is currently affecting lawyers, and the plans and expectations for law practice as the pandemic eventually comes to an end.

As always, if you have any questions or comments, or if any members of the South Dakota delegation can be of assistance helping you navigate the many programs and benefits of our Association, please email Sarah Theophilus, Beth Overmoe, Pat Goetzinger or me.

Regards,
Dick Travis
ABA South Dakota State Delegate

ALPS/LAW SCHOOL GOLF TOURNAMENT

8 am **Prairie Green**

Noon **Elmwood**

FORMAT: Four-person scramble. Golfers will be handicapped by tee placement as has been done in the past.

Participants need not have established handicap and all are welcome to play.

This tournament is open to all members (which includes the judiciary), spouses/partners, court reporters and law students. This tournament is a charitable fundraiser for the Law School.

Winners receive shirts and bragging rights. **Entry is \$125.00 per person (\$500.00 for the team).** This entry fee includes (per team) green fees, golf cart, range balls, two mulligans (per person), and entry into a skins game. The tournament will have two shotgun starts—8:00 am at Prairie Green and noon at Elmwood. Teams may select which time they tee off. Participants who are not attending Thursday morning meetings are urged to reserve the 8am start time. Checks should be made payable to the ALPS/USD Foundation Golf Tournament, or you can click *reserve your spot* below to pay online. **Please submit your tournament registration form and entry fee by June 3, 2021.** After June 3, late entries will be accepted on an “as available” basis. Mulligans and a skins game will be offered onsite. This tournament is once again made possible by the generous donation of \$1,000 from ALPS.

 **Reserve
Your Spot**
and pay online

OR EMAIL

Kylee, Nicole or Tracie
at the State Bar

OR CALL

605-224-7554

Be sure to have your team members names when you sign up.

Thursday, June 17th, 2021

In Memoriam



Richard (Dick) Kakeldey

Richard (Dick) Kakeldey passed away on Thursday, February 18 with his wife by his side.

Dick was born in Fairmont, Minnesota in 1949. He married his high school sweetheart, Terry, in 1969. Dick earned his B.S. in Political Science and African Studies from the University of Northern Colorado. He then earned his J.D. from William Mitchell College of Law in 1978. Dick began practicing law in Mankato, Minnesota. In 2016, Dick also started practicing law in South Dakota and split his time between their home in Pierre, South Dakota and Mankato until his death.

Dick taught Business Law as an adjunct faculty member at Minnesota State University for 15 years. Dick invested much of his time in his community and was involved in many organizations, including: ISJ/Mayo Foundation, Mankato Area Foundation, Leave a Legacy, among many others. Creating and maintaining relationships, whether through his work as an attorney or any avenue of his life was of great importance to Dick.

Dick loved his family and friends. He was not afraid to express his pride in them and honor their importance in his life. Dick was passionate about learning. In particular, he enjoyed sharing his knowledge of wine, philosophy, religion and history, with those around him. One of his greatest passions was his grandchildren: Oliver, Sebastian and Finnegan. Spending time in South Dakota, hunting, fishing, sock fighting and "trouble making" with them brought him great joy.

Dick is survived by his wife of 51 years, Terry, his daughters Anna (John) Kakeldey Cooney, grandchildren Oliver, Sebastian and Finnegan of Minnetonka and Abigail (Ben Nikolas) Kakeldey of Minneapolis. Dick is also survived by his sisters, Ruthann (George) Jones, Ramona Kunard, Rosalyn (Jim) Grabianowski, Linda (John) Hoover; sister-in-law Janet Kakeldey; and numerous nieces and nephews.

In lieu of flowers, memorials in Dick's honor can be made to the Mayo Clinic Health System, Mankato Pulmonology Department.

Due to the pandemic, there will be a private gathering to celebrate Dick's life at a later date.



John Heege

Sioux Falls - John was born April 3, 1954, the third child of Grace Anne and Robert C. Heege of Sioux Falls. He graduated from Washington High School in 1972. His education continued at Sioux Falls College, Yankton College, and USD Law School where he received his law degree in 1985. His father swore him into the South Dakota Bar in September 1985, along with some of his classmates. This group of friends, with attorneys now prominent in South Dakota legal and judicial circles, has endured through the years.

John's legal career took him across his native South Dakota. He worked in Pierre for the Commissioner of Insurance, Rapid City, Aberdeen, and Huron before returning to Sioux Falls. His career in Sioux Falls included work at Heege & Keller, solo practice with his father, and a stint as Business Manager at Stubbe & Associates.

John and Karen Bernard were married on a perfect September day in 1993. Their beloved daughter Margaret joined them in April of 1998. John and Karen later divorced, and maintained an amicable and supportive relationship.

John loved tennis and golf and was an active participant in both in his younger days. He enjoyed watching golf on the weekends and for many years tended an enviable garden at his home at 22nd and Main in Sioux Falls. John was interested in family genealogy and was proud to hold onto many of the family treasures, each with a story he would share. He was a life-long member of First Presbyterian Church, and his faith was very important in his life. His politics were fiercely progressive.

John's last decade was marked by numerous health challenges. The ministrations of his confidante and physician Dr. Todd Sorensen got him through many crises during that time. John died on March 9, 2021.

John was preceded in death by his parents, Grace Anne Heege and The Hon. Robert Heege. He is survived by his daughter Margaret, former wife Karen, brother Peter (Nancy), sister Katie Thompson (Roger), as well as cousins, nephews, nieces and dear friends scattered throughout the US.

Memorials may be directed to Meals on Wheels or First Presbyterian Church, and condolences to be shared with family sent to Margaret Heege at 206 W. 20th St, Sioux Falls, SD 57105 or Katie Thompson at 4301 E. 33rd St, Sioux Falls, SD 57103.



Andrew John Hoffman

Andrew John Hoffman was born to Karen (Rustemeyer) and Gary Hoffman on November 23, 1978 in Lynch, NE. He passed away at age 42 on March 1, 2021 surrounded by his

family after a hard-fought battle with Glioblastoma multiforme. He attended school at Spencer, NE and Waco, NE, and because of entrepreneurial parents, his early years were spent learning the value of hard work on the family farm and family businesses.

Andy played football for the Utah State Aggies in Logan, UT before transferring to the University of South Dakota and eventually South Dakota State University, where he earned a degree in Political Science. He then attended the University of South Dakota School of Law and graduated with his Juris Doctor in the top 10% of his law school class.

Andy and Brianna (Stiner) Hoffman were married on August 21, 1999. They lived in Brookings, SD and then Viborg, SD while completing their college degrees. After graduation they moved to Atkinson, NE and Andy began his career as an attorney. He worked in O'Neill at Strope, Krotter, and Gotschall as well as Krotter

Hoffman, before branching out on his own and starting his solo law practice, Andrew Hoffman Law. It was Andy's dream to be an entrepreneur like his parents and include his children in the family business. Andy loved serving his clients and had developed a vast general practice focused on estate and business planning, with offices in Atkinson, O'Neill, and Central City, NE.

Andy and Bri were blessed with three children, Jack, Ava, and Reese. They were the light of his life and Andy enjoyed every aspect of being a father. He loved attending their school and sporting events and many weekends were spent at the lake, with family, or attending Cornhusker football games.

After their son Jack was diagnosed with pediatric brain cancer at age 5, Andy and his family established the "Team Jack Foundation" to raise money and awareness to fight the disease. Andy's love and passion for helping these kids was unmatched. He traveled the United States spreading the critical message about the need for increased funding for child brain cancer research. From a meeting with President Barack Obama in the White House Oval Office to numerous National media appearances with the likes of Fox News, CNN, ESPN, ABC World News, and Good Morning America, Andy provided leadership in the fight. He has led the Foundation in raising over \$8.4 million to fund research.

Andy was an outdoor enthusiast. He enjoyed walleye fishing, hunting, camping, and fixing fence on the family ranch. From the 30 inch walleye in his basement, to his most recent whitetail hunt on his iPhone, Andy loved sharing outdoor photos and stories with family and friends. He was able to go on a bucket-list elk hunt in Chama, New Mexico in October with his family and brothers and was elated to watch both Jack and Ava drop their elk. Andy was also an avid runner. His races included the Boston Marathon (April 2014), the Los Angeles Marathon (March 2015 and March 2020), the Chicago Marathon (October 2015), and the Minneapolis Marathon (2016 and 2017).

Andy was loved by many and his smile and infectious laugh could light up any room. He is survived by his wife Brianna, children Jack, Ava and Reese, parents Gary and Karen Hoffman of Spencer, brothers Tony (Amy) Hoffman of Crofton and Michael (Jacky) Hoffman of Spencer, sister Julia (Chris) Jones of Tellico Plains, TN, parents-in-law Kerry and Bonnie Stiner of Burke, SD,

sister-in-law Tiffany (Nate) Miller of Sioux Falls, SD, brother-in-law Kollin (Sarah) Stiner of Lakeville, MN, nephews Nathan Hoffman of Spencer, Hudson and Hayden Hoffman of Spencer, Luke Jones of Cleveland, OH, Matt and Nate Jones of Clarksburg, MD, Noah, Luke and Graham Miller of Sioux Falls, SD, and Karson Stiner of Lakeville, MN, nieces Alison (Justin) Wegenke of Fort Collins, CO, Samantha (Cody) Kahl of Grand Island, NE, Lauryn and Amelia Hoffman of Spencer, and Isabel and Nora Stiner of Lakeville, MN. He was also excited to be a Great Uncle to Will and Wren Wegenke and Alton Kahl.

He was preceded in death by his brother Luke Hoffman.

Memorials may be made to Team Jack Foundation



Rory Michael Barth

Rory Michael Barth (“RB”) - Husband, father, brother, son, and friend - passed peacefully at home due to complications from cancer while surrounded by his family on Friday, February 26, 2021.

His journey began on Aug. 30, 1951, in Jamestown, ND when he was born to Al and Patricia Barth. He spent most of his childhood with his three brothers and three sisters in North Dakota, except for his senior year of high school when his family relocated to Pierre, SD. After high school, Rory moved to Vermillion, SD where he attended and received his undergraduate and Juris Doctorate degrees from the University of South Dakota. It was at USD that he met the love of his life, Karn Brick. The two married in 1976 and never looked back. Soon after marriage, their son Andrew (Emily) was born. Three years after Andrew, his first daughter Abigail Barth-Anderson (Jason, Thelonius, Oscar) came along. His second daughter Allison Sanderson (Aaron, Tegan, Brinly) joined the party two years after that and completed the band. Most of his adult life was spent living with Karn in Sioux Falls. They had a particular affection for 32nd Street, so they lived on both East and West 32nd for almost 20 years in each home.

Over the course of his life, Rory had many adventures with countless friends and numerous personal and professional accomplishments, which included being President of the Sioux Falls Noon Sertoma Club and Ambassador for Lutheran Immigrant and Refugee Services. Giving back and helping others in need was a normal part of everyday life for RB. His professional career led him down many paths as an accomplished attorney, candy store owner, self-employed financial planner, and finally as a benefits field representative for the National Rural Electric Cooperative Association. Throughout his life, he loved the open road and spent many days driving with his family on vacations all over the US. After retiring, his love of travel grew and he and Karn took numerous trips each year to visit Andy in Colorado and Abbie in Wisconsin while en route to national parks and numerous points of attraction. Rory’s four grandchildren were some of his favorite people and he loved to spend as much time with them as possible. In the summer, if there was an MLB game being played, he was watching or listening in hopes of gaining an advantage over his friends in their fantasy baseball league, which has taken place annually for over 30-years. If a game wasn’t on, RB could be found at a local golf course, reading a good book, or relaxing on his patio with family and friends. When there was no baseball and golf was out of the question due to weather, he and Karn would play bridge with friends, a game that they both learned and loved later in life that also led to many new friendships.

Rory will be missed forever by his bridge partner/wife, kids, grandkids, family, and friends. His presence was an absolute gift and his absence has left a hole impossible to fill. He was preceded in death by his mother (Patricia), father (Al), and two of his brothers (Kirk and David). He’s survived by his wife, his children, his brother Mark, and sisters Toni, Pam, and Mary Pat.

In lieu of flowers, the family requests donations be sent to the Avera Hospice. Donations to Avera Hospice can be sent to:

Avera@Home at Avera Foundation
PO BOx 5045
Sioux Falls, SD 57117
or www.averafoundation.org/donate



Robert Lee Varilek

January 29, 1935 – March 13, 2021

RAPID CITY | On the afternoon of March 13, 2021, Robert L. "Bob" Varilek peacefully shuffled off this mortal coil after finishing a chocolate malt (thank you Julie) while watching

a baseball game. He would say, "Not a bad way to go but the pitching could have been better."

Bob lived a full life by anybody's standard. He started working at a young age delivering papers in Igloo, SD. Finding his way home using the railroad tracks for a guide due to blackouts during WWII. Later, when the POWs arrived, he would trade trinkets with them and deliver Italian newspapers. Bob attended Custer High school and after his dad won a pool hall in a poker game, his dad cut the Quonset hut in-half and moved. Bob elected to stay behind with friends and finished high school in Custer. The draft was still in effect, so Bob joined the Army. A year later he found himself as a midshipman at Annapolis. A year after that he found himself at South Dakota School of Mines. The Army had Honorably Discharged him so he could attend Annapolis and several months later when he found out it wasn't his cup of tea, the Navy sent him back to the Army and Bob produced his Honorable Discharge and asked for his ticket home which they had no choice but to honor their discharge. He attended SDSM&T for a year and a half and decided to go to work for Kraft Foods.

And then he met Barbara Kuckleburg, a 17-year-old NCB student who worked at the bank. On their first date she had to hide on the floorboards pulling out from her apartment. Apparently, she had doubled booked the evening with another gentleman caller.

Things went along swimmingly though, until the highly competitive Kraft Food caramel sales contest at the Red Owl. It was an inside job. Bob was leading the sales of caramels, but Kraft's district manager had a cousin at the Piggly Wiggly, and the manager fixed the tallies in favor of the cousin. This was more than the young couple could take, so they decided to marry and move to Lincoln, NE, so Bob could go to law school. Bob did not have an undergraduate degree, but he was accepted, and they awarded him an undergraduate degree in business administration after he completed his first

year. He worked the night shift at the mental hospital and Barb typed theses for grad students. They had three children, Lisa, Lynn, and Tim during the three years of law school. After graduation, Bob was offered a job as an assistant prosecutor in Custer, so they moved, and Susan was born shortly afterwards. A year went by, and Bob was offered a job as an assistant prosecutor in Rapid City, so they moved to Robbinsdale and Rob was born. A year later, dad hung out his shingle, moved to Lance Street and Julie was born.

A new attorney in private practice with six stairstep children was a recipe for lean years. Dad supplemented his income by being a judge at the dog track and considering getting a job with the government.

And then a strange twist of fate, Bill Brady, the established attorney Dad shared office space with was shot dead in the courtroom by a soon to be divorced man and Bob inherited a client base, but it did not ensure success. Bob worked hard at his practice. He earned the respect of his clients, peers, lawyers, and judges alike. He achieved an Av rating in record time and his clients knew they had competent and intelligent representation. He was invited to argue in front of the United States Supreme Court. He did not believe in attorneys advertising and believed that attorneys should inform their clients that they have a weak case far more often than they do. Bob did not mince words; he didn't see the point and he was quite colorful at times.

His Achilles heel was Barbara. He loved her with all his heart and mind, and she was his equal. So, when she wanted to have more children Andy, Nate and Margaret were added to the fold.

Bob had a wonderful sense of humor and a very quick wit. He taught himself to sail and navigate on Oahe and then talked three of his friends into sailing from San Diego to Hilo, Hawaii. With great confidence of a seasoned captain, they sailed off and not a one of them had ever sailed on the ocean before, and they arrive at Hawaii right on schedule.

He taught his children about literature, art, politics, law, human nature, religion, and critical thinking. He provided well for his family and taught them how to provide for themselves. Bob was a unique, tenacious man who loved life, and he lived it to the fullest.

And this is just one of many, many stories...



Keith Roger Smit

Keith Roger Smit, 79, of Sturgis, passed away on March 12, 2021, in Arizona due to complications from a fall playing pickleball. He had been suffering from Parkinson's but his stubbornness kept him from being a bystander.

He was born on June 3, 1941, in Alta, IA, to Alvin and Wilma Smit. He met Ruth Lietz in kindergarten and pursued her until she finally said yes. They married in 1962 and were soon blessed with 3 children.

Keith enlisted in the National Guard after high school and earned his rifle Sharpshooter Badge. He then enrolled and played football for Buena Vista College in Storm Lake, IA. After being plagued with injuries (and some crazy stories), he retired from football and focused on graduating with his law degree from University of SD in Vermillion.

He and Ruth settled in Sturgis, SD, where he practiced law for 50 years, during which time he served as City Attorney and States Attorney. He was passionate about donating his time and serving his community. He demonstrated this by organizing and running the Jeff

Smit Track Meet for 25 years as well as serving on the Sturgis City Park Board and many other organizations in the community.

He was presented with the Key City award by the Chamber of Commerce and was also active in Grace Lutheran Church, serving on the council at one time. Keith had a devotion for the outdoors and especially the Black Hills.

He loved hunting, fishing, camping, hiking and even summited the Grand Teton at age 60. He enjoyed spending time with family and friends and always looked forward to morning coffee at the Vets Club. He was a pillar in our family and a friend and mentor to so many around him.

He is survived by his wife Ruth; his children, Craig Smit of Big Sky, MT, and daughter, Renae (Steve) Schumacher of Big Sky, MT; and his grandchildren, Griffin, Ethan and Nolan Schumacher, Kyan and Colter Smit; his brother, Duane (Marietta) Smit of Windsor, CO; and many nieces and nephews. And last, but not least, his beloved and faithful guardian Rascal.

He was preceded in death by his parents; son, Jeff; and brother, Howard.

In lieu of flowers, a memorial has been established with Black Hills Trails.

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- Silver Fellow – \$1,000 per year.
- Fellow – \$500 per year.

In Memoriam

Donations in memory of a lawyer or judge may be made and will be deposited in the endowment fund. Such donations will be combined to qualify the deceased lawyer/judge as a fellow.

Today I am sending \$_____ (amount) to begin my gift.

Mail payment to:
State Bar of South Dakota
111 W Capitol Ave. #1
Pierre, SD 57501

Or you can email this form to:

tracie.bradford@sdbar.net or call 605-224-7554 to set up a payment.

Donations to the endowment are tax deductible and a perpetual gift to our profession and the education and charities the Foundation supports.



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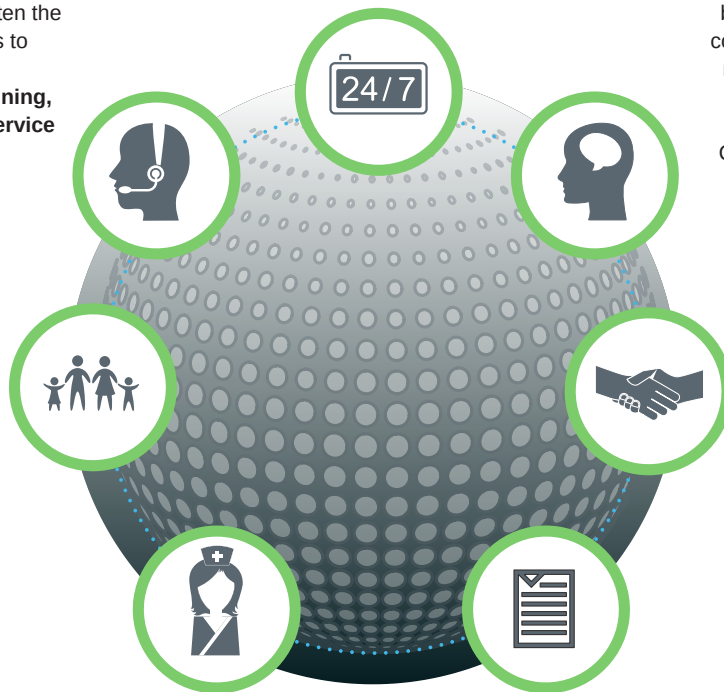
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When overwhelmed with personal, work or life stressors, mental health counseling can be a lifesaver. Our licensed master's level counselors support you and your household members through difficult times providing confidential assistance 24/7.

WE HELP WITH: Family Conflict, Couples/Relationships, Substance Abuse, Anxiety, Depression

COACHING

We help employees and their household members achieve their personal and professional goals by providing coaching that meets needs in many of life's domains. A coach works actively to help individuals assess their current situation then develop goals to meet their stated expectations. A coach is an accountability partner and helps individuals overcome obstacles to achieve goals. **COACHES HELP WITH:** Life Transitions, Work/Life Balance, Goal Setting, Improving Relationships, & More.



WORK/LIFE RESOURCES

Navigating the practical challenges of life, while handling the demands of your job can be stressful. Work/Life resources and referral services are designed to provide knowledgeable consultation and customized guidance to assist with gaining resolution to everyday hurdles.

RESOURCES INCLUDE: Adoption, Elder/Adult Care, Parenting, Child Care, Special Needs Support, Wellness

MEDICAL ADVOCACY

Medical Advocacy is a new approach to maneuvering through the healthcare system. It offers strategies to promote employee health, productivity, and well-being by serving patient populations throughout the entire lifespan and by addressing health problems in every category of disease classification and in all disease stages.

WE HELP WITH: Insurance Navigation, Doctor Referrals, Specialist Referrals, Care Transition, Discharge Planning, Adult Care Coach

LEGAL/FINANCIAL RESOURCES

Legal and Financial resources and referrals are available to connect employees with experienced, vetted professionals in their topical area of legal and financial needs.

RESOURCES INCLUDE: Divorce/Custody, Bankruptcy, Budgeting, Estate Planning/Wills, Personal Injury/Malpractice, Major Life Event Planning

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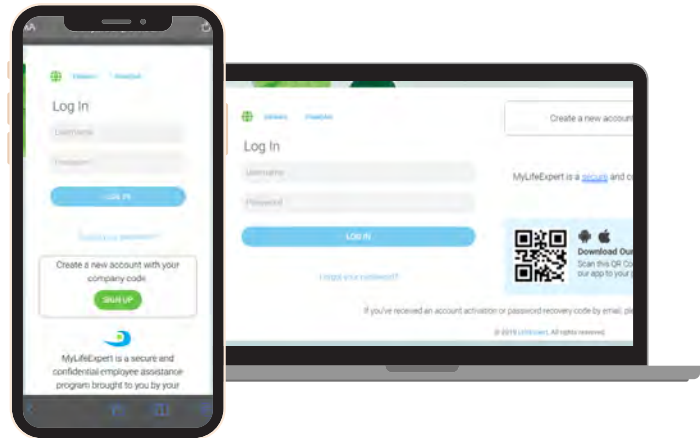
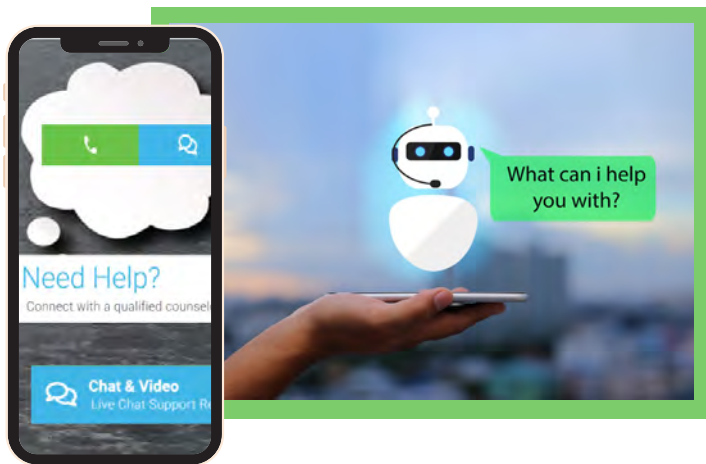
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- Insert your company code
- Follow instructions included in the activation e-mail
- Play, learn, and discover!

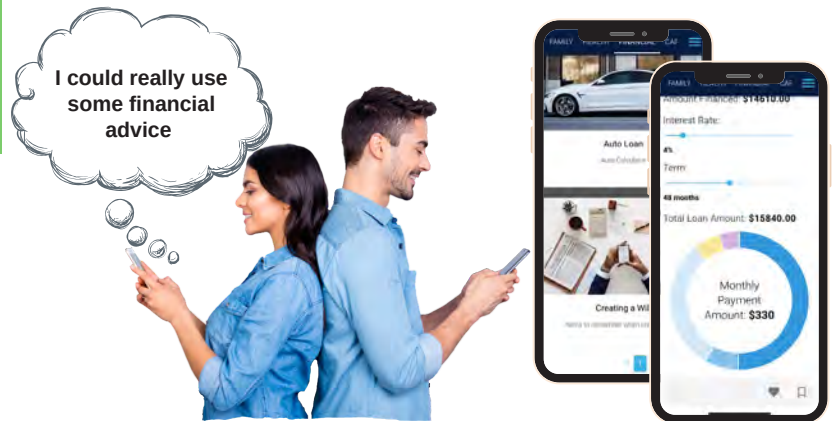
TELEPHONE, CHAT, & VIDEO ACCESS

Our professionally trained consultants are available 24/7/365 days-a-year to help you instantly with a multitude of issues including mental health and Work/Life balance.



WORK & LIFE RESOURCES:

Life Expert provides access to thousands of up-to-date topic-related articles, videos and worksheets. Some topics include: Financial & Legal, Family, Education, Health, Wellness, Career, Military, everyday living and much more.



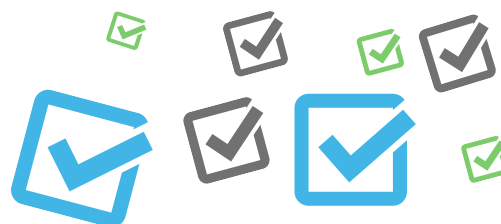
HEALTH & LIFESTYLE ASSESSMENTS:

Surveys are provided to you with a quick assessment on financial, health and addiction issues. These surveys are designed to deliver targeted resources and information to meet your needs. You can save these assessments and recommendations to your profile for future use.



INTERACTIVE CHECKLISTS:

Life Expert provides you with interactive tools to help with issues such as family, health, and other life situations. You can save these checklists to your personal profile for future use.



Download The App at: MyLifeExpert.com

Company Code: sbsd1

Toll-Free: 1-888-243-5744



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PUBLIC NOTICE

REAPPOINTMENT OF INCUMBENT MAGISTRATE JUDGE

The current appointment of Magistrate Judge Chad Callahan is due to expire on July 9, 2021. Magistrate Judge Callahan serves in the Fourth Judicial Circuit.

The duties of a magistrate judge include conducting preliminary hearings in all criminal cases, acting as committing magistrate for all purposes and conducting misdemeanor trials. Magistrate judges may also perform marriages, receive depositions, decide temporary protection orders and hear civil cases within their jurisdictional limit.

Pursuant to UJS policy members of the bar and the public are invited to comment as to whether Magistrate Judge Chad Callahan should be reappointed to another four-year term. Written comments should be directed to:

Chief Justice Steven R. Jensen
Supreme Court
500 East Capitol
Pierre, SD 57501

Comments must be received by April 10, 2021.

Career Center



STATE BAR OF SOUTH DAKOTA CLASSIFIEDS

Email your employment announcement to tracie.bradford@sdbar.net by April 26th to have it included in the May Newsletter. Please be sure to include a closing date. To see more jobs listings, visit www.statebarofsouthdakota.com

Compliance Officer - Pierre & Sioux Falls

Bridgeford Trust Company, with offices in Pierre and Sioux Falls, is seeking a full-time risk/compliance professional for our full service and very fast growing South Dakota chartered trust company. Two years of compliance/audit experience is preferred. Responsibilities will include policy and procedures preparation to ensure compliance with ever changing state and federal laws, operational audits, assisting with the development of compliance education and be able to assist with risk assessments. A successful candidate should possess excellent written and verbal communication skills with a working knowledge of BSA/KYC protocols and regulatory issues. Please submit a cover letter and resume to lvoller@bridgefordtrust.com by April 30, 2021.

Trust Officer - Pierre & Sioux Falls

Bridgeford Trust Company, a full service, dynamic and very fast growing South Dakota chartered trust company, is looking for a full-time, highly motivated and energetic trust officer to join its team of talented professionals. Candidates should have a passion for helping families preserve and protect wealth, utilizing powerful modern trust law, be detail oriented and enjoy a very fast paced and entrepreneurial work environment. While a successful candidate should possess solid prior trust experience and applicable educational background, Bridgeford will provide mentoring, training and educational opportunities to ensure ongoing professional development and growth. Please submit a cover letter and resume to lvoller@bridgefordtrust.com by April 30, 2021.

Litigation Associate - Rapid City

Goodsell + Oviatt Law Firm is seeking a Litigation Associate in Rapid City, SD. Primary work will be personal injury, construction, insurance law, with some estate planning and business law/commercial matters. This position also requires research, brief writing, trial preparation and complex litigation before state and federal courts in South Dakota, Wyoming, Nebraska, and North Dakota. Strong academic credentials and excellent communication skills (both oral and written) required. The firm offers a comprehensive benefit plan and an opportunity for professional development and growth. Compensation DOE. Confidential inquiries, including résumé and cover letter detailing experience, should be directed to Nathan Oviatt, Goodsell + Oviatt Law Firm, 246 Founders Park Drive, Suite 201, Rapid City, SD 57701 or by email at nate@goodselloviatt.com.

Staff Attorney - Pine Ridge

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Pine Ridge, South Dakota, branch office. The Pine Ridge office serves the Pine Ridge Indian Reservation in South Dakota and Oglala Lakota, Jackson and Bennett counties in South Dakota.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate

practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working with Native American and low income clients. Applicant must have at least one-year experience in the practice of poverty law or Indian law, with trial and appellate experience in state and federal courts or two years' experience in the general practice of law.

SALARY: Competitive, depending on experience. DPLS has an excellent fringe benefits package including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

Staff Attorney - Rapid City

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Rapid City, South Dakota, branch office. The Rapid City office serves the counties of Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington and Perkins in South Dakota.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be willing and qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; must demonstrate an interest in poverty law and working with Native American and low income clients. Experience representing veterans and Victims of Crime Act victims a plus.

SALARY: Competitive, depending on experience. DPLS has an excellent fringe benefits package

including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

Staff Attorney - Mission

DAKOTA PLAINS LEGAL SERVICES (DPLS), a non-profit legal services program, has an opening for a Staff Attorney position in our Mission, South Dakota, office. The Mission office serves the Rosebud Sioux Indian Reservation and Gregory, Jones, Mellette, Todd and Tripp counties in South Dakota.

QUALIFICATIONS/RESPONSIBILITIES: Applicants must have a JD degree and be licensed to practice, or by reciprocity be able to obtain a license to practice, in South Dakota, or be qualified to take the next South Dakota Bar Exam; must be a bright, motivated, self-starter; must have the tenacity to assume immediate practice responsibilities, including handling a significant caseload touching on many different areas of law with regular appearances in court; and must demonstrate an interest in poverty law and working with Native American and low income clients.

SALARY: Competitive, depending on experience. DPLS has excellent fringe benefits, including generous leave benefits and employee insurance coverage (medical, dental, life, disability).

CLOSING DATE: Open until filled.

APPLICATION INFORMATION: Please submit a letter of interest and resume to: Thomas S. Mortland, Executive Director, Dakota Plains Legal Services, PO Box 727, Mission, SD 57555, (605) 856-4444, tmortland@dpls.org.

Native Americans, Women and Minorities are encouraged to apply. Dakota Plains Legal Services is an Equal Opportunity Employer.

Family Law Attorney – Rapid City

Riggins Family Law, Prof. L.L.C., a small firm with a focus on Family Law, has an excellent opportunity for an associate looking to develop or grow a Family Law Practice.

Requirements:

- *Licensed in South Dakota
- *Ability to manage work flow independently to meet deadlines.
- *Strong work ethic and reliability a must.
- *Exemplary client service skills with prompt response levels at all times.
- *Desire to make court appearances, argue motions and to participate in hearings.
- *Detail oriented with strong drafting and negotiating skills.
- *Excellent academic credentials.
- *Courtroom experience preferred but not a prerequisite.
- *Excellent analytical and problem-solving skills.

If you are authentic about your desire to practice family law, and have the ability to connect with clients in a meaningful, respectful and efficient manner, then apply to join our team today! Interested applicants please submit a one-page cover letter outlining what motivates you as a family law attorney and your salary expectations with your resume to Kylie@rigginsfamilylaw.com.

Attorney - Marshall, MN

Stoneberg, Giles, and Stroup, P.A. is an established general practice firm in Southwest Minnesota with lawyers specializing in real estate, agriculture, family, business, trust, estate planning, and litigation. We are searching for an attorney who is interested in establishing and growing their practice in rural Minnesota. The ideal candidate will have 0-3 years of experience. We offer a unique opportunity for new attorneys to begin participating in complex legal matters shortly after being hired. New law school graduates awaiting the Bar Exam and licensing are encouraged to apply. Applications can be sent to Stoneberg, Giles, and Stroup, P.A., 300 South O'Connell Street, Marshall, MN 56258; Phone Number (507)-537-0591; Fax Number (507)-532-2398; email Barry@sgslawyers.com

Assistant United States Attorney - Pierre

The U.S. Attorney's Office for the District of South Dakota is seeking an experienced attorney to fill one Assistant United States Attorney (AUSA) position in the Criminal Division of its Pierre office. AUSAs in the Criminal Division advise federal law enforcement agents on criminal investigations, present criminal cases to the grand jury, prepare and argue a broad range of motions, and try criminal cases before the United States District Court. Candidates should be capable of handling a variety of significant and complex criminal prosecutions, including Major Crimes Act violations involving murder, child sex abuse, rape; white collar and economic crime; narcotics and immigration.

This and other attorney vacancy announcements can be found at:

<https://www.justice.gov/legal-careers>

More information about the U.S. Attorney's Office, South Dakota can be found at: <http://www.justice.gov/usao/sd/>.

Applicants must possess a J.D. degree, be an active member of the bar (any U.S. jurisdiction) and have at least one year of post-JD legal or other relevant experience. Be a U.S. citizen or National. In addition, applicant must also be a member, or be eligible to become a member, of the federal district court bar. If the successful candidate is not a member of the South Dakota Bar, he or she must become a member of the South Dakota Bar within twelve months. Applicants must demonstrate superior analytical ability; strong research, writing and courtroom skills; exercise fair and sound judgment; follow all Department of Justice and United States Attorney's Office policies; exhibit the ability to work collaboratively in a supportive and professional manner with other attorneys, support staff, and law enforcement agencies; superior analytical and communications skills; handle matters in court persuasively and justly on behalf of the United States of America; and be devoted to excellence.

Assistant United States Attorneys pay is administratively determined based, in part, on the number of years of professional experience. The range of basic pay is \$55,756 to \$145,836, plus a locality payment of 15.95%. Relocation expenses will not

be authorized. All initial attorney appointments to the Department of Justice are made on a 14 month (temporary) basis pending favorable adjudication of a background investigation.

Provide cover letter, resume, writing sample (not to exceed 20 pages), and list of three professional references with contact information. All documents should be submitted electronically in one continuous .pdf attachment and include the announcement number (21-SD-CRIM-002) in the subject line of your email. Email address for application package:

USASD.applications@usdoj.gov.

Applications must be received by Friday, April 9, 2021.

Telecommunications/Consulting Attorney - Mitchell

Vantage Point Solutions (VPS), a growing and dynamic telecommunications consulting and engineering firm headquartered in Mitchell, SD, is seeking a staff attorney to:

Primary Functions:

- Work with consulting staff to provide legal, regulatory, and business consulting for telecommunications, Internet, wireless, CATV, and ISP clients
- Regulatory research and client compliance with FCC and state regulatory commission rules
- Draft and review contracts, network agreements, and customer service agreements; negotiate CATV programming and interconnection agreements; guide clients through acquisitions, mergers, and business and strategic planning

Required Qualifications:

- Juris Doctorate with excellent academic and work history
- 0-5 years' experience in the telecommunications industry – will train the right person
- Interest in Internet, telecommunications, video, and wireless law and technology
- Excellent written and verbal communication skills and ability to interact effectively with clients and staff
- Ability to independently manage a substantial workload in cooperation with and support of consulting team on a wide variety of time-sensitive matters

- Ability to assess the facts, law, and the client's business position and efficiently assimilate information from a variety of sources to determine creative business plans and solutions
- Outstanding legal research and writing skills
- Understanding of business finances and business and strategic planning
- Strong computer skills, including Microsoft Office Suite (Word, PowerPoint, Excel, MS Office)

Review of qualified candidates will begin April 9. VPS offers a competitive pay and outstanding benefits package based on experience. VPS is an employee owned ESOP. Please submit a resume and cover letter to Mikaela Burma, Manager of Regulatory and Legal, at Mikaela.Burma@vantagepnt.com. See www.vantagepnt.com for more information about VPS.

Deputy State's Attorney - Clay County

The Clay County State's Attorney's Office invites applications for a full-time Deputy State's Attorney to perform professional legal services on behalf of the State of South Dakota, Clay County and county departments in criminal and civil court, as well as administrative proceedings. This position serves under the general direction of the Clay County State's Attorney.

Duties vary but include in the prosecution of criminal cases, juvenile crimes, and juvenile abuse and neglect cases.

Salary Range: \$60,000+ DOE
Position will be open until filled

For more information and to apply, go to <http://www.claycountystatesattorney.org/>

Clay County is an Equal Opportunity Employer.

Deputy County Attorney - Campbell County, WY

Position Title: Deputy County Attorney
Department: County Attorney's Office
Contact person: Kelly Wallem, Office Manager
Phone: (307) 682-4310
Status: Full Time with Excellent County

Benefits

Beginning Salary: \$75,600.81 – \$85,181.60

Closing Date: Open until filled

Position Summary: Campbell County seeks a Deputy County Attorney to perform a variety of professional duties involved in providing legal services related to County government operations; to prosecute criminal offenses, misdemeanors and felonies, and help with the prosecution of Juvenile cases and civil work on behalf of the County and other duties as assigned.

Qualifications Required: Requires a Juris Doctorate from an accredited law school and admission into the Wyoming State Bar, in good standing.

One to six years legal experience in government,

criminal and/or civil law. Prior courtroom experience preferred.

Must be a self-starter and be able to work with other Deputy Attorneys, staff and allied agencies. Ability to be “on call” approximately every 8 weeks. Complete background check, if requested.

If Interested: Cover letter, resume and application may be e-mailed to kjw06@ccgov.net

Or mailed to:

Kelly Wallem, Office Manager
500 S. Gillette Avenue, Suite B200
Gillette, WY 82716

Campbell County is an Equal Opportunity Employee

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South Dakota

APRIL 2021

April 8-9 | Disciplinary Board Meeting | Red Rossa, Pierre

April 21 | Law for Lunch | Webinar

April 30 | Bar Commission Meeting | Hotel on Phillips, Sioux Falls

May 4 | SBSB Public Sector Section Legislative Review CLE | Zoom

June 14-15 | Disciplinary Board Meeting | Club House, Sioux Falls

June 16-18 | Annual Meeting | Sioux Falls Convention Center & Sheraton Hotel

September 17 | Estate Planning CLE | Location TBA, Sioux Falls

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